Congressional Record

PROCEEDINGS AND DEBATES

OF THE

FIRST SESSION OF THE SEVENTIETH CONGRESS

OF

THE UNITED STATES
OF AMERICA

VOLUME LXIX—PART 3

FEBRUARY 1 TO FEBRUARY 23, 1928

(Pages 2295 to 3492)



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON
1928

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Congressional Record

PROCEEDINGS AND DEBATES OF THE SEVENTIETH CONGRESS FIRST SESSION

SENATE

WEDNESDAY, *February 1, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O God, from whom all holy desires, all good counsels, and all just works do proceed, grant to us, Thy servants, that we may think and do only such things as are right and well pleasing in Thy sight. Bring all the nations into Thy fold, and heal all wounds that have been caused by our unhappy divisions. Send us forth with joy to our work and to our labor until the evening, that having served Thee with clean hands, pure hearts, and sound minds, our soul at last may say, "I will lay me down in peace and take my rest; and when I awake I shall be satisfied with His likeness." Grant this, O Father, through Jesus Christ our Lord.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Friday, January 27, 1928, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McLean	Shipstead
Barkley	Frazier	McMaster	Shortridge
Bayard	George	McNary	Simmons
Bingham	Gerry	Mayfield	Smith
Black	Gillett	Metcalf	Smoot
Blaine	Glass	Moses	Steck
Blease	Gooding	Neely	Steiwer
Borah	Gould	Norbeck	Stephens
Bratton	Greene	Norris	Swanson
Brookhart	Hale	Nye	Thomas
Broussard	Harris	Oddie	Trammell
Bruce	Harrison	Overman	Tydings
Capper	Hawes	Phipps	Tyson
Caraway	Hayden	Pine	Wagner
Copeland	Heflin	Pittman	Walsh, Mass.
Couzens	Howell	Ransdell	Walsh, Mont.
Curtis	Johnson	Reed, Mo.	Warren
Cutting	Jones	Reed, Pa.	Waterman
Deneen	Kendrick	Robinson, Ark.	Watson
Dill	Keyes	Robinson, Ind.	Wheeler
Edge	King	Sackett	Willis
Edwards	La Follette	Schall	
Ferris	McKellar	Sheppard	

The VICE PRESIDENT. Ninety Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 5725. An act to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Monroe, La.;

H. R. 5726. An act to extend the times for commencing and completing a bridge across the Black River at or near Jonesville, La.;

H. R. 5728. An act granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana, to construct, maintain, and operate a bridge across the Bayou Bartholomew at or near Point Pleasant, La.; and

H. J. Res. 81. Joint resolution for the amendment of the act of March 3, 1927, by authorizing an annual appropriation to carry out the cooperative experiments contemplated by the act.

REPORT OF THE CAPITAL TRACTION CO.

The VICE PRESIDENT laid before the Senate a communication from the president of the Capital Traction Co., transmitting, pursuant to law, a report of the operations of the company for the year ended December 31, 1927, which was referred to the Committee on the District of Columbia.

REPORT OF THE GEORGETOWN GAS LIGHT CO.

The VICE PRESIDENT laid before the Senate a communication from the president of the Georgetown Gas Light Co., transmitting, pursuant to law, a detailed statement of the business of the company, together with a list of stockholders, for the year ended December 31, 1927, which was referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS

Mr. WILLIS presented a petition of sundry citizens of Quincy, Ohio, praying for the passage of legislation, granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. NORBECK presented a resolution adopted by the Sioux Falls (S. Dak.) Lodge, Sons of Norway, protesting against the quota provisions of the existing immigration law and also against the passage of legislation decreasing the immigration quotas of the Scandinavian countries, which was referred to the Committee on Immigration.

Mr. BLAINE presented resolutions adopted by the county boards of Manitowoc and Winnebago Counties, in the State of Wisconsin, favoring the holding of a nation-wide referendum on the question of modifying the Volstead Act so as to legalize the manufacture and sale of 2.75 per cent beer, which were referred to the Committee on the Judiciary.

He also presented memorials signed by 94 citizens of the State of Wisconsin, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

CORN SUGAR

Mr. NEELY. Mr. President, I ask unanimous consent to have read from the clerk's desk a letter, written by Prof. A. C. Gould, of Cornell University, concerning a very important matter of legislation which is now pending in the Senate.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

CORNELL UNIVERSITY,
NEW YORK STATE COLLEGE OF AGRICULTURE,
DEPARTMENT OF ENTOMOLOGY,
Ithaca, N. Y., January 21, 1928.

Senator M. M. NEELY,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I wish to call your attention to the corn sugar bill, which I understand is to be introduced in this session of Congress.

I want to make it clear in the beginning that I have no objection to the manufacture, sale, and use of corn sugar when it is sold as corn sugar in a fair and legitimate manner, but I do most emphatically object to the selling of this product by misbranding, fraud, and deception. I also object to any attempt to break down or weaken the pure food and drugs act.

The corn-sugar people apparently have two objects in view: First, to break down the workings of the pure food law; second, to sell their product by deception. They are attempting to secure legislation amending the pure food law to legalize the use of corn sugar in any food product without declaration on the label, thus legalizing misbranding and deception. Such unprecedented special privileges have been granted to no trust in the history of the administration of the pure food law. The administrators of this law have insisted, and still insist, that the consuming public has a right to know what it is eating.

Corn sugar is a cheap and inferior product known as glucose, which the manufacturers can not sell in a straightforward and honest manner

on its own merits, so they seek to force it down the throats of the unsuspecting consuming public, hidden in some other product.

The corn-sugar people claim that they are being discriminated against. This is not true. Corn sugar is not, nor has it ever been, discriminated against by the administrators of the pure food law. This law does not restrict the manufacture or sale of corn sugar in any way, neither does it restrict its use as a sweetening or preserving agent for food products. It only requires that the presence of corn sugar in other foods be declared on the label, where the absence of such a declaration would be a deception and an imposition on the public.

When the statement is made on the label of a package that sugar is used as a sweetening agent, such a statement means cane sugar (sucrose) to the consuming public, and anything else used under the name of sugar would be a deception. The corn-sugar people gave their case away at the last session of Congress when they violently objected to the suggestion of officials of the Department of Agriculture that the exact nature of all sugars be stated on the labels of all food packages. Of course, this was just exactly what they did not want, namely, to label their product truthfully. Their attitude in this case shows beyond a doubt that the corn-sugar interests do not want fair and just legislation but that they want favored legislation that will give them special and unfair privileges.

The corn-sugar interests fought bitterly against the enactment of the pure food law, their bitterness being exceeded only by that of the blended-whisky people, and since its enactment they have made repeated attempts to break down its workings.

If this was a case of an industry fighting for self-preservation, it might be viewed with some sympathy, but no such principle is involved in the present case. In 1927 the Corn Refining Products Co. paid 16 per cent dividends on their common stock. They are evidently not suffering much from unjust and discriminating laws.

The corn-sugar interests have been quite active among the corn farmers of the West proving (?) to them that in the passage of the corn sugar bill lies their salvation. However, the farmers will undoubtedly find it pretty hard to swallow a 16 per cent dividend at their expense. Likewise, when the farmers read in the Wall Street Journal for July 8, 1927, that the Corn Products Refining Co. were importing 750,000 bushels of corn from Argentina for August delivery alone, they certainly must be far from convinced that the corn-sugar people have a fatherly interest in the corn farmers of the United States. Experts of the Department of Agriculture have expressed the opinion that legalizing the adulteration of food products with corn sugar would not materially affect the price of corn in the United States.

I hope that you will give this matter your most careful consideration. When the pure food and drugs act was passed in 1906 a great forward step was made in safeguarding the rights and the health of the American people. I am certain that you will see in the corn sugar bill one of the most disgraceful attempts in the history of this country to break down a just and beneficial law and give special privileges to an unscrupulous trust to practice fraud and deception upon the American people. It is only just that the public know what it is eating. If this bill becomes a law, when the consumer realizes what has happened it will take a lot of explaining to free this action from the taint of the machinations of a powerful and unscrupulous manufacturing concern to break down the pure food and drugs act and foist upon the consuming public, by fraudulent means, an inferior product in disguise.

Very sincerely yours,

A. C. GOULD.

Mr. NEELY. Mr. President, as a friend of the pure food law and an implacable foe to the corn sugar bill I give notice that I shall demand a hearing before the committee to which this bill has been referred. I shall undertake to prove by the eminent Dr. H. W. Wiley, the father of the pure food law, and a number of other expert witnesses that to enact the corn sugar bill into law will be to perpetrate a monstrous fraud upon the American people and do them incalculable and irreparable injury.

The VICE PRESIDENT. Does the Senator desire to have the letter referred to the committee?

Mr. NEELY. I do.

The VICE PRESIDENT. The letter will be referred to the Committee on Manufactures, which has the bill under consideration.

PARCEL-POST CONVENTION WITH CUBA

Mr. SMITH. Mr. President, I do not know that the matter which I am about to present comes directly under the present order of business, but it is of such urgent importance that I should like to call the attention of the Senate to it. I have before me a communication from a constituent of mine, who is ex-chairman of the National Chamber of Commerce, who writes me as follows:

I am inclosing you herewith a letter from Mr. Davis, secretary of the National Foreign Trade Council, with reference to parcel post with Cuba, which may be of interest to you.

He incloses a communication in which it is indicated that our convention or treaty with Cuba in reference to the parcel post will expire on March 1. In his letter, Mr. Davis says:

Between now and March 1 it is absolutely essential for American manufacturers and shippers to Cuba to get positive action in Congress on H. R. 9195, the Watson bill, to save the parcel post with Cuba.

I am going to ask that the letter from Mr. R. G. Rhett and the communication addressed to him by Mr. O. K. Davis may be referred to the Committee on Post Offices and Post Roads, which I presume is the committee that would have charge of this matter.

The VICE PRESIDENT. Without objection, the letter and communication will be so referred.

THE MINING INDUSTRY

Mr. KING. Mr. President, I seldom transgress what I deem to be a proper rule, but I do ask the privilege of having incorporated in the RECORD, and then having referred to the Committee on Appropriations, a short editorial from the Salt Lake Tribune relating to the mining industry. It is a very important editorial and discusses the question very fully.

There being no objection, the editorial was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

[From the Salt Lake Tribune, January 25, 1928]

DISCRIMINATION

If a man erecting a house were to rob the foundations of concrete and steel to complete the upper stories, the law would no doubt interfere, compel a discontinuance of such procedure, and initiate an investigation of the builder's sanity. Yet Congress plans to follow a similar course in regard to the mining industry, and Government officials seem more disposed to cooperate with this movement than check such an alarming tendency.

Mining is a basic industry. From time immemorial the nations possessing great mineral resources have been the ones to lead civilization to higher achievements. The United States owes its prosperity and its commercial and industrial leadership to its mining industry. Upon the mining industry rests the responsibility of finding and developing our natural deposits and of producing the raw materials required in manufacturing.

That the mining industry might have adequate scientific aid the United States founded the United States Geological Survey and the Bureau of Mines. These departments have repaid manyfold the funds expended in their support. They have done valuable pioneer work which has returned millions and millions of dollars to Government and industry. No branch of Federal activity has yielded more beneficial results than the Geological Survey and the Bureau of Mines.

Instead of being hampered by a niggardly and parsimonious budgeting policy, these branches of the Government should be fostered, their needs studied, and plans made to strengthen and amplify their organizations. But they are threatened by further incursions of a shortsighted Congress, totally blind to the highest interests of industry and alive only to the exigencies of politics.

Agricultural products in 1926 were valued at $12,000,000,000; mining products, $6,000,000,000. Yet $124,774,141 was appropriated by Congress for agriculture and but $3,937,340 for mining! Why the disparity of $91,000,000? The importance of mining surely demanded that appropriations for research in itself should be more than one-fortieth of those for agriculture.

It is time that Government leaders called a halt on such a policy. The efficiency of both the Geological Survey and the Bureau of Mines is threatened. The men working for these departments at salaries considerably less than could be commanded in private service can not do good work under such a thankless system. Each year finds valuable public servants leaving Government service and seeking employment for corporations. Necessary investigations must be postponed. Surveys, inquiries into water and power resources, and valuable research have to be foregone from year to year for lack of adequate financial assistance.

Public-spirited citizens, business men, broad-visioned politicians should unite to see that during the current session of Congress the mining industry secures the needed financial aid that its importance demands.

REPORTS OF COMMITTEES

Mr. BINGHAM, from the Committee on Printing, to which was referred the resolution (S. Res. 115) to print the manuscript of the laws, agreements, Executive orders, and proclamations relating to Indian Affairs, reported it without amendment and submitted a report (No. 200) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 1281) to amend section 7 (a) of the act of March 3, 1925 (43 Stat. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat. 812), so as to provide operators' permits free of cost to enlisted men of the

Army, Navy, Marine Corps, and Coast Guard operating Government-owned vehicles in the District of Columbia, reported it without amendment and submitted a report (No. 201) thereon.

Mr. BROOKHART, from the Committee on Military Affairs, to which was referred the bill (S. 134) for the relief of Francis Mooney, reported it without amendment and submitted a report (No. 202) thereon.

ELECTRIC-POWER INDUSTRY—SUPPLY OF ELECTRICAL EQUIPMENT AND COMPETITIVE CONDITIONS

Mr. BINGHAM. From the Committee on Printing I report back favorably a communication from the chairman of the Federal Trade Commission, together with Volume II of the report of the commission on the electric-power industry entitled "Supply of Electrical Equipment and Competitive Conditions," and I ask unanimous consent that the report may be printed with illustrations as a public document. Volume I has already been so printed.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDITIONAL JUDICIAL DISTRICT IN INDIANA

Mr. ROBINSON of Indiana. From the Committee on the Judiciary I report back favorably with amendments the bill (S. 2752) to amend section 80 of the Judicial Code to create a new judicial district in the State of Indiana, and for other purposes, and I submit a report (No. 199) thereon. I ask unanimous consent for the present consideration of the bill. I will state briefly what the bill proposes to do. It affects only the State of Indiana. It provides for a second judicial district. We have now there two judges. The bill went to the subcommittee of the Committee on the Judiciary, the subcommittee being composed of the Senator from Massachusetts [Mr. GILLETT], the Senator from Montana [Mr. WALSH], and the Senator from Colorado [Mr. WATERMAN]. Those Senators unanimously reported the bill favorably to the full Committee on the Judiciary, which, after considering the bill, unanimously recommended a favorable report. The passage of this proposed legislation is urgently needed in Indiana at the present time. I hope there will be no objection to the consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The amendments were, on page 2, line 19, after the word "northern," to strike out "division" and insert "district"; on page 3, line 11, after the name "October," to insert "of each year"; on the same page, line 22, after the word "on," to strike out "Sunday or"; on the same page, line 23, after the word "next," to insert "day"; at the end of the same line, after the word "following," to strike out "day not a Sunday or a legal holiday"; on page 4, line 5, after the word "concluded" and the period, to insert "A grand jury summoned to attend a term of court held in any division of either of the districts as above provided may investigate and find an indictment or make a presentment for any crime or offense committed in the district, whether or not the crime or offense was committed within the division in which the jury is in session"; and on the same page, in line 25, after the word "himself," to strike out "and" and insert "or," so as to make the bill read:

Be it enacted, etc., That section 80 of the Judicial Code, as amended, is amended to read as follows:

"SEC. 80. The State of Indiana shall constitute two judicial districts, to be known as the northern and southern districts of Indiana.

"A. For the purpose of holding terms of court the southern district of Indiana shall be divided into four divisions, constituted as follows: The Indianapolis division, which shall include the territory embraced within the counties of Bartholomew, Boone, Brown, Clinton, Decatur, Delaware, Fayette, Fountain, Franklin, Hamilton, Hancock, Hendricks, Henry, Howard, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Randolph, Rush, Shelby, Tipton, Union, and Wayne; the Terre Haute division, which shall include the territory embraced within the counties of Clay, Greene, Knox, Owen, Parke, Putnam, Sullivan, Vermilion, and Vigo; the Evansville division, which shall include the territory embraced within the counties of Daviess, Dubois, Gibson, Martin, Perry, Pike, Posey, Spencer, Vanderburg, and Warrick; and the New Albany division, which shall include the territory embraced within the counties of Clark, Crawford, Dearborn, Floyd, Harrison, Jackson, Jefferson, Jennings, Lawrence, Ohio, Orange, Ripley, Scott, Switzerland, and Washington.

"B. For the purpose of holding terms of court the northern district shall be divided into three divisions, constituted as follows: The Fort Wayne division, which shall include the territory embraced within the counties of Adams, Allen, Blackford, De Kalb, Grant, Huntington, Jay, Lagrange, Noble, Steuben, Wells, and Whitley; the South Bend division, which shall include the territory embraced within the counties of Cass, Elkhart, Fulton, Kosciusko, Laporte, Marshall, Miami, Pulaski, St. Joseph, Starke, and Wabash; the Hammond division, which shall include the territory embraced within the counties of Benton, Carroll, Jasper, Lake, Newton, Porter, Tippecanoe, Warren, and White.

"2. Except as hereinafter in this section provided, terms of the district court for the southern district shall be held for the Indianapolis division at Indianapolis on the first Mondays of May and November of each year; for the Terre Haute division at Terre Haute on the first Mondays of April and October of each year; for the Evansville division at Evansville on the second Mondays of April and October of each year; for the New Albany division at New Albany on the third Mondays of April and October of each year. The terms of the District Court for the Northern District of Indiana shall be held for the Fort Wayne division at Fort Wayne on the first Mondays of April and December of each year; for the South Bend division at South Bend on the first Mondays of October and February of each year; for the Hammond division at Hammond on the first Mondays of March and November of each year. When the time fixed as above for the sitting of a court shall fall on a legal holiday the terms shall begin upon the next day following. Terms of the district court shall not be limited to any particular number of days nor shall it be necessary for any term to adjourn by reason of the intervention of the term of court elsewhere; but the term about to commence in another division may be postponed or adjourned over until the business of the court in session is concluded. A grand jury summoned to attend a term of court held in any division of either of the districts as above provided, may investigate and find an indictment or make a presentment for any crime or offense committed in the district, whether or not the crime or offense was committed within the division in which the jury is in session.

"3. A. The senior district judge for the district of Indiana in office immediately prior to the passage of this act shall be the district judge for the southern district as constituted by this act; the junior district judge for the district of Indiana immediately prior to the passage of this act shall be the district judge for the northern district as constituted by this act; and the district attorney and marshal for the district of Indiana in office immediately prior to the passage of this act shall be during the remainder of their present terms of office the district attorney and marshal for the southern district as constituted by this act.

"B. The President is authorized and directed to appoint, by and with the advice and consent of the Senate, a district attorney and a marshal for the United States District Court for the Northern District of Indiana.

"4. A. The clerk of the court for the southern district shall maintain an office in charge of himself or a deputy at Indianapolis, Terre Haute, Evansville, and New Albany, and the clerk of the court for the northern district shall maintain an office in charge of himself or a deputy at Fort Wayne, South Bend, and Hammond. Such offices shall be kept open at all times for the transaction of the business of the court. Each deputy clerk shall keep in his office full records of all transactions and proceedings of the district court held at that place in which the office is located.

"5. A. The following act is repealed: 'An act to authorize the appointment of an additional district judge in Indiana for the district of Indiana and to establish judicial division lines, and for other purpose, being the act approved January 16, 1925.'"

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. COPELAND. Mr. President, I ask unanimous consent for the immediate consideration of Calendar No. 41, being Senate Joint Resolution 42, to amend the act of May 29, 1884, as amended, the act of February 2, 1903, and the act of March 3, 1905, as amended.

Mr. CURTIS. Mr. President, let us dispose first of the regular routine business.

The VICE PRESIDENT. The regular order is demanded. Introduction of bills and joint resolutions is in order.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARRIS:

A bill (S. 2962) for the relief of J. H. B. Wilder; to the Committee on Claims.

By Mr. FRAZIER (by request):

A bill (S. 2963) regulating Indian allotments disposed of by will; to the Committee on Indian Affairs.

By Mr. WATSON:

A bill (S. 2964) amending section 9 of the act of June 10, 1922, relating to certain enlisted men of the Army; to the Committee on Military Affairs.

A bill (S. 2965) authorizing the State of Indiana, acting by and through the State highway commission, to construct, maintain, and operate a toll bridge across the Wabash River at or near Vincennes, Ind.; to the Committee on Commerce.

By Mr. ROBINSON of Indiana:

A bill (S. 2966) for the relief of Oliver C. Sell (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 2967) granting an increase of pension to John A. C. Hazel (with accompanying papers);

A bill (S. 2968) granting an increase of pension to Sarah Ramsey (with accompanying papers);

A bill (S. 2969) granting an increase of pension to Mary F. Gott (with accompanying papers); and

A bill (S. 2970) granting a pension to Amy J. Tarr (with accompanying papers); to the Committee on Pensions.

By Mr. DILL:

A bill (S. 2971) granting a pension to Joseph M. Harris; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 2972) for the further protection of fish in the District of Columbia, and for other purposes;

A bill (S. 2973) authorizing the Commissioners of the District of Columbia to collect and dispose of, and to regulate and control, the collection of all garbage and miscellaneous refuse in the District of Columbia; and authorizing the construction and equipment within the District of Columbia of an adequate disposal plant or plants of the modern high-temperature incinerator type; to the Committee on the District of Columbia.

By Mr. WILLIS:

A bill (S. 2974) granting an increase of pension to Rose E. Connor (with accompanying papers); and

A bill (S. 2975) granting an increase of pension to Lucy E. Rumer (with accompanying papers); to the Committee on Pensions.

By Mr. BROUSSARD:

A bill (S. 2976) for the relief of S. Livingston & Son; to the Committee on Claims.

A bill (S. 2977) for the relief of Charles L. Galloway; to the Committee on Military Affairs.

By Mr. ASHURST:

A bill (S. 2978) authorizing the Secretary of War to donate certain buildings to the city of Tucson, Ariz.; to the Committee on Military Affairs.

CHANGE OF REFERENCE

On motion of Mr. HOWELL, the Committee on Claims was discharged from the further consideration of the bill (S. 2894) for the relief of Robert O. Edwards, and it was referred to the Committee on Military Affairs.

AMENDMENT TO TAX REDUCTION BILL

Mr. ROBINSON of Indiana submitted an amendment intended to be proposed by him to House bill 1, the tax reduction bill, which was referred to the Committee on Finance and ordered to be printed.

MUSCLE SHOALS

Mr. NORRIS submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2, in the vicinity of Muscle Shoals, for the manufacture and distribution of fertilizer, and for other purposes, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

THE MERCHANT MARINE—PERSONAL EXPLANATION

Mr. BINGHAM. Mr. President, I desire to speak for a few moments on a question of personal privilege.

On yesterday the Senator from Massachusetts [Mr. WALSH] introduced into the RECORD three or four telegrams which he had received in connection with the proposal made to the Shipping Board by the Transoceanic Corporation. He quoted from certain remarks of mine made in connection with that company and with its proposal, which I was endeavoring to present as an example of what American enterprise and American initiative might do if they were given a fair chance and a certain amount of aid and assistance from the Government. He objected to the use of my words "concerned in" and "connected with" this company.

I regret, Mr. President, that in presenting the names of the gentlemen who had been consulted with regard to this great enterprise I used words which were liable to misconstruction. The Senator from Massachusetts was entirely within his rights in sending telegrams to these gentlemen to find out if they were connected financially or technically with this company. I regret, however, that he did not take the matter up with me and ascertain what I meant before making his charges public at a time when I was in the chair and was therefore unable to reply.

It was not my intention to convey the impression that certain gentlemen were financially connected with the enterprise or employed by it, although my remarks were subject to that interpretation. Many of the gentlemen mentioned are experts in shipping matters and are not likely to be financially connected with such an enterprise. As a matter of fact, they were experts who had been consulted by those who proposed to establish the company who, in order to get this great plan into proper shape, formed several committees to which they propounded certain technical questions. The scope of those committees was limited to the technical study of particular parts of the subject. I regret that I did not make this sufficiently clear. At the time I was chiefly interested in trying to show that this enterprise was a serious proposal; that it was not some fly-by-night scheme that had been brought in to stem the progress of the bill in which the Senator from Massachusetts was interested; that it was not a gesture, but an earnest effort to inaugurate a great enterprise which would merit the approbation of all the people of the United States, and the admiration of the world, if it could be done.

The very magnitude of the enterprise involving an investment, as proposed, by private capital of some $50,000,000 and a proposed loan from the Government of some $95,000,000 justified and demanded a most careful study of the project.

Mr. WARREN. Mr. President, I understood that the Senator rose to a question of personal privilege. He appears, however, to be making an argument. Does the Senator wish to debate the subject further?

Mr. BINGHAM. I do not. I merely wished to state what it was I was trying to do for which I was criticized yesterday when I was in the chair and telegrams were presented in an effort to prove that my statements were not true. Does the Senator object to my doing that?

Mr. WARREN. It would not take long for the Senate and the public to understand that the distinguished Senator from Connecticut tells nothing but the truth. I do not wish to cut the Senator off, but I am waiting here expecting to call up an appropriation bill when we conclude the morning business, and I feel that I ought to remind the Senator of that fact so that he may, if he desires, suspend his argument until some other time when he can avoid interruptions.

Mr. President, I inquire whether morning business has closed?

MUNICIPAL AVIATION FIELD AT YUMA, ARIZ.

Mr. ASHURST. Mr. President, I am reluctant to take the time of the Senate at this moment, but there is on the calendar a bill which should be considered soon, being Order of Business 91, Senate bill 1154, which proposes to lease to the county of Yuma, Ariz., a tract of land for a municipal aviation field. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1154) to authorize the use by the county of Yuma, Ariz., of certain public lands for a municipal aviation field, and for other purposes, which had been reported from the Committee on Public Lands and Surveys, with an amendment on page 1, line 3, after the word "Interior," to insert a comma and the words "subject to valid existing rights," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior, subject to valid existing rights, be, and he is hereby, authorized to lease to the county of Yuma, Ariz., for the establishment and maintenance of a municipal aviation field, the east half of section 10 and the west half of section 11 in township 9 south, of range 23 west, of the Gila and Salt River base and meridian, Yuma County, Ariz., containing 640 acres, more or less.

SEC. 2. That said lease shall be for a period of 20 years, and be subject to renewal for a like period, on condition that the county pay to the United States a rental of $1 per year for the use of the said land: *Provided*, That Government departments and agencies operating aircraft shall always have free and unrestricted use of said field and the right to erect and install upon said land such structures and improvements as the heads of such departments and agencies may deem advisable, including facilities for maintaining supplies of fuel, oil, and other materials for operating aircraft, and that in case of emergency, or in event it shall be deemed advisable, the Government of the United States may assume absolute control of the management and operation of said field for military purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAINTING OF BATTLE OF FORT MOULTRIE

Mr. BLEASE. Mr. President, I ask unanimous consent for the immediate consideration of Senate Resolution 119. I desire to offer an amendment which meets the approval of the Senator from Kansas [Mr. CURTIS]. I hope that the resolution may be passed.

Mr. CURTIS. As I understand, the resolution will come up regularly under the order of resolutions coming over from a previous day.

The VICE PRESIDENT. The resolution will be reached in the regular order of resolutions coming over from a preceding day.

Mr. BLEASE. Very well.

The VICE PRESIDENT. If there are no concurrent or other resolutions to be offered, resolutions coming over from a preceding day are in order. The Chair lays before the Senate such a resolution, which will be read.

The Chief Clerk read the resolution (S. Res. 119) submitted by Mr. BLEASE on January 25, 1928, as follows:

Whereas there is hanging in the south corridor of the gallery floor of the United States Senate in the Capitol at Washington, D. C., a painting of the Battle of Fort Moultrie, which was painted in 1815 by John Blake White; and

Whereas from the position that it now occupies on the wall it is shown to great disadvantage on account of the reflection of the light as it is cast upon it from its place and position, making it almost impossible to obtain a clear view of it: Now therefore be it

Resolved, That the authorities in charge of the placing and location of paintings around the Capitol and within the Senate gallery be instructed to remove the said painting of the Battle of Fort Moultrie from its present location and to put it in such position that it can be clearly seen and will be distinguishable.

The CHIEF CLERK. The Senator from South Carolina desires to modify the resolution by inserting, after the word "distinguishable" the words "or place electric light or lights about it which will give it proper illumination."

Mr. CURTIS. There is no objection to that, Mr. President.

The VICE PRESIDENT. Without objection, the resolution as modified is agreed to.

The preamble was agreed to.

PRESIDENTIAL TERMS

The VICE PRESIDENT laid before the Senate Senate Resolution 128, submitted yesterday by Mr. LA FOLLETTE, which was read, as follows:

Resolved, That it is the sense of the Senate that the precedent established by Washington and other Presidents of the United States in retiring from the presidential office after their second term, has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions; and be it further

Resolved, That the Senate commends observance of this precedent by the President.

Mr. LA FOLLETTE. Mr. President, in view of the fact that the Senator from California [Mr. JOHNSON] has announced that he intends to address the Senate this morning, I ask unanimous consent that the resolution may go over without prejudice.

The VICE PRESIDENT. Without objection, that order will be made.

The morning business is closed.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WARREN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 9481, the independent offices appropriation bill.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Oregon will state it.

Mr. McNARY. If that unanimous-consent agreement is made, what effect will it have upon the unfinished business?

The VICE PRESIDENT. It will have no effect upon the unfinished business. Is there objection to the request of the Senator from Wyoming?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

INVESTIGATION OF CONDITIONS IN PENNSYLVANIA COAL FIELDS

Mr. JOHNSON. Mr. President, on the 9th day of January, 1928, I introduced Senate Resolution 105, providing for an investigation into the conditions in the coal fields of Pennsylvania, West Virginia, and Ohio.

In the presentation of this resolution I want to make it very plain at the outset that I have not been impeded in the slightest degree by any Senator, and that I have received the sympathetic cooperation of the Senator from Pennsylvania [Mr. REED]. I want to say, too, sir, that I make no criticism of the committee to which this resolution has been referred—the Interstate Commerce Committee. I recognize how busy that committee has been, and that it has been an impossibility, with the multitude of matters coming to the attention of that committee, for it thus far to act upon the resolution.

I bespeak from the committee, however, because substantially an emergency exists to-day, and because of the sum of human tragedies existing in the coal fields of Pennsylvania, that the committee at the very earliest possible moment will take up the resolution and will act upon it.

The resolution, sir, seeks many things. It desires to investigate thoroughly the situation in these coal fields. It asks for the committee to ascertain whether railroad companies are endeavoring to depress labor costs of coal produced by union mine labor; to ascertain as well whether wage contracts have been repudiated; whether there have been evictions wrongfully of the defenseless from their homes; and, generally, to ascertain the conditions in the coal fields and the reasons for those conditions, and to learn whether or not injunctions have been issued in violation of the Constitution of the United States.

Involved, sir, is the charge that railroad companies have exercised their great power to coerce others into the repudiation and violation of contracts in the making of which the United States Government itself had participated; that these railroad companies have conspired to destroy a labor union; that in some instances they have refused cars to transport coal mined by union labor; that they have hammered down the price of coal, while basing their rate structure upon a much higher price; that, in fact, the present horrible conditions had their inception in a conspiracy between railroad companies and coal operators.

It is charged, sir, that injunctions have been issued, not only in violation of the Constitution but injunctions that are destructive of the fundamental rights of a free people. It is charged, sir, that the police power of the State of Pennsylvania has been shamefully abused and prostituted to the vengeance of private interests. It is charged, sir, that cruelty unspeakable has been practiced, sparing neither the aged, the sick, the weak, nor the infirm, the mother nor the babe. These are but some of the counts in the indictment.

If those relating to the railroads and injunctions be true, then swift and certain should be the action legislatively. If tyranny in the guise of a police power exists; if private interests utilize a State constabulary solely for private gain; if helpless women and little children are ruthlessly and cruelly made to suffer; then, even more quickly and with more deadly precision, the facts should be uncovered and the guilty held up to public obloquy and punished.

I repeat, sir, I state but some of the charges. They not only warrant but demand the investigation I have asked. The innocent man or corporation involved should welcome such an investigation, and those of great wealth and power who are accused should be swarming the corridors of the Capitol clamoring for vindication. So far as I am aware, but one side is here seeking your interposition; and that fact speaks loudly in their behalf and for the passage of the resolution.

I do not assume, sir, to-day to discuss in detail the charges made; nor is it my purpose to pronounce a verdict of guilty upon the one side or the other. I speak, sir, of existing conditions in Pennsylvania—conditions which disinterested observers have painted and which, apparently, none deny.

Sir, in Pennsylvania to-day there are social revolution and economic warfare. Worse, far worse, in that great Commonwealth are all the dark evils of bloody warfare, sickness, suffering, hardship, privation, want, and hunger and the ever-attendant infamies of wrong, oppression, and tyranny.

The inception of the difficulty, sir, is admitted. The primary cause for the strike that exists in the bituminous-coal fields none deny.

In February, 1924, at the city of Jacksonville there was a gathering of those who represented the workers on the one hand and those who represented the operators on the other. Another party was present, too; and that party, in the person of the Secretary of Labor and the Secretary of Commerce, was the United States of America.

In February, 1924, at Jacksonville, Fla., a wage agreement was signed by the operators on the one hand, the workers on the other, with the United States Government participating in order to avert an industrial conflict; and that wage agreement, dated April 1, 1924, was to run until April 1, 1927, and was solemnly executed by both the parties in the impending contest.

That agreement thus executed; that solemn undertaking, to which, in a degree that I have indicated, the United States Government was a party; that contract was repudiated in August, 1925, almost two years before the expiration of its terms, by the Pittsburgh Coal Co., of the State of Pennsylvania; and that repudiation and violation of the solemn agreement thus made by the Pittsburgh Coal Co. was the beginning, sir, of the terrible warfare that since has continued in the State of Pennsylvania and was the primary cause of the conditions that beggar description and that horrify every disinterested, humane individual that exist to-day in that State.

I start, therefore—and those who are interested in this resolution start—in a résumé of what has transpired in Pennsylvania, with a repudiation and a violation of a contract by the Pittsburgh Coal Co. That is the primary cause. One of the contributing, continuing causes I will indicate to you in just a moment.

That there may be no doubt about the primary cause, I read to you an interview which Mr. Vice President Lesher, of the Pittsburgh Coal Co., published in a very remarkable series of articles in the New York Daily News by Mr. Lowell Limpus—an interview which I take to be entirely true, for there has been no denial whatsoever of it either by the gentleman concerned or by any representative or officer of the Pittsburgh Coal Co.

In that interview, published in the New York Daily News December 29, 1927, Vice President Lesher says:

> We signed the Jacksonville scale contract; yes. But there's an ethical and an economical view of it. Ethically, I'll admit we were perhaps bound, even though our lawyers said they saw a way out. But economically we couldn't live up to it. It meant bankruptcy on account of the competition with the nonunion mines of West Virginia. We had to terminate it.

I do not quarrel with the economic view that may be asserted by the Pittsburgh Coal Co. or any official of the Pennsylvania coal fields. I do not pretend to say that their view, so far as the making of money is concerned, is at all inaccurate; but I do quarrel with the view that says "ethically we are bound, but economically we finally reached the conclusion that we would violate our solemn obligation."

Mr. President, put the shoe on the other foot. I recall dimly an injunction of a Federal court that dealt not with a contract that had been repudiated or violated by a great, wealthy operator but with contracts that had been made and executed by nonunion men, providing that they would not enter the union when they undertook employment during a strike.

I recall the speedy justice, or injustice, whichever you desire to call it, with which an injunction was issued against the men who sought to have those nonunion men join a union, and the injunction was based upon the theory of the sanctity of contract, and that that sanctity, under all hazards, should be upheld.

If the sanctity of contract, sir, had been upheld by the Pittsburgh Coal Co. and those who were acting with it during the years that contract was to run, probably there would have been no such scenes as are witnessed to-day in the State of Pennsylvania, no such horrors, no such suffering, no such privation, no such hunger, no such want, no such cruelty. But the sanctity of contract was not to be observed when economically it was not profitable to observe it. So, in August, 1925, the Pittsburgh Coal Co. deliberately violated and repudiated its solemn written engagement, written under the supervision of the United States of America and the Government that presides at Washington.

Again, sir, what is the situation to-day as to these conditions? Who to-day is responsible for their continuance? There will be no denial on this floor, I venture, of what is actually happening in Pennsylvania. There will be no question as to who is right and who is wrong in the dispute. Into that I will not enter, except from the admitted documents, as I have done thus far.

There will be no dispute, there will be no controversy, about the want and the hunger, and about the suffering, that exist in Pennsylvania to-day. Who, I say, can be charged as contributing to a continuance of those conditions?

I hold in my hand a letter from the Department of Labor of this Government. That department tells of its efforts to bring about in some fashion a composition of the differences that existed in Pennsylvania of the efforts officially made at the instance of the President of the United States. The people who refused to meet even to discuss what might be done; those, sir, who declined to have anything to do with our Government asking that there should be some composition of the differences were the great coal operators of the State of Pennsylvania and the great operators alone.

Their reasons may have seemed good from their standpoint. Their reasons, sir, indeed, may be logically good. I do not care. There was the effort, under the supervision of our Government itself, to cure this situation, and these operators would not come half the way.

I read:

JANUARY 31, 1928.

MY DEAR SENATOR: This letter is in response to your telephonic inquiry for information relative to an invitation to a joint conference sent by me to representatives of the coal operators and officers of the miners' organization concerned in the existing strike situation in the bituminous-coal fields of central and western Pennsylvania, Ohio, and northern West Virginia.

A committee representing organized labor, including mine workers, visited the President on November 17 and made a request for the calling of a joint conference of operators and miners for the purpose of endeavoring to end the present strike. The request was referred by the President to the Secretary of Labor.

I gave the matter thorough consideration, going carefully into the various factors entering into the whole situation and advising with representatives of the department who had been keeping in close touch with events in the strike fields. It was then decided to issue a call for such conference.

On December 9 I sent notices to the coal operators and to officers of coal operators' associations, to national officers of the mine workers, as well as to representatives of the miners in the districts affected, calling a conference in the Department of Labor, Tuesday, December 13, 1927, for the purpose of discussing all phases of the bituminous coal situation, and particularly with reference to the difficulties in Pennsylvania, Ohio, and northern West Virginia. While the miners' representatives all accepted the invitation to attend the conference, the operators for the most part declined to attend. It is true that there was representation from each of the fields invited, but with a single exception there was no representation from the more important companies and coal operators' associations. This lack of attendance prevented any constructive action looking to a solution of the problems of the industry or to the adoption of any plan or plans that might be used as a start toward the reaching of a settlement of the existing strike.

The joint conference was adjourned on the afternoon of the first day's session, but a committee of operators and miners was requested to remain. In view of the comparatively small annual tonnage represented at the conference and by the committee members it was evident no real progress could be made, and after two days the committee adjourned subject to call.

We in the department diligently sought some method by which this strike might be settled, but the failure of the great bulk of the operators or of any of the operators' association officials to attend made it impossible to make any real progress toward the solution of the problem separating the mine workers and operators in these districts.

Sincerely yours,

JAMES J. DAVIS,
Secretary of Labor.

We start, therefore, in the discussion of this question, first, with the fact that the inception of the difficulty was the violation and repudiation of the Jacksonville agreement solemnly made by the coal operators, violated and repudiated by them; and, secondly, that when the United States Government intervened and endeavored to effect a compromise, these same coal operators who had violated and repudiated their solemn contract refused to meet and refused to deal in any fashion concerning the subject. Thus we may leave, with a prima facie showing at least, the situation concerning the inception of the difficulty and the contributing cause to the continuance of the sad conditions existing in Pennsylvania.

Now, as to these conditions, I rest not upon any prejudiced view. I do not seek from any partisan in this matter to relate the conditions to this body. I turn to those who have been disinterested investigators in the last month or two, and who, investigating for the sole purpose of ascertaining the truth, have written their stories in various newspapers of this land.

Mr. Lowell Limpus I had the opportunity of talking to for a very brief period. He told me, what I assume to be the truth, that he was in reality a conservative, and that he had gone into the coal fields at the instance of the Chicago Tribune and the New York Daily News for the purpose of ascertaining the facts, and prejudiced, if prejudiced at all, against the workers and the stories that had been related concerning their conditions. But a brief period showed him a state of things

that aroused every feeling of humanity that he or any other man could possess. So I read from his summing up of his month's investigation, appearing in the New York Daily News on December 27, 1927. He says:

I have just returned from a visit to hell in Pennsylvania. I have seen horrible things there; things which I almost hesitate to enumerate and describe. I can scarcely expect my story to be believed. I did not believe it myself, when the situation was first outlined to me. Then I went into the soft-coal camps of western and central Pennsylvania and saw for myself.

For nearly a month Herbert J. McCory, of the News staff, and I made the rounds of the strike-cursed towns. Many times it seemed impossible to think that we were in modern, civilized America.

We saw thousands of women and children literally starving to death. We found hundreds of destitute families living in crudely constructed, bare board shacks. They had been evicted from their homes by the coal companies. We unearthed a system of despotic tyranny reminiscent of Czar-ridden Siberia at its worst. We found police brutality and industrial slavery. We discovered the weirdest flock of injunctions that ever emanated from American temples of justice.

And while you may think this language is expressive, one of these injunctions, as I proceed, I shall read to you; read probably without comment. The lawyers in this body may, without my speaking concerning the subject at all, understand something of what is happening at our very doors.

Oh, Mr. President, we can meet, and we can sob, and we can weep salty tears over the fate of peoples in the Balkans; we can resolute day after day and day after day to outlaw war; our women can gather by the thousands in conference in the city of Washington and pass resolutions, and with a strange mental strabismus we look across the oceans and tell countries beyond what to do. But are we so futile and so forgetful, are we so thoughtless in this day that is ours, in making money, that we can not at our very door, and right here at the boundary line, practically, of our District, understand that there is real warfare, babes dying and mothers straving, every horror of bloody strife? Can not the United States Government, or the Senate, or this Congress turn aside for a moment from contemplating the plight of peoples abroad to alleviating the suffering and remedying the wrongs of those at home?

I continue to read for just an instant from Mr. Limpus's summing up:

We unearthed evidence of terrorism and counterterrorism; of mob beatings and near lynchings; of dishonesty, graft, and heartlessness.

We located machine guns and tear-gas bombs, prepared to back up the ready rifles that wait to crush any rebellion of hunger-crazed men. And near by—

This is the cry that should come to the Senate and to the Congress and to this people; this is the reason I am standing here, my residence 3,000 miles from the scene, asking that there should be action, and speedy action.

And near by we heard the children of those men, striking miners, crying for food in empty kitchens.

That is the story that is written by every investigator who has gone into these coal fields, not by one alone but by every one.

The New York Evening World has recently had an investigator in that territory, Mr. Basil Manly, able, active, honest journalist, and he writes in exactly the same fashion and concerning the same things as does Mr. Limpus. In Mr. Manly's article of January 26 in the New York Evening World we find this:

PITTSBURGH, January 26.—Here in the heart of the bituminous-coal fields of the Nation, in a territory covering a large part of three great States, half a million men, women, and children are matching their capacity to go without adequate food, clothing, and shelter against the ability of the coal corporations to pass dividends and avoid bankruptcy.

With the thermometer hovering around zero while this is being written, a hundred thousand striking miners' families in the coal fields of central and western Pennsylvania, northern West Virginia, and Ohio are living on an average allowance of $3 a week or less from the union treasury.

In the Pittsburgh district, the center of the contest, the standard amount allotted is $1 a week for each adult and 35 cents for each child. In the outlying districts, where the struggle is less intense, the allowance is even smaller.

MANY WAIT EVICTION

A few of the striking miners are living in their own homes, bought and paid for during the period of war prosperity. Some are still living in company houses, with bonds of $750 per family posted to guarantee rent, while they await the day when the coal company will no longer tolerate their presence and start eviction proceedings. In many of the coal camps in the Pittsburgh district, however, the striking miners and their families have been evicted from the company property and forced to find shelter wherever they could.

Sometimes they have been driven out to make room for strikebreakers, but in a large number of cases there has been no such excuse. Thousands of miners with their wives and children have been evicted from camps where no attempt is being made to operate. The union's offer to post bond to cover rent has been refused; families have been driven out by the sheriff and his deputies in the dead of winter, and every door and window in the houses has been boarded up as in a deserted village. This makes for bitterness. A man who has lived 5, 10, even 20 years in a company house can not easily accept the logic of a situation which makes the corporation evict when it has no use for the vacant houses. But this is industrial war and there is no quarter.

More than 12,000 of these evicted persons in the Pittsburgh district alone are already living in barracks hastily built by the union out of unmatched boards and tar paper to care for the families who had no other shelter. And every day new barracks are being constructed to meet the new evictions. Located usually on neutral property across the road from the company town they stand confronting the company houses filled with strikebreakers or with every door and window boarded up. The very sight helps to increase the friction.

One room, split in two by a rough board partition, is the standard rule in these miners' barracks for each evicted family regardless of size. There may be three children. There may be seven. All must be crowded into this one room. No provisions are made for the single men. They can shift for themselves.

There is no race suicide—little, if any, birth control—among the miners. Five, six, seven, and eight children are common. Here, therefore, is the typical situation we find in these barrack rooms into which the evicted families in their desperation have crowded. In front of the dividing partition is the cook stove which furnishes heat for the room and fire to cook the food whenever there is anything to cook. Near the one window is the small table at which the family, in relays, can eat. Two chairs, with perhaps a sewing machine or some other prized article, complete the furnishing of the "living room." Behind the partition is the "sleeping room." Here every inch of space is covered with some kind of bed—a double bed for the man and wife, into which one or more of the babies are crowded, with cots, cribs, and pallets for the older boys and girls.

NO LACK OF VENTILATION

Privacy? No. Overcrowded? Yes. But there is no lack of ventilation. With the temperature below freezing and a 30-mile wind howling down the valleys and across the hillsides, there is warmth and a measure of comfort in snuggling up close as the cold air rushes in through the unmatched boards.

The union furnishes coal, usually dug by the strikers themselves from some neighboring hillside mine on a royalty basis; but the $3-a-week allowance from the union must furnish food, clothing, and other necessaries. For a family of five this means a little less than 9 cents per person per day. It is less than 3 cents per meal. Think of what you can buy for 3 cents. The menu must be simple and monotonous—bread and beans, bread and more beans, with occasionally a hunk of soup meat that can be cooked with plenty of water, potatoes, and seasoning to give a little variety to the bread and beans. There is no milk for the children, even for the babies, except what they are able to get from their mother's breast.

The children are hungry and underfed. And the mothers, who turn aside from the table in order that their children may have a little more, are even hungrier and more undernourished. That is why the Clergymen's Fund for Miners' Relief of Pittsburgh, representing all denominations, has just issued the following statement after an intensive investigation of all the adjacent camps:

That statement by the clergyman of Pittsburgh I have before me, and it indicates in some small way what is the condition in these fields. But another investigator as well, Miss Fannie Hurst, in the Hearst papers, speaks of these things, as follows:

Regardless of who is right and who is wrong in the issues at stake, this uncivilized spectacle of families evicted from their homes and living like dogs among slops in kennels opposite the very thresholds of their vacant homes is wrong.

CHILDREN GO HUNGRY

Children are hungry and sore-eyed in these kennels. Mothers have not the milk for their wretched babies.

The civilization which countenances the wretchedness that exists along the hems of this fine city becomes a horror.

The Congress that permits this wretchedness at its very doors, when it weeps its tears over what happens across the ocean, is far from fearlessly doing its duty, and is not deserving the confidence of the people who sent it here.

I read to you now from the clergymen of the city of Pittsburgh, clergymen representing every sect and every denomination. Signed, I believe, is this letter by substantially every minister in the city. At any rate, signed it is by a very large number. This is an appeal to charity by these clergymen:

We are appealing to you on behalf of the suffering people whose need is desperate and whose plight is deplorable, the families of coal miners, especially their women and children. There have been many families found, by the personal inquiry and visitation of our experienced social workers, to be really destitute. Children are going half naked and babies are starving for milk.

This is rich Pennsylvania to-day. I do not say it is the fault of one class or the fault of another. That is not a part of my purpose in speaking to you here. I do say that on the evidence before us here, of the clergymen of the city of Pittsburgh, there are hundreds of families who have not enough clothing and not enough to eat. O God, what an indictment in the face of the prosperity that we prate about in our political speeches! What an indictment it is of our futility and slothfulness and of those of us who, forgetful of all else, have the delusion that when we close the door of a winter evening all the world is warm.

This is the testimony of the men who, investigating because they represent Divine Providence, decline to take sides in the controversy except to minister to the suffering and the want and the privation and the horror, and every clergyman of every denomination unites in Pittsburgh in begging for aid because there are women and children without clothes and without enough to eat.

Children are going half naked—

Say these clergymen—

and babes are starving for milk.

Just think of it! Just think of it! In this magnificent Commonwealth just beyond us here babes are starving for milk because, forsooth, their parents may be in industrial warfare with great power and with great wealth.

It is these that I want to relieve and it is this sort of thing that we here, exerting the power that is ours legislatively and otherwise, can relieve. It is a question only of whether or not we have the courage to relieve it in the teeth and in the face of the millions that are doing the deeds.

I read from this letter of the clergymen just another sentence or two:

Bad enough at present, the situation grows worse, and the wretched harvest of malnutrition and exposure will be reached in the months to come. Some miners' families can get along without assistance. We ask no help for them. Careful investigation continues as fast as our limited staff permits, and the completed story is obviously going to be appalling.

I put in evidence this entire communication without reading the remainder of it, with the names of the clergymen, 40 in number, I think, who have signed it. I ask that the whole of it may be printed.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Without objection, it is so ordered.

The communication is as follows:

[Fund administered by Experienced Social Workers Old South School, Ross and Diamond Streets, Pittsburgh, Pa. Telephone Atlantic 5485]

CLERGYMEN FUND FOR MINERS' RELIEF,
January 19, 1928.

DEAR FRIEND: We are appealing to you on behalf of suffering people whose need is desperate and whose plight is deplorable, the families of coal miners, especially their women and children.

There have been many families found, by the personal inquiry and visitation of our experienced social workers, to be really destitute. By actual contact with these people, housed not only in temporary barracks but in all sorts of makeshift shelters, in 18 mining communities out of 70 or more in the county 482 families have already been found who have not nearly enough to eat and to wear. Children are going half naked and babies are starving for milk. Bad enough at present, the situation grows worse, and the wretched harvest of malnutrition and exposure will be reached in the months to come. Some miners' families can get along without assistance. We ask no help for them.

Careful investigation continues as fast as our limited staff permits, and the completed story is obviously going to be appalling.

If you have not already done so, will you not urge your people to give generously to this cause? If possible, take a public offering next Sunday, or as early as you can. All checks and money should be paid to Mr. Harry G. Samson, treasurer, 537 Neville Street, Pittsburgh.

Please bear in mind three things: First, that the relief so far provided by all other organizations and interested persons has not been at all adequate. Second, that the response to our first appeal has been very small, amounting to less than $1,000, perhaps because the appeal was issued just at the close of the holiday season and has not been followed up. Third, that the work of relief is being conducted by trained and experienced social workers from the established social agencies of the city and county. No indiscriminate "charity" is dispensed. No spasmodic "basket" relief is countenanced. No money is handled by the families who are helped. The needs of each family are studied and budgeted. Where necessary, credit is provided at local stores. Continuous relief, so long as the need requires, is the purpose. This mode of procedure is guaranteed by the trained personnel of the central relief committee. Relief is limited to Allegheny County.

We take no side in any controversy in the coal industry, but we do attempt to speak for those who can not speak for themselves, and we do appeal for generous funds in the name of our common humanity. Please do your best.

RALPH B. URMY, *Chairman.*
SAMUEL GOLDENSON.
WILLIAM I. WISHARD.
L. WALTER MASON.
J. F. R. CORCORAN.

Executive committee clergymen's fund for relief of miners' families: Dr. Waldo Amos, Right Rev. Hugh C. Boyle, Dr. S. W. Corcoran, Dr. W. W. P. Duncan, Dr. John L. Ernst, Dr. Michael Fekula, Dr. John Dows Hills, Dr. Percy G. Kammerer, Dr. J. Salal Leland, Dr. Clarence E. McCartney, Dr. S. C. Michelfelder, Dr. Alvin Orr, Dr. C. Wallace Petty, Rabbi Goodman A. Rose, Dr. P. W. Snyder, Dr. Edwin J. Vanetten, Dr. W. I. Wishart, Dr. A. J. Bonsall, Dr. W. C. Chappell, Dr. Albert E. Day, Dr. H. Boyd Edwards, Dr. John Ray Ewers, Rabbi Samuel H. Goldenson, Dr. Stewart Nye Hutchinson, Dr. Hugh Thomas Kerr, Right Rev. Alexander Mann, Dr. L. Walter L. Mason, Bishop Francis J. McConnell, Dr. Jacob S. Payton, Dr. A. R. Robinson, Dr. J. C. Sauber, Dr. Ralph B. Urmy, Dr. Carl A. Voss.

Mr. JOHNSON. I read now from the letter of Miss Allen, a social worker engaged in the Sunday schools of Pittsburgh, and I read it as indicative of the conditions which exist in that territory. It is addressed to Mr. Ellis Searles, Raleigh Hotel, Washington, D. C., and reads as follows:

MY DEAR MR. SEARLES: The Young Woman's Bible Class of the Beechview Methodist Episcopal Church think you might be interested in an account of our activities among the destitute in the mining sections near this city, as we were the first to give outside organized relief in mines 2, 3, and Coverdale and Horning. The class made an investigation on December 2. We found large families of bright children, who were without shoes and stockings, without sufficient food or clothing. Conditions almost unbelievable exist in America. We entered the home of one union miner, where nine children were as above described; but the home, the mother, and the children were noticeably clean, and the small children were ill from lack of nourishment. We told the mine leader who went with us that our effort must be independent of the controversy. Our motive would be to relieve suffering wherever we found it, working absolutely upon a humanitarian basis. Mr. Manuel Wood, union mine leader at mine 2, impressed the committee as being a fair, honest man, whom the children loved, took us in the home of a nonunion miner who was working every day, where we found greater destitution than in the other homes. We told the little children, who seemed frightened, that we loved them because God loved them and would return with food and clothing. At Coverdale we found the first babe born in the barracks the night before without any clothing, the wind howling through the crevices between the boards. We returned to Beechview with sad hearts but a firm determination to do what we could in a small way. We opened a receiving station, advertised the immediate need. It seems the heavens opened, and in less than three weeks we had distributed 1,000 pairs of shoes and stockings, every other article of clothing in large quantities. The quality of most of it denoted sacrifice on the part of contributors.

Just note that. The quality of the clothing that was given to these Sunday school workers denoted sacrifice on the part of the contributors—the poor aiding the poor.

We secured the distribution of one pint of milk per day in 50 homes where there were children 1 year old and under. We distributed 500 baskets filled with substantial groceries and a generous Christmas treat for 1,200 children, nearly all the candy being donated. Four hundred dollars in cash sent to us without solicitation, with which we bought meat and flour; other groceries mostly donated. We went to the mines with each distribution and our experience gave us a much higher regard for the miner. We found instances of self-sacrifice such as we had never seen. For instance, one man said to another, "Here, John, you have 10 children and harder times than I have. You take my basket."

A union miner went out at our request and brought in five children from the nonunion home of which I told you. We gave them sandwiches and little cakes taken from our lunch and fitted them all out from the clothing we had taken out. I wish you could have seen their faces when they left the room, especially little Johnny, 4 years old, who held his old ragged clothes in a paper bag, which also contained

good underwear, dressed in a brown velvet suit, good overcoat, shoes and stockings, and a red woolen cap with a tassel on it, all of which fitted him as if made for him. When he looked at us and said "Goodbye," we felt amply rewarded for all our hard work.

Going on to Coverdale we were happy to supply the first born in the barracks with abundant new outfit, which brought tears of joy to the mother.

I apologize for this tedious account of our activity by so few in such a short time. It is to say that the great heart of the people is touched and the sympathy of the people is expressed in a greater degree than upon any previous demand. The coal industry being a public service, surely the Government will come to the rescue of these people, who are honest and industrious and must not be allowed to perish.

The most important factor of all is the effect of these conditions upon the physical, intellectual, and spiritual life of the children, who are the citizens of to-morrow. America must not fail in the name of Him who said: "As ye did it unto the least of these, My brethren, ye have done it unto Me."

Very sincerely,

IDA L. ALLEN,
Teacher and Treasurer of Mine Relief Committee.
Mrs. H. G. SCHROEDER,
Chairman Committee.

So is the story told all along the line. I have not time to read all that I have before me; I can not, indeed, read the editorials that recently have been published; but here I should like to place in the RECORD, as a part of my remarks, the editorial appearing on December 31, 1927, in the New York News, which is entitled "Hell in Pennsylvania," and, in addition to that and following it, an editorial appearing in the Evening World of New York on January 28, 1828, which is entitled "An American tragedy."

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From New York News of December 31, 1927]

HELL IN PENNSYLVANIA

That is no sensational catchline, no windy epithet, which the News investigators apply to the situation in the Pennsylvania coal-strike area. Eighty-five thousand striking miners, their wives and families, are arrayed against the operators.

A strike is a strike, and a certain amount of hardship and rough work goes with every strike.

This Pennsylvania conflict, though, combines the worst features of Passaic, West Virginia, and Colorado. It has gone on for six months. Coal and iron police, commissioned by the State but paid by the coal companies, terrorize whole counties. Families are kicked out of company shacks for nonpayment of rent. Children slowly starve. The Red Cross refuses to go into the district—though the Legion, "Y," and Salvation Army show no such reluctance to aid strikers.

All this is hell, if anything on earth is.

What is to blame? Overproduction of coal? Competition among the operators? Too many coal miners for the amount of coal which the industry can sell?

In most American industries employers and employed work together with less and less friction.

Can't this rotten spot in the industrial system be cauterized, cut out, sterilized? One of the operators told the News men that he hated himself for his treatment of the strikers and that he believed the whole affair to be wrong and unjust.

That is a beginning. He can not be the only operator who privately holds this opinion. Why not a getting together of coal operators the country over to install decency and justice in the coal fields?

[From the Evening World, Saturday, January 28, 1928]

AN AMERICAN TRAGEDY

Because of the far-reaching importance of the struggle now in process in the bituminous coal fields of Pennsylvania, no one should miss the vivid and carefully written articles by Basil Manly in the Evening World. He is a conscientious and an honest investigator, in whose reliability men like President Wilson and William Howard Taft have had implicit confidence.

These articles explain not only the tragedy of the struggle in process but indicate clearly the purpose. The clear intent is to wreck the organization of the miners and reduce them to the condition of men forced to take as wages, for a precarious work, whatever the mine owners see fit to pay, and to work under whatever conditions the owners may determine. The success of such a program, connived in by Government and accepted by the public, would be to make radicals of men who are only asking for such wages and working conditions as will make possible the proper care of their families and the education of their children.

In this work of smashing the miners' organization are engaged some of the most powerful capitalistic organizations in America, the Mellon and the Rockefeller interests. This may go far to explain the indifference of the Government.

Aside from the merits of this struggle, there is something to be said of the methods. There are many thousands of women and children who are subjected to suffering. Should the companies decide, as they likely will, to resort to evictions, this means tragedy to which a Nation of humane people can not remain indifferent. There are differences between legal and moral rights.

In Mr. Manly's article of Friday last we have the story of the private army of armed men described as resorting to Cossack methods which can not in decency and justice be longer ignored. There is nothing new about these private armies. They have operated with impunity for years, not only in the coal fields of Pennsylvania but in those of West Virginia, where their methods have been denounced by official investigating committees of legislatures and Congresses. And yet they abide. These armies represent private greed and private vengeance. They are manned to a considerable extent by irresponsible people. And they are intolerable reminders of feudalism. Private property must be protected, of course, but that is the duty of the State, not of individuals using their own judgment.

We commend the Manly articles to readers as illuminating explanations of just what is going on in a hidden corner of this country.

Mr. JOHNSON. Mr. President, I received this morning from a place called Saltillo, in Pennsylvania—I do not know where it is—a letter from a Baptist preacher, who says:

DEAR SENATOR JOHNSON: We are addressing you in regard to the proposed congressional investigation into the condition of the miners in central and western Pennsylvania and Ohio and West Virginia.

We wish to assure you that the people in our district, in the central Pennsylvania district for whom we are writing, are profoundly grateful for what you have done and are about to do in their behalf.

The conditions are unbelievable; it beggars all description the misery now prevailing in these fields; after one has done all he can to describe it, "the half has not been told."

Wholesale evictions in midwinter from the coal company houses, with no alternative but rough, wooden shacks, with hardly any food and scarce fuel, terrorism and counterterrorism, beatings and clubbings by the coal and iron cops, with no protection from the sheriff and many times the courts, these men have no recourse.

Hell is enlarging itself in Pennsylvania; the pot is boiling here, and when it boils over there is sure to be bloodshed.

Enlargement must come from some place soon, and they think they see their day coming in what you are contemplating.

We are unable to get the desired and needed help from the Red Cross, into which organization these men have paid thousands of dollars. Our own county officials ignore these things, and some of our men have been unlawfully held in jail.

This petition is written in behalf of 17,000 citizens.

Fraternally,

GEORGE HINE,
Pastor Baptist Church, Saltillo, Pa.

I could follow, sir, interminably with the stories that have been sent me, but I content myself with one or two excerpts from Mr. Limpus's tale of what is transpiring in the district. He writes under date of December 28, 1927:

A typical instance—and not an exaggerated one—was encountered in the flimsy barracks which house the evicted strikers at the edge of the town. (Incidentally, we saw 10 of these structures there, each housing three families and three sheltering two families each.)

In one the noon meal was in progress. A young American mother with three babes, aged, respectively, 4, 3, and 1. Those children were hungry. The mother had exactly three soda crackers for that meal. She had soaked them in a plate of weak tea, * * * and each child was getting one soaked cracker, fed to it with a spoon. The mother—nothing. That is Rossiter.

I pass by the stories of brutalities, because I recognize that violence and brutality may exist upon both sides of a strike, and with them I do not care to deal to-day. They are related in the tale that I have just indicated to you as appearing in the New York News. I read from the story of Mr. Limpus, January 1:

There can be no doubt of the utter misery of the strikers' families. In town after town we found their pitiable barracks, each with its quota of destitute. Families of four were each given a single room in the flimsy board barracks, chicken-coop-like in construction.

Everywhere barracks were tenanted by misery.

Under date of January 3, 1928—here is the nub of the whole question, or what ought to be for men like ourselves—he states:

THE CHILDREN CONSTITUTE THE TRAGEDY OF THE PENNSYLVANIA COAL STRIKE

Saddest of all is the plight of the 650 youngsters in the barracks at Russellton. It is the town of child martyrs. Dozens of sad-eyed, pinch-faced, ragged little urchins surround the visitor at every step. They

are pitiful, appealing, hungry little waifs. They drag out a wretched existence almost within sound of the roaring foundries of the city of Pittsburgh.

Mr. President, I have been handed a telegram which was sent by the representative of the United Mine Workers of America, at Brownsville, Pa., to Mr. George Lewis, who at present represents the miners in Washington. I do not assume to say that the facts are as may be related, but I am advised that they can be substantiated. However, as a statement of a party interested, I read as of date of January 7, this telegram:

The Vesta Coal Co. has a gang of gunmen evicting the coal miners from their houses at its No. 6 mine. These women and children have no shelter. I appealed to General Manager Joe Edwards to stay evictions until Monday, when we would have barracks sufficiently erected to shelter these people. I asked in the name of humanity not to put these women and children on the roadside these cold nights, and Sunday he answered, "To hell with humanity." He hoped they would "freeze and rot." These people have been in the employ of that company for more than 10 years.

The facts as related to me in regard to the Vesta region are that there was an agreement that a few days' grace should be given in the matter of evictions there during the coldest part of the winter, but that agreement was violated and the evictions, nevertheless, took place. So much, sir, for the conditions existing in Pennsylvania. None, I take it, will deny them.

I come now to another phase of the argument which has been presented in this matter by those who are interested in it, and will quote a word or two that is said by the mine workers with regard to the railroads and the effect of wages that are endeavored to be paid there. These miners claim:

When the present freight-rate structure of the country was established by the Interstate Commerce Commission the large railroads told the commission they were paying from $2.20 to $2.40 a ton for their locomotive coal, and that this fact should be taken into consideration by the commission in rate making. Freight rates were based upon that price for coal. Now, however, these same railroads have hammered down the price of coal until they are arbitrarily refusing to pay more than $1.60 to $1.75 a ton for coal, thus reducing their own operating cost, but they are still collecting the same rates for hauling freight and passengers that they charged when they paid $2.20 to $2.40 for coal. Coal companies can not pay decent, living wages to their miners and sell their coal at $1.60 a ton.

Again, these miners assert—

During the years when the Pittsburgh Coal Co. operated its mines with union miners and paid the union scale of wages, its average cost of production of coal was $1.89 per ton. Since it repudiated its agreement with the United Mine Workers of America and employed strike breakers its production cost has been $3.78 per ton. These figures are taken from the reports of the Pittsburgh Coal Co. A similar situation exists with reference to other companies that followed the lead of the Pittsburgh Coal Co., under the lash of the Pennsylvania Railroad, the New York Central, and other interstate railroad companies that are parties to this conspiracy.

The Pittsburgh Coal Co. has made—

So these mine workers assert—

The Pittsburgh Coal Co. has made three wage reductions since it repudiated its contract and adopted a nonunion wage-cutting policy. The last of these was on January 10, 1928. The minimum wage now paid is $3.30 a day for outside labor and the maximum is $5.05 for inside labor.

When the Jacksonville agreement was in effect and the maximum wage rate was $7.50 a day the mine workers were employed an average of only 160 days a year. This gave them a total annual income of about $1,200 per man. After deducting an average of $150 a year for the cost of powder, tools, and supplies the net earnings for the year were about $1,050 per man.

When these coal companies instituted their wage-cutting policy they represented to their employees that reduced wages would enable them to sell more coal and give their employees steady employment. But the fact is their mines are now operating only half time or less, even under their low-wage policy. This proves that cheap wages will not solve the problem of the coal industry.

There is a singular situation in Pennsylvania in reference to what are called coal or iron police. These coal and iron police have been described to me in a very interesting and a very important letter written to me, when I asked for facts concerning the conditions in Pennsylvania, by ex-Governor Gifford Pinchot; and he describes these police—shall I say with greater severity? At any rate, he describes them with an accuracy, sir, that is far, far greater in the mere statement of the fact than all the adjectives that have been used by coal miners against that State police.

Mr. Pinchot writes me, under date of January 26, 1928:

In reply to your letter of January 25, asking about the past and present situation in the soft-coal fields of Pennsylvania I am very glad, indeed, to make the following statement, which you are entirely at liberty to use in any way you may see fit.

In strikes and suspensions in the mines before I took office as Governor of Pennsylvania in 1923 the State took the side of the employer as a matter of course. It gave the employer the whole police power of the State to use in substantially any way he chose to use it. It commissioned as special police officers, known as coal and iron police and authorized to exercise the police power of the State, any men the employer chose to name, including in countless cases thugs and gunmen of the most depraved and despicable type.

These men were not protectors of peace but inciters to violence, for their interest was to bring about disorders in order to prolong their own employment. Consequently they used violence to provoke violence, so that they might be needed to repress it.

Within 10 days after taking office I learned that my predecessor, during the last two years of his term, had issued some 6,000 commissions as private policemen to men named by the companies.

These commissions gave the men who held them the right to use the police powers of the Commonwealth of Pennsylvania. They were issued in every case, so far as I could learn, without investigation of the character or record of the men who were authorized to exercise the police power of the State. The names were submitted by the companies and the commissions were issued without inquiry or question. These men were paid by the companies. There were more than twenty times as many of them as there were of the State police. At times, in addition, numbers of other men, also named and paid by the companies, were sworn in as deputy sheriffs. As such these men were beyond even the governor's control. In many cases sheriffs were paid a commission by the companies of so much per day for each of such deputies. The usual commission was $1 a day for each deputy.

Think of this traffic in law officers! It seems incredible, and it was because the thing seemed to me incredible that I wrote to the ex-Governor of Pennsylvania to ascertain what really were the facts. Governor Pinchot shows this incredible situation has actually existed, and not only that but his reforms of the wrong have been practically undone.

His letter proceeds:

Immediate study of the records of the men commissioned as private policemen by my predecessor resulted in eliminating gunmen, thugs, felons, professional trouble makers, and other undesirables to the extent of two-thirds of the whole number so appointed, and in a complete change of the method of appointment.

Instead of nearly 6,000 promiscuous and largely criminal characters that held commissions as private policemen when I went into office there were 2,000 reasonably decent officers when I left, and the State had made a thorough investigation of every one of them.

The result was that the very numerous abuses committed by these private officers, which had become so common as to be almost customary, ceased altogether. In spite of two great strikes in the anthracite region, and almost continuous strikes in the bituminous region, there was scarcely the slightest disorder in either field during my four years, and what there was could have occurred equally well if the mines had been working full time.

Numerous reports of happenings in the bituminous strike regions of central and western Pennsylvania which have reached me since I left office (if, as I believe, they rest upon a basis of fact) make it clear that the policy of justice to both sides has been discarded and that the policy of using the power of the Commonwealth of Pennsylvania to break strikes has again been put into effect.

Unless these reports are false the authority of the Commonwealth of Pennsylvania is being now, and has been for a year, employed to break the present bituminous strike; many gunmen and other bad characters have reappeared in the strike regions bearing the commissions of the State and exercising its powers as coal and iron police, and numerous assaults upon men, women, and children have been committed by men especially commissioned to keep the peace and enforce the law.

On several occasions I have been informed by officials of the United Mine Workers of America that the present administration in Pennsylvania has refused to give them the names of these private policemen, on the plea that the names of men intrusted with the police power of the Commonwealth did not constitute a public record. To keep secret the names of policemen is a new thing in my experience.

I am informed also that the United Mine Workers of America are prepared to supply proof, in the form of approximately 200 affidavits and by the testimony of witnesses, of the commission of numerous assaults upon peaceable striking coal miners, and of the injury of men, women, and children from such assaults.

I may add there, sir, by way of digression, that I have exactly 218 affidavits of that character. I have refrained, however, from going into the question of violence that has been committed by one side or the other in this controversy. I refrain because these things need not be demonstrated in order to permit a reso-

lution to be adopted and a full and a complete investigation to be had.

I recognize what a strike is, and I recognize what may come out of that strike; but I do not recognize that there is any strike on the face of the earth or any industrial dispute which authorizes the police power of a State to be unfairly or unjustly operated and maintained and paid for by private individuals for private purposes, and that police power to do exactly as private gain and private profit and private individuals may direct.

While I am thoroughly aware—

Says Governor Pinchot—

of the ease with which charges can be made, especially in the heat of a bitter industrial conflict, I am convinced that the evidence with which I have been made acquainted is entirely sufficient to justify or even to require an investigation of the facts, such as is provided for in your resolution.

I inclose herewith copy of an article which appeared in the New Republic of October 12, 1927, describing an attack made upon miners and their families peaceably assembled, although in technical violation of a proclamation of the sheriff. If the facts alleged in that article are false, they ought to be disproved. If they are true, something ought to be done about them.

During my term of office a certain number of evictions of striking miners and their families were carried out by operators in western Pennsylvania in spite of repeated protests on my part. But the evictions which took place in my time were unimportant compared with the wholesale evictions, amounting, I am told, to 12,000 families, which have taken place since.

These evictions, whether or not they are technically justified under the law, lead to the severest hardships for women, children, and elderly and sick persons, and are the direct cause of many deaths which would not otherwise take place. The Pittsburgh Coal Co., the largest soft-coal company in America, controlled by the Mellons, is responsible for a large percentage of them.

The executive committee of the clergymen's fund for miners' relief, representing ministers of 10 Protestant denominations, and the Roman Catholic, Greek Orthodox, and Jewish churches, including three bishops, said in an appeal printed on January 20, 1928:

"We are appealing to you on behalf of the suffering people whose need is desperate and whose plight is deplorable, the families of coal miners, especially their women and children. * * *

"Children are going half-naked and babies are starving for milk. Bad enough at present, the situation grows worse, and the wretched harvest of malnutrition and exposure will be reaped in the months to come."

Those parts of central and western Pennsylvania which depend on the soft-coal industry are in a very serious condition. The prosperity of many of them is ruined, and the suffering of the miners is reflected in widespread hardships throughout whole communities.

Personally I believe that your resolution opens the way to a public service of the first order. The Pittsburgh Press, the largest and most influential journal in the soft-coal regions of Pennsylvania, said editorially on January 19, 1928:

"At the time Senator JOHNSON, of California, introduced a resolution for investigation of the mine situation, * * * Senator WATSON, chairman of the committee to which the resolution was referred, said it might be weeks before his committee could reach its consideration. Now, certainly, there is reason enough for a special committee to dig into the tangle in the mine zone and reveal the underlying causes of the trouble which has lasted for months.

"Pittsburgh has lived close to the mine strike, and this very familiarity has tended to blind the majority of citizens to its import. They have passed it over as the orthodox and to-be-expected fight between miners and operators in an industry which has for years conducted its affairs with all the earmarks of civil war. It has become a Balkanized threat to industrial contentment, constantly in a state of unrest, and having its deleterious effects upon other business. Usually this bad effect has been discounted, and we have made the best of the situation, just as a family tries its hardest to ignore the unpleasantness caused by a bad boy.

"But if these latest charges of the miners are correct, if there is a widespread combination of powerful corporations in and out side of the mine industry to depress the standard of living, to lower wages, to curtail purchasing power, to reduce men and women to a level where they and their children will not have the means of social improvement, a pass has been reached which is not sectional, not the affair of any one neighborhood, or of any one group of workers.

"A blow is struck at the prosperity of the country through such methods. Less purchasing power means less buying, therefore smaller production in all lines of industry, and on around the circle to an increase of unemployment in manufactories which have no direct connection with coal. That is an economic-humanitarian danger which can not be escaped. Good business sense, if not good moral sense, demands that it be faced and that the facts be bared.

"It may be that legislation will not cure the ills of coal. But the Senate owes it to the whole country, not alone Pittsburgh, Pennsylvania, Ohio, and West Virginia, to dig to the roots now, to determine if these charges of the miners are true; and if so, to plainly label those corporations which are attempting to hammer back social and economic progress.

"A special committee should be named if necessary. It is time our own Members of Congress were facing their responsibilities."

If, in addition to the reasons for a Senate investigation given by the press, it is true, as alleged, that the power of government is being used against the miners, then the situation is serious. It is not within the proper functions of the Commonwealth of Pennsylvania, or of any State, to take sides in any individual dispute.

The official or the administration which uses or winks at the use of the power of the State to coerce either labor or capital during an industrial dispute may think he is the friend of the side he favors, and so may the favored party. But they are both dead wrong. Justice is as much in the interest of the decent employer as it is of the decent employee, and injustice in the long run is fully as dangerous to the side that is unduly favored as it is to the side that is unfairly oppressed. The first step in assuring justice is to get at the facts.

Sincerely yours,

GIFFORD PINCHOT.

I refer, sir, very, very briefly to a report that was made not so many years ago by what was termed the United States Coal Commission, headed by John Hays Hammond, in relation to this coal and iron police. There it was said, in reporting in 1923 to the President and Congress, this:

The commission can not too strongly condemn the custom of permitting either operators or miners to furnish deputy sheriffs, policemen, or other public officials not paid out of the public treasury. That State and local government has not risen to the level of the average idea of justice in America which has not both the will and the power to preserve the life and the property of its citizens.

I ask at this point that I may print the second of the articles of Basil Manly, appearing in the New York World January 27, without the necessity of wholly reading it.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York World, January 27, 1928]

COAL AND IRON POLICE LIKENED TO COSSACKS IN THEIR BRUTALITY—TROOPERS EMPLOYED BY PENNSYLVANIA OPERATORS CITED IN MANY CASES OF VIOLENCE—WOMEN VICTIMS—NO REASON KNOWN FOR EXISTENCE OF GUARD NOW, INVESTIGATOR BELIEVES CONGRESS BOARD WILL FIND

By Basil Manly, special investigator for The Evening World

(Mr. Manly was director of investigation for President Wilson's Industrial Relations Commission and joint chairman with William Howard Taft of the War Labor Board. This is the second of a series of articles.)

PITTSBURGH, January 27.—When the congressional committee on the bituminous-coal strike provided for in the resolution of Senator HIRAM W. JOHNSON, Republican, of California, begins its hearings of the charges and countercharges of strikers' violence and police brutality, it will inevitably be led to center its investigation on the coal and iron police of Pennsylvania.

The committee will find that in those communities controlled by coal companies which have relied upon the Pennsylvania constabulary, popularly known as the "State troopers," to protect their properties there has been a minimum of friction and violence.

On the other hand, it will find that where the coal companies, acting under the antiquated law which permits them to employ men at the company's expense, without any State examination of their records and qualifications, and equip them with police uniforms, clubs, and riot guns, there has been endless bitterness and brutality.

In the one case the State pays its constabulary and holds its officers responsible. They look to the public treasury for their wages and, within reasonable limits, at least as far as this particular controversy is concerned, maintain a neutral attitude and seek merely to preserve order and enforce the law.

OTHER POLICE BLAMED

In the other case the coal and iron police are paid by the coal companies themselves and, with or without justification from the officials, appear to believe that it is their duty to harass the strikers as much as possible. Exercising under the law all the power and authority conferred upon a police officer of Philadelphia, they are in a position to make arrests upon little or no provocation and to wield their clubs and riot sticks as freely as they choose.

The committee will also find, as the writer has found, that it is impossible to sift out the facts in the hundreds of cases of alleged violence and brutality, supported by affidavits and depositions, which will be brought before it by the operators and striking miners.

The operators will cite numerous cases of assaults on strike breakers, discoveries of bombs and infernal machines on company property, explosions on the public highways which wrecked pay cars, and mysterious fires alleged to have been set in company houses in the dead of night. These charges, with the exception of the assault charges, which are not altogether denied by the union, will be supported almost exclusively by circumstantial evidence which no committee will ever be able to unravel.

The operators blame every fire, every property destruction that takes place anywhere in the strike zone on the union. The strikers reply that many of them have originated from natural causes or accidents and that it is not unknown for detectives and mine guards to plant bombs and provoke acts of violence in order to create a reason for their continued employment.

HARD TO FIX BLAME

So, likewise, when the committee begins its examination of the charges made by the strikers of police brutality, it will find them supported chiefly by the testimony of prejudiced witnesses and as vehemently denied by equally prejudiced witnesses on the other side. It will be difficult to fix responsibility.

The committee can, however, perform a great public service if it will probe to the very bottom the organization, personnel, functions, and activities of the Pennsylvania coal and iron police. This organization, which has been responsible for a large part of the friction, bitterness, and violence in every great industrial dispute in this State during the past generation, has been more or less strongly condemned by almost every investigating committee that has encountered it, but it has never been subjected to a searching investigation.

It has been shown by official inquiries that individual members of the coal and iron police have criminal records; that they are in part recruited from the men who have been discharged from the Pennsylvania constabulary for cause; and that they are irresponsible and virtually uncontrolled. But there has never been an investigation that took the lid off the entire system of private employment of police officers and let the people of Pennsylvania and the Nation see the startling abuses that are inevitable under such a plan.

It is possible that when the law providing for the coal and iron police was enacted more than 30 years ago there was a reasonable basis for their existence. At that time no State undertook to police its entire area and it was perhaps not unnatural to provide that the coal and iron companies, located largely in isolated communities, should be given authority to employ and commission men to protect their properties. To-day, however, the system is opposed by its critics as a survival of a condition of industrial feudalism which should not be tolerated in any civilized community.

Mr. JOHNSON. Mr. President, I am indebted to the distinguished Senator from Ohio [Mr. WILLIS] for something that he told me yesterday, and which he said I might repeat, concerning evictions in Ohio, the action of a judge there, and the action of the Governor of the State of Ohio. They have trouble in Ohio in their coal mines. There is a strike there. There is destitution and there is want in the coal fields of that territory. Evictions are attempted in that territory, just as they are attempted in the State of Pennsylvania. The difference is that a judge in the State of Ohio, when before him came the cases for the eviction of men who have no other homes, when he realized that children's lives were at stake, and that the delicate were likely to suffer by such eviction, he, regretting that the law required him to enter a decree, yet made it effective only on the 1st day of May, 1928, in order that the weather should not be so inclement and the suffering should not be so great.

The Senator from Ohio [Mr. WILLIS] described to me yesterday the action of the Governor of the State of Ohio, who was appealed to during the strike in the State of Ohio. "Ah, yes," said he, "I will send the State constabulary of Ohio into these coal fields," and he sent them there, but sent them with their arms loaded with loaves of bread and food for women and for children, for people who were in destitution and in want. What a difference and what a contrast here, sir! May I speak my unheeded word of praise for the Governor of the State of Ohio, who, when he finds destitution and hunger and want and starvation, sends to the destitute food and clothing instead of bayonets and rifles and bullets. I am delighted that I can pay this tribute to the State of the Senator from Ohio, and repeat that he united with me in saying that his governor had done something that had won the respect and regard, the love and affection, of all who think first of human kind.

There is another aspect of this thing, too. I hasten and will occupy but a moment more.

Injunctions have been issued in this territory about which I have been speaking; injunctions, sir, that are, as I read them, the most remarkable injunctions that were ever issued in all our history. I have respect for the courts of this land, and I yield to no man who has practiced law in the long period that I have in a greater regard or respect for the courts. But I give these courts but a sorry tribute, I pay to my profession but a shabby compliment when I stand idly by and see a fundamental right of American citizens taken from them by injunction or by other processes.

I read, sir, the provisions of just one injunction. I invite the attention of men who are lawyers upon this floor to the wording of this document.

In the case of Clearfield Bituminous Coal Corporation versus Phillips on the 8th day of November, 1927, among other things, the defendants were prohibited—listen, please, you who have practiced this noble profession of ours:

> The men are prohibited from congregating on the Magyar Presbyterian Church lot or any other lot, lots, place, or places, at the time the employees of the plaintiff enter the mine and at the time the employees of the plaintiff come out of the mine, from singing song or songs in hearing of the employees of the plaintiff, of a threatening or a hostile nature.

The defendant who heads the list of defendants is the pastor of the Magyar Presbyterian Church. It happens, too, that he is a miner, and being a miner, of course, relieves those who issue injunctions of this sort from any of the peculiar conventions that might obtain if dealing alone with a minister of God.

Do you know the hymns they were singing, Mr. President? They sing Nearer My God to Thee and Onward, Christian Soldiers. I heard great audiences in 1912 sing the latter song, and sing it with a fervor that touched all those either indulging in the melody or sitting within the sound of those great audiences.

They sing The Union Forever, and as I read the story of how it was enjoined in Pennsylvania, that men and women should not sing The Union Forever, I remembered my very, very early days. I came, sir, of people who were intensely Union in their sympathies. I was born just at the close of the Civil War. The songs that I first heard in the household that was ours were songs that were sung during the Civil War, and one of the first songs that I learned to lisp was the song The Union Forever.

In Pennsylvania, by injunction, the singing of that song is prohibited. In Pennsylvania, by injunction, is prohibited the singing of hymns that have been the uplifting hymns of all the ages since Christianity became its civilizing force. In Pennsylvania, sir, we shall not congregate in the Magyar Presbyterian Church lot or in any other lot, because, forsooth, some man sitting upon a dais, upon a bench, shall say that when we sing, we sing in threatening or in hostile aspect.

That is not all there is to this remarkable injunction. Next, Mr. President, they are prohibited from saying or doing anything to cause the men now working to quit, or to cause men seeking work to refrain from so doing.

Next is this:

> From distributing pecuniary contributions in furtherance of the conspiracy to keep men from employment or seeking employment with the plaintiff.

Construed, that simply means that they shall not distribute their pitiful sums to their fellows who are in want, and that they shall be restrained from utilizing their own money, collected from the poor, collected from those who are little able to pay it, to relieve suffering among those of their fellows who need it.

Mr. REED of Pennsylvania. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Pennsylvania?

Mr. JOHNSON. I yield.

Mr. REED of Pennsylvania. I wanted to ask the Senator if he would give me a reference to the court by which that injunction was issued, and the name of the case.

Mr. JOHNSON. I gave it.

Mr. REED of Pennsylvania. I did not catch it.

Mr. JOHNSON. It is the case of the Clearfield Bituminous Coal Corporation against Phillips, and the injunction was issued on November 8, 1927. Is there an Indiana County in Pennsylvania?

Mr. REED of Pennsylvania. Yes.

Mr. JOHNSON. It was in Indiana County, Pa. I can give the Senator the whole injunction.

Mr. REED of Pennsylvania. That will be sufficient.

Mr. JOHNSON. I have the injunction before me, and I have been speaking literally from its text. So much for what has here been presented.

Of course, to justify an investigation under a resolution such as I have offered, there ought to be no more required than a

mere prima facie case. Heavens! Is not a prima facie case made here? Here there is more than a prima facie case. It is not a question of whether the facts may be controverted in the future or not. The question, after all, is, Do the conditions exist that are asserted to exist in this territory, and if they do exist, should we not, as best we can, go to the root of the evil and determine whether or not there can be a remedy for those conditions?

It seems that some place, with some men, somewhere, there rests an obligation to do something in this coal strike. Some place, sir, on this earth, some place in this Government, there must be the power sufficient to alleviate the conditions that we find existing in the State of Pennsylvania to-day. Futile are we, worthless, indeed, is the power that has been intrusted to the Government of the United States, if in this day, 1928, in a civilization that we boast is a civilization such as the world never before has seen, and a civilization of which we claim to be proud—worthless are we and futile is our position and our power if we can not delve into a situation such as this presented there and do something for human beings.

I do not speak here for a union at all. I am not appealing here, indeed, for the one side or the other of an industrial dispute. I recognize the differences that may exist among men upon this floor. I have my opinion, my strong opinion, in respect of what has transpired and where the fault lies, and that opinion I do not hesitate to express; but I am not here pleading now for a union or for union labor. They have to learn the lesson that all of us have learned in the past who have stood upon our own two feet; they have to learn the lesson that they have to fight and fight and fight and fight to maintain the progress they have made in days gone by. When union labor becomes timid, when in its prosperity it becomes flabby, then there is an end of the proud position that it has won in recent years, and there is a return to industrial slavery in this land.

I plead no cause of theirs. They need no such feeble voice as mine. I do plead, sir, another cause; I do plead the cause of women who are weak, of mothers who have not milk for their babes, of babes who come into the world in shacks where the wind blows and howls, and snow comes in upon the suffering mother and newborn babe. I plead for this investigation, and I ask it for this one reason alone—I plead for it because of humanity. Humanity demands it.

Ah, what difference does it make that the power and the wealth of Pennsylvania and other States may be upon the other side? Here are human beings at stake. For once in our history let us rise above the cry of materialism and prosperity, the desire to make more profit out of government and more profit out of that which is dug from the earth itself. Let us rise above it, and let us respond to-day, in the passage of this resolution, to the cry of stricken humanity.

Mr. WARREN. Mr. President, I realize that the honorable Senator from Oregon [Mr. McNARY] is entitled to the floor at 2 o'clock on Senate bill 1181, but if it be agreeable to him I will ask that the unfinished business be laid aside so that we may continue with the consideration of the appropriation bill.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (S. 1181) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended.

Mr. McNARY. Mr. President, out of courtesy to the distinguished and industrious Senator from Wyoming, I am willing to ask that the unfinished business be temporarily laid aside for the purpose of considering the appropriation bill which he has in charge.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The Senate proceeded to consider the bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1929, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN obtained the floor.

Mr. REED of Pennsylvania. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Pennsylvania?

Mr. WARREN. I yield.

Mr. REED of Pennsylvania. Mr. President, the morning hour having entirely expired, I have no opportunity at this time to make any statement about the condition in the coal regions in Pennsylvania. I shall take the first opportunity to do so.

I might say, in a word, that no one can exaggerate the plight in which the entire industry stands at this time.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Nebraska?

Mr. REED of Pennsylvania. I yield.

Mr. NORRIS. I would like to suggest to the Senator from Pennsylvania that, having the floor now on the bill which is officially before the Senate, he has the right under the rules to take all of the time he sees fit. I hope he will embrace the opportunity.

Mr. REED of Pennsylvania. I realize that, and I have another reason for not wanting to take the time now. That is that the Senator from California [Mr. JOHNSON], who has just finished speaking, has called us to a meeting at this hour, 2 o'clock, of the Committee on Immigration, of which he is chairman, to determine whether American labor is to be protected by the exclusion of the great swarm of immigrants who are coming in from Mexico. I think I can do more for the cause of the man who works in America by going to that meeting and making my speech to-morrow.

I want to say now that throughout the bituminous-coal regions, not only of Pennsylvania but of Ohio and northern West Virginia, there exists at this moment the most intense suffering on the part of practically all who are in that industry, union and nonunion, operator and miner. At the present time, for what reasons I do not need to stop to argue now, the markets of those mines are denied them. The price of their products is so low that it is practically impossible for operator and miner to exist. There are more miners than there is any chance of employment for, even without the strike. There are more mines than there is any possibility of business for, strike or no strike.

The same conditions that have been so often described with eloquence here about the predicament of the farmer obtain with infinitely greater force throughout the bituminous-coal regions. It is our greatest industry. People think that Pennsylvania is prominent as a manufacturing State, but our greatest industry is the mining of coal from those abundant beds that Heaven gave us. And yet to-day I think it is literally true that no one is prospering, mine owner or mine worker, and that no one can prosper under the conditions which now exist. When we talk of the farm problem, Mr. President, we ought to think also of the coal problem, because there the greatest industry save agriculture is in a similar plight, and yet it is very seldom that any of us stop to think about it.

The Senator from California [Mr. JOHNSON] with his usual eloquence has drawn forceful attention to the terrible conditions that exist in these impoverished miner-strikers' villages. People are living there under conditions in which no American ought to live. There must be, as he said, some relief for it.

But let us not jump to conclusions about causes until we have had time to go into it. The people in Pennsylvania think, as those same people who are suffering think, that a large part of it is our fault, because we permit competitive regions to flourish while Pennsylvania can not. Perhaps it is partly our fault. I shall not stop to argue that now. Many men ascribe many causes, but the thing that wrings our hearts and that must wring everybody's heart is the sum total of the human suffering in which people are living there to-day.

I am going to vote for the Senator's resolution. All I ask is that whatever inquiry be made shall be a fair inquiry and a thorough one. I believe that if the resolution passes, the committee will give it a fair and thorough investigation and will consider those other questions at which I have just hinted. It is a great industry. Hundreds of thousands of people are affected by it, and we ought not to act superficially in trying to settle its problems. But by the same token we ought not to delay in our effort to get to the bottom of the problem. Let us remember it is not an easy task. Four years ago we had a coal commission authorized by Congress. A lot of experts were appointed to study the question. They filed a report of many volumes, of thousands of pages, to the Congress and to the administration that created them, and yet I think it is safe to say that very few Members of the Senate or House of Representatives ever could get the time to study what that commission reported. It is all right to make the investigation, but ears must be open to hear the reports. If it falls on deaf ears, nothing will be done, no matter how good the investigation is.

Governor Fisher of Pennsylvania, who has succeeded Governor Pinchot at the head of our State, I am informed is making an immediate and thorough investigation into the charges of misbehavior by Pennsylvania State police. He assures me that in a very short time he will have completed that investigation. I do not want the Senate to think that the governor has been indifferent to the nature of the charges that have been made regarding the Pennsylvania State Constabulary. We are very proud of that force in Pennsylvania, but if they have been guilty of any such thing as has been indicated by the Senator from California we are going to put an end to such a condition.

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. Certainly.

Mr. JOHNSON. There is a vast difference between the State troops and the coal and iron police. It happened, and these articles all show the same facts, sir, that with the State troops who are regularly employed there is little difficulty.

Mr. REED of Pennsylvania. I thought the Senator referred to the State troopers.

Mr. JOHNSON. No. They get along with the troopers fairly well, and the troopers get along with them fairly well. It is the coal and iron police, privately employed and privately paid, that are given the sanction of the State, wherein the brutality occurs.

Mr. REED of Pennsylvania. Then let me say a word about that. If there has been brutality there, that must be stopped, too. But do not let us reproach the State for the system, because it is a system that is applied throughout the United States, and Europe, too, for that matter, in the matter of railway police and mill police. There has to be somebody authorized to police those great works, just as we have the railroad policed here by officers paid by the railroad companies. I dare say that is true in California as well. But whoever they are and whoever employed them and whoever pays them, their behavior has got to be as correct as that which the Senator has said the State police have observed.

Another thing I ought to say and then I am through, and that is that Secretary Davis, of the Department of Labor, deserves some recognition for the very sincere and earnest efforts which he made to bring the parties together and get the strike settled. I think I owe it to him to say that every effort that one in his position could exert has been exerted and that he has done everything in his power. I believe that is generally recognized in Pennsylvania.

Mr. COPELAND. Mr. President, bad as the situation is, I confess it is amusing to me to see Senators on the other side of the aisle begin to realize there is something wrong with the coal business. All through the session year before last and last year I pleaded with the Senate that something might be done; that some legislative action might be taken to meet the situation. I did not get any aid across the aisle at that time. I am glad the eloquent Senator from California [Mr. JOHNSON] has raised his voice, because he has presented, in so much more forceful way than I have been able to do through these two or three years, the terrible situation in the coal industry.

The Senator from Pennsylvania has spoken of the efforts of the Secretary of Labor. I think the Secretary is to be commended, but the reason he could not do any more was because, largely through the influence of the Senator from Pennsylvania [Mr. REED], the Congress failed to pass a bill which would have made it possible for the President to appoint an emergency coal board to deal with a situation like this.

The Senator is touched now, and with all deference to him as an individual, I observe that his attitude to-day is very different than his attitude was two years ago, when we were striving to correct a condition of affairs like this which then existed in the anthracite region. He was not helping then.

Mr. President, there can be no excuse for the cruelties and the barbarities and the un-Christian acts and the un-American acts in the mining regions of Pennsylvania. I am willing to go as far as the Senator from Pennsylvania in saying that we have a chronic condition with which we must deal. We have; but that chronic state of affairs is no excuse for the action of the police and those who are in control of the police in dispossessing those people, throwing them out of comfortable homes owned by the coal operators, throwing them into the streets, not even waiting for them to finish the barracks which the coal miners were building to receive their families.

There is a situation to-day, within half a day's journey of this Capitol, the equal of which has rarely occurred in Armenia or anywhere else on the face of the earth. I am glad the eloquent Senator from California [Mr. JOHNSON] has given us a picture of it. It is true that there is a situation which must be dealt with.

The Senator from Pennsylvania and the Senator from California have both referred to the report of the Coal Commission. How many Senators have read it? How many know what recommendations were made? How many know that those commissioners worked week after week and month after month to solve the coal problem and then presented a program of relief? How many Senators have read it?

For two years, during two sessions of the Congress, I stood upon this floor and begged Senators to read that report, the Hammond report. If any Senator will take the first of those several volumes of the Hammond report and read it and master it he will be able to deal intelligently with the proposition.

It is true the Senator from Pennsylvania said that we have a chronic disability and the country must face it. Those of us who are here and who are sympathetic with the present-day sufferings must face it. The labor unions must face it. The operators must face it.

We have in this country 250,000 more miners than we need, a quarter of a million more miners than we need. We have probably three or four thousand more mines than we need. During the war, when there was a demand for coal, everybody who had coal land opened a mine, and everybody who opened a mine called for cars. There was a demand for car priority to those mines. As a result of this we opened mine after mine until thousands more than our country will ever use—at least in this generation—were opened. As a result of it thousands and thousands of men were brought into this industry to become miners, and now we have a quarter of a million more than we need of them. The mines in Pennsylvania can not employ them. I am not blaming the mine owners of Pennsylvania for not employing these men. They can not do it. It is not for that I blame them.

There is an excess of coal now. In spite of the fact that 250,000 miners are out of work, we put out last year more bituminous coal than ever before, showing that we have all the miners we need now in employment. Then, in addition, Mr. President, we have a quarter of a million more. What are we going to do with them? What is to be done with them? How are they to be directed into other industries and other occupations? We have a great problem to face.

For myself I am satisfied that there must be very radical legislation. I do not believe it is possible to solve the bituminous coal problem until we repeal the antitrust laws and put under strict regulation the owner of the mines. It is not an easy thing. We can not, because our sympathies are excited, solve this problem. An investigation must go far beyond the barbarities, the cruelties, and the unheard of wickedness of those in control in Pennsylvania. We must go back to the primary trouble; we must go back to the chronic ailment; and that can not be cured in a minute. There is an investigation demanded, and it must be had.

Mr. NEELY. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from West Virginia?

Mr. COPELAND. I do.

Mr. NEELY. The able Senator from New York has asked, What shall we do with 250,000 supernumerary coal miners? Will he not answer this question?

Mr. COPELAND. I do not know what we are going to do with them, but somebody must find out. The bill which the Senator from Pennsylvania [Mr. REED] and the Senator from West Virginia [Mr. NEELY] fought so valiantly through both sessions of the last Congress did not have in it a thing that any mine owner needed to worry about. It provided merely, among other things, that in such an emergency as now confronts us the President of the United States should ask Charles E. Hughes, Newton D. Baker, and two or three other well-known citizens who stand first in the thought of the American people——

Mr. NEELY. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. NEELY. Mr. President, in my opinion, no coal operator or coal miner in West Virginia wants Newton D. Baker or Mr. Hughes or anybody else clothed with Federal authority further to regulate the coal industry of that State. The Interstate Commerce Commission packed by this administration has already indirectly regulated that great industry of West Virginia to the verge of bankruptcy. We therefore oppose every suggestion of additional Federal interference with the legitimate business of the greatest coal-producing State in the world.

Mr. COPELAND. Well, Mr. President, there is just one other thing that West Virginia will submit to, and that is bankruptcy of her mines. That is what she will submit to, and that is what she is on the way to.

Mr. NEELY. Mr. President, the coal operators of West Virginia have not submitted to it. They have simply suffered it because a packed Interstate Commerce Commission has created for Pennsylvania a monopoly of the soft-coal business of the Northwest and by outrageous discrimination excluded the coal operators of my State from the northwestern markets.

Mr. COPELAND. The Senator from West Virginia stands on his feet and makes a speech and says, "We will not do this," or "We will not do that," and then, in a few minutes, if the debate becomes sufficiently hot, the Senator from Pennsylvania will get up and will show how the Senator from West Virginia put it over the Interstate Commerce Commission; and he will make a threat directed to the President that the next time there is a vacancy on the Interstate Commerce Commission, if he shall not appoint a man who will stand by the mines of Pennsylvania, God help the President! That is what will happen.

Mr. NEELY. Mr. President, if the constituents of the Senator from Pennsylvania who are interested in coal know the meaning of gratitude, they will unstintingly support him for reelection. For no other person could have rendered them greater service or West Virginia greater disservice.

Mr. COPELAND. Mr. President, I wish to say, not in defense of the Senator from Pennsylvania, but of the Senator from West Virginia, that, because of his advocacy and defense of the coal industry, if the State of West Virginia should fail to send the Senator from West Virginia back to the Senate for life, to endow him with all this world's goods, to give him a Rolls-Royce automobile and a grand piano, it would be a very short-sighted and ungrateful State.

Mr. NEELY. Mr. President, I am very much obliged to the Senator from New York, but I regret to say that a majority of coal operators in West Virginia vote the straight Republican ticket, just as they do in every other State in the Union.

Mr. COPELAND. My observation of coal operators is that they vote the Republican ticket, and that they not only vote the Republican ticket but they are the chief contributors to the Republican campaign fund. However, the owners of mines in West Virginia will make a notable exception when it comes to the return of the Senator from West Virginia. They will be for him 100 per cent; and there will not be any doubt of his reelection, unless they are suffering from ingratitude to the *n*th degree.

Mr. NEELY. Mr. President——

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from New York yield to the Senator from West Virginia?

Mr. COPELAND. I yield.

Mr. NEELY. Mr. President, for once the Senator is mistaken. The coal operators of West Virginia, about 90 per cent of whom are Republican, will probably believe that my reward for having endeavored to protect their industry—the greatest industry of my State—should be found in my clear conscience, which is the result of having done my duty to the best of my ability.

Mr. COPELAND. Because, Mr. President, the Senator from West Virginia is 99 per cent of the time right, and because he is a distinguished Democrat, I want to see him come back to the Senate.

Mr. NEELY. I thank the Senator from New York.

Mr. COPELAND. If the Senator from West Virginia has any trouble in his State with the coal operators, will he not please ask the senior Senator from New York to visit West Virginia and make a speech to the mine owners of that State?

Mr. NEELY. Mr. President, I ask the Senator from New York now. Because there is always plenty of trouble in my State when a Democrat runs for office. [Laughter.]

Mr. COPELAND. I say seriously, Mr. President, that I hope the Senator from West Virginia will be returned. He has been an ornament to the Senate, although he is wrong on the coal question.

Mr. President, there is pending in the Committee on Education and Labor the bill which I tried so hard at both sessions of the Sixty-ninth Congress to have passed, seeking to deal with such acute symptoms as we have in Pennsylvania to-day. There is pending there also another bill which I believe has the germ, at least, of an enactment which would solve the coal problem.

However, let us face the fact that we have too many coal mines and too many coal miners. The bituminous-coal business is practically bankrupt, and unless there can be found some way to solve the problem the fuel situation will become one of our national problems. It must be solved.

I am in hearty sympathy with the resolution presented by the Senator from California. If out of it comes an honest-to-goodness study of the situation, not with a view to fixing responsibility for the barbarous things which have occurred, for there is no difficulty about doing that——

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. COPELAND. I yield.

Mr. WALSH of Massachusetts. Before the Senator from New York finishes his speech I hope he will not fail to inquire of some Senator on the other side of the Chamber where is the prosperity of which the majority party have long boasted. Since the beginning of the present session we have had pointed out to us the dire distress among the farming interests; next we were informed that the shipping interests had collapsed; and to-day we are informed by the Republican side, from the Senators in whose States this industry is located, that the coal-mining industry is bankrupt. I hope before the session adjourns some Senator on the other side will indicate some industry which is actually and really prosperous.

Mr. CARAWAY. Mr. President, will the Senator from New York yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Arkansas?

Mr. COPELAND. Yes.

Mr. CARAWAY. Perhaps the Senator from Massachusetts has heard of what has been called "profitless" prosperity.

Mr. WALSH of Massachusetts. I have heard that sometimes people even make profits in bankruptcy.

Mr. COPELAND. The cotton mills in New England are prosperous! The textile industry is prosperous!

Mr. CARAWAY. Their's is a "profitless" prosperity.

Mr. WALSH of Massachusetts. The prosperity of the textile industry, which we have not flaunted here, is as the Senator from Arkansas suggests, of the "profitless" character.

Mr. COPELAND. Yes. Of course, the whole country is on the verge of depression; there is only one way to prevent it, and, of course, the Senator from Massachusetts and I agree as to that.

Mr. President, I do not think I want to say anything more now except to thank the Senator from California for bringing to the attention of the country the sufferings of the coal miners in Pennsylvania. It is outrageous that in a community that we could reach in an hour by airplane from here, women and children are starving; they have not even a fraction of the necessities of life. Mr. President, how can we fail to take every necessary step to bring about a correction of that condition? I hope that the resolution of the Senator from California may prevail.

EXECUTIVE AND INDEPENDENT OFFICES APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes.

Mr. WARREN. I ask unanimous consent that the formal reading of the bill may be dispensed with and that it may be read for amendment, the amendments of the committee to be first considered.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

MUSCLE SHOALS

Mr. NORRIS. Mr. President, the Senator from Ohio [Mr. WILLIS] the other day introduced a bill which was a verbatim copy of a bill introduced and pending in the other House, known as the Madden bill, which seeks to dispose of the governmental property at Muscle Shoals in Alabama. The Senate bill was referred to the Committee on Agriculture and Forestry, and that committee has held a hearing. The passage of the bill known in the House as the Madden bill was advocated there by Mr. Gray, the Washington representative of the American Farm Bureau Federation.

Ever since the cyanamide proposition has been before Congress—and it is the cyanamide proposition which the American Farm Bureau through its representative is advocating and that is provided for in the Willis and the Madden bills—I have been contending, as have others—and I think, at least to my satisfaction, it has been practically demonstrated—that that bill seeking to dispose of Muscle Shoals is the worst measure that has ever been proposed to the American Congress since we have had the question before us, which has been for nearly 10 years.

It is contended by those who advocate the passage of that bill that nitrate plant No. 2 at Muscle Shoals can be operated

and utilized for the purpose of making fertilizer and cheapening the price of fertilizer to the American farmer. It is contended by those who oppose the proposition that the cyanamide process which nitrate plant No. 2 utilizes is practically out of date; that you can not manufacture fertilizer with that method and cheapen the product below what it can be bought for now on the market in the regular course of business.

Connected with the cyanamide process advocated by the Farm Bureau is an elaborate plan contained in this bill for the building of several dams on the Tennessee River and some of its tributaries. It is provided that the Government shall furnish the money, and that when the dams are built they shall be turned over to the Cyanamid Co. and another corporation named in the bill.

We who have opposed it have said that we doubted the good faith of the Cyanamid Co., and that as a matter of fact what they were trying to do at Muscle Shoals was to get the power, not only that developed there now, but additional power paid for by the Government, for their own private use.

I am not going into a discussion of the merits of the bill, except to say that that was the contention on one side.

It was contended on the other side, particularly by Mr. Gray, the Washington representative of the American Farm Bureau Federation, that nitrate plant No. 2 can make fertilizer cheaper than it can be made by any other method or any other system; and he has been pretending to the farmers of America that the reason why he is interested in this proposition and advocating the passage of this law is because, and solely because, he wants to get cheap fertilizer to the farmer. Therefore at this hearing, where Mr. Gray testified, I proposed to him that I would offer and support an amendment to the resolution that I then had pending before the committee regarding Muscle Shoals which would provide that nitrate plant No. 2, the cyanamide plant at Muscle Shoals, should be leased to the Cyanamid Co. or to the American Farm Bureau Federation, or both of them, without any rental charge whatever, for a term of 50 years; that they should have it free of any rent, free of any taxes, and that they should only be required to keep it in first-class condition during the term of the lease, and that they should also agree that they would manufacture fertilizer for the American farmer to the capacity of that plant during the entire term of the lease.

It seemed to me that if they were acting in good faith, Mr. Gray would jump at that opportunity. He made some objection to it, but took the matter under consideration, and later on wrote a letter to the chairman of the Agricultural Committee, which I have here and which I am going to read to the Senate.

This letter is directed to Hon. CHARLES L. MCNARY, chairman of the Committee on Agriculture and Forestry, United States Senate, Washington, D. C.:

> You will recall that in the course of my testimony before your committee on Saturday, January 28, on behalf of the American Farm Bureau Federation in favor of the Willis-Madden bill for the lease of Muscle Shoals, Senator NORRIS made the following proposal:
>
> "Will the American Cyanamid Co. or the American Farm Bureau Federation, or both, accept a lease free of charge, of nitrate plant No. 2, conditioned only that you shall exclusively, and up to its capacity during the term of the lease, make fertilizer for the American farmer?
>
> "You can do it when you please, not limited by any 8 per cent profit.
>
> "The Secretary of War, who is operating that plant, shall give you the first right to the power and you shall say to him at the beginning of the lease how much power you shall have.
>
> "You shall have the first right to get the power, all you want, at cost plus 4 per cent interest on the Government's investment in the power-producing facilities."
>
> The American Farm Bureau Federation is in most hearty accord with the proposal to utilize the Muscle Shoals power at cost for the operation of nitrate plant No. 2 for the manufacture of fertilizer, and we would be glad to have Senator NORRIS join us in securing such an arrangement. That is what is provided for in the Willis-Madden bill which our organization has indorsed and is supporting. The free use of nitrate plant No. 2 has been a feature of every proposal to lease this property.

Let me say there by way of parenthesis that it is contended, and I believe properly so, by those who are opposed to the Willis-Madden bill that it is only a power scheme in disguise, and that it provides, we believe, for the appropriation of public funds to the amount of more than $75,000,000 in the development of other dams and other works to be paid for by the Government and turned over to the Cyanamid Co., advocated by this farm bureau representative, with a rental that in reality, when figured out, amounts to about 2½ per cent on the investment of the Government. We contend that it is the greatest gift of power and subsidy on the part of the Government that has ever been known in the civilized world; but that, of course, is denied by those people. They claim that it is only a proposition to make cheap fertilizer for the farmer.

Let me continue reading the letter:

> This proposal, however, would strike out the 8 per cent limitation on fertilizer profits. For years this has been a fundamental principle with us in any lease for Muscle Shoals, and we can not agree to such a repudiation. There is no fertilizer shortage at present prices. We seek a greater supply at less cost and without profit-limitation Muscle Shoals loses its value as a regulator of fertilizer prices.

It is true that in the proposition I had made to Mr. Gray I had said nothing about the limitation of profit. In fact, I had said there was no limitation. The bid that the Cyanamid Co. make for Muscle Shoals provides that they shall make not more than 8 per cent profit on their fertilizer operations. They can make a thousand per cent on their other operations, but on the fertilizer operations the profit was limited to 8 per cent. I am delighted to comply with the request of Mr. Gray—this Farm Bureau Federation representative who is working for this great corporation instead of the farmers—I am delighted to comply with his request and to put in the 8 per cent limitation. I thought that was something in their favor. I should be delighted to make it 4 per cent if they would accept it that way, but we would find them kicking at once; so, in the amendment that I am going to read before I get through to the joint resolution that I have introduced, I am going to have an 8 per cent limitation. So the objection that Mr. Gray makes in that letter has entirely disappeared, because I am going to put in this limitation; and, as I will show further, that is one of the two objections that he makes to the proposition, so that objection is met.

He goes on:

> To accept this proposal would also be an indorsement of the policy of Government operation of power plants.

That is the only other objection he makes.

> When our organization was first formed in November, 1919, we went on record against this policy in the following resolution:
>
> "We are opposed to the Government ownership of public utilities."
>
> In one form or another this policy has been repeated at annual meetings ever since, and we who represent the farm bureau in Washington have neither the authority nor the desire to repudiate the principles for which our federation stands, regardless of whether the bidder would accept the above proposal or not.

Mr. President, that objection, the only other one he makes, is not well founded. My proposition to him is, "We will lease nitrate plant No. 2 to you for nothing." It is not Government operation. They are going to operate it. We are going to lease it to them, if my proposition is accepted, free of charge, and we are going to furnish power at cost to operate it if they want it. If they want to use any other power, they are perfectly free to make their own power or to buy it anywhere they please.

So Mr. Gray's objection that he is opposed to Government operation does not lie, because we are going to let him operate the plant. All he has to do is to make fertilizer, and that is the only thing he has ever wanted to make, according to his pretensions. If he is acting in good faith and it is for the love of the farmer that these men want nitrate plant No. 2 operated, if they love the farmer and can make so much money in supplying the farmer with cheap fertilizer, here is their opportunity, which this Farm Bureau Federation representative turns down because of two reasons: One is, he is opposed to Government operation, which is not true; they are going to operate it themselves if they take it. Second, because there is no 8 per cent limit on profits that they would make, and I put that in; so both his objections are met.

Mr. President, in a few moments I will send to the clerk's desk a proposed amendment to the resolution. It complies with both of the objections of this farmer representative. If he is honest in looking after the farmer instead of a big corporation interested only in a lot of power at Government expense, instead of turning it down and finding an excuse to avoid it, he would be accepting it; or, if his client, the Cyanamid Co., would refuse to do it, he would repudiate them at the beginning, and say, "I will not go with you any longer. I represent the farmers and not the Cyanamid Co." So when this is offered, when it is proposed, as it already has been, before the committee, he is smoked out, and can get any benefit out of it that he may see fit.

I will offer this amendment and ask that it be printed and lie on the table, because the joint resolution to which it will

be offered will soon be actually reported to the Senate from the committee. It provides as follows, adding this to the joint resolution:

Whereas it is claimed by the American Cyanamid Co. and the American Farm Bureau Federation that fertilizer can be economically manufactured at said nitrate plant No. 2; and that, by the use of said nitrate plant No. 2 for that purpose, the price of fertilizer can be materially reduced to the farmers: Therefore be it further

Resolved, That at any time within 30 days after the enactment of this resolution, upon complying with the conditions hereinafter set forth, by the said American Cyanamid Co. and the said American Farm Bureau Federation, or by either of them, the Secretary of War shall lease said nitrate plant No. 2 to the said American Cyanamid Co. and the said American Farm Bureau Federation, or to either one of them applying therefor, for a term to be named by the lessee, not exceeding 50 years, upon the following conditions, to wit:

First. The said nitrate plant No. 2 shall be leased free of any rental or charge.

Second. The lessee shall covenant to keep said property in first-class condition during the entire term of said lease.

Third. The lessee shall covenant to operate said plant to its full capacity, exclusively and continuously, in the production and manufacture of fertilizer for the American farmer.

Fourth. That the profits of the lessee shall be limited to 8 per cent.

SEC. 2. If the lessee so desires, the Secretary of War shall include in said lease the Waco quarry now owned by the Government and heretofore operated by the Government in connection with the said nitrate plant No. 2; and, if the said Waco quarry is included in the lease, the lessee shall be required to pay for all limestone removed from said quarry, a royalty to be stated in the lease which shall not exceed 5 cents per ton.

I might say, by way of parenthesis, that if nitrate plant No. 2 is operated, it will be necessary to use a large amount of lime. The Government of the United States owns a limestone quarry, bought for the purpose of using the limestone in the operation of plant No. 2, and therefore I have provided that we will give them the nitrate plant No. 2 for nothing, and if they want to get limestone from the Government, they can get it for 5 cents a ton. That is certainly cheap enough.

I have said nothing about power. They lease that great plant, which cost the Government somewhere between sixty and seventy million dollars, for nothing; but I have said nothing as yet about power. They have a right under the lease, if they want to, to get power at any place on earth they like.

If they do not want to get power from the Government, they can buy power from the Alabama Power Co., which has a wire running right into the plant. If they do not want to patronize the Government of the United States because the property is owned by the Government, if they want to patronize private initiative and private corporations, there is their opportunity to patronize a representative of the Water Power Trust, namely the Alabama Power Co. So it is not made compulsory that they shall get power from the Government.

SEC. 3. If desired by the lessee, the Secretary of War shall agree in said lease to supply the lessee with all the power which said lessee may need in the operation of said nitrate plant No. 2, and in such case the lessee shall notify the Secretary of War, in writing, at the time of entering into said lease, how much of said power the said lessee desires to use, and the said lessee shall be required to give to the Secretary of War a good and sufficient bond to be approved by the Secretary of War, conditioned upon the payment to the Secretary of War, during the term of said lease, for the power so segregated and set apart for the lessee, and also for the prompt compliance with all other conditions named in said lease. Such power shall be supplied to the lessee at cost and, in arriving at the cost, due consideration shall be given to maintenance, depreciation, and operation plus 4 per cent interest upon the actual investment of the Government of the United States in the facilities used in the supplying of such power.

Mr. President, if Mr. Gray is in earnest, and if he is in reality the representative of the farmers, and if it is true that they are interested only in getting cheap fertilizer, and if they are also telling the truth to the farmer when they say that they can get it out of nitrate plant No. 2, here is their glorious opportunity to get the plant for nothing, to get power, if they want it, at cost, to get limestone at 5 cents a ton, without paying any rental for the machinery or the plant they operate.

If they can get power at any less cost, then they are privileged to do so; but God knows, the Senate knows, the American Farm Bureau Federation representative knows, that here is an opportunity to get power at a cost less than any that has been offered, as far as I know, anywhere else in the United States, and inasmuch as he stated in his letter that I had not put a limitation on the profit, he said it was a repudiation; that the American Farm Bureau Federation did not want anybody to make more than 8 per cent, I thought, as long as I was giving it to Mr. Gray and the Farm Bureau themselves, they probably would not want to make any percentage; that they would be satisfied with 1 per cent, and that it would be an insult to them to say, "We are going to give you this plant to make just as much as you please, to make fertilizer, but you must not make more than 8 per cent." I thought they might be insulted. But since they want to have themselves limited so that they will not make so much money, I am very glad indeed to put that provision in. Hence, there is no repudiation of the principle that he has been advocating all these years.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from New York?

Mr. NORRIS. I yield.

Mr. COPELAND. Does not the Senator think that in section 2 he had better put a provision that the royalty on the limestone shall not exceed 5 cents per ton? He has provided that it shall not be less than 5 cents per ton.

Mr. NORRIS. I will accept any suggestion of that kind. I am willing to make it absolute, to say that it shall be 5 cents per ton. I see the point the Senator makes. I have no objection to making it absolute, at 5 cents per ton. If they have any other suggestion about an amendment that is not material, I will accept it. If I have not crossed a "t," I hope Mr. Gray will not come back and say, "There is a grammatical error here, and we can not accept anything that has not good grammar in it." If he will suggest the correction, I am willing to make it. I am acting in good faith. If he can make fertilizer with plant No. 2, without paying any rental for the plant, and cheapen it to the American farmer, I would be delighted to have him do it.

Mr. HEFLIN. Mr. President, I want to say just a word in regard to the remarks of the Senator from Nebraska [Mr. NORRIS].

As most Senators here know, I supported the Ford bid for Muscle Shoals, and after that bid was withdrawn I supported the bid of the American Cyanamid Co. Nothing has come from that. No action has been taken on any of these measures by both branches of Congress.

I do not like in its entirety the Willis-Madden bill, as it is called, which contains the bid of the American Cyanamid Co. I do like some of the features in it. It provides for the production of fertilizer and for the continuation of the improvements on the Tennessee River. It contemplates the building of more dams, which would in time complete navigation on the Tennessee River.

I would accept a bid like that in preference to putting the Government into business up there. I am in favor of private ownership and operation of these enterprises. I do not want to put the Government in business anywhere if I can help it.

I must admit that the Senator from Nebraska has offered the fairest proposition that has come before me in connection with Government operation, and to-day when his measure was reported out favorably I offered as a substitute for it the Willis bill, stating that I was not entirely satisfied with the provisions of that bill, but that I wanted to get it on the floor of the Senate so that we could thrash it out here, improve it, and perfect it. But the committee almost unanimously supported the proposition of the Senator from Nebraska, and reported it to the Senate. Then the Senator from Arkansas [Mr. CARAWAY] and myself gave notice that we would try to amend his resolution, if it seemed to be the judgment of the Senate that that course should be taken, and his resolution should be passed.

I am exceedingly anxious to have action taken at this session of Congress on this subject. Something ought to be done with Muscle Shoals. Whatever course is taken, I am going to do my best to tie into the measure that is passed here one specific thing—that is, that a part of that power shall be used continuously for the manufacture of fertilizer for the farmers of the country.

Mr. NORRIS. Mr. President, I think I ought to say just a word more. As I said before, it was not my intention to discuss the so-called Willis-Madden bill. If it should become material in the course of the consideration of this measure to take it up and consider it, I shall try my best to analyze it completely. I am not trying to do that now. I mentioned it only in a very brief way.

Mr. CARAWAY. Mr. President, I take it for granted that the Senator is not going to discuss that bill unless he wants to hold an inquest.

Mr. NORRIS. If I discuss it, it will be with the intention of providing a subject for an inquest.

Mr. CARAWAY. It is already dead.

Mr. NORRIS. That is one reason why I have not felt justified in taking up the time of the Senate in discussing it.

IMMIGRATION AND NATIONAL ORIGINS

Mr. EDGE. Mr. President, a few nights ago the Senator from Pennsylvania [Mr. REED] delivered a very notable address on the subject of "Immigration and the National Origins" in Continental Memorial Hall in Washington. I ask unanimous consent to have it published in the RECORD.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Senator REED. Mr. President, we have heard a lot recently about flood control. I want to talk about another kind of flood control, the control of that flood of human immigration which for a time bade fair to overwhelm not only New England and the Mississippi Valley but the whole of the United States.

It is hard for us to realize, we of the twentieth century, that in the first 250 years after Columbus came there were only 80,000 immigrants to the territory that is now called United States. It is hard for us to realize that even during the famine in Ireland and the political upset in Germany that caused the great migrations of the middle of the last century, the decade that preceded the Civil War, that even then we received only about 3,000,000 immigrants, because in our lifetime the flood has come so much more rapidly.

Do you know that, beginning with 1890 and running down ceaselessly until the World War interrupted it, we took over 17,000,000 aliens into this country, and the moment the armistice came and it became possible for men to migrate here, again we took in 5,000,000 before we put up the bars in 1924; 22,500,000, almost a quarter of the present population of the United States, born outside the United States and most of them in countries in which there is not to-day even a semblance of self-government.

Is it a wonder that thoughtful men began to feel that if that process continued the bulk of the population in America would cease to know how to govern itself? Is it a wonder that people began to tremble for the preservation of what we know as American standards, American conceptions of right living conditions and right civic conditions? It is only when we think of these portentous figures that we realize what the problem was.

On the first day of this year there were 1,500,000 applicants for admission to the United States registered with our European consulates. Imagine the effect upon American life if we were suddenly to permit this tremendous migration from Yugoslavia, Greece, and the countries surrounding the Mediterranean, from Russia, Hungary, and all the countries in which this throng of applicants reside. And remember that they would inevitably be followed by other millions at a rate so rapid that the United States would soon lose its American identity and become a polyglot of transported European cultures and institutions.

We have no need for any such immigration. America is doing its own work well to-day. Can you inflict any greater injury upon the American who works with his hands than to introduce the competition of a million and a half new workers, who come here to look for jobs, and come inevitably to take jobs from American citizens?

In 1924 these considerations bred an almost universal demand that the bars be put up and that the system of regulation be adopted to throttle down that inflow of persons into the United States. We had a tariff law that kept out pretty effectively the products of that pauperized labor, but we had no similar system for keeping out the pauperized laborer himself, and America demanded that one should be erected. It was done in the law of 1924, which limited the aggregate immigration to 160,000 persons a year, plus a few close relatives of people already here and naturalized.

While it is obvious to all thinking men that adherence to our policy of restricting immigration is essential to the welfare of our working men and women, particularly now when jobs seem to be fewer and unemployment begins to worry us, nevertheless the friends of that policy must give thought to the criticism that we have so enforced the policy as to create unnecessary hardship; that we have separated families; and that we have caused needless suffering. This is not a necessary result of restricting immigration. We can still have that policy intact while giving preference within the quotas to relatives of persons already in this country. Much of the cruelty of the first temporary quota law has been ended by our present system of examining immigrants before they leave their homelands. We ought now, in all justice, to try to end this other type of suffering and to permit the reunion of families wherever possible. I intend to take steps in the Senate at the present session to accomplish this.

In the preparation of the law of 1924 the most difficult question was to determine how to apportion the quota among all of this great throng of applicants who want to get into it.

There was the suggestion that we apportion this number of 160,000 among the different nations of Europe in accordance with the number of their foreign born who were here already. That was easy to do, because our census always shows the number of foreign born from each of these different countries, and as a stop-gap that method was agreed on, so that up until this year the quotas are divided in proportion to the number of foreign born of the different nationalities in this country at the time of a particular census.

Well, the trouble with that obviously is that it ignores everybody who was born in this country. The native-born American was utterly ignored, although the foreign-born person, who might not even be naturalized, found his reflection in that quota. It was very much resented by that large majority of our citizens who were born in the country, and who said they had at least an equal right to be represented and reflected in these quotas.

So came the last suggestion, known as the national-origins provision, which was adopted by Congress, and which seemed wholly fair to every element of our complex population, native born and foreign born, and which the Census Bureau said could be easily and equitably put into operation. It provided a division of the quotas according to the national origins of the whole population and was originally designed to take effect last July 1.

But just before the last Congress met there arose a body of protests against the application of that system merely on the ground that its application would cut down the quota of this or that country, although in fact it discriminates against none, but gives to each element in our population here its fair quota based upon its numbers now here by birth and descent.

When the 1924 act was passed Congress was well aware of the fact that the 1890 foreign-born basis necessarily discriminated to the advantage of certain countries, particularly Germany and Ireland, which happened to be at the peak of their immigration at the time of that particular census. Germany to-day is getting a quota of 51,227, far larger than any other quota country, and, in fact, nearly one-third of the total quota immigration, although according to the report of the National Origins Quota Board she is entitled, on the basis of German stock in the United States to-day, to less than one-sixth of the quota immigration. Likewise, the Irish Free State, with a quota of 28,567, more than one-sixth of the total immigration, by the findings of the same board, is actually entitled to 13,862, or about one-eleventh. On the other hand, the present joint quota for England, Scotland, Wales, and north Ireland, of 34,007, is entirely unfair to that portion of our American stock which is derived from these sources and which constitutes about one-half of our total white population. This half comprises not only descendents of our American population at the time of the revolution, 90 per cent of which, according to the Census Bureau estimate, was of English and Scotch origin, but also the descendents of the large immigration subsequent to the revolution from the same sources.

It is indefensible that there should be discrimination in our immigration laws against this basic American stock, which speaks our language, has the same capacity for self-government, presents no problem of assimilation, and to which have belonged the founders of our Nation and most of its great leaders down to the present day.

But there is such discrimination in the present 1890 quotas—intended by Congress only as temporary. That it is both unwise and unjust is now recognized by patriotic organizations all over the country. Many of these are represented at this meeting to-day, and have gone on record as opposed to repeal of the national-origins provision.

As an instance, let me cite a statement issued by the California Society of the Sons of the American Revolution, under date of October 15, 1927. It reads, in part:

"The national origins plan is the only basis that the United States has ever had for an immigration quota which did not discriminate against the colonial stock Americans—the people who gave us our law, our language, our political institutions; the people who fought the Revolution, wrote the Constitution, gave us our bill of rights, developed the continent, and founded the Nation; the people who gave us our Washington, Franklin, Jefferson, and Hamilton, our Emerson, our Lowell, and our Hawthorne; the people who to-day constitute about 50 per cent of the white population of the country."

If the national-origins provision should be repealed, it would weaken and undermine the whole structure of the act of 1924, leaving it without any real principle for apportioning the quotas. This would be the first step toward letting down the bars to a flood of immigration that would be limited only by the number of steamships available to bring people to this country.

The opponents of the national-origins provisions, I am convinced, comprise at least only a militant minority of our citizens. But it is the old story of a closely organized, ever alert minority imposing its will upon an apathetic majority. The problem of those of us who look ahead for the interests of the United States is to arouse the great mass of the people to the menace which confronts their country in these efforts to weaken our restrictive immigration policy.

I wish I could appeal to those men who think of America as their country only, and who do not couple their loyalty with any other nation in any other continent. I wish that they could be aroused to a sense of the menace that is apparent now in the Congress of the United States. Those who are endeavoring to break down the national-origins provision are in fact threatening the destruction of the whole system of restriction adopted by Congress in 1924 after careful deliberation.

Somebody owns this country. Either we own it, or they do; and we got here first. We must realize that the America of the future, the America of our grandchildren, can not exist in the form in which America stands to-day unless we keep America for the Americans and suffice ourselves with the adequate population we have here to-day. We have tasks enough without introducing vast groups who are alien to our language, alien to our political institutions, alien to our habits of life, alien to everything we hold dear, and, if we depart from that system, then I think that more than in any other way we will jeopardize that America for our grandchildren.

INVESTIGATION OF COAL FIELDS OF PENNSYLVANIA

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to have printed in the RECORD a series of articles by Mr. Basil M. Manly on the coal situation in Pennsylvania, which were printed in the Milwaukee Journal. Mr. Manly was a joint chairman of the War Labor Board with Chief Justice Taft.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

THOUSANDS FAMISHED IN COAL-STRIKE AREA—ENDURANCE OF MINERS' FLESH PITTED AGAINST THE STAYING POWER OF OPERATORS' BANK ACCOUNTS—9 CENTS A DAY FOR FOOD PER PERSON IN MANY FAMILIES

PITTSBURGH, PA.—Here in the heart of the bituminous coal fields of the Nation, in a territory covering a large part of three great States, half a million men, women, and children are matching their capacity to go without adequate food, clothing, and shelter against the ability of the coal corporations to pass dividends and avoid bankruptcy. The endurance of the miners' flesh is pitted against the staying power of the operators' bank accounts.

With the thermometer hovering around zero while this is being written, a hundred thousand striking miners' families in the coal fields of central and western Pennsylvania, northern West Virginia, and Ohio are living on an average allowance of $3 a week or less from the union treasury. In the Pittsburgh district, the center of the contest, the standard amount allotted is $1 a week for each adult and 35 cents for each child. In the outlying districts, where the struggle is less intense, the allowance is even smaller.

A FEW OWN HOMES

A few of the striking miners are living in their own homes bought and paid for during the period of war prosperity. Some are still living in company houses, with bonds of $750 a family posted to guarantee rent, while they await the day when the coal company will no longer tolerate their presence and start eviction proceedings. In many of the coal camps in the Pittsburgh district, however, the striking miners and their families have been evicted from the company property and forced to find shelter wherever they could. Sometimes they have been driven out to make room for strike breakers, but in a large number of cases there has been no such excuse. Thousands of miners with their wives and children have been evicted from camps where no attempt is being made to operate. The union's offer to post bond to cover rent has been refused; families have been driven out by the sheriff and his deputies in the dead of winter and every door and window in the houses has been boarded up as in a deserted village.

This makes for bitterness. A man who has lived 5, 10, even 20 years in a company house can not easily accept the logic of a situation which makes the corporation evict when it has no use for the vacant room. But this is industrial war and there is no quarter.

12,000 LIVE IN BARRACKS

More than 12,000 of these evicted persons in the Pittsburgh district alone are already living in barracks hastily built by the union out of unmatched boards and tar paper. Every day new barracks are being constructed. Located usually on neutral property across the road from the mining town they stand confronting the company houses filled with strike breakers or with every door and window boarded up. The very sight helps to increase the friction.

One room, split in two by a rough board partition, is the standard rule in these miners' barracks for each evicted family regardless of size. There may be three children. There may be seven. All must be crowded into this one room. No provisions are made for the single men. They can shift for themselves.

NO RACE SUICIDE

There is no race suicide—little, if any, birth control—among the miners; 5, 6, 7, and 8 children are common. Here, therefore, is the typical situation we find in these barrack rooms, into which the evicted families in their desperation have crowded. In front of the dividing partition is the cook stove, which provides heat for the room and fire to cook the food, whenever there is anything to cook. Near the one window is the small table at which the family, in relays, can eat. Two chairs, with perhaps a sewing machine or some other prized article, completes the furnishing of the "living room." Behind the partitions is the "sleeping room." Here every inch of space is covered with some kind of bed—a doubled bed for the man and wife, into which one or more of the babies are crowded, with cots, cribs, and pallets for the older boys and girls.

Privacy? No. Overcrowded? Yes. But there is no lack of ventilation. With the temperature below freezing and a 30-mile wind howling down the valleys and across the hillsides, there is warmth and a measure of comfort in snuggling up close as the cold air rushes in through the unmatched boards.

UNION PROVIDES COAL

The union provides coal, usually dug by the strikers themselves from some neighboring hillside mine on a royalty basis; but the $3 a week allowance from the union must furnish food, clothing, and other necessaries. For a family of five this means a little less than 9 cents per person per day. It is less than 3 cents a meal. Think of what you can buy for 3 cents. The menu must be simple and monotonous—bread and beans, bread and more beans, with occasionally a hunk of soup meat that can be cooked with plenty of water, potatoes, and seasoning to give a little variety to the bread and beans. There is no milk for the children, even for the babies, except what they are able to get from their mother's breast.

The children are hungry and underfed. And the mothers, who turn aside from the table in order that their children may have a little more, are even hungrier and more undernourished.

CLERGYMEN ASK FUNDS

That is why the clergymen's fund for miners' relief of Pittsburgh, representing all denominations, has just issued the following statement after an intensive investigation of all the adjacent camps:

"We are appealing to you on behalf of the suffering people whose need is desperate and whose plight is deplorable, the families of coal miners, especially their women and children. There have been many families found, by the personal inquiry and visitation of our experienced social workers, to be really destitute. Children are going half naked and babies are starving for milk. Bad enough at present, the situation grows worse, and the wretched harvest of malnutrition and exposure will be reaped in the months to come. Careful investigation continues as fast as our limited staff permits, and the completed story is obviously appalling. We take no side in any controversy in the coal industry, but we do attempt to speak for those who can not speak for themselves, and we do appeal for generous funds in the name of our common humanity."

And yet, amid all this destitution and suffering, there is among the miners a stubborn determination to carry on, to stick for the preservation of the union wage scale, not only among the men but also among the women and older children. The miners' slogan is still—

"No compromise!"

CONTRACT IS BROKEN

This strike started so long ago that all except the active participants have forgotten its origin and motive. Nearly four years ago the operators in the union fields, acting it is alleged under some Government pressure exerted through Secretaries Hoover and Davis, signed what has now become famous as the Jacksonville agreement, providing for the payment of a basic wage of $7.50 a day, to continue until April, 1927. In less than six months the Consolidation Coal Co., alleged by the miners to be controlled by the Rockefellers, broke its contract and attempted to operate nonunion, claiming that they could not otherwise compete with the nonunion operators of West Virginia and Kentucky, who had cut their basic wage to $5 or less per day. A year later the Pittsburgh Coal Co., the largest producer in the United States, alleged by the United Mine Workers to be under the domination of the Mellon interests, likewise broke its agreement and served notice that it would thereafter fix its own scale. The basic wage was cut $2.50 per day and the 20,000 employees of this company struck. They have now been out of work for 29 months.

In spite of the breaking away of these two large companies, the union managed to hold in line substantially all those who had agreements until April 1, 1927, the end of the contract period. Then it was met by a concerted movement on the part of practically all the operators in the large producing districts demanding a revision of the scale downward to the nonunion level. The operators, from their standpoint, make out a strong case for such a revision. Faced by a wage scale in Kentucky and West Virginia averaging about 30 per cent lower than that provided in the Jacksonville agreement, they were obviously up against a ruinous competition unless the superior efficiency of the union miners and the favorable location of their properties gave them offsets which would neutralize this advantage.

The union in the conference at Miami argued strenuously that they could substantially overcome this disadvantage, and some of the operators agreed with them. But as a body the coal companies refused to renew the agreement and the union called its members out on strike.

PLAN TO BREAK UNION

To-day, however, this difference over the wage scale has been almost forgotten. The union alleges and submits a considerable amount of supporting evidence which has not been denied that the operators, under the influence or coercion of the Mellon interests, exerted through rail-

roads, banks, and industrial corporations are now engaged in a movement to destroy the United Mine Workers' organization. It is charged, and some specific instances are cited, that these railroads, banks, and industrial corporations have served notice on operators who were willing to accept the union scale that they would not finance them or purchase from them if they should enter into contracts with the union.

This is the basis upon which the miners justify their stubborn resistance and their willingness to see their families suffer hunger and cold. They believe they are fighting for a fundamental principle in defense of which almost any sacrifice is justified.

And their wives, who are as a rule more aggressive and more expressive than the men, back them up in this determination with the declaration phrased in the words of little Mrs. Shako of Russelton:

"As long as we have a bite to eat and a bit of fire to keep us warm, we will fight on. And when the warm weather of the springtime comes, we will start all over again."

COAL AND IRON POLICE NOT SUBJECT TO PUBLIC—MINING COMPANIES ARE EMPLOYING THEIR OWN MEN, WHO HAVE SOMETIMES BEEN DISCHARGED FROM STATE FORCE FOR ASSAULT, VIOLENCE, OR BRUTALITY

PITTSBURGH, PA.—When the congressional committee on the bituminous coal strike, provided for in the resolution of Senator HIRAM W. JOHNSON, Republican of California, begins its hearings of the charges and countercharges of strikers' violence and police brutality it will inevitably be led to center its investigation on the peculiar institution known as the coal and iron police of Pennsylvania.

The committee will find that in those communities controlled by coal companies which have relied upon the Pennsylvania constabulary, popularly known as the "State troopers," to protect their properties there has been a minimum of friction and violence. On the other hand, it will find that where the coal companies, acting under the antiquated law which permits them to employ men at the company's expense, without any State examination of their records and qualifications, and equip them with police uniforms, clubs, and riot guns, there has been endless bitterness and brutality.

In the one case the State pays its constabulary and holds its officers responsible. They look to the public treasury for their wages and within reasonable limits, at least as far as this particular controversy is concerned, maintain a neutral attitude and seek merely to preserve order and enforce the law.

PRIVATE POLICE HARASS STRIKERS

In the other case the coal and iron police are paid by the coal companies themselves, and, with or without justification from the officials, appear to believe that it is their duty to harass the strikers as much as possible. Exercising under the law all the power and authority conferred upon a police officer of Philadelphia, they are in a position to make arrests upon little or no provocation and to wield their clubs and riot sticks as freely as they choose.

The committee will also find, as the writer has found, that it is impossible to sift out the facts in the hundreds of cases of alleged violence and brutality, supported by affidavits and depositions, which will be brought before it by the operators and striking miners.

The operators will cite numerous cases of assaults on strikebreakers, discoveries of bombs and infernal machines on company property, explosions on the public highways which wrecked pay cars, and mysterious fires alleged to have been set in company houses in the dead of night. These charges, with the exception of the assault charges, which are not altogether denied by the union, will be supported almost exclusively by circumstantial evidence which no committee will ever be able to unravel.

The operators blame every fire, every property destruction, that takes place anywhere in the strike zone on the union. The strikers reply that many of them have originated from natural causes or accidents and that it is not unknown for detectives and mine guards to plant bombs and provoke acts of violence in order to create a reason for their continued employment.

DIFFICULT TO FIX BLAME

So likewise, when the committee begins its examination of the charges made by the strikers of police brutality, it will find them supported chiefly by the testimony of prejudiced witnesses and as vehemently denied by equally prejudiced witnesses on the other side. It will be difficult to fix responsibility.

The committee can, however, perform a great public service if it will probe to the very bottom the organization, personnel, functions, and activities of the Pennsylvania coal and iron police. This organization which has been responsible for a large part of the friction, bitterness, and violence in every great industrial dispute in this State during the last generation, has been more or less strongly condemned by almost every investigating committeee that has encountered it, but it has never been subjected to a searching investigation.

It has been shown by official inquiries that individual members of the coal and iron police have criminal records, that they are in part recruited from the men who have been discharged from the Pennsylvania constabulary for cause, and that they are irresponsible and virtually uncontrolled. But there has never been an investigation that took the lid off the entire system of private employment of police officers and let the people of Pennsylvania and the Nation see the startling abuses that are inevitable under such a plan.

ABUSES OF PRIVATE POLICE

It is possible that when the law provided for the coal and iron police was enacted more than 30 years ago, there was a reasonable basis for their existence. At that time no State undertook to police its entire area, and it was perhaps not unnatural to provide that the coal and iron companies, located largely in isolated communities, should be given authority to employ and commission men to protect their properties. To-day, however, the system is a survival of a condition of industrial feudalism which should not be tolerated in any civilized community.

This is not merely a conclusion of the writer as a result of this investigation. It is the deliberate judgment of the United States coal commission, headed by John Hays Hammond, one of the Nation's greatest mining engineers, and composed entirely of conservative citizens who can not be suspected of prejudice in favor of the miners. That commission, reporting in 1923 to the President and Congress, declared:

"The commission can not too strongly condemn the custom of permitting either operators or miners to furnish deputy sheriffs, policemen, or other public officials not paid out of the public treasury. That State and local government has not risen to the level of the average idea of justice in America which has not both the will and power to preserve the life and property of its citizens."

While the United States coal commission thus strongly condemned the system of empowering private parties to provide for the policing of industry, it took no effective steps to bring about the repeal of the legislation which legalizes it. The coal and iron police therefore flourish in Pennsylvania and have their counterparts under different names in the fields of West Virginia and other States.

STRIKERS HATE MERCENARIES

In order to understand the bitterness of the strikers and their families against these mercenaries of industrial war, it is sufficient to cite two incidents which have occurred since the writer arrived in the coal fields and which have been investigated with the greatest possible care.

On January 14 a group of strike breakers, employed by the Pittsburgh Terminal Coal Corporation, were passing the strikers' barracks at Broughton, Pa., under the escort of half a dozen coal and iron police. A group of the strikers' children began to jeer them as they passed, calling "scabs, scabs, dirty scabs." One of the strike breakers fired two shots in the direction of the children. Mrs. Clarissa Englert, wife of one of the strikers, heard the shots. Knowing that two of her youngsters were in the group, she rushed madly from the barracks to protect her children, and added her imprecations to those of the boys and girls, who were now running away, terror stricken.

Perhaps in her rage the crazed mother may have rushed blindly at the policemen and the strike breakers, as is claimed in their behalf. In any event she was roughly seized, handcuffed, and dragged screaming toward police headquarters, protesting to the officers that she was about to become a mother, and that such treatment was likely to have serious consequences. To-day the unborn child is dead and the mother lies in her bed in the miserable barracks with her wrists swollen and bruised from the pressure of the handcuffs as she was dragged along.

BEAT INNOCENT MAN

Two days later, on the evening of January 16, the little community at Coverdale, Pa., was quiet when suddenly an automobile containing Sergt. Newbille Miller and other coal and iron police came down the Bethel Road. Sergeant Miller had just been released from the Allegheny County jail, where he had been held for three days on an assault charge. Apparently thirsting for revenge, the police pulled their automobile up by the roadside and, according to the complainants, started making arrests indiscriminately.

Andy Karback, a middle-aged striker, was some 50 feet off the road on his own property preparing to rebuild a little shoemaking shop which had been mysteriously burned some time ago. Suddenly and without provocation, according to the citizens of the town, Miller and his men started toward Karback and began to beat him with their riot sticks. He was knocked down unconscious, and five days after the assault still lay in his bed moaning with pain from a great gash in his head and with his arms and shoulders covered with bruises where the blows from the heavy hickory riot sticks fell.

After beating Karback, the complainants charge, Sergeant Miller and his associates, who had now been joined by other coal and iron police, turned the corner and started toward the barracks occupied by the striking miners. Here they again opened hostilities. A dog standing beside its mistress 30 feet from the road was shot dead with a riot gun; and at least two of the slugs struck, without seriously injuring, little Stanley Kiechel, 2 years old, who was being held in his father's arms on the edge of the crowd.

16 "POLICE" ARRESTED

Sixteen of the coal and iron police concerned in this affair are now under bonds totaling $16,000 on charges of rioting, and Sergeant Miller, against whom were issued three additional warrants charging felonious assault, assault and battery, and wanton discharge of firearms, is a fugitive from justice. The justice who issued the warrants, Squire Charles W. Linepensel, of Bethel, Pa., happened to be present and saw what happened.

When the writer called on George F. Osler, vice president of the corporation employing the coal and iron police concerned in these two affairs, to get his side of the story, he was indignant that warrants for their arrest should have been issued. According to his version, Sergeant Miller and his men were merely engaged in protecting the employees of the company when they were assaulted by the strikers. "And this other case," said Mr. Osler, "this case of Mrs. Englert, that they say was beaten up by the coal and iron police, do you know what she did? Why, she bit a policeman!"

Perhaps she did; but if so, according to witnesses, it was while she was being dragged, handcuffed, to police headquarters after she had rushed out of her home to protect her children, at whom she believed shots were being fired.

Thirty years ago the Pennsylvania coal and iron police may have had a legitimate function, but to-day all impartial and official investigators agree that it is an outworn institution that should be abolished in favor of a system under which the State and the municipalities assume the entire responsibility for enforcing law and preserving the public peace.

GUARDS IN MELLON MINES HINDER PROHIBITION MEN—SECRETARY OF TREASURY IS HEAD OF DRY ENFORCEMENT AND ALSO CONTROLS MINES WHERE BOOTLEGGING AND DOPE PEDDLING FLOURISH, ACCORDING TO CHARGE OF WORKERS

PITTSBURGH, PA.—The petition of Philip Murray, vice president of the United Mine Workers, is now filed with the United States Prohibition Bureau at Washington. It demands a clean-up of vice, bootlegging, and dope peddling alleged to exist in the mining camps of the Pittsburgh Coal Co. It is virtually a demand that Andrew W. Mellon should look to his own back yard.

As Secretary of the Treasury, Mr. Mellon is supreme head of the enforcement of prohibition laws as well as of the Harrison Antinarcotic Act. Both are administered by his department. He is also, according to well-informed authorities in Pittsburgh financial circles, the largest individual stockholder and the dominant force of the Pittsburgh Coal Co., against which the United Mine Workers have been striking for more than 30 months.

As the stockholders' list of the Pittsburgh Coal Co. has never been made public, there is no way of verifying this except through an official investigation. This would require the production of the company's financial records. It appears certain, however, that the Mellon family control the corporation. R. B. Mellon, a brother, is a member of the board of directors and the Union Trust Co., a Mellon bank, holds more than $10,000,000 of its securities.

ASKS INVESTIGATION

"If the prohibition officials at Washington would order an honest and thorough investigation of the mining camps of the Pittsburgh Coal Co.," Murray declared, "they would find that bootlegging and drug peddling are being openly carried on with the knowledge of the coal and iron police employed by this corporation. We have positive evidence of such a traffic being carried on at the Pittsburgh Coal Co.'s camps at Moon Run and Carnegie.

"We also know not only from our own people but from deputy sheriffs and officials that bootlegging and dope peddling flourish at the Pittsburgh Coal Co.'s mine, Bontour No. 9, near McDonald, Pa.; at Bontour No. 2, near Bridgeville; at the Worden mine, near Scott Haven; at the Ocean Mine No. 5, near Smithdale; and at the Crescent No. 4, near California, Pa.

"At several of these mining camps there have been raids by deputy sheriffs who have caught the bootleggers redhanded, and at others attempts of officials to enforce the law and stop the traffic in illicit liquor and drugs have been blocked by coal and iron police, who have refused to permit the camps to be entered even by officers of the law.

OFFICIALS DO NOT HELP

"This wholesale traffic in liquor and drugs," continued Murray, "could not be carried on if the officials of Mr. Mellon's own company, the Pittsburgh Coal Co., were determined to stop it. Every one of these camps is guarded by coal and iron police employed and completely controlled by that corporation. No one can enter one of these camps at any hour of the day or night without the consent of these police unless he carries a pass signed by an officer of the company.

"Nor can it be claimed that the large amounts of liquor that we know are being sold in these camps have been smuggled in. It must either be taken in by the truckload or manufactured on the premises.

"It may be that the cocaine and other drugs that are being sold in these camps principally to the negro strike breakers are smuggled in, because they can be put up in small packages that are easily concealed in the clothing; but the large-scale sale of whisky and alcohol can be carried on only with the knowledge and consent of the coal and iron police. And they would not dare tolerate this open traffic if they had orders from the company officials that it must be stopped."

COMPANY POLICE INTERFERE

Murray's charge that coal and iron police have prevented officials engaged in the enforcement of the prohibition law from entering the camps was confirmed by District Attorney Samuel H. Gardner, who declared that on several occasions constables engaged in the investigation of the liquor traffic had been held up by company police. The Pittsburgh Coal Co. declined to comment on the charges.

In further support of his charges of wholesale bootlegging in and around the mining camps of this general territory, Murray cited the arrest last week of Joseph A. Meagher, vice president of the Ohio Coal Operators' Association, and eight associates by the Federal prohibition administrator, John D. Pennington, of Pittsburgh, on charges of illegal transportation of intoxicating liquors. Meagher and one of his associates, Harry Gee, a West Virginia millionaire, have been released on bonds of $5,000 each.

The significance of these arrests, according to Murray, lies in the fact that Meagher and a number of those arrested with him, particularly Nick J. Hanna, of Pittsburgh, are engaged in the business of supplying labor to the coal companies against which the United Mine Workers are now on strike. Harry Gee, the West Virginian, has also been a director of the "open-shop" organization of which Meagher was manager for many years. It is Murray's opinion that further investigation may show that these men had a large part in the control of the bootlegging which is said to flourish in the mining camps to which they furnished labor.

LABOR, LIQUOR SUPPLIED

Meagher, who is a member of the industrial group of the Republican executive committee, is said to have been in charge of the strike-breaking activities of the United States Steel Corporation during the great steel strike of 1920. He is also alleged to operate detective agencies through which men are recruited for the Pennsylvania coal and iron police. Through these various channels which brought him into close contact with the coal industry throughout this section, Meagher unquestionably had exceptional facilities to reach the mining camps which are closed to everyone else.

Murray, who as international vice president of the miners' union filed the charges in Washington against the Pittsburgh Coal Co. and other corporations in this district, declares that he intends to press them vigorously.

"If we can not get a prompt and thorough investigation of this situation through Mr. Mellon's department," Murray stated, "we are going to carry our charges to Congress. With the large majority of prohibitionists that is said to exist in both the House and Senate, there should be an active interest in the wholesale violation of the Volstead Act and the antinarcotic laws which have been permitted to grow up here in the heart of the coal fields.

"This sale of illicit liquor and drugs is responsible for a large part of the violence that has occurred in the strike zone. There have been almost 100 murders in the coal camps of the Pittsburgh district since this situation was permitted to develop, and it is easy to trace a majority of them to bad liquor. Drunken brawls in these camps are of common occurrence. Fights and assaults by drunken men and women have ceased to attract more than passing attention.

"We are interested in this bootlegging situation in the coal camps, not as reformers, but as labor leaders striving to conduct a strike involving nearly 750,000 men, women, and children with the minimum of friction and violence. This outrageous situation must be cleaned up, and we shall not rest until it is done."

COMMUNISTS GAINING CONVERTS IN EASTERN COAL STRIKE AREA—COLD, HUNGER, AID TO REDS—UNION LOST AUTHORITY TO PREVENT ACTS OF VIOLENCE

PITTSBURGH, PA.—The attempts of the communists, working through the Trade Union Educational League and the camouflaged Pennsylvania-Ohio-Colorado Miners' Relief Committee, to sow the seeds of their doctrines among the 100,000 striking miners in the bituminous-coal fields are regarded by many operators and union officials as constituting a definite menace.

Up to the present this strike in the coal fields of central and western Pennsylvania, Ohio, and northern West Virginia has been free from large-scale violence. There have been clashes between strikers and strike breakers and strikers and coal and iron police, but no lives have been lost and few have been seriously injured. The officials of the United Mine Workers in charge of the strike, under the direction of Philip Murray, international vice president, have issued repeated statements to their organizers and to the rank and file of the striking miners cautioning them against the use of violence. So far these warnings have been reasonably effective.

REDS NOW BUSY

The radical communists, avowed advocates of revolutionary action, are now busy in every district of the coal fields, and in spite of the efforts of the United Mine Workers' officials are unquestionably making some progress. For the present those who are directing this propaganda are directing their efforts to reaching the rank and file and are not attempting to test their strength by seeking to assert control except in a few isolated local unions.

The coal-strike situation provides an ideal planting ground for the seeds of communism. Here are more than 100,000 miners, all of whom have been on strike for more than nine months, while thousands have been out for more than two years. They and their families are hungry and cold. The international treasury of the United Mine Workers, as well as the funds of the State and local organizations, have been depleted by the unusual duration of the strike. It has therefore been necessary to reduce the allowances paid out of the union funds to maintain the families of the strikers so low that it is now insufficient to cover even the cost of food. In the Pittsburgh district it is less than 9 cents a person a day, and in some of the outlying districts it is less than 2 cents.

INJUNCTIONS ARE FACTOR

Finally there is the condition of practically complete inaction on the part of the strikers prescribed by the injunctions which have been issued by the State and Federal courts. Except for the maintenance of three pickets at the posts fixed by court order, the miners are prohibited from engaging in any of the activities commonly used to preserve the morale and enthusiasm of men on strike. They can not parade. They can not congregate in numbers on or near any highway leading to the coal company's property. They can not even hold union meetings, because most of the union halls have been converted into barracks to house the evicted strikers, and it is too cold to hold such meetings in the open.

Under these conditions of suffering, inaction, and deadly monotony, it is easy for the clever communist propagandists to sow their seeds of dissatisfaction and unrest and gain converts to their program of revolutionary action. Bringing promises of material relief in the form of food and clothing, it is easy for them to secure a hearing among the strikers.

TACTICS ARE SIMPLE

Their tactics are simple. They criticize what they call the "do nothing" policy of the union leaders whose hands have been tied by the drastic provisions of the court injunctions. They charge diversion of funds by the union officials. "Millions of dollars," they say, "have been paid into the international union treasury in dues and assessments. Hundreds of thousands have been contributed by other labor unions to aid the strike. Where are these millions to-day? Have you got them? Why are they giving you only $3 a week to buy food for your hungry families? Ask your president, John L. Lewis. Ask Philip Murray. Ask any of your union officials. They know where this money went, and they don't dare to tell you."

After thus attempting to undermine the confidence of the strikers in their leaders the communist propagandists urge militant action "to bring the bosses to their knees and force a speedy settlement." They do not tell the strikers that the only result of such "militant action" would be to bring in the State or Federal troops and further reduce the possibilities of a reasonable settlement.

BORE FROM WITHIN

This insidious propaganda is being disseminated by the communists through three main channels. First, the Trade Union Educational League, founded by William Z. Foster with the aid and comfort of the Third Internationale at Moscow. A Pittsburgh branch of the league was organized on January 16 under the direction of Jack Johnstone, national organizer. It is also active in other districts. The second channel of propaganda is the so-called Pennsylvania-Ohio-Colorado miners' relief committee with national headquarters at 799 Broadway, New York. Behind the charitable camouflage of this organization the propagandists are working actively. Third, and perhaps most effective of all, are the communists within the ranks of the miners union itself. In spite of the clauses in the union's constitution and by-laws prohibiting any communist or I. W. W. from holding a union card, they are there. Working under cover they carry out the traditional communist tactics of "boring from within" and doing everything possible to discredit the regular trade-union officials.

COLORADO IS EXAMPLE

The dangerous possibilities of this situation are to be seen in the strike now being conducted in the Colorado coal fields under I. W. W. leadership where half a dozen have been killed and a score seriously injured.

Philip Murray, international vice president of the United Mine Workers, who is in charge of strike headquarters at Pittsburgh, when questioned about the activities of the communists, said:

"The disruptive tactics of the communists who are now becoming active in this district are not new. They are encountered by the United Mine Workers in every strike. The union has been fighting the growth of revolutionary radicalism as manifested by the I. W. W.'s and communists for 20 years and we shall continue to do so. I do not believe they have made any substantial headway among the union miners. What may happen, however, if the operators continue indefinitely to refuse to enter into negotiations for the settlement of this strike, no one can foretell."

OPERATOR IS CONCERNED

More definite concern about the situation was expressed by one of the operators, who refused to permit his name to be used but who is generally regarded as fair-minded and farsighted. "Some of my friends among the operators," he said, "are viewing the growing activities of the communists in this district with some degree of satisfaction. They know that their disruptive activities are causing the union officials much trouble and diverting their attention from the effective conduct of the strike. They believe also that the communists' silly charges that Lewis, Murray, and other officials are grafting on the union funds are being believed by some of the rank and file and destroying their confidence in their leaders. They feel that in a sense this is industrial war and that propaganda from any source that weakens the enemy's morale is justified.

"That may be true for the moment, but in the long run I think their judgment is bad. Chickens will come home to roost.

"If I had my way," he continued, "the operators would assist the union in checking the dangerous activities of the communists. There are only a handful of them to-day, but with a hundred thousand miners on strike and almost as many more idle as a result of the depression in other industries, they will grow like weeds. They are a menace not only to the union and the operators, but to the entire community and the sooner we are rid of them the better."

COAL INDUSTRY NEEDS A MORGAN AND FORD—ANTIQUATED WAYS, COMPETITION, AND OVERPRODUCTION HANDICAPS

PITTSBURGH, PA.—What the bituminous coal industry needs is a Pierpont Morgan to eliminate its crazy, cutthroat competition and a Henry Ford to take it in hand and make it productively sound and efficient.

This is the general opinion of the operators, miners, union officials, and technical experts.

Here is the Nation's basic industry, in which more than 100,000 miners are now on strike, in which no company, large or small, is assured of making even a reasonable profit, year in and year out, and in which the consumers are confronted by wildly fluctuating prices—low when they don't want coal, high when they do.

WORK NEVER STEADY

Paying a high wage scale—$7.50 a day for labor in the union fields before the strike—it never operated steadily enough to give its workers enough to support a family in health and reasonable comfort. Charging domestic consumers an excessive price for coal, the mines operated so irregularly that profits were largely eaten up by fixed charges and maintenance costs. Failing to profit by the lessons of the great mechanical advances in every other American industry, a majority of companies, unwilling to risk large capital investments, have continued to use the methods and equipment of a generation ago.

The twin curses of the industry are overdevelopment and cutthroat competition. If all the mines in the United States were operated at full capacity throughout the year, they would produce nearly 50 per cent more coal than the Nation can consume. So every operator is so hungry for business that he is ready to cut prices in slack periods below cost of production and depend on making up his losses by charging excessive prices whenever there is a heavy demand.

RAILROADS BOOST PRODUCTION

The desire of the railroads for traffic also makes for overdevelopment. They encourage opening of new mines where none are needed in order to insure themselves a large coal traffic.

The competition is so keen, labor officials insist, that wage reductions will not solve the problem even for operators in union fields. If the union should accept a cut to $5 a day, according to this view, nonunion fields will drop their basic wage to $4, and so on down the scale.

The operators insist that they can not continue to pay the Jacksonville scale of $7.50 a day and compete with the nonunion operators, who pay $5 or less.

The present deadlock in the bituminous coal fields has already cost the union miners more than $100,000,000 in wages and the coal corporations probably half that in lost profits and extra depreciation. And this is merely the culmination of similar losses in previous years as a result of strikes and irregular operation.

DISASTER MODIFIES VIEWS

These disastrous experiences have wrought a great change in the attitude of both the union and the operators but have not produced a meeting of minds on any constructive solution.

"There will be no stability in the bituminous coal industry," declares Philip Murray, vice president of the Mine Workers' Union, "until there are revolutionary changes in the very structure of the industry. At

the Miami conference last spring, we proposed a joint committee of miners and operators and experts to study the situation and prescribe a remedy. But our proposal was rejected without discussion. We stand ready to renew this conference not only to settle this immediate dispute on the wage question, but also to work out a constructive solution for the problem of the industry."

"As far as we are concerned," J. D. A. Morrow, president of the Pittsburgh Coal Co., declared to the writer, "there is no strike and no problems that we are not rapidly solving."

DONE WITH UNION

"We are done with the union. We would not sign a contract with the United Mine Workers, no matter what wage reductions they might propose to accept," continued Mr. Morrow, who, at the age of 46, has had a spectacular rise from statistician in a Government bureau 12 years ago to the head of the largest coal-producing company in the United States.

"Since we broke with the union we have equipped our plants with modern machinery, trained a new force of men to work with up-to-date methods, and now can give 300 days' work a year to every man on our pay roll. With our new methods of mining and preparation we are really manufacturing coal for special purposes. This gives us a market several times as wide as we had before the strike. We anticipate no further difficulties."

"Why did you find it necessary to cut wages the first of this month?" the writer inquired.

WILL FORCE CHANGES

"That was a readjustment," Morrow answered. "We substituted a nonunion scale, in which men are paid according to their ability and industry, for a union scale, in which they are paid substantially a flat rate. The least skilled workers are cut some $2.50 a day below the union scale but the skilled men can earn more."

Here we have the biggest coal corporation equipping and organizing its plants for modern mass production of coal. This, added to the existent competition from the nonunion fields of Kentucky and West Virginia, means disaster to operators in the union fields unless they can reorganize to meet it.

An opportunity for such a reorganization appears to be provided by the bill introduced in Congress by Senator COPELAND and Representative JACOBSTEIN, both Democrats from New York, apparently with some aid and comfort from Secretary of Labor James J. Davis. This provides for repeal of the Sherman and Clayton Antitrust Acts as applied to the bituminous-coal industry to permit the creation of cooperative associations for the marketing of coal.

This measure has not yet received the formal indorsement of either the operators or the miners. Both are, however, inclined to consider it favorably.

INDEPENDENT OFFICES APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading "National Advisory Committee for Aeronautics," on page 26, line 8, after the name "District of Columbia," to insert "and not to exceed $5,000 may be expended for the development and procurement of a design for a wind tunnel suitable for research on full-sized airplanes," so as to make the paragraph read:

For scientific research, technical investigations, and special reports in the field of aeronautics, including the necessary laboratory and technical assistants; contracts for personal services in the making of special investigations and in the preparation of special reports; traveling expenses of members and employees; including not to exceed $500 for expenses, except membership fees, of attendance upon meetings of technical and professional societies; office supplies and other miscellaneous expenses, including technical periodicals and books of reference; equipment, maintenance, and operation of the Langley Memorial Aeronautical Laboratory; purchase, maintenance, operation, and exchange of motor-propelled passenger-carrying vehicles; personal services in the field and in the District of Columbia; in all, $587,000, of which amount not to exceed $72,560 may be expended for personal services in the District of Columbia and not to exceed $5,000 may be expended for the development and procurement of a design of a wind tunnel suitable for research on full-sized airplanes.

The amendment was agreed to.

Mr. BINGHAM. Mr. President, I ask unanimous consent to insert in the RECORD a statement of the investigations for the conduct of the full-scale wind tunnel, which has been received by the Committee on Appropriations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The statement is as follows:

INVESTIGATIONS FOR CONDUCT IN FULL-SCALE WIND TUNNEL

REQUESTED BY ARMY AND NAVY

Effect of various forms of cowling on performance and engine operation of air-cooled pursuit airplane.

Design factors for metal propellers.

Determination of moment coefficients and hinge moment coefficients for different tail surfaces.

Determination of aileron hinge moments versus rolling moments for various types of ailerons and wings.

Investigation of wing flutter.

Study of control at low speeds, involving the use of flaps, slots, and spoilers.

Investigation of the Handley Page automatic slot.

Study of aerodynamic and cooling effect of wing radiators for development of high-speed airplanes.

SUGGESTED BY INDUSTRY

Effect of cowling and fuselage shape on the resistance and cooling characteristics of air-cooled engines.

INCLUDED IN PROGRAM RECOMMENDED BY REPRESENTATIVES OF GOVERNMENT AGENCIES INTERESTED

Tests of wooden VE-7 propellers.

Effect on propeller-blade deflections of the distribution of the sections along the radius (sweepback, rake, etc.).

Investigation of effect of fuselage interference on propeller characteristics.

Investigation of effect of high-tip speeds.

Investigation of propeller-blade sections.

The next amendment of the Committee on Appropriations was, under the heading "Public Buildings and Public Parks of the National Capital," on page 27, line 8, after the word "employees," to insert "at rates of pay approved by the director, not exceeding current rates for similar employment in the District of Columbia," so as to make the paragraph read:

For general expenses in connection with the maintenance, care, improvement, protection, operation, repair, cleaning, heating, and lighting of the Washington Monument and grounds; the Lincoln Memorial and reflecting pool; the house where Abraham Lincoln died; grounds surrounding executive departments; and public buildings in the District of Columbia under the jurisdiction of the office of Public Buildings and Public Parks of the National Capital, including the installation of an electric elevator in the Winder Building, not to exceed $10,000; per diem employees at rates of pay approved by the director, not exceeding current rates for similar employment in the District of Columbia; rent of buildings in the District of Columbia; city directories; contingent expenses; traveling expenses and car fare not exceeding $300; communication service; professional, scientific, technical, and law books; periodicals and reference books; blank books and forms; photographs; maps; leather and rubber articles and gas masks for the protection of public property and employees; not exceeding $7,000 for uniforms for employees; the maintenance, repair, exchange, storage, and operation of not to exceed one motor-propelled passenger-carrying vehicle; the purchase, maintenance, and repair of equipment and fixtures; $857,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 24, to strike out:

A plot of ground comprising not to exceed 42,000 square feet in the southwest corner of square No. 3530, being a portion of the site of the McKinley High School and the Langley Junior High School, is hereby made available for one of the bathing pools authorized by the act approved May 4, 1926.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDENT pro tempore. Are there any further committee amendments?

Mr. WARREN. Mr. President, a member of the committee, the Senator from Washington [Mr. JONES], has been authorized to offer another amendment, which is in order at this time.

Mr. JONES. I offer the following amendment.

The PRESIDENT pro tempore. The clerk will read the proposed amendment.

The CHIEF CLERK. On page 36, strike out lines 6 and 7 and insert in lieu thereof the following:

For the reconditioning of the steamships *Mount Vernon* and *Monticello* at a total cost not in excess of $12,000,000, not to exceed $10,000,000 is made available from the construction loan fund and shall be reimbursed to such fund with interest at such rate and within such period as the board may determine, but not exceeding 10 years after the date of commission of such reconditioned vessels: *Provided*, That neither

of said steamships shall be sold for less than the cost of reconditioning, less a deduction of 5 per cent per annum for depreciation from the date of completion of such reconditioning to the date of sale.

The amendment was agreed to.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. WARREN. Mr. President, I ask that the clerks be authorized to correct all totals.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SACKETT. Mr. President, I desire to offer an amendment. On page 34, line 4, where the amount fixed is $13,400,000, I move to insert before the semicolon the following proviso:

Provided, That $1,400,000, or so much thereof as may be necessary, shall be used for reconditioning and operating 10 ships for carrying coal to foreign ports.

Mr. WARREN. I understand this item has been covered by the amendment just adopted.

Mr. JONES. No; that is another matter.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Kentucky.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I desire to offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 36, line 5, after the word "commission," insert a new paragraph to read as follows:

No part of the funds of the United States Shipping Board or the United States Shipping Board Merchant Fleet Corporation shall be available for the maintenance of a sea service bureau.

Mr. BINGHAM. Mr. President, is not this new legislation?

Mr. LA FOLLETTE. No. The object of it is to do away with the sea service bureau which is now being maintained by the Shipping Board. I can explain, if the Senator desires, I think very briefly, the object which I have in view in offering the amendment.

Mr. WARREN. I would like to have the Senator from Wisconsin make the explanation. I believe the amendment he is offering is out of order, but I should like to hear his explanation.

Mr. SMOOT. Mr. President, I am fully aware of the object of the amendment; but it is clearly legislation. I want to say to the Senator that I am absolutely in sympathy with the object of the amendment. I think it ought to become a law, but I think it ought to be offered as a separate bill amending the original act.

Mr. LA FOLLETTE. There is no provision in the law for the maintenance of the sea service bureau.

The PRESIDENT pro tempore. Does the Senator from Utah make the point of order?

Mr. WARREN. I make the point of order.

The PRESIDENT pro tempore. The point of order is overruled, the Chair being of the opinion that the amendment is in the nature of a limitation upon the appropriation and not legislation.

Mr. LA FOLLETTE. Mr. President, I shall endeavor to explain the purpose of the amendment. As I said a moment ago, in reply to the Senator from Wyoming, there is no provision in the existing law for the sea service bureau. The sea service bureau was created during the war when there was a dearth of seamen and when it was necessary not only to recruit seamen, but also to train them. The sea service bureau was created for that purpose. I believe that in its inception the sea service bureau rendered a service in the emergency of the war, but it has since been maintained by the Shipping Board as a recruiting service for vessels operated by that board. There is no provision in law for its existence, and I am reliably informed that the private operators of ships do not avail themselves of the services of the bureau, the bureau, therefore, being maintained solely for the purpose of recruiting men for service on vessels operated by the board.

As the Senator from Connecticut no doubt knows, the provision of law providing for the shipping of men upon vessels is that they shall be shipped before the Navigation Commissioner set up under the Department of Commerce.

Mr. WARREN. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I am delighted to yield to the Senator from Wyoming.

Mr. WARREN. I wish to say that it was particularly demonstrated on the floor of the House that they were opposed to the provision. It was once contained in the printed bill and was stricken out. The Senate committee stood by that action of the House, so that so far as the appropriation is concerned there is not a penny used for that purpose. Therefore it would seem that it would be better to place it somewhere in legislation by itself rather than in the appropriation bill.

Mr. LA FOLLETTE. So far as my investigation has gone I believe that this is the only manner in which the expenditure of money can be reached because, as I said a moment ago, there is no provision in existing law for the maintenance of the sea service bureau. Therefore no bill could be offered to repeal the statute authorizing it. The point which I desire to make is that I believe the bureau is being maintained at an unnecessarily large expense. I am informed that it runs from $100,000 to $400,000 a year and that it is an unnecessary expense. It is a matter which was discussed in the House when the bill was before that body.

Mr. WARREN. Mr. President, may I interrupt the Senator again?

Mr. LA FOLLETTE. I am delighted to yield to the Senator from Wyoming.

Mr. WARREN. I still think it is not in order, but I shall withdraw my objection and let it go to conference and see what we may be able to do with it there, if the Senator wishes.

Mr. LA FOLLETTE. I am endeavoring to satisfy the curiosity of the Senator from Connecticut. I do not desire to detain the Senate long, but I would like to point out to the Senator from Connecticut that when this matter was under discussion in the House a similar amendment to this was offered by Representative DAVIS of Tennessee, and some little debate occurred on the floor by the offering of the amendment. Representative DAVIS served on the select committee of the House which investigated the Shipping Board. I should like to quote, for the information of the Senator, from a portion of the testimony before that select committee. Mr. DAVIS was questioning Mr. T. V. O'Connor, of the board:

Mr. DAVIS. Mr. O'Connor, you are the member of the Shipping Board who has jurisdiction over the sea service bureau, are you not?

Commissioner O'CONNOR. Yes, sir.

Mr. DAVIS. As I understand, that was a bureau that was established during the war, primarily in order to train seamen to be placed upon the Shipping Board vessels that were being acquired and constructed?

Commissioner O'CONNOR. Yes, sir.

Mr. DAVIS. At the present time, and for some two or three years past, the sea service bureau has amounted to only a recruiting or seamen's employment service, has it not?

Commissioner O'CONNOR. That is practically all; yes.

I also desire to bring to the attention of the Senator from Connecticut the fact that when Mr. Joseph E. Sheedy, the vice president of the Emergency Fleet Corporation and director of operations in immediate charge of the sea service bureau, was on the stand before the committee, Mr. DAVIS asked:

Do you think that the [sea service] bureau performs a successful function?

Mr. SHEEDY. Frankly, I have never been able to find out.

Mr. President, it seems to me, in view of the fact that ample provision is made in the law and appropriations are provided for the shipping of men upon ships before the shipping commissioner, under the Department of Commerce, that this service of the sea service bureau is a duplication and a waste of money. I sincerely hope that the amendment will prevail.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

The amendment was agreed to.

Mr. PHIPPS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 9, after line 15, insert the following:

That the duties of the Bureau of Efficiency prescribed by law with reference to investigations in the executive departments and independent establishments of the Federal Government are hereby extended to include the municipal government of the District of Columbia.

The amendment was agreed to.

Mr. COPELAND. Mr. President, I desire to offer an amendment, in line 4, page 34, reducing the appropriation $1,000,000. I move to strike out "$13,400,000" and to insert in lieu thereof "$12,400,000."

Mr. JONES. What is the amendment?

The PRESIDENT pro tempore. The Senator from New York proposes an amendment on page 34, line 4, reducing the appropriation by the sum of $1,000,000.

Mr. COPELAND. Mr. President, I am seeking to save a million dollars to the people of the United States.

Now, let me explain the significance of this provision.

Mr. WARREN. Mr. President, I will say to the Senator that I understand it is for the purpose of furnishing cheap transportation for coal, thereby possibly relieving to some extent a situation which has been depicted to the Senate for several hours to-day.

Mr. COPELAND. Mr. President, my purpose in proposing this amendment is to call attention to the reason why this sum was raised a million dollars in the House of Representatives.

Mr. JONES. Mr. President, will the Senator yield to me for just a moment?

Mr. COPELAND. Certainly.

Mr. JONES. The Senator apparently was not present when the Senator from Kentucky [Mr. SACKETT] offered the amendment to the $13,400,000 appropriation, providing that $1,400,000 of that sum of money should be used for reconditioning a certain number of ships for carrying coal. The Senator from Kentucky offered the amendment, and it was agreed to, so that it leaves only $12,000,000, one may say, for the ordinary operations of the Shipping Board. The $1,400,000 additional was put on in the House of Representatives clearly for the very purpose of fitting out ships for carrying coal.

Mr. COPELAND. That is exactly what it was put on for in the House of Representatives.

Mr. JONES. That is what I say.

Mr. COPELAND. The additional $1,400,000 was put on the bill to do what? To fit out 10 ships owned by the Shipping Board to go into competition with ships privately owned and operated under the American flag, ships which have been sold to private operators by the Shipping Board. Is that the sort of Government this is? Do we coax people to enter the shipping business, beg them to take the ships, encourage them to take the ships by reducing the price, as has been pointed out here during the past two weeks, put those ships into private hands, and then, having done so, do we propose to take some more of our Shipping Board ships and have the Government of the United States go into competition with those private concerns? Now, what has the Senator to say to that?

Mr. FLETCHER. It is claimed that private interests have not the ships.

Mr. COPELAND. Who claims they have not the ships? Mr. President, the American Export line, running to the Mediterranean, has many ships, bought from the Shipping Board, which are operated at a loss. Are we going to act in such a way as to increase their deficit? Are we going to try to push them into bankruptcy by fitting some more Shipping Board ships, at a cost of $1,400,000, to compete with those privately operated ships? I think it is an outrage.

Why should not the Senator from Michigan [Mr. COUZENS] get up and propose an amendment to this bill appropriating $2,000,000 to put Shipping Board ships in operation to carry the automobiles of Detroit to Europe in order that the freight may be saved?

Do Senators know how much it will cost us as a Nation to do this thing? It will cost $1.48 loss on every ton.

Are we going to give a bonus to the coal industry of this country by supplying these ships under these circumstances? I can not believe it is possible that the Senate is going to agree to any such outrageous proposition.

I move, Mr. President, that a million dollars be stricken from the appropriation. Let the people of this country save that amount of money. If it is desired to go into the business of giving a bonus to the coal people, very well; I will vote to give them a million dollars; but I am not going to vote $1,400,000 of the people's money to fit out ships to carry coal when there are privately operated ships under the American flag going to the same ports.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from New York.

Mr. JONES. Mr. President, the Senator from Kentucky [Mr. SACKETT] is very much interested in this matter. I myself have given it no consideration at all.

Mr. BARKLEY. Mr. President, the amendment referred to is the amendment of my colleague the senior Senator from Kentucky [Mr. SACKETT]. When this bill was before the House of Representatives an amendment was offered proposing to increase the appropriation carried in the original bill by $1,400,000. While the amendment itself did not stipulate that that sum should be expended to recondition ships for the exportation of coal, that was the purpose of it, and it was thoroughly understood at the time the amendment was agreed to in the House of Representatives that it was for that purpose. The amendment offered by my colleague simply stipulates that $1,400,000 shall be expended for that purpose. That was the original intention when the amendment was placed on the bill at the other end of the Capitol.

Now, I wish to say, in reply to the suggestion made by the Senator from New York [Mr. COPELAND], that the coal industry not only of Kentucky, West Virginia, and Tennessee but of other parts of the United States has been very greatly depressed in the last few years. It is in a state of greater depression now in the section of the country from which I come than it has been in many years, if not at any time in the past. The Shipping Board has indicated its willingness to allocate certain ships that now are in use for the purpose of carrying coal to foreign countries, and thereby to that extent stimulating the coal industry not only in Kentucky, West Virginia, and Tennessee and Alabama, but in Pennsylvania and other States, where that industry is in the situation to which I have referred.

Mr. COPELAND. Mr. President, will the Senator yield to me for a moment?

Mr. BARKLEY. I will yield in a moment. While it may be true, as the Senator says, that there are ships privately owned capable of carrying this coal, they are not carrying it and they are not available for carrying it. It certainly is in the interest of the revival of a very substantial industry throughout the United States, which needs such revival, that this amendment should be agreed to, so that the Shipping Board may carry out what it has already said is its desire, to recondition these ships for the purpose of exporting coal. Now I yield to the Senator from New York.

Mr. COPELAND. Does the Senator from Kentucky believe in giving subsidies?

Mr. BARKLEY. As a general proposition I do not.

Mr. COPELAND. But if it so happens that the coal industry in the State of the Senator needs assistance, then there should be a subsidy?

Mr. BARKLEY. The amendment does not involve a subsidy for coal; there is no provision here that subsidizes coal. This provision does not give to any coal operator or any coal miner any money; it merely provides $1,400,000 for the purpose of putting ships in condition so that they may carry coal that is not subsidized. I do not think by any stretch of the imagination anybody can contend that this is a subsidy given the coal operators or the coal industry, any more than the conditioning of the other ships referred to in the debate which has preceded the debate on the pending bill may be regarded as a subsidy to any private industry in the United States, because those ships happen to carry wheat, or corn, or lumber, or furniture, or any other commodity that is sold to foreign countries.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. BARKLEY. I should be glad to yield.

Mr. NEELY. I ask the Senator from Kentucky if it is not a fact that all the coal interests ask, and all the representatives of the coal interests ask, is that this great industry be treated like the farming industry and all the other industries of the country that are now receiving benefits from the Government's operation of the merchant marine?

Mr. BARKLEY. That is absolutely true, and the amendment which is pending simply provides that $1,400,000 shall be used for the definite purpose intended by the House when it was put in the bill at the other end of the Capitol and for the purpose which is intended by the Senate.

Mr. McKELLAR. Mr. President, if the Senator will yield to me for a moment, I wish to call his attention to the fact that that is not the pending amendment at all. The amendment providing $1,400,000 for reconditioning certain ships has already been adopted. The amendment of the Senator from New York really has not the faintest relation to it, and he will have to change his amendment very much if he wishes to accomplish what he seeks to accomplish.

Mr. BARKLEY. I understood that the amendment of the Senator from New York was to strike out $1,000,000 of the $1,400,000.

Mr. McKELLAR. If the Senate should strike out $1,000,000, it would leave $12,400,000 for the Shipping Board, and the provision in regard to coal-carrying ships would be left intact if the amendment of the Senator from New York were adopted.

Mr. BARKLEY. I did not so understand his amendment. If that is true, his amendment is different from the speech he made on it.

Mr. McKELLAR. The amendment should be voted down.

Mr. BARKLEY. The amendment of the Senator from New York is one thing and his speech is another.

Mr. McKELLAR. Exactly.

Mr. COPELAND. The country will not fail to note the connection and the relationship; the country will know that the coal industry has gone into bankruptcy and it has come to Congress on its knees asking for a subsidy of $1,400,000.

Mr. President, the doctors in this country are having a terribly hard time. [Laughter.] Business has been very dull; the income of the medical profession has been greatly reduced; we are not making the money that we formerly made; we can not find a sufficient number of new patients; we can not charge them enough; and so I am going to propose pretty soon an amendment to this bill appropriating $1,400,000 to assist the poor, downtrodden doctors of this country. [Laughter.]

Mr. BARKLEY. Mr. President, if there is a surplus of doctors in the country and they need to be exported, I would not object to an appropriation which would bring about such a result. [Laughter.]

Mr. NEELY. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from West Virginia?

Mr. BARKLEY. I yield.

Mr. NEELY. I have adequate reasons to believe that a few of the medical profession are greatly increasing their profits by broadcasting addresses on the subject of health. Only yesterday my wife informed me that she had recently enjoyed an address on the subject of hygiene which the distinguished Senator and doctor from New York [Mr. COPELAND] delivered by radio.

Mr. COPELAND. Mr. President, will the Senator yield at that point?

Mr. NEELY. The coal operators of Virginia, West Virginia, Kentucky, and Tennessee can not under this Pennsylvania-controlled administration broadcast anything for profit. Through fear of the malevolent Pennsylvania influence, a cowardly majority of the members of the Interstate Commerce Commission have wickedly robbed the West Virginia coal operators of practically all of their lake cargo business, and pusillanimously created a coal monopoly in the Northwest for the operators of Pennsylvania.

The amendment of the Senator from New York is hostile to the coal business of the entire country. In the event of its adoption some commission might construe it to be an inhibition against conditioning ships to carry coal from West Virginia. So, let me urge all who are interested in seeing the coal industry of the Southern States survive, and all of our progressive friends from the Northwest who want to buy from West Virginia the cheapest and best coal in the world, to vote against the pending amendment.

SEVERAL SENATORS. Vote!

Mr. COPELAND. Mr. President, just a moment.

Mr. WARREN. Mr. President, I wish to say to the Senator from New York in all good feeling, that I hope his amendment will be killed.

Mr. COPELAND. I suppose the attitude of the Senator from Wyoming is much like that of the chap who puts a stone around the neck of a man and throws him in the water and says "I am sorry that you are going to drown."

Mr. President, of course I know that the amendment is going to be defeated; I am perfectly aware of that. Exactly the same votes and the same influences that have repeatedly defeated any constructive action seeking the regulation in the interest of society of the coal industry will defeat this amendment, but I will leave it to the country if it is not an indecent act to sell ships to citizens of the United States who, in good faith, have invested their money and are operating those ships at a loss—not at a profit—and now, in order to guarantee their failure and in order to subsidize the bankrupt soft-coal interests of the United States, calmly vote $1,400,000 of the people's money for the benefit of this industry that has had its fingers on the throats of the American people ever since I can remember.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. COPELAND. With the greatest of pleasure.

Mr. NEELY. Not for the benefit of the industry alone, but for the benefit of the consumers throughout the country; and, of course, the Senator from New York knows that the consumers of coal as greatly outnumber the producers as the patients of the country outnumber the doctors who minister to their relief.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. The Senator from Alabama.

Mr. COPELAND. Mr. President, I had not given up the floor. I yield to the Senator.

Mr. HEFLIN. I was just going to say a word in reply to the distinguished Senator from New York. On yesterday he was seemingly willing to give away about $500,000,000 worth of ships. He is quibbling to-day over an appropriation of $1,000,000 to see that the coal industry has suitable ships to carry its coal to foreign countries. I am reminded of the old saying about the fellow who strained at a gnat and swallowed a camel.

Mr. COPELAND. Mr. President, the Senator from Alabama may see some inconsistency in my attitude. I do not recognize that there is any. I am seeking to build up an American merchant marine to put the American flag on the seven seas, and I want it done by private citizens of the United States. That is what I have been fighting for for two weeks, and I am here to-day to continue that fight.

Here are lines that we have sold, lines that are in operation. Now, what are we seeking to do? Here are these ships that go from our ports, all of them—116 ships out of the Gulf, besides 150 out of other ports—going to every part of the world, carrying what? Carrying grain and citrus fruits and apples and manufactured articles, automobiles, and coal.

They are in the business of carrying coal, among other things. Now, because this poor, emaciated, skinny, dying industry, the soft-coal industry of this country, has not had wit enough to regulate itself and to make itself a real business—because if there is any industry in this world that has failed to show business sense, it is the coal industry——

Mr. NEELY. Mr. President, will the Senator yield?

Mr. COPELAND. No; I am not going to yield to the Senator from West Virginia any more.

Mr. NEELY. Just once more.

Mr. COPELAND. No; not at all.

Mr. NEELY. I appeal to the Senator.

Mr. COPELAND. No, Mr. President.

Mr. NEELY. I appeal from the Senator to the Senator's good nature.

Mr. COPELAND. No, Mr. President. A little while ago I wanted to defend the medical profession, and the Senator would not let me. I am not going to yield now to have him defend these broken-down business men of the State of West Virginia. No; I can not yield, Mr. President.

Mr. NEELY. Mr. President, the Senator does me an injustice. I have never refused to yield to him.

Mr. COPELAND. Well, all right, Mr. President. What does the Senator want to say?

Mr. NEELY. Persistence has again proved the wisdom of the admonition: "If you don't at first succeed, try, try again." I thought the Senator's good nature would assert itself, and I am glad that it did.

Mr. COPELAND. It has, too often.

Mr. NEELY. Mr. President, the object of my interruption was to say that I do not think that it becomes the senior Senator from New York, who is a distinguished Democrat, to make light of the prostrate, bleeding, and mangled remains of the great West Virginia coal industry that has been murdered by a Republican administration.

Mr. COPELAND. I thank the Senator for his appropriate remarks. It would have been a calamity if I had not yielded for this purpose.

Mr. SMOOT. Mr. President, the Senator from West Virginia does not mean to say that the Republican Party placed the coal in the earth.

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Utah?

Mr. COPELAND. With pleasure.

Mr. NEELY. May I answer that?

Mr. COPELAND. Of course.

Mr. NEELY. Mr. President, one of the most prosperous industries in the world was the coal industry under the Wilson administration.

Mr. SMOOT. During war times.

Mr. NEELY. Does not the Senator from Utah know that the war ended in 1918?

Mr. SMOOT. Yes.

Mr. NEELY. Woodrow Wilson was President until the 4th of March, 1921. On the day that his successor was elected practically every coal miner in West Virginia was employed and receiving from $5 to $12 a day for his labor. Within six months after Mr. Harding entered the White House, fully a third of West Virginia's mines were shut down, and thousands of her miners were walking the streets begging for work or bread.

Mr. SMOOT. That all depends upon where the coal is produced. It is not because the coal is not consumed in the United States. The records will show that. Therefore, I will say to the Senator from West Virginia, as far as the overproduction of coal is concerned, that neither the party in power nor the former Democratic administration had anything whatever to do with it. It is a business proposition. The condition is exactly the same in my own State that it is in West Virginia. We produced coal there by the opening of I do not know how many coal mines during war time. If there had been no coal mines opened during the war, when that demand was made for

it, there would not be the production of coal that there is in the United States to-day; and it was not on account of the Republican Party that they were opened.

It was on account of the war, and I do not know how many hundreds of coal mines are open that were not opened at that time, and that is the reason why there is an overproduction of coal.

I want to help the Senator get all the foreign markets that it is possible to get for coal, and I am for this amendment.

Mr. NEELY. Not the amendment of the Senator from New York?

Mr. SMOOT. No; I mean the amendment that was offered here and already adopted. I do not propose to vote for the amendment of the Senator from New York.

Mr. NEELY. Then I must not continue the debate with the able and accommodating Senator from Utah. I have nothing but flowers for my friends.

Mr. SMOOT. But the Senator cast a reflection here that was not altogether right, as I construed it, because it is not a question of the Republican Party or the Democratic Party; it is a question of the number of coal mines that have been opened in the United States, and the demand for coal in the United States is not sufficient to take the amount of coal that can be produced.

Mr. NEELY. I mean to be courteous to everyone, particularly to the distinguished senior Senator from Utah; but I hope that he will not expect me to apologize for what I have said about this administration. If he were to read what some of the Republican papers of West Virginia are saying about me he would consider my utterances as mild as the weasel words of a mollycoddle or the pious deliverances of one who had just come from church, to borrow a figure of speech from a wealthy Pennsylvanian who testified in the Vare case—and that is all that we shall borrow from Pennsylvania, even with her distinguished Senator's permission.

Mr. REED of Pennsylvania. Mr. President, the Senator has been getting things without borrowing them from Pennsylvania.

Mr. NEELY. Yes; we have. We have been getting things "in the neck" ever since the Senator from Pennsylvania began to threaten to have the Interstate Commerce Commission abolished if they did not give his State a monopoly of the soft-coal business of the United States; and a majority of the commission have magnanimously and magnificently responded to the Senator's threat.

West Virginians hoped and thought for a long time that the commission had enough backbone and enough respect for their oath of office to act in conformity with the law of the land, and to ignore the threats made against them by the Senator from Pennsylvania in his speech at Uniontown, in the White Swan Hotel, two years ago. That speech was to the effect that Pennsylvania intended to exert enough pressure to obtain just what she wanted from the commission. We also hoped that the commission would resist the threat made by the Senator from Pennsylvania in another speech to the effect that if he had the power he would abolish the Federal Trade Commission in the morning, the Interstate Commerce Commission at noon, and the Tariff Commission at night.

I now share the Senator's desire for abolition, but wish for earlier action. I should like to abolish the Interstate Commerce Commission before breakfast, forget a majority of them before dinner, and celebrate the emancipation of the West Virginia coal industry from the commission's tyranny before supper.

We have learned a valuable lesson from the Senator from Pennsylvania. Henceforth we shall not defend the Interstate Commerce Commission when the Senator from Pennsylvania tries to abolish it. And if the commission should ever happen to do justice to any State other than Pennsylvania in deciding the Lake Cargo case the Senator from Pennsylvania will again instantly go on the warpath against the commission. When he next renews his attack we shall join him with "horse, foot, and dragoons."

To conclude my answer to the distinguished Senator from Utah, I take it that his remarks mean that there was no such market for coal a few months after Mr. Harding's administration began as there was during the last year of the Wilson administration, because the consumers of coal had lost their power to purchase. In other words, under Mr. Harding's administration the country soon began to suffer from the depression that a little later became so acute and disastrous that the first 18 months of Republican peace cost the American people more than the last 18 months of Democratic war.

Mr. President, I now surrender the floor to the eminent senior Senator from New York, and thank him sincerely for having so very graciously yielded to me.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me for just one moment?

Mr. COPELAND. I feel entirely all right about the Senator from West Virginia. He did not spoil the floor, and I may yield it to him again. I yield to the Senator from Pennsylvania.

Mr. NEELY. If it should again become necessary for me to help to "mop it up," I hope the Senator will not refuse to yield.

Mr. REED of Pennsylvania. Mr. President, the Senate to-day has heard described the very terrible conditions that exist throughout the soft-coal regions of Pennsylvania and Ohio and northern West Virginia. I am wondering how those people, in a temperature of perhaps 10° above zero, trying to live on an average of 3 cents per day for each individual in the family of the miners, are going to receive the news that when the true condition of their life was told in the United States Senate the Senate proceeded to make it a political football and a subject of recrimination across the aisle as to whether one political party or another was responsible.

If it is possible to arouse the Senate to a realization of the awful conditions that confront that industry and every man in it and every woman and child that depends on it, whether their money be in the mines or whether they be there as workers in the mines, we ought to do it; but for heaven's sake do not let us just make a jest of it by playing politics.

Mr. COPELAND. Why did not the Senator talk that way two years ago, when the conditions were just exactly the same in the anthracite mines of Pennsylvania? He was not helping to get any action. He was not seeking then to do anything. He was not then asking for a bonus. He was not doing anything except obstructing action on the part of the Senate to do something that might at least be a gesture to these suffering people.

Mr. REED of Pennsylvania. Exactly; because every man, woman, and child in the anthracite regions knew that the Senator's resolution would not bring them one penny of aid. All he proposed to do was to create another commission to allocate coal cars among the different mines, and we treated it with the respect it deserved, we thought, and that was, nothing.

Mr. COPELAND. Does the Senator think that by this statement of what the Senator from New York was proposing he has fairly stated what the Senator was proposing?

Mr. REED of Pennsylvania. I fairly stated the gist of it.

Mr. COPELAND. I think perhaps the Senator did fairly present what he thought was the gist of it, but he failed even to study the proposition, to know what its real purpose was.

Mr. President, I have no objection to the appropriation of this money if it could be hedged about in such a way as to protect privately operated ships under the American flag, if the Senator were willing to add a proviso to this text. Listen to this, you friends of mine who are seeking to make a raid on the Treasury and get a bonus for the soft-coal business.

Mr. President, I would like to proceed when I can get the attention of gentlemen from the soft-coal States.

The VICE PRESIDENT. The Senate will be in order.

Mr. COPELAND. I am willing to vote this subsidy to the coal business if you will add this proviso to the bill:

Provided, That before any Shipping Board ships are used for the export of American products the privately owned ship services shall be proffered the use of the Shipping Board ships for this purpose, under such terms as shall not exceed an expense to the Government of $1,400,000.

If you are genuine in the position you take, if you are honest in your desire to help American citizens and to keep the flag on the seas, you have a chance, by adding this amendment to the bill, to spend your $1,400,000, but first the Shipping Board shall say to these lines, "We will furnish you the ships, and will you give the service? But the total amount spent shall not exceed the $1,400,000."

Then, if these lines say, "No; we can not do it," or that they will not do it, if they are stubborn about it, or believe it to be a bad business venture, then I have nothing more to say, but that I am glad the soft-coal people got their bonus. But I am not willing that it shall be done without protecting the privately operated American steamship lines.

It is not fair to the privately operated lines of this country, when they are struggling to make their services succeed, that you should come here on the plea that here is a bankrupt industry and we want $1,400,000 of the people's money in order that it may be subsidized to this extent. Are you willing to have this proviso put on?

Mr. NEELY. Mr. President, is the Senator directing his question to me?

Mr. COPELAND. I am, in part.

Mr. NEELY. Then, I answer it "in whole," and say, no, we are not willing. We think that the $3,000,000,000 of high

protective tariff that the people are paying to the private interests is enough. We believe that if the Government is going to pay for operating ships, it should operate them with its own agencies, and not make the people pay some private shipowner a subsidy for carrying our commerce. In other words, I am not in favor of private subsidies to anyone for any purpose. I am in favor of the United States Government protecting itself and its own. Further than this I shall not go.

Mr. COPELAND. Mr. President, the Senator from West Virginia has said that he wants these Shipping Board ships operated through its own agents, and so do the agents. The agents of the Shipping Board last year collected from the Government of the United States between eight and nine million dollars in commissions, and of this $1,400,000 at least $800,000 will go in commissions to agents. So the Senator from West Virginia, if he wins in the contest, as of course he will, will have his full wish, because instead of helping these privately operated lines he will have gotten exactly what he wants done; he will have given $800,000 to the agents of the Shipping Board. That is what he is going to do.

Mr. NEELY. Mr. President, will the Senator yield again?

Mr. COPELAND. I yield.

Mr. NEELY. I am not in favor of giving the Shipping Board money to waste in the employment of an excessive number of people. Instead of appointing the coal commission the Senator from New York suggests, it might be more appropriate to appoint an investigating committee to ascertain to what extent, if any, the Shipping Board has wasted money in paying salaries to unnecessary employees.

Mr. COPELAND. The saturnalia of extravagance referred to by the Senator from West Virginia will be increased to the extent of a contribution to the makings of that saturnalia of extravagance of $800,000, because at least a little more than half of the appropriation will go to pay the commission of agents of the Government lines.

I would like to say to the Republicans on the other side that if there is anything in the world that shows the stupidity of the Republican Party and its lack of leadership it is that they do not point to the Democrats on this side and ask, "When did you turn Republican?" Yesterday almost every Democrat here voted for centralization of power by the continuance of the Shipping Board forever.

If I know anything about the history of the Democratic Party, the founders will turn over in their graves when they find that the Democratic Party has gone into bureaucracy and the centralization of Federal power, putting here in Washington bodies, great commissions, and boards to operate the business of the Government. What is the matter with the Republicans? They never had such a chance before to tell the Democrats how they have wandered from the path of virtue.

Mr. SMOOT. We tried to do that yesterday.

Mr. COPELAND. I think that yesterday was almost the only time in his life the Senator from Utah was ever right.

Mr. SMOOT. I thank the Senator.

Mr. COPELAND. That was almost the only time. But he was so right yesterday that I am inclined to forgive him for all his past offenses.

Mr. BROOKHART. Mr. President, it seems to me the Democratic Party is to be congratulated on getting an idea for action once in a while.

Mr. COPELAND. I do not think the Senator from Iowa is quite qualified to advise the Democratic Party, and certainly his own party would not take any advice from him. I do not know just what politics the Senator from Iowa possesses. Personally he is a charming man. I like him; I am for him. He is the best rifle shot in the world, and he is right on his human outlook on life; but when it comes to advising about politics I do not want any advice from the Senator from Iowa. He is not competent to speak on that subject. He can not qualify as an expert.

Now, Mr. President, I have said all I care to say, if I have said enough to let the country know that the bituminous coal industry of America, made up of these rock-ribbed, copper-lined, iron-bound Republicans, is getting down on its knees, begging for help and getting it from the Democrats. That is some achievement.

It is an outrage, and now, when the proposal is made to you that we will give you the ships and help this industry, bankrupt because of your own inefficiency, bankrupt because you have not had business sense enough to make it go, bankrupt because you have been so short-sighted you could not see beyond your noses, are you not decent enough and square enough and sportsmanlike enough to at least help these men who are operating ships under the American flag, trying to open markets of the world, willing to carry your coal to the uttermost parts of the earth?

Are you not willing to have at least a gentleman's agreement that before the Shipping Board shall put any more ships in commission and go into competition with these privately owned ships, at least they may have a chance to say to the Shipping Board, "All right; we will put two or three more ships on our line; we will furnish our agents; we will not charge the Government anything. Our loss will be so-and-so. If out of this $1,400,000 you will give us our proportion of the loss, we will do the work." Then there will be no harm done to these private concerns. The harm will be done to the agencies; they will not get the money.

Mr. President, that is fair, it is straightforward, it is sportsmanlike, it is decent. But, of course, I do not think there is the slightest chance in the world that you will be willing to do it. I am going to test the sentiment of the Senate, however. I will withdraw the amendment, if I may have consent to do so, in which I asked to reduce the amount by a million, and ask that a proviso be put at the end of the amendment of the Senator from Kentucky [Mr. SACKETT], reading as the clerk will indicate. I want to amend the bill as amended by adding at the end of the amendment of the Senator from Kentucky the proviso which I will ask to have read.

The VICE PRESIDENT. It will be necessary to reconsider the vote by which the amendment offered by the Senator from Kentucky was adopted, and, without objection, that vote will be reconsidered.

Mr. COPELAND. Now I offer the amendment suggested by the Senator from Kentucky [Mr. SACKETT], plus the proviso, which the clerk will read.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. At the end of the amendment heretofore agreed to, offered by the Senator from Kentucky [Mr. SACKETT], the Senator from New York proposes to insert the following proviso:

Provided, That before any Shipping Board ships are used for the export of American products the privately owned ship services shall be proffered the use of the Shipping Board ships for this purpose under such terms as shall not exceed an expense to the Government of $1,400,000.

Mr. COPELAND. Now I offer, as an amendment to the amendment submitted by the Senator from Kentucky [Mr. SACKETT], the proviso which the clerk will read.

The VICE PRESIDENT. The Senator from New York has withdrawn his original amendment?

Mr. COPELAND. I withdraw the amendment wherein I asked a reduction of $1,000,000.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. At the end of the amendment heretofore agreed to, as submitted by the Senator from Kentucky [Mr. SACKETT], the Senator from New York [Mr. COPELAND] proposes to insert the following proviso:

Provided further, That before any Shipping Board ships are used for the export of American products the privately owned ship service shall be proffered the use of the Shipping Board ships for this purpose under such terms as shall not exceed an expense to the Government of $1,400,000.

The VICE PRESIDENT. The question on agreeing to the proviso can be put without interfering with the Sackett amendment which has been adopted. The question, therefore, is on the amendment just offered by the Senator from New York.

The amendment was rejected.

The VICE PRESIDENT. The bill is still in Committee of the Whole and open to amendment.

Mr. COPELAND. Mr. President, I may first say that I have no surprise at all at the action of the Senate. I am prepared now to have the Senate take almost any action. It seems to me the Senate is determined to destroy our private merchant marine.

On page 36, lines 6 and 7, we find this language——

Mr. JONES. Mr. President, those lines have been stricken out and we have inserted a substitute agreed on in the committee. We adopted that provision which the committee agreed to for the reconditioning of those ships, to cost not to exceed $12,000,000, $10,000,000 of which should come from the loan-construction fund, and providing that they should not be sold at a smaller price than the cost, less depreciation at 5 per cent per annum from the date of reconditioning.

Mr. COPELAND. Mr. President, I want to ask the Senator from Washington if it is possible that the Senate this after-

noon, in the five minutes that I was away from the Chamber, could have taken a step so vital as this without any debate?

Mr. JONES. The Senate certainly did.

Mr. COPELAND. Mr. President, I want to get before the Senate in some parliamentary way. Is a motion to reconsider debatable?

The VICE PRESIDENT. A motion to reconsider is debatable.

Mr. COPELAND. I move to reconsider the vote by which the amendment of the Senator from Washington [Mr. JONES] was adopted.

The VICE PRESIDENT. The question is on the motion of the Senator from New York——

Mr. COPELAND. Just a moment, Mr. President. I want to discuss that motion.

Mr. WARREN. Mr. President, as I understand, the Senator from New York is asking to strike out the $12,000,000 provision which came over from the House?

Mr. COPELAND. Yes.

Mr. WARREN. Of course, we have passed over the entire bill and adopted all of the amendments submitted by the committee, although the motion of the Senator, I am sorry to say, is in order. Does the Senator wish to carry his motion into effect?

Mr. COPELAND. Did the Senator ask the question seriously?

Mr. President, this is what the Senate did and this is what I have moved to reconsider—this being the wording of the so-called Jones amendment submitted in behalf of the committee, inserting the following language:

> For the reconditioning of the steamships *Mount Vernon* and *Monticello* at a total cost not in excess of $12,000,000, not to exceed $10,000,000 is made available from the construction loan fund, and shall be reimbursed to such fund with interest at such rate and within such period as the board may determine, but not exceeding 10 years after the date of commission of such reconditioned vessels: *Provided*, That neither of said steamships shall be sold for less than the cost of reconditioning, less a deduction of 5 per cent per annum for depreciation from the date of completion of such reconditioning to the date of sale.

The reason why I am asking that this be reconsidered, not dreaming for a moment that it will be reconsidered, is in order that the RECORD may show what the Senate is undertaking to do. I want the RECORD to show what is going to be done, because I do not think the Senate knows what is going to be done if there was no debate on the subject.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from New York yield to the Senator from Utah?

Mr. COPELAND. I yield.

Mr. KING. I would like to ask whether the amendment just read by the Senator from New York carries an appropriation in addition to that found on page 35, line 8, of $10,000,000, and also whether it modifies in any way the appropriation carried on page 33, lines 6 and 7, of $12,000,000.

Mr. JONES. Mr. President, if the Senator from New York will permit me, I will say that the $10,000,000 on page 35 has nothing to do with this proposition at all, and there has been no change made in that language. On page 36, lines 6 and 7 have been stricken out and an amendment inserted providing for the reconditioning of the two boats at not to exceed $12,000,000, not to exceed $10,000,000 of which shall come from the loan construction fund. That is substantially the difference between the House provision and the Senate provision.

Mr. KING. For what purpose is the $10,000,000 to be used which is carried in the appropriation found on page 35?

Mr. JONES. It is expressed very plainly in the language of the bill, which reads:

> To enable the United States Shipping Board Merchant Fleet Corporation to operate ships or lines of ships which have been or may be taken back from purchasers by reason of competition or other methods employed by foreign shipowners or operators there is hereby appropriated—

And so forth.

This provision was put in some two or three years ago to meet a possible cutting of rates on the part of foreign shipping, which would drive out of business persons operating ships purchased in the United States.

Mr. KING. Then there is the $13,400,000 found on page 34, the $10,000,000 and the $12,000,000, plus other amounts herein indicated, plus the amounts received from sales of ships or property in the hands of the Shipping Board, aggregating probably $40,000,000.

Mr. WARREN. Of course, that goes back into the Treasury. All money received for vessels sold goes back into the Treasury of the United States.

Mr. COPELAND. I hope the Senator from Utah will not propose an amendment to the bill which will take away from the Shipping Board moneys to be used in operating ships which are to be taken back, because if we pass a few more bills and make a few more appropriations to run competing Government-owned lines with private lines, they will all be taken back.

Mr. KING. Of course, I understand that any amendment that might be offered by myself or the Senator from New York or other Senators entertaining our view as to the improvidence, inexpedience, and foolishness of the program which is proposed by our distinguished friends who supported the bill yesterday would be unavailing, and I shall offer none. I shall, before the bill passes, however, after the Senator from New York concludes his interesting and instructive address——

Mr. COPELAND. And convinces the Senate.

Mr. KING. Yes. I shall submit a few observations to the Senate.

Mr. COPELAND. Mr. President, let all those who do not desire to be informed leave the Chamber at once.

We count 25 or 30 years as a generation. Twenty-five or thirty years from now these seats will be occupied by a different group. It is sad to bring up that fact. Some of the seats will be vacant long before that time.

More than a generation ago the Germans built a ship. Away back at the beginning of this century, in 1901, I think it was, they built a boat, an 18,000-ton boat, a nice little boat, which would have made a fine yacht—that is, it would in those days—for a coal baron. They were rich then.

The Germans launched this boat, the *Kronprinzessin Cecile*. Time went on, and by reason of the vicissitudes of fate, if there is such a thing, this ship was in our port when the war came on. When we got into the war we took over this and several other boats. They were ours then and we changed the name of the *Kronprinzessin Cecile* to *Agamemnon*, changing the sex of the ship at the same time we did the name, I suppose. She was damaged by fire—or should I say "he" was damaged by fire? I am not sure about the sex of a ship with this name.

It is a ship built in 1901 and now what do we propose to do with it? We are going to put $6,000,000 of the people's money into that old hulk. I wonder if the Senator from Washington ever heard the story about the small boy who came home from school crying. His father said, "Willie, what is the matter?" He said, "I got licked and it is your fault." His father said, "How is it my fault?" The boy said, "You told me a million dollars is a hell of a lot of money and that is not the right answer." [Laughter.]

It is proposed to put $6,000,000 into an old hulk of a boat built in 1901. What would the Senator think about the owner of a Ford flivver of the vintage of 1901 who bought $6,000,000 worth of Rolls Royce body to put on his 1901 flivver? And yet, without one particle of consideration by this body it is proposed to vote $6,000,000 to refit that old ship and $6,000,000 more to refit another one built the next year.

Whoever heard of such idiocy? It is proposed to expend $12,000,000 of the people's money to recondition two ships that were built a generation ago. When those ships were built all these "grave and reverend signiors" were mere boys, but I have this to say to them: If we shall rebuild these ships the time when we throw them away will be so very brief that these "grave and reverend signiors" will not change a bit.

Do Senators know what happened in Germany? The Germans retained in their port the *Hensa*, a sister ship to the *Kronprinzessin Cecile;* they kept her; we did not get her; as time went on, she did not happen to burn out as did the *Agamemnon*, but she just grew old naturally. So the Germans decided that they would recondition her. They spent six or eight million dollars on the reconditioning of the *Hensa*, and at the end of two years they scrapped her because she was not any good.

The sum of $12,000,000 of the people's money is to be put into two old hulks. I will challenge the other side of the Chamber. I will vote $30,000,000 to build two new ships to replace these two old ships. I will vote for $40,000,000 to do it. The sum of $40,000,000 would build two decent ships; but it is now proposed to put $12,000,000 into two rotting hulks which are 27 years old. My brethren, it is silly beyond all words.

Mr. KING. Mr. President, will the Senator from New York yield to me?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Utah?

Mr. COPELAND. I do.

Mr. KING. In order to show the superior wisdom of the British to that possessed by the Shipping Board and the American Senate, may I say that Lord Inchcape, who was connected with the Admiralty for a number of years following the World War, got rid of many of the ships of Great Britain, some of which were not nearly so old as the *Agamemnon* and the *Mount Vernon*, selling some of them at $25 and $30 a ton, because he knew that those old ships could survive but a few years and that it would be a complete waste of money to spend it in reconditioning them. He further knew that fast ships were needed; that a new style of ship architecture had been developed, as we have developed a new style of architectural building in the United States, which would supersede the old style. He felt that the Diesel engine would supersede the old motive power; so he got rid of scores of British ships and built new ships. Germany has also built new ships. So foreign ships are now carrying and will continue to carry the great bulk of the trans-Atlantic trade if not of the South American trade unless the United States shall pursue a wise policy, one entirely different from that indicated by the Senate on yesterday when it voted for the Jones shipping bill.

Mr. COPELAND. Mr. President, I thank the Senator from Utah. He states the situation as it is, and the position he takes is the position assumed by every experienced shipping man in the United States.

I hold in my hand a letter, which I received this morning, from a friend of mine in New York who is not in the shipping business at the present time; he is out of business and has no interest in it. He is merely a patriotic, American citizen. What does he say?—

> I am taking the liberty of writing you regarding this appropriation—

The one we are now asked to make—

> thinking that perchance during the many details required upon other matters, some seeming facts pertaining to these ships had not come to your attention, and that it might be well for some good Democrats—

Listen, Senators—

> to investigate these conditions before $12,000,000 of public money is spent, perhaps needlessly.
>
> Both these ships are strictly passenger carriers, with absolutely no accommodations for cargo.

So the United States Senate, so solicitous of the passengers who may sail upon ships of the United States Lines, proposes to recondition a couple of ships for the accommodation of passengers. I am not interested in the accommodation of passengers. I want an American merchant marine to carry the products of our farms, orchards, gardens, and manufactures to the uttermost parts of the earth, and these ships, the *Agamemnon* and the *Mount Vernon*, or the *Monticello* and the *Mount Vernon*, as we now call them, are strictly passenger carriers with no accommodations for cargo. The letter continues:

> Can the United States make them pay with the passengers only, with the now restricted immigration laws in effect?
>
> These ships—

Let Senators who are advocating spending $12,000,000 of the people's money listen to this—

> These ships have always been excessive in the cost of operation and they are considered "white elephants" by their former owners, the North German Lloyd, and the cost of operation by that German organization was far below that of ours to-day.

Again:

> One official and three inspectors of the Newport News Shipbuilding & Dry Dock Co. stated to a prospective purchaser of one of these ships "that the ships did not warrant reconditioning and that a fair value 'as is' was as of junk and approximately $100,000."

And yet it is proposed to spend $12,000,000 of the people's money to recondition these ships.

Mr. President, do we not know how difficult it is to raise money by taxes? Last year Congress appropriated nearly $4,000,000,000; it put upon the backs of the taxpayers $4,000,000,000; the States put another billion dollars upon them; cities and other subdivisions of government put another $5,000,000,000 upon them, making $10,000,000,000 in taxes. The earnings of our people amounted to only $90,000,000,000. So one-ninth of all the money earned by the people of the United States goes for the payment of taxes.

And now, without any real discussion, without any consideration, without, in fact, any knowledge of why this money is to be expended, the Senate votes $12,000,000 to rehabilitate two broken-down old ships that will be out of commission in two or three years. I can not understand such procedure. I do not know that there is any use trying to understand it. The Senate has taken the bit in its teeth; it is going forward with this enterprise and has made a needless appropriation to-day of $13,400,000.

I wish I had so much money that a million dollars would not mean anything to me; but I say it is utterly wrong, it is a crime against our citizens to reach into their pockets for another raid like this involving $13,400,000.

What more can I say? No one listens; no one cares; but I will tell you, Mr. President, that some day the American people will say to the American Congress, "We are not going to stand such nonsense any longer." If the Democratic Party does not rise to its opportunities, if the Republican Party continues to violate its opportunities, there will come a new party, there will come a new group of people in the United States who will stop this outrageous raiding of the Treasury and this disregarding of the rights of the people. I think, Mr. President, that it is time we should stop and give consideration to these matters.

The poor are just as much taxpayers, whether or not their names are upon the tax rolls as are those who actually pay the taxes. Go into their homes and you will find them groaning everywhere because of the high prices charged; and yet every time we put $13,000,000 upon the tax rolls of this country it means that $4,000,000 will be paid by the people of my State; one-third of this amount will be paid by the people of New York. We are going to pay $4,000,000 of our money to recondition these ships. It is all very well for Senators who come from States where the tax assessment is small and where the amount of money paid in taxes is not great to advocate this measure, but they are putting upon the people of my State an unnecessary tax of $4,000,000. Keep on, and after a while the people of all the States will rise up in indignation against such a procedure.

Mr. President, I feel positively ashamed to detain the few Senators who are present, but when I think about the outrageous thing that we are undertaking to do to-day, that feeling of shame is overcome by one of great indignation that the Senate so inconsiderately, so thoughtlessly, so hastily, would appropriate such an enormous amount of the people's money. We might just as well take this money out on the ocean and sink it to the bottom of the sea, because, as I have said, it will not be more than two years before these ships will be out of commission and put on the scrap heap.

Mr. President, I have done the best I could to tell the people of the country what the situation is. It is an outrage upon them, and I hope and pray that Senators may see how wrong is this act and that they may retreat before it is too late.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York [Mr. COPELAND] to reconsider the amendment offered by the Senator from Washington [Mr. JONES].

Mr. JONES. Mr. President, I wish to say but a few words. I supposed that the Senate had so much confidence in the committee which recommended this amendment that it had no fear about the advisability of doing this thing.

The facts briefly are these, Mr. President:

We called the Shipping Board representative before the committee. The Senator from New York was there. I am not an expert. I do not pretend to be an expert. The chairman of the Shipping Board stated that the Shipping Board had called together the best shipping experts they could find in the country and had them examine the hulls of these two ships, and that these experts said that with the reconditioning of the hulls these ships would be good ships for from 10 to 15 years. There is great need of two additional ships on the North Atlantic line, and they stated that these two ships could be reconditioned in about 12 or 16 months.

They would like very much to have two new ships of the kind described by the Senator from New York. They said that it would take from three to four years to build those ships, but that the reconditioned ships would serve very well as a stop-gap for this situation; so they felt that it would be advisable to recondition them.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. JONES. In just a moment. They said that if they could get two new ships in three or four years, then these ships would be available for other service, like the intercoastal service, and could be used to very good advantage for 10 or 15 years. Under those circumstances the committee felt that they were justified in providing for the reconditioning of the two ships.

I now yield to the Senator from New Jersey.

Mr. EDGE. Did the committee get information from the Shipping Board at the same time as to the approximate cost of a new ship of this class, built at this time?

Mr. JONES. My recollection is that the testimony either came from them or came from other sources that it would cost from twelve to fifteen million dollars a ship to get the sort of

ship they ought to have on the North Atlantic Line; in other words, from twenty-five to thirty million dollars.

Mr. EDGE. For two new ships?

Mr. JONES. For two new ships.

Mr. EDGE. And that information, I presume, followed some investigation which showed that it would require at least from three to four years to build the ships?

Mr. JONES. That is what Chairman O'Connor said.

Mr. EDGE. If the Senator will let me say just a word——

Mr. JONES. Yes.

Mr. EDGE. Personally, I should have preferred a larger appropriation for two new ships as a business proposition; but I am inclined to accept the judgment of the committee and of the board that they have investigated it, and the facts are undoubtedly as stated.

Mr. JONES. Those, briefly, are the facts that were presented to the committee. Personally, I certainly should like to see us have two new ships; but, as I understand, the need for additional ships on this line is very pressing.

Mr. EDGE. This is for the overseas service on the North Atlantic?

Mr. JONES. Yes; for the North Atlantic service from New York to Great Britain.

Briefly, Mr. President and Members of the Senate, these are the facts upon which the committee took the action that it did; and I hope the motion to reconsider will be voted down.

Mr. COPELAND. Mr. President, there is not any doubt at all, if we are to continue in the shipping business—and I assume, from the action taken yesterday, that that is to be the policy if the House agrees to it and the President signs the bill—that we need two more ships on the United States Lines. There is no question about that.

We should have a service given by those lines that would permit us to have mail sent out from New York every second day. We now have the *Leviathan*, which is a first-class ship, the only one we have. The other ships are very slow ships. The result of our present system of conducting the lines is that we have to give the mails to the British ships. We ought to have two more ships. That is the reason why a while ago I said to the Senator that I would join him in voting $30,000,000 or even $40,000,000 for the building of two brand-new ships.

I have, however, given a lot of study to this subject since I sat in the meeting of the subcommittee on this bill last week. I have given a lot of study to it and taken a lot of testimony; and I am convinced that these old ships are not fit to spend a dollar on. I would not spend a cent on them. If there is some parliamentary way by which this appropriation can be increased, or the Shipping Board can be authorized to take out of the loan fund thirty or forty million dollars, I will vote for it; but I could not vote to throw away $12,000,000 of the people's money for rebuilding these old hulls. Therefore, even if I am alone in it, I must vote as I have indicated.

The PRESIDING OFFICER. The question is on the motion to reconsider.

The motion to reconsider was rejected.

Mr. SHEPPARD. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to insert, at the end of the bill, a new section to read as follows:

Water boundary, United States and Mexico: For an additional amount for the water boundary, United States and Mexico, including personal services, procurement of technical and scientific equipment, camp outfits, and the purchase, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, and $1,200 for rent, $65,000 for the fiscal year 1929, to be immediately available (treaties of November 12, 1884, vol. 24, p. 1011; May 1, 1889, vol. 26, p. 1531, art. 2; act of February 24, 1927, vol. 44, pt. 2, p. 1185), $65,000.

Mr. SHEPPARD. I ask to have the estimate for the item read.

The PRESIDING OFFICER. The estimate will be read.

The Chief Clerk read as follows:

THE WHITE HOUSE,
Washington, January 25, 1928.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith for the consideration of Congress a supplemental estimate of appropriation for the Department of State for the fiscal year 1929, to be immediately available, for the water boundary, United States and Mexico, amounting to $65,000.

The details of this estimate and the necessity therefor are set forth in the letter of the Director of the Bureau of the Budget transmitted herewith, with whose comments and observations thereon I concur.

Respectfully,

CALVIN COOLIDGE.

BUREAU OF THE BUDGET,
Washington, January 25, 1928.

SIR: I have the honor to submit herewith for your consideration a supplemental estimate of appropriation for the Department of State for the fiscal year 1929, to be immediately available, amounting to $65,000.

Water boundary, United States and Mexico..... $65,000

The purpose of this estimate is to enable the International Boundary Commission, United States and Mexico, to undertake surveys and the preparation of plans and estimates, having for their object the assembling of exact information which could form the basis of a final agreement with Mexico to overcome the difficulty resulting from the present shifting boundary line between the United States and Mexico from about 2 miles from El Paso, Tex., to the Box Canyon below Fort Quitman, Tex., a distance by the river of about 170 miles, involving an area of approximately 200 square miles of land directly adjacent to the river.

I recommend the transmission of this estimate to Congress.

Very respectfully,

H. M. LORD,
Director of the Bureau of the Budget.

The PRESIDENT.

Mr. WARREN. Mr. President, I should like to have the amendment read again.

The PRESIDING OFFICER. The Secretary will reread the amendment.

The Chief Clerk reread the amendment.

Mr. SHEPPARD. Mr. President, I desire to make a brief statement in explanation of the amendment. To show the importance of it, I wish to quote briefly from a letter from the Secretary of State to the chairman of the Senate Foreign Relations Committee.

Mr. WARREN. Mr. President, will the Senator yield to me a moment?

Mr. SHEPPARD. I yield.

Mr. WARREN. I should like to say to the Senator that this bill contains no subject of that kind. It is entirely a different matter. The Senator's amendment, of course, could be offered to the Interior Department bill or to a deficiency bill without being a stranger and unrelated to everything that is in such bills.

Mr. SHEPPARD. Mr. President, it was my idea that the International Boundary Commission, United States and Mexico, was an independent entity, an independent office.

Mr. CURTIS. It is under the State Department.

Mr. SHEPPARD. I have here the law creating the State Department, and there is no reference in it to the International Boundary Commission. The International Boundary Commission is an independent executive body.

Mr. CURTIS. The International Boundary Commission, as I understand, was carried in the appropriation bill providing appropriations for the State Department. I had charge of that bill for a number of years.

Mr. SHEPPARD. So it was; but that does not necessarily mean that it is not an independent office.

Mr. CURTIS. It is not taken care of in this bill. It is taken care of in the State Department bill.

Mr. SHEPPARD. So it has been.

Mr. CURTIS. I would suggest to the Senator, in order not to begin to load up this bill and change the plan that has been worked on for years in order to get it perfect, that he delay offering his amendment and offer it to the first deficiency bill that comes over.

Mr. WARREN. That would be immediately available.

Mr. CURTIS. Of course, this is made immediately available, too; but that would carry out the plan that we worked for years to get the Congress to adopt, to have these bills take care of the subjects to which they apply.

Mr. SHEPPARD. I understand that it may be several months before there will be a deficiency bill, and I fear that any further delay will be fatal. Otherwise I would not offer this amendment now.

Mr. CURTIS. I am not the chairman of the committee, but I was told that there is one now in course of preparation.

Mr. SHEPPARD. A deficiency bill now in course of preparation?

Mr. CURTIS. I understood so; on the House side. I would not be sure about that.

Mr. WARREN. Mr. President, I do not want to assume what our conferees will do, but I think I am safe in saying that it will be very much more satisfactory to them to have the amendment in a bill to which it properly relates, rather than meet it as a stranger, as it is in this bill.

Mr. SHEPPARD. Let me make the explanation, and then I shall ask the Chair to rule.

The letter to which I refer reads as follows:

The International Boundary Commission, United States and Mexico, proposes to undertake surveys and the preparation of plans and estimates, having for their object the assembling of exact information which could form the basis of a final agreement with Mexico to overcome the difficulty resulting from the present shifting of the channel of the Rio Grande which forms the boundary line between the United States and Mexico from about 2 miles above El Paso, Tex., to the Box Canyon below Fort Quitman, a distance by the river of about 170 miles, and involving an area of approximately 200 square miles of land directly adjacent to the river. In this area there exists over 3,000 acres of land now largely held by American citizens, over which there exist disputes as to ownership. Portions of this area located within the city limits of El Paso are highly valuable; and in the Chamizal case the United States, in the past 20 years of contention with Mexico over sovereignty, has expended over a quarter of a million dollars in an unsuccessful attempt to clear the national title. The city and county of El Paso have in the past few years expended in bond issues one-half of a million dollars in providing protective and drainage work on the unsuitable locations following the sharp bends in the river. Immigration, customs, and prohibition laws are difficult of enforcement, and land titles and values are affected by the shifting river and flood menace.

Mr. President, permit me to say that now for the first time in history the United States and Mexico, through commissioners acting under authority of their respective Governments, have reached an agreement in reference to the Chamizal zone. It is a tract of land on the American side of the Rio Grande, and yet Mexico has claimed title to it. It involves a part of the city of El Paso, and its value extends into the millions. Another tract of land farther down the river, the Cordova tract, is in largely the same position, although it is not within the city limits of El Paso, and is not so valuable.

Mr. KING. Mr. President, will the Senator permit a question?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Utah?

Mr. SHEPPARD. I do.

Mr. KING. Many years ago we set up a commission to determine the boundary between the United States and Mexico. My recollection is that there was a supplemental or an additional commission appointed. We have had commissions to determine the boundary between the United States and Canada, and the boundaries along the Great Lakes. I have been wondering what all those commissions have been doing all these years. I recall that one of my good friends, who has gone to his great reward, was for years a member of one of these commissions. I am afraid that the members of many of these commissions have treated their positions as sinecures; and I ask the Senator, for information, what these commissions have been doing for 40 or 50 years in determining the boundary between the United States and Mexico?

Mr. SHEPPARD. The commission which had jurisdiction of that Chamizal controversy reached a decision, which amounted to a deadlock, and the matter remained in that situation until an agreement was reached by commissioners authorized to take up the matter a few months ago, an agreement for the first time in our history. The survey authorized by the amendment I have offered will demonstrate whether the agreement which has been tentatively reached by the representatives of the two countries may be properly entered into by us. Delay may be fatal to the tentative agreement.

Mr. WARREN. Mr. President, I shall not further object. The Senator had the matter before the committee and we advised him that we would like to see it put on in the proper place. I am sorry the Senator takes the view that it should go on this bill, but if he wishes to take the chance and put it on this bill, where it does not belong, I shall make no further objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas [Mr. SHEPPARD].

The amendment was agreed to.

Mr. BLACK. Mr. President, I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment for the information of the Senate.

The CHIEF CLERK. On page 35, line 19, after the words "Attorney General of the United States," insert the words "and by the Senate of the United States."

Mr. KING. So that it will read how?

The CHIEF CLERK. So that it will read:

No part of the sums appropriated in this act shall be used to pay the compensation of any attorney, regular or special, for the United States Shipping Board or the United States Shipping Board Merchant Fleet Corporation unless the contract of employment has been approved by the Attorney General of the United States and the Senate of the United States.

Mr. WARREN. Mr. President, I shall have to make a point of order against that amendment. It is not in order to place such an amendment on this bill. It is legislation.

Mr. KING. Mr. President, if the Senator from Alabama will yield, it seems to me that the object which the Senator is seeking can be accomplished and that the amendment by which he seeks to accomplish it will not be obnoxious to the rule. The Senator from Alabama has a perfect right, I submit, to place a limitation upon any appropriation, and if I rightly interpret the amendment just offered, and which has just been read, it is that no person shall be employed or appointed except his appointment be confirmed by the Senate.

If I understand the Senator from Alabama, he is seeking to prevent the appointment of employees by the Shipping Board, receiving these large salaries, unless the appointments shall receive the approval of the Senate. I suggest to the Senator that he can frame his amendment so as to provide that the appointments shall be subject to confirmation by the Senate.

Mr. BLACK. Mr. President, if that amendment is not in order, then this section as written is improper, because it provides that the employment must be approved by the Attorney General of the United States, and that is legislation. I add to that provision a clause that it shall also be approved by the Senate of the United States. To assert that we can provide that it shall be approved by the Attorney General and not that it shall be approved by the Senate would seem to me a rather strange construction.

Mr. KING. Mr. President, will the Senator yield to me?

Mr. BLACK. Yes; I yield. I can state the reasons why I think it is proper.

Mr. KING. Does the Senator seek to have the contract of hiring approved by the Senate, or to have the appointments made by and with the advice and consent of the Senate?

Mr. BLACK. I want the appointments made by and with the consent of the Senate.

Mr. KING. I can see some objection, possibly, to placing in the hands of the Senate the right to approve a contract. There could be no objection to having the contract approved by Congress, but there would be not only no objection to providing but it seems to me it would be entirely proper to provide that the appointee receiving this large compensation should be confirmed by the Senate of the United States.

Mr. BLACK. I desire to change the amendment so that it shall read as follows:

And said appointment shall be made by and with the advice and consent of the Senate.

Mr. JONES. This does not provide for any appointment at all.

Mr. WARREN. That is entirely outside of the law, I think. The Senate has a right to confirm or not confirm, but I hardly think the Senate has a right to appoint, and I think that does not make the amendment in order at all.

Mr. BLACK. What is the objection?

Mr. WARREN. It is legislation.

Mr. BLACK. I thought this was all legislation.

Mr. WARREN. I do not object to the idea that the Senator is suggesting, if it can be accomplished in regular order, but the Committee on Appropriations is charged with protecting the bills it reports, under the rules, and to see that legislation does not creep into the appropriation bills, except by general consent, and even that has to be done in another way.

Mr. BLACK. At the last session of Congress a proviso was attached to an appropriation bill to the effect that no payment should be made to officers unless they were promoted in a manner set forth in that bill. My amendment seeks to provide that payment shall not be made to these attorneys unless their appointments are confirmed by the Senate. One of them is getting $15,000 a year, more than the judges of the Supreme Court of the United States receive. This man is passing on contracts from all over this Nation. I insist that the amendment is in order.

The PRESIDING OFFICER. The Chair is ready to rule.

Mr. KING. Mr. President, it seems to me the purpose which the Senator from Alabama has in mind is a legitimate and a proper one, and if his amendment can be so phrased as to be freed from the objection that it is subjected to a point of order such as suggested by the able Senator from Wyoming, it should be added to the bill.

There is legislation in this bill. Whenever we provide, as this bill does provide, for the employment of a number of officers by the Shipping Board, that is legislation, and obviously the Senate and Congress may prescribe the limitations upon the

number of employees, upon the salaries which the employees shall receive, and upon the manner of their appointment, and they can likewise prescribe, if they desire, that certain appointees shall receive their appointments only by and with the advice and consent of the Senate.

It may be that the amendment as tendered is subject to some objection as to uncertainty, but certainly the point which the Senator from Alabama is attempting to make is quite proper, and an amendment which would carry that view into effect, I respectfully submit, is not subject to the point of order that it is new legislation or that it is improper upon an appropriation bill.

The authorities are numerous. If the Chair will look at the precedents he will find them mountain high to the effect that the Senate has the right by amendments upon appropriation bills to limit the use of appropriations or the character of the appropriations. I have many precedents in mind, but I shall not take the time of the Senate to challenge attention of the Chair to the same. This is an ordinary amendment to limit an appropriation, and that is not obnoxious to the rule.

Mr. HEFLIN. Mr. President, it seems to me that this amendment is in order, because the law now provides, as has been stated, that the Attorney General must approve the appointments of the Shipping Board. My colleague simply suggests that before a man serves in one of these positions, selected by the board and approved by the Attorney General of the United States, he must be confirmed by the Senate. I think it is an important amendment, and it ought to be on the bill.

The man to whom the Senator has referred draws $15,000 a year. He is drawing more than any United States Senator receives, more than any governor in the country that I know of receives, and it is a very important office. He passes on very important matters. It looks to me as if these men should not be picked out from the body of lawyers over the country without having the sanction of the Senate. It appears to me that we ought to put the amendment on the bill now. The Attorney General must pass on the appointees and approve them. Why not say that the Senate shall confirm them?

Mr. JONES. Mr. President, I would like to have the amendment read.

The PRESIDING OFFICER. The clerk will read the amendment for the information of the Senate.

The CHIEF CLERK. As offered, the amendment provides for the insertion, on page 35, line 19, after the words "Attorney General of the United States" and before the period, of the words "and by the Senate of the United States."

The PRESIDING OFFICER. The Chair understands that the Senator from Alabama desires to perfect his amendment.

Mr. BLACK. I will ask the clerk to state the amendment as I have perfected it.

The CHIEF CLERK. As modified, the amendment reads:

Provided, That such attorney shall be appointed by the President, by and with the advice and consent of the Senate.

Mr. BLACK. That is the amendment which I offer.

Mr. KING. Mr. President, I have suggested to the Senator from Alabama that at the close of the amendment which he offers, which relates to the contract as well as to the appointment of the attorney, he add a proviso:

Provided, That the attorney shall be appointed by the President, by and with the advice and consent of the Senate.

The PRESIDING OFFICER. Does the Senator from Alabama accept the amendment?

Mr. BLACK. I accept that amendment.

Mr. JONES. Mr. President, I do not know that that would be subject to a point of order. This is a limitation that no part of the sum hereby appropriated shall be used for the payment of any compensation unless the contract of employment is approved. It is apparently proposed to change the law with reference to the selection of these attorneys and make them appointive officers. These attorneys are not appointive officers under the existing law. I think on that theory this goes further than a limitation and actually proposes to change the manner of the selection of these attorneys. That is changing the existing law. Therefore, I think the amendment is subject to a point of order that it is new legislation on an appropriation bill.

Mr. KING. Mr. President, I am a very poor champion, perhaps, of the amendment offered by the Senator from Alabama, but such as I am I enter the lists in behalf of his amendment.

It does seem to me that a proper construction of the amendment offered by the Senator is that it shall be a limitation upon the appropriation:

Provided, That no part of this appropriation shall be used for the payment of any attorney unless he shall be appointed by the President, by and with the consent of the Senate.

In other words, here is an appropriation of a very large sum which contemplates that attorneys shall be appointed. Obviously Congress has the right to say that any person drawing a part of this appropriation must be appointed by the President, by and with the consent of the Senate. That is a limitation upon the appropriation.

May not Congress say, "We appropriate a million dollars for a certain purpose, a portion of which is to be used in the employment of attorneys; but we further provide that no person shall be employed as an attorney whose compensation shall exceed $10,000, unless he shall be appointed by the President, by and with the consent of the Senate"?

That may be called legislation, but it is legislation in the interest of a limitation upon an appropriation. Therefore I most respectfully insist that the amendment offered by the Senator from Alabama is not subject to a point of order.

Mr. JONES. Mr. President, I want to say that I think the argument of the Senator from Utah sustains the point of order. The amendment is more than a limitation; it is an actual change of law. It affects the method of appointment of these attorneys for the Shipping Board, and instead of their being selected by contract to be approved by the Attorney General, as the law now provides, it does away with that law and provides that they must be nominated by the President and their nominations confirmed by the Senate.

Mr. BLACK. Mr. President, evidently the law does not already provide that the contract shall be approved by the Attorney General, because this provision here brings in, evidently for the first time, the fact that the contract must be approved by the Attorney General of the United States.

It reads:

No part of the sums appropriated in this act shall be used to pay the compensation of any attorney, regular or special, for the United States Shipping Board or the United States Shipping Board Merchant Fleet Corporation, unless the contract of employment has been approved by the Attorney General of the United States.

It is a limitation upon the power of the board, limiting it to its approval by the Attorney General. I simply add an additional safeguard which I insist, from my personal experience with the attorney for the Shipping Board, ought to be granted in this case, that before he is appointed he should be confirmed by the Senate of the United States.

This is an important position. That man passes upon claims from all over the Nation. He acts largely for the commission. I have found, in endeavoring to obtain anything from the commission, that they will not turn a hand until that special attorney shall have first approved their action. That being true, he is as important in actual and practical experience as the Shipping Board itself. According to my experience before the board, he is far more important than all the members of the Shipping Board when one attempts to obtain any relief for a citizen of the United States. I insist that this is a very material and very necessary and very much needed amendment.

Not only that, but all over the United States they have appointed special attorneys, when the district attorney, whom the Senate confirms, was there capable of performing the duty. If Senators will look at the expense accounts of the Shipping Board in the matter of the employment of attorneys, they will find it reaches an exorbitant and extravagant amount. They have been appointing attorneys on top of attorneys, capping the stone with a $15,000 man, when the highest paid Assistant Attorney General, according to the record, is only $10,000 a year, and yet they pay $15,000. I know of no place where it would be more appropriate, where we would draw money out of the Treasury to pay them, to say, "You can pay this man this amount of money, but before this is done he shall have his appointment ratified and confirmed by the Senate."

Mr. WARREN. Mr. President, the amendment is out of order for another reason, in that it has not been submitted to a committee, it has not been considered by a committee, and it is plainly legislation. Therefore, under the rule of the Senate, if not for any other reason, I shall have to object as I have been doing. I insist upon the objection.

The PRESIDING OFFICER. The Chair is ready to rule. The Chair will say to the Senator from Alabama [Mr. BLACK] that while it is true the paragraph on page 35 is in the nature of legislation, there is no rule against new legislation coming from the House in an appropriation bill. The rule of the Senate which applies is Rule XVI, paragraph 3:

No amendment which proposes general legislation—

The Chair will call the Senator's attention to the second word, "amendment."

No amendment which proposes general legislation shall be received to any general appropriation bill.

Therefore the Chair rules that the point of order is well taken.

Mr. CURTIS. Mr. President, does the Senator from Wyoming want to proceed further to-night?

Mr. WARREN. I should be delighted to finish the bill to-night, but I do not wish to cut off anyone who properly has an amendment to propose. I understand, in addition to the amendment offered by the Senator from Alabama [Mr. BLACK], that the Senator from Utah [Mr. KING] wishes to occupy some time and that he is physically somewhat indisposed this evening. Therefore I am willing to take a recess.

Mr. HARRISON. Mr. President, before the Senator from Kansas moves to take a recess, will he yield to me a moment?

Mr. CURTIS. I yield to the Senator from Mississippi.

LIGHTHOUSE RESERVATION, SHIP ISLAND, MISS.

Mr. HARRISON. I ask unanimous consent for the present consideration of the bill (S. 2594) transferring a portion of the lighthouse reservation, Ship Island, Miss., to the jurisdiction and control of the War Department.

This is a bill similar to one which passed the Senate during the last session of Congress but which did not pass the House. It is unanimously reported out by the Committee on Military Affairs and will take only a moment to consider.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That so much of the lighthouse reservation, Ship Island, Miss., as the Secretary of Commerce deems unnecessary for lighthouse purposes is transferred to and made a part of Ship Island Military Reservation under the jurisdiction and control of the Secretary of War. Such Ship Island Military Reservation, with the portion of the Ship Island lighthouse reservation hereby made a part of it, shall be reappraised and disposed of subject to all the provisions of the act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SHIPMENT OF LIVE POULTRY

Mr. COPELAND. Mr. President, I ask unanimous consent for the present consideration of Calendar 41, the joint resolution (S. J. Res. 42) to amend the act of May 29, 1884, as amended; the act of February 2, 1903; and the act of March 3, 1905, as amended. It is a measure which has been pending a long time. An identical joint resolution passed the House, and I ask that it may be considered at this time.

Mr. KING. Reserving the right to object, let the joint resolution be read.

The PRESIDING OFFICER. The clerk will read the joint resolution for the information of the Senate.

The Chief Clerk read the joint resolution.

Mr. COPELAND. I ask that there be substituted for the Senate joint resolution——

Mr. MOSES. I shall have to object.

The PRESIDING OFFICER. Objection is made.

NATIONAL ORIGINS CLAUSE, IMMIGRATION RESTRICTION LAW

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to have printed in the RECORD a speech made by the senior Senator from Minnesota [Mr. SHIPSTEAD] before the American-Irish Historical Society in New York, and also to have printed following that speech a table showing the condition of immigration under the present law and under the national origins law.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the United States Daily, January 30, 1928]

NATIONAL ORIGINS OF AMERICANS DECLARED TO BE UNTRACEABLE—SENATOR SHIPSTEAD ASSERTS DATA IS NOT AVAILABLE AS BASIS FOR DETERMINATION OF ALIEN QUOTA UNDER IMMIGRATION LAW

A plea for the repeal of the national origins clause in the immigration restriction law, was made, on January 28, by Senator SHIPSTEAD (Republican), of Minnesota, in a speech delivered in New York City. Mr. SHIPSTEAD declared there is not sufficient data upon which to base national origins quotas and therefore legislative authority is delegated to members of the executive branch of the Government.

NOT ATTACK ON LAW

Mr. SHIPSTEAD'S speech follows in full text:

"The controversy over the national origins clause of the immigration act has been misrepresented so as to be made to appear a controversy over increasing or decreasing numerically the number of immigrants that can come to this country. This misrepresentation is very unfortunate because it gives a false statement of facts.

"The repeal of the national origins clause has nothing to do with the question of the number of people that shall be permitted to come here each year. The effort to repeal the national origins clause has been characterized as an attack upon the immigration law of 1924.

"It is nothing of the kind. It is, in fact, an effort to prevent the law from becoming ridiculous.

"My reason for asking for the elimination of the national-origin method to determine the quota of each country is that I find that we have not sufficient official or other data upon which to determine the quota of each country upon this basis, and that it would lead to discrimination between different nationalities, which is just what Congress diligently endeavored to avoid in passing the immigration act of 1924.

"I might say also that the reason I voted against the immigration law when it came back from the House and from the conference is because I began to have an inkling of where this would lead us. I have given considerable study to the matter since, and I have come to the conclusion that there is no basis upon which this can be reckoned to determine what is the national origin of the various groups.

"Therefore, the yardstick by which we measure under this provision is not based on anything about which we have exact information.

"The purpose of the national-origin plan is to divide all immigrants exactly in accordance with the national origin of our population. If this could be done, it might be an ideal plan.

"Paragraphs (b) and (c) of section 11 of the immigration act of 1924 reads as follows:

"'(b) The annual quota of any nationality for the fiscal year beginning July 1, 1927, and for each year thereafter, shall be a number which bears the same ratio to 1,500,000 as the number of inhabitants in continental United States in 1920 having that national origin (ascertained as hereinafter provided in this section) bears to the number of inhabitants in continental United States in 1920, but the minimum quota of any nationality shall be 100.

"'(c) For the purpose of subdivision (b), national origin shall be ascertained by determining as nearly as may be, in respect of each geographical area which under section 12 is to be treated as a separate country (except the geographical areas specified in subdivision (c) of section 4), the number of inhabitants in continental United States in 1920 whose origin by birth or ancestry is attributable to such geographical area.

"'Such determination shall not be made by tracing the ancestors or descendants of particular individuals, but shall be based upon statistics of immigration and emigration, together with rates of increase of population as shown by successive decennial United States censuses and such other data as may be found to be reliable.'

MIGRATORY STATISTICS INADEQUATELY RECORDED

"It will be seen from the above that the most important element in this determination is 'statistics of immigration and emigration.' The next important element is 'rates of increase of population as shown by successive decennial United States censuses.'

"As reliable statistics of immigration and emigration are not in existence, the whole plan fails and leaves the determination to mere guesswork or conjecture. Dr. Edward McSweeney, former Assistant Commissioner of Immigration, has made a statement on that. He said:

"'In 1819 a law was passed making it necessary for the captains of all incoming ships bringing passengers to the United States to file a manifest of the passengers, but, except to give the number of the passengers to the Government, was never other than perfunctory and almost never used. These accumulated manifests were burned in the Ellis Island fire of 1896.

"'The first real attempt to gather immigration statistics was made after the Immigration Bureau was established in the early nineties.'

"So that brings us down to 1896. Considerable emphasis has been laid on the fact that a census was taken in the year 1790 and that this census can be used as a basis for determining the national origin of the inhabitants of the United States in that year; but this census is of no value for that purpose, because only names and ages were given in this census and no information can be secured as to nationality or national origin.

"In 1906 Congress passed a law providing that the Director of the Census be authorized and directed to publish in permanent form, by counties and minor subdivisions, the names of the families returned at the first census of the United States in 1790.

GOVERNMENTAL RECORDS DESTROYED BY BRITISH

"Speaking of the difficulties in this work, William S. Rositer, then chief clerk of the Census Bureau, stated in Outlook for December 29, 1906, page 1071, with reference to the correspondence between the Secretary of State and the marshals in the different districts who had charge of the census:

"'The break in official records is one of the marks of the teeth of the British lion. These papers and many others have been destroyed during the occupation of Washington in the War of 1812.'

"Several eminent scholars have written extensive articles for the magazines showing the futility of trying to arrive at the national origin of the white inhabitants of the United States, among which are mentioned Dr. Edward F. McSweeney, former assistant immigration commissioner at New York, and Dr. Roy L. Garis, professor of economics in Vanderbilt University. I quote from Doctor Garis's article in the Saturday Evening Post for October 10, 1925:

"'The national-origin plan means, therefore, that we must abandon practical methods and adopt something which we do not know anything or at best very little about.' (P. 233, Saturday Evening Post, October 10, 1925.)

ALLOCATIONS BASED ON INSUFFICIENT FACTS

"John B. Trevor, in his statement before the Senate Committee on Immigration, page 90, Senate hearings, 1924, stated:

"'It has been suggested that the adoption of the 1890 census in lieu of that of 1910 will accomplish an equitable apportionment between the emigration originating in northwestern Europe and in southern and eastern Europe, respectively. This principle has been embodied in the House committee bill now before Congress.

"'On the other hand, it is alleged that the selection of the census of 1890, as the basis for the computation of quotas, discriminates unjustly against immigration from what is called the newer sources of supply. Since the late arrivals are in all fairness not entitled to special privileges over those who have arrived at an earlier date and thereby contributed more to the advancement of the Nation, the obvious solution of the problem lies in the racial analysis of the population of the United States.

"'The difficulties of such a proceeding are obviously very great, and the results, owing to the lack of complete data compiled in the earlier decennial enumerations made by our Government, can therefore only approximate the truth.

"'Both the Director of the Census, Mr. Steuart, and Doctor Hill, first assistant, who appeared before the managers, declared that they would be obliged to adopt arbitrary methods to arrive at the proper basis upon which allocation will be based.'

"Commissioner General of Immigration Hull, in his annual report for 1925 (p. 29), states:

"'The bureau feels that the present method of ascertaining the quotas is far more satisfactory than the proposed determination by national origin, that it has the advantage of simplicity and certainty.

"'It is of the opinion that the proposed change will lead to great confusion and result in complexities, and accordingly it is recommended that the pertinent portions of section 11, providing for this revision of the quotas as they now stand, be rescinded.'"

In the Saturday Evening Post for October 10, 1925, Doctor Garis quotes Director Steuart as making a statement on June 24, 1925 (p. 233):

"'That there are no figures in existence which show completely the national origin of the population of the United States.'

"The Senate and House, during the first session of the Sixty-eighth Congress, expended a great deal of time on different immigration bills. But there were several other important features in addition to the quota limitations that had to be considered, and occupied a great deal of time. Of these I might mention the Japanese exclusion, alien seamen question, and nonquota immigrants.

"The necessity of passing a law during that session was very important, as the law then in effect would soon expire and we were threatened with being flooded with immigrants from many European countries.

LAW OF 1890 APPROVED AS SOUND LEGISLATION

"In a speech at the Hotel Astor, March 25, 1924, before the Economic Club, Henry H. Curran, commissioner of immigration at Ellis Island (see p. 5475, pt. 6, vol. 65, CONGRESSIONAL RECORD), stated:

"'If we drop the 1910 measure and take up the 1890 measures, we come, with a few minor differences in the case of individual nations, to a measure that almost exactly gives each part of Europe that to which it is entitled—no more and no less.

"'That is why I am for the 1890 measure. It helps us to become more homogeneous by sending to us every year a miniature or replica of that which we are already, according to original national stock.

"'The 1890 measure is the soundest, the healthiest, the fairest, and the best. I hope you will write to your Senators and Congressmen and tell them so.'

"I respectfully call your attention to the constitutional features of the national origin method. Congress had, no doubt, the power to adopt any arbitrary quota it may see fit and has the power to delegate to some commission or executive officers the power to determine the immigration quota of each country from facts and figures that may be established before such commission or officers.

"But when Congress attempts to confer upon a commission or executive officer of the Government the power to fix arbitrarily the quota for each country, has not Congress exceeded its powers in delegating to such board or officers a part of its legislative functions?

"The immigration act of 1924 provided that three years from the date of its passage should elapse before the 'national origins' clause should take effect. The law also provided that a committee, consisting of the Secretary of Commerce, Secretary of State, and Secretary of Labor, should employ experts to study the available census and immigration statistics to determine the national origin of the American population.

"On June 8, 1926, I introduced in the Senate a bill to repeal the national-origin method and leave the total annual immigration and the quota of each country the same as it has been since the passage of the 1924 law, viz, 2 per cent of the foreign-born individuals of that country residing in the United States according to the census of 1890.

"The Senate Committee on Immigration granted me a hearing on this bill on December 22 last. At that hearing I confined my brief remarks to the point that we had no official data upon which to base the calculations, and any allocations under the national-origin method would be mere guesswork and conjecture.

DIFFICULTY IN COMPUTING QUOTAS IS EXPLAINED

"A couple of weeks after I had made my statement before the Senate Immigration Committee the President submitted to the Senate, in response to a Senate resolution requesting this information, the preliminary report prepared by the committee of experts from the State, Commerce, and Labor Departments, to whom had been delegated the task of computing the quota of each country according to the national-origins method. In a letter submitting this report to the President, the Secretaries of State, Commerce, and Labor made this remarkable statement:

"'The report of the subcommittee is self-explanatory and is stated to be a preliminary report; yet in the judgment of that committee further investigation will not substantially alter this presentation.

"'Although this is the best information we have been able to secure, we wish to call attention to the reservations made by the committee and to state that in our opinion the statistical and historical information available raises grave doubts as to the whole value of these computations as a basis for the purpose intended.

"'We therefore can not assume responsibility for such conclusions under these circumstances.'

"On February 1, 1927, the chairman of the Senate Immigration Committee, Mr. JOHNSON, of California, presented a resolution, Senate Joint Resolution 152, asking for postponement for one year of that clause of the immigration act providing for the determination of the immigration quotas based upon the national-origins clause. In speaking upon this resolution, Senator JOHNSON said:

"'I desire to say that under the present immigration law the President is required to promulgate a proclamation on the 1st day of April, 1927, in respect to the national-origins provisions of the law.

"'Upon this subject two messages have been received by the Senate. The last of those messages states that the figures relied upon for the quota numbers of various countries are ambiguous and that practical legislation could not be predicated upon them.'

"And further he says:

CLARIFICATION OF DATA CONSIDERED IMPOSSIBLE

"'I violate no confidence, I think, in saying to the Senator from Missouri that the majority of the Immigration Committee desired to repeal the national-origins law, but there being a minority in favor of it and our time being so limited, we felt that we could not at this time have definitive action.'

"The resolution passed the Senate, came before the Immigration Committee of the House and a majority of the committee reporting the resolution to the House reported in part, as follows:

"'The committee having considered the text of Senate Joint Resolution 152, to postpone for one year the going into effect of the national-origins provision of the immigration act of 1924, is of the opinion that at the end of one year from July 1, 1927, the same uncertainty as to the results of regulating immigration by means of the national-origins plan will continue to exist:

"'That the Secretaries of State, Commerce, and Labor will have little, if any more, positive evidence on which to base quota findings than at present.

"'That too much uncertainty exists as to the requirements of the law that "the President shall issue a proclamation on or before April 1, 1927," when read in conjunction with further provisions of the law.

"'That the uncertainty will continue from year to year.

"'That it seems far better to have immigration quotas for the purposes of restriction fixed in such a manner as to be easily explained and easily understood by all.

"'That the committee is of the opinion that the United States, having started on a policy of numerical restriction, the principle of which is well understood, that little will be gained by changing the method.'

"Here we have the official evidence of every committee, commissioner, and person who has had an opportunity to study the national-origins clause of the immigration act unanimously stating that the method is so unreliable and unworkable that it is inadvisable to use this method for the determination of our national quotas. The Government of the United States can not afford to use such flimsy material as a foundation for its very important immigration policy."

Quotas

Nationality or country	2 per cent of 1890, with minimum of 100	National origins under the 150,000 limit proviso
Albania	100	100
Armenia	100	100
Austria	990	1,840
Belgium	509	260
Bulgaria	100	100
Czechoslovakia	1,873	1,320
Danzig	223	100
Denmark	2,782	1,092
Estonia	102	221
Finland	145	498
Fiume	100	100
France	3,878	2,763
Germany	50,129	22,018
Great Britain and Ireland	62,458	91,111
Greece	100	536
Hungary	488	1,259
Iceland	100	100
Italy	3,889	5,878
Latvia	117	253
Lithuania	302	444
Luxemburg	100	100
Netherlands	1,637	2,669
Norway	6,453	2,433
Poland	8,872	4,509
Portugal	474	275
Rumania	631	386
Russia	1,792	4,002
Spain	124	141
Sweden	9,561	3,707
Switzerland	2,081	781
Yugoslavia	735	602
Other Europe	125	100
Palestine	100	100
Syria	100	162
Turkey	100	119
Other Asia	100	100
Africa	100	100
Egypt	100	100
Atlantic Islands	100	134
Australia	120	100
New Zealand	100	100
Total	161,990	150,903

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 7 minutes p. m.) took a recess until to-morrow, Thursday, February 2, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *February 1, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, our memories are full of Thy loving kindness and our hope holds on to the future. We see Thee in Thy providences. Bring us to the altar where vows are made and may we dedicate our dearest treasures to Thee. Bless us with the assurance that Thy way is the best way for our feet to tread. Oh, the soul that is brought face to face with Thee—this is the best moment of one's life. Give us Thy presence, Thy call, and Thy wisdom. Correct any false estimates of life and duty, and run Thy tremendous truth into all our hearts: "Heaven and earth shall pass away, but My words shall not pass away." May we love them now and forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 700. An act authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes;

S. 744. An act to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes; and

S. 754. An act for the relief of certain Porto Rican taxpayers.

The message also announced that the Senate had passed without amendment bills and a joint resolution of the following titles:

H. R. 5657. An act granting the consent of Congress to the Board of Supervisors of Monroe County, Miss., to construct, maintain, and operate a bridge across Tombigbee River at or near Aberdeen, Monroe County, Miss.;

H. R. 9142. An act to amend section 71 of the Judicial Code, as amended, by changing time of holding court at El Dorado and Harrison, Ark.; and

H. J. Res. 93. Joint resolution for the appointment of Paul E. Divine, of Tennessee, as member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

LEAVE OF ABSENCE

Mr. CLARKE. Mr. Speaker, I am president of the New York State Forestry Association. We are holding the annual meeting in Albany to-morrow. I ask permission to be absent for the next three days.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

THE FIFTEENTH DECENNIAL CENSUS

Mr. FENN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing a communication from the Secretary of Commerce in relation to the census distribution.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. FENN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, January 26, 1928.

Hon. E. HART FENN,
Chairman Committee on the Census,
House of Representatives, Washington, D. C.

DEAR MR. FENN: In accordance with our conversation, I wish to state my reasons for supporting the inclusion of the authorization for a census of distribution in the bill which pertains to the taking of the fifteenth decennial census now under consideration by your committee (H. R. 393).

During the last few years the business world has developed widespread use of systematic statistics in the better guidance of business. Through the recommendations of your committee, the census of manufactures has been changed from quinquennial to biennial. It has added greatly to the stability of the producing industries. Likewise, you increased the frequency of the national census of agriculture from decennial to quinquennial with a like result.

In addition to these great national stock-taking efforts of the Government, business men themselves have to largely supplement the figures with more specific current statistics, but they are dependent upon the Government work for their basing points. Trade associations in almost every industry are compiling monthly or quarterly figures regarding the operations of their own businesses. The Bureau of the Census attempts to gather together in its monthly Survey of Current Business many of the more significant figures of this kind. That publication now lists more than 1,500 separate current statistical items, most of them collected originally by private business organizations.

The significance of this vast array of statistical information can not be overestimated. It enables the business man to substitute facts for hunches and guesswork in the formation of his business judgments. It has contributed to the sustained and unprecedented prosperity which this country has been and is enjoying. I believe that to no inconsiderable extent this is due to our increased development and use of business statistics of both public and private origin.

If, however, we look over the array of business statistics available we find that these relate almost entirely to the production and stocks of commodities. Almost none of them relate to the movement of these commodities from the producer to the dealer or the consumer. Coincidentally, it may be noted that by far our greatest advance in business technique and efficiency has been in the field of production. Marketing and distribution are still carried on for the most part along the lines with which our fathers were familiar. To some extent the failure in distribution to make the same progress in production is due to our lack of statistical information and definite facts in this field. Also, it is to be observed that we have made far less progress in reducing the costs of distribution than we have in production. As an indication of

this, if we take the factory and the retail prices of commodities at 100 for 1914, we find that to-day falling prices are from 140 to 150, while retail prices are from 165 to 170.

In any event, it is certain that there is relatively little specific information on the distribution of commodities. We do not even know the volume of our retail trade, nor can we guess at it within $10,000,000,000. To the best of our information, there are upward of 1,482,000 retailers and some 82,000 wholesalers engaged in our domestic business. These men collectively, and many of them individually, have approached the Department of Commerce asking for some fundamental statistics regarding their operations. They are convinced that large economies could be brought about if such information was available. We believe that these men are entitled to some assistance from the National Government in a task which they can not perform for themselves. For this reason, we have suggested to you that provision should be made in the next decennial census for a census of distribution, in addition to the regular censuses which have been taken in preceding periods.

In order that we might have some experience in the kind of information which could be developed in a national census of distribution, and also in order that business might see whether such data would be of use, we carried out a few experiments last year. Experimental censuses of distribution were taken in some 11 cities of different sizes and in different parts of the country. These experiments were made possible through the material cooperation of various private agencies, including the Chamber of Commerce of the United States and the chambers of commerce in the various cities where these censuses were taken.

These experiments were undertaken with the guidance of a special committee of 16 men of professional economists, Government representatives, and practical business men. After these censuses had been completed, this committee met last fall in West Baden, Ind., and, after a very careful examination of the results, particularly with reference to their value to business, the committee voted unanimously to recommend to the Department of Commerce the desirability and urgent necessity of a national census of distribution. This action was later approved and ratified by the Board of Directors of the United States Chamber of Commerce. We have also received many similar resolutions from other business organizations urging the necessity of the work.

The reports of these experimental censuses of distribution in the several cities are before your committee. They relate to obtaining information from wholesalers and retailers regarding the character of their business, the number of proprietors and employees, and wages paid, the volume of business, the stocks on hand, and the commodities which they handle.

I shall not prolong this statement with any attempt to point out the usefulness of these data, but I would like to suggest one or two items which seem to me particularly significant.

In Baltimore, 33 per cent of all the retailers in that city did a gross business of less than $5,000 per year. That means that total sales in these stores average less than $100 a week. Fifty-five per cent of the retail stores did less than $10,000 worth of business a year, or less than $200 gross sales per week. This is starting wholesalers to considering how much of a high-priced salesman's time should be devoted to visiting such stores. It bids fair to be of assistance in pointing out some of the wasteful practices in our distribution system. Many other similar points could be pointed out.

It is our feeling in the department that a national census of distribution would form the foundation for a marked advance in the efficiency of our marketing system, and I trust the committee will give careful consideration to the advisability of including it in the next decennial census.

Faithfully yours, HERBERT HOOVER.

INTERLOCKING BANK DIRECTORATES

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the roll.

Mr. McFADDEN (when the Committee on Banking and Currency was called). Mr. Speaker, I call up the bill (H. R. 6491) to amend section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended.

The Clerk read the bill, as follows:

Be it enacted, etc., That the last proviso of the second paragraph of section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended, is amended to read as follows:

"*And provided further*, That nothing in this act shall prohibit any private banker from being an officer, director, or employee of not more than two banks, banking associations, or trust companies, or prohibit any officer, director, or employee of any bank, banking association, or trust company, or any class A director of a Federal reserve bank, from being an officer, director, or employee of not more than two other banks, banking associations, or trust companies, whether organized under the laws of the United States or any State, if in any such case there is in force a permit therefor issued by the Federal Reserve Board; and the Federal Reserve Board is authorized to issue such permit if in its judgment it is not incompatible with the public interest, and to revoke any such permit whenever it finds, after reasonable notice and opportunity to be heard, that public interest requires its revocation."

Mr. McFADDEN. Mr. Speaker, there seems to be some misunderstanding as to how much debate is permissible under the rule.

The SPEAKER. The gentleman is entitled to one hour, and he may move the previous question at any time.

Mr. BLANTON. Mr. Speaker, the opposition certainly ought to be entitled to an hour of the two hours allowed for debate, and if no member of the committee calls for it another Member opposed to the bill ought to be recognized.

The SPEAKER. That is true of a bill on the Union Calendar.

Mr. BLANTON. I think that is the spirit of the rule on Calendar Wednesday—there are two hours' debate confined to the bill, and the opposition ought to be entitled to an equal division of the time.

Mr. TILSON. Mr. Speaker, I hope the Chair will examine this matter very carefully. I think the gentleman from Texas is mistaken about it.

Mr. BLACK of Texas. Let me say to the gentleman from Connecticut if that were not true you could not offer an amendment unless you could get the consent of the one in charge of the bill.

Mr. TILSON. What the gentleman from Texas says is so as to a House Calendar bill, and Calendar Wednesday does not change the rules of the House in this respect.

Mr. GARRETT of Tennessee. Mr. Speaker, I have the rule before me, and here is what it says:

Provided, That not more than two hours of general debate shall be permitted on any measure called up on Calendar Wednesday, and all debate must be confined to the subject matter of the bill, and the time be equally divided between those for and against the bill.

Mr. TILSON. What would the gentleman call "general debate" on a House Calendar bill? Is there any such thing?

Mr. BLANTON. On Calendar Wednesday; yes.

Mr. BLACK of Texas. Mr. Speaker, in the little book issued by a Member of the House at the present time, then parliamentary clerk, CLARENCE CANNON, on page 175, he says:

Amendments may be offered to a bill on the House Calendar called up on Calendar Wednesday by a Member securing the floor at any time during the two-hour debate provided by the bill.

The rule is perfectly clear to me that any Member opposed to the bill has a right to claim one hour, and during the hour he may offer an amendment or yield a part of his time, and any Member gaining recognition of the Chair has a right to offer an amendment and have it pending.

Mr. TILSON. Admitting for the sake of argument all that the gentleman says, let us suppose that the gentleman from Pennsylvania does not see fit to yield the floor, and within the hour moves the previous question. Where is there any provision in the rules of the House that would cut off the previous question under such circumstances?

Mr. BLACK of Texas. The Calendar Wednesday rule says that any Member opposed to the bill as a matter of right shall be recognized by the Speaker for one hour's debate. At least that is the way I understand the rule.

Mr. GARRETT of Tennessee. This statement is made in the manual:

The same rules of debate apply to House Calendar bills called up on Calendar Wednesday as on other days.

That is a ruling by Speaker GILLETT, referred to in section 971 of the copy of the manual which I have in my hand.

Mr. WINGO. Mr. Speaker, that was a ruling by Speaker GILLETT, deciding as the gentleman from Connecticut [Mr. TILSON] contends. I think the Chair was wrong, but that was the decision on a House bill. I make this suggestion—the gentleman from Pennsylvania does not care to yield for an amendment, he wishes to move the previous question within the hour?

Mr. McFADDEN. That is my intention.

Mr. WINGO. The gentleman from Maryland [Mr. GOLDSBOROUGH] is opposed to the bill.

I do not care to take any time myself; but can not the gentleman state what the agreement is between him and the gentleman from Maryland [Mr. GOLDSBOROUGH]? Has the gentleman an agreement with the gentleman from Maryland?

Mr. McFADDEN. Mr. Speaker, the gentleman from Maryland and myself are entirely in accord, or have been until this question arose. It was my purpose to yield to him 15 minutes so that he might make a statement. I understood that that was entirely agreeable to him. Then some one in the House raised this question as to the rights under debate.

Mr. WINGO. Are there any other gentlemen who are opposed to this who want to debate it? I think that we can reach an agreement without any trouble.

Mr. McFADDEN. I think we can.

Mr. WINGO. Are there any other gentlemen who wish to be heard in opposition to this or in support of it? As far as I am concerned, I do not intend to take any time.

Mr. TILSON. The gentleman from Arkansas [Mr. WINGO] realizes that the gentleman from Maryland [Mr. GOLDSBOROUGH] can reach the result he desires to reach by moving to recommit with a motion carrying all of the amendments that he wishes to have written into the bill?

Mr. WINGO. I understand that. I simply wanted to have the gentleman get whatever time he wanted in order that he might exercise his right. If there are any others who wish to be heard in opposition, I think now is the time to ascertain that fact. If there is anyone else on this side or on the gentleman's side who desires to be heard in opposition, then the gentleman from Pennsylvania [Mr. McFADDEN] will be notified of that, and he can yield such time as he desires. The gentleman from Maryland is going to be yielded 15 minutes, and then the gentleman from Pennsylvania will move the previous question. The House is on notice as to what is going to be done, and if there is anyone who has any kick coming, let him make it now.

Mr. BLANTON. Mr. Speaker, I am going to make one protest. If the chairman of the Committee on Banking and Currency is going to push these bills through in this manner and move the previous question without the opposition having an equal chance to be heard, I think we ought to have a quorum, if that is going to be done here to-day, and I make the point of order that there is no quorum present.

Mr. TILSON. Oh, we should first settle this matter, I think.

Mr. BLANTON. But I would like to have the membership here, so that they may listen to the Speaker's ruling. And it will also give the Speaker time to look up the precedents. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 22]

Abernethy	Davey	Hull, Morton D.	Morin
Aldrich	Deal	Hull, William E.	Nelson, Wis.
Andresen	Dempsey	Igoe	Parks
Andrew	Douglas, Ariz.	Johnson, S. Dak.	Purnell
Anthony	Doutrich	Kendall	Reed, N. Y.
Arentz	Dowell	Kent	Robinson, Iowa
Beck, Pa.	Doyle	Kerr	Sabath
Bohn	Drewry	Kincheloe	Sanders, N. Y.
Boies	Driver	Kindred	Snell
Bowman	Dyer	Kunz	Sproul, Ill.
Brigham	Eaton	Kurtz	Sproul, Kans.
Britten	Fish	Kvale	Stedman
Burdick	Fort	Lampert	Strong, Kans.
Bushong	Foss	Larsen	Strong, Pa.
Butler	Free	Leatherwood	Strother
Carew	French	Lyon	Sweet
Carley	Frothingham	McLeod	Taber
Carter	Graham	McMillan	Tucker
Celler	Green, Iowa	Madden	Updike
Cooper, Ohio	Hancock	Michaelson	White, Me.
Cullen	Haugen	Montague	Wood
Curry	Hoch	Mooney	Woodrum
Dallinger	Hope	Moore, N. J.	

The SPEAKER. Three hundred and forty-two Members have answered present—a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Connecticut moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Chair is prepared to rule on the question presented. The Chair has before him an exact precedent on the question now at issue. On April 21, 1920, the same point was made by the gentleman from Arkansas [Mr. WINGO], as has been made by several gentlemen this morning, to wit, that the same rule of two hours' debate should apply to bills on the House Calendar as applies to bills on the Union Calendar. After some discussion Mr. Speaker GILLETT made a very well-considered ruling as to the philosophy of the Calendar Wednesday rule. The Chair will not read all of it; it is of some length. It appears on page 5946 of the RECORD of April 21, 1920. The Chair will read one or two paragraphs of that decision. After discussing the philosophy of the rule and the necessity of preserving the integrity of Calendar Wednesday against what might be filibustering or otherwise to prevent consideration of a bill, Mr. Speaker GILLETT said:

So the Chair thinks the main purpose of adopting this rule was speed and expedition in the transaction of the business of the House on Calendar Wednesday.

That being so, it seems to the Chair that that purpose will be best furthered by holding that this clause applies to bills on the Union Calendar only, and that when bills on the House Calendar are brought up on Calendar Wednesday the previous question can be ordered at any time.

Further:

Therefore the Chair thinks that it would best be carrying out the intention of those who framed this provision and expediting the business of the House to rule that the previous question can be ordered. That leaves it all in the control of the House, because if the House desires debate the previous question can be voted down. Therefore the Chair rules that the previous question, which was moved by the gentleman from New York [Mr. Platt], is in order.

The gentleman from Arkansas [Mr. WINGO] appealed from that decision, and the Chair was sustained by a vote of 274 to 15.

Under the circumstances the Chair is constrained to hold that the Calendar Wednesday rule as to two hours' debate applies only to Union Calendar bills, and not to bills on the House Calendar; and if the House desires to debate this question at any length, it can vote down the previous question whenever moved by the gentleman from Pennsylvania [Mr. McFADDEN]. But the Chair holds that so far as the bills on the House Calendar are concerned, they are governed by the same rules as prevail on any other day, and that the two-hour debate rule applies only to bills on the Union Calendar.

The Chair recognizes the gentleman from Pennsylvania for one hour.

Mr. McFADDEN. Mr. Speaker, just as this question was about to be decided by the Speaker the gentleman from Texas [Mr. BLANTON] raised the question that the chairman of the committee was trying to limit debate and trying to force through a bill without proper consideration. I want to say in answer to that suggestion that the chairman of the committee has no such thought whatsoever in mind. He wants to be as liberal as he can be under the rules of the House for the proper discussion of this measure.

Mr. BLANTON. I understood it was the gentleman's intention to move the previous question after giving only 15 minutes to this side. It is the second bill which the gentleman is going to call up that we want ample time to oppose.

Mr. McFADDEN. I understood that only 15 minutes was asked for on that side. That is where the impression came from. I now understand that the gentleman from Maryland [Mr. GOLDSBOROUGH] is the only one in opposition to this amendment who desires to speak. Am I correctly informed on that?

Mr. GOLDSBOROUGH. So far as I know, that is true.

Mr. WINGO. Mr. Speaker, will the gentleman yield there for a question?

Mr. McFADDEN. Yes.

Mr. WINGO. I understand this is the same bill that passed the House once before as a separate measure.

Mr. McFADDEN. It has been under consideration for some two or three years.

Mr. WINGO. It is the same provision that was in the McFadden bill which was passed by the House and cut out in the Senate.

Mr. McFADDEN. No; I think it was just the opposite. It was in a Senate bill, and the House would not agree to it. That is the reason why it is here at this time. In some prior Congress it may have been acted on by the House and not by the Senate. It has been pending before the two Houses for two or three years.

Mr. WINGO. I understood it was in the House bill, and in the Senate an amendment was offered cutting it out, and the Senate receded from the amendment, because, naming a certain western Senator, it was said he was insisting on that Senate amendment, and they would lose his support on other legislation if that were done. The House at any rate considered this proposal before.

Mr. McFADDEN. I am sure it has been under consideration in the House heretofore.

Mr. WINGO. Will the gentleman yield to the gentleman from Maryland half an hour?

Mr. McFADDEN. I will yield to him after I have finished my statement.

WHEAT EXPORT DEBENTURE PLAN

Mr. KETCHAM. Mr. Speaker, will the gentleman from Pennsylvania yield?

Mr. McFADDEN. Yes.

Mr. KETCHAM. Mr. Speaker, a number of Members of the House have expressed a great deal of interest in the subject of farm relief, and particularly in connection with the bill that I am introducing, and in order that they may have some information I ask at this point permission to extend my remarks by printing a statement concerning the debenture plan which has been prepared at my suggestion.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks by printing a statement recently compiled at his instance with reference to the farm relief bill. Is there objection?

There was no objection.

Following is the statement referred to:

WHAT THE EXPORT DEBENTURE PLAN IS AND HOW IT WOULD WORK

The export debenture plan is a straightforward attempt to bring tariff benefits to those agricultural products at present unable to take advantage of the protective-tariff system because of small exportable surpluses which tend to depress domestic prices to the world level.

Equality between agriculture and the industrial and commercial groups could be restored either by pulling down the artificial high-price structure made possible for these latter groups through such legislative devices as protective tariffs, immigration restriction, railroad rate guaranties, exclusive patents, and tariff rebates, or the readjustment could be made by enabling agriculture to take advantage of similar devices to raise itself to this same price level and thus meet the difference in costs of production here and abroad. The grange prefers the latter—the constructive method—rather than the destructive and disruptive method.

Since the inequalities resulting from the tariff system are one of the sources of difficulty, the logical and sensible thing to do is to apply the remedy at that point. The export debenture or bounty plan is, in fact, a recognized supplement to the protective-tariff system in many nations to-day and was proposed by Alexander Hamilton as a part of the original tariff system in the United States.

Stated in the simplest terms the export debenture plan is an arrangement whereby exporters of those agricultural products of which we produce a surplus, receive from the Treasury Department certificates having a face value established by Congress and intended to represent the difference in costs of production between here and abroad, such certificates being negotiable and good for their face value in the payment of import tariffs on any articles later imported.

The farmer cooperative organization or commercial exporter may not desire to import directly, but the certificates would be readily negotiable to American importers at a slight discount. Naturally, the effect of such an arrangement would be immediately to raise by approximately the amount of the export debenture the prices of those farm products now held down to the foreign level. This would follow because any holder of these products could readily sell his supply in the foreign market at the foreign price and get in addition thereto the value of the export debenture or certificate. He is therefore able and willing to pay a higher price, and the general price level for these crops in this country would rapidly ascend by approximately the amount of the export debenture.

The grange plan provides that at the beginning only one-half the existing tariff rates would be given in debenture payment. For example, the present tariff on wheat is 42 cents a bushel. A cooperative association or grain dealer in Kansas desiring to ship wheat to Liverpool would receive the Liverpool price plus a certificate or debenture having a face value amounting to 21 cents for each bushel exported. Unless the exporter himself desired to bring in goods and use his debentures to pay the import duties or tariffs on these imports, he would sell his debentures to persons in the importing business. Since these debentures would be worth full face value in paying import duties, the importer would be eager to get them and would pay face value less a nominal exchange discount.

The grange plan provides that the President may adjust the debenture rates applying to the several farm crops, either upward or downward to the extent of 99 per cent. Whenever investigations show that the rates set in the act do not cover the difference in costs of producion between here and abroad, the rates may be raised. Whenever the exportable surplus increases unduly, the debenture rates may be reduced as a means of discouraging overproduction.

With the export debenture plan of farm relief, no money would be taken out of the United States Treasury, but, of course, the cash receipts of the Treasury would be less, since a portion of the import duties would be paid with debentures instead of with cash, as at present. Exactly the same thing happens, however, whenever Congress increases tariff rates so as to protect our manufacturers against foreign competitors. If the desired purpose is accomplished, imports are shut off and the money from import duties is kept out of the United States Treasury. Theoretically at least the money thenceforth goes into the pockets of the American manufacturer and his laborers.

One great advantage of the export debenture plan as compared with the equalization fee plan is its extreme simplicity of operation. No complicated machinery is required, no elaborate new boards or commissions; in fact, no large appropriation is required, although a modest fund for administration would be needed. The Treasury Department would issue these debentures just as it now issues "drawback" certificates, tobacco-revenue stamps, and similar instruments having a recognized value that must be protected. Officials already stationed at export ports are capable of certifying to the amounts of the various crops exported and designating the persons entitled to receive the export debentures.

IS THIS PLAN A SUBSIDY?

Opponents of the export debenture plan usually base their opposition on the plea that it is a subsidy. The plan is no more a subsidy than is the protective tariff. The very purpose of our protective tariff is to prevent foreign low-cost goods from coming into the United States. By this means large quantities of dutiable goods are kept out and hundreds of millions of dollars in duties are prevented from entering our Treasury. For instance, when the duty on aluminum was more than quadrupled in September, 1922, the Treasury income from that source dropped from an average of about $2,000,000 for the preceding three years to an average of $514,000 for the succeeding four years. This protection results in great benefits to manufacturers and their employees and the cost of this protection is borne by consumers of these articles; that is, by the general public.

Exactly the same thing happens where the export debenture plan is in operation. Less tariff receipts enter the Treasury, but our producers of farm crops are benefited. Consumers, including farmers, pay slightly more for some of their foods as their contribution toward making the protective-tariff system actually protective for agriculture. Consumers likewise pay for the benefits expected by farmers under the equilization-fee plan as proposed in the McNary-Haugen bill.

The export debenture plan is not as much a subsidy as the tariff drawback privilege now accorded many American manufacturers, or the tariff reductions given Cuban sugar, greatly to the benefit of American capitalists. Under the tariff drawback arrangement our manufacturers are actually paid what amounts to an export bounty on goods sold abroad. They receive cash payments from the Government in proportion to the amounts of goods exported. This practice is based on the theory that our manufacturers should not be compelled to pay duties on raw materials imported for manufacture and later included in manufactured articles sold abroad. It is contended that the manufacturer can not afford to pay the protected domestic price for these imported materials if he is to sell abroad at world price levels. This is exactly the contention of the American farmer; he can not pay the protected price for labor, supplies, and other productions factors and at the same time sell at the foreign price level not only abroad but at home as well.

Our Government allows Cuba a 20 per cent reduction on sugar duties. This gives Cuba a great advantage over other foreign countries and is a tremendous benefit to American capitalists who now dominate the Cuban sugar situation, as well as to American manufacturers who sell goods to Cuba. Incidentally this 20 per cent tariff reduction removes by just that degree the tariff protection needed by sugar cane and beet farmers in the United States. This special concession to Cuba, and indirectly to American capital and industry, has kept out of the United States Treasury sugar duties amounting to not less than $135,000,000 in the last five years.

The farmer is asking merely that there be applied to his problem some of the same spirit of tariff adjustment and modification as is already being used to accommodate industry and capital.

HOW MUCH WOULD IT COST?

The grange plan definitely limits the maximum amount of debentures in any year to 50 per cent of the tariff revenues. At the debenture rates proposed, it is estimated that the total value of debentures issued on agricultural exports during 1927 would have been about $175,000,000.

The United States Treasury would pay out nothing. But revenues from import duties would be reduced—just as they are reduced by the Cuban sugar tariff differential, drawback privileges, and prohibitive tariffs—and this amount would have to be made up in other ways. Some of it could be secured through tariffs on other food products that compete with American agriculture—tropical fruits, for instance. If, instead of reducing corporation taxes, the present schedule of tax rates be retained for a time the tax revenues would probably be ample to make up for any decline that might result in import revenues. Surely, industry and labor would profit from improved agricultural conditions far more than from the small tax cut that is contemplated at the present time.

WOULD FOOD COSTS BE INCREASED?

Food costs need not be increased to any appreciable extent and in many instances not at all. The price paid by the consumer bears so little direct relation to the price received by the farmer that the increase in the wholesale price might be entirely offset by more efficient distribution. For instance, the wheat in the average 8.55-cent loaf of bread costs only 1.15 cents, according to a recent report of the Federal Trade Commission. Allowing the 21-cent increase in the price of a bushel of wheat under the export debenture plan, this would amount to only about 0.15 part of a cent increase in the cost of the wheat required in the loaf of bread. Since the margin between the baker and the consumer is

about 6.5 cents, this added small fraction of a cent in cost could readily be covered through better efficiency in distribution and cause no increase in the retail price of bread.

ALL WOULD BENEFIT

The increased income which would come to farmers with the export debenture plan in operation would act as a stimulus to the various lines of commercial activity. The farmer must of necessity spend nearly all he makes and the manufacturer, distributor, and banker would each get their share of this increased business. But in the process new life would be put into agriculture and the farmer encouraged to go ahead with his program of self-help and improved efficiency in production and marketing. The economic structure would again be in more equitable relationship as between the various groups and all would have benefited through the readjustment.

INTERLOCKING BANK DIRECTORATES

Mr. McFADDEN. Mr. Speaker, this is a bill to amend section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended.

In its original form section 8 of the Clayton Antitrust Act, approved October 15, 1914, absolutely prohibited interlocking directorates and officerships between certain classes of banking institutions having resources in excess of $5,000,000 or located in the same city of more than 200,000 inhabitants. It was the apparent intention of Congress to preserve competition between these classes of banking institutions and prevent the formation of bank monopolies. These prohibitions, however, were found to be unnecessarily severe, and in 1916 Congress enacted the so-called Kern amendment to the Clayton Act which gave the Federal Reserve Board discretionary power to permit interlocking directorates between a member bank and not more than two other banks coming within the prohibited classes of the Clayton Act, provided such banks were not in substantial competition. This amendment made it possible for a maximum of three banks to have interlocking directorates, but only on condition that such banks be not in substantial competition.

The experience of the Federal Reserve Board in administering these provisions of law, however, has shown clearly that the Kern amendment in its present form does not work out in the way in which it was intended. It operates in an illogical way and, instead of carrying out the purpose for which it was enacted, often defeats that purpose. The experience of the Federal Reserve Board in attempting to administer the law in conformity with the intent of Congress has proven this to be the case. The mere absence of substantial competition between banks is the wrong basis for permitting interlocking directorates. If noncompetitive banks are permitted to interlock, it is quite possible—and this has happened frequently—that they will become substantial competitors in spite of their interlocking directorate. Yet in such cases they may not have additional common directors, notwithstanding that they have permitted the salutary growth of competition, which is just what Congress desired. On the other hand, competing banks which desire common directors but are unable to have them because of the competition will naturally strive to eliminate competition and thus bring themselves in line with the terms of the law, so that they may be authorized to interlock. In addition, the present law discriminates against national banks in that it restricts them in their choice of directorates but does not prohibit interlocking directorates between State banks and trust companies where no national banks are involved.

The reason for discontinuance of an interlocking directorate between two banks in a small city is frequently misunderstood, and the bank from which a director is required to resign in accordance with the strict requirements of the present law is viewed with some misapprehension by the public. In several cases it has been represented to the Federal Reserve Board that requiring the resignation of a director would cause the bank to be suspected of insolvency and a financial crisis might ensue which would cause serious injury to the banking and business situation in the district. The Federal Reserve Board is frequently confronted with cases of interlocking directorates which have lawfully existed for a number of years but which have eventually come within the prohibitions of the law because the resources of one of the banks involved has grown to an amount in excess of $5,000,000. Cases of this kind occur most often in small towns, where the enforced resignation of a director from one of the banks involved, in order to comply with the strict requirements of the law, is quite likely to cause public misapprehension or distrust with regard to that bank.

The important question is not whether the banks involved are in substantial competition but what effect the interlocking directorates will have on the banking and credit situation in the community. Accordingly, the proposed amendment to the law would make the test for permitting interlocking directorates whether or not the granting of permits for such directorates would be incompatible with the public interest.

There is another respect in which the present law works illogically and in a way apparently not contemplated by Congress. The Attorney General has held that joint-stock land banks are "banks" within the prohibitions of section 8 of the Clayton Antitrust Act. The Federal Reserve Board has recently received applications from a number of gentlemen to serve as directors of joint-stock land banks and at the same time as directors of State banks which are not members of the Federal reserve system. Under the opinion of the Attorney General the services of these gentlemen on these institutions at the same time is contrary to the provisions of the Clayton Act. Since neither the joint-stock land bank nor the State bank is a member of the Federal reserve system, an interlocking directorate between these institutions can not be permitted, because under the terms of the present law a permit can not be granted for an interlocking directorate between two nonmember banks.

The above discussion should demonstrate clearly that the Kern amendment in its present form operates in an illogical way and often defeats the very purpose for which it was enacted. It is believed that the law should be further amended in such a way as to enable the Federal Reserve Board to administer it more effectively and more nearly in harmony with the apparent purpose and intent of Congress in regulating interlocking directorates. It is the purpose of the proposed amendment—H. R. 6491—to redraft the Kern amendment in simpler form giving the Federal Reserve Board discretionary power to permit interlocking directorates between any three banks, if in its judgment it is not incompatible with the public interest and preserving the board's power to revoke any such permit when the public interest requires.

Mr. KELLY. Will the gentleman yield for an interruption at that point?

Mr. McFADDEN. I will; yes.

Mr. KELLY. I have been interested for some time in a condition which has arisen in a city in my district where an outstanding man is desired to act as a director of a national bank who at the same time is a director in a State bank. Under this amendment it would be possible for him to serve as a director of a national bank and also as a director in a State bank with a reserve of more than $5,000,000.

Mr. McFADDEN. It would; yes. That is the very purpose for which this amendment is proposed. Under the language of the proposed amendment the Federal Reserve Board would be authorized to grant permits even in cases where no member bank of the Federal reserve system is involved and thus an interlocking directorate between a joint-stock land bank and a State nonmember bank might be authorized by permit of the board.

I think that covers the main facts of the proposed amendment and the reasons why this amendment should be enacted at this time.

Mr. WELLER. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. WELLER. How far does this amendment go with reference to substantial competition? Will the gentleman be kind enough to explain that? What do you mean by "substantial competition" and how far does that go?

Mr. McFADDEN. That is the thing which has caused a lot of discussion in the Federal Reserve Board, and it is one of the main reasons why we are trying to correct this. Much misunderstanding has come about, and it is possible for banks to avoid substantial competition and overcome the intent of the Clayton Act.

Mr. WELLER. It seems to me that is the gist of the whole situation, as the gentleman has stated.

Mr. McFADDEN. This bill proposes to vest the control of it in the Federal Reserve Board, permitting the board to function in needy cases in the manner in which they should, but always looking after the public interest.

Mr. BURTNESS. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. BURTNESS. If I understand the bill correctly, discretion is left with the Federal Reserve Board in the matter of the issuance of permits.

Mr. McFADDEN. It is.

Mr. BURTNESS. Where more than two banks are involved?

Mr. McFADDEN. Yes.

Mr. BURTNESS. And the legislative guide which is set up in the instruction to the board is that it may be permitted if not incompatible with the public interest?

Mr. McFADDEN. That is the idea exactly.

Mr. BURTNESS. It strikes me that language is rather general, and perhaps the gentleman could inform us somewhat as to what you had in mind.

Mr. McFADDEN. We are really substituting that language for the present language "in substantial competition," and permitting the Federal Reserve Board to decide whether it is for the public interest or not to permit that enlargement of service by having a capable man on more than two boards.

Mr. BURTNESS. Just what factors does the gentleman feel the Federal Reserve Board would take into consideration in determining whether that permission is in the public interest or not?

Mr. McFADDEN. They would take into consideration the class of business that the bank was doing and whether or not it was serving the public as it properly should and whether by this change there was any possibility of the tightening of credit or monopolistic control of finance in that community through the granting of such a permit. There are many circumstances surrounding these applications for permits to serve on three boards in communities where it would be absolutely to the benefit of the community to have the service and advice of perhaps one or two business men in that community.

Mr. BURTNESS. I take it the question as to whether there would be any great lessening of competition would be one of the factors to be taken into consideration.

Mr. McFADDEN. Without a question of doubt; yes. The board is weighing all of those situations very carefully and they are considerably embarrassed now in meeting the different situations that are put forward throughout the country. They have withheld permission to certain directors and have forced men off of boards because of the Clayton law, as amended, as it is now enforced.

Mr. BURTNESS. Did the committee give any consideration to the possibility of attempting to write into the act some special guides that are more specific than this purely general one of public interest?

Mr. McFADDEN. We thought it was better, after very careful consideration, to give them the general latitude which I believe they have shown no indication of abusing in the past in respect of matters of this kind.

Mr. BEEDY and Mr. BLACK of New York rose.

Mr. McFADDEN. I yield first to the gentleman from Maine.

Mr. BEEDY. The gentleman from North Dakota asked if the board would not consider whether competition would be diminished by the issuing of such a permit, and the gentleman answered that that would be one of the considerations. As I understand the situation, that would be one of the principal, if not the chief, consideration which would determine the board in issuing its permit, would it not?

Mr. McFADDEN. I imagine it would be; yes.

Mr. BEEDY. The effect of the testimony before the committee, as I understood it, was there were many situations where if this discretion were not given the board substantial competition would be stifled, and because of that fact they wanted their powers enlarged in this respect.

Mr. McFADDEN. Yes. I now yield to the gentleman from New York.

Mr. BLACK of New York. I was just going to ask the gentleman if the demand for this change is universal throughout the country or just from some particular territory?

Mr. McFADDEN. It is universal, I will say to the gentleman. The board has furnished the committee with a brief setting forth the different cases with which they have been dealing, and it is universal throughout the different sections of the country. I know, for instance, there is a case in California, two or three cases in Pennsylvania, and one in New Jersey.

Mr. BLACK of New York. Is it the gentleman's theory that if the board decides that substantial competition in the banking business is not a good thing, the board under this amendment might go ahead and do away with substantial competition?

Mr. McFADDEN. I do not think so.

Mr. BLACK of New York. Does not the gentleman think his new language is almost a contradiction of the old language?

Mr. McFADDEN. No; I do not think so. It is a substitute for that language and gives more discretion to the board to deal with these situations as business men should deal with them.

Mr. BLACK of New York. But my suggestion is so if the board decides upon a policy of doing away with competition.

Mr. McFADDEN. I do not think the board would agree upon a policy of that kind.

Mr. BLACK of New York. The board might think such competition incompatible with the public interest.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. LaGUARDIA. Has there been any opposition recorded against the bill from the small banks?

Mr. McFADDEN. Not to my knowledge; no.

Mr. LaGUARDIA. Have they had an opportunity to present their views?

Mr. McFADDEN. The matter has been pending before our committee for some three or four years, and it has been a matter of knowledge with the financial papers of the country and the banking associations of the country. On the contrary, the bankers have expressed themselves in favor of this amendment.

Mr. LaGUARDIA. When the gentleman says "bankers"——

Mr. McFADDEN. The American Bankers' Association, for instance.

Mr. LaGUARDIA. That is controlled by the large institutions, is it not?

Mr. McFADDEN. Oh, no; it is not. It is controlled by the country banks.

Mr. BACHMANN. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. BACHMANN. I have a situation in my district where a very substantial gentleman is a director of a State bank. He has also been made a director of a national bank, but the Federal Reserve Board would not permit him to serve as a director of the national bank.

Mr. McFADDEN. Quite properly so.

Mr. BACHMANN. Because of the fact that he is a director of this State bank.

Mr. McFADDEN. Quite properly so under a strict intrepretation of the Clayton Act. This bill if passed will permit such a director to serve.

Mr. BACHMANN. If this bill passes and the board is satisfied that he can fill the position in accordance with this act, then there will be no reason for his not serving as a director of the national bank?

Mr. McFADDEN. No; none whatever.

Mr. SIROVICH. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. SIROVICH. If a man is a member of the board of directors of a State bank to-day, does this bill permit him to become a member of the board of directors of a national bank without the consent of the Federal Reserve Board or with its consent?

Mr. McFADDEN. With the consent of the Federal Reserve Board.

Mr. RAMSEYER. Will the gentleman yield for an inquiry, and in addressing this inquiry I would like to have the attention also of the lawyers on the gentleman's committee? Several times last week the House had before it bills to amend certain acts. Reference was made to the act giving the date when the act was passed, the same as has been done in this instance. The act referred to in this bill, of course, can be found printed in at least two volumes of official Government publications, one is the Statutes at Large and the other is the United States Code. The United States Code was placed in the hands of all Congressmen and all courts and all department heads and chiefs of bureaus, and about 7,500 have been purchased by lawyers. The inquiry I am directing to the gentleman and to the committee is whether they have any objection to inserting at the proper place, at least parenthetically, reference to the United States Code, so that the lawyers and the courts and the departments, when they get this act, can turn to a volume already in their possession and find out just exactly what has been amended.

Mr. STEVENSON. Will the gentleman from Pennsylvania yield?

Mr. McFADDEN. I will.

Mr. STEVENSON. I will state that since the gentleman called my attention to that I have looked it up and I have the information which I propose to ask unanimous consent to insert in the title and also right after the enacting clause. It is title 15, chapter 1, page 45, section 19, of the United States Code.

Mr. RAMSEYER. Does the gentleman think it is necessary to cite the chapter? The sections are numbered under the title and go right over the chapter without any renumbering of sections.

Mr. STEVENSON. I thought I had better give the lawyers a real good pointer about where they would find this thing, because it is a very obscure piece of legislation anyway.

Mr. RAMSEYER. That is entirely satisfactory, and I think all bills that come in hereafter that amend existing law should have a reference to the United States Code.

Mr. LUCE. If the gentleman will permit, I am in entire sympathy with what the gentleman suggests. My understanding has

been that the code is not yet law, but is only prima facie evidence. Does the gentleman understand that?

Mr. RAMSEYER. Of course, there is a dispute on that and we have not the time to debate that question. I will be very pleased to present my observations on that phase of the matter at some other time.

But even though it is not the law, to insert a reference parenthetically, not striking out anything, but giving a reference to the code parenthetically can not affect the validity.

Mr. McFADDEN. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has used 23 minutes.

Mr. McFADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Maryland [Mr. GOLDSBOROUGH] for the purpose of making a statement.

Mr. GOLDSBOROUGH. The gentleman from New York [Mr. LAGUARDIA] would like to have five minutes, and I would like to yield five minutes to him.

Mr. McFADDEN. That will be entirely agreeable.

Mr. GOLDSBOROUGH. Mr. Speaker and gentlemen of the House, this bill coming up as it does on Calendar Wednesday, and only having one hour for its consideration, would naturally appear to the House to be a comparatively unimportant piece of legislation. Usually bills which should take up seriously the time of the House are given days and sometimes weeks, but this proposed measure is, in my judgment, as important and demands as serious consideration from the Members of the House as any legislation proposed since I have been a Member.

Why do I say that? It appears on its face to be harmless. It appears at first blush to merely give the members of the Federal Reserve Board a slightly additional power in allowing bank directorates to interlock, but, as a matter of fact, it would be a distinct gain in monopolies' eternal struggle to entrench itself.

You know human nature is a strange thing. It seems to make no difference how much ability a man has, how well his mind is trained, or how much general education he has. It makes no difference how often he has been told, and how well he seems to know, that there is not and can not be in this world such a thing as a benevolent despot, for when it comes time to consider specific legislation he will forget it ninety-nine times out of a hundred.

For several years here, under practically the conditions confronting us to-day, very limited time, we considered the question of broadening the rights of banks to engage in branch banking. That tendency was restrained for two Congresses, but because, and only because of the enormous pressure of the great banks of this country which largely dominate its economic life, their continued and insidious pressure, the act allowing practically unlimited branch banking was passed last winter.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. GOLDSBOROUGH. I will.

Mr. JOHNSON of Texas. Is not this bill which we are now considering evidence of the tendency of the times to permit vast wealth and corporations to make consolidations and stifle competition?

Mr. GOLDSBOROUGH. That is what I am coming to. I want to emphasize to-day that this Calendar Wednesday with one hour for debate is another opportunity for the great banking interests of the country to consolidate the credit situation in their own hands. Why do I say this? I am going to ask you to consider carefully the language of the Clayton Act, the language of the Kern amendment liberalizing that act, and the matter of the amendment proposed to-day.

Section 8 of the Clayton Antitrust Act is as follows:

SEC. 8. That from and after two years from the date of the approval of this act no person shall at the same time be a director or other officer or employee of more than one bank, banking association, or trust company, organized or operating under the laws of the United States, either of which has deposits, capital, surplus, and undivided profits aggregating more than $5,000,000; and no private banker or person who is a director in any bank or trust company, organized and operating under the laws of a State, having deposits, capital, surplus, and undivided profits aggregating more than $5,000,000, shall be eligible to be a director in any bank or banking association organized or operating under the laws of the United States.

That is perfectly good legislation. That is legislation which tends to preserve the very thing we all want to preserve—democracy in the extension of credit. Why, my friends, anyone who has had a fairly wide experience in the banking world knows this: You can have what appears to be a democratic form of government, you can have a president instead of a king, you can have a senate and house of representatives, you can have a governor and representative government in the States, but unless you have a democracy of credit, unless you have equal opportunity given to the public to secure credit, you have no democracy except in name, because nine-tenths of the business of this country is not done with money but with bank checks representing discounted notes.

Unless the average man has the same opportunity that the more favored man has to obtain credit, his economic life is cramped, his opportunities are restricted, and democracy to him is a sham, because the very thing which gives us the opportunity to function as men in public life—and when I say public life I mean as distinguished from life within our private families—is the equal right to obtain funds for legitimate business purposes. I remember very distinctly in my county when I was a boy there was one bank, and it was commonly said a note to be discounted at that bank was not a note at all but a petition, signed by many people, representing much more security than was necessary, in order to have the note discounted at all, and that the man who obtained the discount was placed in the position of a suppliant in spite of the fact he was paying 6 per cent for his money.

At present, with nine institutions in the same territory, occupying a highly competitive situation, a very different condition exists. I am only illustrating by that community because I happen to know about it, but the same thing exists all over the United States. In this locality now a young man or a group of men desiring to start in business obtain credit on proper security or valid moral risk as a matter of course, because the directors of each bank knows there is a competitive institution across the street which will absorb the business. This condition has tended to open up the county more than anything else could possibly do. Not only the individual but the community has benefited.

Mr. LOZIER. Mr. Speaker, will the gentleman yield?

Mr. GOLDSBOROUGH. Yes.

Mr. LOZIER. In the last analysis is not credit a commodity, and is it not just as vicious and destructive to the economic life of the Nation to have a monopoly of credit as it is to have a monopoly of any other of the natural resources of the American people?

Mr. GOLDSBOROUGH. I think the gentleman has splendidly stated it, though I would go even further. I would say it is infinitely more important to have credit sold on an equal basis to all the public than it is to resist monopoly in any other commodity. Of course, the bankers naturally do not like the Clayton Antitrust Act. There is nothing wrong with it. There is no reason why a man should serve on more than one board of directors. No man has so much wisdom that his services are indispensable to two or more banks.

A man is wanted on the directorates of more than one bank because he is an individual who is outstanding and because he is a strong personality and able to dominate the affairs of a community; he is a natural dictator, and in consequence that man, if on several boards, dominates not only one bank, but the whole situation, and instead of having several banks you have in reality but one. If this man does not want credit extended to a man or an interest, the man or interest not only can not get credit from one of the banks, he can not get it from any one of them. It is a perfectly simple matter. It is the old, old story that there is no such thing on earth as a benevolent despot, and why we can not remember it every day in the week is not clear to me.

In 1916 the Clayton Antitrust Act was amended as follows—Kern amendment:

And provided further, That nothing in this act shall prohibit any officer, director, or employee of any member bank or class A director of a Federal reserve bank, who shall first procure the consent of the Federal Reserve Board, which board is hereby authorized, at its discretion, to grant, withhold, or revoke such consent, from being an officer, director, or employee of not more than two other banks, banking associations, or trust companies, whether organized under the laws of the United States or any State, if such other bank, banking association, or trust company is not in substantial competition with such member bank.

Of course, safeguards seem to surround the amendment, but here is the Federal Reserve Board sitting in Washington, and they are amenable, not to improper influences, of course, but when big men in the banking world come to Washington and ask for a privilege, they do not go about the matter in an abrupt way; they are very adroit, wonderfully skillful and magnetic, and the consequence is that ninety-nine times out of a hundred if they want permission for an individual to sit on two or more directorates they get the right to have him sit there. It can always be contended that two institutions are not in "subsantial competition," or nearly always.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. GOLDSBOROUGH. Yes.

Mr. BURTNESS. If they are not in "substantial competition," permission may now be granted them to sit on two banks.

Mr. GOLDSBOROUGH. Under the Kern amendment.

Mr. BURTNESS. That is the present law?

Mr. GOLDSBOROUGH. Yes.

Mr. BURTNESS. So that after all the only question is this, practically, whether Congress wants to permit interlocking directorates or institutions which are in fact competitive.

Mr. GOLDSBOROUGH. That is true.

Mr. BURTNESS. If there is only some slight competition between them, that amounts to little or nothing, the board now has the power to grant permission to sit on two banks.

Mr. GOLDSBOROUGH. That is true, and the law as it now stands is utterly impractical. It simply means that when they want to get the right to sit they get the right to sit; but there will be a motion to recommit this bill, which will strike out the Kern amendment and leave the Clayton Antitrust Act in its original form.

Mr. BURTNESS. It would prevent them sitting on the directorate of any banks which are in any competition whatsoever?

Mr. GOLDSBOROUGH. It will prevent them from sitting on the directorates of two or more banks whether they are in competition with each other or not, just as in the Clayton Antitrust Act as originally passed.

Now, then, this bill gives the Federal Reserve Board the right to allow an individual to sit on as many as three boards of directors if in their opinion the public interest is not interfered with; in other words, if in the opinion of the board it is in the public interest they should do so.

For instance, a man in Sioux City, Iowa, can sit on three boards of directors unless somebody in Sioux City, Iowa, will come down here to Washington and establish the fact in the minds of the Federal Reserve Board that it is incompatible with the public interest for that man to sit on these three boards; practically an impossible proposition. This bill ought to be frank. It ought to simply say an individual can sit on as many as three boards, because that is the effect of it.

Now, what sort of testimony did we have before the committee? The members of the Reserve Board came before the committee and said that this Kern amendment had worked hardships. They spoke of some three or four instances in small communities, where an individual was sitting on two boards. They claimed in each instance the weaker bank in the community would fail if the individual were removed from its directorate, as the public would think the bank was in bad condition.

Now, of course, that is a far-fetched proposition. It is a perfectly simple matter if a man is sitting on two boards and has to resign from one to go out on the street on Tuesday or Wednesday or Thursday morning where men are standing around the corner and say, "Well, Jim has got to get off this board. That bunch in Washington have passed a law in which they say he can sit only on one board, and he must get off." It is perfectly obvious the argument made before our committee was either consciously or unconsciously to cover up the real purposes of the legislation. But suppose some institution somewhere in this country was inconvenienced because a man had to get off its board of directors. What has that to do with a principle? What have we got to do with that? Here we are legislating on a question involving monopoly of credit, and we are asked to base our decision on the fact that some institution somewhere in this country may be inconvenienced if we do not settle it the wrong way.

Mr. LINTHICUM. Mr. Speaker, will my colleague yield?

Mr. GOLDSBOROUGH. Yes.

Mr. LINTHICUM. As I understand from the bill, a permit must first be obtained from the Federal Reserve Board?

Mr. GOLDSBOROUGH. Yes.

Mr. LINTHICUM. What does the gentleman think about that additional power given to the Federal Reserve Board? What do you think of that?

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. GOLDSBOROUGH. Yes.

Mr. STEVENSON. The Federal Reserve Board has that power under the act that we are amending. The only change is that instead of the board determining whether or not there is substantial competition it shall determine whether or not it would be incompatible with the public interest.

Mr. GOLDSBOROUGH. That is the distinction.

Mr. LINTHICUM. I understand he can not do it unless he gets a permit from the Federal Reserve Board under this bill.

Mr. GOLDSBOROUGH. That is correct. The Federal Reserve Board are in favor of this bill, just as they were in favor of branch bank legislation. I do not mean to be understood that there is anything improper influencing them, because I know there is not. What I mean is, judging from the attitude of the Federal Reserve Board, they see no reason why banking monopoly should not exist. The statements of the board to our committee appear to me to indicate this.

My time is nearly up, but I want to say a word more. There may come a time, the blessed period when the lion and the lamb lie down together, when we can have one credit source, when credit can be impartially sold by a monopoly. But the condition we must recognize now is that banking is a selfish business; that banking and business are closely linked in this country; that business men sit on bank boards who have their selfish private interests they want to preserve and conserve; that when a man comes to them for credit, and they know he wants to do something which will compete with them in their private business, he will not get credit unless they know he can go next door and get it anyhow. The big banks want the legislation proposed in this bill, but our question is whether the bill is in the public interest, the banks, of course, being included in a consideration of what is the public interest. As legislators, I do not see how we are concerned with what the banks or any other interest want, except in so far as that interest reflects the public interest. The banks are not creators of wealth but distributors of credit for profit, and from our standpoint should be treated as public-service institutions. The sole question for our consideration is whether or not interlocking directorates for banks are in the public interest.

I tell you, my friends, unless we stop this thing somewhere it will simply broaden itself. The banks will interlock under this provision, and in a year or two we will be confronted with another bill. We will be told this right has not been abused; that men have been allowed to sit on three boards of directors, and no complaint has been heard, so why not make it 5, why not make it 10? Why not open the doors and let them interlock? This is the inevitable course. There is no public reason whatever why this proposed legislation should pass and no reason at all why the Kern amendment should ever have been put in the law. My motion to recommit, if carried, will wipe out the Kern amendment and reestablish the terms of the Clayton Antitrust Act. [Applause.]

The SPEAKER. The time of the gentleman from Maryland has expired.

Mr. McFADDEN. Mr. Speaker, the gentleman from Maryland [Mr. GOLDSBOROUGH] has yielded five minutes of his time to the gentleman from New York [Mr. LAGUARDIA].

The SPEAKER. The gentleman from New York is recognized for five minutes.

Mr. LAGUARDIA. Mr. Speaker, the gentleman from Maryland puts it mildly when he says we are creating another milepost here. We are actually letting down the bars. I want to call the attention of the membership to the fact that you are not only opening the doors for one director to serve on the boards of two other banks, but that applies to every director on the board. A bank having 15 directors can interlock with 30 banks; 30 banks having 15 directors each would mean 450 directors who could form a combination of 1,250 banks and control the banking of a whole section of the country.

Now, what is the purpose of an interlocking directorate? All these illustrations as to an outstanding man in a community is beyond the question. A bank that depends for its existence on one outstanding man is not worth saving, because he may become sick, he may die, or something may happen to him, and according to the argument presented here that would be the end of the bank.

Imagine, gentlemen, what would happen if the amendment before you were intended to permit interlocking directorates of packing houses or was intended to permit the directors of one packing house to be on the boards of two other packing houses. There would not be one vote on the floor of this House for it.

Yet, this bill affects industry and commerce in every one of its ramifications.

It is possible under this bill to so interlock your directorates in any given section of the country as to obtain absolute control of commerce and industry. Let me give you an illustration. Suppose one bank underwrites the bonds of any factory for the manufacture of any given commodity, or the directors of the bank are personally interested in the factory. It can decide, by having representation on the boards of other banks, not to extend credit to any other company or individual desiring to engage or actually engaged in that same branch of industry. An application is made for a loan to extend or expand its business. It is turned down because it is in conflict with some factory or business that this group of banks is seeking to protect. Through the interlocking directors an absolute control and monopoly of credit is created.

Why, gentlemen, you not only give authority here as to the directors of a bank but you give authority for employees of a

bank to become directors of other banks. Any employee of a bank may be sent as the representative of that bank to sit on the board of another bank, so that an applicant for credit is absolutely at the mercy of a group of banks interlocked in this fashion.

After all a bank is no different whatever from any other business. Instead of selling meat, grain, or hardware a bank sells the use of money, and our commerce and industry are based upon credit. The power to refuse credit is the power to destroy under our industrial and commercial system. Put into the hands of any group of banks the power to control credit and you are putting into their hands the power to control business and industry, and you can not get away from it.

Now, gentlemen, when we had before us the branch banking law it was stated by the committee that all they wanted were the branches. Give them the branches and everything would be all right. But that is followed up now with this bill, and I repeat, it gives this power, authority, and right not only as to the directors of banks but as to the employees. I would like to hear the chairman or any other member of the committee say it would not apply to employees.

Mr. STEVENSON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. STEVENSON. If the gentleman will look at the Kern amendment, he will see that we are not changing it, because it specifically gives the right as to employees just the same as to directors. The very thing the gentleman is complaining about is in the law to-day exactly as we are proposing here.

Mr. LAGUARDIA. But two evils do not make a right.

Mr. STEVENSON. But we are not changing that or adding to it.

Mr. GOLDSBOROUGH. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. GOLDSBOROUGH. The motion to recommit will seek to strike out the Kern amendment.

Mr. LAGUARDIA. That would be a good idea, too.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. McFADDEN. Mr. Speaker, I believe I have seven minutes remaining. I yield five minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent to insert the amendment that was suggested a while ago, merely giving the title and chapter of the United States Code which we are amending, so that may be designated.

Mr. McFADDEN. Mr. Speaker, I have no objection to that.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STEVENSON: Amend the bill by adding at the end of line 5, page 1, the words "found in title 15, chapter 1, section 19, United States Code."

The SPEAKER. Is there objection?

There was no objection.

Mr. STEVENSON. Mr. Chairman, I did not expect to talk on this bill, but we have reported it and there have been a good many very extreme views expressed without proper limitation.

In the first place, let us see what the law is—the Clayton Antitrust Act.

The law is, first, that no man shall be a director of two $5,000,000 banks anywhere. This was the law as it was first drawn.

Second, that no man shall be a director of more than one bank in a town of 200,000 inhabitants or more. This was in the original act, modified so that a man could be a director in two banks in a town of 200,000 inhabitants or two banks of $5,000,000 of assets or more, provided all the stock of one bank was owned by the stockholders of the other bank.

This was the law as it stood before the Kern amendment. Senator Kern, who was a great Democrat from Indiana, came along and conceived that this worked a hardship—and it did in certain instances—and he asked that the law be amended, and that amendment, which is written in here, provided that a director or employee of one bank could be a director of two additional banks provided the banks were not in substantial competition with each other and provided the Federal Reserve Board granted him a permit to occupy such an interlocking directorship.

This is the law as it is to-day with respect to an employee or director in one bank of these classes—either $5,000,000 of assets or in a town of 200,000 inhabitants or more—and everybody below these classes is exempt from any of this legislation. This is the law to-day.

The Federal Reserve Board finds great difficulty in determining what banks are in substantial competition, and it is a matter of their judgment, and they have to determine it as a matter of judgment now. For instance, here are two banks that are running in one of these cities of 200,000 inhabitants or more and apparently are not in competition now. They grant such a permit and in six months conditions change so that they do come in competition, and then the question arises of making one of these men get off, and they have trouble with all that sort of thing.

This being the case, the sole proposition here is to change that arrangement, and instead of saying "substantial competition" say that the interlocking directorate shall not be incompatible with the public interest, which commits it again to the judgment of the Federal Reserve Board, but it will make it very much easier of administration, so the board thinks.

So far as I am concerned, I am very much in sympathy with the proposition of the gentleman from Maryland [Mr. GOLDSBOROUGH], that the Kern amendment ought never to have been adopted; but it has been and it is here, and you have interlocking directorates among the directors and employees, about which the gentleman from New York [Mr. LAGUARDIA] complains, and the question is how to regulate it so that it can be administered in a sensible and a practical way, so that the purpose and the intent of the legislation shall be carried out.

Mr. GOLDSBOROUGH. Will the gentleman yield?

Mr. STEVENSON. Yes, sir.

Mr. GOLDSBOROUGH. May I ask the gentleman how he feels about the motion to recommit?

Mr. STEVENSON. Well, I feel this way about it: If I had been here when the Kern amendment was adopted, I think I would have voted against it; and the gentleman's motion to recommit is merely to strike out the Kern amendment instead of modifying it as we do here.

Mr. LAGUARDIA. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania [Mr. McFADDEN] yield to the gentleman from New York?

Mr. LAGUARDIA. Mr. Speaker, I rise on a matter of privilege.

At this point, Mr. Speaker, I desire to make a point of order that the bill is not properly before the House in that the committee reporting the same did not have jurisdiction. This bill clearly relates to the "civil or criminal law" and under paragraph 4 of Rule XI belongs to the Committee on the Judiciary.

Now, it may be suggested that the point of order comes too late, and I desire to call the Speaker's attention to the precedents, which are numerous, in Volume IV of Hinds' Precedents, where points of order were made in the House after bills had been considered in the Committee of the Whole. This being so, the consideration and the discussion of the bill up to this point may be compared with the discussion and debate of a bill in the Committee of the Whole. Therefore, I believe, although I admit it is doubtful, that it may be proper now to raise the question of jurisdiction; and if that point be sustained, it is fatal. All through the precedents there are instances where if a committee took up a bill not within its jurisdiction, it could not report the bill, and the point having been raised heretofore after a bill had been considered in the Committee of the Whole, I now press my point of order.

The SPEAKER. Will the gentleman from New York cite the Chair to any case where a point of order was raised and held good after a bill was reported, except in the case of an appropriation carried in a bill?

Mr. LAGUARDIA. Yes; many private bills.

The SPEAKER. Private bills; yes.

Mr. McFADDEN. Mr. Speaker, I make the point of order that the gentleman's point of order comes too late.

Mr. LAGUARDIA. That may be so.

The SPEAKER. The Chair is prepared to rule. The Chair recalls when this bill was before him for reference that he examined into the matter and it was quite clear that the reference was correct, in view of the fact this is an amendment of the Federal reserve act, and under the rules the Committee on Banking and Currency has jurisdiction of questions arising under the Federal reserve act; but whether that be true or not, the point of order is evidently made too late. The precedents are uniform that after a public bill has been reported, it is too late to raise the point of order as to the jurisdiction of the committee.

Mr. McFADDEN. Mr. Speaker, I may say in answer to the proposal of the gentleman from Maryland [Mr. GOLDSBOROUGH] to offer a motion to recommit, that he is proposing by this motion, according to his own statement, to repeal the entire Kern amendment, which, if it passes or is voted favorably

upon, would mean that no interlocking directorates of any nature whatsoever would be permitted under the law.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. LAGUARDIA. The gentleman does not mean to say that the mere motion to recommit would repeal an existing statute. It would simply recommit this bill back to the committee.

Mr. McFADDEN. With the final, avowed purpose of repealing all of the Kern amendment of the Clayton Act.

Mr. Speaker, I move the previous question on the bill and all amendments thereto.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. GOLDSBOROUGH. Mr. Speaker, I have a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GOLDSBOROUGH. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GOLDSBOROUGH moves to recommit the bill to the Committee on Banking and Currency with instructions to report the bill back to the House forthwith with an amendment as follows: Strike out all of the language after the enacting clause and insert in lieu of the matter stricken out the following language: "That the last proviso of the second paragraph of section 8 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, as amended, is hereby repealed: *Provided*, That nothing in this act shall effect relations already in existence."

Mr. McFADDEN. Mr. Speaker, I will reserve the point of order on the motion to recommit if the gentleman wishes; and if not, I make it.

The SPEAKER. Will the gentleman from Pennsylvania state the grounds of his point of order?

Mr. McFADDEN. That it is not germane to the subject matter under consideration; that it repeals other provisions to the Kern amendment of the Clayton Act.

The SPEAKER. Will the gentleman state just what the effect will be if the motion to recommit is adopted

Mr. McFADDEN. It wipes out all of the interlocking directorate provisions of the Clayton Act, and they are not in this bill at all.

Mr. RAMSEYER. You are seeking to amend the second paragraph of section 8, and what the gentleman from Maryland is trying to do is to repeal it.

Mr. McFADDEN. It is proposing to repeal more than we are amending.

Mr. RAMSEYER. But it is germane.

Mr. BLACK of Texas. Mr. Speaker, the bill we have before us undertakes to rewrite the last proviso of the paragraph referred to, and the motion to recommit offered by the gentleman from Maryland is simply to repeal that particular proviso, and I submit it would be germane to the bill.

The SPEAKER. The Chair can not tell, with the information he has before him, whether the motion to recommit would repeal any other provisions except the one that it is sought to amend in the bill.

Mr. BLACK of Texas. I submit that the language of the motion to recommit is very clear; it proposes to repeal the proviso.

The SPEAKER. Does the gentleman from Pennsylvania agree that the motion to recommit only refers to the repeal of the provision which the bill seeks to amend?

Mr. McFADDEN. Yes.

The SPEAKER. The Chair is of the opinion that the motion to recommit is germane.

Mr. McFADDEN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Maryland to recommit the bill.

The question was taken; and on a division (demanded by Mr. GOLDSBOROUGH) there were 39 ayes and 78 noes.

Mr. GOLDSBOROUGH. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and sixty Members present, not a quorum. The question is on the motion to recommit. All those in favor will answer "yea," and all those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 141, nays 192, present 1, not voting 99, as follows:

[Roll No. 23]

YEAS—141

Allgood	Fulbright	Lankford	Rubey
Arnold	Fulmer	Linthicum	Rutherford
Ayres	Gambrill	Lowrey	Sanders, Tex.
Beck, Wis.	Garber	Lozier	Sandlin
Black, Tex.	Garner, Tex.	McClintic	Schafer
Bland	Garrett, Tenn.	McDuffie	Schneider
Blanton	Garrett, Tex.	McKeown	Sears, Fla.
Bowling	Gasque	McReynolds	Sears, Nebr.
Box	Gilbert	McSwain	Shallenberger
Boylan	Goldsborough	McSweeney	Simmons
Briggs	Gregory	Major, Ill.	Sinclair
Browne	Green, Fla.	Mansfield	Somers, N. Y.
Browning	Greenwood	Martin, La.	Speaks
Buchanan	Griffin	Milligan	Spearing
Burtness	Hammer	Moore, Va.	Steele
Bushy	Hare	Moorman	Sumners, Tex.
Byrns	Harrison	Morehead	Swank
Cannon	Hastings	Morrow	Taylor, Colo.
Carss	Hill, Ala.	Nelson, Mo.	Tillman
Cartwright	Hill, Wash.	Nelson, Wis.	Underwood
Chapman	Howard, Nebr.	Norton, Nebr.	Vinson, Ga.
Collier	Huddleston	O'Brien	Vinson, Ky.
Collins	Hudspeth	O'Connell	Ware
Connally, Tex.	Hull, Tenn.	Oldfield	Warren
Cooper, Wis.	Jeffers	Oliver, Ala.	White, Colo.
Crosser	Johnson, Okla.	Palmisano	Whitehead
Dickinson, Mo.	Johnson, Tex.	Peavey	Whittington
Dickstein	Jones	Peery	Williams, Mo.
Dominick	Kading	Prall	Williams, Tex.
Drane	Kemp	Quin	Wilson, Miss.
Eslick	Kent	Ragon	Woodrum
Evans, Mont.	Kerr	Rainey	Wright
Fisher	Kincheloe	Rankin	Yon
Fitzpatrick	King	Rayburn	
Fletcher	LaGuardia	Reed, Ark.	
Frear	Lanham	Romjue	

NAYS—192

Ackerman	De Rouen	Johnson, Ill.	Ramseyer
Adkins	Dickinson, Iowa	Johnson, Ind.	Ransley
Allen	Doughton	Johnson, Wash.	Rathbone
Almon	Douglass, Mass.	Kahn	Reece
Andresen	Drewry	Kearns	Reid, Ill.
Bacharach	Dyer	Kelly	Robinson, Iowa
Bachmann	Eaton	Ketcham	Robsion, Ky.
Bacon	Edwards	Kiess	Rogers
Barbour	England	Knutson	Rowbottom
Beedy	Englebright	Kopp	Seger
Beers	Estep	Korell	Shreve
Begg	Evans, Calif.	Langley	Sirovich
Bell	Faust	Lea	Smith
Black, N. Y.	Fenn	Leavitt	Stalker
Bloom	Fitzgerald, Roy G.	Leech	Stevenson
Bowman	Fitzgerald, W. T.	Lehlbach	Stobbs
Brand, Ga.	French	Letts	Summers, Wash.
Brand, Ohio	Furlow	Lindsay	Swick
Brigham	Gallivan	Luce	Swing
Buckbee	Gardner, Ind.	McFadden	Taber
Bulwinkle	Gibson	McLaughlin	Tarver
Burton	Gifford	McLeod	Tatgenhorst
Butler	Glynn	MacGregor	Taylor, Tenn.
Campbell	Golder	Maas	Thatcher
Canfield	Goodwin	Madden	Thurston
Carter	Green, Iowa	Magrady	Tilson
Casey	Griest	Manlove	Timberlake
Chalmers	Guyer	Mapes	Tinkham
Chase	Hadley	Martin, Mass.	Treadway
Chindblom	Hale	Menges	Underhill
Christopherson	Hall, Ill.	Merritt	Updike
Clague	Hall, Ind.	Michener	Vestal
Clancy	Hall, N. Dak.	Miller	Vincent, Mich.
Clarke	Hancock	Monast	Wainwright
Cochran, Mo.	Hardy	Moore, Ohio	Wason
Cochran, Pa.	Hawley	Morin	Watres
Cohen	Hersey	Murphy	Watson
Cole, Iowa	Hickey	Nelson, Me.	Weaver
Colton	Hoffman	Newton	Welch, Calif.
Combs	Hogg	Niedringhaus	Weller
Connery	Hooper	Norton, N. J.	Welsh, Pa.
Cox	Hope	O'Connor, La.	White, Kans.
Crail	Houston, Del.	Palmer	White, Me.
Crisp	Hudson	Parker	Williamson
Crowther	Hull, Wm. E.	Perkins	Wolverton
Darrow	Irwin	Pratt	Woodruff
Davenport	Jacobstein	Purnell	Wurzbach
Denison	Jenkins	Quayle	Zihlman

PRESENT—1

Berger

NOT VOTING—99

Abernethy	Bushong	Dempsey	Haugen
Aldrich	Carew	Douglas, Ariz.	Hoch
Andrew	Carley	Doutrich	Holaday
Anthony	Celler	Dowell	Howard, Okla.
Arentz	Connolly, Pa.	Doyle	Hughes
Aswell	Cooper, Ohio	Driver	Hull, Morton D.
Auf der Heide	Corning	Elliott	Igoe
Bankhead	Cramton	Fish	James
Beck, Pa.	Cullen	Fort	Johnson, S. Dak.
Bohn	Curry	Foss	Kendall
Boies	Dallinger	Free	Kindred
Bowles	Davey	Freeman	Kunz
Britten	Davis	Frothingham	Kurtz
Burdick	Deal	Graham	Kvale

Lampert	Moore, N. J.	Sinnott	Temple
Larsen	Morgan	Snell	Thompson
Leatherwood	O'Connor, N. Y.	Sproul, Ill.	Tucker
Lyon	Oliver, N. Y.	Sproul, Kans.	Williams, Ill.
McMillan	Parks	Steagall	Wilson, La.
Major, Mo.	Porter	Stedman	Wingo
Mead	Pou	Strong, Kans.	Winter
Michaelson	Reed, N. Y.	Strong, Pa.	Wood
Montague	Sabath	Strother	Wyant
Mooney	Sanders, N. Y.	Sullivan	Yates
Moore, Ky.	Selvig	Sweet	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Snell with Mr. Pou.
Mr. Bohn with Mr. Davey.
Mr. Anthony with Mr. Kindred.
Mr. Wyant with Mr. Major of Missouri.
Mr. Britten with Mr. Lyon.
Mr. Connolly of Pennsylvania with Mr. Driver.
Mr. Aldridge with Mr. Wilson of Louisiana.
Mr. Sproul of Illinois with Mr. Carew.
Mr. Graham with Mr. Abernethy.
Mr. Fort with Mr. Carley.
Mr. Dowell with Mr. Doyle.
Mr. Foss with Mr. Kunz.
Mr. Dempsey with Mr. Sabath.
Mr. Cooper of Ohio with Mr. Parks.
Mr. Free with Mr. O'Connor of New York.
Mr. Sweet with Mr. Deal.
Mr. Strong of Pennsylvania with Mr. McMillan.
Mr. Johnson of South Dakota with Mr. Celler.
Mr. Yates with Mr. Mead.
Mr. Andrew with Mr. Stedman.
Mr. Burdick with Mr. Cullen.
Mr. Dallinger with Mr. Steagall.
Mr. Fish with Mr. Tucker.
Mr. Frothingham with Mr. Douglas of Arizona.
Mr. Reed of New York with Mr. Mooney.
Mr. Michaelson with Mr. Moore of New Jersey.
Mr. Hoch with Mr. Igoe.
Mr. Beck of Pennsylvania with Mr. Moore of Kentucky.
Mr. Cramton with Mr. Montague.
Mr. Arentz with Mr. Larsen.
Mr. Kurtz with Mr. Wingo.
Mr. Porter with Mr. Davis.
Mr. Lampert with Mr. Sullivan.
Mr. Sanders of New York with Mr. Bankhead.
Mr. Thompson with Mr. Oliver of New York.
Mr. Williams of Illinois with Mr. Aswell.
Mr. Sinnott with Mr. Corning.
Mr. Wood with Mr. Auf der Heide.
Mr. Elliott with Mr. Howard of Oklahoma.
Mr. Curry with Mr. Kvale.

A quorum being present, the doors were opened.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. McFADDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

FEDERAL RESERVE RETIREMENT FUND

Mr. McFADDEN. Mr. Speaker, I call up the bill (H. R. 4) to incorporate the Federal reserve retirement fund, to define its functions, and for other purposes.

The SPEAKER. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4, and the gentleman from Iowa, Mr. GREEN, will kindly take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4, with Mr. GREEN of Iowa in the chair.

The Clerk read the title of the bill.

Mr. McFADDEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McFADDEN. Mr. Chairman, this is a bill to incorporate the Federal reserve retirement fund, the purpose of which is to enable the Federal reserve banks and their employees and the employees of the Federal Reserve Board to combine in the operation of a plan under which retirement allowances and other forms of benefit will be provided for those who, by reason of long and meritorious service or by old age or disability, shall become entitled to such benefits. The bill provides for the establishment of a separate corporation, the trustees of which shall be elected one each by the 12 Federal reserve banks and the Federal Reserve Board, and one each by the employees of the 12 banks and the Federal Reserve Board. This bill was introduced at the instance of the Federal Reserve Board and the proposed plan has been approved unanimously by the boards of directors of each of the Federal reserve banks.

The purposes of the Federal reserve system in establishing a retirement plan may be briefly stated as follows, none of which, it will be noted, is in any sense philanthropic:

(a) To attract and hold the most desirable class of personnel.

(b) To improve the morale of the staff through providing, so far as it is feasible, a feeling of security with respect to the future and of confidence against the great unpreventable hazards of life.

(c) To provide a means whereby the banks may fulfill their duty to their employees and to society in general upon a uniform basis through a retirement plan for superannuated employees.

(d) To accomplish these objects with the greatest possible efficiency and the minimum of expense, through the establishment of a plan under which the employees themselves will contribute one-half of the amount necessary to support it.

In asking authority to create a corporation for this purpose the Federal reserve banks and the Federal Reserve Board are seeking to provide a means for the orderly retirement of those of their employees who will in the course of time no longer be able to render a satisfactory service. The need for retirement plans of this sort has become generally recognized in industry. Many of the larger banks of the country, large numbers of industrial corporations, and practically all the large railroads have already adopted such plans. In many instances the cost of these retirement plans is borne entirely by the employer. This is notably the case with the railroad plans, where in practically every case the total cost is borne by the railroad.

The Federal Government itself has recognized the importance of providing some means for the retirement of superannuated employees, and some years ago established the civil-service retirement fund and has more recently established the Foreign-Service retirement fund, both of which plans are designed to provide retirement allowances which in the average case would represent a larger percentage of the salary than that contemplated under the plan of the Federal reserve banks.

The civil service and Foreign Service retirement fund is based on 2 per cent of average salary; the Federal reserve fund, upon 1½ per cent.

The passage of this bill and the establishment of this corporation requires no appropriation from the Federal Government, as the entire cost of providing the retirement allowances and of administration is to be borne by the 12 Federal reserve banks and the employees.

The bill as amended and recommended includes all necessary safeguards to protect both the banks and their employees. It includes, for instance, the following provisions:

First. That the approval in writing of the Federal Reserve Board is required before the plan of operation can go into effect.

Second. That the total amounts contributed by the Federal reserve banks and the board shall not exceed the total contributions made by the employees themselves.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. HASTINGS. Under this plan, how much is it contemplated to be contributed from the earnings of the Federal reserve banks?

Mr. McFADDEN. Whatever the cost of the plan is, of course, will come out of the earnings of the Federal reserve.

Mr. HASTINGS. Of course, that is indirectly paid by the member banks.

Mr. McFADDEN. Yes; but I think in that connection you must recognize the fact that a plan of this kind makes for greater efficiency in the operation of the system by permitting the retirement of inefficient employees, taking them off the pay roll, and putting in men who are capable.

Mr. HASTINGS. The gentleman is very familiar with the Federal reserve act and all of the amendments that have been made to it. If this legislation is enacted, will that permit the several Federal reserve banks to contribute such an amount as they may see fit to this retirement fund, or is it limited in any way?

Mr. McFADDEN. It is limited under the terms of the bill.

Mr. HASTINGS. This bill?

Mr. McFADDEN. The plan will have a limitation upon it.

Mr. HASTINGS. Is it limited in this bill?

Mr. McFADDEN. This bill authorizes the creation of the plan. All of the details are not entirely set forth in the bill. This bill is the authority to the board to establish this system.

Mr. HASTINGS. But if this bill is enacted, how much does it permit the members of the Federal Reserve Board to contribute to the retirement fund?

Mr. McFADDEN. The actuaries of the Federal reserve system have gone very carefully into the system. A very complete study has been made. There have been called into these various conferences over the period of the past two years, during the consideration that has been given to it, some of the best actuaries in the country. The actuaries of some of the large insurance companies, and of the various retirement plans in in-

dustries, have all been consulted, and the Federal reserve people, in the consideration which it has given to this plan, have had the cooperation of all known proper sources in working this out, and they believe that they are working out a superior plan to any plan which has up to this time been put into operation. The actuaries have computed the normal cost to the banks of the original plan as being 3½ or 3¾ per cent of the pay roll. As of June 30 last the pay roll, subject to contributions, amounted to $15,350,000. Three and three-quarters per cent of that amount would be $575,625.

Mr. HASTINGS. So that that would be the amount that you would permit the Federal reserve banks to contribute to this fund?

Mr. McFADDEN. Yes. The normal cost, therefore, on the basis of the present number of employees, would not exceed $600,000 per annum from the banks and, of course, a like amount from the employees.

Now, you must consider in connection with that the fact that you are improving the service. By this plan of retirement of inefficient employees you are probably not putting any burden upon the system at all. It is a very humane thing to do. It might result that by improvement in personnel that the pay rolls would not be as high by reducing inefficient employees.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. WILLIAMSON. Is it the intention of the committee to offer any other amendments than those indicated in the bill itself?

Mr. McFADDEN. Not so far as I know. There are no others recommended by the committee. No retirement allowance shall be paid out of the amounts contributed by the reserve banks and the board at a rate in excess of 30 per cent of the average annual salary received by an employee during the last 10 years of service.

In making contributions or in the computation of benefits to be derived that part of any salary in excess of $15,000 shall be disregarded.

In other words, the men in the employ of the Federal reserve system who are receiving salaries in excess of $15,000 will not be retired on the basis of that salary but on the basis of $15,000.

It is also provided that no member of the Federal Reserve Board or a trustee of the corporation as such shall be eligible to receive any benefits from the corporation.

That the amounts contributed by any employee whose employment terminates prior to retirement shall be returned to him with interest.

The Federal Reserve Board and the reserve banks are to be commended for undertaking to deal with this problem thus early in their existence and while the burden of providing for the accrued liabilities may still be met on an equitable basis.

There is a very important thing in connection with the consideration of this measure. Here is an institution which was started in 1914, and it is a type of institution which requires the highest grade of service. The best knowledge that can be obtained and can be applied to finance should be in this system. You have to pay good salaries to get proper men. It has been stated to our committee in connection with that work that if the men who are devoting their lives to the study and work of the Federal reserve system can feel that when they become incapacitated there is a provision made for them in their old age similar to that provided for in industry, they will stay with the Federal reserve system in place of going into some other vocation at the same salary.

The bill is favorably reported by the committee, and I hope it will pass with the amendments as recommended by the committee. I believe it is a very meritorious thing to do, and if it is done now it will save a good deal of money which would have to be paid if this retirement plan is not put in operation now, but comes along later because of the constantly accruing liability.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. I yield.

Mr. SCHAFER. Have the employees of these banking institutions by any association or representation told the committee that they are in favor of this legislation?

Mr. McFADDEN. It has been represented to us, yes, that they are in favor of the legislation.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. CROWTHER. I did not hear the gentleman's remarks, but I understand that they are considering a retirement bill now before the Committee on the Civil Service. Is there any great difference in the amount of money these people have to pay and the amount they receive? Is there any unusual method of computation as to what the retirement pension shall be as compared with that of our Federal employees?

Mr. McFADDEN. I will say to the gentleman, in answer to that, that the average salary for the Federal reserve employees is about $1,600 per annum. The average salary for civil-service employees for 1928 is $1,886 per annum. To-day there are 46,481 such employees. I get those figures from the Budget statement No. 31. The average civil-service salary for 1929 is $1,897 for 46,738 Federal employees. In the Federal reserve system there are slightly over 10,000 employees, and the average salary as a basis is $1,600, which, it is plain to be seen, is $297 less than the salaries which the 46,738 employees of the Government receive.

Mr. CROWTHER. What I want to know is what is the ratio or proportion of the subscription of the individual? What percentage do they prescribe? Is that on an even ratio with that paid in by the Government employees?

Mr. McFADDEN. Two per cent is the Federal rule, as I recall it, and 1½ per cent is the basis of this. This plan is less than that under the Federal plan.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield there?

Mr. McFADDEN. Yes.

Mr. WILLIAMSON. I was somewhat familiar with the provisions of the bill dealing with this subject a year or so ago. I have not had the time to compare the language of this bill with the language of the bill introduced at the last session. Is the language of this bill, with the exception of the amendments now proposed, the same as the other bill?

Mr. McFADDEN. Some changes have been made. The bill that was considered by the committee when the gentleman from North Dakota was a member of it provided an optional plan for all the member banks of the Federal reserve system. One or two other features have been added; one as to the location of the domicile or home office. It is fixed here as Washington. It was not fixed in the old bill.

Mr. WILLIAMSON. You want to fix a limitation as the basis for the retired pay?

Mr. McFADDEN. Yes. The bill the gentleman referred to provided for $18,000 as the maximum. Our bill fixes it at $15,000. Some people have raised the question that some of the salaries in the Federal reserve system are too large. One instance was called to my attention—that of the former chairman of the board of the Federal reserve bank at Cleveland, Ohio. His salary was $24,000 or $25,000 a year. He had drawn that salary for a number of years, less than 10, however, and he died. Now, a man in the same position under this bill would have drawn under the retirement fund not to exceed $2,500 on the salary per annum that he was drawing from the Federal Reserve Board of $25,000. The largest amount that could be drawn under this plan would be the sum of $9,000 a year, and that would require that the man must have been in continuous service for practically 40 years at a time, and his retirement would be based on the average salary paid him.

Mr. THURSTON. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. THURSTON. Have the employees of the Federal reserve system ever made application to be placed under civil-service rules?

Mr. McFADDEN. No; they could not do that.

Mr. THURSTON. Has there ever been any legislation proposed along that line?

Mr. McFADDEN. I do not think so.

Mr. THURSTON. Would there be any good reason why they should not be covered into the civil service, the same as employees of other branches of the Government?

Mr. McFADDEN. I suppose Congress could enact such a law as that if it saw fit to do so.

Mr. MacGREGOR. But national banks are private corporations, not public corporations.

Mr. THURSTON. But they have a Federal status.

Mr. MacGREGOR. No; they have not.

Mr. McFADDEN. I believe it is much better to give them authority to establish their own plan than it would be to tie it up with the National Government. If that were done, I fear complications would enter into it which might be extremely embarrassing to the Government.

Mr. HUDSON. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. HUDSON. The contributions by the corporations in establishing this retirement fund in no sense become any obligation upon the Government?

Mr. McFADDEN. They do not. The only possible connection is that provision in the Federal reserve act which provides for the payment of a franchise tax, and under the plan adopted any earnings over a certain amount automatically go back into the Public Treasury, to be applied in certain particular ways, in the refunding of the public debt, and so forth, as provided in the present law.

Mr. HUDSON. I have just appeared before the Committee on the Civil Service, and I did not hear the gentleman's statement in the beginning. Why is it necessary to come here for this authority to organize a retirement system if the Government has no part in it?

Mr. McFADDEN. I said in my remarks that the board feels it has the authority, but rather than raise any question about it, which might later on disrupt their plans, they have very frankly come to Congress and asked for definite, legal authority to establish this plan. I think myself they have a perfect right to go ahead and establish a retirement plan, but this gives them a legal entity, and it is quite proper.

Mr. HUDSON. If this is done, will not the employees of the Government say Congress is establishing another system of retirement?

Mr. McFADDEN. Well, we are not establishing the system; we are giving legal authority to the Federal reserve system, which was created by the Congress.

Mr. HUDSON. And this bill will be more generous than the present retirement laws of Congress, and perhaps create dissatisfaction.

Mr. McFADDEN. I could not say as to that, but the present Federal plan provides for 2 per cent, while this plan is based on 1½ per cent of the salaries paid.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. JOHNSON of Oklahoma. I am not quite sure I understand some of the provisions of this measure. For instance, I am not sure as to just what percentage you propose for the Government to pay. Does not the Government or the Federal reserve system pay any part of it?

Mr. McFADDEN. Yes; it pays half of it.

Mr. JOHNSON of Oklahoma. Then that is really the people's money, is it not?

Mr. McFADDEN. No; it is not. I seriously question. I will say to the gentleman, whether this is going to cost the Federal reserve system anything. I think they are going to gain in efficiency everything that might be paid out in money under the retirement plan. I think they are going to get it back in better service, by a better grading of employees, by having more efficient men, and by being able to retire men who are incapacitated, who otherwise would be kept on the pay roll out of sympathy.

Mr. JOHNSON of Oklahoma. Does the gentleman mean to convey the idea that if this bill is passed it is not going to cost the Government anything?

Mr. McFADDEN. I do not think it is going to cost the Government anything. The only possibility of it costing the Government anything is through the returns received from the franchise tax and the issuance of Federal reserve notes in excess of that necessary to keep the service going and paying the operating expenses of the Federal reserve system.

Mr. JOHNSON of Oklahoma. As I understand the provisions of this measure, you propose to pension even those receiving salaries of $15,000 to $50,000 per year. Does the gentleman contend that a man whose maximum salary was $6,500 in private life, but promoted to a $25,000 job, as in case of one instance cited by the gentleman from Texas, should be placed on a $9,000 per year on retiring? Is that good, sound business?

Mr. McFADDEN. Well, $15,000 is the maximum. A man who receives a salary of $50,000 can only be retired on the basis of $15,000.

Mr. JOHNSON of Oklahoma. And I understand the gentleman to state that under this bill a person would have to be in the service for 40 years in order to get the maximum.

Mr. McFADDEN. To draw the maximum; yes.

Mr. JOHNSON of Oklahoma. Does not the gentleman think, in all candor, that if a person who has been in the service on the measly little salary of $15,000 to $50,000 a year for 40 years and drawing in all the enormous sum of $600,000 and who can not lay a little bit away for a rainy day is an exceedingly poor business man?

Mr. McFADDEN. The gentleman says he has been drawing $600,000 a year?

Mr. JOHNSON of Oklahoma. Six hundred thousand dollars in the 40 years.

Mr. McFADDEN. But he contributes 50 per cent to the fund which is to be created himself.

Mr. JOHNSON of Oklahoma. I understand that; but does not the gentleman think the reason for measures of this kind is to help the needy? Is that not the primary purpose of pensions?

Mr. McFADDEN. I think the banks themselves will improve their own situation by having a more competent class of assistants if they have a retirement plan than by keeping on men who are inefficient.

Mr. JOHNSON of Oklahoma. But this bill will pension a man $9,000 a year who has drawn in 40 years $600,000 in salary. We are going wild on this pension business. Is there never going to be a stop? I am informed that during the past year there was an increase of pensions from $207,844,348.29 to the enormous sum of $230,152,712.17, an increase of about $23,000,000 in one year. Is not the Congress ever going to call a halt?

Mr. McFADDEN. Half of which has been contributed to the fund by himself.

Mr. LUCE. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. LUCE. Permit me to call the attention of the gentleman making the interrogatory to the fact his illustration assumes this man has started in at $15,000 a year, when he was 25 years old, and may I ask the gentleman if he ever knew of any officer of a Federal reserve bank who began getting $15,000 a year when he was 25 years old?

Mr. JOHNSON of Oklahoma. No; I do not, and have not assumed that to be true, but that illustration was made by the gentleman. But I again insist that only the needy have any justification for being pensioned. And may I add just here, many of us have in our districts aged dependent men who have taken part in Indian wars or rendered unusual service to this Government who are deserving and yet because of the fact of some little technicality they are unable to get a dime from the Government? The purpose of this bill is not to help the needy, but to pay a chap who is pulling down a good salary. It is another subsidy, and I see no merit in it.

Mr. SCHAFER. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes; I will yield.

Mr. SCHAFER. All the employees of a bank do not draw $15,000 a year in salary. The greater percentage of them draw around $1,400 and $1,500.

Mr. JOHNSON of Oklahoma. I understand they all do not draw such large salaries, and I am more than willing to aid the clerks on small salaries, but I suggest they be placed under civil service, as other Government employees.

Mr. McFADDEN. And I have just stated that the average salary throughout the entire Federal reserve system is $1,600 a year.

Mr. JOHNSON of Oklahoma. I am absolutely in favor of helping the needy, but I do not believe we ought to set the precedent of pensioning men who draw as high a salary as $15,000 a year.

Mr. McFADDEN. I would like to call the gentleman's attention in this connection to the fact that in the Federal reserve system, as I have already stated, a very high type of employee is necessary. We have got to recognize the fact that we need in this system the best financially minded men that are available. The Federal reserve system is experiencing great difficulty now in the turnover of its employees, the men drawing large salaries, because industrial concerns and other large banking institutions are drawing from them men whose services should be retained in the Federal reserve system. It has been pointed out to our committee by the management of the system that a plan of this kind put into operation would keep in the system many men who should be kept there, who are devoting their lives to making a special study of the intricate problems involved in the proper management of the Federal reserve system.

Mr. SCHAFER. Does not the Federal Government indirectly make a contribution? I notice the bill exempts the business activities of this corporation from not only certain lines of Federal taxation, but even so far as local taxation is concerned.

Mr. McFADDEN. The gentleman is not suggesting that we tax the funds of employees drawing an average salary of $1,600 a year that are used for the purpose of establishing a retirement fund.

Mr. SCHAFER. I am simply suggesting that if we are going to give a Federal subsidy, we should relieve every other organization of employees in industry from various lines of taxation. The gentleman is picking out one class of employees in banking institutions and allowing their retirement fund to be used in business and exempting it from taxation while there are millions of other employees that do not have that privilege.

Mr. MacGREGOR. If the gentleman will permit, it is news to me that we tax any eleemosynary corporation or any charitable organization.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. WILLIAMSON. I call the gentleman's attention to a provision which appeared in the bill introduced at the last session of Congress, which reads as follows:

Shall provide pensions or other forms of support for persons who may be or who may have been dependent upon such officers or employees.

This seems to have been eliminated in the present draft of the bill; is that correct?

Mr. McFADDEN. I think it is; although I do not know that I got clearly just what the gentleman read.

Mr. WILLIAMSON. The provision I want to call the gentleman's attention to is a provision that appeared in section 1 of the bill of last year.

Mr. McFADDEN. I will say to the gentleman if he will look at the bill before him he will see that the parts that have been changed in the bill are crossed out and the insertions appear in italics. Perhaps that will answer the question of the gentleman.

Mr. WILLIAMSON. It would seem to me that the text of the bill as introduced has been changed.

Mr. McFADDEN. It has been slightly changed, I will say to the gentleman; yes.

Mr. WILLIAMSON. What I was trying to get at is this: I have not found out whether you carry in the bill the language providing pensions or other forms of support for persons who may be or who may have been dependent upon such officers or employees. That is not in the bill as written now, is it?

Mr. McFADDEN. This is taken care of in the detailed plans which have been all worked out.

Mr. BLACK of Texas. Mr. Chairman, I ask to be recognized for one hour in opposition to the bill, and I ask the Chair to notify me when I have used 10 minutes. I expect to yield some time to other Members who desire to speak against this bill.

Mr. Chairman and Members of the House, I recall that a few years ago we had an appropriation bill up in the House, and an amendment was offered to the bill to increase the salaries of some lower-paid employees of the Library of Congress. The gentleman from New York, Mr. Stengle, offered the amendment and the gentleman from Ohio [Mr. MURPHY] took the floor in support of it. I recall that in his very able speech made in advocacy of the amendment he referred to the increases that had been given to the higher-paid employees and the smaller increases that had been given to the lower-paid employees. He said it reminded him of the verse in Scripture, and then he started in to quote the familiar verse which says:

For unto him that hath shall be given, and from him that hath not shall be taken away even that which he hath.

For the moment he forgot the quotation, and I remember that he went right ahead and stated it in this way, "For them that have shall get from them that have not." [Laughter.] But after all, he did not miss the meaning of the verse very far. I am opposed to this bill to create a corporation to set up a Federal reserve retirement fund for pretty much the same reason embodied in the verse of Scripture quoted by my friend MURPHY. The bill proposes to incorporate the governors of the 12 Federal reserve banks, and also the members of the Federal Reserve Board into a corporation for the following purposes, which are enumerated in the bill.

These purposes are contained in the following language:

The benefits provided by the corporation may be in the form of annuities, disability, payments, life insurance, or other forms which from time to time shall seem expedient to the said corporation.

Now, we might as well understand that if we pass this bill, we are conferring large powers upon this corporation which it is proposed to create. Let no Member misunderstand that this act confers a very broad authority.

A bill similar in character, or I should say, in text, to this bill was favorably reported by the majority of the Banking and Currency Committee at the last session of Congress. The minority of the committee, including myself, filed minority views against the bill. I want to read for the consideration of the Committee of the Whole one clause from that minority report, because I intend to offer an amendment when the bill is taken up for consideration, adhering to the recommendations which were made in these minority views:

The minority believes that if a pension system is to be established for the officers and employees of the Federal reserve system at least the broad outlines of the plan should appear in the bill. One of these safeguards should be that for the purpose of making contributions and receiving annuities all basic salaries in excess of $10,000 per annum should be counted as $10,000. This provision is a part of the Foreign Service retirement act, passed by Congress several years ago, except that the maximum basic salary for contributions and payment of annuities under the terms of that act is $9,000. Some of the officials of the Federal reserve banks receive as high as $50,000 per annum, and surely Congress would not want to authorize a pension system which would permit payment of a pension based on such a high salary as $50,000 per annum. Yet the bill as now drawn would permit just such a thing.

Now, I will say in frankness that the committee at this session of Congress did agree upon an amendment which is to be offered to the bill providing that for the purpose of making contributions and payment of annuities and other benefits under the act all basic salaries in excess of $15,000 shall be counted as $15,000. That is, of course, an improvement over the bill as it was reported by a majority of the committee at the last session of Congress.

But I think if the bill is passed at all even that limitation does not go far enough. If Congress had under consideration a retirement bill for the civilian employees of the Government, would any Member be willing to go beyond a limitation of $10,000? I dare say not.

Mr. BEEDY. Will the gentleman yield?

Mr. BLACK of Texas. I will.

Mr. BEEDY. The gentleman will concede that we are now dealing with an institution that is obliged to compete with private institutions of a similar nature who command the services of the most expert men within their power to secure and that there are instances where we have to pay more money than we would for the ordinary Government employee. Granting that the gentleman realizes the tremendous pressure under which men are put after they become expert in the Federal reserve employ to accept positions of competing institutions and banks at a much larger salary than they have been getting in the reserve system, if they stay with the Federal reserve system they make a sacrifice of the surplus money they might have gotten otherwise. Does not the gentleman think that we ought to offer some compensation to these men who are of equal ability and caliber in the private institutions?

Mr. BLACK of Texas. If I agree to the premises of the gentleman from Maine as laid down, I might agree to his conclusions. But I do not agree to his premises. I have given a good deal of study to the expenses of the Federal reserve banks, including their salary lists.

Mr. BEEDY. Will the gentleman yield there?

Mr. BLACK of Texas. No; let me conclude, and then the gentleman can make another statement and ask another question. I will be glad to yield to him. I undertake to say that the salary list of the Federal reserve banks is as high as that in comparable national and State banks, and in many cases it is much higher. Take my own State of Texas. The governor of the Federal reserve bank at Dallas, Tex., receives a salary of $25,000 a year, I believe. I undertake to say that is a good deal more than he would be paid by national or State banks in Texas.

Mr. RAYBURN. What did that gentleman receive before he went to this bank?

Mr. BLACK of Texas. I undertake to say that never at any time did he draw one-half of that amount.

Mr. RAYBURN. Or one-third of that amount.

Mr. BLANTON. Does not the gentleman know what he did draw?

Mr. BLACK of Texas. No. I have only information as to what he now draws as governor of the Federal reserve bank at Dallas, Tex.

Mr. BLANTON. I wish the gentleman would get the exact salary and put it into the RECORD.

Mr. BLACK of Texas. I shall get that if I can. I do not admit the premise of the gentleman from Maine [Mr. BEEDY]. I do not admit that the employees and the officers of the Federal reserve banks are underpaid in any sense, as compared with the pay which employees of other banks receive.

Mr. WILLIAMS of Texas. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. WILLIAMS of Texas. I did not intend to argue this question at all, but if the gentleman will investigate the record he will find that this gentleman drew $6,500 from the City National Bank at Dallas.

Mr. BLACK of Texas. I am glad to have that information. I did not want to make an inaccurate statement, and I am glad that my colleague can supply us with correct information on that point. The argument of the gentleman from Maine [Mr. BEEDY] is one of the familiar arguments. Proponents of this measure came before our committee and argued that the employees of the Federal reserve banks are underpaid as com-

pared to the employees in private banks. I do not admit that. Furthermore, I affirm that an investigation will show that the contrary is true.

Mr. BROWNING. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. BROWNING. Getting back to the point of the limitation on the salary on which they can draw an annuity, the gentleman will remember that in the Federal employees' law which we have now some salaries of Government employees run as high as $6,500, from which 3½ per cent is deducted for the retirement fund, and the highest amount anyone can draw is $1,500.

Mr. BLACK of Texas. Yes; I recall that limitation; and before being interrupted—and, of course, I take no exception at all to the interruptions; I am glad to yield to Members—I was about to say that if Congress itself were enacting a retirement act for the civilian employees of the Federal Government, including even members of the Cabinet, if they were to be included, I dare say that we would not consider any maximum beyond $10,000. If we would not do it for employees in the Federal Government, why should we permit it to be done for the officers of the Federal reserve banks?

Mr. CANFIELD. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. CANFIELD. As I understand it, the gentleman from Texas is objecting to the $15,000 maximum?

Mr. BLACK of Texas. I am opposed to the whole bill, but I think it ought to be amended, if it is passed at all, providing that the maximum salary for the purpose of computing annuities shall not be greater than $10,000.

Mr. CANFIELD. Does the gentleman intend to offer such an amendment?

Mr. BLACK of Texas. Yes; I will offer an amendment of that kind if we do not kill the bill before we reach that stage of the proceedings.

Mr. CANFIELD. I hope that he will make that amendment $10,000, because, with $10,000 I think the bill should be passed.

Mr. BLACK of Texas. I hope the gentleman will support my amendment, if the bill reaches the amendment stage.

Mr. JOHNSON of Texas. Will the gentleman give us a chance to vote against the bill entirely?

Mr. BLACK of Texas. We will certainly have that opportunity. I will see to that.

Mr. Chairman, I shall not take any more time of the committee because I want to yield some time to some other Members who are opposed to the bill. I hope that when we reach this bill under the five-minute rule that we will adopt a limitation such as I have suggested, and I hope that when we come to vote on the bill on final passage that we will be able to kill the whole bill.

Mr. BEEDY. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. BEEDY. Just to say that the statement I made I did not make inadvisedly. I knew that the matter had been gone over and brought to my attention. The gentleman from Massachusetts [Mr. LUCE] will, I believe, prove to the satisfaction of the gentleman from Texas that the salaries paid to the Federal reserve bank officials do not range as high as those paid in private banks.

Mr. BLACK of Texas. It may be that he will be able to establish a state of facts of that kind.

Mr. BEEDY. The statistics show it.

Mr. BLACK of Texas. If he is able to do so, I shall be very much surprised.

Mr. McFADDEN. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. The Federal reserve system employs a little more than 10,000 persons. Of these 265 are classified as officers, and their average salary is $9,130 a year. I could not, of course, submit the salaries paid by the national banks and trust companies in New York, Boston, and the other Federal reserve cities, but I am quite confident that the salaries paid to officers of financial institutions approaching the same magnitude, such as the National City Bank, would be found to average in excess, distinctly in excess, of the $9,130 average of the Federal reserve banks.

Let me call attention also to the fact that about 9,800 employees are receiving on the average $1,409 a year, which is almost exactly $27 a week. The pending measure proposes to make it possible for the Federal reserve system, when the time arrives, to release aged employees and to pay them an amount which will keep them from destitution and from suffering during the rest of their lives.

Yesterday there was discussion of this matter of retirement before a committee of the House, and judging by the report in this morning's papers there seems to me to be occasion for a moment of consideration of the purpose of a retirement system. There is a danger now manifest that some of the beneficiaries of such a system may think it was designed to keep them in ease and comfort the rest of their lives. On the contrary, the purpose of it is to prevent a man or woman who has grown old in the service from suffering hardship and distress.

You may figure out for yourselves how much a man or woman earning $27 a week can lay up in these days against the needs of sickness and old age if left to individual thrift. The result of this situation—and I think it might almost with exactness be called a terrible situation in the world of employment—is that many States, municipalities, and the Nation itself, together with private employers have attempted to face the facts of the case by creating retirement systems. In the case of a private corporation such action may well be based in part upon the impulse of benevolence and a desire to make some additional return to the employee for the work he has done and the sacrifices he has made; but in the case of a public organization or one that is quasi public, like that here in question, the element of benevolence can not safely be permitted to enter. Whether you are considering the high-salaried men or the low-priced men, no account may properly be taken of benevolence.

We are not justified in benevolently giving the money of the people toward a Federal retirement system, nor would we be warranted in allowing this quasi-public institution to do anything of the sort. Charity must not move us. The instincts of the heart may not be appealed to. We must not consider sentiment, however much we might like so to do. This is purely an economic proposition, and the whole justification for a retirement board in the classified service and for the retirement board here proposed is to be found in the fact that it is bad business to retain in the employ of the Government or its agencies men who have outgrown their usefulness. It costs more to do that than it does to retire them under systems such as we contemplate here.

For that reason and that alone, because it is a matter of public economy, are these systems advanced, supported, and maintained. The argument for the pending proposal comes right down to this one question: Is it not better business for us to allow the Federal reserve banks to release those employees who are no longer capable of efficient service than to retain them on the pay roll?

Mr. BOYLAN. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Certainly.

Mr. BOYLAN. Surely the gentleman will not say the Government is paying sufficient salaries to these employees whereby they can accumulate anything? Does he want to discharge them after years of faithful service and let them go to the poorhouse and let them become outcasts on the highways and byways of our country?

Mr. LUCE. I should be greatly distressed if my words had warranted any such impression. What I tried to bring out was that the object of the retirement system is to prevent exactly that thing. The possibility that an aged employee might be exposed to that hardship is the precise reason why, without any retirement system, he is retained on the pay roll, which is an economic loss to the Government or its agency concerned. Therefore that he may not suffer hardship if he is released, these retirement systems have been devised. The theoretical justification in the case of the Government is that it is wiser to retire these men under a system like this than to retain them on the pay roll.

Mr. BROWNING. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Certainly.

Mr. BROWNING. Does not the gentleman then consider that the basic salary of $15,000 on which to base retirement is too high? Is that not remuneration instead of sustenance? Does not the gentleman think that ought to be reduced?

Mr. LUCE. I will address myself to that situation. A man getting a salary of $15,000 may under this system, if he has received that salary for 10 years, get $9,000 a year upon retirement. Under the doctrine of chances he will not have arrived at the $15,000 salary, except after years of service at a lower salary. Such is the pace of life in these days in the large cities that there are few men with the physique and stamina necessary to remain long in receipt of the high salaries. Many break down after but a few years of service and few reach a ripe old age. I am speaking of the fierce competition of life in the big centers.

Mr. HUDSON. Mr. Chairman, will the gentleman yield there?

Mr. LUCE. Certainly.

Mr. HUDSON. I am always greatly interested when the gentleman from Massachusetts addresses the House on pending legislation, and I have been much interested in his remarks to-day. Would the gentleman from Massachusetts be willing

to favor legislation for the employees of the Government on the same basis as that which this legislation proposes—that they should receive on retirement an annuity based upon the salary they received when in active service?

Mr. LUCE. I should be glad, on general principles, to favor it, but I could not answer more definitely until I had devoted study to the details of whatever system might be proposed.

Mr. HUDSON. I think our present system is based on wrong principles. From the discussions so far I have not been able to find the reason why this legislation is brought before Congress, if these employees have no relation to the Government of the United States as employees of the Government.

Mr. LUCE. The Federal reserve system is in an anomalous position. It is not a private institution, neither is it a purely Federal institution. It might be called a quasi-public or semi-public institution. The profits of this system in excess of the requirements for the reserve fund and a 6 per cent dividend go into the Treasury of the United States Government, and the members of the Federal Reserve Board are appointed by the President.

Mr. HUDSON. Then indirectly it is true that the Government of the United States is interested in the deductions that will be made for this fund by the board itself.

Mr. LUCE. It is interested in the same way that applies in the case of the recapture clause of the railroad law.

Mr. HUDSON. In the very same way. The more investments the railroads make the less they have to return.

Mr. LUCE. But the fact remains that unless we give it this sanction the members of the Federal reserve system do not feel justified in issuing authority to create the system and are of the belief that the authority for it should come from the Congress.

Mr. MADDEN. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. MADDEN. This is to provide for a pension system?

Mr. LUCE. For a retirement system.

Mr. MADDEN. Is it usual for industrial concerns to pay one-half of the cost of pensions?

Mr. LUCE. It is not usual, but as I recall the figures about one-fifth, or possibly one-sixth, of the private concerns use the half-and-half plan.

Mr. MADDEN. What is it proposed to do here?

Mr. LUCE. Half and half.

Mr. MADDEN. Why should they become so liberal with other people's money when industry does not follow that practice?

Mr. HUDSON. Nor the Government.

Mr. MADDEN. It is always easy for somebody to give other people's money away. It is always easy for everybody but me. I do not take it very kindly.

Mr. LUCE. I thought I had made it clear in the opening of my remarks, which, perhaps, the gentleman did not hear, that there would be no justification for this plan if the gentleman's theory was correct. The 50 per cent to be contributed by those who in this instance we may call the employers, is to be required because of the belief that there will be a financial gain to the institution through doing that rather than by retaining on the pay roll inefficient men and women after they have become too old to give full service.

Mr. MADDEN. Who is going to pension the gentleman when he gets too old?

Mr. LUCE. I, perhaps, have had the opportunity, like the gentleman who addresses me, to make provision for old age, which neither he nor I could have made if through 40 years we had received but $27 a week.

Mr. MADDEN. Well, I worked for a great deal less than that.

Mr. LUCE. Ah, but the gentleman from Illinois has also worked for a great deal more than that.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. McFADDEN. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. LUCE. I can remember the days, if the gentleman will permit me, when I toiled from morn to night for 5 cents an hour.

Mr. MADDEN. That was a good day's pay.

Mr. LUCE. I have no doubt it was more than I earned. [Laughter.]

Mr. MADDEN. But there is one thing I tried to do, and that is what most people do not try to do and do not do. No matter how little I made, I spent less, so I always had something left.

Mr. LUCE. I have followed the gentleman's excellent example.

Mr. MADDEN. And we would not need any pension rolls if that practice had been followed by other people.

Mr. LUCE. That is very easy to say. I ask the gentleman whether with sickness, with accident, and with all the mischances of life he is certain that out of an income of $27 a week he could have maintained a home and laid aside a penny?

Mr. MADDEN. Well, I did it when I was getting 50 cents a day; I did it when I got $50 a month, and I worked alongside of men who were getting $150 a month. They could not wait for pay day. The men who were getting $150 a month never had enough to carry them through to the next pay day, but it never made any difference to me whether pay day was one week hence, one month hence, or one year hence; I always had enough to live on until the next pay day out of whatever I earned, and which anybody can do.

Mr. LUCE. It is very fortunate, Mr. Chairman, that we have in society such examples of the value, importance, and results of thrift as the gentleman from Illinois presents.

Mr. MADDEN. And, by the way, everybody borrowed money from me. [Laughter.] They could not get along on their pay and they borrowed money from one who was getting one-third as much as they were.

Mr. HUDSON. Will the gentleman yield further?

Mr. LUCE. Certainly.

Mr. HUDSON. I was greatly indebted to the gentleman for his explanation a moment ago and I want to say I am in sympathy with the purpose of the legislation, but in the last section of this bill, does the committee attempt to create an estate that can not be changed or altered by any future legislation?

Mr. LUCE. The charter, so to speak?

Mr. HUDSON. No; the language is:

> No contract or individual right made or acquired shall thereby be divested or impaired.

Is this creating an estate for the employees that can not be taxed?

Mr. LUCE. I think that is, perhaps, a needless reiteration of the Constitution of the United States—no law shall be passed impairing the obligation of a contract.

Mr. HUDSON. What is the significance of it in this proposed act?

Mr. LUCE. I should have to examine the bill. Perhaps the gentleman from Maine, who has it before him, when he takes the floor will explain that.

Mr. JOHNSON of Oklahoma. Will the gentleman yield for a question?

Mr. LUCE. Certainly.

Mr. JOHNSON of Oklahoma. The gentleman seems deeply concerned about those drawing a salary of $27 a week. The gentleman forgets about the 23 district governors who receive $25,000 a year or more. Does the gentleman insist that these district governors and deputy governors ought to be pensioned when they now receive more than twice as much as the average salaries of the governors of the States of this Nation?

Mr. LUCE. Oh, the comparison is unfair, as the gentleman knows. He would not, on serious reflection, make it. He would rather compare their salaries with those of the great banking institutions that are competing for the services of these men. The gentleman also ignores what I so carefully tried to explain, that not more than $9,000 can be given; that of this amount one-half has been furnished by the man himself and is the return of his own money; and, furthermore, that the salaries he has in mind, in the ordinary course of affairs, will have been received but a few years. So that in all probability there will be few, if any, retirement allowances of more than $5,000 or $6,000 a year.

Mr. McFADDEN. Mr. Chairman, I yield three minutes to the gentleman from Maine [Mr. BEEDY].

Mr. BEEDY. Mr. Chairman, I did not intend to make a speech on this matter, but I will endeavor to answer the question of the gentleman from Michigan [Mr. HUDSON].

The question of the gentleman from Michigan was addressed to the significance and effect of the language in section 6 on page 7, which reads:

> The Congress may alter, amend, or repeal this act, but no contract or individual right made or acquired shall thereby be divested or impaired.

My answer to the gentleman from Michigan is this: If this bill should become a law and were in operation for two years, certain contributions to the retirement fund having been made by employees in pursuance of the law, certain rights would thereby have accrued to the employees in question. However, the Congress is forever free to so modify existing law as to affect the future operations and terms of the proposed retirement act. It could not pass a law which would in any way affect the rights of the employees to the fund, which they had acquired under the provisions of the law as written for the two years in question.

Mr. HUDSON. If that is the explanation, I understand it, but if it means that these employees continuing in service must be retired on the annuity proposed to be enacted by this law, that is a different proposition.

Mr. BEEDY. Such a provision would be unconstitutional.

Mr. HALE. Will the gentleman yield?

Mr. BEEDY. Yes.

Mr. HALE. That being a constitutional guaranty, what is the necessity of writing it in the bill?

Mr. BEEDY. Well, as my friend the gentleman from Massachusetts [Mr. LUCE] suggested it is perhaps a needless repetition of the constitutional guaranty.

Mr. STEVENSON. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. WILLIAMS].

Mr. WILLIAMS of Texas. Mr. Chairman and gentlemen of the committee, in addressing you this afternoon on this proposed legislation I first want to call your attention to the fact that this bill, or a similar bill, was introduced during the last Congress, and that the first bill introduced in this Congress, which was modified by the committee, provided that the employees of all national banks of the Federal reserve system should be placed on this pension, you might say.

Section 5 of that bill provided:

> The corporation, subject to the approval of the Federal Reserve Board, may provide retirement allowances and other forms of benefits for the employees of such banks or trust companies as now or hereafter may be member banks of a Federal reserve bank.

Where is this Congress going in the way of voting pensions or annuities even to those who are not employed by the Federal Government?

Mr. LUCE. Will the gentleman yield?

Mr. WILLIAMS of Texas. Yes; I yield to the gentleman from Massachusetts.

Mr. LUCE. The gentleman, I think, does not understand that the committee recommends the elision of that provision from the bill.

Mr. WILLIAMS of Texas. Yes; I understand that. Certainly, I understand it, because they knew that this House would never pass that provision, and I do not think this House, if it is informed, or if it informs itself, will agree to this; and right here I want to refer to the gentleman's address about the charity part of it.

Mr. BLANTON. Will the gentleman yield?

Mr. WILLIAMS of Texas. Yes; I yield to the gentleman from Texas.

Mr. BLANTON. The distinguished gentleman from Texas [Mr. WILLIAMS], who has the floor now, has been in the banking business practically all his business life.

Mr. WILLIAMS of Texas. Twenty-five years.

Mr. BLANTON. And the gentleman has been president of several important banks, and may be still president of them.

Mr. WILLIAMS of Texas. No; I resigned when I was elected to the Congress.

Mr. BLANTON. The gentleman was the president of them when he was elected to Congress?

Mr. WILLIAMS of Texas. I was.

Mr. BLANTON. The gentleman was president of one of the substantial banks in my district, located at Mineral Wells, Tex. I just want to show that the gentleman, when he speaks, is speaking with authority.

Mr. WILLIAMS of Texas. I do not want to impose upon you, and I do not want to bore you, but before you cast a vote on this bill you should take the opportunity of informing yourself about it.

This is not a partisan matter, or it should not be, and I do not believe that the Members of this House want to make it a partisan matter.

Referring to the address of those who spoke about competition that you have with other banking institutions to secure men for employment in the Federal reserve banks—that is all bunk.

Do you want to pension men drawing the following salaries? Congress recognized the salaries commensurate with the ability and services of the men presiding over the Federal Reserve Board. Members of the Federal Reserve Board can only draw $12,000 a year. The mistake was that Congress did not name the salaries for employees of the 12 branch banks, but left that up to the directors of each bank, and to be approved by Federal Reserve Board.

Congress would never have permitted such extravagant salaries as are paid the employees of the 12 branches.

Now, the law names the salaries of the members of the board at $12,000 per annum, and under that clause, where the board has authority to approve the salaries of employees in branch banks, I want to call your attention to the unheard-of salaries they are paying not only chairmen of boards and governors but even minor officers.

Here are the figures furnished me by the secretary of the Federal Reserve Board:

The salary of the chairman of the board of nine branch banks is $20,000 per year; 2, $24,000; and 1, $50,000; 12 individuals drawing a total salary of $274,000, or an average of $22,833.

Governors of eight branch banks draw a salary each year of $25,000, 1 a salary of $22,500, 1 a salary of $30,000, 1 a salary of $35,000, and 1 a salary of $50,000; 12 individuals drawing a total salary of $337,500, an average of $28,125.

Twenty-three deputy governors, which is a position of secondary importance and also of limited responsibility, receive salaries as follows:

One deputy governor receives $40,000; 1, $36,000; 2 receive $30,000; 1 receives $25,000; 2 receive $20,000; 2 receive $18,000; 2 receive $17,500; 1 receives $16,000; 3 receive $15,000; 1 receives $14,000; 2 receive $13,000; 2 receive $12,500; and 3 receive $12,000.

Total received by 23 deputy governors, $434,000, an average received by each of $18,870.

Forty-seven individuals, 23 of them holding minor positions, receive $1,045,500, an average for each man of $22,265.

In addition the above cashiers and assistant cashiers are paid salaries out of all proportion, as shown by report from Federal Reserve Board.

Let us compare the above salaries with salaries of 25 most prominent positions, I believe you will agree with me, they are the most prominent in the Government: The President, Vice President, Speaker of the House of Representatives, members of the Cabinet, members of the Supreme Court, Comptroller General, and Director of the Budget, 25 individuals who receive a total salary of $406,000, or an average of $16,240 each, and this includes the salary of the President of the United States.

Yet there are men holding minor positions in Federal reserve bank, and several of them, who are receiving an average salary of $18,870, over $1,600 more each year than 25 of the most prominent positions in the Federal Government.

Tell me that you have got to compete with like institutions to secure these men. Is there any difficulty in securing men of that kind? You are not informed when you say that. No man who makes an assertion of that kind is informed.

Mr. BLANTON. And that will happen every time Congress gives up to outsiders its duty to fix salaries. You will find these outrageous $50,000 salaries paid. If Congress had not delegated its authority, you would not find a deputy governor under this act drawing $40,000 per year.

Mr. WILLIAMS of Texas. Please do not take my time. These are not WILLIAMS's figures, this is a record furnished me by the Federal Reserve Board.

But you say this is not the Government's money. It should be, and I will get to that in a minute.

In this bill when it was introduced it did not limit these fellows to $15,000. I approve of what the gentleman from Illinois [Mr. MADDEN] said a while ago. He made a rule not to spend all of his wages, but to save a part of them.

The Federal reserve law makes every member bank invest 6 per cent of its capital stock in the stock of the Federal reserve bank. I am not jumping on the Federal reserve law. It makes every member bank put 7 per cent of their deposit in the Federal reserve bank, upon which they receive no interest. On the 25th day of last January we had in the 12 Federal reserve banks a deposit of $4,800,000,000 and over. If the law forces the member banks to contribute the capital and keep their money in them as deposits and receive no interest on the deposits, then in all decency should not those in authority in the reserve banks endeavor to make an income that would not only be able to take care of the expenses, but pay into the Treasury of the United States something in the way of franchise taxes? [Applause.]

I want to give you some figures on that. Understand that I am quoting no figures except those furnished me from the Federal Reserve Board's record.

Gross earnings of the 12 Federal reserve banks for 1927 amounted to $43,020,000, as compared with $47,600,000 in 1926, and current expense to $27,540,000, as compared with $27,350,000 in 1926. Net earnings for 1927 amounted to $13,050,000, as against $16,610,000 for 1926. The banks set aside from their earnings $2,440,000 as reserves to cover depreciation charges and reserves for losses on discounted paper, and so forth, and paid dividends to member banks amounting to $7,755,000.

The Federal Reserve Banks of Minneapolis and Kansas City paid a total of $249,591.17 into the Treasury of the United States as a franchise tax. All net earnings of the 10 other reserve banks remaining after the payment of dividends were transferred to their surplus accounts as required by law, the surplus accounts of none of these banks at the end of the year being in

excess of their subscribed capital. The total subscribed capital of the 12 Federal reserve banks on January 1, 1928, amounted to $264,962,000 and total surplus to $233,319,000.

The Federal reserve banks in Minneapolis and Kansas City paid a total of $249,591.17 into the Treasury of this country as franchise taxes, and here 12 banks, with a capital of $264,962,000 and a surplus of $233,319,000, with a deposit of $4,803,000,000, which does not cost them a cent, paying no taxes and no rent, they can not make enough to pay a franchise tax to this Government. That is the outfit that is asking you to pass this bill—and I do not mean this in disrespect to the Federal Reserve Board. They can not be interested in it personally for the reason they are exempted from its provisions. But here are these men from these 12 banks who are drawing salaries entirely out of all proportion to those paid by like institutions, and they ask this Congress and the Members of this Congress to reach into the Treasury and pay them an annuity.

I was amused at the chairman of the committee. He was asked whether it would cost the Government anything, and he said "No." The report says that no appropriation by Congress is involved, and yet the bill provides that from the earnings of the Federal reserve banks 50 per cent of this shall be set aside to go into this fund to take care of the employees of that bank. It is the duty of the Federal reserve banks to conduct their business properly, and it is the duty of this Congress, whether we do it or not, to see that they do conduct it properly. You can not perform your duty by voting for a bill like this.

What about the history of the Federal reserve banks. They built buildings and spent money like drunk Indians, and any man who investigates the fact will agree with me. They will soon have a surplus of 100 per cent in all the 12 banks, and they have to get rid of this money without paying it into the Treasury. Only two paid last year. The others have nearly 100 per cent surplus. They now come in with this legislation which gives a board to be named by the beneficiaries of the bill unlimited power and authority in paying them money which should be paid into the Treasury of the United States as the law intended it should be.

Mr. BROWNING. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Texas. Yes. I yield to the gentleman from Tennessee.

Mr. BROWNING. The statement is made that the maximum retirement annuity of this would be $9,000.

Mr. WILLIAMS of Texas. Yes.

Mr. BROWNING. I call attention to this gross inconsistency. If we permit such a system as this to be enacted, why should we not do as much for the Federal employees? The Federal employees now have a maximum retirement of $1,000. That is paid to men who served 30 years and who have to become between 60 and 70 years old to draw it. The highest salaries paid are $6,500, and they pay 3½ per cent of that. We ought to make this conform to the law respecting Federal employees.

Mr. WILLIAMS of Texas. Yes; but these poor fellows who are drawing $30,000 a year have got to be taken care of. In all common decency let us be fair, not only fair to the employees of these banks, but fair to the people of this country. If you think it is proper to vote for this bill, which will pay men who have been drawing over $20,000 a year for years an annuity of $9,000, that is up to you and your conscience.

If you are going to be fair about it, why not limit the amount? The gentleman from Massachusetts [Mr. LUCE] spoke of those poor fellows who are drawing $27 a week. That is a different proposition. The people of the country are crying for tax reduction, and we are all crying for a public-building program—as every one of you know, we have had no public-building program since 1913 until last Congress. All over this country they are clamoring for public buildings. Why not vote down this measure and let these Federal reserve banks pay their profits, as they should pay them, and as this Congress should make them do it, into the Treasury of the United States? An investigation will show whether they are operating in a sensible and economical way or not. You will find that they are not.

Mr. SCHAFER. Is not the argument of the gentleman from Massachusetts an argument against the bill? In one breath he says that we should not use "sob stuff," but merely provide to keep them out of the poorhouse, and in the next breath he says that we need about $9,000 annuity for these highly paid officials.

Mr. WILLIAMS of Texas. The gentleman amused me when he was talking about the National City Bank in New York. That has nothing to do with this bill, and if the gentleman was as well informed as he should be he would know this is not a parallel case with the National City Bank of New York. Go into the community where any one of these 12 branch banks is located and you can find men, hundreds of them, with as much or more ability to operate those institutions as those who are now operating them, and you will not have to pay them these enormous salaries. It is not treating your constituents right when you vote for a measure like this, which the chairman of the committee says will cost approximately $600,000 a year. You know that it will be more than that, but even granted that it is $600,000 a year, that money should go into the Treasury of the United States, as the law contemplated, when the law was passed. [Applause.]

Mr. BLACK of Texas. Mr. Chairman, let me inquire how much time I have used?

The CHAIRMAN. The gentleman from Texas has 31 minutes remaining.

Mr. BLACK of Texas. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. JOHNSON].

The CHAIRMAN. The gentleman from Oklahoma is recognized for five minutes.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I had not thought of saying anything on this pending measure to pension reserve-bank officials, but I have asked a number of questions concerning this bill, and I must say frankly that none have been answered to my satisfaction. I have been pleased to hear the forceful argument of the gentleman from Texas [Mr. WILLIAMS] against the passage of the pending bill and have been amazed at the information which he, with 25 years of banking experience, has just given. I can not believe that this House, with the information it has, is going to pass this measure. We may pass some kind of a retirement bill, but I hope this will not pass in its present form.

This is a loosely drawn bill and would, if passed, set a bad and dangerous precedent. I can not believe that men of the caliber that I know the committee is composed of which brought out this measure have really given it serious consideration. I have searched this bill, have read it carefully, but have found no provision in it requiring any individual connected with a Federal reserve bank to have served any given length of time in order to be eligible for the proposed pension, as is required by rural carriers, post-office clerks, and other Government employees. Is there such a provision? I would like to inquire at this point if there is anything of that kind in the bill?

Mr. LUCE. The chairman of the committee explained at the outset that the purpose of this bill was to leave the details of the system to the Federal Reserve Board. It is not in the bill, nor are other details of the same nature. We have been discussing here a system which was laid before us as one which would probably commend itself to the Federal Reserve Board, but we did not deem it wise to enter into details in legislation of this kind.

Mr. BLANTON. I may say that we have found by experience—by sad experience—that we can not afford to leave the minor details, like the fixing of $50,000 per year salaries, to the board. For it has paid $40,000 per year to a deputy official. We ought to fix the details ourselves.

Mr. JOHNSON of Oklahoma. Yes. If Congress had fixed the salaries in the reserve act, I do not believe there would be $50,000 salaries paid to anyone connected with the reserve banks. Members of the board receive $12,000 per year, if I remember correctly. The idea of pensioning a man who has been drawing a salary of $50,000, also deputy governors and minor officers who receive salaries of $40,000, $35,000, and $25,000 a year is astounding. Surely that is not what our fathers had in mind in establishing pensions. It just occurs to me that pensions are for our poor and needy and not for the rich, as this bill contemplates.

Now, I was also interested in the statement of the gentleman from Massachusetts [Mr. LUCE] that when a man shows signs of becoming superannuated or of a breakdown, then under this bill, if passed, he could be put on the pension roll. Let me say to you that in my humble judgment there would be too many men who would begin to show signs of breaking down in a very few months. They could be appointed and show signs of breaking down in a few months or in a few years, and then be put on the pension roll, if they stood well with the reserve board. Nothing in this measure would prevent such abuse.

Nor is that all. The facts are: The more I have heard you gentlemen who are sponsoring the pending measure the more convinced I have become that I can not support it. A few minutes ago, during a running debate, I inquired of the proponents of this bill to pension reserve bank officials, if the policy of our Government should be to pension the wealthy; and if they contended that men receiving double the salaries of the average governor of the States should of right be pensioned. In reply I was charged with being unfair to make the comparison, and in turn, permit me to say that in my judgment, this bill is not only unfair to our tax-burdened people, but is utterly absurd.

Why, Mr. Chairman and gentlemen, under provisions of the bill now before us, it is actually proposed to pension a man $9,000 a year who was promoted from a $6,500 salary to a nice, fat $25,000 job, as in the case cited this afternoon of one Texas banker. And bear in mind that if he remains in the service for 40 years at $25,000 per year, he will receive in all the enormous sum of $800,000. I say it is positively astounding when we know there has been such a marked increase in pensions in the past year. I am reliably and officially informed that during the past fiscal year there was an increase in all pensions from $207,844,348.29 to the appalling figures of $230,-152,712.17. This is the unprecedented increase of nearly $23,-000,000 in one year, and a drain on the Treasury in the face of the fact that taxes have leaped higher and higher; this, in spite of the fact that the country is demanding and this House has voted a material tax reduction.

Almost daily I receive pitiful pleas from men who answered the call of this great Government when the dark clouds of war hung heavily over the land, and who are in destitute circumstances. Thousands of our brave young men lost not only their positions, but health and vitality in the World War, and other wars; but because of so much red tape required, many meritorious cases have been refused adequate relief. We have almost countless others of aged, dependent, and deserving citizens who gave sons to their great Government in those dark and never-to-be-forgotten days, whom the Congress might well aid, rather than rich reserve-bank officials. I can not conceive of this Congress going so far as to waste money in such a shameful fashion while others much more deserving plead for recognition at our hands.

It was amusing to hear the several able gentlemen in their anxiety to rush through the pending measure speak in such pleading terms for the clerks connected with reserve banks, who receive only $27 per week. Somehow I feel constrained to believe that this measure was not conceived in the minds of clerks whose salaries are only $27 per week, but rather in the fertile brain of high-powered political appointees, governors and deputy governors of reserve banks, whose salaries range around $27,000 per year.

I listened with interest to the gentleman from Massachusetts [Mr. LUCE] and other gentlemen discussing the sacrifices these district governors and deputy governors have made in holding on to $25,000 and $50,000 jobs. I recall that only a few years ago some of these bankers began to pull political wires to secure these appointments, and sent out friends in droves to urge Congressmen and Senators to recommend them for these jobs, which in many instances pay twice the salary they could earn in private life. They pulled every political wire possible in order to "sacrifice themselves." That is the record.

I submit for your consideration that those political favorites who have succeeded in landing coveted places with reserve banks should, by good management, be able to lay up a few pennies for old age and rainy days, if they are in fact half the financiers they have recommended themselves to be, even though they are paid the paltry, insignificant salaries of $15,000 to $50,000 per year.

Mr. Chairman, there are so many objections to this bill that I hope the House will refuse to pass it. There may be some justification for a measure to care for the clerks, but why not place them under the civil service? The faithful rural carriers and postal clerks have been urging a more liberal retirement bill, and Congress has so far turned a deaf ear to them. Then, why bring in a bill here to pension those who do not need it, merely because they happen to be bankers and political favorites? The maximum pension of any postal employee, after 35 years of service, is only $1,000, and yet, under the terms of this act you propose to pension reserve bank officials and employees as much as $9,000 per year.

It occurs to me that it is inconsistent to talk economy at home and support measures of this character here in Congress. This bill is not only very objectionable but it calls for a loot on the Treasury. It was conceived in iniquity and proposes a bad precedent. It is not in keeping with the purpose our fathers had in mind in establishing pensions to aid the needy and deserving, and I submit that it ought to be—and I think will be—defeated.

Mr. BLACK of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes. The Chair misstated the time remaining to the gentleman from Texas [Mr. BLACK]. The Chair should have stated that he had 21 minutes remaining.

Mr. BLACK of Texas. Is that still remaining?

The CHAIRMAN. That is still remaining.

Mr. BLANTON. Mr. Chairman, there is but one place to stop the passage of this bill, and that is here. And there is but one time to stop it, and that is now, when we vote on it in a few minutes. If we pass it here we know it is going to become a law, because we know that the Senate of the United States passed such a bill as this unanimously last year. Here is the place to kill it, and now is the proper time to kill it.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I am awfully surprised to find the distinguished gentleman from South Carolina [Mr. STEVENSON] agreeing to a bill of this kind, and if he wants to excuse himself I will yield.

Mr. STEVENSON. Allow me to correct the gentleman. The Senate did not pass this bill, but passed the bill in the shape it was originally introduced, which was worse than this.

Mr. BLANTON. The gentleman by his statement upholds my argument, and that is that the proper time and place to kill this bill is here and now. It is idle to expect that the Senate will not pass it, because, as the gentleman says, it passed unanimously last year a similar bill even worse than this one.

Our friend from Massachusetts [Mr. LUCE] seems to think that if you will simply raise salaries you will get better men and better ability than otherwise. I believe the greatest financial expert who served in this House since I have been here, one of the greatest, was the gentleman from New York, Mr. Mills. I do not think anyone will question that statement. I am reminded of the fact that Mr. Mills, probably worth somewhere between $25,000,000 and $50,000,000 himself, was willing to serve in this House at $10,000 a year. I am reminded of the fact that he sought a job, voluntarily, which at the time he sought it, the governorship of New York State, paid only $10,000 a year, and when he sought it he did not know at that time the people of New York were going to raise the salary. He was voluntarily seeking a job that paid $10,000 a year. So you are not going to get better material by paying these $40,000 salaries to deputy governors of these banks.

Mr. BEEDY. Will the gentleman yield?

Mr. BLANTON. I have but five minutes, but I am always glad to yield to the distinguished gentleman from Maine.

Mr. BEEDY. The gentleman has always been courteous to me and I appreciate it. I am assuming from what the gentleman says that he thinks there is something in this bill which authorizes increases of salaries, but there is nothing like that in the bill.

Mr. BLANTON. No; but it permits $15,000 to be used as a salary basis for retirement for life for the various employees of these banks, so that most of them will retire on $9,000 per year for life. That is exactly what it permits, and therefore it does involve a pertinent question of salary.

There is one service that the membership, especially on the Democratic side of this House, aided and supported by the distinguished gentleman from Illinois [Mr. MADDEN], ought to render to the country before they quit. First, we ought to kill this bill. And then there ought to be an amendment passed to the Federal banking act to limit the salaries that they shall allow their employees. That was the only serious mistake about that great piece of legislation when it was passed and that ought to be corrected. But this demonstrates to you that whenever the Congress takes its hands off the purse strings of the Treasury you can not depend on somebody else to safeguard the people's rights, and I am not willing, as the gentleman from Massachusetts indicated he was, to leave the details of this legislation to this board of governors to thrash out and determine. I am not willing to do it. They could arrange that a man who had not been in their employment for not more than a year could be retired, if they wanted to, at $9,000 per year for life. They could put any other unreasonable provision in there that they want to. We have been forced to this conclusion from sad experience, that we can not depend on them with respect to vital details.

I am going to vote, first, for the amendment of my colleague [Mr. BLACK of Texas] to reduce this basic amount to $10,000. Of course, I take it that will fail. We have now only about 75 Members here on the floor. If there should be a record vote, you will have large numbers coming in from their offices, called here very hurriedly, and they will not know what they are voting on, and would likely defeat the amendment. And they will vote for what will be told them is a measure of the administration and the bill will pass. We ought to have a decisive vote on this bill here and now and kill it here, and I hope the gentleman from Pennsylvania will see fit himself to not stand in the way of killing it. [Applause.]

Mr. BLACK of Texas. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, I would just like to express my personal opinion about this bill. I am not very friendly to it. I think the bill ought not to pass. [Applause.] I think

the bill should not be here. I think men who are getting $20,000 a year, or any such sum, ought not to be put on a pension roll out of public money. [Applause.] The net earnings of the Federal reserve banks—that is, the net earnings after paying dividends and establishing the legal surplus funds—belong to the Government of the United States. I think we ought not to play with that and we ought not to authorize the Federal reserve banks to play with it. I think we ought not to authorize the Federal reserve banks, in a blanket bill like this, without specific conditions, to pay 50 per cent of any pensions that call for the payment of as much as $9,000 to any one man. If we want a pension system that pays a pension to the man or woman we heard about, drawing $27 a week, I will be glad to see it established under proper conditions. I think the civil employees who are now on the Government pay roll under a maximum pension of $1,000, in connection with which they contribute 3½ per cent, are better justified in their claims for increased pension than any authorization for pensions could be under this act. [Applause.]

I have never been very strong for making a pension the equivalent of a salary. I understand an annuity to be provision for the days when we are no longer able to work. I think there ought not to be a premium placed on retirement. Let men work as long as they can. They are better off if they work; they keep themselves more active; their brains are clearer; their physical condition is better. The very minute you put a fit man off the job and out in the rain he deteriorates like an old piece of boiler iron. He rusts out, drops off, and passes out of existence, and you no longer have the pleasure of associating with him.

We should not pass this kind of legislation. If we are going to pass any legislation relating to this subject, let us specify the responsibility and where it rests. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

Mr. BLACK of Texas. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. Mr. Chairman and gentlemen of the committee, the argument advanced by our colleague from Massachusetts [Mr. LUCE] is one of the strongest arguments against this bill. He told us we should not consider how our heart feels when considering retirement legislation but that it was an economic matter only. He said that a retirement bill had for its purpose the making sure that faithful employees would not suffer want after leaving employment. However, he advocates this bill and if we follow his argument we must come to the conclusion that the high officials of the Federal reserve banks who have been receiving salaries of $15,000 to $50,000 a year need an annuity of $9,000 a year upon retirement to keep them from the poorhouse and from want.

This is a quasi governmental bill, as the proponents state. If we are to take care of employees, let us take care of the Government employees first. We have hundreds of thousands of Government employees, who have been knocking at the doors of this Congress, and past Congresses, to have the maximum retirement pay of $1,000 per year increased. Notwithstanding the fact that there is a deduction of 3½ per cent from their salaries for their retirement fund, and a deduction of only 1½ per cent is proposed in this retirement bill for quasi governmental employees, the faithful Government employees have been unable to have the $1,000 maximum retirement annuity increased.

I am not willing to vote for any bill granting an annuity of $9,000 per year to quasi governmental employees who have been making $25,000 a year, while we leave old and faithful Government employees, such as the underpaid postal employees, and other Government workers, with a $1,000 annuity.

The Federal Treasury is going to have to carry the burden of this bill, because every amount which is paid by this corporation to the retirement fund, in addition to the deductions made from the compensation of the employees, indirectly comes out of the taxpayers of the country, since in proportion to the amounts so paid, so much will the ultimate surplus which otherwise would go into the Federal Treasury be reduced.

Furthermore, if this bill is enacted into law, this retirement fund corporation is granted large and wide-sweeping powers. The powers are set out in section 2 of the bill. They are authorized to engage in practically any kind of business, and yet the other provisions of this bill specifically exempt the business enterprises of this corporation from all local, Federal, and State taxation, except in so far as real-estate taxes are concerned.

I sincerely hope the Members of this House who are so anxious to retire these $25,000 and $50,000 a year bank presidents on an annuity of $9,000 a year will use as much effort to bring before the House for a vote and for passage legislation which will take care of the many thousands of Federal employees who now have 3½ per cent deducted from their salary and who have been trying for many months and many years to have the maximum retirement pay of $1,000 which they can receive increased. [Applause.]

This bill is a looting of the Federal Treasury. I hope it will be defeated. [Applause.]

Mr. BLACK of Texas. Mr. Chairman, we do not care to use any more time.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That Roy A. Young, governor of the Federal Reserve Board, William P. G. Harding, Benjamin Strong, George W. Norris, E. R. Fancher, George J. Seay, M. B. Wellborn, James B. McDougal, David C. Biggs, W. B. Geery, W. J. Bailey, Lynn P. Talley, and John U. Calkins, respectively, governors of the several Federal reserve banks, and their successors, are hereby created a body corporate by the name of the "Federal reserve retirement fund," for the following purposes, viz:

(a) To provide retirement allowances and other forms of benefit for officers and employees (hereinafter collectively referred to as employees) of the Federal reserve banks (including the Federal reserve agents and their employees) and of the Federal Reserve Board and of the corporation, who, by reason of long and meritorious service, or by age, disability, or other reason shall be deemed entitled to the payment of such allowances or benefits to themselves or their beneficiaries, on such terms and conditions, however, as the corporation may from time to time approve and adopt.

(b) Subject to the provisions of section 5 hereof, to provide retirement allowances and other forms of benefit for officers and employees (hereinafter collectively referred to as employees) of any bank or trust company that is or shall be a member bank of any Federal reserve bank, who, by reason of long and meritorious service, or by age, disability, or other reason, shall be deemed entitled to the payment of such allowances or benefits to themselves or their beneficiaries, on such terms and conditions, however, as the corporation may from time to time approve and adopt.

(c) In general, to do and perform all things necessary or appropriate to a corporation created for the purpose of providing retirement allowances and other forms of benefit for the persons mentioned in subsections (a) and (b) hereof. The benefits provided by the corporation may be in the form of annuities, disability payments, life insurance, or other forms which from time to time shall seem expedient to the said corporation; and for the purposes aforesaid the corporation may establish and maintain appropriate activities, agencies, and institutions and may aid or make use of such activities, agencies, or institutions as may be now or hereafter established for like similar purposes: *Provided,* That the corporation shall not provide retirement allowances or other forms of benefit for any member of the Federal Reserve Board, any trustee of the corporation as such, nor for any person other than those described in subsections (a) or (b) hereof.

Mr. MADDEN. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Illinois moves to strike out the enacting clause. Does the gentleman wish to be heard on his motion?

Mr. MADDEN. No; I do not care to be heard on the motion, Mr. Chairman.

The question was taken, and the motion was agreed to.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GREEN of Iowa, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 4) to incorporate the Federal reserve retirement fund, to define its functions, and for other purposes, had directed him to report the same back to the House with the recommendation that the enacting clause be stricken out.

The SPEAKER. The question is on agreeing to the report of the Committee of the Whole House on the state of the Union.

The question was taken, and the report of the Committee of the Whole House on the state of the Union was agreed to.

On motion of Mr. MADDEN, a motion to reconsider the vote by which the enacting clause was stricken out was laid on the table.

REREFERENCE OF A BILL

Mr. PARKER. Mr. Speaker, I ask unanimous consent to change the reference of the joint resolution (H. J. Res. 175) to change the name of the Ancon Hospital in the Panama Canal Zone to the General Gorgas Hospital, which was erroneously referred to the Committee on Military Affairs.

The SPEAKER. The Clerk will report the resolution by title.

The Clerk read the title of the joint resolution.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I agree that jurisdiction of this resolution properly belonged to the Committee on Interstate and Foreign Commerce under the precedents of the House, but there is this situation in regard to it. I can not find what the extent facts are, but it has been stated to me to-day that the Committee on Military Affairs, while it had jurisdiction of it, acted upon this bill and directed a favorable report, and that a member of the committee was designated to make the report, although it has not yet been filed. If this be the fact, of course, it has reached a parliamentary stage, I think, when it might create confusion if we transferred it. As I have said, I can not be absolutely certain that this is the fact. The gentleman from New York [Mr. PARKER] has made some investigation and he can not learn whether it is the fact or not.

Mr. PARKER. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. PARKER. I went to the chairman of the Committee on Military Affairs, and he was perfectly willing to sanction the transfer. I went to Mr. TAYLOR, the gentleman who introduced the bill, and he was perfectly willing. That was all this afternoon.

Mr. GARRETT of Tennessee. I understand; but if the Committee on Military Affairs has really acted on the bill and directed a favorable report on it, it can not be changed by agreement, to say the least, under the precedents. Of course, I am not able to state whether or not there has been a favorable report by the committee, but that information has come to me, and the gentleman from New York [Mr. BOYLAN], who sits by me, just this moment tells me that there has been a favorable report. That being the situation, I hardly think the change should be made.

Mr. BOYLAN. Will the gentleman yield?

Mr. GARRETT of Tennessee. If I have the floor.

Mr. BOYLAN. I want to state that the Committee on Military Affairs has ordered a favorable report on the bill.

Mr. PARKER. The Military Affairs Committee as a whole?

Mr. BOYLAN. Yes.

Mr. PARKER. I want to say that this is a small matter; it is only a matter of jurisdiction.

Mr. GARRETT of Tennessee. I understand that; I agree with the gentleman that the gentleman's committee was entitled to jurisdiction, but there are holdings under the rule, as binding as the rule itself, that where a committee has reported a bill it is too late to raise the question of jurisdiction.

Mr. CHINDBLOM. The committee has not reported the bill and the House is not advised of the favorable report by the committee except by hearsay.

Mr. GARRETT of Tennessee. It has not been put in the basket; but we will be treading on extremely dangerous grounds if when a bill has been ordered to be reported and for some reason or other they have failed to put it in the basket the House makes a change of reference under that state of affairs. I hope we can get the matter straightened out; all I am seeking is to preserve the parliamentary order. If the gentleman from New York will withdraw his request and let it go over until to-morrow I think we can get it straightened out.

Mr. PARKER. I want to be courteous; but I want to say that I have authority from the committee to make a motion, if I can not get unanimous consent.

Mr. GARRETT of Tennessee. I should have to interpose a point of order to that.

Mr. PARKER. I do not mean to-night. Mr. Speaker, I will withdraw the request.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. KVALE, for four days to attend an important meeting in Minneapolis, Minn.

To Mr. BOHN, indefinitely, on account of illness in his family.

To Mr. TAYLOR of Tennessee, for 10 days, on private business.

To Mr. LEATHERWOOD (at the request of Mr. COLTON), for 10 days, on account of illness.

SENATE BILL REFERRED

A bill of the following title was taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 744. An act to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

ADJOURNMENT

Mr. McFADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 27 minutes p. m.) the House adjourned until to-morrow, Thursday, February 2, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, February 2, 1928, as reported by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

District of Columbia appropriation bill.

Agricultural Department appropriation bill.

COMMITTEE ON THE CENSUS

(10.30 a. m.)

To provide for the fifteenth and subsequent decennial censuses (H. R. 393).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote the unification of carriers engaged in interstate commerce (H. R. 5641).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

A meeting with members of Radio Board to determine whether the life of the board should be extended.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A meeting to discuss the naval building program.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION—SUBCOMMITTEE ON INSURANCE

(10 a. m.)

A meeting with General Hines for a general discussion of the insurance laws affecting World War veterans.

COMMITTEE ON THE CIVIL SERVICE

(10.30 a. m.)

To amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, approved July 3, 1926 (H. R. 25, 6034, 7369, 7943, 7953, 8301, 8315, 9840, 10081).

Providing for counting and allowing all service rendered as civilian employees of the Quartermaster Department fixing rights under retirement (H. R. 9967).

COMMITTEE ON ROADS

(10 a. m.)

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented (H. R. 358, 383, 5518, 7343, and 8832).

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented, and authorizing appropriation of $150,000,000 per annum for two years (H. R. 7019).

COMMITTEE ON FOREIGN AFFAIRS

(10 a. m.)

To provide for the creation of the Pan American people's great highway commission (H. R. 447).

COMMITTEE ON RIVERS AND HARBORS

(11 a. m.)

A meeting to consider favorable reports from the office of the Chief of Engineers on rivers and harbors projects.

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON INSURANCE AND BANKING

(10.30 a. m.)

To provide a complete code of insurance law for the District of Columbia (excepting marine insurance as now provided for by the act of March 4, 1922, and fraternal and benevolent insurance associations or orders as provided for by the act of March 3, 1901 (H. R. 10147).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing an amendment to the Constitution of the United States providing for national representation for the people of the District of Columbia (H. J. Res. 18).

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10.30 a. m.)

To prohibit the sending of unsolicited merchandise through the mails (H. R. 351).

COMMITTEE ON THE PUBLIC LANDS

(10.30 a. m.)

To establish the Ouachita National Park in the State of Arkansas (H. R. 5729).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

333. A letter from the president of the Georgetown Gas Light Co., transmitting detailed statement of the business of the Georgetown Gas Light Co., together with a list of stockholders for the year ended December 31, 1927; to the Committee on the District of Columbia.

334. A letter from the president of the Washington Gas Light Co., transmitting detailed statement of the business of the Washington Gas Light Co., with a list of its stockholders for the year ended December 31, 1927; to the Committee on the District of Columbia.

335. A letter from the president of the Washington Railway & Electric Co., transmitting report of the Washington Railway & Electric Co. for the year ended December 31, 1927; to the Committee on the District of Columbia.

336. A letter from the president of Potomac Electric Power Co., transmitting report of the Potomac Electric Power Co. for the year ended December 31, 1927; to the Committee on the District of Columbia.

337. A letter from the president of the Washington Interurban Railroad Co., transmitting report of the Washington Interurban Railroad Co. for the year ended December 31, 1927; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. YON: Committee on the Public Lands. S. 1425. An act to remove a cloud on title; without amendment (Rept. No. 520). Referred to the Committee of the Whole House on the state of the Union.

Mr. YON: Committee on the Public Lands. H. R. 5695. A bill authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty surveys in township 19 south, range 26 east, Tallahassee meridian, Lake County, in the State of Florida; with amendment (Rept. No. 521). Referred to the Committee of the Whole House on the state of the Union.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 8926. A bill granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River near Garland, Ark.; with amendment (Rept. No. 522). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 9019. A bill granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River near Calion, Ark.; with amendment (Rept. No. 523). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 9063. A bill to extend the time for commencing and completing the construction of a bridge across the Chattahoochee River at or near Alaga, Ala.; without amendment (Rept. No. 524). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 9137. A bill granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Lebanon-Hartsville road in Wilson and Trousdale Counties, Tenn.; with amendment (Rept. No. 525). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 9139. A bill granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Lafayette-Celina road in Clay County, Tenn.; with amendment (Rept. No. 526). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 9147. A bill granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a toll bridge across the Tennessee River on the Jasper-Chattanooga road in Marion County, Tenn.; with amendment (Rept. No. 527). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Committee. H. R. 9196. A bill granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Decatur-Kingston road in Roane County, Tenn.; with amendment (Rept. No. 528). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Committee. H. R. 9197. A bill granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn.; with amendment (Rept. No. 529). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 9199. A bill granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn.; with amendment (Rept. No. 530). Referred to the House Calendar.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. H. R. 9280. A bill authorizing the extension of time for the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.; with amendment (Rept. No. 531). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 9293. A bill granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Clinch River on the Sneedville-Rogersville road in Hancock County, Tenn.; with amendment (Rept. No. 532). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 9660. A bill authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city; with amendment (Rept. No. 533). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 9849. A bill granting the consent of Congress for the extension of the times for commencing and completing the construction of a bridge across the Mississippi River at Quincy, Ill.; with amendment (Rept. No. 534). Referred to the House Calendar.

Mr. PERKINS: Committee on Coinage, Weights, and Measures. H. R. 81. A bill to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook, and for the purpose of aiding in establishing a Capt. James Cook memorial collection in the archives of the Territory of Hawaii; without amendment (Rept. No. 535). Referred to the House Calendar.

Mr. SWING: Committee on the Public Lands. H. R. 5687. A bill authorizing and directing the Secretary of the Interior to sell certain public lands to the Cabazon Water Co., issue patent therefor, and for other purposes; without amendment (Rept. No. 536). Referred to the Committee of the Whole House on the state of the Union.

Mr. PERKINS: Committee on Coinage, Weights, and Measures. H. R. 9040. A bill to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes; without amendment (Rept. No. 537). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. HOUSTON of Hawaii: Committee on the Public Lands. H. R. 333. A bill authorizing the sale of certain lands near Seward, Alaska, for use in connection with the Jesse Lee Home; without amendment (Rept. No. 517). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 1531. A bill for the relief of Edward Camp; with amendment (Rept. No. 518). Referred to the Committee of the Whole House.

Mr. YON: Committee on the Public Lands. H. R. 4378. A bill to authorize the Secretary of the Interior to dispose by sale

of certain public land in the State of Florida; with amendment (Rept. No. 519). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8671) authorizing and directing the Secretary of the Interior to issue a patent to Ethel L. Saunders; Committee on Claims discharged, and referred to the Committee on the Public Lands.

A bill (H. R. 10185) for the relief of Nicholas Alexander Brown; Committee on Claims discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 10217) authorizing the Court of Claims of the United States to hear and determine the claim of Flaxman Paper Co.; Committee on Claims discharged, and referred to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TIMBERLAKE: A bill (H. R. 10358) for the relief of the White River, Uintah, Uncompahgre, and Southern Ute Tribes or Bands of Ute Indians in Utah, Colorado, and New Mexico; to the Committee on Indian Affairs.

By Mr. GIBSON: A bill (H. R. 10359) providing half holidays for certain Government employees; to the Committee on the Civil Service.

By Mr. KNUTSON: A bill (H. R. 10360) to confer additional jurisdiction upon the Court of Claims under an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926; to the Committee on Indian Affairs.

By Mrs. LANGLEY: A bill (H. R. 10361) providing for a mine rescue station and equipment at Pikeville, Ky.; to the Committee on Mines and Mining.

By Mr. MANSFIELD: A bill (H. R. 10362) to amend the tariff act of 1922; to the Committee on Ways and Means.

By Mr. MORIN: A bill (H. R. 10363) to provide for the construction or purchase of two L boats for the War Department; to the Committee on Military Affairs.

Also, a bill (H. R. 10364) to provide for the construction or purchase of two motor mine yawls for the War Department; to the Committee on Military Affairs.

Also, a bill (H. R. 10365) to provide for the construction or purchase of one heavy seagoing Air Corps retriever for the War Department; to the Committee on Military Affairs.

Also, a bill (H. R. 10366) to amend section 6, act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 10367) to amend the second paragraph of section 67, national defense act, as amended, relating to payment of expenses incurred by officers on duty in connection with the National Guard; to the Committee on Military Affairs.

By Mr. EVANS of California: A bill (H. R. 10368) to increase the pensions of persons who have lost the sight of both eyes in line of duty while in the military or naval service of the United States; to the Committee on Pensions.

By Mr. SUMNERS of Texas: A bill (H. R. 10369) authorizing the Secretary of War to donate certain field guns to the city of Dallas, Tex.; to the Committee on Military Affairs.

By Mr. SUTHERLAND: A bill (H. R. 10370) to amend section 27 of the act entitled "An act to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes," approved June 5, 1920; to the Committee on the Merchant Marine and Fisheries.

By Mr. LINTHICUM: A bill (H. R. 10371) authorizing the retirement of acting assistant surgeons of the United States Navy; to the Committee on Naval Affairs.

By Mr. LEAVITT (by departmental request): A bill (H. R. 10372) regulating Indian allotments disposed of by will; to the Committee on Indian Affairs.

By Mr. MOREHEAD: A bill (H. R. 10373) authorizing the Plattsmouth Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Plattsmouth, Nebr.; to the Committee on Interstate and Foreign Commerce.

By Mr. WOODRUFF: A bill (H. R. 10374) for the acquisition of lands for an addition to the Beal Nursery at east Tawas, Mich.; to the Committee on Agriculture.

By Mr. ENGLAND: A bill (H. R. 10375) to classify certain positions in the Railway Mail Service; to the Committee on the Post Office and Post Roads.

By Mr. NEWTON: A bill (H. R. 10376) to amend section 15a of the act entitled "An act to regulate commerce," as amended February 28, 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. PURNELL: A bill (H. R. 10377) to provide for the eradication or control of the European corn borer; to the Committee on Agriculture.

By Mr. RATHBONE: A bill (H. R. 10378) to amend paragraph (5) of section 20 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWLEY: Joint resolution (H. J. Res. 188) forbidding the construction of fish traps or other fixed devices for taking fish west of Peacock Spit at the entrance of the Columbia River in Oregon; to the Committee on the Merchant Marine and Fisheries.

By Mr. WILLIAMSON: Resolution (H. Res. 107) amending paragraph 34 of Rule XI of the Rules of the House of Represenatives; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 10379) granting an increase of pension to Anna B. Morgan; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 10380) granting a pension to William D. Hchenshilt; to the Committee on Invalid Pensions.

By Mr. BOWLES: A bill (H. R. 10381) granting an increase of pension to Louise W. Koch; to the Committee on Pensions.

By Mr. BOWMAN: A bill (H. R. 10382) granting a pension to Jacob Kesner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10383) granting a pension to Meta B. Harrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10384) granting an increase of pension to Marjorie E. Wilburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10385) granting an increase of pension to Mary S. Waugh; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 10386) for the relief of the heirs of J. R. Elkins, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10387) for the relief of the legal representatives of J. C. Peebles, deceased; to the Committee on War Claims.

By Mr. BUCKBEE: A bill (H. R. 10388) granting an increase of pension to Etta D. Harrington; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 10389) granting an increase of pension to Catherine Gooderson; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 10390) granting an increase of pension to Lucinda Hoon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10391) granting an increase of pension to Lucy P. Reagle; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 10392) for the relief of Clarendon Davis; to the Committee on Claims.

By Mr. EATON: A bill (H. R. 10393) granting an increase of pension to Jennie Appleget; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 10394) granting an increase of pension to Melissa A. Delawter; to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 10395) granting an increase of pension to Jessie Blair; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 10396) granting an increase of pension to Hortense Bernardin; to the Committee on Invalid Pensions.

By Mr. HOOPER: A bill (H. R. 10397) for the relief of Charles F. Young; to the Committee on Claims.

By Mr. JENKINS: A bill (H. R. 10398) granting a pension to Ines Gilmore; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 10399) for the relief of City Flouring Mills (Inc.); to the Committee on Claims.

By Mr. KENDALL: A bill (H. R. 10400) granting an increase of pension to Louanna Cross; to the Committee on Invalid Pensions.

By Mr. KORELL: A bill (H. R. 10401) granting a pension to Leo L. Litherland; to the Committee on Invalid Pensions.

By Mr. LAMPERT: A bill (H. R. 10402) granting a pension to Dudley G. Allen; to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 10403) granting an increase of pension to Jane C. Herr; to the Committee on Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 10404) granting a pension to Rosa Lee Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10405) granting a pension to Jasper Y. Willoughby; to the Committee on Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 10406) for the relief of James W. Rollins; to the Committee on Claims.

By Mr. MURPHY: A bill (H. R. 10407) granting a pension to Mary A. Simpson; to the Committee on Invalid Pensions.

By Mrs. NORTON of New Jersey: A bill (H. R. 10408) granting a pension to Olive E. Morton; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 10409) to carry into effect the findings of the Court of Claims in the case of Henry A. Laughlin and others; to the Committee on Claims.

By Mr. RATHBONE: A bill (H. R. 10410) for the relief of August W. Nohe; to the Committee on Military Affairs.

By Mr. SCHNEIDER: A bill (H. R. 10411) for the relief of the Greiling Engineering Co., of Green Bay, Wis.; to the Committee on Claims.

By Mr. SEGER: A bill (H. R. 10412) granting an increase of pension to Julia Blanchard; to the Committee on Invalid Pensions.

By Mr. SINCLAIR: A bill (H. R. 10413) granting an increase of pension to Gottlieb Rapp; to the Committee on Pensions.

By Mr. SWING: A bill (H. R. 10414) granting an increase of pension to Cynthia Kelley; to the Committee on Pensions.

By Mr. THATCHER: A bill (H. R. 10415) for the relief of the Sunny Brook Distillery Co.; to the Committee on Ways and Means.

By Mr. TINKHAM: A bill (H. R. 10416) for the relief of the estate of Michael P. Small, deceased; to the Committee on Claims.

By Mr. UNDERHILL: A bill (H. R. 10417) for the relief of George Simpson and R. C. Dunbar; to the Committee on Claims.

By Mr. UPDIKE: A bill (H. R. 10418) granting an increase of pension to Sarah E. Edwards; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 10419) granting an increase of pension to Susan A. Hatcher; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2921. By Mr. ALDRICH: Petition of Thomas Davison and 16 others, of Westerly, R. I., protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2922. By Mr. BACHMANN: Petition of Rev. M. G. Conger and numerous other residents of Wheeling, Ohio County, W. Va., protesting against the passage of the Lankford compulsory Sunday observance bill (H. R. 78), or any other compulsory Sunday observance bills; to the Committee on the District of Columbia.

2923. By Mr. BARBOUR: Petition of residents of the seventh congressional district of California, protesting against the passage of the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

2924. By Mr. BRIGGS (by request): Petition of Alpha Wortham and others, of Anderson County, Tex., with reference to House bill 78; to the Committee on the District of Columbia.

2925. By Mr. BURTON: Petition of the Woman's Club, of Glyndon, Md., approving of House Joint Resolution 183, prohibiting the exportation of arms, etc., to belligerent nations; to the Committee on Foreign Affairs.

2926. Also, resolution of the board of directors of the Baltimore (Md.) Association of Commerce, approving House Joint Resolution 183, prohibiting the exportation of arms, munitions, or implements of war to belligerent nations; to the Committee on Foreign Affairs.

2927. Also, petition of citizens of Painesville, Lake County, Ohio, protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2928. Also, petition of citizens of Berea, Cuyahoga County, Ohio, protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2929. Also, petition of Burton, Ohio, requesting that a Civil War pension bill carrying increased pensions for the veterans and their dependents be enacted by the Congress; to the Committee on Invalid Pensions.

2930. Also, resolutions of the Good Citizenship League of Flushing, N. Y., indorsing the Capper resolution (S. J. Res. 14), for the outlawry of war, and the Burton resolution prohibiting the shipment of farms, etc., to aggressor nations; to the Committee on Foreign Affairs.

2931. By Mr. CAREW: Petition of William F. Scannell Chapter, No. 6, Disabled American Veterans of the World War, of Liberty, N. Y., urging legislation in their favor; to the Committee on World War Veterans' Legislation.

2932. By Mr. COCHRAN of Pennsylvania: Petition of E. G. Brown, of Bear Lake, and numerous other residents of Warren County, Pa., protesting against House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2933. Also, petition of Lucinda Collins, of Warren, and numerous other residents of Warren County, Pa., protesting against House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2934. Also, petition of F. W. Jackson, of Shawmut, and 177 other residents of Elk County, Pa., protesting against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2935. Also, petition signed by E. J. Hughes, of Youngsville, and other residents of Warren County, Pa., protesting against House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2936. By Mr. CRAIL: Petition of city council of Los Angeles, Calif., in regard to a thorough investigation of the affairs and business methods of the American Telegraph & Telephone Co.; to the Committee on Interstate and Foreign Commerce.

2937. Also, petition of approximately 5,500 citizens of Los Angeles County, Calif., against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2938. Also, petition of approximately 1,650 citizens of Los Angeles County, Calif., against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2939. Also, petition of approximately 58 citizens of Los Angeles County, Calif., against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2940. By Mr. DAVEY: Petition signed by citizens of Lorain County, Ohio, protesting against enactment of House bill 78, Lankford bill; to the Committee on the District of Columbia.

2941. Also, petition signed by citizens of Median County, Ohio, in favor of Civil War pensions bill; to the Committee on Invalid Pensions.

2942. Also, petition signed by citizens of the fourteenth Ohio district, protesting against the enactment into law of House bill 78, Lankford bill; to the Committee on the District of Columbia.

2943. Also, petition signed by citizens of Summit County, Ohio, protesting against enactment of House bill 78, Lankford bill; to the Committee on the District of Columbia.

2944. By Mr. ESTEP: Petition of the Order of United Commercial Travelers of America, Pittsburgh, Pa., by Secretary A. H. Berleyette, 5101 Jenkins Arcade, Pittsburgh, Pa., in an effort to enforce honesty in advertising by such agencies as advertise through the radio; to the Committee on the Merchant Marine and Fisheries.

2945. Also, petition of Gettysburg Aerie No. 1562, Fraternal Order of Eagles, Gettysburg, Pa., urging that no reduction be made in the appropriations for the Gettysburg National Military Park; to the Committee on Military Affairs.

2946. By Mr. EVANS of California: Petition of Mrs. J. M. Hooker and approximately 750 others, against compulsory Sunday observance; to the Committee on the District of Columbia.

2947. By Mr. EVANS of Montana: Petition of Edwin Johnson and other residents of Kalispell, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2948. Also, petition of J. M. Barrett and other residents of Haugan, Mont., protesting against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

2949. By Mr. FAUST: Petition of citizens of St. Joseph, Mo., and approved by the Custer Post of that place, favoring increased pensions for Civil War veterans and their survivors; to the Committee on Invalid Pensions.

2950. By Mr. FRENCH: Petition of 81 citizens of Emida, Idaho, and vicinity, protesting against enactment of House bill 78, or any compulsory Sunday observance law; to the Committee on the District of Columbia.

2951. By Mr. GALLIVAN: Petition of Hon. Frederic W. Cook, secretary of state, the Commonwealth of Massachusetts, Boston, Mass., protesting against enactment of Senate bill 1707, entitled "A bill to provide for uniform regulation of marriage and divorce"; to the Committee on the Judiciary.

2952. By Mr. GARBER: Letter of Thomason Bros., of Texhoma, Okla., by Tiff Thomason, in protest to Senate bill 1752, the Oddie bill, pertaining to stamped envelopes; to the Committee on the Post Office and Post Roads.

2953. Also, letter of M. L. Dague, county clerk, Fairview, Okla., in protest to the passage of Senate bill 1752, the Oddie bill, in regard to the abandonment of stamped envelopes; to the Committee on the Post Office and Post Roads.

2954. Also, letter of the Oklahoma Forestry Association, of Stillwater, Okla., by Christian Jensen, secretary, in support of Senate bill 1183 and House bill 6091, the McSweeney-McNary bill; to the Committee on Military Affairs.

2955. Also, letter and resolution of General Harrison Gray Otis Post, No. 1537, of Los Angeles, Calif., by J. H. Hoeppel, commander, in support of House bill 6523; to the Committee on Military Affairs.

2956. Also, resolutions of the Antinational Origins Clause League, by Ernest H. Tyrsell, corresponding secretary, protesting against the national-origins method of determining quotas and urge Congress to take immediate steps to have this clause eliminated from the immigration act of 1924; to the Committee on Immigration and Naturalization.

2957. Also, letter and resolution of National Civic Welfare Association, by L. W. Gellaugh, secretary, in regard to conditions existing in the Chicago post office; to the Committee on the Post Office and Post Roads.

2958. Also, letter of Warren M. Dickerson, of Braman, Okla., in support of legislation for rural carriers, viz, $1,200 maximum annuity, retirement after 30 years' service, and age limit 60 years; to the Committee on the Civil Service.

2959. Also, letter of Kemp-McCord Drug Co., by R. S. Kemp, of Billings, Okla., in support of the Capper-Kelley fair price bill; to the Committee on Interstate and Foreign Commerce.

2960. By Mr. GOLDSBOROUGH: Petitions of sundry residents of Queen Anne, Cecil, Somerset, Talbot, and Kent Counties, Md., protesting against House bill 78, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2961. By Mr. HALL of North Dakota: Petition of numerous citizens living at Cooperstown, N. Dak., against the national-origin clause of the immigration bill; to the Committee on Immigration and Naturalization.

2962. By Mr. HASTINGS: Petitions of citizens of Okmulgee, Westville, Muskogee, Schulter, Porter, Wagoner, and Henryetta Counties, Okla., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2963. By Mr. HOGG: Petition of 33 citizens of Fort Wayne, Ind., favoring House bill 433, to increase the pension paid to survivors of the Civil War and their widows; to the Committee on Invalid Pensions.

2964. By Mr. IRWIN: Petition of M. L. Peters et al., of Madison County, Ill., praying for the enactment of legislation in behalf of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

2965. By Mr. JENKINS: Petition signed by 49 voters of Ironton, Ohio, urging that immediate steps be taken to bring to a vote a Civil War pension bill for relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2966. Also, petition signed by 56 voters of Athens County, Ohio, urging that immediate steps be taken to bring to a vote a Civil War pension bill for relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2967. By Mr. JOHNSON of Indiana: Petition of voters of Parke County, Ind., for increase of Civil War pensions; to the Committee on Invalid Pensions.

2968. By Mrs. LANGLEY: Petition of Perry County voters, requesting the enactment of legislation for relief of and for the benefit of all widows of Civil War veterans, who do not have title to the increase under the act of July 3, 1926, by increasing the pension of $30 allowed such widow to $50 a month; to the Committee on Invalid Pensions.

2969. Also, petition of Martin County voters, requesting the enactment of legislation for relief of and for the benefit of all widows of Civil War veterans who do not have title to the increase under the act of July 3, 1926, by increasing the pension of $30 now allowed such widows to $50 a month; to the Committee on Invalid Pensions.

2970. By Mr. LINDSAY: Petition of the American Hebrew, New York City, letter and magazine reprint, reflecting opinion of this publication in protest against Lankford Sunday observance bill; to the Committee on the District of Columbia.

2971. By Mr. MAGRADY: Petition of numerous citizens of Shamokin, Pa., urging enactment of legislation increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2972. By Mr. MERRITT: Petition of sundry citizens of Bridgeport, Conn., in opposition to the passage of Sunday observance legislation; to the Committee on the District of Columbia.

2973. Also, petitions of sundry citizens of Jackson, Mich., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2974. By Mr. MOORE of Virginia: Petitions of citizens of Alexandria, Va., against House bill 78, the Sunday observance bill; to the Committee on the District of Columbia.

2975. By Mr. MOORE of New Jersey: Papers to accompany House bill 10124, for the relief of Charles Edward Bailey; to the Committee on War Claims.

2976. By Mr. MORIN: Petition of the Rose Building and Loan Association, of Pittsburgh, Pa., urging the passage of the Dale-Lehlbach bill, so as to permit optional retirement after 30 years' service with an annuity of $1,200 per year; to the Committee on the Civil Service.

2977. Also, petition of the Joint Association of Postal Employees, of Pittsburgh, Pa., urging the passage of the Dale-Lehlbach bill, so as to permit optional retirement after 30 years' service, with an annuity of $1,200 per year; to the Committee on the Civil Service.

2978. By Mr. MORROW: Petition of Elephant Butte irrigation district, Dona Ana County, Las Cruces, N. Mex., protesting against the enactment of law restricting immigration from Mexico, agricultural industry of the district being jeopardized if immigration of Mexican labor is restricted; to the Committee on Immigration.

2979. Also, petition of citizens of Albuquerque, N. Mex., protesting against the enactment of House bill 78, compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

2980. By Mr. O'CONNELL: Petition of the National Civic Welfare Association, of Chicago, Ill., with reference to the Chicago post-office situation, and that an investigation be made; to the Committee on the Post Office and Post Roads.

2981. Also, petition of the Art in Buttons Manufacturing Co., Rochester, N. Y., favoring the passage of the Cuban parcel post bill (H. R. 9195); to the Committee on the Post Office and Post Roads.

2982. Also, petition of the Hickok Manufacturing Co., of Rochester, N. Y., favoring the passage of Cuban parcel post bill (H. R. 9195); to the Committee on the Post Office and Post Roads.

2983. Also, petition of Isaac Landman, editor the American Hebrew Magazine, of New York City, protesting against the passage of the Lankford Sunday observance bill; to the Committee on the District of Columbia.

2984. By Mr. ROMJUE: Petition of Frank Shultz, Arthur Henry, et al., of Greensburg, Mo., against passage of House bill 78; to the Committee on the District of Columbia.

2985. Also, petition of Dr. O. N. Benson, J. E. Cotton, et al., of Memphis, Mo., against passage of House bill 78; to the Committee on the District of Columbia.

2986. By Mr. SANDERS of Texas: Petition of 42 citizens of Van Zandt County, Tex., urging the passage of legislation to prevent gambling in cotton futures; to the Committee on Agriculture.

2987. By Mr. SEGER: Petition of 75 residents of Passaic and Clifton, N. J., and vicinity, against compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

2988. By Mr. SINCLAIR: Concurrent resolution by the special session of the Twentieth Legislative Assembly of the State of North Dakota, urging Congress to take steps for the control of floods of the Mouse River; to the Committee on Flood Control.

2989. By Mr. SPEARING: Petition of numerous citizens of New Orleans and vicinity, protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2990. By Mr. STALKER: Petition of sundry citizens of Tompkins County, N. Y., protesting against the enactment of House bill 78, or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2991. Also, petition of Mrs. T. M. Backer and other citizens, of Corning, N. Y., protesting against the enactment of House bill 78, or any compulsory Sunday observance bill; to the Committee on the District of Columbia.

2992. Also, petition of E. Mary Agnor and other citizens, of Owego, N. Y., urging the passage of a Civil War pension bill for an increase in pension for the veterans and widows; to the Committee on Invalid Pensions.

2993. Also, petition of M. H. Taylor, of Elmira, N. Y., and other citizens of that vicinity, protesting against the enactment of any compulsory Sunday observance bill; to the Committee on the District of Columbia.

2994. Also, petition of J. E. Belknap and others, of Tioga County, N. Y., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2995. By Mr. SWING: Petition of citizens of Riverside, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2996. Also, petition of citizens of Imperial County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2997. By Mr. TIMBERLAKE: Petition requesting favorable action on the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

2998. By Mr. VINCENT of Michigan: Petition of 65 residents of Saginaw, Mich., in support of legislation increasing the rate of pension of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

2999. By Mr. WYANT: Petition of Blairsville Chamber of Commerce, advocating legislation to reduce Federal income tax to the amount of $400,000,000, as recommended by the business organizations of the United States; to the Committee on Ways and Means.

3000. Also, resolution of the Joint Association of Postal Employees, favoring passage of House bill 25 and Senate bill 1727, known as Dale-Lehlbach bill; to the Committee on the Civil Service.

3001. Also, petition of American Manufacturers' Export Association, indorsing House bill 9195, Cuban parcel post bill; to the Committee on the Post Office and Post Roads.

3002. Also, petition of American Dental Association, indorsing House bill 5766; to the Committee on Interstate and Foreign Commerce.

3003. Also, petition of Shoe Polish Manufacturers' Association of America, indorsing Senate bill 1418 and House bill 11; to the Committee on Interstate and Foreign Commerce.

3004. Also, petition of Gettysburg Aerie, No. 1562, Fraternal Order of Eagles, advocating legislation to make adequate appropriation to maintain the Gettysburg National Military Park in a creditable condition; to the Committee on Military Affairs.

3005. Also, petition of Waynesboro Chamber of Commerce, advocating legislation placing postal rates on a permanent, more equitable, and sound basis; to the Committee on the Post Office and Post Roads.

3006. By Mr. WATSON: Resolutions passed by the James E. Hyatt Council, No. 127, Sons and Daughters of Liberty, favoring House bill 5473, "To provide for the registration of aliens, and other purposes"; to the Committee on Immigration and Naturalization.

3007. Also, resolution passed at meeting of Joint Association of Postal Employees, favoring passage of House bill 25, known as the Dale-Lehlbach bill; to the Committee on the Civil Service.

3008. Also, resolution passed by Washington Camp, No. 523, Patriotic Order Sons of America, Trooper, Pa., favoring restricted immigration; to the Committee on Immigration and Naturalization.

3009. By Mr. YON: Petition signed by C. J. Rider, Bay County, Fla., and 19 other citizens, protesting against the passage of the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3010. By Mr. YATES: Petition of Frank M. Dillon, requesting an amendment to the retirement act so as to increase the maximum annuity; to the Committee on the Civil Service.

SENATE

THURSDAY, *February 2, 1928*

(Legislative day of Wednesday, February 1, 1928)

The Senate reassembled at 12 o'clock, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed a bill (H. R. 6491) to amend section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended, in which it requested the concurrence of the Senate.

READING OF WASHINGTON'S FAREWELL ADDRESS

The VICE PRESIDENT. In accordance with the order adopted by the Senate on January 24, 1901, the Chair designates the Senator from Minnesota [Mr. SHIPSTEAD] to read Washington's Farewell Address to the Senate on the 22d instant.

PERRY'S VICTORY MEMORIAL COMMISSION (S. DOC. NO. 47)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, fiscal year 1929, for Perry's Victory Memorial Commission, amounting to $14,374, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered ot be printed.

REPORT OF WASHINGTON GAS LIGHT CO.

The VICE PRESIDENT laid before the Senate a communication from the president of the Washington Gas Light Co., transmitting, pursuant to law, a detailed statement of the business of the company for the year ended December 31, 1927, together with a list of stockholders, which was referred to the Committee on the District of Columbia.

REPORT OF POTOMAC ELECTRIC POWER CO.

The VICE PRESIDENT laid before the Senate a communication from the president of the Potomac Electric Power Co., transmitting, pursuant to law, a report of the operations of the company for the year ended December 31, 1927, together with a list of stockholders, which was referred to the Committee on the District of Columbia.

REPORT OF WASHINGTON RAILWAY & ELECTRIC CO.

The VICE PRESIDENT laid before the Senate a communication from the president of the Washington Railway & Electric Co., transmitting, pursuant to law, a report of the operations of the company for the year ended December 31, 1927, together with a list of stockholders, which was referred to the Committee on the District of Columbia.

REPORT OF WASHINGTON INTERURBAN RAILROAD CO.

The VICE PRESIDENT laid before the Senate a communication from the president of the Washington Interurban Railroad Co., transmitting, pursuant to law, a report of the operations of the company for the year ended December 31, 1927, which was referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS

Mr. SHORTRIDGE presented memorials of sundry citizens of the State of California, remonstrating against the passage of the bill (H. R. 6465) to amend the immigration act of 1924 by making the quota provisions thereof applicable to Mexico, Cuba, Canada, and the countries of continental America and adjacent islands, and favoring amendment of the existing immigration law in such manner as to prevent a shortage of farm laborers, which were referred to the Committee on Immigration.

Mr. BLAINE presented petitions of sundry citizens of the State of Wisconsin, praying for certain changes in postal rates, which were referred to the Committee on Post Offices and Post Roads.

Mr. FESS presented a petition of sundry citizens of Stark and Columbiana Counties, Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. DENEEN presented petitions of sundry citizens of Chicago and Mount Vernon, in the State of Illinois, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES

Mr. ASHURST, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 6466) granting a part of the Federal building site at Phoenix, Ariz., to the city of Phoenix for street purposes, reported it without amendment and submitted a report (No. 203) thereon.

Mr. DALE, from the Committee on Commerce, to which were referred the following bill and joint resolution, reported them each without amendment and submitted reports thereon:

A bill (S. 2554) granting the consent of Congress to the cities of Atchison and Leavenworth, Kans., the city of St. Joseph, Mo., and the counties of Buchanan and Platte, Mo., their successors or assigns, to construct a bridge across the Missouri River, or to acquire existing bridges (Rept. No. 204); and

A joint resolution (H. J. Res. 104) granting consent of Congress to an agreement or compact entered into between the State of New York and the State of Vermont for the creation of the Lake Champlain Bridge Commission, and to construct,

maintain, and operate a highway bridge across Lake Champlain (Rept. No. 205).

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

A bill (S. 1498) to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge (Rept. No. 206);

A bill (S. 2188) granting the consent of Congress to Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Miami, Saline County, Mo. (Rept. No. 207);

A bill (S. 2476) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Lafayette-Celina road, in Clay County, Tenn. (Rept. No. 208);

A bill (S. 2478) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Decatur-Kingston road, in Roane County, Tenn. (Rept. No. 209);

A bill (H. R. 2479) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Jasper-Chattanooga road, in Marion County, Tenn. (Rept. No. 210);

A bill (S. 2480) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Knoxville-Maryville road, in Knox County, Tenn. (Rept. No. 211);

A bill (S. 2496) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Dover-Clarksville road, in Stewart County, Tenn. (Rept. No. 212);

A bill (S. 2666) granting the consent of Congress to the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Madison, Jefferson County, Ind. (Rept. No. 213); and

A bill (H. R. 6099) granting the consent of Congress to the States of New York and Vermont to construct, maintain, and operate a bridge across Lake Champlain between Crown Point, N. Y., and Chimney Point, Vt. (Rept. No. 214).

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 797) granting the consent of Congress to the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Wellsburg, W. Va. (Rept. No. 215);

A bill (S. 798) granting the consent of Congress to the R. V. Reger Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Cumberland, Hancock County, W. Va. (Rept. No. 216);

A bill (S. 1879) granting the consent of Congress to the Interstate Bridge Co., of Lansing, Iowa, to construct a bridge across the Mississippi River at Lansing, Iowa (Rept. No. 217);

A bill (S. 2189) granting the consent of Congress to F. C. Barnhill, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Arrow Rock, Saline County, Mo. (Rept. No. 218);

A bill (S. 2257) granting the consent of Congress to the State Highway Department of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala. (Rept. No. 219);

A bill (S. 2343) extending the time for completing the construction of the bridge across the Mississippi River in Ramsey and Hennepin Counties, Minn. (Rept. No. 220);

A bill (S. 2477) granting the consent of Congress to the Highway Department of the State of Tennessee for the construction of a bridge across the Clinch River on the Sneedville-Rogersville road in Hancock County, Tenn. (Rept. No. 221);

A bill (S. 2483) to extend the time for the construction of a bridge across the Mississippi River connecting the county of Carroll, Ill., and the county of Jackson, Iowa, at or near the city of Savanna, Ill. (Rept. No. 222); and

A bill (S. 2490) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn. (Rept. No. 223).

Mr. WILLIS, from the Committee on Territories and Insular Possessions, to which was referred the bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the governor general without the consent of the Philippine Senate, reported it with an amendment and submitted a report (No. 224) thereon.

Mr. WATSON, from the Committee on Interstate Commerce, to which was referred the resolution (S. Res. 83) authorizing an investigation of public-utility corporations, reported it with amendments and submitted a report (No. 225) thereon.

REPORT OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. BINGHAM. Mr. President, I ask leave to submit a report from the Committee on Printing, and request its immediate consideration. It concerns the annual report of the Daughters of the American Revolution.

Mr. COPELAND. Mr. President, I am very sorry, but I must object to this matter and ask for the regular order.

The VICE PRESIDENT. Is there objection to the receipt of the report?

Mr. COPELAND. Not at all. I have no objection to the receipt of the report, but I want no action taken.

The VICE PRESIDENT. The report will be received.

Mr. BINGHAM, from the Committee on Printing, reported a resolution (S. Res. 130), as follows:

Resolved, That the Thirtieth Annual Report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1927, be printed, with illustrations, as a Senate document.

The VICE PRESIDENT. The resolution will be placed on the calendar.

Mr. COPELAND subsequently said: Mr. President, this morning I objected to the consideration of a resolution reported by the Senator from Connecticut [Mr. BINGHAM]. I wish to withdraw the objection and hope that the resolution will be acted on.

Mr. BINGHAM. Mr. President, as the Senator from New York is so kind, I ask unanimous consent that the Senate Resolution 130, reported by the Committee on Printing, providing for the printing of the Thirtieth Annual Report of the National Society of the Daughters of the American Revolution, may be agreed to.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SCHALL:

A bill (S. 2979) amending an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. BLAINE:

A bill (S. 2980) providing for pensions for Indians in old age; and

A bill (S. 2981) providing aid for Indians who are blind or blind and deaf; to the Committee on Indian Affairs.

A bill (S. 2982) authorizing the Secretary of Labor to provide for the construction, equipment, maintenance, repair, and operation of Government dormitories for women employees of the United States in the District of Columbia, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. WILLIS:

A bill (S. 2983) granting an increase of pension to Martha E. H. Fisher (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 2984) for the relief of Ella S. Brown; to the Committee on Claims.

By Mr. SHORTRIDGE:

A bill (S. 2985) for the relief of Otto F. Schroder; to the Committee on Naval Affairs.

By Mr. REED of Pennsylvania:

A bill (S. 2986) for the relief of Francis J. McDonald; to the Committee on Claims.

By Mr. SACKETT (for Mr. GOFF):

A bill (S. 2987) granting an increase of pension to Lourana Patterson (with accompanying papers); to the Committee on Pensions.

By Mr. PINE:

A bill (S. 2988) for the relief of Charles J. Hunt; to the Committee on Claims.

By Mr. HARRIS:

A bill (S. 2989) for the relief of John B. Moss; to the Committee on Claims.

A bill (S. 2990) to provide for the paving of the Government road extending from Lee & Gordon's mill to La Fayette, Ga., known as the La Fayette extension and constituting an approach road to Chattanooga and Chickamauga National Military Park; and

A bill (S. 2991) to provide for the paving of the Government road extending from Chattanooga and Chickamauga National Military Park in the State of Georgia to the town of Ringgold, Ga., constituting an approach road to the Chattanooga and Chickamauga National Military Park; to the Committee on Military Affairs.

By Mr. McKELLAR:

A bill (S. 2992) authorizing an appropriation for improving road in the Shiloh National Military Park, Tenn.; to the Committee on Military Affairs.

By Mr. DENEEN:

A bill (S. 2993) granting a pension to Hilda L. Patch; to the Committee on Pensions.

By Mr. DALE:

A bill (S. 2994) granting a pension to Angelina H. Fortier Regan (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 2995) for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr.; to the Committee on Claims.

By Mr. BARKLEY:

A joint resolution (S. J. Res. 89) designating May 1 as child health day; to the Committee on Education and Labor.

HOUSE BILL REFERRED

The bill (H. R. 6491) to amend section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended, was read twice by its title and referred to the Committee on Banking and Currency.

COMPILATION OF SENATE ELECTION CASES

Mr. SHORTRIDGE submitted the following resolution (S. Res. 131), which was referred to the Committee on Privileges and Elections:

Resolved, That the Committee on Privileges and Elections hereby is authorized and directed to have compiled and printed as a document a revised edition of the document entitled "Compilation of Senate Election Cases," bringing the same down to the close of the Sixty-ninth Congress.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On January 31, 1928:

S. 1801. An act in reference to writs of error.

On February 1, 1928:

S. 1798. An act concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States.

NICARAGUA AND OUR GOVERNMENT POLICY

Mr. LA FOLLETTE. Mr. President, I present an article from the Century Magazine for February, 1928, entitled "Nicaragua and the policy our Government has pursued," by Moorfield Storey, which I ask may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NICARAGUA AND THE POLICY OUR GOVERNMENT HAS PURSUED

By Moorfield Storey

From every point of view our own interests—moral, political, and economic—are vitally affected by our relations with Nicaragua and our other weak neighbors. To the south of us are 20 Republics with an area more than twice that of the United States, an area which is one of the great food-supply regions of the world, and must soon become a vast market for manufactured goods, with a population of nearly 100,000,000 people, proud, sensitive, and patriotic. As the leading power in this great hemisphere, we are bound to set before them the highest standard of respect for law and consideration for their rights. "It is excellent to have a giant's strength," but it is barbarous to abuse it. We are under every obligation to respect the sovereignty of these Republics and to build up that confidence and foster that friendship which inevitably spring from right conduct upon the part of a strong nation. We owe these peoples the same respect and the same consideration that we pay to the greatest and most powerful nations.

The policy which has been pursued during the last year by our Government violates at once the Constitution of the United States and fixed principles of international law.

The Constitution of the United States provides that the Congress shall have power, among other things, "to declare war, to raise and support armies, to provide and maintain a navy." This power is vested in Congress and not in the President, because the people of the United States supply the soldiers who do the fighting. It is their husbands, their sons, their brothers who are called upon to risk their lives in battle, and they have never given any man the power to involve them in war without the consent of their Representatives assembled in Congress. If, therefore, the President feels that there is an occasion for using military force in a foreign country, he is bound first to get the authority of Congress, and must not carry on war himself or create a situation where war is the only alternative.

It is no excuse that the President believes that certain things are beneficial. He has no right to exercise any power not given to him, or to decide the question of war or peace, which is expressly committed to Congress. He is not entitled to decide for this country whether acts of war are beneficial or not. It is for Congress to decide the policy of the country. The President's powers are executive, not legislative.

The fact that the Constitution makes the President Commander in Chief of the Army gives him no power to say when and how the Army shall be used, as that is a question for Congress. After Congress has decided that an army be called into the field the President may command it, but he can not determine whether it shall go into the field, for that power is in Congress.

At a time when our minister to England, Mr. Houghton, contends that war should not be declared except by vote of the people themselves, we certainly ought not to tolerate a course of dealing which takes from Congress the power to determine whether war is necessary, and permits it to be usurped by the President.

The rules of international law which regulate the relations between this country and its weaker neighbors have been settled by our own statesmen. When Mr. Elihu Root was Secretary of State he visited South America to attend the Pan American Congress at Rio de Janeiro and to assure those countries as to the policy and purpose of the United States he said: "We consider that the independence and equal rights of the smallest and weakest member of the family of nations deserve as much respect as those of the great empires. We pretend to no right, privilege, or power that we do not freely concede to each one of the American Republics."

When the Pan American Congress was held in Washington in January, 1906, Mr. Lansing, afterward Secretary of State; Mr. Root, who was the former Secretary of State, and Dr. James Brown Scott, one of our leading authorities on international law, framed for the American Institute of International Law the "Declaration of Rights of Nations." This declaration was adopted unanimously by the Pan American Congress and has the following passages:

"Every nation has the right to territory within defined boundaries, and to exercise exclusive jurisdiction over this territory and all persons, whether native or foreign, found therein.

"Every nation entitled to a right by the law of nations is entitled to have that right respected and protected by all other nations, for right and duty are correlative, and the right of one is the duty of all to observe."

It is not necessary to go further in order to determine the rules of international law. These are the rules formulated by a congress to which we and our smaller neighbors were parties in order to regulate our respective rights. From this proposition there is no escape.

The President, without consulting Congress, although it was in session at the time, sent into the territory of Nicaragua, a country with which we were at peace, a large force of marines, a considerable squadron of warships under the command of an American admiral, and a number of airplanes for use in scattering bombs. And as a result of this in one battle there were killed somewhat more than 300 Nicaraguans and a few of our marines.

What are the facts which caused this action? The President did not take the public into his confidence but was content with the statement that it was necessary to protect American lives and property, without going into particulars and telling his countrymen what interests were affected, whether any had been injured, and to what dangers they were exposed. On the contrary, he took the ground that the press and people of the United States were bound to support his action without questioning his rights or his wisdom. The statement of facts which follows has been gathered from other sources, and if there is any inaccuracy the President can not complain, since he does not tell us what the facts are.

In 1850 the Clayton-Bulwer treaty was signed by the United States and Great Britain, providing for a neutral canal across Nicaragua, which country was not consulted. America's interest, therefore, in Nicaragua dates back almost three-quarters of a century, but as time went on the joint interest with Great Britain in the canal was no longer favored. The United States adopted a policy of obtaining an interest of its own. Zelaya opposed the efforts of the United States to extend its control over Nicaragua by obtaining new concessions, and as a result in 1909 a revolution was started by the Conservatives in Nicaragua against President Zelaya, who belonged to the Liberal Party. That insurrection was on the point of being crushed when the United States intervened on the ground that two Americans, Groce and Cannon, had been murdered by Zelaya; and as a result Zelaya was expelled and a man of very high cultivation and intelect, Dr. José Madriz, succeeded him. But the United States, not satisfied with this, forced out Madriz and established the Conservatives in power. The Govern-

ment at that time controlled the whole country with the exception of the port of Bluefields, which was occupied by the revolutionists.

In 1912 Gen. Luis Mena began a revolution, and although himself a Conservative, was backed by the Liberals. The uprising became so general that the overthrow of the Government which the American Government was backing seemed imminent; whereupon between 1,500 and 2,000 United States marines were dispatched to Nicaragua on the pretext of protecting American life and property. They fulfilled this duty by fighting side by side with the Government troops, to whom they supplied the necessary arms and ammunition. Thus the Liberals were killed off by thousands with slight loss to us.

When the control of Nicaragua had been secured in this way, the American flag was hoisted on the Nicaragua "White House," and presidential elections were called. As our diplomatic representative agreed to Conservative candidates only, the Liberal Party, composed of about 75 per cent of the people, refused to vote. Nevertheless, we held these elections to be valid, and the elected Government is still being maintained in power by the presence of the American marines quartered in the "White House" at Managua, the Capital of Nicaragua. There is no question whatever that our troops kept the administration in power, and this is confirmed by Lieut. Col. Charles G. Long, one of our commanding officers, on November 18, 1912, who said in his report: "The Liberals constitute three-fourths of the country. The present Government is not in power by the will of the people."

This revolution against the Government which opposed the designs of the United States was financed to the extent of $600,000 by Adolfo Diaz, now the so-called Conservative President, at that time a local official of La Luz & Los Angeles Mining Co., an American corporation, who was receiving a salary of $1,000 a year. A provisional government was established and at its head was a general by the name of Estrada who favored the policies of the United States. He was bitterly opposed by the people of Nicaragua, but was sustained in office solely by our support for the purpose of floating a loan and the control of customs to secure that loan.

In May, 1911, Estrada resigned in favor of Vice President Adolfo Diaz in regard to which the American minister wired the State Department, "A war vessel is necessary for the moral effect." In the meanwhile through the good offices of the Department of State a small loan of $1,500,000, afterward increased to $2,500,000, was placed with New York bankers. The proceeds were used to establish a national bank in Nicaragua and to pay off some of the most pressing claims; and by this device, with the consent of our Government, a strong financial interest in Nicaragua was secured by Americans which could be used as an excuse for interference. The policy of refusing to recognize Nicaraguan governments that were not controlled by American interests and actively supporting the governments backed by American interests became well established.

The present difficulty began in 1923 with the death of President Chamorro who was succeeded by Vice President Martinez. Martinez had his own personal ambitions which were not backed by his associates, and as a result Carlos Solorzano, a Conservative, was selected as the nominee for President and Juan Bautista Sacasa, a Liberal, for Vice President. Meanwhile the regular Conservative Party met in convention and nominated Emiliano Chamorro, and the Liberal Party named Dr. Luis Corea.

The new coalition government composed of Solorzano and Sacasa entered office on January 1, 1925, and was duly recognized by the United States. Later Solorzano retired and Sacasa was driven out. On November 14, 1926, there having been various governments which the United States declined to recognize, Adolfo Diaz was inaugurated as President. President Diaz upon his inauguration addressed a note to the United States Government requesting its guidance, cooperation, and aid in restoring peace and order. He declared that he could easily control the situation if it were not for the hostile attitude of the Government of Mexico, which also imperiled the interests of Americans and foreigners in Nicaragua and threatened what he described as the "continental equilibrium." And at the conclusion of his note he said: "I desire to manifest to you at the same time that whatever may be the means chosen by the Department of State, they will meet with the approval of my absolute confidence in the high spirit of justice of the Government of the United States."

Three days later the United States recognized the Diaz government. The following day it was announced by the State Department at Washington that Diaz had asked for American assistance to protect American and foreign lives and property, and on December 18 he stated that he expected this assistance when he took office, and depended on it to retain it. The United States was privy to the movement which put Diaz in power, and his cry for help was expected. After this events moved steadily and rapidly. Having planted a strong military and naval force in Nicaragua which could overcome any resistance that Nicaraguans could offer, the President sent down Henry L. Stimson, not an officer of the United States confirmed by the Senate, but the personal representative of the President, who wrote the following letter to Gen. José Moncada, commander in chief of the forces opposed to Diaz:

"DEAR GENERAL MONCADA: Confirming our conversation of this morning, I have the honor to inform you that I am authorized to say that the President of the United States intends to accept the request of the Nicaraguan Government to supervise the elections in 1928; that retention of President Diaz during the remainder of his term is regarded as necessary for the proper and successful conduct of such elections, and that the forces of the United States are authorized to accept the custody of the arms of those who are willing to lay them down, including the Government's, and to disarm forcibly those who will not do so.

"Very respectfully,

"HENRY L. STIMSON."

The Associated Press dispatch from Washington, under date of May 6, made this report:

"A truce until to-morrow to enable General Moncada, Liberal commander in chief, to try to persuade his followers to surrender their arms to American marines was disclosed in the State Department announcement made public to-night.

"The eight conditions enumerated by Mr. Stimson as governing the suppression of civil war, made no reference to any threat on his part that American marines would disarm any Liberal troops which failed to turn in their weapons. In a message dated yesterday, however, Mr. Stimson expressed the hope there would be disarmament except for possible small groups of 'irreconcilables and bandits.'

"The program, as Mr. Stimson now views it, may be outlined as follows: 1. Complete disarmament on both sides. 2. An immediate general peace to permit the planting for the new crop in June. 3. A general amnesty to all persons in rebellion or exile. 4. The return of all occupied or confiscated property to its owners. 5. Participation in the Diaz cabinet by representative Liberals. 6. Organization of a Nicaraguan constabulary of a nonpartisan basis, commanded by American officers. 7. American supervision of the 1928 election. 8. The continuance temporarily in the country of a sufficient force of American marines to guarantee order pending the organization of the constabulary."

It is interesting to quote this statement from Mr. Stimson:

"My investigation has shown that this evil of government domination of elections lies, and has always lain, at the root of the Nicaraguan problem. Owing to the fact that a government once in power habitually perpetuates itself or its party in such power by controlling the election, revolutions had become inevitable and chronic, for by revolution alone can a party once in control of the government be dispossessed. All persons of every party with whom I have talked, admit the existence of this evil and its inevitable results; and all of them have expressed an earnest desire for the supervision of election by the United States in an attempt to get rid of the evil forever."

On what theory our troops are to be used may be gathered from the following:

"The organization of a nonpartisan constabulary, under the instruction and command of American officers, is further suggested by President Diaz, who, in this connection, asks for the continuance in Nicaragua of a sufficient portion of our present naval force to insure order pending the organization of the constabulary.

"References in dispatches from Nicaragua to the use of American troops to disarm Liberals may be in relation to this aspect of the peace terms, since they would impose on the American forces the duty of policing Nicaragua and suppressing any group that remained in arms until such time as the new constabulary should be ready to assume its duties. The status of the American marines in such circumstances, however, would be that of a police force temporarily lent to the Nicarauga Government and acting by warrant of Nicaragua law in maintaining order in that country."

American soldiers can not become Nicaraguan policemen by warrant of Nicaraguan law. The only law which governs them is the law of their own country.

In a word, under pretense of protecting American property we take charge of Nicaragua, keep Diaz, whom we have been upholding, in power, and are to see that the new government elected next year will be chosen under the bayonets of our marines lent as policemen to a foreign government.

Mr. Stimson, in his letter says, "I am authorized to say that the President of the United States intends to accept the request of the Nicaraguan Government to supervise the elections of 1928."

The Congress of the United States was in session when this interference in Nicaragua was begun; it will be in session before the election in 1928, but Congress is not to be consulted. The President of the United States, exercising sole authority, using the military power and the money of this country, and acting through his personal representative, has taken control of an independent country and proposes to hold it.

There is not in the letter or the spirit of the Constitution anything which authorizes this action, there is no principle of international law which justifies this invasion and subjection of an independent people. It is a pure tyrannical usurpation of power, and it must be recognized as such. Behind it may be, and it would seem must be, American interests which ask the President's support. The people pay, the

interests profit, and the President receives their support. It is time that usurpations such as these were characterized as they deserve, and that Congress asserted the rights of the American people and protected the rights of friendly nations from such abuse.

The President in his speech defending his course says that "while it is a well-established international law that we have no right to interfere in the purely domestic affairs of other nations in their dealings with their own citizens, it is equally well established that our Government has certain rights over and certain duties toward our own citizens and their property wherever they may be located. The persons and property of its citizens are a part of the domain of the Nation even when abroad." What an absurd contention is this! Were it true we should only have to get a citizen or body of citizens to buy land in some other country and thereby add it to our domain. For such simple method of annexation there is no precedent. Contrast this statement with the rule laid down by our eminent statesmen which has already been quoted, that "every nation has the right to territory within defined boundaries, and to exercise exclusive jurisdiction over this territory, and all persons, whether native or foreign, found therein."

It is worth while to observe that the President counts on the request of the Government of Nicaragua. Does this mean that Diaz is in power to-day as our representative and as our agent?

Now that our force is in control of Nicaragua, our Army and Navy in its territory, its President in power only by our support, the morning paper, as I write, informs us that "President Coolidge sends messages of congratulation to five Central American Republics on the event of the anniversary of their independence. The messages were addressed to Presidents Ricardo Jimenez, Costa Rica; Miguel Paz Baraona, Honduras; Pio Romero Bosque, Salvador; Lazaro Chacon, Guatemala; and Adolfo Diaz, of Nicaragua." Can self-deception go further?

It is perhaps interesting to add that a scathing denunciation of the policies of the United States toward the countries of Latin America by Horace G. Knowles, former American minister to Rumania, Serbia, Bulgaria, Nicaragua, Dominican Republic, and Bolivia, enlivened Prof. William R. Shepherd's recent round-table session on "self-determination in Latin America."

"Our national policy," he charged, "has always been to take all we can from them and to give as little as possible to them. We have a long arm for taking and a short arm for giving. Instead of sending them teachers, instructors, and helpers, we have sent concession hunters, conscienceless and usurious bankers, avaricious capitalists, bribers, commercial tricksters, murderers, soldiers to shoot them, degenerates, and carriers of loathsome infectious diseases." Mr. Knowles said he was ready to prove these assertions.

Professor Borchard, a lawyer of eminence, who is very familiar with the Caribbean policy and who has been the Assistant Solicitor of the State Department, states the case accurately, as follows: "We must frankly recognize that the rights of small States and of government by consent of the governed, of which we have recently heard so much, have never been a consideration or factor in our Caribbean policy, nor has the social regeneration of a backward people, who constitute the bulk of the population, yet had any tangible manifestations."

The readiness with which the most civilized governments adopt the claims of their citizens against other nations, and the extent to which these claims shrink when put to the test may be illustrated by the statement made by the Hon. Wayne MacVeagh some years ago. He dealt with the claims presented to arbitration commissions for allowance between the year 1868 and 1892, and with the claims presented to commissions by Great Britain, the United States, France, Spain, Mexico, and Chile, countries which he stated were fairly represented by the civilized nations. The figures are very striking. To the commission constituted July 4, 1868, to settle the claims presented by the United States against Mexico, and Mexico against the United States, the United States presented claims for $470,126,613.40, and the total amount awarded was $4,125,622.20, a little less than nine-tenths of 1 per cent. Mexico presented claims for $86,661,891.15—the cents in each case showing the extraordinary accuracy with which the figures were made up—and the amount allowed was $150,498.41, about sixteen hundredths of 1 per cent.

By the commission appointed on the 8th of May, 1871, certain claims growing out of the Civil War were considered. Great Britain presented claims against the United States amounting to $96,000,000, and the amount awarded was $1,929,819, about 2 per cent. Claims presented by the United States against Great Britain amounted to $1,000,000, on which not one cent was allowed.

Before another commission Spain presented claims amounting to $30,313,581.32, and the amount awarded was $1,293,450.55, about 4 per cent. To a joint commission to settle claims between France and the United States, France presented claims amounting to $17,368,151.27 and received an allowance of $625,566.35, the percentage of allowance being about 3.6 per cent. The United States presented claims against France amounting to $2,747,544.99, and the amount allowed was $13,659.14, an allowance of about one-half of 1 per cent. Taking all the commissions together, the total amount presented was over $719,000,000, and the total allowance was less than $8,500,000.

Had it not been for arbitration, it is probable that these great countries would have gone to war to collect the preposterous claims of their citizens, and well did Mr. MacVeagh say, "You sow military force against a weak and defenseless state and you reap injustice." With these figures before us, does it not become us to move slowly and be sure of our ground in international controversy? The fable of the wolf and the lamb is not without its application to such cases.

INDEPENDENT OFFICES APPROPRIATIONS

Mr. WARREN. I ask that the pending appropriation bill be now proceeded with.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes.

Mr. KING. Mr. President, the bill under consideration carries appropriations for the executive offices and some of the independent executive bureaus, boards, and commissions for the fiscal year ending June 30, 1929. When the bill came from the House it carried appropriations amounting to $539,593,111. This exceeded the appropriations for the same executive offices, bureaus, boards, and commissions for the fiscal year 1928 by $5,684,697.

This is only one of a considerable number of general appropriation bills that are to become law before this session of Congress adjourns. And in addition there will be a multitude of laws enacted which will carry in the aggregate hundreds of millions of dollars additional. It is too early in the session to predict with any degree of certainty what the sum total of the appropriations for the next fiscal year will be, but the indications are that the direct and indirect appropriations will aggregate between four and five billion dollars. It is certain that the appropriations for the next fiscal year will exceed by a very large sum the expenditures of the Government for the fiscal year ending June 30, 1928. These mounting figures indicate that if the Republicans are continued in power the costs of government will be increasingly greater as the years go by.

There is nothing to justify the claims of the party in power that it has given to the people an efficient and economic administration. There has been a persistent effort upon the part of Republican leaders and the Republican press to convince the people that the Republican administration has practiced economies and given to the country a high standard of efficiency. That success has attended these efforts is apparent. Much of the popularity of President Coolidge has resulted from the belief widely entertained that his administration has inaugurated reforms and effected economies in all branches of the Government.

Mr. President, in my opinion, there is no foundation whatever upon which to rest this claim of economy or efficiency; political propaganda has misled the people. Many of them have ascribed to the administration virtues which it does not possess and achievements which vanish like fleeting shadows when the light of investigation is thrown upon them.

During the last Democratic administration our country participated in the greatest war of all time. It mobilized more than four and one-half millions of men and transported more than 2,000,000 to European shores; it accomplished a task the most gigantic ever undertaken by any country or people. To accomplish this stupendous work billions of dollars were required. President Wilson and those charged with legislative responsibilities determined that a large part of the expenses required to carry on the war should be met from current revenues, even though heavy taxes were imposed upon the people.

A revenue system was devised and taxes laid which brought billions of dollars into the Treasury of the United States, but, large as the income of the Government was, it was insufficient to meet the military expenses. Accordingly bonds were issued to the extent of more than $25,000,000,000. When hostilities ceased the administration applied itself with energy to the demobilization of the armies and the restoration of the affairs of the country to a peace-time basis.

The reactions following the war and misrepresentations made enabled the Republicans to gain control of the Government and Mr. Harding became President of the United States. In the campaign preceding his election the air was charged with misrepresentations by Republican orators and Republican newspapers. The claim was made that the Wilson administration had been inefficient and extravagant, and the Republicans solemnly assured the country that they would, if intrusted with power, inaugurate an efficient administrative system, abolish bureaus and executive agencies, commissions, and instrumentalities, consolidate Federal agencies, and decrease the personnel to peace-time limits. These promises were accepted

by the people as though they were genuine and fooled millions of voters into supporting the Republican Party. But when that party came into power it ignored these preelection promises and solemn declarations; it abolished no bureaus or commissions or agencies, but, upon the contrary, increased the number. There have been no consolidations or reorganizations of departments and executive agencies, and no administrative reforms have been effected. The number of Federal employees exceeds by tens of thousands the personnel of the Federal Government in 1916.

The administrative expenses of the Government are greater now than under the Democratic administration, except during the limited period when the United States was participating in the World War. Economy does not characterize the present administration or executive departments. Every executive department, bureau, commission, and agency is reaching out for more power and is increasing its expenses and multiplying its personnel. The cry of economy has served its purpose. It has deceived the people and has aided the Republicans in winning elections. The people have been made to believe that the Coolidge administration has expended less per annum than was expended when the Democrats were in power from 1913 to the period when the United States entered the war.

When it has been shown that during the past five or six years Congress, extravagant as it has been, appropriated less than recommended by the President, the people have taken no cognizance of that fact and have set up an idol to worship, performing their devotions before an impalpable and invisible symbol which they think represents the executive power or form of the Government.

Mr. President, the appropriations for the coming fiscal year will be greater than for the present year, and it is safe to predict that if the Republican Party remains in power, the Federal Government will become more highly centralized, more powerful, more overbearing; and as its power increases and its authority is asserted, its demands for more departments, bureaus, commissions, executive agencies, and boards will increase and its expenditures will annually be enlarged.

It is the duty of executive departments to execute the laws enacted by the legislative branch of the Government, but under the present practice some executive departments and some in the army of officials and employees in executive departments expend a portion of their energy and time in devising new plans and schemes to increase the power of the Federal Government and to frame measures restrictive of the States and aggrandizing the National Government. A persistent effort is made by executive agencies to rob the States of their sovereignty and to submerge them under the rising tide of a destructive federalism.

If time permitted I could point out the triumphant and ruthless march of the Federal Government trampling down individual rights and State authority. In every part of the land voices are lifted in behalf of the Federal Government; the people are conjured to transfer from themselves and from the sovereign States the authority and power which they possess. It is certain that the Government established by the fathers is being materially modified. The centralizing tendencies were never so manifest and never so powerful as at present. The States are being assaulted; their sovereign powers are being taken from them.

The unitary theory of government is gaining ground; the lines bounding States are being obliterated and more and more they are being reduced to shadowy forms; their life, vitality, and vigor being destroyed by the increasingly powerful Federal Government. William Penn declared that—

> Governments, like clocks, go from motion men give them; and as governments are made and moved by men, so by them they are ruined, too. Therefore governments rather depend upon men, than men upon governments.

And the people seduced by the gifts and gratuities and bounties of the Federal Government or intimidated by its formidable power surrender their individual rights and the prerogatives and sovereignty of their States and look with indifference upon the ever-increasing force exercised by the National Government. Students of history and those familiar with the philosophy of government will have no difficulty in determining the future of this Republic if it continues its abortive processes. The States as centers of democratic strength and power, as fountains pouring forth pure waters of democracy, will lose their identity, their vitality, their energizing spirit. They will be swallowed up in the all-embracing federalism, and as their authority is destroyed the initiative and vigor of individuals will be weakened.

Mr. President, in view of the persistent claims of Republicans that economy has characterized their administration since Mr. Harding's election, I desire to invite attention to a few figures which will, in my opinion, negative the claims which they put forth. To show the enormous increase in the expenditures of the National Government I invite attention to figures which ought to arrest the attention of those who are interested in our Government.

In 1873 the entire expenses of the Federal Government were $330,000,000. In 1890 they were $395,000,000. In 1900 the National Budget carried $698,000,000. In 1910 the national expenditures were $1,044,000,000. In 1916, after the Democrats had been in power for a number of years, the total expenses of the National Government were $1,114,490,706. In 1917 even after the United States had entered the World War the appropriations were $1,628,000,000. During 1918 and 1919 the appropriations were, of course, necessarily very great. In 1920 they were $6,454,000,000. In 1921 the Federal approprations amounted to more than $4,704,000,000. In each of the years 1922, 1923, 1924, 1925, 1926, 1927 the Federal expenses exceeded $4,000,000,000.

It is too early to determine what the expenditures of the Government will be for the fiscal year ending June 30, 1928. Not all of the appropriation bills providing for the ordinary expenses for the Government have been prepared; and it is certain that other measures will be passed before the adjournment which will call for stupendous sums. Bills are now before committees of the House and Senate calling for $125,000,000 for the Boulder Dam project. I am advised that a bill will soon be reported to the Senate dealing with the so-called Columbia River project. It is not approved by the executive department of the Government and the data available show how impracticable is the scheme. This project will involve an expenditure of between three hundred and five hundred million dollars.

The St. Lawrence River project has powerful support and will require a billion dollars from the Federal Treasury. The demands for so-called flood control will undoubtedly be responded to by Congress, with the result that hundreds of millions of dollars will be required. Numerous other measures are pending before committees of the House and Senate which, in the aggregate, call for appropriations amounting to billions of dollars.

Many of the pending bills are supported by active organizations and forceful agitators and propagandists. Even States, and political subdivisions therein, are importuning Congress to enact laws which will infringe upon the rights of the States and absolve them from obligations which, under our dual form of government, belong to the States or to their political subdivisions alone. It is depressing to those who believe in our form of government, in the sovereignty of the States, and the independence of the individual, to witness the growth of paternalism and the increasingly powerful current which is sweeping the States into the maelstrom of a dangerous, if not despotic, federalism.

We hear much of mass production, of giantism and bigness in business, of huge consolidations and mergers of corporations, of trusts and monopolies, and their control of business. The people are dazzled with the almost astronomical figures employed in measuring the wealth of individuals and corporations. There seems to be a disposition to accept as a proper formula for economic, as well as political, guidance the statement that modern conditions require giantism and bigness in every line and field of business endeavor; that the day of small business has passed; and that individualism and the fine spirit of democracy must yield to the centripetal forces which standardize and consolidate.

The revolt against monopolies and trusts, resulting in the Sherman antitrust law and Clayton Act, seems to have subsided, or at least its voice seems inarticulate and paralyzed. Gigantic mergers in various lines of business are of almost daily occurrence. They are defended upon economic grounds, and the contention is made that competition is unwise and anachronistic. Accordingly billions of capital are employed in huge mergers and consolidations. The man or corporation with limited means is absorbed or destroyed by the advancing hosts of big business, which leave behind them the mangled remains of thousands of individuals who have been crushed beneath this modern Juggernaut. Powerful movements, whether political, economic, or religious, have their repercussions in substantially all activities of the people.

If capital is massed, and huge consolidations and trusts control the economic and industrial activities of a nation, a materialistic atmosphere will be created. The thoughts and lives of the people will be largely shaped by the economic and business policies superimposed by dominating capitalistic forces. Little by little the resentment and fears of the people will be allayed unless the oppression become so great that a revolution will be precipitated. Consolidation of wealth in the hands of a few and the development of the mechanical system which seeks

the greatest possible production though individualism is destroyed, will, if continued, destroy democracy, individual initiative and independence, produce a condition of mental and moral inertia upon the part of the people that will lead to the destruction of political freedom.

The consolidation of wealth leads to the centralization of political and governmental authority. If the wealth of the country is controlled by the few, the political power of the many will be weakened and the central government will expand its authority until the citadels of democracy are destroyed. There is a growing disposition upon the part of the people of our country to shirk the duties and responsibilities imposed by a democratic government and to transfer from the people and the States the responsibilities and the power which belong to them. The States are being devitalized and local political units exhibit a depressing form of atrophy.

Students of history do not fail to discover analogies, if not parallels, in the life of this Republic and powerful nations of the past whose melancholy fate historians portray. The aggressions of the executive departments in our Government and the expanding power of our National Government no longer provoke serious opposition and resentment upon the part of the people. Indeed, too often they covet Federal interference and seek to uncrown themselves and despoil their sovereign States of prerogatives and power, which they bear as captives of old did their involuntary gifts to lay at the feet of their conqueror. The highest form of liberty can only be enjoyed where there is the highest form of democracy. Liberty is not always lost through political machinations. More frequently it is stolen from the people through the machinations of wealth.

When we have learned to reverence liberty as well as wealth we shall have a renaissance of democracy with all its beauty and glory.

Mr. Andre Siegfried has recently written a book entitled "America Comes of Age," which presents some views concerning our country and its institutions worthy of consideration. He refers to the use of machinery or "standardization, and to intensive division and organization of labor, resulting in a supercollectivism" which he declares is a "grave risk for the individual." He declares that the "integrity of the individual is seriously threatened not only as a producer but as a consumer as well."

He refers to the fact that American workmen may have a house, a bath, and a car, and he fears that these are obtained "at a tragic price—no less than the transformation of millions of workmen into automatons." He calls attention to some forms of American industry which result in the standardization of the workman himself, so that artisanship has no place in the New World, and that its disappearance there has dissipated "certain conceptions of mankind which Europeans consider the very basis of civilization." He declares that "to express his own personality through his creative efforts is the ambition of every Frenchman, but it is incompatible with mass production." He further states that—

> once it is admitted that their conception of society is materialistic in spite of the idealism of its leaders, it is only logical that the doctrine of efficiency should become the central idea of the country. Today in America no sacrifice is too great to be endured for this sacred principle. There is no possible escape. Big profits overshadow liberty in all its forms, and the exercise of intelligence is encouraged only if it fits in with this common aim. Anyone who turns aside to dabble in research or dilettantism is regarded as almost mentally perverted. Hence a growing tendency to reduce all virtues to the primordial ideal of conformity. * * * An important transformation of society results from this concentration of energy on the one supreme object of mass production.
>
> The individual, having become a means rather than an end, accepts his rôle of cog in the immense machine without giving a passing thought to the effect on his personality. Religion, also enrolled in the movement, exalts production as an ideal akin to the mysticism of life and of human progress. The ideal of "service" sanctifies this collaboration and its superb material rewards. Caught between the atrophied individual and the overdisciplined community, the family finds its field of action greatly restricted; for in the eyes of the apostles of efficiency the family is regarded as a barrier impeding the current.

Mr. Siegfried refers to the tendency of American society to "adopt an aspect of practical collectiveness which is subtly undermining the liberty of individuals and restricting his outlook to such an extent that without so much as regretting or realizing it he himself assents to his own abnegation."

The views of this acute critic may be extreme and perhaps inaccurate. Undoubtedly they will be resented by many Americans. I submit, however, that our industrial and economic situation is influencing—if not determining—our political views and shaping our political institutions. The sources controlling trade, commerce, business, industrial, and economic conditions direct and drive the thoughts of the people into materialistic channels. More and more our lives are influenced by capitalistic views and these in turn modify—if they do not change—our political views and those noble ideals and principles of democracy that exist only when the true spirit of democracy prevails in political, social, and industrial activities.

These observations are somewhat foreign to what I was discussing and yet they are not irrelevant, or wholly disassociated from the subject of Federal expenditures, and the growing disposition of the people to shirk individual responsibility and place upon governmental agencies, State and national, solemn responsibilities and duties which, if shirked by individuals will bring inevitable evils, the consequences of which will be most serious. The abdication of personal and individual responsibility is a dangerous step in the direction of bureaucracy and paternalism. There is developing in the United States an oppressive State and municipal bureaucracy; and Federal bureaucracy and paternalism are marching forward with ruthless and destructive consequencies.

The remarkable increase in the burdens of taxation and in governmental expenditures are manifestations of both bureaucracy and paternalism. They are evidences of the assumption by either States or National Government of duties belonging to individuals or local communities. An examination of the endless list of departments, bureaus, commissions, divisions, and organizations, both in States and in the Federal Government, furnish conclusive evidence of the powerful bureaucratic forces which govern the people by statute or by administrative measures and regulations, the number of which is so great as to be unknown to the people. No longer, it has been said, is this a Government of law, but a Government by bureaucrats who promulgate rules and regulations penal in character and oppressive in their operation.

I referred to the great increase in Federal expenditures. Permit me to further direct attention to this subject. The National Industrial Conference Board has done important service in publishing a number of volumes dealing with the cost of government in the United States. I have before me the volume issued in 1926, as well as the one issued in 1927. These volumes are worthy of study and should receive the attention of Senators and Congressmen, as well as the attention of members of the various State legislatures. The figures presented show the enormous increase in the cost of government, the stupendous amounts expended annually by cities, counties, and States, as well as the Federal Government.

In the introduction to the 1927 volume reference is made to the rapid expansion of public expenditures, and the question is suggested as to the possibility of securing a more active public interest in and control over physical forces. It is stated on page 9 of this volume that the total gross expenditures of the United States and the States and their local subdivisions for the year 1890 were $855,000,000 (of this amount the Federal Government expenditures were $291,000,000). In 1913 the expenditures were $2,919,000,000; in 1923, $10,265,000,000; in 1924, $10,983,000,000; in 1925, $11,124,000,000.

The expenditures for 1926 and 1927 are greater than those for 1925. The public expenditures during the fiscal year ended in 1925 were 8.4 per cent higher than for the fiscal year ended in 1923, and 281.1 per cent above the expenditures of 1913. The per capita tax in 1890 for Federal, State, and local purposes was $13.65. In 1925 it was $96.41. The tax for each person gainfully employed in 1890 was $36.67, whereas in 1925 it was $259.24. On the basis of the number of persons gainfully employed, there was an increase in the taxes between 1913 and 1925 of more than 246 per cent. It may be remarked that the military functions of our Government absorbed more than 30 per cent of the funds derived from ordinary receipts between 1920 and 1923. Substantially the same proportion was devoted to military expenditures in 1924, 1925, 1926, and 1927.

It is not improper to remark that the heavy taxes imposed upon the people have been inadequate to meet national, State, and municipal expenses. The result has been that the bonded indebtedness of both Federal and State Governments and their political subdivisions has been greatly increased. In 1913 the combined State and local bonded indebtedness amounted to $3,196,000,000. In 1925 this had been increased to $9,865,000,000. In 1923 the States and their political subdivisions issued bonds to the amount of $1,043,118,000, and in 1926 to $1,365,057,000.

The total interest-bearing debt of the United States before we entered the war was $1,023,000,000. The present outstanding indebtedness of the Government is approximately $18,000,000,000.

This enormous sum bears interest as do the bonds issued by the States and their political subdivisions. The total annual interest charges which the Federal Government and the States and their political subdivisions are required to meet, exceed

$2,000,000,000. The outstanding indebtedness approximating $30,000,000,000, together with the interest payments that must be met, constitute a heavy burden which the taxpayers of the United States are required to meet. But the increasing costs of Government, the extravagance, and inefficiency characterizing both National and State administration, should awaken the most serious thoughts in the minds of the people and cause apprehension as to the future of our Republic.

But, Mr. President, the knowledge of this huge indebtedness does not restrain either the Federal Government or the States and the municipalities or curb their expenditures. The expenses of the Federal Government for the fiscal year 1929 will, as I have stated, exceed those for the present fiscal year. In my opinion, the appropriations for the next fiscal year by the National and State Governments and their political subdivisions, will exceed $12,000,000,000. This sum will amount to approximately 16 per cent of the gross earnings of all the people of the United States.

A burden so great will constitute an obstacle to prosperity and will arrest the economic and industrial development of our country. Substantially all taxes ultimately rest upon the great masses of the people. The bowed back of labor, like Atlas of old, bears the burdens of the Government. It is the farmer, the laboring man, the real producer who finally pay the taxes and meet the expenses of the Government.

Mr. President, I protest against the extravagant appropriations which have been made by the present Congress, and the program outlined by the majority party which will call for billions of dollars to be provided for before we adjourn in June. It is a time for economy and for the enforcement of drastic provisions calling for the reduction of the expenses of the General Government. Instead of increasing the bureaus and executive agencies and the number of employees, Congress should abolish many bureaus and Federal commissions and agencies and consolidate others and reduce the personnel by at least 150,000.

Greater efficiency is required in the administration of the affairs of the Government. Many Federal agencies could be dispensed with to the advantage of the Government. Instead of decreasing Federal expenses we are increasing them.

The Republican Party loudly declared in the campaign of 1920 that it would soon return to normalcy; that it would reduce the number of employees to the extent of hundreds of thousands and reach the pre-war level, that it would bring about reforms in administrative procedure that would greatly reduce taxes and make for more efficient administration. These declarations were for political purposes, as I have stated. They were not uttered in sincerity; it was not believed that they would be fulfilled. We are now confronted with demands from the party in power for appropriations for the next fiscal year which will be more than four times as great as the entire expenses of the Government for the fiscal year ending June 30, 1916.

If the Republicans continue in power, there will be no relief from tax burdens. The Republican leaders, when Congress met in December, stated that the first important measure to be enacted into law would be one reducing taxes. Indeed, before Congress met, the Committee on Ways and Means of the House was engaged in the preparation of what was called a revenue bill which would reduce taxes. It passed the House containing many obnoxious features, but the Republican majority in the Senate promptly pigeonholed the bill. Whether it will be permitted to emerge from the musty recesses of the Finance Committee I shall not attempt to say. Certain it is that in no event will there be any substantial reduction in the revenues which are to be collected from the people for the next fiscal year.

Mr. President, I should have stated in connection with the figures submitted showing the expenditures made by States and their political subdivisions that under our dual form of government they have the greatest responsibilities. The States are sovereign and they deal with those matters which fall within the category of internal and domestic affairs. The scope of the National Government is limited, and its expenses should be materially less than those of the States and the municipalities therein. But as I have heretofore said, the Federal Government is reaching out and taking over prerogatives and duties belonging to the States and to the local subdivisions therein.

Upon a number of occasions I have challenged the attention of the Senate to the usurpations of the Federal Government, to the improper, unwarranted, and, indeed, in many instances, unconstitutional measures enacted by it, pursuant to which individual and State rights have been interfered with if not destroyed. I have also expressed the hope that there would be an awakening upon the part of the people to the dangers that will inevitably result if the General Government shall continue its invasions of the rights of the States and its interference with the liberties and authority of individuals therein. I have urged that the people organize to protect themselves from Federal aggressions and to compel retrenchment, reform, and economy in both Federal and State Governments.

The American people will soon perceive the fact, if they have not learned it yet, that the power to tax is the power to destroy; they will learn sooner or later that to compound the States into one mass, controlled by Federal authority, will destroy their sovereignty and change the form of this Republic.

I regret that the Democratic Party, which has always been the champion of individual liberty, of the maintenance of local self-government, of the preservation of the States in all of their vigor and authority, has been and now is too complacent in the face of this new federalism which is a menace to liberty. If the Democratic Party has a mission, it is to preserve individual liberty and those personal rights for which patriots have ever contended and which tyrants have ever resisted. But there are Democrats who seem to forget the principles of Jefferson; the political philosophy which he expounded; the immortal principles of which he is the ablest exponent. The Democrats in my opinion, should oppose with the utmost vehemence these centralizing movements, the bureaucratic and paternalistic policies which are sapping the vitality of the States and effecting the courage and independence and initiative of the citizens of the sovereign States.

I repeat that the greatest question before the American people to-day relates to the preservation of the States and the protection of individual rights. I have examined many of the bills which have been offered in both branches of Congress during this and preceding sessions for the past 10 years. It is my belief from such examination that a majority of the measures of importance which have been offered have had for their object the extension of the authority of the National Government, and their enactment has had the result of weakening the power and authority of the States. Many of these measures have sought to curtail the liberties and freedom of the people and to project the Federal Government into the internal and domestic affairs of both the States and the families and individuals therein.

We need to-day some mighty leader who will arouse the people to the dangers from Federal usurpations, and who will lead them to the uplands where the shining light of liberty and justice and equality will illumine their pathway and guide their footsteps.

Mr. President, there is no danger to this Republic from any foreign power. Whatever dangers there are come from within. President Masaryk, of the Czechoslovak Republic, one of the great statesmen of Europe and a profound historian, states that "there is democracy and democracy"; and declares that genuine democracy should be economic and social, as well as political—

> to proclaim and practice the equality of all citizens; to recognize that all are free and hold inwardly and outwardly the human principle of fraternity is as much a moral as political innovation.

Mr. President, if this Republic should ever fall it will not be because of enemies from without, but because of the lack of fidelity upon the part of the people to the principles of democracy and to the ideals of the founders of this Nation. It is essential that a proper equilibrium be maintained between the States (local self-government) and the National Government. If the States are asborbed by the Federal Government, that equilibrium is destroyed. Many nations which developed democratic institutions and a fair degree of personal liberty, have been destroyed because the centralizing forces, both political and financial, become too powerful. When wealth controls the policies of a government, it obtains political power, weakens local political units, and creates a highly centralized government. And governments of this character tend toward further centralization, if not absolutism. They become imperialistic, and one of the never-failing concomitants of imperialism is militarism. There may be economic imperialism, the subjugation, or at least the control through economic forces, of other governments and alien peoples. But economic imperialism inevitably develops more ugly forms of imperialism and they are supported by military governments.

Students of the historical development of this Republic will not fail to observe the powerful currents that result in atrophying the States and transferring to the General Government authority and prerogatives which belong to the former. In some countries there are movements toward decentralization of political power and the development of democracy with increased personal and individual liberty. I am opposed to the enormous approporiations which the Federal Government is making, because no inconsiderable portion of the same is devoted

to increasing the authority of the General Government at the expense of the States.

Moreover many appropriations are mere subsidies to the States and create a feeling of dependence upon the part of the people upon the bounties and favors of the Federal Government. In this manner the process of Federal absorption will be more rapid until sooner or later we will have a top-heavy paternalistic, if not an oppressive, Federal Government beneath which the ruins of States and local self-government will be found.

I have indicated one of the symptoms of approaching imperialism is found in demands for enormous military expenditures. For months the country has been resounding with the cries and demands of orators for hundreds of millions of dollars to be expended during the coming year for so-called military preparedness. The Executive department has submitted a Budget which calls for approximately $800,000,000 for the ordinary expenses alone of the Army and Navy for the next fiscal year. This huge sum is nearly as much as was expended in 1916 to meet all expenses of the Federal Government. And yet when we are at peace with the world, except as we are carrying on war in Nicaragua, and governing Haiti by our bayonets and military forces.

We are asked by the President to appropriate nearly a billion dollars for the ordinary expenses of the Army and the Navy. And in addition to this request, Congress is asked to provide for the construction of 71 war vessels, the cost of which will exceed $1,000,000,000. Additional sums will also be requested by the Executive department to replace war vessels and to elevate guns upon a number of our capital ships. If these demands are acceded to by Congress, there will be appropriated for military purposes approximately $1,000,000,000 for the next year, and authorized appropriations of more than $1,000,000,000. No nation in the history of the world in peace times expended for military purposes as much as the United States will expend during the next fiscal year. In my opinion, we are not justified in adopting a military policy requiring appropriations of such stupendous amounts. We are claiming to be a peace-loving Nation and are constantly avowing our devotion to peace and our hatred of all forms of militarism and imperialism. We need not be surprised if there are persons in other countries who are not disposed to give full faith and credit to our peaceful declarations. Some of them manifest great incredulity and do not hesitate to aver that our professions of peace and international good will do not entirely harmonize with our military activities.

There is no reason for this military outburst in the United States, nor for appropriations direct and authorized for military purposes totaling more than two billions of dollars. Who would dare to state that this Republic is menaced by any nation in the Western Hemisphere? Canada and the United States are bound together by enduring ties of friendship. Latin American states desire the friendship of this Republic and are willing to walk hand in hand with this Republic along the paths of peace and toward the goal of world fellowship.

The English-speaking people throughout the world feel a kinship with the people of this Nation. There are ties of consanguinity as well as of affinity. There can be no conflict between us and Great Britain. The Orient presents no menace to our peace; no danger to our security. It is true there are chauvinists and agitators within our borders, who, from time to time, seek to arouse animosities between the United States and Japan, but they will not succeed. The people of Japan are entering upon a democratic era and realize that they must have peace and opportunity for economic development. They are averse to war and would welcome the establishment of cordial and enduring relations between their country and all countries of the world. The United States is in a position to lead all nations along the highway of international fellowship. The people of the world will be glad to have the United States hold aloft the banner of peace and they will willingly follow in our footsteps.

Mr. President, we must put true and noble human qualities into politics and administration of state. That is one of the problems of democracy. Of course, we are national, "but the more national we are," as was stated by President Masaryk, "the more human we shall be, and the more human, the more national." "Humanity requires positive love of one's own people and fatherland and repudiates hatred of other peoples." Palachy, the great Czech patriot, in speaking to his countrymen, declared that the counsel he "bequeathed them" was that—

> whenever we have triumphed it has been more by the might of the spirit than by physical power, and whenever we were vanquished it was through the lack of spiritual vigor more than lack of courage and boldness * * *. Not until we conquer and rule under the power of the spirit in the struggle Providence has laid upon us from time immemorial, can we be sure of a lasting peace.

Mr. President, in my opinion it is an incipient spirit of militarism and imperialism that keeps us in the Philippine Islands and in Haiti. The Filipinos desire independence and we deny it to them. It is their country, not ours. The longer we remain in those far-off islands the more difficult will it be for us to withdraw. American economic interests will demand that the United States retain the Philippine Archipelago, and their demands, I fear, will be heeded. Imperialism, no matter in what form it appears, finds a multitude of pretexts and plausible reasons for its conduct. The Filipinos, imperialism says, are a backward race and need the strong hand of this Republic to guide them.

In my opinion the verdict of history will condemn the United States for its military operations in Nicaragua. War is being waged in Nicaragua to-day. There was no sufficient reason for landing American marines and carrying military operations against any of the political factions or groups of that country. But our mission there is a "peaceful" one; we are there in the interest of "justice" and to establish "democracy." We are in Nicaragua with guns and bayonets to show our love and affection for the people and to discharge "obligations" owing to that country!

I believe that our policy in Santo Domingo and Haiti was wrong. We were not justified in seizing either of those countries and superimposing upon them American military rule. In so doing we aroused resentments in all Latin-American countries and at the same time excited the fears of many of the people therein.

Many of the people believed that this Republic was embarking upon an imperialistic policy, and that it intended to extend its political power over weak and unoffending States. Some South American jurists and statesmen of eminence condemned the interpretation placed by some Americans upon the Monroe doctrine and saw in such interpretation a constant peril to the independence and security of their own countries. I have mentioned Haiti. For six or seven years I have sought to have the United States withdraw its armed forces from Haitian soil and permit the people of that country to set up a government of their own choice. I have offered amendments to a number of naval appropriation bills which called for the withdrawal of our marines and warships from Haitian soil and Haitian waters; but upon each occasion my efforts have been in vain.

Mr. President, our invasion of the Philippine Islands has cost our country hundreds of millions of dollars. Our military operations in Santo Domingo and in Haiti imposed burdens upon the American taxpayers amounting to tens of millions of dollars. What the cost of carrying on war in Nicaragua will be it is difficult to forecast. These incursions into foreign countries have not been helpful to world democracy or to the maintenance of the true spirit of democracy in our own land. There are military repercussions to-day in the United States, and they have stimulated demands from various parts of the Republic for these enormous appropriations for military purposes to which I have called the Senate's attention. Before we adjourn further demands will come having to do with so-called "preparedness."

Mr. NORRIS. Mr. President——

Mr. KING. I yield.

Mr. NORRIS. While the Senator is narrating the things that are going to come before us to be appropriated for, will he not take up the question of appropriations to carry on the war down in Nicaragua?

Mr. KING. Mr. President, it was not my purpose in taking the floor to speak about Nicaragua or Haiti or our military operations in other countries. I intended, rather, to briefly comment upon the enormous appropriations being made to meet current expenses of the Government and the failure of the party in power to inaugurate reforms and proper economies in the administration of governmental affairs. However, I will say to the Senator that I am opposed to appropriating money to send our marines and warships to Nicaragua or to wage war against the people of that country. In my opinion the Executive was not warranted in sending the armed forces of the United States to Nicaragua, nor do I believe there is any constitutional warrant for the course of our Government in its present military operations in that country. I have prepared a resolution, which I shall offer to-morrow, asking the opinion of the Committee on the Judiciary as to the authority of the President of the United States to carry on war, as is being done in Nicaragua, without the consent of Congress.

Mr. NORRIS. Has the Senator any doubt about that question?

Mr. KING. No.

Mr. NORRIS. Does the Senator suppose that it would take the Judiciary Committee to advise the Senate that under our Constitution the President has no right to carry on war without a declaration from Congress?

Mr. KING. Mr. President, legislative bodies sometimes are indifferent to executive policies which they are not authorized to carry out and which may be, indeed, unconstitutional. As I view the proposition there should be unanimity of opinion in this body that the military and naval operations in which our Government is engaging in Nicaragua constitute war, and that no declaration of war having been made by Congress, such operations are without constitutional warrant. I had hoped that a resolution of the character indicated might challenge the attention of the executive department and the country, as well as the Senate, to the conduct of our Government in Nicaragua. I had hoped that a resolution asking for the opinion of the Judiciary Committee would result in a review of our country's military operations and a declaration that the fundamental law of our land was violated in such proceedings. An expression by the Judiciary Committee and by the Senate, I believed, would lead many of our citizens to an examination of our Constitution and the powers of the Executive, and would also arouse in them apprehensions as to a national course which, if not imperialistic per se, would constitute a precedent as well as a dangerous policy which should not be supported by the American people.

Mr. NORRIS. The string, it seems to me, which Congress still has in its possession is the control of appropriations; and I interrupted the Senator because he was talking about appropriations. The President perhaps could not carry on war in Nicaragua without appropriations being made or some money be provided by Congress.

Mr. KING. I suggest to the Senator that he offer amendments to the Army and Navy bills when they are under consideration, providing that no part of the appropriations carried therein shall be employed for the purpose of carrying on military operations in any country without the consent of Congress. However, I fear the Senator's support would be insufficient to secure the adoption of such amendments.

Mr. NORRIS. I suppose I would get the Senator's vote for that proposition.

Mr. KING. I can assure the Senator he will.

Mr. NORRIS. We would still be laboring under the difficulty that the President might refer to the Senator's speech here, in which he refers to our activities in Nicaragua as a peaceful mission, one to carry on peace, and therefore quote the Senator from Utah in support of the contention that what he was doing there with the Army and the Navy was not war.

Mr. KING. Let me say to the Senator that I have felt reluctant to engage in a discussion of our Caribbean Sea policy and our policy in Latin America while the Habana congress is in session.

Mr. NORRIS. That Congress may remain in session until we adjourn.

Mr. KING. Then I hope that some Senators before that time will—shall I say, take the lid off?—discuss that question.

Mr. NORRIS. The Senator from Utah, in my judgment, is particularly qualified to talk on that subject, because what we are doing in Nicaragua is akin to what we have been doing in Haiti; and the Senator has some personal experience and some personal knowledge as to what we are doing down in Haiti, at least.

Mr. KING. Yes; I confess that I have.

Mr. NORRIS. And I am satisfied that the Senator, with his usual courage and eloquence, might have a great deal to do in bringing about a condition here by which we might perhaps curtail appropriations to carry on "peaceful" activities of that kind, which, as a matter of fact, it seems to me, everybody must know are nothing more or less than war.

Mr. KING. I stated a few moments ago that I had offered amendments to each naval bill for several years providing that no part of the appropriations should be employed in maintaining military forces in Haiti. I received, however, but scant support from the Members of this body.

Mr. NORRIS and Mr. SHORTRIDGE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Utah further yield; and if so, to whom?

Mr. KING. I yield first to the Senator from Nebraska. Then I shall be very glad to yield to my friend from California.

Mr. NORRIS. I was going to suggest to the Senator, when we pass the bills that contain the appropriations providing for the use and the handling of the Navy, and particularly of the marines, if we do refuse to prevent the use of the marines for the holding of "fair elections" down in Nicaragua, if it is going to be the policy of the Government that that branch of our military service is to be used for holding elections around at different places in the world, we ought to enlarge our policy here at home. If that is the object of maintaining the marines, we could very well, with a great deal of appropriateness, send them up to Philadelphia or out to Pittsburgh.

Mr. KING. Mr. President, I shall not be led into a discussion of a question which is now before a committee of which I am a member; and I know the Senator will pardon me if I do not discuss the elections in Pennsylvania.

I yield now to the Senator from California.

Mr. SHORTRIDGE. Mr. President, anticipating a very interesting address by the Senator from Utah later on touching our foreign policy, perhaps, in Nicaragua and other points named, I wish to make a kindly suggestion that, when the Senator comes to make an address, he take up and consider the case of an American citizen, a citizen of California, Mr. Charles Butters, a very loyal and more or less eminent citizen, who went to Nicaragua and there expended some $900,000 in the development of a mining property. He employed this modern "hero," Sandino, and paid him ample, generous wages for some six months or more, when one morning the said "hero," with a pistol in his hand, demanded of Mr. Butters that he turn over his property to him. Under force, stress of circumstances, glad to escape with his life, Mr. Butters turned over the property, which was thereupon very promptly wrecked.

I hope that my friend from Utah will come to consider the rights of American citizens who go lawfully into a foreign country, observe the laws of that country, and then are robbed and despoiled of their property, and then tell us whether Uncle Sam, your country and mine, should sit cowardly, pale-faced, afraid to reach out and in any way assert the rights of those despoiled American citizens.

I merely suggest that particular case. I have a detailed statement of it which I shall, on a proper occasion, lay before the Senate, and then ask the question of American Senators whether this Nation shall shut its eyes and drop its hands and scurry away and suffer that American citizen to go without any redress. Is that American doctrine?

Mr. NORRIS. Mr. President, while the Senator is answering that, may I not put a case to the Senator so that he may answer them both at once?

Mr. KING. All right.

Mr. NORRIS. When the Senator is making his address I want him also to consider the case of Mr. John Baur, who, in the lawful pursuit of a legitimate business, was driving his automobile along through the State of Illinois, and was held up by a rascal—I do not know whether it was Sandino or not—but some fellow, and at the point of a gun was compelled to surrender his property into the hands of this bandit. He did so under that kind of persuasion; and then I want the Senator to be faced with the question also in regard to Mr. Baur, whether we, as American citizens here in the Senate, are going to close our eyes to the destruction of property and the robbery of American citizens by bandits and do nothing about it. Why are we not going to send the Army and the Marines and the Navy to defend those American citizens?

Mr. KING. The Senator from Nebraska might have referred to the case in Illinois—and I hope I shall be pardoned for localizing—where a few years ago a number of persons who were peacefully seeking work were assaulted, some of them were bound and driven before their captors and butchered. We might call attention to the fact that in a western State, not many years ago, 60 or 70 Chinese were killed by white persons, some of whom at least, were citizens of the United States. China did not invade the United States because of this crime against her citizens.

Mr. NORRIS. May I give the Senator an illustration where we have used our marines to protect patriotic citizens and their property? The Senator will remember—and this could be given as a precedent for sending the marines anywhere—a year or two ago a man by the name of Harry Sinclair was interested in a Teapot Dome oil reservation, and some ruthless fellows who had nothing in support of their claim except that they had made a contribution to a campaign fund were illegally in possession. Our Government, in a very patriotic and dignified way, sent its marines out there to take possession of Teapot Dome and turn it over to the rightful owner, who had bought and paid for it in various ways.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. KING. I yield; but I would like to conclude my remarks.

Mr. SHORTRIDGE. Let us not be in a hurry to put through a bill like this.

Mr. KING. I agree with the Senator; I should like to move to recommit it, and if I am in the Chamber when the bill is put on its passage, I shall move to recommit, with instructions to the committee to reduce the amount of the appropriation by at least $50,000,000.

Mr. SHORTRIDGE. I was going to observe that the President of the United States, the present occupant of the Executive chair, promptly, before ever a voice was raised in the Senate, announced to the people of the United States that the rights of the United States to the property referred to by the Senator from Nebraska would be protected, and took every step, earnestly urging the appointment of competent attorneys to bring appropriate action to assert the rights of the United States, incidentally, and, of course, to recover the property referred to.

Some gentlemen who want to be President see, or think they see, a parallel between a crime committed in Illinois and an outrage committed in Nicaragua. The crime committed in Illinois presumably will be punished, either by State or other authority. For the crime committed in Nicaragua against an American citizen, where is his redress? Who is to give him aid and comfort unless it be his country? Some have seemed to come to the point of thinking that this country is not to protect its citizens when they travel abroad.

Mr. KING. Mr. President, Senators can not expect me to fully cover all questions they submit, especially when they are not connected with the matter under discussion. Briefly replying to the Senator from California [Mr. SHORTRIDGE], permit me to state that I should be glad when I discuss conditions in Haiti and our foreign policy, to consider at some length what obligations rest upon the Government of the United States to protest its nationals when they are in foreign countries. I might observe, however, that the invasion of Nicaragua by the United States was not for the purpose of protecting Mr. Butters, or, so far as I am advised, the property which the Senator states he owns. It is my recollection that the State Department, speaking for the President, announced some weeks ago that we were in Nicaragua to protect the Nicaraguan canal route, and because Mexico was furnishing ammunition and supplies to the liberal forces led by Sagasa. That there was any danger to the so-called Nicaraguan canal route from the domestic convulsions in Nicaragua, no serious person could believe. That Mexico was trying to establish communism in Nicaragua, and for that purpose was sending military supplies into Nicaragua, is a myth which no one now accepts. There was no reason, in my opinion, to justify the United States in interfering in the domestic affairs of Nicaragua or in taking part in factional controversies and giving military support to one faction as against another.

It may be true that some military forces or some guerrillas robbed Mr. Butters of his property, but conceding such to be true, it would not, in my opinion, justify armed intervention or the military activities which are being waged by the United States in that country. The fact is, as I understand, the rights of no American citizen were interfered with by either of the contending factions in Nicaragua prior to the time American troops were landed upon Nicaraguan soil. So far as I am advised, even then no American lost his life or property. The only case of which I have heard where an American was assaulted or his property taken is that of Mr. Butters, and I never heard of that until the Senator from California [Mr. SHORTRIDGE] made the statement a few moments ago.

But conceding that Mr. Butters was outraged and wronged, the Government of the United States could have demanded reparations from the Nicaraguan Government. The Senator is aware of the fact that more than 600 Americans during the past 10 or 12 years have been killed in Mexico by Mexican troops or Mexican nationals. He also knows that property of the value of hundreds of millions of dollars owned by Americans has been confiscated or destroyed by the Mexican Government or by its nationals. The Republican administration has not sent troops into Mexico. It has not waged war upon Mexico to recover damages for the death of these Americans or reparations for the great property losses sustained by thousands of American citizens.

I do not approve the view that we must send marines and warships to every country where some American has been wronged. We know that in our own country the nationals of a number of countries have been assaulted and some have been killed and the property of many has been destroyed. No country, however, has suggested that military operations should be carried on against the United States because of the wrongs committed against aliens.

If American citizens go into foreign lands and engage in business or speculation, there are certain risks they must assume. This is particularly true if they enter countries which are not as far advanced in civilization as the United States. It is known that in some countries there are large numbers of illiterates and law and order do not always prevail. It is also known that some Americans have not always been scrupulous and highly ethical in their business dealings with the people of the countries to which they have gone. The same may be said of the nationals of other countries who have engaged in business in the same countries where Americans were operating. It would be a rather dangerous doctrine to announce that the United States must send its battleships and marines wherever any adventuresome American goes. Of course, self-respecting nations will protect their nationals in their lawful pursuits, whether upon land or upon sea; but there are different ways of protection, and the mere fact that one has been despoiled of his property does not, prima facie, require his government to land troops and make war upon the country where the larceny was committed.

If Mr. Butters has sustained injuries, it is the duty of the United States to make proper representations to the Nicaraguan Government and require compensation in his behalf. I have not heard that our marines in Nicaragua were there to collect damages for any wrong done the distinguished citizen of California referred to by the Senator. But even if the wrong done to an American citizen is such as to justify a punitive expedition against the offending country, Congress must speak before war is declared and military forces landed upon foreign shores.

Mr. ODDIE. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Utah yield to the Senator from Nevada?

Mr. KING. I yield.

Mr. ODDIE. One brief statement in connection with what the Senator from California said in regard to Charles Butters. He also is an old friend of mine. For over 25 years that man has been struggling against heavy odds in developing his mining property in Nicaragua. He stands as one of the foremost mining engineers of the world. His many valuable inventions in the cyanide process and the filtration process for the recovery of precious metals from ores are known to every mining man. His name is among the foremost in the mining profession, and I know that the mining men of all the Western States are back of Mr. Butters and with him heartily in obtaining the protection he needs.

Mr. KING. Delicate diplomatic questions frequently arise growing out of the alleged mistreatment of the nationals of one country by another country or its nationals. Many Americans have invoked the offices of our State Department to obtain reparations for wrongs done them by other countries or by the nationals of such countries. Our State Department now is negotiating with Mexico for the purpose of obtaining compensation for Americans who have been injured in Mexico. Commissions have been appointed to hear the evidence and pass upon the claims submitted. It is the duty of our Government, as well as every government, to use its good offices to secure indemnification for any wrong done to its citizens. American citizens have been greatly wronged in Mexico, and our Government has been derelict, in my opinion, in protecting the rights of its nationals. It has been too indifferent to the flagrant wrongs inflicted upon American citizens. But I do not support the proposition that the President alone can send our armies into Mexico and our warships into Mexican harbors for the purpose of carrying on war against Mexico. I protest against the proposition, or the view, or the theory, that the President of the United States may, without the consent of Congress, wage war against any country or engage in military operations against the same.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. WHEELER. I just came into the Chamber. I wanted to ask the Senator what the facts were with reference to the right of this Government to send marines down there for the purpose of stamping out banditry in Nicaragua?

Mr. KING. Mr. President, so many claims are made in justification of sending our marines and war vessels to Nicaragua that it is difficult to determine upon what ground the administration rests its position. We are told now that we are operating in Nicaragua and killing persons who resist our military forces in order to get ready for an election which is to be held in Nicaragua by Nicaraguans. Apologists of the administration speak of the Nicaraguans who oppose the invasion of their country as "bandits." When Nicaraguans are killed by our marines there appears to be in some quarters a spirit of elation, and the country is promptly advised that a certain number of "bandits" were killed in resisting American troops. George Washington and the Revolutionary patriots were called "bandits" by Lord North and George the Third. They were proscribed and when captured were to be transported to England and hung.

When the United States sent large military forces and landed them upon Haitian soil many of the Haitians believed that their country was to be taken from them. They sought to repel the invasion, and more than 2,500 were killed by our occupying military forces. They were denounced as "rebels," "bandits," and "guerrillas." The same offensive epithets were applied to Aguinaldo and the Filipinos, who had extinguished Spanish authority in the Philippine Archipelago and established a government in harmony with the wishes of the Filipinos. When the United States sought to take possession of the islands these men, who a short time ago were patriots and who resisted American intervention, were denounced as "rebels" and "bandits," and many of them were killed.

Mr. President, perhaps if I or some other American were a Haitian or a Nicaraguan we would have been killed.

Mr. President, the people of Nicaragua and Haiti and the Philippine Islands and Mexico and all other countries have their views, their traditions, and their ideals. Their States may be small, the peoples may be weak, and many of them may be illiterate and below the ethical and political standards of the most civilized nations of the world. However they are entitled to their own lands and to work out their own salvation. They are entitled to their national aspirations and to the kind of government they desire. This Republic has not been made the arbiter of the world. It may not, because of its superior advantages and its great achievements, arrogate to itself the right to control other nations or to take the lives of other peoples.

This Nation may become the great moral and spiritual leader of the world, but it can not occupy this exalted position by force, by imperialism, economic or otherwise; but it may wear the crown of leadership by pursuing a just and righteous course, by patience, by confidence in humanity, by following the example of the Master who taught that he who would be greatest among men must be the least among them.

I am pleading for a policy of justice and peace, not a craven or a bullying policy. A powerful man is not humiliated by the delinquency of some weak and foolish person. Our Nation is so great and powerful that it need not wear the gaudy trappings of military power and swagger through the world seeking pretexts for quarrels and contests. There is something in the world more important than physical force, there is a moral and spiritual force; and there are ethical concepts and standards, adherence to which makes men and nations irresistible. Physical barriers yield to the moral and spiritual forces.

I am opposed to a militaristic policy. Two years ago I supported the President when he did not follow the demands of excited militarists and insist upon immediate construction of a certain number of war vessels. The President was right then. I regret that the present position of the administration is such upon its naval program that I can not give it my support.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. WHEELER. I was going to say to the Senator that they did not send the marines to chase down the bandits or the Chinese nationals who destroyed property at Nanking, either, did they?

Mr. KING. No; we landed some of our forces, however, in Turkey, as did the Allies, when Smyrna was burning and Christians were being massacred, more than 200,000 of them being butchered by the Turks. The Standard Oil properties were protected, but we could not protect the lives of men, women, and children who were carried away into slavery by the Turks, or the lives of thousands of Armenians who were butchered by the Turks.

Mr. DILL. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. DILL. Does not the Senator think the time has come when the Senate ought to act on some of these resolutions regarding Nicaragua?

Mr. KING. I certainly do. I said, however, a few moments ago, that I had refrained from discussing the Nicaragua situation and the questions relating to our Latin-American policy during the conference at Habana. I hope that good will result from this Pan American gathering. The President, in my opinion, in attending the conference, desired to promote more cordial relations between this Republic and Latin America. I am glad to support him in these efforts. I desire to uphold the hands of the President in his conduct of foreign matters. I believe I would go further in upholding the Chief Executive, who is not of my political party, when dealing with foreign affairs, than I would a President of my political faith. We may be partisan when considering domestic and internal affairs, but so far as possible there should be an absence of partisanship in considering what we denominate foreign affairs. I should feel freer to criticize the conduct of a Democratic President in dealing with foreign questions than I would a Republican President.

It is a delicate matter to conduct the foreign relations of a country of the magnitude and power of the United States, particularly in view of the chaotic condition in the Orient and the somewhat unsettled conditions existing in various parts of the world growing out of the Great War. I have believed, therefore, that it was my duty, so far as I could in honor, to support the Chief Executive of my country in his administration or handling of foreign affairs. Of course, I do not mean where a policy is pursued by the executive department that I regard as dangerous and unjust and unconstitutional, that I should support those responsible for the adoption and execution of such a policy. There are questions, however, that do arise which are not fundamental and which do not involve the honor or safety of the country; questions which permit of honest differences of opinion and which no matter how decided would not seriously affect our country. There will a time come, however, if we persist in foreign policies which are inconsistent with the ideals of the Republic and dangerous to our peace and harmful to our influence in the world, when silence will no longer be possible nor honorable.

Mr. FRAZIER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. KING. I yield.

Mr. FRAZIER. The Senator from California [Mr. SHORTRIDGE] suggested that business men who go to foreign countries and lawfully spend their money in a business way should be protected. I was wondering if the Senator from Utah does not think that if that were the case, a Senator of the United States who goes to one of those foreign countries for a little careful, quiet, lawful investigation, should not also receive some protection.

Mr. KING. I do not want to inject my own experience into this discussion. The Senator refers to the fact that several months ago I was denied the opportunity of entering Haiti because of my criticism of the policy of the United States in taking possession by military force of that country, and subjecting it from that time until the present, to American rule, supported by American bayonets. For a number of years I have urged that the American forces of occupation be withdrawn and that the Haitian people be permitted to establish a government of her own choice. I have criticized the course of the United States in waging war upon the Haitians, overthrowing their Government, abrogating their constitution and forcing upon them an alien rule. I have insisted that American marines be withdrawn from Haiti and that Haitians be permitted to enjoy their old constitution and elect their own officials and govern themselves free from the military rule of the United States.

Mr. President, the course of the United States in dealing with Haiti has aroused bitter feelings against this Republic among the people of the Central and South American countries and the Caribbean islands. The Haitians for more than a hundred years maintained their own government and discharged all international obligations. Without sufficient reason, the United States sent war vessels into Haitian waters and landed military forces upon Haitian soil. This occurred in 1915. Our troops are still in Haiti, and the Haitian people are governed not by themselves but by agencies set up by the United States and supported by the power and bayonets of this Republic.

Mr. President, the interruptions which have occurred have led me into discussions not pertinent to the theme to which I intended to briefly address myself. I shall not pursue further the questions presented by Senators. Upon some other occasion there will undoubtedly be full and free discussion concerning the foreign policy of the administration, not only in South and Central America but in other parts of the world.

Mr. WILLIS. Mr. President, I rise to offer an amendment to the pending bill; but before doing that I want to say there is at least one thing that has been said by the able Senator from Utah in which I fully concur, and that is that the present moment is a highly inopportune time for discussion of our foreign policy. I noted, however, that the Senator, having said that, went ahead and discussed it. I content myself simply by saying that at the proper time there will be discussion of the Central American situation, but I do not believe the present is opportune for such discussion.

There is one other thing I want to say in this connection. The Senator from Utah criticized very strongly the idea of the United States being the policeman of the world and yet, as I recall, the Senator was one of those who was most active in undertaking to make the United States the policeman of the

world by dragging it into the League of Nations. We are told now by one of the chief defenders of the League of Nations that that organization is the very thing that prevents France from entering into the arrangement which was proposed by this country for the elimination of war, it being said in effect that Articles X and XVI of the covenant of the league specifically require the use of force. So that at last it develops that the advocates of the league now admit what some of us were contending eight years ago, that it is not an instrument of peace, but an instrument of war and force and so intended.

But I had risen to introduce an amendment to the pending bill, which I now send to the desk and ask to have read.

The PRESIDING OFFICER. The clerk will read the amendment for the information of the Senate.

The LEGISLATIVE CLERK. On page 26, after line 17, insert the following:

Perry's Victory Memorial Commission: For electric lighting of the Memorial Plaza and grounds, $7,374; for a utility building on the Memorial grounds for use as a public comfort station and storage warehouse, $7,000; in all, $14,374.

Mr. WILLIS. Mr. President, the reason for the amendment is best stated in one paragraph of a letter from the Director of the Budget. It comes to us by transmission from the Executive and with a recommendation of the Bureau of the Budget. One paragraph of that statement is as follows:

The commission—

That is, Perry's Victory Memorial Commission—

reports that the park of 14 acres surrounding the memorial remains in darkness at night, the lighted portions of Put in Bay being removed from it.

Many of us are rather familiar with the geography of that section and will recall that the memorial is erected on a rather narrow neck of land connecting two larger portions of the island.

Mr. OVERMAN. What memorial is it?

Mr. WILLIS. Perry's Victory Memorial at Put in Bay.

It is believed that the park should be lighted at night to afford an adequate setting for the monument, to prevent acts of vandalism, and to permit increased revenues from night operation of the memorial. The need for a utility building, combining the purposes of a comfort station for the public and a storage warehouse for equipment and supplies, has been made urgent by the parking of the grounds.

That states the facts, and we have here the recommendation of the Budget Commissioner and the President of the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Ohio.

Mr. WARREN. Mr. President, I understand that this amendment is provided for by legislation and also that it is approved by the Budget. Does the Senator from Ohio think it is important and necessary?

Mr. WILLIS. I am quite familiar with that section of our country. I think there is no question about it that it is very necessary.

Mr. WARREN. I believe there can be no objection made to the amendment and, so far as I may do so, I accept it.

Mr. FLETCHER. Mr. President, was it estimated for?

Mr. WARREN. Oh, yes, by the Budget; but it came to us after we had completed the consideration of the bill in the committee. It is entirely regular.

Mr. BLAINE addressed the Senate. After having spoken for some time,

Mr. DILL. Mr. President——

The PRESIDING OFFICER (Mr. FRAZIER in the chair). Does the Senator from Wisconsin yield to the Senator from Washington?

Mr. BLAINE. I yield.

Mr. DILL. The Senator is discussing a subject which I think is of great interest to the country, and I make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Caraway	George	Johnson
Barkley	Copeland	Gerry	Jones
Bayard	Couzens	Gillett	Kendrick
Bingham	Curtis	Gooding	Keyes
Black	Cutting	Gould	King
Blaine	Deneen	Greene	La Follette
Blease	Dill	Hale	McKellar
Borah	Edge	Harris	McLean
Bratton	Edwards	Harrison	McMaster
Brookhart	Ferris	Hawes	McNary
Broussard	Fess	Hayden	Mayfield
Bruce	Fletcher	Heflin	Metcalf
Capper	Frazier	Howell	Moses
Neely	Ransdell	Smith	Tyson
Norbeck	Reed, Pa.	Smoot	Wagner
Norris	Robinson, Ark.	Steck	Walsh, Mass.
Nye	Robinson, Ind.	Stelwer	Walsh, Mont.
Oddie	Sackett	Stephens	Warren
Overman	Schall	Swanson	Waterman
Phipps	Sheppard	Thomas	Watson
Pine	Shipstead	Trammell	Wheeler
Pittman	Shortridge	Tydings	Willis

The PRESIDING OFFICER. Eighty-eight Senators having answered to their names, there is a quorum present.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. BLAINE. I yield.

Mr. WILLIS. Will not the Senator from Wisconsin permit us to vote on the pending amendment? I understand that there is no objection to it. The chairman of the committee has agreed to it, and if we could have the amendment disposed of, I should be very glad.

Mr. BLAINE. If there is to be no debate, I yield for that purpose.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio.

Mr. McKELLAR. Let it be read.

The PRESIDING OFFICER. It will be read.

The CHIEF CLERK. On page 26, after line 17, insert:

Perry's Victory Memorial Commission: For electric lighting of the memorial plaza and grounds, $7,344; for a utility building on the memorial grounds for use as a public comfort station and storage warehouse, $7,000; in all, $14,374.

The amendment was agreed to.

[Mr. BLAINE resumed his speech, and after having spoken in all over an hour and half he yielded the floor for the day. Mr. BLAINE's speech will be published entire in the RECORD of February 3.]

Mr. WARREN. Mr. President, may we now have a final vote upon the bill?

Mr. KING. What is the pending item before the Senate?

The VICE PRESIDENT. The bill is as in Committee of the Whole and open to amendment.

Mr. BLACK. Mr. President, I have an amendment to offer, which I send to the desk.

The VICE PRESIDENT. The clerk will read.

The CHIEF CLERK. Substitute for the word "three" on line 24, page 35, the word "two," and add at the end of line 25 the following proviso: "*Provided*, That no attorney shall be paid more than $10,000," so as to make the paragraph read:

No officer or employee of the United States Shipping Board or the United States Shipping Board Merchant Fleet Corporation shall be paid a salary or compensation at a rate per annum in excess of $10,000 except the following: One at not to exceed $18,000, two at not to exceed $15,000 each, and one at not to exceed $12,000: *Provided*, That no attorney shall be paid more than $10,000 per year.

Mr. KING. Mr. President, there are other amendments to be offered, and because of the closeness of the hour when we are to go into executive session it seems to me that it would be wise to have the bill go over for to-day.

Mr. JONES. Then the amendment offered by the Senator from Alabama will be considered as pending.

Mr. WARREN. Mr. President, we have made such progress to-day that I am sorry we can not go ahead and complete the consideration of the bill.

At this time I ask that when the Senate concludes its business to-day it take a recess until to-morrow at 12 o'clock.

The VICE PRESIDENT. Is there objection?

Mr. COPELAND. I object.

Mr. CURTIS. I move that when the Senate concludes its business to-day it take a recess until 12 o'clock to-morrow.

The motion was agreed to.

EXECUTIVE SESSION

The VICE PRESIDENT. The hour of 3 o'clock having arrived, the Senate, under the order heretofore made, will now proceed to the consideration of executive business. The Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to the consideration of executive business. After 2 hours and 55 minutes spent in executive session the doors were reopened.

CONFIRMATION OF MEMBERS OF FEDERAL FARM LOAN BOARD

In executive session this day, following the confirmation of George R. Cooksey, Floyd R. Harrison, and Eugene Meyer, to be members of the Federal Farm Loan Board, on motion of Mr. LA FOLLETTE, and by unanimous consent, the injunction of secrecy was removed from the vote of confirmation.

The vote on confirmation resulted—yeas 60, nays 13, as follows:

YEAS—60

Ashurst	Fess	McLean	Shortridge
Barkley	George	McNary	Simmons
Bingham	Gillett	Mayfield	Smith
Black	Gooding	Metcalf	Smoot
Blease	Gould	Moses	Steck
Bruce	Greene	Norbeck	Steiwer
Capper	Hale	Oddie	Swanson
Caraway	Harris	Overman	Thomas
Copeland	Harrison	Phipps	Tydings
Couzens	Hayden	Reed, Pa.	Tyson
Curtis	Johnson	Robinson, Ark.	Wagner
Cutting	Jones	Sackett	Warren
Deneen	Kendrick	Schall	Waterman
Edge	Keyes	Sheppard	Watson
Edwards	King	Shipstead	Willis

NAYS—13

Blaine	Fletcher	La Follette	Wheeler
Brookhart	Frazier	McMaster	
Dill	Heflin	Nye	
Ferris	Howell	Trammell	

NOT VOTING—21

Bayard	Gerry	Norris	Stephens
Borah	Glass	Pine	Walsh, Mass.
Bratton	Goff	Pittman	Walsh, Mont.
Broussard	Hawes	Ransdell	
Dale	McKellar	Reed, Mo.	
du Pont	Neely	Robinson, Ind.	

So George R. Cooksey, Floyd R. Harrison, and Eugene Meyer were confirmed as members of the Federal Farm Loan Board.

The following pairs were announced:

The Senator from Virginia [Mr. GLASS] (for) with the Senator of Oklahoma [Mr. PINE] (against).

The Senator from Delaware [Mr. DU PONT] (for) with the Senator from Tennessee [Mr. MCKELLAR] (against).

The doors having been reopened,

SHIPMENT OF LIVE POULTRY

Mr. COPELAND. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Joint Resolution 42, to amend the act of May 29, 1884, as amended, the act of February 2, 1903, and the act of March 3, 1905, as amended.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. COPELAND. House Joint Resolution 112, which has passed the House, contains the amendments which have been recommended by the Committee on Agriculture and Forestry, and I ask that that joint resolution be substituted for Senate Joint Resolution 42.

Mr. CURTIS. Are they identical?

Mr. COPELAND. They are identical.

The VICE PRESIDENT. Is there objection to the request of the Senator from New York?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 112) to amend the act of May 29, 1884, as amended, the act of February 2, 1903, and the act of March 3, 1905, as amended, which was read, as follows:

Resolved, etc., That the act entitled "An act for the establishment of a Bureau of Animal Industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals," approved May 29, 1884, as amended, the act entitled "An act to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of livestock and for other purposes," approved February 2, 1903, and the act entitled "An act to enable the Secretary of Agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other livestock therefrom, and for other purposes," approved March 3, 1905, as amended, are hereby further amended to include within their provisions live poultry, and wherever in the said act the term "livestock" is used it shall be followed by the words "and/or live poultry"; and all the penalties, terms, and provisions in said acts, as amended, are hereby made applicable to live poultry.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Senate Joint Resolution 42 will be indefinitely postponed.

INVESTIGATION OF INDIAN AFFAIRS

Mr. DENEEN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 79, submitted by the Senator from Utah [Mr. KING], and reported by the Senator from North Dakota [Mr. FRAZIER], from the Committee on Indian Affairs, with amendments, to report it favorably as proposed to be amended, and I ask for its present consideration.

Mr. LA FOLLETTE. Mr. President, I trust that there will be no objection to the request of the Senator from Illinois.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the resolution, which had been reported with amendments, on page 3, line 4, after the word "persons," to insert the word "books," and at the end of the resolution to add a new paragraph reading:

The expenses of said investigation shall be paid out of the contingent fund of the Senate and shall not exceed $30,000.

So as to make the resolution read:

Senate Resolution 79

Whereas there are 225,000 Indians presently under the control of the Bureau of Indian Affairs, who are, in contemplation of law, citizens of the United States but who are in fact treated as wards of the Government and are prevented from the enjoyment of the free and independent use of property and of liberty of contract with respect thereto; and

Whereas the Bureau of Indian Affairs handles, leases, and sells Indian property of great value, and disposes of funds which amount to many millions of dollars annually without responsibility to civil courts and without effective responsibility to Congress; and

Whereas it is claimed that the control by the Bureau of Indian Affairs of the persons and property of Indians is preventing them from accommodating themselves to the conditions and requirements of modern life and from exercising that liberty with respect to their own affairs without which they can not develop into self-reliant, free, and independent citizens and have the rights which belong generally to citizens of the United States; and

Whereas numerous complaints have been made by responsible persons and organizations charging improper and improvident administration of Indian property by the Bureau of Indian Affairs; and

Whereas it is claimed that preventable diseases are widespread among the Indian population, that the death rate among them is not only unreasonably high but is increasing, and that the Indians in many localities are becoming pauperized; and

Whereas the acts of Congress passed in the last hundred years having as their objective the civilization of the Indian tribes seem to have failed to accomplish the results anticipated; and

Whereas it is expedient that said acts of Congress and the Indian policy incorporated in said acts be examined and the administration and operation of the same as affecting the condition of the Indian population be surveyed and appraised: Now, therefore, be it

Resolved, That the Committee on Indian Affairs of the Senate is authorized and directed to make a general survey of the condition of the Indians and of the operation and effect of the laws which Congress has passed for the civilization and protection of the Indian tribes; to investigate the relation of the Bureau of Indian Affairs to the persons and property of Indians and the effect of the acts, regulations, and administration of said bureau upon the health, improvement, and welfare of the Indians; and to report its findings in the premises, together with recommendations for the correction of abuses that may be found to exist, and for such changes in the law as will promote the security, economic competence, and progress of the Indians.

Said committee is authorized to send for persons, books, and papers, to administer oaths, to employ such clerical assistance as is necessary, to sit during any recess of the Senate, and at such places as it may deem advisable. Any subcommittee, duly authorized thereto, shall have the powers conferred upon the committee by this resolution.

The expenses of said investigation shall be paid out of the contingent fund of the Senate and shall not exceed $30,000.

The amendments were agreed to.

The resolution as amended was agreed to.

The preamble was agreed to.

SURVIVORS OF THE MEXICAN WAR

Mr. SHEPPARD. Mr. President, this day, February 2, 1928, is the eightieth anniversary of the signing of the treaty of Guadalupe-Hidalgo, which brought the Mexican War to a close. There are now five survivors of that war in the United States, according to the statement of the Commissioner of Pensions, as follows:

William F. Buckner, Paris, Mo.; Uriah Gasaway, Reelsville, Ind.; Owen Thomas Edgar, 5000 Fourteenth Street, Washington, D. C.; Richard A. Howard, Sterling City, Tex.; Samuel Leffler, St. Paul, Ind.

I felt that the Senate would be interested in this information.

ENLARGEMENT OF CAPITOL GROUNDS

Mr. FESS. Mr. President, from the Committee on Public Buildings and Grounds I report back favorably without amendment the bill (S. 2301) to create a commission to be known as the commission for the enlarging of the Capitol Grounds, and

for other purposes. I ask for the immediate consideration of the bill.

Mr. CURTIS. What is the measure?

Mr. FESS. It merely provides for the creation of the Plaza commission. There is no expense attached to it at all.

Mr. LA FOLLETTE. Let it be read.

The VICE PRESIDENT. The clerk will read.

The legislative clerk read the bill, as follows:

Be it enacted, etc., That the Vice President of the United States, the Speaker of the House of Representatives of the United States, the chairman of the Senate Committee on Public Buildings and Grounds, the chairman of the House Committee on Public Buildings and Grounds, the minority leader of the Senate, the minority leader of the House of Representatives, and the Architect of the Capitol are hereby created a commission to be known as the commission for the enlarging of the Capitol Grounds. The commission shall have charge of the area between the Capitol and the Union Terminal Station, now owned by the Government, and such other parcels of land as may be added thereto, and is authorized to consider plans and estimates for the creation of a park area to enlarge the Capitol Grounds, both the plans showing the original scheme for the development of this area, and the alternative scheme for the development of this and added areas, and to recommend to the Congress such original and alternative plans or schemes with estimates of costs therefor, together with recommendations for the purchase of such other areas as may be considered necessary to give to the plans for the enlargement of the Capitol Grounds a suitable landscape treatment for the Capitol Building in relation to the landscape treatment with the proposed arrangement of the Mall area.

Mr. FESS. To-day the committee agreed unanimously to report the bill. It provides for the appointment of a commission to consist of the Vice President, the Speaker of the House, the chairman of the Senate Committee on Public Buildings and Grounds, the chairman of the House Committee on Public Buildings and Grounds, the minority leaders of the House and Senate, and the Architect of the Capitol. They are to make up the commission.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECESS

Mr. CURTIS. In accordance with the order heretofore made, I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and the Senate (at 6 o'clock p. m.) took a recess until to-morrow, Friday, February 3, 1928, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate February 2 (legislative day of February 1), 1928

MEMBER OF UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

Homer A. A. Smith, of Maryland, to be a member of the United States Employees' Compensation Commission for the unexpired term of six years from March 15, 1923, vice Charles H. Verrill, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 2 (legislative day of February 1), 1928

MEMBERS FEDERAL FARM LOAN BOARD

George R. Cooksey.
Floyd R. Harrison.
Eugene Meyer.

MEMBER FEDERAL RESERVE BOARD

Roy A. Young.

COLLECTOR OF INTERNAL REVENUE

Andrew J. Russell to be collector of internal revenue for the district of Arkansas.

UNITED STATES ATTORNEYS

Seth W. Richardson to be United States attorney, district of North Dakota.

George Sellett to be district attorney, United States court for China.

PROMOTIONS IN THE NAVY

To be captain

Jonathan S. Dowell, jr.

To be lieutenant commanders

Edward B. Rogers.
George R. Fairlamb, jr.
Walter C. Calhoun.

To be lieutenants

Walter S. K. Trapnell.
Michael H. Kernodle.
Francis D. A. Ford.

To be lieutenants (junior grade)

Wilkie H. Brereton.
James B. Hogle.
Samuel G. Kelly.

To be passed assistant surgeon

George W. Cooper.

To be chief boatswains

William S. Burns.
Harold S. Bogan.

To be chief electrician

Joshua V. B. Meeker.

To be chief radio electrician

Anthony B. Pronier.

MARINE CORPS

To be major

Egbert T. Lloyd.

To be captains

Merritt A. Edson.
John A. Tebbs.

To be first lieutenants

James S. Monahan.
John A. Bemis.
Howard N. Kenyon.
William N. McKelvy, jr.
Andre V. Cherbonnier.
William W. Davies.
Bayard L. Bell.
Vernon E. Megee.
Augustus W. Cockrell.
James M. Smith.
William H. Doyle.
Ernest E. Linsert.
Orin H. Wheeler.
Joseph DaC. Humphrey.
Everett H. Clark.
Lewis A. Hohn.
William O. Brice.
Francis M. Wulbern.
Edwin A. Pollock.
Randolph McC. Pate.
Cornelius J. Eldridge.
Lucian C. Whitaker.
John R. Streett.
Franklin C. Hall.
Beverley S. Roberts.
Dudley W. Davis.
John C. Donehoo, jr.
Raymond P. Coffman.
Ralph B. DeWitt.
John B. Weaver.
James M. McHugh.
Rupert R. Deese.
Harry E. Dunkelberger.
James P. Riseley.
Clayton C. Jerome.
Emery E. Larson.
Robert L. Skidmore.
George J. O'Shea.
Charles C. Brown.
Frederick W. Biehl.
Eugene H. Price.
Lyman G. Miller.
Ralph E. Forsyth.
William M. Mitchell.
James A. Stuart.
Pierson E. Conradt.
Howard R. Huff.
William W. Orr.
Gregon A. Williams.
Clifton L. Marshall.
Evans F. Carlson.
John W. Lakso.
Harold C. Roberts.
Monroe S. Swanson.
Franklin W. R. Brown.
Will H. Lee.
William E. Lee.

To be second lieutenants

Clinton E. Fox.
Harold R. Lee.
Karl K. Louther.
Walker A. Reaves.
Louis C. Plain.
Robert L. Peterson.
Paul Drake.
George E. Williams.

POSTMASTERS

ALABAMA

William V. Dodd, Carbon Hill.
Thelma Slone, Cedar Bluff.
Violet A. Brooks, Chickasaw.
John W. Brasfield, Dora.
Anna H. Kinney, Elberta.
Luke Bates, Rogersville.

CALIFORNIA

Ambrose E. Daneri, Merced.
William J. Boyd, Sausalito.

COLORADO

Alvin L. Bourquin, Stonington.

ILLINOIS

John H. Brill, Hampshire.
Joseph V. Campeggio, Ladd.
Roy C. Hallowell, La Harpe.

IOWA

John C. Dow, College Springs.
John F. Homer, Dewitt.
James O. Vail, Garden Grove.
Edwin S. Watts, Harvey.
Arthur F. Ogren, Kingsley.
Arthur E. Granger, Marion.
Charles W. Shelly, Ollie.
Willis W. Overholser, Sibley.
Chester M. Burnside, Waucoma.

KENTUCKY

Bettie K. Wyatt, Valley Station.

MASSACHUSETTS

Carl H. Carlson, Franklin.
Wilfred J. Tancrell, North Uxbridge.

MONTANA

Gladys M. Eiselein, Boulder.
Leslie L. Like, Drummond.
Ruth Allen, Poplar.
Glenwood H. Corrington, Ryegate.
Rose C. Spangler, Superior.

NEW JERSEY

Anna Heus, Demarest.
Frank H. Burgher, Hamburg.
Walter D. Finch, Mahwah.
William B. Lance, Stanhope.
Clifford G. Hanks, West Englewood.

NEW YORK

Alonzo L. Waters, Medina.

NORTH CAROLINA

Herbert C. Whisnant, Granite Falls.
James A. Wyche, Hallsboro.
Theodore E. McCrary, Lexington.
Charlie H. Murray, Middlesex.
William F. Ballard, Mount Holly.
Arthur B. Dickey, Murphy.
Charles E. Zedaker, Red Springs.
Cyril L. Walker, Roper.
W. Heman Hall, Rosehill.
John H. Elliott, Stony Point.
Alexander B. Berry, Swanquarter.
Neill K. Currie, Tabor.
Lat W. Purser, Vanceboro.
Jeremiah C. Meekins, jr., Washington.

OKLAHOMA

Ted R. Trolinger, Bluejacket.
Elace B. Lairmore, Dewar.
James O. Dowdy, Haskell.
Calvin C. Wilson, Henryetta.
Harry B. Kelly, Hockerville.
James T. White, Howe.
Ralph P. Witt, Maud.
Mary E. L. Allen, Ramona.
Alvin S. Gibson, Roosevelt.
Daniel G. Wood, Sasakwa.

PENNSYLVANIA

John R. Baltz, Ardmore.
Daniel K. Miller, Birdsboro.
George H. Houck, Cairnbrook.
William M. Heaps, Darby.
Millard F. Hauser, Delaware Water Gap.
William R. Smith, Harmony.
William H. Law, Koppel.
George J. Thumm, Lansdale.
John L. Coldren, Manheim.
Mabel G. Wetzel, Middleburg.
William S. Durham, Mont Clare.
Eranious E. Bentel, Rochester.
Robert E. Frech, Stowe.
William E. Bowers, Waynesboro.
Amos E. Chick, Wehrum.

SOUTH CAROLINA

Arthur P. Horton, Heath Springs.
William J. Hughes, Loris.
George C. Cox, Myrtle Beach.
Murphy T. Sumerel, Ware Shoals.
John W. Geraty, Yonges Island.

VIRGINIA

Paul B. Jenks, Wilder.

WEST VIRGINIA

Ernest T. Morrison, Sutton.

WISCONSIN

Thomas A. Lowerre, Delafield.

HOUSE OF REPRESENTATIVES

THURSDAY, *February 2, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Jehovah Father, these words are with us: "Ye shall know the truth and the truth shall make you free." Thy truth is immortal! It is everlastingly at morning's dawn. Every upright endeavor of every upright heart is to know the truth. Holy Spirit, be with us. Tell us that there are portals more golden than eye or ear. Enable us to see in Thee that which the flesh or blood can not reveal. Speak to our souls and show us the power of Thy sacrifice and the empire of Thy love. Let Thy spiritual accent fall on their altars and beget a longing in us to be one with Thee. May we enjoy this world and after a while enjoy the world eternal. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1154. An act to authorize the use by the county of Yuma, Ariz., of certain public lands for a municipal aviation field, and for other purposes;

S. 2594. An act transferring a portion of the lighthouse reservation, Ship Island, Miss., to the jurisdiction and control of the War Department; and

S. 2752. An act to amend section 80 of the Judicial Code to create a new judicial district in the State of Indiana, and for other purposes.

SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table, and, under the rule, referred to the appropriate committees, as follows:

S. 1154. An act to authorize the use by the county of Yuma, Ariz., of certain public lands for a municipal aviation field, and for other purposes; to the Committee on the Public Lands.

S. 2594. An act transferring a portion of the lighthouse reservation, Ship Island, Miss., to the jurisdiction and control of the War Department; to the Committee on Interstate and Foreign Commerce.

S. 2752. An act to amend section 80 of the Judicial Code to create a new judicial district in the State of Indiana, and for other purposes; to the Committee on the Judiciary.

PERMISSION TO POST OFFICE COMMITTEE TO SIT DURING THE SESSIONS OF THE HOUSE

Mr. GRIEST. Mr. Speaker, I am authorized by the Committee on the Post Office and Post Roads to ask unanimous consent that that committee may sit during the sessions of the House, when necessary.

The SPEAKER. The gentleman from Pennsylvania, by direction of the Committee on the Post Office and Post Roads, asks unanimous consent that that committee be permitted to sit during the sessions of the House. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, does the gentleman mean through the entire Congress?

Mr. GRIEST. Throughout this session of the Congress.

Mr. GARRETT of Tennessee. Could not the gentleman make that 30 days? The gentleman can get a renewal of this if he wishes. I have not had any opportunity to confer with my fellow Members about this.

Mr. GRIEST. The reason for asking for this is because we have a large number of bills that are engaging our attention at this time and we expect to take up next week a general revision of the postal rates, which will require hearings for several weeks. I do not know how long.

Mr. GARRETT of Tennessee. Mr. Speaker, I have no objection at all to the committee having that permission for 30 days, and I shall not object to a renewal of it at the end of the 30 days.

Mr. GRIEST. Mr. Speaker, that is satisfactory to me, and I so modify the request.

The SPEAKER. The gentleman from Pennsylvania modifies his request and asks permission that the committee be permitted to sit during the sessions of the House for 30 days. Is there objection?

There was no objection.

GEN. DANIEL BRAY

Mr. EATON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in respect to Gen. Daniel Bray, who furnished boats to take Washington across the Delaware River.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. EATON. Mr. Speaker, under leave granted me to extend my remarks I submit the following:

In the cemetery at Rosemont, Hunterdon County, N. J., rest the remains of Gen. Daniel Bray. Only an ordinary stone marks the grave, and this is the inscription thereon:

Sacred to the memory of Daniel Bray, born October the 12th, A. D. 1751, and departed this life December the 5th, A. D. 1819, in the sixty-ninth year of his age.

That is all; no mention of his military rank or of his great services to the country. Yet the man whose remains lie below did valiant services as a lieutenant and later as a captain in the war for independence. He later received the rank of general in the State militia.

His most spectacular services were rendered in preparation for the crossing of Washington's troops at McKonkeys Ferry, now Washingtons Crossing, just before the memorable battle of Trenton.

Feeling that the success of his plan would depend upon his having control of all the Durham boats between the Lehigh and Coryells Ferry, now Lambertville, Washington charged General Green with the duty of seeing that all such boats were secured and brought down the river. General Green, knowing the valor and trustworthiness of Captain Bray, assigned this special duty to him, with Capt. Jacob Gearheart and Capt. Thomas Jones as his associates in the enterprise.

So successful was this difficult and dangerous undertaking that every Durham boat was secured and safely hidden below Coryells Ferry until needed.

Captain Bray served in various battles during the struggle for liberty, and in the War of 1812 he is recorded as having a company of trained men ready for service at call.

All this and more the records show. Yet this brave officer, said to have been too modest to display his rank or his services, lies in a grave marked simply as above.

Patriotic citizens of New Jersey feel that something should be done to secure proper recognition of the great services of this modest man. They further feel that the country he served so well should erect a suitable marker or tablet to his memory. And to that end I have introduced a bill, H. R. 10420, to provide such recognition. I hope that this bill will be enacted into law by this Congress.

LAKE LEVELS

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the report made by former Supreme Court Justice Hughes on the lake level cases be printed as a public document.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the report made by former Justice Charles Hughes relating to lake levels be printed as a public document. Is there objection?

There was no objection.

WAR DEPARTMENT APPROPRIATION BILL

Mr. BARBOUR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10286, the War Department appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the War Department appropriation bill, with Mr. TILSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The gentleman from California [Mr. BARBOUR] has 3 hours and 14 minutes remaining, and the gentleman from Virginia [Mr. HARRISON] has 3 hours and 38 minutes remaining.

Mr. BARBOUR. Mr. Chairman, I yield myself one hour.

The CHAIRMAN. The gentleman from California is recognized for one hour.

Mr. BARBOUR. Mr. Chairman, the Committee on Appropriations submits for the consideration of the House the bill making appropriations for the War Department for the fiscal year 1929. The subcommittee in charge of the bill began hearings on December 12, 1927. The committee recessed from December 23 to January 4, and has been in session until January 24. Sessions of the committee were held mornings and afternoons. The bill presented is not the work of any one member of the subcommittee, but, rather, the result of the entire subcommittee's judgment.

The very able chairman of the subcommittee, Representative DANIEL R. ANTHONY, Jr., of Kansas, has been unable to be present during the hearings and the committee has thus been without the benefit of his excellent judgment in military matters and his broad range of knowledge regarding the War Department and its activities. Mr. ANTHONY is undoubtedly one of the best-informed men in the Congress and in the country on all matters pertaining to the military branch of the Government. [Applause.] Because of his wide knowledge of the activities covered by this bill, his service in this House has been of the greatest value to Congress and to the country at large. I feel that I express the sentiments of every Member of the House when I say that it was with deep regret that I learned of his recent decision to retire from Congress, and I know that all of the Members join me in the hope for his early and complete restoration to his usual good health and his return to this House, should he decide to change his recent decision as to his retirement. [Applause.]

The other members of the subcommittee—Representatives CLAGUE, TABER (who has served temporarily), HARRISON, and COLLINS—have all worked long hours and conscientiously and have contributed the most valuable assistance in the preparation of the bill; and it is indeed a pleasure to acknowledge the help that has been given to the committee by its very able clerk, Mr. John Pugh. [Applause.] He is a tireless worker, has an intelligent grasp of the matters covered by this complex bill, and has been of most valuable assistance to the committee in all of its work.

The appropriation bill for the fiscal year 1929 for the military and nonmilitary activities of the War Department carries a total of $389,199,869. In addition to that there is a contract authorization for $7,115,000 and a reappropriation of $45,000. The 1928 War Department appropriation bill carried a total for military activities of $304,360,178.81. This included deficiency appropriations, reappropriations included in last year's bill, and a contract authorization of about four and a half million dollars.

The 1929 bill, now pending before us, carries for military activities direct appropriations amounting to $308,766,711, a reappropriation of $45,000, and a contract authorization of $7,115,000, making a total of direct appropriations, reappropriations, and contract authorizations of $315,926,711 for military activities.

The increase in direct appropriations, reappropriations, and contract authorizations for military activities in the 1929 bill over the 1928 bill amount to $11,566,532.19. For the nonmilitary activities of the Government the 1928 bill carried direct appropriations, including deficiency appropriations carried in the deficiency bill, amounting to $92,137,829. The 1929 bill, the bill now under consideration, carries for nonmilitary activities $80,433,158. This is a decrease of nonmilitary appropriations for 1929 of $11,704,671. The 1928 appropriations, however, include almost $13,000,000 of deficiency appropriations made necessary by the flood in the Mississippi Valley and to provide for the purchase of the Cape Cod Canal and for a number of items of lesser magnitude.

The net decrease in the 1929 bill as compared with all of the appropriations for the War Department for 1928, including reappropriations and contract authorizations, is $138,138.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Certainly.

Mr. GARNER of Texas. You show a net decrease for 1928. How much do you estimate the deficiencies will be before the end of 1929?

Mr. BARBOUR. We do not anticipate that there will be any great deficiencies in 1929.

Mr. GARNER of Texas. In 1928 there were considerable deficiencies. Why does not the gentleman give a comparison between the original bill which was put through this House for 1928 and the bill for 1929?

Mr. BARBOUR. The original bill for 1928 carried for military activities $280,618,085. This bill for 1929 carries $308,766,711. In addition to both of those sums there are reappropriations and contract authorizations for the Air Corps.

Mr. GARNER of Texas. What is the principal item in that increase?

Mr. BARBOUR. The largest item is for housing; nearly a corresponding amount is under the Air Corps, and there are a number of other substantial increases to which I shall refer later.

Mr. BRIGHAM. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Certainly.

Mr. BRIGHAM. What was the deficiency on account of the Mississippi floods?

Mr. BARBOUR. As I recall, it was $7,000,000 for the Mississippi floods.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. CHINDBLOM. Has the gentleman stated the entire expenses for military activities so far authorized for 1928, including not only the original bill that was passed by the two Houses and was approved by the President, but as represented by appropriations?

Mr. BARBOUR. That would be ascertained by adding the military, including deficiencies——

Mr. CHINDBLOM. I mean nonmilitary.

Mr. BARBOUR. The total for nonmilitary for 1928 was $92,137,829, which includes the deficiency appropriations.

Mr. CHINDBLOM. And also included reappropriations?

Mr. BARBOUR. There were no reappropriations and contract authorizations on account of nonmilitary activities.

Mr. CHINDBLOM. The grand total of appropriations, reappropriations, and authorizations and continuing appropriations was $304,000,000?

Mr. BARBOUR. For military activities; yes. That does not include the permanent annual appropriations. Those appropriations are the result of permanent and fixed legislation, and they consist mostly, I will say to the gentleman from Illinois, of revolving funds.

Mr. CHINDBLOM. In the comparisons which the gentleman from California is making between the appropriations and expenditures for the fiscal years 1928 and 1929 those revolving-fund appropriations are not included?

Mr. BARBOUR. No; they are not included. I am referring to money that comes out of the United States Treasury.

I will make this statement: If you examine the table at the end of the report you will find that there are apparently certain large increases and decreases as compared with 1928 appropriations, and as compared with some of the Budget recommendations. Now, those are only apparent increases and decreases, for the reason that the committee this year took certain items that are scattered all through the bill in various places and under various headings and gathered them together where they more properly belonged. On the face of the report it appears that there is an increase or a decrease, which does not actually exist, but is due to the transfers just mentioned, and the increase or decrease in those cases is only apparent.

At this point I wish to indicate, for the information of all who may be interested, the objects for which we transferred money from "Regular supplies" to "Barracks and quarters." This is the biggest of the transfers, involving a total of $2,195,944. The objects and the amounts in relation to each are as follows:

Salaries and wages pertaining to projects transferred	$700,704
Maintenance and repair of bakery, ice, and refrigeration plants	100,000
Maintenance and repair of reservation fences	30,000
Maintenance and repair of heating apparatus apart from stoves	600,000
Maintenance and repair of boiler and refrigerating-plant equipment	200,000
Maintenance and repair of electric-power equipment	100,000
Maintenance and repair of electric wiring and fixtures	412,000
Gas systems and apparatus	20,000
Rental of cold storage	33,240

The appropriation bill for 1929 provides for an Army of 12,000 commissioned officers, or thereabouts, and 118,750 enlisted men and about 6,000 Philippine Scouts. And I will say at the beginning that the 1,248 men who will be required to make up the second year's increment of the Air Corps, according to the five-year program, are included in those 118,750.

Provision is made for carrying on the housing program. This bill carries a direct appropriation of $4,784,000. It provides contract authorizations amounting to $2,115,000. These amounts will take care of all the housing authorized by Congress up to the present time. Provision is made under the title of subsistence——

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield there?

Mr. BARBOUR. Yes.

Mr. WAINWRIGHT. I understand Congress has authorized all the expenditures called for by the War Department's housing program.

Mr. BARBOUR. That is a matter coming within the jurisdiction of the Military Affairs Committee, and undoubtedly the gentleman from New York, who is a member of that committee, would know what that situation is.

Mr. WAINWRIGHT. That is the fact.

Mr. BARBOUR. We have provided for furnishing the Army with the increased ration which was given to them last year, commencing on July 1, 1927.

Under the title or heading of "Subsistence in the Quartermaster Corps" certain items in the bill will appear on their face as showing a rather large increase. But when you consider the deficiency appropriation that was made to take care of this increased ration, which began on July 1, 1927, and the reappropriation under this head for 1928, the apparent increase is more than absorbed. With regard to this increased ration which has been furnished to the Army, placing it on an equality for the first time in years with the ration of the Marine Corps and the Navy, Congress has done, I think, one of the best things that has been done for the Army in some time. The Chief of Staff, General Summerall, when he was before our committee and was speaking of the increased ration, said that, in his opinion, it was the best thing that had been done for the Army since he had been identified with it.

Under the heading of "Army transportation" there is an increase in the 1929 bill as compared with the 1928 bill. This increase will purchase 458 motor cars at not to exceed $1,000 each; it will purchase 10 motor cars at not to exceed $2,500 each, and it will also provide trucks for test and study. It will take care of increased repairs to the large number of automobiles the Army now has on hand, made necessary by age and past enforced neglect. It will purchase a considerable number of Phillips pack saddles. This is an improved type of saddle. It may be interesting to know that at this time the Army has on hand 18,901 motor-propelled vehicles, including trucks; 6,931 of these are operating, 10,147 are serviceable or economically repairable, and 1,823 are unserviceable.

Another quartermaster item is that of horses and mules. The Budget recommended that in the year 1929 there be purchased 2,400 horses and 1,981 mules for the Regular Army. The committee in preparing the bill provided for 2,150 horses and 1,450 mules, the same number of horses and mules that were provided for in the 1928 bill.

On July 1, 1927, the Army had on hand 24,900 horses and 14,000 mules. The average age of these animals is 12 years. In reducing the Budget estimate for horses and mules the committee was confronted by the problem as to what extent motors are going to supplant horses and mules in the Army. The men who believe in horses are of the opinion that we will always require as many horses as we have at the present time. There are other outstanding officers in the Army who are of the opinion that motors will supplant horses in the Army practically to the same extent that they have supplanted them in commercial life. This whole question is receiving the attention of the War Department, and because of the fact that there is at this time an uncertainty as to just how far motors will in the future be used in place of horses the committee decided that it would not be businesslike and economical to provide for a larger number of horses and mules than was provided for in the 1928 bill.

Mr. BYRNS. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. BYRNS. I am interested to know whether the figures 24,900, as given by the gentleman, include both horses and mules.

Mr. BARBOUR. No. In addition to the 24,900 horses, there are 14,000 mules.

Mr. BYRNS. Which makes a total of——

Mr. BARBOUR (interposing). Thirty-eight thousand nine hundred.

Mr. BYRNS. Are they all in use, or is a great portion of them in surplus?

Mr. BARBOUR. They are all practically in use in the Artillery and Cavalry, and some of the older horses are used for work around the posts in hauling wagons, freight, and things of that kind. So they are all practically in use. Then we have some remount stations, where a certain number of horses are always present going through the process of being fitted for the various branches of the service to which they will eventually go.

Mr. BYRNS. I take it for granted that is an inconsiderable number in proportion to the total number.

Mr. BARBOUR. Oh, yes; that is really an inconsiderable number.

Mr. BYRNS. The gentleman has stated that this bill provides for the purchase of 2,150 horses?

Mr. BARBOUR. Yes; and 1,450 mules.

Mr. BYRNS. That does not add to the number, but I presume is necessary in order to keep the complement up to what it is now.

Mr. BARBOUR. This number will not quite meet the requirements needed to keep it up to where it is at the present time. I will further say to the gentleman from Tennessee that 2,400 is the number recommended by the Bureau of the Budget and we provide for 2,150.

Mr. BYRNS. The reason for my inquiry was that I had heard we had about twice too many horses and mules, and that was the reason I was interested in asking the gentleman whether they were all in service or not.

Mr. BARBOUR. The testimony given to the committee by the representatives of the War Department was that these animals were all in service and that they needed more.

Mr. BYRNS. Does not the gentleman think it would be much cheaper if the Army would go as far as possible to motor service and save the cost of the upkeep of these animals and the necessity of replacing them?

Mr. BARBOUR. I am not prepared to say. I have seen figures indicating motorization would be cheaper. I should say, however, that the original cost would probably be a little more, because a truck or automobile would cost more probably than six horses. The price at which horses are purchased is $165 a head. Then, of course, there is transportation and they have to go through a period of three months in quarantine, as you might call it, and are then ready to go into the different branches of the service.

Mr. COLLINS. When the gentleman gives the number of horses and mules he is not taking into consideration the number privately owned and for which the Government pays subsistence, bedding, and so forth.

Mr. BARBOUR. Some of the officers below the rank of major own their own horses, as they are entitled to under the law.

Mr. BYRNS. Are there many of those?

Mr. COLLINS. There is an item of $225,000 carried in this bill for the purpose of paying so much per month for some one to take care of those horses.

Mr. BARBOUR. It depends upon the viewpoint. Compared with the total number of horses in the Army the number is very small.

There is also an increase in the item of barracks and quarters under the Quartermaster Corps. This is due mainly to increased repairs. We have not been keeping up the repairs on our Army buildings during the past few years and we have now reached the point where we have got to spend more money for repairing these buildings. The total replacement value of all the buildings owned by the Army to which this appropriation applies, exclusive of the Philippines, is $230,800,000, and the item carried in this bill for repairs for the fiscal year 1929, for all of these buildings is a little less than 2½ per cent of the replacement value of the buildings.

This item under barracks and quarters will also purchase a certain amount of new furniture for officers' and noncommissioned officers' quarters and will also purchase some steel wall lockers to equip some of the barracks at various posts.

Mr. DENISON. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from Illinois.

Mr. DENISON. Does the committee provide any funds for the repairing or building of new quarters in the Canal Zone?

Mr. BARBOUR. Yes; the construction program in the Canal Zone is being carried along.

Under the Signal Service there is an increase in this bill over 1928, and this increased amount of money will go principally to the activities of the Signal Corps with relation to radio development and matters of that kind, as well as engineering research work. It will also equip with signal-service apparatus the second Air Corps increment. Real progress is being made, I may say, by the Signal Corps in developing radio communication and radio instruments. The Signal Corps supplies the Air Corps with all of its instruments for communication between airplanes and the ground. It also develops instruments used in the navigation of airplanes and renders a distinct service to the Air Corps. For this reason the Signal Service appropriations have been kept up pretty well in the last few years and have not been decreased.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from New York.

Mr. LAGUARDIA. I noticed in the bill the other day that the land in Alaska formerly held for the purpose of the telegraph line that was operated by the Signal Service has been abandoned. Does the Signal Service maintain radio communication in Alaska?

Mr. BARBOUR. It maintains a cable line from Seattle to Alaskan points, and then in interior Alaska it maintains both land lines and radio stations. Some of those stations, I will say, have been recently abandoned.

Mr. LAGUARDIA. But it does operate radio station for fast communication?

Mr. BARBOUR. Yes; it does, and it makes a very good showing in that respect, I will say to the gentleman from New York.

Mr. LAGUARDIA. So I understand.

Mr. BARBOUR. Coming now to the Air Corps, this bill making appropriations for the fiscal year 1929 carries a total of $24,817,268 in direct appropriations for the Air Corps and a contract authorization of $5,000,000. The 1928 bill carried a direct appropriation of $20,396,300 and a contract authorization of $4,495,000. This is a considerable increase.

The money provided in the 1929 bill will purchase for the Air Corps during the fiscal year 1929, 473 new planes.

They will be short, according to the testimony that was submitted to the committee by Assistant Secretary Davison and General Fechet, 27 bombers. They will be 27 bombers short of the number they had hoped to buy, but they will be over their requirements in observation planes and some of the other types under the five-year program. The War Department in its primary estimates asked for 50 bombers. The Bureau of the Budget recommended 23, and the testimony before the committee showed that the bomber is still in an experimental stage. The Assistant Secretary of War for Aviation testified that during the year 1929 they will have perfected the bomber to the point where they will be ready to go ahead and build in considerable numbers, or at least enough to meet the requirements. The committee felt that so long as the bomber was still in an experimental stage we would be governed and guided by the recommendation of the Bureau of the Budget, and we have therefore appropriated for 23 bombers.

Mr. LAGUARDIA. Will the gentleman yield there?

Mr. BARBOUR. I yield to the gentleman from New York.

Mr. LAGUARDIA. Was there any testimony to indicate whether or not the Air Service has adopted certain types of planes which they will continue to use during the five-year period?

Mr. BARBOUR. They have, as I understand, standardized most of the planes or practically all of them.

Mr. LAGUARDIA. The pursuit and observation planes.

Mr. BARBOUR. Pursuit, observation, and training. Of course, as they go on and as there are developments which would perfect or improve the existing types, they undoubtedly in the new construction would adopt such improvements.

Mr. LAGUARDIA. How many bombers have they in service now, if the gentleman remembers?

Mr. CLAGUE. Around 80.

Mr. LAGUARDIA. That is the old type with some of the new type which they are buying?

Mr. BARBOUR. That is what they have on hand now, and this bill will provide 23 more.

Mr. LAGUARDIA. But they have not decided on that type yet.

Mr. BARBOUR. Not fully.

Mr. LAGUARDIA. I think that is a very proper thing to do at this time.

Mr. BARBOUR. Assistant Secretary Davison was of the opinion they would have this type perfected during the fiscal year 1929 and would be ready to go on a construction program, but the committee felt, in view of the fact it was at this time in the experimental stage, we had better follow the recommendation of the Budget.

Mr. LAGUARDIA. With respect to the technical division in Dayton, was there any increased appropriation for that work this year?

Mr. BARBOUR. As I recall, that is the same as last year. That work will be carried on as it has been heretofore.

Mr. LAGUARDIA. That is all they asked for?

Mr. BARBOUR. That is all they asked for.

Mr. NEWTON. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from Minnesota.

Mr. NEWTON. We have an Air Corps Reserve, and in the Seventh Corps Area the reserve flying officers have to go to Kansas City, I think it is, for their training in flying.

Now, it appears that there is a shortage in the department for necessary planes, which prohibits them from having more planes at Fort Snelling.

Mr. BARBOUR. I think I can explain that. The bill provides for new planes for the Air Corps Reserve. They are washing out the old planes and providing new ones, and natu-

rally you reach a point where they are short of planes. That is recognized, and they will correct it.

Mr. LAGUARDIA. I understand they are furnishing the National Guards——

Mr. NEWTON. I am speaking of the Air Corps Reserves. The States of North Dakota, South Dakota, and Minnesota have 350 members of the reserve flying corps, or prospective members; they are not in a position to go to Kansas City or some other place in that vicinity for training, but they are in a position to go to a nearer point. I think that in the vicinity of the Twin Cities there are 150 that could make use of these planes.

Mr. BARBOUR. That would be an administrative matter, something that we could not plan for in the bill.

Mr. NEWTON. When I took it up with the Assistant Secretary for Aviation, he said that Congress has not furnished them in sufficient numbers.

Mr. BARBOUR. We gave them all they asked for with the exception of a few bombers.

Mr. NEWTON. It seems to me that when you have officers in the flying corps it is no economy to withhold from them in the immediate locality a sufficient number of planes so that they can fly now and then.

Mr. BARBOUR. If you go into the plan of establishing an air reserve corps unit wherever you can gather a number of reserve officers together you are going to have a lot of units. This is a peculiar branch and an expensive branch, and the department does not advocate large numbers of training fields.

Mr. NEWTON. Take Fort Snelling, where they have a general military post and a flying field adequate in every way, it seems to me that the War Department ought to furnish it with planes.

Mr. LAGUARDIA. I would like to suggest that we need flying fields. I landed at Duluth about two months ago on a private field, and the poor fellow did not know where he was coming out—had to land in a potato patch.

Mr. NEWTON. Did the gentleman fly down to Minneapolis? There he would have found one of the best flying fields.

Mr. LAGUARDIA. No; but I suggest that at Duluth they ought to have a flying field.

Mr. NEWTON. If the gentleman had gone to Minneapolis he would have found a flying field unexcelled.

Mr. LAGUARDIA. I telegraphed to Duluth, asking where the flying field was, and they answered at the foot of South Twenty-sixth Street, but I could not find Twenty-sixth Street from the air. [Laughter.]

Mr. BARBOUR. It would seem to me that the question raised by the gentleman from Minnesota is one that would come under the administrative authority of the War Department rather than having a place in the bill.

We have on hand at present 831 planes in the Army Air Corps, exclusive of wood types, and 480 are now on order. That was November 1, 1927, making a total of 1,311. It is estimated that the total on hand June, 1928, will be 1,195 planes, and the total on hand June, 1929, when these funds are used, 1,398 planes.

The increase of the total on hand does not correspond with the number provided for in each bill because of the washout of old planes. We have increased the appropriations for seacoast defenses. The appropriation will provide for continuing the work on the 16-inch gun battery at Panama. Two guns are already installed, and two on the ground ready to be installed. We provide for additional fire-control apparatus, plotting rooms, magazines, railway, and everything that goes into the equipment of one of these big 16-inch gun batteries.

Provision is made for the emplacement of the 14-inch railway guns at Panama. Provision is made for the emplacement for aircraft guns at Panama. Provision is made in this bill for beginning the installation of two more 16-inch guns at Hawaii. We have at Fort Weaver two 16-inch guns. The project calls for four 16-inch guns. This bill carries the money to begin the installation of the two additional 16-inch guns in Hawaii.

Provision is made for the installation of fire-control apparatus at Chesapeake Bay, Sandy Hook, and Los Angeles. Those projects were carried in the appropriation bill for 1928. The money carried in this bill will complete the fire-control installation at Chesapeake Bay for the guns already installed, and it will carry on the work at Sandy Hook and place Los Angeles in a very good condition.

Provision is also made in this bill for the purchase of a certain amount of single-conductor cable, used in connection with our mine defenses, and a very interesting story is connected with this single-conductor cable. Heretofore we have been using in our mine defenses a cable composed of 19 strands.

This cable had to carry a considerable amount of insulation, which deteriorated rapidly, and was very expensive to install in the beginning and expensive to maintain. An enlisted man in the Coast Artillery Corps, Master Sergt. Paul R. Nelson, a graduate of the Coast Artillery School, has invented a single-conductor cable, a cable with a single strand, that will do all of the work, and do it better, than the old 19-strand cable. It costs much less to install it, and it costs much less to maintain it after it is installed, and when we get this new single-conductor cable installed in all of our mine defense systems, it will result in the saving of a million dollars every 10 years to the Government in maintenance alone. This single-conductor cable as I mentioned a few moments ago is the invention of an enlisted man in the United States Army. I think he is entitled to full credit for this very wonderful work.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. WAINWRIGHT. Is there any method that the gentleman knows of—I may say that I do not know of any—of compensating or rewarding the personnel of the Army for making inventions of that kind which prove of such great value to the Government?

Mr. BARBOUR. Mr. Chairman, when one of our enlisted men or one of our commissioned officers develops anything new, far better than anything we have ever had before, that places our Army in that respect far ahead of any other army in the world, there should be some way of rewarding that enlisted man or that commissioned officer, some way of recognizing the exceptional service that has been rendered. That, however, appears to me to be more a matter within the jurisdiction of the Committee on Military Affairs, of which the gentleman is a member, than the Committee on Appropriations.

Mr. WAINWRIGHT. I am very glad the gentleman realizes that something should be done. I think we should adopt some system by which there could be some reward granted to men of this kind. As I understand it, there is no provision for reward in such cases.

Mr. BARBOUR. I understand that is true. There have been officers in the Air Corps who have made the most wonderful inventions. I call to mind now the invention of First Lieut. George Goddard, of the Air Corps, in the field of night photography, a most remarkable invention. Yet Lieutenant Goddard is still a first lieutenant in the Air Corps, enthusiastic about his work, and in my opinion there should be some way of recognizing distinguished service of that kind.

We come now to the subject of ammunition. Each year just before the appropriation bills come in, particularly the bills relating to the War Department and the Navy Department, it seems that we must have some sensation sprung in the country about our national defenses. A year or two ago the soldiers of the Army were being housed in buildings that were not fit for human beings to live in. That is being corrected. A year ago statements were published in the newspapers that the soldiers of our Army were starving to death, when the report of the Surgeon General of the Army to our committee showed that the health of the Army was never in better condition than it was at that time. This year the sensation seems to revolve around our munition reserve, and statements were made in the press but a short time ago that we did not have ammunition enough in this country to last an Army of a million men 30 minutes in action.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. SHALLENBERGER. Was that from somebody in authority in the War Department?

Mr. BARBOUR. That statement was published in a way that made it appear that it was with the authority of the War Department.

Mr. SHALLENBERGER. And that it was official?

Mr. BARBOUR. Yes; that was the impression that most people got from reading it. The Secretary of War and other officers of the War Department testified to our committee that it was not with the authority of the War Department, that they never issued any such statement, and that it was not true.

Mr. BLAND. Mr. Chairman, but the gentleman does not intend to create the impression that the housing condition in the Army is satisfactory?

Mr. BARBOUR. No. We are improving it, and in this bill we carry funds for all of the housing that has heretofore been authorized.

Mr. BLAND. I am not attaching any criticism to this committee.

Mr. BARBOUR. We can not appropriate for this housing program until it is authorized.

Mr. BLAND. The conditions are serious. I know that in my own district there are places that are mere fire traps, and they

ought to be remedied. I have been trying to get the War Department and the Committee on Military Affairs to do something, but I have not been able to thus far.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. WAINWRIGHT. Is it not a fact, so as to allay any question about this housing situation, that Congress has appropriated every dollar that the War Department has recommended?

Mr. BARBOUR. That is true.

Mr. WAINWRIGHT. And that the War Department has recommended all that they could reasonably handle; in other words, there is a limit to the contracting possibilities of the Quartermaster General's Department. I am not sure exactly what the figure is, but it runs up to ten or twelve million dollars that are now under authorization.

I believe that we are proceeding as fast as it is possible reasonably to proceed with the available facilities in accomplishing the proper housing of the Army and carrying out the program by which we are utilizing the sale of the surplus real estate.

Mr. BLAND. The gentleman certainly knows that you will never be able to house the Army out of the proceeds of the sale of real estate. The gentleman will find that out from the War Department if he looks into it. He will find out that the housing program contemplates an expenditure of $110,000,000 and that the maximum to be realized out of the sale of real estate, if all of it could be sold at the highest price, would be approximately only $37,000,000. It is an absolute impossibility, as the gentleman will be advised in the War Department, to finance the proper construction of housing by limiting the expenditure only to the amount received from the sale of surplus real estate.

Mr. WAINWRIGHT. I shall not attempt to contradict the gentleman as to the amount yielded by the sales of real estate, but it was contemplated that it would be a much greater figure than $37,000,000. The point I make is that we are proceeding with that just as fast as we reasonably can, and if from the sales of real estate we do not procure enough to house the Army as it should be housed, we can take it up further at a later date, and then it will be time, when the proceeds of the sales of real estate do not seem to be sufficient, to have direct appropriations made from the Treasury.

Mr. BLAND. When the men are occupying shacks and buildings that are practically fire traps, I submit that probably the reason why the gentleman has not made any recommendation or submitted it from the War Department is that that is all they could get the Budget to recommend.

Mr. WAINWRIGHT. If the gentleman has any program other than the program that is being pursued, he should indicate it. If he has any concrete suggestion, a concrete, constructive program to submit to the Military Committee or to the War Department as to how to proceed more speedily in the solution of this problem, I think he should submit it. No Members of the House are more in sympathy and more familiar with the project of adequately housing the Army than the members of the Committee on Military Affairs.

Mr. BLAND. I have taken that up with the War Department for the last three years, and I have also discussed it with the Committee on Military Affairs, which has housing in mind, and I understand, construing the recommendations of the War Department, that they are getting nowhere.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield there?

Mr. BARBOUR. Yes.

Mr. WURZBACH. I want to make a statement confirming what the gentleman from Virginia has said. General Cheatham stated before the committee that the Government would save 30 per cent if a comprehensive building program were entered into by the Government; that the saving would be made by reason of a larger contract. I think the gentleman from Virginia is correct in his statement.

Mr. BARBOUR. Mr. Chairman, when this interesting discussion began, relative to the housing conditions, I had started to discuss the subject of munitions reserve.

In view of recent statements that have been given wide publicity, the Subcommittee on Appropriations for the War Department has made a careful investigation of the ordnance reserves of the Army. Much of the information received by the subcommittee is confidential. The subcommittee finds that in the matter of equipment of rifles, machine guns, and artillery we are very well supplied. This equipment is comparable with the equipment of the principal nations of the world and is of about the same quality and efficiency. Investigation and study is being carried on with a view to development of improved types, and real progress is being made along these lines.

As to the ammunition reserve carried on hand, it can be said that it is in a serviceable condition. There is at all times deterioration, but this is being carefully watched and guarded against.

The amount of the reserve necessary to have on hand is based on a certain program of the War Department, which, of course, is based on certain assumptions, and the question of adequacy goes right back to those assumptions. The War Department plans relative to ordnance reserves are being continually studied and may be changed at any time.

The question of adequacy of the reserve is also dependent upon the ability of the industries of the country to reach a volume of production that will meet current requirements. The shorter the time required for our industries to reach this point in production, the smaller the reserve that it will be necessary to carry on hand. In order to shorten this period the War Department now has under consideration the policy of each year placing so-called educational orders with certain manufacturing concerns which will enable them to keep in a condition which will allow for more rapid expansion in case of an emergency. This will materially shorten the period necessary to bring production up to requirements.

The character of operations that we would have to carry on in case of war, our geographic position, and other elements, enter into the question of adequacy of ammunition reserves. I do not believe that it is contemplated that the United States would in the beginning carry any war to foreign soil, although that might be necessary at a subsequent time.

Recent publications to the effect that we are practically without ammunition reserve in this country are entirely unwarranted by the facts. In some respects our ammunition reserves are in very satisfactory condition. After a careful investigation the subcommittee on appropriations for the War Department feels quite satisfied that so far as our ammunition reserves are concerned there is no cause for alarm on the part of anyone. Consideration and study of this very complex question will be continued by the War Department, and any plan that may be submitted will have the serious consideration of Congress.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. I yield.

Mr. NEWTON. There has been, of course, I presume, a deterioration of the reserve carried over from the World War?

Mr. BARBOUR. Yes. There always is.

Mr. NEWTON. And there has been a using up of this reserve year by year, and it would seem to me that we must figure, after having used up a large portion of our reserve, on increasing our supply from time to time in the future if we are going to carry an adequate reserve.

Mr. BARBOUR. This bill carries an increase, not large. It will provide, for instance, about 70,000,000 rounds of .30-caliber ball ammunition. It will also provide other types. Then we are having a great deal of experimentation. We are experimenting with field pieces. Our Ordnance Department is making real progress in the development of field guns that are far superior to anything we had in the World War. As the tests go on and the efficiency of these new guns is proved, many of them will require new types of ammunition. It is a complex question.

Mr. NEWTON. It is; but this, of course, remains true, that in the event of emergency it will take a substantial time to get any real capacity production of those heavy shells.

Mr. BARBOUR. Yes; of course, as to some of the types of ammunition, particularly the heavier types, we are not at this time up to the requirements for a well-equipped Army of 1,000,000 men. In other respects we are in very good condition. It is estimated that it will take six months under present conditions to bring our production in this country up to the point where it would meet requirements, and that is estimated on the basis of ammunition expended during the World War. For the heavier types it will take possibly a year or longer.

But we should take into consideration the fact that we are geographically isolated. We have no great military power on our borders. It would be necessary, before we were in danger in this country, for some enemy to come across the sea and land large forces on our shores. That would mean that our Navy would have to be wiped out of existence before the enemy could land. Surely we have a certain amount of ammunition on hand, and surely we can stand them off for some time with no additional production. An enemy is not going to land on our shores right away by any means, and there will be a period of time during which our industries can be getting upon a large production basis.

These proposed educational orders which the War Department is planning now to issue to the manufacturing industries of the country are calculated to place them in a position so that each year they will be able to furnish the War Department with ammunition of the type required. Having the machinery and the trained men on hand, the time required for those industries to get into the production necessary to meet requirements will be materially shortened.

Mr. NEWTON. Is the department carrying on any study through a commission such as was suggested in the publicity that was given a month or six weeks ago, at the time an article appeared in one of the local papers?

Mr. BARBOUR. There is a board in the War Department that is studying this question all the time.

Mr. NEWTON. But I understood they were going to call to their assistance a commission of civilians as advisers.

Mr. BARBOUR. I could not say as to that, but that proposition was suggested, as I recall, in one of the articles that was published.

Mr. NEWTON. I am glad the committee is going over it so carefully, because it seems to me that when you use up munitions the way they were used in one day in a World War major engagement we ought to consider that very carefully.

Mr. BARBOUR. The committee does not intend to convey the impression that we have a full reserve on hand of all types, according to the War Department's program, but as to some types we are quite well supplied and in other types we are fairly well supplied. Taking the whole situation together, there is no cause for alarm, in the opinion of the committee.

Mr. NEWTON. In those where they are not so well supplied is the appropriation being increased so they can be brought up?

Mr. BARBOUR. Some of those types, as I recall, are types which will be used in guns with which they are now experimenting for the purpose of development, but, as I have already stated, as to some of our types we are very well supplied. It is a complicated question. The committee did go into it very carefully, and most of the testimony we received was confidential testimony of the War Department and therefore was not published in the hearings, but it is on file in the records of the Committee on Appropriations.

For chemical warfare the committee has provided the same amount as in 1928. The 1928 bill provided for 30,000 new gas masks. The Bureau of the Budget recommended 21,000 new gas masks for 1929 and the committee increased this number to 24,667. That is an odd figure, but in the opinion of the committee the Chemical Warfare Service will probably be able to save enough money to bring the production of gas masks for 1929 to something like 25,000. The Chemical Warfare Service will also carry on tests for protective clothing, which it is developing for protection against mustard gas.

The National Guard is very well taken care of in the bill. There is an increase in the appropriation for the National Guard over 1928. The present bill will provide for about 2,000 additional men in the guard for the purpose of rounding out existing units. The present authorized strength of the National Guard is 186,260 men, and the 1929 bill will add about 2,000 more. It is the plan of the Militia Bureau to reach about 190,000 men in 1930 and to go on up until the guard reaches a strength of 210,000 men. This bill provides for 48 days of armory drills and 14 days at camps.

For the Organized Reserves we have provided 14 days' training for 16,000 men. Last year we provided 14 days' training for 16,382 men. The Bureau of the Budget recommended this year 14 days' training for 15,125 men. Representatives of the Organized Reserve Association asked for the training of 20,000 men, and the committee has provided for the training of 16,000 trainees for not to exceed 15 days. We also provide for the training of 600 officers of the Organized Reserves for a period of more than 15 days. Last year we provided for the training of 627 officers of the Organized Reserves for periods of more than 15 days. This number includes the 110 Organized Reserve officers who will go into the Army Air Corps for one year's intensive training.

There has been considerable discussion as to the adequacy of the appropriations for the Organized Reserves. Perhaps most of you have received communications from friends at home urging larger appropriations for the Organized Reserves. I want to say to the House that the Organized Reserves present to our committee one of the most difficult problems we have to contend with. On the one hand we have the War Department, which wants to maintain a well-balanced and well-rounded organization so far as the Army, the National Guard, the reserves, and all other components are concerned.

Then we have those very fine gentlemen, members of the Organized Reserve Association, who annually come before our committee and ask for the training of a much larger number of trainees than we have previously trained. We have as yet been unable to get from the advocates of training a larger number of reserves definite figures which would warrant us in recommending appropriations for the training of a larger number than we have been carrying along. The Organized Reserves are composed of men in civilian life. Many of them are former World War officers and many are graduates of the Reserve Officers' Training Corps at the schools and colleges. It is difficult for us to find out just how many of these men will go to the camps and just how many of them should go to the camps. There are many men in the Organized Reserves who are earnest and enthusiastic officers. They are valuable men to the War Department and to the Government. They earnestly carry on their studies every day of the year, and when the time comes for the training camps those men are ready and prepared to go and take the 14 days' training that will be of real benefit to them and make it possible for the Government to get a return of 100 cents on the dollar expended.

There is another considerable number of reserve officers who do not keep up their studies during the year, and if they go to training camp they are not properly prepared to take the training and get the full benefit of it.

So the question we have had to solve, or try to solve, is just how many of these men should go to the camps. I want to say that the feeling of the committee toward the Organized Reserves is very friendly, but because of this indefinite, uncertain information that has come to us—that is, indefinite and uncertain so far as basing appropriations upon it is concerned—we are loathe to recommend more trainees than we have provided for in this bill.

The CHAIRMAN. The gentleman from California has consumed one hour.

Mr. BARBOUR. I yield myself another half hour, Mr. Chairman.

The CHAIRMAN. Without objection, the gentleman will be recognized for an additional 30 minutes, the allotment of time being under his control.

There was no objection.

Mr. BARBOUR. In this connection I simply want to quote briefly from the testimony of Major Wainwright, who is the Regular Army officer in the War Department in charge of the reserves' work. This is his language given to the subcommittee:

> This committee has in the past provided ample money for training reserves. I do not think any great harm will result to the reserves with this appropriation.

He was then speaking of the Budget recommendation. The committee has increased that so as to provide for 875 more trainees than Major Wainwright was speaking about.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from New York.

Mr. LAGUARDIA. During the past year I had a great deal of correspondence from reserve officers. I followed it up very carefully, and I think most of it was inspired by the Regular Army men who are assigned to this work; I suppose with the best of motives. But they made quite a fuss about reducing the number of days of training from 15 to 14. A careful examination among the reserves showed that they hardly noticed it; but these men made quite a lot of fuss about it, and I am of the opinion that was all inspired.

Mr. BARBOUR. I will say to the gentleman from New York that the committee has made a suggestion to the War Department and the Secretary of War has advised the committee that orders have already been issued to carry its suggestion into effect. The suggestion is that an investigation be made of the reserves, right down through the corps areas and into the units; that the War Department require the corps area commanders to require the Regular Army officers on duty with the units to submit reports to the corps area commanders and then to the War Department, showing how many reserve officers these Regular Army officers are working with, who are in branches that should be trained—and some of the branches it is not intended to train at all—how many are keeping up their work, how many might be classed as inactive because of lack of interest in their work; and to furnish information along several different lines, so that next year we will have a more definite and concrete picture of the Organized Reserves than we have ever had before.

One trouble has been that the War Department officers in charge of the reserves have not all this detailed information. They say the reserve activities are carried on through the corps area commanders and much of this informataion is in the hands of the corps area commanders, if it exists at all.

So we have asked them to gather this information and have it ready for our committee next year, and the Secretary of

War has assured us that orders have already gone out to carry this suggestion into effect.

Mr. LAGUARDIA. I still maintain that the position I have always taken since the war is correct. I believe it is contrary to the spirit of what we intended to be our reserve and National Guard to figure the penny and the mileage and to pay high salaries in the higher ranks as we are doing in the reserves.

I do not want to say it is the general rule, but I have heard and have received some mail which would also indicate that the greater interest is in the pay allowance rather than anything else, and perhaps we are going a little too far on that.

Mr. BARBOUR. The testimony given to the committee shows that the average pay to reserve officers who go to training camps for not to exceed 15 days' training, their pay and their allowances and their mileage and everything is about $132 for the two weeks. A captain in the reserve going to training camp for not to exceed 15 days will draw somewhere in the neighborhood of $150 for the two weeks.

Mr. LAGUARDIA. The gentleman will perhaps remember that I made a statement during the consideration of the last War Department appropriation bill, and shocked my colleague, the gentleman from New York [Mr. WAINWRIGHT], about the padding of the pay roll. This summer some militia officers were indicted in one of our States and there has been a very wholesome change in my own State in this respect.

Mr. WAINWRIGHT. I will say to the gentleman that my only familiarity is with the National Guard of our own State.

Mr. LAGUARDIA. That was in the old days.

Mr. WAINWRIGHT. And even in the old days I do not think there were practices of the kind the gentleman refers to.

Mr. LAGUARDIA. But in the old days we did not pay them per drill. That is the vice of the whole thing.

Mr. WAINWRIGHT. Will the gentleman yield for a question?

Mr. BARBOUR. Yes; I yield to the gentleman from New York.

Mr. WAINWRIGHT. How many reserve officers are there?

Mr. BARBOUR. According to the latest figures, approximately 110,000.

Mr. WAINWRIGHT. That is quite an increase over last year?

Mr. BARBOUR. An increase of about 5,000.

Mr. WAINWRIGHT. How many of them took the 15 days' training?

Mr. BARBOUR. Last year 16,382.

Mr. WAINWRIGHT. And how many applied for it?

Mr. BARBOUR. I do not know. The committee was not furnished information as to that.

Mr. WAINWRIGHT. I notice that the appropriation for the Organized Reserve is reduced $102,000 from last year. Is that because it was thought it was not necessary to afford as many men an opportunity for training?

Mr. BARBOUR. We do not afford the opportunity for so many men.

Mr. WAINWRIGHT. What is the number provided for in this bill?

Mr. BARBOUR. Sixteen thousand—382 less than provided for in the 1928 bill.

Mr. WAINWRIGHT. And the War Department thinks that is sufficient?

Mr. BARBOUR. They have so informed the committee. The fact of the matter is the War Department informed the committee that the Budget provision was satisfactory.

Now, as for the Reserve Officers' Training Corps, the activity carried on at the schools and colleges, provision is made for 125,141 students. Many of you have received communications in regard to the Reserve Officers' Training Corps in relation to the commutation in lieu of uniforms. Heretofore some institutions have drawn a uniform equipment from the Government. Certain institutions preferred a distinctive uniform of better quality and wanted to pay more money for it. The Government had been allowing $36 every two years for each man in an institution of this kind. Last year the committee cut the commutation allowance down to equal the value of the issue in kind, which was $7.15. There has been a great deal of complaint from schools that heretofore have had the larger commutation, and the War Department and the Bureau of the Budget recommended this year that enough money be appropriated to provide the former commutation of $36 for two years, or an average of $18 a year, and to pay $30 one year and $6 the second year. That would restore the commutation to the advanced student in the Reserve Officers' Training Corps. That was the recommendation of the War Department, and I understand it will be satisfactory to those institutions that have complained about the rather drastic cut that we made last year.

Mr. BURTNESS. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. BURTNESS. The course at the colleges is divided into two parts?

Mr. BARBOUR. Yes.

Mr. BURTNESS. And in that division naturally the freshmen and sophomores will come in for the lower grades?

Mr. BARBOUR. Yes.

Mr. BURTNESS. And they received 30 cents a day commutation?

Mr. BARBOUR. They all receive 30 cents a day commutation for subsistence whether they are advanced or basic students.

Mr. BURTNESS. The senior students receive 70 cents a day commutation?

Mr. BARBOUR. That is when they go to the summer camps. When they go to the summer camps they are allowed a ration valued at 70 cents a day and transportation.

Mr. BURTNESS. And subsistence allowance is the same for all four years?

Mr. BARBOUR. Yes; when they are members of the unit.

Mr. BURTNESS. Why should not the freshmen and the sophomores receive as much allowance for uniforms as the juniors and seniors?

Mr. BARBOUR. If I answered the gentleman it would not be a satisfactory answer.

Mr. BURTNESS. I wondered why there was a difference in the allowance?

Mr. BARBOUR. As our friend Sam Winslow once said, "Do you want an answer to that question, or is the purpose of the question answered by the asking of it?" [Laughter.]

I will say this to the gentleman, that the lower-grade students are men who are generally required by the institution to take the military training. In many institutions they take military training, football, boxing, or swimming. They are required to take some physical training.

A good many take the R. O. T. C. training, and those in the lower grades are generally younger men. When they get into the advanced grades the training is elective. The men who are going into that are men interested in the work and who want to pursue a military course. They become officers, and naturally the officer expects to have possibly a little better uniform than the privates.

Mr. BURTNESS. The $7.15 is an annual allowance.

Mr. BARBOUR. That is annual.

Mr. LAGUARDIA. What is the theory of giving the students 30 cents a day?

Mr. BARBOUR. That is in the way of compensation for the time they give to military work while they are taking these courses at the universities or colleges.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. WAINWRIGHT. The R. O. T. C. is, of course, the basis of the whole reserve officers' structure. How many R. O. T. C.'s were there last year?

Mr. BARBOUR. This bill will provide for 125,141. There were something over 120,000 last year.

Mr. WAINWRIGHT. How many of them were actually commissioned last year?

Mr. BARBOUR. About 5,000.

Mr. WAINWRIGHT. Has the gentleman anything to show whether these young men after they get their commissions proceed and take their training for the next two or three years following the issuance of the commissions?

Mr. BARBOUR. The gentleman will find different groups. Some of them become very enthusiastic officers of the Organized Reserve, and others do not. Lots of them do not even take their commissions in the Organized Reserves, but it is generally the advanced students who do. They are the men who are interested in the military training and who want to follow it up, and they are the men this increased commutation will be paid to.

Mr. WAINWRIGHT. Does the gentleman think there are enough of them following up their course to a conclusion and taking their commissions to really justify us in keeping up this whole system of reserve officers' training?

Mr. BARBOUR. That would be my view of the matter; yes.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. BRIGGS. Is the appropriation carried in this bill in conformity with the recommendations of the War Department?

Mr. BARBOUR. Yes.

Mr. BRIGGS. I mean in so far as the Reserve Officers' Training Corps is concerned?

Mr. BARBOUR. The gentleman means the War Department?

Mr. BRIGGS. Yes; the allowance for commutation of uniforms, and so forth.

Mr. BARBOUR. Yes; that is recommended by the Secretary of War.

Mr. BRIGGS. And it provides readjustment and increase over the allowances of last year?

Mr. BARBOUR. Yes.

Mr. BRIGGS. Just about to what extent?

Mr. BARBOUR. We have been allowing an average of $7.15 a year. This will allow to advanced students $36 over a period of two years; that is, $30 the first year and $6 the second, upon the theory that a uniform will last two years. It will cost in the beginning about $30. That is all of the commutation he would receive anyway, even though it does cost more. Then the second year the $6 will provide for renovation and for caring for the uniform and putting it in shape.

Mr. BRIGGS. And they have the same allowances on the first and the second year?

Mr. BARBOUR. Yes. They get $7.15 a year.

Mr. BRIGGS. In other words, it means an increase over two years, and a compromise basis is obtained from what you had before and what is in this bill.

Mr. BARBOUR. I understand that this will be a satisfactory arrangement.

Mr. BRIGGS. With all of the schools and colleges who handle this?

Mr. BARBOUR. That is my understanding.

Mr. BRIGGS. You have been conducting these activities?

Mr. BARBOUR. Yes.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. BURTNESS. What is carried in this bill, however, does not restore the situation to what it was more than a year ago, does it?

Mr. BARBOUR. Not more.

Mr. BURTNESS. It does not restore it to the basis that existed prior to last year?

Mr. BARBOUR. No. I understand that in some institutions young men who were taking the training in the lower grades were allowed a greater commutation than they are now receiving. Many of those young men were taking training because they had to take some physical exercise. They were not the young men who were following this work up because they were interested in it, and who later would become of value to the Government.

Mr. BURTNESS. Is not this the first time that you are in any bill making any distinction between the first two years and the last two years of the four-year training in so far as commutation for uniforms is concerned?

Mr. BARBOUR. Only so far as commutation is concerned. All the way through there is a distinction made between the advanced students and the basic students. That distinction exists all the way through this legislation.

Mr. BURTNESS. But I am talking about the students in the Reserve Officers' Training Corps work. Until a year ago were they not allowed the same commutation for uniforms, regardless of the class they were in. That is, for the first two-year period they receive $30 plus $6 the second year, and when they go into the second section they received the same allowance of $30 the first year and $6 the second year for renovation?

Mr. BARBOUR. That is my understanding of the situation that prevailed at the institutions where commutation was paid. A lot of the institutions have not drawn this commutation. They have taken the issue in kind.

Mr. BURTNESS. Of course, the gentleman realizes that $30 will buy only a very poor uniform and a couple of shirts, and that is all there is to it. It does not purchase anything else.

Mr. BARBOUR. Oh, there is no reason why the taxpayers should entirely clothe these students.

Mr. LAGUARDIA. Perhaps the gentleman from North Dakota thinks that we should give them all a tuxedo and try to make hard-boiled soldiers out of them.

Mr. BURTNESS. Oh, the gentleman from North Dakota is not contending any such thing; but the gentleman does feel that this is the cheapest insurance the Nation has, and that it would encourage these young fellows going from their various homes to attend school if they could be given enough to at least buy a khaki uniform and a couple of shirts during the two years they serve.

Mr. BARBOUR. But they get those.

Mr. BURTNESS. Preparing themselves to defend the country.

Mr. BARBOUR. They get those.

Mr. BURTNESS. They can not get them for $7.15 a year.

Mr. BARBOUR. They get them. The hearings show that they get a complete outfit. Those who take the issue in kind get shirts and belt and hats and an entire outfit.

Mr. BURTNESS. That cost the Government $7.15?

Mr. BARBOUR. That is the value. Those things are purchased in large quantities and at a very low rate.

Mr. BURTNESS. I understood that that simply provided a pair of trousers and a jacket, and nothing else. If they take an issue in kind, of course, they take it out in money, and provide the uniform prescribed by the college. But the gentleman will readily understand that it will not be a proper uniform.

Mr. BARBOUR. If we are going to buy uniforms for all these young men, a very good argument could, perhaps, be advanced for providing uniforms for all students in all schools and colleges. Over $2,000,000 additional of the expense of the Regular Army goes directly to the Reserve Officers' Training Corps on account of the Regular Army officers stationed at these institutions for the purpose of training these students.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. BULWINKLE. Do you provide for hostesses at these citizens' training camps?

Mr. BARBOUR. We provide the same amount as last year, but no special appropriation is made for the hostesses.

Mr. HUDSON. Does not the gentleman think there should be a fairly liberal appropriation for these hostesses? The States are now taking care of them, as they did in the war period; but I think Congress should be generous in this matter.

Mr. BARBOUR. I think Congress has been generous.

Mr. LAGUARDIA. What is their function in a military camp?

Mr. BARBOUR. Is the gentleman from New York asking me that question, or is he directing it to the gentleman from Michigan?

Mr. LAGUARDIA. To the gentleman from Michigan.

Mr. HUDSON. I would reply to the gentleman from New York that the duty of hostess at these camps is the same as the duty of hostess in his own home. I do not think there should be any departure by the Committee on Appropriations on this matter from the proposition of last year.

Mr. LAGUARDIA. I have attended those camps where they did not have any hostess.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. SNELL. As I understand, the appropriation this year calls for exactly the same appropriation that was carried last year.

Mr. BARBOUR. Yes, sir; for citizens' military training camps.

Mr. SNELL. And it is the expectation of the committee that that sum and any balance that may be carried over will enable them to train about 35,000 men in the coming season?

Mr. BARBOUR. That is correct.

Mr. SNELL. That is the fixed policy. That is, they will train about that many and not lower it?

Mr. BARBOUR. Yes. That is a well-rounded program and it contemplates 35,000 trainees at the training camps.

Mr. SNELL. Under normal conditions that makes a reasonable number each year, with which every Member will be satisfied?

Mr. BARBOUR. I think so.

Mr. SNELL. I think if we do that each year we will be doing practically all that should be asked.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from New York.

Mr. WAINWRIGHT. This is a very important question. We all realize that this citizen military training camp is a tremendously important thing. As a matter of fact, we actually trained almost 40,000 last year. The effect of continuing the appropriation of last year will mean that fewer of the young men will be afforded the privilege of this training this year than last year. In my judgment we should continue this progressively and not stop at 35,000. I think we should this year provide for at least 40,000, and finally get it up to 100,000, which was originally contemplated.

Mr. SNELL. I am just as much interested in the citizens' training camp as any other man in this House. I think we should agree upon a moderate even number, and adhere to that every year, and not go up and down as Congress may happen to feel about it at the time. The chairman of the committee says that it will make a fairly well-rounded program if we train 35,000. So far as I am individually concerned, I would be satisfied better with 40,000; but, taking the country at large, I think the people regard 35,000 as a proper number. We should have a fixed policy of training 35,000, instead of going

above or below. I think the committee has done very well. Although the largest training camp in the country is located in my district and my people are asking for more, I think the committee is right, and I will stand by its recommendations.

Mr. MADDEN. Mr. Chairman, I am as strong for the adequate treatment of this subject as anybody. Some want a very large Army. They say we have 110,000 reserve officers. A very large percentage of them are in the procurement divisions. They do not need any military training. They would not take any such training if we gave it to them. Then we train about 125,000 R. O. T. C. students and about 180,000 National Guards men in one way or another. We also train 35,000 in the civilian camps.

Well, the reserve officers are all lovely and fine, but they are getting a year older every year, and in time of war five years from now most of them would be of no use, and they would not be needed, and they would not be accepted, and any money spent upon them now would be that much money wasted.

We must have common sense about these matters. We have 6,000 men in the Philippine Scouts. We have an Army of 118,000. We have 17,500 marines. I do not know whether they belong to the Army or to the Navy. Sometimes it is claimed they belong to the one, and sometimes to the other. A lot of people would like universal military training at a cost of $900,000,000 a year. Others would like to have a half million or more men in the Regular Army. We are training now about 600,000 people a year for the Army, including the civil components. For God's sake, how many more do you want?

Mr. SNELL. That is exactly the point I was making. I want to train a reasonable number every year and not go away up one year and away down the next year.

Mr. MADDEN. That is what we are trying to do.

Mr. SNELL. We should adopt a national policy that is fair and one which represents a fair cross section of the extremists on one side and the extremists on the other.

Mr. MADDEN. I am sure that is what the gentleman wants, and he and I agree on it.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from New York for a moment, because I must proceed.

Mr. WAINWRIGHT. Why should we stop at 35,000? If you will examine the figures as to the number we have trained since this system was established you will find the number has increased every year.

Mr. SNELL. I know; but we have gotten it up to what is a fair number and it fairly fits in with the general proposition as to the whole country.

Mr. WAINWRIGHT. But why should we stop at 35,000?

Mr. SNELL. You might say, why stop the Army at 115,000.

Mr. WAINWRIGHT. The number contemplated was 100,000. This year we trained nearly 40,000, and there were nearly 60,000 of these young men who applied for this training.

Mr. TABER. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. TABER. Is it not a fact that the House understood 35,000 were to be trained and then the Army found some extra money which they used for the purpose of training more men? They should not have spent that money for that purpose, and that is the trouble with the situation now.

Mr. WAINWRIGHT. I am sorry they could not have spent more than they did spend.

Mr. BARBOUR. Let me say to the gentleman from New York that we provided last year for 35,000 trainees; then the corps area commanders found, when the time for the camps came along, that they had some money left over. Instead of turning that money into the Treasury and possibly making it available for this year they spent it in training more men, knowing that Congress had fixed the number at 35,000. They went ahead and trained something like 3,000 more trainees when Congress had fixed the number by its appropriation—at 35,000. Now, that was wrong and the Secretary of War says it was wrong and should not have been done.

Mr. WAINWRIGHT. It was no more wrong than their coming back this year and asking only enough money with which to train 30,000.

Mr. BARBOUR. I do not mean it was morally wrong, but it certainly was not good business to spend that money when Congress had authorized a smaller amount for the purpose.

Mr. SNELL. That is one reason why I say we should have some fixed policy and say we are going to train 35,000.

Mr. WAINWRIGHT. As a matter of fact, the committee has increased the number over the number proposed by the War Department. The proposal of the War Department was for 30,000, while the committee has increased the number to 35,000.

Mr. BARBOUR. We have increased the Budget estimates which provided for 30,000 trainees and put in enough money to train 34,000 trainees. If they have a little more money than was necessary to carry them over last year then they can take care of the other 1,000.

Mr. WAINWRIGHT. I think the committee is to be commended for going ahead of the War Department.

Mr. BARBOUR. The idea of the committee was to carry out a program as suggested by the gentleman from New York [Mr. SNELL] and train about 35,000 men.

Mr. HUDSON. Has the chairman any data as to how many of these trainees repeat; that is, take more than one year's training?

Mr. BARBOUR. No; but many of them do. It is considered desirable.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. HARRISON. Mr. Chairman, the gentleman from California has been greatly interrupted, and if it would accommodate him, I would be glad to yield him 15 minutes of my time.

The CHAIRMAN. The gentleman from Virginia yields the gentleman from California 15 additional minutes.

Mr. BARBOUR. I thank the gentleman. I have taken more time than I intended to take, but there are some important items in the bill which should receive consideration and I will try to pass over them as rapidly as I can. I will first refer to rifle practice. Most of the Members of the House have received communications from constituents with relation to appropriations for rifle practice. This bill provides for furnishing rifles and ammunition to the 1,560 rifle clubs that exist in this country. The persons interested in these clubs state they hope to have 1,600 clubs in the country. There are about 100,000 members of those clubs. This appropriation will provide 120 rounds of .30-caliber ammunition for each man firing and 200 rounds of .22-caliber ammunition for each man firing. Each club is furnished with two .30-caliber rifles and two .22-caliber rifles.

A good deal has been said about the fact that the bill does not make any provision for the national rifle matches this year. In the 1927 bill no provision was made for the national rifle matches. The War Department at that time recommended that the matches should be held biennially instead of annually and the War Department advised the committee that such arrangement would be satisfactory. No matches were held during the fiscal year ended June 30, 1927, which would have been provided for in the appropriation bill for the fiscal year 1927. We provided for national matches in the 1928 bill, and those matches were held during September, 1927, at Camp Perry, Ohio. Carrying out the program of the War Department the committee has not provided in this bill for national matches to be held at Camp Perry this year.

There is a rather decided difference of opinion as to the value of these national matches being held every year. They are an expensive proposition. They run into big money, and the committee thought that in making this provision for the home training of the members—a quite liberal training, let me say—we could very well dispense with the national rifle matches during the coming summer, as we did during the summer of 1926.

Mr. BEEDY. Will the gentleman permit an interruption?

Mr. BARBOUR. I yield to the gentleman from Maine.

Mr. BEEDY. I do not think I understand the gentleman exactly. The gentleman meant to say, I take it, that you had made no appropriation for any national match in the year 1928.

Mr. BARBOUR. In 1928; yes.

Mr. BEEDY. And I understand a proposal to provide for a national match in 1929 would be looked upon with favor by the committee.

Mr. BARBOUR. That would be according to the program; yes. Subsequent, of course, to June 30, 1929.

Mr. BEEDY. Now, may I ask what is the appropriation this year for the training of the clubs in the various States?

Mr. BARBOUR. Two hundred and six thousand eight hundred and seventy-five dollars.

Mr. BEEDY. And how does that amount compare with the appropriation made for that purpose in the last bill?

Mr. BARBOUR. The estimates for national matches run all the way from $500,000 or $600,000 up to $1,000,000. We can safely say, I believe, that the national matches will cost in money $575,000. I think this is a very conservative estimate. Then in addition, it is necessary to send a regiment of Regular Army soldiers to Camp Perry to man the rifle butts and the targets, and they are kept there for 30 days on a disagreeable service, a service that they did not enlist in the Army to perform and a service that they do not want to perform.

They are required to handle these targets and the other equipment at the rifle ranges. There is the expense of this detail, which the Secretary of War informed me is in addition to

the direct expense for the rifle matches, and, of course, the expense of this regiment of Infantry would come out of the Regular Army appropriation.

Mr. BEEDY. I do not think the gentleman understood my last question. The gentleman has stated that there is appropriated in the bill $206,000 this year.

Mr. BARBOUR. That is for 1929.

Mr. BEEDY. For the national match?

Mr. BARBOUR. No; for the training of the members of these rifle clubs at their homes.

Mr. BEEDY. How does that compare with the same item in the last appropriation bill?

Mr. BARBOUR. As I recall, it is a little more than it was last year.

Mr. BEEDY. And the last appropriation for the national matches was how much?

Mr. BARBOUR. I have not that information at hand, but it all appears in the hearings, I will say to the gentleman from Maine.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. LAGUARDIA. We passed a bill in the House a few days ago authorizing national matches; was that yearly or biennially?

Mr. BARBOUR. Yearly.

Mr. LAGUARDIA. So the committee will be confronted with that situation if the bill is passed at the other end of the Capitol?

Mr. BARBOUR. If that bill is passed by the Senate and signed by the President, the committee will have that before it next year.

Mr. COLLINS. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from Mississippi.

Mr. COLLINS. In this connection I might add that there were only 34 citizen teams of 13 men each, and these 34 teams would cost anywhere from $600,000 to $1,000,000 annually.

Mr. BARBOUR. I will say that the gentleman from Mississippi [Mr. COLLINS] went into this matter to a considerable extent. At any rate, the committee feels satisfied with the provision that has been made for national rifle practice.

Mr. LEAVITT. Will the gentleman yield for a question?

Mr. BARBOUR. I yield to the gentleman from Montana.

Mr. LEAVITT. The gentleman spoke of home training for these rifle clubs for the years when the camps are not held.

Mr. BARBOUR. The home training is every year.

Mr. LEAVITT. Of what does that consist?

Mr. BARBOUR. They are furnished with two rifles of .30 caliber, two rifles of .22 caliber, and 120 rounds of .30-caliber ammunition for each man firing, and 200 rounds of .22 caliber ammunition for each man firing. This is all given free by the Government. They are also furnished with targets and other equipment that they need in this rifle practice. It is all at the expense of the Federal Government.

In concluding the discussion of the military items I simply want to call the attention of the House to a few observations of the Secretary of War when he was before the committee as to the adequacy of the appropriations carried in the bill.

Speaking of the estimates for the Air Corps, he said:

> I feel that the estimates for 1929 are very fair. I think they are quite liberal.

With respect to the citizens' military training camps, the Secretary of War said:

> Thirty-five thousand trainees is the number the War Department has in mind as being reasonable in a whole, well-rounded scheme.

As to the training of the Organized Reserves, which we discussed a few moments ago, the Secretary said:

> We would like to train a few more men, but we thought the number provided for in the estimates about right in a rounded-out program.

And the committee has increased the number over the number recommended in the Budget estimates by 875 trainees.

As to the national rifle matches, the Secretary of War said:

> While rifle practice is a valuable asset, it is a rather expensive proposition, and we felt it would be fair to work out a plan by which these matches would be held every other year. I am inclined to think that is a sound decision.

These statements of the Secretary of War will be found in the hearings.

Mr. LETTS. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from Iowa.

Mr. LETTS. On page 44 I find an item for the Moline-Rock Island Bridge.

Mr. BARBOUR. Yes; that is provided for in this bill, I will say to the gentleman.

Mr. LETTS. I would like to inquire if it is the opinion of the committee that the erection of a drawbridge at an expense of $50,000 at this point is in the interest of navigation?

Mr. BARBOUR. It was recommended by the Bureau of the Budget, and the testimony was that it was in the interest of navigation, because below the bridge there are industrial plants which can not be reached during high water under the bridge. It is necessary to have a lift in one span of the bridge. I do not want to enter into a discussion of this item now, because there are many more important items in the bill, but we can take it up under the five-minute rule.

Mr. LETTS. I want to make this observation, that there has not been a boat passed through there for so long that one can not remember when it did pass through.

Mr. BARBOUR. It could not pass until there was a lift put in.

Mr. LETTS. There is only one concern to be benefited, and if Congress is going to give $50,000 to a private concern I am satisfied that it should go to this powder company.

Mr. BARBOUR. It is also for the benefit of the Government-owned land on the island.

Mr. LETTS. It is for the benefit of this powder company. This may be in line with a protracted effort that has been made by the Moline Power Co. and the John Deere Powder Co. to throw the Mississippi Channel to the Illinois side of the Rock Island Arsenal rather than to the Iowa side.

Mr. BARBOUR. There is a dam built on the Illinois side.

Mr. LETTS. If this is permitted, the next thing will be to put a drawbridge between the lower end of the island and Rock Island.

Mr. BARBOUR. I would like to yield more time to the gentleman to discuss that, but we can take it up under the five-minute rule.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. WAINWRIGHT. I want to remove a mistake made early in the debate. The statement was made that there was no provision for remuneration for useful inventions. The gentleman from Connecticut [Mr. TILSON] has called my attention to a provision in the law under which the Secreary of War is authorized to offer annual prizes in the Ordnance Department for inventions in manufacturing processes which will effect economy, provided not more than a thousand dollars can be spent in one year for that purpose. It was a statute passed in 1912 at the instance of the gentleman from Connecticut.

Mr. BARBOUR. I am glad to know that that provision has been made.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. BARBOUR. I will yield to the gentleman.

Mr. JOHNSON of Texas. My attendance this morning on a committee has prevented my being here in the early part of the debate. It may be the gentleman has discussed the item in the bill to which I wish to refer. I want to inquire concerning the size of the appropriation in reference to barracks for the Army. I do not believe in a large Army, but I believe in taking care of what we have.

Mr. BARBOUR. The gentleman refers to the appropriation for housing. We are appropriating $4,874,000 and providing a contract authorization of $2,115,000, making a total appropriation and contract authorization of $6,989,000.

Mr. JOHNSON of Texas. And the gentleman thinks that is adequate?

Mr. BARBOUR. That will take care of all housing that has been authorized up to this time—that and prior appropriations. That is as far as our committee could go.

Now, we appropriate for Alaska $90,000 over the Budget. Last year we appropriated a million dollars for roads and trails, and this year the Budget recommended $500,000. We have been appropriating money to construct a road between Fairbanks and Circle, 155 miles long. We have already spent $400,000 on that road and it is very nearly completed. There are 106 miles out of Fairbanks finished, and 40 miles out of Circle, and there is about 9 miles in between that is not finished. The Budget recommendation carried no money to finish this road. We have put in $90,000, which will open the road through at a cost of $10,000 a mile. It will not place it in first-class condition, but it will open up the road.

There is a question as to the amount we should spend in Alaska. Alaska is a great big Territory, vast in its dimensions. If you take a map of Alaska and superimpose it on a map of the United States you will find that the westerly part on the Pacific coast and the easterly part on the Atlantic Ocean, and the southern part runs almost to the southern boundary of the United States, and the northern part to the Canadian line. And yet in all that great Territory there are only 40,000 to 50,000 people, natives and white people. About

50 per cent native and 50 per cent white. We have been liberal in appropriations for Alaska; we have built a railroad 476 miles long from the coast to Fairbanks.

We have built other roads. There are great resources in Alaska, it is true, but it is an open question right now as to how much money we should continue to spend on this vast area where so comparatively few people will get the benefit of it. The $500,000 recommended by the Bureau of the Budget will maintain the roads now in existence, but the committee felt that having gone as far as they have with the Fairbanks-Circle road, we ought to provide the money to put through the last 9 miles of it.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. McDUFFIE. I suggest to the gentleman that in addition to this figure the Congress has authorized an expenditure of a vast sum of money for harbors in Alaska.

Mr. BARBOUR. Yes.

Mr. McDUFFIE. The gentleman said that there were only 40,000 to 50,000 people now in Alaska.

Mr. BARBOUR. That is the testimony given to our committee.

Mr. McDUFFIE. And that the population is rapidly decreasing in Alaska?

Mr. BARBOUR. Yes.

Mr. McDUFFIE. Then, it is indeed a serious matter as to whether we should continue to spend a large amount of money there.

Mr. BARBOUR. Yes.

Mr. McDUFFIE. And the gentleman's committee has raised the Budget figures by $90,000?

Mr. BARBOUR. Yes; in order to put through the last 9 miles of the Fairbanks-Circle road.

Mr. McDUFFIE. Is that one of the narrow dog roads?

Mr. BARBOUR. No; this is a wide truck road.

The bill carries a proposed appropriation of $50,000,000 on account of existing river and harbor works. Included in this amount is $250,000 for examinations, surveys, and contingencies, objects which previously have been appropriated for separately. It also includes a new survey item of $1,500,000, in pursuance of the river and harbor act approved January 21, 1927, to cover surveys in the interest of navigation, flood control, power development, and irrigation. The amount proposed is in agreement with the Budget. As previously pointed out, the current appropriation on account of existing river and harbor works was increased by $5,000,000 in the deficiency act approved December 22, 1927, to take care of extraordinary expenditures occasioned by the flood, and the original current appropriation for examinations, surveys, and contingencies was increased by $50,000 in such act partly to meet the added cost of making the 160 additional examinations and surveys entailed by the new projects authorized in the river and harbor act approved January 21, 1927.

There are 555 projects to which this appropriation is applicable, either for maintenance or improvement, or both. Of this number 363 have been completed so far as the present needs of navigation warrant and are on a maintenance basis. This leaves 192 projects on which improvement work remains to be done to the extent justified by commercial uses and the Chief of Engineers estimates that to complete these projects to the extent necessary to meet the demands of commerce will cost approximately $250,000,000. As a considerable portion of the appropriation annually made is devoted to maintenance expenses it is now estimated that it will take eight or nine years to complete the work on the basis of an annual appropriation of $50,000,000.

Mr. McDUFFIE. I understood the gentleman to say that the bill carried $50,000,000.

Mr. BARBOUR. Yes.

Mr. McDUFFIE. In a lump-sum appropriation?

Mr. BARBOUR. Yes.

Mr. McDUFFIE. For general river and harbor developments, and the gentleman also says a million and a half dollars for surveys.

Mr. BARBOUR. No; that is included in the $50,000,000.

Mr. McDUFFIE. That is what I understood. Out of the $50,000,000 must come the survey item which, of course, comes from the lump-sum appropriation.

Mr. BARBOUR. That is right.

Mr. McDUFFIE. A million and a half plus a quarter of a million, which is used annually for making a preliminary study of given projects.

Mr. BARBOUR. Yes.

Mr. McDUFFIE. So that there is a million and three-quarters that must come from the $50,000,000. In addition to that I direct the gentleman's attention to the fact that the last Congress authorized new work to the extent of $73,000,000, including the survey work.

Mr. BARBOUR. If the gentleman from Alabama will permit me, it will cost to complete the projects authorized by Congress up to the present time from $400,000,000 to $500,000,000.

Mr. McDUFFIE. Yes; but much less than that to complete the more meritorious projects.

Mr. BARBOUR. Yes.

Mr. McDUFFIE. There are many projects authorized throughout the country on which the War Department very properly has stopped work, because they have determined that in many instances the expenditure is not justified.

Mr. BARBOUR. I will say that in addition to the $50,000,000 there is each year in the river and harbor fund a large carry-over, running sometimes as large as $25,000,000 or more of unexpended prior funds.

Mr. McDUFFIE. But not unallocated. It is all allocated.

Mr. BARBOUR. Yes; but those allocations may always be changed. Where conditions would develop that would indicate that a certain project is not meritorious, or that it is not as much so as another one, the funds can be taken and allocated to another project. We feel under the circumstances that this money will take care of the rivers and harbors. It is the same amount that we have carried along from year to year for several years past. There is $1,500,000 in here for survey for power, water storage, navigation, flood control, and so forth, and the committee feels that if more is needed the Board of Army Engineers will be able to find it in the $50,000,000.

Mr. MANSFIELD. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. MANSFIELD. For the purpose of getting the record straight, I notice that from the gentleman's report that the balance on hand is of July 1. The gentleman should bear in mind that that includes the $50,000,000 just appropriated.

Mr. BARBOUR. That is right.

Mr. MANSFIELD. And the real balance is only $19,000,000.

Mr. BARBOUR. Yes; but it sometimes runs as high as $25,000,000.

Mr. MANSFIELD. And I think the gentleman will find that we have expended $10,619,000 more than the $50,000,000 appropriation for 1927.

Mr. BARBOUR. They are spending on an average of something over $4,000,000 a month.

Mr. McDUFFIE. And that is all they can spend under the money that Congress appropriated for them; but the gentleman does mean to say that we could not use more in order to complete some of these projects which ought to be completed.

Mr. BARBOUR. I presume they could on certain projects use more money. I do not think there is any question about that.

Mr. HARRISON. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. HARRISON. I understand that $50,000,000 appropriated in this bill is part of the program adopted by the River and Harbor Committee; that they had a survey made or a calculation made in which there would be $250,000,000 needed for rivers and harbors improvement; and that under the five-year program that they have adopted each year we are to spend $50,000,000, and if we go above that we are breaking the rule that the River and Harbor Committee has imposed.

Mr. McDUFFIE. May I suggest, if the gentleman from California will yield, that I do not understand that the Rivers and Harbors Committee adopted that rule, or that there was any agreement. I want further to suggest to my distinguished friend from Virginia that the Committee on Rivers and Harbors, after this principle, as we will call it, was adopted by the White House or by the administration, $73,000,000 more work was authorized to be done.

Mr. HARRISON. These projects that have been certified and agreed upon and authorized by the Rivers and Harbors Committee are accepted, and we are simply carrying out the program that was provided.

Mr. McDUFFIE. But the gentleman seems to forget the fact that we have brought in new authorizations since that was embarked upon.

Mr. HARRISON. As I understand, there was an agreement for one year, that particular year, and since then all these additional projects which the gentleman from Alabama has called attention to have been added to the bill, and there will probably be $50,000,000 more. My understanding was that there was brought before the subcommittee a list of authorizations amounting to $250,000,000, which I understood was a part of the program that the Committee on Rivers and Harbors had agreed upon, and that $50,000,000 was to be appropriated each year.

Mr. BARBOUR. We were carrying appropriations for rivers and harbors at the rate of $40,000,000 per annum up to a few years ago, but I remember that at that time Members interested in rivers and harbors appropriations, whether they represented the Committee on Rivers and Harbors or not, came before our committee and suggested that this annual appropriation be increased from $40,000,000 to $50,000,000, and they assured us that that would take care of the matter satisfactorily. Since then we have done that, and nothing has been presented to the committee to change that situation.

Mr. McDUFFIE. The gentleman says that those gentlemen who came before the committee represented the Committee on Rivers and Harbors?

Mr. BARBOUR. Certain Representatives interested in river and harbor improvements appeared before the committee. I do not know whether all of them represented the Committee on Rivers and Harbors or not. They may have simply been interested in these appropriations.

Mr. LOZIER. Mr. Chairman, will the gentleman yield for a question?

Mr. BARBOUR. Yes.

Mr. LOZIER. The improvement of our national waterways is of vital importance and is much neglected by Congress.

Mr. BARBOUR. I yielded to the gentleman for a question only.

Mr. LOZIER. Does not the gentleman think that in view of the importance of the river and harbor improvements, the recommendations of the Board of Army Engineers when they asked for $55,000,000 for the next year should be followed? Does not the gentleman think that in view of the condition of the Treasury, the Budget and the Committee on Appropriations are not justified in refusing to give the Board of Army Engineers what they say they need to efficiently carry on the work?

Mr. BARBOUR. I will say to the gentleman from Missouri that I think that question might more appropriately be directed to the Director of the Budget. He has recommended $50,000,000.

Now, there is just one more item that I want to take up, and that is the Panama Canal. There is an increase of a little over a million dollars over the 1928 appropriation. This increase is to provide for overhauling the locks in 1929. They overhaul the locks every other year. It will cost $600,000 to do that work in the next fiscal year.

Then there is the Alhajuela Dam, about 12 miles up the Chagres River. It will form a vast storage reservoir at that point. The Governor of the Canal Zone stated to the committee that this dam would impound 23,000,000,000 cubic feet of water, and form a reservoir of 22 square miles, and furnish water for three and one-half to four times the present traffic of the canal. He says it will assure an ample water supply for the Gaillard Cut during all seasons of the year, will expedite the passage of vessels, and will reduce the possibility of accidents. It will also control floods and lengthen the period of operation of the hydroelectric plant at Gatun, and will reduce the cost of operation of the Diesel plant at Miraflores. The total cost of this project will be $12,000,000. It is hoped to finish it in six years. This appropriation will start the work.

The Panama Canal has just had a very successful year. The fiscal year 1927 was a record year, nearly equaling the year 1924, which was the peak. The average number of ships that passed through the canal during the first 10 days in December, 1927, was 20.2, as against 16 during December, 1926. The canal shows a profit from all activities for the fiscal year 1927 of $16,487,640. That is an increase over the total profits shown for the year 1926 of $494,652.25.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BARBOUR. Gentlemen, I thank you for your consideration and attention. [Applause.]

Mr. THURSTON. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. THURSTON. Will the gentleman's remarks show what portion of the appropriation is for purely military purposes as distinguished from nonmilitary purposes?

Mr. BARBOUR. Yes. That also appears in the report of the committee.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. BANKHEAD. With reference to the power plant at the Gatun Lock and Dam, does the gentleman know how much power that plant generates?

Mr. BARBOUR. I could not say as to that.

Mr. BANKHEAD. Is any of it used for commercial purposes, or is all of it utilized in governmental activities?

Mr. BARBOUR. I can get that information for the gentleman. It may be that it is in the hearings. So far as I can ascertain, this power is used exclusively for canal activities and Government purposes.

I could not give the gentleman that information offhand. I could get it for the gentleman or it may be in the hearings; but I doubt very much if it is in the hearings.

Mr. BANKHEAD. That has gotten to be a rather acute question in Congress now in connection with some legislation that is pending, and I was curious to know what the facts are with reference to it.

Mr. BARBOUR. It is my impression, from the testimony we have received from the Panama Canal officials, that it is all used in the Government activities down there.

Mr. BANKHEAD. I would assume that; but if the contrary is true, I would like to have the gentleman insert it, if it is not too much trouble.

Mr. BARBOUR. I thank the committee for its attention. [Applause.]

Mr. HARRISON. Mr. Chairman, I yield 20 minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman, the Review of Reviews is one of the most widely circulated and influential publications in the United States. It is ably edited by Albert Shaw, an outstanding scholar and publicist, whose review of public problems is usually fair and well considered. But in the September, 1927, issue of the Review of Reviews—page 244—Mr. Shaw makes a grossly inaccurate and misleading statement when he says:

> Under the Coolidge administration the national debt has been cut down by $8,000,000,000, about one billion a year.

This misstatement of fact has been given wide publicity and extensively quoted by other publications, and, as a result, the real facts have been obscured and the American public has been led into a serious misunderstanding in reference to the payments made on our national debt by the Harding-Coolidge administrations. Doctor Shaw credits the entire $8,000,000,000 reduction on our national debt to the Harding-Coolidge administrations, ignoring the indisputable fact that of the $8,000,000,000 paid on our national debt two and one-half billion dollars were paid in the last 18 months of the Wilson administration. Doctor Shaw's misleading statement has not been corrected in any subsequent issue of the Review of Reviews.

I cheerfully acquit Doctor Shaw of having intentionally made a misstatement. His judicial temperament, intellectual honesty, preeminence in his profession, and his enviable and well-deserved reputation for accuracy and fairness justify the conclusion that he unfortunately relied on information supposed to be accurate, but which proved to be unreliable.

No doubt Doctor Shaw based his statement on a misleading report issued last June by Undersecretary of the Treasury, Mr. Mills, which in effect credited the entire debt reduction of $8,000,000,000 to the Harding-Coolidge administrations because Mr. Mills, in his statement, studiously omitted any reference to the uncontroverted fact that practically one-third of the reduction in our national debt was made during the last 18 months of the Wilson administration.

I desire here and now to correct these misleading statements and to present the official statistics in reference to the payments made on our national debt since the conclusion of the World War.

I desire to analyze the debt-reduction policy of our Federal Government under the Wilson and Harding-Coolidge administrations. Our Republican friends are vociferously taking credit for all the payments that have been made on our national debt and are claiming an efficiency and practice of economy to which they are only in part entitled.

It is not my purpose to withhold credit where credit is due, but I desire in an impartial manner to review the reductions that have been made in our national debt, and give to each administration and political party the credit to which such administration or such party is justly entitled.

The armistice was signed November 11, 1918. Prior to that time the United States Government had been expending many billion dollars annually to win the war into which we were reluctantly drawn. When the armistice was signed our Government was obligated for billions of dollars on uncompleted contracts previously made for war material. Billions of dollars' worth of armament, war equipment, and supplies had been manufactured and were ready for delivery, while many more billion dollars' worth were being processed for early or later delivery.

We could not safely assume that the temporary suspension of hostilities incident to the armistice would be followed by a speedy and permanent peace, and it was wise and necessary that the production of war material continue until the armistice ripened into a stable peace. Many of these Government contracts were for battleships then in the process of construction but which could not be completed for many months.

The treaty of Versailles between Germany and the allied and associated governments was not signed until June 28, 1919, and pending peace negotiations our production of war supplies, equipment, and battleships continued, though moderately abated. Many of these Government contracts could not be canceled without tremendous waste or loss to the Nation or without violating well-established and sound public policy. Consequently our national obligations continued to increase until the summer of 1919, a few weeks after the treaty of Versailles was signed.

Our national debt reached its peak on August 31, 1919, the gross debt at that time being $26,594,267,878.45. Six months thereafter, on February 29, 1920, it had been reduced by the Wilson administration to $25,401,760,888.52, which was a reduction of $1,192,506,989.93 in six months, or at the rate of $2,385,013,979.86 per year. This was an average monthly reduction of $198,751,164.98, a record not surpassed or even equaled during the same length of time under the Harding-Coolidge administrations. In this short period of six months approximately 4½ per cent of our entire national debt was liquidated by the Wilson administration, the reduction being at the rate of 9 per cent of the principal per annum. If this rate established by a Democratic administration had been maintained, the entire war debt could have been liquidated in approximately 12 years.

In the 12 months between February 29, 1920, and February 28, 1921, our national debt was reduced by the Wilson administration from $25,401,760,888.52 to $24,049,527,788.58, being a total reduction of $1,352,233,099.94, which was an average monthly reduction of $112,686,091.66 for the last year of the Wilson administration.

During the last 18 months of the Wilson administration, between August 31, 1919, and February 28, 1921, the Wilson administration reduced the national debt from $26,594,267,878.45 to $24,049,527,788.58, being a reduction of $2,544,740,089.87 in 18 months, which was an average annual reduction of $1,696,493,393.24, or an average monthly reduction of $141,374,449.43 during the 18 months preceding the retirement of President Wilson from the White House. This record has not been approached under the Harding-Coolidge régime.

On February 28, 1921, four days before President Harding was inaugurated, our gross national debt was $24,049,527,788.58, and on December 31, 1927, it was $18,036,352,451.81, which shows a reduction of $6,013,175,336.77 during the 82 months covered by the Harding-Coolidge administrations. This is an average annual reduction of $879,976,878.48, as against an average annual reduction of $1,696,493,393.24 during the last 18 months of the Wilson administration.

The average monthly reduction during the 82 months of the Harding-Coolidge administrations was $73,331,406.54, while during the last 18 months of the Wilson administration the average monthly reduction of our national debt was $141,374,449.43.

Or to state the facts in another way, the average annual reduction of our national debt during the 82 months of the Harding-Coolidge administrations was $716,515,414.76 less than the average annual reduction during the last 18 months of the Wilson administration, and the average monthly reduction in the 82 months under the Harding-Coolidge administrations was $68,043,042.89 less than the average monthly reduction during the last 18 months of the Wilson administration.

The Wilson administration set the pace by reducing the national debt at the rate of $1,696,493,393.24 per annum, while the Harding-Coolidge administrations can show only an average yearly reduction of $879,976,878.48, which is only about one-half of the average annual reduction in the closing years of the Wilson administration.

The Wilson administration set the pace by reducing our national debt at the average rate of $141,374,449.43 per month, while under the Harding-Coolidge administrations it has been reduced at the average rate of $73,331,406.54 per month, or approximately only half the average monthly reduction in the closing years of the Wilson administration.

If the Harding-Coolidge big-business administrations had kept the pace set by the Wilson administration and reduced our national debt at the rate of $141,374,449.43 per month, as was done in the last 18 months of the Wilson administration, instead of our gross debt on December 31, 1927, being $18,036,352,451.81 it would have been only $12,446,822,935.32.

Or, to state the proposition in still another form, in the 82 months between February 28, 1921, and December 31, 1927, the Harding-Coolidge administrations reduced the national debt from $24,049,527,788.58 to $18,036,352,451.81, a total reduction of $6,013,175,336.77, which was at the average monthly rate of $73,331,406.54. Now, if the Harding-Coolidge administrations had maintained the rate of reduction established by the Wilson administration, the total reduction in the 82 months of Republican control would have been $11,446,822,935.32, or nearly double the actual reduction accomplished under the so-called Hamiltonian administration of Secretary Mellon.

Since August 31, 1919, our national debt has been reduced $8,557,915,426.64, of which sum $2,544,740,089.87 was paid in the last 18 months of the Wilson administration, and the sum of $6,013,175,336.77 was paid in the 82 months of the Harding-Coolidge administrations. Thirty per cent of the total reduction was made in 18 months under a Democratic administration and 70 per cent of the total reduction was made in 82 months under a Republican administration. It requires no expert mathematician to demonstrate that the reduction of our national debt was comparatively more rapid under a Democratic administration than under the big-business, special-privilege administrations of Harding and Coolidge.

I now propose to analyze the reduction of our national debt by years. In the six months between August 31, 1919, and February 29, 1920, as I have already shown, the Wilson administration reduced the national debt $1,192,506,989.93, which was a reduction of 4½ per cent of the gross debt in six months, or at the rate of 9 per cent per annum, which was at the average monthly rate of $198,751,164.98.

Between February 29, 1920, and February 28, 1921, the Wilson administration reduced the national debt $1,352,233,099.94, being at the average monthly rate of $112,686,091.66, or 5.3 per cent of the gross debt.

Between February 28, 1921, and February 28, 1922, the Harding administration reduced the national debt only $570,469,432.06, although during the preceding year under a Democratic administration the reduction had been $1,352,233,099.94.

The reduction during the first year of the Harding administration was only 2.3 per cent of the gross debt, while in the preceding year, under a Democratic administration, there was a reduction of 5.3 per cent of the gross public debt. Moreover, the average monthly reduction during the first year of the Harding administration was only $47,539,119.33, a petty sum when compared with the $111,686,091.66 which was the average monthly reduction in the preceding year under a Democratic administration.

During the second year of the Harding administration, from February 28, 1922, to February 28, 1923, the gross debt was only reduced $761,772,737.22, which was only 3.2 per cent of the gross debt. This was at the average monthly reduction of only $63,481,061.43, approximately one-half of the average monthly reduction in the last year of the Wilson administration.

During the third year of the Harding-Coolidge administrations, from February 28, 1923, to February 29, 1924, the gross debt reduction was $934,631,306.14, which was an average monthly reduction of $77,885,942.18, but slightly more than one-half of the average monthly reduction in the last year of the Wilson administration.

During the fourth year of the Harding-Coolidge administrations, between February 29, 1924, and February 28, 1925, the national debt was reduced $802,068,099.30, which was an average monthly reduction of $66,839,008.27, or approximately half of the average monthly reduction in the last year of the Wilson administration.

During the fifth year of the Mellon régime, between February 28, 1925, and February 28, 1926, the gross national debt was reduced $704,458,022.76, which was an average monthly reduction of $58,704,835.23, less than half the average monthly reduction during the last year of the Wilson administration.

During the sixth year of Mr. Mellon's administration of the Treasury Department, between February 28, 1926, and February 28, 1927, the national debt was reduced $1,123,577,640.42, which was an average monthly reduction of $93,631,470.03, a decided improvement over Mr. Mellon's previous record, but still far below the average monthly reduction of $112,686,091.66 during the last year of the Wilson administration.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. HARRISON. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. LOZIER. In the 10 months from February 28, 1927, to December 31, 1927, the national debt was reduced $1,116,198,098.87, or an average monthly reduction of $111,619,809.88, a reduction substantially the same as the average monthly reduction of $112,686,091.66 during the last year of the Wilson administration. But only during these last 10 months have the pay-

ments been up to the standard set by the Wilson administration in the last 18 months it was in power.

In order that you may see at a glance the reductions of our national debt made under Democratic and Republican administrations, I have tabulated these payments. The first column of figures shows the reduction made each year—or parts of years—in our national debt, and the second column showing the average monthly reductions from year to year:

United States debt reductions

Year	Reductions on gross debt	Average monthly reduction
Aug. 31, 1919, to Feb. 29, 1920, 6 months (Wilson administration)	$1,192,506,989.93	$198,751,164.98
Feb. 29, 1920, to Feb. 28, 1921 (Wilson administration)	1,352,233,099.94	112,686,091.66
Feb. 28, 1921, to Feb. 28, 1922 (Harding administration)	570,469,432.06	47,539,119.33
Feb. 28, 1922, to Feb 28, 1923 (Harding administration)	761,772.737.22	63,481,061.43
Feb. 28, 1923, to Feb. 29, 1924 (Harding-Coolidge administrations)	934,631,306.14	77,885,942.18
Feb. 29, 1924, to Feb. 28, 1925 (Coolidge administration)	802,068,099.30	66,839,008.27
Feb, 28, 1925, to Feb. 28, 1926 (Coolidge administration)	704,458,022.76	58,704,835.23
Feb. 28, 1926, to Feb. 28, 1927 (Coolidge administration)	1,123,577,640.42	93,631,470.03
Feb. 28, 1927, to Dec. 31, 1927 (10 months; Coolidge administration)	1,116,198,098.87	111,619,809.88

I am dealing with stern facts and the statistics I am using are official, taken from the records of the Treasury Department and verified by Hon. Ogden L. Mills, Undersecretary of the Treasury, as the following letter will demonstrate:

THE UNDERSECRETARY OF THE TREASURY,
Washington, January 25, 1928.

Hon. RALPH F. LOZIER,
House of Representatives.

MY DEAR CONGRESSMAN: For the Secretary, receipt is acknowledged of your letter of the 23d instant, in which you ask for the amount of the national debt on certain dates.

The following gives the information you seek:

	Gross debt	Net debt
Feb. 28, 1919	$24,467,277,901.90	$23,082,449,606.41
Aug. 31, 1919	26,594,267,878.45	25,700,395,252.76
Feb. 29, 1920	25,401,760,888.52	25,204,078,491.53
Feb. 28, 1921	24,049,527,788.58	24,022,187,002.28
Feb. 28, 1922	23,479,058,356.52	23,248,582,775.02
Feb. 28, 1923	22,717,285,619.30	22,719,476,749.46
Feb. 29, 1924	21,782,654,313.16	21,678,975,646.77
Feb. 28, 1925	20,980,586,213.86	20,874,095,413.51
Feb. 28, 1926	20,276,128,191.10	20,047,911,322.55
Feb. 28, 1927	19,152,550,550.68	19,078,154,137.20
Dec. 31, 1927	18,036,352,451.81	

In the first column the gross debt is stated and in the second column the net debt is stated, the latter being arrived at by adding certain items of matured interest obligations, etc., and deducting the net balance in the general fund of the Treasury. These figures are taken from the monthly statements of the public debt of the United States with one exception: For December 31, 1927, the gross debt only is stated on the basis of the daily Treasury statement, the final statement of the public debt not yet being available.

Very truly yours,

OGDEN L. MILLS,
Undersecretary of the Treasury.

The records speak for themselves. They can not be jumbled or misrepresented. The records of the Treasury Department show the amounts that have been paid on our national debt from year to year. No partisan bias or coloring can change these plain facts. I am willing to give the present administration full credit for all payments it has made on our national obligations, but I do insist that it is claiming credit for a record that suffers when compared with the accomplishments of the preceding Democratic administration.

The foregoing letter from Undersecretary Mills shows a reduction of $8,557,915,426.64 between August 31, 1919, and December 31, 1927, but practically one-third of this amount, or, to be exact, $2,544,740,089.87 was paid in the last 18 months of the Wilson administration, whereas it required 82 months for the Harding-Coolidge administrations to liquidate $6,013,175,336.77. Obviously the reduction of our national debt proceeded more rapidly during the last 18 months of the Wilson administration than since the wizard of Pittsburgh, Mr. Mellon, took charge of the Treasury Department.

May I call your attention to the interesting fact that the mandatory sinking fund law under which our national debt is being retired was formulated by a Democratic Secretary of the Treasury, enacted by a Democratic Congress, and approved by Woodrow Wilson, a Democratic President. Under this prudent law, funds accumulated rapidly during the closing months of President Wilson's administration, and largely from the cash accruing under this law and supplemented by funds from other sources, more than two and one-half billion dollars of our national debt was paid in the last 18 months of the Wilson administration. Of the $6,013,175,336.77 paid on our national debt under the Harding-Coolidge administrations, approximately $2,000,000,000, or one-third, came from this Democratic sinking fund, $1,720,000,000 approximately, came from World War capital assets and back taxes inherited by the Harding administration from the Wilson administration, and about $800,000,000 came from interest and principal collected on loans made to Europe. This Democratic sinking fund law supplied approximately $333,588,400 of the amount paid in the fiscal year of 1927 on our national debt. Moreover, the Harding-Coolidge administrations have maintained an excessively high tax rate for years, which has taken from the pockets of the American people an amount far in excess of the legitimate needs of our Government.

After billions of dollars have been taken from the people of the United States by excessive taxation, it has required no extraordinary genius to apply a part of this tax money on our national debt, especially after a formula or system for the rapid reduction of this debt had been established under the preceding Democratic administration, and was working admirably when our Republican friends assumed control of the Federal Government in 1921.

The reductions in our national debt in recent years are not the result of economies in the administration of our national affairs, because the peace-time activities of our Government are now costing the American people more than at any previous time in the history of our Republic. While it is true there has been a reduction in appropriations for some years, such reduction has resulted from an abandonment of war-time activities and not from economy in the peace-time activities of the Government. An analysis of the expenditures for each year of the Coolidge administration will show that there has not been a year in which the expenditures for the ordinary peace-time activities of the Government have not materially increased over the expenditures for similar purposes in the preceding year. It is not hard to reduce the national debt as long as the American people are taxed unmercifully, as is being done under the present administration. Even now the President and his party associates are using every possible influence to prevent the enactment of a tax reduction bill that is manifestly just in its major provisions.

Mr. Chairman, the friends of the present administration should not misrepresent the facts in reference to the payments that have been made on our national debt. They should not claim credit for having paid $8,000,000,000 on this debt in the last seven years, when, in truth and fact, two and one-half billion dollars of this sum were paid during the last 18 months of the Wilson administration, which was a much more rapid reduction of the national debt than has been accomplished under the Harding-Coolidge régime.

I cheerfully accord to the present administration full credit for what it has accomplished in the way of liquidating our war debt; but, on the other hand, I insist that the Democratic Party be given full credit for the rapid and substantial reductions made during the last 18 months of the Wilson administration and for the enormous cash balance and capital assets it turned over to the Harding administration and for having originated and put into operation the well-considered and successful plan by which our national debt is being rapidly liquidated. [Applause.]

Mr. HARRISON. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. MANSFIELD]. [Applause.]

Mr. MANSFIELD. Mr. Chairman, the pending bill carries the sum of $50,000,000 for rivers and harbors. This is the amount that has been carried for the past year or two. I do not recall just how many years. Out of this sum there is taken for surveys $250,000 and for additional surveys, for power and other purposes, of a number of rivers embraced in a document submitted in the last Congress, $1,500,000, making a total of one and three-quarter million dollars, which have not heretofore been taken out of the annual appropriation for river and harbor improvements. That really cuts down the sum to $47,250,000 for river and harbor improvements. This is a reduction of over 5 per cent from last year's appropriation, while the authorizations for rivers and harbors were increased by $73,000,000.

I want to submit a few remarks in regard to our waterways and the great service they are performing to this country. If you will refer to the Annual Report of the Chief of Engineers,

submitted to the present Congress, you will find that our waterways, including our ports, rivers, canals, and the Great Lakes, carried last year 540,500,000 tons of commerce, with the value of $26,722,000,000. The Chief of Engineers in his report states:

> This is the greatest tonnage ever carried on the navigable channels of the United States and supplies a convincing evidence of the increasing use of our waterways.

One not familiar with the handling of commerce in great volume has no conception of the enormity of this commerce. If you will make the calculation in carloads and trainloads you will find that it will make a solid train of cars many, many thousands of miles in length. The value of it exceeds by about $6,000,000,000 the total value of the class 1 railroads of the United States. Just think of it!

We have 200 ports under improvement. Sixty-two of these are on the Great Lakes, the others being on our Atlantic, Pacific, and Gulf coasts, as well as the island of Porto Rico, in Alaska, and in Hawaii. We are adding to these from year to year. We bring in a river and harbor bill every year or two. We take in new sections of rivers; we increase the depth of existing ports; and we are expecting in a short time a report from the engineers as to the improvement of the Great Lakes, whereby we hope to give greater depth to the connecting channels and the leading harbors of the Great Lakes that are now performing such an immense service to the commerce of our country. It will require many millions of dollars to carry it out. It is idle to say that we can rest on a standing appropriation from year to year of only $40,000,000 or of $50,000,000. Conditions are changing from year to year.

A few years ago a $1,000,000,000 appropriation served the purposes of all of our Government activities. Now we multiply that by four and then plus a good deal. Who wants to go back to the $1,000,000,000 Congress? Can we go back to $100,000,000 a year for the Army and $150,000,000 a year for the Navy? We are appropriating now three and four times that much annually for those necessary arms of our Government. Commerce is increasing more than the Army and the Navy are increasing. Our commerce, according to experts, is doubling every 12 to 14 or 15 years. It requires greater facilities for handling it. Our railroad mileage is not increasing, so that we have to care for this increase through our waterways. I want to call attention to the fact that where our waterways have been completed they are all producing results. Take the Monongahela River, for instance, carrying approximately as much freight as passes through the Panama Canal, a little river up in the Allegheny Mountains with a primary flow of about 200 cubic feet per second and a depth of only 12 inches in the shallow places, but by the installation of about 15 locks and dams it is now carrying from twenty to twenty-five million tons a year and supplying the great steel industries of Pittsburgh with their coal and the citizens of that city with their fuel.

This shows, gentlemen, that where money has been judiciously expended for this purpose it is bringing results, and results that this country can not now afford to do without. We are bound to have them. This program has got to be carried on, and as the demand increases from year to year ports have to be deepened. Ships draw greater depths now than they did before, and all this work must be done, but can not be done on an appropriation of $50,000,000 a year. It is absolutely impossible. Every engineer connected with the War Department of the Government will tell you this is impossible, and the report of the committee in connection with this bill shows that even if we do not increase a project, if we never have another river and harbor bill, it will take nine years to complete what we already have on the books with this appropriation of only $50,000,000 a year.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Louisiana.

Mr. O'CONNOR of Louisiana. Does the gentleman think that under an expenditure of $50,000,000 a year as used by the engineers the Hoover dream of developing the waterways of the country will ever be made a reality?

Mr. MANSFIELD. It is impossible, I believe, sir.

Mr. O'CONNOR of Louisiana. Does the gentleman believe the country will continue to remain contented as long as $50,000,000 are spent in the way they are spent, which really, while pretending to make for development, is just what the railroad interests of the country want, knowing they will never become competitors with the railroads?

Mr. MANSFIELD. I agree with the gentleman from Louisiana. I think the gentleman is eminently correct.

Mr. McDUFFIE. May I ask the gentleman why he terms it the "Hoover dream"? That was dreamed long, long ago.

Mr. O'CONNOR of Louisiana. I gave it that appellation because it is the latest christening it has. [Laughter and applause.]

Mr. McDUFFIE. Oh, but it was dreamed before Mr. Hoover dreamed it.

Mr. O'CONNOR of Louisiana. And apparently will remain a dream under the present plan of making expenditures.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Michigan.

Mr. McLAUGHLIN. Answering the question of the gentleman from Louisiana as he did, did the gentleman mean to agree with him that the plans and recommendations of the engineers as to the development of our waterways are in keeping with the wishes and the demands of the railroads of the country?

Mr. MANSFIELD. I did not quite understand the gentleman and I may have misunderstood the gentleman from Louisiana.

Mr. McLAUGHLIN. Does the gentleman from Texas agree with the gentleman from Louisiana to the extent of saying that the plans and projects approved and carried on by the engineers are made and carried on in agreement with the railroads of the country?

Mr. MANSFIELD. Oh, no; and I did not so understand the gentleman from Louisiana.

Mr. O'CONNOR of Louisiana. Nobody said they were made as a result of such an agreement, but is clear——

Mr. McLAUGHLIN. Or in keeping with their wishes.

Mr. O'CONNOR of Louisiana. It runs exactly parallel with what they would desire it to be; yes. But not as an agreement.

Mr. MADDEN. What are the facts to justify that statement?

Mr. O'CONNOR of Louisiana. For the reason——

Mr. MADDEN. Give us the facts, not the reasons.

Mr. O'CONNOR of Louisiana. For the reason that for a number of years past appropriations have been made and so-called improvements made that really make for no system at all, and as a consequence the waterways of the country have never become a real competitor of the railroads, and the inference is clear that the railroad interests could want no better system than that which prevails.

Mr. MADDEN. But inferences are sometimes misleading.

Mr. O'CONNOR of Louisiana. Oh, sometimes.

Mr. MADDEN. Yes; and I think in the case at issue they are misleading.

Mr. O'CONNOR of Louisiana. But inferences are always made where the facts and the circumstances and the conditions will make for inferences.

Mr. MADDEN. I think the cheapest thing a man can do is to try to mislead anybody and the biggest thing he can do is to tell the facts as he finds them, basing his statement on the facts themselves.

Mr. O'CONNOR of Louisiana. Well, I would say to the gentleman from Illinois I have never attempted to be cheap at any time in my life, and I resent the term the gentleman applies.

Mr. MADDEN. The gentleman may resent it if he likes, but I made the general statement, and I repeat it. The cheapest thing a man can do is to decide questions on inferences. If that applies to the gentleman, of course, he will take it; and if it does not, he need not.

Mr. McDUFFIE. Let me suggest to the gentleman from Illinois [Mr. MADDEN] that I know he does not want to do the gentleman from Louisiana [Mr. O'CONNOR] an injustice. The gentleman from Louisiana never said this was in keeping with an agreement between the engineers and the railroad. The gentleman simply drew the picture and said that the railroads would not want any better system than the one prevailing. The gentleman has never charged that there was any collusion anywhere.

Mr. O'CONNOR of Louisiana. Of course I did not, and the gentleman from Illinois [Mr. MADDEN] knows that. What I did say, and what I reiterate, is that the result obtained up to date from our expenditures on waterways is exactly what the railroad interests might desire if they wanted to avoid competition.

Mr. MADDEN. No; the biggest thing a man can do is to be just as frank and free and fair as he can be and not decide questions on inferences. The smallest thing he can do is to decide them on inferences.

Mr. O'CONNOR of Louisiana. If the gentleman is at all aware of the history of logic he will understand thoroughly that the finest decisions have been made by way of inference.

Mr. MADDEN. I can not agree with the gentleman's attitude, I will say very frankly.

Mr. MANSFIELD. Mr. Chairman, I believe I have been knocked out of several minutes of my time here, but I hope it will result in the good of the cause. [Laughter and applause.]

I want to call attention to a few of the waterways that have been producing results, and in this connection we may take, for instance, the Mississippi River system, which in my opinion is going to be the greatest system of inland water transportation in the world.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HARRISON. Mr. Chairman, I yield the gentleman from Texas five minutes more.

Mr. MANSFIELD. We find that last year on the Mississippi system there were handled 57,000,000 tons of commerce.

That is due to the fact that we have in the past few years been more liberal with our appropriations to improve the Mississippi, the Ohio, the Monongahela, and other branches of the great river system, and the fact shows that these expenditures are bringing forth results. It shows an enormous commerce being handled now that was not handled a few years ago, when it was impossible for it to be done. As the work is more nearly completed, it is a certainty that results will continue to increase.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. MANSFIELD. I will yield to the gentleman.

Mr. ROBSION of Kentucky. What has been heretofore the highest tonnage in any single year on the Mississippi, covering the same territory the gentleman mentioned?

Mr. MANSFIELD. I will get the figures, if possible, and place them in the RECORD. I have not got them now in my mind. In the early days the commerce was transported by the old packet system, but to-day one barge fleet will carry at one trip as much as was carried in the old packet steamboat in one year. I see General Jadwin states that 28,000,000 tons were carried on the Mississippi in 1889, and that was doubtless the record year under the old steamboat system. After that it went down to almost nothing until the past few years.

Commerce is altogether a different character from what it used to be. It would be impossible to carry the commerce of to-day in the old-fashioned steamboats that formerly plied on the rivers.

I call attention to the fact that the great business interests of Pittsburgh and other places are installing millions and millions of dollars' worth of steamboats and barges on the Ohio River—$25,000,000 worth or more in the last few years. That notwithstanding the fact the Ohio is not yet connected with the Mississippi, owing to the fact that three or four locks and dams in the vicinity of Louisville and from there to Cairo have not been completed and will not be for two or three years.

When those locks and dams are completed there will be a greater increase in the volume of traffic. Boats can only ply now through that section at certain seasons of the year, but still the commerce has increased enormously.

Now, take the inland waterways on the Atlantic seaboard with connecting rivers, which furnish 30,000,000 tons—the Great Lakes between 135,000,000 and 140,000,000 tons. I want to call attention to my own State in this connection. Some 30 years ago we had no deep harbors and all our water-borne commerce was handled at Galveston, and it consisted then of less than a half million tons, with a valuation of about $60,000,000. That port has been given a depth of 32 feet, Houston 30 feet, Port Arthur and other ports have been deepened, and last year the aggregate tonnage was more than 36,000,000 tons, with a valuation of $1,600,000,000. Houston alone the past year had more than 10,000,000 tons, though as a deep-water port it is not yet 10 years old.

I am sorry the interior part of the northwest section of the United States is not located on waterways that can be developed in the same manner that I believe is feasible in the Mississippi, Missouri, and Ohio sections. But with a proper adjustment of joint rail and water rates, as are now being applied in connection with the Mississippi system, that section will be greatly benefited by the improvement of the Missouri.

The Budget should yield to the reasonable demands of commerce, and that is the only way to secure its perpetuation. [Applause.]

Mr. CLAGUE. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, just before the Christmas vacation I stated on the floor that there was in existence a syndicate engaged in the wholesale importation of liquor. I then exhibited to you some original orders that I had obtained and gave you a graphic description of the system. I was first met with denial from the official sources, and then the denial was somewhat modified, and finally it was soft pedaled, and now it is admitted that the conditions I described exist. I am in receipt of a communication from the collector of customs, in which he states that he has asked for 450 more guards, and that he will change the system of custom stamps that I described to you before we adjourned for the recess. Let me read the collector's letter:

TREASURY DEPARTMENT,
UNITED STATES CUSTOMS SERVICE,
New York, N. Y., February 1, 1928.

Hon. FIORELLO H. LAGUARDIA,
House of Representatives, Washington, D. C.

MY DEAR MR. CONGRESSMAN: I am in receipt of your communication of the 23d ultimo, forwarding a copy of your letter of January 3 to the Secretary of the Treasury containing your observations and conclusions regarding the smuggling of liquor at this port. These have proved most interesting to me.

For your information, I might state that I have recommended an increase of 450 men in the customs guard force at this port, and this is receiving the consideration of the Treasury Department.

I am also making a report to the department regarding the misuse of customs baggage labels in the removal of packages containing liquor from the piers. The matter of designing a new baggage label, one which will not lend itself readily to reuse, is receiving the consideration of my office, and I hope to be able very shortly to make a recommendation along that line to the department.

Very truly yours,

PHILIP ETTING, *Collector.*

The day I was investigating there were in the harbor of New York 202 ships—44 sailing vessels—all from foreign ports. Now, gentlemen, the collector of customs is absolutely helpless. He can not cope with the situation with the force that he has on hand. No military officer would undertake in the port of New York which includes North River, Hoboken, including the piers and docks, without having sufficient force to do it. It would take at least ten times as many men as the collector of customs has now.

He has a force of 400 guards which he must divide into three shifts, so that on each shift he does not have enough men to cover one man to a steamer. I believe instead of giving him 450 men that we ought to start him off with at least 750 men, so as to have sufficient men on each pier. That is, of course, assuming that you gentlemen want to enforce the law.

My charges that the customs officials of New York did not have sufficient personnel to even cover part of the docks and piers have been substantiated. The Assistant Secretary of the Treasury in a statement made in New York admitted that at least 450 additional guards were necessary. I state that at least 750 more guards are needed. However, as yet no action has been taken by the department to obtain these additional men. The same rotten conditions exist and the liquor is pouring in. I personally placed on the Assistant Secretary's desk a memorandum showing the intended importation of liquor from one of the French liners, and 48 hours afterwards several hundred cases of champagne were put off the French steamer and seized by customs officials. That performance can be repeated every week unless the customs officials in New York are given men to cover the ships.

A great deal is being said these days about planks and party platforms. Some one ought to have the courage to go before the American people with the proposition that it will take $150,000,000 to commence to enforce prohibition, that not even $150,000,000 a year can enforce the prohibition law and ascertain whether the American people want to continue this impossible and disgraceful condition.

Any avowed wet or any man who has taken the position for a repeal of the eighteenth amendment who accepts a nomination for President and consents to run on a platform that is silent on this point is insincere and deserves to lose the confidence of the people. That goes whether the candidate is a governor, a Senator, or a former bank president. [Applause.] This question ought to be decided by the American people, and if it is decided to keep and maintain the eighteenth amendment in the Constitution then a President elected on such a platform ought to come in here and demand $150,000,000 to $250,000,000 a year to enforce the law.

The eighteenth amendment is to-day disregarded as much as the fifteenth amendment, with all due deference to the gentlemen on both sides of the Capitol who have spoken on both amendments.

Out of the 250 largest cities in the United States over 200 are without any Federal enforcement at all. We have in all—just listen to these figures—we have in all 106 supervisory officers; that means administrators and assistant administrators, not enough for one in each of the 250 largest cities in the United States. We have in all as agents, inspectors, and chemists 2,043 men. Assuming that they were divided among the 250 large cities, not even 10 to a city. As a matter of fact, 2,043 agents, inspectors, and chemists are distributed in about

30 or 35 cities in the United States, leaving the rest of the 200 cities entirely without any attempt at Federal prohibition enforcement. There are literally thousands and thousands of counties throughout the United States and sections of the country entirely without any Federal prohibition enforcement. It is no alibi to say that many States have their own State prohibition laws and their own enforcement. There is no difference between the wet who says leave the enforcement of prohibition to the Federal Government and the dry who says leave the enforcement of the Federal law to the States. They are both dodging the question. They are both satisfied with permitting existing disgraceful conditions to continue. In one section of the country where every State has State prohibition laws and State enforcement it simply means that the white man can get all he wants and the colored man is sent to jail if he is found with a pint of gin in his pocket.

Mr. MADDEN. But is not seriously dangerous while it is in his pocket, is it?

Mr. LaGUARDIA. What is that?

Mr. MADDEN. It is not seriously dangerous while it is in his pocket, is it? Does the gentleman catch that?

Mr. LaGUARDIA. I will get it pretty soon. Just give me time to think of it.

Mr. ARENTZ. He might fall down on it.

Mr. LaGUARDIA. I would, if I had it inside.

There seems to be a tacit agreement to let the law drift on with only spasmodic enforcement here and there from time to time.

Last month I gave the prohibition officials something to do concerning the importation of liquor. Now I will give them some domestic make to look after. At 1182 Broadway, New York City, is located the office of the clearing house for breweries.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. LaGUARDIA. In a moment.

The sad feature about this is that a close investigation of this office will find several agents of the Government going there at stated intervals. Breweries in New York City, in Kingston, in Poughkeepsie, in Westchester County, and also in Erie and Monroe Counties operate through this clearing house. I will give the Assistant Secretary of the Treasury in charge of prohibition not only the names and addresses, but also the telephone numbers of the gentlemen in charge of this clearing house. I also want to point out that at the very time that one of these breweries was supposed to be under investigation a permit was reinstated to manufacture near beer and very little near beer ever came out of that brewery. I will give the name and address of this brewery to the Treasury Department if they want it.

Every now and then we hear and even see pictures of a supply of liquor that has been seized and destroyed. Why good liquor that has been seized and taken to the Knickerbocker warehouse has found its way out of that warehouse and back on the market.

Mr. MANSFIELD. The Liquorbocker warehouse? [Laughter.]

Mr. LaGUARDIA. No; the Knickerbocker warehouse. A great deal of liquor has been destroyed from that warehouse, but most of it is the bad and impure liquor. Seizures are made in New York either by the police department or by prohibition agents and if the stuff is to be sent to the Knickerbocker warehouse in all likelihood the owner of the liquor is told he can have his stuff back and colored water is sent to the warehouse. This same warehouse which has had a permit from the Government for years, stores the automobiles seized by the Government agents. These automobiles are sold at auction and the proceeds go to the Government, but before they are sold at auction all the trimmings and spares are taken off and what becomes of them only the owners of the warehouse can tell, and that is no small item. This warehouse, I charge, has political protection here in the city of Washington. Complaint after complaint has been made by the various administrators in New York City and yet it has been impossible for any administrator—and we have had several bad, worse, and indifferent—to rescind the permit of this warehouse. It has made a fortune since prohibition. Only recently the Knickerbocker warehouse furnished the wrecking crew which accompanied the prohibition administrator in a raid he made of some night club. This wrecking crew literally demolished the place, tearing out fixtures from the wall, tearing out plumbing, even tearing out the telephone instruments, and finally when the telephone company went to salvage their telephone instruments they found all the nickels were removed from the coin boxes. I am writing to the Comptroller General of the United States, as I understand that the bill for the wrecking crew amounts to over $1,000. I do not believe that any money was appropriated by Congress authorizing a prohibition administrator to go out and hire a wrecking crew to unlawfully and wantonly destroy property.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield there?

Mr. LaGUARDIA. Yes.

Mr. GARRETT of Tennessee. Has the attention of the gentleman been called to the magazine article on this subject prepared by Miss Evangeline Booth, of the Salvation Army?

Mr. LaGUARDIA. Yes.

Mr. GARRETT of Tennessee. I would like to ask the gentleman from New York if he does not believe that that article is destined to have a more profound influence on the sentiments of certain classes of people relative to this prohibition question than anything that has appeared for a long time?

Mr. LaGUARDIA. Miss Booth in her article stresses some points. The gentleman has read the article. She overlooks entirely the fact that the economic condition to-day, compared with the economic condition at the time she compares it with, is not due to prohibition but to increased wages. Miss Booth overlooks the fact that at the time she takes for comparison bricklayers were getting $5 a day, whereas to-day they are getting $14 a day, and stonemasons were then getting $3.50, while to-day they are getting $15.

Mr. GARRETT of Tennessee. That which they were buying was also cheaper at that time.

Mr. LaGUARDIA. Comparatively. Now, Miss Booth is frank enough to say, or rather is frank enough not to say, that drinking has stopped by any means. She gets her information from some of the workers. When she says the improved economic condition is entirely due to prohibition, there, I believe, she is wrong.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. LINTHICUM. Speaking of that wrecking crew that the gentleman mentioned, the other day they went up to a store on Pearl Street, in Baltimore, and not finding anything there they broke up the marble counters and everything in the store, and this Herbert says that was right.

Mr. LaGUARDIA. Who is that? Who is this Herbert?

Mr. LINTHICUM. He is superintendent of the Prohibition Unit in Baltimore city.

Mr. LaGUARDIA. The professional dry does not want this matter discussed. He does not want to know the facts. The bootlegger to-day and the professional dry are absolutely satisfied with conditions. They say, "Let it go as it is." Why? Because the professional dry has a good thing out of it. The bootlegger is making money.

Now, just a few days before that raid that I referred to, the commissioner addressed a meeting of the Anti-Saloon League or some other organization, and at that meeting he said, "I am going to enforce the law." Then he goes out and makes that spectacular raid. They do that to cover up their doings. I suppose that is what happened in the gentleman's town. He went before some people and said, "I am going to make a showing," and then made a raid and made a spectacular showing, while wholesale violations are going on every hour of the day and night.

Mr. LINTHICUM. One of my colleagues from Maryland introduced a resolution to investigate this Herbert, and soon after that this spectacular raid was made.

Mr. LaGUARDIA. When I made the statement concerning importations of liquor and displayed some original orders and names, one of the newspaper boys in New York told me, "They are going to soft-pedal on this." One of these patrons of choice imported liquor during the month of October spent $109,000 in advertising. In November he spent $104,000 in advertising.

Mr. ARENTZ. What was the advertising?

Mr. LaGUARDIA. Advertising his business.

Mr. SCHAFER. Is there any truth in the report recently appearing in the press that the mayor of the gentleman's city has been a recent convert to prohibition?

Mr. LaGUARDIA. I am very sorry that Jimmy is sick. [Laughter.]

Now, gentlemen, here is the attitude: I know it is not pleasant to some Members to hear of these conditions as I relate them to you from time to time. It must be tiring to you. But I will vote for every appropriation that you bring up, and will vote for every law that you ask to enforce this law, but I reserve the right to show you that you can not enforce it.

I now state that not only do you not want to enforce it but you do not want to talk about it. See the spectacle afforded by outstanding candidates for office, ducking the law about enforcement! It is like a man saying, "You should not beat your mother." If the law were really enforced, none of us can get anything to drink. [Laughter.]

Mr. LINTHICUM. How does the gentleman expect to enforce it when 75 per cent of the officials fell down in the intelligence test that was held here a short time ago?

Mr. LAGUARDIA. That shows that it is difficult to get a good clean-cut American boy to go into that kind of work. Don't you see? A great many of the agents have a prohibition mind. They read the questions, and they thought of something else. [Laughter.] Have you got what I mean?

Mr. HOWARD of Nebraska. Will the gentleman yield?

Mr. LAGUARDIA. I yield to the gentleman from Nebraska.

Mr. HOWARD of Nebraska. I will say to the gentleman from New York that the average Member on the floor here has marvelous confidence in him in many directions, and particularly do we admire his common, everyday honesty. Now, I would like to ask the gentleman from New York, if he would care to answer it, whether he and those for whom he speaks would enforce respect for the eighteenth amendment if they had it in their power so to do.

Mr. LAGUARDIA. Oh, I would not want the people who do not believe in the eighteenth amendment to be intrusted with the enforcement of it. I would turn it over to the Anti-Saloon League; I would turn it over to the driest of the drys; I would not have an administrator or an assistant secretary in charge of prohibition who did not sincerely believe in it; I would put the whole thing into the hands of the drys and let them do it.

Mr. HOWARD of Nebraska. But I am asking now, Would he and those for whom he speaks enforce it if they had the power?

Mr. LAGUARDIA. I would not want to do that. I say to the drys, take it into your own hands and enforce it. We will abide by it.

Mr. HOWARD of Nebraska. I am asking what would be the attitude of my colleague from New York if he had the power?

Mr. LAGUARDIA. Well, "we will not talk about that now."

Mr. LINTHICUM. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. LINTHICUM. The gentleman spoke about turning it over to the Anti-Saloon League. Does not the gentleman know that the Anti-Saloon League has practically dictated all of the appointments made, that those appointees have not done anything, and that in the recent examination 75 per cent of them failed in the intelligence test.

Mr. SCHAFER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. Have not the biggest crooks found in the Prohibition Unit been those recommended and put in at the instance of the Anti-Saloon League?

Mr. LAGUARDIA. We ought to keep driving that home.

Mr. SCHAFER. I think the gentleman went too far in saying he would put it in the hands of the Anti-Saloon League, because the Anti-Saloon League has dictated the appointment of these agents and they have fallen down on the job.

Mr. LAGUARDIA. But they say they can enforce it, and I say give them all the responsibility and give them all the money they want. I say they can not enforce it because it is not humanly possible of being enforced.

Mr. CELLER. Would the gentleman say the prohibition agents fell down in the recent examination because, perhaps, they applied the honor system to the examination?

Mr. LAGUARDIA. Those things happen, too, in the best of families. [Applause.]

From my observation it will take a Federal force of nearly 100,000 men to make a semblance of enforcement. Every wholesale and retail bootlegger of the country is satisfied with existing conditions. The drys are afraid to tackle the problem; the professional dry is afraid to admit conditions and to have to concede that it will take an enormous army and huge appropriations to commence to enforce this law. Politicians are ducking, candidates are hedging, the Anti-Saloon League prospering, people are being poisoned, bootleggers are being enriched, and Government officials are being corrupted. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. HARRISON. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. BOYLAN]. [Applause.]

Mr. BOYLAN. Mr. Chairman and gentlemen of the committee, I want to take this opportunity to extend my thanks to the Republican National Committee for having sent young Teddy Roosevelt on a nation-wide speaking tour, so that he can make untrue statements about the Governor of the great State of New York. I think that if the national committee is trying to block the nomination of our governor for President it is an indication that they regard him as the ablest and the strongest candidate that my party can nominate. In pursuing this course I fully agree with them that he is the ablest candidate, but there is an old saying that you should not send out a boy when you need a man to do the job. If the Republicans want to nominate Governor Smith, all they have to do is to keep young Teddy on the stump. My heart is with them in that. The boy bears an honest and respected name. I revere his father and all good Americans do, but the young colonel is in a fair way to dim the glory of his illustrious name.

Let me read to you an editorial that appeared this morning in the Washington Daily News. You know that the Scripps-Howard newspapers have established a reputation for political independence, fairness, and courage, and here is what they say about young Teddy:

TEDDY TAKES THE STUMP

Like the frosty robin chirping of spring's approach, the first spellbinder of the national political campaign has hopped into the headlines.

The man who thus early warns us to prepare for our quadrennial headache is none other than young Teddy Roosevelt. He is making a nation-wide speaking tour designed, it is told, to land himself a vice-presidential nomination. Before leaving New York, it was intimated by his "friends" that he had no choice for the presidential nomination, and was willing to be a running mate for "Hoover, DAWES, Lowden, CURTIS, or WILLIS."

He has taken an unusual course for a man seeking office. Instead of first getting the support of his home State, he has begun his campaign on the plains of bleeding Kansas. Topeka was his first one-night stand.

There may be a virtue, however, in running for office where one is not known. In New York, for instance, young Teddy is best remembered as the son of a distinguished American, the messenger boy who handled the Executive order turning the naval oil lands over to the clutches of Albert B. Fall, the official who ordered United States marines to drive honest squatters off Doheny's Teapot Dome preserves, and the candidate who lost by 107,000 votes to Al Smith in a year that saw New York go to Coolidge by 850,000.

It is to be hoped other prospective campaigners will read Teddy's Topeka speech to learn the kind of partisan, flag-waving oratory the public does not want to hear. There are too many great issues before the Nation for any time or breath to be wasted on the sort of stuff that was moss-worn when Blaine first ran for President.

Teddy's speeches are important for what they omit as well as for what they contain.

In eulogizing eight years of Republican rule Teddy forgot to mention such celebrities as Daugherty, Denby, Forbes, Fall, Jess Smith, Tom Miller, and the other best minds who guided the Nation's destinies from the little green table in the little green house on K Street. It would be interesting to know why, in his political reminiscences, Teddy blots this edifying scene from his memory.

Mr. Chairman, I yield back the balance of my time.

Mr. CLAGUE. Mr. Chairman, I yield 10 minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Chairman and members of the committee, I have asked for a few minutes in which to take issue with the Mississippi River Commission and with the Chief of the Army Engineers, General Jadwin, with regard to the place of forestry in any comprehensive flood-control program. I wish first to call attention to the position taken by the commission.

That part of the special flood report submitted by the Mississippi River Commission which deals with forestry as a factor in flood control constitutes a brief but amazing chapter to form part of a serious public document. After alleging that a careful study has been made of the possibility of obtaining flood relief from reforesting, the report states conclusions as follows:

(a) That reforesting would not be efficacious.
(b) That reforesting for flood control would be economically unsound.
(c) That the remedy sought in reforesting would be too slow in effect.

The conclusions of the commission are erroneous, uninforming, and are based upon a misconception of the facts. The commission states that for a forest to arrive at the full benefits for flood control requires "50 to 100 years, or even longer." This is an absurdity. To produce high-grade saw logs does require 50 to 100 years, or even longer, but the full benefits of forest planting in the form of stopping soil erosion are usually reached within 5 to 10 years, and full benefits in the form of water storage and stream-flow regulation are reached within 10 to 20 years. The commission has already been working on this problem since its creation by Congress in 1879, a period of 48 years—a period nearly five times as long as that required to check erosion by reforestation and more than twice as long as the maximum period required to secure full benefits from forest planting in the form of water storage and stream-flow regulation. There is nothing to indicate that the other necessary engineering works will all be completed at a date earlier than the maximum 20 years required for a forest.

Equally absurd is the commission's claim that reforesting for flood control would be economically unsound. It states:

> Even if it could be shown that reforesting would be beneficial in its effects on floods, it must be granted by its proponents that anything short of reforesting on a very large scale would not have a measurable effect on Mississippi River floods. Turning productive farm lands on such a large scale back to forests would be economically unsound.

Now, notice particularly that last statement from their report:

> Turning productive farm lands on such a large scale back to forests would be economically unsound.

I wish to call the attention of the Congress to the fact that no one in official position in the Forest Service, no one in the profession of forestry anywhere, has ever suggested the turning back of one acre of agricultural land to forest land. This has never been suggested from any source, but this is only one of the false assumptions to which attention could be called in the report of the Mississippi River Commission. The report shows absolute ignorance and misconception when it comes to treating the subject of forestry in connection with this great program.

Mr. MANSFIELD. Will the gentleman yield there?

Mr. LEAVITT. I will yield.

Mr. MANSFIELD. Is it not the fact that the proposition is to convert waste lands into forests?

Mr. LEAVITT. That is exactly the point to which I was coming.

The Mississippi River Commission takes for its study two areas in the northern part of Minnesota. I am acquainted with them. One of them is an agricultural section and the other is a timbered section in the vicinity of Lake Superior. Their statement indicates an utter lack of knowledge of the effect of forests upon stream flow. No foresters advocate "turning productive farm lands back to forests." Productive farm lands, under proper cultivation and management, have a beneficial influence upon stream flow substantially equivalent to forest lands. They must have physical characteristics enabling them to take up a large part of the rainfall and utilize it in producing crops. Forests are most effective on steep land from which the rainfall otherwise would rush off, carrying with it the fertility of the top soil. Encouraging and protecting forests on such lands has a beneficial influence upon stream flow. It is the waste lands and lands which wash badly when denuded that contribute most largely to flood dangers and flood damage.

The report of the Forest Service, submitted to the House Flood Committee, indicates a total area of approximately 250,000 square miles of critical areas on the Mississippi watershed, embracing a total area of about 160,000,000 acres, or about 20 per cent of the total area of the Mississippi Valley. These lands contribute a large share of the burden of half a billion tons of silt carried into the channel of the Mississippi River each year. This silt increases the volume of the flood as well as increasing its destructiveness. The reasoning followed by the commission and the evidence submitted in attempting to prove that forests would not be efficacious is naive, to say the least. It bases its conclusions upon certain data obtained by measurements of annual run-off from the two watersheds in northern Minnesota. One watershed is largely farm land; in other words, the very kind of land that should be cultivated and the kind that foresters understand, with proper cultivation and the growing of farm crops, is not detrimental from a flood-control standpoint. The other area was in the lumber regions of the lake district of Minnesota, a region which because of its level topography, porous sandy soil, and innumerable lakes, was classified by the Forest Service as a region within which forests had little influence upon stream-flow regulation.

The commission states that its records show that there was some increase in the percentage of run-off from this timbered watershed during the period of deforestation, followed by a gradual recovery, until the run-off from the area with growth of young timber was no greater than it was in the virgin forest period. But the commission failed to carry its calculations to their logical conclusion. An additional column should be added to the table found on page 74 of its special report. The efficacy of a watershed is determined not by the percentage of the total rainfall which appears as run-off, but by the actual number of inches of rainfall actually retained by the watershed and reconveyed to the air without running off. Take the table on page 74 and add to it a third column entitled "Average number of inches of water actually retained each year." Making this calculation based on the commission's own figures, the number of inches of rainfall actually retained each year by the watershed was as follows:

Period ending—	Inches
1891	20.21
1898	20.42
1905	19.54
1912	18.66
1919	18.91
1926	18.17

It will be seen from this that instead of there being the full recovery of the watershed, as reported by the commission, there has been a steady falling off in the actual amount of water retained by the watershed each year. The difference between the first seven-year period and the last seven-year period averages over 2 inches per annum. Applying this difference to the entire 120,000 square miles of forest land in the upper Mississippi and the Ohio River drainage we get a total volume equivalent to 12,466,000 acre-feet. According to General Jadwin's report 7,000,000 to 11,000,000 acre-feet of storage will reduce the flood stage of the Mississippi by 1 foot. By means of the vast potential storage thus indicated the flood crest might be reduced between 1 and 2 feet. Whether such a reduction would be important would depend upon how near the crest of the flood approached the top of the levees. At any rate, it can safely be said that the floods would certainly be diminished both in volume and destructiveness by preventing erosion. It is also certain that increasing the water-storage capacity of the forest would materially reduce the flood crest so that the run-off would take place during a longer period of time. And in addition to the claims made by the Forest Service the actual figures presented by the commission show a decided increase in the amount of moisture retained by virgin forests, which means, conversely, a decided decrease in the volume of run-off. Stated in its simplest terms, the influence of forests upon floods and run-off is that instead of a vast volume of muddy water rushing off in a brief period, the run-off is in the form of clear water of reasonably uniform flow. High levels are reduced, low-water stages increased. It seems in the interest of clear thinking and clear action upon our part, as a responsible body, that these facts should be known.

The Forest Service has not recommended to the Flood Committee that it specifically ask for the appropriation of a single dollar for flood control through forestry. It has urged upon the committee, however, that the proper protection of our forests and the intelligent application of sound forestry practice in the Mississippi Valley would give to the threatened region a considerable measure of flood relief without any expense being incurred directly for that purpose. The forests themselves will pay their way with timber and other products. I emphasize this statement. The Mississippi River Commission have begun by taking areas that no forester would take to prove the value of forest cover in flood control, and then they have disproved their own case with regard to that area, even though it could not fairly be taken as a characteristic area at all.

I am sorry I have not the time to discuss fully the report of the Chief of Engineers of the Army, General Jadwin, but I think it is fair for Congress to expect that when a report is made upon which the opinion of Congress may be formed and upon which the opinion of the Nation may be formed, it should contain only entire facts.

A study was made during the last year by the United States Forest Service in cooperation with the foresters of the various States in the Mississippi drainage, comprising about 100 men trained in that kind of work. There were brought in certain recommendations as to what might be done, not to solve the problem of the Mississippi floods—and let me pause at this point and emphasize that again—no forester in official position or out has ever claimed that forestry would or could solve the problem of the Mississippi flood. No such claim has ever been made by anyone, but any informed forester knows, and many who are not foresters by profession know, from their own observation that a comprehensive reforestation of lands that are more suitable for the raising of forests, particularly on steep areas, as the gentleman from Texas [Mr. MANSFIELD] has said, will add materially to the control of flood waters in any drainage basin. The Chief Forester himself, Colonel Greeley, starts the statement he has made in connection with forests and floods, which was printed just this month, with these words:

> Now that the Mississippi floods have awakened us to the need for the most complete insurance possible against the recurrence of such catastrophes, it is essential that the true rôle of forests in flood control be recognized. Nothing will be gained by exaggerating the importance of that rôle. On the other hand, unless forests are permitted to play their part, much will be lost.

And Colonel Greeley closes his very comprehensive statement with these other words, that I wish to quote:

In order to get the maximum benefits of forest cover in the Mississippi Basin it is essential that public ownership of forests, especially in the mountains and swamps, be greatly extended; that cooperation in forest fire protection between the Federal Government, the State, and private owners be increased; and that the Government and States give more assistance to farmers and timberland owners in forest planting and better forest management. Engineering works are a primary essential in flood control, but vigorous, well-kept forests will supplement and protect them. The two methods of control should be developed together, a river being treated as a unit from source to mouth. The prudent use of forest land, like the prudent use of farm and grazing land, pays its own way, and the gain to flood control is a by-product without cost.

That is the position of the foresters, and words of other meaning should not be put into their mouths.

The forestry report placed in the hands of General Jadwin stated eight ways whereby forest practice and control of public lands might add to the solution of this problem, and among those eight ways there are seven that could now be handled under laws which exist.

Seven of these in their order of importance are adequate protection against fire of the forest lands within the Mississippi River watershed; increased activities in the planting land chiefly valuable for growing timber; proper management of farm woodland; extension of public forests to the extent of about 8,000,000 acres within the watersheds; continued protection of national forests and the reservation of adjoining forest acres of unreserved public domain; research to discover methods of preventing serious erosion in the Bad Lands and the Breaks; checking present destructive run-offs and erosion from public grazing lands by regulating their use.

There is no law which would allow the latter procedure, but all the others are covered as possibilities by existing law and require only more adequate appropriations.

But the general, listing only the item to increase forest areas by 8,000,000 acres within the watersheds by extension of public forests, says on page 19 of his report:

Studies of the reservoir board have shown that to reduce the flood stage of the Mississippi by 1 foot it is necessary to store from 7,000,000 to 11,000,000 acre-feet of water. The absorption and retention of one-half of an inch of rainfall on the 8,000,000 acres of land covered in the recommendation of the forestry report would therefore reduce flood stages by but one-half an inch.

General Jadwin has intimated that the forestry report comprises only the proposal to add 8,000,000 acres of public forest, which would reduce the flood crest only one-half inch, when the fact is that the forestry report made eight proposals, and these eight proposals together cover not 8,000,000 acres of land but twenty times 8,000,000 acres of land. Taking the figures of General Jadwin himself and applying them to this entire area it would have reduced the crest of the flood 10 inches instead of half an inch.

Also, in this report they have placed the forestry report as a suggested alternative. It has never been suggested as an alternative. It has been suggested as a supplement to the engineering work, which the forestry has always said is the prime necessity to meet the present situation, with forestry added to help keep the disaster from recurring.

Now, Members of Congress, the plea I am making at this time is that instead of our allowing a report of this kind to turn the attention of the Nation aside from the place which forestry should take in meeting this great problem of flood control, Members should have in mind that it has a definite and important place. At the headwaters of a stream it will help to stop erosion, and in the absorption of the rainfall and the snow, it will play an important part, though no one claims that it will solve the entire problem.

Let us keep in mind the statement made in the Saturday Evening Post back last year when the flood took place:

Perhaps the only beneficient effect traceable to the recent floods is the nation-wide publicity they have given to the needs for extensive reforestation in most of the 30 States drained by the Mississippi River. It is to be hoped that each of them will give the matter thoughtful consideration and take such action as will serve both ends—a better retention of local rainfalls and the upbuilding of a more adequate timber supply.

[Applause.]

Mr. HARRISON. Mr. Chairman, I yield 15 minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Chairman and gentlemen, since the beginning of this century my State has lost a preponderance of one character of its population. We started in with 200,000 more colored people than white people. A shift of population has come along until now the white people are in the majority. This morning I received a communication from an organization in Chicago, which seems to me to be rather inclined to reflect on a lot of our people who have emigrated, who have hearkened to the call to go West.

I know nothing about this association beyond its name, the National Civic Welfare Association, which seems to be located at 1240 Grace Street, Chicago, Ill. It writes a letter to me, and I reckon all of the other Members, in which letter the association seems inclined to complain that our fellow citizens who have gone North are acquiring some little political power and some little of the profits of office. I bespeak for them a more kindly consideration than they are getting in this document, which is issued, and if the document is true, then I bespeak a little cleaning up in the Post Office Department of this great Government, which has been claiming that it is the most businesslike department in the world. They say in this communication that the population of Chicago according to the last estimate obtainable is in excess of 3,000,000 inhabitants, of which, they say, about 5 per cent, or 150,000, are of the Negro or colored race, and that out of the entire employment in the Chicago Post Office of 11,019 men and women, 2,950, or 31 per cent, are of the Negro race.

They are inclined to complain that our fellow citizens who went up there are getting six times as much office as they are entitled to. Well, they invited them to go up there, and they have been preaching to us ever since the Civil War that the negroes were just as good or a little better than we were. But, lo and behold, they now complain that these people can outdistance them in this quest for office.

This communication goes on to say that a great portion of these colored employees have been recently imported from the South. Well, there is no great harm in that. The South is a pretty good country. We do not lynch quite so many as we used to, and I think it is because most of those who might have been lynched have gone up North and gotten into the post office. Further, the communication says that many of those are ignorant, illiterate, and boastful and uncivil, and pugnacious, "and specially prepared for entrance to the Postal Service only."

Mr. Chairman, I do not know what special study it takes to prepare them only for the Postal Service, but if they have any more harsh adjectives in Chicago to use in respect to them I would like to see the document, because I think it would take a man like Governor LUCE, of Massachusetts, to enunciate any additional ones to the ones that they have already applied. [Laughter.]

The document then goes on to say that it is quoting from a report which they say was made by a board of efficiency experts, authorized by the Congress and employed by the Harding administration in 1921 to investigate the conditions in the Post Office Department, and to report any abuses that they found. So it is a matter which I shall lay at the doorstep of the present administration, in so far as any abuses found there are concerned, because these abuses were laid before the country and the Government in 1921 by efficiency experts employed by a Republican administration.

The document goes on further to say that it is a commonly known fact that where white employees would have been dismissed from the service for certain infractions, colored employees are protected from dismissal by the interference of a certain white political official who has even gone to the extent of having colored supervisory officials appointed in the Chicago post office in repayment of negro political support.

I do not know whether this refers to some Congressman from Chicago or to the mayor of Chicago; but that is a pretty serious charge when it says that with a white man and a colored man working along together side by side, and each does the same thing, that the white man is kicked out for it and then some politician comes in and saves the scalp of the negro.

It also goes on to say—and this is the report of the Richards Co., made to the Government of the United States in 1921:

From our observation, which is confirmed by the supervisory officials and station superintendents, the work of the 1,400 colored employees of the Chicago post office could be done by 900 average white employees. This makes possible a saving of five hundred times $1,400, or $700,000 per year.

That was in 1921. Since then, as the report goes on to say, the 1,400 have been doubled, and there are now 2,950, so that the saving by getting rid of them and letting 900 white men do what 1,400 colored men are required to do would be a saving of twice $700,000 a year, or over $1,000,000 a year. That seems to be the conclusion drawn by those experts. I do not know.

I am not prepared to give any such figures as that, but they are official, and the Government has had that since 1921. Instead of reducing, instead of increasing efficiency, they seem

to have winked at Sambo and excused his derelictions and let the white men go and put the colored men in, and thereby recognized the truth of the statement which they used to make to us down South, that the colored man is better than we are anyway. That is a proposition that I do not know a thing about, but I thought that inasmuch as this apparently very patriotic association had taken the trouble to spend its postage and actually get the matter through the Chicago post office down here, it was as well that I might call the attention of Congress to the fact.

Mr. Chairman, I have read a large part of it, and I ask unanimous consent to extend my remarks in the RECORD by printing therein the entire document.

The CHAIRMAN. Is there objection?

Mr. MADDEN. Mr. Chairman, I would like to get five minutes in which to answer the gentleman.

Mr. CHINDBLOM. Mr. Chairman, reserving the right to object, the gentleman has no views of his own on the subject?

Mr. STEVENSON. I have not any at all. I just called attention to the fact of what the Chicago people are saying about our former fellow citizens who have gone up there, and I resent some of it because they said that they were too many kinds of bad folks. I do not believe that they have gotten any worse since they left. They say that they are ignorant and illiterate. Perhaps they are, but then they say that they are boastful and uncivil and pugnacious and specially prepared to enter the Post Office service only.

As I say, I rather resent any adjectives of that kind being used against our former fellow citizens. [Laughter and applause.]

Mr. CHINDBLOM. The gentleman is merely adding to the gayety of the Nation.

Mr. STEVENSON. No; I am not. I am calling attention to something that the gentleman from Chicago certainly needs to clear up if there is any truth in these statements. I do not vouch for them. I just got them from Chicago and I have let you have them.

I will say this in conclusion, that they have a mayor out there who would drive out the English from the public schools and the higher institutions of learning. According to these people here, he ought to get busy and eliminate a few Africans from the post office, if they are telling the truth. It is up to the gentleman from Illinois to take care of that. He is possessed of the facts. It is up to him to tell us whether they are true of not. [Applause.]

Following is the letter referred to:

NATIONAL CIVIC WELFARE ASSOCIATION,
Chicago.

Hon. WILLIAM F. STEVENSON,
Member of Congress, State of South Carolina,
Washington, D. C.

MY DEAR SIR: We are writing this letter to you with a view of acquainting you with a most deplorable condition existing in the Chicago post office because of the excessive increase of employees of the Negro race, which is slowly disrupting the morale of the service, decreasing all standards, to the obvious detriment of the entire service, as was fully demonstrated by the investigation made in 1921 by the W. B. Richards Co., efficiency experts. This company was authorized by the Congress of the United States to make a survey of the leading post offices of the United States relative to the efficiency of the various post offices. We are herewith inclosing resolutions adopted at a recent meeting, which will in a measure acquaint you with the situation. Following are some of the facts brought to light by the aforementioned survey:

"The situation in respect to the growing number of colored employees in the Chicago postal service is a very serious one. When it comes to the practical handling of mail, the colored employees are inferior to the whites; this, of course, refers to the general average.

"When the importance of the Postal Service to the whole business and social life of the Nation is considered, this subject becomes worthy of discussion. Many of the white employees will not work at such close quarters with the negroes. Consequently the influx of negroes also results in lowering the standards of the white employees, due to the fact that those whites who do remain in the service are usually of lower caliber than those who go out.

"From our observation, which is confirmed by the supervisory officials and station superintendents, the work of the 1,400 colored employees of the Chicago post office could be done by 900 average white employees. This makes possible a saving of 500 times $1,400, or $700,000 per year. The enforcement of efficiency standards on daily work will automatically eliminate the bulk of these 1,400 negroes and will effect a saving of $700,000 per year."

We respectfully call your attention to the statements above and recommendations by the efficiency engineers. We wish to call your attention to this fact: When they figured up five hundred times $1,400 they figured the starting salary of the postal clerks. Since that time the salaries have increased $300 per year. Colored employees have increased to 2,950 instead of 1,400. To our mind it does not take much of a mathematician to figure what a saving the Government would enjoy if it were possible to enforce efficiency standards against this class of people, or eliminate them.

The approximate population of Chicago is 3,000,000 people, of which 150,000, or 5 per cent, are negroes. At the ratio of one out of every four being a male adult, there are 37,000 negro families.

There are 11,019 employees in the Chicago post office, of which 2,950 are colored, making a total of 31 per cent of the employees, or 9 per cent of the negro adult. There are eight colored foremen, appointed recently.

It is the experience of every supervisory official in the post office that the postal laws and regulations made to govern all employees do not function when any of the colored employees, as they usually do, appeal to the politician. He comes to the post office and has whatever disciplinary action has been taken against such employee removed, nullifying the duties of the supervisory official and making him a supervisor in name only. In fact, the 150,000 negroes dictate to the politicians anything that it pleases them to the elimination of 2,850,000 white people of Chicago. We wish to respectfully submit for your consideration these facts as all business men agree that in all organization we must have discipline. As discipline is productive of harmony and harmony is essential to efficiency, it is impossible to create efficiency under the conditions as stated above.

Your commission states that it has observed on the workroom floor of the mailing division that mail was often dumped on the facing table on top of mail that was being faced. This condition is illustrated several times during the tests we have made, for it often happened that several letters dropped in the mail box at the same time would receive post marks differing an hour or more in time. It was also observed that lack of proper supervision of these employees at the facing table resulted in their slow work on this operation. This is especially noticeable with those colored female employees who are employed on the facing tables.

We respectfully ask you how the supervisory official can exercise proper supervision of people who appeal to the politician and whose prayer is continually heard to the detriment of the service. We also call your attention to another fact: These same colored female employees have never qualified on a scheme, have never been made to do as the men do, white or negro, work from 10 to 15 years nights, but have been given preferred work, drawing top salaries for doing work that is customarily performed by beginners.

We believe it a significant circumstance that, although the investigation and report were made some six years ago, no effort has been made to correct any evil that might exist, and we further believe that this fact calls for additional investigation.

Trusting that the seriousness of the situation merits some thought and action upon your part, we are,

Most sincerely,

NATIONAL CIVIC WELFARE ASSOCIATION,
By L. W. GELBAUGH, *Secretary.*

Resolutions adopted by the National Civic Welfare Association, December 1, 1927

Whereas the Postal Department of the United States is an institution conducted for the benefit of the citizenry of the United States; and

Whereas the post office of the United States, located at Chicago, Ill., is a constituent and component part of the entire postal system of the entire United States; and

Whereas, in order to function properly with the best results obtainable, the mental and physical well being of the human element involved should be such as is conducive to the best results for the benefit of the general public; and

Whereas the population of Chicago under the latest estimation obtainable is in excess of 3,000,000 inhabitants, of which amount about 5 per cent, or 150,000, are of the Negro or colored race; and

Whereas, out of an entire employment in the Chicago post office of 11,019 men and women, 2,950, or 31 per cent, are of the Negro race; and

Whereas a great portion of these colored employees are recently imported from the South, and many are ignorant, illiterate, boastful, uncivil, pugnacious, and especially prepared for entrance to the Postal Service only; and

Whereas this condition has been brought about through certain political agencies in Chicago, Ill.; and

Whereas this condition has brought about and caused a low spirit and morale among the white employees at Chicago; and

Whereas this condition has resulted in the colored employees openly boasting that they can compel certain public and political officials to do any and all of their bidding, and that they at all times are well protected, politically, so that it has become traditional in the Chicago post office that those rules and regulations governing postal employees do not include colored employees, and has created a condition

whereby no supervisory official dares apply to the colored employees those rules and regulations in full force for all postal employees; and

Whereas it is a commonly known fact that where white employees would have been dismissed from the service for certain infractions, colored employees were protected from dismissal by the interference of a certain white political official who has even gone to the extent of having colored supervisory officials appointed in the Chicago post office in repayment of negro political support; and

Whereas, after a thorough investigation of post offices throughout the United States, during the year 1921, W. B. Richards & Co., efficiency experts, authorized to make said survey, stated in their report "The situation in respect to the growing number of colored employees in the Chicago postal service is a serious one. When it comes to the practical handling of mail the colored employees are inferior to the whites" (referring to the general average); and

Whereas it was conservatively computed by the W. B. Richards Co. that 900 average whites could perform the work being done by 1,400 average negroes, this overemployment of negroes results in a loss in excess of $1,000,000 per year; and

Whereas we believe a serious condition prevails in the Chicago post office: Be it

Resolved, That all the United States Senators and Congressmen be advised of the condition prevailing in the Chicago post office, with a view of acquainting them of the seriousness of the postal situation at Chicago; and be it further

Resolved, That the Senators and Representatives be furnished with the facts connected with the situation and that a thorough investigation be made for the purpose of correcting an evil which, if permitted to continue, would become "cancerous" to the detriment of the Postal Service.

Mr. CLAGUE. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. MADDEN. Mr. Chairman, is it clear that the gentleman from South Carolina [Mr. STEVENSON] has no motive in presenting this case? Perhaps if he could look nearer home he would find better reason for clearing up things than he finds in the case of clearing up Chicago. Chicago needs no defense from me or anybody else. There she stands. [Applause.] Chicago is the imperial city of the great Central West.

Mr. MANSFIELD. She does not stand; she moves. [Laughter.]

Mr. MADDEN. Yes. She moves forward with advancing civilization. Her great activities and great industries need no defense from me, and her people need no defense at my hands, whether they be black or white. There is no greater American city than Chicago. It is true that Chicago has among her people a population representing all nations, but everything that moves them to action is strictly American.

The mayor of Chicago needs no defense at my hands. There is no more patriotic American than he. He is the descendant of a father who fought with Farragut, whose antecedents came over in the *Mayflower*. If he is not an American, who is? If these black people in Chicago are not Americans, where are Americans to be found? They were forced to come to America when they first came. They were put into slavery against their own will. They were freed from slavery against the will of those who now try to traduce them. [Applause.] They are citizens of the United States and recognized as such in Chicago.

The Chicago post office is the second biggest post office in America. The city has more than 3,000,000 people; not less. More than 14,000 Americans are employed in the Chicago post office. Three thousand two hundred of them are black. They are patriotic Americans. They do their duty as they find it. They are law-abiding citizens. They are recognized as law-abiding citizens. They have the respect of the community in which they live. There are more than 150,000 black people in Chicago; I should say 400,000. They have made more progress in Chicago than any other class of people I know. They are in the banking business and in the manufacturing business. They are in art; they are in education. They are in all the great activities that attract the best minds of the best people of the world. [Applause.]

I honor them. They have honored me more than once. I am proud to be here to speak for the black people of Chicago and of the Nation. I apologize to no man, wherever he may be, for my interest in the progress of the black people of America.

The people of the South naturally are a little chagrined because the black people are leaving them and forcing them to work. [Laughter.] They would like to have them come back, but the black people refuse to do it after they have obtained a single glimpse of liberty as it is to be found in the North; yes, in Chicago; put it in Chicago, the city of the greatest progress on the American continent, whose people dare to do and do; the city with more railroad terminals than any other city in America; the city that honors and respects every man, and honors and respects itself. A man does not have to come from South Carolina to be considered respectable enough to live in Chicago. He can come from any place, if he behaves himself, and can live there and be respected.

I am glad that Chicago is sufficiently liberal in its views to recognize the rights of citizens, whether they be black or white. The Chicago post office is a Government institution, and black people pay taxes to maintain it as much as anybody else does, and we have no right, neither has this organization, whatever it may consist of or whoever may belong to it, to say that a black man, a citizen of the United States, has no right to the consideration of a citizen of another color. We have them yellow, black, white, Chinese, Japanese—citizens. They are all treated with proper consideration. They are all honored as they deserve to be honored; and Chicago, the queen of the inland seas, pays no attention whatever to any protests from any crowd so narrow minded as those who sent this circular letter to the gentleman from South Carolina. [Applause.]

Mr. HARRISON. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Chairman, I certainly have no desire to become involved in any way as to the political aspects of the prohibition question. I was interested in the observations of the gentleman from New York [Mr. LAGUARDIA] a few moments ago, and while he was talking my mind reverted to an article which I had read within the last few days and concerning which I made an inquiry of the gentleman from New York while he was speaking. I was so tremendously impressed by that article that I felt I wanted to refer to it just a little further than I did in the inquiry I made of the gentleman from New York.

The article appears in a recent magazine. It is a copyrighted article, and I do not feel at liberty to quote from it because we ought to respect the copyright, even though we, perhaps, could put it in the RECORD without getting ourselves into trouble. It is because of the source of this article that, in my opinion, it is going to attract very widespread attention and have a tremendous effect. The article is by Commander Evangeline Booth, of the Salvation Army, and is entitled "Some have stopped drinking."

Of all the institutions ever developed by men concerning which I have never heard one word of criticism I think the Salvation Army stands single and alone. [Applause.] There is not a soldier of America but respects it and would fight for it to-day. There is not a man in the lowest part of the lowest slums of any city of these United States who does not feel, as he sees coming toward him or passing by him one in the uniform of the Salvation Army, that somehow or other there is the mercy of God incarnated.

The article speaks of a certain class of people, not those who gather in clubrooms, not those who speak in hotels, not those who rise at banquets to discuss personal feelings or talk about personal liberty and veer off into the political phases of this question, but a great mass of mankind which she says has been uplifted, bettered, regenerated, and the article, coming from that source, is going to attract widest attention; it is going to command attention and elicit respect from every class of American society, and it is not going to be challenged as to its facts, either, coming from the source that it does come from.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield.

Mr. GREEN of Iowa. Does the gentleman know of anyone who could speak with more authority and with better experience with reference to the condition of the masses of the city of New York than the author of that article?

Mr. GARRETT of Tennessee. I think unquestionably it comes from the best source in the world, and undoubtedly what is said of New York is applicable to other cities where conditions somewhat similar exist. It is going to command the respect and elicit the attention not of those who wish to involve the question in politics but of those sincere people, without regard to party politics or without regard to their own dispositions toward this question, who are interested in the uplift of humanity. Your great industrialists, your great economists, and your ordinary everyday man as he goes about the streets is going to read this and believe it, and he is going to rejoice that there has been this wonderful improvement in this condition. [Applause.]

Mr. HARRISON. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. BULWINKLE].

Mr. BULWINKLE. Mr. Chairman, I wish to speak, in the few minutes I have, on one phase of this bill—the Army appropriation bill. I had thought for some few years past that the citizens' military training camps were a pretty good thing for

the boys and young men of this Nation. I thought that until I read the hearings. Remember, now, that those boys only go to these camps for two weeks in a year, and never over four, yet the War Department asks for an appropriation to provide hostesses at each of these camps—30 for the citizens' military training camps, 13 for the Regular Army. They say, in the first place, that these boys are homesick. A great number of the boys come from colleges, and yet they say they are homesick after a two weeks' stay. They say, further, it is for their best interests and the good of their characters that these hostesses are provided. The inference is that conditions would be intolerable around each camp if these boys, only 17 years of age, are permitted to attend without the hostesses.

I am strongly convinced, after reading the hearings, that an amendment should be introduced and placed upon this bill not to permit any youth of the tender age of 17 to attend one of these camps.

Let me read from the hearings. Mr. COLLINS, of the Appropriations Committee, evidently had before him the statement which the War Department sent down:

Mr. COLLINS. I notice two statements here that rather indicated that it was on account of the youth. You state here that qualified hostesses are essential in the larger camps to supervise the social activities of the candidates, arrange amusement features, etc. Homesickness is quite prevalent in the camps among boys who are away from home for the first stay of any length and the work of the hostess is a large factor in combating it—

Thirty hostesses for 38,000 men!—

Again, you make the statement here that in the larger camps competent hostesses are essential to maintain the morale, supervise the social activities, and secure proper contacts with local civilian communities. I thought perhaps that was largely on account of the fact that they were youngsters of tender years.

Major PHILLIPSON. The minimum age is 17. These boys are away from home, and we have a responsibility to their mothers and fathers to see that their environment is a correct one. The hostesses, I think, are largely used in their contact with the civilian communities for that purpose. They see that decent girls come to the dances, and that when they go to town they are invited to a respectable class of parties, etc. There is a good deal of that besides the maintaining of the general social atmosphere of the camp.

In addition, the bill does not show it is provided for at all, because on page 923 of the hearings I find this:

Mr. BARBOUR. There is nothing in this item about hostesses, is there?

Major PHILLIPSON. It is in the appropriation, but the change of language is out.

Mr. BARBOUR. There is no change of language, you say?

Major PHILLIPSON. No, sir; because that went to the Military Committee for permanent law. They took the change of language out, but they left the item in the project.

Mr. COLLINS. You have hostesses in here?

Major PHILLIPSON. Yes, sir.

But yet the appropriation is in the lump-sum amount.

Oh, shades of Grant, of Sherman, of Lee, and Jackson! Hostesses for an army! To think that in training men for soldiers you have to provide them a hostess for a two-weeks' stay in camp for fear of homesickness. It is absurd upon its face. To provide for their social activities. What have we come to?

It reminds me of a time after the war when we had this great educational campaign on in the Army, when one general officer in the Artillery, wanting his mechanics found they were being educated three hours a day, and when he went to see where these two mechanics were, two mountaineers of east Kentucky, full-size men, if you please, they were being educated—they were being educated to play the ukulele. [Laughter.] This happened at a camp in Kentucky.

I think if the conditions are such that it is not proper on account of the moral effect upon these boys of 17 to have them go to these camps, then by all means an amendment should be introduced to keep these boys at home and not let them go to the camp. Provide that the age shall not be less than 18 or 19 or even 20. But please remember we do not want homesick boys.

Mr. BERGER. Until they grow up.

Mr. BULWINKLE. Until they grow up. And, by the way, they have 13 of these hostesses for the Regular Army. Thirteen hostesses for 118,000 enlisted men! [Laughter.] My goodness, that is a busy 13. Over 10,000 men to a hostess. We are paying them something over $125 a month in the Regular Army. Last year they were to take this item out of the bill, but they did not do it. I have looked in vain in the hearings to ascertain if the enlisted men of the Regular Army are homesick. I hope and pray that they are not. My impression has been that this Committee on Appropriations was hard-boiled. How in the world you ever permitted a thing like this to get in, for the life of me I can not tell. [Laughter and applause.]

I yield back the remainder of my time, Mr. Chairman.

Mr. HARRISON. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, complaint has been registered that the Radio Commission has not made an equitable distribution of wave lengths contemplated by the radio act of 1927. Some Congressmen have charged that New York, New Jersey, Pennsylvania, Illinois, California, Florida, Nebraska, Washington, Virginia, Iowa, and New Mexico have more broadcasting stations than they are entitled to. I believe that these arguments are untenable. Section 9 of the radio act provides for an equitable distribution of radio services and not of stations. About one-quarter of the total number of families in this country comprise the radio audience and that audience uses seven and one-half million radio sets. Measured by service and considering its limitations and difficulties the Radio Commission has allotted stations equitably.

WEAF and WGY, which are New York's two largest stations, the first involving 100,000 watts and the second involving 50,000 watts, serve the entire country. They can be heard in every State. They are thus rendering a service to every State. WGY has been heard on every continent. You might say that every country on the face of the globe is being served by that station. Would the radio public be any better off if WEAF or WGY or the two large New Jersey stations, WJZ and WOR, were stationed at Kalamazoo, Oshkosh, or Painted Post? It may be that Arizona, Montana, Maine, Arkansas, Alabama, or Georgia have an allocation of stations or a maximum license power or a share of channels that is not commensurate with their radio populations. But that is not the test. The large eastern stations and far western stations supply sufficient and attractive services to those States which are deficient in number of stations and station power.

If some of the Congressmen, raising the shibboleth of "State rights," insist upon a numerical division of stations among the States in accordance with populations, then the country is faced with this dilemma:

First. Either the 700 stations existing must be reallocated with consequent taking away from New York, New Jersey, Pennsylvania, Illinois, and so forth, and the giving to Texas, Missouri, Indiana, South Carolina, Utah, and so forth.

Second. Or the number of stations must be augmented to a number far above 700. To increase the stations would be to blur further the radio spectrum. The commission was set up to eliminate interference and has fairly succeeded in doing so. To increase stations would undo its work and would make confusion worse confounded. To follow out the first alternative and to take away stations from some States and add them to others would be most unjust and inequitable. The great advances made in radio has been due to those entrepreneurs who were willing to take a chance. They were willing to invest their money with no assurance of return. They were the pathfinders and inventors and pioneers. They established themselves principally in New York, New Jersey, Pennsylvania, and Illinois. They invested millions of dollars. They have rights of priority. They have vested rights. Even the Government can not ruthlessly deprive them of that which they have acquired by patient endeavors. Priority in time gives them superiority in right. For that reason the commission must maintain the status quo as to the allocation of these stations.

Chairman WHITE, of the Committee on the Merchant Marine and Fisheries, who has given great study to the question, has criticized the commission for not reducing the number of stations. The commission properly replies that to do so would have tangled up the radio situation with lawsuits and injunctions. It is my belief that the commission was justified in refusing to take a station off the air, because it could not do so legally.

Even the power of Congress is not strong enough to take away a man's property in a radio station which was established before Congress legislated. Congress can limit for the future. It can not take away what the past has given. Furthermore, the commission wisely sought to cut down the use of various channels by persuading in some instances as many as four stations to share time on the same wave length. In New York, for example, many stations divide time on the same wave. That is equivalent to a reduction. Then, too, we can expect shortly inventions that will permit synchronized broadcasting, where the same channel and time is used by several stations by the use of what is scientifically known as matched crystals. WGHP at Detroit and WAIU in Cleveland have successfully experimented along these lines. I am op-

posed as much as anyone to the monopolistic tendencies of the so-called radio combinations, but would not wholesale reduction of stations play directly into the hands of this combine? It is much easier to gobble up and thus effect control of most of a few hundred stations than of 700 stations. In other words, reduce stations and the radio combine has its work simplified.

Furthermore, the life of the commission should be extended another year. One does not swap horses while crossing a stream. We have not as yet plumbed the depths of radio inventions. There are the questions of television, wireless telephony, and short waves, all of which bring in turn new and intricate problems. The commission has started on the solving thereof. It must be given time to bring about solutions.

Mr. BOYLAN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. BOYLAN. Does the gentleman think that this development of television will interfere with the alibi industry?

Mr. CELLER. I think the gentleman will have to answer that for himself. He needs no alibi. Of course, the members of the alibi industry will have to speak for themselves. They may have to consult their wives.

Mr. BLACK of New York. But we do not need any alibis in New York.

Mr. CELLER. As the gentleman from New York [Mr. BLACK] suggests, we of the city of New York need no alibi.

Canada is insisting upon having assigned to it more than its present 12 channels. The commission is now working on that difficulty. The State Department is insisting that Canada have its way. American broadcasters are insisting that the commission intervene in their behalf to prevent more channels going to Canada. That problem alone would justify continued existence of the commission.

Recently public hearings were held by the commission on the subject of short waves. The public is not aware of its rights in this regard. Short waves have a high trajectory. They are lifted high into the air immediately upon being sent and come back to earth hundreds or thousands of miles away. They can not be readily used in program broadcasting, but they can easily be adopted for long-distance commercial wireless service between definite and fixed points. Short waves by suddenly being lifted high into the air suffer little from interference from tall buildings or the static usually caused by metal objects on the earth's surface or minerals below the earth's surface. The Radio Corporation of America has had already assigned to it some 57 short waves out of a total of 119. The Ford Motor Car Co. and the Firestone Rubber Co. have short-wave licenses for communication between their various plants. The Graham Bros. Truck Co., Elgin Watch Co., various pipe-line companies and airplane transport firms have short wave lengths for point-to-point use. The question arises, Shall these short waves be used by individual companies for purely selfish commercial purposes? What interest has the public in these short waves? That is a question fraught with great difficulty. The commission has the means of solving it. It is hoped, therefore, that Congress will not for the present pass any rigid laws concerning the short wave because so comparatively little is known about it. But in any event, in view of these pending and important problems, the life of the commission must be extended. [Applause.]

Mr. HARRISON. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. COHEN].

Mr. COHEN. Mr. Chairman and gentlemen, I appeared before the Subcommittee of the Committee on Appropriations to object to an appropriation of $300,000 for Governors Island, and presented to the committee statements and arguments that I thought would amply justify the withholding of any additional appropriation of moneys to be expended on Governors Island until such time as I could convince the Members of this House that part of Governors Island is more valuable to the United States as an airport than as a military reservation. In this, I am sorry to say, I was not successful.

I have gone through the bill very carefully but find no mention of any such sum for Governors Island. I am told, however, that the amount is in the bill, and on that premise I am now speaking to you protesting against this appropriation.

Just as I entered the Chamber the gentleman from Chicago was painting the lily white. Of course, it does take considerable white paint to paint Chicago, but my mention of Chicago is only because I have before me an article about an airport in Chicago, in which it is stated that an island airport is the ideal airport. This article was written by Capt. H. J. Houghland, and appeared in the New York Times, August, 1927.

Captain Houghland is acting Air Corps officer of the Second Corps, stationed on Governors Island, and his statements should be given considerable weight. His article and arguments when talking in Chicago were all in favor of an island airport, but since then I have not heard of further comments from him in this connection. It is very strange, indeed, that when any members of the Army reach the confines of the city of New York the island airport is no longer superior to the inland airport. Governors Island, as its name indicates, is an island, but all sorts of objections are raised by the Army department to its use as an airport because it is the home of the Department of the East, and the Army does not want to transfer its headquarters from Governors Island to any other of the military reservations around New York.

Maj. Gen. Hanson E. Ely, commanding general, headquarters Second Corps, in a speech recently stated as follows in connection with the use of Governors Island as an airport:

> The troubles in an airplane engine, which cause many of the accidents, are found out very shortly after they rise. You will remember that last map, rising against the wind on a 75-acre tract where you have 500 or 600 feet of runway. If, after taking off the ground, you discover engine trouble you have not the altitude to turn around to make your field again, but you must get to land somewhere right away. That is a difficulty. The landing places are not there. The landing place is in the river, among the ships, or in the city. You have to go a long ways to get any kind of landing place whatsoever, and the result of these forced landings will be much more serious in crashed planes and casualties.

Evidently Captain Houghland does not agree with his superior officer, for he states that an island is the ideal airport. I also call to your attention that the island airport of Chicago is no larger than Governors Island.

It is most peculiar how the Army can stretch either its conscience or its tongue whenever a question arises that, in its judgment, will affect it favorably or adversely.

General Ely also stated—

> If they want to crash their ships a nice way to do it would be to try to land in a 75-acre area in a cross wind of 40 miles an hour, especially if it is a civilian company, the pilots, perhaps, not being as skillful as the trained Army aviators and their ships, perhaps, not quite as good.

He evidently is not familiar with the fact that in 1916 Governors Island was used as a training station for 16 young men who realized the possibilities of war and prepared themselves for airplane service. This squad was financed by Mr. Whitney, and among the young men were the late Quentin Roosevelt, Hobie Baker, Seth Low, and Philip A. Carroll. So, General Ely's arguments of better machines and trained flyers fall by the way, as, if these inexperienced men with the old Jenny planes could use Governors Island for training purposes, meaning that they took off and landed on the field, there should be no question of its suitability to-day with trained aviators and up-to-date machines.

Regarding General Ely's statement about rising against the wind on a 75-acre tract where you have 500 or 600 feet runway, may I insert a paragraph of "We," epic of the air, by Col. Charles A. Lindbergh, reprinted in the New York American, as follows:

> The plane was off the ground in 6⅛ seconds, or 165 feet, and was carrying over 400 pounds in extra gas tank and equipment.

May I also read from an editorial of the New York Times of January 26, "Testing the air flivver," as follows:

> In his fragile ship Chamberlin rose into the air after a run of 75 feet along a street in Garden City.

This, of course, was a small machine, and perhaps not a fair comparison; nevertheless it shows that if one machine can rise in 165 feet and another one in 75 feet, there is no reason why a field of 75 acres should present any difficulties.

Postmaster General Harry S. New feels so assured that small landing places are suitable for airports that he made the suggestion to erect aviation landing platforms above railway terminals in large cities similar to the upper deck of aircraft carriers used by the Navy. By this means planes would be able to land much nearer to the business center of a city than at present. Mr. New said that he often traveled by air from Washington to New York, and though the actual flying time was less than two hours, getting to the flying field at Washington and from the landing field on Long Island took up so much time that the time saved in the air was practically lost in the street traffic. He pointed out that should a plane take off from a platform above the tracks of the Washington Terminal and land on a platform above the tracks at the Grand Central or Pennsylvania Station in New York this waste of time would be eliminated.

I quote from an editorial in one of the New York newspapers commenting on Postmaster General New's proposal, as follows:

Air transportation is used by persons in a hurry and for the carrying of mail and merchandise which must be rushed. If too much time is wasted in getting to and from a landing field, the purpose of such transportation is defeated. Railway terminals, as a rule, are very close to the business center of the cities in which they are located, and if landing fields were built above them the time lost in traffic would be eliminated.

It will be noted that Governors Island, on the very doorstep of New York City, is not mentioned, but evidently Postmaster General New does not desire to have any conflict with any of the other departments. As Mr. New said, the airport nearest to the center of the business section of any large city is the airport that gives the best service. Governors Island is within 10 minutes from the business center of the city of New York. Captain Houghland stated that an island is the most suitable place for an airport; consequently, in consideration of all factors, Governors Island presents the ideal location for an express airport to serve the business section of New York.

Everyone agrees that nearness to the business centers of the cities is a prime essential of the ideal airport, but the Army department does not want to give up Governors Island. Its objections are countered by statements of such distinguished aviators as Clarence Chamberlin, Commander Richard E. Byrd, Casey Jones, and other prominent and widely experienced aviators, who have repeatedly and publicly stated that Governors Island is suitable for an express landing station.

New York City's postal receipts are about $77,000,000 annually. Of this sum, $2,500,000 is derived from the Bronx, about $3,500,000 from the district north of Fiftieth Street, and the remainder—about $71,000,000—from lower Manhattan. Of course, I do not claim that these $71,000,000 are derived from air mail, but I do call these figures to your attention to illustrate the tremendous relative importance of the business section of the city of New York. To-day air mail is landed at Hadley Field, and it takes a minimum of one and one-half hours to two hours and thirty minutes to arrive in the main post office at Thirty-second Street and Eighth Avenue. At times it takes longer for air mail to reach the post office from Boston to New York via Hadley Field than it takes for trains to travel between Boston and New York.

With Governors Island as an airport this condition would not exist, and I can only repeat what I have stated many times: That because of the attitude of the War Department in not relinquishing part of Governors Island for an airport the business interests of the United States must suffer.

Mr. HARRISON. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. BLACK].

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, I have picked a rather bad spot in to-day's bill, a spot where you are supposed to bring in a trapeze or a trained seal. The discussions to-day have been on various subjects, but I do not think the day has been badly spent, because we have achieved one result at least, a result which I think will mean a great saving to the country and with which I am particularly pleased. I refer to the speech of the gentleman from Illinois [Mr. MADDEN]. He surely is as good as reelected on account of the speech made by him this afternoon. Certainly it guarantees to him a successful race in the coming election, and I, with other Democrats as well as Republicans, will certainly be glad to see it accomplished.

To-day, in our discussions, we have covered nearly all the wars of modern times. We have covered Bill Thompson and the Revolutionary War, and the gentleman from South Carolina [Mr. STEVENSON] has covered the Civil War, and the gentleman from New York [Mr. LAGUARDIA] has talked about the war that we are going to have later in the national campaign. He and other gentlemen have spoken of the impending war between the bootleggers and the grafters on the one side and the prohibitionists on the other.

That last-mentioned war is very interesting to me. The gentleman from Nebraska [Mr. HOWARD] stated that the gentleman from New York [Mr. LAGUARDIA] is honest. Well, he has not been a Republican long enough to be anything else. [Laughter.] He is the latest recruit to the Republican Party, and he makes the admission on behalf of his party that prohibition can not be enforced. I would rather see that admission come from the commander in chief of the Republican Party, the gentleman in the White House.

The gentleman from New York [Mr. LAGUARDIA] says that a candidate who states that he will enforce the law misrepresents the situation. Misrepresentation, gentlemen, is a serious thing. Misrepresentation as to the future is a very serious thing, but misrepresentation as to the past and present is a much greater crime than misrepresentation as to the future. A man should be given a chance to make good. The man most responsible for the present situation is the man in the White House. If the prohibition law is impossible of enforcement, as the major says, then the commander in chief of the Republican Party has the duty to tell the American people in so many words that it can not be enforced, instead of talking about economy over the radio, and at the same time throwing large salaries out to a lot of prohibition agents day after day.

I also commend my friend and colleague, BOYLAN, for his suggestion concerning Colonel Roosevelt. As a good friend of Al Smith I say, "Thank God for Teddy Roosevelt." I hope his leg will not be broken when he goes out over the country, but I hope the West will find somebody to heckle him as they used to heckle his father. I hope somebody will get up in every audience that he addresses and say, "Tell us, Teddy, about Teapot Dome."

Not long ago a committee was organized by me at the suggestion of William R. Hearst up in New York to make an inquiry concerning the housing condition in the forts around New York. On that committee was Congressman BOYLAN, Colonel Slattery, a well-known engineer, Mr. Banham, head of the New York Board of Trade and Transportation, and William Siegrist, jr., a social-welfare worker. They visited a number of forts around New York, and found the conditions very bad; the quarters consisting of old shacks built for temporary purposes; shacks which are now supposed to house the Army of the United States.

They are badly heated, heated with antiquated stoves, and they are unsanitary. Yet this Government advertises for recruits in the Army, and prints and disseminates misleading pictures as to conditions of life in the Army. Men in civil life, getting good wages in a trade, are induced to go into the Army at a poorer wage, and do pretty much the same kind of work that they do in civil life. I am glad to say that this Appropriation Committee is doing something to improve that situation. I wish, by the way, to speak of a strange situation at Fort Hamilton. We have large guns there that cost this Government about a quarter of a million dollars apiece, and the administration has not yet installed an antiaircraft gun, costing $15,000, to protect them. If they want to have an antiaircraft gun there, they have got to get it from Fort Slocum.

But that is not the most serious reflection on that situation. You can go and see these big guns in those forts, and you will realize that they are only used to enable some human beings to destroy other human beings. Look backward over the development of mankind. One man had a club and a hammer, and then another man had a sling shot, and then another man had a bow and arrow, and then another one a musket, and now we have poison gas. The worst war weapon comes at a time when we are supposed to be most civilized. The trouble is that civilization has been too pedestrian. It has not kept pace with science. With the advancement of civilization human ingenuity has multiplied the mechanics of human destruction. I do not think we should give up every effort to get a world peace. The trouble has been in all conferences in the past that those who go to make peace are those who are interested in war; the executive branch of government, military and naval officers, diplomats, all interested in the war game. They are the men who are supposed to arrive at a solution of the troubles to bring about peace. That has been one difficulty. Another difficulty is that the peace conferences came right after the war, when bitterness was still in the air—and war hysteria.

Aristotle tells us that very early it was found that some people would not respect the rights of other men on any principle, but were only amenable to force. So society was organized. Everything in the world is organized but the world itself.

What this world needs is a constitution. How are we going to get such a thing? The people of every nation are opposed to war, yet the people of the nations have never had a chance to speak on this subject. I say there should be a general conference held of the peoples of the world, represented through delegates from the legislative branches of government of the different nations of the world. For the time being leave out the generals, leave out the admirals, leave out the diplomats, and send to this world conference for the purpose of establishing some basic international code men selected from the legislative branches of the governments.

Now, it is not an easy proposition. I realize that some governments do not give adequate suffrage and I realize that in some parliaments you find ministries, but it is not a hopeless proposition. We have an unofficial interparliamentary union trying to frame a code. That being so, why could not the legislators of the world send men to some central place where

they could try to make a law for peace after the manner of the laws in their own individual nations? It will take time. It is not a thing which we should attempt to accomplish in a week, in a month, or in a year. There are a great number of things to be thought of, and I intend to try to formulate such a resolution for introduction into this House, so that we can create some kind of an official interparliamentary union and have a great parliament for peace; but at the same time, while we are trying to do this thing, there is no reason in the world why we should not live up to our first constitutional obligation, and that is to keep this country in a proper state of defense. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HARRISON. Mr. Chairman, I yield 15 minutes to the gentleman from Washington [Mr. HILL].

Mr. HILL of Washington. Mr. Chairman, a determined effort is being made by the opponents of effective farm legislation to prevent the Committee on Agriculture from reporting out the Haugen bill with the equalization fee provision in it. The strongest force against this bill is the influence of the administration. The country is well advised, too, that the highly protected industrial interests and the dominating financial powers are against the bill. Recently there have been coming to Members of Congress protests and arguments against the measure from an association known as the Federated Agricultural Trades of America. All of this opposition is based on the conviction that the Haugen bill if enacted into law would give to agricultural producers a 100 per cent bargaining power in the sale of their products and the full benefit of tariff protection. The opponents of this proposed legislation do not want the farmers to have such advantage. The reasons for such opposition are obvious and they are not in the interest of the farmer. They are purely selfish. The farmer has been the football of commerce so long that the commercial and financial agencies think they have the right to kick him every time they come in contact with him.

The farmer produces wealth but he does not control the markets through which the profits on his production are realized. The Haugen bill would automatically bring the farmers into cooperation in the marketing of their products. It would do for them what they have been unable to do for themselves through voluntary organization. When the producers of a basic agricultural product can be united 100 per cent behind the bargaining power in the sale of their product they will be able to say what the price shall be, just as the merchant fixes the price of his merchandise. When the farmer can dictate the sale price of what he produces he will receive the profits which are justly his and which the consumer now pays to the middleman. No one will deny that profits are made on agricultural products, but the farmer does not get them. The profits are not made in producing crops but in marketing them. It is the most obvious thing in the world that if the farmers could be united solidly behind the bargaining power in the sale of their crops they could control the marketing and the price of their crops. The Haugen bill would enable the farmers to accomplish this object. It is, therefore, not surprising that there should be such violent and determined opposition to the bill on the part of those interests which have so long controlled the markets of agricultural commodities and reaped the profits thereon.

In a communication, dated January 24, 1928, which I received from the president of the Federated Agricultural Trades of America, there is disclosed the real objection of the dealers in agricultural commodities to the Haugen bill. At this point I want to read a portion of that communication to show you the real basis of alarm on the part of the Federated Agricultural Trades of America and why they are so panicky over the prospect of the enactment of the Haugen bill into law.

The portion I desire to read is as follows:

> The McNary-Haugen bill, which is again in Congress with some changes from last year, now takes in all agricultural commodities. It is predicated upon the equalization fee and the Capper-Volstead cooperative marketing act, etc., and in my opinion is nothing more nor less than compulsory cooperation in the marketing of agricultural products by the farmers—not by physical force, but by those prescribed economic methods which are part and parcel of the McNary-Haugen bill. This kind of legislation, coupled with the new ideas of cooperation promoted and fostered by the Department of Agriculture, namely:
>
> First. Local cooperative units, assembled into.
>
> Second. State cooperative units, then assembled into.
>
> Third. National cooperative units,
>
> is for the purpose of ultimate monopolistic control of the price the consumer must pay for farm commodities—the price to be established by the producer on his own production, also on that of others—the right given him under the Capper-Volstead Act.

Now, that would be a terrible blow to the Federated Agricultural Trades of America, would it not? But it would be a wonderful thing for the farmer. And this legislation is supposed to be in the interest of the farmer, not the nonfarmer, who is dealing in agricultural products and reaping therefrom the profits which the farmer is entitled to receive.

> Compulsory cooperation in the marketing of agricultural products by the farmers and the ultimate monopolistic control of the price the consumer must pay for farm commodities—the price to be established by the producer on his own production.

That is the result which the president of the Federated Agricultural Trades of America fears should the McNary-Haugen bill become law. But his concern is not for the consumer. The consumer now pays a monopolistic price for farm commodities, but the monopoly is controlled by the Federated Agricultural Trades and not by the farmers. The consumer would pay no more and would probably pay less for farm commodities were the monopolistic control of the markets therein wrested from the Federated Agricultural Trades and placed in the hands of the farmers. The effort to make the consumer believe that the McNary-Haugen bill means higher food prices and higher living costs to him is pure camouflage to hide the real motive for opposition to the bill.

The opponents of this bill are not looking to the interests of the consumer, they are looking to their own interests. They are afraid they will have to release their hold on the profits of agriculture and let those profits go to the farmers, where they justly belong. They see in the McNary-Haugen bill an edict of emancipation that will free the farmers from the necessity of surrendering the profits of production to the market manipulators. That is why the opponents of the bill are in a panic and fighting so desperately to prevent its passage. They are not opposing it because they think it will not work; they are fighting it because they think it will work. Of course, they say it is economically unsound; but from their viewpoint any economic scheme is unsound that will give the farmers a square deal. Any economic plan that will tend to place agriculture on a basis of equality with other industries invariably meets with the objection that it is unsound.

It is the same old specious and stock argument that is always put forth to create public sentiment on a false basis to prevent union and cooperation among farmers. So long as the farmer can be kept on his present basis of marketing his crop individually and independently of other farmers, just so long will he be robbed of the profits on his production. His situation is intolerable. Congress can relieve it. I want to know what you are going to do about it. Will the Congress permit this economic outrage to continue?

I have been hammering on this proposition ever since I have been in Congress and long before. I have been trying to drive home to the people of my district the importance of farmers' organizations for the control of the markets of their own products and also as a political power to enforce their demands for just legislation. The only reason the McNary-Haugen bill has not heretofore been enacted into law is that the farmers have not been able to unite solidly behind it and show a unit of strength sufficiently strong to overthrow the political control of those opposing it.

But the farmers in my State are awake to the necessity of cooperation and are demanding the McNary-Haugen bill, which will bring about that result. I am receiving hundreds of letters from them. They are not being deceived by the enemies of farm adjustment legislation. I shall read two out of the mass of letters which I have received from my district and which are typical of the demands for farm legislation:

> ODESSA, WASH., *January 24, 1928.*
>
> SAM B. HILL,
> *Washington, D. C.*
>
> DEAR MR. HILL: We want a farm relief bill now. We don't want a compromise, because after election we won't get anything but promises.
>
> Yours truly,
> R. W. JOYNER.

> CRESTON, WASH., *January 25, 1928.*
>
> Hon. SAM B. HILL.
>
> DEAR SIR: I am writing my views on farm relief. I am for the McNary-Haugen bill, equalization fee and all.
>
> I believe it is the best measure yet offered. I would bitterly oppose any compromise on the equalization fee, as I believe it to be the heart of the measure, and when you take the heart out of a man he is ready for the undertaker. So would the McNary-Haugen bill minus the equalization fee.
>
> I feel that any attempt at compromise is only a political gesture on the part of the advocates to get by November, 1928.
>
> Respectfully,
> J. S. BARBRE, *Real Dirt Farmer.*

The farmers have thought this matter out and they are going to fight for their right to a square deal, and they will not quit fighting until they get it. They know now that they must be their own guardians and not rely for justice and protection on those who prey upon the farmer and reap the profits of his production. The farmers can have what they demand if they will present an organized force behind their demands. The wide-awake, thinking farmers are seriously and untiringly educating their brethren to the necessity of organization.

One of the finest and most forceful arguments for organization and cooperation among farmers that I have ever read is presented in a paper prepared and read before the Pomona Grange at Waterville, Wash., recently by Schiller E. Robins, who is a "dirt" farmer in Douglas County, Wash. This paper deserves to be published on the front page of every newspaper in the country, and I ask your attention to it while I read it:

DOES AGRICULTURE DESERVE HELP?

We doubt it.

Does it need help?

Most assuredly it needs help to remove the serious inequalities existing between agriculture and other industries which have reduced the farmer's dollar to 60 cents.

However, the question of needing help is quite apart from the question of deserving help. The drunkard in the gutter may need help as badly as anyone, but if he will not make any effort to help himself, but returns to his bottle and his evil companions, we can not say he deserves help.

So before we can say that agriculture deserves help, we should consider whether agriculture is willing to help itself.

A century ago the great majority of our citizens were engaged in agriculture, and the minority who were engaged in occupations, such as blacksmithing, cobbling, milling, etc., owned their own shops or mills. Each man made his own living and was largely independent of his neighbor. Then came the steam engine, bringing with it machinery and large factories, which drove the local cobbler out of business and which developed large bodies of working people. Through competition and unnecessary shutdowns, wages were kept at the lowest possible level until the condition of the man who had to depend on others for his employment became deplorable, and the labor union was the result. We all know what the labor union has done for the workingman. Some of their methods are controversial matters, but their results are no longer questioned. Organization has brought the workingman up from almost a hopeless condition to one of prosperity and independence.

No words are necessary to point out what organization has done for big business or manufacturers. When the manufacturers want changes in our taxation system they have their organization in working order and they go to Congress and get their income tax cut 33 per cent, while the farmer, who is now taxed more than three times as heavily, does not get a cent of reduction. Everywhere we turn we find all industry organized except agriculture, and every day the need for agriculture has been growing.

A century ago, when 75 per cent of the population lived on the farms, it was only necessary to market a small part of the crop, and most of that could be marketed directly to the consumer or the local storekeeper. To-day, with scarcely 25 per cent of the population living on the farm, it is now necessary to raise three times as much per capita, but practically all of the crop has to be marketed through complex channels of trade, for in order to raise the enormous crops the farmer has become a specialist—an orchardist, poultryman, stockman, or wheat grower. This shift in occupation and farming practice has given rise to a complex marketing system which is now taking a toll of double as much as the farmer receives for his goods. And through it all the farmer has gone steadily downhill, carefully cherishing the idea that he was the one independent man in the Nation. He has let the workingman form his unions and boost his wages. He has let the manufacturer form combines and boost prices after securing unreasonable tariff protection. He has let his banker combine to control his money. He has let the railroads combine to raise his freight. He has let marketing agencies of the Nation combine to receive double as much for marketing his crop as he receives for raising them, yet the farmer is the most numerous of any class; he works the longest hours of any class; he has the largest investment of any class; and he receives the least income of any class.

Undoubtedly he needs help, but he does not deserve it. There are roughly 22,500,000 people eligible to join farm organizations in the United States to-day. Approximately 5 per cent of them belong to any such organization, exclusive of strictly marketing organizations, which have been a recent and wholesome development, but which handle only one phase of the farmer's problems. When 95 per cent of those eligible to organize are indifferent, can one rightly say they deserve help?

In our own State we probably have 200,000 farmers eligible to belong to general farm organizations, which have a total membership of 10 per cent of that number. Over 80 per cent of them belong to the grange. Recent press comments invite comparisons. We read that there are 40,000 organized sportsmen in the State, paying dues (most of them) of more than the grange dues. They organize and pay dues to protect their interests in hunting and fishing, and there are more than twice as many of them as there are organized farmers. Their small task is to look after the hunting and fishing of the vacation hours of the members. Our task is to look after the buying and selling of the farmers' crops and supplies, taxation problems, transportation problems, all manner of legislative matters, recreation, education, and a hundred more things more important to the farmer than the pheasants and the fish are to the sportsman, yet they have the energy to organize themselves 40,000 strong and pay their money to look after their own interests, while all the farmers in the State do not do half so well.

Do you wonder that the farmer is paying three times his share of the taxes, according to the figures compiled by the Department of Agriculture?

Do you wonder that the middleman gets twice as much for selling the farmer's crops as the farmer gets for raising them?

Do you wonder that the farmer is at the foot of the list in the income-tax returns?

Do you wonder that the farmer is the poorest-paid individual in America?

No, indeed. The only wonderful thing about it is that the farmer, with more capital invested than any other three industries in America, and with more economic power than all the other industries combined, is so unwilling to help himself that he won't take this plain business proposition into his daily life and spend a portion of his time and his money in building an organization which will do for agriculture what other organizations have done for other industries.

There isn't a county in this State that is organized up to 30 per cent of its capacity. The average is about 8 per cent, and many are less than 2 per cent. Here is the place to begin. Each farmer must bear his share of the responsibility for the condition of agriculture, and if each would do just a little bit, we could soon put our industry in so dominant a position that we need seek favors of no one, but would be the most independent class in the Nation.

The question for each grange member to ask himself or herself is, "What am I doing to build and maintain an organization to study and work out these problems which must be solved?"

[Applause.]

Mr. HARRISON. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. LOWREY].

Mr. LOWREY. Mr. Chairman, when I arranged for the time to address the committee at this hour I expected to speak on flood control. The Congress, however, seems to be pretty well convinced on this subject. I believe the majority of us agree that the great Mississippi Valley is a national asset, that the floods are a national calamity, that their prevention is a national responsibility, and that the people of the flood-stricken areas are not now able to pay any part of the cost of flood protection—nor justly obligated to do so. Every principle, both of mercy and of justice, demands that the Federal Government meet this obligation.

A recent cartoon in the Memphis Commercial Appeal made an unanswerable protest on this situation. It portrayed Uncle Sam out on the raging flood in his little boat presenting a tax bill to a poor fellow who was being swept down the stream on the floating roof of his wrecked home.

But I hope to say more on this subject at a later date. Some recent happenings and utterances have for the present turned me to another matter.

For many years—I suppose from the days of reconstruction—there have been some men in the Congress and elsewhere who seemed to enjoy the pastime of villifying the South upon the charge of unjustly disfranchising the negro. The number of these critics has grown "beautifully less" from year to year, and the sane people of the country have rejoiced to see their tribe decrease. Since I have been a Member of this House I once said to a Republican Congressman who had been reared and educated in New England, "The crime and the tragedy of American political history was the giving of the franchise with all the powers and obligations of citizenship to the great horde of ignorant, recently liberated slaves, soon after the Civil War." And he replied, "LOWREY, you do not know that, now, a bit better than some of us know it."

I am sorry to observe, however, that of late there seems to be an increasing tendency to attack and criticize the South on this false and groundless charge.

It should not be necessary to argue in the United States Congress or to explain to any Member of this body that my State and her sister States of the South do not evade nor defy nor in any sense nullify the fourteenth and fifteenth amendments. I commend Senator SWANSON'S speech in the Senate on last Monday to anyone who thinks such things. His argument is clear and conclusive and unanswerable. The laws now in force in the various Southern States which define the qualifications of a voter are not only upheld as constitutional by all of the courts of the land, including the Supreme Court of the

United States, but the original intention—the very spirit of those amendments is being scrupulously observed in all of the States of the South.

Those who point the finger of accusation at the South on this question are either uninformed or deliberately disregard the facts, and from dishonest motives attempt to mislead those who are uninformed. The fifteenth amendment was not designed to guarantee the vote to the negro regardless of everything, but rather to protect him against being denied the vote solely because of his race, color, or former condition of slavery. Efforts to frame the amendment so as to guarantee the negro the vote regardless of his educational qualifications and other qualifieations as a citizen failed by overwhelming votes both in the House and in the Senate. The laws regulating the registration of voters in Mississippi are framed for the purpose, and carry out that purpose in a practical way, of permitting only those to vote who are capable of casting an intelligent ballot. Multitudes of Mississippi's negroes are not qualified to do that, and are therefore disfranchised not because they are negroes but because they are ignorant and lacking in the qualifications that would make them good citizens. The States, North and South, hold, and have always held, the right of giving or withholding the ballot on any grounds whatsoever except the grounds of race, color, previous condition of servitude, or sex.

The South has for many years heard threats of force bills and of the cutting down of her representation in the National Congress because she "nullified" the fourteenth and fifteenth amendments. We have not taken our accusers too seriously. We had a clear conscience, and we understood that men from other sections of the country could and would use that kind of thunder to impress a certain class of their constituents.

But the thing against which I now protest most vigorously is that a large volume of this criticism and accusation is coming from men of our own political faith. For many years the South has been the hope and the stronghold of our Democracy. It was the home of Jefferson and Jackson and other great apostles of our political creed. It is the section of this country in which there has been the most universal loyalty to the interests of the masses and to the eternal principle of government of the people, by the people, and for the people. It has stood as no other section of this country has stood against unjust tariffs, money trusts, and other instrumentalities for giving special privilege to the favored few and establishing a plutocracy of graft, greed, and selfishness. I make no apology for claiming that the South as the backbone of the Democratic Party has done much to keep the party erect for these principles. Again, it has been proved that the South and the West by combining their strength can elect a President without the generous cooperation of the East—as much as we may desire that cooperation.

Men who object to the eighteenth amendment have a legal and political right to oppose it, and if possible to change it by lawful and constitutional means. But they can not justify nullification of this part of the Constitution by the false and frivolous charge that the South has nullified the fourteenth and fifteenth amendments. Nor can they by such false and groundless accusations intimidate or coerce the people of the South into joining hands with any faction or any man in any party that stands for the nullification of any part of the Constitution of the United States.

Mr. BARBOUR. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to. Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 10286, the War Department appropriation bill, had come to no resolution thereon.

THE "S-4" DISASTER

Mr. SNELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the resolution (H. J. Res. 131) providing for a commission to investigate and report upon the facts connected with the sinking of the *S-4* and upon methods and appliances for the protection of submarines, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

I would like to say I have consulted the minority leader and also the ranking Democratic member of my committee, and this is agreeable to them.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Messrs. SNELL, BURTON, and POU.

REREFERENCE OF A RESOLUTION

Mr. HILL of Alabama. Mr. Speaker, on the 20th day of January the gentleman from Colorado [Mr. TAYLOR] introduced a joint resolution (H. J. Res. 175) to change the name of the Ancon Hospital in the Panama Canal Zone to the General Gorgas Hospital. In the regular procedure of referring bills and joint resolutions, this resolution was referred to the Military Affairs Committee of the House. On last Thursday that committee, after giving due consideration to the joint resolution, ordered it reported favorably to the House, and delegated me as a member of the committee to report the joint resolution. Due to the fact that the author of the resolution, the gentleman from Colorado [Mr. TAYLOR] wanted to prepare a rather complete and somewhat elaborate report on the resolution, the report was not made to the House; and on last Monday the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from New York [Mr. PARKER], asked unanimous consent that this joint resolution be rereferred from the Committee on Military Affairs to the Committee on Interstate and Foreign Commerce. This consent was given. Later in the day, however, the gentleman from Tennessee [Mr. GARRETT], on learning that perhaps the Military Affairs Committee had ordered the joint resolution reported, and that the gentleman from New York [Mr. PARKER], the chairman of the Interstate and Foreign Commerce Committee, had not consulted with the chairman of the Military Affairs Committee, asked that that order be vacated, and the House then and there vacated the order rereferring this joint resolution from the Committee on Military Affairs to the Committee on Interstate and Foreign Commerce.

The Military Affairs Committee has a report on this joint resolution ready now to go in the basket. The Military Affairs Committee, however, desires to maintain its jurisdiction and yet at the same time not encroach upon the jurisdiction of any other committee of this House, and under the circumstances the Military Affairs Committee of the House has directed me to ask the opinion of the Speaker as to whether this joint resolution should go to the Interstate and Foreign Commerce Committee or to the Committee on Military Affairs, and I now ask the Speaker his opinion on this matter.

The SPEAKER. The Chair will state that when the resolution was introduced and came in due course to the Speaker's office for reference it was assumed that the hospital referred to was a military hospital, but the Chair is advised it is not a military hospital and is therefore of the opinion that under the circumstances, the Committee on Interstate and Foreign Commerce having jurisdiction over affairs relating to the Isthmus, the proper reference would have been to the Committee on Interstate and Foreign Commerce.

Mr. HILL of Alabama. Mr. Speaker, in view of the opinion of the Chair, if the gentleman from New York [Mr. PARKER], the chairman of the Committee on Interstate and Foreign Commerce, will ask unanimous consent that the joint resolution be rereferred from the Military Affairs Committee to the Committee on Interstate and Foreign Commerce, there will be no objection on the part of the Committee on Military Affairs of the House.

Mr. PARKER. Mr. Speaker, I ask unanimous consent that House Joint Resolution 175 be rereferred to the Committee on Interstate and Foreign Commerce.

Mr. GARRETT of Tennessee. That means, of course, that the report will be abandoned.

Mr. HILL of Alabama. That means that the report will be abandoned and there will be no report from the Committee on Military Affairs on this resolution.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from New York a question. I have received within the last 10 days quite a number of letters from prominent people in Texas advocating the passage of this bill as just recognition of the services of General Gorgas—a great man. I am wondering what is the attitude of the gentleman's committee in so strenuously insisting on getting hold of this bill. Are they going to kill it or are they going to pass it?

Mr. PARKER. Mr. Speaker, I wish to state to the gentleman from Texas it is not the bill but a matter of principle that is involved.

Mr. BLANTON. It is a matter of principle only, and there is no antagonism in the gentleman's committee toward this bill?

Mr. PARKER. There is absolutely nothing of the kind, I assure the gentleman. It is simply a matter of the jurisdiction of the committee which I represent.

Mr. HILL of Alabama. Mr. Speaker, in order that the RECORD may show the facts, I would like to state that the action of the Committee on Military Affairs in reporting favorably this joint resolution was unanimous.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. COOPER of Ohio, indefinitely, on account of illness in his family.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that on February 1, 1928, they presented to the President of the United States for his approval a joint resolution and bills of the House of the following titles:

H. J. Res. 81. Joint resolution for the amendment of the act of March 3, 1927, by authorizing an annual appropriation to carry out the cooperative experiments contemplated by the act;

H. R. 5725. An act to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Monroe, La.;

H. R. 5726. An act to extend the times for commencing and completing a bridge across the Black River at or near Jonesville, La.; and

H. R. 5728. An act granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana, to construct, maintain, and operate a bridge across the Bayou Bartholomew at or near Point Pleasant, La.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution and bills of the following titles, when the Speaker signed the same:

H. J. Res. 93. Joint resolution for the appointment of Paul E. Divine, of Tennessee, as member of the Board of Managers of the National Home for Disabled Volunteer Soldiers;

H. R. 5657. An act granting the consent of Congress to the Board of Supervisors of Monroe County, Miss., to construct, maintain, and operate a bridge across Tombigbee River at or near Aberdeen, Monroe County, Miss.; and

H. R. 9142. An act to amend section 71 of the Judicial Code as amended by changing time of holding court at El Dorado and Harrison, Ark.

ADJOURNMENT

Mr. BARBOUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Friday, February 3, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, February 3, 1928, as reported by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

District of Columbia appropriation bill.

Agricultural Department appropriation bill.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote the unification of carriers engaged in interstate commerce (H. R. 5641).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A meeting to discuss the naval building program.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION—SUBCOMMITTEE ON HOSPITALS

(10 a. m.)

To authorize an appropriation to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended (H. R. 5604).

COMMITTEE ON ROADS

(10 a. m.)

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented (H. R. 358, 383, 5518, 7343, and 8832).

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented, and authorizing appropriation of $150,000,000 per annum for two years (H. R. 7019).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON PUBLIC HEALTH, CHARITIES, AND HOSPITALS

(10 a. m.)

To regulate the practice of osteopathy in the District of Columbia (H. R. 16).

To regulate the practice of chiropractic, to create a board of chiropractic examiners of the District of Columbia, and to punish persons violating the provisions thereof (H. R. 5763).

To regulate the practice of naturopathy in the District of Columbia (H. R. 9347).

COMMITTEE ON RIVERS AND HARBORS

(11 a. m.)

A meeting to consider favorable reports from the office of the Chief of Engineers on rivers and harbors projects.

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10.30 a. m.)

To prohibit the sending of unsolicited merchandise through the mails (H. R. 351).

COMMITTEE ON AGRICULTURE

(10 a. m.)

Authorizing the establishment of a migratory bird refuge in the Cheyenne Bottoms, Barton County, Kans. (H. R. 7361).

COMMITTEE ON PATENTS

(10 a. m.—caucus room)

To amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, etc.," approved February 8, 1918 (H. J. Res. 36).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To amend sections 116 and 118 of the Judicial Code (H. R. 5690).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WINTER: Committee on the Public Lands. H. R. 479. A bill to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases; without amendment (Rept. No. 538). Referred to the Committee of the Whole House on the state of the Union.

Mr. BUSHONG: Committee on the Public Lands. H. R. 8526. A bill to establish a minimum area for a Shenandoah National Park, for administration, protection, and general development by the National Park Service, and for other purposes; without amendment (Rept. No. 540). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. R. 10166. A bill to amend the Foreign Service buildings act, 1926; with amendment (Rept. No. 541). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 5476. A bill to authorize the Secretary of War to sell to the Pennsylvania Railroad Co. a tract of land situate in the city of Philadelphia and State of Pennsylvania; with amendment (Rept. No. 542). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORIN: Committee on Military Affairs. H. R. 5494. A bill to enable the mothers and unmarried widows of the deceased soldiers, sailors, and marines of the American forces interred in the cemeteries of Europe to make a pilgrimage to these cemeteries; with amendment (Rept. No. 543). Referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 473. A bill authorizing the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River; with amendment (Rept. No. 544). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 5722. A bill granting the consent of Congress to the Rogers Bros. Co. to construct, maintain, and operate a bridge across the Ohio River at Ashland, Ky.; with amendment (Rept. No. 545). Referred to the House Calendar.

Mr. MICHENER: Committee on the Judiciary. H. J. Res. 176. A joint resolution granting consent of Congress to an agreement or compact entered into between the State of Wisconsin and the State of Michigan for the construction, maintenance, and operation of a highway bridge across the Menominee River; with amendment (Rept. No. 546). Referred to the House Calendar.

Mr. HILL of Washington: Committee on Indian Affairs. H. R. 173. A bill to provide funds for the upkeep of the Puyallup Indian cemetery at Tacoma, Wash.; without amendment (Rept. No. 547). Referred to the House Calendar.

Mr. WURZBACH: Committee on Military Affairs. H. R. 235. A bill to authorize the payment of travel expenses from appropriations for investigations and surveys of battle fields; without amendment (Rept. No. 548). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Indian Affairs. H. R. 356. A bill to amend section 2 of the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect"; without amendment (Rept. No. 549). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Expenditures in the Executive Departments. H. R. 10288. A bill to provide for a uniform retirement date for authorized retirements of Federal personnel; without amendment (Rept. No. 550). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BUSHONG: Committee on Claims. H. R. 8890. A bill for the relief of A. N. Ross; without amendment (Rept. No. 539). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on Pensions was discharged from the consideration of the bill (H. R. 7988) granting a pension to Mrs. Isaac D. Caldwell, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EATON: A bill (H. R. 10420) authorizing an appropriation of $2,500 for the erection of a tablet or marker at Rosemont, N. J., to commemorate the burial place of Gen. Daniel Bray, a hero of the war for independence; to the Committee on the Library.

By Mr. ESLICK: A bill (H. R. 10421) authorizing the sale of all of the interests and rights of the United States of America in the Columbia Arsenal property situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund; to the Committee on Military Affairs.

By Mr. ROY G. FITZGERALD: A bill (H. R. 10422) allowing credit to postal and substitute postal employees for time served in the Army, Navy, or Marine Corps of the United States; to the Committee on the Post Office and Post Roads.

By Mrs. KAHN: A bill (H. R. 10423) establishing a naval record for certain officers and enlisted men of the naval militia of California who performed active duty on the U. S. S. *Marion* or *Pinta* during the war with Spain; to the Committee on Naval Affairs.

By Mr. MOREHEAD: A bill (H. R. 10424) authorizing John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, all of Falls City, Nebr., his or their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Rulo, Nebr.; to the Committee on Interstate and Foreign Commerce.

By Mr. TARVER: A bill (H. R. 10425) to provide for the paving of the Government road extending from Lee & Gordon's mill to Lafayette, Ga., known as the Lafayette extension, and constituting an approach road to Chattanooga and Chickamauga National Military Park; to the Committee on Military Affairs.

Also, a bill (H. R. 10426) to provide for the paving of the Government road extending from Chattanooga and Chickamauga National Military Park, in the State of Georgia, to the town of Ringgold, Ga., constituting an approach road to the Chattanooga and Chickamauga National Military Park; to the Committee on Military Affairs.

By Mr. DREWRY: A bill (H. R. 10427) to amend section 17 of the act approved June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 10428) extending the time for filing application for repayment of certain money and commissions under the act of December 11, 1919; to the Committee on the Public Lands.

By Mr. VINSON of Georgia: A bill (H. R. 10429) for the prevention and removal of obstructions and burdens upon interstate commerce in cotton, by regulating transactions on cotton-futures exchanges, and for other purposes; to the Committee on Agriculture.

By Mr. CELLER: A bill (H. R. 10430) to amend section 2169 of the Revised Statutes, as amended, in respect of the definition of a white person; to the Committee on Immigration and Naturalization.

By Mr. CARTWRIGHT: A bill (H. R. 10431) to amend the act establishing the eastern judicial district of Oklahoma; to the Committee on the Judiciary.

By Mr. SINNOTT: A bill (H. R. 10432) for the relief of the Indians of the Klamath Reservation in Oregon; to the Committee on Indian Affairs.

By Mr. WAINWRIGHT: A bill (H. R. 10433) to provide for the promotion of second lieutenants of the Army upon the completion of three years' commissioned service; to the Committee on Military Affairs.

By Mr. VESTAL: A bill (H. R. 10434) to amend section 5 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, and for other purposes; to the Committee on Patents.

Also, a bill (H. R. 10435) providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during the World War; to the Committee on Patents.

By Mr. WURZBACH: A bill (H. R. 10436) to equalize the pay of certain classes of officers of the Regular Army; to the Committee on Military Affairs.

By Mr. HALL of Indiana: A bill (H. R. 10437) granting double pension on all cases where an officer or enlisted men of the Navy dies or is disabled in line of duty as the result of a submarine accident; to the Committee on Pensions.

By Mr. LUCE: A bill (H. R. 10438) to incorporate the Federal reserve retirement fund, to define its functions, and for other purposes; to the Committee on Banking and Currency.

By Mr. McLEOD: A bill (H. R. 10439) amending section 196 of the Code of the District of Columbia; to the Committee on the District of Columbia.

By Mr. HAMMER: A bill (H. R. 10440) granting double pension in all cases where an officer or enlisted man of the Army, Navy, or Marine Corps has died or dies or is disabled in line of duty as the result of an aviation accident; to the Committee on Pensions.

By Mr. KELLY: A bill (H. R. 10441) to amend section 217 as amended of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on the Post Office and Post Roads.

By Mr. BRITTEN: Joint resolution (H. J. Res. 189) authorizing the Secretary of the Navy to receive, for instruction at the United States Naval Academy at Annapolis, two Lithuanian subjects, to be designated hereafter by the Government of Lithuania; to the Committee on Naval Affairs,.

By Mr. MONTAGUE: Concurrent resolution (H. Con. Res. 20) relative to the appropriation for additional storage and incidental expenses at the naval mine depot, Yorktown, Va.; to the Committee on Naval Affairs.

By Mr. LaGUARDIA: Resolution (H. Res. 108) relative to the number of prohibition agents, administrators, supervisors, investigators, and employees in the employ of the United States Government; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUCHANAN: A bill (H. R. 10442) granting a pension to Lewis H. Williams; to the Committee on Pensions.

By Mr. CANFIELD: A bill (H. R. 10443) granting a pension to Harvey Palmer; to the Committee on Invalid Pensions.

By Mr. CHRISTOPHERSON: A bill (H. R. 10444) providing for the examination and survey of the Missouri River from Sioux City, Iowa, to Chamberlain, S. Dak.; to the Committee on Rivers and Harbors.

By Mr. CARLEY: A bill (H. R. 10445) granting an increase of pension to Russell G. Howe; to the Committee on Pensions.

By Mr. CELLER: A bill (H. R. 10446) for the relief of Herman Lincoln Chatkoff; to the Committee on Military Affairs.

By Mr. COMBS: A bill (H. R. 10447) for the relief of Clara Fitzgerald; to the Committee on Claims.

By Mr. DEMPSEY: A bill (H. R. 10448) granting an increase of pension to Jennie A. Raymond; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 10449) granting an increase of pension to Susan Vaughn; to the Committee on Invalid Pensions.

By Mr. FISHER: A bill (H. R. 10450) granting a pension to Ethel Hay Norton; to the Committee on Pensions.

By Mr. FITZPATRICK: A bill (H. R. 10451) granting a pension to Frederick Reinsch; to the Committee on Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 10452) granting a pension to George W. Studebaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10453) granting a pension to Leota Dell Sharp; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 10454) for the relief of John Rittick; to the Committee on Military Affairs.

By Mr. FURLOW: A bill (H. R. 10455) granting a pension to Carrie Hemingway; to the Committee on Pensions.

Also, a bill (H. R. 10456) granting a pension to Serena Oleson; to the Committee on Pensions.

By Mr. GLYNN: A bill (H. R. 10457) for the relief of Norman Dombris; to the Committee on Military Affairs.

By Mr. HOWARD of Nebraska: A bill (H. R. 10458) for the relief of Charles G. Thompson; to the Committee on Claims.

By Mr. JOHNSON of Illinois: A bill (H. R. 10459) granting an increase of pension to Henrietta M. Stackpole; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 10460) granting a pension to Eva M. Baker; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 10461) granting an increase of pension to Elvira Young; to the Committee on Invalid Pensions.

By Mr. MAAS: A bill (H. R. 10462) for the relief of Enza A. Zeller; to the Committee on Claims.

By Mr. MAJOR of Illinois: A bill (H. R. 10463) granting a pension to Mary Blanch Peebles; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 10464) granting an increase of pension to Annie E. Stauch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10465) granting an increase of pension to Annie E. Parks; to the Committee on Invalid Pensions.

By Mr. NELSON of Missouri: A bill (H. R. 10466) granting a pension to Sarah C. Atkinson; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 10467) granting a pension to Lillian Holder; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 10468) granting an increase of pension to Helen Gibbs; to the Committee on Invalid Pensions.

By Mr. STEELE: A bill (H. R. 10469) granting an increase of pension to Emma Morse Backus; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 10470) granting an increase of pension to Hattie N. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10471) granting an increase of pension to Rebecca A. Clinefelter; to the Committee on Invalid Pensions.

By Mr. WAINWRIGHT: A bill (H. R. 10472) to authorize the appointment of Master Sergt. August J. Mack as a warrant officer, United States Army; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3011. By Mr. ANDREW: Petition signed by Paul Moody Boynton, Mrs. E. Moody Boynton, and Gordon D. Boynton, all residing at 16a Ashburton Place, Boston, Mass., protesting against the passage of House bill 78, or any other compulsory Sunday observance bills; to the Committee on the District of Columbia.

3012. By Mr. AYRES: Petition of various citizens of Wichita, Kans., and Clearwater, Kans., against the Lankford Sunday bill for the District of Columbia; to the Committee on the District of Columbia.

3013. By Mr. BACHMANN: Petition of L. G. Thompson and 1,294 other citizens of Wheeling, Ohio County, W. Va., protesting against the passage of the Lankford compulsory Sunday observance bill (H. R. 78), or any other compulsory Sunday observance bills; to the Committee on the District of Columbia.

3014. By Mr. BRIGHAM: Petition of residents of Hyde Park and other towns of the State of Vermont, urging that legislation be passed to increase the pensions awarded to Civil War veterans and their widows; to the Committee on Invalid Pensions.

3015. By Mr. COCHRAN of Missouri: Petition of Catherine Smuckler, president, and Rebecca Landau, chairman, of St. Louis, protesting against Rumanian outrages; to the Committee on Foreign Affairs.

3016. By Mr. COMBS (by request): Petition advocating the passage of pension bill carrying the following provisions: $72 per month for every Civil War survivor, $125 per month for every Civil War survivor requiring aid and attendance, and $50 per month for every Civil War widow; to the Committee on Invalid Pensions.

3017. By Mr. COLE of Iowa: Petition signed by W. Stark, of Urbana, Linn County, Iowa, and 27 other signers, residents of Urbana and Center Point, Linn County, Iowa, petitioning Congress not to pass the compulsory Sunday observance bill (H. R. 78), or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

3018. Also, petition signed by Joseph F. Puborsky and 90 other signers, residents of Cedar Rapids, Linn County, Iowa, petitioning Congress not to pass the compulsory Sunday observance bill (H. R. 78), or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

3019. Also, petition signed by Norman S. Adee and 60 other signers, residents of Marion, Linn County, Iowa, petitioning Congress not to pass any Sunday observance bill, or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

3020. Also, petition signed by H. J. Martin and 19 other signers, residents of Marshalltown, Marshall County, Iowa, petitioning Congress not to pass the compulsory observance bill (H. R. 78), or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

3021. Also, petition signed by C. L. Marshall and 477 other signers, who are residents of Cedar Rapids and Marion, in Linn County, Iowa, protesting against any compulsory Sunday observance bill, or any other bill that will in any way give preference to one religion over another, especially protesting against House bill 78; to the Committee on the District of Columbia.

3022. Also, petition signed by Harrison W. Shipe and 376 other signers, who are residents of Cedar Rapids, Marion, and Mount Vernon, in Linn County, Iowa, protesting against any compulsory Sunday observance bill, or any other bill that will in any way give preference to one religion over another; and especially protesting against passage of House bill 78; to the Committee on the District of Columbia.

3023. By Mr. DAVENPORT: Petition by Helen Armstrong and others, protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3024. By Mr. ROY G. FITZGERALD: Petition of Richard Montgomery Chapter, Ohio, Society Sons of the American Revolution, Dayton, Ohio, praying for the enactment of House bill 5689, providing for the erection of a George Rogers Clark memorial lighthouse at or near the falls of the Ohio River at Louisville, Ky.; to the Committee on the Library.

3025. By Mr. W. T. FITZGERALD: Petition of 150 citizens of Piqua, Miami County, Ohio, protesting against enactment of House bill 78, or any other legislation requiring Sunday closing in the District of Columbia, or elsewhere in the United States; to the Committee on the District of Columbia.

3026. Also, petition of the Ancient and Illustrious Order of the Knights of Malta, in annual convocation, for the enforcement of the national origins provision of the immigration act of 1924, and the enactment of stronger restriction, naturalization, and deportation laws, and opposing any modification of the present immigration laws; to the Committee on Immigration and Naturalization.

3027. By Mr. GALLIVAN: Petition of Boston Chamber of Commerce, Boston, Mass., Willis R. Fisher, chairman committee on foreign trade, recommending early and favorable consideration of House bill 9195, authorizing Congress to repeal the statute of 1866 forbidding the importation of cigars from Cuba in lots of less than 3,000; to the Committee on Ways and Means.

3028. By Mr. GRIEST: Petition of certain residents of Lancaster County, Pa., protesting against Navy building appropriations; to the Committee on Naval Affairs.

3029. Also, petition of Washington Camp, No. 557, Patriotic Order Sons of America, Lancaster, Pa., favoring the maintenance of the basic provisions of the act of 1924, including the national origins system as a permanent basis for apportioning the immigration and urging upon Congress the extension of the quota restrictions to Mexico, the West Indies, and the countries

of Central and South America, and also the reduction of the total quota immigration to a maximum of 80,000 per annum; to the Committee on Immigration and Naturalization.

3030. By Mr. HADLEY: Petition of residents of Bellingham and vicinity, Washington State, protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

3031. Also, petition of residents of Sequim, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

3032. By Mrs. KAHN: Petition of 9,324 citizens of San Francisco, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3033. By Mr. HARDY: Petition of 66 citizens of Pueblo, Colo., urging increased pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3034. Also, petition of 38 citizens of Aguilar, Colo., urging increased pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3035. Also, petition of 127 citizens of Fountain, Colo., urging increased pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3036. By Mr. HAUGEN: Petition of 116 citizens of Fayette County, Iowa, protesting against the enactment of House bill 78 or any other compulsory Sunday legislation; to the Committee on the District of Columbia.

3037. Also, petition of nine residents of Waterville, Iowa, protesting against the enactment of House bill 78 or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3038. By Mr. HULL of Tennessee: Petition of citizens of Ray, Graysville, Rhea, and Crossville Counties, against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3039. By Mr. LEA: Petition of 2,731 citizens of Butte, Colusa, Humboldt, Marin, Mendocino, and Yuba Counties, Calif., protesting against the passage of House bill 78 or other Sunday observance legislation; to the Committee on the District of Columbia.

3040. By Mr. McKEOWN. Petition of R. E. Griffith, Charles S. Moon, M. E. Michaelson, W. M. Collier, and about 50 other citizens of Oklahoma, protesting the passage of House bill 78 or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3041. Also, petition of A. M. Seron and about 70 other citizens of Oklahoma, protesting the passage of House bill 78 or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3042. Also, petition of H. E. Walker and about 75 other citizens of Oklahoma, protesting the passage of House bill 78 or any Sunday compulsory observance legislation; to the Committee on the District of Columbia.

3043. Also, petition of Mrs. S. E. Renner and about 70 other citizens of Oklahoma, protesting the passage of House bill 78, or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3044. Also, petition of W. L. Burns and about 70 other citizens of Oklahoma, protesting the passage of House bill 78, or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3045. Also, petition of Mrs. E. F. Atchley and about 70 other citizens of Oklahoma, protesting the passage of House bill 78, or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3046. Also, petition of Edith Curtis and 50 other citizens of Bristow, Okla., protesting the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3047. Also, petition of J. Woody Dixon, J. H. Casteel, and 15 other citizens of Oklahoma, protesting the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3048. Also, petition of Clyde St. Claire and about 20 other citizens of Sapulpa, Okla.. protesting the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3049. Also, petition of Carl Alexander and about 20 other citizens of Sapulpa and Bristow, Okla., protesting the passage of the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3050. Also, petition of Eusibia Sholders, Mrs. J. W. McBride, and about 75 other citizens of Drumright and Shawnee, Okla., protesting the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3051. Also, petition of C. C. Warrne and about 20 other citizens of Sapulpa, Okla., protesting the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3052. Also, petition of Mrs. S. H. Francis and 10 other citizens of Earlsboro, Okla., protesting the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3053. Also, petition of D. F. Smith, W. E. Fowler, L. E. Fairchild, and about 65 other citizens of Sapulpa, Okla., protesting the passage of the compulsory Sunday observace bill (H. R. 78); to the Committee on the District of Columbia.

3054. Also, petition of S. L. Terry, jr., and about 20 other citizens of Creek County, Okla., protesting the passage of House bill 78, or any compulsory Sunday observance bill; to the Committee on the District of Columbia.

3055. By Mr. MAAS: Petition of Emma Cartier and 43 petitioners from St. Paul, Minn., relative to Civil War pension legislation; to the Committee on Invalid Pensions.

3056. By Mr. MEAD: Petition of Church Council of the Swedish Evangelical Lutheran Church, Buffalo, N. Y., opposing the immigration quota based on national origin; to the Committee on Immigration and Naturalization.

3057. By Mr. MERRITT: Petition of sundry citizens of Bridgeport, Conn., protesting against the passage of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3058. By Mr. MILLER: Petition of citizens of Seattle, Wash., indorsing House bills 492 and 6518; to the Committee on the Civil Service.

3059. By Mr. MONAST: Petition of citizens of the city of Pawtucket, R. I., protesting against compulsory Sunday laws; to the Committee on the District of Columbia.

3060. By Mr. MORROW: Petition of chamber of commerce, Portales, N. Mex., protesting against enactment of Box bill, restricting Mexican immigration; to the Committee on Immigration and Naturalization.

3061. By Mr. MURPHY: Petition of L. A. Thomer and 1,946 other citizens of Martins Ferry and vicinity, protesting against the passage of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3062. Also, memorial of M. D. N. Smith and the membership of the First Presbyterian Church and Sunday school, of Salem, Ohio, favoring compulsory Sunday observance laws; to the Committee on the District of Columbia.

3063. Also, memorial of Rev. W. S. Martin and the membership of the Presbyterian Church of Salineville, Ohio, favoring compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3064. Also, petition signed by Mrs. L. A. Thomer and others, of Martins Ferry and Bridgeport, Ohio, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3065. By Mr. O'CONNELL: Petition of the John Lewis Childs Seed Co., Floral Park, Long Island, N. Y., favoring the passage of House bill 9296; to the Committee on the Post Office and Post Roads.

3066. Also, petition of the Taylor Instrument Co., Rochester, N. Y., favoring the passage of House bill 9195; to the Committee on Ways and Means.

3067. By Mr. PEAVEY: Petition of numerous citizens of Burnett County, Wis., in protest of legislation enforcing Sunday observance, and especially in protest against House bill 78; to the Committee on the District of Columbia.

3068. By Mr. RAMSEYER: Petition of residents of Wapello County, Iowa, protesting against House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3069. By Mr. REED of New York: Petition of residents of Jamestown and Silver Creek, N. Y., protesting against House bill 78; to the Committee on the District of Columbia.

3070. By Mr. ROWBOTTOM: Petition of Minerva Lane and others, of Rockport, Ind., that the bill increasing the pension of Civil War widows be enacted into law at this session of Congress; to the Committee on Invalid Pensions.

3071. By Mr. SANDERS of Texas: Petition of J. T. Hazlewood and numerous other citizens of Van Zandt County, Tex., asking for the enactment of legislation to prohibit gambling in cotton futures; to the Committee on Agriculture.

3072. By Mr. SHALLENBERGER: Petition of citizens of the fifth district of Nebraska, against compulsory Sunday observance law (H. R. 78); to the Committee on the District of Columbia.

3073. By Mr. THOMPSON: Petition of citizens of Ohio, urging passage of legislation increasing Civil War pension rates; to the Committee on Invalid Pensions.

3074. By Mr. THURSTON: Petition of 155 citizens of Clarinda, Iowa, and vicinity, protesting against the passage of House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3075. By Mr. TILSON: Petition of James D. Black, M. H. Keleher, John D. Bower, and other residents of the State of Connecticut, protesting against the passage of Senate bill 1667, introduced by Senator BROOKHART, relating to the distribution of motion pictures; to the Committee on Interstate and Foreign Commerce.

3076. By Mr. WEAVER: Petition of citizens of McDowell and Burke Counties, N. C., protesting against the Lankford Sunday observance law (H. R. 78); to the Committee on the District of Columbia.

3077. By Mr. WILLIAMS of Missouri: Petition of Nancy Thomas et al., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

SENATE

FRIDAY, *February 3, 1928*

(Legislative day of Wednesday, February 1, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the joint resolution (H. J. Res. 131) providing for a commission to investigate and report upon the facts connected with the sinking of the submarine *S–4* and upon methods and appliances for the protection of submarines; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SNELL, Mr. BURTON, and Mr. POU were appointed managers on the part of the House at the conference.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 5657. An act granting the consent of Congress to the Board of Supervisors of Monroe County, Miss., to construct, maintain, and operate a bridge across Tombigbee River at or near Aberdeen, Monroe County, Miss.;

H. R. 9142. An act to amend section 71 of the Judicial Code, as amended, by changing time of holding court at El Dorado and Harrison, Ark.; and

H. J. Res. 93. Joint resolution for the appointment of Paul E. Divine, of Tennessee, as member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

VOTE ON YESTERDAY'S CONFIRMATION

Mr. BINGHAM. Mr. President, in the RECORD to-day there occurs the roll call taken in executive session yesterday. It appears that it was printed by unanimous consent.

Senators will remember that ever since I have been a Member of this body I have uniformly objected to the printing in the RECORD of a roll call taken in secret, following a debate held in secret. I have taken the position that where the reasons for or against candidates or for or against treaties were given in secret session and were not available, the roll call following the discussion should not be printed.

After the roll call was taken in executive session yesterday I inadvertently left the Chamber, and while I was absent unanimous consent was obtained, through no fault of anyone except my own. I merely desire to have the RECORD state that had I been present I should have objected.

Mr. LA FOLLETTE. Mr. President, that roll call was made public upon my request. I desire to state for the information of the Senator from Connecticut that I made the request immediately following the announcement of the result, and there was no effort on my part to delay the request until he had left the Chamber. I made the request, and I should have made it if he had been present; and if he had been present and objected, I should have moved to make the roll call public.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Sheppard
Barkley	Fess	McLean	Shipstead
Bayard	Fletcher	McMaster	Shortridge
Bingham	Frazier	McNary	Smith
Black	George	Mayfield	Smoot
Blaine	Gerry	Metcalf	Steck
Blease	Gillett	Moses	Steiwer
Borah	Gooding	Neely	Stephens
Bratton	Gould	Norbeck	Swanson
Brookhart	Greene	Norris	Thomas
Broussard	Hale	Nye	Trammell
Bruce	Harris	Oddie	Tydings
Capper	Harrison	Overman	Tyson
Caraway	Hawes	Phipps	Wagner
Copeland	Hayden	Pine	Walsh, Mass.
Couzens	Heflin	Pittman	Walsh, Mont.
Curtis	Howell	Ransdell	Warren
Cutting	Johnson	Reed, Mo.	Waterman
Dale	Jones	Reed, Pa.	Watson
Deneen	Kendrick	Robinson, Ark.	Wheeler
Dill	Keyes	Robinson, Ind.	Willis
Edge	King	Sackett	
Edwards	La Follette	Schall	

The VICE PRESIDENT. Ninety Senators having answered to their names, a quorum is present.

REPORT OF THE AMERICAN WAR MOTHERS

The VICE PRESIDENT laid before the Senate the report of the American War Mothers for 1926 and 1927, which was referred to the Committee on Military Affairs.

REPORT OF THE NATIONAL ACADEMY OF SCIENCES

The VICE PRESIDENT laid before the Senate a communication from the president of the National Academy of Sciences, transmitting the report of that academy for the fiscal year ended June 30, 1927, which was referred to the Committee on the Library.

PANHANDLE CRUDE PETROLEUM

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Federal Trade Commission, transmitting a report of the commission on Panhandle crude petroleum, dealing with the prices, transportation facilities, and quality of crude petroleum of the Panhandle oil field of Texas, which was referred to the Committee on Manufactures.

PETITIONS AND MEMORIALS

Mr. McLEAN presented a petition of the Women's Auxiliary, National Federation of Post Office Clerks of the State of Connecticut, praying for the passage of the so-called Dale bill, providing increased annuities for retired Government employees, which was referred to the Committee on the Civil Service.

He also presented a resolution adopted by Harmony Council, No. 12, Junior Order United American Mechanics, of Bridgeport, Conn., protesting against the repeal of the national origin provisions of the existing immigration law, which was referred to the Committee on Immigration.

He also presented memorials of sundry citizens of New Haven, Conn., remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

Mr. BINGHAM presented memorials of sundry citizens of New Haven, Conn., remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by Bridgeport Council, No. 6, and Harmony Council, No. 12, Junior Order United American Mechanics, of Bridgeport, Conn., protesting against the repeal of the national-origin provisions of the existing immigration law, which were referred to the Committee on Immigration.

He also presented the memorial of Varden Lodge, No. 257, Sons of Norway, of New London, Conn., remonstrating against the retention of the quota provisions of the existing immigration law and also against the passage of legislation decreasing the immigration quotas of the Scandinavian countries, which was referred to the Committee on Immigration.

Mr. BRUCE presented a petition of sundry citizens of Baltimore, Md., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. ROBINSON of Arkansas presented a resolution adopted by the Arkansas Division of the Izaak Walton League of America, at Little Rock, Ark., favoring the creation of the proposed Ouachita national park in Polk and Montgomery Counties, Ark., which was referred to the Committee on Public Lands and Surveys.

Mr. COPELAND presented a petition of 60 citizens of the State of New York, being immigrant inspectors stationed at Ellis Island, praying for the passage of the so-called Reed bill (S. 2370) to amend section 24 of the immigration act of 1917

(relative to salaries of immigrant inspectors), which was referred to the Committee on Immigration.

He also presented memorials numerously signed by sundry citizens of New York, N. Y., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the Brooklyn (N. Y.) Chapter of the American Institute of Architects, favoring the making of an appropriation for carrying out in its entirety the McKim plan for the treatment of the base of the Washington Monument and to insure its completion by January, 1932, in which year will be celebrated the two hundredth anniversary of the birth of George Washington, which was referred to the Committee on the Library.

He also presented resolutions adopted at the annual meeting of the Nassau-Suffolk Engineers (Inc.), of Garden City, N. Y., stating practical objections to the passage of the bill (H. R. 7480) to authorize the transfer of the geodetic work of the Coast and Geodetic Survey from the Department of Commerce to the Department of the Interior, and for other purposes, which were referred to the Committee on Commerce.

He also presented resolutions adopted at a mass meeting of citizens held under the auspices of the Anti-National Origins Clause League at Detroit, Mich., protesting against the national-origins method of determining immigration quotas and favoring the prompt passage of legislation to eliminate the national-origin provisions from the existing immigration law, which were referred to the Committee on Immigration.

He also presented a resolution adopted at a meeting of the Near East Democratic Organization, of New York, N. Y., commending leaders of the Democratic Party in the Senate for their opposition to the so-called Lausanne treaty between the United States and Turkey, which was referred to the Committee on Foreign Relations.

Mr. LA FOLLETTE presented the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Interstate Commerce:

Joint Resolution 5, memorializing Congress to investigate the coal strike

Whereas a coal strike affecting nearly all of the great bituminous coal-producing areas of the country was started in April, 1927, by the attempt of the operators to reduce wages; and

Whereas while this strike has been settled in Illinois, Indiana, and some other fields by agreements continuing the old wage scale, it is still in progress in Ohio, Pennsylvania, West Virginia, and elsewhere; and

Whereas there is intense suffering among the miners and their families in these fields after nearly 10 months of strike; and

Whereas there are complaints, which impartial newspaper investigators have found to be well founded, that the operators in these fields have imported negroes by the thousands and employed gunmen and detective agencies to break this strike, have ruthlessly evicted the families of the striking miners from their homes in the dead of winter, and through injunctions, unwarranted arrests of union organizers, and similar methods have set at naught the constitutional rights of these workingmen; and

Whereas it is charged that the obstinate refusal of the operators to meet the miners in conference or even to discuss terms of settlement with the conciliators of the United States Department of Labor is due to a great conspiracy inspired and supported by the railroads, the Steel Trust, and nonunion business interests bent upon destroying all trade-unions: Now therefore be it

Resolved by the senate (the assembly concurring), That the Legislature of Wisconsin hereby respectfully memorializes the Congress of the United States to create a special committee to thoroughly investigate the coal strike in all its phases; be it further

Resolved, That properly attested copies of this resolution be transmitted to the presiding officers of both Houses of Congress and to each Wisconsin Member thereof.

HENRY A. HUBER,
President of the Senate.
O. G. MUNSON,
Chief Clerk of the Senate.
JOHN W. EBER,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

Mr. LA FOLLETTE also presented the following joint resolution of the State of Wisconsin, which was referred to the Committee on Commerce:

Joint Resolution 9, memorializing the Congress of the United States to enact necessary legislation for a survey of the Wisconsin-Fox Rivers waterway

Whereas competent and disinterested engineers report that the nearest feasible connecting link between the Mississippi River and the Great Lakes is a direct route from Green Bay, Oshkosh, and Portage to the Gulf of Mexico; and

Whereas even a casual inspection of a map of this proposed route will show its many great natural advantages. It is a waterway already in existence and navigable for large boats for most of the route. From Green Bay to Portage there is a total distance of 156 miles and from Portage to Prairie du Chien of 117 miles. Between the Fox and Wisconsin Rivers at Portage there is a canal of 2¼ miles. In the Fox River portion of this route there are now 27 locks and 16 United States dams. There is an existing project for the improvement of the Fox River, which provides for a channel 6 feet deep from De Pere, near Green Bay, to Montello, and 4 feet deep from Montello to Portage. At Portage a new lock was ordered constructed in 1927 at a contract price of $163,700. In the Wisconsin River at a point 28 miles below Portage, in 1915, a power dam, which contains a lock, was completed, which makes the Wisconsin River navigable between these points, with the exception of about 6 miles. Six other dams are needed to make the entire distance to the mouth of the Wisconsin navigable, even in low-water stages. The construction of these dams, it is estimated, will produce 350,000,000 kilowatt-hours of water power, which will greatly reduce the net cost of this improvement; and

Whereas a great deal of tonnage has moved over the Fox River and big boats have traversed these waters by way of Green Bay, Oshkosh, and Portage, and a great deal more would be moved if the Government would build the necessary dams and complete the unfinished projects; and

Whereas the Government gets very little, if any, returns from the investments already made, because they do not represent a comprehensive program of improving the entire route; and

Whereas less than the cost of one Government battleship would be required to build the dams needed to make this route a success: Therefore be it

Resolved by the senate (the assembly concurring), That the Wisconsin Legislature respectfully memorializes the United States Congress to authorize and direct a full survey of the Wisconsin-Fox Rivers waterway and to enact such legislation as will result in the completion of such waterway; and be it further

Resolved, That copies of this resolution, properly signed by the presiding officers of both houses and attested by the chief clerks thereof, be sent to the Presiding Officers of the Senate and House of Representatives of the United States and to each Senator and Member of Congress from Wisconsin.

HENRY A. HUBER,
President of the Senate.
O. G. MUNSON,
Chief Clerk of the Senate.
JOHN W. EBER,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

[Subsequently duplicates of the foregoing joint resolutions of the Legislature of the State of Wisconsin were presented by the Vice President and referred to the same committees.]

SESQUICENTENNIAL OF AMERICAN INDEPENDENCE

Mr. COPELAND. Mr. President, I ask the attention of the chairman of the Committee on Printing. I hold in my hand the report of the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States. It will be recalled that last year this commission was appointed and the report is now presented. I ask that it be referred to the Committee on Printing. I am doing this in the hope and expectation that the report will come back and that it may be printed as a public document.

The VICE PRESIDENT. Without objection, the report will be referred to the Committee on Printing.

SALE OF PRINTING INK

Mr. COPELAND. I would like to say further to the chairman of the Committee on Printing that I have had a number of letters of complaint about the business of the Government Printing Office selling printing ink to other Government departments. Many of my constituents are objecting seriously to this practice and think it is an invasion of a private field. I hope the Senator, who is chairman of the Committee on Printing, will feel free to make some explanation of this practice.

Mr. BINGHAM. Mr. President, may I say, in answer to the remark of the Senator from New York, that I also have received sundry objections from manufacturers of ink and have submitted the matter to the Public Printer. I have received from the Public Printer a letter in explanation of the entire matter, which shows that it is in accordance with the Public Act 222 of the Sixty-ninth Congress. In order not to take the time of the Senate at this late hour, I ask that the letter of the

Public Printer be printed in the RECORD as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

JANUARY 21, 1928.

MY DEAR SENATOR: This will acknowledge receipt of your letter of January 18, inclosing a communication from Charles Eneu Johnson & Co. relative to the supplying of printing inks to the Government departments by the Government Printing Office. Similar letters have been received from several other ink manufacturers.

The authority for the furnishing of printing inks manufactured by the Government Printing Office to other Government departments is contained in the legislative act (Public Act 222) of Sixty-ninth Congress, as follows:

"*Provided*, That inks, glues, and other supplies manufactured by the Government Printing Office in connection with its work may be furnished to departments and other establishments of the Government upon requisition and payment made from appropriations available therefor."

This office does not bid in competition with commercial plants. The ink is furnished at cost to Government departments, which, under a Comptroller General's decision of July 30, 1926, must purchase from the Public Printer such inks and other supplies which the Government Printing Office manufactures and is in a position to furnish. A catalogue, listing the inks manufactured by this office and stating the cost of same, is issued from time to time for the guidance of the departments, and inks not listed may be procured in the open market.

The cost of all work handled by the Government Printing Office, whether a printing job or the furnishing of supplies, is based upon definite methods of cost accounting, which includes labor, material, and proportionate overhead charges. All articles manufactured, whether printed matter or printing supplies, are required by law to be supplied to Government departments at cost. However, it is reasonable to suppose a substantial profit is added by the commercial manufacturer to his cost of material, labor, and overhead.

The total quantity of ink manufactured by the Government Printing Office in 1927 for its own use and other Government establishments amounted to 147,589 pounds. The quantity of printing ink supplied to the various Government departments is but a very small percentage of the total output of the Government Printing Office ink plant, as most of the production is required for use in the Government Printing Office.

During the year 143,073 pounds of ink-making ingredients, including varnishes, oils, and pigments, were purchased from commercial manufacturers at a cost of $21,182.91. This statement is submitted to show that commercial firms have a worth-while financial interest in the inks produced in the Government Printing Office, many of the ingredients being purchased from ink manufacturers.

The Government Printing Office and also the Bureau of Engraving and Printing have manufactured their own printing inks for many years. These plants have had to manufacture printing inks because of inability to secure inks of satisfactory and uniform quality from commercial manufacturers by competitive bids and the excessive prices previously charged for the same.

The Government has found that by the manufacture of its own printing ink a more uniform quality has resulted, the quality can be better controlled, and that it is the more economical and satisfactory procedure. The furnishing of ink by this office to the other Government departments has also resulted in a substantial saving to the Government. Beyond any doubt the Government Printing Office has the right to make inks for its own use, and it seems only fair and proper for this office to offer any and all benefits that may come from its work to other branches of the Government service.

The Government Printing Office is as much and as essential a part of the Government as any other branch of the service, and it is manifestly unfair for the ink manufacturers to deny this office the right to serve other branches of the Government with inks and other supplies as well as with printed products. Their argument against the making of inks, if sustained, would apply likewise against any and all work done by the Government Printing Office, and would tend eventually to the ending of all work by the Government on its own behalf. But it is absurd to say that the Government must cease printing for itself any more than it must stop all work that might be undertaken by private concerns, and thus dismantle all the great Government industries, including the navy yards and many industrial activities of other branches of the Government service. I believe that the best interest of the public and the vast majority of taxpayers should be given first consideration, and not the personal and private profits of a few individuals such as the ink manufacturers.

This office also manufactures all press rollers, glue compositions for adhesive purposes, and various type-metal alloys for its linotype, monotype, stereotype, and electrotype work. Considerable economy results from this procedure. It would be impossible to maintain uniform quality of any of these materials except by costly technical and practical tests if the same were purchased from commercial sources of supply by competitive bids.

Many large commercial printing concerns also manufacture their own printing inks and rollers because of the economy and uniform quality resulting therefrom. This procedure on the part of the Government is therefore not unusual in any way. In fact, the making of ink by printers has been an established custom since before the days of Ben Franklin, who was a notable maker of the inks used in his famous printing office.

I am of the opinion, therefore, that the complaint of the ink manufacturers is wholly unfounded and should not be given any consideration. Their purpose is entirely selfish and, if accomplished, would seriously interfere with the proper functioning of this office as a Government establishment, and would result in greatly increasing the cost of its operation to the taxpayers of the country.

Very truly yours,

GEORGE H. CARTER,
Public Printer.

Mr. COPELAND. I shall be glad to read the letter, and if there is any further question I shall be free to call upon the Senator at a later time.

Mr. SMOOT. Mr. President, the statute applies not only to ink but to other items which the Government purchases.

SURVIVORS OF MEXICAN WAR

Mr. SHEPPARD. Mr. President, in further reference to the five survivors of the Mexican War to whom I directed the attention of the Senate yesterday, I send to the desk the following brief letter and ask that it be read.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, February 2, 1928.

Hon. MORRIS SHEPPARD,
United States Senate, Washington, D. C.

MY DEAR SENATOR SHEPPARD: Complying with your telephone request, I am listing below the names and ages of Mexican War survivors who are still on the pension roll:

	Years of age
William F. Buckner	100
Owen Thomas Edgar	96
Uriah Gasaway	97
Richard A. Howard	96
Samuel Leffler	98

I am also inclosing a copy of my annual report for the fiscal year ended June 30, 1926, which contains the above information on pages 8 and 9.

Very truly yours, WINFIELD SCOTT, *Commissioner.*

Mr. KING. Mr. President, do I understand the Senator from Texas to offer that as the reason for the Democratic convention going to Houston, because people are so long lived down in Texas?

Mr. SHEPPARD. That is one reason among many others. Only one of those survivors is a resident of Texas, I may say.

REPORTS OF COMMITTEES

Mr. DILL, from the Committee on Interstate Commerce, to which was referred the bill (S. 2317) continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, reported it with amendments and submitted a report (No. 226) thereon.

Mr. BINGHAM, from the Committee on Printing, to which was referred the bill (S. 1168) to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925, reported it with amendments and submitted a report (No. 227) thereon.

Mr. NORRIS, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, reported it without amendment and submitted a report (No. 228) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAYARD:

A bill (S. 2997) granting an increase of pension to Elizabeth M. Hayden (with accompanying papers); to the Committee on Pensions.

By Mr. STECK:

A bill (S. 2998) granting double pension in all cases where an officer or enlisted man of the Navy or Marine Corps dies or is disabled as the result of a submarine accident; to the Committee on Pensions.

By Mr. MOSES:

A bill (S. 2999) to amend the act of February 28, 1925, fixing the compensation of employees in post offices; to the Committee on Post Offices and Post Roads.

By Mr. SMOOT:

A bill (S. 3000) to amend the interstate commerce act as amended to permit common carriers to give free carriage or reduced rates to State commissions exercising jurisdiction over common carriers; to the Committee on Interstate Commerce.

By Mr. NORBECK:

A bill (S. 3001) to revise the boundary of the Yellowstone National Park in the States of Montana and Wyoming, and for other purposes; to the Committee on Public Lands and Surveys.

A bill (S. 3002) for the relief of Mina Bintliff; to the Committee on Claims.

A bill (S. 3003) granting a pension to Antoine Claymore (with accompanying papers); and

A bill (S. 3004) granting a pension to Gus W. Peterson (with accompanying papers); to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 3005) granting an increase of pension to Nancy C. Clayton; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 3006) for the relief of the Indians of the Klamath Reservation in Oregon; to the Committee on Indian Affairs.

By Mr. BRATTON:

A bill (S. 3007) to authorize the Secretary of the Interior to issue a patent to the Bureau of Catholic Indian Missions for a certain tract of land on the Mescalero Reservation, N. Mex.; to the Committee on Indian Affairs.

A bill (S. 3008) to authorize the erection of a Veterans' Bureau hospital at Albuquerque, N. Mex., and to authorize appropriations therefor; to the Committee on Finance.

By Mr. SCHALL:

A bill (S. 3009) for the retirement of employees of the Panama Canal and the Panama Railroad Co. on the Isthmus of Panama who are American citizens; to the Committee on Interoceanic Canals.

By Mr. COPELAND:

A bill (S. 3010) for the transportation of foreign mails of the United States, to promote commerce, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. REED of Pennsylvania (by request):

A bill (S. 3011) for preventing the manufacture, sale, or transportation of adulterated, mislabaled, or misbranded linseed oil, turpentine, or paint; to the Committee on Manufactures.

CONGRESSIONAL MEDAL FOR COL. CHARLES A. LINDBERGH

Mr. ROBINSON of Arkansas. Mr. President, I ask leave to introduce a bill to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the achievements of Col. Charles A. Lindbergh, for reference to the Committee on the Library. There are a number of precedents for the bill.

The bill (S. 2996) to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the achievements of Col. Charles A. Lindbergh was read twice by its title and referred to the Committee on the Library.

CONSTRUCTION AT MILITARY POSTS

Mr. CURTIS submitted an amendment intended to be proposed by him to the bill (H. R. 7009) to authorize appropriations for construction at military posts, and for other purposes, which was ordered to lie on the table and to be printed.

SETTLEMENT OF ALIEN PROPERTY CLAIMS

Mr. McKELLAR submitted an amendment intended to be proposed by him to House bill 7201, the so-called alien property claims settlement bill, which was referred to the Committee on Finance and ordered to be printed.

SARATOGA RECLAMATION PROJECT

Mr. PHIPPS submitted an amendment intended to be proposed by him to the bill (S. 1135) to provide for the storage for diversion of the waters of the North Platte River and construction of the Saratoga reclamation project, which was referred to the Committee on Irrigation and Reclamation and ordered to be printed.

CASPER-ALCOVA RECLAMATION PROJECT

Mr. PHIPPS submitted an amendment intended to be proposed by him to the bill (S. 1136) to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project, which was referred to the Committee on Irrigation and Reclamation and ordered to be printed.

INESTIGATION OF SINKING OF SUBMARINE "S-4"

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the joint resolution (H. J. Res. 131) providing for a commission to investigate and report upon the facts connected with the sinking of the submarine *S-4*, and upon methods and appliances for the protection of submarines, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments, accede to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. HALE, Mr. ODDIE, and Mr. SWANSON conferees on the part of the Senate.

MAJOR GENERAL VON STEUBEN AND GERMAN BLOOD IN THE UNITED STATES

Mr. COPELAND. Mr. President, I hold in my hand a brief article which gives a sketch of the Steuben Society and of General von Steuben. It is entitled "German blood in the United States potent factor in building Nation," and is by Frederick Boyd Stevenson. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GERMAN BLOOD IN THE UNITED STATES POTENT FACTOR IN BUILDING NATION—18,000,000 GERMANS HERE IN 1900 DIFFUSE THE STOCK THROUGHOUT THE COUNTRY—STEUBEN SOCIETY OF AMERICA STANDS FIRST OF ALL FOR AMERICANISM

"We have the greatest nation in the world.

"We have a right to be proud of it.

"Every racial stock that forms a part of the population of the United States of America has due cause for being proud of it.

"So, all good Americans should appreciate the efforts of the Steuben Society of America in impressing upon the many millions of Americans with German blood flowing through their veins that first of all they are Americans and first of all they should stand for Americanism."

(By Frederick Boyd Stevenson)

When we understand the different nationalities that make up our population of 115,000,000 people in these United States, the better progress we shall make with the various types of people representing those various races.

In the course of time all bloods will be more or less blended into a common blood that will be designated as American.

To be sure, the bloods of many different races will form that American blood. Some will be more in evidence than others, depending upon the greater proportions of certain bloods over other bloods that have been diffused and are to-day being diffused in this country.

I am going to write now specifically of the German blood in the United States, because that special question has been lately revived by the Steuben Society of America, one of the strongest and most progressive German organizations in this country.

The Steuben Society of America was organized in the city of New York in May, 1919, by a small group of men who decided to arouse the citizens of German descent in this country to a greater sense of their political duties and rights.

BARON STEUBEN, TRAINER OF AMERICAN FORCES IN OUR REVOLUTIONARY WAR

The German element in the United States had been frequently criticized for its lack of interest and participation in public affairs. In this connection, however, it should be realized that as a racial stock in this Nation the Germans have not come from one country alone, but from many countries. As a matter of fact, they have come from every continent on the globe. They have lived under various forms of government. They follow their religious beliefs under various faiths.

The idea of the Steuben Society of America was to unite all the American citizens with German blood in their veins in the common cause of their race and in "loyalty and progressive usefulness as citizens of the United States of America."

The name for the society was suggested by a United States Senator not of German blood. He suggested the name of that eminent German, Baron Friedrich Wilhelm von Steuben, major general and inspector general of the Continental Army in the Revolutionary War. He was the drillmaster of our American forces. He made soldiers out of the raw patriot militia.

Baron Steuben met Benjamin Franklin in Paris, and Franklin induced him to come to the aid of the revolutionists. The baron came as a volunteer, ready to perform any duty to which he might be assigned by the commander in chief of the American Army. Commissions for his aids and the payment of his actual expenses were the only stipulations asked. And you need only to read your history to learn of the incalculable help furnished to struggling Americans by the Germans in those years of revolution.

Here are the five outstanding principles of the Steuben Society:

First. To foster a patriotic American spirit among all citizens.

Second. To guard the Nation's political liberty by maintaining an honest equality of citizenship, regardless of birth, origin, or religion of any citizen or class of citizens.

Third. To uphold the Constitution of the United States.

Fourth. To maintain the traditions of the Nation, to keep alive the memory of the achievements of the pioneers of this country, and to enlighten the public on the important part played by the Germanic element in the making of America.

Fifth. To guide our citizens through the intricacies of public policies, to warn them against political intrigues, and to oppose alien-influenced government.

So you see the Steuben Society means the acme of patriotism to the United States.

THOUSANDS OF PROMINENT GERMAN-AMERICANS TO WHOM HONOR IS DUE

But the name of Baron Steuben is not the only German name that will be ever honored in this country since the foundations of it were laid by patriots.

In Washington, D. C., there is a fine monument to Steuben erected by the Congress of the United States. And there are thousands and thousands of other Germans who have eternal monuments in the hearts of American citizens.

I can not name them all, because their names are legion, but a few will bring vividly to your minds the debt we owe to German immigration to this country.

Such men as Carl Schurz, educator and loyal citizen, and Theodore Thomas, born in Essen, whose orchestra thrilled millions, and Thomas Nast, the famous cartoonist, originator of the Republican elephant and the Tammany tiger, real founder of the cartoonist art, who was born in Landau, in the Bavarian Palatinate, and William H. Rinehart, the great sculptor, son of a German farmer, and the representative German-American writers of German descent—Bayard Taylor, Joaquin Miller, Nordhoff, Timrod, Saxe, Wister—and so I could go on and fill this page with names of famous Germans in this country alone.

The Steuben Society of America has done constructive work for all Americans in pointing out to us what we owe to the German people. It has shown this clearly and logically in its book, The German Element in the United States, by Albert Bernhardt Faust.

It is a lesson with which all Americans should become familiar.

HOW GERMAN IMMIGRATION STEADILY INCREASED IN THE UNITED STATES

It has been estimated that before the Revolutionary War there were 225,000 Germans in the territory of North America. For the most part they had settled on the frontiers extending from the Mohawk in New York to Georgia, then the most southern colony.

The German immigrants to this country were among the first to go to Kentucky and Tennessee from Virginia and the Carolinas, and they were the first to enter the Ohio Valley. In this State the Germans settled in parts of Dutchess, Ulster, Greene, Columbia, Montgomery, Fulton, Schoharie, Oneida, Herkimer, Schenectady, and Saratoga.

While several estimates as to the number of Germans in this country before 1776 are higher than the number mentioned, probably some of them are too high. According to the conservative estimate given those Germans were distributed as follows:

New England	1,500
New York	25,000
Pennsylvania	110,000
New Jersey	15,000
Maryland and Delaware	20,500
Virginia and West Virginia	25,000
North Carolina	8,000
South Carolina	15,000
Georgia	5,000
Total	225,000

In the nineteenth century there was another great German immigration to the United States far outnumbering the steady flow during the previous hundred years, reaching a total for the century of more than 5,000,000. During the nineteenth century the German immigration to this country outnumbered that of any other foreign nation. The figures show this comparison:

Germany	5,009,280
Ireland	3,871,253
England, Scotland, Wales	3,024,222
Norway, Sweden, Denmark	1,439,060
Canada and Newfoundland	1,049,939
Italy	1,040,457
Austria-Hungary	1,027,195
Russia and Poland	926,902
All other countries	1,726,913
Total	19,115,221

Previous to 1850 the immigration here from Ireland exceeded that from Germany, but from 1851 to 1860 that from Germany exceeded that from Ireland and all other countries, until the last 10 years of the nineteenth century, when it was less than the Italian and Slavic immigrations, although still higher than the Irish and English.

The heaviest German immigration, however, did not come until the years between 1831 and 1840, during which period more than 152,000 came here. From that time on there was a steady stream of immigrants from the fatherland, 57,500 arriving here in one year; the figures reached 215,000 in 1854. These large numbers were due to the revolutionary troubles in Germany in 1848 and the years following, during which period we received such great liberty-loving Germans as Sigel, Hecker, Blenker, and our beloved Carl Schurz.

BOCKH ESTIMATED 18,000,000 GERMANS IN THIS COUNTRY IN THE YEAR 1900

That a large part of our fine American stock is the result of German blood flowing in the veins of American citizens there is no doubt. Just how far that blood flows can never be satisfactorily answered. The Steuben Society of America takes up the question, but does not pretend to completely answer it.

It shows that the most painstaking attempt to reach a conclusion in that regard was made by Emil Mannhardt in his Deutsch-Amerikanische Geschichsblatter in 1903, but this work was reviewed by the German statistician, Richard Bockh, of the University of Berlin, who proved that Mannhardt's estimate of 25,000,000 was inaccurate.

Bockh placed the population in the United States with German blood in their veins at 18,000,000.

But even at this lower estimate, which was made about 1903, there has been of necessity a far wider diffusion of the German blood in this country during the last 24 or 25 years, owing to intermarriage and the propagation of species.

Then the Steuben Society of America in its latest edition of its book, The German Element in the United States, published recently, goes on to elucidate the question with the aid of the best American statisticians who have worked on the subject of alien populations in this country.

The society takes as a basis the Twelfth Census of the United States, which was taken in 1900. That gave a total of 6,244,107 of white persons of German parentage.

In addition there is given a total of 1,585,574 white persons in the United States with one parent German and the other native. The society, however, states that in order to be fair and to avoid counting any of these twice, this number should be divided by two, thus giving 792,787. The total of white persons having one parent born in Germany and the other born in some other European country is given as 410,566. The society reasons, we may assume, that mixed marriages were far more often contracted between persons of the same blood and speaking the same language than otherwise. For instance, a person born in Germany would marry an Austrian or Russian when that person was of German blood and spoke the German language. The fraction one-half would therefore not accurately represent the German blood in this class.

LOGICAL AND SCIENTIFIC ANALYSIS SHOWS WHERE GERMAN BLOOD FLOWS

Bockh carefully analyzes the figures furnished by the United States Immigration Commission and goes into detail, but for the purposes of this article it will only be necessary to give his deductions in general.

He shows that while 151,118 Germans came here from the German Empire during 1898–1904, more than twice that number—that is, 315,744 Germans (including 26,303 Dutch and Flemish) came from other countries, the largest contingents coming from Austria-Hungary, Russia, Switzerland, and the Netherlands. He points out that the Germans of Switzerland, Belgium, and some of the border provinces have immigrated in far greater numbers to the United States than the French contingent of those populations.

The German Provinces of Austria he takes to be completely German, and the total of white persons, with both parents born in Austria, living in the United States in 1900, was 408,566. Those with one parent born in Austria and one in the United States totaled 26,450, of whom one-half—13,225—should be added to the total Americans with German blood in their veins. Then there were 55,225 persons born here who had one parent born in Austria and the other in some other foreign country, which by his method of claiming one-third of pure German blood in such cases would give 18,520.

In the same manner he takes up other immigration here from other foreign countries. Poland, he says, in the German Provinces contains from 45 to 75 per cent of German stock. Seventy per cent of the population of Switzerland is of German blood. Holland, he says, is of as pure German (low German) stock as that of any part of the former German Empire. The German population of Belgium, he says, is about four-sevenths of the total number of inhabitants.

He finds that the number of descendants of the German immigrations to the United States between 1790 and 1900 not enumerated as a foreign element in the census report of 1900 was 3,370,000.

By these methods he computes that there were 18,406,000 persons of German blood in the United States in 1900.

GREAT CHANGES IN 27 YEARS, BUT GERMAN BLOOD TO THE FRONT

But that was 27 years ago.

During those years many of the pure-stock Germans in this country have died. Their descendants still carry on, but while the number of descendants is constantly increasing and adding to the population, as they increase the German blood becomes more and more diffused with the blood of other nationalities.

The only way that blood could be kept pure German would be by marriages between persons of pure German blood. The pure German stock that has been added to this country in those 27 years is by immigration. In that period 778,547 German immigrants were admitted to the United States. Those immigrants added to the 18,184,547 persons of pure German stock said to have been here in 1900 would make a total for 1928 of 19,184,547, if none of them had died.

So logical estimates of the number of persons of pure German blood in the United States to-day can not be made with any degree of accuracy. An up-to-date special census would be the only means of correctly ascertaining that fact.

But the big point is here: The German blood is widely diffused throughout the people of the United States to-day, and it has had a potent effect in making this country one of the finest and most efficient of this great earth.

EFFECT OF MONROE DOCTRINE

Mr. SHORTRIDGE. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Col. Sidney Story, appearing in the Gaelic American, of New York, under date January 21, 1928, entitled "Monroe doctrine preserved the independence of the South American countries—European propaganda tries to poison minds of the southern nations against the United States—Papers are subsidized by the jealous English traders—The Civil War and the Maximilian fiasco—Field for genuine American diplomacy." I take the liberty of commending this article to the thoughtful attention of the Senate.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MONROE DOCTRINE PRESERVED THE INDEPENDENCE OF THE SOUTH AMERICAN COUNTRIES—EUROPEAN PROPAGANDA TRIES TO POISON MINDS OF THE SOUTHERN NATIONS AGAINST THE UNITED STATES—PAPERS ARE SUBSIDIZED BY THE JEALOUS ENGLISH TRADERS—THE CIVIL WAR AND THE MAXIMILIAN FIASCO—FIELD FOR GENUINE AMERICAN DIPLOMACY

By Col. Sidney Story

The Chicago Tribune of January 2, 1928, refers editorially to "President Coolidge and the new Americanism."

The Monroe doctrine, as the Tribune well states, has been a blessing to the Western Hemisphere. It has stood like a flaming sword at the gateways of the Americas and warded off the attempts of ambitious, selfish, and land-grabbing nations from exploiting the small and weaker nations of the western continent. This policy, initiated by the Monroe administration, has for a century withstood the envy, jealousy, and attacks of the Old World. In spite of the refusal of European nations to acknowledge the Monroe doctrine as international law, yet have they been forced to respect it.

Both England and Germany tried to trample it under foot, but in language most emphatic President Cleveland brought England to her senses, and so did President Roosevelt at a later period Germany.

European propaganda in South as well as in North America has sought to belittle the doctrine in an effort to impress upon the North American mind that it was a hurtful policy and ought to be abandoned, and on the Latin-American mind that it was a big club which the arrogant and selfish land-gobbling Yankees held ready at every opportunity to beat them into submission so as to rob them of their territory.

There have been and are still a few people in Latin America who innocently fall for this stuff, just as there are people in North America who are saturated with European sophistry and who are always ready to agree with our Old World commercial rivals and political antagonists that whatever move America makes, or whatever policy she initiates, Uncle Sam is always wrong.

OLD AND NEW WORLD DIPLOMACY

The difference between the diplomacy of the Old and New World is that the new is of the shirt-sleeve order. It crudely but openly advocates its policies, whilst the Old World for centuries immemorial has been accustomed to the Machiavellian school, which uses sophistry, deception, and whatnot on the theory that the "end justifies the means."

The writer, in his travels throughout Latin America, was agreeably surprised to note that in spite of the daily attacks on North America by the subsidized European press in Latin America, that the people of the Republics of Central and South America held the United States in high esteem and admiration. One thing in particular impressed him with astonishment, and that was the realization that the leading classes in South America are not only as a rule better educated than the average North American but have more polish, more respect for family, flag, and country and a better knowledge of world history than the average North American. Their statesmen and diplomats, as a rule, can give ours cards and spades and beat them at the game, and, as in the case of the Monroe doctrine, the Latin American understands better than we do international law and the multitudinous phrases of world diplomacy.

A BULWARK OF PEACE

The people and governments of Latin America have not only a better understanding of the Monroe doctrine than the average North American, but he holds the doctrine to be a cardinal principle of Latin America's policy. Why? Because he knows, in spite of the venomous attacks of European land-grabbing politicians, that the Monroe doctrine has been a bulwark of peace for the nations of the Western Hemisphere and an impregnable barrier against the selfish land-grabbing proclivities of the Old World nations. In proof whereof, at every Pan American conference on this hemisphere, whether held in North, Central, or South America, the nations of Pan America have at every session reaffirmed the abiding faith in the Monroe policy, and have at each meeting pledged over and over again their adhesion to it as well as their right, if need be, to protect it and to insure its observance and perpetuity.

Brazil, in the city of Rio de Janeiro, her federal district at the junction of the Beire-Mar and the Avenida Rio Branco, the two most prominent boulevards of that nation's federal capital, has erected, at a cost of over a million dollars, the Palaccio Monroe, a palace or temple dedicated to the Monroe doctrine; and to the proposition that this doctrine, in spite of European propaganda to the contrary, is the fundamental policy of Pan America. The European subsidized press in Latin America and in North America has sought to mislead the public mind. There are certain nations in Europe who pay well for such propaganda because the Monroe doctrine halts them from grabbing territory in the New World.

They have tried time and again to grab, but they were warned off when the Eagle screamed and showed its talons.

THE MAXIMILIAN FIASCO

During the Civil War in America, 1861–1865, the European nations took advantage of our troubles and France was urged by them to invade Mexico and there establish the throne of Maximilian on the ruins of the Mexican Republic. Had the Southern Confederacy succeeded, our North American Union would have been broken and scattered, and in due time France, England, Germany would have gradually absorbed Central and South America and eventually the weakened States of the North.

All this is known to the high-minded people and statesmen of Central and South America and, therefore, when we read in a Spanish or Portuguese Latin-American newspaper venomous tirades against North America on the Monroe doctrine, we must first ask ourselves the questions: What is this paper and who owns it? Ninety-nine instances in a hundred you will discover it is owned by European capital, and it is the mouthpiece or propaganda of this or that prominent and aggressor European nation, who looks with envy, jealousy, and apprehension on the ever increasing trade relations and social and political cordiality existing between the nations of the Latin Americas and Uncle Sam.

Such is international politics and rivalry. It is a fight for trade and for existence. This is a convincing reason that whilst talking peace, humanity, and civilization we must keep our powder dry, for were it not that behind us is force to protect what rights are also our we would be kicked, cuffed, and robbed, just as is defenseless, peace-loving, and altruistic China.

PROPAGANDA IN SOUTH AMERICA

In every Latin-American country European nations have newspapers published in Spanish and Portuguese, and those newspapers are supported by the governments and exporters of Europe to continue the fight for European and financial interests and to keep out the North American rival, even, if necessary, to fabricate stories to prejudice Latin America against Uncle Sam.

What is necessary to foster the spirit of Pan Americanism is for exporters and shipping interests in the United States of America to encourage the development of American publications in Spanish and Portuguese for the purpose of acquainting Latin America with the truth concerning our feelings and benevolent policies, so as to neutralize the vast amount of anti-American propaganda which for the past 25 years has sought to prejudice and inflame the Latin-American people against the United States.

Since the World War another more vicious brand of propagandists has arisen and developed unopposed against not only North America but against the social, religious, and political institutions of the Latin-American nations. The propaganda I refer to is the Moscow poison, which seeks to subvert the governments of the Western Hemisphere and to substitute for our representative form the autocracy or dictatorship of the mob, such as has made of Russia a nightmare of blood and destruction.

The red activities in Argentina, Brazil, Bolivia, and Mexico at the time of the Sacco-Vanzetti incident, the Mexican Calles documents published in the Hearst papers are the warnings to all lovers of liberty,

law, and order to cooperate and prepare to not only meet the powers of evil and destruction, but to drive them out of this Nation as well as to assist our brothers in Portuguese and Spanish America to do the same.

Moscow sovietism is an insidious enemy which has all the suavity of the devil, the cunning of the fox, the fawning of the spaniel, and the venom of the rattlesnake.

The Monroe doctrine was launched for the purpose of enfolding all the Americans in the protecting arms of pan Americanism against the Old World ambitions.

The Holy Alliance, formed after the Napoleonic wars, was for the purpose of restoring Spanish misrule by conquest over the Latin-American nations, which they had thrown off under the leadership of Bolivar, St. Martin, and Sarmiento, names written in letters of gold alongside of Washington's and Franklin's upon the starry scroll of immortality.

THE LOGICAL FIELD

Latin America is the logical field for North America to expand its commerce and extend its brotherly influence. It behooves us to cultivate closer friendship with our sister republics to the south by the study of the history customs, as well as requirement, and to use every effort in the way of high-class publicity to prove to them that we are not the land-grabbing sort which those who are envious and jealous of us would have them believe. Prove to them that our vast North American area is yet not 10 per cent developed, and that it will suffice for all our needs and expansion for a thousand years to come. Our motto is "Live and let live," and all propaganda such as referred to is intended to disrupt the cordial relationship between Uncle Sam and the Latin Americas, so as to furnish certain nations an excuse to exploit the Portuguese and Spanish Republics of this continent and absorb their territory, as they did in the past.

To the Latin American our Government should accredit statesmen of the broadest vision, and our consular and diplomatic servants should at all times be supported and encouraged in their work, and we should not permit European chancellors to outwit us in those Latin-American fields by discrediting our representatives, as has often been the case.

All Latin-American countries should be encouraged to send their young men to study in our colleges, and we should also urge as many of our young men to go to the colleges of South America and perfect themselves in the study of those nations, their languages, customs, traditions, economics, religion, and transportation.

Last, though not least, we must develop more and more an adequate and efficient mail, passenger, and cargo service by sea, rail, and air between North, Central, and South America.

We must also develop our cable and wireless service absolutely under our control, and not through the territory and under the supervision of the Europeans, our rivals in trade, and who in a great measure, because of their propaganda against the United States, are responsible for some of the ill feeling that creeps up now and then.

Our diplomacy with the Latin-American countries, as with most of the world, is still crude and of the kindergarten class.

When we cut loose from certain European diplomatic entanglements and run our own diplomacy irrespective of whether it steps on this or that so-called European cousin the more will the Latin Americans cuddle up to Uncle Sam, in spite of the red propaganda from Russia or the offensive tactics and publicity of our so-called European cousins.

DISTRIBUTIONS TO STOCKHOLDERS BY CORPORATIONS

Mr. ROBINSON of Arkansas. Mr. President, one of the principal controverted provisions of the pending revenue bill relates to the distributions made by a corporation to its stockholders out of earnings or profits accumulated prior to March 1, 1913. I desire to have printed in the RECORD in connection with my remarks a brief on this subject by Mr. A. L. Burford. I am satisfied that the brief will prove very helpful to those who study section 115 of the bill as it passed the House of Representatives. Let it also be referred.

There being no objection, the brief was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

DIVIDENDS UNDER THE REVENUE ACT OF 1928

Brief by A. L. Burford

Section 115 of the bill passed by the House and now pending in the Senate repudiates a principle expressly recognized in all prior revenue bills from 1916 to 1926, inclusive. Distributions made by a corporation to its stockholders out of earnings or profits accumulated prior to March 1, 1913, are now to be taxed as income to the stockholders. Previous statutes exempting such distributions have only been a recognition by Congress of the fundamental principle that property owned on March 1, 1913, when the income-tax amendment became effective, is not converted into income by mere transfer or delivery. The proposition now is that all accumulated surplus and accrued increase in value owned by a corporation March 1, 1913, is capital to the corporation only, but taxed as income to the stockholders when distributed. The proposed change is shown below:

Present provisions revenue act 1926	*Proposed revenue bill 1928*
SEC. 201. (a) The term "dividend" when used in this title (except in paragraph (9) of subdivision (a) of section 234 and paragraph (4) of subdivision (a) of section 245) means any distribution made by a corporation to its shareholders, whether in money or in other property, out of its earnings or profits accumulated after February 28, 1913.	SEC. 115. (a) Definition of dividend: The term "dividend" when used in this title (except in section 203 (a) (4) and section 208 (c) (1), relating to insurance companies) means any distribution made by a corporation to its shareholders, whether in money or in other property, out of its earnings or profits.
(b) For the purposes of this act every distribution is made out of earnings or profits to the extent thereof, and from the most recently accumulated earnings or profits. Any earnings or profits accumulated, or increase in value of property accrued, before March 1, 1913, may be distributed exempt from tax, after the earnings and profits accumulated after February 28, 1913, have been distributed, but any such tax-free distribution shall be applied against and reduce the basis of the stock provided in section 204.	(b) Source of distributions: For the purposes of this act every distribution is made out of earnings or profits to the extent thereof, and from the most recently accumulated earnings or profits.

The 1926 act above quoted, with one exception, is but an elaboration and a reenactment of a similar provision contained in all revenue acts passed since 1913.

Revenue act 1916 (39 Stat. L. ch. 463, p. 756, sec. 2 (a)).
Revenue act 1917 (40 Stat. L. ch. 63, p. 300, sec. 31 (a) (b)).
Revenue act 1918 (40 Stat. L. ch. 18, p. 1057, sec. 301 (a) (b)).
Revenue act 1921 (42 Stat. L. ch. 136, p. 227, sec. 201 (a) (b)).
Revenue act 1924 (43 Stat. L. ch. 234, p. 253, sec. 201 (a) (b)).

The provision that every distribution "is made out of earnings or profits and to the extent thereof, and from the most recently accumulated earnings or profits," was first contained in the act of 1917, made retroactive to August 6, 1917.

Not since 1916 has any such assault been made on the principle first definitely announced in the act of that year.

The purpose of the 1928 act is not to limit the principle involved, as has sometimes been done since 1916 in connection with the provision quoted, but to eradicate it entirely from the law.

Two questions are presented:

(1) What purposes and reasons prompted the elimination; and

(2) What will be the effect of the change?

This radical departure from all prior revenue acts was not discussed in any of the hearings of the Ways and Means Committee. No advocate was heard in its support. No notice was given that any such change was contemplated. The provision as now written appeared for the first time in the bill reported to the House and those affected by it have had no opportunity to present their objections thereto.

The purposes and reasons actuating the modification of the existing law are only shown in the report submitted to the House with the bill. On page 20 of the report is the following:

"SECTION 115.—DISTRIBUTIONS BY CORPORATION

"Under previous revenue acts corporate distributions from surplus accumulated prior to March 1, 1913, were exempt from tax. There appears to be no reason for continuing this exemption indefinitely. Over 14 years have elapsed since March 1, 1913, and most corporations have distributed the surplus accumulated by them prior to March 1, 1913. It seems an appropriate time (particularly in view of the resulting simplification) to eliminate this exemption."

The first sentence in this part of the report is, of course, correct. It is then stated that there appears no reason for continuing the exemption indefinitely. No attack is made on the principle underlying the exemption. It is not contended that such principle is unsound. Two far different reasons are given: (a) That over 14 years have elapsed since March 1, 1913, during which period most corporations have distributed the surplus accumulated by them prior to that time; and (b) that the change will result in simplification.

The first of these reasons in effect admits the soundness of the exemption and expressly says that most corporations have taken advantage of it. Only stockholders in corporations that have been dilatory and in those unable to make distributions are to be taxed. If it was ever fair and just to exempt these distributions—and Congress has expressly so stated on six different occasions—it is now unjust to tax such stockholders, many of whom have had no voice in the matter.

The report intimates that corporations have had over 14 years within which to make distribution. This is hardly correct. In the act effective March 1, 1913, no reference was made to this question. The Treas-

ury Department ruled that profit or loss on a sale or other disposition of capital assets should be determined by comparing the price received with the original cost, even though such acquisition antedated 1913. It also held that all dividends, irrespective of the source, were taxable to the stockholders. Much litigation followed, none of which had been finally decided when Congress came to consider the 1916 act, and it then definitely settled the controversy by incorporating into that act the principle that property on March 1, 1913, was capital and not income. It also announced at that time the further principle that accumulated earnings and surplus of a corporation on March 1, 1913, was capital of the stockholders and not income to be taxed when distributed.

The period of 14 years mentioned in the report has been further shortened, to some extent, by the provision of the 1917 act, forbidding the distribution of surplus and earnings accumulated prior to March 1, 1913, until all earnings subsequent to that date had been distributed. This provision became effective as of August 6, 1917.

But has 10 years been a sufficient time for corporations to distribute this prior surplus and accumulated profits? Speaking for the lumber companies I represent, and for many other lumber companies with which I am familiar, this has been entirely impossible. Such companies and other corporations manufacturing natural resources such as lumber, limited in amount, occupy a very different status from the ordinary manufacturing or trading corporation. In a sense the first class may be called "wasting corporations," while the latter class are more or less perpetual. When the natural resources of the one are exhausted it must necessarily cease business. Its existence is limited.

In the case of lumber companies it was necessary for them long prior to 1913 and before any income tax was in existence to acquire standing timber to prolong their operations. Practically all the earnings of many such companies were used for this purpose, and so used until all timber available to their plants had been secured. Their surplus and undivided profits were then so invested when the income-tax amendment became effective, and has only become available for distribution since that date as the timber has been converted into lumber and sold. In most cases these companies have done this as rapidly as possible, but the fact is that the majority of all lumber companies of any sizable investments acquired their timber holdings prior to 1913, and it has been physically impossible since that time to manufacture and convert same into distributable assets.

Furthermore, as above stated, it has been impossible for any corporation to distribute this pre-1913 surplus until all earnings and profits accumulated subsequent to August 6, 1917, had been distributed.

The second reason given in the report is that the change will simplify procedure. No data is given in support of this statement. Its correctness has been challenged and is now challenged. I have been informed from sources I consider reliable that the Treasury Department is not of this opinion.

Since the bill passed the House and opposition has been voiced to this provision it has been said that the change will make valuations of property owned on March 1, 1913, comparatively unimportant. Of course this is not correct. As a matter of fact, these valuations are now almost if not entirely complete. The timber of all lumber companies that I know anything about has been valued by the department and valued at a figure considered in most instances at less than its actual value. These values have been set up on the books so that it is not only a mathematical calculation to determine whether a distribution is from property owned on March 1, 1913, or earnings since that date.

But if the provision is unsound, unjust, or inequitable, even if it be admitted that it simplifies procedure, surely this is not justification for its final passage.

Coming to the next question, the unjust and unfair effect of the change is obvious. A concrete example will show it.

Three individuals formed a partnership in 1900 and invested $200,000 in timber. Later they invested $100,000 in a mill and equipment and began the manufacture of this timber. Prior to March 1, 1913, out of earnings they had invested $50,000 in additional timber; and on that date the timber owned had increased in value so that their property was, when the income tax amendment took effect, of the actual value of $400,000. Under the law now, and as it has existed since 1916, these partners are not taxed on any part of this surplus or any part of the increased value of their timber. They are only taxed on earnings and profits subsequent to March 1, 1913.

On the other hand, if the same individuals had formed a corporation and through this agency had carried out the same plans, the result, under the section now proposed, would be radically different. Under the section as it now reads in the 1928 act, distributions of this surplus and undivided profits is taxable to the stockholders, who will have to pay surtaxes on the entire amount when it is distributed.

Congress has heretofore had occasion to consider the injustice of the change now proposed. It has also properly protected the Government by provisions now in the law.

At the time the act of 1921 was before the Senate, attempts were made to amend or modify the 1918 act, which was substantially as the 1916 law, with reference to distributions of March 1, 1913, surplus. The amendments then proposed contemplated no such drastic action as is now done. While not adopted in 1921, the amendment, in substance, was adopted in 1924 and is now in the act of 1926 as subdivision (b) of section 201, and provides:

"but any such tax after distribution shall be applied against and reduce the basis of the stock provided in section 204."

During the period this amendment was being considered by the Senate the Solicitor of Internal Revenue, by Ruling No. 1873, construed the act of 1918 as permitting distributions to be made tax free out of realized earnings and profits prior to March 1, 1913, but as taxing distributions out of increase in value prior to that date. This question was debated in the Senate at some length, and the debate is found in the CONGRESSIONAL RECORD, volume 61, part 7, pages 7299–7305. The result was that the Senate, by a decisive vote, overruled an amendment carrying out the solicitor's ruling and adopted the amendment exempting from taxation "increase in value of property accumulated."

In so far as Congress may have been said to have a fixed policy, it would appear that since 1916 it has been its policy to exempt from taxation surplus and profits accumulated prior to March 1, 1913. No valid reason has been advanced why this policy should now be completely reversed. Certain it is that many stockholders, with entire justification, have relied on it since 1916. It has been impossible for others to adopt a different course, even had they been so disposed. The injustice of the proposed change is apparent from a simple application to concrete cases. The proportion of the entire revenue to be raised by the 1928 act which will be paid under this provision is small, but the tax on individual stockholders in corporations manufacturing lumber will be great. Surely no small class of taxpayers should be singled out and made to pay more than their proportion of taxes.

Respectfully submitted,

A. L. BURFORD.

NEW LAWYERS' CREDO

Mr. COPELAND. Mr. President, I have also a short article from today's New York World relating to an address made yesterday by Justice Joseph M. Proskauer, of the appellate division of the Supreme Court of New York on a "New lawyers' credo." It struck me as being such a splendid article that I felt every Senator would like to read it. I ask to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW LAWYERS' CREDO URGED BY PROSKAUER—JUSTICE SUGGESTS OATH TO MAKE LAW'S MACHINERY RUN SMOOTHLY

Justice Joseph M. Proskauer of the appellate division of the supreme court, addressing the bar association on law reform last night, proposed the following credo for members of the legal profession, to be supported on oath in much the same manner as a physician now takes the Hippocratic oath:

"I will join with my adversary in waiving a jury trial wherever and whenever it can possibly be done without the sacrifice of a fundamental right. I will join with my adversary in supporting a trial justice in fair comment upon the evidence and reasonable direction to a jury on the facts. I will join with my adversary in fair concession of undisputed facts. I will not put an adversary to his proof in respect to facts whose existence my client admits. I will refrain from merely formal or technical objection to the admission of evidence. I will cooperate with the trial justice and my adversary to secure a speedy, prompt, and complete presentation of the facts of the case. I will neither make nor oppose interlocutory motions unless they are of real and practical importance. I will take no appeal unless I am satisfied that substantial error has been committed and that a new trial should reasonably give a different result."

Justice Proskauer added that he profoundly believed "that there is no one within sound of my voice who does not know that if we were called upon to take an oath to support this credo, as the physician takes the Hippocratic oath, the machinery of justice would once more run smoothly."

He proposed that bar and bench organize to bring this about and to translate this new spirit into their everyday lives.

He expressed the opinion that workable law reform would not be accomplished merely by specific change in statute and rule, but that it must rest largely upon a fundamental change in the group psychology of the legal profession toward its function and of the lay psychological attitude toward the administration of justice.

"I disclaim any intent to attack bench or bar," he said. A great difficulty in the effectuation of law reform has always been a tendency of organs of public opinion to describe every constructive effort of a member of the profession as an attack upon his fellows.

Judge Proskauer maintained that the system of jury trial in civil contract cases "had been transformed from a useful process into a wasteful, ineffective, and outworn fetish." He contended there was no more practical reason for persistence in jury trial in this type of case than there would be for the continuance of trial by battle, and characterized it as the survival of an organism which has ceased to be useful, a "kind of political vermiform appendix."

He also suggested a sweeping change in the attitude toward the law of evidence. "The law of evidence," he said, "is not an end in itself, and we should cease making it our objective."

Furthermore, Justice Proskauer maintained that the profession must restore to the judge his power to function as a minister of justice and not as a mere presiding officer. And finally he criticized the tendency of lawyers to appeal.

"The overcontentiousness of the profession," he said, "is seen again in the number of appeals generally. We are appeal mad in this country. There is no disposition on anybody's part to let well enough alone. An appeal on the off chance that some error may somewhere be found is a matter of course."

INDEPENDENT OFFICES APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes.

The VICE PRESIDENT. The Senator from Wisconsin [Mr. BLAINE] is entitled to the floor.

Mr. WARREN. I understand the Senator from Wisconsin wishes to address himself to the appropriation bill which is now before the Senate.

Mr. BLAINE resumed the speech begun by him yesterday. After having spoken for some time,

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McLean	Shipstead
Barkley	Fletcher	McMaster	Shortridge
Bayard	Frazier	McNary	Smith
Bingham	George	Mayfield	Smoot
Black	Gerry	Metcalf	Steck
Blaine	Gillett	Moses	Steiwer
Blease	Gooding	Neely	Stephens
Borah	Gould	Norbeck	Swanson
Bratton	Greene	Norris	Thomas
Brookhart	Hale	Nye	Trammell
Broussard	Harris	Oddie	Tydings
Bruce	Harrison	Overman	Tyson
Capper	Hawes	Phipps	Wagner
Caraway	Hayden	Pine	Walsh, Mass.
Copeland	Heflin	Pittman	Walsh, Mont.
Couzens	Howell	Ransdell	Warren
Curtis	Johnson	Reed, Mo.	Waterman
Cutting	Jones	Reed, Pa.	Watson
Dale	Kendrick	Robinson, Ark.	Wheeler
Deneen	Keyes	Robinson, Ind.	Willis
Dill	King	Sackett	
Edge	La Follette	Schall	
Ferris	McKellar	Sheppard	

The PRESIDING OFFICER (Mr. SACKETT in the chair). Eighty-nine Senators having answered to their names, a quorum is present. The Senator from Wisconsin will proceed.

PROPOSAL FOR A PAN AMERICAN POLICY

Mr. BLAINE resumed and concluded his speech, which is entire as follows:

Thursday, February 2, 1928

Mr. BLAINE. Mr. President, upon entering the Chamber a few moments ago I heard a suggestion made by the Senator from Utah [Mr. KING] with respect to standing by the President. I submit that if we knew just where the President stands upon our international questions, and particularly in reference to Central and South America, then we might be in a position to determine whether or not we should stand by the President. But I have observed that the administration on this question is very much at sea. It is a craft without a rudder and without a captain.

I had hoped that the President of the United States, when he had that splendid opportunity to advise America and advise the world of exactly what is the American policy with respect to our southern neighbors, might take advantage of the situation and do this. He signally failed to indicate in his address before the Pan American Conference at Habana even the suggestion of a hope that we might have a policy. I want to quote to the Senate briefly a few statements coming from the administration as the President spoke before that conference. Here the whole world was his audience. Men, women, and children were awaiting a voice from America that might offer some hope for peace in the world, and what did they get?

A determination to adjust differences among ourselves, not by a resort to force, but by the application of the principles of justice and equity, is one of our strong characteristics.

So said the President at Habana. With Haiti and San Domingo in the background, the President uttered those words at the moment when, without the consent of Congress, he was maintaining an army in the field to crush a nation with which we are not at war.

The other day in a colloquy upon the floor of the Senate, when I questioned the President's great desire and great consideration for the Senate with respect to the *S–4* inquiry and his lack of confidence in Congress with respect to the Nicaraguan question, a Senator said in effect, "Why, if the President had sent an army to Nicaragua, that would not be authorized, as the sending of an army would be an act of war and would require the consent of Congress. But he sent the marines." Ah, wherein is the distinction? Here were war vessels carrying all the implements necessary for war. Upon those war vessels were men in the panoply of war.

They were put upon the shores of this small, weak, defenseless, disordered country, armed with field guns, machine guns, and airplanes, and then it is said that that is not an act of war. I can see no distinction whether those armed forces be the Army, the militia, the Navy, or the marines. It is idle to undertake to defend the President's course in this particular instance by saying that the sending of the marines to Nicaragua was perfectly proper and that had he sent the Army that would have been contrary to the mandates of our Constitution.

Another paragraph from the President's address:

To-day—

He said, speaking at the opening of the Pan American Conference—

To-day Cuba is her own sovereign. Her people are independent, free, prosperous, peaceful, and enjoying the advantages of self-government.

"Independent" under the Platt amendment and a treaty with respect to Cuba which forbids her full sovereignty and her independence. "Free!" The United States reserves the right to intervene for the preservation of her so-called freedom. "Peaceful" she has to be, or the United States marines will step in, as they have stepped in heretofore. Cuba has not her sovereignty; it is denied to Cuba, although she has made efforts to withdraw herself from the guardianship of the United States.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

Mr. BLAINE. I am sorry not to yield, but I will say to the Senator from California that I have learned a very splendid lesson from him, and that is not to permit interruptions during the course of my remarks.

Mr. SHORTRIDGE. I can ask the question and the Senator from Wisconsin can answer it later on.

Mr. BLAINE. I must charge the Senator from California with the responsibility for my attitude, and I must, therefore, decline to yield.

Another sentence of beautifully spun phrases from the voice of the President at that conference, I quote:

But we have put our confidence in the ultimate wisdom of the people. We believe we can rely on their intelligence, their honesty, and their character. We are thoroughly committed to the principle that they are better fitted to govern themselves than anyone else is to govern them.

What are the facts? We relied on the intelligence of the Haitian people to such a degree that we did not allow them to choose between two colored slips—ballots—at the time the Haitian constitution was adopted, but had the marines hand them a slip of the proper color. Yes; we believe they are fitted to govern themselves, but Haiti has not had a congressional election since the adoption of that same constitution, a constitution written by the representatives of the armed forces of America and jammed down the throats of the people of Haiti at the point of a gun. If such an election had been held in America for a United States Senator, and such Senator had come to the Senate knocking for admission, the Senate would have said: "No. There was no free election; military force controlled the polls; the people did not have an opportunity to express that free choice to which they are entitled under our Constitution, and therefore the election is void"; and, indeed, it would have been void. No election is valid unless it is a free election; and there can be no free election where force is in evidence. There must be that untrammeled freedom of the individual, where he may express his choice according to the dictates of his own judgment, without the intervention of coercion. Again said the President:

It is better for the people to make their own mistakes than to have some one else make their mistakes for them.

And this the President said in face of the fact that his representative in Nicaragua, Mr. Stimson, a special envoy, speaking to the Nicaraguans, said:

I have the honor to inform you—

He was speaking to both parties down there—

that I am authorized to say that the President of the United States intends to accept the request of the Nicaraguan Government to super-

vise the elections of 1928; that the retention of President Diez during the remainder of his term is regarded as essential to that plan and will be insisted upon; that a general disarmament of the country is also regarded as necessary for the proper and successful conduct of such election; and that the forces of the United States will be authorized to accept the custody of the arms of those willing to lay them down, including the Government, and to disarm forcibly those who will not do so.

And yet there are those who claim that America is in Nicaragua by the invitation of the Government of Nicaragua, an invitation extended, sir, under pressure of armed force.

Mr. SHORTRIDGE. Mr. President, will the Senator relent and allow me to interrupt him?

Mr. BLAINE. I must decline to yield. I appreciate that the Senator has served long and faithfully, and I am trusting to the good advice that he gave us a few days ago with respect to his own position regarding interruptions during the course of his remarks. So I must decline to be interrupted.

The PRESIDING OFFICER (Mr. JONES in the chair). The Senator from Wisconsin declines to yield.

Mr. SHORTRIDGE. I observe that he declines to yield.

Mr. BLAINE. There will be sufficient time afforded the Senator from California to answer, as he challenged me the other day and said he would answer me at some length at some future time.

Mr. SHORTRIDGE. I did not understand the Senator was going to make this address. I made no challenge to the Senator, and at the moment I merely wished to ask a simple question whether or not both parties——

Mr. BLAINE. I prefer not to be interrupted at this time.

The PRESIDING OFFICER. The Senator from Wisconsin declines to yield.

Mr. BLAINE. I will be very glad to answer the Senator's question when I have concluded my remarks.

Mr. SHORTRIDGE. I wish to say that I did not challenge the Senator. The Senator, I am sure, will say that I did not challenge him.

Mr. BLAINE. If that is what the Senator says, I withdraw the suggestion, but I understood him to say that at some future time he would reply at length.

Mr. SHORTRIDGE. Oh, that is granted; that I would speak on the subject.

Mr. BLAINE. That he would reply to my suggestions, and I took that as a challenge.

Mr. SHORTRIDGE. I did not challenge the Senator.

Mr. BLAINE. I informed the Senator privately that I accepted the challenge and that I expected to address myself at some future time at length to this question. It was a perfectly friendly suggestion on the part of the Senator from California.

Mr. SHORTRIDGE. Of course, there is no feeling.

Mr. BLAINE. I appreciate that.

Mr. President, here is another quotation from the President's address at the Pan American Conference at Habana:

> It is a high example that we have set for the world in resolving international differences without resort to force.

In the last quarter of a century the example of America—and it has not been the heart of America that has spoken; it has been those who have represented America temporarily—has been a history of force, unrelenting force, imposed on small and weak nations unable to defend themselves. I am going to discuss that feature before I conclude.

> It is a high example that we have set for the world in resolving international differences without resort to force.

Yet, during the last 25 years some 14 out of the 20 republics to the south of us have had the hand of force placed upon their ambitions, their governments, their sovereignty by those who were our temporary rulers.

I say it is not the voice of America that has spoken in the words of force but the voice of those who, under the changed conditions of commercial intercourse, have taken the position that commerce is more precious than liberty, who have not been willing to take a position in accordance with the traditional history of America, a tradition which had kept this country at peace and amity with all her neighbors for over a hundred years.

We have heard much about the Monroe doctrine as though it were a mere abstraction, something that was said by a President at some time that had relation to only one situation. I am not going to discuss the Monroe doctrine from that standpoint. I wish to discuss, however, the principles underlying the Monroe doctrine, which form the background of that doctrine. Mr. President, the principles of the Monroe doctrine, a vital force for over a hundred years of America's history, were supplemental to the doctrine of inherent fairness and justice that the strong must not ride down the weak. That is the Monroe doctrine, no matter what interpretation may be applied to it by this administration. The circumstances under which those principles were announced did not limit their application. These principles were not unknown to the centuries of the past. Their essence was self-preservation inherent in individuals and in groups of individuals, whether organized under a tribal system or as a governmental unit. They have neither a beginning nor an end, for they antedate all governments and will project themselves into the future so long as there may be a human being needing self-protection.

The misconstruction placed on these principles in modern times and their maladjusted enforcement do not limit them. They are unrimmed by time or circumstance.

Latter-day statesmen have abused them, as have been abused the finer sentiments of all mankind. In their name tyranny has been practiced, and injustices and wrongs have prevailed. The doctrine of inherent fairness and justice has been a shield, and on other occasions it has been used as an instrumentality for usurpation. It has struck down innocence and exalted greed. Misguided men have quoted and twisted the doctrine as the devil has quoted and twisted the Scriptures, and to the same purpose.

In America in the last quarter of a century its misconstruction and its modernized maladjustment are a betrayal of our traditional policy. We have departed from it as our own protective measure, and it has ceased to be our shield, and is rapidly becoming an engine of mischief if not of destruction.

The repudiation of this fundamental Americanism which brought to us peace, happiness, and prosperity finds America's diplomacy and international policy a drifting one. In fact, America has no policy except such as may be the passing whim of a President or a Secretary of State, or their ill-conceived notions. Such lack of policy promises nothing for the future but the possibility of wars in which we should have no concern, but into which we are dragged without the consent of the American people acting through their Congress.

Loyalty to the cause of America, to her fine traditions, finds no place in the dealings of our rulers with the weak or disordered States of the Western Hemisphere. Oil, metals, landed estates, plantations, concessions, foreign loans, protectorates are the only language in the lexicon of those whom we have trusted with America's destiny. Loyalty to a proud past, adherence to fundamental Americanism, no longer prompt those who are guiding America to a destiny of imperialism instead of independence.

A brief review of the principles of the Monroe doctrine as they have been conceived and officially proclaimed by the Presidents who knew them and had the courage to enforce them is not out of place here.

Washington foresaw the struggle for oil, for plantations, for concessions. He pointed to our duty to guard against acts of our own citizens which might tend to disturb peace with other nations. He said:

> Observations on the value of peace with other nations are unnecessary. It would be wise, however, by any provisions, to guard against those acts of our own citizens which might tend to disturb it, and to put ourselves in a condition to give that satisfaction to foreign nations which we may sometimes have occasion to require from them.

President Monroe, in enunciating the Monroe doctrine, emphatically declared that we should consider any attempt on the part of a European power "to extend their system to any portion of this hemisphere as dangerous to our peace and safety." He proposed that no European nation should interpose for the purpose of oppressing any government upon the Western Hemisphere, and declared against the controlling of their destiny in any manner. He said:

> We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States.

He was not talking about political control alone. He proposed that no European nation should use any manner or means to control the destiny of the people to our south. President Monroe broadened his language to exclude every pretense of any European nation from gaining a foothold upon this hemi-

sphere in any manner. He declared that it is equally impossible that we should behold any interposition by European governments in any form with indifference.

President John Quincy Adams knew of the temptation of a strong nation to bulldoze, to beat down and to subjugate weaker peoples, and declared that the cornerstone of all of our future relations with the southern Republics was "disinterestedness"; the next was "cordial good will to them"; the third was a claim of "fair and equal reciprocity." He left it to those Republics to regulate as to them shall seem fit those concerns which are "the prerogative of their independence."

President Jackson, courageous and independent, referred to the long-standing claims of our citizens against governments to the south as sources of dissatisfaction and complaint, and recited a long list of irritating circumstances, though he never hinted that force should be interposed, and proclaimed that "With Brazil and all our neighbors of this continent we continue to maintain relations of amity and concord."

President Polk, in a message to the Senate on April 22, 1850, said:

If there be any who desire to seize and annex any portion of the territories of these weak sister Republics to the American Union, or to extend our dominion over them, I do not concur in their policy; and I wish it to be understood in reference to that subject that I adopt the views entertained, so far as I know, by all my predecessors.

I respectfully call to the attention of our State Department President Fillmore's declaration that "the great law of morality ought to have a national as well as a personal and individual application." There ought to be emblazoned over the entrance to the White House, to the Department of State, to the Commerce Department, in letters that even officials who may be blinded by the "almighty dollar" could read, President Fillmore's challenge at any attempt to veer from the course pursued by America for then over half a century. I quote the salient portions of his message. Had this message been read by our President before he went to Habana, the prayers of the people of the world for some step toward peace might have been answered.

President Fillmore said:

Among the acknowledged rights of nations is that which each possesses of establishing that form of government which it may deem most conducive to the happiness and prosperity of its own citizens, of changing that form as circumstances may require, and of managing its internal affairs according to its own will. The people of the United States claim this right for themselves, and they readily concede it to others. Hence it becomes an imperative duty not to interfere in the government or internal policy of other nations; and although we may sympathize with the unfortunate or the oppressed everywhere in their struggles for freedom, our principles forbid us from taking any part in such foreign contests. We make no wars to promote or to prevent successions to thrones, to maintain any theory of a balance of power, or to suppress the actual government which any country chooses for itself. We instigate no revolutions—

Fillmore could not have said that in the beginning of this century truthfully; but he said it as the then policy of America as it had been observed for over half a century.

We instigate no revolutions, nor suffer any hostile military expeditions to be fitted out in the United States to invade the territory or provinces of a friendly nation. The great law of morality ought to have a national as well as a personal and individual application. We should act toward other nations as we wish them to act toward us, and justice and conscience should form the rule of conduct between governments, instead of mere power, self-interest, or the desire of aggrandizement.

A quite different message from that we had in the year 1928 at Habana? I read further from President Fillmore:

It has been the uniform policy of this Government, from its foundation to the present day, to abstain from all interference in the domestic affairs of other nations.

But it is now said by some that this policy must be changed.

The same cry is made to-day as was heard back in Fillmore's time. He recognized it—he denounced any attempt to interfere in the affairs of other nations.

(At this point Mr. DILL suggested the absence of a quorum, and the roll was called.)

Mr. BLAINE. Mr. President, I had been quoting from a message of President Fillmore, and I want to continue to read a few more paragraphs from that great patriot, that man who looked into the future, not for a generation but for centuries. He thought of his country and not of commerce.

The truth is that the course which they—our forefathers—pursued was dictated by a stern sense of international justice, by a statesmanlike prudence and a far-seeing wisdom, looking not merely to the present necessities but to the permanent safety and interest of the country.

Our policy is wisely to govern ourselves, and thereby to set such an example of national justice, prosperity, and true glory as shall teach to all nations the blessings of self-government and the unparalleled enterprise and success of a free people.

To-day "dollar diplomacy" gives the lie to President Fillmore.

No longer is there "a stern sense of international justice"; "statesmanlike prudence and a far-seeing wisdom" are lost in the scuffle for oil, for plantations, for concessions, for foreign loans. "Permanent safety and interest of the country" are no longer the end. Modern American diplomacy is the foundling of immoral intrigues, to be protected and perpetuated by force. Are the slimy worms that crawled over the pages of our domestic history in the last few years to become, through a system of metamorphosis, the vermin of international immorality?

If the present policy of this administration is to determine the policy of America for the future, then America has ceased to have the character given to her by our forefathers, so eloquently and patriotically expressed by President Fillmore.

President Pierce advocated territorial aggression in this hemisphere, and he points out how easy it would be for America to annex and absorb new territory, and even suggests that such might be justified, but even he, with all his zeal for aggrandizement, recognized the fact that "we have abstained from doing it, in obedience to considerations of right, not less than policy."

Even President Buchanan was restrained from embarking upon an imperialistic policy, though his messages and recommendations contained little of value.

President Johnson, exhibiting on so many occasions either fits of madness or even less honorable characteristics, struck out boldly for territorial acquisition. I know of no historian, no teacher, no patriot ever presenting the life of President Johnson as one to be emulated by young America.

President Grant, than whom there was no greater on the field of battle, was promptly rebuked for his imperialistic attempts on San Domingo by Senator Charles Sumner, in offering his resolution expressing Congress's opposition to the military invasion in San Domingo.

Let me say here in passing that the other day Mr. Hughes, a distinguished American citizen, as evidence of America's desire to withdraw from South American countries, as proof of our desire to withdraw from that territory, pointed to our conduct in San Domingo. There has been intermeddling or an attempt to intermeddle in San Domingo for nearly 60 years, and we are still in San Domingo, as I shall presently observe.

Following President Hayes there came to the Presidency Grover Cleveland. I shall endeavor to be nonpartisan on this question. I am merely reviewing the history of America. I propose to review that history honestly and correctly and where credit is due I propose to give credit.

Grover Cleveland was the first national success of his party since prior to the Civil War. He brought to the office of President well-ripened judgment, vast experience, and coming, as he did, from the ranks of those who believed in America and America's traditions and history and policies, he reflected in a high degree the intelligent opinion of our people as a whole. He was confronted with an international situation more potential for mischief than was the international situation under President Monroe. The principles of the Monroe doctrine were challenged as they had never been challenged before. When President Cleveland spoke, it was as though the zero hour in America's diplomatic dealings in the Western Hemisphere had struck, and President Cleveland spoke as only a man of his sturdy character could speak. He revived and buttressed and strengthened the Monroe doctrine, without adding thereto or detracting therefrom. I wish our President might have read this message before he went to Habana.

These are the words of Cleveland:

When citizens of the United States voluntarily go into a foreign country they must abide by the laws there in force and will not be protected by their own Government from the consequences of an offense against those laws committed in such foreign country; but watchful care and interest of this Government over its citizens are not relinquished because they have gone abroad, and if charged with crime committed in the foreign land a fair and open trial, conducted with decent regard for justice and humanity, will be demanded for them. With less than that this Government will not be content when the life or liberty of its citizens is at stake.

He reaffirms, clinches, and rivets down the Monroe doctrine under the white heat of patriotic fervor and loyalty to international morality. While President Fillmore spoke in terms of

the Golden Rule, Cleveland denounced international immorality as odious. I quote him:

I mistake the American people if they favor the odious doctrine that there is no such thing as international morality, that there is one law for a strong nation and another for a weak one, and that even by indirection a strong power may with impunity despoil a weak one of its territory.

When the internecine strife in Cuba was at its height, with a demand for war against Spain, Cleveland said:

The United States has, nevertheless, a character to maintain as a nation, which plainly indicates that right and not might should be the rule of its conduct.

President McKinley followed Cleveland, and, lacking the courage and frankness of Cleveland, as a milder character, he could not resist the temptations against which he inveighed when he said:

We want no wars of conquest; we must avoid the temptation of territorial aggression.

But when the war with Spain was over the successes of the strong nation demanded and received the island of Porto Rico and other islands in the West Indies, and one to be selected in the Ladrones, and the administration offered as an excuse for the aggrandizement of the Philippines that we paid pauper Spain $20,000,000, and all the beautiful phrases and noble sentiments were dissipated like the mists before the golden splendor of the rising sun.

At this point I can not forego the drawing of a line of demarcation between the bluster and fury of a Roosevelt and the moral and political courage of a Cleveland. The one, when confronted with problems that would test America's sincerity of purpose and allegiance to the inherent doctrine of fairness and justice, yielded under the influences that put our Nation on its way to imperialism. He discussed chronic wrongdoing on the part of nations and their impotency, but he had in mind the weak nations, not the strong ones. Herein lies the difference between that which actuated President Cleveland and that which influenced President Roosevelt in his second administration.

When Cleveland talked about international immorality and chronic wrongdoers he had reference to the nation that was superior in naval force to America. Cleveland said that America has a character to maintain as a nation, and he said it in the teeth of the then world's strongest combination of force. When he said that a strong power may not with impunity despoil a weak nation, he said it, not to the weak and disordered neighbors to the south, but he said to Lord Granville, of Great Britain, that—

We are not without concern as to whatever may affect the interests of a sister Republic of the American continent and its position in the family of nations.

Secretary of State Gresham, in Cleveland's Cabinet, Secretary of State Blaine, under President Harrison, and Secretary of State Olney, under Cleveland's second administration, exerted their good offices to bring about diplomatic intercourse with Great Britain. Cleveland, speaking through his Secretary of State, announced:

The Monroe doctrine rests upon facts and principles that are both intelligible and incontrovertible.

* * * whether moral or material interests be considered, it can not but be universally conceded that those of Europe are irreconciliably diverse from those of America, and that any European control of the latter is necessarily both incongruous and injurious. * * *

The States of America, South as well as North, by geographical proximity, by natural sympathy, by similarity of governmental constitutions, are friends and allies, commercially and politically, of the United States.

When the time came for the last word, President Cleveland messaged to Congress these words:

I am, nevertheless, firm in my conviction that while it is a grievous thing to contemplate the two great English-speaking peoples of the world as being otherwise than friendly competitors in the onward march of civilization and strenuous and worthy rivals in all the arts of peace, there is no calamity which a great nation can invite which equals that which follows a supine submission to wrong and injustice and the consequent loss of national self-respect and honor, beneath which are shielded and defended a people's safety and greatness.

Cleveland did not say these words to Haiti, to San Domingo, to Colombia, to Nicaragua.

I have contrasted the political and moral courage of President Cleveland with that of President Roosevelt. In fairness to President Roosevelt it should be acknowledged that when he came to the Presidency on the death of President McKinley he emulated the courageous character of Cleveland. In 1902 Germany, England, and Italy proposed a naval demonstration against Venezuela for the purpose of forcing recognition of the validity of claims of subjects of the three great powers. One claim was for interest seven years past due on 5 per cent bonds for which Venezuela customs were pledged. Another was for 7 per cent dividends guaranteed by the Venezuelan Government on the capital stock issued for the building of a railroad by German subjects, at a cost of about $20,000,000. There were other claims aggregating about $400,000 for forced loans and military requisitions.

I call the attention of the Senate to these details for the purpose of contrasting the policy of America as it had been declared up to and including the first administration of President Roosevelt with the policy of the present administration. Here were claims for interest due on bonds for which the Venezuelan customs were pledged; here were dividends guaranteed to foreign investors by the Venezuelan Government; here were other claims for forced loans and military requisitions, identically of the same character as have furnished the excuse for the last 25 years for sending marines and the Army and the Navy into these smaller and weaker countries in order to force them to acknowledge some alleged indebtedness to foreign governments or private parties, and the assertion is made that that policy has become necessary in order that America may protect these smaller and weaker governments against invasion by European nations. What was Roosevelt's answer to that same claim?

The German ambassador declared that the German Government had—

no purpose or intention to make even the smallest acquisition of territory on the South American Continent or the islands adjacent.

The whole purpose, of course, was to test the Monroe doctrine and therefore the disclaimer. The British Government's demands went to the question of the settlement of claims for the destruction of property and the mistreatment and imprisonment of British subjects, due to the revolutions and civil wars in Venezuela, and including as well a settlement of the foreign debt.

Here were all the elements typical of all the claims that have brought about our modern doctrine of force, which makes America the collecting agency of alien and foreign peoples and foreign governments, at the sacrifice of America's honor, which calls upon America's manhood to make sacrifices, to give its blood, even its life, to enforce against weak and disordered nations the collection of claims, whether held by foreign governments or foreign subjects or by American exploiters or adventurers. That is the policy of the present administration, a policy denounced by Sumner on the floor of the Senate as "the dance of blood." What did Roosevelt do?

The claims presented by the three great powers involved, as I have said, practically every question that has presented itself to the American Government in respect to our southern neighbors for the last quarter of a century or more. The three European governments proposed to collect their demands by force. President Roosevelt knew full well that such force would mean the seizing of the customhouses and the administration of the customs receipts, and that meant territorial acquisition by a foreign power. That territorial acquisition might have been temporary only, but the seizing of the customhouses and the control of the ports of Venezuela meant nothing short of territorial acquisition in permanency or temporarily.

President Roosevelt knew, as anyone would know, that an exhibition of force, a naval demonstration by the three great European powers, meant something more than a gesture; that fear alone would not induce the Venezuelan Government to make a declaration recognizing the correctness of the European governments' demands, and it was also known that if even such a recognition were made its fulfillment was impossible unless the three European nations took possession of the ports and the customhouses of the Venezuelan Government.

Recognizing the fact that the use of force by any nation in attempting to collect a debt due its subjects from another nation meant immediate possession, an acquisition of territory for such purposes at least, and the very possible resultant permanent occupancy and possession, the President very properly let it be known that Admiral Dewey's force would be instructed to sail to the Venezuelan coast and thus prevent the taking of possession of Venezuelan territory, and by that fact itself preventing the powerful European nations from collecting their alleged debts by force.

In 1916, speaking of the incident, Colonel Roosevelt, in an address said:

I asked, on behalf of the Nation, the things to which we were entitled. I was as courteous as possible. I not only acted with justice, but

with courtesy toward them. I put every battleship and every torpedo boat on the sea under the American flag, and Dewey with instructions to hold himself ready in entire preparedness to sail at a moment's notice.

Mr. President, I am willing that all America's battleships upon the seas shall be employed to beat back European aggression against the Western Hemisphere as a means of self-preservation, but I am opposed to using armed force in the neighboring Republics to the south for the collection of debts of exploiters and adventurers, whether they be foreign or domestic. I am opposed to commanding America's young manhood to endure the sacrifice of death for the sake of enforcing the collection of a debt against a weaker power.

Unfortunately President Roosevelt's declarations were not made a part of the written diplomacy of his administration. The result of the arbitration proceedings following the President's demands clearly demonstrates the injustice of coercive measures for the collection of pecuniary claims. The total demands of foreign governments, including that of the United States, were a little over 163,000,000 bolivars, while the arbitration commission awarded about 30,000,000 bolivars. In other words, while the demands aggregated approximately $32,700,000, the award amounted only to about $5,900,000.

Under the present policy, however, the policy of coercion and force, the pound of flesh would have been demanded at the point of the bayonet. When arbitration was brought into play by President Roosevelt justice was done toward our southern neighbor, and America still retained the character for fair dealing, which she had always possessed.

While President Roosevelt contended that the coercion of an American state was not contrary to the Monroe doctrine provided that it did "not take the form of acquisition of territory by any non-American power," he effectually denied to European governments any resort to measures of coercion for the purpose of collecting their debts or the debts of their subjects.

Herein lies the paradoxical position of America. President Roosevelt talked about the golden rule being the guiding rule of conduct but not forbidding the exercise of power and force, and out of the womb of a self-contradictory philosophy the imperialistic policy of America was born.

That imperialistic policy did not have its inception, however, in any contest with any nation equal to ours. It was begun against our weak and disordered neighbors to the south, and it relies upon our power, our armies, and our navies to enforce the new conception of the Monroe doctrine. I again quote President Roosevelt:

> Our own Government has always refused to enforce * * * contractual obligations on behalf of its citizens by an appeal to arms. It is much to be wished that all foreign governments would take the same view. But they do not; and in consequence we are liable at any time to be brought face to face with disagreeable alternatives.

Expediency displaced the inherent doctrine of fairness and justice.

Is there any distinction between the initial acquiring of territory by force and the ultimate acquiring of territory by receivership in the collection of a debt? If we are justified in preventing European territorial aggrandizement by one method, we are justified in preventing such aggrandizement by the other method. To prevent European expansion in the Western Hemisphere, to prevent even temporary occupancy or acquisition of a single foot of territory in this hemisphere by any method or by any means, and for any purpose, is necessary to our peace and to the peace of this hemisphere; yes—and of the world.

It seems to me that it makes no difference what method a foreign government may use to promote its ambitions for expansion or what the means of aggression may be. President Monroe said that foreign nations should not control in any manner the destiny of a single nation on our western continents, and any attempt to acquire control can be treated by America in no other light than "as the manifestation of an unfriendly disposition toward the United States."

The new conception of the Monroe doctrine grows upon the mistaken idea that America is to be the wet nurse for alien governments, money lenders, adventurers, and concession grabbers in their career of expansion, extension, or exploitation.

It is true that America will, from time to time, be brought face to face with disagreeable alternatives; but that does not change and should not change the character of America. Expediency, when we are brought face to face with disagreeable alternatives, will not justify a violation of the inherent and the immutable doctrine of fairness and right and justice.

To enthrone expediency, and even to admit of alternatives in the application of the doctrine of inherent fairness and justice that the strong must not ride down the weak, is nothing short of a compromise with evil.

But international morality must be discarded and the character of the United States as formulated for over a hundred years submerged, that might and not right be preclaimed the rule of conduct. Thus we have turned the Monroe doctrine into an agency for mischief for America, not for her protection or the protection of weaker nations and peoples.

Just a brief review of later history:

Under President Taft dollar diplomacy was frankly established. There was one characteristic that stood out with President Taft. Disagree with him as you might, he was always frank; and frankness always promotes honesty.

He said:

> The diplomacy of the present administration has sought to respond to modern ideas of commercial intercourse. * * * It is an effort frankly directed to the increase of American trade upon the axiomatic principle that the Government of the United States shall extend all proper support to every legitimate and beneficial American enterprise abroad.

He frankly repudiates the traditional American policy, and taboos such traditional policy as "outworn dogmas of the past."

President Wilson, in language at least, assented to the traditional American policy.

Mr. President, I ask permission to insert in the RECORD in connection with my remarks the message by President Cleveland when the revolution in Hawaii took place. Shortly before the close of President Harrison's administration the then President transmitted to the Senate a treaty providing for the annexation of Hawaii to the United States. Mr. Cleveland, when coming to the office of President, repudiated the whole transaction relating to the proposal for the annexation of Hawaii and refused to submit the treaty to the Senate. He sent a special message on December 18, 1893, and in that message discussed the very question under consideration. I ask that that message be inserted at this point in the course of my remarks.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

> While naturally sympathizing with every effort to establish a republican form of government, it has been the settled policy of the United States to concede to people of foreign countries the same freedom and independence in the management of their domestic affairs that we have always claimed for ourselves, and it has been our practice to recognize revolutionary governments as soon as it became apparent that they are supported by the people. * * *
>
> As I apprehend the situation, we are brought face to face with the following conditions:
>
> The lawful Government of Hawaii was overthrown without the drawing of a sword or the firing of a shot by a process every step of which, it may safely be asserted, is directly traceable to and dependent for its success upon the agency of the United States, acting through its diplomatic and naval representatives.
>
> But for the notorious predilections of the United States minister for annexation, the committee of safety, which should be called the committee of annexation, would never have existed.
>
> But for the landing of the United States forces under false pretexts respecting the danger to life and property, the committee would never have exposed themselves to the pains and penalties of treason by undertaking the subversion of the Queen's Government. * * *
>
> Believing, therefore, that the United States could not, under the circumstances disclosed, annex the islands without justly incurring the imputation of acquiring them by unjustifiable methods, I shall not again submit the treaty of annexation to the Senate for its consideration, and in the instructions to Minister Willis, a copy of which accompanies this message, I have directed him to so inform the provisional government.
>
> But in the present instance our duty does not, in my opinion, end with refusing to consummate this questionable transaction. It has been the boast of our Government that it seeks to do justice in all things without regard to the strength or weakness of those with whom it deals. I mistake the American people if they favor the odious doctrine that there is no such thing as international morality, that there is one law for a strong nation and another for a weak one, and that even by indirection a strong power may with impunity despoil a weak one of its territory.
>
> By an act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress, the Government of a feeble but friendly and confiding people has been overthrown. A substantial wrong has thus been done which a due regard for our national character as well as the rights of an injured people requires we should endeavor to repair. * * *
>
> The law of nations is founded upon reason and justice, and the rules of conduct governing industrial relations between citizens or subjects of a civilized state are equally applicable as between enlightened nations. The considerations that international law is without a court for its enforcement and that obedience to its commands practically depends upon good faith instead of upon the mandate of a superior

tribunal only give additional sanction to the law itself and brand any deliberate infraction of it not merely as a wrong, but as a disgrace. A man of true honor protects the unwritten word which binds his conscience more scrupulously, if possible, than he does the bond a breach of which subjects him to legal liabilities, and the United States, in aiming to maintain itself as one of the most enlightened nations, would do its citizens gross injustice if it applied to its international relations any other than a high standard of honor and morality. On that ground the United States can not properly be put in the position of countenancing a wrong after its commission any more than in that of consenting to it in advance.

Mr. BLAINE. I want to observe, with respect to that message, that President Cleveland sent a commission to Hawaii. Afterwards the Hawaiian Republic was recognized. After recognition, and after the people of Hawaii became the voice of Hawaii, Hawaii was annexed, not by treaty, because it was impossible to obtain the constitutional ratification of a treaty by this body, but was annexed by a joint resolution adopted by a majority in each House of Congress. Why? It was at a time when Admiral Dewey's fleet was hard pressed in Manila Bay. When the people of Hawaii came to the United States they came as petitioners, exercising the freedom of petition, not by force of arms, not at the point of the bayonet, but as men and women desiring to associate themselves with the American Republic.

I want to say, Mr. President, to my colleagues, that subjects that are forced never can become good citizens, but when other people who freely petition without coercion, without inducements other than the fundamentals of our Government, equal to the inducements to every citizen of the United States, come into association with America, then you have happy and satisfied subjects, if you choose to call such people subjects.

I desire to insert in the RECORD, without reading, in the course of my remarks at this place the conception of this doctrine of fairness and justice as understood by one of the greatest authorities on international questions, the former Minister of Foreign Relations of Argentina, Drago. On the occasion of the Venezuelan question that arose in connection with Great Britain, Italy, and Germany, he set forth the South American view in a memorandum addressed to the Argentine minister at Washington. That memorandum is worthy of consideration; and I ask unanimous consent to incorporate it in the course of my remarks at this place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

I have received your excellency's telegram of the 20th instant concerning the events that have lately taken place between the Government of the Republic of Venezuela and the Governments of Great Britain and Germany. According to your excellency's information, the origin of the disagreement is, in part, the damages suffered by subjects of the claimant nations during the revolutions and wars that have recently occurred within the borders of the Republic mentioned, and in part also the fact that certain payments on the external debt of the nation have not been met at the proper time.

Leaving out of consideration the first class of claims, the adequate adjustment of which it would be necessary to consult the laws of the several countries, this Government has deemed it expedient to transmit to your excellency some considerations with reference to the forcible collection of the public debt suggested by the events that have taken place.

At the outset it is to be noted in this connection that the capitalist who lends his money to a foreign state always takes into account the resources of the country and the probability, greater or less, that the obligations contracted will be fulfilled without delay.

All governments thus enjoy different credit according to their degree of civilization and culture and their conduct in business transactions; and these conditions are measured and weighed before making any loan, the terms being made more or less onerous in accordance with the precise data concerning them which bankers always have on record.

In the first place the lender knows that he is entering into a contract with a sovereign entity, and it is an inherent qualification of all sovereignty that no proceedings for the execution of a judgment may be instituted or carried out against it, since this manner of collection would compromise its very existence and cause the independence and freedom of action of the respective government to disappear.

Among the fundamental principles of public international law which humanity has consecrated, one of the most precious is that which decrees that all states, whatever be the force at their disposal, are entities in law, perfectly equal one to another, and mutually entitled by virtue thereof to the same consideration and respect.

The acknowledgment of the debt, the payment of it in its entirety, can and must be made by the nation without diminution of its inherent rights as a sovereign entity, but the summary and immediate collection at a given moment, by means of force, would occasion nothing less than the ruin of the weakest nations and the absorption of their governments, together with all the functions inherent in them, by the mighty of the earth. The principles proclaimed on this continent of America are otherwise. "Contracts between a nation and private individuals are obligatory according to the conscience of the sovereign, and may not be the object of compelling force," said the illustrious Hamilton. "They confer no right of action contrary to the sovereign will."

The United States has gone very far in this direction. The eleventh amendment to its Constitution provided in effect, with the unanimous assent of the people, that the judicial power of the Nation should not be extended to any suit in law or equity prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state. The Argentine Government has made its Provinces indictable, and has even adopted the principle that the nation itself may be brought to trial before the supreme court on contracts which it enters into with individuals.

What has not been established, what could in no wise be admitted, is that, once the amount for which it may be indebted has been determined by legal judgment, it should be deprived of the right to choose the manner and the time of payment, in which it has as much interest as the creditor himself, or more, since its credit and its national honor are involved therein.

This is in no wise a defense for bad faith, disorder, and deliberate and voluntary insolvency. It is intended merely to preserve the dignity of the public international entity which may not thus be dragged into war with detriment to those high ends which determine the existence and liberty of nations.

The fact that collection can not be accomplished by means of violence does not, on the other hand, render valueless the acknowledgment of the public debt, the definite obligation of paying it.

The state continues to exist in its capacity as such, and sooner or later the gloomy situations are cleared up, resources increase, common aspirations of equity and justice prevail, and the most neglected promises are kept.

The decision, then, which declares the obligation to pay a debt, whether it be given by the tribunals of the country or by those of international arbitration, which manifest the abiding zeal for justice as the basis of the political relations of nations, constitutes an indisputable title which can not be compared to the uncertain right of one whose claims are not recognized and who sees himself driven to appeal to force in order that they may be satisfied.

As these are the sentiments of justice, loyalty, and honor which animate the Argentine people and have always inspired its policy, your excellency will understand that it has felt alarmed at the knowledge that the failure of Venezuela to meet the payments of its public debt is given as one of the determining causes of the capture of its fleet, the bombardment of one of its ports, and the establishment of a rigorous blockade along its shores. If such proceedings were to be definitely adopted they would establish a precedent dangerous to the security and the peace of the nations of this part of America.

The collection of loans by military means implies territorial occupation to make them effective, and territorial occupation signifies the suppression or subordination of the government of the countries on which it is imposed.

Such a situation seems obviously at variance with the principles many times proclaimed by the nations of America, and particularly with the Monroe doctrine, sustained and defended with so much zeal on all occasions by the United States, a doctrine to which the Argentine Republic has heretofore solemnly adhered.

Among the principles which the memorable message of December 2, 1823, enunciates, there are two great declarations which particularly refer to these Republics, viz, "The American continents are henceforth not to be considered as subjects for colonization by any European powers," and "* * * with the governments * * * whose independence we have * * * acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States."

The right to forbid new colonial dominions within the limits of this continent has been many times admitted by the public men of England. To her sympathy is due, it may be said, the great success which the Monroe doctrine achieved immediately on its publication. But in very recent times there has been observed a marked tendency among the publicists and in the various expressions of European opinion to call attention to these countries as a suitable field for future territorial expansion. Thinkers of the highest order have pointed out the desirability of turning in this direction the great efforts which the principal powers of Europe have exerted for the conquest of sterile regions with trying climates and in remote regions of the earth. The European writers are already many who point to the territory of South America, with its great riches, its sunny sky, and its climate propitious for all products, as, of necessity, the stage on which the great powers who have their arms and implements of conquest already prepared are to struggle for the supremacy in the course of this century.

The human tendency to expansion, thus inflamed by the suggestions of public opinion and the press, may, at any moment, take an aggressive direction, even against the will of the present governing classes. And it will not be denied that the simplest way to the setting aside and easy ejectment of the rightful authorities by European governments is just this way of financial interventions—as might be shown by many examples. We in nowise pretend that the South American nations are, from any point of view, exempt from the responsibilities of all sorts which violations of international law impose on civilized people. We do not nor can we pretend that these countries occupy an exceptional position in their relations with European powers, which have the indubitable right to protect their subjects as completely as in any other part of the world against the persecutions and injustices of which they may be the victims.

The only principle which the Argentine Republic maintains and which it would with great satisfaction see adopted, in view of the events in Venezuela, by a nation that enjoys such great authority and prestige as does the United States, is the principle already accepted, that there can be no territorial expansion in America on the part of Europe, nor any oppression of the peoples of this continent, because an unfortunate financial situation may compel some one of them to postpone the fulfillment of its promises. In a word, the principle which she would like to see recognized is that the public debt can not occasion armed intervention nor even the actual occupation of the territory of American nations by a European power.

The loss of prestige and credit experienced by states which fail to satisfy the rightful claims of their lawful creditors brings with it difficulties of such magnitude as to render it unnecessary for foreign intervention to aggravate with its oppression the temporary misfortunes of insolvency.

The Argentine Government could cite its own example to demonstrate the needlessness of armed intervention in these cases.

The payment of the English debt of 1824 was spontaneously resumed by her after an interruption of 30 years, occasioned by the anarchy and the disturbances which seriously affected the country during this period, and all the back payments and all the interest payments were scrupulously made without any steps to this end having been taken by the creditors.

Later on a series of financial happenings and reverses completely beyond the control of her authorities compelled her for the moment to suspend the payment of the foreign debt. She had, however, the firm and fixed intention of resuming the payments as soon as circumstances should permit, and she did so actually some time afterwards, at the cost of great sacrifices, but of her own free will and without the interference or the threats of any foreign power. And it has been because of her perfectly scrupulous, regular, and honest proceedings, because of her high sentiment of equity and justice so fully demonstrated, that the difficulties undergone, instead of diminishing, have increased her credit in the markets of Europe. It may be affirmed with entire certainty that so flattering a result would not have been obtained had the creditors deemed it expedient to intervene with violence at the critical financial period, which was thus passed through successfully. We do not, nor can we, fear that such circumstances will be repeated.

At this time, then, no selfish feeling animates us, nor do we seek our own advantage in manifesting our desire that the public debt of states should not serve as a reason for an armed attack on such states. Quite as little do we harbor any sentiment of hostility with regard to the nations of Europe. On the contrary, we have maintained with all of them since our emancipation the most friendly relations, especially with England, to whom we have recently given the best proof of the confidence which her justice and equanimity inspire in us by intrusting to her decision the most important of our international questions, which she has just decided fixing our limits with Chile after a controversy of more than 70 years.

We know that where England goes civilization accompanies her, and the benefits of political and civil liberty are extended. Therefore we esteem her, but this does not mean that we should adhere with equal sympathy to her policy in the improbable case of her attempting to oppress the nationalities of this continent which are struggling for their own progress, which have already overcome the greatest difficulties and will surely triumph—to the honor of democratic institutions. Long, perhaps, is the road that the South American nations still have to travel. But they have faith enough and energy and worth sufficient to bring them to their final development with mutual support.

And it is because of this sentiment of continental brotherhood and because of the force which is always derived from the moral support of a whole people that I address you, in pursuance of instructions from His Excellency the President of the Republic, that you may communicate to the Government of the United States our point of view regarding the events in the further development of which that Government is to take so important a part, in order that it may have it in mind as the sincere expression of the sentiments of a nation that has faith in its destiny and in that of this whole continent, at whose head march the United States, realizing our ideals and affording us examples.

Mr. BLAINE. Secretary of State John Hay sent to the minister of Argentina, in reply to Drago's communication of December 29, 1902, a memorandum in which he stated, without expressing assent to or dissent from the propositions set forth in the note of the Argentine Minister of Foreign Relations, the general position of the Government of the United States. Secretary Hay concluded his memorandum in these words; and I ask unanimous consent that they be inserted in the RECORD in the course of my remarks at this place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Advocating and adhering in practice in questions concerning itself to the resort of international arbitration in settlement of controversies not adjustable by the orderly treatment of diplomatic negotiations, the Government of the United States would always be glad to see the questions of the justice of claims by one state against another growing out of individual wrongs or national obligations, as well as the guarantees for the execution of whatever award may be made, left to the decision of an impartial arbitral tribunal before which the litigant nations, weak and strong alike, may stand as equals in the eye of international law and mutual duty.

Mr. BLAINE. President Wilson, in language at least, assented to the doctrine of inherent justice and fairness that the strong should not ride down the weak.

Mr. President, I desire also to insert in the RECORD excerpts from the messages and papers of President Wilson at this place in the course of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows;

The Department of State at Washington is constantly called upon to back up the commercial enterprises and the industrial enterprises of the United States in foreign countries, and it at one time went so far in that direction that all its diplomacy came to be designated as "dollar diplomacy." It was called upon to support every man who wanted to earn anything anywhere if he was an American. * * * If American enterprise in foreign countries, particularly in those foreign countries which are not strong enough to resist us, takes the shape of imposing upon and exploiting the mass of the people of that country, it ought to be checked and not encouraged. I am willing to get anything for an American that money and enterprise can obtain except the suppression of the rights of other men. I will not help any man buy a power which he ought not to exercise over his fellow beings.

* * * I hold it as a fundamental principle, and so do you, that every people has the right to determine its own form of government; and until this recent revolution in Mexico, until the end of the Diaz reign, 80 per cent of the people in Mexico never had a "look in" in determining who should be their governors or what their government should be. Now, I am for the 80 per cent. It is none of my business and it is none of your business how long they take in determining it.

* * * Do you suppose that the American people are ever going to count a small amount of material benefit and advantage to people doing business in Mexico against the liberties and the permanent happiness of the Mexican people? Have not European nations taken as long as they wanted and spilt as much blood as they pleased in settling their affairs, and shall we deny that to Mexico because she is weak?

* * * This was our guiding principle; that property rights can be vindicated by claims for damages, and no modern nation can decline to arbitrate such claims; but the fundamental rights of humanity can not be.

Mr. BLAINE. Before the Southern Commercial Congress in 1913 President Wilson said:

You hear of "concessions" to foreign capitalists in Latin America. You do not hear of concessions to foreign capitalists in the United States. They are not granted concessions. They are invited to make investments. The work is ours, though they are welcome to invest in it. We do not ask them to supply the capital and do the work. It is an invitation, not a privilege, and the States that are obliged, because their territory does not lie within the main field of modern enterprise and action, to grant concessions are in this condition, that foreign interests are apt to dominate their domestic affairs—a condition of affairs always dangerous and apt to become intolerable. * * * They [the Latin American states] have had harder bargains driven with them in the matter of loans than any other people in the world. Interest has been exacted of them that was not exacted of anybody else, because the risk was said to be greater, and then securities were taken that destroyed the risk—an admirable arrangement for those who were forcing the terms.

* * * Human rights, national integrity, and opportunity as against material interests—that is the issue which we now have to face. I want to take this occasion to say that the United States will never again seek one additional foot of territory by conquest. She

will devote herself to showing that she knows how to make honorable and fruitful use of the territory she has, and she must regard it as one of the duties of friendship to see that from no quarter are material interests made superior to human liberty and national opportunity.

If it were not drawing so close to 3 o'clock, when the Senate goes into executive session, as I understand, it would be worth while to read the messages of President Wilson where he outlines most eloquently and most patriotically the position of America for over a century, as I have endeavored to interpret that history, though he failed in practice to observe our traditional policy in his treatment of Haiti. I will not discuss that failure at this time. The Senator from Utah [Mr. KING] this afternoon portrayed the consequences that flow from the acts of tyranny that have prevailed in Haiti and in San Domingo for these many years.

Turning to a later President, I find in a campaign speech at Marion, Ohio, in August, 1920, that Mr. Harding declared:

> If I should be elected President * * * I will not empower an Assistant Secretary of the Navy to draft a constitution for helpless neighbors in the West Indies and jam it down their throats at the points of bayonets borne by United States marines, nor will I misuse the power of the Executive to cover with the veil of secrecy repeated acts of unwarranted interference in the domestic affairs of the little republics of the Western Hemisphere, such as in the last few years have not only made enemies of those who should be our friends, but have rightfully discredited our country as their trusted neighbors.

Encouraged by this pronouncement, the President of Haiti asked for the withdrawal of the American marines and for the return of effective control of their country to the elected Haitian officials. The policy of the Harding administration, however, once in power, pursued substantially the policy of the Wilson administration.

The voice and the hands do not square.

> The voice is Jacob's voice, but the hands are the hands of Esau.

The present administration has consistently parroted its predecessor.

Mr. KING. Mr. President, will the Senator yield?

Mr. BLAINE. For a question.

Mr. KING. I might say that quite recently, acting under the authority of the United States, in Haiti the shreds of the constitution which were left were destroyed; the courts have been made the mere tools of those in authority, and there is less liberty enjoyed by the people now than ever before.

Mr. BLAINE. I thank the Senator.

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

Mr. BLAINE. If it is a very short one, Mr. President, and does not involve a long discussion.

Mr. BINGHAM. In view of what the Senator has just said about the present administration, what does he think about our action in San Domingo under this administration?

Mr. BLAINE. Mr. President, I do not expect to conclude my remarks this afternoon, as there are but a few moments left. The very question which the Senator from Connecticut has asked will be answered in the course of my remarks as they may be given in the future. I will, indeed, very gladly answer the Senator definitely and specifically. This afternoon, at this time, it is utterly impossible to review the acts of imperialism, they are so many, and they are so involved, and they involve more than imperialism by the Government alone. They involve not only imperialism by the Government acting through our temporary rulers, but also the imperialism of the dollar, as deadly, as stifling, as paralyzing, as is the imperialism of a government acting through force of arms, and sometimes more effective.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. BLAINE. I shall discuss that question, and I shall discuss specifically the imperialism, financial and governmental, that has taken place in 14 of the 20 southern Republics. History is fertile with the facts in support of that charge.

Mr. BINGHAM. Does the Senator consider our action in getting out of Santo Domingo and handing them back their government an act of imperialism?

Mr. BLAINE. We are not out; far from it; and I shall endeavor to demonstrate that in connection with my remarks upon the specific question of imperialism as it relates to 14 southern Republics.

In the abandonment of right and international morality force has been substituted—force against weaker and smaller nations, threatened force in the collection of debts bearing usurious and unconscionable interest, intervention to protect concessions by foreign governments, and actual force by the American Government.

Why is there one rule for small and weaker governments and another rule for a strong government? What nation of the world is landing armies in Russia? What nation has dared to send a battleship against the Russian Government? What nation has called to arms its armies and navies against the eastern giant? Are American property and American rights less sacred in Russia than in Nicaragua, in Haiti, in Venezuela, in Santo Domingo, or in any other southern neighbor? Yet Russia has repudiated all obligations held by Americans, has confiscated all the property of American nationals, and what Russia has done to America she has done to the other nations of the world.

Why has not the modern system of international immorality sent to Russia its armies, its navies, its airplanes, to demand the return of property in the fulfillment of obligations to the citizens of other countries? Ah, sirs, the answer is plain. Force! Force defies the stronger nations. Force beats back the stronger nations. Force commands the weaker nations.

Force subjugates the weaker nations, and that is the international immorality condemned by all the Presidents of the United States who believed in America, her traditions, her history, by all who hoped for her future.

Mr. President, those Presidents held as a sacred trust the destiny of America. That destiny, according to their conception, was to be one of peace, one of justice, one of equity. After all, the foundation of it all is that the strong, whether an individual or a nation, has no right to beat down the weak. That is the doctrine, as enunciated by President Monroe. It means nothing more nor less than a doctrine of self-preservation, self-preservation for America, preservation of the sovereignty and the independence of free governments in the Western Hemisphere.

Mr. President, there are but five minutes left, and there may be some other matters to come before the Senate, and I shall yield at this point, giving notice that upon the convening of the Senate, at an appropriate time, I shall undertake to discuss specifically the imperialism that has been enforced upon our southern neighbors, an imperialism of the dollar, and that imperialism is not and has not been the voice of America, it has been the voice of those who have hauled down the emblem of purity, justice, and truth and in its place have hoisted the black flag, the flag of piracy—the emblem of individual authority.

[At this point Mr. BLAINE yielded the floor for the day.]

Friday, February 3, 1928

Mr. BLAINE. Mr. President, the other day in a colloquy with the Senator from California [Mr. SHORTRIDGE]—and I am sorry he is not in attendance this morning—in connection with President Cleveland's message demanding the return from the Senate of the treaty for the annexation of the Hawaiian Islands on the ground that the treaty had been obtained through force and coercion, the Senator from California stated that Cleveland hauled down the American flag and that I would do so also.

Mr. President, when President Cleveland hoisted the American flag he raised it in honor and not in dishonor. As for myself, I shall raise my voice against the use of the American flag to shield the scoundrel or glorify the tyrant. That is my answer to the suggestion of the distinguished and physically towering Senator from California.

Yesterday I had proceeded in a general way to outline the traditional history of America as declared by the Presidents of the United States who thought in terms of America and the future security of our Government and sought to maintain the character that America should possess. I pointed briefly to the imperialistic voyage upon which we are now embarked through the maladministration, the misinterpretation, and the misconstruction of the fundamentals of the Monroe doctrine. This morning, sirs, it is proper to inquire wherein has America been imperialistic. The apologists for the philosophy of might and evil will deny our imperialistic sway in beautifully spun phrases, impassioned appeals against "rebels" and "bandits," without whom America would not have been the free Republic she is to-day, with ferocious denunciation of "anarchy," under the pretense of noble sentiments, it will be asserted that the rod with which we smite our southern neighbors will do them good; that America, with her vaunted claim to holiness, must impose her will, her customs, and her standards upon weaker peoples.

Let us turn to Cuba. With our naval base there, with our marines sometimes found in the interior of that country, and with the threat of the sword held over the Cuban people, Cuba is deprived of her full right of sovereignty. Ah, but you may say Cuba entered into a treaty granting to America the right to limit and to subjugate Cuban sovereignty and to control the political and financial policy and destiny of that land through absentee landlords and American bankers. When Cuba submitted to that degradation she was incompetent and impotent to defend herself. No less authority than Dr. Charles Wilson Hackett, professor of Latin-American history in the University

of Texas, in an article in Current History in September, 1927, said—and this gives the attitude of the Cuban people to-day—

* * * the strength of nationalist and anti-American sentiment in the island was recognized by President Machado in May of this year [that is, 1927] when he admitted that on his recent visit to the United States he had proposed to the United States Government that there should be a further severance of the bonds that bind Cuba to the United States.

America is exercising a mandate over the "Pearl of the Antilles."

Imperialism: Turn to Haiti, where officers of the army and navy, backed by an American Army, govern or allegedly protect the Haitians; where an American financial adviser dictates the finances and permits loans with United States Government guaranties and where the Haitian Government was set up by force of American arms, and the Haitian constitution written by the personnel of the war-making power of America, and the adoption of that constitution ratified at an election which, if held in America under like circumstances, would be declared null and void. There was no free ballot. The polling places were in charge of American marines. That which is guaranteed to every community in the United States in the holding of free elections was denied to the Haitians. The constitution imposed upon the Haitian people denied them guaranties compatible with a free government and a free people, and its provisions were made satisfactory to American exploiters.

The presence of armed forces carried its tyranny to such excesses as to deny to an honorable and distinguished Member of this body the right of freedom of passage through that territory—his way barricaded and before him the rattle of the sabre and the menacing muzzle of the gun. Such are the consequences that flow from tyranny.

There is just one step further to be taken by the administration when tyranny will be the rule in America and when citizens of this free Republic will be denied free passage and access to every part of the United States. It takes no stretch of the imagination, if this sort of thing is to be passed by without protest, to visualize a time when we here in America may well find ourselves under the yoke of a despotism and a tryanny unequaled by the czarism of Russia.

Go to San Domingo, if you please, where an army was landed, the President of the Republic dismissed, and its Congress dissolved, and where for years the military power of an alien government administered its affairs by military decrees, enforced by a military government supported by some 2,500 marines. Of course, San Domingo may be given back her sovereignty, her independence. Under what circumstances? Providing she ratify the military misrule and allow America to collect her customs and control the finances of her country.

I was asked by the distinguished Senator from Connecticut [Mr. BINGHAM] yesterday if I approved of the act of the present administration in withdrawing from San Domingo. I do approve of the withdrawal of the marines, but America is not yet out of San Domingo by any means. I quote again from Doctor Hackett, of the University of Texas, as my authority:

In 1924, after the Dominican Government had agreed—

Note the terms imposed upon that weak people—

to ratify all the financial acts of the American military administration and to sign a new treaty—

A new treaty negotiated in order for her to gain some semblance of sovereignty—

providing for the collection and disbursement of Dominican revenues by a United States receiver general until all loans, including a new one—

The administration got out of San Domingo? No. It got in deeper with its dollar diplomacy—

not to exceed a total of $25,000,000 shall have been paid—

The United States marines were withdrawn.

But, sirs, America is still in San Domingo with a power as great as the power of force, and that is a strangle hold upon the finances of San Domingo. Let any nation have a strangle hold upon the finances of another country and that country is subjugated to the will and, perchance, to the whim of the nation which holds such strangle hold through loans, sometimes, if you please, forced upon weaker peoples.

Panama was organized by a coup d'état, engineered from the Capitol at Washington in the name of expediency.

Pass on to Nicaragua, where America has maintained an Army of some sort for the last 15 or 16 years, established a government opposed by two-thirds of the Nicaraguan people themselves, a government administered favorably to American private interests, with the approval of the State Department, collecting the customs, owning the national bank and the railroad, and exercising complete control with imperialism at its worst.

Some of us protested when the French nation sent airplanes with death-dealing bombs to murder and kill the hill people in northern Africa. Yet from this Capital, the citadel of our Government, orders have gone forth to send airplanes to fly over the helpless people of Nicaragua with bombs to destroy innocent noncombatants.

Mr. President, if this were the year 1868 the Senate would ring with a protest from one of the most distinguished Americans who ever was privileged to occupy a seat in this body, a protest against this "dance of blood," as Senator Sumner then referred to another incident of this character.

In Honduras the imperialism practiced consists of the acts of an American minister and two American corporations which constitute the dominating and controlling powers, sometimes assisted by marines, under the alleged claim of protection of American life and property—yes, protecting the very instrumentalities that are there for one purpose, and that is material exploitation.

What imperialism except the imperialism of Great Britain is to be compared with that now imposed on the six Republics, with the military forces to sustain alien economic and financial control?

But imperialism sometimes goes where the Army does not go. Financial imperialism denies sovereignty and destroys liberty and defeats justice quite as effectually as imperialism by the sword.

Salvador borrowed money from American bankers at the extortionate rate of 8 per cent, plus some other and extra charges, guaranteed by the customs receipts of the country, collected by the bankers; and the Secretary of State has submitted to an agreement with the bankers that when differences arise between the sovereignty of Salvador and those bankers, the question must be referred to the Chief Justice of the United States, whose decision will be final—perhaps final, but, under the modern diplomatic policy, not final until the sword has been unsheathed as the means to force payment of the debt. So they have attached the Supreme Court of the United States to this chariot of imperial despotism.

Then comes the ugly story in connection with Colombia. Having despoiled her of her territory, we flaunted our gold before her, and compounded an offense against her by settling upon her $25,000,000 balm money in payment of a wrong and in the acknowledgment of a wrong. We supervise even the expenditure of the money we have paid Colombia in compromise for the despoliation of her territory.

Less intimately connected with our Government, the financial imperialism has extended to Ecuador, and an American financial adviser has been engaged, and to Peru likewise, with an American financial adviser directing the fiscal policy of the Government, where a loan is pending or has been recently consummated by American bankers, guaranteed by the customs receipts of that sovereignty, and collected by aliens, backed by the new policy of the State Department in the supervision of foreign loans.

Bolivia, weak financially, borrows $24,000,000 under the jurisdiction of a commission of American bankers, which loan is guaranteed by all of the country's customs, the stock of the Government bank, the property of the Government railroad, and all the internal revenues of the country, if alien bankers so determine. When they make that determination, then America must, in aid of those American bankers, force compliance with the mandate of private institutions. Thus, a complete financial imperialism has driven a hard bargain with this southern Republic, so hard and so fast that alien interests may dictate Bolivia's policies, economic and financial, and that dictatorship under the new policy of our State Department.

Thus over another five countries to our south the sword of a financial Damocles hangs; and if circumstances become such that there will be default in the payment of interest or principal, then the American imperial policy of force will be brought into play and American sons will be called to foreign lands to give their blood and their lives to collect dollars for the American Shylocks.

Guatemala and Costa Rica are not without experience or without knowledge of "dollar imperialism." They likewise will feel the heavy hand of armed forces should the god of fortune cease to shine favorably upon those sun-kissed neighbors of the south.

And Mexico, the most immediate and perhaps the most promising for an American financial debauch, where a third of the nation's wealth, nearly three-fourths of the oil lands, and 54,000,000 acres of her fertile soil, an area as large as France, Spain, Portugal, and Switzerland, are in the control of foreign and alien interests, with the consent of the American Govern-

ment, and, if necessary to carry out the exploitation of those who would devastate Mexico, with the backing of the American Army.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Wisconsin yield to the Senator from California?

Mr. BLAINE. I will suggest to the Senator from California in all good nature that I sat at his feet when he gave that splendid advice not to be interrupted during the course of remarks.

Mr. SHORTRIDGE. I am about to leave the Chamber. Will the Senator permit me to ask one question?

Mr. BLAINE. I wish the Senator from California to know that he is a splendid preceptor, and he has influenced me to such an extent that I am sorry I can not yield.

Mr. SHORTRIDGE. I should like to ask one question, and the Senator can answer it in a few words.

Mr. BLAINE. I will give the opportunity, when I close, for any Senator to ask any question upon any matter which I have discussed or failed to discuss in connection with this subject. I will be very generous about it.

Mr. SHORTRIDGE. But I know the Senator would be glad if I asked this question.

Mr. BLAINE. My generosity, I assure the Senator, will exceed his demands.

We find 14 out of 20 of the Latin-American Republics to the south under the financial or military domination of alien people and alien governments, victims of the orgy of imperialism.

I do not want the proof in support of the statement of these conditions to rest upon my feeble efforts. I ask the Senate to bear with me for I know that long quotations are sometimes tedious. I hold in my hand an article written by Samuel Guy Inman. He has been instructor of international law at Columbia University, instructor at the Union Theological Seminary at Chicago; he has been connected with the Federal Council of Churches in America; secretary of the Board for Christian Work in San Domingo; and is secretary of the Commission for Cooperation in Latin America; and I submit that his experience and his broad knowledge of the affairs to the south of us are worth our consideration.

He says, in an article in the Atlantic Monthly of July, 1924:

In these smaller countries of the south, controlled by our soldiers, our bankers, and our oil kings, we are developing our Irelands, our Egypts, and our Indias. So far they are weak and we have been able to hide them from others. But at the rate the world is moving they can hardly be expected to remain always powerless and isolated. Our North American Christian civilization will find its final test in the way we treat our next-door neighbors. We are piling up hatreds, suspicions, records for exploitation and destruction of sovereignty in Latin America, such as have never failed in all history to react in war, suffering, and defeat of high moral and spiritual ideals.

To quote further from this able author as a recapitulation of what I have indicated with respect to both military and financial imperialism on the part of the State Department and the administration at Washington:

Out of the 20 Latin American Republics 11 of them now have their financial policies directed by North Americans officially appointed. Six of these 10 have the financial agents backed by American military forces on the ground. (This includes Cuba, which has no official financial adviser; but General Crowder has so acted during recent financial readjustments.) Four of the remaining half of these southern countries have their economic and fiscal life closely tied to the United States through large loans and concessions, giving special advantages to American capitalists.

This leaves the six countries of Brazil, Argentina, Chile, Uruguay, Paraguay, and Venezuela as the only ones outside the circle of North American financial control. While Americans have recently made large loans or secured extensive concessions from these last-named countries, they have, so far as the author knows, not yet acquired such a preponderant influence as to dictate their fiscal policies. But these six countries—

He says, and he has observed their attitude on the ground—

are trembling in their boots, wondering how long before the inevitable must arrive!

Along with this economic and military dominance goes a dominance in the internal affairs of Latin America. In the Caribbean countries especially, the word of the American minister is the most important factor for any government to consider. It is impossible for anyone who has not come into close contacts with these countries to realize how completely their governments are held in the hollow of the hand of the State Department at Washington. In fact the government officials of these countries are so far accustomed to doing Washington's will that the State Department frequently finds it necessary to refuse to do things related to internal order that native officials, often indebted to their big brother for their position, request it to do. This creates a strong inconsistency in the policy of the State Department from time to time. What one official refused to do as interference with internal order, another will do, and even the same official will judge differently at different times. At one time we allow a revolution, at another we forbid it. So it happens that, as with a fond parent who at one time will insist on making all decisions for his son, at another will throw him entirely on his own resources, at one time will pay the forged check, at another will let him go to jail, so it is with these little countries—pawns on the international chessboard, as Mr. Powers says—who never know what is to happen to them. Usually the State Department seems hesitant about making suggestions to one of these smaller governments concerning improvement in a national educational program, lest this be considered as interference in internal affairs. But it is always sure of the right to do anything that comes under the formula: "Protection of American lives and property."

The upbuilding of those people and those countries, through the aid and assistance of American educators, is denied, the subjugation of those people is compelled, by the State Department and the administration. I am not speaking of this administration alone; I am speaking of the foreign policy of this Government for the last 25 years. They demand by the sword, by the gun, when questions of finance are considered, when property belonging to American citizens is alleged to be jeopardized. Not so when it comes to the question of extending to those countries the beneficence of American educational institutions.

Since American lives seldom are in danger, American property naturally gets first place. In fact, it is only in countries where American property interests are paramount that this tutelage is employed.

Just another brief expression of the same author:

We have invited a number of Latin-American countries, as a special work of friendship, to send their officers to West Point for further training. Our Government has never sent an educational mission to Latin America, nor offered scholarships in her scientific or cultural institutions to Latin Americans where unofficial educational missions—like the one recently going to Peru—and official educational advisers, like the one that went to Nicaragua have met with difficulties, it has let them go down in defeat and withdraw in ignominy.

He concludes by painting a picture well worth America's observation. He says:

* * * * * * *

Altogether this is a dark picture. It is a severe indictment of our imperialism—an imperialism which the author believes has not been developed deliberately, but has stolen over us as a part of the materialistic spirit of the times. It is a departure from the ideals of our fathers. The North American visitor in the Caribbean these days, sensitive to those ideals, often blushes with shame and suffers the deepest humiliation on beholding sights enacted in the name of our fair America—acts which his fellow citizens at home would deem impossible. So one who has seen much of these things and has become alarmed at their rapid spread is constrained to risk all the penalties of plain speaking in order to challenge this un-American movement—un-American although some of the finest men one can meet have been caught up in its onrush. These men have often built good roads, established sanitary codes, and enforced peace. But these are not worth the surrender of American principles, the bowing before materialistic gods, the hatreds and the sacrifice of the spiritual, which the program involves. Even if such a program should help Latin America, the people of the United States can not go on destroying with impunity the sovereignty of other peoples, however weak, cutting across the principles for which our fathers fought, without the reaction being shown throughout our whole body politic.

Some day we shall realize that the whole rotten mess of investigation now being played with at Washington runs directly back to the mental attitudes and the combinations involved in the policy of "cleaning up" our next-door neighbors—a phrase which may seem to have moral significance to the average innocent citizen and official, but which, for the privileged few, takes on the more modern significance of "cleaning out." No one objects to legitimate business with our neighbors. On the contrary, it is vital to all concerned. But the continuance of this dollar diplomacy, with its combination of bonds and battleships, means the destruction of our Nation just as surely as it meant the destruction of Egypt and Rome and Spain * * * and all the other nations who came to measure their greatness by their material possessions rather than by their passion for justice and by the number of their friendly neighbors.

Mr. President, when I speak I speak for my country and her honor, I speak for her future and for the generations to come.

I know America is strong, I know she is powerful, I know that she can by force of arms conquer, subjugate, and annex the territories to our south and the lands to our north. Is there anyone who entertains such a doctrine or thought so contrary to the ideals of America? I hope not. I believe not. I think

that this whole tendency to imperialism has grown out of the philosophy so frankly stated by President Taft. It is an imperialistic philosophy; its end can be nothing but the destruction of our Government and our institutions.

European imperialism has been denounced from the floor of the Senate. Presidents of the United States have issued warnings and ultimatums against European imperialism. Yes; we have gone to war to defeat imperialism elsewhere, and continents have been drenched in blood that imperialism might not engulf the world. Yet we have projected our far-flung battle lines into Central America, beyond and over South America, into China, with our indefensible extraterritorial policy, and over the islands of the sea, until to-day our modern American statesmen, having in their hands the destiny of our Nation, stand before the nations of the world as the monsters of imperialism.

The doctrine of inherent fairness and justice that I am discussing, and in which I believe, is not of my origin. I have given the sources from which such doctrine flows.

At this time I ask unanimous consent to insert in the RECORD excerpts from an article in Foreign Affairs for January, 1927, written by Mr. Morrow, formerly of the firm of Morgan & Co., whose appointment by the President as America's ambassador to Mexico was recently confirmed by the Senate. I am not submitting this as evidence of the rectitude of the position taken by the Presidents to whom I have referred with approval, but it is advice, it is advice to the commercial interests of America, and I hope that they may heed it, so that those commercial interests may appreciate that this imperialism of the dollar, this dollar diplomacy, will not serve, by and large, the commercial interests of America.

The PRESIDING OFFICER. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Loans are made to foreign governments in reliance upon the capacity and the good faith of those governments. The intelligent investor recognizes that in the long run a government which defaults upon its obligations hurts itself even more than it hurts its creditors. Even in cases where specific taxes or customs are allocated for the service of a loan the main reliance of the creditor must be upon the desire of the debtor government to maintain the particular revenues and keep them available. Even when a foreign expert is placed in charge of revenues the arrangement is helpful only when made with the hearty concurrence of the debtor government and with the belief and expectation on the part of the debtor government that the fiscal arrangement will redound to its own advantage.

If the foregoing be true, how safe are these investments? To my mind that inquiry is much the same as an inquiry as to the safety of a domestic bond. Some domestic bonds turn out to be good and some turn out to be worthless. There is no reason to expect that it will be otherwise with foreign bonds. Those nations who are borrowing in America because they actually need the money for a constructive purpose, who have a solidarity of national feeling and a sense of the meaning and the value of national credit; who are not incurring obligations beyond what may fairly be considered their capacity to handle; all those nations may be expected to pay their debts. Here again the responsibility rests heavily upon the investment banker in recommending investments. The banker must never be lured, either by the desire for profit or by the desire for reputation, to recommend an investment which he does not believe to be good. But, fundamentally, the reliance of bankers and investors is upon the capacity and, above all, upon the good faith of the foreign government. The foreign government must be able to pay, and it must want to pay.

If it is true that it is upon good faith that lenders to foreign governments primarily rely, it is no less true that it is upon good faith that lenders rely in almost all of their domestic dealings. Of course, there is a sanction ultimately applicable to domestic contracts. The proper legal steps may be taken; the breach of the contract may be proved; and execution may be issued through the sheriff. But we do not put much reliance upon the help of a sheriff in enforcing contracts. We do not willingly deal with one upon whose property we expect to levy execution. When we need the sheriff to help collect a loan we recognize that our venture has turned out a failure. We are then simply trying to save some planks from a shipwreck. In the overwhelming majority of business transactions we rely upon the ability and the willingness of the debtor to pay. On no other principle could modern business be conducted.

There is no international sheriff. But there still remains our reliance upon good faith, our reliance upon that law which is older than statute law—the acknowledged custom of mankind. The credit of governments is not easily built up. It may easily be shattered. And it must never be forgotten that there are rules of conduct accepted by the silent approval of civilized man, the breach of which hurts the one committing the breach much more than the one against whom it is committed. If good faith can not be relied upon it is better that the loan be not made. The words with which Hugo Grotius closed his great book more than 300 years ago are true: "Not only is each commonwealth kept together by good faith, but that greater society of which nations are the members. If faith be taken away the intercourse of men is abolished."

Mr. BLAINE. Mr. President, if the commercial interests can not rely on the good faith of our southern neighbors, they have no moral right to come to this Government and ask American boys to make sacrifices to protect their so-called property rights in other countries.

At this point I want to quote from that distinguished statesman, James G. Blaine. He understood the traditional policy of America. He understood the obligations resting upon American citizens in other countries. He understood the obligations of citizens of another country in America. When that very unfortunate occurrence took place in New Orleans in connection with the Mafia, where a mob, it is alleged, murdered certain Italian citizens, America was faced with the very problem which I have been discussing. A note was sent to the American Government by the Italian representatives. Mr. Blaine was then Secretary of State. That was in April, 1891. Italy had entered into a treaty with America, in 1871. To that treaty Mr. Blaine refers. The treaty extends no additional rights. It merely embodies what were well recognized principles of international law. Mr. Blaine discussed the rights of subjects of other nations in America. In his answer to the Italian representative he referred to a declaration made by Mr. Webster to the Spanish minister of Webster's time. Webster said:

This Government supposes that the rights of the Spanish consul and public officers residing here under the protection of the United States Government are quite different from those of the Spanish subjects who have come into the country to mingle with our citizens and here to pursue their private business and objectives. The former may claim special indemnity, the latter are entitled to such protection as is afforded to our own citizens.

Mr. Blaine quoted that as an authority for what he later declared to be the policy of America. He said:

The United States did not by the treaty with Italy become the insurer of the lives or property of Italian subjects resident within our territory.

No more than the Government of the United States is the insurer of the lives and property of American subjects in any other country.

No government is able, however high its civilization, however vigilant its police supervision, however severe its criminal code, and however prompt and inflexible its criminal administration, to secure its own citizens against violence prompted by individual malice or by certain popular tumult. The foreign resident must be content in such cases to share the same redress that is offered by the law to the citizen; and has no just cause of complaint or right to ask the interposition of his country if the courts are equally open to him for the redress of his injuries.

Had the President of the United States read that message, we might have had some constructive suggestion by America placed before the Pan American Congress.

Continuing Mr. Blaine said:

The treaty in the first, second, third, and notably in the twenty-third articles clearly limits the rights guaranteed to the citizens of the contracting powers in the territory of each to equal treatment and to free access to the courts of justice.

Without that provision in the treaty such would have been the custom and the law amongst civilized nations. The treaty merely contained a recognition of what then and now is the law of nations.

Foreign residents are not made a favored class.

What is the case in South America? Every foreign resident, be he an American or an alien from some other government, is put into a favored class in those countries and is given special privileges not accorded to the citizens of the country to which those aliens go. That is not the doctrine that Blaine advanced in 1891.

It is not believed that Italy would desire a more stringent construction of her duty under the treaty. Where the injury inflicted upon a foreign resident is not the act of the government or its officers but of an individual or of a mob—

And, if you please, as in Nicaragua, of the so-called bandits—

it is believed that no claim for indemnity can justly be made unless it shall be made to appear that the public authorities charged with the peace of the community have connived in the unlawful act or, having

timely notice of the threatened danger, have been guilty of such gross negligence in taking the necessary precautions as to amount to connivance.

And in such cases only did Blaine advocate that the President recommend to Congress their consideration of indemnity in those cases, not upon the proposition as a matter of right but, rather, as a friendly act, the act of a government such as we profess our Government to be.

This knowledge and these convictions have not rested with Americans alone. I will take up briefly the opinions of the ablest minds in the international world in support of such doctrine. Let me go beyond America and consult distant statesmen on this proposition. Lord Palmerston, the most imperialistic of British statesmen, in a circular in 1848 addressed to the British representatives in foreign states, did not go the full gamut of imperialism, as have our modern American rulers. I quote from his memorandum to the British representatives:

It has hitherto been thought by the successive Governments of Great Britain undesirable that British subjects should invest their capital in loans to foreign governments instead of employing it in profitable undertakings at home; and with a view to discourage hazardous loans to foreign governments, who may be either unable or unwilling to pay the stipulated interest thereon, the British Government has hitherto thought it the best policy to abstain from taking up as international questions the complaints made by British subjects against foreign governments which have failed to make good their engagements in regard to such pecuniary transactions.

For the British Government has considered that the losses of imprudent men, who have placed mistaken confidence in the good faith of foreign governments, would prove a salutary warning to others and would prevent any other foreign loans from being raised in Great Britain, except by governments of known good faith and ascertained solvency.

Mr. Balfour, Prime Minister, in the British Parliament in December, 1902, in a debate relating to the British controversy with America respecting Venezuela, said:

I do not deny, in fact I freely admit, that bondholders may occupy an international position which may require international action; but I look upon such action with the gravest doubt and suspicion, and I doubt whether we have in the past ever gone to war for the bondholders, for those of our countrymen who have lent money to a foreign government; and I confess that I should be very sorry to see that made a practice in this country.

Sir Henry Campbell-Bannerman, in discussing before the House of Commons the action of the British Government in Venezuela, said:

I venture to say that nothing could be more mischievous than that we should ever seem to accept the doctrine that when our countrymen invest in risky enterprises in foreign countries and default follows, it is a duty to rescue them. Every man who invests money in a country like Venezuela knows what he is doing. It would, I suppose, not be quite accurate to say that great risks always mean high dividends, but it is more nearly accurate if you put it the other way about—that high dividends generally involve great risks.

Our American banks, in order to receive their usurious rate of interest and high dividends, are willing to take those risks in the countries to the south of us only when the Government of the United States guarantees the payment of those risks by the force of arms used against those governments. He further says:

that if the whole power of the British Empire is to be put behind the investor, his risk vanishes and the dividends ought to be reduced accordingly.

(At this point Mr. BLAINE yielded to Mr. KING, who suggested the absence of a quorum, and the roll was called.)

Mr. BLAINE. Mr. President, it must therefore be observed that the imperialism of Great Britain at the beginning of this century was less marked than that expressed by American rulers in the last quarter of a century. Even among our imperialistic advocates there has been considerable floundering, both in expression and conduct. That has been clearly demonstrated in my remarks with reference to some of the Presidents of the United States; but other American administrators have floundered about on the all-important questions confronting America.

Between 1901 and 1907, when the second Hague Conference met, America's representatives changed their ground, and the American delegates advocated the principle that national debts should be ascertained and collected by some process of law and not by arbitrary force. I quote from the instructions of Mr. Elihu Root, then Secretary of State, to the American delegates to The Hague Conference in 1907. He said:

It has long been the established policy of the United States not to use its Army and Navy for the collection of ordinary contract debts due to its citizens by other governments. This Government has not considered the use of force for such a purpose consistent with that respect for the independent sovereignty of other members of the family of nations which is the most important principle of international law and the chief protection of weak nations against the oppression of the strong. It seems to us that the practice is injurious in its general effect upon the relation of nations and upon the welfare of weak and disordered States, whose development ought to be encouraged in the interests of civilization; that it offers frequent temptation to bullying and oppression and to unnecessary and unjustifiable warfare.

I wish that this administration might have heeded the instructions of Mr. Root as given to the American representatives at The Hague in 1907.

Secretary Root at Rio de Janeiro on July 31, 1906, incident to his visit to South America, in a public address said:

We deem the independence and equal rights of the smallest and weakest member of the family of nations entitled to as much respect as those of the greatest empire, and we deem the observance of that respect the chief guarantee of the weak against the oppression of the strong. We neither claim nor desire any rights or privileges or powers that we do not freely concede to every American Republic.

That was the traditional American doctrine until the last quarter of a century. Adherence to the traditional Monroe doctrine enunciated in the early years of the present century, lived only for a short period and consisted only of empty words. Yet Mr. Root expressed the true traditional policy of America that kept us at peace with the world for over a hundred years. He said:

The United States * * * ought to assert no rights against a small State because of its weakness which it would not assert against a great State, notwithstanding its power.

Mr. President, liberty and justice, which gave rise to America's birth, have been slaughtered in their own house, and the Declaration of Independence has been ravished by the modern diplomacy of the dollar.

Again and again either misguided or evil statecraft has engaged in conduct which Charles Sumner in his place in this Chamber so aptly described as the "dance of blood." Are we to continue this "drama of blood" against which Sumner rebelled?

I know commercial advantage may come to American business and industry by extending America's sway over our southern neighbors. To whom will that commercial advantage accrue? To the great majority of the industrial plants of America? Will it accrue to the large commercial interests of America or will it accrue only to a small group?

The advantages that come through this dollar diplomacy are limited to but a small group of industrial and commercial interests in America. This diplomacy gives no concern to the vast majority of our industrial organizations and our commercial enterprise. Moreover, this dollar diplomacy offers the opportunity for certain industrial development to be nurtured to our south by means of cheap labor, living under environments which ought not to be asked of American labor. Sirs, the whole trend of this dollar diplomacy is against the best interests both of our commercial and of our industrial development as a whole, and results only as a special benefit to those who have chosen to go to South America—and they are limited in number—only for the purpose of reaping greater dividends, instead of investing their money in constructive pursuits at home.

I know the people of America know that instead of cultivating friendships and good will in those southern Republics we have created for America, her business interests and her commerce and her industries, hatred—an unforgetting hatred.

President A. Lawrence Lowell, of Harvard, said:

Some Americans, while professing a faith in the right of all peoples to independence and self-government, are really imperialists at heart. They believe in the right and manifest destiny of the United States to expand by overrunning its weaker neighbors. They appeal to a spirit of patriotism that sees no object, holds no ideals, and acknowledges no rights or duties but * * * aggrandizement.

And so American commerce and American industry will come to grief through this process of imperialism extended by our Government to the south.

America's modern commercial, financial, and military imperialism has destroyed the constructive, far-visioned purposes of Secretary of State Blaine, who laid a foundation for national friendliness and commercial development between America and our southern neighbors, upon which foundation, had we builded, America's commercial and industrial development would have expanded as our friendships increased. Instead, the tyranny of the dollar has alienated the friendship of our neighbors and driven their commercial business to other parts of the world,

and as a result the end can be nothing other than grief for America's commercial and industrial interests.

But far worse than that is the denial of independence, of justice, of sovereignty to our weaker neighbors.

The repudiation of our American traditional policy means war, and war without the constitutional mandate of Congress. War in its simplest form is the use of violence and force against another nation. When a government's military or naval forces occupy the territory of another nation by force of arms, that is war. That is exactly the warfare in which we are engaged to-day.

America is not threatened by any nation in the Western Hemisphere. No assault has been made upon our coutnry by any of those nations. No violence has been committed by them upon America. They are all weak, some of them disordered. American blood is being spilled. The noncombatant natives in Nicaragua have been slaughtered. Why? To beat back any assault upon us? No. To inflict punishment for any indignity toward our Nation? No. Then, for what reason this war?

Our rulers have created a state of war to the south of us, and we are in that war. That war is in violation of international morality. The high esteem in which America was held by all our southern neighbors during Secretary Blaine's efforts to bring about a harmonious American union has gone. Instead of esteem for America there is fear of America. It is not the voice of America; it is the policeman's club, the gunman's weapons. It is under the banner of bonds and bullets that all the forces of privilege march and demand that our Government guarantee their questionable and usurious loans and unconscionable exploitation of weaker people, and that American sons shall give their lives to the "drama of blood."

The traditional history of America, the respect in which America should be held, her tremendous influence and power for world peace, demand strict adherence to the doctrine of inherent fairness and justice. Applying that doctrine, interpreted for a hundred years by practical construction, national and international morality demand that American citizens engaged in trade or commerce in foreign countries must obey the laws of such countries; that no American citizen has a right to jeopardize the peace and honor of his country for gain, for pleasure, for adventure.

Every rule of action demanded of an American citizen within his own country subjects his investments to the laws of the state or territory wherein they are made. The contract itself controls; and if an American citizen is imprudent in joining in such contract the responsibility is his alone.

In our relations with foreign governments all pecuniary and financial matters should be settled by arbitration. Armies and navies should not be called out to enforce the collection of a debt, nor should there be a recourse to arms or resort to force in any manner to gain or preserve for American citizens rights and privileges in any foreign country not enjoyed by the native citizens of such country.

The attempt by other governments to extend privileges and engage in conduct not permitted to the Government of the United States or its citizens is dangerous to our peace and safety. There should be no encroachment upon the rights of small nations and the equality of nations guaranteed by the conscience of international morality and rectitude. Any attempt in any manner to extend political sway, territorial occupancy, or expansion in this hemisphere should be regarded in no other light than as the manifestation of an unfriendly disposition toward the United States.

Nothing short of these demands is a compliance with the Monroe doctrine, by its express terms and by practical construction for a hundred years, as shown by the Presidents of the United States who thought in terms of America, her peace and her independence.

Liberty and independence, justice and equality are the cornerstones upon which America was begun. They are the only cornerstones upon which we can build for an enduring peace. America can not deny to any nation, small or great, the replica of our foundation without damning the lives, the sacrifices, and the motives of a long line of patriots who designed this Republic.

To regain the character that America once possessed, and to cherish the national morality in which she had been clothed is the task before us.

Therefore, Mr. President, I have submitted, and there is upon the table, a concurrent resolution, and I ask at this time unanimous consent to take it from the table and have it referred to the Committee on Foreign Relations.

The PRESIDING OFFICER (Mr. SACKETT in the chair). Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

Mr. BLAINE. Mr. President, I have undertaken these remarks, not for the purpose of criticizing the present administration, but because I should fail in my duty if I failed to recognize the recorded facts of history. It is not my condemnation of this administration; it is the condemnation as recorded in the history of our Government. I want to see a constructive program, not a destructive one. The concurrent resolution to which I have referred may not be the proper means of reestablishing the fundamental Americanism which I have discussed. I think it is; I think it does; I believe the resolution embodies the conception of America's national entity and international morality as conceived by Washington, Monroe, Fillmore, Cleveland, Secretary of State Blaine, yes, and by Wilson during the first years of his administration..

I do not know whether or not we should presently withdraw the marines from Nicaragua. I do not say we should not withdraw them now.

I do not know whether or not we can withdraw them presently. I do know, however, that we have blundered into that situation. The responsibility for that blundering must rest directly upon this administration, and probably it may be necessary for us to blunder along until the administration can blunder out of its mistake. Presently, Mr. President, I am willing to stand by, in the hope that the administration will find an early avenue of escape from its blunder, but I propose to do my duty to my country now and to the generations to come, to the end that never again will it be possible for a President to despoil America of her character.

I know an answer will be attempted by exalting and glorifying the marines in Nicaragua. The young men who constitute that force are in the uniform of their country. They are to obey the commands of their officers. Over and above the marines and their officers is the Commander in Chief, the President. He alone is responsible for their appearance.

Mr. President, some one has blundered. This situation in Nicaragua is America's Balaklava for those soldiers and those marines. It is not for them to reason why; it is for them to do or die, until the voice of America asserts once again in terms of international morality our adherence to the doctrine of inherent right and justice, that the strong have no right to ride down the weak.

INDEPENDENT OFFICES APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Alabama, Mr. BLACK.

Mr. WARREN. Mr. President, the absence of so many Senators from the Chamber at the present time leads me to suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, when the following Senators answered to their names:

Ashurst	Fess	McLean	Sheppard
Barkley	Fletcher	McMaster	Shipstead
Bayard	Frazier	McNary	Shortridge
Bingham	George	Mayfield	Smith
Black	Gerry	Metcalf	Smoot
Blaine	Gillett	Moses	Steck
Blease	Gooding	Neely	Steiwer
Borah	Gould	Norbeck	Stephens
Bratton	Hale	Norris	Swanson
Brookhart	Harris	Nye	Thomas
Broussard	Harrison	Oddie	Trammell
Bruce	Hawes	Overman	Tydings
Capper	Hayden	Phipps	Tyson
Caraway	Heflin	Pine	Wagner
Copeland	Howell	Pittman	Walsh, Mass.
Couzens	Johnson	Ransdell	Walsh, Mont.
Curtis	Jones	Reed, Mo.	Warren
Cutting	Kendrick	Reed, Pa.	Waterman
Deneen	Keyes	Robinson, Ark.	Watson
Dill	King	Robinson, Ind.	Wheeler
Edge	La Follette	Sackett	Willis
Ferris	McKellar	Schall	

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Eighty-seven Senators having answered to their names, a quorum is present.

Mr. BLACK. Mr. President, I desire briefly to explain the purpose of the pending amendment. It is an amendment which reduces the amount the Shipping Board can pay for their counsel. I offer it in connection with another which I shall send to the desk as soon as this amendment is acted upon, which will reduce the general appropriation for the Shipping Board $150,000.

I offer the amendment for the reason that I find in the report of the hearings on the bill a rather peculiar situation with reference to the number of lawyers employed and the amount of compensation paid to them. It explains, in my judgment, in part, the repeated statement which has been made on the floor

in the last few days of the great losses sustained by the Shipping Board, and is responsible in large part for those losses. I have some figures, and I shall be very brief, because I desire to explain the reason for offering the amendment and the one I am about to offer.

I find that in the year 1927, according to the hearings before the Appropriations Committee of the House, there were 48 lawyers employed by the Shipping Board. I find that the expenses of the legal department in 1926 were $404,080. I find that the salaries of the regular lawyers employed by the Shipping Board in 1927 amounted to $263,200, which does not include the stenographic expenses. I find that, in addition to that, there are a number of other lawyers employed specially, one of them being the assistant to one of the commissioners, who does not draw his salary from the legal department, another being an assistant to another commissioner, who does not draw his salary from the legal department.

I find that the work which these numerous lawyers have disposed of during one year is as follows—and I would like to have this heard, because I think it will be seen where a part of the losses of the Shipping Board come in:

It was reported to the committee that 602 cases were disposed of in New York, where there were 1,400 cases pending. An analysis of the report shows that 197 of the cases were disposed of by dismissal, which certainly required very slight services on the part of any lawyer.

One hundred and forty-seven were discontinued, which required very little service. Cases settled before and after trial were 258. That is the entire work done by the lawyers in New York so far as litigation was concerned. We find that for that work 16 lawyers were employed in New York at an expense of $88,600, not trying a single case through to completion. This is taken from the report made to the Appropriations Committee.

We find that in Washington there are a few cases tried before the Court of Claims, but the lawyers for the Shipping Board do not have charge of those trials. They are under the charge of the Attorney General, and the lawyers for the Shipping Board do not even supervise the trial of those cases. The total number of the attorneys in this city and in neighboring provinces was 180. They cost the Government for the settlement of the 180 cases, where the trials were held under the supervision of the Attorney General and not by the attorneys for the Shipping Board, the small sum of $149,000.

In addition to that we find there were special lawyers employed even where the Attorney General had charge of the trial. These special lawyers received $10,000 each. The number of those reported, though it is not claimed they are all, was three, drawing $30,000 during the year 1927. Further we find, under the report which the board made, that the lawyers for the Shipping Board have drawn $278,200 for the services they have performed.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BLACK. Certainly.

Mr. COPELAND. Does the Senator wonder that I introduced an amendment to the bill providing $1,500,000 to take care of doctors?

Mr. BLACK. I am inclined to think from the way they are taking care of deserving lawyers that they might also take care of deserving doctors.

Mr. COPELAND. The Senator speaks about deserving lawyers. He does not think they are deserving lawyers, does he?

Mr. BLACK. I imagine that they deserved the appointments for some special reason.

Mr. COPELAND. At least they got the appointments, did they not?

Mr. BLACK. They received them. We have then, for this $278,000 which they received, the settlement, not the trial, of 438 cases in all. Any lawyer who has had any experience knows that one firm of lawyers could have handled every one of those cases without any difficulty. So we have, as one of the reasons why the Shipping Board are losing money the fact that they are employing more people than they need, just as doubtless they are doing in the department to which the Senator from New York called attention a few days ago.

Mr. COPELAND. Mr. President, will the Senator yield further?

Mr. BLACK. Certainly.

Mr. COPELAND. Of course, it is fair to say in defense of the Shipping Board that the board is operating services out of many ports of our country, three out of the Pacific coast and a great many on the Gulf and other ports. I suppose included in the item of expense for lawyers are large sums of money used in the defense of cases in those local communities.

Mr. BLACK. This amount includes the defense and prosecution of every Shipping Board case in the United States of America.

Mr. COPELAND. The Senator said a moment ago that this work could be undertaken by a very much smaller number of lawyers. I presume it would be very difficult for a lawyer to go out from the District of Columbia and try a case in Seattle. He would not be acquainted with the local procedure, perhaps, or with the ins and outs of legal methods in that particular locality. So I dare say that there is some justification for the expenditure of part of this money in remote parts of the country.

Mr. BLACK. I shall be glad to inform the Senator about that. They have spent it in remote parts of the country for the employment of special lawyers, for instance, at Seattle and at other places; and they are not included in the regular list of 46 attorneys who are employed and drawing the regular salaries. The fact remains that the Government is paying out in that department, according to the report before the House committee, the sum of $278,000, when it is wholly and completely impossible for there to be any work which anywhere near justifies the expenditure of that sum. They could employ one firm of lawyers in Washington who would dispose of every case they have here, and one firm of lawyers in New York who could likewise dispose of every case they have there, because they only settled 238 cases and did not try a single one of those cases to completion.

I simply call attention to this with reference to the first amendment which I have offered, which is that no lawyer employed by the board shall receive more than $10,000. It is my understanding that these lawyers have received their appointments by reason of political pull, some of them being very closely related to those in power. It is also my information that others have secured their appointments by reason of their influence with certain Senators and Congressmen. The work is not there for them and can not be there for them. It is impossible for any man to take this report and determine that there is any reason for the employment of 47 lawyers to perform the duties which 5 reasonably good lawyers could have performed at a reasonable compensation.

One other amendment I have is that no lawyer for the Shipping Board shall receive more than $10,000 per year. One of them is now receiving $15,000. Unless the last Congress changed it, that is as much as a Cabinet officer receives. It is more than the judges of the Supreme Court of the United States received up to the last session of the Congress. It is more than any other Assistant Attorney General receives in America. According to the book which I have here showing the salaries paid last year, the highest paid Assistant Attorney General received $10,000; and yet this $15,000-a-year man for the Shipping Board does not even argue cases in the Supreme Court of the United States.

According to this report, they are argued by the Solicitor General, who receives a $10,000 salary and who has charge of that part of the procedure. They do not turn those cases over to the $15,000 lawyer, who is one of the 47 lawyers disposing of 239 cases in 12 months.

That is the situation which exists. So far as any special or peculiar qualifications which would place this particular attorney head and shoulders over Mrs. Mabel Walker Willebrandt, who receives only half that much, over Mr. Donovan, who receives two-thirds of that amount, or over the other Assistant Attorneys General, I do not know what they are. It might be there has been a raise in salary of those Assistant Attorneys General, but according to the book which was brought to my desk, one of them receives $7,500 and one of them receives $10,000. What is it that creates such greatness in this particular lawyer that he should have a salary equal to that which Cabinet officers have been receiving and more than that which judges of the Supreme Court have been receiving, when the records show that he did not try to completion a single case in 1927? What is it that entitles this particular board to do this unless it be—and I call attention of those here who voted for the Jones shipping bill—that one of the most insistent objections raised to it is the fact that it is costing more than the people get out of it? Why is it? This is one of the reasons. Is it the desire that this department be filled up with people who are not needed in order that the Government operation of the Shipping Board for a time may be discredited? Is that the reason? Or is it merely because there are some deserving political associates who desire positions?

The fact remains that whatever answer is given, certainly prima facie it is not proper for the Shipping Board to have 47 lawyers to perform what 5 reasonably good lawyers should perform any day in any year in all the history of the country. For that reason I have offered the first amendment providing that the pay of attorneys be limited to $10,000. The next amendment I will offer is that we reduce the allowance to the Shipping Board for lawyers $150,000 per year, and if they will half try they can get four lawyers every time they need one for the appropriation which is then left.

Mr. EDGE. Mr. President, I had the privilege of listening to the larger portion of the speech of the Senator from Wisconsin [Mr. BLAINE] this morning. On portions of it I would like to comment, but I have taken the floor at this time not for that purpose, but rather to give notice that at some future time I propose to discuss various phases of the policy of the country in connection with its foreign relations, particularly with Central America.

While I am on my feet, however, I desire to make this suggestion: Of course, it goes without saying that every Senator must decide such questions entirely for himself and is in no way subject to criticism, but, speaking for myself, I realize and recognize that at the present moment the Pan American Congress is in session at Habana and we are represented there by one of the strongest delegations of outstanding Americans, I think, that has ever been called together for a similar purpose. It is a nonpartisan commission, including in its membership a former Member of this body, Senator Underwood, of Alabama; Judge O'Brien, a well-known member of the Democratic Party in New York; former Secretary of State Hughes, chairman of the commission; and educators and ambassadors who have represented the country in various parts of the world. Reading, as we do, the daily news reports from the conference in Habana, it would seem to be indicated that there is a spirit of splendid harmony existing there and that understandings are being arrived at and policies are being defined. That, I repeat, so far as we can gather from daily press reports, must mean a better understanding and a clearer understanding in the future; and, of course, all of us, no matter what our opinion may be as to policies, would subscribe to that.

So for that reason I propose to defer my discussion of this very important subject to a later date, understanding that the conference will probably be over in two or three weeks. I repeat that under all the circumstances, in dealing with foreign relations which are so distinct and so different from any domestic problems that confront us, it would seem to me wiser not to transfer the forum from Habana to Washington, at least while the conference is in session.

Mr. WARREN. Mr. President, the amendment which the Senator from Alabama [Mr. BLACK] has offered, I assume to be the one which I have in my hand and which I will read. On page 25, line 24, strike out the word "three" and insert "two"; and add at the end of line 25, page 25, the following:

Provided, That no attorney shall be paid more than $10,000 a year.

I understand the purpose of that provision to be to reduce the number of employees and attorneys, and to provide that none shall receive more than $10,000 per year. That is my understanding of what would occur.

Now, just a word, because I am less a lawyer than anybody else, because I am no lawyer at all. As to the record, which the Senator from Alabama has presented from the early days, I want to say to him that I was one of the members of the Committee on Appropriations, who at all times and places undertook to reduce, and I think with my colleagues did greatly reduce from time to time, all of those high salaries and large numbers of employees. But at the present time my desire is—and I believe it is also the desire of the members of the subcommittee and the full committee—to protect as well as we may the Shipping Board and the Fleet Corporation, which, combined, constitute a corporation larger perhaps than any other in the world, or, at least, in America. We desire to cut expenses to the lowest limit to which we may safely reduce them, but we can not consent to the amendment offered.

As to the number of lawyers, the compensation they should receive, and so forth, I prefer that my good friend, the Senator from Washington [Mr. JONES], who is familiar with the affairs of the Shipping Board and, of course, knows the facts as to all the attorneys and their salaries, should make a statement in reference to that matter.

Mr. JONES. Mr. President, I have not, of course, given especial study to the employees of the Shipping Board or of the Fleet Corporation, but I have learned that they have just one attorney who is receiving over $10,000. That attorney is getting $15,000 per annum. He is general counsel of the Shipping Board and of the Fleet Corporation. It seems to me that the general counsel of a concern of this magnitude, having so many and such widespread interests, is getting a very small salary when he receives only $15,000 per annum.

As the chairman of the committee, the Senator from Wyoming [Mr. WARREN], has stated, we have been reducing the compensation of the different employees of the Shipping Board and of the Fleet Corporation during the last three or four years. We have been cutting the salaries of the employees of both corporations very materially. We have cut the salaries of attorneys until, as I have stated, we have only one attorney, the general counsel, who is receiving over $10,000 a year, and he is getting but $15,000.

It is now proposed to reduce the salary of the general counsel of the Shipping Board and the Fleet Corporation to $10,000 a year. The business of the Fleet Corporation is very widespread; it is operating ships to all parts of the world. As has already been brought out, there are something like 25 or 30 different routes throughout the world, with almost 300 ships sailing upon them. In addition to that, there is the business coming over from the World War, and there are a good many very important cases that have come over from that war which are not as yet disposed of. There is one case in my State involving issues, taking the claims on each side, of eight or nine million dollars. I think the Government claims five or six million dollars, and the private party claims three or four million dollars.

Mr. BLACK. Mr. President, will the Senator from Washington yield to me?

Mr. JONES. I shall yield to the Senator in just a moment, if he will wait until I finish this statement.

Mr. BLACK. I merely wish to ascertain to what case the Senator from Washington refers.

The PRESIDING OFFICER. The Senator from Washington declines to yield.

Mr. JONES. I will yield to the Senator in just a moment. The case to which I refer has been pending, of course, for quite a while. I am not prepared to say that it ought not to have been brought to an issue and trial sooner, but every attorney knows how such matters of important litigation are delayed. This case has been brought to the point, however, that a master to whom the case was referred has submitted a report and, I understand, he has found in favor of the Government for $1,400,000. His findings, however, must go to the judge. As I have stated, the Government insists that it is entitled to a greater sum; the defendant claims that he is entitled to a judgment; but what the action of the judge may be upon the findings of the master we do not know. If he shall approve them, then the Government, of course, will get a judgment in his court for $1,400,000. That is merely one case.

Now I yield to the junior Senator from Alabama.

Mr. BLACK. I desire to ask the Senator from Washington what is the name of that case?

Mr. JONES. I think it is what is known as the Skinner-Eddy Co. case.

Mr. BLACK. That is the case, I think, in which special lawyers have been employed.

Mr. JONES. They have one special counsel.

Mr. BLACK. The special attorneys have charge of the case?

Mr. JONES. They have direct charge of the case, but I know that there were many important questions with reference to that particular case which were referred to the general counsel. Of course, the general counsel is not trying these cases, but he has general charge and control of them. I think it would be very unfortunate to pay the general counsel only the amount that is paid to other attorneys who have not the responsibility of looking after the various cases. There is another case, I think, involving one of the shipping plants; at any rate, there is at issue in it something like $30,000,000.

With all due consideration to my good friend from Alabama [Mr. BLACK], in the case of a great institution like this, with such important issues involved, and such large sums of money at stake, it is ridiculous that we should say that the general counsel having charge of all those matters should not receive more than $10,000 a year salary. We can not expect to get a man of the proper capacity, experience, and ability to handle business of this kind in competition with the best legal talent of the country if we pay only such a small salary. I think such action would invite the selection and the employment of inferior attorneys. While it may on paper save $5,000 a year, in the end it will, in my judgment, result in the loss to the Government of millions of dollars.

Mr. President, I think that is all I care to say in regard to the matter. I think it is a question that appeals to the business judgment of every Member of this body.

Mr. BLACK. Mr. President, will the Senator yield for another question?

Mr. JONES. Yes.

Mr. BLACK. Does the Senator think it proper that the lawyers for the Shipping Board should draw the same salary that the members of the Shipping Board themselves receive?

Mr. JONES. Oh, Mr. President, I do not think there is any comparison at all. The members of the Shipping Board have nothing like the financial responsibility upon them that the chief counsel has. They do not have to pass upon questions such as those which we presented to the general counsel.

I have no doubt that there are many corporations in this country that are paying their general counsel in salary many thousand dollars a year more than the presidents or other officers of those institutions receive. I do not think there is any comparison as to the capacity that ought to be required between the chief counsel of this institution and the members of the board.

Mr. BLACK. If the Senator will yield further, does he not believe that if a corporation that is paying its general counsel more than $10,000 a year should find that such general counsel had 46 men working under him and disposed of only 439 cases in one year they would fire him?

Mr. JONES. Oh, no; I do not think so, Mr. President. I do not think we can determine the capacity of a man by the number of cases that are disposed of.

Mr. BLACK. Very well; then, by the work that he does.

Mr. JONES. We could find many justices of the peace who are disposing of a great many cases in a day, and yet we would not think of fixing their salaries because of the number of cases which they dispose of or determining their salaries upon that basis at all. Take, for instance, the Skinner-Eddy Co. case; it has been pending ever since the war. As I have said, I do not know that it has been pressed as vigorously as it ought to have been pressed, but it is necessary to be extremely careful in gathering the testimony and in getting the data and facts in shape. My recollection is that the case before the master in the actual taking of testimony and determination of the issues has taken 8 or 10 months of steady work. The fact that it has taken in that case all that time is no reason why we should say that the general counsel, because he has not disposed of one case in a year, should get only five or ten or a few thousand dollars.

Mr. BLACK. May I suggest to the Senator that although that work has taken practically a year it was not done by any of the 46 lawyers of the Shipping Board, but was done by a special lawyer hired out in that section? None of the 46 lawyers touched it.

Mr. JONES. That may be true, Mr. President, but the result of their labors is shown by what has been accomplished. The lawyers engaged in the case were under the supervision of the general counsel; they had to submit to him from time to time many questions, and, possibly, upon the decision of those questions depended thousands and possibly hundreds of thousands of dollars. Whether or not he decided them correctly I do not know, but we ought to have a good man, a man of very great ability as chief counsel. In my judgment this Government would save hundreds of thousands of dollars if we paid the chief counsel $50,000 a year and secured one of the very highest class of attorneys in the country. I am not saying that as any reflection upon the general counsel of the Shipping Board, for he is a good lawyer. If he can not make far more than $15,000 a year in private practice, then, of course, he ought to be put out, but I am satisfied that he could do so; I am satisfied that he is really making a sacrifice in remaining in the position of general counsel of the Shipping Board.

Mr. BLACK. If the Senator thinks the general counsel is making a sacrifice will the Senator join with me in favoring a bill to provide that hereafter the general counsel shall be confirmed by the Senate, so that I may produce evidence to show the Senate whether or not he is capable of performing the duties for which he is paid $15,000 a year.

Mr. JONES. I do not think I would have any serious objection to a proposition of that kind.

Mr. BLACK. The Senator from Washington raised the question of order on an amendment having that in view.

Mr. JONES. Although I doubt the necessity of it, I would not have any serious objection to it. The mere fact that he is confirmed by the Senate would not add anything to his capacity or his ability as a lawyer or otherwise, so far as that is concerned. I think that considerable discretion ought to be left to the Fleet Corporation in the selection of the man who is really to guide and direct them in the handling of the tremendous property that is intrusted to their care.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Alabama.

Mr. KING. Mr. President, I rise for the purpose of supporting the amendment offered by the Senator from Alabama. Before proceeding briefly to discuss the question, I should like to ask the chairman of the committee whether the $18,000 provided for in line 24, page 35, is to pay the salary of some expert on transportation or is to be paid to some attorney?

Mr. WARREN. The distinguished Senator from Utah will note that the provision is in the negative form; that is, that there shall be no more than that amount paid. My impression is that that amount goes to the manager or to the president of the Fleet Corporation, which would be General Dalton. I have no direct information as to that, but I believe it to be so.

Mr. JONES. I think that is correct.

Mr. KING. I thank the Senator. I should like to make another inquiry. On lines 24 and 25 it is provided:

> Three at not to exceed $15,000 each.

Are those three experts in shipping and transportation or are they lawyers?

Mr. JONES. They are not lawyers. My understanding is that they are at the head of the different activities, such as the traffic department, for instance. I am not exactly sure as to that, but they are not lawyers. There is only one lawyer, who is paid over $10,000.

Mr. KING. How much does he receive?

Mr. JONES. He receives $15,000. He is the general counsel.

Mr. KING. Then the general counsel would be one of the three persons who is to receive $15,000.

Mr. JONES. Yes.

Mr. KING. And the other two are connected with the traffic transportation service.

Mr. JONES. One, I think, has charge probably of transportation affairs.

Mr. KING. Where is the provision for general counsel who is to receive $15,000?

Mr. JONES. That is covered in the provision which reads:

> Three at not to exceed $15,000 each.

One of those is the general counsel.

Mr. KING. May I assume that there is only one lawyer to be paid $15,000?

Mr. JONES. Yes. I find on page 675 of the hearings before the House committee that inquiry was made with reference to these three at $15,000. Mr. SUMMERS asked the question:

> How many are employed at $15,000?
>
> Mr. PARKER. The legal department has only one, and that is the general counsel.

That was Mr. Parker.

> Mr. SUMMERS. How many are employed at $12,000?
>
> Mr. PARKER. None.
>
> Mr. WOOD. That has reference not only to the legal department but to the Fleet Corporation also.

I do not see anything here telling who are the other two that get $15,000; but I know that they have a head of a traffic bureau, and I imagine he is one of the men. Possibly I shall be able to find that a little bit further on.

Mr. KING. Mr. President, I shall proceed upon the assumption that one of these three to be paid $15,000 is a lawyer, and that no more than one is to be appointed at a salary of $15,000 or over.

I am told that the record reveals that there are 45 lawyers presently employed by the Shipping Board—permanent employees, so to speak—and, in addition, a large number of special employees. In addition, the Department of Justice, which receives a large appropriation to pay attorneys and other employees, looks after many of these cases—cases in the Court of Claims as well as cases in the nisi prius and appellate courts of the various States and the Federal Government.

The testimony before the committee, as I am advised, reveals the fact that the legal force has been increased somewhat, though the activities and assets of the Shipping Board and the Fleet Corporation have been diminished. Mr. Parker's testimony, appearing on page 666 of the House hearings, in effect is that the litigation is "in charge of the Department of Justice primarily." By that I assume he means that the Department of Justice is responsible for the litigation, and controls and handles it. Perhaps the preparation of the case and the assembling of the facts are within the competency and the activities of the agents and attorneys of the Shipping Board or the Emergency Fleet Corporation; but the actual work of the trial of the causes is, generally speaking, conducted by the Department of Justice or by special attorneys acting under the direction of the Department of Justice.

Mr. JONES. Mr. President——

Mr. KING. I yield.

Mr. JONES. I think the Senator is a little mistaken in his facts. My understanding is that the Attorney General approves the employment of the attorneys for the Shipping Board and the Fleet Corporation. In other words, the employment of this general counsel at $15,000 is approved by the Attorney General, and to that extent he is a representative of the Department of Justice; but he handles these cases. Take any one of the cases; take this case out at Seattle; one of the at-

torneys in that case is a special attorney. He was appointed by the Shipping Board with the approval of the Department of Justice. The other attorney is one of the regular attorneys of the Shipping Board; but he was appointed in the first instance with the approval of the Attorney General. The United States district attorneys, as I understand, have not anything to do with these cases. I know that our United States district attorney out at Seattle has nothing to do with this case, and I understand that that is the situation all over the country. In one sense these men are attorneys of the Department of Justice, because we expressly provided by our legislation that the Shipping Board and the Fleet Corporation could not appoint an attorney without the approval of the Attorney General, and that is always done.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Maryland?

Mr. KING. For a question.

Mr. BRUCE. Assuming that there have been too many lawyers connected with the United States Shipping Board, and that they have been paid too much in the way of compensation, does not the Senator think that those facts are probably due to the pressure brought by Members of Congress on the Shipping Board and the Emergency Fleet Corporation?

Mr. KING. Mr. President, I am not in a position to answer that question. I do not know the extent of pressure, if any, brought upon these organizations by Senators or Congressmen, or by others, to secure the appointment of employees. It is quite likely many persons have been indorsed for positions in these organizations by Senators and Congressmen, as well as by persons in official life and in political organizations, and it is quite likely that their indorsements have been considered in some appointments. But that does not absolve the directors of the board from the discharge of the duties resting upon them. I am afraid that the directors of the Shipping Board in its early existence possessed an exaggerated idea of their own importance and the importance of their work to the country. They seemed to act upon the theory that the Treasury of the United States was unlimited in its resources and that the existence of war justified improvident expenditures. Of course, it is not to be expected that in the excitement of war there would be that prudence and economy that peace demands and secures. War is a devouring monster. It takes human lives and swallows the savings and capital of men and nations. It generates extravagance and is controlled by none of these restraints which bind peoples and nations in times of peace.

Perhaps Congress was imprudent and too liberal in its appropriations, but these organizations charged with expending the appropriations made, particularly after the termination of the war, were under obligation to exercise wisdom and economy in their public service.

No doubt there were political appointments made by the board, and it is likely that some of the members of the board were political appointees, and persons were named who were not qualified to operate ships and handle a great marine enterprise.

Mr. BRUCE. I was asking the Senator whether it is not those indorsements—indorsements given by political influence in one form or another, congressional or otherwise—that really, after all, are responsible for abuses of patronage in connection with the workings of any and every branch of the Government?

Mr. KING. Mr. President, I venture to say that a comparison of the attorneys of the Shipping Board with attorneys who received their appointments under the civil service law and found places in the Government service will not be unfavorable to the former.

Mr. BRUCE. Perhaps that is because the Senator has such a poor opinion of the merit system of appointment.

Mr. KING. Mr. President, I think I have some ability to judge of the competency of lawyers; and I do not think that the fact that I have not a very high opinion of the civil-service system would prompt me to refuse to accord to a man who has a civil-service status that degree of merit which his ability deserves. There are lawyers of great ability serving in various departments of the Government who have a civil-service status, but I am inclined to think that it is not the so-called merit system that made them good lawyers.

Mr. BRUCE. There are, of course, some positions to which the merit system of appointment would be entirely inapplicable. For instance, if one of the departments should need from time to time the services of a great trial lawyer, I think it would be absurd to invite competition for the selection of such a lawyer; but the Senator knows that, so far as ordinary routine attorneys are concerned, many of them are selected for different branches of the Government under the merit system of appointment.

Take the Patent Office; take other branches of the public service; many attorneys are so selected; and I think the Senator will agree with me that where attorneys or other subordinates of any kind are selected under the merit system of appointment there are not likely to be so many of them, and they are not likely to receive such a large measure of compensation as when they are selected simply as a result of personal or political pressure. Is not that a fact?

Mr. KING. Mr. President, I do not care to be drawn into a discussion, because it is not relevant to the question before us of the merits or the demerits of the civil-service system. I agree with the Senator, if I understand him correctly, that there are many instances in which to select a man to fill a high judicial position or to discharge the duties of a lawyer from a civil-service list would be absurd. I am sure if the Senator had some important litigation, and needed a lawyer, he would not go to a civil-service roster for the purpose of finding a lawyer to employ to conduct his business.

Mr. BRUCE. No; but if one of the departments needed just some routine attorney, a man to perform more or less routine professional functions, I think it would be a very wise thing to look to the civil-service system for an attorney of that description.

Take the Shipping Board, of which the Senator is speaking. Many of these attorneys doubtlessly discharge duties of a more or less routine character. They are not expected to be equal to the requirements of exacting trial practice and all that; but the point I make is that if that class of attorneys were selected for the Shipping Board and Emergency Fleet Corporation, or for any other branch of the Government, not so many of them would be selected, and they would be paid far less compensation than that of which the Senator is complaining.

Mr. KING. Mr. President, I respect the views of my dear friend from Maryland, and much can be said in favor of the civil-service system. But it has serious weaknesses; even in a democracy there is less reason for its establishment than in some other form of government. If the Senator or I should own or operate a newspaper, we would not ask for a civil-service rating in behalf of those who were to work upon the paper. The newspaper men who make a success are those who refuse standardization. They have initiative and genius and ambition to succeed. If success attend a reporter or writer, it is not by following set rules and archaic precedents; it is because of his departure from the rut in which so many of us travel through life. The brilliant newspaper men are those who refuse to be stereotyped and standardized and listed as measuring up to some rules or requirements made to fit all persons and apply under all conditions.

So it is with lawyers. The lawyers who succeed refuse to be stereotyped and branded and standardized. The eminent Senator from Maryland—a lawyer of ability and a historian of recognized standing—has reached the eminent station occupied by him not by a civil-service policy or a civil-service spirit but by energy and genius and courage and ambition and a refusal to be standardized by social or political or industrial conditions.

The Shipping Board has met with serious criticism ever since it was organized, and many investigations of its work and activities have justified much of the criticism, particularly that relating to its lack of business ability, and to waste, extravagance, and inefficiency.

But under the management of the most competent persons the results would have been unsatisfactory. The system of governmental operation of a merchant marine can not be economical or efficient.

The more than three and one-half billion dollars expended by the board has brought but slight results. Undoubtedly the work of the board during the war was of importance, if only in convincing the Central Powers that the United States was in the war and would spend its treasures in defeating the enemies of this Republic. The psychology of the situation was a vital force in the winning of the war. But since the war the work of the board can not be commended. It has failed to serve the people as it should, and has been inefficient if not incompetent in its activities. There has not been a session of Congress since 1918 when the Shipping Board has not come under condemnation by Congress. The animadversions reveal the fact that in both branches of Congress dissatisfaction has been expressed in regard to the activities of this organization.

It was demonstrated in the debate upon the shipping bill a few days ago that the Shipping Board has dissipated its assets—the $3,500,000,000 appropriated by Congress—and has assets of

the value of only $128,000,000. It was also shown that there are claims against this organization of more than $200,000,000.

After the Government discharges the obligations of the Shipping Board with the shrinking values of the assets of the organization, and the deterioration in the ships, it is certain that the assets of the Shipping Board will not meet its obligations.

The postwar record of the Shipping Board must be disappointing to all Americans. Senators will recall that President Harding appointed Mr. Lasker to head the board. He was given great authority, and it was declared by the administration that he would accomplish great results and place the organization upon a solid basis. Mr. Lasker asked for $50,000,000 as a direct appropriation to meet the current expenses, which was to be supplemented by the sale of property, including ships owned by the Shipping Board. Congress acceded to his request and made large appropriations but without results. The larger the appropriations the greater the losses. Failure attended every effort to make the experiment of Government operation a success. Thousands of persons were employed, hundreds of lawyers found positions, but all efforts to make the work of the Shipping Board successful were in vain.

Persons were taken from various Government organizations and given places in the Shipping Board at salaries greatly in excess of the compensation paid them. There seemed to be no regard for economy or for the public welfare.

There has been an orgy of waste and extravagance in connection with the activities of the Shipping Board. This has been conceded by all. No one in either House of Congress has defended this organization. Its failure, its mistakes, have compelled criticism and condemnation.

I am being led far afield, however. I rose merely to support the position of the Senator from Alabama. He has called attention to the fact that, notwithstanding the Department of Justice is primarily responsible for litigation growing out of the activities of the board and that special attorneys are employed wherever suits are brought, nevertheless we are called upon now to give to the Shipping Board forty-odd lawyers, one of whom is to receive at least $15,000 a year.

Mr. JONES. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. JONES. I can tell the Senator now that the other $15,000 men are the two vice presidents, one having charge of operations, the other of administration.

Mr. KING. I thank the Senator. I had the impression that two were to be employed in connection with the operation of ships, and one of the three was to be employed as counsel.

Mr. President, if the Senator from Alabama will move to reduce the appropriations for the lawyers and restrict the number to 25, I think he will be doing a public service, and I shall be glad to support him. I shall also support him in his motion to reduce the compensation of the lawyer who is to receive $15,000 a year to $10,000 a year.

I have in the file before me—and I shall not take the time of the Senate to read it into the RECORD—the history of the activities of the Shipping Board. It reveals deficits during the past four or five years of more than two hundred and fifty-odd million dollars, and that does not include the sums of money derived from the sales of assets—ships and other property belonging to the Shipping Board. What the true figures are I am unable to state, and I believe no one else is able to accurately state the amount.

The deficits from the beginning of the operations of the board have been stupendous. Indeed, the deficits have been so great that the capital has been wiped out, and, as I said, if we should pay the debts of the organization it is doubtful whether there would be anything left.

No one knows how much will be consumed by the organization, or expended by it, during the coming year. No one knows what the deficits will be for the operation of the Shipping Board during the coming year.

The bill before us carries large appropriations for the Shipping Board—$84,000 for the commissioners; $195,750 for various activities, $172,500 of which is to be expended for personal services in the District of Columbia; $9,000 for printing and binding; $13,400,000 for administrative purposes, miscellaneous adjustments, losses due to the maintenance and operation of the ships, for the repair of ships, the carrying out of the provisions of the merchant marine act of 1920; $2,225,000 is to meet the expenses of liquidation. I am not sure just what the liquidation is.

In addition, $10,000,000 is "to enable the United States Shipping Board Merchant Fleet Corporation to operate ships or lines of ships which have been or may be taken back from purchasers by reason of competition or other methods employed by foreign shipowners or operators."

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. KING. I yield.

Mr. COPELAND. The Senator will not overlook the request for $12,000,000 to recondition two useless hulls. Surely the Senator will not overlook that wasteful item. Likewise, he will not fail to note $1,400,000 to enable the bankrupt bituminous coal industry of this country to export its coal at the expense of the Government.

We are going to spend $1,400,000 to help this industry, when almost every other interest of the country is in need of money. Why should this particular interest be benefited to this extent? It would be as reasonable for the automobile industry to apply for five or six millions to provide extra ships to take the products of their factories to Europe.

We sell these ship lines to private owners, and then immediately undertake to put into operation Shipping Board ships to compete with them, almost as if we wished to insure disaster.

But those items, aggregating $13,400,000, should be included in the list to which the able Senator is calling attention.

Mr. KING. Mr. President, I have not forgotten those items, but I beg to state that I am not going to be drawn into a discussion of the coal question, when I see upon my right my friend from West Virginia [Mr. NEELY], and across the aisle the Senator from Pennsylvania [Mr. REED].

Mr. NEELY. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. NEELY. Before the distinguished Senator and equally eminent doctor from New York retires from the Chamber, I venture to say that if the coal operators of West Virginia could only discover some method whereby they could clear as much money in a year as the Senator from New York receives for broadcasting a single morning health talk, or for writing a solitary feature article in the Nation's newspapers, they would enjoy more prosperity in 1928 than they have experienced during the last four years.

Mr. COPELAND. Mr. President, will the Senator from Utah yield?

Mr. KING. I yield to the Senator from New York.

Mr. COPELAND. The Senator from New York is at the disadvantage of not having been able to put his hands into the pockets of the public through a generation, as the coal barons of West Virginia and other sections of the country have. I am seeking now to improve the health of the American people so that they will have the strength and vigor to carry the burdens of taxation placed upon them by the Senator from West Virginia and others who seek to take money out of the Treasury to bolster up a dying and bankrupt industry.

Mr. NEELY. A majority of those whom the Senator from New York calls coal barons are as poor as Lazarus and more bedeviled than that historic sufferer ever had the misfortune to be. But what the Senator from New York has lost in time he has made up in the irresistibility of his energy and efforts.

If rumor be reliable, he has, in a period of time much briefer than a generation, succeeded in an eminently proper way not only in putting his hands into the pockets of the public but in transferring from those public pockets to his own more money than the average coal operator can hope to accumulate in a lifetime as long as that of Methuselah.

If the Senator will only teach the West Virginia coal operators how to find a market for their product that will be as profitable to them as the market for the Senator's advice has been to him, he will thereby prove himself to be the greatest political economist, instructor, and financier of this or any other age or country.

Mr. COPELAND. Mr. President, will the Senator from Utah yield further to me?

Mr. KING. I hope this colloquy between my friend from New York and my friend from West Virginia will terminate, so I can conclude my speech, when the Senator concludes his observation. I yield to him, of course.

Mr. COPELAND. I thank the Senator. I would like to say to the Senator from West Virginia that my efforts are directed wholly to improving the physical condition of the people of the country. I am not seeking to teach the coal barons of West Virginia how to run their business. I am not seeking to add to the mental ability of the business men in that particular industry, who have failed so utterly as certainly the coal operators of the country have failed. It is not enough simply to give them health. They must be given gray matter, which the Senator from West Virgnia has in such abundance that he is better qualified to feed it to the public than I am.

Mr. NEELY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from West Virginia?

Mr. WARREN. Mr. President, I feel the time has come for suggesting to the Senator from Utah that, in the interest of legislation and proceeding with the appropriation bill now before the Senate, he should decline to yield any further.

Mr. KING. Let me say to my friend from Wyoming that the rather dull observations which I have been making in the interest of economy, because no one is interested when one speaks of economy, have been enlivened by the brilliant sallies of the Senator from West Virginia and the Senator from New York. I yield to the Senator from West Virginia, but I hope this will end it.

Mr. NEELY. Mr. President, I hope that the hope of the very able and accommodating Senator from Utah may be realized. But the versatile Senator from New York is so astonishingly persistent and so amazingly contentious as to make it impossible for me to promise to be silent. The Senator from New York resembles the heroine of the following ancient story:

A certain man who died left a widow and a 10-year-old son to survive him. The minister, who came to the home of the deceased to preach an appropriate funeral sermon, said to the boy, "My little man, what were your father's final words?" The boy replied: "Pa had no final words—ma was with him to the last." [Laughter.] In every senatorial discussion of the coal business the Senator from New York is with us "to the last."

The Senator declares that he does not want to tell the coal operators of West Virginia how to operate their mines. But, unfortunately, he has attempted to do that which is infinitely worse.

If he had succeeded in having enacted into law the legislation which he proposed in the last Congress, there would now be no coal business in charge of those who have spent their lives developing and establishing this great and indispensable industry. A paternalistic Federal commission would be in full control. The coal industry of West Virginia does not want the Senator's proposed legislation or his suggested commission. It does not need his assistance or advice.

If the Senator from New York will only keep the people as well with his medicine and advice as the coal operators of West Virginia will keep them warm, and the pernicious Interstate Commerce Commission will only be as just to West Virginia in the present and the future as it has been hostile to her in the past, the coal business of that great State and the millions whom it serves will once more be prosperous and happy.

Mr. McKELLAR. Mr. President——

Mr. KING. I yield to the Senator from Tennessee.

Mr. McKELLAR. In the interest of harmony, I desire to submit an amendment to the pending measure.

The PRESIDING OFFICER. The amendment will be received.

Mr. COPELAND. Mr. President——

Mr. KING. I think I shall preserve harmony by proceeding.

The PRESIDING OFFICER. The Senator from Utah declines to yield further.

Mr. KING. I shall be through in a moment, and then the Senator from New York can obtain the floor in his own right.

I was calling attention to the deficit created by the Shipping Board and the Merchant Fleet Corporation aggregating hundreds of millions of dollars. I was enumerating some of the items of expenditure called for by the bill. I had reached the item of $10,000,000 appropriated for the reconditioning of ships which were taken back because of competition.

One could talk for hours about the oppressive record of the Shipping Board in dealing with its vendees, men who in good faith purchased ships and tried to operate them in the coastwise trade as well as in the foreign trade, but the Shipping Board, without due regard to justice or the spirit of the contracts entered into, permitted competition if it did not directly engage in competition, and thus drove into bankruptcy those who purchased and attempted to operate ships. The board took possession of vessels, which they compelled those who had purchased them to surrender, and in a number of instances, as the facts have been brought to my attention, forced, by unjust and oppressive means, persons who were competent to continue the operation of ships, to surrender them. When so surrendered, in some cases, the board again sold them, or made M. O. 4 contracts, which increased the losses of the Government, and contributed to the utter failure of the organization to build up a merchant marine.

Under the M. O. 4 contracts millions and tens of millions of dollars of profit were realized by unworthy men who incurred no obligation or risk. They received enormous profits directly, and were permitted to organize companies which sold to themselves or to the Shipping Board tens of millions of dollars' worth of commodities at extortionate prices. One can not escape the conclusion, after reading the record of the activities of the Shipping Board, that incompetency and negligence and an utter disregard of the public welfare have characterized the service of the Shipping Board.

Mr. President, this bill under consideration appropriates for the purpose of reconditioning two old hulks which were constructed either in 1905 or 1906, $12,000,000. There can be no defense, in my judgment, for this waste. Think of the Government appropriating $12,000,000 for the purpose of reconditioning two old hulks! Germany and Great Britain are building new ships with a new style of architecture, with Dieselized engines, and all modern developments. The result will be that these nations will successfully compete with the United States and drive from the seas archaic and ancient ships, which can not compete with theirs. The new ships can be operated from 10 to 30 per cent cheaper than the ancient ones which we now propose to recondition.

There is no reason for this appropriation. It can not be justified. It is supported by the same mercenary spirit that pushed through the Senate the measure to embark the United States in the sea of Government-ownership operation of a merchant marine. I feel sure that the chairman of the committee having this bill in charge would not support the bill if he were free to act in this matter. But the propaganda which swept a most unwise bill through the Senate the other day has carried this provision into the pending bill. It will probably be agreed to.

In keeping with this extravagance and wastefulness we are to pay 45 lawyers large compensation, one of them $15,000.

This bill, following the record and wishes of the Shipping Board, exhibits no regard for economy. Nor does Congress show any concern in the welfare of the people. Before adjourning, Congress will appropriate at least $5,000,000,000.

In my opinion, Congress will be unable to pass any revenue bill reducing taxes if it persists in the present policy of expending millions not necessary for the public good. It appears as if Congress would adjourn without any tax reduction. We could have reduced taxes $400,000,000 without creating any deficit if we had acted with prudence during this session of Congress. But if demands are made and Congress accedes to them as it does in the pending measure, then no reduction in taxes will take place. Indeed, if the demands made on the Federal Treasury are acceded to, there will not only be no reduction in taxes but there will be an increase.

It looks as though men on both sides of the Chamber support measures which will take from the Treasury whatever surplus we had supposed would be created out of existing tax laws and render it impossible for any tax reduction to be had for the ensuing year. Five billion dollars will be appropriated for the coming fiscal year, and no one can prognosticate what will be the expenses for the fiscal year 1929.

The Senator from New York [Mr. COPELAND] spoke about giving $1,500,000 to subsidize the coal operators. If we are going to subsidize any branch of industry or business, I invite the attention of my Republican friends to the fact that in New England a number of textile mills have recently closed. The morning press states that several cotton mills closed yesterday. I ask the Senator from Massachusetts [Mr. WALSH] how many factories in his State have been closed during the past few months.

Mr. WALSH of Massachusetts. Mr. President, I will say to the Senator from Utah that it is impossible for me to give an accurate statement of the number of factories that have been closed in the immediate past. I am frank to state, however, that if the figures were available, they would be startling. A large number of factories have been closed, and an exceedingly large number are running on reduced time. I have seen statements to the effect that the textile industry is running at a production for more than a year of about 40 to 60 per cent of normal conditions. Unemployment, I regret to say, is widespread and the situation in the textile communities throughout New England and northern New York is very bad, indeed.

I note that the Senator referred to Fall River in his reference to what he had seen in the papers. In addition to the deplorable condition in the textile industry, the city to-day was visited by a devastating fire which occasioned a loss of about $25,000,000. This adds a new and very serious problem to the situation. The city is indeed entitled to our sympathy.

I can not find words to impress upon the Senate that very many of the textile industries, a large percentage of them, are passing through a grave financial depression. The situation is most unfortunate. I know not the precise words that would indicate the real conditions. It is a regrettable situation, unemployment widespread, wages reduced, and the future outlook far from encouraging.

Mr. KING. I thank the Senator, Mr. President, and I wish to say to my Republican friend that much of this so-called pros-

perity is fictitious. I am not sure to what extent brokers and certain business and banking interests are inflating the balloon and trying to make the figures relating to so-called prosperity impressive, in order to show a condition which does not exist. In my opinion, Congress should take cognizance of the financial and industrial conditions and curtail appropriations and attempt to enforce economy in the Government.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. KING. I yield.

Mr. WALSH of Massachusetts. The Senator from Utah refers to the industrial condition. He will be interested to know that I had some figures compiled recently showing the reduction in the pay rolls of our industries in the month of November, 1927, as compared to the month of November, 1926. In the 24 leading industries of the country the average reduction in the pay rolls of wage earners was 8 per cent for the month of November, 1927, as compared with November, 1926.

UNEMPLOYMENT CONDITIONS

Mr. WALSH of Massachusetts subsequently said: Mr. President, during the debate this afternoon the Senator from Utah [Mr. KING] made some inquiry of me about unemployment conditions in the country. At the time I did not have in my possession a letter or memorandum which contains some statistics.

May I say now in reply to the inquiry submitted by the Senator from Utah that I recently had inserted in the CONGRESSIONAL RECORD a statement showing that the average pay roll for November, 1927, of the 24 leading industries of the country was a reduction of 8 per cent under the pay rolls of November, 1926.

I have been trying to get some statistics which would furnish an estimate of how much is the probable depreciation in the total pay rolls of the country and the consequent reduction in wages of employees.

The total pay roll of the country compiled two years ago by the Bureau of the Census, namely, in 1925, indicates that the total wages for that year were, in 187,390 establishments, $10,729,968,927, and that the number of wage earners in these establishments totaled 8,384,261. An average 8 per cent loss in wages would indicate a depreciation of $933,040,776 in one year in wages or a decrease of about $77,753,390 a month to the wage earners of the country. It is probable, however, that the real sum is a good deal more than this, because of the reduction in the pay rolls averages 8 per cent in the larger and the more prosperous industries it is likely to show a much greater percentage of reduction in the smaller and more competitive industries.

If one were to estimate that 57 per cent of the national income for 1927 was in the nature of wages, and this is the estimate generally made, the total pay roll for the country would amount in 1928 to $58,938,000,000. An average loss of 8 per cent in these pay rolls would indicate a loss to wage earners in the year 1928 of $5,125,043,478. There are no separate statistics of the decrease in wages paid in business and commercial establishments and other classes of employment. This estimate, therefore, assumes a reduction, in all pay rolls to all wage earners, averaging 8 per cent.

The estimate for the national income for 1927 was $103,400,000,000. If there should be a decrease of 8 per cent in this income for one year, the decrease in income would be about $10,000,000,000.

I ask that there be printed in the RECORD in connection with my remarks a letter which I have received on this subject.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

ALEXANDER HAMILTON INSTITUTE,
Astor Place, New York, January 21, 1928.

Mr. DAVID WALSH,
United States Senate Committee on Finance,
Washington, D. C.

DEAR MR. WALSH: It was a pleasure to have your recent letter relative to figures on pay rolls as published in our Business Conditions Weekly.

The pay-roll figures which appeared in the issue of January 14 are published by us each month and are obtained from a bulletin entitled "Employment in Selected Manufacturing Industries," which is published by the Bureau of Labor Statistics in the Department of Labor. These figures do not, however, reflect total pay rolls for the country, but represent only the pay rolls for the concerns, numbering upward of 11,000, which report these data monthly to the Bureau of Labor Statistics.

There are no data available which give pay rolls for the country, but the most complete figures are the totals compiled each two years by the Bureau of the Census. The last report available is for 1925, and shows total wages for the year paid in 187,390 establishments of $10,729,968,927. The number of wage earners engaged in the establishments included totaled 8,384,261. These figures are from the Census of Manufactures.

The National Bureau of Economic Research estimates that there are about 41,000,000 persons gainfully employed in the United States. It is obvious from a comparison of these figures with the census data that there are a very great many persons employed in the United States in small industries which are not included and do not come within the scope of the Bureau of the Census figures.

Another method of estimating the probable total pay roll of the country is by the use of figures relating to the national income and to the percentage of national income which is received in the form of wages. From our bulletin of January 14 one may obtain the estimate of national income for 1927 of $103,400,000,000. The total proportion which wages are of national income has been estimated at from 54 to 59 per cent. If we take an average figure of 57 per cent, we would estimate that total pay rolls for the country will amount in 1928 to $58,938,000,000.

These figures will, I hope, be helpful, and if I can be of further service in any way don't hesitate to let me hear from you.

Sincerely,

WARREN T. HIRKERNELL.

Mr. KING. Mr. President, the prosperity of the country is measured largely by the wages paid to those who are engaged in gainful occupations, not, of course, by wages paid in inflated paper but by wages determined by the purchasing power of the dollar. I recall when I was in Russia I bought a pair of shoe laces at a cost of 600,000,000 rubles, or at par value, $300,000,000. To hire a drosky to go from the station to the hotel required something like sixteen or seventeen hundred million rubles, equivalent, at par, to seven hundred or eight hundred million dollars. So wages are determined not by the number of dollars or rubles the employee receives, but by the purchasing power of the ruble or the dollar.

Mr. NEELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from West Virginia?

Mr. KING. Let me finish the sentence. So we determine whether wages are high, not by the number of dollars a wage earner receives per day or per week but by the purchasing power of the dollar. That has been shown by Prof. Irving Fisher in recent statements made by him. And may I say at this time, in view of what my friend from Massachusetts [Mr. WALSH] has stated, that my recollection of a recent statement by Professor Fisher was that the average earnings of those gainfully employed in the United States did not exceed $520 per annum. Now, I yield to the Senator from West Virginia.

Mr. NEELY. Mr. President, it is fortunate that the Senator from Utah did not inform us about having paid 600,000,000 rubles for a pair of shoe laces while the Senator from New York was on the floor. Otherwise the Senator from Utah would have been accused of being a coal baron. [Laughter.]

Mr. KING. Mr. President, I come back to the bill before us, because these interruptions have led us far astray. I am supporting the Senator from Alabama [Mr. BLACK] in his opposition to one of the provisions of this bill. If he will move to reduce the number of attorneys to 25, I shall be very glad to support such an amendment.

It is manifest that Congress must take the Shipping Board in hand, because if not it will continue its extravagant course and take from the Treasury annually millions of dollars, which will be thrown into the abyss which has absorbed hundreds of millions of dollars heretofore appropriated. Mr. President, I support the amendment offered by the Senator from Alabama and hope that it will be adopted.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Alabama [Mr. BLACK].

Mr. WARREN. Mr. President, I have only a word to say in reference to the amendment. It involves an old matter of controversy which, if the amendment shall be adopted, will come up in conference, and from there, of course, it must come back to the two bodies. I hope we may now proceed to get a full vote on the amendment, in order that when the controversy comes before the committee of conference we may know the attitude of the Senate upon it.

Mr. KING. May I inquire of the Senator from Wyoming whether he accepts the amendment offered by the Senator from Alabama?

Mr. WARREN. I am asking for a vote upon the amendment offered by the Senator from Alabama.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Alabama.

Mr. GEORGE. Mr. President, I ask that the amendment may be stated.

The PRESIDING OFFICER. The amendment proposed by the Senator from Alabama will be stated for the information of the Senate.

The CHIEF CLERK. On page 35, line 24, the Senator from Alabama [Mr. BLACK] proposes to strike out "three" and to insert "two"; and in line 25, after the numerals "$12,000," before the period, to insert a colon and the following proviso:

Provided, That no attorney shall be paid more than $10,000 per year.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Alabama.

Mr. BLACK. I ask for a division on the amendment.

Mr. WARREN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WALSH of Massachusetts. I ask that the amendment may be again read.

The PRESIDING OFFICER. The amendment will be again stated.

The amendment was again stated.

The Chief Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. In his absence, I withhold my vote.

Mr. TYSON. I have a general pair with the senior Senator from West Virginia [Mr. GOFF]. I transfer that pair to the Senator from North Carolina [Mr. SIMMONS] and vote "yea."

Mr. WALSH of Massachusetts (when his name was called). Upon this question and for the day I have a pair with the Senator from Illinois [Mr. DENEEN]. I transfer that pair to the Senator from New Jersey [Mr. EDWARDS] and vote "yea."

Mr. GERRY. I have a pair with the junior Senator from New Mexico [Mr. CUTTING] and therefore withhold my vote.

Mr. McLEAN (after having voted in the negative). I transfer my general pair with the junior Senator from Virginia [Mr. GLASS] to the junior Senator from Maine [Mr. GOULD] and let my vote stand.

Mr. REED of Pennsylvania (after having voted in the negative). I transfer my pair with the Senator from Delaware [Mr. BAYARD] to the Senator from Vermont [Mr. GREENE] and let my vote stand.

Mr. JONES. I wish to announce that the Senator from Vermont [Mr. DALE] is paired with the Senator from Maryland [Mr. TYDINGS].

Mr. GERRY. I wish to announce that the Senator from Missouri [Mr. REED], the Senator from Montana [Mr. WALSH], the Senator from Louisiana [Mr. RANSDELL], the Senator from Mississippi [Mr. STEPHENS], the Senator from Nevada [Mr. PITTMAN], the Senator from North Carolina [Mr. SIMMONS], and the Senator from Delaware [Mr. BAYARD] are detained from the Senate on official business.

The result was announced—yeas 40, nays 30, as follows:

YEAS—40

Ashurst	Ferris	McKellar	Smith
Barkley	Frazier	McMaster	Steck
Black	George	Mayfield	Swanson
Blaine	Harris	Neely	Thomas
Borah	Harrison	Norris	Trammell
Bratton	Hayden	Nye	Tyson
Brookhart	Heflin	Overman	Wagner
Bruce	Howell	Robinson, Ark.	Walsh, Mass.
Caraway	King	Sheppard	Waterman
Dill	La Follette	Shipstead	Wheeler

NAYS—30

Bingham	Fess	McNary	Schall
Blease	Gillett	Moses	Smoot
Broussard	Hale	Oddie	Steiwer
Capper	Hawes	Phipps	Warren
Copeland	Jones	Pine	Watson
Couzens	Kendrick	Reed, Pa.	Willis
Curtis	Keyes	Robinson, Ind.	
Edge	McLean	Sackett	

NOT VOTING—24

Bayard	Fletcher	Greene	Reed, Mo.
Cutting	Gerry	Johnson	Shortridge
Dale	Glass	Metcalf	Simmons
Deneen	Goff	Norbeck	Stephens
du Pont	Gooding	Pittman	Tydings
Edwards	Gould	Ransdell	Walsh, Mont.

So Mr. BLACK's amendment was agreed to.

Mr. BLACK. Mr. President, I have another amendment, which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 36, line 8, it is proposed to strike out "$13,688,750" and insert "$13,538,750," and to add thereto the following:

Provided, That not more than $113,200 be paid out of this appropriation for lawyer fees for the 12 months next following the passage of this act.

Mr. BLACK. Mr. President, I desire to explain very briefly the purpose of this amendment.

Mr. WARREN. I should be glad to have the amendment read again.

Mr. BLACK. I might state the purpose of the amendment so that the Senator can understand it better, perhaps, than from the language of the amendment itself.

The amendment provides for a reduction of the total appropriation for the Shipping Board in the sum of $150,000, and then takes that $150,000 off the amount that was spent for lawyers last year, and provides that no more than $113,000 shall be spent for lawyers' fees. That is for this purpose, which I desire very briefly to explain:

I believe that an examination of the report made to the Appropriations Committee of the House will disclose to any impartial man that there have been at least four lawyers employed by the Shipping Board when it might have done with one; and I consider that this employment of persons who have nothing to do simply amounts to taking money out of the pockets of the taxpayers in order to contribute it to some people who may have enough influence to secure positions. It does not help the shipping business. It does worse than that; it hangs an impediment around the neck of the Government by thus employing useless individuals who have nothing to do, and whose chief occupation is in drawing a monthly salary.

I consider that it is no more and no less than rank organized robbery to place people in a position where they draw public money when there is not the slightest necessity for their doing so; and to state that you can have a business which has only 438 lawsuits disposed of in one year and that it required 48 lawyers to do it, at an expense of $288,000, is entirely too much for the average individual to swallow.

In addition to that, they employ special attorneys to try every case that is tried outside of Washington and New York. That was done in my own State of Alabama. It is done, according to the report of the Shipping Board to the Appropriations Committee of the House, in every important lawsuit that they have. Not only that, but the Attorney General of the United States and his department have charge of those prosecutions and defenses, and the whole thing narrows down to this:

There has grown up an incubus there of useless lawyers, drawing enormous salaries, with nothing to do. There is no hope for the economy which has been promised by the present administration unless somebody votes to cut off these useless employees. It is simply a step to aid the Government in the operation of the ships. The chief argument used—I ask the attention of those who supported the Jones bill—to defeat that bill was the argument that Government operation is unsuccessful because it fills up all the places with useless employees. That argument is sound and good; and unless we who are here, and who believe in the virtue of the Jones bill, are willing to lop off these useless employees, then the Jones bill is wrong and we ought to reverse our position.

For that reason, I ask for this reduction of the appropriation.

Mr. FLETCHER. Mr. President——

Mr. BLACK. I yield to the Senator.

Mr. FLETCHER. This wide latitude for the employment of lawyers rather tempts them to put up some sort of a defense in every case and fight it on for years and years, always keeping these lawyers employed; and as they are drawing salaries, instead of promoting the disposition of business in an economical and sensible way, it is a temptation to prolong litigation and keep up litigation just to have lawyers employed to fight it. It looks as though $113,000 a year ought to be sufficient for lawyers' fees for this board.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Alabama yield to me?

Mr. BLACK. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. The Senator from Alabama has made a somewhat careful study of this subject. I understand that his investigation into the question disclosed that during the last year, while there were a great many lawsuits pending, there were very few actual trials. The greater number of the cases were dismissed; then a large number were discontinued, and practically the remainder settled, so that there were only a very few trials. Can the Senator state how many trials occurred?

Mr. BLACK. It is impossible to state how many trials occurred, for this reason: They have settled—this statement is made in their report—before or after trial, but before final disposition was made, 239 cases; but it is natural to suppose that not a single one of those ever reached its destination in the highest court, for the reason that they state that all of them were settled. Not a single case, according to that record, was tried through to completion, except one which was presented to the Supreme Court by the Solicitor General of the United States, not by the attorneys of the Shipping Board.

Mr. ROBINSON of Arkansas. Of course, the fact that a case is dismissed or that it is settled does not necessarily imply inefficient management of the case.

Mr. BLACK. Not at all.

Mr. ROBINSON of Arkansas. But it would seem that, considering the number of cases that were brought, and the very few that were tried, the amount which the Senator's amendment proposes should be ample under this economical administration.

Mr. BLACK. I believe that if this economical administration should go out here in Washington and New York and attempt to hire a firm of lawyers, they could get for $25,000 a good firm to try every lawsuit they have—every one of them. Here, in order that we may be liberal at this time, until the Appropriations Committee goes further into the situation, I have left the leeway of $113,000; and if that is not enough money to take care of the disposition by settlement of 430 cases in one year, then I am mistaken as to what is sufficient to employ lawyers in the United States of America.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. BLACK].

The amendment was agreed to.

Mr. KING. Mr. President, I rise for the purpose of securing information.

I recall that when the committee, headed by the late Senator from Maine, Mr. Fernald, had charge of the Housing Corporation, and upon the floor he seemed to have charge of the appropriations for the Housing Corporation, he stated—that was four or five years ago—that the corporation was about to be wound up, and that it ought to be wound up, and ought to have been dissolved prior to the time he made the statement. Notwithstanding that, and the fact that years have gone by since that statement was made by a very able and very conscientious Senator, I find here an appropriation of $403,250 for a continuation of this organization for another year.

I ask, for information, as to the necessity of that appropriation, and why the Housing Corporation has not been wound up.

Mr. WARREN. Mr. President, first, let me say that the income of the Housing Corporation from various sources amounts to some six or eight or ten times the outgo—perhaps not quite so much as that. I can give the Senator the figures in a moment. The houses here, those that were particularly in the charge of the honorable Senator from Maine, are bringing in about $65,000 more than the outgo. As to the others, there are lands situated in various places, there are houses and mills and things of that kind; and the receipts from their disposition last year were something like a million and a quarter dollars.

The chairman of the Appropriations Committee took the same ground that the Senator does, that this corporation ought to be closed up. The chairman of the corporation said that he feared that in the condition in which things were, in view of the existence of certain obligations, far less than the real value would be received if the affairs were closed up at once, and that a little more time should be allowed. Of course, our committee had no authority to tell him how to proceed, but we asked that he proceed as rapidly as possible.

Mr. KING. I find here for the maintenance and operation and management of the hotels and restaurants in Washington $403,250, and $238,590 for personal services in the District of Columbia.

Mr. WARREN. The income derived from the Government hotels for the period under consideration aggregates $445,730.68, while the operating expenses for the enterprise were $393,967.47. Deposits therefore exceeded withdrawals by $51,763.21. That answers the Senator's question.

Mr. KING. Does that take into account insurance, deterioration, and interest on capital?

Mr. WARREN. Everything of every kind. But I might say that the United States does not insure, however.

Mr. KING. Is it the policy of the Government to keep this organization?

Mr. WARREN. No; it is not. It is just one of those matters which the Democratic administration initiated—I do not allege that they did wrong—and we are getting out of them as fast as we can, with proper economy, and saving as much as possible.

Mr. SMOOT. I will say to my colleague that there will be reported from the Committee on Public Buildings and Grounds, if not to-day, within a very few days, a bill to abolish the Government hotels; but up to the present time we have not been able to abolish them. We do not pay insurance and we do not take into consideration wear and tear. The sooner they are done away with the better. They ought to have been done away with some time ago.

Mr. KING. Mr. President, I knew that my colleague entertained the same idea as I did in that regard. The Senator from Wyoming was not quite accurate when he said that interest and deterioration had been taken into account.

Mr. SMOOT. That is never done in the case of the Government.

Mr. WARREN. That is a matter very much like the management of the restaurant here in the Capitol. Let me give the figures.

Mr. SMOOT. I hope that by another year those Government hotels will be out of the way and that the improvement of the plaza will at least be mapped out, so that we will know what it is going to be some time in the future.

Mr. WARREN. Mr. President, I will give the Senator a statement of the collections by the United States Housing Corporation during the fiscal year 1927. They totaled $2,288,055.04. Expenditures on account of these collections amounted to $84,872.82, or approximately 0.037 per cent.

Mr. SMOOT. Mr. President, I want to say also to my colleague that outside of the District of Columbia the Housing Corporation has a very much more difficult situation than exists here in the District. Here in the District we can tear the buildings down. During war time hundreds of houses were built and sold to individuals, to be paid for in monthly installments. I do not know how many there were of those; I can not remember, but there were many of them. My colleague will remember that little towns were built at that time. Those houses are being paid for in monthly installments. I have sometimes thought I would like to take each particular case up and examine it and see whether it would not be cheaper for the Government, in the end, to cancel the obligation, or turn it over to some other agency, and get what we could out of it.

Mr. WARREN. Let me inform the Senator that I have here the testimony on that subject given before the House Committee on Appropriations, as follows:

> Mr. WOOD. How many different pieces of property have you remaining undisposed of?
>
> Mr. WATSON. About 2,300 mortgages in force, and——
>
> Mr. REED. There are 2 houses undisposed of and about 267 pieces of vacant property.

Mr. KING. Mr. President, it seems to me this organization has existed too long, and the Government ought to have been able to dispose of its assets and wind it up long before this. I shall make no motion at this time, however, because obviously for the present the organization must exist until it makes disposition of these houses.

Mr. JONES. Mr. President, on page 17 there is a provision made for the Federal Trade Commission. The committee in the House reported a proviso to that provision, providing that none of the moneys herein appropriated shall be expended for certain purposes, and among them was a certain investigation of an economic character that apparently is being carried on by the Federal Trade Commission. That proviso went out on a point of order. The Senate committee heard testimony with reference to this matter, but we concluded not to propose an amendment, because of the language of this appropriation. The language is as follows:

> For all other authorized expenditures of the Federal Trade Commission in performing the duties imposed by law or in pursuance of law.

We thought that that language limited the expenditure of this money to purposes and objects authorized by law, and if they initiate investigations not authorized by law it is fully within the power of the Comptroller General to prevent the payment of the expenses of carrying them on. So we did not propose an amendment.

I want to call attention to this phase of the matter. In my judgment, from a hasty examination of the law, I do not believe there is any legal authority to carry on some of the investigations that have been ordered by the Federal Trade Commission without any suggestion from Congress, by resolution or otherwise, and I believe those investigations are outside of the authority reposed by law in the commission. That is a matter that could be determined by the Comptroller General.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. ROBINSON of Arkansas. Does the Senator imply that in his opinion the Federal Trade Commission has no authority to initiate an investigation?

Mr. JONES. The Federal Trade Commission I think has the authority to initiate certain kinds of investigations. I am inclined to think that they have initiated three or four kinds

of investigations that they were not authorized to carry on. But we came to the conclusion that that could be determined by the Comptroller General when the vouchers came in. There are certain investigations they have initiated which I do not believe come within the terms of the law, but not all. They may initiate some.

Mr. ROBINSON of Arkansas. The statement made by the Senator is so general that it would be difficult for the Senate to form a conclusion as to whether his position is correct or not.

Mr. JONES. That is true. I am not asking the Senate to form a conclusion about it. I am not going to propose any amendment to the bill, but I am just calling attention to that phase of it, and hope, at any rate, that the Comptroller General will investigate the vouchers pretty carefully when they come in.

Mr. KING. As I understood the Senator, neither the House nor the Senate has offered any amendment changing existing law.

Mr. JONES. No.

The VICE PRESIDENT. The bill is still as in Committee of the Whole and open to amendment. If there is no further amendment to be proposed, the bill will be reported to the Senate as amended.

The bill was reported to the Senate as amended.

Mr. KING. Mr. President, I move that the bill be recommitted to the Committee on Appropriations, with instructions to reduce the appropriation $25,000,000.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah.

The motion was rejected.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

INTERIOR DEPARTMENT APPROPRIATIONS

Mr. SMOOT. Mr. President, I ask that the Senate proceed to the consideration of House bill 9136, making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes.

The VICE PRESIDENT. The Senator from Utah asks unanimous consent to proceed to the consideration of House bill 9136. Is there objection?

Mr. ROBINSON of Arkansas. I would like to ask whether the Senator from Utah intends to proceed with the consideration of the bill this afternoon?

Mr. SMOOT. I want to do so. I wish to get through with the committee amendments, and there are not many of them.

Mr. MOSES. How about the unfinished business?

The VICE PRESIDENT. If the bill shall be taken up by unanimous consent, it will not displace the unfinished business.

Mr. ROBINSON of Arkansas. I am not making any objection to the request. I merely wanted to understand whether the Senator in charge of the bill expected to proceed with it this afternoon.

Mr. SMOOT. Yes; I would like very much to do so.

Mr. KING. Let me ask my colleague a question. If we proceed with the bill, will he be satisfied to take up and act upon the committee amendments, but not take a vote upon the bill until to-morrow morning, giving us a chance to examine it? I have been so occupied that I have not had a chance to examine the bill. I have no objection to proceeding, but not to go to the extent of denying Senators an opportunity to examine the bill to-night, and finally act upon it to-morrow.

Mr. SMOOT. I am satisfied with that course.

Mr. KING. Then I have no objection.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes, which had been reported from the Committee on Appropirations with amendments.

Mr. SMOOT. Mr. President, I ask that the formal reading of the bill be dispensed with and that the bill be read for action on the committee amendments.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading "Bureau of Indian Affairs, industrial assistance and advancement," on page 22, line 3, after the word "for," to strike out "expenses to be incurred" and insert "expenditures to be made," so as to make the paragraph read:

For transfer to the Geological Survey for expenditures to be made in supervising mining operations on restricted, tribal, and allotted Indian lands leased under the provisions of the acts of February 28, 1891, May 27, 1908, March 3, 1909, and other acts authorizing the leasing of such lands for mining purposes, $60,000 or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the subhead "Irrigation and drainage," on page 33, after line 10, to strike out:

Flathead irrigation project, Montana: The unexpended balance of the appropriation for continuing construction of the irrigation systems on the Flathead Indian Reservation, Mont., contained in the act of May 10, 1926 (44 Stat. L. 464–466), as continued available in the act of January 12, 1927 (44 Stat. L. 945), shall remain available for the fiscal year 1929, subject to the conditions and provisions of said acts: *Provided*, That the unexpended balance of the $395,000 available for continuation of construction of a power plant may be used, in the discretion of the Secretary of the Interior, for the construction and operation of a power-distributing system and for purchase of power for said project, but shall be available for that purpose only upon execution of an appropriate repayment contract as provided for in said acts: *Provided further*, That the net revenues derived from the operation of such distributing system shall be used to reimburse the United States in the order provided for in said acts: *Provided further*, That the Federal Power Commission is authorized, in accordance with the Federal water power act and upon terms satisfactory to the Secretary of the Interior, to issue a permit or permits or a license or licenses for the use, for the development of power, of power sites on the Flathead Reservation and of water rights reserved or appropriated for the irrigation projects: *Provided further*, That rentals from such licenses for use of Indian lands shall be paid the Indians of said reservation as a tribe, which money shall be deposited in the Treasury of the United States to the credit of said Indians, and shall draw interest at the rate of 4 per cent: *Provided further*, That the public notice provided for in the act of January 12, 1927, shall be issued by the Secretary of the Interior upon the 1st day of November, 1930: *Provided further*, That in his discretion the Secretary of the Interior may provide in such repayment contracts for covering into construction costs the operation and maintenance charges for the irrigation season of 1928 and all undistributed operation and maintenance cost, and may extend the time for payment of operation and maintenance charges now due and unpaid for such period as in his judgment may be necessary, not exceeding five years, the charges now due so extended to bear interest payable annually at the rate of 6 per cent per annum until paid, and to contract for the payment of the construction charges now due and unpaid within such term of years as the Secretary may find to be necessary, with interest payable annually at the rate of 6 per cent per annum until paid: *Provided further*, That not more than $35,000 of said reappropriated balance of $395,000 shall be immediately available for operation and maintenance, and $75,000 shall be available for construction of laterals near Ronan upon the execution of appropriate repayment contract as provided for in said acts.

Mr. SMOOT. Mr. President, I ask that that amendment may go over until the Senator from Montana [Mr. WALSH] is present. I call the attention of the Senator from Wisconsin [Mr. LA FOLLETTE] to the fact that this amendment involves the Flathead project.

The PRESIDENT pro tempore. The amendment will be passed over.

The next amendment was, under the subhead "Education," on page 45, line 12, after the name "Oregon," to insert "to be immediately available," so as to read:

For construction, lease, purchase, repair, and improvement of school buildings, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, $398,000: *Provided*, That not more than $7,500 out of this appropriation shall be expended for new construction at any one school or institution unless herein expressly authorized: *Provided further*, That from this appropriation new construction is authorized as follows: For central heating and power plant, Eastern Navajo School, not to exceed $37,000; for remodeling, improving, and enlarging the Rice Station Boarding School, San Carlos Reservation, Ariz., including equipment, $49,323; for a day school for the Choctaw Indians of Mississippi, $10,000; for central heating plant and water supply, Seneca Indian School, Oklahoma, $35,000; and for the construction and equipment of a school building in or near Burns, Oreg., to be immediately available, $8,000.

The amendment was agreed to.

Mr. THOMAS. Mr. President, I desire to submit an amendment on page 45.

The PRESIDENT pro tempore. The Chair will state for the information of the Senator from Oklahoma that under the unanimous-consent agreement the Senate is considering now only committee amendments. Full opportunity will be afforded the Senator from Oklahoma later to submit his amendment.

Mr. THOMAS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Oklahoma will state the parliamentary inquiry.

Mr. THOMAS. Will it be agreeable to have the amendment presented at our next session?

Mr. SMOOT. To-morrow?

Mr. THOMAS. Yes.

Mr. SMOOT. Certainly.

The PRESIDENT pro tempore. It may be presented at any time after the committee amendments have been disposed of.

Mr. SMOOT. We will probably not dispose of the bill to-night.

Mr. KING. Might it not be a good idea to have the amendment read so that we may be advised of its contents?

The PRESIDENT pro tempore. The Chair understands that the amendment has been printed. The clerk will state the next amendment of the committee.

The next amendment of the Committee on Appropriations was, under the subhead "Conservation of health," on page 57, line 18, after the words "for support and," to strike out "civilization" and insert "administration," so as to read:

There shall be available for health work among the several tribes of Indians not exceeding $250,000 of the tribal trust funds authorized elsewhere in this act for support and administration of Indians.

The amendment was agreed to.

The next amendment was, under the subhead "General support and administration," on page 61, line 23, after the name "Klamath," to strike out "$185,000" and insert "$164,000"; and in line 26, after the words "in all," to strike out "$224,800" and insert "$203,800," so as to read:

Oregon: Klamath, $164,000, of which $10,000 may be used for construction, repair, and improvement of buildings at the agency plant; Umatilla, $9,800; Warm Springs, $30,000; in all, $203,800.

The amendment was agreed to.

The next amendment was, on page 62, line 16, after the figures "$7,000," to strike out "may be used" and insert "shall be immediately available," so as to read:

Wyoming: Shoshone, $80,000, of which $7,000 shall be immediately available for the installation of a hydroelectric plant and appurtenances, and the wiring of buildings.

The amendment was agreed to.

The next amendment was, on page 62, at the end of line 20, to change the total appropriation for general support and administration of Indians and Indian property, etc., from $1,489,900 to $1,468,900.

The amendment was agreed to.

The next amendment was, under the subhead "Roads and bridges," on page 66, line 16, after the figures "$100,000," to insert "to be immediately available," so as to make the paragraph read:

For one-half the cost of construction of a road between Cooley and Whiteriver, on the Fort Apache Indian Reservation, Ariz., as authorized by the act of April 12, 1924 (43 Stat. L. 93), $100,000, to be immediately available, payable from funds of the Indians of said reservation on deposit to their credit in the Treasury.

The amendment was agreed to.

The next amendment was, on page 67, after line 11, to insert:

For maintenance and repair of that portion of the Gallup-Shiprock Highway within the Navajo Reservation, N. Mex., $20,000, reimbursable as provided in the act of June 7, 1924.

Mr. KING. Mr. President, may I inquire if that amendment has been accepted by the Senators from New Mexico?

Mr. SMOOT. Yes. It passed the committee of the House and the committee of the Senate, and also has been agreed upon by the full committee.

Mr. KING. Did the Senators from New Mexico agree to it?

Mr. SMOOT. It is one of their propositions.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the subhead "Annuities and per capita payments," on page 69, line 21, before the words "per capita payment," to strike out "$100" and insert "$200"; and at the end of line 24, after the word "purpose," to insert a comma and "to be immediately available," so as to read:

The Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to make a $200 per capita payment to the Menominee Indians of Wisconsin from their funds on deposit in the Treasury of the United States, a sufficient amount of which is hereby appropriated for the purpose, to be immediately available.

Mr. KING. Mr. President, may I inquire of the Senator whether it was desired by the Indians to increase the appropriation?

Mr. SMOOT. Some of the Indians requested that it be made a larger amount, but the $200 per capita payment was suggested by the Senator from Wisconsin [Mr. LA FOLLETTE] and also agreed to by all the Senators interested in the Indian affairs of the country. The Indians have sufficient money to have made this a larger amount. It is in the Treasury of the United States; but the committee unanimously decided, after the Senator from Wisconsin spoke about the matter to the committee, to increase the $100 to $200 per capita.

Mr. KING. I have no objection if it is agreeable to those who have the interests of the Indians at heart and to the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. President, I merely desire to state that the per capita payment comes out of the Menominee Indian fund. It is not a gratuity appropriation. It is desired by the Indians in order that they may have funds immediately available with which to prepare for their spring planting and other operations, and also to provide additional money for the aged and indigent Indians on the reservation.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. JONES. Mr. President, I do not know whether the amendment on page 33 was passed over.

The PRESIDENT pro tempore. That amendment was passed over.

Mr. JONES. That is all right. The Senator from Montana [Mr. WALSH] is necessarily absent on official business.

The next amendment of the Committee on Appropriations was, under the heading "Bureau of Pensions, salaries," on page 70, line 16, after the numerals "1923," to strike out "$1,150,000" and insert "$1,165,000, of which $15,000 shall be immediately available," so as to read:

For the Commissioner of Pensions and other personal services in the District of Columbia in accordance with "the classification act of 1923," $1,165,000, of which $15,000 shall be immediately available.

Mr. KING. Mr. President, an examination of the activities of the Pension Bureau shows that the number of pensioners is growing less and that the work of the Pension Bureau is less now than it has been for a number of years. It does seem to me that there ought to be a diminution in the amount appropriated to pay the expenses of that bureau.

I might say, however, in passing that the Pension Bureau is to be congratulated because of its economies when we take into account that it has handled as much as $250,000,000 to $260,000,000 and distributed it among 800,000 people with an expenditure of $2,000,000 or $3,000,000 a year for the operation of that bureau. Yet in the bill which we passed a little while ago for the Veterans' Bureau $40,000,000 was appropriated in one lump sum for operating expenses and $30,000,000 plus for other operating expenses, so that out of the $497,000,000 carried by that bill approximately $70,000,000 goes for salaries and compensation and for administrative purposes in the Veterans' Bureau. I repeat that the Pension Bureau has been economically administered, if the other organization is a standard.

Mr. SMOOT. I might add to what my colleague said that all of the cases, which are virtually pension cases, coming to the Veterans' Bureau are examined by the Pension Bureau. I think myself the expenses of the Pension Bureau, taking into consideration the amount of money that they handle and the very large number of cases they have to pass upon, are as economically administered as any bureau in the Government.

Mr. KING. I share the views of my colleague. I was wondering why the Veterans' Bureau, with a smaller number of cases than the maximum number handled by the Pension Bureau, should cost nearly $70,000,000, whereas the Pension Bureau, as I recall, never exceeded more than two or three million dollars at any time when it was handling the maximum number of cases. The disparity, it seems to me, is unwarranted, and yet I am not on the committee and not able to determine whether there has been economy or not. It does seem to me, however, that in the Veterans' Bureau too much money is expended for operating expenses. General Hines, whom I know, is a man of integrity and a man pledged to economy. He is a good administrator and, of course, must have reasons for the heavy expenses. But it does seem to me that there ought to be some effort made to reduce the expenses in the Veterans' Bureau, especially the administrative expenses. Forty million dollars plus $30,000,000 for administration is too

much. The Pension Bureau has set a good example in economy, and I think is worthy of all praise.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the heading "Bureau of Reclamation," on page 72, line 9, after the name "District of Columbia," to strike out "$23,000; in all, $168,000" and insert "$27,000; in all, $172,000," so as to read:

Commissioner of Reclamation, $10,000; and other personal services in the District of Columbia in accordance with "the classification act of 1923," $135,000; for office expenses in the District of Columbia, $27,000; in all, $172,000.

The amendment was agreed to.

The next amendment was, on page 72, line 19, after the word "exceed," to strike out "$160,000" and insert "$170,000"; in line 20, before the words "for other expenses," to strike out "$25,000" and insert "$30,000"; in line 24, before the words "for other expenses," to strike out "$10,000" and insert "$13,000"; and on page 73, line 2, after the word "exceed," to strike out "$20,000" and insert "$25,000," so as to read:

For all expenditures authorized by the act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, known as the reclamation law, and all other acts under which expenditures from said fund are authorized, including not to exceed $170,000 for personal services and $30,000 for other expenses in the office of the Chief Engineer, $25,000 for telegraph, telephone, and other communication service, $8,000 for photographing and making photographic prints, $50,000 for personal services, and $13,000 for other expenses in the field legal offices; examination of estimates for appropriations in the field; refunds of overcollections and deposits for other purposes; not to exceed $25,000 for lithographing, engraving, printing, and binding; purchase of ice; purchase of rubber boots for official use by employees; maintenance and operation of horse-drawn and motor-propelled passenger-carrying vehicles; not to exceed $40,000 for purchase of horse-drawn and motor-propelled passenger-carrying vehicles; packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of station, under regulations to be prescribed by the Secretary of the Interior; payment of damages caused to the owners of lands or other private property of any kind by reason of the operations of the United States, its officers or employees, in the survey, construction, operation, or maintenance of irrigation works, and which may be compromised by agreement between the claimant and the Secretary of the Interior, or such officers as he may designate; payment for official telephone service in the field hereafter incurred in case of official telephones installed in private houses when authorized under regulations established by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 75, line 11, after the word "maintenance," to strike out "$255,000" and insert "$280,000"; in line 12, after the figures "$20,000," to strike out "in all, $275,000" and insert "for continuation of construction of protective works at Picacho and unnamed washes, $30,000; in all, $330,000," so as to read:

Yuma project, Arizona-California: For operation and maintenance, $280,000; for continuation of construction of drainage, $20,000; for continuation of construction of protective works at Picacho and unnamed washes, $30,000; in all, $330,000.

The amendment was agreed to.

The next amendment was, in the item for the Yuma auxiliary project, on page 75, line 19, after the numerals "1929," to strike out the colon and the following additional proviso:

Provided further, That not to exceed $25,000 from the power revenues shall be available during the fiscal year 1929 for the operation and maintenance of the commercial system.

The amendment was agreed to.

The next amendment was, on page 76, line 17, after the word "works," to strike out "$29,000" and insert "$79,000"; in line 18, after the figures "$1,075,000," to strike out the colon and "*Provided*, That not to exceed $46,000 from the power revenues shall be available during the fiscal year 1929 for the operation of the commercial system; in all, $1,104,000," and insert "in all, $1,154,000," so as to read:

Minidoka project, Idaho: For operation and maintenance, reserved works, $79,000; continuation of construction, $1,075,000; in all, $1,154,000.

The amendment was agreed to.

Mr. KING. Mr. President, I would like to ask the Senator in charge of the bill the reason for this increase in the appropriation for the Minidoka project. That project has been receiving enormous appropriations for many years. The project when it first started was to cost $29 an acre for water for the settlers. My understanding is that that amount has been doubled and more than doubled. Probably the cost now to the settlers for drainage and for water will approximate $80 an acre. I thought this proposition had been wound up, but here we find this increased amount of $1,075,000 for continuing the work upon the Minidoka project. Is it never to end? Will it never be completed?

Mr. SMOOT. Mr. President, I do not know just how soon it will be completed, but it is not completed up to date. The authorization was made some years ago. This amount will have to be used this year for the further continuation of the construction of the project. It is one of the reclamation projects, I will say to my colleague, and they all take a lot of time. I wish we had money enough to complete them all as quickly as possible, but the money that is appropriated is paid back yearly by the farmers upon the projects, and it comes in very slowly as compared with the amount we have to expend.

The amendment was agreed to.

The next amendment was, on page 77, line 6, after the word "maintenance," to strike out "$27,000" and insert "$32,000"; and in line 7, after the words "in all," to strike out "$44,000" and insert "$49,000," so as to read:

Milk River project, Montana: For operation and maintenance, $32,000; continuation of construction, $17,000; in all, $49,000.

The amendment was agreed to.

The next amendment was, on page 77, line 19, after the names "Nebraska-Wyoming," to strike out "Not to exceed $75,000 from the power revenues shall be available during the fiscal year 1929 for the operation and maintenance of the commercial system" and insert "For operation and maintenance of reserved works, $75,000," so as to read:

North Platte project, Nebraska-Wyoming: For operation and maintenance of reserved works, $75,000.

The amendment was agreed to.

The next amendment was, on page 80, line 4, after the word "maintenance," to strike out "$30,000" and insert "$50,000"; in line 7, after the word "year," to strike out "1928" and insert "1926"; in the same line, after the word "reappropriated," to strike out the colon and "*Provided*, That not to exceed $20,000 from the power revenues shall be available during the fiscal year 1929 for the operation and maintenance of the commercial system; in all, $430,000" and insert "in all, $450,000," so as to read:

Riverton project, Wyoming: For operation and maintenance, $50,000; continuation of construction under force account, $400,000, together with the unexpended balance of the appropriation for this purpose for the fiscal year 1926, which is hereby reappropriated; in all, $450,000.

The amendment was agreed to.

The next amendment was, on page 80, line 14, after the figures "$25,000," to strike out "in all, $160,000," and insert "for operation and maintenance of the power plant, $20,000; in all, $180,000"; and in line 20, after the figures "$21,000," to strike out the colon and "*Provided further*, That not to exceed $15,000 from the power revenues shall be available during the fiscal year 1929 for the operation and maintenance of the commercial system," so as to read:

Shoshone project, Wyoming: For continuation of construction of drainage, Garland division, $115,000; Frannie division, $20,000; Willwood division, $25,000; for operation and maintenance of the power plant, $20,000; in all, $180,000: *Provided*, That of the unexpended balance of the appropriation for this project for the fiscal year 1927 there is reappropriated for operation and maintenance of the Frannie division, $11,000; and of the Willwood division, $10,000; in all, $21,000.

The amendment was agreed to.

The next amendment was, on page 82, at the end of line 17, to change the total appropriation from the reclamation fund from "$12,614,000" to "$12,843,000."

The amendment was agreed to.

The next amendment was under the heading "Geological Survey," on page 85, line 24, after the word "station," to strike out the comma and "including not to exceed $6,000 for additional equipment, $12,000; in all, $209,000," and insert "and other base-gauging stations in the Colorado River drainage, $50,000; in all, $247,000," so as to read:

For gauging streams and determining the water supply of the United States, the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, $197,000; for operation and maintenance of the Lees Ferry, Ariz., gauging station, and other base-gauging stations in the Colorado River drainage, $50,000; in all, $247,000, of which amount not to exceed $70,000 may be expended for personal services in the District

of Columbia, and of which $25,000 may be used to test the existence of artesian and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells.

The amendment was agreed to.

The next amendment was, on page 86, line 21, after the word "laws," to strike out "$160,000" and insert "$180,000"; and in line 22, after the word "exceed," to strike out "$110,000" and insert "$120,000," so as to read:

For the examination and classification of lands requisite to the determination of their suitability for enlarged homesteads, stock-raising homesteads, public watering places, and stock driveways, or other uses, as required by the public land laws, $180,000, of which amount not to exceed $120,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 88, at the end of line 13, to change the total appropriation for the United States Geological Survey from $1,758,080 to $1,816,080.

The amendment was agreed to.

The next amendment was, under the heading "National Park Service," on page 96, line 9, after the word "and," to insert "$2,250," so as to make the paragraph read:

Yosemite National Park, Calif.: For administration, protection, and maintenance, including not exceeding $5,350 for the purchase, maintenance, operation, and repair of horse-drawn and motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, not exceeding $3,200 for maintenance of that part of the Wawona Road in the Sierra National Forest between the park boundary 2 miles north of Wawona and the park boundary near the Mariposa Grove of Big Trees, and not exceeding $2,000 for maintenance of the road in the Stanislaus National Forest connecting the Tioga Road with the Hetch Hetchy Road near Mather Station, and including necessary expenses of a comprehensive study of the problems relating to the use and enjoyment of the Yosemite National Park, and the preservation of its natural features, $290,000; for construction of physical improvements, $97,250, of which not to exceed $65,000 shall be available for water supply and camp-ground facilities at Glacier Point, $8,000 for two comfort stations and two community buildings at the winter camp grounds, $6,000 for two employees' cottages, and $2,250 for the construction of a building to cover the sewage-disposal tanks; in all, $387,250.

The amendment was agreed to.

The next amendment was, on page 97, line 12, after the words "residence for the," to strike out "superintendent" and insert "custodian"; and in line 17, after the word "monument," to insert "or for the purchase and installation of a power unit for lighting the cave," so as to make the paragraph read:

Carlsbad Cave National Monument, N. Mex.: For administration, protection, maintenance, development, and preservation, including not exceeding $1,500 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the custodian and employees in connection with general monument work, $36,500; for construction of physical improvements, $33,500, including not exceeding $2,500 for a ranger cabin, $5,000 for a residence for the custodian, to be constructed in Carlsbad, N. Mex., on a site donated therefor, $2,000 for a garage and supply room, $13,000 for construction and installation of power transmission line between Carlsbad, N. Mex., and the cave, within and without the national monument, or for the purchase and installation of a power unit for lighting the cave; in all, $70,000.

The amendment was agreed to.

The next amendment was, under the heading "Freedmen's Hospital," on page 114, in line 6, after the figures "$474,500," to strike out the comma and "of which amount one-half shall be chargeable to the District of Columbia and paid in like manner as other appropriations of the District of Columbia are paid," so as to read:

For officers and employees and compensation for all other professional and other services that may be required and expressly approved by the Secretary of the Interior, $142,000; for subsistence, fuel and light, clothing, to include white duck suits and white canvas shoes for the use of internes, and rubber surgical gloves, bedding, forage, medicine, medical and surgical supplies, surgical instruments, electric lights, repairs, replacement of X-ray apparatus, furniture, motor-propelled ambulance, including not exceeding $200 for the purchase of books, periodicals, and newspapers for which payments may be made in advance, and not to exceed $1,000 for the instruction of pupil nurses, and other absolutely necessary expenses, $80,500; for an addition to, and remodeling of, the nurses' home, including necessary equipment, $150,000; for remodeling and enlarging power plant, including necessary equipment, $52,000; for remodeling and enlarging dining room and kitchen, including necessary equipment, $32,000; for enlarging employees' quarters, $8,000; for installation of new elevators, $10,000; in all, $252,000, including cost of advertising for proposals, preparation of plans, and supervision of work; to be immediately available. In all, for Freedmen's Hospital, $474,500.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDENT pro tempore. This concludes the committee amendments except the amendment passed over.

Mr. SMOOT. Mr. President, I have some other amendments which I wish to offer.

The PRESIDENT pro tempore. Further amendments on behalf of the committee are in order.

Mr. SMOOT. I submit the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be read for the information of the Senate.

The CHIEF CLERK. On page 46, line 17, after the numerals "$208,000," insert the following proviso:

Provided, That the Secretary of the Interior is hereby authorized and directed to change and relocate the boundaries of the old Fort Apache Military Reservation, Ariz., now occupied by the Theodore Roosevelt Indian School by transferring such areas to the Fort Apache Indian Reservation as he may deem advisable by reason of the use and/or occupancy of a part thereof by Apache Indians and to transfer an approximately equal area of lands of the Fort Apache Indian Reservation to the Theodore Roosevelt Indian School reservation, such exchanges of land to be made in accordance with surveys based upon the Salt River base and meridian, the expenses of such surveys to be paid from appropriations for the survey of Indian lands.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Utah in behalf of the committee.

Mr. LA FOLLETTE. Mr. President, I would like to ask the Senator from Utah to explain the amendment.

Mr. SMOOT. It was authorized by the committee to be reported as a committee amendment. I call the attention of the Senator from Arizona to the amendment.

Mr. HAYDEN. Mr. President, this amendment refers to an old military reservation at Fort Apache, now used as an Indian boarding school. It was found that within the limits of that old military reservation were certain lands occupied by Indians for agricultural purposes. The management of the school indicated a desire to remove some of them off their old homes. In order to correct a possible injustice the Secretary of the Interior is authorized by the amendment to rearrange the boundaries so that the agricultural lands occupied by Indians may be excluded from the reservation and other lands of equal area included for the use of the school.

Mr. LA FOLLETTE. Mr. President, with that explanation, I have no objection to the amendment.

Mr. NORRIS. Mr. President, I should like to ask the Senator from Arizona if the lands occupied by the Indians are a part of the reservation?

Mr. HAYDEN. Yes.

Mr. NORRIS. How do they happen to be occupying those lands?

Mr. HAYDEN. They were there when the military reservation was created during the Apache Indian wars. The Army post was established many years ago.

Mr. NORRIS. What is their title? How do they happen to be there?

Mr. HAYDEN. They lived there; and the War Department used as a military post an area a certain distance each way from the flagpole. The Indians were not disturbed by the soldiers after the military reservation was created.

Mr. NORRIS. Mr. President, there are so many Senators talking that, although the Senator from Arizona is speaking loud enough, we can not hear him.

The PRESIDENT pro tempore. Senators will suspend debate, and all Senators will suspend conversation. The Senator from Arizona has the floor.

Mr. HAYDEN. Mr. President, a few years ago Congress provided for the transfer of this military reservation from the War Department to the Interior Department for Indian-school purposes. When the school was established the superintendent of the school thought it desirable to use some of this land for school purposes. If that were done, it would disturb certain old Indians who had been living on the military reservation for many years; in fact, their ancestors had lived there before the reservation was established. It is not necessary to move these Indians from their lands in order that they may be used for school purposes, for other lands not occupied by Indians may be used by the school. All that this amendment proposes is to authorize the Secretary of the Interior to rearrange the boundaries so as to exclude from the military reservation and add to the Indian reservation which surrounds the lands occupied by Indians and to incorporate in the school reservation for

school purposes certain tracts of land adjacent to the school now a part of the Indian reservation.

Mr. NORRIS. As I understand, then, under this amendment, if it shall be adopted, the Indians who have been living there for several generations will still remain there?

Mr. HAYDEN. They will remain there, and have their homes on the Indian reservation, instead of within an old military reservation.

Mr. NORRIS. They will not have to be moved?

Mr. HAYDEN. No; to prevent their removal is the purpose of the amendment.

Mr. NORRIS. In other words, those Indians have a good title, I presume, by long occupancy?

Mr. HAYDEN. Yes; and one which I believe should be recognized. This amendment, if adopted, will do that.

Mr. NORRIS. This recognizes their title?

Mr. HAYDEN. Exactly so.

Mr. COPELAND. Mr. President, is this project understood by the Indians?

Mr. HAYDEN. Yes. I met the members of the tribe in council and talked the matter over with them while I was there last year. The Indians understand it; the school superintendent understands it; and the Indian agent understands it. The school is under the jurisdiction of the Secretary of the Interior, and the Indian reservation is also under his jurisdiction.

Mr. COPELAND. How did it ever happen that such a cruel thing was proposed to be done to these Indians?

Mr. HAYDEN. The school superintendent can not be justly criticized for his desire to secure the use of land within the school reservation for a school farm.

Mr. COPELAND. And it did not make any difference about the Indians, whether they suffered or not?

Mr. HAYDEN. They protested that they had lived there always, that it was not necessary to take their land from them; and I do not believe that it is necessary. At the same time, everyone who has the good of the school at heart is enthusiastic about the development of a suitable school farm, where instruction in agriculture can be given to the pupils.

Mr. COPELAND. But even Indian rights ought to be preserved.

Mr. SMOOT. That is what we are proposing to do.

Mr. SWANSON. Let me ask the Senator how much land is involved?

Mr. HAYDEN. About 1,000 acres is the area of the school reservation, which will remain about the same size after the exchanges of lands are made by the Secretary of the Interior.

Mr. SMOOT. It is worth about $1.25 an acre.

Mr. KING. Mr. President, may I ask a question of the Senator from Arizona?

Mr. HAYDEN. Certainly.

Mr. KING. There is some controversy over an item in the bill relating to the San Carlos Reservation, which is an Apache reservation. Does this amendment in any way relate to that controversy or affect the water rights upon the Apache Reservation at San Carlos?

Mr. HAYDEN. The pending amendment relates to the Fort Apache Indian Reservation. The Senator refers to the San Carlos Apache Reservation, a totally different place, the two places being about 75 miles apart.

Mr. KING. I know that they are 75 miles apart, and yet there is a controversy.

Mr. HAYDEN. There is no connection between the two propositions at all.

Mr. KING. I am very glad to be assured of that, but notwithstanding that the San Carlos Reservation is 75 miles distant from the Fort Apache Reservation, there is a controversy growing out of water rights.

Mr. HAYDEN. That is entirely another matter, which we will discuss in due time.

Mr. SMOOT. That will come up later.

Mr. BRUCE. Is this other matter dealt with in this bill?

Mr. HAYDEN. Yes; it will be reached shortly, I presume.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Utah on behalf of the committee.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I offer another amendment.

The PRESIDENT pro tempore. The Senator from Utah, on behalf of the committee, proposes an amendment, which will be read for the information of the Senate.

The CHIEF CLERK. On page 50, line 12, it is proposed to strike out "in all, $83,000," and to insert a semicolon and the following:

For the purchase of additional land, $10,000; in all, $93,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Utah in behalf of the committee.

Mr. NORRIS. Mr. President, I should like to have the Senator from Utah explain the amendment.

Mr. SMOOT. It refers to the Sequoyah Orphan Training School in Oklahoma. The land proposed to be purchased is restricted in area and is farming land. The Senator from Oklahoma [Mr. THOMAS] appeared before the committee and stated that it was necessary to secure more land; that the land that it was intended to purchase was worth about $60 an acre; that it is agricultural land and will be farmed by the students at the orphan-training school. We were assured, not only by the Senator from Oklahoma but by the department itself, that if we would appropriate this money for the purchase of that land it would be of wonderful assistance in teaching the orphan Indians how to farm, and that the products of their farming would be of advantage to the Indians. We decided to give the appropriation of $10,000 for the purchase of additional land for the school, the land being worth, as I have said, about $60 an acre.

Mr. LA FOLLETTE. Is that a gratuity appropriation, may I ask the Senator?

Mr. SMOOT. It is, I will say to the Senator.

Mr. NORRIS. Mr. President, I should like to have the amendment again stated. Then I shall wish to ask the Senator from Utah a question.

The PRESIDENT pro tempore. The amendment will be again reported for the information of the Senate.

The CHIEF CLERK. On page 50, line 12, it is proposed to strike "in all, $83,000" and to insert in lieu thereof a semicolon and the words "for the purchase of additional land, $10,000; in all, $93,000."

Mr. NORRIS. Now, I should like to ask the Senator a question. I notice an item which reads—

for pay of superintendent, drayage, and general repairs, and improvements, $11,000.

How much of that $11,000 is for the pay of the superintendent?

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Utah yield to me, if he has the floor, or will the Senator from Nebraska yield to me if he is in possession of the floor?

Mr. NORRIS. I have the floor, and I yield to the Senator.

Mr. ROBINSON of Arkansas. I understand that the beneficiaries of the arrangement contemplated by this amendment are Indian orphans, that the object is to afford them opportunity for training, and at the same time to assist in their own maintenance and support?

Mr. SMOOT. That is the object of the appropriation.

Mr. ROBINSON of Arkansas. Being inmates of the orphan school, of course, they themselves are without means?

Mr. NORRIS. Yes; and it becomes quite important, I think, that all being true, to know how much money is being paid for the superintendent; what kind of a man he is, and so forth; whether he is worth the salary he is getting.

Mr. ROBINSON of Arkansas. As I understand, no part of the sum proposed to be appropriated by the amendment is available for the payment of salaries.

Mr. NORRIS. The $11,000 item is.

Mr. SMOOT. The item of $11,000 is for paying of superintendent, drayage, repairs, and improvements, but none of the $10,000 proposed by the amendment can be paid for any of those purposes.

Mr. ROBINSON of Arkansas. The sum carried by the amendment is to be devoted to the purchase of additional land. Of course, the other items, including expenses of administration, come out of the appropriation referred to by the Senator from Nebraska.

Mr. SMOOT. As I have said, $11,000 is provided for pay of superintendent, drayage, and general repairs and improvements of the school building. I will say to the Senator that the superintendent is paid $2,400.

Mr. NORRIS. Can the Senator give us an idea as to whether the superintendent is qualified to have charge of an orphan asylum of this kind?

Mr. SMOOT. I would rather have the Senator from Oklahoma [Mr. THOMAS] answer that question.

Mr. NORRIS. Very well; let us ask the Senator from Oklahoma.

Mr. SMOOT. I presume he knows the superintendent, but I do not know him.

Mr. NORRIS. Is the Senator from Oklahoma acquainted with the superintendent of this orphan school?

Mr. THOMAS. No.

Mr. NORRIS. What are his qualifications?

Mr. THOMAS. This matter comes under the Indian Bureau. The institution is, as has been said, an orphan home and school; it is limited to orphans of the restricted class of Indians. The land on which the school is now located is not good for farming purposes, and it is desired to add to the present holdings some farming land so that these orphan Indians may have the benefit of an agricultural education. At the same time it is thought that by increasing the acreage susceptible of cultivation the children may be able, at least partly, to sustain themselves by the products which may be grown on the land.

Mr. NORRIS. I will say to the Senator from Oklahoma that I am not trying to find fault or criticize the establishment or the maintenance of this orphan school, but it occurred to me that it might be well to inquire as to the qualifications of those who are in charge of it. I wanted some information in regard to the superintendent. I am wondering about his salary. Is it the regular salary paid to superintendents of such Indian institutions?

Mr. SMOOT. I think, taken as a whole, it is about the same.

Mr. NORRIS. Is he under civil service?

Mr. SMOOT. All such officers are under civil service.

Mr. NORRIS. If he is paid $2,400, what will that leave of the appropriation?

Mr. SMOOT. Deducting the $2,400 from the $11,000 appropriation would leave $8,600.

Mr. NORRIS. So that $8,600 is to be divided up amongst the items of drayage, which I suppose does not amount to very much, and general repairs and improvements.

Mr. SMOOT. Yes.

Mr. NORRIS. Can the Senator give us an idea as to what kind of improvements are contemplated?

Mr. SMOOT. I do not know whether there was a statement of that in the hearing. I will see. Nothing was said on that subject before the Senate committee. There was an average attendance of 297 during September.

Mr. LA FOLLETTE. Mr. President, we can not hear the conversation between the Senator from Utah and the Senator from Nebraska.

The PRESIDENT pro tempore. On behalf of the Senator from Wisconsin, the Chair invites the Senator from Utah and the Senator from Nebraska to raise their voices. [Laughter.]

Mr. NORRIS. Mr. President, on behalf of the Senator from Nebraska and the Senator from Utah, I should like to ask the Chair to maintain better order in the Chamber, so that the Senate may hear our melodious voices. [Laughter.]

The PRESIDENT pro tempore. The Chair accepts the suggestion. The Senate will be in order; the Senator from Nebraska will suspend; all Senators will cease conversation.

Mr. SMOOT. I quote from the House committee hearings, as follows:

> In addition to payment of salary of the superintendent and drayage, the amount requested for pay of superintendent, drayage, repairs, and improvements will be used for routine repairs, such as painting, renewing roofs and repairs to roofs, replacing defective floors, and repairs to heating, plumbing, lighting systems, etc. It is also planned to provide some increase in space in the shop building and one or two small inexpensive cottages for married employees. The cottages will take employees out of the children's quarters, releasing space required for other purposes, and will add greatly to contentment of the employees and at the same time set a better example of home life for the children.

Mr. NORRIS. I should like to inquire of the Senator from Utah, or, perhaps the Senator from Oklahoma can better answer the question, How is light supplied; what kind of lighting system does this orphan school have?

Mr. THOMAS. I am not able to answer that question, I will say to the Senator from Nebraska.

Mr. NORRIS. There are quite a number of buildings, I presume.

Mr. THOMAS. It is a small institution accommmodating about 200 orphans.

Mr. SMOOT. It accommodates 297.

Mr. NORRIS. The bill says "for 300 orphan Indian children."

Mr. SMOOT. Two hundred and ninety-seven.

Mr. NORRIS. That was the attendance?

Mr. SMOOT. Yes.

Mr. NORRIS. That is practically 300.

Mr. SMOOT. Yes.

Mr. NORRIS. Can the Senator from Utah give me that information?

Mr. SMOOT. I was just looking to see whether it is here somewhere. There is nothing in the testimony in relation to how the school is lighted.

Mr. NORRIS. Has the Senator a list of the buildings there? That would probably give the information.

Mr. PHIPPS. There are 27 buildings.

Mr. SMOOT. Yes; 27 buildings.

Mr. NORRIS. I presume they are lighted by electricity; are they?

Mr. SMOOT. I can not tell the Senator whether they are or not. More than likely they are.

Mr. NORRIS. I should like to ask the Senator from Colorado as to that.

Mr. SMOOT. The number of employees is 29.

Mr. NORRIS. There are 29 employees?

Mr. SMOOT. Yes.

Mr. NORRIS. There are 300 orphan children; and how many teachers are there besides the superintendent?

Mr. SMOOT. I can not say how many there are.

Mr. NORRIS. Can the Senator give me any information about the ages of these children, and what is the regulation about the orphan asylum? How long are they kept there?

Mr. SMOOT. This school receives orphans and half orphans from the State of Oklahoma, and therefore cares for an especially needy class of Indian children, the greater number of whom would have no education if denied admission to the school. During the past few years the capacity of the Sequoyah school has been increased from 100 to 300. It is always filled. During the fiscal year 1927 the old schoolhouse was remodeled to provide a dormitory for small boys. It was completed in May, and it had an average attendance of 297 during September. I suppose it is during the school year just the same as it is in the schools of the different States.

Mr. NORRIS. I presume these children are kept there, however, the year around; are they not?

Mr. SMOOT. Yes: they are kept there, because we have the houses provided for them.

Mr. NORRIS. I judge, from what the Senator from Oklahoma has said, that they come from all parts of the State of Oklahoma.

Mr. SMOOT. The eastern half of the State.

Mr. NORRIS. Is there another Indian orphan asylum in the State of Oklahoma?

Mr. SMOOT. No; I do not think so.

Mr. NORRIS. Are not most of the Indians in the western part of Oklahoma? What happens to an Indian orphan cffild in the western part of Oklahoma, for instance?

Mr. THOMAS. Mr. President, Tahlequah is located in the Cherokee Nation, and this institution is mainly for the Cherokee Tribe of Indians, but other Indians are admitted. There are some small institutions on the western side that take care of other tribes. There are about 150,000 Indians in Oklahoma, and probably 50 different tribes. Each tribe has its own organization. Some of the tribes are too small to maintain an asylum for their own tribe, so they have to go together and depend upon the Government to provide an institution for them.

Mr. NORRIS. And that is how this institution originated, I suppose?

Mr. THOMAS. This institution was originated for the Cherokees, but it is now for the Indians of that State generally.

Mr. NORRIS. If I may have the attention of the Senator from Utah again about this amendment, it provides for the buying of some additional land?

Mr. SMOOT. Yes.

Mr. NORRIS. What kind of land is it, and how much is it going to cost

Mr. SMOOT. It is going to cost approximately $60 an acre; and it is good farm land, so the testimony shows.

Mr. NORRIS. It is deeded land at the present time?

Mr. SMOOT. Oh, it is privately owned land; and the school intends with this $10,000 to purchase as much land as the $10,000 will buy. The land is all farm land.

Mr. NORRIS. The intention is, I suppose, to teach these children agriculture and agricultural pursuits?

Mr. SMOOT. Yes; that is the object of it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I send to the desk another amendment, which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 55, in line 2, it is proposed to strike out "$1,390,000" and to insert in lieu thereof "$1,440,000."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMOOT. I submit a further amendment, which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 57, lines 5 and 6, it is proposed to strike out "in all, $105,000," and to insert in lieu thereof the following:

Claremore Hospital, Oklahoma, $50,000, on condition that not less than 5 acres of land shall be donated to the United States by the city of Claremore for hospital purposes; in all, $155,000.

Mr. NORRIS. Is that on page 57?

Mr. SMOOT. Yes.

Mr. NORRIS. Will the Senator explain that amendment?

Mr. THOMAS. Mr. President, if the Senator from Utah will yield, perhaps I can give some information on this item.

Mr. NORRIS. Before the Senator makes his statement, let me ask where the amendment comes in on page 57.

Mr. SMOOT. Let the amendment be stated again.

The VICE PRESIDENT. The amendment will be restated.

The Chief Clerk again stated the amendment.

Mr. NORRIS. That adds $50,000?

Mr. SMOOT. Fifty thousand dollars.

Mr. THOMAS. Mr. President, this amendment is submitted under the authority of what is known as the Snyder Act, Public, No. 85, Sixty-seventh Congress. The amendment proposes to establish a small general hospital at Claremore.

Claremore is located in the northeastern part of Oklahoma. It is a junction point of two of the main railroads in Oklahoma, the Frisco and the Santa Fe. Claremore is a town of approximately 5,000 people. It is regarded as a very healthful location. At this point they have a mineral water called radium water that has been examined and found to be very beneficial for certain disorders, such as stomach trouble and skin diseases.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. THOMAS. I yield to the Senator from Arkansas.

Mr. CARAWAY. Is that where Will Rogers lives?

Mr. THOMAS. It is.

Mr. CARAWAY. I am for it.

Mr. THOMAS. This hospital is in a location surrounded by numerous small tribes of Indians.

For example, the Ottawa Indians liye in this locality. This tribe embraces only 264 members.

The Eastern Shawnees live in this locality—a tribe embracing 179 members.

The Osages live in this locality. There are 2,863 Indians in the Osage Nation.

The locality embraces the Quapaws, a tribe of 342 members. It embraces the Senecas, a tribe of 606 members; likewise the Wyandottes, embracing 527 members.

Adjacent to the city are perhaps some 18,000 or 20,000 members of the Five Civilized Tribes.

In all, within a radius of 100 miles of this locality, there are probably 25,000 Indians. Many of these tribes are so small that they can not by any means themselves support a hospital. Many of them have no tribal funds and no tribal lands. Of course, that does not apply to the Osages as a tribe.

The 150,000 Indians in my State do not have very good hospital facilities. In the southeastern part of Oklahoma we have a small tubercular hospital, located at Talihina. Only tubercular Indians can be admitted there. At Shawnee, in the central part of the State, is a small hospital for the Shawnee Indians. In the southwestern part of Oklahoma, at Lawton, is a small hospital for the Kiowa, Comanche, and Apache Indians.

These Indian tribes are clannish. In the first place, Indians do not like to go to any hospital very well. In former years they would hardly go to a hospital; but in recent years Indians do go to hospitals. The purpose of this amendment is to start a small general hospital for all kinds of complaints and ailments, and to locate it at a place to which these small tribes that are unable to build their own hospitals and maintain them can have access. This town of Claremore being centrally located, healthful, having this water that is pronounced wonderful, and being surrounded by so many Indians with no hospital facilities, the department is in favor of this item.

Mr. NORRIS. Mr. President, I am very much obliged to the Senator. His explanation is entirely satisfactory to me.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

ROBERT W. STEWART—RECUSANT WITNESS

Mr. WALSH of Montana. Mr. President, I ask unanimous consent, on behalf of the chairman of the Committee on Public Lands, to present a report, and I ask to have it read.

The VICE PRESIDENT. Without objection, the report will be received and read.

The Chief Clerk read the report (No. 229), as follows:

[S. Rept. No. 229]

DISPOSITION OF CERTAIN LIBERTY BONDS ACQUIRED BY THE CONTINENTAL TRADING CO. (LTD.)

The Committee on Public Lands and Surveys, proceeding as directed by Senate Resolution 101 to inquire into the disposition of certain Liberty bonds acquired by the Continental Trading Co. (Ltd.), and having received testimony to the effect that the said Continental Trading Co. (Ltd.), having realized upward of $2,000,000 through a contract entered into on the 17th day of November, 1921, by which it became entitled to buy and agreed to buy, 33,333,333⅓ barrels of oil from certain companies producing the same in the State of Texas, which oil it agreed the same day to sell to the Prairie Oil & Gas Co. and the Sinclair Crude Oil Purchasing Co., guarantors for it of its contract to purchase, at an advance of 25 cents per barrel, with the profits so realized purchased Liberty bonds in an amount in excess of $2,000,000 of which bonds to the amount of $230,500 were delivered by H. F. Sinclair in the month of May, 1922, to M. T. Everhart, the son-in-law of Albert B. Fall, then Secretary of the Interior, the avails of which bonds were applied to the account of the said Albert B. Fall, or in extinction of obligations due from him or from a cattle company in which he and the said M. T. Everhart were jointly interested, called to the stand as a witness one Robert W. Stewart, who participated in the negotiations leading to the said contracts and who was present at the execution of the same, representing the Standard Oil Co. of Indiana, the owner of one-half of the stock of the Sinclair Crude Oil Purchasing Co. The said witness was, on Thursday, February 2, 1928, asked by the committee through its chairman the following question, to wit:

"Mr. Stewart, do you know of anyone who received these bonds that the Continental Trading Co. are reported to have dealt in?"

Whereupon the following proceedings took place:

"Mr. STEWART. Senator NYE, I did not personally receive any of these bonds or make a dollar out of them; I personally did not make a dollar out of this transaction.

"The CHAIRMAN. That was not the question.

"Mr. STEWART. I have said that to you to make way for something else. I am a witness in a case which is now pending between the Government of the United States and some defendants. I have been interrogated in regard to these subjects by the counsel appointed to represent the United States in that case. From their interrogation of me I am of the opinion those are the issues which are going to be tried in that case, and I do not think that the line of interrogation here by this committee is within the jurisdiction of the committee under the laws of the United States. I do not think that the question is entirely pertinent to this inquiry, even.

"The CHAIRMAN. You understand, of course, that the Senate has specifically directed that we make inquiry into the transactions of bonds?

"Mr. STEWART. I have read the resolution under which you gentlemen are operating. Now, furthermore, there are others interested in this matter, and I regret it exceedingly—and I am really not doing it through any lack of respect to Mr. WALSH, or to you, or to any of the members of this committee—but I have to decline to answer.

"The CHAIRMAN. You would not desire to say you did or did not know?

"Mr. STEWART. No; I will have to content myself with this statement, by saying that personally I have never made a dollar out of this transaction; and, second, that I have never given any bonds of any description to any representative of any political party or to any public officer of the United States or of any State or Territory or any municipality inside of it.

"The CHAIRMAN. Just one more question, Colonel Stewart. Have you discussed any of these bond transactions with Mr. Sinclair or has Mr. Sinclair discussed any of these bond transactions with you?

"Mr. STEWART. Well, for those reasons, I have to decline to answer that. I will say to you that I think that is not material to any of the issues that I knew anything about.

"The CHAIRMAN. That will be all."

In explanation of the foregoing, the committee reports that the Mr. Sinclair referred to in the foregoing testimony is the same Sinclair hereinbefore mentioned, who, it was disclosed before the committee, likewise participated in the negotiations referred to and was likewise present at the time the said contracts were executed representing the Sinclair Crude Oil Purchasing Co.

The witness, Robert W. Stewart, being recalled to the stand, on Friday, the 3d day of February, 1928, Senator WALSH having referred to certain bonds, the following proceedings took place:

"Senator WALSH (interposing). The bonds I refer to and that were referred to by the chairman of the committee in his question to you yesterday are the bonds referred to in the resolution under which the committee is acting, which says as follows:

"'Whereas in the case of the United States against Harry F. Sinclair and Albert B. Fall it was disclosed upon the trial that a fraudu-

lent corporation, known as the Continental Trading Co., of Canada, had been organized for the purpose of using the profits of its business in the bribing of public officials of the United States and for other dishonest, dishonorable, and illegal purposes'—

"I am not asking you to subscribe to that, this is the description here——

"Mr. STEWART. Thank you, Senator; thank you.

"Senator WALSH (continuing). 'And whereas it was disclosed upon said trial that the profits of said corporation were invested in Liberty bonds of the United States and that only a portion of said Liberty bonds so invested had been definitely traced and accounted for and by the large amount of Liberty bonds coming into the hands of said fraudulent corporation and had been unaccounted for and unexplained: Therefore be it resolved'——

"Mr. STEWART. I have read that resolution, Senator.

"Senator WALSH. So that you understand that the questions of the chairman of the committee and of myself referred to those bonds?

"Mr. STEWART. Oh, I think so, Senator.

"Senator NYE. The Senate expects us to interrogate you with respect to whether or not you knew anything of this transaction in Liberty loan bonds. With that purpose in mind, I am going to repeat my question of yesterday: Do you know of anyone who received any of these Liberty bonds in which the Continental Trading Co. is represented to have dealt?

"Mr. STEWART. Senator, again, with the greatest reluctance and with great respect for the committee and for the reasons which I have already given in the course of my testimony and for other reasons which might appear later, I will have to respectfully decline to answer that question.

"Senator NYE. I shall also repeat that question of yesterday as to whether or not you have had any conversation with Mr. H. F. Sinclair with regard to this transaction in Liberty loan bonds or with regard to the Continental Trading Co.'s transactions?

"Mr. STEWART. For the same reason, sir, I shall have to decline to answer.

"Senator NYE. Have you had any conversation with Mr. O'Neil with regard to any of these transactions with the Continental Trading Co. in re these Liberty loan bonds?

"Mr. STEWART. Not to my best remembrance. I have not seen Mr. O'Neil in a great many years.

"Respectfully submitted.

"GERALD P. NYE,
"Chairman Committee on Public Lands and Surveys."

Mr. WALSH of Montana. Mr. President, the words "by H. F. Sinclair" were omitted after the word "delivered" on the first page of the report. I ask to amend by inserting those words.

The VICE PRESIDENT. Without objection, the amendment will be made.

Mr. WALSH of Montana. Mr. President, I offer the following resolution.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk read the resolution (S. Res. 132), as follows:

Whereas it appears from the report of the Committee on Public Lands and Surveys that a witness, Robert W. Stewart, called before the committee making inquiry as directed by the Senate by Senate resolution 101, declined to answer certain questions relative and pertinent to the matter then under inquiry:

Resolved, That the President of the Senate issue his warrant commanding the Sergeant at Arms or his deputy to take into custody the body of the said Robert W. Stewart, wherever found, and to bring the said Robert W. Stewart before the bar of the Senate, then and there or elsewhere, as it may direct, to answer such questions pertinent to the matter under inquiry as the Senate, through its said committee, or the President of the Senate, may propound, and to keep the said Robert W. Stewart in custody to await further order of the Senate.

Mr. WALSH of Montana. I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution was agreed to.

The preamble was agreed to.

INTERIOR DEPARTMENT APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes.

Mr. SMOOT. I offer an amendment, which I send to the desk.

The VICE PRESIDENT. The Clerk will report the amendment.

The CHIEF CLERK. On page 58, after line 2, insert the following as a new paragraph:

For relief of distress among the native Indians of Turtle Mountain Band of North Dakota, $15,000.

The amendment was agreed to.

Mr. SMOOT. I also offer the amendment I send to the desk.

The VICE PRESIDENT. The clerk will read.

The CHIEF CLERK. On page 58, in line 14, after the numerals "$1,000," insert the words "to be immediately available."

The amendment was agreed to.

Mr. SMOOT. I offer also the following amendment, which I send to the desk.

The VICE PRESIDENT. The clerk will report.

The CHIEF CLERK. On page 113, after line 6, insert the following:

HOWARD UNIVERSITY

Salaries: For payment in full or in part of the salaries of the officers, professors, teachers, and other regular employees of the university, the balance to be paid from privately contributed funds, $160,000, of which sum not less than $2,200 shall be used for normal instruction;

General expenses: For equipment, supplies, apparatus, furniture, cases and shelving, stationery, ice, repairs to buildings and grounds, and for other necessary expenses, including reimbursement to the appropriation for Freedmen's Hospital of actual cost of heat and light furnished, $80,000;

For the construction and equipment of a chemistry building, $150,000; and the Secretary of the Interior is authorized to enter into contract or contracts for such building and equipment at a cost not to exceed $390,000;

Total, Howard University, $390,000.

Mr. LA FOLLETTE. Mr. President, may I ask the Senator from Utah whether this is the same amount appropriated last year?

Mr. SMOOT. It is the same amount, practically, that was appropriated last year. It was submitted by the Bureau of the Budget and recommended by the department, but it went out in the House on a point of order, as it has done for many years.

Mr. OVERMAN. Pretty nearly 10 years.

Mr. LA FOLLETTE. Mr. President, I am in favor of the amendment, but I merely wished to make sure that it was at least equal to the amount appropriated last year.

Mr. SMOOT. It is practically the same amount we appropriated before.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. SMOOT. Certainly.

Mr. NORRIS. I was out of the Chamber at the beginning of the reading of the bill. Am I correct in my understanding that a unanimous-consent agreement has been reached by which the power matter contained in the Flathead Reservation provision will not be taken up to-day?

Mr. SMOOT. It goes over until to-morrow.

Mr. OVERMAN. An item for the erection of buildings was included in last year's appropriation for Howard University, was it not?

Mr. SMOOT. There was an item for a medical department building.

Mr. OVERMAN. Is that a part of this appropriation?

Mr. SMOOT. No; this is for a new building. The amount is practically what was appropriated last year. We are not asking for any additional appropriation for the medical building. Does the Senator desire that the amendment shall go over?

Mr. OVERMAN. I would like to have it go over.

The VICE PRESIDENT. The amendment will go over.

RECESS

Mr. SMOOT. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 3 minutes p. m.) took a recess until to-morrow, Saturday, February 4, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

FRIDAY, *February 3, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God and our Heavenly Father, Thou who are infinite in love and wisdom, in the spirit of the Teacher of Galilee we would draw near to Thee; help us to do so. We come to receive that inspiration which shall enable us to go through the duties of this day with dignity, courage, and patience. As we discharge our obligations may we weave characters on the great loom of life's activities that shall be above reproach and can be spoken of without apology and above a whisper. Permit nothing to interfere with the direct study of the problems of our Republic. Arouse within us the unquenchable ambition, in public duty and in private life, to be led and directed by Thee, through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed the bill (S. 2301), to create a commission to be known as the commission for the enlarging of the Capitol Grounds, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed without amendment a joint resolution of the followng title:

H. J. Res. 112. Joint resolution to amend the act of May 29, 1884, as amended, the act of February 2, 1903, and the act of March 3, 1905, as amended, to include poultry within their provisions.

SENATE BILLS REFERRED

A bill of the following title was taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 2301. An act to create a commission to be known as the commission for the enlarging of the Capitol Grounds, and for other purposes; to the Committee on Public Buildings and Grounds.

CHANGE OF REFERENCE

Mr. SNELL. Mr. Speaker, House Resolution 87, introduced by the gentleman from New York [Mr. DAVENPORT], was referred to the Rules Committee. The parliamentarian submitted the report to me, and I thought at the time it belonged to the Rules Committee. Since that time I have taken it up and submitted it to the committee, and we think it properly belongs to the Committee on Foreign Affairs. The Foreign Affairs Committee has asked for it. I ask unanimous consent that House Resolution 87 be rereferred from the Rules Committee to the Committee on Foreign Affairs.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 87

Whereas the Department of State is the sole executive agency upon which the Government relies for the efficient conduct of its relations with other Governments and for the protection of American interests throughout the world; and

Whereas the international duties and responsibilities of the United States have greatly increased in recent years, thereby throwing large additional burdens upon the Department of State: Now therefore be it

Resolved, That the Committee on Foreign Affairs is authorized and requested to confer with the President of the United States and the Secretary of State and ascertain whether or not the Department of State is adequately equipped for the task which confronts it, both in its foreign and domestic services, in respect to funds, material equipment, personnel and organization, and other facilities, and whether or not it is handicapped by legislative or other limitations; and to report to the present Congress the committee's findings, together with recommendations for such action as may be deemed essential in the public interest.

The SPEAKER. The gentleman from New York asks unanimous consent that the resolution that has just been read be rereferred from the Committee on Rules to the Committee on Foreign Affairs. Is there objection?

Mr. MOORE of Virginia. Reserving the right to object, is this a resolution introduced by the gentleman from New York [Mr. DAVENPORT]?

Mr. SNELL. It is.

The SPEAKER. Is there objection?

There was no objection.

WITHDRAWAL OF PAPERS

Mr. CHRISTOPHERSON. Mr. Speaker, I ask unanimous consent to withdraw from the files evidence submitted in support of H. R. 5605, Sixty-ninth Congress, for the relief of Sam H. Allen, no adverse report having been made thereon.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

HOWARD UNIVERSITY

Mr. HOWARD of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the appropriation for Howard University.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. HOWARD of Oklahoma. Mr. Speaker, under consent for extension of remarks granted me a few days ago, I desire to state that I favor the adoption of the conference report which recommends that the House concur in the Senate amendment to the Interior Department appropriation bill providing for an appropriation of $390,000 for the support of Howard University, and I voted for the amendment when it was before the House for vote.

I voted for this amendment for the reason that I am favorable to extending the opportunities of education to all people, regardless of race, color, or other conditions. It is my firm conviction that no public moneys expended bring greater results than those expended upon education, and it is also my firm conviction that Howard University, maintained for the higher education of men and women of the colored race, is and has been doing a great and beneficial work.

Mr. Speaker, in my own congressional district, and especially in the city of Tulsa, I have had occasion to observe some of the results of this university. I am personally acquainted with a considerable number of men and women of the colored race who have graduated at Howard University. Among them are ministers, doctors, lawyers, dentists, pharmacists, and teachers educated at this university. They have successfully practiced their professions among those of their own race, and by precept and example have made a substantial contribution to the health, industry, morality, temperance, and right living among the less fortunate of their own race. They and the others in other communities who have done likewise are to be congratulated, and in my opinion we are taking a step forward when we make this appropriation and encourage others of their race to follow their example.

The white people owe a duty to the black people. That duty is to do them no harm, to stimulate their industry, and encourage them to be temperate, sanitary, moral, honest, and useful; and to encourage them to be led by educated, honest, industrious, right-thinking, right-living, God-fearing men and women.

Mr. Speaker, the education of the colored people is not a question in which is solely involved what is best for the Negro race, but there is also involved the questions as to what is best for the white people. The negro people, numbering millions, are among us; they are a part of our country and are to remain a part of our permanent population, and I have no desire to see them or any other part of our population deprived of or denied any educational facilities. I think, on the contrary, that it is much better that we do things to bring not only the colored people but all others in any way that we can to a higher standard of citizenship. Nothing will tend to this more than extending opportunity for higher education.

Congress has been making this appropriation for nearly one-half of a century. The money granted is a small amount when consideration is given to the purpose for which it is appropriated.

All the States have not made adequate provision for the higher education of negroes, and in Howard University we have a first-class institution devoted exclusively to the better training of negroes in the trades and professions. Instead of requiring negroes, who are hungry for higher education and for instruction in the trades and professions, to get their training in second-class State institutions, why not maintain a first-class negro university which is capable of developing trained leaders for the Negro race and where the negroes can be educated among and by members of their own race?

I therefore voted to approve the report of the conference committee, which means that the pending bill, when it becomes a law, will carry an appropriation for the Howard University. The House having failed to grant this appropriation, the Senate added an amendment authorizing the appropriation. I favor this Senate amendment, and I am therefore voting to approve the conference report.

WAR DEPARTMENT APPROPRIATION BILL

Mr. BARBOUR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10286, the War Department appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10286, which the Clerk will read by title.

The Clerk read the title, as follows:

A bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes.

Mr. COLLINS. Mr. Speaker, I yield 20 minutes to the gentleman from Virginia [Mr. HARRISON].

Mr. HARRISON. Mr. Chairman and gentlemen of the committee, the very elaborate, full, and careful explanation of this bill made by the gentleman from California [Mr. BARBOUR], acting chairman of the subcommittee, will make it unnecessary for me to occupy the time of the House to any great extent.

Before making any reference to the bill I do not feel that I could preface my remarks to a better purpose than to express the regret I feel, with all his associates, that the gentleman from Kansas [Mr. ANTHONY], our chairman, has been unable to assist in the preparation of this bill on account of illness.

I deplore also his intention to retire from public life. I am sure all his colleagues on this floor, Democrats as well as Republicans, hope for his speedy restoration to health. His colleagues all hope that in the near future he may again give us the benefit of his services. [Applause.]

I have served with Mr. ANTHONY ever since I have been in Congress. I served with him on the Committee on Military Affairs and also on the Appropriations Committee, and I can bear testimony that no man in this House has rendered any more valuable service than has the gentleman from Kansas [Mr. ANTHONY]. [Applause.]

I served with him when he was on the minority side and I served with him when he was on the majority side; I served with him in the war time and I served with him in the peace time, and I have always found him the same patriotic public servant under all circumstances and under all conditions. [Applause.]

I am sure that I voice the sentiment of the Democratic side of the House when I say this much, and it gives me pleasure to make this sentiment a part of the records of this House.

I agree with the gentleman from New York [Mr. SNELL] and the gentleman from Illinois [Mr. MADDEN] when they say that the appropriations for our Military Establishment should be stabilized. I know that that has been the purpose of the subcommittee for the last several sessions. We have endeavored in each appropriation bill to create an appropriation that would stabilize the size and the condition of the Army. It is destructive of the morale of the Army to be constantly fluctuating in its support. It prevents continuity of development to be constantly changing our policy. I therefore thoroughly agree with the gentleman of New York and the gentleman of Illinois. In this matter we are obliged to be largely controlled by the Budget. The President of the United States is the Commander in Chief of both the Army and the Navy, and he speaks through the Budget. When he makes recommendations as to the necessity for appropriations along certain lines, it is natural that the committees of this House should follow as far as practical the suggestions that he has made; and when he recommends that certain other appropriations are necessary, we are forced to adopt his recommendations unless there is some very good reason why they should not be adopted. This bill is based on the recommendations of the Budget. I concur in almost all of the provisions. It is not the bill, possibly, that originally I would have drawn; but in all legislation there is necessarily a certain amount of give and take, and the compromise that is effected is generally the best legislation.

The grand total of the bill, both military and nonmilitary, reaches something like $400,000,000; and when we take that enormous sum in connection with the proposed appropriations for the Navy, carrying something like a billion dollars, we are carrying an enormous burden and the people have a right to know that it is necessary.

I do not believe that the people will begrudge the expenditure of this amount or any other amount that may be necessary to protect the vast wealth of this country and insure the liberties of the people of this country. All that they require is that the money should be carefully appropriated and that when appropriated it should be expended in the best and most economical manner.

The Army is composed of three parts, in general terms. We have the Regular Army, as it is called; we have the Organized Reserve; and we have the National Guard. Heretofore we have always provided for an Army of 118,750 men and 12,000 officers in the Regular Army. We have heretofore provided liberally for the Organized Reserve and for the National Guard. In this bill we continue this policy and we carry the appropriations which provide for a Regular Army of 12,000 officers and 118,000 men. In the Organized Reserve there are about 125,000 men. In the civil military training camps there are about 35,000 men, and in the National Guard there are close to 190,000 men, so that we have an Army of fair size, even for a population of 120,000,000 and for an empire, continental and insular, as vast as ours. The Regular Army is essential for purposes for which the National Guard and the Organized Reserve could not be used. The Regular Army is obliged to do the regular work of the Army. They protect the sea-coast defenses and the foreign possessions, and it is essential that we should have a Regular Army of the size that we have fixed in this bill.

We must remember that the 12,000 officers which we provide are not utilized for the Regular Army alone. They form an essential part of the several hundred thousand citizen soldiers who are called into the service. They officer and train the National Guard of 190,000 men, and they train and officer the Organized Reserve and also the civil military camps. It is as essential to have trained officers for these purposes as it is to have trained officers with the Regular Army. Therefore, it is not a fair criticism to say that we have 12,000 officers for 118,000 men. We have these 12,000 officers to discharge important functions and duties with the men that we are training and preparing to render service in case of national emergency.

We have in some respects altered the Budget in regard to the strength of the Regular Army. There was what was known as a munitions battalion of 250 men trained in the colleges at a cost of $1,500 for each man. This is proposed to be increased from time to time until it reaches 400 men. These men discharge no sort of function for the Army. They are under no obligation whatever in regard to that. They come in and they go out as it suits their convenience or their interest, and it does seem to us to be a far-fetched idea that these men could serve any useful purpose by the mere fact that perhaps some of them in time of war would form a contact between the Army proper and the business organizations that we would need in our service. So that feature has been eliminated.

Another feature to which I direct attention is that we have counted as a part of the 118,000 men the 1,240 men who are to be selected as a part of the air increment. The provision in the law is that 1,240 men should be each year trained as a part of the Air Corps and that that number should be independent of the Regular Army. That would amount in the five years during which this increment was supposed to run to something like 6,000 men. I speak in the rough. Those men were to be independent of the number of Regular Army and not count as a part of the Regular Army, but the Budget has undertaken to make them a part of the 118,000 men, and, as I said, we have followed the Budget, on the ground that the President, for whom the Budget speaks, is best informed whether or not the Regular Army could absorb this number without injury to the regular service.

There is another feature in respect to the Regular Army to which I direct attention, and that is to the miserable housing that is provided for the men in the barracks. I know that many Members of the House have visited these camps, and I know that they will bear testimony to what I say, namely, that the housing conditions at the Army posts are simply shocking to the better sentiment of everyone familiar with them.

In many of the posts the men are housed in old shacks that were built hastily during the war. They were built in many instances for entirely different purposes from that for which they are now used. They are veritable fire traps. They have been denied the benefit of any improvements during all these years. They are rat traps. Again and again we find in the newspapers some notice concerning a destructive fire at one of these barracks. The money that was set specially aside for these posts has all been used. The fund I refer to is the fund arising from the sale of surplus property. It was provided in the law that the proceeds from the sale of the surplus property should be dedicated to construction purposes at the posts. The last appropriation bill appropriated the last dollar that was in the Treasury for that purpose, and this bill therefore carries an independent appropriation of something like $7,000,000, in round numbers, for that purpose.

Mr. CLAGUE. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. CLAGUE. Is it not a fact that our subcommittee recommended all that we could under the authorization?

Mr. HARRISON. Yes. I am glad to be corrected on that point. The subcommittee recommended the $7,000,000, which was all that the Committee on Military Affairs had authorized to be expended along that line.

Mr. WAINWRIGHT. And the Committee on Military Affairs has authorized all that the War Department has asked for.

Mr. HARRISON. After this $7,000,000 has been expended that we appropriate for this bill, or after all the money has been applied that was in the Treasury to the credit of this special fund, there will at the end of the fiscal year remain unprovided for 3,750 officers, 3,058 noncommissioned officers, and 20,195 enlisted men, for whom no permanent housing has been provided.

Mr. BLAND. Mr. Chairman, will the gentleman yield there?

Mr. HARRISON. Yes.

Mr. BLAND. Referring to the statement that the Committee on Military Affairs has reported all that the War Department has asked for, we should remember that General Summerall, when he practically campaigned over the country last year in the interest of better housing for our Army, was suddenly recalled to Washington, and is it not a fair deduction to conclude that there is some pressure outside of the War Department that is limiting the recommendations that come from the War Department?

Mr. HARRISON. The record shows that we have expended all the money we are authorized to expend, according to the report of this committee, and still all these men are unprovided for, and it shows that there must be something wrong somewhere. If the administration had desired to make rectification of these conditions, General Summerall would not have been recalled from the Pacific coast. It is the false economy for which the administration stands that is back of the continuation of these conditions. A great expenditure will sooner or later be necessary, but then this administration will have passed out and the succeeding administration will be charged with the expenditures, which will be greatly increased by the delay in making.

Mr. MOORE of Virginia. Mr. Chairman, may I interrupt the gentleman?

Mr. HARRISON. Certainly.

Mr. MOORE of Virginia. I understand that the Committee on Military Affairs right now is giving careful and sympathetic consideration to proposed legislation that will authorize sufficient appropriations to take care of these men in proper housing conditions.

Mr. HARRISON. Yes; I understand the gentleman from Michigan [Mr. JAMES] made a visit to each of these camps with this purpose in view.

Mr. BLAND. My understanding is that a priority list has come from the War Department, and they are merely reporting particular provisions for each year. I want to call the attention of the gentleman to this fact, that in such a long-established place as Fortress Monroe, where there is an important military school, the officers attached to that school are living in war-time structures, whose roofs are not sufficient to protect them and their families from the rain.

Mr. HARRISON. Yes; furthermore, their families are living side by side in shacks without proper privacy. In one of the war-time buildings two or more families will be housed separated by partitions of pasteboard character. Family home life is practically destroyed.

Mr. BLAND. Yes. They are living in fire traps of war-time construction. The necessary funds should be given, whereas no dollar has been appropriated for that purpose.

Mr. JAMES. There is no priority list furnished by the department to the Committee on Military Affairs, and there is no priority list pending in the House Military Committee now. Down there at Fortress Monroe, so far as the conditions are concerned, I understand they are deplorable. Hereafter there will be substantial structures erected to take care of the commissioned officers at Langley Field. I visited Panama and Langley Field, and in the next few months I want to go down to Fortress Monroe. There are only a few places in the South and West that I have not yet seen I want to repeat that there is no priority list sent to us by the War Department.

Mr. HARRISON. What were the conditions that the gentleman found at the various posts visited by him?

Mr. JAMES. There were some regiments in Panama that have nice quarters, and some regiments that have very poor quarters. The same applies to Camp Lewis. Of course, there were some places like Benning and Bragg in the new fields where the conditions were bad. So far as the Committee on Military Affairs is concerned, we shall have a very substantial bill for housing.

Mr. HARRISON. My impression is that at these posts the conditions are simply disgraceful.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. BLACK of New York. I want to say that recently I visited a great number of the forts around New York, and in some of them the living conditions for the men and the noncommissioned officers are worse than the slums in New York City, and the officers entitled to decent quarters are getting the worst kind of accommodations. They are living there in these war-time shacks after having served for 20 years.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. HARRISON. I would like to be notified after I have used 15 minutes more.

The CHAIRMAN. The Chair will notify the gentleman in 10 minutes.

Mrs. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. Certainly.

Mrs. ROGERS. I want to state that the conditions in Camp Devens, in my district, are extremely bad, both for the enlisted men and officers. Every year there is a fire, and there is great fear that the quarters for the officers and the barracks for the men will be quite wiped out.

Mr. HARRISON. I thank the lady for that statement. I think that statement will be borne out by everyone who has visited these barracks.

We have provided in this bill an amount which I think is wholly inadequate and which is no economy whatever, because where we do not furnish quarters we must furnish commutation, and it is more expensive to furnish commutation than it is to pay for decent quarters. The soldiers in some cases have rectified conditions, where they were given the facilities so to do. However, in many cases they have not been furnished with paint, lumber, or the necessary materials which would be required to improve conditions. I may say that there has been a great deal of improvement by virtue of the money we appropriated last year, and I hope the money we appropriate this year will bring about a further improvement in these deplorable conditions.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. JOHNSON of Texas. Whose fault is it that these conditions exist, which the gentleman is describing and with which I agree? Is it the fault of the War Department or Congress?

Mr. HARRISON. I think it is the fault of the War Department; that is, I will excuse the War Department and say it is the fault of the administration. The Budget prescribes a limitation upon the appropriations, and the officers dare not tell the truth about the conditions, because under the very Budget law they are forbidden to speak in favor of any appropriation that has not been allowed by the Budget.

Mr. JOHNSON of Texas. General Summerall regretted that he spoke about the matter, did he not?

Mr. HARRISON. General Summerall spoke the sentiment of this country.

Mr. JOHNSON of Texas. Then the gentleman does not agree with the President's reprimand of General Summerall for telling the truth about the matter?

Mr. HARRISON. I do not. I think he should be given the congressional medal.

Mr. TABER. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. TABER. Is it not a fact that this committee has very generally throughout the hearings cross-questioned the officers who came before it as to the needs of the Army, regardless of what the Budget stated?

Mr. HARRISON. Yes; and we had to cross-question them, too. If we knew what to cross-question them on, we might get the information, but we are only volunteered such information as we can screw out of them by cross-examination. It is not their fault at all, because the law forbids it.

We have provided a certain sum of money for the purchase of furniture to go into these new buildings. There has been no appropriation made for the purchase of new furniture since 1922 or 1923. In this bill we have been liberal in the amount we have provided for the purchase of new furniture. I think it would be adding insult to injury to place these men in these shacks and not give them sufficient furniture with which to make these shacks habitable.

Now, in regard to the question of horses. We have cut down the Budget estimate and we have gone below, I believe, the 1928 amount. If that is not so, I will ask to be corrected.

Mr. TABER. The amount carried in this bill is the same as the amount carried in the 1928 bill.

Mr. HARRISON. Then we have made the same appropriation that we made in 1928. Some criticism seems to have been made in regard to Army officers having horses fed at public expense. I desire to say that is strictly in accordance with the law. I have the statute here, which provides that we are required to furnish sustenance to the horses of Army officers. I read the statute, as follows:

The number of horses for which forage, bedding, shoeing, shelter, and medicines may be allowed are as follows: To a major general, 3 horses; to a brigadier general, 3 horses; to a colonel, 2 horses; to a lieutenant colonel, 2 horses; to a major, 2 horses; to a captain (mounted), 2 horses; to a lieutenant (mounted), 2 horses; to an adjutant, 2 horses.

All officers below the rank of major must buy their own horses. In this bill we have made the usual provision and such provision has been carried in appropriation bills ever since I have been a member of the Military Affairs Committee and of the Appropriations Committee.

For the Air Corps we have made, in my judgment, ample provision. We have appropriated $24,000,000 for the Air Corps, and at the end of 1929 it is expected we shall have over 1,300 new planes in the field.

There has been a great deal of complaint about the uniforms. I have received a great many communications from colleges in regard to the uniforms. We provide every soldier in the ranks with his uniform and we have given the boys who are in the schools the same uniforms that we give our soldiers, but we have said that if they want any better we will give them the money that the uniform costs and they could provide it themselves. It seems to me that is absolutely fair and just. Why should we give the boys in colleges any better uniforms than we give the ordinary soldier, who is discharging his duty as a soldier?

In regard to military training, we have increased the number to be trained at civilian military training camps by 5,000. The Budget provided for 30,000, but we have increased the number to 35,000. It seems to me that is sufficient, especially in view of the fact that that is the policy we have adopted in the past, and, as was suggested on the floor yesterday, it is the policy we should maintain, a stabilized policy.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. WAINWRIGHT. Is the gentleman now referring to the civilian military training camps?

Mr. HARRISON. Yes.

Mr. WAINWRIGHT. Of course, the gentleman does not mean to inform the committee that you have increased the number over those who have been trained this year?

Mr. HARRISON. We have increased it over the Budget.

Mr. WAINWRIGHT. But you have not increased it over the provision which was made last year.

Mr. HARRISON. I understand that; but the Budget comes here from the President and says that all we ought to train are 30,000, while we have provided for 35,000, which is the number settled upon as the proper number to be trained.

Mr. WAINWRIGHT. This is a pretty important proposition, and may I ask the gentleman if he thinks we should stop at 35,000? Why should 35,000 be the mystic figure when you consider that every year we have increased the number of youths trained in the civilian military training camps, and the project, as I understand it, was to increase it, or has been, unless the precedent is made now, year by year until we get up to at least 50,000; in fact, the previous project had been to increase step by step until we had 100,000 of these splendid boys under training.

Mr. HARRISON. Does not the gentleman think that the Budget, which speaks for the President, ought to come here and ask for it? Why should he put the burden on Congress?

Mr. WAINWRIGHT. Of course, it goes without saying that the Budget can place no limitation upon us.

Mr. HARRISON. I understand; but the Budget speaks for the President, and the President is the head of the Army and of the Navy. He speaks authoritatively on matters of that character and we have gone over the Budget number by 5,000 men. We could, of course, increase it indefinitely; and I will say to the gentleman we could not spend money better.

Mr. WAINWRIGHT. That is exactly what I wished to develop from the gentleman—we could not spend money better than in this form of training.

Mr. HARRISON. I agree with the gentleman.

Mr. WAINWRIGHT. The gentleman, of course, knows that 35,000 will be almost 5,000 less than we actually trained last year?

Mr. HARRISON. I understand there was some particular reason for that last year.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. COLLINS. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. HARRISON. We have increased the appropriations for the Organized Reserves nearly $400,000. We have not given them all they asked. We could not do this, but we have given them nearly $400,000 in addition to what we gave them last year; and in our judgment about 16,000 men will be trained and this will probably be all that will apply for training.

In regard to the National Guard, we have increased this item over $1,000,000 and we hear no complaint.

Just one word on the subject of the rifle teams. We provided in the last appropriation bill that these rifle matches should be held every two years. This is an off year. The cost of having one of these matches this year would have been $600,000. It does seem to us that the plan we adopted in the last appropriation bill of having them biennially will satisfy all the needs of the Government and the $600,000 can be applied better to other uses of the Army. We have therefore followed the policy which we adopted at the last session.

Mr. Chairman, this bill, as I have said, provides for what I think is a compact, serviceable army for the Organized Reserves, National Guard, and the Regular Army.

I do not believe it was ever the intention of the Congress to authorize the use of our military forces in any warlike demonstration without the authority of Congress. I think the gentleman from Missouri [Mr. COMBS] here on the floor eloquently expressed what is really in the hearts of the American people in regard to our proceedings in Nicaragua. There is no precedent in history for such a procedure.

It is true that President Wilson ordered General Pershing, with the consent of Mexico, to invade Mexican territory in pursuit of a bandit who had killed American citizens on American soil. There was no pretense, therefore, of anything involving the application of the Monroe doctrine, and when we had pursued them for a little distance into Mexican territory Mexico ordered the Army out of Mexico and we immediately obeyed and came back to this country. Again, at Vera Cruz, it was said that the Mexicans had insulted the flag and we sent the Navy to Vera Cruz and seized Vera Cruz with the purpose of compelling Mexico to apologize for the insult she had given the flag. When Mexico would not apologize, we came home. There was no pretense there of any application of the Monroe doctrine to that situation.

In the case of Venezuela, we never attempted to dictate to Venezuela anything with regard to her internal affairs, but Great Britain had undertaken to make certain claims against the territory of Venezuela and had refused to submit them to arbitration, and it was on that point, directly involving the Monroe doctrine, that President Cleveland protested and protested with effect. But I deny there has been any precedent whatever for this country going into any of these southern Republics and undertaking to settle their presidential contests. [Applause.]

What have we got to do with who is elected President of Nicaragua? It seems to me that, according to Latin America, the man who is in is President and the man who is out is a bandit; and when the bandit gets in he is the President, and the man who was in is a bandit. According to Mr. Will Rogers, a presidential election is rendered easy by shooting rival candidates. We have no more right to go into these territories and undertake to control their elections than they have the right to come into our territory and control our elections, and, for my part, as I have said before on this floor, I will gladly vote for any amendment providing that not a dollar of these appropriations shall be applied to the sending of troops into any foreign country to slaughter or be slaughtered unless such action is sanctioned by the Congress. I think this would be entirely within constitutional limits. Every day transports are bringing back our boys injured, and some of them to be buried, and every day we are spending thousands of dollars to clear, as it is said, Nicaraguan territory of bandits. Mr. Chairman, I desire to voice here my protest against such a procedure. [Applause.]

Mr. Chairman, I yield 30 minutes to the gentleman from Mississippi [Mr. COLLINS].

Mr. BYRNS. Mr. Chairman, the gentleman from Mississippi is about to make a very informative speech, one that I think the whole House ought to hear, and I make the point of no quorum.

The CHAIRMAN. The gentleman from Tennessee makes the point of no quorum. The Chair will count. [After counting.] Sixty Members present, not a quorum.

Mr. SNELL. Mr. Chairman, I move a call of the House.

A call of the House was ordered.

The doors were closed, the Sergeant at Arms ordered to notify absent Members, the Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 24]

Aldrich	Cooper, Ohio	Fitzgerald, Roy G.	Igoe
Anthony	Crisp	Foss	Jacobstein
Beck, Pa.	Cullen	French	Johnson, S. Dak.
Bohn	Curry	Fulbright	Jones
Boies	Davey	Gallivan	Kendall
Boylan	Deal	Garber	Ketcham
Britten	Denison	Golder	Kiess
Bushong	Dickstein	Graham	Kindred
Carew	Douglas, Ariz.	Green, Iowa	King
Carley	Dowell	Hancock	Kunz
Clancy	Doyle	Hardy	Kvale
Clarke	Drane	Haugen	LaGuardia
Connolly, Pa.	Driver	Hull, Morton D.	Larsen

Leatherwood	Oliver, N. Y.	Sproul, Kans.	Underhill
Lindsay	Parks	Steagall	Updike
Linthicum	Quayle	Stedman	Weller
Lowrey	Reed, Ark.	Strong, Pa.	Welsh, Pa.
Lyon	Reed, N. Y.	Strother	Williams, Ill.
McMillan	Sabath	Sullivan	Williamson
Major, Mo.	Sanders, N. Y.	Swick	Wingo
Michaelson	Sears, Nebr.	Taylor, Colo.	Winter
Moore, N. J.	Simmons	Taylor, Tenn.	Wood
Nelson, Wis.	Sirovich	Temple	Woodrum
O'Connor, N. Y.	Sproul, Ill.	Tucker	Wyant

The committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill H. R. 10286, the War Department appropriation bill, and finding itself without a quorum, it caused the roll to be called, and 338 Members had answered to their names, and he reported the names of those absent, to be entered in the Journal and the RECORD.

The committee resumed its sitting.

The CHAIRMAN. The gentleman from Mississippi is recognized for 30 minutes.

Mr. COLLINS. Mr. Chairman, a secker for information about the War Department will have to go to some other source than the bill under consideration to find it. It is too vague and indefinite for that. Of course, a reading of the 1,500 pages of the hearings would shed light on this department's activities, but this is a task that the average Member has not time to undertake. The report of the committee also sheds considerable light upon it. The able statement of Mr. BARBOUR, the chairman of this subcommittee, likewise is full of information. Still there are activities of our Military Establishment that are not set forth, and some of them I will present to you.

Our Army is generally spoken of as a small affair—a skeleton organization, if you please—one that could be easily built to in the time of national stress. This may have been true at one time, but it is not true now. The skeleton has lots of meat on its bones. In fact, it has become rather corpulent.

The Army can be well divided into six parts—the Regular Army, the federalized National Guard, the Organized Reserves, the Reserve Officers' Training Corps, the citizens' military training corps, and national rifles matches. The last five named of these are spoken of as civilian organizations. They are, however, promoted, controlled, and instructed by Regular Army officers and enlisted men—about 2,000 officers and about 25,000 enlisted men being directly or indirectly in charge of their military training and instruction. In the main, these so-called civilian organizations are well versed in the art of warfare. They constitute a fine lot of men. The Regular Army officers largely in charge of them know what they are after. They have worked up programs of enlargement ranging from 5 to 15 years, and all of these organizations are growing in size, power, and strength like weeds in a farmer's field. Their influence is extensive and their wishes are highly respected by public officials, and with continued growth and enlargement their influence will grow with their increased size.

The beginning of another unit was proposed in this bill; in fact, the unit has now the sanction of the law. It is called the munitions unit. Congress authorized it by an amendment to the national defense act, which was approved June 8, 1926. This subcommittee, however, saw fit to prevent its beginning. The purpose of this unit was to take young men after graduation from college and give them 3 months' training in the Regular Army, then send them to college for 9 months and after this to put them in the factories of the country for 6 months, giving in all 18 months' specialized training in factory work and management, and in the event of hostilities these men would become officers and would take charge of the factories of our country and operate them under the supervision of the Regular Army. It was proposed to begin with 250 such students and later to bring them up to 400 and thence to a larger figure. The law says that one-half of 1 per cent of the enlisted strength of the Army and 2 per cent of officers can be trained annually, and with our Regular Army establishment at its present size, this would provide approximately 840 students to be trained annually and with the retirement figure at 64 years, it would be possible to have about 34,500 such officers. Of course, this figure is the outstanding one and should be reduced by one-half on account of deaths, resignations, and other causes, but even with 17,250 such officers its size and expense would be enormous. This scheme has never been tried out. No country has it now or has undertaken it. The student trained may or may not follow the work for which he was specially trained. If he did not, his training was wasted. If he did pursue the work for which he was trained, it would be foolish to let him contract with himself in the purchase of supplies for the Government or to permit him to adopt work standards, with the War Department backing him in his every whim. Aside from this, it is a dangerous undertaking in a Republic to put its factories, including management and men, under the control of the Military Establishment.

The Regular Army has an enlisted strength of 118,750 men with 12,000 officers, and to the enlisted strength should be added the Philippine Scouts with 6,060 men. There are 1,215 warrant officers. There are also 165 retired officers on active duty. There are also thousands of civilians working for the Regular Army. Their number is becoming legion. Counting all officers, their number is 13,380, and the enlisted strength, including the Philippine Scouts, is 124,810. Of course, to the Regular Army goes the lion's share of the appropriation carried in this bill.

The actual enlisted strength of the Army is about 5,000 more than it was in 1926 and 1927. The officers are about the same. The actual increased size of the Army can easily absorb the 1,248 enlisted men that were added to the Air Corps in 1928 and the 1,248 added to the Air Corps in this bill. Personally I take it that the Air Corps increases the efficiency and effectiveness of the Army, and enlisted men who have been used in other ways have an increased value when they are transferred from a less effective service to one more modern and more serviceable in a military way. There is no loss, therefore, by the transfer, but a gain.

The federalized National Guard has grown by leaps and bounds since the war. In 1920 it had 1,939 officers and 47,019 enlisted men. On June 30, 1927, there were 12,010 officers and 182 warrant officers and 168,750 enlisted men, a total of 180,920 men. This bill carries an appropriation sufficient to increase this number to 188,000, of whom 13,630 are officers. Next year, according to General Summerall, 190,000 is the program. Gen. C. C. Hammond, Chief of the Militia Bureau, says that after that their immediate program will seek a total aggregate strength of 210,521 National Guard troops. The national defense act authorized a federalized National Guard strength of 435,000. I dare say that it will not be very long before this will be their goal.

The federalized guard is no small affair. It is a highly efficient organization. This bill provides for 48 drills a year and 15 days' intensive training at camps. Officers and men participating in these drills and taking this intensive training are paid for doing it. Quite a number of the members of the guard have yearly status and are paid accordingly. The guard is trained just the same as the Regular Army. It is organized along the same lines. It has an Air Corps, Tank Corps, engineers, field artillery, chemical warfare sections, observation sections, and so forth. Three hundred and ten of its officers and 125 enlisted men go to service schools and are there given special training. Three hundred and seventy-five thousand dollars is provided for this schooling. Guard affairs and the instruction of its officers and men are in the charge of Regular Army officers and enlisted men. One thousand and forty-four Regular Army officers and 1,316 enlisted men are specially detailed for this work. Of these specially detailed enlisted men 727 are sergeant instructors.

It has a Cavalry branch, and on March 1, 1927, had 10,420 horses. Nine thousand are federally owned and 1,400 are State owned. It has more now. It has 19 organized air squadrons, with 326 officers and 766 men. They each averaged 75 flying hours last year. Pilots in the Regular Army average around 200 hours a year. The guard acquired recently 46 primary training planes, 49 observation planes, and 22 special service or advance training planes; and this bill provides for the purchase of 15 service planes and 25 special service or advance training planes. It had on November 30, 1927, 1,266 Artillery units, of which 684 were motor drawn. These units include harbor defense, antiaircraft artillery; in fact, practically all kinds of modern artillery guns. They have ambulances, automobiles, tanks, tractors, trucks, searchlights, and motorized vehicles up to 12,666 in number as of December 31, 1927. In addition to these, the War Department has on hand 9,998 modern-drawn vehicles of various classes for free issue to the guard, and which will later be transferred to it.

The total cost to the federalized guard during the past four years has been around $52,000,000 per year. This bill carries $31,659,101, and with the State contributions and free issues the costs will be over $51,000,000. This does not mean that the appropriation is less—free issues are merely falling off.

The per capita cost of members of the guard to the Federal Government is $175.53 and to the States $77.15, or a total of $252.68. These figures do not include pay of Regular Army officers and enlisted men and many other items that could be properly charged for by the Government. Neither do they include free issues running into the millions. The federalized guard has on hand property of estimated value of $115,000,000, and most of this property is free issues. The real per capita cost of members of the guard is nearer $500 or more.

I believe I have already spoken long enough to convince the skeptical that the federalized National Guard is a highly efficient organization and growing more so daily. In some respects it is equally efficient with the Regular Army.

The Organized Reserves is largely an officer organization. It is an after-the-war thought. Its growth has also been rapid. On June 30, 1926, it had 68,232 officers and no enlisted men. On June 30, 1926, it had 103,829 officers and 5,775 enlisted men. On June 30, 1927, it had 110,014 officers and 5,735 enlisted men. Its officer strength increased 6,185 in that year, the last one for which available figures are possible.

Certain of these officers, to wit, 16,382, have been or will be given training out of funds appropriated in the 1928 bill, and of this number 627 will have more than 15 days' training. The bill now being considered is supposed to provide 15 days' training for 16,000 men and more than 15 days' training for 600 men. This committee increased the number to be trained over that recommended by the Budget by 875 officers. This bill also provides for the training of 110 Air Corps officers. They will receive one year's instruction. This number will soon increase, until the number of 330 is annually trained, and shortly afterwards the number will go to 550 annually. Reserve officers are also given correspondence courses. Under this practice up-to-date military instruction is provided to them.

These officers are likewise divided into various units, the same as the Regular Army and the federalized guard. They have Regular Army officers totaling 413 and 524 enlisted men assigned to their instruction and other activities. Of course, members of the Organized Reserves are officers to start with, and it is not necessary to furnish them with intensive training at all times.

This organization is likewise growing. In 1920 the number of officers was 68,000. It remained at this figure for two years. In 1923 it went to 76,000; 1924, 81,000; 1925, 95,000; 1926, 103,000; 1927, 110,000, in round numbers. The increase in 1927 over 1926 was 7,000, and these increases will continue at about the same rate until the goal of 125,000 is reached. This will all be done in spite of the fact that only 65,833 of these officers can possibly be used in the mobilization of three and a half million men. This is not my statement. It is the testimony of War Department officials. They are War Department studies and calculations.

The Reserve Officers' Training Corps are those young men going to college who are trained at college in the science of war under officers of the War Department. They are given four years of military training under officers and enlisted men of the Regular Army, and certain of the advanced students go to Regular Army camps, where they are given 15 days' intensive training. This bill provides for the summer training of 7,200 such advanced students.

There are now 125,141 young men who are in this Reserve Officers' Training Corps. This is an increase of 9,000 over 1928. These young men are given subsistence allowance at school and are also provided with uniforms. They are also divided into infantry, cavalry, field artillery, coast artillery, air corps, engineers, signal corps, and other corps units just the same as the Regular Army. They are young men well trained in the art of warfare by 685 Regular Army officers, 114 retired Regular Army officers, 20 warrant officers, 502 active noncommissioned officers, 26 retired noncommissioned officers, and 388 other enlisted men, all from the Regular Army.

No age limit is placed on these young men. Practically all of them are from 14 to 21 years of age.

This bill increases the uniform allowance to the advance classes. This is done to popularize military work in the schools and to induce the young college man to take the advance course and otherwise increase the number of these officer students and ultimately popularize the military idea.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. SUMMERS of Washington. What is the advance course?

Mr. COLLINS. The last two years.

General Summerall stated that it was his hope by doing this to—

> stabilize the units and induce the young men to take the last two years * * * we want them to have something that will inculcate pride and make them proud to wear the uniform.

The citizens' military training camps are provided for the training of citizens generally. This activity is regarded by the War Department as the least vital from a standpoint of national defense. They are trained at Regular Army camps. Thirty-eight thousand five hundred and ninety-seven were trained in 1927. This bill provides for the training of 35,000, an increase of 5,000 over that recommended by the Budget. An intensive campaign has to be carried on to secure the necessary number of trainees. Army officers and enlisted men are in charge of this training, all of which is paid for by the Government out of funds appropriated by Congress. One thousand three hundred and eighty-five Regular Army officers and 11,751 enlisted men have been used in connection with the yearly training of these citizens. They are likewise provided with hostesses to look after their social affairs and activities and as antidotes against homesickness. The citizens' military training corps likewise has an ambitious program. Captain Lord testifying stated that the plan is to ultimately provide for the training of 100,000 such citizens; that he hopes to reach 60,000 by 1930 or 1931.

Rifle matches are not included in this bill, but this activity will go on in 1930 and afterwards every two years under present War Department policies. However, a bill has recently passed the House providing for these matches every year. They will cost in the neighborhood of a million dollars. The number includes 34 civilian teams of 13 men each, or 442 men. All others that attend these matches belong to the Regular Army or some other citizen branch of it, or to the Navy. Some belonging to these citizens' rifle clubs range in age between 60 and 70 years. These civilian teams come from rifle clubs all over the country.

It will be seen from the statements that I have made that we train them almost from the cradle to the grave in military science and tactics. The total number in all of the establishments is over 600,000, an army very much larger in size and equipment than the popular notion. It must be conceded, however, that some in these War Department citizens' organizations are there purely for propaganda purposes. However, this does not matter. We are face to face with the fact that we have a Military Establishment of over 600,000 men, and its gain over 1928 will be in excess of 22,000 officers and men.

Mr. SPEAKS. Will the gentleman yield?

Mr. COLLINS. I will.

Mr. SPEAKS. How many officers are there in the Regular Establishment?

Mr. COLLINS. Thirteen thousand three hundred and eighty, all told.

Mr. SPEAKS. How many in the National Guard?

Mr. COLLINS. Thirteen thousand six hundred and thirty.

Mr. SPEAKS. One hundred and eighty-five thousand enlisted men and 13,000 officers in the National Guard?

Mr. COLLINS. No; 165,000 enlisted men and 13,630 officers; but you are taking only two branches.

Mr. SPEAKS. I understand that; but the primary reliance in our national defense system is the National Guard and the Regular Army?

Mr. COLLINS. And the gentleman thinks the others ought to be abolished?

Mr. SPEAKS. No; but the gentleman stated that the skeleton organization is the basis for an Army of three and a half million with about 90,000 officers.

Mr. COLLINS. No; I said that in the mobilization of three and a half million men the War Department would use only 65,000 of the 110,000 reserve officers. I do not know anything about the truthfulness of the statement. I do not know whether it is right or wrong, but I know that the War Department makes it.

Mr. SPEAKS. I want to get into the RECORD the actual facts. The gentleman says the War Department's estimate is that 65,000 reserve officers would be required in connection with 12,000 Regular Army officers and 13,000 National Guard officers to officer an Army of three and a half million men.

Mr. COLLINS. No. Personally I do not know what officers they are taking into consideration, except that they state that with the available officers we have in the Regular Army, the National Guard, and other branches, they would use only 65,000 of the 110,000 reserve officers.

Mr. SPEAKS. If that be true, then with your 65,000 and your 12,000——

Mr. COLLINS. If the gentleman has any quarrel with anyone, it is with the War Department and not with me.

Mr. SPEAKS. I merely want to get the facts. Sixty-five thousand officers from the reserves, with 13,000 from the National Guard and 12,000 from the Regular Army, would be 90,000 officers for an Army of 3,500,000 men, according to the gentleman's figures, which actually would be less than half the number required.

Mr. COLLINS. They are not my figures; they are the War Department figures. However, the gentleman does not mention all officers. There are 125,000 Reserve Officers' Training Corps students that would possibly become officers; also those that would come from training camps.

Mr. SPEAKS. According to the figures the gentleman is quoting.

Mr. COLLINS. They are War Department figures, taken from the hearings on this bill. I am assuming that the War Department knows how it would get its officers—where they would come from and how they would be secured, and that they know that only 65,000 of these reserve officers could be used.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. Yes.

Mr. MOORE of Virginia. The gentleman has indicated his opposition to the force that is being maintained, and which is to be provided for by this bill. I ask the gentleman whether the bill as it stands is as it is, as the result of differences in the subcommittee in its view upon this issue which he has stated, or is to be accounted for by the fact that it is based on existing legislation.

Mr. COLLINS. Principally on existing legislation. However, I do not agree with my colleagues on increases in the size of our Military Establishment, and I also differ with them in many other items carried throughout the bill.

Mr. MOORE of Virginia. Therefore the subcommittee simply felt obliged to accept the requirements of existing legislation.

Mr. COLLINS. In the main that was true. Much legislation, however, could not be followed without imposing onerous burdens on taxpayers and the Budget recognizes this and the Appropriations Committee does, too.

It is larger than I think we need. Much larger than I think is necessary. More than half of them are officers, and a large number of these officers would not and could not be used in the mobilization for war of three and a half million men. There are just too many of them. I ask the Congress what is the good sense of blindly carrying on with the present program? The public wants a Military Establishment of reasonable size, but why maintain a top-heavy organization that carries much unusable material? Why not eliminate these unnecessary expenses? Why not maintain a skeleton military organization as we pretend we do? If we are bent on building up the world's largest military establishment, let us admit it and not try to fool ourselves and the American people.

I can see the logic in the reasoning of men who want our country to possess the world's largest Navy. I do not agree with them, but they can justly argue that this is necessary in order to keep trade routes to the world open. I can not, however, see the necessity of vieing with Great Britain, France, Russia, and Italy in maintaining large military establishments. I can see the logic in the course of these nations. They feel that such organizations are necessary to their safety because they are surrounded with powerful possible enemies and that an army is therefore necessary to prevent invasion of their territory. But this necessity does not exist with us. We have an establishment—if the figures contained in the Statesmen's Yearbook for 1927 are true—that is larger than that of Great Britain and apparently larger than that of Italy and Russia. Only France's establishment seems to exceed our Army in size.

I hope Members of Congress will carefully consider these statements. I think it is necessary that they do so, otherwise a military sentiment will soon grow up in our Republic whose power and influence will be too large to cope with, a sentiment not in keeping with American traditions and ideals. [Applause.]

Mr. HARRISON. Mr. Chairman, I yield two minutes to the gentleman from Kentucky [Mr. KINCHELOE].

Mr. KINCHELOE. Mr. Chairman, on the 19th of January my colleague, the gentleman from Kentucky [Mr. VINSON] delivered a very instructive speech during the consideration of the independent offices appropriation bill. There appeared in the Lexington (Ky.) Herald an editorial in regard to it. It consists principally of excerpts from this speech and some complimentary allusions to it. In view of that fact, I ask unanimous consent to extend my remarks in the RECORD by printing this editorial.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. KINCHELOE. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I insert an editorial from the Lexington Herald, of date Tuesday, January 24, 1928, of which the Hon. Desha Breckinridge is editor, commenting on the speech made by Congressman FRED M. VINSON, on the independent offices appropriation bill on the 19th of January, 1928, which editorial is as follows:

Much is heard these days of bureaucracy. Bureaucratic tendencies of the Government are bewailed in some quarters. Yet as a practical proposition it seems difficult to meet new governmental duties in a more effective way than by the creation of a commission to perform the duties necessary. It is well, however, that the American citizen interested in the affairs of his Nation should have some understanding of what the independent agencies of the Government are.

It is doubtful if there ever has been presented a fairer or more definite outline of what Federal commissions are doing than was presented in Congress recently by Congressman FRED M. VINSON, of the ninth Kentucky district. Mr. VINSON was selected as a member of the Appropriations Committee of the House of Representatives at the beginning of its session this year, and was assigned with four other members to the important subcommittee which conducted hearings and presented the measure known as the independent offices appropriation bill. This made appropriations for the use and maintenance of independent Government agencies, including such boards as the Interstate Commerce Commission, the Veterans' Bureau, the Tariff Commission, the Shipping Board, the Smithsonian Institution, the Radio Commission, Power Commission, the Federal Reserve Board, the Efficiency Bureau, the Federal Board for Vocational Education, the Employees' Compensation Commission, the Civil Service Commission, the Board of Tax Appeals, the Board of Mediation, the Alien Property Custodian, the Alaskan Relief Commission, the American Battle Monuments Commission, the Public Buildings and Public Parks Commission, the Geographical Board, the Housing Corporation, the Commission of Fine Arts, and other such agencies.

There are 26 independent boards listed in the measure as requiring funds for their own maintenance and for carrying out the purposes for which they were created.

Mr. VINSON's presentation gave a thorough, though necessarily brief, review of the work, the needs and the programs of these commissions. He saw fit to let the facts speak for themselves and his report is of such graphic nature that elaboration would have been unnecessary. While a complete summary of the report made need not be attempted here, there are a number of phases in the address of Mr. VINSON which challenge more than cursory attention.

In the first place, it is pointed out that the appropriation dealing with the maintenance of the Executive Offices is reduced to $91,280 less than that of last year. Ninety thousand dollars of this went during the past year to defray the expenses of litigation in the cancellation of oil leases. For the maintenance of the Executive Mansion and grounds the measure carries a slight increase, and there is a slight increase in the salaries for the Executive personnel. There is a decrease of $2,000 in the heating system, but it is explained by Mr. VINSON that the heat for the Executive Mansion is to be obtained from the State, War, and Navy Building. Of course, this saves the Treasury nothing, but, as Mr. VINSON says, "it is merely a matter of bookkeeping."

The American Battle Monuments Commission has been empowered by Congress to construct fitting memorials in Europe in honor of the soldier dead now sleeping on foreign soil and to commemorate their sacrifices for their country. The authorization for this work is $3,000,000. For the Arlington Memorial Bridge $2,300,000 is appropriated. The United States Board of Mediation shows decided reduction in salaries, but Mr. VINSON points out that this board is now paying $13,800 for rent, or at a rate of $1.94 per square foot for the space they occupy in a Washington office building. The Civil Service Commission pays $22,992 rent and the Board of Tax Appeals $57,000. This is suggestive and, although unacquainted with the situation, it would seem at this distance that if governmental agencies are paying such high rent as this the Government might profitably provide quarters for its own commissions and thereby make a saving.

Such commissions as the Civil Service Commission, the Radio Commission, the Federal Trade Commission, the Power Commission, and the Employees' Compensation Commission certainly do necessary work, and the appropriations recommended for them do not seem to be exorbitant.

In his discussion of the appropriation of $754,000 for the Tariff Commission, Mr. VINSON introduced a table showing the reports of the Tariff Commission to the President and the action of the President thereon. In presenting this table he merely explained, "I thought it might be interesting." It certainly is most interesting to the average believer in a tariff principally for revenue that the President has seen fit to make but very few reductions under the flexible tariff act. The tariff act gives to the President the right to make reductions for the good of the country. It was believed by many of the opponents of high protection that this authority would be used by the President to reduce some of the extravagant features of the Fordney-McCumber Tariff Act. It is found, however, that the only articles upon which the President has reduced tariff duties have been paint-brush handles, bob-white quail, and phenol.

On the matter of the Interstate Commerce Commission there seems to be a desire that sufficient funds be appropriated for this commission to carry forward its work of valuation, and there also is a decided desire that the commission may not be hampered so as to delay its decision upon the important question of freight rates now before it. Kentucky certainly is interested in seeing the freight-rate problem handled with dispatch.

In regard to the appropriation for the Veterans' Bureau, Mr. VINSON points out that while there is expected to be a reduction in the tubercular cases handled under the Veterans' Bureau, and there is a belief that the tubercular load has reached its peak, the neuropsychiatric load has not reached its peak. He, therefore, favors the appropriation for funds which will permit the immediate carrying forward of a hospitalization program. He points out that Kentucky is the center of a very large area that has no neuropsychiatric hospital facilities. Twice the World War Veterans' Committee has reported to the House a bill which would relieve this area. Once a separate bill for a Kentucky hospital was presented, and at the last session in the blanket bill there was provision for a $1,000,000 250-bed neuropsychiatric hospitalization in Kentucky. Mr. VINSON contends that if a neuropsychiatric veteran has a service-connected case he has been entitled to hospitalization all these years and is entitled to hospitalization now, and ought not to have to wait for two years or later for facilities. In Kentucky the need for such a hospital is known, and Congress certainly should not delay in meeting this need.

Mr. VINSON, honored as a young Member of Congress through appointment to the important Appropriations Committee, and further honored by appointment upon the subcommittee and through selection to present the report upon the activities of Federal boards, has rendered a national service in the clear and complete way in which he has presented the facts in so few words. The problems connected with these many governmental agencies must be considered in a practical way and from a businesslike standpoint.

Mr. BARBOUR. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman and gentlemen of the committee, I shall take only a moment or two in respect to the building-program situation. We did not have any building program until 1926. After the war our Army was a great deal larger than it had been before the war, and, of course, we did not have housing enough to take care of that. At one time in 1919 we had over 300,000 troops, and we were housing them in the same inefficient housing that they were being housed in before the housing program of $20,000,000, which was put through by the House Military Affairs Committee, was started. In 1920, on June 30, we had 184,000 men, and on June 30, 1921, we had 213,000 men. It took some time, as we went along with the establishment of this increased Army, to get to the point where we would know what we needed to do and what we needed to build. Just as soon as we got to that point our House Committee on Military Affairs took that in charge and brought in a bill which called for an appropriation of $20,000,000. We have done that in three years, and, with the experience that the War Department had at that time, we have gone ahead as fast as was practical, and as fast as we could put up the buildings in a successful way, so that they would be permanent. On top of that we have reduced the housing shortage by transferring troops to barracks which already existed, which were satisfactory in the last year, almost as much as we have increased the housing capacity of our barracks by reason of the housing program. I just wanted to call these facts to the attention of the House and to say that I believe that the program of the House Military Affairs Committee calls for providing additional housing just as soon as they can determine after this bill is passed and know just what more is needed to complete that program and to put us in shape where we are able to take care of our Army.

Mr. BARBOUR. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DALLINGER. Mr. Chairman, the other day when the independent offices appropriation bill was under consideration in the House, I offered an amendment striking out the annual appropriation for the Government hotels, so called, calling the attention of the House to the fact that the property between here and the station was acquired a good many years ago by eminent domain, and brick buildings were torn down for the purpose of beautifying the Nation's Capital and in order that we might have a decent approach from the Union Station to the Capitol Building and the Capitol Grounds.

No sooner had that land been cleared and the grading commenced when the war broke out, and these Government hotels, so called, were erected, which never furnished accommodations to more than 1,800 women out of 40,000 women employed. It was stated at that time that it was only a temporary matter and that the buildings would last only three years. Now 10 years have elapsed since the armistice, and every year we have an appropriation for the continuance of these Government hotels on property that was acquired for the purpose of affording a decent approach from the Union Station to the Capitol.

The chairman of the subcommittee asked me if I wanted to turn these girls out on the streets to-morrow. I stated no; the bill did not go into effect until the 1st of July. I then asked him why the buildings were not torn down in accordance with the repeated promises of the Committee on Appropriations, and he stated that the reason was that the Government did not own the land on which some of the buildings stood, and that that matter was still in litigation.

On the strength of that information I withdrew my amendment. I have since found out that the information was erroneous, and I shall insert as part of my remarks a letter from Assistant Attorney General Farnum and two letters from the Architect of the Capitol, Mr. Lynn, in which it is stated that the Government has for almost a year owned all the land upon which these Government hotels stand and that there is no litigation in progress.

Mr. BLANTON. Mr. Chairman, will the gentleman yield on that point?

Mr. DALLINGER. Certainly.

Mr. BLANTON. That land-ownership question is not what is the matter. It is just fear of these good women down there who now occupy these Government hotels—fear that if Congress does not provide housing for them by the Government they may attack Members politically. That is what is keeping Congress from tearing down these Government hotels and going out of the business.

Mr. DALLINGER. Mr. Chairman, I trust that in the future the Committee on Appropriations will get more accurate information. I trust that we shall not continue to repeat what has been a disgrace to the National Capital in the case of these Government hotels and in the procedure that has been followed with respect to the property owned by the Government south of Pennsylvania Avenue. Twenty years ago the Government acquired by eminent domain the square occupied by Poli's Theater and the four adjoining squares between that square and the Mall. That particular square was never intended for the erection of Government buildings, but was intended to be used as a park, so that the White House could be seen as the visitor goes along Pennsylvania Avenue from the Capitol to the Treasury. And yet the disreputable looking buildings on that property still remain standing, disfiguring what ought to be the most beautiful avenue of our National Capital, simply because the Government is deriving some revenue from the tenants of the buildings in question.

Now, the people of the United States through their Representatives in Congress never authorized the taking of the property between here and the Union Station and the property south of Pennsylvania Avenue for the purpose of engaging in the hotel business or of obtaining a little revenue from the miserable buildings that encumber the land. That land was taken over for the sole purpose of beautifying the city of Washington, and it seems to me that the Committee on Appropriations should not continue this practice of blocking the beautification of the National Capital on the flimsy excuse that these temporary buildings are bringing some little revenue into the Treasury and that therefore these temporary buildings should not be torn down. The other excuse that the Government has not yet acquired complete title to the land on which the buildings stand being clearly shown to be without the slightest foundation.

Following are the letters referred to:

DEPARTMENT OF JUSTICE,
Washington, D. C., January 25, 1928.

Hon. FREDERICK W. DALLINGER,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Pursuant to your inquiry whether there remains outstanding within the Capitol Plaza area any land to which the United States has not acquired the title, I caused an investigation to be made which discloses that the United States has possession of all the land except the following, the title to which is outstanding in the District of Columbia:

Lots 51, 52, 53, 67, 68, 69, 70, 71, 72, 73, and 74, in square 633. These premises are occupied by the Arthur Public School Building.

Parts of lots 13, 14, 39, 40, and 43 in square 722.

A small triangular strip at the northeast corner of square 682.

A triangular parcel lying south of square 721, all as shown on the accompanying white—or key print—and upon blue-print maps of said squares 633, 682, 721, and 722, and blue-print map of the United States Capitol Grounds, all of which were submitted for my examination by Mr. August Eccard, civil engineer, Architect's Office, United States Capitol, who is prepared, on request, to call upon and to furnish you such other or additional information as you may desire.

An examination of the files of the department in this case disclosed that the Plaza Commission, created for the purpose of acquiring said property, negotiated a settlement with the Commissioners of the District, who executed a deed of sundry real estate properties within the so-called Plaza area for the agreed consideration of $43,120. Their authority in the premises, however, was by the commission referred to the Attorney General for an opinion. Under date of July 17, 1916, the commission was advised "that the said commissioners are without authority to execute the deed in question, and the requisite authority to execute such a conveyance and to determine whether the consideration shall be accepted must be sought from the Congress."

The department has no information regarding the occasion for the delay which has transpired in this matter.

Respectfully,

For the Attorney General:

GEORGE R. FARNUM,
Assistant Attorney General.

ARCHITECT OF THE CAPITOL,
Washington, D. C., January 26, 1928.

Hon. FREDERICK W. DALLINGER,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: In response to your inquiry relating to the condition of the ground purchased for the enlargement of the Capitol grounds, I wish to say that the Government owns all of the area to the north of the Capitol originally contemplated in the acts providing for its purchase, with the following exceptions thereto:

Lots 51, 52, 53, 67, 68, 69, 70, 71, 72, 73, and 74 in square 633. These premises are occupied by the Arthur Public School Building.

Parts of lots 13, 14, 39, 40, and 43 in square 722.

A small triangular strip at the northeast corner of square 682.

A triangular parcel lying south of square 721.

These parcels are the property of the District of Columbia. None of the Government hotels are located upon any of the parcels of ground above referred to. All of the Government hotels are upon ground owned by the Government.

Respectfully,

DAVID LYNN,
Architect of the Capitol.

ARCHITECT OF THE CAPITOL,
Washington, D. C., January 27, 1928.

Hon. FREDERICK W. DALLINGER,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: It has occurred to me that in the letter sent you yesterday, it might have been better if I had stated the date when the last payment was made through the commission formed to complete the purchase of the land for the enlargement of the Capitol grounds. The last payment was made August 12, 1927, and the voucher drawn on that occasion was for $67,965.02.

Respectfully,

DAVID LYNN,
Architect of the Capitol.

Mr. HARRISON. Mr. Chairman, I yield eight minutes to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas is recognized for eight minutes.

Mr. BLANTON. Mr. Chairman, the Government of the United States has no business to be in the hotel business. It has no business to be renting apartment houses to anybody, and running restaurants and dining rooms for anybody. Until the recent war the Government never thought of doing anything like that. Until the recent war there was no Member of either House or Senate so bolshevistic as to propose anything of the kind. But expediency during the war caused the Government to do that thing. And Congress has not yet been brave enough to stop it. Instead of having 37,000 employees, as we did before the war here in Washington, we got up to over 100,000 employees. The new influx into the city caused housing conditions to become acute, and it was hard for our employees to find proper housing. Then Congress built these Government hotels.

I predicted at that time that we would be years in getting rid of them, and I predicted at that time that you would have to go up against the influence of the occupants of those hotels before you could ever restore that property. That is what you are meeting every year, the influence of these thousand women who occupy these hotels. It is political cowardice that keeps those hotels from being torn down. You may put it on the question of sentimentalism or humanitarianism, but if you want that property to be vacated you need not turn those women out in the cold, for they can find ample accommodations now. If you will make a survey of this District, such as I have made within the last 12 months, you will find that the housing conditions right now are better than they have been at any time within the last 12 years. You will find more desirable apartments vacant and offered for rent right now than there have been at any time in the last 12 years. You will find many desirable private residences that have been vacant for 12 months and occupants can not be found for them.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Not now. I have but eight minutes.

I have just as much sympathy for the Government employees as anybody. I want to do justice to them. But there is no duty resting upon this Government to furnish Government hotels for them when housing conditions are not acute at this time.

I will tell you what we ought to do. We ought to serve notice on these good ladies who are in these buildings that at a certain time we will tear them down, and let them make preparations to find lodgings elsewhere. They have found lodgings heretofore, Mr. Chairman, during the history of this Government, during the development of the city of Washington, during the upbuilding of the Capital established here. They have found lodging places otherwise than in Government-owned hotels, and they should do it again. I will tell you what has happened here. If you will investigate it, you will find many $1,500 employees in big jobs and drawing big salaries up to $4,000 and $5,000 in this housing corporation, and they do not want to give up their fat jobs, and such has been the case ever since we started it.

I agree with the gentleman from Massachusetts [Mr. DALLINGER] that it ought to stop. I do not accuse the chairman of the Committee on Appropriations [Mr. MADDEN] of being afraid, because he is one of the bravest men we have here. He was brave Wednesday when he came in here and helped to defeat that infamous bill the Federal reserve system was trying to cram down the throats of the American people, a bill which would have placed high-salaried members on retired pensions at $9,000 a year for life. He was brave enough to come in here and help us defeat it. But he does let these women kind of get around him. He is not afraid of men, but he is afraid of women. [Laughter.]

Mr. SCHAFER. Will the Senator, the gentleman from Texas, yield?

Mr. BLANTON. Senator is right; I yield.

Mr. SCHAFER. Does the gentleman think that the women who are staying in these hotels can afford to pay the rent charged for the private apartments and dwellings that are now vacant in the District?

Mr. BLANTON. They would have to pay no more than thousands of other Government employees here. The gentleman from Wisconsin has lots of people on Wisconsin farms and in Wisconsin cities who get less salary, and who do not get 30 days' vacation on full pay each year; they do not get 30 days' extra sick leave, on doctors' certificates, at full pay; they do not get all the holidays that so numerously occur in Washington; they do not get to live here in the Nation's Capital, the most beautiful city in the world; they do not get all of the advantages the people here in Washington get, and if the gentleman will go home to Wisconsin he will find that his people back home are not half so well looked after as these selfsame ladies in these Government hotels.

Mr. SCHAFER. I will say to the gentleman that looking at the Capitol and having 30 days' leave, and so forth, does not fill empty stomachs on salaries of $1,200 and $1,400 a year.

Mr. BLANTON. I want to say this to my friend from Wisconsin: I will guarantee that if he will investigate it he will find that these good women living in these Government hotels get more food in one day for half the price than some of his people in Wisconsin get in a week. [Laughter.] Now, investigate it. Talk about full stomachs. Just investigate that situation and you will find they are better off than the people in the State of Wisconsin.

I am not thinking so much about just one particular handful of people of the United States. I am thinking about the 110,000,000 people who ought to have an equal partnership in the Government of the United States and ought to have an equal interest in everything it does. If we are going to give housing in Government hotels to some of them, we ought to give such housing to all of them. I dare say you will find some people in the State of Wisconsin living in houses where the roofs leak, with the wind howling through the door cracks and window cracks, and with not half so many of the comforts and conveniences that these salaried people have here in Washington. And you are going to just let it continue on. I am afraid that my friend from Wisconsin is a little too much influenced by this bunch of women. [Laughter.]

Mr. SCHAFER. None of these women have "contacted" with the gentleman from Wisconsin.

Mr. BLANTON. They may not have "contacted" with him personally, but they have through the mails and the newspapers.

The CHAIRMAN. The time of the gentleman from Texas has expired.

The CHAIRMAN. All time has expired, and the Clerk will read.

The Clerk read as follows:

FINANCE DEPARTMENT

PAY, ETC., OF THE ARMY

For pay of officers of the line and staff, $31,168,426; pay of officers, National Guard, $100; pay of warrant officers, $2,156,880; aviation increase to commissioned and warrant officers of the Army, $1,571,326; additional pay to officers for length of service, $7,778,298; pay of enlisted men of the line and staff, not including the Philippine Scouts, $51,022,306; pay of enlisted men of National Guard, $100; aviation increase to enlisted men of the Army, $460,723; pay of enlisted men of the Philippine Scouts, $976,854; additional pay for length of service to enlisted men, $3,286,620; pay of the officers on the retired list, $7,349,729; increased pay to retired officers on active duty, $216,638; pay of retired enlisted men, $10,631,858; increased pay and allowances of retired enlisted men on active duty $9,878; pay of retired pay clerks, $6,750; pay of retired veterinarians, $3,570; pay of not to exceed 65 civil-service messengers at $1,080 each at headquarters of the several Territorial departments, corps areas, Army and corps headquarters, Territorial districts, tactical divisions and brigades, service schools, camps, and ports of embarkation and debarkation, $70,200; pay and allowances of contract surgeons, $44,556; pay of nurses, $823,780; pay of hospital matrons, $600; rental allowances, including allowances for quarters for enlisted men on duty where public quarters are not available, $6,547,016; subsistence allowances, $5,855,602; interest on soldiers' deposits, $75,000; payment of exchange by officers serving in foreign countries, and when specially authorized by the Secretary of War, by officers disbursing funds pertaining to the War Department, when serving in Alaska, and all foreign money received shall be charged to and paid out by disbursing officers of the Army at the legal valuation fixed by the Secretary of the Treasury, $1,000; additional pay to officers below the grade of major required to be mounted and who furnish their own mounts, $225,000; in all, $130,282,810; and the money herein appropriated for "Pay, etc., of the Army" shall be accounted for as one fund.

Mr. COLLINS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: On page 11, in line 12, after the comma following the word "mounts," insert "not to exceed."

Mr. COLLINS. Mr. Chairman, the purpose of the amendment is to fix it so that not to exceed $225,000 will be expended to provide for the employment of men to look after the private mounts of Army officers below the grade of major.

Mr. BARBOUR. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. BARBOUR. Does the gentleman think there would be more than $225,000 spent for that purpose when that amount is mentioned in the bill.

Mr. COLLINS. I was told by finance officers of the War Department that if it was left as it is now it would mean they could spend whatever this might amount to.

Mr. BARBOUR. More than the $225,000?

Mr. COLLINS. Yes.

Mr. BARBOUR. Mr. Chairman, I will accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The amendment was agreed to.

The Clerk read down to and including line 6 on page 18.

Mr. BARBOUR. Mr. Chairman, on page 16, in line 24, I ask unanimous consent that the spelling of the third word in the line be corrected, changing the word from "officers" to "offices."

Mr. GARRETT of Tennessee. In line 24 of page 16?

Mr. BARBOUR. Yes.

Mr. GARRETT of Tennessee. Should the word be changed? It reads now "enlisted men and officers."

Mr. BARBOUR. The language should be "for ice issued to organizations of enlisted men and offices at such places as the Secretary of War may determine." It is not for the issue of ice to "officers" but to "offices." It is a misspelling, I will say to the gentleman from Tennessee.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read down to and including line 15 on page 19.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent to correct the spelling of the next to the last word in line 19, page 18 of the bill. Instead of "storing" it should be "sorting." It is merely a transposition of one of the letters.

The CHAIRMAN. Without objection, the Clerk will correct the spelling of the word as indicated by the gentleman from California.

There was no objection.

The Clerk read as follows:

Army transportation: For transportation of the Army and its supplies, including retired enlisted men when ordered to active duty; of authorized baggage, including that of retired officers, warrant officers, and enlisted men when ordered to active duty and upon relief therefrom, and including packing and crating; of recruits and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; of necessary agents and other employees, including their traveling expenses; of dependents of officers and enlisted men as provided by law; of discharged prisoners, and persons discharged from St. Elizabeths Hospital after transfer thereto from the military service, to their homes (or elsewhere as they may elect): *Provided*, That the cost in each case shall not be greater than to the place of last enlistment; of horse equipment; and of funds for the Army; for the purchase or construction, not exceeding $62,000, alteration, operation, and repair of boats and other vessels; for wharfage, tolls, and ferriages; for drayage and cartage; for the purchase, manufacture (including both material and labor), maintenance, hire, and repair of pack saddles and harness; for the purchase, hire, operation, maintenance, and repair of wagons, carts, drays, other vehicles, and horse-drawn and motor-propelled passenger-carrying vehicles required for the transportation of troops and supplies and for official military garrison purposes; for purchase and hire of draft and pack animals, including replacement of unserviceable animals; for travel allowances to officers and enlisted men on discharge; to officers of National Guard on discharge from Federal service as prescribed in the act of March 2, 1901; to enlisted men of National Guard on discharge from Federal service, as prescribed in amendatory act of September 22, 1922; and to members of the National Guard who have been mustered into Federal service and discharged on account of physical disability; in all, $17,417,701, of which amount not exceeding $2,000,000 shall be available immediately for the procurement and transportation of fuel for the service of the fiscal year 1929.

Mr. COLLINS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: On page 21, lines 8 and 9, strike out "for purchase and hire of draft and pack animals, including replacement of unserviceable animals."

Mr. COLLINS. Mr. Chairman, we have now in the Army 24,900 horses—or, at least, we had that number on hand as of July 1, 1927—24,900 horses and 14,000 mules. In the 1928 bill 2,150 additional horses was provided for and 1,450 mules. This bill carries an additional number of horses to the extent of 2,150 and 1,450 additional mules.

In the Regular Army we have 8,591 men in the Cavalry and 9,190 horses, not including mules. This statement appears on page 304 of the hearings.

In addition to the number of horses that we have on hand there are a large number of privately owned horses—fed, sheltered, bedded, and cared for out of Government funds; in fact, this bill carries an item of $225,000 for the pay of persons to take care of privately owned horses of Army officers below the grade of major. It is to be used exclusively for pay of men to look out for the horses' general welfare. Each officer draws $150 if he owns only one horse and $200 if he owns two horses. In addition to this the privately owned horses are furnished with forage, bedding, shoeing, and everything else that might be necessary.

The testimony of Army officers that have appeared before the committee, summed up, is that the motor-drawn vehicle is supplanting the horse in warfare. General Fries testified that a human being could protect himself by a gas mask against a gas attack, and that his clothing could be so saturated with some sort of material that the gas could not touch his body for a long length of time; but this is not so with a horse. There is no gas mask or clothing that can be put on a horse. A horse's usefulness in modern warfare is over. He is obsolete.

A motor-drawn vehicle these days is infinitely superior, and in the event of a gas attack can be used; a horse can not. Furthermore, airplanes have taken the place of the horses in scouting work or for reaching a spot quickly. And an airplane drops gas, too. One officer said:

If you want to find out whether a horse is useful, look outdoors and see how many you see. The motor-drawn vehicle has taken his place.

Aside from all this we have more horses and mules in the Army now than we need. We have more horses in the Cavalry

than we have men, quite a large number more counting the privately owned horses. In addition, there is testimony that a motor-drawn vehicle is a cheaper implement of warfare than the horse. The upkeep is considerably less. So I do not see the necessity of carrying on a large horse-buying program.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. COLLINS. Mr. Chairman, I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COLLINS. I do not see the necessity of carrying on this buying campaign when practically all of the testimony was to the effect that the horse is out of date in warfare.

Mr. HUDSON. Will the gentleman yield right there?

Mr. COLLINS. Yes.

Mr. HUDSON. And was it not also brought out before the committee that motor transportation is constantly increasing in the Army?

Mr. COLLINS. Sure.

Mr. HUDSON. And they are asking a larger item for motor transportation?

Mr. COLLINS. Sure. We have more horses and mules now than we need. There are other items that increase the number of motor-drawn vehicles. The number of new cars to be purchased is 450, and then there are 200 G. M. C. trucks that are to be provided with bodies. Also motor vehicles will be purchased. It is a waste of the people's money to expend this sum in the purchase of horses and mules. It should be expended for some useful purpose.

Mr. BARBOUR. I do not think anyone will contend that at this time the horses and mules should be discontinued in the Army. The Budget recommended 2,400 horses and 1,981 mules. The committee cut the appropriations down to 2,150 horses and 1,450 mules, the same number that were provided in the 1928 bill. This will not meet the requirements of the Army. It will not take care of the losses during the fiscal year 1929. We had on July 1, 1927, 38,900 horses and mules. If purchases are made according to the amount which we propose to appropriate in this bill, we will have on hand July 1, 1929, at the end of the fiscal year, 33,410 horses and mules, a loss of over 5,000, even with the number that will be bought with this appropriation. I do not think it is safe, I do not think anybody will feel that it is safe in the next fiscal year to reduce in the number of horses and mules that we have in the Army more than we will under this appropriation. There are places where a motor can not go.

Mr. HUDSON. Nicaragua, for instance?

Mr. BARBOUR. Yes; I do not suppose the best automobile manufactured in the gentleman's State could climb to the top of the mountain where our marines recently went.

Mr. HUDSON. Not even a Ford?

Mr. BARBOUR. Not even the new Ford. I have not had an opportunity to ride in one yet.

Mr. HUDSON. The gentleman would enjoy it.

Mr. BARBOUR. I am sure I would. I do not think, Mr. Chairman, that it would be safe to reduce this appropriation at this time.

Mr. HUDSON. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. HUDSON. In relation to the reduction that has been made in the last few years as to the number of horses and mules the gentleman says that there would be a decrease of 5,000 in here?

Mr. BARBOUR. By July 1, 1929, even with this appropriation.

Mr. HUDSON. And without the appropriation what would the decrease be?

Mr. BARBOUR. I imagine it would be about 3,600 more.

Mr. HUDSON. The committee has appropriated for increase in the motor vehicles?

Mr. BARBOUR. Yes; we have taken care of the automobiles.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. COLLINS].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

BARRACKS AND QUARTERS AND OTHER BUILDINGS AND UTILITIES

For all expenses incident to the construction, installation, operation, and maintenance of buildings, utilities, appurtenances, and accessories necessary for the shelter, protection, and accommodation of the Army and its personnel and property, where not specifically provided for in other appropriations, including personal services, purchase and repair of furniture for officers' quarters and officers' messes and wall lockers and refrigerators for Government-owned buildings as may be approved by the Secretary of War, care and improvement of grounds, flooring and framing for tents, rental of buildings and grounds for military purposes and lodgings for recruits and applicants for enlistment, water supply, sewer and fire-alarm systems, fire apparatus, roads, walks, wharves, drainage, dredging channels, purchase of water, and disposal of sewage, $12,668,944: *Provided*, That this appropriation shall be available for the rental of offices, garages, and stables for military attachés: *Provided further*, That not exceeding $100,000 shall be available immediately for the procurement of fuel for the service of the fiscal year 1929 and not exceeding $80,000 shall be available immediately for making alterations to the barge-office slip, New York City, on Governors Island Ferry: *Provided further*, That not exceeding $15,000 of this appropriation shall be expended for completing work incident to and of repairing the old building known as the "Castle" at Fort Niagara, N. Y. In addition to this amount, the Secretary of War is authorized to expend such sums as may be contributed from private sources for the rehabilitation of such old building.

Mr. RAMSEYER. Mr. Chairman, I move to strike out the last word in order to ask a few questions of the gentleman from California in charge of the bill. I desire to call attention to the references to previous statutory enactments on page 24 of the bill.

On top of page 24 you refer to the act of March 3, 1927, and on the previous page you give the title of that act. That act consists of a little pamphlet which contains only one enactment. Of course, that is the law, but that same enactment appears in the Statutes at Large for the last Congress. That Statutes at Large is an official document and what it contains is the statute laws without question. I would like to know why the Appropriations Committee follows the practice of referring to acts contained in little pamphlets that are in the possession of practically nobody except the Secretary of State, and do not set out the Statutes at Large, which are in the possession of every Member of Congress, every court, and every department and bureau, and in the hands of many lawyers?

Mr. BARBOUR. I presume it is matter of custom. Provisions of that kind have been carried in appropriation bills "from the time the memory of man runneth not to the contrary."

Mr. RAMSEYER. In 1925 we adopted a code of law which is supposed to contain all the Federal statutes in force on December 7, 1925, and whatever is in there is presumed to be the law. Enactments subsequent to December 7, 1925, we have in the Statutes at Large for the last Congress.

Mr. BARBOUR. This particular citation is of an act approved March, 1927.

Mr. RAMSEYER. Yes; that is in the Statutes at Large for the last Congress, the Sixty-ninth Congress.

Mr. BARBOUR. But it would not be in the code.

Mr. RAMSEYER. I understand that; but is in the Statutes at Large. Why does not the committee cite that which is in the possession of every Congressman and many lawyers and all the courts, so that any one interested in knowing what the law is, upon which this item of appropriation is based, can refer to a volume in his possession instead of hunting up a little pamphlet that is in the possession of very few people?

Mr. BARBOUR. That is not only perfectly agreeable to me, but I think the suggestion is a good one.

Mr. RAMSEYER. I called this to the attention of the House last week. At that time no appropriation bill was under consideration. The Members present at that time all agreed that our practice in the past in not referring to the United States Code (1925) was bad and should be corrected.

Mr. BARBOUR. If we can do that, I think it would simplify matters and furnish all the information desirable in regard to them. If that can be done it should be done. I think it would be an improvement to cite these acts as the gentleman says.

Mr. RAMSEYER. My inquiry to this point has been directed to references to enactments subsequent to the enactment of the Code, which contains all the statute laws up to December 7, 1925, and the gentleman agrees with me that, rather than to cite the date of the act, it would be better practice to cite the Statutes at Large and the place where the act can be found therein.

Mr. BARBOUR. I think so, because the date itself does not mean anything to one reading this bill.

Mr. RAMSEYER. Now, in regard to the next line, there are cited the sections of the Revised Statutes. To be sure the gentleman understands that the Revised Statutes are a codification of the United States Statutes made in 1878, and contain the enactments of Congress up to 1873. From 1878 to 1925 there was no codification of the United States Statutes. We now have this new codification of 1925. These sections, 1136 and 3734, of the Revised Statutes, referred to on page 24 of the bill, can be found in the United States Code of Laws. I know that there is some objection to making reference only to

the Code of Laws, because the enacting clause of the code recites:

The matter set forth in the code * * * shall establish prima facie the laws of the United States * * * in force on the 7th day of December, 1925.

Personally I am inclined to the opinion that it would be entirely safe to cite only the sections of the United States Code. It is very important that we should refer to the Code of Laws, because, as I stated before, this code is in the possession of every Member of Congress, the heads of the departments, the chiefs of bureaus, the courts, and in addition to that, something like seven or eight thousand copies have been sold to attorneys all over the United States. The point I have been attempting to make is that when it is necessary to refer to enactments prior to December 7, 1925, without taking any chances whatever, you can make reference to the Revised Statutes or the Statutes at Large or act of a certain date and then in parenthesis or in brackets right after the words "Revised Statutes," or "Statutes at Large" or act of a certain date you could insert "U. S. C.," the initials standing for United States Code, and the title so-and-so and the section so-and-so, so that anybody who wants to look up the statute to which reference is made and see what you have done can use the code and see exactly the statutory law on which a particular item of appropriation is based.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. MADDEN. It is all very well to refer to the code, but we find that the code does not state the true condition in several cases where we have referred to it, that it is not the law. If we refer to the code in the act making the appropriations, then we say that that is the law. If we repeat the code and the act itself and the number of the Statutes at Large, of course, that is going to make a lot of work, with more or less cost, and the question is, Should we do it until we know definitely what the cost is?

Mr. RAMSEYER. My suggestion would not involve taking any chances, so far as the legality of the act is concerned.

Mr. MADDEN. I am afraid it would.

Mr. RAMSEYER. For instance, in the case here, in lines 1 and 2, on page 24, reference is made to section 1136 and section 3734 of the Revised Statutes. My suggestion is to let that stand and then in brackets, which would not take over an inch of space, refer to the United States Code and the title and the section, the reference could be abbreviated; and then the courts and the heads of departments and the chiefs of bureaus and the Members of Congress and all of the lawyers who have the code can easily find it.

Mr. MADDEN. If you refer to the code, we have to keep the Statutes at Large also as a reference, have we not?

Mr. RAMSEYER. No. The reference to the Statutes at Large would only be necessary to acts since December 7, 1925.

Mr. MADDEN. I mean the Revised Statutes. Are you going to ask the committee to put this in this bill as we go along now? I hope the gentleman will not do that. Suppose he gives us a chance to get ourselves adjusted to it, and let us put it in next year.

Mr. RAMSEYER. I am not going to hold up proceedings here to offer amendments. I know that it would entail a little work, but it would be work that a clerk could easily do.

Mr. MADDEN. We could do this as we are making up the bill, but it would be hard work for us to do it on this bill now.

Mr. RAMSEYER. I hope the next bill that the gentleman brings in will have it so arranged.

Mr. MADDEN. We can not do that because the bill is already made up.

Mr. RAMSEYER. Then in the next bill after that. Will the gentleman consider it at all, without making any definite promise?

Mr. MADDEN. We will consider it very carefully, and we will come and consult with the gentleman.

Mr. RAMSEYER. What would be the objection to getting unanimous consent to permit the clerk of the House, after the citations in this bill, to include in the engrossed copy of the bill the references to the United States Code whenever that is possible?

Mr. MADDEN. We would not want to take the chances on the clerk doing that. We want to know definitely what we are doing, if it ought to be done.

Mr. RAMSEYER. Then why not let one of the gentleman's own clerks do it; one in whom he has confidence?

Mr. MADDEN. I will say to the gentleman that we will study it seriously and in a friendly way.

Mr. RAMSEYER. I assure the gentleman that I am offering the suggestion in a perfectly friendly way.

Mr. MADDEN. We will study the meeting of the minds.

Mr. RAMSEYER. During most of the period between the year 1873 and the year 1925 chaos prevailed with respect to our United States statutes. You could not find without an infinite amount of work what the statute laws of the United States were. Now, we have made a start to bring about some order. If Congress does not pay any respect to its own work we will soon have the same chaos that we have had heretofore for nearly a 50-year period.

Mr. MADDEN. We might select a special committee and put the gentleman from Iowa upon it, and see what can be done in the matter.

Mr. RAMSEYER. You have had two years in which to do it.

Mr. MADDEN. We have not thought about it.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. COLLINS. Mr. Chairman, before the amendment is reported I want to call attention to line 21, page 24, to the words "purchase and." This is the first time that those words have appeared in this bill. They constitute legislation upon the bill. Hence I make a point of order against them.

Mr. BARBOUR. May I suggest that the point of order has come too late? The paragraph has already been discussed. There has already been debate on it.

The CHAIRMAN. The gentleman slept on his rights.

Mr. COLLINS. I merely yielded.

The CHAIRMAN. The debate, if on any subject, has been on the subject of this paragraph. Therefore the gentleman's point comes too late.

Mr. COLLINS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: Page 24, lines 21 and 22, strike out the words "furniture for officers' quarters and officers' messes and."

Mr. COLLINS. Mr. Chairman and gentlemen of the House, what I am after is to prevent an expenditure for the first time since 1923 for furniture for officers' quarters, and then only during the war period. We are beginning a program of furnishing the homes of Army officers with furniture. There is no law for it. It is the first time regular household furniture has ever been furnished for Army officers. This is an opening wedge. It is $326,000 now. It will be more next year. If the House wants to adopt this policy it is their affair. I am calling your attention to it. I do not think it ought to be begun.

It is said that it might save us money in hauling charges. We know that that is not going to be the case. We also know that expensive furniture of all kinds in time is going to be bought; perhaps not now, but in time it will be bought; and there is no limitation whatever on the amount that can be expended for furniture. The hearings say it is to be heavy furniture—406 sets; but there is no limitation on the amount that can be expended for each article or set of furniture, and we know the kinds that will be purchased in time.

Mr. MADDEN. Does the gentleman's amendment provide that we could not buy furniture for the barracks that we are building?

Mr. COLLINS. Yes.

Mr. MADDEN. What are we going to do for furniture for the men?

Mr. COLLINS. It has never been customary to furnish quarters for Army officers.

Mr. MADDEN. I was wondering whether the building program would go that far.

Mr. BARBOUR. It will permit furniture for noncommissioned officers' quarters to be purchased.

Mr. MADDEN. Will it furnish the new quarters that we are building for the Army?

Mr. BARBOUR. Yes.

Mr. MADDEN. I think it ought to be seriously thought out.

Mr. COLLINS. I think the chairman of the subcommittee is in error. The language of the bill says, "Purchase and repair of furniture for officers' quarters and officers' messes."

Mr. MADDEN. That is different.

Mr. COLLINS. This is to be expended solely in the furnishing of officers' homes, according to the language of the bill.

Mr. BARBOUR. I submit to the gentleman from Mississippi that it includes noncommissioned officers' quarters as well as commissioned officers' quarters. We are building in our housing program a considerable number of noncommissioned officers'

quarters. Does the gentleman want those noncommissioned officers to furnish their own quarters?

Mr. COLLINS I am taking the statement in the bill. This is to be expended in connection with the officers' quarters.

Mr. BARBOUR. You say that certain statements are in the hearings. Can you show us where they are?

Mr. COLLINS. Let us see—on page 1001 is the estimate of $326,400 for the purchase of 9,546 pieces. I think this is 408 sets.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. COLLINS. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COLLINS. The heading of the paragraph is "Purchase of furniture for officers' quarters, and so forth."

Mr. BARBOUR. "And so forth." There you have it.

Mr. COLLINS. No; that refers to refrigerators.

Mr. BARBOUR. A noncommissioned officer is an officer in the contemplation of the language of the bill.

Mr. COLLINS. The point I make is that none of it will be spent in furnishing noncommissioned officers' quarters.

Mr. BANKHEAD. If that construction of the language of the bill is correct, as given by the chairman of the subcommittee, would he have any objection to an amendment providing that this appropriation can only be made for the purchase of furniture for noncommissioned officers.

Mr. BARBOUR. Certainly I would have an objection.

Mr. BANKHEAD. Then that verifies the position of the gentleman from Mississippi.

Mr. BARBOUR. I do not think it affects his position at all.

Mr. COLLINS. The Secretary said, "There is quite a serious lack now, and it is a hardship to the officers."

If it were ever contemplated to furnish noncommissioned officers' quarters, he would have said so.

Mr. BARBOUR. When he says officers that includes commissioned and noncommissioned officers. I am waiting for the gentleman to point out in the hearings where it is shown that this is all to be used for commissioned officers' quarters.

Mr. McDUFFIE. As a matter of fact, is a noncommissioned officer an officer and is he treated as an officer in the Army? Do they not speak of commissioned officers as being officers in the military service?

Mr. BARBOUR. A noncommissioned officer is treated as an officer just the same as the commissioned officer in the matter of supplying furniture for quarters. We are building quarters for noncommissioned officers and commissioned officers. This is to purchase furniture for officers' quarters, and it includes noncommissioned officers just as well as commissioned officers. That is my recollection of the testimony that was given; and I am still waiting for the gentleman from Mississippi to show me that I am wrong.

Mr. McDUFFIE. I simply asked the question for information, because I have always understood that an officer in the military service was generally regarded as a commissioned officer, and that noncommissioned officers, corporals and sergeants, were treated as enlisted men.

Mr. CLAGUE. Here is what General Summerall stated before our committee. On page 23 of the hearings General Summerall testified as follows:

> It furnishes 408 sets of furniture for the families of officers and married noncommissioned officers.

Mr. BARBOUR. That was my recollection of the testimony. It is clear that furniture will be furnished to noncommissioned officers who are married.

Mr. SPEAKS. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. SPEAKS. For the benefit of the gentleman from Alabama, who asked the question as to whether a corporal or sergeant is an officer or enlisted man, I will state that a corporal and sergeant are enlisted men. There is no question about it.

Mr. McDUFFIE. Not at all. A corporal and a sergeant are not officers. They are enlisted men.

Mr. COLLINS. I will admit that General Summerall stated what has been read, but at the same time I will state that everywhere else in the hearings the word "officer" has been mentioned and the word "noncommissioned" has not been mentioned. And I feel quite certain that this furniture will go into officers' homes.

Mr. BANKHEAD. Mr. Chairman, I offer a substitute for the amendment offered by the gentleman from Mississippi.

The CHAIRMAN. The gentleman from Alabama offers an amendment by way of substitute, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. BANKHEAD as a substitute for the amendment offered by Mr. COLLINS: Page 24, line 21, after the word "for," add "noncommissioned," and after the word "and" add "noncommissioned."

Mr. BARBOUR. Mr. Chairman, I make a point of order against the substitute, or at least I reserve a point of order against it.

Mr. BANKHEAD. If the point of order is a good one, I wish the gentleman would state it.

Mr. BARBOUR. I withdraw the point of order, Mr. Chairman.

Mr. BANKHEAD. Mr. Chairman, I have very few words to add to what the amendment itself expresses. It has been clearly developed here, not only by the statement of the chairman of the subcommittee, but by some other gentleman just a moment ago, who read from the testimony, that it was the purpose of this language specifically and solely to provide for the purchase of furniture for the messes and quarters of noncommissioned officers.

Mr. BARBOUR. Oh, no.

Mr. BANKHEAD. That is what I understood the gentleman to read from the hearings.

Mr. BARBOUR. No.

Mr. BANKHEAD. And that has been the argument, as I understood it, that was made in justification of the appropriation. I do not know what the practice has been heretofore, but if the gentleman from Mississippi accurately stated the situation it is an absolute innovation upon legislation, in providing for the conveniences of commissioned officers, to buy furniture for their homes. If that has been the practice heretofore I would raise no objection to it, but it seems from his statement that we are now proposing to embark upon the proposition of the Government just going in and furnishing the homes and messes of commissioned officers. I am not familiar with the hearings and I do not know what was contemplated by the appropriation, but it seems to me that if the purpose of this appropriation is the one that has been stated, as evidenced by a reading of the hearings, the gentleman ought to accept the amendment.

Mr. BARBOUR. Will the gentleman permit an interruption?

Mr. BANKHEAD. Yes.

Mr. BARBOUR. The question we were discussing was whether or not any money would be spent for the purchase of furniture for noncommissioned officers' quarters. It was stated there would not be any spent for noncommissioned officers' quarters. But the gentleman from Minnesota [Mr. CLAGUE] read from the hearings a statement by General Summerall to the effect that a certain amount of the money would be spent for furnishing the quarters of noncommissioned officers.

Mr. BANKHEAD. Does the gentleman propose to embark upon a new program here and furnish money for the homes of commissioned officers?

Mr. BARBOUR. It is not a new idea, I will say to the gentleman from Alabama. That has been done almost throughout the history of the country.

Mr. BANKHEAD. I was assuming that the statement made by my colleague from Mississippi accurately stated the facts and precedents, and I stated that if this has been the appropriation recognized and authorized heretofore I should not have made the suggestion in my amendment, and I was assuming that the gentleman from Mississippi, when he said that since 1923 no such appropriation had been made, was accurately stating the record.

Mr. BARBOUR. Not since 1923, but prior to that there were such appropriations.

Mr. COLLINS. The Secretary of War says:

> As I recall the figures, they call for 408 sets of heavy furniture. No heavy furniture has been purchased since 1923.

And not only that, if the gentleman will permit one further statement, the language of the law has been changed in order to permit the purchase of this furniture. The word "purchase" has been written into the bill for the first time.

Mr. BANKHEAD. The law has not been changed, but it is being interpreted differently in the bill as it stands now.

Mr. COLLINS. The word "purchase" has been added to the language of the bill so as to permit this procedure.

Mr. SPEAKS. Will the gentleman yield?

Mr. BANKHEAD. Yes; I yield to the gentleman from Ohio.

Mr. SPEAKS. I think the purpose is to avoid the payment of freight charges which sometimes equal the cost of the furni-

ture. For instance, an officer may be ordered from California to New York. The Government is under the necessity of transporting his furniture. The gentleman can readily see that the freight charges might be equal to the cost of the furniture. So the purpose is to establish in the new quarters certain heavy furniture and avoid excessive freight charges. Suppose an officer is transferred from California to New York and six months later ordered from New York to Panama. The gentleman from Alabama will note that the Government is transporting a lot of heavy furniture clear across the country, then beyond the limits of the United States, and it is obvious that the freight charges might be more than the original cost of the furniture. Having this heavy furniture installed in quarters is undoubtedly a convenience and a very decided economy.

Mr. BANKHEAD. I will ask the gentleman if there is not a limitation upon the amount of freight paid on furniture in such a transfer?

Mr. SPEAKS. Yes; there is a limitation on the amount of household effects and baggage an officer can transport at public expense.

Mr. BANKHEAD. That is my information.

Mr. McDUFFIE. Mr. Chairman, I move to strike out the last word, and I would like to have the attention of the gentleman from Ohio [Mr. SPEAKS]. The gentleman has had a lot of military service and understands military terms. I call the gentleman's attention to the language here, "furniture for officers' quarters and officers' messes." Does the gentleman think that includes noncommissioned officers?

Mr. SPEAKS. It does not.

Mr. McDUFFIE. That is the point the gentleman from Mississippi [Mr. COLLINS] has been trying to make, that the noncommissioned officer is an enlisted man and will not benefit by this legislation.

Mr. BARBOUR. But the testimony shows he will, and it is so intended.

Mr. McDUFFIE. But the law shows he will not because it says "officers," and that means commissioned officers.

Mr. BARBOUR. It means commissioned officers and noncommissioned officers.

Mr. McDUFFIE. Then it should say "noncommissioned officers," I will say to the gentleman, if it means that. Here is an expert on military matters [Mr. SPEAKS] who bears out the suggestion that it means commissioned officers.

Mr. BARBOUR. I would refer the gentleman to Noah Webster.

Mr. McDUFFIE. Well, I refer the gentleman to the common practice in military circles, as testified to by General SPEAKS, the gentleman from Ohio. When you speak of an officer in the Army, you mean a commissioned officer and not an enlisted man.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. CHINDBLOM. I suggest the gentleman refer it to the Comptroller General; he will decide it eventually.

Mr. McDUFFIE. Probably so. I am trying to get some information as to the distinction between officers and noncommissioned officers from somebody, but nobody seems to be able to give it except the gentleman from Ohio.

Mr. SPEAKS. The military grades or distinctions are officer, noncommissioned officer, and private or enlisted man, and the gentleman knows the story of the wide gulf separating the officer from the enlisted man. Sergeant and corporal are merely grades of enlisted men and are not officers.

Mr. McDUFFIE. This language does not say noncommissioned officer, but simply says officers, and under the language as written in the bill it means commissioned officers.

Mr. HOWARD of Nebraska. Will the gentleman yield to me for a question?

Mr. McDUFFIE. Certainly.

Mr. HOWARD of Nebraska. Mr. Chairman, I think we can arrive at a conclusion in this matter very quickly if some military gentleman here will tell us whether or not—suppose a charge were leveled against a noncommissioned officer for an offense committed; would that charge wind up with the conclusion that he had acted out of harmony with the principles of an officer and a gentleman?

Mr. BARBOUR. Of whom are you asking that question?

Mr. HOWARD of Nebraska. Anybody who knows. That ought to settle it very clearly, Mr. Chairman, because there is the evidence of the Army officer himself, and in making a charge against a noncommissioned officer they do not charge him with having violated the precepts which ought to move and animate an officer and a gentleman. Therefore, in the eye of the Army officer, the noncommissioned man is not an officer. He might be the other thing but he is not an officer.

Mr. BARBOUR. The gentleman from Nebraska has answered his own question.

Mr. HOWARD of Nebraska. I think so.

Mr. BARBOUR. To the gentleman's satisfaction?

Mr. HOWARD of Nebraska. Entirely. [Laughter.]

Mr. CHINDBLOM. I understand no one speaks in response to the gentleman's inquiry.

Mr. HOWARD of Nebraska. Nobody answers. They stand mute.

Mr. BULWINKLE. Will the gentleman permit an interruption along the line of what the gentleman has just said?

Mr. HOWARD of Nebraska. Yes.

Mr. BULWINKLE. The manual of court-martial procedure provides for the preferring of charges against enlisted men and officers, and you would not try an enlisted man on a charge involving any one of those Articles of War.

Mr. HOWARD of Nebraska. Certainly not. That is the evidence which I sought, and there you have it, gentlemen. [Laughter.]

The CHAIRMAN. The question is on agreeing to the substitute amendment offered by the gentleman from Alabama [Mr. BANKHEAD].

The question was taken; and on a division (demanded by Mr. BANKHEAD) there were—ayes 19, noes 48.

So the substitute amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Mississippi [Mr. COLLINS].

The amendment was rejected.

The Clerk read as follows:

Panama Canal: Signal Corps, $34,120; Corps of Engineers, $609,350; Ordnance Department, $329,000; Chief of Coast Artillery, $133,847; in all, $4,038,716.

Mr. COCHRAN of Missouri. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes out of order in reference to a law administered by the War Department.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to speak for 10 minutes out of order. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Chairman, I would not interrupt the reading of the bill at this time if it were not for the fact that my attention has been called to a situation which I think you will be pleased to know of. I especially ask the attention of members of the Committee on Interstate and Foreign Commerce who may be present.

We are passing monthly scores of bills by unanimous consent which permit the building of bridges over navigable streams, and a large number of such bridges have already been or will be constructed in my State. As a result of the hearings before the Senate on what is called the Walsh resolution, newspapers of St. Louis made inquiry of the Missouri public service commission and the State finance department as to whether they had any control over the holding companies for public utilities. The answer was they had absolutely no control.

Therefore, the situation that presents itself is this: You can grant the consent of Congress to build a bridge over a river, so far as my State is concerned, and that bridge might be erected for $1,000,000, but there is no provision whereby the Government or the State has any jurisdiction over the amount of bonds that may be issued to complete that project.

Now, the gentleman from Illinois [Mr. DENISON], as he usually does, gave us a detailed explanation as to the policy of Congress in reference to the building of bridges and how they protected the public from excessive tolls, and so forth. But upon this phase he did not touch.

Now, gentlemen, I serve notice, unless I am convinced that there is some protection to the people of my State and to the country, that there is a limitation somewhere upon the amount of bonds that can be issued for building bridges, I propose to object to the consideration of any bill which grants the consent of Congress to private individuals to construct a bridge. I shall object unless there is a paragraph inserted which will give the War Department or some other Government agency control over the situation.

I telephoned Major Daly, of the Engineer Corps of the War Department, and he tells me that so far as he knows there is nothing in the law which would give the War Department any power in the matter whatever.

I have had cases called to my attention whereby individuals have made a great deal of money out of the right granted them to construct bridges, and I understand other than promoting the projects do nothing. They assign their rights to others before actual construction commences. Some of the promoters live in States hundreds of miles from the location of the bridge. They are interested from a monetary standpoint only, not being

citizens of the community where the bridge is to be constructed. There is now no check on their financial operations so far as placing a limitation on the amount of bonds that can be issued. Surely, now that I call it to your attention, the Congress will not approve. You should be willing to extend some safeguard to the people who buy the bonds.

It was not so very long ago—I remember it myself—when this Congress was passing legislation by unanimous consent which extended the right to build dams over rivers for the purpose of generating electricity. The gentleman from Illinois [Mr. RAINEY] and the late Doctor Foster, from Illinois, put a stop to it, and as a result you have the Water Power Commission to-day.

I want the people of my State to be protected, especially when men from other States come there to sell securities for projects not only in Missouri but throughout the country. Part of the money to construct toll bridges in Indiana, Ohio, and other States is secured by selling bonds to the people of St. Louis. I want to see the Congress do something to protect not only the people of St. Louis but throughout the country from being sold securities for a project for which securities twice the amount of the actual cost of construction have been issued for it means eventually the promoters will default in the payment of interest and the value of the securities will fall far below the price actually paid by the public. Remember, gentlemen, there is no law which prevents a promoter from issuing $4,000,000 in securities for a $2,000,000 project either in my State or in the Federal Statutes.

Mr. NEWTON. Will the gentleman yield?

Mr. COCHRAN of Missouri. I will.

Mr. NEWTON. Does the gentleman appreciate that in bridge bills, in numerous instances, the request for the bridge comes from a municipality, a county, and sometimes the State. Does the gentleman think that under those circumstances Congress ought to pass on the question of the issue of bonds?

Mr. COCHRAN of Missouri. I eliminate such projects, but when it comes to the individuals I think the public ought to be protected. I have no objection to the building of the bridges, provided the Representative in Congress says they are necessary. A gentleman came to my city the other day and offered to construct a bridge. He was looking for the cooperation of the people in that part of the city. He said there was a certain firm in New York, White & Co., I think, that had decided to set aside $25,000,000 or $50,000,000 for the purpose of building bridges, and was backing him. I have no objection to their doing the work at a reasonable figure if the people are protected in the issue of securities. It is up to the purchasers of the securities to investigate whether they are putting their money in a proposition that will pay. What I want to do is to insist that the securities issued will not exceed the cost of construction, plus a maximum of, say, 10 per cent.

I insist as the bills read now these individuals are not limited in the amount of securities they can issue in connection with their project. If I am wrong, I will yield to any gentleman for information.

Mr. NEWTON. The gentleman does not refer to these municipally constructed bridges?

Mr. COCHRAN of Missouri. No.

Mr. NEWTON. Of course, as to these other bridges no bill is introduced unless it comes from the Member from the district where the bridge is to be constructed.

Mr. COCHRAN of Missouri. Let me illustrate that. Several friends of the gentleman, we will say, from his district send him a letter and tell him that Mr. Jones has decided to construct a bridge over a river in that district. Mr. Jones is given a letter of introduction to the gentleman from Minnesota and comes down here.

The people who write the gentleman are responsible citizens, friends of the gentleman. Would the gentleman from Minnesota introduce that bill for Mr. Jones? I admit that if the request came from my district, under similar circumstances, I would introduce it, if two responsible citizens, friends of mine, requested me to do so, and I think every other Member of the House would do the same. It has been the policy to do it. Members introduce bills for people they have never met, people who do not even live in their district or community.

Mr. NEWTON. Does not the gentleman think that the individual Member introducing a bill, who sponsors it before the committee and on the floor of the House, is going to inform himself as to whether or not the community involved wants the bridge?

Mr. COCHRAN of Missouri. I venture to say that not 1 Member in 10 does. It has not been the policy. I hope the gentleman gets my point—that there is no protection as to the amount of bonds that might be issued, no matter what the Member might do before the committee or on the floor, after the promoter has the consent of Congress to go ahead with the work. The Member then has no control over the individual and neither has the Government.

Mr. NEWTON. Does the gentleman refer only to the toll highway bridges?

Mr. COCHRAN of Missouri. Yes. As far as the railroad bridges are concerned, I understand that the Interstate Commerce Commission has control.

Mr. NEWTON. Yes. So that it is only toll highway bridges the gentleman has in mind?

Mr. COCHRAN of Missouri. Yes. I am giving information to the House. The gentleman is a member of the Committee on Interstate and Foreign Commerce.

If the gentleman thinks there is merit in my suggestion, I hope that his committee will consider it. Until I am convinced, as I said before, that there is going to be some provision in the bills to protect my people and the gentleman's people—and they sell these securities all over the United States—from inflation I propose to object to the consideration of bridge bills granting the consent of Congress to individuals to construct bridges. If you pass them you will do so over my objection, and, as you know, I spend my time on the floor while the House is in session.

Mr. NEWTON. The gentleman understands, of course, that it is the practice of the committee before favorable action is taken upon a toll bridge to not only have a written statement from the Member from the district in which the bridge is to be constructed but to be advised that the State highway commission or some other State or municipal body approves of the proposition. That is the care that the committee takes in order to keep in touch with local sentiment.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. COCHRAN of Missouri. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. I might say for the benefit of the gentleman that I have personally prepared bills—not since I have been a Member of Congress but prior thereto, when acting as secretary for Representatives and Senators—and that at no time has the committee ever asked for a written expression of any kind in connection with any one of the bills I prepared, and not one of the bills I prepared ever failed to pass under the unanimous-consent agreement.

Mr. NEWTON. Is the gentleman now referring to the ordinary bridge bill, or is he referring to the toll highway bridge bill?

Mr. COCHRAN of Missouri. The toll highway bridge bill.

Mr. NEWTON. I wish to say to the gentleman that that practice has been put into effect by the committee during the present Congress.

Mr. COCHRAN of Missouri. The committee has at all times impressed me with its willingness to do everything in its power to protect the municipality or the State or the county and the Government in so far as excessive tolls are concerned, but I am calling attention to a condition in reference to the issuing of securities. The gentleman from Illinois [Mr. DENISON] has introduced a so-called blue sky bill, and if it is not in conflict with the Constitution—and I have a great deal of respect for his ability as a lawyer—I expect to vote for it, if it ever gets before this House. I feel sure that the gentleman from Illinois [Mr. DENISON] will look into the subject I advance before he calls up any more such bills.

Let me call your attention to an editorial appearing in the St. Louis Post-Dispatch, January 28, which I referred to at the outset. It follows:

MISSOURI, A HELPLESS SPECTATOR

The Jefferson City correspondent of the Post-Dispatch has been authoritatively informed that "holding companies for public utilities * * * only are beyond the control of both the Missouri Public Service Commission and the State 'blue-sky' department."

The head of our "blue-sky" department, Securities Commissioner F. T. Stockard, says that because of legal exemptions he has no means of controlling the sale of securities in holding companies.

A great many of our public utilities are now the wards of holding companies. All our Bell telephone companies are in that position. So is the Laclede Gas Co. J. K. Newman, of New York, and his local associates are eager to put our street railway company under the control of their holding company. Samuel Insull, of Chicago, famous as a contributor to political campaign funds, has been gathering up public utilities in Missouri and tucking them under the wing of his holding companies.

None of these holding companies—in fact, no holding company—has ever applied to the Missouri Public Service Commission for permission to issue securities, for the excellent reason it does not have to ask or obtain such permission.

Again, no holding company has ever asked our "blue-sky" department for permission to sell its securities in Missouri. And, again, the reason is the same—it does not need that permission.

So, as regards the activities of holding companies, the State of Missouri is a helpless spectator. So, too, is every other State.

We speculated the other day on the "legal residence, if any," of holding companies. Is a holding company, we asked, "a fabled creature dwelling in a zone of economic neutrality in which it enjoys all the financing prerogatives and legal immunities that conduce to a happy, prosperous, and, as in the case of Mr. Munroe, of Laclede Gas Light celebrity, a get-rich-quick life?"

Pretty soft for the holding company, if that is it. And, according to our officials at Jefferson City, that is just about it.

The other editorial was from the St. Louis Star, and was published on the same day. It follows:

WHY A BLUE SKY LAW?

The board of governors of the Investment Bankers' Association has recently gone on record against the blue sky laws as the sole means of preventing the sale of worthless securities. The board is not convinced there is a "legislative panacea" to assure sound management of any investment trust. Fraud acts with broad powers, it believes, would be more effective.

The blue sky laws in Missouri and other States were passed when it was apparent that fraud acts already on the statute books afforded little or no protection to the investor, and after the sellers of sound securities had failed to drive the sellers of fake securities out of business. Nobody familiar with administration of these blue sky laws would presume to say these laws are a "panacea." There is no panacea for fraud. The blue sky laws often fail to prevent the sale of fake stocks and bonds because the attention of administrators of these laws is not called to the sales until many persons already have been swindled. But these laws afford a measure of protection to the public, and a measure of protection is better than no protection at all.

The cure for this evil is not by repealing the blue sky laws, which the board of governors does not suggest, or in depending upon the general law-enforcement machinery and fraud acts, but in the cooperation of organizations like the Investment Bankers' Association with the blue sky law departments and prosecuting officers. All of these agencies, working together, can keep the selling of worthless stocks to the public at a minimum, even if they can not wholly suppress such sales. The blue sky law in Missouri is far from perfect, but it justifies itself every time some inexperienced and incautious citizen with a few dollars saved is kept from wasting his money on lithographed trash.

I understand the House will not be in session to-morrow. It will give me time to confer with the gentleman from Illinois [Mr. DENISON], chairman of the subcommittee on bridges of the Committee on Interstate and Foreign Commerce, and I hope to reach an agreement with him whereby he will submit an amendment to each bill to be called up Monday where consent of Congress is granted to an individual or individuals, other than the class of bridges I enumerated, to meet my views on this subject. I do not desire to obstruct legislation, but I will be forced on Monday to offer objections to every bridge bill of this class unless such an amendment is proposed.

I will submit to the gentleman from Illinois a suggestive amendment reading as follows:

Provided, That bonds or other securities issued against or based on the construction and revenues of said bridge and approaches shall not exceed the actual cost of such construction and operation, economically made, plus a maximum of 10 per cent added thereto; and it shall be the duty of the Secretary of War prior to the issue of any such bonds or other securities to determine the total thereof which may thus be issued.

The gentleman from Illinois [Mr. DENISON] has always shown a desire to protect the municipalities, counties, and States in connection with toll bridges, and I feel that had he known the States did not have the power to control the situation he long since would have made provisions along this line. Until a few days ago I entertained the opinion this matter was under the control of the various States, but it develops they are without power to protect the public in this connection, nor have they any control over holding companies for public utilities.

I have not examined the calendar, but I am informed close to 100 bridge bills are ready for consideration Monday. This is a most important matter, and I hope every Member of the House will be on the floor Monday, so we will be assured of a thorough discussion of the question, agree upon a proper amendment for the protection of the public, and make it unnecessary to object to the bills, which I know so many Members are very anxious to have passed.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent to return to line 10, page 27 of the bill, in order to correct the spelling of a word.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent that the word "at" be changed to "as," in line 10, page 27.

The CHAIRMAN. Without objection, the correction of the spelling will be made.

There was no objection.

The Clerk read as follows:

ORDNANCE DEPARTMENT

ORDNANCE SERVICE

For the current expenses of the Ordnance Department in connection with purchasing, receiving, storing, and issuing ordnance and ordnance stores, comprising police and office duties, rents, tolls, fuel, light, water, and advertising, stationery, typewriting and adding machines, including their exchange, and office furniture, tools, and instruments of service; for incidental expenses of the ordnance service and those attending practical trials and tests of ordnance small arms, and other ordnance stores; for publications for libraries of the Ordnance Department, including the ordnance office; subscriptions to periodicals, which may be paid for in advance; and payment for mechanical labor in the office of the Chief of Ordnance; and for maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles, $1,010,430: *Provided*, That the Ordnance Department is hereby authorized to employ, under its various appropriations, not exceeding four consulting engineers as the Secretary of War may deem necessary at rates of pay to be fixed by him not to exceed $50 a day for not exceeding 50 days each and necessary traveling expenses.

Mr. SPEAKS. Mr. Chairman, I regret to do so at this hour, but I feel compelled to make a point of no quorum. I shall at this point make a proposal that will interest many Members and in addition a large number of people in every State in the Union. I have promised many Members to notify them when the subject I propose is being discussed, so I make the point of no quorum.

Mr. BARBOUR. May I inquire of the gentleman what the subject is?

Mr. SPEAKS. I will be frank with the agreeable chairman of the subcommittee. I am going to propose an amendment to the item on page 42, providing $4,000,000 for the purchase of ammunition and various other articles. I propose to offer an amendment reducing that sum by $550,000, and if successful in the effort, I will then propose that the $550,000 be utilized for the national matches authorized by law and which are compulsory. Now, I do not care to make my preliminary statement relative to the matches until the Members especially interested are present.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. SPEAKS. Yes.

Mr. BARBOUR. Would it be agreeable to the gentleman to pass over that section for the present?

Mr. SPEAKS. I will be pleased to do so, if I can have assurances that my rights and privileges will be properly protected.

Mr. BARBOUR. It will be done without prejudice. Then when we come to the national rifle practice item we can take up the two subjects together, the gentleman can offer his amendment, and we can have a proper discussion under that item.

Mr. SPEAKS. I will be very glad to do that. I withdraw my point of order that there is no quorum present, in view of the statement of the chairman of the subcommittee.

Mr. BARBOUR. Then, Mr. Chairman, I ask unanimous consent that the paragraph on page 42, "Ordnance stores, ammunition," be passed over at the present time, and that it be taken up for purpose of amendment when we reach the item regarding national rifle practice. Will that be agreeable to the gentleman?

Mr. SPEAKS. It will be.

The CHAIRMAN. The gentleman from California asks unanimous consent to pass over the first paragraph on page 42, ending with line 8, to be returned to later. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will resume the reading of the bill for amendment.

The Clerk read as follows:

MOLINE-ROCK ISLAND BRIDGE

For repairs and alterations, including construction of a draw or lift span in the aid of navigation, of the bridge connecting the city of Moline, Ill., with Rock Island, Ill., to be available immediately, $50,000.

Mr. LETTS. Mr. Chairman, I make a point of order against the paragraph. It is legislation on an appropriation bill, and it is out of order.

The CHAIRMAN. The gentleman from Iowa makes a point of order against the paragraph. Does the gentleman from California [Mr. BARBOUR] wish to be heard?

Mr. BARBOUR. This item provides—

For repairs and alterations, including construction of a draw or lift span in the aid of navigation, of the bridge connecting the city of Moline, Ill., with Rock Island, Ill., to be available immediately, $50,000.

This bridge has been in existence for some time, and this item is merely for repairs and alterations. It is a Government-built bridge, a Government-owned bridge. It was built by the United States in 1870–1873, and undoubtedly it was authorized by law at that time.

Mr. LETTS. Mr. Chairman, the committee without question has been informed that this is in the interest of navigation, and if it were, and the project had been authorized, the appropriation would be proper. But this is an appropriation for an unauthorized project. It has never received the consideration of the Committee on Rivers and Harbors, and there has never been general legislation with respect to this matter.

The bridge in question is at the lower end of what is called Moline pool. Moline pool, in its northern part, is a part of the authorized waterway, but the waterway at this point diverges to the right, to the Iowa side, and the boats pass through the locks at the head of the island. Now, if anyone wanted to drive a boat through this bridge they would immediately have to turn around and come right back and then out through the locks.

In my judgment there can be no question about this thing. When we look at the hearings that were held before the gentleman's committee we find that the only witnesses who appeared were asked to say what the repairs would reasonably cost, and they said $50,000, including the erection of this drawbridge; and then when they were asked what the cost of the drawbridge would be, they said that would be $50,000. I think that exactly states the truth of the matter. The only repair contemplated here is the conversion of this bridge into a drawbridge, and it is for the sole benefit of one concern, the John Deere Plow Co.

In that connection I would have this to say: If it were proper in the aid of navigation I would have no objection whatever, but for a number of years there has been a constant movement on the part of certain interests in Moline, by persuasion or otherwise, to induce a change of the watercourse through the Mississippi River at this point.

A number of years ago they started by extending a dam from the head of Rock Island up the middle of the stream, about 3 miles, and then little by little they have built from that dam toward the Iowa shore, and from the Iowa shore toward the dam, until a few years ago the citizens around there waked up to the fact that there was then only a small gap of about 400 feet between the ends of these dams, and that certain boats that were loaded with rock and other materials were ready to be dropped into this gap and effectively, without the authorization of Congress, to dam the Mississippi River; to throw the water over into the Moline pool and thereby give them such a depth of water as to compel all navigation to go that way.

Mr. BARBOUR. Will the gentleman yield?

Mr. LETTS. Yes.

Mr. BARBOUR. Is there not a dam on the Moline side of the river just below this bridge and connecting the mainland with Rock Island?

Mr. LETTS. Yes.

Mr. BARBOUR. That would prevent navigation from going down on the Illinois side?

Mr. LETTS. No; not in my judgment; because if the purposes of these gentlemen can be effectuated they will tear that dam out in 20 minutes.

I will say to the gentleman that there are two power dams in the Moline slough. One of them belongs to the United States Government and is a part of the United States arsenal at that point, and there we produce power for the use of the arsenal, and we sell the excess that is produced.

At this point I ought to say an investigation should be instituted in that regard, because we are almost giving that power away.

In addition to this power dam there is the power dam of the Moline Power Co., and it has been the boast of some gentlemen connected with that concern that sooner or later they are going to throw the main channel of the Mississippi River down the Illinois side of Rock Island rather than on the Iowa side, as it now is.

Mr. TABER. That would be a lawless procedure, would it not?

Mr. LETTS. It would not be a lawless procedure if they are able to proceed step by step, as they have done.

Mr. TABER. They would have to secure legislation to permit them to do it.

Mr. LETTS. Certainly, and this is one of the steps by which they are seeking that legislation. They know they could not come here and get a program of that kind through Congress. They realize that the only way they can effectuate their purpose is to come down and, step by step, put Congress and the Government in a position where the only logical thing to do is to go through with it, finish it up, and dredge it. Necessarily the next step would be that the bridge which now exists from the lower point of the island to the city of Rock Island would require reconstruction to be made into a drawbridge and then the Government will be called upon to do necessary dredging in that slough.

It is not an impossible thing in any sense. It is a very feasible plan, because with the dam which extends upstream at the upper end of the island and the dams on the Iowa side most of the water of the river is now thrown into the Moline pool. If these power dams were destroyed they could throw that water all down on the Illinois side.

A year ago, when this matter was in the river and harbor bill, I reached an agreement with that committee whereby they agreed to put in their bill a stipulation that no additional power wheels should be placed on the dams at the lower end of the pool. That was in order to safeguard the people of Davenport with respect to their water rights and to permit only such water to pass over the dams as was then being passed through the wheels now in use. The Davenport people and the Bettendorf people get all of their water for the purpose of the city out of the center of the stream on the other side of the island. Even now, when the water is low there is at times great uncertainty as to whether or not the intake will be sufficiently below the water to supply the people of that community with the water that is necessary. If any more water is diverted to the Moline side of the Rock Island Arsenal the people of Davenport are going to suffer very seriously through a lack of water suitable for ordinary purposes and fire protection. The island itself is sizable, being about 999 acres and being about 2½ miles long. The channel is naturally on the Iowa side. This movement is only in line with other steps that have been taken by which it is hoped eventually to throw the waters of the Mississippi over to the Illinois side. This is not a part of the waterway project that has been adopted by Congress.

It is only true that the Moline pool is a part of the waterway in so far as it permits boats to come down through the pool and then out at the upper end of the island through the Government locks and down on the Iowa side. This bridge is below that point, and just below that are the two dams of which I have spoken, and also the plant of the John Deere Plow Co., which is the only concern that would benefit by this improvement.

I may say that it appears in the hearings that gentlemen of the committee were told that the John Deere Plow Co. was the only concern that would benefit. When asked why that company did not load above the bridge, the answer was that they would have to buy additional ground. If they did that, no other difficulty seemed to present itself, so far as navigation is concerned.

I am very serious about this thing. I wish the chairman of the subcommittee might consent that this matter should go out of the bill for the time being; that a thorough examination of this condition be made, and if it is found that navigation requires it and it is a proper matter, I at a future time would have no objection to it.

Mr. CHINDBLOM. Mr. Chairman, on the point of order, I respectfully submit that the argument which the gentleman from Iowa [Mr. LETTS] has made is almost exclusively confined to the merits of the question.

The CHAIRMAN. The Chair heard the gentleman from Iowa [Mr. LETTS], because it seemed helpful to the Chair to have the facts as far as possible on which the law or the question of order is determined, but the Chair will now hear the gentleman from Illinois on the point of order.

Mr. CHINDBLOM. Mr. Chairman, the item in question reads:

For repairs and alterations, including construction of a draw or lift span in the aid of navigation, of the bridge connecting the city of Moline, Ill., with Rock Island, Ill., to be available immediately, $50,000.

The Chair, as, of course, the present distinguished occupant of the Chair is well aware, can go no further than the language of the provision or paragraph or section to which the point of order is made. The point of order, if valid at all, must be directed to section 2 of rule 21, and I have here the manual, referring to page 364, of the edition of 1925, in which the Chair will find the following language with reference to the construction of the terms, work in progress or the continuation of work already done under authority of law, and near the middle of the page I read the following:

But appropriations for rent and repairs of buildings or Government roads and bridges have been admitted as in continuation of a work, although it is not in order as such to provide for a new building in place of one destroyed.

Mr. BLAND. Will the gentleman yield?

Mr. CHINDBLOM. I would like to finish what I have to say on the question of the point of order and then I will be pleased to yield.

Mr. BLAND. This is on the point of order. I want to direct the gentleman's attention to the language, "including construction of a draw or lift span," which is a new feature, as appears from the gentleman's statement, and differs from the authority which the gentleman has presented.

Mr. CHINDBLOM. The gentleman, of course, will have an opportunity to make a reply to my feeble effort to try to show that this paragraph is in order.

The manual refers specifically to volume 4 of Hinds' Precedents, on page 538 of the current edition, paragraph 3803, from which I read:

An appropriation to repair a bridge built by the Government was held in order as for continuation of a public work. On January 28, 1897, the Indian appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when Mr. Frank W. Mondell, of Wyoming, moved an amendment making an appropriation for the repair of the bridge across Big Wind River, on the Shoshone Reservation in Wyoming.

Mr. Joseph G. Cannon having made a point of order against the amendment, on the ground that it was not such a public work as was contemplated by the rule, Mr. Mondell stated that the bridge was originally built by the Government.

The Chairman overruled the point of order.

It will be noted that the point of order was made by the distinguished parliamentarian, who for many years, probably subsequent to this time, was the Speaker of the House, Hon. Joseph G. Cannon. The chair was occupied at the time by another distinguished Member of the House from Illinois, the Hon. Albert J. Hopkins, who had a reputation as one of the leading parliamentarians of this House as well.

The gentleman from Virginia has suggested that the construction of the draw or lift span in aid of navigation is new work. It is part of the bridge. That is simply a detail with reference to the kind of repairs and alterations that are to be made upon the bridge.

Mr. LETTS. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. LETTS. How is it a repair of that which they have had when it is supplying something entirely different and for a different purpose?

Mr. CHINDBLOM. It appears this bridge has become, at least in the opinion of the Bureau of the Budget, I will say, an obstruction to navigation.

Mr. LETTS. Will the gentleman yield again?

Mr. CHINDBLOM. And there is legislation on the statute books which prohibits all constructions in rivers and upon waters under the control of the United States to operate as obstructions to navigation.

Mr. LETTS. Will the gentleman yield?

Mr. CHINDBLOM. I yield.

Mr. LETTS. Does the gentleman contend that it gives authority to tear down and build a different kind of bridge?

Mr. CHINDBLOM. There is no showing in the language of this provision that it is proposed to tear down anything. The language is for repairs and alterations, including the construction of a draw or lift span in the aid of navigation. The bridge is there.

Mr. LETTS. Will the gentleman yield further?

Mr. CHINDBLOM. Yes.

Mr. LETTS. Will the gentleman point out any legislation that has held that this has any relation whatever to navigation in that part of the stream?

Mr. CHINDBLOM. The gentleman misapprehends the purpose of my argument. I am not arguing on the facts. I have called the attention of the Chair to what is stated in the paragraph itself. It is proposed as a part of the repairs and alterations to include the construction of a draw or lift span in the aid of navigation. It is not new construction but is a part of the bridge.

Mr. LETTS. Will the gentleman yield again at this point?

Mr. CHINDBLOM. Yes.

Mr. LETTS. Are we going to legislate, now that this is necessary, for navigation or are we going to let the proper committee deal with the subject?

Mr. CHINDBLOM. Whether it is necessary or not at this time and in this bill to make appropriations for the object in question goes to the merits. I say that it appears, from the language of the paragraph, that this draw or lift span is a part of the repairs and alterations of this bridge. This bridge was constructed by the Federal Government. It is at the location of the Rock Island Arsenal, a part of the establishment of the War Department, and most certainly Congress in passing an appropriation bill can provide for repairs and alterations made necessary by whatever cause. Something has perhaps occurred. It is suggested in the language of the provision that is proposed that it may have become necessary in aid of navigation.

That only adds to the necessity for the work. I respectfully submit that it is not proposed here to build a new bridge, it is not proposed to erect new construction, there is nothing destroyed to be replaced, but it is for the purpose of making repairs and alterations in the present structure.

The CHAIRMAN. Can the gentleman from Illinois state to the Chair the original authority by which the bridge was built?

Mr. CHINDBLOM. Mr. Chairman, my attention has been called to the memorandum sent by the Bureau of the Budget. It is as follows:

The bridge at Moline, Ill., a Government-owned structure, crosses the south branch of the Mississippi River and connects the city of Moline, Ill., with Rock Island, upon which is located the Rock Island Arsenal of the Ordnance Department of the Army. The bridge is a fixed structure, built by the United States in 1870–1873, and has a vertical clearance of 15.5 feet at low water. The demands of present and prospective commerce render such clearance inadequate and the bridge for this reason has been decreed by the Chief of Engineers of the Army to be obstruction to navigation. The purpose of this estimate is to enable the War Department to make such changes in the bridge as will permit free and unobstructed navigation thereunder.

It appears that the Chief of Engineers has decreed that the bridge in its present shape and condition is an obstruction to navigation, and there remains nothing for the War Department to do but to blow up the bridge and remove it or come to Congress for an appropriation for the necessary alterations and repair. No private corporation, and not even the Government itself, may maintain a bridge which in its original construction or by reason of subsequent conditions becomes an obstruction to navigation. Now, you can not have a bridge without some span.

Mr. LETTS. This bridge was built as a war measure. There is no connection with the erection of this bridge and the convenience of the public. No one at that time had any idea about navigation, because there was no water over there sufficient to float any kind of a boat until the other works of which I spoke were constructed—the building of the dams. So the gentleman is mistaken when he assumes that the reconstruction of a bridge by putting in a draw has any relation to its original purpose.

Mr. CHINDBLOM. May I add, Mr. Chairman, that it is suggested that there must be a span. There is a span there now. This simply alters the span—it is an alteration and not a building of a new span. It would not be a bridge at all without a span. This is to make alterations which the War Department has found necessary under existing conditions, and it seems to me that it is clear that there is a sufficient authorization.

Mr. LETTS. I again draw attention to the fact that this is a new project with relation to the waterway of the Mississippi River at that point, and has never received the consideration of the Committee on Rivers and Harbors. There has been no legislation for it at all. If there is any authority for the appropriation as in the interest of navigation it will be because of the legislation in this provision to which I object.

Mr. ALLEN. Mr. Chairman——

The CHAIRMAN. The Chair will hear the gentleman from Illinois on the point of order.

Mr. ALLEN. I may drift away a little from the point of order, but I hope the Chair will bear with me, because the item refers to a bridge in my district. I have been surprised at Judge LETTS's remarks in regard to the feeling that prevails there. I never heard of it. This provision, as I understand it, is for the alteration and repair of a bridge that has the indorsement of the engineers and the Bureau of the Budget, and I fail to see, in my district or in Moline, where there is any disposition to take away any rights on the Iowa side. It is true that we have vast interests on the Illinois side; with these barge lines that have been started we look for wonderful results. It is true Moline will be one of the great shipping points on the Mississippi River. The John Deere Plow Co., one of the leading manufacturers of agricultural implements of the country, will furnish alone 500,000 tons. Moline has many other large industries and will be one of the largest and busiest ports on the Mississippi River.

This bridge is an obstruction to navigation, and at a point very vital to the success of the shipping on the river. I do not know that I can say anything to this committee better than what has been said by the Budget and by the Army engineers. I might read one extract from the hearing from Major Lewis:

Mr. BARBOUR. You have another bridge, have you not?

Major LEWIS. Yes, sir. There is one going to Davenport, and also a bridge over to the city of Rock Island.

The Government is in the position of owning a bridge which is obstructing navigation on the river. If that were a privately owned bridge, under the river and harbor act the Secretary of War would, when it was complained about, call a public meeting to determine whether or not it was a fact that navigation was being obstructed, and if so, under this act of Congress he would be authorized to direct the owner of the bridge to open it for navigation. We are in the position now of owning the bridge ourselves. It is a five-span bridge, and the simplest and cheapest plan is to take the island end span and make a vertical lift or draw out of it.

In conclusion, this is a step forward in the development of the Middle West. It so happens that in my district Moline and Rock Island are growing, thriving, manufacturing cities. For God's sake, let us not cripple them. Let us give them the help that seems to be due them at this time. I leave that with you, gentlemen.

Mr. LETTS. Mr. Chairman, will the gentleman yield?

Mr. ALLEN. Yes.

Mr. LETTS. Is the gentleman informed of the fact that during this last winter, because of these dams that have been built around Davenport and Bettendorf, throwing the water into the Moline pool, the manufacturing concerns at Bettendorf and Davenport had to close up because of lack of water?

Mr. ALLEN. I do not so understand it; and I say to the gentleman from Iowa that I think he has a wonderful city over there. I think that he is more scared than hurt. I think that those three cities are all going right ahead.

Mr. LETTS. The gentleman knows that when the matter was under consideration before the Committee on Rivers and Harbors last year Davenport and Bettendorf sent down a large delegation, including the mayors and some of the most prominent men there, and those interested in the water company, and that Moline sent down the strongest delegation it could get up, and I ask the gentleman whether in his heart he believes that this is just a flitter, if there is not some substance to this, and if the people on the Iowa side are not endangered in their water supply?

Mr. ALLEN. I have never been asked by any organization or by any individual in the city of Moline about this, with one exception, and that was to call attention to the opposition that the gentleman was likely to bring on the floor here, following up with the following part of this telegram, which I shall read, and that is all I have.

The telegram is to the effect that the John Deere Plow Co. expect to construct at their own expense docks and shipping facilities to connect their factories with the barge terminals, the cost of which will be at least $50,000 and probably more. That is the sort of company that is interested in the development of this barge line, but they have to have this lift in the bridge to get the barges around to their shipping point. We are going to make your city a good city too, Judge LETTS.

Mr. LETTS. When this matter was under consideration in the subcommittee, I think it was the gentleman from California [Mr. BARBOUR] himself who inquired about the authority of law for this appropriation, and the answer was that it was contained in the river and harbor act of March 3, 1899. I have asked the gentleman from Illinois and all those concerned to point out any law that is authorization for this appropriation. I have carefully read the act which was given as the authority of law, and I fail to find one word relating to the subject in the whole of the law.

Mr. ALLEN. Is the gentleman aware that the island between Moline and Davenport is the property of the United States; that the bridge connecting the island with Moline is the property of the United States; that the construction of the proposed lift is for the purpose, and the sole purpose, of aiding navigation on a navigable river of the United States? In other words, the construction of the proposed lift by the United States on a bridge owned by it and located on its property, in order to aid the navigation of its river, is questioned by the gentleman, if I understand him, on the sole ground that the United States lack power in the premises.

The products of the farms and factories of the Mississippi Valley are in immediate and pressing need of river transportation. Every hour of delay in providing that transportation means loss to the farmers and manufacturers and workmen, as well as to the merchants and other men engaged in commerce and business in that section. The situation is not one to be solved by technical quibbles but by practical sense and effort.

Mr. CHINDBLOM. Mr. Chairman, it was my purpose to call attention to the act of March 3, 1899. I have just sent for it, but I have not had time to examine it. I shall read to the Chair the language of Colonel Robbins, before the Subcommittee on Appropriations, as it appears in the hearings. The question was raised whether the Moline Power Co. or anybody else had any rights in this matter. Mr. Robbins replied and said:

They have some rights under the river and harbor act of March 3, 1899, which authorizes the Secretary of War to order a bridge altered when it interferes with navigation.

In this case the bridge happens to be owned by the Government, and they would claim the right of every other American citizen under that law, and say that because the bridge is owned by the Government does not alter the basic principle of that law.

As I say, I have not had time to examine the act of March 3, 1899.

Mr. LETTS. Mr. Chairman, I have carefully examined that act, and there is not a word in that that can be regarded as authority for an appropriation of this kind.

The CHAIRMAN. The Chair would like to know by what authority this bridge was originally built. If this bridge was built under authority of law and is a Government bridge, the question is quite different from what it would be if it were built without authority of law.

Mr. CHINDBLOM. The memorandum from the Budget states that it was built by the War Department, as part of the War Establishment. There has been no dispute of that statement.

The CHAIRMAN. Assuming that this bridge was built in accordance with law, then much of the argument made by the gentleman from Iowa [Mr. LETTS], and to some extent that made by the gentleman from Illinois [Mr. ALLEN], goes entirely to the merits of the question and not to the point of order.

Mr. BARBOUR rose.

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

Mr. BARBOUR. Mr. Chairman, I think it advisable to look into this matter further. In order to afford time for that purpose, I move that the committee do now rise.

The CHAIRMAN. The Chair would be glad to have until the House meets again for the consideration of this bill in order to find what authority was originally given for the construction of this bridge.

The gentleman from California moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10286, the War Department appropriation bill, and had come to no resolution thereon.

ADJOURNMENT OVER UNTIL MONDAY

Mr. TILSON. Mr. Speaker, the Committee of the Whole has made very substantial progress on the War Department appropriation bill to-day. It would seem now that we shall probably finish it in one more day. In view of the state of the business of the House and the fact that many of the committees are working very hard on their bills, I think that we shall lose no time, and perhaps gain in the end, if we adjourn over until next Monday. Therefore, I ask unanmious consent that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next. Is there objection?

Mr. WILLIAMSON. Will this bill be in order on Monday?

Mr. TILSON. No. Monday will be Consent Calendar day. We have a very long Consent Calendar, so that it will probably take all day. This bill will be taken up again on Tuesday next.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that on Tuesday morning, after the reading of the Journal and the disposition of papers on the Speaker's desk, I may be permitted to address the House for 35 minutes.

The SPEAKER. The gentleman from Indiana asks unanimous consent that on Tuesday morning, after the reading of the Journal and the disposal of business on the Speaker's table, he may be permitted to address the House for 35 minutes. Is there objection?

There was no objection.

TENNESSEE WATER POWER AND MUSCLE SHOALS

Mr. GARRETT of Tennessee. Mr. Speaker, some days ago the House gave me permission to extend my remarks in the RECORD by inserting a communication from the public utilities commission of my State bearing on the water resources of Tennessee and Muscle Shoals. I have received a letter from former Senator Shields bearing on the same subject, on a live legislative matter, and I would like to insert that, too.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks by inserting a letter from former Senator Shields, of Tennessee, in regard to the matter which the gentleman from Tennessee was privileged to extend on a former occasion. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following letter from former United States Senator John K. Shields upon the subject of Tennessee water-power resources and Muscle Shoals:

KNOXVILLE, TENN., *January 25, 1928.*

Hon. FINIS J. GARRETT,
Washington, D. C.

MY DEAR SIR: When we discussed the Madden bill (H. R. 8305), and especially the provisions providing for the construction of dams on the Clinch River, some days ago, I had not read the bill and was unable to express any opinion of how these provisions affected the sovereign and property rights of the State and people of Tennessee, but have since carefully considered the copy you gave me and come to a definite opinion in regard to these matters.

I have also carefully read the letter concerning the same matters which you received from the railroad and Public Utilities Commission of Tennessee, in which the commission ably presents the sovereign powers, rights, and interests of the State and the people in streams, in which I agree with them in the abstract, but I do not think that the opinions expressed and authorities referred to are applicable to dams constructed or authorized to be constructed by the Congress for the improvement of navigation and the national defense.

The object of the Madden bill is to authorize and direct the Secretary of War, for the United States, to execute to the Air Nitrates Corporation and American Cyanamid Co. a lease of property of the United States known as the Muscle Shoals development at Muscle Shoals on the Tennessee River, Ala., to be operated and maintained primarily for the purpose of generating and manufacturing air nitrates to be used for the national defense and agricultural fertilizers, the lessees obligating themselves to manufacture, distribute, and sell fertilizers, and for the improvement of navigation. These were the purposes for which the Muscle Shoals development was constructed by the United States.

It has been ascertained since the construction of the Wilson Dam that in dry seasons there was not sufficient water to assure the production of sufficient power and that the construction of other dams in the Tennessee River and its tributaries is necessary.

The Clinch River has been surveyed under the direction of the Secretary of War and navigation dams and storage reservoirs located which when constructed will improve navigation upon that river as well as upon the entire Tennessee River, and supply the necessary water power at Muscle Shoals in dry seasons, and therefore the United States contracts in the lease to construct the Cove Creek Dam and authorizes the Air Nitrates Corporation and American Cyanamid Co., through a subsidiary corporation, to construct three navigation dams upon this river, the power produced by the Cove Creek Dam to be covered by the lease and that produced by the other three dams to be used, owned, and enjoyed by the lessee. These four dams are all to be constructed for improvement of navigation, the national defense, and incidental power production.

The three dams below Clinton: Congress has the unquestioned power to authorize the construction of these dams for the improvement of navigation and incidental power production by persons or corporations at their own expense. This power has been frequently exercised for many years and never challenged. The Hales Bar Dam in the Tennessee River, the Keokuk Dam in the Mississippi River, Dam No. 12 in the Coosa River, and many other large dams have been constructed under acts similar to the provisions granting the lessee licenses to construct these dams. It has been a favored way of improving navigation of streams as well as developing water-power resources without cost to the United States. The permits and licenses granted under the provisions of the Madden bill are to be governed by the provisions of the Federal water power act in all things, but the lessees are to have preference over all applicants to the Federal Water Power Commission for licenses to construct them.

The incidental power generated by these dams, its distribution and sale, however, will be subject to the laws and constituted authorities of Tennessee, no question of interstate commerce being involved in the generation, use, and sale of hydroelectric power. This is conceded by the provision in the bill that the lessee shall "construct, operate, and maintain such dam or dams subject to the applicable State and Federal laws."

Section 9 of the Federal water power act under which they are to be constructed provides, in section (b), that each applicant for a license hereunder shall submit to the commission—

"(b) Satisfactory evidence that the applicant has complied with the requirements of the laws of the State or States within which the proposed project is to be located with respect to bed and banks and to the appropriation, diversion, and use of water for power purposes and with respect to the right to engage in the business of developing, transmitting, and distributing power, and in any other business necessary to effect the purposes of a license under this act."

The Madden bill does not undertake to enable the licensee at these dams to override the authority of the State but merely provides that after the lessee has complied with the laws of the State, then, so far as the Federal Government is concerned, he shall have his preliminary permit and consequent license if desired. The time allowed the lessees to construct the dams is less than that which the Water Power Commission is authorized to allow power companies applying to it for permits and licenses.

The Cove Creek Dam: Congress has the power to construct dams for navigation improvement and the national defense as here contracted and to lease the waterpower produced. This has been done in a number of cases. The act of Congress providing for the construction of the Sault Ste. Marie navigation improvement by the United States authorized the waterpower incidentally produced to be leased or disposed of, and it was sustained by the Supreme Court of the United States in the case of the United States *v.* Chandler, Dunbar Co. (229 U. S. 53).

The pertinent provisions of the contract of the United States to construct the Cove Creek Dam are as follows: The lessor, for the purpose of navigation improvement, national defense, incidental flood control, and to secure the maximum production of fertilizers at Muscle Shoals in time of peace, covenants and agrees to acquire and construct with reasonable promptness Cove Creek Dam on Clinch River approximately 8 miles north of Clinton; the lessor covenants and agrees to acquire by good and marketable title, free from all defects and encumbrances, all such lands, rights, easements, and servitudes as may be necessary for the construction, operation, and maintenance of said dam, and to complete the construction thereof in good faith, and with reasonable diligence, the property when completed to become a part of the properties leased.

The power produced, its distribution and sale by the lessees, is subject to the control and regulation of the laws and constituted authorities of Tennessee as in all other cases, which I think is admitted by the provisions of the lease.

With these views of the meaning and proper construction of the provisions of the proposed lease concerning dams on the Clinch River, I am of the opinion that they do not violate any of the sovereign powers, rights, and interests of the State and people of Tennessee and are constitutional and valid. If you have any doubt of this, you could offer an amendment to the bill that no provision of the lease shall violate any of the sovereign rights of the State, which will doubtless be accepted, because if it is done they will be void.

The lease contains a contract by the United States that it will not construct or allow to be constructed a dam on the Tennessee River or its tributaries that will materially impair the full enjoyment by the lessees of the property leased, which is objectionable and should be stricken out. Congress had no power to make such a contract, because it does not relate to or affect navigation, but solely to the private business of the lessees. However, it is void, meaningless, and harmless, and entitled to no serious consideration.

The chief objection, it is understood, to the Madden bill comes from the power companies, and especially those that have made application to the Federal Water Power Commission, but not to the Railroad and Public Utilities Commission of Tennessee, for permits and licenses to construct the dams on the Clinch River, as well as dams on other rivers in Tennessee, which will doubtless be granted by the Federal Water Power Commission if the Madden bill is not enacted granting such licenses to the Air Nitrates Corporation and American Cyanamid Co. by the United States.

In other words, the contest is between the United States in its effort to improve navigation and provide for the manufacture of fertilizers for the use of farmers and nitrates for national defense, and the Cyanamid Co., which owns the process for the manufacture of nitrates on the one part, and the power companies which desire by their application more than 20 dams on the Tennessee River and its tributaries in east Tennessee for power purposes, the granting of which will give them power to dispose of the hydroelectricity produced and transmitted to other States almost in their absolute discretion.

The water-power companies have long opposed the generation and sale of hydroelectricty by others than themselves. They opposed the completion of the Wilson Dam; they opposed and by delay defeated the proposition of Henry Ford to lease the Muscle Shoals developmpent, and it is said the Fertilizer Trust joined them in this fight. The 13 associated power companies opposed a similar bill to the present one and had a bill introduced granting them a lease, although they owned no processes for the manufacture of air nitrates and their proposition

to do so was of doubtful construction. They have introduced no bill to the present Congress, doubtless because of the Walsh resolution pending in the Senate for the investigation of the power companies; but there are two bills for Government operation or lease, and it is probable that they will gain control of the electric power under these if the Madden bill is not enacted. It is also quite certain if the Madden bill is not passed in the present Congress there will be no proposition from a company manufacturing fertilizers in the future, and the Muscle Shoals power will all pass into the hands of the power companies and be lost to the agricultural interests of the country.

There is another point I would call your attention to: The Air Nitrates Corporation and the American Cyanamid Co. are chemical manufacturing companies and not water-power companies. The construction of the dams on the Clinch River will assure ample power at Muscle Shoals all the year to conduct their business to produce the maximum amount of fertilizers provided for in the lease. They must dispose of the power produced by the dams on the Clinch River, and it will be more profitable for them to sell it to manufacturing companies located near the dams, which will be of very great advantage to Tennessee in the increase of population and taxable property. They in all probability will have no expensive distribution lines to transmit it a distance or out of the State.

I do not wish anything I have said in this letter to be construed as a criticism upon the members of the Railroad and Public Utilities Commission of Tennessee, for they are all gentlemen of integrity and ability and are patriotically asserting and defending the sovereign rights of Tennessee and the people in the water power resources of Tennessee and are not and can not in any way be influenced in the discharge of their duties contrary to the interests of the people of the State by anyone. I favor and approve their assertion of the State's rights which the power companies have ignored and are now attacking by a bill in the chancery court of Nashville.

I have written you quite at length about this matter because I am deeply interested in the manufacture of cheap fertilizer at Muscle Shoals, the provisions for the national defense, and the development of the water-power resources of the Tennessee River for the benefit of the people of Tennessee.

Yours truly,

JOHN K. SHIELDS.

PERMISSION TO ADDRESS THE HOUSE

Mr. CASEY. Mr. Speaker, I ask unanimous consent that, following the special order just made, I may address the House for one hour on Tuesday on the coal-strike situation.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that on Tuesday, following the address of the gentleman from Indiana [Mr. VESTAL], he may address the House for one hour on the coal-strike situation. Is there objection.

Mr. BARBOUR. Reserving the right to object, Mr. Speaker, would not some other day be just as convenient to the gentleman from Pennsylvania?

Mr. CASEY. I will say to the gentleman that I had an allotment of time in the general debate on this bill, but I was compelled to postpone speaking on account of attendance on a hearing on another appropriation bill.

Mr. BARBOUR. I do not want to object to the gentleman's request, but I am very anxious to dispose of this appropriation bill at the next session of the House, and if an hour were allowed to the gentleman on Tuesday that could not be done.

Mr. TILSON. I doubt if next Calendar Wednesday will be crowded. Perhaps the gentleman might get time on Calendar Wednesday. He can get it by unanimous consent.

Mr. CASEY. Then I modify my request, Mr. Speaker, to the extent that I be given one hour on Calendar Wednesday, immediately after the reading of the Journal and the disposal of business on the Speaker's table.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that on Wednesday, immediately after the reading of the Journal and the disposal of business on the Speaker's table, he may address the House for one hour. Is there objection?

There was no objection.

IMMIGRATION AND THE CRIME WAVE

Mr. LANKFORD. Mr. Speaker, on January 27, 1928, my colleague, Hon. ROBERT ALEXIS GREEN, of Florida, delivered an address over the radio on the subject of "Immigration and the crime wave," which address I ask may be inserted in the RECORD by unanimous consent.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by inserting an address recently delivered over the radio by the gentleman from Florida [Mr. GREEN]. Is there objection?

There was no objection.

Mr. LANKFORD. Mr. Speaker, under leave granted me today, I herewith insert in the RECORD an eloquent and patriotic address delivered by the Hon. ROBERT ALEXIS GREEN, Representative of the second congressional district of Florida, over the radio on January 27, 1928, discussing the subject Immigration and the Crime Wave. The address is instructive, entertaining, and worthy of the careful consideration of the Nation.

The address is as follows:

Friends and citizens of America, the subject of immigration is so wide in its scope that it will be impossible for me to give a detailed discussion of it in the short time which I will talk to you this evening; however, it is one of the most important subjects now affecting the citizenship of our great Nation. A high order of citizenship is vital to any nation. A nation's strength in itself and its power and position in the affairs of other nations is established and maintained solely by the stable type of citizenship comprising it.

Our Constitution vested in the Congress the power to regulate and control immigration. However, the subject of immigration was vainly attempted to be regulated by treaty up until about the year 1882, when the American Government tried to settle the Chinese question by a treaty in which it was recited that the right of races to migrate was inherent and inalienable. This was to apply as between the Chinese millions and the United States. Thus it was found imperative that the United States should pass her first immigration law. The influx of aliens grew steadily until by the year 1907 the high peak was reached with the admission of 1,285,349 persons.

This alarming situation brought about the passage of the illiteracy test act in 1917, which only retarded slightly the great influx of foreign hordes. In 1910, 1,041,570; in 1913, 1,197,892; and in 1914, 1,218,480 entered. The abnormal conditions during the World War period, of course, directed the attention of the world in channels other than that of immigration, but soon after the World War—during the reconstruction period—again immigrants by the hundreds of thousands turned their eyes and hopes toward the United States, causing the necessity of the 1921 numerical control act. This act was found inadequate to cope with the situation, and on May 26, 1924, Congress made its third effort to limit the annual influx of aliens. The immigration department of our Government is now working rather effectively under the provisions of this and subsequent acts of Congress, but in spite of all efforts of Congress and the diligence of immigration officials there are to-day in the United States probably 16,000,000 persons of foreign birth, 7,000,000 of whom are not American citizens. Thus you will see the necessity of all efforts at the restriction of immigration.

NEED MORE HELP

The immigration department employs about 2,700 persons. Of this number, nearly 800 are immigrant inspectors and more than 700 are border patrolmen. It can readily be seen that this number is inadequate to cope with some 7,000,000 aliens and some 10,000 miles of border to patrol.

If the border to be patroled could be averaged among the few patrolmen on the 8-hour basis, making allowance for sick leave and other possible absentees, it would be reasonable to approximate 25 miles of border per day to be inspected by one patrolman. Then when we consider that the quota law does not apply to Canada, Mexico, Central America, South America, and some of the islands, it is very easy to see the weakest place of our present immigration laws and their enforcement. Hundreds of thousands of aliens cross these borders annually, thousands of whom remain in the United States. Millions of aliens come into this country either by land or sea annually; the admissibility of these people has to be passed upon by our Bureau of Immigration. Of course, this number includes tourists, students, and aliens of all classes. I merely mention this to show how impossible it is for the limited personnel of our department to cope with this tremendous situation.

GIGANTIC TASK

Our country has a total population of more than 100,000,000, 15 per cent or possibly 20 per cent of which is foreign born, and in almost every case speaking a language foreign to ours. It is readily seen that we have a great task to Americanize, assimilate, and amalgamate these foreigners. These 15,000,000 or possibly 20,000,000 persons of foreign birth, 7,000,000 of whom are aliens, are indeed a heavy burden for American society and for American institutions to carry. These foreigners, in general, exact a tremendous toll from our civilization. In January, 1927, 113,105 aliens were inmates of United States prisons, penitentiaries, jails, insane asylums, hospitals, and poorhouses. The economic loss represented by these figures is appalling. Each of these aliens, considered economically, is less than zero; he is a distinct liability. The amount of money expended annually to support these aliens would, within a few years, build hard roads enough to "checker-board" the United States from the Atlantic to the Pacific and from the Rio Grande to Canada. I know of no good reason why the United States should be so foolish as to permit these conditions to continue.

There are many suggestions to the Congress which would strengthen our National immigration and deportation laws. Recently the House Committee on Immigration, of which I am a member, approved a depor-

tation law which, if passed, will help a great deal; however, my feeling in the matter is that any and all aliens in the United States who are found guilty of violating any law whatsoever of the United States or of any State of the Union, should be, without delay, deported. Aliens who are found guilty of operating gambling houses, "gun-toting," violating in any manner State or Federal prohibition laws, or any other infraction of our minor laws, should be instantly deported the same as if he had committed a graver offense. Probably 80 per cent of those who violate the laws are "repeaters." You can examine the statistics of almost any penal institution and find that a high percentage, in some cases more than 80 per cent, of those who are in prison have been convicted of offenses other than the one for which they are serving.

ALIENS SHOULD BE REGISTERED

In my opinion all aliens, by law and practice, should be compelled to register upon entering the United States and should be compelled to carry on their person such certificate of registration. I believe further that omission of or refusal of any alien to avail himself of the United States laws of naturalization should be grounds for his deportation at the discretion of the trial court. No alien should be permitted to stay in the United States more than five years without becoming a naturalized citizen. To-day there are hundreds of thousands of foreigners in the United States who have been here for years and years, have never declared their intention of becoming citizens of the United States, do not desire to be citizens of the United States; but on the other hand many of them are ready, waiting, and willing at all times to foment trouble and disloyalty to the United States Constitution, laws, and institutions.

A few months ago the United States was brought face to face with the underhanded bolshevistic and communistic working of undesirable aliens. This was brought to a climax during and just after the notorious Sacco-Vanzetti trial. These two depraved and abhorrent murderers committed their acts some seven years before justice was administered to them. A perverted sympathizer of Sacco and Vanzetti, named Edward H. James, a socialist or Red, referring to the trial said:

"You had a crazy judge and jury in Plymouth. You had the same crazy judge and jury in Dedham. You had a crazy Supreme Court of Massachusetts sitting in the courthouse in Boston, saying it was right. The trial of these men was an infamy that cries to Heaven. Take them out from prison. Then punish those who committed the infamy. I am not telling you what to do. I am interpreting history for you. * * * Justice is terrible when it strikes. Revolutions are not made to order. Either we break the Government or the Government breaks us."

These statements of his were taken up by sympathizers of Sacco and Vanzetti and so radical did their minds incline until the courthouse, the court, and other officials had to be guarded and protected from unlawful attacks. Even the homes of the judge and attorney had to be protected by armed guards. After the conviction of these men their friends perpetrated a series of outrages all over the world, exploding bombs and blowing up buildings. So vicious were their designs until when the veterans of the Allied Armies of the World War made a pilgrimage back to Paris and other scenes of their great deeds of heroism, it was necessary for these exponents of humanity and democracy to have guards against the inroads of these numerous Reds.

A leader in the movement to set free these two murderers was Felix Frankfurter, who worked for the defense of Mooney and Billings, red murderers. Notable among this array of reds may be mentioned Charlotte A. Whitney, who was convicted of criminal syndicalism in California for advocating the overthrow of the State by force, and who was not long ago pardoned by the Governor of California. A petition purporting to contain almost half a million signatures protested the execution of Sacco and Vanzetti; thus we see there are hundreds of thousands of these reds, communists, bolshevists who are here working in this country to destroy our Constitution, our people, our Army, our Navy, our churches, our schools, our homes.

It is time that the United States should have a general awakening and educate her citizens to the needs of the hour; educate them to pure Americanism and the protection of our Nation and her institutions. It is time that our immigration and deportation laws have teeth put into them whereby the courts and other officials of our country can instantly ascertain the activity of aliens in crime, lawlessness, and red propaganda and promptly deport them.

CRIME WAVE

The crime wave is engulfing America. Almost every newspaper you pick up has a startling headline like the following: "Fireburg sets seven fires;" "Paroled moron sought as girl's slayer;" "Lost girl sought on Island;" "Hickman, fiendish slayer, captured;" "Fox (Hickman) wins plea for new judge;" "Hotelling confesses attacking and slaying 5-year-old girl;" "Hickman seeks highbrow jury;" "Remus declared insane." This, my friends, is evidence that the crime wave is sweeping the United States because the red-blooded American citizens are apparently becoming careless relative to the enforcement of the laws of the country and apparently careless relative to properly educating the rising generation.

It is time we were instilling in the youth of our land their duties as courts, as peace officers, jurors, and law-abiding citizens. The youth of to-day will fill these places to-morrow. It is time the citizens of the United States should look with disgust and contempt upon the violation of laws and discontinue signing requests for pardons, paroles, and other impediments to the justice of the law. It is time that Americans should look upon real American laws and institutions as theirs and endeavor to protect them instead of taking the side of and protecting and shielding criminals, law violators, and enemies of society. It is time the country should denounce so-called alienists along with other deterrents to law enforcement, justice, and civilization. Often the origin of these ills can be traced to undesirable immigrants. I do not mean to say that all aliens are undesirable; some are high type, splendid people, and make good citizens.

ACROSS THE BORDERS

From south of the Rio Grande hundreds of thousands of Mexicans are pouring into our country, oftentimes at the behest of the various employers of large industrial enterprises. These who would decoy to our lands and then employ undesirable alien labor in competition with the splendid American laborer surely should be stopped. Cheap labor to-day may be an expensive liability to-morrow, and surely in the Mexican peon laborer this condition has obtained. The American laborer resides among us, pays taxes, contributes to the welfare and upbuilding of society and really stands at the helm of the ship of state of our mighty Nation. On the contrary, foreign labor drifts into our country, obains what it can for its hire, gives as little return as possible, in most cases, and then invariably thrusts itself for a charitable existence upon society, in the founding of which it has not assisted.

Another reason why the quota should apply to the country south of the Rio Grande and the islands is because their population in the main is composed of mixtured blood of white, Indian, and negro. This makes their blood a very great penalty upon the society which assimilates it. The United States already has sufficient race and blood troubles.

Influx of all types of undesirable aliens and their amalgamation with our people will cause a general weakening, physically and mentally, of our civilization; and instead of our Nation then being the mistress of the world, leading in art, science, invention, finance, statesmanship, culture, and general civilized development, would it not be reasonable to believe that we would assume a secondary place as compared to those nations which have kept their blood white and purely Caucasian? I do not tell you that these things will come to pass, but I do say we already have enough Japanese, Chinese, Italians, Negroes, and other foreign strains. It is time to entirely stop the islands, Europe, Asia, and Africa from dumping their scum and riffraff on our beautiful American shores.

PERMISSION TO ADDRESS THE HOUSE

Mr. MORIN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. LAGUARDIA], who is now in the coal districts investigating the conditions there, be permitted to address the House for half an hour on Monday. I do that in pursuance of a request by wire that I have just received.

Mr. GARRETT of Tennessee. The gentleman says he is in the coal districts?

Mr. MORIN. Yes. I have just received a wire from him. I did not know before that he was there.

Mr. GARRETT of Tennessee. That is the same subject that the gentleman from Pennsylvania [Mr. CASEY] wishes to speak about?

Mr. MORIN. Yes.

The SPEAKER. The Chair will endeavor to discourage unanimous consent for talking on Monday, which is set aside for the Consent Calendar.

Mr. MORIN. Then I make it Wednesday.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that on Wednesday, at the conclusion of the speech of the gentleman from Pennsylvania [Mr. CASEY], the gentleman from New York [Mr. LAGUARDIA] may be permitted to address the House for half an hour. Is there objection?

There was no objection.

AMENDMENT OF THE HOUSE RULES

Mr. SNELL. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York presents a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

Report to accompany House Resolution 107, amending paragraph 34 of Rule XI of the Rules of the House of Representatives.

The SPEAKER. Ordered printed.

CHANGE OF REFERENCE

Mr. ARENTZ. Mr. Speaker, I have here a bill (H. R. 6461) for the construction of an irrigation dam on Walker River, Nev. It is an Indian matter. It was referred to the Committee

on Irrigation. I have conferred with both the chairman of the Committee on Indian Affairs and with the chairman of the Irrigation Committee, and both are agreeable to the transfer of this bill to the Committee on Indian Affairs.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 6461) for the construction of an irrigation dam on the Walker River, Nev.

The SPEAKER. The gentleman from Nevada asks unanimous consent that the bill referred to be transferred from the Committee on Irrigation and Reclamation to the Committee on Indian Affairs. Is there objection?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the joint resolution (H. J. Res. 131) entitled "Joint resolution providing for a commission to investigate and report upon the facts connected with the sinking of the submarine *S–4* and upon methods and appliances for the protection of submarines," disagreed to by the House of Representatives, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ODDIE, and Mr. SWANSON to be the conferees on the part of the Senate.

ADJOURNMENT

Mr. BARBOUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned, pursuant to the order previously made, until Monday, February 6, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, February 4, 1928, as reported by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Department of Agriculture appropriation bill.

District of Columbia appropriation bill.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION—SUBCOMMITTEE ON HOSPITALS

(10 a. m.)

To authorize an appropriation to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended (H. R. 5604).

COMMITTEE ON ROADS

(10 a. m.)

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented (H. R. 358, 383, 5518, 7343, and 8832).

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented, and authorizing appropriation of $150,000,000 per annum for two years (H. R. 7019).

COMMITTEE ON RIVERS AND HARBORS

(11 a. m.)

A meeting to consider favorable reports from the office of the Chief of Engineers on rivers and harbors projects.

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

That the use of submarines be prohibited and their construction discontinued in this and every other country (H. J. Res. 139).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON POLICE AND FIREMEN

(10.30 a. m.)

To fix the salaries of officers and members of the Metropolitan police force, and the fire department of the District of Columbia (H. R. 9346).

COMMITTEE ON THE POST OFFICE AND POST ROADS—SUBCOMMITTEE NO. 8

(10.30 a. m.)

To authorize the assignment of railway postal clerks and substitute railway postal clerks to temporary employment as substitute sea post clerks (H. R. 58).

To authorize the Postmaster General to require steamship companies to carry the mail when tendered (H. R. 6864).

To prescribe more definitely the rates of compensation payable to steamships of United States registry for transportation of foreign mails (H. R. 6865).

For Monday, February 6, 1928

COMMITTEE ON AGRICULTURE

(10 a. m.)

To establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce (H. R. 7940).

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To regulate the employment of minors within the District of Columbia (H. R. 6685).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To provide for the increase of the Naval Establishment (H. R. 7359).

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Department of Agriculture appropriation bill.

COMMITTEE ON ROADS

(10 a. m.)

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented (H. R. 358, 383, 5518, 7343, and 8832).

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented, and authorizing appropriation of $150,000,000 per annum for two years (H. R. 7019).

EXECUTIVE COMMUNICATIONS, ETC.

338. Under clause 2 of Rule XXIV a letter from the Secretary of Navy, transmitting draft of a proposed bill "To provide additional pay for enlisted men of the United States Navy assigned to duty on submarine vessels of the Navy," was taken from the Speaker's table and referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XII,

Mr. PEAVEY: Committee on Indian Affairs. H. R. 7207. A bill to appropriate treaty funds due the Wisconsin Pottawatomie Indians; with amendment (Rept. No. 553). Referred to the Committee of the Whole House on the state of the Union.

Mr. ENGLEBRIGHT: Committee on Indian Affairs. H. R. 8542. A bill to provide for the construction of a hospital at the Fort Bidwell Indian School, California; without amendment (Rept. No. 554). Referred to the Committee of the Whole House on the state of the Union.

Mr. ENGLEBRIGHT: Committee on Indian Affairs. H. R. 8543. A bill to provide for the construction of a school building at the Fort Bidwell Indian School, California; without amendment (Rept. No. 555). Referred to the Committee of the Whole House on the state of the Union.

Mr. ENGLEBRIGHT: Committee on Indian Affairs. H. R. 8898. A bill to provide for restoration to the public domain of certain lands in the State of California which are now reserved for Indian allotment purposes; without amendment (Rept. No. 556). Referred to the Committee of the Whole House on the state of the Union.

Mr. ENGLEBRIGHT: Committee on Indian Affairs. H. R. 9037. A bill to provide for the permanent withdrawal of certain lands in Inyo County, Calif., for Indian use; without amendment (Rept. No. 557). Referred to the Committee of the Whole House on the state of the Union.

Mr. WASON: Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless executive papers in the Department of State. (Rept. No. 558). Ordered printed.

Mr. HAUGEN: Committee on Agriculture. H. J. Res. 26. A joint resolution authorizing the Secretary of Agriculture to dispose of real property, located in Hernando County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant introduction purposes; without amendment

(Rept. No. 568). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. J. Res. 89. A joint resolution authorizing the Secretary of Agriculture to dispose of real property, located in Loudoun and Clarke Counties, Va., known as Mount Weather, no longer required for observatory and laboratory purposes; without amendment (Rept. No. 569). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 405. A bill providing for horticultural experiment and demonstration work in the southern Great Plains area; with amendment (Rept. No. 570). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNELL: Committee on Rules. H. Res. 107. A resolution amending paragraph 34 of Rule XI of the Rules of the House of Representatives; without amendment (Rept. No. 571). Referred to the House Calendar.

Mr. GILBERT: Committee on the District of Columbia. H. R. 49. A bill to amend the Code of Law for the District of Columbia in relation to descent and distribution; with amendment (Rept. 572). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JAMES: Committee on Military Affairs. H. R. 1631. A bill for the relief of Vanrenslear VanderCook, alias William Snyder; with amendment (Rept. No. 551). Referred to the Committee of the Whole House.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 7708. A bill for the relief of John M. Brown; with amendment (Rept. No. 552). Referred to the Committee of the Whole House.

Mr. PEAVEY: Committee on War Claims. H. R. 4229. A bill for the relief of Jennie Wyant and others; without amendment (Rept. No. 559). Referred to the Committee of the Whole House.

Mr. HARE: Committee on War Claims. H. R. 4258. A bill to authorize credit in the disbursing accounts of certain officers of the Army of the United States and for the settlement of individual claims approved by the War Department; with amendment (Rept. No. 560). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. H. R. 4267. A bill for the relief of Ernest J. Hiscock; without amendment (Rept. No. 561). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. H. R. 4268. A bill for the relief of Charles Caudwell; without amendment (Rept. No. 562). Referred to the Committee of the Whole House.

Mr. PEAVEY: Committee on War Claims. H. R. 5225. A bill for the relief of Frank W. Tucker; without amendment (Rept. No. 563). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. H. R. 4257. A bill for the validation of the acquisition of Canadian properties by the War Department and for the relief of certain disbursing officers for payments made thereon; without amendment (Rept. No. 564). Referred to the Committee of the Whole House.

Mr. HAUGEN: Committee on Agriculture. H. R. 4068. A bill for the relief of the Majestic Hotel, Lake Charles, La., and of Lieut. R. T. Cronau, United States Army; without amendment (Rept. No. 565). Referred to the Committee of the Whole House.

Mr. HAUGEN: Committee on Agriculture. H. R. 8968. A bill to allow credit in the accounts of William A. Schoenfeld; without amendment (Rept. No. 566). Referred to the Committee of the Whole House.

Mr. ROWBOTTOM: Committee on Claims. H. R. 9385. A bill for the relief of the estate of L. Gordon Leech, bankrupt; without amendment (Rept. No. 567). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3946) for the relief of Hugo Koehn; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 3949) for the relief of Frank F. Moore; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 4656) for the relief of John E. Dolan; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 4657) for the relief of Glenn S. Fortner; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 10381) granting an increase of pension to Louise W. Koch; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COLTON: A bill (H. R. 10473) to establish the Bear River migratory-bird refuge, Great Salt Lake, Utah, and for other purposes; to the Committee on Agriculture.

By Mr. GILBERT: A bill (H. R. 10474) to amend the Code of Law for the District of Columbia in relation to descent and distribution; to the Committee on the District of Columbia.

By Mr. MORROW: A bill (H. R. 10475) to authorize the Secretary of the Interior to issue a patent to the Bureau of Catholic Indian Missions for a certain tract of land on the Mescalero Reservation, N. Mex.; to the Committee on Indian Affairs.

By Mr. HAWLEY: A bill (H. R. 10476) for a fish hatchery on the Rogue River in Jackson County, Oreg.; to the Committee on the Merchant Marine and Fisheries.

By Mr. HUDSPETH: A bill (H. R. 10477) to amend the tariff act of 1922; to the Committee on Ways and Means.

By Mrs. KAHN: A bill (H. R. 10478) providing retirement for persons who hold licenses as navigators or engineers who have reached the age of 64 years and who have served 25 or more years on seagoing vessels of the Army Transport Service; to the Committee on Military Affairs.

By Mr. KNUTSON: A bill (H. R. 10479) granting double pensions to dependents under existing pension laws in all cases where an officer, warrant officer, or enlisted man or student flyer of the United States Army dies or is disabled due to aircraft accident; to the Committee on Pensions.

By Mrs. LANGLEY: A bill (H. R. 10480) to extend the provisions of the pension act of May 11, 1912, and May 1, 1920, to the officers and enlisted men of all State militia and other State organizations that rendered service to the Union cause during the Civil War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes; to the Committee on Invalid Pensions.

By Mr. MORROW: A bill (H. R. 10481) to authorize the erection of a Veterans' Bureau hospital at Albuquerque, N. Mex., and to authorize the appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mrs. ROGERS: A bill (H. R. 10482) to provide double pensions for personnel of the Army, Navy, Marine Corps, or Coast Guard who are killed or disabled as the result of accidents in the military, naval, or Coast Guard service; to the Committee on Pensions.

By Mr. SINNOTT (by departmental request): A bill (H. R. 10483) to revise the boundary of a portion of the Hawaii National Park on the island of Hawaii, in the Territory of Hawaii; to the Committee on the Public Lands.

By Mr. NELSON of Missouri: A bill (H. R. 10484) for the erection or enlargement of a Federal building at Columbia, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10485) to provide for the erection of a public building in the city of Centralia, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10486) for the erection or enlargement of a Federal building at Jefferson City, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. GREEN of Iowa: A bill (H. R. 10487) to amend the World War adjusted compensation act, as amended; to the Committee on Ways and Means.

By Mr. WAINWRIGHT: A bill (H. R. 10488) to amend section 3, act of May 31, 1924 (43 Stat. L. 251); to the Committee on Military Affairs.

By Mr. SMITH: A bill (H. R. 10489) for the relief of Army nurses; to the Committee on Military Affairs.

By Mr. WINTER: A bill (H. R. 10490) to authorize the purchase of a site and the erection and completion of a building thereon for a post office at Worland, Wyo.; to the Committee on Public Buildings and Grounds.

By Mr. WILLIAMSON: A bill (H. R. 10491) to provide for aided and directed settlement on Federal reclamation projects; to the Committee on Irrigation and Reclamation.

By Mr. BUTLER: A bill (H. R. 10492) to provide additional pay for enlisted men of the United States Navy assigned to duty on submarine vessels of the Navy; to the Committee on Naval Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10493) to relieve persons in the military and naval services of the United States during the war emergency period from claims for overpayment at that time not involving fraud; to the Committee on Military Affairs.

By Mr. ROMJUE: Joint resolution (H. J. Res. 190) calling upon the President of the United States to reduce the tariff on materials and commodities essential to and generally used by the agricultural population of the United States in carrying on the farming industry, and for lessening the burdens now imposed upon agriculture; to the Committee on Ways and Means.

By Mr. HOGG: Joint resolution (H. J. Res. 191) to amend the Constitution of the United States; to the Committee on Ways and Means.

By Mr. TILSON: Joint resolution (H. J. Res. 192) to provide for the coinage of a medal in commemoration of the achievements of Col. Charles A. Lindbergh; to the Committee on Coinage, Weights, and Measures.

By Mr. CASEY: Resolution (H. Res. 109) to investigate conditions in the coal fields of Pennsylvania, West Virginia, and Ohio; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Wisconsin, memorializing the Congress of the United States to create a special committee to investigate the coal strike in all its phases; to the Committee on Rules.

Memorial of the Legislature of the State of Wisconsin, memorializing the Congress of the United States to make a full survey of the Wisconsin-Fox Rivers waterway and to enact such legislation as will result in the completion of such waterway; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN: A bill (H. R. 10494) for the relief of the Oscar and John Soberg Post, No. 210, of the Veterans of Foreign Wars, Lakeville, Minn.; to the Committee on Claims.

By Mr. ARNOLD: A bill (H. R. 10495) granting an increase of pension to Drusilla Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10496) granting a pension to James O. Guinn; to the Committee on Pensions.

Also, a bill (H. R. 10497) granting an increase of pension to Sarah A. Lovelady; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10498) granting a pension to Mary J. Burris; to the Committee on Pensions.

By Mr. BRIGHAM: A bill (H. R. 10499) granting an increase of pension to Clara A. Cobb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10500) granting an increase of pension to Mary S. Walker; to the Committee on Invalid Pensions.

By Mr. BULWINKLE: A bill (H. R. 10501) to erect a marker to Maj. William Chronicle, a soldier of the Revolutionary War, who was killed at Kings Mountain; to the Committee on the Library.

Also, a bill (H. R. 10502) for the relief of J. B. Holder, to the Committee on Claims.

Also, a bill (H. R. 10503) for the relief of R. P. Washam, postmaster; F. A. Slate, former postmaster; W. H. Sanders, W. A. McGinnis, J. E. Lindsay, and J. T. Pearson; to the Committee on Claims.

By Mr. CORNING: A bill (H. R. 10504) granting an increase of pension to Elizabeth Evans; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 10505) granting an increase of pension to Sarah Dearth; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 10506) granting a pension to Mary C. Ingle; to the Committee on Pensions.

By Mr. GRAHAM: A bill (H. R. 10507) for the relief of Benjamin Franklin, alias William Hart; to the Committee on Naval Affairs.

By Mr. HAWLEY: A bill (H. R. 10508) for the relief of T. P. Byram; to the Committee on Naval Affairs.

By Mr. HICKEY: A bill (H. R. 10509) granting a pension to Emma M. Oberlin; to the Committee on Invalid Pensions.

By Mr. HOUSTON of Delaware: A bill (H. R. 10510) granting an increase of pension to Ruth A. Hazzard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10511) for the relief of Horace G. Knowles; to the Committee on Claims.

By Mr. JENKINS: A bill (H. R. 10512) granting an increase of pension to Jennie Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10513) granting a pension to Agnes Folger; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 10514) granting an increase of pension to Sylvia S. Felmly; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 10515) granting an increase of pension to John Breeding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10516) for the relief of estate of Martin Preston, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10517) granting a pension to Bascom Prater; to the Committee on Pensions.

Also, a bill (H. R. 10518) granting a pension to Camillus Arnett; to the Committee on Pensions.

By Mr. MAGRADY: A bill (H. R. 10519) to correct the military record of Levi Beaver; to the Committee on Military Affairs.

By Mr. MANLOVE: A bill (H. R. 10520) granting a pension to Maud E. McFadden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10521) granting a pension to Jacob Louis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10522) granting an increase of pension to Caroline Owen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10523) granting an increase of pension to Mary R. Gorham; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 10524) to correct the military record of Egbert L. Bennett; to the Committee on Military Affairs.

By Mr. MOORE of Virginia: A bill (H. R. 10525) for the relief of Anna Volker; to the Committee on Claims.

By Mr. PARKER: A bill (H. R. 10526) granting an increase of pension to Ann Taylor; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 10527) granting an increase of pension to Lucetta Hayes; to the Committee on Invalid Pensions.

By Mr. ROBINSON of Iowa: A bill (H. R. 10528) granting an increase of pension to Mary L. Jarvis; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 10529) for the relief of Bernard McGlave; to the Committee on Naval Affairs.

By Mr. SCHAFER: A bill (H. R. 10530) for the relief of Harry Cinq-Mars; to the Committee on Military Affairs.

By Mr. STRONG of Pennsylvania: A bill (H. R. 10531) granting an increase of pension to Nancy Wolford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10532) granting a pension to Sarah E. Barr; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10533) granting an increase of pension to Florence Witt; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 10534) for the relief of Glacier County, Mont.; to the Committee on Claims.

By Mr. WELCH of California: A bill (H. R. 10535) granting a pension to Maude E. West; to the Committee on Invalid Pensions.

By Mr. WHITTINGTON: A bill (H. R. 10536) granting six months' pay to Anita W. Dyer; to the Committee on Naval Affairs.

By Mr. WILLIAMS of Missouri: A bill (H. R. 10537) granting an increase of pension to Josephine Sullivan; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 10538) granting an increase of pension to Alice A. Ferguson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3078. Petition of the Antinational Origins Clause League, Detroit, Mich., protesting against the national origins method of determining quotas and urging Congress to eliminate this clause from the immigration act of 1924; to the Committee on Immigration and Naturalization.

3079. By Mr. ALMON: Petition of H. B. Miller, of Florence, Ala., and 28 other citizens, asking for an increase in the pension of needy and suffering veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3080. By Mr. BACHMANN: Petition of Lena Vance and other citizens of Elm Grove, Ohio County, W. Va., protesting against the passage of the Lankford compulsory Sunday observance bill (H. R. 78) or any other compulsory Sunday observance bills; to the Committee on the District of Columbia.

3081. By Mr. BURTON: Resolution adopted by Massachusetts Council for International Cooperation, protesting against the proposed naval building program and urging an effort substantially to reduce it; to the Committee on Naval Affairs.

3082. Also, memorial signed by citizens of the State of Ohio, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

3083. By Mr. CARTER: Petition of Carrie Jackson and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3084. Also, petition of Al Erle and many others, of Oakland, Calif., protesting against passage of House bill 78; to the Committee on the District of Columbia.

3085. Also, petition of Emma Wickstrom, M. D., and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3086. Also, petition of Emmanuel Browne and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3087. Also, petition of L. Thompson and others, of Oakland, Calif., protesting against passage of House bill 78; to the Committee on the District of Columbia.

3088. Also, petition of Sena Hill and 52 others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3089. Also, petition of Alice Galer and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3090. Also, petition of Fred Fritman and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3091. Also, petition of Joseph Burry and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3092. Also, petition of Pauline C. Roberts and many others, of Oakland, Calif., protesting against passage of House bill 78; to the Committee on the District of Columbia.

3093. Also, petition of P. N. Harris and others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3094. Also, petition of Henry H. Nodruff and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3095. Also, petition of C. B. Secord and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3096. Also, petition of Ida N. Peoples and others, of Alameda County, Calif., protesting against passage of House bill 78; to the Committee on the District of Columbia.

3097. Also, petition of Mrs. L. C. Morgan and others, protesting against passage of House bill 78; to the Committee on the District of Columbia.

3098. Also, petition of H. M. Monroe and others, of Alameda County, Calif., protesting against passage of House bill 78; to the Committee on the District of Columbia.

3099. Also, petition of C. E. Brown and others, of Alameda County, Calif., protesting against passage of House bill 78; to the Committee on the District of Columbia.

3100. Also, petition of Marcus C. McKeller and others, of Oakland, Calif., protesting against passage of House bill 78; to the Committee on the District of Columbia.

3101. Also, petition of August Glatt and others, of Alameda County, Calif., protesting against passage of House bill 78; to the Committee on the District of Columbia.

3102. Also, petition of L. E. Bake and others, of Alameda County, Calif., protesting against passage of House bill 78; to the Committee on the District of Columbia.

3103. Also, petition of W. Rimnell and others, of Alameda County, Calif., protesting against passage of House bill 78; to the Committee on the District of Columbia.

3104. Also, petition of Mary A. Halcom and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3105. Also, petition of James Harvey and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3106. Also, petition of John H. Easterly and others, of Alameda County, Calif., protesting against passage of House bill 78; to the Committee on the District of Columbia.

3107. Also, petition of Bjornstjerne Bjornson Lodge, No. 14, Sons of Norway, of Oakland, Calif., urging that the present quota for Scandinavian countries be retained; to the Committee on Immigration and Naturalization.

3108. Also, petition of Charles I. Harrison and others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3109. Also, petition of Ted Staffee and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3110. Also, petition of Frederick C. Johnson and others, of Alameda County, Calif., protesting against passage of House bill 78; to the Committee on the District of Columbia.

3111. Also, petition of D. Halland and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3112. Also, petition of Charles W. Small and others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3113. Also, petition of H. C. Groger and others, of Alameda County, Calif., protesting against passage of House bill 78; to the Committee on the District of Columbia.

3114. Also, petition of San Leandro Chamber of Commerce, of San Leandro, Calif., protesting any action on the Box bill until after a thorough investigation has been had of the Mexican immigration question; to the Committee on Immigration and Naturalization.

3115. Also, petition of Santa Barbara Post, No. 49, American Legion, Department of California, urging the passage of an appropriation for the holding of the national rifle matches of 1928; to the Committee on Military Affairs.

3116. Also, petition of General Harrison Gray Otis Post, No. 1537, urging the passage of legislation increasing the allowances to men on the retired list of services; to the Committee on Military Affairs.

3117. Also, petition of J. Baldwin and others, of Alameda County, Calif., protesting against passage of House bill 78; to the Committee on the District of Columbia.

3118. Also, petition of Martha K. Bartl and many others, of Oakland, Calif., urging that legislation be passed granting increased pensions to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3119. Also, petition of Kalman Rubenstein and 55 others, of Oakland, Calif., urging the passage of legislation increasing the pensions of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3120. By Mr. CHAPMAN: Petition of Laura Tolliver, of Lexington, Ky., in support of legislation increasing pensions to Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

3121. Also, petition of S. G. Sharp, Pruitt Berryman, Meredith Fox, R. R. Hampton, Ernest Howard, Martin Fort, and 12 other citizens, of Clark County, Ky., protesting against the passage of any compulsory Sunday observance law or any bill giving preference to one religion over another; to the Committee on the District of Columbia.

3122. Also, petition of L. E. Morris, Joe Sibley, C. N. Crawford, G. E. Morris, J. S. Moore, Stephen Logan, and other citizens, of Sulphur, Henry County, Ky., in support of legislation increasing pensions to Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

3123. By Mr. CHRISTOPHERSON: Petition urging vote on Civil War pension bill, signed by numerous residents of Artesian, S. Dak.; to the Committee on Invalid Pensions.

3124. By Mr. COOPER of Wisconsin: Memorial of the Wisconsin Legislature, memorializing the Congress of the United States to enact necessary legislation for a survey of the Wisconsin-Fox Rivers waterway; to the Committee on Rivers and Harbors.

3125. Petition of citizens of Bristol, Kenosha County, Wis., and vicinity, protesting against passage of H. R. 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3126. By Mr. CURRY: Petition of citizens of third district of California, against House bill 78; to the Committee on the District of Columbia.

3127. By Mr. EATON: Petition of Mrs. Lillie Headley, 225 Somerset Street, Bound Brook, N. J., and 180 other residents of Bound Brook, protesting against the passage of any compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

3128. By Mr. ELLIOTT: Petition of Paul Green and 500 others, of Richmond, Ind., remonstrating against the passage of the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3129. By Mr. ESTEP: Petition of the Rose Building and Loan Association, Pittsburgh, Pa., Jacob H. Erbe, secretary, urging the passage of the Dale-Lehlbach bill; to the Committee on the Civil Service.

3130. Also, petition of Joint Association of Postal Employees, J. F. Callagher, president, urging the passage of the Dale-Lehlbach bill; to the Committee on the Civil Service.

3131. By Mr. FENN: Petition of citizens of Hartford, Conn., and surrounding towns, protesting against the passage of House bill 78, or any other legislation providing for a compulsory observance of Sunday; to the Committee on the District of Columbia.

3132. By Mr. FRENCH: Petition of citizens of Lapwai, Idaho, urging enactment of legislation increasing pensions for Civil War veterans and for widows; to the Committee on Invalid Pensions.

3133. By Mr. GALLIVAN: Petition of William C. Adams, director department of conservation, Commonwealth of Massachusetts, recommending early and favorable consideration of House bill 15, providing for an appropriation of $150,000 to purchase certain land to be added to the Absaroka and Gallatin National Forests; to the Committee on the Public Lands.

3134. By Mr. GARBER: Letter of P. P. Claxton, superintendent city schools, Tulsa, Okla., in support of Senate bill 1731, providing for the further development of agriculture and home economics under the terms of the Federal vocational education act; to the Committee on Agriculture.

3135. Also, Letter of Union Machine Co., of Bartlesville, Okla., by Samuel T. Steel, secretary and treasurer, in protest to House bill 8125, introduced by Mr. Berger; to the Committee on Interstate and Foreign Commerce.

3136. By Mr. GARDNER of Indiana: Petition of Floyd H. Hainey and 22 other citizens, of Washington County, Ind., protesting against the enactment into law of the compulsory Sunday observance bill (H. R. 78), or any similar measure; to the Committee on the District of Columbia.

3137. Also, petition of Helen L. Stepp and nine other citizens, of Washington County, Ind., protesting against the enactment into law of the compulsory Sunday observance bill (H. R. 78), or any similar measure; to the Committee on the District of Columbia.

3138. By Mr. HALL of North Dakota: Petition of 17 citizens living at Rolette, N. Dak., against the passage of any bill to cripple the corner-card stamped envelope and their sale and distribution by the Government; to the Committee on the Post Office and Post Roads.

3139. Also, petition of four citizens living at Rolette, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3140. By Mr. HADLEY: Petition of residents of Clallam County, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

3141. By Mr. HARRISON: Petition of Sam T. Kite and others, against compulsory Sunday observance; to the Committee on the District of Columbia.

3142. By Mr. HASTINGS: Petition of citizens of Bunch, Checotah, and Muskogee Counties, Okla., urging legislation in behalf of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3143. By Mr. HOPE: Petition of numerous citizens of the seventh congressional district of Kansas, protesting against the passage of the Lankford bill (H. R. 78), or other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3144. Also, petition of numerous citizens of the seventh congressional district of Kansas, protesting against the passage of the Lankford bill (H. R. 78), or other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3145. Also, petition of numerous citizens of the seventh congressional district of Kansas, protesting against the passage of the Lankford bill (H. R. 78), or other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3146. Also, petition of numerous citizens of the seventh congressional district of Kansas, protesting against the passage of the Lankford bill (H. R. 78), or other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3147. Also, petition of numerous citizens of the seventh congressional district of Kansas, protesting against the passage of the Lankford bill (H. R. 78), or other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3148. Also, petition of numerous citizens of the seventh congressional district of Kansas, protesting against the passage of the Lankford bill (H. R. 78), or other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3149. Also, petition of numerous citizens of the seventh congressional district of Kansas, protesting against the passage of the Lankford bill (H. R. 78), or other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3150. Also, petition of numerous citizens of the seventh congressional district of Kansas, protesting against the passage of the Lankford bill (H. R. 78), or other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3151. Also, petition of numerous citizens of the seventh congressional district of Kansas, protesting against the passage of the Lankford bill (H. R. 78), or other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3152. By Mr. JOHNSON of Texas: Petition of Robert Nicholson Seed Co., of Dallas, Tex., favoring reduction on present postage rates; to the Committee on the Post Office and Post Roads.

3153. By Mr. HOOPER: Petition of C. H. Anderson and one other resident of Augusta, Mich., protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

3154. By Mr. LEATHERWOOD: Petition of sundry citizens of Salt Lake City, Utah, protesting against compulsory Sunday observance, and especially against House bill 78; to the Committee on the District of Columbia.

3155. Also, petition of Catherine Shanklin, of Clinton, Iowa, urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

3156. By Mr. LINDSAY: Petition of council of Brooklyn Chapter of the Reserve Officers' Association of the United States, protesting against the injustice to the Organized Reserves of charging the cost of developing the Army Air Corps against any appropriations made for carrying on the work of the Organized Reserves; to the Committee on Appropriations.

3157. By Mr. LINTHICUM: Petition of Emory, Beeuwkes, Skeen & Oppenheimer, of Baltimore, requesting favorable action on House bill 25, amendments to the present retirement act; to the Committee on the Civil Service.

3158. Also, petition of Griffith & Turner Co., and the Meyer Seed Co., of Baltimore, Md., requesting favorable action on House bill 9296, reduction of postal rates; to the Committee on the Post Office and Post Roads.

3159. By Mr. LOZIER: Petition of 73 citizens of Laredo, Mo., urging enactment of pension legislation; to the Committee on Invalid Pensions.

3160. By Mr. McDUFFIE: Petition of 13 citizens of Mobile, Ala., favoring an increase of pension to Civil War veterans and their widows; to the Committee on Invalid Pensions.

3161. By Mr. MOORE of Kentucky: Petition signed by Erma Covington, Austin Davis, E. L. Merideth, and 100 other citizens, of Warren County, Ky., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

3162. By Mr. MOORE of Virginia: Petition of citizens of Accotink and Alexandria Counties, Va., against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3163. By Mr. O'CONNELL: Petition of the Antinational Origins Clause League, of Michigan, protesting against the national origins method of determining quotas; to the Committee on Immigration and Naturalization.

3164. Also, petition of council of Brooklyn Chapter of the Reserve Officers' Association of the United States, protesting against the injustice of the organized reserves of charging the cost of developing the Army Air Corps against appropriation made for the carrying on the work of the organized reserves; to the Committee on Appropriations.

3165. Also, petition of the Kee Lox Manufacturing Co., Rochester, N. Y., favoring the passage of a bill relative to the Cuban parcel post legislation; to the Committee on the Post Office and Post Roads.

3166. By Mr. ROBINSON of Iowa: Petition urging the passage of a Civil War widows pension bill, signed by about 30 citizens of Waterloo, Black Hawk County, Iowa; to the Committee on Invalid Pensions.

3167. By Mr. ROMJUE: Petition of C. W. Sitton, George L. Cameron, et al., of Hannibal, Mo., against passage of House bill 78; to the Committee on the District of Columbia.

3168. Also, petition of W. H. Turner, Dick Burnham, et al, of Macon County, Mo., against passage of House bill 78; to the Committee on the District of Columbia.

3169. By Mr. STEELE: Petition of 105 citizens of Atlanta, Fulton County, Ga., protesting against the passage of the Brookhart bill pertaining to motion pictures; to the Committee on Interstate and Foreign Commerce.

3170. Also, petition of 61 citizens of Campbell County, Ga., protesting against the passage of legislation enforcing compulsory Sunday observance; to the Committee on the District of Columbia.

3171. By Mr. STRONG of Kansas: Petitions of 62 citizens of Minneapolis, Kans., protesting against the passage of the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3172. By Mr. STRONG of Pennsylvania: Petition of citizens of Blairsville, Pa., urging that immediate steps be taken to bring to a vote a Civil War pension bill for veterans and widows; to the Committee on Invalid Pensions.

3173. By Mr. TEMPLE: Petition of True Blue Commandery, Knights of Malta, and Chartiers Valley Lodge, No. 77, Amalgamated Iron and Steel Workers, of Canonsburg, Pa., in support of House bill 25 and Senate bill 1727, known as the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

3174. By Mr. WINTER: Resolution adopted by Sheridan Commercial Club, protesting against further restriction of Mexican immigration; also resolution adopted by the Kiwanis Club, of Douglas, Wyo., protesting against the further restriction of Mexican immigration; to the Committee on Immigration and Naturalization.

3175. Also, petition against compulsory Sunday observance, signed by residents of Weston County, Wyo., and the citizens of Sheridan, Wyo.; to the Committee on the District of Columbia.

3176. By Mr. WYANT: Resolution of Council of Associated Building Trades of Philadelphia and vicinity, favoring legislation to appropriate $750,000,000 for increasing the strength and efficiency of the United States Navy; to the Committee on Appropriations.

3177. Also, petition of State Council of Pennsylvania, Junior Order of United American Mechanics, indorsing House bill 3; to the Committee on Immigration and Naturalization.

3178. Also, resolution of New Kensington (Pa.) Chamber of Commerce, favoring passage of Dale-Lehlbach bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

3179. Also, resolution of the Antinational Origins Clause League, protesting against national origins method of determining immigration quotas; to the Committee on Immigration and Naturalization.

3180. Also, petition of employees of Parnassus, Pa., post office, indorsing Senate bill 2108, House bills 7473, 9058, 9059, and House Joint Resolution 159; to the Committee on the Post Office and Post Roads.

3181. Also, resolution of directors of New Kensington, Pa., Kiwanis Club, indorsing Dale-Lehlbach bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

3182. Also, petition of I. N. Simon & Son, advocating legislation for the relief of farmers and others in some classes of mail matter; to the Committee on the Post Office and Post Roads.

SENATE

SATURDAY, *February 4, 1928*

(Legislative day of Wednesday, February 1, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

ROBERT W. STEWART—RECUSANT WITNESS

The Sergeant at Arms (David S. Barry) appeared and said: Mr. President, acting under instructions of a warrant issued to the Sergeant at Arms by the President of the Senate, Robert W. Stewart was taken into the custody of the Senate. He has applied for and obtained a writ of habeas corpus, which is returnable Tuesday, February 7.

Mr. WALSH of Montana. Mr. President, I offer the following resolution.

The VICE PRESIDENT. The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 133), as follows:

Resolved, That the Committee on Public Lands and Surveys be, and it hereby is, authorized in its discretion to employ counsel to represent the Senate in any proceedings taken by Robert W. Stewart to secure his release from the custody of the Sergeant at Arms in any court.

Mr. SMOOT. Mr. President, the resolution will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. WALSH of Montana. I trust that the Committee to Audit and Control will be able to take the matter under immediate consideration.

I submit a further resolution, in the form of a motion. I move that the President of the Senate be directed to certify to the district attorney for the District of Columbia the report made on yesterday by the Committee on Public Lands and Surveys for appropriate action by that officer.

The VICE PRESIDENT. Without objection, the motion is agreed to. Does the Senator from Montana ask for the immediate consideration of the resolution submitted by him?

Mr. WALSH of Montana. It will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. The resolution will be so referred.

Mr. FESS subsequently said: I ask leave to report Senate Resolution 133 from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment in the nature of a substitute, and I call the attention of the Senator from Montana [Mr. WALSH] to the report.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Without objection, the report will be received and the substitute resolution will be read.

The CHIEF CLERK. Strike out all after the word "*Resolved*" and insert:

That the Committee on Public Lands and Surveys be, and it hereby is, authorized to employ counsel at a cost of not to exceed $2,500, to be paid out of the contingent expenses of the Senate, to represent the Senate in any proceedings taken by Robert W. Stewart to secure his release from the custody of the Sergeant at Arms in any court.

Mr. WALSH of Montana. I ask unanimous consent for the immediate consideration of the resolution.

The resolution was considered by unanimous consent.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. HEFLIN obtained the floor.

Mr. KING. Mr. President, may I have the attention of the Senator from Montana?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Utah?

Mr. HEFLIN. I yield for a question.

Mr. KING. I just came into the Chamber and I was wondering whether the last resolution which the Senator offered contemplates the abandonment of any policy of procedure which would bring Mr. Stewart before the Senate?

Mr. WALSH of Montana. Not at all. I am very glad that question has been asked.

Mr. KING. It looks as though it might be inconsistent.

Mr. WALSH of Montana. Not at all. Under the procedure which was contemplated, should Colonel Stewart appear here he would be relieved from the custody of the Senate at any time he would signify a willingness to answer the questions which were propounded to him. Thereupon the power of the Senate is gone; we could not hold him for a moment.

But, Mr. President, this is an offense, a grave offense, punishable by imprisonment. I think that the time has come when the dignity of the Senate of the United States ought to be recognized and it ought to be appreciated that it is no trifling affair to defy its authority, however high the recusant witness may stand. I am not content at all to excuse Colonel Stewart if he should now agree to testify. His offense is properly punishable, as was the offense of Mr. Harry F. Sinclair, who was sentenced to 90 days in the common jail.

Mr. CARAWAY. Mr. President, may I ask the Senator from Montana a question?

The VICE PRESIDENT. The Senator from Alabama has the floor. Does he yield to the Senator from Arkansas?

Mr. HEFLIN. I yield just for a question. I do not want the Senator to hold the floor, however.

Mr. CARAWAY. I just came into the Chamber. I understood a motion was made to certify the matter to the district attorney of the District of Columbia. Is that the plan?

Mr. WALSH of Montana. Yes.

Mr. CARAWAY. Have we ever had anything but delay in any matter that went down to the courts? Sinclair is out, and they have been pretending to try a contempt case before Judge Siddons since the memory of man runneth not to the contrary. It seems to me that anything which is certified down there we might as well say is merely off our hands and that the parties involved are in no danger of being punished.

Mr. GEORGE. Mr. President——

Mr. HEFLIN. I yield to the Senator from Georgia.

Mr. GEORGE. I merely wish to inquire of the Senator from Montana the purpose of certifying the record to the district attorney. Is it to inform the habeas corpus court of what transpired before the committee and in the Senate? Or is it to enable the district attorney to institute a criminal prosecution?

Mr. WALSH of Montana. I asked that the proceedings be certified there in order that the district attorney might procure an indictment against the offender.

Mr. GEORGE. For his refusal to testify?

Mr. WALSH of Montana. Yes.

Mr. GEORGE. Is it the Senator's view that indictment of the witness for his refusal to answer the questions propounded by the committee would in no manner bar or embarrass direct action by the Senate?

Mr. WALSH of Montana. I think it would not. If the Senator from Alabama will yield for a moment further, I desire to say that it is regrettable that these interminable delays occur, but we know of no way to avoid them.

Mr. CARAWAY. It is more than regrettable; it has become a national scandal. There is not a law-abiding and law-enforcing citizen of America who does not realize that the proceeding which is going on here now in the court is just a farce. If there is no way to punish people for corrupting Cabinet members, for defying the courts, and defying the Congress, we might as well know it. What is the use of certifying anything to court when we know we shall never live long enough to hear the end of it?

Mr. BORAH. Mr. President——

Mr. HEFLIN. I yield to the Senator from Idaho.

Mr. BORAH. I understand that Mr. Stewart has sued out a writ. I presume the Senate will respect that writ. I take it that the certifying of the record there is to assist in determining whether or not he is entitled to release under the writ.

Mr. CARAWAY. The Senator from Idaho will not live long enough to have that question determined by the court.

Mr. BORAH. That may be true, but I am in fairly good health.

Mr. CARAWAY. I know; but if the Senator lives to be as old as Methuselah—and I would be very glad if he should—he will not see the end of this matter.

Mr. BORAH. The question is, Mr. President, the writ having been allowed, it is our duty to send the record down there so the court may have everything before it.

Mr. CARAWAY. I do not think so. What does the court care for that?

Mr. HEFLIN. Mr. President, Senators who have just spoken have said some of the things that I had in mind. The resolution was about to be passed without anything being said by the Senate, and I did not want that to happen so far as I am concerned.

This man Stewart has challenged the Senate and its authority. He has defied the Senate. He has been congratulated by other oil magnates for his impudence and insolence. They are encouraging him to stand out against the Senate. I do not think that the Senate should permit this case to drag along as the Sinclair case has dragged. We ought to keep behind this case until it is disposed of. This man ought to be put in prison. If he were a poor man in the common walks of life, he would be in jail now. There would not be any writ of habeas corpus for him. No delay would be had in his case.

But these men, who think more of their money than they do of their country, can go unwhipped of justice. They can come here and connive together to rob the Government, to steal its property, and when we catch them like we would any other thief, they sit up and tell Senators on the committee who want to know the truth that it is none of their business. Are we going to permit this thing to continue?

The trial of the Sinclair case is a farce. It has been a farce in this city for months. They have sidetracked the main issue to go off trying a detective and a juror, that they tried to bribe, for the purpose of dragging the main case along until they wear it out. Has Sinclair ever served a day of his sentence for contempt of the Senate? Not a day. We ordered him sent to prison months and months ago. Has he served any time? None whatever. The penitentiaries are full of people who have committed far less offenses than those of Sinclair and Stewart. But the big, rich men can go and commit their crimes and defy the courts, mock the statutes, and then come to the Capitol itself and flaunt their insolence and insults in the face of the Senate and get away with it.

This morning the papers tell us that certain big oil magnates are wiring Stewart congratulating him for refusing to tell the Senate the things the Senate wants to know and that the Senate has a right to know. Mr. President, we are reaching a pitiful pass in this country. The money supply of the United States is being manipulated for the benefit of the stock gamblers, the grain gamblers, and the cotton gamblers.

On yesterday, while Stewart was defying the Senate and refusing to tell about what he had done with the money they had stolen from the Government, the Federal Reserve Bank of New York raised the rediscount rate and broke the stock market and caught the little fellows going and coming and shut them out in a day; and this man is defying the Senate at the Capitol and the banking system of New York is being used to crush out the small shareholders and stockholders for the benefit of the big financial men of the country. God help the Senate to wake up to the evils and dangers that are upon us as a people!

PETITIONS AND MEMORIALS

Mr. WILLIS presented a petition of sundry citizens of Cleveland, Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. CAPPER presented a resolution adopted by Washington Post, No. 12, Grand Army of the Republic, at Lawrence, Kans., praying for the passage of legislation granting increases of pensions to $50 per month to all widows of Civil War veterans not now receiving that rate, which was ordered to lie on the table.

Mr. COPELAND presented a petition of sundry citizens of Brooklyn and Long Island, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Buffalo, N. Y., remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

Mr. WARREN presented resolutions adopted by the Commercial Club of Sheridan and the Kiwanis Club of Douglas, both in the State of Wyoming, protesting against any amendment of the immigration laws that would result in restricting the immigration of Mexican farm laborers into the United States, which were referred to the Committee on Immigration.

Mr. BLAINE presented a joint resolution of the Legislature of the State of Wisconsin, memorializing Congress to create a special committee to thoroughly investigate the existing bituminous coal strike in all its phases, which was referred to the Committee on Interstate Commerce.

He also presented a joint resolution of the Legislature of the State of Wisconsin, memorializing Congress to enact necessary legislation for a survey of the Wisconsin-Fox Rivers waterway and for the completion of such waterway, which was referred to the Committee on Commerce.

[See the foregoing joint resolution of the Wisconsin Legislature when presented on yesterday by Mr. LA FOLLETTE and printed in full, page 2404, CONGRESSIONAL RECORD.]

DEPORTATION OF ALIEN ANARCHISTS

Mr. TRAMMELL subsequently said: Mr. President, this morning when different Senators were being accorded the privilege of speaking out of order by unanimous consent, presenting petitions and memorials, I had in my hand a letter which I had received from the Commissioner General of Immigration replying to a communication which I had addressed to him relative to the law governing the question of the deportation of alien anarchists.

As Senators will recall, last year, at the time there was so much in the press and so much being said over the country regarding Sacco and Vanzetti, open and brazen anarchists, who had to pay the penalty—and as much as I dislike to see anyone pay that kind of a penalty, they should have paid it, in my opinion—there arose in the minds of many people the question of the authority of the Federal Government to deport alien anarchists.

I was of the impression at that time that the law covered the situation, and that there was ample authority, and I so stated in my State, and I believe also in the city of Washington, which expression was given some publicity. I heartily believe such men should be deported.

I took up the subject recently with the Commissioner General of Immigration, that I might have a letter from him stating to me specifically what the law was on the subject. I have his reply here, which I desire to have placed in the RECORD.

So far as I am concerned, I think we ought to do everything we can to discourage the spirit of anarchy, either on the part

of alien anarchists or on the part of those who may not be aliens. I wish to have this letter published in order that it may be seen and known throughout the country that the alien anarchist is subject to deportation, and also that there is a penalty for those who encourage anarchists in their spirit of anarchy.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington, January 28, 1928.

HON. PARK TRAMMELL,
United States Senate, Washington, D. C.

MY DEAR SENATOR TRAMMELL: I have your letter of January 23, 1928, in which you inquire whether under the immigration statutes authority is vested in the Secretary to deport alien anarchists.

Section 19 of the immigration act of February 5, 1917, among other classes, directs the deportation of "any alien who at any time after entry shall be found advocating or teaching the unlawful destruction of property, or advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law or the assassination of public officials."

Section 28 of the said act reads as follows:

"That any person who knowingly aids or assists any anarchist or any person who believes in or advocates the overthrow by force or violence of the Government of the United States, or who disbelieves in or is opposed to organized government, or all forms of law, or who advocates the assassination of public officials, or who is a member of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, to enter the United States, or who connives or conspires with any person or persons to allow, procure, or permit any such anarchist or person aforesaid to enter therein, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than $5,000 or by imprisonment for not more than five years, or both.

"Any person who knowingly aids or assists any alien who advocates or teaches the unlawful destruction of property to enter the United States shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $1,000 or by imprisonment for not more than six months, or by both such fine and imprisonment."

The act of October 16, 1918, as amended by the act of June 5, 1920, deals entirely with alien anarchists and other kindred classes. This act provides for their exclusion and deportation from the United States, and also provides for the imposition of a severe penalty against an alien who returns to or enters the United States or attempts to return or enter the United States after he has been excluded and deported or arrested and deported in pursuance to provisions of the said act.

Concerning the policy in regard to the deportation of anarchists and other kindred classes, you are advised that the usual procedure is followed in these cases; that is, when information is secured from any source that a person is suspected of being an alien anarchist, the lead is always followed and in the event it is ascertained that the subject is an alien and is deportable under the provisions above referred to, deportation is ordered after the subject is accorded a hearing.

Very cordially yours,

HARRY E. HULL,
Commissioner General.

REPORTS OF COMMITTEES

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (H. R. 4995) for the relief of Sabino Apodaca, reported it without amendment and submitted a report (No. 230) thereon.

Mr. HOWELL, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 4127) for the relief of Joel T. Smith (Rept. No. 231);

A bill (H. R. 4393) for the relief of Howard V. Sloan (Rept. No. 232); and

A bill (H. R. 8092) for the relief of Randolph Sias (Rept. No. 233).

Mr. BLACK, from the Committee on Claims, to which was referred the bill (H. R. 766) for the relief of Ida F. Baum, reported it without amendment and submitted a report (No. 234) thereon.

Mr. STEPHENS, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 2138) for the relief of the owner of the schooner *Sentinel* (Rept. No. 235); and

A bill (H. R. 2145) for the relief of Albert J. Zyvolski (Rept. No. 236).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAYARD:

A bill (S. 3012) granting an increase of pension to Rachel Thompson (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND (by request):

A bill (S. 3013) to encourage home ownership and to stimulate the buying and building of homes, to establish Federal home-loan banks, and to issue home-building currency up to 75 per cent of the assessed value of the home against the first mortgage, held by the said banks, this currency to be retired in 10 or 20 yearly installments as the amortization and other payments on the principal of the indebtedness owing by the home owners to the Federal home-loan banks are paid, and for other purposes; to the Committee on Banking and Currency.

By Mr. HOWELL:

A bill (S. 3014) for the relief of George Simpson and R. C. Dunbar (with accompanying papers); to the Committee on Claims.

By Mr. WILLIS:

A bill (S. 3015) granting an increase of pension to Lida Haskill (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 3016) granting a pension to Henry Tanner; to the Committee on Pensions.

By Mr. WAGNER:

A bill (S. 3017) for the relief of Commander Francis James Cleary, United States Navy; to the Committee on Naval Affairs.

A bill (S. 3018) to provide for the appointment of an additional judge of the District Court of the United States for the Eastern District of New York; to the Committee on the Judiciary.

By Mr. WATSON:

A bill (S. 3019) to amend the immigration laws, and for other purposes; to the Committee on Immigration.

CHANGE OF REFERENCE

On motion of Mr. HOWELL, the Committee on Claims was discharged from the further consideration of the bill (S. 2984) for the relief of Ella S. Brown, and it was referred to the Committee on Civil Service.

INVESTIGATION OF CONDITIONS IN PENNSYLVANIA COAL FIELDS

Mr. JOHNSON. Mr. President, I desire to read into the RECORD a telegram received by me yesterday from Representative LAGUARDIA and to commend it to the Interstate Commerce Committee, which has in charge at present the resolution providing for an investigation of the conditions existing in Pennsylvania coal fields. The telegram is as follows:

PITTSBURGH, PA., *February 3, 1928.*

HON. HIRAM JOHNSON,
United States Senate:

Have just made first tour of mining district and have interviewed several people. I have never witnessed such distressing conditions. Misery, suffering, and humiliation of strikers and their families simply beyond description. The brutality of private police of mine owners and utter disregard of law shocking and amazing. The poor, unhappy, and miserable strike breakers are veritable prisoners. They are not only exploited, but being debauched and depraved by their employers. A crew of these strike breakers crazed with hootch were armed with shotguns yesterday and told to shoot into the barracks where the families of the miners are living. They even deliberately shot into the school while in session. Have personally seen signed confession of one of these gunmen admitting being instructed and paid by private police to commit these outrageous acts. Mine owners not only maintain private police force, but have private jail, where miners are unlawfully detained and viciously assaulted. Please press your resolution to a vote. An investigation should commence at once. Am continuing my observations. Mr. McCory, of Daily News, most helpful. He has an abundance of documentary evidence and was witness to cowardly assault instigated as above stated.

F. H. LAGUARDIA,
Member of Congress.

In addition to that, Mr. President, I read into the RECORD the brief confession that is referred to in the telegram of Representative LAGUARDIA, as follows:

I, Hampton Matthews, of my own free will and accord and under no duress, do hereby make this statement, and I realize that anything I may say can be used against me. I, Hampton Matthews, employed by the Pittsburgh Terminal Coal Co. as a strike breaker, and another colored man by the name of John Thomas, employed by the same company, living in house No. 65, at mine 6, did on the night of February 1, 1928, shoot at, with intent to do bodily injury, to the stores and barracks home of the striking miners and their families across the county road from the mine at Bruceton, Pa.

I fired six shots from a revolver into the windows of the occupied barracks. John Thomas, my buddy, fired about six shots into the windows with a sawed-off shotgun.

POLICE ACCUSED

We were promised $25 each for doing this by a coal and iron policeman employed by the same company, known to me by the name of Wilkenson or Williamson.

I saw six coal and iron police stop the auto of the squire as it left the State road to come on company property after us. The coal and iron police held the squire and his constable back while we ran down the State road, where we stuck up three striking miners, but did not molest them. We continued on up the back way into the mine, and finally hid in company house No. 65.

All of this was done with the knowledge of the coal and iron police.

I beg of the committee that has in charge the resolution providing for an investigation of the conditions existing in the Pennsylvania coal fields speedy action. I ask that speedy action realizing, sir, that that committee has much to do; but to-day, as I understand from those who come from the States that are interested, there is no opposition of any kind or character to the resolution which I have introduced. I ask, therefore, that a committee meeting be held at the earliest possible moment, and, because there is no opposition to the resolution, that the resolution be reported to the Senate.

Mr. HEFLIN. Mr. President, will the Senator from California permit me to ask him a question?

Mr. JOHNSON. Yes.

Mr. HEFLIN. This matter is so urgent, and the situation is so serious, why does not the Senator ask to have the committee discharged from the further consideration of the resolution, so that it may be considered and adopted by the Senate?

Mr. JOHNSON. I will say to the Senator from Alabama that I have confidence in the committee. I have assurances that it will act; I expect it to act within a very brief period. If, however, it does not act within a very brief period, either because of congestion of business or for any other reason, I shall pursue the course which is suggested by the Senator from Alabama.

Mr. WATSON. Mr. President, I came into the Chamber a moment ago and heard merely the conclusion of the remarks of the Senator from California. I wish to give him some assurance that the resolution he has introduced will have a very early hearing by the Committee on Interstate Commerce.

Mr. JOHNSON. I thank the Senator.

TREASURY DEPARTMENT DOCUMENTS

The PRESIDING OFFICER (Mr. BINGHAM in the chair) laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a report showing the number of documents received and distributed by the Treasury Department during the calendar year ended December 31, 1927, together with the number remaining on hand January 1, 1928, which was referred to the Committee on Printing.

PROHIBITION ENFORCEMENT—THE EVIL AND THE REMEDY

Mr. SHEPPARD. Mr. President, I ask to have inserted in the RECORD an address by William G. McAdoo at a law-enforcement meeting at Richmond, Va., under the auspices of the Woman's Christian Temperance Union, the Anti-Saloon League, and other organizations, February 1, 1928.

The PRESIDING OFFICER. Is there objection?

There being no objection, the address was ordered to be printed in the RECORD, as follows:

The prohibition question to-day has become far wider and far deeper than prohibition. There is, in fact, no prohibition question in the sense that the policy of prohibition is in issue. The people of this country have already settled that by putting into the Constitution a provision prohibiting the "manufacture, sale, or transportation of intoxicating liquors for beverage purposes within the United States and all territory subject to its jurisdiction." The real issue, the fundamental issue, is: Shall the Constitution and the laws of the United States be respected and obeyed by the people and by the duly constituted officers of every State in the Union? Or shall a State in its sovereign capacity be permitted to disregard any part of the Constitution of the United States which it elects not to obey?

Before I discuss the question it is important to review briefly the history of the eighteenth amendment. For more than 50 years those who favored prohibition proceeded by lawful and constitutional means to win public opinion to the adoption of the policy they advocated. During those 50 years they were forced to submit to the will of an adverse majority, which was not yet ripe to follow their counsels. However unpalatable that submission and however obnoxious the evil which they sought to suppress, they resorted to no violation of law to secure their ends. They were content with a campaign of education and persuasion. By the slow but resistless enlightenment of public opinion they finally reached their goal and the legal steps which the Constitution prescribes for the adoption of an amendment were duly and solemnly taken. How was this done? First by securing such overwhelming support of public opinion that, by a two-thirds vote in each House in the Congress of the United States, a resolution was adopted submitting to the 48 States the eighteenth amendment for their acceptance or rejection.

The Constitution requires that the legislatures of three-fourths of the States shall ratify an amendment before it becomes a part of the Constitution. In the present instance the legislatures of 46 out of the 48 States, acting independently, ratified the eighteenth amendment and thus it became, in January, 1920, a part of the supreme law of the land. The validity of the amendment was at once attacked in the courts by the State of Rhode Island and certain brewing and distilling interests. In the Supreme Court of the United States eminent counsel appeared on both sides, among them Charles Evans Hughes, in support of the amendment, and Elihu Root against it. The case was ably and exhaustively argued. The Supreme Court delivered a decision upholding the validity of the amendment and putting a quietus on every legal technicality and question by which skillful lawyers attempted to impeach it. The policy of prohibition is, therefore, firmly anchored in the Constitution and every unlawful effort on the part of any individual or group or on the part of a sovereign state to thwart or defeat it is in direct contravention of the supreme law of the land.

One frequently hears the suggestion, in fact, the charge, made by some who occupy high official positions in certain States that the Federal Government, in the exercise of its duty to enforce the eighteenth amendment, is encroaching upon the rights of the States. Let us examine that. How does the Federal Government derive its powers? How did the Constitution, under which the Federal Government was formed, come into being? It came into being and its powers originated wholly through the action of the States, which by their votes ratifying the Constitution, granted to the Federal Government the powers embodied in the Constitution, powers which up to the time of such grant were possessed exclusively by the States themselves. The same thing is true of all other powers subsequently granted to the Federal Government in the form of constitutional amendments; the States granted them. Whatever power the eighteenth amendment confers on the Federal Government was conferred by the free and solemn act of the forty-six State legislatures which ratified the amendment, and this made it as binding upon the two nonconcurring States as if they had formally ratified it.

Those who claim, therefore, that the Federal Government has, by some surreptitious or illegitimate or sinister means, usurped the power of the States in connection with the suppression of the liquor traffic, and that these Federal powers constitute a violation of State rights, have no ground to stand upon. The measure of Federal power and State power and the dividing line between the two are prescribed by the Constitution, including all amendments thereto, and the Supreme Court of the United States, by upholding the validity of the eighteenth amendment, has declared that the power which that amendment confers upon the Federal Government is valid and binding upon all the States. Can any State be heard to say that its prerogatives are invaded by a constitutional provision to which the consent of the States was secured in the manner which the Constitution itself prescribes?

The organized liquor traffic, with its vast profits at stake, would not, however, accept this decision of the Supreme Court of the United States. It was not willing to face the necessity of having to appeal to public opinion. It realized that if it was relegated to the lawful means prescribed by the Constitution for repealing or changing the eighteenth amendment it would take even longer to get the amendment out of the Constitution, if it could be gotten out at all, than it took the prohibitionists to put it in. Therefore, the liquor interests deliberately entered upon a course of political action to secure the destruction of the eighteenth amendment without having to wait for the repeal of the amendment by the constitutional method. Their devices is to gain political control in certain States and to use the power of these State governments to thwart the purpose of the amendment. They have been successful in capturing political power in the States of New York and Maryland. The course they have pursued in those States illustrates their method of preventing enforcement of the eighteenth amendment, and shows how the action of the State governments can be used to bring about a situation in the other States which would be the same as if that amendment had never been adopted. Let me refer again to the charge made by the opponents of prohibition that the

eighteenth amendment confers a monopoly of power upon the Federal Government at the expense of the States.

That nothing could be less true is shown by the tactics which these same opponents of prohibition have adopted and which prove that they well know that success or failure in enforcing the amendment is largely in the hands of the States. So far is the eighteenth amendment from conferring a monopoly of power upon the Federal Government that the amendment expressly places the obligation of concurrent enforcement on the States. These powers are as broad as those conferred on the Federal Government. The effort of the amendment is to secure cooperation by the States toward a common purpose, and to that end it addresses a mandate to each State to enforce the amendment. If a State refuses to perform its constitutional duty the result is to leave the amendment largely a dead letter within that State. Chief Justice White, in his concurring opinion in the Rhode Island case, said that "when no State legislation was enacted, there would be no prohibition," and that "the refusal of a State" to give effect to the amendment by definitions and sanctions "would result in no amendment to be enforced in such refusing State." In other words, the States can by the exercise of illegitimate and arbitrary power defeat the effectiveness of the very amendment which they write into the Constitution. Such action would be in deliberate disregard of the Constitution, not merely of the amendment itself, but of section 2, Article VI, which provides that the Constitution of the United States shall be the supreme law of the land. Section 3 of the same article requires the governor of each State and the members of the legislative and judicial branch of the State government to take an oath to support the Constitution of the United States. Only by violation of these constitutional obligations can the States defeat the eighteenth amendment.

There is much misunderstanding of the way in which the action of certain States in refusing to use their police power to aid prohibition enforcement operates on the Constitution. In order to clarify it we must start with the obvious proposition that a law amounts to nothing, is of no effect or consequence, if it is not enforced. Enforcement is the necessary complement to lawmaking, the necessary other half of the process to make an effective law.

A law without enforcement, without the machinery or the agencies to enforce it, is like a body without the spark of life, without the breath that makes it a living thing. It is a corpse. The eighteenth amendment without any agencies or without adequate agencies to put its provisions into effect, to bring them home to those who would violate them, is no more valuable or useful for the purpose for which it was intended than if it did not exist. To give life, meaning, reality, existence to it, it must be coupled with enforcement. Deprived of enforcement, it is nothing; it is dead.

Now, as we have already seen, the eighteenth amendment contemplates enforcement not merely by the Federal Government but by the States. The Federal Government is not equipped to perform the duties of ordinary police enforcement. It has not the agencies at hand, nor could it equip itself with the necessary agencies without radically altering its character. Police enforcement, on the other hand, is the normal and principal function of the State governments. It was not the intention of the eighteenth amendment to transfer this activity to the Federal Government and leave the States without responsibility for enforcement. On the contrary, the very purpose of the amendment was to avoid such overburdening of the Federal authorities, and the amendment, therefore, granted full powers of concurrent enforcement to and imposed upon the States the duty to exercise them. In a State, therefore, which has fulfilled its obligations the entire police machinery is available to enforce the amendment. All its executive and judicial officers, its sheriffs, deputy sheriffs, constables, the police forces of its cities and towns, its police courts, its criminal courts, are available and active in the work of carrying prohibition into effect. This is what the Constitution contemplated. These are the means upon which it relied for the enforcement of the eighteenth amendment. Deprived of the police organization of the States, enforcement of the amendment becomes a nullity, a dead thing.

It was at this vital point that the tactics of the organized liquor interests, foreign and domestic, chose to strike. They perceived that while it was impossible to kill the amendment by the lawful constitutional method of a repeal or amendment, they could accomplish the same result by gaining control of State governments and withdrawing from the support of the eighteenth amendment the enforcement agencies of these States. They have been successful, as I have said, in the States of New York and Maryland. Let us examine the effect of this action by the State of New York. Shortly after the adoption of the eighteenth amendment the legislature of that State, in performance of its constitutional duty, enacted the Mullan-Gage law for the enforcement of prohibition. The entire police machinery of the State was thus brought into action as the Constitution contemplated to carry out the provisions of the eighteenth amendment. The State agencies for police enforcement in New York, including the judges of the courts of higher and lower jurisdictions, sheriffs, deputy sheriffs, and police officers of the various towns and cities, comprise in the aggregate more than 32,000 officials, whose activities in prosecuting violators of the prohibition law afford an adequate, and the only adequate means, for the suppression of offenses against such law. If prohibition is to be enforced in New York it must be primarily by means of this State police machinery. If this is withdrawn, nothing is left but the enforcement agencies of the Federal Government. What do these amount to? A total personnel of a little more than 500. A comparison of the relative strength of the available State and Federal agencies is so startling and serves to illustrate so clearly the utter inadequacy of an enforcement program which does not rely primarily upon the employment of the State police agencies, that I wish to call attention to the deadly parallel of the figures:

NEW YORK STATE		FEDERAL	
Judges of courts of superior jurisdiction and county judges	209	Judges of courts of superior jurisdiction	17
District attorneys and deputies (no figures).		District attorneys and assistants (no figures).	
Police judges	304	United States commissioners	68
Justices of peace	3,543	United States marshals and deputies	79
Sheriffs and undersheriffs	124	Prohibition agents	281
Deputy sheriffs	1,386	Customs officers available for prohibition enforcement	71
Constables	3,516		
State police	573		
Police force of cities	22,010		
Police force of villages	424		
Total	32,089	Total	516

Is it not obvious that when the State force of more than 32,000 officials was withdrawn from enforcement and that task was relegated to the Federal personnel of 500, enforcement was rendered impotent?

The aim and ambition of the opponents of prohibition was, therefore, attained in 1923, when the New York Legislature repealed the Mullan-Gage law—the State enforcement act—thus declaring that, so far as the laws of the State of New York are concerned, the manufacture, sale, and transportation of intoxicating liquors for beverage purposes within that State are not unlawful and that no violators of the eighteenth amendment within the State of New York can be prosecuted in the State courts. Immediately upon this repeal the traffic in intoxicating liquors within the State, so far as State law was concerned, was sanctioned, leaving upon the insignificant force of Federal officials within the State the sole responsibility and duty of enforcing prohibition. The same is true of Maryland, where no law for the enforcement of the eighteenth amendment has ever been enacted. Maryland has consistently refused to cooperate with the Federal Government in the suppression of the liquor traffic. Is it any wonder that prohibition is not enforced in either of these States?

Considerable misunderstanding of the consequences of the repeal of the State enforcement act in New York has been created by recent utterances of the governor of that State. After giving his approval to the act repealing the State prohibition law, the governor now says that "there devolves upon the State the sacred duty of sustaining the eighteenth amendment and the Volstead law. They are as much a part of the laws of this State as our own statutes and our own constitution," and he then goes on to imply that even in the absence of a State enforcement act the police agencies of the State are available for the enforcement of prohibition. His effort is apparently to create the impression that no State enforcement statute is necessary, because even in the absence of such a statute the State officials are under an obligation to enforce the Volstead Act. This position is entirely misleading and has no justification in law. While it is, of course, true that the eighteenth amendment is a part of the laws of every State the eighteenth amendment is not self-executing and requires an enforcement statute to put it into effect. The Volstead Act is such a statute, but it is not true that the Volstead Act is a part of the laws of the State of New York. It is a Federal statue and can only be enforced in the Federal courts. The courts of New York are completely without jurisdiction to give effect to its provisions. They can take jurisdiction of no indictment based upon the provisions of the Volstead Act.

They can sentence no one to fine or imprisonment for violation of its terms. Because the State courts are thus without jurisdiction to enforce the Volstead Act, the police find themselves paralyzed in any efforts they may make to enforce prohibition in the State courts. The "sacred duty" upon State officials of which the governor speaks doubtless exists, but the means of performing it were taken away from them when jurisdiction over prohibition offenses was removed from the State courts by repeal of the State enforcement act. The living organism of State enforcement has had its head struck off by closing the State courts to prohibition cases, and while the duty remains, the situation is precisely as if we were to say that a policeman is under a duty to protect a bystander from murderous assault when we have taken away from him the gun which is his only means of giving such protection. If we take from the police the legal right to carry and use a gun, how can we say that they are under a duty to do something which requires the use of a gun? Access to the State courts is obviously essential to State enforcement of prohibition, and access to the State courts is only possible under a State statute.

It is the object of the organized liquor interests, foreign and domestic, to destroy the eighteenth amendment, State by State, and to bring other States into the same category into which they have succeeded in bringing New York and Maryland.

This, then, is the issue: Shall disobedience to the supreme law of the land, as practiced by New York and Maryland, be permitted to establish a doctrine which, carried to its logical conclusion, means the destruction of constitutional government and the disappearance of those guaranties of life, liberty, and property which are essential to the security and well-being of the people and to the continuation of our form of government? The issue can not be evaded. It must be fought to a conclusion in the forthcoming national campaign. The contest between the two great political parties for the control of the Presidency and the Congress of the United States affords the only national referendum for the decision of great questions of this kind, and we must have the courage and sincerity to present this issue squarely to the people so that their judgment may be rendered in the light of reason and with full knowledge of the facts.

The life of democracy is discussion—thoughtful, honest, fearless. Democracy depends for existence upon the continuous exercise of popular intelligence and reason. The people can not be habituated to the exercise of reason where there is a vacuum of honest discussion. Much of the growing cynicism about the success of popular government is due to the fact that political leaders are so afraid of incurring unpopularity that they shrink from issues which arouse controversy or disagreement; and yet disagreement is certain to arise about every question which is important enough and vital enough to incite political agitation or demand political action.

This is illustrated in our own country by this fundamental question of enforcing the Constitution. Everybody is interested in it; everybody is talking about it. The best intelligence and the most courageous leadership is needed to extricate the country from the sorry and serious predicament into which a policy of drift, neglect, and opportunism has brought it. If the Constitution is to be upheld, if respect for law is to be preserved, if the tremendous social benefits to be derived from the suppression of the liquor traffic are to be realized, the question of effective enforcement must be faced and solved. I recognize that public men, built on the safety-first plan, shrink from taking a definite stand on this question. Too frequently they allow their personal interests to obscure the superior demands of the public welfare. Yet the question is present, insistent, and imperative. It must be solved if law and government, and an expression of the public will, registered in the most solemn form, are not to be reduced to the level of a common farce. The responsibilities of patriotic citizenship, therefore, demand that we should face it, not as timorous politicians or cowardly opportunists, but as brave men and women determined upon righteousness at any cost.

We stand at a crisis. The eighteenth amendment is as firmly anchored in our fundamental law as the bill of rights. But have we the benefits that the amendment was intended to secure? We have not. The question we must consider is what constructive means can be found to secure to the American people the benefits of the most ambitious single attempt ever made by any people in human history to better their health, their social and economic conditions, and their general environment. Since prohibition is the settled policy of the people of the United States so long as the eighteenth amendment remains in the Constitution, nothing remains except to compel obedience to it, just as we compel obedience to all laws, Federal and State, against crimes and misdemeanors and against infractions of ordinances and regulations for the protection of society.

I do not wish to imply that compulsory obedience and law enforcement are alone sufficient to produce all the benefits which the amendment can bring. I only say that they are indispensable. If we are to have the full advantages of prohibition we must, of course, have something besides police enforcement. We must have patriotic obedience to law. We must teach its virtue and importance as the first duty of good citizenship. We must have education which will bring home to the rising generation the purpose and the value of prohibition, and thus make it less and less necessary to rely upon police enforcement. No better way can be found of securing ultimately the benefits of this great reform than by introducing into every public school in the land a short course designed to acquaint the pupils with the evils and dangers of intoxicants and narcotics, as shown by experience and scientific research. Such education is imperative because in a democracy the people should understand the wisdom and justification of the laws which they are asked to obey. There can be no doubt that in the long run such a policy of education will destroy the opposition to prohibition, much of which is based upon sheer ignorance and prejudice. However, the process of education is slow in producing its results. Meanwhile the ground will be cut from under it if flagrant disobedience of law is permitted with impunity under the very eyes of the generation we are attempting to educate. Education can not make headway against unabashed lawlessness. It can only do its work where there is seen to exist a resolute and successful determination to enforce the law.

It is therefore imperative that the American people shall frankly face the question of enforcement and the issues which it raises. Present conditions can not be allowed to continue. If the law is a good law it must not be repealed; and if it remains unrepealed it must be enforced. The evils from which we suffer are not the evils of prohibition, but the evils of nonenforcement of prohibition. We can rid ourselves of these only by substituting enforcement for nonenforcement. The patriotic intelligence of the country should, therefore, be directed to the best means of securing enforcement.

Thus far no effective effort on the part of the Federal Government has been made. This is due partly to inadequate appropriations and partly to the failure of the Federal Government to secure from the States the cooperation which is essential if enforcement is to be made less difficult and more successful.

Before I discuss this point, it is of outstanding importance to impress the fact that the powers of government must be intrusted only to those who have the honest will to enforce the law. It is not to be expected that the law will be enforced by officials who are hostile to it and who are willing to remit the performance of their public duties in exchange for political or personal advantage. This must be stressed repeatedly in order to bring home its fundamental importance to the voters and thus prevent the Government from falling into the hands of those from whom it would be idle to expect law enforcement on any terms. If we are to have a Government without the will to enforce the law, as we shall have if we put control in the hands of those who are hostile to the law, it is a waste of effort to consider ways and means of enforcement; in that case we shall have to make up our minds to submit supinely to a régime of bootlegging and corruption.

The supreme need is to put law enforcement in the White House; it is of less importance to put it in party platforms. In the White House it will transform law violation into law obedience; in party platforms it will mean nothing unless translated into the strength and authority of a fearless, righteous, and resolute President.

Attempt is being made to convince the country that no matter if a wet is elected President, the Constitution and laws will be enforced. This is both unsound and untrue. Neither the Constitution nor the laws of the United States are self-executing. The President is charged by the Constitution with the express duty of protecting and defending the Constitution and executing the laws of the land. In doing this he has of necessity wide latitude and discretion. If he is opposed to the laws which he is called upon to execute, he can neglect them or fail to exert his power and authority in such manner that the despised laws will become impotent, without subjecting himself to tangible criticism or possible impeachment. To say that a President hostile to the eighteenth amendment and the prohibition laws can not seriously imperil effective enforcement throughout the United States is upon its face an absurdity. The President has the power to appoint the judges of the Supreme Court, the judges of all the circuit and district courts throughout the United States, the district attorneys, the United States marshals, the Secretary of the Treasury and his assistants—those officials being directly charged with enforcement of the prohibitive laws. If he should appoint to these responsible positions men who are hostile to the laws, the effect upon their successful enforcement would be profound. Moreover, the President is primarily responsible for the Budget, through which the Congress makes appropriations for prohibition enforcement. He can largely influence the size of the appropriations, which, if inadequate, seriously impair the ability to enforce the law. He has the power to veto appropriation and other bills enacted by the Congress, and through much power he might be able to reduce the appropriations to such a small amount as to paralyze prohibition enforcement. He has a tremendous influence upon public opinion, and through his speeches and messages to the Congress, and the use of general patronage, which is a powerful weapon in his hands, he could, if he was opposed to the eighteenth amendment and the prohibition laws, lead a formidable movement for their repeal. The White House in the hands of the liquor interests would be a veritable Gibraltar of offensive operations and the doom of the eighteenth amendment would be written boldly upon the face of the Constitution.

Assuming that a President and other high officials are elected, who have the courage and the will to enforce the law, there still remains the difficult question of the best method to accomplish it. How can enforcement overcome the inherent obstacles which beset it? This is an administrative question, but all who support the eighteenth amendment must reach agreement concerning it in order to secure united action against its opponents.

We must start with the proposition that the effectiveness or ineffectiveness of enforcement is in direct proportion to the extent to which the State governments cooperate or fail to cooperate. In those States which, in compliance with their constitutional duty, have enacted enforcement statutes and whose officials recognize their sworn, as well as their patriotic duty to support the Constitution, the prohibition law is as well and capably enforced as any other law. On the other hand, prohibition has not yet had a chance in States which have no enforcement law, or which, having such a law, permit their officials to ignore and flout it with impunity.

The chief cause of the present revolting conditions of nonenforcement in certain sections of the country is the refusal of a small number of States to carry out their constitutional duty to cooperate in enforcing prohibition. The bad example of these States naturally serves to discourage and dampen enforcement elsewhere. The culpable negligence of these States puts an unfair and intolerable burden on States which

are trying to do their duty. While the latter are appropriating from their revenues large sums of money to defray the expenses of enforcement, this burden is increased and their efforts are largely frustrated by the inflow of illicit liquor from States which make no effort to enforce the law. Naturally they become disheartened and their vigor tends to relax in the face of what appears to be a hopeless task. We are menaced by a return of the very conditions which national prohibition was specifically designed to destroy, namely, the overflowing of the dry States, which constitute the great majority, by liquor from a small minority of States which persist in remaining wet. The rights of the dry States are thus flagrantly invaded; they are deprived of the protection which the eighteenth amendment was intended to give them.

In this state of affairs it might seem logical for the Federal Government to take complete charge of the situation by frankly shouldering the whole burden of enforcement. If the States will not enforce the law, it may be argued, the Federal Government must. This would require a tremendous extension of the police power and enforcement machinery of the Federal Government. If it should undertake directly the task of prohibition enforcement throughout the country it would have to increase its staff of enforcement agents to a veritable army; it would have to post thousands of these officials in the cities and towns and villages of the land and establish a great network of supervising and supporting agencies unlike anything which it has ever attempted before in any field of its activities. The wisdom of such a step is doubtful, for three reasons:

(1) Obviously this is not what the eighteenth amendment intended. The language of that amendment expressly indicates that the States are to do their share in enforcing prohibition. This negatives any intention to require the Federal Government to build up a great centralized police machine such as would be required for exclusive Federal enforcement. It indicates, on the contrary, that the primary and largest share of the responsibility for enforcement should fall on the States. In view of their greater fitness to perform the task through their highly organized police power and its employment to the full in accordance with the obligation which the amendment lays upon them it was recognized that the task remaining to be performed by the Federal Government would be more national than local in scope.

(2) It might well be represented as threatening the balance of our political system were the Federal Government required to exclusively employ the great number of police agents necessary to enforce the prohibition laws. It would lend weight to the hitherto unwarranted charge of bureaucracy and excessive centralization. It might create a weapon of patronage capable of wide abuse, and which conceivably, in dishonest hands, might aid in the formation of a Federal political machine of sufficient strength to dominate the internal politics of the States.

(3) In States willing and able to enforce the law it would lead to needless expense and duplication of effort.

Exclusive Federal enforcement ought, therefore, not to be resorted to except as an extreme measure; and in saying this I speak as an earnest advocate of the full exercise of Federal power in every case where it is necessary in order to accomplish the results intended by the Constitution. Fear of the Federal Government, which is sometimes alleged on no better ground than because it is the Federal Government, is but an idle and misleading pretext, for the Federal Government is the people's government in as full sense as the State governments; but precisely because I take this position I see no reason to involve the Federal Government prematurely and before the advantages of its action are clearly seen to outweigh the disadvantages. It is true that the Federal Government has unlimited police power under the eighteenth amendment to enforce prohibition; but I prefer to see it exercise that power in accordance with the obvious intention of the amendment, viz, that the primary and major part of the task should be performed by the States.

The question, therefore, for the consideration of all who believe that the present disgraceful condition of nonenforcement should be ended, is how to enlist more effectively the cooperation of those States whose efforts are beginning to weaken under the negligence of other States, and how to induce the States which are not enforcing prohibition to discharge their constitutional duty. In other words, the task is to rouse the States to more energetic and effective action. To this end all the possible excuses for State laxity or inaction must be examined and removed.

What, then, are the excuses which the States can allege for laxity in enforcing prohibition? The most plausible is that if their State or municipal police officers are required to devote the necessary attention to tracking down offenders against the prohibition laws, they will not have sufficient time left for the performance of their regular duties of detecting and arresting ordinary lawbreakers. It is said that the laws against theft, burglary, assault, and murder can not be properly enforced if the police must also give to prohibition enforcement the amount of attention necessary to render it effective.

This argument was recently used in one of our large cities by a candidate for the office of mayor in support of a platform pledge not to employ the police in enforcing prohibition. It is gratifying to observe that he was defeated for election; but the speciousness of the argument conceals a possible element of truth. Certainly strict, vigorous, and effective enforcement of prohibition in States which have allowed the situation to get out of hand requires the time and services of a great number of police officers. Prohibition enforcement, if seriously undertaken, throws undeniably an added burden on the existing State and municipal governments; and if this added duty is to be satisfactorily discharged, an enlarged police force in many places will be required, with resulting increase in cost.

The second excuse which the States can offer is that they can not afford the increased expenditures necessary to bring their police forces up to the requisite strength for effective enforcement. They can claim that the eighteenth amendment places upon them new burdens, the satisfactory and efficient discharge of which exceeds their resources; and that this added burden must be shouldered in part by the Federal Government either in the form of direct Federal enforcement of the law or in some other way. This is the only argument which can be made with any pretense of validity; but it contains a sufficient element of sound truth and reason to point the way, I believe, to the most helpful step that can be taken toward securing a satisfactory solution of the problem.

Recognizing that the States are in the first instance the proper agencies for enforcement and are so regarded by the eighteenth amendment; recognizing that the duty so imposed throws a new and heavy financial burden on the States; recognizing that the Federal Government is, by the amendment, obligated with the States to do its full, if not the major part, it seems to me that a great incentive to enforcement could be supplied, and the present situation vastly improved, if the Federal Government would apply to prohibition the policy which it has in recent years increasingly pursued with justice and success in other fields of social melioration—the policy of bearing a part of the financial burden of State activities which are of benefit to the Nation as a whole, and which are executed as a part of a nation-wide plan.

By means of such financial aid the Federal Government can contribute, as it properly should, in carrying out these nation-wide measures, while the actual administration can be left in the hands of the local agencies. There is thus the least possible danger of a tendency toward bureaucratic centralization and the least possible waste and duplication of effort. As applied to prohibition, this policy would mean that the Federal Government would contribute annually, on an equitable apportionment, a reasonable amount of money toward the cost of enforcement to each State which entitled itself to such aid by having on its statute books an enforcement law measuring up to the standard of Federal requirement; this money to be applied by the State to building up and increasing the efficiency of its police and other agencies for enforcing this law. Such a policy would get rid of the dual responsibility now existing, would recognize the wisdom of local self-government as applied to the prohibition problem, and would throw upon the States the primary and direct responsibility for enforcement. Thereafter, Federal enforcement could be largely confined to the exercise of a general inspection and supervision of State enforcement activities, such supervision being designed to secure effective cooperation between the two authorities. This would avoid any appearance by the Federal Government of attempting to supplant or minimize local self-government. Such a distribution of functions between the States and the Federal authority would leave the Federal Government free to concentrate and increase its direct enforcement program in those States like New York and Maryland, which, having no State enforcement laws, would be entitled to no appropriation under the act and where accordingly the whole task of enforcement must necessarily be assumed and vigorously performed by the Federal Government. The Federal Government could then concentrate with greater thoroughness on the protection of our international boundaries and seacoasts against the illicit importation of intoxicants and on a closer supervision of attempted interstate traffic in the prohibited beverages. In all these ways responsibility would be more definitely fixed, and efficiency of administration should be vastly improved.

Of course, the act embodying the policy I have outlined would have to carry a provision that if any State receiving Federal aid failed to make honest and efficient use of the funds so received or failed to administer its prohibition laws strictly and effectively Federal aid would be withdrawn and direct Federal enforcement would be substituted, as in the case of States having no enforcement law.

Such a policy of Federal aid to the States for prohibition enforcement would be merely an extension of a practice which is now a well-recognized part of the operations of our Government. Since 1911 no less than a dozen acts have been passed applying the policy to different lines of governmental activity. Of these the best known are the so-called good roads acts, the acts for agricultural extension work, and the vocational education acts. The principle has also been applied for a much longer time to the maintenance and support of the State militia. In all these instances, as in the case of prohibition, the States are engaged in carrying on activities which are of direct benefit to the Nation as a whole; activities which involve and require nation-wide conformity to established Federal standards, with which there must be cooperation and uniformity in State policy. The Federal Government, representing all the people, has a direct interest in maintaining these

standards, and therefore assumes, in the form of a grant of financial aid, a part of the burden, in consideration of the efficient cooperation of the States in the execution of the prohibition laws, for which both the State and Federal Governments are responsible. There is thus no suggestion of compulsion against the States—no attempt to force Federal authority or interference upon an unwilling State. The States are not required to accept Federal assistance unless they so desire.

To extend the policy of Federal aid to prohibition enforcement would mark no unprecedented or daring advance beyond the already existing practice. The policy has already been applied to the enforcement of a measure of police regulation in the case of the Chamberlain-Kahn Act of 1918 for the suppression of venereal diseases.

The plan offers two great advantages:

First. By making possible a definite and clean-cut distribution of functions between the two authorities it would tend to fix responsibility. One of the chief obstacles to effective enforcement at the present time is the absence of a clear division of responsibility between the Federal Government and the States. Both are nominally purporting to perform the same task of direct enforcement against offenders and thus have given ground for the specious claim of "double jeopardy." The fact that the Federal Government is supposed to be enforcing the law tends to lull the State governments into a feeling that there is no need for them to put forth the full measure of effort which they might devote to the task. More and more the States thus rely upon Federal authority and feel less and less responsibility for their own part in enforcement. The present situation is a standing invitation to the practice, so fatal to efficiency, popularly known as "passing the buck." Prior to national prohibition the dry States, having sole responsibility for the enforcement of their own laws, enforced them with a greater degree of effectiveness than some of them appear to be doing now. Under present conditions failure of enforcement in some States is due largely to the increase in the burden which is thrown upon these States by the obstinate refusal of other States to do their part. The plan I propose would greatly facilitate the task of States in the former class, because it would mobilize the strength of Federal enforcement in the nonenforcing States, and thereby keep the latter from making the task more difficult for the States which are enforcing the law.

Second. Setting the meaning and purpose of the eighteenth amendment in clearer light before the public opinion of the country. There is altogether too great a tendency to represent the eighteenth amendment as a matter of exclusive Federal power and concern. Efforts are constantly being made to whip up the doctrine of State rights against what is supposed to be an instance of Federal encroachment.

This argument can only succeed by concealing or misrepresenting the true provisions of the amendment. The amendment recognizes State power and authority as fully and explicitly as Federal authority; it deals with both on equal terms; it relies for its effectiveness as much on one as on the other. The eighteenth amendment does not ignore or minimize the position of the States. On the contrary, it affirms the equal position of the States and the National Government. This needs to be brought into relief and properly emphasized, but it naturally tends to be obscured in the popular mind so long as the Federal Government undertakes to duplicate the work of the States and engage through its own agencies in the task of direct police enforcement. In doing so, where the States themselves are seeking to enforce the law, the Federal Government seems to the average citizen to be taking over State functions. Conflicts and uncertainties are always bound to arise where two sets of agencies are thus seeking to perform the same task, and the result is to create a wholly unnecessary jealousy and suspicion between the two jurisdictions. This would be removed if the constitutional authority of the States under the eighteenth amendment were emphasized and if the Federal Government were to cooperate rather than compete with them in the discharge of their obligations and assist them financially in carrying the burden. Prohibition would be seen in its proper position of a great cooperative enterprise by the States to improve the living conditions of their people through the exercise of their administrative machinery of local self-government.

We have reached a point when the questions I have been discussing must be seriously considered by the American people. Nothing appears to be more certain than the nation-wide determination not to give up prohibition. But if it is not to be given up, it must be enforced. An unenforced law is a festering ulcer in the body politic of whose consequences we already perceive disquieting symptoms. We can not trust to mere expressions of good intentions and pious commonplaces for enforcement of law. Enforcement requires more than good intentions. Constructive work must be done, and the constructive thing now vitally necessary is to improve the system of administration, to create a better feeling among the people and among the States toward enforcement, and to promote more effective cooperation between them and the Federal authority. Enforcement must be so organized as to present prohibition as a matter of State concern no less than of national concern, and it must be made clear that it depends for success upon the popular will and upon the administrative organs of local self-government.

How can we create that finer atmosphere of mutual tolerance and good will in the discussion, as well as the solution, of this great problem which affects so vitally the public welfare? I do not condemn those who hold opposite views to mine. I do not regard them as unpatriotic citizens; I do not say that they have no right to express their opinions. It is not the difference of opinion to which I direct my argument but to the fundamental question of the duty and obligation of every patriotic citizen to yield obedience to the Constitution and laws of the land. I direct my argument against the resort by thoughtless but well-meaning citizens to methods that are unlawful and unconstitutional in order to effect the changes which they think should be made in the law and to the gravely mistaken course adopted by some of the sovereign States to secure, by means which are clearly incompatible with the letter and spirit of the Constitution, a result which they are entitled to strive for only by the lawful means which the Constitution itself leaves open to them. My plea is for obedience to law while that lawful procedure is in process. My condemnation is of unlawful methods, of extra-constitutional methods, which, unless rebuked not alone by public opinion, but by translation into action of the supreme will of the people, as expressed in the supreme law of the land, will inevitably increase the already serious tendency to disregard the Constitution and lawful authority everywhere, with a corresponding demoralization in law enforcement throughout the land. My appeal is to that splendid spirit of America which created the Constitution and which for 139 years has maintained our great democracy in its full integrity, has reared upon this continent the mightiest Nation on earth, has protected the sacred rights of life, and liberty, has produced upon this soil a strong, virile, prosperous, and resourceful race which has never been conquered by obstacles and which has never surrendered to enemies within or to foes without our boundaries. Shall we allow that spirit to die, that spirit of reverence for the Constitution, that spirit of obedience to law, as expressed by the solemnly recorded will of the majority, that spirit of patriotism which has been exalted by sacrifice and consecrated by the blood of battle? No! We must maintain the Constitution, not alone by obedience to it, but by pursuing the lawful processes it prescribes for change or amendment, if we are dissatisfied with its provisions. Let us look always with reverent eyes and patriotic hearts upon the noble constitutional edifice won by the blood of our fathers and maintained by the blood of their sons. That edifice rests upon the foundation of the 48 sovereign States which are integral parts of the Federal Union. Each State has contributed a column to the support of the constitutional structure. No sovereign State would deliberately attempt to pull down the column it has contributed to the constitutional edifice, and yet if the doctrine now mistakenly advanced that a State may determine for itself what part or parts of the Constitution it will obey, should prevail, the end of constitutional government is in sight. The glory of America is the Constitution. Let us summon the conscience, the pride, and the spirit which has made America great and the envied of all the nations of the earth, to the performance of the most solemn and sacred duty of the patriot in the forthcoming campaign and redeclare through its results that America, under the Constitution, shall march forward to grander victories for humanity and righteousness than she has yet achieved!

ELIGIBILITY TO THE PRESIDENCY

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD an article appearing in The Protestant for May, 1927, relative to the correspondence between Mr. Charles C. Marshall and Gov. Alfred E. Smith relative to the eligibility of Governor Smith for the Presidency.

The PRESIDING OFFICER. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Widespread interest has been manifested in the recent open correspondence between Mr. Charles C. Marshall and Gov. Alfred E. Smith relative to the bearing of the latter's membership in the Roman Catholic Church on his legal qualifications for the Presidency of the United States.

The attention accorded to the correspondence demonstrates the deepening public interest in the papal question as an issue in the politics of our country. Mr. Marshall is a New York lawyer and Episcopalian. His first open letter to the governor of that State appeared in The Atlantic Monthly in April. The answer appeared in the newspapers April 18.

In that letter Governor Smith was urged to make a public statement that would remove the apparent conflict of his allegiance to the papal government as a Roman Catholic with that due to the Government of the United States as a citizen and high official. The letter concluded with this declaration:

"Nothing will be of greater satisfaction to those of your fellow citizens who hesitate in their indorsement of your candidacy because of the religious issues involved than such a disclaimer by you of the convictions here imputed, or such an exposition by others of the questions here presented, as may justly turn public opinion in your favor."

Notwithstanding Mr. Marshall's learning and skill in the issues tended by him and the good he may have accomplished in bringing them to the public attention, it appears doubtful whether they can be

settled by any possible declaration of Governor Smith. No such declaration could be admitted as competent in the determination of the issues by a court of justice.

The matters in controversy are grounded in law and not in fact. No one admitted to be a citizen of the United States could testify as to his eligibility to public office in France or England. Only by examination of the constitutions and statutes of the sovereignties affected could such an issue be determined.

The nature and scope of Governor Smith's fealty to the sovereign pontiff and its effect on his allegiance to this Republic and on his qualifications for the Presidency can be ascertained only from the constitution and laws of the Papacy and those of the United States. The questions involved have been fully and conclusively answered by the public canon law.

No public or private statement by any Roman Catholic layman can amend the statute law of the Papacy nor alter its status as a civil sovereignty and member of the family of nations. No such statement can purge the Roman See of its assumption of suzerainty of all civil governments nor palliate its declared hostility to every fundamental of American constitutional law.

The net result of the open letter to Governor Smith has been simply to give the attentive ear of the Nation and furnish the occasion for his elaborate disclaimer, carefully prepared with clerical aid, and treating matters over which he has not an atom of authority and of which he cleverly feigns ignorance. Under the most elementary principles of law he is utterly incompetent to testify concerning his subjection to solemn statutes enacted by the Sovereign Pontiff and expressly declared by him to be binding on every Roman Catholic in the world under the direst sanctions of both heaven and earth.

The only avenue by which he can escape the binding and paramount force of those statutes leads away from the Church of Rome. Subjection to its law and dogma is the very essence of membership in that church. The Papacy itself as the only source of supreme legislative, executive, and judicial authority for the entire membership has repeatedly so declared.

In his constitution Providentissima promulgated at Rome on the day of Pentecost, 1917, addressed to his enthroned hierarchy throughout the world, giving his legislative approval to the new codex juris canonici (code of canon law), Pope Benedict XV uttered ex cathedra these solemn and mandatory words:

"Therefore, having invoked the aid of divine grace and relying upon the authority of the blessed Apostles Peter and Paul, of our own accord and with certain knowledge, and in the fullness of the apostolic power with which we are invested, by this our constitution, which we wish to be valid for all time, we promulgate, decree, and order that the present code, just as it is compiled, shall have from this time forth the power of law for the universal church, and we confide it to your custody and vigilance."—A commentary on canon law, by Rev. Charles P. Augustine, in eight volumes, published at St. Louis, 1921, with imprimatur of Archbishop Glennon, volume 1, pages 67 and 68.

After a paragraph ordering delay of one year to give time for study of the new code before placing it in operation, the papal constitution closed in this stringent and universal injunction:

"For no one, therefore, is it lawful willingly to contradict or rashly to disobey in any way this our constitution, ordination, limitation, suppression, or derogation. If any should dare to do so, let him know that he will incur the wrath of Almighty God and of the blessed Apostles Peter and Paul."

Assembled at Rome for that purpose by a motu proprio of Pope Pius X and working under the presidency of Cardinal Pietro Gasparri as Secretary of State in the Papal Government, the ablest canonists living had spent more than a decade in compiling the code and arranging its provisions from the vast accumulation of statutes enacted by the sovereign pontiffs and the church councils since last similar compilation had been finished centuries ago.

Obviously, no statement given to the public press by Governor Smith or by any other Roman Catholic layman or cleric lower in ecclesiastical rank than the Sovereign Pontiff could have the slightest effect on the iron grip with which the code so written and so promulgated binds every subject of the pontifical throne.

At its very threshold the code expressly repeals all conflicting earlier laws, but no others unless specifically repealed by its express declarations. Consequently the great preponderance of canon law existing before the code was promulgated remains in full force and effect.

While the sanctions of the canon law include spiritual and ecclesiastical penalties, they are by no means limited to them. They include corporal and capital punishment. Half a century ago Rev. Sebastian B. Smith, a Roman priest, wrote a textbook on elements of ecclesiastical law, which was published in three volumes by the Roman Catholic house of Benziger Bros. with imprimatur of Cardinal McCloskey then reigning at New York and of various other prelates in this and other lands. It ran through at least nine editions. On page 90 of volume 1, this statement appears:

"Has the church power to inflict the penalty of death? Cardinal Tarquini thus answers: 1. Inferior ecclesiastics are forbidden, though only by ecclesiastical law, to exercise this power directly. 2. It is certain that the Pope and ecumenical councils have this power at least mediately—that is, they can, if the necessity of the church demands, require a Catholic ruler to impose this penalty. 3. That they can not directly exercise this power can not be proved."

Paramountcy of the canon law to all other is abundantly set forth in the highest ecclesiastical authorities. Relations of church and state are treated but meagerly in the new code. Previous canonical doctrines on that subject are therefore not materially altered. Addressing the cardinals in opposition to Colonna, Pope Boniface VIII made this striking declaration:

"How shall we assume to judge kings and princes and not dare to proceed against a worm! Let them perish forever, that they may understand that the name of the Roman Pontiff is known in all the earth and that he alone is most high over princes."—Aus den Tagen Bonifaz VIII, page 152, by Finke, published at Munster, 1902.

The ablest Pope that has reigned in recent times has stated the papal attitude in these bold terms:

"But if the laws of the State are manifestly at variance with the divine law, containing enactments hurtful to the church, or conveying injunctions adverse to the duties imposed by religion, or if they violate in the person of the Supreme Pontiff the authority of Jesus Christ, then truly to resist becomes a positive duty; to obey, a crime."—Great Encyclical Letters of Leo XIII, page 185.

The law which binds Governor Smith and all Roman Catholics in subjection to the pontifical throne was declared with striking force and clearness in the last clause of his bull Unam Sanctam by Pope Boniface VIII, as follows:

"And this we declare, affirm, define, and pronounce, that it is necessary for the salvation of every human creature that he should be subject to the Roman Pontiff." (Elements of Ecclesiastical Law, Smith, vol. 1, p. 255.)

This assumption of paramount prerogatives with the right to annul and set aside the constitution and laws of civil governments is far more than academic. It was exercised with tremendous effect September 30, 1861, when Pope Pius IX condemned the new Juarez constitution of Mexico and declared it null and void in his allocution of that date, in part in these words:

"Thus we make known to the faith in Mexico and to the Catholic universe, that we energetically condemn every decree that the Mexican Government has enacted against the Catholic religion, against the church, and her sacred ministers and pastors, against her laws, rights, and property, and also against the authority of this holy see.

"We raise our pontifical voice with apostolic freedom before you to condemn, reprove, and declare null, void, and without any value, the said decrees, and all others which have been enacted by the civil authorities in such contempt of the ecclesiastical authority of this holy see, and with such injury to the religion, to the sacred pastors, and illustrious men."—The Mexican People, De Lara and Pinchon, page 212.

Failing to whip Mexico to her knees with that thunderbolt of denunciation, he caused the Archbishop of Mexico City to visit Paris and induce Emperor Louis Napoleon, whom he approached through his Spanish Roman Catholic wife, to invade Mexico and establish the Hapsburg Empire of Maximilian on the ruins of Mexican liberty.

The Sovereign Pontiff to whom all human creatures are thus subjected reigns over the most autocratic governmental system that ever encumbered the earth. His government has the essential attributes of a sovereign state and member of the family of nations. Its status appears from the following facts which no intelligent person will deny:

First. The Pope occupies a throne identical in every particular with those of emperors and kings.

Second. He wears a triple gold crown whose three stories are designed to attest his superiority to all other crowned rulers.

Third. He maintains diplomatic relations with more than half of the civil powers.

Fourth. He makes treaties, usually called "concordats," with many civil governments.

Fifth. He has his own distinctive flag.

Sixth. He has a secretary of state at the head of his foreign relations.

Seventh. He confers titles of nobility, many of them on American citizens, in derogation of our Constitution and laws.

Eight. He enacts and enforces his own elaborate and autocratic system of law, covering virtually the whole field of human rights.

The foregoing pertain exclusively to a sovereign and autocratic state. They have no possible use in religion. The papal system is everywhere imperium in imperio—an intruded government within the government. It feigns religion, but practices politics. It is alien in spirit to every land it inhabits.

While the civil law of continental Europe and Latin America and the common law of English-speaking lands mutually exclude each other from lands in which either obtains, the canon law of the Papacy is intruded equally into common-law and civil-law countries and there enforced in derogation of the law of the state. That condition engenders

strife and conflict in every land where the Papacy is strong enough to enforce its demands. That is the tragic condition in Mexico and Nicaragua now.

The Papal Government is fundamentally autocratic. Its laws and dogma and authority all flow from the will of the Sovereign Pontiff, in whose election no Roman Catholic but the 70 cardinals has any voice whatever. The Pope alone creates all the cardinals and the cardinals in secret conclave elect the Pope. The college of cardinals is studiously kept preponderantly Italian in nationality, and has not in centuries elected any but an Italian of its own membership to the pontifical throne. Perverse human ingenuity has never brought forth a more selfish and autocratic corporate establishment.

Its law condemns every principle and ideal of the American Government. Its Sovereign Pontiffs have condemned in a hundred official documents the sovereignty of the people and government by consent of the governed. In his encyclical Immortale Dei, of November 1, 1885, Pope Leo XIII said:

"The sovereignty of the people, however, and this without any deference to God, is held to reside in the multitude; which is doubtless a doctrine exceedingly well calculated to flatter and to inflame many passions, but which lacks all reasonable proof and all power of insuring public safety and preserving order."—Great Encyclical Letters, page 123.

It lays the ax of its denunciation at the root of our public school system. Canon 1374 of the new Code of Canon Law enjoins that—

"Catholic children must not attend non-Catholic, neutral, or mixed schools; that is, such as are also open to non-Catholics. It is for the bishop of the place alone to decide, according to the instructions of the apostolic see, in what circumstances and with what precautions attendance at such schools may be tolerated without danger of perversion to the pupils."

The foregoing translation was published six years ago by the Jesuit magazine America in No. 19 of its documents on The Catholic Mind. A standard Roman Catholic textbook on the Growth and Development of the Catholic School System in the United States, by Rev. J. A. Burns, president of Holy Cross College, at Washington, D. C., was published in 1912 with imprimatur of the late Cardinal Farley, then Governor Smith's direct ecclesiastical superior. On page 223 it says:

"We deny, of course, as Catholics the right of the civil government to educate, for education is a function of the spiritual society, as much so as the preaching and the administration of the sacraments."

Enforcement of that legal doctrine 400 years in Latin America has produced illiteracy, moral depravity, and political unrest amounting to a tragedy of the first magnitude. The doctrine rests fatally upon Governor Smith. No clever denial made in furtherance of his presidential ambition, whether vitiated with the Jesuitical principle of mental reservation or not, can absolve him from complete subjection to papal law. Its provisions are imperative and mandatory.

He can not purge himself of these legal restraints by declaring them not articles of faith. The law and dogma of the Papacy are fatally intertwined. The latter is used to enforce the former. Infallibility of the Pope is a basic doctrine. Its inescapable grip on all Roman Catholics gives to papal legislation handed down ex cathedra—from the pontificial throne—a unique sacredness and validity to them incomparably superior to all secular legislation. Pope Benedict XV, in the quotation already made from his constitution Providentissima, pronounced the wrath of Almighty God on those who disobey the new code. In its third chapter the vatican council declared the jurisdiction of the Roman Pontiff as binding on the faithful as matters of faith and morals. It said:

"This power of jurisdiction of the Roman Pontiff, which is truly episcopal, is immediate; to which all, of whatsoever rite and dignity, both pastors and faithful, both individually and collectively, are bound to submit, not only in matters which belong to faith and morals but also in those that appertain to the discipline and government of the church throughout the world."—Dogmatic Canons and Decrees, published 1912 with imprimatur of Cardinal Farley.

The late ex-Mayor Mitchell, of New York City, patriotically sought to disregard its binding force by permitting judicial investigation of the papal institutions drawing $2,000,000 a year from the city treasury. The Roman power, led by Tammany Hall, of which Governor Smith is now potential head, overwhelmed the Roman Catholic mayor in the next election.

Vacillating between religion and politics, the system that has so blighted Latin America must not triumph here. * * *

INTERIOR DEPARTMENT APPROPRIATIONS

Mr. SMOOT. I ask that the pending appropriation bill, House bill 9136, may be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes.

Mr. SMOOT. I ask that the clerk may report the pending amendment.

The VICE PRESIDENT. The clerk will read the pending amendment reported by the Committee on Appropriations.

The CHIEF CLERK. On page 113, after line 6, insert:

HOWARD UNIVERSITY

Salaries: For payment in full or in part of the salaries of the officers, professors, teachers, and other regular employees of the university, the balance to be paid from privately contributed funds, $160,000, of which sum not less than $2,200 shall be used for normal instruction:

General expenses: For equipment, supplies, apparatus, furniture, cases and shelving, stationery, ice, repairs to buildings and grounds, and for other necessary expenses, including reimbursement to the appropriation for Freedmen's Hospital of actual cost of heat and light furnished, $80,000;

For the construction and equipment of a chemistry building, $150,000; and the Secretary of the Interior is authorized to enter into contract or contracts for such building and equipment at a cost not to exceed $390,000;

Total, Howard University, $390,000.

Mr. BLEASE. Mr. President, I ask that the clerk may read the article which I send to the desk.

The VICE PRESIDENT. The clerk will read as requested.

The Chief Clerk read as follows:

[From Washington Times, Friday, November 11, 1927]

RACE PREJUDICE LAID TO REPUBLICAN PARTY

Charges of racial prejudice were made against the Republican Party last night by Dr. Mordecai Johnson, president of Howard University, who spoke at the first meeting of the convention for amity in interracial relations, arranged by the inter-racial committee of the Bahais.

"The colored race owes much to the Republican Party," Doctor Johnson said, "but in its most prosperous régime and in its present dominant hour it is conforming to every phase of the régime of prejudice."

Dr. Albert R. Vail, of Chicago, made a short address. The convention, which met last night in the Mount Pleasant Congregational Church, will hold a final meeting to-night in the Playhouse, 1814 N Street NW.

Mr. BLEASE. Mr. President, I simply wished to put that article into the RECORD at this point so that the Republican Party may see how much the president of Howard University loves them for this unconstitutional aid awarded each year for their faithfulness to the party.

Mr. BRATTON. Mr. President, I send to the desk the amendment which I now offer.

Mr. SMOOT. Has the pending amendment been agreed to?

The VICE PRESIDENT. The pending amendment has not been disposed of. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BRATTON. I desire that the amendment which I sent to the desk shall be read.

The VICE PRESIDENT. The amendment proposed by the Senator from New Mexico will be stated.

The CHIEF CLERK. It is proposed, on page 19, at the end of line 3, after the word "Indians," to add the words "to be immediately available."

Mr. SMOOT. There is no objection to that amendment.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I ask that the clerks be authorized to correct all totals in the bill which may need correction on account of amendments which have been or may be adopted.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. SMOOT. Mr. President, all the committee amendments have been agreed to except the one beginning on page 33, line 11, relative to the Flathead irrigation project in Montana. I ask that that amendment be now considered.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. Under the subhead "Irrigation and drainage," on page 33, after line 10, it is proposed to strike out:

Flathead irrigation project, Montana: The unexpended balance of the appropriation for continuing construction of the irrigation systems on the Flathead Indian Reservation, Mont., contained in the act of May 10, 1926 (44 Stat. L. 464–466), as continued available in the act of January 12, 1927 (44 Stat. L. 945), shall remain available for the fiscal year 1929, subject to the conditions and provisions of said acts: *Provided*, That the unexpended balance of the $395,000 available for continuation of construction of a power plant may be used, in the discretion of the Secretary of the Interior, for the construction and operation of a power-distributing system and for purchase of power for said project, but shall be available for that purpose only upon execution of an appropriate repayment contract as provided for in said acts: *Provided further*, That the net revenues derived from the operation of such distributing system shall be used to reimburse the United States in the order provided for in said acts: *Provided further*, That the Federal Power Commission is authorized, in accordance with the Federal water power act and upon terms satisfactory to the Secretary of the Interior, to issue a permit or permits or a license or licenses for the use, for the

development of power, of power sites on the Flathead Reservation and of water rights reserved or appropriated for the irrigation projects: *Provided further,* That rentals from such licenses for use of Indian lands shall be paid the Indians of said reservation as a tribe, which money shall be deposited in the Treasury of the United States to the credit of said Indians, and shall draw interest at the rate of 4 per cent: *Provided further,* That the public notice provided for in the act of January 12, 1927, shall be issued by the Secretary of the Interior upon the 1st day of November, 1930: *Provided further,* That in his discretion the Secretary of the Interior may provide in such repayment contracts for covering into construction costs the operation and maintenance charges for the irrigation season of 1928 and all undistributed operation and maintenance cost, and may extend the time for payment of operation and maintenance charges now due and unpaid for such period as in his judgment may be necessary, not exceeding five years, the charges now due so extended to bear interest payable annually at the rate of 6 per cent per annum until paid, and to contract for the payment of the construction charges now due and unpaid within such term of years as the Secretary may find to be necessary, with interest payable annually at the rate of 6 per cent per annum until paid: *Provided further,* That not more than $35,000 of said reappropriated balance of $395,000 shall be immediately available for operation and maintenance, and $75,000 shall be available for construction of laterals near Ronan upon the execution of appropriate repayment contract as provided for in said acts.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. WALSH of Montana. Mr. President, the committee has recommended the excision of the entire provision of the bill relating to the Flathead irrigation project in the State of Montana. There is involved in this amendment a controversial question relating to the subject of power development on the reservation.

In the 1926 appropriation bill a provision was carried for the development by the Government of what is known as the Newell Tunnel site. There is at the outset of Flathead Lake, in what is known as the Pend d'Oreille or Flathead River, a power site capable by complete development of the generation of something like 200,000 horsepower. A relatively small development was at one time undertaken as a part of the Flathead irrigation project, the object being to generate power for the purpose of pumping water for irrigation. Something like $100,000 was spent upon that project. The legislation to which I have referred in 1926 contemplated that the project of development, which had been abandoned for some 10 years, should be resumed, and an appropriation was made for that purpose. If that development should go on and it should later be in contemplation to make the complete development of 200,000 horsepower, the small development, amounting to from 7,500 to 10,000 horsepower, would be simply overwhelmed, and anyone who undertook the general development would be obliged to assume the expense incident to the destruction of the smaller development.

The avails from that development, if there ever were to be any avails, were to be applied first to liquidate the expense of that minor development; second, to reducing the cost of the construction of a certain division of the project known as the Camas division; and, third, the reduction of the cost of the construction of the entire project. The Indians on the reservation were, therefore, to get nothing whatever out of that development. All the profits of the development, if there were any profits, were to go to the benefit of the settlers under the project. That is the state of the law now.

The provision of the pending bill contemplated the repeal of that legislation and reposing in the Water Power Commission, as it was reposed prior to that legislation, the right to award a permit for the development of the power; and it provided that the rentals or avails of the development should go, as provided in the act of 1922, to the benefit of the Indians on the reservation.

In other words, as I see the matter, Mr. President, the Indians can get nothing out of the thing as it stands now. The existing legislation of 1926, subsequently reenacted, is an absolute bar to the general development of the project and the generation of electricity to the capacity of the site.

As I view it, this legislation is all in the interest of the Indians. It may not be all they want; it may not be all they are entitled to; but it is absolutely necessary to get this other legislation out of the way before they can get anything.

At the present time I do not desire to take issue with anybody concerning that matter. It has been suggested that the matter might be allowed to go and be considered in the conference. That was not my idea about it; but I shall be very glad to accede to the view expressed that, so far as this amendment deals with the power question, it stand. I am perfectly willing to take this matter up with the conference committee. If the friends of the Indians—and I count myself among that number—desire to have that go out, as it has gone out, I shall not object; but I want to be heard before the conference committee on the subject.

But, Mr. President, I am very sure that the committee went far beyond what they intended to do in the amendment. It deals not only with the power project but with several other things. Indeed, the provisions which deal with the power question end up at the words "4 per cent," on line 17, page 34. Everything that follows after that has no relation whatever to the power proposition. It reads:

Provided further, That the public notice provided for in the act of January 12, 1927, shall be issued by the Secretary of the Interior upon the 1st day of November, 1930: *Provided further,* That in his discretion the Secretary of the Interior may provide in such repayment contracts for covering into construction costs the operation and maintenance charges for the irrigation season of 1928 and all undistributed operation and maintenance cost, and may extend the time for payment of operation and maintenance charges now due and unpaid for such period as in his judgment may be necessary not exceeding five years, the charges now due so extended to bear interest payable annually at the rate of 6 per cent per annum until paid, and to contract for the payment of the construction charges now due and unpaid within such term of years as the Secretary may find to be necessary with interest payable annually at the rate of 6 per cent per annum until paid: *Provided further,* That not more than $35,000 of said reappropriated balance of $395,000 shall be immediately available for operation and maintenance, and $75,000 shall be available for construction of laterals near Ronan upon the execution of appropriate repayment contract as provided for in said acts.

Mr. SMOOT. Mr. President, the committee as a whole thought that the best policy was that just announced by the Senator from Montana. The committee felt that the whole question ought to go into conference. Conferees will be appointed on the bill, and I assure both Senators from Montana and also the Senator from Wisconsin [Mr. LA FOLLETTE] that the idea is, when the matter gets into conference, to have a complete and thorough consideration of the whole question.

Some desired to have a part of this provision stricken out. The Indians' representative, or the man who claimed to be the Indians' representative, wanted it all to go out. The committee decided that the only way we could settle the thing was to take it into conference, when we could have the House conferees with us, as they were very deeply interested in this particular subject; and I assure the Senator that when it gets into conference we will welcome him or anyone else who desires to appear before the conferees.

Mr. WALSH of Montana. Mr. President, I do not want to accede to that part of the amendment as expressive of the sense of the Senate that those appropriations ought not to be made.

Mr. SMOOT. The way it stands now the whole question will be open; and, really, I think that is the proper course to pursue. I know that the House Members are deeply interested in this question, and I know that they would like to hold a hearing in connection with the Senate conferees.

Mr. WALSH of Montana. Let me inquire of the Senator from Utah whether the excision of that portion of the bill signifies that the committee is adverse to the particular provisions to which I have called attention?

Mr. SMOOT. No. I frankly say that the attitude of the committee was that every interest the Indians had should be protected, and that all the net profits from whatever plan was agreed to for the development of the water power should go to the Indians.

Mr. WALSH of Montana. That is to say, the committee did not consider these provisions of the bill at all; it dealt simply with the provision in relation to the development of power?

Mr. SMOOT. That was the principal part; but I will say that Mr. Grorud, claiming to represent the Indians, claiming to be their attorney—I do not know whether he is or not—asked that the whole thing be stricken out.

Mr. WALSH of Montana. But I want to call the attention of the Senator to the fact that the Indians are not at all interested in these provisions of the bill.

Mr. SMOOT. I am aware of that, and I do not think there is any question about that; but in order to take the whole matter before the committee of conference the committee took this attitude.

Mr. WALSH of Montana. Mr. President, if this does not signify—and apparently it does not—any adverse action of the committee with reference to those particular provisions of the bill to which I have now called attention——

Mr. SMOOT. It does not.

Mr. WALSH of Montana. I have no objection to its going to conference.

Mr. KING. Mr. President, before the Senator from Montana takes his seat I should like to be advised further about this matter.

Mr. WALSH of Montana. Mr. President, because there has been a very great deal of misrepresentation about this situation of affairs, I shall be very glad to give any Senator any information I can concerning the situation.

Mr. KING. I knew the Senator would. I will state to the Senator that from the information I have now I would be opposed to his position; and the Senator knows that when I differ from him there must be compelling reasons.

I confess that I am not fully acquainted with all the facts relating to the matter under discussion and am desirous of being fully advised so that I may vote intelligently upon the questions presented. I have read a portion of the hearings and talked with a number of Indians interested in the project and with one of the gentlemen representing the Indians. The important facts, as I gather them from the sources mentioned, are as follows:

That several years ago the Government launched an irrigation project and has expended, through the Indian Bureau or the Reclamation Service, or both, between five and six million dollars; that there are only about 30,000 acres of land under the project that have been irrigated; that a system has been devised and constructed at enormous cost; that hundreds of miles of canals and laterals have been built, though never used, and probably never can be used; that the greater part of the millions appropriated by the Government to build the system will never be returned to the United States; that the contracts written with the settlers, both white persons and Indians, will never be met by the debtors, and will have to be scaled down to less than 30 per cent of the face of the obligations; that there was an improvident use of public moneys, and incompetency upon the part of some officials in the Reclamation Service and, perhaps, in the Indian Bureau; that in connection with this irrigation project it has been demonstrated that hydroelectric power can be developed to the extent of more than 100,000 horsepower at four or five points on the Flathead River, between the Flathead Lake and the lands to be irrigated; that as a part of the general plan a numbers of years ago it was planned to build a hydroelectric plant for the purpose of pumping on to the lands under the reclamation project, notwithstanding the fact that it was claimed that the project was to care for over 100,000 acres by gravity; that the pumping scheme was abandoned, after a considerable amount of money had been expended, as being an impracticable scheme; that now there is a plan to have the Montana Power Co. obtain a lease for the building of a number of power plants, one of the conditions being that it will furnish 15,000 horsepower without cost to the Indian Bureau, and that power will be distributed by the bureau and sold to the few people residing in the vicinity of the project—and the testimony of the junior Senator from Montana [Mr. WHEELER], as I read the record, indicates that the number is limited—and that the profits, if any, derived from the sale of the power will be distributed to the settlers, three-fourths or four-fifths of whom are white people, so that the Indians in no event would receive more than 25 per cent of the same.

Mr. WALSH of Montana. The Senator has accurately recited the history up to this point, that the Indian Service has nothing at all to do with the distribution of the power. The irrigation district has the distribution of the power.

Mr. KING. As I understand, the Montana Power Co. is to construct a dam in the Flathead River and develop power, and 15,000 horsepower is to be delivered free of charge to the irrigation district; the irrigation district is free to dispose of it as it sees fit, and at such prices as it sees fit to charge—the profits derived from the sale of the power are to be distributed to those who live under the district.

Mr. WHEELER. Mr. President, the Senator is mistaken in two of his premises. First, they are not to furnish this 15,000 horsepower free of charge, but they are to furnish it practically at cost to the irrigation or reclamation project.

Mr. KING. It is to be free of charge to the district?

Mr. WHEELER. No; not at all.

Mr. KING. What is the district to pay for it?

Mr. WHEELER. The district, I understand, is to pay the power company about what it costs the company.

Mr. KING. Does the Senator mean that the capital invested is to be repaid or that interest thereon is to be received by the power company?

Mr. WHEELER. No; they are to pay for the horsepower that they get from whatever power company gets it.

Mr. SMOOT. The contract calls for 1½ mills per kilowatt-hour.

Mr. WHEELER. Yes; those are the terms.

Mr. KING. That will be an inconsiderable price.

Mr. WHEELER. Of course.

Mr. KING. So it is practically free to the district.

Mr. WHEELER. Not free.

Mr. KING. The statement is accurate, is it not, that the Indians are only distributees of their pro rata share of the profits derived from the sale of the power?

Mr. WHEELER. That is correct.

Mr. SMOOT. I would not want to agree that 1½ mills per kilowatt-hour is the cost price.

Mr. WHEELER. I said about cost price. I do not know, I am sure, what it would cost.

Mr. SMOOT. I understand that it is one-half the price paid for power in the District of Columbia.

Mr. KING. Is it not a fact that money is to be taken out of the Treasury of the United States ultimately for the erection of some part of the power system?

Mr. WHEELER. Exactly; that is what this provides for, the taking of money out of the Treasury of the United States for the building of a transmission line, so that if the Interior Department wants to buy power from whoever develops the power site, they can do so.

Mr. KING. Does not the plan contemplate that the United States is being projected, willy-nilly, into the power business, to become the builder of the power line and the distributor of the power, and to that extent is not the project one that is to be owned and operated by the Government?

Mr. WHEELER. I think so. But let me say this to the Senator: There is no doubt but what originally the Indian Department and the Montana Power Co. entered into a tentative agreement whereby they were to give the Indians only about 30 per cent of the proceeds of the rentals.

Mr. KING. In my opinion, that was not fair to the Indians.

Mr. WHEELER. No; and I objected to it, and that has been stopped, I am sure. Next they entered into what some called a tentative agreement whereby they were to furnish this 15,000 horsepower to the reclamation project. The Indians took the position that this was unfair and that it would come out of their revenues. In other words, if the power company did not have to furnish this to the Government, they, the Indians, would be able to get more in the way of rentals for this power site.

Mr. LA FOLLETTE. Mr. President, will the Senator yield for the purpose of permitting me to propound a question to the junior Senator from Montana?

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Utah yield to the Senator from Wisconsin?

Mr. KING. I yield.

Mr. LA FOLLETTE. I would like to ask the Senator whether or not it is his opinion that the Indians were correct in that assumption?

Mr. WHEELER. I do not think there was any doubt in the world but that they were right in their assumption, that if it had gone through in that way that would have been the result of it.

Mr. LA FOLLETTE. No; but I mean with regard to this 15,000 horsepower.

Mr. WHEELER. I do not know that I quite understand the question.

Mr. LA FOLLETTE. As I understood the Senator, he just stated that the Indians felt that if this 15,000 horsepower were furnished at cost it would thereby diminish their revenue on the project to that extent. The question I ask the Senator is whether or not he feels that the Indians were correct in that assumption?

Mr. WHEELER. I would be inclined to think they were correct in it, although I would not be able to state definitely, because I have not any definite information on it. I would be inclined to think that if the power company, or whoever developed it, did not have to furnish that power to the Reclamation Service, they would be willing to pay more for it. I think that would be the natural result.

Mr. LA FOLLETTE. It seems to me, Mr. President, if the Senator will permit me further, that provision with regard to this 15,000 horsepower being furnished to the Reclamation Service at cost is tantamount to reducing the water-power value of that site by 15,000 horsepower.

Mr. WHEELER. But the Indians were to be paid for this 15,000 horsepower that was furnished to the Reclamation Service; that is, they were to get a rental for it.

Mr. LA FOLLETTE. Yes; but at what rate?

Mr. WHEELER. They were to get a rental of $1, or whatever the commission rented it to the power company for.

Mr. LA FOLLETTE. If I may trespass further on the time of the Senator from Utah——

Mr. KING. We are seeking information, and I am glad to yield.

Mr. LA FOLLETTE. The point I want to clear up is this: I have been informed—and the reading of the hearings before the committee would lead one to believe—that if this 15,000 horsepower is to be furnished to the Reclamation Service the Indians thereby will have their revenue from this entire project reduced by the amount of 15,000 horsepower. I do not see how any other construction can be placed upon it.

Mr. WALSH of Montana. Mr. President, that is not correct at all. I would be very glad to give the Senator from Wisconsin more exact information about that.

Mr. KING. Mr. President, I surrender the floor, so that the Senator can make a statement.

Mr. WALSH of Montana. If the Senator will pardon me, I would like to straighten this thing out now.

Mr. KING. I am glad to have the Senator do so. I will yield the floor in order that the Senator may advise us of the situation as he understands it.

Mr. WALSH of Montana. This legislation contemplates that the legislation of 1926 and 1927, to which I have referred, would be gotten out of the way, so that the thing would be back in just exactly the situation in which it was before that legislation was enacted, except as it is modified here. That is to say, the Federal Power Commission would have the right then, the other thing being out of the way, to go on and issue a permit for the development of this power.

A good deal has been said about the Montana Power Co., as if this legislation would give the power site to the Montana Power Co. The Montana Power Co. has simply made an application to the Federal Power Commission for a permit to develop this power. There is another application before the Power Commission for the development of this power, and the Montana Power Co. may never get permission from the commission. It may be awarded to some one else. Any one of the great companies may at any time come in any make an application for the privilege of developing this power.

It is quite likely that the Montana Power Co. is in a situation to offer better terms than anybody else; but I want the thing understood. I have here a copy of the proposal the Montana Power Co. makes, and in order that the Senate may have full information in the matter I ask that it may be incorporated in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

FEBRUARY 17, 1927.

FLATHEAD IRRIGATION PROJECT AND POWER

(Memorandum for Commissioner of Indian Affairs)

Consideration of the factors in this matter, many of which have been discussed with subordinates of your office during the past week, lead me to make on behalf of the Montana Power Co. the following suggestions as a basis for an agreement, if the proper permits can be obtained and necessary conditions fulfilled, under which the Montana Power Co. or its subsidiary company, the Rocky Mountain Power Co., would undertake the development of the Flathead River power sites on the Indian reservation.

A. The Power Co. would agree to deliver at the plant to be erected at the Newell site electrical energy to be used by the irrigation project exclusively for pumping water for irrigation all power required by the Government for that purpose up to 10,000 horsepower at the price of 1 mill per kilowatt-hour.

B. The Power Co. will deliver, either at the Newell plant or at some place more convenient to the project to be agreed upon, such power as may be demanded by the United States for all project and farm uses and for sale up to 5,000 horsepower at a price of 2½ mills per kilowatt-hour delivered.

C. The Power Co. will pay to the United States each year during the life of its permits from the United States $1 per annual average horsepower generated at its proposed Newell plant and all other plants on the Flathead River on said reservation erected below Flathead Lake, the idea being that the United States may devote the sum so paid as it shall see fit, and that said payments are expected to cover all charges made on account of or through the Federal Power Commission, and that the remainder will probably be divided between the Flathead Indians as a tribe and the United States on account of the irrigation project in the proportion of one-third to the tribe and two-thirds to the irrigation project.

D. The Power Co. as soon as it starts construction on the Newell plant or any other plant will reimburse the United States for the cost, without interest, of the Newell tunnel, which sum is about $101,000, and does not exceed and shall not for this purpose be taken as exceeding $102,000.

E. The Power Co. will agree to press its applications already made and make other applications, if necessary, to the Federal Power Commission for permits to utilize the said power sites on the Flathead River, and will accept permits from said commission containing the usual provision of documents of that character and embodying the agreement to be made in accordance with this memorandum.

F. The Power Co. will agree to acquire the necessary rights to use Flathead Lake as a reservoir and make the necessary dam therefor, said dam shall be capable of raising the water level in said lake to elevation 2,893 feet above sea level; datum and rights to maintain the lake level to that extent shall be acquired.

G. The Power Co. will agree to start the necessary preliminaries to construction of the aforesaid dam and proceed diligently with the actual construction thereof and of the power plant at the Newell site as soon as proper borings of the site have been made for determination of foundation conditions, and will start those borings within six months from the date hereof.

H. The company will agree to equip the plant at said Newell site so as to produce 50,000 kilowatts at the beginning and thereafter to develop the said site to full capacity within a reasonable time, to be agreed upon in the above-mentioned contract and to be fixed in said permits.

I. It is contemplated that the above-mentioned contract shall contain such proper limitations and requirements as may be agreed upon looking to the development of the other power sites as the demand for power shall warrant and with the idea that the company shall either develop those sites promptly when the demand for power does warrant or permit of their being developed by other licensees of the United States.

J. The company will also be expected to make appropriate agreements looking to the regulation of the Flathead Lake reservoir so as to insure the best use of the water stored there for power purposes, not only at the Newell power site but at all other sites on the river, whether or not the lower sites shall be developed by the Power Co. or by others and also so that navigation on Flathead Lake shall not be interfered with.

K. The company furthermore agrees to make all proper appropriations of water for the development of these power sites or to acquire other appropriations or filings already made as may be useful or necessary for that purpose. The company will also agree that the United States for the irrigation project shall have the privilege of pumping water from Flathead Lake or the Flathead River for all purposes of irrigation on the Flathead irrigation project or the Flathead reservation lands whether included in said project or not.

L. The Power Co. realizes that after it has begun construction or the making of preparations therefor, it will have power from some of its existing plants on the reservation before power will be produced from any of these sites. A part of such power would be useful for farm and project purposes, and therefore the company will agree to deliver power for such purposes at a point on its line to any transmission line constructed by the Government in quantities required by the United States up to 500 horsepower at 2½ mills per kilowatt-hour.

M. The company realizes that it may be impossible to have final permits issued from the power commission before it starts making preparations and doing other acts that practically commit it to this development. The company desires to undertake this development at once if agreements contemplated by this memorandum can be reached. If they can not be reached, the company desires to go elsewhere for the power that it wishes to develop at this time. The company finds it is in a position where it must make further developments for its customers, and therefore desires to reserve the right to make other arrangements if on July 1, 1927, it is unable to make this contract.

N. The power company desires to aid in the development of the irrigation project and development of the rest of the land on the reservation and is willing to have the proposed contract contain appropriate provision securing to the Government, the project or the irrigation districts, the exclusive right to sell power within the Flathead Reservation.

The foregoing, of course, does not cover all the items that should be taken care of in the contract, but it is hoped that it sufficiently shows the lines upon which such a contract could be consummated. This memorandum is submitted so as these things can be concluded if this meets with your approval.

THE ROCKY MOUNTAIN POWER CO.,
By F. M. KERR,
Vice President and General Manager.
THE MONTANA POWER CO.,
By F. M. KERR,
Vice President and General Manager.

Mr. WALSH of Montana. Mr. President, the Montana Power Co. agrees in this to make the development. It agrees to pay back to the Reclamation Service the $100,000, or thereabouts, which has already been expended in the development of the Newell site, which is to be submerged if the larger development takes place. It offers to develop power to the extent of 100,000 horsepower, and to pay a dollar a horsepower for all it develops. Of that 100,000 horsepower which it contemplates developing, it proposes to turn over 15,000 horsepower to the irrigation district.

Every dollar that is thus paid goes to the credit of the Indians. It does not make any difference whether it goes to the irrigation district, or whether it goes to the Anaconda Co., or whether it goes to the Milwaukee & St. Paul road, for every horsepower they develop they give the Indians a dollar. So that if the proposal should be accepted the Indians would get paid for every pound of horsepower that would go to the district.

The district then proposes to construct a distribution system, and what the district does with the profits it makes upon the power which it sells is a matter of no more concern to the Indians than a consideration of what profits the Milwaukee & St. Paul Road makes upon the power they buy from the Montana Power Co. or any other company.

Mr. KING. Mr. President, is the Senator quite accurate in saying that the district will construct the system? Is it not purposed that the Government of the United States shall make payment for the construction of the system?

Mr. WALSH of Montana. Mr. President, that is another question. We understand perfectly well that the Senator from Utah is against the Government spending any money for any purpose of this character. That is an entirely different thing. The legislation contemplates that the Government shall advance this amount to the district, and that the district shall operate the system and repay the amount to the Government. That is an entirely different question from the rights of the Indians. It is a matter of no consequence, so far as the Indians are concerned, whether the Government of the United States advances this money to the district or whether the district goes somewhere else and gets it. I am perfectly willing to canvass with the Senator any time the question of the wisdom of the Government advancing this money to the district, or the district getting it somewhere else; but that is a matter of no concern to the Indians, and we are now talking about the interests of the Indians and the opposition of the Indians to this proposition. I trust the Senator will segregate the two in his own mind.

Mr. SMOOT. Mr. President, I want to call the Senator's attention to the fact that Mr. McCormack, the Lieutenant Governor of the State of Montana, was very explicit in accepting an amendment to the bill, providing—

> That no license shall be granted that will raise the waters of Flathead Lake to a higher elevation than 2,886, Kavanaugh survey.

Mr. WALSH of Montana. That also introduces an entirely separate controversial question. Could we not dispose of this question of the Indians first?

Mr. SMOOT. I do not think there is any question about the policy of the Senate as to the Indians.

Mr. WALSH of Montana. The argument is made that this legislation should not be accepted by the Senate because it is unfair to the Indians. I just rose, by the courtesy of the Senator from Utah [Mr. KING], to give him the information he sought, and the information is that if the Montana Power Co.'s proposition should be accepted—and there is no certainty that it will be—that company agrees to develop 100,000 horsepower, and it does not make any difference where that 100,000 horsepower goes, $100,000 goes into the Treasury of the United States for the benefit of the Flathead Indians. It does not make any difference if 40,000 horsepower goes to the irrigation project, it does not make any difference if every pound goes to the irrigation district, the Indians get a dollar for every horsepower furnished.

Mr. LA FOLLETTE. Mr. President, will the Senator permit a question?

Mr. WALSH of Montana. Certainly.

Mr. LA FOLLETTE. Does not the Senator think that the Montana Power Co., in calculating the amount which it would pay to the Indians as a rental for this horsepower, computed the 15,000 horsepower to be delivered to the irrigation district at cost, and that if that provision were not in the contract they would be willing to pay the Indians more per horsepower?

Mr. WALSH of Montana. I dare say that in view of the low rate at which the district gets this power, if the Montana Power Co. were not obliged to give so much of it at this low rate to the Indians, there might be a fraction over and above $1, although my judgment is that there would not be.

Mr. LA FOLLETTE. Let me say that in so far as the 15,000 horsepower entered into their computation as to what they would pay in the form of rental, it would reduce the revenue to the Indians.

Mr. WALSH of Montana. Whatever the rate at which they give the power to the irrigation district.

Mr. LA FOLLETTE. That is the statement which I made a few moments ago.

Mr. WALSH of Montana. Very well. Now, let me state with respect to that what perhaps has not been attended to. There is a long story there. The irrigation district or the irrigation project claim in this matter an interest in the power site and in the power development. In my own judgment their claim is not very well founded, but I shall put in the RECORD a very able discussion of the whole subject, with a recital of all the legislation in relation to this matter, dating away back to 1907. A careful study of that legislation, with a knowledge of the facts and circumstances, will lead any man to believe that, whether the legislation gives the settlers on the project any right to this power or not or any interest in it, they had abundant cause to believe that they had an interest in it, and they are insistent upon that claim to this day.

For instance, it became necessary for the Government of the United States, in order to carry out that project, to appropriate the water of the Flathead River. They appropriated that water not only for the purposes of irrigation but for the purposes of power, because they contemplated at that time that a power plant was to be a part of the irrigation project. The people who went upon that reservation, from the time they went there, have been looking forward from day to day to a reduction of the cost of the construction of the project, which has mounted to enormous figures by reason of the delay of the Congress, of which I have complained here year after year, to make the appropriations to keep up the project. They have looked forward during all these years to reducing the cost of construction by reason of some revenues coming from that power.

Mr. LA FOLLETTE. Mr. President, will the Senator yield for a question?

Mr. WALSH of Montana. In a moment.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. WALSH of Montana. In view of this contention between the Indians upon the one side and the settlers upon the other. I undertake to say it is picayunish to figure out about how much more than $1 per horsepower the Montana Power Co. might be willing to give if it did not have to give 15,000 horsepower to the district at this low rate. In other words, I submit that anyone who really has the interests of these people at heart and who is fairly conversant with the situation could not possibly say that this is not a splendid thing for the Indians, by which they will get $100,000 every year after the project is in operation. They have been looking forward to this for 25 years, and the settlers will insist upon their rights to the last, until an adjustment of the thing is made in some form or other, and the Indians will not have this development.

So that my own judgment about the matter is—and I assert that I am as good a friend of the Indians in the State of Montana as any Senator on the floor—that they had not better quarrel too much about the difference between $1 per horsepower and what it would be if this trifling matter of 15,000 horsepower out of 200,000 went to the project at this low rate.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH of Montana. Certainly.

Mr. SMOOT. What bothered me about the whole matter is the fact that it was testified before the committee that if the water was raised to a higher elevation than 2,886, Kavanaugh survey, the farmers would be drowned out and most of the property destroyed. Then when I tried to find out how many horsepower could be developed by keeping the elevation down to 2,886, Kavanaugh survey, the Lieutenant Governor of Montana and others did not know exactly; but it would not, as I understood them all in private conversation to say, amount to 100,000 horsepower. If we expect to get that amount of power, then, of course, we are going to flood the farms and homes and business of the citizens there.

Mr. WALSH of Montana. That does not follow by any means at all, for the simple reason that above the lake in the valley of the South Fork of the Flathead—and I know the country there like I do the District of Columbia—the Geological Survey and the Reclamation Service have located a dam site within what is known as the Hungry Horse Canyon. By the construction of the dam there something over 200,000 acre-feet of water can be impounded, capable of production at the lowest stage of the water of something like 36,000 horespower, and for the greater portion of the year something like 110,000 horsepower, from that reservoir alone. So that if it becomes necessary to protect the farms and this will not develop sufficient power, it will be easy enough to provide that further storage should be installed above instead of flooding the farms.

Mr. SMOOT. I wanted to bring it to the attention of the Senate, because this is one of the questions I desire to take into conference.

Mr. WALSH of Montana. I have here now the article to which I referred, by Mr. Pope, giving the whole history of the legislation and the contentions and claims of the settlers with reference to their rights in this power site and in the development of any power under it. I ask that that be incorporated in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article is as follows:

CONCERNING POWER SITE ON FLATHEAD RIVER—COMPILED BY WALTER POPE, OF MISSOULA, ATTORNEY FOR THE FLATHEAD IRRIGATION DISTRICT

The Flathead River which drains Flathead Lake flowing in a general southwesterly direction through the former Flathead Indian Reservation, has a fall a short distance below the outlet of the lake which measures 55 feet in 2,800 feet. From measurements taken over a period of four years it was ascertained that the average annual run-off of the river at this point was 8,290,000 acre-feet and it has generally been understood that it was possible to develop power to the extent of 100,000 horsepower at the point previously mentioned with a possibility of increasing this to 260,000 horsepower by slightly raising the level of the lake.

It is now proposed by a subsidiary of the Montana Power Co. that it be granted a license to develop power at this point. The power site in question is not in private ownership and it is proposed by this company that it will pay for the privilege sought in addition to certain other benefits an additional annual rental or license fee to be calculated upon the basis of the number of horsepower developed.

Toward the close of the last session of Congress certain legislation was proposed looking toward the granting of authority to negotiate a license or permit for the development of this power by a private corporation, this proposal having been made in view of the proposition of the company referred to. At that time the question arose as to the disposition of the proposed rentals or license fees. On account of the fact that the power site is a part of the former Flathead Indian Reservation and was formerly a part of the tribal lands and property, the representatives of the Flathead Indian tribe asserted that the entire proceeds of the lease or license should go into and become a part of the tribal funds. On the other hand, persons interested in the Flathead irrigation project asserted that the major portion of the proceeds from this license or permit should be devoted to or made available for the use of the project. The irrigation project comprises certain lands allotted to Indians and also large amounts of other lands known as surplus unallotted lands which have been disposed of to white settlers. In addition, in the case of some Indians having allotted irrigable land patents in fee have been issued and the Indians have sold these lands to white settlers. There are many Indian allotments still owned by Indians which are not irrigable under the project. The consequence is that the interests of the Flathead Tribe and the interests of those having water rights under the project are not identical, for there are many white settlers under the project and many Indians who have either sold their allotted irrigable lands or have never had allotments under the project.

Some persons interested in the project have asserted that the power site and the power facilities referred to are part of the project. This memorandum has been prepared for the purpose of examining questions suggested by this controversy, and it should be suggested in this connection that not all who assert the interest of the project in the power site and facilities are insisting upon a division with the project of the proposed rentals. The position of these persons is that if the lease or license be made on such terms that the entire rental should go to the Indian tribe, the equities of the project in the power site thus taken away should be compensated for by commensurate reduction in the project's obligations for reimbursement of Federal funds heretofore appropriated.

STATEMENT OF FACTS

The Flathead Indian Reservation was established under and pursuant to the treaty of July 16, 1855. Article VI of this treaty (S. Doc., 58th Cong., 2d sess., vol. 39, No. 319, p. 724) authorized the President of the United States to make allotments of the lands in the reservation to the Indians in severalty, subject to the regulations provided in the treaty with the Omahas. The treaty with the Omahas referred to, which was dated March 16, 1854, provided for allotment to Indians and provided that the residue of the land not so allotted might be sold for the benefit of the Indians under laws prescribed by Congress. (S. Doc., 58th Cong., 2d sess., vol. 39, No. 319, pp. 612-613.)

Acting in reliance upon the treaty provisions mentioned, Congress, by act of April 23, 1904, provided for the allotment of lands to the Indians on the reservation in the manner prescribed in the general allotment act, provided for a commission to classify and appraise all unallotted lands, and that all unallotted lands should be disposed of under the general provisions of the public land laws of the United States, the manner of settlement and entry to be determined by proclamation of the President, and the settlers to pay the appraised value of the lands as fixed by the commission in installments. No plan for an irrigation system was provided, and the only mention of irrigation is found in section 14 of the act, which provided that the proceeds received from the sale of unallotted lands should be expended in the following manner:

"One-half shall be expended from time to time by the Secretary of the Interior as he may deem advisable for the benefit of said Indians and such persons having tribal rights on the reservation, including the lower Pend d'Oreille or Kalispell thereon at the time this act shall take effect, in the construction of irrigation ditches, the purchase of stock cattle, farming implements, or other necessary articles to aid the Indians in farming and stock raising, and in the education and civilization of said Indians, and the remaining half to be paid to the said Indians and such persons having tribal rights on the reservation, including the lower Pend d'Oreille or Kalispell thereon at the date of the proclamation provided for in section 9 hereof, or expended on their account, as they may elect."

The files of the Flathead project office disclose that in the year 1907 the United States Reclamation Service, by special arrangement with the Indian Department, sent engineers to make a preliminary survey of irrigation and reclamation possibilities on the Flathead Reservation. The first congressional recognition of any systematic survey appears to have come through the act of April 30, 1908, making an appropriation for the preliminary surveys, plans, and estimates of the irrigation systems "to irrigate the allotted lands of the Indians of the Flathead Reservation in Montana and the unallotted irrigable lands to be disposed of." Under this appropriation the surveys commenced in 1907 were continued and the surveys which are available in the office of the project disclose that the engineers outlined as a part of the irrigation system the development of the power resources on the Flathead River, it being proposed to irrigate in excess of 40,000 acres of land through pumping, the power to be supplied through the development of the power site referred to in this memorandum.

In the same year in which this appropriation for preliminary surveys was made, and on May 29, 1908, sections 9 and 14 of the original act opening the reservation were amended to take care of the situation that was expected to arise through the development of a complete irrigation system. Section 9, which had made provision for payments of the appraised value of the land by the settler, provided that the entryman upon land irrigable by any system constructed under the provisions of section 14 of the act should, in addition to paying the appraised price of the land, pay for a water right the proportionate cost of the construction of the system in 15 annual installments. It also provided that applicants for water rights under the systems constructed should be required to pay any charges for operation and maintenance as should be fixed by the Secretary of the Interior. The act also provided:

"The land irrigable under the systems herein provided, which has been allotted to Indians in severalty, shall be deemed to have a right to as much water as may be required to irrigate such lands without cost to the Indians for construction of such irrigation systems."

By this same act section 14 of the original act was amended to provide that the proceeds from the sale of lands should be expended as follows:

"So much thereof as the Secretary of the Interior may deem advisable in the construction of irrigation systems, for the irrigation of the irrigable lands embraced within the limits of said reservation; one-half of the money remaining after the construction of said irrigation systems to be expended by the Secretary of the Interior as he may deem advisable for the benefit of said Indians in the purchase of livestock, farming implements, or the necessary articles to aid said Indians in farming and stock raising and in the education and civilization of said Indians, and the remaining half of said money to be paid to said Indians and persons holding tribal rights on said reservation semiannually as the same shall become available, share and share alike: *Provided*, That the Secretary of the Interior may withhold from any Indian a sufficient amount of his pro rata share to pay any charge assessed against land held in trust for him for operation and maintenance of irrigation system."

It should be noted that the scheme of this act was to make available for construction of the entire irrigation system both for allotted and unallotted lands the funds derived from the sale of the unallotted lands and the Indian allottee was to have a water right without charge for construction costs. The white settler making settlement under the act was to be required to pay his proportionate share of the cost of the construction in 15 annual installments. In substance, this would amount to constructing the system by the use of the Indian funds, the funds to be later reimbursed as the settlers' installments were paid. This plan was further carried out in subsequent appropriation acts, for on March 3, 1909, the sum of $250,000 was appropriated for construction of the system for the allotted and unallotted irrigable lands, the cost of the entire work to be reimbursed from the proceeds of the sale of land and timber in the reservation. Subsequent appropriations with the same provisions were made as follows:

April 4, 1910, $250,000.
March 3, 1911, $400,000.
August 24, 1912, $200,000.
June 30, 1913, $325,000.
August 1, 1914, $200,000.

As previously stated, all of these appropriations were reimbursable from funds derived from sales of unallotted lands and timber.

In the appropriation act of March 3, 1909, certain amendments to the original act of 1904, which opened the reservation, were added, among them a section 22, which read as follows:

"SEC. 22. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to reserve from location, entry, sale, or other appropriation all lands within said Flathead Indian Reservation chiefly valuable for power sites or reservoir sites, and he shall report to Congress such reservations."

The power site here considered was included in the descriptions reported.

It will be noted that section 22, quoted above, does not in terms state for what purpose the power site is reserved.

On May 22, 1909, President Taft issued his proclamation providing for the opening of the unallotted lands to settlement, and this provided for settlement in the year 1910. In the meantime, the work of appraising and classifying the lands had been going on, and when the lands were opened to settlement the irrigable lands had been designated as units and were entered as such by the settlers. The fact that as early as 1907, and before the appraisals had been completed, surveys for the irrigation system had been made furnishes some evidence that the possibility of irrigation of the lands entered into the fixing of the appraised prices. The prices themselves indicate that this may have been the case, for the appraised prices for the land were far in excess of the prices ordinarily paid the Government for homestead lands. At any rate, a commission appointed by the Secretary of the Interior in 1914 to investigate the status of the water rights on the reservation made the following statement:

"The understanding of the homesteader that water would eventually be delivered to his land enabled the United States as agent for the Flathead Tribe to dispose of practically all their surplus lands at the appraised value." (63d Cong., 3d sess., H. Doc. No. 1215, p. 36.)

At any rate, actual settlement began in May, 1910, and, of course, at that time the settlers understood that all lands designated as units were to be irrigated from the system contemplated the development of the power resources as a part of the project. In December, 1909, actual development of the power site was commenced through the beginning of the construction of what was known as the Newell Tunnel. This involved the construction of a tunnel approximately 1,700 feet in length at the point of greatest fall in the river and contemplated the construction of a dam to develop a head of 69 feet. The tunnel was 11 by 11 feet in dimensions and the power developed could be increased by increasing the size of the dam. (63d Cong., 3d sess., H. Doc. No. 1215, p. 32.) The construction of the Newell Tunnel was continued until December, 1911, during which period approximately $100,000 was expended on its construction as disclosed by the project records. In the meantime, and while this construction was going on, two of the appropriations previously mentioned were made, namely, the appropriation of April 4, 1910, and the appropriation of March 3, 1911, both of which were stated to be "for the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Indian Reservation in Montana and the unallotted irrigable lands to be disposed of under authority of law."

In the appropriation act of August 1, 1914, there was incorporated a provision requiring that there should be submitted to Congress on the first Monday in December, 1914, a report showing the status of the water rights of the Indians and the method of financing the projects on several reclamation projects, including the Flathead project, together with such other information as the Secretary of the Interior might deem necessary for full and complete understanding of all the facts and conditions in connection therewith. (38 Stat. L. 583.) In the report submitted, which is the document previously referred to, namely, Sixty-third Congress, third session, House Document No. 1215, it was pointed out that the project contemplated the development of power at the Newell Tunnel plant (p. 23) and a general description of the power development possible and contemplated may be found on page 32 of this report.

The report called attention to the fact that the funds of the Indian tribe had been set aside for the payment of the irrigation system and recommended that a change in this respect be made so as to attach the cost of construction to the lands irrigated under the system, and all future appropriations to be made reimbursable and repayment to be held a lien against the lands benefited without hypothecation of the tribal funds (p. 9).

Evidently, as a result of this report and recommendation, Congress by act of May 18, 1916, appropriating the sum of $750,000 for continuing the construction of the system, provided that all lands, including lands allotted to Indians in severalty, should pay their proportionate share of the total cost of construction of the irrigation system and authorized the Secretary of the Interior to make announcement as to the total cost of construction, whereupon the owners of all lands would be required to make payments in 15 annual installments. The act further provided that the tribal funds theretofore covered in the Treasury in partial reimbursement of appropriations made should be placed to the credit of the tribe and be available for expenditure for the benefit of the tribe.

It will be noted that this act made a radical change in the matter of financing the construction of the project. Thereafter tribal funds could neither be used for construction nor were they made available for reimbursement of appropriations made. This policy has been adhered to ever since and all tribal funds have been made available for the use of the Indians themselves except as deductions might be made from the distributive shares of individual Indians for payment of operation and maintenance charges.

There exists among project officers the impression that by reason of this change of policy evidenced by the 1916 act, the project is under an obligation to pay to the tribal fund for the reservoir sites reserved for the use of the project. This is not based upon any statute, but merely upon the consideration that since the tribe has now been relieved from any responsibility for the construction of the project, they should not be required to contribute these reservoir sites without compensation. It is understood that the compensation would have to be made at the appraised price fixed by the original board of appraisers. It is impossible to find any record of any discussion of the necessity of payment for the Newell Tunnel site in case the same is used by the project. No payments have been made by the project for the reservoir sites, but the Indian Department has in some of its requests for appropriations indicated that certain sums would be required for this purpose.

By the act of May 10, 1926, Congress appropriated the sum of $395,000 for the purpose of continuing the construction of the power plant of the project. Most of this appropriation, however, was not to be available for construction work until an appropriate repayment contract should have been executed between the Government and irrigation districts organized under State laws and including the lands under the project, providing for repayment to the Government of all costs of construction. This appropriation was continued in effect by the act of January 12, 1927, and the appropriation is available for the fiscal years 1927 and 1928, when the repayment contract shall have been executed. While irrigation districts have been organized for the purpose of negotiating such contracts, no contract has been executed and none of the appropriation has therefore been expended, except a small amount made available for plans and surveys of the power site and power project.

DISCUSSION OF THE LAW

It has been suggested that under the provisions of the Federal water power act (ch. 12 of title 16 of the Code of Laws of the United States) all the proceeds from the proposed lease are made payable to the Indian tribe. Section 17 of this act provides:

"All proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservation."

However, it is submitted that the power site in question is not subject to the jurisdiction of the Federal Power Commission or governed by the provisions of the Federal water power act. The later acts of May 10, 1926, and January 12, 1927, making continued specific appropriations for the development of the power plant by the project would properly be construed as a congressional declaration that this power site should not be deemed under the control of the power commission. It is understood that the Power Commission and the Indian Department have taken this view of the matter, while the Federal water power act provides for the issuance of preliminary permits by that commission; a preliminary permit for exploration at the power site by the Montana Power Co., or its subsidiary, has been granted by the Indian Department without any action being taken by the Federal Water Power Commission. When the word "reservations," as used in the Federal water power act, is examined, it will be found that it is defined as follows:

"Reservations means national monuments, national parks, national forests, tribal lands embraced within Indian reservations, and other lands and interests in lands owned by the United States and withdrawn, reserved, or withheld from private appropriation and disposal under the public land laws; also lands and interests in lands acquired and held for any public purpose."

It may be well doubted whether what was formerly the Flathead Indian Reservation is now any longer a true Indian reservation in the technical sense, but it is apparent that regardless of that consideration it is a question yet to be determined whether the lands embracing the power site are tribal lands. If, as is contended, they are lands set aside for the use of the project, they are not in a full sense tribal lands and hence might not come within the definition of the word "reservations" as used in the Federal water power act. Again, section 4 of this act contains this proviso:

"That licenses shall be issued within any reservation only after a finding by the commission that the licenses will not interfere or be inconsistent with the purpose for which such reservation was created or acquired."

If, as contended, the power site was reserved for the use of the project, the Federal Water Power Commission could not under the provision last quoted find that a license issued by that commission would not interfere or be inconsistent with the purpose for which the reservation was created unless the license made due provision for the needs and requirements of the project.

We are, therefore, forced to make the inquiry as to whether the evidence discloses that Congress has not only reserved the power site from sale, but has made the same a part of the reclamation project. The following considerations indicate that Congress has so done:

1. When the act of March 3, 1909, provided for the reservation from location, entry, etc., of all lands within the reservation chiefly valuable for power sites or reservoir sites, it did not specifically designate the power sites as being reserved for the use of the reclamation project. However, it is clear that the reservoir sites must have been reserved for that purpose and for no other. The power sites are mentioned in the same clause as the power development, and at this time it will be recalled the preliminary surveys of the proposed project made mention of the power site and the power development as a part of the project. It is fair to assume that this reservation was made in the light of that report.

2. That it was the intention of Congress to reserve the power sites, or at least the one here involved, for the use of the project is indicated by the fact that construction of the Newell Tunnel for the purpose of utilizing this site began in December, 1909, and continued until December, 1911, during which time Congress continued to make appropriations for continuing the construction of the irrigation system. It is fair to assume that it was known to Congress in what manner these funds were being utilized and the continued appropriation would be an apparent approval of the project as being prosecuted. Congress again in 1926 and 1927 has specifically approved the utilization of the power site by making specific appropriations to be devoted to that purpose alone.

3. After the power site and the reservoir sites had been reserved as indicated, the act of June 25, 1910, which was a general act, was enacted. Paragraph 14 of this act reads as follows:

CANCELLATION OF TRUST PATENTS WITHIN POWER OR RESERVOIR SITES

The Secretary of the Interior, after notice and hearing, is authorized to cancel trust patents issued to Indian allottees within any power or reservoir site and for allotments or such portions of allotments as are located upon or include lands set aside, reserved, or required within any Indian reservation for irrigation purposes under authority of Congress: *Provided*, That any Indian allottee whose allotment shall be canceled shall be reimbursed for all improvements on his canceled allotment out of any moneys available for the construction of the irrigation project for which the said power or reservoir site may be set aside: *Provided further*, That any Indian allottee whose allotment, or part thereof, is so canceled shall be alloted land of equal value within the area subject to irrigation by any such project. (June 25, 1910, ch. 431, par. 14, 36 Stat. 859.) (Sec. 352, title 25, Code Laws of the United States.)

This would indicate the general congressional idea that power-site reservations were a natural requirement of an irrigation project of this character. Paragraph 13 of the same act gave the Secretary of the Interior blanket authority to make similar reservations of power or reservoir sites in connection with irrigation projects. Surely at that time Congress took it for granted that a power site was a natural adjunct and requirement of an irrigation project.

4. The report to Congress concerning the Flathead project which has previously been referred to herein, when considered in connection with the act of Congress of May 18, 1916, which specifically followed its recommendations, must be considered as containing evidence that the report came to the attention of Congress. This report disclosed that the power site and the power development was treated as and deemed a part of the project itself. The very silence of Congress upon this point, coupled with the continued congressional appropriations for the continued development of the project, indicates reasons for arguing that Congress has interpreted its act of March 3, 1909, reserving the power sites and reservoir sites as meaning that such power sites and reservoir sites were reserved for the benefit of the irrigation project.

There is one other fact that should be borne in mind and that is that under the provisions of what is now section 7099 of the Revised Codes of Montana of 1921, the United States is permitted to appropriate the water of streams or lakes within the State of Montana for the same purposes for which private individuals may make such appropriation, such appropriations to be indicated by proper filings and to be held valid for a period of three years after the filing of notice. Pursuant to this act the project officials on March 29, 1910, filed claims for the use of water from the Flathead River at Newell Tunnel power site for power and irrigation purposes. These filings have been renewed every three years thereafter, the last filing having been made on January 26, 1925. It would appear, however, that while these filings might operate to reserve certain rights to the use of the water, it would not follow that they did give any title or right to the power site itself.

It therefore seems clear that the power site here in question has always been regarded by both Congress and the department officials as a portion of the reclamation project itself as fully as any of the reservoir sites. All plans and surveys for the project have included the power development at this point; work has been prosecuted there on behalf of the project and appropriations have been made for the specific purpose of continuing development of the power plant. It would, therefore, seem impossible to deny that the project itself has a real and substantial equity not only in the waters but in the power site itself and the evidence indicates that the congressional reservation of the site was made with a view to making the power site available for the project. It seems proper to say also that each landowner within the project has a substantial interest in this site as part and parcel of his water right and that the settlers might justly complain if they were to be deprived of the benefits which it has always been anticipated the project and the users thereunder would derive from the development of the power site. Attention is called to the fact that the expectation of the settler that his land would be irrigated from this system led to the purchases of these lands and payments into the Indian funds which otherwise would probably have not been made.

One thing that causes great difficulty in arriving at a proper solution of the whole question is the fact that the officials of the project have taken it for granted that the project must pay the tribe for the reservoir sites. They expect to have to pay out of the project funds the original appraised prices of these lands. If the project must pay the tribe for the reservoir sites, it would seem to follow that it must pay for the power site. But how much? It might be suggested that the price to be paid should be its actual value for power purposes. If so, the project would have a mere option on the site, which would be of little value to the project on account of the fact that in that case it would have to pay for it all that it was worth. The argument for his position would be that the appraised prices, which are comparatively small, merely reflect the value of the land as agricultural, grazing, or timber land, and that such prices were fixed with a view to sales which were never consummated—hence the tribe should now be paid, if it is entitled to anything, the full value of the land as a power site and for power purposes.

It is believed that the proper answer to this question is this: As disclosed in the history of the project herein related, it was the inclusion of a plan for power development in the irrigation system that led to the act reserving the power site. As shown herein, the available evidence indicates that the power site was reserved for the use and as a part of the project. Had it not been for this reservation, and had it not been for the work of the project officers in incorporating the power development into the project plans, the lands covered by the site would have passed through sale or entry into the hands of private owners, whereupon the tribal funds would have received the appraised prices therefor. It is therefore submitted that if the project is under obligation to pay the tribe for the power site, the just measure of compensation would be the amount the tribe would have received were it not for the project, which would be the appraised price.

Again, it has been suggested that since the power company's offer includes a proposal to furnish the project with 10,000 horsepower for pumping purposes, and at a nominal charge, and with 5,000 horsepower for other purposes at a somewhat greater charge, and to reimburse the project for the amount expended upon the Newell Tunnel, that the project would thereby receive all that it was entitled to from the power site. It would seem that such contention is not a valid one. The law of water rights has never recognized a doctrine that one who has acquired water rights, rights of way, or dam sites could be deprived of these rights by mere repayment of the amount expended in development.

It is therefore submitted that the project has a real and substantial interest and equity, not only in the right to use the water flowing in the Flathead River but in the power site itself, and that Congress can not with justice to the settlers under the project make disposition of this site without some compensation to the project and to those having water rights thereunder. It is not to be understood, however, that the rights and interests here asserted could be enforced in the courts in the face of an act of Congress to the contrary. The line of argument here suggested as the proper one must be presented to Congress, which is a court of last resort, for Congress speaks for the United States, which is both owner of the project and trustee for the tribe. But it is believed that even if Congress should by law deprive the project and its settlers of the use of revenues of the power site, Congress would in that case feel obligated to make commensurate compensation to the settlers in the form of a reduction of the construction costs which they are required to repay.

WALTER L. POPE.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WALSH of Montana. I yield.

Mr. NORRIS. I have been listening to all the debate with a great deal of interest, but I am still unable to say that I have a fair idea of just what the situation is. I am seeking information. In the first place, the Senator talks part of the time about 200,000 horsepower and part of the time about 100,000 horsepower. How much is the horsepower to be developed?

Mr. WALSH of Montana. The full development is something in the neighborhood of 200,000 horsepower. That would con-

template raising the lake to a level considerably higher than 2,886.

Mr. NORRIS. Application to build the dam and develop the horsepower is made to the Federal Power Commission?

Mr. WALSH of Montana. Yes.

Mr. NORRIS. If they accept the Montana Power Co.'s or any other bidder's bid, the money will be supplied and the development made by the lessee?

Mr. WALSH of Montana. Yes.

Mr. NORRIS. What does it mean when we are talking about the Government of the United States advancing the money and getting it back? If it is a question of leasing power under the regular Federal power act, can they go on and lease this without coming to Congress at all?

Mr. WALSH of Montana. I can make that entirely clear to the Senator. It is not contemplated that the Government of the United States shall spend a dollar for the development of the power. Under the proposition of the Montana Power Co., if that should be accepted, it would be under obligation to turn over 15,000 horsepower to the irrigation district to do what they pleased with it. The appropriation here is for a distributing system for the irrigation district.

Mr. NORRIS. That is the money the Government is going to advance?

Mr. WALSH of Montana. Exactly.

Mr. NORRIS. Then the district through the rentals will be called upon to repay it in a term of years?

Mr. WALSH of Montana. Yes.

Mr. NORRIS. Is that one of the conditions under which the Federal Power Commission required the bidders to bid?

Mr. WALSH of Montana. No. The Federal Power Commission has not laid down any conditions. It is simply inviting bids from anyone who cares to bid.

Mr. NORRIS. I am wondering just why it is that the Montana Power Co. in making its bid puts in that kind of a stipulation. Is there any law for it anywhere?

Mr. WALSH of Montana. What kind of a stipulation?

Mr. NORRIS. That they shall furnish the 15,000 horsepower.

Mr. WALSH of Montana. No. They realize this contention is going on between the Indians on the one side and the settlers upon the other, and in order to get general acquiescence in the situation they propose to turn this amount of power over to the district.

Mr. NORRIS. Some other bidder will probably bid and pay no attention to it, but just bid. There is no reason why the Federal Power Commission should not accept some other bid and pay no attention to this section whatever.

Mr. WALSH of Montana. Exactly; so the appropriation is to authorize the irrigation district to construct the distributing system or to buy power, so that if some one else other than the Montana Power Co. should do the development work under the appropriation, if the other parties get it, the district could buy power from this company.

Mr. NORRIS. This rather appeals to me. The settlers are expecting it, though, perhaps technically, they are not entitled to it; but if it is a matter of good conscience I would like to see them get this power. But what assurance have we or they that they will ever get anything if, for instance, the Federal Power Commission accepts some other company's bid that does not contain anything about it? The lessee could prevent the irrigation district from getting a single kilowatt of power if they wanted to.

Mr. WALSH of Montana. They would be obliged to sell to them at the current rate.

Mr. NORRIS. Suppose somebody else buys it, then the district would get nothing.

Mr. WALSH of Montana. Some one else might do the development and, of course, might have contracts that would use up the whole production.

Mr. NORRIS. That is what I am trying to get at. If the settlers have any right to some power, either technically or in good conscience, unless there is some provision in the bill or some statute there is no assurance that they will ever get a kilowatt, is there?

Mr. WALSH of Montana. No; none whatever. The appropriation contemplates just such a situation and authorizes the district to buy power from any source that they can get it.

Mr. NORRIS. Suppose they could not buy power here; is there any other place they can get it?

Mr. WALSH of Montana. No.

Mr. NORRIS. Then it rather seems to me that we ought to take a position here directing the Federal Power Commission, if they make this lease, either to consider or to throw out the claim of the settlers for a certain amount of power, because otherwise they may lose it all. There is no assurance that they will ever get anything. They might even be held up on it. They have no assurance that any other bidder would give them the same favor that the Montana Power Co. propose in their bid. If it is right that they should have that favor, it ought to be required that any other bidder should give it to them. It may be the Montana Power Co. should not be permitted to give them that. If the settlers have no claim in good conscience or law, the Montana Power Co.'s bid is rather unfair to the Indians to the extent of the profit that otherwise might be made on the 15,000 horsepower, and that would be quite a sum of money. That is either right or wrong.

Mr. WALSH of Montana. My own judgment about it, if I may say so, is that the difference between $1 per horsepower and what the Montana Power Co. would be willing to offer if it did not have to give this 15,000 horsepower at the rates here specified, would be inconsequential.

Mr. NORRIS. I rather think that is correct.

Mr. WALSH of Montana. That is my judgment. I may be wrong about it.

Mr. NORRIS. Perhaps not enough to quarrel much about if there is enough money to go around.

But I am still wondering whether, if these settlers are right in their claims, we may not by the action that we are taking here to-day bring about a condition of circumstances in which they would get nothing, if I understand the situation aright.

Mr. WALSH of Montana. That is possible. But just now the discussion was rather precipitated by those who feel that the Indians are getting the worst of it.

Mr. NORRIS. I understand that, and I am not judging that contest. If this should all go to the Indians, then, I think, the Federal Power Commission ought not to accept a bid such as the Montana Power Co. has made. If the Indians are entitled to it lawfully and equitably, then there is not any more reason why we should let somebody else get 15,000 horsepower than that we should let somebody else get 50,000 horsepower.

Mr. WALSH of Montana. I wish to say just this word in conclusion: The Indians stand to get $100,000 a year. I think there is a guaranty of $50,000 from the start; the proposition itself will so show; but I undertake to say that unless this matter shall be adjusted in some way it will be years before the Indians will get anything.

Bear in mind also that this power is running away into the Pacific Ocean year after year, and nobody is getting anything out of it. We in the State of Montana have looked for 30 years to the development of this great water power. There is a chance now to develop it. The Indians have been looking forward to the development of this water power, expecting to get something out of it for a generation.

Mr. NORRIS. How many Indians are on this reservation?

Mr. WALSH of Montana. My recollection is that there are 2,500. They have been looking forward to getting something out of it for a generation. Now there is a chance for them to get $100,000 a year out of it, and yet we are stickling upon the question of how much more than a dollar per horsepower the Montana Power Co. would give if it were not pledged under this proposition to give 15,000 horsepower to the irrigation district at the low rate that is specified in this proposition.

I undertake to say that it would not amount to $100,000 in all time. Of course, it is not necessary to fix that, because their permit would be only for 50 years. I undertake to say that the difference would not amount to enough in the whole period of their license of 50 years to make up for the loss of 1 year's revenue to the Indians.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Kansas?

Mr. WALSH of Montana. I yield.

Mr. CURTIS. The Indians have usually had a delegation here to express their wishes in matters of this kind. I was not present during all the sessions of the committee, but at the hearings they were represented by an attorney and by a member of the Indian Defense Association.

Mr. SMOOT. By the lieutenant governor of the State.

Mr. CURTIS. I understood the Indians were not satisfied with this amendment. I wish to ask the Senator from Montana if he knows anything about their feelings on this question? The Senator will excuse me for asking the question, as I have not been here during the entire course of his remarks.

Mr. WALSH of Montana. The Senator from Kansas is quite right. The delegation had a conference with Mr. Grorud, the attorney for the Indians, and with Mr. Collier, and we went over the whole matter with them. They were apprehensive about how their interests might be affected by this

proposition, but they went away from the conference satisfied that really this proposed legislation is needed in order to get rid of the legislation of 1926 and 1927. We supposed that the matter had all been arranged, but I got a letter the next day from Mr. Collier offering half a dozen different objections to the legislation. So I feel frank to say that the representatives of the Indians here are against this proposed legislation, but I am very confident that neither the one nor the other of those representatives has given any real serious consideration, if he is capable of doing so, to the business aspects of the proposition.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Maryland?

Mr. WALSH of Montana. I yield to the Senator.

Mr. BRUCE. Will the Senator from Montana state just briefly what are the objections which are urged by Mr. Collier and the other representative of the Indians?

Mr. WALSH of Montana. I shall be glad to put Mr. Collier's letter into the RECORD.

Mr. BRUCE. May I say to the Senator he need not trouble to do that if he will just let me see the letter to which he refers?

Mr. WALSH of Montana. I will ask my secretary to get the letter from Mr. Collier. I confess, after reading it, I am unable to state with any degree of accuracy exactly what it means.

Mr. WHEELER. I think I can state to the Senator just what the objections are.

Mr. LA FOLLETTE. Mr. President, I do not desire to prolong the discussion with regard to this matter, but I can not agree with the senior Senator from Montana [Mr. WALSH] that the matter upon which the contention rests is one that should be taken lightly. In my humble judgment, if the rights of the Flathead Indians to this power site have been impaired, they have been impaired as the result of the exercise of the plenary power of Congress. The record of Congress is filled with legislation of that character. Nevertheless, Mr. President, I do not feel that Congress is justified in continuing an injustice merely because one has been committed in the past. All of us who have any familiarity with Indian legislation know that at each session of Congress we devote much time and pass many bills to rectify the injustices which have been done to the Indians by previous Congresses in the exercise of that plenary power which the courts recognize rests with Congress.

The Senator from Montana has said that a great deal of the discussion has been over the proposal of the Montana Power Co. That is true; and the reason for it, I believe, is found in the fact, unless I am entirely misinformed, that the proposal of the Montana Power Co. was finally made after conferences with representatives of the Department of the Interior, after conferences, of course, with Mr. Merrill, of the Power Commission, and with others interested in the matter. So we are not going far astray from the facts if we assume that the proposal of the Montana Power Co. is the one which is likely to be accepted if this proposed legislation shall be enacted.

The Senator from Montana views as worthy of no consideration, or practically none, the provisions for furnishing 15,000 horsepower each year to the irrigation district as proposed in the tentative offer of the Montana Power Co. Obviously, Mr. President, 15,000 horsepower each year is 15 per cent of the potential development which is contemplated at the site.

The Senator from Montana, if I understood him correctly, at first took the position that it would not make any difference to the Indians where this 15,000 horsepower was disposed of, but he subsequently stated he had no doubt the Montana Power Co. must have taken into consideration, as any other sound business concern would, the fact that they would be required under this proposal to furnish 15,000 horsepower each year to the irrigation project at an exceedingly low rate. It is a fact, which I do believe can not be gainsaid successfully, that any concern which is required to furnish 15,000 horsepower to this irrigation project at a surprisingly low figure will take that into consideration in arriving at the amount at which they can pay per horsepower as a rental to the Indians for the total amount of power developed on the project. Therefore, in so far as that entered into their calculations, in so far as they considered the fact that they would have to furnish 15 per cent of their potential development to the Government practically at cost, they thereby diminished the amount of rental which they offered to pay to the Indians and thereby diminished the revenue which the Indians would receive from this development.

Mr. President, it may seem that we have taken a great deal of time in considering a matter which on the surface does not appear to be important, but there are numbers of sites in this country where power will ultimately be developed which are contiguous to irrigation projects. If we are to establish the precedent of recognizing the rights, either directly given by Congress through its action in the enactment of legislation or given by inference to the white settlers upon irrigation projects, and thereby diminish the amount of revenue which the Indians are to receive from the power sites located on their reservations, it becomes a matter of much larger consequence.

The Senator from Montana said that this potential power has been running away to the sea for many years; that it has not been developed, and that, therefore, it has not brought any return to the Indians. That is true; it can not be denied; but they have been waiting, as the Senator has said, for a generation of time for this development, and now that it is at hand I believe that it is the duty of Congress to see that they get everything to which they are entitled when that development shall take place.

Therefore I believe that the committee certainly acted wisely in so far as it struck from the House text the provision with regard to the development of this site and provided for the provision being considered in conference. The Senator from Utah has assured the Senator from Montana that he will be afforded ample opportunity to appear there and present any arguments which he may have in behalf of his position, and I assume that the Senator from Utah will assure other interested parties who are primarily concerned that this matter shall be adjusted upon a basis which will absolutely recognize the equity of the Flathead Indians in this most valuable power site and that they will also be given an opportunity to be heard.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LA FOLLETTE. I yield.

Mr. SMOOT. I will say to the Senator that in my statement I said that not only the Senator from Montana be invited to the conference but the Senator from Wisconsin would also be invited, as well as others who may be interested.

Mr. LA FOLLETTE. I appreciate that assurance. Let me say in conclusion, in view of the statement made by the Senator in charge of the bill, that I sincerely hope the committee amendment will prevail.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. WHEELER and Mr. COPELAND addressed the Chair.

The PRESIDING OFFICER. The junior Senator from Montana is recognized.

Mr. WHEELER. Mr. President, I want to say that I have read the statements that have been made, and have heard the claims of the white settlers on the reclamation project. I think they are entitled to a great deal of sympathy by reason of the fact that representations were made to them that they had an interest in this power project; but, notwithstanding that fact, I have never been able to bring myself to any other conclusion than it belonged entirely to the Indians, because back in 1855 we entered into a solemn treaty with the Indians in which this property was given to them. It is true that by acts of Congress we have taken away certain privileges and certain rights of the Indians on the Flathead Reservation, as we have in every other reservation throughout the country.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Wisconsin?

Mr. WHEELER. I yield.

Mr. LA FOLLETTE. I will go as far as the Senator from Montana desires to go if a showing can be made here that the settlers upon this irrigation project have been done any injustice or have been led to any erroneous conclusions by the Government or its officers; but I submit to the Senator from Montana that it is not fair and I am sure he would not agree that the Indians themselves should be the ones required to make good that return.

Mr. WHEELER. That is the position I have always taken in connection with the matter. I have always felt that the Government of the United States ought to rectify the mistakes that they have made on this project with reference to the white settlers themselves.

I have not only said so to the Indians, but I said so to the white settlers on the Indian reservation; and I went out to the reservation this summer and spoke to various groups of the white settlers. I had hoped that the Indians and the white settlers might come to some agreement, and, frankly, I thought at

one time that they had reached some agreement with reference to it.

Mr. KING. Mr. President, will the Senator permit an inquiry?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. WHEELER. Yes.

Mr. KING. I am interested in the statement made by the Senator that under treaty the power rights—that is, the power that might be developed—would become the property of the Indians. I was not clear, from the statements made by the senior Senator from Montana and from what I read from the hearings before the committees of Congress, who was the owner of the water, or entitled to its use, whether it was claimed that the Indians owned the water because it flowed through an Indian reservation, or whether the waters were subject to capture and use by any person, or whether the usufruct was claimed by the United States. I did not understand from the Senator whether the United States made a filing upon the river and claimed ownership as a proprietor and pursuant to the State law governing appropriation of water for useful purposes. Does the United States claim the water is the power rights, claim it in its sovereign capacity for itself, or that it holds as trustee for the Indians, or for white settlers, or for reclamation projects?

Mr. WHEELER. It claimed it for reclamation projects, according to my understanding of the matter.

Mr. WALSH of Montana. Mr. President, if my colleague will yield——

The PRESIDING OFFICER. Does the junior Senator from Montana yield to his colleague?

Mr. WHEELER. I do.

Mr. WALSH of Montana. The Reclamation Service, pursuant to a statute of the State of Montana, made appropriations of water for all irrigation projects in the State of Montana, as I understand has been done in the case of every irrigation project. Pursuant to the statute authorizing the United States to make the appropriation, the United States, as the representative of the settlers on the project, made the appropriation of this water. The appropriation by the United States is in trust for the settlers on the project, and for the district when it shall be organized.

Mr. KING. Then there is no claim that the Indians own the water?

Mr. WALSH of Montana. I do not know that anybody claims that at all. They claim they own the site.

Mr. KING. As riparian proprietors?

Mr. WALSH of Montana. As riparian proprietors; and I fully agree with that.

Mr. SMOOT. That is the situation.

Mr. WALSH of Montana. They owned the entire reservation, portions of which were disposed of to settlers, and portions of which, including the power sites and the timberlands and the villa sites around Flathead Lake, were all reserved, and reserved, I take it, to the Indians. So the Indians own the riparian lands upon which the dams will have to be abutted; but the settlers say, "We own the water, and it takes water as well as the dam to make power, and therefore we have an interest in this power development." That may or may not be sound; but, in view of these contentions, I submit that we are talking about trifles here.

Mr. WHEELER. Mr. President, I do not entirely agree with my colleague about the discussion relating to trifles, because I think it does amount to something to the Indians with reference to the 15,000 horsepower; but there are two bidders, as I understand, for this project. Some one by the name of Wheeler—I do not know anything about him—has put in a bid, as I understand, of a dollar and a half per horsepower, or about 50 cents per horsepower more than the Montana Power Co.; and his contention is that because of the fact that he has not agreed to give this 15,000 horsepower to the Indians, he can thereby pay this 50 cents more. I submit, however, that there is nothing in this bill that would warrant the Power Commission in turning down his bid and accepting the bid of the Montana Power Co. Mr. Collier and those representing the Indians apprehend that the Power Commission is going to accept the bid of the Montana Power Co., and that it will look upon this provision relating to transmission lines as a direction to the commission that this should be done. That is the whole thing in a nutshell. They are afraid that the commission will look upon this in that light and require it as a condition precedent.

I have never been able to agree with their contention from a strictly legal standpoint, although I must admit that the things that have been done before by the Commissioner of Indian Affairs with reference to this power site and other things upon the reservation justify some apprehension in their minds.

I want further to say, with reference to the matter that was called to the attention of the Senate by the Senator from Utah. The matter of flooding the lands in the Flathead Valley was called to my attention by the Chamber of Commerce of Flathead County, by the Farm Bureau, by other farm organizations, and by the county commissioners. I, for one, would not want to see the levels of the lake raised to such an extent that it would flood the beautiful Flathead Valley, and I should protest against any measure for the leasing of the power site if it were going to take away from these farmers their homes and their property.

The Flathead Valley is one of the most beautiful and fertile valleys in all of Montana. These farmers went out there years ago and built their homes, and it is not only a question of the value of their farms but there is a great deal of sentiment in it. From what I have learned from the engineers' report, this power project can be developed to such an extent that they will have more power than they can possibly use for some time to come, even though the level of the lake is not raised and these farmers are not flooded. I think the Congress of the United States should see to it that when this legislation is passed the farmers are protected in Montana in respect to that.

With reference to the one provision that was cut out by the committee as to an appropriation of $75,000, I want to say that I received a telegram signed by a number of individuals near Ronan saying that they were opposed to any further appropriations until such time as the Congress of the United States rectifies the mistakes that it has made in the past and cuts down the amounts of construction charges that have been charged against them. I likewise received a telegram from J. H. Newton and the board of commissioners of the Mission irrigation district, in which they say:

> Desire no further construction until satisfactory cost adjustments are made. Forty dollars per acre on a 40-year plan is the maximum. The project is mismanaged, poorly constructed, of prohibitive costs, and inadequate water supply. The present bill provides—
>
> They say—
>
> for $300,000 to replace original wooden structure, thus proving our claim on poor construction.

They also say that the Jocko district is of the same sentiment. The Jocko district is another district.

I am personally acquainted with Mr. Newton, and know him to be a very highly reputable citizen who has given a great deal of study and thought to this question.

The other telegram, which I shall read and want to go into the RECORD, is from Ronan, Mont., and they ask that it be made of record. It is as follows:

> Hon. B. K. WHEELER,
>
> *United States Senate, Washington, D. C.:*
>
> We, the undersigned landowners residing upon our lands situated in what is known as the North Crow unit of the Flathead irrigation project, in the State of Montana, do hereby protest against an appropriation of $100,000 for the purpose of constructing laterals in said unit and on lands adjacent to Ronan, and we are also opposed to signing repayment contract now in the hands of the Flathead irrigation district commissioners. We think at least 60 per cent of actual landowners in this district are opposed to constructing these laterals and also the signing of contracts. We are circulating petitions for the signature of the landowners, which will be forwarded to you as soon as possible. If possible postpone Senate meeting relative to this matter until expressions from landowners reach your committee.
>
> ALPHONSE CLAIRMONT.
> RALPH E. ROGERS.
> Mrs. F. M. OWNES.
> C. L. PETTIGREW.
> JOHN NADRAU.

I have wired and written out there for further information concerning the situation at Ronan and hope that I shall have it before the committee acts on this particular provision.

In conclusion I want to say that a great deal has been said concerning this project, and a great deal of misinformation has been given to various Members of the Senate. Some have protested against its being developed at all. I am going to say frankly that I should like to see it developed by the Government, as I said to the committee, if it were at all feasible. There are, however, 2,500 Indians on this reservation. They own this project. They want to see it developed. As I say, I held meetings with them this summer, and they were unanimous in wanting to see it developed. There was not any question at all about it. They, of course, feel that this money belongs to them and that it ought to go to them, and that they ought to have every cent of it. The white settlers upon the reservation want to see it developed.

The business men around Polson want to see it developed, and the business men in Missoula want to see it developed, and, in fact, everybody that I came in contact with in that section of the country wanted to see it developed, with the exception of just a few people who feel that the Government ought to go in and take it up and develop it.

Mr. KING. Mr. President, will the Senator answer why with the five or six millions expended the development has proceeded to such an extent that there is only water for 30,000 or 33,000 acres? Five or six millions of expenditure, if the project is at all worthy of appropriation, ought to have brought results long before this.

Mr. WHEELER. I will say to the Senator that it is an entirely worthy project. It is some of the most fertile land in the West. It is a beautiful valley and one of the richest valleys in the whole country. I do think that part of the fault has been due to the Reclamation Service itself. Part of it has been due to the fact that Congress has neglected the reservation and not appropriated enough money to go ahead and complete in due time the work that it started. It has at times appropriated only such amounts as would pay the upkeep instead of going ahead and completing it and having it over with; and the result has been that the construction charges and expenses have been piled up and piled up until the settlers simply can not stand it.

I introduced at this session of Congress a bill to cut down the whole amount so that it would not exceed $40 an acre on any of the lands upon this reservation. I think that has to be done. If it is not done at this session, it will have to be cut down, because they simply can not pay the amount that is charged against them at present.

Mr. KING. That would be a loss to the Government of four or five million dollars.

Mr. WHEELER. A loss to the Government of some money, but it is due to the Government's own mistakes, and the Government should not saddle the loss onto the backs of these farmers, when its engineers have made mistakes. For instance, the Government spent over a hundred thousand dollars on the Newell Tunnel and then abandoned it. You can go out there to-day and find great ditches that have been abandoned, that never will be used. You can find great laterals that never were used after their construction. Yet these farmers are asked to pay for these mistakes.

I want to see this region developed, but I want to see the farmers of the Flathead Valley protected. I want to see the Indians protected, and the whites protected as well, and I shall oppose any legislation that does not do so.

Mr. COPELAND. Mr. President, before this measure is disposed of I wish to inquire about the San Carlos water-power site. I have had various letters from an organization referred to this morning, the Indian Defense Association, and many prominent citizens of my State appear to be much disturbed over what is proposed in this bill. It is said that this is sheer confiscation, in reality an amendment to the Federal water power act. Am I addressing myself to something that is entirely familiar to the chairman of the committee?

Mr. SMOOT. Will not the Senator let us dispose of the pending amendment and then take up his matter?

Mr. COPELAND. Certainly.

Mr. WALSH of Montana. Mr. President, the Senator from Maryland asked me for the objections urged by Mr. Collier to this legislation, and I answered that they were in the shape of a letter. I offer for the RECORD the letter of Mr. Collier, under date of January 26. It is as follows:

JANUARY 26, 1928.

Hon. THOMAS J. WALSH,
Senate Office Building, Washington, D. C.

DEAR SENATOR WALSH: You will think that we are perverse to agree with what you said this afternoon and yet to disagree with it. I have tried to state the matter in the letter to Senator WHEELER, copy of which I attach. The talk with you and him was a hundred per cent satisfying in the matter of legal construction, and yet I can't escape the feeling of certainty that consequences will follow from the language of the appropriation bill as stated in my letter to Senator WHEELER.

Sincerely yours,

JOHN COLLIER.

Then follows the letter to Senator WHEELER, which I ask to have inserted in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 26, 1928.

Hon. BURTON K. WHEELER,
United States Senate.

DEAR SENATOR WHEELER: Your counsel and Senator WALSH'S about the appropriation bill clauses seems to me final and unanswerable from the strictly legal standpoint. And at the same time it is even clearer to my thinking that, practically speaking, the following facts do exist and might reasonably be taken into consideration by Congress, which after all is not a court, but a policy making body.

1. The scheme for applying $285,000 to the construction of a power-distributing system and the purchase of power would be an anomalous unexplainable thing, except for the Montana Power Co. proposal, out of which it has grown.

2. If it be enacted, the result will be to create an irresistible pressure from the irrigation district upon the Federal Power Commission to award the lease to that bidder who has made this proposal.

3. The Federal Power Commission can not in any event be effectively compelled to fix the rental through an objective consideration of the factors that ought to determine rental. Perhaps, as Senator WALSH states, there is no objective criterion. Under these circumstances, whether they be the unwillingness or the inability of the commission to fix an adequate rental, the commission under the above-described pressure, though not under any compulsion contained in the appropriation bill, will go ahead and award the lease to the Montana Power Co.

4. The effect will definitely be to exclude the competing bidder and to sacrifice that much of Indian revenue which his higher bid represents.

From all the above it seems to me that this organization must at least go to this point, namely, that we should lay before the Appropriation Committee the consequences which, as we see it, will follow from the enactment of the proposed language as distinguished from a total repeal. At the same time, what you and Senator WALSH state about the construction of the language seems irrefutable.

Sincerely yours,

JOHN COLLIER.

Mr. KING. Mr. President, Senators will recall that during the past two or three years Congress has passed a number of bills referring claims of Indians against the Government for enormous sums to the Court of Claims for adjudication. It was contended before the Committee on Indian Affairs, as well as on the floor of the Senate, that the Indians had been deprived of their rights by the Government and that their property had been taken from them without proper compensation; that lands of great value were taken from them at an appraisal that was unfair and inequitable to the Indians. As a result of these measures, some of which became law, there are suits now pending before the Court of Claims aggregating hundreds of millions of dollars.

In my opinion, Congress has not always dealt fairly and justly with the Indians, and it has often violated treaties which, in good faith, were entered into by the Indians under which they were promised protection not only to person but to property. This view which I entertain of the mistakes and delinquencies of the Government in dealing with the Indians induces me when measures come before Congress involving the rights and interests of the Indians to evince some interest therein. I know that many Indians have been deprived of their property, many are homeless, wandering aimlessly through the land and often becoming charges upon the people. It is believed by many American citizens who have studied the Indian problem that this condition has resulted from the maladministration of the affairs of the Indians by the Government and by unwise legislation by Congress. In my opinion, we have not adopted a wise, satisfactory, and suitable policy for the conservation of the Indian lands and the protection and civilization of the Indians.

Mr. BRUCE and Mr. COPELAND addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom?

Mr. KING. I yield first to the Senator from Maryland and then I will yield to my friend from New York.

Mr. BRUCE. I have listened with pleasure to what the Senator from Utah has said. I recall a very interesting statement of Benjamin Franklin in regard to the treatment of the Indians in his time. As the Senator knows, Franklin was one of the most just and fair-minded of men; and he said that in his opinion there never had been a war between the Indians and the white men during the colonial period that had not been provoked by white injustices; and I have no doubt there is a good deal of truth in it.

I would like to ask the Senator this question, however: Why is it that the Indians whom we see about Washington are all so fat? As a rule, they look much sleeker and fatter and better fed than the ordinary white man. It has been a matter of curiosity to me. I never see a lean, emaciated Indian. I suppose naturally they are very sturdy and strong. Is it because they are a little more inert than white men?

Mr. KING. There are Indians of the physical type stated by the Senator. There are many Indians living upon reservations who are well nourished, but if the Senator will visit other reservations, he will find many Indians much leaner than Senators, and many suffering from various maladies.

Mr. BRUCE. That is interesting to me, because I have been struck, ever since I have been in Washington, with the fact that I have never seen an Indian in the city of Washington who was not more or less corpulent. I can truly say that.

Mr. KING. I think it is a fact that some Indians, because of the rather indolent life which they lead, are inclined to obesity.

Mr. BRUCE. I am merely trying to satisfy an instinct of personal curiosity.

Mr. COPELAND. They do not have balanced meals. They eat too much carbohydrate food.

Mr. BRUCE. The Senator is getting too technical for me.

Mr. KING. Mr. President, I think it is not inaccurate to say that Congress has been too careless, too indifferent to the rights of the Indians in much of the legislation which has been enacted. That fact has prompted me to examine somewhat the matter now before us. I am deeply interested in the preservation and development of the Indians. I have a good deal of sentiment, a good deal of religious sentiment, may I say, Mr. President, in connection with the Indians. I believe that they should be preserved instead of annihilated, and that they will be preserved and become a civilized and progressive people.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. COPELAND. I am very much interested in what the Senator from Utah is saying. I want to ask him if he thinks that, as a result of the investigation that is about to be undertaken, there will be worked out a system by which these wards of the Government will be protected and taken care of, as apparently they have not been in the past?

Mr. KING. Mr. President, I do not care to enter the realms of prophecy, but because of the many questions arising here, because of the fact that we were asked to pass bills referring to the Court of Claims demands of the Indians for hundreds of millions of dollars for the alleged spoliation of their rights, I felt constrained to ask for an investigation. I will say very frankly to the Senator that I have no desire to attack the Indian Bureau. I believe that much of its work has been efficient and honest. I hope that there will be a study or survey of the entire problem; that the examination or investigation will be for the purpose of constructive legislation, and with a view to determining whether Congress has adopted the best and soundest policy for the preservation, protection, and civilization of the Indians.

There are some who believe that any investigation will reveal the fact that the Indians are hopeless and helpless, and can not be saved, and are bound to extermination; that Congress, notwithstanding the hundreds of millions of dollars spent, has not solved the problem, and that no legislation can improve the situation or status of the Indian. There are some who think that the Government has done everything possible for the Indians, that no higher standard of administration or protection can be evolved or enforced than that which has been followed by the Government in the past. I believe that this investigation, if it is carried on as I feel sure it will be—with zeal and with a sincere desire to get at the facts, and do the greatest good for the country and for the Indians—will result in a modification of the plan which has been pursued by the Government for a hundred years in dealing with the Indians.

I did not offer the resolution for the investigation with the intention of denouncing the Indian Bureau or criticizing the officers of that bureau for their administration. I felt that many laws passed by Congress were imperfect; that many of the 4,000 statutes on the books dealing with the Indians are archaic and not suited for present conditions. New situations have developed since they were enacted and new remedies are required. In view of the many complaints from citizens of standing and repute concerning the Indian policy—or lack of policy—upon the part of the Government, and in view of the many suggested reforms and the various recommendations made as to substantive law and administration, I believed that Congress should appoint a committee to go into the whole matter in a constructive way, in order that Congress and the country might be advised as to whether we have reached the highest standard of service for the Indians, whether we have done our full duty, or whether other and different policies should be adopted, better calculated to protect the Indians and conserve them physically, financially, and in every other proper way.

Mr. COPELAND. Mr. President, if the Senator will yield——

Mr. KING. I yield.

Mr. COPELAND. I share the sentiments of the Senator from Utah. For years, ever since I have been in the Senate, I have been distressed over these various bills that have come forward seeking to take charge of the lands and property of the Indians and to dispose of them. I felt humiliated at times, thinking that we were really working an injustice to these wards of the Government. Furthermore, as a physician, I have been distressed about the health conditions of various tribes of Indians as they were reported to me. I do not know whether anybody is at fault or not. I have the same feeling the Senator has in regard to that. But certainly we ought to find out.

Mr. KING. Exactly.

Mr. COPELAND. We are proceeding as regards white people by way of public-health education to teach them how to live and to be in better health and to be more vigorous and longer lived. Here are these people. We have taken possession of their country, they are the remnants of those strong tribes of old, and certainly we must find some way to deal with them. In the Sixty-eighth or Sixty-ninth Congress—I forget which—I presented a resolution similar to the one introduced this year by the Senator from Utah. I do hope that out of this investigation will be found, not scandal or corruption, for that is not what the Senator has in mind and what any one of us has in mind, but I hope we will find some means of dealing with these native Americans, so that we may be sure, as a Congress, that full justice has been done them, and that they have had all their rights preserved.

Mr. KING. Mr. President, I know many persons who have been connected with the administration of the laws dealing with the Indians, and I have found them desirous of advancing and protecting their wards. Some have thought that changes were needed in the laws and regulations, as well as the system generally. Some have believed that it is wrong to destroy the tribal conditions and apply the educational policies that prevail. Some have believed that it was unwise and improper to turn over the lands to the Indians without any restrictions.

I am familiar with a situation where a beautiful tract of land was given to the Indians, and they possessed a fee simple title to the same. I, as their attorney, defended their rights in a suit involving the ownership of water for use upon their lands.

Within a few years after obtaining patents from the Government most, if not all, of the Indian owners had alienated the same to white people, and they were left without homes or property. Some of them then went to a reservation where they had no rights and are now seeking to become wards of the Government.

I do not say it was unwise to convey the lands to them without restriction upon alienation after a certain period of time, and yet as I look at the few Indians who now survive of the group to whom I am referring I believe it was a mistake, because they are now paupers and are infringing upon Indians who do have something.

Mr. DILL. Mr. President, will the Senator yield?

Mr. KING. Certainly.

Mr. DILL. Does the Senator think there is any hope for the Indian ever to be anything but a ward of the Government unless he is put upon his own resources?

Mr. KING. I have indicated that if the duty devolved upon me now of writing a bill dealing with the Indians, I would not be competent to accomplish the task. I would require additional information and data. I have studied the Indian question considerably and have come in contact with the Indians in the West, but I am not sure what policy should be pursued for the purpose of protecting and advancing them along the path of progress and civilization.

Mr. DILL. The policy that keeps the young Indians under the control of the Government is simply perpetuating the bureaucratic system of Indian affairs that will never in the history of the country ever get them out from under Government control.

Mr. KING. That is the view I have had at times, and yet when I have seen them turned loose and compelled to rely upon their own resources, and have seen them despoiled and oppressed by their white brethren, I have not felt sure that it was the wisest policy.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Utah yield to the Senator from New York?

Mr. KING. I yield.

Mr. COPELAND. As I read the history of what we call civilization on this continent, if there is one thing I am ashamed of it is the way the American Indian has been treated. If we can make up for it in any measure whatever by decent treatment of the Indians left, I want to be a party to giving the Indian that decent treatment. I am not sure that as Democrats we ought to interfere with their local self-government. I am not sure that they ought not to be left to work out their own salvation. But they must have some rights. They were here before we were, and for us to drive them out and disregard their rights would be exactly as if a civilized group came from the planet Mars, if that were possible, and took possession now of the North American Continent and drove white civilization

off of it. The feeling I have in my mind is one of resentment regarding our treatment of the Indians, just as I would feel resentment if such a group came and took possession of our lands and our properties and what we feel to be our rights.

Mr. KING. I have had four delegations of Indians from the Senator's State visit me within the past year, complaining of the treatment accorded them by the Federal Government. They had some complaints about local officials in the State of New York, but, generally speaking, they said treatment accorded them by the State was reasonably fair and just; but they complained of the Federal Government and said that it had violated the Jay treaty and supplemental treaties which dealt with the rights of the Indians. For instance, if the Indians cross the border into Canada and return with personal property, they are arrested or their property is confiscated, notwithstanding the Jay treaty gave them the right to cross the border into Canada and from Canada back into the United States unmolested and unrestricted.

Mr. DILL. Does the Senator know of any other treaty in the world that never ends?

Mr. KING. Does the Senator imply that the solemn treaty entered into with Great Britain involving the Indians, and in which the United States spoke for them and guaranteed them certain rights and privileges for all time, that the Government is absolved by the passage of time from its obligations? A moral obligation and a treaty obligation may be in perpetuity.

Mr. DILL. Either we must follow the policy that the Indian should have been allowed to hold all of the United States, that he should have been allowed to roam at will as he did for centuries, or we must follow the policy of civilization by which we have pushed him back until he has been forced either to become civilized or to be a mere ward, hardly better than a slave, under Government control.

Mr. KING. I am sure that the committee will be very glad to have the views of the Senator from Washington and I hope that he will present them; because if that policy is to obtain, let us declare it and announce that the ruthless extermination of the Indians is inevitable, because the great car of civilization moving forward will grind them beneath its wheels. But that is not my view. I believe there are potential possibilities within the Indians that will raise them to a higher standard of civilization than they have yet attained. Witness the record of many Indians who lived prior to and following the Revolution of 1776. They were gallant and able leaders, and some of them delivered orations that were classics. They were classics. They compare favorably with, indeed surpass, many of the speeches delivered by eloquent and eminent Senators in this body.

Mr. President, I am for the protection of the Indian. I am for the sacred observance of solemn treaties made with them. We have made treaties with them over and over again and violated them.

Mr. DILL. Does the Senator know of any treaty we have made with them that we did not violate?

Mr. KING. I do not want to condemn my country in such a wholesale manner as indicated by my friend.

Mr. DILL. I do not know of any.

Mr. KING. But conceding, as the Senator has conceded, that we have violated every treaty made with them, it is not to the credit of a civilized nation. It is a historic fact that the red man sacredly keeps his word and fulfills his treaty obligations. Are we to concede that this great Republic is inferior in honor and integrity to the poor Indian?

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. KING. I yield.

Mr. COPELAND. Must we not first define the fundamental rights of the Indians? We have not done that. The question raised by the Senator from Washington [Mr. DILL] seems to indicate that we do not know what our policy should be; but certainly the Indians have rights which should be formulated and made so definite in the way that they are worded that the wayfarer or fool need not err therein. We should be able to know what their rights are, and then certainly the Congress of the United States must respect those rights and see that their rights are protected.

Mr. KING. I agree with my friend from New York. Apropos of what the Senator from Washington said, may I add, and I have mentioned it before and apologize for repetition, that suits are now pending before the Court of Claims, authorized by us, and others will be brought by the Indians to recover more than a billion dollars for violations of treaties upon the part of the United States. The committee should, in my judgment, look into that question. I think it would be fortunate if the rights of the Indians can be protected without litigation. If suits are presented in the Court of Claims they may reach the Supreme Court of the United States and years may elapse before they are determined. The committee may consider what plan may be adopted that will enable the Indians, without suit, to be compensated for wrongs committed against them by the United States.

Mr. DILL. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. DILL. If the Indian tribes succeed in winning in the Court of Claims the millions and billions of dollars of which the Senator speaks, most of it will be put into the hands of the Indian Bureau to be administered by them, to keep the Indian in subjection because they have some of his money.

Mr. KING. The committee ought to determine whether that should be done or whether some other plan should be adopted for the administration of the funds and property of the Indians.

Mr. DILL. The whole policy of the Indian Bureau is one of keeping those people in subjection and in a condition of wards. They will give a few patents in fee and let a few Indians go free, but they will keep enough in their hands to enable them to perpetuate their bureaucratic system and control literally billions of dollars.

Mr. KING. The Senator from Washington can not speak too eloquently or forcefully against the evils of bureaucracy. It is an evil—pernicious and pervasive. It is increasing in power both in States and in the Federal Government. It is a menace to democracy and liberty.

Mr. President, I have trespassed too long upon the time of the Senate. I want to make one observation in reply to the senior Senator from Montana [Mr. WALSH]. I thank him for the explanation which he has made regarding a very complicated question, I feel somewhat like apologizing for entering his State to discuss matters with which he is so familiar, but my excuse is that I am deeply concerned in all measures that affect the Indians of the United States. All that I desire is to get the facts. If the Indians have not been fully protected, I feel sure that by challenging the attention of the Senator to that fact he would be one of the first to see that their rights are protected.

Mr. WALSH of Montana. Mr. President, I want to assure the Senator from Utah and other Senators who have discussed the matter that no apology is necessary at all. I am very glad the discussion has been precipitated because I think it has developed the fact that the contemplated legislation, so far as the Indians are concerned, makes it possible for the Federal Power Commission to accept the proposal of the Montana Power Co., with respect to which no criticism is made so far as the Indians are concerned, except the difference in the price the Montana Power Co. would be willing to pay over and above $1 per horsepower if it were not obliged under its proposal to furnish 15,000 horsepower to the irrigation district at the diminished figures given here. If there is any other objection to it on the part of the Indians I should like very much indeed to have any Senator present who has any other suggestion to make to offer it now.

Mr. COPELAND. Mr. President, may I say to the Senator from Montana that nothing in my remarks was intended at all to have any relationship to the matter pending this afternoon. I was speaking about a chronic state of mind which I have had for a long time.

Mr. WALSH of Montana. I understood perfectly. I also want to have it understood that no figures have been given that would indicate that the differential would not be entirely overcome by the amount the Indians would lose if the development were delayed even for the brief period of one year, not to speak about the indefinite delay of it, if this controversy shall go on.

Mr. KING. Mr. President, I wish to make one other observation before the Senator from Montana leaves the floor. The Senator stated rather broadly that I was opposed to any form of governmental ownership of power plants. Generally speaking, that is true; I do not believe that the Federal Government should go into private business; but where the Federal Government has a reclamation project, and as ancillady to it, or in the development of it, it can produce power needed in its activities and for the use of those with whom it is dealing, I can see no objection to it so doing. I feel, however, that the power when so developed ought to go to settlers and not be retained by the Federal Government.

Mr. WALSH of Montana. I wish to say to the Senator from Utah that that is exactly what was contemplated in this case. The same kind of development was contemplated as has been carried out so successfully in the Salt River project.

Mr. KING. I understood that; but I thought the Senator's statement of my attitude was a little too broad, and I wished to qualify it for the RECORD.

Mr. FRAZIER. Mr. President, there has been a good deal of discussion in regard to the Flathead power project. There are

many persons who seem to think there is a doubt as to whether the Indians are getting a square deal under the pending proposition, and I believe the committee ought to be commended for striking out that portion of the Interior Department appropriation bill at this time.

The fact remains that while there is some opposition to the Government going into the power business, nevertheless the Government has taken upon itself to care for the Indians, and it seems to me that the Government would be perfectly justified in a case where there is power going to waste year after year and generation after generation in developing that power for the benefit of the Indians upon whose land the site is located rather than turning it over to some private company to be exploited.

Mr. WALSH of Montana. Mr. President, I wish to address a question to the Senator. I sympathize very much with the remarks just now made by him and I desire to say that if the Government of the United States were going into the business of developing power sites on the Indian reservations and elsewhere, I should unquestionably urge the development of this particular power site by the Government; but I want to inquire of the Senator from North Dakota, has his experience here now for nearly six years in this body led him to believe that the Government is likely to embark on any such policy?

Mr. FRAZIER. Mr. President, I will say in reply that, even admitting, from my experience here, that the Government is not likely to embark on any such project, that does not change my attitude in the least.

Mr. WALSH of Montana. Not at all. I understand perfectly well that the Senator would like to have the Government do it, and I might myself; but the question I addressed to the Senator—and he has answered it frankly enough—is what is the prospect of the Government doing anything of the kind?

Mr. FRAZIER. Mr. President, there are certain indications that there might be a little change in the sentiment of Members of the United States Congress.

Mr. WALSH of Montana. If I should introduce a bill providing for the Government appropriating the sum of $8,000,000 for the development of this power site, what does the Senator think would be the attitude of Congress with respect to it?

Mr. FRAZIER. It looks as if it would be hard to get any legislation of that kind through at this time, yet I believe there is no logical argument against a proposition of that sort, so long as the Government is going to continue to care for the Indians.

Mr. WALSH of Montana. I say to the Senator that I have no general opposition to the Government engaging in an enterprise of that kind; in fact, I insist that the Government ought to undertake the development of the Muscle Shoals project for national-defense purposes. Having spent the amount of money that it has, it ought not to turn that over to a private company. I believe under the circumstances the Government ought also to develop the Boulder Canyon. Of course, the Senator knows that we are all in favor of the Government construction of the Great Lakes-St. Lawrence waterway project——

Mr. SMOOT. No; we are not all in favor of that proposition.

Mr. WALSH of Montana. Peculiar conditions and circumstances surround those projects. This is merely one of perhaps a dozen or 40 opportunities for development in the West.

The point I am making is, Mr. President, that we have now an opportunity to get this power developed through the operation of the water power act of 1920, and there is no prospect, so far as I can see, of getting it developed by the Government. Therefore I am in favor of allowing it to be leased under the provisions of the water power act of 1920.

Mr. FRAZIER. Mr. President, I am not willing to agree to the statement that there is no likelihood of the Government developing water power, especially on Indian reservations for the benefit of the Indians. I believe there is still hope along that line, and I am going to keep up the fight for the Government doing that thing.

Mr. COPELAND. Mr. President, I thought I heard the Senator from Montana [Mr. WALSH] say that we are all interested in the development of the Great Lakes-St. Lawrence waterway project.

Mr. FRAZIER. The Senator meant those from the Middle West who are affected by it.

Mr. WALSH of Montana. I was referring to the Senators from North Dakota and to Montana.

Mr. COPELAND. Very well. I would not want to be included in that group.

Mr. LA FOLLETTE. Mr. President, I should like to make one qualification to the summing up made by the Senator from Montana. So far as I am personally concerned, I am hopeful that perhaps the bid of the Montana Power Co. will either be altered to give more favorable consideration to the Indians or that some other offer which will be more advantageous to them will be forthcoming.

The PRESIDING OFFICER. The question is on the amendment reported by the committee on page 33.

The amendment was agreed to.

Mr. COPELAND. Mr. President, I yielded the floor a moment ago in order that the pending amendment might be dealt with. I desire now to repeat the question I asked a few moments ago. I wish to ask the Senator in charge of the bill what about the San Carlos Indian water-power site?

Mr. LA FOLLETTE. Mr. President——

Mr. COPELAND. Pardon me; I thought the Senator from Wisconsin had finished.

Mr. LA FOLLETTE. I rise merely to inquire of the Senator from Utah, if the Senator from New York will permit me, whether all of the committee amendments have been disposed of?

Mr. SMOOT. All of the committee amendments have been disposed of.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. SMOOT. The Senator from New York, as I understand, desires to ask me a question.

Mr. COPELAND. Mr. President, I have had various communications from my State saying that this clause in the bill——

Mr. SMOOT. Does the Senator refer to the San Carlos project?

Mr. COPELAND. Yes; that it provides for sheer confiscation of certain lands; and that by the terms of this bill the earnings are to be diverted from the Indian tribes; and that, by and large, it is an improper action which is being proposed. My purpose in rising is not to go into detail in the discussion of the matter, because I am not prepared to debate it, but I want to be assured that no such evils are going to be accomplished as my correspondents state will follow if this provision shall be adopted.

Mr. SMOOT. Mr. President, I presume that every Senator has received the same kind of letter. Yesterday afternoon the junior Senator from Arizona [Mr. HAYDEN] explained in detail the whole proposition as provided in the pending bill. If the senior Senator from Arizona desires to explain it for the benefit of the Senator from New York, well and good.

Mr. ASHURST. The assertions made in the communication are not well founded. This bill as it passed the House and as it has been reported by the Senate committee would have worked no injustice to any of the Indians, but the disputed matter has been compromised to the satisfaction of all. The Arizona Senators and Representatives are all trying to protect the Indians.

Mr. SMOOT. The question was raised in the committee, I will say to the Senator, and a compromise was reached there that was satisfactory to all interested, as I understood.

Mr. COPELAND. Let me ask: Were the representatives of the American Indian Defense Association satisfied with what was done in the committee?

Mr. SMOOT. The representatives of the Indians who appeared there were satisfied. I do not know exactly to what association the Senator refers.

Mr. COPELAND. I refer to the Indian Defense Association.

Mr. SMOOT. Those who appeared before the committee were satisfied.

Mr. COPELAND. And so no crime will be perpetrated if the provision shall be enacted into law as a part of the bill?

Mr. SMOOT. None whatever, I will say to the Senator.

Mr. COPELAND. I thank the Senator.

Mr. LA FOLLETTE. Mr. President, has the Senator from New York concluded?

Mr. COPELAND. I have.

Mr. LA FOLLETTE. I desire to offer an amendment. I ask that the amendment may be read, and then I desire to make a statement.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 30, it is proposed to strike out all after the word "Interior," in line 12, down to and including the word "full," in line 20, and to insert in lieu thereof the following:

Provided, however, That the Federal Power Commission is hereby directed, within 30 days after the approval of this act, to report to Congress what compensation should be paid to the Apache Indians of the San Carlos Reservation by reason of the generation of hydroelectric

power at the Coolidge Dam, in the manner provided in section 10 (e) of the Federal water power act and section 5 of regulation 14 of the Federal Power Commission.

Mr. LA FOLLETTE. Mr. President, it is my opinion that the language stricken out of the House text does impair a right which I believe exists in the Apache Tribe to the power developed in conjunction with the Coolidge Dam.

Mr. COPELAND. Mr. President, will the Senator yield for a question?

Mr. LA FOLLETTE. I will be glad to yield.

Mr. COPELAND. Does the matter to which the Senator is addressing his remarks relate to the San Carlos proposition to which I was referring a few moments ago?

Mr. LA FOLLETTE. It is the same subject.

Mr. COPELAND. Then, the matter has not been satisfactorily settled.

Mr. LA FOLLETTE. No; not in the committee.

Mr. SMOOT. I will say that this amendment was never offered or suggested to the committee.

Mr. LA FOLLETTE. That may be true; the amendment may not have been offered in the committee; nevertheless, Mr. President, the situation is, I believe, clearly shown in the record that the title of the San Carlos Apache Indians to power rights in conjunction with the Coolidge Dam has never been impaired. There has been some statement made in conversations which I have had with Senators to the effect that, in their opinion, legislation enacted at some previous time had impaired that right, but there is no showing to that effect made in the record. The record, so far as it is made, clearly demonstrates, in my judgment, that the right of the San Carlos Apache Indians to power developed in conjunction with the Coolidge Dam has never been impaired. But believing that the proper time to test that question, if it must be tested by Congress, is not in conjunction with an appropriation bill, and in order to secure the speedy disposition of the bill, I have offered this amendment in the nature of a compromise to the extent that the distribution of the revenues from the power plant projected as proposed by the House text shall be deferred until subsequent enactment by Congress. The purpose of the amendment is to call upon the Federal Power Commission to report to Congress within 30 days as to what the San Carlos Apache Indians are entitled to as a result of this power development as though that development were being made by a private concern under the Federal water power act and under the regulations of the Federal Power Commission.

Mr. SMOOT. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from Utah.

Mr. SMOOT. I will say to the Senator that I have not the least objection to the amendment. I am perfectly willing that it shall be agreed to and go in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. Mr. President, I desire to offer an amendment, and I want to state briefly why I have not yet called it to the attention of the committee.

As Senators know, this bill was considered by the committee in the afternoon. It was while we had the shipping bill up, and it was impossible for me to be present at the meeting of the committee or I would have called attention to the amendment that I intend to offer. It relates to the Rainier National Park; and I desire to explain it for just a moment or two before I offer it.

Under the act to establish the national parks it was provided, with reference to the authority of the Secretary of the Interior, as follows:

> He may also grant privileges, leases, and permits for the use of land for the accommodation of visitors in the various parks, monuments, and other reservations herein provided for, but for periods not exceeding 20 years.

Under this provision of the general act negotiations have been proceeding in the Rainier National Park with the company that now has the concession and has built a very fine hotel for the accommodation of tourists, for the purpose of extending these accommodations throughout the park. This is very important and very necessary. During the last season over 200,000 tourists entered that park. I know that last year more tourists entered that park than entered the Yellowstone.

Mr. SMOOT. Mr. President, may I say to the Senator that the amendment was not brought to the committee's attention at the time; but the proposition is a very meritorious one, and I have no objection to the amendment if the Senator will propose it.

Mr. JONES. Very well; I present the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. After line 18, on page 93, it is proposed to insert the following proviso:

> *Provided*, That the proviso to section 2 of the act approved February 26, 1919, establishing the Grand Canyon National Park, shall not apply to the Rainier National Park, State of Washington.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. JONES. I want to say to the Senator in charge of the bill that if in conference there should be any difficulty about agreeing to that amendment, I want an opportunity to be heard by the conferees.

Mr. SMOOT. I do not want to make too many promises, Mr. President.

Mr. HAYDEN. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 45, lines 18 and 19, it is proposed to strike out "$12,000; in all, $72,000," and in lieu thereof to insert the following: "$24,000, including $7,000 for repairs and improvement of warehouse, and $5,000 for lavatory extension to girls' dormitory."

Mr. SMOOT. Mr. President, I shall have to make a point of order against the amendment.

Mr. HAYDEN. I should like to be heard on the point of order, Mr. President.

Mr. SMOOT. I simply want to say that the amendment has not been estimated for, nor has it been reported by a standing committee of the Senate. The same amendment was offered in the committee, and the Senator knows that the committee could not agree to it.

Mr. HAYDEN. Mr. President, I desire to direct the attention of the Chair to section 13, title 25, of the United States Code, at page 690, known as the Snyder Act, authorizing appropriations for the Bureau of Indian Affairs. One paragraph of that section reads that appropriations may be made—

> For the enlargement, extension, improvement, and repair of the buildings and grounds of existing plants and projects.

This amendment is in exact conformity with that authorizing law. That is, I have offered an amendment to the Interior Department appropriation bill providing for the repair of an existing warehouse and an extension to an existing building at the United States Indian school at Fort Mojave, Ariz. There is authority of law to make such appropriations. As I understand the rules of the Senate, if there is authority of law to make such an appropriation, my amendment is in order.

Mr. SMOOT. That is an authorization, but that is not an appropriation. Every appropriation, no matter whether it is authorized or not, must come through the appropriation bill; and under the rules of the Senate I shall be compelled to make a point of order against this amendment on the ground that it has not been estimated for. I do not do that with any thought or idea that if it were a bill by itself I would oppose it at all. I want the Senator to know that if it were legislation, and were brought before the body in the regular way, I should be perfectly willing to support it as an authorization.

Mr. HAYDEN. I appreciate that.

Mr. SMOOT. But if we should accept this amendment, any appropriation could be increased in a way that has not been estimated for; and I feel it my duty as the Senator in charge of the bill to do what the committee told me to do.

I therefore make the point of order against the amendment.

Mr. ASHURST. Mr. President, I believe that the junior Senator from Arizona [Mr. HAYDEN] is correct in his conclusion as to the point of order, for he has pointed out that his amendment is for the purpose of carrying out existing law. The Senator quoted the law, called the Snyder Act, and under the practice of the Senate an amendment which carries out, or proposes to carry out, the provisions of existing law is not subject to a point of order.

Mr. SMOOT. Does the Senator think for a moment that after Congress has authorized, we will say, the expenditure of $75,000,000 for the purchase of the buildings on the triangle here in the city of Washington, in the next appropriation bill that came along, because that was authorized, it would be in order to make the whole appropriation for that purpose without an estimate from the Budget?

The law says it is authorized. The bill that we are endeavoring to pass here makes an appropriation. They are two different things. In other words, I may say to the Senator, as far as authorizations are made at this session of Congress and the last session of Congress, we would not think of appropriating now the full, total amount that was authorized.

Mr. HAYDEN. But is not that a matter for the judgment and discretion of the Senate; or are the hands of all Senators tied by the lack of a Budget estimate? That is what I want to find out.

I am a new Senator. It is my desire to understand the rules of the Senate, in order that I may proceed in accordance with them. I have attempted to draw an amendment making appropriations strictly in accordance with the terms of existing law. I believe that my amendment is in order. Without any argument upon the merits of the proposal, which would be vain and useless if it is not in order, I should like to have a ruling of the Presiding Officer upon that point.

The PRESIDING OFFICER. Rule XVI of the Senate provides that—

> No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law—

And so forth.

The Chair will rule that the provisions of the law submitted by the junior Senator from Arizona, authorizing the expenditure of appropriations by the Bureau of Indian Affairs for a number of purposes, including the one which covers the item he has mentioned, are not sufficiently explicit to be applicable in this case. Therefore, the point of order is sustained.

Mr. TRAMMELL. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 40, after line 2, it is proposed to add a new paragraph, as follows:

> For the Bureau of Reclamation to investigate and report to Congress upon the advisability of Federal cooperation in the reclamation of swamp and overflowed lands, $25,000.

Mr. SMOOT. Mr. President, I shall be compelled to make a point of order against that amendment. It has not been recommended by the committee, it has not been estimated for, and it is a legislative item in an appropriation bill.

Mr. TRAMMELL. Mr. President, probably under a very technical and harsh application of the rule this amendment may be out of order, yet it is but fair to say in connection with the amendment that during the last session of Congress the Interior Department recommended an appropriation, and it was approved by the Budget, in the sum of $60,000, for the investigation and reclamation of swamp and overflowed lands and cut-over lands.

Unfortunately that appropriation was included in one of the deficiency bills which was defeated on account of the filibuster which took place during the latter days of the last session. Under an appropriation which then existed, I believe of $15,000, some investigation was made by the Bureau of Reclamation, but that investigation was very limited in its character and did not go to the extent of investigating the merits of the Federal Government cooperating in the reclamation of swamp and overflowed lands by drainage.

This is a problem which I have presented to the Senate a number of times prior to this. I think all of the Senators must realize that in the South, where we have a great area of swamp and overflowed land, much of which would be fertile and productive if only reclaimed, it is not asking too much to request the Federal Government, which is expending such enormous sums of money in the arid land reclamation of the West, at least to have this problem investigated by the Bureau of Reclamation. That is what is contemplated by this amendment.

I had hoped that a point of order would not be raised against this amendment. Had it not been for the misfortune of the filibuster during the latter part of the last session of Congress, we would have had even a greater sum of money for this purpose than is called for by this amendment.

Mr. SMOOT. Mr. President, may I suggest to the Senator that there will be one deficiency bill, and perhaps two, coming over from the House before the end of this session. If the Senator can get an estimate for the amount covered by his amendment, and put his amendment on a deficiency appropriation bill, the same as was done before, he will get what he seeks, for I do not think that any deficiency bill, or any other appropriation bill, will fail, Congress not being compelled this year to adjourn upon any particular day.

Mr. TRAMMELL. I thank the Senator very much. Of course, I appreciate the fact that under a harsh application of the rule, this amendment is out of order. I wish to thank the Senator for his suggestion and to express the hope that this item may be included in one of the deficiency bills which will come up later.

Mr. SMOOT. I want to say to the Senator that I am in full sympathy with the appropriation; I think it ought to be made. But if I do not make the point against one, I certainly can not against others.

Mr. TRAMMELL. I appreciate the Senator's attitude, and thank him very much.

The PRESIDING OFFICER. The bill is still as in Committee of the Whole and open to amendment. If there is no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

THE MERCHANT MARINE

Mr. JONES. Mr. President, I am going to take just two or three minutes to make a brief statement to make perfectly clear my position with reference to the measure that we acted on the other day.

Letters are written and articles published urging private ownership and operation of ships, and pointing out the evils of Government ownership. All these writers admit that substantial Government aid must be given to bring this about, but none of them point out how this can be done.

We have just had a week or 10 days' debate in the Senate on a bill that provides a way to build up our merchant marine and maintain it on a permanent basis. Government ownership was denounced unsparingly, and yet no Senator had the hardihood to offer an amendment or a substitute to give aid to private parties to build and operate ships. The only gesture made was a proposal to modify slightly the loan provision of the act of 1920. This was decisively beaten. It was made perfectly clear that no Government-aid proposal could pass the Senate. The only recourse, then, for the Senate was Government ownership, at least for the present. Thirty-one votes were cast for no merchant marine in preference to a Government merchant marine.

Good results will come. The importance of a merchant marine is being more generally and earnestly discussed than ever before. Its need is more and more appreciated. We have taken a long step by passing our bill. It has gone to the House. The leaders seem to be awakening to the need of positive action.

Particular provisions are being discussed. Hands are thrown up in horror at the unanimous-vote clause. Let them change that if they can. I do not think this bill will fail because of a difference of a couple of votes in stopping board action over the sale of a ship.

If it can be done, let the bill be amended so that Government construction or ownership will not be needed. I will rejoice if this is done. The Senate will not, in my judgment, defeat it. There must, however, be no uncertainty about such a proposal, and there need be none. We must be sure that ships will be built under any new proposition.

Our bill may be supplemented by several alternatives to promote private shipping. To the extent they succeed, our method need not be followed.

If our bill comes back with an adequate ocean-mail pay provision, with the loan provisions of the act of 1920 reasonably modified, and with certain provisions of the Wood bill and other bills now pending, such amendments will, in my judgment, have most sympathetic consideration and an adequate measure be passed.

It is rumored that this bill will be stifled in committee. Such action will demonstrate the inability to get Government aid through Congress and fully justify the Senate's course.

The merchant-marine problem should be met boldly. It should be met patriotically. The Senate did the best it could. There was no partisanship in our action. We are for an American merchant marine, Government owned, rather than no merchant marine at all. We will confer gladly over any proposals that give any reasonable assurance of success.

A tax reduction bill has come from the House. It will probably not be brought up for action until after March 15. This will give ample time for action on the shipping bill. I deem it but fair and right to give ample notice of what I intend to do. I shall present an amendment which I intend to offer to the tax bill when it comes up for consideration. This amendment is in order under our rules and against it no constitutional objection can be urged.

Therefore, Mr. President, out of order, I ask leave to offer the amendment which I send to the desk. I ask that it may be considered as read, printed in the RECORD, and printed, and lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert at the proper place the following as a new section:

SEC. —. (a) That the policy and the primary purpose declared in section 1 of the merchant marine act, 1920, is hereby confirmed.

(b) The United States Shipping Board shall not sell any vessel or any line of vessels except when in its judgment the building up and maintenance of an adequate merchant marine can be best served thereby, and then only upon the affirmative unanimous vote of the members of the board duly recorded.

(c) In addition to ordinary repairs to vessels incident to their regular operation, the board may recondition and improve vessels owned by the United States and in its possession or under its control, so as to equip them adequately for competition in the foreign trade of the United States.

(d) The necessity for the replacement of vessels owned by the United States and in the possession or under the control of the board and the construction either by the board or by private companies or corporations owned and controlled by citizens of the United States, of additional up-to-date cargo, combination cargo and passenger, and passenger ships, to give the United States an adequate merchant marine, is hereby recognized, and the board is authorized and directed to present to Congress, from time to time, recommendations setting forth what new vessels are required, together with such proposals, if any, which have been made to the board by private companies or corporations owned or controlled by citizens of the United States for the replacement of these vessels and their permanent operation under the United States flag in foreign trade, and the estimated cost thereof, to the end that Congress may, from time to time, make provision for replacements and additions. All vessels built by the board shall be built in the United States, and they shall be planned with reference to their possible usefulness as auxiliaries to the naval and military services of the United States.

(e) The appropriations necessary to carry out the provisions and accomplish the purposes of this act are hereby authorized: *Provided*, That all offices, employments, and positions under the United States Shipping Board and the Fleet Corporation except offices and employments calling for the exercise of executive initiative or discretion, and positions calling for manual or menial services shall be subject to the provisions of the Federal laws relating to the Federal classified civil service.

(f) All acts and parts of acts inconsistent with this act are hereby repealed to the extent of any such inconsistency.

(g) That in the allocations of the operations of the ships, the Shipping Board shall distribute them as far as possible and without detriment to the service among the various ports of the country.

Mr. JONES. I will simply say that this is the shipping bill just as we passed it through the Senate.

I ask leave to print in the RECORD a statement made by Kermit Roosevelt with reference to the shipping problem, and also a letter that I received from former Congressman Ball, of Texas. It is a very clear, concise, and comprehensive statement of this proposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

THE FUTURE OF THE AMERICAN MERCHANT MARINE

(An address before the Propeller Club of the United States on January 19, 1928, by Kermit Roosevelt)

At no time since the close of the war, when the United States Government found itself in possession of a huge fleet of merchant ships built for the emergency, has there been a greater interest throughout the country in the maintenance of an adequate merchant marine. The failure of the conference at Geneva has crystalized sentiment in the country in favor of a strong Navy and has emphasized the necessity of the maintenance of American-flag merchant vessels on the high seas as an adjunct to the Navy. In addition, the producers of raw material in the country and the manufacturing companies of the country are now fully alive to the importance of having available a merchant fleet which will enable them to sell abroad their surplus products at all times.

There are several bills looking toward the permanence of the American merchant marine now before Congress; there is the Wood bill, the Copeland bill, and the Jones bill. As far as I can make out, these bills can be reconciled, as each of them deal with certain phases of the situation, and a combination of them would go a long way toward solving the problem.

There has been a great deal of general criticism of the United States Shipping Board. The majority of this criticism has been destructive. Any number of people have criticized the manner in which the United States Shipping Board has carried on its tremendous work. There has been, however, a lamentable lack of constructive criticism and almost a complete absence of any helpful suggestion. I think it is time that the record of the Shipping Board be examined impartially. Under the terms of the merchant marine act of 1920 the United States Shipping Board was instructed to build up key-trade routes, and when they were built up to sell them to American citizens whom they were sure would keep the necessary lines in operation. Since 1920 the United States Shipping Board has built up 35 trade routes, trading from the large American ports to practically all the important world ports. The Shipping Board has sold 1,141 ships and 9 lines.

In 1921 the deficit in operating the ships of the United States Shipping Board was some fifty millions of dollars; this loss has steadily decreased until in the year 1927 the appropriation was only one-third as much, or some seventeen millions of dollars. I have been in intimate contact with the work of the members of the United States Shipping Board for the past eight years. While in many cases there was an honest difference of opinion over details, as is to be expected when seven men from different parts of the country are engaged in discussing one problem, I may say, without fear of contradiction, that never has a body of this nature worked harder, more painstakingly, and over a more difficult problem than have these gentlemen. Quite naturally they have not been able to grant all the requests that individuals have made of them, and in many cases the disappointed have felt they were unfairly treated, and criticism has arisen; but when the immensity of the task set before them is considered and when the results, as shown to-day, are also considered, it is apparent that they have done a splendid piece of work.

I am not an advocate of permanent Government ownership of the American merchant marine; however, I do feel that if the Shipping Board is allowed to continue to work for the same ends, and given some encouragement by public opinion, and along the same lines they have been working for during the past eight years, that the steady reduction of costs that has been made during the past seven years will be continued, with the result that there is a very good chance that in three years, as a minimum, the operations of the United States Shipping Board will not need any appropriations from Congress to be continued.

On Tuesday, January 10, there was held, under the auspices of the Shipping Board, in Washington, an open meeting, to which all persons interested in the development of the American merchant marine were invited. In my opinion the meeting was productive of some very helpful suggestions. Governor Brewster, of Maine, made an excellent statement, in which he urged that no stone be left unturned to develop an American merchant marine commensurate with the wealth and dignity of this country.

Mr. Stewart represented the chambers of commerce of the Middle West and made a very illuminating address, in which he said that he had been instructed by his constituents to say to the Shipping Board they felt the fact that the Shipping Board had maintained key services, even at a loss, to the very important countries of the world had been of the greatest benefit to the producers of raw materials and manufactured articles in the various middle-western communities. The fact that the services have been maintained has enabled these communities to more readily reach their foreign markets than had been the case before the Shipping Board entered the business, and in some cases has even enabled them to reach markets that would not have been possible without Shipping Board services.

Mr. Stewart pointed out, although there is no accurate way of checking the figures, it is the opinion of many of the people whom he represented the fact that Shipping Board services were in existence has so largely increased their opportunities to sell abroad on a profitable basis that the increase in the income tax that the United States Government collected has probably more than offset the $17,000,000 now being spent to maintain these Shipping Board services.

As I said before, I am most emphatically not in favor of permanent Government ownership. I am in favor of the Government, through the Shipping Board, building up the key services, because it is the only possible means of accomplishing it, and when they are built up selling them to private companies. I am in favor of these services being sold to business people whose primary business is the steamship business. I am not in favor of the Government selling these services to companies who operate ships as an adjunct to their real business. I am not in favor of the Government selling the services to large corporations whose ships are nothing more than a plant facility built and maintained primarily to enable them to sell the products which they manufacture abroad on a c. i. f. basis, regardless of the freight rate.

There is not the slightest doubt that if large corporations of this kind, who are not primarily interested in the shipping business, gain control of these key trade routes it will be more difficult, and at times impossible, for their competitors to sell in the foreign markets. The sale of these lines to giant manufacturing companies will tend to close on the smaller manufacturers the door of opportunity to do an export business. In the case of the railroads of this country, the smaller manufacturer is protected by the regulations of the Interstate Commerce Commission, but in shipping abroad what chance has he of doing foreign business when the ships that he wishes to use are controlled by his larger and more powerful competitors.

I am not in favor of merchants owning or operating any of the key services sold primarily to carry their own products and then holding

themselves out as common carriers. In the long run the steamship business can only be built up in this country on a sound basis by people who have no interest other than the successful operation of ships, whatever trade it may be.

Now, in my opinion there are sound business men in all the large ports along the coast line of this country who would welcome an opportunity to risk their capital in the steamship business if they were convinced that the line is sufficiently developed by the Shipping Board, and not prematurely thrown on the investment market; also that through enterprise and hard work they had a reasonably good chance of making a fair return on the money invested. The question is how to give them this opportunity.

In my opinion, the American flag will be kept on the seas by private initiative if American shipping companies are put in a position where their tools do not cost them any more than the cost of equally good tools to their important competitors; that is, equalization of building cost in American yards. Second, once the ships are built and put in operation, the cost of running the ships must not be any higher to the American shipping companies because of our laws than the cost of running ships under the flags of our more important competitors.

Mr. WOOD, in his bill recently introduced in the House of Representatives, has made provision for the equalization of building costs by having section 11 of the merchant marine act of 1920 amended so that the Shipping Board may loan up to three-quarters of the cost of construction of a vessel built in American yards for a period of 20 years, the loan bearing an interest rate of 2 per cent per annum. There is precedent for a provision of this kind, as I understand the British Government loaned the Cunard Line the funds to build the very successful trans-Atlantic steamers *Mauretania* and *Lusitania* at an interest rate of only 2¾ per cent, and then granted them a contract for the carriage of mail that would take care of the interest charges and in 20 years wipe out the principal through the operation of a sinking fund. In Mr. WOOD'S bill there is also a provision for an insurance fund that will make it possible to insure vessels built in American yards and operated under the American flag at as low a rate as it is possible for our principal foreign-flag competitors to obtain in their home insurance markets.

I whole-heartedly indorse the above provisions of Mr. WOOD'S bill.

Now, as to the equalization of operating costs. The American Steamship Owners' Association, in a statement made before the Shipping Board in Washington on Tuesday, January 10, stated—in my opinion very properly—that they were not in favor of the repeal of the La Follette Seamen's Act nor of any reduction in the standard of living on American-flag vessels. The American Steamship Owners' Association showed in their statement that the monthly cost of wages and subsistence on an oil-burning 9,000 dead-weight-ton American ship is approximately $4,041, as compared with $2,690 on a substantially similar British ship. The cost of operating Italian, French, and Japanese ships are all lower than the cost of operating ships under the British flag. Of course, one of the chief reasons why British ships are able to compete with the more cheaply operated vessels under some other flag is the world-wide extent of the British Empire, of which under empire trade British patriotism sees that 93 per cent is carried in British ships, as well as the insistence of British merchants selling to and buying from foreign countries that so far as possible their cargoes must be carried in ships of England.

I am in favor of legislation similar to that outlined by Mr. COPELAND in his bill introduced recently in the Senate of the United States, to the effect that every ship built in American yards and operated under the American flag, providing she is built to specifications passed upon by the United States Shipping Board and run regularly in a service between the United States and a foreign country, shall receive a mail contract that will equalize the cost of operation under the American flag as compared with the cost of operation under the British flag. With this differential as a minimum the amount of the mail contract could be increased as provided for in Senator COPELAND'S bill, the amount varying with the speed of the vessel in question.

Senator JONES has recently introduced a bill in the Senate which provides that the United States Shipping Board be authorized and directed to present to Congress from time to time recommendations setting forth what new vessels are required and the estimated cost thereof, to the end that Congress may from time to time make provision for replacements and additions; all of these vessels to be built in the United States and to be planned with reference to their possible usefulness as auxiliaries to the naval and military services of the United States.

I am heartily in favor of this provision, as it is obvious that unless an adequate replacement program is embarked upon shortly the present trade routes can not be properly maintained.

After Senator JONES'S bill was reported in the public press an article appeared in the press to the effect that his bill means permanent Government ownership, because there is one member of the United States Shipping Board who has never voted for the sale of a line. This statement is evidently based upon misinformation. There is not a single member of the Shipping Board who has not frequently voted for the sale of ships, and at times for the sale of a service. The record of the Shipping Board will show this clearly, and I know from my own experience that in the cases of the sale of several lines the vote has been unanimous. This statement, therefore, in the press is erroneous, and I am very glad to have this opportunity to correct it.

I believe that the passing of legislation combining the three bills mentioned above will result in the building up of important services until such time as they are in proper condition to sell, when they can then be transferred to private ownership and operated successfully, so that eventually we will have an adequate merchant marine in the hands of private companies whose primary business is the steamship business.

HOUSTON, TEX., *January 27, 1928.*

Hon. WESLEY L. JONES,
Washington, D. C.

DEAR SENATOR JONES: Press reports of committee and congressional proceedings indicate that there is much confusion and division of sentiment in regard to the best plan to create and maintain a merchant marine, owned and controlled by the National Government or American citizens, that will insure the carrying of the American flag upon every sea and into every port of the world.

There should be no disagreement among thoughtful citizens as to the necessity of a settled and permanent policy upon this important matter.

We can not and ought not to hope for a merchant marine only made possible by making American sailors subject to the same conditions and wages as prevail upon foreign bottoms.

The American people are not likely to be persuaded to permit ships to be bought in foreign lands and open to unrestricted registry here for coastwise and foreign service. It therefore follows that there are only two ways to carry out this necessary policy, if we are to have American sailors subject to American control, to contend for supremacy with the other nations of the earth upon the high seas in time of peace, and to carry necessary munitions and supplies to our war vessels at all times. It is worse than folly to talk of building up a great Navy, which would have its ships dependent upon boats bearing foreign flags owing allegiance to countries at war or neutral.

I think every one is agreed that the maintenance and building up of an American merchant marine is dependent upon governmental aid, either by ownership and operation by the National Government, or subsidies, bounties, or contributions, directly or indirectly, at Government cost, for the use and benefit of private corporations building or operating American vessels.

If we adopt the first-named policy, all taxpayers will know where and to whom the money goes and in what way it is expended, and just how much the annual cost thereof will be.

If we adopt the latter policy, no man will ever know its costs, and there is certainly as much objection to governmental subsidies, and, to my mind, more than to Government ownership and operation.

The first policy, if adopted, will be a guarantee of the success of the proposition, with the cost thereof a subject of criticism or objection.

If the latter policy should prevail, we will have no guaranty of success, at least under present conditions, with the cost unascertainable and unknown, but always open to objection and criticism, and the gain therefrom much more largely confined to a few favored corporations than would prevail under Government control and operation.

The thought which most impresses me is that Government control and operation is absolutely now necessary if the development of the commerce of every section of the Union is to be deemed, as I believe it should be, the controlling thought and purpose in the development of an American merchant marine. No one questions the wisdom of our public policy to carry the mail to every citizen under the American flag, regardless of the cost, in sparsely settled sections or regions; and who will deny that national control and operation of postal facilities has been the greatest single factor in symmetrically building up and developing our national resources and populating sections that would not have otherwise been peopled?

Who will deny that Government control and development of our rivers and harbors has been attended by a marvelous development that could not have been otherwise had, and waterways have been provided that private capital would not have improved, or if it did, at a tremendous toll or tax upon the users thereof?

Will any man question the wisdom of National, State, and municipal construction and maintenance of our public road system?

Is there any serious question in the minds of thoughtful men and women that as a whole all of these agencies created and controlled by governmental authority have represented development and success worth many times their cost, to say nothing of achieving a position largely due thereto which places us easily and foremost among the nations of the earth?

If we adopt a definite policy of Government ownership and operation of a merchant marine, trade relations can be built up with a certainty, and regional development of such trade relations can be had with due regard to the interest and rights of every section of our States and Territories; whereas if subsidies or bounties or indirect contributions are resorted to, they will go into the pockets of a favored few, who will use their gain to advance their own interests and confine their operations much more largely to highly favored sections which have already

been builded up at the cost of our people and deny a "place in the sun" to localities whose development has been retarded by concentration of Government recognition and appropriations to interests and communities which have already grown fat because of such policies rather than the advantages of their location.

It is not my purpose to criticize corporations, private or quasi public, because of their almost uniform attitude in seeking to give their stockholders the largest return upon their investment, regardless of the wishes or interests of those denied the consideration and service necessary to the promotion of their interests.

If we own, control, and operate an American merchant marine system, it can be successfully developed, and when developed, if the Government wants to go out of the shipping business, it can do so to much better advantage than it now can; will have regional trade relations established which will represent a large good-will value, which value does not at present exist; and we will have accomplished the great object in view, which, in my judgment, can not be otherwise achieved.

My lifelong interest in public questions, my especial concern upon this subject, and association with you during our service in Congress prompts me to let you have this letter as my approval of what I understand to be your position, and to let you know that the friendship formed when we served together is as warm and lasting as it was when the distance between the State of Washington and the State of Texas was lessened to me when we first learned to know and esteem each other.

Very truly your friend,

THOS. H. BALL.

EXECUTIVE SESSION

Mr. CURTIS. Mr. President, I had intended to ask unanimous consent to proceed to the consideration of unobjected bills on the calendar, but a number of Senators told me that they would object. Therefore, I am going to ask for an executive session, and then for adjournment.

I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 3 o'clock p. m.) adjourned until Monday, February 6, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 4 (legislative day of February 1), 1928

FOREIGN SERVICE

TO BE SECRETARIES IN THE DIPLOMATIC SERVICE

McCeney Werlich, of the District of Columbia, now a Foreign Service officer, unclassified, and a consular officer with the rank of vice consul of career, to be also secretary in the Diplomatic Service of the United States of America.

Mahlon Fay Perkins, of California, now a Foreign Service officer of class 3 and a consular officer with the rank of consul, to be also a secretary in the Diplomatic Service of the United States of America.

CIRCUIT COURT JUDGE, TERRITORY OF HAWAII

William C. Achi, jr., of Hawaii, to be circuit judge, fifth circuit, Territory of Hawaii. (A reappointment, his term having expired.)

UNITED STATES DISTRICT JUDGE

Warren B. Burrows, of Connecticut, to be United States district judge, district of Connecticut. An additional position created by the act approved March 3, 1927.

UNITED STATES ATTORNEY

Norman A. Dodge, of Texas, to be United States attorney, northern district of Texas. (Mr. Dodge is now serving under appointment by the court.)

UNITED STATES MARSHAL

Theodore W. Hukriede, of Missouri, to be United States marshal, eastern district of Missouri. (A reappointment, his term having expired.)

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

To Air Corps

First Lieut. Patrick Weston Timberlake, Field Artillery (detailed in Air Corps), with rank from December 18, 1927.

PROMOTIONS IN THE REGULAR ARMY

To be majors

Capt. John Jay McCollister, Field Artillery, from January 31, 1928.

Capt. Howard Charles Tobin, Cavalry, from February 1, 1928.

To be captains

First Lieut. Warren Joseph Clear, Infantry, from January 31, 1928.

First Lieut. James Henry Howe, Infantry, from February 1, 1928.

To be first lieutenants

Second Lieut. Michael Buckley, jr., Field Artillery, from January 31, 1928.

Second Lieut. Benjamin Stern, Signal Corps, from February 1, 1928.

POSTMASTERS

ALABAMA

Emma Rippetoe to be postmaster at Vredenburgh, Ala., in place of Z. M. Edge, removed.

Minnie L. Garrett to be postmaster at Uriah, Ala. Office became presidential July 1, 1927.

Elmer L. Kiick to be postmaster at Sheffield, Ala., in place of H. F. Little. Incumbent's commission expired September 12, 1926.

ARKANSAS

Ernest N. Goldman to be postmaster at Peach Orchard, Ark., in place of Carl Brady, resigned.

Ida L. Carter to be postmaster at Parkin, Ark., in place of W. L. Brennan, resigned.

CALIFORNIA

Hannah C. Dybo to be postmaster at Baypoint, Calif., in place of B. D. Higgins, deceased.

COLORADO

Zina N. Cleveland to be postmaster at Julesburg, Colo., in place of Z. N. Cleveland. Incumbent's commission expired January 22, 1928.

CONNECTICUT

Edward S. Lewis to be postmaster at Portland, Conn., in place of E. S. Lewis. Incumbent's commission expired March 3, 1927.

FLORIDA

George C. McLarty to be postmaster at Pahokee, Fla. Office became presidential July 1, 1927.

Daisy D. Pollard to be postmaster at Country Club Estates, Fla. Office became presidential January 1, 1928.

Ralph C. Allen to be postmaster at Auburndale, Fla., in place of J. H. McLain, removed.

John B. Jones to be postmaster at Oviedo, Fla., in place of J. B. Jones. Incumbent's commission expired January 8, 1928.

IDAHO

Elmer H. Snyder to be postmaster at Filer, Idaho, in place of W. A. Shear, resigned.

ILLINOIS

Ethel Gates to be postmaster at Pocahontas, Ill., in place of I. D. Gum, deceased.

William F. Hoult to be postmaster at Chrisman, Ill., in place of R. L. Waldruff, removed.

INDIANA

Dora B. Henderson to be postmaster at Lakeville, Ind., in place of D. F. Bailey, resigned.

Harvey E. McNees to be postmaster at Winchester, Ind., in place of H. E. McNees. Incumbent's commission expires February 8, 1928.

Walter J. Daunhauer to be postmaster at Ferdinand, Ind., in place of W. A. Wollenmann. Incumbent's commission expired January 3, 1928.

IOWA

George F. Mitchell to be postmaster at Coin, Iowa, in place of A. W. Liston, removed.

KANSAS

Leslie I. Burdick to be postmaster at Winona, Kans., in place of D. D. Jackson, resigned.

David R. Price to be postmaster at Williamsburg, Kans., in place of D. R. Price. Incumbent's commission expired December 18, 1927.

KENTUCKY

Vee O. Chandler to be postmaster at Marion, Ky., in place of W. J. Deboe, resigned.

George R. Warren to be postmaster at Lexington, Ky., in place of G. R. Warren. Incumbent's commission expired February 1, 1928.

MAINE

Edward C. Bridges to be postmaster at York Village, Me., in place of E. C. Bridges. Incumbent's commission expired December 18, 1927.

Wale P. Clifton to be postmaster at Greenville Junction, Me., in place of W. P. Clifton. Incumbent's commission expired December 18, 1927.

George W. Jordan to be postmaster at Cumberland Center, Me., in place of G. W. Jordan. Incumbent's commission expired December 18, 1927.

MASSACHUSETTS

Karl F. Koch to be postmaster at Montague City, Mass., in place of K. F. Koch. Incumbent's commission expired December 18, 1927.

MICHIGAN

William Bowers to be postmaster at Central Lake, Mich., in place of A. J. Gibson, deceased.

Arthur R. Ebert to be postmaster at Arcadia, Mich., in place of W. H. Ebert, resigned.

Benjamin Rankens to be postmaster at Hamilton, Mich., in place of Benjamin Rankens. Incumbent's commission expired January 3, 1928.

William A. Stroebel to be postmaster at East Jordan, Mich., in place of W. A. Stroebel. Incumbent's commission expires February 8, 1928.

Ruth A. Atyeo to be postmaster at Belleville, Mich., in place of R. A. Atyeo. Incumbent's commission expires February 8, 1928.

MINNESOTA

Lewis H. Merrill to be postmaster at Hutchinson, Minn., in place of W. S. Clay. Incumbent's commission expired December 19, 1927.

Arthur W. Austin to be postmaster at Glencoe, Minn., in place of A. W. Austin. Incumbent's commission expired December 19, 1927.

MISSISSIPPI

Mattie B. Bounds to be postmaster at Ovett, Miss. Office became presidential July 1, 1927.

MISSOURI

Jennette M. Boisseau to be postmaster at Holden, Mo., in place of J. M. Boisseau. Incumbent's commission expired January 14, 1928.

Tom D. Purdy to be postmaster at Harris, Mo., in place of T. D. Purdy. Incumbent's commission expired January 14, 1928.

Harley C. Shively to be postmaster at Hamilton, Mo., in place of H. C. Shively. Incumbent's commission expired January 14, 1928.

NEBRASKA

Louis J. Bouchal to be postmaster at Wilber, Nebr., in place of A. N. Dodson, resigned.

Carl H. Olderog to be postmaster at Springfield, Nebr., in place of C. H. Olderog. Incumbent's commission expired December 19, 1927.

Leona V. Snyde to be postmaster at Papillion, Nebr., in place of L. V. Snyde. Incumbent's commission expired December 19, 1927.

Georgia Muirhead to be postmaster at Hemingford, Nebr., in place of Georgia Muirhead. Incumbent's commission expired December 19, 1927.

Daniel C. Leach to be postmaster at Bayard, Nebr., in place of D. C. Leach. Incumbent's commission expires February 8, 1928.

NEVADA

Vevia B. Eckley to be postmaster at Mina, Nev., in place of G. L. Eckley, resigned.

Henry J. Marriott to be postmaster at Ely, Nev., in place of H. J. Marriott. Incumbent's commission expired December 18, 1927.

James L. Denton to be postmaster at Caliente, Nev., in place of J. L. Denton. Incumbent's commission expired December 18, 1927.

NEW HAMPSHIRE

Gertrude P. Donovan to be postmaster at Ashuelot, N. H., in place of T. J. Donovan, deceased.

NEW JERSEY

Z. Charles Challice to be postmaster at Fair Lawn, N. J. Office became presidential October 1, 1924.

William E. Allen to be postmaster at Blairstown, N. J., in place of R. W. Losey, resigned.

Nathaniel S. Hires to be postmaster at Salem, N. J., in place of N. S. Hires. Incumbent's commission expired December 19, 1927.

John H. Tyrrell to be postmaster at Perth Amboy, N. J., in place of J. H. Tyrrell. Incumbent's commission expired December 19, 1927.

Margarethe Grund to be postmaster at New Milford, N. J., in place of Margarethe Grund. Incumbent's commission expired March 3, 1927.

Andrew Bauer to be postmaster at Little Ferry, N. J., in place of Frederick Knapp. Incumbent's commission expired January 30, 1927.

NEW YORK

Conrad Happ to be postmaster at Sparrow Bush, N. Y. Office became presidential July 1, 1927.

James Richtmyer to be postmaster at Windham, N. Y., in place of James Richtmyer. Incumbent's commission expires February 8, 1928.

William R. Fitch to be postmaster at West Winfield, N. Y., in place of W. R. Fitch. Incumbent's commission expires February 8, 1928.

Walter W. Tilley to be postmaster at Theresa, N. Y., in place of W. W. Tilley. Incumbent's commission expires February 8, 1928.

Asa C. Rowland to be postmaster at Salamanca, N. Y., in place of A. C. Rowland. Incumbent's commission expires February 8, 1928.

John H. Quinlan to be postmaster at Pavilion, N. Y., in place of J. H. Quinlan. Incumbent's commission expires February 8, 1928.

Nell S. Barkley to be postmaster at Hillsdale, N. Y., in place of N. S. Barkley. Incumbent's commission expires February 8, 1928.

Harry L. Hedger to be postmaster at Glen Cove, N. Y., in place of H. L. Hedger. Incumbent's commission expired January 9, 1928.

Stanley W. Parsons to be postmaster at Copenhagen, N. Y., in place of S. W. Parsons. Incumbent's commission expires February 8, 1928.

Laurance C. Baker to be postmaster at Comstock, N. Y., in place of L. C. Baker. Incumbent's commission expires February 8, 1928.

Charles W. Dunn to be postmaster at Calcium, N. Y., in place of C. W. Dunn. Incumbent's commission expires February 8, 1928.

Jennie M. Steinhilber to be postmaster at Beaver Falls, N. Y., in place of J. M. Steinhilber. Incumbent's commission expires February 8, 1928.

Clare L. Masten to be postmaster at Athens, N. Y., in place of C. L. Masten. Incumbent's commission expires February 8, 1928.

NORTH CAROLINA

Mary F. Hight to be postmaster at Youngsville, N. C., in place of M. F. Hight. Incumbent's commission expires February 8, 1928.

Nannie M. Moore to be postmaster at Warrenton, N. C., in place of N. M. Moore. Incumbent's commission expires February 8, 1928.

James L. Edwards to be postmaster at Newport, N. C., in place of J. L. Edwards. Incumbent's commission expired December 19, 1927.

Nora Stedman to be postmaster at Moncure, N. C., in place of Nora Stedman. Incumbent's commission expired December 19, 1927.

Jacob M. Stancil to be postmaster at Kenly, N. C., in place of J. M. Stancil. Incumbent's commission expired December 19, 1927.

NORTH DAKOTA

Don E. DeLa to be postmaster at Hettinger, N. Dak., in place of D. E. DeLa. Incumbent's commission expires February 8, 1928.

Orna F. Leedy to be postmaster at Goodrich, N. Dak., in place of O. F. Leedy. Incumbent's commission expires February 8, 1928.

Ethel M. Anderson to be postmaster at Bowman, N. Dak., in place of E. M. Anderson. Incumbent's commission expires February 8, 1928.

Marie Toenberg to be postmaster at Alexander, N. Dak., in place of Marie Toenberg. Incumbent's commission expires February 8, 1928.

OHIO

Margaret A. Brooks to be postmaster at Yorkville, Ohio, in place of M. A. Brooks. Incumbent's commission expires February 8, 1928.

Rodney Barnes to be postmaster at St. Clairsville, Ohio, in place of Rodney Barnes. Incumbent's commission expires February 8, 1928.

Leonard H. Kelly to be postmaster at Mount Vernon, Ohio, in place of L. H. Kelly. Incumbent's commission expires February 8, 1928.

Heyward Long to be postmaster at Martins Ferry, Ohio, in place of Heyward Long. Incumbent's commission expired December 19, 1927.

Robert B. Birdsall to be postmaster at Hicksville, Ohio, in place of R. B. Birdsall. Incumbent's commission expires February 8, 1928.

Norman B. Ervin, jr., to be postmaster at Gibsonburg, Ohio, in place of N. B. Ervin, jr. Incumbent's commission expired December 19, 1927.

Alonzo B. Yarnell to be postmaster at Freeport, Ohio, in place of A. B. Yarnell. Incumbent's commission expired December 19, 1927.

Albert B. DeKay to be postmaster at Defiance, Ohio., in place of A. B. DeKay. Incumbent's commission expires February 8, 1928.

OKLAHOMA

Greenberry Peters to be postmaster at Texhoma, Okla., in place of C. E. Campbell. Incumbent's commission expired January 21, 1926.

PENNSYLVANIA

Frances H. Diven to be postmaster at West Bridgewater, Pa., in place of F. H. Diven. Incumbent's commission expired January 16, 1928.

SOUTH DAKOTA

William Kayser to be postmaster at Parkston, S. Dak., in place of William Kayser. Incumbent's commission expires February 8, 1928.

Sylvester Eisenman to be postmaster at Marty, S. Dak., in place of Sylvester Eisenman. Incumbent's commission expires February 8, 1928.

Florence Holden to be postmaster at Lake Andes, S. Dak., in place of Florence Holden. Incumbent's commission expires February 8, 1928.

VERMONT

Alfred C. Hooker to be postmaster at Hardwick, Vt., in place of A. C. Hooker. Incumbent's commission expires February 8, 1928.

VIRGINIA

Benjamin A. Dratt to be postmaster at Woodford, Va., in place of B. A. Dratt. Incumbent's commission expires February 8, 1928.

William M. Chamberlain to be postmaster at Waverly, Va., in place of W. M. Chamberlain. Incumbent's commission expires February 8, 1928.

John B. Grayson to be postmaster at Warrenton, Va., in place of J. B. Grayson. Incumbent's commission expires February 8, 1928.

Gilbert F. Stiles to be postmaster at Wachapreague, Va., in place of G. F. Stiles. Incumbent's commission expires February 8, 1928.

Joseph B. Jones to be postmaster at Smithfield, Va., in place of J. B. Jones. Incumbent's commission expires February 8, 1928.

Bessie H. Moon to be postmaster at Saxe, Va., in place of B. H. Moon. Incumbent's commission expires February 8, 1928.

Mary E. Spratt to be postmaster at Richlands, Va., in place of M. E. Spratt. Incumbent's commission expires February 8, 1928.

Roger G. Dyson to be postmaster at North Emporia, Va., in place of R. G. Dyson. Incumbent's commission expires February 8, 1928.

Oswell H. Hopkins to be postmaster at Narrows, Va., in place of O. H. Hopkins. Incumbent's commission expires February 8, 1928.

Charles P. Smith, jr., to be postmaster at Martinsville, Va., in place of C. P. Smith, jr. Incumbent's commission expires February 8, 1928.

Rodney F. Woodward to be postmaster at Marshall, Va., in place of R. F. Woodward. Incumbent's commission expires February 8, 1928.

Frank D. Paul to be postmaster at Leesburg, Va., in place of F. D. Paul. Incumbent's commission expires February 8, 1928.

Susan B. Lewis to be postmaster at Hopkins, Va., in place of S. B. Lewis. Incumbent's commission expires February 8, 1928.

William R. Rogers to be postmaster at Hilton Village, Va., in place of W. R. Rogers. Incumbent's commmission expires February 8, 1928.

Charles A. Hammer to be postmaster at Harrisonburg, Va., in place of C. A. Hammer. Incumbent's commission expires February 8, 1928.

Mary P. Leftwich to be postmaster at Forest, Va., in place of M. P. Leftwich. Incumbent's commission expires February 8, 1928.

James M. Nunn to be postmaster at East Radford, Va., in place of J. M. Nunn. Incumbent's commission expires February 8, 1928.

Hugh T. Arwood to be postmaster at Disputanta, Va., in place of H. T. Arwood. Incumbent's commission expires February 8, 1928.

Francis C. Fitzhugh to be postmaster at Cape Charles, Va., in place of F. C. Fitzhugh. Incumbent's commission expires February 8, 1928.

James A. Riddel to be postmaster at Bridgewater, Va., in place of J. A. Riddel. Incumbent's commission expires February 8, 1928.

Roscoe C. Travis to be postmaster at Bowling Green, Va., in place of R. C. Travis. Incumbent's commission expires February 8, 1928.

Noah Markey to be postmaster at Beaverdam, Va., in place of Noah Markey. Incumbent's commission expires February 8, 1928.

WYOMING

Johan O. Hedemann to be postmaster at Columbine, Wyo. Office became presidential July 1, 1927.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 4 (legislative day of February 1), 1928

MEMBER BOARD OF TAX APPEALS

Forest D. Siefkin.

UNITED STATES MARSHAL

Fred S. Hird to be United States marshal, southern district of Iowa.

POSTMASTERS

ARKANSAS

Coles R. Applewhite, Brickeys.
Jessie Garner, Kingsland.
Elmer A. Murphy, Lepanto.
Barney L. Castleberry, Leslie.
Burnard O. Phelps, Oklona.
William J. Vick, Prescott.
Menno S. Klopfenstein, Siloam Springs.

CONNECTICUT

William T. Meyer, Bridgeport.

GEORGIA

William A. Howell, Homerville.

INDIANA

Bertha Boyers, Freedom.

IOWA

Lucie A. Lloyd, Remsen.
Carl F. Grawe, Waverly.

KANSAS

Nelson Crawford, Dodge City.
Clarence O. Masterson, Wilmore.

LOUISIANA

Roger F. Baudry, Garyville.
Ella A. McDowell, Hodge.
John R. Parker, Ponchatoula.

MICHIGAN

John Z. Bjornstrom, Bruce Crossing.
John A. Gries, Laurium.
Ralph M. Sengebusch, Pequaming.

MINNESOTA

Paul Sartori, Buhl.
Mae Kirwin, Chokio.
Cora Thorson, Echo.
Donald P. McIntyre, Eveleth.
Wilbert G. Lammers, Fairfax.
Thomas J. Godfrey, Hibbing.
Harry N. Nordham, Red Wing.

NEVADA

William L. Merithew, Elko.

NEW HAMPSHIRE

Lewis R. Hall, Fitzwilliam.

NEW JERSEY

Alonzo P. Green, Chester.
Frank E. Gersie, Clifton.
Wilfred T. Sullivan, Delawanna.
Charlotte S. Hurd, Dover.

James Hamilton, Englishtown.
Charles W. Brophy, Skillman.
Abram A. Reger, Somerville.
Carroll R. Cox, Tuckerton.
Harry C. Lussy, Wharton.

NEW YORK

Henry P. Wilcox, Cohocton.
William J. Pike, Sanborn.

NORTH DAKOTA

Peder T. Rygg, Fairdale.
Mary A. Manning, Jud.

PENNSYLVANIA

John J. Nichols, Lansdowne.
Luther P. Ross, Saxton.

SOUTH DAKOTA

John H. Mathias, Rapid City.

WASHINGTON

Jacob H. Berge, Davenport.
Margaret J. Chilberg, La Conner.
Curtis B. Bay, Lynden.
John E. Meyers, Scenic.

WEST VIRGINIA

Pete A. Spurlock, Logan.
Waitman T. Grose, Stirrat.
James A. Little, Waverly.

SENATE

MONDAY, *February 6, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O God, forasmuch as without Thee we are not able to please Thee, mercifully grant that Thy Holy Spirit may in all things direct and rule our hearts. Look with loving mercy upon the people of these United States. Turn the strivings of men to Thy glory. Purge all our hearts of the evil spirit of selfishness, and grant that as the dim and tangled web of our thought, which but yesterday we carried to our pillow, now stands illumined and unraveled by the touch of day, so may our spirits at last rouse from the overnight dusk of mere mortal experience into the clear shining of the morrow's intuition. Through Jesus Christ, our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday, February 1, 1928, when, on the request of Mr. CURTIS, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Shipstead
Barkley	Fess	McMaster	Shortridge
Bayard	Fletcher	McNary	Simmons
Bingham	Frazier	Mayfield	Smith
Black	George	Metcalf	Smoot
Blaine	Gerry	Moses	Steck
Blease	Gillett	Neely	Steiwer
Borah	Gooding	Norbeck	Stephens
Bratton	Gould	Norris	Swanson
Brookhart	Greene	Nye	Thomas
Broussard	Hale	Oddie	Trammell
Bruce	Harris	Overman	Tydings
Capper	Harrison	Phipps	Tyson
Caraway	Hawes	Pine	Wagner
Copeland	Hayden	Pittman	Walsh, Mass.
Couzens	Heflin	Ransdell	Walsh, Mont.
Curtis	Howell	Reed, Mo.	Warren
Cutting	Johnson	Reed, Pa.	Waterman
Dale	Jones	Robinson, Ark.	Watson
Deneen	Kendrick	Robinson, Ind.	Wheeler
Dill	Keyes	Sackett	Willis
Edge	King	Schall	
Edwards	La Follette	Sheppard	

The VICE PRESIDENT. Ninety Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD, Mr. WASON, and Mr. CULLEN were appointed managers on the part of the House at the conference.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Foreign Relations:

Joint Resolution 8, relating to the negotiation of a treaty with Canada for the early completion of the Great Lakes-St. Lawrence seaway

Whereas the improvement of the St. Lawrence River by a series of canals and locks, so as to make it possible for the largest ocean-going vessels to pass through its channels and to come to all ports on the Great Lakes, is to Wisconsin and the entire Middle West the most important of public questions; and

Whereas this St. Lawrence seaway project has now been brought materially nearer realization by the recent favorable report of the advisory committee appointed by the Canadian Government, which followed the exchange of notes between Secretary of State Kellogg and the Canadian Foreign Office in the spring and early summer of 1927, in which the United States declared itself ready to enter into immediate negotiations for the construction of the St. Lawrence canals and locks while Canada asked for further time for consideration of this project; and

Whereas the only remaining obstacle to the conclusion in the near future of an agreement between the United States and Canada regarding the St. Lawrence seaway appears to be that Canada believes that it should not be asked to pay half of the estimated total cost of about $167,000,000, because it is now at its own expense building another important link in this seaway project—the Welland Canal—and also that it is entitled to compensation for the loss caused Canada by the lowering of the level of the Great Lakes through the diversion of above 8,000 cubic feet of water per second through the Chicago drainage canal; and

Whereas such an attitude on the part of Canada is entirely reasonable and the United States will benefit so greatly from the St. Lawrence seaway that it can afford to be most liberal with Canada: Now therefore be it

Resolved by the assembly (the senate concurring), That the Legislature of Winconsin hereby again affirms that the early completion of the St. Lawrence seaway is a matter of vital importance to this State and also of great benefit to the entire country, and urges that Canada be advised through proper diplomatic channels and by congressional resolution that this country stands ready to give credit in the apportionment of the costs of this project for the expenditures made by Canada upon the Welland Canal and also to compensate it for the losses caused by the Chicago diversion of a large volume of water from the Great Lakes if the United States Supreme Court shall finally uphold this diversion. Be it further

Resolved, That properly attested copies of this resolution be sent to the President of the United States, to the presiding officers of both Houses of Congress, and to each Wisconsin Member of the United States Senate and Houses of Representatives.

HENRY A. HUBER,
President of the Senate.
O. G. MUNSON,
Chief Clerk of the Senate.
JOHN W. EBER,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Wisconsin, which was ordered to lie on the table:

Joint Resolution 12, commending the action of the United States Senate for refusing to seat Frank L. Smith, of Illinois

Resolved by the assembly (the senate concurring), That the Legislature of the State of Wisconsin hereby expresses its approval of the recent action of the United States Senate and of the votes cast by the Senators from Wisconsin, Hon. ROBERT M. LA FOLLETTE, Jr., and Hon. JOHN J. BLAINE, in refusing to seat Frank L. Smith, of Illinois, and expresses the hope that in any similar case like action will be taken, so as to insure freedom from corruption in our legislative bodies; be it further

Resolved, That copies of this resolution, duly attested, be forwarded to the Presiding Officer of the United States Senate and to Senators ROBERT M. LA FOLLETTE, Jr., and JOHN J. BLAINE.

HENRY A. HUBER,
President of the Senate.
O. G. MUNSON,
Chief Clerk of the Senate.
JOHN W. EBER,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

Mr. LA FOLLETTE presented the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Indian Affairs:

Joint Resolution 9, relating to the leasing of the water powers on the Menomonie Indian Reservation to private interests

Whereas the Wisconsin Power & Light Co., an Insull property, is seeking permission from the Federal Power Commission to allow it to lease and develop the water powers on the Menomonie Indian Reservation and the Federal Power Commission has granted a preliminary permit for the survey of these water powers by this corporation; and

Whereas this power project is opposed by some of the Indians, the Wisconsin League of Women Voters, the Isaak Walton League, and other civic organizations because it involves the exploitation of the resources of the Indians by private interests without adequate compensation, and also will result in the destruction of the great scenic beauty of the reservation and of this part of the Wolf River; and

Whereas this legislature in adopting Joint Resolution 92, A., has already gone on record in opposition to the leasing of these water powers to private interests and has asked Wisconsin's Representatives in Congress to consider the feasibility of converting the river and timber tract on the Menomonie Indian Reservation into a national park: Now therefore be it

Resolved by the assembly (the senate concurring), That the attorney general be, and is hereby, directed to represent the State of Wisconsin in opposition to the granting of any permit for the leasing and development of the water powers on the Menomonie Indian Reservation by private interests, and that the railroad commission is requested not to issue any permit under the State law for this purpose; be it further

Resolved, That this legislature again expresses its views that the wonderful scenic beauty on the Wolf River on the Menomonie Indian Reservation should be preserved for the benefit of the entire public, and to this end favors the acquisition, with fair compensation to the Indians, of all lands on the east side of the Wolf River from Keshena Falls to Sullivan Falls and west of State Trunk Highway 55 for State park purposes, together with control over the waters of the Wolf River, if it shall not be feasible to convert the entire river and timber tract of the Menomonie Indian Reservation into a national park; be it further

Resolved, That the conservation commission is instructed to ascertain upon what terms these lands and water rights can be acquired, and is further directed to purchase the same at a reasonable price from any funds appropriated and available or which may hereafter be appropriated for State park purposes; be it further

Resolved, That Wisconsin's Representatives in Congress be, and are hereby, requested to do everything within their power to assist the State authorities to preserve the scenic beauty of the Menomonie Indian Reservation for the public, and the Federal Power Commission is requested to withhold any permit for the leasing and development of the water powers belonging to Indians by private interests; be it further

Resolved, That copies of this resolution shall be sent to all departments and officers mentioned therein and also to the Federal Power Commission and the United States Bureau of Indian Affairs.

HENRY A. HUBER,
President of the Senate.
O. G. MUNSON,
Chief Clerk of the Senate.
JOHN W. EBER,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

Mr. LA FOLLETTE also presented the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on the Judiciary:

Joint resolution 10, relating to the Norris resolution proposing an amendment to the Constitution of the United States for the earlier seating of Congress

Whereas the United States Senate in the present session of Congress has for the fourth time passed the Norris resolution, which submits to the several States an amendment to the Constitution eliminating the so-called "short" or "lame duck" session of Congress, by advancing the date for the convening of the first regular session of a new Congress from 13 months after its election to January 15 following the November election, and at the same time advancing the date of the inauguration of the President and Vice President from March 4 to January 2; and

Whereas under the present system it is a frequent occurrence that a Congress and a President who have been repudiated at the election are able to defeat the wish of the people, not only for many months but often permanently, and the reason which in 1789 rendered necessary the long delay in the seating of Congress has been removed by the great improvements in transportation since that time; and

Whereas despite the fact that only six Senators voted against the Norris resolution, there is danger that the House of Representatives will again shelve this resolution without allowing it to come to a vote, as it has done in the three preceding sessions: Now therefore be it

Resolved by the assembly (the senate concurring), That the Wisconsin Legislature hereby again goes on record in favor of the passage of the Norris resolution for the earlier seating of Congress and petitions the House of Representatives to act favorably upon this resolution without delay. Be it further

Resolved, That properly attested copies of this resolution be sent to the Speaker of the House of Representatives and to each Wisconsin Member thereof.

HENRY A. HUBER,
President of the Senate.
O. G. MUNSON,
Chief Clerk of the Senate.
JOHN W. EBER,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

Mr. LA FOLLETTE also presented a joint resolution of the Legislature of the State of Wisconsin, favoring the early completion of the Great Lakes-St. Lawrence seaway, which was referred to the Committee on Foreign Relations.

He also presented a joint resolution of the Legislature of the State of Wisconsin, commending the action of the Senate in refusing to seat Frank L. Smith, of Illinois, which was ordered to lie on the table.

(See above joint resolutions of the Wisconsin Legislature printed in full when previously presented to-day by the Vice President.)

Mr. THOMAS presented memorials numerously signed by citizens of the State of Oklahoma, remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

Mr. WILLIS presented memorials numerously signed by sundry citizens of the State of Ohio, remonstrating against the passage of the so-called Brookhart bill relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

Mr. FRAZIER presented a resolution adopted by Vaarliv Lodge, No. 303, Sons of Norway, at Fairdale, N. Dak., protesting against the national-origin provisions of the existing immigration law, favoring amendment of the existing law so that the quota distribution may be based on the census of 1890, and requesting that no further measures of reduction of the Scandinavian quotas be adopted, which was referred to the Committee on Immigration.

He also presented the memorial of L. I. Langness and 16 other citizens of Rolette, N. Dak., remonstrating against the passage of the bill (S. 1752) to regulate the manufacture and sale of stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. REED of Pennsylvania presented the memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the adoption of the resolution (S. Res. 83) authorizing an investigation of public utility corporations, which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1162) granting the consent of Congress to the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, for the construction, maintenance, and operation of a toll bridge across the Ohio River at Sistersville, Tyler County, W. Va. (Rept. No. 238); and

A bill (S. 2730) authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city (Rept. No. 239).

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 2731) granting the consent of Congress to the Rogers Bros. Co. to construct, maintain, and operate a bridge across the Ohio River at Ashland, Ky., reported it with amendments and submitted a report (No. 240) thereon.

Mr. McMASTER, from the Committee on Military Affairs, to which were referred the following bills, reported adversely thereon and moved that they be indefinitely postponed, which was agreed to;

A bill (S. 139) for the relief of Walter W. Newcomer; and

A bill (H. R. 5424) for the relief of Anthony Schwartzenberger.

Mr. McMASTER, also from the Committee on Military Affairs, to which was referred the bill (H. R. 3145) for the relief

of Willis B. Cross, reported it with an amendment and submitted a report (No. 241) thereon.

He also, from the same committee, to which was referred the bill (H. R. 3315) for the relief of Charles A. Black, alias Angus Black, reported it without amendment and submitted a report (No. 242) thereon.

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (H. R. 6991) authorizing the erection of a nonsectarian chapel at the Army medical center in the District of Columbia, and for other purposes, reported it without amendment and submitted a report (No. 243) thereon.

He also, from the Committee on Immigration, to which were referred the following bill and joint resolution, reported them each with amendments and submitted reports thereon:

A bill (S. 2450) to amend the immigration act of 1924, entitled "An act to limit the immigration of aliens into the United States, and for other purposes" (Rept. No. 244); and

A joint resolution (S. J. Res. 5) to permit wives and minor children of alien declarants to enter the United States as nonquota immigrants (Rept. No. 245).

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 1637) for the relief of Martha Henson, reported it without amendment and submitted a report (No. 246) thereon.

Mr. BINGHAM, from the Committee on Territories and Insular Possessions, to which was referred the bill (S. 757) to extend the benefits of certain acts of Congress to the Territory of Hawaii, reported it without amendment and submitted a report (No. 247) thereon.

He also, from the Committee on Printing, to which was referred the concurrent resolution (S. Con. Res. 6) to print and bind the proceedings in Congress together with the proceedings at the unveiling in Statuary Hall of the statue of Alexander Hamilton Stephens presented by the State of Georgia, reported it without amendment.

Mr. STEPHENS, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 2711) for the relief of Walter W. Johnston (Rept. No. 248); and

A bill (S. 2855) for the relief of the estates of John Frazer, deceased, Zephaniah Kingsley, deceased, John Bunch, deceased, Jehu Underwood, deceased, and Stephen Vansandt, deceased (Rept. No. 249).

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 2781) to amend the Code of Law for the District of Columbia so as to empower the corporation counsel for the District of Columbia and his assistants to administer oaths, reported it without amendment and submitted a report (No. 250) thereon.

Mr. BLEASE, from the Committee on Military Affairs, to which were referred the following bills, reported adversely thereon and moved that they be indefinitely postponed, which was agreed to:

A bill (H. R. 4661) to correct the military record of William Mullins; and

A bill (H. R. 6389) for the relief of Samuel Pelfrey.

Mr. TYDINGS, from the Committee on Naval Affairs, to which was referred the bill (H. R. 1405) granting six months' pay to Maria J. McShane, reported it without amendment and submitted a report (No. 251) thereon.

BRIDGE ACROSS ARM OF LAKE MEMPHREMAGOG, VT.

Mr. DALE. Mr. President, from the Committee on Commerce I report back favorably with an amendment the bill (S. 2698) granting the consent of Congress to the State of Vermont to construct, maintain, and operate a free highway bridge across the Clyde River at or near Newport, Vt., and I submit a report (No. 237) thereon. I ask unanimous consent for the immediate consideration of the bill.

Mr. KING. Let it be reported.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Chief Clerk read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendment was, on page 1, line 5, to strike out the words "the Clyde River" and to insert in lieu thereof "an arm of Lake Memphremagog," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Vermont to construct, maintain, and operate a free highway bridge and approaches thereto across an arm of Lake Memphremagog, at a point suitable to the interests of navigation, at or near Newport, Vt., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the State of Vermont to construct, maintain, and operate a free highway bridge across an arm of Lake Memphremagog, at or near Newport, Vt."

OHIO RIVER BRIDGE

Mr. WILLIS. Mr. President, the Senator from Vermont [Mr. DALE] has just reported from the Committee on Commerce the bill (S. 1162) granting the consent of Congress to the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, for the construction, maintenance, and operation of a toll bridge across the Ohio River at Sistersville, Tyler County, W. Va. The bill was introduced by the Senator from West Virginia [Mr. GOFF], who is detained from the Senate on account of illness. So far as I know, there is no objection to the bill, and I ask unanimous consent for its present consideration.

Mr. NEELY. Mr. President, if this bill shall not be passed, a great public improvement will be stayed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, to construct, maintain, and operate a toll bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation within the city limits of Sistersville, Tyler County, W. Va., to a point opposite in Monroe County, Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, all such rights and powers to enter upon land, and to acquire, condemn, occupy, possess, and use, real estate and other property needed for the location, construction, operation, and other maintenances of such bridge and approaches as are possessed by railroad corporations for railroad purposes, or by bridge corporations for bridge purposes in the State or States in which such land or property is situated, upon making just compensation therefor to be ascertained and paid according to the laws of such State or States, and the proceedings therefor may be had in any court of competent jurisdiction in such State or States.

SEC. 3. The said Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rate until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, the State of West Virginia, or the State of Ohio, or any political subdivision or subdivisions thereof within or adjoining which such bridge is located, may at any time, jointly or severally, acquire and take over all right, title, and interest in such bridge and approaches, and any interest in real estate necessary therefor, by purchase or by condemnation in accordance with the law of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation, the amount of damages of compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs not to exceed 10 per cent of all other cost of constructing the bridge and its approaches and acquiring such interests in real property, and (4) actual expenditures for necessary improvement.

SEC. 5. If such bridge shall at any time be taken over or acquired as provided in section 4 of this act, and if tolls are charged for the use thereof in fixing the rate of toll to be charged, the same shall be so adjusted so as to provide, as far as possible, a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches within a period of not to exceed 20 years from the date of acquiring the same. After a

sinking fund sufficient to pay the cost of acquiring the bridge and its approaches, and any interest that shall accrue on money borrowed for that purpose, shall have been provided, such bridge shall thereafter be maintained and operated free of toll, or the rate of toll shall be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and if the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, shall immediately after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real estate necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the cost of constructing the same, and for such purpose the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, shall make available all of its records in connection with the financing and the construction thereof. The finding of the Secretary of War as to the cost of the bridge shall be conclusive, subject to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OHIO RIVER BRIDGE AT OR NEAR LOUISVILLE, KY.

Mr. SACKETT. Mr. President, the Senator from Vermont [Mr. DALE] a few moments ago reported the bill (S. 2730) authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city. It is a local measure of interest to the municipality, and I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the city of Louisville, Ky., or any board or commission of said city which may be duly created or established for the purpose, is hereby authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation, extending from some point in the city of Louisville, Ky., across said river to a point opposite on the Indiana shore, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the said city of Louisville, or such board or commission and the successors thereof, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said city of Louisville, or such board or commission and the successors thereof, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches or to amortize bonds or other securities issued for such cost, with reasonable financing charges, as soon as possible under reasonable tolls but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been provided such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECORDS OF CONFERENCE ON NAVAL ARMAMENT LIMITATION

Mr. BINGHAM, from the Committee on Printing, reported a resolution (S. Res. 134), which was ordered to be placed on the calendar, as follows:

Resolved, That the manuscript entitled "Records of the Conference for the Limitation of Naval Armament, held at Geneva from June 20 to August 4, 1927," be printed as a Senate document.

REPORT OF AMERICAN INSTRUCTORS OF THE DEAF

Mr. BINGHAM, from the Committee on Printing, reported a resolution (S. Res. 135), which was ordered to be placed on the calendar, as follows:

Resolved, That the report of the twenty-fifth meeting of the Convention of American Instructors of the Deaf be printed, with illustrations, as a Senate document.

REPORT ON PRICES, ETC., IN THE PETROLEUM INDUSTRY

Mr. BINGHAM, from the Committee on Printing, reported a resolution (S. Res. 136), which was ordered to be placed on the calendar, as follows:

Resolved, That the manuscript entitled "The report of the Federal Trade Commission on prices, profits, and competition in the petroleum industry" be printed, with illustrations, as a Senate document.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBINSON of Arkansas:

A bill (S. 3020) to recognize the military war services of adjutants general and United States property and disbursing officers as Federal military war duty during war period April 6, 1917, to November 11, 1918; to the Committee on Military Affairs.

By Mr. WALSH of Massachusetts:

A bill (S. 3021) granting a pension to George Fargo; and

A bill (S. 3022) granting a pension to William Fargo; to the Committee on Pensions.

By Mr. NYE (by request):

A bill (S. 3023) to revise the boundary of a portion of the Hawaii National Park on the island of Hawaii in the Territory of Hawaii; to the Commitee on Public Lands and Surveys.

By Mr. BROOKHART:

A bill (S. 3024) to provide for the establishment of Federal cooperative banks and a Federal cooperative reserve system, and for other purposes; to the Committee on Banking and Currency.

By Mr. ASHURST:

A bill (S. 3025) providing pensionable status for John D. Boyd's company of the Arizona Militia; to the Committee on Pensions.

A bill (S. 3026) authorizing the construction of a fence along the east boundary of the Papago Indian Reservation, Ariz.; to the Committee on Indian Affairs.

By Mr. GEORGE:

A bill (S. 3027) to increase the pay of mail carriers in the village delivery service; to the Committee on Post Offices and Post Roads.

By Mr. PHIPPS:

A bill (S. 3028) granting a pension to Edith L. Love (with accompanying papers); to the Committee on Pensions.

By Mr. BRATTON:

A bill (S. 3029) authorizing surveys and investigations to determine the best methods and means of utilizing the waters of the Gila River and its tributaries above the San Carlos Reservoir in New Mexico and Arizona; to the Committee on Irrigation and Reclamation.

By Mr. SWANSON:

A bill (S. 3030) for the relief of Southern Shipyard Corporation; to the Committee on Claims.

A bill (S. 3031) for the relief of Edmund F. Hubbard; to the Committee on Military Affairs.

By Mr. SCHALL:

A bill (S. 3032) to confer additional jurisdiction upon the Court of Claims under an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926; to the Committee on Indian Affairs.

By Mr. WILLIS:

A bill (S. 3033) granting an increase of pension to Anna E. Stouffer (with accompanying papers);

A bill (S. 3034) granting an increase of pension to Hannah McClannahan (with accompanying papers);

A bill (S. 3035) granting an increase of pension to Eliza J. White (with accompanying papers); and

A bill (S. 3036) granting an increase of pension to Anna T. Kildow (with accompanying papers); to the Committee on Pensions.

By Mr. DILL:

A bill (S. 3038) for the relief of H. M. Thatcher; to the Committee on Claims.

A bill (S. 3039) making an appropriation for the construction of a bridge and approach road leading to the Zillah State Park, Wash.; to the Committee on Irrigation and Reclamation.

A bill (S. 3040) authorizing the Secretary of War to convey to the port of Vancouver certain lands forming a part of the Vancouver Barracks Military Reservation; to the Committee on Military Affairs.

By Mr. WALSH of Montana:

A bill (S. 3041) amending the act of January 27, 1922 (42 Stat. 359); to the Committee on Public Lands and Surveys.

By Mr. REED of Missouri:

A bill (S. 3042) for the relief of Catherine Fitzsimons; to the Committee on Finance.

A bill (S. 3043) granting an increase of pension to Mary J. Gloshen (with accompanying papers);

A bill (S. 3044) granting an increase of pension to Jennie Webb (with accompanying papers); and

A bill (S. 3045) granting an increase of pension to Leonidas Recob (with accompanying papers); to the Committee on Pensions.

A bill (S. 3046) for the relief of Sterling S. Ball (with accompanying papers); to the Committee on Claims.

By Mr. BINGHAM:

A bill (S. 3047) to amend section 200 of the World War veterans' act, 1924, approved June 7, 1924, as amended; to the Committee on Finance.

By Mr. GEORGE:

A joint resolution (S. J. Res. 90) authorizing the Secretary of War to furnish transportation to certain veterans attending the thirtieth anniversary of the liberation of Cuba; to the Committee on Military Affairs.

By Mr. McMASTER:

A joint resolution (S. J. Res. 91) authorizing an appropriation for bank protection for the control of floods and the prevention of erosion of the Missouri River at and near the town of Yankton in the State of South Dakota; to the Committee on Commerce.

DISTRIBUTION OF THE CONGRESSIONAL RECORD

Mr. HEFLIN. Mr. President, I introduce the bill which I send to the clerk's desk, and ask to have it read for the information of the Senate.

The VICE PRESIDENT. Without objection, the bill introduced by the Senator from Alabama will be read.

The bill (S. 3037) increasing the number of copies of the CONGRESSIONAL RECORD furnished gratuitously to the Vice President, Senators, and Representatives was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the forty-sixth paragraph of section 73 of the act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, as amended, is amended to read as follows:

"To the Vice President and each Senator, 300 copies; and to the Secretary and Sergeant at Arms of the Senate, each 20 copies; and to the Secretary for office use, 10 copies; to each Representative and Delegate, 150 copies; and to the Clerk and Doorkeeper of the House, each 20 copies; and to the Clerk for office use, 10 copies; and to the Clerk for use of Members of the House of Representatives, 50 copies; and to the Sergeant at Arms of the Senate, for the use of the Senate, 20 copies; to be supplied daily as originally published or in the revised and permanent form bound only in half Russia, or part in each form, as each may elect."

Mr. HEFLIN. Mr. President, the bill which I have introduced amends the old statute upon this subject. There is general complaint amongst Senators and Members of the House of Representatives that the number of copies of the CONGRESSIONAL RECORD now allotted is not sufficient. Each Senator has only 88 copies to distribute in his entire State. Frequently this year, as well as last year—in fact, ever since I have been in the Senate—I have had to write my constituents that my quota of the RECORD was exhausted, and I find that other Senators have had the same experience. A similar situation obtains in the House.

It has been, I believe, 30 years since the apportionment of the CONGRESSIONAL RECORD was made. The population of the country now is over a hundred million people, and certainly 300 copies of the CONGRESSIONAL RECORD to each Senator is not too much. If the Senator from Kansas would permit, I should like to have the bill considered now.

Mr. CURTIS. I will have to ask that it be referred to the Committee on Printing.

Mr. HEFLIN. Very well; but I shall ask that the bill may be considered at an early date.

The VICE PRESIDENT. The bill will be referred to the Committee on Printing.

EMPLOYMENT OF NAVAL FORCES IN NICARAGUA

Mr. BORAH. I submit a resolution and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 137), as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, instructed, if not incompatible with the public interest, to inform the Senate, first, the facts relative to the use of the Navy in Nicaragua since the recognition of the Diaz government; the extent of the naval force, both as to ships and as to men; the number of conflicts had with armed forces in Nicaragua; the number of individuals killed or wounded on either side; and such other data as will enable the Senate to have before it all the facts relative to the use of the Navy in Nicaragua; together with the report of the naval officers to the Secretary of the Navy touching matters in Nicaragua.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. SHORTRIDGE. Mr. President, I ask that the resolution may go over under the rule.

The VICE PRESIDENT. The resolution will go over under the rule.

BELLIGERENT OPERATIONS IN FOREIGN COUNTRIES

Mr. KING submitted a resolution (S. Res. 138), which was read and referred to the Committee on the Judiciary, as follows:

Whereas the Constitution invests Congress with the power:

"To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

"To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

"To provide and maintain a Navy;

"To make rules for the government and regulation of the land and naval forces;

"To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

"To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress"; and

Whereas armed military and naval forces of the United States under the command of the President are carrying on belligerent operations in and against foreign countries with which Congress has not declared a state of war to exist: Now therefore be it

Resolved, That the Committee on the Judiciary examine into and report to the Senate upon the question whether or not the Executive, in the exercise of the powers invested in him by the Constitution, has the right to employ the armed military and naval forces of the United States to carry on belligerent operations in foreign countries in cases where Congress has not declared a state of war to exist or authorized the employment of the military or naval forces in or against such countries.

THE WORLD COURT

Mr. GILLETT submitted the following resolution (S. Res. 139), which was referred to the Committee on Foreign Relations:

Whereas the Senate, on January 27, 1926, by a vote of 76 to 17, gave its advice and consent to the adherence of the United States to the Permanent Court of International Justice upon certain conditions and with certain reservations; and

Whereas the signatory states in transmitting their replies referred to "such further exchange of views as the Government of the United States may think useful": Therefore be it

Resolved, That the Senate of the United States respectfully suggests to the President the advisability of a further exchange of views with

the signatory states in order to establish whether the differences between the United States and the signatory states can be satisfactorily adjusted.

ASSISTANT PRINTING CLERK

Mr. WATSON submitted the following resolution (S. Res. 140), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to employ an assistant printing clerk from February 1, 1928, for service in the office of the Secretary, at the rate of $1,940 per annum, to be paid from the contingent fund of the Senate, until the end of the present session of Congress.

FUNDING OF GREEK WAR DEBT TO THE UNITED STATES (S. DOC. NO. 51)

The PRESIDING OFFICER (Mr. SWANSON in the chair) laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Finance and ordered to be printed:

To the Congress of the United States:

I am submitting herewith for your consideration a copy of the report of the Secretary of the Treasury regarding the proposed plan for the settlement of the debt owed by Greece to the United States, and of the differences existing between the two Governments arising out of the tripartite loan agreement entered into at Paris under date of February 10, 1918.

The plan of settlement has my approval, and I recommend that the Congress enact the necessary legislation authorizing it for the following reasons:

It provides for the funding of the Greek war debt to our Government and for the settlement of the Greek claim for further advances under the tripartite loan agreement made during the war. While our Government is to advance some twelve millions to Greece, the loan is amply secured, is to be repaid over a period of 20 years at an adequate rate of interest, and is to be used exclusively for reconstruction work of great humanitarian as well as economic value. This loan discharges what the Greek Government has consistently contended is a legal and moral commitment of our Government.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 6, 1928.*

CLAIMS OF THE STATE OF NORTH CAROLINA (S. DOC. NO. 50)

The PRESIDING OFFICER laid before the Senate a communication from the Comptroller General of the United States, transmitting, in response to Senate Resolution 123, agreed to January 27, 1928, a statement of the indebtedness of the State of North Carolina to the United States upon certain bonds of the State and the claims of the State of North Carolina for advances during the war of 1812, which was referred to the Committee on Claims and ordered to be printed.

THE CHINESE PROBLEM

Mr. BLEASE. Mr. President, I have here an article by the junior Senator from West Virginia [Mr. GOFF] and an article by the junior Senator from Connecticut [Mr. BINGHAM] relating to the Chinese question, which I ask may be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post]

CHINA IS PREY OF RUSSIA, SENATOR GOFF DECLARES—SOVIET STRIKING AT GREAT BRITAIN BECAUSE OF HER GREAT INFLUENCE IN EAST—UNITED STATES INVOLVED SERIOUSLY AND VITALLY—MEANTIME WAR LORDS ARE OPPRESSING HELPLESS PEOPLE—PEACE OF WORLD AT STAKE

By GUY D. GOFF, United States Senator from West Virginia

While the news from China is not reassuring, it is not unexpected when one considers the logical flow of events in that very disturbed section of the world. As every one knows, there is a so-called Nationalist Party operating in China, and it is completely under the influence of Soviet Russia. It is not necessary to state when it so became or what so influenced it; it is sufficient to state the fact. This all came as an aftermath of the so-called Republic, which was established in 1911.

Surprising and as anomalous as it may seem, there is no government in that country; no one to-day stands out as a patriot worthy and competent to lead. There is a gradual and almost perceptible absorption and usurpation of the rights of the people by the war lords of tuchuns. Each is devoid of a love of country or a policy except as dictated by self interest and personal aggrandizement.

WAR LORDS OF CHINA

The Peking government does not function outside the walls of that historic city. Therefore the political factions of war lords who are constantly at war with each other consist prominently of the following:

Chang Tso-lin, the tuchun of Manchuria, who is now established in Peking and who is popularly known as the northern war lord.

Chiang Kai-shek, who is the commander in chief of the southern nationalist army. This party is split into two wings. He, however, heads the moderates, supporting the late Dr. Sun Yat Sen; and there is the communistic section, or nationalist party, represented by Eugene Chen and Borodin, the representative of Russia, as well as several other men of lesser note.

Feng Yu-hsiang, the so-called Christian general, exercises a great control in the northwest, but his sympathies are with the southerners, and it is difficult to determine whether he favors the right or the left wing of that party. He is at present the enemy of Chang Tso-lin.

Gen. Chang Tsung-Chang, the Shantung war lord, who is assisting Gen. Sun Chang-Fang, overlord of five southeast Provinces.

Yen Hsi-shan, the military governor of Shansi, who is generally known as the military governor of the "Model Province."

The fifth group, known as the Hankow Nationalists, is dominated by Moscow and by Eugene Chen, formerly a British subject, born in the Isle of Jamaica. This group is frankly Russian, bitterly antiforeign, and the prolific parent of most of the outrages which have been committed upon foreigners and their property in China. No good purpose is served in mentioning or discussing the characteristics of these so-called war lords or prolonging the list of those who have constituted themselves the so-called saviors of their country. Whatever they do, they are doing largely individually, and not, with the exception of Chiang Kai-shek, in response to any national movement. However, mention should be made of Gen. Yang Sen, whose seizure of the British ships precipitated the Wanhsien incident, and also Gen. Wu Pei-fu. General Yang is the leading figure in the Province of Kueichow, and General Wu is the leading figure in the Province of Yunnan.

TWO MAJOR MOVEMENTS NOTED

It is sufficient to say that there are two major movements taking place in China to-day; one the struggle of the Chinese people to free themselves from the tyranny of the militarists; the other an organized attempt of Russia to involve China in her program of world revolution and world destruction. It is permissible, and therefore helpful, to summarize these aims and purposes as follows:

The war lords are fighting solely to maintain their respective military dictatorships, always, however, with the settled purpose of selling out at any time to the highest bidder. Gen. Chiang Kai-shek proposes to abolish the so-called unequal treaties and extraterritoriality and establish, if possible, a constitutional government based essentially upon the principles of Dr. Sun Yat Sen; and Russia aims to drive all foreigners out of China and convert the Chinese to bolshevism, with Russia, of course, paramount. This means that China becomes a Russian Province.

The Chinese people are ignorant, long-suffering, and pathetically patient. They see things from an oriental point of view. They do not think as the western nations do. Their point of view and their outlook on life, mentally, morally, and ethically, is diametrically opposite to that of the citizens of the west. The Chinese, as a nation, live in the past. They are introspective and static and never dynamic. They determine things and do things as their fathers did—not the fathers of a generation ago, but the fathers of 40 centuries ago. They are the victims of maxims, no doubt completely applicable to the times of which they were the outward expression, but in no sense useful in this prospective, progressive, and moving age.

PEOPLE CONTENT TO MEDITATE

The people of China are content to meditate and reflect and find enlightenment in what the western world can classify only as mental and moral darkness. The people of China, if I may so phrase it, orientate by facing antiquity, utterly oblivious, so to speak, that the dead past, regardless of its wisdom and its ethics, can not enlighten or illuminate the pathway of a present that is always converging on the future.

These unfortunate people—and I use this term advisedly—are reduced to-day to a state of abject subjection, where misery and red-handed anarchy rule supreme. The overwhelming majority of them are helpless, fatuous, and hopeless. They are a nation of 400,000,000 people, and 98 per cent of them are illiterate. Once they had, when it flourished in the infancy of human thoughts, a great civilization. The people never outgrew it, and it has ever failed to save them.

It is a civilization that dates back 5,000 years. Its great thinkers lived and recorded their thoughts four centuries before the birth of Jesus Christ. Its great philosophers were the contemporaries of Aristotle, Socrates, and Plato. The day of such things belongs to the sacred and the reverential past, and that it can not serve mankind as a practical form to-day is proved in the answer to the question, If the civilization of China is worthy to be copied, worshiped, and followed in this busy, practical—yes, altruistic—period of the twentieth century, what are its beneficial effects upon the people who now inhabit the continent of China; and, judging them as its finished product, what has it done for them?

The great majority of the intelligent Chinese to-day are practically unanimous in condemning this widespread misrule of the war lords.

These so-called patriots confiscate property, loot the homes and the business houses of their constituents, starve and terrorize the multitude, and make human life the cheapest commodity in all the world. In fact, during the last 16 years, since the formation of the Chinese Republic, the attempt to engraft the principles of democratic government on this helpless and hopeless people, schooled, environed, and indoctrinated for 5,000 years with every degree of superstition and dependency, has meant and will mean for some time to come death, slavery, and the visible pursuit of annihilation.

China, left alone, might have worked out in her own way an escape from her present chaos. She has not been left alone and she is not now, and she never has been free to be herself and to think out and choose her place among the nations of the world.

The Chinese people are morbidly and weakly susceptible. They are intensely sensitive and responsive to suggestion. As a people, they have neither a sense of obligation nor a spirit of forgiveness. They are easily excited, and when passion and anger hold their sway, both their graciousness and their gratitude lose all sense of memory.

RUSSIA CAUSE OF IT ALL

Russia, the malicious and the malignant; Russia, the sinister and the perfidious; Russia, always the growling, snarling, undomesticated bear, is the cause of it all. Russia is the pariah and the venomous outcast of civilization. Russia destroyed her own civilization and history will indelibly record that she can never remove this blot from her escutcheon. Russia denies the existence of a God and glorifies herself in this position. Russia destroyed the Christian home, degraded womanhood, and made the little children of her firesides the visible immortality of the race that they are, the mere pauperized pets of the State.

Russia to-day, the marionette of the Third Internationale or vice versa as the regencies may require, is training her citizens to be prowling, spying beasts, ready to devour all who may cross their track. In a word, Russia is a reversion to the Tartar from which she sprang, and she plans to dominate the Orient and the world as compensation for her self-expulsion and her self-flagellation from the family of nations.

To-day she is exploiting and using China, hoping that her disintegration will affect other countries, and so hasten the world revolution which she feels will destroy the British Empire and move the center of capitalistic influence to Moscow. Under her tutelage young China, as expressed in the student movement, is destroying the mental balance of the people. Think of an unsophisticated and student class assuming to confiscate the savings and control and direct its elders, and if allowed to achieve its purposes, destroy not only the people but the very stability of law and order, without which no government can either be constructed or exist.

RUSSIA BEHIND LABOR DISPUTES

Russia to-day is behind every labor dispute in China; and it is due directly to her superintending and blighting influence and her millions of pounds sterling, not always logically spent even from the viewpoint of her endeavor, that trade and industry are each being gradually eliminated and driven from the land. Again the question arises: And why? And again the answer is the same; the Russian bear is always just the same unchanging brute, whether poked by a czar or a proletariat.

It wants to-day, as it has always wanted, Constantinople, and an outlet to the Mediterranean. It wants Peking and an outlet to the Pacific. It wants Delhi and an outlet into the Indian Ocean; and it wants Japan out of Mongolia, Manchuria, and Korea; and this wish is very near to its communistic, fur-encased heart. And last, but not least, it wants the Philippines and the Dutch East Indies.

It wants the white man out of the Orient that it may dominate the yellow races and compel Japan to become communistic and do the Tartar's bidding. It knows that there is no government in China except a government of organized bandits, treacherous political leaders, and traitorous military war lords. It knows that the only order existing to-day in that wide domain is the order which the fear of the military dictator instills and suppresses into those who are inspired by the simple and the ancient rule. That they should take, who dare, and that they who can should keep all that they do steal.

ENGLAND OBJECT OF ATTACK

The bolsheviks and the Chinese have agreed in singling out England for attack. They appreciate that it would be a mistake to attack all the powers at once and in their Oriental astuteness they realize that in attacking one power they will receive a certain measure of benevolent neutrality from certain of the other powers. Great Britain is singled out in China because of the preponderance of her trade as well as her great influence as a colonizing and elevating force in the East.

The Chinese problem and its solution is of world-wide interest, and in my judgment, this solution is essential to world peace. The stability of our present civilization, morally, religiously, and commercially, and the security of the generations yet to come, depend upon the correct solution of this problem. This bolshevik influence in China expressing itself in the desire for "self-determination," appeals so strongly to certain of the political, the philosophical, and ethical idealists in America and Europe, that many of them are now openly and frankly communistic and antiforeign without appreciating where their sentiments and their emotional inspired thoughts are leading and, in fact, have led them.

As the press reports from day to day indicate, the tide of battle sweeps on, bringing victory north or south of the Yangtze as the dice or the dollars may fail. One party advances only to retreat. One war lord after another sells out and expatriates himself from his country because he has become a millionaire and therefore ceases to be a communist. The people suffer, their homes are looted and burned; and they are impressed into the army as bandit warriors or they are requisitioned as mere beasts of burden for the looting soldiery. The entire world is personally interested and deeply concerned. The world is involved ethically, morally, religiously and, least of all, commercially.

UNITED STATES ALSO INVOLVED

Great Britain, Japan, France, Holland, Italy, and the United States are obviously, seriously, and vitally involved. What these countries will decide to do is not embraced within this interview or in any opinion here expressed. These nations are confronted with the necessity of choosing between friendly, immediate, inexpensive intervention or a future costly, devastating, horrible war.

These nations to-day are drifting timidly and consciously along the line of the least resistance. These nations to-day are knowingly following and advocating the policy of negativity. These nations, like the hermit crab, are living in the shell of "watchful waiting," seemingly oblivious to the fact that logically negativity always achieves the very converse of the object sought.

Many say that intervention is as impossible as it is impracticable. Many say that China should be allowed to work out her own destiny. Those who so argue suffer from and are enmeshed in the fallacy of reasoning by analogy. China has tried for 16 years to find a George Washington to lead her out of a wilderness of howling, looting, bribing, grafting chaos, and neither by night nor by day, in answer to her pathetic cry, "Come over into Macedonia and help us out," has there ever been an answering voice or an echo to her cry.

IS CHINA TO DIE ASKED

Is China to go on slowly committing national and racial suicide? Is civilization doing its duty when it stands placidly by and sees a great people helplessly, hopelessly, and supinely rushing to its ruin? Does civilization answer the test when it does not step in for the sake of humanity and aid those who can not help themselves? Am I to refrain from preventing a suicide merely because certain schools of thought proclaim that every individual has the right to do with his life as he sees fit?

Is the present civilization of which we boast worthy of the name or worthy of continuance if it allows a nation not only to destroy itself by ruthlessly murdering its inhabitants but to destroy its relationship and its place in the family of nations?

In a word, does civilization transgress or commit evil when it says, "You have tried for 16 long years to find your way out, to find even a pathway that leads to the road that brings you to the light, and you have not only failed but in your failure you have brought waste, rapine, and ruin upon a peaceful and prosperous people, and you are also bringing utter and hideous destruction upon those who have the right to look to you for security, salvation, and the right to live"?

These are the questions which the Chinese problem includes, and upon their correct answer lies the immediate salvation and the future welfare of more than a billion human souls and the peace and prosperity and the continued liberty and happiness of the entire world to-day.

FAMILY LOYALTY—THE CHINESE PROBLEM

By HIRAM BINGHAM, United States Senator from Connecticut

(The United States Senator from Connecticut, by reason of his early associations, has an understanding of the Chinese which varies considerably from popular feeling on the subject. This article results from a recent trip to the Orient.)

My first impressions of the Chinese were gained more than 40 years ago, when I was a boy in Honolulu. My father and mother had several warm friends in the Chinese colony. My first photograph album contains the picture of one of these Chinese friends who endeared himself to me by his habit of making attractive presents to little boys, a not uncommon Chinese trait. Some of the nicest and most valuable presents I treasured in my childhood came from Chinese friends. When I was old enough to celebrate the Chinese New Year by making calls on the Chinese shopkeepers, rice planters, and vegetable gardeners of my acquaintance, I was naturally delighted to find them very generous not only with goodies and delicious confections but also with packages of firecrackers, which were usually carefully treasured for use on the succeeding Fourth of July!

The best cooks in Honolulu were Chinese, and I always considered it a privilege to be invited to partake of the delicacies prepared by Ah Sam, Ah Sing, or Ah Fat. Their soups, curries, and gravies were unexcelled. Not until my recent visit to China, however, did I realize

that the variety and delicacy of dishes at a family dinner party in Peking can only be equaled in Paris or in some great hotel whose chef learned his lessons in France.

As a boy I had known the Chinese as generous, kindly, courteous, and faithful. No prejudice against them was ever expressed by the members of my family. Nevertheless, I was not prepared for the elaborate courtesy shown by conservative Chinese in their own homes to-day. We busy, hurrying westerners have much to learn about the amenities of life from the true followers of Confucius.

Every visitor to China is familiar with the fact that whenever one calls on a Chinese gentleman one is treated with courtesy and hospitality. It was not, however, until I spent several days in the interior of the Province of Shansi and had an opportunity to come into personal contact with conservative gentlemen of the old school that I realized the extent to which Chinese kindness can go in providing for the physical wants of a visitor as well as in making him feel spiritually welcome. The weather was fairly warm, the roads were dusty. One came to appreciate fully, not only the excellent fresh tea which was served continuously, but also the moist, delicately perfumed individual hot towels offered to each guest as soon as he arrived and at refreshing intervals. At first it seemed a little strange that no dry towels were offered afterward, but actually the evaporation of such fragrant moisture as was left on face and hands proved cooling and delightful.

A pleasant drink and a chance to bathe one's hands, however, are not unusual forms of hospitality all over the world, although nowhere have I ever found it so invariable a custom as in China. In Shansi, however, courtesy went farther. On various occasions I was taken to interior towns and cities to visit temples or to see the private collections of wealthy Chinese connoisseurs. In each case we were met outside the walls by our hosts, who likewise walked back with us through the dusty streets until we reached our motor cars.

The climax came on the evening in which I had been invited to dine with Governor Yen, an ardent Confucian. The dinner was set for 7.30. Shortly after 6.30, at the end of a long day of dusty travel, while I was in my bath, one of the hotel servants rushed up to my room in a great state of excitement to tell me that Governor Yen's automobile was waiting for me at the door and that I must go to the governor's Yamen at once. Owing to my ignorance of old-fashioned Chinese etiquette I took this message seriously, and was much distressed that I could not possibly go immediately. Slipping on a bathrobe I looked out of the window to see what kind of a car the governor had sent, only to observe it rapidly driving back to the Yamen. This was a relief. Evidently the driver had made a mistake. So I proceeded leisurely with my dressing. Twenty minutes later one of the hotel "boys" again rushed excitedly into the room to tell me that Governor Yen had telephoned his disappointment at my nonarrival and his desire to have me come at once. It was still half an hour before the time set for the dinner and Governor Yen's English-speaking secretary, who had been with us all day, had definitely promised to come for us in one of the governor's cars at 7.30. We were puzzling over this second message when some one suggested that it was merely the old-fashioned Chinese custom which required the courteous host to send two or three messengers at intervals before the time set for dinner, urging the guest to come immediately, chiefly to assure him that his arrival was eagerly awaited. Of course, the well-bred guest would never embarrass his host by really arriving ahead of time. The idea was merely to make him feel that the invitation had not been a cold formality, but that a true welcome awaited him. Surely hospitality could go no farther.

There are Americans in China who treat the Chinese as social equals and have learned that there are no more delightful hosts or dinner guests than well-bred Chinese. There are others, on the other hand, who never invite them to dinner and who insist that no Chinese gentleman shall cross the threshold of the Shanghai Club. "Old China hands" have threatened to resign from the clubs they founded, if a rule were adopted making Chinese gentlemen eligible for membership, or even eligible to be brought into the clubs by members as luncheon or dinner guests. This snobbish custom seems to have been brought to China by the British from India. It has been copied by those Americans who believe it best to follow in English footsteps. It is deplored by many of both nationalities. It is to be hoped that liberalism will soon prevail.

In dealing with the Chinese it would seem to be the part of wisdom to follow so far as we can the dictates of courtesy and good breeding according to Chinese standards. The American Club in Shanghai has recently set a good example in this particular.

It is easy for us westerners to criticize the Chinese because their standards of right and wrong are not our standards. They put family loyalty and private welfare far ahead of patriotism and the public welfare. In fact, only an infinitesimal part of the Chinese people appear to have the slightest conception of what is meant by the term "the public welfare." To them whatever will benefit the family and its members is right. Whatever hurts the family is wrong. Consequently, the Chinese official who looks after his relatives at the expense of the state is right, while the Chinese official who permits the members of his family to suffer while he serves the state is wrong, wholly wrong, inconceivably wrong.

The same ethical attitude makes it practically impossible for Chinese joint-stock enterprises or business corporations to succeed. It is ethically the duty of the directors to look after their families. Similarly, it is the "duty" of the employees to provide for their family needs. Neither directors nor employees have any conception of the western attitude of loyalty to a corporation. The same thing was true of our own ancestors during the Middle Ages.

This fundamental difference between the orientals and the occidentals of to-day virtually makes it impossible for the Chinese Republic to copy successfully the political institutions of Europe or America. Our Government is possible only because good citizens are willing to serve it honestly and faithfully, even when this service requires the subordination of family interests. Since that concept is virtually nonexistent in China it is easy to see why the Chinese Republic does not function successfully, has no president, no legislative body, and has not had for several years.

The nations of Europe and America are partly responsible for the present condition of affairs in China. We have introduced western methods of trade and commerce based on conceptions quite at variance with those of the Chinese. In America there are more jobs than hands to do it with; consequently, we have invented labor-saving machinery. China has more hands to do it with than things to do; consequently, when labor-saving machinery is introduced it means unemployment, starvation, and disaster to thousands of people.

Furthermore, we have taught visiting Chinese students the art of government based on a wholly different habit of mind and thought from that to which the Chinese have been accustomed for centuries. Their efforts to put our theories into practice have failed.

We have taught them political "science" when politics is really an art, not a science. A science is something which is true in all lands, like the multiplication table or the laws of gravity, while that form of government which works in Connecticut will not necessarily work in Nicaragua or even in North Dakota; and not at all in China.

An able student of Chinese politics who has lived in China for a quarter of a century and who is well conversant with Chinese public opinion and political thought told me that the basic fact in the Chinese poltical problem is the apathy of at least 400,000,000 Chinese, who not only are not democratic in their political thinking and practices but have no conceptions and no conscious interest such as could lead them to become a democracy. At present, and for centuries past, their chief interest, almost their sole interest, has been family and clan welfare. It would seem as though the quickest way to bring the Chinese people up to the point of interest in and fitness for popular government would be for a number of provincial or regional governments to be established, each small enough for its people to see its working and to realize that it is not a vague abstraction but a piece of machinery that works for them and gets results, that improves their farming, their commerce, and their other activities.

I believe that the United States ought to take the initiative in an effort to induce the several warring groups in China mutually to agree to respect certain boundaries and each to form a government within its own boundary and confine its efforts to solidifying that government and to increasing productiveness in its own area. We could offer to place a diplomatic commissioner within each such area to help with advice and friendly counsel. We might lend the weight of our good offices to those governments that were willing to assume their share of existing national obligations.

It may be objected that any such arrangement is not practicable at the present time. I talked with a number of "old China hands" and their friends, who believe that an expeditionary force of 100,000 trained western troops could easily pacify China and by policing railways and rivers bring back the good old days of profitable trade. I do not agree with them. I believe that such an undertaking would greatly promote the growth of that very antiforeignism which has been fostered so carefully by Russia and her agents. It would cause widespread boycotting of all foreign goods. It would be followed by a period of widespread guerilla warfare. Hundreds of thousands of Chinese soldiers would become bandits. Armed bands of marauders would, if anything, put China in worse chaos than it is in to-day. Furthermore, it would tremendously hamper the efforts of the wisest Chinese bankers and merchants, who wish to bring China back to normal, peaceful conditions.

On the other hand, I have listened to missionaries and students, who assured me that the great mass of the Chinese people were as intelligent as the great mass of the American people; that our policy of protecting American lives and property in the treaty ports threatens to forfeit the high regard which the Chinese people had for America; that, while heretofore military leaders have been handling political affairs, "the prospect now is that the people themselves will soon assume control"; that China can easily put her house in order if foreigners would only keep their hands off, get out, and abrogate the special privileges which they have enjoyed under the "unequal treaties." These statements and claims I believe to be just as wrong and unwise as the claims of the "old China hands" that China can be pacified by foreign troops.

The group of Nanking missionaries who issued a statement several weeks after the Nanking outrages of March 24 had a remarkably clear grasp of the situation when they said that "the securing of equal recognition in the family of nations depends more upon the Chinese's own efforts than on the foreign governments * * * foreign nations have taken actual steps in meeting Chinese claims and are agreed to go further.

"But the Nationalists' government has not kept its promises nor fulfilled its obligations. * * * We have favored the return of concessions to China, but to-day a foreign settlement is our only place of refuge. We have assured our people abroad that the Nationalist movement was not anti-Christian nor antiforeign, but now we are driven from our homes and dispossessed of our property. * * * Everything we have said in behalf of the Nationalist movement is made to appear false. * * * We know there are many Chinese people who see these events as we do and who sincerely regret them. But regret and good wishes are not sufficient. Those sections of the Chinese people who really disapprove of the conditions we have pointed out should find some way to make their influence and good will effective."

As a matter of fact, violent antiforeign agitations have occurred repeatedly and appear to be widespread in central and southern China. Christianity and the Christian religion are being persistently and systematically attacked. Their leaders are being maligned and persecuted, their properties are being desecrated, looted, and seized, notwithstanding promises of protection by the Nationalist government.

I do not mean in any way to charge the leaders of the Nationalist government with bad faith. I believe that they sincerely desire to deal honestly and fairly with their foreign friends. On the other hand, it is obvious that their armies are so badly disciplined that they can not prevent their soldiers from taking possession of foreign property, looting, robbing, and burning. Furthermore, they are in most cases quite helpless in the face of mob violence caused by agitators and demagogues seeking their own selfishness. Nevertheless, the leaders of the Nationalist movement are chiefly to blame for the nature of the teaching which they have countenanced for the past few years. This has been destructive rather than constructive, charged with hatred rather than brotherly love, marked by envy, jealousy, covetousness, and greed rather than by farsighted patriotism and altruism.

"Chinese history alternates between good government and anarchy," said the late Doctor Sun Yat Sen, hero of the Nationalist movement, in his famous book, The Three Principles of the People, "and in times of anarchy there has always been the struggle for imperial power. Foreign countries have always fought battles either for religion or for freedom, but in China, during these thousands of years, the question fought over has always been imperial power." This would seem to be a fairly accurate diagnosis of the present situation. Certainly the greater part of the Chinese generals are to-day fighting not for a principle but for imperial power. The fact that they do not openly so state may be due to the last paragraph of lecture seven in The Three Principles, where Doctor Sun says: "Each time in Chinese history when the government has changed, those who had great military power contended for the throne; if their armies were smaller they sought to be kings or princes. To-day no one in the army, whether high or low, dares attempt to be even a king or a prince. This is a step forward as far as quarrels in history are concerned." It is said that Chang Tso Lin would like nothing better than to establish a dynasty, particularly as he has an attractive and energetic son and several husky little grandsons. Although some of his followers have urged him to assume imperial power, he has been content hitherto with gradual promotion from the rank of general to marshal and during this past year from marshal to generalissimo. Rumor has it that the imperial robes of office have been ordered.

Nevertheless, it seems foolish to expect China to become a unified nation, in the Western sense of the term. I am inclined to agree with Doctor John Willis Slaughter when he says in his recently published East and West in China: "Representative government must make its beginning in the villages, expand to areas not too large for the personal character and influence of the gentry to be lost to view, and then develop into representative provincial government. China must in the end be a federation of Provinces on a system of representation which should, for a long time, be as simple as possible. * * * It is natural that China, involved in the circumstances of effecting a change, should imagine that all good things can be made to flow from a wise and powerful central authority. There is no basis in history for this expectation. National achievement rests with a people, and not with a government. No people have proved this in a more impressive manner by their past than have the Chinese. Some day Chinese leadership may produce a genius who realizes how very little government China needs. At that point she will have mastered the first and greatest of all political lessons."

China has four times as many people as the United States. Her people differ from one another as do the peoples of Europe. Her culture is largely medieval. Only a small percentage of her people can read. The educated classes of the different countries of Europe in the Middle Ages could read the same language, though they could not understand one another's ordinary conversation. So it is in China to-day. Medieval Latin was spoken by relatively few people; so with classical Chinese.

Modern China is just about as cohesive as Europe was in Middle Ages. The Holy Roman Empire crumbled. China appears to be falling apart. Medieval industry was largely a family affair; so it is in China to-day. It took the people of western Europe several centuries to emerge from the Middle Ages. Yet their culture was not nearly so old and firmly established as is Chinese culture. China is not likely to become westernized in our day. Family loyalty is not likely to give way suddenly to patriotism.

MUSCLE SHOALS

Mr. WILLIS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the American Farm Bureau Federation touching the Muscle Shoals proposition.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., February 4, 1928.

Hon. FRANK B. WILLIS,
Senate Office Building, Washington, D. C.

DEAR SENATOR WILLIS: Apparently Senator NORRIS entirely missed the point of my argument when he read to the Senate last Wednesday portions of my letter of January 31, setting forth the reasons why organized agriculture is unable to accept the Senator's proposal for the operation of Muscle Shoals.

Senator NORRIS proposed to turn over to the American Cyanamid Co. nitrate plant No. 2 without charge; to furnish at cost all the power needed to make fertilizer to the full capacity of the plant; and to remove the 8 per cent limit on fertilizer profits, provided the company would agree to operate to capacity during the 50-year term of the lease.

We are informed that the American Cyanamid Co. would be willing to accept this proposal, if Senator NORRIS is in position to deliver. What I tried to indicate in my letter was that the American Farm Bureau Federation could not accept such a proposal because it carried no provision for limitation of profits and therefore no limitation on fertilizer prices. I indicated in the hearings in Senator NORRIS's presence that our chief fear is that new and cheaper fertilizers will be so held in monopoly control that without a limit on profits prices to the consumer will be reduced very little. This principle of profits control is a very important one to us.

Senator NORRIS naively told the Senate that he would cure this objection by inserting in his proposal the 8 per cent profits limitation. Evidently he has not given the matter much thought from a business standpoint. It must be self-evident that with profits limited to 8 per cent in the good years and perhaps disappearing entirely in bad years, there must be some offsetting adjustments to make up for this restriction. That is why a small amount of surplus power must be rendered available to the company for other uses. But under the terms of the Willis-Madden bill this additional power is bought and paid for at a price that fully compensates the Government.

Furthermore, Senator NORRIS evidently does not realize what he is promising when he offers "all the power needed to produce fertilizer to the full capacity of nitrate plant No. 2." Including the electric current needed to produce phosphoric acid to mix with the nitrogen to make it usable, a total of not less than 280,000 continuous horsepower is required. The continuous power available at the present Muscle Shoals Dam is only 82,000 horsepower. To get the required horsepower the Cove Creek Dam as well as Muscle Shoals Dam No. 3 must be built and the present steam plant enlarged 50 per cent to change some of the secondary power into continuous power. With these new installations called for in the Willis-Madden bill a total of about 300,000 primary horsepower would be available at Wilson Dam and Dam No. 3, according to statements of United States Army Engineers. This is barely enough to operate the Muscle Shoals fertilizer plants to capacity. Whatever extra power the American Cyanamid Co. would get would be mainly intermittent secondary power, but would include perhaps 40,000 horsepower primary power at Cove Creek, and possibly a total of 20,000 horsepower at the three small dams on the Clinch River, which under the terms of the bill as amended by the Military Affairs Committee of the House the company would build at its own expense. This Cove Creek power is to be paid for at a rate giving the Government a profit on its investment and the other three dams built on exactly the same terms as power companies are building all over the United States without any question of Government concern or restriction being raised.

All the talk about 1,250,000 horsepower in connection with this development is mere talk and is chiefly useful in obscuring the real issues involved.

The above are matters of engineering fact which can be readily demonstrated. But we differ with Senator NORRIS on another and somewhat less tangible principle. He insists on Government operation. We believe in private operation wherever possible. We believe that a private company will produce power cheaper than the Government is able to do it with the various limitations imposed. The Government's

best service in this matter is, we believe, to lend its credit in hiring the necessary capital to build the dams and power houses at a rate much lower than private parties can hire capital. This is a big contribution toward low power costs. Beyond that point private initiative is likely to operate more economically.

These are the considerations that have caused us to evolve the Willis-Madden bill. This bill does exactly what Senator NORRIS says he wants to do in the way of producing cheap fertilizers at Muscle Shoals, but takes into consideration engineering and business facts which Senator NORRIS seems to have ignored. We trust that further study of these points will cause Senator NORRIS to support the Willis-Madden bill if he sincerely desires a practical, businesslike, and speedy solution of the Muscle Shoals problem.

Very respectfully,

AMERICAN FARM BUREAU FEDERATION,
CHESTER H. GRAY,
Washington Representative.

ANNIVERSARY OF TREATY WITH FRANCE

Mr. BARKLEY. Mr. President, I ask unanimous consent to have printed in the RECORD an article appearing in the New York Times yesterday concerning the one hundred and fiftieth anniversary of the treaty between France and the United States.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From the New York Times, Sunday, February 5, 1928]

HOW OUR FIRST FRENCH PACT WAS SIGNED—A NEW TREATY WILL BE CONCLUDED ON ONE HUNDRED AND FIFTIETH ANNIVERSARY OF FRANKLIN'S

In a fire-lit room in Paris just 150 years ago to-morrow four men sat about a paper-strewn table. Three of them were of early middle age, elegantly turned out, with their hair punctiliously powdered and curled. The fourth was past 70, his ponderous form clad in plain velvet, his thin gray hair straggling down from his massive bald head. But his face, in which shrewdness, wit, and benignity seemed to meet, was probably for the moment one of the most frequently pictured in France.

The one Frenchman in the party handed him a pen. He drew forward two bulky documents engrossed in duplicate and painstakingly set on them his name, "B. Franklin." Then he passed them on to his two American colleagues, Silas Deane and Arthur Lee, and going over to the fireplace chatted a few moments with the French official, Conrad Alexander Gerard, secretary of the council of state. The other Americans signed and sealed. M. Gerard gathered up the documents and gave them to Franklin. With a bow and congratulations on the event, he took his leave.

A GREAT MOMENT

The three Americans looked at one another. There was little doubt in their minds, or, in fact, that the American Revolution was won. Here in this obscure room they had signed for the new Nation its first treaties with a foreign power. France had not only recognized the United States and instituted trade and consular relations in the "treaty of amity and commerce," which they had been commissioned by their Congress to obtain; she had gone further. In a "treaty of alliance, eventual and defensive," she had anticipated making common cause against Great Britain with the United States.

French ports would now be freely open to American warships and sea raiders—to Wickes and Conyngham, and to John Paul Jones, who a few days later was to receive in a French harbor the first foreign salute to the American flag. Soon a French fleet, along with munitions, was to be on its way to aid the beleaguered United States.

February 6, 1778, marks a turning point in American history as decisive as any military victory. It marks as well the beginning of diplomatic relations between France and the United States. Had this year's Franco-American negotiations for renouncing war gone promptly through, it was the graceful suggestion of France that the new treaty should be signed to-morrow, on the sesquicentennial anniversary of the first.

For, oddly enough, France and America find themselves to-day, exactly as a century and a half ago, in process of making two treaties, one as to trade relations, the other as to the more general status regarding peace and war. But the circumstances are vastly different. In 1778 the emissaries of the thirteen Colonies, practically cut off from communication with home, had lingered in Paris a year, with instructions from their Congress to bargain and compromise and make the best terms they could to gain a mere trade agreement with France. In that time the taking of Philadelphia and defeat after defeat of Washington's arms at home had made their cause seem more and more hopeless.

How events operated with the persuasive personality of Benjamin Franklin to put through that first French treaty is one of the most colorful romances of American history. On the one hand was the faro-playing, extravagant court of Louis XVI and Marie Antoinette, devoted to the principle of monarchy. On the other were the three American commissioners, with no especial bonuses or privileges to offer. There was Silas Deane, a Connecticut farmer, none too practiced in diplomacy, and afterwards, probably unjustly, accused by Congress of diverting money to his own use. There was Arthur Lee, of Virginia, the arch-trouble maker, not yet 40, who served as a kind of counsel, having practiced law in England. And finally there was Benjamin Franklin, scientist, inventor, writer, printer, publisher, cosmopolite.

Medallions, medals, busts, portraits, and prints of him in all shapes and sizes were broadcast throughout Paris; there was hardly a family that did not have one of them over the fireplace. When he attended the Parliament of Paris, according to Silas Deane, "he passed through the crowd to the seat reserved for him amid the acclamations of the people—an honor seldom paid to their first princes of the blood."

But celebrity and diplomacy could probably have done little had there not been other powerful influences working for the American cause. First among these was doubtless the general French desire for revenge on Great Britain. For almost a century she had intermittently fought Britain for colonial empire, and by the peace of 1763 she had bitterly lost. She had been pushed out of India and the continent of North America.

It must also be remembered that though the King and court were unalterably monarchical, many of the people through the writings of Voltaire and the encyclopedists had long been imbued with the fundamental ideas of the rights of man. The explosion of the French Revolution was little more than a decade away, and thousands felt a vicarious joy in the American independence of the Old World forms.

BREACHES OF NEUTRALITY

So strong were these undercurrents of sympathy that the French Government had already condoned many a breach of neutrality. Chief among these was of course the supplying of munitions to the Americans by a firm of Spanish name, really conducted by the ardent Beaumarchais, who obtained many of his wares from Government arsenals. France also, under one pretext or another, allowed Paul Jones and his fellow privateers to refit in her harbors. And she permitted officers from the royal army to seek commissions in America.

It was some of the French King's own powder and shot, furnished via Beaumarchais, that by defeating Burgoyne finally probably forced the hand of Louis XVI in recognizing the Americans.

On Thursday, December 4, 1777, a carriage rolled up before Franklin's chateau at Passy, a suburb of Paris. Franklin, who had heard rumors of its arrival, rushed out to meet it. A young Bostonian envoy named Austin stepped hastily out.

"Sir," cried Franklin in an agony of suspense, "is Philadelphia taken?"

"Yes, sir," replied Austin.

Franklin clasped his hands and turned silently back toward the house.

"But, sir," pursued Austin, "I have greater news than that. General Burgoyne and his whole army are prisoners of war."

"The news," said Silas Deane afterwards, "was like a sovereign cordial to the dying."

Throughout France the news of the Battle of Saratoga was hailed as if it were a victory of French arms. On December 12 the French ministers met and on December 17 Gerard notified Franklin and his colleagues that the King was ready to make a treaty.

For the next few weeks the commissioners conferred. The first treaty of "amity and commerce" was substantially that which the Americans at the instance of Congress had first proposed. It had 31 articles, and gave each party "most-favored-nation" treatment in the ports and markets of the other. It went into the most minute details of fishing rights, mutual protection against pirates, and ships wrecked on shores of the other nation. In the second treaty of alliance against Great Britain the two countries mutually guaranteed to each other their present possessions in the Western Hemisphere. In case of conquest the United States was to have Canada and the Bermudas; France, islands in the Gulf of Mexico or near by.

Six weeks later the treaties were announced, and the Americans were presented to the King. Rigid requirements for court costumes were made for this ceremonial, and it is said that Franklin did his best to comply. He ordered a wig, but when it came it was not large enough, and none bigger could be found in Paris. So finally, in defiance of all rules, he drove to Versailles as he was, without wig or sword, in his plain black velvet suit with the white ruffles. The commissioners were, however, attended by a suite and many servants in gorgeous French liveries. In the court yard a regiment was drawn up.

CHAT WITH MARIE ANTOINETTE

According to Arthur Lee, the King was as little garbed for the occasion as Franklin. Indeed, he "had his hair undressed hanging down on his shoulders; no appearance of any preparation to receive us, nor any ceremony in doing it. The King appeared to speak with manly sincerity," assuring Congress of his friendship.

After that Franklin was the center of one fête after another. That night, according to Madame Campan, quoted by Parton, "the envoys went by particular invitation to the 'Jeu de la Reine,' where they found the royal family seated at play around a large table; a con-

siderable heap of louis d'or lay before each of the players, and from the number of these the gaming appeared to be high. On this occasion Doctor Franklin was honored by the particular notice of the Queen, who courteously desired him to stand near to her, and as often as the game did not require her immediate attention she took occasion to speak to him in very obliging terms."

Soon after came Franklin's meeting with Voltaire, and other celebrations of the alliance in the French manner were not wanting.

ADDRESS BY PRESIDENT COOLIDGE—DEDICATION OF NATIONAL PRESS CLUB BUILDING

Mr. RANSDELL. Mr. President, I ask unanimous consent to have printed in the RECORD a very interesting address delivered by President Coolidge on Saturday night last on the occasion of the dedication of the new building of the National Press Club in Washington, D. C. Before the order is made for printing the address in the RECORD I desire to say a few words on the same subject.

The VICE PRESIDENT. Without objection, the Senator from Louisiana will proceed.

Mr. RANSDELL. Mr. President, the newspaper correspondents in Washington, acting through the National Press Club, have brought to a successful conclusion a very remarkable undertaking. They have erected a monumental building in the Capital which is to be the great nerve center of the press of America. From this great building more telegraphic news is destined to emanate than from any other one spot in the world.

The Federal Government is peculiarly dependent upon the press. The success of most of its constructive efforts depends to a high degree upon the publicity given them. That the press cooperates with the Government to an extent above and beyond the sheer news value of the subject matter is demonstrated daily.

The President of the United States on Saturday dedicated the beautiful building which is such a credit to our great publishing industry. He made a most interesting address on that occasion, which I have asked to have printed in the RECORD as a part of these remarks.

In addition, I wish to say that I have been in close touch with the development of this building project. I happen to know that a great many difficulties have had to be overcome in connection with this endeavor and that the press of the Nation and the Congress owes a great debt of gratitude to the group of correspondents who, with the aid and counsel of public-spirited bankers and business men, have been so conspicuously successful in this enterprise.

With its improved facilities and greater resources, the National Press Club is in a better position than ever to serve as the instrumentality in the Capital for the press of the Nation.

Mr. HEFLIN. May I ask the Senator from Louisiana a question?

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Alabama?

Mr. RANSDELL. I yield.

Mr. HEFLIN. Is that the address in regard to which the New York World and the New York Times criticized the President this morning?

Mr. RANSDELL. I do not know about that, but I read it yesterday very carefully in the Washington Post, and it is a most admirable address in every way, I think. I approve everything that the President said.

The VICE PRESIDENT. Is there objection to printing the address in the RECORD?

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF PRESIDENT COOLIDGE AT THE DEDICATION OF THE NEW BUILDING OF THE NATIONAL PRESS CLUB IN WASHINGTON, D. C., SATURDAY, FEBRUARY 4, 1928, AT 10 O'CLOCK P. M.

Mr. Chairman and fellow members of the National Press Club, while I have been a member of this club ever since I have been in Washington, it is seldom that I have had the opportunity to visit its quarters. Although I have not done much on your staff as a reporter, I have acquired a fairly good record as a contributing editor, and, though I have not written many stories, I have nevertheless had some success in the making of news. Even with all the ingenuity that characterizes the press of the present day, most writers are dependent upon some real news as a source of inspiration for their reporting.

Aside from the office which I hold, these accomplishments might be assumed to be some warrant for asking me to participate in the dedicatory exercises of our new club building. We are located here on one of the most important corners of the business section of the city of Washington. This site is historic ground. For a considerable time it was associated with the journalistic profession. The easterly side of Fourteenth Street, between F Street and Pennsylvania Avenue, was formerly known as Newspaper Row. The building on this corner was used by newspapermen from shortly after the Civil War until the early seventies, when it was torn down to make room for the famous Ebbitt House. In that hotel lived many eminent men who reached national prominence during the succeeding generation. That old house and some of its neighbors gave way to provide the location for this magnificent building. It has a frontage of 270 feet on F Street and 150 feet on Fourteenth Street, and occupies nearly a whole acre. The corner stone was laid in the spring of 1926, and this great structure of composition limestone, steel, and concrete, as near fireproof as possible, rising 14 stores, was completed late last year. It has a large moving-picture theater and there are stores and offices around the auditorium and the stage.

In the rest of the property there are located 1,000 individual office units. Already more than 400 newspapers are represented in this building, although some of the correspondents are connected with more than one publication. The National Press Club occupies the larger part of the thirteenth and all of the fourteenth floors, giving it a floor space of 27,000 square feet. The club has a large auditorium, with a seating capacity of close to 1,000, spacious dining rooms, and a library capable of holding 5,000 books. The other facilities are such as are characteristic of a first-class club.

In is hoped by the management that this property, valued at about $10,000,000, may be free from incumbrances within 25 years. Its income will then be devoted to the benefit of the National Press Club, which will be in possession of more than $500,000 of income each year. It is planned to give awards for journalistic achievement and use the surplus profits of the property for the promotion of the general welfare of the newspaper business. The journalistic profession as it is represented in the city of Washington lends itself especially to a movement of this kind. Like everything else connected with the Government of the United States, it has had a very remarkable growth.

It is said that it was not until 1796 that any newspaper was published here. After struggling along a little more than a year with his semiweekly, Benjamin More, a bookseller, who was the proprietor of the enterprise, announced: "The Washington Gazette will not be published again until the publication is attended by some profit to the publisher." In October of 1800 a triweekly, called the National Intelligencer, was started, and 13 years later became a daily. Ever since that time the disputes between certain Members of the Congress and those reporting its proceedings have been chronic. The Evening Star was founded in 1852 and the Washington Post in 1877. The Herald, Times, and News are of much more recent date.

But this organization exists not so much on account of the local and powerful press of this city as because of the large number of correspondents who are here from all parts of the Nation to report the doings of the Federal Government. This, too, has been a remarkable growth. In 1862 the Senate press gallery listed only 13 correspondents. In that year Whitelaw Reid managed the Washington bureau of one of the New York dailies. It was more the practice in that time for one man to be employed by a number of papers. At the present day there are about 500 correspondents here, connected with the press all over the world. Some of the metropolitan dailies have as many as nine on their local staff.

It is this condition that has made possible the establishment and growth of our National Press Club. An effort was made in this direction as early as 1867 by a social organization made up entirely of local newspaper men, known as the Washington Press Club, which was in existence several years. In 1892 the local newspaper men started the National Capital Press Club, which gave some notable entertainments, but was later disbanded on account of financial difficulties. The present National Press Club dates from 1908. Its purpose was to provide an organization and gathering place in Washington for the benefit of newspaper men throughout the country. It has made steady progress until it has a resident membership of nearly 1,100 and a nonresident membership of 800. In the character and importance of the news which it reports, in the power which it represents, its opportunities surpass those of any other press club in the world.

It is possible to see in this spacious building, so magnificently equipped, a symbol of the development of the whole United States. The old, the outworn, the poorly adapted, has been discarded and removed to make place for the new and the modern. It represents an increase in power, not by any means limitless, but very vast. The process has transformed our Press Club into a great business institution. Something analogous to this has taken place in the journalism of our country. The press itself, by the very force of circumstances, in order to survive has been changed from an organization of partisan and personal opinion into a very great commercial organization. It has become much more important, in fact indispensable, to the business enterprise of the country, but appears to have lost very much of its power as a director of public thought. There are so many other avenues of information that people are much less dependent than formerly upon the press for their knowledge of men and of affairs.

Now, that the transition has been made through various consolidations, and through the elimination of the unsuccessful, the journalism of the United States has on the whole established itself according to the new standards upon a profitable financial basis. It ought to under-

take to recapture the dominant position it formerly held as a distributor of current information and a director of public opinion. It ought to contest with our universities as an influence for education and match the pulpit in its support of high moral standards.

In a republic the field which is open to the press as an instrument of clean and sound government is limitless. It ought to be the supporter of efficient local administration and wise national statesmanship. In international affairs it should cooperate with its own government and extend to foreign interests a tolerant and sympathetic candor. Foreign interests have the privilege of being represented here. The right to fair treatment is as wide as humanity. But when foreign governments are represented here their agents are required to come publicly accredited and be publicly received. For generations our law has forbidden our own citizens entering into any negotiations with a foreign government concerning its relations with our own Government. Such negotiations can only be carried on under the direction of the President. Whenever any of the press of our country undertake to exert their influence in behalf of foreign interests, the candor of the situation would be greatly increased if their foreign connections were publicly disclosed. All public business ought to be publicly conducted.

One of the strongest safeguards of the integrity of official action is publicity. This does not mean an espionage of all personal and private action of Government officials, but it does mean publicity concerning the discharge of the duties which they have chosen to perform. All those who have interests which may be affected by governmental action should have the privilege of employing representatives to present their cause and defend their rights. Nobody questions this on the judicial side, but those who are so engaged are required to be licensed and their appearance before such tribunals is a matter of court record. As in the case of the Federal Government those who are analogously employed in legislative and departmental matters are not required to make a like disclosure of the interests which they undertake to serve; it is necessary to depend on the press for such information.

It is, perhaps, stating the obvious to say that the press should be patriotic. This does not require any disparagement of the advantages which other people enjoy in their own country. Whatever it may be in some individual cases, other countries are best adapted to the people as a whole who live there, and our country is certainly the best country for our people. The freedom enjoyed here, the institutions of self-government, the protection of the individual, the standards of living, the comforts and even the luxuries, the unexampled progress in national development, and, in general, equal opportunity, not in any narrow and limited sense but on both the material and spiritual sides of life, broad and unbounded—all these are sufficient to warrant the admiration and reverence of every informed mind.

More progress has been made in this country in scientific development in the last 150 years than had been made in all the world from the day of Julius Cæsar to George Washington. Our successes have not betrayed our judgment or hardened our heart. In spite of sporadic outbreaks of violence, one of our chief characteristics is a profound reverence for humanity. On our record and on our prospects there is every reason for an abiding faith in our country.

While these considerations may well be dwelt upon as justifying pride in our country, the reasons for love of country appear to lie deeper. It can scarcely be said that it is the people of great and powerful nations who have exhibited the greatest attachment to the land of their birth. Those who have originated in countries that were small and inconspicuous and poor have rather been marked by a devotion to the soil which bred them above those who were reared among more affluent circumstances. Nevertheless, it has been that strain, nourished on the sentiment of patriotism, who, when they have been transferred to countries having broader opportunities, have been an important factor in human development. They have exhibited a tenacity of purpose, a strength of character, and a moral fiber that have made them a most important element in any country wherever they have been found. Next to devotion to the home, devotion to the country has been one of the strongest and most indispensable attributes contributing to human progress.

The constant criticism of all things that have to do with our country, with the administration of its public affairs, with the operation of its commercial enterprises, with the conduct of its social life, and the attempt to foment class distinctions and jealousies, weaken and disintegrate the necessary spirit of patriotism. There is always need for criticism, but there is likewise need for discrimination. There is a requirement for justice and truth. Wherever there is the genuine, there will be some counterfeits. But our own Nation, or any other nation, does not consist of the counterfeits; it consists of the genuine. Constantly to portray the failures and the delinquents is grossly to mislead the public. It breeds an unwarranted spirit of cynicism. Life is made up of the successful and the worthy. In any candid representation of current conditions they have the first claim to attention. In the effort of the press to destroy vice, it ought not to neglect virtue.

These are some of the ideals toward which, I believe, the journalistic profession should work. I am conscious that they are not yet attainable in their entirety, and yet they may be closer at hand than many of us realize. As civilization advances the time element of reactions greatly decreases. Reforms do not always grow up gradually. They are likely to occur all at once. It is, rather, abuses that creep in on us with a slow growth. The spirit of mankind is more and more asserting itself, more and more demanding that the affairs of government and society be conducted in accordance with the laws of truth. The people who neglect that precept are bound for a moral explosion. Publicity is not only the main agency of reform, it is likewise the main agency of prevention. In its true function it is not the voice of the individual reporter or editor, but the voice of public expression. It represents the thought, the hope, the aspirations, and the faith of the people.

It is a great opportunity that comes to the members of the National Press Club of Washington. This city is not only the seat of our Federal Government and the political center of our country, but it is bound to become more and more the center of science, of art, and of literature. Because of the position which the United States holds in the world, it will assume increasing importance in international affairs. Because you have places here of great power, you are likewise charged with great responsibilities.

In no small degree you are the keepers of the public conscience. By being servants of the truth you can help to create and support that confidence in our institutions and in each other, which is the foundation of national progress and prosperity. You can give to the nations a better understanding of each other and increase the harmonious relationship, the spirit of good will and friendship, which will bring to all peoples more of the blessings of contentment and of peace.

ARTICLE BY SENATOR BORAH—TREATIES WITH FRANCE, ETC.

Mr. EDGE. Mr. President, there appeared in yesterday's New York Times an article written by the Senator from Idaho [Mr. BORAH] discussing suggested treaties with France and other nations. I ask unanimous consent that the article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ONE GREAT TREATY TO OUTLAW ALL WARS—SENATOR BORAH, IN SUPPORT OF SECRETARY KELLOGG'S ARGUMENTS, ASSERTS THAT SUCH A COMPACT WOULD STRENGTHEN THE PEACE MACHINERY OF THE LEAGUE, AND HE CALLS ON THE POWERS TO ACCEPT OUR PROPOSAL

(Again interest is centered on how to insure world peace. In a series of diplomatic notes the American and French Governments have discussed a sweeping proposal to outlaw war among all the nations. While willing to sign such a treaty with the United States, France points to the commitments of the powers under the league covenant and the Locarno agreements which bind them to take part against a war of aggression. Senator BORAH, chairman of the Senate Committee on Foreign Relations, takes up the argument where the diplomatic correspondence stopped; he argues that acceptance of the American proposal to outlaw war is not in conflict with the other agreements, but that its acceptance will allow all the peace machinery now in being to function more readily. He appeals to all the great powers to say whether "they are not willing at this time to join in denouncing and outlawing war.")

By WILLIAM E. BORAH, Senator from Idaho

In the month of April, 1927, the Foreign Minister of France, M. Briand, in a public address used the following language:

"France is willing publicly to subscribe with the United States to an engagement tending to outlaw war (to use an American expression) between the two Nations."

This proposal was not made through diplomatic channels but in a public speech and addressed, as it were, to all the world, and all the world heard it. What was said in the balance of his speech we do not know nor has anyone been concerned to find out. This single sentence completely overshadowed all else and distinguishes the speech as one of the most important which has been made by any Foreign Minister since the World War. It has been read and commented upon in every civilized country under the sun. All this reveals what a deep yearning there is among all peoples to be rid of the institution of war. A single step is hailed with universal acclaim.

MR. BRIAND'S FORMAL OFFER

Later M. Briand transmitted to our Government a more formal statement in which it was proposed, in brief, that the two Governments should solemnly declare:

"That they condemn recourse to war and renounce it respectively as an instrument of their national policy toward each other."

On December 28, the Secretary of State, Mr. Kellogg, proposed that the bilateral treaty be extended in its scope and that "an effort be made to obtain the adherence of all the principal powers of the world to a declaration renouncing war as an instrument of national policy." To this the Government of France replied suggesting, first, that France and the United States enter into such a treaty and then submit the same for the consideration of other powers; secondly, that the scope of such a treaty be limited to wars of aggression.

BRIAND'S CONTENTIONS

To this our Government replied urging that better progress could be made by all Governments acting together and rejecting limiting it to wars of aggression. M. Briand replied, in effect agreeing with both propositions, but calling attention to the fact that France and the other leading powers "are wholly bound to one another by the covenant placing them under reciprocal obligations, as well as by agreements such as those signed at Locarno in October, 1925. All of which engagements impose upon them duties which they can not contravene. The French proposal of June last looking to the conclusion of a bilateral compact had been drawn up in the light of century-old relations between France and the United States; the French Government still stands ready to negotiate with the American Government on the same conditions and on the same basis. But when confronted with the initiative of the United States in proposing a multipartite covenant, it had to take into consideration the relations existing among the various powers which would be called upon to participate therein."

Thus in these negotiations looking to treaties between the leading nations of the world renouncing and denouncing war as an instrument of policy we reach the point where it is deemed that such a program conflicts with the covenant of the League of Nations. One of the leading journals of the country defines the situation as follows:

"A more accurate description of this proposal would have been to call it a treaty to renounce the covenant of the League of Nations. For the whole European political system of renouncing war as an instrument of policy, but of pledges to wage war against any nation which disturbs the peace."

In other words, a system which is an alliance to go to war comes in conflict with an alliance not to go to war, and the question is: Can any method be devised by which the alliance not to go to war shall prevail? It seems to me that the difficulty is not insuperable.

It is true that the League of Nations for peace may be transformed overnight into a League of Nations for war. But it is fair to presume that the dominant principle is that of peace, and that the League of Nations would wish to make it unnecessary, if possible, ever to transform itself into a league for war. Its primary purpose, according to its advocates, is peace, and it would seem that a solemn pledge among the leading powers and those powers whose representatives sit as permanent members of the council and whose dominance in the league is supreme never to employ war for the settlement of any of their controversies would tremendously aid and assist the league in being nothing more at any time than a league for peace.

Is there anything which one can conceive so well calculated to advance the cause of peace and to strengthen the league and Locarno as a pledge among the great powers that they will never recognize war as an instrument for the settlement of international disputes and that they will adjust their differences in accordance with the methods provided in the league and Locarno for peaceful adjustment? If the leading powers make this pledge and keep it, there will indeed be little chance of war. If they do not keep it, neither the league nor Locarno have been destroyed.

It seems to me, as Lord Thompson has said: "If war were outlawed, the league would be far more firmly founded than it is to-day. The league is merely machinery for the adjustment of disputes; the proposal to outlaw war is a piece of legislation to revise international law upon the basis of peace."

M. Briand, in his note of January 23, says:

"The French Government still stands ready to negotiate with the American Government on the same conditions and on the same basis. That is, the same conditions and basis as the original proposition—a bilateral treaty. The plain fact is that the bilateral treaty proposed by M. Briand is identical in principle as to war commitments with the multilateral treaty offered by our Secretary of State, Mr. Kellogg. By agreeing in a bilateral treaty never to war with the United States, France could not carry out her obligations to go to war under Articles X and XVI of the covenant if war took place between the United States and any member of the league.

Suppose, in the way of illustration, that war should occur between Japan and the United States and, of course, I select Japan merely in the way of an illustration. Japan is a member of the league. Suppose further that Japan successfully invoked assistance from the league under Articles X and XVI of the covenant. France would be unable to render any military assistance to Japan pursuant to the covenant because she had agreed in a bilateral treaty never to go to war with the United States.

The principle underlying a bilateral treaty is identical with the principle involved in a multilateral treaty. On the other hand, a multilateral treaty, binding all the nations, binding all the leading powers, makes war less likely than a treaty between two nations. If France intends to live up to the strict letter of her obligations under Article X of the covenant, "to respect and preserve the territorial integrity and political independence" of all the members of the league, she could not possibly do so in case the United States got into war with any member of the league.

It will not do to say that a bilateral compact does not violate the league commitments because, forsooth, there is no chance of France and the United States going to war.

To make such a statement as that would be to stamp the original proposition with insincerity. If there is no shadow of danger of war between these two Republics, what is the need of making any treaty whatever renouncing war between them? And as M. Briand made his original offer "as an example to other nations," how can it be an "example" if no other nation can sign the compact or if the United States and France are unwilling to join with them in bringing about such a general compact? Was the two-power compact intended to be not only a close corporation but a closed incident?

As to France's other compacts or alliances, these are all supposed to be in harmony with the principles and provisions of the covenant and to be filed with the league. Let us assume, for example, in the case of Belgium, which has been raised by the French, that France is absolutely obligated under her alliance to come to the relief of Belgium in case of attack. This commitment can be easily protected.

All that is necessary is for the multilateral pact to be signed by Belgium, in which event all the signatories agree not to use war or force in any dispute or matter relating to Belgium. If an attack, nevertheless, is made on Belgium by one of the signatories it would constitute a breach of the multilateral treaty and would thereby, ipso facto, release France and enable her to fulfill her military engagements with Belgium. In other words, France's commitment to Belgium would merely be in suspense so long as the signatories kept their multilateral compact; there would be no violation thereof.

Secretary Kellogg very wisely put into his counter proposal not only that there should be a multilateral treaty comprising the big powers, but that it should be "open to the signatures of all nations." The logical development of this idea would lead to the great result desired by Secretary Kellogg, namely, the general renunciation and outlawing of war as a method of settling disputes by all the nations. Would not such a treaty augment and strengthen beyond any words to describe not only every peace plan in the world, but the peace sentiment and the peace public opinion which are just as essential in the cause of peace as treaties?

Such a universal treaty would put an end to any questions of war commitments under the league covenants or other alliances because the occasion for their exercise could only arise in case of a flagrant breach of the treaty by one or more signatories and, as stated, the legal effects of such a breach would be to free France from alleged restraints. And was this not M. Briand's purpose in proposing the pact "as an example to other nations"?

There is an atmosphere of fatality encompassing all discussions by Governments relative to war. "War is inevitable," "Force alone is respected," "Wars have always happened and always will happen."

These are the views, expressed or implied, of governments in dealing with war. We take all kinds of risks for war, but we are unwilling to take risks for peace. We build readily on the hatreds of people and their passion for war. We build reluctantly on the love of people and their passion for peace. It has been often declared that the United States has not cooperated with foreign countries in the advancement of the cause of peace. It is safe to prophesy that the United States will never become identified or cooperate with a system for peace based upon "pledges to wage war."

But the United States now stands ready to cooperate and identify itself with a system based upon pledges not to wage war. It ought to be worth much to have the full cooperation of the United States with the great nations and small nations also, if they choose to come in (and they will hasten, in my judgment to do so), to denounce and outlaw war forever as an instrument of policy.

NETWORK OF TREATIES

At the present time we have a network of treaties and understandings relative to peace—arbitration treaties, conciliation treaties, the Hague Tribunal, World Court, peace machinery of the league, and the machinery of Locarno. The effect of the Kellogg proposal is a solemn pledge to let that peace machinery work. It is a solemn pledge to rely upon the peace machinery of the peace plans and not upon the war machinery. It is a solemn pledge among the leading nations that they will not resort to war, that they are forever pledged to the employment of peaceful methods for the adjustment of their controversies. This gives us international laws based upon peace and not upon war. This pledge strengthens every piece of peace machinery in existence.

It is my opinion that it is not within the ingenuity of the human brain to set up and maintain a successful plan for world peace in competition with the conceded legitimacy of war as an instrument for the settlement of international disputes.

THE RESPONSIBILITY OF PEACE

The problem of peace or war for a long time to come is in the keeping and determination of a group of leading powers. If war comes, it will be because they, or some of them, will it so. The United States, Great Britain, Germany, France, Japan, Italy, and Russia will determine international law, international morality, and shape the course of peace to a controlling degree for many years. If they can adjust their controversies through peaceful methods and throw their influence against war as an instrument of policy, there is but little danger of war being fomented in other sources.

These nations can not escape their responsibilities—the dreaded responsibility for war should war come. They have it within their power so to adjust things as to practically outlaw war. I should like to have an expression from these powers as to whether under these conditions and under this responsibility and in view of their dominance they are not willing at this time to join in denouncing and outlawing war.

I said that they will determine international morality. I had reference in particular to the treatment of small nations and of weak peoples at the hands of the great powers. I do not know of anything in recorded history equal in harshness, in duplicity, and injustice to the treatment of small nations by the great powers since the World War. During that struggle the most solemn and specific pledges were made to small nations and the more dependent peoples. Many were drawn in or led into the conflict against their own immediate interests on these pledges.

POLICY OF BIG POWERS

The "rights of small nations," "respect for sovereignty," "self-government," the "right to live their own lives" became a refrain of the powerful toward the weak and took form not only in general declarations but in specific pledges and agreements. Since the signing of the armistice, even at Versailles a policy wholly and cruelly at variance with these promises and preachments has obtained. From Syria to Nicaragua, from Egypt to China, it is one story of violated agreements and broken pledges, of rights denied and sovereignty invaded. It is one story of impatience and intolerance toward peoples struggling for unity and independence.

Whether there shall be a more just and humane policy toward small nations and weak peoples as well as whether we shall renounce war, await upon the bold and just initiative of the great powers. Whether we shall still cling to war as the basis of national power and the peak of national glory, whether we shall initiate an armaments race, thus burdening our people even more heavily with taxes, await upon the brave and righteous action of these great nations.

If we are going to be rid of some of the vicious beliefs and brutal commitments of the past, we will have to break to some extent with the past. Nothing of great moment was ever achieved by those who cautiously consult and slavishly follow precedents. "The situation must be viewed by every nation and generation boldly through its own eyes, not timorously with the forefinger in the guidebook of history."

LAKE CHAMPLAIN BRIDGES

Mr. COPELAND. Mr. President, there are on the calendar two bridge measures affecting my State, being Orders of Business 207 and 216. I ask unanimous consent that those measures may be now considered.

Mr. CURTIS. Mr. President, we are going to have the calendar considered this morning until 2 o'clock. I therefore hope the Senator from New York will not make that request.

Mr. COPELAND. This is the second time within a week that the Senator from Kansas has asked me to defer requesting action on these measures. We have passed this morning several bridge bills which are similar to the measures for which I now ask consideration.

Mr. CURTIS. The bills passed this morning were bills which were reported from the Committee on Commerce, and it is usual to take such action in those cases. Under the rule we will have the consideration of the calendar to-day until 2 o'clock, but if we shall take up bills in this way out of order, of course, it will delay the consideration of the calendar. However, I withdraw my objection.

Mr. COPELAND. I thank the Senator from Kansas. I first ask unanimous consent for the present consideration of House Joint Resolution 104.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 104) granting consent of Congress to an agreement or compact entered into between the State of New York and the State of Vermont for the creation of the Lake Champlain Bridge Commission, and to construct, maintain, and operate a highway bridge across Lake Champlain.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. COPELAND. I now ask unanimous consent for the immediate consideration of House bill 6099.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6099) granting the consent of Congress to the States of New York and Vermont to construct, maintain, and operate a bridge across Lake Champlain between Crown Point, N. Y., and Chimney Point, Vt., which had been reported from the Committee on Commerce with an amendment, in section 4, on page 3, line 5, before the word "years," to strike out "twenty" and insert "thirty," so as to make the section read:

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

INVESTIGATION OF PUBLIC UTILITY CORPORATIONS

Mr. WALSH of Montana. Mr. President, on February 1, calendar day of February 2, there was reported from the Committee on Interstate Commerce Senate Resolution 83, relating to public utilities. I should like the attention of the chairman of the Committee on Interstate Commerce [Mr. WATSON] in order to ascertain if we can not make some arrangement to consider the resolution at an early day.

Mr. WATSON. Mr. President, I reported the resolution the day after I was ordered to do so by the committee. My understanding is that it now has to go to the Committee to Audit and Control the Contingent Expenses of the Senate. I did not ask that it be sent to that committee, because I was not sponsoring the measure. I supposed the Senator from Montana would do that.

Mr. WALSH of Montana. I move that Senate Resolution 83 be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The motion was agreed to.

PRESIDENTIAL TERMS

The VICE PRESIDENT. If there be no additional concurrent or other resolutions, resolutions coming over from a preceding day are in order.

Mr. LA FOLLETTE. Mr. President, in view of the fact that this is Calendar Monday, and that there is a desire on the part of many Senators to proceed with the calendar, I ask unanimous consent that Senate Resolution 128 may go over without prejudice.

The VICE PRESIDENT. Without objection, it will be so ordered. The morning business is closed.

INTERIOR DEPARTMENT APPROPRIATIONS

Mr. HOWELL. I ask unanimous consent for permission to enter a motion for a reconsideration of the votes whereby the Interior Department appropriation bill was ordered to a third reading and passed.

The VICE PRESIDENT. Without objection, the motion will be entered.

Mr. SMOOT. Mr. President, I did not hear the request of the Senator from Nebraska.

The VICE PRESIDENT. The Senator entered a motion for reconsideration of the votes whereby the Interior Department appropriation bill was ordered to a third reading and passed.

Mr. WILLIS subsequently said: Mr. President, I wonder if we can not have some understanding in regard to the motion that has been made by the Senator from Nebraska. Some of us are very greatly interested in that bill, and want it to be finally acted upon. When is it the purpose of the Senator to call up his motion for determination?

Mr. HOWELL. It is my purpose to call it up to-morrow afternoon.

Mr. WILLIS. Will that be agreeable to the Senator from Utah, who has charge of the bill?

Mr. SMOOT. It is agreeable to me if I can get out of a conference that I have on another bill.

Mr. HOWELL. I shall be perfectly willing to call it up Wednesday.

Mr. SMOOT. I should prefer to take it up to-day.

Mr. HOWELL. I am not prepared to take it up to-day.

Mr. SMOOT. Then I want it to come up the first thing to-morrow morning, if the Senator will be ready then.

Mr. WILLIS. Let it be understood, then, that the motion will come up the first thing to-morrow, as soon as the Senator can get the floor.

Mr. HOWELL. I shall be prepared to take it up to-morrow afternoon.

THE CALENDAR

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. CURTIS. Mr. President, I ask unanimous consent that in the consideration of the calendar this morning only unobjected bills be considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The Clerk will state the first bill on the calendar.

PAY OF RETIRED WARRANT OFFICERS

The first business on the calendar was the bill (S. 1946) relative to the pay of certain retired warrant officers and enlisted men and warrant officers and enlisted men of the reserve forces of the Army, Navy, Marine Corps, and the Coast Guard, fixed under the terms of the Panama Canal act, as amended.

Mr. KING. Let that go over.

Mr. EDGE. Mr. President, I trust the Senator from Utah will withhold his objection. In two minutes I think I can satisfy his views in this matter, because I did it a year ago when the bill was passed. Will the Senator withhold his objection at least until I can make a statement?

Mr. KING. This is a bill that will require a great deal of debate.

Mr. EDGE. I think the Senator is in error as to the bill. We passed the bill at the last part of last session, with the approval of the Senator from Utah.

Mr. KING. I will withhold the objection.

Mr. EDGE. Mr. President, if I may have the attention of the Senate for a moment, this is a bill which applies alone to the Panama Canal Zone. It affects, I am told, 10 former enlisted men in the Army and 1 or 2 men who, I think, were perhaps in the Navy as warrant officers. It does not affect at all any former commissioned officers. It provides, in a few words, that they will be permitted to retain whatever extra pay or bonus they earn as members of the Army; and it simply restores the situation which had existed for a long time back, until a decision was made recently by the Comptroller General. If I may read just a paragraph from the letter from the Secretary of War, it will perhaps make it plainer than I could make it by an explanation:

In a decision to the Governor of the Panama Canal of December 3, 1924, the Comptroller General held that, notwithstanding the general provisions of that act, the Panama Canal act still requires the Panama Canal to deduct from the compensation paid retired enlisted men employed by it the amount of any retired pay received by them. Under this ruling the Panama Canal appears to be the only branch of the Government service that is not authorized to employ and pay retired enlisted men without deduction from their civilian salaries on account of their retired pay.

In other words, it does not apply to any other branch of the Government service. It just happens to be the case under the Panama Canal act that the Comptroller General made what might be deemed an arbitrary decision, so that we deny a few dollars to these 10 men who were formerly enlisted in the Army or the Navy and employed in the Canal Zone, and are kept there now because of their technical experience. If they were in Government service elsewhere, or anywhere in private service, they would, of course, receive this additional compensation. We passed the bill last year just before the Senate adjourned, and the House did not have time to act on it; so, under the circumstances, I trust the Senator from Utah will withdraw his objection.

Mr. KING. I shall withdraw the objection, but I desire to make this observation:

I believe that the policy of paying officers or employees compensation by the Government upon the theory that they are disabled, and then permitting them to be employed by the Government in other departments at the same rates of pay that are permitted to other employees, is not a very wise one. We pass a retirement bill upon the theory that men are disqualified, in part at least, for the discharge of their duties. We then turn around and hire them, giving them the same compensation that persons obtain who are not so disqualified in part. I do not think the policy is wise, but I shall not object to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That section 4 of the Panama Canal act, as amended, shall not be construed as requiring the deduction of the retired pay or allowances of any retired warrant officer or enlisted man of the Army, Navy, Marine Corps, or Coast Guard, or the training pay, retainer pay, or allowances of any warrant officer or enlisted man of the reserve forces of the Army, Navy, Marine Corps, or Coast Guard, from the amount of the salary or compensation provided by or fixed under the terms of the Panama Canal act, as amended.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REFUND OF TAXES

The bill (S. 2185) to extend the time for the refunding of taxes erroneously collected from certain estates was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. WALSH of Massachusetts subsequently said: Mr. President, the Senator from Wisconsin objected to the consideration of Senate bill 2185. I sent word to him asking him not to leave the Chamber, but I see he has left the Chamber. I should like to reserve the right to call up the bill later when he returns.

CHARLES H. NIEHAUS

The bill (S. 380) for the relief of Charles H. Niehaus was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $33,121 to Charles N. Niehaus, of Grantwood, N. J., to compensate the said Niehaus for losses suffered by him in the designing and erection by the said Niehaus of the Francis Scott Key Memorial at Fort McHenry, Baltimore, Md., under his contract with the United States, dated October 19, 1916, said memorial having been completed by the said Niehaus and accepted by the United States June 14, 1922.

Mr. KING. Mr. President, I should like to have some explanation of that bill.

Mr. EDGE. Mr. President, I shall be very glad to give the Senator a brief explanation.

The bill also was passed at the last session. It is a compromise provided by the Committee on Claims of a claim filed by Mr. Niehaus, who was the architect for the Francis Scott Key memorial erected in Baltimore. The report which accompanies the bill, and from which I shall not take the time of the Senate to read more than one extract, plainly assumes on behalf of the Government the responsibility for the extra charge. The plans for the monument as well as the location of the monument were all changed after the estimates and contract had been made; and this brief extract, which is from the War Department, I think will be sufficient:

It was not until October, 1920, that the War Department was ready to go ahead, and he finished the memorial in 1922 at a great loss.

Understand, it was held up for two or three years during the war, for which, of course, the architect would be in no way responsible.

This loss was due partly to changes which he agreed to make in the original design, partly to changes in the location of the memorial, partly to trouble with subcontractors who tried to back down on the contracts, and partly to the greatly increased cost of labor and materials between 1915 when the sculptor figured on the work and 1922 when it was finally completed and accepted.

I might say that last year the subcommittee of the Committee on Claims had a very exhaustive inquiry and hearing, and had all of the bills submitted audited and checked up. This final compromise of $33,121 is, as I recall, about two-thirds of the original claim, which claim was proven by actual account. It is the unanimous report of the committee.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

VAN DORN IRON WORKS CO.

The bill (S. 624) for the relief of the Van Dorn Iron Works Co. was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I should like to ask the Senator from Ohio, who introduced the bill, a question. It appears that this bill is to reimburse a contractor or a subcontractor for package boxes furnished the Post Office Department. The report of the committee shows that the boxes were received and used by that department. How does it happen that they were not paid for by the department?

Mr. WILLIS. Mr. President, I was just seeking to get the floor to make a statement on that point. I think the question is a perfectly proper one; and it is similar to the question that was raised by the Senator from Washington [Mr. JONES] when we reached the bill before. I understood that it was perfectly clear that no one else had been paid for these boxes, but when

my attention was drawn to it I was not able to give definite information upon the point. I wrote to the Post Office Department officially, and received a letter from the Postmaster General; and I want to say that the letter is not satisfactory to me, and I do not desire to have the bill acted upon until I get some further information.

I therefore ask that the bill be passed by without prejudice.

Mr. ROBINSON of Arkansas. Before the bill is passed by I want to call the attention of the Senator from Ohio to a statement by the Acting Postmaster General under date of October 15, 1919:

Attention should be called to the fact that in a similar case growing out of the fraudulent conduct of the same public officials a special act was passed by Congress on June 30, 1906 (34 Stat. 656), authorizing the payment of the manufacturer's price of $18,227.40 to the Adrian Brick & Tile Machine Co., which was the manufacturer of the boxes furnished through the Michigan Steel Box Co., whose contract, by reason of fraud, was found to be void by the Court of Claims (49 Court of Claims Reports 421), the latter company having made an agreement consenting to the payment of that sum direct to the manufacturer with the understanding that it was not to be regarded as a payment of its claim beyond that sum.

The implication there is that there was fraudulent conduct on the part of public officials; but it does not appear as to what the conduct consisted of, nor what officials were guilty of such conduct.

Mr. WILLIS. I think the question of the Senator is a proper one; and I have written to the people interested in this bill that there must be definite information, that matter will have to be cleared up, before the Senate will be asked to pass upon it; so I ask that the bill be passed over until we get that information.

Mr. JONES. Mr. President, I am glad the Senator has asked to have the bill go over. I hope it will be very clearly shown why this subcontractor can not hold his contractor. I will say frankly that I have a bill here for the relief of subcontractors where the Government apparently got the full benefit of the subcontractor's work and expenditure, but the report comes down that there is no obligation at all between the Government and the subcontractor, that this contract was with the contractor, and therefore they do not recommend any payment.

Mr. WILLIS. I merely wish to add that the letter which came to me from the Post Office Department was astonishing in the amount of information which it did not convey. To clear up the matter it quoted from the report which we already have here. It does not throw any light at all on the subject; and I have notified the parties that unless they can give us information that is conclusive upon this point the Senate will not pass on the bill at all.

The PRESIDENT pro tempore. The bill will be passed over.

ISABELLE R. DAMRON

The bill (S. 1361) for the relief of Isabelle R. Damron, postmaster at Clintwood, Va., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "$695.03" and insert "$439.98," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Isabelle R. Damron, postmaster at Clintwood, Va., the sum of $439.98, the same being the amount of money stolen from the safe in the post office at Clintwood, Va., on July 25, 1923, by persons unknown.

The amendment was agreed to.

Mr. KING. Mr. President, I desire an explanation before I consent to the passage of this bill. I call the attention of the Senator from Virginia [Mr. SWANSON] to the report of the inspector, who states that the claimant violated the rules, if not the law, relating to postmasters, and says that the loss resulted from negligence within the meaning of the statute; and therefore the Post Office Department reports adversely upon the bill.

Mr. SWANSON. Mr. President, in cases such as this, where there is no question of negligence, credit is allowed postmasters in their settlements. The inspector did not allow credit for this loss when settlement was made. So a bill was introduced, with a view to taking evidence as to whether the negligence, great or slight, was sufficient to justify denying the credit of the $429.

I think the only reason for not allowing the credit was that the drawer in which the money was kept was not sufficiently secured when the burglar entered the building. There is abundant evidence to show that there was no negligence on the part of the postmaster. The money was in a drawer in the post office, which, I think, was entered about 1 o'clock at night——

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. SWANSON. The Postmaster General made no recommendation pro or con.

Mr. KING. Mr. New states in his report:

It is further shown that the burglary occurred between 12 noon and 1 p. m., while the office was closed temporarily and unoccupied, and that the funds and stamps were taken from a cash drawer and from the safe, both of which were left unlocked, contrary to the following regulations:

"1. Postmasters must exercise all possible care for the protection of the public funds and property in their custody.

* * * * * * *

"2. When funds or postage stamps are left at night in offices unprovided with iron safes, they must be kept in strong drawers or other fixed receptacles, which must be securely fastened with good locks. The doors and windows of the office should be made as secure as possible. The same precautions shall be taken when the post office is closed temporarily during the day."

The loss thus appearing to have resulted from negligence within the meaning of the statute above cited, settlement of the claim was made by disallowances under date of January 31, 1924.

Mr. SWANSON. Mr. President, as I said, if there had not been evidence of slight negligence, the inspectors would have allowed this loss in settling the account. There is hardly a session of Congress when we do not appropriate for innumerable claims like this, where there is no negligence. In this case the store was closed about 12 o'clock, as they do in these little country towns, to enable this lady to go home and get her lunch. She did not have a clerk, she was poor, and she closed the office, and while she was away the burglar entered. These stamps were all in the drawer and they were taken out. There is no dispute that they were stolen, and the only technical reason why credit was not allowed was that she did not have a sufficiently strong lock, or a lock which met the rigid requirements of the law. If such had been the case, there would have been no question about the claim being allowed. The Postmaster General made no recommendation against it. He sent it here with a statement of the facts. A great deal of testimony was taken, and at the last session of Congress a bill similar to this bill was reported and passed by the Senate. I hope the Senator will not object.

Mr. KING. Mr. President, let me call the Senator's attention to this again:

The funds and stamps were taken from a cash drawer and from the safe, both of which were left unlocked.

Mr. SWANSON. I have stated that they were unlocked. If they had been locked securely——

Mr. KING. No; not securely; they were not locked at all.

Mr. SWANSON. The Postmaster General can not make these allowances unless certain conditions are complied with. The Postmaster General disallowed this, and the claimant came to Congress. She has witnesses here to prove that there was no negligence on her part. She was the postmaster, and postmasters get little pay. A similar bill was passed at the last session of Congress. I think it was debated, if I am not mistaken, one night, and finally passed, and I hope the Senator will not object to the appropriation of this $429.

Mr. KING. Mr. President, I shall put the responsibility on the Senate. I shall not object to the consideration of the bill, but I shall certainly oppose its passage and vote against its passage.

I want to invite the attention of Senators to the fact that if the Government is not to be protected by proper methods when it promulgates proper regulations; if, when employees violate the rules prescribed, as was done in this case, they may come to Congress and receive compensation, then obviously there is no use in promulgating rules and regulations. We have thousands of employees of the Government who have funds in their possession, large funds and small funds, and the Government can not be present by its inspectors constantly. It must provide rules and regulations, and they must be observed, for the protection of property committed to Government employees; and if Government employees violate the Government rules and regulations, which are very clear, it seems to me Congress should not be called upon to pay. If it accedes, there is an invitation to negligence; we will have thousands of these claims, and appeals will be made by eloquent Senators, and the appeals are very strong in many instances; but the result will be a lessening of the morale, a letting down of the bars and the requirement that the Government shall be called upon to pay because of the negligence of its own employees.

The PRESIDENT pro tempore. If there is no further amendment to be offered, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

ESTATE OF GEORGE B. SPEARIN

The bill (S. 1678) for the relief of the estate of George B. Spearin, deceased, was announced as next in order.

Mr. BRATTON. Let that go over.

Mr. EDGE. Mr. President, will the Senator withhold his objection just a moment so that I may make a brief explanation?

Mr. BRATTON. Certainly.

Mr. EDGE. A similar bill was passed here in the closing hours of the last session, and it seems to me to be a very just claim. It is to pay interest owing to the estate of George B. Spearin, who successfully prosecuted a claim before the Court of Claims, which was afterwards, as I understand it, affirmed by the Supreme Court of the United States, but because of some neglect——

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. EDGE. I yield.

Mr. ROBINSON of Arkansas. The Senator has approached the very point which I think makes this claim questionable. The report shows that the claimant's attorney failed to file the transcript of the judgment of the Court of Claims with the Treasury Department within the period prescribed by law, and that, through the fault or negligence of the claimant's attorney, which, of course, is attributable to the claimant himself, the claim could not be paid.

I am always willing to have the Government right wrongs which have occurred through the negligence of Government officials, or through improper conduct of adversary parties, but it is going a very long way, I suggest to the Senator from New Jersey, to guarantee a claimant against the negligence or failure of his own attorney. There might have been some reason——

Mr. EDGE. There is a reason.

Mr. ROBINSON of Arkansas. Sounding in the interest of the claim why this transcript was not filed in due time, but I doubt whether Congress ought to commit itself to the precedent of making whole claimants where their losses have accrued through their own negligence, or through the negligence of their attorneys.

Mr. EDGE. Mr. President, I agree absolutely with the Senator from Arkansas in the general principle he has enunciated, that if it is negligence which could have been avoided, then the claim should not be allowed. My information is—and this appears in the report—that the attorney was physically unable to file the transcript. The report reads:

> It also appears that failure to file the transcript of said judgment of the Court of Claims in the Treasury Department as of the date of the judgment of said court, April 13, 1916, was due to the physical condition of the attorney of said Spearin as shown by the affidavit of Dr. Sterling Ruffin, a practicing physician in the city of Washington.

So it would seem that in this case the claimant was entirely an innocent party to the unfortunate result.

Mr. ROBINSON of Arkansas. I note that in another part of the report, namely, at the end of paragraph 1, the statement is:

> Spearin having died, his executor appealed to Congress, stating that the neglect to file the transcript was a failure to comply with a technical requirement due to the mental condition of the attorney.

Mr. EDGE. Yes; if I may read a little further, I will do so; I did not want to take the time of the Senate. The report further states:

> It also appears that failure to file the transcript of said judgment of the Court of Claims in the Treasury Department as of the date of the judgment of said court, April 13, 1916, was due to the physical condition of the attorney of said Spearin as shown by the affidavit of Dr. Sterling Ruffin, a practicing physician in the city of Washington, from which affidavit it appears that said attorney was suffering from a condition of senile dementia which profoundly affected his memory and faculties and ability to fully protect his client's interests with respect to this technicality.

I think that under those conditions and circumstances the poor claimant certainly is entitled to have the claim paid.

The PRESIDENT pro tempore. Does the Senator from New Mexico maintain his objection?

Mr. BRATTON. I do.

The PRESIDENT pro tempore. The bill will go over.

WILLIAM HENSLEY

The bill (S. 1623) for the relief of William Hensley was considered as in Committee of the Whole and was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, directed to pay to William Hensley, out of any money in the Treasury not otherwise appropriated, the sum of $1,500, in full payment for injuries sustained by him while in the discharge of his duties at the navy yard, Washington, resulting in the loss of three fingers of his right hand, loss of his left eye, and other injuries incurred by him in the line of duty.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF WATERSHEDS

The bill (S. 1181) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended was announced as next in order.

The PRESIDENT pro tempore. This bill being the unfinished business, will be passed over.

BROOKSVILLE PLANT INTRODUCTION GARDEN

The joint resolution (S. J. Res. 20) authorizing the Secretary of Agriculture to dispose of real property located in Hernando County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant-introduction purposes, was announced as next in order.

Mr. JONES. Mr. President, there is nothing in the report to indicate the value of this property, and nothing to show how valuable it is. I think we ought to have some information as to the value of this property. There might be an appraisement or some investigation as to how it is to be sold.

Mr. McNARY. Let me understand. Does the Senator want a statement from the Secretary of Agriculture as to the probable present value of the property?

Mr. JONES. I think we ought to have something of the kind.

The PRESIDENT pro tempore. The bill will go over under objection by the Senator from Washington.

NEAT CATTLE

The joint resolution (S. J. Res. 21) to correct section 6 of the act of August 30, 1890, as amended by section 2 of the act of June 28, 1926, was considered as in Committee of the Whole.

Mr. KING. Mr. President, will the Senator from Oregon kindly explain this measure?

Mr. McNARY. Yes; I can do that in a word. When the law was enacted the word "neat" by mistake was spelled "meat," which destroyed the meaning. The word "neat" has a technical meaning, namely, it means bovine. The purpose of the act was to prevent the importation of infected animals from Mexico into the United States. The statute was drawn incorrectly, including the word "meat." It is impossible to determine what meat is infected, but it is possible to tell what kind of animals are infected. This is simply for the purpose of making the statute conform with the original intention of Congress.

Mr. KING. It expands the statute in no other direction?

Mr. McNARY. None whatsoever.

The joint resolution had been reported from the Committee on Agriculture and Forestry with an amendment, on page 1, line 5, to strike out "(Public, No. 436, Sixty-ninth Congress)," and to insert in lieu thereof "(44 Stat. L. 775)," so as to make the joint resolution read:

> *Resolved, etc.*, That section 6 of the act of August 30, 1890 (26 Stat. L. 414), as amended by section 2 of the act of June 28, 1926 (44 Stat. L. 775), down to the word "*Provided*" in line 4 thereof, be, and the same is hereby, amended by striking out the word "meat" and the comma thereafter, in the first line, and the word "importation," in the fourth line, and by substituting in lieu thereof the words "neat" and "exportation," respectively, so that so much of said section as is hereby amended shall read as follows:
>
> "That the importation of neat cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within 60 days next before their exportation, is hereby prohibited."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

NAMING OF CERTAIN HIGHWAYS

The bill (S. 1182) to provide for the naming of certain highways through State and Federal cooperation, and for other purposes, was announced as next in order.

Mr. JONES. Mr. President, a few days ago I received a suggestion with reference to the amendment of a bill something like this bill. I do not know whether this is the bill or not, but I have offered an amendment and have it lying on the table. I will ask that this go over until I can look the matter up. I have no objection to this bill.

Mr. McNARY. Let me ask the Senator from Washington the nature of his objection.

Mr. JONES. As I stated, I had a suggestion from the highway commissioner of the State of Washington a few days ago which I think referred to this bill, although I am not sure. I wanted to have an opportunity to look the matter up. I have no objection to this bill myself, but my correspondence suggested an amendment with reference to cooperation in putting up signs along the highways.

Mr. BLAINE. I am opposed to the bill.

The PRESIDENT pro tempore. The bill will go over under the objection of the Senator from Washington.

SALE OF MOUNT WEATHER

The bill (S. 1531) authorizing the Secretary of Agriculture to sell the Weather Bureau station known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized and directed to advertise for sale and to sell to the highest responsible bidder the premises known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia, and comprising 84.81 acres of land, more or less, together with the buildings and other improvements thereon, including laboratories, cottages, sheds, stables, shops, heating and power plant, kite shelter, and other buildings of whatever nature, together with all rights, easements, and appurtenances thereto belonging, at such time, in such manner, and upon such terms as he may deem for the best interests of the United States; to convey such property to the purchaser thereof by the usual quitclaim deed, and to deposit the proceeds of such sale in the Treasury of the United States as a miscellaneous receipt, after deducting the expenses incident to such sale, but the Secretary of Agriculture shall reserve the right to reject any and all bids if in his judgment it is in the public interest to do so; and in the event of a general rejection of bids, to readvertise the property under conditions provided herein as often as may be necessary to accomplish sale.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSIONS OF TIME UNDER OIL AND GAS PERMITS

The bill (S. 1155) to grant extensions of time under oil and gas permits was announced as next in order.

Mr. ASHURST. Mr. President, some Senators have amendments they desire to propose to this bill, and I will ask that it go over until the amendments may be ready.

The PRESIDENT pro tempore. The bill will be passed over.

HORACE A. CHOUMARD

The bill (S. 511) to reimburse Horace A. Choumard, chaplain in Twenty-third Infantry, for loss of certain personal property was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

WILLIAM MORTESEN

The bill (S. 1219) for the relief of William Mortesen was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$20,000" and insert in lieu thereof "$1,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Mortesen the sum of $1,000 for assistance rendered to the United States Government in land cases in Oregon.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT WOOD

The bill (S. 1217) for the relief of Albert Wood was announced as next in order.

Mr. KING. Mr. President, I would like to have an explanation of the bill.

Mr. McNARY. Mr. President, a similar bill was reported favorably at the last session of Congress and passed by the Senate. It is a situation wherein Mr. Wood had a contract to deliver mail between two towns in the State of Oregon for a four-year period, and after he had carried into effect his contract for 17 months it was canceled. The bill is to allow him slight damages for cancellation of the contract.

Mr. ROBINSON of Arkansas. Why was the contract canceled?

Mr. McNARY. Because the department thought they could have a better service in a different way, and changed the route.

Mr. ROBINSON of Arkansas. Did they have the right under the terms of the contract to cancel it?

Mr. McNARY. Yes.

Mr. ROBINSON of Arkansas. It is a mere equitable settlement?

Mr. McNARY. Yes. A similar bill has been reported out and passed by the Senate on two different occasions.

Mr. TRAMMELL. Mr. President, I think the bill is a very just one. After due consideration by the committee it was determined that the beneficiary had suffered a loss for which he really was not to blame. He had to purchase certain equipment and go to some expense. The bill is really only to compensate him for his loss after having had the contract canceled as has been suggested.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 6, page 1, to strike out "$1,475" and insert in lieu thereof "$750," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Albert Wood, of Vernonia, Columbia County, Oreg., the sum of $750 in full compensation for losses suffered by him through and in connection with the cancellation by the Post Office Department in October, 1915, of a contract held by him for carrying the mails on star route No. 73195, in the State of Oregon, from July 1, 1914, to June 30, 1918.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF AIRPLANE ACCIDENT VICTIMS, MOUNDSVILLE, W. VA.

The bill (S. 1164) to provide relief for the victims of the airplane accident at Langin Field, Moundsville, W. Va., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to pay, in lieu of any other payment now authorized by law, (a) the sum of $5,000 to the personal representative of every person not in the military or naval forces of the United States who was killed or whose death is a direct result of injuries sustained in the airplane accident at Langin Field, Moundsville, W. Va., on July 10, 1921; (b) a reasonable amount, not exceeding $2,000, to every such person who was injured in such accident, as reimbursement for medical, surgical, and hospital attendance, supplies, and expenses, and as compensation for loss of time as a direct result of such injury; (c) a reasonable amount to the owner of any property destroyed or damaged by such accident as compensation for such destruction or damage.

SEC. 2. The amounts to be paid under subdivisions (b) and (c) of section 1 shall be determined after a public hearing by a board of officers appointed by the commanding officer of the nearest aviation post, and approved by the Chief of the Air Service and the Secretary of War.

SEC. 3. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 789) to amend the merchant marine act of 1920, approved June 5, 1920, by insuring the exemption from income taxes during the 10-year period there provided of profits on the sale of certain vessels when the proceeds of such sales are invested in new American vessels approved by the Shipping Board, was announced as next in order.

Mr. JONES. Mr. President, the Senator from Ohio [Mr. WILLIS] is very much interested in the bill. He was called from the Chamber a moment ago. I ask that it may be passed over without prejudice.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1285) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture, was announced as next in order.

Mr. KING. Mr. President, I think I would favor the bill, but there are some amendments to be presented which are not found in the bill itself. I ask that it be temporarily laid aside.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2277) relating to giving false information regarding the commission of crime in the District of Columbia was announced as next in order.

Mr. ROBINSON of Arkansas. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. BLAINE. I understand the bill has gone over?

The PRESIDENT pro tempore. It has.

LEONIDAS L. COCHRAN AND ROSALIE COCHRAN BRINK

The bill (S. 2020) for the relief of Leonidas L. Cochran and Rosalie Cochran Brink was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to patent to Leonidas L. Cochran, of St. Andrew, Fla., lots 9 and 13 of section 11, township 4 south, range 15 west, of the Tallahassee meridian, Florida, and to Rosalie Cochran Brink, of St. Andrew, Fla., lots 2 and 3 of section 10, said township: *Provided*, That the parties named pay for the land described at the rate of $1.25 per acre within six months after the approval hereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FLETCHER. Mr. President, I would like to ask that the report accompanying the bill just passed be printed in the RECORD. It is a short report.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The report is as follows:

[S. Rept. No. 78, 70th Cong., 1st sess.]

LEONIDAS L. COCHRAN AND ROSALIE COCHRAN BRINK

Mr. BRATTON, from the Committee on Public Lands and Surveys, submitted the following report to accompany S. 2020:

The Committee on Public Lands and Surveys, to whom was referred the bill (S. 2020) for the relief of Leonidas L. Cochran and Rosalie Cochran Brink, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The bill has the recommendation of the Secretary of the Interior, as set forth in the following letter, which also sets forth the facts relative to the proposed legislation:

DEPARTMENT OF THE INTERIOR,
Washington, January 13, 1928.

Hon. GERALD P. NYE,
Chairman Committee on Public Lands and Surveys,
United States Senate.

MY DEAR SENATOR NYE: You have requested a report on S. 2020, a bill for the relief of Leonidas L. Cochran and Rosalie Cochran Brink.

The bill proposes to allow Leonidas L. Cochran to acquire title to lots 9 and 13 of section 11, township 4 south, range 15 west, Tallahassee meridian, Florida (39.98 acres), upon payment of $1.25 per acre, and to allow Rosalie Cochran Brink to acquire, on the same terms, lots 2 and 3 of section 10, said township (151.70 acres).

On March 6, 1924, the register of the Gainesville, Fla., land office allowed Leonidas L. Cochran to make an additional homestead entry for lots 4, 7, 8, and 9 of section 11, said township. There had been a resurvey of the township, and in adjusting the claims for the land which had attached under the original survey it was necessary to cancel the entry of Cochran on October 28, 1926, and patent the land to J. H. Drummond. In the meantime Cochran had cleared the entered land and made many improvements thereon, his expenses in connection with the entry being approximately $1,000.

Rosalie Cochran Brink, then unmarried, made homestead entry on September 18, 1925, for lot 4 of section 3 and lots 7, 8, and 10 of section 10, said township, which entry was likewise canceled on October 28, 1926, in the adjustment of conflicting claims revealed by the plat of resurvey, and the land was patented to said Drummond. While the entry was intact, Mrs. Brink erected a six-room house on the land, besides a cow barn and shed and a poultry house, and cleared, fenced, and cultivated between 5 and 6 acres. She estimates her expenditures on the entry at not less than $900.

The cancellation of both said entries was due solely to the fraudulent or erroneous character of the original survey, executed in 1847. To allow the parties to purchase the lots described would be a measure of relief from the losses sustained by the erroneous allowance of the entries referred to, and I recommend that the bill be enacted.

Very truly yours,

HUBERT WORK.

LINCOLN COUNTY, OREG.

The bill (S. 1218) for the relief of Lincoln County, Oreg., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Lincoln County, Oreg., out of any money in the Treasury not otherwise appropriated, a sum of money equal to the amount Lincoln County would have received as taxes for the years 1919, 1920, 1921, and 1922 from the United States Spruce Production Corporation if the real and personal property of such corporation, exclusive of improvements made thereon by the United States, United States Spruce Corporation, or any other agent of the United States, were taxable as property privately owned. The sum shall be in full satisfaction of all claims of Lincoln County against the corporation, or any real or personal property thereof, or against the United States in respect of such corporation or property for such taxes for such years.

SEC. 2. For the year 1923 and for each year thereafter, as long as any such property remains the property of the corporation or of the United States, or of any corporation, 51 per cent or more of the shares of which is owned by the United States, the Secretary of the Treasury is authorized and directed to pay to Lincoln County, out of any money in the Treasury not otherwise appropriated, an amount equal to the amount which would be payable as taxes on such property to Lincoln County if such property were taxable as property privately owned.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BRATTON subsequently said: Mr. President, I ask unanimous consent to recur to Calendar No. 81, the bill (S. 1218) for the relief of Lincoln County, Oreg.

The PRESIDENT pro tempore. Is there objecton? The Chair hears none, and it is so ordered.

Mr. BRATTON. I should like to have an explanation of the bill if the Senator from Oregon [Mr. MCNARY] will make it.

The PRESIDENT pro tempore. The Senator from New Mexico asks the senior Senator from Oregon to explain the bill.

Mr. BRATTON. Is this the same bill we discussed at some length during the last session?

Mr. MCNARY. It is. A similar bill was passed by the Senate on two different occasions. It came from the Committee on Claims, of which the Senator from New Mexico is a member, as I recall.

Mr. BRATTON. With that statement I am content.

FRED A. KNAUF

The bill (S. 1758) for the relief of Fred A. Knauf was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Fred A. Knauf, postmaster at Sheboygan, Wis., in the sum of $141,433.82 (said sum consisting of $107 cash, $76,703.62 salable postage stamps, $64,575.20 precanceled stamps, one war-savings stamp of the value of $5, and war-tax revenue funds to the amount of $43), on account of money, war-savings stamp, and postage stamps stolen from safes in the post office at said city when burglarized on October 17, 1925.

Mr. KING. Mr. President, I would like an explanation of the bill.

Mr. LA FOLLETTE. Mr. President, I shall be glad to make an explanation for the Senator from Utah. This is a bill to provide for the relief of the postmaster at Sheboygan, Wis. It is to reimburse him in the sum of $141,433.82, which was taken from the post office in a robbery. The matter has been very thoroughly investigated by the Post Office Department and a most comprehensive report of the department is incorporated in the report accompanying the bill, setting forth the fact that all the regulations provided by the department were strictly complied with and that there was no negligence or breach of the regulations by the postmaster. The bill is recommended by the Postmaster General and by the Director of the Bureau of the Budget. The committee also recommends its passage. I believe, from the investigation which I have made of the matter, that the bill should pass in justice to the postmaster.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF MERCHANT MARINE ACT, 1920

Mr. WILLIS. Mr. President, during my temporary absence from the Chamber Calendar No. 75, the bill (S. 789) to amend the merchant marine act of 1920, approved June 5, 1920, by insuring the exemption from income taxes during the 10-year period there provided of profits on the sale of certain vessels when the proceeds of such sales are invested in new American vessels approved by the Shipping Board, was reached and passed over without prejudice. I ask that it may now be considered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Ohio?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce without amendment.

Mr. WILLIS. Mr. President, when the bill was before the Senate previously it was rather fully explained. The only objection made to it was raised by the senior Senator from Utah [Mr. SMOOT]. I have since conferred with him and have a letter from the Secretary of the Treasury covering the very point about which objection was made. The Senator objected because the bill had not been referred to the department. It was subsequently referred, and I have here the letter from the Secretary of the Treasury to me and likewise a letter from the Secretary of the Treasury to the Senator from Utah. I ask that both letters, together with the committee report, be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letters and committee report are as follows:

THE SECRETARY OF THE TREASURY,
Washington, January 16, 1928.

Hon. FRANK B. WILLIS,
Chairman Committee on Commerce,
United States Senate.

MY DEAR SENATOR: There is attached a copy of a letter addressed to Senator SMOOT, chairman of the Finance Committee, relative to Senate bill 789.

This department approves the passage of the bill in order to carry out the purpose intended to be accomplished in the original merchant marine act, but has suggested that the bill be amended so that the exemption will be granted if the entire proceeds of the sale shall forthwith be invested in building new ships in American shipyards. The bill, no doubt, contemplates that the investment will be made immediately, but it appears to this department desirable to have the word "forthwith" inserted in the bill, line 4, page 2, just after the word "shall," in order that there may be no doubt on this question.

Sincerely yours,

A. W. MELLON,
Secretary of the Treasury.

JANUARY 16, 1928.

Hon. REED SMOOT,
Chairman Finance Committee,
United States Senate.

MY DEAR SENATOR: Reference is made to Senate bill 789, which proposes to amend the second paragraph of section 23 of the merchant marine act, 1920, approved June 5, 1920.

The provision in the merchant marine act which the Senate bill proposes to amend was clearly intended to provide exemption from income tax of the profit derived from any sale made during the 10-year period beginning June 5, 1920, of American ships built prior to January 1, 1914, provided the entire amount received was reinvested in the building of new ships in American shipyards. As the merchant marine act was passed when the revenue act of 1918 was in force it provided that the profit should be exempted from the taxes imposed by Titles I, II, and III of the revenue act of 1918. Evidently the fact that the revenue act of 1918 might not remain in force for the 10 years did not occur to the persons who drafted the original bill, or else it was overlooked by them. As the exemption was contained in an act other than the revenue act, it was overlooked when revision of the revenue act of 1918 was being considered and the revenue act of 1921 was being drafted. This is likely to happen when a provision affecting the taxation of income is not contained in the revenue act.

It is the opinion of this department that Senate bill 789 should be passed in order to carry out the purpose intended to be accomplished in the original act. It is suggested, however, that the bill be amended by inserting the word "forthwith" in line 4, page 2, just after the word "shall," so that the last clause will read "if the entire proceeds shall forthwith be invested in the building of new ships in American shipyards, such ships to be documented under the laws of the United States and to be of a type approved by the board." This amendment is suggested because it appears from the fourth paragraph of the report of the Committee on Commerce submitting the bill to the Senate and recommending its passage that such committee has the idea that the original act intended to give the owners of ships 10 years within which to make the reinvestment. This department does not so read the original act and would seriously object to any provision which would permit the reinvestment to be put off for any great length of time. If the reinvestment could be put off for a period subsequent to the running of the statute of limitations within which an assessment of tax could be made, the taxpayer might claim exemption, and then when the statute had run change his mind and not reinvest. For this reason it is suggested that the word "forthwith" be inserted.

Sincerely yours,

A. W. MELLON,
Secretary of the Treasury.

[S. Rept. No. 74, 70th Cong., 1st sess.]

AMEND THE MERCHANT MARINE ACT, 1920

Mr. WILLIS, from the Committee on Commerce, submitted the following report, to accompany S. 789:

The Committee on Commerce, to which was referred the bill (S. 789) to amend the merchant marine act, 1920, approved June 5, 1920, by insuring the exemption from income taxes during the 10-year period there provided of profits on the sale of certain vessels when the proceeds of such sales are invested in new American vessels approved by the Shipping Board, having had the same under consideration, report it back without amendment and recommend its passage.

The necessity for this legislation grows out of a decision by the Internal Revenue Bureau regarding the effect of certain provisions in the merchant marine act of 1920. Section 23 of that act provided, among other things, that during the period of 10 years from the enactment of the law any citizen of the United States who might sell a vessel documented under the laws of the United States and built prior to January 1, 1924, should be exempt from all income tax that would be payable upon the proceeds of such sale under title 1, title 2, and title 3 of the revenue act of 1918 if the entire proceeds of such sale should be invested in the building of new ships in American shipyards; such ships to be documented under the laws of the United States and to be of type approved by the Shipping Board.

It will be observed by the terms above quoted, the exemption was applicable only to income tax payable under the revenue act of 1918. This act was repealed and succeeded by the revenue act of 1921. The Internal Revenue Bureau holds that since the tax from which exemption was given disappeared by that name with the repeal of the 1918 act there is no exemption as to these funds under subsequent acts.

As a result, American citizens who have sold ships and reinvested the proceeds in new ships, with the idea that the original act gave them 10 years within which to make the reinvestment, are now called upon by the present ruling to pay a substantial part of the proceeds of these sales as taxes.

The clear, unmistakable purpose of Congress in enacting the original law was to give for a period of 10 years the advantage which would come from the aforesaid exemption. The purpose of the pending measure is to carry into effect this original purpose set forth in the merchant marine act of 1920.

It is of the greatest importance that our shipping should receive all reasonable and proper encouragement. In spite of all that has been done, the proportion of our commerce carried in American ships is falling off day by day. It is therefore provided that the advantages accruing under the original act shall exist not only under the revenue act of 1918, but under any subsequent revenue act in force during the 10-year period beginning June 5, 1920.

Mr. LA FOLLETTE. Mr. President, will the Senator state the substance of the report of the department on the bill?

Mr. WILLIS. The department suggests that there ought to be inserted one word in line 4, page 2, of the bill—the word "forthwith." As it reads now the language is, "If the entire proceeds thereof shall be invested in the building of new ships."

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Ohio yield to the Senator from Maryland?

Mr. WILLIS. I yield.

Mr. BRUCE. I want to ask the Senator a question. Did I correctly understand the Senator to state that the Secretary of the Treasury and some other Federal official have approved the bill?

Mr. WILLIS. Yes. It was referred to the Treasury Department and received the approval of the Secretary of the Treasury, and the Secretary's letter will appear in the RECORD. The Secretary suggested, however, and properly, I think, that the following amendment should be made to protect the Treasury. As it reads now, the language is, "if the entire proceeds thereof shall be invested," and so forth. The Secretary thought, and I

think he is correct in it, that the word "forthwith" should be inserted. I move, therefore, that in line 4——

Mr. KING. Mr. President——

Mr. WILLIS. Will the Senator let me finish the statement of the amendment?

Mr. KING. I was desirous of inquiring whether consent has been given for consideration of the bill.

Mr. WILLIS. That has already been given. We have proceeded to consider the bill by unanimous consent.

Mr. KING. Of course, if the Senator with so much assurance says we have agreed to do that, I shall accept his statement.

Mr. WILLIS. The Senator was temporarily absent.

Mr. KING. I have not left the Chamber.

Mr. WILLIS. The request was properly put by the Chair, and no objection was made—not by the present occupant of the chair, but by the President pro tempore.

I offer the following amendment. On line 4, page 2, after the word "shall," I move to insert the word "forthwith," so that it will read:

If the entire proceeds thereof shall forthwith be invested in the building of new ships—

And so forth.

Mr. KING. I want to ask why the Senator, when we were considering the so-called shipping bill, a bill which passed this body a few days ago and which was calculated to prevent the development of a privately owned merchant marine, did not offer the amendment then? Some of us were trying to prevent the passage of that measure, which would, in our opinion, delay the development or the creation of a merchant marine, and suggestions were made as to methods by which a merchant marine, to be privately owned and privately operated, could be brought about. Why did not the Senator offer the amendment on that bill?

Mr. WILLIS. There are several reasons for that. In the first place, this was a separate bill already reported from the committee and pending upon the calendar. I myself have never liked the procedure of offering one bill as an amendment to another. It tends to complicate the situation. That is one very good reason.

To be perfectly frank about it, here is another reason. I offered, as an amendment to the bill to which the Senator refers, in which I think I had the support of the Senator himself, to strike out the provision for a unanimous vote required by the terms of the bill and to insert a provision to enable the board to act by a vote of five out of the total membership of seven. That amendment was voted down. The disposition manifested here was to vote down any amendment offered, so I thought it was rather injudicious to bring this matter up at that time. At any rate, the measure is now before us on its own merits.

Mr. KING. The Senator will regard this, of course, as a form of subsidy to those engaged or who may engage in the construction of ships.

Mr. WILLIS. The Senator might so denominate it. It is an indirect aid, but I hope the Senator will recall that what I am trying to do is simply to carry into effect the evident purpose of the merchant marine act of 1920. The evident purpose of that act was to give this aid to shipowners for the period of 10 years, beginning in 1920. But the act referred to the income tax law of 1918, and when that was superseded by the act of 1921 of course the department, very properly I think, decided that it does not apply here; so we are simply trying to carry into effect the evident purpose of the act of 1920.

Mr. KING. As an original proposition, or if we had a bill before us for the establishment or development of a merchant marine, I concede that perhaps a measure of this kind might be meritorious. It is possible that with the foreign competition in ocean trade there must be some indirect aid given to privately owned and privately operated ships engaged in that trade. It is possible that one of the indirect aids is to relieve them from taxation, providing the equivalent is to be expended in the construction of ships. Another would be by discriminatory duties. In fact, there are many suggestions which could be made which, in my opinion, would develop a merchant marine. We turned all of those propositions down and elected to have the Government enter upon the construction and operation of ships and to destroy, in my opinion, every possibility or probability of private capital being utilized in the construction of ships for ocean travel. I think the measure of the Senator will prove a nullity if the bill which passed the Senate the other day should receive the approval of the other body and the Executive.

I shall not object to the consideration of the pending bill, but I think I shall be constrained to vote against it.

Mr. COPELAND. Mr. President, when this matter was up in committee I suggested to the Senator from Ohio [Mr. WILLIS], as the Senator from Utah has now suggested, that it is in the nature of a subsidy, but since I am in favor of encouraging a privately owned merchant marine I shall vote for the bill. Of course, no one who voted for the bill which passed the Senate the other day could possibly vote for the bill presented now by the Senator from Ohio, but personally I hope it will prevail.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Ohio, which will be stated.

The CHIEF CLERK. On page 2, line 4, after the word "shall," insert the word "forthwith," so as to make the bill read:

Be it enacted, etc., That section 23 of the merchant marine act of 1920, approved June 5, 1920, be, and is hereby, amended so that the second paragraph thereof shall read as follows:

"That during the period of 10 years from June 5, 1920, any person, a citizen of the United States, who may sell a vessel documented under the laws of the United States and built prior to January 1, 1914, shall be exempt from all income taxes that would be payable upon any of the proceeds of such sale under the revenue act of 1918, or under any subsequent revenue act in force during such 10-year period, if the entire proceeds thereof shall forthwith be invested in the building of new ships in American shipyards, such ships to be documented under the laws of the United States and to be of a type approved by the board."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FIRST NATIONAL BANK OF NEWTON, MASS.

The bill (S. 2447) for the relief of the stockholders of the First National Bank of Newton, Mass., was announced as next in order.

Mr. BRATTON. I ask that that bill go over.

Mr. WALSH of Massachusetts. Mr. President, I hope the Senator who objected to the consideration of the bill, the title to which has just been read, will withhold the objection so that the Senator from Delaware [Mr. BAYARD], who reported the bill, may explain it. The bill has been unanimously reported favorably by the Committee on Claims.

Mr. BRATTON. I withhold the objection so that the Senator from Delaware may explain it.

Mr. BAYARD. Mr. President, this bill provides for payment of interest on a claim which was adjudicated by the Court of Claims. The amount of the claim as determined by the Court of Claims was finally paid, but the interest thereon was never paid. The facts briefly are these: In 1867 the Newton National Bank was engaged in business in Boston, Mass., and at the same time there was a subtreasury located in that city. The official in charge of the Federal subtreasury there abstracted funds on deposit in the subtreasury and used them for his own purposes in the way of speculation. He took with him in this speculative operation other people, including the cashier of the bank in question. The time came when he was out of pocket and could not make good the losses he had sustained upon the market by the use of these Federal funds. He then found out that in a short time an examination would be made by the traveling auditor of the Federal Government, and for the purpose of making good his accounts he called upon his friends in the Newton Bank and in other banks to lend him funds and securities of those banks, including the bank in question, for the purpose of making good his account and showing to the traveling auditor of the Federal Government that his accounts were all square.

He agreed with the cashier of the Newton Bank that the funds obtained from the Newton Bank should be so earmarked that after the examination was held by the Federal auditor those funds would be promptly and at once returned by this rascally Federal employee to the Newton National Bank. Unfortunately, however, when the examination was about to be made, this Federal employee lost his nerve, confessed to his act, and stated that he was guilty of the defalcation. This was done after the funds had been taken from the Newton Bank and placed in the Federal subtreasury. In other words, the Federal Government then became possessed of money stolen through the agency of its own officer, knowing at the time that it was stolen.

Thereafter a claim was made upon the Federal Government. The case was referred to the Court of Claims and was there adjudicated against the Government, and in 1881 or 1882—I have forgotten which—the Federal Government appropriated money to pay the principal of the claim; but no interest was ever paid upon the amount of money utilized by the Government between

the years 1867 and 1881 or 1882 when the claim for the principal was paid. This bill is for interest at an average rate of 4½ per cent, which was the amount of interest paid by the Federal Government during the period the Government had these funds. It obtained them through the rascality of one of its own officers; it knew they were stolen at the time it received them; yet it kept using these stolen funds, knowing they were stolen during this period, and did not pay them back until 1881 or 1882.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. BAYARD. Yes, sir.

Mr. CARAWAY. Did not the Newton National Bank know that the funds had been stolen; and did it not retain the cashier in his position?

Mr. BAYARD. The Newton National Bank was not informed as to this theft until after it was confessed by the Federal employee. The cashier had no power except the physical power to extract these securities and these moneys; that could only be done legally by resolution of the board of directors, and they knew nothing of it until after the transaction had taken place.

Mr. CARAWAY. I should like to ask the Senator another question. As I understand, the man who defaulted was an officer of the Federal Government in the subtreasury; he had embezzled moneys belonging to the Government; he was to be checked up; he knew he was short; and I understood that he went to the Newton National Bank and told them that he wanted to borrow this money and have it to his credit so that he could show that he was not short.

Mr. BAYARD. He did tell the cashier, but the cashier is the only person he told. The cashier then stole the money from the Newton National Bank to help him out, and he did it contrary to the rules and regulations of the national bank; nor did he give any information to any officer of the national bank or have any permission from the national bank so to do.

Mr. CARAWAY. Did he not have charge of the moneys of the national bank? Was he not the officer of that corporation that had the exclusive right of loaning money?

Mr. BAYARD. It does not so appear. He took it contrary to the law. He had the physical power but not the delegated legal power for the purpose of abstracting that money from the bank.

Mr. BRATTON. Mr. President, will the Senator allow me to ask him a question?

Mr. BAYARD. Certainly.

Mr. BRATTON. The cashier of the bank did have knowledge of the entire transaction?

Mr. BAYARD. Unquestionably so.

Mr. BRATTON. And delivered the money and securities into the possession of the agent of the Federal Government for the purpose of carrying out a fraudulent transaction?

Mr. BAYARD. Unquestionably so.

Mr. BRATTON. Under those circumstances, Mr. President, I doubt very much if the Government is liable morally or legally. The whole transaction was fraudulent from the start; and if the bank, acting through one of its executive officers, participated in it with knowledge of the fraud, I am unable to see where any moral responsibility rests upon the Government to aid its coconspirator in the fraud.

Mr. BAYARD. I will answer the Senator by saying that the Government has acknowledged that conspiracy in more ways than one. In the first place the Government, by action of Congress, referred the matter to the Court of Claims, and the Court of Claims found judgment in favor of the bank as against the Federal Government for this amount of money. Furthermore, the Government has paid the flat amount of money which was stolen and received by the Government. The Government has acknowledged the matter, so far as it is concerned, all the way through.

Mr. TYDINGS. Mr. President, as I understand the law on the question, it is that the possession of stolen money does not give title to it. The title is always in the lawful owner. The fact that the Government had this money did give it physical possession, but it never did have lawful title to it.

Mr. BAYARD. No; but the Government had the use of it for a period of years; it used it during that period but has never paid interest on it.

Mr. TYDINGS. The Senator from New Mexico has said that, theoretically, the Government should have the right to take title to this money; but, as a matter of law, in any court of the land stolen property does not carry with it title. The man who owns it owns against everybody, and nobody can take it from him.

Mr. CARAWAY. May I suggest in reply to the Senator that where two people have been engaged in a conspiracy to perpetrate a wrong, then no court on earth will relieve either one of them. It is necessary to come into court with clean hands. No one can come here and say, "I have engaged in a conspiracy to defraud the Government; I got caught; I lost money, and I now want it back." That is the case before us.

Mr. TYDINGS. The Senator will admit, nevertheless, that the party who had the funds was the Government and not an innocent third party. The purchase of stolen property from a "fence," even though bought innocently, does not give a right to the property.

Mr. CARAWAY. But certainly the "fence" can not go into the court and say, "I engaged in a game to try to protect the thief and they took the property away from me, and now I want the Government to pay me because I did not successfully perpetrate my larceny."

Mr. TYDINGS. The stockholders of the bank at Newton were not in that category.

Mr. CARAWAY. Who made that man the cashier of the bank? It must have been the stockholders of the bank.

Mr. TYDINGS. That is all right; but the fact that I may hire a man who steals my horse does not give the man to whom he sells it or gives it the title to it, although he was employed by me.

Mr. CARAWAY. If that is true, all you have got to do is hire a crooked agent, and if he fails to get away with the goods establish the fact of the burglary.

Mr. TYDINGS. That is not a parallel case, because you would not hire an agent knowing he is a crook.

Mr. BAYARD. Mr. President, let me say to the Senator from Arkansas that the Court of Claims found it to be a fact that the Federal Government received this money through its own proper officer knowing it was stolen money at the time it received it.

Mr. CARAWAY. If it knew, then you charge the Government with knowledge of its agent, and then excuse the bank and say it is not responsible for its agent.

Mr. BAYARD. No; I do not do that.

Mr. CARAWAY. The cashier represented the bank and the agent of the Government represented the Government and the two perpetrated a larceny and an embezzlement.

Mr. BAYARD. No; because the agent of the bank had no power which authorized him to steal this money or take it in that way.

Mr. CARAWAY. Neither did the agent of the Government.

Mr. BAYARD. But the Government maintained and kept control for nearly 13 years of this money which had been stolen.

Mr. CARAWAY. Of course, it knew that somebody stole this money, but that person then went to somebody else who tried to help him get away with it, who tried to replace it and did replace it, and now the Government is asked to pay on account of a conspiracy to steal entered into between its agent and somebody else's agent.

Mr. BAYARD. Oh no. I want the Government to pay for the use of the money and securities it had during this time. Let me say to the Senator that some of the securities were Federal Government securities bearing interest, and the Government clipped its own coupons and put the proceeds in its own pocket during that period.

Mr. CARAWAY. Of course, it was money to replace money which had been stolen, and the person who supplied it did so with a desire to help defraud the Government.

Mr. TYDINGS. Mr. President, will the Senator yield to me?

Mr. BAYARD. I yield.

Mr. TYDINGS. I understand that the principal of the money was returned by the Government to the bank?

Mr. BAYARD. It was returned after a finding by the Court of Claims.

Mr. TYDINGS. The Government would not have turned over that money unless it was legally bound to do so. The fact that it did turn over the principal and in the meantime had collected part of the principal in the form of interest which had accrued shows in itself that if they were bound to turn over the principal they were also legally bound to turn over everything they got because of the transaction.

Mr. BAYARD. Unquestionably.

Mr. CARAWAY. Mr. President, just a moment. If there were a legal obligation involved, the bank would not be here. They never got a cent because of any legal obligation; they got it by an act of Congress; and Congress does not have to be invoked in the case of legal obligations and does not act through the Committee on Claims when obligations are involved which can be enforced.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. TYDINGS. Will the Senator yield for just one more question?

Mr. BAYARD. I yield first to the Senator from New Mexico.

Mr. BRATTON. The obligation here could not be called anything except a moral one, and I am not able to brand it in that manner when it is conceded that it is to carry out a fraudulent conspiracy to which the bank was a party. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will go over.

JOHN A. FOX

The bill (S. 1325) for the relief of John A. Fox was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to John A. Fox, of Springville, Utah, $786.28 in reimbursement of labor and expenditures made by him upon his stock-raising homestead entry No. 019731, Salt Lake City series, embracing the southwest quarter and east half of section 17 in township 8 south, range 5 east, Salt Lake meridian, Utah, the patent for which was annulled by decree of court for the reason that the land was at the date of entry and patent within a national forest and not subject to entry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PORTER BROS. & BIFFLE

The bill (S. 1476) for the relief of Porter Bros. & Biffle and certain other citizens was announced as next in order.

Mr. KING. I ask that that bill go over.

Mr. THOMAS. I ask that the bill be passed over for the present without prejudice.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

BERT MOORE

The bill (S. 2457) for the relief of Bert Moore was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Bert Moore $5,000, in full settlement of all claims for injuries sustained by reason of being shot and seriously wounded by a military guard at Fort Logan H. Roots on the night of April 23, 1925.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEAM TUG "CHARLES RUNYON"

The bill (S. 2471) for the relief of the owner of the American steam tug *Charles Runyon* was announced as next in order.

Mr. KING. I should like to have an explanation of that bill.

Mr. COPELAND. Mr. President, the bill whose title was just read and the two bills which follow it on the calendar, being Orders of Business 87, 88, and 89, are similar. They have all been before Congress at least once previously, have been approved by the Senate Committee on Claims, and have passed the Senate at least once. Both Order of Business No. 87 and Order of Business No. 88 were recommended by the Secretary of the Navy, who stated that they ought to be passed; and Order of Business No. 89 had the same recommendation. I think they have all been considered heretofore. They simply propose that the matters which are involved shall be referred to district courts of the United States sitting as admiralty courts.

Mr. KING. Very well; I have no objection to the consideration of the bills.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2471) for the relief of the owner of the American steam tug *Charles Runyon*. The bill was read, as follows:

Be it enacted, etc., That the claim of the Crew Transportation Corporation, owner of the American steam tug *Charles Runyon*, and/or the receiver and/or trustee of the said corporation against the United States of America for damages alleged to have been caused by collision between said vessel and the U. S. S. *Traffic* on or about the 6th day of May, 1919, at or near Pier C, navy yard, Brooklyn, N. Y., may be sued for by the said owner and/or receiver and/or trustee in the District Court of the United States for the Eastern District of New York, sitting as a court of admiralty and acting under the rules governing such court: and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the said American steam tug *Charles Runyon*, and/or receiver and/or trustee of aforesaid, or against the owner of the said American steam tug *Charles Runyon* and/or the receiver and/or trustee of said corporation, in favor of the United States, upon the same principles and same measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN STEAM TUG "W. S. HOLBROOK"

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2516) for the relief of the owners and/or receiver of the American steam tug *W. S. Holbrook*, which was read, as follows:

Be it enacted, etc., That the claim of the owners of the American steam tug *W. S. Holbrook*, and/or the receiver of said property, against the United States of America for damages alleged to have been caused by collision between said vessel and the United States Navy steam tug *Pentucket* on or about the 1st day of November, 1917, at the navy yard, Brooklyn, N. Y., may be sued for by the said owners and/or receiver in the District Court of the United States for the Eastern District of New York sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of the said American steam tug *W. S. Holbrook* and/or receiver aforesaid, or against the owners of said American steam tug *W. S. Holbrook* and/or receiver of said vessel in favor of the United States, upon the same principles and same measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BARGE "CONSOLIDATION COASTWISE NO. 10"

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2517) for the relief of the owner of the barge *Consolidation Coastwise No. 10*, which was read, as follows:

Be it enacted, etc., That the claim of the owner of barge *Consolidation Coastwise No. 10* against the United States of America for damages and loss alleged to have been caused by collision between the said barge and barge *Consolidation Coastwise No. 24* when said *No. 10* was in tow of the United States Navy steam tug *Mohawk*, in or near Hampton Roads, Va., on or about the 24th day of October, 1918, may be sued for the said owner of barge *Consolidation Coastwise No. 10* in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of barge *Consolidation Coastwise No. 10*, or against the owner of barge *Consolidation Coastwise No. 10* in favor of the United States, with the same powers as if said suit was brought in accordance with the provisions of the suits in admiralty act of March 9, 1920, and said decree or judgment shall be paid as provided in said act: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEWIS C. HOPKINS & CO.

The bill (S. 2316) for the relief of Lewis C. Hopkins & Co. was announced as next in order.

Mr. KING. Mr. President, I should like an explanation of that bill.

Mr. EDGE. Mr. President, a bill similar to this was passed at the last session of Congress. It provides for a refund of excess duty as between crude camphor and what is known in the Treasury Department as refined camphor. The Treasury Department checked up the 19 entries very completely and fully and report that the firm is entitled to relief.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Lewis C. Hopkins & Co., of No. 18 Old Slip, New York, N. Y., $50,522.52, being the amount paid as customs duties on importations of Japanese B B crude camphor, imported during the years 1922 and 1923, customhouse entries for which were liquidated at the rate for refined camphor and not protested within the period provided by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPHINE DOXEY

The bill (S. 2524) for the relief of Josephine Doxey was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. On objection, the bill will be passed over.

Mr. TRAMMELL. Mr. President, will the Senator from Utah permit me to make an explanation in regard to that bill?

Mr. KING. Yes; I withhold the objection.

Mr. TRAMMELL. The claimant was an employee of the Bureau of Engraving and Printing. In 1918 she suffered a severe accident while on duty and was confined to the hospital and on a sick bed for a number of weeks thereafter. She did not, however, comply with the technical requirements in the matter of making application for compensation within the time specified in the law. When she filed the application the Compensation Commission took the position that it had not been filed in time. That was one of the questions which that bureau raised, but the Superintendent of the Bureau of Engraving and Printing urged upon the Compensation Commission that her case was meritorious and that it was one which came within the provisions of the law entitling her to compensation of $50 per month.

Mr. EDGE. Is this bill——

Mr. KING. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. EDGE. Also, Mr. President, I notice by the report that the Assistant Secretary of the Treasury recommended compensation.

Mr. TRAMMELL. That is correct. A controversy arose then between the Director of the Bureau of Engraving and Printing and the Compensation Commission as to whether or not she was entitled to this compensation. The physician representing the Compensation Commission did not agree that she was in the injured and afflicted condition physically that she claimed that she was; and, upon the other hand, the physician representing the Bureau of Engraving and Printing, after thorough examination and after close observation of her case for months and months, said that she had suffered this physical disability, that she needed the aid, and that in all justice she was entitled to the aid; but, of course, the Director of the Compensation Commission had the last say on the question as to whether or not she should receive the compensation.

This matter was brought here on account of that conflict between them. The Treasury Department recommends that she have the compensation. The director of the bureau reports that she is entitled to it, and all the reports coming from the bureau sustain that idea. Of course time will not permit going into all the details; but if anyone will read the statements made by the physician representing the Compensation Commission and the arguments made by him, and then take the statements made by the physician representing the Bureau of Engraving and Printing I think he will reach the conclusion, just as the Claims Committee did, that the claimant is entitled to this compensation and should be placed upon the roll. It is recommended by the Treasury Department and by the Director of the Bureau of Engraving and Printing.

Mr. KING. Mr. President, I will say to the Senator, in view of the statement he has made, that I shall not object to a bill that provides for the reopening of the case, and if she has been injured, and the commission shall so find, then that she shall be accorded the compensation to which persons sustaining that character of injury would be entitled; but to fix it irrevocably and apparently for all time seems to me not quite fair to the Government.

Mr. TRAMMELL. Mr. President, I appreciate the position of the Senator, but of course we all know what that means. It means that she would never get anything.

Mr. KING. No; I do not agree to that.

Mr. TRAMMELL. I want to appeal to the Senator. I think justice merits that this poor woman, who suffered this injury while on duty, should be compensated as the bill provides.

Mr. CARAWAY. Mr. President, will the Senator please tell me how she got hurt?

Mr. TRAMMELL. She was on night duty, and about 6.30 that night she went into the cafeteria where they are served at the Bureau of Engraving and Printing, and because of the fact that they had been mopping or scouring the floors there, or something of the kind——

Mr. KING. Some coffee had been spilled upon the floor and she stepped on it.

Mr. TRAMMELL. Yes; something of the kind—on account of the condition of this tiled floor she fell and sustained very severe injuries, so the doctor representing the Bureau of Engraving and Printing states.

Mr. CARAWAY. Mr. President, may I ask the Senator a question? The commission held that she was not in the discharge of her duty, did they?

Mr. TRAMMELL. No; they did not hold that she was not in the discharge of her duty, or anything of the kind. They raised the point that she had not filed her application according to the regulations within a certain time. That is one point.

Mr. CARAWAY. But that has been gotten over.

Mr. TRAMMELL. Then, later, a controversy arose as to whether or not she had suffered physical disability. The physician representing the Compensation Commission rather took the position that she had not, and went on to talk about other previous ailments that she had suffered, and this and that and the other. On the other hand, the physician representing the Bureau of Engraving and Printing diagnosed the case as being one where the accident brought about the injuries of which she complained and the condition upon which she claimed that she was entitled to compensation.

Mr. CARAWAY. I am just trying to call the Senator's attention to this statement, which comes from the Acting Secretary of the Treasury:

> The records appear to establish the fact that Mrs. Doxey was injured as a result of a fall on September 11, 1918. The medical evidence submitted in the case, however, was not such that the United States Employees' Compensation Commission felt justified in considering the case one in which benefits were due her under the provisions of the compensation act.

So they evidently decided that she was not engaged in such discharge of her duty that she was entitled to be compensated.

Mr. TRAMMELL. If the Senator will read the whole testimony, I do not think he will find that it carries out that idea.

Mr. CARAWAY. That is included in this report which the Senator filed.

Mr. EDGE. I think the award is $12.50 a week, $50 a month; is it not?

Mr. TRAMMELL. Yes; $50 a month.

Mr. EDGE. Which, as I understand, is less than would have been paid——

Mr. CARAWAY. I am not contesting that. I was just trying to find out if it is not an effort to put somebody on the compensation roll that is not entitled under the law to go there.

Mr. TRAMMELL. I think she is entitled to go there.

The PRESIDENT pro tempore. Is the objection to the bill still maintained?

Mr. CARAWAY. I do not object to it.

Mr. KING. I object to it.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF PRACTICE AND PROCEDURE IN FEDERAL COURTS

The bill (S. 1094) to amend the practice and procedure in Federal courts, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

Mr. CARAWAY. Mr. President, I want to ask the Senator from Pennsylvania a question. As I understand, he objects to the bill. Does the Senator object to having it considered?

Mr. REED of Pennsylvania. I object to having it considered when the Senate is on unobjected bills. It will require some discussion.

Mr. CARAWAY. It has passed the Senate. I want to appeal to the Senator from Pennsylvania, because the bill at one time passed the Senate in this form; and it was amended by the Senator from Pennsylvania himself on the floor, and he did not then object. I hope he will withdraw his objection and let us consider it.

Mr. REED of Pennsylvania. It involves so radical a change in the trial of cases at law that I do not feel that I ought to let it go without objection.

The PRESIDENT pro tempore. The bill will be passed over.

MARIA J. M'SHANE

The bill (S. 1655) granting six months' pay to Maria J. McShane was announced as next in order.

Mr. TYDINGS. I move the substitution of the House bill for the Senate bill.

Mr. KING. Is that a valid claim?

Mr. TYDINGS. It is. It is simply to provide a beneficiary for moneys already provided by existing law.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Maryland.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1405) granting six months' pay to Maria J. McShane.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Senate bill No. 1655 will be indefinitely postponed.

LOUISE A. WOOD

The bill (S. 61) granting an increase of pension to Louise A. Wood was announced as next in order.

Mr. KING. Mr. President, may I inquire whether it is customary to pass bills of this character?

Mr. GILLETT. Mr. President, it is not unprecedented, but it is, of course, an unusual bill; and I think we all know that General Wood's services, if not unprecedented, were exceedingly unusual. I do not wish to occupy the time of the Senate about a career with which all must be very familiar, unless I could perhaps persuade the Senator not to object.

Mr. KING. Then, of course, it means that the widow of every person who has the same military title that General Wood has would be entitled to the same compensation.

Mr. GILLETT. I do not think so. General Wood had an extraordinary career, both as soldier and as administrator. As we all know, as a very young man, when a surgeon, he took charge of a detachment in the Indian war, where he led an expedition at great hazard and difficulty with extraordinary success. After that he returned to practice as a surgeon——

Mr. KING. I am familiar with the record of General Wood, and I would not detract at all from the value of his services or his great ability; but I think for the moment, until we consider the implications and the precedents, we had better temporarily lay the bill aside.

The PRESIDENT pro tempore. The bill will be passed over.

GEORGE A. ROBERTSON

The bill (S. 1541) for the relief of George A. Robertson was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the provisions of the act approved September 7, 1916, entitled "An act to provide compensation for employees of the United States receiving injuries while in the performance of their duties, and for other purposes," are hereby extended to George A. Robertson for the loss of his right eye while employed by the Department of the Interior in Glacier National Park in the year 1913, and that he be paid such sums as would properly be due him within the provisions of section 4 of the said act of September 7, 1916. The United States Employees' Compensation Commission is hereby authorized and directed to make payments in compliance with the terms of the said act of September 7, 1916, and in accordance with the rules and regulations of said commission. Any money in the United States Treasury not otherwise appropriated is hereby appropriated for the purpose of this act.

Mr. KING. Mr. President, as I understand, this bill is to place the claimant under the provisions of the compensation act. Is that correct?

Mr. WALSH of Montana. It is. At the time the injury occurred, in 1913, the statute was limited to those who suffered injuries in manufacturing establishments, hazardous occupations, and that sort of thing. In 1916 it was expanded to take in all employees of the Government, and this man was denied recovery because he had not been in the service in the particular class of occupations covered by the statute.

Mr. SMOOT. May I ask the Senator if there is a favorable report on this bill?

Mr. WALSH of Montana. Yes. Let me explain: This man was in the National Park Service, a guard in the Glacier National Park in the State of Montana. A storm coming on, he took refuge with another man in a log cabin, and they started to make a fire. An explosion occurred, which injured both of them, and destroyed entirely the sight of this man's eye. Apparently, somebody had dropped a cartridge or something of that kind; so that the injury was received in the regular discharge of his duty.

At that time, however, the statute read as follows:

That when, on or after August 1, 1908, any person employed by the United States as an artisan or laborer in any of its manufacturing establishments, arsenals, or navy yards, or in the construction of river and harbor or fortification works, or in hazardous employment on construction work in the reclamation of arid lands, or the management and control of the same, or in hazardous employment under the Isthmian Canal Commission, is injured in the course of such employment"—

Then he may recover, and so forth. This man could not qualify under those classifications.

Mr. SMOOT. But was a special act ever introduced for him?

Mr. WALSH of Montana. No.

Mr. SMOOT. It is a wonder, because nearly every one that was injured has always had a special act.

Mr. FLETCHER. That is what this bill is.

Mr. WALSH of Montana. This bill has been here repeatedly, and I think has passed the Senate several times.

Mr. SMOOT. Not in this form, however. The rule was to give an amount equal to a year's salary. That used to be our rule.

Mr. WALSH of Montana. I think the rule has been to put the claimant under the provisions of the compensation act.

Mr. SMOOT. Very few bills, I will say to the Senator, have ever been passed in that way.

Mr. WALSH of Montana. It seems to me that whatever is done about the matter, that is the most appropriate thing to do. The passage of the bill has been repeatedly recommended by the Department of the Interior. He is to get the same amount that he would get if he had come under the compensation act.

Mr. TRAMMELL. As I remember, this man suffered a most terrible injury—the loss of both eyes. He is completely blind, as I remember.

Mr. SMOOT. I think only one eye.

Mr. WALSH of Montana. One eye.

Mr. TRAMMELL. I remember that he was here, and I knew that he had lost at least one eye. I thought he had lost his sight entirely, however.

Mr. WALSH of Montana. I think that was another case.

Mr. SMOOT. The only reason why I question the advisability of it is that in the past we have always, in injury cases of that kind, given outright a year's salary.

That was brought about because of the fact that the law applied first to the Canal Zone, and the Committee on Claims reported hundreds of bills giving a year's salary to those who were injured similarly to the manner in which this man was injured. If he falls under the compensation act, I do not know how much per month he would receive, because I do not know the extent of his injuries.

Mr. FLETCHER. His right eye is gone.

Mr. WALSH of Montana. On September 7, 1916, the present law was passed, the initial clause of which reads as follows:

That the United States shall pay compensation as hereinafter specified for the disability or death of any employee resulting from personal injury sustained while in the performance of duty.

So that we recognize now, at least, the justice of treating the employees of the Government in this way. I suppose the law states what compensation is given for the loss of one eye. I have not inquired into it.

Mr. SMOOT. Mr. President, I want to have the Government treat this man just as we have treated so many other employees; but I will ask the Senator whether the bill specifically provides any amount, or provides that he shall be given an amount according to the provisions of the act?

Mr. WALSH of Montana. It provides that he shall be paid in accordance with the provisions of the act.

Mr. SMITH. Mr. President, does the law contain a table showing the amounts to be given in different cases?

Mr. WALSH of Montana. The general act provides how much shall be paid for the loss of an eye.

Mr. CARAWAY. Mr. President, will the Senator from Montana yield?

Mr. WALSH of Montana. I yield.

Mr. CARAWAY. I would like to ask the Senator whether he knows how many people have suffered injuries, prior to the enactment of this law, who would be embraced if the act were made retroactive. There is no stronger reason for including this man than anybody else who was injured.

Mr. WALSH of Montana. I have not the information.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF CERTAIN NAVAL AND MARINE OFFICERS

The bill (S. 150) for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were erroneously released from active duty and disenrolled at places other than their homes or places of enrollment was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with amendments, on page 2, line 1, to strike out the word "erroneously," and on line 2, after the word "conditions," to insert the words "and not at his own request," so as to make the bill read:

Be it enacted, etc., That the General Accounting Office is hereby authorized to pay mileage at the rate of 8 cents per mile, computed by the shortest usually traveled route, for travel actually performed within

one year from date and place of release from active duty or disenrollment to their homes or places of enrollment, to such former officers of the United States Naval Reserve Force or United States Marine Corps Reserve who have been released from active service or disenrolled under honorable conditions and not at his own request at places other than their homes or places of enrollment, upon the presentation by such former officers of satisfactory evidence showing that they actually performed such travel to their homes or places of enrollment: *Provided*, That the provisions of this act shall be applicable only to former officers of the United States Naval Reserve Force or United States Marine Corps Reserve who were actually released from active duty or disenrolled under honorable conditions prior to July 1, 1922.

The amendments were agreed to.

Mr. ROBINSON of Arkansas. Mr. President, I think there should be an explanation of this bill. It may be all right.

Mr. SHORTRIDGE rose.

The PRESIDENT pro tempore. The Senator from California is recognized for that purpose.

Mr. SHORTRIDGE. Mr. President, the title of the bill really indicates its purpose. The Secretary of the Navy, to whom the matter was referred, reports favorably. There is quite an elaborate letter from him to the Speaker of the House, in the course of which he says that it had been submitted to the Bureau of the Budget, and that it was not out of harmony with the financial program.

The matter is simply this: The officers referred to were disenrolled at certain places throughout the United States, and not at the places where they entered into the service. Under the technical provision of the law the Accounting Office was not authorized to allow them mileage to return to their respective homes. All the departments which have looked into the matter deem the relief just and proper, and I hope the bill will pass.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

Mr. SHORTRIDGE. Certainly.

Mr. REED of Pennsylvania. The bill provides that the General Accounting Office is authorized to pay mileage. Does the Accounting Office make payments?

Mr. SHORTRIDGE. I understand that it is so. The bill is so framed as to authorize the payment of the several amounts when they have been ascertained.

Mr. REED of Pennsylvania. The function of the Accounting Office is to audit payments made by other departments of the Government.

Mr. SHORTRIDGE. Granted.

Mr. REED of Pennsylvania. I meant my suggestion to be helpful. I am afraid it would be said that the Accounting Office has no funds available to pay and never does pay.

Mr. SMOOT. Did the Senator from Pennsylvania object to the word "authorized"?

Mr. REED of Pennsylvania. "Authorized to pay." The Accounting Office does not make payments.

Mr. SHORTRIDGE. I think it wise to let the matter go over temporarily.

Mr. KING. Mr. President, if it is going over temporarily, may I make one suggestion to the Senator?

Mr. SHORTRIDGE. Certainly.

Mr. KING. The report seems to indicate that there are 31,000 officers covered. I can not believe that any such number of officers were separated from the service without getting their mileage home. As a matter of fact, I have not read of any officer who did not get his mileage home after he was separated from the service. I would like to have the Senator, if he can, get the Navy Department to furnish us the information so that we will know approximately the amount involved, and why these officers were not given mileage home when many others were allowed mileage.

Mr. SHORTRIDGE. The information as to the number does come, apparently authoritatively, from the Secretary of the Navy, in his letter to the Speaker of the House. I assumed that that is approximately the number. They were disenrolled at cities and points throughout this great country other than where they were enrolled and entered into the service. Under the law, as it has been interpreted here, there was no legal way for reimbursing them for the expense of returning to their homes.

Mr. FLETCHER. If the Senator will allow, that 31,000 reserve officers was the total number relieved from active duty, but that is not the number covered by this bill.

Mr. SHORTRIDGE. Precisely.

Mr. SMOOT. It specifically says that it is impossible to determine with accuracy the cost of this proposed legislation.

Mr. FLETCHER. They have not separated those who were discharged away from home from the others. The total number discharged was 31,000, but not all of those would come under this bill.

Mr. SHORTRIDGE. Precisely.

Mr. FLETCHER. I think it would be proper for the Navy Department to let us know what would be involved.

Mr. ROBINSON of Arkansas. It will also be necessary, according to this report of the Secretary of the Navy, to have an additional clerical force in the Navy Department. I think we ought to have more information about this bill.

Mr. SHORTRIDGE. Let me observe, Mr. President, for the benefit of Senators, that I assumed, of course, that this statement from the Secretary of the Navy would be ample information. I do not know, indeed, what further or detailed information we can secure. However, we will look into it further.

The PRESIDENT pro tempore. The bill will be passed over.

EXTENSION OF TIME UNDER COAL PERMITS

The bill (S. 1455) to grant extensions of time under coal permits was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That any coal prospecting permit issued under the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, as amended, may be extended by the Secretary of the Interior for a period of two years, if he shall find that the permittee has been unable, with the exercise of reasonable diligence, to determine the existence or workability of coal deposits in the area covered by the permit and desires to prosecute further prospecting or exploration, or for other reasons in the opinion of the Secretary warranting such extension.

SEC. 2. Upon application to the Secretary of the Interior, and subject to valid intervening rights and to the provision of section 1 of this act, any coal permit that has already expired because of lack of authority under existing law to make extensions, may, in the discretion of the Secretary, be extended for a period of two years from the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 2021) extending and continuing to January 12, 1930, the provisions of "An act authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Fla.," approved January 12, 1925, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the provisions of "An act authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Fla.," approved January 12, 1925, be, and the same are hereby, extended and continued to January 12, 1930.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

U. S. S. "DISPATCH"

The bill (S. 771) providing for the loan of the U. S. S. *Dispatch* to the State of Florida was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized and directed to loan to the State of Florida, for such time and upon such conditions as he deems advisable, for the use of the fisheries department of such State, the U. S. S. *Dispatch*, together with all her apparel, charts, books, and instruments of navigation; but no expense shall be caused the United States by the delivery or the return of such vessel, and the State of Florida shall assume responsibility for all expenses for repair and upkeep of the vessel and for any damage which may be caused to the vessel while loaned to such State.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

Mr. McNARY. Mr. President, the Committee on Agriculture have reported that bill favorably. Senator KING and others have objected to it coming up at this time for consideration and desire further deliberation on the bill. Under those circum-

stances, until we can determine its exact status, I ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

NEAR EAST RELIEF (INC.)

The bill (S. 1287) for the relief of the Near East Relief (Inc.) was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cancel and abandon the claim in the sum of $632,669 with interest for United States property sold in 1919 to the Near East Relief (Inc.) for use in relieving and supplying the pressing needs of the peoples of the countries involved in the late war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARIA MAYKOVICA

The bill (S. 2591) for the relief of Maria Maykovica was considered as in Committee on the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $5,000 to compensate Maria Maykovica, a widow without children, for permanent bodily injuries received and sustained by her on the evening of September 23, 1923, when she was struck by an Army truck as she was crossing Barracks Road, about two blocks south of Mannons' Park, St. Louis County, Mo. The injuries sustained included compound fracture of the right leg, entire left arm lacerated, breaking of several ribs, etc., and was caused by negligence of United States soldiers driving the Army truck.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

S. DAVIDSON & SONS

The bill (S. 1122) for the relief of S. Davidson & Sons, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to S. Davidson & Sons, of Marvell, Ark., the sum of $341.41, out of any money in the Treasury of the United States not otherwise appropriated, on account of forfeiture of bond in case of Will Jones.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

U. S. TRANSPORT "FLORENCE LUCKENBACH"

The bill (S. 2585) for the relief of the owners of the cargo laden aboard the U. S. transport *Florence Luckenbach* on or about December 27, 1918, was announced as next in order.

Mr. KING. Mr. President, is this a bill authorizing reference to the Court of Claims?

Mr. COPELAND. To a district court. It has twice passed the Senate.

Mr. KING. Why not refer it to the Court of Claims?

Mr. COPELAND. It goes to the district court sitting as a court of admiralty.

Mr. KING. I would like to inquire if that has been the custom in dealing with these cases. It seems to me that if that policy shall be pursued, the jurisdiction of the Court of Claims will be greatly narrowed in all of these cases, and all claims against the Government will be referred to the local district courts instead of to the Court of Claims, where now these suits are brought.

Mr. BAYARD. Mr. President, this particular case arose out of an accident which was due to the negligence of a United States ship, and it was found by the board of inquiry that the Federal Government was at fault; but no power lay in that particular department of the Government to award damages. This is a maritime matter, and it was thought best to authorize the company owning this boat to go into the maritime courts with the usual safeguards as to notice, the provision that judgment may be given against the plaintiff, and so on. We passed three or four bills like this this morning—practically the same thing. They have all grown out of maritime accidents. This accident happened in New York, where all the witnesses live.

Mr. KING. I understood that the bills we passed a few moments ago, at the instance of the Senator from New York, were referred to the Court of Claims, that the causes of action, if there were causes of action, were referred to the Court of Claims. The Court of Claims has had jurisdiction of many of these marine disasters, and these claims for damages against the Government for the negligence of those who were operating Government boats. I was wondering why we now take away from the Court of Claims their jurisdiction and refer the case to the local district court.

Mr. CARAWAY. Mr. President, the courts of admiralty are the courts which have jurisdiction, as the Senator so well knows, of accidents at sea. The Court of Claims has no special qualifications to deal with those cases. I think that in practically every case of this kind we have authorized the people to go into the district court and sue.

Mr. KING. Mr. President, I do not know of a case just like this, but if the Senator will pardon me, I may say that we have had—I was going to say hundreds—at least scores of cases since I have been a Member of the Senate where collisions have occurred between barges or boats owned by private individuals and boats owned by the Government of the United States, by the Navy, or by the Shipping Board, and we have referred those cases to the Court of Claims to determine whether there was liability, and, if so, to assess the damages.

Mr. BAYARD. May I say to the Senator that in the short time since I have been a Member of the Senate ninety-nine and a fraction per cent of these cases have been referred to the district courts as against a fraction of 1 per cent to the Court of Claims. There have been upwards of 150 cases of that kind referred to the district courts.

Mr. KING. I think the Senator is in error if he includes in his statement those cases in which there have been collisions and damages were claimed because of a collision between privately owned and Government-owned vessels.

Mr. BAYARD. That is the very class of cases to which I am referring. I have been on the Committee on Claims during that whole period, and I speak with knowledge.

Mr. BRUCE. Mr. President, I will state to my friend the Senator from Utah that I was for some years a member of the Committee on Claims, and I can corroborate absolutely the statements made by the Senator from Arkansas [Mr. CARAWAY] and the Senator from Delaware [Mr. BAYARD] with reference to that matter. Since I have been a Senator, and during the time I was on the Committee on Claims, a very considerable number of negligence cases have been referred to the district courts of the United States for adjudication.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the claims of all owners of various shipments of merchandise which were laden on board the U. S. transport *Florence Luckenbach*, at the time hereinafter mentioned, against the United States of America for damages alleged to have been caused by fire and by water used to extinguish fire on or about the 27th day of December, 1918, at Locust Point, Baltimore, Md., may be sued for by the said owners of cargo in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suits and to enter judgments or decrees for the amounts of such damages, including costs, if any, as shall be found to be due against the United States in favor of the owners of said cargo, or against the owners of said cargo in favor of the United States, upon the same principles and same measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notices of the suits shall be given to the Attorney General of the United States as may be provided by orders of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suits shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COAST TRANSIT DIVISION BARGE "NO. 4"

The bill (S. 2586) for the relief of the owner of the Coast Transit Division barge *No. 4* was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the claim of the owner of the Coast Transit Division barge *No. 4* against the United States of America for damages and loss alleged to have been caused by collision between said barge and the U. S. S. *Ball* on or about the 17th day of April, 1919, near Pennsylvania Railroad Pier F, Jersey City, N. J., may be sued for by the said owner in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty, and acting under the rules governing such court; and the said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as

shall be found to be due against the United States in favor of the owner of the said Coast Transit Division barge *No. 4* or against the owner of the said Coast Transit Division barge *No. 4*, in favor of the United States, upon the same principles and same measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF WATERSHEDS

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (S. 1181) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended.

ORDER OF BUSINESS

Mr. CURTIS. Mr. President, I understand the bill will take but a short time, and I ask unanimous consent that after its final disposition we shall devote the balance of the afternoon to the consideration of unobjected bills on the calendar, beginning where we left off a moment ago.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request preferred by the Senator from Kansas?

Mr. JONES. The agreement proposed is not to interfere with the presentation and consideration of conference reports?

Mr. CURTIS. No.

Mr. McNARY. Mr. President, the junior Senator from Washington [Mr. DILL] spoke to me about a matter involving a conference report. Before consenting to the unanimous-consent agreement I wish to say to the junior Senator from Washington that I shall give way temporarily for the consideration of conference reports.

Mr. CURTIS. There is no objection to that.

Mr. McNARY. With that understanding, that I may not be unfaithful to my promise to the junior Senator from Washington, I am agreeable.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request preferred by the Senator from Kansas? The Chair hears none, and the unanimous-consent order is entered.

CONFERENCE REPORT—APPROPRIATIONS FOR DEPARTMENTS OF STATE AND JUSTICE, ETC.

Mr. JONES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8269), "making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 11, 16, 23, 29, 30, 32, 33, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 7, 8, 9, 12, 13, 14, 17, 18, 19, 22, 24, 25, 26, 27, 31, 34, 36, 37, 43, and 44; and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$335,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert: "$3,659,850"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of sum proposed insert "$859,143"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$260,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,542,080"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 10, 15, 28, 38, 39, and 40.

W. L. JONES,
F. E. WARREN,
REED SMOOT,
LEE S. OVERMAN,
WM. J. HARRIS,
Managers on the part of the Senate.

MILTON W. SHREVE,
GEORGE HOLDEN TINKHAM,
ERNEST R. ACKERMAN,
W. B. OLIVER,
ANTHONY J. GRIFFIN,
Managers on the part of the House.

Mr. BINGHAM. Mr. President, I should like to ask the chairman of the committee as to what was done with regard to the Senate amendment increasing the amount available for the transportation of Diplomatic, Consular, and Foreign Service officers under the provisions of the Rogers Act?

Mr. JONES. The conferees agreed on $45,000 instead of $46,900, as passed by the Senate.

Mr. BINGHAM. What did the conferees do with regard to an increased appropriation for aircraft in commerce?

Mr. JONES. The House agreed to the amount in the first item on page 53 as passed by the Senate, $702,000, and the item on page 54 was accepted as the Senate passed it, decreased by $25,000.

Mr. BINGHAM. I thank the Senator.

Mr. LA FOLLETTE. Mr. President, may I ask the Senator from Washington what was done with regard to the increased appropriation for the district offices of the Bureau of Foreign and Domestic Commerce?

Mr. JONES. The House accepted the Senate provisions.

Mr. LA FOLLETTE. I am very much gratified to learn that that was the result.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

INDEPENDENT OFFICES APPROPRIATION BILL

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist on its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WARREN, Mr. SMOOT, Mr. JONES, Mr. OVERMAN, and Mr. GLASS conferees on the part of the Senate.

PROTECTION OF WATERSHEDS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1181) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended.

Mr. McNARY. Mr. President, in just a few words I shall explain the very brief bill which is now the unfinished business. The sole purpose of the bill is to authorize an appropriation for the acquisition of forested, cut-over, and denuded areas

on the watersheds of navigable streams. The authority for the legislation is found in the Weeks Act passed by Congress in March, 1911, and the so-called forestry act, known as the Clarke-McNary Act of 1924.

For a period of 17 years, since the enactment of the Weeks law, the Government, by this scheme of acquiring areas through Federal appropriation, has acquired approximately 3,000,000 acres of land. In acquiring these properties the Government has expended $17,000,000, and, as I said, has acquired practically 3,000,000 acres of land in the forested areas of our navigable streams.

The act of 1924, which is supplementary to the Weeks Act, also required that the Government acquire this area in watersheds of navigable streams, and also provided that the lands may be denuded or cut over. Therefore the Government is able to practice reforestation in those areas where the navigability of streams is not protected now as it used to be when it involved forested areas.

When the bill came before the Senate Committee on Agriculture and Forestry it called for an appropriation of $40,000,000 extending over a period of 10 years. After hearings were held before the committee an amendment was offered by the Senator from South Dakota [Mr. NORBECK] which changed somewhat the plan of the appropriation. It did not increase the amount, which remains at $40,000,000, but did shorten the period over which the money should be expended.

The bill, if passed, makes $1,000,000 immediately available; $1,000,000 available on July 1, 1928; $3,000,000 available on July 1, 1929; $4,000,000 available on July 1, 1930; $4,000,000 available July 1, 1931; $5,000,000 available July 1, 1932; $5,000,000 available July 31, 1933; $5,000,000 available July 1, 1934; $5,000,000 available July 31, 1935; and $6,000,000 available July 1, 1936, constituting the total appropriation of $40,000,000.

The National Forest Reservation Commission, which cooperates with the Department of Agriculture in the acquisition of these areas, consists of seven members, one of whom is the distinguished junior Senator from New Hampshire [Mr. KEYES]. It is the purpose of the commission, if this appropriation be made, to acquire approximately 2,500,000 acres in the south Appalachian Mountain Range, about an equal amount in the White Mountain region of New England, and about 3,000,000 acres in the three Great Lakes States—Wisconsin, Michigan, and Minnesota.

There is no reason that I can see why I should go into detail concerning the great value which has come through the invoking of section 6 of the Weeks Act. I may add in conclusion that of the $17,000,000 which has been expended, most of it has been in the Southern States and but little in the Great Lake States or in the New England States. None of the money, it is thought or contemplated, will be expended in any of that section of the country west of the Mississippi River save in two or three border States. The land heretofore acquired has increased in value, at a conservative appraisement, at least $1,000,000. It is thought that on account of the peculiar situation and the options now controlled by the National Forest Conservation Commission, the areas can be purchased now much more cheaply than they can within a year or two years from now. The purpose to speed up the program is the theory for cutting down the program from 10 years to 8 years.

I ask unanimous consent that, as a part of my remarks, a letter written to me by the Chief Forester may be incorporated in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., January 17, 1928.

Hon. CHARLES L. MCNARY,
Chairman Committee on Agriculture and Forestry,
United States Senate.

DEAR SENATOR MCNARY: The request for a report upon the bill S. 1181 is received.

This bill would authorize appropriations aggregating $40,000,000 at the rate of $3,000,000 a year for the fiscal years 1930 to 1934, inclusive, and $5,000,000 a year for the years between 1935 and 1939, both inclusive, these appropriations to be available until expended for the purchase of lands under the provisions of section 7 of the act of March 1, 1911 (36 Stat. 961), as amended by the acts of March 4, 1913 (37 Stat. 828), June 30, 1914 (38 Stat. 441), and the act of June 7, 1924 (43 Stat. 653).

Appropriations under section 7 of the act of March 1, 1911, are for the purpose of acquiring forest lands on the watersheds of navigable streams for preserving their navigability. Under this act and under subsequent legislation appropriations to date have been as follows:

Fiscal year—	
1910 (all reverted to Treasury)	$1,000,000
1911 (of which $1,982,679.24 reverted)	2,000,000
1912	2,000,000
1913	2,000,000
1914	2,000,000
1915	2,000,000
1917	3,000,000
1920	600,000
1922	1,000,000
1923	450,000
1924	450,000
1925	818,540
1926	1,000,000
1927	1,000,000
1928	1,000,000
Total appropriations	20,318,540
Reverted to Treasury	2,982,679
Net appropriations	17,335,861

The original plan under which this work was inaugurated contemplated the ultimate acquisition by the Government of 5,000,000 acres in the southern Appalachian region and 1,000,000 acres in the White Mountains region. From time to time the original purchase areas have been enlarged and new areas have been created in Alabama, Arkansas, and Pennsylvania. The purchase areas approved by the National Forest Reservation Commission under the original Weeks law, act of March 1, 1911, as amended, as they now exist, contain a total gross area of 9,171,569 acres. Of this area, however, 927,000 acres is known to possess agricultural, mineral, or water-power values which preclude its purchase. Also, there is 922,815 acres that was reserved from the public domain and 11,369 acres that was transferred from the Treasury Department.

At the present time the purchase of 2,909,588 acres has been authorized within the Weeks law forests, at an average price of $5.26 per acre, a total cost of $15,315,540. The net unacquired acreage suitable for national forest purposes in the existing purchase units, therefore, is approximately 4,150,000 acres. Some of this, however, is held at such high prices by the owners that purchase is inadvisable, while other owners are so managing their forest properties that acquisition by the Government is unnecessary.

Ultimately it may prove desirable to establish under the Weeks law additional purchase units, possibly in eastern Kentucky, in southeastern Oklahoma, and in Vermont, States which have passed enabling acts authorizing such action. Not only would the national forests so established protect important watersheds and constitute important sources of timber supply, but they would serve as demonstrational areas. To complete the Weeks law forests, including new units, would require an additional 4,000,000 acres of land, and the expenditure on the basis of previous costs would be $25,000,000. The major purpose of the bill S. 1181 is to authorize appropriations aggregating this sum over a 10-year period.

Section 6 of the Clarke-McNary Act (43 Stat. 653) broadens the field of purchase under which lands can be acquired under the Weeks law, because of the conviction of the Senate Select Committee on Reforestation (created by S. Res. 398, 67th Cong.), which drafted that act, that the purchase provisions of the Weeks law should be extended in order to permit the establishment of national forests on limited areas in the great stretches of cut-over and denuded forest lands which exist in portions of the eastern half of the United States. The records of the select committee are filled with testimony as to the urgency of Federal assistance, through purchase, in working out the very large problems of restoring these cut-over denuded areas to productive forests, particularly at the hearings held in the Lake States and in the pine districts of the South. (See Rept. No. 28, January 10, 1924.) One purpose of the present bill (S. 1181) would be to authorize appropriations aggregating $15,000,000 during a 10-year period to carry out the provisions of this section of the Clarke-McNary Act.

Under the present law, which is unchanged by the proposed bill, no purchases can be made in any State without the concurrence of that State through an enabling act adopted by its own legislature. This of itself would dispose of any question as to interference with the rights of jurisdiction of the States concerned. If a State so desires, it may prevent any Federal purchases of forest land within its borders by declining to enact an enabling law, or it may by the terms of its enabling act limit the acreage of land to be acquired by the Federal Government. This has been done by the States in several instances. A State which desires to terminate purchases of land by the National Government can do so immediately by repealing its enabling act. The entire program is thus predicated upon the concurrence of the States, not only in the first instance but through the continuation of the local enabling legislation.

Up to the present time 22 States have passed enabling acts, some of them with area limitations, concurring in Federal purchases of land within their borders under either the Weeks law or the Clarke-McNary law. In the case of three States—Wisconsin, Oklahoma, and Mississippi—the enabling legislation of the State has been enacted subsequent to the passage of the Clarke-McNary law and in pursuance of the policy

of purchase provided by section 6 of that law. In the case of three other States—Florida, Michigan, and Minnesota—while the enabling act preceded the Clarke-McNary law, it became operative only with the enactment of this Federal statute because the class of lands available for purchase could not be acquired except under the terms of section 6 of the Clarke-McNary Act.

Section 6 of the Clarke-McNary law affords opportunity to extend the purchase work in at least six States which have concurred in and invited such extension and which have, in a measure, framed their own State forest policies in anticipation that Federal purchases would be so extended, as section 6 of the Clarge-McNary act contemplated. Failure to extend the Federal policy of buying forest lands would constitute a discrimination against the interests of a considerable number of States which desire to have such purchases made within their borders, and would tend to make the purchase policy a sectional one rather than a national one. Such a course would be contrary to the very pronounced expression of public sentiment all over the country as to the desirability of extending Federal purchases, as the Clarke-McNary law intended should be done.

Section 6 of the Clarke-McNary Act provides, in conformity with constitutional limitations, that all such purchases shall be located within the watersheds of navigable streams. It is, however, the obvious intent of section 6 that, while all such acquisitions are viewed as having a beneficial effect upon the flow of navigable rivers, the primary purpose underlying any specific purchase may be either for the protection of stream flow or for the production of timber. In some of the regions where the benefits of this act should apply the lands will be on the watersheds of navigable streams, but it will not be possible conscientiously to allege that their forest cover will markedly affect navigation, since the major justification for their acquisition will be their value as sources of timber supply, and, more important still, their value as demonstration areas and centers of cooperation with other landowners.

The Lake States offer a specific situation. It is extremely doubtful if any land could be acquired in this section on a conclusive and positive showing of the necessity for such purchases to protect the headwaters of navigable streams. But this region is the logical and necessary source of supply of forest products for a very large section of the United States, including the Dakotas, Nebraska, Iowa, Illinois, Indiana, and Ohio. The Lake States contain an enormous acreage of denuded forest lands. They are now struggling with a tremendous land problem which affects their economic life and rural prosperity to a very serious degree. They have all asked by legislative enactment for the assistance of the Federal Government in the restoration of their denuded forest lands under section 6 of the Clarke-McNary Act. A number of areas have been selected for purchase, all on the watersheds of navigable streams and all in the centers of very much larger sections where every possible effort toward reforestation should be exerted. The areas selected will aid the reforestation of the whole region through timber planting, demonstrations of forestry practice, and areas which will become the centers of effective protection from fire. To deny this form of Federal assistance would mean not only discrimination against the Lake States in the application of a general policy but discrimination against the surrounding States which look to the Great Lakes region for a direct and cheaply available source of timber products.

The Lake States contain large areas of cut-over land which originally supported white and Norway pines. After the virgin timber was cut jack pine and scrub hardwoods followed in many places, but in others even this inferior growth has been practically destroyed by fire so that it will be necessary to reestablish a forest cover by artificial means. The forests of the Lake States have contributed an enormous amount of timber for the upbuilding of the industries of the Nation, and it is essential in our future economy that these lands be restored to timber production. Of the total original forested area of 112,000,000 acres in the three States of Michigan, Wisconsin, and Minnesota less than 24,000,000 acres now remain, while of the cut-over lands 21,000,000 acres are at present estimated to be fire-swept and devastated sand plain and swamp with no promise of future earning value unless prompt and radical measures are taken for rehabilitation. The area is so large and the conditions are so adverse that there is little promise of any large portion of these lands being restored to timber production by other than public initiative unless it can be demonstrated that this can be profitably done by private interests. It is proposed that approximately 2,500,000 acres of land largely of the denuded type described shall be acquired by the Federal Government and administered as national forests. On account of its present unproductive condition it seems that it should be possible to acquire this area at not to exceed $2.50 an acre, including the cost of purchase. This would necessitate the expenditure in the Lake States of about $6,250,000.

There already exist in Minnesota two national forests, and especially on the Superior National Forest are there large areas of alienated lands which should be acquired to facilitate efficient administration. In recognition of this fact the National Forest Reservation Commission has created a purchase area embracing the Superior Forest. In Wisconsin there is no national forest, but the State has recently enacted legislation authorizing the Federal Government to purchase and administer forest lands in the State. Similar legislation has been in existence in Michigan and Minnesota for some time. In Michigan there exist three separate and much-dissected parcels of forest land, consisting of remnants of public domain, which are administered as a national forest. Two of these units have been included within a purchase area with a view to promoting their consolidation and better management. There is urgent need for consolidation of these units for administrative reasons. The purchases proposed in the Lake States would embrace but 4½ per cent of their forest lands, but the consummation of such a program will not only be of utility as a national source of timber supply but of great demonstrational value to the private landowners and the States in this region.

Studies which were made in the southern pine belt show that four-fifths of the original yellow-pine forests has been cut since 1870, and that out of more than 100,000,000 acres of yellow-pine land that have been cut over nearly 31,000,000 acres have not come back to pine, although much of it is more suitable for timber growth than agriculture. During the past few decades the lumber produced in the Southern States has been the mainstay of national consumption. The problem of the unproductive pine lands is more than a local one, and it seems urgent that a system of national forests should be established in this region not only to again make productive a portion of the denuded lands but to serve the important function of demonstrational forests in pointing the way to a profitable development and use of these cut-over and at present unproductive lands. At present there are no national forests within the pine region of the Southern States except the small forests in Florida and the small areas acquired for military purposes, which are now, under the terms of section 9 of the Clarke-McNary Act, administered as national forests. It is believed that 2,500,000 acres of land should be acquired in this region, at a cost of $3.50 per acre for purchase, which will require an outlay of approximately $8,750,000. It would involve the purchase of but 2 per cent of the forest lands in the southern pine region.

A number of units for purchase under section 6 of the Clarke-McNary Act have been examined in the southern pine belt. In every case where enabling legislation has been enacted by the State and the State forestry department concurs, it is the purpose of the Forest Service to submit units for the consideration of the National Forest Reservation Commission as soon as funds are made available, in order that purchases may be instituted in the very important southern pine region and the policy of Federal aid in reforestation extended to that section of the country. Local interests are urging the initiation of these purchases, all of which lie within the watersheds of navigable streams, but most or all of which will probably not be classified as necessary to the protection of the navigability of such streams. This entire program, designed to give the southern pine district the benefits of the Clarke-McNary Act, should in equity be carried out.

The maximum purchases possible under the authorizations set up in the Senate bill would embrace but a very small proportion of types of land which require constructive management to reclaim their productive values. The report of the Select Reforestation Committee of the Senate, submitted to the first session of the Sixty-eighth Congress, brings out that the Lake States now contain 26,000,000 acres of second-growth timber or young forest and over 19,000,000 acres of forest land that is practically denuded and barren; and that the southern pine region contains in excess of 30,000,000 acres of denuded land. The purchases possible under the authorizations proposed by the State bill would not exceed two and one-half million acres in the Lake States and two and one-half million acres in the southern pine States. The aggregate of the 5,000,000 acres to be acquired under the policy proposed would mean about one-tenth of the acreage of denuded and cut-over lands existing in these two regions alone in 1923, and only 2½ per cent of their total area of forest land. There can thus be no wholesale buying out of private lands or extinguishment of the rights of the States and counties to tax such lands. The fundamental idea of the entire program is the development of a system of key areas upon which to work out and demonstrate the problems of research, experimentation, and administrative practices essential to successful forest management in the region; and to serve as centers of cooperative action between all interested agencies, looking to State, county, and private agencies for the productive management of the bulk of the forest lands.

To summarize, present circumstances indicate that the complete accomplishment of the intent of Congress, as expressed in the acts approved March 1, 1911, and June 7, 1924, will require the further purchase of 4,000,000 acres to complete the original Weeks law program; of about two and one-half million acres in the Lake States; and of an approximately equal area within the pine belt of the Southern States. Should Senate bill 1181 be adopted, and appropriations later made in accordance with its authorization, the department would be able to make and carry out the plans which are necessary to accomplish the purposes of the Weeks law and the Clarke-McNary law.

On referring this report to the Bureau of the Budget as required by circular 49 of that bureau, the following comment was made by the director, General Lord:

"I have to advise you that if the provisions of the proposed legislation were amended so as to limit the authorization to $2,000,000 for the fiscal year 1929 and $2,000,000 for the fiscal year 1930, it would not be in conflict with the financial program of the President. A two-year program of this kind would be in harmony with the authorized program for good roads and also for other Federal aid programs."

Sincerely yours,

W. M. JARDINE, *Secretary.*

Mr. McNARY. Mr. President, in conclusion may I say that the able Senator from North Carolina [Mr. OVERMAN], who is also a member of the National Forest Conservation Commission, has an amendment to offer, which I have considered at length, in conjunction with the Secretary of Agriculture and the Chief Forester, and, if proposed by the Senator, it is my purpose to accept it.

Mr. OVERMAN. Mr. President, it is well remembered, no doubt, that I fought this bill at the last session with considerable success. I have consulted with the distinguished chairman of the Committee on Agriculture and Forestry [Mr. McNARY], the Chief Forester, and the Secretary of Agriculture. We talked about an amendment which would cover my objection to the bill. They having agreed to it, I shall make no further objection. The amendment reads as follows and is rather a limitation:

Provided, That, except for the protection of the headwaters of navigable streams or the control and reduction of floods therein, no land shall be purchased under the appropriation herein authorized in excess of 1,000,000 acres in any one State.

I understand that the Senator from Oregon will accept the amendment.

Mr. McNARY. Yes.

Mr. KING. Mr. President, may I inquire of the Senator who is offering the amendment why he limits it? In other words, if it is improper to purchase the land at all, why not say so?

Mr. OVERMAN. I think 1,000,000 acres is enough in each State to protect the headwaters of navigable streams. The original bill, which was passed for that purpose, known as the Weeks Act, was held constitutional. This goes into the question of flood control, and the fight I made against it heretofore was that they might purchase not only 1,000,000 but 4,000,000 or 6,000,000 or 10,000,000 acres of land, and thus wipe out an entire State. That is what they could have done if they were authorized to proceed without limit. The limitation to 1,000,000 acres is to protect our navigable streams and also to protect the flood waters.

Mr. KING. I may not quite understand the effect of the amendment, but as I do understand it it simply means that the commission may purchase not to exceed 1,000,000 acres in any one State for flood control. It does not limit them, however, to the purchase of 1,000,000 acres for reforestation or for any other purpose unless the original act itself limits it. In other words, they may purchase more than 1,000,000 acres within any State for reforestation pure and simple.

Mr. OVERMAN. No; they can not purchase more than a million acres.

Mr. McNARY. The application of the bill is simple. It only deals with the navigability of streams and the safeguarding of the watersheds of our streams. It is not apart whatsoever from the main purpose of protecting the navigability of our streams except in those watersheds where the timber has been cut off, where the bill permits replanting or replacement of forests. It does limit the area that may be purchased in any one State to 1,000,000 acres.

Mr. KING. For all purposes?

Mr. McNARY. Yes.

Mr. ROBINSON of Arkansas. The language of the amendment is:

Provided, That, except for the protection of the headwaters of navigable streams or the control and reduction of floods therein, no land shall be purchased under the appropriation herein authorized in excess of 1,000,000 acres in any one State.

The simple and only correct construction of the amendment seems to me to be that for the protection of the headwaters of navigable streams or the control and reduction of floods therein, the limitation does not apply, and any area found necessary may be purchased. The limitation relates to lands purchased for other purposes than the protection of the headwaters and flood control.

Mr. OVERMAN. I think the Senator is not correct about that.

As a part of my remarks, I ask to have printed in the RECORD a statement by the Forestry Department, to accompany my remarks, and also a statement showing the policy of the department with reference to the purchase of these lands.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statements referred to are as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, January 21, 1928.

Hon. LEE S. OVERMAN,
United States Senate.

DEAR SENATOR OVERMAN: Since the Clarke-McNary act was passed in 1924, the Forest Service has carefully studied the extent to which forest lands should be acquired by the Federal Government under its terms; first, to protect headwaters and prevent floods on navigable streams, and, second, to promote timber production in cut-over and denuded areas. This has led to the formulation of a fairly complete program, which I desire to submit for your consideration.

In shaping this program three considerations were paramount:

(1) The need for consolidating Federal ownership within national-forest units hitherto established by the National Forest Reservation Commission for protecting the headwaters of navigable streams.

(2) The establishment of a few additional areas primarily to protect the headwaters of navigable streams and reduce floods therein. There are still a number of important headwater areas where such protection is needed.

(3) The creation of a limited number of additional national forests within the watersheds of navigable streams but primarily to aid in timber production in regions containing extensive areas of cut-over and denuded land. Such units will also have a beneficial influence in the protection of navigable streams through the restoration of forest cover and the prevention of erosion. The region where this class of national forests are most needed are the pine belt of the South and the northern portions of the Lake States.

The proposed program is summarized in the following table:

State	National forest area acquired or approved	Additional areas to be acquired primarily for watershed protection and flood control	Additional areas to be acquired on watersheds, navigable streams, primarily to aid in timber production	Total area ultimately to be in Federal ownership	Per cent of State area	
					Total land area of State	Total forest area of State
Alabama	110,694	552,420		663,114	2.0	3.3
Arkansas	1,052,507	433,198		1,485,705	4.4	7.0
Florida	343,180		300,000	643,180	1.8	3.3
Georgia	247,947	300,872		548,819	1.4	2.8
Kentucky		800,000		800,000	3.1	8.5
Louisiana		100,000	175,000	275,000	.9	1.6
Maine	33,348	74,493		107,841	.5	.7
Michigan	187,747		900,000	1,087,747	3.0	5.9
Minnesota	1,037,053		700,000	1,737,053	3.4	8.2
Mississippi		600,000	125,000	725,000	2.4	4.2
New Hampshire	460,013	368,984		828,997	14.0	21.0
North Carolina	385,106	882,394	300,000	1,567,500	5.0	8.7
Pennsylvania	286,863	356,070		642,933	2.4	5.4
South Carolina	43,058	78,104	200,000	321,162	1.6	3.2
Tennessee	379,354	372,434		751,788	2.8	6.3
Virginia	589,265	515,568		1,104,833	4.2	9.0
West Virginia	255,802	384,519		640,321	4.2	7.5
Wisconsin		100,000	800,000	900,000	2.5	5.2
Total	5,411,937	5,919,056	3,500,000	14,830,993	------	------

All of these national forests will serve the important purposes of (1) research, experimentation, and demonstration of methods of forest management; and (2) of cooperation with the States, counties, and private owners in many phases of forestry.

All of these requirements of the situation, as nearly as I have been able to determine them, are set forth, State by State, in the foregoing table. The execution of such a program will be contingent upon the continued concurrence and approval of the States. The Federal law, as you of course know, provides that before any purchases can be made in a State, its consent must be obtained through appropriate action of the legislature. In addition to that it is the policy of the Forest Service to recommend the establishment of purchase areas only in the event that they are specifically approved and concurred in by the forest or conservation agencies of the State concerned. You thus will see that the carrying out of the program outlined rests wholly upon the continued concurrence of the State.

As stated before, the program contemplates the establishment of some purchase areas which will not be primarily for watershed protection or flood control, but to aid the production of timber and the encouragement of sound methods of forest management on surrounding privately owned land. In these cases, of course, watershed protection will be a factor, but another factor in itself justifying the proposed program is that of aiding the States and owners of private land through research and demonstration of the best practices and methods of timber production. This is particularly applicable in regions where vast areas of

cut-over and denuded land present an outstanding land and economic problem.

The program outlined represents an estimated expenditure of $40,000,000. Of this amount approximately $25,000,000 will be necessary to complete acquisition within the existing national-forest units in which approximately 4,000,000 acres of land remain to be acquired. In the Lake States the cost of acquiring new units will be approximately $6,250,000, while in the southern-pine States the cost is estimated to be approximately $8,750,000. So far as I can foresee, the program proposed will place in Federal control approximately the maximum acreage needed by the Federal Government to carry out its part of the work of watershed protection, flood control, and timber production. The rate at which this program shall be carried out will depend, of course, upon the authorizations and appropriations which are approved by Congress.

As you will note from the table, the percentage of the total land area or the total forested area of any State, proposed for ultimate acquisition by the Federal Government is small. Aside from New Hampshire, where special conditions prevail, the largest percentage of the area of any State to be acquired is in North Carolina, and amounts to but 5 per cent. There can be no danger that the purchase of lands for national forest purposes under this program would be carried to a point where it would militate against the best interests of the State or of the owners of forest land therein.

The future of forestry in the United States, as I see it, rests primarily with the States and with the owners of private forest lands. The function of the Federal Government should not be one of extended land ownership and control so much as one of cooperation and helpfulness. There are, however, certain regions in which Federal ownership of limited areas, especially of land presenting special needs for stream protection or flood control or of land presenting the more complicated and difficult problems of forest restoration would be eminently desirable. It is such areas which are contemplated in the program now under consideration.

Very sincerely yours,

W. B. GREELEY,
Forester.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, January 20, 1928.

Hon. LEE S. OVERMAN,
United States Senate.

MY DEAR SENATOR OVERMAN: In accordance with our conference of this morning regarding the character and scope of forest purchases contemplated under Senate bill 1181, I am inclosing a memorandum which summarizes in concise form the approximate areas which the Forest Service believes should be acquired as national forests under the terms of existing legislation. These areas are classified as to the major purposes of the purchase. The memorandum also shows the percentage of the area of each State which would be in the ownership of the Federal Government when this program of purchases is completed, and summarizes the more important points in the policy of the Forest Service regarding the extension of national forests in relation to the interests of the States.

I have drafted this memorandum with reference to your using it as an insertion in the CONGRESSIONAL RECORD should you so desire.

In order to clearly express the policy intended under Senate bill 1181, and in accordance with your own suggestion, I suggest that you offer an amendment to this bill as follows:

Amend S. 1181 as reported from the Committee on Agriculture and Forestry January 9, 1928, by adding at the end of line 18, page 2, the following:

"*Provided*, That, except for the protection of the headwaters of navigable streams or the control and reduction of floods therein, no lands shall be purchased under the appropriations herein authorized in excess of 1,000,000 acres in any one State."

This would, I believe, put the policy entirely in the clear and provide adequate safeguards against any undue extensions of the national forests for purposes other than the protection of the headwaters of navigable streams or the control of floods.

Very sincerely yours,

W. B. GREELEY,
Forester.

Mr. KING. Mr. President, referring to this amendment, I am very greatly confused, as the able Senator from North Carolina is not clear as to the meaning and comprehensiveness or the limitations upon the amendment. If I understand my able leader, the Senator from Arkansas [Mr. ROBINSON], he places the same interpretation upon this amendment which I place upon it, namely, that there may be purchased not to exceed 1,000,000 acres in any one State for the protection of the country from floods.

Mr. ROBINSON of Arkansas. No.

Mr. OVERMAN. No.

Mr. ROBINSON of Arkansas. The Senator from Utah has it just reversed. There is no limitation on the area that may be purchased for the purposes of flood control. There is, however, a limitation on the area that may be purchased for any other purpose than affecting the headwaters of navigable streams and for flood control, and that limitation is 1,000,000 acres. The commission may purchase any area for flood control, but it can only purchase not to exceed a million acres for any other purpose.

Mr. OVERMAN. For the protection of headwaters of navigable streams in excess of 1,000,000 acres may be purchased. That is provided for under the bill, which is known as the Weeks bill. This measure is supplemental to that and provides that not more than a million acres shall be purchased for reforestation in any State. That is as I understand it. The Senator from Oregon will correct me if I am wrong.

Mr. McNARY. Mr. President, I think the amendment which was prepared by the Forester, with the consent of my distinguished friend, rather fits the situation. We all know the limitation on Congress as defined in the commerce clause of the Constitution. The power of Congress is limited to the acquisition of areas that will benefit in some way the navigability of navigable streams. The thought which the Senator from North Carolina had in mind was to place a limitation beyond which the Department of Agriculture could not go, namely, the acquisition of a million acres in any one State. Knowing the limitations, and what the Senator from North Carolina has in his mind, I am willing that the language may be changed to please the Senator from Utah [Mr. KING].

Mr. KING. May I ask the Senator from Oregon for what purpose the appropriation of $40,000,000 may be made? Will the Senator from Oregon enumerate all the purposes and state where the discretion is lodged?

Mr. McNARY. I think unquestionably the Constitution confers upon Congress the right to appropriate public funds to promote flood control and the navigability of our streams, and one of the incidents to the promotion of navigability is the acquisition and maintenance of forests, to hold back flood waters, and equate the flow of those streams. It has never been my contention that we could, dissociated from the navigable waters of a stream, acquire areas for the purpose of reforestation. This bill and the Weeks Act and the Clarke-McNary Act all go upon the theory that Congress may not acquire any lands unless they are within the watersheds of navigable streams.

The great purpose of this bill and the amendment to the Weeks Act is not only to permit the Secretary of Agriculture, cooperating with the National Forest Conservation Commission, to acquire forest areas but to acquire areas that are denuded, on which trees may be grown to bring about beneficial results that attended the growth and continuance of our ancient forests.

Mr. KING. May I ask the Senator a question?

Mr. McNARY. I shall be very glad to have the Senator do so.

Mr. KING. Is there any provision in the Weeks Act or in any supplemental legislation which attempts to secure the cooperation of the States—because undoubtedly the States receive benefits—and if cooperation is secured, upon what basis is the contribution made?

Mr. McNARY. Under the Weeks Act the Government can not acquire any areas in the watersheds of our navigable streams without the cooperation and consent of the States; a State must first pass an enabling act that will permit it to take advantage of the appropriations made by Congress. That is the safety provision in the bill for the States; that gives the States the right to maintain their sovereignty; and if any State in any section of the country where this law would apply objects to accepting the appropriation, it lies within the power of that State so to do.

The PRESIDING OFFICER. The clerk will state the committee amendment.

The LEGISLATIVE CLERK. On page 2, line 3, the Committee on Agriculture and Forestry proposes to strike out "$3,000,000 available July 1, 1929; $3,000,000 available July 1, 1930; $3,000,000 available July 1, 1931; $3,000,000 available July 1, 1932; $3,000,000 available July 1, 1933; $5,000,000 available July 1, 1934; $5,000,000 available July 1, 1935; $5,000,000 available July 1, 1936; $5,000,000 available July 1, 1937; and $5,000,000 available July 1, 1938; in all for this period $40,000,000, to be available until expended" and to insert "available upon the passage and approval of this bill, $1,000,000; available July 1, 1928, $2,000,000; available July 1, 1929, $3,000,000; available July 1, 1930, $4,000,000; available July 1, 1931, $4,000,000; available July 1, 1932, $5,000,000; available July 1, 1933, $5,000,000; available July 1, 1934, $5,000,000; available July 1, 1935,

$5,000,000; available July 1, 1936, $6,000,000; in all for this period, $40,000,000, to be available until expended," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the United States Treasury not otherwise appropriated, to be expended under the provisions of section 7 of the act of March 1, 1911 (36 Stat. 961), as amended by the acts of March 4, 1913 (37 Stat. 828), June 30, 1914 (38 Stat. 441), and the act of June 7, 1924 (Public, 270), available upon the passage and approval of this bill, $1,000,000; available July 1, 1928, $2,000,000; available July 1, 1929, $3,000,000; available July 1, 1930, $4,000,000; available July 1, 1931, $4,000,000; available July 1, 1932, $5,000,000; available July 1, 1933, $5,000,000; available July 1, 1934, $5,000,000; available July 1, 1935, $5,000,000; available July 1, 1936, $6,000,000; in all for this period, $40,000,000, to be available until expended.

The PRESIDING OFFICER. The amendment proposed by the Senator from North Carolina to the committee amendment will be stated.

The LEGISLATIVE CLERK. The Senator from North Carolina proposes to add at the end of the committee amendment, in line 18, the following:

Provided, That, except for the protection of the headwaters of navigable streams or the control and reduction of floods therein, no lands shall be purchased under the appropriations herein authorized in excess of 1,000,000 acres in any one State.

The PRESIDING OFFICER. The question is on agreeing to amendment of the Senator from North Carolina to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADRIANO CRUCETA

The PRESIDING OFFICER. The clerk will state the next bill on the calendar.

The bill (S. 2420) for the relief of Adriano Cruceta, a citizen of the Dominican Republic, was announced as next in order.

Mr. JONES. Let us have an explanation of that bill.

Mr. ROBINSON of Arkansas. I think we should have some explanation of this bill. It appears to appropriate a small compensation for the unlawful shooting or killing of a person by a United States Marine. I should like to be advised as to the circumstances under which this claim arises, and the manner in which the sum of $1,000 was arrived at as adequate compensation.

Mr. BLACK. Mr. President, I do not recall, perhaps, the minute details in reference to the bill, but the facts are these: American marines, for some reason—I do not know why—were stationed in the Dominican Republic. One of the marines was doing sentry duty. It became his duty to guard a rubbish pile. He had been instructed not to let anyone interfere with that pile of rubbish. A boy came up and was probing around in the rubbish. He was directed to cease. Then the sentry, taking his duty very seriously, placed the boy under arrest. The boy, as most of his age would have done, ran, and he was shot in the back and killed.

The amount carried in the bill, which, in my judgment, is too small, was agreed upon by the father of the boy, and the statement is made that he would be satisfied to accept the small amount named in the bill in full satisfaction of damages resulting from this unwarranted killing. That is the nature of the bill which was reported favorably from the committee by me.

Mr. ROBINSON of Arkansas. How old was the boy?

Mr. BLACK. The boy's exact age is not given. It is simply stated that he was a boy. I gather that he was something like 12 years of age. That was the conclusion I reached from the facts which appear in the record.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes to pay $1,000 to Adriano Cruceta as compensation for the death of his son at Santo Domingo, Dominican Republic, resulting from shooting by a member of the United States Marine Corps on the 22d day of August, 1923, the payment to be as a matter of grace and without regard to liability for such death.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIM OF CITY OF NEW YORK

The bill (S. 459) for the relief of the city of New York was announced as next in order.

Mr. SMOOT. I ask that the bill go over.

Mr. COPELAND. Mr. President, I ask that the Senator withhold his objection for a moment.

Mr. SMOOT. I will withhold the objection in order that the Senator may explain the bill.

Mr. COPELAND. The Senate will recall that a statute passed a long time ago reimbursed certain States for various expenditures made at the time of the disturbance from 1861 to 1865. Those States were reimbursed. From time to time since then cities have likewise been reimbursed, amongst others the city of Baltimore. Very recently we passed a bill through the Senate reimbursing the city of Baltimore for its expenditures under exactly similar circumstances as are covered by the bill now under discussion.

It will be recalled that a million dollars was appropriated by the Common Council of the City of New York and bonds were issued in that amount. At my request the Senate in the Sixty-eighth Congress authorized an audit to be made of these accounts. That audit has been very carefully made; all the records have been searched; the original vouchers dug up; and from the determination of the auditors it has been found that while a million dollars was expended a considerable amount was spent for the relief of families of soldiers. The auditors very properly held that that was not a proper charge against the Government, but after excluding all such credits which the Government had a right to ask it was determined by the auditors that the amount of $764,000 was due the city as stated in the bill.

Mr. President, what we are asking for here is in harmony with precedents. States have been reimbursed, various cities have been reimbursed, and it is only right that the city of New York should be repaid under the conditions set forth in the auditors' recommendations, which are fully set out in the report accompanying the bill.

Mr. SMOOT. Mr. President, I would not want the bill acted upon unless I knew something of the attitude of the officials of the Government in regard to it. I would want to know whether they had made any investigation of it; what they consider to be the obligation of the Government. There is nothing in the report showing the attitude of the officials of the Government, and, therefore, I ask that the bill go over, so that I may obtain that information.

Mr. COPELAND. Of course, I shall accede to the request of the Senator, but I do wish to point out that the claim has been audited by the officials of the Government.

Mr. SMOOT. That may be, but I notice there is not a word in the report to show it.

Mr. COPELAND. If the Senator will look on page 10 of the report, he will find the heading at the top of the page "The result of the audit." This is the official decision of the auditor general after going into the matter very carefully.

Mr. SMOOT. I will take the report to my office and shall ask the department for further information.

Mr. COPELAND. I thank the Senator.

The PRESIDING OFFICER. The bill will be passed over.

ROSE THURIN

The bill (S. 623) for the relief of Rose Thurin, was announced as next in order. The bill had been reported adversely from the Committee on Claims.

Mr. KING. Mr. President, I move that the bill be indefinitely postponed.

Mr. HOWELL. Mr. President, that bill should be indefinitely postponed.

Mr. JONES. Mr. President, I see the Senator from Ohio [Mr. WILLIS], who evidently is interested in the bill, as he introduced it, is not present, and I think it should go over.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

PUBLIC BUILDINGS

The bill (H. R. 278) to amend section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926, was announced as next in order.

Mr. KING. I ask that that bill go over.

Mr. KEYES. Mr. President, will not the Senator kindly withhold his objection, in order that I may make a very brief statement concerning the bill?

Mr. KING. Yes; but I thought, in view of the magnitude of the measure and the large appropriations made, the Senator would feel that it could not be disposed of under the five-minute rule.

Mr. KEYES. I think it can be, Mr. President.

Mr. KING. I withhold the objection.

Mr. KEYES. While the amount is large, it does not change the policy that we have already established in the act passed in May, 1926, called our public buildings bill. This bill seeks to

amend section 5 of the public buildings bill simply by increasing the amount of authorization for erecting public buildings outside of the District of Columbia.

The bill originally passed provided for $100,000,000 outside the District of Columbia. This bill seeks to increase that amount to $200,000,000. It has passed the House without any serious objection at all and there was no objection whatever in the Committee on Public Buildings and Grounds. The bill is simply to carry out the policy that we have already established and I did not imagine there would be any serious objection to it.

Mr. ROBINSON of Arkansas. Mr. President, I note that in the report of the committee there is the statement—

and that the minimum amount for this purpose should be at least $2,000,000,000.

That should read "$200,000,000," I take it, from the statement.

Mr. KEYES. Exactly. That is an error in the printing.

Mr. SMOOT. The report says it was an error in printing.

Mr. SMITH. Mr. President, as I understand, this simply adds to the amount another $100,000,000. It does not change the law in any respect?

Mr. KEYES. That is just what the bill does.

Mr. SMITH. And it leaves the $50,000,000 available for the District of Columbia as it was in the original law?

Mr. KEYES. Yes; and makes $15,000,000 available for buildings outside the District, which were authorized as far back as 1913, I think.

Mr. SMOOT. That was one-tenth of the $150,000,000. This simply adds $100,000,000, and increases the $5,000,000 that the original law provided for to be expended in any one city to $10,000,000, because of the increase of the appropriation.

Mr. SMITH. What was done with what we might call the preferred buildings that we made provision for?

Mr. SMOOT. They are already appropriated for, and come out of the first $100,000,000.

Mr. SMITH. They come out of the first $100,000,000?

Mr. SMOOT. Oh, yes.

Mr. SMITH. And this additional $100,000,000 is to take care of whatever may be necessary throughout the country?

Mr. SMOOT. Outside of those.

Mr. SMITH. I think it is a very wise provision.

The PRESIDING OFFICER. Does the Senator from Utah insist upon the objection?

Mr. KING. I withdraw the objection.

Mr. OVERMAN. Mr. President, the original bill provided that so many buildings were to be built every year. Does this bill appropriate for those buildings for the next five years? Will this bill cover that?

Mr. SMOOT. This bill doubles it.

Mr. OVERMAN. It does not change the policy at all?

Mr. SMOOT. It does not change the policy, but it doubles the amount of the appropriation.

Mr. KEYES. That is it exactly.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments, on page 2, line 9, after the word "limitation," to insert "beginning with the fiscal year 1928"; and on page 3, line 3, after the words "sum of," to strike out "$5,000,000" and insert "$10,000,000," so as to make the bill read:

Be it enacted, etc., That the first paragraph of section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926, is amended to read as follows:

"SEC. 5. For the purpose of carrying out the provisions of this act the sum of $250,000,000, in addition to the amount authorized in section 3 hereof, is hereby authorized to be appropriated, but under this authorization and from appropriations (exclusive of appropriations made for 'remodeling and enlarging public buildings'), heretofore made for the acquisition of sites for, or the construction, enlarging, remodeling, or extension of, public buildings under the control of the Treasury Department, not more than $35,000,000 in the aggregate shall be expended annually (except that any part of the balance of such sum of $35,000,000 remaining unexpended at the end of any year may be expended in any subsequent year without reference to this limitation beginning with the fiscal year 1928): *Provided*, That such amount as is necessary, not to exceed $50,000,000 of the total amount authorized to be expended under the provisions of this act, shall be available for projects in the District of Columbia, and not more than $10,000,000 thereof shall be expended annually (except that any part of the balance of such sum of $10,000,000 remaining unexpended at the end of any year may be expended in any subsequent year without reference to this limitation): *Provided*, That at least one-fifth of the expenditures outside of the District of Columbia during the fiscal year 1927 shall be for the buildings heretofore authorized, and at least one-fifth of the expenditures for the fiscal year 1928 and at least one-fifth of the expenditures for the fiscal year 1929 shall be for a like purpose, unless a less amount shall be necessary to complete all of such buildings: *Provided further*, That expenditures outside the District of Columbia under the provisions of this section shall not exceed the sum of $10,000,000 annually in any one of the States, Territories, or possessions of the United States."

(b) The last paragraph of such section 5 is amended by striking out "$150,000,000" and inserting in lieu thereof "$250,000,000."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ADRIANO CRUCETA

Mr. BLACK. Mr. President, a few moments ago we passed Senate bill 2420, for the relief of Adriano Cruceta. The House has already passed a similar bill, which is No. 182 on the calendar; and it has also been reported favorably.

The PRESIDING OFFICER. Does the Senator ask for the reconsideration of the action of the Senate?

Mr. BLACK. I think it should be reconsidered, and we should act on the House bill.

The PRESIDING OFFICER. The Senator from Alabama asks for the reconsideration of the votes whereby Senate bill 2420 was ordered to be engrossed for a third reading, and passed.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The Senator now asks for the consideration of the House bill on the same subject.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8889) for the relief of Adriano Cruceta, a citizen of the Dominican Republic.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, the Senate bill will be indefinitely postponed.

BILL PASSED OVER

The bill (S. 777) making eligible for retirement under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, was announced as next in order.

Mr. JONES. Mr. President, at the request of the Senator from Connecticut [Mr. BINGHAM], I shall have to ask that that bill may go over.

Mr. TYSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Tennessee will state it.

Mr. TYSON. Under what particular rule are we proceeding?

The PRESIDING OFFICER. Under the five-minute rule.

Mr. TYSON. Is it in order to move to take up a bill notwithstanding an objection?

The PRESIDING OFFICER. By a unanimous-consent agreement we are acting upon unobjected bills only.

LANDS IN PHOENIX, ARIZ.

The bill (S. 1692) granting a part of the Federal building site at Phoenix, Ariz., to the city of Phoenix for street purposes, was announced as next in order.

Mr. HAYDEN. Mr. President, I find that an identical House bill, H. R. 6466, has been reported to the Senate and is Order of Business No. 205. I ask that the House bill be substituted for the Senate bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6466) granting a part of the Federal building site at Phoenix, Ariz., to the city of Phoenix for street purposes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The Senate bill is indefinitely postponed.

ROSE THURIN

Mr. WILLIS. Mr. President, in my absence a few moments ago Senate bill 623, Order of Business 114, for the relief of Rose Thurin, was temporarily passed over. I ask that we return to that bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. KING. One moment, Mr. President.

Mr. WILLIS. Mr. President, all I shall ask is an opportunity to vote my convictions upon the bill. I recognize the impossibility of securing favorable action in view of the adverse report. Without criticizing the committee, I feel that they are hardly justified in making that report; but the report is here and, as I say, I shall not resist the action upon it. I can not very well do so.

Mr. HOWELL. Mr. President, I move that the bill be indefinitely postponed.

Mr. ROBINSON of Arkansas. Mr. President, in view of the attitude of the Senator from Ohio, contesting the correctness of the report, I think we ought to have this case determined on its merits. What are the facts upon which the bill is to be indefinitely postponed?

Mr. HOWELL. Mr. President, this is a case where a woman in 1924 slipped down the steps of a post office located in a rented building. The Comptroller General held that she could make no claim against the United States because it was rented property, and, furthermore, that she had the opportunity and privilege of bringing suit against the owners of the property. Therefore, in view of these facts, your committee decided that this bill should be adversely reported and indefinitely postponed.

Mr. ROBINSON of Arkansas. Upon what theory should one recover damages from the owner of a building if she accidentally falls, unless the owner had been negligent in some way? I should like to hear the Senator from Ohio vindicate the attitude he has taken in support of this bill.

Mr. WILLIS. Mr. President, I appreciate very greatly the fine spirit manifested by my friend, the distinguished Senator from Arkansas; but I realize that there are Senators here who want to act upon other bills, and that, in view of the adverse report, we probably can not reverse the action. I am ready to vote upon the bill. I shall vote against the motion of the Senator from Nebraska.

Mr. ROBINSON of Arkansas. But if the Senator from Ohio will give the Senate an opportunity to determine the merits of his case, I assure him that some of us, at least, will not be so unreasonable as to support an unjust report on the part of this committee.

I take it that for some mysterious reason the Senator from Ohio declines to justify his support of the bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. LA FOLLETTE. I call for the regular order.

The PRESIDING OFFICER. The question is upon the motion to postpone indefinitely.

The motion to postpone indefinitely was agreed to.

RADIO REGULATION

Mr. DILL. Mr. President, I desire to ask unanimous consent to take up out of order the amendment to the radio act, and I will state my reason before I make the request.

The Senate Committee on Interstate Commerce has had the confirmation of the Radio Commissioners up for consideration for some time.

Mr. SMOOT. What is the number of the bill?

Mr. DILL. It is No. 228 on the calendar. It was agreed in committee this morning that if certain amendments were made it would make the solution of the question of confirmation much easier. The committee is to meet in a few minutes. I think there will be no objection to the amendments that are in Senate bill 2317, which continue the commission for one year and also limits the commission's power to granting licenses for not to exceed six months, instead of three years.

The PRESIDING OFFICER. Is there objection to the consideration of the bill referred to by the Senator from Washington?

Mr. KING. Do I understand that if it is considered we are limited to the five-minute rule?

The PRESIDING OFFICER. Under the rule we are.

Mr. PITTMAN. Mr. President, of course if the bill is going to bring about any particular debate it would not do very much good to take it up now, I will say to the Senator, because the committee is just about to go into session again. We have found it very difficult, in view of this peculiar situation, either to vote to turn down these appointments or to confirm them, unless the whole matter shall be put in a temporary form; and that is what these amendments mean—just to put it so that we can move along with an experimental process, without committing the Government too far in any of these acts.

Mr. KING. May I ask the Senator, if we pass the bill, will it not in all probability preclude the Senate or the House from considering this whole question of the radio upon its merits?

Mr. PITTMAN. I think not.

Mr. DILL. It does the very opposite.

Mr. PITTMAN. We are trying to preserve it so that that can be done.

Mr. DILL. That is the thing we are trying to do.

Mr. KING. What I mean is, there will be no other legislation, probably, this year.

Mr. PITTMAN. Oh, yes; there probably will be. We are still going on with our hearings, but we do not want to turn down these men. There is nothing particularly against them, and yet there is not so very much that we can find in favor of them. No one understands this subject; that is the truth about it, right now, as I look at it. What we want to do is to make a temporary matter out of this and say that these commissioners shall have their offices expire in two years from the passage of this act.

Mr. KING. I thought it was one year.

Mr. DILL. The present law provides for six years.

Mr. PITTMAN. Their term expires in 1929 under this bill, instead of in six years. The next proposition, the amendment that the Senator from Washington has, is that they shall not be allowed to let licenses that will commit the Government for a long time.

Mr. CURTIS. Mr. President——

Mr. HEFLIN. Mr. President, I want to ask the Senator from Nevada a question. Are the Senator from Nevada and the Senator from Washington in agreement on this matter?

Mr. PITTMAN. Yes; and I think the whole committee are.

Mr. CURTIS. That is the question I wanted to ask. If I may have the attention of the Senator from Michigan [Mr. COUZENS], I have just been informed by the Senator from Michigan that these confirmations are for five years.

Mr. DILL. That is what we are trying to amend, so that it will only be until next February. We are trying to amend the bill so that it will be only until next February. That was our purpose in having this amendment made.

Mr. COUZENS. Mr. President, may I suggest to the Senator from Washington that that can be done just as well after the confirmation, by a new bill abolishing the commission and reenacting it, as it can be done by this process. If this process is followed, we are informed that the House probably will not agree to it, and these confirmations will not be made for a long period of time. The Committee on Interstate Commerce authorized me this afternoon to report favorably the nomination of these three commissioners.

Mr. DILL. Is the Senator opposed to continuing the commission for one year?

Mr. COUZENS. No; but I do not think it ought to interfere in any way with the confirmation of these nominees.

Mr. DILL. I may say to the Senator that it does interfere. That was the view of the members of the committee to-day.

Mr. LA FOLLETTE. Mr. President, I am somewhat confused. The Senator from Washington [Mr. DILL] states that in order to get an agreement with regard to the confirmation of these appointees this bill must be passed at once. The Senator from Michigan [Mr. COUZENS] states that he has just been authorized by the committee to report the nominations favorably. I should like to have the matter cleared up.

Mr. DILL. The understanding was that the bill would be taken up this afternoon.

Mr. COUZENS. We had a meeting at 2.30 and waited for Senators; and it was said they were on the floor and could not come up. There were about 10 of us present, who voted unanimously for confirmation.

Mr. PITTMAN. The Senator from Washington and the Senator from Nevada were present this morning, and the Senator from Montana was present, and the Senator from Missouri was present when the question of the confirmation of these gentlemen came up; and, as I stated, and as the Senator knows, there has been great doubt with regard to their confirmation, not by reason of anything particularly against them but for reasons which appealed to us. I suggested in the committee at that time that if the appointments did not last for a long period of time—say, for six years——

Mr. COUZENS. Five years.

Mr. PITTMAN. That if it were limited to two years from the passage of the act, which would extend the period to February, 1929, I would be willing to vote for the confirmation. Nearly every Senator there spoke up and said, "I think that is the solution of the trouble. We are willing to vote for confirmation for that length of time, but not for six years." Senator DILL and I prepared the amendment. While we were preparing the amendment, we understand now from the Senator that there has been a vote to report out the confirmations.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. COUZENS. I think there ought to be an objection until we get together again.

Mr. DILL. I do not want to take up the time of the Senate——

Mr. CURTIS. Mr. President, there will be an adjournment when the Senate concludes its business to-day. Why not let the matter go over and be taken up in the morning hour to-morrow?

Mr. DILL. I do not want to take up time, and I withdraw my request.

Mr. LA FOLLETTE. Regular order!

The PRESIDING OFFICER. The request is withdrawn, and the clerk will call the next bill on the calendar.

DAVID M'D. SHEARER

The bill (S. 2720) for the relief of David McD. Shearer was announced as next in order.

Mr. SMOOT. Mr. President, I object to the consideration of the bill, and I do not want to have the bill considered by the Senate unless I am present. I have given a great deal of attention to this claim for the last 10 years, or nearly 10 years. Mr. David Shearer was in the employ of the Government and was paid by the Government. All the paraphernalia and the building of the necessary machinery was paid for by the Government.

The PRESIDING OFFICER. Objection is made, and the bill will go over.

Mr. SMOOT. He was then in the employ of the Government. I have gone over this claim a great many times.

Mr. SHEPPARD. Mr. President, will the Senator permit me to make a statement?

Mr. SMOOT. The Senator has a right to make it.

Mr. SHEPPARD. This bill has passed the Senate on a number of former occasions. It carries no appropriation. It provides that this man may submit to the Court of Claims his claim that he is entitled to remuneration for a device which he originated during his off hours, not while he was performing any official duty in connection with the Government. That is his claim.

Mr. SMOOT. When we discuss the matter we shall go over that. The bill passed the Senate when I was not present, but I gave a great deal of attention to the matter, went into it thoroughly, and if he is entitled to compensation——

Mr. SHEPPARD. Allow me to answer the Senator, in order that the Senate may have a proper conception of the controversy. I do not say that Mr. Shearer is entitled to remuneration. The bill does not provide that he shall have remuneration. It merely provides that he may submit his claim to the Court of Claims for adjudication. The courts have held heretofore that if an employee of the Government develops a device in his off hours, and while he is not engaged in the official work of the Government, and the Government takes his patent and uses it, the Government must pay him. I do not claim that this is a case of that kind. It is his contention that it is. The bill provides that he may submit the merits of the measure to the Court of Claims.

Mr. ROBINSON of Arkansas. Mr. President, I would like to ask the Senator from Utah to make plain his reasons for asserting that under no conditions is this claimant entitled to be heard by the Court of Claims.

Mr. SMOOT. Mr. President, in this case all the material was furnished by the Government. If I am informed correctly, this was not done during the man's off hours. I gave days to the consideration of his claim, got statements from the department at the time, and I did not see that he had a shadow of a claim.

Mr. SHEPPARD. The court might take a different view from that of the Senator.

Mr. SMOOT. The court might.

Mr. LA FOLLETTE. Regular order!

The PRESIDING OFFICER. The clerk will call the next bill on the calendar.

VANCOUVER BARRACKS MILITARY RESERVATION

Mr. JONES. Mr. President, I do not like to ask to have a bill taken up out of order, but I have to go to a committee meeting in a very few minutes, and Calendar No. 178 is a local measure which passed the Senate at the last session and has passed the House at this session. I ask for the consideration of House bill 172, an act to authorize the Secretary of War to grant and convey to the city of Vancouver a perpetual easement for public-highway purposes over and upon a portion of the Vancouver Barracks Military Reservation in the State of Washington.

The PRESIDING OFFICER. Is there objection to considering the bill to which the Senator has referred?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. ROBINSON of Arkansas. Is the bill recommended by the Secretary of War?

Mr. JONES. It is recommended by the War Department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHOLIC UNIVERSITY OF AMERICA

The bill (S. 2310) supplementary to, and amendatory of, the incorporation of the Catholic University of America, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the incorporation of the Catholic University of America under chapter 18, Revised Statutes of the United States relating to the District of Columbia, be, and the same is hereby, approved and confirmed.

SEC. 2. That in addition to the rights, duties, and obligations enjoyed and imposed by chapter 18 of the Revised Statutes of the District of Columbia the said university may enter into affiliated agreements with any institutions of learning within or outside of the District of Columbia, for the purpose of giving to students of such institutions the educational facilities of said university, upon such terms as are mutually agreed upon by the said university and the affiliated institutions.

SEC. 3. That said university shall have, and is hereby given, the power to increase the number of its trustees from time to time by a two-thirds vote of the whole number of the trustees at the time such vote is taken to a number not exceeding 50.

In case of the increase of the number of trustees a certificate stating the number of the board and the time when it shall go into effect, and that the action so taken was by a two-thirds vote as required by this act, shall be filed with the recorder of deeds of the District of Columbia.

SEC. 4. The said board of trustees shall have, and are hereby given, full power and authority, by a vote of two-thirds of its members, to adopt and change by-laws for the conduct of the business and educational work of said university, to fix the time of meetings, regular and special, and the form of notice to be given; they may appoint an executive committee composed of trustees, designate the number and chairman thereof, with such powers and authority as are usually exercised by an executive committee, and which shall be conferred by the board subject always to the control of the board of trustees; they may create and establish schools and departments of learning to be connected with and become a part of said university, and establish such scholastic boards and officers as may be required for academic operation and direction in education; they may receive, invest, and administer endowments and gifts of money and property absolute or subject to payments by way of annuities during the life of the donor, for the maintenance of educational work by said university and by any department or chair thereof, now established or which may hereafter be created or established by said university, and they shall have all of the powers and authority heretofore granted to or invested in the trustees of said university by chapter 18 of the Revised Statutes of the United States relating to the District of Columbia.

SEC. 5. That nothing in this act contained shall be so construed as to prevent Congress from altering, amending, or repealing the same.

Mr. SMOOT. Mr. President, will not the Senator who introduced this bill make an explanation of it? There is no report accompanying the bill.

Mr. WALSH of Montana. Mr. President, the Catholic University of America is a corporation organized under the laws of the District of Columbia. It was organized about 1890, I think. It has grown to very extensive proportions since that time, and the authorities of the institution are very desirous of amending the articles of incorporation so as to meet the present requirements.

I supposed, when the matter was presented to me, that it would be a simple thing to have the amendment made pursuant to the laws of the District of Columbia, but I was surprised to find that there is no law of the District authorizing amendments of articles of incorporation of corporations organized here, and the only way to get relief is through an act of Congress.

Mr. SMOOT. I have just read the bill through for the first time, and I see no objection to it.

Mr. WALSH of Montana. A letter from Mr. Hamilton, who is the attorney for the corporation, explains in full the nature of the changes in the articles of incorporation; and I ask that that letter be incorporated in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *January 31, 1928.*

Right Rev. THOMAS J. SHAHAN, D. D.,
Catholic University, Washington, D. C.

MY DEAR BISHOP: I am submitting the following as containing the information requested by Senator WALSH in his letter of the 25th instant, addressed to you.

The Catholic University of America was incorporated not under the District Code, which was enacted in 1901, but was incorporated April 19, 1887, under chapter 18 of the Revised Statutes of the United States relating to the District of Columbia.

A printed copy of the certificate of incorporation and of some of the more pertinent sections of said chapter 18 relating to the incorporation of institutions of learning are hereto attached.

Section 676 of said chapter 18, you will observe, provides that

"Congress may, at any time, alter, amend, or repeal this chapter, saving and preserving all rights which may become vested under the same, and may amend or repeal any incorporation formed or created under this chapter." * * *

While the District Code permits corporations existing prior to its enactment to be reincorporated under the code, the Catholic University did not, and does not, desire to be incorporated under the code, because of the number of irresponsible educational institutions incorporated thereunder; but as a matter of fact there is no provision in the code for any amendment.

To increase the number of trustees or directors authorized by the Revised Statutes of the United States relating to the District of Columbia, above referred to, requires an application to Congress; but the Catholic University is seeking other privileges which could not be obtained under the code.

The right to enter into affiliated agreements with institutions of learning within or outside of the District of Columbia, for the purpose of giving to students of such institutions the educational facilities of said university, is asked for in the act introduced by Senator WALSH. This right or privilege has been granted by Congress to another institution of learning, to wit, George Washington University (Columbian College), act of March 3, 1905 (sec. 3, 33 Stat. 1036).

The power to increase, as above stated, its trustees has also been conferred upon the same institution. Section 1 of said act of March 3, 1905, and the power to change its by-laws for the conduct of the business and educational work of the university, to fix time of meetings, regular and special, is also given to the same institution by act of Congress of March 18, 1898 (30 Stat. 328).

The power to establish such scholastic boards and officers as may be required for academic operation and direction in education, and to "receive, invest, and administer endowments and gifts of money and property absolute or subject to payments by way of annuities during the life of the donor," is asked for by the Catholic University in order to clear uncertainties caused by section 523 Revised Statutes of the United States relating to the District of Columbia, which provides that—

"Such corporation shall hold the property of the institution solely for the purposes of education, and not for the benefit of themselves or of any contributor to the endowment thereof."

The great growth and development of the Catholic University and its high standing among the educational institutions of the country require the changes asked for in the conduct of its work and business incident to its development as an institution of learning, and there is no way to obtain these changes except by direct application to Congress required by the sections of the Revised Statutes of the United States relating to the District of Columbia above referred to.

You could say to Senator WALSH that I would be very much pleased to still further discuss these needs of the university with him, or with his committee, if desired by him.

I am returning letter from Senator WALSH and also sending two copies of the bill as reported.

With kind regards, I remain,

Sincerely yours,

GEORGE E. HAMILTON.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE, MINNESOTA

The bill (H. R. 193) to extend the time for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE, MONTANA

The bill (H. R. 444) to extend the time for commencing and completing the construction of a bridge across the Missouri River at or near Wolf Point, Mont., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POTOMAC RIVER BRIDGE

The bill (H. R. 5628) to extend the time for commencing and the time for completing the construction of a bridge across the Potomac River, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSQUEHANNA RIVER BRIDGE, PENNSYLVANIA

The bill (H. R. 6479) to extend the times for commencing and completing the construction of a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGES

The bill (S. 820) granting the consent of Congress to R. A. Breuer, H. L. Stolte, John M. Schermann, O. F. Nienhueser, Charles A. Egley, and George C. Eberlin, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 8, to strike out the word "between" and to insert the words "at or near"; on page 2, line 1, to strike out the words "and a point directly across the river from Hermann in Warren County, Mo."; and on page 3, line 7, to strike out "3" and insert "2"; and on page 4, line 14, to strike out "its" and insert "their," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to R. A. Breuer, H. L. Stolte, John M. Schermann, O. F. Nienhueser, Charles A. Egley, and George C. Eberlin, their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Hermann, Gasconade County, Mo., in accordance with the provision of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Missouri, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interests in real property necessary therefor, by purchase or condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Missouri under the provisions of section 2 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges but within a period of not to exceed 10 years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. That R. A. Breuer, H. L. Stolte, John M. Schermann, O. F. Nienhueser, Charles A. Egley, and George C. Eberlin, their successors and assigns, shall within 90 days after the completion of such bridge, file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion cost. The Secretary of War may at any time within three years after the completion of such bridge investigated the actual cost of constructing the same, and for such purpose the said R. A. Breuer, H. L. Stolte, John M. Schermann, O. F. Nienhueser, Charles A. Egley, and George C. Eberlin, their successors

and assigns, shall make available all of their records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to R. A. Breuer, H. L. Stolte, John M. Schermann, O. F. Nienhueser, Charles A. Egley, and George C. Eberlin, their successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure, or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to R. A. Breuer, H. L. Stolte, John M. Schermann, O. F. Nienhueser, Charles A. Egley, and George C. Eberlin, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Hermann, Gasconade County, Mo."

The bill (S. 821) granting the consent of Congress to O. F. Schulte, E. H. Otto, O. W. Arcularius, J. L. Calvin, and J. H. Dickbrader, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 8, to strike out "between" and insert "at or near"; on page 2, line 1, after the word "Missouri," to strike out the words "and a point directly across the river from Washington, in Warren County, Mo."; and on page 4, line 14, to strike out "its" and insert "their," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to O. F. Schulte, E. H. Otto, O. W. Arcularius, J. L. Calvin, and J. H. Dickbrader, their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Washington, Franklin County, Mo., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Missouri, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interests in real property necessary therefor, by purchase or condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Missouri under the provisions of section 2 of this act, and if tolls are charged for the use thereof, the rates of tolls shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 10 years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. That the said O. F. Schulte, E. H. Otto, O. W. Arcularius, J. L. Calvin, and J. H. Dickbrader, their successors and assigns, shall, within 90 days after completion of such bridge, file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion cost. The Secretary of War may at any time within three years after the completion of such bridge investigate the actual cost of constructing the same, and for such purpose the said O. F. Schulte, E. H. Otto, O. W. Arcularius, J. L. Calvin, and J. H. Dickbrader, their successors and assigns, shall make available all of their records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to O. F. Schulte, E. H. Otto, O. W. Arcularius, J. L. Calvin, and J. H. Dickbrader, their successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure, or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to O. F. Schulte, E. H. Otto, O. W. Arcularius, J. L. Calvin, and J. H. Dickbrader, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River, at or near Washington, Franklin County, Mo."

The bill (S. 1501) granting the consent of Congress to the State of Montana, or Valley County, in the State of Montana, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 7, to strike out the words "at or"; on line 8, to strike out "28" and insert "25"; and on line 8 to strike out "39" and to insert "40," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Montana, or Valley County, in the State of Montana, to construct, maintain, and operate a free bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation near Glasgow, Mont., in township 25 north, range 40 east of the Montana principal meridian, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the State of Montana, or Valley County, in the State of Montana, to construct, maintain, and operate a bridge across the Missouri River near Glasgow, Mont."

ROCK RIVER BRIDGE, ILLINOIS

The bill (S. 1558) granting the consent of Congress to the Chicago & North Western Railway Co. to construct, maintain, and operate a railroad bridge across the Rock River was considered as in Committee of the Whole.

Mr. DENEEN. Mr. President, this is identical with House bill 7745, Order of Business No. 168. I ask that the House bill be substituted for this bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7745) granting the consent of Congress to the Chicago & North Western Railway Co., a corporation, its successors and assigns, to construct, maintain, and operate a railroad bridge across the Rock River.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate bill 1558 will be indefinitely postponed.

MISSOURI RIVER BRIDGE

The bill (S. 1742) granting the consent of Congress to the Nebraska-Iowa Bridge Corporation, a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I am informed that since this bill was reported the Committee on Commerce has adopted another form for this type of bridge. I therefore move that the bill be recommitted to the Committee on Commerce.

The motion was agreed to.

OHIO RIVER BRIDGE

The bill (S. 760) granting the consent of Congress to the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, was considered as in Committee of the Whole. The bill had been reported from the Committee on Commerce with an amendment, on page 5, line 15, to strike out "full" and insert "fully," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation between a point in the city limits of Ashland, Ky., and a point opposite in Coal Grove, Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Ashland Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said Ashland Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Kentucky, the State of Ohio, any political subdivision of either of such States within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 30 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or political subdivisions thereof, as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 6. The Ashland Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the actual cost of constructing the same and for such purpose the said Ashland Bridge Co., its successors and assigns, shall make available all its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act, is hereby granted to the Ashland Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEAMSHIP "BOXLEY"

The bill (S. 2780) for the relief of the owners of cargo aboard the steamship *Boxley* was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the claim of W. R. Grace & Co., owner of various shipments of merchandise which were laden on board of the steamship *Boxley*, at the time hereinafter mentioned, against the United States of America for damages alleged to have been caused by the unseaworthiness and negligence of the said steamship *Boxley* on her voyage from Iquique, Chile, to New Orleans, La., between the dates of January 5, 1920, and February 14, 1920, may be sued for by the said owners of cargo in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty, and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of said cargo, or against the owners of said cargo in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MORGAN MILLER

The bill (S. 2737) for the relief of Morgan Miller was announced as next in order.

Mr. KING. Mr. President, I do not see the Senator from Michigan [Mr. FERRIS] here. I examined the report, which showed that the claimant was injured and in the hospital five days. There is nothing to show any continuation of the injuries. I ask that the bill be temporarily laid aside. It may be an entirely meritorious claim, but there is no evidence here to justify the enactment of the measure.

The PRESIDING OFFICER. The bill will be temporarily laid aside.

ESTATE OF BENJAMIN BRAZNELL

The bill (S. 2765) for the relief of the estate of Benjamin Braznell was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue be, and he is hereby, authorized and directed to reopen and allow the claim of the Braddock Trust Co., executor of the estate of Benjamin Braznell, late of Pittsburgh, Pa., and refund the sum of $2,323.47, the balance of taxes illegally collected under existing laws and decisions.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LA FOLLETTE subsequently said: Mr. President, in reference to Senate bill 2765, I note upon reading the report that the Secretary of the Treasury recommends that the relief be not granted. I would like to have an explanation of that measure, providing the Senator from Pennsylvania is willing that we shall return to it by unanimous consent.

Mr. REED of Pennsylvania. Of course.

Mr. LA FOLLETTE. I ask that the vote by which the bill was passed be reconsidered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the vote is reconsidered.

Mr. REED of Pennsylvania. Mr. President, this is a case which the Treasury admits is just, but claims that it ought not to be allowed because of a failure to file the claim for refund in time.

As a matter of fact, the claim for refund was filed in time, but was general in its wording. The Treasury Department admits that the money ought to be refunded if the refund was claimed in time, and they do not give any reason, as far as I can see, why the claim to which the attention was called was not sufficient.

The bill, as it came to the Senate in the Sixty-eighth and the Sixty-ninth Congresses, passed in both cases with a unanimous report from the Committee on Claims in each case, as is the fact now. The Senator from Delaware [Mr. BAYARD] has reported the bill from that committee.

The PRESIDING OFFICER. Does the Senator from Wisconsin object?

Mr. LA FOLLETTE. I merely wanted to have an explanation.

Mr. BAYARD. Mr. President, this is similar to a bill we passed the other day where all taxes had been paid in good faith, but the question had been raised with the Government that the representatives of the estate had gone down there and had done everything they possibly could. In fact, in this case they paid all the money into the Treasury Department, but the delay was so great on the part of the Treasury officials that it is perfectly true that the statute of limitations had run to a point where they could only make a certain part of the refund. It was no fault of the taxpayers, and this bill is solely to give them an even measure of justice when absolute good faith has been had on the part of the taxpayer. The money was paid in improvidently, but in good faith.

Mr. ROBINSON of Arkansas. Mr. President, I am convinced, from the statements which the Senator from Delaware and the Senator from Pennsylvania have made, that the bill should pass, but I should like to understand the theory upon which it was held that the statute of limitations ran after claim for refund had been filed, even though it was not in the exact form of language that the Treasury Department would have desired. In other words, do they have strict rules of pleadings there connected with the refunds of taxes? If so, what are they?

Mr. REED of Pennsylvania. Apparently they had at that time. I believe it to be the fact that the records of this estate, as admitted by the department, disclose that such a claim was filed. The department did not say that, however, until their attention had been called to it twice.

Mr. ROBINSON of Arkansas. The adverse report of the Secretary seems to contradict the statement that it was for the reason that the claim for refund was not filed within the proper time.

Mr. REED of Pennsylvania. The first report from the Treasury Department said that no claim for refund had been filed. The second one admitted that a claim had been filed and said in confessing an avoidance:

> It does not appear, however, to be specifically directed to the transfers which were considered by the bureau as forming a taxable portion of decedent's gross estate.

As a matter of fact, the claim was filed for the whole thing. I think the position of the department is indefensible.

Mr. LA FOLLETTE. Mr. President, with the explanations which have been made I withdraw my objection.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

WAR MINERALS RELIEF CASES

The bill (S. 1347) to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That so much of section 5 of the act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended, as reads "that the decision of the said Secretary shall be conclusive and final, subject to the limitations hereinafter provided," and so much of said section 5 as reads "that nothing in this section shall be construed to confer jurisdiction upon any court to entertain a suit against the United States," are hereby repealed.

SEC. 2. In cases where final decisions of the Secretary of the Interior have been heretofore rendered appeal to the Court of Claims shall be made within 90 days after the passage of this act; and in all cases where final decisions of the Secretary of the Interior have not heretofore been rendered appeals from such decisions to the Court of Claims shall be made within 90 days after such decisions shall have been rendered by said Secretary: *Provided*, That no acceptance or acquitance by any claimant of or for any settlement made heretofore by the said Secretary shall prevent or estop any appeal to the said Court of Claims, as herein provided for.

Mr. ROBINSON of Arkansas. Mr. President, no report accompanies the bill. If there is a report, it is not in my folder. It appears that this is quite an important bill, and I think we should have an explanation of its purposes.

Mr. ODDIE. Similar legislation has twice passed the Senate and failed of passage in the House, at the last session of Congress because of shortness of time. The Interior Department has ruled on various war claims in a manner that seems arbitrary and not in keeping with the law enacted by Congress. The pending bill provides that the claims shall be referred to the Court of Claims and it seems to me a perfectly fair proposition. The Secretary of the Interior is not in favor of it because he has been opposed to similar legislation heretofore. The Senate has twice passed similar legislation, in a slightly different form, in spite of his opposition. The pending bill places the matter right up to the Court of Claims. I think it is as fair a thing as could be done.

Mr. ROBINSON of Arkansas. What class of claims are embraced in the authorization?

Mr. ODDIE. Only the war minerals relief claims.

Mr. ROBINSON of Arkansas. It does not appear on the face of the bill. However, I have no objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATION OF SINKING OF SUBMARINE "S-4"

The resolution (S. Res. 109) creating a committee of the Senate to investigate the sinking of the submarine *S-4* was announced as next in order.

Mr. CURTIS. Mr. President, just a few days ago we passed a similar resolution. Therefore I ask that this resolution may go over.

The PRESIDING OFFICER. The resolution will be passed over.

REFUND OF CERTAIN LEGACY TAXES ERRONEOUSLY COLLECTED

The bill (H. R. 7224) to extend the time for the refunding of certain legacy taxes erroneously collected was announced as next in order.

Mr. KING. Mr. President, I see no report accompanying the bill.

Mr. LA FOLLETTE. The Senator will find the report accompanying Calendar No. 14. I think it is an identical bill.

Mr. KING. What committee reported the bill? It does not seem to have emanated from the Finance Committee.

Mr. SMOOT. That is where it should have gone.

Mr. CURTIS. The Committee on Claims reported a similar Senate bill.

Mr. KING. The measure ought to have gone to the Committee on Finance. It involves a very serious question. It seems to me it provides for the return of taxes of a general character and there ought to be a general bill. We ought not to deal with the matter in piecemeal fashion. I shall object to its consideration for the moment.

Mr. LA FOLLETTE. It has been approved by the Secretary of the Treasury, as the Senator will see if he will look at the report accompanying S. 2185, Calendar No. 14.

Mr. REED of Pennsylvania. Mr. President, ought not both the measures to be referred to the Committee on Finance?

Mr. LA FOLLETTE. I have no personal interest in the matter at all, but this morning when Calendar No. 14 was called I objected, observing that it was what I considered to be rather important legislation. Following that the Senator from Massachusetts [Mr. WALSH] called my attention to the report accompanying the bill, and stated that under a Supreme Court decision 95 per cent of such taxes had already been refunded and that the measure was merely to take care of the other 5 per cent.

Mr. REED of Pennsylvania. The Senator would have no objection to the bill going to the Finance Committee?

Mr. LA FOLLETTE. I certainly would have none.

Mr. REED of Pennsylvania. The reason why I ask is that we have in the revenue bill now before that committee some general provisions to take care of these class cases, as they are called, in which typical cases have been taken to the Supreme Court and decided in favor of the taxpayer, while the other members of the class sat by and did nothing but let the statute of limitations run against them.

I do not see why we should relieve this particular group of taxpayers unless we are going to establish a general rule for everybody. I do not think it is fair to ask the Senate to establish a precedent in this case which may embarrass us and cost us many millions of dollars in the other cases. We should solve it as one problem.

Mr. KING. The Senator obviously is not referring to Calendar No. 14 but to the measure concerning which I just challenged attention.

Mr. REED of Pennsylvania. I was referring to both of them, because they accomplish the same thing. One is a Senate bill and the other a House bill, both directed at the same class of taxpayers. Therefore I ask unanimous consent that Calendar No. 14, the bill (S. 2185) to extend the time for the refunding of taxes erroneously collected from certain estates, and Calendar No. 135, the bill (H. R. 7224) to extend the time for the refunding of certain legacy taxes erroneously collected, both be referred to the Committee on Finance.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

PENSIONS AND INCREASE OF PENSIONS

The bill (S. 1939) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, was announced as next in order.

Mr. KING. It will take some little time for the proper consideration of the bill. I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

DEPARTMENTAL PREDICTIONS OF COTTON PRICES

The bill (S. 1413) to prohibit predictions with respect to cotton prices in any report, bulletin, or other publication issued by the Department of Agriculture or the Department of Commerce, and for other purposes, was announced as next in order.

Mr. SMOOT. There is no report accompanying the bill. I would like to inquire if some one can explain it?

Mr. MAYFIELD. Mr. President, I reported the bill. I filed no written report, because I did not think it was necessary. So much has been said about the reports of the Secretary of Agriculture last September, in which he predicted lower prices for cotton, that I did not think it was necessary to file a written report upon this measure.

The bill relates only to predictions of prices of cotton. It does not include grain or corn. Some of the Senators from the Northwestern States suggested that grain and corn be included, but there was some difference among them, and so those farm products were not included. All the Senators from cotton-growing States are in favor of this bill.

Mr. SMOOT. This may be an advantage, but personally I can not see it. We save tens of thousands of dollars in this way by the departmental reports.

Mr. MAYFIELD. I do not think the Senator correctly grasps the purpose of the measure. The Secretary of Agriculture has no authority whatever to make a prediction as to the future price of any farm commodity.

Mr. SMOOT. Does that mean a prediction as to the number of bales?

Mr. MAYFIELD. Oh, no. The measure would only forbid the making of predictions as to the future trend of prices of cotton.

Mr. ROBINSON of Arkansas. The purpose of the measure undoubtedly is wholesome. There is no use or justification for a public officer, whose duty it is to gather cotton statistics, to use his knowledge in attempting to influence the price of a product. It has occurred in the past frequently that forecasts of prices have been made purporting to have been based on statistics gathered, when the statistics themselves are subject to question.

The result has been confusion in the market. I do not know whether such a statute could be enforced, but the purpose of it is certainly wholesome.

Mr. SMOOT. If it is agreeable to the Senators from the cotton States, I certainly have no objection; but I can not see any good that may come from it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That it shall be unlawful for any officer or employee of the Department of Agriculture or of the Department of Commerce to include, or cause to be included, in any report, bulletin, or other publication issued by such departments any prediction with respect to cotton prices, or to cause to be published any such report, bulletin, or other publication containing any such prediction, or to authorize the publication of any statement or interview containing any such prediction which is based upon information received from official sources. Any such officer or employee who violates the provisions of this act shall, upon conviction thereof, be fined not less than $300 nor more than $1,000, or imprisoned for not more than one year, or both, and, in addition thereto, shall be removed from office, and shall be incapable thereafter of holding any office under the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS

The bill (S. 2900) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

ORDER OF BUSINESS—BRIDGE BILLS

The bill (H. R. 108) granting the consent of Congress to the States of North Dakota and Minnesota to construct, maintain, and operate a bridge across the Red River of the North was announced as next in order.

Mr. BINGHAM. Mr. President, I notice that the following calendar numbers, down to and including 169, are all bridge bills and appear to be in the usual form. I ask unanimous consent that they may be considered en bloc.

The PRESIDING OFFICER. Is there objection to considering Calendar Nos. 141 to 169, inclusive, en bloc?

Mr. TYDINGS. Mr. President, would it be out of order to request that all bridge bills on the calendar be included? Why not include all the bridge bills on the calendar? They are all favorably reported by the committee. We might as well dispose of them all together instead of picking out this single block.

Mr. BINGHAM. We ought to have a reference to them.

Mr. SHEPPARD. I think it would be necessary at least to specify the calendar numbers.

The PRESIDING OFFICER. Without objection, Calendar Nos. 141 to 169, inclusive, will be considered en bloc.

Mr. DENEEN. Mr. President, may we not include Calendar No. 122 in that order?

Mr. ROBINSON of Arkansas. Mr. President, this is a very dangerous way to legislate, and I shall object. Let each bill be called and disposed of as it is called.

Mr. KING. Moreover, I venture to suggest that the attention of the Senate heretofore has been called to-day to the fact that a number of these bills are not in the form prescribed by the committee and do not measure up to the standard which has been adopted, and therefore we were compelled to refer some of the bills back to the committee.

The PRESIDING OFFICER. The Chair would ask the Senator from Arkansas whether he objects to the unanimous-consent request of the Senator from Connecticut?

Mr. ROBINSON of Arkansas. I object. I insist that each bill shall be read by title and that the Senate shall be given an opportunity to pass on that particular bill.

The PRESIDING OFFICER. The unanimous consent will be reconsidered without objection, and the clerk will report the bills on the calendar in their order.

BRIDGE OVER THE RED RIVER OF THE NORTH

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 108) granting the consent of Congress to the States of North Dakota and Minnesota to construct, maintain, and operate a bridge across the Red River of the North.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT OR NEAR LITTLE FALLS, MINN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 194) granting the consent of Congress to the county of Morrison, State of Minnesota, to construct, maintain, and operate a bridge across the Mississippi River at or near Little Falls, Minn.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT OR NEAR MONTICELLO, MINN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 199) granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a bridge across the Mississippi River at or near Monticello, Wright County, Minn.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SNAKE RIVER BRIDGE AT IDAHO FALLS, IDAHO

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 319) to legalize a bridge across the Snake River at Idaho Falls, Idaho.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALLEGHENY RIVER BRIDGE AT KITTANNING, PA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 495) granting the consent of Congress to the county of Armstrong, a county of the State of Pennsylvania, to construct, maintain, and operate a bridge across the Allegheny River, at Kittanning, in the county of Armstrong, in the State of Pennsylvania.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BIG SANDY RIVER BRIDGES NEAR DEVON, W. VA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2348) granting the consent of Congress to the Big Sandy & Cumberland Railroad Co. to construct, maintain, and operate two bridges across the Tug Fork of the Big Sandy River, near Devon, W. Va., which had been reported from the Committee on Commerce with amendments.

The first amendment was, on page 1, section 1, line 3, after the words "to the," to strike out "Big Sandy & Cumberland Railroad Co." and to insert "Norfolk & Western Railway Co."; on the same page, in line 7, after the word "and," to strike out "operate railways in Kentucky, its" and to insert "Knox Creek Railway Co., a corporation organized under the laws of Kentucky, their"; on page 2, line 2, after the word "two," to insert "railroad"; in line 4, after the word "at," to strike out "a point" and to insert "points"; in line 8, after the word "act," to insert "entitled 'An act"; and in line 9, after the word "navigable," to strike out "waters" and to insert "waters,"" so as to make the section read:

That the consent of Congress is hereby granted to the Norfolk & Western Railway Co., a corporation organized under the laws of the State of Virginia and authorized to do business in the State of West Virginia, and Knox Creek Railway Co., a corporation organized under the laws of Kentucky, their successors and assigns, to construct, maintain, and operate two railroad bridges and approaches thereto across the Tug Fork of Big Sandy River at points suitable to the interests of navigation near Devon, Mingo County, W. Va., where the said Tug Fork forms the boundary line between the States of West Virginia and Kentucky, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The next amendment was, on page 2, section 2, line 13, after the words "to the," to strike out "Big Sandy & Cumberland Railroad Co., its" and to insert "Norfolk & Western Railway Co. and Knox Creek Railway Co., their respective," so as to make the section read:

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Norfolk & Western Railway Co. and Knox Creek Railway Co., their respective successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the Norfolk & Western Railway Co. and Knox Creek Railway Co. to construct, maintain, and operate two bridges across the Tug Fork of Big Sandy River near Devon, Mingo County, W. Va."

DULUTH SHIP CANAL BRIDGE IN MINNESOTA

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5510) granting the consent of Congress to the city of Duluth, Minn., to construct, maintain, and operate a bridge across the Duluth Ship Canal.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIO GRANDE RIVER BRIDGE NEAR PRESIDIO, TEX.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5583) granting the consent of Congress to the Kansas City, Mexico & Orient Railway Co. of Texas and the Kansas City, Mexico & Orient Railway Co. to construct, maintain, and operate a railroad bridge across the Rio Grande River at or near Presidio, Tex., which had been reported from the Committee on Commerce with an amendment, on page 2, section 1, line 2, after the name "Ojinaga," to insert a parenthesis mark before the word "formerly"; and in line 3, after the words "Presidio Del Norte," to insert a parenthesis mark, so as to make the section read:

That the consent of Congress is hereby granted to the Kansas City, Mexico & Orient Railway Co. of Texas, a corporation organized under the laws of the State of Texas, and the Kansas City, Mexico & Orient Railway Co., a corporation organized under the laws of the State of Kansas, their successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Rio Grande River, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation between Ojinaga (formerly known as "Presidio Del Norte"), on the Rio Grande, on the Mexican side thereof, and a point in the State of Texas, in the county of Presidio, at or near the town called "Presidio," in the State of Texas, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the approval of the proper authorities in Mexico.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

TOMBIGBEE RIVER BRIDGE AT EPES, ALA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5638) granting the consent of Congress to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Tombigbee River, at Epes, in the State of Alabama.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRAND CALUMET RIVER BRIDGE AT EAST CHICAGO, IND.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5744) to authorize the reconstruction of a bridge across the Grand Calumet River at East Chicago, Ind.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALLEGHENY RIVER BRIDGE AT OIL CITY, PA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6041) granting the consent of Congress to the Pennsylvania Railroad Co. to construct, maintain, and operate a railroad bridge across the Allegheny River.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAHONING RIVER BRIDGE AT SOUTH AVENUE, YOUNGSTOWN, OHIO

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6045) granting the consent of Congress to the commissioners of Mahoning County, Ohio, to reconstruct, maintain, and operate the existing bridge across the Mahoning River at South Avenue, Youngstown, Mahoning County, Ohio.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAHONING RIVER BRIDGE AT WEST AVENUE, YOUNGSTOWN, OHIO

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6046) granting the consent of Congress to the city of Youngstown, Ohio, to construct a bridge across the Mahoning River at or near West Avenue, Youngstown, Mahoning County, Ohio.

Mr. ROBINSON of Arkansas. Mr. President, I wonder if this is a different bill from the one the Senate just passed?

The PRESIDING OFFICER. The Chair is so informed.

Mr. ROBINSON of Arkansas. Very well.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LITTLE CALUMET RIVER BRIDGE AT WENTWORTH AVENUE, ILLINOIS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6512) granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and

operate a bridge across the Little Calumet River at or near Wentworth Avenue, in Cook County, State of Illinois.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LITTLE CALUMET RIVER BRIDGE AT ASHLAND AVENUE, ILLINOIS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6513) granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LITTLE CALUMET RIVER BRIDGE NEAR INDIANA AVENUE, ILLINOIS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6514) granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Indiana Avenue, in Cook County, State of Illinois.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAHONING RIVER BRIDGE AT YOUNGSTOWN, OHIO

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6958) granting the consent of Congress to the city of Youngstown to construct a bridge across the Mahoning River at Youngstown, Mahoning County, Ohio.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CANEY FORK RIVER BRIDGE IN DE KALB COUNTY, TENN.

The bill (H. R. 6959) to legalize a bridge across the Caney Fork River in De Kalb County, Tenn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OHIO RIVER BRIDGE AT ROCHESTER, PA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7192) to extend the times for commencing and completing the construction of a bridge across the Ohio River between the municipalities of Rochester and Monaca, Beaver County, Pa.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SNAKE RIVER BRIDGE NEAR INDIAN COVE, IDAHO

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7370) granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River near Indian Cove, Idaho.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SNAKE RIVER BRIDGE NEAR SWAN VALLEY, IDAHO

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7374) granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River near Swan Valley, Idaho.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT GLASGOW, MONT.

The bill (H. R. 7466) granting the consent of Congress to the State of Montana, Valley County, Mont., and McCone County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELK RIVER BRIDGE AT ATHENS-FLORENCE ROAD, ALABAMA

The bill (H. R. 7913) granting the consent of Congress to the Highway Department of the State of Alabama to construct a bridge across Elk River on the Athens-Florence road between Lauderdale and Limestone Counties, Ala., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REGISTRATION OF ARCHITECTS IN THE DISTRICT

The bill (S. 2660) to amend an act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924, and for other purposes, was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, reserving the right to object, let me say this is a lengthy bill and appears to be of considerable importance. It was introduced by the Senator from Kansas [Mr. CAPPER] and reported by him. I think there ought to be an explanation of this bill. I do not think we ought to pass measures of this character without some Senator explaining what is in them.

Mr. CURTIS. The junior Senator from Kansas [Mr. CAPPER] is not in the Chamber at the moment.

Mr. ROBINSON of Arkansas. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The bill (S. 781) requiring separate accommodations for white and colored passengers on the street cars of the District of Columbia was announced as next in order. The bill had been reported from the Committee on the District of Columbia adversely.

Mr. LA FOLLETTE. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

TREATY FUNDS OF WISCONSIN POTTAWATOMIE INDIANS

The bill (S. 1759) to appropriate treaty funds due the Wisconsin Pottawatomi Indians was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $6,839, being the unappropriated balance of the total amount of $447,339 due the Wisconsin Pottawatomi Indians of Wisconsin and Michigan under the treaty of September 27, 1833 (7 Stat. L. 442), and the act of June 25, 1864 (13 Stat. L. 172), as set out in House Document No. 830, Sixtieth Congress, first session: *Provided*, That the unexpended balances of $37,044.55 in the appropriations made for said Indians by the acts of May 18, 1916 (39 Stat. L. 156), May 25, 1918 (40 Stat. L. 589), and June 30, 1919 (41 Stat. L. 29), and which have reverted to the Treasury, are hereby reappropriated; and that said sums, together with the unexpended balance of $4,347.73 in the appropriation for the purchase of land for said Indians made by the act of June 30, 1913 (38 Stat. L. 102), shall be subject to expenditure for their benefit or payment to them, in the discretion of the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARTHUR WALDENMEYER

The bill (S. 2439) to amend the military record of Arthur Waldenmeyer was announced as next in order.

Mr. KING. I ask that that bill go over.

Mr. BINGHAM. Mr. President, I hope the Senator from Utah will withdraw his objection. This is a very worthy measure. The soldier served the entire term of his enlistment during the Spanish-American War while we were at war and was discharged honorably with character very good. Some time later he reenlisted. During the period of his second enlistment he fell into bad company, and the time being in pre-Volstead days, had a series of accidents and finally was dishonorably discharged. He had been absent, I think, for some 24 hours.

In view of the fact that his record during the war was very good and that he was discharged with "character very good," the committee believed that he ought to be given a pensionable status with his comrades with whom he served during the war, but which he is denied because during a subsequent enlistment he incurred the displeasure of the military authorities.

Mr. KING. Mr. President, I think it has been conceded that a dishonorable discharge debars, and properly so, an applicant for pension. Now, the Senator seeks to set aside that bar.

Mr. BINGHAM. At the close of the war he received an honorable discharge with "character very good." If he shall be granted a pension it will be because of his war service, even if he should have no pensionable status because of his subsequent service.

Mr. ROBINSON of Arkansas. There were no criminal charges against him, were there?

Mr. BINGHAM. There were not.

Mr. ROBINSON of Arkansas. As I understand, he was merely drunk.

Mr. SHORTRIDGE. No; he was sick. [Laughter.]

Mr. ROBINSON of Arkansas. He was absent without leave.

Mr. BINGHAM. Yes; there were no criminal charges against him.

Mr. KING. Then, was it not a case of desertion?

Mr. BINGHAM. No.

Mr. SHORTRIDGE. He was a brave soldier during the war.

Mr. BINGHAM. He got drunk several times.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. Mr. President, when a Puritan from Connecticut can approve it, I will not object.

Mr. BINGHAM. I thank the Senator.

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments, on page 1, line 5, after the word "Army," to strike out "their widows, children, and dependent relatives"; and to strike out section 2, as follows:

SEC. 2. The Secretary of War is hereby authorized and directed to grant to such Arthur Waldenmeyer a discharge certificate showing that he is held and considered to have been honorably discharged as of such date.

So as to make the bill read:

That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, Arthur Waldenmeyer shall be held and considered to have been honorably discharged as a private, Company F, Second Regiment Infantry, United States Army, on March 21, 1900; but no pension, pay, nor bounty shall be held to have accrued prior to the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. JOSEPH W. LOEF

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1594) for the relief of Capt. Joseph W. Loef, which had been reported from the Committee on Military Affairs with an amendment

Mr. KING. Mr. President, I should like an explanation of that bill.

Mr. THOMAS. Mr. President, this bill is for the express purpose of correcting the date of the commission of Captain Loef. The authorities in making up the record certified that his service began on October 25, 1917, when in fact his services should have begun and did begin on August 15, 1917. Because of that error his commission, signed by the President, was dated some two months subsequent to the time when it should have been dated, and because of that fact he has lost some files in the promotion list. I think the War Department has corrected the error so far as it can do so; but, in order to correct the date of his commission, it takes an act of Congress to authorize the President to act, and this bill is for that one purpose.

Mr. KING. I have no objection.

The amendment of the Committee on Military Affairs was, on page 1, line 3, after the word "That," to insert "in order to rectify an error of the War Department in the computation of commission service," so as to make the bill read:

Be it enacted, etc., That, in order to rectify an error of the War Department in the computation of commissioned service, the President be, and hereby is, authorized to commission Capt. Joseph W. Loef, Field Artillery, as an additional number as of July 1, 1920, with the pay and allowance of a captain from that date, the total number of captains not to be increased by the change in the date of this commission, and that Capt. Joseph W. Loef be placed in his proper place on both the promotion and relative rank lists according to the date of his commission as captain.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 132) to authorize the President to appoint Le Roy K. Pemberton a first lieutenant, Officers' Reserve Corps, United States Army, was announced as next in order.

The bill had been reported from the Committee on Military Affairs adversely.

Mr. SHORTRIDGE. Mr. President, in view of the report accompanying the bill, I ask that it go over. I may question the report later.

Mr. KING. Will the Senator object to a motion to postpone it indefinitely?

Mr. SHORTRIDGE. I shall object. Let the bill go over, and I will upset the committee, I think, on it at the next hearing.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2053) to establish a military record for Daniel P. Tafe was announced as next in order.

The bill had been reported from the Committee on Military Affairs adversely.

Mr. KING. Mr. President, I move that the bill be indefinitely postponed.

Mr. SHORTRIDGE. I ask to have the bill go over.

Mr. REED of Pennsylvania. Is the Senator going to upset the committee on that bill also?

Mr. SHORTRIDGE. I will endeavor to do so.

The PRESIDING OFFICER. The bill will be passed over.

THOMAS JOHNSEN

The bill (S. 138) for the relief of Thomas Johnsen was announced as next in order.

Mr. KING. Mr. President, I should like an explanation of that measure.

Mr. SHORTRIDGE. The report is before the Senate and gives the details.

Mr. KING. Let it go over temporarily.

Mr. SHORTRIDGE. The facts are in the report before the Senate.

Mr. REED of Pennsylvania. Mr. President, this bill has been reported favorably. The beneficiary of the bill served an enlistment and was honorably discharged. He was separated from his wife after his honorable discharge, and she told him that she was going to get a divorce. He enlisted a second time, stating that he was single. As a matter of fact, that was strictly inaccurate and untrue, but the two had separated and he thought he was going to be divorced, and so he applied for enlistment as a single man. His wife then notified him that she was going to have a baby and that she had nobody to look out for her and she wanted to come back to him. Being in the Army, he said he would take care of her to such extent as his Army pay would permit, and she came and joined him.

The PRESIDING OFFICER. Is there objection?

Mr. REED of Pennsylvania. Let me finish. [Laughter.] Perhaps the Presiding Officer was anxious to know if there was objection to him joining his wife. At any rate, there was no objection to it, but the Army objected to his having enlisted with a statement that he was a single man. So he was court-martialed for that only. His service was creditable; he committed no military crime except the false statement which was made under the circumstances I have narrated when he enlisted. So he is prevented from having a pensionable status for the previous term of enlistment, from which he received an honorable discharge. The committee thought he ought to be afforded relief.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which provides that in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, Thomas Johnsen shall be held and considered to have been honorably discharged as a private, Battery C, Third Artillery, United States Army, on September 13, 1900, but no pension, pay, nor bounty shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW B. RITTER

The bill (H. R. 3400) to correct the military record of Andrew B. Ritter was announced as next in order.

Mr. REED of Pennsylvania. How about House bill 172, Order of Business 178?

The PRESIDING OFFICER. That bill was passed a short time ago.

Mr. ROBINSON of Arkansas. It has been passed already, on the request of the Senator from Washington.

The PRESIDING OFFICER. Is there objection to the consideration of House bill 3400?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE C. HUSSEY

The bill (H. R. 5994) for the relief of George C. Hussey was considered as in Committee of the Whole.

Mr. KING. Mr. President, was that a case of desertion? I should like some explanation of it.

Mr. SHEPPARD. It was a case of desertion after the war was over. This man served four years on the Union side, and was in the barracks here at Washington. He got into trouble with his superior officer through the commission of some minor offense, and, becoming impatient while under arrest, considering that the war was over and that he had performed his duty as a volunteer, he went back to his home without leave. In view of the fact that he had served four years, it seems to me that he is entitled to whatever privileges or rights would ordinarily have come to him by virtue of that service. He did

not quit the service until several months after the war was over.

Mr. KING. I observe that the report of Maj. Gen. Robert C. Davis, the Adjutant General, in the concluding part of the report, uses this language:

Inasmuch as the records show that this soldier deserted while in confinement awaiting trial for breach of military duty, it will be seen that no relief can be extended in his case under existing law.

Mr. SHEPPARD. That is true. That is as I stated it. He rendered good service throughout the war. This was a minor offense for which he was confined. It seemed to the committee that he was, in equity, entitled to recognition for the service he rendered.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. I shall not object to its consideration, but I shall vote against it.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES CAUDWELL

The bill (S. 1736) for the relief of Charles Caudwell was announced as next in order.

The bill had been reported from the Committee on Claims with amendments.

The first amendment was, on page 1, line 4, after the words "directed to," to strike out "settle the claim of" and insert "pay to," so as to read:

That the Comptroller General of the United States be, and he is hereby, authorized and directed to pay to Charles Caudwell, Congleton, Cheshire, England.

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, that is another one of the bills that provide that the Comptroller General shall make payments. There is nothing in the Office of the Comptroller General, as I understand, that qualifies him to make payments out of the Treasury. I ask that the bill go over until it can be scrutinized from that standpoint.

The PRESIDING OFFICER. The bill will be passed over.

CALVIN H. BURKHEAD

The bill (H. R. 4707) for the relief of Calvin H. Burkhead was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRACTICE OF ARCHITECTURE IN THE DISTRICT

Mr. CAPPER. Mr. President, I ask unanimous consent that we revert to Order of Business 170, Senate bill 2660, which was passed over in my absence from the Chamber just a few moments ago at the request of the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent to return to Senate bill 2660. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2660) to amend an act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924, and for other purposes, which had been reported from the Committee on the District of Columbia, with an amendment.

Mr. ROBINSON of Arkansas. Mr. President, this is an important bill, apparently, and I think there ought to be an explanation of it, and also an explanation of the amendment. It is a 10-page bill.

Mr. CAPPER. Mr. President, the bill is sent to us by the Commissioners of the District of Columbia to correct certain inaccuracies in the act of 1924. The bill now before us was passed by both the Senate and House at the last session, but in slightly different form, and the Houses failed to get together. There was no objection to it at that time.

Probably the most important change is found in section 28, which provides for a right of appeal to the District Court of Appeals. The purpose of the bill is to set up a board of architects, and it requires registration of all architects. As far as we know, no one in the city is opposed to the measure, or any part of it. We had a hearing. We asked to have any one interested come before the committee and State objections. The bill was discussed in the newspapers of the city. There has been no objection of any kind. The District Commissioners have gone over it carefully. The corporation counsel, the legal department of the District, has considered it carefully, and it seems to be satisfactory in every respect.

Mr. ROBINSON of Arkansas. Mr. President, I notice that there is at least one amendment proposed. What is the effect of that amendment?

Mr. CAPPER. The Senator will find on page 2 of the report the statement that section 16 of the existing law, according to the report made by the District Commissioners, is obscure, and in its practical application has given rise to much uncertainty, especially as section 29 relates to the same subject. The truth is the act of 1924 was carelessly drawn; and this bill is based on the experience of the past two years of this board of architects and will remove all of those ambiguities.

The report goes into detail as to the various changes suggested. As I said, one important thing is to provide the right of appeal on the part of any architect who might make objection to the findings of this board with which he is required to register. The bill is in line with the legislation that is found in pretty nearly every State in the Union in all the large cities having any considerable number of architects.

Mr. ROBINSON of Arkansas. The Senator states that this bill is to correct the results of carelessness and inefficiency in the preparation of a former bill which became law December 13, 1924. I note that on page 9 of the bill there is an amendment proposed by the committee striking out a penal provision as follows:

Any person who shall make any willfully false oath or affirmation in any matter or proceeding required or permitted by this act shall be deemed guilty of perjury and liable to the punishment therefor provided by the Code of Law for the District of Columbia.

Why that amendment?

Mr. CAPPER. That is explained in the third paragraph of the report, which says:

The effect of the amendment will be to remove the provision defining as perjury the making of a false oath in any matter or proceeding under the architects' practice act, as it is believed present laws of the District of Columbia are sufficient to cover such situations.

That was the judgment of the committee. The Senator from Washington went over the bill carefully so far as its legal provisions were concerned; and I will say again that the bill now before us passed this body a year ago, and passed the House, except that there were a few minor changes in verbiage; and the two Houses failed in the last days of the session to get together. This is really reenacting a bill that has already passed the House.

Mr. ROBINSON of Arkansas. Very well.

Mr. KING. Mr. President, I want to ask the Senator from Kansas whether this bill makes it a misdemeanor or an offense for any person to act as his own architect in providing the plans for any building which he wants to construct?

Mr. CAPPER. I do not think it could possibly have that effect.

Mr. KING. While a man might be exceedingly unwise to be his own architect, as some men are their own lawyers with fatal results, nevertheless, if a man wanted to prepare plans for a garage or for some other building, and is willing to take the chances, I think the Government ought not to complain, and he ought not to be characterized as a felon.

Mr. CARAWAY. And you could not get any worse architect than the one who designed a theater down here in the District that collapsed and killed a hundred people.

Mr. KING. Yes; some of the architects have not a very creditable record.

Mr. CAPPER. The law has been in operation over two years so far as that provision is concerned, and no objection has been heard from any source.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The amendment of the committee will be stated.

The amendment was, on page 9, line 12, after the word "counsel," to strike out: "Any person who shall make any willfully false oath or affirmation in any matter or proceeding required or permitted by this act shall be deemed guilty of perjury and liable to the punishment therefor provided by the Code of Law for the District of Columbia," so as to make the bill read:

Be it enacted, etc., That sections 14, 16, 19, 22, 24, 25, 26, 27, 28, 29, and 30 of the act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924 (43 Stat. L. 714–718), be amended so that the same shall read as follows:

"SEC. 14. That, except as otherwise provided in this act, any person wishing to practice architecture in the District of Columbia under the title of architect shall, before being entitled to be or be known as an architect, secure from such board a certificate of qualifications to practice under the title of architect, as provided in this act."

"SEC. 16. That no person who was engaged in the practice of architecture in the District of Columbia on December 13, 1924, shall use or assume any title indicating that he or she is an architect, or any words, letters, or figures to indicate that the person using them is an architect, unless he or she shall have qualified and obtained a certificate of registration as an architect, or unless he or she shall, within six months after the passage of this act, file with said board an affidavit establishing to the satisfaction of said board the fact that he or she was in practice as an architect in said District on and prior to December 13, 1924. Nothing herein contained shall be construed to prevent any person who was engaged in the practice of architecture in said District on and prior to December 13, 1924, from applying to said board at any time for examination under this act. No firm shall be entitled to the style or designation 'architect' or 'registered architect' unless and until every member thereof shall be entitled to such designation. A corporation whose principal business, as shown by its charter, is the practice of architecture, may apply for and obtain a certificate of registration, provided all its executive officers and directors are registered architects. The same exemptions shall apply to partnerships and corporations as apply to individuals under this act."

"SEC. 19. That any properly qualified person who shall have been actually engaged in the practice of architecture in the District of Columbia on December 13, 1924, may be granted a certificate of registration without examination on condition that the applicant shall submit satisfactory evidence to the said board that he is qualified to practice architecture and by payment to the board of the fee required for certificate of registration as prescribed in section 23 of this act: *Provided*, That nothing in this act shall prevent any person who was actually engaged in the practice of architecture under the title of architect prior to December 13, 1924, from continuing the practice of said profession without a certificate of registration and without the use in any form of the title 'registered architect' upon filing the affidavit required by section 16 of this act."

"SEC. 22. That an architect who has lawfully practiced architecture for a period of more than 10 years outside of the District of Columbia shall, except as otherwise provided in subdivision (b) of section 21, be required to take only a practical examination, the nature of which shall be prescribed by the board of examiners and registrars of architects."

"SEC. 24. That all examination papers and other evidences of qualification submitted by each applicant shall be filed with the board of examiners and registrars of architects, and said board shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration.

"The record shall also contain the name, known place of business and residence, and the date and number of the certificate of registration of every registered architect entitled to practice his profession in the District of Columbia.

"SEC. 25. That every registered architect in the District of Columbia shall annually, during the month of May, renew his certificate of registration and pay the renewal fee required by section 23 of this act. Any such architect who fails to pay the said renewal fee shall cease to be a registered architect, subject to restoration upon paying the fee therefor prescribed in accordance with section 23 of this act.

"A person who fails to renew his certificate of registration during the month of May in each year may not thereafter renew his certificate except upon payment of the fee required by section 23 of this act for the restoration of an expired certificate of registration.

"Every renewal certificate shall expire on the 30th of April following the issuance.

"SEC. 26. Exemptions: That the following shall be exempted from the requirements of this act: (1) Any person practicing or desiring to practice architecture in the District of Columbia who shall have made application to the board for registration as an architect and who shall have paid the fee provided for in section 23 of this act, such exemption to continue only until the board shall have denied such application; (2) any officer or employee of the United States or the District of Columbia practicing architecture in that capacity alone.

"SEC. 27. Revocation of certificate: That the board of examiners and registrars of architects may revoke any certificate after 30 days' notice with grant of hearings to the holder thereof if proof satisfactory to the board be presented in the following cases:

"(a) In case it is shown that the certificate was obtained through fraud or misrepresentation.

"(b) In case the holder of the certificate has been found guilty by said board or by a court of justice of any fraud or deceit in his professional practice or has been convicted of a felony by a court of justice.

"(c) In case the holder of the certificate has been found guilty by said board of gross incompetency or of recklessness in the planning or construction of buildings.

"(d) In case a corporation holding a certificate of registration shall have as one of its executive officers or directors a person not a registered architect.

"SEC. 28. That the proceedings for the annulment of registration (that is, the revocation of a certificate) shall be begun by filing written charges against the accused with the board of examiners and registrars of architects by the board itself or by any complainant. A copy of the charges together with a notice of the time and place of hearing shall be served on the accused at least 30 calendar days in advance of such hearing, which shall be postponed if necessary to give the requisite notice. Where personal service can not be made within the District of Columbia, service may be made by publication or personal service in accordance with such rules as the board may adopt, following generally and in principle the provisions of sections 105 as amended, 106 and 108 of the Code of Laws of the District of Columbia. At the hearing the accused shall have the right to be represented by counsel, introduce evidence, and examine and cross-examine witnesses. The secretary of the board is hereby empowered to administer oaths. The board shall make a written report of its findings, which report, with a transcript of the entire record of the proceedings shall be filed with the Commissioners of the District of Columbia, and if the board's findings shall be adverse to the accused his or her certificate of registration shall stand revoked and annulled, at the expiration of 30 days from the filing of such report, unless within said period of 30 days a writ of error shall be issued as hereinafter provided, in which event said certificate shall stand suspended until the final determination of the court of appeals upon such writ of error. If an exception is taken to any ruling of the board on matter of law, the exception shall be reduced to writing and stated in the bill of exceptions with so much of the evidence as may be material to the question or questions raised, and such bill of exceptions shall be settled by the board and signed by the secretary within such time as the rules of the board may prescribe. Any party aggrieved by the decision of the said board may seek a review thereof in the Court of Appeals of the District of Columbia by petition under oath setting forth concisely but clearly and distinctly the nature of the proceeding before said board, the trial and determination thereof, and the particular ruling upon matter of law to which exception has been taken, said petition to be presented to any justice of the court of appeals within 30 days after the filing of the report of said board with the commissioners, with such notice to the board as may be required by the rules of the court of appeals. If the justices shall be of the opinion that the action of the board ought to be reviewed, a writ of error shall be issued from the court of appeals within such time as may be prescribed by that court, a transcript of the record in the case sought to be reviewed, and the court of appeals shall review said record and affirm, reverse, or modify the judgment in accordance with law."

Section 29 of the said act of December 13, 1924, is repealed. A new section, to be numbered section 29, is hereby enacted, as follows: "The said board shall have power to require the attendance of persons and the production of books and papers and to require such persons to testify in any and all matters within its jurisdiction. The chairman and the secretary of the board shall have power to issue subpœnas, and upon the failure of any person to attend as a witness when duly subpœnaed or to produce documents when duly directed by said board, the board shall have power to refer the said matter to any justice of the Supreme Court of the District of Columbia, who may order the attendance of such witness or the production of such books and papers or require the said witness to testify, as the case may be; and upon the failure of the witness to attend, to testify, or to produce such books or papers, as the case may be, such witness may be punished for contempt of court as for failure to obey a subpœna issued or to testify in a case pending before said court."

"SEC. 30. That any person who shall use the title 'architect' or 'registered architect' or any other words, letter, or figures indicating or intending to imply that the person using the same is an architect or a registered architect, without having complied with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $200, or by imprisonment for not more than one year, or both, prosecution therefor to be made in the name of the District of Columbia by the corporation counsel."

SEC. 2. That nothing contained in this act shall be construed to affect the force and validity of any act of the board of examiners and registrars of architects performed prior to its passage. The act of December 13, 1924, and this act may be cited and known as the architects' registration act.

Mr. ROBINSON of Arkansas. Mr. President, I think I will ask that this bill go over for the present.

The PRESIDING OFFICER. The bill will be passed over.

RADIO REGULATION

Mr. DILL. Mr. President, I renew my request for unanimous consent to take up Order of Business 228, Senate bill 2317. I may say that we have had a conference regarding the radio commissioners, and it has been agreed that their nominations will be held up and not reported at this time, and I should like to take up this bill.

The PRESIDING OFFICER. Is there objection to the present consideration of Senate bill 2317? The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2317) continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, which had been reported from the Committee on Interstate Commerce with an amendment.

Mr. KING. Now, will the Senator make an explanation of the bill and its implications?

Mr. DILL. The purpose of this bill is to continue the original jurisdiction of the Radio Commission for one year. Under the present law the commission will end on March 15, 1928, as an original body and become an appellate body. The fact that the commission has not had any money, that it has not had any employees or instrumentalities with which to work, has greatly handicapped it. In addition to that, two of its members have died, one has resigned, and the commission has been in a very unsettled state. Because of that, the committee believes that another year of original jurisdiction should be given the commission. I may add that the problems in the short-wave-length allocations have become exceedingly numerous as compared with what they were a year ago.

Mr. BLEASE. Mr. President, will the Senator permit an interruption?

Mr. DILL. Yes.

Mr. BLEASE. I presume Senators want to go on with their bills. I want to discuss this bill probably at some length. I have several matters here that I want to get into the RECORD on it.

Mr. DILL. Of course, I do not want to take up the time of the Senate, if the Senator takes that position.

Mr. BLEASE. It will take me at least half an hour.

Mr. DILL. I want to say to the Senator that the purpose of this bill is to limit the commissioners' powers and terms, of which I presume the Senator is in favor.

Mr. BLEASE. No; I am in favor of abolishing the commission.

Mr. DILL. If this bill is not passed, the commissioners will continue to hold office for six years instead of two, as before.

Mr. BLEASE. The more obnoxious it makes it to them, the better I will like it.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KING. In view of the unanimous-consent agreement which was entered into some time ago, under which the Senate is now proceeding, would it be proper to submit another request asking unanimous consent for the consideration of this bill despite the limitations of debate under Rule VIII?

Mr. BINGHAM. Mr. President, in view of the fact that Senators generally understood that only bills to which there was no objection would be considered, it does not seem to me that that would be quite fair.

Mr. KING. Perhaps that would be unfair to absent Senators.

The PRESIDING OFFICER. Under the present agreement that can not be done.

Mr. DILL. If the Senator from South Carolina wants to take half an hour to talk about the bill, I do not want to hold up the Senate for the consideration of the measure.

Mr. PITTMAN. I take it that debate is limited under the rule, is it not?

The PRESIDING OFFICER. We are considering only unobjected bills.

Mr. DILL. The consideration of this bill was not objected to, so that it would have to be considered under the five-minute rule, would it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. DILL. Then, of course, if we are under the five-minute rule, I want to go ahead with the bill.

Mr. BLEASE. I object to the consideration of the bill.

Mr. DILL. But that time has passed. The Senate has agreed to consider it.

Mr. BLEASE. If so, it was without my knowledge. I was sitting right here at my desk, and I did not hear a request for the consideration of the bill.

The PRESIDING OFFICER. Under the rules of the Senate, a Senator can object to the consideration of a bill at any stage.

Mr. BLEASE. I certainly would have objected if I had heard the request, and I object now.

The PRESIDING OFFICER. Objection is made. The Secretary will state the next bill on the calendar.

FELIX MEDLER

The bill (S. 141) for the relief of Felix Medler was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely.

Mr. SHORTRIDGE. I ask that it be passed over.

Mr. REED of Pennsylvania. What about Order of Business 183, House bill 4707?

The PRESIDING OFFICER. That bill has been passed. Senate bill 141 is reported adversely.

Mr. SHORTRIDGE. I ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

NATIONAL SURETY CO.

The bill (S. 2335) for the relief of the National Surety Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, to strike out "$157.98" and to insert in lieu thereof "$157.89."

The amendment was agreed to.

Mr. McKELLAR. Mr. President, will not the Senator in charge of the bill explain it?

The PRESIDING OFFICER. The Senator from Nebraska [Mr. HOWELL] is not in the Chamber.

Mr. McKELLAR. I will ask that the bill go over for the day. I do not know that I will object to it, but I just want an explanation.

The PRESIDING OFFICER. The bill will go over.

HEIRS OF RALPH K. WARRINGTON

The bill (H. R. 5300) for the relief of Lewis H. Francke and Blanche F. Shelley, sole legal heirs of Ralph K. Warrington, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full compensation against the Government, the sum of $3,092.63 to Lewis H. Francke and Blanche F. Shelley, of Louisville, Ky., the sole legal heirs of the late George A. Francke, who served as Ralph K. Warrington, formerly clerk, Medical Department at Large, United States Army, and who died intestate on March 1, 1919, for the loss of personal property belonging to the said deceased, through and by the theft and conversion at the hands of an employee of the Government of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FINAS M. WILLIAMS

The bill (H. R. 5228) for the relief of Finas M. Williams was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, sailors, and marines, Finas M. Williams shall hereafter be held and considered to have been honorably discharged from the service of the United States Army on August 14, 1913: *Provided*, That no back pay, pension, or allowances shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSTRUCTION AT MILITARY POSTS

The bill (H. R. 7009) to authorize appropriations for construction at military posts, and for other purposes, was considered as in Committee of the Whole.

Mr. KING. I would like to have an explanation of the bill. It is a very important measure.

Mr. REED of Pennsylvania. Mr. President, it will not take any money out of the general appropriations, but is merely the application of the fund which was created under the act of Congress by the sale of surplus real estate belonging to the War Department. It applies that fund to the construction of barracks to correct the present housing deficiency in the Army. It is the third annual installment of this work of putting the housing of the Army on a proper basis. Congress has already passed two installments of the work in the last two years. It will not, as I have said, require any appropriation, but merely authorizes the application of the fund realized from the sale of the unnecessary land.

Mr. KING. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. Certainly.

Mr. KING. My recollection is that when Senator Wadsworth was chairman of the Committee on Military Affairs we authorized the sale of various parcels of land owned by the Government, as well as personal property, but my understanding was that the proceeds derived from the sales of either personal property or real estate were to be covered into the Treasury of the United States, and that if buildings were to be erected to house the officers and the men, direct appropriations would be required.

Mr. REED of Pennsylvania. It requires the authority of Congress to take the money out of the Treasury.

Mr. McKELLAR. Mr. President, as I understand the Senator, the amount that is authorized to be appropriated,

$6,841,691, is the amount that has been realized this past year from that source.

Mr. REED of Pennsylvania. It has not all been realized in the past year, but in the past two or three years.

Mr. McKELLAR. It has been realized from that source and covered into the Treasury.

Mr. REED of Pennsylvania. Absolutely. I want to correct one matter. The proceeds from the sale of personal property by the Army, such as surplus uniforms, surplus materials, and things of that sort, have to be covered into the Treasury, and that is not a part of this fund. This is merely the application to real estate we now own—of the proceeds of the sale of real estate which we did not need and have sold. It will carry on, for one thing, the completion of the new primary flying school at San Antonio. Another thing, it will rebuild the barracks recently destroyed by fire at Fort Benjamin Harrison. Most of the money goes to the housing of the enlisted men. Very little is to be spent for officers.

Mr. BINGHAM. Mr. President, there is one item in the bill to which I object. I regret that it was not possible for me to be present when the bill was considered in the Committee on Military Affairs, of which I have the honor to be a member. On page 4, line 16, there is an item for the erection of a hydrogen gas holder at Scott Field, Ill., $49,500. I move to strike that out, and I should like to give my reasons for making the motion.

While I am a very strong believer in dirigibles for service over water, and I hope to see the day come within a year or less when we can have dirigibles crossing the Atlantic Ocean on passenger and mail service, and while I believe fully in the Navy's program for dirigibles, and shall be glad to see it expanded still further, I am entirely unconvinced of the necessity of the Army operating lighter-than-air craft over land. They can operate heavier-than-air craft at least three times as fast and much more efficiently, and more safely, and they can be operated in all kinds of weather when lighter-than-air craft can not be operated. It seems to me it is a waste of money to authorize appropriations or to appropriate for lighter-than-air craft in the Army. Therefore, I move that the item be stricken out.

The PRESIDENT pro tempore. Will not the Senator withhold his amendment until after the committee amendments have been disposed of?

Mr. BINGHAM. Certainly.

The bill had been reported from the Committee on Military Affairs with amendments. The first amendment was, on page 1, line 4, to strike out "$4,283,716" and insert in lieu thereof "$6,841,691."

Mr. KING. Mr. President, I would like to ask the Senator why the House appropriation of $4,283,000 was increased by two and a half million dollars.

Mr. REED of Pennsylvania. Mr. President, it is not an appropriation; it is merely an authorization. It was increased to take care of the union of Kelly and Brooks Fields, with the new flying school at San Antonio. It authorizes the sale of Kelly and Brooks Fields as soon as the consolidation can be made. The net result will be a great saving to the Government, by the consolidation of those fields, and the economy in overhead that will result from it.

Then there has been an addition, which the Senator will see on page 5, for the completion of the hospital at Walter Reed, for the beginning of construction at West Point, and for the repair of the fire damage at Fort Benjamin Harrison, which was not taken into account by the House. All of this is within the Army's schedule for new construction. We have cut down the bill as it passed the House for the work at West Point by approximately a million and a half dollars. We consolidated the appropriations in that bill with this one, and have done nothing thus far on the other bill. This really represents a consolidation of the two bills.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee on page 1, line 4.

The amendment was agreed to.

The next amendment was, on page 2, line 7, after the word "hangars," to strike out "$316,000; hangars for airdrome gunnery and bombing range, $79,000" and insert "$440,000"; in line 10, after the words "field warehouse," to strike out "$38,000" and insert "$45,000"; in line 12, after the word "buildings," to strike out "$56,000" and insert "$61,000; school building, $40,000; gasoline and oil storage, $16,900; paint, oil, and dope storage, $5,000; night-flying lighting system, $15,000; improvement of landing field, $81,000"; in line 17, after the word "quarters," to strike out "$156,000; and" and insert "$540,000"; in line 18, after the figures "$1,020,000," to insert a semicolon and "hospital, $150,000; magazine (for explosives), $15,000; quartermaster warehouse, $90,000; garage, $80,000; quartermaster maintenance building, $20,000; fire house, $15,000; guardhouse, $30,000; post exchange, $45,000; theater and gymnasium, $60,000; incinerator, $5,000; railroad spur tracks, $39,700; telephone and telegraph lines in conduit, $68,375; bakery, $10,000; chapel and school, $50,000; enlisted men's club, $60,000; officers' mess, $60,000"; on page 4, line 16, after the figures "$6,861," to strike out "Scott Field, Ill., hydrogen gas holder, $49,500"; on page 5, line 6, after the figures "$400,000," to insert a semicolon and "Walter Reed General Hospital, in the District of Columbia, for the construction of a three-story ward building, for conversion of the fourth story of the present administration building of said hospital into an operating suite, including the construction of the necessary corridors, roads, walks, grading utilities, and appurtenances thereto, $310,000; the United States Military Academy, West Point, N. Y., for the purpose of razing the old cadet mess hall, and of preparing the plans and specifications and of excavating the ground and otherwise preparing the site for the construction of a new cadet barracks at the United States Military Academy (the total cost of which is not to exceed $825,000), $185,000: *Provided*, That the superintendent of the United States Military Academy, West Point, N. Y., with the approval of the Secretary of War, is authorized to employ architects to draw the necessary plans and specifications from funds herein authorized, when appropriated; Fort Benjamin Harrison, barracks for 540 men, $432,000; noncommissioned officers' quarters, $234,000.

"There is hereby authorized to be constructed from current funds in possession of the Secretary of War, 96 sets of bachelor officers' quarters at Schofield Barracks, Hawaii, $108,000; an addition to ward building, Fort Sill, Okla., $30,000.

"The act entitled 'An act to authorize appropriations for construction at military posts, and for other purposes,' approved March 3, 1927, is hereby amended so as to strike out the authorization therein for $500,000 for barracks at Fort Benning, Ga., and to substitute therefor the following: 'For Fort Benning, Ga., barracks, $300,000; to complete the hospital and to construct nurses' quarters, $200,000,'" so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $6,792,191, to be expended for the construction and installation at military posts of such technical buildings and utilities and appurtenances thereto as, in the judgment of the Secretary of War, may be necessary, as follows:

Bolling Field, D. C., supply warehouse, $38,000; administration building, $42,000; Chanute Field, Ill., heating system in hangars, $5,629; Fort Crockett, Tex., machine shop and aero repair building, $19,869; dope and paint house and lean-to for boiler room, $10,775; Fort Sam Houston, Tex., macadamizing hangar line and construction of storm sewer and surface drainage for hangars, $3,858; Hawaiian Department (for the Air Corps), steel hangar, $39,500; addition to radio hut, $6,979; New Primary Flying Field, San Antonio, Tex., hangars, $440,000; field shop, $81,000; field warehouse, $45,000; headquarters and operations buildings, $40,000; radio, parachute, and photographic buildings, $61,000; school building, $40,000; gasoline and oil storage, $16,900; paint, oil, and dope storage, $5,000; night-flying lighting system, $15,000; improvement of landing field, $81,000; New Primary Flying School, San Antonio, Tex., barracks, $700,000; noncommissioned officers' quarters, $540,000; officers' quarters, $1,020,000; hospital, $150,000; magazine (for explosive), $15,000; quartermaster warehouse, $90,000; garage, $80,000; quartermaster maintenance building, $20,000; fire house, $15,000; guard house, $30,000; post exchange, $45,000; theater and gymnasium, $60,000; incinerator, $5,000; railroad spur tracks, $39,700; telephone and telegraph lines in conduit, $68,375; bakery, $10,000; chapel and school, $50,000; enlisted men's club, $60,000; officers' mess, $60,000: *Provided*, That the Secretary of War is hereby authorized, when directed by the President, to accept on behalf of the United States, free from encumbrances and without cost to the United States, the title in fee simple to such lands as he may deem necessary or desirable, in the vicinity of San Antonio, Tex., approximately 2,400 acres, as a site for an Army primary flying school and flying field: *Provided further*, That upon the acceptance of the lands as herein provided there is hereby authorized to be made available or appropriated for the construction thereon of barracks and officers' quarters and utilities and appurtenances thereto such amounts as may have been appropriated or authorized for appropriation for barracks and officers' quarters and utilities and appurtenances thereto at Brooks Field and Kelly Field, Tex., pursuant to the authority contained in the acts approved February 25, 1927 (44 Stat. L. 1235), and March 3, 1927 (44 Stat. L. 1390): *Provided further*, That, upon the acceptance of the lands as herein provided, the Secretary of War is hereby authorized to prepare the grounds and construct the necessary roadways and utilities at said primary flying school and flying field and to transfer thereto and reestablish thereon such buildings, utilities, and equipment then located at Brooks Field and Kelly Field, Tex., as he may determine to be necessary and desirable: *And provided further*,

That the Secretary of War be, and he is hereby, authorized to sell, or cause to be sold, under the provisions of the act of March 12, 1926, the tracts or parcels of real property comprising Brooks Field and Kelly Field, Tex., or any portion thereof, upon determination by him that said tracts or parcels are no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate such sale and conveyance; Langley Field, Va., heating plant for hangar, $6,068; Middletown Air Depot, Middletown, Pa., hangars, $79,000; concrete floors in warehouse, $38,597; San Antonio Air Depot, San Antonio, Tex., rock asphalt apron for hangars, $7,316; instrument house and engine repair and cleaning building, $6,861; Fairfield Air Depot, Fairfield, Ohio, gasoline and oil tanks, $36,000; March Field, Calif., radio, photographic, and school buildings, $86,000; night-flying lighting system, $15,000; Maxwell Field, Ala., hangar, $39,500; field shop, $81,000; headquarters and operations buildings, $40,000; radio, parachute, and photographic buildings, $56,000; night-flying lighting system, $15,000; Mitchel Field, Long Island, N. Y., hangars, $79,000; field shop, $81,000; field warehouse, $38,000; headquarters and operations buildings, $40,000; radio, parachute, and photographic buildings, $56,000; Selfridge Field, Mich., hangars, $237,000; field shop, $81,000; headquarters and operations buildings, $40,000; radio and parachute buildings, $20,000; ceiling and walling hangars, $3,264; Albrook Field, Canal Zone, construction of landing field, $400,000; Walter Reed General Hospital, in the District of Columbia, for the construction of a three-story ward building, for conversion of the fourth story of the present administration building of said hospital into an operating suite, including the construction of the necessary corridors, roads, walks, grading utilities, and appurtenances thereto, $310,000; the United States Military Academy, West Point, N. Y., for the purpose of razing the old cadet mess hall, and of preparing the plans and specifications and of excavating the ground and otherwise preparing the site for the construction of a new cadet barracks at the United States Military Academy (the total cost of which is not to exceed $825,000), $185,000: *Provided*, That the Superintendent of the United States Military Academy, West Point, N. Y., with the approval of the Secretary of War, is authorized to employ architects to draw the necessary plans and specifications from funds herein authorized, when appropriated; Fort Benjamin Harrison, barracks for 540 men, $432,000; noncommissioned officers' quarters, $234,000.

There is hereby authorized to be constructed from current funds in possession of the Secretary of War 96 sets of bachelor officers' quarters at Schofield Barracks, Hawaii, $108,000; an addition to ward building, Fort Sill, Okla., $30,000.

The act entitled "An act to authorize appropriations for construction at military posts, and for other purposes," approved March 3, 1927, is hereby amended so as to strike out the authorization therein for $500,000 for barracks at Fort Benning, Ga., and to substitute therefor the following: "For Fort Benning, Ga., barracks, $300,000; to complete the hospital and to construct nurses' quarters, $200,000."

The amendments were agreed to.

The PRESIDENT pro tempore. The question now recurs on the amendment proposed by the Senator from Connecticut [Mr. BINGHAM], which the clerk will state.

The CHIEF CLERK. On page 4, line 16, strike out the words "Scott Field, Ill., hydrogen gas holder, $49,500."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. REED of Pennsylvania. I move that the Senate insist upon its amendments and request a conference with the House, and that the Chair appoint the conferees.

The motion was agreed to, and the President pro tempore appointed Mr. REED of Pennsylvania, Mr. GREENE, and Mr. FLETCHER conferees on the part of the Senate.

RECREATION PIER, SAN FRANCISCO

The bill (S. 1665) to authorize the board of park commissioners of the city and county of San Francisco to construct a recreation pier at the foot of Van Ness Avenue, San Francisco, Calif., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of War is authorized to grant a permit to the board of park commissioners of the city and county of San Francisco, Calif., to construct, maintain, and use a recreation pier in connection with the establishment of an aquatic park at the foot of Van Ness Avenue, San Francisco, Calif., and for such purpose to encroach upon the lands belonging to the United States and comprising a part of the Fort Mason Military Reservation.

SEC. 2. The permit shall be conditioned upon the relocation on a suitable site of the present wharf of the Army Transport Service, in such manner as may be determined by the Secretary of War, and without inconvenience or delay to the Army Transport Service, and shall be subject to such other terms and conditions as may be prescribed by the Secretary of War for the protection of the Fort Mason Military Reservation. The terms and conditions of such permit shall be performed without expense to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOLDIERS' HOME, LOS ANGELES COUNTY, CALIF.

The bill (H. R. 164) to authorize appropriations for construction at the Pacific Branch, Soldiers' Home, Los Angeles County, Calif., and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES NEAL

The bill (H. R. 7553) for the relief of James Neal was announced as next in order.

Mr. KING. I wonder if that is a case of desertion. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

PAY OF IMMIGRATION OFFICERS

The bill (S. 2370) to amend section 24 of the immigration act of 1917 was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I would like to ask the Senator from Pennsylvania to explain the language in line 8 of the bill.

Mr. REED of Pennsylvania. That was intended, Mr. President, to take care of a few of the chief inspectors. I take it that the amount named in the bill would not be greatly in excess of $3,000. But that language is not necessary. If there is objection to it, I would be glad to have it stricken out rather than to see the bill fail.

Mr. McKELLAR. I think the salaries ought to be fixed.

Mr. KING. I would like to look into this bill a little.

Mr. REED of Pennsylvania. May I ask the Senator to study the table on the last page of the report? I think the Senator will be convinced that these people are receiving less than any other class of skilled workers employed by the United States Government.

Mr. LA FOLLETTE. I have no objection to the bill and think that it should pass, but it seems to me that that is strange language to employ.

Mr. KING. I ask that the bill may go over.

Mr. McKELLAR. May I suggest to the Senator from Pennsylvania that by the time the bill is called up again he shall propose a proper salary for the class in grade 6?

Mr. REED of Pennsylvania. I think the objection is well taken, and I shall try to prepare such an amendment.

The PRESIDENT pro tempore. The bill will be passed over under objection.

FREDERICK N. CARR

The bill (S. 43) for the relief of Frederick N. Carr, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Frederick N. Carr, who was a second lieutenant in Company I, First Regiment West Virginia Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as an officer of said company and regiment on the 4th day of February, 1899: *Provided*, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. KING. Let that go over.

Mr. NEELY. Mr. President, I hope the Senator will withhold his objection.

Mr. KING. I withhold the objection.

Mr. NEELY. Mr. President, this is an extraordinarily meritorious measure. Fred N. Carr, whose record it is intended to correct, was, to my personal knowledge, a brave and a patriotic soldier. The infirmity of his discharge is the result of Mr. Carr's having generously assumed obligations for his friends in excess of his ability to pay.

Justice demands that this bill be passed.

Consequently, I urge the able Senator from Utah to withdraw the objection to its consideration which he has interposed.

Mr. KING. I withdraw the objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT F. YEAMAN

The bill (H. R. 4777) to compensate Robert F. Yeaman for the loss of certain carpenter tools which was incurred by reason of a fire in the Government area at Old Hickory Ordnance Depot

was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of Treasury be, and he is hereby, authorized and directed to pay to Robert F. Yeaman, out of any money not otherwise appropriated and in full settlement against the Government, the sum of $217.70, the value in full of carpenter tools belonging to the said Yeaman and which were destroyed by fire in the Government area at Old Hickory Depot on the 4th day of August, 1924.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPHINE THIBODEAUX

The bill (H. R. 8369) for the relief of Josephine Thibodeaux was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,000 to Josephine Thibodeaux, of Los Angeles, Calif., which sum was paid by her to the United States as a bail bond for appearance in court of N. H. Thibodeaux, said bail bond being declared forfeited by the court for nonappearance, but subsequently ordered paid back to said Josephine Thibodeaux through an order of said court vacating the forfeiture of the bail bond, but which amount had been covered into the Treasury of the United States by the clerk of the court.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER S. KELLY

The bill (S. 1771) for the relief of Peter S. Kelly was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers, their widows, and dependent relatives, Peter S. Kelly, late of Company B, First Regiment Montana Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of the above organization on the 17th day of October, 1899: *Provided*, That no pay, pension, bounty, or other emoluments shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS M. ROSS

The bill (H. R. 6162) for the relief of Thomas M. Ross was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws, Thomas M. Ross shall hereafter be held and considered to have been honorably discharged from Company F, Second Regiment United States Infantry, war with Spain, on April 11, 1900: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL F. ROBERTS

The bill (S. 46) for the relief of Daniel F. Roberts was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Daniel F. Roberts, who was a private in Company D, Second Regiment West Virginia Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 10th day of April, 1899: *Provided*, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. KING. Mr. President, I desire to have an explanation for the great number of such bills.

Mr. REED of Pennsylvania. Mr. President, it is easily explained. The House of Representatives sent over to us, almost at the beginning of the session, about 100 of such bills. They were all bills which had passed the House, some of them several times, but had not been acted on over here. They were all referred to subcommittees along with several hundred Senate bills. We have reported out perhaps 15 bills from the Military Affairs Committee, and that is not 5 per cent of the bills which have been pending. Those which were reported affirmatively seemed to the committee to be very meritorious cases, and many of them have passed the Senate before.

Mr. KING. I notice the report states "service not honest and faithful."

Mr. REED of Pennsylvania. To which one does the Senator now refer?

Mr. KING. Calendar No. 200, Senate bill 46. My eye happened to rest upon that sentence. There may be many exculpatory provisions or explanatory remarks which qualify that sentence.

Mr. REED of Pennsylvania. The reason why those words were put on his discharge was that after the Spanish war was over, after good service in the Army during the Spanish war, he got into a row with the chief cook of his company, as soldiers frequently do, and especially as they did in those days when the ration was none too good. He had a fist fight with the chief cook and was court-martialed for it. That was the only incident brought to our attention to show that his service was not honest and faithful.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRINTING OF LAWS, ETC., RELATING TO INDIAN AFFAIRS

The resolution (S. Res. 115) to print the manuscript of the laws, agreements, Executive orders, and proclamations relating to Indian affairs was announced as next in order.

Mr. BINGHAM. Mr. President, I desire to say that I was unable to include in the report of the committee the estimate of the Public Printer as to the cost of this printing. I am now informed that it is estimated to cost $8,589.

Mr. KING. Mr. President, I do not want to object to the passage of the resolution and yet I invite the attention of the Senator to the fact that a few days ago a resolution was passed by the Senate authorizing and requiring the Committee on Indian Affairs, by subcommittee or otherwise, to make a comprehensive study of the Indian laws and regulations, and the general conduct of the Government in dealing with the Indians, to study in a comprehensive and constructive way the manner in which we have dealt with the Indians, with a view to recommending back to Congress legislation, if they deem legislation necessary, for the benefit of the Indians and which will contribute more to their advancement and civilization. That committee will be authorized to study these laws and to report, of course, amendments.

I was wondering whether it might not be wise to postpone the operation of this measure until that committee reports?

Mr. LA FOLLETTE. Mr. President, will the Senator from Connecticut permit me to make a statement?

Mr. BINGHAM. Certainly.

Mr. LA FOLLETTE. The resolution proposes to authorize the printing of an additional volume of a compilation of the Indian laws and treaties, which has been in progress since 1902. The volumes thus far printed form an exceptionally valuable compilation. As a member of the Committee on Indian Affairs, I express it as my own personal opinion that it would be of great service to the Committee on Indian Affairs to have the latter volume printed. I feel absolutely sure that it will be of great service to every Member of the Senate and the House who has any occasion to consider Indian legislation. I sincerely hope that the resolution will pass.

There being no objection, the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the manuscript of the laws, agreements, Executive orders, proclamations, etc., relating to Indian affairs, prepared under Senate Resolution 57, Sixty-ninth Congress, first session, be printed as a Senate document, and that 50 additional copies be printed for the use of the Indian Office and Indian agencies.

OPERATORS' PERMITS TO ENLISTED MEN, DISTRICT OF COLUMBIA

The bill (S. 1281) to amend section 7 (a) of the act of March 3, 1925 (43 Stat. p. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat. p. 812), so as to provide operators' permits free of cost to enlisted men of the Army, Navy, Marine Corps, and Coast Guard operating Government-owned vehicles in the District of Columbia, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 7 (a) of the act known as the "District of Columbia traffic act, 1925," approved March 3, 1925 (43 Stat. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat. 812), be, and the same is hereby, amended by adding at the end thereof the following proviso: *Provided*, That enlisted men of the Army, Navy, Marine Corps, and Coast Guard shall be issued, without charge, a permit to operate Government-owned vehicles, upon the presentation of a certificate from their commanding officers to the effect that they are assigned to operate a Government vehicle and are qualified to drive and upon proving to the satisfaction of the director of traffic that they are familiar with the traffic regulations of the District of Columbia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS MOONEY

The bill (S. 134) for the relief of Francis Mooney was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

FEDERAL BUILDING SITE AT PHOENIX, ARIZ.

The bill (H. R. 6466) granting a part of the Federal building site at Phoenix, Ariz., to the city of Phoenix for street purposes was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, to convey by suitable deed to the city of Phoenix, Ariz., for street purposes, the following-described strip of land: The north 7 feet of the east 160 feet of block 93, original town site of Phoenix; a subdivision in the city of Phoenix, Maricopa County, Ariz., according to plat of said subdivision of record in the office of the county recorder of Maricopa County, book 2 of maps, page 51 thereof: *Provided*, That said land shall revert back to the United States whenever it shall cease to be used for street purposes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE, ATCHISON AND LEAVENWORTH, KANS.

The bill (S. 2554) granting the consent of Congress to the cities of Atchison and Leavenworth, Kans., the city of St. Joseph, Mo., and the counties of Buchanan and Platte, Mo., their successors or assigns, to construct a bridge across the Missouri River, or to acquire existing bridges, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Atchison and the city of Leavenworth, corporations organized under the laws of the State of Kansas, the city of St. Joseph, a corporation authorized under the laws of the State of Missouri, and the counties of Buchanan and Platte, in the State of Missouri, their successors and assigns, or any of them, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, between the States of Kansas and Missouri, at or near Leavenworth, Kans., or Atchison, Kans., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the said cities of Atchison, Leavenworth, and St. Joseph, and the said counties of Buchanan and Platte, their successors and assigns, or any of them, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property in such State.

SEC. 3. The said cities of Atchison, Leavenworth, and St. Joseph, and the said counties of Buchanan and Platte, their successors and assigns, or any of them, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed ——— years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The said cities of Atchison, Leavenworth, and St. Joseph, and the said counties of Buchanan and Platte, their successors and assigns, or any of them, are hereby authorized to acquire, by purchase or by condemnation under judicial process, any existing toll bridge, together with its approaches and property appurtenant to it, across the Missouri River between the States of Kansas and Missouri at or near Leavenworth, Kans., or Atchison, Kans., and to maintain and operate such bridge for public purposes in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act. Such bridge may be acquired by condemnation only upon payment of just compensation therefor, to be ascertained and paid according to the laws of the State wherein the real estate or other property is situated, and the proceedings therefor shall be the same as in the condemnation or expropriation of property in such State.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE ACROSS CHESAPEAKE BAY

The bill (S. 1498) to extend the time for the construction of a bridge across the Chesapeake Bay and to fix the location of said bridge was considered as in Committee of the Whole. The bill had been reported from the Committee on Commerce with an amendment on page 1, line 3, to strike out the word "time" and insert in lieu thereof the word "times," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved February 15, 1927, to be built by the Chesapeake Bay Bridge Co., a corporation, across the Chesapeake Bay, is hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. That the consent of Congress is hereby granted to the Chesapeake Bay Bridge Co., its successors and assigns, to construct, maintain, and operate said bridge and its approaches across the Chesapeake Bay at a point suitable to the interests of navigation, from a point in Baltimore County, Md., south of Back River, to Hart Island, to Miller Island, and thence to some point in Kent County, Md., between 39 degrees and 12 minutes and 39 degrees and 13 minutes and 30 seconds north latitude.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE ACROSS MISSOURI RIVER, SALINE COUNTY, MO.

The bill (S. 2188) granting the consent of Congress to Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River was considered as in Committee of the Whole. The bill had been reported from the Committee on Commerce with an amendment to the title, and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation between a point at or near Miami, Saline County, Mo., and a point opposite thereto in Carroll County, Mo., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Missouri, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interests in real property necessary therefor, by purchase or condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 50 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Missouri under the provisions of section 2 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintain-

ing, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 4. Frank M. Burruss, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion cost. The Secretary of War may at any time within three years after the completion of such bridge investigate the actual cost of constructing the same, and for such purpose the said Frank M. Burruss, his heirs, legal representatives, and assigns, shall make available all of his records in connection with the financing and the construction thereof. The findings of the Secretary of War, as to the actual original cost of the bridge, shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Frank M. Burruss, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Miami, Saline County, Mo."

CUMBERLAND RIVER BRIDGE, CLAY COUNTY, TENN.

The bill (S. 2476) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Lafayette-Celina road in Clay County, Tenn., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment on page 1, line 4, after "Tennessee," to strike out "and its successors and assigns," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the highway department of the State of Tennessee to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River, at a point suitable to the interests of navigation, on the Lafayette-Celina road in Clay County, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The State highway department of the State of Tennessee, its successors and assigns, is hereby authorized to fix and charge just and reasonable tolls for the use of such bridge, and the rates of toll so fixed shall be the legal rates until the Secretary of War shall prescribe other rates of toll as provided in the act of March 23, 1906.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE, ROANE COUNTY, TENN.

The bill (S. 2478) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Decatur-Kingston road, in Roane County, Tenn., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 1, line 4, after "Tennessee," to strike out the words "and its successors and assigns," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the highway department of the State of Tennessee to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River, at a point suitable to the interests of navigation, on the Decatur-Kingston road, in Roane County, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The State highway department of the State of Tennessee, its successors and assigns, is hereby authorized to fix and charge just and reasonable tolls for the use of such bridge, and the rates of toll so fixed shall be the legal rates until the Secretary of War shall prescribe other rates of toll as provided in the act of March 23, 1906.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE, MARION COUNTY, TENN.

The bill (S. 2479) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Jasper-Chattanooga road, in Marion County, Tenn., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 1, line 4, after the word "Tennessee," to strike out the words "and its successors and assigns," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the highway department of the State of Tennessee to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River at a point suitable to the interests of navigation on the Jasper-Chattanooga road, in Marion County, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. State highway department of the State of Tennessee, its successors and assigns, is hereby authorized to fix and charge just and reasonable tolls for the use of such bridge, and the rates of toll so fixed shall be the legal rates until the Secretary of War shall prescribe other rates of toll as provided in the act of March 23, 1906.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE, KNOX COUNTY, TENN.

The bill (S. 2480) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Knoxville-Maryville road, in Knox County, Tenn., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 1, line 4, after the word "Tennessee," to strike out the words "and its successors and assigns," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the highway department of the State of Tennessee to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River, at a point suitable to the interests of navigation, on the Knoxville-Maryville road, in Knox County, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The State highway department of the State of Tennessee, its successors and assigns, is hereby authorized to fix and charge just and reasonable tolls for the use of such bridge, and rates of toll so fixed shall be the legal rates until the Secretary of War shall prescribe other rates of toll as provided in the act of March 23, 1906.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CUMBERLAND RIVER BRIDGE, STEWART COUNTY, TENN.

The bill (S. 2496) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Dover-Clarksville road, in Stewart County, Tenn., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 1, line 4, after the word "Tennessee," to strike out the words "and its successors and assigns," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River at a point suitable to the interests of navigation, on the Dover-Clarksville road in Stewart County, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The State Highway Department of the State of Tennessee, its successors and assigns, is hereby authorized to fix and charge just and reasonable tolls for the use of such bridge, and the rates of toll so fixed shall be the legal rates until the Secretary of War shall prescribe other rates of toll as provided in the act of March 23, 1906.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OHIO RIVER BRIDGES

The bill (S. 2666) granting consent of Congress to the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, between a point at or near the city of Madison, Jefferson County, Ind., and a point opposite thereto, in Trimble County, Ky., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Madison Bridge Co., its successors and assigns, all such rights and powers to enter upon lands, and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said Madison Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Indiana, the State of Kentucky, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 50 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the State or political subdivisions thereof, as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 6. The Madison Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War, and with the State highway commissioners of the States of Indiana and Kentucky, a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the actual cost of constructing the same, and for such purpose the said Madison Bridge Co., its successors and assigns, shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Madison Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting consent of Congress to the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, at or near Madison, Jefferson County, Ind."

The bill (S. 797) granting the consent of Congress to the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 1, line 6, after the word "point," to insert the words "suitable to the interests of navigation," and in line 8, after the word "Virginia," to strike out the words "to a point opposite at or near Brilliant, Jefferson County, Ohio," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation at or near Wellsburg, Brooke County, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the J. K. Mahone Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said J. K. Mahone Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, the State of Ohio, any political subdivision of either of such States within or adjoining which any part of such bridge is located, or any two or more of them jointly may at any time acquire or take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of, first, the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; second, the actual cost of acquiring such interests in real property; third, actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and fourth, actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or political subdivisions thereof as provided in section 4 of this act and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 6. The J. K. Mahone Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the actual cost of constructing the same, and for such purpose the said J. K. Mahone Bridge Co., its successors and assigns, shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the J. K. Mahone Bridge Co., its successors and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, at or near Wellsburg, W. Va."

OHIO RIVER BRIDGE, HANCOCK COUNTY, W. VA.

The bill (S. 798) granting the consent of Congress to the R. V. Reger Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments on page 1, line 6, after the words "Ohio River," to insert the words "at a point suitable to the interests of navigation," and in line 8, after the words "West Virginia," to strike out the words "to a point opposite at or near Toronto, Jefferson County, Ohio," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the R. V. Reger Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation, at or near New Cumberland, Hancock County, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the R. V. Reger Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, contruction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said R. V. Reger Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, the State of Ohio, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire or take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or political subdivisions thereof as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 6. The R. V. Reger Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the actual cost of constructing the same, and for such purpose the said R. V. Reger Bridge Co., its successors and assigns, shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the R. V. Reger Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the R. V. Reger Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, at or near New Cumberland, Hancock County, W. Va."

MISSISSIPPI RIVER BRIDGE AT LANSING, IOWA

The bill (S. 1879) granting the consent of Congress to the Interstate Bridge Co., of Lansing, Iowa, to construct a bridge across the Mississippi River at Lansing, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 2, line 23, to strike out "1926" and insert in lieu thereof "1906," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation between a point at or near Lansing, Allamakee County, Iowa, and a point opposite in the State of Wisconsin, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Interstate Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said Interstate Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Iowa, the State of Wisconsin, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 15 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or political subdivisions thereof as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Interstate Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within 3 years after the completion of such bridge, investigate the actual cost of constructing the same, and for such purpose the said Interstate Bridge Co., its successors and assigns, shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act, is hereby granted to the Interstate Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the Interstate Bridge Co., of Lansing, Iowa, to construct a bridge across the Mississippi River at Lansing, Iowa."

MISSOURI RIVER BRIDGE, SALINE COUNTY, MO.

The bill (S. 2189) granting the consent of Congress to F. C. Barnhill, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Missouri River, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 4, line 12, to strike out the word "its" and insert in lieu thereof the word "his," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to F. C. Barnhill, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation between a point at or near Arrow Rock, Saline County, Mo., and a point opposite thereto in Howard County, Mo., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Missouri, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interests in real property necessary therefor, by purchase or condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 50 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Missouri under the provisions of section 2 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. F. C. Barnhill, his heirs, legal representatives, and assigns shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and

the actual financing and promotion cost. The Secretary of War may at any time within three years after the completion of such bridge investigate the actual cost of constructing the same, and for such purpose the said F. C. Barnhill, his heirs, legal representatives, and assigns, shall make available all of his records in connection with the financing and the construction thereof. The findings of the Secretary of War, as to the actual original cost of the bridge, shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to F. C. Barnhill, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure, or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to F. C. Barnhill, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River, at or near Arrow Rock, Saline County, Mo."

COOSA RIVER BRIDGE, ELMORE COUNTY, ALA.

The bill (S. 2257) granting the consent of Congress to the State Highway Department of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 4, after the word "Alabama" to strike out the words "and its successors and assigns"; on page 2, line 2, after the numeral "1906" to strike out the words "and subject to the conditions and limitations contained in this act"; after line 3, to insert a new section, as follows:

"SEC. 2. That the act of Congress approved March 22, 1926, entitled, 'An act granting the consent of Congress to the State Highway Department of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala.,' is hereby repealed," and in line 9, to strike out the numeral "2" and insert the numeral "3," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Department of the State of Alabama to construct, maintain, and operate a bridge and approaches thereto across the Coosa River at a point suitable to the interests of navigation, at or near Wetumpka, in the county of Elmore, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the act of Congress approved March 22, 1926, entitled "An act granting the consent of Congress to the State Highway Department of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala., is hereby repealed.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE, RAMSEY COUNTY, MINN.

The bill (S. 2343) extending the time for the construction of the bridge across the Mississippi River in Ramsey and Hennepin Counties, Minn., by the Chicago, Milwaukee & St. Paul Railway was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 1, line 3, to strike out the word "time" and insert in lieu thereof the word "times," so as to make the bill read:

Be it enacted, etc., That the times for the commencing and completing the construction of the bridge authorized by act of Congress approved February 16, 1924, and amended by acts approved February 7, 1925, and March 1, 1926, to be built by the Chicago, Milwaukee & St. Paul Railway, its successors and assigns, across the Mississippi River, within or near the city limits of St. Paul, Ramsey County, and Minneapolis, Hennepin County, Minn., are hereby extended two years and four years, respectively, from February 16, 1928.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River in Ramsey and Hennepin Counties, Minn."

CLINCH RIVER BRIDGE, HANCOCK COUNTY, TENN.

The bill (S. 2477) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Clinch River on the Sneedville-Rogersville road, in Hancock County, Tenn., was considered os in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 3, to strike out the words "consent of Congress is hereby granted to the Highway Department of the State of Tennessee and its successors and assigns to construct, maintain, and operate a bridge and approaches thereto," and insert in lieu thereof the words, "times for commencing and completing the construction of a bridge authorized by act of Congress approved March 2, 1927, to be built by the Highway Department of the State of Tennessee"; on page 1, line 9, after the words "Clinch River" to strike out the words "at a point suitable to the interests of navigation"; on page 2, line 3, after the word "Tennessee," to strike out the words "in accordance with the provisions of the act entitled 'An act to regulate construction of bridges over navigable waters' approved March 23, 1906, and subject to the conditions and limitations contained in this act," and to insert in lieu thereof the words "are hereby extended to March 2, 1929, and March 2, 1931, respectively"; and on page 2, after line 14, to insert a new section 3, as follows:

SEC. 3. That section 2 of said act of March 2, 1927, is hereby repealed.

And on page 2, line 17, to strike out the numeral "3" and to insert the numeral "4," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved March 2, 1927, to be built by the Highway Department of the State of Tennessee across the Clinch River, on the Sneedville-Rogersville Road, in Hancock County, in the State of Tennessee, are hereby extended to March 2, 1929, and March 2, 1931, respectively.

SEC. 2. The State Highway Department of the State of Tennessee, its successors and assigns, is hereby authorized to fix and charge just and reasonable tolls for the use of such bridge, and the rates of toll so fixed shall be the legal rates until the Secretary of War shall prescribe other rates of toll as provided in the act of March 23, 1906.

SEC. 3. That section 2 of said act of March 2, 1927, is hereby repealed.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for the construction of a bridge across the Clinch River on the Sneedville-Rogersville Road, in Hancock County, Tenn."

MISSISSIPPI RIVER BRIDGE, SAVANNA, ILL.

The bill (S. 2483) to extend the time for the construction of a bridge across the Mississippi River connecting the county of Carroll, Ill., and the county of Jackson, Iowa, at or near the city of Savanna, Ill., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 3, to strike out the words "That the times for commencing and completing the construction of a bridge authorized by act of Congress approved May 26, 1924, to be built across the Mississippi River at or" and insert in lieu thereof the words "That the act approved May 26, 1924, granting the consent of Congress to the State of Illinois and the State of Iowa, or either of them, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at or"; and on page 2, line 3, after the word "Iowa," to strike out the words "are hereby extended one and three years, respectively, from date of approval of this act," and insert in lieu thereof the words "be, and the same is hereby,

revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge herein referred to be commenced within one year and completed within three years from the date of approval hereof," so as to make the bill read:

Be it enacted, etc., That the act approved May 26, 1924, granting the consent of Congress to the State of Illinois and the State of Iowa, or either of them, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at or near the city of Savanna, in the county of Carroll, State of Illinois, and the city of Sabula, in the county of Jackson, State of Iowa, be, and the same is hereby revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge herein referred to be commenced within one year and completed within three years from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to revive and reenact the act entitled 'An act granting the consent of Congress to the State of Illinois and the State of Iowa, or either of them, to construct a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa,' approved May 26, 1924."

TENNESSEE RIVER BRIDGE

The bill (S. 2490) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Paris-Dover road, in Henry and Stewart Counties, Tenn., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments on page 1, line 4, after the word "Tennessee" to strike out the words "and its successors and assigns," and on page 2, line 7 strike out the word "toil" and insert in lieu thereof the word "toll," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River, at a point suitable to the interests of navigation, on the Paris-Dover road, in Henry and Stewart Counties, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The State Highway Department of the State of Tennessee, its successors and assigns, is hereby authorized to fix and charge just and reasonable tolls for the use of such bridge, and the rates of toll so fixed shall be the legal rates until the Secretary of War shall prescribe other rates of toll as provided in the act of March 23, 1906.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

APPOINTMENT OF PROVINCE GOVERNORS, PHILIPPINE ISLANDS

The bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the governor general without consent of the Philippine Senate was announced as next in order.

Mr. LA FOLLETTE. Let the bill go over.

Mr. WILLIS. Mr. President, there are several Senators who desire to make statements upon the bill, particularly the Senator from New York [Mr. COPELAND], who is not now ready to speak, so I ask that the bill may go over without prejudice.

The PRESIDENT pro tempore. Te bill will be passed over.

Mr. LA FOLLETTE. Mr. President, what does the Senator mean by "go over without prejudice"? I want it to go over so far as this particular call is concerned.

The PRESIDENT pro tempore. The words "without prejudice" mean nothing under the unanimous-consent agreement.

Mr. LA FOLLETTE. That is all right if the President pro tempore shall remain in the chair.

Mr. WILLIS. It does not make any difference whether the President pro tempore remains in the chair or not; the Senator ought to understand that that is a phrase used here and that it means absolutely nothing so far as that is concerned. The bill goes over under the rule, and it went over at my request and not at the request of the Senator from Wisconsin.

Mr. LA FOLLETTE. Very well; it makes no difference to me so long as the bill is not considered.

Mr. WILLIS. It will be considered in due time.

The PRESIDENT pro tempore. The President pro tempore still agrees with both Senators.

RADIO REGULATION

The bill (S. 2317) continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927 was announced as next in order.

Mr. BINGHAM. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

OFFICIAL PAPERS OF TERRITORIES

The bill (S. 1168) to amend an act entitled "An act to authorize the correction and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925, was considered as in Committee of the Whole.

The bill had been reported from the Committte on Printing with amendments on page 2, line 14, after the words "Department of State," to insert the words "and a sufficient number of copies for distribution by the Superintendent of Documents to depository libraries," and on page 3, line 1, after the words "copy reading" to strike out the words "proof reading," so as to make the bill read:

Be it enacted, etc., That section 2 of the act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925, be, and the same is hereby, amended to read as follows:

"SEC. 2. That the Secretary of State be ordered to continue the work of collecting, copying, arranging, and editing of the official papers relating to the Territories of the United States and to have them issued as a Government publication."

SEC. 3. For defraying the expenses to be incurred in carrying out the provisions of section 2 of this act, including the employment, either in or outside of the District of Columbia, of not to exceed five historical experts, especially informed on the various phases of the Territorial history of the United States, without regard to the classification act of 1923 and the civil service rules, and for the printing and binding of an edition of 600 copies of the publication for the use of the Senate, 1,300 copies for the use of the House of Representatives, and 50 copies for the use of the Department of State, and a sufficient number of copies for distribution by the Superintendent of Documents to depository libraries, and for all other purposes relevant to the carrying out of the provisions of section 2 of this act, salaries for personnel, printing and binding, contingent expenses and traveling expenses, there is hereby authorized to be appropriated, out of the money in the Treasury not otherwise appropriated, the sum of $125,000, the appropriations to remain available until expended, and under this authorization not more than $50,000 shall be appropriated for any one year.

SEC. 4. The work of copy reading and index making for this publication shall be done by the regular editorial staff of the Department of State, and the cost of this work—prorated each month according to the number of hours spent and the annual salaries of the clerks employed—shall be charged against such annual appropriations as may be made under the provisions of section 3.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, was announced as next in order.

Mr. KING. Let it go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

SABINO APODACA

The bill (H. R. 4995) for the relief of Sabino Apodaca was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, to Sabino Apodaca, of El Paso, Tex., the sum of $704 as remuneration for injuries occasioned by the said Apodaca's being run over,

maimed, bruised, his leg broken, and serious and probably permanent injuries resulting therefrom, at the hands of one William Pounderf, a sergeant in the United States Army connected with the military police.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOEL T. SMITH

The bill (H. R. 4127) for the relief of Joel T. Smith was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Joel T. Smith, late postmaster at Chester, Mont., in the sum of $505, due the United States on account of the loss resulting from the closing of the First National Bank of Chester, Mont.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOWARD V. SLOAN

The bill (H. R. 4393) for the relief of Howard V. Sloan was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, to Howard V. Sloan, the sum of $77.50 for property damages sustained by him to his residence, 507 Union Avenue, Margate City, N. J., by machine-gun bullets fired by members of the United States Coast Guard, who were at the time in the service of and acting for the said United States Coast Guard.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RANDOLPH SIAS

The bill (H. R. 8092) for the relief of Randolph Sias was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Randolph Sias, of Price, W. Va., the sum of $205, the amount paid by him to the Government for an automobile which was seized under a writ of execution issued out of the District Court for the Southern District of West Virginia and which was subsequently returned to the lien holders.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IDA F. BAUM

The bill (H. R. 766) for the relief of Ida F. Baum was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to Ida F. Baum the sum of $5,000 for damages suffered by reason of her daughter, Lillian J. Leffard, being struck and fatally injured by a Government automobile which was driven by a civilian employee of the Ordnance Bureau of the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OWNER OF SCHOONER "SENTINEL"

The bill (H. R. 2138) for the relief of the owner of the schooner *Sentinel* was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to Capt. Louis P. Sunderland, owner of the schooner *Sentinel*, the sum of $77.60 for cost of repair to said schooner *Sentinel*, which was damaged by collision with the United States Coast Guard cutter *Smith* on March 21, 1925.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT J. ZYVOLSKI

The bill (H. R. 2145) for the relief of Albert J. Zyvolski was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, out of the funds of the Alaska Railroad, the sum of $613.10 to Albert J. Zyvolski for loss of his personal property by fire in section house No. 21, Eklutna, on the Alaska Railroad, on May 28, 1924.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGRICULTURAL EXTENSION WORK

Mr. CAPPER. Mr. President, I ask unanimous consent to revert to Calendar No. 76, being the bill S. 1285, for the purpose of submitting a few remarks on that measure, which provides for further development of cooperative extension work in agriculture and home economics.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1285) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture.

Mr. CAPPER. This bill provides for the further development of the cooperative extension work in agriculture and home economics with men, women, boys, and girls inaugurated under the Smith-Lever Act passed May 8, 1914. The bill is in conformity with the plans of the United States Department of Agriculture and the land-grant colleges for completing the cooperative extension system. The Smith-Lever Act and this measure provide for the putting into practical operation of a permanent national policy for our basic industry—agriculture.

There is an urgent demand from the entire country for the further development of extension work in agriculture and home economics.

Mr. President, agricultural progress and the welfare of those engaged in it have long been recognized as a public matter. Under Article I, section 8, of the Constitution, which gives Congress the power to provide for the "general welfare of the United States," there has been considerable legislation on agriculture and home economics. These legislative acts have been especially appropriate because they have to do with basic vocations, the status of which affects the welfare of the people.

The United States Department of Agriculture was established in 1862 and given a post in the Cabinet in 1889. The first Morrill Act, passed July 2, 1862, donated public lands to the several States and Territories which might provide colleges for the benefit of agriculture and the mechanic arts. It should be borne in mind that the Department of Agriculture was established and the first Morrill Act passed when the county was in the grip of civil war. In time of war the Members of Congress were making preparation for a larger educational opportunity for rural people and a lasting peace.

Again in 1890 the Federal Congress passed the second Morrill Act to apply a portion of the proceeds of the sale of public lands to the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts, established under the provisions of an act of Congress approved July 2, 1862.

The Nelson amendment to the appropriation act for the United States Department of Agriculture for the fiscal year ending June 30, 1908, made a direct appropriation to support further and to develop the land-grant colleges.

Military training was required in the land-grant colleges under the original Morrill Act.

It is rather simple to provide buildings and instructors to teach agriculture and mechanic arts, but it is a more difficult matter to provide something to teach. These colleges established under the original Morrill Act found that the information and scientific facts available were very limited and of doubtful value.

In 1887 the Federal Congress passed the Hatch Act to establish experiment stations in connection with the land-grant colleges, and to provide Federal aid for their operation.

The work of the experiment stations and the land-grant colleges grew, and the results obtained justified a further addition to the appropriation for the experiment stations. Increased appropriations for the experiment stations were made under the Adams Act, approved March 16, 1906, and under the Purnell Act, approved February 24, 1925. For 40 years the investigational work in the field of agriculture and home economics has been moving at a rapid pace.

The land-grant colleges have grown in enrollment and effectiveness as the results of the experiment stations have been made available to the teaching staff. Paralleling the growth of the experiment stations and the land-grant colleges, the United States Department of Agriculture has increased its experimental work and added the results to those obtained by the stations at the land-grant colleges. Chapters could be written on the beneficial and positive effect on the public welfare that has resulted from the establishment of the land grant colleges and experiment stations.

PRACTICAL APPLICATION OF SCIENCE TO AGRICULTURE

Crops, livestock, and soil have been thoroughly investigated, and scientific facts have been developed. Economic questions have been studied, and the principles have been applied to cooperative marketing. The work has been so thoroughly done that it has proved practical and successful when applied to the everyday farm operations. The application of the work of the experiment stations in the South to the farms as a whole took a serious turn in 1904, when the cotton boll weevil invaded Texas. There was an insistent demand for scientific information that would help the farmers to meet the emergency. Scientific agriculture came out of the laboratory and classroom and became the tool of the rural people. At first a few men were employed to live among the farmers and teach them by practical demonstrations what science had found in the test tube and the test plot. Congress made a small appropriation for farmers' cooperative demonstrations in the boll-weevil area. The work was so successful that it long since spread into all the States.

In the Northern States, Mr. President, the investigational work in the experiment stations was very successful. No immediate calamity like the boll weevil forced the farmers to turn their attention to the agricultural colleges. At first a few experiment-station workers went out into the State to tell the farmer groups what had been found that was of interest to them. The demand for the results of research were so insistent that other means had to be found to meet the demand of the farmers. For at least 10 years, between 1900 and 1910, the farmers' institute movement flourished in the Northern States. Aggressive States like Iowa established an extension service at the agricultural college as early as 1900. The practice of employing a trained man or woman in a county to demonstrate the practices developed by the United States Department of Agriculture and the experiment station was a natural outgrowth.

Again the Federal Congress passed legislation to meet the need. The Smith-Lever Act was approved May 8, 1914. It provided for an initial allotment of $10,000 to each State, an additional sum of $600,000 the following year, and an increase of $500,000 each year thereafter for seven years. This fund was apportioned to the States on the basis of rural population and was to be offset by an equal amount of funds procured from within the States.

The Smith-Lever Act was significant legislation, because it provided for a systematic increase of funds for extension work. It enabled the administrative officers to do effective planning. It prevented waste of public funds and, most important of all, it provided for practical cooperation between the United States Department of Agriculture and the land-grant colleges in the extension work. It eliminated duplication of effort and conflict. The act provided for a comprehensive system of education for farmers and their families in agriculture and home economics through useful, practical demonstrations under ordinary farm conditions.

DEVELOPMENT OF AGRICULTURAL EXTENSION WORK

The experiment stations and the colleges ceased to be things separate and apart from the farm itself. The Smith-Lever Act brought about a situation where farmers and college men were working shoulder to shoulder on common problems, each contributing his part to the solution of vexing problems of agriculture and home life. This contact with the farming people brought the experiment stations nearer to the farm problems. A comparison of the extension work of county agricultural agents in 1914 with that of 1924 is in a report to the Department of Agriculture. I ask unanimous consent that a quotation from that report may be inserted in the RECORD as a part of my remarks.

The PRESIDING OFFICER (Mr. SWANSON in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

THE TYPICAL COUNTY AGRICULTURAL AGENT IN 1914

On July 1, 1914, 718 counties in the 15 Southern States and 210 in the remaining States in the North and West had agents. Seven States had no county agricultural agents and only two had a full quota. The average annual salary was less than $1,200, and out of this the county agricultural agent paid his own expenses. He was a mature man about 40 years old, who frequently lived on his own farm and who devoted about 10 months out of each year to the work. His office was his own home. He had no stenographer, no typewriter, and wrote his letters and reports in longhand.

He traveled about his county by horse and buggy, on horseback, or even on foot. He left his home on Monday morning and returned again Saturday night. During the week he followed the road, visiting and talking to farmers, inspecting demonstrations, and arranging for new ones. He lived with the farmers, staying overnight where night overtook him. Often he managed his trip so as to stay with his "key men" or those whose support he desired to win. His day was the farmer's day plus. He helped the farmer to do the evening chores and after hours he talked with the farmer long after the children had been put to bed and while the farm wife dozed by the fire. Often there would be company and a home meeting would be held.

The agent carried improved seed and demonstration equipment with him. He was truly an itinerant teacher. He was an outstanding man in the community in which he lived, with the qualities of leadership, broad human sympathy, and the spirit of an apostle. By modern standards his work seems crude and ineffective, but he was a pioneer and, like the pioneer farmer, he met conditions as he found them, and under those conditions and with those handicaps he did a great work and did it well.

THE TYPICAL COUNTY AGRICULTURAL AGENT IN 1924

On July 1, 1924, 2,084 counties had agents. All States had county agricultural agents and five States had a full quota. The average salary was $2,700, and the average amount provided for expenses about $1,200 additional.

The average county agricultural agent is an agricultural college graduate with practical farm experience and is about 30 years of age and married. He devotes 12 months to the service. He has a "downtown" office with adequate files, telephone, and office conveniences. He has a stenographer and maintains regular office days to accommodate the increasing number of persons who come to him for advice.

He devotes approximately 60 per cent of his time to the field and 40 per cent to the office. He has an advisory council or group of farmers with whom he develops a program and through whom he arranges his demonstrations.

He travels in an automobile and usually returns home every night—sometimes late. He works less with the individual and more with groups. The extension program is less his program and more an expression of the people's desires in regard to what ought to be done.

He still works long hours, and, in spite of modern conveniences, has a job full of hard work. He is still an itinerant teacher, but is more the efficiency agricultural engineer. He still needs to be resourceful and has to meet unusual and unexpected conditions, but his work is better planned. He is less a personal apostle with a message and more the representative of the State college of agriculture and the United States Department of Agriculture. He is less an opportunist and more an analyst, who helps the farmer to determine what is best, demonstrates better practices, and advertises the results. His advance from the pioneer type has been rapid. It is due partly to mechanical conveniences and organization, partly to better training, but primarily to better understanding and cooperation by the farmers, which are in themselves the best fruits of extension work.

The growth of the county agricultural agent work in the United States is shown in the following chart copied from the United States Department of Agriculture Miscellaneous Circular 59.

ALL FARMING SECTIONS NOT EQUALLY BENEFITED

Mr. CAPPER. Mr. President, it should be noted that the original Smith-Lever Act was passed in 1914 immediately before the outbreak of the World War in Europe and that the cost of labor and travel entering into extension work increased as did other things. If conditions had remained the same as they were when the Smith-Lever Act was passed, it is probable that the entire system could have been completed with the funds provided. We are confronted now with the fact that we have an incomplete organization with well-developed extension work in some counties and little or no extension work in others. The unfairness can not continue. As a nation, we must provide equal opportunity for the farmer and his family whether he lives in a dry area in the West or in the Ozark Mountains or in the densely populated prairie lands of the Mississippi Valley.

It is not surprising that some inequalities should have been found in a new piece of legislation like the Smith-Lever Act. Distribution of appropriations on the basis of rural population is about as fair a basis as could be suggested, but the sparse population and great distances in the West and the small number of farms outside of organized villages in the East have given the West and the East a small amount of money for extension work. We are now in a position where we can look backward and survey the progress and plan for the completion of the extension system.

The present bill is the result of the combined effort of the United States Department of Agriculture, the land-grant colleges, the farm organizations, business organizations, women's organizations, and civic groups. In fact, all organizations that should be interested in extension work have expressed themselves as favorable to the bill. There are some minor changes in the bill from the original Smith-Lever Act.

The original allotment without offset has been increased from $10,000 to $20,000 to care more equitably for the Western and Eastern States as mentioned heretofore. The authorization is

increased $500,000 each year for 12 years instead of 7 years as in the original act. The period of 12 years seems to be sufficient to develop and to expand the extension system in an orderly manner. The bill provides that 80 per cent of the funds shall be spent for salaries within the counties. This provision was inserted to insure that every county would be supplied with a sufficient number of agents to direct the work with men, women, boys, and girls. The bill also provides that the funds shall be used to employ men and women agents in fair and just proportions. This provision was inserted to insure the employment of an adequate number of trained women to develop and to carry on a well-rounded extension program.

The original Smith-Lever Act prohibited the participation of extension employees in agricultural trains. The new act permits the administrative director to exercise his judgment regarding this matter.

STATE PARTICIPATION IN EXTENSION WORK

The situation is this: The Smith-Lever Act matured in 1923. The intent of the act was carried out as far as funds would permit. At the present time the Federal Government is contributing $6,830,000, and the State and local agencies are contributing $13,500,000. The States are now contributing $1.94 for every dollar that the Government is appropriating for extension work. The funds obtained within the States come from three sources. The counties appropriate 45 per cent and the State legislatures 46 per cent. The farm organizations contribute 9 per cent. Attention is called to the fact that the States have not only met the requirements of the Smith-Lever Act by meeting the Federal appropriations on a dollar-for-dollar basis but they have contributed to this work nearly twice the amount required in the act.

Records obtained from the United States Department of Agriculture show that funds now used for extension work are apportioned about as follows:

Administration	$866,782
Publications	249,477
Extension specialists	4,095,795
County extension work	15,185,506
Total	20,397,560

The budget shows that 74.5 per cent of all funds is expended for county extension work and that the expenditures within the counties are allotted as follows:

County agricultural agents	$9,488,647
Home demonstration agents	2,830,071
Boys and girls' club work	573,747

They have, with the funds available, employed 2,263 white county agricultural agents, 903 white home demonstration agents, 156 county club agents, and 274 negro agents. The question has often been asked, "Will the States complete the extension system if the Federal Government does not increase its appropriations?" A study of the records since the maturity of the Smith-Lever Act in 1923 shows that there has been a slight increase in the number of county extension agents employed. In 1923 there were 3,419 county extension agents employed, while in 1927 there were 3,596—an increase of 177 agents in four years. This is altogether too slow. The new bill will provide for a complete system. Little progress has been made since the maturity of the Smith-Lever Act in completing the extension system. There are 700 counties without county agricultural agents. There are 1,900 counties without home demonstration agents, and there are 1,650 counties without adequate leadership and direction for our farm boys and girls. The purpose of this bill is to supply sufficient funds to complete the extension system by increasing the funds each year for 13 years. There can be no question as to the advisability of completing the extension organization along the lines laid down in this bill. It has the unqualified approval of every agency concerned. It follows the plan that has been in operation under the Smith-Lever Act for 13 years. It has proved successful under test. The bill is sufficiently elastic to meet the conditions as they exist in the States. In the South, where only home demonstration agents and county agricultural agents are employed, the work will be expanded to care for the boys and girls by the addition of assistant county agricultural agents and assistant county home demonstration agents. In the North, where boys' and girls' club agents are employed, the club agents can be introduced into counties as rapidly as the people demand them and the funds are available.

County agricultural agents are employed in approximately 2,100 counties. There are about 700 counties which do not have the services of agents to advise with them regarding their problems of production and marketing. I hold that it is obvious that one-quarter of the counties are laboring under an unusual handicap because they do not have an agent to bring them the results of experimental work. Let me cite a typical illustration from my own home State of Kansas.

PRACTICAL VALUE OF SERVICE TO THE FARMER

In 1918 Shawnee County began through its farm bureau, its county agricultural agent, and the extension service a systematic compaign to utilize improved methods in potato production in the Kaw Valley. Results of this program are shown in the following tables comparing the yield in Shawnee County with that in Pottawatomie County, which did not undertake an organized program in this respect, and has not done so up to the present time. The tables given are compiled from the statistics of the State board of agriculture. I ask unanimous consent that the tables may be incorporated in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The tables referred to are as follows:

Potato production, Shawnee County, Kans., 1910–1917, prior to the beginning of extension work in the county

Acreage, 1910	1,845
Average, 1917	2,163
Average annual acreage, 1910–1917	1,846
Average annual yield per acre, 1910–1917	91.9
Average price, 1910–1917	$0.748
Average annual income, 1910–1917	$126,904.63

Potato production, Pottawatomie County, Kans., 1910–1917; no extension program in the county

Acreage, 1910	1,266
Acreage, 1917	1,212
Average annual acreage, 1910–1917	1,159
Average annual yield per acre, 1910–1917	72.7
Average price, 1910–1917	$0.748
Average annual income, 1910–1917	$62,067.43

Potato production, Shawnee County, Kans., 1918–1924, after extension work was started in the county

Acreage, 1918	2,831
Acreage, 1924	5,887
Average annual acreage, 1918–1924	3,907
Average annual yield per acre, 1918–1924	122.6
Average price, 1918–1924	$1.12
Average annual income, 1918–1924	$536,589.54

Potato production, Pottawatomie County, Kans., 1918–1924; no extension program in the county

Acreage, 1918	1,301
Acreage, 1924	761
Average annual acreage, 1918–1924	881.1
Average annual yield per acre, 1918–1924	74.8
Average price, 1918–1924	$1.12
Average annual income, 1918–1924	$73,781.28

Mr. CAPPER. It will be observed in this table that Shawnee County during the period 1910–1917, or those eight years prior to the adoption of its improvement program, grew an average annual acreage of 1,846, and had an average annual yield of 91.9 bushels per acre. During this same period of time Pottawatomie County had an average annual acreage of 1,159 and an average annual yield of 72.7 bushels per acre.

Shawnee County, after extension work began in 1917, increased its acreage, until in 1924 it grew 5,887 acres, whereas Pottawatomie County, in this same period, declined to 761 acres.

Shawnee County, during the period of 1918–1924, had an average acreage of 3,907, or an increase of 111.1 per cent over the period 1910–1917. Its yield increased from 91.9 in the period 1910–1917 to 122.6 in 1918–1924, or an average annual increase of 33.4 per cent.

Pottawatomie County, during the period 1918–1924, decreased its acreage until in 1924 it was growing only 761 acres, a decrease of 59.2 per cent in comparison to the period 1910–1917. This county grew an average annual acreage of 881 during the later period, a decrease of 109.5 per cent, as against Shawnee County's increase of 111.1 per cent.

Pottawatomie County's yield per acre increased from 72.7 bushels per acre in the period 1910–1917 to 74.8 bushels per acre in 1918–1924, an increase of only 2.8 per cent in comparison with Shawnee County's increase of 33.4 per cent.

The probable net increase in income to Shawnee County for the period 1918–1924, resulting from the improvement campaign, may be estimated at more than $1,900,000.

Another illustration from my home State: A study of the agriculture of Edwards and Pawnee Counties, which are similar in soils, adjoin each other, and are both crossed by the Arkansas River, reveals in a striking manner the value of a systematic agricultural program carried out by a well-organized farm bureau and a good county agent. The agricultural statistics collected by the State board of agriculture enable us with a satisfactory degree of accuracy to measure the relative progress of the agriculture of the two counties.

A comparison was made of the value of all farm crops and of wheat and corn yields for the seven-year period before and the seven-year period after the installation of a county agent in Pawnee County. Some striking contrasts appear.

The area under cultivation in each county increased nearly the same during the period—6 per cent in Pawnee County and 7 per cent in Edwards County.

The value of all crops in Edwards County during the earlier period was $16,572,090, and in the later period $21,238,870, an increase of $4,666,780. This shows an increase of 28 per cent, as compared to a 54 per cent gain in Pawnee County.

Pawnee County's percentage increase in value of all crops was almost twice that of Edwards County, and it must be remembered that the increase in area of both counties was the same. Pawnee County's total dollar increase over Edwards County was $8,483,252, or $1,211,893 per year.

A study of acre yields of crops in the two counties will indicate the reason for this difference in agricultural income.

Pawnee County (with an agent) increased its yield of wheat 2½ bushels per acre over the production in Edwards County (without an agent) during this period, and its corn yield by 3.2 bushels per acre.

These increases in yields account for the major part of the increase in total gain in income from farm crops in Pawnee County (with an agent) as compared to Edwards County (without an agent).

These figures would seem to indicate clearly that the agricultural extension programs carried on in Pawnee County by the farm bureau and the county agent, with the cooperation of the agricultural college, have borne good fruit. The results have now reached a point where they average more than $1,000,000 per year. This is an interesting light upon the problem of making the farm pay during these difficult times.

HOME-DEMONSTRATION WORK

Mr. President, home-demonstration work to date has rendered a service to farm women and girls which has brought about economic contribution, home-making efficiency, and social satisfaction in farm homes in every State. One million farm homes were reached by home-demonstration work during 1926.

Results achieved include increased physical well-being, additional income for family needs, more efficiency in carrying on essential home tasks, greater comfort and beauty within the farm home, attractive surroundings for it, and constructive use of leisure hours. Satisfying community life has been an objective of home-demonstration work, and the activities of agents have added to the physical and social well-being of the community as a whole and aided the beautification of the rural community.

By far the most important achievement has been the discovery and development of leadership among farm women which has been actively expressed through their participation in and contribution to all types of worth-while endeavors for the farm, the farm home, and the farming community.

Home-demonstration work as a part of the cooperative-extension service began as tomato-canning club work for girls in South Carolina in 1910. It was recognized by those endeavoring to combat the ravages of the boll weevil that not only the farm, but the farm home must be made satisfactory; and the farm woman as well as the farmer must have high standards and challenging objectives if agriculture was to be efficient and to retain the loyalty of a high type of citizenship.

The early growth of home-demonstration work was remarkable. In 1910 there were but four county home-demonstration agents. The work with adult women began in 1913. By 1918, when the war-time program was at its height, there were 1,715 county home-demonstration agents teaching rural women and girls the basic facts of food and clothing conservation. With the withdrawal of the emergency appropriations the number was reduced to 699 in 1921. Since that period there has been a gradual increase, but this has been hampered by lack of adequate Federal funds.

There are 3,064 agricultural counties in the United States, 2,379 of which have 1,000 or more farms. During 1926 but 816 counties had full-time white home-demonstration agents. There were 108 negro home-demonstration agents.

So insistent were the requests for home-demonstrotion work by women in counties where funds were not available for full-time service that plans were evolved for part-time service, and 60 white home-demonstration agents carried on home-demonstration work in two or more counties during 1926. In addition to the above requests for home-demonstration work women in large numbers recognized the need of this service but lived in counties where funds were not available, or where other reasons existed which prevented the employment of a full-time home-demonstration agent. In 777 such counties a small extent of home-demonstration work was conducted by home-economics specialists as an indication of the far greater service that might be rendered were funds available for a full-time county home-demonstration agent.

In addition to the county home-demonstration agents, the home-demonstration staff of 1926 consisted of 46 State home-demonstration agents, 83 assistant State home-demonstration agents, and 160 home-economics specialists.

As evidence of the effectiveness of home-demonstration agents, during the last year 469,465 farm women conducted sustained demonstrations of desirable farm-home practices, 188,595 farm girls were helped to conduct demonstrations in some phase of farm-home making, and 12,465 farm boys to conduct demonstrations contributing to greater satisfaction in the rural home.

DEMAND FOR MORE HOME-DEMONSTRATION WORK

Although the utilization by farm women of this educational service has rapidly increased from year to year the work has been greatly hampered in its expansion by insufficient funds.

During 1926 the State leaders of home-demonstration work from Georgia, Kansas, Texas, and North Carolina reported that 29 counties had made the required county appropriations for home-demonstration agents and were on the waiting list ready to add home-demonstration agents when Federal and State funds were available. The North Carolina State agent reported:

> For five years the number of counties in home-demonstration work has remained practically stationary owing to the static condition of State and Federal appropriations. Counties asking for home-demonstration work have not been supplied on account of lack of State and Federal funds with which to meet their appropriations. Nine such counties have asked for organization.

The Kansas State home-demonstration leader reported eight counties on the waiting list. Texas reported seven counties waiting, five of which had appropriated $1,500, and two $1,200 each. The Georgia State agent reported:

> Five counties are on the waiting list for home-demonstration agents as soon as State and Federal funds are available.

The Minnesota State leader wrote:

> Interest in obtaining a home-demonstration agent is keen and the attitude good in several counties, but with the present State and Federal appropriations no increase in the budget is possible.

The Iowa State leader reported:

> Lack of funds to support two agents adequately is the problem to be solved in some way.

The Wyoming State leader indicated that additional counties would probably be available if funds from State and Federal sources were obtainable.

Mr. President, despite the difficulties which confront it home-demonstration work is slowly but surely being recognized as a basic factor in agricultural well-being. Kentucky reported that during 1926 several counties made three-year appropriations for home-demonstration work. The State agent from Georgia reported:

> In the 63 counties with home-demonstration agents renewal appropriations were promptly granted.

The State agent from Tennessee reported:

> In practically every county there was more support of appropriations for home-demonstration work than ever before.

Maryland reported:

> County commissioners have responded favorably to requests made for the support of home-demonstration work.

Illinois reported:

> One of the encouraging features of the financial program this year was the greater knowledge and interest which the women have concerning this phase of the work. Each county has a finance committee.

New York reported that in the majority of counties the local women have assumed entire responsibility for the detailed county budget for home-demonstration work.

Vermont reported:

> The women have given more thought to and have assumed more responsibility for county funds for home-demonstration work.

VALUE OF THE SERVICE TO FARM WOMEN

That home-demonstration work is meeting a vital need is indicated by the volume of unpaid volunteer service which is being given to its development and further expansion by farm women. During 1926, 126,709 farm women gave an average of 12 days' time per woman in helping to plan the program, in extending the information to women already in organized groups, and in interesting additional women to join the groups for the purpose of receiving the information.

That farm women recognize the value of having a full-time county home-demonstration agent is indicated by the following

excerpts from comments made by some Iowa farm women, as reported by the Iowa State home-demonstration leader:

The only thing lacking in home-demonstration service is that not enough counties have agents. It is up to the "believers" to sell home-demonstration-agent service so that more counties will make that their goal.

Because of the progress women and girls have made they deserve a leader who understands the conditions and needs of all the county.

My work has proved to my own satisfaction that a home-demonstration agent pays, and pays big, not only for the sake of project work but that it brings about that understanding of the necessity of organization for agriculture.

The home-demonstration agent cooperates with or interests business men, bankers, doctors, nurses, librarians, and others. She sells the job to them, and thus strengthens our work.

The home-demonstration agent helps make definite and well-balanced project programs.

The home-demonstration agent gives all her time to her work; even the best of volunteer county project leaders can not possibly give the time and thought these important projects require.

The home-demonstration agents apply their technical training to the home makers' practical training, thus making housekeeping and home making easier, more practical, and more economical.

They keep up on new home-economics movements and pass them on to their farm women and girls.

Project work can be conducted on a more intensive basis, thus giving the women more help and help to more women.

The home-demonstration agent injects new ideas into work each year and interests girls and women in carrying them out.

Mr. President, results of home-demonstration work have included every field of well-being for the farm family. The farm family is better housed, fed, and clothed. Standards of positive health and how to obtain it and to prevent illness have been taught to and achieved by them.

Available income has been utilized economically, and home-demonstration activities in home crafts, gardening, poultry, and dairying activities have supplemented the income from farm crops and stock. Household tasks have been accomplished in a minimum of time and with the assurance of satisfactory results, and the time thus saved has been used for enriching family life and neighborly hospitality. Homes have been beautified indoors and out.

In this time of economic stress among farm people, instances have been reported where farm crops failed and the farm woman, through the aid of home-demonstration work, was enabled to earn enough money from her poultry to provide food and clothing for the family.

Home-demonstration work also has contributed to improved rural-community life. Hot school lunches, community recreation, beautified highways and public grounds, community houses, wholesome recreation at county fairs, improved fair exhibits, are some of the results of home-demonstration work.

Not only have tangible economic and physical improvements been made as a result of home-demonstration work, but there have been other values which can not be measured, but which have made rich contribution to rural life. Some of these less tangible results include the development of a consciousness of the positive values in rural life; pride in the rural community; consciousness of the importance of a worth-while home; joint family effort toward a given objective in work and in play; capable leadership among farm women in analyzing rural needs and in planning ways and means to obtain such needs; neighborly cooperation replacing individualism and suspicion; knowledge and constructive effort replacing old-time apathy, misinformation, and prejudice; enlarged horizon resulting in enlarged interests in toleration of the point of view of others and in a desire to be more efficient; recognition of responsibility to the community and willingness to make a contribution of one's time and effort for the good of all; social satisfaction arising from contacts made during home-demonstration meetings and during community recreational affairs conducted by them.

FARM WOMEN GREATLY INTERESTED

Evidence of the broadened interest of farm women due to home-demonstration work is indicated by the following quotations from farm women in various States:

A new era dawned for the farm woman when the home-demonstration work came to her rescue to brighten her pathway and make life on the farm so much more worth while. It develops a community spirit, the value of which can scarcely be estimated. It develops the farm woman's latent abilities and enables her to be a local leader, which is an education in itself, to preside at meeting or work in various ways for the good of the home and the community—a task which before this work was started she would have thought altogether impossible for her to perform.

Although the project work has been most valuable, if extension work has done nothing else it has been of untold value when it developed the community spirit and called the people together to enjoy each other's society, to help to solve their problems, and make this old earth a better place in which to live.

I have improved my home because I have been led to inspect it carefully and to correct the weak points in my management.

I have improved the health of my family by learning tactful ways to interest them in the use of whole grains, more milk, more vegetables, less meat, less sugar.

It has opened to me the vast possibilities in the future for agriculture.

It has aided me to be more helpful to my husband and two little boys by making our home more cheery and attractive.

It has been a very great aid to me in studying the condition of our county.

Extension work has helped me to be a better citizen through recognition of the fact that through our vote we have the power to help to establish a better government.

It has inspired me to teach my girls the beauties and blessings of farm life.

I have learned to think and to serve beyond my own community.

It has helped us to help ourselves. It has taught us greater respect for our jobs as farm women. It has taught us to make the most of the opportunities at hand.

It has improved living conditions for the farm family and made the work lighter for thousands of farm women throughout the State.

Contentment in the country; an appreciation of the possibilities in farm life.

To date less than one-third of the agricultural counties have county home-demonstration agents, and only one-fifth more of the agricultural counties have had the aid of home-economics specialists from the agricultural college for a few meetings each year.

Mr. President, farm women in America are going through such a period of discouragement due to economic difficulty and inequality of social and educational opportunity for themselves and their children that their courage needs strengthening if the better type of families are to remain on farms. When it is realized how much improvement in condition in farm homes and in morale among farm women has been brought about by the present limited home-demonstration staff, and when it is realized that the farm woman and the farm home are equally vital factors with the farmer and the farm in determining the future of agriculture in America, it would seem wise expenditure of public-funds to extend home-demonstration-agent work to the other two-thirds of the agricultural counties, thus making this helpful service available to all farm women and girls throughout the United States.

One farm woman epitomized the home-demonstration agent as "heaven come to earth in a tin Lizzie." The home-demonstration agent is a friend to every farm woman. The farm home, the farm community, and the business of agriculture are strengthened by her service. Every farm woman in the United States needs the helpful instruction that is made available through the appealing informal human contact with the home-demonstration agent.

This bill provides sufficient funds to cooperate with the States and the counties in the employment of a home-demonstration agent in practically every rural county of the United States.

BOYS' AND GIRLS' 4-H CLUB WORK

Mr. President, the most outstanding feature of the extension work has been the cooperation of men, women, boys, and girls on the common problems of the farm and the home. It would be impossible to develop a productive dairy herd on a farm if the young people were not interested in dairying. It would likewise be impossible to make a happy and comfortable farm home if boys and girls were not interested in farm and home life.

To develop this cooperation, boys' and girls' 4-H club work has been organized throughout the United States. The club work constitutes a part of the national agricultural extension system, by means of which instruction in agriculture and home economics is given to rural boys and girls by the United States Department of Agriculture, the land-grant colleges, the county, and often other local agencies cooperating. The instruction is given by means of farm, home, and community demonstrations and club activities, carried on by the young people themselves for the purpose (1) of helping country boys and girls to improve rural farm and home practices and the social life of their own communities, (2) of showing them the possibilities of rural life, (3) of aiding those who so desire to become efficient farmers and home makers, and (4) of teaching rural boys and girls how to make of themselves public-spirited, useful citizens and leaders in rural affairs.

In the 12-year period following the passage of the Smith-Lever Act, 1915–1926, inclusive, more than 6,000,000 boys and girls have been engaged in 4–H club work. As club members, these boys and girls pledged themselves to carry out a farm or home enterprise, using the best practices developed by the State agricultural colleges and the United States Department of Agriculture. Under the supervision of State and county extension agents of these cooperating institutions, they undertook voluntarily to teach themselves, their friends, and their neighbors, by actual demonstrations, the value of such practices. In so doing, they have made a genuine and substantial contribution to the improvement of American farm life.

Some idea of the proportions to which this work has grown may be gained from the fact that 586,156 different boys and girls were enrolled in the 4–H clubs in 1926, their demonstrations of better practices covering a wide variety of farm and farm-home interests. This growth of the boys' and girls' club movement since the passage of the Smith-Lever Act has been due to the enthusiastic cooperation of the United States Department of Agriculture and the State agricultural colleges, the counties, farm and business organizations, citizens' associations, and the like. This growth is commendable, indeed, and every American may well feel gratified at the progress made thus far. But there is still much to be done.

We have about 11,000,000 boys and girls between the ages of 10 and 18 in the rural districts of the United States, nearly 3,000,000 of whom, or about 27 per cent, are not in school. The greater number not in school are between the ages of 14 and 18. That is a group nearly half as large as the farmers in the United States. These young people are out of school for various reasons—some because their parents want them to work, some because they are tired of school and do not want to attend, some because they do not think an education pays, and some because they do not get along well in school. For one reason or another they are out of school, and out at just the most critical time in their lives. Boys and girls, 14, 15, and 16 years old, just changing to manhood and womanhood, are out of school and receiving little or no guidance from any public agency. How shall we continue their education along right lines? Can we give them any guidance?

The public-school system contemplates giving free instruction to young people for 12 years, or between the ages of 6 to 18. Yet nearly 1,000 rural boys and girls per county—an average of 960—are out of school and away from its influence. Stated in a more graphic way, this is the equivalent of about 20 one-room, 40-pupil schools per county, practically without a single teacher. How can we continue to guide and to educate this group?

FURTHER EDUCATION FOR FARM BOYS AND GIRLS

Mr. President, the State agriculture college is peculiarly interested in rural problems. It is an educational institution. It would seem that these 3,000,000 rural boys and girls out of school in the rural districts of the United States are especially its concern and that of the State. Under the guidance of the agricultural college, and aided by the counties and the people themselves, we should consciously go about reaching, influencing, guiding, and continuing to educate this group.

Boys' and girls' 4–H club work has in it that which appeals to the young people on the farm.

Four–H club work emphasizes cooperation. It provides opportunity for boys and girls to share home responsibilities in keeping with their ability and gives them a part in meeting the problems of their rural community.

Four–H club work is demonstrating good practices in farming and in home making. What is thus being demonstrated is finding its way into the lives of rural people.

Four–H club work develops rural leadership. It is discovering and developing future rural leaders from among the club members themselves as well as providing training for those now acting as club leaders.

Four–H club work emphasizes the home. The practical work of the club—the demonstration—is usually at the home. Club work brings parents and children increasingly together in a common interest.

Club work likewise brings rural young men and women in contact with the best practices and finer things in agriculture and the home, developing in them the right attitude and sympathy toward farm work and the open country and giving them faith in the industry and pride of occupation.

Club work has the further quality of interesting and bringing under its influence the boys and girls out of school as well as the boys and girls in school.

Probably one of the most valuable things club work does, Mr. President, is to bring boys and girls into responsible contact with the live problems of the community. Through having them to do something on the farm or in the home that is worth while, it gets them in touch with men and women who may encourage them to finish school, to go on to college, or otherwise to fit themselves better for life's work.

The extension organization has rendered excellent service by enrolling more than 586,000 boys and girls in these 4–H clubs annually, but as a nation we can not be satisfied until adequate leadership has been provided in every county in the United States, so that every boy or girl between the ages of 12 and 20 years may have the proper direction and help. If 4–H club work is stimulating and helpful to 600,000 boys and girls, it will be equally beneficial to the thousands that are still outside of its influence.

Mr. President, this bill will help to provide the qualified and trained leadership not now available in the extension service, necessary to reach the large number of rural boys and girls who are not now able to participate in the advantages of boys' and girls' 4–H club work.

All of us who have been engaged in public affairs have come in contact with these members of the 4–H clubs. They are serious-minded, happy, industrious young people. These 4–H clubs are open to every boy or girl, without dues or other formalities. The only requirement is that each shall undertake a home project, using the better practices in agriculture or home economics, and then pass the result of the trials on to friends and neighbors. It contributes to national stability and public welfare to have our young people so directed during young manhood and womanhood. This bill will provide for adequate leadership for farm boys and girls in 4–H clubs.

Mr. McKELLAR. Mr. President, I desire just a moment to say that I approve very heartily of the sentiments expressed by the junior Senator from Kansas on the farm extension bill. I do not think there is any service that the Government performs in the country which is any better than that service. I think it ought to be extended; I believe the appropriations ought to be increased as provided in this bill; and I shall be very happy to vote for it. I hope that it may come up at a very early day and be passed by the Congress.

REVISED QUOTA SYSTEM OF IMMIGRATION

Mr. WATSON. Mr. President, on Saturday last I introduced a bill on the subject of immigration. I made no remarks concerning it, and I do not desire to do so at this late hour; but I ask unanimous consent to have printed in the RECORD a statement regarding the effect of that bill.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

PROPOSED REVISED QUOTA SYSTEM

The bill proposes that the future immigration quotas of the various European and other countries from which immigration is now limited by the act of 1924 shall be based on both the present system and the so-called national-origin plan which will become effective July 1, 1928, unless modified by congressional action. The proposal is that where the quota as established under the national-origin plan exceeds present allotments, such number shall be the quota of the country concerned, but in no instance shall the quota of any country be less than that now allotted under the 1890 population method.

According to provisional figures submitted to Congress at the last session the quotas of 13 countries would be increased by a total of 47,108 under the proposed plan, the principal increases being as follows: Great Britain and Northern Ireland, from 34,007 to 73,039; Russia, from 2,248 to 4,781; Italy, from 3,845 to 6,091; with minor increases in the quotas of Netherlands, Austria, Spain, Hungary, Greece, Lithuania, Turkey, Yugoslavia, Finland, and Latvia.

On the other hand, if the national-origin plan goes into effect without modification the quotas of 13 countries will be reduced, the principal reductions, according to the provisional figures, being Germany, 51,225 to 23,428; Irish Free State, 28,567 to 13,862; Sweden, 9,561 to 3,259; Norway, 6,453 to 2,267; Denmark, 2,789 to 1,044; Poland, 5,982 to 4,978; Switzerland, 2,081 to 1,198; with smaller decreases for Austria, Belgium, Czechoslovakia, Danzig, France, and Rumania. Under this bill, however, there would be neither an increase nor decrease in the quotas of these countries, and the increase of 47,108 in the case of Great Britain and Northern Ireland and other countries would be offset by extending the quota system to countries of the New World, the natives of which may come in unlimited numbers under the present law.

NEW-WORLD QUOTAS

The bill proposes still another method of allotting annual quotas to countries of the Americas, it being provided that such quotas shall be fixed at 10 per cent of the number of natives of such countries resident in the United States as determined by the census of 1890, with a minimum quota of 2,000 for each country.

The proposed annual quotas of New-World sources contrasted with the number of natives of the same areas admitted as nonquota immigrants in the fiscal year 1927 are as follows:

Country	Proposed quotas	Non-quota immigrants admitted in 1927
Canada and Newfoundland	98,094	73,728
Mexico	7,785	77,155
Cuba	2,000	2,279
Dominican Republic, Haiti, and Central America (9 countries)	18,000	1,829
South America (10 countries)	20,000	3,666
Total	145,879	158,657

TOTAL QUOTAS

If the bill becomes a law every country in the world would have a fixed annual immigration quota, and such quotas would aggregate 357,654, compared to 158,657 quota immigrants, and 158,070 natives of nonquota countries, or a total of 317,727 admitted in the fiscal year 1927 under the act of 1924.

Other provisions of the bill follow:

TEMPORARY LABOR

That in addition to the quotas of foreign contiguous countries the Commissioner General of Immigration, with the approval of the Secretary of Labor, may during the next two fiscal years admit temporarily, for periods of not more than six months, not to exceed 10,000 otherwise admissible aliens from each such country to perform seasonal or emergency labor in the United States, provided that labor of like kind unemployed can not be found within a reasonable distance of where such labor is to be performed.

REUNITING FAMILIES

That the lawful wife and minor children of an alien who was legally admitted to the United States for permmnent residence prior to July 1, 1924, shall, on petition of such resident alien in the manner provided in section 9 of the immigration act of 1924, be accorded a nonquota status, but such provision shall not apply in cases where marriage occurred subsequent to such legal entry: *Provided,* Such wives and minor children depart for the United States within one year from the passage of this act: *And provided further,* That the number of nonquota visas so issued shall be limited to 30,000.

VISAS FOR FAMILY GROUPS

That an immigration visa shall not be issued to an alien until such visas are also available for issuance to his wife and minor children, but in the event any such alien desires to proceed to the United States in advance of the other members of such family group the visas shall be issued to or made available for such remaining members, such availability to continue for one year from the date of issuance, with a provision that for good cause shown the Commissioner General of Immigration, with the approval of the Secretary of Labor, may extend that period one year.

PREFERENCE CLASSES EXTENDED

That 75 per cent of the quotas shall be available for preference in the issuance of immigration visas to relatives of United States citizens and other classes instead of 50 per cent as provided in the present law. That the preference in the issuance of immigration visas now accorded to persons skilled in agriculture, under section 6 of the immigration act of 1924, shall be available only when authorized by the Secretary of Labor and on a valid showing that the service of any such alien is needed in farm work in the United States, or that he is coming to engage in independent agricultural pursuits in this country.

That aliens in whose behalf the contract labor provisions of the general immigration law have been waived, as provided in section 3 of the immigration act of 1917, shall be granted a preference in the issuance of immigration visas, and that like preference shall also be granted to members of the learned professions, such preferences to be authorized by the Secretary of Labor on a valid showing that the service of any such alien is needed in the United States.

PENALTY FOR BRINGING STOWAWAYS

That when an alien stowaway is found on board a vessel arriving at a United States port a fine of $1,000 shall be imposed on the vessel bringing such alien, unless, in the opinion of the Secretary of Labor, the presence of such alien on board could not have been discovered by competent officers of the vessel at the port of departure or during the voyage.

STUDENTS

That immigrant students now classified as nonquota immigrants under the immigration act of 1924 be reclassified as nonimmigrants under section 3 of that act, and that provision be made for their admission under bond as provided in section 15 of the same act.

PROTECTION OF MIGRATORY GAME

Mr. NORBECK. Mr. President, I ask unanimous consent that Senate bill 1271 be made the unfinished business. It is the migratory bird bill.

Mr. KING. I shall have to object to that.

The PRESIDING OFFICER. Objection is made.

Mr. NORBECK. Mr. President, I do not care at this time to make a motion to take up the bill; but I give notice now that to-morrow, at the proper time, I desire to make a motion to take it up and make it the unfinished business.

RADIO REGULATION

Mr. DILL. Mr. President, I have twice had up to-day Senate bill 2317, Order of Business 228, and there has been some objection; but I think the Senators who objected are willing to agree to the consideration of the bill now, and if it does not take any lengthy debate I should like to have it passed before we adjourn.

Mr. CURTIS. I desire an executive session. If the bill does not lead to debate, I am willing to defer the motion.

The PRESIDING OFFICER. Is there objection to the present consideration of Order of Business 228, Senate bill 2317?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, which had been reported from the Committee on Interstate Commerce, with an amendment.

Mr. KING. I should like to have the bill read.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill.

The amendment of the Committee on Interstate Commerce was, on page 2, after line 3, to add a new section, as follows:

SEC. 3. Prior to January 1, 1930, the licensing authority shall grant no license or renewal of license under the radio act of 1927 for a broadcasting station for a period to exceed six months and no license or renewal of license for any other class of station for a period to exceed one year.

So as to make the bill read:

Be it enacted, etc., That all the powers and authority vested in the Federal Radio Commission by the radio act of 1927, approved February 23, 1927, shall continue to be vested in and exercised by the commission until March 16, 1929; and wherever any reference is made in such act to the period of one year after the first meeting of the commission, such reference shall be held to mean the period of two years after the first meeting of the commission.

SEC. 2. The period during which the members of the commission shall receive compensation at the rate of $10,000 per annum is hereby extended until March 16, 1929.

SEC. 3. Prior to January 1, 1930, the licensing authority shall grant no license or renewal of license under the radio act of 1927 for a broadcasting station for a period to exceed six months and no license or renewal of license for any other class of station for a period to exceed one year.

The amendment was agree to.

Mr. KING. Mr. President, I would like to have an explanation of the significance of that amendment.

Mr. DILL. Mr. President, I may say to the Senator that at present a license may be granted for a broadcasting station for three years. This cuts the period down, until 1930, to six months. We so provide because we feel that the continuous development of the art results in so many changes in conditions that the commission should not be permitted to freeze the situation, if I may use the term, by granting licenses for longer than six months.

I may say that the commission has not given a license for more than 60 days up to this time. The licenses for other stations are limited to one year, although the law at present permits the commission to grant five-year licenses. It was felt that during this period of establishment, allocation, and building up of systems these licenses should be limited.

Mr. KING. Mr. President, much could be said in opposition to this bill and in condemnation of the methods employed by the Radio Commission since its creation. I have found very few, if any, satisfied with the commission, with the personnel, or with its administration of the law.

However, there seems to be a situation which calls for some relief, and, as I understand the contention, this will afford some little relief, but it will not bring about all that is desired. I wanted to ask the Senator why he provides for continuing the commission for more than one year from the date of the passage of the bill. The shorter the better, it would seem to me.

Mr. DILL. For the reason that the commission will continue anyhow, and it is just a question of whether the commission is to continue as an appellate body, the Secretary of Commerce to do the original work, or whether it will continue to handle this original jurisdiction work for another year. As I stated a while ago, when I had the matter up before, there has been a lack of money, and two of the commissioners have died and one has left the board, so that the board has been handicapped in doing its work, and the committee felt it ought to have another year

to meet those problems, as well as new problems which have arisen under the short-wave length situation.

Mr. McKELLAR. Mr. President, I am in sympathy with the purpose of the bill, and I think it ought to pass, but I wanted to ask the Senator whether under this bill any licenses for a longer period than one year will be granted.

Mr. DILL. No licenses have been granted for broadcasting stations for longer than 60 days, and no licenses have been issued for any other class of station for longer than one year. Under the present law they might issue licenses for broadcasting stations for three years, or they might issue licenses for other stations for five years.

Mr. McKELLAR. If this bill passes, under those circumstances will there be a license issued for longer than one year?

Mr. DILL. For the broadcasting stations not more than six months.

Mr. KING. That is the feature of the bill which leads me to support it.

Mr. PITTMAN. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will read.

The CHIEF CLERK. Add a new section, to be known as section 4, and to read as follows:

SEC. 4. The term of office of each member of the commission shall expire on February 23, 1929, and thereafter the commissioners shall be appointed for terms of two, three, four, five, and six years, respectively, as provided in the radio act of 1927.

Mr. PITTMAN. Mr. President, under the present law, unless we amend it, these commissioners, who have been nominated by the President and whose appointment has been approved by the committee and referred here, will be confirmed for 2, 4, 5, and 6 years. If this amendment shall be adopted, their term of office will expire in one year.

Mr. SACKETT. Mr. President, may I ask whether the present nominations would hold good under this amendment, or would the appointees have to be renominated?

Mr. PITTMAN. I do not think they would have to be renominated, for the reason that we have a right to terminate an office when we see fit, and if the office is terminated ipso facto the appointment dies.

Mr. WATSON. I do not think they would have to be renominated under the amendment.

Mr. PITTMAN. I think it would save confusion, however, if before their confirmation by the Senate—and certainly they have not any office until they are confirmed by the Senate—we shall have passed this measure, which declares that the offices of all commissioners shall expire on February 23, 1929.

Mr. McKELLAR. Mr. President, how many of the commissioners have already been confirmed whose terms of office extend beyond February 1, 1929?

Mr. PITTMAN. None of them.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. PITTMAN].

The amendment was agreed to.

Mr. BLEASE. Mr. President, I am opposed to this radio legislation and I objected to the consideration of this bill; but having been assured by some of my colleagues that it is the best we can get at this time and that possibly we can kill the snake by degrees, I am willing to let the bill go through now.

Mr. KING. Mr. President, may I inquire of the Senator from Washington or the Senator from Nevada, as well as the able chairman of the committee, whether the understanding is that there will be no confirmations until this legislation is disposed of?

Mr. WATSON. I am aware of no understanding about it. I mean by that that if the bill should pass here to-day, my colleague on the committee, Senator DILL, is going to the other House to take it up with the gentlemen there, with some assurance of getting it through. Of course, as far as I am concerned, I think the life of the commission should be extended a year, whether this legislation passes or not. I believe it would be a very great mistake not to do that.

Mr. SMITH. Mr. President, with the permission of the Senator, I think it was thoroughly developed in the investigation by the committee that the interest of all parties concerned would be greatly enhanced if we restricted the life of the commission as proposed in the amendment offered by the Senator from Nevada.

Mr. WATSON. We all agreed to that to-day.

Mr. SMITH. That was thoroughly understood, because it is not only such a technical development, but it is a matter of such vast importance. There is not a single invention of modern times that has in it the element of power, so far as organized society is concerned, that the radio has. Many improvements are being made, and the different methods of the use of radio are changing rapidly, and it is imperative that we shall have more stabilized conditions before we appoint commissioners to hold office for any great length of time.

I sincerely hope that no effort will be made to jeopardize the passage of this measure as it is now amended, either by insisting on compromise or otherwise. I think it would be unjust to the nominees to bring out all the matters gone over in the committee, which are more or less conjectural, and in fairness to them and in fairness to the public at large I believe we ought first to pass this measure as amended.

Mr. McKELLAR. Mr. President, may I ask the chairman of the committee if these nominations have yet been acted upon by the committee, or brought up before the committee?

Mr. WATSON. They were acted on by the committee.

Mr. McKELLAR. Have they been reported to the Senate?

Mr. WATSON. They have not been reported.

Mr. SMITH. But they have been acted on.

Mr. WATSON. This is the situation, I may say candidly to my friend from Tennessee. The Senator from Washington [Mr. DILL] and the Senator from Nevada [Mr. PITTMAN] were preparing this amendment, and I had called a meeting of the committee for 2.30 this afternoon for the purpose of finishing up the hearing, or taking action on the confirmations of the radio commissioners. I did not know that those two Senators were down here at work on this amendment. The remainder of the committee, practically all of them, got together and concluded the hearings, and unanimously agreed to report favorably the confirmation of the commissioners. I came down and found that these Senators were disappointed because they had not attended the committee meeting. Whereupon I got in touch with some of the other members of the committee, and we agreed temporarily to hold up the report to the Senate.

Mr. McKELLAR. I did not understand just what the situation was. I am very glad to have the explanation of the Senator from Indiana.

Mr. DILL. I want to say that it was my understanding that we would try to pass this amendment first before the confirmations should be passed upon by the committee.

Mr. WATSON. I agree to that.

Mr. DILL. I think the Senator from Indiana acted in good faith, but it was not in accordance with my understanding, and I appreciate getting the bill through at this time.

The PRESIDENT pro tempore. The bill is still as in Committee of the Whole and open to amendment.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes."

PAY OF IMMIGRATION OFFICERS

Mr. CURTIS and Mr. REED of Pennsylvania addressed the Chair.

The PRESIDENT pro tempore. The Senator from Kansas.

Mr. CURTIS. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I move that the Senate proceed to the consideration of Senate bill 2370, to amend section 24 of the immigration act of 1917.

Mr. LA FOLLETTE. Mr. President——

Mr. REED of Pennsylvania. I may say that I do not think it would take half an hour to finish the consideration of the bill, and it would not interfere with the action proposed by the Senator from South Dakota [Mr. NORBECK].

Mr. LA FOLLETTE. Mr. President, the senior Senator from South Dakota [Mr. NORBECK] a few minutes ago asked unanimous consent to make the so-called migratory bird bill the unfinished business, which was objected to; and he made the statement that in view of the fact that there were so few Senators in the Chamber he would withhold a motion to take the bill up until to-morrow. If the Senator from Pennsylvania insists upon his motion, I shall be constrained to suggest the absence of a quorum.

Mr. DILL. Mr. President, I may say to the Senator that the consideration of the migratory bird bill is very likely to take a great deal more time than the consideration of this immigration bill, and I believe we would make time in the Senate by taking up the immigration bill and passing it.

The PRESIDENT pro tempore. The question is on agreeing to the motion proposed by the Senator from Pennsylvania.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The question is on agreeing to the motion proposed by the Senator from Kansas.

Mr. REED of Pennsylvania. May we consider my motion pending when we meet to-morrow?

Mr. LA FOLLETTE. If the Senator from Pennsylvania does not desire to withdraw his motion, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Kansas has moved to proceed to the consideration of executive business, and the question is on agreeing to that motion.

EXECUTIVE SESSION

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock p. m.) adjourned until to-morrow, Tuesday, February 7, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 6, 1928

MEMBER UNITED STATES CUSTOMS COURT

William J. Tilson, of Georgia, to be a member of the United States Customs Court, vice William B. Howell, deceased.

APPOINTMENTS AND PROMOTIONS IN THE NAVY

Lieut. Hugh St. Clare Sease to be a lieutenant commander in the Navy, from the 1st day of November, 1927.

Lieut. (Junior Grade) Charles P. Woodson to be a lieutenant in the Navy from the 2d day of June, 1927.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 5th day of June, 1927:

Thomas U. Sisson.
Walter W. Siegrist.
William E. Verge.
Homer B. Wheeler.
Walter D. Leach, jr.
Joseph F. Dahlgren.

Passed Assist. Surg. Norman J. Haverly to be a surgeon in the Navy, with the rank of lieutenant commander, from the 1st day of July, 1926.

Assist. Surg. Clifton A. Young to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 2d day of June, 1927.

Assist. Surg. Walter G. Kilbury to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 1st day of July, 1927.

Walter P. Caruthers, a citizen of California, to be an assistant dental surgeon in the Navy, with the rank of lieutenant (junior grade), from the 26th day of January, 1928.

Boatswain Harold L. Arnold to be a chief boatswain in the Navy, to rank with but after ensign, from the 5th day of August, 1927.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 6, 1928

REGISTER OF LAND OFFICE

Guy Francis Barnes to be register of the land office at Pierre, S. Dak.

PROMOTIONS IN THE ARMY

To be colonel

Stephen Ogden Fuqua.

To be lieutenant colonel

Charles Russell Alley.

To be major

William Francis Freehoff.

To be captains

Richard Brownley Gayle.
Jesse Benjamin Smith.

To be first lieutenants

George Francis Heaney, jr.
John Humphrey Evans.

APPOINTMENT BY TRANSFER IN THE ARMY

Harry Russell Evans, to be captain, Field Artillery.

PROMOTIONS IN THE ARMY

Stanley William Matthews to be captain, Medical Corps.

William Harvey Kernan to be captain, Medical Administrative Corps.

Martin Douglas Mims to be captain, Medical Administrative Corps.

PROMOTION BY TRANSFER IN THE ARMY

Edward Clarence Gere to be captain, Quartermaster Corps.

APPOINTMENT BY PROMOTION IN THE ARMY

To be colonel

Daniel Van Voorhis.

To be lieutenant colonels

James Garfield McIlroy.
Vaughn Washington Cooper.
Chauncey Lee Fenton.

To be majors

Rexford Edwin Willoughby.
William Glenn Livesay.
James Washington Barnett.
John Charles Mullenix.

To be captains

Robert Tappan Chaplin.
Raymond Edwin Vermette.
Abraham Robert Ginsburgh.
Elijah Garrett Arnold.
Benjamin Witwer Pelton.
Farlow Burt.

To be first lieutenants

William Remsburgh Grove, jr.
George Lewis Dewey.
James Frederick Torrence, jr.
Douglass Gordon Pamplin.
Dan Chandler.
Charles White Lawrence.
George Edward Waldo.

Harold Willis Kohl to be captain, Medical Corps.

Benjamin Ralph Luscomb to be captain, Medical Administrative Corps.

POSTMASTERS

KENTUCKY

Achsa Kinnett, Augusta.
Ransome B. Martin, Hartford.
Edward F. Davis, Williamsburg.

MISSOURI

Beryl S. Littrell, Mendon.
William H. Tanner, Sikeston.

NEW JERSEY

Ralph H. Hulick, Browns Mills.
Waldo E. Rice, Ocean Grove.
Herman H. Ahlers, West New York.

NORTH CAROLINA

Andrew T. Barkley, North Charlotte.

OHIO

Howard M. Snedeker, Bellaire.
Lillian Mumea, Independence.
James A. Downs, Scio.

OKLAHOMA

Hugh M. Tilton, Anadarko.
Thomas G. Rawdon, Paden.
William E. Watson, Quinton.

PENNSYLVANIA

Will O. Depp, Big Run.
John B. Chase, Greenville.
Benjamin F. Jenkins, Jeannette.
Clinton B. White, New Wilmington.
William A. Bailey, Southwest.
John G. McCune, West Newton.

HOUSE OF REPRESENTATIVES

MONDAY, *February 6, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our most gracious Father in Heaven, in whom we have our being, do Thou inspire all that is best and noblest in us. With wise determination help us to measure up to the lofty principles and ideals of Thy teaching. Take us this day into Thy divine favor, that this representative body of a great people may have big vision and the finest sense of justice. Every endeavor that is destined to succeed is founded on the broad principles of the fatherhood of God and the brotherhood of man. We are here again to work, to touch common toil and to dignify it, to sanctify the homely things of life. Establish Thou the work of our hands. Light up the altar stairs of our souls and give us the blessing of the white hope. Amen.

The Journal of the proceedings of Friday, February 3, 1928, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments the bill H. R. 9481, entitled "An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes," in which the concurrence of the House of Representatives was requested.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that on February 4, 1928, they presented to the President of the United States for his approval bills and a joint resolution of the House of the following titles:

H. R. 5657. An act granting the consent of Congress to the board of supervisors of Monroe County, Miss., to construct, maintain, and operate a bridge across Tombigbee River at or near Aberdeen, Monroe County, Miss.;

H. R. 9142. An act to amend section 71 of the Judicial Code, as amended, by changing time of holding court at El Dorado and Harrison, Ark.; and

H. J. Res. 93. Joint resolution for the appointment of Paul E. Divine, of Tennessee, as member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, announced that they had examined and found truly enrolled a joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 112. An act to amend the act of May 29, 1884, as amended, the act of February 2, 1903, and the act of March 3, 1905, as amended, to include poultry within their provisions.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speakers' table the bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1929, and for other purposes, and disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table House bill 9481, disagree to the Senate amendments, and ask for a conference. Is there objection.

There was no objection.

The Chair appointed the following conferees: Messrs. WOOD, WASON, and CULLEN.

BRIDGE LEGISLATION

Mr. GARRETT of Tennessee. Mr. Speaker, to-day is unanimous-consent day and there are a number of bridge bills on the calendar. The gentleman from Missouri [Mr. COCHRAN] has some remarks which will apply to practically all of these bills, I think, and I believe it would be in the interest of the expedition of the public business if the gentleman be permitted to address the House at this time, and I ask unanimous consent that the gentleman from Missouri may proceed for 15 minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from Missouri may proceed for 15 minutes. Is there objection?

Mr. TILSON. Mr. Speaker, I shall not object, but I should like to request that the gentleman from Illinois [Mr. DENISON], the member of the Committee on Interstate and Foreign Commerce, who has charge of bridge bills, may have 15 minutes in which to explain the same subject on which the gentleman from Missouri is to speak.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that following the address of the gentleman from Missouri the gentleman from Illinois [Mr. DENISON] may be permitted to proceed for 15 minutes on the same subject. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, ladies and gentlemen of the House, I request that I be not interrupted until I have completed my statement, as I shall decline to yield.

Mr. Speaker, at the outset I desire to make it plain to the membership of the House as well as all others interested that I am one who looks upon every man as being honest until proven otherwise. The mere wagging of tongues is not sufficient to make me condemn a man.

On Friday, before the House adjourned, I called the attention of Members present to editorials published in the St. Louis Post-Dispatch and St. Louis Star under date of January 28. One editorial conveyed information that holding companies for public utilities were not under the control of either the Missouri Public Utilities Commission or the department administering our blue sky law. I also stated at the time that unless I was convinced by to-day that the people of my city were protected from the sale of securities issued in connection with projects to build toll bridges I would object to a unanimous consent for consideration of bridge bills where the right to construct, and so forth, is vested in an individual or corporation.

Only last summer several constituents of mine came to my office and asked my advice in reference to some bonds they had purchased of a corporation in an Ohio city. This corporation announced its intentions of constructing apartment houses, and the bonds were to pay 7 or 8 per cent interest. The corporation had been put in the hands of a receiver, and the court had issued an order that all bondholders turn over to the receiver within a certain time their bonds and stock to a new holding company, which would issue bonds in lieu thereof. I communicated with the county clerk, secured a copy of the order and other information, and I am convinced, as the assets of the company are vacant lots, $35,000 was lost by my constituents.

The people of St. Louis to-day buy bonds for projects, including bridges, all over the United States. I am interested in the purchasers of such securities, especially in bridge bonds. The gentleman from Illinois [Mr. DENISON] discussed this matter with me Saturday, going over the blue sky law of my State, and he was of the opinion that the people of my State were protected under this law. He also explained to me when a public utility is not a public utility, and that is when it is a toll bridge, unless by an act of the legislature it is specifically declared to be a public utility. He had about convinced me that if our State officials administered the law the people of Missouri could not suffer from inflation. I sent several telegrams to Missouri, and just before coming to the House received a message which convinces me that the issue of bonds and other securities in connection with bridge projects in my State are not all under the supervision of the officials administering the blue sky law. The gentleman who furnishes me with this information is a man of the highest character, and I will read what he says. He is referring to a bridge project in Missouri.

I might say I know personally the gentleman who received the consent of Congress to construct this bridge. They are all men of the highest character and they are not promoters. They are engineers and contractors and have been in business for many, many years.

The bond issue was not subject to approval of any State but was sold through Byllesby Co., of Chicago, who passed on costs and other matters through their engineers. Byllesby listed bonds on Chicago Stock Exchange, which also had its requirements before listing is permitted. I believe most State blue sky laws do not require direct application where stock or bond issue is listed on licensed exchange. Understand Byllesby recently announced they would not handle any more bridge issues, and I am requesting a friend to have them communicate with you. The opinion here is that you have touched on a very big question, and you are right in saying there are possibilities of serious losses. The only protection now seems to be the responsibility of the investment house putting out the issue.

Mr. Speaker, I do not want to object to legislation in which so many Members are interested, but I am not convinced that the people of the country have sufficient protection, and therefore I will offer an amendment along the line I suggested in my speech of Friday.

The amendment I suggested is as follows:

At the close of section 7 insert the following: *"Provided,* That bonds or other securities issued against, or based on, the construction and revenues of said bridge and approaches shall not exceed the actual cost of such construction and operation, economically made, plus a maximum of 10 per cent thereto; and it shall be the duty of the Secretary of War, prior to the issue of any such bonds or other securities, to determine the total thereof which may thus be issued."

Mr. Speaker, I am not in favor of leaving this question entirely to the States. If the Congress has the right, which it unquestionably has, to grant consent for the construction of a bridge, it likewise has the right not only to limit the cost of such structure but also to limit the amount of securities that might be issued. The bridge can not be constructed until the Secretary of War approves the plans and specifications.

The bills now provide that sworn statements in reference to cost of construction, and so forth, shall be filed with the Secretary of War within 90 days after completion, and that the Secretary of War, if requested within a given period, shall determine the actual cost thereof and that the findings of the Secretary shall be conclusive for the purposes mentioned in section 4, which refers to the purchase of the bridge. The section protects the city, county, or State which might desire to acquire

the property, but where does the purchaser of the securities come in? If bonds or other securities in excess of that amount have been issued, the public—your constituents and mine, the purchasers of these securities—is the loser, as is generally the case.

My amendment will not only further protect the cities, counties, and States but it will also protect the general public from inflation. If the bridge does not result in a paying proposition, that is entirely another matter. It is up to the public before purchasing securities to investigate, and if the people put their money in a nonpaying proposition, we can not be blamed.

We have a responsibility as well as the State officials, because it is the Congress that makes the project possible.

Bonds and other securities for the building of bridges can unquestionably be placed under control of the Government, and such action would be a check on the officials of the various States who administer the blue sky laws.

I simply ask that the Congress grant all the protection it possibly can to the purchaser of the securities issued in connection with a project it sanctions.

Surely, no honest promoter should object to a 10 per cent profit over the actual investment. If he does, he is not entitled to the consent of Congress to construct a bridge.

Your constituents and mine have the right to hold us responsible in the event such securities as I have mentioned are found to be inflated.

In conclusion I simply want to suggest that when the bridge bills are considered to-day they be separated. I will not offer my amendment where the right is vested in a city, county, or any agency of a State.

Mr. HASTINGS. Will the gentleman yield?

Mr. COCHRAN of Missouri. Yes.

Mr. HASTINGS. I understood the gentleman to give one illustration of a corporation that built apartment houses. Where bridges have been built can the gentleman give instances in which people have been imposed upon, as suggested in the gentleman's remarks?

Mr. COCHRAN of Missouri. I am not in the habit of repeating any hearsay information I receive. I have no direct knowledge that I would be warranted in calling to the gentleman's attention. Before I would call a matter of that kind to the gentleman's attention I would want positive knowledge.

Mr. HASTINGS. I do not ask the gentleman to give the names of the particular bridges, but I thought the gentleman would have some information where this legislation had been greatly abused in a great number of cases and, therefore, the necessity of some sort of an amendment as suggested by the gentleman.

Mr. COCHRAN of Missouri. I admit I have information, but I will not repeat it on the floor, because I do not want to cast any reflection on any gentlemen, where I am not absolutely positive abuses have occurred.

Mr. HASTINGS. Is the gentleman willing to state that this kind of legislation has resulted in a great many abuses or is it confined to one or two particular cases?

Mr. COCHRAN of Missouri. The possibility of abuses is apparent.

Mr. HASTINGS. I am not talking about the possibilities.

Mr. COCHRAN of Missouri. And that is what I am trying to guard against. I want to close the doors of the stable before the horse is gone.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. COCHRAN of Missouri. Yes.

Mr. VINSON of Kentucky. Does the amendment which the gentleman has suggested include bridges that are wholly within a State?

Mr. COCHRAN of Missouri. It includes any bridge, whether it be within a State or whether it connects two States, if the consent of Congress is given to an individual or a corporation other than a railroad, because I understand a railroad bridge is under the control of the Interstate Commerce Commission, and I am satisfied with that.

Mr. DENISON. Mr. Speaker, I think I can make a short statement that will clear up the question raised by the gentleman from Missouri [Mr. COCHRAN]. The gentleman from Missouri is entirely mistaken in his attitude, and while I recognize, of course, the perfect right of every Member of the House to raise an objection to any bill on the Consent Calendar, and never criticize anybody for doing so if he has a good reason for it, yet I hope my friend from Missouri will not persist in his attitude. These bridge bills are of great importance to the communities in which they are to be built, and to the Members of Congress who introduce them, and unless a Member has a valid and a forceful reason I do not think he ought to insist upon an objection to their consideration.

Let me state briefly what we do in connection with these bills. I am speaking now of bills authorizing private companies or individuals to build bridges over navigable waters. In the first place, we see to it in the forms we have prepared that the interests of the Government are protected, so far as navigation is concerned. Then we have also provided for the protection of the public that use the bridge by providing the right of recapture in case the public wants to take the bridge over for the purpose of operating it as a free bridge.

We provide that the builder has to make a sworn itemized statement of the costs, after he has completed the bridge, and file it with the Secretary of War and with the highway department of the State in which the bridge is located. Then we authorize the Secretary of War to make an investigation of that statement and of the costs of the bridge, if he wishes to do so; and we provide that he shall do so if the highway department of the State in which it is located asks him to do so. He is authorized to make this investigation of the cost and to find the actual cost of the bridge.

Not only this, but we authorize the Secretary of War to find what is the reasonable cost or the value of the bridge, and without regard to what the parties spend; it is the reasonable value of the bridge that determines its value for recapture purposes. So that there is no possibility of any person who may be disposed to be dishonest and improperly pad their statement of costs to do so, because it is all subject to investigation; and however they might pad the statement we authorize the fixing of a reasonable value and we authorize the State to take over the bridge upon that basis at any time in accordance with the terms specified in the law.

My friend the gentleman from Missouri [Mr. COCHRAN], because some of his friends have lost money in buying bonds on some apartment house in some part of the country, now proposes to offer an amendment to these bridge bills. For what purpose? To protect the persons who may buy stocks or bonds in a bridge from dishonest transactions. In other words, he wants us to modify these bridge bills so as to make each one of them a blue sky bill at the same time.

Gentlemen, we can not do this. In the first place, the regulation of these matters within the States is a matter for the States themselves and every State of the Union, except two, has enacted what is called a blue sky law or a fraudulent securities law. The State of Missouri has one of the very best laws of this kind. The State of Illinois has a good one, as well as Kentucky, Arkansas, Pennsylvania, and other States. They have enacted blue sky laws, or fraudulent securities laws to protect their people against the sale of fraudulent stocks and securities.

The State of Missouri has a blue sky law which provides in section 3, which I want to quote, as follows:

> No person, either acting personally or through an agent, or as the agent of another, shall, on or after the date when this act goes into effect, sell any security to any person in the State of Missouri contrary to the provisions of this act.

Now, section 7 of the act provides:

> No security not exempted under any of the provisions of section 4, unless sold in any transaction exempt under the provisions of section 5, shall be sold to any person within the State of Missouri unless and until the issue of securities, of which such security to be so sold is a part, shall have been recorded in the register of qualified securities, as hereinafter provided.

So that any person offering any kind of security, that is not exempt under the law, for sale in the State of Missouri must go to the State officials and have it registered, submit to an examination, have an inquiry made as to its good faith and as to the amount of money that has been put into it, and have it thoroughly and carefully qualified before it can be sold, and if they sell it without doing this they are liable to be sent to the penitentiary.

Bridge bonds or bridge stock is not exempted under the laws of the State of Missouri. The bonds or securities of public utilities are exempted under the law of the State of Missouri just as they are in most other States that have blue sky laws. Why? Because if it is a public utility it is regulated by the public utility commission of the State; that commission regulates the issuance of such securities and therefore, in order to avoid duplication of services, the blue sky law exempts the securities of public utilities. But if it is not a public utility, and therefore not regulated by the public utility commission of the State, it is subject to the blue sky law of the State and the people are protected. So that the constituents of my friend from Missouri are fully protected against any fraudulent sale of stock or bonds in Missouri on bridges built in that State.

Mr. BANKHEAD. Will the gentleman yield for a brief question?

Mr. DENISON. Yes.

Mr. BANKHEAD. I assume from the gentleman's argument that a bridge is not classed as a public utility?

Mr. DENISON. It is not. It is in some States; for instance, in Pennsylvania, but in that State where it is so classified it is regulated as a public utility, just like a telephone company, gas company, or an intrastate railroad, and its securities are subject to regulation by that commission.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. COCHRAN of Missouri. In reference to the statement made just a moment ago with regard to public utilities, that is exactly what caused me to investigate this matter. The editorial to which I have referred stated that the officials of the Public Utilities Commission of Missouri and the officials who administer the blue sky law had said that they have no control over a holding company for a public utility.

Now, would the holding company be the company that would handle the bonds? Further, I will say to the gentleman the information I read to the House concerning the issue of bonds in connection with a project comes directly from one of the men to whom you granted the consent of Congress to build the bridge. That proves to me beyond a doubt that the State of Missouri, if it has the power, is not doing what it should do in reference to the bonds.

Mr. DENISON. I think I know what the gentleman means. I do not know anything about the particular case, but I understand what he is trying to get at. While I stated that practically every State has a good blue sky law sufficient to protect its own people from the sale of fraudulent securities, the Federal Government has never yet enacted a national blue sky law. Therefore there is no law to prevent the sending through the mails from one State to another of fraudulent securities for sale. That is one instance where we can not have exact justice, because there is no Federal securities law. I have had a bill pending in Congress for five years to provide such a law. It passed the House once, but did not get through the Senate.

I have studied that matter as much, I think, as any man in the House, and I have never heard that any money has been lost through the sale of fraudulent stocks or bonds for building bridges. There have been losses through the sale of fraudulent oil stocks, through the sale of fraudulent mining stock, through the sale of fraudulent stocks of other kinds, but I have never heard of any loss through the sale of bridge bonds. Why my friend picks out this more or less innocent form of investment and omits from his consideration other stocks and bonds I do not know.

At any rate, we can not make blue sky bills out of bridge bills. We have gone as far as we can go in a practical manner. Not only that, but neither the Chief of Engineers or the Secretary of War have any facilities for the examination of stocks and bonds issued for building bridges all over the United States. If we should confer that authority on the Secretary of War, we would have to increase his clerical and official force several hundred, and we would have to grant jurisdiction to the War Department over such securities, which his department has no business with. Until we can get to the point where Congress is willing to pass a national blue sky law we will have to depend on the States to protect the people from fraudulent bridge bonds, if any such should ever be offered for sale.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. DENISON. I will.

Mr. COCHRAN of Missouri. I concede everything the gentleman has said in reference to the manner in which the committee protects the cities, counties, and States, but I think the gentleman is inconsistent. He says that if we confer this authority on the Secretary of War, he has no method of examining stocks and bonds. I am not asking that. You tell the Secretary of War that he must, after the completion of the bridge, if the request is made, put a reasonable value on the project. If you are going to compel the Secretary of War to do that after the bridge is completed, would it not be just as easy to compel the Secretary of War to do it before the drafting of the plans and specifications?

Mr. DENISON. He has no facilities for exercising that power; he has no such jurisdiction. He says that it is a matter about which they have no information; that they have no facilities for examining stocks and bonds with a view to protecting the public. That is a matter that the States must attend to.

Mr. LOZIER. Will the gentleman yield?

Mr. DENISON. I will.

Mr. LOZIER. Is it not true that under the stereotyped form of bridge bills the interest of the investing public is protected when the Secretary of War makes an affirmative finding as to the cost of the structure? When the bond issue is floated has not the investor an opportunity of ascertaining from the War Department the cost of the bridge—not only the actual cost as reported by the projectors of the bridge, but the making of the affirmative finding of the costs? Has not the investor access to that information?

Mr. DENISON. We have gone as far as we can practically go in protecting the public, and the bridge bill forms as now used will protect the public.

Mr. COCHRAN of Missouri. I will ask the gentleman what good would it be to the investor to find out after the bridge is completed the bond issue has been inflated? Here is a bridge that cost a million dollars, and securities are issued for a million and a half. After the bridge is built they call on the Secretary of War to determine the value, and the Secretary determines that $1,000,000 is a fair value for the bridge. Securities are issued for a million and a half—who is going to pay the inflated half million dollars?

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for three minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. DENISON. Mr. Speaker, I want to point out, if I can, the unfortunate situation in which my friend from Missouri [Mr. COCHRAN] is involved. He has picked out one form of investment, and he asks Congress in these bridge bills to protect the public, and let all other forms of investment go. I have not heard him undertaking to protect the public against other forms of investment, and there are thousands of different forms of investment. He comes here and wants to stop the progress of bridge building, as far as he can do it, because he fancies that possibly somewhere somebody may lose some money in investing in bridge securities. It seems to me that his position is entirely untenable, and I hope the gentleman will not place himself in that attitude.

If my friend from Missouri will join with me and help me get a Federal blue sky bill through Congress that will prevent the sale, through the avenues of interstate commerce, of any fraudulent securities, he will render the public a valuable service, not only in his State and in his city, but in the entire Nation.

Mr. COCHRAN of Missouri. If the gentleman will read my speech of last Friday, he will see that I did say that I would join him in such an effort.

Mr. DENISON. Until we do that, I think the gentleman is making a mistake in standing in the way of progress and preventing or delaying the construction of bridges.

Mr. VINSON of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. VINSON of Kentucky. I suggest to the gentleman that the recapture clause in these bills will not only minimize but probably eliminate the issue of a large amount of watered stock, because under the recapture clause when a State or a county or a municipality takes over the bridge, an investor is not going to put his money into a bridge in which the aggregate amount of security is largely in excess of the actual cost of construction.

Mr. DENISON. Certainly not, if he is intelligent; and we must assume that the average man has average intelligence, and he is not going to put his money into that kind of investment if the bridge is built under the terms we now require.

Mr. COMBS. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. COMBS. I believe that the assumption of my colleague from Missouri [Mr. COCHRAN] is that the blue-sky commissions have no jurisdiction over a holding company.

Mr. DENISON. In that, of course, he is wrong.

Mr. COMBS. It may be that they have no jurisdiction over the activities of holding companies in other States; but if those securities are offered for sale in other States, they must comply with the requirements of the finance commission in order to qualify for sale in those States, and likewise, a holding company organized in another State, offering these securities in the State of Missouri, must get the securities qualified under our laws before they are exempt from the operation of this particular act.

Mr. DENISON. That is true.

Mr. COMBS. In other words, we are protected.

Mr. DENISON. You are fully protected. The statement that stocks or securities of holding companies are exempted is entirely misleading. They are not exempted unless the securities they hold, and against which they are issuing their bonds,

are either exempted under the law or are qualified under the law.

Let me make this final statement. I have made a study of the blue sky laws of every State, and every State has such a law except the States of Delaware and Nevada, I believe. These laws go a long way toward protecting the citizens against the sale of fraudulent securities. I am one of those who believe that we ought to leave such matters to the States to protect their own citizens. If they do not protect their own citizens, that is their fault and it is not the fault of the Federal Government. I do think that we ought to go as far as we can and help the States enforce their laws; but when we undertake to pass an interstate fraudulent security law we ought to apply it to all kinds of securities. We can not do any good by attaching an amendment to a bridge bill.

Mr. MOORE of Virginia. Does not the gentleman think, if we are going to adopt a policy of that sort, that we ought to include all sorts of securities, including securities based on foreign loans as well as securities based on the present tremendously desirable work of constructing bridges in this country?

Mr. DENISON. Yes; the gentleman from Virginia is right about that.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask the particular attention of my friend from Missouri [Mr. COCHRAN] to a suggestion that I wish to offer. Some of these bridge bills are in the nature of emergency measures and should be passed at once if at all. The gentleman from Missouri has his idea upon this subject, and he is to be commended for his desire to protect the public interest. I do not agree with him that the serious situation is presented as regards bridge bonds that he thinks is presented; but, however that may be, I am wondering if the gentleman will not, when we reach these bills, be willing to let them be considered and offer his amendment and let the House pass upon that amendment. It seems to me that the gentleman might very well consider doing that.

Mr. COCHRAN of Missouri. Mr. Speaker, I would be perfectly willing to offer my amendment, and I suggest to the gentleman from Illinois [Mr. DENISON] that he call up one of the bills, and if that is voted down in the House, I shall then offer a motion to recommit and endeavor to get a vote of the House upon the question. With that I shall be satisfied. I am still convinced that the gentleman from Illinois [Mr. DENISON] has not covered my point, and that is that you provide protection for the city, county, and State after the bridge is built when it comes to the question of purchase, but you provide no protection for the man who makes it possible to build that bridge by buying the bonds of the promoters. I am perfectly willing to offer the amendment, but I will insist on a record vote and I will be entitled to that unless a quorum is present.

Mr. GARRETT of Tennessee. If the gentleman will permit, I suggest that he can do it on the first bill. If the gentleman will permit it to be considered in the regular way, of course he will have an opportunity to offer a motion to recommit.

The SPEAKER. The Clerk will call the Consent Calendar.

TRANSFER OF THE OKANOGAN PROJECT, WASHINGTON

The first business on the Consent Calendar was the bill (S. 1661) to authorize the Secretary of the Interior to transfer the Okanogan project, in the State of Washington, to the Okanogan irrigation district upon payment of charges stated.

The title of the bill was read.

The SPEAKER. This bill requires three objections.

Mr. CRAMTON. I object.

Mr. BLANTON. I object.

Mr. LAGUARDIA. I object.

The SPEAKER. Three objections. The Clerk will call the next bill.

ABANDONED MILITARY RESERVATIONS IN ALASKA

The next business on the Consent Calendar was the bill (H. R. 9031) to provide further for the disposal of abandoned military reservations in the Territory of Alaska, including Signal Corps stations and rights of way.

The title of the bill was read.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. LAGUARDIA. I object.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. The gentleman from Oregon asks unanimous consent that this bill be passed over without prejudice.

Mr. CHINDBLOM. Mr. Speaker, reserving the right to object—and I shall not object in this particular case—but I want to refer to the situation in regard to these cases which are passed over without prejudice. The first bill presented a question relating to that matter. It seems to me that passing over a bill without prejudice can only be done and should only be done in a case like the one pending, where the request is made before objection has been made to the consideration of the bill. After objection is made to the consideration of the bill it seems to me the rule operates to take the bill off the calendar.

Mr. LAGUARDIA. It is customary, when objection is made and a gentleman is asked to withdraw his objection, and he withdraws his objection, to pass over the bill without prejudice, but if that should occur after objection is made that will take place.

Mr. CHINDBLOM. If the objecting Member states that he does not object to the request, that it be passed over without prejudice it might be all right; but that can not be the case when the order is changed when the objecting Member is absent.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. LAGUARDIA. I withdraw my objection.

The SPEAKER. The objection is withdrawn. The Clerk will call the next bill.

JURISDICTION OVER OIL AND GAS LEASES

The next business on the Consent Calendar was the bill (S. 1959) to transfer to the Secretary of the Navy jurisdiction over oil and gas leases issued by the Secretary of the Interior on lands in naval petroleum reserves.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Last week I objected to this bill on the ground that several Members were in doubt as to the purport of this bill. I think the purpose is this: To transfer the supervision of the oil and gas lands from the Interior Department to the Navy Department, and that leaves the matter in status quo.

Mr. BLANTON. Mr. Speaker, reserving the right to object, the gentleman from New York knows that with respect to a not very far away Secretary of the Navy the Senate of the United States found that he had been guilty of reprehensible conduct concerning naval oil leases and asked that the President dismiss him. The President did not dismiss him, but he resigned. I doubt the advisability of placing this responsibility there in the Navy Department.

Mr. LAGUARDIA. I have conferred with Senator WALSH in the other body, and he advised putting the responsibility there.

Mr. BLANTON. Well, the Senate, including Senator WALSH, condemned this former Secretary of the Navy for handling just such oil-lease business. I object, Mr. Speaker.

The SPEAKER. Objection is heard. The Clerk will call the next bill.

HOSPITAL AT DAYTON SOLDIERS' HOME

The next business on the Consent Calendar was the bill (H. R. 132) authorizing the erection of a sanitary fireproof hospital at the National Home for Disabled Volunteer Soldiers at Dayton, Ohio.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this is a bill that proposes an expenditure of a million and a half dollars, and there is no report presented to us from any agency of the Government having responsibility in connection with this proposed expenditure. There is nothing here showing that it has ever been brought to the attention of the Budget, or whether or not it is in harmony with the President's financial program. Of course, a hospital is for a purpose that causes us all to sympathize with the expenditure. If the hospital is needed to the extent that the committee report suggests, there should be no difficulty in finding some branch of the Government that would certify to that effect, and I have no reason to believe that there would be difficulty in getting the President, through the Budget Office, to approve of such expenditures. But until that is done it would seem the bill might rest.

Mr. LAGUARDIA. Is not this recommended by the Board of Managers? I understand that hearings were held at that time.

Mr. CRAMTON. At any rate, we ought to have a statement from the board that is responsible for that work.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLANTON. I understand the gentleman's position is that if such a hospital is needed he is perfectly willing to allow the million and a half dollars to be expended, but until it is properly demonstrated that such a hospital is needed, and the spending of the $1,500,000 is properly safeguarded, he does not want this bill to come up and be passed in a quarter of a minute. That is the gentleman's position, is it not?

Mr. CRAMTON. The gentleman has stated it correctly.

Mr. BLANTON. That was my position exactly the other day, and yet many papers in the State of Texas reported that I was against a veterans' hospital, when such was not the case.

Mr. ROY G. FITZGERALD. Mr. Speaker, I have continually protested during the seven years that I have been a Member of Congress against the little attention that the Congress has paid to the needs of the National Home for Disabled Volunteer Soldiers.

These homes were put under the control of a board of managers, to be selected by the Congress, at a time when Congress was on the outs with the President of the United States and would not trust him. This is one of the few agencies of our administrative system that is not under the control of the President or some branch of our regular administrative system. Responsibilities were assumed by Congress, but Congress will pay little attention to matters connected with the soldiers' homes. I could not even get Congress to elect the successors of men on that board whose terms had expired for years. I could not get this House to authorize the publication of the reports of the Board of Managers of the Soldiers' Homes, and that has not been done until within the last year or two.

I want to say to this House that the Member from North Carolina and myself inspected this hospital several years ago. We found it to be a fire trap built in 1868, that several hundred helpless men were confined to beds in the hospital, and that 700 major operations were performed in that hospital in a year. Then we brought the inspectors of the fire department and the State inspectors there to find out what the real condition of that hospital was, and they found it a fire trap. That was the reason for the introduction of this bill at the request of the Board of Managers and undoubtedly with knowledge of the President and Director of the Budget.

Mr. CRAMTON. My colleague from Michigan [Mr. JAMES] has shown me letters which indicate the approval of this bill by the Board of Managers. The House was entitled to that information in the report so that we would all have that information. I am willing to accept the showing my colleague has made so far as that part is concerned, but I would like to ask the gentleman from Ohio as to whether he has ever brought this matter to the attention of the Budget Office to learn whether this is in harmony with the President's financial program.

Mr. ROY G. FITZGERALD. It does not make any difference to me whether or not the President or Budget Bureau wants to murder these men in these hospitals or not. I take it for granted it is, for it must be in harmony with any sound financial program. This House has passed this bill twice before.

Mr. CRAMTON. Nothing I have said justifies any outburst. No one assumes the President does want to murder anybody, because I am assuming that if this is needed the gentleman will have no trouble in getting his approval of it, but until that is done, I object.

Mr. JAMES. Will the gentleman yield?

Mr. CRAMTON. I yield to my colleague.

Mr. JAMES. My colleague asks why this letter was not included in the report. The reason for that was that the letter was not written at the time the report was made. During the Christmas vacation I went out and saw this hospital myself. I saw the conditions, and then I had the president of the board write me a letter, and I talked with the president of the board about it to-day.

Mr. CRAMTON. I accept that part of it entirely, and I assume the President and the Budget Office would be entirely agreeable to this if they ever had a chance to consider it. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice in order that it may be submitted to the Budget Office and come up at the next meeting.

Mr. BLANTON. Before the gentleman makes that request, I want to ask the gentleman from Michigan a question, if he will permit. Did not the Military Affairs Committee have its day on Calendar Wednesday?

Mr. JAMES. No.

Mr. BLANTON. Well, it has two days, has it not?

Mr. JAMES. In the future; yes.

Mr. BLANTON. It will have its two days now before very long. Why could it not take up this bill in an orderly manner—this million and a half dollar bill—on one of its two Calendar Wednesday days and pass it in about an hour?

Mr. JAMES. This bill passed the House at the last Congress by unanimous consent, but died in the Senate because of the filibuster.

Mr. BEGG. Mr. Speaker, I would like to reserve the right to object in order to make an observation with reference to this national military home. My colleague from Dayton has stated the conditions exactly. Because the institution is under congressional management instead of the executive, naturally they are not in a position to make recommendations. All of us who have visited that home and then visited the rest of the homes or hospitals can not come away without believing that certainly some improvement is needed at this particular home.

Mr. CRAMTON. Will the gentleman yield?

Mr. BEGG. In just one minute; and then I will be glad to yield. I regret very much that this can not be passed. There may never be a fire at this home, but if a fire should occur there every one of us would regret it to our last day. I would like to see it get through the House. It may be a little difficult to get it through the Senate; I do not know; but if we can get it through the House there is the chance that it would get through the Senate. What is being asked here is only in line with everything we have done for the soldiers.

Mr. CRAMTON. The gentleman knows if we are going to have a Budget system that amounts to anything items of one million and a half dollars can not be rushed through here without the Budget having a chance to express itself with reference to them.

Mr. BEGG. I grant that, and I very seldom try to break down the Budget recommendations, although I have once or twice successfully; but no single individual office like the Budget Office can have first-hand information about every little detail there is in the country like a hospital, particularly when we have arrogated to ourselves the right to run such hospitals.

Mr. CRAMTON. I will say to the gentleman from Ohio I am not one to always follow absolutely the recommendations of the Budget, but I think it is necessary to give the Budget a chance to present to Congress its views, and in this case there has been no attempt, apparently, to get an expression from the Budget, an expression that the gentleman from Ohio [Mr. ROY G. FITZGERALD] could have gotten in two days' time if he asked for it, I assume.

Mr. BEGG. I can not speak for my colleague as to why he did or why he did not do anything of that kind. The only thing I can speak about from first-hand information is that having visited this hospital I know it is a fire trap and there will be a calamity if a fire occurs there. That is all I know. I know that to be true.

Mr. BLANTON. Will the gentleman from Ohio yield?

Mr. BEGG. Gladly.

Mr. BLANTON. There is no disposition that I have observed upon the part of any Member here on the floor to prevent a proper hospital from being built, but this bill comes from the Committee on Military Affairs.

Mr. BEGG. And they have O. K'd it.

Mr. BLANTON. That committee will have two days on the calendar and their time is coming pretty soon. That committee could pass this bill in an hour on one of those days.

Mr. BEGG. My answer to the gentleman is that the Military Affairs Committee has plenty to do on those two days and there is not anything inconsistent with the action of this House in the past in doing this by unanimous consent.

Mr. BLANTON. They have nothing more important or more urgent than the building of proper hospital facilities.

Mr. BEGG. They have plenty of other things just as important to consume the time they have here.

Mr. BULWINKLE. Will the gentleman from Ohio yield?

Mr. BEGG. Gladly.

Mr. BULWINKLE. Mr. Speaker, I want to say that some years ago the gentleman from Ohio [Mr. ROY G. FITZGERALD] and I visited this hospital. It is a burning shame and an everlasting disgrace that you would put veterans of the Civil War and veterans of the Spanish War in a building that you know is a fire trap. The building where they handle their surgical cases is a four-story building, and it should either be demolished and the hospital moved somewhere else or if you are going to keep it you should put a building there where these men will be safe. [Applause.]

Mr. BEGG. I thank the gentleman. That is what every man will say who goes there and sees this building.

Mr. RANKIN. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. RANKIN. I want to say to the gentleman from Ohio that this very proposition is up now in the pending hospital bill before the Veterans' Committee. There has been a move-

ment on foot to have the Veterans' Bureau take over these soldiers' homes. Up to the present time that provision has been kept out of the bill by the members on the committee from the Southern States, but the Director of the Veterans' Bureau submitted statistics a few days ago that showed that by 1939 the Civil War inmates of these homes will all have passed away and that sooner or later it will be necessary for the Veterans' Bureau to take the homes over. I have not discussed this matter privately with the chairman of the subcommittee before whom these hearings are being held, but my opinion is that a majority of the members of the Veterans' Committee, and especially of the majority party on the Veterans' Committee, are going to favor turning these homes over to the Veterans' Bureau.

Mr. BEGG. Will the gentleman permit an interruption right there?

Mr. RANKIN. Yes.

Mr. BEGG. Granted that is so, the passage of this bill would not interfere with their ultimately being taken over.

Mr. RANKIN. I understand that, and I am just wondering whether or not the passage of this bill at this time would interfere with the bureau's program of construction?

Mr. BEGG. Not in the least.

Mr. RANKIN. The program is now being worked out by the Veterans' Bureau, and I want to know whether or not the gentleman in charge of this bill has discussed this matter with the Director of the Veterans' Bureau or with those in charge of that legislation?

Mr. BEGG. Let me comment on the gentleman's statement. Suppose the Veterans' Bureau building program did not include a new hospital at the Dayton Soldiers' Home. Let us assume that for the sake of the argument. You would not for a single moment sanction keeping until 1939 several hundred veterans of the Civil War and the Spanish-American War in a building that everybody who visits it will concede is a fire trap?

Mr. BLANTON. Will the gentleman permit an interruption right on that point?

Mr. RANKIN. Yes.

Mr. BLANTON. Why this sudden uneasiness about this matter?

Mr. BEGG. It is not at all sudden.

Mr. BLANTON. For years I have been going by this Soldiers' Home in Dayton, and they seemed to be getting along fine.

Mr. BEGG. We have been after this for at least a couple of years.

Mr. BLANTON. They have not had a fire there yet.

Mr. BEGG. That is true, and we may not have a fire there for 20 years.

Mr. BLANTON. Everything has been going along there smoothly for 15 or 20 years. Why this sudden uneasiness about it?

Mr. BEGG. We may not have one for years, or we may have one there to-morrow night.

Mr. BLANTON. And likewise this Capitol may then have one.

Mr. RANKIN. Let me say to the gentleman from Ohio that if this program goes through for the Veterans' Bureau to take over these soldiers' homes, and they find it is not necessary to rebuild the home at this place, other provisions will be made.

Mr. BEGG. You can not do that. The old Civil War soldiers or the Spanish-American soldiers can not be moved away from Dayton by the Veterans' Bureau or by anybody else. You can not do that.

Mr. BULWINKLE. The gentleman knows that any construction at Dayton is not connected with the Veterans' Bureau, but if he were to take it over he would come here with the same proposition, because he could not discard the whole outfit and have a safe surgical hospital.

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent that this bill may be passed over for a half hour and called up again as soon as the gentleman from Michigan [Mr. CRAMTON] may confer with the Budget commissioner.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the bill be passed over for half an hour. Is there objection?

There was no objection.

PERSONAL PHYSICIAN TO THE PRESIDENT

The next business on the Consent Calendar was the bill (H. R. 5658) allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President.

The Clerk read the title of the bill.

The SPEAKER. This bill takes three objections. Is there objection?

Mr. BLANTON, Mr. LAGUARDIA, and Mr. SOMERS of New York objected.

PERMANENT INTERNATIONAL ASSOCIATION OF ROAD CONGRESSES

The next business on the Consent Calendar was the House joint resolution (H. J. Res. 107) to provide that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLACK of Texas. Reserving the right to object, section 2 of the bill is not drawn in harmony with the bill submitted by the department, and is broader than the section submitted by the department, in that it contains this language, "subsistence or per diem in lieu of subsistence—notwithstanding the provisions of any other act." Of course, the purpose of that is to take these items out of the general limitations of law. If the gentleman will agree to an amendment striking out section 2 and substituting section 2, as submitted by the department, I have no objection.

Mr. LINTHICUM. I shall have no objection to that.

Mr. BLANTON. Mr. Speaker, for the present I object. I think $25,000 is entirely too large a sum.

Mr. LINTHICUM. Will the gentleman reserve his objection?

Mr. BLANTON. I will.

Mr. LINTHICUM. I have no desire, gentlemen, to take up too much time, but this is a very important bill. It is a bill to have the congress of the Permanent International Association of Road Congresses to come to the United States. Of course, the President has the power to invite the International Congress to the United States, but he has not the power to pay for the expenses of these delegates, printing, and so forth, without authorization from Congress.

Mr. BLANTON. Will the gentleman yield?

Mr. LINTHICUM. I will.

Mr. BLANTON. I doubt whether it will ever be worth a penny to the people of the United States.

Mr. LINTHICUM. I do not think the gentleman is right about that. The congress is composed of men from all over the world. The gentleman from Texas knows that the great bulk of automobiles is owned in the United States. Out of the 32,000,000 automobiles 27,000,000 are owned in the United States. If you want to create a larger market for automobiles and for road material, you will have to create it in other countries also.

Mr. BLANTON. That is the keynote of the whole proposition—it is to help get more markets for the manufacturers in this country. It is to make the Government pay for their advertising.

Mr. LAGUARDIA. I think all international congresses are a good thing.

Mr. LINTHICUM. It is the intention to bring this congress to the United States, and when it is here, after the deliberations of the convention, it is the purpose of the committee to take those interested in automobiles, road building, and other industries on a visit through the United States. It is proposed to take 300 through the country to see what we are doing.

Mr. BLANTON. Oh, they all know what we are doing, and we know what they are doing.

Mr. LOZIER. Will the gentleman yield?

Mr. LINTHICUM. I will.

Mr. LOZIER. Is it not a fact that road building in Europe is in an experimental stage, and might they not make a material contribution to the science of road building, which is a question of vital importance to the American people?

Mr. LINTHICUM. Absolutely, and I would like to give the gentleman some figures on this. The present membership comprises 45 countries, including the United States.

Mr. BLANTON. There were 40 countries represented here three years ago—was the gentleman from Maryland here?

Mr. LINTHICUM. I was. I was not only here, but I was at the one in Paris this summer at my own expense. To go on with these figures, 45 countries, 458 collective bodies, 1,370 private members, of whom 550 are life members. This is a large organization, and is the only organization in existence of this kind. I do not think the gentleman should object. This is recommended by the President and the Secretary of State and by the Budget.

Mr. BLANTON. We are having entirely too many of them, and they are costing the people too much.

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

PAN AMERICAN CONFERENCE ON HIGHWAYS

The next business on the Consent Calendar was House joint resolution (H. J. Res. 108) to provide for the expenses of participation by the United States in the Second Pan American Conference on Highways at Rio de Janeiro.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. BLANTON. Mr. Speaker, I object.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

The next business on the Consent Calendar was the bill (H. R. 70) authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object.

Mr. CRAMTON. Mr. Speaker, I reserve the right to object.

Mr. LAGUARDIA. Mr. Speaker, I find there is a direct appropriation here of $100,000. The balance is authorization. Will the gentleman from New Mexico [Mr. MORROW] state the necessity for that, if that is correct?

Mr. CRAMTON. Mr. Speaker, if the gentleman will permit, the language to which the gentleman refers does not actually make the appropriation, although it sounds very much like it. The language in lines 11, 12, 13, and part of 14, on page 2, are not at all essential. I have gone over the matter with the gentleman from New Mexico as to some amendments to the bill, and he has agreed to accept the amendment striking out the lines to which the gentleman refers.

Mr. LAGUARDIA. That is satisfactory to me, and I withdraw the objection.

Mr. MORROW. Mr. Speaker, if there is no objection, then I ask unanimous consent to substitute for this bill the Senate bill 700.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CRAMTON. Mr. Speaker, there are certain amendments I would like to see made to the bill. Most of them relate rather to the form and the verbiage than to the substance. There is at least one of importance, and that is as to the reimbursable feature, to insure the return of the entire amount expended. I have gone over the matter with the gentleman from New Mexico [Mr. MORROW], and I understand that the amendments that I have in mind are agreeable to him.

Mr. MORROW. Yes.

Mr. CRAMTON. I wonder if it would not be well to have my amendment read for the information of the House. Sometimes after the stage of objection is passed, some Members, not party to the agreement, manifest a sudden interest in the bill. I feel very keenly about the question of the one amendment to which I have referred, and I would not want to let the objection stage pass without being assured that the bill if it passes at all would contain this amendment; and in that, as I understand it, I have the entire sympathy of the gentleman from New Mexico.

Mr. MORROW. Mr. Speaker, I have no objection to the amendments being read. I only desire to substitute the Senate bill for the House bill, to be amended as the gentleman from Michigan suggests.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the amendments he proposes to offer to the bill in case consent is given may be read for the information of the House. Is there objection?

Mr. CRAMTON. Mr. Speaker, I withdraw my request at this time and will let the matter proceed in the ordinary way.

The SPEAKER. Is there objection to the present consideration of the bill.

There was no objection.

The SPEAKER. The gentleman from New Mexico asks unanimous consent to substitute Senate bill 700 for the bill now under consideration. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the Senate bill.

Mr. CRAMTON. Mr. Speaker, I offer an amendment in the nature of a substitute for the Senate bill, to strike out all after the enacting clause, which I send to the desk and ask to have read.

The SPEAKER. The Clerk will report the proposed amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON to the Senate bill: Strike out all after the enacting clause and insert in lieu thereof the following:

"*Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized to enter into an agreement with the middle Rio Grande conservancy district, a political subdivision of the State of New Mexico, providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands situated within the exterior boundaries of the said middle Rio Grande conservancy district, as provided for by plans prepared for this purpose in pursuance to an act of February 14, 1927 (44 Stat. L. p. 1098). The construction cost of such conservation, irrigation, drainage, and flood-control work apportioned to the Indian lands shall not exceed $1,593,311, and said sum, or so much thereof as may be required to pay the Indians' share of the cost of the work herein provided for, shall be payable in not less than five installments without interest, which installments shall be paid annually as work progresses: *Provided*, That should at any time it appear to the said Secretary that construction work is not being carried out in accordance with plans approved by him, he shall withhold payment of any sums that may under the agreement be due the conservancy district until such work shall have been done in accordance with the said plans: *Provided further*, That in determining the share of the cost of the works to be apportioned to the Indian lands there shall be taken into consideration only the Indian acreage benefited which shall be definitely determined by said Secretary and such acreage shall include only lands feasibly susceptible of economic irrigation and cultivation and materially benefited by this work; and in no event shall the average per acre cost for the area of Indian lands benefited exceed $67.50: *Provided further*, That all present water rights now appurtenant to the approximately 8,346 acres of irrigated pueblo lands owned individually or as pueblos under the proposed plans of the district, and all water for the domestic purposes of the Indians and for their stock shall be prior and paramount to any rights of the district or of any property holder therein, which priority so defined shall be recognized and protected in the agreement between the Secretary of the Interior and the said middle Rio Grande conservancy district, and the water rights for the newly reclaimed lands shall be recognized as equal to those of like district lands and be protected from discrimination in the division and use of water, and such water rights, old as well as new, shall not be subject to loss by nonuse or abandonment thereof so long as title to said lands shall remain in the Indians individually or as pueblos or in the United States, and such irrigated area of approximately 8,346 acres shall not be subject by the district or otherwise to any prorata share of the cost of future operation and maintenance or betterment work performed by the district. The share of the cost paid the district on behalf of the Indian lands under the agreement herein authorized, including any sum paid to the district from the funds authorized to be appropriated by the act of February 14, 1927 (44 Stat. L. p. 1098) shall be reimbursed to the United States under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided*, That such reimbursement shall be made only from leases or proceeds from the newly reclaimed pueblo lands, and there is hereby created against such newly reclaimed lands a first lien, which lien shall not be enforced during the period that the title to such lands remains in the pueblos or individual Indian ownership: *Provided further*, That said Secretary of the Interior, through the Commissioner of Indian Affairs, or his duly authorized agent, shall be recognized by said district in all matters pertaining to its operation in the same ratio that the Indian lands bear to the total area of lands within the district, and that the district books and records shall be available at all times for inspection by said representative."

The SPEAKER. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The similar House bill 70 was laid on the table.

THE PUBLIC SCHOOLS IN THE DISTRICT

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to proceed out of order for 10 minutes.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to proceed out of order for 10 minutes. Is there objection?

Mr. BLANTON. We would like to know what it is about.

Mr. SIMMONS. It is about District schools.

Mr. BLANTON. In that connection I want to reserve the right to object. I want to ask the gentleman a question in regard to the District business. We are asked to set aside our public business now to take up District business. I notice that on an appropriation bill the Senate has placed a legislative amendment that would authorize the United States Bureau of

Efficiency to spend part of its time in checking up District business. Is that done with the consent of the gentleman's committee in the House?

Mr. SIMMONS. I am not touching on the Bureau of Efficiency to-day.

Mr. BLANTON. Then I shall not interfere with the gentleman.

The SPEAKER. The gentleman from Nebraska is recognized for 10 minutes.

Mr. SIMMONS. Mr. Speaker and gentlemen of the House, for the last three years I have been a member of the subcommittee of the Committee on Appropriations handling the bill for the District of Columbia. When the bill is coming up for consideration in the committee, and prior to its coming before the House, the newspapers of Washington always carry articles about the condition of the public schools in Washington. On Saturday morning in the Washington Post there was an editorial entitled "Shameful school conditions," that makes such preposterous and absurd statements about the District schools that the subcommittee on the District bill have thought that we should discuss it briefly now rather than wait until that bill comes before the House within the next three weeks.

The parents in the District of Columbia know that the statements made in this editorial are not true. The editorial can have but one purpose, and that to induce Members of Congress who do not, and can not of necessity, study District affairs to reach a conclusion contrary to the facts and to vote contrary to the facts when the bill comes up before the House.

This statement is made in the editorial:

Thousands of children are suffering irreparable wrong by being denied the opportunity to obtain schooling. The law compels parents to send children to school. But Congress fails to provide the schools.

That statement is untrue.

I call your attention to the report of the District Commissioners to Congress, which we have before us now for the fiscal year 1927, page 18.

This report of the school officials, transmitted to Congress by the commissioners, shows that we have to-day 73,212 sittings available in the public schools. That is exclusive of the portables and rented buildings. But, including portable and rented buildings, we have to-day available 75,063 sittings, to take care of a registration of 67,899 children.

The editorial says: "Although there are 67,899 children enrolled in the public schools, there are accommodations for only one-half that number." That statement is untrue. In addition to these figures that I have just given, let me call your attention also to the fact that we are building now under the present appropriation bill in the District of Columbia—that for 1928—65 classrooms for elementary children and high schools to take care of 4,675 additional pupils. The bill that my committee is now considering has before it recommendations that we build 80 schoolrooms for elementary grades and high schools, taking care of a total of 3,450 additional pupils, or, in addition to the present sittings in the District of Columbia, Congress has authorized, or there is pending before the committee, requests for accommodations for 8,125 additional pupils.

Or with present authorizations and present Budget Bureau requests pending before the Committee on Appropriations, we will have 83,188 seats in the District of Columbia to take care of less than 68,000 registered students to-day in the District schools, or deducting portables, 80,337.

The person who wrote that editorial in the Washington Post, if he knows anything about the schools of the District of Columbia, knows that his statement is false.

Children are approaching the high-school age with their primary instruction only half completed.

And that we are running part-time classes in the District of Columbia. There are some part-time classes in the first and second grades, and in the kindergarten we have some part-time classes. We have 10 part-time classes in the schools in the third grade. But, with that exception, beginning with the third grade and running on to completion in the normal schools, there is not a child in the District of Columbia who is compelled to go part time in the schools, and there is not a child in the District of Columbia to-day that is being denied the opportunity to go to school, and there is not a child approaching high-school age without adequate primary instruction due to the failure of Congress to appropriate money for schools. They state that—

In the estimates now pending before Congress there are no items for new school sites, although they are needed in many parts of the District.

That statement is likewise untrue. If the editor of the Washington Post had read the present bill he would have known it, for the present bill carries two items for important and needed sites.

They state that "the five-year building program is $11,000,000 behind." That statement is likewise untrue. Congress authorized—not required—the expenditure of approximately $20,000,000 over five years for school buildings and grounds. We have two years of that yet to cover. Several millions will be spent during those two years for schools which must be deducted from the $11,000,000 of the $20,000,000 total. Three years have been covered out of the five with appropriations of $9,250,000. The present bill carries an additional $2,500,000.

The editorial says:

No complaint is made that the high-school accommodations are inadequate. There is room in the high schools, because a heavy proportion of the primary-school children have failed to obtain sufficient instruction to be ready for high school. These youths, robbed of their right to obtain public-school education, and having reached the age where they are ashamed to remain in classes with little children, are going out into the world poorly equipped for their life work.

That statement is not true.

Doctor Ballou, the superintendent of schools, testified before the committee last year that we had an excess of high-school accommodations, due to the fact that they had overestimated the probable needs for high-school facilities in the District of Columbia. You will find that testimony on page 594 of the hearings of last year.

Doctor Ballou came before the House committee last week and was specifically asked—after calling his attention to the fact that the present Budget carries $700,000 in the school total for the beautification of the grounds of buildings, for gymnasiums, and auditoriums—whether he would prefer that we change the use of that $700,000 and spend it for additional classrooms in the District of Columbia. He said no, that he wanted that money spent as the Budget recommended it be spent. Then we asked him, if we could find money some place else in the bill that we could divert to the schools, whether he had any recommendations as to where it should go, and he recommended that the first need in the schools to-day was not for more classrooms to be put in this bill, but that we buy a site in southwest Washington for a junior high school. That it was the most urgent item and that additional buildings were not more urgent. Regarding last year's bill he told us—and you will find this on page 509 of the hearings—that the bill—

was the most satisfactory school budget that had yet been presented to Congress.

We had before us this year the representatives of the Citizens' Advisory Council. Doctor Havenner stated:

I want to say the bill passed last year is the best bill, so far as I know, we ever had in all of my civic career.

Then Mr. Hege, speaking likewise for the Citizens' Advisory Council about the bill we are now considering, said:

Now, the school-building program we are satisfied with; you are giving us more classrooms now, this year, under this bill, than we have ever had, and that will help immensely.

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to proceed for one additional minute.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. SIMMONS. I give you this, gentlemen, because I know you men are interested in seeing that we maintain an adequate school system in the city of Washington. The editorial to which I have referred is so patently false, so maliciously false, that I deemed it my duty, on the advice of the members of my committee, to call it to the attention of the House. The "shame and disgrace" is that the schools and children of Washington should be libeled as this article libels them.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the gentleman from Nebraska have another minute, because I want to ask him a question.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLANTON. There are going to the Washington schools over 3,000 children who live in Virginia and Maryland, and who are not only furnished their tuition but their free textbooks. I notice the gentleman said we have only 68,000 children and he was providing seating arrangements for 83,000. Is he expecting to take in all the balance of the children from Virginia and Maryland who are not now going to school in the District of Columbia?

Mr. SIMMONS. There are at the present time about 2,500 children from Virginia and Maryland in the Washington schools.

If they were removed, the crowded schools, necessitating part-time classes in many instances, would be relieved; but they are not being removed and are being educated at the expense of the District of Columbia.

Mr. BLANTON. There were 3,100 last year, according to the report I have, but they may have been reduced this year to 2,500.

Mr. HOLADAY. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes on the same subject.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. LaGUARDIA. Mr. Speaker, I shall not object to the gentleman having 10 minutes, but this is the Consent Calendar and some of us have been doing a great deal of work on it. I ask the Members to take that into consideration, and if other Members ask permission to address the House I shall feel obliged to object.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOLADAY. Mr. Speaker, in line with what the gentleman from Nebraska has just said, I want to call your attention to an editorial appearing in the Washington Herald of Friday, February 3, accompanied by some pictures of school buildings here in the city of Washington. The editorial is headed:

Some pictures that prove Capital City's disgrace.

I shall only read a part of it:

Here are pictures of two schoolhouses, out on the north border of Washington, where the boundary line divides the District of Columbia from Maryland.

One picture shows a four-room, modern, up-to-date, brick, properly heated, correctly lighted school. The other shows the type of one-room frame portable structures of which 75 are in use in the District.

These one-room makeshifts are badly lighted, ill ventilated, insanitary, and heated by old-fashioned stoves near the center of the room. In cold weather the children attending such a school are toasted on one side and develop chilblains on the other.

The two buildings shown in the illustration are only a short distance apart. The two portables in the upper picture are in West Takoma Park, on the District of Columbia side of the line. The fine modern structure in the lower picture is on the Maryland side of the line.

Now, coming back to the point the gentleman from Nebraska mentioned. These editorials are misleading and tell only half of the truth. Let me call your attention to the situation. By the side of those two portables, pictured in this paper, there is to-day a 16-room modern school building.

A short distance across from that 16-room school building is the modern building in Maryland that is pictured here. [Indicating.]

Now, what is the rest of the true picture? On last Friday, the 3d day of February, there came across the line from Maryland, from the district served by this Maryland school, and entered the District of Columbia schools 245 children from Maryland, free of charge. If these 245 children were taken out of the school, then these two portables could be abolished, because the District is furnishing facilities in the 16-room building necessary to take care of all the children from the District of Columbia.

Coming to the point raised by the gentleman from Texas [Mr. BLANTON], there appeared in this morning's Post an editorial saying that Dr. Raymond A. Pearson, president of the University of Maryland, had appeared before a committee of this House and asked the Government to make provision for the payment of tuition of residents of the District of Columbia who are attending the University of Maryland without paying tuition. He said that this is unfair to the State of Maryland, because the District of Columbia and the Federal Government are not contributing to the support of his institution. I agree with his statement that it is unfair. He suggests legislation; and I have introduced this morning a bill which authorizes the District Commissioners to enter into an agreement with the State of Maryland whereby an account can be taken of children from the State of Maryland that are coming into the District of Columbia to school, balanced against the residents of the District who are going to the University of Maryland, computed on a per capita cost of operation, and the balance in whosoever favor it may be, to be paid in cash.

Mr. BLANTON. Will the gentleman yield?

Mr. HOLADAY. I yield to the gentleman.

Mr. BLANTON. My position is that the District children who go to the University of Maryland ought to pay the university, and the Maryland children who go to the District schools ought to pay the District for it.

Mr. HOLADAY. I agree with the gentleman absolutely, and that is what my bill provides.

Mr. BLANTON. Up to this year there were 3,100 children from Virginia and Maryland who were going to the Washington schools free. Of course, the number has been reduced, as the gentleman from Nebraska has said, to about 2,500 this year.

Mr. HOLADAY. There are to-day 2,582 nonresident pupils in the District of Columbia schools, of whom 57 are paying tuition.

Mr. BLANTON. And last year there were 3,100.

Mr. HOLADAY. Why 57 out of the 2,582 are paying tuition I do not know. Practically all of them come from the States of Maryland and Virginia. All of the 2,582 are from those two States, except there is 1 pupil each from California, Connecticut, Idaho, and Illinois and 2 each from New York, Pennsylvania, and West Virginia.

If the policy which I have proposed is adopted, every portable that is now in use in the city of Washington can be abolished because Congress and the District officials to-day are furnishing suitable accommodations for all of the resident pupils of the District. [Applause.]

Mr. KETCHAM. Will the gentleman yield?

Mr. HOLADAY. I yield.

Mr. KETCHAM. Is the gentleman in position to state whether or not all the portables that are listed here are to be found near the boundary lines and that their erection and use is caused by the fact that these pupils come from the outside or are the portables scattered quite generally over the city?

Mr. HOLADAY. They are not scattered quite generally. I would say that to a large extent they are along the District line, although that is not absolutely true.

Mr. KETCHAM. One further question. Would the gentleman go so far in his bill as to require the children of parents, who live outside of the District and for the most part go out there in order to have certain advantages in cheaper living, to pay tuition if their parents are employed and have their entire business here in the District?

Mr. HOLADAY. I can see no reason why there should be a different situation with reference to the District of Columbia and Maryland and Virginia than exists between Michigan and Indiana or Indiana and Illinois.

Mr. CRAMTON. Will the gentleman yield?

Mr. HOLADAY. I yield.

Mr. CRAMTON. I may say to the gentleman that I have had a bill some three years, I think, before the District Committee, to relieve the District from this unjust burden. I think my experience is likely to be the experience of the gentleman from Illinois with his bill. The chairman of that committee being from Maryland and concerned first with the interests of his district—I think I ought to break the news gently to my friend from Illinois not to expect any sudden action by the District Committee that will be adverse to the district represented by the gentleman from Maryland, Mr. ZIHLMAN. [Applause.]

Mr. BLANTON. And especially in view of the fact that the associate chairman, the gentleman from Virginia [Mr. MOORE] is likewise interested.

Mr. HOLADAY. I will say to the gentleman from Michigan I had some suspicion of that condition, but the president of the University of Maryland comes here and wants relief. I agree with him. He is right and he should have relief, but at the same time I think we are fair in saying to him, "We will pay you and you pay us and we will strike a balance and wherever a cash payment may be due, let it be paid."

Mr. KETCHAM. Will the gentleman yield again?

Mr. HOLADAY. Yes.

Mr. KETCHAM. Do I understand the gentleman would make no distinction between these young men, for instance, who have come to the age where possibly they may earn a part of their tuition and these little chaps, the children of these people who live on the outside? Their parents, for the most part, are men that are having all they can do to make ends meet now, and yet this great Government that employs them is made a party to this arrangement which the gentleman contemplates in his bill, of taxing these men the amounts necessary to pay this tuition, in addition to the expenses that are already more than they can bear. I must confess that in that regard I am with the chairman of the District Committee, and, more than that, I want to say I shall take great pleasure in joining with others in seeing that these little fellows have their chance.

Mr. HOLADAY. The question of these little fellows' having their chance is not involved.

Mr. KETCHAM. It is.

Mr. HOLADAY. The simple question is whether or not the State of Maryland, collecting its school funds, shall provide adequate school facilities or shall the District of Columbia furnish those facilities. [Applause.]

Mr. CRAMTON. Will the gentleman yield further?

Mr. KETCHAM. Yes.

Mr. CRAMTON. And whether the Government clerk who lives in the District and pays taxes for schools for his children shall, in addition, pay taxes to support schools for the children of other Government clerks who live in Maryland. [Applause.]

Mr. HOLADAY. That is the question.

Mr. KETCHAM. Will the gentleman yield?

Mr. HOLADAY. I will.

Mr. KETCHAM. Referring to the question the gentleman has just raised in responding to my colleague from Michigan, I am here to say that any resident of the District of Columbia pays such a small tax in school matters in contrast with any other municipality of comparable size that it is a matter too small to argue about.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

Mr. MORROW. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the bill recently passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. MORROW. Mr. Speaker, by my motion Senate bill 700 was substituted for House bill 70 and amended. The bill authorizes the Secretary of the Interior to execute an agreement with the middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex.

The lands now under irrigation by the Indians, due to the indifferent and ancient method of irrigation pursued for centuries by these Indians, have become water-logged, alkalied, and largely nonproductive. A modern method of drainage canals and laterals will reclaim to the Indians this land. It is contemplated that not only their present lands under cultivation will be reclaimed but an additional 15,000 acres of land for the future benefit of the Indians. This land is not irrigated at this time; it has a very low valuation, and is used only for grazing purposes at a small rental per acre. If reclaimed, it should be worth from $150 to $200 per acre, and will return a rental each year of from $7 to $10 per acre.

It is from the last-mentioned 15,000 acres of Indian land to be reclaimed that the Government will by this bill get its repayment charges for the cost of reclaiming same.

You might as well ask the question, What contention justifies this Government expenditure? Principally to meet the conservancy district in which the city of Albuquerque, the largest city of the State, having a population of 30,000, is located. In this city the Santa Fe Railroad has its largest railroad shop on its main line between Topeka, Kans., and Los Angeles, Calif. This city, in connection with four other towns, the railroad company, and the entire population, formed a conservancy district, and is proposing to bond same to carry forward the proposition of drainage, flood control, and reclamation for the valley, which land is interspersed with the Indian lands of six pueblos.

The valley adjoining Albuquerque and extending a distance of 150 miles from White Rock, on the north, to San Marcial, on the south, and from 1 to 5 miles wide, is the area needing drainage and reclaiming. All conditions are favorable for success; the soil is a sandy loam, and by properly draining same is very productive; all grains and vegetable crops of the north Temperate Zone can be grown here; cultivation was begun in this valley by the Spanish settlers more than 300 years ago, and by the Pueblo Indians for centuries back. This is not new development and cultivation, but there is a need for drainage, flood control, and reclamation to restore the fertility of the land, which has been indifferently irrigated for centuries.

All fruits common to the altitude of the locality can be grown; some 10,000 grapevines are now under production. Alfalfa can be grown to the extent of five crops per year; tobacco is raised, a new variety is now being produced here for insecticide purposes and especially used in dipping cattle and sheep, for which there is a very ready market in the southwest stock country. The plant grown here produces a very great yield per acre, and the whole plant, stalk and leaves, are used for nicotine. Four hundred acres were planted in tobacco this past year; the plant grew to a great height where protected from late frosts and permitted to develop it reached a height of 11½ feet. This tobacco culture yielded gross per acre as high as $800. The soil, due to the great silt deposit, apparently has the properties for furnishing the elements for this great production. This quality of tobacco offers wonderful opportunities for the growth of the product in this valley. The yield of nicotine from the plant is 13 per cent. The labor for the growth and care of this product is easily had in the valley; this is especially true of the Indian people, who have a knowledge of irrigation and can readily be trained to the cultivation and care of the tobacco.

This valley, due to its climatic, soil, and irrigation conditions, is destined to become one of the great agricultural and horticultural districts of the western country. The growing season in the valley is from 189 days in the northern end to 198 days in the lower end.

The previous Congress appropriated $50,000 for the survey of the Indian lands and for the preparation of plans for necessary development in conjunction with the carrying forward of this work within the district. These plans have been approved by the Secretary of the Interior.

The entire lands within the district number 210,000 acres; the area to be reclaimed and drained will be approximately 129,000 acres; the Indian land is approximately 23,000 acres, or about 18 per cent of the entire area.

Of this tract there are some 8,342 acres that the Indians cultivate at this time, and which have been cultivated for a period of years running into the centuries. The new land reclaimed will be 15,000 acres. As stated before, it is from the last-mentioned land that the Government will get its return for the money thus expended in behalf of the Indians. Climate and soil conditions are such in this valley that the land can be readily leased; there is a home market for all products that the valley will raise. The total cost of irrigating, drainage improvements, flood control, and so forth, of the whole area is estimated at $11,829,000; the Indian share is $1,593,311.

The total population is 50,000 people. Albuquerque is the largest city, but there are many smaller towns and villages, all within the district, which need this legislation in order that their work for flood control, drainage, and reclamation will go forward. The Indian population is, for the entire six pueblos which intersperse the white lands, some 3,500 people.

Albuquerque seeks to advance its development by assisting this proposed legislation, and in turn it will be assisted by said legislation. The city feels that this effort upon the part of the Government, in assisting with the Indian part of the necessary funds, will be doing a service to the middle Rio Grande Valley; in turn the Government is doing much for the future of these Indians in reclaiming and placing the lands in a position for successful cultivation.

The bill has the approval of the Government; a department survey in the field has been made; expert engineers have reported that the plan is feasible, economical, and of great benefit to the six Indian pueblos. The immediate and urgent necessity for this legislation is the fact that the district is anxious to proceed with the issuance of its bonds, and to proceed at once in carrying out the proposed plans. To do this the Indian lands within the district which will receive the benefits require the passage of this legislation. The district has spent $300,000 in surveys, testing sites for dams, and so forth, and the Government has contributed its share of $50,000. The plan proposed by the legislation if thus approved will hasten development.

In the passage of this legislation adequate protection is given to the Indians, both as to priorities and the use of water, with a limitation of costs. It also protects the Indians from losing any lands by the enforcement of any lien to the Government while title to the lands is held in Indian ownership.

The generous effort made on the part of the Government in backing the legislation ought to bring forward at a more rapid advancement a change from the primitive life that these Indians have persisted in maintaining for centuries, and will hasten the period in which they will enter into the activities of citizenship, as citizens in the full sense of the word, in the State and Nation.

CLAIMS OF POSTMASTERS

The next business on the Consent Calendar was the bill (H. R. 325) repealing existing law requiring the Postmaster General to report action taken on claims of postmasters.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, this bill seeks to repeal the law which requires the Postmaster General to report to Congress his action on claims for losses. I want to remind gentlemen of what the President said at the Press Club the other night, that the people's greatest safeguard in the world is publicity. Now, they are seeking to repeal this provision for publicity. And I am against this bill, and object to its passage.

Mr. SPROUL of Illinois. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDING SECTION 5 OF THE ACT OF MARCH 2, 1895

The next business on the Consent Calendar was the bill (H. R. 7030) to amend section 5 of the act of March 2, 1895.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. RAMSEYER. Reserving the right to object, I want to ask the gentleman if he is prepared to offer an amendment in reference to the United States Code?

Mr. KELLY. I will say that that has been provided for, and an amendment will be offered.

Mr. LAGUARDIA. Reserving the right to object, I want to point out that section 815 of title 29, United States Code, is in the act approved March 8. What reference does the gentleman propose to give?

Mr. KELLY. Title 6, section 3, is the amendment I propose to offer.

Mr. LAGUARDIA. Has the gentleman compared the section?

Mr. KELLY. Yes; it is title 6, section 3.

Mr. LAGUARDIA. I think the gentleman will find himself in conflict.

Mr. KELLY. It was compared by the gentleman from Iowa [Mr. RAMSEYER] and myself.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 5 of the act of March 2, 1895, chapter 177, is amended by the addition of the following:

"*Provided*, That the payment and acceptance of the annual premium on corporate surety bonds furnished by postal officers and employees shall be a compliance with the requirement for the renewal of such bonds within the meaning of this act."

Mr. KELLY. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 3, at the end of the line after figures "177" insert "(U. S. C. title 6, section 3.)"

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PENSIONS TO DEPUTY MARSHALS OF THE UNITED STATES DISTRICT COURTS

The next business on the Consent Calendar was the bill (H. R. 5709) granting a pension to the regularly commissioned United States deputy marshals of the United States District Court for the Western District of Arkansas, including the Indian Territory, now the State of Oklahoma, and to their widows and dependent children.

The SPEAKER pro tempore (Mr. SNELL). Is there objection?

Mr. BLANTON. Reserving the right to object, this is a new pension act, and seems to establish a bad precedent. If the gentleman from Arkansas wants to make a statement I will reserve my objection.

Mr. TILLMAN. Mr. Speaker, I hope I may have the attention of the House while I explain this bill. It appears to be a pension bill of course. The objection was made once that it should have gone to the Committee on Pensions. The reason why the bill was not sent to the Committee on Pensions was that it proposes to pension deputy marshals of the district courts. Hence it properly should have gone to the Committee on the Judiciary, where it has gone. It has been carefully considered on numerous occasions by the Judiciary Committee. There has been extensive hearings at one time. The Judiciary Committee of three separate Congresses have unanimously recommended the passage of the bill.

Mr. CRAMTON. The bill says it is to pay a pension.

Mr. TILLMAN. I grant that.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. TILLMAN. Yes.

Mr. BLANTON. None of the United States marshals and none of the deputy marshals of the United States in any State are pensioned now.

Mr. TILLMAN. Let me have a little time in that connection to explain.

Mr. BLANTON. In that connection, if we pass this bill, and if we grant a pension of $50 a month to these particular deputy marshals down in Oklahoma——

Mr. TILLMAN. And Texas.

Mr. BLANTON. Yes; and Texas—and right now, of course, I am particularly interested in what goes on in Texas——

Mr. TILLMAN. And so are we.

Mr. BLANTON. Would not that be letting the camel's nose get under the tent, and would not every one of these deputy marshals and every United States marshal hereafter come in and say, "If you grant a pension to these, do likewise unto us."

Mr. TILLMAN. If I may have just a little time to explain this.

Mr. DYER. I ask unanimous consent that the gentleman may proceed for five minutes.

The SPEAKER pro tempore (Mr. SNELL). The gentleman is recognized. This is going on by unanimous consent.

Mr. TILLMAN. Mr. Speaker, I want to explain the position of the friends of this bill and to discuss the objection raised by the gentleman from Texas [Mr. BLANTON]. Going back a little, Judge Parker, originally an Ohio man, was judge of the western district of Arkansas for a great many years, and he was judge of the biggest criminal court in the world. He had 13,000 criminal cases on his docket at one time. Judge Parker was one of the greatest judges in America. He came from Ohio and went to Missouri. He was then appointed justice of a high court in Utah for a time, and was appointed by President Grant from that post to be judge of the western district of Arkansas. At that time Judge Parker had jurisdiction over the western district of Arkansas, which included the then Indian Territory. Before my friend from Texas, Mr. BLANTON, or my friends from Oklahoma, Mr. HASTINGS, Mr. HOWARD, and Judge SWANK, grew up, that particular section was the wildest country on the face of the earth. There were more robbers, horse thieves, and murderers and bootleggers in that section of the country than any place under the sun.

Mr. CRAMTON rose.

Mr. TILLMAN. Oh, let me have just a little time, and then I shall be very glad to yield to my amiable and good-looking friend from Michigan. Judge Parker was the judge of this court, and he had a number of deputy marshals whose business it was to pacify the country and to arrest these dangerous criminals; in fact, to perform military service as much so as any soldier. At that time a woman was not safe, at that time property was not safe, at that time human life was not safe. From all of the States of the Union, practically, murderers, thieves, robbers, and the whisky men gravitated to this particular section. It was the old Indian Territory, rendezvous par excellence of the lawless. They had no churches; they had no local self-government. This able, fearless judge, whom we all revere down there, undertook to pacify this section of country. Eighty men were hanged under Judge Parker's jurisdiction. That simply shows the extent of crime prevalent in the Indian Territory. This was just after the War between the States. The military arm of the Government tried to pacify the country. It was powerless to do so. These deputy marshals were men who had come out of the Confederate and Union Armies. They were appointed deputy marshals for the purpose of pacifying that country, and they did so. Sixty-five of them were killed in this dangerous service. They worked for a mere pittance. This was a military service which they performed, and that is why I say they ought to be pensioned. There are 25 or 30 of them alive, tottering old men, poor, afflicted, old. They performed this service for almost nothing.

Mr. LOZIER. Mr. Speaker, will the gentleman yield?

Mr. TILLMAN. Yes.

Mr. LOZIER. To show the conditions that prevailed in that jurisdiction, is it not a fact that in the history of the world there is no record of where one judge sentenced more people to execution than Judge Parker did?

Mr. TILLMAN. That is true, and that is why we respect him. He was equal to a difficult occasion. He sentenced murderers, and they were executed, and that splendid country has been redeemed, and now constitutes the State of Oklahoma. Personally I have very little interest in this bill. I think there are perhaps two or three of these old, blind, decrepit marshals in my district, perhaps in my county. The bulk of them are over in Oklahoma and in Texas and in a few surrounding States.

Mr. LEHLBACH. Mr. Speaker, will the gentleman yield?

Mr. TILLMAN. Yes.

Mr. LEHLBACH. Section 2 of this bill reads as follows:

That the pension herein provided for shall be computed from the date of the commission issued by the Department of Justice upon which the application is based.

That seems to provide for a back pension.

Mr. TILLMAN. That is an error. That is to say, I drew the bill from the old one first introduced. The report says it is not to be retroactive. I shall accept an amendment to provide that this pension shall not be retroactive.

Mr. LEHLBACH. This section should be stricken out.

Mr. TILLMAN. Yes; I would be glad to offer that amendment myself. I now yield to the gentleman from Michigan.

Mr. CRAMTON. Oh, I think the occasion has passed.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. TILLMAN. Yes.

Mr. BLANTON. There are many ex-sheriffs in the gentleman's State, in Oklahoma, and in my State, who have performed similar service to that mentioned by the distinguished gentleman from Arkansas. Is he going to pension all of them because they did their duty?

Mr. TILLMAN. Now, I do not want to be unreasonable, but I want you to allow this bill to go through with the amendment suggested by the gentleman from New Jersey, which I shall offer myself. In that connection I ask to amend the bill——

The SPEAKER pro tempore. The bill is not reported yet. Is there objection to the present consideration of the bill?

Mr. HOOPER. Reserving the right to object, Mr. Speaker, I am sure that all of us sympathize with the situation that is referred to in this bill, but at the same time it furnishes a precedent entirely outside of anything to which we have been accustomed. It selects and singles out about two men, as I understand from the gentleman from Arkansas——

Mr. BLANTON. Oh, more than that.

Mr. HOOPER. Five, perhaps.

Mr. BLANTON. No; there are a bunch of them.

Mr. HOOPER. I understood the gentleman from Arkansas [Mr. TILLMAN] to say there are but two.

Mr. TILLMAN. From my county there are but two or three, but throughout the country there are more, perhaps 30.

Mr. HOOPER. They are not soldiers, although they undoubtedly performed as courageous a service as any soldier would perform. Yet they are not in a situation of such a kind as that they can be recognized as soldiers. We pension them as soldiers, but not when they are United States marshals.

Mr. HOWARD of Oklahoma. Mr. Speaker, will the gentleman withhold his reservation of the right to object? I want to make a statement.

Mr. HOOPER. Yes; I will withhold it. But, Mr. Speaker, it seems to me the precedent that would be established by the enactment of this bill would be dangerous in the extreme. It would open up the floodgates to all sorts of bills that would be introduced here, and this would be pointed to as a precedent. While I reserve the right to object at the request of the gentleman from Oklahoma and others, I shall object.

The SPEAKER pro tempore. The gentleman from Michigan reserves the right to object.

Mr. HOWARD of Oklahoma. Mr. Speaker, I think there is a misapprehension in regard to the setting of a precedent by the passing of this bill. I want to direct the attention of the House to the fact that this court was a special court. It was created by Congress for a specific purpose, and while it was located in the State of Arkansas it had no jurisdiction in that State at all.

I want to say further that this can not be regarded as a precedent, because there never has been and there never will be again a set of United States marshals working under the same conditions as these. They were the trail blazers of civilization. This court was established for the purpose of bringing civilization into that country. This judge was appointed, and when their work was done and this court dissolved these marshals went out of employment and were, as a matter of fact, special officers of the Government for a special cause during their employment.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield there?

Mr. HOWARD of Oklahoma. I will be very glad to.

Mr. CRAMTON. The precedent would consist not in the number of bills that might come in affecting United States marshals, but a precedent of passing a bill giving a pension to these United States marshals would be objectionable from the fact that many classes of civilian officials might urge a similar pension, and this would constitute a precedent for them.

Mr. HOWARD of Oklahoma. I want to call attention to this: These marshals for whom we are appealing here were in a special court which was created because we realized the necessity for a court of that kind in order to carry out this work. They put on these marshals because if soldiers had been put in control of this work they could not have reached those people. If soldiers had done the work that these marshals did we would be pensioning them to-day. I say we have had none like this before and will have none in the future.

Mr. CRAMTON. I think the gentleman from Oklahoma has used an unfortunate illustration when he referred to soldiers. If Regular Army soldiers had performed that duty it is not certain that they would have received any pension, and certainly not $50 a month. They would have received a pension only for injuries incurred in the line of duty and not as much as $50 a month.

Mr. HOWARD of Oklahoma. I will say that these United States marshals received disabilities in the line of duty.

Mr. TILLMAN. As a matter of fact, soldiers did try to pacify that country, and then it was requested that the marshals be given a free hand, and they went in and did the work. I call attention to the testimony here, where it is stated that several times soldiers did attempt to pacify the country and failed.

Mr. HOWARD of Oklahoma. In order that it may be made a part of the record in this case, I want to read a memorial from one of these United States marshals as to the results of this work—Mr. Frank Cochran, of Oklahoma City.

Mr. CRAMTON. Let me suggest to the gentleman that there are a number of other bills that Members are interested in, and the gentleman from Michigan [Mr. HOOPER] says he will object to this bill.

Mr. BLANTON. I suggest that the gentleman extend his remarks in the RECORD.

Mr. HOWARD of Oklahoma. No. I believe it will be a bit of history that Congress will be interested in. It will take only two or three minutes.

Mr. CRAMTON. Members are interested in passing other bills.

Mr. HOWARD of Oklahoma. I hope the gentleman from Michigan will not undertake to take me off my feet. I read:

FROM MEMORY OF THE FORT SMITH COURT

By Frank Cochran

The United States Court of the Western District of Arkansas was an entirely different court from the United States district courts of to-day, and the United States marshals that served its processes were altogether different—a different system to work under. Congress established this court. It had jurisdiction in criminal cases over all the Indian Territory from Arkansas west to Colorado and New Mexico, from Kansas to Texas, an area of 74,000 square miles. Less than 100 men kept this vast wilderness practically safe for people who traveled through the country. In 1875 Hon. Isaac C. Parker was appointed judge by Congress. He was judge of this court 21 years. Fourteen of the years there was no appeal from his court. No other court in America was ever vested with such power. Most all criminal cases and the worst criminals that were in the United States. In the 21 years Judge Parker was on the bench 13,500 cases were handled. Nine thousand five hundred of these were convicted or pleaded guilty; 174 were convicted of murder. He sentenced 172 men to death; 88 of these men were hanged. During his term as judge these crimes were all committed in the Indian Territory. The court was situated at Fort Smith, Ark., but had no jurisdiction over crime in that State. Hundreds went to prison for life. * * * We traveled on horseback, slept on the ground, swam rivers (no bridges), carried our "chow" with us. Judge Parker gave us our orders. Processes of his court had to be served. Often we would be 20 to 40 days out serving these papers. We had orders to serve them. We got no salary. We got 6 cents per mile and expenses going, 10 cents returning if we got service. Sixty-five per cent of us were killed or wounded. We took more risks, saw more hardships, than the Army. I believe if the committee all understood the kind of work we did and the kind of country we did it in, they would allow us old boys something, as many of them need it in their old days.

Mr. Speaker, I maintain that this is a different order of affairs. This will not set any precedent, because, as a matter of fact, these people worked for the United States Congress in a special court that Congress created for the purpose of driving civilization farther out into the West and making homes for the settlers.

The SPEAKER pro tempore. Is there objection?

Mr. HOOPER. Mr. Speaker, I object.

Mr. DYER. Mr. Speaker, I wish the gentleman would withhold his objection for a moment in order that I may make a statement. It is true that this legislation, if enacted, would set a precedent which, probably, we would not want to come up before us in after years. There is something to that point, but the facts in this case, Mr. Speaker, are such that, in my judgment, they warrant the precedent, owing to the hazardous and dangerous service rendered by these old pioneers of more than half a century ago. For that reason the committee felt it was its duty to submit it to the House, even though it might be considered a precedent for after years. However, we felt it was one the House should consider and pass upon, and we felt the facts warranted the passage of the bill.

Mr. BLANTON. Will the gentleman yield?

Mr. DYER. Yes.

Mr. BLANTON. If we passed this bill and a bill were to come before the gentleman's committee to pension all the United States marshals and deputies, what would the gentleman do with it?

Mr. DYER. We would not consider it, of course.

Mr. BLANTON. You would have to do it if you followed this precedent.

Mr. DYER. We would not do that.

The SPEAKER pro tempore. Is there objection?

Mr. HOOPER. Mr. Speaker, I object.

Mr. TILLMAN. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. But objection is made.

AMENDING SECTION 5 OF THE ACT OF MARCH 2, 1895

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that we may return to H. R. 7030, and ask unanimous consent that the Clerk may correct the amendment offered by the gentleman from Pennsylvania, so as to make the amendment read:

Section 3, Title VI, United States Code.

Mr. BLANTON. Mr. Speaker, reserving the right to object, you can only do that by vacating the proceedings. You can not do it by returning to the bill.

Mr. LAGUARDIA. It is the same amendment.

Mr. BLANTON. But you would have to vacate the proceedings.

Mr. LAGUARDIA. I can do that in a minute. Mr. Speaker, I ask unanimous consent that we vacate the proceedings and that the order of the amendment be reversed.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

IRON GATES IN WEST EXECUTIVE AVENUE

The next business on the Consent Calendar was the bill (H. R. 359) authorizing the presentation of the iron gates in West Executive Avenue between the grounds of the State, War, and Navy Building and the White House to the Ohio State Archeological and Historical Society for the memorial gateways into the Spiegel Grove State Park.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, when the gentleman from Ohio becomes governor of that State, will he invite his colleagues to the presentation of these artistic gates?

Mr. BEGG. I will say to the gentleman from New York that he does not need to wait until that future time. I will invite him right now to be my guest at any time.

Mr. BLANTON. Mr. Speaker, I want to ask the gentleman a question. Are there proper gateways now at the entrance of the grounds to the executive mansion in the capital of the State of Ohio?

Mr. BEGG. I will say to the gentleman that these gates have nothing to do with that.

Mr. BLANTON. If there are not, I think we ought to place these particular ones there.

Mr. BEGG. I will say to the gentleman from Texas that if the time ever comes that I have the key to that particular place he will be welcome and the gates will open up for him.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Whereas the Ohio State Archeological and Historical Society, of which Rutherford B. Hayes was the president at the time of his death, has received by deed to the State of Ohio, dated March 30, 1909, the Hayes homestead in Spiegel Grove, Fremont, Ohio, together with all the personal property connected therewith, including his library Americana, without cost, under the simple conditions that the premises should be maintained and used as a State park in which the old French and Indian trail, known as the Sandusky-Scioto Trail, from Lake Erie to the Ohio River, shall be preserved and maintained as a park drive, and that the granite monument designed and erected by Rutherford B. Hayes after the death of Lucy Webb Hayes be transferred to the knoll in Spiegel Grove, and, together with such improvements as shall be made to the entrance of the State park by the donors, be maintained forever; and

Whereas the old French and Indian trail through Spiegel Grove, used by Indian and French explorers and war parties from the St. Lawrence River and the Great Lakes to the Ohio and Mississippi, later used by the British and Indians from Fort Pitt in the campaigns against the French at Detroit, and later still, after the surrender of Detroit, by the French in 1763, by the British against General Harrison in the War of 1812, has heretofore been marked by memorial gate posts, with historical legends, so spaced to receive the gates from West Executive Avenue, which had been voluntarily tendered by President Harding, a former resident of the congressional district; the Congress of the United States had awarded gold medals to Major General Harrison, commanding the Northwestern Army, and to Maj. George Croghan, the gallant defender of Fort Stephenson at Fremont in the War of 1812, and after the Spiegel Grove State Park had been deeded to the State of Ohio for historical purposes the War Department, in recognition of the memorial gateways to be erected in honor of Major General Harrison, commanding the Northwest Army in the War of 1812, and of Major General McPherson, the officer of highest rank and command killed in battle during the war for the Union, and a native of and buried in this county, presented and delivered, free on board cars at Fremont, four 10-inch Rodman cannon and four 15-inch cannon balls to form the upright gateposts and caps of the General Harrison and General McPherson gateways into the Spiegel Grove State Park; the donors of the Spiegel Grove State Park have erected a beautiful Hayes Memorial Building, to which has been added an historical library and museum building, and generously endowed the same, together with funds from a land endowment sufficient to maintain the Hayes homestead, and have placed the management and control of endowment funds for historical endowments and research funds in the Rutherford B. Hayes-Lucy Webb Hayes Foundation, a self-perpetuating body, composed of five trustees for life, viz, the Rev. Dr. W. O. Thompson, president emeritus Ohio State University; the Hon. Newton D. Baker, Secretary of War during the World War; the Hon. THEODORE E. BURTON, Representative in Congress; the Hon. John H. Clarke, former justice of the Supreme Court; and the Hon. Myron T. Herrick, ambassador to France.

With the following committee amendment:

Strike out all of the bill and insert the following:

"That the Director of Public Buildings and Public Parks of the National Capital is hereby authorized and directed to deliver to the Spiegel Grove State Park, Fremont, Ohio, the iron gates now hanging in West Executive Avenue between the grounds of the State, War, and Navy Building and the White House."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

OIL AND GAS PERMITS

The next business on the Consent Calendar was the bill (H. R. 5783) to grant extensions of time of oil and gas permits.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I want to ask a question. Why is it necessary to have this extension of two years?

Mr. DOUGLAS of Arizona. I will say this to the gentleman from Texas, that all previous legislation on the subject has given authority for the granting of permits for a period of two years.

Mr. BLANTON. But the gentleman is seeking an extension of two years.

Mr. DOUGLAS of Arizona. There are three classes of permittees, and only one general class will be affected by this bill.

Mr. BLANTON. Where did this bill come from?

Mr. DOUGLAS of Arizona. This bill has been favorably reported.

Mr. BLANTON. Where did it come from to the gentleman? Where did the gentleman find it?

Mr. DOUGLAS of Arizona. It came to me from your former colleague, now in the Senate.

Mr. BLANTON. That is all the gentleman knows about it?

Mr. DOUGLAS of Arizona. No; I know a good deal more about it than that.

Mr. BLANTON. Mr. Speaker, for the present, I object.

Mr. DOUGLAS of Arizona. Will the gentleman withhold his objection and permit me to state the intent of the bill?

Mr. BLANTON. Yes.

Mr. DOUGLAS of Arizona. There are three general classes of permittees, a permittee who has been granted a permit, who has done a certain amount of exploration work and who has abandoned the permit.

This piece of legislation does not pertain to such a permittee. There is the other class of those who have not been diligent in complying with the law with reference to the amount of work which has to be done, and who, because of their lack of diligence, have had their permits canceled. This legislation does not refer to that class of permittee.

Mr. BLANTON. But the gentleman knows that under every oil and gas lease——

Mr. DOUGLAS of Arizona. This is a permit, not a lease.

Mr. BLANTON. But under every gas and oil lease and under every gas and oil permit there is a provision that where a person has acted in good faith and has used any diligence whatever to preserve his rights there is no cancellation of the lease or permit.

Mr. DOUGLAS of Arizona. But the gentleman from Texas will bear in mind that this act refers only to permit and not to leases.

Mr. BLANTON. I catch that; but they are on an equal footing.

Mr. DOUGLAS of Arizona. No; I beg the gentleman's pardon. A permit is for the purpose of exploring, not for the purpose of extracting, because there is nothing to extract.

Mr. COLTON. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. COLTON. I am sure the gentleman from Texas is in error. If the Secretary of the Interior or anyone was authorized to grant an extension, this bill would not be here. The time expires automatically. We have never given more than two years.

Mr. BLANTON. The great trouble with such permits is that they are in many instances just like leases, and the parties get these permits to keep somebody else from getting them, and then they never pursue their rights under them at all.

Mr. COLTON. If the gentleman will permit, under the very terms of this bill they must show good faith; they must show that in the first six months after the permit was granted they have drilled 500 feet; they must show that within the two years they have drilled 2,000 feet. Under some of the permits issued they have spent $250,000 or more and have not succeeded in finding oil, and in some of the fields with which I am acquainted some of the companies have withdrawn entirely; others are willing to go ahead and spend more money if we will permit them to do it, and the utmost good faith has been shown and will be required before the Secretary of the Interior will grant an extension.

Mr. BLANTON. Has the gentleman any knowledge of the origin of this bill?

Mr. COLTON. I have not, except that it comes from thoroughly reliable sources.

Mr. BLANTON. Who drew it?

Mr. DOUGLAS of Arizona. My friend, the Senator from Arizona [Mr. HAYDEN].

Mr. BLANTON. And the gentleman's colleague asked him to introduce it here, but who drew this bill?

Mr. DOUGLAS of Arizona. Senator HAYDEN of Arizona drew this bill just as he drew the bill which was introduced in 1926 and which was passed by this House.

Mr. BLANTON. I have such confidence in the Senator from Arizona [Mr. HAYDEN], Mr. Speaker, that I withdraw my reservation of objection. [Applause.]

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I want to suggest that when the gentleman from Texas comes to know this gentleman from Arizona [Mr. DOUGLAS], he will have similar confidence in him. [Applause.]

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That any oil or gas prospecting permit issued under the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, or extended under the act entitled "An act to authorize the Secretary of the Interior to grant extensions of time under oil and gas permits, and for other purposes," approved January 11, 1922, and April 5, 1926, may be extended by the Secretary of the Interior for an additional period of two years, if he shall find that the permittee has been unable, with the exercise of reasonable diligence, to begin drilling operations or to drill wells of the depth and within the time required by existing law, and has failed to discover oil or gas, and desires to prosecute further exploration.

SEC. 2. Upon application to the Secretary of the Interior, and subject to valid intervening rights and to the provisions of section 1 of this act, any permit which has already expired because of lack of authority under existing law to make further extensions may be extended for a period of two years from the date of the passage of this act.

With the following committee amendments:

Page 1, line 9, after "1922," strike out the word "and" and insert the words "or as further extended under the act of."

Page 1, at the end of line 5, insert the words "or has drilled wells of the depth and within the time required by existing law."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ADDITIONAL DUTIES OF TERRITORIAL OFFICERS OF ALASKA

The next business on the Consent Calendar was the bill (H. R. 8284) to authorize the payment of amounts appropriated by the Legislature of Alaska on account of additional duties imposed upon territorial officers.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I object.

DAM ACROSS THE KANSAS (KAW) RIVER AT LAWRENCE, KANS.

The next business on the Consent Calendar was the bill (H. R. 5569) relative to the dam across the Kansas (Kaw) River, at Lawrence, in Douglas County, Kans.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I notice the report from the War Department directs attention to the jurisdiction of the Federal Power Commission. Has the gentleman given consideration to that?

Mr. DENISON. Mr. Speaker, the Secretary merely calls attention to the fact that it is under their jurisdiction. It has been given full consideration by the committee. This bill only authorizes repairing the dam. This dam was built back in 1872, before there was any Federal law governing such structures, and because of that fact they hold that this legislation is necessary.

Mr. CRAMTON. So it is not an increase in the structure?

Mr. DENISON. No; just a permit to repair the dam.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the assent of the United States be, and is hereby, given to the Bowersock Mill & Power Co., a partnership, owners of the Bowersock Dam, constructed across the Kansas (Kaw) River at Lawrence, Douglas, Kans., in 1872 and 1873, and to their successors and assigns, without further authority from the United States, to maintain the said dam and to repair and improve the same as provided in the order of the public service commission of the State of Kansas, issued on the 2d day of July, 1926, in accordance with the statutes of said State, and to maintain the said dam as repaired and improved with a permanent crest at 808 feet above sea level and flashboards at 812 feet above sea level, expressly reserving to the United States, however, the right to alter, amend, or repeal this act as the needs of navigation may hereafter require: *Provided, however*, That this act shall not have the effect of changing in any manner the liability of the owners of said dam for injury or damages to adjacent property.

With the following committee amendments:

Page 1, line 3, strike out the word "assent" and insert the word "consent" in lieu thereof.

Page 1, line 6, after the word "Douglas," insert the word "County."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE OUACHITA RIVER AT HARRISONBURG, LA.

The next business on the Consent Calendar was the bill (H. R. 5727) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Harrisonburg, La.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. DENISON. Mr. Speaker, this bill is in the usual form, the standard form provided by the committee, and I ask unanimous consent that the bill may be considered as having been read, the committee amendments agreed to, the bill ordered to be engrossed and read the third time, read the third time, and passed, and a motion to reconsider laid on the table.

The SPEAKER pro tempore. Is there objection?

Mr. LUCE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Illinois for some information. There are 70 bridge bills on this calendar if I have counted them correctly. My observation has been that a bridge bill is one of the rarest to arouse opposition in the House. What is the obstacle in the way of saving the time of the House by putting bridge bills into an omnibus bill as we do pension bills and claim bills?

Mr. DENISON. In reply to the gentleman I will say that it seems to the committee impracticable. We have 10 different forms for bridge bills, depending on the type of the bridge that is to be constructed. For instance, we have a form for a free bridge, one for a toll bridge, a different form for a railroad bridge, a different form for a bridge built by the public, like State, county, or municipality, a different form where a private company wants to build a bridge, a different form for an

individual, and also a form for an international bridge, a different form for an interstate and one for intrastate. I think it will be impractical to try to combine them in an omnibus bill.

Mr. LUCE. Where would be the difficulty in making 10 paragraphs in the bill? Does it not seem to the gentleman that some way could be devised to save having to go through this routine or motion 70 times?

Mr. DENISON. I have just suggested one way that we could save time. We now have a standard form for these various kinds of bridge bills, and we are asking that time may be saved by not reading them individually but passing them as rapidly as possible.

Mr. LAGUARDIA. Regular order!

The SPEAKER pro tempore. The regular order is called for. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

BRIDGE BILLS

The following bridge bills were severally considered, the committee amendments agreed to, the bills as amended were ordered to be engrossed and read the third time, were read the third time and passed, and a motion to reconsider was laid on the table:

H. R. 7199. A bill granting the consent of Congress to the Oregon-Washington Bridge Co. to maintain a bridge already constructed across Columbia River;

H. R. 7371. A bill granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River near Heyburn, Idaho;

H. R. 7375. A bill granting the consent of Congress to the Highway Department of the State of Alabama to construct a bridge across Tennessee River near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala.;

H. R. 7902. A bill granting the consent of Congress to the State Highway Department of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala.; and

H. R. 7909. A bill to authorize the maintenance and renewal of a timber frame trestle in place of a fixed span at the Wisconsin end of the steel bridge of the Duluth & Superior Bridge Co. over the St. Louis River between the States of Wisconsin and Minnesota.

HOSPITAL AT DAYTON SOLDIERS' HOME

Mr. RANKIN. Mr. Speaker, a while ago there was an agreement to pass over H. R. 132 for 30 minutes. That time has passed, and I think the matter ought to be disposed of if it is going to be disposed of to-day.

Mr. CRAMTON. The gentleman alludes to the bill where we were trying to get some information from the Budget. We have been unable to do so up to this time.

Mr. BLANTON. But the gentleman from Mississippi has matters extraneous to the Budget.

Mr. CRAMTON. Well, the gentleman can offer those.

Mr. BLANTON. It might make the action of the Budget immaterial.

Mr. CRAMTON. Under the order of the House it was to go over until we got the information from the Budget.

Mr. RANKIN. I want to ask if the gentleman has any assurance that we are going to get a report from the Budget to-day?

Mr. CRAMTON. I anticipate so; yes.

Mr. RANKIN. Would not the gentleman from Michigan agree to have this bill passed over without prejudice until another day?

Mr. CRAMTON. I suggested that and there was some objection.

Mr. RANKIN. There is going to be considerable controversy over it in its present form. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. ROY G. FITZGERALD. I have no objection to that.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent that this bill (H. R. 132) be passed over without prejudice. Is there objection?

There was no objection.

BRIDGE BILLS

The following bridge bills, with amendments, were severally considered, the amendments severally agreed to, and the bills as amended severally ordered to be engrossed and read a third time, were read the third time and passed; and motions to reconsider the votes by which the bills were passed were severally laid on the table:

H. R. 7914. A bill granting the consent of Congress to the Highway Department of the State of Alabama to construct a bridge across the Tennessee River near Whitesburg Ferry on Huntsville-Lacey Springs road between Madison and Morgan Counties, Ala.;

H. R. 7915. A bill granting the consent of Congress to the Highway Department of the State of Alabama to construct a bridge across the Tennessee River near Scottsboro on the Scottsboro-Fort Payne road in Jackson County, Ala.;

H. R. 7925. A bill authorizing the maintenance of a bridge over the Monongahela River between the borough of Glassport and the city of Clairton, in the State of Pennsylvania;

H. R. 7948. A bill to extend the times for commencing and completing the construction of a bridge across the Delaware River;

H. R. 8530. A bill granting the consent of Congress to the Highway Department of the State of Alabama to construct a bridge across the Coosa River, near Cedar Bluff in Cherokee County, Ala.;

H. R. 8531. A bill granting the consent of Congress to the Highway Department of the State of Alabama to construct a bridge across the Coosa River on the Columbiana-Talladega road between Talladega and Shelby Counties, Ala.;

H. R. 8740. A bill granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet in Cook County, State of Illinois;

H. R. 8743. A bill extending the time for the construction of the bridge across the Mississippi River in Ramsey and Hennepin Counties, Minn., by the Chicago, Milwaukee & St. Paul Railway;

H. R. 8818. A bill granting the consent of Congress to the Louisiana Highway Commission, its successors and assigns, to construct, maintain, and operate a bridge across the Red River at or near Moncla, La.;

H. R. 8896. A bill granting the consent of Congress to the State of Alabama to construct, maintain, and operate a bridge across the Conecuh River;

H. R. 8899. A bill granting the consent of Congress to the Highway Department of the State of Alabama to construct a bridge across the Tombigbee River at or near Epes, Ala.; and

H. R. 8900. A bill granting the consent of Congress to the Highway Department of the State of Alabama to construct a bridge across the Tombigbee River near Gainesville on the Gainesville-Eutaw road between Sumter and Greene Counties, Ala.

BRIDGE ACROSS MISSISSIPPI RIVER AT PRAIRIE DU CHIEN, WIS.

The next business on the Consent Calendar was the bill (H. R. 5818) granting the consent of Congress to J. H. Peacock, F. G. Bell, S. V. Taylor, E. C. Amann, and C. E. Ferris to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the bill as amended.

Mr. DENISON. I ask unanimous consent that the reading be dispensed with.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN of Missouri: At the end of section 7 add the following: "*Provided*, That bonds or other securities issued against or based on the construction and revenues of said bridge and approaches will not exceed the actual cost of such construction and operation, economically made, plus a maximum of 10 per cent added thereto, and it shall be the duty of the Secretary of War, prior to the issue of any such bonds or other securities to determine the total thereof which may thus be issued."

Mr. COCHRAN of Missouri. Mr. Speaker, ladies, and gentlemen of the House, this is the first bill that has been reached where the consent of Congress is granted to individuals to construct a bridge.

For the benefit of the Members who did not hear my remarks this morning, I will say that the purpose of the amendment is to give protection to the individuals who buy the securities to make possible the building of the bridge. The bill gives protection to the city, county, and State, so far as the purchase of the bridge after completion is concerned. As the gentleman from Massachusetts [Mr. LUCE] stated to-day, there are over 70 bills on the calendar and about half of them grant the consent of Congress to individuals or corporations to build bridges.

The Secretary of War is called upon after the completion of the bridge to set a valuation on the structure, and it is done for the purpose of allowing the city, county, or State to buy the bridge if it so desires. Now, for example, suppose the Secretary of War, after the bridge is completed, places a valuation of a million dollars on the structure and bonds have been issued and sold to the value of $1,500,000, the people who bought the bonds hold the bag for $500,000. I want the value placed on the bridge prior to construction and limit the amount of securities that can be issued to that amount, plus 10 per cent, which should certainly satisfy the promoter and will at the same time protect the people who buy the bonds from inflation.

This does not mean the defeat of any of your bills on the calendar to-day. I want that distinctly understood. If my amendment is agreed to, you can proceed to pass the bills and add the amendment to all. If my amendment is defeated, I will abide by the decision of the House and not object to the consideration of the bills. I will, however, try to force a record vote. I feel that the same protection should be given to the individual who makes the building of the bridge possible before a bridge is erected as is given to the city, county, or State after the bridge is completed.

With this explanation, Mr. Speaker, I am ready for a vote on my amendment.

Mr. DENISON. Mr. Speaker, I do not want to add anything to what I said earlier in the afternoon with reference to the point raised by the gentleman from Missouri [Mr. COCHRAN]; but since I made those remarks I have received a telegram which I want to read to the House and insert in the RECORD, because I feel that when it is done the gentleman from Missouri will feel satisfied that his point has been fully met.

I stated in my remarks a while ago that the blue sky law of Missouri fully protects the people in regard to bridge securities sold in the State of Missouri. I sent a telegram out to the secretary of state of Missouri in order to be absolutely sure that my construction of their blue sky law was right. I made the statement that their blue sky law would protect their people in the cases the gentleman mentioned, but I wanted to be sure about that, and so I sent a telegram to the secretary of state, and I have received his answer, which is as follows:

JEFFERSON CITY, MO., *February 6, 1928.*

E. E. DENISON,

Member of Congress, Washington, D. C.:

Securities issued by private corporations for funds to construct bridges must be qualified under the securities act of this State before they can be sold.

F. T. STOCKARD, *Commissioner.*

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. COCHRAN of Missouri. I received the same telegram, but this morning I read to the House a statement, and I told the gentleman from Illinois that I had secured that statement from a man who is constructing a bridge in my city to-day, in which he says that the bonds for the construction of his bridge were not subject to the blue sky law of our State. They were listed through the Chicago Stock Exchange, and I understand the blue sky law does not require direct application where stock or bond issue is listed on such an exchange. I read that statement this morning, and it comes from a gentleman who is constructing a bridge at this time.

Mr. DENISON. I sent this telegram on Saturday in order to find out the views of the State officials, and this telegram that I have received is from the State official charged with administering their blue sky law.

Mr. COCHRAN of Missouri. I have a telegram from a man who serves under the secretary of state. But I am citing the case of a man who is constructing a bridge and he says that the bonds for the construction of that bridge are not under the control of the blue sky law of my State, and that is the reason why I offered the amendment. If he had advised me otherwise I would not have offered the amendment.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. COCHRAN] to the committee amendment.

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

Mr. COCHRAN of Missouri. Mr. Speaker, I ask for a division.

The SPEAKER pro tempore. A division is demanded.

The House divided; and there were—ayes 5, noes 75.

Mr. COCHRAN of Missouri. Mr. Speaker, I object to the vote. I make the point of no quorum.

Mr. CHINDBLOM. There was a large number who did not vote. Did the Chair count them?

The SPEAKER pro tempore. The Chair will count the Members present. [After counting.] One hundred and sixty-six gentlemen are present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of the amendment to the committee will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 18, nays 315, not voting 100, as follows:

[Roll No. 25]

YEAS—18

Black, Tex.	Collins	Johnson, Tex.	Schafer
Blanton	Connery	LaGuardia	Schneider
Boylan	Cooper, Wis.	McSwain	Underhill
Cannon	Fitzpatrick	Rainey	
Cochran, Mo.	Griffin	Rankin	

NAYS—315

Abernethy	Dyer	Kemp	Ramseyer
Ackerman	Eaton	Kendall	Rathbone
Adkins	Edwards	Kent	Rayburn
Aldrich	Elliott	Kerr	Reed, N. Y.
Allen	England	Ketcham	Reid, Ill.
Allgood	Englebright	Kiess	Robinson, Iowa
Almon	Eslick	Kincheloe	Robsion, Ky.
Arentz	Estep	King	Rogers
Arnold	Evans, Calif.	Kopp	Rowbottom
Aswell	Evans, Mont.	Korell	Rubey
Bacharach	Faust	Kurtz	Rutherford
Bachmann	Fenn	Kvale	Sanders, N. Y.
Bankhead	Fish	Langley	Sanders, Tex.
Barbour	Fisher	Lanham	Sandlin
Beck, Wis.	Fitzgerald, Roy G.	Lankford	Sears, Fla.
Beers	Fitzgerald, W. T.	Lea	Seger
Begg	Fletcher	Leavitt	Selvig
Bell	Fort	Lehlbach	Shallenberger
Berger	Freeman	Letts	Simmons
Bland	French	Lindsay	Sinclair
Bloom	Fulmer	Linthicum	Sinnott
Bowles	Furlow	Lozier	Snell
Bowling	Gambrill	Luce	Somers, N. Y.
Bowman	Garber	Lyon	Speaks
Box	Gardner, Ind.	McClintic	Spearing
Brand, Ga.	Garner, Tex.	McDuffie	Sproul, Ill.
Brand, Ohio	Garrett, Tenn.	McFadden	Sproul, Kans.
Briggs	Garrett, Tex.	McKeown	Steele
Brigham	Gasque	McLaughlin	Strong, Kans.
Browne	Gibson	McLeod	Sullivan
Browning	Goodwin	McMillan	Summers, Wash.
Buchanan	Gregory	McReynolds	Sumners, Tex.
Bulwinkle	Green, Fla.	MacGregor	Swank
Burdick	Greenwood	Maas	Swing
Burtness	Griest	Madden	Tarver
Burton	Guyer	Magrady	Tatgenhorst
Busby	Hadley	Major, Ill.	Taylor, Colo.
Butler	Hall, Ill.	Major, Mo.	Taylor, Tenn.
Byrns	Hall, Ind.	Manlove	Temple
Canfield	Hall, N. Dak.	Mansfield	Thatcher
Carss	Hammer	Mapes	Thurston
Carter	Hancock	Martin, La.	Tillman
Cartwright	Hardy	Mead	Tilson
Casey	Hare	Menges	Timberlake
Chalmers	Hastings	Merritt	Tinkham
Chapman	Haugen	Michener	Underwood
Chase	Hawley	Miller	Updike
Chindblom	Hersey	Milligan	Vestal
Clague	Hickey	Monast	Vincent, Mich.
Clarke	Hill, Ala.	Montague	Vinson, Ky
Cochran, Pa.	Hill, Wash.	Mooney	Wainwright
Cohen	Hoch	Moore, Ky.	Ware
Cole, Iowa	Hoffman	Moore, Va.	Warren
Collier	Hogg	Moorman	Wason
Colton	Holaday	Morehead	Watres
Combs	Hooper	Morin	Watson
Connally, Tex.	Hope	Morrow	Weaver
Corning	Houston, Del.	Murphy	Welch, Calif.
Cox	Howard, Nebr.	Nelson, Me.	Welsh, Pa.
Crail	Howard, Okla.	Nelson, Mo.	White, Colo.
Cramton	Huddleston	Nelson, Wis.	White, Kans.
Crisp	Hudson	Newton	Whitehead
Crosser	Hudspeth	Niedringhaus	Whittington
Crowther	Hughes	Norton, Nebr.	Williams, Ill.
Cullen	Hull, Tenn.	O'Brien	Williams, Mo.
Dallinger	Hull, Morton D.	O'Connell	Williams, Tex.
Darrow	Hull, William E.	O'Connor, La.	Wilson, La.
Davenport	Irwin	Oldfield	Wilson, Miss.
Davey	Jeffers	Oliver, Ala.	Winter
Davis	Jenkins	Palmisano	Wolverton
Deal	Johnson, Ill.	Parker	Wood
Denison	Johnson, Ind.	Peavey	Woodruff
De Rouen	Johnson, Okla.	Peery	Wright
Dickinson, Iowa	Johnson, Wash.	Perkins	Wurzbach
Dickinson, Mo.	Jones	Prall	Wyant
Dominick	Kading	Purnell	Yates
Doughton	Kahn	Quayle	Yon
Douglas, Ariz.	Kearns	Quin	Zihlman
Drane	Kelly	Ragon	

NOT VOTING—100

Andresen	Bohn	Christopherson	Dowell
Andrew	Boles	Clancy	Doyle
Anthony	Britten	Connolly, Pa.	Drewry
Auf der Heide	Buckbee	Cooper, Ohio	Driver
Ayres	Bushong	Curry	Foss
Bacon	Campbell	Dempsey	Frear
Beck, Pa.	Carew	Dickstein	Free
Beedy	Carley	Douglass, Mass.	Frothingham
Black, N. Y.	Celler	Doutrich	Fulbright

Gallivan	Kunz	Parks	Stevenson
Gifford	Lampert	Porter	Stobbs
Gilbert	Larsen	Pou	Strong, Pa.
Glynn	Leatherwood	Pratt	Strother
Golder	Leech	Ransley	Sweet
Goldsborough	Lowrey	Reece	Swick
Graham	McSweeney	Reed, Ark.	Taber
Green, Iowa	Martin, Mass.	Romjue	Thompson
Hale	Michaelson	Sabath	Treadway
Harrison	Moore, N. J.	Sears, Nebr.	Tucker
Igoe	Moore, Ohio	Shreve	Vinson, Ga.
Jacobstein	Morgan	Sirovich	Weller
James	Norton, N. J.	Smith	White, Me.
Johnson, S. Dak.	O'Connor, N. Y.	Stalker	Williamson
Kindred	Oliver, N. Y.	Steagall	Wingo
Knutson	Palmer	Stedman	Woodrum

So the amendment was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Green of Iowa with Mr. Pou.
Mr. Treadway with Mr. Gallivan.
Mr. Beck of Pennsylvania with Mr. Stevenson.
Mr. Britten with Mr. Drewry.
Mr. Connolly of Pennsylvania with Mr. Carew.
Mr. Dowell with Mr. Kunz.
Mr. Free with Mr. Weller.
Mr. Gifford with Mr. Stedman.
Mr. Sweet with Mr. Harrison.
Mr. Shreve with Mr. Moore of New Jersey.
Mr. Morgan with Mr. Parks.
Mr. Stalker with Mr. Woodrum.
Mr. Martin of Massachusetts with Mr. Gilbert.
Mr. Swick with Mr. Sabath.
Mr. Stobbs with Mr. Ayres.
Mr. Ransley with Mr. Dickstein.
Mr. Foss with Mr. Romjue.
Mr. Strong of Pennsylvania with Mr. Black of New York.
Mr. Curry with Mr. Steagall.
Mr. Porter with Mr. Tucker.
Mr. Moore of Ohio with Mr. Fulbright.
Mr. Clancy with Mr. Wingo.
Mr. Johnson of South Dakota with Mr. Carley.
Mr. Anthony with Mr. Doyle.
Mr. Bacon with Mr. Celler.
Mr. Lampert with Mr. Vinson of Georgia.
Mr. White of Maine with Mr. Kindred.
Mr. Cooper of Ohio with Mr. Lowry.
Mr. Doutrich with Mr. Douglass of Massachusetts.
Mr. Knutson with Mr. Auf der Heide.
Mr. Parker with Mr. Sirovich.
Mr. Reece with Mr. Driver.
Mr. Smith with Mr. Larsen.
Mr. Taber with Mr. O'Connor of New York.
Mr. Graham with Mrs. Norton.
Mr. Frothingham with Mr. Oliver of New York.
Mr. Palmer with Mr. Igoe.
Mr. Frear with Mr. Jacobstein.
Mr. Dempsey with Mr. McSweeney.
Mr. Campbell with Mr. Goldsborough.

The result of the vote was announced as above recorded.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HOSPITAL AT DAYTON SOLDIERS' HOME

Mr. HOWARD of Nebraska. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. HOWARD of Nebraska. I rise for a parliamentary purpose. It seems that earlier in the day the Speaker announced that a certain bill would be held in abeyance for 30 minutes while somebody was going out to find out what the Director of the Bureau of the Budget thought about it. Now, the 30 minutes have expired, and when it comes to a problem of building hospitals for soldiers, who are confined in a building which is admittedly a fire trap, I am not in favor of waiting even 30 minutes for the Director of the Bureau of the Budget to report. I would like to have that report now, according to the order of the House.

The SPEAKER pro tempore. The Chair will inform the gentleman that during his absence unanimous consent was granted that that bill be passed over without prejudice.

Mr. BLANTON. Mr. Speaker, would it be in order for us to ascertain whether there will be any suspensions this afternoon?

The SPEAKER pro tempore. The Chair at the present time does not know of any.

BRIDGE BILLS

The following bridge bills were severally considered, the committee amendments agreed to, the bills as amended ordered to be engrossed and read a third time, were read the third time, and passed, and a motion to reconsider laid on the table:

H. R. 8837. A bill granting the consent of Congress to the American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 8726. A bill granting the consent of Congress to Oscar Baertch, Christ Buhmann, and Fred Reiter, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 449. A bill granting the consent of Congress to the Louisiana Highway Commission, its successors and assigns, to construct, maintain, and operate a bridge across the Atchafalaya River; and

H. R. 5501. A bill granting the consent of Congress to the Hermann Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River.

BRIDGE ACROSS THE OHIO RIVER

The next business on the Consent Calendar was the bill (H. R. 472) granting the consent of Congress to Dwight P. Robinson & Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BRAND of Ohio. Mr. Speaker, I object.

Mr. VINSON of Kentucky. Will the gentleman withhold his objection?

Mr. BRAND of Ohio. I will.

Mr. VINSON of Kentucky. Mr. Speaker, the bill to which objection has been made is H. R. 472, granting Dwight P. Robinson & Co. the right to build a bridge between Maysville, Ky., and Aberdeen, Ohio. I certainly hope that the reservation of objection will be withdrawn. I would like to state that at the last session of Congress such a bill, together with a bill introduced by the gentleman from Ohio [Mr. KEARNS], passed the House by unanimous consent, but failed of passage in the Senate. So far as the gentleman from Ohio [Mr. KEARNS] and myself are concerned there is no difference of opinion at this time. Neither will submit an objection to the bill of the other. My bill held first position on the calendar last year. He did not object to my bill and I did not object to his bill. The bill which follows H. R. 472 on this calendar is a bill which was introduced by the gentleman from Ohio [Mr. KEARNS] granting permission to the Maysville Bridge Co. to construct a bridge across the Ohio River between Maysville, Ky., and Aberdeen, Ohio, the same points. It has been stated upon several occasions that the Kearns bill, or the Maysville Bridge Co. bill, is a combination bill in that it permits the building of a bridge for railroad and vehicular purposes, but I state that the bill which comes before us for consideration (H. R. 437) does not contain the combination feature. It is in identic language, so far as power is concerned, with the bill which is under consideration at this time.

Mr. KEARNS. Will the gentleman yield?

Mr. VINSON of Kentucky. I yield.

Mr. KEARNS. It is true that the committee did amend my bill so that it destroyed the combination feature of the bill, but that did not come to my attention until this morning. I have now seen the gentleman from Illinois [Mr. DENISON] and he has prepared an amendment which will make my bill a combination bill—that is, it will provide for a railroad and vehicular bridge.

Mr. VINSON of Kentucky. If I recall correctly, at the last session of Congress it was the position of the gentleman from Ohio that a bill granting the right to construct a bridge across the Ohio River carried with it the right to build a combination bridge.

Mr. KEARNS. That was my position, because I was told that by members of the Interstate and Foreign Commerce Committee.

Mr. VINSON of Kentucky. If that is the condition I submit that H. R. 472, the bill under discussion now, would be inclusive of the right to build a combination bridge.

Mr. KEARNS. But your company, if the gentleman will permit, does not intend and would not build a combination bridge; that is, a railroad and vehicular bridge.

Mr. VINSON of Kentucky. I think the gentleman goes a trifle far because my understanding is that the gentlemen who seek the permit under my bill would build a combination bridge if the matter were submitted to them in substantial form.

Mr. KEARNS. Why do they not then introduce such a bill?

Mr. VINSON of Kentucky. Because the gentleman last year took the position that an ordinary bridge bill included the right to build a vehicular bridge. I do not take the position that these people under this bill intend to build a combination bridge. My statement was that if the matter was presented to them in substantial form I felt certain they would be glad to listen to it. They are one of the largest bridge constructors

in this country and would be glad to construct any bridge that economic conditions justify.

Mr. KEARNS. What does the gentleman mean by "substantial form"?

Mr. VINSON of Kentucky. Oh, substance rather than dreams; realities rather than visions.

Mr. KEARNS. They claim now they want a vehicular bridge and nothing else.

Mr. VINSON of Kentucky. That is what they seek under this bill.

Mr. KEARNS. The Maysville Bridge Co. declare they want to build a combination bridge and have introduced such a bill.

Mr. VINSON of Kentucky. Their bill is identical in language with the bill before us, if the committee amendment was agreed to.

Mr. KEARNS. I understand that, but the bill was introduced for a combined bridge; and the committee, without my knowing anything about it, struck out the railroad part of it and made it a vehicular bridge.

Mr. VINSON of Kentucky. Would the gentleman from Ohio want a bill to pass Congress permitting the construction of a combined bridge between these two points with a recapture clause in it? That is what you have in this bill under consideration now.

Mr. KEARNS. But it is going to be amended on the floor of the House.

Mr. VINSON of Kentucky. The bill which the gentleman introduced had a recapture clause in it.

Mr. KEARNS. The bill I introduced provided for a combination bridge.

Mr. VINSON of Kentucky. And carried a recapture clause.

Mr. KEARNS. The committee struck out the combined-bridge language and did not amend it properly. This was all done without my knowledge.

Mr. VINSON of Kentucky. I would like to say to the House I have not opposed the bill of the gentleman from Ohio [Mr. KEARNS] either in the last session or now.

Mr. KEARNS. I did not oppose the gentleman's bill. But since the gentleman from Kentucky has drawn me into this controversy, I must say that it is apparent to me that a combined bridge would better serve the people than would a single bridge.

Mr. VINSON of Kentucky. I do not see how I have drawn you into controversy. I am not opposing it, but it seems to me that, in view of the splendid utterances of the gentleman from Illinois [Mr. DENISON], heard upon the floor of this Congress when he said there should be no monopoly, there should be no exclusive rights given to any individual or any corporation in order that they might go around and barter and sell such rights; we should take heed and not permit a monopoly and an exclusive right to come from this Congress to-day. I only desire the passage of both bills.

Mr. ROY G. FITZGERALD. Will the gentleman yield?

Mr. VINSON of Kentucky. I am glad to yield to the gentleman from Ohio.

Mr. ROY G. FITZGERALD. Mr. Speaker, I have no particular interest in the matter except as it involves an opportunity to open a great market for Kentucky coal in my own State and through to the lake ports. I understand we have before us two bills, both to build bridges across the Ohio River at the same point, one, H. R. 472, by my friend from Kentucky, providing a vehicular bridge only, and the other bill, H. R. 437, by Mr. KEARNS, introduced for a combined vehicular and railroad bridge, which would bring about railroad facilities by which we can market more of Kentucky's coal through Ohio and to the world. For this reason I was interested in the railroad feature of the bridge. I was told that if the present bill, H. R. 472, now before the House were passed it would end all opportunity of getting a railroad bridge. I was called on the phone by my good friend from Kentucky, who said, when I told him this, that it was a bluff. I then said to these gentlemen who were asking that the subsequent bill to this, H. R. 437, only be passed—that is, the one introduced by my friend the gentleman from Ohio [Mr. KEARNS]—to get proof of that fact, and I have been furnished with an affidavit quoting from the contract by which the combination bridge will be built, and I ask unanimous consent to put this statement in the RECORD, for it indicates that this bridge provided under the bill H. R. 437, introduced by my friend the gentleman from Ohio, which is the next bill on the calendar, had as its original purpose and will have as it will be amended a railroad bridge, and that the money for the building of this bridge is assured if no other bill providing for a bridge at this point, Maysville, Ky., passes this House; and, further, that in accordance with the ideas of my good friend the gentleman from Missouri [Mr. COCHRAN] in regard to bridge construction, this bridge will be built without there being put on the market any sort of securities which will violate any blue sky law, but the money sufficient to build the bridge will be furnished by the persons entering into this contract, and who are able to do so.

Mr. VINSON of Kentucky. At that point will the gentleman permit an interruption?

Mr. ROY G. FITZGERALD. In just a moment. If this bill, H. R. 472, is not passed, which we now have before us, and the next bill, H. R. 437, is passed, which provides for a railroad bridge, the money can be furnished, the bridge can be built; and we can not get any bridge if we pass both of these bills.

I now yield to the gentleman from Kentucky.

Mr. BRAND of Ohio. Mr. Speaker, I do not feel like yielding further.

Mr. VINSON of Kentucky. I certainly trust the gentleman will permit an answer to the statement of his colleague.

Mr. BRAND of Ohio. I yield for a short statement.

Mr. VINSON of Kentucky. I state that the gentleman from Ohio [Mr. ROY G. FITZGERALD] did not quote me correctly in stating I said it was a bluff. I said they had sketches that could be viewed by the public showing that the bridge contemplated was a two-bridged affair; that they had made public statements in the press that the railroad end of the bridge would await a railroad constructed to it; and I submitted to the gentleman, as I recall it, that any railroad proposition was standing on mighty flimsy foundation that would not be constructed to serve as a common carrier unless they could not get the vehicular privileges attendant upon a combination bridge across the Ohio River. I still take that position. The Lord knows I would not lift my hand or lift my voice to put an obstacle in the way of moving Kentucky coal, because I know the condition in the Kentucky coal field. Our trouble has been, and is, that certain sections of Ohio have not wanted us to move our coal. However, there is no trouble about our getting Kentucky coal to Ohio and the lake cargo market on the road already built to carry this coal. It is a far cry—relief for our coal industry by constructing a vehicular bridge and wishing for a railroad to tack on to it—87 miles of railroad at that.

Mr. ROY G. FITZGERALD. We are agreed in our aim to do nothing to injure the coal industry of Kentucky. I ask unanimous consent, Mr. Speaker, to insert the affidavit to which I have referred in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The matter referred to follows:

Personally appeared before me, the undersigned, a notary public in and for the District of Columbia, J. M. Wilson, who, after being duly sworn, says that the following extracts taken from the contract entered into by and between Edward Ball, of Jacksonville, Fla., and Wilmington, Del., the said Edward Ball being the brother-in-law of Alfred I. du Pont, of the same cities, and the said Alfred I. du Pont in reality being the principal in this transaction:

"Whereas bills have been introduced in both Houses of Congress authorizing said company, its successors and assigns, to construct, maintain, and operate a combined railroad and vehicle bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation between Maysville, Ky., and Aberdeen, Ohio; and

"Whereas parties of the first part are desirous of financing the building of such bridge; and

"Whereas parties of the second part are connected and associated with Alfred I. du Pont interest and may thereby be in a position to finance such construction; and

"Whereas by resolution duly adopted by all of the stockholders of said corporation, a copy of which is hereto attached, said company, for good and valuable considerations therein stated, has contracted with parties of the first part to give said parties of the first part, their successors and assigns, a right within 10 years to lease the railroad facilities and approaches of said bridge for a term of 99 years unless sooner terminated as in the contract provided, and for the further term of 99 years and forever thereafter upon like terms and conditions."

That the entire cost of the said structure including the engineering plans and real estate upon which said bridge and its approaches are located are to be capitalized in the senior securities of the said company, all of which it is agreed shall be taken and the money furnished by said Alfred I. du Pont interest.

That no stock has been sold or offered to the public to aid in the financing of the said bridge and its approaches, excepting that taken by the original organizers and promoters of said The Maysville Bridge Co.

Other conditions existing in said contract are as follows:

"PARAGRAPH 1, SECTION (a). That Congress during its present session will authorize said company to build such bridge and will not during

such session authorize the building of any other bridge across the Ohio River at or in the vicinity of Maysville.

"PAR. 2. The party of the second part agrees that within 90 days after the passage of such act, authorizing said company to construct such bridge, and in the absence of any act authorizing any other bridge over the Ohio River at Maysville, or within 10 miles of Maysville."

Signed and acknowledged in the presence of Fred R. Miller, a notary public in and for the District of Columbia this 4th day of February, 1928.

J. M. WILSON,
Vice President and Manager The Maysville Bridge Co.

Witnesses:
A. D. HART
FRED R. MILLER

Subscribed and sworn to before me this 4th day of February, 1928.
[SEAL.] FRED R. MILLER,
Notary Public, District of Columbia.

Mr. VINSON of Kentucky. Upon examination of the affidavit of Mr. Wilson submitted by the gentleman from Ohio [Mr. ROY T. FITZGERALD], it is apparent that the stunt of "now you see it and now you do not see it" is again utilized by Mr. Wilson in an endeavor to maintain his position that the railroad proposition is financed and the construction of the combined bridge certain.

It is well that the affidavit sets forth that it contains "extracts," for the reason that it is difficult indeed to ascertain what it means. Apparently, it is a contract entered into between a gentleman by the name of Edward Ball and the Maysville Bridge Co. It is suggested that Mr. Ball has some connection with the Alfred I. du Pont interests "and may thereby be in position to finance such construction."

But, Mr. Speaker and Members of the House, I direct your attention to the absence of any portion of the contract which squints at an agreement to finance or to build a combination bridge at this point. One section of the "extracts" purports to show that Mr. Ball has the option to lease "the railroad facilities and approaches of said bridge" within 10 years, presumably dating from the completion of the bridge. As hereafter set forth, it is unequivocally stated that the railroad portion of the bridge will not be constructed until a railroad may be had to use it. In fact, it would be economic folly to construct a complete railroad bridge unless the railroad which it would serve were financed and constructed. In our construction of this "extract," we define "the railroad facilities" to which reference is made as being the enlarged piers and the enlarged truss contemplated to be constructed and used in the vehicular bridge until they might be needed for the railroad.

That section of the affidavit which states that the cost of the structure shall be capitalized in the senior securities of the Maysville Bridge Co., to be taken over by the du Pont interests, is not a quotation from the contract nor does it refer to the construction of a railroad bridge or a combination railroad and vehicular bridge. It is strange that only such "extracts" are contained in the affidavit as throw no light upon the essential points involved; that is, the fact that a financing arrangement has been agreed upon, together with the type of bridge to be constructed. Truly, it is significant that there is no word in this affidavit indicative of the financing of the railroad which would make the combined bridge of any interest to that territory.

There are some splendid gentlemen living in Maysville who are financially interested in the Maysville Bridge Co. proposition. When I say that they are gentlemen I mean all that the words "Kentucky gentlemen" can imply. They have told me of the arrangement with Mr. Ball; they have printed their position in the press of Maysville, and I state that it is not proposed by them to construct a complete combination railroad and vehicular bridge unless and until they are able to finance a railroad to join that bridge.

At the last session there was not the slightest doubt in my mind that the proposal for a railroad there was a vision without financial support, but even then I did not choose to assume to be the final judge. There was no disturbance of any kind when the two bills passed the House. It was under unanimous-consent agreement. When the bills went to the Senate, I journeyed many times to the other end of the Capitol in the effort to get both bills through so they could become law.

Since the last session and in the late fall, in the persons of some gentlemen in Kentucky, the bill secured some added backing. When I introduced the bill last session I had never heard of Mr. Wilson or the combination bridge feature which cause he espoused. When I reintroduced this bill, H. R. 472, at this session I had received no information that there was any change in the status of the Wilson dream.

I do not hesitate to state that the Wilson proposition had more substance in it at the beginning of this session than it had last session, in my mind, but from what has been said by the president of the company himself I can not permit it to go uncontradicted, even though stated by a Member of the House, that railroads would be carrying coal across the Ohio River at this point.

In the first place, there is no connecting railroad on the Ohio side. It is proposed that in some way or other there will be 87 miles of road constructed to Dayton, Ohio, the home of the distinguished gentleman from Ohio [Mr. ROY T. FITZGERALD]. In this day of discontinuance of railroads, several hundred miles having been abandoned the past few years—15 or 20 miles between Ripley and Georgetown, Ohio, in the Ohio territory proposed to be served by the phantom route—no proponent of this measure but would agree that the financing of that railroad would be quite a problem. It is not stated that the railroad has been financed. Mr. Horace J. Cochran is president of the Maysville Bridge Co. There is no higher-type gentleman in Kentucky than he. He makes no effort to deceive. It is not his nature. In an advertisement which comes out in the local press at Maysville this statement is carried over the signature of the Maysville Bridge Co.:

> We do not propose to complete the railway part of this combination bridge at once. We will complete the vehicular traffic and foot passage parts, and will construct the bridge so as to sustain the weight of a standard railway when it is laid.

Sketches of the proposed bridge show that the vehicular bridge is one thing and the railroad bridge another. As I understand it, it is proposed to make the center piers stronger, so that it will bear the weight of the railroad bridge when it shall be constructed; and, as I understand it, it is contemplated to make the truss which rests on this center pier larger and stronger to the same end; but it is not proposed to build the railroad part of this bridge unless and until a railroad be constructed to it. It is absurd to say that the permit for a vehicular bridge will prevent the construction of a railroad.

I want to make this statement so that my position may be made clear. I have never opposed the Maysville Bridge Co. bill. I am not opposing it now. I am dealing with it as a vehicular bridge with the possibility of it blossoming into a combination bridge. It is certainly strange that an ordinary vehicular bridge bill found its way into the hopper at the last session. Then, it was claimed, that "any kind of a bridge can be built under that bill." At this session, the usual form for a combination bridge bill was not used and when it comes upon the floor to-day it is an ordinary vehicular bridge bill.

The statement from the Maysville Bridge Co. itself is unequivocal in its language that the railroad feature awaits the railroad. Here is my position: I am favoring the passage of the Maysville Bridge Co. bill. I have never opposed it. At the same time I have been endeavoring to follow the general policy laid down by Congress that no bona fide offer to build a bridge that will be of service to a great community will be rejected to the end that monopolies or exclusive privileges will be granted any individual or any corporation. The Maysville people and that vicinity deserve a bridge at that point, and if the adherents of the Maysville Bridge Co. will show me in the contract to which reference has been made and extracts printed therefrom, that the du Pont interests have agreed to finance and construct a complete combination bridge and approaches suitable for a railroad at this point, upon which trains can run, I will not only be glad to assist in the passage of H. R. 437, the Maysville Bridge Co. bill, as I am willing to do now, but I will withdraw my bill from consideration.

However, if they do not choose to give me the assurance that the complete railroad bridge and its approaches are to be constructed in fact rather than be sketched on paper—to await the financing of a railroad 87 miles long, I feel my position is thoroughly justified in my desire to see both bills pass the Congress.

I sincerely trust that the gentleman from Ohio [Mr. BRAND] will not object to the present consideration of this bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BRAND of Ohio. I object.

The next business on the Consent Calendar was the bill (H. R. 437) granting the consent of Congress to the Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River.

The Clerk read the title of the bill.

Mr. LYON. Mr. Speaker, I object.

Mr. VINSON of Kentucky. I hope the gentleman from North Carolina will withhold his objection a moment.

Mr. LYON. Mr. Speaker, I reserve the right to object.

Mr. VINSON of Kentucky. This bill has been referred to by its sponsors as a combination bridge bill. It has been stated that it is the purpose to construct a railroad and vehicular bridge under the permit herein sought. However, this bill has no combination bridge features in it. As it reads this moment it is an ordinary vehicular bridge bill. In this respect it is identic with the bill for a permit which I introduced, to which objection has just been heard. I understand it is the intention of the gentleman from Illinois [Mr. DENISON] to amend the bill in such manner as that a combination bridge bill will be created.

Mr. DENISON. Let me say that we have a different form for a combination bridge and railway bridge. This bill was amended by the committee, but by oversight we failed to make that provision. It was the committee's intention to offer a proper amendment to cure the error mentioned and make it a combination railroad and highway bridge.

Mr. VINSON of Kentucky. I respectfully submit that the language contained in the original bill introduced by the gentleman from Ohio [Mr. KEARNS], though it contained the language "a combined railroad and vehicular bridge," does not meet the requirements of your committee relative to bills to secure permit for the construction of a combined railroad and vehicular bridge.

I would like to call the attention of the gentleman from Illinois [Mr. DENISON] to the recapture clause of the bill under discussion.

Section 4 of this bill does not provide in terms for the recapture of the bridge. That portion of section 4 to which I refer reads as follows:

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Kentucky, the State of Ohio, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in real property necessary therefor, by purchase or by condemnation, or expropriation, in accordance with the laws of either of such States governing the acquisition or expropriation.

It is apparent from the reading of this language that there is no right of recapture of the bridge and the approaches that is carried in bills of this character. I submit that the words "such bridge and its approaches and any interest in" should be inserted after the word "in," which is found in line 7, page 7, of H. R. 437.

If the bill is to pass, I submit that it should carefully safeguard the right of recapture afforded to the people under the general policy laid down by the distinguished gentleman from Illinois [Mr. DENISON]. As I stated in my reservation, I do not oppose the bill under consideration and I trust there will be no objection to it.

The SPEAKER pro tempore. Is there objection?

Mr. LYON. I object.

BRIDGE BILLS

The following bridge bills were severally considered, the committee amendments agreed to, the bills as amended ordered to be engrossed and read a third time, were read the third time, and passed, and a motion to reconsider laid on the table:

H. R. 66. A bill granting the consent of Congress to B. L. Hendrix, G. C. Trammel, and C. S. Miller, their successors and assigns, to construct, maintain, and operate a bridge across the Ohio River;

H. R. 121. A bill granting the consent of Congress to the Cairo Association of Commerce, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River;

H. R. 5502. A bill granting the consent of Congress to the Washington Missouri River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River;

H. R. 5679. A bill granting the consent of Congress to the Iowa-Nebraska Bridge Corporation, a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River;

H. R. 5721. A bill granting the consent of Congress to E. M. Elliott & Associate (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River;

H. R. 5803. A bill granting the consent of Congress to the Interstate Bridge Co., of Lansing, Iowa, to construct a bridge across the Mississippi River at Lansing; and

H. R. 6073. A bill granting a permit to construct a bridge over the Ohio River at Ravenswood, W. Va.

Mr. DENISON. Mr. Speaker, I want to save time as much as possible, if I can, for the Members of the House. That is the only interest I have. All the bills on the next page of the calendar, beginning at 177 and running down to 193, are bridge bills that have been considered by the committee and amended to conform with the regular forms agreed upon, and if there is no objection I will make a request that these bills be considered as having been read, the committee amendments agreed to, engrossed and read a third time, and passed. I am sure there is no objection to any of them that I know of.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. LAGUARDIA. Reserving the right to object, and I shall not object if a motion to reconsider is not made until to-morrow, so that any Member if caught unaware can raise the point to-morrow morning.

The SPEAKER. Is there objection?

There was no objection.

The following bridge bills were severally considered, the committee amendments agreed to, the bills ordered to be engrossed and read a third time, read the third time, and passed.

H. R. 6476. A bill granting the consent of Congress to Wabasha Bridge Committee, Wabasha, Minn., to construct, maintain, and operate a bridge across the Mississippi River at Wabasha, Minn.;

H. R. 6487. A bill granting the consent of Congress to the Baton Rouge-Mississippi River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at Baton Rouge, La.;

H. R. 6639. A bill granting the consent of Congress to the Centennial Bridge Co., of Independence, Mo. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River;

H. R. 6973. A bill granting the consent of Congress to E. H. Wegener, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 7032. A bill granting the consent of Congress to Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River;

H. R. 7033. A bill granting the consent of Congress to Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River;

H. R. 7034. A bill granting the consent of Congress to Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River;

H. R. 7035. A bill granting the consent of Congress to Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River;

H. R. 7036. A bill granting the consent of Congress to Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River;

H. R. 7183. A bill granting the consent of Congress to C. J. Abbott, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River;

H. R. 7184. A bill granting the consent of Congress to J. L. Rowan, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River;

H. R. 7916. A bill granting the consent of Congress to the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Madison, Jefferson County, Ind.;

H. R. 7921. A bill granting the consent of Congress to A. Robbins, of Hickman, Ky., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 8106. A bill granting the consent of Congress to F. C. Barnhill, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River;

H. R. 8107. A bill granting the consent of Congress to Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River;

H. R. 8227. A bill granting the consent of Congress to the Sunbury Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Susquehanna River from Bainbridge Street, in the city of Sunbury, Pa.; and

H. R. 8741. A bill granting the consent of Congress to the Dravo Contracting Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.

ADDITIONAL JUDGES, SOUTHERN DISTRICT OF NEW YORK

The next business on the Consent Calendar was the bill (H. R. 9200), to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ADDITIONAL JUDGE, EASTERN DISTRICT OF NEW YORK

The next business on the Consent Calendar was the bill (H. R. 5774) to provide for the appointment of an additional judge of the District Court of the United States for the Eastern District of New York.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

RELIEF OF VICTIMS, AIRPLANE ACCIDENT, LANGIN FIELD, W. VA.

The next business on the Consent Calendar was the bill (H. R. 482) to provide relief for the victims of the airplane accident at Langin Field, Moundsville, W. Va.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to make a thorough investigation of the merits of the claims which have been submitted to the War Department in writing, and which may be so submitted within six months after the date of this act, for compensation for property damage, death, or personal injury alleged to have been caused by the airplane accident at Langin Field, Moundsville, W. Va., on July 10, 1921, and to transmit each such claim with supporting papers and a report of his finding of facts and recommendations thereon to the Comptroller General of the United States for submission to the Congress with his recommendations thereon: *Provided*, That claims on account of disability or death resulting from personal injury sustained in said accident by persons not officers or employees of the United States shall not be recommended hereunder for persons or in amounts which would not be allowable under the United States employees' compensation act if the individual killed or injured were an employee of the United States: *Provided further*, That the report to be made hereunder shall contain a brief statement of the character and justice of each claim so certified, the amount claimed, and the amount found due.

With the following committee amendment:

Page 1, line 6, after the word "writing" strike out "and which may be so submitted within six months after the date of this act."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RIGHT OF WAY, IMPERIAL COUNTY, CALIF.

The next business on the Consent Calendar was the bill (H. R. 5686) granting a right of way to the county of Imperial, State of California, over certain public lands, for highway purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I have an amendment providing that the land shall be ceded back to the United States when it shall cease to be used as a public highway, and if there is no objection to that I shall not object to the consideration of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized, subject to valid existing adverse rights, to grant to the county of Imperial, State of California, for use as a public highway all the right, title, and interest of the United States of America in and to all or any of the following-described property, situated in the county of Imperial, State of California, being 80 feet in width and lying 40 feet northerly and southerly of and parallel with the following-described center line:

Beginning at the common corner of sections 1, 2, 11, and 12, of township 17 south, range 16 east, San Bernardino base and meridian; thence easterly along the section line between sections 1 and 12 of township 17 south, range 16 east, and between sections 6 and 7, 5 and 8, 4 and 9, 3 and 10, 2 and 11, and 1 and 12, of township 17 south, range 17 east, and along the southerly line of sections 6, 5, and 4 of township 17 south, range 18 east, San Bernardino base and meridian, to a point in the southerly line of the last-mentioned section 4, which point is 828.42 feet westerly of the southeast corner of said section; thence northeasterly around a circular curve having a radius of 2,000 feet concave to the northwest, a distance of 1,570.80 feet to a point; thence north 45° east, 5,810.17 feet to a point; thence northeasterly around a circular curve having a radius of 2,000 feet concave to the southeast, a distance of 1,570.80 feet to a point in the northerly line of section 2, township 17 south, range 18 east, San Bernardino base and meridian, which point is 828.42 feet easterly of the northwest corner of the last-mentioned section 2; thence easterly along the northerly line of sections 1 and 2, township 17 south, range 18 east, San Bernardino base and meridian, to its intersection with the center line of the California State highway extending from Holtville, Calif., to Yuma, Ariz.: *Provided*, That the Secretary of the Interior be, and he hereby is, authorized, as a condition precedent to the granting of said parcels of land for the purposes herein specified, to prescribe such conditions, to impose such limitations and reservations and to require such bonds or undertakings as he may deem necessary in order to protect valid existing rights in and to said lands, including reclamation and public water reserve purposes.

With the following committee amendment:

Page 3, line 12, after the word "purposes," insert a colon and the words: "*Provided further*, That the grant herein made shall not apply to the southwest quarter, section 1, township 17 south, range 16 east, San Bernardino meridian."

The committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 3, after line 15, insert the following new section:

"SEC. 2. That the land herein treated shall revert back to the United States when same shall cease to be used as a public highway."

The amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TO CONSOLIDATE COPYRIGHT ACT

The next business on the Consent Calendar was the bill (H. R. 6104) to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BOYLAN. Mr. Speaker, I object.

CONSTRUCTION AT FORT LEAVENWORTH, KANS.

The next business on the Consent Calendar was the bill (H. R. 9567) to authorize appropriations for construction at Fort Leavenworth, Kans., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, is there anyone here from the Committee on Military Affairs?

Mr. CRAMTON. Mr. Speaker, I had some discussion with my colleague from Michigan [Mr. JAMES] about this bill, and perhaps I can answer any question that is suggested.

Mr. LAGUARDIA. I shall object for the present.

Mr. CRAMTON. Mr. Speaker, I ask the gentleman to reserve his objection. My colleague from Michigan [Mr. JAMES] had to return to the hospital, and he asked me to answer any questions that I could.

Mr. LAGUARDIA. It is a matter of policy. This authorizes an appropriation of $120,000. It is the first time that it is on the Consent Calendar, and I think I shall object.

Mr. CRAMTON. I have an amendment that I think might meet the view of the gentleman from New York. The gentleman will note that the bill was introduced by the gentleman from Kansas [Mr. ANTHONY], and because of illness he is not able to be here. The form in which it is presented is almost an appropriation. I have an amendment which Mr. JAMES says is agreeable to him, which will limit the authorization to

$120,000 by inserting the words "not more than" and by striking out the items, so that all of it would have to be examined by the Budget and be approved and come through in the regular way.

Mr. LAGUARDIA. What does the gentleman say about the words "as in the judgment of the Secretary of War"?

Mr. CRAMTON. I have proposed to strike them out.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. With the understanding that these amendments will be offered, I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, $120,000, to be expended for the construction and installation at Fort Leavenworth, Kans., of technical buildings and such utilities and appurtenances thereto as, in the judgment of the Secretary of War, may be necessary, as follows: One hangar, $40,000; field warehouse and shop, $45,000; headquarters building, $20,000; gasoline and oil storage, $5,000; night-flying lighting system, $10,000.

Mr. CRAMTON. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 1, line 5, before the figures "$120,000," insert the words "not more than"; and on page 1, line 10, after the word "thereto," strike out the remainder of the paragraph.

The SPEAKER pro tempore. The question is on agreeing to the amendments.

The amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CONVENTION OF UNITED SPANISH WAR VETERANS IN HABANA, CUBA

The next business on the Consent Calendar was the bill (H. R. 7908) to authorize the granting of leave to ex-service men and women to attend the annual convention of the United Spanish War Veterans and auxiliary in Habana, Cuba, in 1928.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, it is very difficult to object to this type of bills, but there must be some consideration shown to the Treasury and to the Government's interests. The only precedent for this bill was similar action with reference to the Legion meeting in Paris. That is an entirely different situation, however. The distance and all is much greater in that case. No more time and expense are involved in going to Habana than in going to Houston, Tex., or to San Francisco. I do not believe that the precedent established in the Paris convention ought to be extended further. To grant leave of 60 days may result in a good deal of embarrassment to the public business. I therefore feel that it is my duty to object.

The SPEAKER pro tempore. Is there objection?

Mr. LEAVITT. Mr. Speaker, I hope the gentleman will not object to this bill, for this reason: The year 1928 is the thirtieth anniversary of the Spanish-American War, so far as it had to do with us. Not very many veterans of that war desire to go to Cuba to take part in the encampment, which probably will not be duplicated until some other anniversary, perhaps the fiftieth anniversary; and with the precedent established in regard to the American Legion it seems to me to be rather a direct step contrary to the feelings of the veterans of the Spanish War to have an objection raised and an apparent exception made.

Mr. LAGUARDIA. It is my understanding that the veterans can accumulate time. The bill says:

This statute shall not be construed to modify the provisions of the act approved March 3, 1893, the act approved May 23, 1908, and the act approved February 28, 1925, limiting the annual leave which may be granted with pay to 15 or 30 days in any one year, except that any portion of the 15 or 30 days' leave not granted or used during the calendar year 1927, or the fiscal year 1928, may be allowed to accumulate and be pyramided for the purpose herein specified in addition to the 15 or 30 days' leave with pay in the calendar year 1928 or the fiscal year 1929.

Mr. LEAVITT. Of course, this bill was introduced in 1927, and the fiscal year 1927 has gone by.

Mr. LAGUARDIA. I understand the purpose of this bill is to permit men to accumulate their leave for the purpose of allowing them to go to Cuba.

Mr. CRAMTON. The way the laws reads, then, is that a man in the Government service now is entitled to 30 days, and under this bill he is entitled to 60 days. He has no accumulated leave from the past.

Mr. LAGUARDIA. But suppose it is 1929?

Mr. CRAMTON. By this provision you are mortgaging his future leave. Thirty days' leave ought to be sufficient even to get from Montana to Cuba and return, and to spend about all the money the boys will have to spend for the trip.

Mr. LEAVITT. Of course, a visit of this kind has a great deal of sentimental value to those who took part in the war. It has no particular meaning to those who did not take part in the war.

Mr. CRAMTON. How long does the meeting take after they get there?

Mr. LEAVITT. Perhaps a week.

Mr. CRAMTON. Of course, in going to Paris and return a month would be of no value, but I do not see that that is in question here. While this is a type of bill that I do not like to object to, yet——

Mr. LEAVITT. I do not think it will apply to more than 30 or 40 men in the Government service.

Mr. CRAMTON. I will ask the gentleman if it is his construction—the gentleman from New Jersey [Mr. LEHLBACH] introduced the bill—that it would be entirely discretionary with the officials as to whether they would grant the leave or not? Because when you are giving a man 60 days' leave with pay, nobody knows whether he will be in the Government service next year, due to resignation or death, and it can not be foreseen whether he would be entitled to anticipated leave. If I could see that it was necessary in order to make the convention a success, that would be one thing; but to give them 60 days' leave with pay when it is not necessary to make the convention a success is another matter.

Mr. LEAVITT. The responsibility is upon any officer in charge of a bureau to say if it will interfere with the public business.

Mr. LAGUARDIA. It is stated in the bill on line 6 that it is in the discretion of the head of a department or bureau.

Mr. LEAVITT. Yes; that is stated in the bill, and it is understood by the veterans.

Mr. CRAMTON. The bill may come up two weeks from now, and will then require three objections. I object now. If no one agrees with me next time it will pass.

Mr. MADDEN. I agree with the gentleman.

The SPEAKER pro tempore. Objection is heard. The Clerk will call the next bill.

GRAZING LANDS IN MONTANA

The next business on the Consent Calendar was the bill (H. R. 445) authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of land within the State of Montana for grazing and range development, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to enter into a cooperative agreement or agreements with the State of Montana and private owners of such lands in townships 4 north of ranges 50 and 51 east; 5 north of ranges 45, 50, and 51 east; and 6 north of ranges 49, 50, and 51 east, Montana principal meridian, as lie between Mizpah and Pumpkin Creeks, in the State of Montana, whereby such lands and lands within the same area belonging to the United States may be jointly leased for a period of not to exceed 10 years to stockmen owning lands within or adjacent to the said area, under such rules and regulations as the Secretary of the Interior may prescribe: and to enter into such an agreement and issue such a lease to a regularly organized association of such stockmen as will fulfill the purposes of this act: *Provided*, That the lands of the United States within the said area shall be withdrawn from all forms of homestead entry during the period of said lease but shall remain subject to the mineral land laws of the United States: *And provided further*, That any lease issued under the provisions of this act shall be for grazing and range development purposes only: *And provided further*, That the Secretary of the Interior is hereby authorized to cooperate with any department of the Government in carrying out the purposes

of this act with a view to securing the fullest possible benefit to the Government and the livestock industry of such studies as may be made of the operation and results of said cooperative agreements and leases.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

Mr. LEAVITT. Mr. Speaker, this is a very important bill and I ask unanimous consent to extend my remarks in the RECORD in regard to it at this point.

Mr. Speaker, this is an important bill and one which should have some explanation in the RECORD because of the principles involved. It is intended to apply to rough grazing lands in Montana, of which the United States owns 27,534 acres so intermingled with the rest that the use of the entire area by local stockmen dependent upon this range is greatly hampered, and the value of the entire area therefore seriously reduced. Authority exists for the leasing of lands privately owned and belonging to the State to these dependent stockmen, but there is no law under which the United States can lease its part of the lands (about one-fourth). The result is that the use of the entire area is made haphazard and destructive to the forage and to the permanent carrying capacity of the range. This bill is intended to allow the Secretary of the Interior to join in such a lease.

The result will be that stockmen having ranches and hay lands on the two creeks between which these grazing lands lie, known as Mizpah and Pumpkin Creeks, may acquire a lease of long enough duration to justify development of water and such range control as will restore and increase carrying capacity. It will thus become an asset to the permanent development of numerous homes and a factor in the building up of a valuable and important industry.

An added value lies in the fact that this area is only a short distance from the range livestock experiment station at old Fork Keogh, near Miles City. Trained men employed there can carry on studies of this area and compile data of the utmost value as to methods of grazing and handling the public ranges.

The entire matter has been worked out in cooperation. The rights of the private owners are not infringed on in any way and no one is forced into any agreement. The bill is only intended to empower the Secretary of the Interior as the agent of the Government to act with other landowers within the area in working out a cooperative agreement whereby these lands may be both used to advantage and adequately protected against overgrazing.

To do this on this area, where the conditions are typically those existing in many western localities, will furnish a laboratory where the vexing problem of how the public ranges should be handled may be, at least, partly worked out. At any rate, there will be opportunity for study, and for that reason the powers granted the Secretary of the Interior are made broad enough for experimental procedure, always in cooperation with the stockmen and the owners of land other than the Government.

To understand fully the constructive possibilities of this bill, it must be remembered that the cooperative unit includes a gross area of 108,804 acres, made up of the following ownerships in total area and per cent of area:

Ownership	Total acres	Per cent of total area
Northern Pacific Railway Co.	44,357	40.8
Privately owned and 90 per cent abandoned	22,432	20.6
Privately owned by cooperators	8,081	7.4
State of Montana	6,400	5.9
Government public domain	27,534	25.3
Total	108,804	100.0

The unappropriated Government public domain is generally the more broken and poorer forage-producing sections that have not warranted private ownership, and that under present conditions would not justify the payment of taxes and holding charges due to the relatively low production of forage, the only commercial crop upon them. None of this public land is suitable for cultivation. Many of the Northern Pacific sections are similar in character, and the relatively large holdings of the Northern Pacific Railway Co. is indicative of the lack of demand for this land, although it has been for sale by that company for many years. Only in large blocks is this character of land of material value to the stock industry, and consequently the investment and holding charges must be within that amount that will allow the investor a reasonable return from his livestock products.

The first use made of this locality for livestock production followed the migration of the southern herds to the virgin grasslands of Montana in the early eighties. At that time this range in common with others in this section of Montana was composed mainly of the wheat grasses, Agropyron Smithii and Agropyrum Spicatum, highly palatable to cattle and producing a considerable volume of forage due to the height growth of the species. The less volume-producing grammas and other drought-resistant grasses were present but in restricted amounts. Pioneers yet recall the days of the virgin range, when the grasses touched the stirrups and prairie hay was available wherever sufficiently level to cut. This condition was undoubtedly true, the wheat grasses were preeminent and had not given way through overstocking and abuse to the more resistant, the less volume-producing gramma, and associated species.

This area was in these early days used largely for winter range. The broken topography supplied the shelter and a protected summer growth of forage furnished sufficient winter pasture. Adjoining valleys were unfenced and available for summer range, allowing the broken hills to grow and retain the grasses for winter use. Progressing settlement of the valleys gradually forced the use of these hills for summer pasture in addition to the winter use, until finally the hills represented the only remaining free and unrestricted range, and competition between stockmen had arrived at that point where the numbers of stock were in excess of the available forage and severe overgrazing resulted in the practical disappearance of the highly palatable and greater-volume-producing wheat grasses and a change in the composition of the forage plants to a predominating short gramma-grass range with associated less palatable species. This condition of overstocking caused certain stockmen to attempt to secure private control of certain portions of the range by entering into contract purchases for the alternate sections of Northern Pacific lands with the hope of controlling the alternate Government sections, and providing pasture that could be controlled and protected insufficient area to provide pasture for their herds. Then came the 640-acre grazing homestead act and the land boom, and these stockmen found themselves facing the necessity of purchasing the alternate Government sections that were indiscriminately filed upon as rapidly as title could be secured. This was followed by the deflation period, mounting taxes, increased holding charges, and low prices for livestock products, with the result that the contract-purchased lands were largely thrown back upon the railroad company and other lands taken over by creditors in liquidation of loans. Improvements depreciated, abandoned and worthless horses became numerous, and the overgrazed condition of the land reduced the production of cattle from the above area from an estimate of 6,000 head, some 30 years ago, to a maximum of 2,300 head this year.

It was this condition that aroused the interest of the remaining settlers and resulted in the forming of a cooperative livestock association with the common hope and object of legitimately, and at a price within the realization of a safe return from a livestock investment, to acquire control of this unit of range land upon which their ranches and farms are dependent.

Representative sections of the uncontrolled range were covered by an intensive grazing survey and as a check the William Tonn pasture that lies within the unit and that has been under control since 1919 was also intensively surveyed. This survey took into consideration the density, composition, palatability, and volume of the plant growth on both the unrestricted and the controlled range. The controlled range is exactly similar to the uncontrolled except that it has been properly stocked for the past six years, is under fence, and has had water developed at reasonable distances for the stock.

The Tonn pasture averages 168 forage acres per section, and the uncontrolled area 107 forage acres per section, or in terms of carrying capacity for cattle over a six and one-half months period, the Tonn pasture averages 16 surface acres per head as to 22 surface acres per head for the outside uncontrolled range.

The Tonn pasture shows 7 per cent more density, 19 per cent more volume, and 12 per cent more palatability than the outside range. The total production of forage within the Tonn pasture is 38 per cent more than the average for the uncontrolled range. In other words, if we assume that the uncontrolled range is producing 100 tons of forage for a given area, the Tonn pasture, through proper use and control, is producing 138 tons of forage from an equal area.

The gross area of the proposed grazing unit is 108,804 acres. Under present conditions this represents 18,134 forage acres, which, based upon actual carrying capacity experiments on the

Custer National Forest, represents an animal month carrying capacity of 20,160, or in terms of livestock, 2,520 cattle for an 8-month period. This 2,520 cattle represents the true carrying capacity of the uncontrolled unit under present conditions. Assuming that an equal control management and water development as now existent in the Tonn pasture may be exercised, the area should support within six years an increase of 38 per cent in livestock, represented by 25,025 forage acres, 27,821 animal months, or 3,477 head of cattle for an 8-month period. This indicates a possible increase of 957 cattle within a six-year period from increased production of forage through intelligent control, management, and improvements.

The survey indicated that the Tonn pasture has not yet reached the maximum forage production that may be expected from a longer period of control, proper management, and stocking. The wheat grasses are increasing rapidly and conservative estimates would indicate that an additional increase in carrying capacity may be expected. It is not too optimistic to forecast that 10 years of proper management and control of the proposed unit would permanently allow 4,000 cattle to graze where only 2,500 find sufficient forage to-day.

The stockmen take the attitude that they can not afford to develop water or make any range improvements without a reasonable assurance that they may be protected in their use. Too often they have seen migratory stockmen move in on the water holes that control the adjoining range, and under present conditions they have no authority to prevent such encroachment. They are so dependent upon summer pasture that the present situation tends to prevent any material investment in improvements on their owned lands, since loss of the summer pasture would depreciate and make practically valueless the home ranches where the winter feed is produced. Their present hope is that by some form of assurance of permanent use of the necessary summer pasture they may confidently face the future, build up their private investments in ranch property, create a future for their children, and place their business upon as equally a sound plane as any other business or profession.

It is interesting to know that the Montana Stockgrowers' Association and the Eastern Montana Wool Growers' Association both passed resolutions favorable to enactment. They, like most stockmen of the West, are studying the problem of management of the public ranges with the hope that they may be made to fit into the need of permanent use. The Montana Agricultural College and its extension service, the Forest Service, and the officials and experts of the Range Livestock Experiment Station, close at hand, are lending every cooperative assistance possible.

The bill makes it possible for all concerned to reach the common ground necessary to constructive and helpful results of both immediate benefit and the broad value and possibility of thereby arriving at a wise national policy.

The SPEAKER. Without objection it is so ordered.

There was no objection.

CIVIL SERVICE COMMISSION

The next business on the Consent Calendar was the bill (H. R. 5603) to authorize members of the Civil Service Commission and its duly authorized representatives to administer oaths of office.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That members of the Civil Service Commission and its duly authorized representatives are hereby empowered and authorized to administer oaths of office, without compensation, to prospective officers and employees in the civil service of the United States, required to be taken upon their appointment or change of status.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ENCAMPMENT OF THE UNITED CONFEDERATE VETERANS

The next business on the Consent Calendar was the bill (H. R. 7013) authorizing and directing the Secretary of War to lend to the Governor of Arkansas 5,000 canvas cots, 10,000 blankets, 10,000 bed sheets, 5,000 pillows, 5,000 pillowcases, and 5,000 mattresses or bed sacks to be used at the encampment of the United Confederate Veterans to be held at Little Rock, Ark., in May, 1928.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to lend, at his discretion, to the entertainment committee of the United Confederate Veterans, whose encampment is to be held at Little Rock, Ark., in the month of May, 1928, 5,000 canvas cots, 10,000 blankets, 10,000 bed sheets, 5,000 pillows, 5,000 pillowcases, and 5,000 mattresses or bed sacks: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered at such time prior to the holding of said encampment as may be agreed upon by the Secretary of War and the chairman of said entertainment committee.

With the following committee amendment:

Page 2, line 9, after the word "committee," insert the following: "Mr. E. R. Wiles: *Provided further*, That the Secretary of War before delivering said property shall take from said E. R. Wiles a good and sufficient bond for the safe return of said property in good order and condition and the whole without expense to the United States."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

UNAUTHORIZED WEARING, MANUFACTURE, OR SALE OF MEDALS AND BADGES AWARDED BY THE WAR DEPARTMENT

The next business on the Consent Calendar was the bill (H. R. 8309) to amend an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923, be amended so as to read as follows:

"That hereafter the wearing, manufacturing, or sale of the congressional medal of honor, distinguished-service cross, distinguished-service medal, soldier's medal, distinguished-flying cross, or any other decoration or medal which has been, or may be, authorized by Congress for the military forces of the United States, or any of the service medals or badges which have been, or may hereafter be, awarded by the War Department, or the ribbon, button, or rosette of any of the said medals, badges, or decorations, of the form as is or may hereafter be prescribed by the Secretary of War, or of any colorable imitation thereof, is prohibited, except when authorized under such regulations as the Secretary of War may prescribe.

"Any person who offends against the provisions of this section shall, on conviction, be punished by a fine not exceeding $250 or by imprisonment not exceeding six months, or by both such fine and imprisonment."

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 1, line 5, after the figures "1923," insert the following: "section 1425 of Title X, United States Code."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CAPITOL BUILDING AND GROUNDS

The next business on the Consent Calendar was the bill (H. R. 391) to regulate the use of the Capitol Building and Grounds.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MURPHY. Mr. Speaker, I object.

BRIDGE BILLS

Mr. DENISON. Mr. Speaker, there are a number of bridge bills on the calendar that were not reached a while ago, and to which I know there is no objection. If there is no objection from Members of the House, I would like to call up those bills and pass them en bloc, as we did a while ago, in order to save time and to accommodate Members who have introduced bills which require immediate action.

Mr. JENKINS. Mr. Speaker, I want to reserve the right to object to two of those bills, in order that I may ask some questions of the author of the bills.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that the bills, Calendar Nos. 231, 232, 235, 236, 242, 243, 244, 251, 253, 254, 267, and 268, be considered as having been read, the committee amendments agreed to, and the bills engrossed, read a third time, and passed. I am not making a motion to reconsider to-day.

Mr. BYRNS. Mr. Speaker, reserving the right to object, what does the gentleman propose to do with the other bills?

Mr. DENISON. I have omitted those bills to which I shall have to offer amendments from the floor, and those bills include the bills in which the gentleman from Tennessee is interested.

Mr. BYRNS. Does the gentleman propose to pass them right away?

Mr. DENISON. I am going to make that request.

The SPEAKER. Do the bills referred to by the gentleman from Illinois include the two bills to which the gentleman from Ohio desires to reserve the right to object?

Mr. JENKINS. Yes. I desire to reserve the right to object in order to ask some questions of the author of the bills H. R. 473 and H. R. 5722.

Mr. DENISON. I will yield to the gentleman for that purpose now.

Mr. JENKINS. The gentleman from Kentucky seems to be the author of these two bills, H. R. 473 and H. R. 5722. I notice that these bills provide for the construction of bridges at the same place. While I appreciate that it is the policy of Congress not to refuse bridge permits just because it might work a hardship on the investment already made in some nearby bridge project, still I know that Congress will not allow a permit if it is not asked for in good faith. I would therefore like to ask the gentleman from Kentucky whether or not these bridge bills are introduced in good faith, or whether there is any question about one of them or the other?

Mr. VINSON of Kentucky. I know the high purpose which actuates the gentleman from Ohio. I will say frankly that, if I were not thoroughly convinced that each of them was in good faith, and the offers made by responsible people, I would not have introduced the two bills. I will say to the gentleman that, as he knows, Ashland, Ky., is a city of some 32,000 people and is the only city of its size on the Ohio River which has no bridge across the river.

I have documentary evidence in my hands indicating the financial strength of each of the parties who desire permits. I am thoroughly satisfied they are good-faith offers and that the jobs can be done.

Mr. JENKINS. The gentleman will appreciate that Coal Grove, Ohio, and South Point, in my district, are opposite Ashland, and that naturally the people in that section are interested. I would like to ask the gentleman from Kentucky what he has to say with reference to the financial standing of the Ashland Bridge Co., and the probability of this company carrying out the agreement it has with the council of the village of Coal Grove to commence work within 90 days after the final approval of the plans by the War Department?

Mr. VINSON of Kentucky. I have communications from officials of the three banks in Ashland, Ky.—Mr. John E. Buckingham, president of the Ashland National Bank; Mr. L. N. Davis, cashier and vice president of the Second National Bank; and Mr. L. E. Davies, cashier of the Third National Bank—who vouch for their good faith and their financial worth. They say to me in these communications they have no doubt but this bridge will be started within 90 days after the permit is secured and the War Department approves their plans. They state unequivocally that the Ashland Bridge Co. is financially able to do the job. I may say with regard to the Rogers Bros. Co., that the Rogers brothers themselves are men of considerable means. The information I have is that they are thoroughly able, financially and otherwise, to do the job.

Mr. JENKINS. It has come to my attention that there are reports about to the effect that one of these concerns is a stock-promoting scheme. What has the gentleman to say about that?

Mr. VINSON of Kentucky. I have looked into that, and I have a letter from the city solicitor of Ashland, John T. Diederich, and he informs me that there is not one cent of promotion stock involved in the Ashland Bridge Co. proposition. In respect of the Rogers Bros. position, I am assured by a gentleman who formerly represented my district in this House and late Governor of Kentucky, Hon. W. J. Field, that there is no inflated promotion scheme of any kind connected with their offer.

Mr. JENKINS. Mr. Speaker, upon this assurance that my constituents in this vicinity of Coal Grove and South Point, Ohio, are not to be imposed upon by any promotion schemes, and that these proposals are in good faith, I withdraw my reservation of objection.

The following bridge bills were severally considered, the committee amendments agreed to, the bills as amended ordered to be engrossed and read a third time, were read the third time, and passed:

H. R. 9064. A bill granting the consent of Congress to the Highway Department of the State of Alabama to construct a bridge across the Coosa River near Pell City, on the Pell City-Anniston road, between Calhoun and St. Clair Counties, Ala.;

H. R. 9186. A bill granting the consent of Congress to the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, for the construction, maintenance, and operation of a toll bridge across the Ohio River at Sistersville, Tyler County, W. Va.;

H. R. 9339. A bill granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct a free highway bridge across the Mahoning River at Warren, Trumbull County, Ohio;

H. R. 9484. A bill granting the consent of Congress to the Highway Department of the State of Alabama to construct a bridge across the Tombigbee River near Aliceville on the Gainesville-Aliceville road in Pickens County, Ala.;

H. R. 8926. A bill granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River near Garland, Ark.;

H. R. 9019. A bill granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River near Calion, Ark.;

H. R. 9063. A bill to extend the times for commencing and completing the construction of a bridge across the Chattahoochee River at or near Alaga, Ala.;

H. R. 9280. A bill authorizing the extension of time for the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.;

H. R. 9660. A bill authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city;

H. R. 9849. A bill granting the consent of Congress for the extension of the times for commencing and completing the construction of a bridge across the Mississippi River at Quincy, Ill.;

H. R. 473. A bill granting the consent of Congress to the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River; and

H. R. 5722. A bill granting the consent of Congress to the Rogers Bros. Co. to construct, maintain, and operate a bridge across the Ohio River at Ashland, Ky.

CAPITOL BUILDING AND GROUNDS

Mr. MURPHY. Mr. Speaker, I ask unanimous consent to return to Calendar No. 205 (H. R. 391), a bill to regulate the use of the Capitol Building and Grounds and that I may withdraw the objection which I made a few moments ago.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER. Is there objection to the present consideration to the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That, unless authorized by concurrent resolution of Congress, the Capitol Building or Grounds shall not, except as provided in section 2, be used as a place to (1) parade, (2) deliver or make any address, oration, or speech, (3) hold or conduct any concert, reception, funeral, pageant, ceremony, celebration, exercise, or service of any kind, or (4) erect to display any flag banner, emblem, or device, designed or adapted to bring into public notice any party, organization, or movement.

The provisions of this section shall not apply to the use of the Capitol Building or Grounds as a place to transact any public business relating to the Congress or either House thereof or the Supreme Court of the United States.

SEC. 2. The Architect of the Capitol is authorized to permit, under rules and regulations to be promulgated by him, and under his supervision and direction: (1) The holding of dedicatory and memorial services in the Capitol Building or on the Capitol Grounds in connection with any statue, bust, or painting which has lawfully been placed in such building or upon the grounds, (2) the holding of concerts on the Capitol Grounds by any band in the service of the United States, and (3) in the event Congress is not in session, the use of the rotunda of the Capitol Building for funerals of distinguished public officials.

SEC. 3. Section 5 of the act entitled "An act to regulate the use of the Capitol Grounds," approved July 1, 1882, as amended, is amended to read as follows:

"SEC. 5. That it is forbidden to discharge any firearm, firework, or explosive, set fire to any combustible, or utter loud, threatening, or abusive language."

SEC. 4. Sections 6, 10, and 11 of said act, as amended, are hereby repealed.

SEC. 5. So much of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes," approved June 6, 1900, as reads: "*Provided*, That nothing in the act to regulate the use of the Capitol Grounds, approved July 1, 1882, shall be construed to prohibit concerts on the Capitol Grounds at times when neither House of Congress is sitting by any band in the service of the United States under the direction of the Architect of the Capitol," is hereby repealed.

With the following committee amendment:

On page 2, line 15, after the word "officials" insert "or distinguished ex-public officials."

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to ask the gentleman in charge of the bill, or some one who can give me information concerning it, one or two questions. I suppose the third paragraph in section 2 is new law, and I presume the Architect of the Capitol is to determine the question in the case of funerals held while Congress is not in session. The matter seems to be left wholly in the discretion of the Architect of the Capitol.

Mr. LANHAM. The Architect of the Capitol stated before the committee that in such matters he always acts in cooperation with the Sergeant-at-Arms of the House and the Sergeant-at-Arms of the Senate, and would do so even with the enactment of this legislation. It was considered advisable to have some one directly responsible and in charge, with the understanding, however, he would act in cooperation with the Sergeants-at-Arms of the respective bodies.

Mr. GARRETT of Tennessee. The gentleman from Texas will observe that it is proposed to amend the bill and to insert "or distinguished ex-officials." I think this act if adopted means that the Architect of the Capitol will be the official who will determine whether or not the Capitol Building or any part of it shall be used for funerals of ex-public officials.

Mr. LAGUARDIA. Distinguished ex-public officials?

Mr. GARRETT of Tennessee. Yes.

Mr. LANHAM. I think it is clear that is true.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ISOLATED TRACTS OF PUBLIC LANDS

The next business on the Consent Calendar was the bill (H. R. 6684) to amend section 2455 of the Revised Statutes of the United States, as amended, relating to isolated tracts of public land.

The Clerk read the title of the bill.

The SPEAKER. This bill requires three objections. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2455 of the Revised Statutes of the United States, as amended, be, and is hereby, amended to read as follows:

"SEC. 2455. It shall be lawful for the Secretary of the Interior to order into market and sell at public auction, at the land office of the district in which the land is situated, for not less than $1.25 an acre, any isolated or disconnected tract or parcel of the public domain not exceeding 320 acres which, in his judgment, it would be proper to expose for sale after at least 30 days' notice by the land office of the district in which such land may be situated: *Provided*, That any legal subdivisions of the public land, not exceeding 160 acres, the greater part of which is mountainous or too rough for cultivation, may, in the discretion of the said Secretary, be ordered into the market and sold pursuant to this act upon the application of any person who owns lands or holds a valid entry of lands adjoining such tract, regardless of the fact that such tract may not be isolated or disconnected within the meaning of this act: *Provided further*, That this act shall not defeat any vested right which has already attached under any pending entry or location."

With the following committee amendment:

Page 2, line 14, strike out the word "vested" and insert in lieu thereof the word "valid."

The committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I have an amendment:

On page 1, line 4, after the word "States" insert in parenthesis "section 1171 of title 43 U. S. C."; and at line 6, after the figures "2455" in parenthesis "section 1171 of title 43, of U. S. C."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 1, in line 4, after the word "States" insert in parenthesis "section 1171, title 43, U. S. C."; and in line 6, after the figures "2455" insert in parenthesis "section 1171, title 43, U. S. C."

Mr. RAMSEYER. Will the gentleman yield for a question?

Mr. LAGUARDIA. Yes.

Mr. RAMSEYER. When this bill was up before and was objected to and the question involved in the gentleman's amendment was raised, I happened to read the bill and to compare it with the section of the code which it seeks to amend. On page 2, line 9, and also at line 13, the word "act" appears. In the section of the code, at both places, the word is "section." I should like to know why this change from "section" to "act," and whether it does not enlarge the scope of this section by changing it from section to act. I do not know whether the author of the bill did this intentionally or whether this is the language in the bill that came from the department. What is the object of changing the word "section" to "act"?

Mr. WINTER. I can not inform the gentleman, but the form of the bill was approved by the Interior Department as it reads now.

Mr. RAMSEYER. I am just wondering whether they are after something more than they are entitled to, or something more than they want or should have.

Mr. LAGUARDIA. I do not think so. The language is "pursuant to this act," and it refers to this bill.

Mr. RAMSEYER. But this is a section of a number of sections of the act; and the original section, which was the law and is the law now, but which will be displaced by this section, always referred to section and not to act; and what is embodied in this section was only intended to affect things in this section and not in the act, which may have consisted of quite a number of sections, as the gentleman well knows.

Mr. LAGUARDIA. I think there might be that danger if it referred to some other act or some other section. Still, there would not be any objection, if the gentleman wishes, to amend it to read "section" instead of "act."

Mr. RAMSEYER. Then, after we dispose of the pending amendment, I will offer another amendment.

The SPEAKER. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. RAMSEYER. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, line 9, strike out the word "act" and insert the word "section," and on page 2, line 13, strike out the word "act" in both places and insert the word "section."

The amendment was agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message in writing from the President of the United States was presented to the House of Representatives, by Mr. Hess, one of his secretaries.

DEBT OWED BY GREECE TO THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with accompanying papers, referred to the Committee on Ways and Means.

To the Congress of the United States:

I am submitting herewith for your consideration a copy of the report of the Secretary of the Treasury regarding the proposed plan for the settlement of the debt owed by Greece to the United States and of the differences existing between the two Governments arising out of the tripartite loan agreement entered into at Paris under date of February 10, 1918.

The plan of settlement has my approval, and I recommend that the Congress enact the necessary legislation authorizing it for the following reasons:

It provides for the funding of the Greek war debt to our Government and for the settlement of the Greek claim for further advances under the tripartite loan agreement made during the war. While our Government is to advance some twelve millions to Greece, the loan is amply secured, is to be repaid over a period of 20 years at an adequate rate of interest, and is to be used exclusively for reconstruction work of great humanitarian

as well as economic value. This loan discharges what the Greek Government has consistently contended is a legal and moral commitment of our Government.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 6, 1928.*

INDEBTEDNESS OF THE KINGDOM OF SERBS, CROATS, AND SLOVENES

Mr. GREEN of Iowa. Mr. Speaker, by direction of the Committee on Ways and Means, I present the following report on H. R. 367, to authorize the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes.

BRIDGE ACROSS THE TENNESSEE RIVER

Mr. DENISON. Mr. Speaker, I want to finish these bridge bills. These are all from the State of Tennessee, and on account of the provision of the State law I am obliged to offer an amendment of one word to the committee amendment. I call up the bill (H. R. 9198) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. DENISON. Mr. Speaker, on page 2 of the bill, in line 1, I move to strike out the word "twenty" and insert the words "twenty-five."

The Clerk read as follows:

Page 2, line 19, strike out the word "twenty" and insert the words "twenty-five."

The amendment to the committee amendment was agreed to and the committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE CUMBERLAND RIVER

Mr. DENISON. I call up the bill (H. R. 9137) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Lebanon-Hartsville road in Wilson and Trousdale Counties, Tenn.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. DENISON. Mr. Speaker, on page 2, line 20, I move to strike out the word "twenty" and insert the words "twenty-five."

The Clerk reported the amendment, as follows:

Amendment to the committee amendment: Page 2, line 20, strike out the word "twenty" and insert the words "twenty-five."

The amendment to the committee amendment was agreed to.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE CUMBERLAND RIVER

Mr. DENISON. Mr. Speaker, I now call up the bill (H. R. 9139) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Lafayette-Celina road in Clay County, Tenn.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. DENISON. Mr. Speaker, I move to amend the committee amendment, on page 2, line 19, by striking out the word "twenty" and inserting the words "twenty-five."

The Clerk read the amendment, as follows:

Amendment by Mr. DENISON to the committee amendment: Page 2, line 19, strike out the word "twenty" and insert the words "twenty-five."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS TENNESSEE RIVER, ROANE COUNTY, TENN.

Mr. DENISON. Mr. Speaker, I call up the bill H. R. 9196, granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Decatur-Kingston road in Roane County, Tenn.

The Clerk read the title of the bill.

Mr. DENISON. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DENISON to the committee amendment: Page 2, line 13, strike out the word "twenty" and insert in lieu thereof the word "twenty-five."

The amendment to the committee amendment was agreed to, and the committee amendment was agreed to. The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS TENNESSEE RIVER, MARION COUNTY, TENN.

Mr. DENISON. Mr. Speaker, I now call up the bill H. R. 9147, granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a toll bridge across the Tennessee River, on the Jasper-Chattanooga road in Marion County, Tenn.

The Clerk read the title of the bill.

Mr. DENISON. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DENISON to the committee amendment: Page 2, line 13, strike out the word "twenty," and insert in lieu thereof the word "twenty-five."

The amendment to the committee amendment was agreed to and the committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS TENNESSEE RIVER, KNOX COUNTY, TENN.

Mr. DENISON. Mr. Speaker, I call up the bill (H. R. 9197) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Knoxville-Marysville road, in Knox County, Tenn.

The Clerk read the title of the bill.

Mr. DENISON. Mr. Speaker, I offer the following amendment to the committee amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. DENISON: Page 2, line 13, strike out the word "twenty" and insert the word "twenty-five."

The amendment to the committee amendment was agreed to.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS CUMBERLAND RIVER, STEWART COUNTY, TENN.

Mr. DENISON. Mr. Speaker, I call up the bill (H. R. 9199) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Dover-Clarkesville road. in Stewart County, Tenn.

The Clerk read the title of the bill.

Mr. DENISON. Mr. Speaker, I offer the following amendment to the committee amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DENISON: Page 2, line 19, strike out the word "twenty" and insert the word "twenty-five."

The amendment to the committee amendment was agreed to.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE CLINCH RIVER, HANCOCK COUNTY, TENN.

Mr. DENISON. Mr. Speaker, I next call up the bill (H. R. 9293) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Clinch River on the Sneedville-Rogersville road, in Hancock County, Tenn.

The Clerk read the title of the bill.

Mr. DENISON. Mr. Speaker, I offer the following amendment to the committee amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DENISON: Page 3, line 7, strike out the word "twenty" and insert in lieu thereof the word "twenty-five."

The amendment to the committee amendment was agreed to.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. DENISON. Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce, I express to the House my sincere appreciation of their very kind consideration.

TO CONSOLIDATE COPYRIGHT ACTS

Mr. VESTAL. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 6104) to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909, with the amendment which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Indiana moves to suspend the rules and pass the bill H. R. 6104, as amended, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909 (sec. 57 and sec. 61, of Title 17, U. S. C.), be, and the same are hereby, amended so as to read as follows:

"SEC. 57. That the said printed current catalogues as they are issued shall be promptly distributed by the copyright office to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails, in accordance with revised lists of such collectors of customs and postmasters prepared by the Secretary of the Treasury and the Postmaster General, and they shall also be furnished in whole or in part to all parties desiring them at a price to be determined by the register of copyrights for each part of the catalogue not exceeding $10 for the complete yearly catalogue of copyright entries. The consolidated catalogues and indexes shall also be supplied to all persons ordering them at such prices as may be determined to be reasonable, and all subscriptions for the catalogues shall be received by the Superintendent of Public Documents, who shall forward the said publications; and the moneys thus received shall be paid into the Treasury of the United States and accounted for under such laws and Treasury regulations as shall be in force at the time.

"SEC. 61. That the register of copyrights shall receive, and the persons to whom the services designated are rendered shall pay, the following fees: For the registration of any work subject to copyright, deposited under the provisions of this act, $2, which sum is to include a certificate of registration under seal: *Provided*, That in the case of any unpublished work registered under the provisions of section 11, the fee for registration with certificate shall be $1, and in the case of a published photograph the fee shall be $1 where a certificate is not desired. For every additional certificate of registration made, $1. For recording and certifying any instrument of writing for the assignment of copyright, or any such license specified in section 1, subsection (e), or for any copy of such assignment or license, duly certified, $2 for each copyright office record-book page or additional fraction thereof over one-half page. For recording the notice of user or acquiescence specified in section 1, subsection (e), $1 for each notice of not more than five titles. For comparing any copy of an assignment with the record of such document in the copyright office and certifying the same under seal, $2. For recording the renewal of copyright provided for in sections 23 and 24, $1. For recording the transfer of the proprietorship of copyrighted articles, 10 cents for each title of a book or other article, in addition to the fee prescribed for recording the instrument of assignment. For any requested search of copyright office records, indexes, or deposits, $1 for each hour of time consumed in making such search: *Provided*, That only one registration at one fee shall be required in the case of several volumes of the same book deposited at the same time."

SEC. 2. This act shall go into effect on July 1, 1928.

The SPEAKER. Is a second demanded?

Mr. BOYLAN. Mr. Speaker, I demand a second.

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Indiana is entitled to 20 minutes and the gentleman from New York to 20 minutes.

Mr. VESTAL. Mr. Speaker, this bill proposes to increase the fees in the copyright office. It does not affect any other part of the law. The fees have not been increased in the copyright office in years. They are running behind, so far as their finances are concerned, and had to go before the Committee on Appropriations at the beginning of this session of Congress to obtain special relief. The number of copyright matters coming before the office is increasing daily, and it is absolutely necessary to increase the fees to anywhere near pay the cost of giving this monopoly to these different people. We have increased the fees for all published work from $1 to $2 and the fee on unpublished works we leave at $1. We have doubled the price of the catalogues because of the cost of printing.

Mr. ABERNETHY. This does not change the law except as to fees?

Mr. VESTAL. No.

Mr. GARNER of Texas. Do I understand that an article, for instance, which is copyrighted in the newspaper still pays $1?

Mr. VESTAL. No.

Mr. GARNER of Texas. Suppose you write an article to-day for one of the Washington papers, which appears in its columns, and that is the only print there is of it, and you copyright it. Is the fee for that $1 or $2?

Mr. VESTAL. Two dollars.

Mr. GARNER of Texas. What do you mean by "$2"?

Mr. VESTAL. Suppose a man writes a piece of music and it is not published before he gets the copyright on it. Before it is published he pays $1.

Mr. GARNER of Texas. You say this copyright-fee increase is to pay the expenses of the copyright office?

Mr. VESTAL. Partly to pay the expenses.

Mr. GARNER of Texas. Heretofore they have been losing money, have they?

Mr. VESTAL. Yes. Mr. Speaker, I reserve the balance of my time.

Mr. BOYLAN. Mr. Speaker, I yield myself 10 minutes.

The SPEAKER pro tempore. The gentleman from New York is recognized for 10 minutes.

Mr. BOYLAN. I think, gentlemen, you remember this bill; it is an old customer. It was passed here last year, and while it passed the House, it failed to pass the Senate.

It is a very simple bill. Inasmuch as the question was asked by my colleague from Texas [Mr. GARNER] as to whether or not it increased the fee. I will answer, it does increase the fee 100 per cent. Where the present fee for copyrighting an article is $1, it is increased to $2.

This, gentlemen, is a tax on intelligence, and because the copyright bureau is running behind it wants to get additional money out of the poor writers and poor authors—is manifestly unfair. We do not ask our Agricultural Department to be self-sustaining. We do not ask that the Post Office Department be self-sustaining. We do not ask that our Bureau of Education shall be self-sustaining. We do not ask that our State Department shall be self-sustaining. We do not ask any of the departments that disseminate information to the people of the country, that they be made to pay their way. Why pick on the poor author and make him come and double his contribution to the Government?

Take the case of all the country newspapers. Suppose one of you gentlemen prepared a splendid address—such as I know you are capable of doing—and had it put into the home paper, and before it was sent out you wished to have it copyrighted. You probably felt that it was of such importance that it ought to be handed down to posterity. Instead of paying a dollar you would have to pay $2.

Gentlemen, I think you will agree with me when I say that we ought to seek out the intelligence of the country, we ought to encourage it, and we ought to foster it by every possible means in our power and not try to nip the budding genius in its very inception by adding to the cost of copyright. I do not see why, because men receive an increase of salary in the copyright bureau that the increase of salary should come out of the poor, struggling author rather than out of the other general funds that we have. I believe in an increase of salary, and I believe on the whole that Government officials are poorly paid and woefully underpaid.

I know, gentlemen, that after your arduous labors of the day here many of you, if you have no dinner engagement, retire to the sanctity of your den, after a good dinner, and you get out the old slippers and the dressing robe and the faithful pipe; you go and pick out a favorite author and regale your mind with him for an hour or two. I want you to consider that some of these authors who entertain you and who have shed such luster and renown upon the literature that has come down to us through the years, were poor men. If these men had had to pay the copyright charges proposed by you to-day you would not have the privilege of reading the splendid emanations of their minds.

You may say, "Well, what does a dollar amount to?" Well, of course, a dollar may not amount to much to a man of opulence such as a Congressman and other celebrated public officials, but a dollar would mean a whole lot to a struggling author. It would mean very, very much. That dollar might be just the very thing that would prevent the publication of his work.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield there?

Mr. BOYLAN. Yes.

Mr. LAGUARDIA. If the author had not sold his story he would not be required to pay the $2, but would have to pay only $1.

Mr. BOYLAN. Of course, but it would be taken out of his meager stipend.

Mr. LAGUARDIA. If the dollar were taken out of the price for his story it would not make any difference whether it was copyrighted or not. Can the gentleman mention an author who would be hurt by this bill?

Mr. BOYLAN. I will say that as respects a distinguished author who writes daily and whose writings are copyrighted and are well known to you and other Members of the House, I am credibly informed that all he gets for his daily articles is $10. I know that the gentleman from New York [Mr. LAGUARDIA] is himself an author.

Mr. LAGUARDIA. I do not want to copyright myself.

Mr. BOYLAN. I know you would not accept $2 for your articles, because I know they are of such superior merit that they are worth more than $2. That dollar would come out of the $10. That dollar would buy your breakfast.

Mr. LAGUARDIA. He would get $10 from each paper, but he has got only one copyright fee to pay.

Mr. BOYLAN. Oh, no; the gentleman is in error.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. BOYLAN. I yield myself three minutes more. The copyright fee would be paid only once. In the case of a syndicated article the gentleman gets only $10 for the whole article.

Mr. LAGUARDIA. He must be, indeed, a poor author.

Mr. BOYLAN. He may not, of course, be in the gentleman's class, but he is an author who is highly thought of not only by Members of this House but by newspaper readers in general.

I think, gentlemen of the House, it is our duty to foster struggling authors, and I would be in favor of eliminating entirely all charges for copyrights, because then we would add a further incentive to the genius of the Nation. Of course, they say the first 25 years are the hardest, and I would do that in order to help them over the first 25 years.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. LAGUARDIA. Is the author the gentleman has in mind the man who writes about the famous water from Indiana?

Mr. BOYLAN. Well, that might be one of his subjects. I do not know that he confines himself exclusively to that. However, gentlemen, I consider we should help these struggling authors because we can not have too much intelligence in America. The more intelligent our people are, the better grasp they will have of the doings and workings of Congress; the better they will be able to read the CONGRESSIONAL RECORD and the better they will be able to read, digest, and analyze the wonderful orations delivered on the floor of the House.

Mr. BLOOM. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. BLOOM. Does the gentleman believe that the CONGRESSIONAL RECORD should be copyrighted?

Mr. BOYLAN. I believe if it were copyrighted it might perhaps retard its circulation. [Laughter.] I believe we should give the greatest measure of intelligence to all our people. I am in favor not only of not increasing the cost of copyrights but, as I said previously, I am in favor of eliminating all charges whatever in order that the industrious men and women of America devoting themselves to literary pursuits might be encouraged in every possible way.

Mr. HOOPER. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. HOOPER. Does not the publisher ordinarily pay the copyright fee when the author has submitted his work to him?

Mr. BOYLAN. Well, I understand that in many instances the publisher pays it, but takes it out of the stipend given the author.

Mr. LAGUARDIA. What a piker that publisher must be.

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. BOYLAN. Mr. Speaker, I yield myself two additional minutes. In conclusion I ask you to consider this matter very carefully and to vote as your consciences dictate. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. VESTAL. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Speaker, I wish to make a very brief statement with reference to this bill. I serve on the committee which gave it consideration. It was reported to this House unanimously by that committee. The gentleman from New York [Mr. BOYLAN] has made the statement that this is a tax upon intelligence. In my judgment, it is very far from that. The copyright laws of this country give an exclusive privilege to authors whose works are copyrighted. This privilege is for a period of 28 years, with the right of renewal for an additional 28 years, making a total of 56 years. The reference which the gentleman from New York made to the Postal Service and other departments of the Government, therefore, is not analogous to this case because the service to which he alludes is not an exclusive privilege. Copyright laws do not put a tax upon intelligence, but, on the contrary, protect intelligence by granting an exclusive right for 56 years.

All we are asking is that those so protected pay a part of the cost of their own protection, in order that the public generally, who pay taxes and who buy these copyrighted works, may not have to contribute unduly from the Treasury of the American people to the opportunity afforded authors to enrich themselves. Now, that is the gist of this matter.

The gentleman has made reference to the authors. All of the leading authors in this country, certainly all those who have any organized voice through which they can speak, are on record before our committee as being heartily in favor of this legislation; and, as a matter of fact, in our hearings there has not been one protest from any source against the enactment of this bill.

Mr. BLOOM. Will the gentleman yield?

Mr. LANHAM. Yes.

Mr. BLOOM. Will the gentleman please state, for the benefit of the Members of the House, why the authors and composers did not object to this bill, and say it was on account of the fact that they wanted to raise the salaries of the employees of the department; that the chairman of the Appropriations Committee said the only way you could get it was by raising the fees, and that is the reason why the authors and composers did not object to this?

Mr. LANHAM. I may have to ask for a little more time if I have to answer these questions, because I want to go on with my statement; but let me say this: Suppose they did ask that? Suppose the authors made the request that the fees be increased in order that those who are working in the copyright office might receive salaries commensurate with the work they are doing? Their higher salaries would then be paid by the copyright fees received from the authors themselves, and yet they are asking that an increased fee be placed upon them, so, even on that assumption, the authors are not objecting.

Now, what is the situation as to the authors? It is almost impossible to buy a piece of current literature, of fiction, biography, or history for less than $2 a single copy, and the copyright fee we are asking here is $2, the cost of a single copy of most works of fiction offered the public to-day. For the $2 which the author pays, what do we give him? We give him the exclusive right to all the earnings received from that copyrighted article for 56 years, and for that privilege the author pays the cost of one copy of his book. Is there anything unreasonable in that? If it is a play or if it is some work he wants to use for a particular purpose without going to the expense of having it published, he may copyright it as an unpublished work at the rate of $1, which now obtains. There is no increase in that cost whatever.

Mr. SNELL. Will the gentleman yield?

Mr. LANHAM. Yes.

Mr. SNELL. I do not know very much about this bill, so I want a little information. As I understand it, all you are asking is to get enough money to reimburse the Government for the work it is doing at the present time.

Mr. LANHAM. To be sure, and it is doubtful whether it will do that.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. VESTAL. Mr. Speaker, I yield the gentleman three additional minutes.

Mr. LANHAM. The copyright office is now operating at a loss.

Mr. SNELL. And this bill is for the purpose of making up that loss.

Mr. LANHAM. Yes; or at least a part of it.

Mr. SNELL. For the rights you give them in the protection of their work.

Mr. LANHAM. That is exactly it. We are simply asking the man who dances to help pay the fiddler.

Mr. BLOOM. Will the gentleman yield?

Mr. LANHAM. In just a moment, after I have finished this statement. We are asking those who receive this privilege to pay part of the cost of conferring the privilege.

We have been making annual appropriations for the upkeep and maintenance of the copyright office. In order to do what?

In order to give these very people an opportunity to have an exclusive right to their work for 56 years.

As I have said before, there has been no complaint whatever before our committee with reference to the bill.

There is just one other feature of the measure which I wish to discuss. We are increasing from $5 to $10 the price of the annual catalogue. The annual catalogue contains about 8,000 octavo pages listing about 170,000 copyright entries a year.

Mr. BLOOM. Will the gentleman yield there?

Mr. LANHAM. I will.

Mr. BLOOM. Why not make the price of that book $50, when through the purchase of that book the people who use it make hundreds of thousands of dollars out of it? Why only increase that from $5 to $10 when you double the fee in the other instance?

Mr. LANHAM. The gentleman can apply the argument in the same way to authors. Why, we read in the newspapers and in the magazines about editions of some of these books that are going into 80,000 or 90,000 copies, and the author for his small payment of $2 is getting great returns from his production. Why not on the same principle increase this fee?

We are simply trying here to do what we think is reasonable and equitable for all parties concerned without working a hardship upon anyone, and we are seeking thereby more nearly to defray the actual cost of operation of our copyright office.

Mr. BLOOM. Will the gentleman yield there?

Mr. LANHAM. Yes.

Mr. BLOOM. With reference to the cost of this book which we are proposing to sell for $10, does the gentleman know what it costs the department?

Mr. LANHAM. I suppose it costs considerably more than $10 per copy to prepare the book.

Mr. BLOOM. Is it not the fact that this book which is sold to merchants and others throughout the country is something they absolutely require in their business, and is it not true they could not conduct their business without having this book, and they would be willing to pay $100 for the book if you charged them that much for it?

Mr. LANHAM. I will answer the gentleman in this way. If the gentleman can get this bill amended and increase that price of $10 and thereby make them come more nearly paying the cost of operation of our copyright office, I will vote for it.

Mr. BLOOM. So will I. Speak to the chairman of the committee and let us amend it.

Mr. LANHAM. In other words, the committee is endeavoring here to get an increase which, though not commensurate with the protection afforded the beneficiaries, will help us to defray the cost of operating this office. [Applause.]

Mr. BOYLAN. Mr. Speaker and gentlemen, I have heard the distinguished gentleman from Texas, whom I respect and admire. Did he emphasize in his argument that he was going to help the publication of beautiful things that might go down through the years—writings that would raise and elevate the minds of mankind—by eliminating the copyright fee? Oh, no; it was the cost that he emphasized. The only argument he had was the cost. Is there any price on superintelligence, is there any rule of thumb whereby you can place a value upon it? Will you allow a mere matter of cost to fail to bring to it a proper state of recognition? We ought to have something else in our minds rather than the cost. We ought to get away occasionally from the dull daily grind and refresh our souls by enjoying the beauties of nature, art, music, and literature. We ought to think about these things and not be everlastingly talking about costs. Let us not be known as a dollar nation. Let us show the world that we have some regard for the finer things in life. We can do this by defeating this bill that increases the burden on the struggling author.

Mr. McSWAIN. Is the gentleman in favor of the $1 fee?

Mr. BOYLAN. I am in favor of eliminating the $1 tax. There should be no tax on intelligence.

Mr. BLOOM. But the gentleman is willing to let the $1 stay?

Mr. BOYLAN. Yes; I am in favor of that for the present.

The SPEAKER. The question is on the motion of the gentleman from Indiana to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

LEAVE OF ABSENCE

By unanimous consent, the following leaves of absence were granted:

To Mr. BACON, for two days, on account of illness.

To Mr. JACOBSTEIN, for an indefinite period, on account of illness in his family.

DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND LABOR APPROPRIATION BILL

Mr. SHREVE. Mr. Speaker, I present a conference report on the bill (H. R. 8269) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes.

Which was ordered printed.

FREE GOVERNMENT AND FREE PRESS

Mr. CONNALLY of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address that I delivered before the Texas Press Association.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, I avail myself of the privilege granted to me by the House by printing in the RECORD an address delivered by me before the State convention of the Texas Press Association at El Paso, Tex., on June 17, 1927:

Mr. President and members of the Texas Press Association, the honor of addressing the State Press Association of Texas places me greatly in your debt. I desire to make acknowledgment of the obligation which it entails. The press of Texas has long enjoyed a reputation extending far beyond the borders of the State. It is a vital force in the intellectual, political, moral, and material life of our people.

It is because the press so accurately measures our progress in so many fields that, though a layman, I am induced to speak to you on Free Government and Free Press. Political freedom and freedom of the press have had such intimate association in their development and still are so interdependent, it has seemed to me appropriate to discuss their relation before this distinguished company.

To-day when the reader may read in numerous newspapers within a few hours of their issue the news from all parts of the world, and editorial and other comment on the action of governments and of men, it is difficult to envisage the periods, not distantly remote, in which the battle for the freedom which the press enjoys to-day was waged. In the Anglo-Saxon struggle for liberty in England and in America all of its triumphs were not on the field of battle. Freedom to think and the right to express opinion by speech and through the press were deemed essential for the correction of abuses and as necessary to preserve the liberty of the citizen as armed revolution was to secure it.

It has been said that "Liberty of opinion has been the last political right that has been gained by the people." Its expression was for centuries dependent upon the will of the sovereign. The monarch ruled without consulting either the will or the opinions of his subjects. To-day public opinion lies at the very roots of democracy and representative government.

EARLY STRUGGLE OF PRESS

With the invention of the printing press by Gutenberg and its improvement, by the end of the fifteenth century newspapers had been established in Venice, Cologne, Copenhagen, Paris, and Amsterdam. More than 120 years expired before The Weekley Newes was established in England, in 1622. It was forced to confine itself to "newes from forain partes." The Tudors and the Stuarts suppressed the discussion of local affairs. The crown claimed the right under its general prerogative to license printers and booksellers and to thus maintain a monopoly.

In 1637 a stringent order was issued by the Star Chamber, that great engine of censorship and tyranny, preventing the importation of books printed abroad to the scandal of religion or the church or government and the printing of any book not lawfully licensed. The same restriction was exercised by the Long Parliament after the abolition of the Star Chamber. It was against an ordinance of that body, in 1643, that John Milton directed his Aeropagitica, a Speech for the Liberty of Unlicensed Printing. Among other things Milton said, "Give me liberty to know, to utter, and to argue freely according to conscience above all other liberties." Under the licensing act objections were made by the licenser against lines 594–599 of the first book of Paradise Lost. Charles II, in 1660, by proclamation, suppressed Milton's A Defense for the English People. A desire to suppress criticism is not inherent alone in kings. It is possessed by other forms of government.

Under Cromwell's Commonwealth persons printing reports of the proceedings of Parliament were subject to prosecution. A resolution prevented news reporters from "intermeddling with their debates or other proceedings or giving any account or minute of the debates." In the days of the Stuarts visitors were excluded from Parliament on the ground that their absence was an aid to liberty, since a member was protected against his words being taken down for future condemnation in the courts of the king. With their overthrow exclusion was continued for political purposes. With the restoration of Charles II the freedom of the press was practically destroyed.

In 1680 a judge declared that when by the King's command the judges were to give an opinion as to what was to be done toward the regulation of the press, they advised that to print or publish any newspaper or pamphlet of news was illegal. He declared that proof of publication was proof of guilt, and that the court alone could determine the issues of malice and libel. The judges refused to submit to the jury any issue except of publication. The judges were appointed by the King and were powerful instruments of oppression. It was around the right of the jury to pass upon intent and malice that the great battles of the future revolved. Finally in 1694 the Commons refused to renew the licensing act, which had given the Government control of the press. Though anyone might print what he would, he was held responsible to a rigid interpretation by the courts. The truth of the publication was not a defense. Almost a century later Lord Mansfield declared, "The greater the truth the greater the libel."

Parliament by a standing order forbade the publication of its proceedings. Notwithstanding such restrictions, the press secured and published reports. Dr. Samuel Johnson wrote parliamentary reports from 1740–1743 and published them. To circumvent the prohibition of the publication of debates, they were represented as taking place in the "Senate of Great Lilliput." Magazines reported the oratory of Mark Antony, Brutus, and other characters as taking place in the "Political Club."

HOW PROSECUTION HELPED

Two famous prosecutions for libel aided the fight for greater liberty. John Wilkes was a member of the House of Commons. In 1763 in an issue of the North Briton he discussed the King's speech to Parliament. Though his attack was upon the King's minister as the author of the speech, it was charged that he had insulted the King. He defied the King's general warrant, but upon a special warrant he was tried and convicted for printing and publishing a seditious libel. The Commons unseated him. At once the case became a political issue. He stood for Parliament and was again elected and again denied a seat. Again elected he was again turned from its doors. On his fourth election his opponent was seated. On his fifth election a new Parliament seated him.

The echoes of the Wilkes case had hardly subsided when there appeared the celebrated letter of Junius addressed to the King. The author was unknown, but a publisher was prosecuted for seditious libel. Though Lord Mansfield instructed the jury that they had no power to determine the intention, the malice, or the sedition, but only the fact of publication, opinion had been so aroused that the jury returned an uncertain verdict and a new trial was granted. On the trial of another publisher of the letter the jury disregarded Mansfield's instructions and acquitted the accused.

These and other trials reacted tremendously upon public opinion in England. Erskine's great speeches in libel cases, among others that of the case of Tom Paine, for publishing the Rights of Man, impressed the public mind.

With the advancement of the English people toward self-government, the desire for a free press increased step by step. The doctrines of Mansfield were definitely repudiated by the Fox libel act in the time of George III. Fox, the great Liberal leader, said: "Speech ought to be completely free. Take away the freedom of speech or writing and the foundation of all freedom is gone." His bill gave the jury the right to judge the intent and tendency of the defendant's words and to acquit the accused for criticisms of the government and men, except where charges were made with illegal intention.

TRUTH MADE DEFENSE

Not yet was complete freedom attained. It was not until 1843 that England provided that truth could be pleaded as a defense, on a plea that its publication was in the public interest. By steady progress the English press may be said to have found its complete freedom. Though Edmund Burke, in referring to the futility of an opposition member making an impression in his day, complained: "In the House he votes forever in a dispirited minority. If he speaks the doors are locked," parliamentary proceedings are no longer withheld from the public. The advances have been made almost without the aid of legislation. It progressed through the growth and strength of public opinion. Like other rights under the British Constitution, it is not guaranteed by any written constitutional provision. It is protected alone by British custom and tradition which have come to have the force of law.

THE STRUGGLE IN AMERICA

In tracing the development of freedom in the United States, the English background must always be kept in mind. During the period when the American Colonies were being provoked to revolution the struggle over the freedom of the press in England was acute. It had its reactions here. The more liberal attitude had the support of the colonists.

One of the interesting libel prosecutions prior to the Revolution was that of John Franklin. He had criticized the general court, the legislative branch in Massachusetts, and the governor, and was sentenced to a month's imprisonment. During his incarceration his younger brother, Ben, operated his paper. Benjamin was being prepared for the brilliant battles of his mature years in behalf of liberty.

The celebrated trial of Zenger was the occasion of the decision of two problems—the right to record and discuss the acts of government, and the right of juries to decide the intent rather than the mere fact of publication. Many editions of the report of the trial were published, both in the Colonies and in England. Gouverneur Morris referred to it as the "dawn of that liberty which afterwards revolutionized America." Zenger attacked Cosby, the royal Governor of New York, and was imprisoned nearly nine months before trial. However, he continued to publish his Journal. He said that by speaking through a hole in the door of the prison to his wife and servant he hoped to continue his weekly Journal as formerly. Counsel for Zenger was able to influence the jury to disregard the instructions of the court, which reserved to the judge the right to determine whether or not the publication was libelous, and secured a favorable verdict.

The Continental Congress in October, 1774, in an address to the inhabitants of Quebec, asserted that the colonists were entitled to five notable rights—representative government, trial by jury, liberty of the person, easy tenure of land, and freedom of the press. They claimed them as Englishmen.

CONSTITUTION AMENDED

It is noticeable that the original draft of the Constitution of the United States did not contain a clause assuring freedom to the press. However, the first Congress submitted to the States the first 10 amendments, which have come to be known as the American bill of rights. The first amendment protects the press in the following language:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof or abridging the freedom of speech or of the press, or the right of the people peacefully to assemble and to petition the Government for a redress of grievances."

The amendment became effective in 1791. That date marks for the United States the constitutional recognition of the freedom of the press from arbitrary Federal power.

A test was soon to come. The spirit of passionate partisanship that raged during the administration of John Adams brought forth the alien and sedition laws of 1798. Our difficulties with France and Great Britain produced rancor and bitterness at home. The opposition press charged that the administration and the Federalists were partisans of Great Britain. The Federalists retorted that the Republicans were French Jacobins. The sedition bill was designed to silence criticism of the Federalist administration. When first drafted it was more severe than its final form. Alexander Hamilton was astounded at its harsh provisions. He exclaimed, "Why establish a tyranny?" It was enacted on July 10, 1798. One of its notable victims was Matthew Lyon, of Vermont. Lyon was a Member of Congress, and when Vermont papers refused to publish his address to his constituents he established a paper of his own. Among other things he printed a letter from Barlow, the poet, referring to "the bullying speech of your President and the stupid answer of your Senate." For the publication of that criticism Lyon was sentenced to four months in jail and assessed a fine of $1,000. The trial was farcical and partial. He was incarcerated in a small cell, and was refused writing materials. In the meantime popular fury against the alien and sedition laws was growing in strength. The sentiment for democracy and Jefferson, its leader, were increasing. The people feared an era of proscription under these obnoxious measures. Lyon was nominated for Congress. The Federalists were amazed. Lyon was elected overwhelmingly. Jefferson and his friends raised the amount of his fine.

Upon his release he was triumphantly escorted through New York, New Jersey, and Pennsylvania amidst ovations. Out of the Lyon case grew another prosecution. Anthony Haswell, a man who had served in the Army of Washington, had appealed for funds to pay the fine of Lyon through the columns of his Gazette and had attacked the administration. He was convicted of sedition. There were other cases of arbitrary and tyrannical employment of the act. Opposition to these repressive and un-American measures gained so rapidly that public opinion was aroused. The Virginia and Kentucky resolutions in protest appeared. The triumph of Jefferson, who had led the fight against the alien and sedition laws, was assured in the election of 1800. The repeal of these hated acts brought to an end a dramatic and historic struggle.

NOW FIRMLY ESTABLISHED

It may be said that in America the freedom of the press is firmly and permanently established. The first amendment to the Constitution, however, was merely a limitation upon the power of the Congress. The States were still free to exercise their own power over the press.

The constitutions of Pennsylvania, Delaware, Maryland, and North Carolina, adopted in 1776, contained the earliest declarations favorable to its liberty. To-day most, if not all, of the constitutions of the States contain some similar guaranty. Under constitutional provisions and legislative acts of Texas, newspapers are now privileged to publish "fair, true, and impartial" reports of the proceedings of the courts, unless prohibited by the court, of executive and legislative proceedings, of the transactions at public meetings and reasonable and fair comment and criticism of official acts.

I shall not undertake to discuss the law of libel as it relates to other than public affairs. The right of the citizen to privacy in those matters in which the public has no legitimate concern, and the value of personal reputation rest upon a sound basis. They spring from the same liberty guaranteed to the citizen that the freedom of the press is intended to secure by turning its spotlight upon public questions. To publish a false statement regarding an individual to his injury, or to invade his proper privacy is as much an injustice as the confiscation of his property or his unmerited imprisonment by a tyrannical government. The same power that shields the citizen from undue search or seizure of his papers or effects owes him the duty of protection from undue invasion of his affairs. The public liberty ends where individual liberty begins.

Neither is there warrant for the publication of vicious or obscene matter, which tends to the corruption of morals or the creation of criminal enterprises. The utmost freedom regarding government and the proper censorship of officials are quite different things from unbridled license to print shocking or salacious details not related to public affairs. The press as a whole observes the proprieties in such cases without the compulsion of law. Only a small and disreputable fraction must be restrained.

PUBLIC INTEREST GOVERNS

Freedom of the press was established in the public interest. It was not intended to gratify the curiosity or satisfy a craving to pry into the affairs of individuals. It was not provided to please newspapers or publishers. Its grant devolved upon the press a public function. Because it is essential to political liberty, it is protected. Thomas Jefferson, in 1787, said: "The basis of our Government being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter."

Again, 1799, in a letter to Elbridge Gerry, he wrote: "I am for freedom of the press and against all violations of the Constitution to silence by force and not by reason the complaints or criticisms, just or unjust, of our citizens against the conduct of their agents."

Though Jefferson was bitterly abused and vilified by the Federalist press, he adhered to these views. His correspondence abounds in references to the value and necessity of a free press, though he complained that his antagonists had published falsehoods regarding him. In the party struggles of the Jefferson and Jackson periods, newspapers, both large and small, were as a rule bitterly partisan. However, they exerted a strong influence. In their columns were carried in full many of the important speeches delivered in the House and Senate on the epochal questions of those remarkable periods. The individuality of the editor or owner was written all over their pages. They reflected his views and frequently his political bias and prejudice. Many were denunciatory and extremely bitter. Frequently they resorted to grotesque caricature and ridicule.

MUST PRINT TRUTH

There has been marvelous development since that era. To-day when so many of our people read the daily press, its influence upon public opinion is almost impossible of estimate. It has within its power to make or unmake public issues. The fortunes of measures and candidates are often in its hands. Upon its news columns the public depends for its information as to public transactions. Its editorial pages potently influence their conclusions from the facts. In recent years the special and syndicated writer has become an important factor. By reporting purported fact and artfully intermingling comment and opinion of his own into the fabric of the article, it subtly and ingeniously colors the mind of the reader. These are the methods of the political propagandist. The press, no doubt, is persistently beset by those who would use its columns for propaganda. And therein the newspaper has a great responsibility. It is its duty to print the truth. There is, however, great difficulty to be met in that regard. The quest of truth is not always an easy task. The highest form of service that can be rendered to the public by any instrumentality is to learn the truth and then give that truth to other men. That is the lofty mission of the press.

With its astounding and its ever-increasing power over the mass mind, its responsibilities and duties are commensurately increased. Upon the press there rests a peculiar duty to the public. It subsists upon public patronage. Its very life depends upon the hearing which it receives. Its fortunes vibrate as does that of the ear drum of the public. It owes to its readers and to the public an obligation to relate fully the facts regarding the Government and public affairs. It possesses facilities for ascertaining accurate and complete information with relation to men and issues which the citizen as an individual can never possess. In its larger sweep it is both the eye and the ear of the citizen. He may read the history of the past in books. He reads the history of to-day in the press.

SHOULD BE SUPPORTED

But if the press owes a duty to the public, there rests upon the public a very distinct obligation to the press, and that is the obligation to support it. Many forms of service are rendered by the newspaper. The paper of purely local circulation, as well as the paper of wide circulation, performs a valuable function. The country weekly just as the city daily has its sphere of service. Community life and civic enterprises make many drafts upon its columns for which there is no monetary return. The editor is expected to lead in local enterprises. His time and talents are drafted. Charitable and public organizations must be served. The press should have the financial support of the public which it serves. It ought to be independent in purse as well as in thought. Advertisers and readers are just as necessary as news. The press can not render the highest service when the editor must constantly fight for financial existence. If the press is to support the cause of the public, it must in turn have the support of the people.

LIFTS VEIL OF SECRECY

Secrecy in government is contrary to the genius of a free people. It was against the closed doors of the star chamber that the champions of English liberty hurled their attacks. The press alone can destroy such secrecy. The Constitution gives to debates in Congress absolute privilege. Representatives and Senators may utter what they please in their respective Houses and may not be held to answer for their words in any other place. That freedom, however, would avail little if the press did not carry their words to the people.

In the early days of the Republic the Houses of Congress frequently transacted their business behind closed doors. The House of Representatives first abandoned that practice. Freneau, of the party of Jefferson, attacked the Senate for its secrecy. Among other things he said: "Can there be any question of legislative importance which freemen should not be acquainted with? What are you to expect when stewards of your household refuse to give account of their stewardship? Secrecy is necessary to design a masque to treachery; honesty shrinks not from the public eye."

Gradually, however, public opinion compelled reform until at present secret sessions of the Senate are confined to action on appointments and the consideration of treaties. In quite recent times, although the ban of secrecy has not always been invoked in such cases, it is generally observed. The public is concerned with presidential appointments of officers and diplomats. The power which they are to exercise is the people's power. Their salaries are paid from the people's treasury. Of all the officers and employees of the Federal establishment, consisting of several hundred thousands, only 531 are elected by the people—435 Representatives, 96 Senators, and the President and the Vice President. All of the remainder secure their tenure by appointment of the Executive. Treaties with foreign governments are, within their proper province, binding on the citizen. They involve peace and war. They hold the fate of nations. Our relations with foreign nations may call the boys of the land to the red fields of battle and waste the national treasure. Woodrow Wilson put his finger on the seat of international intrigue and conspiracy that have spilled the blood of millions and caused countless misery when he denounced secret diplomacy as the author of the woes of war. Substantial progress in the direction of peace has been attained in the registration and publication of treaties.

There can be urged no satisfactory reason why these vital concerns of the people should be considered behind the mask of secrecy. Why should the reasons for and against the confirmation of ambassadors be buried in the public archives? Why should the merits and demerits of those who are to sit as judges for life—to rule over the life and property of the citizen—be withheld from the public? Why should appointments to commissions and bureaus that exercise power over the people be confirmed behind closed doors? Why should the Senate screen from the view of the public its deliberations upon treaties that pledge the lives and fortunes of its citizens? The business of the people should be transacted in the open. There should be no chamber the people can not enter. There should be no whispered words that the ear of the people can not hear—no screen behind which the eye of the people can not see. The Senate should open its doors.

Tyrannical governments have in all times feared the press. Wrongs and abuses endeavor to hide themselves. Arbitrary and cruel despotism can not long survive in the pitiless sunlight. When men can witness in the open the making and administration of measures which oppress and exploit them they will not long be tolerated. This has ever made monarchs and autocrats the enemies of a free press. To-day Mussolini in his dream of Empire is more and more suppressing the freedom of speech and the press as he gradually gathers into his hands all of the powers of the Italian State.

In our neighbor State of New Mexico, within recent years, a courageous fight was made by a member of the press against the tyranny of a judge. Carl Magee in resisting the pretensions of power of an arrogant autocrat deserves not alone your gratitude but that of the people. Publicity is a relentless enemy of wrongdoing. A vivid example is at hand. In publishing the revelations of the Walsh investigating committee and the scandals that disgraced the Department of Justice and other branches of the Government, the press rendered an outstanding and useful service to the country. Again in presenting the details of the primary elections in Pennsylvania, wherein $3,000,000 were poured into the ballot boxes of that State, and in Illinois where a million dollars tarnished the voting booths of the people, it disclosed to the people these

dangerous attacks upon self-government. The publication of these astounding expenditures crystalized a public opinion which was almost instantaneously reflected in Washington. It is doubtful if either of the Senators nominated in such primaries will ever be allowed to take his seat in the Senate.

RIGHT TO CRITICIZE UPHELD

The power of the Executive in foreign affairs is such that he may, without consulting the people, commit the country to a policy from which it may not without embarrassment recede or place the country in a posture of grave difficulty. Because of criticism of the Executive's course in foreign affairs within recent months, President Coolidge in his New York speech of April 25, 1927, said:

"Whenever any section of our press turns on America and on American institutions, and assumes a foreign attitude, every informed person knows that it has fallen from the high estate which is our common heritage, and, becoming no longer worthy of regard, is destined to defeat and failure. No American can profit by selling his own country for foreign favor."

This charge was resented by the majority of the press. The Republican, Camden (N. J.) Post replied: "Better have honest newspapers which disagree with the administration than a fawning press, which coddles the party in power." The Detroit-News remarks: "We lack evidence that Secretary Kellogg is omniscient," while the New York World, observes: "One would have supposed that Mr. Coolidge had lived long enough—to realize that neither Frank B. Kellogg—nor the elegant young men in the State Department are directly inspired." The Louisville Times exclaims: "Tut, tut, Mr. President. A press which criticizes you and Mr. Kellogg is criticizing you and Mr. Kellogg, not America and American institutions." The secrecy of the State Department and its failure to give the facts to the press aroused its distrust and criticism. There is no freedom if it is to be confined to adulation and applause of an administration and its brief authority. Fawning sycophants could flatter rulers before the dawn of freedom. The freedom to oppose and expose, to express unfavorable as well as favorable opinion, is alone real freedom. It protects foolish opinion as well as wise opinion. It is a forum in which error has its chance. Truth ought not to fear the contest. Public opinion is more powerful than party platforms. It is more compelling than caucuses or conventions. It is the dominant force in the life of this Republic. In large measure that opinion is molded by the press. The newspapers of America can arouse the people to a high pitch of enthusiasm for a cause or sweep them with passion into opposition. But the freedom of the press is not a private possession of a newspaper to be enjoyed as its private property. It is a possession of all free men. It is a sacred public trust. Its exercise is vested in the press to serve all men. For political freedom patriots have suffered the hardships of camp and have died upon a hundred bloody fields. In the battles for the freedom of the press, heroic men have languished in foul jails. They have braved the tyranny of despots—they have had their presses and property destroyed. Inch by inch, its standard has been advanced, until to-day it enjoys a power and prestige unsurpassed by any other single agency in the life of our people.

FREE PRESS VALUABLE

A press of independence, a press whose business office does not overawe its editorial rooms, a press whose columns carry the truth, a press of high courage and patriotism, is one of the richest possessions of a free people.

Before revolution against wrong can be generated there must arise a consciousness of wrong and a will to right it. Before abuses can be corrected we must know of their existence. Before corruption can be punished it must be dragged from the darkness in which it hides out into the light. Before a fraud can be revealed there must be torn from it the mask that conceals its dissembling face. We must have a free press if we are to have a free government.

Here in America has been set up the great experiment in self-government. Here popular government under a written constitution is on trial. Here democracy is now being tested, and here it is to be tested in the years to come. The United States is to answer whether our institutions are to join those that live no more. Here is to be settled whether men at the ballot box in time of peace can hold fast to liberties won at the point of the bayonet in time of war. When the ragged soldiers who had shivered and suffered amidst the rigors of Valley Forge and the hardy mountaineers who had fought at Cowpens and Kings Mountain gathered under the banners of Washington and at Yorktown triumphed over royal armies they pulled down the ensign of a king and lifted high the standard of a people. The divine right of kings was dead. The Constitution of the United States was erected upon the theory that all political power resides in the people. By written guaranties the citizen is protected against the power of government. Liberty under a constitutional democracy was given to the world. Under its inspiration the people of France rose and struck from their cramped and festering limbs the shackles of centuries. It gave courage to the heart of Bolivar as he liberated Latin America from the yoke of Spain. It stirred aspirations for liberty in many lands. It gave impulse to constitutionalism wherever it struggled with absolutism. It has endured for 140 years. It has stood the stress of war from without and has survived the shock of war from within. It has weathered many storms. A decade ago it plunged into a war that rocked the globe and spilled the blood of millions. It saved democracy for the world. It must now save democracy for itself. It must be saved from the tyranny of a Lenin and the despotism of a Mussolini. It must be saved from corrupt elections and bribed officials. It must be saved from the indifference of its citizens and from the perversion of its powers to selfish and sordid ends. Only the people themselves can save it. They can save it only when they are informed as to the state of their Government and the influences they must combat. To the press they must look for the truth. In their name it was given its freedom. Their blood purchased the liberty which it enjoys. Its high destiny, its lofty mission, is to use its own freedom to secure and to give to the people that truth which shall make them free.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 9481) entitled "An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1929, and for other purposes," disagreed to by the House of Representatives, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. SMOOT, Mr. JONES, Mr. OVERMAN, and Mr. GLASS to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8269) entitled "An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes."

The message also announced that the Senate had passed without amendment a bill and joint resolution of the following titles:

H. R. 1405. An act granting six months' pay to Maria J. McShane; and

H. J. Res. 104. Joint resolution granting consent of Congress to an agreement or compact entered into between the State of New York and the State of Vermont for the creation of the Lake Champlain Bridge Commission and to construct, maintain, and operate a highway bridge across Lake Champlain.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 7, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, February 7, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(2 p. m.)

Department of Agriculture appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce (H. R. 7940).

And other bills relating to farm relief.

COMMITTEE ON EDUCATION

(10.30 a. m.)

To provide for a more complete development of vocational education in the several States (H. R. 9201).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To permit the admission, as nonquota immigrants, of certain alien wives and children of United States citizens (H. R. 6974).

COMMITTEE ON LABOR

(10 a. m.)

To divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases (H. R. 7729).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To amend an act entitled "An act for the regulation of radio communications," approved February 23, 1927 (H. R. 8825).

COMMITTEE ON ROADS

(10 a. m.)

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented (H. R. 358, 383, 5518, 7343, and 8832).

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented, and authorizing appropriation of $150,000,000 per annum for two years (H. R. 7019).

COMMITTEE ON RIVERS AND HARBORS

(11 a. m.)

A meeting to consider favorable reports from the office of the Chief of Engineers on rivers and harbors projects.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote the unification of carriers engaged in interstate commerce (H. R. 5641).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To authorize the appointment of special United States commissioners (H. R. 5608).

To authorize district courts of the United States to provide for reports of misdemeanor cases by United States commissioners (H. R. 8555).

To facilitate disposition of the business of United States district courts (H. R. 8556).

To provide for the procedure in the trial of certain criminal cases by the district courts of the United States (H. R. 8230).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

339. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Agriculture for the fiscal year 1929, for $7,000, to enable the Secretary of Agriculture to extend the leased wire used by the Bureau of Agricultural Economics in connection with its market news service for farm products from Atlanta, Ga., to Montgomery, Ala. (H. Doc. No. 170); to the Committee on Appropriations and ordered to be printed.

340. A letter from the Acting Secretary of Commerce, transmitting statement of the expenditures in the Coast and Geodetic Survey for the fiscal year ended June 30, 1927; to the Committee on Expenditures.

341. A letter from the Secretary of the Treasury, transmitting report showing the number of documents received and distributed by the Treasury Department during the calendar year ended December 31, 1927, together with the number remaining on hand January 1, 1928; to the Committee on Printing.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 10146. A bill to authorize appropriations for construction at Scott Field, Ill., and for other purposes; without amendment (Rept. No. 576). Referred to the Committee of the Whole House on the state of the Union.

Mr. KNUTSON: Committee on Indian Affairs. H. R. 462. A bill providing for a per capita payment of $100 to each enrolled member of the Chippewa Tribe, of Minnesota, from the funds standing to their credit in the Treasury of the United States; with amendment (Rept. No. 589). Referred to the House Calendar.

Mr. HAUGEN: Committee on Agriculture. H. R. 487. A bill to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended; without amendment (Rept. No. 590). Referred to the House Calendar.

Mr. GREEN of Iowa: Committee on Ways and Means. H. R. 367. A bill to authorize the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes; without amendment (Rept. No. 591). Referred to the Committee of the Whole House on the state of the Union.

Mr. McFADDEN: Committee on Banking and Currency. H. R. 10151. A bill to amend section 9 of the Federal reserve act; without amendment (Rept. No. 592). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GLYNN: Committee on Military Affairs. H. R. 1598. A bill to provide for the retirement of August Wolters as a first sergeant, United States Army; without amendment (Rept. No. 573). Referred to the Committee of the Whole House.

Mr. CHAPMAN: Committee on Military Affairs. H. R. 3681. A bill for the relief of Charles F. Reilly; without amendment (Rept. No. 574). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 6377. A bill for the relief of John Shannon; without amendment (Rept. No. 575). Referred to the Committee of the Whole House.

Mr. LANGLEY: Committee on Claims. H. R. 1588. A bill for the relief of Louis H. Harmon; with amendment (Rept. No. 577). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 1616. A bill for the relief of Carl C. Back; with amendment (Rept. No. 578). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Claims. H. R. 5075. A bill for the relief of W. J. Bryson; with amendment (Rept. No. 579). Referred to the Committee of the Whole House.

Mr. WARE: Committee on Claims. H. R. 6842. A bill for the relief of Joseph F. Friend; without amendment (Rept. No. 580). Referred to the Committee of the Whole House.

Mr. BULWINKLE: Committee on Claims. H. R. 8809. A bill for the relief of George W. Burgess; without amendment (Rept. No. 581). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 8499. A bill for the relief of Arthur C. Lueder; without amendment (Rept. No. 582). Referred to the Committee of the Whole House.

Mr. CELLER: Committee on Claims. H. R. 10417. A bill for the relief of George Simpson and R. C. Dunbar; without amendment (Rept. No. 583). Referred to the Committee of the Whole House.

Mr. DREWRY: Committee on Naval Affairs. H. R. 4608. A bill for the relief of Claude S. Betts; without amendment (Rept. No. 584). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 10276. A bill providing for sundry matters affecting the naval service; without amendment (Rept. No. 585). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 1182. A bill for the relief of John Anderson; with amendment (Rept. No. 586). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 1183. A bill for the relief of Thomas Conlon; without amendment (Rept. No. 587). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 2009. A bill for the relief of James M. Pierce; without amendment (Rept. No. 588). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10455) granting a pension to Carrie Hemingway; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3719) granting an increase of pension to Emily F. Squires; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 10539) for the improvement of Horn Harbor, Va.; to the Committee on Rivers and Harbors.

By Mr. HOCH: A bill (H. R. 10540) to credit retired commissioned officers of the Coast Guard with active duty during the World War performed since retirement; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLADAY: A bill (H. R. 10541) in reference to the public-school system of the District of Columbia; to the Committee on the District of Columbia.

By Mr. HOWARD of Nebraska: A bill (H. R. 10542) granting the consent of Congress to the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at Decatur, Nebr.; to the Committee on Interstate and Foreign Commerce.

By Mr. LEHLBACH: A bill (H. R. 10543) to repeal the provision in "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919," approved May 25, 1918, requiring certificates of competency for farmers in the Indian Service; to the Committee on the Civil Service.

By Mr. LUCE: A bill (H. R. 10544) to abolish the office of administrative assistant and disbursing officer in the Library of Congress and to reassign the duties thereof; to the Committee on the Library.

Also, a bill (H. R. 10545) to create an establishment to be known as the national archives, and for other purposes; to the Committee on the Library.

By Mr. McLEOD: A bill (H. R. 10546) to regulate the interstate shipment of firearms; to the Committee on Interstate and Foreign Commerce.

By Mr. BUCHANAN: A bill (H. R. 10547) to establish and maintain one or more pecan experimental stations, one located in the tenth congressional district of Texas; to the Committee on Agriculture.

By Mr. McKEOWN: A bill (H. R. 10548) to authorize United States commissioners to hear all complaints of misdemeanor violations of the law, and for other purposes; to the Committee on the Judiciary.

By Mr. NEWTON: A bill (H. R. 10549) to amend section 11 of an act entitled "An act to limit the immigration of aliens into the United States, and for other purposes" (sec. 211, title 8, of the United States Code), approved May 26, 1924; to the Committee on Immigration and Naturalization.

By Mr. GARBER: A bill (H. R. 10550) to provide for the acquisition by Meyer Shield Post No. 92, American Legion, Alva, Okla., of lot 19, block 41, the original town site of Alva, Okla.; to the Committee on the Public Lands.

By Mr. ENGLAND: A bill (H. R. 10551) authorizing pavement of F Street, South Charleston, W. Va., adjoining the United States naval plant; to the Committee on Naval Affairs.

By Mr. JENKINS: A bill (H. R. 10552) to amend section 6 of the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. KELLY: A bill (H. R. 10553) to grant authority to the Postmaster General to enter into contracts for the transportation of mails by airships to foreign countries and insular and Territorial possessions of the United States for periods of not more than 10 years, and to pay for such service at fixed rates per pound, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. KEMP: A bill (H. R. 10554) providing for the transfer of the title to the military reservation at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College; to the Committee on Military Affairs.

By Mr. RATHBONE: A bill (H. R. 10555) to restore the house in which President Lincoln died to its former condition and appearance; to the Committee on the Library.

Also, a bill (H. R. 10556) to acquire Fort Stevens, in the District of Columbia, and such other land as may be necessary to preserve said fort as a historic landmark; to the Committee on Military Affairs.

By Mr. SCHNEIDER: A bill (H. R. 10557) granting to the State of Wisconsin certain public land for use as a public park; to the Committee on the Public Lands.

By Mr. WILLIAMS of Missouri: A bill (H. R. 10558) to erect a Federal building in the city of Farmington, Mo., on the site now owned by the United States Government; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10559) to provide for the purchase of a site and the erection thereon of a public building in the city of Perryville, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. BERGER: A bill (H. R. 10560) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. FULMER: A bill (H. R. 10561) authorizing the establishment of the South Carolina migratory-bird refuge; to the Committee on Agriculture.

By Mr. HARE: A bill (H. R. 10562) to establish a farm surplus board; to aid in the orderly marketing, control, and disposition of surplus of agricultural commodities, and for other purposes; to the Committee on Agriculture.

By Mr. SINNOTT: A bill (H. R. 10563) extending the provisions of the recreational act of June 14, 1926 (44 Stat. 741), to former Oregon & California Railroad and Coos Bay Wagon Road grant lands in the State of Oregon; to the Committee on the Public Lands.

By Mr. COLLIER: A bill (H. R. 10564) to authorize the Secretary of War to grant and convey to the county of Warren a perpetual easement for public highway purposes over and upon a portion of the Vicksburg National Military Park, in the State of Mississippi; to the Committee on Military Affairs.

By Mr. ROBSION of Kentucky: A bill (H. R. 10565) to authorize an appropriation for the relief of the State of Kentucky on account of roads and bridges damaged or destroyed by the recent floods; to the Committee on Roads.

By Mr. WILLIAM E. HULL: A bill (H. R. 10566) granting the consent of Congress to the city of Peoria, Peoria County, Ill., to construct, maintain, and operate a free highway bridge across the Illinois River at or near Peoria, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. MORIN: A bill (H. R. 10567) to amend that provision of the act approved March 3, 1879 (20 Stat. L. 412), relating to issue of arms and ammunition for the protection of public money and property; to the Committee on Military Affairs.

By Mr. KETCHAM: A bill (H. R. 10568) to foster agriculture and to stabilize the prices obtained for agricultural commodities by providing for the issuance of export debentures upon the exportation of such commodities; to the Committee on Agriculture.

By Mr. NELSON of Maine: Joint resolution (H. J. Res. 193) for the appointment of Roy L. Marston, of Maine, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. STRONG of Kansas: Joint resolution (H. J. Res. 194) authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President; to the Committee on War Claims.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. BECK of Wisconsin: Memorial of the Legislature of the State of Wisconsin, relating to the Norris resolution proposing an amendment to the Constitution of the United States for the earlier seating of Congress and advancing the date of the inauguration of the President and Vice President from March 4 to January 2; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, memorial of the Legislature of the State of Wisconsin, relating to the negotiation of a treaty with Canada for the early completion of the Great Lakes-Saint Lawrence seaway; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of Wisconsin, memorializing the Congress to preserve the scenic beauty of the Menominee Indian Reservation for the public, to withhold any permit for the leasing and development of the water power belonging to Indians by private interests; to the Committee on Indian Affairs.

By Mr. COOPER of Wisconsin: Memorial of the Legislature of the State of Wisconsin, relating to the negotiation of a treaty with Canada for the early completion of the Great Lakes-Saint Lawrence seaway; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of Wisconsin, relating to the Norris resolution proposing an amendment to the Constitution of the United States for the earlier seating of Congress; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, memorial of the Legislature of the State of Wisconsin, memorializing the Congress of the United States to make a full survey of the Wisconsin Fox Rivers waterway and to enact such legislation as will result in the completion of such waterway; to the Committee on Rivers and Harbors.

By Mr. LEATHERWOOD: Memorial of the Legislature of the State of Utah, protesting against the passage of the Swing-Johnson bill pending in Congress, or other similar legislation; to the Committee on Irrigation and Reclamation.

By Mr. SCHNEIDER: Memorial of the Legislature of the State of Wisconsin, urging Congress to create a special committee to thoroughly investigate the coal strike in all its phases; to the Committee on Rules.

Also, memorial of the Legislature of the State of Wisconsin, urging the Congress of the United States to enact necessary legislation for a survey of the Wisconsin-Fox Rivers waterway; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN: A bill (H. R. 10569) for the relief of Gilbert P. Chase; to the Committee on Claims.

By Mr. ALLEN: A bill (H. R. 10570) granting a pension to Thomas S. Shull; to the Committee on Pensions.

By Mr. BACON: A bill (H. R. 10571) granting an increase of pension to Isabella C. S. Gildersleeve; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 10572) for the relief of Patrick Collins; to the Committee on Military Affairs.

By Mr. BLAND: A bill (H. R. 10573) for the relief of Southern Shipyard Corporation; to the Committee on Claims.

By Mr. CANFIELD: A bill (H. R. 10574) granting a pension to Mary Etta Buchanan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10575) granting an increase of pension to Ellen Froman; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Iowa: A bill (H. R. 10576) granting a pension to Emma Kelsey; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 10577) granting an increase of pension to Margaret Mead; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 10578) granting an increase of pension to Clarence S. Smythe; to the Committee on Pensions.

Also, a bill (H. R. 10579) granting a pension to Isaac M. H. Fletcher; to the Committee on Pensions.

By Mr. EDWARDS: A bill (H. R. 10580) granting a pension to Glenn Edward Hall; to the Committee on Pensions.

By Mr. EVANS of California: A bill (H. R. 10581) granting an increase of pension to Marion G. Webb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10582) granting an increase of pension to Ida K. Lauderback; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10583) granting an increase of pension to Flora Seymoure; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 10584) granting an increase of pension to Sarah Rooks; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 10585) granting an increase of pension to Henrietta Ritter; to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 10586) authorizing the Secretary of War to award a congressional medal of honor to James B. Crea; to the Committee on Military Affairs.

Also, a bill (H. R. 10587) granting a pension to Anderson Cox; to the Committee on Pensions.

By Mr. HASTINGS: A bill (H. R. 10588) granting a pension to Herman Green; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 10589) granting an increase of pension to Charles A. Bills; to the Committee on Pensions.

By Mr. HICKEY: A bill (H. R. 10590) providing for an examination and survey of Michigan City Harbor, Michigan City, Ind.; to the Committee on Rivers and Harbors.

By Mr. HOWARD of Nebraska: A bill (H. R. 10591) for the relief of Kittie R. Miller; to the Committee on War Claims.

By Mr. MORTON D. HULL: A bill (H. R. 10592) granting a pension to Mabel Jane Maher Boosey; to the Committee on Pensions.

By Mr. WILLIAM E. HULL: A bill (H. R. 10593) granting a pension to Mary Jane Howes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10594) granting an increase of pension to Mary E. McCoy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10595) granting a pension to Dilla A. Garvin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10596) granting a pension to Francis Clyde Long; to the Committee on Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 10597) granting an increase of pension to Margaret A. Louthan; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 10598) granting an increase of pension to Mary E. Lamb; to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 10599) granting a pension to Louisa Wiegand; to the Committee on Invalid Pensions.

By Mr. KADING: A bill (H. R. 10600) granting an increase of pension to Sarah Fuchs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10601) granting a pension to Anna Jeremioson; to the Committee on Pensions.

By Mrs. LANGLEY: A bill (H. R. 10602) granting a pension to William Cunagim; to the Committee on Pensions.

By Mr. MAAS: A bill (H. R. 10603) for the relief of Robert P. Partlow; to the Committee on Military Affairs.

By Mr. MAJOR of Missouri: A bill (H. R. 10604) granting a pension to William L. Cowan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10605) for the relief of Max L. Chaudet; to the Committee on the Civil Service.

By Mr. MENGES: A bill (H. R. 10606) granting a pension to Carrie Wilt; to the Committee on Invalid Pensions.

By Mr. MOORE of Kentucky: A bill, (H. R. 10607) granting a pension to Callie M. Lyon; to the Committee on Invalid Pensions.

By Mr. O'CONNELL: A bill (H. R. 10608) granting an increase of pension to Timothy Sweeney; to the Committee on Pensions.

By Mr. PORTER: A bill (H. R. 10609) for the relief of W. F. Trimble & Sons Co. (Inc.); to the Committee on Claims.

By Mr. RAINEY: A bill (H. R. 10610) granting an increase of pension to Ellen V. Heiner; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 10611) for the relief of Homer Elmer Cox; to the Committee on Naval Affairs.

By Mr. SEARS of Nebraska: A bill (H. R. 10612) granting an increase of pension to Elizabeth Woodruff; to the Committee on Pensions.

Also, a bill (H. R. 10613) granting an increase of pension to Alfred G. J. Petersen; to the Committee on Pensions.

Also, a bill (H. R. 10614) granting an increase of pension to Hannah P. M. Dunham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10615) granting a pension to Theodore K. Rudd; to the Committee on Pensions.

By Mr. SHREVE: A bill (H. R. 10616) granting an increase of pension to Mary H. Devore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10617) granting an increase of pension to Emily A. T. Braas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10618) granting a pension to Mira P. Brown; to the Committee on Invalid Pensions.

By Mr. SOMERS of New York: A bill (H. R. 10619) for the relief of Margaret Constable; to the Committee on Claims.

By Mr. STALKER: A bill (H. R. 10620) granting an increase of pension to Harriet Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10621) granting an increase of pension to Kittie L. Updike; to the Committee on Invalid Pensions.

By Mr. SUMNERS of Texas: A bill (H. R. 10622) for the relief of George T. Smith; to the Committee on Claims.

By Mr. SUTHERLAND: A bill (H. R. 10623) for the relief of Lon Snepp; to the Committee on Claims.

Also, a bill (H. R. 10624) for the relief of William J. Casey; to the Committee on Claims.

By Mr. TAYLOR of Colorado: A bill (H. R. 10625) granting a pension to Edwin L. Crow; to the Committee on Invalid Pensions.

By Mr. THURSTON: A bill (H. R. 10626) granting an increase of pension to Anna E. Allen; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 10627) granting an increase of pension to Amanda Lightfoot; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10628) granting a pension to John H. Terry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10629) granting a pension to Laura Jane Dehnen; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Missouri: A bill (H. R. 10630) granting an increase of pension to Bashaba A. Forshee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10631) granting a pension to Susan A. Ellis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10632) granting an increase of pension to Julie Friedrich; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 10633) granting an increase of pension to Anna Liza Manring; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10634) granting an increase of pension to Hannah C. Roberts; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3183. By Mr. ALLEN: Petition signed by William T. Love, of Aquaka, Ill., and other citizens of Henderson County, Ill., urging the passage of an act to create a public trust, to be known as the "Federal home, farms, and agriculture trust," as outlined by proposals of William T. Love; to the Committee on Labor.

3184. By Mr. BARBOUR: Letter of Mrs. W. P. Miller and Mrs. E. M. McCardle, of Fresno, Calif., protesting against the big Navy program; to the Committee on Naval Affairs.

3185. Also, petitions of residents of the seventh congressional district of California, protesting against the passage of the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

3186. Also, resolution adopted by Porterville Poultry Association, of Porterville, Calif., relative to appropriations for the United States Tariff Commission; to the Committee on Appropriations.

3187. By Mr. BEERS: Petition of members of the congregation of the Lower Tuscarora Presbyterian Charge of the Huntingdon Presbytery, requesting favorable action on and enactment into law of House bill 78; to the Committee on the District of Columbia.

3188. By Mr. BOHN: Petition opposing House bill 78 by citizens of Kewadin, Mich.; to the Committee on the District of Columbia.

3189. By Mr. BLOOM: Petition of Mr. John McCarthy, of 722 Amsterdam Avenue, New York City, and other citizens of the United States, who add their protest to House bill 78, a bill for compulsory Sunday observance; to the Committee on the District of Columbia.

3190. Also, petition of O. C. Johnson, of 631 West Two hundred and seventh Street, New York City, and hundreds of other citizens of the United States, who add their protest to House bill 78, a bill for compulsory Sunday observance; to the Committee on the District of Columbia.

3191. By Mr. BROWNING: Petition for increase of pension to Civil War soldiers and widows; to the Committee on Invalid Pension.

3192. By Mr. BROWNE: Petition of citizens of Clintonville, Waupaca County, Wis., protesting against House bill 78, and all other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3193. By Mr. BUCKBEE: Petition of A. E. Casper and 194 other citizens of Rockford, Ill., protesting against House bill 78, known as the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3194. Also, petition of Henry Jaeger and 100 other citizens of Holcomb, Ill., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3195. Also, petition of Mrs. Elmer W. Marsh and several other citizens of Sheridan, Ill., protesting against House bill 78 (Lankford compulsory Sunday observance bill); to the Committee on the District of Columbia.

3196. By Mr. BURTON: Petition of citizens of Oberlin, Ohio, protesting against any ambitious Navy program, and stating that if America's peace gestures are to carry any significance to the world the United States must not initiate a huge armament race; to the Committee on Naval Affairs.

3197. By Mr. CARTER: Petition of the council of the city of Richmond, Calif., urging that Congress cause a Federal investigation of the affairs of the Pacific Telephone & Telegraph Co.; to the Committee on Interstate and Foreign Commerce.

3198. By Mr. CONNERY: Petition of citizens of Lynn, Mass., to favor the bill to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3199. Also, resolution of Post 291, American Legion, East Lynn, Mass., in favor of a large Navy for the United States; to the Committee on Naval Affairs.

3200. By Mr. COOPER of Wisconsin: Memorial of the Wisconsin Legislature, relating to the leasing of the water powers on the Menominee Indian Reservation to private interests; to the Committee on Indian Affairs.

3201. By Mr. CLARKE: Petition from the citizens of Endicott, N. Y., and vicinity, protesting against House bill 78; also from the citizens of Otego, N. Y., and vicinity, protesting against House bill 78; to the Committee on the District of Columbia.

3202. By Mr. DEAL: Petition by citizens of Norfolk, Va., protesting against the passage of House bill 78, providing for compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

3203. By Mr. DYER: Petition signed by citizens of St. Louis, Mo., protesting against passage of the Brookhart bill; to the Committee on Interstate and Foreign Commerce.

3204. By Mr. ESLICK: Petition of J. F. Morgan, J. W. Dement, and others, of Lawrenceburg, Tenn.; to the Committee on the District of Columbia.

3205. Also, petition of C. A. Freeman and others, of Lawrenceburg, Tenn.; to the Committee on the District of Columbia.

3206. Also, petition of J. S. Rooker and others; to the Committee on the District of Columbia.

3207. By Mr. EVANS of California: Petition of W. H. Gallup and approximately 5,000 others, against compulsory Sunday observance; to the Committee on the District of Columbia.

3208. Also, petition of Byron G. McKibben and approximately 103 others, against compulsory Sunday observance; to the Committee on the District of Columbia.

3209. Also, petition of J. E. Kavanaugh and approximately 470 others, in opposition to House bill 6465, amending the immigration act of 1924; to the Committee on Immigration and Naturalization.

3210. Also, petition of Henry H. Hayings and approximately 416 others, against compulsory Sunday observance; to the Committee on the District of Columbia.

3211. Also, petition signed by Charles Miller and approximately 10,170 others, against compulsory Sunday observance; to the Committee on the District of Columbia.

3212. By Mr. ROY G. FITZGERALD: Petition of 70 citizens of Dayton, Ohio, praying for the defeat of House bill 78, making Sunday observance compulsory in the District of Columbia; to the Committee on the District of Columbia.

3213. By Mr. FRENCH: Petition of two citizens of Wallace, Idaho, protesting against enactment of House bill 78, or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3214. Also, petition of 51 citizens of Moscow and Samuels, Idaho, protesting against enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3215. By Mr. GARBER: Petition and letter of William Sheafe Chase, superintendent of the International Reform Federation, Washington, D. C., asking that the national prohibition act be amended to "prevent evasion, to remedy weaknesses, and to stop nullification of the act"; to the Committee on the Judiciary.

3216. Also, letter of H. V. Kahle, secretary-treasurer of the Associated Industries of Oklahoma, Oklahoma City, Okla., in protest to the enactment of House bill 8125; to the Committee on Public Buildings and Grounds.

3217. Also, letter of J. R. Holmes, of the Sapulpa City schools, Sapulpa, Okla., in support of the education bill (H. R. 7); to the Committee on Education.

3218. Also, letter of John H. W. Fenyvessy, 71 Traymore Avenue, Buffalo, N. Y., in support of Senator BROOKHART'S bill (S. 1667); to the Committee on Interstate and Foreign Commerce.

3219. Also, letter of H. H. McClintock, president of the Crystal Ice & Cold Storage Co., of Bartlesville, Okla., in protest to the enactment of House bill 8125; to the Committee on Public Buildings and Grounds.

3220. Also, letter of Mrs. W. B. Mathis, chairman of the ladies' auxiliary of the Oklahoma Rural Letter Carriers' Association, of Sapulpa, Okla., in support of the Gibson bill, providing for a more liberal retirement act and the Reece road bill providing for improvements of the rural mail route roads; to the Committee on the Post Office and Post Roads.

3221. Also, petition of residents of Blackwell, Okla., in support of legislation for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3222. Also, petition of residents of Alfalfa County, Okla., in protest to the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3223. By Mr. GARNER of Texas: Memorial of executive board of the West Texas Chamber of Commerce, against restriction of Mexican immigration; to the Committee on Immigration and Naturalization.

3224. By Mr. GALLIVAN: Petition of Old Blake House Chapter, Daughters of American Revolution, Dorchester, Mass., Mrs. H. S. Fraser, corresponding secretary, indorsing Joint Resolution 11 in regard to proper use and abuse of the United States flag; to the Committee on the Judiciary.

3225. By Mr. GIBSON: Petition of Barre and Williamstown, Vt., opposing pending legislation for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

3226. By Mr. HALL of North Dakota: Petition of 10 citizens living at Bismarck, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance bill; to the Committee on the District of Columbia.

3227. Also, petition of seven citizens living at Bismarck, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3228. Also, petition of eight citizens living at Jamestown, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3229. Also, petition of two citizens living at Harvey and one citizen living at McClusky, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3230. Also, petition of five citizens living at Ludden, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3231. Also, petition of 11 citizens living at Jamestown, N. Dak., against the enactment of House bill 78, or any other Sunday observance legislation; to the Committee on the District of Columbia.

3232. Also, petition of two citizens living at Jamestown, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3233. Also, petition of 54 citizens living at Medina, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3234. Also, petition of 46 citizens living at Forbes, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3235. Also, petition of 35 citizens living at Driscoll, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3236. Also, petition of eight citizens living at Derring, one citizen living at Glenburn, one citizen living at Upham, and one citizen living at Wolseth, all in the State of North Dakota, against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3237. Also, petition of three citizens living at Devils Lake and one citizen living at Dunseith, all in the State of North Dakota, against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3238. Also, petition of eight citizens living at Jamestown and two citizens living at Millarton, all in the State of North Dakota, against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3239. Also, petition of 10 citizens living at Oakes, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3240. Also, petition of 28 citizens living at Oakes, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3241. Also, petition of seven citizens living at Streeter and three citizens living at Napoleon, all in the State of North Dakota, against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3242. Also, petition of one citizen living at LaMoure, one citizen living at Tuttle, and one citizen living at Steele, all of the State of North Dakota, against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3243. Also, petition of four citizens living at Streeter and four citizens living at Napoleon, all in the State of North Dakota, against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3244. Also, petition of 31 citizens living at Oakes, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3245. Also, petition of 25 citizens living at Oakes, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3246. Also, petition of six citizens living at Fessenden, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3247. Also, petition of four citizens living at Fessenden, seven citizens living at Manfred, one citizen living at Bowdon, and one citizen living at Chaseley, all in the State of North Dakota, against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3248. Also, petition of 11 citizens living at Manfred, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3249. Also, petition of seven citizens living at Manfred, two citizens living at Harvey, and two citizens living at Chaseley, all in the State of North Dakota, against the enactment of House bill 78, or any other Sunday observance legislation; to the Committee on the District of Columbia.

3250. Also, petition of eight citizens living at Manfred, one citizen living at Chaseley, and one citizen living at Harvey, all in the State of North Dakota, against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3251. Also, petition of eight citizens living at Manfred, one citizen living at Chaseley, one citizen living at Goodrich, and one citizen living at Monango, all in the State of North Dakota, against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3252. Also, petition of two citizens living at Manfred and one citizen living at Fessenden, all in the State of North Dakota, against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3253. Also, petition of 11 citizens living at Fessenden and one citizen living at Bowdon, all in the State of North Dakota, against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3254. Also, petition of three citizens living at Manfred, three citizens living at Harvey, and one citizen living at Chaseley, all in the State of North Dakota, against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3255. Also, petition of 11 citizens living at Robinson, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3256. Also, petition of nine citizens living at Deering and five citizens living at Upham, all in the State of North Dakota, against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3257. Also, petition of four citizens living at Pettibone and six citizens living at Woodworth, all in the State of North Dakota, against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3258. Also, petition of nine citizens living at Valley City, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3259. By Mr. HARDY: Petition of A. P. Evans and 332 citizens of Otero County, Colo., protesting against the enactment of any compulsory Sunday observance bill; to the Committee on the District of Columbia.

3260. By Mr. KNUTSON: Petition of Miss Grace Holt, Oak Island, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3261. Also, petition of Michael Johnson, and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3262. By Mr. HAUGEN: Petition of 38 adult citizens of Fredericksburg, Iowa, protesting against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3263. Also, petition of 24 citizens of Fredericksburg, Iowa, protesting against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3264. Also, petition of 84 citizens of Charles City, Iowa, protesting against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3265. By Mr. HICKEY: Petition of Frank Barnhart and other citizens of Michigan City, Ind., opposing the passage of compulsory Sunday observance bill; to the Committee on the District of Columbia.

3266. By Mr. HOCH: Petition of Lola Evans and 95 other adult residents of Emporia, Kans., protesting against passage of House bill 78, or any compulsory Sunday bills that have been introduced; to the Committee on the District of Columbia.

3267. By Mr. HOWARD of Nebraska: Petition signed by Robert L. Whitaker, of Oakland, Nebr., and other citizens of that city, protesting against the passage of the Lankford bill (H. R. 78) or any other legislation proposed in behalf of compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

3268. By Mr. JOHNSON of Texas: Petition of Mexia Battery & Tire Co., of Mexia, Tex., protesting against the passage of legislation to regulate the manufacture and sale of stamped envelopes, and opposing Senate bill 1752; to the Committee on the Post Office and Post Roads.

3269. Also, petition of Hearne Chamber of Commerce, of Hearne, Tex., indorsing House bill 9201; to the Committee on Education.

3270. Also, petition of H. J. H. Melin, of Cameron, Tex., indorsing House bill 6518; to the Committee on the Civil Service.

3271. By Mr. KIESS: Petition from citizens of Tioga County, Pa., protesting against the passage of House bill 78, known as the Sunday observance bill; to the Committee on the District of Columbia.

3272. By Mr. KINDRED: Resolution of the American Institute, of the city of New York, that a certain bill relating to public health and providing for the establishment of a national institute of health and increased appropriations for the Hygienic Laboratory, introduced into the second session of the Sixty-ninth Congress by Senator RANSDELL, be, and hereby is, approved; to the Committee on Agriculture.

3273. Also, resolution of Gen. Harrison Gray Otis Post, No. 1537, Veterans of Foreign Wars, as follows: "As a body of men retired from the service associated in comradeship and renewal of acquaintanceship under the banner of the Veterans of Foreign Wars, we respectfully petition The Adjutant General, United States Army, to approve and recommend to Congress the passage of legislation which will increase the allowances to men on the retired list of the services, etc."; to the Committee on Invalid Pensions.

3274. By Mr. KVALE: Petition of several residents of Pope County, Minn., protesting against Sunday laws; to the Committee on the District of Columbia.

3275. Also, petition of 31 residents of Pope County, Minn., protesting against Sunday laws; to the Committee on the District of Columbia.

3276. By Mr. LEATHERWOOD: Resolution passed by the National Wool Growers' Association, January 21, 1928, with reference to predatory animals; to the Committee on Agriculture.

3277. Also, resolution passed by the National Wool Growers' Association, January 21, 1928, with reference to the tariff; to the Committee on Ways and Means.

3278. Also, resolution passed by the National Wool Growers' Association, January 21, 1928, with reference to fabric legislation; to the Committee on Interstate and Foreign Commerce.

3279. Also, resolution passed by the National Wool Growers' Association, January 21, 1928, with reference to intermediate-credit banks; to the Committee on Agriculture.

3280. Also, petition of numerous citizens of Salt Lake City and surrounding cities, against repealing the national origins act and to immigration legislation in general; to the Committee on Immigration and Naturalization.

3281. By Mr. LEHLBACH: Petition of citizens of Newark, N. J., protesting against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3282. By Mr. MACGREGOR: Petition of citizens of Buffalo, protesting against the passage of the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3283. By Mr. McFADDEN: Petition of residents of Mill Rift, Pike County, protesting against Sunday observance bills, especially House bill 78; to the Committee on the District of Columbia.

3284. By Mr. McREYNOLDS: Petition, containing 66 names, from the voters of Cleveland, Bradley County, Tenn., in opposition to the passage of the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3285. By Mr. MAAS: Petition of Alice R. Ely and 33 petitioners from St. Paul and Minneapolis, Minn., relative to Civil War pension legislation; to the Committee on Invalid Pensions.

3286. By Mr. MADDEN: Petition of citizens of Chicago, Ill., protesting against the passage of the Brookhart bill; to the Committee on Interstate and Foreign Commerce.

3287. By Mr. MAJOR of Missouri: Petition of citizens of Slater and Gilliam, Mo., protesting against the passage of House bill 78, or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

3288. By Mr. MAPES: Petition of Rev. E. J. Tanis, president, and Anthony A. Nienhuis, secretary, Consistorial Union of Reformed Churches, of Holland, Mich., for the passage of House bill 78; to the Committee on the District of Columbia.

3289. By Mr. MICHENER: Petition of sundry citizens of Washtenaw and Jackson Counties, Mich., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3290. By Mr. MILLER: Petition of Government employees of Seattle, Wash., indorsing House bills 492 and 6518; to the Committee on the Civil Service.

3291. By Mr. MOORE of Ohio: Petitions favoring increase of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3292. By Mr. MORROW: Petition of citizens of Hagerman, N. Mex., protesting against enactment of House bill 78, compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

3293. Also, petition of Dona Ana County Farm Bureau, Las Cruces, N. Mex., protesting against enactment of law restricting Mexican immigration; to the Committee on Immigration and Naturalization.

3294. Also, petition of Chamber of Commerce, Albuquerque, N. Mex., protesting against enactment of law restricting Mexican immigration; to the Committee on Immigration and Naturalization.

3295. By Mr. MURPHY: Petition of Inez P. Blackburn and 200 women of the Women's Christian Temperance Union, of East Palestine, Ohio, protesting against Secretary Wilbur's huge naval program; to the Committee on Naval Affairs.

3296. Also, petition of Mrs. Carl Ryan and 78 others, protesting against the passage of the compulsory Sunday observance laws; to the Committee on the District of Columbia.

3297. By Mr. NEWTON: Petition sent by C. E. Powers and signed by other Minneapolis citizens, against compulsory Sunday observance; to the Committee on the District of Columbia.

3298. By Mr. O'BRIEN: Petition of citizens of Swandale, W. Va., protesting against the enactment into law of the compulsory Sunday observance bill (H. R. 78), or any similar measure; to the Committee on the District of Columbia.

3299. Also, petition of veterans of the Civil War, of Ivydale, Clay County, W. Va., urging Congress to increase pensions of the Civil War veterans; to the Committee on Invalid Pensions.

3300. By Mr. O'CONNELL: Petition of the National Retail Dry Goods Association of New York, opposing certain provisions of the revenue bill (H. R. 1); to the Committee on Ways and Means.

3301. Also, petition of Chamber of Commerce of the State of New York, with regard to recommendations regarding the American merchant marine; to the Committee on the Merchant Marine and Fisheries.

3302. Also, petition of the defender Photo Supply Co. (Inc.), of Rochester, N. Y., favoring the passage of House bill 9195, Cuban parcel post; to the Committee on the Post Office and Post Roads.

3303. Also, petition of the Ohio Chamber of Commerce, Columbus, Ohio, concerning the Swing-Johnson bill; to the Committee on Irrigation and Reclamation.

3304. Also, petition of the Columbia Basin Irrigation League, Spokane, Wash., favoring the passage of House bill 7029; to the Committee on Irrigation and Reclamation.

3305. Also, petition of the American Dental Association, Chicago, Ill., favoring the passage of House bill 5766; to the Committee on Interstate and Foreign Commerce.

3306. Also, petition of the Todd Co., of Rochester, N. Y., favoring the passage of the Cuban parcel post bill; to the Committee on the Post Office and Post Roads.

3307. Also, petition of the North East Service (Inc.), of Rochester, N. Y., favoring the passage of House bill 9195, the Cuban parcel post bill; to the Committee on the Post Office and Post Roads.

3308. Also, petition of Charles C. Lacker and three other citizens of Pittsburgh, Pa., favoring the passage of House bill 125, to increase the salaries of criers and bailiffs of the United States courts; to the Committee on the Judiciary.

3309. Also, petition of the Page Seed Co., Greene, N. Y., with reference to first, third, and fourth class postal rates; to the Committee on the Post Office and Post Roads.

3310. By Mr. ROBINSON of Iowa: Petition urging that immediate steps be taken to pass the Civil War widow's pension bill, signed by Martha M. Brewster and about 130 citizens of

Dubuque, Dubuque County, Iowa; to the Committee on Invalid Pensions.

3311. By Mr. SEARS of Nebraska: Petition of several hundred residents of Omaha and Douglas Counties, Nebr., against House bill 78, the Lankford bill; to the Committee on the District of Columbia.

3312. By Mr. SELVIG: Petition of Alfred Swanson and 25 adult citizens of Detroit Lakes, Minn., protesting against the passage of House bill 78, or of any bill that will give preference of one religion above another; to the Committee on the District of Columbia.

3313. Also, petition of Hans Hanson and five other adult residents of Moorhead, Minn., protesting against the passage of House bill 78, or of any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

3314. By Mr. SHREVE: Petition of J. H. Humphrey and numerous residents of Corry, Pa., and Spartansburg, Pa., against the passage of the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

3315. Also, petition of Robert J. Mechaney and 200 or more citizens of Erie, Pa., protesting against the passage of the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3316. Also, petition of F. H. DeLand and other citizens of Erie, Pa., against the passage of the Lankford Sunday observance bill; to the Committee on the District of Columbia.

3317. By Mr. SINCLAIR: Petition of numerous residents of Dickinson, Epping, Alexander, Rawson, Williston, Sanish, and Ross, N. Dak., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3318. By Mr. SMITH: Resolution of the Swedish Evangelical Mission Church, of Idaho Falls, Idaho, protesting against the new quota in the Federal immigration law and urging the continuance of the old quota provisions; to the Committee on Immigration and Naturalization.

3319. By Mr. SWING: Petition of citizens of San Diego County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3320. Also, petition of citizens of Holtville, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3321. Also, petition of citizens of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3322. Also, petition of citizens of Fullerton, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3323. Also, petition of citizens of Yorba Linda, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3324. Also, petition of citizens of Arlington, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3325. Also, petition of citizens of Orange, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3326. By Mr. TAYLOR of Colorado: Petition from citizens of Paonia, Colo., protesting against House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3327. By Mr. TEMPLE: Petition of Local, No. 1441, United Brotherhood of Carpenters and Joiners of America, Canonsburg, Pa., and Council No. 199, Order of Independent Americans, McDonald, Pa., in support of House bill 25 and Senate bill 1727, known as the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

3328. By Mr. TEMPLE: Petitions of number of residents of Washington, Pa., protesting against enactment of House bill 78, the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3329. By Mr. THATCHER: Petition of numerous citizens of Louisville, Ky., favoring increased pensions to Civil War soldiers and their survivors; to the Committee on Invalid pensions.

3330. By Mr. THOMPSON: Resolution of the Community Institute, Grover Hill, Ohio, favoring continuance of corn borer campaign; to the Committee on Agriculture.

3331. By Mr. THURSTON: Petition of 37 citizens of Clarinda, Iowa, petitioning the Congress against the passage of House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3332. By Mr. TILLMAN: Petition of various citizens of Arkansas, asking for speedy passage of pension bills; to the Committee on Invalid Pensions.

3333. Also, petition of John Brown and many other citizens of Benton County, Ark., asking for the passage of the Pea Ridge military park bill; to the Committee on Military Affairs.

3334. Also, petition of Ruch Johnson and other citizens of Madison County, Ark., against passage of House bill 78; to the Committee on the District of Columbia.

3335. By Mr. STRONG of Kansas: Petition of citizens of Concordia, Rydal, and Belleville, Kans., protesting against the passage of the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3336. Also, petition of voters of Belleville, Kans., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3337. By Mr. UNDERWOOD: Petition of residents of Basil, Ohio, and Baltimore, Ohio, favoring pension increase for Civil War veterans and widows; to the Committee on Invlaid Pensions.

3338. By Mr. WARE: Petition of citizens of Kenton and Campbell Counties, Ky., asking that Congress increase the pension of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3339. By Mr. WELCH of California: Petition of Charles A. Morris and 190 citizens of San Francisco, Calif., protesting against the passage of the Lankford bill (H. R. 78) compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3340. Also, petition of Clara S. Scouler and several hundred citizens of San Francisco, Calif., protesting against the passage of the Lankford bill (H. R. 78), compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3341. Also, petition of Andre Carlsen and 193 citizens of San Francisco, Calif., protesting against the passage of the Lankford bill (H. R. 78), compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3342. By Mr. WHITE of Colorado: Petition of the Denver Film Board of Trade, Denver, Colo., and sundry other citizens, protesting the passage of the bill known as the Brookhart bill for the regulation, production, distribution, and exhibition of copyrighted films; to the Committee on Interstate and Foreign Commerce.

3343. By Mr. WINTER: Resolution protesting against further restriction of Mexican immigration; to the Committee on Immigration and Naturalization.

3344. Also, petitions against compulsory Sunday observance, signed by residents of Dubois, and Casper, Wyo., against the Sunday observance law; to the Committee on the District of Columbia.

3345. By Mr. WYANT: Petition of Theodore B. Appel, M. D., secretary of health of Pennsylvania, protesting against stream pollution bill (H. R. 9282); to the Committee on Rivers and Harbors.

3346. Also, petition of Northside (Pa.) Unitarian Church, protesting against navy building program; to the Committee on Naval Affairs.

3347. Also, petition of employees of United States district court, Pittsburgh, Pa., indorsing House bill 125; to the Committee on the Judiciary.

SENATE

TUESDAY, *February 7, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, Father of all mercies, we bless Thee for all that Thou art in Thyself, to us as yet unknown, and for all that Thou revealest from day to day. For every creature that ministers to our need; for our homes, our loved ones, and our friends; for the examples of the past and the counsels of the present; for Thine infinite blessings to our fathers and Thy promises to their children—make us truly thankful. And give us such a sense of all Thy mercies that we may show forth Thy praise, not only with our lips but in our lives, by giving up ourselves to Thy service and by walking before Thee in holiness and righteousness all the days of our life. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	La Follette	Sheppard
Barkley	Ferris	McLean	Shipstead
Bayard	Fess	McMaster	Shortridge
Bingham	Fletcher	McNary	Simmons
Black	Frazier	Mayfield	Smith
Blaine	George	Moses	Smoot
Blease	Gillett	Neely	Steck
Borah	Gooding	Norbeck	Steiwer
Bratton	Gould	Norris	Stephens
Brookhart	Greene	Nye	Swanson
Broussard	Hale	Oddie	Thomas
Bruce	Harris	Overman	Trammell
Capper	Harrison	Phipps	Tydings
Caraway	Hawes	Pine	Wagner
Copeland	Hayden	Pittman	Walsh, Mass.
Couzens	Heflin	Ransdell	Walsh, Mont.
Curtis	Howell	Reed, Mo.	Warren
Cutting	Johnson	Reed, Pa.	Waterman
Dale	Jones	Robinson, Ark.	Watson
Deneen	Kendrick	Robinson, Ind.	Willis
Dill	Keyes	Sackett	
Edge	King	Schall	

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with the middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 391. An act to regulate the use of the Capitol Building and Grounds;

H. R. 445. An act authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of land within the State of Montana for grazing and range development, and for other purposes;

H. R. 5501. An act authorizing the Hermann Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Hermann, Gasconade County, Mo.;

H. R. 5603. An act to authorize members of the Civil Service Commission and its duly authorized representatives to administer oaths of office;

H. R. 5686. An act granting a right of way to the county of Imperial, State of California, over certain public lands for highway purposes;

H. R. 6073. An act granting a permit to construct a bridge over the Ohio River at Ravenswood, W. Va.;

H. R. 6487. An act authorizing the Baton Rogue-Mississippi River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Baton Rouge, La.;

H. R. 7013. An act authorizing and directing the Secretary of War to lend to the Governor of Arkansas 5,000 canvas cots, 10,000 blankets, 10,000 bed sheets, 5,000 pillows, 5,000 pillowcases, and 5,000 mattresses or bed sacks to be used at the encampment of the United Confederate Veterans, to be held at Little Rock, Ark., in May, 1928;

H. R. 7030. An act to amend section 5 of the act of March 2, 1895;

H. R. 7032. An act authorizing the Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Canton, Ky.;

H. R. 7034. An act authorizing the Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Smithland, Ky.;

H. R. 7035. An act authorizing the Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near the mouth of Clarks River;

H. R. 7909. An act to authorize the maintenance and renewal of a timber-frame trestle in place of a fixed span at the Wisconsin end of the steel bridge of the Duluth & Superior Bridge Co. over the St. Louis River between the States of Wisconsin and Minnesota;

H. R. 7915. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Scottsboro, on the Scottsboro-Fort Payne road in Jackson County, Ala.;

H. R. 8106. An act authorizing F. C. Barnhill, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Arrow Rock, Saline County, Mo.;

H. R. 8107. An act authorizing Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Miami, Saline County, Mo.;

H. R. 8227. An act authorizing the Sunbury Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near Bainbridge Street, in the city of Sunbury, Pa.;

H. R. 8309. An act to amend an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923;

H. R. 9063. An act to extend the times for commencing and completing the construction of a bridge across the Chattahoochee River at or near Alaga, Ala.;

H. R. 9064. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Pell City, on the Pell City-Anniston road, between Calhoun and St. Clair Counties, Ala.;

H. R. 9293. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Clinch River, on the Sneedville-Rogersville road, in Hancock County, Tenn.;

H. R. 9567. An act to authorize appropriations for construction at Fort Leavenworth, Kans., and for other purposes; and

H. R. 9660. An act authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 112) to amend the act of May 29, 1884, as amended, the act of February 2, 1903, and the act of March 3, 1905, as amended, to include poultry within their provisions, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS

Mr. BLAINE presented a joint resolution of the Legislature of the State of Wisconsin, favoring the early completion of the Great Lakes-St. Lawrence seaway, which was referred to the Committee on Foreign Relations.

He also presented a joint resolution of the Legislature of the State of Wisconsin, opposing the leasing of the water powers on the Menomonie Indian Reservation to private interests, which was referred to the Committee on Indian Affairs.

He also presented a joint resolution of the Legislature of the State of Wisconsin, favoring the adoption of the so-called Norris resolution proposing an amendment to the Constitution for the earlier assembling of Congress, which was referred to the Committee on the Judiciary.

He also presented a joint resolution of the Legislature of the State of Wisconsin, commending the action of the Senate in refusing to seat Frank L. Smith, of Illinois, which was ordered to lie on the table.

(See above joint resolutions of the Wisconsin Legislature printed in full on yesterday when presented by the Vice President and Mr. LA FOLLETTE, pages 2499–2500, CONGRESSIONAL RECORD.)

Mr. BLAINE also presented petitions of sundry citizens of Barron and Eau Claire, Wis., praying for the passage of the so-called Shipstead bill (S. 1481) to amend sections 11 and 12 of an act to limit the immigration of aliens into the United States, and for other purposes, approved May 26, 1924, which were referred to the Committee on Immigration.

Mr. WARREN presented a resolution adopted by the Washakie County Farm Bureau, at Worland, Wyo., protesting against the passage of any legislation tending further to restrict the immigration of Mexican laborers into the United States, which was referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Powell, Wyo., remonstrating against the passage of proposed legislation providing for the regulation of the use of certain sugars, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials numerously signed by sundry citizens of the State of Wisconsin, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. COPELAND presented a memorial of sundry citizens of Buffalo and vicinity, in the State of New York, remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of New York City, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented a petition of members of Local No. 310, Federal Employees' Union, of Syracuse, N. Y., praying for the passage of the so-called Welch bill (H. R. 6518) providing for a minimum wage of $1,500 per annum for Government employees; the retirement bill (H. R. 25) providing for maximum annuities of $1,200 and optional retirement after 30 years' service; and the bill (H. R. 492) abolishing the Personnel Classification Board and transferring their duties and powers to the United States Civil Service Commission, which was referred to the Committee on Civil Service.

Mr. DENEEN presented a memorial of sundry citizens of Chicago, Ill., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of the State of Illinois, praying for the passage of legislation granting increased pension to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented memorials numerously signed by sundry citizens of Chicago, Ill., remonstrating against the passage of the so-called Brookhart bill relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

Mr. KING presented resolutions adopted at the sixty-third annual convention of the National Wool Growers' Association at Ogden, Utah, which were referred to the committees as indicated below:

Resolution favoring the divorcement of the business of the intermediate credit banks from the Federal farm-loan banks; to the Committee on Banking and Currency.

Resolution indorsing the work of the Bureau of Biological Survey, United States Department of Agriculture, in the control of predatory wild animals and injurious rodents in the range States, and favoring an increased appropriation for this bureau of $400,000 to permit it more effectively to carry on such control work; to the Committee on Appropriations.

Resolution favoring the passage of legislation for the compulsory identification in fabrics of substitutes for virgin wool; to the Committee on Finance.

Resolution opposing tariff revision at the present time, but favoring a prompt report by the Tariff Commission on agricultural schedules pending before it in order that adequate protection may be given where justified; to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. BAYARD, from the Committee on Territories and Insular Possessions, to which was referred the bill (H. R. 83) to approve Act No. 24 of the Session Laws of the Territory of Hawaii entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Hanapepe, in the district of Waimea, island and county of Kauai," reported it without amendment and submitted a report (No. 252) thereon.

Mr. FESS, from the Committee on the Library, to which were referred the following bill and joint resolutions, reported them severally without amendment:

A bill (H. R. 48) to erect a tablet or marker to the memory of the Federal soldiers who were killed at the Battle of Perryville, and for other purposes;

A joint resolution (S. J. Res. 33) authorizing the selection of a site and the erection of a memorial monument to the pioneers of the Pacific Northwest in Washington City, D. C.; and

A joint resolution (S. J. Res. 88) authorizing the erection on public grounds in the District of Columbia of a stone monument as a memorial to Samuel Gompers.

Mr. FESS also, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 72) to grant permission for the erection of a memorial statue of Cardinal Gibbons, reported it with amendments and submitted a report (No. 253) thereon.

Mr. GILLETT, from the Committee on the Judiciary, to which was referred the bill (S. 1705) authorizing the Court of Claims to render judgment in favor of the administrator of or collector for the estate of Peter P. Pitchlynn, deceased, instead of the heirs of Peter P. Pitchlynn, and for other purposes, reported it without amendment and submitted a report (No. 254) thereon.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war, reported adversely thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 205) to authorize the Secretary of the Treasury to pay the claim of Mary Clerkin, reported it without amendment and submitted a report (No. 255) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAYARD:

A bill (S. 3048) granting a pension to William T. Smith; to the Committee on Pensions.

By Mr. TRAMMELL:

A bill (S. 3049) granting a pension to Mary Clark; to the Committee on Pensions.

By Mr. GEORGE:

A bill (S. 3050) to erect a tablet or marker to mark the site of the Battle of Kettle Creek, in Wilkes County, Ga., February 14, 1779; to the Committee on the Library.

By Mr. WALSH of Massachusetts (by request):

A bill (S. 3051) authorizing the acquisition of a site for a farmers' produce market, and for other purposes; to the Committee on the District of Columbia.

By Mr. BRUCE:

A bill (S. 3052) for the relief of the Baltimore Copper Smelting & Rolling Co.; to the Committee on Claims.

By Mr. BRATTON:

A bill (S. 3053) for the relief of Jony Jones; to the Committee on Public Lands and Surveys.

A bill (S. 3054) granting a pension to Ina Rathbun; to the Committee on Pensions.

By Mr. BLAINE:

A bill (S. 3055) to credit the accounts of Charles R. Williams, deceased, former United States property and disbursing officer, Wisconsin National Guard; to the Committee on Claims.

By Mr. PITTMAN:

A bill (S. 3056) for the relief of the estate of Moses M. Bane; to the Committee on Claims.

By Mr. HALE:

A bill (S. 3057) authorizing the Secretary of War to transfer and convey, to the Portland water district, a municipal corporation, the water pipe line including the submarine water main connecting Fort McKinley, Me., with the water system of the Portland water district, and for other purposes; to the Committee on Military Affairs.

By Mr. REED of Pennsylvania:

A bill (S. 3058) to amend that provision of the act approved March 3, 1879 (20 Stat. L. 412), relating to the issue of arms and ammunition for the protection of public money and property; to the Committee on Military Affairs.

By Mr. COPELAND:

A bill (S. 3059) for the refund of income tax erroneously collected from Sylvain Schmoll;

A bill (S. 3060) for the refund of income tax erroneously collected from Lucien Schmoll;

A bill (S. 3061) for the refund of income tax erroneously collected from the estate of Edmund Schmoll;

A bill (S. 3062) for the relief of Anna Faceina;

A bill (S. 3063) for the relief of Ollie Keeley;

A bill (S. 3064) for the relief of Lieut. Walter E. Morton, United States Navy;

A bill (S. 3065) for the relief of the Wilson Chemical Co.; and

A bill (S. 3066) for the relief of Herman Shulof; to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 3067) for the relief of James Smith; to the Committee on Military Affairs.

A bill (S. 3068) granting a pension to John W. Bullard; and

A bill (S. 3069) granting a pension to Charles Metcalfe; to the Committee on Pensions.

By Mr. DILL:

A bill (S. 3070) granting an increase of pension to Jacob Nullett; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 3071) granting an increase of pension to Ella A. Harper (with accompanying papers);

A bill (S. 3072) granting an increase of pension to William F. Slack (with accompanying papers);

A bill (S. 3073) granting a pension to Lillian J. Barker (with accompanying papers);

A bill (S. 3074) granting an increase of pension to Minerva Hatch (with accompanying papers); and

A bill (S. 3075) granting an increase of pension to Nancy Abbott (with accompanying papers); to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 3076) to amend the act entitled "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926; to the Committee on Foreign Relations.

By Mr. DENEEN:

A bill (S. 3077) granting an increase of pension to William L. LaDassor; and

A bill (S. 3078) granting an increase of pension to Alice A. Garner; to the Committee on Pensions.

MUSCLE SHOALS

Mr. NORRIS submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals, for the manufacture and distribution of fertilizer, and for other purposes, which was ordered to lie on the table and to be printed.

CHANGE OF REFERENCE

On motion of Mr. BLAINE, the Committee on the Judiciary was discharged from the further consideration of the joint resolution (S. J. Res. 35) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, etc." approved February 8, 1918, and it was referred to the Committee on Patents.

CONSTRUCTION AT MILITARY POSTS

Mr. CURTIS. Mr. President, I ask unanimous consent to enter a motion to reconsider the votes whereby the bill (H. R. 7009) to authorize appropriations for construction at military posts, and for other purposes, was ordered to a third reading and passed. I had an amendment printed and lying on the table, which was not considered. I do not believe there is any objection to the amendment, and if the Senator in charge of the bill desires to take it up immediately, I should like to have it considered at this time.

The VICE PRESIDENT. Is there objection to the reconsideration of the votes by which House bill 7009 was ordered to a third reading and passed, together with a reconsideration of the appointment of conferees? The Chair hears none; and it is so ordered. The Senator from Kansas offers an amendment, which will be stated.

The CHIEF CLERK. On page 1, line 4, strike out the figures "$6,841,691" and insert the figures "$6,961,691"; and on page 5, line 6, after the figures "$400,000," insert "Fort Leavenworth, Kans., one hangar, $40,000; field warehouse and shop, $45,000; headquarters building, $20,000; gasoline and oil storage, $5,000; night-flying lighting system, $10,000."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The VICE PRESIDENT. The conferees named on yesterday are reappointed.

PUEBLO INDIAN LANDS, RIO GRANDE VALLEY, N. MEX.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes, which was to strike out all after the enacting clause and insert:

That the Secretary of the Interior is hereby authorized to enter into an agreement with the Middle Rio Grande conservancy district, a political subdivision of the State of New Mexico, providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands situated within the exterior boundaries of the said Middle Rio Grande conservancy district, as provided for by plans prepared for this purpose in pursuance to an act of February 14, 1927 (44 Stat. L. 1098). The construction cost of such conservation, irrigation, drainage, and flood-control work apportioned to the Indian lands shall not exceed $1,593,311, and said sum, or so much thereof as may be required to pay the Indians' share of the cost of the work herein provided for, shall be payable in not less than five installments without interest, which installments shall be paid annually as work progresses: *Provided*, That should at any time it appear to the said Secretary that construction work is not being carried out in accordance with plans approved by him, he shall withhold payment of any sums that may under the agreement be due the conservancy district until such work shall have been done in accordance with the said plans: *Provided further*, That in determining the share of the cost of the works to be apportioned to the Indian lands there shall be taken into consideration only the Indian acreage benefited, which shall be definitely determined by said Secretary, and such acreage shall include only lands feasibly susceptible of economic irrigation and cultivation, and materially benefited by this work, and in no event shall the average per acre cost for the area of Indian lands benefited exceed $67.50: *Provided further*, That all present water rights now appurtenant to the approximately 8,346 acres of irrigated Pueblo lands owned individually or as pueblos under the proposed plans of the district, and all water for the domestic purposes of the Indians and for their stock shall be prior and paramount to any rights of the district or of any property holder therein, which priority so defined shall be recognized and protected in the agreement between the Secretary of the Interior and the said Middle Rio Grande conservancy district, and the water rights for the newly reclaimed lands shall be recognized as equal to those of like district lands and be protected from discrimination in the division and use of water, and such water rights, old as well as new, shall not be subject to loss by nonuse or abandonment thereof so long as title to said lands shall remain in the Indians individually or as pueblos or in the United States, and such irrigated area of approximately 8,346 acres shall not be subject by the district or otherwise to any pro rata share of the cost of future operation and maintenance or betterment work performed by the district. The share of the cost paid the district on behalf of the Indian lands under the agreement herein authorized, including any sum paid to the district from the funds authorized to be appropriated by the act of February 14, 1927 (44 Stat. L. 1098), shall be reimbursed to the United States under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided*, That such reimbursement shall be made only from leases or proceeds from the newly reclaimed Pueblo lands, and there is hereby created against such newly reclaimed lands a first lien, which lien shall not be enforced during the period that the title to such lands remains in the pueblos or individual Indian ownership: *Provided further*, That said Secretary of the Interior, through the Commissioner of Indian Affairs, or his duly authorized agent, shall be recognized by said district in all matters pertaining to its operation in the same ratio that the Indian lands bear to the total area of lands within the district, and that the district books and records shall be available at all times for inspection by said representative.

Mr. BRATTON. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

INDEPENDENT OFFICES APPROPRIATIONS

Mr. KING. Mr. President, the Senator from Virginia [Mr. GLASS] was appointed one of the conferees on the part of the Senate on the disagreeing votes of the two Houses arising in connection with the independent offices appropriation bill. He is ill and absent. I have consulted with a number of members of the Appropriations Committee; most of those who follow him in point of seniority are also absent; and it is suggested that the junior Senator from Arizona [Mr. HAYDEN] be named as a conferee in place of the Senator from Virginia [Mr. GLASS]. I therefore move that Mr. HAYDEN be named as a conferee to take the place of the Senator from Virginia.

The PRESIDING OFFICER (Mr. BLEASE in the chair). The question is on the motion of the Senator from Utah that the Senator from Arizona [Mr. HAYDEN] be appointed a conferee on the independent offices appropriation bill in place of the Senator from Virginia [Mr. GLASS].

The motion was agreed to.

EMPLOYMENT OF NAVAL FORCES IN NICARAGUA

The VICE PRESIDENT. The Chair lays before the Senate the resolution (S. Res. 128) submitted by the Senator from Wisconsin [Mr. LA FOLLETTE], coming over from a preceding day.

Mr. BORAH. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from Idaho for the purpose of having a resolution submitted by him, which has also come over from a previous day, considered, with the understanding that I do not lose my right with regard to my resolution, and with the further understanding that his resolution will not provoke any debate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and lays before the Senate the resolution of the Senator from Idaho, coming over from the preceding day. The resolution will be read.

The resolution (S. Res. 137) submitted by Mr. BORAH on the 6th instant was read, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, instructed, if not incompatible with the public interest, to inform the Senate, first, the facts relative to the use of the Navy in Nicaragua since the recognition of the Diaz government; the extent of the naval force, both as to ships and as to men; the number of conflicts had with armed forces in Nicaragua; the number of individuals killed or wounded on either side; and such other data as will enable the Senate to have before it all the facts relative to the use of the Navy in Nicaragua; together with the report of the naval officers to the Secretary of the Navy touching matters in Nicaragua.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. BORAH. Mr. President, I wish to ask the Senator from California if he desires to be heard on the resolution?

Mr. SHORTRIDGE. Mr. President, I would answer yes, but may I say to the Senator from Idaho that I have been under the impression that the resolution should be considered by the Committee on Foreign Relations. I was about to suggest that it be referred to that committee; and then, if the committee should report it, we could, of course, consider it in all of its bearings.

Mr. BORAH. Mr. President, of course I have no objection to the resolution going to the committee, except in the interest of time. The committee has before it a number of resolutions providing for inquiries in regard to facts touching affairs in Nicaragua. I was of the opinion that if this resolution could be adopted and we could have this official report it would enlighten the committee as to what it should do with reference to the other resolutions and what scope they should take when we finally reported them. However, if it is the desire of the Senator from California first to have action of the committee——

Mr. SHORTRIDGE. I should very much prefer that, I will say to the Senator from Idaho.

Mr. BORAH. I will let the resolution go to the Committee on Foreign Relations.

The VICE PRESIDENT. The resolution will be referred to the Committee on Foreign Relations.

PRESIDENTIAL TERMS

The VICE PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Wisconsin [Mr. LA FOLLETTE], coming over from a previous day, which will be read.

The resolution (S. Res. 128) submitted by Mr. LA FOLLETTE on January 31, 1928, was read, as follows:

Resolved, That it is the sense of the Senate that the precedent established by Washington and other Presidents of the United States in retiring from the presidential office after their second term, has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions; and be it further

Resolved, That the Senate commends observance of this precedent by the President.

Mr. LA FOLLETTE. Mr. President, it is not my purpose to discuss this resolution at great length. Its terms are simple; it speaks for itself. Furthermore, the antithird term tradition is so deeply rooted in our history that to discuss the subject elaborately would be unnecessary in this body.

Mr. President, the questions of the reeligibility to the Presidency and the length of the term which the President should serve were discussed very fully in the Constitutional Convention. The convention reversed itself many times both on the question of the length of the term and the question of reeligibility. Suffice it to say that as the deliberations of the convention were drawing to a close the convention reverted to the seven-year term, with ineligibility for reelection. That was on July 26, 1787. Apparently the subject was not again discussed until late in August, when the convention returned to the plan for the choice of President by the National Legislature, with the proviso that he should hold his office during seven years, but should not be elected a second time.

It was not until September 15 that the final plan for the choice of President for a term of four years was agreed upon, with the provision regarding reeligibility omitted. The Constitutional Convention two days thereafter concluded its deliberations and its work and adjourned.

It is a well-known fact to those who have looked into the subject that the question of reeligibility was one which greatly concerned Thomas Jefferson. He was at that time our diplomatic representative in Paris. He wrote to George Washington under date of May 2, 1788, and I quote a portion of his letter. Discussing the question of reeligibility, he said:

> This, I fear, will make an office for life. I was much an enemy of monarchy before I came to Europe. I am ten thousand times more so since I have seen what they are. * * * I shall hope that before there is danger of this change taking place in the office of President the good sense and free spirit of our countrymen will make the change necessary to prevent it. Under this hope I look forward to the general adoption of the new Constitution with anxiety as necessary for us under our present circumstances.

An accurate recital of history, however, Mr. President, requires the admission that President Washington was not in agreement with Thomas Jefferson in so far as his fears of reeligibility were concerned. He wrote a letter to Lafayette in 1788, in which he said, in part:

> Guarded so effectively as the proposed Constitution is, in respect to the prevention of bribery and undue influence in the choice of President, I confess I differ widely myself from Mr. Jefferson and as to the necessity or expediency of rotation in that department.

However, Mr. President, after Washington had served his two terms as President of the United States—and all historians agree in telling us that had he so desired he could have been elected a third time—he declined to accept the office for a third term. There can be no question but that his action was the precedent which established the antithird-term tradition in American history.

I shall not digress to quote certain portions of his Farewell Address, because they are familiar to every Senator.

Jefferson, elected to the Presidency, immediately after his second inauguration in 1805 announced that he would not again be a candidate. Requested by the legislatures of five States in 1807 to reconsider his action, he addressed his famous letter to the Vermont Legislature under date of December 10, 1807. In that letter he said:

> That I should lay down my charge at a proper period is as much a duty as to have borne it faithfully. If some termination to the services of the Chief Magistrate be not fixed by the Constitution, or supplied by practice, his office, nominally four years, will in fact become for life, and history shows how easily that degenerates into an inheritance. Believing that a representative government, responsible at short periods of election, is that which produces the greatest sum of happiness to mankind, I feel it a duty to do no act which shall essentially impair that principle, and I should unwillingly be the person who, disregarding the sound precedent set by an illustrious predecessor, should furnish the first example of prolongation beyond a second term of office.

Mr. President, as is well known, Jefferson was succeeded in the office of President by Madison, and Madison was succeeded by Monroe. Both of those Presidents served two terms, and voluntarily retired at the end of their second terms.

Jefferson regarded this action taken by Washington, by himself, and by his two successors in office as having firmly established the precedent that a President should retire after a second term.

In his autobiography, written shortly before his death, Jefferson explained that his fears of perpetual reeligibility had been founded—

> on the importance of the office, on the fierce contentions it might excite among ourselves if continuable for life, and the dangers of interference either with money or arms by foreign nations to whom the choice of an American President might become interesting.

He goes on to say:

> My wish, therefore, was that the President should be elected for seven years and be ineligible afterward. This term I thought sufficient to enable him, with the concurrence of the legislature, to carry through and establish any system of improvement he should propose for the general good. But the practice adopted I think is better, allowing his continuance for eight years, with a liability to be dropped at the halfway of the term, making that a period of probation.

Mr. President, the next President who was confronted with a popular demand by his friends that he should consider breaking down this tradition was Andrew Jackson; this in spite of the fact that in his first message to Congress he recommended the abolition of the Electoral College and the direct election of the President by the vote of the people. In that message he declared:

> In connection with such an amendment it would seem advisable to limit the service of the Chief Magistrate to a single term of either four or six years.

President Jackson renewed that recommendation, he declared, "with increased confidence" in his second annual message, and

repeated it in his third, fourth, fifth, and sixth annual messages to Congress.

A generation later Andrew Johnson, in a special message to Congress, said that he felt called upon "by an imperative sense of duty to revive the recommendation so often and earnestly made by President Jackson."

General Grant was the next President in our history upon whom fell the responsibility of deciding whether or not he should become a candidate for reelection following his second term. He had a tremendous popularity. He was besought on all sides by his political friends to consider a breach of this tradition. However, popular sentiment against such action welled up in the country, and finally resulted in action being taken by the Legislature of Pennsylvania in which they declared their opposition to the election to the Presidency of any person for a third term. This action elicited from President Grant his famous letter in which he said, in part:

> Now for the third term. I do not want it any more than I did the first.

He went on further to cite the fact that the people under the Constitution were not prohibited from choosing a President for a third term, and declared that he "would not accept a nomination if it were tendered, unless it should come under such circumstances as to make it an imperative duty—circumstances not likely to arise."

However, President Grant's political supporters in the country interpreted that letter not to mean a formal and final declination of a third nomination, and proceeded to endeavor to create a situation in the country which would fall within the conditions set down in his letter. Then it was that a resolution on the subject was introduced in the House of Representatives in 1875. That resolution was introduced by William M. Springer, of Illinois, a Democrat. In terms it conforms to the resolution now under consideration by the Senate.

The resolution was adopted in the House of Representatives without debate and by the immense majority of 234 to 18, with 38 not voting. James A. Garfield voted for the resolution, all of the Democrats present voted for the resolution, and 70 of the 88 Republicans present cast their votes for the resolution. On that roll call will be found the names of former Senators Frye and Hale, of Maine, and former Senator Hoar, of Massachusetts.

Mr. President, I desire also to quote a paragraph from the speech of acceptance made by Grover Cleveland in accepting the Democratic presidential nomination. He said:

> When we consider the patronage of this great office, the allurements of power, the temptation to retain public office once gained, and, more than all, the availability a party finds in an incumbent whom a horde of officeholders, with a zeal born of benefits received and fostered by the hope of favors yet to come, stand ready to aid with money and trained political assistance, we recognize in the eligibility of the President for reelection the most serious danger to that calm, deliberate, and intelligent action which must characterize a government by the people.

The next time this question arose was during the administration of President Roosevelt. It will be remembered that he had served three years and five and one-half months of the term of President McKinley, whom he succeeded. He was elected to succeed himself as President in 1904, and on the afternoon of election day he issued the following statement:

> I am deeply sensible of the honor done me by the American people in thus expressing their confidence in what I have done and have tried to do. I appreciate to the full the solemn responsibility that confidence imposes upon me, and I shall do all that in my power lies not to forfeit it. On the 4th of March next I shall have served three and one-half years, and that three and one-half years constitutes my first term. The wise custom which limits the President to two terms regards the substance and not the form, and under no circumstances will I be a candidate for or accept another nomination.

Mr. WATSON. Mr. President, will the Senator yield there for a question?

Mr. LA FOLLETTE. I shall be glad to yield.

Mr. WATSON. I am not asking the question in a controversial spirit at all——

Mr. LA FOLLETTE. No; I appreciate that.

Mr. WATSON. But I desire to hear the Senator's views.

What does the Senator mean by "two terms"? Suppose the President dies the week before his term expires and the Vice President becomes the President and is elected again. When it comes around to the next election, does the Senator mean for us to put the interpretation on his resolution that the President has served two terms? What does the Senator mean, in other words, by "two terms"?

Mr. LA FOLLETTE. Mr. President, in that respect I find myself in agreement with former President Roosevelt when he declared that the observance of this precedent regarded the substance and not the form. The danger in this situation is the exercise of the tremendous power which the Executive wields through the control of patronage and through the emoluments of his office. The danger in this situation that such power should be exercised twice in succession by the same individual is the crux of this matter, as I see it.

Mr. WATSON. If the Senator will pardon me once more, the Senator construes his resolution, then, to mean that if a person shall twice have taken the oath as President of the United States, that constitutes two terms?

Mr. LA FOLLETTE. Mr. President, that is a correct interpretation; and, as stated a moment ago, it makes little difference whether the President shall have served a few months or a few years. The political power of the Chief Executive descends upon him when he takes the oath of office, and those who have had any experience in this body have seen plenty of examples of that power.

Mr. WATSON. May I ask the Senator another question without interrupting him? Does the Senator construe his resolution to mean that if there shall have been an interim, the President after that would be eligible or ineligible for reelection?

Mr. LA FOLLETTE. Mr. President, I think the plain, simple language of the resolution covers that matter.

Mr. WATSON. It means two successive terms?

Mr. LA FOLLETTE. It means two successive terms. If the Senator will refer to line 4 of the resolution he will see, I think, the plain intent of it.

Now, I desire to hurry along, although I shall be glad to answer any questions.

It is true that when Theodore Roosevelt, after having retired from the Presidency in 1908, became a candidate in 1912, an effort was made to make use against him of the statement which he had issued. He declared, however, that it had no application whatever to the candidacy of a man who was not at that time in office, whether he had or had not been President before.

Mr. BORAH. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator, with pleasure.

Mr. BORAH. I only wish to interrupt to say that if the general principle be sound, that is not a sound exception.

Mr. LA FOLLETTE. Mr. President, I was merely offering that statement as the answer of President Roosevelt when the effort was made to make use of his previous statement.

Mr. BORAH. I did not understand that it was the Senator's view.

Mr. LA FOLLETTE. No, Mr. President.

Mr. BORAH. But that was the practice, for instance, that Diaz put into operation in Mexico very successfully.

Mr. LA FOLLETTE. Exactly; I agree with the Senator fully about it; but I wish to be fair in my brief historical summary.

The Democratic convention in Baltimore in 1912, following the campaign in which the third-term issue had been raised, adopted a plank which declared:

> We favor a single presidential term, and to that end urge the adoption of an amendment to the Constitution making the President of the United States ineligible for reelection, and we pledge the candidate of this convention to this principle.

The Senate of the United States in 1913 passed a constitutional amendment which provides:

> The term of office of the President shall be six years; and no person who has held the office by election and discharged its powers or duties, or acted as President under the Constitution and laws made in pursuance thereof, shall be eligible to hold again the office by election.

That amendment passed the Senate on February 1, 1913, by a vote of 47 ayes to 23 nays, one vote more than the required two-thirds majority.

Mr. President, everyone is familiar with the existing situation which confronts the American people. President Coolidge on August 2 issued a statement in which he declared that he did not choose to run in 1928. It is a well-known fact that that statement was not considered a conclusive declaration, and his close political friends, some of them Members of this body, continued to insist that he would be renominated and reelected. Therefore it was with a great deal of interest that the country read the special press release attached to the President's speech given to the national committee which met here on December 6. He amplified his statement to this effect:

> This is naturally the time to be planning for the future. The party will soon place in nomination its candidate to succeed me. To give time for mature deliberation, I stated to the country on August 2 that I did not choose to run for President in 1928. My statement stands. No one should be led to suppose that I have modified it. My decision

will be respected. After I had been eliminated the party began, and should vigorously continue, the serious task of selecting another candidate from among the number of distinguished men available.

Mr. President, the first interpretation placed upon that statement was that the President had eliminated himself, but obviously recent developments demonstrate that in not using complete and conclusive language in defining his position he has opened the door to those who believe that he should be renominated and who believe that this antithird-term tradition should be smashed.

Powerful persons in the Republican Party are the backers of this movement to draft the President and to force his renomination and endeavor to secure his reelection. Under those circumstances, Mr. President, it seems to me that it is the duty of this body, in so far as it represents the people of the United States, to take cognizance of this situation and to adopt this resolution.

The feeling with regard to the third term of a President is not based upon an idle fear. The power and the prestige of the Chief Executive have grown continuously since the foundation of our Government. Students of politics, both American and foreign, properly regard the President of the United States as the most powerful individual in the world. Establishment of the precedent that one man may continue to wield this power for longer than eight years would mark a definite step toward the abrogation of popular government.

Once the precedent has been broken that no one should hold the office for more than eight years, it will be difficult, if not impossible, to prevent reelection for 12, for 16, and perhaps for 20 years.

Mr. President, it may perhaps not be amiss to review briefly purely the political power which the Chief Executive now wields. There are 60,000 first, second, and third class postmasters, collectors and deputy collectors of internal revenue, marshals and deputy marshals, collectors of customs, and similar officials appointed by the President. They enjoy salaries aggregating $127,500,000 annually. In 1912 Postmaster General Hitchcock succeeded in altering the civil-service requirements governing fourth-class postmasters and rural carriers so as to permit the selection of any three upon the eligible list furnished by the Civil Service Commission, and to the total which I have just given there must be added 79,645 employees, with salaries totaling $104,100,000.

Mr. President, I believe that the Senate of the United States will recognize the gravity of this situation and will by a substantial majority place itself on record in support of this sound declaration in favor of sustaining the tradition which has played such an important part in our history. I sincerely trust that the resolution may be brought to a vote.

Mr. ASHURST. Mr. President, I ask leave to introduce at this time a resolution, which I send to the desk and ask to have read.

The VICE PRESIDENT. The clerk will read.

The legislative clerk proceeded to read the resolution.

Mr. LA FOLLETTE. Mr. President, will not the Senator be willing to allow a vote to come on my resolution?

Mr. ASHURST. Very well; I withhold my resolution for that purpose.

Mr. BINGHAM. Mr. President, there are a number of Senators who desire to be heard on the resolution presented by the Senator from Wisconsin. I have talked with several, and one or two are not prepared to go on to-day. The junior Senator from Ohio [Mr. FESS] is suffering from a cold and prefers not to speak. I wonder if the Senator from Wisconsin will not let the resolution go over without prejudice. It has been going over without prejudice for some days, and none of us knew it was coming up to-day, and we are not prepared to discuss it to-day. Will he not permit it to go over without prejudice until to-morrow?

Mr. LA FOLLETTE. Will the Senator be willing to have a unanimous-consent agreement for a vote on the resolution at some time to-morrow?

Mr. BINGHAM. That is rather a difficult question to answer.

Mr. LA FOLLETTE. Then I ask that it be considered until 2 o'clock. I fear I shall have to object to the request of the Senator from Arizona, because there is obviously an intention to delay this resolution, and I desire to have it considered.

Mr. ASHURST. I have no intention to delay the resolution of the Senator from Wisconsin, but the resolution I now seek to introduce is an important one, one to cope with an emergency. I am sure the Senator from Wisconsin, on reflection, will offer no objection to the introduction of my resolution.

Mr. LA FOLLETTE. I have no desire to prevent its introduction, but if it is a long resolution, I ask the Senator not to have it read in the time between now and 2 o'clock.

Mr. ASHURST. My speeches and resolutions are broad and deep, but never long. I am sure the Senator will permit the clerk to read the resolution, and then let it be referred to the appropriate committee.

INVESTIGATION OF OIL COMPANIES IN CALIFORNIA AND ARIZONA

The VICE PRESIDENT. Without objection, the resolution will be read.

The legislative clerk read the resolution (S. Res. 141), as follows:

Resolved, That the Senate Committee on Interstate Commerce, or a subcommittee thereof, be, and hereby is, empowered and directed to inquire into and report upon the alleged violations of the laws of the United States by certain oil companies maintaining refineries in the State of California and distributing stations in the State of Arizona, and which companies are alleged to have entered into an illegal combination to control the prices of gasoline and oils to independent retail distributors upon the refusal of said retail distributors to maintain such prices as are fixed by the combination of the said oil companies, and which oil companies are alleged to have entered into a conspiracy to prevent said independent retailers from securing gasoline and oils from other sources.

That the said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper, and to require the attendance of witnesses by subpœnas or otherwise; to require the production of books, papers, and documents; and to employ counsel, experts, and other assistants, and stenographers, at a cost not exceeding $1.25 per printed page. The chairman of the committee, or any member thereof, may administer oaths to witnesses and sign subpœnas for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee, or appears and refuses to answer questions pertinent to said investigation, shall be punished as prescribed by law. The expenses of said investigation shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

The committee or any subcommittee thereof is authorized to sit during the sessions or the recesses of the Senate, and until otherwise ordered by the Senate.

Mr. ASHURST. Mr. President, let the resolution be referred to the Committee on Interstate Commerce. I ask to have printed in the RECORD a telegram signed by Hon. Harlow Akers, who is one of the publishers of the Arizona Daily Gazette, a metropolitan daily journal published in the city of Phoenix.

Mr. WARREN. Mr. President, may I ask the Senator a question?

Mr. ASHURST. Certainly.

Mr. WARREN. Does the resolution require the expenditure of money?

Mr. ASHURST. It does.

Mr. WARREN. Should it not go to the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. ASHURST. I think it should ultimately, but I believe it should first go to the Committee on Interstate Commerce, to the end that that committee may make a careful survey, and after that committee shall have reported the resolution favorably, as I hope it will, it then, under the law, must go to the Committee to Audit and Control the Contingent Expenses of the Senate. Am I correct?

Mr. SMOOT. That is correct.

Mr. ASHURST. Mr. President, I shall appeal to the chairman of the Senate Committee on Interstate Commerce to lay this resolution before his committee, so that we may ascertain if there be violations of the law.

The VICE PRESIDENT. The resolution, without objection, will be referred to the Committee on Interstate Commerce. Is there objection to the request of the Senator from Arizona to have the telegram printed in the RECORD?

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

PHOENIX, ARIZ., *February 7, 1928.*

Hon. HENRY F. ASHURST,

United States Senate Building, Washington, D. C.:

In behalf of the citizens of Arizona I appeal to you to lay before the United States Senate the facts set forth herein, and to demand an investigation by that body of the most flagrant violation of the Sherman Antitrust Act that has been perpetrated in the Southwest. On December 9 the American Automobile Association disclosed in a nation-wide report that Arizona paid the highest retail price for gasoline of any State, 27 cents, and that in some other States gasoline sold for 10 cents, with 47 different prices prevailing throughout the Nation. A group of Phoenix retailers decided to take price cuts on January 10, and signs were posted at 25 cents. A meeting of other retailers was held January 16 and was attended by wholesale representatives, and on that night the wholesalers announced through a spokesman that dealers who had cut price to 25 cents would be cut off from deliveries at noon next day

unless independents came back to price dictated by wholesalers. Men who had reduced price refused to change and were refused gasoline on January 17, and their tanks ran dry that day. Copper State Oil & Gas Co. was organized by Arizona men and buying connection was formed with outside refinery. First carload was delivered January 31 and station tanks of independents that had been dry since 17th were filled and began selling for 24 cents. Price cuts spread over valley on February 2, but stations of large companies held to 27 cents, with five different prices posted by February 3. On that day Standard Oil took motion pictures of independent operations and station men reported Standard Oil detectives were checking their sales. On February 4 refining company in Los Angeles refused to sell gasoline to Copper State Co., even though cash was tendered in payment. Every wholesale oil company in Phoenix refused to sell to Copper State on February 5, and by the 6th all independent-station tanks were empty. All price signs where gasoline is in tanks went back to 27 cents to-day. With only one exception, all companies operating in Arizona ship gasoline interstate, and this open monopoly of gasoline and its retail price is the most unbearable situation Arizona has had heaped upon it since Sherman Act became a law. Affidavits have been placed before local authorities, but situation has so many ramifications and is so clearly one for Federal investigation and prosecution that legal action has been delayed or permanently blocked. We appeal to you to demand investigation and prosecution of those guilty of this conspiracy. Am prepared to supply full information regarding individuals from whom affidavits or other sworn testimony may be obtained by investigating committee. Appreciate immediate reply, for this crime will be exposed while it still continues if investigation opens without delay.

HARLOW AKERS.

RADIO REGULATION

Mr. DILL. Mr. President, I ask unanimous consent to have inserted in the RECORD an article appearing in the Wilmington Evening Journal of yesterday relating to the injunction issued in New Jersey against the Radio Corporation of America.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

[From the Wilmington Evening Journal, Monday, February 6, 1928]

INJUNCTION IS ISSUED AGAINST RADIO CORPORATION OF AMERICA—FEDERAL COURT FINDS IN BEHALF OF DE FOREST AND OTHER COMPANIES—RADIO LICENSES ARE INVOLVED

In the case of the De Forest Radio Co. and others against the Radio Corporation of America, Judge Morris at noon to-day handed down an opinion granting an injunction against the Radio Corporation of America.

The De Forest company and others brought suit in the United States district court against the defendants, alleging violation of the Clayton law. The De Forest interests were represented by Samuel E. Darby, jr., of New York, and E. E. Berl, of this city.

The Radio Corporation was represented by John W. Davis, of New York, and William G. Mahaffy, of Wilmington.

The De Forest company suit is to enjoin the enforcement by the defendant of certain licenses agreement alleged to constitute unfair methods of competition and in violation of the Sherman and Clayton Acts. The agreements were made with the General Electric Co., the Westinghouse Electric & Manufacturing Co., and 25 other manufacturers of radio and receiving sets and assented to by the American Telephone & Telegraph Co.

The plaintiff contends that the contract of sale entered into by the defendant is on the condition that the purchaser shall not use or deal in tubes of competitors of the seller.

Judge Morris in his opinion writes: "The evidence now before me is conclusive that the practical effect is to prevent the licensee from using or dealing in tubes other than those sold by the defendant. Such conditions or agreements are so completely within the ban of the Clayton Act as if they were express, specific, or direct."

The plaintiff further contends there is a contract for the sale of goods on the condition that the purchaser shall not use or deal in the goods of competitors, and that the effect of such contract for sale is to substantially lessen competition or tend to create a monopoly.

In reply the defendant contends that their contracts are license agreements and that certain provisions of these agreements attacked by the plaintiffs are lawful conditions of the licenses. They hold that the Clayton Act is a derogation of the common law and must be so construed.

Judge Morris declares that to hold that a contract for the sale of goods is not within the Clayton Act if it is embodied as a condition or covenant of a license or an agreement would be writing into the statute a nullifying limitation and running counter to the views of the Supreme Court.

Affidavits submitted by the plaintiff declares that the defendant and the 25 licensees combined approximate 95 per cent of the total business in radio receiving sets. The defendant, in turn, claims that it does not exceed 75 per cent of the business.

The plaintiffs are Arthur D. Lord, receiver for the De Forest Radio Co., the Northern Manufacturing Co., the United States Radio & Electric Corporation, the Televocal Corporation, and Harry Chirelstein, of the Sonatron Tube Corporation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 278) to amend section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ELLIOTT, Mr. TAYLOR of Tennessee, and Mr. LANHAM were appointed managers on the part of the House.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 66. An act authorizing B. L. Hendrix, G. C. Trammell, and C. S. Miller, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Mound City, Ill.;

H. R. 5502. An act authorizing the Washington-Missouri River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Washington, Franklin County, Mo.;

H. R. 5569. An act relative to the dam across the Kansas (Kaw) River at Lawrence, in Douglas County, Kans.;

H. R. 6973. An act authorizing E. H. Wegener, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 7199. An act granting the consent of Congress to the Oregon-Washington Bridge Co. to maintain a bridge already constructed across Columbia River near the city of Hood River, Oreg.;

H. R. 7375. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala.;

H. R. 7902. An act granting the consent of Congress to the State Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Wetumpka, Elmore County, Ala.;

H. R. 7914. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Whitesburg Ferry, on the Huntsville-Laceys Spring road between Madison and Morgan Counties, Ala.;

H. R. 8896. An act granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Conecuh River on the Brewton-Andalusia road in Escambia County, Ala.;

H. R. 9019. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at or near Calion, Ark.;

H. R. 9137. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lebanon-Hartsville road in Wilson and Trousdale Counties, Tenn.;

H. R. 9196. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Decatur-Kingston road in Roane County, Tenn.;

H. R. 9197. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn.;

H. R. 9199. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn.; and

H. R. 9484. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River at or near Aliceville, on the Gainesville-Aliceville road, in Pickens County, Ala.

PUBLIC BUILDINGS

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the

bill (H. R. 278) to amend section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. KEYES. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. KEYES, Mr. WARREN, and Mr. REED of Missouri conferees on the part of the Senate.

PRESIDENTIAL TERMS

The Senate resumed the consideration of the resolution (S. Res. 128) submitted by Mr. LA FOLLETTE on January 31, as follows:

Resolved, That it is the sense of the Senate that the precedent established by Washington and other Presidents of the United States in retiring from the presidential office after their second term has become by universal concurrence a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions; and be it further

Resolved, That the Senate commends observance of this precedent by the President.

Mr. GILLETT obtained the floor.

Mr. BINGHAM. If the Senator from Massachusetts will yield to me for a moment——

Mr. GILLETT. Certainly.

Mr. BINGHAM. I move that the resolution now before the Senate, submitted by the Senator from Wisconsin [Mr. LA FOLLETTE], be referred to the Committee on the Judiciary.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Wisconsin?

Mr. GILLETT. I yield.

Mr. LA FOLLETTE. I can see no force in the argument put forth by the Senator from Connecticut [Mr. BINGHAM] that the resolution should be sent to a committee. It simply declares the sense of the Senate in relation to this important question. To send it to a committee is to send it into the chloroform chamber. I shall resist that effort, and trust that those who agree with me in regard to the resolution will resist the effort, too.

Mr. GILLETT. Mr. President, like the Senator from Connecticut [Mr. BINGHAM], I was unaware the resolution was coming up to-day, nor had I seen it until just now.

As to the first clause I make no objection. I confess I think it is somewhat exaggerated and grandiose in its phraseology. I hardly think that the precedent established by Washington and other Presidents is so essential to our Government that a failure to observe it is "fraught with peril to our free institutions." At the same time I do heartily agree that the precedent is wise and ought to be followed.

Personally, I am in sympathy with the original opinion of President Jefferson, cited by the Senator from Wisconsin [Mr. LA FOLLETTE], in favor of a term of seven years without reelection. But the Constitution did not so provide, and we have established the precedent that at the end of eight years a President shall not be reelected. The Senator from Wisconsin agrees that that applies only to successive terms, and in that I agree with him.

But when we come to the second clause of the Senator's resolution I do not agree with him. It reads:

Resolved, That the Senate commends observance of this precedent by the President.

His argument is that the President's declaration that he does not choose to run is an observance of this precedent. I do not think that for President Coolidge to run again now would be a violation of the precedents established by our earlier Presidents.

Mr. DILL. Mr. President, will the Senator yield for a question?

Mr. GILLETT. Certainly.

Mr. DILL. What term does the Senator think it would be if Mr. Coolidge ran again?

Mr. GILLETT. It certainly would not be a third full term.

Mr. DILL. What term would it be, then?

Mr. GILLETT. It would be his second elective term.

Mr. DILL. But would it not be a third term?

Mr. GILLETT. No; it would be the beginning of his second term, but not a third full term.

Mr. DILL. Would it not be longer than any other President ever served?

Mr. GILLETT. It certainly would; and if that is the argument which influences Senators, I agree that it is a violation of the precedent.

Mr. DILL. If Mr. Coolidge or anyone else violates the tradition of serving more than 8 years, why not serve 12, or 16, or 20 years?

Mr. GILLETT. We might say that if President Roosevelt had been elected in 1912 he would have served longer than any other President.

Mr. DILL. I think that is one of the reasons why he was not reelected and why he did not get any more votes.

Mr. GILLETT. I do not think so, or that it was any violation of the third-term precedent. The Senator from Indiana [Mr. WATSON] asked if a President has served one week and then is reelected, is it a violation of the third-term precedent? I do not believe that it would be. The answer was made by the Senator from Wisconsin [Mr. LA FOLLETTE] that the taking of the oath of office more than twice is in violation of the third-term precedent. With that statement I disagree. Whether Mr. Coolidge, when he said that he did not choose to run, had in mind the third-term precedent, I do not know. I do not believe that anybody knows whether he even thought of that in making his decision. I know him very well. I know many of his most intimate friends intimately, and so far as I can find, nobody knows the reason upon which he based his determination not to run. But I have assumed, from the time he declared it, that that was his determined intention, and I have acted accordingly. While nobody, I believe, is more desirous than I that he should run again and be elected again, as he certainly could be, yet I have conceived that he has refused and I have consequently made another choice for the next candidate for President, for whom I am doing what I can. But I make no concealment of the fact that President Coolidge was my first choice, that I do not think his candidacy would violate the third-term tradition, and that the only reason I am not supporting him is his own refusal to run.

But if we adopt this resolution, which reads "That the Senate commends observance of the precedent by the President," we intimate that we believe another election for Mr. Coolidge would not be an observance of the third-term precedent. With that I do not agree. It depends, it seems to me, in some measure upon how long a President has served. When President Roosevelt declared that it was a matter of substance rather than of form, he meant that he had served practically two full terms, two terms lacking six months, and that substantially that was serving two full terms. If he had served only a few months more than four years, I do not believe he would have thought he had served in substance two terms. President Coolidge has served less than two years of President Harding's term, and consequently I do not believe that was a term either in substance or in theory. Consequently his renomination and reelection would be no violation of the third-term principle. For that reason I oppose the last clause, "*Resolved*, That the Senate commend observance of this precedent by the President." It intimates directly that for him to be renominated and reelected would be a violation of the third-term precedent.

The only reason why I am not now advocating President Coolidge's renomination is not that I believe it is a violation of the third-term precedent, but that he himself has declined to be a candidate for reasons known best and, I suspect, known only to himself. Therefore, while I am perfectly willing to vote for the first clause of the resolution, as expressing rather bombastically a theory on which we are all agreed, I shall not vote for the resolution when it contains, as it does in its second clause, an intimation that the renomination and reelection of President Coolidge would be a violation of the third-term precedent.

Mr. BINGHAM. Mr. President, it seems to me that this matter is one which really is a proper subject for an amendment to the Constitution of the United States. There is, however, no provision of the Constitution at the present time limiting in any way the number of terms to which a President may be reelected. All amendments to the Constitution are naturally referred to the Judiciary Committee. There is nothing strange about that method of procedure even though the matter has been discussed widely throughout the country. Therefore it appears to me that there ought to be no objection to having the resolution carefully considered in the Judiciary Committee.

In view of the fact that the Senator from Wisconsin is unwilling to lay the matter aside so that those who desire to be heard on it may protect themselves until to-morrow, I should like to have a vote on the question as to whether the resolution may not be referred to the Judiciary Committee in accordance with my motion.

THIRD TERM AND ROMANIZED PRESS

Mr. HEFLIN. Mr. President, I do not see the necessity for referring this matter to the Committee on the Judiciary. It is a very simple resolution. I think most of the Senators have their minds made up on the resolution. We ought to vote on it to-day or get an agreement that we will vote upon it to-morrow. I think the Senator from Wisconsin [Mr. LA FOLLETTE] is correct in his suggestion that it might be pigeonholed in the committee, might be delayed indefinitely, and the Senate might not get a vote on it. It is already now the property of the Senate. This question has been discussed by people throughout the country. So far as I have been able to ascertain, the overwhelming sentiment is in favor of the resolution.

The two-term custom is firmly established in the minds and hearts of the American people. They do not want that custom tampered with. They do not want it broken. Dr. Nicholas Murray Butler, a very distinguished Republican, sometimes a candidate for President on the Republican ticket, has said that when a President takes the oath twice he has had two terms in the minds of the American people. When he is sworn in to serve as President of the United States two times, he to all intents and purposes has had two terms.

I know that there are some Republican partisans who would like to keep Mr. Coolidge in waiting, and if they should get in a deadlock in the convention among Mr. Hoover, the Senator from Ohio [Mr. WILLIS], Vice President Dawes, the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from Idaho [Mr. BORAH], Governor Lowden, of Illinois, and perhaps the Senator from New Hampshire [Mr. MOSES], they would then bring the President out and suggest that he be nominated in order to break the deadlock.

Mr. SACKETT. Mr. President——

The PRESIDING OFFICER (Mr. BLEASE in the chair). Does the Senator from Alabama yield to the Senator from Kentucky?

Mr. HEFLIN. I yield.

Mr. SACKETT. That is a pretty good list, is it not?

Mr. HEFLIN. Yes; it is a pretty good list.

Mr. SACKETT. All able men?

Mr. HEFLIN. Very able men.

Mr. SACKETT. Any one of them would fill the office with credit to the United States?

Mr. HEFLIN. They are very able men. I do not know how creditably they would fill the office, being Republicans; but there are some of them who, if we have to have a Republican President, I would not object to seeing President.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from California?

Mr. HEFLIN. I yield.

Mr. SHORTRIDGE. The Senator is not going to overlook the candidate from Nebraska, is he?

Mr. HEFLIN. The distinguished Senator from Nebraska [Mr. NORRIS]? I do not know yet on just what ticket he will run. If the Republican Party is controlled by the special interests, it may be that he will not submit to a nomination made at Kansas City.

Mr. President, there is one question here on which Democrats and Republicans alike ought to stand together, and that is the third-term proposition. That means much to our people and much to free institutions in America. The anti-third-term tradition ought never to be broken. There ought not to be any hesitancy whatever on the part of the Senate when that question is raised. We ought to go on record quickly and unanimously in favor of standing by the two-term custom.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from California?

Mr. HEFLIN. I yield to the Senator.

Mr. SHORTRIDGE. I recognize the Senator as a very regular member of the Democratic Party. May I inquire whether he is not opposed to a second term for a President under the present four-year limitation?

Mr. HEFLIN. No. I am in favor of the present plan. I am in favor of two terms carried on regularly and orderly, but when a President dies and a Vice President succeeds to his place and serves as President Coolidge did and then is reelected for a full term, if then he should run again he would violate the custom and it ought not to be.

Mr. SHORTRIDGE. I put the question to the Senator, remembering as I do full well the platform of the Democratic Party which was adopted in 1912. The Democratic Party then adopted a platform declaring its opposition to a second term.

Mr. HEFLIN. But I think they provided for a six-year term.

Mr. SHORTRIDGE. They provided for one term.

Mr. HEFLIN. And then making the candidate ineligible. I personally would rather have two four-year terms. [Laughter.]

Mr. BINGHAM. The Senator will realize that this morning we are not discussing the Democratic candidate but the Republican candidate.

Mr. HEFLIN. I understand that, but, Mr. President, the metropolitan press seems to be determined to nominate Mr. Hoover for the Republicans and Mr. Smith for the Democrats.

Mr. BRATTON. Mr. President, will the Senator from Alabama yield to me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Mexico?

Mr. HEFLIN. I yield.

Mr. BRATTON. Discussing the Republican candidate is purely an academic question, while discussing the Democratic candidate is a matter of reality.

Mr. BINGHAM. It certainly seemed real the other day on the floor of the Senate.

Mr. HEFLIN. Mr. President, I merely wish to say that the newspapers, the metropolitan press, by their Republican correspondents are going through the South and going about in the West, are trying to make the public believe how popular and strong Governor Smith is for the Democratic nomination. He is nothing like so strong as he was on the 1st of January. He is strong only in the columns of the newspapers. One can get with a group anywhere and ask them about the Democratic situation. Now and then one will tell you Al Smith will be nominated. If you ask him if he is for him, he will tell you no. If you ask him if he knows anybody that is for him, he will tell you no. If you ask him, "Well, how did you get the impression that he would be nominated?" he says, "I get it from the newspapers."

Mr. President, the metropolitan newspapers are carrying exactly what they are told to carry. They are seeking to pick out a nominee for the Democrats whom they think will be easily defeated; and they have certainly hit on the right candidate when they have selected Governor Smith to be the standard bearer of the Democratic Party. [Laughter.]

I do not intend that these Republican correspondents shall go through the South and the West manufacturing political medicine for the Democratic Party. Who authorized these Republican agents to go out and represent the great party of Jefferson and Wilson? They go down through South Carolina and North Carolina and Alabama, where newspapers are changing hands over night, where the Al Smith slush fund is being made manifest on every hand, and they come out and tell us what is going to happen, that Smith is growing, that he is gaining in strength. Mr. President, he is not gaining strength. He is not going to carry any delegates from the South; unless he shall carry some delegates in the State of Louisiana. With that exception, I do not expect to see him get a single vote from a single Southern State.

Mr. President, while I am on my feet I desire to say that by using the "boycott" and other means of coercion and intimidation, the Roman Catholic political machine has muzzled a large portion of the press of the country and made it impossible to get important truths to the American people. When that machine is caught doing things that are harmful to American ideals and institutions you will strive in vain to get these newspapers to publish them. So the press that we once boasted was free is now being muzzled and shackled by this dangerous, antagonistic, and intolerant power. Shall we fold our arms and quietly submit to its dangerous, un-American demands, or shall we insist that the press of this country shall be indeed and in truth a free press to publish the truth and the whole truth about matters that affect the welfare and preservation of this American Government? I care not whether that truth affects Protestants, Catholics, or Jews, the people whose Government this is are entitled to know the truth. The Master said, "Know the truth, and the truth shall make you free."

If you want to know the newspapers that are owned in the open or in secret or partly owned or controlled by this dangerous Roman Catholic political machine, see the list of the newspapers in the United States that have recently attacked, misrepresented, and slandered me because I told the truth in the Senate about the reprehensible and un-American activities of the Roman Catholic political machine. At the crack of the whip of their master they all yelped in unison in Alabama and elsewhere. Pigs, when you pour the swill in the trough in front of them, never responded more quickly and unanimously with their grateful squeals than did this pack

of unprincipled and cowardly newspapers respond with their bartered attacks upon me when the whip cracked and the coin clinked in their ears. They trampled their honor, if they had any, under foot. They betrayed their country at the behest of a political machine whose coin was the moving cause and whose inspiriting power comes from Rome.

Did Senators observe from these recent outbursts of newspapers how well or generally they have placed them in the various States of the Union? They have gone into nearly every State and established newspapers or bought newspapers, or an interest in newspapers, as I am sure they have done in my State, for the purpose of putting out of business newspapers they could not control and for the purpose of keeping the truth from the people, and they are now controlling and operating newspapers that used to be against Al Smith and all that he represents, but they are now supporting him and fighting the eighteenth amendment to the Constitution of the United States.

Having gained control of a large portion of the press, this Roman Catholic political machine has now directed its newspapers to attack free speech in this body. These Romanized newspapers are urging the suppression of free speech in the Senate. They are complaining that the Presiding Officer does not hold that I can not discuss in the Senate of the United States the very dangerous and pernicious activities of the Roman Catholic political machine. They also suggest that the Democratic Senators should forget their Democracy and Americanism and trample under foot the Constitution of the United States and demand that I be silenced in the interest of and at the behest of the Roman Catholic political machine.

But that is not all. The so-called Democratic chairman of the State committee of Massachusetts telegraphed Senator ROBINSON to read me out of the Democratic Party because he, a Romanist, did not like what I have said about the political machine that he belongs to in the East. Then later on 13 members of the Massachusetts Legislature, members of this Roman Catholic political machine, calling themselves Democrats, telegraphed the Governor of Alabama demanding that he call the legislature in extra session for the purpose of having the Democratic members read me out of the Democratic Party.

And then, going from bad to worse and adding insult to insolence, they call on the Democrats here in the Senate, and Democrats everywhere, to read me out of the Democratic Party because they do not want the people to know the truths that I am telling about their program and purpose, and threaten that if they fail to read me out of the party they—the so-called Democrats of Massachusetts—will not send delegates to the Democratic National Convention at Houston, declaring as their reason that they put the interest of the Roman Catholic political machine above the Democratic Party.

But that is not all. A secret fraternal order of Roman Catholics, with headquarters at Chicago, has through its chief officer, one Thomas H. Cannon, written letters to Senators asking them to vote to expel me from the Senate. He would have this done because I have dared to tell the Senate of some of the dangerous doings of the Roman Catholic political machine.

Mr. President, was there ever such a colossal example of unmitigated gall and idiotic asininity found in one group of beings that walk on two feet? Senators, do you want the reckless, intolerant, and tyrannical members of this machine to get control of this Government?

Mr. President, free speech is perhaps the brightest jewel that sparkles in the diadem of liberty; and here in the Senate of the United States it shines as it does in no other law-making body under the sun. And yet agents of the Roman Catholic political machine have been bold and brazen enough to call on Democratic Senators to read me out of the Democratic Party, and they have demanded that Senators vote to expel me from the Senate of the United States because I uttered truths in the Senate that they did not want the American people to know. They were willing to prevent free speech in the Senate, and destroy the rights of the citizen, and tear down constitutional safeguards in order to shield and keep hid the insidious activities of the Roman Catholic political machine. And not a one of the Al Smith controlled newspapers in Alabama has criticized a single agent of this Roman Catholic political machine for seeking to suppress free speech in the Senate or for their insults and insolence to a United States Senator from Alabama.

Mr. President, in a further effort to pursue and punish me, one of the Roman Catholic editorial writers of the New York World not only attacked and misrepresented me but wired to my home town, Lafayette, Ala., and suggested in his telegram to the editor of the Lafayette Sun that he would pay a good price for the right kind of a story regarding me and my standing with the people of my home town in Alabama.

The desire and purpose to influence the sending of a statement harmful to me is clearly seen in the telegram inspired by the agents of the Roman Catholic political machine of New York. I will read the telegram:

CATHOLICS THREATEN US WITH FORCE BILL

On Friday last the Western Union Telegraph Co. delivered to this office a telegram from the New York World, as follows:

"How are Senator HEFLIN'S attacks on Catholics, Smith, ROBINSON, and others regarded by his fellow citizens of Lafayette? Please wire opinions leading men, including your own editorial comment. Will remunerate suitably."

Do you get that expression, Senators? "Will remunerate suitably." Is not that a remarkable telegram? They suggest very plainly to this editor that they are willing to pay a good price for "editorial comment" in keeping with their villainous attacks upon me. Listen to the last words of the telegram: "Will remunerate suitably." In other words, they were conveying the idea that a statement favorable to me would not get much money, but a story unfavorable to me would bring a very substantial check. What they wanted from the people of my home town in Alabama was a story that was unfavorable and harmful to me; and that is what they meant when they said "Will remunerate suitably." But they did not get what they wanted. A telegram sustaining me and commending my course, signed by the mayor, probate judge, and other county officers, bankers, and merchants and ministers of all denominations was sent, which reads as follows:

Leading men of Lafayette and Chambers County thoroughly approve Senator HEFLIN'S stand against involving United States in war with Mexico and South American countries, and indorse his position against Catholic agencies relating thereto. The overwhelming sentiment in this section for prohibition and against Governor Al Smith for President is truly reflected in the position Senator HEFLIN has assumed on the questions in the Senate. Senator HEFLIN'S denunciation of Hearst meets popular approval of Chambers County people. People generally regret Senator ROBINSON'S injecting himself in debate without seeming cause.

Mr. President, if that Al Smith bunch had known that such an answer would come to them, they would never have sent the telegram offering to "remunerate suitably" for editorial comment on my standing at home.

I am calling attention to these things in order to get certain facts in the RECORD, and for the purpose of showing the Senate and the country, by concrete cases and incontrovertible facts, that the agents of this Roman Catholic political machine put the purpose and program of that machine above free speech in the Senate and above the Government of the United States.

Mr. President, Dr. Charles Chiniquy, for many years a Roman Catholic priest, in his book called "Fifty Years in the Church of Rome" tells us that this Roman Catholic political machine plans first to capture and control the large cities of the United States and then get control of the National Government. He quotes the Roman Catholic editor of the Freeman's Journal, the then official organ of the Catholic Bishop of New York, who declared that the time will come in the United States "when not a single Senator or Member of Congress will be chosen if he be not submitted to our holy father, the Pope."

Mr. President, they evidently think that that time has come. The bold and brazen agents of Rome's political machine have invaded the Capitol with their attacks upon me. They sit in yonder press gallery, obeying orders to watch, misrepresent, and slander me. They have attacked free speech in this body and have solemnly called upon American Senators to vote to expel me, a Protestant American Senator, for daring to discuss in the Senate of the United States the iniquitous and un-American activities of the Roman Catholic political machine. They have said by that that their plans and purposes—it makes no difference how despicable and dangerous they may be—shall not be discussed in the Senate of the United States. They would have us cowardly assume in silence the position that if the Roman machine wants war with Mexico, the Senate will do its bidding and declare for such a war. Not if I can prevent it, Mr. President!

I repeat, the agents of the Roman Catholic political machine of the State of Massachusetts have invaded my own State of Alabama with their impudent and insolent attacks upon me. They have declared political war upon me in the State where I was born, where the people have twice elected me to come here and in their name defend our country against all enemies, both foreign and domestic, and the Union and Times, of Buffalo, N. Y., official mouthpiece of the Roman Catholic hierarchy, has declared its intention to have me defeated for reelection to the Senate in 1930.

And this is the political machine that is now doing everything in its power to put Al Smith, the nullifier and wet Tammanyite, in the White House!

PRESIDENTIAL TERMS

The Senate resumed the consideration of the resolution (S. Res. 128) submitted by Mr. LA FOLLETTE.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut to refer the resolution of the Senator from Wisconsin to the Committee on the Judiciary.

Mr. BRUCE. Mr. President, as this resolution will come to a vote, and I am very averse to any misconception of the motives by which I shall be influenced in voting for it, I feel that it is incumbent upon me to say a few words in relation to it.

The resolution is just a little like a wasp; that is to say, its sting is in its tail. It is obviously not so much the purpose of the Senator from Wisconsin [Mr. LA FOLLETTE] to reaffirm the time-honored, third-term tradition as to embarrass the President of the United States and his friends should he be brought up at any time by his party, willingly or unwillingly, as a candidate for another presidential term.

I hasten to say, therefore, that I am out of sympathay with the last clause of the resolution, which resolves that the Senate commends observance of the third-term precedent established by Washington and other Presidents by the present President of the United States; and this notwithstanding the fact that I do approve and do indorse with the full force of any moral or intellectual power that I may possess the first portion of the resolution, which reaffirms the ancient, the patriotic, the beneficent, as I see it, American third-term presidential tradition.

I am bound to say that I was not altogether satisfied by the protestations of the Senator from Massachusetts [Mr. GILLETT] that the present President of the United States has abandoned all idea of being a candidate to succeed himself. It seemed to me, with due respect to the Senator from Massachusetts, that he left the door just a little ajar, so that if the opportune moment should come the President might find his way back through it to a different position from that which he has recently taken about being a candidate again. It seems to me that the Senator from Massachusetts, in his observations, justified, at least, a slight suspicion upon my part that the present President of the United States is still held by the Republican Party in reserve as a sort of gun behind the door, not expected necessarily to be used, but convenient to be used should there be any occasion to use it, for Presidential purposes.

Whatever may be the disposition of his friends, though a Democrat, I am not willing to put President Coolidge in that position.

I think, as the Senator from Wisconsin [Mr. LA FOLLETTE] said, that the language of the President when he first addressed himself to the subject of a third term was more ambiguous than it should have been. I think it would have been wise for him to have translated what he said from Vermontese into English; for I for one confess that I did not understand exactly what he meant when he declared that he did not "choose" to be a candidate for the office of President. But I am told by persons who are much more familiar than I am with the peculiarities of the New England vernacular—and the Senator from Vermont [Mr. GREENE] will correct me if I am wrong—that when a Vermonter says that he does not "choose" to do a thing, he is stating positively that he will not do it.

However that may be, only a few weeks ago President Coolidge declared to the Republican National Committee, in what I conceive to be plain, clear language, that the Republican Party must look about for another candidate for the Presidency than himself. Of course, even then he did not use such absolutely unconditional language as that used by ex-Secretary Hughes, when he affirmed that not only was he not seeking the nomination to the Presidency but that he would decline it if tendered to him. Secretary Hughes, however, is one of those individuals who uses the English language with such a degree of lucid and nervous precision as few men are able to do.

I say in all sincerity that I take the President at his word. I believe that he is too honorable a man, I believe that he is too upright a man, I believe that he is too frank and candid a man, deliberately to attempt to create the deceitful impression throughout the country, for a time at least, that he does not intend under any circumstances to be a candidate for the Presidency when all the time there is lurking in his heart the thought that in some contingency or other he may become a candidate.

Until I am disabused of my present impression, I shall believe that President Coolidge, in declining to be a candidate for a third term, has been actuated by the same honorable, patriotic, old-fashioned scruples by which Washington was actuated, by which Jefferson was actuated, by which Madison was actuated, by which Monroe was actuated, by which Andrew Jackson was actuated, when they voluntarily indicated their unwillingness to become a candidate for a third term.

I do not hesitate to say that should the President be weak enough, after having taken the position that he has taken with reference to a third presidential term, to allow his name to be used as the Republican candidate for the Presidency, he would be far from having the high standing with posterity that he would otherwise have.

I will be just enough to him to believe that he has burned his bridges behind him and has cut himself off from every pathway of retreat and that the Republican Party must look elsewhere than to him for a candidate for the Presidency at its next convention.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. CARAWAY. From the number of Republicans who are offering themselves, they are not going to have to travel very far to find a candidate, are they?

Mr. BRUCE. With a few exceptions, I do not think that they can find anybody who would be quite as well qualified, perhaps, for the nomination as President Coolidge.

Mr. CARAWAY. I did not say a good candidate, or a successful candidate, but I said "a candidate."

Mr. BRUCE. It seems to me one could hardly throw a stone nowadays without hitting a Republican candidate for the Presidency.

Mr. CARAWAY. I would like to throw the stone.

Mr. BRUCE. The Bible says, "He that is without sin, let him cast the first stone." Perhaps my friend, the Senator from Arkansas is sinless enough to be able to do that; though I am not prepared to commit myself irrevocably to that proposition.

I merely wish to reassert, as an American citizen, my belief in the value—I almost said the sanctity—of this third-term tradition. Mr. President, you may well judge of the intensity of my own feelings in relation to it when I tell you that I would not vote for any Democratic candidate for a presidential third term though he were a Thomas Jefferson, though he were an Andrew Jackson, though he were a Grover Cleveland, though he were a Woodrow Wilson.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Idaho?

Mr. BRUCE. I yield.

Mr. BORAH. The Senator from Maryland is a great historian, and I want to ask him if it is his opinion that it was on account of Washington's desire not to establish a precedent against a third term that he retired at the time he did?

Mr. BRUCE. That was the impression of his contemporaries, because about the time of his retirement Congress said:

> We can not be unmindful that your moderation and magnanimity, twice displayed by retiring from your exalted stations, afford examples no less rare and instructive than valuable to a republic.

So his contemporaries felt that the real motive to be assigned to Washington's declination to be a candidate for the Presidency again was the belief upon his part that he could not accept a third election to the presidential office without jeopardy to the liberties of his people.

Mr. BORAH. It is a fact, though, that Washington never at any time, so far as I have been able to ascertain, referred to the acceptance of a third term as being inimical to the liberties or sound political principles of our Government. He based his retirement entirely upon the proposition, so far as I can recall, that political conditions at the end of his second term were such that he thought he could retire without failing in his public duty; and, secondly, on account of his personal desire to be out of public life.

Mr. BRUCE. I think that the latter motive must have had not a little to do with his decision, because, as we all know, there was nothing that Washington loved quite so much as Mount Vernon, unless it was American liberty. Of course, it is true that at one time he took occasion to say that he was not fully in accord with Jefferson's views with respect to a third term. But, all the same, as I have said, when he later declined a third term, the significance that was attached to that action by his contemporaries, especially the Members of Congress, was that he was recognizing the dangers that lurked in the lack of the proper degree of rotation in high executive posts.

Mr. BORAH. Mr. President, if it will not interrupt the Senator——

Mr. BRUCE. Not at all.

Mr. BORAH. I have always felt that the third-term proposition as a principle was established by Jefferson. Jefferson was from the beginning opposed to a third term on principle.

Mr. BRUCE. He was.

Mr. BORAH. And he was the first President to state, on his retirement, that it was on account of principle that he refused to accept a third term.

Mr. BRUCE. I think it is true that he was the first President who gave a distinct utterance to the third-term prejudice.

Mr. BORAH. Jefferson, it is true, cited the fact that Washington had retired as a proper precedent to be followed; but Washington did not base his retirement on the ground that he thought a third term was wrong in principle. He said, in effect, that had the political conditions been the same at the end of his first term that they were at the end of his second term he would have consulted his own personal pleasure and retired then.

Mr. BRUCE. I am not saying that Washington ever made any specific declaration of any kind with reference to the third-term idea.

Mr. FESS. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. FESS. The Senator will remember that Washington voted in the Constitutional Convention against the proposal to limit the term to seven years and make the President ineligible for reelection.

Mr. BRUCE. The Senator's memory on that is no doubt much clearer than mine.

Mr. FESS. The Senator referred a while ago to a statement of President Washington. That appeared in his letter to La Fayette.

Mr. BRUCE. Yes.

Mr. FESS. In that he distinctly denied the wisdom of making the President ineligible.

Mr. BRUCE. I would not put it that way. He distinctly indicated that at that time he was not fully in accord with the views of Jefferson on the subject.

Mr. FESS. Will the Senator yield further?

Mr. BRUCE. Certainly.

Mr. FESS. Is it not true that Jefferson declared against a second term, as well as Madison and Monroe and Jackson, each one declaring for a single term?

Mr. BRUCE. No; that is absolutely not the case, as I recall. The last utterance of Mr. Jefferson on the subject—I think I happen to have it before me—was what he said in his autobiography:

> The example of four Presidents voluntarily retiring at the end of their eighth year, and the progress of public opinion that the principle is salutary, have given it, in practice, the form of precedent and usage, insomuch that should a President consent to be a candidate for a third election I trust he would be rejected on this demonstration of ambitious views.

Mr. FESS. The Senator will recall that that statement was made in 1826, the very year that Mr. Jefferson died.

Mr. BRUCE. Yes.

Mr. FESS. I am referring to preceding statements on the question of limiting Presidents to one term. Jefferson, Madison, and Monroe had taken that view, historically.

Mr. BRUCE. That is not my recollection of the matter. In his autobiography Jefferson also used these words in speaking of the continuance of the President in office:

> That this continuance should be restrained to seven years was the opinion of the convention at an earlier stage of its session, when it voted that term by a majority of 8 against 2, and by a simple majority that he [the President] should be ineligible a second time. This opinion was confirmed by the House so late as July 26, referred to the Committee of Detail, reported favorably by them, and changed to the present form by final vote on the last day but one of their session. Of this change three States expressed their disapprobation—New York by recommending an amendment that the President should not be eligible a third time and Virginia and North Carolina that he should not be capable of serving more than 8 in any term of 16 years.

Mr. BORAH. Mr. President, may I ask the Senator from Ohio if it is not true that when Jefferson and Monroe and Madison declared for a single term it was in connection with the fact that the term should be seven years?

Mr. FESS. No.

Mr. BORAH. I do not recall that they ever declared for a single four-year term.

Mr. BRUCE. I certainly do not.

Mr. FESS. All the men I have mentioned, including Jackson, have made official statements against reelection, against the subject of eligibility to reelection.

Mr. BRUCE. Let me call the attention of the Senator from Ohio also to the language in a letter to the Legislature of Vermont, if I am not mistaken, in which Jefferson declared that he should be "unwilling to be the person who, disregarding the sound precedent set by an illustrious predecessor, should furnish the first example of prolongation beyond the second term of office."

Mr. FESS. That was the year before his second term closed.

Mr. BRUCE. I do not think that any profit is to be gained, with due respect to the Senator, by running the present colloquy out, because I do not think that he will find anywhere a declaration on the part of Mr. Jefferson in favor of a single term, unless, as the Senator from Idaho suggested, that term were prolonged beyond the duration of four years.

Mr. FESS. I shall take the time, when the opportunity offers, to give the historical statements and point out just when those statements were made by these men. I have made a study of this question and I am not talking from impressions. I am talking from the documents. All the men I have mentioned were against reelection. That was fundamental.

Mr. BRUCE. All the language which I have quoted is, of course, inconsistent with the impression which the Senator from Ohio entertains. There is no doubt about that.

Mr. BORAH. It is certainly true that Madison, Monroe, and Jackson all proceeded by their acts to disavow their declarations to which the Senator from Ohio refers.

Mr. FESS. Certainly.

Mr. BRUCE. So far as Andrew Jackson is concerned, the Senator from Wisconsin failed to mention the fact that he suggested, certainly once, a constitutional amendment limiting the reeligibility of the President.

Mr. FESS. And the Senator will recall that President Cleveland in his first inaugural came out in favor of limiting to one term, and yet he accepted a second election.

Mr. BRUCE. I do not know anything that is really so—I will not say melancholy, because that is too strong a word—but so well calculated to stimulate reflection as the human weakness that has been shown by some of the great men who have filled the presidential office when the lure of a third term was held out to them. Wilson, of course, in more respects than one yielded to the natural impulse to prolong his official life. Roosevelt most conspicuously did so. After declaring that there was no distinction of substance to be taken between a President elected twice by the people and a President who was Vice President in the first instance and then became President, he actually afterwards became a candidate for the Presidency. From reading the last biography of Cleveland I am satisfied that if the call had come to him very strongly to be a candidate for a third term he would have been a candidate. That is, as I have said, human weakness. That is but the love of fame, which has been called "that last infirmity of noble minds."

Mr. FESS. Mr. President, will the Senator yield?

Mr. BRUCE. Certainly.

Mr. FESS. The Senator, I think, ought to say that in the case of Woodrow Wilson there was no inconsistency. While he was elected on a platform containing a declaration for one term, he never committed himself to it that I know of, and never mentioned it afterwards.

Mr. BRUCE. I do not know but that a man commits himself at least to a certain degree by standing on a party platform and taking his chances on it at a national election and being elected. That is a very nice question of political ethics.

Mr. FESS. It is generally known that President Wilson never agreed to that language. I do not mention him in connection with any inconsistency. He was not inconsistent. But I think it is true in Cleveland's case and in Jackson's case, and in the cases of Monroe, Madison, and Jefferson. In all those cases it is true, but not in the case of Woodrow Wilson.

Mr. BRUCE. The only Presidents that we have had who were firm enough to wave aside the crown when it was offered to them upon the Lupercal were Washington and Jefferson.

Mr. FESS. And he did it not because of the test of three terms, but upon personal reasons.

Mr. BORAH. Jefferson did not do it for personal reasons. He pointedly rested his refusal to accept a third time on the ground of principle, on the claim that a third term was perilous to republican government.

Mr. BRUCE. In other words, Jefferson thought that if a President was elected a third time it would be easy for his third term to run into a fourth, and still easier for his fourth term to run into a fifth, and still easier for his fifth term to run into a sixth. In other words, he said, to use his own graphic language, for nobody ever used words more vividly than did Mr. Jefferson, that where a President is continued in

his exalted office, term after term, there is danger of his tenure "sliding into an inheritance."

Mr. FESS. Mr. President, will the Senator yield?

Mr. BRUCE. Yes; I yield.

Mr. FESS. The Senator from Idaho referred to Jefferson. The Senator from Maryland referred to Washington. That is the only difference.

Mr. BRUCE. Oh, no; I said Jefferson also. Of course, Mr. Jefferson, as the Senator from Idaho so well reminded us, planted himself upon the rock of principle, of irrefragable principle.

Mr. FESS. I misunderstood the Senator.

Mr. BRUCE. Perhaps so.

Mr. FESS. I would not want to be understood as saying that Jefferson put it aside on personal grounds. I thought the Senator said Washington.

Mr. BRUCE. No; I said both. I think it is fair to infer that the declination of Washington, too, was influenced by the belief that a third term was a thing unfriendly to the perpetuation of American liberty.

Mr. FESS. There is no dispute of that fact.

Mr. CARAWAY. Mr. President——

Mr. BRUCE. I yield to the Senator from Arkansas.

Mr. CARAWAY. I could gather nothing else from reading Washington's declination of the office, that he put it upon the higher ground of his country's interest. The whole tenor of his speech was that. I certainly think it would be attributing to him motives that can not be found in the text to say that he put it upon the ground that it was inexpedient.

Mr. BRUCE. I should not have limited my statement that only two Presidents have really declined a third term, to Washington and Jefferson, because for all practical purposes Andrew Jackson, too, did decline one. It is my belief, also, that if the tender of a third term had been actually made to Madison or Monroe they would have been impelled by the example of Jefferson, their political chief and devoted personal friend, if by nothing else, to reject the tender. My statement was too sweeping.

Mr. BORAH. Is it not true that Washington at one time declared that he was not in favor of limiting the number of terms which a President might occupy the chair?

Mr. BRUCE. I think so. But, as I recollect, that was not very long after the adoption of the Federal Constitution, and in the meantime the third-time prejudice was growing and waxing stronger and stronger, as Washington himself must have realized. Later it was to become little less than part of the Federal Constitution.

In my judgment there is nothing in the idea that there is any solid distinction to be drawn between a President who becomes Vice President and then, under the provisions of the Constitution, has the office of President devolve upon him and is afterwards elected as President, and a President who has been twice elected by the people.

Something has been said in this discussion about the possibility of a Vice President not becoming President until a very short time before the expiration of the term of the President with whom he is associated, but on the other hand it must be recollected that it is an entirely possible thing for the Vice President to become President a very short time, even one day, after the election of the President himself. The Senator from Idaho or the Senator from Ohio will correct me if I am wrong, but I think it was only a month or so after his inauguration that President William Henry Harrison died.

Mr. FESS. One month.

Mr. BRUCE. So it is possible for the Vice President to become President in a very brief period after the President is inaugurated, and to fill out, for all practical purposes, the entire term of four years as President.

Mr. CARAWAY. It is not a question of the length of time he serves. It is the number of times he takes the oath of office.

Mr. BRUCE. It is the danger that lurks in keeping the same man in a high executive post like that year after year and the opportunities which are afforded him in such a post of building up with official patronage and other public favors a powerful organization of friends and adherents whose fortunes depend largely upon the perpetuation of their chief in office.

Mr. FESS. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. FESS. Would the Senator's view be carried to the extent that in case the President died on the 3d of March, just one day before his term ended, and the Vice President was inaugurated as the President for one day, that the principle would still hold good?

Mr. BRUCE. Yes; because a President might die on the 5th of March immediately after the day on which he is inaugurated.

Mr. FESS. In other words, the Senator thinks that the people of the country should be denied the privilege of voting for a man except for one term provided that he had one day more than one term.

Mr. BRUCE. I do, because we must have a general rule. Who knows anything that is final about the laws that govern human mortality? The President might die immediately after his inauguration as well as on the day before he goes out of office, so we must have a general rule applicable to all cases.

Mr. BORAH. The question of the Senator from Ohio is to the effect that the people would be denied the right to vote for a man because he had had one extra day. The people are not denied the opportunity because this is not a constitutional provision. I have always been of the opinion that it is perfectly safe to leave this matter with the judgment of the people.

For instance, I have always felt that if Lincoln's first term had been a second term and I had been living I would have voted for Lincoln for a third term. There are exigencies and extraordinary conditions which might justify that, but it is one of the things that, under the precedents and traditions of the country, we can leave to the sound judgment of the American electorate, and the chances are that under those circumstances no man will ever be President a third time even if he were nominated.

Mr. BRUCE. That may be.

Mr. FESS. If that is the view of the Senator, I agree with him.

Mr. BRUCE. Circumstances wholly extraordinary might arise in the course of our history under which the services of some one individual might become indispensable. That is imaginable, but after all that is such a comparatively remote contingency that it does not break the force of my argument to admit its distant possibility.

Mr. FESS. If that is the view of the Senator, I quite agree with him that it could be left to the people to do what they choose to do; but I suppose, while we have not that provision in the Constitution, we are proposing to pass a resolution to that effect. If the resolution does not have the effect of law, what is the use of passing it?

Mr. BRUCE. So far as I am concerned I am willing to give it the force of law, absolutely inviolable law. In other words, I wish very much that it was in the Constitution, but I would have it in a little different form. What I should like to see—and I imagine possibly what the Senator from Idaho would like to see—would be a provision in the Constitution that the President was to be elected for seven years, say, and then was to be ineligible for all time thereafter.

Mr. BORAH. Mr. President, I have always been opposed to that theory, but I am frank to say that I am disposed to change my mind. At least I have a more open mind. I am not so sure but that I would be willing, notwithstanding some views I have heretofore expressed, to support a constitutional amendment providing for a seven-year or six-year presidential term, the President not to be reeligible. I think possibly that would be the best way to dispose of the matter.

The Senator from Ohio [Mr. FESS] speaks about the adoption of this resolution having the force and effect of law. Of course, the Senator from Ohio knows that it would not have the force and effect of law. It would be simply an expression of this body and the other body that would help to mold public opinion and strengthen and buttress the anti-third-term tradition and more thoroughly establish it as a tradition in the political life of the American people; but it would not have the effect of law, even though the Senate should adopt it and the House of Representatives also should adopt it.

Mr. BRUCE. The Senator from Idaho knows, though, that the strength of——

Mr. LA FOLLETTE. Mr. President, will the Senator from Maryland yield to me?

Mr. BRUCE. I will yield in just one moment. The Senator from Idaho knows, of course, that the strength of a people consists often as much in the respect that they have for custom, usage, and tradition as for written law. Indeed, there is often something more powerful about the sanction of a tradition than about the sanction of a law. A law may or may not be in harmony with public opinion, but a tradition can only live and be respected ex proprio vigore, of its own vigor, independent of constitutional or statutory law. Now I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, I merely wish to say in response to the suggestion of the Senator from Ohio [Mr. FESS] that the passage of a resolution similar to the one now pending by the House of Representatives had a very salutary effect at the time when Grant was considering being a candidate for a third term.

Mr. BRUCE. Indeed it had. That resolution was passed under circumstances which demonstrated more powerfully than anything in our entire political history how deeply embedded in the profoundest convictions of the American people is the anti-third-term tradition.

There we had as a candidate for the Presidency General Grant, a military hero, a man who had done, perhaps, more than any other individual in the United States, except Abraham Lincoln, to preserve the Union, a man around whose honored head respect, admiration, and affection clustered; and yet, notwithstanding the strenuous efforts made to nominate him for a third term, and the leadership in the movement to nominate him of a man of commanding political genius—Roscoe Conkling—the attempt to nominate him completely miscarried. The American people were not willing that even General Grant, military hero as he was, should be President of the United States for a third term.

Mr. FESS. Mr. President, will the Senator from Maryland yield to me?

Mr. BRUCE. Yes.

Mr. FESS. The resolution mentioned by the Senator from Wisconsin [Mr. LA FOLLETTE] was adopted in 1875.

Mr. BRUCE. Yes; that is true. I spoke of the Springer resolution. I was really thinking of 1880. But in 1875, as the Senator from Wisconsin suggests, there was that Springer resolution, which was adopted by the House of Representatives by a vote, as I remember, of 251 to 18, declaring that the third-term tradition was for all practical purposes a part of the Constitution of the United States.

Mr. FESS. Mr. President, will the Senator from Maryland yield for a correction there?

Mr. BRUCE. Yes.

Mr. FESS. That resolution was offered by Mr. Springer, of Illinois, at a time when the Republican Party was divided into two factions; in fact, the opposition to General Grant was so strong at the end of his first term that the Liberal Republican Party was created. That opposition, of course, was joined in by the Democrats, and ultimately, as the Senator will recall, in 1872 Horace Greeley was nominated on the Liberal Republican ticket by the faction which broke away from the old Republican Party. It was upon that occasion that the Democrats in convention indorsed the Liberal Republican candidate.

Mr. BRUCE. Of course——

Mr. FESS. Will the Senator from Maryland yield further?

Mr. BRUCE. Certainly.

Mr. FESS. The factions were so bitter against General Grant that it not only lead to a split in the party and a third organization with a presidential ticket in the field, but it left him without any considerable support either in the House of Representatives or in the Senate. It was then, in 1875, that Springer offered the resolution, and 164 Democrats, every Democratic Member of the House, voted for it, and all the Republicans but 18 voted for it, representing the antagonism to General Grant's administration. So there was no possibility of General Grant at that time being favorably considered for a renomination.

Mr. BRUCE. But how about the situation in 1880, when he offered himself as a candidate for a third term?

Mr. FESS. The situation then was entirely different. That was when Roscoe Conkling espoused his cause, as the Senator has narrated.

Mr. BRUCE. Of course, I am not saying that in 1875 the situation was not complicated to some extent by factional considerations and was not shaped to some degree by factional influences; but the real compelling thing that led to the adoption of that resolution was this salutary, as I see it, apprehension that the American people have always entertained of a third term. That that was true was shown by the failure of General Grant only five years later to be nominated for a third term, because of the refusal of the majority of the members of a Republican National Convention to nominate him.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. BRUCE. Yes.

Mr. LA FOLLETTE. The reason why I referred to the Springer resolution was because the Senator from Ohio a moment ago made the suggestion that the adoption of the pending resolution would have no effect. There are historians—although they may not, in the opinion of the Senator from Ohio, be as able or as well informed as he—who maintain that the passage of the Springer resolution was the very thing which put the quietus upon the Grant boom.

Mr. BRUCE. That is very likely. The Senator from Ohio will be interested when I tell him something in connection with the convention at which General Grant sought a third term. Some time ago I received a letter from one of General Grant's sons, Mr. Ulysses S. Grant, of California, and a most interesting and delightful letter it was, referring to the aspirations of his father to be President of the United States for a third time. To give an idea how general, how potent, the opposition to a third term was at that time, Mr. Grant wrote me that he himself was so strongly prepossessed against a third term that he endeavored to induce his father not to be a candidate for one.

Mr. FESS. Mr. President, will the Senator yield further? Then I will not interrupt him any more.

Mr. BRUCE. Certainly. I am nearly through.

Mr. FESS. In matters of history I regard the Senator from Maryland as one of the most accurate Senators that grace this body, and when he speaks upon a matter of history I always listen.

Mr. BRUCE. I will say to the Senator, do not listen to me too confidently——

Mr. FESS. I do.

Mr. BRUCE. Because the Senator knows that, while there is such a thing as impromptu eloquence, there is no such thing as impromptu history.

Mr. FESS. No; but the Senator always makes a difference between history and imagination, though most people do not. What I want to ask the Senator is this: In view of the divided condition of the Republican Party at the end of the second term of General Grant, with the Liberal Republican Party having broken off and conducting a campaign against Grant, does the Senator believe that there was any possibility or likelihood of General Grant becoming a candidate for a third term; and does he believe that the Springer resolution had anything whatever to do with it?

Mr. BRUCE. To be perfectly honest with the Senator, I do not believe that under any circumstances in the past, in the present, or in the future, it has ever been, or is, or ever will it be possible for any man to become President of the United States for a third term.

The Senator knows, because I happened, at the request of the New York Times, to write a paper for that journal last summer on the subject of the third term, and the Senator from Ohio was asked to reply to it. What a tremendous broadside was on the point of being poured out by the press of this country against a third term for President Coolidge when it was arrested by the announcement of the President that he did not choose to be a candidate again for the presidential office! I was told at that time that even the Springfield Republican, which is an organ very close to the President, was opposed to the President being a candidate to succeed himself, and that when the President came out with his announcement no fewer than 13 of the leading Republican newspapers of this country friendly to the President had declared their disapproval of his renomination. I have heard those things from reliable sources, though I have never had an opportunity fully to verify them. The truth, I believe, is that a storm of the very greatest magnitude was brewing when the President made his announcement. There was every indication that the latent hostility to a third term which exists in the breasts of the American people was about to be fully aroused, and to assert itself as it has never failed sooner or later to assert itself when provoked.

I have already said that I do not think that the President harbors any idea of being a candidate, but it is my view that if he were to be a candidate, if he were not defeated on any other ground he would be defeated because he was a candidate for a third term.

Mr. FESS. Mr. President, will the Senator permit another interruption?

Mr. BRUCE. Take me, for instance. I am nothing but an ordinary Democratic voter; but, as I have already said, I would not vote for any Democrat whatsoever for a third term, and if I have heard one I have heard many Democrats say the same thing. And I have heard Republicans say the same thing, too. One of the most prominent Republican Senators on this floor said to me to-day—there is no occasion for mentioning his name—that under no circumstances could he be induced to vote for any candidate for President who was seeking the Presidency for a third time.

Suppose General Grant had been elected President of the United States for a third time, and suppose that the country had then found itself involved in some widespread communistic or socialistic agitation, or caught up in the vortex of some sort of revolutionary movement; how easy would it have been for him to have passed from a third term to a fourth term; and then, as the sense of public insecurity became lulled to sleep more and more, to have passed to a fifth term, and perhaps to a life tenure.

Another thing: It is not only "the man on horseback" that needs to be dreaded in connection with this third-term tradition. There is the comparatively ordinary, commonplace, civil-

ian President who is subservient, without being grossly subservient, to the great moneyed interests of the United States. Take him for an illustration. How easy would it be for him, with the aid of the vast material influences of this country when alarmed by social unrest and dissatisfaction, to be continued from term to term as readily as some soldier President, when the barriers of the third-term tradition were once thrown down.

No; Mr. Jefferson was right. Let a President have a third term, and let that be succeeded by a fourth term, and that by a fifth term, and that President may well slide into an inheritance, to use Jefferson's phrase. People would become accustomed to the idea of continuity of tenure in the presidential office. Popular jealousy and vigilance might become dormant, and it is true now as always that "eternal vigilance is the price of liberty." Even under our American institutions we might have some situation like that which was developed in France when the great Napoleon became First Consul, and then, a little later, on the strength of his First Consulship, became the Emperor of France; or like that which was developed in France when the lesser Napoleon became President of France, and then, a little later, on the strength of his Presidency, became the Emperor of France.

The idea that we need not now maintain the same safeguards and muniments for the protection of our liberties that we have always maintained in the past will not stand examination. All human history moves in cycles. The problems of fifty or a hundred years ago are constantly coming in one form or another to the surface of human events again; and, if anything, it is more dangerous to continue a President now indefinitely in the presidential office than it was in the earlier history of our country, because influences that are particularly alive to the meaning of governmental stability and material prosperity are far more potent to-day than they were in the first stages of our national life.

There is also a secondary reason why this third-term tradition should be preserved inviolate, and it is this:

Benjamin Franklin once said that every old woman is a good woman. We know that this is not true of men, because some of the vilest and wickedest men that we have ever known were old men; but Franklin believed it to be true of old women. So it may be said that every President is a good President during his second term, when there is no prospect of his acquiring a third term. It is during the second terms of our Presidents that the people of the United States have obtained all sorts of reforms—valuable, permanent reforms—that they were unable to obtain during their first terms.

Almost all the great extensions, for instance, of our civil-service system, which I regard as on the whole the most admirable feature of our entire political administration, were willed to us, so to speak, by our more recent Presidents on their presidential deathbeds. When a President is no longer solicited by the fears and hopes of his first term, having dismissed from his thoughts the idea of again being elected to the Presidency, his chief object then is to stand well with posterity. He need watch the play of political intrigues and vicissitudes no longer. He knows that his name is about to pass down in history, either to be disparaged and belittled or to be glorified and beloved. A President must be a poor creature indeed who, during his second term, is not eager to leave to posterity some lasting, perpetual pledge of his regard for the higher interests of the American people.

But to elect a President to a third term and then to a fourth term and then to a fifth term, and the set of motives leading a President of the United States to take such high ground in a public sense during his second term, that I have described, will be lost to our system of civil polity.

But I have addressed myself to the pending resolution at entirely too great length. I will now merely repeat that while, for the reasons which I have given, I can not approve the concluding clause of this resolution, the rest of the resolution meets with my hearty, unreserved approval.

Mr. BINGHAM. Mr. President, we listened this morning to a very able argument by the senior Senator from Wisconsin [Mr. LA FOLLETTE] on his resolution. We also heard him say that he would like to secure an immediate vote on the resolution, although it had not been considered before to-day.

I have moved that the resolution be referred to the Judiciary Committee. It seems to me that the Senate has one or two bad habits. Perhaps it ill becomes me, as one of the junior Members, to speak of such a thing; but, having come from civil life more recently than most of the Members of the body, perhaps I have heard more criticism of our manners and customs here than they have.

To the general public, and I may say also to the historian, a Senate resolution is usually of just as great importance as a concurrent resolution or a joint resolution or a bill. The public does not know how these measures are considered. The historian, in looking back, sees that the Senate has passed a Senate resolution, and reads the resolution, and takes it for granted that that is the embodiment of the mature consideration of this body. The public, when a Senate resolution is passed, usually takes it for granted that that is an expression of mature opinion.

Most students of politics know that ours is a committee form of government. Almost any school boy who has studied American history and American political science and the ways and manners and customs of our great Republic knows that this is a committee form of government.

When such a small matter as the nomination of a postmaster comes here it is referred to a committee for consideration. The least important bill is referred to a committee for consideration. Joint resolutions are nearly always referred to committees. By the peculiarity of the rules of the Senate, a Senate resolution lies on the table for one day, under protest, and then is considered in the Senate.

The supposition on which those rules are based, I take it, is that a Senate resolution is not a matter of very great importance, and therefore it does not need to receive that careful consideration among a few Senators chosen for the purpose of considering it that happens in the case of a bill sent to a committee.

And yet the Senator from Wisconsin objects to this resolution being referred to the Committee on the Judiciary, presided over by the able Senator from Nebraska [Mr. NORRIS], because he says that that would be a kind of lethal chamber where it would be chloroformed. I did not know that the Senator from Nebraska was accustomed to practice chloroforming in his committee. My observation of his activities have not led me to make any such supposition. But the Senator from Wisconsin thinks that the Senate ought, without careful consideration by a committee, to proceed to the passage of this resolution. By inference this resolution is a matter of so little importance, less than the appointment of a postmaster, that it does not need to be referred to a committee.

Now, Mr. President, it does not seem to me that this resolution is of little importance. On the other hand, it seems to me to be a matter of great importance—almost as important as an amendment to the Constitution. It might be said to lay down a definite policy.

The Senator from Maryland [Mr. BRUCE] has recently referred to a resolution passed in the House in 1875, referring to the question of a third term for General Grant, as being a matter which was of very great importance and great influence at that time.

Mr. LA FOLLETTE. Mr. President, will the Senator permit an interruption?

Mr. BINGHAM. Certainly.

Mr. LA FOLLETTE. When Mr. Springer introduced that resolution in the House there was a frantic effort made on the part of those who were opposed to the resolution to adjourn the House in order to secure time, in the hope that they would be able to prevent and defer action upon the resolution. However, those who supported the resolution, having studied it, and understanding its simple terms, prevented that action being taken.

Mr. BINGHAM. In other words, I understand that when that resolution passed the House it was rushed through without the same amount of attention being given it that is ordinarily given to measures which pass the Houses of Congress.

Mr. LA FOLLETTE. It was not given as much consideration as an appropriation bill or some other matter which requires a lot of debate. It was simply an expression of the sense of the Members of the House; and they were of sufficient intelligence to read the resolution, and decide whether or not it expressed their conviction, and to vote accordingly.

Mr. BINGHAM. I get the inference, of course; but it does not seem to me that the Senate always looks at a bill that is introduced to see whether it is so simple that the Members of this body are of sufficient intelligence to understand it immediately and therefore to pass it without reference to committees. It is usually only local bills—a bridge bill or something of that kind—for which there is great necessity, some local necessity, not a matter of general public interest, that is rushed through this body without being carefully considered in committee.

Mr. SHORTRIDGE and Mr. LA FOLLETTE addressed the Chair.

Mr. BINGHAM. I yield first to the Senator from California. Then I shall be glad to yield to the Senator from Wisconsin.

Mr. SHORTRIDGE. May I make this observation, trusting that some gentleman will consider it? I respectfully submit that neither the House nor the Senate has any constitutional authority to entertain or to pass this or like resolutions. This is a legislative body.

Mr. BINGHAM. I thank the Senator. Now, I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, I merely wish to say—and I do not desire to interrupt further the speech of the Senator—that I submit the proposition that this resolution is not being jammed through the Senate. The Senator well knows that I have no desire to cut off any debate that may be desired to be had upon the resolution. Furthermore, I should like to call the attention of the Senator from Connecticut, although he may not remember it, to the fact that a resolution very similar to this was introduced by me on the 22d day of last February, and was caught in the filibuster at the close of the session, and did not receive consideration; and the present resolution has been before the Senate for some time.

Mr. BINGHAM. Was the Senator's former resolution referred to a committee?

Mr. LA FOLLETTE. It was not, Mr. President, as is the case with most of these resolutions.

Mr. BINGHAM. That is just the practice to which I am objecting, and about which I am trying to say a few words, the practice of introducing a Senate resolution, which then goes to the table, and stays there until its author can call it from the table. In the great press of business, with the large number of bills that come before us, and the amount of committee work each Senator must do, it is practically impossible for a Senator to read all the resolutions which are on the table and know exactly what they contain. I knew in a general way that this resolution was on the table. I had not had an opportunity to read it until this morning, and the same applies to other Senators.

As I said before, if it is a matter of great importance it ought to go to a committee, as all other matters of great importance should do. The fact that it is not desired to have it go to a committee would seem to imply that it is not a matter of great importance. It has been suggested that it is merely a gesture, a political gesture. It is introduced by the representative of a State that has not been friendly to the present administration. Without making any personal reference, I well remember in the last Republican National Convention at Cleveland sitting just behind the delegation from Wisconsin, and when the name of the President of the United States was first mentioned in that convention, and the delegates from all the other States stood up and cheered, the delegates from the State of Wisconsin did not stand up, but sat in their seats, plainly showing their disapproval of the President of the United States.

Mr. LA FOLLETTE. Yes, Mr. President; and those delegates are very proud of the record they made at that convention.

Mr. BINGHAM. I am glad the Senator remembers the circumstance. The delegates from that State are proud of their record in showing their disapproval of the President of the United States, who was then nominated and elected by the largest majority ever given to any presidential candidate in this country.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. BINGHAM. In just a moment. It is also significant that this resolution was then favored by the genial and distinguished Senator from Alabama [Mr. HEFLIN], who has never been noted for his warm advocacy of the present occupant of the White House nor of the party which he represents. Therefore, Mr. President, it seems to me a perfectly logical conclusion to draw from this coincidence that this resolution, which can not be a matter of great importance, since its introducer does not desire it to go to a committee, is a gesture, an unfriendly gesture, against the present occupant of the White House.

Now I yield to the Senator from Iowa.

Mr. BROOKHART. Mr. President, the Senator has stated that President Coolidge was reelected, or elected, by the greatest majority ever given a presidential candidate in the history of the country. I want to call his attention to the fact that in his calculation he leaves out the 5,000,000 votes which were cast for La Follette, and when you count those votes against him his majority was not large; it was small, in fact. It was about 2,000,000, instead of 7,000,000, as the Senator's reference would make one believe. That is not a large majority, with the women voting.

Mr. BINGHAM. Mr. President, my recollection is that at some time during the past summer the Senator from Wisconsin announced that he was going to reintroduce this resolution, which, as he says, was on the table during the last weeks of the last Congress. He did not introduce it, however, at the beginning of the session, although I fully expected him to do so from what I had read of his intention in the papers when I was out of the country. My recollection is that it was not introduced until a certain newspaper published in this city published a poll taken through its constituents all over this country, a poll representing a large number of people, chiefly country people, in nearly all of the States of the Union, a poll that showed presidential possibilites, both Republican and Democratic, and which further showed that it was the overwhelming wish of the people who took the trouble to cast their votes in this newspaper poll that Calvin Coolidge should be the candidate of the Republican Party in the next election. My recollection is that in that poll the President received as many votes as all other Republican nominees or candidates put together.

That was a poll which aroused considerable interest throughout the country, and some talk, and it was very shortly after that, and possibly due to that, that this resolution was introduced by way of preventing anything like a snowball from growing in favor of the present occupant of the White House receiving the nomination at Kansas City.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. CARAWAY. The Senator did not compare the President to a snowball, did he?

Mr. BINGHAM. The Senator is always able to draw his own conclusions from anything anyone says.

Mr. CARAWAY. The Senator mentioned the President and a snowball, and I did not know which one he was indorsing.

Mr. BINGHAM. I am sorry my vocabulary is so defective. Seriously, Mr. President, it seems to me that the resolution is not a matter of light importance. It is a matter of very great importance, and as a matter of great importance it ought to go to the Judiciary Committee and be passed upon. If it passes the Senate—and I understand there are votes enough to pass it—it will go down through time as an expression of formal opinion of the Senate of the United States on a matter of great public interest.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BINGHAM. I yield.

Mr. NORRIS. The Senator has injected into this debate a new idea, or at least it is the first I have heard of it; and I must admit I have not been in the Chamber all during the Senator's remarks. I want to ask him whether he is laboring under the belief that this resolution is intended as a criticism or is intended in any way as a reflection upon President Coolidge?

Mr. BINGHAM. That is the general opinion, Mr. President, not alone of myself but of a number of other people. In passing let me mention the fact that its chief advocates are persons who have been markedly opposed to the President from the beginning. This lends color to that general belief.

Mr. NORRIS. I notice that the resolution itself extends a vote of thanks to President Coolidge for having joined the ranks of those who are opposed to a third term. I have no idea that it is intended as any reflection upon President Coolidge.

Mr. FESS. What is the significance of the second resolution?

Mr. NORRIS. It is a sort of vote of thanks to President Coolidge for having failed to choose. If we strike out everything else, I presume the Senator from Connecticut will support the resolution.

Mr. BINGHAM. The Senator from Nebraska has been one of the most cordial supporters of the President of the United States in everything that he has done?

Mr. NORRIS. Yes.

Mr. BINGHAM. And therefore I have no doubt that his interpretation of it must be correct, and that it is really a vote of thanks to the President!

Mr. NORRIS. It does not follow from the fact that I have been such a cordial supporter of the President, taken at a hundred per cent, that I could better interpret a resolution than could the Senator from Connecticut, who has always been pulling the President down, saying derogatory things about him, trying to embarrass him here in the Senate, and opposing his policies, and so forth and so on.

Mr. SHORTRIDGE. Mr. President, I suggest that the reporters insert "sarcasm" after that.

Mr. NORRIS. I did not suppose that criticizing the President had anything to do with our ability to construe a resolution.

Mr. BINGHAM. Mr. President, I suppose I may take it for granted that the Senator from Arkansas [Mr. CARAWAY] is a supporter of the President.

Mr. NORRIS. I was surprised that the Senator in his wisdom should think that the resolution was intended to cast any reflection upon the President of the United States.

Mr. CARAWAY. Mr. President, may I ask if the Senator from Connecticut remarked that I was a supporter of President Coolidge?

Mr. BINGHAM. For fear lest the printed word might be misunderstood by those who can not see the expressions on our

faces, I will say that I never have accused the Senator from Arkansas seriously of supporting the President of the United States, although he favors this resolution.

Mr. CARAWAY. From what does the Senator draw that conclusion?

Mr. BINGHAM. From a remark I just heard the Senator address to the Senator from Indiana.

Mr. CARAWAY. The only thing I said was that the only person I knew of who was supporting the President for a third term was the Senator from Ohio, in opposition to his own colleague, and it filled me with grief that that got out. I was trying to confine that to the Senator from Indiana and myself. But now that is out.

Mr. WATSON. I did not believe it.

Mr. CARAWAY. The Senator winked at me, and everybody knew that he concurred in what I said.

Mr. SHORTRIDGE. Mr. President, with the Senator's permission, in the interest of posterity, I respectfully suggest that the reporter be authorized to insert at this point of the proceedings that much that has been said by the amiable Senator and aspiring President from Nebraska, and by the Senator from Connecticut be set down as sarcasm, so that history, when she comes to look lovingly upon this episode, may understand that they were not speaking seriously, although seriously sarcastically.

Mr. BINGHAM. Mr. President, at this point I should like to have the clerk at the desk read a very interesting editorial from the oldest daily newspaper in the United States, which is published at Hartford, Conn., the Hartford Courant. It concerns this resolution.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read as follows:

[From the Hartford Courant, Thursday morning, February 2, 1928]

SENATE AND THIRD-TERM PRECEDENT

If Senator LA FOLLETTE is against allowing a President to serve for more than two terms, the thing for him to do is to introduce a resolution to submit to the States for ratification or rejection a constitutional amendment forbidding the President to serve more than six years, eight years, or whatever period the Senator has in mind. We do not believe that Congress would or should adopt such a resolution, and we do not believe that the States would or should accept such an amendment. There would, however, be point and force in a resolution of this sort. There is neither point nor force in Senator LA FOLLETTE'S resolution, which would declare it to be the sense of the Senate that departure from the two-term precedent would be "unwise, unpatriotic, and fraught with peril to our free institutions."

Such a resolution, if adopted, would have no force as law and no influence on public opinion. Possibly it could be forced through the Senate as a purely partisan measure, but no shrewd person would take it for anything else than a partisan measure and an empty time-wasting gesture.

The omission from the Constitution of a limitation on the number of terms a President may serve is not accidental. It is conceivable that circumstances might arise which would make it highly advisable that a President continue in office for more than two terms. Nor need these circumstances necessarily be of a drastic nature. The electorate might choose, and properly choose, to reward with a third term an exceptional President who had given them an exceptionally satisfactory administration. It would be unwise to create obstacles to prevent them from doing so. "Reeligibility of the President," wrote Hamilton in the Federalist, "is necessary to enable the people, when they see reason to approve of his conduct, to continue him in the station, in order to prolong the utility of his talents and virtues, and to secure to the Government the advantage of permanency in a wise system of administration."

We suspect that Senator LA FOLLETTE neglects to sponsor a resolution submitting an antithird term amendment to the States because he knows that such a resolution and such an amendment would be contrary to public sentiment and would fail. But if public sentiment is hostile to such a resolution and such an amendment, why should the Senate waste time and fly in the face of public sentiment by expressing on this question an opinion that, in view of the present political complexion of the upper House, would have no value whatsoever?

Mr. BINGHAM. Mr. President, I submit that this resolution is in the nature of a political gesture, put forth by the enemies and opponents of the present occupant of the White House, and put forth to make it impossible or difficult for the Republican Party to nominate him if they see fit or to elect him either at this or any other time, either in the year 1928 or in the year 1932.

I submit that this is too important a measure to pass the Senate under the influence of personal feeling and partisan prejudice, and that, therefore, it should go to the Judiciary Committee where it will not be chloroformed but will receive such able consideration as amendments to the Constitution receive at the hands of that committee.

It seems to me that the resolution in its present form is extremely unwise. In the first paragraph it reads that it is the sense of the Senate—

that any departure from this time-honored custom of not reelecting a President who has had two terms "would be unwise, unpatriotic, and fraught with peril to our free institutions."

Surely no one can believe that a time might not come, as in the middle of the great World War, when we might come to the end of the second term of a President, and it might be absolutely necessary for the life of the Republic that that President be reelected. I am sure that had Woodrow Wilson's term come to an end in the middle of the war, while we were still at war, he would have been reelected without any question. To say that any departure from this custom would be "unwise and unpatriotic and fraught with peril to our free institutions" is to overlook the possibility that such an event might happen in the middle of a great war.

Mr. NORRIS. Mr. President——

Mr. BINGHAM. I yield to the Senator from Nebraska.

Mr. NORRIS. The Senator referred to President Wilson and the World War. Just prior to that he said in effect, as I remember it, that if in the midst of a great war the President's term of office should expire, the very life of the Republic might depend upon the reelection of that President. I will admit that that would be a reason for the reelection of a President if his conduct of the war had been satisfactory. I can not conceive, however, that it would be as serious as the Senator puts it, and I want to ask if the Senator believes, if President Wilson's office had expired during the middle of the war, that the life of our country would have depended upon his reelection as President?

Mr. BINGHAM. By the Constitution the President of the United States is the Commander in Chief of the Army and Navy.

Mr. NORRIS. Oh, yes.

Mr. BINGHAM. While it is possible to carry on a battle if the commander in charge of that battle is killed, the Senator will know, from his study of history, that such an event usually causes the loss of the battle. When the Commander in Chief is taken away at a critical moment it frequently results disastrously. Furthermore, we have an old and homely adage in New England that one should not swap horses while crossing a stream.

Mr. NORRIS. If that be true, if the Senator has diagnosed the case correctly, then in the middle of the war if Woodrow Wilson should have died our country would have gone to pieces because the entire Army and Navy were without a commander. Does not the Senator know, or will he not admit, that while the President of the United States is, under the Constitution, the Commander in Chief of the Army and Navy, that immediately upon his death the Constitution provides for somebody else to take the reins of office, and that it is also true that while the President is technically the Commander of the Army and Navy, nobody expects him to go out on the field of battle and command them. He remains in Washington, and the commander who really commands the Army and who has charge of the Army in the battle field is selected by the President, and that he would not be disarmed or his office would not be taken away from him even though the President should die right in the midst of a battle.

Mr. BINGHAM. Does the Senator from Nebraska think that if Abraham Lincoln had died in 1863 or in the middle of the War between the States the outcome would have been the same, or that the cause of the Union would not have been placed in great jeopardy?

Mr. NORRIS. I do not think that the cause of the Union would have failed. It would have been a wonderful catastrophe, I admit that—something that nobody would want to happen. But the fact of a President dying or his term of office expiring in the midst of a war does not demonstrate, and it does not follow from that—and this is the point I wanted to call to the attention of the Senator—that the life of the country is dependent upon it.

Mr. BINGHAM. Perhaps not the very life, but the prosperity of the country and the success of its enterprise. I think no one will deny that if Abraham Lincoln should have died in the middle of the War between the States it would have been a calamity of the very first order.

Mr. NORRIS. I think it would.

Mr. BINGHAM. And it might have jeopardized the Union cause. It is impossible to say what would have happened had the then Vice President come into the office. It seems to me that some provision should be made in this resolution whereby, when the country is in a state of great emergency, as in the midst of a

great war, we might reelect the President who is carrying on that war successfully.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON of Indiana). Does the Senator from Connecticut yield to the Senator from Indiana?

Mr. BINGHAM. I yield.

Mr. WATSON. I think I can see the direction in which the mind of the Senator from Nebraska is drifting; that is to say, if the Senator from Connecticut were to say that the election came in the midst of the war, as in the case of Woodrow Wilson, and that his defeat would endanger the war, whether or not the Senator from Connecticut would have voted for Wilson's reelection.

Mr. NORRIS. I did not get the full drift of the Senator's statement.

Mr. WATSON. I was suggesting that evidently the Senator from Nebraska was inducing the Senator from Connecticut to say if Woodrow Wilson's term had expired in the midst of the Great War and the success of the war had depended on his reelection, whether or not the Senator from Connecticut would have voted for Woodrow Wilson's reelection.

Mr. NORRIS. The Senator from Connecticut would have done that, of course. That follows as a matter of course. The Senator from Connecticut has just stated that if the term of the President expired during the war, it mean destruction of the country. Of course, we do not want to say that the Senator from Connecticut wants to destroy the country. He is loyal, of course. However we may disagree with him in some of his conclusions, we are not going to charge him with disloyalty.

Mr. WATSON. I am very glad my friend from Nebraska has answered that question for the Senator from Connecticut without his intervention.

Mr. NORRIS. There is only one answer that can be given, from what the Senator has said.

Mr. WATSON. I do not think the illustration used by my friend from Connecticut, who is always so apt in his choice of language, is quite fit and appropriate. That is to say, the fact is that Woodrow Wilson was repudiated by the people themselves before the close of the war when they elected a Republican Congress, but the war went on to its close. But there might come a condition far more stringent, far more exigent, than the case to which my friend has referred. There might come a condition where the reelection of a President might be absolutely essential to the preservation of the life of the Nation.

Mr. NORRIS. It might be.

Mr. WATSON. It never has yet occurred.

Mr. NORRIS. We can imagine such a condition. For instance, it might happen that the President might die, the Vice President might die, and all the leading Republicans in the Senate might die, and the country would go to smash. There would not be anybody to take his place. There would not be anybody to legislate.

Mr. WATSON. Oh, the Democrats would be here! [Laughter.]

Mr. NORRIS. We might even go further and say it is possible that an earthquake should take place and kill 90 per cent of the Senators and Members of the House all in the twinkling of an eye. We would not have any Government left. That would be a serious thing.

Mr. WATSON. There would be a great uprising of candidates.

Mr. SHORTRIDGE. It might be highly beneficial to the country.

Mr. NORRIS. It might be hard on us, and good for the country. I would like to call the attention of the Senator from Connecticut to the fact that, as I understand his position to be, we would have to have an amendment to the Constitution which would provide that in the case of war or other great danger, if the term of the office of the President by the Constitution expired, he should be automatically continued in office until the war was over. I do not see any other way out, because we can imagine, no matter what kind of a Constitution we have or how great the President may be, a condition that would bring destruction and disaster to the whole country, if not to the civilized world.

Mr. WATSON. Then why legislate on a proposition of this kind as against a catastrophe that might occur?

Mr. NORRIS. The reason why we legislate on anything is on the theory that the things that are going to happen, in the imagination of people who are always afraid that something extraordinary and unnatural might happen, never do happen and never will happen.

Mr. WATSON. On the other hand, if my friend will permit me, no man ever yet has been nominated for the Presidency for a third term. That may never happen.

Mr. NORRIS. I think it is a sentiment which ought to be continued and developed and permitted to grow, that that should not occur in the future. I am surprised that anybody's position on the pending resolution at this time should be ascribed to his love or his dislike of President Coolidge. I do not claim to be very great or to have a very bright mind, but I would be ashamed of myself if I were so narrow that I could not consider a resolution of this kind without being moved by my dislike or my love for anybody, whether he be President or not. I am surprised that it should be charged to anybody that his support or his position, and there are grounds for being on either side, should be on the narrow ground of his like or dislike of any person, or whether he is favorable or unfavorable to a third term for President Coolidge. That might have been charged when the resolution was introduced before, but now I do not see how it has anything to do with it. I was delighted that it was to come up at a time when I supposed there would not be any such prejudice injected into the discussion.

Mr. BINGHAM. The Senator will realize that it was introduced just after a popular expression of opinion in favor of the President serving again.

Mr. NORRIS. I had in mind also that it was introduced after the President had reaffirmed his statement that he would not be a candidate. The fact that a Senator is standing in his place now making an argument here, as I understand the argument, on the ground almost entirely that it will do away with the possibility of President Coolidge being nominated for a third term, if we pass this resolution, is what I can not understand.

Mr. BINGHAM. Surely the Senator will not contend that that is not its object.

Mr. NORRIS. No; so far as I am concerned, that is not its object. It is a great deal broader than that.

Mr. BINGHAM. What is its object?

Mr. NORRIS. If the Senator wants me to tell it in his time——

Mr. BINGHAM. I will yield the floor to the Senator.

Mr. NORRIS. I shall be delighted to explain the object as I understand it.

Mr. BINGHAM. Will the Senator tell us at the same time why he objects to the resolution being referred to his committee?

Mr. NORRIS. Yes. If I should forget to do that, will the Senator call my attention to it, and I will follow it up. I have not anything to conceal, so far as I am concerned, in connection with the pending resolution. I may be entirely wrong about every idea I have, but I am not ashamed of any that I have. I am ready to tell them, and I am ready to answer any question that I can answer that anybody wants to submit to me. I will do my best.

Mr. CARAWAY. Mr. President, before the Senator commences, will he call the attention of the Senator from Connecticut to the fact that the very language against which he now protests received the vote of every Member of the House from New England when it was introduced in 1875?

Mr. NORRIS. I understand that to be true. If I am wrong about that, I should like to have the Senator from Wisconsin correct me.

Mr. LA FOLLETTE. I think that is substantially correct, Mr. President.

Mr. NORRIS. Not only the language was the same, but every Member of the House of Representatives from New England voted for it.

Mr. BINGHAM. Mr. President, in this connection, may I call the attention of the Senator to the fact that that resolution was jammed through without being properly considered by a committee? My chief objection to the procedure in which the Senate is now engaged is that it is an effort to go ahead and do something of great importance on the spur of the moment without having it receive that consideration in committee which is given to practically every measure that comes before this body, be it great or small.

Mr. NORRIS. Very well.

Mr. CARAWAY. I presume that the Senator is attributing to the New Englanders who voted for the resolution in 1875 lack of information that they could have acquired if they had had another week or two to study the language?

Mr. NORRIS. The Senator is certainly ascribing to the New England Representatives——

Mr. CARAWAY. Ignorance.

Mr. NORRIS. A failure to take the course they would have taken if they had given proper consideration to that resolution.

Mr. CARAWAY. That they absolutely voted without due information.

Mr. NORRIS. That they did not have the information they ought to have had.

Mr. CARAWAY. I have often thought that was true, but I never had the courage to say it.

Mr. NORRIS. That they would not have voted as they did if the resolution had been referred to a committee.

I started to say, for the benefit of the Senator from Connecticut [Mr. BINGHAM] mainly, that my reason for supporting this resolution is one that has no partisanship in it and is without regard whatever to any man or to any President. I am not going to be dissuaded from doing my duty as I see it, however erroneous I may be, by the charge that is made sometimes that I am moved by a feeling of animosity toward the President. In the first place, I have no such animosity; I deny that kind of charge. I say here and now that I have not any feeling of unfriendliness toward the President of the United States; I hope I may never have such unfriendly feeling; but, on the other hand, I feel that I am perfectly free and that I am not under the control of the whip or lash of anyone because he happens to be President of the United States. If it were the fact that he was my closest, personal, confidential friend, I would still feel that I should vote on this question, as well as on any other, without regard to his wishes after I had informed myself so that I thought I understood what was the proper course to pursue.

As I look at this resolution, it is important; and, while our action will have no legal effect, it may have some moral effect; it may have some historical effect. It may do some good; I think it will. I may be entirely mistaken about it. Legally it can have no effect whatever. We all admit that. It is important, because, in my judgment, if a President of the United States, should our present partisan political conditions that I am going to speak of in a moment continue, were allowed to renominate himself, as he could, it would mean—not perhaps in my lifetime, or it may not be in the lifetime of anyone here—but it would mean ultimately the establishment in this country of a monarchy upon the ruins of our present republican form of government.

We ought to consider this question in the light of surrounding conditions. I think we should have another change in the Constitution that would take away a great deal of the danger that comes from a reelection two or three times of the same man to the office of President; but at the present time, under our political conditions here, to be President a man must first be nominated by one of the dominating parties.

In theory it is possible to be elected otherwise; as a matter of practice it is an impossibility. So a President wishing to be renominated, if he wants to use the power that is his, after he has been in office for some time, can compel his party—whatever party it may be, either one of the dominating parties—to renominate him. That is almost universally conceded. Again, it is possible that may not be true, but in all probability, taking the doctrine of chances, that is true. He reaches out with his mighty hand into every hamlet, every crossroads, and every post office; every United States marshal, every United States district attorney, all the judges, all the United States officers everywhere are his appointees. Take human nature as it is, and not as we would wish it to be, and everyone of those officials feels somewhat of a personal obligation to the man who gave him his position. If we eliminate all feelings of partisanship, of jealousy, of selfishness, and just take men and women as they are, honest as the bulk of them are, they would feel friendly to the man who gave them their positions. But that is not all, for we must take into consideration the selfishness, the jealousy, and the avarice of political machines. He does not have to be, but if he wants to be the President is at the head of the machine that is in power; he is at the head of the one that has the entire country within its grasp, within its grip, and can through the power that he possesses, using the officials who are under him and who range down to the lowest on the list, round up delegates; he can control conventions as no other man on earth can control them. We know that to be true. If Presidents were nominated at a primary, it would not be so bad, but they are not nominated in that way; they are nominated at national conventions, where the rank and file of the people have practically nothing to say as to what the program shall be. He nominates himself by using the instrumentality that the law gives him on account of his position.

Now, let me use as an illustration the case of President Coolidge. I use it only as an illustration; I go on the theory that he is not a candidate, and hence if I were his bitterest foe I would not be casting any reflection upon him when I make the statement. It seems to me the man who says he is a candidate is practically saying that he is dishonest and deceitful and is trying to deceive the American people. Take him at his word. So I am using his case merely as an illustration.

Before he issued his famous statement that he did not choose to run he was recognized quite generally as being a candidate, as wanting to be renominated and then reelected to the office of President. Nobody else was in the field; everybody conceded that he could nominate himself if he wanted to do so. To begin with, we have an unhealthy condition. The man who is at the head of the political machine in power is recognized by his friends and his foes as being able to renominate himself, and there is no contest over it; there is no competition; there is a trust, there is a monopoly of the nomination as far as his party is concerned. That is always injurious; that is always detrimental to a free government; that always tends toward the abolition of freedom on the part of the citizen and happiness on the part of humanity generally.

Mr. WATSON. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. WATSON. About four-fifths of all governmental positions are now under civil service. Does the Senator think that a President could renominate himself with a great body of people against him and——

Mr. NORRIS. I thank the Senator for that suggestion.

Mr. WATSON. Wait until I put the question.

Mr. NORRIS. I thank the Senator for calling my attention to it; I would have forgotten it. I will answer that.

Mr. WATSON. But I have not completed the question.

Mr. NORRIS. I will let the Senator ask another one. I would have forgotten it if he had not called my attention to it, and I am under obligations to him.

Mr. WATSON. I have not finished the question as yet.

Mr. NORRIS. A large number of Government officers and employees are under civil service. Suppose that the first time a President renominates himself it is not necessary, as it would not have been in the case of President Coolidge, to call on the civil-service employees. It would not have been necessary for him to say anything to them; probably in a general way most of them would have been for him because they got their places under his administration. But suppose he has done nothing wrong so far as the civil-service employees are concerned in order to secure the nomination——

(At this point a message was received from the House of Representatives, by Mr. Haltigan, one of the clerks.)

Mr. WATSON. The Senator did not permit me to ask my question.

Mr. NORRIS. I caught the Senator's question; I am going to answer that one first.

Mr. WATSON. The Senator did not catch the question, because I never finished it.

Mr. NORRIS. Then I will let the Senator ask me another one afterwards. The Senator must let me run this proceeding. I will permit him to ask me another question as soon as I get through with this one.

Mr. WATSON. The Senator has not permitted me to ask the first one.

Mr. NORRIS. I am going to answer the Senator's question now, and then let him ask me another, and, slow as I may be, I will finally get around to it.

Here are many officials and employees under the civil service; the President for the first time gets a renomination and is reelected, and we have turned the wheel of progress that many points backward when that is done. He has the office; he has tasted power; and it is human nature for the man who has power to use it all and to reach out and get a little more, and if he gets a little more he will stretch that a little bit, and the next time, the fourth time, or the third time; yes, even the second time, the President of the United States can wipe the civil-service provisions off the statute books and put every post office at every crossroads upon the political pie counter. He can do that to-day if he wants to; he has it within his power; and such things are going to happen if we put a monarch in the White House. If we keep on in the direction of having a Mussolini, the time will come when there will be no civil service for anybody; it will be wiped out by an order of the President. That is a danger that is in the immediate future if we keep on in this direction.

If I were cruel, if I were inclined to bring partisanship into this discussion, as I think the Senator from Connecticut believes I am trying to do, and as some Senators seem to think partisanship is involved in it, in the case of a Republican President renominating himself, I would point my finger to the "solid" South, to the organization of the Republican Party down there, which everybody knows is corrupt, which is a disgrace to civilization, which ought to disgrace and does disgrace any administration that continues it in power; yet any Republican President has the power, if he wants to wield it, to line up the "solid" South just as a master can line up his slaves.

Now, I am ready for the next question the Senator from Indiana wishes to ask me.

Mr. WATSON. I have never finished the first one as yet.

Mr. NORRIS. Very well; let the Senator finish it, but I thought he had done so.

Mr. WATSON. In the first place, I disagree entirely with the Senator that a President could mobilize those in office under the civil service. I should think that fully half of them are Democrats right now, and that the President could not mobilize them if he wanted to, because they are opposed to him politically.

Mr. NORRIS. Mr. President, my observation——

Mr. WATSON. Hold on; wait a moment. The Senator has not let me ask my question as yet.

Mr. NORRIS. The Senator keeps putting something up and I am going to answer as I go along, because if I do not I will forget it, and I am going to answer that question now. My observation is that the power of a political leader, the power in this case of a President, to mobilize Democrats is just as easily exercised and as great as it is to mobilize Republicans, and we have seen that illustrated right here in the Senate.

We saw, after we got through with a filibuster against the ship subsidy bill, that the lame ducks were rewarded with places at the political trough, given fat jobs and fat salaries; and it applied to Democratic Senators just the same as it did to Republican Senators, although the man who gave them the feed and poured out the soup was a Republican President.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. NORRIS. In a moment. I want to get through with the Senator from Indiana first.

Mr. WATSON. Does my friend mean to say that because of that fact the Senators on the other side of the aisle would have supported him for the nomination for the Presidency?

Mr. NORRIS. No.

Mr. WATSON. Certainly not.

Mr. NORRIS. But there are a whole lot of fellows that he gave jobs to who would have done it. They might have been precluded from getting into a Republican primary or a Republican convention; but it is true right now in the South, where, in many instances, the Republican machine is indorsed by Democratic officeholders, and they work with it, and the Republican machine brings that about by giving to some of these Democratic officeholders some pieces of political pie. So when you want to mobilize a lot of fellows you can get plenty of fellows to mobilize in any political party that I have ever known about if you will give them something for mobilizing.

Mr. WATSON. Now, may I ask the Senator a question?

Mr. NORRIS. Yes.

Mr. WATSON. I thank the Senator. I want to ask two, asking one at a time.

With half the officers Democratic now, as I undoubtedly think they are, does the Senator believe that President Coolidge could have renominated himself purely by the official force in the United States if the very great body of the Republicans in the United States had been opposed to him? Can a President, by using the official power that he wields and that the Senator says he wields, renominate himself if the great body of his party are against him?

Mr. NORRIS. Now, let me answer that question.

Mr. WATSON. I will.

Mr. NORRIS. Nine times out of ten he can do it. The Senator has coupled with the question the clause "if the great body of the party are against him."

Mr. WATSON. Yes.

Mr. NORRIS. It depends upon how great a body of the party that would include. I can conceive of a condition where the great bulk of the party would be against him, where they would get bold enough so that they could say so openly without being charged with being traitors to their country; but that does not happen very often. That did not happen in President Coolidge's administration. I know that men who said they were not in favor of his renomination, said it courteously, said it gentlemanly, were denounced as traitors to the Republican Party because they refused to follow their leader. The trouble is that it is not only the fellows who hold office—and again I thank the Senator for calling my attention to it, because I might have forgotten it—but it is the bulk of the machine, private individuals, private corporations who are making money out of the party, who are in it for other purposes besides holding office, scattered all over the country. If they are satisfied, the unseen government, the political machine, the political bosses, all line up in favor of the man in power, if he is giving them a sufficient amount of the pie to make it profitable for them to be there.

We know that was true. We know, everybody knows, and it was conceded, that President Coolidge could have renominated himself if he had desired to do so and to use the power that was his and under his control; and in my judgment it is to his credit that he refused to be tempted eventually, and did not use it.

Mr. WATSON. I want to ask the Senator a question right there. Does not the Senator believe, though, that President Coolidge was strong enough with the great body of the Republicans of the United States to have been renominated without an appeal to the official force?

Mr. NORRIS. I will answer that by saying that that question is absolutely immaterial and irrelevant.

Mr. WATSON. Oh, no; not at all.

Mr. NORRIS. It has not anything to do with the question at issue.

Mr. WATSON. Yes, it has.

Mr. NORRIS. Suppose President Coolidge is a saint. Suppose he is all that some of those think who follow him when they think he is going to be renominated and reelected—the most powerful person on earth, one who could not do any wrong, one who is perfect. Suppose all that; still, that is no argument why this resolution should not be adopted, and that is no argument why we should not prevent, if we can, Presidents from being reelected to a third term.

So I say it is absolutely beside the question to say that President Coolidge was sufficiently popular that he could have gone in without using anything that was unfair. For the sake of argument, let us admit that to be true. I do not believe it is, but I am going to admit it for argument's sake. So much more ought we to say that we will not establish a precedent here that is going to come home to plague our children when we are gone.

Read Washington's Farewell Address, where he tells us about the danger of a precedent. The first time wrong is done and the precedent established, it may be done by a good man with the best of intentions; but the precedent is established, and in future years that precedent will be used by the demagogue and the rascal to perform his tricks and to fool the people.

Mr. WATSON. I come now to the final question I want to ask the Senator, which is what I believe is the logical conclusion of the other questions I have been asking, namely:

The Senator, then, denies that the great body of the American people should have the right to elect a President a third time in this Government of the people, even if they want to do so?

Mr. NORRIS. No, Mr. President. It would not always follow that the President would be elected. If we did not have any such thing as an electoral college, if we did not have political machines that control nominations, and if there were some practical way for anybody to run independently for President of the United States and have a square, honest fight before the people, I would not care whether this resolution went up or down; but it is the conditions that exist that make me think that it is important that we should pass it.

When we let a Republican or a Democrat, either one, control the nomination and nominate a man as President, we have then taken away from the rank and file of the party or of the people the right to make that nomination. We have taken away the right of self-government, which in theory we give to these people, all of whom are supposed to have an equal voice in the nominating of their candidate; and when another candidate on another ticket, the ticket of the only other party, is controlled by a political machine, and then the election comes, the people do not have a square deal. They do not have an opportunity to vote their sentiments. They are confronted with a proposition where they must choose what in their judgment is the lesser of two evils.

The right of self-government to that extent has been denied to them. They have been euchred out of it by the political machine; and although they might rise up in their might, although in theory it could be done, under our present way of doing business and carrying on our political things here, with the existence of the Electoral College, it is a practical impossibility for them to do it. Hence the danger of the control, by the means I have enumerated, of one of the dominant parties of our country. Even though we say that the other party may then come into power and at the election elect its candidates, it nevertheless has taken away from millions of honest, patriotic citizens the right to participate in the selection of a candidate of their choice, of their party, representing ideas supposedly at least with which they agree, and they are compelled to vote for the candidates of another party, representing an entirely different idea of government; and hence they are, in effect, disfranchised.

Mr. FESS. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. FESS. Would not the Senator's argument against the President having the power to renominate himself apply to the second term just as well?

Mr. NORRIS. Yes; I admit that it would, but I will not admit that it would apply with the same effect. The principle

would be exactly the same; I admit that; and if I had my way, Mr. President, if I could fix the Constitution as I wanted to, I would fix it so that the President of the United States should have only one term—I might make it longer; I would not quarrel whether it was six, or eight years, even—and disqualify him. But it is true that at the end of the first term, in theory, the same conditions exist. The only difference is that the longer he stays in, the longer he remains in the office, the greater that power is, the more rapidly it accumulates, and the more reason there is why he should use it for selfish purposes.

Mr. FESS. Would the Senator's argument lead to the conclusion that the practice we have of renominating a President for a second term has grown up through undue influence on the part of the President?

Mr. NORRIS. It has often been true, I think, that there has been very great influence used. I think that is true.

Mr. FESS. It has come to be rather the custom to give a President a second term.

Mr. NORRIS. Yes; it has come to be rather the custom to give him a second term.

Mr. FESS. Then, if the Senator will permit a further interruption, there are a few cases where a President was a candidate for renomination in which he was defeated.

Mr. NORRIS. Yes, sir.

Mr. FESS. In the cases of Polk, Pierce—Buchanan was not a candidate—Tyler, Andrew Johnson, and Arthur, all of whom were Presidents, although they had come to the Presidency from the Vice Presidency, they were all candidates for reelection, and all of them were denied the nomination.

Mr. NORRIS. Yes.

Mr. FESS. I think what the Senator says has considerable force. I admit that, although I would not want to be understood as saying that I thought a President has in any way distorted or prostituted his power by forcing his renomination.

Mr. NORRIS. Is the Senator now referring to President Coolidge? I have not charged that.

Mr. FESS. No; I am referring to the general practice of Presidents.

Mr. NORRIS. Oh, yes.

Mr. FESS. As to the resolution we are now discussing, I do not know that I would decline to vote, as an expression of opinion, that the country should not recognize the third term. I have felt, though, from the beginning, that the objection to a third term would not apply to a case where it is a second elective term. In other words, if a man had been President only a week, and then was reelected, that ought not to be counted as a second term.

Mr. NORRIS. I think we ought to consider this as reasonable men. If the man had been President a week, for instance, I should not like to call that a term. If he had been President longer than that, there might come a place where it would be difficult to draw a line. I concede that.

If we had a condition where a President had been in office just a week before he was elected to a term, and then was seeking reelection, I would not consider it very bad grace or unpatriotic to support him for renomination. I think that to a great extent the opposition would fade away, because he would have served so short a period during the first term.

Mr. FESS. I do not think the Senator and I differ widely, if he takes that position.

Mr. NORRIS. No; I do not think we do. I can conceive also of conditions under which I would be in favor of the election of a President for a third term. I do not know whether such a time will ever come, but it may. The reason, as I said in the beginning, is not all on one side of this proposition, and while I admit that there might come a time, if we had in our Constitution a provision against a third term, when I might regret that it was there, for the time being, on the other hand, I am willing to yield to that extent in order to do away with what I believe to be the greater danger that will come if we establish this kind of a precedent.

It is difficult for me to imagine that, if a President were carrying on a war, as the Senator from Connecticut has suggested, the American people would not be wise enough to elect a successor who would represent their ideas in prosecuting the war. I do not believe there is any great danger in that regard. I do not believe that there will ever come a time, if that happens, when the American people will select a President who is not willing, if they want it done, to carry on the war to its conclusion. Those things would all be fought out in the campaign, and the planks in the platforms would make all those things clear. So, I think the danger is very much overestimated.

Have I forgotten anything the Senator from Connecticut wanted me to answer?

Mr. BINGHAM. I had hoped that before the Senator got through he would tell us why he did not want this matter to go to his committee.

Mr. NORRIS. Oh, yes; I said I would make a statement in regard to that, and I will do so.

That is a question with two sides to it, but to me it is perfectly plain that this resolution should not go to a committee, principally because it represents an idea upon which all of us have definite convictions. It is not anything new. It is not a long resolution, and there is no doubt about the language. No one has expressed a doubt as to anything it contains. It expresses an idea. We are either for or against the principle of a third term for any President of the United States.

Mr. BINGHAM. No, Mr. President; I can not agree with the Senator in that statement.

Mr. NORRIS. What is wrong about that statement?

Mr. BINGHAM. The way in which the resolution is worded might be changed. I am not in favor of three consecutive terms, or four, or five, or six, as the Senator has imagined. On the other hand, the resolution, as it reads, would place the Senate on record as stating that even in case of great emergency a President might not be reelected for a third term. It would place the Senate on record as stating that if a President had had two terms and had gone out of office for four years he could not at some future time be reelected.

Mr. NORRIS. I do not think so. I do not get that idea from the resolution and from the remarks that passed back and forth between the Senator from Wisconsin and the Senator from Ohio, I think it was. I did not get that idea.

Mr. BINGHAM. Why could not the resolution be changed in committee so as to preclude that very idea?

Mr. NORRIS. It might be.

Mr. HEFLIN. Mr. President, exactly this resolution, in this exact form, was the resolution voted on in General Grant's time, and every Member of the House and Senate, I understand, from New England, including Connecticut, voted for it exactly as it now stands.

Mr. BINGHAM. Mr. President, that statement is not correct. I was just looking up the RECORD, and I want to ask unanimous consent that the part of the CONGRESSIONAL RECORD for December 15, 1875, which contains the entire matter—it is very short, because there was no debate on it at all, the previous question being moved—may be inserted in the RECORD. The roll call shows that the vote of the 18 who ventured to vote against it came from all over the country—1 from Illinois, 2 from Michigan, 1 from Vermont, 1 from Alabama, 2 from South Carolina, 1 from North Carolina, 1 from Mississippi, 2 from New York, 1 from Louisiana, 1 each from California, Maine, Pennsylvania, Florida, Missouri, and Kentucky.

Mr. NORRIS. What was the number from Maine?

Mr. BINGHAM. Mr. Blaine was absent. There was one from Maine who voted against it; and there were several from Massachusetts, Maine, and Connecticut who were absent, so that there was no sectionalism about it, and the statement that all the New England delegation voted in favor of it is not correct, for of the 18, 2 voted against it.

Mr. LA FOLLETTE. Mr. President, will the Senator from Nebraska yield?

Mr. NORRIS. I yield to the Senator.

Mr. BINGHAM. Has the Senator any objection to me having this extract from the CONGRESSIONAL RECORD of 1875 printed in the RECORD?

Mr. LA FOLLETTE. I have none.

Mr. NORRIS. I have no objection to that. I will be glad to have it printed.

Mr. BINGHAM. I ask that it be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD of December 15, 1875, 44th Cong., 1st sess., vol. 4, pt. 1, p. 228]

PRESIDENTIAL TERM

Mr. SPRINGER. I offer the following resolution, upon which I move the previous question:

"Resolved, That, in the opinion of this House, the precedent established by Washington and other Presidents of the United States, in retiring from the presidential office after their second term, has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions."

The question was put upon seconding the previous question; and on a division there were—ayes 144, noes 2.

So the previous question was seconded. The main question was then ordered to be put, being upon the adoption of the resolution.

Mr. CLYMER. Upon the question of the adoption of the resolution I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MacDougall moved that the House do now adjourn.

The question was taken, and the House refused to adjourn.

The question was taken on the resolution offered by Mr. Springer; and there were—yeas 233, nays 18, not voting 38; as follows:

Yeas: Messrs. Adams, Ainsworth, Anderson, Ashe, Atkins, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Banning, Beebe, Bell, Blackburn, Blair, Bland, Blount, Boone, Bradford, Bright, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cason, Cape, Caulfield, Chapin, Chittenden, John B. Clarke, John B. Clark, jr., Clymer, Cochrane, Collins, Conger, Cook, Cowan, Cox, Crapo, Crounse, Culberson, Cutler, Danford, Darrall, Davis, Davey, De Bolt, Dibrell, Douglas, Dunnell, Durand, Eames, Eden, Egbert, Ellis, Ely, Evans, Faulkner, Felton, Forney, Fort, Foster, Franklin, Freeman, Frost, Frye, Fuller, Garfield, Gause, Gibson, Glover, Goode, Goodin, Gunter, Hale, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Henderson, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hoar, Holman, Hooker, Hopkins, Hoskins, House, Hunter, Hunton, Jenks, Frank Jones, Thomas L. Jones, Joyce, Kasson, Kelley, Ketchum, Knott, Franklin Landers, George M. Landers, Lane, Lapham, Lawrence, Leavenworth, Levy, Lewis, Lord, Luttrell, Lynde, Levi A. Mackey, Maish, McCrary, McDill, McMahon, Metcalfe, Miller, Milliken, Mills, Money, Monroe, Morgan, Morrison, Mutchler, Neal, New, Norton, O'Brien, Odell, Oliver, O'Neill, Packer, Parsons, Payne, John F. Philips, William A. Phillips, Pierce, Piper, Poppleton, Potter, Powell, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, John Robbins, William M. Robbins, Roberts, Robinson, Miles Ross, Sobieski Ross, Sampson, Savage, Sayler, Scales, Schumaker, Seelye, Sheakley, Singleton, Sinnickson, A. Herr Smith, William E. Smith, Southard, Sparks, Springer, Starkweather, Stenger, Stevenson, Stone, Swann, Tarbox, Teese, Terry, Thompson, Thomas, Throckmorton, Martin I. Townsend, Washington Townsend, Tucker, Tufts, Turney, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Waldron, Charles C. B. Walker, Gilbert C. Walker, John W. Wallace, Walling, Walsh, Ward, Warren, Erastus Wells, Wheeler, Whitehouse, Whitthorne, Wigginton, Wike, Willard, Alpheus S. Williams, Charles G. Williams, James Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Willis, Benjamin Wilson, James Wilson, Alan Wood, jr., Fernando Wood, Woodworth, Yeates, and Young—233.

Nays: Messrs. Bradley, Denison, Haralson, Hoge, Hubbell, Hyman, Lynch, MacDougall, Nash, Page, Plaisted, Pratt, Smalls, Alexander S. Wallace, Walls, G. Wiley Wells, White, and Whiting—18.

Not voting: Messrs. Bagby, Banks, Barnum, Bass, Blaine, Bliss, Cannon, Caswell, Dobbins, Durham, Farwell, Hathorn, Hays, Hendee, Hurd, Hurlbut, Kehr, Kimball, King, Lamar, Edmund W. M. Mackey, Magoon, McFarland, Meade, Morey, Phelps, Platt, Purman, Rainey, Rusk, Schleicher, Slemons, Strait, Stowell, Thornburgh, Andrew Williams, Wilshire, and Woodburn—38.

Before the reading of the roll call,

Mr. Beebe called for the reading of Rule XXXI.

The rule was read, as follows:

Every Member who shall be in the House when the question is put shall give his vote, unless the House shall excuse him. All motions to excuse a Member from voting shall be made before the House divides or before the call of the yeas and nays is commenced; and the question shall then be taken without debate.

Mr. BEEBE. It was my purpose to insist upon the enforcement of the rule just read. I will not do so, however, for the reason that I think we have had a sufficient declaration of the sentiments of this House.

The SPEAKER pro tempore (Mr. Cox). Debate is not in order. There is no way of enforcing that rule, as was sufficiently tested at the last session of Congress.

Mr. HOAR. I ask that the reading of the names on the roll be dispensed with.

The SPEAKER pro tempore. That requires unanimous consent.

Objection was made, and the roll call was read, as above recorded.

Accordingly the resolution was adopted.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Nebraska yield to me to ask the Senator from Connecticut a question?

Mr. NORRIS. I yield.

Mr. LA FOLLETTE. Mr. President, will not the Senator permit me to give some figures with regard to New England?

Mr. ROBINSON of Arkansas. Certainly.

Mr. LA FOLLETTE. There were 28 Members in the House at that time from New England, and that roll call shows 4 of those 28 absent, 1 from Maine, 1 from Vermont, 1 from Massachusetts, and 1 from Connecticut.

Mr. BINGHAM. That is correct.

Mr. LA FOLLETTE. There were 22 of the 24 who were present who voted for the resolution, and 2 voted against it.

Mr. NORRIS. Now I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Was the resolution adopted applicable to General Grant's time identical in form with the resolution now proposed?

Mr. BINGHAM. The first part of it was identical. Will the Senator give me permission to read it?

Mr. NORRIS. Yes.

Mr. BINGHAM. The resolution was offered by Mr. Springer. The RECORD states:

Mr. SPRINGER. I offer the following resolution, upon which I move the previous question.

There was no debate.

Resolved, That, in the opinion of the House, the precedent established by Washington and other Presidents of the United States, in retiring from the presidential office after their second term, has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions.

There was no second paragraph.

Mr. NORRIS. As far as the Senator has read it, it is identical, I understand, with the pending resolution.

Mr. LA FOLLETTE. Yes, Mr. President, that is the exact language of the resolution.

Mr. NORRIS. A copy of it.

Mr. LA FOLLETTE. Yes.

Mr. NORRIS. Answering further the Senator's proposition, it seems clear to me that here is a proposition we could well vote on, even without debate. Of course, the Senate may think otherwise and send the resolution to the committee, and if it does the committee will give it careful consideration and do the best it can with it. There is only one idea in it, only one, whether we want to express the sentiment of the Senate as being opposed to a third term for a President of the United States, or a President to succeed himself with a third term.

Mr. SMITH. Mr. President, may I ask the Senator a question?

Mr. NORRIS. Yes.

Mr. SMITH. The Senator is touching on a point now about which I have been thinking since this debate began. This resolution seeks to get the sense of the Senate. If we refer it to the Judiciary Committee, how are the committee to get the sense of the Senate in reference to our attitude on the question whether a man having been sworn in twice as President should be sworn in a third time?

Mr. NORRIS. There is only one way that I know of by which the Judiciary Committee could get the sense of the Senate, and that would be to report the resolution back to the Senate and let the Senate vote on it.

Mr. SMITH. Or call in each Senator and get an expression of his opinion.

Mr. NORRIS. Yes.

Mr. SMITH. I do not see that there is any ground whatever for sending it to a committee, when it appeals to the sentiment of the Senate.

Mr. ROBINSON of Arkansas. Mr. President, of course one object of referring it to the committee might be to prevent the Senate from expressing its opinion on the subject.

Mr. SMITH. I thought perhaps that would be the expression of the Senator from Nebraska.

Mr. BINGHAM. That never could happen with a resolution sent to the committee of the Senator from Nebraska, however. That was why I moved that this resolution be referred to his committee, so that there might not be any suggestion that I was trying to defeat the resolution. My idea was merely to see that it was put in the proper language, which I am sure that committee would do.

Mr. KING. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. KING. Will the Senator permit me to suggest that the Judiciary Committee of the Senate and the Judiciary Committee of the House are bodies to advise upon legal questions which may be submitted to them, legal questions touching laws and statutes which are upon the statute books, or proposed laws, and also the construction of constitutional questions?

The Judiciary Committee is a committee of lawyers. The question involved in this resolution is one of policy. The Constitution does not limit the term or indicate in any way that a President of the United States should have but one or two terms or any number of terms. Therefore there is no question to submit to the Judiciary Committee.

As a member of the Committee on the Judiciary, if this resolution should come to that committee I would be absolutely helpless to express the opinion of the Senate. As has been said, we would have to report the resolution back to the Senate

or bring the Members of the Senate one by one or in groups before the committee to have them express to the committee orally their views upon a question that is not a legal question.

For these reasons, if the Senator will pardon me for interrupting him, I am opposed to having this resolution referred to the Committee on the Judiciary. Let us take the sense of the Senate upon it. There is no legal question involved.

Mr. DILL. Mr. President, the passage of this resolution, however, might advise the Judiciary Committee as to the attitude of the Senate on a constitutional amendment looking to a prohibition of a President's continuation in office.

Mr. NORRIS. That might be. As far as I am concerned, I am willing to support that kind of an amendment to the Constitution. But my experience with amendments to the Constitution in the last four or five years is such that I would not want to have more than one or two of them on my hands at a time.

Unless the Senator from Connecticut conceives of some other question he wants to ask me about referring the resolution to the committee, I have but a word more to say. I believe there is nothing to be gained by referring this resolution to a committee. I consider that it is a proper parliamentary procedure, if the Senate desires to take it, and I have no criticism to make in regard to it, but here is a simple resolution covering one idea. We all have definite opinions on that idea, and it will not be necessary for us to have the advice of a committee in order to enable us to vote.

It seems to me, therefore, that we ought to vote either for or against this resolution, vote it either up or down while it is here, and not waste the time either of the Senate or of the committee by referring it to the Committee on the Judiciary.

Mr. LA FOLLETTE. Mr. President, I will delay the Senate but a moment. I would like, first of all, to reply to the suggestion made by the Senator from Connecticut that I introduced this resolution following the result of some poll which had been taken. Such is not the case. At the time I introduced this resolution I made a statement, which was published in the press, and I desire to have that statement printed in the RECORD in connection with my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

ROBERT M. LA FOLLETTE, Jr., authorizes publication of the following statement:

The action of the New York State Republican leaders on Saturday, January 28, in agreeing upon an uninstructed Republican delegation that will be first for President Coolidge, is conclusive proof that the movement to "draft President Coolidge" and smash the third-term tradition is gaining headway.

Charles D. Hilles, vice chairman of the National Republican Committee, and former chairman, is responsible for the action taken at Albany on Saturday. He has persistently advocated that the Republican Party should not take seriously the statement that "President Coolidge does not choose to run." It is reliably reported that Mr. Hilles and Secretary of the Treasury Mellon are working in close cooperation and that a drive is on to obtain uninstructed delegations in many States which will support the plan "to draft the President."

In order that the representatives of the people in the Senate may have an opportunity to express their conviction with regard to the importance of preserving the tradition that no President shall succeed himself for a third term, I have introduced a resolution and shall press for its early consideration and adoption by the Senate.

Mr. LA FOLLETTE. Suffice it to say the particular occurrence which prompted me to introduce this resolution was the action taken in New York by the Republicans, under the leadership of Mr. Hilles, in insisting that they were going to revive the movement to draft President Coolidge.

Furthermore, Mr. President, some of the men who were in the House of Representatives at the time the resolution was voted on during General Grant's administration, and who the Senator from Connecticut thinks took snap judgment and were not aware of what they were doing, were Samuel S. Cox, of Ohio; William P. Frye, of Maine; James A. Garfield, of Ohio; Eugene Hale, of Maine; George Frisbie Hoar, of Massachusetts; Samuel J. Randall, of Pennsylvania; John H. Reagan, of Texas; Adlai E. Stevenson, of Illinois; and Henry William Blair, of New Hampshire.

Those are just a few of the distinguished men of the time who were in the House, and who voted for this resolution.

Mr. President, the Senator from Connecticut considers this to be merely a political gesture. In so far as I am concerned, I have introduced this resolution because I believe there is grave danger that this third-term tradition may be broken, and I feel that it is the duty of the Senate to go on record in connection with the situation that exists.

I sincerely trust that the motion of the Senator from Connecticut to refer this resolution to a committee will not be agreed to.

Mr. BINGHAM. Mr. President, just a word in connection with the distinguished names which the Senator from Wisconsin just read. That does not alter the fact that the resolution was jammed through, that when it was introduced the previous question was moved at the same time, and that there was no debate on it whatever.

Mr. HEFLIN. Mr. President, the Senator from Connecticut suggested that some of us who favor the resolution are doing so because we do not enthuse very much over Mr. Coolidge. I have no personal grudge of any kind against President Coolidge. I like him about as well as I could like any Republican President, I suppose. [Laughter.] We have always gotten along very well personally. Even when he presided over the Senate and made rulings that I did not think were sound and proper, it did not affect our personal relations.

Mr. President, it makes no difference whether we like a President or not, whether we would like to see him reelected or not, our duty to our country is one thing and our partisan preference another. I am actuated in this matter only by what I conceive to be the best interests of my country. I would support the resolution just as cheerfully if we had a Democrat in the White House occupying exactly the same position that Mr. Coolidge occupies. It would not make any difference whatever with me.

I regret to see the able Senator from Connecticut—and he is an able and distinguished Senator—showing his partisan feeling in the matter. I have always feared that the New England Senators had something up their sleeves with regard to Mr. Coolidge not choosing to run. The Senator from Connecticut is about to let the cat out of the bag. He is insisting that we leave this thing alone; let them continue to tie up Republican delegations; let them continue to confuse the political situation and bring in candidate after candidate, until a condition arises where they would have to ask Mr. Coolidge if he would not change his mind and choose to run. They may intend to say, "The President did not seek a third term. He announced that he would not seek the nomination. But the party thrust it on him. He did not wish it at all. He is only responding from a sense of duty when the call has come so overwhelmingly from his party." It seems to me that the Senator has that thought away back in his mind, but he has not told the Senate about it.

But we are going on with war in Nicaragua without authority from the Congress, killing American boys day after day, and God knows how many we have had killed down there. The Senate does not know and the House does not know. Other things have been going on. Manipulation of the money supply of the country in the interest of a favored few, the centralization of power, the concentration of wealth into the hands of a few people. I do not know but that the same people who are so well pleased with what is going on now will demand that Mr. Coolidge be nominated.

Be that as it may, the Senate owes it to itself and to the country to go on record opposing the breaking down of this time-honored custom of our country. The Bible tells us and the Senator from Connecticut "Remove not the ancient landmarks of the fathers." Yet here he is quibbling about a resolution which seeks to give our sanction to a valuable and time-honored custom of our country. But he wants to refer the resolution to a committee. He wants to delay it. He wants to postpone it. What good can be done by postponing it? Let us have action on it. We know whether we, as Senators of sovereign States, want to go on record as favoring a custom established by Washington and maintained by the country from that good day to this.

Why should we defer action on this important matter? Have the political exigencies of the Republican Party come to be of greater concern to the Senator from Connecticut and other Senators than the welfare of our common country? I trust the time will never come with me when I shall put the welfare of the Democratic Party above the welfare of my country. I do not. I think there ought not to be any division here about it. I think the most wholesome thing that could go out from the Capitol would be for all Senators, Democrats and Republicans, to vote together and pass this resolution.

The Senator from Connecticut reminds us that Mr. Coolidge went in by the biggest majority that any President ever got. Mr. President, he went in by a plurality over the Democratic nominee of about 7,000,000 votes, but if we take the Democratic vote and the Progressive vote and the Prohibition vote, his

majority was about 2,000,000 and a little over. I remind the Senator that prior to that time Mr. Bryan had made a very pertinent statement about Mr. Taft, to the effect that he "went in by a million majority and went out by unanimous consent." [Laughter.] Mr. Coolidge has announced that he did not choose to run. It shows that he thought the two-term custom should not be violated when he announced to his party that he did not choose to run. Why not let it stand at that and why do not the Senator from Connecticut and others who feel as he does come in and say, "We are going to back Mr. Coolidge up? Why not say he never has intended to have a third term and we are going to vote for the resolution and show that he was in good faith in the position he has taken? We will all vote for it, Democrats and Republicans together." Why not do that?

Mr. President, I beg the Senator from Connecticut to come to the mourners' bench and repent and be saved before it is everlastingly too late. [Laughter.]

Mr. BINGHAM. Mr. President, I merely want to congratulate the Senator from Alabama on the evidence presented today of the strong alliance between the Democratic Party and the divergents—I mean the insurgents, and the digressives—I mean the progressives, in the speeches for the pending resolution. His reference to the fact that the President was elected by such a large majority over the combined efforts of the Democrats and the La Follettes to beat him is merely another evidence of the splendid harmony of this alliance which has forced most of the Republicans, including myself, to be in the minority on every roll call except one in this session.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 121. An act authorizing the Cairo Association of Commerce, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cairo, Ill.;

H. R. 359. An act authorizing the presentation of the iron gates in West Executive Avenue, between the grounds of the State, War, and Navy Building and the White House, to the Ohio State Archeological and Historical Society for the memorial gateway into the Spiegel Grove State Park;

H. R. 449. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a toll bridge across the Atchafalaya River at or near Morgan City, La.;

H. R. 473. An act authorizing the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky.;

H. R. 482. An act to provide relief for the victims of the airplane accident at Langin Field, Moundsville, W. Va.;

H. R. 5679. An act authorizing the Nebraska-Iowa Bridge Corporation, a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River between Washington County, Nebr., and Harrison County, Iowa;

H. R. 5721. An act authorizing E. M. Elliott and Associate (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at Augusta, Ky.;

H. R. 5722. An act authorizing the Rogers Bros. Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky.;

H. R. 5727. An act to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Harrisonburg, La.;

H. R. 5783. An act to grant extensions of time of oil and gas permits;

H. R. 5803. An act authorizing the Interstate Bridge Co., of Lansing, Iowa, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Lansing, Iowa;

H. R. 5818. An act authorizing J. H. Peacock, F. G. Bell, S. V. Taylor, E. C. Amann, and C. E. Ferris, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis.;

H. R. 6104. An act to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909;

H. R. 6476. An act authorizing the Wabasha Bridge Committee, Wabasha, Minn., to construct, maintain, and operate a bridge across the Mississippi River at or near Wabasha, Minn.;

H. R. 6639. An act authorizing the Centennial Bridge Co. of Independence, Mo. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Liberty Landing, Clay County, Mo.;

H. R. 7036. An act authorizing the Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Eggners Ferry, Ky.;

H. R. 7183. An act authorizing C. J. Abbott, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Golconda, Ill.;

H. R. 7184. An act authorizing J. L. Rowan, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Shawneetown, Ill.;

H. R. 7371. An act to legalize a bridge across the Snake River near Heyburn, Idaho;

H. R. 7916. An act authorizing the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Madison, Jefferson County, Ind.;

H. R. 7921. An act authorizing A. Robbins, of Hickman, Ky., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Hickman, Fulton County, Ky.;

H. R. 7925. An act granting the consent of Congress for the maintenance and operation of a bridge across the Monongahela River between the borough of Glassport and the city of Clairton, in the Commonwealth of Pennsylvania;

H. R. 8530. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River near Cedar Bluff, in Cherokee County, Ala.;

H. R. 8531. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River on the Columbiana-Talladega road between Talladega and Shelby Counties, Ala.;

H. R. 8726. An act authorizing Oscar Baertch, Christ Buhmann, and Fred Reiter, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Alma, Wis.;

H. R. 8740. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River in Cook County, State of Illinois;

H. R. 8741. An act authorizing the Dravo Contracting Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 8743. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.;

H. R. 8818. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Red River at or near Moncla, La.;

H. R. 8837. An act authorizing the American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Cassville, Wis.;

H. R. 8899. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River at or near Epes, Ala.;

H. R. 8926. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland, Ark.;

H. R. 9139. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lafayette-Celina road in Clay County, Tenn.;

H. R. 9147. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Jasper-Chattanooga road in Marion County, Tenn.;

H. R. 9186. An act authorizing the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Sistersville, Tyler County, W. Va.;

H. R. 9198. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.;

H. R. 9849. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Quincy, Ill.; and

H. R. 10636. An act to make an additional appropriation for the water boundary, United States and Mexico.

HOUSE BILLS REFERRED

The following House bills were severally read twice by their titles and referred as indicated below:

H. R. 10636. An act to make an additional appropriation for the water boundary, United States and Mexico; to the Committee on Appropriations.

H. R. 5603. An act to authorize members of the Civil Service Commission and its duly authorized representatives to administer oaths of office; to the Committee on Civil Service.

H. R. 482. An act to provide relief for the victims of the airplane accident at Langin Field, Moundsville, W. Va.; to the Committee on Claims.

H. R. 6104. An act to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; to the Committee on Patents.

H. R. 7030. An act to amend section 5 of the act of March 2, 1895; to the Committee on Post Offices and Post Roads.

H. R. 391. An act to regulate the use of the Capitol Building and Grounds; and

H. R. 359. An act authorizing the presentation of the iron gates in West Executive Avenue, between the grounds of the State, War, and Navy Building and the White House, to the Ohio State Archeological and Historical Society for the memorial gateways into the Spiegel Grove State Park; to the Committee on Public Buildings and Grounds;

H. R. 7013. An act authorizing and directing the Secretary of War to lend to the Governor of Arkansas 5,000 canvas cots, 10,000 blankets, 10,000 bed sheets, 5,000 pillows, 5,000 pillowcases, and 5,000 mattresses or bed sacks to be used at the encampment of the United Confederate Veterans to be held at Little Rock, Ark., in May, 1928;

H. R. 8309. An act to amend an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923; and

H. R. 9567. An act to authorize appropriations for construction at Fort Leavenworth, Kans., and for other purposes; to the Committee on Military Affairs.

H. R. 445. An act authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of land within the State of Montana for grazing and range development, and for other purposes;

H. R. 5686. An act granting a right of way to the county of Imperial, State of California, over certain public lands for highway purposes; and

H. R. 5783. An act to grant extensions of time of oil and gas permits; to the Committee on Public Lands and Surveys.

H. R. 5501. An act authorizing the Hermann Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Hermann, Gasconade County, Mo.;

H. R. 6073. An act granting a permit to construct a bridge over the Ohio River at Ravenswood, W. Va.;

H. R. 6487. An act authorizing the Baton Rouge-Mississippi River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Baton Rouge, La.;

H. R. 7032. An act authorizing the Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Canton, Ky.;

H. R. 7034. An act authorizing the Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Smithland, Ky.;

H. R. 7035. An act authorizing the Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near the mouth of Clarks River;

H. R. 7909. An act to authorize the maintenance and renewal of a timber frame trestle in place of a fixed span at the Wisconsin end of the steel bridge of the Duluth & Superior Bridge Co. over the St. Louis River between the States of Wisconsin and Minnesota;

H. R. 7915. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Scottsboro, on the Scottsboro-Fort Payne road in Jackson County, Ala.;

H. R. 8106. An act authorizing F. C. Barnhill, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Arrow Rock, Saline County, Mo.;

H. R. 8107. An act authorizing Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Miami, Saline County, Mo.;

H. R. 8227. An act authorizing the Sunbury Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near Bainbridge Street, in the city of Sunbury, Pa.;

H. R. 9063. An act to extend the times for commencing and completing the construction of a bridge across the Chattahoochee River at or near Alaga, Ala.;

H. R. 9064. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Pell City on the Pell City-Anniston road between Calhoun and St. Clair Counties, Ala.;

H. R. 9293. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Clinch River on the Sneedville-Rogersville road in Hancock County, Tenn.;

H. R. 9660. An act authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city;

H. R. 66. An act authorizing B. L. Hendrix, G. C. Trammell, and C. S. Miller, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Mound City, Ill.;

H. R. 5502. An act authorizing the Washington Missouri River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Washington, Franklin County, Mo.;

H. R. 5569. An act relative to the dam across the Kansas (Kaw) River at Lawrence, in Douglas County, Kans.;

H. R. 6973. An act authorizing E. H. Wegener, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 7199. An act granting the consent of Congress to the Oregon-Washington Bridge Co. to maintain a bridge already constructed across Columbia River near the city of Hood River, Oreg.;

H. R. 7375. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala.;

H. R. 7902. An act granting the consent of Congress to the State Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Wetumpka, Elmore County, Ala.;

H. R. 7914. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Whitesburg Ferry, on the Huntsville-Laceys Spring road, between Madison and Morgan Counties, Ala.;

H. R. 8896. An act granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Conecuh River on the Brewton-Andalusia road in Escambia County, Ala.;

H. R. 9019. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at or near Calion, Ark.;

H. R. 9137. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lebanon-Hartsville road in Wilson and Trousdale Counties, Tenn.;

H. R. 9196. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Decatur-Kingston road in Roane County, Tenn.;

H. R. 9197. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn.;

H. R. 9199. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn.;

H. R. 9484. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tom-

bigbee River at or near Aliceville on the Gainesville-Aliceville road in Pickens County, Ala.;

H. R. 121. An act authorizing the Cairo Association of Commerce, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cairo, Ill.;

H. R. 449. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a toll bridge across the Atchafalaya River at or near Morgan City, La.;

H. R. 473. An act authorizing the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky.;

H. R. 5679. An act authorizing the Nebraska-Iowa Bridge Corporation, a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River between Washington County, Nebr., and Harrison County, Iowa;

H. R. 5721. An act authorizing E. M. Elliott and Associate (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at Augusta, Ky.;

H. R. 5722. An act authorizing the Rogers Bros. Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky.;

H. R. 5727. An act to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Harrisonburg, La.;

H. R. 5803. An act authorizing the Interstate Bridge Co., of Lansing, Iowa, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Lansing, Iowa;

H. R. 5818. An act authorizing J. H. Peacock, F. G. Bell, S. V. Taylor, E. C. Amann, and C. E. Ferris, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis.;

H. R. 6476. An act authorizing the Wabasha Bridge Committee, Wabasha, Minn., to construct, maintain, and operate a bridge across the Mississippi River at or near Wabasha, Minn.;

H. R. 6639. An act authorizing the Centennial Bridge Co., of Independence, Mo. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Liberty Landing, Clay County, Mo.;

H. R. 7036. An act authorizing the Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Eggners Ferry, Ky.;

H. R. 7183. An act authorizing C. J. Abbott, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Golconda, Ill.;

H. R. 7184. An act authorizing J. L. Rowan, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Shawneetown, Ill.;

H. R. 7371. An act to legalize a bridge across the Snake River near Heyburn, Idaho;

H. R. 7916. An act authorizing the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Madison, Jefferson County, Ind.;

H. R. 7921. An act authorizing A. Robbins, of Hickman, Ky., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Hickman, Fulton County, Ky.;

H. R. 7925. An act granting the consent of Congress for the maintenance and operation of a bridge across the Monongahela River between the borough of Glassport and the city of Clairton, in the Commonwealth of Pennsylvania;

H. R. 8530. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River near Cedar Bluff in Cherokee County, Ala.;

H. R. 8531. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River on the Columbiana-Talladega road between Talladega and Shelby Counties, Ala.;

H. R. 8726. An act authorizing Oscar Baertch, Christ Buhmann, and Fred Reiter, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Alma, Wis.;

H. R. 8740. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River in Cook County, State of Illinois;

H. R. 8741. An act authorizing the Dravo Contracting Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 8743. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.;

H. R. 8818. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Red River at or near Moncla, La.;

H. R. 8837. An act authorizing the American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Cassville, Wis.;

H. R. 8899. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River at or near Epes, Ala.;

H. R. 8926. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland, Ark.;

H. R. 9139. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lafayette-Celina road in Clay County, Tenn.;

H. R. 9147. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Jasper-Chattanooga road in Marion County, Tenn.;

H. R. 9186. An act authorizing the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Sistersville, Tyler County, W. Va.;

H. R. 9198. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.; and

H. R. 9849. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Quincy, Ill.; to the Committee on Commerce.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 4 o'clock and 15 minutes p. m.) adjourned until to-morrow, Wednesday, February 8, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 7, 1928

REGISTER OF WILLS OF THE DISTRICT OF COLUMBIA

Theodore L. Cogswell.

UNITED STATES MARSHAL

Charles W. Cushing to be United States marshal, southern district of Illinois.

POSTMASTERS

CONNECTICUT

Edward S. Lewis, Portland.

ILLINOIS

William M. Rentschler, Allendale.
Hugh F. Britt, Olmsted.
David R. Bennett, Panama.
Elva B. Towler, Shobonier.

KANSAS

David R. Price, Williamsburg.
Leslie I. Burdick, Winona.

MASSACHUSETTS

Karl F. Koch, Montague City.

MICHIGAN

Arthur R. Ebert, Arcadia.
Ruth A. Atyeo, Belleville.
William Bowers, Central Lake.
William A. Stroebel, East Jordan.
Benjamin Rankens, Hamilton.

MISSOURI

R. A. Gehrig, Salisbury.
Frances R. Jones, Sheldon.

NEVADA

James L. Denton, Caliente.
Henry J. Marriott, Ely.
Vevia B. Eckley, Mina.

NEW HAMPSHIRE

Gertrude P. Donovan, Ashuelot.

NORTH DAKOTA

Marie Toenberg, Alexander.
Ethel M. Anderson, Bowman.
Orna F. Leedy, Goodrich.
Don E. DeLa, Hettinger.

PENNSYLVANIA

Beulah Oswalt, Clarence.
Mary S. Moore, Everson.
George Glenn, State College.

VERMONT

William F. Braley, Hartford.
Lewis H. Higgins, Newfane.

HOUSE OF REPRESENTATIVES

TUESDAY, *February 7, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We thank Thee, dear Lord, that the heavenly vision gives us inward peace. It helps to obliterate sorrow, disappointment, and misfortune. By faith in Thee they lose their power to distress us. We praise Thee that we are not at the hazard of a blind, remorseless force. Holy Spirit, lead us on to the larger and finer attainments; build up the spiritual man and develop the kingdom that is within. Oh, these, our ministries of trust! May they acquire such glory at our hands that criticism can not dull nor infidelity deride. Take our souls, clear them of doubt and of storm cloud; open the doors of our hearts and set our spirits free. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 278. An act to amend section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926;

H. R. 5583. An act granting the consent of Congress to the Kansas City, Mexico & Orient Railway Co. of Texas and the Kansas City, Mexico & Orient Railway Co. to construct, maintain, and operate a railroad bridge across the Rio Grande River at or near Presidio, Tex.; and

H. R. 6099. An act granting the consent of Congress to the States of New York and Vermont to construct, maintain, and operate a bridge across Lake Champlain between Crown Point, N. Y., and Chimney Point, Vt.

The message also announced that the Senate had passed a joint resolution and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 21. Joint resolution to correct section 6 of the act of August 30, 1890, as amended by section 2 of the act of June 28, 1926;

S. 43. An act for the relief of Frederick N. Carr;

S. 46. An act for the relief of Daniel F. Roberts;

S. 138. An act for the relief of Thomas Johnsen;

S. 380. An act for the relief of Charles H. Niehaus;

S. 760. An act granting the consent of Congress to the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River;

S. 771. An act providing for the loan of the U. S. S. *Dispatch* to the State of Florida;

S. 789. An act to amend the merchant marine act, 1920, approved June 5, 1920, by insuring the exemption from income taxes during the 10-year period there provided of profits on the sale of certain vessels when the proceeds of such sales are invested in new American vessels approved by the Shipping Board;

S. 797. An act granting the consent of Congress to the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Wellsburg, W. Va.;

S. 798. An act granting the consent of Congress to the R. V. Reger Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Cumberland, Hancock County, W. Va.;

S. 820. An act granting the consent of Congress to R. A. Breuer, H. L. Stolte, John M. Schermann, O. F. Nienhueser, Charles A. Egley, and George C. Eberlin, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Hermann, Gasconade County, Mo.;

S. 821. An act granting the consent of Congress to O. F. Schulte, E. H. Otto, O. W. Arcularius, J. L. Calvin, and J. H. Dickbrader, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Washington, Franklin County, Mo.;

S. 1122. An act for the relief of S. Davidson & Sons;

S. 1162. An act granting the consent of Congress to the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, for the construction, maintenance, and operation of a toll bridge across the Ohio River at Sistersville, Tyler County, W. Va.;

S. 1164. An act to provide relief for the victims of the airplane accident at Langin Field, Moundsville, W. Va.;

S. 1168. An act to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925;

S. 1181. An act authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended;

S. 1217. An act for the relief of Albert Wood;

S. 1218. An act for the relief of Lincoln County, Oreg.;

S. 1219. An act for the relief of William Mortesen;

S. 1281. An act to amend section 7 (a) of the act of March 3, 1925 (43 Stat. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat. 812), so as to provide operators' permits free of cost to enlisted men of the Army, Navy, Marine Corps, and Coast Guard operating Government-owned vehicles in the District of Columbia;

S. 1287. An act for the relief of the Near East Relief (Inc.);

S. 1325. An act for the relief of John A. Fox;

S. 1347. An act to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended;

S. 1361. An act for the relief of Isabelle R. Damron, postmaster at Clintwood, Va.;

S. 1413. An act to prohibit predictions with respect to cotton prices in any report, bulletin, or other publication issued by the Department of Agriculture or the Department of Commerce, and for other purposes;

S. 1455. An act to grant extensions of time under coal permits;

S. 1498. An act to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge;

S. 1501. An act granting the consent of Congress to the State of Montana, or Valley County, in the State of Montana, to construct, maintain, and operate a bridge across the Missouri River near Glasgow, Mont.;

S. 1531. An act authorizing the Secretary of Agriculture to sell the Weather Bureau station known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia;

S. 1541. An act for the relief of George A. Robertson;

S. 1594. An act for the relief of Capt. Joseph W. Loef;

S. 1623. An act for the relief of William Hensley;

S. 1665. An act to authorize the Board of Park Commissioners of the City and County of San Francisco to construct a recreation pier at the foot of Van Ness Avenue, San Francisco, Calif.;

S. 1758. An act for the relief of Fred A. Knauf;

S. 1759. An act to appropriate treaty funds due to the Wisconsin Pottawatomi Indians;

S. 1771. An act for the relief of Peter S. Kelly;

S. 1879. An act granting the consent of Congress to the Interstate Bridge Co., of Lansing, Iowa, to construct a bridge across the Mississippi River at Lansing, Iowa;

S. 1946. An act relative to the pay of certain retired warrant officers and enlisted men and warrant officers and enlisted men of the reserve forces of the Army, Navy, Marine Corps, and the Coast Guard, fixed under the terms of the Panama Canal act, as amended;

S. 2020. An act for the relief of Leonidas L. Cochran and Rosalie Cochran Brink;

S. 2021. An act extending and continuing to January 12, 1930, the provisions of "An act authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a

deed of quitclaim the title to lots in the city of Pensacola, Fla.," approved January 12, 1925;

S. 2188. An act granting the consent of Congress to Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River, at or near Miami, Saline County, Mo.;

S. 2189. An act granting the consent of Congress to F. C. Barnhill, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Missouri River, at or near Arrow Rock, Saline County, Mo.;

S. 2257. An act granting the consent of Congress to the State Highway Department of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala.;

S. 2310. An act supplementary to, and amendatory of, the incorporation of the Catholic University of America, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia;

S. 2316. An act for the relief of Lewis C. Hopkins & Co.;

S. 2317. An act continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes;

S. 2348. An act granting the consent of Congress to the Norfolk & Western Railway Co. and Knox Creek Railway Co. to construct, maintain, and operate two bridges across the Tug Fork of Big Sandy River near Devon, Mingo County, W. Va.;

S. 2439. An act to amend the military record of Arthur Waldenmeyer;

S. 2457. An act for the relief of Bert Moore;

S. 2471. An act for the relief of the owner of the American steam tug *Charles Runyon;*

S. 2476. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Lafayette-Celina road in Clay County, Tenn.;

S. 2477. An act to extend the time for the construction of a bridge across the Clinch River on the Sneedville-Rogersville road in Hancock County, Tenn.;

S. 2478. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Decatur-Kingston road, in Roane County, Tenn.;

S. 2479. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Jasper-Chattanooga road in Marion County, Tenn.;

S. 2480. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn.;

S. 2483. An act to revive and reenact the act entitled "An act granting the consent of Congress to the State of Illinois and the State of Iowa, or either of them, to construct a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa," approved May 26, 1924;

S. 2490. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.;

S. 2496. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn.;

S. 2516. An act for the relief of the owners and/or receiver of the American steam tug *W. S. Holbrook;*

S. 2517. An act for the relief of the owner of barge *Consolidation Coastwise No. 10;*

S. 2554. An act granting the consent of Congress to the cities of Atchison and Leavenworth, Kans., the city of St. Joseph, Mo., and the counties of Buchanan and Platte, Mo., their successors or assigns, to construct a bridge across the Missouri River, or to acquire existing bridges;

S. 2585. An act for the relief of the owners of cargo laden aboard the U. S. transport *Florence Luckenbach* on or about December 27, 1918;

S. 2586. An act for the relief of the owner of the coast transit division barge *No. 4;*

S. 2591. An act for the relief of Maria Maykovica;

S. 2666. An act granting consent of Congress to the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Madison, Jefferson County, Ind.;

S. 2698. An act granting the consent of Congress to the State of Vermont to construct, maintain, and operate a free highway bridge across an arm of Lake Memphremagog at or near Newport, Vt.;

S. 2730. An act authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city;

S. 2765. An act for the relief of the estate of Benjamin Braznell; and

S. 2780. An act for the relief of owners of cargo aboard the steamship *Boxley.*

The message also announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 108. An act granting the consent of Congress to the States of North Dakota and Minnesota to construct, maintain, and operate a bridge across the Red River of the North;

H. R. 164. An act to authorize appropriations for construction at the Pacific Branch, Soldiers' Home, Los Angeles County, Calif., and for other purposes;

H. R. 172. An act to authorize the Secretary of War to grant and convey to the city of Vancouver a perpetual easement for public highway purposes over and upon a portion of the Vancouver Barracks Military Reservation in the State of Washington;

H. R. 193. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.;

H. R. 194. An act granting the consent of Congress to the county of Morrison, State of Minnesota, to construct, maintain, and operate a bridge across the Mississippi River at or near Little Falls, Minn.;

H. R. 199. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a bridge across the Mississippi River at or near Monticello, Wright County, Minn.;

H. R. 319. An act to legalize a bridge across the Snake River at Idaho Falls, Idaho;

H. R. 444. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Wolf Point, Mont.;

H. R. 495. An act granting the consent of Congress to the county of Armstrong, a county of the State of Pennsylvania, to construct, maintain, and operate a bridge across the Allegheny River, at Kittanning, in the county of Armstrong, in the State of Pennsylvania;

H. R. 766. An act for the relief of Ida F. Baum;

H. R. 2138. An act for the relief of the owner of the schooner *Sentinel;*

H. R. 2145. An act for the relief of Albert J. Zyvolski;

H. R. 3400. An act to correct the military record of Andrew B. Ritter;

H. R. 4127. An act for the relief of Joel T. Smith;

H. R. 4393. An act for the relief of Howard V. Sloan;

H. R. 4707. An act for the relief of Calvin H. Burkhead;

H. R. 4777. An act to compensate Robert F. Yeaman for the loss of certain carpenter tools which was incurred by reason of a fire in the Government area at Old Hickory Ordnance Depot;

H. R. 4995. An act for the relief of Sabino Apodaca;

H. R. 5228. An act for the relief of Finas M. Williams;

H. R. 5300. An act for the relief of Lewis H. Francke and Blanche F. Shelley, sole legal heirs of Ralph K. Warrington;

H. R. 5510. An act granting the consent of Congress to the city of Duluth, Minn., to construct, maintain, and operate a bridge across the Duluth Ship Canal;

H. R. 5628. An act to extend the time for commencing and the time for completing the construction of a bridge across the Potomac River;

H. R. 5638. An act granting the consent of Congress to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Tombigbee River, at Epes, in the State of Alabama;

H. R. 5744. An act granting the consent of Congress for the reconstruction of a bridge across the Grand Calumet River at East Chicago, Ind.;

H. R. 5994. An act for the relief of George C. Hussey;

H. R. 6041. An act granting the consent of Congress to the Pennsylvania Railroad Co. to construct, maintain, and operate a railroad bridge across the Allegheny River;

H. R. 6045. An act granting the consent of Congress to the commissioners of Mahoning County, Ohio, to reconstruct, maintain, and operate the existing bridge across the Mahoning River at South Avenue, Youngstown, Mahoning County, Ohio;

H. R. 6046. An act granting the consent of Congress to the city of Youngstown, Ohio, to construct a bridge across the Mahoning River at or near West Avenue, Youngstown, Mahoning County, Ohio;

H. R. 6162. An act for the relief of Thomas M. Ross;

H. R. 6466. An act granting a part of the Federal building site at Phoenix, Ariz., to the city of Phoenix, for street purposes;

H. R. 6479. An act to extend the times for commencing and completing the construction of a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa.;

H. R. 6483. An act granting the consent of Congress to the State of Illinois, the county of Lee, and the city of Dixon, or any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Rock River at Dixon, Ill.;

H. R. 6512. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Wentworth Avenue in Cook County, State of Illinois;

H. R. 6513. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois;

H. R. 6514. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Indiana Avenue, in Cook County, State of Illinois;

H. R. 6958. An act granting the consent of Congress to the city of Youngstown to construct a bridge across the Mahoning River at Youngstown, Mahoning County, Ohio;

H. R. 6959. An act to legalize a bridge across the Caney Fork River in De Kalb County, Tenn.;

H. R. 7192. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River between the municipalities of Rochester and Monaca, Beaver County, Pa.;

H. R. 7370. An act granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River near Indian Cove, Idaho;

H. R. 7374. An act granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River near Swan Valley, Idaho;

H. R. 7466. An act granting the consent of Congress to the State of Montana, Valley County, Mont., and McCone County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont.;

H. R. 7745. An act granting the consent of Congress to the Chicago & North Western Railway Co., a corporation, its successors and assigns, to construct, maintain, and operate a railroad bridge across the Rock River;

H. R. 7913. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct a bridge across Elk River on the Athens-Florence road between Lauderdale and Limestone Counties, Ala.;

H. R. 8092. An act for the relief of Randolph Sias;

H. R. 8369. An act for the relief of Josephine Thibodeaux; and

H. R. 8889. An act for the relief of Adriano Cruceta, a citizen of the Dominican Republic.

TREASURY AND POST OFFICE APPROPRIATION BILL

Mr. MADDEN, from the Committee on Appropriations, reported the bill H. R. 10635, making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes; which was read a first and second time, and with the accompanying papers ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. BYRNS. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Tennessee reserves all points of order.

WATER BOUNDARY, UNITED STATES AND MEXICO

Mr. MADDEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10636) to make an additional appropriation for the water boundary, United States and Mexico, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That to provide an additional amount for the expenses of meeting the obligations of the United States under the treaties of 1884, 1889, 1905, and 1906, between the United States and Mexico, including personal services, procurement of technical and scientific equipment, camp outfits, and the purchase, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, and $1,200 for rent, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $65,000, to remain available until June 30, 1929.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, I should like to know what the appropriation is for?

Mr. MADDEN. Mr. Speaker, an estimate came to the Committee on Appropriations from the President for $65,000, requesting that it be appropriated, to be placed in charge of the Secretary of State, who is authorized to have a survey made of the Mexican boundary near El Paso and on the Rio Grande River, the purpose being to enter into a treaty with the Republic of Mexico if the survey discloses justification for the treaty. The treaty has already been negotiated between the boundary commissioners of Mexico and the United States, but the President and the Secretary of State are anxious that no treaty be closed until the survey is made, because without the survey they would not understand the obligations to be imposed upon the United States. One of the things proposed is that the Rio Grande River for 170 miles shall be straightened out, and also that it be made more amenable to the disposition of flood waters than it is to-day; that it be reduced to 75 miles along the river front where it is now 170 miles; that the land on the north side of the river shall become the property of the United States and the land on the south side of the river, when it is straightened, shall become the property of Mexico.

There is involved in this what is known as the Chamizal zone. That has been arbitrated as to ownership. The arbitration award was made in favor of Mexico. The United States refused to accept the award. If this improvement under the proposed treaty be made, then the Chamizal zone will go to the United States.

There is another tract of land about 250 acres in extent, adjoining the city of El Paso, title to which would also go to the United States. It may be that quite a large tract of land would come as a result of straightening out the river. The appropriation sought at this time is only for the purpose of making a survey and thereby ascertaining the wisdom of entering into the treaty between the United States and Mexico. The treaty has already been worked up. I know the contents of the treaty. I have letters and correspondence from the Secretary of State and data showing all of the facts, which I ask unanimous consent to have incorporated as a part of my remarks.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

DEPARTMENT OF STATE,
Washington, January 28, 1928.

The Hon. MARTIN B. MADDEN,
Chairman of the Committee on Appropriations,
House of Representatives.

DEAR MR. MADDEN: I beg to refer to House Document No. 149, in relation to a supplemental estimate of appropriation for the Department of State for the fiscal year 1929, for the water boundary, United States and Mexico, amounting to $65,000, and to make the following observations with respect thereto:

First. The American commissioner on the International Boundary Commission, United States and Mexico, is at present under instructions to endeavor to reach a basis for a treaty with the Mexican commissioner with respect to the proposed rectification of the Rio Grande in the valley lands between El Paso, Tex., and the Box Canyon below Fort Quitman, Tex., a distance by the river of 170 miles. Important purposes of the work are to prevent the recurrence of disastrous floods throughout this section of the valley, to stabilize the boundary line between the two countries to avert controversial questions which have frequently arisen in this respect during times past and have required great efforts on the part of the Boundary Commission to adjust, and to avoid the creation of areas by the changing course of the river which have become resorts for smugglers and other law violators, whom the two Governments have found it difficult to control because of disputed questions of jurisdiction.

I may say that the so-called Chamizal tract is situated in the area under discussion, and it is hoped that this case, which has been the subject of diplomatic correspondence with Mexico for a period of more than 20 years, may be resolved as a part of the present efforts of our boundary commissioner. It is also hoped to adjust through this enterprise the matter of the so-called Cordova tract adjacent to El Paso, which is now understood to constitute a convenient place for the operations of lawbreakers.

The American commissioner has for some time been engaged in the furtherance of the work in question and now finds it necessary to ask for an additional appropriation of $65,000 so as to enable him to undertake surveys and the preparation of plans and estimates having for their object the assembling of exact information which might form the basis of a treaty with Mexico.

Second. I desire to state in this connection that it was impossible for the department to bring this estimate to the attention of the Congress before our regular appropriation bill was passed.

Third. In view of the important interests which will be served by the work which I have briefly outlined, it is of the utmost importance that an appropriation be made at the earliest possible date in order that the survey can be begun and the negotiations for the treaty be concluded.

I am, my dear Mr. MADDEN,

Sincerely yours,

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, February 3, 1928.

The Hon. MARTIN B. MADDEN,
Chairman Committee on Appropriations,
House of Representatives.

MY DEAR MR. MADDEN: I am very grateful to you for the consideration you showed on Wednesday to Assistant Secretary Carr and the solicitor, Mr. Hackworth, when they called upon you at my request to explain the necessity for an appropriation of $65,000 for the International Boundary Commission, United States and Mexico. In accordance with the request which you expressed to them I am now inclosing a memorandum setting forth the facts in relation to that estimate, together with a copy of a letter from the Secretary of the Interior giving the views of the Commissioner of the Bureau of Reclamation in regard to the matter.

Very sincerely yours,

FRANK B. KELLOGG.

THE SECRETARY OF THE INTERIOR,
Washington, February 1, 1928.

The honorable the SECRETARY OF STATE.

MY DEAR MR. SECRETARY: Pursuant to telephone conversation with you I transmit herewith memorandum prepared at my request by Doctor Mead, Commissioner of the Bureau of Reclamation, regarding the proposed convention with Mexico for rectifying the Rio Grande and establishment of a more stabilized boundary line between the United States and Mexico.

Very truly yours,

HUBERT WORK.

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, February 1, 1928.

Memorandum for the Secretary.

Some of the advantages that would follow the consummation of the proposed convention with Mexico regarding the rectification of the Rio Grande and establishment of a more stabilized boundary line between the United States and Mexico may be summarized as follows:

In connection with the Rio Grande project the Bureau of Reclamation has expended in the El Paso Valley below El Paso, in round numbers, $6,000,000 in the construction of irrigation and drainage works. In the present state of the river these works are constantly endangered from overflow and erosion. The floods originating above Elephant Butte Dam in New Mexico are effectively regulated by that structure. The regulation of the floods, however, because of the limited amounts of water now carried during periods of low flow, increases the difficulty of maintaining an open and stable channel for carrying the floods originating below the Elephant Butte Dam located about 125 miles above El Paso. The channel becomes restricted when only small quantities of water are being carried and the comparatively small floods which now occur are not sufficient to scour out the channel and keep it open. The bed of the river at El Paso and below has been gradually increasing in elevation by deposition of silt until now it is almost impossible to maintain a stable channel of sufficient capacity to carry even the comparatively small floods originating below the Elephant Butte Dam.

The agricultural area on the American side of the river has been extended and improved at very large expense. This area, tributary to the Rio Grande project, now extends for some 60 miles along the Rio Grande below El Paso and is now in a highly prosperous condition. The desirability of protecting this area and the works of the Rio Grande project can not be too strongly emphasized.

The convention, if carried out, will be of great advantage in settling the controversy that has existed for many years concerning the Chamizal zone, which embraces a considerable part of the city of El Paso and other territory, including irrigable lands below. The uncertainty which now exists concerning nationality and land titles in this and other areas along the river below would be eliminated. The convention proposes to place under the dominion of the United States the lands north of the rectified channel. This action will correct the difficulties mentioned. The plan proposed will also render less difficult the enforcement of the customs and immigration laws by establishing the nationality and jurisdiction of the respective areas which are now fraught with uncertainty and change with the alignment of the river.

ELWOOD MEAD,
Commissioner.

PROPOSED SURVEY FOR THE PURPOSE OF ASCERTAINING FACTS PRELIMINARY TO THE POSSIBLE NEGOTIATION OF A TREATY BETWEEN THE UNITED STATES AND MEXICO FOR THE STABILIZATION OF THE BOUNDARY LINE BETWEEN THE UNITED STATES AND MEXICO

In the early part of 1927 the American member of the International Boundary Commission, United States and Mexico, was instructed to proceed with negotiations with the Mexican commissioner with a view to an agreement between the two Governments upon the rectification of the Rio Grande River in the El Paso and Juarez Valleys. In November, 1927, the commissioner submitted a tentative draft of a proposed agreement which contemplated a rectification and straightening of the river channel, beginning 2 miles above El Paso, Tex., and continuing to the Box River Canyon below Fort Quitman, a distance by the river of about 170 miles, and involving an area of approximately 200 square miles of land directly adjacent to the river. In this area there exists over 3,000 acres of land now largely held by American citizens, over which there exists disputes as to ownership. Portions of this area are located within the city limits of El Paso and are highly valuable. Included in this area is the territory embraced in the well-known Chamizal case, once submitted to arbitration by the two Governments, decided by the arbitral tribunal to be in Mexico, a decision which the United States declined to accept. The ownership of the area is therefore still in dispute. By the present river the distance between El Paso and Fort Quitman, Tex., is 142 miles. By the proposed straightened channel the distance would be 75 miles. It is contemplated by the members of the Boundary Commission that once the channel should be straightened and the boundary line stabilized there should be an exchange of property so that all on the north side of the stabilized channel should be United States territory and all on the south side should be the territory of Mexico, and among the exchanges to be effected would be that of the famous Chamizal area in El Paso, which it is understood to be the purpose to transfer to the United States.

The Rio Grande River, as is well known, is the international boundary line between El Paso and Fort Quitman, Tex. It is fluctuating in discharge and meandering in location. Large and sudden floods are a menace to improvements to public property. The damage from such floods in 1925 was over $500,000. Since 1921 various attempts to provide protection works have been unsuccessful, due to the international character of the necessary investigations and to the known international character of the proposed protection works. For two years the Mexican authorities have been organized and ready to cooperate in the development of plans and estimates for this work. Land values are seriously affected by the lack of plans for rectification works. Such temporary protective levees as are being constructed should be built in conformity with some permanent plan, and no such plan exists. The flood menace is becoming more acute because of the filling of the river channel. It is thought that unless some plan for the rectification of the channel is developed and carried out, a disestablishment of the irrigation and drainage works now serving over 80,000 acres on the American side may result. The city and county of El Paso have in the past few years expended through bond issues one-half million dollars in providing protective and drainage works on unsuitable locations following sharp bends in the river. Immigration, customs, and prohibition laws are difficult of enforcement.

After a consideration of the draft convention submitted by the boundary commissioners of the two Governments it seemed to the Department of State that the first step to be taken should be to determine the location of the proposed rectified channel and of the essential protection works, the areas of land which would be affected by the project, and the cost of carrying the plans into effect. The American commissioner was therefore instructed to formulate plans and estimate the cost of a survey for the purpose of assembling exact information upon the points mentioned. The estimate for this survey is $65,000.

SCOPE AND MAGNITUDE OF PROJECT

The area under consideration, amounting to over 80,000 acres on the United States side, is that included in the valley lands between El Paso and Fort Quitman, Tex. Surveying and mapping would include about 170 miles of the river. The field work would consist of actual location of the present river channel, the establishment of cut-offs to effect the straightening of the channel, including the location of new sections. After preliminary paper locations are made from airplane mosaic maps, profiles of the center line of the rectified channel would be made and include data to show present water surfaces of the river at various points. Detached and separated areas would be mapped and connections to establish proper lines made in order that accurate maps could be prepared showing areas and improvements involved.

These data are to be acquired for lands in the United States on the basis that the Mexican section of the Boundary Commission would obtain similar information, location, and data for Mexican areas.

PERSONNEL OF SURVEY PARTIES

It would be necessary to place two complete survey parties in the field, each composed of one chief of party, one instrument man, one draftsmen, two chainmen, two rodmen, two axmen, and one cook and camp helper. An additional instrument man is provided for level work required in obtaining river elevation and other topographical data. The salary for the positions mentioned are those which have been established in the community for similar work, both private and public. It is expected that there will be six months field work and two additional months for office work, or a total of eight months for the entire survey.

EQUIPMENT SUPPLIES AND MATERIAL

Two survey cars will be required, one for each field party and one truck for moving camp and handling supplies and materials. A considerable amount of work is located at too great a distance from where accommodations and field quarters can be obtained, and it will require the establishment of camps with proper equipment to subsist and quarter field parties when on location work at some distance from towns and settlements.

AIRPLANE MAPPING

An item of $2,000 is included for cooperative work with the Army Air Service in providing a mosaic map of the territory under consideration. Such maps have been used to advantage in other work and, in addition to the saving in preliminary surveys, they provide means for ascertaining location and kind of improvements and other natural and artificial features.

URGENCY OF APPROPRIATION

Inasmuch as the negotiations have been going on for a number of months and the representatives of the two Governments are now in agreement on the main points of the project, it would seem desirable that no time should be lost in making the necessary survey and, if the facts ascertained shall warrant, concluding a treaty for the disposition of the questions under consideration. A delay in the survey might easily result in failure to obtain a definite agreement between the two Governments. Therefore it is thought desirable that the appropriation should be available at the earliest possible moment in order that the members of the Boundary Commission may proceed without delay with the survey.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. LINTHICUM. Is this the same proposition which was before the Committee on Foreign Affairs and which was reported out favorably?

Mr. MADDEN. Yes. It is the one over which the Foreign Affairs Committee has no jurisdiction, because we are acting under the existing treaty.

Mr. LINTHICUM. I thought that it is proposed to make the new treaty.

Mr. MADDEN. The action that we are taking is under authority of the old treaty, but it is proposed to enter into a new treaty.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. HUDSPETH. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. HUDSPETH. Mr. Speaker, I do this in order to thank the chairman and the Committee on Appropriations for hastening the passage of this bill at this time. As the gentleman from Illinois [Mr. MADDEN] stated, this treaty, which, although I have not seen, I know some of its contents, brings to the United States about $50,000,000 worth of property, as I understand, which has been in dispute for many years. The Chamizal zone takes in about one-fourth of the city of El Paso, where I live; also the Cordova cut-off adjacent to El Paso, which I understand goes to the United States. The treaty now settles all these disputes in regard to these strips of land from El Paso to Fort Quitman, and not only that, but it stabilizes the river so that in the future it will not change its course overnight. It is a very important matter to El Paso city and county and also to the United States Government.

Senator SHEPPARD, our able Senator from Texas, and myself have worked for about six or seven years to bring about a settlement of these disputed matters, making dozens of visits to the State Department, the War Department, and the White House, and I want to state here and now we have had not only the active cooperation and assistance of the various Secretaries of State but the able and efficient assistants under them, and the President, who have worked in season and out to get a just and amicable agreement with our neighbors to the south of the Rio Grande, and I am much gratified at the success attained by our very able and diplomatic boundary commissioner, Hon. L. M. Lawson, of El Paso, who negotiated this splendid agreement with the Mexican boundary commissioner, which, I understand, is just to all parties concerned. Also, able gentlemen from El Paso have come to Washington and lent splendid assistance, viz, Major Burgess, ex-Mayor Jackson, Judge E. B. McClentock, Mr. Lawson, and many others. These gentlemen are patriotic Americans and deserve commendation at the hands of our Government and my city and county and the farmers and citizens in the valley below El Paso.

Mr. LINTHICUM. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. LINTHICUM. It is in contemplation that the appropriation is for straightening out the river?

Mr. HUDSPETH. No. It is to make a survey so that the information obtained may be conveyed to the Senate with the proposed treaty.

Mr. RANKIN. If the gentleman has found a committee that can stabilize the Rio Grande I would like to have it stabilize the Mississippi.

Mr. HUDSPETH. These cuts that will be made will have the effect of stabilizing the river and will shorten it about 70 miles from El Paso to the Box Canyon, I will say to my friend from Mississippi. The engineers state that when the channel is straightened it will dredge itself and maintain itself without change in future and also prevent overflow to many acres of cultivated land. I sincerely thank my friends on both sides for aiding in the passage of this bill by giving unanimous consent of the House at this time. [Applause.]

MEMORIAL FROM WISCONSIN LEGISLATURE

Mr. KADING. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD a short resolution passed by the Wisconsin Legislature memorializing Congress to enact necessary legislation for a survey of the Wisconsin and Fox Rivers waterway.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks by printing a resolution passed by the Legislature of the State of Wisconsin. Is there objection?

Mr. LINTHICUM. What is the resolution? Reserving the right to object, Mr. Speaker, I would like to know what the resolution is.

Mr. KADING. It is a short resolution of the Wisconsin Legislature memorializing Congress to enact necessary legislation for a survey of the Wisconsin and Fox Rivers waterway.

Mr. LINTHICUM. I thought it might be a resolution to pass some modification of the Volstead Act, because, I understand, the State of Wisconsin has gone wet. [Laughter.]

Mr. CHINDBLOM. Is this wholly within the State of Wisconsin?

Mr. KADING. Yes.

Mr. BLANTON. Did the gentleman from Maryland say he was in favor of that resolution?

Mr. LINTHICUM. I am in favor of water as a chaser. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Following is the resolution referred to:

Joint Resolution 9, memorializing the Congress of the United States to enact necessary legislation for a survey of the Wisconsin-Fox Rivers waterway

Whereas competent and disinterested engineers report that the nearest feasible connecting link between the Mississippi River and the Great Lakes is a direct route from Green Bay, Oshkosh, and Portage to the Gulf of Mexico; and

Whereas even a casual inspection of a map of this proposed route will show its many great natural advantages. It is a waterway already in existence and navigable for large boats for most of the route. From Green Bay to Portage there is a total distance of 156 miles and from Portage to Prairie du Chien of 117 miles. Between the Fox and Wisconsin Rivers at Portage there is a canal of 2¼ miles. In the Fox River portion of this route there are now 27 locks and 16 United States dams. There is an existing project for the improvement of the Fox River, which provides for a channel 6 feet deep from De Pere, near Green Bay, to Montello, and 4 feet deep from Montello to Portage. At Portage a new lock was ordered constructed in 1927 at a contract price of $163,700. In the Wisconsin River, at a point 28 miles below Portage, in 1915 a power dam, which contains a lock, was completed, which makes the Wisconsin River navigable between these points with the

exception of about 6 miles. Six other dams are needed to make the entire distance to the mouth of the Wisconsin navigable, even in low-water stages. The construction of these dams, it is estimated, will produce 350,000,000 kilowatt-hours of water power, which will greatly reduce the net cost of this improvement; and

Whereas a great deal of tonnage has moved over the Fox River and big boats have traversed these waters by way of Green Bay, Oshkosh, and Portage and a great deal more would be moved if the Government would build the necessary dams and complete the unfinished projects; and

Whereas the Government gets very little, if any, returns from the investments already made, because they do not represent a comprehensive program of improving the entire route; and

Whereas less than the cost of one Government battleship would be required to build the dams needed to make this route a success: Therefore be it

Resolved by the senate (the assembly concurring), That the Wisconsin Legislature respectfully memorializes the United States Congress to authorize and direct a full survey of the Wisconsin-Fox Rivers waterway and to enact such legislation as will result in the completion of such waterway; and be it further

Resolved, That copies of this resolution, properly signed by the presiding officers of both houses and attested by the chief clerks thereof, be sent to the presiding officers of the Senate and House of Representatives of the United States and to each Senator and Member of Congress from Wisconsin.

HENRY A. HUBER,
President of the Senate.
O. G. MUNSON,
Chief Clerk of the Senate.
JOHN W. EBER,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

ALASKA

The SPEAKER. Under the order of the House the Chair will recognize the gentleman from Indiana [Mr. VESTAL] for 35 minutes.

Mr. VESTAL. Mr. Speaker, in the Atlantic Monthly of January, 1928, there is an article entitled "Alaska," written by Col. Wilds P. Richardson. Quite recently the Washington Post editorially advised every Member of Congress to read this article and expressed the opinion that it would furnish Congress with the truth about this Territorial possession. Without doubt many Members of Congress have read the article and have found it entertaining. The CONGRESSIONAL RECORD of January 13 discloses that my good friend Congressman TREADWAY has read it, for in debate he both quotes it and comments upon it.

It is not surprising that this article has been quoted in part in debate on the floor of the House nor that it will be referred to frequently in subsequent debates. It will be surprising if every Member reads it, and it will be more surprising if, after having read it, the reader will be disposed to eliminate the matters therein set forth that can have no possible bearing upon the policy Congress ought to follow in Alaska affairs.

A comparison of the amount of money involved in the purchase of Alaska, negotiating the Louisiana Purchase, or discharging our treaty obligations to acquire Florida ought not to be a factor of any importance at all in considering what we are now going to do in fully discharging our duties as the Congress of the United States to this outlying possession. We bought Alaska and we paid for it.

It has paid a handsome profit on the investment, even according to the figures of those who are most displeased with our ownership. We have before us no prospective real estate transactions either of purchase or of sale, and if it should be proposed to sell Alaska to the present Government of Russia, to Japan, or even to Canada, assuming that any one or all of these Government were prospective purchasers, there is in all human probability not a Member in the Senate or the House who would vote or argue for such a disposal of the Territory. And the reason for such unanimity of opinion would not flow from the pen of the arithmetical acrobat, but would be found to be grounded in public policy just as it was in 1867 when Alaska was purchased. I can not agree entirely with Colonel Richardson on all of his alleged facts.

It appears from what the colonel has to say that he is not satisfied with the route over which the Government constructed the railroad, with the personnel selected to build it, with its present management, with its earnings, nor with the purpose it now subserves. If there is anything else particularly wrong with it, my distinguished colleague from Massachusetts can be depended upon to supplement on the floor of the House what Colonel Richardson has neglected to state.

Colonel Richardson is satisfied with the road and trail work in Alaska carried on under his supervision. Without doubt it meets not only with his approval but with the approval of the residents of the Territory, who always have a good word for Colonel "Dick" and are pleased to have the automobile road from Valdez to Fairbanks, a distance of 371 miles, known as the Richardson Highway. The fact that the Alaska Railroad cost more than was either expected or anticipated does not prove that it is useless. Who is there in carrying out any project, even to the building of a house, who has been so experienced a builder that the fund with which he started has been entirely sufficient? We have the railroad, and even if it fails to-day to measure up as a development project to all that has been represented for it, it would be most unwise to advocate that it be abandoned, scrapped, or sold. They who voted for it in the first instance should not have done so if they expected it would immediately be a paying investment for the Government. Such has not been the history of railroad building by those great transcontinental lines that have figured so conspicuously in the development of all those States west of the Atlantic seaboard.

One should not be particularly impressed with the outstanding criticism made of the city of Seattle in its efforts to foster development in the Territory of Alaska. Maybe it has put its best foot forward a bit too far at times and not advanced toward the goal of its ambition with the most consistent stride, but there is this to say about the cities of the Pacific coast: They have a right to be interested in Alaska and the chances are they have been no more optimistic in their representations about Alaska than any other city in the United States would have been if it had had so alluring a prospect at its front door.

It is, of course, altogether possible that in reading the article mentioned and entitled "Alaska" the reader will not grasp the author's purpose. No definite problem is stated and therefore no solution is attempted. There is the recital of a long list of mistakes and an appeal from the scenic standpoint.

Now, let us get at some of the facts with reference to Alaska. In the first place, it seems to be unanimously agreed that its scenery is all right. In the second place, it is admitted that it has produced approximately one and one-quarter billions of gold, minerals, and raw products that have been shipped to the States. I take the author's figures that, all told, this possession has cost the United States about $200,000,000, and this includes the railroad at a cost of $70,000,000. Not such a bad showing at that. Mind you, now, of this more than one and one-quarter billions of dollars of wealth over $353,000,000 has been in gold. The wealth that this Territory has produced has not remained there, but has come to the States and has been no small factor in the building up of the Pacific coast. Had the wealth remained in Alaska, and had Alaska been so located that conditions there presented as great an appeal as is presented by conditions in the States, Alaska would have even a larger population than it is suggested it ought to have.

The trouble is over the word "development." You can not go up to Alaska and bring its wealth down to the United States and develop Alaska. You are developing the United States by that process. There is nothing wrong about it. The thing that is wrong is the continual harping about this mistake and that mistake and trying to charge to the people of the Territory that they do not have a more populous country to produce more wealth to come to the United States, and fussing about every cent of appropriation that, in the nature of things, is required under our present governmental policy to keep the flow of wealth coming in a constantly increasing stream. Bringing a lot of people from northern Europe to Alaska alone is not going to effect the development about which there is so much talk. The greater amount of this kind of development will come from within and not from without. The distinguished gentleman from Massachusetts seems to think that what Alaska needs more than anything else is immigration to the Territory. He feels so strongly upon that point that he would almost be willing to repeal the restriction law so far as it applies to Alaska and permit any and all classes of people to emigrate to this Territory. Congress has, by the passage of the restrictive immigration law, tried to protect the people of the United States against undesirables, and, so far as I am concerned, I think the people of Alaska are entitled to the same protection against such class of emigrants as are the people of Massachusetts or any other State in the Union.

Let me add that the white citizens of Alaska are just as patriotic, intelligent, and law-abiding as are the citizens of any other part of the United States. I admit that immigration of the right kind will be welcomed by the people of Alaska and will help to bring about a healthy development of the Territory; but it is my judgment that what is most needed is a little encouragement to the people who pioneered that country and

who have spent the best years of their lives there and are rearing families, because, after all, the real development of the Territory must come through them.

According to the report of the Governor of Alaska for the year 1925, Alaska shipped to the United States raw products to the value of $61,042,862, and the United States shipped to Alaska merchandise to the value of $33,621,969. In 1926 the figures were $61,071,867 shipped out and $31,774,477 shipped in. These figures tell the story rather than does a comparison of the purchase price of Alaska with the Louisiana purchase. In 1927 exports amounted to $80,018,034 and imports amounted to $32,062,902.

There were employed in commercial fisheries in Alaska in 1926, 28,052 persons, of whom it appears that at least 20,000 were residents of the States and went to Alaska to take advantage of a seasonal occupation. Presumably they are hired in the cities of the Pacific coast, are paid off when they return to the States, and spend their money in the States. One may wish a different situation to exist. No one has yet discovered a way to make the wealth produced in a certain section stay there. Manhattan Island would have had a difficult job on hand to raise enough garden truck to build Wall Street, small as it is.

It is hardly to be expected that the gentleman from Massachusetts is going to want to live in Alaska. It seems that Colonel Richardson spent most of his summers in Alaska, but his winters, and possibly part of his cash, were spent in Washington, D. C. There is nothing either wrong or unusual about it. The building of the Government railroad helped to develop the United States more than Alaska. There was the hope that it would induce more people to go to Alaska and live there, but the facts are the States wanted the coal it believed Alaska possessed for its Navy on the Pacific coast. It seems there was some misinformation somewhere. The United States hoped the building of this railroad would stimulate mining and that the minerals within access to the railroad would eventually come to the United States. None of its several activities, except under the Bureau of Education and agricultural experiment stations, could be expected to be directly the means of bringing a permanent population to any particular section. There was the hope that the building of the railroad would be an inducement for more homes and more people in the Territory, but it is safe to say that no Member of Congress knew at the time he voted for the bill of any person or any group of people whom he was expecting to go to Alaska and to reside there permanently.

But what about this railroad? The gentleman from Massachusetts told the House, in his remarks, that the railroad is a colossal failure. That a part of it was built upon a glacier and had to be rebuilt each year. I am sure the gentleman is mistaken in these facts. The facts I have obtained from the Department of the Interior, and from what I have observed, are to the effect that no part of the railroad is built upon a glacier or upon glacial ice, and no portion has to be rebuilt each year. In some places the thawing of frozen roadbed is troublesome, but that condition is being remedied now by drainage and ballasting.

Freight inbound over the railroad consists of all kinds of general supplies and outfit, such as food, clothing, building machinery, automobiles, oil, gasoline, and so forth. Outbound freight is of less volume. A large part of the money earned by patrons of the railroad comes from the gold-mining industry, the product of which is shipped out by mail and express, and is in small volume. The outgoing tonnage consists mainly of ore concentrates, canned fish, and coal.

About half the tonnage handled by the railroad is coal from the local mines, most of which is carried to points on the railroad. A small amount, however, is transferred to boats at Anchorage or Seward for delivery to canneries.

The entire line of the railroad is in operation throughout the year. About 30 per cent of the tonnage is handled during the five months of November, December, January, February, and March. The winter operation is of importance to the public, as much of the freight for outlying points, off the railroad, must be carried by sleds, which can be done at reasonable cost only when the ground is frozen and covered with snow. At that time sleds can travel over frozen swamps, lakes, and streams, and over roads that are too soft to permit heavy hauling over them in the summer months.

During the fiscal year 1925 the railroad hauled 53,965 tons of commercial freight, and in 1927, 82,416 tons, an increase of 52.8 per cent. While a continuance of this rate of increase can not be expected, there is every reason to believe that a substantial increase will occur each year.

Material for two of the seven dredges to be installed in the district north of Fairbanks were received in December and are now in course of erection. A contract has been placed for local coal for use in the power plant that will furnish electric energy for these dredges. It is estimated that when all the dredges are in operation 60,000 tons of coal will be required annually for this one enterprise.

Interests representing English capital are considering the development of a large lode mine and construction of a stamp mill, in the Fairbanks district, also the development of deposits of tin ore in the Hot Springs district and antimony in the Kantishna country.

Antimony: An element of metallic appearance and crystalline structure tin-white in color, hard and brittle, used chiefly in alloys to give hardness and the property of expanding on solidification. Its compounds are used in medicine and in the arts.

Other encouraging prospects are having consideration, some of which will no doubt become actual producers of traffic for the railroad.

Passenger traffic over the Alaska Railroad to and from interior Alaska is showing a consistent and substantial increase from year to year. This condition is due in large measure to the fact that the several rail and steamship transportation companies interested in the development of tourist travel to and throughout Alaska, are succeeding, through various publicity channels, in presenting Alaska's many attractions to the traveling public and to transportation representatives. It is likewise due to the fact that in Mount McKinley Park, and at other points throughout Alaska, transportation and hotel accommodations for travelers are being enlarged and improved from year to year. Actually, at the present time, tourist travel to and throughout Alaska is in its infancy.

Mr. McCLINTIC. Mr. Speaker, will the gentleman yield?

Mr. VESTAL. Yes.

Mr. McCLINTIC. Can the gentleman give us any information relative to the accommodations that are available to tourists in Mount McKinley Park?

Mr. VESTAL. Yes. I will come to that in a few moments.

The cost of operating the road has decreased annually and the income has steadily increased, so that the actual deficit for the fiscal year 1927 was about $900,000.

I am placing in the RECORD as a part of my remarks a comparative statement of operating revenues and expenses of the railroad for the past three or four years, which shows there has been a gradual reduction in the cost of operation and a gradual increase in the total revenue:

Comparative statement of operating revenues and expenses of the Alaska Railroad—Summary

	Fiscal years 1916–1924	Fiscal year 1925	Fiscal year 1926	Fiscal year 1927	Estimated, fiscal year 1928	Estimated, fiscal year 1929
Revenues:						
Rail line	$3,672,854.63	$797,439.82	$994,354.60	$1,260,213.78	$1,250,000.00	$1,350,000.00
River boats	69,649.17	63,797.42	73,157.27	73,469.10	85,000.00	85,000.00
Total revenues	3,742,503.80	861,237.24	1,067,511.87	1,333,682.88	1,335,000.00	1,435,000.00
Expenses:						
Rail line	12,534,098.93	2,426,546.67	2,130,488.45	2,132,813.82	2,253,000.00	2,225,000.00
River boats	111,513.05	108,687.93	106,225.46	101,043.73	105,000.00	110,000.00
Total expenses	12,645,611.98	2,535,234.60	2,236,713.91	2,233,857.55	2,358,000.00	2,335,000.00
	Fiscal years 1923–24					
Operating deficit	3,337,833.54	1,673,997.36	1,169,202.04	900,174.67	1,023,000.00	900,000.00
Appropriations	2,645,000.00	1,302,400.00	1,200,000.00	1,200,000.00	1,000,000.00	900,000.00
Deficiency	[1] 692,833.54	[1] 371,597.36			23,000.00	
Surplus			30,797.96	299,825.33		

[1] The deficiency shown was covered by funds available from previous appropriations and by other resources, including material on hand.

Comparative statement of operating expenses of the Alaska Railroad—Rail line

	Fiscal years 1916–1924	Fiscal year 1925	Fiscal year 1926	Fiscal year 1927	Estimated, fiscal year 1928	Estimated, fiscal year 1929
Maintenance of way and structures	$5,598,320.99	$1,302,596.56	$1,154,930.26	$1,089,668.20	$1,200,000.00	$1,165,000.00
Maintenance of equipment	2,021,286.45	271,021.95	251,024.54	295,233.55	295,000.00	290,000.00
Traffic	20,343.17	25,433.25	26,589.05	28,231.92	28,000.00	30,000.00
Transportation	3,861,987.96	571,550.80	479,778.74	482,487.04	490,000.00	500,000.00
Miscellaneous operations	703,996.65	121,313.06	111,361.33	131,215.29	132,000.00	130,000.00
General	328,163.71	134,631.04	106,804.53	105,977.82	108,000.00	110,000.00
Total expenditures	12,534,098.93	2,426,546.67	2,130,488.45	2,132,813.82	2,253,000.00	2,225,000.00

Comparative statement of operating revenues of the Alaska Railroad—River boats

	Fiscal year 1924	Fiscal year 1925	Fiscal year 1926	Fiscal year 1927	Estimated, fiscal year 1928	Estimated, fiscal year 1929
Freight	$21,337.19	$19,977.14	$25,827.56	$29,817.28	$45,000.00	$45,000.00
Passenger	16,846.75	16,672.70	17,643.05	17,451.35	15,000.00	15,000.00
Excess baggage	310.35	176.45	204.06	187.90	200.00	200.00
Mail	28,314.10	26,039.24	28,955.53	23,843.90	24,000.00	24,000.00
Express	668.03	131.89	198.57	51.64	300.00	300.00
Other	2,172.75	800.00	328.50	2,117.03	500.00	500.00
Total revenues	69,649.17	63,797.42	73,157.27	73,469.10	85,000.00	85,000.00
Repairs, floating equipment	16,208.97	15,417.86	19,658.93	24,005.55	25,000.00	27,500.00
Operating of vessels	86,968.24	86,017.18	77,648.68	68,072.80	70,000.00	72,500.00
Operation of terminals	6,980.11	7,250.89	8,010.49	9,725.49	10,000.00	10,000.00
Incidentals	1,355.73	2.00	907.36	760.11		
Total expenses	111,513.05	108,687.93	106,225.46	101,043.73	105,000.00	110,000.00

Comparative statement of operating revenues of the Alaska Railroad

	Fiscal years 1916–1924	Fiscal year 1925	Fiscal year 1926	Fiscal year 1927	Estimated, fiscal year 1928	Estimated, fiscal year 1929
Freight	$1,380,211.00	$412,194.17	$566,810.95	$811,496.53	$795,000.00	$870,000.00
Passenger	760,839.16	171,552.07	202,834.26	207,147.92	210,000.00	225,000.00
Mail	239,835.82	31,876.46	34,087.12	33,621.26	34,000.00	34,000.00
Express	13,184.88	4,955.06	5,240.22	6,557.04	7,000.00	8,000.00
Dining and buffet cars	21,556.85	4,294.05				
Hotel and restaurants	38,623.90	33,094.47	40,655.25	43,038.30	45,000.00	50,000.00
Telegraph and telephone	189,732.61	23,542.14	25,067.54	26,197.61	28,000.00	30,000.00
Power	361,659.30	59,060.33	64,092.19	64,256.18	64,000.00	64,000.00
Other revenues	667,211.11	56,871.07	55,567.07	67,898.94	67,000.00	69,000.00
Total revenues	3,672,854.63	797,439.82	994,354.60	1,260,213.78	1,250,000.00	1,350,000.00

And now what about the development in which the Members of this House are interested? I went to Alaska last summer to see if I could learn something about the people who are making their homes there. I did not go on a 20-day tour of criticism with a notebook full of figures about the cost of Florida, or the corn crop of Iowa. I went there with my wife and we stayed in the Territory from August 4 to September 20. I learned that this railroad about which there has been so much criticism made possible the transportation to its interior terminus of the heavy equipment and supplies necessary to mine the worked-over placers and low-grade virgin placers of the section adjacent to Fairbanks. I found that initial expenditures on the project will amount to something like $16,000,000, and that these placers are calculated to produce during the next 20 to 25 years upwards of $150,000,000.

Let me tell you something more about the work contemplated by the Fairbanks Exploration Co. In expending $16,000,000 they are constructing—and have practically completed—a ditch 86 miles long, 12 feet wide at the bottom and 25 feet wide at the top, for the purpose of bringing water from a reservoir formed from the waters of Faith, Hope, and Charity Creeks over this placer territory in order to wash the gold at these placer mines. And may I say for the benefit of the gentleman from Massachusetts, if he does not already know, that the greater part of the capital invested in the Fairbanks Exploration Co. comes from the people of his State. It is very interesting to note this development. At places the ditch is built in the sides of the mountain. One mountain is tunneled through. At other places steel pipe 4 feet in diameter is used to syphon the water over the mountain. The work is furnishing employment for hundreds of men, and I understand this is only the first of a number of similar developments to be undertaken by this same company. In Fairbanks they have constructed a great power plant at a cost of $1,500,000.

As I have already stated, I went to Alaska for the purpose of investigating as much as I could the existing conditions and to get a true insight into this great frontier. I traveled probably a thousand miles out of Fairbanks in different directions. A road is now about completed from Fairbanks to Circle City, over which we traveled. I pioneered some parts of Alaska from the hurricane deck of a horse and spent several nights as a sourdough, sleeping on a bed of birch poles—my only covering a buffalo robe and the stars. And let me add that I never in my experience found a higher type of citizenship than I found among the miners and prospectors during these trips of exploration.

The people of the States are led to believe that Alaska is nothing more or less than an iceberg, that the only means of transportation is by dog teams, and that nothing grows there. Let me give you my experience on the 1st day of September of last year. The agricultural fair was held in Fairbanks on the first three days of that month, and I was invited to and did deliver a speech at the opening of this fair. I was agreeably surprised at the exhibition of agricultural products, such as potatoes, onions, celery, beets, cabbage, and, in fact, every kind of garden vegetable that is raised in any State of the United States was shown there and is raised in abundance in and around Fairbanks. I venture to say that no section of our country ever produced finer or better vegetables than we found in Alaska. I saw two heads of cabbage that tipped the scales at 101 pounds. When remarking about them to an old prospector at the fair, he said:

> Why, that ain't nothin'. I called up the man who raised this cabbage the other day and told him I wanted him to make me a barrel of kraut. In the evenin' he called me back and said, "I have your barrel of kraut ready. What do you want me to do with the other half of the head of cabbage?"

Another product I desire to mention is the sugar beet. These sugar beets were analyzed and shown to have from 17 to 18 per cent sugar content and to be from 81 to 90 per cent pure, and the yield to be upward of 10 tons per acre. I do not care to go on record as saying that Alaska will ever be a great agricultural country, yet there are thousands upon thousands of acres of land that will produce such vegetables as I have mentioned.

The Department of Agriculture has released for information a statement relative to unifying its Alaskan development work. A year ago Congress paved the way to a better organization of Federal activities in the Territory by giving the power to Secretaries of the Interior, Commerce, and Agriculture to

designate local representatives as Resident Commissioners. The Secretary of Agriculture has defined the functions and authority of the commissioners so designated. He is of the opinion that Alaska must be built up on permanent lines through the creation and enlargement of industries that will stay, and says further:

It has unknown but certainly important agricultural possibilities; great timber-growing possibilities; great possibilities for meat and fur production and the like, and the certainty of large-scale permanent manufacturing enterprises in the course of time.

In my judgment, the surface has only been scratched of the rich store of minerals to be found in this country. Coal, iron, and tin there is in abundance. The coal mines have not been developed because of the high cost of transportation, but what a wonderful reservoir of minerals is there, to be used in the future. I traversed upon one occasion a canyon known as the Healy River Canyon, and inspected the Healy River coal mine in operation there. I walked into a tunnel in the mountain for perhaps a quarter of a mile, and in that distance found 162 feet of workable coal, the veins averaging from 16 to 50 feet. Farther up this canyon I came upon another mine called the Roth coal mine, which has not been developed. I had heard so much about this coal that I crawled into a small opening in the mine and secured a small piece of the coal and brought it out. I struck an ordinary match, held it under the piece of coal and it immediately ignited.

The gentleman from Massachusetts has led you to believe that the ground in Alaska is frozen the year round to bedrock.

Mr. TREADWAY. Will the gentleman yield there, or is he unwilling to be interrupted?

Mr. VESTAL. I will yield in a moment.

Of course, that statement is exaggerated. There are parts of Alaska where the ground is frozen to bedrock and only thaws a couple or 3 feet at any time in the year. But there are other places where the thermometer does not even register as low as zero at any time of the year. We left Valdez about the 20th of September, and that day for lunch in Valdez we had strawberries picked from the garden there. I only mention these things to show that the whole of Alaska, at least, can not be termed an iceberg. I never saw more beautiful flowers in sunny California than were blooming in Alaska.

Of course, as the gentleman from Massachusetts has well said, the scenery in Alaska is probably the finest in the world. In my judgment if a roadway were constructed in McKinley Park so that the tourists could get near the foot of Mount McKinley, and a hotel were built, on the order of the one at Curry, thousands of people would win their way to Alaska every summer.

I believe the best way we can help the people of Alaska to develop their Territory is to encourage the building of decent and adequate highways wherever possible. And let me say here that while Alaska is rich in its scenery, in its minerals, and in its timber and fur-bearing animals, it is richer in the class and character of its people. They are fearless, honest, and law-abiding and are of the type who settled in the unknown wilds of Kentucky, Tennessee, Oregon, and Washington in the early days. Their children are healthy and sturdy, and are being taught and brought up with a wholesome respect for law and order and for the principles of the Government under which they live. They are patriotic citizens, too, and during the World War contributed a greater percentage of able-bodied men of draft age, according to population, than any other State or Territory in our country, to fight for the flag. It is a record of which any people may well be proud.

I found Fairbanks to be a pioneer city of homes, slowly but surely attaining the development which the Member from time to time mentioned. Soon after my arrival I was invited to speak at the opening of the Empress Theater, and delivered a speech to an audience of 700 persons seated in a concrete, fireproof building, the construction of which cost something like $200,000. I found a happy, contented pioneer class of men and women developing this part of our northern domain with gardens, farms, schools, and churches, and contributing in no small measure to the high ideals that go with American citizenship. [Applause.]

There, too, I found the last land-grant college established under the Morrill Act of 1862, the "farthest north" college in the world. It is an institution that during its first four years has grown from an enrollment of 62 to 164, and carries on regular four-year college courses. I saw a town of some 2,500 inhabitants, with the requisite number of automobiles—some 600—and tourists coming and going by the hundred, either by rail over the Alaska Railroad or by auto over the Richardson Highway. Airplanes were coming and going nearly every day to distant points. I met these pioneers of the north and the young men and women born there and found them worthy of the responsibility they have undertaken—and that is, to do a lot for the United States, with the hope that in the "doing" process they will be accomplishing a little for themselves.

I have introduced in Congress a bill which is now before the Agricultural Committee which seeks to extend the provisions of the Hatch, Adams, and Purnell Acts—granting certain moneys to land-grant colleges—to this college in Alaska. I hope the bill may be favorably reported by the committee and passed in the House. I can see no reason why a land-grant college in Alaska should not receive the same benefits as the similar colleges in any other State of the Union.

Referring again to the report of the governor for 1927, and to that of 1926, 1925, and 1924, we find that the public-school enrollment is increasing. In the records of Congress we find that the progressive citizenry of the north has been to Congress repeatedly for authorization to issue bonds to build fireproof modern school buildings—which bonds, I may say, have been oversubscribed when issued.

Alaska is helping to develop the United States. Her balance of trade does not mean that the difference is her profit, as would ordinarily be the case. That balance of trade is in favor of those who live in the States. This possession of ours is one of the sources of our own development. The appropriations Alaska receives are small in comparison with the wealth she pours into the United States. Her own development—that is, the kind we want her to have—is slow, but it is sure and it comes from within.

I pledge myself not only to Alaska but to the people of the States to give my best efforts to an unbiased consideration of the needs of the people of Alaska, to the end that the prosperity which the United States enjoys by virtue of the physical location of that Territory shall not mitigate against those of our citizens who make their permanent homes in the northland and whose prosperity contributes more to the well-being of the United States than it does to the prosperity of Alaska. [Applause.]

CONSTRUCTION OF PUBLIC BUILDINGS

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 278) to amend section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 278) to amend section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take the bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, is that the result of an agreement made between the gentleman from Texas [Mr. LANHAM] and the gentleman from Indiana?

Mr. ELLIOTT. Yes. I have conferred with Mr. LANHAM.

The SPEAKER. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. ELLIOTT, Mr. TAYLOR of Tennessee, and Mr. LANHAM.

WAR DEPARTMENT APPROPRIATION BILL

Mr. BARBOUR. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10286, the War Department appropriation bill.

The motion was agreed to.

The SPEAKER. The gentleman from Connecticut [Mr. TILSON] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10286, the War Department appropriation bill, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the War Department appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes.

The CHAIRMAN. When the committee rose on Friday a point of order was pending against the last paragraph read. The gentleman from Iowa [Mr. LETTS] is recognized.

Mr. LETTS. Mr. Chairman, I now wish to withdraw the point of order that I made on Friday.

The CHAIRMAN. The gentleman from Iowa withdraws the point of order on the pending paragraph.

Mr. BULWINKLE. Mr. Chairman, I desire to offer an amendment, and ask unanimous consent to return to page 24, line 21, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to return to page 24, line 21, for the purpose of offering an amendment. Is there objection?

Mr. CHINDBLOM. Reserving the right to object, Mr. Chairman, may we have the amendment read?

The CHAIRMAN. The Clerk will read the amendment for information.

The Clerk read as follows:

Amendment proposed by Mr. BULWINKLE: On page 24, in line 21, after the word "for," strike out "officers' quarters" and insert in lieu thereof the following: "quarters for officers, warrant officers, and noncommissioned officers."

Mr. CHINDBLOM. Mr. Chairman, I withdraw the reservation.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BULWINKLE: On page 24, line 21, after the word "for," strike out the words "officers' quarters" and insert: "quarters for officers, warrant officers, and noncommissioned officers."

Mr. BULWINKLE. Mr. Chairman, on Thursday, when the bill was under consideration, there was some dispute as to what was meant by the words "officers and noncommissioned officers." I am offering this amendment for the purpose of clarifying those words so that everyone may understand them.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

CHEMICAL WARFARE SERVICE

For purchase, manufacture, and test of chemical warfare gases or other toxic substances, gas masks, or other offensive or defensive materials or appliances required for gas-warfare purposes, including all necessary investigations, research, design, experimentation, and operations connected therewith; purchase of chemicals, special scientific and technical apparatus and instruments; construction, maintenance, and repair of plants, buildings, and equipment, and the machinery therefor; receiving, storing, and issuing of supplies, comprising police and office duties, rents, tolls, fuels, gasoline, lubricants, paints and oils, rope and cordage, light, water, advertising, stationery, typewriting and adding machines, including their exchange, office furniture, tools, and instruments; for incidental expenses; for civilian employees; for libraries of the Chemical Warfare Service and subscriptions to periodicals, which may be paid for in advance; for expenses incidental to the organization, training, and equipment of special gas troops not otherwise provided for, including the training of the Army in chemical warfare, both offensive and defensive, together with the necessary schools, tactical demonstrations, and maneuvers; for current expenses of chemical projectile filling plants and proving grounds, including construction and maintenance of rail transportation, repairs, alterations, accessories, building and repairing butts and targets, clearing and grading ranges, $1,304,780.

Mr. BURTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BURTON: On page 46, line 16, strike out the figures "$1,304,780" and insert in lieu thereof the figures "$1,249,780."

Mr. BURTON. Mr. Chairman, the object of this amendment is to restore in the bill the estimate of the Budget, which was increased $55,000 by the Subcommittee of the Committee on Appropriations in their report to the House. This involves the whole question of the use of poisonous gas in warfare. A year ago last January I addressed the House on this subject and was compelled to say that the action of our Government in this regard came very near to bad faith. If there is any one stand this country has taken in its treaties and negotiations with foreign countries in the last seven years, it has been in opposition to the use of poisonous gas in warfare. In our treaties with Germany, Austria, and Hungary a reference is made to the treaty of Versailles, and in those treaties will be found this provision:

The use of asphyxiating, poisonous, or other gases and all analogous liquids, materials, or devices being prohibited, their manufacture and importation are strictly forbidden.

In Germany, in Austria, and in Hungary the manufacture and importation, both alike, of these materials are prohibited.

In the conference of 1921–22 Mr. Hughes, then Secretary of State, brought forward this question of the prohibition of poisonous gas under that feature of the agenda which was termed "Rules for control of new agencies of warfare." An advisory committee was chosen, made up of military and naval experts from our own country, and from this committee there was a unanimous expression in favor of the prohibition of poisonous gas and liquids. On that subject our General Pershing, who was the chairman, said:

Chemical warfare should be abolished among nations as abhorrent to civilization. It is a cruel, unfair, and improper use of science. It is fraught with the gravest danger to noncombatants and demoralizes the better instincts of humanity.

The General Board of the Navy submitted a report, in which they said:

The General Board believes it to be sound policy to prohibit gas warfare in every form against every objective, and so recommends.

Mr. MERRITT. What was the date of that report?

Mr. BURTON. That in 1921–22, just prior to the treaties made here at Washington. Mr. Elihu Root presented this resolution:

The use in war of asphyxiating, poisonous, or other gases and all analogous liquids, materials, or devices, having been justly condemned by the general opinion of the civilized world, and a prohibition of such use having been declared in treaties to which the majority of the civilized powers are parties:

Now, to the end that this prohibition shall be universally accepted as a part of international law, binding alike the conscience and practice of nations, the signatory powers declare their assent to such prohibition, agree to be bound, especially between themselves, and invite all other civilized nations to adhere thereto.

The French delegation, the British delegation, and the Japanese delegation supported this.

As a result, a treaty was framed, signed by the five powers on February 6, 1922, in the following form:

The use in war of asphyxiating, poisonous, or other gases, and all analogous liquids, materials, or devices, having been justly condemned by the general opinion of the civilized world, and the prohibition of such use having been declared in treaties to which a majority of the civilized powers are parties;

The signatory powers, to the end that this prohibition shall be universally accepted as a part of international law binding alike the conscience and practice of nations, declare their assent to such prohibition, agree to be bound thereby as between themselves, and invite all other civilized nations to adhere thereto.

The United States Senate, on March 29, 1922, unanimously advised and consented to the ratification of this treaty. There was more in the treaty, a duty imposed on the United States.

The Government of the United States will further transmit to each of the nonsignatory powers a duly certified copy of the present treaty and invite its adherence thereto.

In the Conference for the Control of International Traffic in Arms, held at Geneva, in 1925, our State Department instructed the American delegation to insist on a similar provision there.

With enthusiasm, I may say, a protocol was approved by some 42 nations that were represented there. It was supported by Germany, Japan, Italy, France, and England.

I quote very briefly from a famous orator, M. Paul-Boncour, who was chairman of the French delegation:

The military regulations of France on the conduct of the larger units begin with these words: "Faithful to the international undertakings which France has signed, the French Government will, on the outbreak of war, and in agreement with the Allies, endeavor to obtain from enemy governments an understanding that they will not employ gas as a weapon of war."

That is set out not in a vague proclamation, not in a political manifesto, but in the forefront of our military regulations. It is the doctrine which the French Government intends to guide the action of its superior commanders, its officers, its noncommissioned officers, and its common soldiers.

Now, if there is any one thing which should characterize the policy of a country, it is fidelity to its treaty engagements and the stand which it has taken in these matters.

It is true this protocol adopted at Geneva has been stalled in the Senate and has not been passed upon. In the meantime, contrary to the recommendations of President Coolidge, contrary

to all these treaties, the Chemical Warfare Service of the War Department is seeking in every way to enlarge our operations in the use of poisonous gas in warfare. I do not object to the maintenance of laboratories. I do not object to preparation in case another country should violate its agreements. We should be prepared, and it is to be noted that this treaty binds only those who are parties thereto. If an outside country, such as Russia or Turkey, should use poisonous gas, we would be justified in using it; but I am opposed to this constant enlargement of preparations for the use of gas in warfare.

There is a certain element—and it is not confined to the War and Navy Departments—constantly making its calculations on the idea that in a brief time we are going to be precipitated into war. I do not believe in this policy. I think we should have hope and faith that we will not be. "Trust in the Lord and keep the powder dry" is the right principle, but, nevertheless, I most emphatically deprecate this constant policy of increasing military and naval armament.

This particular provision pertains to an increase of $55,000 in the making of gas masks. The hearings are not altogether clear on this subject, but it appears we have a great store of gas masks already on hand.

What probability is there that we shall need gas masks in the next year or in the next two years? It appears from the testimony, at page 590 of the hearings, that there are 70,000 of these gas masks manufactured in 1921 and we have made since then or provided for 50,000 more. Fifty thousand are being made under the 1927–28 appropriations, and there is an additional 21,000 suggested by the Budget Bureau for the coming fiscal year ending June 30, 1929, making in all 71,000—7 for every 12 of our soldiers—and it is stated in the hearings on page 592, "They have a gas mask for every man in the Navy."

It also appears that under present plans if an emergency should arise we could manufacture 4,000 of these gas masks in a month, and that the number could be increased even to 8,000 per day in 60 days.

Disregarding the recommendation of the Budget Bureau, which has very great difficulty in keeping down the very aggressive advocacy by the Army and the Navy of additional appropriations for war, this bill adds $55,000 and makes provision for 3,667 additional gas masks.

Mr. GARRETT of Tennessee. Will the gentleman from Ohio yield for a question?

Mr. BURTON. Yes.

Mr. GARRETT of Tennessee. If I understand it correctly, the amendment of the gentleman is leveled simply at the manufacture of the gas masks.

Mr. BURTON. Yes.

Mr. GARRETT of Tennessee. It does not go to the development of gas itself?

Mr. BURTON. No. As I have stated, I believe we should maintain our laboratories, that we should maintain a certain amount of material, so that in the event of war—quite improbable, I think—we would be prepared to use poisonous gas, an article which we would not use, I believe, on our own initiative, but to use it against another country which, in violation of what has been regarded as the rules of humanity, might employ it.

Mr. GARRETT of Tennessee. But what impresses me is that the gentleman is striking at the only defensive feature that there is in this item.

Mr. BURTON. The fact of the matter is——

Mr. GARRETT of Tennessee. We can not say that the other nations shall not use gas, and yet the gentleman proposes to take away part of our protection in the event they do.

Mr. BURTON. It is a part of a general program which has been very manifest in the Chemical Division of the Army to disregard the instructions given to our delegation at Geneva, to disregard the record of this country in its treaties. They have issued a deal of propaganda in regard to it. There is an organization known as the National Association for Chemical Defense, and this is but part of a general plan for the expansion of what I regard as not only an inhumane method of warfare—there may be some difference of opinion about that—some seem to think, as I stated a year ago, that its use in warfare, whether against hospitals or against individuals, is about like confetti throwing at a wedding, and they believe it is a very fine thing, but I do not believe so. But whatever may be true about that, the uniform course of our Government has been to repress, to forbid, to prohibit the use of poisonous gas. This addition is but a part of a program to ignore this policy of the Government, to go contrary to our action in every international conference, and even though it may be merely for gas masks, it is part of a general plan.

I want to say to the gentleman from Tennessee, in addition, we have already tens of thousands of these gas masks available—30,000, 20,000, plus 21,000—that would be either manufactured or in process of manufacture—71,000 in all under the Budget estimate, and this provides for an additional number.

Mr. GARRETT of Tennessee. Mr. Chairman, of course I agree with the gentleman from Ohio that our treaty obligations should be scrupulously observed. But I do not quite understand how the manufacture of protective devices so that our forces can be protected in the event that other nations do not observe the treaty obligations or in the event that we should have difficulty with some nation not a party to any treaty can be a violation of the treaty on our part.

Whether the masks provided for in this bill are needed presents another question. I assume that they are, in the opinion of the War Department, else they would not be cared for by the Budget and brought in by the committee on this bill.

One thing is quite certain, if we should unfortunately get ourselves or be gotten into a situation where we needed gas masks we are going to need them right then and will not have time to wait for them to be manufactured. A gas mask is like a knife in a fight—you want it immediately or it will be of no benefit.

Mr. BURTON. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. BURTON. We have a capacity to manufacture 40,000 a month.

Mr. COLLINS. Two hundred thousand a month.

Mr. BURTON. And it can be enlarged to 8,000 a day; the provision is made for the manufacture of 71,000 in legislation already adopted.

Mr. COLLINS. Mr. Chairman, the purpose of the amendment of the gentleman from Ohio is to reduce the number of gas masks; in other words, it is to leave the figures in the bill just as the Budget fixed them and just as the Budget sent this item to the committee. The committee saw fit to raise the number of gas masks to be manufactured and stored.

We have a government-owned plant now that in 60 days can manufacture 8,000 gas masks a day, or 200,000 a month.

Mr. GARRETT of Tennessee. How long do the gas masks last when not in service?

Mr. COLLINS. Five years; they store them in hermetically sealed tin boxes, and they will last between 5 and 10 years.

Mr. GARRETT of Tennessee. How many of them have they on hand?

Mr. COLLINS. Captain Walton testified that 70,000 useful gas masks that were made in 1921 are on hand. Between 1921 and 1927 none were made, and the appropriations for 1927, 1928, and 1929 will provide for 71,000 more masks. We will have then a total of 141,000 gas masks.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. WAINWRIGHT. Why should not we have them if they are necessary for defense?

Mr. COLLINS. I will answer the gentleman as General Williams answered a similar question about a reserve of automobiles. Some one suggested that perhaps it would be a wise thing to buy a lot of automobiles and store them in warehouses for war purposes. General Williams answered that it would be foolish, utter folly for a country that manufactured 80 per cent of the automobiles of the world to manufacture and store automobiles for an emergency.

What is the sense of storing gas masks when they can be manufactured faster than you can get the men to put them on? [Applause.] It is utter folly; it is just a waste of $55,000; and that is all there is to it. If the gentleman were a director of a corporation and had this question before him, as a business man he would not waste a minute in deciding it against the extra masks.

Mr. WAINWRIGHT. Would the gentleman like to go into a battle without a gas mask?

Mr. COLLINS. Oh, that is not the question.

Mr. WAINWRIGHT. I ask the gentleman whether he would like to go into battle where there was a possibility that he might need a gas mask without one?

Mr. COLLINS. That is not the question. General Fries testified that we were ahead of the rest of the world in the quantity of gas masks manufactured. He wants to manufacture and store 450,000 more than we have now, where they will either deteriorate or become obsolete, probably both. He pointed out improvements that were made during the last year. These improvements are constantly going on. Why the necessity of manufacturing and storing large numbers of them when improvements are constantly made in effectiveness?

Mr. BANKHEAD. Mr. Chairman, this appears to me to be a rather important problem. Unfortunately, I was not present when the gentleman from Ohio [Mr. BURTON] made the first part of his statement. As I came into the Hall he was making the argument, at least by inference, that this appropriation for the manufacture of these additional gas masks was in some way violating, if not the letter, at least the spirit of our international obligations on this question. I ask the gentleman from Ohio briefly to state just what our obligation is in that particular, if any?

Mr. BURTON. I would not say that it is violating the letter. I would say that it is violating the spirit. In every negotiation with any other country in which we have engaged, beginning in 1921, we have sought to bring into effect the absolute prohibition of the use of poison gas.

The Chemical Warfare Bureau of the War Department has been working the other way, to increase the equipment for chemical warfare and the use of poisonous gases. I repeat what I must repeat, because the gentleman was not here, that I did not object at all to the maintenance of laboratories or a reasonable supply of poisonous gas or a reasonable supply of gas masks, but when you press it to the extent it is proposed you violate the spirit of our agreements and you violate the letter of treaties in which we have taken part.

Mr. BANKHEAD. The gentleman in his statement further observed that this action was in contravention of the instruction that the delegation from America received when it went to the Geneva conference.

Mr. BURTON. I did not say that. The instructions given to the delegation sent by the United States to the Geneva conference of 1925—and the gentleman should not confuse that with the conference of 1927—a conference for the control of international traffic in arms, was to secure a provision prohibiting the shipment between nations of asphyxiating or poisonous gases.

Mr. BANKHEAD. By whom was that instruction given?

Mr. BURTON. It was given to the commission of the United States, of which I was the chairman.

Mr. BANKHEAD. By the President?

Mr. BURTON. By the Secretary of State, after consultation with the President. That was found to be objectionable, in that the minor countries could not manufacture a supply, and if they were forbidden to import they would be at a disadvantage. It was changed so as to embody in a protocol an absolute prohibition of the use of asphyxiating gases. There was extended cabling between the delegation at Geneva and the President and the Secretary of State. That change was approved, a drastic, absolute prohibition of the use of asphyxiating gases in warfare. Following our lead—and that is an important part of it, because America desired it—the other nations joined enthusiastically in the protocol—France, England, Germany, Japan, and others.

Mr. BANKHEAD. Mr. Chairman, that is the information that I desired to secure from the gentleman. I yield back the remainder of my time.

Mr. MONTAGUE. Mr. Chairman, I move to strike out the last two words, and if the gentleman from Ohio [Mr. BURTON] will give heed, I do it for the purpose of eliciting information from him. I understood the gentleman to say that America had taken the lead in this prohibition of poisonous gases. Am I correct or not in that statement?

Mr. BURTON. I would say that it is true if you do not go back historically to 1899, the First Hague Conference. The United States did not then take the lead. Under the advice of Admiral Mahan and, I think, General Crozier, who were somewhat skeptical in regard to it, we did not take the lead. Beginning in 1921 the United States did take the lead.

Mr. MONTAGUE. But the gentleman will concede that at The Hague Conference in 1899 the United States did not subscribe to the prohibition of the use of poisonous gases, although Germany and other nations of great military equipment for warfare did enter into a treaty for the disuse of such gas. On that occasion America stood out almost alone in behalf of the use of poisonous gases.

Mr. BURTON. That was on the ground that the question had not been sufficiently considered.

Mr. MONTAGUE. It was on the ground that our civil representatives, if I may so designate them, I think Doctor White and Mr. Choate and others, left the matter entirely to Admiral Mahan and General Crozier.

Mr. BURTON. Yes.

Mr. MONTAGUE. Of course, that was our responsibility.

Mr. BURTON. However, I must emphasize that at the beginning of 1921 there was an entirely different attitude.

Mr. MONTAGUE. I understood the gentleman to say that we took the lead in the matter, and I wanted to learn when that lead commenced.

Mr. BARBOUR. Mr. Chairman, this is not an item in the bill to become unduly alarmed about. It appropriates the same amount of money that was carried for Chemical Warfare Service in the 1928 bill. We are not going to spend as much money under this appropriation for chemical warfare work as we are spending this fiscal year. While this bill carries the same amount as the 1928 bill, we are going to spend more for repair of buildings at Edgewood Arsenal. Less money is provided for chemical warfare work than in the 1928 bill.

The situation is simply this: The Budget recommended funds for the manufacture in 1929 of 21,000 gas masks. Last year we provided in the 1928 bill for 30,000 gas masks.

The committee increased the Budget estimate by $55,000, which would provide for the manufacture of 24,667 gas masks for the Army. Gentlemen, that is a very modest provision. You have been told here that we can produce them at the rate of 200,000 a month. It is true that we can reach a production of 200,000 per month in 60 days, but in the beginning our production will be only 4,000 a month. In 60 days we can reach a production of 200,000; but in order to reach this production we must keep our plant in good working condition. We must have persons who are trained in the manufacture of these complicated devices. So this provision of the bill is a very modest one. This does not violate any treaty. It violates no obligation. It is simply a modest defensive measure, and the money which the committee recommends in addition to the Budget estimate is strictly for defensive purposes.

We are carrying on experimental work in the laboratory at Edgewood Arsenal. This is in exact accord with the statement of the gentleman from Ohio [Mr. BURTON] to the effect that he has no reasonable objection to defense in the event that other nations use gas. As a matter of fact, other nations are going far beyond what we are doing in this country in chemical warfare and in preparation for the use of poisonous gases and in the manufacture of gas masks and other defensive apparatus. This is a small appropriation for defensive purposes. It is true that we have 70,000 gas masks at this time, but if we were to engage in war we would in a short time have to mobilize a million men, and how far would our present supply of gas masks go?

Mr. TABER. Is it not a fact that practically all our supply of gas masks is now outside of continental United States?

Mr. BARBOUR. Yes.

Mr. GARRETT of Tennessee. Are they in Nicaragua?

Mr. BARBOUR. This is for the Army. It is the Navy that is in Nicaragua.

Mr. COLLINS. Can the gentleman tell us where they are?

Mr. BARBOUR. Most of them are at Panama, in Hawaii, and in the Philippines.

Mr. CONNALLY of Texas. Does not the gentleman think we should have some of them in the House?

Mr. BARBOUR. I think that might be well. [Laughter.]

Mr. COLLINS. It is stated that there are 10,000 stored in the United States, and then there are some in process of manufacture.

Mr. BARBOUR. Practically all of our reserve is at the overseas posts.

Mr. MANLOVE The gentleman from Texas facetiously remarked that some of these gas masks ought to be in the House. I submit that this gas is not dangerous. [Laughter.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BARBOUR. May I have one minute more?

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BARBOUR. The gentleman from Tennessee [Mr. GARRETT] struck the keynote of this whole proposition. This is only a modest appropriation for defensive purposes and it is not extending offensive work at all.

Mr. HILL of Alabama. Ten for a company would not be enough. We have to have at least one for each man in a company?

Mr. BARBOUR. Yes.

The CHAIRMAN (Mr. MICHENER). The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. BURTON. Mr. Chairman, may we have a division?

The CHAIRMAN. The gentleman from Ohio asks for a division.

The committee divided; and there were—ayes 21, noes 70.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

UNITED STATES MILITARY ACADEMY

PAY OF MILITARY ACADEMY

Permanent establishment: For eight professors, $30,506; chaplain, $4,000; constructing quartermaster, in addition to his regular pay, $1,000; additional pay of professors and officers for length of service, $11,750; subsistence allowance of professors and officers, $3,942; in all, $51,192.

Mr. COLLINS. Mr. Chairman, I make a point of order against the following words in line 15 on page 49: "In addition to his regular pay, $1,000." I make the point of order because that language is in violation of existing law.

The CHAIRMAN. Does the gentleman from California desire to be heard? Can the gentleman from California cite an authority of law?

Mr. BARBOUR. What is the language objected to?

The CHAIRMAN. Page 49, line 15, "In addition to his regular pay, $1,000."

Mr. BARBOUR. Would not that go also to the words "constructing quartermaster"? I think the point of order, if made, should be directed to all of the language relative to the constructing quartermaster.

Mr. LAGUARDIA. It has been carried in the bill every year, has it not?

Mr. BARBOUR. Yes; for about 20 years.

Mr. COLLINS. I make the point of order against the language, "constructing quartermaster, in addition to his regular pay, $1,000."

Mr. BARBOUR. Is this an amendment?

Mr. COLLINS. No; it is a point of order.

Mr. BARBOUR. It has been carried in the appropriation bills for 20 years, but the point of order is good.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. LAGUARDIA. Mr. Chairman, I want to take this opportunity to call the attention of the House to the methods employed by the recruiting service enticing young men to enter the service. The Army has recruiting offices scattered throughout my city, with large signs indicating every day in the Army like a Sunday in the city, illustrations of the Tropics, and everything that goes with them; and these recruiting officers make statements to the boys far different from the actual conditions prevailing in the Army. Only recently this poster [indicating] was displayed in New York City. My secretary saw it on Fourteenth Street, and I investigated the reason of the poster and what the recruiting officers were doing with it.

It said:

See Dress Parade, a Donald Crisp production. A story of West Point, Pathe Exchange (Inc.), distributors. Produced by De Mille Pictures Corporation. Duty, Honor, Country.

Then it said:

Do you want to go to West Point? Ask recruiting officer.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLACK of Texas. I would remind my friend from New York that enlisted men do have an opportunity to go to West Point from the Army.

Mr. LAGUARDIA. I will come to that. These posters were displayed on the stand which the recruiting officer has. The gentleman from Texas observes that they have a chance to go to West Point from the Army, but there are about how many appointments a year from the Army?

Mr. BLACK of Texas. I think it is 20, or thereabout.

Mr. LAGUARDIA. From the whole Army?

Mr. BLACK of Texas. I think so.

Mr. LAGUARDIA. Exactly.

Mr. BLACK of Texas. And I dare say that if the recruiting officer was asked about that he would give the correct information. At least it would be his duty to do so.

Mr. LAGUARDIA. I will come to that.

Mr. BARBOUR. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BARBOUR. General Winans testified before the committee that there are: Senatorial appointments, 192 cadets; congressional appointments, 870 cadets; and from the Regular Army, 90.

Mr. LAGUARDIA. Ninety appointments from the United States Army throughout the whole United States. We have 100,000 men in the Army, and you can figure the average. Not 1 boy in 10,000 will ever have a chance to go to West Point. Besides that, the recruiting officers of the Army were used to advertise a moving picture.

Mr. BARBOUR. Will the gentleman yield again?

Mr. LAGUARDIA. Yes.

Mr. BARBOUR. That 90 is not every year. There are 90 in the academy at one time.

Mr. LAGUARDIA. A four-year course; so you divide that by four and will find that 1 boy in 25,000 would have a chance to go to West Point.

A youngster did go to a recruiting officer; and he was told, "Why, certainly, we will send you to West Point." This boy had only two years of high school, and he told that to the recruiting officer. The recruiting officer told boys I sent up to him that it was not necessary to go to a politician. He said they did not have to go to a Congressman, but all they had to do was to enlist in the Army for three years and they would send them to West Point.

Mr. BARBOUR. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BARBOUR. I just want to say that during the last three or four years three young men from my own district have gone into the United States Naval Academy from the enlisted service of the Navy and Marine Corps.

Mr. LAGUARDIA. That is all right. There is nothing wrong about that; but they have the great advantage of having a Representative who is in a key position on the floor of the House. [Laughter.]

Mr. MADDEN. I would like to ask the gentleman if he thinks that has any influence. I do not think it has.

Mr. KNUTSON. It has not mitigated against them in any way.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. LAGUARDIA. Here is a specific case in New York of a young man, a graduate of the high school, who went to the recruiting office and enlisted for three years. He was examined physically at the time. The recruiting officer in New York sent photographs of this young boy being sworn in. He was of Italian parentage, and the recruiting officer sent photographs of his being sworn in to local foreign papers in New York. This boy enlisted, and when he applied a year later for his appointment to West Point they found he had defective vision and could not qualify. He had the same vision at the time he enlisted. I brought this to the attention of the War Department, and this boy had to pay $125 to buy his discharge. He did that after he found that his eyesight was defective, but he enlisted on the express and direct promise that he would be sent to West Point, and that statement was sent by the recruiting officer in New York to the local papers.

When I discovered this poster I immediately sent a photostatic copy of it to the War Department. The next morning I got a telephone call. One of the boys who served with me in the Army drew this picture. How did he know I had made a kick? How did he know I had complained against this poster? He got a long-distance call from Washington. He said, "LAGUARDIA, there is $300,000 invested in this poster," and he said, "won't you withdraw your complaint until the picture is produced?" But I refused to withdraw it, and the Secretary of War did order the discontinuance of the poster. He did do that. When I called his attention to the poster the Secretary of War did withdraw the poster from this combined arrangement with the moving-picture company and the Army.

Mr. McCLINTIC. Who lost the $300,000?

Mr. LAGUARDIA. The moving-picture company. There was an arrangement between the moving-picture company and the Army that the moving-picture company would furnish the posters and the Army would furnish the display.

Mr. McCLINTIC. Did the Army subscribe to any of the cost of the poster that was put out?

Mr. LAGUARDIA. No. My understanding is they did not. The arrangement was that the producers would furnish the posters and the Army would furnish the display. You see, they have these recruiting officers stationed in cities at strategic points, where there is a great deal of traffic, and, of course, it is quite a display.

Mr. McCLINTIC. Was the Army to participate in any of the profits made by the moving-picture company?

Mr. LAGUARDIA. No. In all fairness to the Secretary of War, he did discontinue the use of this poster immediately, and such posters were not displayed after that in New York City, and I assume they were not displayed anywhere else.

As I said, the young man I referred to was told by a recruiting officer, a commissioned officer, that he could enter West Point by enlisting for three years. A physical examination was made at the time of his enlistment, and as he passed the physical test then he assumed he would obtain his appointment to West Point. As a matter of fact, his vision was defective at the time of enlistment and it was certain at the time that the boy could not meet the West Point physical requirements. Yet, he was enlisted in the Army on willful misrepresentation made by the recruiting officer.

Young boys with only two years of high-school training enlist for three years with the hope of passing the entrance examination at West Point when it is out of the question and impossible.

I submit this practice is manifestly unfair. The United States Army in its recruiting should be required to use that same degree of honesty and business ethics that we expect in the ordinary dealings between men to-day. I have taken this time for the purpose of bringing this to your attention. I did not introduce any amendment to cut down the appropriation for three reasons—one I could not get by with it, and the other two are not important. [Laughter.]

But I do hope the Members will look into this matter in their own home towns and observe just how far the recruiting officers go and then bring pressure to bear on the War Department in order that this false propaganda, misrepresentation, and this enticing of young men may be stopped. [Applause.]

Mr. LOZIER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. LOZIER. Is it not the fact that frequently boys are admitted to the Naval Academy when they have defective color perception which is congenital, and they are kept there two years before the department ever finds that defect? Is not this frequently the case?

Mr. LAGUARDIA. There is no loss to the young man in such a case, because the boy has at least had two years of excellent education and training.

Mr. CASEY. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, there seems to be among the members of the committee a desire to laugh this charge out of court, so to speak. I am very glad the gentleman from New York [Mr. LAGUARDIA] has raised this question. He requested the Members of the House to look into the situation in their respective districts. Let me say to the gentleman and to the members of the committee I have been compelled to look into this situation in my district every day in the year, because of the dishonest and disgraceful actions of some of the recruiting officers in my section.

I realize full well that it is necessary to recruit young men into both the Army and the Navy, but I have no patience with a system that takes the fathers of families away from their families and puts them into the Army or the Navy, leaving defenseless and helpless children behind them to be supported by a mother who has all she can do, and more than she can do, to take care of her little brood of children. I have no sympathy with a system that recruits men who are under the influence of bootleg liquor into the service, leaving familes of 6, 8, 9, or 10 children behind, to be provided for from public charity.

Almost every day in the week and every week in the year I am compelled to bring such cases as I have described to the attention of both the Army and the Navy Department because of the disgraceful transactions by some of the recruiting officers in my district. I believe the time has arrived when the House should give expression, an emphatic expression, in condemnation of a situation of this kind.

Mr. BARBOUR. Will the gentleman yield?

Mr. CASEY. Yes.

Mr. BARBOUR. The gentleman does not find that the Army and Navy Departments countenance these things, does he?

Mr. CASEY. I think that is rather far-fetched. Of course, we can not tie it onto the officers so far as ordering the recruiting officers to do the thing is concerned, but nevertheless it is done, and it is done every day in the year. Notwithstanding that these cases are called to their attention every day, the departments know all about these, yet they do nothing to put a stop to it. Boys 14, 15, or 16 years of age are taken into the Army or the Navy in my district without the consent of their parents.

Mr. BARBOUR. They can be discharged from the service, under the law.

Mr. CASEY. Oh, yes; if the parents happen to find out where the boys are within six months. If they do not find out where they are within six months they have lost their rights, under the regulations of the departments, as the gentleman knows.

Mr. BARBOUR. I am not defending this policy.

Mr. CASEY. I hope not; nobody can defend it.

Mr. BARBOUR. I was simply asking the gentleman, as a matter of information, when he said he had taken these matters up with the department, whether the department had countenanced such things.

Mr. CASEY. Of course, if I can make out a case of violation of law, they discharge them; and if I can not, they keep them.

Mr. LOZIER. Will the gentleman yield?

Mr. CASEY. Yes.

Mr. LOZIER. The gentleman from California [Mr. BARBOUR] has asked if these boys are not discharged when they have enlisted when they are under age; is it not true that under the regulations of the War Department these boys, when they are so discharged, are given a dishonorable discharge and are denied a pensionable status? [Cries of "No! no!"] That is the fact.

Mr. CASEY. That has not been my experience.

Mr. LOZIER. I have such a letter on my desk and I will ask leave to print in the RECORD in connection with my inquiry a statement from the Secretary of War, in which he states that is the policy of the War Department. Where there has been an enlistment under such conditions they are given a dishonorable discharge.

Mr. BARBOUR. How long ago was that?

Mr. LOZIER. In the last few days.

Mr. CASEY. Just a moment. I did not yield for a colloquy between the gentlemen. I want to make a statement myself about this matter.

Mothers have come to my home with tears in their eyes begging me to intercede in their behalf, stating that their boy, 14 or 15 years of age, is down at the recruiting station and is to be sent away the next morning. I tell them to go and make their appeal to the recruiting officer, because I can do nothing for them.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CASEY. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CASEY. I suggest to these poor mothers that they go to the recruiting officer and tell them that I have no influence with the recruiting officer, but must wait until the boys are inducted into the service and then I can take up their cases with The Adjutant General's office. These poor mothers have gone there and have pleaded with these men. They have told them, "My boy is only 15," and have been insulted by those officers saying, "How do we know you are telling the truth." A boy 14 or 15 years of age can tell the truth, in the estimation of these recruiting officers, but the word of the mother of that boy can not be taken by these men.

This is a shameful, disgraceful situation and is one that ought to be stopped. I feel very thankful to the gentleman from New York [Mr. LAGUARDIA] for bringing this matter up and giving me an opportunity to enter my protest, in my own feeble way, against the continuation of a situation that is disgraceful to the Government of the United States. [Applause.]

Mr. BLAND. Will the gentleman yield?

Mr. CASEY. I will.

Mr. BLAND. Does not the gentleman think the situation would be partly cured if there was an amendment requiring the discharge of these boys at any time? At the present time it is limited to six months after the boy enlists, when if the application is made the department is required to discharge him at any time would not there be considerable relief?

Mr. CASEY. That would grant considerable relief, but it should also provide that any officer guilty of anything of that kind should be dishonorably discharged from the service. [Applause.]

Mr. COCHRAN of Missouri. I want to say to the gentleman that the time in the Navy is 60 days and not 6 months.

Mr. CASEY. Very often we find young men running away and enlisting and who are sent to the Philippine Islands or Porto Rico and the other outlying possessions, and their parents do not know where they are. They are looking all over the neighborhood, they have the police authorities looking for them, and finally the boy gets sick or homesick and then the parents are notified. They immediately make application for the discharge of the boy on account of dependency or his minority, and they are told that under the regulations the boy has served six months and can not be discharged. Then there is nothing

the poor mother can do unless they beg, borrow, or steal $120 to have that boy discharged. The whole thing ought to be stopped. [Applause.]

Mr. COCHRAN of Missouri. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, any Member who comes from a large city will appreciate the experience of the gentleman from New York [Mr. LAGUARDIA] with the recruiting officials of the Army and Navy. He is perfectly right when he says there is too much misrepresentation and that recruiting officials go too far in inducing young men from 14 to 18 years of age to enter the Army or Navy. I further desire to commend the gentleman from Pennsylvania [Mr. CASEY], and I will support an amendment, if he offers it, which will provide that any enlisted man or officer who knowingly enlists a boy under the legal age shall receive a dishonorable discharge.

In this connection, Mr. Chairman, I desire to call the attention of the House to another matter. In my city, St. Louis, during the war space was assigned to the United States Army and Navy on the ground surrounding the courthouse to erect tents to be used by the recruiting officials. An emergency existed and the officials of my city were doing everything possible to aid the Government. Tents were erected and have never been removed. I appealed to both the Army and Navy officers in St. Louis to remove this eyesore. The location was too desirable and they said they would recommend to their superior officers in Washington that every effort be made to retain it. Judging from the looks of the tents, they are the same ones that were placed there back in 1917. I am reminded of this by the discussion to-day, and I propose to ask both the Secretary of War and Secretary of the Navy to abolish this branch office of the recruiting station in my city. The courthouse square of a large city is no place for tents.

The gentleman from New York [Mr. LAGUARDIA], who spoke, referred to the poster which bore the words "Do you want to enter West Point?" used by the Army recruiting service, in condemning the practice of enticing young men into the Army, said that only one boy out of every 25,000 has such an opportunity through regular Army channels. I am proud to be the Representative of a district which furnished a young man, not because he enlisted in the Regular Army solely for the purpose of getting an opportunity to take the examination for West Point, but because he passed the examination and is in West Point to-day.

In November, 1926, Joseph F. Carroll, residing at 4741 Northland Avenue, St. Louis, Mo., which is in my congressional district, applied to me for an appointment to West Point. He was a fine-looking young man and had completed two years of study at the Washington University in St. Louis. I told him I would have no vacancy until 1928, but that I would try and secure him an appointment from one of the Senators from Missouri when I arrived in Washington. I suggested that he remind me by letter the first week in December. On my arrival in Washington I found the reminder on my desk. The Senators could offer Mr. Carroll no appointment. I then offered him an appointment to Annapolis. He replied that although he was eligible he would not consider an appointment to Annapolis. He added, "The life of a naval officer does not appeal to me as does that of an Army officer." Learning there was a chance, and a mighty slim chance at that, this young man, a university student, enlisted in the Regular Army in December, took the examination in March, passed, and is to-day a cadet at the United States Military Academy. I predict a long and successful Army career for him.

Mr. SPEAKS. Mr. Chairman, I move to strike out the last two words. This is really an important matter. I have had many cases during the past year, some of them of the most pathetic character.

The difficulty undoubtedly arises from the methods adopted by the recruiting officials, particularly the noncommissioned officers and privates sent out to induce young men to enlist. They are out to get men and they may not be overly careful regarding the statements made in appealing for recruits.

Take the case of a boy who was 8 years of age during the war. He remembers the flags flying, the bands playing, and the great enthusiasm for the service. Everybody was glorifying the soldier. Ten years have passed and he may be led to believe that the same conditions exist in the Army to-day. It will take but a few days to learn that he has made a mistake if he is not suited to Army life.

On the principal corner of my home city there are always two or three noncommissioned officers, soldierly in appearance and who know the story of the service perfectly. They attract the attention of boys and are quick to engage them in conversation. They tell them stories of seeing the world, and repeat other appealing inducements with which we are all familiar, and the boy is induced to enlist. One week is likely to cure him if he has no desire for the service other than a longing for travel.

I have a case on my desk right now where a young man makes affidavit that he enlisted with the understanding that he was to be a flying cadet. He swears that he enlisted with that understanding. The commanding officer appears to have agreed that he was to be made a flying cadet and recommended to the War Department that he be discharged because of misunderstanding or misrepresentation.

Enlistment is a contract, although the department appears to regard it as a matter for arbitrary decision on their part. I took it up with the War Department and found that in disregard of the recommendation of the commanding officer and of everybody involved, the War Department says that there is no just reason for discharging this man.

This question is a very serious matter to many poor families where the boy should be at home. A few years ago we passed a bill authorizing the War Department to make enlistments for one year in the hope that we might reduce the number of desertions, but it seems one-year enlistments are not accepted. We are sending scores of young men to Leavenworth and the other prisons, homesick and disillusioned boys who could not endure Army life, who finally, in a spirit of desperation, desert and are marked forever.

The constant fear of detection and arrest compels many to surrender, when Leavenworth or some other prison is the end. And we have another boy with a prison record. It is absolutely unfair. The gentleman from New York, who brought the subject to the attention of the House, did not go far enough.

Mr. RAGON. Mr. Chairman, will the gentleman yield?

Mr. SPEAKS. Yes.

Mr. RAGON. As I understood the gentleman's statement about the young man, who had misrepresentations made to him, he stated a similar case to one which I had. I was advised then that the man to see was not The Adjutant General or the War Department, but his commanding officer. As I understand the gentleman, this boy's commanding officer says that he should be discharged.

Mr. SPEAKS. The boy makes an affidavit setting forth all of the circumstances and states that the commanding officer reported to higher authority the facts and recommended that he be discharged. If that is all true, the boy ought to be discharged.

Mr. RAGON. Does the commander of the corps area say that he should be or should not be?

Mr. SPEAKS. I have forgotten what the recommendation of the commander of the corps area is on this case, but his immediate commanding officer, who investigated the subject and whose recommendation ought to be accepted, stated that he should be discharged.

Mr. RAGON. I have exactly the same kind of a case. I had two brothers. One was discharged and they are holding the other.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

The Clerk read as follows:

All of the money hereinbefore appropriated for pay of the Military Academy shall be disbursed and accounted for as pay of the Military Academy, and for that purpose shall constitute one fund.

Mr. LOZIER. Mr. Chairman, I move to strike out the last word for the purpose of calling attention of my colleagues to some official correspondence to which I referred a few moments ago when the gentleman from Pennsylvania [Mr. CASEY] yielded to me while he was addressing the House. I do this in order to show the practice of the War Department in the past in refusing an honorable discharge to boys who enlisted in the Army while they were minors, and who in their eagerness to enter the service concealed the fact that they were under age, referring, of course, to minors who enlisted without the knowledge or consent of their parents. I have a specific case in mind.

James Hogan enlisted in the Army without the consent of his parents when he was 18 years of age. On the application of his mother he was released, but was not given an honorable discharge, the War Department taking the position that inasmuch as he had concealed his age he was not entitled to an honorable discharge. While in the service he contracted disabilities which, under ordinary circumstances, would have given him a pensionable status. Applying for a pension his claim was rejected on the alleged grounds that "his service was not honorable," although he was guilty of no act while in the service that would prevent him from receiving an honorable discharge.

The refusal to give him an honorable discharge was based solely on the fact that at the time of his enlistment he had concealed his true age. He was not conscious of having in any way violated any military regulation or been guilty of any misconduct while in the service. In order to ascertain why and how his service had not been honorable, I addressed a communication to The Adjutant General requesting specific information as to any act of misconduct of which this soldier had been guilty while in the service of his country, and in due course I received a reply in words and figures as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, January 28, 1928.

Hon. RALPH F. LOZIER,
House of Representatives.

MY DEAR MR. LOZIER: I have your letter of January 21, 1928, in which, referring to the case of James Hogan, Company H, Sixth United States Infantry, you desire to know why he does not have a pensionable status under the general pension laws.

The records of my office show that James Hogan enlisted May 26, 1870, at Fort Gibson, Ind. T., at which time he stated his age to be 21 years. He was assigned to Company H, Sixth United States Infantry, and was discharged from service October 18, 1871, at Camp Supply, Ind. T., as a private pursuant to paragraph 2, War Department Special Order No. 388, dated October 3, 1871. This discharge was brought about through an application filed by the mother of the soldier for his discharge; his mother testified that he was born November 5, 1853, and was, therefore, under 18 years of age at enlistment, and that he had enlisted without her knowledge or consent. Her application for the discharge of James Hogan was approved, and there was issued the War Department special order above mentioned, which reads as follows:

"Pvt. James Hogan, Company H, Sixth Infantry, now with his command, will be discharged the service of the United States, provided there be no impediment as desertion, etc., upon receipt of this order at the place where he may be serving. This soldier is entitled to pay, etc., only under paragraph 1371, Revised United States Army Regulations of 1863."

Paragraph 1371, above cited, reads as follows:

"1371. Every enlisted man discharged as a minor, or for other cause involving fraud on his part in the enlistment, or discharged by the civil authority, shall forfeit all pay and allowances due at the time of the discharge, and shall not receive any final statements."

It has been the practice of the department for many years to consider soldiers who were discharged from the service on account of minority concealed at enlistment or for other cause involving fraud at enlistment as not honorably discharged, and the War Department holds that the discharge from service on October 18, 1871, of James Hogan, Company H, Sixth United States Infantry, was not honorable. Of this holding, the Commissioner of Pensions has been informed, and it is presumed that the rejection of James Hogan's application for a pension is due to this holding of the War Department. However, as the Commissioner of Pensions is the official charged by law with the administration of the pension laws, your letter has this date been forwarded to the commissioner, who will doubtless give you full information in regard to the action of the Pension Bureau in the case of James Hogan at an early date.

Very respectfully,

LUTZ WAHL,
Major General, The Adjutant General.

It will be observed that the War Department withheld an honorable discharge from this young man because he, in his eagerness to enter the military service of his country, concealed his true age. The War Department does not contend that the soldier was guilty of any misconduct or that he either in letter or spirit violated any regulations of the department or Army. This action is justified by the War Department under paragraph 1371 of the United States Army Regulations, quoted in the foregoing letter; but it will be observed that this paragraph does not, at least in spirit, justify the harsh procedure of denying an honorable discharge to a soldier who was guilty of no misconduct and who had contracted disabilities of a pensionable nature in the service.

I may add that the Congress of the United States, in recognition of his disabilities of service origin, granted this soldier a pension at the petty rate of $6 per month. Mr. Hogan's disabilities having become seriously aggravated, he applied to the Bureau of Pensions for an increase of pension under the act of March 3, 1927, believing that this act gave him title to such increase. His application was rejected by the Bureau of Pensions. I addressed a communication to the commissioner requesting the grounds upon which the claim was rejected, and in due course received a reply in words and figures as follows:

INVALID DIVISION,
January 9, 1928.

Hon. RALPH F. LOZIER,
House of Representatives.

MY DEAR MR. LOZIER: In response to your inquiry relative to case I. C. 1288110 of James Hogan, whose address you do not give, and who served in Company H, Sixth United States Infantry, I have to advise you that Mr. Hogan is a pensioner under a special act of Congress at the rate of $6 per month. As the special act fixed the rate this bureau is without authority to increase that rate.

Mr. Hogan's claim under the act of March 3, 1927, was rejected September 26, 1927, on the ground that his discharge from Company H, Sixth United States Infantry, his only alleged service, on October 18, 1871, was not honorable, as shown by a report from the records of the War Department.

Very truly yours,

WINFIELD SCOTT, *Commissioner.*

The records of the Pension Bureau will show many cases where pensions have been denied in meritorious cases, where the disabilities were of service origin, and where the soldier was guilty of no misconduct while in the service, the rejection of the claim being solely on the ground that the soldier had concealed his minority at the time of the enlistment; and many deserving ex-soldiers are now laboring under this undeserved odium.

In view of the attitude of the War Department in withholding an honorable discharge in cases of this character, I am not disposed to criticize the action of the Commissioner of Pensions, because he can only grant pensions when the requisite service is shown and claimant has received an honorable discharge. The trouble and injustice in cases of this character result from adoption of a harsh Army regulation, which denies an honorable discharge to a soldier who concealed his minority at the date of his enlistment, although he may have faithfully served his country and contracted disabilities in the service which afterwards destroyed or materially reduced his capacity to earn a livelihood.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. LOZIER. Yes.

Mr. TABER. That was an 1871 enlistment, long before the statute was passed providing for a discharge upon the request of the boys' parents.

Mr. LOZIER. The point I make is that there has for many years been in force in the War Department a hard and fast regulation which denied an honorable discharge to a soldier who was a minor and who had misrepresented his age at the time of enlistment.

In this connection I call your attention to the several acts of Congress which have, in part, corrected this unjust situation. The act of February 12, 1925 (Code of Laws of the United States, title 10, sec. 653, p. 194), provides for the discharge from the Army of boys who are under age and who enlisted without the written consent of parent or guardian, upon application for discharge by the parent or guardian presented to the Secretary of War within six months after the date of enlistment, but this provision only applies to men enlisted after July 1, 1925. It is not retroactive and does not cover the case of any boy who enlisted before July 1, 1925, except for two short periods covered by the Spanish-American, Philippine, Boxer, and World Wars. This provision of February 12, 1925, if I remember correctly, was added to a War Department appropriation bill and enacted in order to force the War Department to give an honorable discharge in all cases where a soldier was released from the service on account of his being a minor and where his true age was concealed and he enlisted without the written consent of parent or guardian. This law, of course, covers cases where the enlistments were after July 1, 1925, but affords no relief where the enlistments were prior to July 1, 1925.

The act of March 16, 1926 (Code of Laws of the United States, title 10, sec. 654), grants an honorable discharge in cases of this character where the enlistment was between April 6, 1917, and November 11, 1918, which covered the World War period. But this law was not enacted until nearly eight years after the World War ended.

By the act of January 5, 1927 (U. S. Stat. L., vol. 44, pt. 2, p. 932; Public Act No. 536), soldiers discharged for misrepresenting age on enlistment shall hereafter be held and considered to have been discharged honorably from the military service—if such military service otherwise was such as would have entitled them to an honorable discharge—but that act only applied to soldiers who enlisted between April 21, 1898, and July 4, 1902, being the period covered by the Spanish-American War, the Philippine insurrection, and the Boxer uprising. It

will be observed that these boys who served in these wars rested under a discharge that was not honorable for 25 years, notwithstanding their courage and partiotism in line of duty in those wars, in which they carried Old Glory to victory in two hemispheres.

Now, let us see during what period in the last 30 years honorable discharges have been given to or provided for boys who enlisted under age and without the written consent of parent or guardian, and where the true age was concealed at the date of enlistment:

(a) Between April 21, 1898, and July 4, 1902, about four years covering the Spanish-American War, the Philippine insurrection, and the Boxer uprising.

(b) April 6, 1917, and November 11, 1918, a period of about 19 months during the World War.

(c) All enlistments after July 1, 1925.

In other words, these three acts cover approximately 8 years in the last 30 years. That is to say, Congress has granted or compelled the granting of an honorable discharge in cases of this character in enlistments covering eight years since 1898 and has left the odium of a discharge which was not honorable on boys who enlisted under the same circumstances during the other 22 years of the last 30-year period.

Moreover, it was the Congress of the United States and not the War Department that gave to these boys an honorable discharge.

It is a well-known fact that many young boys who enlist are anxious for military service and conceal the fact that they are under age, believing that they would be denied enlistment if their correct age was known. While this practice is to be condemned and should never be encouraged, nevertheless the boys who enlist under these conditions should not be denied an honorable discharge if their service was honorable and if, during such service, they were guilty of no improper conduct. Recruiting officers frequently know or have every reason to believe that many boys applying for enlistment are under age, but in order to get recruits for the Army they shut their eyes to the facts and encourage boys to enlist in spite of the obvious fact that their appearance indicates that they are minors.

My purpose in participating in this discussion is to call attention to the fact that even under existing laws many boys who enlisted under the conditions to which we have referred are still living under the odium of a discharge that was not honorable, although they were guilty of no misconduct and served faithfully in the ranks, and some of them contracted disabilities in the service for which they should be pensioned, but they are denied a pensionable status because they concealed their minority at the time of their enlistment. By three acts Congress has attempted to correct this situation, but these three acts only cover enlistments for approximately one-fourth of the time in the last 30 years. Obviously these acts afford relief in a very large proportion of cases because they cover the several war periods, but hundreds, or possibly thousands, of boys who enlisted in the Army in peace times or during the Indian wars, and who were disabled in the service, have not been granted the relief to which they are justly entitled and are denied a pensionable status. This injustice can only be corrected by an act which will grant an honorable discharge to all boys who enlisted in the Army under the conditions we are discussing, and this relief should not be confined to the few classes covered by the three acts to which I have referred.

Mr. CLAGUE. Mr. Chairman, I rise in opposition to the pro forma amendment. Under the present law where a minor enlists representing his age to be 21, if his parents make application for his discharge within six months after his enlistment, he is given an honorable discharge just the same as any other soldier is given an honorable discharge, unless he has done something that is dishonorable. That is the law. I just called up The Adjutant General's Department to find out whether there had been, as the gentleman from Missouri states, a dishonorable discharge. The minor when discharged receives the same kind of a discharge as any other soldier.

The Clerk read as follows:

For travel of officers and noncommisisoned officers of the Regular Army in connection with the National Guard, $340,000: *Provided*, That not to exceed $2,000 of this sum shall be expended for travel of officers of the War Department General Staff in connection with the National Guard.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last word in order to propound an inquiry to the chairman of the subcommittee. I notice on page 51, line 10, reference is made to section 3648 of the Revised Statutes. I am wondering what that means. We now have a United States Code, to which ordinarily reference is made when a statute is cited, or, on the other hand, there may be a reference to the Statutes at Large.

Mr. BARBOUR. Mr. Chairman, we went into that matter quite fully last Friday during consideration of the earlier sections of the bill. I think the general opinion at that time was that, as we had started this year's appropriation bills with references such as this, it might be advisable to wait until the appropriation bills all start again before making a change, and have them all alike in that regard.

Mr. MOORE of Virginia. What is meant by "Revised Statutes," as the term is used in this bill?

Mr. BARBOUR. I think the usual interpretation should be given to the citation.

Mr. MOORE of Virginia. The Revised Statutes, as we understand, are the statutes compiled about 1874. The compilation was perhaps not completed until 1878. That has been superseded by the code now in effect, and it seems to me that the reference ought to be to the present codification.

Mr. BARBOUR. I think if we should cite the code it would probably make it easier to refer to this citation. We went into that quite fully, as I say, under one of the earlier sections of the bill, and it was suggested at that time that as some of the appropriation bills had already passed with this form of citation it might be advisable to go on with the rest of them, so that the form of the bills this year would be the same. In another year that matter would be given full consideration.

Mr. MOORE of Virginia. Nevertheless, the citation might be regarded as uncertain and misleading. I do not propose to make any motion. I was simply inquiring of the gentleman.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

ORGANIZED RESERVES

Officers' Reserve Corps: For pay and allowances of members of the Officers' Reserve Corps on active duty for not exceeding 15 days' training, $2,125,600.

Mr. WURZBACH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WURZBACH: Page 55, line 4, after the word "training," strike out "$2,125,600" and insert "$2,657,000."

Mr. WURZBACH. Mr. Chairman, this is one amendment that ought to be adopted. The purpose of this amendment is to increase the appropriation made for the Organized Reserve, so that instead of providing for the training of 16,000 officers for 15 days for the fiscal year 1929, 20,000 officers instead will be provided for.

The Organized Reserve consists of 110,000 officers. More than one-half of those officers were emergency officers. Many of them served overseas during the World War. Every year the enrollment of Organized Reserves has increased. About 5,000 of them graduate from the Reserve Officers' Training Corps and the citizens' military training camps each year.

I have read the report of the committee and also have gone carefully over the hearings. In the report the Committee on Appropriations admits that it is very conjectural as to how many officers will offer for training. On page 17 of the printed report it is stated:

The question as to the number of officers for whom 15-day training should be provided is not easy to solve, because some of the factors are too conjectural. We have been proceeding heretofore on giving 15-day training every third year. If this were rigidly adhered to, eliminating reserve officers serving also with the National Guard, officers affiliated with the procurement or supply branches, and officers whose engagements or inclinations prevent or discount consideration, the Budget figure of 15,125 might not be far out of the way. The War Department is planning now to get a better hold of the situation, so as to reduce or eliminate the conjectural factors in shaping the 1930 estimates.

They also state in their report:

We have been proceeding heretofore in giving 15 days' training every third year.

Now, there are 110,000 officers of the reserve enrolled. There are at least 60,000 of these officers who are on the active list, and who would accept training at least once in every three years. So that, under the plan adopted by the Committee on Appropriations of a three-year training period, and taking the minimum of 60,000 officers of the reserve, 20,000 officers is the minimum that ought to be provided for each year.

Now, I think it ought to be understood by the membership of the House that these officers of the Organized Reserve are not coming here as beggars begging for something to benefit themselves, but they come only as they came in 1917 and 1918,

begging for the opportunity to serve and to render similar patriotic service in these days of peace that they so cheerfully offered during those strenuous days 10 years ago. The Organized Reserve has increased in numbers from 76,000 in 1923 to 110,000 in 1927. Notwithstanding this steady growth, instead of making increased appropriations for the training of these men for two weeks each year, Congress is apparently seeking to cut down the appropriations each year and permitting smaller numbers to train each year.

Mr. MANLOVE. Have we any precedent to go by? This is a matter of which I am not very well informed. We have had these training camps before. How many officers availed themselves of it previously?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WURZBACH. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WURZBACH. There has not been a year during the last three or four years when officers applying for training have not been turned down.

Mr. LINTHICUM. I would like to ask the gentleman what these officers do? Are they paid during the training, two weeks, for that time?

Mr. WURZBACH. They are paid for subsistence and mileage; 4 cents a mile for traveling expenses, whereas the officers in the Regular Establishment and other reserve officers training for more than the 15-day period receive 8 cents a mile. I am glad the gentleman asked me the question. It costs only $132.85 for the training of one of these reserve officers.

Mr. LAGUARDIA. Does that include the pay?

Mr. WURZBACH. I think it does.

Mr. LAGUARDIA. I think the gentleman is mistaken.

Mr. WURZBACH. I do not think I am. I want to read a few extracts from the hearings.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. WURZBACH. I decline to yield at this time. My time is limited.

Mr. SNELL. I will get the gentleman more time.

Mr. WURZBACH. Very well.

Mr. SNELL. I think it would be well to inform the House exactly what these officers get. I understand they get a certain compensation for their time. I would like to ask the gentleman to tell the House just exactly what they get.

Mr. WURZBACH. I do not know exactly what they get, but I consider that immaterial, and I think the gentleman from New York will agree when I say that it costs only $132.85 for each officer trainee for the entire two weeks.

Mr. TABER. That is just their pay.

Mr. LINTHICUM. They get full pay for the time they serve, as I understand.

Mr. SNELL. There seems to be a difference of opinion. We should have exact information on this.

Mr. COLLINS. Mr. Chairman, will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. COLLINS. I understand the increase proposed by the gentleman would be, pay allowances, $531,400; mileage, $89,000; establishment and maintenance of camps, $75,200; or a total of $695,600.

Mr. SNELL. I would like to know what the pay of these officers is during training and what other allowances are given to them.

Mr. WURZBACH. I would like to have gentlemen of the committee answer that question.

Mr. BARBOUR. I will answer it. At page 834 of the hearings Major Wainwright was asked this question:

> Will you tell us what the allowances are that they receive in addition to mileage?

To which he answered:

> Yes, sir. They receive rental allowances of the grade and subsistence allowance of the grade.

Then he said:

> The average per capita pay of the 15-day period is $132.85, including allowances.

That is the average, including the allowances.

Mr. LAGUARDIA. They are paid according to the rank they hold.

Mr. BARBOUR. Yes. A colonel would receive much more than a second lieutenant.

Mr. HOWARD of Oklahoma. These men are trained for a period of two weeks and receive a salary equal to the rank they hold while getting the training?

Mr. BARBOUR. That is it. But $132.85 is the average of all of them.

Mr. COLLINS. If you will take $531,400 and divide it by 4,000 it will give you approximately $133, which is the pay and allowance of each one of these men.

Mr. WURZBACH. Well, I said $132.85. The only difference between the information I just gave and that given by members of the subcommittee is 15 cents, and in my favor. Anyhow, the increase in this item would be $531,400; that is four thousand times $132.85.

I think it ought to be said that if only 16,000 of these officers offer for training then the amount of money asked for by way of increase would not be expended, and there is no harm done or money taken out of the United States Treasury by the adoption of my amendment.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. WURZBACH. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

Mr. MADDEN. Mr. Chairman, there should be a limit to this.

Mr. SNELL. I think the gentleman should have more time, because I took up some of his time. Mr. Chairman, I ask unanimous consent that the gentleman from Texas may proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WURZBACH. Now, $531,000 need not necessarily be expended, and I hope it will not be expended, but the information I have—and I get my information from the hearings—is that in past years officers have been refused training on account of a lack of funds.

I am going to read from page 881 of the hearings, the testimony of Col. C. M. Penfield, member of the executive council of the New York State Reserve Officers' Association:

> I had applied for training several times in several years, and I had always received the answer that there were no funds. Being a member of the Reserve, I wanted to take some training. Through the friendship of one of the men in New York, I went on to see Colonel Bidmer, and although his applications were all filled and he had all the men he could take care of, he permitted me to go to the camp that summer, provided I paid my own way, my mess, etc., which I was glad to do. I had a wonderful experience.

And so on. I am in receipt of a telegram from Colonel Tuttle, of San Antonio, president of the public service company and one of the outstanding men of Texas. I asked him to ascertain how many in the Eighth Corps Area had been refused training. He said:

> One hundred and thirty-one officers denied training in year beginning July 1, 1926. Number denied in year beginning July 1, 1927, unobtainable, but believe it will greatly exceed previous year.

Colonel Bedeau, of New Jersey, says:

> In my own case I can not express too strongly the fact that many of us who have had World War experience, which is invaluable, are growing older and probably we will not again serve in the field. We must be supplemented by the younger men. It is hardly conceivable that these men will understand the situation unless they have some training, and not only training but contact with officers who have so served.

Gen. Roy Hoffman, of the State of Oklahoma, appeared before the committee and I wish every Member of the House could read what he said. General Hoffman commanded a division overseas. He was for 20 years with the National Guard, and he is one of the outstanding and most patriotic men in this country to-day. He said:

> After years of close observation and study of the question throughout the country, the association has in unanimity arrived at the conclusion that 20,000 is the least number of 15-day trainees that it is wise to train annually.

I have that same information from the American Legion, and they take exactly the same position.

I have always been a supporter of the Regular Establishment, but I believe I express the sentiment of the membership of this House when I say one of the chief foundations of national defense and security consists in the civilian part of our Army, the officers of the Organized Reserve, the Reserve Officers' Training Camp, and the citizens' military training camp. These men who served during the World War are willing to continue to serve, and they are willing to hand down their experiences to the men who are growing up. Five thousand Reserve Officers' Training Camp young men are turned out every year into the Organized Reserve, and if you are not going to give training to

at least 20,000 each year, 20,000 out of a minimum of 60,000, you might just as well save the entire amount appropriated for those components and make no appropriation at all. The morale of the Organized Reserves will be seriously affected unless you adopt this amendment and permit 20,000 of those officers to attend the training camps. I think we could well be on the safe side by providing sufficient money for 20,000 to train if they choose to train, and if they do not choose to train, as I stated before, it means, and it ought to mean, that this $531,400 will remain in the Treasury.

Mr. BARBOUR. Mr. Chairman, I want to assure the House that the Subcommittee on Appropriations for the War Department gave very careful and sympathetic attention to this matter of training the Organized Reserves. I think it can be said that the Subcommittee on Appropriations for the War Department is very friendly to the Organized Reserves. I think this has been demonstrated by the action which the subcommittee took in preparing the bill.

The Budget recommended that we provide funds for training 15,125 trainees of the Organized Reserves. This committee took upon itself the responsibility of increasing this number to 16,000, an increase of 875 trainees. I think this is evidence, gentlemen, of the fact that this committee is not unfriendly to the Organized Reserves.

Last year funds were provided for training 16,382. The appropriation this year is for training 382 less than were trained last year. We went into this question with the greatest of care, and, as I say, with a feeling of the utmost friendship for the men in the Organized Reserves, who are giving their time, their energy, and their attention to the questions of national defense; but I say without fear of contradiction, there is not one word of testimony in the hearings that will warrant us in providing money for the training of 20,000 members of the Organized Reserves.

Bear with me for a moment. Let us consider the Organized Reserves. In the first place, it is a volunteer organization. You can not compel any man in the Organized Reserves to take training unless he sees fit to do so. You can not compel any officer of the Organized Reserves to keep up his studies during the year—to prepare himself for training unless he is willing to do such work. There are a large number of the 110,000 in the reserves who are admittedly not keeping up their work during the year, and it would be an unwarranted expenditure of money to send these men to the training camps.

The Organized Reserves have two kinds of training. The inactive training, so called, which is the home work, which they carry on at the meetings with the Regular Army officers who are assigned to Organized Reserves work. Their lessons are assigned to them and they meet so often in classes and groups and work out problems with the Regular Army officers and under their instruction. If a reserve officer will not do this work, if he will not keep up his studies during the year, then he is not qualified to go to one of these training camps and receive 100 per cent benefit from the work he would do there, and the United States Government is not justified in spending money to send such man to the training camp when he has not prepared himself to take the training.

Then we have the active training, the 14-day training, which is the training in question at the present time, sometimes called 15-day training, because the law provides it shall be not to exceed 15 days. As part of the active training we have the more than 15-day training at the service schools and with the Regular Army units.

Unless these officers keep up their inactive training they are not prepared to go to the camps and to the service schools and take the active training, and I submit this to you as a business proposition, without any feeling of prejudice, because we have no prejudice against the Reserves. We have demonstrated that we are the friends of the Organized Reserves in making the recommendations we have, and I submit to you that there is nothing before this committee or before this House that would justify us in sending 20,000 Organized Reserve officers to training camps next year.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARBOUR. Our committee, in giving attention to this question, has been hampered by the fact we have been unable to get definite information. We have asked the War Department for information and have been told that the information is in the hands of the corps area commanders. Therefore we have asked the War Department to make a study of the Organized Reserves for next year, through the corps area commanders down to the Regular Army officers on duty with the Organized Reserve units, so that we can have some definite idea of the number of men who are conscientiously keeping up their work and upon the training of whom we would be justified in spending the taxpayers' money.

A preliminary survey of this kind has been made. Orders have gone from the Secretary of War that this study shall be made, and next year we will have the benefit of such study. A hurried, preliminary investigation along this line has already been made, and I have here a letter which I want to read to the Members of the House. I ask your attention to this letter, because it is very illuminating.

FEBRUARY 4, 1928.

Memorandum for the Hon. HENRY E. BARBOUR, House of Representatives

With reference to certain information requested by you concerning the number of reserve officers who were not pursuing training of any kind actively, the following information has been received by radio from corps area commanders and chiefs of branches:

Reports received indicate that in the fiscal year 1927 approximately 2,710 reserve officers were denied active-duty training due to lack of funds, and that inactive-duty flying was participated in by 960 reserve pilots. It is estimated that 16,522 reserve officers will have received active-duty training by the end of the fiscal year 1928. Reports indicate that 30,545 reserve officers are enrolled in conference courses and 31,340 in correspondence courses.

From the above figures the gross enrollment in inactive-duty training at the present time would appear to be 61,885. Because some reserve officers are pursuing both types, it is indicated that the total number of different individuals trained in this manner is in the neighborhood of 45,000. Experience also indicates that the probable percentage of those who are called to active-duty training without record of interest in either of the above forms of inactive training is approximately 12 per cent of the total of 16,885 active-duty trainees, or about 2,000.

Two thousand officers, according to this study, went to the training camps in the past year who were not properly prepared because they had not kept up their inactive training. That, I will say to my friend from Texas, is why, in all probability, some reserve officers were unable to attend the camps.

Mr. WURZBACH. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. WURZBACH. There were about 2,700 applicants who were refused on account of lack of funds, and is not it fair to assume that the officers had some hint that there was inadequate funds, and therefore did not apply on that account?

Mr. BARBOUR. I do not know anything about the information they may have had.

Mr. LAGUARDIA. Was there any suggestion coming from the reserve officers for reducing the pay and allowance?

Mr. BARBOUR. I have not heard of any. I do not suggest that. Now, I ask attention to the balance of this letter from Major Wainwright. Here is the meat of the whole proposition:

In other words, approximately 47,000 reserve officers are actively showing interest in the project of national defense.

From that 47,000 reserve officers comes every one whom we would be justified in training, because by this official statement the balance are not showing sufficient active interest in national defense. Now, Major Wainwright continues:

The strength of the Organized Reserves is 110,014; 8,451 of these are dual status officers who receive their training with the National Guard. This leaves us 101,563, of whom approximately 54,600 may be considered not actively engaged in any of the forms of training that are provided.

Mr. McKEOWN. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. McKEOWN. Is there any reason given why the men did not take the inactive training?

Mr. BARBOUR. No; but you can not compel them. This is a volunteer organization. It is different from any other military organization we have. In the National Guard they are under orders, but in the Officers' Reserve they are not under orders, but can train or not, as they please.

Mr. McKEOWN. Could not the department make rules and regulations?

Mr. BARBOUR. It could, but could not compel obedience, because, as I say, it is a volunteer organization. The department could require that reserve officers keep up their inactive training, but this has not yet been done. Some of these officers are very conscientious. Some are valuable officers to the Government, and these ought to be trained. These officers should be trained as often as necessary. But nothing can justify us in spending money for training men who are not sufficiently interested to keep up their work.

Mr. McKEOWN. Can there not be some provision whereby the department can weed out these men?

Mr. BARBOUR. We have asked for this study to be made by the War Department, so that we will have all officers classified. As I recall, General Hoffman, president of the Reserve Officers' Association, says that it should be made.

It will be a good thing for the Congress, it will be a good thing for the War Department, and it will be a good thing for the Organized Reserves, because it will weed out those not sufficiently interested, and the men who are doing the work will be benefited by it, because they will not have to carry the others.

Mr. HALE. Will the gentleman yield?

Mr. BARBOUR. I will yield to the gentleman from New Hampshire.

Mr. HALE. Do I understand that 2,000 men who declined to keep up their home work received officers training and 2,700 officers who had kept up their work were refused training?

Mr. BARBOUR. No; nothing was said about the 2,700 as to whether they were qualified or not. Nothing was said about whether they had kept up their work.

Mr. HALE. How many of the 2,700 that were not trained were qualified?

Mr. BARBOUR. I have no information as to that.

Mr. HALE. And the question that arose in my mind further was whether those who were qualified, and ought to have the training, should be penalized by the admission of those who were not qualified.

Mr. BARBOUR. That is what we are trying to prevent.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. WURZBACH. Is it not safe to assume that the 2,700 who were refused training were refused for the reason given in the communication, namely, because of lack of funds?

Mr. BARBOUR. Yes; but at the same time we were training 2,000 and spending money on them that should not have been trained.

Mr. McSWAIN. Speaking of the 2,000 trained that had not taken the correspondence course, the fact that they were admitted to the training camps is not an imposition on their part. The corps area commander had to admit them, and he had the power to require the showing that they had carried on their home study before they were admitted to training, so that somebody in the Regular Establishment let somebody in who is not entitled to come in.

Mr. BARBOUR. That may be, but what I want to get at is to find out how many men we are justified in spending money on. I do not believe there is a man in the House who will say that we should spend an average of $132 on these men for two weeks just because they want to go to camp.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. BARBOUR. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARBOUR. We are only justified in spending money on the men who are conscientious enough to keep up their work and fit themselves for this training, so that they will get 100 per cent benefit from the training and the Government will get 100 cents for every dollar it spends. I call attention to what the Secretary of War said. In speaking of the Budget recommendation to train 15,125 men, he stated:

> In the whole program, or taking it as a whole, we thought that was about all that should be applied to it.

That is, the money to train 15,125. Further on the Secretary said:

> Of course, I would like to train a few more men; but, taking it as a whole, we thought that was about right, for it is a rounded-out program.

Fifteen thousand one hundred and twenty-five trainees were recommended by the Secretary of War as the number for a well-rounded program. The committee has gone further than that and has provided for 16,000. That is our earnest, honest, conscientious recommendation to the House because we feel that with the showing made we would not be justified in recommending more.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. NEWTON. Is it the thought of the gentleman that with this further study the committee will determine on the number that is to be used every year, instead of having the Budget go to work and cut it down and cut it down as it has been doing?

Mr. BARBOUR. We will all know. The Budget will know, the War Department will know, the committee will know, and the Organized Reserves themselves will know, and it will be of benefit to all of us.

Mr. NEWTON. It seems to me that something of that kind, if it can be worked out as a policy, is what should be done.

Mr. BARBOUR. It is the only sensible thing to do.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to proceed for 15 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, I want to have a confidential chat with the House for a few minutes. Let us each take the other into his confidence for five minutes and see where we are, where we are going, when we are going, and how. Let us see whether it is necessary or possible to train everybody at the public expense, or whether there is a limit beyond which we should not go.

Just a little while ago we passed a tax bill. We were told by the Treasury Department that it was not safe to make a reduction exceeding $225,000,000. This House by its vote went beyond that figure and reduced the taxes by $290,000,000. It is a fair assumption that the House meant what it said, and wants that vote to be finally consummated into a tax reduction law. Perhaps there will be some addition made to it by the other body. Then what? Where are you going to get the money to do the things that everybody wants you to do?

Is everybody in the House afraid of a telegram? Should every man run when a telegram comes demanding that he shall vote for some additional expense? Why would it not be a good idea to stop and exercise our own judgment once in a while? Why should two or three propagandists for one or two of these activities have more influence than all of the House? Why should the House stampede when somebody sits in the gallery who has no other object than to promote the expense on the activity in which he is interested? Why should we let him dictate the policy when it should be dictated by the lawfully authorized representatives of the American people?

Should a telegram from John Jones, who lives in our district, frighten us simply because he is one of our constituents? What influence has he in the district? Not nearly as much as his telegram would indicate. He may think that he has a lot of influence, and, perhaps, he has, but I venture the suggestion that he is not as influential as the men who want expenses kept down and taxes reduced. I have at times had propagandists threaten to oppose me in the election if I did not accede to their demands.

I said, "That would be the one thing that I would like the best." I would like to take one or two of them out on the platform with me when I went to make a speech on the merits of the case pending before the people and expose them as looters of the Treasury.

What is it that we have before us? We have a proposal here to increase the number of men who will be trained in the Organized Reserve. What difference does it make whether we train 15,000 or 16,000 or 20,000? The only difference is this, the larger number you train the more it costs. This training has some value, but every year these men get less fit for military service. We reward them for their devotion to the military activities, but every man physically fit, in or out of the reserves, is called upon to defend the flag when the occasion arises. These men are not the only ones who want to defend the flag. All want to.

Now, how much money is there in this bill? There is $316,000,000 in direct appropriation and contract authorization for the military activities. How much money do you want to pay for the Army after having voted a bigger tax reduction than we can afford? How are you going to pay the bills? Somebody has got to pay them. The men on the farms, in coal mines, on railroads, and in all the other industries have to pay some of these bills. Do we want to put new burdens on them or do we want to release them from some of the burdens they are already carrying?

I tell you, gentlemen, that the time is coming when you can not afford to run away because some fellow sends you a telegram. That is about what it means. I have had five telegrams this week of that character. I had a telegram the other day from the Illinois Bankers' Association, in which they said they wanted me to vote for $10,000,000 again this year for the extermination of the corn borer; and I wired back and said, "We gave them $10,000,000 for 1928." Five millions of that were spent for machinery, some of which is now probably on the scrap heap. Four millions was paid to farmers for cleaning up their own premises. I am against that kind of expenditure, whether it is for the Army or for the Navy or for the farmer. What we ought to do is to take a sane view of all these situations.

Now, we are providing $316,000,000 for the Army. Do you want unreasonably to add more, or do you want to economize in decency in the expenditure of public money?

We have a flood-control proposal pending in committee. It will soon come up. Nobody knows, no man in the world can tell you, what it will cost. But if a bill before the Committee on Flood Control should by any chance be passed, the flood-control proposal to be disposed of soon will cost an unjustifiable and outrageous amount.

Now, I am in favor of flood-control legislation that is decent. I am in favor of doing everything that can be done in justice to relieve distress. I am in favor of maintaining a proper Army, and I am not in favor of listening to these people who are appealing for special appropriations, added to the Regular Establishment, in order that they may promote a political advantage. I hope the House will listen, and I hope it will act sanely, because, gentlemen, the responsibility is yours. The flood-control proposition is a serious question and has to be dealt with seriously. You can not pass it by, and you can not hand out to the Organized Reserves, the Reserve Officers' Training Corps, the civilian military training camps, the National Guard, the rifle clubs, and to all these other institutions untold quantities of money and still meet the necessary obligations of the Government and reduce taxes at the same time.

Now, you say the people want these things. Well, you just try them when you go out among them and see whether they want them or not. You can go to any place in any district in the United States and express the courage that you ought to have to the people and ask them whether they want lavish use of public money, even for training reserve officers, and they will tell you no. These men, pressing for these increases, patriotic men, deserving men, are not the whole population of the United States, and they ought not to be given the whole right to say how much money Congress is going to spend. We are here to represent the American taxpayers.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Not now.

Mr. WURZBACH. For just a question.

Mr. MADDEN. Yes; I will yield.

Mr. WURZBACH. The gentleman no doubt is sensible of the fact that this organization is receiving less than one-half of 1 per cent of all the money appropriated for the national defense.

Mr. MADDEN. Well, they are not the national defense just now. They are in a reserve organization. The national defense is represented by the Army, the Navy, the Marine Corps, and a great many other elements, and not by the few men who are in the reserve, holding places in these corps areas and doing some of the politics of the Regular Army officers which they dare not do themselves. That is part of the story. I know that, for I have studied it.

While the reserves may be only getting a certain percentage, that is not the issue at all. The question is: What is the House going to do about it? Are you going to represent the taxpayers as such or, regardless of where the money comes from, are you going on in a reckless and extravagant way without knowing where the money will come from, or without caring, either? [Applause.]

Mr. McSWAIN. Mr. Chairman and members of the committee, there will be no dispute between any of the ladies and gentlemen of this House who support this amendment with the gentleman from Illinois [Mr. MADDEN] on the general proposition of economy. I want to say to the Members of the House that I am not an officer of the Reserve Corps. When I was elected to this House, apprehending there was a constitutional as well as an actual conflict between those two interests, I resigned my commission in the Reserve Corps and have had absolutely nothing to do with it. But I want to say, ladies and gentlemen, that if we need a Regular Army, and we do, we need the Organized Reserves, too. The gentleman from Illinois is a distinguished, able, conscientious, and faithful public servant and I am not in dispute with him about his general propositions; but the argument he makes that this is a virtual waste of money because these reserve officers are getting older and older every year applies with equal and with even greater force to the officers of the Regular Army, because they are getting older at the same rate every year, and they are, perhaps, on an average older than the reserve officers.

We are putting into the coffers of the Regular Establishment not $500,000—not a half million dollars—but over $300,000,000. Three hundred million dollars is going into the Regular Establishment, with about 13,000 officers, and the gentleman who is for economy approves it; has approved it and approves it here to-day. Three hundred million dollars for the military activities of the Regular Army. Of course, not $399,000,000, because roughly speaking $99,000,000 is for the nonmilitary activities.

If there were not hovering in the minds of the people that at some time there will be an actual and physical armed conflict in which the life of this Nation will be involved, then I say we are absolutely throwing away and we are wasting, we are worse than wasting $300,000,000 of the people's money. However, hard-headed, common-sense people know we are not wasting it when it is used for the purpose of keeping reasonably prepared. The question is this: Where is the wise and reasonable and fair and practical way to spend a little more money to give more defense?

The distinguished chairman of the subcommittee has referred to the fact that only 47,000 out of the 110,000 Reserve Officers are carrying on their correspondence course at home. Well, instead of that being a disparaging fact, it is commendable. I say to you I think it is a very remarkable showing that so many men are carrying on this correspondence course for which they receive not one cent. In the evening, when other people, who are enjoying the protection these men are offering to give them when war breaks, if it should break—and if sure it never will break, then the whole thing is utter folly—when other people are going to the theaters or sitting around with their easy slippers on reading novels or playing cards, these men, after a hard day's work, are sitting down over their tables and working out problems and answering the interrogatories that have been sent out by the War Department. I say that for that work, for which they receive not one cent, they are entitled to the commendation of this Congress and of this country, because in these days it is a saddening fact that so few people are willing to do anything at all of a patriotic nature without being paid for it.

We have about 13,000 officers in the Regular Army. I submit and I believe that the records of every war this country has ever engaged in will support the statement that the civilian officer—man for man—which George Washington was—who comes in when the emergency breaks, renders as valuable service to his country as do the Regular Army officers themselves. [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. COLLINS. Mr. Chairman and gentlemen of the committee, we have 110,000 of these officers. We have less than 22,500 who take the correspondence courses—about one-fifth of them, of the total number. Any one of the 110,000 can take the correspondence course, but less than 22,500 of them take it. So the actual active strength of this organization is little more than 22,500.

We have 16,000 that go to camp, and of these that go to camp 80 per cent or more take the correspondence course. So under no method of reasoning can you get over 25,000 or 30,000 active officers in this organization.

Throughout the hearings of this year and other years experts testify that we should train one-third of these men every year or that one man should have training every third year. So figuring the total number at between 25,000 and 30,000 the training of 16,000 this year will train them oftener than once every two years instead of once every third year, as is contemplated by the War Department.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. BLACK of Texas. Do the men who are actually taking this correspondence course have any difficulty in being admitted to this active training period every two years?

Mr. COLLINS. No, indeed. They could be trained oftener than once every two years with the number provided in this bill.

Mr. WURZBACH. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. WURZBACH. Did not the gentleman just now state there were 26,000 taking the correspondence course?

Mr. COLLINS. No; I said less than 22,500.

Mr. WURZBACH. Well, 22,500——

Mr. COLLINS. But let me go on. We have 110,000 of these men. We could not use over 65,000 of them if we mobilized an army of 3,500,000 men. So what is the use of providing a top-heavy organization like this?

Men, we do not have to go wild simply because we are considering an Army appropriation bill. We might as well remain sensible human beings in spite of the fact that a War Department activity is under consideration.

Mr. HOFFMAN. Will the gentleman yield?

Mr. COLLINS. Yes; I will yield.

Mr. HOFFMAN. Will the gentleman tell us how he arrives at the fact that only 65,000 of these men would be used?

Mr. COLLINS. This is the testimony of all of the War Department officials—all of them.

Mr. HOFFMAN. May I say, sir——

Mr. COLLINS. No; I must go on.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. LAGUARDIA. In addition to these officers being trained, there are all the National Guard officers and their training in camp at the expense of the Federal Government.

Mr. COLLINS. Sure. Let me go further. We are increasing the military appropriation items in this particular bill $20,000,000, approximately, over the same bill last year. Where is all this going to lead? If we will take the items in the deficiency bill this year, charged in our report principally to 1928, you will find that half of them at least should be charged properly to 1926, 1927, and to this year. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. HOWARD of Nebraska. Mr. Chairman, I speak from the standpoint of one who is opposed to a large standing army. If I had my way, I would reduce our present standing army by 50 per cent to-morrow. [Applause.]

I do not charge, gentlemen, that only those who are connected in some wise with the Regular Military Establishment are the ones who are opposing this amendment, but I do charge that nobody connected with or in sympathy with the demands of the Regular Army organization is favoring this amendment offered by the gentleman from Texas [Mr. WURZBACH]. I am perfectly safe in stating this proposition.

Now, my friends, if from my viewpoint a large standing army is not necessary, what shall we have in the place of it? Oh, I grant that we must have some manner of standing army, but in order to avoid this standing army increasing all the while, I much prefer to have a large number of schooled and educated Army officers, scattered all over the country, in touch with the common herd, so that in any day of trouble we may quickly organize and mobilize whatever force may be necessary to meet any foe which might come against us.

I sincerely hope that the amendment offered by the gentleman from Texas will be adopted for the Quaker reasons, if you please, that I have here presented. [Applause.]

Mr. HOFFMAN. Mr. Chairman, I asked the gentleman from Mississippi [Mr. COLLINS] during his time if he would tell us how he arrived at the figure of 65,000 as the number of Organized Reserve officers to be used in the mobilization of three and a half million troops. He declined to do so.

I asked this question because I have, over the signature of The Adjutant General, Major General Wahl, this statement, dated February 6, 1928:

> In reply to your letter of February 6, 1928, in the latest estimates prepared by the War Department, the number of men to be mobilized is 3,828,878, and the officers are listed as follows:
>
> Regular Army, 27,103; National Guard, 22,447; Organized Reserves, 141,229; making a total of 190,779.

These figures certainly disclose an error in the reasoning of the gentleman from Mississippi and disclose most convincingly the need for training and equipment of additional reserve officers.

May I add also that during the World War with the mobilization of approximately the same number of enlisted troops—4,057,101—209,684 commissioned officers were used. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. WURZBACH].

The question was taken; and on a division (demanded by Mr. WURZBACH) there were—ayes 64, noes 54.

Mr. BARBOUR. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. BARBOUR and Mr. WURZBACH.

The committee again divided; and the tellers reported that there were 83 ayes and 72 noes.

So the amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I want to serve notice that on every one of these amendments we are going to have a vote in the House.

The Clerk read as follows:

> For pay and allowances of members of the Officers' Reserve Corps on active duty for more than 15 days in accordance with law, $673,552.

Mr. NEWTON. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. In our Reserve Corps activity we have an Air Corps Reserve. Heretofore it has been the practice, I believe, of the Appropriation Commitee in the War Department bill to carry at least a portion of the appropriation for the Air Corps Reserve in the activities charged up to the Air Corps estimates. Now, it appears that this year out of the appropriation for the reserve come all the expenses relating to the Air Corps Reserve. The assignment of regular officers, the expense and maintenance of planes, and so on, and I would like to ask the gentleman from California if I am correct in that?

Mr. BARBOUR. The training of 110 officers of the Organized Reserves who receive training each year in the Regular Army Air Corps is paid for in this way. The pay of such officers and their traveling expenses are paid out of the Organized Reserves funds. All other expenses of the year's training—planes, gas, oil, and so forth—are paid out of the Regular Army funds.

As to other types of training, the 15-day training and the home training, it is all paid out of the Organized Reserves funds, and the committee believes that it should be so paid because it is strictly reserve training. It is training at the reserve camps, and it is for flying of reserve officers when taking the inactive training at their homes.

Mr. NEWTON. How much would that amount be; what would that figure up in the present measure before us?

Mr. BARBOUR. There is an additional draft on this fund of $538,975 over 1928; but we are giving for all reserve activities an increase of $589,000, which more than offsets this additional draft.

Mr. NEWTON. For the benefit of the members of the Air Corps there is more being appropriated this year than last year?

Mr. BARBOUR. Yes; and out of that fund they will be provided with 11 new airplanes to take the place of some that are becoming worn out. They will be planes assigned to the Organized Reserves for inactive and 15-day training.

Mr. NEWTON. In making this change is the committee following precedents with reference to other arms of the service?

Mr. BARBOUR. Yes; the National Guard is treated in the same way, and also the reserve officers' training camp. It is largely a matter of bookkeeping anyway.

Mr. NEWTON. There is a great advantage of having all the expenditures for a given activity under one head. In making the change this year, while the gentleman has increased the figures for the Air Corps Reserve, did they reduce the appropriation made for the rest of the reserve?

Mr. BARBOUR. The increased expense over last year is $194,807 for planes, and for antiaircraft target towing $14,364. The total increase is $538,975, so they are getting more money than the amount of the additional expenses charged against them. But, as I said, it seems to me that this is largely a matter of bookkeeping anyway.

Mr. NEWTON. The thing I am interested in is whether in the process of changing the bookkeeping there has been any cutting down of amounts that would go to the Air Corps Reserve?

Mr. BARBOUR. No; there has been no cut in that.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read the provision for "Citizens' military training, reserve officers' training camp," beginning on page 58.

Mr. BULWINKLE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

> Amendment offered by Mr. BULWINKLE: On page 61, line 9, after the word "thereat," strike out the period, insert a colon and the following: "*Provided*, That none of the funds appropriated in this act shall be used for the purpose of employment of hostesses for the citizens' military training camps."

Mr. BULWINKLE. Mr. Chairman, the other day I spoke on this, but possibly some of the Members of the House were not present at that time. The bill does not show that hostesses are provided for, but from a statement in the hearings from The Adjutant General's office it shows from the officer representing the War Department that 30,000 men of 17 years of age and upward, staying in camp for two weeks, might become homesick and need a hostess to keep them from homesickness and also to train them in their social activities. I do not think two weeks is a long enough time in which to train these young men in social activities and I do not think that these men are such babies as to become homesick in two weeks. We should stop this. It is a farce to talk about employing hostesses for a camp composed of men who are training to be soldiers. This is all I have to say at the present time on this subject.

Mr. LAGUARDIA. Mr. Chairman, the gentleman from North Carolina [Mr. BULWINKLE] has failed to state that these hostesses are paid. I understand they receive $125 a month. I am also informed that if these social activities are absolutely necessary there are plenty of volunteers who would be glad to render service in such a wholesome atmosphere as a training camp for boys. Two weeks' training, as the gentleman pointed out, is hardly time enough to give these boys that polish so necessary to a proper social atmosphere. If it is contemplated to train the boys in dancing the cotillion or the mazurka or the minuet—or, as some one here suggests, the black bottom—

to serve afternoon tea at 5 o'clock and teach these artillerymen how to balance a sandwich, a cup of tea, and a petit four at one and the same time passing them to ladies; perhaps this is necessary, but I do not believe our boys really want this training. I think they would resent it if they knew it had been suggested that it is necessary to have hostesses in two weeks' time when they are away from home in order to nurse them and baby them and prevent them from becoming homesick. If this is to be military training, let us have military training. I think that in two weeks' time—or as long as may be required to prepare a boy to fight—you ought to try to make a hard-boiled egg out of him.

Mr. NEWTON. Mr Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. NEWTON. How many dollars of saving are involved in this to the Treasury?

Mr. LAGUARDIA. Oh, it is not a question of saving money. It is a question of not making a thing ridiculous. It is simply seeking to justify the permanent employment of hostesses in the regular camps hereafter.

Mr. BOYLAN. Does the gentleman propose in lieu of this to feed these boys on raw meat for two weeks. [Laughter.]

Mr. LAGUARDIA. That certainly would be better than tea or petit fours.

The CHAIRMAN The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read the provision for "Citizens' military camps," beginning on page 61.

Mr. WAINWRIGHT. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. WAINWRIGHT: Page 63, line 8, strike out the figures "$2,801,240" and insert in lieu thereof the figures "$3,189,949."

Mr. WAINWRIGHT. Mr. Chairman and gentlemen of the committee, this amendment deals with the citizens' military training camps. I assume every Member of the House is familiar with these training camps. Here the opportunity is afforded by the Government to lads between 17 and 24 to have the benefit of a military training so as to fit them not only to meet their responsibilities in time of war and also to give them the advantages that come with military training for the fulfillment of their duties as citizens. This amendment increases the appropriation provided for in the bill by $388,709, which will provide for the training of 5,000 more young men than are provided for in the bill, raising the number to be trained from the 35,000 provided by the bill to 40,000. It is interesting to note that since this system of citizens' military training camps was established, in each year a greater number of lads have been trained than the year before. In the last year there were trained very nearly 40,000 young men, to be exact, 39,798. The provision now carried in the bill is for training 35,000, almost 5,000 less than were trained last year. In each year there have been, as I said, a greater number trained, the goal to be reached being about 50,000, which is estimated to be about the number that the War Department can properly train with the facilities they have. If the figure is kept at that carried in the bill, it will be not only a halt in the progressive development of this splendid institution but a step backward.

Mr. BARBOUR. We are providing the same number that we had this year.

Mr. WAINWRIGHT. That is quite true. You are providing the money for the same number provided for last year, but, as a matter of fact, there were trained last year almost 5,000 more than were actually provided by the figure carried in the 1928 appropriation bill. As I understand, there was a carry-over of funds which made that possible.

Mrs. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. WAINWRIGHT. Certainly.

Mrs. ROGERS. I understand it was due to economy. They economized and consequently had more money left over.

Mr. WAINWRIGHT. That may be so. But if this figure is not increased, as indicated by my amendment, it will mean that at least 20,000—assuming that the same number will apply next season as applied last season—it will mean that 20,000 or 25,000 of these young men who offer themselves for this training will be denied the privilege. In the year 1926, 49,108 boys applied, and in 1927—last year—57,127 applied, there being thus an increase for 1927 over 1926 of over 8,000; and there is no reason to believe that this year there will not be a similar increase over 1927.

Now, I believe that the general sentiment of the public, of all who know anything about these camps, is that this is the best investment that the Government can make, not only in the line of national security, but the best investment that the Government can make in training each year as many thousand of these young men as possible, who, from the advantages of this military training, will be so much better able to fulfill their duties as citizens.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. WAINWRIGHT. Yes.

Mr. CONNERY. In the old days it was very difficult to get men into the National Guard, and the gentleman's idea is that it is now not only easy but the men are anxious to get into these camps, and therefore it is a help to the Government to have the men anxious to get into these camps?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WAINWRIGHT. I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WAINWRIGHT. Now, I am sure that every Member of the House who has had some relation to this subject, every Member who has been to one of these training camps, must agree with me that this splendid movement should not be halted. I, along with many others, was surprised that the Budget came through with a recommendation for a decrease for this training from last year to 30,000. It was surprising in view of the statements that have been made by those in supreme authority with regard to these camps. You remember that a son of our President went through three years of these camps, and here is what President Coolidge said on this subject in the year 1924:

Recognizing the great good that comes to the Government and to the people from the citizens' military training camps, I hope that each year an increasing number of young men may take advantage of the opportunity which is afforded them.

And you may also recall that two years earlier President Harding stated that the goal to be reached in these camps should be 100,000. The number that has been determined upon, as I understand, for those who reasonably can be trained by the Army is about 50,000. There is no reason why we should stop this year at 35,000.

Gentlemen, I hope you will agree with me that this amendment should be adopted.

Mr. GREEN of Florida. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Florida moves to strike out the last word.

Mr. GREEN of Florida. Mr. Chairman and fellow members of the committee, this amendment is identical with one that I have on the desk, with the exception that my amendment would increase the appropriation only $300,000. But I am glad to support the amendment offered by the gentleman from New York [Mr. WAINWRIGHT] providing for the addition of $388,000.

I would like to have the Clerk at this time read the letter I have received from the citizens' aid committee down in my State.

The CHAIRMAN. Without objection, the Clerk will read the communication.

The Clerk read as follows:

UNIVERSITY OF FLORIDA,
Gainesville, February 3, 1928.

Hon. R. A. GREEN,
Washington, D. C.

MY DEAR MR. GREEN: During the citizens' military training camps last year 892 Florida boys were to take advantage of the training offered by the Government. The county and home demonstration agents tell us that as a result of this training, the condition of sanitation and hygiene have been wonderfully improved in the rural districts.

This year it is our desire to give twice as many boys the opportunity to take this training. We have been informed that the Army appropriation bill will carry citizens' military training camp item for only 35,000 boys this year. If this is true, then a vast number of boys will be denied the privilege of building up their minds and bodies by attending citizens' military training camps.

In order for all boys to have a chance to go, it will be absolutely necessary for the citizens' military training camp item to be for at least 40,000. We most respectfully ask that you lend all your influence and support to the bill providing for 40,000 instead of 35,000.

This is our critical year, and your support will mean a great deal to the youth of our State.

With kind regards, we are,

Very truly yours,

B. C. RILEY,
JAMES A. HUDSON,
Civilian Aides for Florida.

Mr. GREEN of Florida. Now, gentlewomen and gentlemen of the committee, this, as you will see, provides for the training of the other 5,000 boys who have not been trained heretofore. Of course, provision was made last year for only 35,000, but by close finance and careful organization they were able to train almost 40,000. But this amendment will insure the training of 40,000.

I would like to warn my colleagues as to this, that undoubtedly to-day is no time to retrench in the development and training of American citizenship. You may retrench in the Army, or you may retrench in the Navy; but to-day is no time to retrench in the developing of the physical, mental, and moral manhood of our Nation. There never has been a time when it was needed more than at this time.

To-day the crime wave swells on in our great Nation. Daily, yes, almost hourly, we hear of the occurrence of some horrible crime. Very often these crimes are committed by the youth of our land; yes, young men, many of them still under 20 and at least a majority of instances under the age of 24 years. Twenty-four is the maximum age of entrance into the citizens' military training camps, so thus you see through these annual encampments we are able in a way to educate away from crime, away from lawlessness, away from anarchy, and toward ripe and patriotic American citizenship.

It is impossible for a nation to rise above its citizenship, but it is quite possible and, in fact, a natural consequence for good and proper citizenship to elevate and perpetuate a mighty nation. There are thousands of boys who during school vacation idly loiter on the streets of our towns and cities and through idleness drift into mischief, if, indeed, not into grave crime. If these young men could be encouraged to enter the citizens' military training camps each summer, who will dispute that great good would ensue? Of course, all crime could not be stopped through the training, but is it not reasonable to predict that it would not only be lessened, but that patriotism, physical, mental, and moral citizenship would be fostered? The citizens' military training camp offers great opportunities for the privileged and the unprivileged alike; they are taught sanitation, proper physical exercise, proper habits of living, their own mental possibilities, morality, and decency, as well as politeness, courtesy, and other golden virtues which go to make up splendid American citizenship.

These boys go back to their homes inspired with the information of clean living and with their hearts throbbing with that patriotism which has ever meant so much for American greatness. They tell to others the things learned while in training, and in this manner most effectively and beneficially reflect their improved usefulness in their respective communities. They put into use and practice those things taught them in camp.

Of course, my colleagues, I appreciate the fact that our bill already provides for the training of some 35,000 of these young men, but I insist that it would be money well spent if we would appropriate sufficiently to increase this number by at least 5,000 and let it be understood that at least this number, if, indeed, not more, could be and would be trained each summer. Our vision in citizenship should reach further than to-day; we must in every way offer the best for the citizens of to-morrow, as they will soon be the citizens of to-day and will confront even greater problems of state than do we. I see it my duty to in every way contribute to the Americanism of to-morrow.

The Congress has been liberal in its appropriation for the Army, the Navy, and other necessities of our Government. I fully realize this. It has done this rightfully, is has thus appropriated millions and millions for other purposes, and I do not believe that it is going to deny these civilian aides their request. The civilian aides get no advantage or money from it. On the contrary, they serve without pay. The Major Riley and Mr. Hudson who signed the letter just read by the Clerk will not receive pay for their work and efforts. They are patriotic citizens faithfully and efficiently serving their country as civilian aides for Florida, and hope for no reward other than a safer and better citizenship for to-morrow. They are splendid serving gentlemen.

Mr. Chairman and fellow members of the committee, I shall not now discuss the matter further, but hope the amendment offered by the gentleman from New York will prevail. [Applause.]

Mr. SNELL. Mr. Chairman, perhaps no man in this House is in a more embarrassing position than I am at the present time when I speak against an increase in this appropriation. No man in this House has been to the War Department so many times as I have for the purpose of doing something to continue and improve the citizens' military training camps. No man has appeared before the Appropriations Committee so many times and asked for an increase in this appropriation as I have. No Member is a firmer believer in these camps or has visited them more often. In my district I have the largest and one of the most successful camps in this country. It was the first camp which really made a success of the citizens' military training proposition, and it was from this camp that the Plattsburg idea sprung up, which has become the prevailing idea in the citizens' military training camps.

The situation in which I find myself to-day is this: When the Budget recommendations came here provision was only made for the training of 30,000 men. Last year we provided for the training of 35,000 men. At that time I felt that was a reasonable number to ask this country to train every year. I was more interested in establishing a definite policy as to the number to be trained each year than I was in raising the number 1,000 or 2,000 this year and then having a vote on it the next year, when, perhaps, the number would be reduced below that originally provided. I thought, as a cross section of the feeling of this entire country, that perhaps 35,000 was pretty nearly the average and fair number.

When I went before the Subcommittee on Appropriations this year I talked with them along this line, and I agreed with the committee that if they would increase the amount to the same amount that was carried last year, which would provide for the training of 35,000, I would help protect that amount on the floor of the House, notwithstanding the fact that the people in my district would like to have 40,000 or 50,000 men trained each year. And I think what I said to the committee had considerable influence toward increasing the Budget estimate to what is carried in this bill.

Mr. MADDEN. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. MADDEN. Was it not substantially agreed by those who represented the civilian military training camps that 35,000 would meet with their approval?

Mr. SNELL. I was just coming to that. The representative of this association, who is a very fine, high-grade man, and who is giving his time to this work because he believes it is his patriotic duty, and I have nothing whatever to say against him, came to my office and we talked over this whole proposition. I explained my attitude to him and the position I had taken before the committee. When he left my room I understood that was absolutely agreeable to him, and that no move would be made at this time to increase the number. I have acted in good faith all the way through, and the subcommittee, I believe, was influenced in raising this amount by the promise I had made to them, and I thought I represented the people who were directly and most distinctly interested in this training-camp proposition.

I feel it is better to leave the amount as provided by the Subcommittee on Appropriations and establish the policy of training 35,000 men each year, and not one year try to raise the number and the next year try to lower it, and thus always leave the proposition in an indefinite position, where some years you will not get any camp at all. We have already raised the Budget estimate $240,000, and we are appropriating the same amount for this activity that was carried last year and our people should feel satisfied. And I say this as a long-time friend and supporter of citizens' military camp training.

Mrs. ROGERS. Mr. Chairman, I move to strike out the last two words. [Applause.] I wish I had the power to tell you how vitally important I think the training of these young men is. I have in my district at Ayers, Mass., Camp Devens. It is a military post, and it trains the Reserve Officers' Training Corps, the citizens' military training camps, the Organized Reserves, and the National Guard every year. Last summer 10,045 men were trainees at Camp Devens:

Regular Army, 33 officers, 653 enlisted men.
Reserve Officers' Training Corps, 158 infantry.
Citizens' military training camp, 1,058 trainees.
Organized Reserves, 648 officers.
National Guard, 559 officers, 6,936 enlisted men.

I visited that post constantly. I go there when the men first begin their training; I go there during their training; and I go there to give prizes for good marksmanship at the end of their training. I do not go there to teach them to dance, as the gentleman from New York [Mr. LAGUARDIA] facetiously stated was a reason for having hostesses at the camps. I go there to watch them prepare to become good citizens; I watch them learn to protect our flag when they learn to shoot. I want them to shoot well.

I am going to read to you a part of the national defense act of 1916, as amended in 1927, because there seems to be some controversy as to what constitutes the national defense:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Army of the United States shall consist of the Regular Army, the National Guard while in the service of the United States, and the Organized Reserves, including the Officers' Reserve Corps and the Enlisted Reserve Corps.

I am going to read section 47d:

Training camps: The Secretary of War is hereby authorized to maintain, upon military reservations or elsewhere, schools or camps for the military instruction and training, with a view to their appointment as reserve officers or noncommissioned officers, of such warrant officers, enlisted men, and civilians as may be selected upon their own application.

It seems to me it is exceedingly clear that the National Guard and Organized Reserves are component parts of the Army of the United States of America, and the citizens' military training camp is a most valuable source from which all three of the component parts of the Army are recruited. Usually the young men complete their service by going into one of these three component parts. I know that the gentleman from California [Mr. BARBOUR] and his committee are in favor of these training camps. You know and I know perfectly well that the future of this country is in the hollow of the hands of those boys. We are going to pass out of the picture before so many years. Those young men are going to take our places, and if war comes those men are going to be called upon to defend us. We want to give them their chance to have at least some knowledge of military practice.

This training prepares a young man to meet his obligations on the field of actual battle as well as to know his duty in citizenship. The opportunity to give every boy who wants to take this training should not be denied. It is his right. No principle of false economy should in any way interfere with the right of the boy to receive this preparedness instruction from the Government.

This Congress of the United States in war time drafts the youth of our country to defend us. It is so simple to vote "aye" to the roll call for conscription. It ought to be easy for us and our bounden duty to vote "aye" to give our young men the chance to be equipped as far as possible mentally and physically for the struggle in our defense.

I remember in England and in France, in 1917, seeing young boys going to the front and their officers told me "they haven't a chance; they are not prepared." Citizens' military training camp training would have meant preliminary preparation for those boys. They would have known what to do and how to do it.

Mr. CONNERY. Will the gentlewoman yield?

Mrs. ROGERS. Yes.

Mr. CONNERY. In reference to that, in the American Expeditionary Force we had men who went up to the front-line trenches against the Germans who never had held a rifle in their hands.

Mrs. ROGERS. I know that is true. A major told me the other day that it broke his heart to send boys against a wall of steel who had not had a chance to learn how to defend themselves. You know how many boys were turned out of the service draft because they were not physically fit. Training camps find out whether our men are physically fit or not.

They correct some of the disabilities they have, and by correcting such disabilities make them physically fit to receive the proper training later, and they are ready for defense duty if necessary.

Some one has spoken of training boys to be hard-boiled. I believe in training them to be men—and they are men—but in training them to be men and hard-boiled they seem to learn a curious gentleness and courtesy so fully, and I know this because I have worked with soldiers ever since 1917, and I am going on working with them always, I trust. A training camp teaches the boys the meaning of service.

It teaches them to get along with boys from the different cities and boys of different descent and from every walk of life. It teaches them cooperation and coordination, and it teaches them respect; and it also teaches them who their Members of Congress are. [Laughter.] I am going to tell you a story about a boy from Maine. I do not see his father here now. In going to the camps at first I found that when I asked the boys who lived outside my own district who represented them in Congress their answer almost invariably was either "I do not know," or "I am not sure."

I found in one barrack a boy who looked very bright and handsome and very attractive, and I asked him if he knew who his Member of Congress was. His reply was, "I do." I then said, "Who is he?" "My father." This was the son of Mr. NELSON of Maine. [Applause.]

The Secretary of War, Mr. Davis, sent his boy to a citizens' military training camp and President Coolidge sent his boy to a citizens' military training camp.

The CHAIRMAN. The time of the gentlewoman from Massachusetts has expired.

Mrs. ROGERS. May I continue for just one moment?

The CHAIRMAN. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS. I asked the reason there were more than 35,000 men trained last year. I knew the answer when I asked the question—the corps commanders economized in order to have more to spend in training more men—and, as a matter of fact, I understand the Appropriations Committee has not the power to authorize, anyway, the number of men to be trained; and even if the Committee on Military Affairs authorizes a certain number to be trained, the number of those serving in the national defense can be increased if there is money appropriated and not yet used.

We have unexcelled man power in the United States. Everyone realizes that. We must give them the machinery of war. And I am sure you all agree with me that there is no better citizenship insurance than our military training.

The authorized strength of the Army is fixed in the national defense act at 280,000 enlisted men. The actual strength of the Army is fixed from year to year by the amount of money appropriated annually for the pay of the enlisted men. The national defense act does not fix or limit the number of young men that can attend the military training camps. This number is, or should be, the greatest number that the Government has the money to train.

The CHAIRMAN. The time of the gentlewoman from Massachusetts has again expired.

Mr. BARBOUR. Mr. Chairman, this is another amendment which I feel we would not be justified in adopting. This is another matter that the Subcommittee on Appropriations for the War Department went into very carefully. The subcommittee has shown in recent years that it has a very high regard for the citizens' military training camps and that the members of the committee have been real friends of the citizens' military training-camp movement.

Two years ago it was proposed to reduce the appropriation for citizens' military training camps and the members of the committee restored the amount in the bill, brought it in on the floor of the House, and the House indorsed what we then did.

This year it was proposed by the Budget to train only 30,000 trainees. Last year we brought in a bill providing for 35,000 trainees. It is true, as has been said, they found they had more money than they needed, or some holdover money from some prior appropriations, and instead of confining their training to the number which Congress had authorized by the size of the appropriation, they went ahead and spent the money. This the Secretary of War said was not the right thing to do and we felt was not the right thing to do. This year the Budget estimate came down for 30,000 trainees, and the subcommittee put it back practically to 35,000 trainees, or an increase of 5,000 approximately.

Mind you, I do not say definitely we have provided for 35,000 trainees, but we have provided definitely for 34,000; and if they have a little more than half of the carry-over this year that they had last year, they can easily take care of the extra 1,000, making a total of 35,000; and we have every reason to believe they will have that much carry-over, and perhaps more.

We have the right to assume, as the committee intended, that 35,000 trainees are provided for. This is all that has been asked for, except on the part of a few people who are interested in the camps. Telegrams have been sent here urging that we provide for 40,000. The War Department has not asked for 40,000. When the figure of 30,000 was before the committee the Secretary of War was asked how many he could train. He said: "Thirty-five thousand is the figure we would like to train in a well-rounded program."

Thirty-five thousand is all they want, except as I say, a few people who have sent telegrams asking for 40,000. Gentlemen, is that any reason why we should increase this appropriation over $300,000, just because a few people have asked it? Mind you, when you train these young men you have to have Regular Army troops with them for proper training. We already have over 25,000 Regular Army troops giving their time in the summer to the activities of civilian training. It is a fine thing, and I believe in it.

But there is a limit. The additional cost of regular troops has to be taken out of the funds for the Regular Army. This increase that goes in here is not the total cost—it ramifies into

other items. Why should we make this increase when the War Department has not asked for it?

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. WAINWRIGHT. I want to emphasize the fact that last year we trained about 40,000 young men.

Mr. BARBOUR. No; it was 38,000 plus—between 38,000 and 39,000. That was done because they found that they had some money left over, and we have the right to assume that there will be some money left over this year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. WAINWRIGHT) there were 27 ayes and 78 noes.

So the amendment was rejected.

The Clerk read as follows:

Under the authorizations contained in this act no issue of reserve supplies or equipment shall be made where such issues would impair the reserves held by the War Department for two field armies or 1,000,000 men.

Mr. BARBOUR. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 10286, the War Department appropriation bill, had come to no resolution thereon.

STATE, JUSTICE, JUDICIARY, COMMERCE, AND LABOR APPROPRIATION BILL

Mr. SHREVE. Mr. Speaker, I call up the conference report on the bill (H. R. 8269) making appropriations for the Departments of State, Justice, and the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1929, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Pennsylvania calls up a conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement is as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8269) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 11, 16, 23, 29, 30, 32, 33, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 7, 8, 9, 12, 13, 14, 17, 18, 19, 22, 24, 25, 26, 27, 31, 34, 36, 37, 43, and 44, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$335,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,659,850"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$859,143"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$260,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "$2,542,080"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 10, 15, 28, 38, 39, and 40.

MILTON W. SHREVE,
GEORGE HOLDEN TINKHAM,
ERNEST R. ACKERMAN,
W. B. OLIVER,
ANTHONY J. GRIFFIN,
Managers on the part of the House.

W. L. JONES,
F. E. WARREN,
REED SMOOT,
LEE S. OVERMAN,
WM. J. HARRIS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8269) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On No. 1: Strikes out language proposed by the House and inserts language proposed by the Senate with reference to making available the unexpended balances of prior appropriations for the acquisition of diplomatic and consular establishments at Tokyo, Japan.

On No. 2: Strikes out language proposed by the House regarding the appointment of clerks at United States consulates because of the fact that the language carried is already permanent law.

On Nos. 3 and 4: Makes available $45,000 for traveling expenses incurred in connection with leaves of absence of diplomatic, consular, and Foreign Service officers, instead of $40,000 as proposed by the House and $46,900 as proposed by the Senate, and appropriates $335,000 for transportation of diplomatic, consular, and Foreign Service officers, instead of $330,000 as proposed by the House, and $336,900 as proposed by the Senate.

On No. 5: Appropriates $75,000, as proposed by the Senate, for an additional amount for the waterways treaty, United States and Great Britain.

On No. 6: Strikes out the language proposed by the Senate making the appointment of the agent of the general and special claims commission, United States and Mexico, subject to the advice and consent of the Senate.

On Nos. 7 and 8: Inserts language, as proposed by the Senate, authorizing office rental for the reporter of the United States Supreme Court, and appropriates $20,374, as proposed by the Senate, instead of $18,874, as proposed by the House, for miscellaneous expenses of the Supreme Court, being an increase of $1,500 covering the proposed amount to cover the rental allotment allowed for the reporter of said court.

On No. 9: Appropriates $90,112.50, as proposed by the Senate, for salaries and expenses of commissioners of the Court of Claims.

On No. 11: Appropriates $838,000, as proposed by the House, instead of $957,000, as proposed by the Senate, for such miscellaneous expenses as may be authorized or approved by the Attorney General for the United States courts and their officers.

On Nos. 12 and 13: Inserts figures, as proposed by the Senate, correcting typographical errors in the amounts available for working capital funds for the United States penitentiaries at Atlanta, Ga., and Leavenworth, Kans.

On No. 14: Inserts language, as proposed by the Senate, authorizing $20,000 of an unexpended balance an appropriation heretofore made for the erection of a family building, to be available for the erection of a wire fence at the National Training School for Boys, District of Columbia.

On No. 16: Appropriates $715,000, as proposed by the House, instead of $735,000 as proposed by the Senate, to be available for printing and binding, Department of Commerce.

On Nos. 17 and 18: Makes available for personal services in the District of Columbia under the fund for aircraft in commerce $193,760, as proposed by the Senate, instead of $153,760, as proposed by the House; and appropriates for aircraft in

commerce $702,000, as proposed by the Senate, instead of $662,000, as proposed by the House.

On Nos. 19 and 20: Makes available for personal services in the District of Columbia under the fund for air navigational facilities, $50,000, as proposed by the Senate, instead of $37,400, as proposed by the House; and appropriates under this fund $3,659,850, instead of $3,209,850, as proposed by the House, and $3,684,850, as proposed by the Senate.

On Nos. 21 and 22: Appropriates $859,143 for promoting commerce in Europe and other areas instead of $844,143, as proposed by the House, and $904,143, as proposed by the Senate; and makes available under this fund for personal services in the District of Columbia, $75,000, as proposed by the Senate, instead of $63,625, as proposed by the House.

On No. 23: Appropriates $458,817, as proposed by the House for promoting commerce in Latin America, instead of $468,817, as proposed by the Senate.

On No. 24: Inserts a caption, as proposed by the Senate, to the paragraph making appropriations for the promotion of commerce in the Far East.

On No. 25: Makes available $17,000, as proposed by the Senate, for personal services in the District of Columbia under the fund for promoting commerce in Africa, instead of $8,500, as proposed by the House.

On No. 26: Appropriates $540,000, as proposed by the Senate, instead of $495,000, as proposed by the House, for district and cooperative offices under the Department of Commerce.

On No. 27: Appropriates $290,000, as proposed by the Senate, instead of $275,000, as proposed by the House, for domestic-commerce and raw-materials investigations under the Department of Commerce.

On Nos. 29 and 30: Appropriates $10,000, as proposed by the House, instead of $15,000, as proposed by the Senate, for color standardization in the Bureau of Standards, and makes available for personal services in the District of Columbia $9,200, as proposed by the House, instead of $14,000, as proposed by the Senate.

On No. 31: Appropriates $315,640, as proposed by the Senate, instead of $311,640, as proposed by the House, for surveys on the Pacific coast under the Coast and Geodetic Survey.

On No. 32: Appropriates $26,000, as proposed by the House, instead of $26,775, as proposed by the Senate, for researches in physical hydrography under the Coast and Geodetic Survey.

On No. 33: Appropriates $88,000, as proposed by the House, instead of $88,735, as proposed by the Senate, for Federal, boundary, and State surveys under the Coast and Geodetic Survey.

On No. 34: Appropriates $650,000, as proposed by the Senate, instead of $645,000, as proposed by the House, for employees for vessels under the Coast and Geodetic Survey.

On No. 35: Appropriates $64,500, as proposed by the House, instead of $65,000, as proposed by the Senate, for office expenses under the Coast and Geodetic Survey.

On Nos. 36 and 37: Appropriates $367,000, as proposed by the Senate, instead of $360,000, as proposed by the House, for the Alaska service under the Bureau of Fisheries, and makes available under that fund $47,000, as proposed by the Senate, instead of $40,000, as proposed by the House, for construction of roads.

On No. 41: Appropriates $260,000 for economics of mineral industries under the Bureau of Mines, instead of $250,000, as proposed by the House, and $275,000, as proposed by the Senate.

On No. 42: Changes the total of the appropriations for the Bureau of Mines to $2,542,080, instead of $2,532,080, as proposed by the House, and $2,557,080, as proposed by the Senate.

On Nos. 43 and 44: Transfers an amount of $2,500 from the Bureau of Labor Statistics to the fund for contingent expenses in the Department of Labor, as proposed by the Senate.

The committee of conference have not agreed to the following amendments of the Senate:

On No. 10: Authorizing the payment under the appropriation for marshals and district attorneys any necessary cost of keeping vessels or other property attached or libeled in admiralty in such amount as the court on petition setting forth the facts under oath may allow.

On No. 15: Authorizing the Attorney General to enter into contracts for periods up to three years for the subsistence and care of Federal prisoners.

On No. 28: Authorizing the employment of temporary employees in the Bureau of the Census without regard to the provisions of the classification act.

On No. 38: Authorizing an amount of $500 for the purchase and bestowal of trophies in connection with mine-rescue and first-aid contests in the Bureau of Mines.

On No. 39: Releasing the application of section 192 of the Revised Statutes for the purchase of newspapers in the fund making appropriations for oil, gas, and oil-shale investigations.

On No. 40: Authorizing the credit of moneys received from the sales of fuel to be credited to the appropriation for the Government fuel yards.

MILTON W. SHREVE,
GEORGE HOLDEN TINKHAM,
ERNEST R. ACKERMAN,
W. B. OLIVER,
ANTHONY J. GRIFFIN,
Managers on the part of the House.

Mr. SHREVE. Mr. Speaker, the bill making appropriations for the Departments of State, Justice, and the judiciary, Commerce, and Labor, as it passed the House, carried $89,057,985.14. Including additional Budget estimates considered by the Senate amounting to $640,112.50, the bill as it passed that Chamber amounted to $90,063,507.64, an increase over the total estimates of the Budget of $205,510. The House will recall that when the bill passed here it was $159,900 under the Budget estimates. The bill as finally agreed to between the conferees of the Senate and the House amounts to $89,820,597.64, which is $37,410 under the estimates that were submitted to Congress on this bill. The increases in the bill agreed to in conference over what the bill was when it passed the House are $5,000 more for traveling expenses in the Department of State; $75,000 (Budget estimate) for waterways treaty, United States and Great Britain; $1,500 for rent for the reporter of the Supreme Court; $90,112.50 for salaries and expenses for commissioners of the Court of Claims, Budget estimate; $40,000 for aircraft in commerce, Budget reduction made by the House; $450,000 for air navigational facilities, Budget estimate; $15,000 for promoting European commerce, Bureau of Foreign and Domestic Commerce; $45,000, district office service; $15,000, promoting commerce in the United States; $8,990, Coast and Geodetic Survey; $7,000 for roads in Alaska service in the Bureau of Fisheries; and $10,000 for economics of mineral industries, Bureau of Mines.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 10: On page 41, line 1, after the figures "$3,672,500," insert: "*Provided*, That there shall be paid hereunder any necessary cost of keeping vessels or other property attached or libeled in admiralty in such amount as the court, on petition setting forth the facts under oath, may allow."

Mr. SHREVE. Mr. Speaker, the purpose of this amendment is to allow the Department of Justice to pay expenses incident to keeping property seized under admiralty jurisdiction, until such property is either sold at public auction, returned to the original owners, or otherwise disposed of by way of condemnation, all on action of the court. Without this necessary authority there would be no way to pay the expenses of holding such property and keeping it for the action of the court.

I move to recede and concur in the amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 15: Page 49, line 8, after the figures insert: "*Provided*, That hereafter contracts for the subsistence and care of Federal prisoners, within the discretion of the Attorney General, may be made for a period not exceeding three years."

Mr. SHREVE. Mr. Speaker, this amendment explains itself. The purpose of it is to permit the Attorney General to enter into contracts for a period not exceeding three years for the subsistence and care of Federal prisoners. In view of the uncertainty of the prison population and the difficulty that the department already has in placing excess prison population in penal institutions other than Government owned, it has been found necessary to enter into contracts for their keep for periods longer than the usual contract period of one year.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. GARRETT of Tennessee. And what is the time now?

Mr. SHREVE. One year.

Mr. GARNER of Texas. Mr. Speaker, will the gentleman yield for a question?

Mr. SHREVE. Yes.

Mr. GARNER of Texas. This illustrates the situation we find ourselves in in respect to the Appropriation Committee of the House and the Appropriation Committee of the Senate. You go over to the Senate and you secure legislation, and when I say "You," I do not mean the gentleman personally. The committee obtains this legislation that can not be put on on the floor of the House. It takes from the Committee on

the Judiciary a prerogative it has to consider this question. The Judiciary Committee was on call here for two days under Calendar Wednesday business, and if this were advisable, it does seem to me that the responsibility of that committee would have induced them to bring in a small bill extending this from one year to three years. I call attention to this at this time. I do not propose to object to concurring in the amendment. It is a bad practice, and I think the gentleman ought to insist that the Senate conferees realize that.

Mr. SHREVE. I fully concur in the statements made by the gentleman from Texas. We have carried this item along now for three or four years. It becomes necessary in the execution of contracts in the management of our prisons. I would be very glad if the Committee on the Judiciary would take the thing up and give it some authorization by law.

I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 28: Page 63, line 16, insert: "without regard to the provisions of the classification act, for the purpose of assisting in periodical inquiries: *Provided*, That temporary employees of the Bureau of the Census may be allowed leave of absence with pay at the rate of two and one-half days a month."

Mr. SHREVE. Mr. Speaker, this amendment is for the purpose of assisting in the conduct of the decennial census. It is necessary, and has been, as long as I can remember, just prior to the taking of a census, to pass this amendment. It is really current law. They do not count the intervening years. The same amendment is passed just previous to the taking of the census in order to provide the Bureau of the Census with facilities for bringing in trained men who may train the younger men who are coming in to do the work, and also for the purpose of employing men for some time less than the classification act provides for.

Mr. GARRETT of Tennessee. This provision was in the bill when the committee brought it into the House.

Mr. SHREVE. Yes; and it went out on a point of order. I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 38: Page 98, line 1, after the figures insert: "*Provided*, That of this amount not to exceed $500 may be expended for the purchase and bestowal of trophies in connection with mine rescue and first-aid contests."

Mr. SHREVE. Mr. Speaker, in connection with the Bureau of Mines, this permits the bureau to use the small amount of $500 for the expenditure upon medals and trophies to be given in first-aid mine rescue work. I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 39: Page 99, line 15, after the word "industries," insert: "*Provided*, That section 192 of the Revised Statutes shall not apply to such purchase of newspapers from this appropriation."

Mr. SHREVE. Mr. Speaker, this item is for the purpose of supplying necessary information through the public press to the Bureau of Mines in the study of shale-oil situation. It is necessary for them to have all of the periodicals on the subject, and they find they can not get along very well without the information.

Mr. CHINDBLOM. This relates particularly to subscribing in advance?

Mr. SHREVE. Yes. I move to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 40: Page 102, line 11, insert: "*Provided*, That all moneys received from the sales of fuel shall be credited to this appropriation and be available for the purposes of this paragraph: *Provided further*, That the requirements of sections 3711 and 3713 of the Revised Statutes relative to the weighing of coal and wood and the separate certificate as to the weight, measurement, or quantity of coal and wood purchased shall not apply to purchases by the Government fuel yards at free-on-board destinations outside of the District of Columbia."

Mr. SHREVE. This is another item that has been carried for several years. This amendment permits the Bureau of Mines under the Government fuel yards to credit to the continuing appropriation of $1,500,000 made a number of years ago the moneys received from the sale of fuel to the different governmental institutions. If this provision was not carried the money received from the sale of fuel would revert to the Treasury and Congress would have to appropriate requisite amounts each year for the conduct of the fuel yard. As it is now, one appropriation was made a number of years ago, and as expenditures are made from it from time to time, the expenditures are offset by a consequent sum received from the Government department or bureau purchasing the coal from the Government fuel yard.

Mr. GARNER of Texas. Let me ask the gentleman a question. I refer to the gentleman from Alabama [Mr. OLIVER]. I did not know that we had a revolving fund in this country except that in connection with the Panama Railroad. Do I understand that this is a revolving fund, where Congress can not tell how much is expended on a particular thing?

Mr. OLIVER of Alabama. The amount is not large. It is chiefly for the upkeep and expenses.

Mr. GARNER of Texas. It is really a revolving fund?

Mr. OLIVER of Alabama. Yes.

Mr. GARNER of Texas. I made a statement recently that the only revolving fund I knew of was that in connection with the Panama Railroad.

Mr. OLIVER of Alabama. Yes. This has been carried for a number of years.

Mr. GARNER of Texas. You say there are several revolving funds?

Mr. OLIVER of Alabama. There may be.

Mr. SHREVE. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendment.

The SPEAKER. The gentleman from Pennsylvania moves that the House recede from its disagreement to the Senate amendment. The question is on agreeing to that motion.

The motion was agreed to.

RETURN OF A BILL TO THE SENATE

Mr. GREEN of Iowa. Mr. Speaker, I rise to a question of the highest privilege in the House and offer the following resolution, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 110

Resolved, That the bill S. 789, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement on the privileges of this House, and that the bill be respectfully returned to the Senate with a message communicating this resolution.

Mr. GREEN of Iowa. Mr. Speaker, I am again called upon to perform a rather disagreeable duty; that is, to offer a resolution to send a bill back to the Senate. Yet I am compelled to do so.

The bill just referred to in the resolution provides, among other things, that—

any person in the United States who may sell a vessel documented under the laws of the United States and built prior to January 1, 1914, shall be exempt from all income taxes that would be payable upon any of the proceeds of such sale under the revenue act of 1918 or under any subsequent revenue act in force during such 10-year period if the entire proceeds thereof shall be invested in the building of new ships in American shipyards.

It is perfectly obvious to every Member who is present that if a bill may be properly introduced in the Senate to exempt a particular class of sales from the income tax it might be introduced to exempt all sales and all transactions in the application of the income tax. If it could be introduced to exempt all sales of ships and transactions of such persons, a bill could be introduced also that would exempt all individuals from taxes. In short, our whole system of tax laws, as introduced in this House and passed through Congress, would be undermined by bills introduced in the Senate of the same character and nature as this bill to which I have referred in the resolution which I have sent to the desk.

I would not offer this resolution at this time, when so few Members are present, if I were not confident that every Member of the House will concur in the resolution; and unless some other gentleman desires to be heard, I will move the previous question on the resolution.

Mr. RAMSEYER. I notice that the resolution refers to a certain clause and section and article of the Constitution, but does

not recite the text of the Constitution. I suggest that the gentleman might, at least in his remarks, quote the particular passage by which he claims his resolution is privileged, so that the reader of the RECORD may learn why this bill should be returned to the Senate.

Mr. GARRETT of Tennessee. And does not the gentleman think that perhaps, in view of the numerous times we have had to perform this act, it would be well enough to quote it for the benefit of the other distinguished body?

Mr. RAMSEYER. Yes. The gentleman agrees that it ought to be in.

Mr. GARNER of Texas. This resolution, as I understand, is in the regular form of similar resolutions passed by the House on numerous former occasions, as the gentleman from Tennessee has said, as to proposed legislation by the Senate, which they do not have constitutional authority to enact.

Mr. GREEN of Iowa. The gentleman is entirely correct. I had assumed that every Member of the House was familiar with the Constitution. The gentleman, I am sure, is fully aware that the provision I referred to is the one that requires that bills raising revenue shall originate in the House.

Mr. RAMSEYER. Of course I knew it, and I assumed that every Member of the House knew it; but along the line suggested by the gentleman from Tennessee [Mr. GARRETT], I thought it would be wise that the language of the constitutional provision be placed in there for the benefit of another body.

Mr. GREEN of Iowa. Technically speaking, perhaps, this bill, with some others that have been sent back to the Senate, does not purport to raise revenue, but rather to diminish revenue. But it has the effect of controlling the raising of revenue, and we have had repeated holdings by the Speaker of this House, and other Speakers, as well as the present occupant of the chair, where bills of this nature have been held to be an infringement of the privileges and prerogatives of the House as provided in the Constitution.

Mr. GARRETT of Tennessee. It does not mean increased revenue, but has to do with getting revenue.

Mr. GREEN of Iowa. Yes; bills that directly affect the revenue are held to be included within that provision of the Constitution.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The vote is unanimous.

ORDER OF BUSINESS TO-MORROW

Mr. TILSON. Mr. Speaker, I ask unanimous consent that on to-morrow, after the special orders of the day, the consideration of Calendar Wednesday business be dispensed with for the remainder of the day.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BURDICK for three days to attend the funeral services of the late Governor of Rhode Island, Hon. Aram J. Pothier.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the amendment of the House of Representatives to the bill (S. 700) entitled "An act authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes."

The message also announced that the Senate insists upon its amendments to the bill (H. R. 278) entitled "An act to amend section 5 of the act entitled 'An act to provide for the construction of certain public buildings, and for other purposes,' approved May 25, 1926," disagreed to by the House of Representatives, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEYES, Mr. WARREN, and Mr. REED of Missouri to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2343. An act extending the time for completing the construction of a bridge across the Mississippi River in Ramsey and Hennepin Counties, Minn.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval a joint resolution of the following title:

H. J. Res. 112. Joint resolution to amend the act of May 29, 1884, as amended, the act of February 2, 1903, and the act of March 3, 1905, as amended, to include poultry within their provisions.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, for the information of the House, I give notice that it is the intention to take up the War Department appropriation bill immediately after the special orders to-morrow.

ADJOURNMENT

Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, Wednesday, February 8, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, February 8, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Department of Agriculture appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To place agricultural products upon a price equality with other commodities (H. R. 9371).

To foster agriculture and to stabilize the prices obtained for agricultural commodities by providing for the issuance of export debentures upon the exportation of such commodities (H. R. 10568).

COMMITTEE ON THE CENSUS

(10.30 a. m.)

To provide for the fifteenth and subsequent decennial censuses (H. R. 393).

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

To amend Title II of an act approved February 28, 1925, regulating postal rates (H. R. 9296).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

To designate a building site for the National Conservatory of Music of America (H. R. 7006).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To amend an act entitled "An act for the regulation of radio communications," approved February 23, 1927 (H. R. 8825).

COMMITTEE ON ROADS

(10 a. m.)

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented (H. R. 358, 383, 5518, 7343, and 8832).

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented, and authorizing appropriation of $150,000,000 per annum for two years (H. R. 7019).

COMMITTEE ON RIVERS AND HARBORS

(11 a. m.)

A meeting to consider favorable reports from the office of the Chief of Engineers on rivers and harbors projects.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote the unification of carriers engaged in interstate commerce (H. R. 5641).

COMMITTEE ON LABOR

(10 a. m.)

To divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases (H. R. 7729).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MADDEN: Committee on Appropriations. H. R. 10635. A bill making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes; without amendment (Rept. No. 594). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREEN of Iowa: Committee on Ways and Means. H. R. 10487. A bill to amend the World War adjusted compensation act, as amended; without amendment (Rept. No. 595). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOUGLAS of Arizona: Committee on the Public Lands. S. 1154. An act to authorize the use by the county of Yuma, Ariz., of certain public lands for a municipal aviation field, and for other purposes; without amendment (Rept. No. 597). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEAVITT: Committee on the Public Lands. H. R. 9118. A bill for the relief of William C. Braasch; without amendment (Rept. No. 596). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10251) granting an increase of pension to John H. Alford; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8188) for the relief of Gilpin Construction Co.; Committee on Claims discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MADDEN: A bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

Also, a bill (H. R. 10636) to make an additional appropriation for the water boundary, United States and Mexico; to the Committee on Appropriations.

By Mr. ESLICK: A bill (H. R. 10637) for the purchase of a post-office site and the erection thereon of a suitable public building at Dickson, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10638) for the purchase of a post-office site and the erection thereon of a suitable public building at Lawrenceburg, Lawrence County, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. MOORE of Virginia: A bill (H. R. 10639) to provide for the procedure in the trial of certain criminal cases by the district courts of the United States; to the Committee on the Judiciary.

By Mr. WILLIAMS of Missouri: A bill (H. R. 10640) to provide for the purchase of a site and the erection thereon of a public building in the city of Flat River, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. BLANTON: A bill (H. R. 10641) to amend the Federal reserve act, by forbidding flagrant waste and extravagance, by forbidding the rediscount rate to member banks being placed at a rate higher than 3 per cent, by fixing a maximum limit on the salaries which may be drawn by the more than 10,000 persons employed by the Federal reserve system, reducing the salaries drawn by the chairmen of boards from the present high maximum of $50,000 to a maximum of not more than $15,000, reducing the salaries of the governors of branch banks from the present high maximum of $50,000 to a maximum of not more than $15,000, reducing the salaries of 23 deputy governors of branch banks from the present high maximum of $40,000 to a maximum of not more than $10,000, and directing the Federal Reserve Board to reduce in like proportion the salaries of the other two hundred and odd officers of said Federal reserve system, and forbidding the payment of exorbitant salaries to any of its employees, and for other purposes; to the Committee on Banking and Currency.

Also, a bill (H. R. 10642) to aid agriculture by affording maximum utilization of low-grade cotton, and creating an embargo upon all raw jute, jute bagging, and products manufactured from jute, and for other purposes; to the Committee on Agriculture.

By Mr. SNELL: A bill (H. R. 10643) granting the consent of Congress to Gulf Coast Properties (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near Rouses Point, N. Y., and a point at or near Alburg, Vt.; to the Committee on Interstate and Foreign Commerce.

By Mr. BACHARACH: A bill (H. R. 10644) to adjust the compensation of certain employees in the customs service; to the Committee on Ways and Means.

By Mr. BECK of Wisconsin: A bill (H. R. 10645) to amend section 1 of the tariff act of 1922; to the Committee on Ways and Means.

By Mr. FISHER: A bill (H. R. 10646) to amend an act of Congress approved July 3, 1926, being Private Act No. 272, and entitled "An act conferring jurisdiction upon the Federal District Court for the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman*"; to the Committee on the Judiciary.

By Mr. GASQUE: A bill (H. R. 10647) authorizing the extension of the park system of the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 10648) to amend the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. GRAHAM (by request): A bill (H. R. 10649) providing for the transfer of a portion of the military reservation known as Camp Sherman, Ohio, to the Department of Justice; to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 10650) authorizing an appropriation of $25,000 for the purchase of the compilation of place names of William G. Steel; to the Committee on the Library.

By Mr. McLEOD: A bill (H. R. 10651) to divest certain classes of firearms and ammunition of their character as subjects of interstate or foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. NEWTON: A bill (H. R. 10652) to authorize appropriations for construction at Fort Snelling, Minn., and for other purposes; to the Committee on Military Affairs.

By Mr. MAAS: A bill (H. R. 10653) to amend the act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide for a more autonomous government for those islands," approved August 29, 1916, as amended; to the Committee on Insular Affairs.

By Mr. OLIVER of New York: A bill (H. R. 10654) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, approved July 3, 1926; to the Committee on the Civil Service.

By Mr. VESTAL (by request): A bill (H. R. 10655) to amend sections 1 (e) and 25 (e) of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; to the Committee on Patents.

By Mr. JONES: A bill (H. R. 10656) to place agricultural products upon a price equality with other commodities; to the Committee on Agriculture.

By Mr. DRIVER: A bill (H. R. 10657) to authorize the assessment of levee, road, drainage, and other improvement district benefits against public lands and lands heretofore owned by the United States; to the Committee on the Public Lands.

By Mr. HOWARD of Nebraska: A bill (H. R. 10658) authorizing the Interstate Bridge Co., its successors and assigns (or his or their legal representatives and assigns), to construct, maintain, and operate a bridge across the Missouri River at or near Decatur, Nebr.; to the Committee on Interstate and Foreign Commerce.

By Mr. LEAVITT: A bill (H. R. 10659) to authorize the establishment of national recreation areas within the national forests; to the Committee on the Public Lands.

By Mr. KELLY: Joint resolution (H. J. Res. 195) authorizing the President to negotiate with other nations for agreements and treaties for the protection of American citizens of foreign birth or parentage from liability to military service in other countries; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Wisconsin, favoring the passage of the Norris resolution proposing an amendment to the Constitution of the United States for the earlier

seating of Congress and advancing the date of the inauguration of the President and Vice President from March 4 to January 2; to the Committee on Election of President, Vice President, and Representatives in Congress.

Memorial of the Legislature of the State of Wisconsin, relative to the negotiation of a treaty with Canada for the early completion of the Great Lakes-St. Lawrence seaway; to the Committee on Rivers and Harbors.

By Mr. BECK of Wisconsin: Memorial of the Legislature of the State of Wisconsin, memorializing the Congress of the United States to create a special committee to investigate the coal strike in all its phases; to the Committee on Rules.

Also, memorial of the Legislature of the State of Wisconsin, memorializing the Congress of the United States to enact such legislation for a survey of the Wisconsin-Fox Rivers waterway as will result in its completion; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 10660) granting an increase of pension to Sarah E. Courter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10661) granting a pension to Herbert Morris Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10662) granting a pension to Emma Smith; to the Committee on Invalid Pensions.

By Mr. BACHMANN: A bill (H. R. 10663) granting a pension to Rebecca Williams; to the Committee on Invalid Pensions.

By Mr. BEEDY: A bill (H. R. 10664) for the relief of the State of Maine; to the Committee on Naval Affairs.

By Mr. BEGG: A bill (H. R. 10665) granting an increase of pension to Anna M. Kennedy; to the Committee on Invalid Pensions.

By Mr. BUSHONG: A bill (H. R. 10666) granting a pension to Malinda Peiffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10667) granting an increase of pension to Elizabeth Dies; to the Committee on Invalid Pensions.

By Mr. CHASE: A bill (H. R. 10668) granting an increase of pension to Mrs. Eldorado Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10669) granting an increase of pension to Matilda Michael; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 10670) granting an increase of pension to Ann E. Miller; to the Committee on Invalid Pensions.

By Mr. DOUGLASS of Massachusetts: A bill (H. R. 10671) to authorize the award of a medal of honor to Col. David B. Porter, United States Marine Corps; to the Committee on Naval Affairs.

By Mr. FLETCHER: A bill (H. R. 10672) granting a pension to Christina McElroy; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: A bill (H. R. 10673) authorizing the President of the United States to present, in the name of Congress, a medal of honor to Lieut. Albert F. Hegenberger, United States Army Air Corps; to the Committee on Military Affairs.

Also, a bill (H. R. 10674) authorizing the President of the United States to present, in the name of Congress, a medal of honor to Lieut. Lester P. Maitland, United States Army Air Corps; to the Committee on Military Affairs

By Mr. GAMBRILL: A bill (H. R. 10675) for the relief of Mrs. L. D. Goldsberry; to the Committee on Claims.

By Mr. HASTINGS: A bill (H. R. 10676) to allow the distinguished-service cross for service in the World War to be awarded Capt. W. E. Corkill; to the Committee on Military Affairs.

By Mr. HOWARD of Oklahoma: A bill (H. R. 10677) for the relief of James H. Murphy; to the Committee on Military Affairs.

By Mr. HUDSPETH: A bill (H. R. 10678) granting an increase of pension to Cicero C. Patton; to the Committee on Pensions.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 10679) granting a pension to Susan B. Hancock; to the Committee on Pensions.

By Mr. KADING: A bill (H. R. 10680) providing for the examination and survey of the Fox River and connecting waters from Green Bay, Wis., to Portage; the Portage Canal; and the Wisconsin River; to the Committee on Rivers and Harbors.

By Mrs. LANGLEY: A bill (H. R. 10681) granting a pension to Rebecca Ratliff; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 10682) granting an increase of pension to Nancy R. Eaton; to the Committee on Invalid Pensions.

By Mr. MAJOR of Missouri: A bill (H. R. 10683) granting an increase of pension to Charles R. Harkless; to the Committee on Pensions.

By Mr. O'BRIEN: A bill (H. R. 10684) granting an increase of pension to Mary C. Conley; to the Committee on Pensions.

By Mr. PRATT: A bill (H. R. 10685) granting an increase of pension to Catharine Myers; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 10686) granting an increase of pension to Gertrude Fiske; to the Committee on Invalid Pensions.

By Mr. SEARS of Florida: A bill (H. R. 10687) providing for an examination and survey for the further development of Miami Harbor, in the State of Florida; to the Committee on Rivers and Harbors.

By Mr. SNELL: A bill (H. R. 10688) granting an increase of pension to Laura E. Bullock; to the Committee on Invalid Pensions.

By Mr. SPROUL of Illinois: A bill (H. R. 10689) granting a pension to Harry F. Palmer; to the Committee on Pensions.

By Mr. STROTHER: A bill (H. R. 10690) granting a pension to Sarah McGinnis; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 10691) granting an increase of pension to Ella A. Knapp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10692) granting an increase of pension to Rose A. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10693) granting an increase of pension to Clara Alton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10694) granting an increase of pension to Frances L. Prim; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10695) granting an increase of pension to Anna E. Gehrett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10696) granting an increase of pension to Anna M. Stockburger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10697) granting an increase of pension to Laura A. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10698) granting an increase of pension to Elizabeth J. Stoner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10699) granting an increase of pension to Anna M. Black; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10700) granting an increase of pension to Sarah E. Johnson; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 10701) for the relief of Samuel C. Liner; to the Committee on Claims.

By Mr. WHITEHEAD: A bill (H. R. 10702) for the relief of Elbert L. Cox; to the Committee on Military Affairs.

By Mr. WILLIAMS of Texas: A bill (H. R. 10703) for the relief of Asa Faulkner, deceased, Lewis L. Faulkner, deceased, and S. B. Spurlock, deceased; to the Committee on War Claims.

By Mr. YON: A bill (H. R. 10704) granting a pension to Alice L. Caswell; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 10705) granting a pension to Gertrude Gould; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3348. By Mr. BACHMANN: Petition of Mr. and Mrs. Hubert A. Ritz and 43 other citizens of Wheeling, Ohio County, W. Va., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3349. By Mr. BLAND: Petition of citizens of first district of Virginia, urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

3350. By Mr. BUCKBEE: Petition of Mrs. Alfred Blumenthal and 82 other citizens of Ottawa, Ill., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3351. By Mr. BURDICK: Petition of Clayton A. Lambert and others, protesting against the enactment of a compulsory Sunday observance law in the District of Columbia; to the Committee on the District of Columbia.

3352. By Mr. BURTON: Petition of citizens of Cleveland, Ohio, protesting against the passage of the Brookhart bill (S. 1667) in regard to the sale and distribution of motion pictures; also House bill 9298, introduced by Mr. CANNON; to the Committee on Interstate and Foreign Commerce.

3353. Also, petition of citizens of Painesville, Lake County, Ohio, protesting against the passage of the compulsory Sunday

observance bill (H. R. 78); to the Committee on the District of Columbia.

3354. By Mr. COCHRAN of Pennsylvania: Petition of W. F. Williams and other residents of Corydon, Warren County, Pa., protesting against House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3355. By Mr. CRAIL: Petition of approximately 750 citizens of Los Angeles County, Calif., against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

3356. Also, petition of approximately 35 citizens of Los Angeles County, Calif., against the passage of the Brookhart bill (S. 1667); to the Committee on Interstate and Foreign Commerce.

3357. By Mr. DEMPSEY: Petition by citizens of Buffalo, N. Y., protesting against bill introduced by Senator BROOKHART affecting the distribution of motion pictures; to the Committee on Interstate and Foreign Commerce.

3358. By Mr. DRANE: Petition of citizens of Arcadia and Fort Ogden, Fla., against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3359. Also, petition of citizens of Bradenton, Fla., urging that immediate steps be taken to bring to a vote a Civil War pension bill providing relief for veterans and widows; to the Committee on Invalid Pensions.

3360. Also, petition of citizens of Bartow, Fla., against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3361. By Mr. ENGLEBRIGHT: Resolution No. 1975, of the Council of the City of Richmond, Calif., requesting a Federal investigation of the affairs of the Pacific Telephone & Telegraph Co., the American Telephone & Telegraph Co., and the Western Electric Co. for the purpose of ascertaining if the relations between these companies constitute a monopoly in the selling of telephone service throughout the States of California, Washington, Oregon, Idaho, and Nevada, etc.; to the Committee on Interstate and Foreign Commerce.

3362. Also, petition of California Cherry Growers' Association, of California, pertaining to the Box bill; to the Committee on Immigration and Naturalization.

3363. Also, petition of citizens of Santa Barbara County, Calif., protesting against House bill 6465; to the Committee on Immigration and Naturalization.

3364. Also, petition of Susie Elliott and Miss Opal Alexander and other citizens of Westwood, Calif., protesting against the Lankford bill for Sunday closing in the District of Columbia; to the Committee on the District of Columbia.

3365. Also, petition of citizens of Susanville, Calif., protesting against Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

3366. Also, petition of A. J. Osborne and other citizens of Auburn, Calif., protesting against Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

3367. Also, petition of T. L. Story and other citizens of Jamestown, Glenburn, Fall River, Kelsey, Weed, Tuolumne, and Dunsmuir, Calif., protesting against Sunday closing for the District of Columbia; to the Committee on the District of Columbia.

3368. By Mr. EVANS of Montana: Petition of Keith K. Park and other residents of Butte, Mont., protesting against the passage of House bill 78, the Sunday observance bill; to the Committee on the District of Columbia.

3369. Also, petition of Robert E. Jensen and other residents of Butte, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3370. Also, petition of Tom Shanley and other residents of Butte, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3371. Also, petition of P. J. Driscoll and other residents of Butte, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3372. Also, petition of Mrs. T. A. MacPherson and other residents of Butte, Mont., protesting against the passage of House bill 78, the Sunday observance bill; to the Committee on the District of Columbia.

3373. Also, petition of L. J. Hartzell, jr., and other residents of Butte, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3374. Also, petition of Frank Perusich and other residents of Butte, Mont., protesting against the Lankford Sunday bill; to the Committee on the District of Columbia.

3375. Also, petition of J. E. Duggan and other residents of Butte, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3376. By Mr. ROY G. FITZGERALD: Petition of the One Hundred, of New York City, composed of war-time aviators, indorsing the principles of the retirement for disabled emergency Army officers of the World War and urge its enactment early in the present session of Congress; to the Committee on Military Affairs.

3377. By Mr. GARBER: Resolution of the McAlester Chamber of Commerce, of McAlester, Okla., in opposition to all proposed Federal legislation preventing or restricting the courts from granting injunctions to protect industry against unlawful destruction of property or property rights; to the Committee on the Judiciary.

3378. Also, letter and resolution of the executive board of the West Texas Chamber of Commerce, Fort Worth, Tex., resolving that no further immigration restrictions be enacted, particularly on Mexico, at least until a full and thorough investigation has been had, developing all of the facts and cumulative effect such law would create; to the Committee on Immigration and Naturalization.

3379. Also, resolution of William B. Griffith, chairman executive committee, Immigration Restriction League (Inc.), of New York, in protest to the enactment of Senate Joint Resolution 5, introduced by Senator COPELAND; to the Committee on Immigration and Naturalization.

3380. Also, letter and resolution of Enid Council, No. 178, United Commercial Travelers, of Enid, Okla., in regard to advertising through broadcasting stations, and urging the enforcement of section 19 of the radio act of 1927; to the Committee on the Merchant Marine and Fisheries.

3381. Also, letter of Tulsa Geological Society, of Tulsa, Okla., urging that greater appropriations be made for the United States Geological Survey and Bureau of Mines for their work and needs; to the Committee on Mines and Mining.

3382. Also, resolution of George R. Phillips, secretary of the Oklahoma Forest Commission, Oklahoma City, Okla., in support of House bill 6091 and Senate bill 1183; to the Committee on Agriculture.

3383. Also, letter of Klein R. Riddle, chairman of the Farmers Union Local of Prairie Center Local, Morrison, Okla., in support of the McNary-Haugen bill; to the Committee on Agriculture.

3384. Also, petition of residents of Blackwell, Okla., in protest to the passage of House bill 78, for compulsory Sunday observance; to the Committee on the District of Columbia.

3385. Also, resolution of the chamber of commerce in the State of New York, indorsing the recommendation of the President in his message to Congress on December 6, 1927, wherein the sale of Government-owned vessels to private interests is advocated, and reaffirming its report of June 7, 1922, opposing Government operation of steamships; to the Committee on the Merchant Marine and Fisheries.

3386. By Mr. GARDNER of Indiana: Petition of Amanda J. Karr and 137 other citizens of Mitchell, Washington County, Ind., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

3387. By Mr. GOLDSBOROUGH: Petition of sundry residents of Queen Anne, Cecil, Kent, Talbot, and Worcester Counties, Md., protesting against House bill 78, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3388. By Mr. GOODWIN: Petition of Charles Ira Johnson and five other citizens of Sandstone, Minn., in opposition to the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3389. Also, petition of Mrs. F. E. Swanson and 46 other citizens of Maple Plain, Watertown, and Minneapolis, Minn., in opposition to the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3390. Also, petition of L. J. Munroe and 57 other electors of St. Louis Park, Minn., and other cities in Minnesota, in opposition to the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3391. Also, petition of Robert Martin and 31 other residents of the city of Minneapolis, Minn., in opposition to House bill 78, the so-called Lankford Sunday observance bill; to the Committee on the District of Columbia.

3392. By Mr. HADLEY: Petition of residents of Snohomish, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

3393. Also, petition of residents of Sumas, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

3394. Also, petition of residents of Carnation, Wash., protesting against the Lankford Sunday closing bill; also petition from residents of Kent, Wash., protesting against the same bill; to the Committee on the District of Columbia.

3395. Also, petition of residents of East Stanwood, Wash., and vicinity, protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

3396. Also, petition of Port Angeles, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

3397. By Mr. HASTINGS: Petition of citizens of Sequoyah County, Okla., urging increases of pensions for Civil War soldiers and their widows; to the Committee on Invalid Pensions.

3398. By Mr. HOGG: Petition of Brotherhood of Locomotive Firemen and Enginemen of Fort Wayne, Ind., for anti-injunction legislation; to the Committee on the Judiciary.

3399. Also, petition of Brotherhood of Locomotive Firemen and Enginemen of Fort Wayne, Ind., for retention of Federal estate taxes; to the Committee on Ways and Means.

3400. Also, petition of Brotherhood of Locomotive Firemen and Enginemen of Fort Wayne, Ind., for farm relief legislation; to the Committee on Agriculture.

3401. Also, petition of Farm Bureau of twelfth Indiana congressional district, for the immediate passage of the McNary-Haugen bill; to the Committee on Agriculture.

3402. By Mr. HOPE: Petition signed by 341 residents of the seventh Kansas district, requesting the passage of the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

3403. Also, petition signed by numerous residents of Harper County, Kans., protesting against the passage of House bill 78 and other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3404. Also, petition signed by numerous citizens of Ford County, Kans., protesting against the passage of House bill 78 and other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3405. By Mr. HUDSON: Petition of citizens of Flint, Mich., protesting against the passage of House bill 78, commonly known as the compulsory Sunday observance law; to the Committee on the District of Columbia.

3406. By Mr. HUDDLESTON: Petition of A. D. Powell and numerous other residents of Birmingham and Bessemer, Ala., in opposition to House bill 78, the District of Columbia Sunday bill; to the Committee on the District of Columbia.

3407. Also, petition of B. W. Brown and numerous other residents of Birmingham, Ala., in opposition to House bill 78, the District of Columbia Sunday bill; to the Committee on the District of Columbia.

3408. By Mr. HUDSPETH: Petition of farmers and business men of Hillsboro, Tex., indorsing House bill 5581, a bill to prevent the gambling in cotton futures; to the Committee on Agriculture.

3409. Also, petition of citizens of Val Verde County, Tex., urging passage of legislation in behalf of Civil War veterans and widows; to the Committee on Invalid Pensions.

3410. By Mr. JOHNSON of Texas: Petition of Hon. O. D. Graham, of Thorndale, Tex., protesting against the passage of legislation preventing Government manufacture and sale of stamped envelopes, and opposing Senate bill 1752; to the Committee on the Post Office and Post Roads.

3411. Also, petition of citizens of Kerens, Tex., favoring increase of pensions for Civil War survivors and their widows; to the Committee on Invalid Pensions.

3412. By Mr. KEARNS: Petition of citizens of New Richmond, Ohio, urging a vote on a Civil War pension bill; to the Committee on Invalid Pensions.

3413. By Mr. KORELL: Petition of citizens of Portland, Oreg., protesting against the passage of the Brookhart bill; to the Committee on Interstate and Foreign Commerce.

3414. Also, petition of citizens of Portland, Oreg., protesting against Sunday observance bills, especially House bill 78; to the Committee on the District of Columbia.

3415. By Mr. LEA: Petition of Mary Case Kingsley and 19 other residents of Chico, Calif., urging passage of a Civil War pension bill; to the Committee on Invalid Pensions.

3416. By Mr. MANLOVE: Petition signed by 43 citizens of Newton and Jasper Counties, Mo., including H. F. Burbarick, E. L. Proctor, Mrs. J. J. Burbridge, Horace Wilson, J. D. Puett, Mrs. J. T. Elliott, all of Neosho, Mo., and E. E. Soles, Warren E. Lofton, Mrs. Myrtle Shaunce, and J. P. Gilbert, of Waco, Mo., protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3417. Also, petition signed by 46 citizens of Jasper County, Mo., including Mrs. M. E. Bull, Mrs. Joe Hicks, J. W. Phillips, J. E. Spencer, Allen M. Reynolds, John H. Flanigan, G. C. Kellogg, Mrs. L. R. McCray, Gladys Thompson, and J. Mack Davis, all of Carthage, Mo., protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3418. Also, petition signed by 84 citizens of Jasper County, Mo., including Mrs. O. P. Sloan, F. H. Ellison, Harvey Epperson, W. W. Shull, Miss Julia G. Harrell, C. G. Harris, Milt Chenoweth, Fred Wagner, and H. L. Allen, all of Carthage, Mo., protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3419. Also, petition signed by 34 citizens of Vernon County, Mo., including O. J. Peters, Z. T. Hill, Frank Webster, Mrs. J. W. Phillips, Mrs. A. O. Church, J. A. Holbert, Mrs. Mabel Mors, and J. C. Polk, all of Nevada, Mo., protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3420. Also, petition signed by 13 citizens of Carl Junction, Mo., including Charles Southard, Mrs. A. Owen, E. Carlin, O. L. Alberty, Mrs. Floyd Hall, and Mrs. John M. Patrick, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3421. Also, petition signed by 84 citizens of Jasper County, Mo., including O. M. Betts, Willis Curry, W. F. Hartman, Mrs. Jack Phillips, C. C. Howard, C. W. Broun, David Aldridge, Mrs. W. T. Morris, Mrs. O. D. Knight, and Mrs. H. N. Leavitt, all of Carthage, Mo., protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3422. Also, petition signed by 27 citizens of Vernon County, Mo., including Frank M. Smith, F. C. Street, James McManus, Mrs. Arch Hedden, Mrs. Ethel Goings, Albert Olson, Mrs. Dock Painter, and C. L. Braden, all of Nevada, Mo., protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3423. By Mr. MEAD: Petition of residents of Buffalo, N. Y., protesting against the enactment of the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3424. By Mr. MILLER: Petition of citizens of Poulsbo and Pearson, Wash., protesting passage of House bill 78, the District Sunday closing bill; to the Committee on the District of Columbia.

3425. By Mr. NEWTON: Resolution of the executive board of the Minnesota Council of Catholic Women, protesting certain alleged practices of the Government of Mexico; to the Committee on Foreign Affairs.

3426. By Mr. O'CONNELL: Petition of the American Legion national legislative committee, Washington, D. C., favoring the Wurzbach amendment to the Army appropriation bill, that at least 20,000 officers should be given the opportunity for annual training; to the Committee on Military Affairs.

3427. Also, petition of the Maritime Exchange, opposing the Jones bill (S. 744); to the Committee on the Merchant Marine and Fisheries.

3428. Also, petition of the West Texas Chamber of Commerce, Stanford, Tex., urging that the present immigration laws so far as they relate to Mexico and Canada be left intact; to the Committee on Immigration and Naturalization.

3429. Also, petition of the New York State Pharmaceutical Association, protesting against the passage of the Stalker bill, relative to liability of proprietors under the Volstead act; to the Committee on the Judiciary.

3430. By Mr. PALMER: Protest of Ed. C. M. Richards, of Pottsville, Pa., against big building program for the Navy; to the Committee on Naval Affairs.

3431. By Mr. RAMSEYER: Petition of residents of Grinnell, Iowa, protesting against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3432. By Mr. SANDERS of New York: Petition of Myrtle Jenks and 15 citizens of Medina, N. Y., protesting against the passage of House bill 78, the Lankford compulsory observance bill; to the Committee on the District of Columbia.

3433. By Mr. SELVIG: Resolution of Lodge 283, Sons of Norway, of Pelican Rapids, Minn., T. E. Thompson, secretary, in favor of the repeal of the national-origins clause of the present immigration act; to the Committee on Immigration and Naturalization.

3434. Also, resolution of the Angell Lodge, Order of Sons of Norway, Rothsay, Minn., Uldrik Trana president, in favor of repeal of national-origins clause of the present immigration act; to the Committee on Immigration and Naturalization.

3435. By Mr. SUMMERS of Washington: Petition signed by R. W. Giezeke and 85 others, of Yakima County, Wash., pro-

testing against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3436. By Mr. SWICK: Memorial of the Men's Bible Class, First Methodist Episcopal Church, Beaver, Pa., protesting the proposed naval program contemplating the expenditure of $740,000,000 for the construction and maintenance of 71 vessels of various types; to the Committee on Naval Affairs.

3437. By Mr. TINKHAM: Petition protesting against the compulsory Sunday observance bill (H. R. 78), signed by 109 citizens of Massachusetts; to the Committee on the District of Columbia.

3438. By Mr. TILSON: Petition of Samuel G. Bristol and others protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3439. By Mr. WHITE of Kansas: Petition of (1) Estelle M. Johnson et al., of Edmond; (2) Anna E. Cromm et al., of Smith Center; (3) William Richardson et al., of Ellis; and (4) W. J. Palmer et al., of Kirwin, all in the State of Kansas, for relief of Civil War veterans and widows of Civil War veterans of the United States; to the Committee on Invalid Pensions.

3440. By Mr. ZIHLMAN: Petition of Mrs. J. C. Snyder and numerous other residents of Hagerstown, Md., in opposition to House bill 78, or any compulsory Sunday observance bills; to the Committee on the District of Columbia.

3441. Also, petition of H. Hunter, Stephen T. Early, and other citizens of Washington County, Md., in opposition to a compulsory Sunday observance law; to the Committee on the District of Columbia.

3442. Also, petition of James A. Robertson and numerous other citizens of Takoma Park, Md., in opposition to House bill 78, or any other national religious legislation; to the Committee on the District of Columbia.

3443. Also, petition of residents of Frederick, Md., urging immediate action be taken to bring to a vote a Civil War pension bill for the relief of needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

SENATE

WEDNESDAY, *February 8, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

God of all power and might, the maker and ruler of men, we commend our Nation to the guidance of Thy wisdom, to the keeping of Thy love. Bless the President of the United States and all others in authority; and so rule the hearts of these Thy servants that they, knowing whose ministers they are, may above all things seek Thy honor and glory. Clothe them with humility, endue them with innocency of life, direct and prosper their deliberations, that all the people of this land may honor them in Thee and for Thee, according to Thy blessed word and ordinance. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, respectfully returned to the Senate the bill (S. 789) to amend the merchant marine act, 1920, approved June 5, 1920, by insuring the exemption from income taxes during the 10-year period there provided of profits on the sale of certain vessels when the proceeds of such sales are invested in new American vessels approved by the Shipping Board, and communicated that, in the opinion of the House of Representatives, the bill contravenes the first clause of the seventh section of the first article of the Constitution and is an infringement of the privileges of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8269) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes; and that the House had receded from its disagreement to the amendments of the Senate numbered 10, 15, 28, 38, 39, and 40 to the said bill and concurred therein.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. 6684) to amend section 2455 of the Revised Statutes of the United States, as amended, relating to isolated tracts of public land;

H. R. 7033. An act authorizing the Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Iuki, Ky.;

H. R. 7948. An act to extend the times for commencing and completing the construction of a bridge across the Delaware River at or near Burlington, N. J.;

H. R. 8900. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River near Gainesville on the Gainesville-Eutaw road between Sumter and Green Counties, Ala.;

H. R. 9204. An act granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Success, Ark.;

H. R. 9280. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.; and

H. R. 9339. An act granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at or near Warren, Trumbull County, Ohio.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Fess	McMaster	Shipstead
Bayard	Frazier	McNary	Shortridge
Bingham	George	Mayfield	Simmons
Black	Gillett	Moses	Smith
Blaine	Gooding	Neely	Smoot
Blease	Gould	Norbeck	Steck
Borah	Greene	Norris	Steiwer
Bratton	Hale	Nye	Stephens
Brookhart	Harris	Oddie	Swanson
Broussard	Harrison	Overman	Thomas
Bruce	Hawes	Phipps	Trammell
Capper	Hayden	Pine	Tydings
Caraway	Heflin	Pittman	Wagner
Couzens	Howell	Ransdell	Walsh, Mass.
Curtis	Johnson	Reed, Mo.	Walsh, Mont.
Cutting	Jones	Reed, Pa.	Warren
Dale	Kendrick	Robinson, Ark.	Waterman
Deneen	Keyes	Robinson, Ind.	Watson
Dill	King	Sackett	Wheeler
Edge	La Follette	Schall	Willis
Ferris	McKellar	Sheppard	

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.

CLAIM OF THE STATE OF CONNECTICUT (S. DOC. NO. 52)

The VICE PRESIDENT. The Chair lays before the Senate a report from the Comptroller General of the United States, in response to S. Res. 67, agreed to December 15, 1927, relative to the claim of the State of Connecticut for expenditures for military purposes during the War of 1812, and calls the attention of the Senator from Connecticut [Mr. BINGHAM] thereto.

Mr. BINGHAM. I move that the report be referred to the Committee on Claims and printed.

The motion was agreed to.

MEMORIALS

Mr. THOMAS presented memorials numerously signed by sundry citizens of the State of Oklahoma, remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

INVESTIGATION OF CONDITIONS IN PENNSYLVANIA COAL FIELDS

Mr. REED of Pennsylvania. Mr. President, I send to the desk a letter from Judge J. N. Langham, of Indiana, Pa., on the matter mentioned by the Senator from California [Mr. JOHNSON] in his speech on conditions in the coal region. I ask unanimous consent that it may be read by the clerk.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read the letter, as follows:

INDIANA, PA., *February 4, 1928.*

Hon. D. A. REED,
Washington, D. C.

DEAR SENATOR: The information contained herein may not be of any value to you whatsoever, but I thought it worth while to write you anyway.

The injunction orders issued by the court of common pleas of Indiana County against certain miners of certain bituminous coal companies are only preliminary injunctions based upon bills in equity supported by injunction affidavits. No hearings have been had, and, of course, the preliminary injunction stands until dissolved or made permanent. You know that under our equity rules a preliminary hearing may be had within five days, or continued until such time as both parties agree. That is the situation in our county, and there has been no request for a hearing on the part of the defendants. In one case I believe a date was fixed, when counsel for the defendants asked for a continuance, and it looks to me very much as if the defendants do not want a hearing.

The interpretation put upon the injunction orders is far from the truth. There is no interference with any form of worship; neither is there any restraint upon contributions of charity to sustain and maintain the strikers, as evidenced by the fact that food and contributions are daily received for that purpose.

I commend you in your avowed intention of voting for any resolution looking toward a full investigation of the bituminous coal situation. I hope the result thereof will be a great and lasting benefit to the laborers concerned.

Very respectfully,

J. N. LANGHAM,
President Judge, Fortieth Judicial District.

Mr. REED of Pennsylvania. I may state that Judge Langham is the common pleas judge who issued the order from which the Senator from California read in his address on this subject.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 6684. An act to amend section 2455 of the Revised Statutes of the United States, as amended, relating to isolated tracts of public land; to the Committee on Public Lands and Surveys.

H. R. 7033. An act authorizing the Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Iuka, Ky.;

H. R. 7948. An act to extend the times for commencing and completing the construction of a bridge across the Delaware River at or near Burlington, N. J.;

H. R. 8900. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River near Gainesville, on the Gainesville-Eutaw road, between Sumter and Green Counties, Ala.;

H. R. 9204. An act granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Success, Ark.;

H. R. 9280. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.; and

H. R. 9339. An act granting the consent of Congress to the board of county commissioners of Trumbull County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at or near Warren, Trumbull County, Ohio; to the Committee on Commerce.

WORLD WAR VETERANS IN ST. ELIZABETHS ASYLUM

Mr. REED of Pennsylvania. Mr. President, I suppose that every Senator has had complaints, and perhaps many complaints, about the treatment of veterans in St. Elizabeths Hospital and have heard the allegation that men who were entirely sane have been confined there without court proceedings at the request of the Veterans' Bureau. Typical charges to that effect were contained in a telegram received by the Senator from Massachusetts [Mr. WALSH] a few days ago. The Senator from Massachusetts very promptly sent the telegram to the Veterans' Bureau and asked a full report on the conditions of the veteran patients at St. Elizabeths Hospital.

A reply has been received and at the request, and with the suggestion and approval, of the Seantor from Massachusetts I now send to the desk a communication from the United States Veterans' Bureau, inclosing a copy of the telegram to the Senator from Massachusetts and a copy of the report which was sent to him in response to his request. They are too long for me to ask to have them read at this time by the clerk, but I ask that they may be printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The communications are as follows:

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,
Washington, January 30, 1928.

Hon. DAVID A. REED,
United States Senate, Washington, D. C.

MY DEAR SENATOR REED: There is attached hereto copy of a telegram received by Senator DAVID I. WALSH from John H. Wallace, Massachusetts department commander of the Veterans of Foreign Wars, and also copy of communication of this date addressed to Senator WALSH explanatory of this telegram.

This is submitted to you for your information, inasmuch as it is possible that the matter may be brought to your attention.

A copy of this letter is inclosed for your use.

Very truly yours,

FRANK T. HINES, *Director.*

Senator DAVID I. WALSH, *Washington, D. C.:*

Fearful lest Massachusetts women and other veterans may have been among those railroaded as insane into St. Elizabeths Hospital, Washington, on letters ordering their confinement without court hearing given by General Hines, of Veterans' Bureau, so as to secure their property, the Massachusetts Department of Veterans of Foreign Wars feels congressional investigation necessary of this abuse and arbitrary power of Hines and bureau. For further information and cooperation refer to George F. Curtis, attorney; Marks, managing editor; and Skinner, reporter, of Washington Times; also article in Plain Talk Magazine for February regarding this inhuman outrage and fiendish torture of men and women who fought for country.

JOHN H. WALLACE,
Massachusetts Department Commander.

JANUARY 31, 1928.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH: I wish to acknowledge your letter of January 21, 1928, inclosing a Western Union night letter received by you from John H. Wallace, Massachusetts department commander of the Veterans of Foreign Wars.

The situation referred to by Mr. Wallace apparently came to his attention through an article appearing in the February issue of a magazine known as Plain Talk. The person submitting this article formerly submitted similar articles to one of the Washington daily papers, but this paper discontinued using such material several months ago.

In order to afford you a general idea of the manner and method of admitting patients to St. Elizabeths Hospital in the past, I will state that numerous ex-service men and women were released from active military or naval service and upon release were transferred from the Army or Naval Hospital to St. Elizabeths Hospital for care and treatment because of their mental condition. Congress has authorized the bureau to utilize the facilities of the Interior Department, which department has jurisdiction over this hospital, and accordingly these ex-service men and women were transferred to the rolls of the United States Veterans' Bureau and the United States Veterans' Bureau assumed the cost of care and treatment of these patients at a specified per diem rate. There was at one time a large number of such patients hospitalized at St. Elizabeths Hospital, but following a policy to hospitalize ex-service men and women nearer their homes, great numbers were transferred to bureau hospitals throughout the country, resulting in a present roll of bureau patients in St. Elizabeths of approximately 375. It is the opinion of the medical personnel of the hospital, who carefully examine and observe these patients over a considerable period, that care and treatment is indicated in each instance. Certainly it is not the intent of this bureau to hospitalize an ex-service man or woman who is not in need of hospitalization, and at present because of the crowded conditions in bureau neuropsychiatric hospitals and as well in State institutions the need for hospitalization must be strongly indicated to warrant the detention of patients. At present, as you probably know, all bureau nueropsychiatric hospitals are filled to capacity and the bureau is utilizing State institutions by contract to care for several thousand ex-service men and women suffering from mental diseases who are in need of hospital care and treatment.

Notwithstanding these conditions, a practice has grown up of contacting patients at St. Elizabeths Hospital for the avowed purpose of instituting habeas corpus proceedings to secure their release. It is understood that such action is taken only in cases where the patient's estate is sufficient to pay fees which run from $300 to $1,000. In many cases where the release of patients from St. Elizabeths has been secured by this means, the hospital authorities as well as the Veterans'

Bureau would have granted the release of the patient if the patient had requested same without the necessity of a court action and the patient would have avoided the payment of large unnecessary fees.

When release from a United States Veterans' Bureau hospital is requested by or in behalf of psychotic beneficiaries not committed by a court every consideration is given to such request by the medical officer in charge, who immediately communicates with the guardian, nearest relative, or responsible representative upon whose application hospitalization of the patient was effected, and explains the patient's condition, advising whether or not release would be to the patient's best interest. A statement is obtained from the guardian, relative, or representative concerned advising that such person will assume full responsibility in the event that the patient is released to their custody. Should the guardian, relative, or representative refuse to assume such charge, or in cases where none of these persons can be located and the patient continues to insist upon release, the regional attorney of the United States Veterans' Bureau for the State from which the beneficiary was hospitalized and the proper civil authorities of the said State are at once notified that the patient demands release and that the bureau is not authorized to retain him. After this notice is given the proper civil authorities, the medical officer in charge returns the patient with such attendance as is necessary to that point to which transportation can be furnished in accordance with bureau regulations, and which has been arranged as the place where the patient will be delivered to the civil authorities.

My records indicate that during a limited period there were brought before the Supreme Court of the District of Columbia 56 patients, many of them beneficiaries of the bureau, on writ of habeas corpus. Of this number who appeared before the court many obtained their release because the jury either found them to be of sound mind or because no adjudication of insanity and commitment proceedings had been had prior to admission to the hospital. Of this number who appeared before the court my records show that 28 are now known to be in institutions for mental diseases, some of them having been returned to St. Elizabeths Hospital, and some later committed by various State authorities to institutions throughout the country because of their mental condition which at the time of their release by the court existed to such extent that they were still in need of hospitalization. Of this number, 13 were returned by the District court to St. Elizabeths because a jury found them to be of unsound mind, and 15 were discharged by either the court or the jury and have been later either readmitted to bureau hospitals or committed by State authorities to State hospitals. Twenty-two of the original 56 who appeared before the court are at present not hospitalized and our social survey reports indicate that in each instance the former patient has failed to make an economic adjustment, but, on the other hand, the current livelihood is being supplied the former patient in the form of bureau compensation. Three of the original 56 have since died and the present whereabouts and condition of 3 others are unknown.

Doubtless those persons who have secured writs of habeas corpus on patients of St. Elizabeths Hospital have materially benefited from such practice, but in no instance does it appear that they have restored an unfortunate ex-service man or woman from the status of a patient in St. Elizabeths Hospital to the status of a useful member of society.

With specific reference to present patients at St. Elizabeths Hospital who are beneficiaries of this bureau, and who have given the State of Massachusetts as their legal residence, I would state that there are six whose names, addresses, status of legal commitment, date of legal commitment, date of admission, whether or not a guardian has been appointed, and the source of admission, if available, are given below:

Name	Residence	Commitment	Date of commitment	Date of admission	Guardian	Source
Canary, James T	Box 304, Nantasket Beach	Yes	July 7, 1925	July 7, 1925	No	Not of record.
Curley, Fred	Boston, Mass.	No		Feb. 11, 1920	No	Hampton, Va.
Missett, John P	Massachusetts	No		Dec. 22, 1919	Yes	United States Marine Hospital, Quantico, Va.
Nagle, Helen	do	Yes	Mar. 12, 1926	Nov. 5, 1925	Yes	State hospital, Manhattan, N. Y.
White, George R	112 Hanover Street, Fall River, Mass.	Yes	Apr. 24, 1924	Apr. 24, 1924	No	Walter Reed Hospital.
Zarecki, Frank	25 Houghton Street, Lynn, Mass.	Yes	Sept. 1, 1921	Sept. 1, 1921	No	Not shown.

The bureau has always endeavored to fulfill its duty to ex-service men and women by offering to them such facilities as may be available to care and treat their diseases and disabilities, and there has never been a desire to hospitalize beneficiaries unless the need for same is plainly indicated.

The present policy of the bureau is to refrain from admitting any beneficiaries to St. Elizabeths Hospital other than beneficiaries who have a legal residence in the District of Columbia.

Your telegram from Mr. Wallace is returned herewith and a copy of this letter is inclosed for your use.

Very truly yours,

FRANK T. HINES, *Director.*

Mr. HEFLIN. Mr. President, in line with the suggestion of the Senator from Pennsylvania I wish to state that this morning complaint was made to me at my office about a man and a woman, both of whom were in Government employ under civil-service regulations, who had been taken from their positions and put in the insane asylum. In the case of the woman, she was made to turn over what money she had to somebody in the city. The complaint is that she has not had a fair hearing in the courts and that she is being detained in the asylum now when there is no necessity for keeping her there or any justification for removing her from the position which she held. I shall have the facts to-morrow, at which time I shall submit a resolution and bring the facts in the case to the attention of the Senate.

REPORTS OF COMMITTEES

Mr. BORAH, from the Committee on Foreign Relations, to which were referred the following bills and joint resolutions, reported them severally without amendment and submitted report thereon, as indicated:

A bill (S. 2534) authorizing the appropriation of $65,000 to be expended by the American section, International Boundary Commission, United States and Mexico, for the purpose of making a survey to fix the boundary between the United States and Mexico, between El Paso, Tex., and Fort Quitman, Tex., and for other purposes;

A bill (S. 2549) providing for payment to the German Government of $461.59 in behalf of the heirs or representatives of the German nationals, John Adolf, Hermann Pegel, Franz Lipfert, Albert Wittenburg, Karl Behr, and Hans Dechantsreiter (Rept. No. 257);

A joint resolution (S. J. Res. 30) to provide for the expenses of participation by the United States in the Second Pan American Conference on Highways at Rio de Janeiro; and

A joint resolution (S. J. Res. 31) to provide that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof.

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 2800) authorizing E. K. Morse, his successors and assigns (or his or their heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Delaware River, at or near Burlington, N. J. (Rept. No. 258); and

A bill (S. 2801) granting the consent of Congress to the New Martinsville & Ohio River Bridge Co. (Inc.) to construct, maintain, and operate a bridge across the Ohio River (Rept. No. 259).

Mr. DALE also, from the Committee on Commerce, to which was referred the bill (S. 2902) granting the consent of Congress to the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at or near Marinette, Wis., reported it with an amendment and submitted a report (No. 260) thereon.

Mr. SACKETT, from the Committee on the District of Columbia, to which was referred the bill (S. 1628) relating to the office of Public Buildings and Public Parks of the National Capital, reported it without amendment and submitted a report (No. 261) thereon.

Mr. FRAZIER, from the Committee on Indian Affairs, to which was referred the bill (S. 2154) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, reported it with an amendment and submitted a report (No. 262) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2157) to provide for the permanent withdrawal of certain lands in Inyo County, Calif., for Indian use (Rept. No. 263);

A bill (S. 2279) authorizing the Secretary of the Interior to purchase certain lands in the city of Bismarck, Burleigh County, N. Dak., for Indian school purposes (Rept. No. 264); and

A bill (H. R. 8292) to reserve 120 acres on the public domain for the use and benefit of the Koosharem Band of Indians, residing in the vicinity of Koosharem, Utah (Rept. No. 265).

Mr. PINE, from the Committee on Indian Affairs, to which was referred the bill (S. 2155) to amend section 1 of the act of June 25, 1910 (36 Stat. L. 855), entitled "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," reported it without amendment and submitted a report (No. 266) thereon.

He also, from the Committee on Military Affairs, to which was referred the bill (H. R. 3144) for the relief of Augustus C. Turner, reported it without amendment and submitted a report (No. 267) thereon.

He also, from the same committee, to which was referred the bill (H. R. 2808) for the relief of Ella G. Richter, daughter of Henry W. Richter, reported it with an amendment and submitted a report (No. 268) thereon.

He also, from the same committee, to which was referred the bill (S. 133) for the relief of Kenneth B. Turner, reported adversely thereon.

Mr. TYDINGS, from the Committee on Naval Affairs, to which was referred the bill (S. 802) for the relief of Frank Hanley, reported it without amendment and submitted a report (No. 269) thereon.

Mr. LA FOLLETTE, from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 8281) to provide for the withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation (Rept. No. 270); and

A bill (H. R. 8282) to provide for the permanent withdrawal of certain lands bordering on and adjacent to Summit Lake, Nev., for the Paiute, Shoshone, and other Indians (Rept. No. 271).

Mr. THOMAS, from the Committee on Indian Affairs, to which was referred the bill (S. 2360) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906," entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," reported it without amendment and submitted a report (No. 272) thereon.

COL. CHARLES A. LINDBERGH MEDALS

Mr. FESS. Mr. President, the Washington correspondent of a great publication in one of the States to the west made the statement that up to that time, which was 26 days from the time he landed in France, Colonel Lindbergh had accomplished what no person now living or dead had ever previously accomplished; that he had occupied the first page on every cosmopolitan newspaper in Europe and America.

He also stated that he had made himself the hero of every son, the sweetheart of every daughter, the idol of every mother in America. Brilliant as was that achievement, a great many people think that what Colonel Lindbergh has accomplished since then is of greater substantial value than his lone flight across the sea.

Mr. President, some days ago the Senator from Arkansas [Mr. ROBINSON] introduced a bill, which was referred to the Committee on the Library, authorizing the striking of a medal by the mint of the United States commemorative of the achievements of Col. Charles A. Lindbergh.

The Committee on the Library yesterday unanimously reported that bill, and I ask unanimous consent for its immediate consideration. I ask the attention of the Senator from Arkansas [Mr. ROBINSON] to the bill.

Mr. ROBINSON of Arkansas. I join in the request for unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2996) to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the achievements of Col. Charles A. Lindbergh, which was read, as follows:

Be it enacted, etc., That a medal with appropriate devices, emblems, and inscriptions, commemorative of the achievements of Col. Charles A. Lindbergh shall be prepared under the direction of the Secretary of the Treasury at the United States Mint at Philadelphia.

The medals herein authorized shall be manufactured subject to the provisions of section 52 of the coinage act of 1873, from suitable models to be supplied to the mint.

The sum of not to exceed $1,500 is hereby provided, from any moneys in the Treasury not otherwise appropriated, to cover the cost of preparation of the model and manufacture of the die.

The medals shall be sold at the mint, Philadelphia, and the proceeds of the sales shall be used to reimburse the appropriations of the mint for the cost of the medals.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PACIFIC SOUTHWEST EXPOSITION

Mr. BORAH. From the Committee on Foreign Relations, I report back favorably, with an amendment, a joint resolution introduced by the Senator from California [Mr. JOHNSON], being the resolution (S. J. Res. 62) providing for the cooperation of the United States in the Pacific Southwest Exposition in commemoration of the landing of the Spanish padres in the Pacific Southwest and the opening of the Long Beach, Calif., world port, and I submit a report (No. 256) thereon.

The action of the committee was unanimous, the joint resolution has the approval of the Secretary of the Treasury and the Secretary of State, and I ask unanimous consent for its present consideration. I will state that it does not carry any appropriation.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment of the Committee on Foreign Relations was, on page 2, line 7, after the word "exhibition," to insert "to sell any goods or property imported for and actually on exhibition," so as to make the joint resolution read:

Resolved, etc., That the Pacific Southwest Exposition, held for the purpose of commemorating the landing of the Spanish padres in the Pacific Southwest and the opening of the Long Beach, Calif., world port, is hereby approved.

SEC. 2. All articles that shall be imported from foreign countries for the sole purpose of display at such exhibition upon which there shall be a tariff or customs duty shall be admitted free of the payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exhibition to sell any goods or property imported for and actually on exhibition, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles when sold or withdrawn for consumption or use in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling and exposure, the duty, if payable, shall be assessed according to the appraised value at the time of sale or withdrawal, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale, use, or withdrawal.

SEC. 3. The heads of the various executive departments and independent establishments of the Government are authorized to collect and prepare and lend, upon request, to the Pacific Southwest Exposition articles, specimens, and exhibits which, in their judgment, it may be in the interest of the United States to exhibit at such exhibition.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

TREATY WITH FRANCE—REMOVAL OF INJUNCTION OF SECRECY

Mr. BORAH. Mr. President, I desire to call the attention of the Senate to another matter, which will take only a moment. The treaty between the United States and France which was signed on the 6th instant was sent to the Senate yesterday. This morning the Committee on Foreign Relations unanimously requested that I ask the consent of the Senate to make the treaty public. Therefore, as in executive session, I now ask that the injunction of secrecy be removed from the treaty and that it be made public.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

[See treaty at close of to-day's proceedings, p. 2688.]

WATER BOUNDARY BETWEEN THE UNITED STATES AND MEXICO

Mr. WARREN. Mr. President, I rise to submit a report from the Committee on Appropriations. One day last week, when the independent offices appropriation bill was under consideration, on motion of the Senator from Texas [Mr. SHEPPARD], an amendment was adopted to incorporate a new section in the bill which was totally irrelevant. At the time the chairman of the committee objected, but it was finally arranged that the amendment should be adopted and go to conference. The bill

of course went back to the House, and the House refused to agree to the action taken by the Senate, as it had a right to do, and would not allow the bill to go through containing that amendment. In its place, however, the House undertook to pass, and did pass, a bill covering the case entirely, because there is no doubt as to the merit of the appropriation of $65,000 for the purpose intended. So this new bill came to us. It is the bill (H. R. 10636) to make an additional appropriation for the water boundary, United States and Mexico. It provides for exactly the same object which was covered by the amendment to which I have referred. From the Committee on Appropriations I now report the bill back favorably, without amendment, and, with the leave of the Senator from Texas, I ask unanimous consent for its immediate consideration, so that the unrelated section in the independent offices appropriation bill may be stricken out in conference.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That to provide an additional amount for the expenses of meeting the obligations of the United States under the treaties of 1884, 1889, 1905, and 1906, between the United States and Mexico, including personal services, procurement of technical and scientific equipment, camp outfits, and the purchase, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, and $1,200 for rent, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $65,000, to remain available until June 30, 1929.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHEPPARD. Mr. President, I wish to thank the Senator from Wyoming for his very valuable cooperation in this important matter. The pending bill is a happy solution.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 3079) to amend subsection (b), section 46, Federal bankruptcy act; and

A bill (S. 3080) to amend subsection (b), section 96, Federal bankruptcy act; to the Committee on the Judiciary.

A bill (S. 3081) to amend section 21 of the Federal highway act; to the Committee on Post Offices and Post Roads.

A bill (S. 3082) for the relief of Emil Sauer; to the Committee on Claims.

By Mr. ROBINSON of Indiana:

A bill (S. 3083) granting an increase of pension to Frances A. Bruce (with accompanying papers); to the Committee on Pensions.

By Mr. DILL:

A bill (S. 3084) granting a pension to George R. Odle; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 3085) granting an increase of pension to Elizabeth A. Johnson (with accompanying papers); to the Committee on Pensions.

By Mr. WHEELER:

A bill (S. 3086) authorizing the construction of a dam to impound water for the irrigation of public lands, for the regulation of the flow and control of the floods of the Flathead River, Clark Fork, and the Columbia River, and for the improvement of navigation thereon; to the Committee on Commerce.

By Mr. WATSON:

A bill (S. 3087) granting an increase of pension to Elizabeth A. Youmans; to the Committee on Pensions.

A bill (S. 3088) for the relief of Donald M. Davidson; to the Committee on Military Affairs.

By Mr. BLACK:

A bill (S. 3089) to increase the efficiency of the Military Establishment, and for other purposes; to the Committee on Military Affairs.

By Mr. BARKLEY:

A bill (S. 3090) granting a pension to Herman Martin; and

A bill (S. 3091) granting a pension to Cordie Vincent; to the Committee on Pensions.

By Mr. FESS:

A bill (S. 3092) to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans; to the Committee on the Library.

By Mr. HEFLIN:

A joint resolution (S. J. Res. 92) to provide for a monument to Maj. Gen. William Crawford Gorgas, late Surgeon General of the United States Army; to the Committee on the Library.

INVESTIGATION OF PUBLIC-UTILITY CORPORATIONS

Mr. GEORGE submitted an amendment intended to be proposed by him to the resolution (S. Res. 83) authorizing an investigation of public-utility corporations, which was ordered to lie on the table and to be printed.

REGULATION OF TRANSPORTATION RATES

Mr. ROBINSON of Arkansas. Mr. President, I desire to offer a concurrent resolution and to ask that it may be printed in full in the RECORD and to lie over under the rule.

The resolution, I will state, has relationship to a very important subject. The Congress has been memorialized by State legislatures, by citizens, and by groups of citizens relative to the policy alleged to have been recently pursued by the Interstate Commerce Commission in regulating the rates of transportation so as to equalize prosperity among producers and communities and to that end, it is claimed, that an abuse of the power of rate regulation has been committed.

The resolution calls upon the Interstate Commerce Commission to send to the Senate on or before April 15, 1928, all decisions rendered by the commission which have relationship to the employment of the rate-regulation power so as to control the relative prosperity of communities and producers, and also asks the commission to furnish to Congress references to such statutes as it is claimed authorize the exercise of the power referred to. I ask that the resolution may be printed in the RECORD, and lie over under the rule.

There being no objection, the concurrent resolution (S. Con. Res. 10) was ordered to lie over under the rule and to be printed in the RECORD, as follows:

Whereas the Congress has been memorialized by State legislatures and by citizens to the effect that the Interstate Commerce Commission has attempted so to regulate rates of transportation as to equalize prosperity among producers of commodities and to the end has employed rate regulation to place an embargo upon the products of certain States and in order to favor the products of other States as to certain markets;

Whereas these memorials and petitions indicate the assumption of a power not vested in the commission and a discretion which the Congress can neither exercise nor confer; and

Whereas it is advisable that the Senate should have full and complete information concerning the subject complained of: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Interstate Commerce Commission be requested, and is hereby, instructed to transmit to the Congress on or before the 15th day of April, 1928, the following information, to wit: (a) Copies of all decisions handed down by it in the five years preceding the 1st day of April, 1928, in which its decisions as to the reasonableness of any rate or rates was in any sense influenced by the competitive advantage or disadvantage of the producers in one State, district, or section as compared with the advantage or disadvantage of the producers in another State, district, or section; (b) a full and complete citation of the section or sections of the interstate commerce act as amended, and other acts, under which the commission claims and believes it was granted the power to equalize prosperity among the producers of commodities; and, a statement of the clause or clauses, articles, or amendments of the Constitution under which it claims and believes that decisions of such a character and purport were authorized or were implied.

SENATOR FROM ILLINOIS—SENATOR NEELY'S VOTE

Mr. BARKLEY. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Unreliable partisanship," which appears in the New Dominion, of Morgantown, W. Va., in its issue of January 28 last.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

UNRELIABLE PARTISANSHIP

At least a part of the Republican State press has found Senator NEELY'S vote against the seating of Frank Smith, of Illinois, an encouraging point of attack as the prospect of the campaign looms up.

The suddenness with which some of these papers have become rabid State righters in this matter of national legislative representatives is interesting. The Woodyard weeklies seem especially outraged that Senator NEELY should have seen fit to join with more than 60 other of his colleagues in denying the utilities-financed public service commissioner a seat in the august Senate.

There are, of course, two sincere viewpoints concerning the Senate's right to reject any duly elected Member. That body has the constitutional right to be the sole judge of the qualifications of its Members. One view holds that qualifications means only age and place of residence. The other view holds that the Senate's power extends fully into the manner and means of election.

With the Spencer Times-Record, however, there is only one viewpoint. The fact that able jurists disagree upon the meaning of the word "qualifications" does not disturb that sturdy Republican news-

paper. The denying of a seat to Smith is equivalent to "tearing up the Constitution of our fathers like a scrap of paper" and puts the whole structure of our National Government upon the shoulders of "unreliable partisans like Senator NEELY," whose "shameful" vote against Smith is described as "disgraceful" and a "dark blot" upon the Senator's record. There could be no unreliable partisanship about this description, of course. It is Simon-pure truth straight from Moses, the Republican lawgiver. "It is hard to say whether ignorance, partisanship, weakness, or a spirit of demagogy contributed most to our senior Senator's action," declares the Times-Record in a convincing exhibition of real, reliable partisanship, as contrasted with the unreliable partisanship of Senator NEELY.

That Mr. Smith, as an Illinois public-service commissioner, financed to senatorial election success by campaign contributions of the corporations over whose relationships with the people he presided in a judicial capacity, would, if given a Senate seat, have a right to assist in enacting laws governing West Virginians and citizens of every other State in the Union, probably never occurred to the reliable partisanship of the Times-Record. That Mr. Smith's vote, for instance, could possibly be the deciding factor in seating an Interstate Commerce Commissioner who would sanction further strangulation of the West Virginia coal industry by means of adverse freight differentials does not matter. That his vote on a multitude of issues could affect the people of this State vitally is not a consideration. It is of no consequence to or business of the citizens of other States in this Union that they are to be governed legislatively by a man who admits his campaign was financed by corporations against whose strength he was presumed to protect the people of Illinois. No matter what Smith's standard of official conduct in Illinois or how he obtained his seat, he is entitled to legislate for West Virginians if Illinois permits Smith to buy his way into the Senate with money from corporations over whose affairs he presided as judge.

Fortunately not all of our Senators are reliable partisans. Some of them, like Senator NEELY, on the Democratic side, and Senators BORAH, CAPPER, CURTIS (the Republican majority leader), ROBINSON of Indiana, WILLIS—61 out of 84 Senators voting—were "unreliable" enough in their partisanship to feel that their respective constituencies were entitled to some consideration in voting upon the qualifications of a man to legislate for them. Unless the Supreme Court makes "Christians" out of them, they will probably hold on to their unreliablity for some time.

If the Times-Record desires to make the Smith case a senatorial issue in this State, we have no hesitancy in predicting that Senator NEELY will be entirely agreeable.

Recalling the moneyed debacles of Lorimer, Newberry, Smith, VARE, Fall, and other Republican distinctives of the past decade, it is not surprising to find the reliable partisanship of the Times-Record fully hardened to such trifles as attended Smith's election in Illinois. But we recall no public revolt over the repudiation of these Senate seat purchasers in the past. There is not likely to be any in the present instance.

We suggest that Senator NEELY "disgrace" himself further by seeing to it that the voters of West Virgina understand fully that he did vote to keep Smith from the Senate Chamber. After this is done, Senator NEELY will probably suffer the deeper humiliation of being reelected next November.

COTTON PRICES

Mr. SMITH. Mr. President, I send to the desk a Senate resolution and ask to have it read, and then I should like to ask unanimous consent for its immediate consideration. Before it is read I wish to state that I had intended to ask that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, but the matter is of such importance that I am going to ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 142), as follows:

Whereas the 1927 cotton crop is more than 4,000,000 bales less than the production of cotton in 1926; and

Whereas the consumption of American cotton is greater than ever before in the history of the cotton industry; and

Whereas the price of cotton has steadily declined from the time that it was ascertained that the crop would be extremely short; and

Whereas the Bureau of Agricultural Economics of the Department of Agriculture stated in a bulletin issued by it that in spite of the short crop cotton prices would decline; and

Whereas from the date of issuance of such statement cotton prices have steadily declined; and

Whereas numerous petitions and memorials have come from different sources alleging manipulation of the cotton market: Therefore be it

Resolved, That the Committee on Agriculture and Forestry or a duly authorized subcommittee thereof is hereby authorized and directed (1) to make a full and complete investigation of the activities of the cotton exchanges, cotton merchants, bankers, millmen, and the Department of Agriculture, with a view to determining whether there has been any manipulation of the market or any undue influence thereupon in connection with the issuance or publication of cotton reports or the decline in the price of cotton, and (2) to report thereon to the Senate as soon as practicable, with such recommendations for necessary legislation as it deems advisable. For the purposes of this resolution, such committee or subcommittee is authorized to hold hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic, and other assistance, to require by subpœna or otherwise the attendance of such witnesses, and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of such stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee or subcommittee, which shall not be in excess of $25,000, shall be paid from the contingent fund of the Senate.

Mr. CURTIS. Mr. President, the Senator understands, I assume, that the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. SMITH. I do so understand, but the Senate in its plenary power has from time to time pursued a different course.

Mr. CURTIS. No.

Mr. MOSES. Oh, no, Mr. President; we can not set aside a statute by unanimous consent.

Mr. SMITH. Mr. President, I think there are instances where we have passed similar resolutions without reference to the Committee to Audit and Control the Contingent Expenses of the Senate, but I am sure that that committee will not unduly hold up the consideration of this resolution, because it affects an industry that has no competitor in the financial and in the commercial affairs of America.

As a matter of course, I am going to accede to the request that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, but I wish, Mr. President, in conjunction with the submission of this resolution, to read to the Senate the most startling statement that ever emanated from a bureau of this Government on an economic question. I wish to read from a bulletin issued on September 15, beginning on page 4, and running down to the middle of page 5. Here is what this bulletin says:

Crop conditions in the United States on September 1 indicate a production of only 12,692,000 bales—

Which, by way of parenthesis, is a little more than has actually been produced, and is at least 4,100,000 bales less than the crop of 1926.

In 1926 the consumption of American cotton, both at home and abroad, exceeded by 2,000,000 bales any previous year's consumption. We produced then about 18,000,000 bales, and the world's consumption of American cotton, both domestic and foreign, was something like sixteen and a half million bales. In view of those facts, let me read on:

Crop conditions in the United States on September 1 indicate a production of only 12,692,000 bales, a decline of 800,000 bales during August. Declines occurred in all States except New Mexico, Arizona, and California, the principal decline being registered in Oklahoma. In all important cotton States the weevil is the dominating factor in the situation. Propagation of this pest has been accelerated by wet weather over much of the belt. Infestation increased materially in all infested areas, and the area where weevils were prevalent extended northward materially during the month of August. The extent of infestation has quite generally checked fruiting, and the probability of any important top crop is small over large areas.

Now, here comes a startling prediction from the Bureau of Economics of the Department of Agriculture:

As the size of the crop is becoming more definitely established, the market should become more stable and the tone in the yarn and finished goods market should be more settled. Due to the fact that the prospects of a top crop are very small, cotton will be ginned unusually early this year. As was indicated in last month's report, should the present estimate of production be realized, and past relationships between supply and price prevail, it is likely that prices will decline in the next few months.

They take two or three paragraphs to show that the terrible condition under which the cotton then in the stage of production found itself is hardly short of a disaster; and after predicting that we would have possibly from four to five million bales less than last year, with the world's consumption of cotton 2,000,000 bales greater than ever before in the history of the country, they make the astounding statement to the world at large that in view of the fact that we possibly might not make

enough to supply the demand of the country the price would decline!

What happened? The very day the public was made aware of that fact cotton declined the limit allowed on the exchanges, 200 points, or $10 a bale, and has steadily declined from that day until this.

In connection with that let me call attention to another astounding thing on the same page. They say that the world carry-over of American cotton from the crop of 1926 was 7,800,000 bales. Immediately Mr. Hester, of New Orleans, who is the recognized authority on cotton statistics, challenged the statement, and demanded to know the sources from which this official pronouncement was made; and the controversy became such that I left my home and came on to Washington to ascertain the sources from which they got the astounding statement that 7,800,000 bales of the old crop of American cotton were still *held in stock* in foreign countries and in America.

I asked the Bureau of Economics to furnish me the sources from which they ascertained this marvelous carry-over, because you can see at a glance that if the cotton crop was to be extremely short, in order to supply the world's needs there must be a source of American cotton somewhere else besides that that was being produced in the field. Consequently the trade were led to believe that there were 7,800,000 bales of old cotton to add to whatever crop would ultimately be made, and I demanded to know the sources; and I want to put in the RECORD those sources from which they got their estimate of the 7,800,000 bales. Here is another startling revelation.

I hold in my hand a copy of the facts as given me by the Bureau of Economics, alleging the sources from which they obtained the information as to the number of bales of old cotton held at home and abroad. They give the New Orleans Cotton Exchange's estimate, Mr. Hester; the Commercial and Financial Chronicle, which paper is alleged to be—I do not know—controlled by European interests; the United States Bureau of the Census. Now, I want the Senators to pay attention to this fact. This is the United States Bureau of the Census, the bureau that we charge with the specific duty of gathering statistics as accurately as may be, and giving them to the public. They give the Bureau of the Census, Commerce and Finance, Mr. Price's paper; and the International Cotton Federation.

Now, listen:

The total estimate of Mr. Hester, who gives stocks in United States, mill stocks in southern mills, in northern mills, and total mills in the United States, I ask to have printed, Mr. President.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

American cotton: Estimates of world carry-over on July 31, 1927

	New Orleans Cotton Exchange (Hester) (1)	Commercial and Financial Chronicle (2)	U. S. Bureau of the Census (3)	Commerce and Finance (4)	International Cotton Federation (5)
STOCKS IN UNITED STATES	*Thousand bales*	*Thousand bales*	*Thousand bales*	*Thousand bales*	*Thousand bales*
Mill stocks:					
Southern mills	951	----------	[1] 882	----------	----------
Northern mills	553	----------	[1] 522	----------	----------
Total mills in United States	[2] 1,504	[2] 1,524	1,404	[2] 1,603	1,325
Stocks other than mills:					
Counted interior towns	248	----------	----------	----------	----------
Uncounted towns and plantations	[4] 1,030	----------	----------	----------	----------
United States port stocks	[5] 923	----------	----------	----------	----------
Stocks in interior and transit outside of the Cotton Belt	132	----------	----------	----------	----------
In public storage and at compresses	----------	1,856	1,823	1,876	----------
Elsewhere	----------	635	535	543	----------
Total in United States	3,837	4,015	3,762	4,022	----------
Foreign cotton in United States	----------	----------	99	99	----------
Total in United States, less foreign cotton	[6] 3,837	[7] 4,015	3,663	[7] 3,923	----------

[1] Reported as "cotton-growing States."
[2] Reported as other than cotton-growing States.
[3] Includes linters. The census figure includes some foreign cotton, but no linters. The Federation figure is that of the census less foreign cotton.
[4] Includes 106,000 new cotton of crop 1927–28 ginned prior to July 31.
[5] Includes 9,000 bales new cotton of crop 1927–28 received at ports.
[6] Includes cotton for export on shipboard, but not cleared; cotton coastwise; cotton in transit to ports, interior towns, and mills; cotton on farms, etc. (agents and trade reports).
[7] Includes linters.

American cotton: Estimates of world carry-over on July 31, 1927—Contd.

	New Orleans Cotton Exchange (Hester) (1)	Commercial and Financial Chronicle (2)	U. S. Bureau of the Census (3)	Commerce and Finance (4)	International Cotton Federation (5)
STOCKS OTHER THAN IN UNITED STATES	*Thousand bales*	*Thousand bales*	*Thousand bales*	*Thousand bales*	*Thousand bales*
Mill stocks:					
Europe	775	----------	----------	1,041	1,041
Japan	410	----------	----------	387	387
China	[8]	----------	----------	68	68
India	[8]	----------	----------	117	117
Canada	[8]	----------	----------	69	69
Other countries	----------	----------	----------	10	10
Total foreign mill stocks	1,185	[9] 1,692	----------	1,692	1,692
Foreign ports and afloat:					
European port stocks	[10] 2,093	1,848	----------	1,839	----------
Afloat for Europe	----------	240	----------	257	----------
Japan ports and afloat	123	----------	----------	----------	----------
Japan and China ports and afloat	[11]	375	----------	[12] 70	----------
Total foreign ports and afloat	2,216	2,463	----------	2,166	----------
Grand total	[12] 7,238	8,170	----------	7,781	----------
Linters	286	352	----------	260	----------
Grand total, less linters	6,952	7,818	----------	7,521	----------

[8] Not included.
[9] As revised in issue of Sept. 17, 1927, p. 1511.
[10] Apparently includes afloat to Europe, though not so specified.
[11] No estimate for China.
[12] Estimate only for afloat to the Far East.
[13] Includes 115,000 new cotton of crop 1927–28 ginned prior to July 31.

Sources: (1) Annual report of the secretary of the New Orleans Cotton Exchange, Aug. 1, 1927; (2) Commercial and Financial Chronicle, Aug. 27, 1927, p. 1139, and Sept. 17, 1927, p. 1511; (3) mimeographed release, U. S. Bureau of the Census, Aug. 15, 1927; (4) Commerce and Finance, Sept. 21, 1927, p. 1907; (5) International Cotton Federation, preliminary report, Aug. 31, 1927.

Mr. SMITH. The New Orleans Cotton Exchange, under Mr. Hester, estimated that the carry-over was 6,952,000 bales; the Commercial and Financial Chronicle, 7,818,000. That is the total of both domestic and foreign stocks. The Bureau of the Census did not attempt to give the foreign holdings, but gave the domestic holdings as 3,663,000. Commerce and Finance, Mr. Price's paper, estimated it at 7,521,000.

The Bureau of Economics reports authoritatively as a Government organ that there were 7,800,000 bales, whereas if you had taken the domestic holdings as estimated by the Bureau of the Census and added it to the estimate of the Chronicle of foreign holdings you would have had 300,000 bales less than they reported was on hand. In other words, the Bureau of Economics totally ignored the statistics as promulgated for domestic consumption by the Bureau of the Census, and evidently took the Commercial Chronicle figures in toto. They lack only 18,000 bales of quoting exactly what the Commercial and Financial Chronicle had estimated.

If one bureau is to ignore another bureau, if one bureau is to duplicate the work of another, what is the use for us to appropriate money for the use of the Bureau of the Census, if the figures compiled by them are to be ignored in a market letter by the Bureau of Economics?

When this resolution comes up for consideration I shall go into the details of the monstrous condition that now confronts us. With the consumption of American cotton exceeding anything in the history of cotton production in America, with the shelves of the merchants bare, with the foreign trade taking last year 11,000,000 bales, more than a million more than ever was exported before in the history of cotton, now, with more than 4,000,000 bales less in this year's crop than in last year's crop, since the issuance of this marvelous prognostication by the Bureau of Economics cotton has declined from the price that was formerly being obtained until now it is $40 a bale lower—a loss in my State alone of more than $40,000,000.

It might be interesting to note, right in this connection, that on account of the crop being fairly good in some sections of my State, where we use such an enormous amount of fertilizer, the fertilizer companies have advanced the price some $5 to $7 a ton, alleging that they must recoup their losses of last year, when they sold it $5 to $7 a ton cheaper than they are now selling it; and the price of cotton has gone down to a point where it is anywhere from 3 to 4 cents a pound below the cost of production. The farmers have no way to recoup the losses of last year.

In other words, those that helped us to fertilize the land to produce the cotton are claiming the right to raise the price of fertilizer now to a point where they can recoup the loss of last year, while the medium through which the farmer is to pay for that fertilizer is going down even a greater per cent than they are raising the price of their fertilizer. In other words, the cotton producer is now in a situation where it is "Heads I win, tails you lose."

I think the circumstantial evidence surrounding the marketing of this crop is such as to warrant this body, which has power under the interstate-commerce clause to control commerce in legitimate channels, in investigating rigidly the bankers, the exchanges, the manufacturers, every party that may have knowledge of this matter sufficient to give us light as to whether the market has been manipulated.

I tell you, Mr. President, it is a monstrous proposition when we are paying from $2 to $2.50 for a 5-ounce shirt, and the cotton out of which it is made is bringing 15 cents a pound.

There is no doubt that we have great prosperity, in spots. That prosperity is brought about by virtue of the fact that the great, colossal combinations of this country, which seem to be the logic of modern conditions, are dictating to the vast majority of American people what they shall get or shall not get. I have about come to the conclusion that it is almost useless for us to pass any laws here. These combinations either find ways and means of evading them or they openly defy them, and nothing is done about it.

I sincerely hope that the Senate, when the Committee to Audit and Control the Contingent Expenses of the Senate shall have reported this measure favorably, which I am sure they will do, we shall take the matter up and begin at once the investigation of what is nothing short of a monstrous scandal.

COMPILATION OF INDIAN LAWS AND TREATIES

Mr. BINGHAM. Mr. President, I want to call the attention of the Senator from Wisconsin [Mr. LA FOLLETTE] to what I am about to say, because it is a matter in which he is interested.

I ask unanimous consent that the vote by which Senate Resolution 115, relating to the printing of laws, agreements, and so forth, relating to Indian affairs, was agreed to day before yesterday be reconsidered, in order that I may move to amend it so as to include the laws passed by the Sixty-ninth Congress, which were not included in the resolution as submitted to the Senate.

Mr. LA FOLLETTE. Mr. President, I wish to express the hope that the request made by the Senator from Connecticut will not be objected to. The work contemplated in the resolution will not be complete unless the laws passed by the Sixty-ninth Congress are included, and I think most of the Senators who are interested in the matter were under the impression that the resolution did contain a provision that the laws passed during that Congress should be included.

Mr. SMOOT. Mr. President, I am not going to object to including the laws passed during the Sixty-ninth Congress, but I want to express the hope again that this will be the last time such a request is made and the last time the Government of the United States will be called upon to print a compilation of the Indian laws. This printing began about 25 years ago, I think, and at the time the laws were first printed it was stated that that was the only request of the kind which would be made; but every five years there is another request. I am not going to object to this, as I have said, but I hope it will be the last request of its kind, and the man in charge of the compilation assures me that as far as he is concerned it will be the last.

The VICE PRESIDENT. Is there objection to the request of the Senator from Connecticut that the vote be reconsidered? The Chair hears none, and the vote is reconsidered, and the resolution is before the Senate.

Mr. BINGHAM. I move that the resolution be amended by adding, in line 5, after the comma, the words "together with such additional laws, agreements, Executive orders, proclamations, etc., relating to Indian affairs as were enacted or promulgated during the Sixty-ninth Congress."

The amendment was agreed to.

The resolution as amended was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7009) to authorize appropriations for construction at military posts, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORIN, Mr. JAMES, and Mr. MCSWAIN were appointed managers on the part of the House at the conference.

PUEBLO INDIAN LANDS, NEW MEXICO

Mr. FRAZIER. Mr. President, I wish to enter a motion to reconsider the vote by which the Senate yesterday passed Senate bill 700, authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes.

Mr. ROBINSON of Arkansas. Is the bill in the possession of the Senate?

Mr. FRAZIER. No; I understand the bill has been sent to the House. I move that a request be made of the House to return the bill to the Senate.

The motion was agreed to.

INTERIOR DEPARTMENT APPROPRIATIONS—ALASKAN RAILROAD

Mr. HOWELL. Mr. President, last Monday I entered a motion for a reconsideration of the vote by which the appropriation bill for the Interior Department was passed, and I now ask that the motion be laid before the Senate.

The VICE PRESIDENT. The question is on agreeing to the motion to reconsider, made by the Senator from Nebraska, of the votes by which House bill 9136, making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes, was ordered to a third reading and passed.

Mr. SMOOT. I suppose the Senator desires to address himself to the motion?

Mr. HOWELL. I desire to address myself to the motion inasmuch as I understand it will be opposed.

My purpose in making the motion is to enable the Senate to consider that portion of this appropriation bill found on page 108, wherein is provided an appropriation for the Alaskan Railroad. Although the appropriation herein provided for amounts to about $2,550,000, it was passed without any consideration or discussion whatever, and in a similar way similar appropriations have been made by the Senate for several years, and I feel the time has arrived when the Senate ought to consider the meaning thereof and the fact that we are temporizing at a cost to the Government of large sums of money. In fact, since the construction of this railroad was begun the accrued interest, plus the deficits in operation, total about $31,000,000, and we are adding to the deficits every year without any hope of relief so far as the railroad finally reaching a position of independence is concerned. Not only is there no hope of relief, so far as a return upon the cost of the railroad is concerned—some $57,300,000—but there also seems no hope of this railroad paying its expenses of operation and maintenance.

In my opinion, the time has arrived when we ought no longer avoid but consider this problem. I have here on the wall a map of Alaska. Here is the railroad, extending from the Gulf of Alaska 500 miles north, and within 150 miles on either side of this road there is a territory nearly two-thirds the size of Texas, wherein there are not 8,000 people, and 3,000 who are there are there merely because of the railroad. Yet this bill not only calls for the operation of this railroad for the benefit of less than 5,000 people but it also provides for the operation of 39 miles of narrow-gauge road at the north end of this railroad purchased by the Government from an exploration company and which the United States Smelting, Refining & Mining Co., of Boston, now insists we shall continue to operate at a loss for its benefit.

I have made a motion for the reconsideration of the vote by which this bill was passed because I want to offer an amendment providing that no funds shall be utilized during the coming year, as proposed in this bill, for the operation of that 39 miles of railroad for the United States Smelting, Refining & Mining Co.

Mr. President, if the company wants the road operated, let them operate it at their own expense. It had a net profit from its various activities last year of $4,000,000.

Mr. NORRIS and Mr. SMOOT addressed the Chair.

The VICE PRESIDENT. Does the Senator from Nebraska yield; and if so, to whom?

Mr. HOWELL. I yield to my colleague.

Mr. NORRIS. Is there any opposition to the reconsideration?

Mr. HOWELL. I understand that there is.

Mr. NORRIS. So long as I have been in the Senate it has been the custom, when a request of this kind is made, to reconsider by unanimous consent.

Mr. SMOOT. This is an appropriation bill which has already been passed.

Mr. NORRIS. I understand.

Mr. SMOOT. When the junior Senator from Nebraska [Mr. HOWELL] gets through, I want to have a chance to state the reason why I think it is perfectly useless to reconsider the matter.

Mr. NORRIS. I am not expressing any opinion as to the merits of the amendment, but my colleague wants to offer an amendment. The bill was passed probably in his absence. Every day or two some Senator wants to offer an amendment, asks for a reconsideration, and the vote is reconsidered by unanimous consent. I hope no one will object to the reconsideration in this case. Then let the amendment be presented and debated, and the Senate can decide as to whether it shall be adopted.

Mr. SMOOT. If it is distinctly understood that the bill will not be open to further amendment, but that amendment is simply to be confined to this one provision, I am perfectly willing to have a vote taken upon the amendment; but I do not want to have the appropriation bill thrown wide open in order to do that.

Mr. NORRIS. I do not think anyone would contend that that should be done.

Mr. HOWELL. Let me say just a word. I might offer another amendment to this particular item in another form.

Mr. NORRIS. That would be all right.

Mr. SMOOT. I care nothing about that, but I want it distinctly understood that if the vote by which the appropriation bill was passed is reconsidered, the bill will not be open for any further amendment than that which applies to the Alaskan Railroad.

Mr. NORRIS. All right.

Mr. SMOOT. I have no objection at all to have a vote upon any amendment the Senator may offer with respect to the railroad.

Mr. NORRIS. All right. Let the Chair state the request and see if there will be any objection.

Mr. WILLIS. Mr. President, I do not care how this matter is reached. Of course, I take the view of the situation contrary to that which is taken by the junior Senator from Nebraska. It seems to me we might as well discuss it on the motion to reconsider as on the motion to amend. However, I do not care how it is done.

Mr. SMOOT. I thought so, too, but I am perfectly willing that we shall reconsider the vote by which the bill was passed, for the purpose only of considering amendments to be offered by the Senator from Nebraska relating to the Alaskan Railroad.

Mr. NORRIS. Do not confine it to the Senator from Nebraska, but to that railroad.

The PRESIDING OFFICER (Mr. DALE in the chair). Does the Senator from Nebraska make the request?

Mr. HOWELL. I make the request.

The PRESIDING OFFICER. Will the Senator please state it?

Mr. HOWELL. I make the request that we reconsider the votes by which the Interior Department appropriation bill was ordered to a third reading and passed so far as the item respecting the Alaska Railway is concerned.

The PRESIDING OFFICER. Is there objection?

Mr. NORRIS. I do not think anyone will object, but technically I do not think my colleague has stated it quite correctly. He ought to ask to reconsider the votes by which the bill was ordered to a third reading and passed, and then include in it a limitation, that if the request is granted no amendment shall be in order to the bill on its further consideration except amendments pertaining to the Alaska Railway.

Mr. SMOOT. That is correct.

Mr. HOWELL. I make the request in that form.

Mr. WILLIS. I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

Mr. HOWELL. Mr. President, I send to the desk an amendment for reading.

The PRESIDING OFFICER. The clerk will read the amendment submitted by the Senator from Nebraska.

The LEGISLATIVE CLERK. On page 108, line 14, following the word "road," insert the words "excluding the Chatanika narrow-gauge branch extending northeast from Fairbanks."

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Nebraska. All those in favor of the amendment——

Mr. WILLIS. Oh, no, Mr. President. I want to be heard on that question. I thought the Senator from Nebraska wanted to speak first.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HOWELL. Mr. President, the Congress of the United States some time prior to 1915 authorized the construction of what is now known as the Alaskan Railway. An examination of the history of the enterprise and of the circumstances attending suggests that the railroad never would have been built had it not been for the fact that some time prior to this date a railroad company had built a line from Seward, Alaska, as I indicate upon the map here on the wall, north into the Kenai Peninsula some 56 miles. That railroad company failed. Another was organized, and it also made a failure of the enterprise.

Some time prior to that, as I understand it, the Guggenheim interests built 39 miles of narrow-gauge railroad extending out northeast from Fairbanks and south to the Tanana River. When it was determined to build this Government line that narrow-gauge road was being operated at a loss of about $250 a day. There is no interest on this continent that has the hardihood to purchase hopelessly bankrupt and failing concerns except the Government of the United States, as recently illustrated in the case of the Cape Cod Canal.

As a consequence, the owners of the 56 miles of railroad extending north from Seward and the narrow gauge out of Fairbanks got behind the proposal to build a railroad north from the Alaskan Gulf through Alaska, and were undoubtedly the ones responsible, ultimately, for this great public-ownership enterprise. And the reward was the sale of their properties to the United States Government for $1,100,000. As I stated, the narrow gauge extending out from Fairbanks was losing $250 a day, and as for the 56 miles north from Seward, there had not been a train over the road for five years.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HOWELL. Certainly.

Mr. KING. Am I to understand the appropriation carried in the bill provides for operating that railroad which for five years has ceased operation?

Mr. HOWELL. That road has been rehabilitated and is now an integral part of the broad-gauge system, from Seward to Fairbanks, but this appropriation also provides for the operation of the narrow gauge, which is not an integral part of the system at all, and which will be operated almost solely for the benefit of the United States Smelting, Refining & Mining Co.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. HOWELL. Certainly.

Mr. SMOOT. When the 39 miles of railroad was bought, it was bought for the very reason that it was about the only industry there which gave employment to the people who were in Alaska. As I understand it now, the Government is not losing money on that branch of the road.

Mr. HOWELL. We certainly are.

Mr. SMOOT. I say as reported to me. Where we are losing money is in the long stretch of country from Seward north. Clear up into that territory, the whole length of that territory, there are not more than 8,000 people. The operation of the road and keeping it going could not be otherwise than at a net expense. I do not like to hark back, but when the whole proposition was first made in this body I told the Senate then my opinion of the building of the road, that it would not only be a failure as a railroad but it would never in the world bring 100,000 to 200,000 people into Alaska. My predictions at the time have proven true. That railroad was going to furnish to all the world sufficient coal to run all the industries. The whole coal section in Alaska has been tied up because of the restrictions placed by our Government upon the taking up of coal locations, and so forth.

Mr. SHORTRIDGE. It is largely true, is it not?

Mr. SMOOT. It was true at the time, but the results anticipated did not take place.

Mr. WILLIS. Mr. President, is it the fault of the railroad that there has not been a demand somewhere else in the world? The coal is there and the mines are being operated in the greatest coal field in the world. Does the Senator charge that condition to the railroad?

Mr. SMOOT. I do not say that I charge it. I do know that it has been charged to the railroad. It is a condition that exists. The Government has the money in the railroad. The question is how best to get it out. If we are going to operate the railroad at all, we can not operate it under conditions in Alaska to-day without a loss. The great loss consists in the main line running as I have indicated on the map. I would not want to cut out the little part which, I understand, is paying its own way and giving employment to the people there.

Mr. HOWELL. I make the statement positively that it is not making money.

Mr. SMOOT. I am only stating what I have been told. I do not know whether it is or not. Not only that, but I want to say that if we stopped that section of the railroad I do not know what would become of the few people who have settled around there and are doing work and who are producing and making money.

Mr. WILLIS. Mr. President, will the Senator yield?

Mr. HOWELL. In just a moment I will yield. Something has been said about coal in Alaska and why it has not been developed as expected. The facts are that although there are very large coal deposits in Alaska it is either but a high-grade lignite or a bituminous coal found in broken formation and so intermixed with slate that it has to be washed. As a consequence, by the time they transport this coal to Portland or Seattle its cost, laid down, exceeds that of Pocahontas coal shipped to the west coast via the Panama Canal.

Mr. SMOOT. Mr. President, I want to suggest this to the Senator: I suppose he knows from what I have said to him that I appreciate the fact that there is an evil there which ought to be corrected. The proper thing to do, in my opinion—and I suggest it in all seriousness and earnestness to the Senator—is to introduce a bill here, a separate and distinct measure covering the whole subject matter. I assure the Senator that I shall take the deepest possible interest in it. But we can not stop the appropriation now in this way. We can not paralyze the industry of the people of Alaska without some kind of a notice to them. I think myself that the predictions made as to the cost of the road were very correct. I think the first appropriation was $30,000,000 and that was increased to $52,000,000 immediately—that is, as soon as the road was completed. It has been a very expensive undertaking on the part of the Government.

I believe that legislation ought to be enacted, but it ought to be in a separate bill. We ought to have time to consider it. When we take the step, let us take a step that will give notice to the people of Alaska that we have such legislation under way and let them be heard at the time the bill is under consideration. In all fairness I say to the Senator that is the proper way to do it. I have a great deal of sympathy with what he has said. I know the situation. Every time the appropriation bill comes up with $1,300,000 for the Alaskan Railroad this question arises. It used to be more, but we have cut off $100,000 this year. We have gone that far at least, as the amount has been higher than this in the past.

Mr. HOWELL. The reason why they have cut off $100,000 may be due to a neglect of maintenance, and they make no charge for depreciation.

Mr. SMOOT. That has been done right along.

Mr. HOWELL. Of course it has; and when the Senator says we have saved $100,000 this year, there is no positive evidence to that effect, and I believe I can demonstrate the fact. What they are asking for is $400,000 for new capital expenditure in lieu of funds to take care of deferred maintenance.

Mr. SMOOT. That is the same as it was last year, and it has never been less.

Mr. HOWELL. But what it means is that that $400,000 is used to make up a part of the depreciation which, of course, the road out of its earnings can not take care of.

Now, so far as the premises laid down by the Senator are concerned——

Mr. SMITH. Mr. President, may I ask the Senator a question?

Mr. HOWELL. Certainly.

Mr. SMITH. The Senator said we are appropriating $1,300,000. Is that over and above the revenue the Government gets?

Mr. HOWELL. Yes; it is.

Mr. SMITH. That means that it lacks that much of paying expenses?

Mr. HOWELL. Yes.

Mr. SMOOT. Oh, no. This is the total amount, and whatever they collect, though it is not very much, goes into the Treasury.

Mr. HOWELL. They use the total amount.

Mr. SMITH. That is the point I want to get at, that the revenues derived are used by the company to defray expenses, and after all that is absorbed the $1,300,000, in addition, is necessary.

Mr. HOWELL. Absolutely.

Mr. WILLIS. Mr. President, will the Senator further yield there? He has been very kind.

Mr. HOWELL. Certainly.

Mr. WILLIS. Since reference has been made to the matter of the deficit, it may be worth while to have the facts. In 1924 the deficit was $1,813,000; in 1925 it was $1,673,000. Note the downward trend. In 1926 the deficit was $1,169,000; in 1927 it was $900,000. In other words, that railroad is being so managed that every year the deficit is decreasing. Senators ought to bear that in mind. The deficit is not increasing, but it is decreasing; the railroad is being maintained and is in splendid condition, considering the circumstances.

Mr. HOWELL. Mr. President, the trouble with the conclusions of the distinguished Senator from Ohio is that he has not analyzed the expenditures in connection with this railroad. They come here and ask us for $1,300,000, which is the same amount or more than they asked last year; but they say that $400,000 of this is for capital expenditures. Then, when you ask, "What provision have you made for depreciation?" they tell you, "None." At the least the depreciation would be 2 per cent; and 2 per cent upon $60,000,000—which is about the sum the railroad has cost—is $1,200,000. What they are suggesting in their report is, "We have not made enough to operate this railroad by $900,000"—we will say—"but we do want $400,000 more to make up depreciation, and we will call it new capital."

Mr. SMITH. Does the Senator from Nebraska have the figures as to what we allow the continental railroads for depreciation? What is the annual per cent that those railroads claim for depreciation?

Mr. HOWELL. It is from 3½ to 4½ per cent upon rolling stock and from 1 to 2 per cent upon structures.

Mr. SMITH. I think on the average, as I recall—I have not informed myself as to the figures recently—around 3 per cent plus is the amount it is claimed must be charged off to depreciation annually for the railroads of our country.

Mr. KING. That is correct.

Mr. HOWELL. That is what the railroads claim.

The statement that I have made is in accordance with the attitude generally of the Interstate Commerce Commission. Of course, the railroads want to make the allowance for depreciation as much as possible. In my opinion, in connection with the Alaska road the depreciation is at least 3 per cent, because the railroad is within a region subject to long winters and floods in the spring. As a consequence, the depreciation is probably not less than $1,800,000 a year. All they provided for in this bill under the head of capital charges is $400,000. Some day they will have to ask for very large additional sums.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question right there?

Mr. HOWELL. Yes.

Mr. SHORTRIDGE. In a word, if the Senator can answer, what is now the general physical condition of the road?

Mr. HOWELL. I was over the road in 1923. The condition then was not good. I understand that it is better at the present time.

Mr. SMOOT. That is correct.

Mr. HOWELL. But necessarily the condition is not what would be called "good" as compared to one of our continental railroads.

Mr. SHORTRIDGE. Precisely. Does the Senator propose to abandon the system or to maintain it?

Mr. HOWELL. I do not propose to abandon it. What I propose is a cutting off of certain unnecessary sections of the railroad and thereby reducing our loss to a minimum.

Mr. SHORTRIDGE. I have been given to understand that this feeder or lateral road yielded a very considerable revenue, and that the total deficit was not due to that lateral road, but rather to the more extensive stretch of railroad where the traffic is very light and the passenger business almost negligible.

Mr. SMOOT. Every dollar which is derived from the 29 miles of lateral road is expended on the road.

Mr. HOWELL. Pardon me; the lateral is 39 miles long.

Mr. SMOOT. Perhaps it is 39 miles; but every dollar which it earns is expended for the railroad itself; and if that income were not available the railroad would be here asking for an additional amount of money; in other words, the overhead, the expense of operating trains and engines, and all other expenses are not materially increased on account of the 39 miles of road.

Mr. HOWELL. The last report of the manager of the road shows that the income is less than the expense of operation.

Mr. SHORTRIDGE. On this lateral road?

Mr. HOWELL. Yes; on this narrow gauge road.

Mr. SMOOT. That is not what I was talking about. The railroad itself takes every single, solitary cent of income and uses it for the operation of the road. The amount which we have appropriated is an additional loss. If we shall abandon the 39 miles of railroad and not operate it at all, the overhead expenses will be just exactly the same, and what shall we have saved? Perhaps the salary of an engineer and a few men; that is about all we should save. We should, however, lose the total revenue from that branch of the road, and that is not where the great loss comes.

Mr. HOWELL. But the operation of that road adds to the deficit every year.

Mr. SMOOT. It will, I admit.

Mr. HOWELL. It does now.

Mr. SMOOT. No.

Mr. HOWELL. I beg pardon. I will read from the report.

Mr. SHORTRIDGE. I beg pardon of the Senator for interrupting, but I am interested in the subject matter which we are discussing. California is very directly interested in that territory and in the subject matter.

Mr. SMOOT. Averaging the proportionate expenses, the wear and tear, the overhead, the interest upon the money, and everything else, and prorating those items to the 39 miles of railroad, a loss will be shown; but the expenses of the Alaska Railroad run on any way whether it operates that branch or whether it does not, and there is derived considerable revenue from the 39 miles of road which goes toward operation expenses. We ought to look at the thing in a sensible, business-like way. If we are going to stop all appropriations for this purpose we will put out of operation the entire railroad system of Alaska. Do not let us get away from that fact.

Mr. SHORTRIDGE. We had better give Alaska back to Russia if that is the plan of some gentlemen. I want to keep it.

Mr. WILLIS. Mr. President, will the Senator yield?

Mr. HOWELL. I will yield in a moment. I am amazed that the Senator from Utah will continue to make the statement that the operation of this branch or lateral road does not add to the deficit of the Alaska Railroad.

Mr. SMOOT. I said that prorating the expenses of the road, including wear and tear, upkeep, expenses of administration, and all other items to the 39-mile branch, it about breaks even, as I am told; but I say that if we abandon the road we will have all the overhead expenses, we will have the same investment, we will have the same number of cars, we will have the same number of clerks to do the work that we have now, and we will not have the revenue which is now derived.

Mr. HOWELL. Mr. President, I wish to refute the statement made by the Senator from Utah. In that whole region there are only about 4,000 people living permanently.

Mr. WILLIS. Mr. President, what does the Senator include in the expression "that whole region"?

Mr. HOWELL. I am talking about the Fairbanks region.

Mr. WILLIS. The Senator is mistaken about that.

Mr. HOWELL. I am not mistaken.

Mr. WILLIS. Well, when was the Senator in that region?

Mr. HOWELL. The population of the Fairbanks district——

Mr. WILLIS. I am asking the Senator how recently he was at Fairbanks?

Mr. HOWELL. I was there in 1923.

Mr. WILLIS. I was there within five months. The Senator is mistaken; that is all there is about it. There are more people working at Chatanika than are living at Fairbanks. The Senator does not know the development of that little village of Chatanika. He thinks that is an obscure point, but there are hundreds of people working at that place. I was there within five months, and I saw them. The Senator was there in 1923, when it was undeveloped.

Mr. OVERMAN. What is the entire population of Alaska?

Mr. WILLIS. I should say there are 70,000 in the whole Territory.

Mr. OVERMAN. My understanding is that there are only about 20,000 white people there.

Mr. WILLIS. The Senator is mistaken when he says there are only 20,000 white people there.

Mr. SHORTRIDGE. There are no electoral votes in that Territory, as Senators know.

Mr. JONES. Alaska sends delegates to the conventions, however.

Mr. SHORTRIDGE. Yes; they send delegates to the conventions, and also a Delegate to Congress.

Mr. HOWELL. Mr. President, I make the statement without any question in my own mind as to its correctness, that there are not 8,000 people living permanently within 150 miles on either side of this 500 miles of railroad in Alaska.

Mr. SMOOT. Does the Senator mean outside of the 39-mile branch?

Mr. HOWELL. I am talking about the area around Fairbanks; I am taking in this whole region [indicating on map], which is nearly two-thirds the size of Texas, and in this region there are not 8,000 people.

There [indicating on map] is the town of Seward, which is the point where the railroad starts, and there [indicating on map] is the town of Anchorage, the largest town in Alaska. I say there are not 4,000 people around Fairbanks at the present time. With all due respect to the senior Senator from Ohio, I feel he is depending upon what his eye saw and not upon the figures which the enumerators find in determining populations.

Now, Mr. President, I wish to state again that it must be evident to everyone that if we were operating a 39-mile street-car line for a population of 4,000 people we would not expect it to pay.

Mr. SMOOT. That is a different question.

Mr. SHORTRIDGE. Mr. President, with great respect, assuming that to be so, we own Alaska; we are endeavoring to develop Alaska, its timber, its fishing, its mining, its farming—and it is possible to raise the finest strawberries at Fairbanks to be found anywhere outside of Virginia——

Mr. SMOOT. And Utah.

Mr. SHORTRIDGE. Does the Senator propose to scuttle the ship and to abandon Alaska or to maintain this railroad? That, it seems to me, is a reasonable question, and I put it very earnestly.

Mr. HOWELL. Mr. President, the distinguished Senator from Ohio will tell you, as he told me, that the Fairbanks Exploration Co. has created a great deal of activity about Fairbanks and at Chatanika, to which place he has referred. If there is any increase in population it is due to that activity.

Mr. KING. To the activity of a private corporation.

Mr. HOWELL. What is the Fairbanks Exploration Co.? It is a subsidiary of the United States Smelting, Refining & Mining Co., of Boston. That company has net assests of $76,000,000, according to its last report. They have outstanding in the neighborhood of $30,000,000 or $35,000,000 of stock, and last year they earned on their preferred stock about 8.3 per cent and upon their common stock 6.6 per cent. This is the company interested in operating this Chatanika branch. They are perfectly able to operate it themselves if they need it.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator, will we sell it?

Mr. HOWELL. Just a moment. My proposition is this: If that short-line, narrow-gauge railroad, which is no integral part of the Alaskan Railway, is necessary to the success of their enterprise, why not say to this powerful, profitable company, "Take it, operate it, and pay the expenses. We are through. We will not impose an expense for the operation of this railroad upon the people of the United States that you may make more money"? Who will say that that is not business and justice?

Mr. OVERMAN. Mr. President, how did we acquire this short-line road? We appropriated $30,000,000, or thereabouts, to build this road. Did we build that short-line road, did we buy it, or how did we acquire it?

Mr. HOWELL. I thank the Senator from North Carolina for asking me that question. That road, I understand, was owned by Guggenheim interests, another exploration company. It got into the habit of losing $250 a day, and they said: "Well, you are building a railroad up into this country, why not take over our narrow-gauge line?" And Congress, or somebody connected with the administration, kindly and generously bought that railroad and took a lemon off their hands.

Mr. KING. How much did we pay them?

Mr. HOWELL. I do not know how much we paid for that particular railroad; but for that and the 56 miles of unoperated railroad in the Kenai Peninsula, over which a train had not passed for five years, we paid $1,100,000.

Mr. SHORTRIDGE. When was that Mr. President; during what administration?

Mr. HOWELL. I do not remember.

Mr. SMOOT. It was during the Democratic administration; but let us not bring politics into it.

Mr. SHORTRIDGE. No; I did not mean it in that sense.

Mr. HOWELL. This is a question of business, not of politics.

Mr. SMOOT. I remember that when it was decided to purchase that property the statement was made on the other side of the Chamber that it would be about the best-paying piece of road in the United States, that an immense amount of coal would be produced there, that an immense amount of ore was produced there, and that it ought to be part of the system.

Mr. OVERMAN. Mr. President, I hope the Senator will not include me in that statement. I have fought the whole thing for 23 years, ever since I have been here.

Mr. SMOOT. The Senator is one of the very few Senators here, I will say, who stood by me in trying to defeat this whole thing; but the Government has taken it over. The people have been told to come to Alaska——

Mr. KING. But they have been leaving.

Mr. SMOOT. And now we are caught in a trap. What shall we do?

I will say to the Senator from Nebraska that this is not the way to deal with the matter. I have not any objection to his making his speech to-day on this bill. Then I should like to see

the whole subject brought up here and thrashed out on a separate bill, not on an appropriation bill. Then the people of Alaska will receive notice and we will get the information right up to the present moment.

Mr. HOWELL. Mr. President, I do not agree with the Senator from Utah that this is not the place to begin—right now—to notify the United States Smelting, Refining & Mining Co. that they can expect the United States Senate to handle this proposition in a businesslike manner on behalf of the people of the United States, and not continue to operate a narrow-gauge road that is no integral part of the Alaska Railway for their benefit and profit.

Mr. SMOOT. The Senator must know that the mining company can take care of itself a great deal better than the thousands of people there that are depending upon it.

Mr. HOWELL. Mr. President, one of the remarkable things about this matter is that the distinguished Senator from Utah appeals to your sympathies for "thousands of people" in Alaska. Remember, now, there are only 8,000 people in all that region within 150 miles of this railroad on either side, including all the people around Fairbanks, and 3,000 are there because of the railroad. Therefore we are operating that railroad for the benefit of these 5,000 people. Suppose that we did as much for an equal number of people wherever found in the United States; do you know how much railroad we would be operating right now? Seven million five hundred thousand miles. If we did the same thing for the same number of people all throughout the United States, do you know what our annual deficit would be? Fifteen billion dollars. There may be 4,000 people in the Fairbanks district; I doubt it; but if there are 4,000 people, we ought to think of the many other 4,000 people within this country and treat them as fairly as those in Alaska.

Mr. President, it is a well-recognized fact that there is just one industry at Fairbanks, and that is the mining of gold. It is a well-recognized fact also that there are no paying lode mines in the Fairbanks district, that the source of the gold is placers.

It is also a well-known fact that these placers have been largely exhausted. Thus, in 1910 Fairbanks produced $10,000,000 in gold, but in 1926 it produced only $519,000. After placer miners have swept the bedrock of their claims there follows, not infrequently, the mechanical vulture to pick the bones of these exhausted placers. These mechanical vultures are great dredges. That is what the United States Smelting, Refining & Mining Co. are doing now. They are setting up dredges for the final feast. They are not building up an industry. Their activity means that the dream is all but over, the end of the rainbow is at hand. And the bones they leave are just about as inspiriting as those left by the vultures of the air.

Are we to help finance these mechanical vultures? That is the question that is before us now. Are we to pay the expenses of the operation of this short-line railroad there, so that this company can make larger dividends for its stockholders next year? They have had a very profitable career, Mr. President; for after you allow for the preferred stock of the United States Smelting, Refining & Mining Co. and all else you find that they have for their common-stock holders a surplus remaining of about $37,700,000.

Mr. President, it is this kind of organization that is influencing Congress constantly. Are we to continue to submit to it? Are we to pass this bill and say to the people of the United States, "We are financing that narrow-gauge road up there for the United States Smelting, Refining & Mining Co. for another year"?

Let us stop now, Mr. President, because this company is perfectly able to operate that road itself if it sees fit to do so. We can offer to lease it to the company for $10,000 a year, or, if it will not pay that, for a dollar a year.

Mr. SMOOT. Not without legislation.

Mr. HOWELL. Mr. President, it is suggested that we can not do this without legislation. It is easy enough to put through the necessary legislation, because this appropriation bill is for the fiscal year ending June 30, 1929. We never should pay another dollar for the operation of the Chatanika branch. The history of that branch already is replete with—well, with disgrace.

Do you know what they did when this Alaskan Railroad was building? Those who were interested in getting the United States to buy these two railroads were so afraid that Congress might rescind its action that they did not wait for us to build the road from the south end only—that is, from Seward north. It is an amazing thing that they prevailed upon the Government to build from both ends, that the rails and supplies which were used to build from this north end were shipped in over the White Horse Pass, down the Yukon River, then up the Tanana, at an expense of from $70 to $80 a ton for freight alone. Are we to continue this sort of thing? We have the opportunity now to stop it; and the curtailment I am suggesting is not the only curtailment that ought to be made, and that must be made, and that Senators will make when they understand this problem.

Mr. FESS. Mr. President, will the Senator yield?

Mr. HOWELL. Certainly.

Mr. FESS. I am very much interested in what the Senator has been saying. When the original proposition was up for the construction by the Government of the railroad in Alaska, I remember that the amount authorized was $35,000,000. I was in the other body at the time, and was very much concerned about whether it was a project that we ought to undertake. We went into it very thoroughly. I was clearly convinced that the possibilities of it were such that we were justified in doing it, and voted without very much hesitation in the belief that it would develop in a manner that would be justifiable. I have not followed the additional expenses. I heard the Senator say a while ago something about $50,000,000.

Mr. HOWELL. Fifty seven million three hundred thousand in total, I understand.

Mr. FESS. That the Government has invested?

Mr. HOWELL. Yes; that is, without its losses due to interest and deficits.

Mr. FESS. That is a considerable excess over what was originally appropriated.

Mr. HOWELL. The losses due to interest and deficits are about $31,000,000 more.

Mr. FESS. The question with me is that unless we proceed to open up by transportation facilities those portions of Alaska that offer wealth, a good portion of this, if not all of it, would be lost; and I have wondered whether we would be justified in not making the necessary appropriations to proceed with the development of Alaska. I want the Senator to know that I have an open mind on the matter. I am asking for information.

Mr. HOWELL. Mr. President, inasmuch as the Senator was not in the Chamber when I began my statement, I shall briefly restate my view respecting this problem.

I do not advocate scuttling so far as this railroad is concerned. What I am advocating is its curtailment to a minimum, yet allowing it to perform the duty of development, if further development is practicable.

The pending amendment is merely one that provides that no part of this money shall be expended to maintain and operate a narrow-gauge railroad, extending northeast from Fairbanks 39 miles, which is now being operated for the benefit, practically solely, of the United States Smelting, Refining & Mining Co. My proposal now, so far as this amendment is concerned, is that we shall no longer operate this narrow-gauge railroad for the benefit of this company, but shall let them operate it themselves at their own expense.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. HOWELL. I yield.

Mr. HEFLIN. What amount of money will be required to operate and maintain this road which the Senator is discussing?

Mr. HOWELL. The director of the railroad reports that it will cost, if I remember rightly, in the neighborhood of fifty or sixty thousand dollars to operate it this coming year. He estimates that the income will fall short something like 25 per cent. Of course, it is relatively a small matter, but in my opinion the manager of this short-line railroad, who is very anxious to continue to operate the railroad—as I know, because I have discussed the matter with him—is oversanguine respecting the size of the deficit that will result from its continued operation.

Mr. HEFLIN. If the Senator's amendment shall be adopted, as I understand it, it will save the Government about $60,000?

Mr. HOWELL. No; on the basis of the statement——

Mr. HEFLIN. About $30,000?

Mr. HOWELL. The statement of the general manager, which includes no depreciation, shows that possibly it will cost the Government above income $15,000 to operate that railroad.

Mr. HEFLIN. Then the Senator's amendment would save the Government that amount?

Mr. HOWELL. That amount. But, Mr. President, this is the first step which I think we ought to take in the curtailment of this railroad, and certainly there can be no question as to this particular step.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. WALSH of Montana. I suppose everybody admits that the sanguine hopes entertained at the time this enterprise was undertaken have fallen deplorably short of realization. It was anticipated that the construction of this line of railroad would promote the development of the coal properties in that neighborhood, represented to us as being of immense value. It was believed that the coal was of a very high character and would be serviceable for fueling the Navy, and that it would command a very large market all up and down the Pacific coast.

It was also expected that the region adjacent to the road would be speedily settled by homesteaders of a high class, and that the development of the Territory would go on speedily. There has been practically no development of the coal mines, or nothing of any consequence, and there has been no settlement of the adjacent territory. Disappointments of that kind may reasonably be expected, but I was not expecting to hear anything like the statement now made by the Senator from Nebraska, that supplies and equipment were hauled up over the pass and transported down the Yukon River at a cost of $80 a ton.

I want to ask the Senator from Utah [Mr. SMOOT], who has served on the Committee on Appropriations ever since this railroad was built, whether there has been any investigation by any of the branches of Congress into the construction of the railroad, and the cost of the management of it.

Mr. SMOOT. Only by the Committee on Appropriations requiring the officials operating the railroad to come before it and explain to the committee why the appropriations have been necessary. The Senator was not in the Chamber when we discussed the matter briefly a short time ago. I can say to him that I have not been disappointed, because the result is just about as I said it would be at the time the legislation was before this body. But I did think that the conditions would be better than they have proven to be.

As I said, if this amendment shall be adopted, it will only add more to the expense to which the Government will be put to operate the railroad, if it is to be operated.

The overhead expenses, the cost of all the cars, and the expenses for all of the men operating the road, outside of the men who keep the road in repair, would be just the same. Now, every dollar taken in on that road—and a great part of the whole revenue comes from that section—would immediately be cut off, and all the balance of the road would have to make up the loss of revenue ordinarily coming from that source, besides the deficit they already have.

Mr. WALSH of Montana. If the Senator from Nebraska has the facts aright, the mining company which operates at the upper terminus of the road would be obliged to operate the road.

Mr. SMOOT. That would not make any difference in the statement I made. To-day the railroad has authority to use every dollar that is taken in by the railroad toward paying its expenses. If we cut that off, of course, that will be taken out of the amount the railroad has to pay for operation.

Mr. WALSH of Montana. I did not care to enter into a discussion particularly about this little branch road.

Let me ask the Senator from Nebraska if he can give us the information as to what tonnage the coal mines supply the road.

Mr. HOWELL. The only coal that is supplied is that used by these 8,000 people who are within 150 miles of this railroad.

Mr. WALSH of Montana. There is no exportation of coal at all?

Mr. HOWELL. There is no exportation of coal at all.

Mr. SMOOT. It has been a flat failure, I will say to the Senator. The only question now is as to the policy to be pursued.

Mr. WALSH of Montana. Let me inquire of the Senator from Nebraska whether in his judgment the facts warrant a thorough investigation of the whole subject?

Mr. HOWELL. Mr. President, I will say that I have in mind, following this discussion, the submission of a resolution for such an investigation.

Mr. SMOOT. I hope the Senator will offer such a resolution, and I would like to see the whole thing investigated. I am quite sure the officials of the railroad will not object. They have painted the picture to the committee just as black, it seems to me, as it is possible to paint it.

Mr. WALSH of Montana. If there was any such reckless expenditure of money in the construction of the road as is to be inferred from the information given us by the Senator from Nebraska, I think we should promptly inquire into it.

Mr. WILLIS. Mr. President, it is not claimed by anybody that this shipment of rails which the Senator from Nebraska has described is attributable in any way to the present management of this railroad. He is talking about the construction of the railroad, back about 1912 or 1913. It is not claimed there is any such proceeding as that now.

With reference to the shipment of coal, perhaps I could give the Senator a little information. I chance to recall that there is one company in Fairbanks that has contracted with the Healy River Coal Co. for 40,000 tons of coal next year, so that there is evidently some tonnage in sight.

Mr. WALSH of Montana. Where is that coal to be mined?

Mr. WILLIS. At the Healy River. I could point it out to the Senator on the map. It is south from Nenana.

Mr. HOWELL. Mr. President, the distinguished Senator from Ohio has spoken of 40,000 tons of coal which they have contracted for, and we might assume that the freight would be about four or five dollars a ton. That would amount to about $150,000 or $200,000 a year.

Mr. SMOOT. About $160,000.

Mr. HOWELL. That can not justify the operation of a railroad whose deficit on account of expenses alone exceeds a million dollars. I sincerely trust that the amendment which I have offered to this bill will be adopted.

Mr. WILLIS. Mr. President, I sincerely trust that the amendment will not be adopted, and in brief form I shall try to set forth my views upon this question.

In the first place, the amendment offered by the Senator from Nebraska, as he has stated, is only a part of his program. He proposes not only to curtail the Alaska Railroad, but to "curhead" it as well, because, as he has stated to me, he is of opinion that another section of the railroad ought to be abandoned. Just for the present I want to address myself to this amendment, and particularly to the remarks which have been made by the Senator from Nebraska.

A good deal his been said about the American Smelting Co. I know nothing about it. I never heard of it. I care nothing about it. I never knew, until the Senator made the statement here, that it had any relation to the Fairbanks Exploration Co., and I know nothing of that company, and care nothing about it, except as it has relationship to Alaska and its people.

I care nothing about these various special interests which gentlemen have tried to make a bugaboo, but I do care immensely about this great Territory and the interests of the United States therein; and I care very much about the fine people who are living in Alaska and trying to develop there in that well-nigh forgotten empire what may, I hope, some time become a State of this American Union.

I think the last thing the friends of Alaska should do is to interpose against this railroad. The one thing that is needed in Alaska more than anything else is the development of better means of transportation. If this first amendment proposed by the Senator shall be adopted, this section of the road from Fairbanks on to Chatanika, some thirty-odd miles, is to be abandoned, as I understand it.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. The resolution (S. Res. 128) submitted by Mr. LA FOLLETTE relating to presidential terms.

Mr. LA FOLLETTE. Mr. President, in order that the matter concerning the appropriation bill which has been under discussion may be disposed of, I ask unanimous consent that the unfinished business may be temporarily laid aside for that purpose.

The PRESIDING OFFICER. If there is no objection, it is so ordered. The Senator from Ohio will proceed.

Mr. WILLIS. Mr. President, the effect of the amendment now pending is to abandon the 39 miles of railroad from Fairbanks out to Chatanika. In the first place, I know nothing about the way in which that road was constructed. I care nothing about that. The fact that appeals to me is that we are there; that we own this section of railroad; and in my judgment we ought to operate it for the benefit of the American people. I am not one of those willing to concede that the ownership of Alaska by the United States Government or the people of the United States is a failure and that we ought to give up the Alaska Railroad piecemeal.

The Senator said, as I understood him, that he thinks the operation of that section of the road is not profitable. As a matter of fact, if the same logic is to be applied, it is admitted that the operation of the whole road in a financial way is unprofitable because, as I showed in the statistics which I quoted, while the deficit is being decreased from year to year, from $1,800,000 in 1924 down to $900,000 in 1927, it is yet a deficit;

so that if we proceed on the theory that any section of the road which shows a deficit is to be abandoned, then the logic of the Senator's position is that we should abandon the whole road and go out of business there.

Mr. HOWELL. Mr. President——

The PRESIDING OFFICER (Mr. COUZENS in the chair). Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. WILLIS. I am glad always to yield to my friend from Nebraska.

Mr. HOWELL. I would like to ask the distinguished Senator from Ohio if he has read the report and pored over the statistics of the railroad, and, further, I would like to ask him if, having done it, he has determined what the $400,000 additional, over and above the $900,000 that is estimated for, is to be used for in connection with the railroad?

Mr. WILLIS. I can say that I have given some attention to that matter. I have gone over the reports pretty carefully. I have talked with officials of the Government. I do not mind admitting that I have walked some scores of miles over the Alaska Railroad and am rather familiar with its construction.

Mr. NORRIS rose.

Mr. WILLIS. Just a moment, if the Senator please. As to the amount of $400,000 and what it is to be used for, I am told that at least $100,000 of it is to be used in expenditure for the purchase of new cars, largely freight cars, to handle the coal business for next year.

I now yield to the senior Senator from Nebraska.

Mr. NORRIS. The Senator has passed the point. When he said he had walked over the Alaska Railroad I wanted to ask whether he did not have money enough to pay his fare, or how did he happen to be put off the train? [Laughter.]

Mr. WILLIS. I think that would be a very embarrassing question, and the Senator ought not to ask it in view of all the circumstances. [Laughter.]

As I said, $100,000 is to be used in the purchase of new cars. It is specifically stated by officials that to handle the coal business in sight for the next year in this country—they have contracted now for the purchase of 40,000 tons of coal for next year—they have to have additional cars to carry the coal, and they are buying cars with that money. The $100,000 will go for the purchase of additional freight equipment. Some of it went last year for the purchase of two new locomotives.

Mr. HOWELL. Mr. President, may I interrupt the Senator?

Mr. WILLIS. Certainly.

Mr. HOWELL. Is it not a fact that $14,000 is asked for new coal cars?

Mr. WILLIS. The fact is as I have stated it, as I understand it.

Mr. HOWELL. I am sorry to say that the distinguished Senator from Ohio is mistaken. The amount suggested for coal cars is $14,000.

Mr. WILLIS. I said coal cars and passenger cars. I have before me a memorandum prepared by Government officials, as follows, and I will read a paragraph for the erudition of the Senator:

> Nearly $100,000 of this amount is required for additional freight and passenger cars to take care of increasing traffic. Ten new coal cars are included. An increase of coal traffic into Fairbanks to the extent of at least 40,000 tons a year is expected, that amount having been contracted for by one company alone.
>
> An investment amounting to several hundred thousand dollars has been made by that company in a power plant and distribution lines, which are dependent upon the coal supply hauled by the railroad. The total investment of the same company in that vicinity is said to be about $9,000,000.
>
> During the last fiscal year over 3 miles of wooden bridges and trestles of the railroad were filled or replaced with steel structures on concrete foundations. For a continuation of this work the management plans to utilize at least $170,000 out of the $400,000 requested. The result of this work will be a constant reduction in expense of repairing bridges and trestles, which is heavy in the case of wooden structures.
>
> As an example of what can be done with money appropriated for capital expenditures the railroad purchased last year two Mikado locomotives of modern type, which operate at no greater expense than the older type in use but haul twice the load.
>
> The balance of the sum of $400,000 is made up of minor items of improvements believed to be necessary to meet the demands of traffic and to carry on the program of reducing expenses of operation.
>
> I am informed by residents of Alaska that it would be a severe blow to the entire territory tributary to the railroad to abandon any part of the railroad as located and constructed from Seward to Fairbanks. The problems of industrial and agricultural development of that section are gradually being worked out; to this purpose hundreds of individuals, as well as the United States Government, have devoted much labor, time, and money, which would largely be lost if the retrogressive action of abandoning important parts of the railroad line should be taken. The mere threat of such action is injurious.
>
> Substantial progress is being made from year to year in increasing the revenues and decreasing the expenses of the railroad. The rate of this progress has been greater, I believe, than in the case of any other railroad operated under the flag of the United States; if any railroad in the States could show such rapid progress, it would be most encouraging to its security holders. The investment of the United States Government in the Alaska Railroad is an investment not only in the physical property of the railroad but in the entire territory tributary to the railroad, is a substantial factor in the prosperity of the people of various sections of the States as well as Alaska, and is making possible a solution of many of the physical, political, and economic problems involved in the development of our last frontier.

That is the source of my information.

Mr. HOWELL. Mr. President——

Mr. WILLIS. I want to tell the Senator about that $400,000, but he will not let me proceed.

Mr. HOWELL. I would like to comment on the car question, because the Senator has suggested that it is not only coal cars but passenger cars. As a matter of fact, the detailed estimate is for passenger cars $15,000 and for coal cars $14,000, making a total of $29,000.

Mr. WILLIS. That does not at all controvert my position. What I am trying to show to the Senate, if I can get a chance to do it, is that the $400,000 is to be expended as it would be expended by any other railroad, some of it for passenger cars and some of it for coal cars. Last year, I happen to recall, they purchased two new heavy locomotives to take the place of light locomotives that had been in use upon the railroad before.

Mr. HOWELL. Was that a capital expenditure or was it a replacement?

Mr. WILLIS. That was capital expenditure. Here is another thing: Some of this money will undoubtedly be used in the purchase of new ties in that section of the road which the Senator eventually wants to abandon, as I recall. It is not fair to say that——

Mr. HOWELL. Is that a capital expenditure?

Mr. WILLIS. Wait a moment. A portion of that is to go for the purchase of ties to put into better condition the section of road the Senator wants to abandon eventually, because I understand it to be his purpose not only to cut off the section from Fairbanks up to Chatanika, but eventually to cut off the section from Fairbanks to Nenana, and then, having "curtailed" the railroad at that end, he would behead it at the other end and cut off the section from Anchorage down to Seward and leave only the central portion, which could, of course, never be developed.

Mr. NEELY. Mr. President——

Mr. WILLIS. I yield to the Senator from West Virginia.

Mr. NEELY. I assume that if the 40 miles of railroad were discontinued, it would be very difficult for a delegate from Alaska to get to Kansas City for the next National Republican Convention. I assume also, the Senator having walked over the railroad, that he has arranged for those delegates to be on hand at the proper time.

Mr. WILLIS. Certainly; and I trust the Senator does me credit to assume that I have arranged for them to be selected at convenient points and that they are now on their way. [Laughter.]

To go into this matter still further—I yield to the Senator from Kansas! [Laughter.]

Mr. CURTIS. Mr. President, I merely want to know if the Senator wants the delegates to leave before the road is abandoned? [Laughter.]

Mr. WILLIS. It does not make any difference, because my delegates are picked out from convenient points.

Mr. NORRIS. Mr. President, I want to know how the next President from Kansas feels about this 46 miles of Alaska Railroad? [Laughter.]

Mr. WILLIS. To go still further into the matter seriously, here is another important fact entirely overlooked by the Senator from Nebraska. He was at Fairbanks in 1923, and evidently he has been reading reports about Alaska and statistics about Alaska ever since then. But he has not at all kept in touch with what has been going on in Alaska. If he thinks that Chatanika is now what it was in 1923 he is quite mistaken. That is one of busiest centers of industry I have ever seen. He referred to a company that frightened him so much, a company I had never heard of before. I want to say, incidentally, that I decline to abandon a railroad simply because some company has expended the sum of $9,000,000 or $10,000,000 in devel-

oping the country adjacent thereto. That, to my mind, does not appeal at all.

In the period since 1923 there has been a tremendous development there, and, as I was about to say, that area is one of the most active and busy industrial sections I have ever seen. The Fairbanks Exploration Co. has expended some $9,000,000 or $10,000,000 already in getting ready to proceed with its placer mining which the Senator from Nebraska describes. It would be interesting if the Senate had time to go into that matter. They have gone back into the mountains 80 miles and tapped a stream of water and brought it in a canal down the mountain side until there it is at a height of several hundred feet, so they are prepared to do hydraulic mining.

As a result of that work there is a rapidly developing population at Chatanika, which I myself visited. It is a busy town, with more people coming there, and yet just at this time, when the development is on and the people are there and need the facilities for transportation, the Senator from Nebraska comes in and says we must abandon this railroad.

Mr. HOWELL. Mr. President, will the Senator yield?

Mr. WILLIS. Certainly I yield to my friend.

Mr. HOWELL. I wish to call the attention of the distinguished Senator that in 1924 the Fairbanks region produced in gold $781,000. In 1925 things were flourishing tremendously, but they only produced $604,000. In 1926 they kept on flourishing, just as the Senator is suggesting, but they only produced $519,000. Whereas—I have not the figures—I assume that this last year their production was down to $460,000, not one-half of what we spend to make up the deficit of the railroad for one year.

Mr. WILLIS. Of course, that is perfectly logical. I have just been describing to the Senator the fact that this exploration company has spent $10,000,000 getting ready to begin its mining project, and he says they have not produced anything yet. Of course not. Their work is just starting now, and because they have not yet produced he says it is a perfectly useless thing to carry on the operation of the railroad. But the Senator is not quite accurate in his figures. I have before me the report of the Governor of Alaska, which shows that from the fourth district last year there was a production of silver and gold, and the silver is practically nothing, of $945,000.

Mr. HOWELL. The fourth district includes a tremendous territory in addition to that around Fairbanks.

Mr. WILLIS. Of course, but the Senator has been talking about the Fairbanks region, whatever that is. That takes in a good deal of territory. I am talking about the same territory, and it does not make any difference, so far as the argument is concerned, whether it is $400,000 or $900,000. What I am saying to the Senator is that I think he is doing a tremendous injustice to a growing population that is undertaking to develop this country when he says we should go in and stop the operation of this railroad.

Mr. HOWELL. The Senator has suggested that I am not accurate because I stated that in 1926 the Fairbanks region, to which we are referring—and when I refer to the Fairbanks region I mean any territory within 100 miles or more of Fairbanks—produced only $519,000.

Mr. WILLIS. Well, what of it?

Mr. HOWELL. Simply this, that the placer development there has gone steadily down hill until now the Senator tells us the United States Smelting, Refining & Mining Co. has gone in there and spent $10,000,000 around Chatanika. They need this branch of narrow-gauge railroad, 39 miles long, and the Senator says we ought to operate it at our expense instead of letting them operate it at their expense.

Mr. WILLIS. I prefer to make my own speech and to draw my own conclusions. I, of course, said nothing of the kind. In the first place, I am not responsible and the Senator is not responsible for this short line of railroad. It was purchased by the Government of the United States many years ago. Simply because some American business men, whoever or wherever they may be, have taken enough interest in this matter to expend $10,000,000 there in developing the country, I am not going to get frightened about it and say, "Because they have invested $10,000,000 there must be something terrible going on; let us abandon the railroad." I am not proposing that it shall be operated for the benefit of this company, but I am proposing that it shall be continued to be operated for the men, women, and children who live in Chatanika, out yonder upon the frontier, living the American life and trying to develop an American community, which the Senator from Nebraska proposes to abandon.

Mr. CARAWAY. Mr. President, may I ask the Senator from Ohio a question?

Mr. WILLIS. I yield to the Senator.

Mr. CARAWAY. If I remember correctly, the Senator from Ohio was one of the most eloquent opponents of the Government maintaining a merchant marine. Was not that true?

Mr. WILLIS. I may have to call upon the Senator to prove that, for I have been very greatly criticized by the distinguished Senator right to his rear because I voted for the so-called Jones bill the other day.

Mr. CARAWAY. But the Senator made a speech against it, did he not?

Mr. WILLIS. No. I offered some amendments to it.

Mr. CARAWAY. I was under the impression that the Senator was opposed to the Government being in business.

Mr. WILLIS. Mr. President, so much for the amendment that is pending here just now. Recapitulating, we are simply proposing to continue the operation of a road that we find the Government of the United States owns. If it shall be said that this whole line of road is of very questionable economic value, let me point out that one of the most certain ways to destroy it is to lop off one section after another, as the Senator from Nebraska has in mind to do, because I have no doubt that as soon as the pending amendment shall have been voted on he will offer another one proposing to abandon the section of the road from Seward to Anchorage, making Anchorage the southern terminus; and then eventually he will, I presume, offer another amendment cutting off the section from Fairbanks down to Nenana. Of course, that would be one of the finest ways in the world to increase the facilities of the Alaska Railroad! Suppose we should say to the Baltimore & Ohio Railroad, "You are a good railroad all right; we want to encourage you; and in order to help you along we will provide, first, that you shall not operate any trains between Cumberland and Washington or between Myersdale and Pittsburgh, but the remainder of the line you can run all right. If you do not make money then, we are going to put you out of business." That would be just about the same proposal as that which the Senator from Nebraska is making here.

Now, Mr. President, I wish more fully to answer one objection that was made here, and that was that the maintenance of this road is neglected. If Senators personally had more practical knowledge of this railroad they would be less rash in their statements. Within six months I have been over every foot of the Alaska Railroad. I know of its condition. Any Senator who says that maintenance has been neglected is simply making a statement that is not at all sustained by the facts.

Mr. HOWELL. Mr. President——

Mr. WILLIS. Just a moment. With reference to the $400,000, which has worried the Senators so much, let me say another thing. I saw personally within the last year several miles of wooden trestles and bridges—I shall have before me in a moment the exact number of miles. Three miles of wooden bridges and wooden trestles were replaced with steel structures; I myself saw scores of them. Some of this money will undoubtedly be used in that way; yet the Senator seems to think it is an inexcusably unwise expenditure of the people's money to make a railroad safe for the transportation of commerce and of passengers. Now I yield to my friend from Nebraska.

Mr. HOWELL. Mr. President, the distinguished Senator from Ohio is hardly accurate when he states that I have insisted that maintenance has been neglected. There are two kinds of maintenance: One is the maintenance that can be applied each year to a structure, and the other is deferred maintenance that it is impossible to apply. For instance, a wooden trestle may gradually depreciate and be replaced, as the Senator has suggested, by a steel bridge. That is deferred maintenance. The Senator tells us distinctly that the Alaska Railroad is going to use this $400,000 for doing that sort of thing. That is what I insisted, and yet they say that it is chargeable to capital.

Mr. WILLIS. Why is it not?

Mr. HOWELL. A portion of it might be, but a portion of it is maintenance. However, they make no such distinction and they tell you frankly, "We do not set up any depreciation reserve account whatever." What they say is to be used for capital purposes is in fact, at least partially, to be used to make good deferred maintenance. That must be admitted.

Mr. WILLIS. Let me answer that suggestion; let us see whether it is proper to consider any portion of this as capital expenditure. There are sections of that railroad which were not well constructed at the outset and which are not now in such very good condition. As I observed it during a considerable time in the Territory, the poorest section of the railroad is between Fairbanks and Nenana. It is proposed to use a portion of this money to put in new ties. The ties which were used in the first instance were largely birch and other woods

which were light and not of very long life. Now they are putting in better and more durable ties. Likewise in long stretches there were wooden trestles. Why did they use wooden trestles? Because that was the lightest and cheapest construction when they were putting in the road. Now, however, gradually miles of wooden trestles and bridges are being superseded by concrete structures and steel bridges. In other words, the work of construction had not been fully completed, and yet the Senator proposes to charge, I suppose, the great steel bridge over the Tanana River at Nenana as a matter of maintenance because originally they put up a light wooden bridge there.

I can understand the attitude of anyone who wants to break down the railroad and abandon Alaska, but I can not understand the attitude of Senators who believe the people of Alaska need aid, as they openly admit, who want to abandon this railroad, to hamstring it, destroy its property, and discourage the people of Alaska and make impossible the development of that Territory.

Mr. HOWELL. I am sorry, Mr. President, to call the Senator's attention to another inaccuracy. There never was a wooden bridge constructed across the Tanana River at Nenana.

Mr. WILLIS. Well, there were hundreds of them elsewhere. I used that merely as an illustration.

Mr. HOWELL. And that was a peculiar case, because that bridge cost $1,500,000.

Mr. WILLIS. Yes; and it is a very good bridge and worth the money.

Mr. HOWELL. It is an excellent steel structure with a timber approach. But at first trains were taken across the river at that point on the ice. It was only toward the end of the construction of the railroad that that bridge was built, and it never ought to have been built.

I have simply called attention to this fact, because the Senator would give the impression that I was not informed and that he was. I do not pretend to know much about this railroad, but there are some things I do know, because I have made a study of it not only at the time I was there but since I have returned.

Mr. WILLIS. Mr. President, I am satisfied that the Senator has given full demonstration of the fact that he is not informed. I am glad I gave him time for that purpose.

If the bridge over the Tanana River was not a wooden bridge there are scores of other places where they built light wooden bridges and where within the past year they have replaced them by steel bridges as a matter of improved construction. I think that is a perfectly legitimate expense, and a proposed expenditure for the continuation of that work next year is likewise perfectly legitimate and justifiable.

One other thing, Mr. President, I wish to say, and then I am ready for a vote upon this question. I call attention, first, to the fact that the Alaska Railroad has been well managed. Implication has been made here, suspicion has been thrown out that there is something mysterious or something wrong, something that should be investigated about the present management of this road. If the Senator from Nebraska or anybody else wants to delve into ancient tomes and investigate what was going on in the construction of this road along about 1912, 1913, and 1914 I have not the slightest objection in the world, but I do object to the imputation that there is anything wrong with the present efficient management of the Alaska Railroad.

For example, I notice that the freight revenue on the Alaska Railroad in 1924 was $433,000; in 1925 it was $412,000—a slight decrease—in 1926 it was $566,000; in 1927 it was $811,000. Their freight revenue is increasing. Let us consider the results in connection not only with the freight hauled upon the railroad but the freight carried upon the line of boats that is run upon the Yukon and the Tanana Rivers. In 1924 the total rail and water revenue was $907,000; in 1925 there was a little decrease, the revenue being $861,000; but in 1926 it went up to $1,067,000, and last year to $1,339,000; so that the income from the railroad under the present management is increasing every year, and the deficit, as I have already pointed out and placed the figures in the RECORD, is decreasing.

Mr. BLAINE. Mr. President——

Mr. WILLIS. I yield to my friend from Wisconsin.

Mr. BLAINE. Are these losses due to the incompetency or inefficiency of the agents of the Government?

Mr. WILLIS. I think that is a perfectly proper question. Of course, I am not a railroad expert as the Senator is not, but, so far as I could judge and so far as I could gain the information from various sources, I never heard the suggestion from anybody that the management of the road or its employees, its workingmen, its officials, were guilty of any incompetency or inefficiency. I really think they are pretty well up to the standard. I might say that a situation exists there which the Senator will understand. A good many of the day laborers who work on the road are Indians, and very properly so, and at the start they were not accustomed to that type of labor and perhaps could not be compared to similar laborers in the United States proper, but they come to be very good workmen. I have talked with them and watched them do their work, and they are pretty good workmen. As for the bridge builders, I will say to the Senator that the bridge crews are the most efficient that I ever saw on any railroad anywhere.

Mr. BLAINE. Mr. President, may I ask the Senator another question?

Mr. WILLIS. Certainly.

Mr. BLAINE. If this railroad were abandoned by the Government, could private interests operate it more economically?

Mr. WILLIS. Of course, that is a question no man can answer with certainty, but I doubt it. The question the Senator has propounded goes deep into this matter. The people of the United States have put their hand to the plow upon this proposition.

There may have been some mistakes in the construction of the road. Perhaps they ought not to have hauled these rails up over the White Horse Pass. I do not know. I was not there. The fact is, however, that we have the railroad, and we have Alaska, and we ought to be proud that we have Alaska, because it is an empire of the resources of which the people of this country have not yet dreamed.

The Senator talks about coal, and wonders whether there is any coal in Alaska. I am of fairly good height. I stood before an outcropping vein of coal 47 feet thick and looked up at it, and I said to the operator of that mine, Evan Jones—of course, you could not think of a coal mine if you did not have a man by the name of Jones or Owens or Griffith about it—I said to him, "What is the total thickness of the veins that you are operating here now?" He computed a moment, and he said, "260 feet." The thinnest vein that he was operating was 25 feet, and that over an area of hundreds of square miles; and yet Senators speak slightingly of Alaska, and wonder whether it really is worth while, or whether we ought not just to scuttle and get out of it.

Mr. HOWELL. Mr. President, is not that lignite coal?

Mr. WILLIS. A portion of it is lignite coal. In the Chickaloon district it is not lignite coal; it is hard coal, as the Senator knows; and in the Matanuska district there is excellent coal; the Healy River coal is lignite coal, which is being consumed in that country, and which does not have to be washed to get the slate out of it, as the Senator said.

Mr. HOWELL. The hard coal that the Senator spoke of, though——

Mr. WILLIS. That has not been largely developed.

Mr. HOWELL. But they have washers in there, have they not?

Mr. WILLIS. They did have, and perhaps have yet. In these things I have an old-fashioned habit of talking about only the things that I know. I know about the Healy River mine, because I have visited it, and saw it in operation with modern mining machinery; and yet Senators write interrogation points, and wonder whether there is any coal there, or whether it is worth bothering with at all.

Then the Senator and others have spoken rather doubtfully about this region in here. "How many people live there?" Well, I have ridden over good, long stretches of the Santa Fe Railroad and the Union Pacific Railroad where there were not very many people living, and where, at any rate, there were practically no people living when that road was building. Did they, therefore, say, "We will just chop out that section of the road, and not have any road there"?

Mr. President, we have the same problem in Alaska that we had in Kansas and Nebraska 75 years ago and in Montana and Idaho 40 years ago. The only question is whether we shall have the vision and the American spirit to go ahead with the solution of this problem, or whether we shall be frightened by gentlemen who cry out, "Oh, there is a corporation that has bought up some of this land! Let us chop off this portion of the railroad; and down here, somewhere else, it might have been built a little cheaper; so let us cut off that section of the railroad," and finally destroy and emasculate the whole property so that that vast empire shall lie there for yet other generations, untouched and undeveloped.

That is the program of the Senator. I am opposed to it, and therefore trust that his amendment will be defeated.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Frazier	McMaster	Sheppard
Bingham	George	McNary	Shortridge
Black	Gillett	Mayfield	Simmons
Blaine	Gooding	Moses	Smith
Blease	Greene	Neely	Smoot
Borah	Hale	Norbeck	Steck
Bratton	Harris	Norris	Steiwer
Brookhart	Harrison	Nye	Stephens
Broussard	Hawes	Oddie	Swanson
Bruce	Hayden	Overman	Thomas
Capper	Heflin	Phipps	Tydings
Caraway	Howell	Pittman	Wagner
Couzens	Johnson	Ransdell	Walsh, Mass.
Curtis	Jones	Reed, Mo.	Walsh, Mont.
Cutting	Kendrick	Reed, Pa.	Warren
Deneen	Keyes	Robinson, Ark.	Waterman
Dill	King	Robinson, Ind.	Watson
Edge	La Follette	Sackett	Wheeler
Fess	McKellar	Schall	Willis

The PRESIDING OFFICER. Seventy-six Senators have answered to the roll call. A quorum is present.

Mr. SMOOT. I call for the yeas and nays on the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska [Mr. HOWELL], which will be stated.

The LEGISLATIVE CLERK. On page 108, in line 14, following the word "road," insert: "excluding the Chatanika narrow-gauge branch extending northeast from Fairbanks."

Mr. HOWELL. Mr. President, I wish to state that this amendment will in no way injure or retard the development of the region north of Fairbanks. It simply provides that a narrow-gauge road, which is not an integral part of the Alaska Railroad, shall not be longer operated at the expense of the people of the United States, and that if the United States Smelting, Mining & Refining Co. wants the use of that road it can operate it at its own expense. That is the purpose and object and will be the effect of this amendment.

Mr. WILLIS. Mr. President, I shall take only a moment, and shall take it only because of the statement just made.

I think the statement of the Senator from Nebraska is not at all justified by the facts when he says this amendment will have no effect upon the development of the territory north of Fairbanks. It will have the most disastrous effect upon it, because his proposal is to abandon this railroad, which is now furnishing service to a rapidly developing community.

I hope the amendment will be rejected.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska [Mr. HOWELL].

Mr. WILLIS. I call for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. WAGNER (when his name was called). I desire to transfer my pair with the junior Senator from Rhode Island [Mr. METCALF] to the senior Senator from New York [Mr. COPELAND]. If my colleague [Mr. COPELAND] were present, he would vote in the affirmative. I therefore vote "yea."

The roll call was concluded.

Mr. JONES. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER];

The Senator from West Virginia [Mr. GOFF] with the Senator from Tennessee [Mr. TYSON];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Virginia [Mr. GLASS]; and

The Senator from Oklahoma [Mr. PINE] with the Senator from New Jersey [Mr. EDWARDS].

Mr. REED of Pennsylvania (after having voted in the negative). Has the senior Senator from Delaware [Mr. BAYARD] voted?

The VICE PRESIDENT. He has not voted.

Mr. REED of Pennsylvania. I transfer my pair with that Senator to the junior Senator from Maine [Mr. GOULD] and allow my vote to stand.

Mr. FESS. I am paired with the senior Senator from Michigan [Mr. FERRIS]. He is unavoidably detained from the Senate by illness. Not knowing how he would vote, I withhold my vote.

Mr. ROBINSON of Arkansas. I wish to announce the necessary absence by reason of illness of the Senator from Arizona [Mr. ASHURST] and the Senator from Virginia [Mr. GLASS].

I wish also to announce that the Senator from Delaware [Mr. BAYARD], the Senator from Missouri [Mr. REED], the Senator from Virginia [Mr. SWANSON], and the Senator from Florida [Mr. TRAMMELL] are detained on official business.

The result was announced—yeas 17, nays 56, as follows:

YEAS—17

Black	Frazier	McMaster	Walsh, Mont.
Blaine	Heflin	Norris	Wheeler
Blease	Howell	Nye	
Borah	King	Tydings	
Brookhart	La Follette	Wagner	

NAYS—56

Barkley	Gillett	Mayfield	Sheppard
Bingham	Gooding	Moses	Shortridge
Bratton	Greene	Neely	Simmons
Broussard	Hale	Norbeck	Smith
Bruce	Harris	Oddie	Smoot
Capper	Harrison	Overman	Steck
Caraway	Hawes	Phipps	Steiwer
Couzens	Hayden	Pittman	Stephens
Curtis	Johnson	Ransdell	Thomas
Cutting	Jones	Reed, Pa.	Walsh, Mass.
Deneen	Kendrick	Robinson, Ark.	Warren
Dill	Keyes	Robinson, Ind.	Waterman
Edge	McKellar	Sackett	Watson
George	McNary	Schall	Willis

NOT VOTING—21

Ashurst	Ferris	Gould	Swanson
Bayard	Fess	McLean	Trammell
Copeland	Fletcher	Metcalf	Tyson
Dale	Gerry	Pine	
du Pont	Glass	Reed, Mo.	
Edwards	Goff	Shipstead	

So Mr. HOWELL's amendment was rejected.

Mr. KING. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. KING. I beg to inquire whether, under the unanimous-consent agreement, further amendments may be offered to the bill?

The VICE PRESIDENT. The Chair will hold that any amendment relating to this particular railroad will be in order now.

Mr. KING. In view of that announcement, would a motion to strike out the entire item be proper?

The VICE PRESIDENT. The Chair will hold any motion referring to the Alaska Railroad to be in order.

Mr. HOWELL. Mr. President——

Mr. KING. Of course, I defer to the Senator from Nebraska.

Mr. HOWELL. I offer the following amendment.

The VICE PRESIDENT. The clerk will read.

The CHIEF CLERK. After line 15, on page 109, insert the following:

And also provided further, That no portion of said $400,000 shall be expended on that portion of the Alaska Railroad between Seward and Anchorage.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nebraska.

Mr. HOWELL. Mr. President, an examination of the Alaska Railroad indicates that it divides into three parts, the first extending from Seward 114 miles to Anchorage. Seward is upon the Gulf of Alaska. Anchorage is upon Cook Inlet, an arm of the Gulf of Alaska.

The second section extends from Anchorage north to Nenana, located on the Tanana River. This section is 296 miles in length, and unites the waters of the Gulf of Alaska via Cook Inlet with the 3,000 miles of navigation of the Yukon and its tributaries.

Prior to the building of this section of road freight that was shipped into Fairbanks went up through Chatham Strait, up over White Horse Pass, and down the Yukon River to the mouth of the Tanana River, and then up the Tanana River to Fairbanks; or it went around the Peninsula of Alaska, up to the mouth of the Yukon River, and up the Yukon to the Tanana, and thence to Fairbanks. The route usually utilized was over White Horse Pass and down the Yukon River to the Tanana River, and then up the Tanana to Fairbanks.

The cost of transporting freight over this route was about $80 a ton, and it was under these conditions that Fairbanks was developed and continued in the heyday of its prosperity. In 1910 $10,000,000 of gold was taken out of that particular region. Since then the placers have been exhausted, so that in the year 1926 the total gold produced was only about $519,000, or less than one-half of the deficit we are asked to make good this year in connection with the Alaska Railroad.

The third section of the Railroad extends from Nenana on the Tanana River to Fairbanks. That section was the last section built. Prior to the construction of that section, freight went to Nenana, and then by river to Fairbanks, about 50 miles.

There was a narrow-gauge road built by private interests out northeast from Fairbanks to Chatanika, to which I have already referred, and it is a remarkable fact that after the Government acquired this property our engineers extended that

narrow-gauge road down to a point opposite Nenana on the Tanana River, and for a time freight was shipped in over the broad-gauge road up to Nenana, there carried across the river, and then by the narrow gauge delivered to Fairbanks.

Shortly after the narrow gauge was completed to Nenana it was determined to make it a broad gauge, and the Government then went to the expense of transforming this 56 miles of narrow-gauge road into a broad-gauge road, although at that time there were but 1,100 people in Fairbanks. Moreover, the engineers proceeded to construct a bridge across the Tanana River at an expense of $1,500,000.

Mr. President, I believe in development; I believe in doing all that is possible for Alaska, but there are certain limits beyond which we should not go, and beyond which it is not necessary to go. The important function of this railroad is connecting the Gulf of Alaska with the navigation of the Yukon River, and that portion of this railroad extending from Anchorage, on Cook Inlet, to Nenana, accomplishes that purpose, and is 296 miles long. The other sections are not necessary to the primary purpose of this railroad, and those sections total 209 miles in length.

It must be evident that if we eliminate this 209 miles of railroad, leaving only 296 to operate, the expense to the Government in maintaining a rail connection between the waters of the Gulf of Alaska and the Yukon River will be reduced to a minimum. I am willing to go forward with the experiment of continuing the operation of this section of railroad until such a time as it may be demonstrated that it is either a hopeless enterprise or a success.

It has been stated by the distinguished Senator from Ohio that I purposed offering amendments to abandon the section north of Nenana to Fairbanks and also the section from Anchorage to Seward. I have had no intention of offering any such amendment at this time and I have none now. I believe there should be such eliminations, and I believe there will be, and the sooner the better it will be for the people of the country and, as a matter of fact, for Alaska. I expect later to propose a resolution calling for an investigation of the conditions under which the railroad is being operated, and I trust the result of such an investigation may afford information to Congress that will enable it to reduce to a minimum the current losses due to this enterprise. Furthermore, I believe that one of the things that will result will be the suggestion, if not the recommendation, that the section of the Alaska Railroad extending from Anchorage south to Seward shall be abandoned. Now, in view of such possibilities, ought we to continue making capital expenditures upon this section of the road?

I understand from the office of the Alaska Railway, here in the city, that a large portion of the appropriation proposed for bridges will be used for such structures in the road extending from Anchorage to Seward. Therefore I have offered the pending amendment, which provides, not that the amount which can be expended on account of capital shall be reduced, but that no portion thereof shall be expended upon that section of the railroad between Anchorage and Seward.

Mr. WILLIS. Mr. President, I desire to make some observations in opposition to the amendment, and wish I might have the attention of Senators to the map on the wall for a very brief period. When the other amendment was under discussion I called attention to the fact that the Senator from Nebraska was proposing or he said he was proposing to curtail. Now he is proposing to behead. Look at the map, Senators. It was proposed by the Senator from Nebraska to cut off the most productive section of the road, the one where population is growing most rapidly, the one where there is the most business. That was proposed in the other amendment. It is now proposed that the section of road between Seward and Anchorage shall be put beyond the pale and that no portion of the funds herein appropriated shall be used for the benefit of capital account upon that section of the road.

Now, what is back of that idea? Of course, it is the thought which the Senator has so clearly and earnestly expressed, that Anchorage and not Seward ought to be the terminus of the Alaska Railroad. Why ought not that to be? Here is the first reason: Because God Almighty did not make the country that way. I dislike to say this, because I love the people of Anchorage and wish for them the full realization of their hopes; but it is a physical impossibility ever to make a great port or harbor at Anchorage. Why?

First, because through several months in the year that port is icebound, whereas down at Seward we have the finest harbor or one of the finest harbors in the world, open the year around. There is reason No. 1. Seward is ice-free. Anchorage is frozen over for a portion of the year.

Secondly, the tides at Seward, at Resurrection Bay, that being the name of the harbor, are not troublesome at all. On the other hand, at Cook Inlet, if Senators will look at the map, they will see why the tides must be troublesome. There is one of the highest tides in the world—35 feet. It must be perfectly apparent, therefore, that Cook Inlet, and more particularly neither of these, Knick Arm or Turnagain Arm, is available for natural reasons as a harbor. That is reason No. 2.

Third. I have given some personal attention to this matter. Here at Anchorage the Government at one time spent a considerable sum of money in constructing a pier. With what result? A large ship can not go up to it. Why? Because the streams that flow in there are streams that come down out of the glaciers carrying a tremendous amount of material, and as soon as those rapid glacial streams strike the heavy tide coming in from the sea, of course, that material is deposited, and consequently we have a harbor there that silts up always and will continue to do so until the end of time. To say that the railroad shall terminate there is to say that the ships which go to Alaska can not get in touch with the railroad.

Let us be at least sensible about this thing. If we want to destroy the railroad let us go and blow it up, but let us not adopt a policy that will make it absolutely impossible for anybody to get to the railroad. That is the policy which, unintentionally, of course, is now being advocated by the Senator from Nebraska. It is not possible to make Anchorage the southern terminus of the road without tremendous expenditures to dig out the harbor and then have an annual maintenance charge that is absolutely prohibitive, whereas at Resurrection Bay we have a harbor where the navies of the earth can ride at anchor without ever expending a single penny for excavation.

There is one other reason which, to my mind, is not controlling but which ought not to be overlooked. In the first place, this is the best section of the road, physically speaking. I was over every inch of it, some of it many times, sometimes in conveyances that gave me a very good opportunity to study it. It is in excellent condition. It goes through the most picturesque part of Alaska. Of course, we are not going to build or maintain a railroad simply for the purpose of enabling people to see things, but since we have the railroad there and since the scenery there rivals that of Switzerland, it ought to be taken into consideration if we are proposing to abandon a section of the road.

But I rest my case upon the reasons I have given, that it is absolutely impossible to make Anchorage the proper terminus of the Alaska Railroad, because the harbor freezes over, because of the tremendous tides, and because of the silt. If we are to continue the Alaska Railroad the amendment now offered ought to be voted down.

Mr. HOWELL. Mr. President, I know something about the conditions in Alaska, and along Cook Inlet. I can assure the Senate that the suggestions made by the distinguished Senator from Ohio have been so sweeping that if Senators accepted them at their face value they would be misled.

The construction of the Alaska Railroad was begun in 1915. It was begun from Anchorage. From 1915 until 1923, or thereabouts, when they opened the line from Anchorage to Seward the steamships of the Alaskan Steamship Co. entered Cook Inlet and discharged their cargoes at Anchorage. In fact, a large portion of the material required for the construction of a considerable section of the railroad was unloaded at Anchorage. To-day, whenever there is a slide, as there has been, or a washout on that portion of the railroad between Seward to Anchorage, steamships dock at Anchorage even now.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. HOWELL. Certainly.

Mr. WILLIS. Does the Senator contend that the ocean-going ships, the first-class ships that ply between Alaska and Seattle or San Francisco, can go into Anchorage and go up to the Government pier now?

Mr. HOWELL. I contend, Mr. President, that they can do so now.

Mr. WILLIS. Then they would have to go up on a mud boat, because the water is not more than 7 or 8 feet in places, as I personally know.

Mr. HOWELL. It is evident that the Senator did not fully investigate, because it is well known that there are certain harbors where vessels discharge cargoes, going to their piers at high tide and remaining for a time to discharge their cargoes. They later anchor out and return with the next tide. This is what can be done to-day at Anchorage.

I have here a chart of that portion of Cook Inlet, supplied by the Geodetic Survey, which shows that right across the inlet from Anchorage there is a depth of water of anywhere from 30 to 60 feet.

Mr. WILLIS. But that is across from Anchorage. That is not at Anchorage nor at the pier.

Mr. HOWELL. I am talking about just out of Anchorage. This summer vessels were at the dock in Anchorage discharging their cargoes.

Mr. President, it must be apparent, inasmuch as the total annual income earned by this 500 miles of road amounts to only about $700,000 or $800,000, so far as freight is concerned, that the total is relatively small and hence no unusual facilities are necessary for handling the cargoes that may be involved. Ample facilities can be developed at Anchorage. The section of the railroad extending from Anchorage to Seward is the most expensive of the entire road to maintain. Its grades are so great that one engine can haul only 400 tons over the summit. In the wintertime it is necessary to keep two snowplow crews on the summit all the time in order to keep the road open, and I was assured when there that an engine could haul only about 200 tons over the divide in the wintertime.

The distinguished Senator from Ohio [Mr. WILLIS] has suggested that we ought to consider the tourists that will come to feast their eyes upon the scenery along this section of the road.

Mr. President, last year the tourists contributed to the maintenance of the entire railroad about $30,000. This is an economic question, and it ought to be regarded by the Senate from a business point of view. I have no prejudices in relation to the matter.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from California?

Mr. HOWELL. Certainly.

Mr. SHORTRIDGE. I did not have the benefit of hearing the earlier statement of the Senator from Nebraska. Do I understand his proposition to be that we shall abandon the portion of the road between Seward and Anchorage?

Mr. HOWELL. Mr. President, I will state for the benefit of the Senator from California that I believe there should be an investigation of the whole question. I believe that when the whole question shall have been thoroughly canvassed it will be concluded that the United States will be performing its full duty, and more than its duty, to Alaska if it shall maintain the railroad connecting Cook Inlet with navigation on the Yukon River.

Mr. SHORTRIDGE. If the Senator will pardon me——

Mr. HOWELL. Just a moment. I believe that such a conclusion would be reached. Therefore I do not believe that any further capital expenditures should be made upon that portion of the railroad extending from Anchorage to Seward; therefore my pending amendment provides that none of the $400,000 that is proposed for capital expenditures shall be expended upon that portion of the road.

Mr. SHORTRIDGE. Even for temporary maintenance?

Mr. HOWELL. No; the appropriation provides $900,000 to meet the deficits due to operation and maintenance, and then adds $400,000 for capital expenditures.

Mr. SHORTRIDGE. Is the money to be expended in maintaining and operating that road?

Mr. HOWELL. It is for new structures and equipment.

Mr. SMOOT. It is for remodeling, too, I will say, wherever necessary.

Mr. SHORTRIDGE. Is it to be used for bridges?

Mr. HOWELL. It makes a distinction; it says all the income of the railroad, plus $900,000, may be used for operation and maintenance. Then it says "$400,000 more for capital expenditures."

Mr. SHORTRIDGE. Meaning for repairs?

Mr. HOWELL. For new structures and new equipment.

Mr. SHORTRIDGE. Suppose that some damage occurs in the section of the road referred to which, unless repaired, would cause a complete cessation of operations, the Senator does not contemplate with approval the stopping of operations entirely on that section, does he?

Mr. HOWELL. Mr. President, there is a very marked distinction between appropriations for operation and maintenance and for capital expenditures. If I ask for capital expenditures I mean that I propose to put more capital into the road.

Mr. SHORTRIDGE. Precisely.

Mr. HOWELL. My idea is that we should maintain the road as it now is until such time as we finally determine what is to be done with that first portion or section.

Mr. SHORTRIDGE. But suppose a bridge should be burned or should fall down?

Mr. HOWELL. That would be maintenance.

Mr. SMOOT. Or that an engine should be destroyed?

Mr. HOWELL. All that is chargeable to maintenance.

Mr. SMOOT. No.

Mr. HOWELL. I beg pardon. It certainly is.

Mr. SHORTRIDGE. Suppose an engine runs off the track and a whole train is wrecked or a bridge is burned or collapses for some reason and money is expended for repairs, is not that capital?

Mr. HOWELL. No.

Mr. SHORTRIDGE. What would the Senator term that?

Mr. HOWELL. That would be chargeable to the operating income of the road. That would be a casualty. If a judgment is secured against a railroad for damages, it could not properly charge that to capital.

Mr. SHORTRIDGE. I do not know to what it would charge it, but——

Mr. HOWELL. It would be a part of the cost of operation and maintenance of the road. This appropriation makes a distinction between capital expenditures and expenditures for operation and maintenance. I say that we ought not to incur any more capital expenditures upon the section of this railroad extending from Seward to Anchorage.

Mr. SHORTRIDGE. Not to take up the time of the Senate or of the Senator, I will put it in this way: Suppose that a bridge breaks down or an engine runs off the track and it is utterly destroyed and there is necessity to build a new bridge or to buy and install a new engine, who is to determine whether that is an expense to be chargeable to capital account or to maintenance of the road?

Mr. HOWELL. It is determined by the accounting department of the railroad. Suppose there is a bridge which is just completed and it is destroyed as the result of the derailment of a train. Of course, the replacement, if identical in character, would be charged to operation and maintenance.

Mr. SHORTRIDGE. Then what is it to which the Senator objects?

Mr. HOWELL. What I object to is that any more money shall go into the capital expenditures upon that section of the railroad extending from Seward to Anchorage.

Mr. SHORTRIDGE. What could be done, then?

Mr. HOWELL. They would take the money out of the allowances for operation and maintenance.

Mr. SHORTRIDGE. What would they do with it?

Mr. HOWELL. They would do whatever they wanted to with it upon that section of the road.

Mr. SHORTRIDGE. Suppose they want to build a bridge or install an engine?

Mr. HOWELL. If a new bridge were burned, or if new timbers were put into a bridge partially burned, such replacements would be maintenance and not chargeable to capital. If, however, a bridge were destroyed and replaced by a better bridge, part of the cost would be maintenance and part chargeable to capital.

Mr. SMOOT. Mr. President, I wish to say——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HOWELL. I do.

Mr. SMOOT. For instance, if a depot were burned down, that would be charged to capital; if the road should buy engines, that would be charged to capital; if the road should buy freight cars, that would be charged to capital; if there were any destruction of such property and the property were replaced or they desired to increase the facilities because of the increase of business, any expenditure of that kind would be chargeable to capital. It would not be maintenance at all.

Mr. SHORTRIDGE. But the Senator from Nebraska does not want any of those things done, as I understand him.

Mr. HOWELL. The Senator from Utah is talking about rolling stock. He says if a new engine is purchased that that is chargeable to capital.

Mr. SMOOT. Is it not?

Mr. HOWELL. If it were a replacement they would take part out of the reserve for depreciation and the other portion out of capital. If it were a new additional engine it would all be chargeable to capital. That is the recognized practice in accounting.

Mr. SMOOT. There is no depreciation account kept in the case of the Alaska Railroad, because they never made a dollar, and will never make a dollar; that is all there is to it; so that they can not make any charges for depreciation.

Mr. HOWELL. Does the Senator from Utah suggest because this property makes no money that there is no depreciation and hence not even a paper reserve should be set up therefor?

Mr. SMOOT. The Alaska Railroad has not been able to set up any reserve against depreciation; it does not make enough now to pay operating expenses; and how is it going to set up any reserve unless the Congress of the United States appropriates the money?

Mr. HOWELL. I suggested a while ago that the $400,000 which they said they wanted to use for capital expenditures

was, as a matter of fact, for deferred maintenance. That suggestion was contested. It was urged, "No; they want it for capital." If you admit there is and has been no provision for depreciation, then, this $1,300,000, for which they are asking, is the estimated deficit for this year; yet all the time the distinguished Senator from Ohio [Mr. WILLIS] insists the deficit is only $900,000 and the $400,000 is for capital.

Mr. SMOOT. Mr. President, I do not know what the Senator from Ohio said, but I say that the $900,000 is required to make up the operating expenses of the railroad, and it is to cover all items under that head of every description. It does not take into account the $400,000. That is for capital, and that is what the appropriation is for.

Mr. COUZENS and Mr. SHORTRIDGE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield; and if so, to whom?

Mr. HOWELL. I will yield in a moment. There is a marked distinction between capital investment and that which is taken from income on account of maintenance, or deferred maintenance or depreciation, whichever it may be called.

Mr. SMOOT. Certainly, I agree with the Senator as to that.

Mr. COUZENS. Mr. President, I think the Senator from California was trying to find out for what the railroad would spend this $400,000 if it were allowed. I should like to ask the Senator what he thinks it would be spent for if it were allowed?

Mr. HOWELL. I think the railroad would spend a certain portion of it on new bridges between Anchorage and Seward.

Mr. COUZENS. And it is the Senator's opinion that the bridges do not need to be renewed?

Mr. HOWELL. I do not think they ought to be renewed at this time with new steel bridges chargeable, or a portion thereof chargeable, to capital.

Mr. COUZENS. The Senator thinks that the whole $400,000 would be spent strictly for purposes that ought not to be provided for at this time? Is that his idea?

Mr. HOWELL. Not the whole $400,000, but there is a portion of that amount that is to go toward bridges. What my amendment provides is that no portion of the $400,000 shall be expended for capital account on that section of the road extending south of Anchorage.

Mr. COUZENS. Assuming that they have no depreciation reserve for that particular section, and a bridge should go out, how would the road replace it if it did not replace it from capital?

Mr. HOWELL. They would come back here next year and ask for an appropriation to cover a deficit.

Mr. COUZENS. And in the meantime the road would not be operated?

Mr. HOWELL. Oh, no; the road has gone right on heretofore under such circumstances. For instance, at times the deficit has been $1,600,000, and Congress has only appropriated $1,200,000. That would probably be the case for the coming year if there should be some casualty of the kind to which the Senator refers. However, what I am proposing now is that no portion of this amount shall be used for capital expenditures should the railroad management conclude it would like to build a new steel bridge to replace some wooden one.

Mr. COUZENS. I am sorry I do not get the Senator's point, because if a railway bridge needed replacing I do not see why it should not be replaced and why they should have to wait a year to come back to Congress to get a deficiency appropriation.

Mr. HOWELL. If it were a casualty, they could take a large portion of the cost from their maintenance fund; but if it were not a casualty, and they merely concluded to build a bridge because it is their policy to replace wooden bridges with steel bridges as fast as they could get the necessary money from Congress, that is the sort of capital expenditure to which I am opposed.

Mr. SMOOT. Mr. President, there is not a word here in relation to casualties. There would be no law for it, and the appropriation of $400,000 is for one of the purposes to which the Senator from Michigan has directed attention. Nothing could be done. If a bridge went out, that would settle it. If an engine went down, that would settle it. They could not buy one or operate the railroad.

Mr. HOWELL. Mr. President, if that is true, why does not the bill state that this is not necessarily for capital expenditures; that it is for maintenance and deferred maintenance? If they are allowed $1,300,000, as provided in this bill, and it is stated to be for operation and maintenance, and they use a part of it for capital expenditures, there would not be any objection to their charging it to capital in the end.

Mr. SMOOT. Why, certainly there would. They have no right or authority to do it, and that is why the amendment is in the bill. It is to give them the authority; and now the Senator wants to strike it out.

Mr. HOWELL. Suppose a bridge goes down, and I take money out of my maintenance fund and repair that bridge, or build a new one. When I send a report to my accounting office, under our rules for accounting they would say, "So much is chargeable to maintenance and so much is chargeable to capital," as the case might be.

Mr. SMOOT. It would be quite a different thing if the Senator were running the road. That, perhaps, would be all right; but the Government is running this road, and the law limits the power of those who operate the railroad to expend money appropriated for that purpose and for no other. Any officer who would take maintenance money and expend it for capital purposes would be violating the law; and if an investigation were made, and that fact were disclosed, he would be most severely condemned.

Mr. HOWELL. Mr. President, that is a remarkable statement of the distinguished Senator from Utah. In 1925 we appropriated $1,302,000 on account of a deficit, just as we are making an appropriation now, and they expended $1,674,000. Were they brought to task?

Mr. SMOOT. That was a deficiency. It was all for the one purpose; but they never took money out of one appropriation and used it for another purpose. Deficiencies are very common. We have two or three bills here every year to make up deficiencies.

Mr. SHORTRIDGE. They are against the law.

Mr. SMOOT. I know they are against the law. I will admit that there is a law against incurring a deficiency or expending money in the way of deficiencies, but there is not a department of the Government but that does it. That is quite a different thing.

Mr. HOWELL. But the Senator is suggesting here that if they spent any money out of a reserve for depreciation, or if they took money out of a fund voted for maintenance and used it for capital, something terrible would happen to these officials; and yet the Senator admits that they are violating the law right along.

Mr. SMOOT. They have no right whatever to do it, and I do not think any Government official that I know of has ever done it; but I do know that time after time, every year, there are deficiencies incurred in the item for which the appropriation was made where it failed to cover the necessary cost. That is done every fiscal year, and I was going to say that in some departments or some bureaus of the Government perhaps it is done every single month in the year; but that is quite a different proposition.

Mr. COUZENS. In many cases the deficiencies are anticipated and not really made.

Mr. SMOOT. Yes; that is true, too.

Mr. HOWELL. Mr. President, suppose the management of this railroad is allowed $400,000 for capital expenditures and a casualty occurs and they use part of this $400,000 for maintenance?

Mr. SMOOT. They would not use it for that purpose. They have no right whatever to use it for that purpose. What they would do, if they did anything, would be to make a deficit in that fund of $900,000. That is what they would do. They would never take the money out of an appropriation for capital purposes and use it for any other purpose. They dare not do it; and not only that, but the Comptroller General never would allow the check to be paid.

Mr. HOWELL. Then I call the attention of the distinguished Senator from Michigan to the fact that there is no danger, such as he has suggested, in adopting my amendment.

Mr. SMOOT. Yes, there is.

Mr. HOWELL. If anything should occur in connection with a bridge, and there was not any money for capital expenditures, there would be no danger; there would simply result a deficit, and the Senator from Utah admits it.

Mr. SMOOT. Oh, no; there would be no appropriation at all.

Mr. COUZENS. Let me submit this proposition: I think the Senators are talking at cross-purposes.

Assume that an inspector goes over the railroad and sees a dangerous bridge that needs replacing, and it is not worth while repairing it, and he has no funds for capital expenditures, and therefore he has to let the bridge go by, and risk the people's lives and property, because he has no money to spend for capital expenditures.

Mr. SMOOT. None whatever.

Mr. COUZENS. I think every institution ought to have in reserve some method of obtaining capital for cases of that kind, because if you replaced the whole bridge that could not be construed as mere maintenance. That would be capital account.

Mr. SMOOT. Not only that, but the Congress of the United States not entering upon that field and making no appropriation whatever for it, no officer of the Government would ever undertake to take the money from another fund; but if Congress had appropriated only $100,000, then they would only be following out the plan that is so often followed out by the departments. If it cost $125,000, they would spend $100,000 in order to do it, if it was absolutely necessary, and come to the Congress for a deficiency appropriation of $25,000; and the first deficiency appropriation bill that was passed would carry the $25,000.

Mr. HOWELL. Mr. President, it must be very evident that if the superintendent of the road discovered that a bridge needed attention, there are two things he could do: He could either repair it or replace it. If he repaired it, it could not be urged that the repairs were chargeable to capital.

Mr. COUZENS. That is correct.

Mr. HOWELL. Therefore, I point out that if this amendment is adopted there will be no danger but that the road will be protected, unless they are coming to Congress and asking for money for capital expenditures when they really mean to use it for maintenance.

As I have stated before, Mr. President, I have no motive other than the welfare of Alaska, of this railroad, and of the Government of the United States. I regret there is not more sympathy for an effort to plug some of these holes that are constantly leaking. This thing has been going on for years. This is not the first time I have talked about it—possibly the first on the floor of the Senate—but I have discussed it with the responsible officials and I have discussed it with Senators. This is something that is crying for adjustment. We ought to treat it as a business proposition. We ought not to allow it to go on year after year without palliative attention.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska [Mr. HOWELL].

The amendment was rejected.

The bill was read the third time and passed.

THE MERCHANT MARINE

Mr. SHORTRIDGE. Mr. President, I ask that there be printed in the RECORD an editorial from the San Francisco Chronicle of January 30, 1928, concerning the so-called Jones Shipping Board bill.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PRESIDENT WILL HAVE TO VETO THE JONES SHIPPING BOARD BILL

The President can not do otherwise than veto the Jones bill if it passes. He has said just as clearly as possible where he stands on the policies in the bill. The people trying to force it through the Senate know that there is no other course than a veto open to Mr. Coolidge. They are not supporting it with any hope of seeing it put into effect, but are trying to accumulate a little political capital. They are whooping it up for a measure they know is doomed to be killed, so they do not have to worry whether it is good, bad, or indifferent.

The Jones bill would fasten the Shipping Board on the country with an even stronger grip than it has now. It would commit the Nation to tremendous further expenditures in the shipping business, which has already run us into such losses. It would start in all over again to create new fleets to be operated at staggering losses to the Government. And by requiring a unanimous vote by the board to approve the sale of any ships, it would make the Shipping Board a perpetual nuisance instead of, as now, an annoyance which we hope one day to be rid of.

President Coolidge has said that he is dismayed by the losses put upon the Treasury by the experiment in merchant marine. It was an experiment forced on the United States by the war, not as an encouragement of a merchant marine but as a war measure. But instead of demobilizing the fleets as it did the huge Army and sending the ships into private enterprise as the soldiers went back to industry and business the Government has kept on losing money in ships.

Putting the Shipping Board out of business will be a blow to the politicians who find a fertile field for their talents in its confused and often obscure operations. But it will be a good thing for the shipping business and the country generally when the Government gets out of what is essentially a private pursuit. The President has made it very clear that he regards the Shipping Board as a barnacle on the ship of state. It is a foregone conclusion that his only course is to swat it with a veto.

AGRICULTURE, HORTICULTURE, AND THE TARIFF

Mr. SHORTRIDGE. Mr. President, I ask that there be printed in the RECORD an editorial from the Pacific Rural Press and California Farmer, dealing with agricultural and horticultural matters, as their prosperity may depend upon appropriate tariff legislation.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHEN BETTER BUCKS ARE PASSED

Tariffs are not political, they are economic, but try and convince a politician of that.

The other day the United States Senate adopted a resolution favoring the reduction of the tariff to help agriculture.

Inasmuch as tariff bills must originate in the House, this gesture by the Senate grades zero in economics, but doubtless the Senators considered that it rated high in politics.

"To help agriculture," the Senate said. What agriculture?

Not the lemon growers of this State, for they have found the present schedule of 2 cents per pound very helpful and would like a heavier duty on the Sicilian lemons which occasionally rock the market in this country.

Not the almond growers. They fought valiantly and violently to get a schedule of 4¾ cents per pounds on nuts in the shell and 14 cents a pound on shelled nuts. This tariff has been a life-saver to almond growers.

Not the western cherry growers, who recently induced the President to increase the tariff on brined cherries from Italy from 2 cents to 3 cents per pound, and who would like to have at least 7 cents a pound if the superior western cherry is to supply the maraschino trade on the basis of American standards of living.

Not the dairymen, who induced President Coolidge to increase the tariff on butter from 8 to 12 cents a pound, and who find the present tariff a valuable stabilizer.

Not walnuts, which now bear 4 cents a pound in the shell and 14 cents shelled, and which at these prices disclose the inferior, cheap walnut still coming in and being sold as "California" nuts. Branding and good selling has given us some protection, but a stiffer tariff would help one of our soundest American industries.

Not poultrymen. Imported eggs in the shell must now pay 8 cents a dozen, while poultrymen are actively asking 14 cents. Frozen eggs, which come in from China in large quantities, now bear a tariff of only 6 cents a pound; poultrymen ask 12 cents a pound for frozen whole eggs and 15 cents a pound on frozen yolks and albumen. The mummied eggs from China now freely pay a tariff of 18 cents a pound. Poultrymen want 28 cents a pound on dried whole eggs, 27 cents on dried yolks, and 56 cents a pound on dried albumen. Both producers and consumers have a right to demand an American egg in their cakes, noodles, mayonnaise, candy, etc.

Not wool. Try and take away from wool the schedule of 12 cents a pound in the grease, 18 cents washed, and 24 cents scoured and then prepare to run, for the wool industry is ready to fight for its tariff.

If the Senate wants to wreck an American industry, let it take away from the beet-sugar industry the meager protection which has kept it alive.

Tomatoes, beans, rice; these crops need tariffs, if we care to foster home industry. A moderate tariff on bananas would encourage the entire fruit industry of this country. Cotton, soy beans, and butter would be helped by an adequate tariff on foreign vegetable oils. We surely ought to do something about a situation in which Brazil taxes our canned peaches up into the dollar-a-can class, meanwhile pouring her coffee into this country duty free.

The list might be lengthened, but this will indicate that the Senate took in a lot of territory when it advocated the decrease of the tariff to help agriculture.

As a wag has said, "When better bucks are passed the Senate will pass them."

PREFERENTIAL RIGHT TO IMMIGRATION

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of Order of Business 243, Senate Joint Resolution 5, which will, with its amended title, be a joint resolution to grant a preference to the wives and minor children of alien declarants in the issuance of immigration visas—preference within the quotas, Mr. President, not displacing the present preferences which are granted to agricultural laborers and to relatives of citizens.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Pennsylvania?

Mr. ROBINSON of Arkansas. Mr. President, I understand that the joint resolution which the Senator from Pennsylvania is seeking to call up for consideration has been unanimously reported by the Committee on Immigration.

Mr. REED of Pennsylvania. That is true, Mr. President.

Mr. ROBINSON of Arkansas. And that it does not alter the quota now provided by law as to any nationality, but merely gives a preference right to wives and minor children of aliens under the quota.

Mr. REED of Pennsylvania. That is true.

Mr. ROBINSON of Arkansas. I have no objection to the request of the Senator from Pennsylvania.

Mr. CARAWAY and Mr. TRAMMELL addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Pennsylvania yield?

Mr. REED of Pennsylvania. May I yield first to the Senator from Arkansas, who rose first?

Mr. CARAWAY. Mr. President, I desire to ask the Senator a question. This measure permits the wives of citizens to come in?

Mr. REED of Pennsylvania. The wives of citizens are now admitted outside the quota. This permits the wives of those who have taken out their first papers to come in within the quota, but with a preference over those who have no relatives.

Mr. CARAWAY. Mr. President, I interrupted the Senator because I have a question in mind I desire to ask. I happen to know of the case of a man who came to this country, who was married in this country, who lives here, and who is a good citizen, but it transpires that he is not entitled to remain. His wife is American born. If this is to unite families, does it include husbands as well as wives?

Mr. REED of Pennsylvania. This resolution does not, but the present law gives the husband of that American wife a preference within the quota. The committee does not treat him as a nonquota immigrant, because the natural place for husbands and wives to join is the country of the husband, not her country, but if they decide they want to come to her country, the present law gives him a preference within the quota.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

Mr. HEFLIN. I object.

The PRESIDING OFFICER. Objection is made.

Mr. TRAMMELL. Mr. President, I want to make a further inquiry.

Mr. HEFLIN. I have no objection to that.

Mr. TRAMMELL. From the title of the bill, and from a hasty reading of it, I am impressed that this provides for additional immigration, that these people are placed in the nonquota class, and therefore an additional number of immigrants are to be admitted under the nonquota class. Am I correct or wrong in that?

Mr. REED of Pennsylvania. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Pennsylvania?

Mr. REED of Pennsylvania. I think I have the floor, Mr. President. The Senator is correct in understanding that the joint resolution as introduced would have that effect; but the commitee has amended it to make them quota immigrants, so that it would not increase the sum total of immigration by a single person.

Mr. TRAMMELL. I was misled, then, by the title of the joint resolution as it was originally introduced.

Mr. REED of Pennsylvania. We have provided an amendment to the title which will correct that.

Mr. TRAMMELL. The amendment takes care of that?

Mr. REED of Pennsylvania. Yes, Mr. President.

The PRESIDING OFFICER. Objection having been made——

Mr. REED of Pennsylvania. Mr. President, I want to make my appeal to the Senator from Alabama to permit us to consider the joint resolution. The committee is firmly of the opinion that the policy of restrictive immigration must not be weakened. I know the Senator from Alabama concurs in that. This merely tends to take account of the feelings of those families that are separated, where the husband has declared his intention of becoming an American citizen, and allows these relatives to come in within the quotas. It would not increase the total immigration by a single person, but would merely permit them to come instead of people of the same nationality who have no relatives here.

Mr. ROBINSON of Arkansas. As I understand it, this relates to a case where the husband is already in this country?

Mr. REED of Pennsylvania. Absolutely.

Mr. ROBINSON of Arkansas. Unless some legislation like this is enacted, there will continue to be many cases where the husband has declared his intention to become an American citizen and where the wife and minor children are in foreign countries and can not come to the husband. This will not add to the number of immigrants in any number. It will give a preferential right to wives and minor children where the husband is already in the country. I think the legislation is meritorious.

Mr. HEFLIN. Mr. President——

Mr. JOHNSON. Mr. President, will the Senator from Alabama permit me to add my request to that of the Senator from Pennsylvania?

I want to make plain that in this instance a preferential right is given the nonresident wife. There is no addition to the immigration, no addition to the quota. It simply covers a case where a man has come to this country, has declared his intention to become a citizen, his wife resides in another country, and she is given a preferential right merely on the long quota list. That is all there is to it.

Mr. HEFLIN. Mr. President, in view of the explanation and my understanding of it, I am not going to insist on my objection; but I am going to fight any measure looking to unrestricted immigration, any inroads made upon the present law on that subject. There are now being smuggled into New York and other points in the United States perhaps a million foreigners a year. Mr. Brisbane, in an article published sometime last year, said that perhaps a million people were being smuggled into the United States. It is a very dangerous situation which confronts us.

I can see in this particular instance that it would work an injustice upon these families to keep the members separated, the husband here and the wife and children in a foreign country. I want to point this out to Senators, that it will be very easy for those people to send somebody over here and let him take out papers, and then bring a flock of 8 or 10 more with him. I want Congress to be on guard, to see to it that other countries do not make a dumping ground out of the United States for their criminal refuse.

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. HEFLIN. I yield.

Mr. BLEASE. I just want to ask the Senator from Alabama this question: Did not the men sought to be covered by this measure know when they came here that they could not bring their families?

Mr. HEFLIN. Perhaps they did.

Mr. BLEASE. If the Senator withdraws his objection, I certainly will renew it.

Mr. REED of Pennsylvania. I can answer the Senator's question. This takes care of a great throng of people who came here before the law was passed and did not know that the law would prevent their bringing their families.

Mr. BLEASE. Mr. President, if the Senator will let me interrupt him, we have before a subcommittee of the Committee on Immigration right now a bill for the Chinese, and a delegation of Chinamen have appeared before that subcommittee asking for practically the same kind of relief that is asked here, probably just a little different. The first thing we know there will not be any American people in this country; they will all be mixed breeds.

Mr. REED of Pennsylvania. Will not the Senator permit me to answer that? In the first place, as far as the Chinamen go, this would do them no good, because both the husband and the wife must be eligible to citizenship. This would not let in a single Chinaman, a single Malay, a single person from the barred zone. In the next place, if we believe in restricting immigration—and I think the Senator from South Carolina believes in it, just as I do, and the Senator from Alabama believes in, as I do—this would have the effect of diminishing slightly the total number of persons coming to this country each year, and this is how it will accomplish that: Under the joint resolution which I am now asking the Senate to consider the wives and children of intending citizens would be permitted to join them now. If they came under this plan, they would be charged against the quota. If we do not pass this, they will have to wait three years more, until the final papers are taken out, and then, if you please, they can come, but they come as wives and children of American citizens, outside the quota, and the full quota number come besides. So by letting them come now we charge them against the quota. By making them wait we get them in outside the quota. The net result would be an increase of immigration.

Mr. ROBINSON of Arkansas. In practical effect, then, this would further restrict immigration.

Mr. REED of Pennsylvania. Practically, it would further restrict immigration.

Mr. MAYFIELD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Texas?

Mr. HEFLIN. I yield.

Mr. MAYFIELD. With the permission of the Senator from Alabama, I want to ask the Senator from Pennsylvania if this proposed legislation would not apply only to those who came to this country prior to the enactment of the present immigration law?

Mr. REED of Pennsylvania. Mr. President, it would apply to those who declared their intention to become citizens prior to the 1st of last July. It would not apply to anyone who might come in the future. The resolution itself provides that it is only in effect one year, that it benefits only people who

have come in the past and who declared their intention to become citizens more than seven months ago.

Mr. SMITH. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Alabama yield further?

Mr. HEFLIN. I yield.

Mr. SMITH. Even under this measure, would the wives and children of those who have taken out their papers intending to become citizens in excess of the quota be restricted? I mean, if the quota of any nationality were full, would this operate to allow the wives and children of those intending to become citizens to come in?

Mr. REED of Pennsylvania. No; they would have to wait until some year when they could get into the quota.

Mr. SMITH. I understood the Senator to say that it would be charged up to the quota, and I thought perhaps it would anticipate and be charged up against it, so that in future years the number would be subtracted from that quota.

Mr. REED of Pennsylvania. Oh, no; they are charged up against the quota the year they come.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. SHORTRIDGE. This would not apply, then, to any races not now eligible to American citizenship?

Mr. REED of Pennsylvania. Absolutely not.

Mr. SHORTRIDGE. To the oriental?

Mr. REED of Pennsylvania. This would not allow a single one to come in, even if she were married to an American citizen.

Mr. HEFLIN. I want to ask the Senator a question, and I desire the attention of the Senator from South Carolina. I understand, from the Senator's explanation, that if this joint resolution shall pass, the wives of men who are already here from foreign lands will be given preference coming over, instead of other immigrants?

Mr. REED of Pennsylvania. That is exactly the case.

Mr. HEFLIN. Until the quota is filled?

Mr. REED of Pennsylvania. That is it.

Mr. HEFLIN. And if the joint resolution is not passed, those wives will remain over there, perhaps, and others will come in their places, so that we will have the same number coming that we would have if enough of these women did not come to fill up the quota?

Mr. REED of Pennsylvania. That is exactly it.

Mr. HEFLIN. With that understanding, I withdraw my objection.

Mr. BLEASE. Mr. President, I would like to ask the chairman of the Committee on Immigration, with all due respect, of course, to my friend from Pennsylvania, if that is his idea as to the purpose of this measure.

Mr. JOHNSON. Yes, Mr. President, if I may be permitted to say so. As the joint resolution originally came to us, it was quite different, but as amended by the committee, it merely gives a preferential right in the existing quota, not increasing the quota at all. We did not increase the quota.

Assume that over here is the husband of a woman in France. We will assume that he has taken out his first papers. France, we will say, has 1,000 people who are entitled under the quota to come here. The wife of this individual who has taken out his first papers, who lives in France, becomes one of the 1,000. We do not increase the 1,000 to 1,001. She takes somebody else's place who would come if she did not get the right, so, as has been well said by the Senator from Pennsylvania, it is restrictive rather than an increase in the number of immigrants.

Mr. BLEASE. Mr. President, we have been fooled so many times on this immigration proposition that I want my position to be perfectly plain. I am opposed to this immigration. If I had my way, there are a lot of foreigners in this country whom I would put on a boat in 30 days and send out of the country, and I would keep the balance out. I would make this country an American country, and I would keep it American. We have a lot of these people coming here who, on account of the cheap manner in which they can exist, and the way they do exist, are depriving American citizens of positions that belong to them, and making vagrants and criminals out of people by overloading and staying around the cities and becoming criminals instead of going to places where they can get work.

The PRESIDING OFFICER. The Senator from Alabama has withdrawn his objection. Therefore, the Chair asks whether there is objection to the request of the Senator from Pennsylvania.

Mr. TRAMMELL. Mr. President, I believe in restricted immigration, and I want to guard jealously against opening up any further avenues to immigration.

The PRESIDING OFFICER. Does the Senator object to the immediate consideration of the joint resolution?

Mr. TRAMMELL. I do, until I may have an opportunity to make an inquiry.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. TRAMMELL. Under the section of the law which this measure seeks to amend, section 2–A, paragraph 1, it is provided that the preference shall first be given to a quota immigrant who is the unmarried child under 21 years of age, the father, the mother, the husband, or the wife of a citizen of the United States who is 21 years of age or over.

If I correctly construe the resolution which we are asked to consider, it gives to an alien in this country who has declared his intention to apply for citizenship a preference to bring in members of his family over a person who is already a citizen of the United States. If that is the purpose of it—and I can place no other construction upon the bill or the law as I read them—then we are certainly discriminating in favor of the alien who has merely declared his intention to become a citizen as against the person who is already a citizen of the United States. He is placed in a preferential class. He is given first preference over all the other classes under the Senator's joint resolution.

Mr. REED of Pennsylvania. Mr. President, the Senator's misunderstanding of that is natural. It comes about in this way: If the Senator will look in the preceding section of the act, he will see that the wives and children of American citizens who live in this country are admitted as nonquota immigrants. They are not within the quota at all. Then when we come to section 6, the section from which the Senator has been reading, the preference there given is within the quota to the wives and children and other relatives of American citizens, but it does not provide that the husband has to be living here. That is a provision which inures practically exclusively to the benefit of Americans who are not residents of the United States, and was intended to take care of Americans who go abroad and get married and who are not bona fide residents of the United States. In other words, we do not want a man merely to assert an American citizenship if in fact he is a resident of some other country, and then use it as an excuse to get a lot of people in here outside the quota.

The effect of the joint resolution will be to add this new preference in the same class as the preference which is given to those nonresident Americans. It does not make the new preference superior to them. It gives them a preference similar to that which an American, who had given up his residence in the United States and is living, we will say, in France and gets married over there, might have if he decided that he and his wife would come to the United States to take up a new residence. The committee thought that it was fair to do that, because surely a person living here, lawfully entered, who has declared his intention of becoming a citizen, has as much right to get his wife in here as some expatriated American who is living abroad.

Mr. McKELLAR. Mr. President, will the Senator from Florida yield to me that I may ask the Senator from Pennsylvania a question?

Mr. TRAMMELL. Certainly.

Mr. McKELLAR. Did the committee consider what might happen if the declarant, after declaring and getting his wife and minor children over here, should stop right there and not take any other steps? Does not the Senator think it would be very unwise for a situation of that kind to exist, for a declarant to go so far as to declare, get his wife and minor children in, and then stop and not proceed further toward citizenship?

I can see that there is some merit in the contention of the Senator or of the committee about the wife and minor children, but does not the Senator think we ought to take one step further and provide that the citizenship papers must be completed? We ought not to have families of aliens brought over and still have the heads of those families remain aliens.

Mr. REED of Pennsylvania. It is largely a question of the practicability of doing it. We believe it is better, as long as they are being charged to the quota anyway, that we get the relatives of people here who have started to become citizens rather than to bring in strangers who are not related to anybody. It has the effect of making a stable family.

Mr. ROBINSON of Arkansas. And who might never become citizens?

Mr. REED of Pennsylvania. Absolutely.

Mr. ROBINSON of Arkansas. No man who comes in under the quota is obligated even to take out his first papers.

Mr. REED of Pennsylvania. They are a little more likely to become citizens and good citizens if they have their families than if they are here alone, with the family in the other country.

Let me give the Senator one more picture. I had a case brought to my attention yesterday of a Scotchman who came here two years ago, leaving his wife and three little children back in Scotland. He came out to western Pennsylvania and got himself a job in one of the mills there. The superintendent told me about the case. Ordinarily, he said, in the old days when an applicant came along for a job and got it, his next question through an interpreter was, "Where can I find a boarding house?" This man spoke English, described his experience, got the position, and his very first question to the employment agency was, "Is there a Protestant church in the neighborhood?" They told him where he could find it, and his next question was, "Where can I rent a house for myself? I do not want to live in a boarding house." They told him that, and he got his little house and settled down in it.

As soon as possible he took out his first papers, and yesterday appealed to me, this same man I had been told about before, to know when he was going to be able to get his wife and his children here from Scotland. He has already bought his house and largely paid for it; that is, it is more than half paid for. If we do not let that man's wife and children in, he is going to keep on doing just what he has been doing since he got that job, sending money to them every week out of the United States to be spent in Scotland, and living here like a lonely bachelor. If we let them come in, they are charged against the British quota. By their coming they exclude two other strangers from coming.

They come right to their own house which the husband has established, and the money he has been sending to Scotland ceases to go there and is spent in the United States, where it ought to be spent. We have not increased the immigration by one iota. If we do not let them come he will go on until he gets his final papers and then he will bring them in as nonquota, and we will have just that many more people added to the immigration.

Mr. BLEASE. Mr. President, does the Senator from Pennsylvania happen to know that we have a great many immigrants in this country who stay here to make all the money they think it is possible for them to make and then will leave and go back to their old country?

Mr. REED of Pennsylvania. I do know of such cases, and that is what I want to end.

Mr. BLEASE. If the Senator will stop that I shall go all the way with him.

Mr. REED of Pennsylvania. We had much better keep the money here.

Mr. TRAMMELL. The question I raised, of course, was on account of section 9. Having looked up the subject very hurriedly I did not realize that the law under this section also puts the same class under the nonquota.

Mr. REED of Pennsylvania. Providing the husband lives in America.

Mr. TRAMMELL. The existing law puts them under the nonquota class and also gives them a preference under the quota class. Of course, with those two provisions, construing the entire law together, those who are members of the family of an American citizen come in as a nonquota class. Therefore there is no conflict, as I see it, in the amendment proposed by the Senator from Pennsylvania with the existing law.

Mr. REED of Pennsylvania. The Senator is exactly right.

Mr. TRAMMELL. My idea was that if there was a conflict we should not give preference to the alien who had only declared his intention to become a citizen over the American citizen in the matter of bringing in members of his family.

Mr. REED of Pennsylvania. I think we are agreed on that point.

Mr. TRAMMELL. I am heartily in sympathy with the idea that if we are going to allow immigrants to come to this country we should give a preference to the members of the family under those circumstances, provided they are charged up against the quota. In other words, it is not that I am opposed to having members of a family brought in, because I think that is a very just and humane thing to do, but what I object to is any provision or amendment which will extend or enlarge the quota. I do not see that there is any reason why I should object to the present consideration of the joint resolution.

Mr. LA FOLLETTE. Mr. President, I have no objection to the unanimous-consent request inasmuch as a number of Senators who desire to speak on the unfinished business, Senate Resolution 128, have said that they desire to speak to-morrow rather than to-day.

The VICE PRESIDENT. Is there objection to the unanimous-consent request submitted by the Senator from Pennsylvania?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Immigration with amendments.

Mr. McKELLAR. Mr. President, may I have the attention of the Senator from Pennsylvania? Will the Senator turn to the first page, line 6, after the numerals "1924"? Would he object to the insertion of the words at that point, "and who declare they will complete their citizenship"?

Mr. REED of Pennsylvania. That is what the declarants say in their first papers. This would be calling on them to state a second time what they have already stated in their first papers.

Mr. McKELLAR. In making their first application they state that?

Mr. REED of Pennsylvania. Yes.

Mr. McKELLAR. There ought to be a requirement in this measure unquestionably that they should complete their citizenship papers. How it could be done I do not know. Certainly we ought not to offer a premium to a man to bring his family here and thereafter have him neglect his citizenship.

Mr. REED of Pennsylvania. I agree with the Senator.

The amendments of the Committee on Immigration were, on page 1, line 7, after the word "grant," to strike out "nonquota" and insert "a preference in the issuance of"; in line 9, after the word "aliens," to insert "in the same manner as if such aliens were specifically described in section 6 (a) (1) of the said act"; in line 11, after the word "wife," to strike out "or husband"; on page 2, line 2, before the word "intention," to strike out "or her"; on page 2, line 4, after the date "July 1," to strike out "1924" and insert "1927"; in the same line, after the word "citizenship," to insert "provided that such wife and such alien were married prior to the enactment of this joint resolution"; in line 8, before the word "intention," to strike out "or her"; in line 11, after the date "July 1," to strike out "1924" and insert "1927," and in line 12, before the word "immigration," to strike out "nonquota," so as to make the joint resolution read:

Resolved, etc., That on and after the passage of this joint resolution, on application by declarants in the manner provided for the making of application by citizens for the admission of relatives in the immigration act of 1924, American consuls are hereby authorized and directed to grant a preference in the issuance of immigration visas to the following classes of otherwise admissible aliens in the same manner as if such aliens were specifically described in section 6 (a) (1) of the said act: (1) The wife of an alien lawfully admitted for permanent residence in the United States who declared his intention to become a citizen of the United States subsequent to July 1, 1921, and prior to July 1, 1927, and who is eligible for citizenship, provided that such wife and such alien were married prior to the enactment of this joint resolution, (2) an unmarried child under 18 years of age of an alien lawfully admitted for permanent residence in the United States who declared his intention to become a citizen of the United States subsequent to July 1, 1921, and prior to July 1, 1927, and who is eligible for citizenship. Applications for such immigration visas by reason of this relationship must be made within one year after the passage of this resolution.

The Secretary of State, with the approval of the Secretary of Labor, shall issue such rules and regulations as may be deemed necessary for carrying into effect the purpose of this resolution under the general provisions of the immigration act of 1924.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution to grant a preference to the wives and minor children of alien declarants in the issuance of immigration visas."

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 108. An act granting the consent of Congress to the States of North Dakota and Minnesota to construct, maintain, and operate a bridge across the Red River of the North;

H. R. 164. An act to authorize appropriations for construction at the Pacific Branch, Soldiers' Home, Los Angeles County, Calif., and for other purposes;

H. R. 172. An act to authorize the Secretary of War to grant and convey to the city of Vancouver a perpetual easement for public highway purposes over and upon a portion of the Vancouver Barracks Military Reservation in the State of Washington;

H. R. 193. An act to extend the time for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.;

H. R. 194. An act granting the consent of Congress to the county of Morrison, State of Minnesota, to construct, maintain, and operate a bridge across the Mississippi River at or near Little Falls, Minn.;

H. R. 199. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a bridge across the Mississippi River at or near Monticello, Wright County, Minn.;

H. R. 319. An act to legalize a bridge across the Snake River at Idaho Falls, Idaho;

H. R. 444. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Wolf Point, Mont.;

H. R. 495. An act granting the consent of Congress to the county of Armstrong, a county of the State of Pennsylvania, to construct, maintain, and operate a bridge across the Allegheny River, at Kittanning, in the county of Armstrong, in the State of Pennsylvania;

H. R. 766. An act for the relief of Ida F. Baum;

H. R. 1405. An act granting six months' pay to Maria J. McShane;

H. R. 2138. An act for the relief of the owner of the schooner *Sentinel;*

H. R. 2145. An act for the relief of Albert J. Zyvolski;

H. R. 3400. An act to correct the military record of Andrew B. Ritter;

H. R. 4127. An act for the relief of Joel T. Smith;

H. R. 4393. An act for the relief of Howard V. Sloan;

H. R. 4707. An act for the relief of Calvin H. Burkhead;

H. R. 4777. An act to compensate Robert F. Yeaman for the loss of certain carpenter tools which was incurred by reason of a fire in the Government area at Old Hickory ordnance depot;

H. R. 4995. An act for the relief of Sabino Apodaca;

H. R. 5228. An act for the relief of Finas M. Williams;

H. R. 5300. An act for the relief of Lewis H. Francke and Blanche F. Shelley, sole legal heirs of Ralph K. Warrington;

H. R. 5510. An act granting the consent of Congress to the city of Duluth, Minn., to construct, maintain, and operate a bridge across the Duluth Ship Canal;

H. R. 5628. An act to extend the time for commencing and the time for completing the construction of a bridge across the Potomac River;

H. R. 5638. An act granting the consent of Congress to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Tombigbee River at Epes, in the State of Alabama;

H. R. 5744. An act granting the consent of Congress for the reconstruction of a bridge across the Grand Calumet River at East Chicago, Ind.;

H. R. 5994. An act for the relief of George C. Hussey;

H. R. 6041. An act granting the consent of Congress to the Pennsylvania Railroad Co. to construct, maintain, and operate a railroad bridge across the Allegheny River;

H. R. 6045. An act granting the consent of Congress to the commissioners of Mahoning County, Ohio, to reconstruct, maintain, and operate the existing bridge across the Mahoning River at South Avenue, Youngstown, Mahoning County, Ohio;

H. R. 6046. An act granting the consent of Congress to the city of Youngstown, Ohio, to construct a bridge across the Mahoning River at or near West Avenue, Youngstown, Mahoning County, Ohio;

H. R. 6162. An act for the relief of Thomas M. Ross;

H. R. 6466. An act granting a part of the Federal building site at Phoenix, Ariz., to the city of Phoenix for street purposes;

H. R. 6479. An act to extend the times for commencing and completing the construction of a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa.;

H. R. 6483. An act granting the consent of Congress to the State of Illinois, the county of Lee, and the city of Dixon, or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Rock River at Dixon, Ill.;

H. R. 6512. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Wentworth Avenue in Cook County, State of Illinois;

H. R. 6513. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois;

H. R. 6514. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Indiana Avenue, in Cook County, State of Illinois;

H. R. 6958. An act granting the consent of Congress to the city of Youngstown to construct a bridge across the Mahoning River at Youngstown, Mahoning County, Ohio;

H. R. 6959. An act to legalize a bridge across the Caney Fork River in De Kalb County, Tenn.;

H. R. 7192. An act to extend the time for commencing and completing the construction of a bridge across the Ohio River between the municipalities of Rochester and Monaca, Beaver County, Pa.;

H. R. 7370. An act granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River near Indian Cove, Idaho;

H. R. 7374. An act granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River near Swan Valley, Idaho;

H. R. 7466. An act granting the consent of Congress to the State of Montana, Valley County, Mont., and McCone County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont.;

H. R. 7745. An act granting the consent of Congress to the Chicago & North Western Railway Co., a corporation, its successors and assigns, to construct, maintain, and operate a railroad bridge across the Rock River;

H. R. 7913. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct a bridge across Elk River on the Athens-Florence road between Lauderdale and Limestone Counties, Ala.;

H. R. 8092. An act for the relief of Randolph Sias;

H. R. 8369. An act for the relief of Josephine Thibodeaux;

H. R. 8889. An act for the relief of Adriano Cruceta, a citizen of the Dominican Republic; and

H. J. Res. 104. Joint resolution granting consent of Congress to an agreement or compact entered into between the State of New York and the State of Vermont for the creation of the Lake Champlain Bridge Commission and to construct, maintain, and operate a highway bridge across Lake Champlain.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and the Senate (at 4 o'clock and 20 minutes p. m.) adjourned until to-morrow, Thursday, February 9, 1928, at 12 o'clock meridian.

ARBITRATION TREATY WITH FRANCE

On request of Mr. BORAH, and by unanimous consent, the injunction of secrecy was this day removed from the following treaty of arbitration between the United States and the French Republic:

THE WHITE HOUSE,
Washington, February 6, 1928.

To the Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith an arbitration treaty between the United States and the French Republic, signed at Washington on February 6, 1928.

CALVIN COOLIDGE.

The PRESIDENT:

The undersigned, the Acting Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate, to receive the advice and consent of that body to ratification, if his judgment approve thereof, an arbitration treaty between the United States and the French Republic, signed at Washington on February 6, 1928.

ROBERT E. OLDS.

DEPARTMENT OF STATE,
Washington, February 6, 1928.

The President of the United States of America and the President of the French Republic

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have happily existed between the two nations for more than a century;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them;

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Having in mind the treaty signed at Washington on September 15, 1914, to facilitate the settlement of disputes between the United States of America and France;

Have decided to conclude a new treaty of arbitration enlarging the scope of the arbitration convention signed at Washington on February 10, 1908, which expires by limitation on February 27, 1928, and promoting the cause of arbitration and for that purpose they have appointed as their respective Plenipotentiaries:

The President of the United States of America:

Mr. Robert E. Olds, Acting Secretary of State, and

The President of the French Republic:

His Excellency Mr. Paul Claudel, Ambassador Extraordinary and Plenipotentiary of the French Republic to the United States,

who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of the French Republic of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report, as prescribed in the treaty signed at Washington, September 15, 1914, to the Permanent International Commission constituted pursuant thereto.

ARTICLE II

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to the above-mentioned Permanent International Commission, and which are justiciable in the nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of France in accordance with the constitutional laws of France.

ARTICLE III

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of France in accordance with the covenant of the League of Nations.

ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by the President of the French Republic in accordance with the constitutional laws of the French Republic.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith thereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affix their seals.

Done at Washington the sixth day of February in the year of our Lord one thousand nine hundred and twenty-eight.

ROBERT E. OLDS [SEAL]
CLAUDEL [SEAL]

NOMINATIONS

Executive nominations received by the Senate February 8, 1928

FOREIGN SERVICE

FROM FOREIGN SERVICE OFFICER OF CLASS 3 TO FOREIGN SERVICE OFFICER OF CLASS 2

Frederick T. F. Dumont, of Pennsylvania.

FROM FOREIGN SERVICE OFFICER OF CLASS 4 TO FOREIGN SERVICE OFFICER OF CLASS 3

Jay Pierrepont Moffat, of New York.
Thomas M. Wilson, of Tennessee.
Edwin C. Wilson, of Florida.

FROM FOREIGN SERVICE OFFICER OF CLASS 5 TO FOREIGN SERVICE OFFICER OF CLASS 4

Walter A. Adams, of South Carolina.
Thomas L. Daniels, of Minnesota.
George A. Makinson, of California.
Eugene H. Dooman, of New York.
Joseph E. Jacobs, of South Carolina.

FROM FOREIGN SERVICE OFFICER OF CLASS 6 TO FOREIGN SERVICE OFFICER OF CLASS 5

Frederick P. Hibbard, of Texas.
Raymond E. Cox, of New York.
Percy A. Blair, of the District of Columbia.
Alfred W. Kliefoth, of Pennsylvania.
Parker W. Buhrman, of Virginia.

FROM FOREIGN SERVICE OFFICER OF CLASS 7 TO FOREIGN SERVICE OFFICER OF CLASS 6

Robert F. Kelley, of Massachusetts.
Robert D. Longyear, of Massachusetts.
Samuel R. Thompson, of California.
Damon C. Woods, of Texas.
H. Freeman Matthews, of Maryland.
Charles Bridgham Hosmer, of Maine.

FROM FOREIGN SERVICE OFFICER OF CLASS 8 TO FOREIGN SERVICE OFFICER OF CLASS 7

Harold M. Collins, of Virginia.
Lee R. Blohm, of Arizona.
James Hugh Keeley, jr., of the District of Columbia.
Harry J. Anslinger, of Pennsylvania.
Trojan Kodding, of Pennsylvania.
David C. Berger, of Virginia.
Edward P. Lowry, of Illinois.
Richard P. Butrick, of New York.
William I. Jackson, of Illinois.

FROM FOREIGN SERVICE OFFICER, UNCLASSIFIED, AT $3,000, TO FOREIGN SERVICE OFFICER OF CLASS 8

William Oscar Jones, of Pennsylvania.
Ralph A. Boernstein, of the District of Columbia.
Leonard N. Green, of Minnesota.
George R. Hukill, of Delaware.
George Atcheson, jr., of California.
Sheridan Talbott, of Kentucky.
Paul Mayo, of Colorado.
Ernest E. Evans, of New York.
Clarence E. Macy, of Colorado.
Paul Bowerman, of Michigan.
Frederick W. Baldwin, of New York.
William A. Smale, of California.
Quincy F. Roberts, of Texas.
Harvey Lee Milbourne, of West Virginia.
Joel C. Hudson, of Missouri.
John N. Hamlin, of Oregon.
John F. Huddleston, of Ohio.
Harry E. Stevens, of California.

CONSULS

William Oscar Jones, of Pennsylvania.
Ralph A. Boernstein, of the District of Columbia.
Leonard N. Green, of Minnesota.
George R. Hukill, of Delaware.
George Atcheson, jr., of California.
Sheridan Talbott, of Kentucky.
Paul Mayo, of Colorado.
Ernest E. Evans, of New York.
Clarence E. Macy, of Colorado.

Paul Bowerman, of Michigan.
Frederick W. Baldwin, of New York.
William A. Smale, of California.
Quincy F. Roberts, of Texas.
Harvey Lee Milbourne, of West Virginia.
Joel C. Hudson, of Missouri.
John N. Hamlin, of Oregon.
John F. Huddleston, of Ohio.
Harry E. Stevens, of California.

PUBLIC HEALTH SERVICE

The following-named assistant surgeons to be passed assistant surgeons in the Public Health Service, to rank as such from the dates set opposite their names:

Gregory J. Van Beeck, March 14, 1928.
Franklin J. Halpin, March 12, 1928.

These officers have passed the examination required by law and the regulations of the service.

COLLECTOR OF CUSTOMS

John C. Tulloch, of Ogdensburg, N. Y., to be collector of customs for customs collection district No. 7, with headquarters at Ogdensburg, N. Y. (Reappointment.)

POSTMASTERS

CALIFORNIA

Joseph A. Wilson to be postmaster at Monteca, Calif., in place of J. W. Platt, removed.

Maude Cunningham to be postmaster at Goleta, Calif. Office became presidential July 1, 1927.

COLORADO

Carl A. Erickson to be postmaster at Monte Vista, Colo., in place of C. E. Hart, removed.

CONNECTICUT

Frank D. Stanton to be postmaster at Stonington, Conn., in place of F. D. Stanton. Incumbent's commission expires February 9, 1928.

Louis J. A. Stefon to be postmaster at Baltic, Conn., in place of L. J. A. Stefon. Incumbent's commission expires February 9, 1928.

FLORIDA

John H. Anderson to be postmaster at Inglis, Fla. Office became presidential July 1, 1927.

Frank B. Marshburn to be postmaster at Bronson, Fla. Office became presidential July 1, 1927.

IDAHO

Allan H. Smith to be postmaster at Roselake, Idaho, in place of A. H. Smith. Incumbent's commission expired January 3, 1928.

ILLINOIS

Arthur T. Sams to be postmaster at McClure, Ill., in place of Eugenie Culley, deceased.

John P. Mathis to be postmaster at Vienna, Ill., in place of J. P. Mathis. Incumbent's commission expired January 7, 1928.

Daisy A. Rome to be postmaster at Fisher, Ill., in place of D. A. Rome. Incumbent's commission expires February 9, 1928.

INDIANA

Katherine M. Schwindler to be postmaster at Linden, Ind., in place of M. E. Hopewell, resigned.

IOWA

Clarence C. Stoner to be postmaster at Nora Springs, Iowa, in place of C. C. Stoner. Incumbent's commission expires February 11, 1928.

Elizabeth O'Reilly to be postmaster at New Albin, Iowa, in place of Elizabeth O'Reilly. Incumbent's commission expires February 11, 1928.

KANSAS

Rosa M. Harmon to be postmaster at Oil Hill, Kans., in place of R. M. Harmon. Incumbent's commission expired September 11, 1926.

KENTUCKY

Lora V. Combs to be postmaster at Hardburly, Ky., in place of E. M. Godsey, removed.

MAINE

Lester E. Goud to be postmaster at Topaham, Me., in place of P. S. Adams, removed.

Lysle W. Folsom to be postmaster at Springvale, Me., in place of L. W. Folsom. Incumbent's commission expires February 13, 1928.

Dwight P. Macartney to be postmaster at Oakland, Me., in place of D. P. Macartney. Incumbent's commission expired December 18, 1927.

MARYLAND

Stella B. Johnson to be postmaster at Fort Hoyle, Md. Office became presidential October 1, 1927.

MICHIGAN

W. DeMont Wright to be postmaster at Harbor Springs, Mich., in place of A. B. Backus, resigned.

Harry C. Ziegler to be postmaster at Wayne, Mich., in place of J. B. Murphy. Incumbent's commission expired January 3, 1928.

MINNESOTA

Joseph Trojohn to be postmaster at Woodlake, Minn., in place of A. E. Martin, deceased.

Agnes Doyle to be postmaster at Bovey, Minn., in place of C. J. Franti, removed.

William F. Priem to be postmaster at Bellingham, Minn., in place of O. M. Errington, resigned.

Henry Groth to be postmaster at Wright, Minn., in place of Henry Groth. Incumbent's commission expired December 19, 1927.

Herman C. Rustad to be postmaster at Kerkhoven, Minn., in place of H. C. Rustad. Incumbent's commission expired December 27, 1926.

Charles J. Johnson to be postmaster at Garfield, Minn., in place of C. J. Johnson. Incumbent's commission expired January 9, 1928.

MISSISSIPPI

Stella M. Lewis to be postmaster at McLain, Miss., in place of E. W. Backstrom, resigned.

Francis C. Hayden to be postmaster at Vaughan, Miss., in place of F. C. Hayden. Incumbent's commission expired January 10, 1928.

NEBRASKA

Lafayette O. Roblee to be postmaster at Lewellen, Nebr., in place of L. O. Roblee. Incumbent's commission expired December 22, 1926.

NEVADA

Margaret F. Rackliffe to be postmaster at Hawthorne, Nev., in place of L. H. Ulrich, deceased.

NEW JERSEY

Edward C. Francois to be postmaster at Union City, N. J., in place of E. C. Francois. Incumbent's commission expired January 31, 1928.

Elizabeth D. McGarrey to be postmaster at Laurel Springs, N. J., in place of E. D. McGarrey. Incumbent's commission expires February 9, 1928.

Mary E. Cubberley to be postmaster at Hamilton Square, N. J., in place of M. E. Cubberley. Incumbent's commission expired December 19, 1927.

Ellen E. Showell to be postmaster at Absecon, N. J., in place of E. E. Showell. Incumbent's commission expired December 19, 1927.

NEW YORK

Mary Murdie to be postmaster at Loon Lake, N. Y., in place of J. F. Lord, deceased.

William E. Lent to be postmaster at East Williston, N. Y., in place of Anna Craft, resigned.

John De Frine to be postmaster at Williamson, N. Y., in place of John De Frine. Incumbent's commission expires February 13, 1928.

Carlyle S. Hoskins to be postmaster at Stillwater, N. Y., in place of C. S. Hoskins. Incumbent's commission expires February 13, 1928.

Anna E. McHugh to be postmaster at Seaford, N. Y., in place of A. E. McHugh. Incumbent's commission expires February 13, 1928.

Albert B. W. Firmin to be postmaster at Brooklyn, N. Y., in place of A. B. W. Firmin. Incumbent's commission expires February 15, 1928.

Edgar F. Cummings to be postmaster at Beacon, N. Y., in place of E. F. Cummings. Incumbent's commission expired January 9, 1928.

NORTH CAROLINA

Arthur H. Gibbs to be postmaster at Whittier, N. C., in place of A. H. Gibbs. Incumbent's commission expired December 19, 1927.

Anna W. McMinn to be postmaster at Pinebluff, N. C., in place of A. W. McMinn. Incumbent's commission expires February 11, 1928.

Paul E. Bruce to be postmaster at Mars Hill, N. C., in place of P. E. Bruce. Incumbent's commission expires February 9, 1928.

NORTH DAKOTA

James Fitzpatrick to be postmaster at Sawyer, N. Dak., in place of James Fitzpatrick. Incumbent's commission expires February 13, 1928.

Ivah A. Miller to be postmaster at Nome, N. Dak., in place of I. A. Miller. Incumbent's commission expires February 13, 1928.

Joseph H. Huseby to be postmaster at Leeds, N. Dak., in place of J. H. Huseby. Incumbent's commission expired December 19, 1927.

William E. Knox to be postmaster at Antler, N. Dak., in place of W. E. Knox. Incumbent's commission expires February 13, 1928.

Albert E. Gutekunst to be postmaster at Drayton, N. Dak., in place of A. E. Gutekunst. Incumbent's commission expires February 13, 1928.

OHIO

Mattie M. Beeson to be postmaster at Vandalia, Ohio. Office became presidential July 1, 1927.

Ella L. Alstadt to be postmaster at Laurelville, Ohio, in place of E. L. Alstadt. Incumbent's commission expired December 19, 1927.

OKLAHOMA

Laura M. Hopkins to be postmaster at Woodward, Okla., in place of M. V. Ballenger, deceased.

Arthur D. Hartley to be postmaster at Cardin, Okla., in place of A. D. Hartley. Incumbent's commission expires February 9, 1928.

Frank A. Smith to be postmaster at Byars, Okla., in place of F. A. Smith. Incumbent's commission expires February 9, 1928.

Roy Patton to be postmaster at Ames, Okla., in place of Roy Patton. Incumbent's commission expired December 19, 1927.

OREGON

Cora Macoon to be postmaster at Warrenton, Oreg., in place of Cora Macoon. Incumbent's commission expired December 19, 1927.

PENNSYLVANIA

Lewis M. Krebs to be postmaster at Port Carbon, Pa., in place of A. B. Bowe, removed.

Carl H. Borgeson to be postmaster at Wilcox, Pa., in place of C. H. Borgeson. Incumbent's commission expired January 22, 1928.

William McCandless to be postmaster at Catasauqua, Pa., in place of William McCandless. Incumbent's commission expires February 13, 1928.

Robert P. Habgood to be postmaster at Bradford, Pa., in place of R. P. Habgood. Incumbent's commission expires February 9, 1928.

SOUTH DAKOTA

Alma J. McCormack to be postmaster at Faith, S. Dak., in place of A. J. McCormack. Incumbent's commission expired December 18, 1927.

Charles S. Kingsbury to be postmaster at Dallas, S. Dak., in place of C. S. Kingsbury. Incumbent's commission expired December 18, 1927.

Arthur D. Flagg to be postmaster at Buffalo, S. Dak., in place of A. D. Flagg. Incumbent's commission expired December 18, 1927.

Willard O. Dailey to be postmaster at Bison, S. Dak., in place of W. O. Dailey. Incumbent's commission expired December 18, 1927.

TENNESSEE

John D. Brooks to be postmaster at Russellville, Tenn., in place of McHenry Jackson, removed.

Thomas E. Richardson to be postmaster at Tullahoma, Tenn., in place of T. E. Richardson. Incumbent's commission expires February 9, 1928.

Samuel P. Raulston to be postmaster at Jasper, Tenn., in place of S. P. Raulston. Incumbent's commission expires February 9, 1928.

William T. McCown to be postmaster at Fayetteville, Tenn., in place of W. T. McCown. Incumbent's commission expires February 9, 1928.

Mamie D. Phillips to be postmaster at Brighton, Tenn., in place of M. D. Phillips. Incumbent's commission expires February 9, 1928.

Baltis L. Kemp to be postmaster at Adamsville, Tenn., in place of B. L. Kemp. Incumbent's commission expired December 19, 1927.

TEXAS

Joe Burger, sr., to be postmaster at Wharton, Tex., in place of Joe Burger, sr. Incumbent's commission expires February 11, 1928.

James R. Melvin to be postmaster at Gilmer, Tex., in place of J. R. Melvin. Incumbent's commission expires February 11, 1928.

Eugene Webb to be postmaster at Corrigan, Tex., in place of Eugene Webb. Incumbent's commission expires February 11, 1928.

Neeley R. Vaught to be postmaster at Burkburnett, Tex., in place of N. R. Vaught. Incumbent's commission expires February 11, 1928.

Jefferson D. Bell to be postmaster at Bartlett, Tex., in place of J. D. Bell. Incumbent's commission expires February 11, 1928.

UTAH

Leo N. Gledhill to be postmaster at Gunnison, Utah, in place of L. N. Gledhill. Incumbent's commission expired December 18, 1927.

VIRGINIA

John L. Jeffries to be postmaster at Vienna, Va., in place of J. L. Jeffries. Incumbent's commission expires February 8, 1928.

John J. Carper to be postmaster at Pearisburg, Va., in place of J. J. Carper. Incumbent's commission expires February 9, 1928.

WASHINGTON

Harry B. Onn to be postmaster at Dryad, Wash., in place of H. B. Onn. Incumbent's commission expires February 13, 1928.

WEST VIRGINIA

Emerson E. Deitz to be postmaster at Richwood, W. Va., in place of E. E. Deitz. Incumbent's commission expired December 18, 1927.

WYOMING

C. Golden Welch to be postmaster at Cowley, Wyo., in place of C. G. Welch. Incumbent's commission expired December 19, 1927.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 8, 1928

POSTMASTERS

ARKANSAS

Ernest N. Goldman, Peach Orchard.

ILLINOIS

William F. Hoult, Chrisman.
Ethel Gates, Pocahontas.

KENTUCKY

George R. Warren, Lexington.
Vee O. Chandler, Marion.

MAINE

George W. Jordan, Cumberland Center.
Wade P. Clifton, Greenville Junction.
Edward C. Bridges, York Village.

OHIO

Albert B. DeKay, Defiance.
Alonzo B. Yarnell, Freeport.
Norman B. Ervin, jr., Gibsonburg.
Robert B. Birdsall, Hicksville.
Heyward Long, Martins Ferry.
Leonard H. Kelly, Mount Vernon.
Rodney Barnes, St. Clairsville.
Margaret A. Brooks, Yorkville.

PENNSYLVANIA

Frank U. Armstrong, Cheswick.
J. Mateer Pollock, Wilmerding.

VERMONT

Alfred C. Hooker, Hardwick.

WITHDRAWALS

Executive nominations withdrawn from the Senate February 8, 1928

POSTMASTERS

PENNSYLVANIA

Russell M. Hartman to be postmaster at Arnold, in the State of Pennsylvania.

WEST VIRGINIA

George Kirchner to be postmaster at Everettville, in the State of West Virginia.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *February 8, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our Heavenly Father, we thank Thee for Thy holy word. Light up the old texts that we used to know; illuminate the time-worn phrases that our mothers taught us in years gone by; reveal unto us their tardy applications and let go their deep spiritual meaning. Our mothers and fathers, they lived so simply; their ways were so toilsome. May their honest virtues pass on into our lives. Our country, so dear to all hearts! Our free institutions, so wonderful in their blessings! If we fail to remember these, let our tongues cling to the roofs of our mouths. Let service, patriotic service, become sweeter in our hearts and braver in our lives. O God, persuade us that the man who day by day cherishes a sweet, uplifting love is the grandest specimen that can be produced. In the holy name of Jesus, our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments the bill (H. R. 7009) entitled "An act to authorize appropriations for construction at military posts, and for other purposes," insists upon its amendments, and asks a conference with the House of Representatives on the said bill and amendments thereto, and had appointed Mr. REED of Pennsylvania, Mr. GREENE, and Mr. FLETCHER as conferees on the part of the Senate.

The message also announced that the Senate requested the House of Representatives to return to the Senate the message of the Senate announcing its agreement to the amendment of the House of Representatives to the bill (S. 700) entitled "An act authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes."

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 43. An act for the relief of Frederick N. Carr;

S. 46. An act for the relief of Daniel F. Roberts; and

S. 138. An act for the relief of Thomas Johnsen; to the Committee on Military Affairs.

S. 380. An act for the relief of Charles H. Niehaus; to the Committee on Claims.

S. 754. An act for the relief of certain Porto Rico taxpayers; to the Committee on Ways and Means.

S. 771. An act providing for the loan of the U. S. S. *Dispatch* to the State of Florida; to the Committee on Naval Affairs.

S. 1122. An act for the relief of S. Davidson & Sons; and

S. 1164. An act to provide relief for the victims of the airplane accident at Langin Field, Moundsville, W. Va.; to the Committee on Claims.

S. 1168. An act to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925; to the Committee on Printing.

S. 1181. An act authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended; to the Committee on Agriculture.

S. 1217. An act for the relief of Albert Wood; and

S. 1219. An act for the relief of William Mortesen; to the Committee on Claims.

S. 1281. An act to amend section 7 (a) of the act of March 3, 1925 (43 Stat. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat. 812), so as to provide operators' permits free of cost to enlisted men of the Army, Navy, Marine Corps, and Coast Guard operating Government-owned vehicles in the District of Columbia; to the Committee on the District of Columbia.

S. 1287. An act for the relief of the Near East Relief (Inc.); to the Committee on War Claims.

S. 1325. An act for the relief of John A. Fox; to the Committee on Claims.

S. 1347. An act to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended; to the Committee on Military Affairs.

S. 1361. An act for the relief of Isabelle R. Damron, postmaster at Clintwood, Va.; to the Committee on Claims.

S. 1413. An act to prohibit predictions with respect to cotton prices in any report, bulletin, or other publication issued by the Department of Agriculture or the Department of Commerce, and for other purposes; to the Committee on Agriculture.

S. 1455. An act to grant extensions of time under coal permits; to the Committee on the Public Lands.

S. 1531. An act authorizing the Secretary of Agriculture to sell the Weather Bureau station known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia; to the Committee on Agriculture.

S. 1541. An act for the relief of George A. Robertson; to the Committee on Claims.

S. 1594. An act for the relief of Capt. Joseph W. Loef; to the Committee on Military Affairs.

S. 1623. An act for the relief of William Hensley; to the Committee on Claims.

S. 1665. An act to authorize the board of park commissioners of the city and county of San Francisco to construct a recreation pier at the foot of Van Ness Avenue, San Francisco, Calif.; to the Committee on Military Affairs.

S. 1758. An act for the relief of Fred A. Knauf; to the Committee on Claims.

S. 1759. An act to appropriate treaty funds due to the Wisconsin Pottawatomi Indians; to the Committee on Indian Affairs.

S. 1771. An act for the relief of Peter S. Kelly; to the Committee on Military Affairs.

S. 1946. An act relative to the pay of certain retired warrant officers and enlisted men and warrant officers and enlisted men of the reserve forces of the Army, Navy, Marine Corps, and the Coast Guard, fixed under the terms of the Panama Canal act, as amended; to the Committee on Interstate and Foreign Commerce.

S. 2020. An act for the relief of Leonidas L. Cochran and Rosalie Cochran Brink; to the Committee on the Public Lands.

S. 2021. An act extending and continuing to January 12, 1930, the provisions of "An act authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Fla.," approved January 12, 1925; to the Committee on the Public Lands.

S. 2310. An act supplementary to, and amendatory of, the incorporation of the Catholic University of America, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia; to the Committee on the District of Columbia.

S. 2316. An act for the relief of Lewis C. Hopkins & Co.; to the Committee on Ways and Means.

S. 2317. An act continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

S. 2439. An act to amend the military record of Arthur Waldenmeyer; to the Committee on Military Affairs.

S. 2457. An act for the relief of Bert Moore;

S. 2471. An act for the relief of the owner of the American steam tug *Charles Runyon;*

S. 2516. An act for the relief of the owners and/or receiver of the American steam tug *W. S. Holbrook;* and

S. 2517. An act for the relief of the owner of barge *Consolidation Coastwise No. 10;* to the Committee on Claims.

S. 2585. An act for the relief of the owners of the cargo laden aboard the U. S. transport *Florence Luckenbach* on or about December 27, 1918;

S. 2586. An act for the relief of the owner of the Coast Transit Division barge *No. 4;* and

S. 2591. An act for the relief of Maria Maykovica; to the Committee on Claims.

S. 2765. An act for the relief of the estate of Benjamin Braznell; to the Committee on Ways and Means.

S. 2780. An act for the relief of owners of cargo aboard the steamship *Boxley;* to the Committee on Claims.

S. J. Res. 21. Joint resolution to correct section 6 of the act of August 30, 1890, as amended by section 2 of the act of June 28, 1926; to the Committee on Agriculture.

BILLS AND A JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles, when the Speaker signed the same:

H. R. 108. An act granting the consent of Congress to the States of North Dakota and Minnesota to construct, maintain, and operate a bridge across the Red River of the North;

H. R. 164. An act to authorize appropriations for construction at the Pacific Branch, Soldiers' Home, Los Angeles County, Calif., and for other purposes;

H. R. 172. An act to authorize the Secretary of War to grant and convey to the city of Vancouver a perpetual easement for public highway purposes over and upon a portion of the Vancouver Barracks Military Reservation in the State of Washington;

H. R. 193. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.;

H. R. 194. An act granting the consent of Congress to the county of Morrison, State of Minnesota, to construct, maintain, and operate a bridge across the Mississippi River at or near Little Falls, Minn.;

H. R. 199. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a bridge across the Mississippi River at or near Monticello, Wright County, Minn.;

H. R. 319. An act to legalize a bridge across the Snake River at Idaho Falls, Idaho;

H. R. 444. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Wolf Point, Mont.;

H. R. 495. An act granting the consent of Congress to the county of Armstrong, a county of the State of Pennsylvania, to construct, maintain, and operate a bridge across the Allegheny River at Kittanning, in the county of Armstrong, in the State of Pennsylvania;

H. R. 766. An act for the relief of Ida F. Baum;

H. R. 1405. An act granting six months' pay to Maria J. McShane;

H. R. 2138. An act for the relief of the owner of the schooner *Sentinel;*

H. R. 2145. An act for the relief of Albert J. Zyvolski;

H. R. 3400. An act to correct the military record of Andrew B. Ritter;

H. R. 4127. An act for the relief of Joel T. Smith;

H. R. 4393. An act for the relief of Howard V. Sloan.

H. R. 4707. An act for the relief of Calvin H. Burkhead;

H. R. 4777. An act to compensate Robert F. Yeaman for the loss of certain carpenter tools which was incurred by reason of a fire in the Government area at Old Hickory Ordnance Depot;

H. R. 4995. An act for the relief of Sabino Apodaca;

H. R. 5228. An act for the relief of Finas M. Williams;

H. R. 5300. An act for the relief of Lewis H. Francke and Blanche F. Shelley, sole legal heirs of Ralph K. Warrington;

H. R. 5510. An act granting the consent of Congress to the city of Duluth, Minn., to construct, maintain, and operate a bridge across the Duluth Ship Canal;

H. R. 5628. An act to extend the time for commencing and the time for completing the construction of a bridge across the Potomac River;

H. R. 5638. An act granting the consent of Congress to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Tombigbee River at Epes, in the State of Alabama;

H. R. 5744. An act granting the consent of Congress for the reconstruction of a bridge across the Grand Calumet River at East Chicago, Ind.;

H. R. 5994. An act for the relief of George C. Hussey;

H. R. 6041. An act granting the consent of Congress to the Pennsylvania Railroad Co. to construct, maintain, and operate a railroad bridge across the Allegheny River;

H. R. 6045. An act granting the consent of Congress to the commissioners of Mahoning County, Ohio, to reconstruct, maintain, and operate the existing bridge across the Mahoning River at South Avenue, Youngstown, Mahoning County, Ohio;

H. R. 6046. An act granting the consent of Congress to the city of Youngstown, Ohio, to construct a bridge across the Mahoning River at or near West Avenue, Youngstown, Mahoning County, Ohio;

H. R. 6162. An act for the relief of Thomas M. Ross;

H. R. 6466. An act granting a part of the Federal building site at Phoenix, Ariz., to the city of Phoenix for street purposes;

H. R. 6479. An act to extend the times for commencing and completing the construction of a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa.;

H. R. 6483. An act granting the consent of Congress to the State of Illinois, the county of Lee, and the city of Dixon, or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Rock River at Dixon, Ill.;

H. R. 6512. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Wentworth Avenue, in Cook County, State of Illinois;

H. R. 6513. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois;

H. R. 6514. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Indiana Avenue, in Cook County, State of Illinois;

H. R. 6958. An act granting the consent of Congress to the city of Youngstown to construct a bridge across the Mahoning River at Youngstown, Mahoning County, Ohio;

H. R. 6959. An act to legalize a bridge across the Caney Fork in De Kalb County, Tenn.;

H. R. 7192. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River between the municipalities of Rochester and Monaca, Beaver County, Pa.;

H. R. 7370. An act granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River near Indian Cove, Idaho;

H. R. 7374. An act granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River near Swan Valley, Idaho;

H. R. 7745. An act granting the consent of Congress to the Chicago & North Western Railway Co., a corporation, its successors and assigns, to construct, maintain, and operate a railroad bridge across the Rock River;

H. R. 7466. An act granting the consent of Congress to the State of Montana, Valley County, Mont., and McCone County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont.;

H. R. 7913. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct a bridge across Elk River on the Athens-Florence road between Lauderdale and Limestone Counties, Ala.;

H. R. 8092. An act for the relief of Randolph Sias;

H. R. 8369. An act for the relief of Josephine Thibodeaux;

H. R. 8889. An act for the relief of Adriano Cruceta, a citizen of the Dominican Republic; and

H. J. Res. 104. Joint resolution granting consent of Congress to an agreement or compact entered into between the State of New York and the State of Vermont for the creation of the Lake Champlain bridge commission, and to construct, maintain, and operate a highway bridge across Lake Champlain.

ADDRESS OF WILLIAM D. GUTHRIE, OF NEW YORK

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a memorable and noble address delivered by William D. Guthrie, the president of the Bar Association of the City of New York and of the France-America Society, at a banquet tendered to the French ambassador, Paul Claudel, in the city of New York by the France-America Society on Monday last, February 6, the one hundred and fiftieth anniversary of the signing of the treaty of alliance and friendship between France and the United States, negotiated by Benjamin Franklin with the French Government, and signed on February 6, 1778, which brought France into the Revolution upon our side and contributed so materially to the glorious result. On Monday last also, it is interesting to note, the treaty to remove the possibility of war between the United States and France was with singular appropriateness signed by the French ambassador and our Secretary of State here in Washington.

Mr. HOWARD of Nebraska. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman a question. Is this address a veiled support of the plan for practical cancellation of the French war debt due our Government?

Mr. WAINWRIGHT. O Mr. Speaker, there is no mention and no suggestion of any such thing in this address which simply deals with this very moving anniversary.

Mr. HOWARD of Nebraska. I accept the statement of the gentleman from New York, but I am receiving a great many of

those veiled arguments in support of the cancellation of the French debt.

Mr. WAINWRIGHT. I can assure the gentleman there is no such suggestion.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WAINWRIGHT. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF SIGNING OF TREATY OF ALLIANCE AND FRIENDSHIP BETWEEN THE UNITED STATES AND FRANCE, FEBRUARY 6, 1778

No event in American history is worthier to be celebrated and none has been bigger with great and enduring consequences than the signing at Paris on February 6, 150 years ago, of the treaty of amity and commerce and the treaty of alliance between the King of France and the United States of North America, as we were then named. It was a mighty fact in the annals of France and of America; and from it flowed the most far-reaching human movements and developments that have occurred since the downfall of the Roman Empire.

The treaty of amity and commerce was the first one signed. Briefly stated, it recognized the United States as an independent Nation, and stipulated that there should be a true and sincere friendship between the two countries, that the United States should at all times have the most favored nation privileges throughout France and in French ports, and that its terms should be perpetual. The execution of the treaty of alliance immediately followed. It declared, as expressed in the English version: "The essential and direct end of the present defensive alliance is to maintain effectually the liberty, sovereignty, and independence absolute and unlimited, of the said United States, as well in matters of government as of commerce"; and the King of France unqualifiedly guaranteed their liberty, sovereignty, and independence. Although the treaties were intended to be lasting, they were nevertheless abrogated by our Congress in July, 1798.

These treaties were unexampled in the generosity and disinterestedness manifested on the part of France toward a new nation, without resources and without adequate armament, bravely, and desperately battling for liberty and independence against a great European power. It was no wonder that their generous terms were characterized by European statesmen as "a glaring instance of quixotism," to quote the language of the then Prime Minister of Spain, and that they were regarded by many as an improvident sacrifice of the permanent material interests of France. Indeed, as it turned out, the performance of the obligations assumed by France called for financial sacrifices that brought about the bankruptcy of the French Crown and in great measure precipitated the French revolution of 1789.

It is a pity that the terms of these treaties and the sacrifices made for us by France in their performance, never requited until our day, are not more generally taught in our schools and colleges in order to have our people realize the extent of our debt to France and to quicken in them that finest of human virtues—the sense of gratitude.

As soon as Washington heard the news of the signing of the treaties—and it took nearly three months before it reached him at Valley Forge—he wrote to the President of Congress congratulating him on the good tidings, and expressing his belief that "no event was ever received with a more heartfelt joy." Encouraging and heartening must it have been to him and his Army after a winter of hunger and cold and dreadful suffering, of unparalleled misery, of perilous crisis, so great that Valley Forge has called forth the pity and admiration of historians and has led the English writer, Trevelyan, to declare that "as time goes on it bids fair to be the most celebrated encampment in the world's history."

Congress on May 4, 1778, ratified the treaties and sent to the King of France its grateful acknowledgment of his generosity and disinterestedness and its wish that the friendship between the two nations thus so happily commenced might be perpetual. Two days later, on May 6, Washington issued a general order to the American Army in which he reverently declared—I am quoting his own language: "It having pleased the Almighty Ruler of the Universe to defend the cause of the United American States, and finally to raise us up a powerful friend among the princes of the earth, to establish our liberty and independency upon a lasting foundation; it becomes us to set apart a day for gratefully acknowledging the divine goodness, and celebrating the event which we owe to His divine interposition." Washington directed the several brigades to assemble the next morning, when their chaplains were to communicate the intelligence, offer up thanksgiving to God, and deliver discourses suitable to the occasion. He further directed that the religious services should be followed by a military review, and that thereupon the whole Army should huzza, "Long live the King of France!"

We have not time to-night to recall in any detail how loyally, generously, and effectively the Government of the King of France kept the pledges he made in these treaties and without compensation or indemnity of any nature. To those who have studied the history of the War of Independence and reflected upon the paucity of the American forces and equipment, the despondency at Valley Forge in February, 1778, and the danger of dissolution of our Army at the very time when these treaties of relief were being negotiated and concluded in Paris, as well as the decisive effect of the French aid during the following three years and a half, the conclusion must be irresistible that the American cause could not possibly have triumphed at Yorktown had it not been for the supplies and funds furnished by France and the cooperation of the French army and the French fleet. On the morning after the surrender of Cornwallis, Washington pledged to the Count de Rochambeau and through him to France "the most unalterable gratitude" of our country; and this celebration to-night bears testimony that that pledge has not been forgotten and that it will be kept a living force among those Americans who remember. Six months after Yorktown, in April, 1782, Washington wrote to the Chevalier de la Luzerne that the continued aid of the King of France was "among a variety of important considerations, which ought to bind Americans and French in bonds of indelible friendship and gratitude, never, I hope, to be sundered."

The societies initiating this celebration have felt that the message from the long past would not be adequately conveyed if we did not in some way emphasize and attempt to picture in our minds the misery and suffering of the American Army under Washington and Lafayette at Valley Forge. The apprehension and discouragement felt even by Washington should be recalled in order to engrave on our hearts how desperate our fortunes were in February, 1778, and how much we then and subsequently owed to France. In looking over mementos of that winter, a winter that so awfully tried the souls of the American officers and soldiers in this historic encampment, we have found nothing that seemed to us quite so characteristic of Washington during this period of trial and hardship as the bronze bas-relief in front of the subtreasury building on Wall Street, which represents him kneeling in prayer in the snow at Valley Forge, and we have reproduced it for those who may treasure such a heart-stirring souvenir of the darkest hour in our history. It may be an inspiration to believe, as Washington himself devoutly believed, that his prayers were heard and answered.

If the immortal souls of Washington and Lafayette are conscious of this celebration, immense must be their gratification to realize that their sacrifices and services in the common cause of American liberty and independence are still bearing fruit in the hearts of Americans and French. Their spirits still live. The souls of the truly great survive in the continuing effects of their lives and works. Who will challenge our faith that the sacrifices and services of these two noble men have continued to inspire Americans to patriotic service and sacrifice from generation to generation? Who can doubt that during the World War millions of Americans were stirred, consciously or unconsciously, by the peerless spirit and example of these two Americans? For Lafayette was an American. He was called the man of two worlds. With prophetic vision he wrote to his wife during his first voyage to America on board *La Victoire*, June 7, 1777: "I hope that, for my sake, you will become a good American, for that feeling is worthy of every noble heart. The happiness of America is intimately connected with the happiness of all mankind." America was Lafayette's adopted country, and he was the adopted son of Washington. Hence, we love him and cherish his memory not only as a great Frenchman but as well a great American patriot and major general of the American Army of the Revolution.

Is it extravagant to believe that countless Americans are keeping alive in their hearts the spirit and influence of the souls of Washington and Lafayette, inseparable in their memory? How easy it would be for modern pagans, if there be any such among us, to deify these two Americans as the Greeks and Romans deified their heroes. Yet we may conceive them as in the Valhalla of the illustrious, and we may well pray to them for present and future inspiration in our hopes, struggles, and aspirations and in our desire to be worthy of fellowship with their spirits.

Your excellency, it is surely a happy and poetic augury for the future relations between our two countries that on this sesquicentennial anniversary of the conclusion of these famous treaties, and amid and notwithstanding vastly changed conditions, descendants of the associates and compatriots of Washington and Lafayette and inheritors of the fruits of one of the most important and decisive events in the world's history should not have forgotten the great service then generously rendered to America by France, and should be proclaiming to-day, alike in France and in America, the survival of American gratitude to France, the perseverance of French friendship for America, and the mutual hope that these sentiments and ties, so stirring and inspiring, shall ever be maintained among the traditions and ideals of both nations.

JOINT RESOLUTION OF THE VIRGINIA GENERAL ASSEMBLY

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a very brief resolution passed by the General Assembly of Virginia relative to matters of public interest, this resolution being addressed to the Virginia delegation in Congress.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. MOORE of Virginia. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following: A joint resolution of the General Assembly of Virginia, protesting against certain freight-rate adjustments, which are discriminatory against and hurtful to interests in that State.

RESOLUTION

Whereas the Constitution of the United States not only does not confer upon Congress the authority to impose tariff and other import duties upon commerce between the States but affirmatively asserts the principle of free and untrammeled commerce between the States; and

Whereas the Interstate Commerce Commission, in recent decisions and opinions, has construed the transportation act and the interstate commerce act to confer upon it the authority not to regulate the conduct of interstate commerce, but to control it to the extent of excluding the commerce of certain States from competitive markets outside their borders and of giving a monopoly of trade in those markets to competitors in other States; and

Whereas this construction of the statutes by the Interstate Commerce Commission will work inevitable and fatal injury to the interchange of all business between the States, and, therefore, to the general welfare of all the people, and said decisions and opinions have already proven injurious to the coal, agricultural, horticultural, manufacturing, and fishing industries of Virginia, by directly impairing its internal business in interstate commerce: Now, therefore, be it

Resolved, by the house of delegates (the senate concurring), That the Senators and Representatives in the Congress of the United States from the State of Virginia be, and are hereby, requested to do everything in their power to effect such changes in the Federal statutes as will prevent a repetition of such decisions and to have said statutes so amended as to make the construction thereof aforesaid impossible.

Agreed to by house of delegates, February 3, 1928.

JNO. W. WILLIAMS,
Clerk House of Delegates.

Agreed to by the senate, February 3, 1928.

O. V. HAUGE,
Clerk of the Senate.

CALL OF THE HOUSE

The SPEAKER. Under the previous order of the House, the Chair recognizes the gentleman from Pennsylvania [Mr. CASEY] for one hour.

Mr. GARNER of Texas. Mr. Speaker, the gentleman from Pennsylvania [Mr. CASEY] is going to discuss a question which I think he is as well prepared to discuss as anyone in the House, and one in which the country is very much interested. I think the Members of the House would like to hear this address, and I am going to take the privilege of making the point of no quorum.

The SPEAKER. The gentleman from Texas makes the point that there is not a quorum present. Evidently there is not a quorum present——

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 26]

Adkins	Douglas, Ariz.	Johnson, S. Dak.	Schafer
Anthony	Dowell	Kent	Sears, Fla.
Auf der Heide	Doyle	Kindred	Sproul, Ill.
Bacon	Drewry	Kunz	Stalker
Beck, Pa.	Driver	Larsen	Steagall
Beedy	Elliott	Leatherwood	Stedman
Bohn	Fort	Martin, Mass.	Strong, Kans.
Boies	Foss	Mead	Strong, Pa.
Britten	Gallivan	Michaelson	Strother
Burdick	Gilbert	Monast	Sullivan
Campbell	Golder	Moore, N. J.	Taylor, Tenn.
Celler	Goldsborough	Morin	Tucker
Chapman	Graham	Nelson, Wis.	Vestal
Clancy	Griffin	Newton	Williams, Ill.
Collins	Hall, Ill.	Norton, N. J.	Williamson
Connery	Hastings	O'Connor, N. Y.	Wingo
Connolly, Pa.	Hickey	Porter	Winter
Cooper, Ohio	Houston	Prall	Wood
Curry	Hughes	Purnell	Zihlman
Davey	Hull, Morton D.	Reed, Ark.	
Deal	Hull, Tenn.	Romjue	
Dickstein	Igoe	Sabath	

The SPEAKER. Three hundred and forty-six Members have answered "present," a quorum.

On motion of Mr. TILSON, further proceedings under the call were dispensed with.

CONSTRUCTION AT MILITARY POSTS

Mr. JAMES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7009) to authorize appropriations for construction at military posts, and for other purposes, with Senate amendments, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Messrs. MORIN, JAMES, and MCSWAIN.

The gentleman from Pennsylvania [Mr. CASEY] is recognized for one hour. [Applause.]

THE BITUMINOUS COAL FIELDS

Mr. CASEY. Mr. Speaker, I have been given permission to address the House this afternoon for the purpose of placing before its Members and the country specific information relative to the deplorable conditions now prevailing throughout the bituminous coal fields of central and western Pennsylvania, Ohio, and certain sections of West Virginia.

You are no doubt aware that there is an industrial war, commonly called a strike, prevailing in the sections I have mentioned. Many of you, however, are not aware of the outrageous practices imposed upon the strikers, of the insults heaped upon womanhood, of the abuses imposed upon innocent children in western Pennsylvania. Such methods are unjustifiable, unwarranted, unnecessary, and should not, and must not be tolerated in this progressive age. And the soulless corporations responsible for them deserve and should receive the eternal condemnation of every just man and the rebuke of Congress of the United States.

WILKES-BARRE A BEAUTIFUL PLACE

For the information of the Members of the House who were not present on February 1, 1924, when I described the anthracite-coal situation, I desire to inform them that I am a resident of Wilkes-Barre, Pa. That beautiful and historic city, replete with traditional, historic, and patriotic events, famous in song and story, possessing brave men and angelic women, whose goodness and greatness are known everywhere, is situated in the heart of the anthracite coal regions.

The SPEAKER. The gentlewoman from Massachusetts [Mrs. ROGERS] will assume the chair.

QUITE APPROPRIATE FOR A WOMAN TO PRESIDE

Mr. CASEY. Let me say that it is most fitting and appropriate for a woman to assume the Speaker's chair at this time, because I am going to talk about women, many of them mothers, whose love of home and devotion to duty can not be excelled, and I am going to talk also of children, many of them not more than babies, helpless, undernourished, half starved. She will understand the need of prompt action. Therefore it is quite appropriate for a woman to be in the Speaker's chair. [Applause.]

But before I describe the conditions as I personally viewed them, I desire to reiterate that I am the son of a miner; that I have worked as a breaker boy when only 8 years of age; and that I have followed the usual course a mine boy pursues, from the breaker to the mines.

IMPRINT OF THE TYRANNICAL HEEL

I have lived in the coal company shacks, such as will be described in detail at a later period in my address. I have suffered all the oppressions that it is possible for the iron heel of tyranny to impose upon its humble subjects in the mine patches of this country.

I have lived among miners all my life. And I know them as well as any man in the country. I have found them true to their homes, their country, and their God. They are outstanding citizens, with high-class, ambitious, and aspiring families. They have human hearts. They are true to every trust. They are actuated by high motives. They love peace, but they are not afraid to fight for principle and what they believe is right and just. And when the reports came to the miners of the anthracite region, my friends and my neighbors, through their union, that their fellow miners of the bituminous region were in trouble; that they were suffering as the anthracite workers suffered in the years just past, I promised them that I would investigate and if I found conditions as they described them I would appeal to Congress and the country.

THE DOLLAR PLACED BEFORE JUSTICE

The very next day I was on my way to western Pennsylvania and in that part of the State I spent one week. I visited the mine patches, entered honest though humble homes. I talked with the individual miner and with groups of them. And I interviewed impartial citizens, and after doing so I went to other mine patches and renewed my efforts to get the truth; the whole truth. And after concluding my investigations I stood appalled at the nature of the information I had unearthed; I viewed the scenes all about with intense indignation, and I concluded that I would do everything in my power to right the wrongs so flagrantly imposed by corporations who have put the dollar before justice and human life, and that I

would place this information before Congress and appeal to its sense of justice.

I know that my appeal will not go unanswered; that you, my colleagues, will do your part in reestablishing order; that you will do your part in seeing that the happiness of those unhappy miners is restored; that you will do your part in alleviating the suffering and the distress of the suffering women and famished children.

EXPRESSING ONLY INDIVIDUAL VIEWS

But before I proceed further I again repeat the statement that I made while discussing the anthracite situation, to the effect that anything I may say this afternoon represents only my own personal views. I do not speak as a representative of either the operators or the miners' union, because I do not belong to either organization, but will endeavor to give you an impartial statement of facts as I found them.

THE CASEY RESOLUTION

In the first place, I want to say that some time ago I introduced a resolution in the House which is known as House Resolution 109, a similar resolution having been introduced in the Senate by Senator JOHNSON, of California. This resolution provides for an investigation into the terrible situation in western Pennsylvania, and has been referred to the Committee on Rules of the House.

Resolved, That the House Committee on Interstate and Foreign Commerce be, and it is hereby, authorized and directed immediately to make a thorough and complete investigation of the conditions existing in the coal fields of central Pennsylvania, western Pennsylvania, West Virginia, and Ohio; also to ascertain whether the railroad companies and their officials have been or are, by agreement or otherwise, endeavoring to depress the labor cost of coal produced by union mine labor; also whether in the said coal fields wage contracts have been abrogated or repudiated, whether defenseless men, women, and children, without cause, have been evicted from their homes, and generally what has transpired in the said coal fields, and the reasons for conditions and happenings therein; and in this connection the said committee shall ascertain whether in industrial disputes or strikes in said coal fields injunctions have been issued in violation of constitutional rights, and whether by injunction or otherwise, the rights granted by the Constitution of the United States have been abrogated and denied.

The balance of the resolution provides for the customary subpœnas of witnesses, the contingent expenses, and how the report shall be made.

THE DUTY OF CONGRESS TO ACT

Those who have investigated and are investigating conditions in western Pennsylvania, if they investigated as I have investigated, will sustain the charge of incredulous cruelty; of man's inhumanity to man. They will find, as I have found, that greed and avarice were practiced with impunity; that the gun and the blackjack were given precedence over law; that there was a place where American citizenship did not count; that there was a place where American love of fair play was absent. If the findings were otherwise, I would not be justified in appearing here and requesting the passage of such a resolution.

But knowing conditions as I know them, it is my fervent belief that it is the duty of the House, as the representative of the people of the United States, to provide for such an investigation, so that the great majority of the American people who believe in right over might; who believe that all men are equal before the law; who believe it is the duty of every man and every corporation to make the world a little greater and a little better, will have an opportunity to reflect and to ponder over the barbarous treatment accorded the men, women, and children of the bituminous coal fields of western Pennsylvania.

THE RIGHTFUL ORDER MUST BE RESTORED

It is, in my opinion, the duty of Congress to determine the reason why great corporations lose American ideals in the maelstrom of avarice. It is the duty of Congress to aid in the restoration of righteous industrial conditions. It is the duty of Congress to insist that law and order prevail. It is the duty of Congress to insist that courts of equity order and decree, as it was rightfully intended, with justice for all and favors for none.

It is the duty of Congress to view the economic, industrial, and judicial and interstate ills and prescribe lasting remedies.

THE INTERESTS INVOLVED

On August 10, 1925, when the Jacksonville agreement, to which the vice president and general manager of the Pittsburgh Coal Co. had set their signatures, had a year and nine months to run, notices were posted at all the company's mines announcing that wages were to be slashed one-third, or from $7.50 to $5 a day.

The employees of the company refused to be parties to this breach of faith, and thereupon an army of nonunionists were imported from Alabama, Tennessee, Virginia, Kentucky, and other States, and all those negroes knew about mining coal is what they learned in the convict coal mines of their respective States, they having been sentenced to said mines instead of jail after being convicted for violation of law.

THE WHOLESALE EVICTIONS

In order to house these scabs the coal companies began the wholesale evictions, which have since spread throughout western Pennsylvania, encouraged and sustained by an injunction issued by Federal Judge Schoonmaker. Within six months nearly every employee who was a member of the union had been driven from his home.

The action of the Pittsburgh Coal Co. was followed by the Bethlehem Mines Corporation, a subsidiary of Bethlehem Steel, and the Consolidation Coal Co., a subsidiary of the Standard Oil. Appeals were unheeded.

Other operators in western Pennsylvania were persuaded or coerced into joining these tremendously wealthy concerns, but the struggle did not become general until the expiration of the Jacksonville agreement.

MINERS AND OPERATORS UNABLE TO REACH AN AGREEMENT

Miners and operators met in Miami, Fla., on February 14, 1927, for the purpose of drafting a new national contract. The operators insisted on a heavy reduction in wages, which the representatives of the miners refused to accept, so the meeting adjourned in a deadlock.

On April 1, 1927, the Jacksonville agreement expired, and the miners in all the union fields suspended work.

Three days before this the policy committee of the United Mine Workers agreed upon a marked concession from the usual policy of the union.

In the interest of a peaceful and speedy settlement and to avoid all possible suffering and inconvenience to both miners and friendly operators, it was decided that the various districts would be allowed to make individual contracts based on the Jacksonville scale. These were to continue until a national agreement had been secured.

INDIVIDUAL SETTLEMENTS EFFECTED

Montana, Michigan, Wyoming, and part of Washington immediately signed up, and production was resumed.

In Illinois the mines were shut down until October 1, when, after a conference at Chicago, it was decided to continue the old agreement until April 1, 1928.

Iowa, Oklahoma, Arkansas, Kansas, and Missouri followed the example of Illinois and are now paying the union scale, except in a few districts.

While the Indiana operators refused to sign as an association, individual mine owners came into line, and now about 60 per cent of the output of the State is produced under union conditions. The same situation prevails in Ohio, except that the number of union operators is much smaller.

During this entire period the western Pennsylvania operators, dominated by the Pittsburgh Coal Co., stood adamant against any settlement with the union.

The central Pennsylvania operators, who had signed the temporary agreement, were induced to break away and join the diehards of Pittsburgh on July 1.

This leaves the strike at present confined to the western and central Pennsylvania fields and to a majority of the operators in Ohio and northern West Virginia.

THE REPUDIATED CONTRACT QUOTED

I wish to place in the RECORD a copy of the Jacksonville agreement in order that the solemn and morally binding character of this repudiated contract may be understood:

JACKSONVILLE AGREEMENT

JACKSONVILLE, FLA., *February 19, 1924.*

The following agreement was entered into by the representatives of the coal operators and miners of Illinois, Indiana, Ohio, and western Pennsylvania:

1. This joint conference of operators and miners of Illinois, Indiana, Ohio, and western Pennsylvania, as now constituted, hereby reaffirms the wage-scale contracts now existing between the United Mine Workers of America and the coal operators whose interests are represented in this conference, and hereby extends the same for a period of three years, from April 1, 1924, to March 31, 1927, in all of their terms, provisions, and conditions. It is understood the execution of this interstate agreement extends, without further negotiations, the district and subdistrict agreements now in effect in the districts affected.

2. That an interstate joint conference of the central competitive field shall assemble the second Monday in February, 1927, at Miami, Fla., and the president of the United Mine Workers of America and the chairman of the joint interstate conference are authorized and instructed to send out notices at the proper time as to the assembling of the conference.

For the operators: Rice Miller, H. C. Perry, P. H. Penna, Hugh Shirkie, S. H. Robbins, J. R. Biddle, J. A. Donaldson, William Henderson.

For the mine workers: Frank Farrington, Harry Fishwick, John Hessler, William Mitch, Lee Hall, William Roy, P. T. Fagan, William Hargest.

Officers of joint conference: Michael Gallagher, chairman; William Green, secretary; Ezra Vanhorn, assistant secretary.

International officers United Mine Workers of America: John L. Lewis, president; Philip Murray, vice president; William Green, secretary-treasurer.

Let us start out then by quoting a few statements, which I believe will give the Members of the House the atmosphere of western Pennsylvania better than I can in my humble way convey to you.

HELL ENLARGING ITSELF

Here is a statement made by the Rev. George Hine, a Baptist minister of Saltillo, Pa.:

Hell is enlarging itself in Pennsylvania. The pot is boiling here, and when it boils over there is sure to be bloodshed.

That statement does not come from an agitator; it comes from a Baptist minister.

Here is another statement:

The Vesta Coal Co. had a gang of gunmen evicting the strikers in that locality, when the officials of the mine workers' union appealed to Joe Edwards, the general manager of the company, to postpone the eviction for a few days until the union could construct barracks to care for the women and children.

HUMANITY TOLD TO GO TO PERDITION

"In the name of humanity do not put these women and children on the roadside these cold nights," said the union official in his appeal to Edwards.

Edwards reply was:

To hell with humanity. I hope they will freeze and rot.

Oh, gentlemen of the House of Representatives, this is the terrible situation. I have here a letter addressed to the House of Representatives of the United States which came in the mail yesterday; I hope you will pay attention to the language of this letter and its construction:

A BLOTCH ON SAVAGERY

718 LINDEN AVENUE,
Johnstown, Pa., February 4, 1928.

HOUSE OF REPRESENTATIVES,
Washington, D. C.:

Upon my own volition as a citizen, and without the knowledge of a living soul, I am writing this to request that Pennsylvania be no longer considered a part of the United States. The manner in which this State has been ruled or overruled since the coal miners' strike would be a blotch upon savagery.

I am not a miner, but I know of many cases where peaceable and worthy citizens have been driven from our public highways by vicious, bully State police. They were halted, cursed, and threatened in the vilest, basest manner never conceived of by humanity since the world began.

Horses, clubs, and pointed weapons were used, coupled with the most sanguine threats of violence ever heard by mortal man. All this was issued with the malicious intent to create riots and bloodshed.

I appeal to you in the name of God and righteousness that some steps be taken to civilize Pennsylvania.

I remain, respectfully yours,

ARTHUR J. BENDLE.

APPEALING TO THE GOVERNMENT FOR PROTECTION

This letter was not written by a coal miner, but, like the statement which I have just read to you, which came from the minister of the Baptist Church located at Saltillo, Pa., it is the honest expression of outraged, honest men who are not miners and who are citizens of the United States appealing to this great Government for justice.

THE PRESS IS AROUSED

Not only has protest after protest come from citizens of the highest standing in all walks of life but the great press of this country has been induced by the public indignation, manifested in all quarters, to send investigators to these stricken communities.

LABOR

The national weekly organ of the railroad unions sent a representative to Pittsburgh, who accompanied me on a part of my investigation.

One of the first experiences we encountered was that of seeing the inmates of a bawdy house, maintained on company property and in a company house, haled before Justice of the Peace J. M. O'Rourke.

DEPLORABLE CONDITIONS OPEN AND FLAUNTED

Twenty-three negroes, 8 women and 15 men were taken from a disorderly house by a member of the State constabulary. This house was inside the deadline maintained by coal and iron police, and in a company building.

At the same time a collection of bottles, containing the vilest-smelling alcoholic decoctions, was piled on a table in O'Rourke's office. These, I was told, had been taken from the scabs.

When sentences to pay fines of varying amounts or serve terms of 30 days or thereabouts in jail were pronounced, it developed that the 15 negro scabs, lured to the mining camps by tales of fabulously high wages, had only $29 coming to them in wages for several days' work.

Here is a statement made by the distinguished Member of the House from the thirty-third district of Pennsylvania, Mr. KELLY, as to the character of the strike breakers:

Never before in the history of industrial disputes in any civilized country have entire communities, numbering thousands of men, women, and children, been deported from their homes by private armies of mercenaries acting as public officials, but paid from private funds.

MOST UNDESIRABLE TYPES

These refugees have been replaced by persons of the most undesirable type, not only as workmen but as residents in our cities. This is shown by the large number of colored men, who, because of lack of experience, are being injured in our mines and are becoming burdens on our charitable institutions.

NOTORIOUS VIOLATIONS OF THE PROHIBITION LAWS

Further testimony as to the deplorable moral conditions prevailing in the coal camps is found in a protest sent by Vice President Phil Murray, of the United Mine Workers, to the head of the Federal prohibition enforcement service:

"While the conditions to which we direct your attention are common in the mining camps of western Pennsylvania, known as the Pittsburgh district," said Mr. Murray, "we call your special attention to the notorious violations of the Federal prohibition law in the camps of the Pittsburgh Coal Co."

The Pittsburgh Coal Co. is owned by the Mellons. Andrew Mellon, before becoming Secretary of the Treasury, was a director of the company. Upon entering the Cabinet he turned this position over to his brother, R. B. Mellon.

As Secretary of the Treasury Mr. Mellon is, through the Internal Revenue Bureau, the head of the Federal prohibition enforcement forces. Thus, what the miners are asking is that Secretary Mellon investigate appalling conditions alleged to exist in one of his own properties.

The letter states that nearly 100 murders have occurred in the scab camps, "many of which can be traced to the effect of bootlegging liquor."

DRUNKEN BRAWLS OF COMMON OCCURRENCE

"Drunken brawls are of common occurrence," it continues. Fights and assaults by drunken men and women no longer attract even passing attention. Men and women bootleggers supply liquor to these camps and peddlers of dope circulate among the employees.

It is notorious that this condition has existed in the camps of the Pittsburgh Coal Co. for many months without interference by officers of the law.

"It would be impossible for the Pittsburgh Coal Co. to be ignorant of these wholesale law violations," Vice President Murray says, inasmuch as the "company maintains a large force of private police, who pay no attention to bootleggers, dope peddlers, and addicts."

It is alleged that this deplorable situation arose because of the difficulty encountered in maintaining a force of scabs lured to the mines by stories of big wages and good conditions. When thousands refused to go to work or threatened to leave, "bootleggers, dope peddlers, and prostitutes made their appearance as an inducement to remain."

While some of the camps of other companies are said to be "infested with like conditions," the Pittsburgh Coal Co., by far the largest in the field, and one of the largest in the world, is said to be the first to inaugurate these policies.

That the charges made by Mr. Murray are fully warranted is proven by the fact that the prohibition enforcement officers in Pittsburgh, spurred to activity by the resulting storm of public protest, immediately raided a number of disorderly houses in the mine camps.

A TYPICAL STRIKE BREAKER

Here is another picture—a bewildered and ignorant negro, whom I interviewed when in the strike district. He was known as "Strike-breaking Bill." Under cross-examination by myself and the representative of Labor, he confirmed every charge which has been made as to conditions among the "scabs."

"Where did you come from?" was asked.

"I'se fum No'th Ca'liny," he responded.

"How long have you been strike breaking?"

"Well, boss, I'se been in a heap of strikes. I just don't remembah."

"Did you ever make any good money?"

BUSTED, HIS MIDDLE NAME

"No, suh. I always went to them jobs busted and left the same way."

"How are you making out here?"

"Not so good, boss, not so good. Things is gettin' mighty tough 'round heah. When I comes they pays me dollah and one cent fuh a ton of pick wuk. Then they cuts me to ninety-fo' cents and now they only pays eighty-fo' cents."

"How much do you make?"

"Well, suh, I makes by my 'count 'bout hundred and eighty-fo' dollahs last month."

"How much did they give you?"

"Well, boss, I gets thutty dollars scrip and they checks me off foty dollahs fo' bo'd."

"What became of the other $110?"

"I doesn't know exactly, suh; different things."

"Did you buy any clothes?"

"No, suh, I didn't buy no ga'mints."

WORKERS ARE PAID IN SCRIP

At this point Bill rolled his eyes and refused to answer any more questions until assured that "none of them coppahs was 'round."

Convinced of this fact, he then, in a confidential outburst, said:

"Hit don' do no good to kick. They keeps the books. So what can yo' do. I'ss gettin' mighty discu-aged. I'se all scrip up so I haint got nothin'."

A former checkweighman asked him how much they were allowed for a car of coal.

"'Bout thutty or thutty-fo' hundred," he responded.

According to this union checkweighman the correct weight is around 4,500 pounds.

"Well, boss," remarked poor, bewildered Bill, scratching his wool, "I guess tha's right. They cuts yo' every way they knows how."

In addition to a program of systematic debauchery of the strike breakers, they are so miserably underpaid as to be unable to purchase even the barest necessities of life. The following is the wage scale of the Mellon concern, the Pittsburgh Coal Co.:

PITTSBURGH COAL CO. NEW WAGE SCALE

The severe depression in the coal market at the present time makes it necessary for us to readjust wages. We feel that the scale listed below will result in more work for you.

Beginning January 10, 1928, wages in effect at this mine will be as follows:

	Scale	Jacksonville scale	Cut
Tonnage rates:			
Pick mining	$0.85	$1.11	$0.26
Loading after machines	.58	.77	.19
Cutting, short wall or breast machines	.11	.17	.06
Yardage rates (rates per yard):			
Loading in entries, entry break throughs and necks	.74	.97½	.23½
Cutting in entries, entry break throughs and necks	.18	.24	.06

No change in dead work (don't pay any).

INSIDE DAY-LABOR RATES

Motormen	$5.60	$7.60	$2.00
Shot firers and trackmen	5.52	7.50	1.98
Brakemen, drivers, wiremen, bratticemen, and bottom cagers	5.44	7.50	2.06
Pumpers and trackmen helpers	5.04	7.25	2.21
Cleaning drains, bratticemen helpers, couplers, greasers, spraggers, and other inside labor	4.72	7.25	2.53

OUTSIDE DAY-LABOR RATES

Dumper	$5.04	$6.66	$1.62
Tipple labor	4.08	6.60	2.52
General outside labor	4.08	6.60	2.52

But this is not the worst. The strike breakers are being overcharged by the company bookkeepers.

It is the common practice to charge up against the poor, ignorant strike breaker every cent he may be credited with having earned. So common is this practice that there is a slang phrase to describe it.

THE "THREE PINK KISSES"

Here is one of the so-called "three pink kisses" statements. At the end of two weeks when the miner has nothing coming to him, the company indicates that by placing on the statement at the place marked "balance due" three red crosses. This is a typical statement, and it is nothing unusual under present conditions for a miner to receive "three pink kisses" at the end of two weeks' work.

WORKERS ALWAYS IN DEBT TO THE COMPANY

A boy, H. Gabel, earned $31.24 in two weeks. From this amount the company charged him 4 cents for smithing; $1.20 for rent; he was charged $30 for moving; making his debt just $31.24, the same as his earnings, leaving him no balance. This means that the man had to draw from the company's stores the food necessary to keep him and his family alive. Therefore, next week he will again be indebted to the company, and may run for weeks and weeks before he gets any cash at all in his pay envelope.

Here is another statement: This shows that the miner earned $21.48 in the two weeks, and again he is charged with equal amount by the company, leaving him only the three pink kisses for his pay day. In this instance he was charged $1 for assignments, 10 cents for smithing, $9.69 for his tools, $1.85 for powder, $8.23 for board, and 65 cents for an electric mine lamp.

I want the Members to note that the miners are required not only to pay for their tools but also for keeping their tools in condition—that is the item called smithing—and are charged with the cost of the powder used for blasting in the mine. He must also pay for his lamp and for the upkeep or fuel for the lamp, as the case may be.

Here is an even more interesting example: James Harrison was a strike breaker in the Pittsburgh Coal Co. mines. I was shown a slip for his earnings for two weeks ending April 30, 1927:

The slip shows that Harrison is credited with $39.58 for two weeks' work, ending April 30, 1927. This is at the rate of less than $20 a week for mining coal!

NOT A PENNY LEFT

He was checked off for "miscellaneous items" amounting to $17.71, and the exact remainder, $21.87, was taken from him "for board."

It is the settled policy of those coal companies to keep the nonunionists "broke." Then they will have to stick to their jobs.

Two of the "miscellaneous items" are especially interesting. One is $5.50 for "check weighman."

There is no such position in the Pittsburgh Coal Co. mines. Check weighmen are found only in union mines. They are employed by the unions to prevent short-weighing the men on their coal. The union officials were perplexed and amazed at the effrontery of entering such an item in a scab's account.

But the second item is even more astonishing. The sum of $8.30 is entered as "miner's dues."

STRIKE BREAKERS ASSESSED TO PAY FOR ENSLAVEMENT

Officials of the United Mine Workers say they can prove that this charge represents the sum the operators are exacting from all scabs for "police protection."

In other words, they are forcing the scabs to pay the enormous bills incurred for coal and iron police, deputy sheriffs, stockades, machine guns, and other features of the State martial law which is being maintained in western Pennsylvania in order to break the union.

The strike breakers are kept in actual peonage and unmercifully beaten by the coal and iron police when they attempt to escape.

Here is another testimonial from one of the most conservative papers in the United States, the New York Daily News.

The News is supposed to have the largest circulation of any paper in the United States. Its owners are regarded as ultra-conservative. The writer of the articles on the coal situation, Lowell M. Limpus, got part of his education at West Point and served as an officer in the World War.

A PREJUDICED OBSERVER

He says very frankly that he went into the coal fields prejudiced against the miners and anxious to "show them up." For an entire month, accompanied by a photographer, he wandered through the coal camps, interviewing all classes, from the chiefs of the big corporations to the half-starved "kids" of the striking miners.

When the coal and iron police discovered what he was doing they threw Limpus and his photographer into jail; but, of course, they were soon released. You can not treat the reporter of a great newspaper like you would a striking coal miner!

In his first article in the New York News Limpus gives a summary of what he saw in Pennsylvania. He says, in part:

I have just returned from a visit to hell in Pennsylvania. I have seen horrible things there, things which I almost hesitate to enumerate and describe.

I can scarcely expect my story to be believed. I did not believe it myself when the situation was first outlined to me.

Then I went into the coal camps of western and central Pennsylvania and saw for myself.

For nearly a month Herbert J. McCrory, of the News staff, and I made the rounds of the strike-cursed towns. Many times it seemed impossible to think we were in modern, civilized America.

We saw thousands of women and children literally starving to death.

We found hundreds of destitute families living in crudely constructed, bare, board shacks. They had been evicted from their homes by the coal companies.

We unearthed a system of despotic tyranny reminiscent of Czar-ridden Siberia at its worst.

We found police brutality and industrial slavery.

We discovered the weirdest flock of injunctions that ever emanated from American temples of justice.

We unearthed evidence of terrorism and counterterrorism, of mob beatings, and near lynchings, of dishonesty, graft, and heartlessness.

MACHINE GUNS AND TEAR-GAS BOMBS READY

We located machine guns and tear-gas bombs prepared to back up the ready rifles that wait to crush any rebellion of hunger-crazed men, and near by we heard the children of those men, striking miners, crying for food in empty kitchens.

We interviewed strikers and prosperous coal company officials, magistrates and State police, priests and preachers, mine superintendents and company troopers, officials of organized labor, who are backing the strike to the limit, and the guarded strike breakers that work in the mines, sheriffs, deputies, merchants, and neutrals.

We were entertained, cajoled, persuaded, and browbeaten. We were threatened. We were praised. We were arrested, and we were released.

And we uncovered the truth.

The mine fields are a bubbling cauldron of trouble. If it boils over—and it threatens to do so—blood must flow freely and many lives pay the forfeit.

Regardless of who is right and who is wrong in the desperate strife between the operators and the 85,000 striking miners, the children constitute the tragedy of Pennsylvania to-day.

WHAT FANNIE HURST SAW

Fannie Hurst, one of the most eminent writers in America, also visited the coal fields. Here is a typical extract from a number of articles written by her:

It is less than two years since I returned from a tour of Russia, but in the brief survey of strike conditions in this city I can safely say that I have never beheld the equal of the scenes of human squalor, degradation, poverty, and misery that exist here on the outskirts of Pittsburgh. * * *

Regardless of who is right and who is wrong in the issues at stake, this uncivilized spectacle of families evicted from their homes and living like dogs among slops in kennels opposite the very thresholds of their vacant homes is wrong.

CHILDREN GO HUNGRY

Children are hungry and sore-eyed in these kennels. Mothers have not the milk for their wretched babies.

The civilization which countenances the wretchedness that exists along the hems of this fine city becomes a horror. * * *

This is Pittsburgh's fight This is America's fight. This is humanity's fight. Trade unionism, the right of man to organize and protect himself against man's inhumanity to man, is at stake.

Why, after two years and a half of an unspeakably degraded and degrading situation, is there no relief or end in sight? Why has there not been local or national intervention? Both sides say they would welcome it. Which side lies? Or do both? Or do neither? Why have the problems fundamental to this situation—overproduction, living wage, collective bargaining, interstate commerce, etc.—remained mere phrases—while Rome burns and Pittsburgh fiddles?

I shall have to hurry on, as I see my time is going quite rapidly, but I want to say to you this: I have not time to read it, but I have it here, and any of you men who are interested who will take the time to get a copy of the proceedings of the conference called by the American Federation of Labor in Pittsburgh on November 14, you will get there the story as it has never been told before and never will be told again.

ORGANIZED LABOR AROUSED

Let me say in explanation: When this strike was on and just preceding the convention of the American Federation of Labor held in Los Angeles last fall, the American Federation of Labor sent its trained investigators into the Pittsburgh coal fields, so that they might have the real facts to lay before the convention for such action as it might desire to take.

When these trained investigators made their report to the officials of the American Federation of Labor in convention at Los Angeles, the convention decided by a unanimous vote that the situation was too serious for them to pass judgment upon it at that time, with the result that they adjourned the convention and issued a call for a conference of all the officers of the international unions in the United States and Canada and of the State of Pennsylvania, so that they might canvass the situation and get the facts in relation to it.

That is the conference I speak of. At that time Mr. Philip Murray, vice president of the United Mine Workers of America and the official in direct charge of the strike in the coal fields of western Pennsylvania, made a statement with reference to the situation there. If you will get that statement and read it, it will give you all the information you desire. John Lewis, president of the United Mine Workers of America, made a similar statement, giving additional information to that given by Philip Murray, and, in addition, a former Governor of Pennsylvania, Hon. Gifford Pinchot, made a statement explaining the police powers of the State and sets forth their relation with reference to the industrial disputes that I am now speaking about. Those three statements tell the story as it has never been told before. They read as follows:

ADDRESS OF HON. GIFFORD PINCHOT

President Green, Mr. Lewis, gentlemen, I can not begin to say how much I appreciate what President Green was kind enough to say about me. If I came out of those four years at Harrisburg with the reputation of a square guy that is about all a man can hope for.

I have known Mr. Green for a great many years, and there are a great many among you here whom I have a right to class as my friends. Some of you I have fought side by side with in a good many fights. Phil Murray and John Lewis I fought with side by side in the last fight of the numerous fights in which I have been licked from time to time. That was in the fight for the senatorship. We were licked financially—financially, you hear me—morally we were not licked, and that is worth remembering; but I shall never cease to be grateful for the support the miners of Pennsylvania gave me then, and, more than that, because the miners of Pennsylvania in the east and in the west did what they said they were going to do and did it a hundred per cent. And I like that kind of thing.

I have a written speech—it is pretty tough on an audience to present a written speech, but I am no good at any other kind of speech, and I am not much good at this. I wrote it out because I think the questions you are going to deal with are as important as any questions that can be dealt with, and I feel very deeply about them. This is what I want to say:

The fundamental power of the State is the power to do justice. That power underlies every other. It is the power which gives the Commonwealth its reason and its right to live.

STATE MUST DO JUSTICE

The power to do justice is the duty to do justice. To do justice between man and man and between groups of men—justice to all alike, rich and poor, strong and weak, wise and ignorant, good and bad—justice without respect of persons, of position, of occupation, or of wealth.

Nowhere is the duty of the State to do justice more binding than in industrial disputes, for nowhere is human welfare and opportunity more directly at stake. To preserve the public peace, to protect both life and property, and to do it without fear or favor—that is to do justice when industrial conflicts are to the fore.

To do justice means that the State must neither harass capital nor bludgeon labor. To do either is to violate the basic principles of our Government. There has been little attempt by Government in the United States to harass employers in labor disputes, but there has been much bludgeoning of labor, and to bludgeon labor is little short of idiocy. I can think of no less likely way to get an American workingman back on his job.

The official or the administration which uses or winks at the use of the power of the State to coerce either labor or capital during an industrial dispute may think he is the friend of the side he favors, and so may the favored party. But they are both dead wrong. Justice is as much in the interest of the decent employer as it is of the decent employees, and injustice in the long run is fully as dangerous to the side that is unduly favored as it is to the side that is unfairly oppressed.

When the State exercises its powers with due consideration for justice and the lawful rights of all concerned, it keeps the door open to peace; but when it plays the part of the tyrant, it does what the tyrant has always done—it embitters those it brutalizes, turns peaceful contention into open warfare, prolongs the disputes it tries to foreclose, and produces the most valuable sort of ammunition for those who would pervert or pollute our national institutions.

VIOLENCE CAN BE PREVENTED

When both sides in an industrial dispute know that the State will give each a square deal, that neither will get more and neither less, that the State will smash and repress violence on one side as promptly as it will violence on the other side, that the State will not stand for transgression of the law no matter by whom, there is little, if any, danger of violence. Nine-tenths of the violence that occurs in strikes would be prevented by the mere exercise of courage and justice on the part of the men who have charge of the Government at the time.

During my four years at Harrisburg there were two strikes or suspensions in the anthracite region. In one of them the more than 150,000 anthracite miners were idle for more than five months in the longest suspension in the history of the hard-coal mines.

In the bituminous region of western Pennsylvania a very large percentage of the 300,000 soft coal miners were on strike almost continuously during the whole of my four years. These strikes in the bituminous field were caused by the failure of the operators to live up to the wage agreement made with the United Mine Workers at Jacksonville in 1923. They were accompanied by the most serious provocation, such as the eviction of men, women, and children, young and old, sick and well, from their homes in the dead of winter. Over this kind of outrage I had no legal power, but I checked some of it by vigorous public protests by name against the men and the companies who were guilty of it.

But neither in the anthracite nor in the bituminous field was there any serious public disturbance. There was scarcely the slightest disorder in either field during my four years which could not have occurred equally well if the mines had been working full time.

I do not know of any other four years in the history of Pennsylvania while strikes were going on when the State kept so scrupulously in the middle of the road, and when there was such complete freedom from riots and violence.

MINERS PEACEFUL AND LAW-ABIDING

For this there were three reasons. First, the miners and their leaders were essentially law abiding, and were not looking for trouble. It was the policy of the unions to avoid violence and preserve order.

Second, the miners knew they were getting a square deal from the State. They understood that the State had as much regard for human rights as it had for property rights.

Third, they were convinced, and so were the operators, that the State would instantly put down violence of any kind from either side, and would not allow itself to be made use of by either side.

Labor avoided violence because it had learned, not from hearsay but directly from me by word of mouth that I would stand for no violence. Capital ceased to employ its well-known methods of coercion in the coal fields because it had learned from me that I would not stand for violence. My business was to maintain the peace against any one who undertook to break it, capital or labor, gunmen or miners. I proposed to see that justice was done and that peace was maintained, and both sides knew it.

In strikes and suspensions in the mines before my time, the State took the side of the employer as a matter of course. It gave the employer the whole police power of the State to use in substantially any way he chose to use it. At his request it commissioned as special police officers, authorized to exercise the police power of the State, any men the employer chose to name, including in countless cases thugs and gunmen of the most depraved and despicable type.

COAL AND IRON POLICE INCITE VIOLENCE

These men were not protectors of peace but inciters to violence, for their interest was to bring about disorders in order to prolong their own employment. Consequently, they used violence to provoke violence so that they might be needed to repress it.

Then, after disturbances thus provoked took place, the Commonwealth sent the State police or the State militia to finish the job.

I do not say that the miners were always free from blame, but I do say they often had great provocation. I do not say that every operator was guilty, but I do say that many of them used men and methods that were both brutal and outside the law.

One of the pledges upon which I was elected was to give every man, woman, and child in Pennsylvania a Roosevelt square deal. In any strike that meant that I must keep the Commonwealth squarely on the side of peace and justice, and on no other side whatsoever.

Less than two weeks after I became governor I took the first step toward peace and justice in the coal fields by issuing an order to break up the current practice of commissioning criminals and other professional makers of trouble as coal and iron police.

On January 28, 1923, I issued a statement in which I said:

"Commissions as special policemen for corporation issued by the (previous) governor in the last two years number 5,800 * * * So far as I can ascertain, no investigation of any sort has ever been made into the character of any of these men by the State of Pennsylvania before intrusting them with the police powers of the Commonwealth.

* * * * * * *

"* * * (They have) not only been appointed without any effort to determine their fitness, but once appointed they are wholly without supervision by State authorities. * * *

"Hereafter no special policeman will be appointed, except in the event of some great emergency, until he has filled out satisfactorily a form giving full information concerning himself, and until his capability, reliability, and reputation for sobriety and peaceableness, as the law specifies, have been certified under oath by two reputable citizens of the Commonwealth who have themselves been Pennsylvanians for at least three years. * * *"

I intended to see to it, and I think it is fair to say I did see to it, that no more gunmen from New York and other places would be imported into Pennsylvania to make trouble here.

TWO-THIRDS GUNMEN

We began the elimination of the crooks and gunmen among the coal and iron police, and the application of the law's requirements to new applicants at once. We cleaned out two-thirds of them. Instead of the 5,800 promiscuous and largely criminal characters that held commissions as private policemen from my predecessor when I went into office, there were 2,000 reasonably decent officers when I left, and the State had made a thorough investigation of every one of them.

Some of the coal companies changed their attitudes and began sending in only the names of good men. These companies approved of and cooperated fully with the new position of the State. Other companies continued their effort to get commissions for plug-uglies and thugs—and did not get them.

Before I came into office these coal and iron policemen not only were given their commissions without investigation but they did their work without supervision from the State whose power they exercised. I put an end to that by appointing a State police officer whose courage and even-handed sense of justice had won him the confidence, both of the labor unions and of the better class of employers.

In a statement on December 6, 1923, I said:

"* * * Sergeant Freeman's duty will be to keep in close touch with the activities of private policemen, see that objectionable characters are weeded out from the force, or refused appointments, and that the abuses which have in the past been committed by private policemen are not hereafter repeated. * * *"

This marked the end of the worst of our troubles with the coal and iron police. What tendency to violence remained promptly disappeared, but until the very end of my term we continued to uncover a few cases of dishonesty among private policemen, some of whom had been stealing from their employers for years. They had been given the power to arrest and all the rest of it, but we put an end to that. Getting the private policemen cleaned up was a matter of not a little difficulty and importance, for there were twenty times as many of them as there were of the State police.

The State police themselves, to whose selection and training the State had given as great attention as it gave little to that of the special policemen before I came into office, were given the strictest orders to stay within their proper sphere of keeping the peace. They must not be for either side in any labor dispute, but only for the peace and dignity of the State. They took just that position and they handled themselves with a degree of impartial justice which won them the respect and confidence of operators and miners alike during my four years.

I have read with the deepest sorrow and indignation the account of the beating of men and women by police officers at Cheswick, near Pittsburgh, on August 22 of this year. Nothing like that happened during my time, for nothing like that would have been tolerated for one moment, and everybody knew it. The police reflect the will of the administration.

POLICE SHOULD NOT BE STRIKE BREAKERS

In spite of the vicious custom which has grown up in Pennsylvania, at the very outset of my term I made it clear that I would not stand for the use of the State police as strike breakers. From beginning to end of my four years I believe it is fair to say that the State police held the balance even in every labor dispute in which they were concerned. I had as many requests from labor to put or keep State police in neighborhoods where strikes were going on as from capital, and practically none from either side to take them out.

One fruitful source of trouble in the bituminous region I was not able, for lack of authority, entirely to control. That was the appointment of sheriffs of men hired by the companies to be deputy sheriffs in the strike areas. These hired deputies often or always found it to their advantage to promote disorder and prolong the strike. Furthermore, the most important, case after case came to my attention where sheriffs were paid by the coal companies so much per day for every man deputized by them at the companies' request.

These men were often fully as undesirable characters as those whom I had thrown off the list of State commissioned private policemen, but the mere knowledge that the administration meant what it said about preserving the peace, and would stand for no violence on their part, made them peaceable to a point that was unknown before.

In all this I did nothing but my obvious duty, and no man deserves much credit for that. I gave labor nothing to which it was not entitled and refused to capital nothing that it ought to have had.

But labor had had so much less than its due from the State, and capital so much more than its right, that my position was new and strange. I got much praise from organized labor and much blame from organized capital, when I deserved neither the one nor the other. I simply did the square and decent thing.

This meeting is a protest against the control of government by money for the sake of making more money. It is a protest against putting the dollar above the man and the woman and the child. It is a part of that great struggle which we face to-day in the United States as we never have faced it before in my time—the struggle to restore this Government to the ideals of the Constitution, to make it again what it is in theory but no longer in fact, a government of laws and not of influence, of honest votes and not of crooked money, of both human rights and property rights, and not of property rights alone, a government not of a ruling class, but of all the people.

The following speech was made to the conference by Phil Murray, who has been the field general of the United Mine Workers in this great fight for existence.

ADDRESS OF PHILIP MURRAY, INTERNATIONAL VICE PRESIDENT, UNITED MINE WORKERS OF AMERICA

Mr. President, distinguished guests, fellow trade unionists, at the outset I desire to express to the national and international organizations, the central trades bodies and the State Federation of Labor, as well as to the executive council of the American Federation of Labor, the appreciation of the United Mine Workers of America for your coming here this afternoon to give special consideration to the mining situation. I know that before you leave you will devise some definite policy having for its ultimate purpose something that will be of material benefit to the United Mine Workers of America and to the labor movement generally.

The story which I am about to tell you is an unusual one, in that it had its inception some 28 months ago with a powerful coal corporation abrogating the provisions and conditions of a contract made between the representatives of that coal corporation and the representatives of the United Mine Workers of America. This contract was negotiated in the city of Jacksonville, Fla., in the month of February, 1924, between the bituminous coal operators of the States of Illinois, Indiana, Ohio, and western Pennsylvania, and the United Mine Workers of America from the same territories.

Assisting in the making of that agreement we found, not only the representatives of the coal operators and the mine workers, but we also found substantial representatives of the Government of the United States, who, in the interest of the Nation, in the interest of the welfare of the people and to prevent the possibility of an industrial catastrophe, sought to bring about a wage agreement that would guarantee a continuity of production and assist in the stabilization of the bituminous mining industry.

A no less distinguished gentleman than Mr. Hoover, Secretary of the Department of Commerce, and Mr. James J. Davis, Secretary of the Department of Labor, loaned their high offices in behalf of the Government in an effort to compose the differences of the mine workers and the operators at that time and prevent a strike of magnitude. So when the Pittsburgh Coal Co. abrogated its contract with the United Mine Workers of America on August 10, 1925, they not only repudiated an agreement made with their own employees and our organization, but they also deliberately and maliciously slapped the Government of the United States in the face, in that they violated the promise they had made to the people of the United States when they signed that agreement to abide by its terms and provisions until March 31, 1927.

PITTSBURGH COAL CO. LEADS

Beginning on the 10th day of August, 1925, this Pittsburgh Coal Co., which employed approximately 19,000 coal miners in western Pennsylvania, had notices posted at the mines to the effect that from that date they expected to cut the wages 33⅓ per cent. They invited their employees to return to work—they were all members of the United Mine Workers of America—and asked them to join in a conspiracy to defeat the aims of an agreement which had been made between the representatives of both associations.

The members of the United Mine Workers of America refused to join the conspiracy, contending that their organization had an agreement, that it had been the fundamental policy of the mine workers' organization to at all times adhere strictly to the provisions of a trade agreement, and they would not join in a conspiracy to violate this agreement. The Pittsburgh Coal Co. thereupon imported from States south of the Ohio River, namely, Alabama, Kentucky, Tennessee, Virginia, and elsewhere a large number of men to take the places of the union mine workers who had refused to accept a wage reduction.

To house these strike breakers they were importing into the mine fields of western Pennsylvania the Pittsburgh Coal Co. determined to prosecute a policy of wholesale evictions. As a result, within a period of six months they succeeded in evicting every former employee of that corporation who was a member of our organization. Following that action the Pittsburgh Coal Co. and the Bethlehem Mines Corporation, officered as it is by Mr. Schwab, abrogated its contract with the United Mine Workers of America, set the mine workers out in the street, imported strike breakers from almost every section of the United States, and proceeded with this unholy crusade to deflate wages and destroy the principle of collective bargaining. The work of strike breaking on the part of these two companies has continued for a period of approximately 28 months. Up to date, according to the best figures obtainable, there have been no desertions from the ranks of our organization among the former employees of these two organizations, so the mines that are conducting their crusade are manned by strangers imported from other States.

TYPE OF STRIKE BREAKERS

Who are those strangers? What type of men have been imported into the mining fields? Are they skilled miners? Does their productivity compare with that of the miners there formerly? Statistics show that the average productivity of those men is about 50 per cent efficient; that is, each strike breaker can produce approximately one-half as much coal as a union man formerly employed in those mines. The records which we have in our office, and which have been made public from time to time by the corporations, prove that statement.

Approximately 85 per cent of all the strike breakers who have been imported into the mining fields of western Pennsylvania are colored men without any previous experience in mining. They are of the lowest possible type, in that they have no particular aspirations; they are of the floating population who have no desire to improve themselves, their wives and families, the State or the Nation. They do not contribute in any way to the welfare of the Nation.

The record these strike breakers have made can be found—I speak of this with particular reference to the criminal record—in the office of the coroner of Allegheny County, Washington County, Westmoreland County, and Fayette County, and it will show that since the beginning of this strike-breaking campaign in the Pittsburgh district there have been approximately 85 murders committed in the mining camps among the strike breakers themselves.

No longer ago than last Friday two strike breakers were engaged in some kind of a game of chance in a den of iniquity at Red Hill, on the outskirts of this city, and as a result of a quarrel one took an ax and hit the other square in the face with it, scattering his brains on the floor. I could catalogue a large number of such murders that have been committed in the mining camps of western Pennsylvania by strike breakers and coal and iron police since the beginning of the present strike.

On the other hand, as to the observance of the law and respect for constituted authority, the United Mine Workers of America has made what it feels is a commendable record. In our communities we have maintained an observance and a respect for the constituted authorities that has won for us the commendation of the people who live in and around these mining communities. Our people have been persecuted; they have been browbeaten and bludgeoned by an army of coal and iron policemen, deputy sheriffs, recruited by these coal companies in numbers even exceeding the amount Governor Pinchot referred to as the number employed in the manufacturing industries and around the coal mines prior to his assuming the office of governor.

PROFESSIONAL THUGS EMPLOYED

There is no one here who is able to estimate the actual number of professional gunmen who are manning the properties of these coal corporations in western Pennsylvania. It is a safe and I believe a very conservative estimate to say there are at least 3,000 professional gunmen manning the coal mines in western Pennsylvania to-day. I have here a list of 218 affidavits in my hand, just collected recently. They were not collected through all the period of the strike, which has lasted 28 months, but in the last few weeks, each detailing some kind of atrocity that has been committed by a coal and iron policeman, a deputy sheriff, or a State policeman employed by some coal corporation in Western Pennsylvania. Here is one:

Last Thursday two members of the United Mine Workers' organization who never were arrested in their lives, who had never violated a law, were walking from their homes to the post office in a little mining town on the outskirts of Pittsburgh. They were accosted by five coal and iron policemen, and without any provocation taken to the barracks of the coal and iron policemen, beaten on their ribs, their stomachs, their faces, and their heads with the butt of a high-powered rifle. Then they were dragged to the county jail, taken before a magistrate, who is subsidized by the coal corporations, charged with disorderly conduct and a few other things, then held in $1,500 bail for offenses never committed.

I have a picture of one of them in my hand. His face is beaten beyond recognition. He lost all of his teeth and there is a cavity in the top of his head. His ribs are crushed. He is now at his home, and Dr. Paul Franklin, a reputable physician, says it is questionable whether he will live or not. This is only one out of the 218 cases we have the records of here, and there are thousands of others in our possession.

Here is a gentleman who, only 10 days ago, was clubbed over the head with an ax in the hands of a deputy sheriff. A friend rushed t(

his assistance. The friend was almost naked; he rushed out of his house in his bare feet. The coal and iron policemen and deputy sheriffs picked both of them up, took them away, and their friends were unable to find them for three days.

CHILDREN ASSAULTED

I hold in my hand the picture of four boys, the oldest 10 years of age. They are the sons of miners who are on strike. These boys were arrested at the Cloverdale Mine, 4 miles out of Pittsburgh, for inciting to riot and disorderly conduct, and haled before a local magistrate. Talk about a travesty on justice!

I understand it is the purpose of this conference to investigate and look into the evidence which we are submitting here this afternoon. The conference can have these 218 affidavits, and if you decide to have the matter brought to the attention of the authorities or the Governor of our Commonwealth, the affidavits are at your disposal.

To-day in western Pennsylvania we have approximately 8,000 eviction cases pending; that is, we anticipate that some 8,000 families will be dispossessed of their homes in the mining camps of western Pennsylvania within the next six weeks. We are not at liberty to take advantage of the courts in an effort to test the validity of these company leases, for the reason that we have a Federal restraining order here, an injunction, and the court in its wisdom has decreed that no surety company can put up any bonds to protect any of the miners who occupy those houses, nor can our organization use its treasury to defend the occupants of those company houses in the courts of Pennsylvania. All that is necessary under the circumstances is for a coal company to issue a formal notice to one of the miners occupying one of its houses, notifying him to vacate, and if he does not leave within the specified time it is incumbent upon the sheriff of the county to throw his furniture out into the street.

Within the last three weeks the United Mine Workers of America has housed 1,500 families in the Pittsburgh district. We have built emergency houses, called barracks, for 800 of those families and provided shelter of different kinds for the remainder. There is a total of 45,000 mine workers in the Pittsburgh district affected directly by this strike. According to the figures which we have collected, there are 28,000 families in the district, a majority of whom will be affected by this eviction process.

Since the beginning of the strike in this district there have been 175,000 strike breakers imported into the mining communities of western Pennsylvania. If any of you men representing national and international unions will stay in the city over to-morrow I would like to have you visit Grant Street before you go, and Market Street, the headquarters of the Pittsburgh Coal Co., and the Wabash Building, headquarters of the Pittsburgh Terminal Co. If you do you will see a stream of strangers, coming from God knows where, being taken by runners to busses and trains to ship out to the mines to work as strike breakers.

You might ask if we have protested this abuse of the police powers in Pennsylvania. Shortly after April 1, as a result of an attack that was made upon our people by several State policemen at Bridgeville, a small community on the outskirts of this city, I went to Harrisburg and called upon the governor, acquainted him with the facts, and asked him for an impartial investigation. He told me he would detail certain special representatives of the Commonwealth to make a speedy investigation of the matter.

"MOCK" INVESTIGATIONS

As a result of my request, Captain Mock, of the State police, was delegated to make an investigation, to look into the conduct of his own fellow policemen. He visited Bridgeville, visited our district headquarters, made what he intended to be or what he called an investigation, and later submitted his report to the governor. The report was framed in language designed to defeat the aims of the United Mine Workers of America. It condemned the mine workers and their union and substantially blamed them for that affair.

I went to Bridgeville myself and called upon the business men, the doctors, the lawyers, and the churchmen. I asked them if they had attended this meeting of the mine workers' organization on April 1, when it was alleged the State policemen had ridden their horses through the crowds and trampled on women and children. They said they were there, and each of them gave an affidavit condemning the State policemen and upholding the mine workers' organization. They stated that none of our members had committed any violence at the meeting that day. Yet the governor accepted the report of Captain Mock and closed the incident. He never communicated with me at all.

State policemen are manning every strike-breaking mine in western Pennsylvania, and the same is true of central Pennsylvania. Many of them live in company houses and ride around in the automobiles of the superintendents. They ride their horses among women and children; they arrest people and hale them before local magistrates, testify against them, and do everything that is done by strike breakers to hamper the mine workers' organization.

SHERIFFS PROSTITUTE OFFICES

Sheriffs of the four counties comprising our jurisdiction in western Pennsylvania and the sheriffs of the mining counties in central Pennsylvania, shortly after April 1, issued proclamations prohibiting more than three miners from congregating at any place in any of these counties. We violated these sheriffs' proclamations and held our meetings; and then the coal companies asked for deputy sheriffs to enforce these proclamations. They recommended to the sheriffs the individuals they wanted appointed; they got their own men; and as a result hundreds of deputy sheriffs are also stationed at the mining camps of central and western Pennsylvania.

Each deputy sheriff is paid by the coal company. It is my understanding that each of these sheriffs receives a commission from the coal companies for giving them the services of the deputies, the commission amounting to from $3 to $5. These deputy sheriffs are not sympathetic; as a matter of fact, they carry out the instructions of the superintendents of the mines and the policies of the companies. They do all the coal and iron policemen do and what many of the State policemen do.

You might ask: "What do the local authorities do about this? You have local policemen in those municipalities who are elected by the taxpayers. They are the regular peace officers." The coal operators of central and western Pennsylvania pay no attention to the peace officers; they ignore them, and see to it at all times that the work of maintaining the peace of the communities, as the coal companies see it, is carried out by State policemen, deputy sheriffs, and coal and iron policemen. You can appreciate from this the tremendous handicap the mine workers' organization has to overcome.

What virtue is there in the position the United Mine Workers have taken with regard to wages? Is there anything the public is not acquainted with as to the wages for which the mine workers are struggling? The mine workers of central and western Pennsylvania and West Virginia are fighting for a maximum wage of $7.50 a day for skilled men inside the mine, mechanics, the highest paid men in and around the mine. The disorganized condition of the industry enables them to get work to do approximately 160 days in the year. Multiply that by $7.50 and it amounts to a total gross earning of $1,200 a year. There isn't anything unreasonable in a demand coming from a man who works in a coal mine for a wage that will enable him to make $1,200 a year.

The representatives of the mine workers' organization, in an effort to compose the difference existing between the coal operators and the members of our union, have sought from time to time to set up what we believe to be constructive cooperating agencies, having for their ultimate purpose the stabilization of the mining industry of this country; but evidently the only solution the coal operators see lies in the direction of wage degradation and a lowering of our living standards.

OPERATORS WILL NOT NEGOTIATE

The strike which took place the 1st of April this year came about as a result of the unwillingness of the bituminous operators of the country to even negotiate, to even discuss from the standpoint of logic and reason the relative positions of both parties. The operators contended at the beginning of the conference that they must be given a wage reduction, and at the end of the conference they were still contending for that wage reduction, giving no consideration to constructive agencies that would have for their purpose a stabilization of the industry, that would guarantee our people a reasonable wage with greater continuity of employment.

That situation—and I speak now with particular reference to the Miami conference—brought about a suspension in Ohio and Pennsylvania, and included many companies that were formerly respecting the terms of their agreements with the United Mine Workers of America. Among the companies in western Pennsylvania whose mines closed down on April 1, and who have since been employing strike breakers, is the Pittsburgh Terminal Coal Co. Beginning the 15th of April this company started importing strike breakers.

They posted notices and gave interviews to the newspapers, advising the public through the medium of the press, that it was their purpose to give their employees a small reduction, with a guaranty of steady employment and that no further reductions would take place. As a result of this the company was able to induce a large number of union men from other States to come in as strike breakers. Shortly after April 15 the first wage reduction was put into effect, and the company went into the Federal courts of the State and sought what we know as the Terminal Coal Co. injunction. They succeeded in having this Federal court assume jurisdiction and set up Federal regulations governing the conduct of the mine workers engaged in this strike.

How serious and important the issuance of this injunction is to the labor movement generally can best be explained in this way: The mine workers' counsel contended that the Federal court was without jurisdiction, for the reason that no evidence was offered to show that members of the United Mine Workers of America, or the organization itself, had ever interfered with the shipment of coal after it had been mined, or had interfered with the consumption or sale of the commodity after it was shipped.

We sought to impress the court that there was no violation on the part of the mine workers' organization of any Federal statute, for the reason that we believed that before the Federal court could assume jurisdiction in a case such as ours there must be shown an intent on the part of

the mine workers' organization to commit, or the commission of, some act which had either interfered with the shipment of coal after it had been mined or its consumption after it had been shipped.

THE INJUNCTIONS APPEAR

However, Judge Schoonmaker assumed jurisdiction and then ruled that in the case of evictions, wherein the company was demanding the return of its houses, that the United Mine Workers of America could not after that date give any more assistance to the occupants of those houses in securing appeals to the superior court of Pennsylvania for the purpose of testing the validity of those leases. That is the extent to which the Federal court went to curb what we believe to be legitimate activities of the people engaged in that strike.

I have sought to show you in my own way that this fight through which the United Mine Workers of America is passing in the State of Pennsylvania is not an ordinary fight between any manufacturer and a labor organization, or between a coal company and the United Mine Workers of America. I have sought to prove that in addition to it being an industrial war between the United Mine Workers of America and these coal companies there is also what appears to be a damnable conspiracy on the part of certain politicians in Pennsylvania, cooperating with strike-breaking agencies, to crush the United Mine Workers of America in this State.

Every agency at the command of the sheriffs and the governor has been put to work to cooperate with the coal companies in their attempt to destroy our union. It is my judgment that consideration of this situation should be given before this conference, and the relations which evidently exist between the politicians who control the destinies of the people of the State and the coal companies who are strike breaking in Pennsylvania. I believe there is a conspiracy between these agencies, and I believe there are other conspiracies afoot that have for their purpose the defeating of the mine workers' organization.

We have in Pittsburgh a gentleman who has been negotiating with the United Mine Workers of America for a period of approximately 37 years, John H. Jones, of the Bertha Consuming Co., who owns a corporation that produced three and one-half million tons of coal a year. Six hundred thousand tons of this amount, according to his statement, are sold annually to the General Motors Co.

THE RULE AND RUIN POLICY

John H. Jones called the officers of the mine workers to his office one day in June and said: "I am prepared to sign the Jacksonville agreement with you boys; I can pay the wages provided in that agreement. I would like to open my mines up and go ahead and pay that wage, because I believe in harmonious relations between employer and employees. Yesterday I was told by the purchasing agent of the General Motors Co. that I can not sign the contract on any basis at all, and that I must conform myself to the policies of the Pittsburgh Coal Co. or they propose to ruin me."

Bankers in the city of Philadelphia, who hold the paper of the Bertha Consuming Co., advised Mr. Jones over the telephone the day I was there that they understood he was going to sign the contract, and that banking company forbade him to do so under penalty of surrendering his company to the banks that hold his paper.

Mr. Gilmore operates a small mine that employs 400 men. It has a daily output of 2,300 tons. He came to the office of the United Mine Workers of America a short time ago and said: "I have a sufficient amount of business at my disposal now to sell coal in the city of Youngstown, Ohio, at a contract price of $6 a ton delivered, and I can pay your wage agreement, but my mine is located on the Montour Railroad, which is owned by the Pittsburgh Coal Co.; the policies of the Pittsburgh Coal Co. are dominated and controlled, directly or indirectly, by the Mellon banking interests, of Pittsburgh, and they have told me that if I recognize your union and pay the wage I am ready to pay they will ruin me."

That is only part of the evidence, only some of the confessions that have been made by independent operators in the Pittsburgh district to officers of the mine workers' organization within a few weeks. Now, what is the Bertha Consuming Co. and the Gilmore Co. doing? They have strike breakers, they are evicting men from their homes, they have gunmen around their properties, and they tell the officers of the mine workers' organization that they were told to do it at the peril of having their properties taken away from them by this powerful group in Pittsburgh who are concentrating their efforts on destroying the United Mine Workers of America.

THE DISPOSSESSED ARMY

In the State of Pennsylvania we have 85,000 striking miners; we have 320,000 dependents, or a number approximating 400,000 people, who are being persecuted by those interests combining their influence for the purpose of defeating the aims of the common people. The time is here when we should focus our attention in a national way in the situation in this district. I feel that your decision in this matter and what you do after the meeting is over will do more good in the end to solve this problem of the mining industry than any other single thing I know of.

It has necessitated, of course, the expenditure of enormous sums of money to conduct this campaign in behalf of our people in the State of Pennsylvania. I am quite sure that you will give frank, free, and generous consideration of that phase of the situation. I am hopeful that you may direct your attention to the political phases of it in order that the government of our Commonwealth at least and other people who are connected in a high way in the affairs of our National Government may have it also brought to their attention in a way that will influence the situation sufficiently to warrant a square deal being meted out to the mine workers of the State of Pennsylvania.

The 405,000 members and dependents of our organization have their eyes focused upon this meeting to-day; they are living in the hope that out of this meeting there will come some action that will prevent a continuation of this crusade that is being conducted against the rights of the people by those combinations of wealth and politics in the State of Pennsylvania.

I could dwell at greater length upon the situation. I could give in detail countless numbers of incidents that have occurred during the progress of the strike, but that, it seems, would be superfluous. However, before closing I think I ought to say this to you so that you may have it indelibly impressed upon your minds. The Pennsylvania Railroad Co. is one of the largest consumers of bituminous coal in the Nation. As a matter of fact, the combined consumption of all the railroads in the United States represents approximately 33⅓ per cent of the total production of the Nation.

With this enormous purchasing power the railroads have evidently combined with large public-utilities companies, directed, as I hold, by no less a genius than Mr. Atterbury, president of the Pennsylvania Railroad Co., to depress the price of coal to the lowest possible point, no matter what it may cost the men who mine the coal or the women and children dependent upon the men who mine it.

THE RAILROAD INFLUENCE

This program of the railroads, led by the Pennsylvania Railroad, has resulted in the purchasing agents coming to the independent commercial producers in cities like Pittsburgh, where they are operating under a contract with the mine workers' organization, and saying that, beginning with the month of December, they will supply coal to the Pennsylvania Railroad for $1.60, and they can make their wage scale accordingly.

The coal companies, lacking initiative, lacking organization, lacking a desire to remedy their own condition, surrender abjectly to the orders of the railroads and the large utilities corporations. They post notice that at a certain date reductions will be introduced to correspond to the reduction in their prices. The question of the wage, whether you have a contract or not, whether you have a trade agreement or not, according to the philosophy of the Pittsburgh Coal Co., the Bethlehem Mines Corporation, and others, is not one to be regulated by either an economic fact or the use of collective reason in the making of a trade agreement, but it is one that must be regulated by the influences of those large purchasers of bituminous coal in the United States, and particularly the influence of the Pennsylvania Railroad Co.

COMBINATION TO DEPRESS COAL PRICES

Our contracts, which were originally repudiated in the Pittsburgh district, came about as a result of the railroads combining to depress coal prices, going to the heads of concerns like the Pittsburgh Coal Co., saying they were going to cut prices, and the Pittsburgh Coal Co., rather than contend with the railroad company, reduced the wages of the miners. Our fight, whatever it may be, must be directed against these large consumers in the hope that the development of a healthy public sentiment might contribute something toward a healthy solution of that particular phase of the problem.

I hope before you leave the city you will take advantage of the opportunity to visit some of the mining towns in western Pennsylvania. Many of the mines are but a short distance from this city. I wish you could go to Russellville and see the colony that was built in 10 days to house 210 families. I wish you could go there and interview the men and women who live in those little homes built for them by the United Mine Workers of America and find out what they think of the strike and what their reaction to it is. If you do that you will have a greater appreciation of what the strike really means than you will through any description I can give you.

I hope you can go to Mine No. 3, Castle Shannon, and see the army of coal and iron police that are manning the property and the deputies that are patroling the street. Go to No. 4 and see the element that has been imported in there to take up the work left by the union mine workers. There are thousands of colored workers in the mines in the Pittsburgh district to-day who learned coal mining in the convict mines of Alabama and Tennessee. They never knew what it was to mine coal and make wages at it.

Go to the camps and talk to the men and women who belong to the mine workers' union and get their story of the element that has been shipped into the camps. Ask them the experience they have been required to undergo at the hands of the coal and iron police, the State police, and the deputy sheriffs. They will not only confirm, but they

will add to what I have told you concerning the atrocities that have been perpetrated upon our people.

In closing, in behalf of our organization, I will express to you the appreciation of the mine workers for anything you may be able to do that will be of assistance to the United Mine Workers of America.

John L. Lewis, president of the United Mine Workers, added his story of the conflict:

ADDRESS OF JOHN L. LEWIS, INTERNATIONAL PRESIDENT UNITED MINE WORKERS OF AMERICA

Mr. Chairman, members of the conference, there is little that might be said to supplement that marvelous human recital of conditions in this territory that has been given you by Vice President Murray. During all these long, weary months of industrial conflict in this region and contiguous territory he has, day after day and night after night, been visualizing the scenes he has described to you. He has only been prevented by lack of time from reciting to you the most harrowing tales of the human injustice and brutalities that have been visited upon the heads of numbers of men whose only crime is seeking to maintain their standard of living and their place as American citizens.

It is a great human paradox that those least able to care for children have the most to care for. As I stand here to-night I voice the expression and the hopes of 150,000 mine workers who are in the industrial trenches of this great coal-producing region, consisting of western Pennsylvania, the great coal-producing counties of central Pennsylvania, 12½ coal-producing counties of northern West Virginia, and all the great coal regions of the State of Ohio.

In these four districts we have 150,000 men who are systematically being crushed by the oppressive heel of American organized capital. And dependent upon these 150,000 men are 600,000 women and children, making a gigantic army of 750,000 souls who have no hope of life and no protection for the future except that which might be accorded to them by the United Mine Workers of America. Many of them have been on strike for a long period of time, and as the months go by their human necessities increase. Their savings have been exhausted, the individual credit has been overtaxed, their clothes are becoming worn out, and they are being evicted from their homes.

APPALLING LIVING CONDITIONS

These people are living under conditions which would astonish the citizenship of our great land were the facts only known in a manner that would cause the men and women of our country to see and to think. Thousands of them are being evicted from their homes. What are those homes? They are those characteristic coal-mine houses, the sight of which is familiar to many of you. Poorly constructed, offensive in design, covered oftentimes with a crude coat of red paint, inexpensive in construction, but in which many of these people have lived throughout their normal lifetime.

We have had people in the Pittsburgh district who lived in company houses as long as 28 years, whose children were born there, whose children were married from those homes, and they expected to spend their old age in the protection of those domiciles. But they have been ejected by the brutal arm of these coal companies without any consideration whatever because they refused, in the first instance, to become a party to breaking a wage agreement, and, in the second instance, because they refused to accept a lower wage and desert their trade-union organization.

To-day they live in mere shacks, a mere shelter from the weather erected by the United Mine Workers of America upon a piece of land leased, perhaps hard by, and daily they see their former homes occupied by the negro strike breakers from the cotton fields and the convict mines of the South and going into the mines to take their occupation. Can you imagine their feelings? And can you imagine the sacrifice they are making in order to remain loyal to their ideals?

We are furnishing them food, we are furnishing them clothing such as we may, we are furnishing them water, coal, medicine, and doctors. We care for them when they are born, we are providing their children in a small way with books in those places where books are not furnished, and we bury them when they die. The United Mine Workers of America is making that contribution, not alone to itself, not alone to its own members and its own people, but it is making that contribution to uphold the trade-union movement and to the citizenship of this country. These industrial heroes are fighting, not alone their own fight, but your fight and mine and all others whose lot is to earn their bread by the sweat of their brow.

THE FAR-REACHING CONSPIRACY

There is, as has been said by my distinguished colleague, a gigantic conspiracy upon the part of great combinations of American finance and capital to break the resistence of the mine workers' union in the coal industry. And, be it said, the people who are doing that recognize that when they accomplish what they have set out to do they will have taken a long stride forward and made a great step in advance in accomplishing the weakening of the entire labor movement of our land.

The Pennsylvania Railroad is one of the prime movers in that proposition; the Baltimore & Ohio Railroad, serving this great eastern area, is likewise a participant in that great scheme. The New York Central Railway system has joined in recent months with those other combinations, and to-day they are all allied together in this great movement to uproot from these mining districts every vestige of our organization and remove for all time any interference with what they conceive to be their inherent right to raise or depress their wage schedules at will.

THE FREIGHT-RATE STRUCTURE INVOLVED

The freight-rate structure of American railways, which is a charge levied upon the consuming public, was predicated upon a fuel cost to the railroads of $2.25 per ton. Notwithstanding that fact, and notwithstanding the fact that the class A railroads of our country to-day are in a more prosperous condition than has been the case for a long period of time, we find these great combinations joining with the banking interests of Pennsylvania and adjoining States to secure the locomotive fuel which they use in such volume at a lesser and a lesser price.

The Pennsylvania Railroad in the State of Indiana, even since the settlement in midwestern fields, has served notice upon the producers who formerly served its requirements that it will not pay more than $1.75 per ton, and if they expect accommodation from the Pennsylvania Railroad they must accommodate their wage scale to that fixed charge.

In northern West Virginia and central Pennsylvania the railroads are buying coal for as low as $1.60 and in some instances as low as $1.40 a ton. The New York Central in recent months has been granting increases to certain classes of employees, and, on the other hand, has been undertaking a strike-breaking policy in its mines in this State. And thereby hangs a tale.

GOVERNOR FISHER A "PARTY AT INTEREST"

May I ask if President Marks, of district No. 2, is in the hall?

President MARKS. I am.

President LEWIS. Has the Clearfield Bituminous Coal Corporation undertaken to reduce wages and employ strike breakers and attempted to evict our people?

President MARKS. Yes.

President LEWIS. And employ coal and iron police and State policemen and deputy sheriffs?

President MARKS. Yes.

President LEWIS. You know the Clearfield Bituminous Coal Corporation is owned by the New York Central and that the Governor of Pennsylvania is a director of the Clearfield Bituminous Coal Corporation?

President MARKS. My understanding is that he is their attorney also and a member of the board of directors.

President LEWIS. That will clear some of the political equations in the minds of some of you men.

President MARKS. I have here copies of injunctions that have been issued to them.

President LEWIS. May I ask if the Pennsylvania Coal & Coke Co. is doing the same thing?

President MARKS. Yes.

President LEWIS. And you know that they lease their lands from subsidiaries of the New York Central?

President MARKS. Yes.

POLICE RAN AMUCK

President LEWIS. That simply shows the degree to which this conspiracy goes, and gives a possible motive why the Governor of Pennsylvania has permitted his State police and the coal and iron police and the deputy sheriffs of this State to run amuck in the coal fields perpetrating the things which have been revealed to you here.

In view of these conditions, and in view of the revelations made by Vice President Murray as to conditions existing, the mine workers may well call upon organized labor of America to join with them in protesting against these injustices and help to awaken, as this meeting is doing here to-day, the eyes of thoughtful citizens throughout the length and breadth of the land to the necessity of giving a square deal to the men who work in the mines.

The former governor of this Commonwealth, the Hon. Gifford Pinchot, has rendered a great service here to-day in showing this audience and in showing the citizens of this State the manner in which the police powers of the State could be exercised in a fair manner, and the manner in which it was exercised under the administration of an honorable and honest man.

STATE AUTHORITIES SHOULD BE CALLED TO ACCOUNT

The prominent political interests in Pennsylvania who are responsible for the election to the highest office in this State of the attorney, vice president, and director of one of these strike-breaking coal companies, and the political powers in Washington who constantly give comfort and counsel to these same interests should be compelled to assume their proper responsibility for the continuance of such a policy and by this means of making known the facts here to-day to the citizenship of our country may come a great moral influence for improvement and betterment.

The story told here to-day should carry conviction into the mind of every man; it should reveal a degree of human effort, human sacrifice that is being made by these tens of thousands of men who are in the

mining camps of this area to-day. They are placing upon the altar of trade-unionism everything that they hold dear to themselves; they are exhausting their personal resources; they are exposing their breasts to the clubs of their oppressors, and they are carrying on, as they will continue to carry on, with a determination not to yield to injustice and not to surrender and pull down the banners of trade-unionism in our land. And in doing this they are looking forward to being upheld and morally sustained by the great army of organized labor throughout the land who sympathize with them in every way.

The hour is late, and I will not detain you. I want to express the appreciation of not only myself and my fellow officers in the United Mine Workers of America, but I want to extend to you the appreciation of that gigantic army of boys and girls, and haggard, ill-clad, and undernourished women, and those stalwart men who inhabit these mining communities in the area of which I spoke, who are glad, first, that you have come here and who, secondly, will be glad for anything you may do to help and aid and encourage them in their hour of discontent and the winter of their great need.

WHAT THESE SPEECHES SHOW

Mr. Lewis and Mr. Murray said that about the time the Jacksonville agreement was to expire—that means the contract between the coal operators and the miners' union—it appeared as though there would be a break in the negotiations to renew the contract. It appeared as though the country was going to be thrown into a nation-wide mine strike. The President of the United States, acting in behalf of all the people, very wisely had the Secretary of Commerce, Herbert Hoover, and the Secretary of Labor, James Davis, speak in the name of the Government of the United States for the purpose of trying to compose any differences that might exist between the miners and the operators, with the result that their efforts were very successful, and with the further result that the administration and both Secretaries got unstinted and deserved praise for the service they rendered their country.

OPERATORS DEFY GOVERNMENT

But lo and behold! When it came to operating the mines under that contract, voluntarily entered into by the operators and the miners, with the approval of the Government of the United States, Secretary of Labor Davis and Secretary of Commerce Hoover, the Pittsburgh Coal Co. refused to comply with the provisions of the contract and closed their mines, thereby locking out the union miners of that particular company.

That was nearly three years ago. And then, following that, when they thought they had the miners starved into submission, when mine employees' feet were on the ground because of no shoes to wear, and the children were hungry and their wives depressed, then they said they would open the mines; they posted their proposed wage scale, which called for a reduction in wages in many instances of as high as $2.52 a day, and invited the miners to come back to work under the company's own agreement, after the company had repudiated the contract entered into between the miners and the operators.

And, of course, the miners employed by this particular company, all being members of the United Mine Workers of America, refused to be parties to the violation of a solemn agreement entered into by their representatives and representatives of the coal companies, because the United Mine Workers of America hold sacred the provisions of every contract entered into by their representatives and the operators.

Here they were asked by the coal companies to violate that principle, but they refused to do it. That was the inception of the lockout.

FORCING DOWN THE PRICE OF FUEL

Then we find pressure brought to bear. We find the Pennsylvania Railroad Co., the Baltimore & Ohio Railroad Co., and the New York Central Railroad Co. making a drive to force down the price of fuel coal.

Let me say in passing that the railroads consume at least 33⅓ per cent of the annual production of bituminous coal in the United States, and, of course, no operator wants to lose that market. But the railroad companies took this position: That, notwithstanding the fact that in fixing the freight and passenger rate structure by the Interstate Commerce Commission, they in their application for the fixing of said rate structure stated that it cost them $2.20 and $2.40 a ton for fuel coal, and the Interstate Commerce Commission gave them rates based upon that fuel cost of $2.20 and $2.40 a ton, while they at the same time were beating down the price to $1.50 and $1.60 a ton, and the people of the United States were paying and are paying freight and passenger rates on the basis of $2.20 and $2.40 a ton for fuel coal.

Then we find some of these operators who had been operating their mines for 40 years, negotiating with the miners' unions and entering into contracts with them every time a contract expired, said to the officials of the miners' union—I will put the names of the coal companies and everything connected with this matter into the RECORD—these operators said: "We are ready and willing and anxious to enter into an agreement with you and your organization; you have always treated us fairly; we can pay the wages and we can make profits by working under the Jacksonville agreement, but we are prevented from doing so."

PUBLIC UTILITIES COERCE OPERATORS

For instance, we will take the Jones Coal Co. The president of that company made that statement to the officials of the miners' union, but he said, "I can not do it because the General Motors Co. has forbidden me to do so." Here we have the situation where independent, free-thinking, patriotic American men at the head of industry, who want to comply with the sacredness of contract, solemnly entered into, saying they can pay the wages and make profits for their concerns, but right above these men are corporative heads who say, "If you do, we will ruin you; we will drive you out of existence." And the sad part of it is that is just what would happen. And at the same time this was going on, the Philadelphia banks could not take the time to write a letter or send a telegram to Mr. Jones, but called him on the long-distance telephone and said, "We understand you are thinking about entering into a contract with the miners with certain qualifications, and we say to you that if you do that, or if you enter into any kind of a contract, we will ruin you."

THE DIRE THREATS OF HEARTLESS CORPORATIONS

They went further and said, "If you do not follow the lead of the Pennsylvania Coal Co., in violation of your contract, in the eviction of your women and children, we will take your credits away from you and throw you into bankruptcy." These are the conditions in Pennsylvania, my friends—not very pleasant information for free Americans. They are the conditions about which we are appealing to you to-day in order that you may do what you can to relieve the situation.

You may ask, "Well, what is the matter with the authorities of the State of Pennsylvania?" That is a proper question. In the statement made by Mr. Lewis, president of the United Mine Workers of America, at the Pittsburgh conference he developed the fact from Mr. Marks, president of the miners' union in the central Pennsylvania district, that the present Governor of the State of Pennsylvania is on the board of directors of and the attorney for one of the coal companies which is a subsidiary of the New York Central Railroad, and every power at his command—the constabulary, the coal and iron police, and the deputy sheriffs—has been used for the purpose of breaking down the resistance of the miners' union and in the effort to starve into submission the bituminous miners of western and central Pennsylvania.

SERIOUS CHARGES AGAINST THE GOVERNOR

When this conference at Pittsburgh, above referred to, adjourned, it did so with instructions to its committees to carry this message to the Governor of Pennsylvania in person, so that he could no longer say, "Well, that is news to me; I am surprised." That conference went further. It directed the president and secretary of the great American Federation of Labor, the great leader of the Mine Workers of America, John Lewis, and others to speak for that conference, which represented labor, and instructed them to place these facts before the President of the United States.

IT IS EASY TO EVADE

When these facts were presented to the President of the United States, we had the right to expect that the President, who was so interested in relieving the distress of women and children in the Mississippi Valley, who was so interested in relieving the distress of the women and children and refugees in the flood districts in the New England States, who was so interested in endeavoring to preserve the peace of the land and endeavoring to avoid a nation-wide strike in the bituminous coal fields that he authorized Herbert Hoover and Secretary of Labor Davis to prevent it—we had the right to expect when these conditions were laid before our President—my President and your President—that something would be done to at least relieve the distress. He said in response to the charge of a conspiracy between the railroads to violate the contract and beat down the price of fuel coal: "Your place is not here; go to the Interstate Commerce Commission."

WHAT WOULD WILSON OR ROOSEVELT HAVE DONE?

What would Woodrow Wilson or Theodore Roosevelt have done if a similar appeal were made to them? Would they have evaded direct action? Would they have suggested a conference with the Interstate Commerce Commission? Certainly not.

Would those two great Americans have said after being told of the human sufferings that the bituminous-coal industry was in a transitory stage and nothing of a practical nature could be

accomplished until a reorganization had been effected? Oh, no! Not they. They would have placed human happiness and human righteousness before industrial warfare.

Wilson and Roosevelt by their acts have shown that life is only valuable according to the good influence that goes out from life. They stood out preeminently in our Nation's history, because as individuals each was absorbed with the spirit of freedom and brotherly love which dominated their lives. They were actuated by the principle, which forms the foundation stone of the Constitution, that all men are created equal; that men are endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness. And it was to these rights of men that they devoted their lives.

BOTH ACTED FOR THE GOOD OF HUMANITY

Did Wilson or Roosevelt when the suffering, distress, and hopes and aspirations of the miners were told to them turn evasively away and suggest the need of additional legislation before they could rightfully interfere? Oh, no! Not they. They directed the coal operators to appear at the White House. And when they did arrive these mine owners were told in terse and emphatic terms that the mighty strikes then in vogue must cease or else the Government would intervene and assume control. And the conflicts did cease, and to-day and every day from now until the end of time the names of Wilson and Roosevelt are first in the hearts of men, women, and children of the anthracite coal regions.

A GREAT OPPORTUNITY LOST

I desire to add that it is to be regretted that the State and national administrations did not make a study and endeaver to cope not only with adverse conditions found in western Pennsylvania but with the present growing problem of unemployment. However, it is natural to expect that when they are remiss in one humane undertaking that they would be remiss in them all. If a falling off in employment, a decline in wages in certain industries, financial embarrassment in others; the awful affliction of want for thousands of American men and women, and an intense struggle for the right to bargain collectively, happens to come in an election year and reflects on the State and national administrations in power, it is unfortunate; but there is no good reason why they should have fallen flat, without vision and without direction.

This is the time for a display of red blood. This is the time the administrations should be up and doing, showing to the people that they have initiative, that they are human, and that they stand squarely for better and greater things. I realize that Congress, aside from directing that all Government work contemplated should be started at once and directing an investigation in western Pennsylvania, can do but little. But it can do that much, and it should proceed at once. Such procedure may be embarrassing to the leaders, who have laid their plans to conduct the coming campaign for a new lease of power for their party on the issue of "unparalleled prosperity." It may be embarrassing to find the unemployment increasing in many industries all over the country. It may be embarrassing to them to find wages in numerous lines decreasing due to part-time employment. And it will always be embarrassing to find over, about, and around them the heart-rending sobs of disheartened miners, the cries of sorrowing women, and the anguishing appeals of the little children of western Pennsylvania.

THE HOLLOW AND THE SHALLOW CLAIMS

If some definite move is made to improve the present adverse conditions, perchance the hollow claims and the shallow claims of "unparalleled prosperity" will be overlooked. If the administrations show, from this time henceforth, that they have hearts, souls—that they are intent upon doing what is right and just—that they are not laggards in righteous endeavor—they may leave a heritage. But before a single accomplishment shall be placed at their door they must turn the light of righteousness on the sordid and greedy coal operators of western Pennsylvania; the railroads and other interests who are striving to destroy the right of collective bargaining; who have turned their backs on contractual relations and who have tried to make a mockery of American citizenship.

THE UNUSUAL ATTITUDE OF A COURT

When we speak about the violation of the constitutional rights of these people we have in mind the fact that a Federal judge has reached out and for the first time has taken charge of the minerals in the earth that may or may not be mined for interstate commerce, that may never be mined at all—he reaches out the strong arm of the Federal Government, without any testimony being given to show that these miners individually or the miners' organization had interfered in any way or intended to interfere in any way with a pound of coal that had been mined and placed upon the railroad cars for shipment in interstate commerce or interfered in the slightest degree or to any degree with the sale of any of that coal mined and shipped in interstate commerce—without one scintilla of evidence he presumed that probably it would be necessary to guard this coal in the bowels of the earth of Pennsylvania, and which may never find its way into interstate commerce, and issued an injunction depriving the people of the State of Pennsylvania of their constitutional rights. When these things were placed before the President of the United States, and he did not act, to say the least, he was either indifferent or did not care.

VOICE OF THE GREAT HOOVER IS SILENT

Oh, the great Herbert Hoover has been proclaimed all over the world for his humanitarian work; but I wonder why the voice of the great Hoover is silent when his attention is called to the conditions in western Pennsylvania? Where women and children are slowly starving to death for the want of food and clothing because of the violation of a sacred contract which was consummated with his approval. I wonder if it is because of presidential injunction, or is it just presidential yellowness on his part? Let me say if Herbert Hoover expects that he is going to get the support of the coal operators of Pennsylvania for remaining idle and voiceless during this terrible crisis which has been brought about because of a violation by the operators of a contract which Mr. Hoover is responsible for, and does not raise his voice against it, against its violation and the suffering and distress which followed, let me say he may get the support of the coal operators of Pennsylvania, but he must not lose sight of the fact that there are four or five million union men and women in the United States who earn their bread by the sweat of their brow who may have something to say about this thing. [Applause.]

Mr. MOORE of Virginia. Will the gentleman yield for a very brief question?

Mr. CASEY. Gladly.

Mr. MOORE of Virginia. Has the gentleman told the House anything about the remarkable character of injunctions that have been issued by the courts against the miners in Pennsylvania, which seem to me to exceed any precedent in the history of English or American law?

Mr. CASEY. I just touched on it briefly, Judge. I have copies of several of these outrageous injunctions, which I wish to insert in the RECORD. The first one was issued by Judge Schoonmaker, of the United States district court at Pittsburgh, Pa., and it reads as follows:

THE INFAMOUS INJUNCTIONS

In the District Court of the United States for the Western District of Pennsylvania

Pittsburgh Terminal Coal Corporation, a corporation organized under the laws of the State of Pennsylvania, plaintiff, *v.* United Mine Workers of America, a voluntary association, et al., defendants

DECREE

This cause came on to be heard upon the application of the plaintiff for a preliminary injunction and was heard upon the verified bill of complaint, the affidavits submitted by plaintiff in support thereof, the affidavits submitted by certain defendants in opposition thereto, and the rebuttal affidavits submitted by plaintiff, and was fully argued by counsel for the respective parties. Upon consideration whereof the court finds:

That all of the defendants have been duly served with summons by subpœna and with the order to show cause heretofore issued herein as appears from the record of this cause, except: John L. Lewis, Joe Vujnovic, William J. Patton, Edward Snyder, Frank J. Hayes, Thomas W. Hughes, Fred Gollick, William Hynes, William Cadman, and Stanley Davis.

That the plaintiff is entitled to a preliminary injunction as prayed for (except as modified herein) for the reason that it clearly appears from the specific facts contained in the verified bill of complaint and by the evidence submitted that immediate and irreparable damage and loss will result to plaintiff unless a preliminary injunction be granted, and that for such damage and loss the plaintiff is without any adequate remedy at law.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED

That the defendants, the United Mine Workers of America, and all officers, committees, boards, and members thereof; the defendant district No. 5 of the United Mine Workers of America and all officers, committees, boards, and members thereof; the defendant's local unions Nos. 820, 1339, 2363, 2500, 5085, and 5157, and all officers, committees, boards, and members thereof; the defendants, Philip Murray, Thomas Kennedy, P. T. Fagan, William Hargest, John O'Leary, and James Flood, individually and as incumbents of the offices and stations indicated in the bill of complaint, together with all other individual defendants named herein, and all members of said bodies or associations whether served with process or not, and all persons acting in combina-

tion or concert with them or who aid, assist, or abet said defendants, or any of them, in the acts hereinafter referred to, are collectively and severally and in their associated and organized capacity, as well as individually, enjoined from doing or attempting to do any of the following acts:

(1) From assaulting, beating, coercing, threatening, intimidating, insulting, molesting, or in any way interfering with plaintiff's employees or their families; or the officers, foremen, agents, or other persons in the employ of plaintiff; or any person transacting any business with, or rendering any service to, or for plaintiff or entering, approaching, or leaving plaintiff's properties, or any of them, in connection with such transaction, business or service; or any person applying for or seeking employment with plaintiff; or any former employee of plaintiff seeking, intending, or desiring to resume employment with plaintiff, including the families of such applicants.

(2) From interfering by violence, threats, intimidation, insult, calling of names or epithets, or in any like manner interfering with any actual or proposed contractual relationship between plaintiff and its employees, or interfering in any way, except as provided in section 6 hereof, with the right of plaintiff and such employees or intending employees or persons desiring or seeking employment to agree unmolested upon such terms of employment as plaintiffs and such persons may regard proper.

(3) From exploding dynamite, powder, or other explosives upon or near any property of plaintiff, or injuring, defacing, destroying, or interfering with any property, real or personal, of plaintiff, or of any of plaintiff's employees or intending employees; or shooting at or toward any property of plaintiff or at or toward any employee of plaintiff or any vehicle or conveyance owned by or engaged in any service for plaintiff; throwing rocks, stones, or other missiles at or toward plaintiff's employees, property, or vehicles or at vehicles or automobiles engaged in any service for plaintiff's benefit.

(4) From obstructing, impeding, hindering, preventing, or interfering with the operation of plaintiff's mines, or any of them, or the doing of any act connected with such operation, or obstructing, impeding, hindering, preventing, or interfering with the production, mining, transportation, or shipment of coal by plaintiff from its mines described in the bill of complaint.

(5) From trespassing upon plaintiff's property, mines, tipples, or cars for any purpose, or upon any other lands, places, highways, or property (except entering voting places, post offices, or physicians' offices), with the intent or purpose of committing any act forbidden by this decree.

(6) From congregating, loitering, parading, or gathering about or near plaintiff's properties or from picketing the same except as follows:

(a) One picket post may be maintained upon or immediately adjacent to each public highway leading to each mine of plaintiff, but not upon its property, and not closer than 100 feet to any building or structure—not including company houses—used by plaintiff as an office or in its operations.

(b) Nor more than three persons at a time shall be stationed at any picket post, and no other person shall be permitted to stand or loiter at any place within 100 feet from the limits of any picket post for any purpose whatsoever.

(c) Each picket post established shall be not to exceed 100 feet in length along the highway and its limits shall be indicated by a sign, flag, or marker.

(d) Relief pickets shall not stay in the vicinity of picket posts when not on duty.

(e) Pickets on duty at their respective posts may peacefully observe, communicate with, and persuade persons but shall not make use of abusive or threatening language. The peaceful persuasion herein referred to is peaceful persuasion directed toward one who is not known to be an employee, in the effort to keep him from becoming an employee, or directed toward one who is an employee, in the effort to induce him to terminate his relation of employment; it does not include talking to any person after having been notified or advised by him of his unwillingness to be talked with, or pursuing, or following any such person for any such purpose. Nothing contained in this section shall be construed to prevent defendants from meeting in ordinary neighborhood or social gatherings or from attending meetings of their unions in their union halls, provided that such gatherings or meetings shall not be conducted with the purpose or effect of violating the provisions or the spirit of this injunction, and the respective officers of such defendant unions as well as the persons taking part in such gatherings or meetings are charged with the responsibility of carrying this provision completely into effect.

(7) From hereafter detaining or occupying any mining house or houses of plaintiff by causing the same to be occupied against plaintiff's will by persons not employed by plaintiff; excepting that this decree shall not affect any cause now instituted and pending in the State courts of Pennsylvania, at the time of the commencement of this action and affecting the possession of such houses.

(8) From disbursing any funds for any further appeal bonds, attorney services, court costs, or otherwise for the purpose of enabling, aiding, encouraging, or procuring any person to occupy against the plaintiff's will any such mining houses of plaintiff; from signing any further appeal bond or depositing, providing, or furnishing security for such appeal bond to prolong or aid in litigation respecting the possession of said houses; but nothing herein shall prevent Oliver K. Eaton and William H. Coleman, or either of them, representing as attorneys and counsel the individual occupants of miners' houses in the appeals in the Superior Court of Pennsylvania.

(9) From interfering with plaintiff in the exercise of any right reserved to it under its leases of said miners' houses to secure repossession of the same and to remove the effects of any occupant thereof; provided that nothing herein contained shall interfere with the individual right of any tenant or tenants of any such house or houses to interpose in any court of competent jurisdiction any legal defense which he may have.

(10) Such defendants as are still occupying plaintiff's houses are enjoined from annoying, disturbing, insulting, interfering with, or threatening the families of plaintiff's employees and from encouraging members of defendant unions from using their occupancy of plaintiff's homes as a means of disturbing, annoying, or interfering with plaintiff's employees in neighboring houses or doing any other kind of injury to plaintiff's employees or property.

(11) This injunction shall become effective upon the plaintiff giving bond conditioned according to law in the sum of $50,000; said bond has this day been filed and approved.

F. P. SCHOONMAKER,
United States District Judge.

Dated at Pittsburgh, Pa., this 11th day of October, 1927.

MINE WORKERS DARE NOT MOVE OR MOTION

Here is an injunction issued by Judge Baker, of the United States district court at Wheeling, W. Va., which practically prohibits the United Mine Workers of America from functioning in any manner whatever.

District Court of the United States for the Northern District of West Virginia (at Wheeling)

West Virginia-Pittsburgh Coal Co. *v.* John L. Lewis et al.

PRELIMINARY INJUNCTION

This cause came on this 19th day of May, 1925, to be heard upon the bill of complaint and the exhibits filed therewith, the affidavits of George D. Caldwell, Jim Long, Will Harris, William Turner (Nos. 1 and 2), Danilo Ljboper, Charles Wilis, Charlie Matvichuk, George Williams (Nos. 1 and 2), Oscar Maryland, Betroy Mills, Glen Wade, Louis Favali, Dan Johnson, John T. McMahon (Nos. 1 and 2), Charles Carter, Lawrence McMartney, Bert Snyder, Daniel Allman, Ignatz Kafton, Mike MaManus, Joseph J. Kossan, John M. Conner, Harry Sandreth, John Bober, Steve Humon, Paul Doebele, John Owens, and O. J. Keyes, filed by the plaintiff, the application of the plaintiff for the preliminary injunction, the orders herein heretofore made, and other papers herein heretofore filed, the several writs of summons and the returns of the marshal showing service of the same upon the defendants Van A. Bittner, William Roy, Frank Ledvinka, John Cinque, William T. Roberts, and Joseph Angelo, and upon the notice of the application for this preliminary injunction and the marshal's return showing the service of the said notice upon the defendants Van A. Bittner, William Roy, Frank Ledvinka, John Cinque, William T. Roberts, and Joseph Angelo, upon which notice the plaintiff did on the return day present its said application for preliminary injunction, which motion has been since the said return day under consideration by the court, and now comes on for hearing upon the said notice, upon the motion of the defendants to dismiss the bill of complaint, heretofore presented and filed in open court, in person, and by their counsel, Thomas T. Rownsend, John D. Gardner, J. W. Walker, and Wm. L. Bradshaw, and the court having heard the argument of counsel for the plaintiff and of counsel for the said defendants and maturely considered the question arising upon the bill of complaint, the exhibits filed therewith, the affidavits filed in support thereof, and the plaintiff's motion for a preliminary injunction, doth overrule the defendants' motion to dismiss the bill of complaint and doth find that the facts shown constitute sufficient grounds for the granting of the preliminary injunction prayed for in the bill of complaint, and is of the opinion to grant said preliminary injunction.

The court doth, therefore, adjudge, order, and decree that the defendants Van A. Bittner, a citizen and resident of the State of Pennsylvania, residing at Grafton in said State, individually and as chief representative of the United Mine Workers of America and of the International Union of the United Mine Workers of America; William Roy, a citizen and resident of the State of Ohio, residing in Belmont County in said State, individually and as vice president of district No. 6 of the United Mine Workers of America and of the International Union of the United Mine Workers of America; Frank Ledvinka, a citizen and resident of the State of Ohio, living and residing at Bridgeport in said State, individually and as president of subdistrict No. 5 of district No. 6 of the United Mine Workers of America and of the International Union of the United Mine Workers of America; John Cinque, a citizen and resident of the State of Ohio, residing at Bridgeport in said State individually and as vice president of subdistrict No. 5 of district No. 6 of

the United Mine Workers of America and of the International Union of the United Mine Workers of America; William T. Roberts, a citizen and resident of the State of Ohio, residing at Bridgeport in said State, individually and as secretary-treasurer of subdistrict No. 5 of district No. 6 of the United Mine Workers of America and of the International Union of the United Mine Workers of America; and Joseph Angelo, a citizen and resident of the State of Ohio, residing in Belmont County in said State, individually and as official organizer of and for the United Mine Workers of America and of the International Union of the United Mine Workers of America, operating in subdistrict No. 5 of district No. 6 of the United Mine Workers of America, and their committees, agents, servants, confederates, and associates and all persons combining and conspiring with the said defendants, and each and everyone of them, be and they are hereby, enjoined and restrained:

1. From interfering or attempting to interfere with plaintiff's employees for the purpose of unionizing plaintiff's mines without its consent, by representing or causing to be represented to any of plaintiff's employees, or to any person who might become an employee of plaintiff, that such person will suffer or is likely to suffer some loss or trouble in continuing in or entering the employment of plaintiff, by reason of plaintiff not recognizing the union, or because plaintiff runs a nonunion mine;

2. From interfering or attempting to interfere with plaintiff's employees for the purpose of unionizing the mines without the plaintiff's consent, and in aid of such purpose knowingly and willfully bringing about the breaking by plaintiff's employees of contracts of service known at the time to exist with plaintiff's present and future employees;

3. From knowingly and willfully enticing plaintiff's employees, present and future, to leave plaintiff's service on the ground that the plaintiff does not recognize the United Mine Workers of America or runs a nonunion mine;

4. From interfering or attempting to interfere with plaintiff's employees so as to knowingly and willfully bring about the breaking by plaintiff's employees, present and future, of their contracts of service known to the defendants to exist, and especially from knowingly and willfully enticing such employees, present and future, to leave plaintiff's service without plaintiff's consent;

5. From trespassing or entering upon the grounds and premises of plaintiff or its mines for the purpose of interfering therewith or hindering or obstructing its business, or with the purpose of compelling or inducing, by threats, intimidation, violence, or abusive language, or persuasion, any of plaintiff's employees to refuse or fail to perform their duties as such;

6. From compelling or inducing or attempting to compel or induce, by threats, intimidation, or abusive or violent language, any of plaintiff's employees to leave its service, or fail or refuse to perform their duties as such employees, or compelling or attempting to compel by like means any person desiring to seek employment in plaintiff's mines and works from so accepting employment therein;

7. From picketing the streets, roads, or other avenues of approach to plaintiff's mines for the purpose of enticing, entreating, persuading, or by any means inducing plaintiff's employees to break their contracts of service known to them at the time to exist; from approaching plaintiff's employees, present or future, at their place of residence or at any other place for the purpose of enticing, entreating, persuading, or by any means inducing employees to break their contracts of service known to them at the time to exist; from advertising meetings or by any means inducing plaintiff's employees to attend meetings at which attempts shall be made, by entreaty, enticement, or persuasion, to induce plaintiff's employees to break their contracts of service then known to them to exist; and from doing the like for the purpose of unionizing plaintiff's mines.

It is further adjudged, ordered, and decreed that before this injunction shall be effective the plaintiff shall enter into a bond with security to be approved by the court, in the penalty of $10,000 conditioned to pay any loss or damage which may result to the defendants or any of them from the issuing of this preliminary injunction, if it should be finally determined that the same is improperly issued, or that may be rewarded to them by reason of the granting of said preliminary injunction.

It is further adjudged, ordered, and decreed that this preliminary injunction shall be and remain in full force and effect from the filing of the bond above mentioned until the further order of this court.

To the granting of said preliminary injunction the said defendants object.

W. E. BAKER,
United States District Judge.

Dated May 19, 1925.

NONUNION MINERS ISOLATED

Here is another injunction, issued by Judge McClintic, of the United States district court at Charleston, W. Va., the effect of which is to isolate the poor, underpaid, nonunion miners of that field against every effort by the miners' union to help them improve their condition:

District Court of the United States for the Southern District of West Virginia (at Charleston)

Red Jacket Consolidated Coal & Coke Co., a corporation, *v.* John L. Lewis, president of the United Mine Workers of America, et al.

FINAL DECREE

This cause having been argued by counsel and submitted to the court at a former term, came on to be further heard at this term for final decision.

And the court having maturely considered the evidence and proceedings herein, and the argument of counsel thereon, and being of opinion that certain salient questions of fact are presented upon the record herein, doth find, adjudge, and decree the facts in this cause in respect of such matters as set forth in its written statement thereof marked "Finding of facts," dated the 16th day of October, 1925, entitled in the several suits pending in this court, including this suit, which were consolidated and brought on to be heard together by an order entered therein on the 22d day of May, 1923; which "finding of facts" is hereby filed herein and made part of the record in this cause.

And it appearing that of the defendants named in the plaintiffs' bill of complaint, the defendants above named in the caption of this decree, and each of them, have been duly served with process herein, or have appeared by counsel, and the court being of opinion that the plaintiffs are entitled to an injunction against said defendants, as hereinafter set forth and awarded, for the reason that unless such injunction be granted said defendants will continue their unlawful acts and practices set forth in said "finding of facts," and appearing from the evidence herein, and that damage to plaintiffs' property, business, and rights, or destruction thereof, will occur, and that threats, intimidation, and violence against plaintiffs' employees will continue, with the result that the mines of the plaintiffs will be closed or the operation thereof interfered with and plaintiffs prevented from producing and shipping coal from said mines in interstate trade and commerce, and their employees who desire to work in and about said mines thrown out of employment, by reason whereof the plaintiffs, and each of them, will suffer irreparable injury, loss, and damage to their property, business, and rights, and the rights of their said employees will also be violated, all contrary to the provisions of the Constitution of the United States and of the antitrust acts of Congress referred to in said "finding of facts," for none of which there is any adequate remedy at law:

Therefore, for the reasons aforesaid, and in accordance with the findings of this court set forth in said "finding of facts," it is adjudged, ordered, and decreed that the said defendants hereinabove named in the caption of this decree, and each and all of them, including all members of said international organization, United Mine Workers of America, and of districts Nos. 17 and 29 thereof, and of all subdivisions and local organizations of said district, their officers, agents, servants, employees, and attorneys, and those in active concert or participating with them, be, and they are hereby, inhibited, restrained, and enjoined:

(1) From interfering with the employees of the plaintiffs or with men seeking employment at their mines, by menaces, threats, violence, or injury to them, their persons, families, or property, or abusing them or their families, or by doing them violence in any way or manner whatsoever, or by doing any other act or thing that will interfere with the right of such employees and those seeking employment, to work upon such terms as to them seem proper, unmolested, and from in any manner injuring or destroying the properties of the plaintiffs, or either of them, or from counseling or advising that these plaintiffs should in any way or manner be injured in the conduct and management of their business and in the enjoyment of their property and property rights.

(2) From trespassing upon the properties of the plaintiffs, or either of them, or by themselves, or in cooperation with others, from inciting, inducing, or persuading the employees of the plaintiffs to break their contract of employment with the plaintiffs.

(3) From aiding or assisting any other person or persons to commit or attempt to commit any of the acts herein enjoined.

(4) From aiding or abetting any person or persons to occupy or hold without right, any house or houses or other property of the plaintiffs, or any of them, by sending money or other assistance to be used by such persons in furtherance of such unlawful occupancy or holding.

And it is further adjudged, ordered, and decreed that the plaintiffs recover of and from said defendants their proper costs by them expended in the prosecution of this suit to be taxed by the clerk of this court.

GEORGE W. MCCLINTIC,
District Judge.

Dated October 16, 1925.

A SWEEPING DECREE OF THE COURT

Here is a sweeping injunction that was issued by Judge Hough, of the United States district court at Steubenville, Ohio:

In the District Court of the United States for the Southern District of Ohio, Eastern Division

Clarkson Coal Mining Co. et al., plaintiffs, *v.* United Mine Workers of America et al., defendants

PRELIMINARY INJUNCTION

This cause came on to be heard upon the applications of the plaintiffs and of the intervenor, the New Pocock Coal Co., for a preliminary injunction, and was heard upon the bill of complaint and the intervening bill of complaint and the evidence and was argued by counsel; upon consideration whereof the court finds:

That all the defendants herein, save John L. Lewis, Philip Murray, and Thomas Kennedy, as individuals have either been served with process or have entered their appearance herein, and the court further finds that plaintiffs and intervenor are entitled to a preliminary injunction as prayed for, for the reason that it clearly appears from specific acts shown by the verified bill and the evidence that immediate and irreparable loss or damage to property rights will result to plaintiffs and intervenor unless a preliminary injunction is granted.

It is therefore ordered, adjudged, and decreed that, save as to John L. Lewis, Philip Murray, and Thomas Kennedy as individuals, but including them as officers and agents of said United Mine Workers of America, the defendants herein and the officers, agents, and associates of said defendants, or any of them, and all persons in concert or participating with said defendants, and all persons to whom notice of this order shall come, be, and they are, severally and collectively hereby enjoined and restrained as follows:

1. From interfering with, obstructing, or preventing in any way, or attempting so to do, the carrying on of the business of the plaintiffs, or any of them, and of said intervenor, and from interfering with, obstructing, or preventing, or attempting so to do, the operation of each and all coal mines of the plaintiffs and the intervenor within the State of Ohio, including specifically the operation by the Clarkson Coal Mining Co. of its three coal mines located, respectively, at or near St. Clairsville and Fairpoint, in Belmont County, and at Dun Glen, in Belmont and Jefferson Counties; the operation by the Monroe Coal Co. of the mine known as the Webb mine, situated near Shadyside, in Belmont County; the operation of the Boomer Coal & Coke Co. of the Rose mine, situated near Cadiz, in Harrison County; the operation by the Atlantic Construction Co. of the Florence mine, situated near Martins Ferry, in Belmont County; and the operation by the New Pocock Coal Co. of its Maple Leaf mine, situated near the village of Newport, Tuscarawas County, Ohio; its Cambridge No. 1 mine, situated at or near the village of Blue Bell, Guernsey County, Ohio; its Pocock No. 8 mine, situated at or near the village of Navarre, Stark County, Ohio; and its Belmont mine, situated at or near the village of Flushing, Belmont County, Ohio.

2. From destroying or damaging, or attempting to destroy or damage, the plant, buildings, equipment, or property at or near any of said mines.

3. From exploding or causing to be exploded any dynamite or other explosives anywhere on or about or in the neighborhood of any of said mines or on or near any highway used by employees of any of the plaintiffs or said intervenor, or others going to or from any of said mines, and from shooting at or toward any houses or buildings or structures at or in the vicinity of said mines, or at or toward any of the plaintiffs' agents, officers, or employees, or at or toward any person having any contact with any of the plaintiffs or with said intervenor or employees of any such contractor.

4. From trespassing upon or unlawfully entering into or upon any of said mines or any of the lands or buildings owned, leased, or controlled by any of the plaintiffs or said intervenor, and from entering upon or trespassing upon any lands near or in the vicinity of any of said mines, or the doing of anything designed or intended to interfere in any way with plaintiffs or intervenor or any of them, or the plaintiffs' or intervenor's employees, or with persons having business with any of them;

5. From doing any act or acts of violence, or making any threats by acts or words to, or in the hearing or presence of the employees, or those desirous of or to become employees of any of the plaintiffs or of intervenor, or to or in the hearing of or presence of contractors or employees of contractors with whom plaintiffs or intervenor, or any of them, have contracts, to the effect that such persons or members of their families will be, or may be assaulted, killed, or injured in any manner, or that their property will be injured or destroyed;

6. From displaying any signs or banners containing any words or language designed to intimidate or insult employees or prospective employees of plaintiffs or intervenor, who are at said mines or are desirous to go to said mines, or any of them, or contractors or persons having business at said mines, on the premises of the plaintiffs or said intervenor, or on any highway or railroad station within a radius of 10 miles from any of said mines. The prohibition applies to the display of signs now or hereafter on property owned or leased by the defendants, as well as to all other places within the territory described. The words "scab," "rat," "yellow dog," and like terms, and profane or obscene words or terms shall not be used in a menacing, threatening, or insulting manner, or be applied to plaintiffs' or intervenor's officers, agents, or employees;

7. From interfering in any way with the plaintiffs and intervenor or any of them or their agents in the making or carrying out of any contract of employment which any of them may desire to make, or has made, with any person; and from attempting to coerce or induce any such employee to break any such contract of employment, and from attempting to coerce or induce any such employee to become a party to any plan or conspiracy of any nature designed or tending to force plaintiffs or intervenor or any of them to enter into a contract with the United Mine Workers of America or any constituent union, or to force the plaintiffs and intervenor or any of them to operate their said mines or any of them upon the "closed union shop basis" against their will;

No groups or crowds shall be permitted for the purpose of communicating with or persuading persons seeking employment from accepting employment or contracting for employment with the plaintiffs and intervenor or any of them. Persuasion in the presence of three or more persons congregated with the persuader is not peaceful persuasion and is hereby prohibited;

8. From blockading any of the public highways leading to said mines of the plaintiffs or intervenor or any of them, and from interfering in any way with the free use of said highways by any and all persons having business with plaintiffs and intervenor or any of them;

9. From gathering or loitering in groups or crowds about or near the mines or property owned or leased by any plaintiff, or by intervenor, or upon, along, or about any public road, railroad, railroad station, or train, or place of any kind near any of said mines or property, or used by plaintiffs' or intervenor's agents or employees, or by persons seeking or having employment contracts with any plaintiff or with intervenor, or used by such contractors, agents, or employees in going to and from work wherever located, or used by plaintiffs or intervenor or any of them for the transportation of men under contract who work for them or any of them, for the actual or apparent purpose of intimidating or creating fear in the minds of any such person or persons, or for the purpose of coercing or persuading or attempting to coerce or persuade any person to break or not to make any employment contract with any plaintiff or with intervenor, or from working with any contractor or plaintiff or intervenor.

Nothing contained in this section shall be construed to prevent defendants from meeting in ordinary neighborhood or social gatherings or from attending meetings of their unions in their union halls, provided that such gatherings or meetings shall not be conducted with the purpose or effect of violating the provisions or the spirit of this injunction, and the respective officers of such defendant unions as well as the person taking part in such gatherings or meetings are charged with the responsibility of carrying this provision completely into effect;

10. From picketing except as herein specifically permitted:

(a) Picket posts may be maintained upon or immediately adjacent to each public highway leading to the mines of plaintiffs or intervenor, but not upon their property, and such posts in no event shall be closer together than 700 yards, nor shall any picket post be located closer than 100 feet from any building or structure owned or leased by plaintiffs or intervenor.

(b) Not more than three persons at a time shall be stationed at any picket post, and no other person shall be permitted to stand or loiter at any place within 100 feet from the limits of any picket post for any purpose whatsoever;

(c) Each picket post established shall be not to exceed 100 feet in length along the highway, and its limits shall be indicated by a sign, flag, or marker;

(d) A list containing the names of the picket details as soon as chosen will be delivered to the United States marshal, southern district of Ohio, accompanied by a rough plat or plats showing the designation and location of each picket post. The list shall also show the assignment and post location of each individual picket. In case of change of picket personnel or location of picket posts at any time, the fact of such change will be reported to said United States marshal at the time made. The president of subdistrict No. 5 is charged with the duty and responsibility of seeing that the information and reports herein mentioned are promptly given to the United States marshal;

(e) Each picket shall be a citizen of the United States and shall be able to speak the English language;

(f) Relief pickets shall not stay in the vicinity of picket posts when not on duty;

(g) Pickets on duty at their respective posts may peacefully observe, communicate with, and persuade persons, but shall not make use of abusive or threatening language. The peaceful persuasion herein referred to is peaceful persuasion directed toward one who is not known to be an employee in the effort to keep him from becoming an employee, or directed toward one who is an employee in the effort to induce him to terminate his relation of employment upon the expiration of any employment contract he may be under, but does not include peacefully persuading one to break an existing employment contract;

(h) The erection or maintenance of tents or other places for the assembly of persons belonging to defendants' union or their sympathizers (other than tents used solely for pickets) within 100 yards of plaintiffs' properties, or within 100 yards of any picketed highway, is hereby restrained;

11. From the doing of any act or acts whatsoever in the furtherance of any combination or conspiracy heretofore or hereafter formed for the purpose of hindering, delaying, or interfering with plaintiff or intervenor or any of them in the mining, shipping, and sale of coal from said mines or any of them;

12. It is further ordered that the marshal cause this preliminary injunction to be published in a newspaper of general circulation in each of the following counties of Ohio, to wit: Belmont, Harrison, Jefferson, Tuscarawas, Stark, and Guernsey, for at least one issue, and that he cause this order, together with a certificate of authenticity of the clerk of this court, to be printed in the English, Italian, and Polish languages and to be posted in at least 25 conspicuous places in each of said counties, save Stark and Tuscarawas, adjacent to the aforesaid mines and elsewhere, and that the clerk of this court issue to the marshal of the northern district of Ohio 50 of said printed and certified orders to be by him posted in conspicuous places in the counties of Stark and Tuscarawas adjacent to the said mines of intervenor, and elsewhere; and all persons are forbidden under the penalty of contempt of this court from destroying, defacing, or mutilating any such poster wherever the same is being lawfully displayed;

13. The marshal for the southern district of Ohio is directed to see that this injunction is enforced within the limits of said district, and to arrest and cause to be arrested any person or persons caught in the act of disobeying any of the provisions of this injunction, and to bring such person or persons forthwith before the United States commissioner or the court, and to report to the court each such other acts of disobedience of this order as may otherwise come to his attention. The marshal is authorized and directed to call to his assistance such persons, either as deputy marshals or otherwise, with compensation allowed by law, as he may deem necessary and is empowered by law to do, for the purpose of securing early and prompt obedience to the provisions hereof within his jurisdiction, and for that purpose the marshal with such assistants as he shall deem necessary and so appoint, shall attend the premises of plaintiffs and intervenor within his jurisdiction, from time to time, and especially at such times as plaintiffs or intervenor shall be ready to engage in mining operations in said respective mines; and said marshal is authorized to make service of copies of this order upon any and all persons within his jurisdiction who may be in or about said mines, or in the vicinity thereof, whether or not named as defendants herein;

14. The court reserves the right to modify this preliminary injunction at any time on its own motion and without hearing if the court shall deem it necessary so to do to make the same more effective and to bring about the purpose for which the same is now issued;

15. This injunction shall become effective as to the plaintiffs upon their giving bond conditioned according to law in the sum of $40,000, and it shall become effective as to the intervener upon its giving a like bond in the sum of $15,000.

BENSON W. HOUGH, *Judge.*

Dated at Steubenville, Ohio, this 10th day of September, 1927.

LITTLE JUDGES JOIN IN

Not only have the Federal courts thus used their vast power to break the miners' union, destroy the rights of the miners, and prohibit them from securing decent American wages, but State courts, also, are issuing injunctions for the same purpose. I call special attention to an injunction issued by Judge Langham, of the court of common pleas for Indiana County, Pa. And I call your attention, also, to the fact that Judge Langham is the owner of coal lands in the very county in which his injunction is in effect. His injunction reads as follows:

INDIANA COUNTY, *ss:*

The Commonwealth of Pennsylvania to A. J. Phillips, individually and as vice president of local No. 1736, United Mine Workers of America, Tony Ross, individually and as organizer of the United Mine Workers of America; Robert Slee, individually and as recording and financial secretary of Local No. 1736, United Mine Workers of America; James Mark, individually and as president of district No. 2, United Mine Workers of America; John Ghizzoni, individually and as member of the national executive board of United Mine Workers of America; Faber McCloskey, individually and as vice president of district No. 2, United Mine Workers of America; Richard Gilbert, individually and as secretary and treasurer of district No. 2, United Mine Workers of America; Sam Truance, individually and as president of local No. 1736, United Mine Workers of America; John Ferrio, individually and as treasurer of local No. 1736, United Mine Workers of America; Levi McConnaughey, individually and as board member of district No. 2, United Mine Workers of America; Harold Altman, Howard Altman, Charles Anderson, Francis Brennan, Francis Burns, Nick Cherry, Eugene Comport, Louie Del Grande, James Elliott, Howard Hatherall, Robert Jackson, Julius Johnston, Charles Johnston, Howard Keys, William Maddox, John Mock, Walter Nowickie, Joe Paleo, jr., Joe Patterson, Arch Serian, Carmine Serian, George Shilling, Santo Sarotto, James Trunzo, district No. 2, United Mine Workers of America; and local No. 1736, United Mine Workers of America, their associates, aiders, abettors and agents, or any other person acting with the above named, or hereafter named, defendants, greeting:

Whereas it hath been represented unto us at our court of common pleas for the county of Indiana, in a certain cause there pending, wherein Clearfield Bituminous Coal Corporation is plaintiff, and you the said A. J. Phillips, individually and as vice president of local No. 1736, United Mine Workers of America; Tony Ross, individually and as organizer of the United Mine Workers of America; Robert Slee, individually and as recording and financial secretary of local No. 1736, United Mine Workers of America; James Mark, individually and as president of district No. 2, United Mine Workers of America; John Ghizzoni, individually and as member of the national executive board of United Mine Workers of America; Faber McCloskey, individually and as vice president of district No. 2, United Mine Workers of America; Richard Gilbert, individually and as secretary and treasurer of district No. 2, United Mine Workers of America; Sam Truance, individually and as president of local No. 1736, United Mine Workers of America; John Ferrio, individually and as treasurer of local No. 1736, United Mine Workers of America; Levi McConnaughey, individually and as board member of district No. 2, United Mine Workers of America; Harold Altman, Howard Altman, Charles Anderson, Francis Brennan, Francis Burns, Nick Cherry, Eugene Comport, Louis Del Grande, James Elliott, Howard Hatherall, Robert Jackson, Julius Johnston, Charles Johnston, Howard Keyes, William Maddox, John Mock, Walter Nowickie, Joe Paleo, jr., Joe Patterson, Arch Serian, Carmine Serian, George Shilling, Santo Sarotto, James Trunzo, district No. 2, United Mine Workers of America; and local No. 1736, United Mine Workers of America, their associates, aiders, abettors, and agents, or any other person acting with the above named, or hereafter named, defendants, on the part of the said plaintiff, that you have been complained against as fully set out in the bill of equity hereto attached.

We therefore, in consideration of the premises aforesaid, do strictly enjoin and command you, the said defendants, your associates, aiders, abettors, and agents, and all other persons, that you do from henceforth desist—

(a) From attempting by any scheme, combination, or conspiracy among themselves, or with others, to annoy, hinder, or interfere with or prevent any person or persons from working for the plaintiff or seeking employment with the plaintiff, or from any and all acts, and from the use of any ways, means, and methods, such as assaulting, attempting to assault, beating, threatening, picketing, terrorizing, intimidating, and annoying the employees or their families at their homes, spreading reports causing men seeking employment to fear violence in plaintiff's employ, causing explosions, writing or causing threatening letters to be written to employees or families of employees of plaintiff, putting or attempting to put any person or persons in fear which will tend to hinder, impede, or obstruct the plaintiff from operating the said Rossiter mines.

(b) From picketing and parading in, upon, or through the public roads, roads, streets, alleys, bridges, railroads, and other places, past, near, or in the vicinity or in the neighborhood or leading to the Rossiter mines or the dwelling or boarding houses of the employees of the plaintiff.

(c) From loitering, assembling, or congregating about or near the property of the plaintiff or trespassing thereon, from visiting the dwellings or boarding houses of the employees of the plaintiff, to intimidate them or their families, from obstructing the streets or roads of Rossiter, from congregating about or near in the town of Rossiter where the employees and their families go, from operating and maintaining automobile patrols on the streets and roads of Rossiter, from erecting or causing to be erected or maintaining billboards for purpose of displaying signs warning men to stay away from Rossiter, from congregating on the Magyar Presbyterian Church lot, or any other lot, lots, place or places at the time the employees of the plaintiff enter the mine and at the time the employees of the plaintiff come out of the mine, from singing song or songs in hearing of the employees of the plaintiff of a threatening or hostile nature.

(d) From suggesting danger to or giving the appearance of danger to the employees or the families of the employees of the plaintiff; from saying or doing anything to cause the men now working to quit or cause men seeking work to refrain from so doing; from interfering with or obstructing men from going to or returning from work; from the use of vile, opprobrious, and ridiculing names or any insulting names, and especially the words "scab" and "s— of b—"; from distributing pecuniary contributions, in furtherance of the conspiracy to keep men from employment or seeking employment with the plaintiff; from doing any act to interfere with the right of plaintiff and its employees or

persons seeking employment to agree upon such wage as is agreeable to them; from doing any act, directly or indirectly, to test the nerve, courage, and strength of those desiring to work.

(e) From doing any acts or uttering any words of any kind in the furtherance of any combination or conspiracy or other unlawful acts for the purpose of preventing plaintiff from operating its mines or to reduce the tonnage.

Returnable Saturday, the 12th day of November next, at 10 o'clock a. m.

Witness the Hon. J. N. Langham, president judge of our said court, at Indiana, the 8th day of November, A. D. 1927.

[SEAL.] CLAUDE E. BATH, *Prothonotary.*

OPERATORS ARE RUTHLESS

What is the attitude assumed by the operators toward a settlement?

Starting this conflict by brazenly repudiating a solemn agreement, they have continued this attitude of rule or ruin to this very day.

When Secretary of Labor James J. Davis, one of the original negotiators of the Jacksonville agreement, called a "peace meeting" of operators and miners, all the big companies repulsed him with effrontery.

The hard-boiled attitude of a small, but dominating, group of operators is thus solely responsible for the failure of this peace meeting.

It should not be forgotten that the principal of these corporations which thus flouted the President of the United States by ignoring the request of his Cabinet member and authorized spokesman was the Pittsburgh Coal Co.

STRIVING TO OBTAIN SUBMISSION BY STARVATION

This reduces the conflict to a test of endurance, with all the resources on one side. It is civil war with one side armed. The result is apparently to be determined by the ability of the miners and their wives and children to endure starvation.

This group of mine owners is not only starving their former employees, disrupting the social order of an entire district and breaking every legal and moral law of industrial relation, but they are holding their more humane associates in line under threat of ruin.

Here is what one of them said to the investigator of the Daily News, Mr. Limpus:

HIS HEART BLEEDS FOR THE KIDS

I may be a traitor to my class and I'd lose my job if this were traced to me, but I'm going to tell you the truth about this strike. First of all, my sympathy is with the miners, and I'm ashamed of what I've done to them. I almost wish I'd resigned, but somebody else would have done it if I hadn't.

They've been brutally treated. I know it. Most coal and iron policemen are thugs. I know that. I've used them. I'm ashamed of myself for having done so and for having evicted families. My heart bleeds for the kids. Everybody in the game is losing a lot of money, and a lot of us are damned near bankrupt.

The Pittsburgh Coal and the Terminal companies are the biggest fellows in the field. They're both using unskilled, imported scab labor, and it's mighty expensive. Those scabs can't make decent salaries in the mines. They nearly starve to death. Both companies have coal and iron policemen, and they are the worst in the business. Anyhow, that's my opinion.

DISGUSTED WITH THE WHOLE BUSINESS

I think all evictions are a mistake. It forfeits the support of public opinion. Besides it's wrong. I may bluff, but I'm going to resign before I give orders to kick another family out into the snow. I'm disgusted with the whole damn business.

There you are. Now, if you print it nobody will ever believe that the president of a coal company ever said that, but it's the truth nevertheless.

The futility of the struggle was revealed by President Jones, of the Bertha Coal Co., described by Limpus as "easily the most broad-minded and least bitter of any of the operators interviewed."

This verdict concerning Jones is indorsed by the leaders of the mine workers. According to Limpus, Mr. Jones said:

This strike has already cost the producers of the Pittsburgh district more than $14,000,000. In my opinion, if we had spent $1,500,000 of that in some kind of scientific cooperative marketing we could have paid the Jacksonville scale and all made money.

TRY TO FRIGHTEN CONGRESS

Not content with flouting a member of the President's Cabinet, these operators attempted to influence Congress just prior to the time I made my speech.

The following is a copy of propaganda sent to many Members of Congress at that time:

FEDERAL REGULATION UNDESIRABLE

MONONGAHELA COAL OPERATORS' ASSOCIATION,
Morgantown, W. Va., December 22, 1927.

MY DEAR SIR: In view of the recommendations in the President's message again recommending Federal regulation of the coal industry in times of emergency, and the conference of operators and representatives of the United Mine Workers of America recently called by the Secretary of Labor, James J. Davis, it occurred to me that the correspondence carried on by telegraph between Secretary Davis and the Monongahela Coal Operators' Association might be of some interest and some aid to you if and when it becomes your duty to consider a bill or bills introduced in this Congress for emergency legislation. I attach hereto a mimeograph copy of the telegrams sent to the association through me by Secretary Davis and replies of the association thereto.

The proposition that a great private industry shall be subjected to governmental interference and regulation because the labor union has seen fit to call a strike in that industry and thereby create an emergency over which the operators in the industry have no control and for which they are in no wise responsible, is wholly untenable. Such a program is violative of the constitutional safeguards guaranteeing the right to private property and freedom of contract and would be an unwarranted and dangerous grant of power which could be easily abused, because the term "emergency," like the term "expediency," is very elastic, and it is obviously unsound and unjust to place legislation upon the statute books which would give opportunity to the United Mine Workers of America at any time to bring down upon the operators in the coal industry Federal regulation by the simple expediency of calling a strike and thereby creating an emergency.

This association desires thus early to go upon record as being unalterably opposed to any such program and now here states its desire to be given notice of an opportunity to be heard upon any bills having for their purpose the carrying of such a program into effect.

Yours very truly,

H. D. PAPE, *Executive Secretary.*

Please note that they have included copies of the telegrams exchanged with the Secretary of Labor, thus brazenly confirming their refusal to confer with him:

[Western Union]

WASHINGTON, D. C., *December 9, 1927.*

MONONGAHELA COAL OPERATORS' ASSOCIATION,
Morgantown, W. Va.:

You are requested to attend a conference in my office in the Department of Labor, Washington, Tuesday morning, December 13, at 10 o'clock. The attendance will consist only of bituminous operators of western and central Pennsylvania, northern West Virginia and Ohio, and representatives of the United Mine Workers. The meeting will be for frank discussion of problems affecting the mining industry with the object of bringing about, if possible, a satisfactory and peaceful situation. The conference is called with the knowledge of the President. Very important your company be represented.

JAMES J. DAVIS, *Secretary of Labor.*

[Western Union]

OPERATORS NOT INTERESTED

DECEMBER 11, 1927.

Hon. JAMES J. DAVIS,
Secretary of Labor, Washington, D. C.:

Acknowledging receipt of your telegram inviting the Monongahela Coal Operators' Association to attend a conference having for its purpose "a frank discussion of problems affecting the mining industry with the object of bringing about, if possible, a satisfactory and peaceful situation" we beg to advise that all of the operators in this association are now and for several years past have been operating their mines open shop. All of them have been operating full time and are now operating as continuously as the conditions of the market will permit in a peaceful manner and without friction or trouble of any kind as between the respective companies and their employees. There is no strike in any mine over which this association has jurisdiction. There is no connection, contractural or otherwise, between the operators of this association and the United Mine Workers of America. Therefore the operators of this association would not be interested in or affected by labor problems which may be brought before the proposed conference. For the foregoing reasons your invitation is respectfully declined.

MONONGAHELA COAL OPERATORS' ASSOCIATION,
D. H. PAPE, *Executive Secretary.*

[Western Union]

SECRETARY DAVIS DISAPPOINTED

WASHINGTON, D. C.

D. H. PAPE,
Monongahela Coal Operators' Association,
Morgantown, W. Va.:

Deeply regret your decision not to attend conference called by me and ask that you reconsider the subject for consideration is far broader

than any immediate wage question. As said in my previous telegram, this conference is for frank and free discussion of all questions at issue. The public is now aware of overproduction, overdevelopment, the vast waste of our natural resources and hopes for some move toward permanent stabilization of the industry, to guarantee steady supplies of coal with fair profit to the operator and steady employment at fair wages to the miner. It is a great mistake to assume this conference is called in the interest of labor only. I personally and representatives of the Department of Labor have discussed the matter with more operators than miners. All previous conferences attended by miners could also have been attended by operators had they so desired. Nothing is ever lost by conference and with many operators losing money and thousands of miners out of work the public has become very much interested. Even if the mines be more or less fully manned, as stated, does this guarantee the industry a future free from the same grievances and the same unsettlement and unemployment as now exist. The present time seems to me the more appropriate for conference because the existing supply of coal will permit discussion without passion or prejudice on behalf of the public and the thousands of miners unemployed and in the interests of the industry itself. I would strongly urge you to be present for full consideration of the problem in its broad humanitarian as well as economic aspects.

JAMES J. DAVIS, *Secretary of Labor.*

[Western Union]

DECEMBER 13, 1927.

MINES ARE FULLY MANNED, BUT HOW?

Hon. JAMES J. DAVIS,
Secretary of Labor, Washington, D. C.

Your telegram December 12 received 10 p. m. same day. Beg to advise that for reasons stated in previous telegram to you this association is unwilling to participate in coal conference. Members of this association are willing to participate in any conference which may be called to discuss problems relating to the overproduction, conservation, and marketing of coal, or any other economic problems affecting the bituminous industry, in an effort to stabilize the industry and promote the public interest provided coal operators and associations representing the bituminous industry in the various coal producing sections of the United States are invited to be present. The members of this association can not understand how a conference participated in by the United Mine Workers of America, which does not represent labor in this field, and only operators from Ohio, Pennsylvania, and northern West Virginia, representing but a small part of the bituminous industry, can possibly solve any of the economic problems referred to in your telegram. We beg to assure you that our mines are not more or less fully manned, but are overmanned, in that there are more miners in this region than the mines can employ. There are no labor grievances and neither is there any unsettlement or unemployment in the mines operated by members of this association or in this field which can be settled in any conference with the United Mine Workers of America.

MONONGAHELA COAL OPERATORS' ASSOCIATION,
D. H. PAPE, *Executive Secretary.*

WOMEN AND CHILDREN THE FIRST CONSIDERATION

That is the attitude of these cruel, brutal operators in reply to the suggestion that an armistice be declared, where both sides could sit down together and discuss the situation in a proper manner to see if some relief could not be had to relieve the suffering and distress of those innocent women and children in the western part of Pennsylvania.

Are we, as the representatives of the people of this great Nation, going to sit supinely by with that defiance thrown into our teeth and say that there is no chance to even discuss these relations by corporations that have violated their solemn contracts with the miners' union and forced upon these people this terrible condition that we have there? I have some more statements that I will read to you. I am trying to give you the atmosphere that you are about to approach.

WILL NOT YIELD TO HUMANITY

Here is what they say.

On February 4, 1928, in the issue of the Sun-Telegraph, published in Pittsburgh, Pa., a proposal for an armistice was made by Fannie Hurst. I quote from that paper:

Fannie Hurst's proposal in the Sun-Telegraph Thursday that an armistice be declared in the coal strike and the miners return to work, pending final settlement of the questions at issue, was laid before the union miners' chieftain and before the two largest operators, and this is what they said:

John L. Lewis, international president of the Mine Workers of America: "We are willing to consider an armistice. I can make no suggestion as to what its terms might be until negotiations have been opened. The thing to do is to open negotiations. We have always been and are now willing to meet the operators in a conference."

THE OLD, OLD STORY

C. E. Lesher, vice president of the Pittsburgh Coal Co.: "We indicated our position when we refused to attend the conference called by Secretary of Labor Davis, and it has not changed. We are not interested in the proposal of an armistice, because we do not recognize the existence of a war. We will not meet the union's representatives, because we have nothing to discuss with them."

Horace F. Baker, president of the Pittsburgh Terminal Corporation: "The time for compromise has passed. We have won the fight. To talk of a truce now is like raising a squawk after the battle is over. As I see it, there is no alternative for the strikers but to continue idle or return to work on our terms."

STRIKE BREAKER INEFFICIENT

Just a word more as to the suicidal nature of this conflict.

Here are some figures which completely explode the excuse of the operators as to the labor cost in unionized American mines:

The selling cost of coal, f. o. b. at the mines, under the Jacksonville scale was from $1.80 to $2.10 per ton.

German brown coal of a very inferior quality cost $3.75.

British, French, Belgian, and German coal of the better grades cost from $4 to $4.50 per ton, f. o. b. mines.

Here is a statement by Vice President Phil Murray, acknowledged to be one of the best-informed men in the coal industry in the United States:

The average production costs in western Pennsylvania during the years 1924, 1925, and 1926, at coal mines operating on the basis of the Jacksonville agreement, was $1.89 per ton.

The Pittsburgh Coal Co., as I have already stated, abrogated its contract August 10, 1925. Statements coming from the company since this abrogation were made public early in March, 1926 and 1927. These statements show that the cost of production operating on the basis of a $6 per day wage rate was $3.78 per ton.

THE COMPANY LOSSES ENORMOUS

It is conservatively estimated that this company's losses for the first 15 months that it fought the union amounted to about $11,000,000. This company has failed to pay dividends on its preferred stock since the latter part of 1925, or since its abrogation of contract. This is the first time in the history of the Pittsburgh Coal Co. that it passed up preferred dividends.

The company's mining equipment manned with efficient union miners, in western Pennsylvania, is capable of yielding an annual production of 22,000,000 tons. During the postwar period its production exceeded this amount. It has been conducting its strike-breaking campaign in western Pennsylvania for two and one-half years, the net result of its effort being a production figure of approximately 24 per cent of normal.

* * * * * * *

The next largest commercial coal producer in the Pittsburgh area is the Pittsburgh Terminal Coal Corporation. It respected the terms of its contract until its legal expiration, March 31, 1927. During the year 1926 it operated its six mines in western Pennsylvania steady and yielded a return of $378,000 to its stockholders after interest on bonded debt, taxes, insurance, etc., had been paid off. The production costs of this company for the year 1926, when it paid the Jacksonville agreement, was $1.86 per ton. Since April 1 it has operated nonunion and has inflicted three separate reductions on its employees. The last wage reduction was put into effect early in December, 1927. This company has suffered heavy losses in its effort to destroy the mine workers' organization and degrade wages. In fact, its first quarterly statement after starting on a nonunion basis, or for the months of April, May, and June, 1927, showed the company's net operating loss to be something in excess of $200,000. During the months of January, February, and March, 1927, this company paid the Jacksonville wage rate and netted a return of $77,000 after paying insurance, interest, taxes, etc.

The Bethlehem Mines Corporation abrogated its contract with the union in July, 1925. Its mines are located in western Pennsylvania and northern West Virginia. I have been unable to ascertain the production costs of this corporation because it is a subsidiary of the Bethlehem Steel Corporation and it has not been possible to secure any public record of the losses of the coal division of this corporation since it broke faith with the United Mine Workers of America. I know that they must be exceptionally heavy.

SHOOT UP PUBLIC SCHOOL

Here are some further facts:

The shooting affray in the Curry strike zone that shocked the country yesterday is the natural consequence of official incompetency that permits the ruthless rule of coal and iron police in western Pennsylvania.

Sheriff Braun very properly took charge of the riot district yesterday after a rain of bullets had been pumped into the strikers' barracks and a public school closed to save children from being shot by snipers.

Maybe Governor Fisher will be spurred to take some decisive action now.

To preserve order and protect the public safety is the fundamental function of government.

Those are the kind of things that are happening in western Pennsylvania, where, under the law of the State parents are compelled to send their children to school, and while those children are in attendance, in compliance with the law, these gunmen and thugs who have been imported from the scums of the earth, armed with authority of the State, come along and shoot into the barracks of the miners and shoot into the public schools to such an extent that the schools have to be closed to save the lives of the little children. Oh, Pennsylvania, what shame!

PENNSYLVANIA GREATLY ADMIRED

Let my position be understood. I love Pennsylvania. Its hills, valleys, dales, mountains; its great industries; its great educational institutions; its patriotism and its general and uniform greatness are the source of never-ending admiration.

Its warriors of every war and its men of peace have the highest place in my regard, but I can not remain silent when I see men and corporations employing questionable methods in order to sully its fair name. I can not remain silent when I see women whose hearts are golden suffer as my mother once suffered. I can not remain silent when I see stalwart men grieved and despondent, wondering how much longer such unjust restrictions shall be imposed; wondering, perchance, during the despondent moment, if life was worth the while. What would Benjamin Franklin, Robert Morris, and the other seven signers of the Declaration of Independence say if they returned to their revered State and found things as I have found them in western Pennsylvania? Would they not come to you, as they appeared before the Continental Congress, and plead, as I have pleaded, more eloquently I know, for a return of justice to their unhappy sons; and they would ask that the coal operators, the railroad managers, and the other interfering interests be rebuked by this Congress, like no aggregation of unprincipled men had ever been rebuked before.

SERIOUS CHARGES AGAINST A GOVERNOR

The charges made against the Pennsylvania Governor are serious ones, and they are all the more serious because they are made by men who love Pennsylvania just as much as he loves it. He is charged with being a party in interest, due to the fact that he is said to be a director and chief counsel for a mine company which is a subsidiary of the New York Central. And this railway, according to the information in my presence, is engaged in the debased, damnable, and un-American work of endeavoring to destroy the principle of contractural relations, and in the effort it has fallen from its high estate into the muck of trickery and deceit.

I do not desire to be misunderstood. I believe capital has its rights; that it has now and always will have a place in our economic and industrial life. But capital must be fair, it must be just, and it must treat its employees as men should be treated—with confidence and consideration. Labor asks the opportunity to share devotion to this high purpose through the only channel that makes cooperation possible—the trade union. Labor's cause is now plainly seen by all men to have what, by implication, it had from the very beginning—a positive as well as a negative purpose. Its aim is not merely to repel opposition, to vindicate public faith, to clip the wings of capital, and to frustrate the designs of what the railroads and the bituminous operators call the avowed policy—the establishment of company unions.

MUSEUM THE PLACE FOR ANCIENT METHODS

Labor recognizes that the old, coercive, and intimidative machinery, however, worked, like chain armor and horse cars, had its day, and that such machinery must take its place among the things one usually views in museums. Labor is determined to provide against the horrors which are now scourging manhood and womanhood in western Pennsylvania, not merely by repression and industrial warfare but by the continuation of collective bargaining and the corporative judgment, the sense of common interests and common duties, the reconciling of the warring industrial interests, and, if need be, the restraining and constraining of our whole industrial family.

It is necessary to thunder with indignation at the sight of harrowing scenes, and it is equally necessary for a note of warning to be sounded when corporations, such as the New York Central, the Pennsylvania Railroad, and other railways, keep stepping outside of their own field of endeavor and interfere with the peace, the prosperity, and the progress of other industries. They pursued such a course once before and were called to account before the bar of public opinion.

The interference in the anthracite coal fields only a few years ago has not been forgotten, and the effort to destroy the United Mine Workers in that region is still fresh in mind. Their apparent purpose was then, the same as it is now in western Pennsylvania, to keep down wages so that high freight rates can be charged.

RAILROADS WARNED TO BE CAREFUL

It will be recalled how the railroads interfered in Pennsylvania politics. They had no scruples about dealing with the gang in whatever way it suggested. Their representatives were everywhere. The mighty railroad hand was raised against every aspiring man who did not think in railway terms and meekly follow the railroad executives' suggestions.

These same executives were so busy attending to everyone's affairs but their own when the World War happened along, so much so that they fell flat. Their rolling stock became impaired and the Government, fearing a general breakdown, interposed and assumed charge. It will be recalled how these same railroad executives came to Congress and cried out in distressful lamentations that if the railroads were given back to the original owners they would be good; that they would attend to their own business and leave other industries and politics alone. Congress listened to their plea and returned the railroads to their owners.

For four or five years they did mind their own business, and as a result the railroads prospered. But unfortunately they can not stand prosperity. It goes to their head. Again they are going forth to conquer new industries. This year, perchance, with all the brazen effrontery of yore, they will again be enmeshed in the muck of gang politics.

THE PUBLIC EYE IS OPENED

But I warn them to desist before they go too far. The public eye is opened; the public conscience is awakened and will no longer tolerate unscrupulous methods. The hand that smote them once will smite them again.

It has been said that a cessation of hostilities would be of little advantage to the striking miners, because mills and factories are idle, and there is no demand for bituminous coal. I will admit that there is a lull in industrial activity. The mills and factories of my home city are not working as steadily as they should, and the anthracite mines are working a little better than half time.

But notwithstanding business stagnation, if peace between the bituminous operators and the striking miners were established, a sense of security would prevail; the miner's credit would be reestablished; he could return to his old home; he would be free from persecution; free from the blackjacks of the unscrupulous coal and iron police, and he and his family would be happy and content in their old environments.

THE ADVANTAGES OF INDUSTRIAL PEACE

The miner is a skilled workman. He must know the use of powder; he must know how to direct the course of the air; he must know how to stand props, erect doors, and brattices; he must know how to encounter gas and black damp; he must know how to protect himself and others from falls of coal and rock; he must know how to handle electrically operated boring machines; he must know how to handle the drill; he must know how to move the mine car from place to place; and, above all, he must know the kind of coal he is blasting, or else he will have only trouble for his pains. He must always look for the preservation of safety from his fellow miners, and they, too, look to him for a display of common sense and good judgment in every one of his daily tasks. But notwithstanding the care exercised, death and injury lurks in the darkness.

THE MINERS' PAY ALWAYS INADEQUATE

He could not be over or excessively paid no matter what his daily wage might be; that is my personal belief, and the belief of every man who is acquainted with the dangers and the intricate details of mines and mining. But the highest wage he ever received in the bituminous fields of western Pennsylvania was under the Jacksonville scale. That was a little over $7 per day. But the miner, if he is paid by the day, very seldom works more than three or four days a week. If he is a contract miner, he could report every day, but he has not the assurance of more than a few cars. So, it will be observed, that his monthly wage is never more than $80 to $90 per month. From this rent for his shack, charges for powder, sharpening of tools, and the like must be deducted.

OPERATORS DESIRE A RETURN OF THE OLD SYSTEM

Then why this charge of high wages? I will tell you. It is plain and unmistakable. The operators desire a return of the old days, when the mine boss cracked the whip the mine employee would run. They want the return of the company store. They want a return of the peonage system. They want a return of the old power of voting, when the miners were voted as a unit for a given candidate, no matter what the individual preference might be. They do not want the miner to have the independence or the freedom the United Mine Workers gives him, and they want to keep the miner at the borderland of starvation and in the state of absolute subjugation. Thus, you

will observe, the plea of inability to pay is a pretense, a subterfuge, and it is not going to fool anyone. It might be their wish, but a return of the old system will never materialize, because the people of these United States will not stand for it. The miners are striving as well as their limited means will allow to be true Americans. The seed of communism will, I hope, never find root among them, because they are not going to allow themselves to fall prey to the malefactors of the coal industry. And the good and true people of this country are going to see that they win a victory—one that will insure a decent salary; one that will insure good homes; and one that will insure an education for their offsprings.

THE REMARKABLE CONTRAST BETWEEN TWO GOVERNORS

It is apropos at this time to contrast the remarkable difference in the attitude of the Governor of Pennsylvania and the Governor of Ohio. Conditions in Pennsylvania are as I have described them—intolerable, unbearable, and inhumane. Want, cruelty, and the imposition of blackjack police regulations were in evidence everywhere in the mine patches.

Did the governor of that State size up to the occasion? Did he do one single thing to alleviate the sufferings? Did he do one single thing to satisfy the hunger of the men, women, and children? Did he do one single thing to prevent brutal practices of the coal and iron police? As far as I know, he did not. He incased himself in the ignoble shroud of silence—forgetful of duty.

I have been taught that one comes into this world to enjoy what is beautiful and good and to do as one pleases when the things one wants to do are noble, intelligent, and generous. Was he, the governor of a great State, noble or generous in the great emergency?

SOLDIERS ON MISSIONS OF MERCY

How different was the attitude of the Governor of Ohio. It is true shortly after the strike was called he ordered out the militia, not for the purpose of browbeating and blackjacking or evicting the striking miners, but for the purpose of performing missions of mercy.

The Ohio soldiers carried no guns, but instead carried bread and fed the hungry; clothed those who needed raiment; gave shoes to those who needed them; and escorted, when such was necessary, the children back and forth from school. The Ohio soldiers cheered the despondent, spoke kindly to all, and endeavored in every way possible to make the lot of the miner as happy and contented as circumstances would permit.

SOLDIERS HELD IN AFFECTIONATE REGARD

And as a result the Ohio governor and his manly soldiers are held in affectionate regard because they have lived with kindness in their minds and charity in their hearts and, according to history and religion, they are to live as true exponents of the American principle of noble endeavor.

Much has been said about the coal and iron police. I have had many inquiries as to what this institution is or what it represents, who they are, and where they get their authority. I believe this is an opportune time to make reply to these many inquiries. The coal and iron police is a body created by law by the State of Pennsylvania in an act passed by the legislature during the Civil War. Certain men were unable, because of physical disabilities, to go into the active military service during the war between the North and the South. Coal and iron being recognized as very essential in warfare, it was decided to pass a law by the State of Pennsylvania which, under its provisions, would make these men who were unfit for active military service in the field to be able to contribute their share toward the winning of the war.

The State passed what was known as the act creating the coal and iron police, whose duty it was to protect the coal and iron deposits and industries of the State and see that the coal and iron products were carried to their proper destination. Necessarily, under such a situation, great powers were granted to these coal and iron police.

WHAT ARE COAL AND IRON POLICE?

They represent the chief executive of the State and are commissioned by the governor of the State and are responsible to him; but while they are appointed by the governor, from the recommendations made to him by the coal companies, they are in reality governed in their official action by the coal companies upon whose pay roll they are carried and paid from. They have the full authority of the police powers of the State, while they are on the pay rolls of the coal companies and subject to the orders of these coal companies.

THE ARMED THUG AT LARGE

What else do we find? We find that upon the requests of the coal companies in the western part of Pennsylvania, made to the governor for the commissioning of coal and iron police, approximately 4,000 coal and iron police commissions were issued. These men carry with them the badge of authority of the State, a revolver, a riot club, and they are also dressed in officers' uniforms; they represent and speak in the name of the Governor of the great State of Pennsylvania.

We also find that after fighting for over a year and a half trying to get the facts about these gunmen commissioned as coal and iron police, the governor's office the other day admitted every charge that was made against these men and against the institution as an institution. He says the governor's office admits that there are about 4,000 coal and iron policemen appointed by the governor, and upon a check up by his office they find that there are about 2,500 of these men, with all this authority, representing the governor and the State, that can not be found upon the pay rolls of the coal companies of Pennsylvania; an armed mob of thugs and gunmen roaming through the State, unattached and not responsible to anyone.

And unfortunately under the law these men can not be discharged by the governor unless formal charges have been preferred against them and until they are given an opportunity for defense. Just think of it, an army of 2,500 irresponsible gunmen imported from all parts of the United States, and particularly from the slums of the big cities, roving through Pennsylvania, armed with a commission issued by the governor in the name of the State and representing the governor, and the governor does not know where they are or who they are.

DISORDER INEVITABLE

Is it any wonder we are having murder, bloodshed, riot, and everything that may follow in a situation of that kind, when this army of thugs are prowling through the State unattached? It is a serious matter, gentlemen. If they can do this in Pennsylvania, may they not likewise undertake to do the same thing in every other State. If these conditions are permitted to continue what is going to become of the freedom of the people? What is going to become of the Constitution of the United States? What is going to become of our rights and the protection that the Government of the United States has promised to give to each and every one of us?

The amazing brutalities to which the miners and their families are subjected under the system referred to are graphically set forth in sworn statements of many victims and I wish to place in the RECORD a number of these affidavits, which are as follows:

COULD NOT VISIT HER DAUGHTER

On August 2, 1927, I went into the Valley Camp Coal Co.'s office at the Kinloch Mine with Mrs. George Nuttall and Mrs. Margaret Maughan, a Red Cross nurse, to see Mr. Paisley, if he would permit Mrs. Margaret Maughan to take care of her daughter, Mrs. George Nuttall, as she was about to be confined, and Mr. Paisley said that he would not permit Mrs. Margaret Maughan to go into the patch to take care of her daughter, Mrs. George Nuttall. I asked him a few times that from a human right he should permit the mother to take care of her daughter during her sickness, while the mother is a Red Cross nurse, but Mr. Paisley answered that she could not go into the patch, and said that Mr. George Nuttall should have moved, and said that Mrs. George Nuttall didn't get that way overnight. I said to Mr. Paisley that while I was in his office once before on a confinement that we both understood that a doctor and a nurse could get into the patch, and Mr. Paisley answered that there was no such understanding, and I answered that he was not telling the facts and asked Mr. Paisley again to permit Mrs. Margaret Maughan to take care of her daughter, Mrs. George Nuttall, during her confinement, and Mr. Paisley said, "No; she can not go into the patch."

S. INGERSKI.

On this 19th day of October, 1927, personally appeared before me, a notary public in and for the county of Westmoreland, State of Pennsylvania, S. Ingerski, who, being duly sworn, stated that the above affidavit is true and correct to the best of his knowledge and belief.

RAPHAEL CHIODO, *Notary Public.*

INDECENCY AND INSULT

STATE OF PENNSYLVANIA,

County of Allegheny, ss:

Mrs. Rosa Costa, being duly sworn, says that she is the wife of Tony Costa, and lives in one of the company houses at Mine No. 4, and that this has been her home for four years, her husband during this period and up to April 1, 1927, digging coal for the Pittsburgh Terminal Coal Corporation; that she has five children, four of whom live with her, one a daughter 19 years old.

This affiant says that said company has a large force of coal and iron police stationed at said mine, many of whom are overbearing, offensive, and insulting in their manner; that they do not allow the union miners or members of their families to stand on the highway, but continually order them to move on; that they will not allow any of

affiant's relatives, or relatives of other union families to visit them at their homes; that they will not permit the delivery of foods or groceries or other supplies purchased by the affiant or other families of union miners, but require the affiant and union miners and their wives to carry in their own supplies that they have purchased at Horning.

Affiant further says that many of the guards are insulting to the wives of union miners and to the girls of their families; that there is a toilet used by said coal and iron police in the rear of the house in which the affiant lives and about 40 or 50 feet from the rear porch, and that it is a common occasion for the members of the coal and iron police to go to the said outhouse they use about half dressed and use the same without closing its door and in full view of this affiant and members of her family and other families of union miners living near by, exposing their person to public view; that on one occasion one of the coal and iron police saw her at the window and motioned to her, and she came out on the porch and asked what he wanted, and he made an indecent proposal to her, whereupon she turned and went into the house.

This affiant further says that she has disliked to make charges before any magistrate of this conduct referred to, and for that reason has not had said coal and iron police prosecuted.

ROSA COSTA.

Subscribed and sworn to before me this 27th day of August, 1927.

[SEAL.] J. M. O'ROURKE,
Justice of the Peace.

(My commission expires first Monday in January, 1932.)

THE TERRIBLE CONDITION FROM WHICH THERE IS NO RELIEF

STATE OF PENNSYLVANIA,
County of Allegheny, ss:

Mary Tarker, being duly sworn, says on oath that she is the wife of Barney Tarker, a coal miner who has mined coal at No. 4 Pittsburgh Terminal Coal Corporation for the last 16 years and up until April 1, 1927; that she is 38 years old and the mother of 10 children, 9 of whom live with her and her husband; this affiant has seen a number of the coal and iron police going to and from their toilet half dressed, and on one occasion one of them wholly exposed his person and made insulting signs to the affiant.

Affiant further says that the coal and iron police are overbearing in their manner toward members of the families of union miners.

MARY TARKER.

Subscribed and sworn to before me this 27th day of August, 1927.

[SEAL.] J. M. O'ROURKE,
Justice of the Peace.

(My commission expires first Monday in January, 1932.)

COAL AND IRON POLICE VILE AND OBSCENE

Personally appeared before me, John J. Gill, justice of the peace in and for the county of Allegheny and State of Pennsylvania, one Mrs. Susie Lapovitch, house No. 348, Renton, Pa., who, being duly sworn, deposes and says: That on July 19, 1927, as she was going to the stable to milk a cow a State trooper came to her gate and swore at her and told her to get in the house. She replied that she could not, as she had to milk a cow. He asked her if she would milk him, too. When he found out that her husband was there and was listening to everything he was saying, he called her vile and vulgar names and tried to open her gate, which was locked. Her husband is a union miner, and they have resided in Renton for eight years. She is afraid to go out on the highway for fear of being insulted or assaulted. She is the mother of five children.

SUSIE (her x mark) LAPOVITCH.

Sworn to and subscribed to before me this 4th day of October, 1927.

JOHN J. GILL,
Justice of the Peace.

WOMEN BRUTALLY ASSAULTED

LOCK BOX 27, *Creighton, Pa.*

Personally appeared before me, John J. Gill, a justice of the peace in and for the county of Allegheny and State of Pennsylvania, one Mrs. Julia Luzick, House No. 146, Renton, Pa., who being duly sworn, doth depose and say: That on July 19, 1927, as she was sitting on her porch she saw some women running in all directions. She then saw two State troopers, who were mounted, chasing the women into their houses. One trooper broke the lock off the house next door to her and entered the said house and beat Mrs. Anna Turba with his mace. After leaving Mrs. Turba's house he came over to her house and said, "Now, we got you," and the other trooper said, "Beat her to death." The trooper struck her on her leg with his mace. She begged him not to hit her and ran into her house. The trooper broke through her screen door and struck her again on her chest with his mace. The said troopers went from house to house beating and chasing all the women into the houses. She, the said Mrs. Luzick, was confined to her bed for three weeks and was unable to perform her duties as before, and she is the mother of four children. Her husband is a union coal miner and was employed at Renton Mine. They have resided at Renton since 1919.

JULI LUZIK.

Sworn to and subscribed to before me this 4th day of October, 1927.

JOHN J. GILL,
Justice of the Peace.

POLICE CLUB CHILDREN

STATE OF PENNSYLVANIA,
County of Allegheny, ss:

Before me the subscriber, a justice of the peace in and for said State and county, personally came David Harris, who, being duly sworn according to law, deposes and says that he resides at Renton, Allegheny County, Pa.; that on the evening of October 26, 1927, he saw two State troopers chasing children in the village of Renton, Pa.; that one of said troopers threw a club at a child crossing the street, and further saith not.

DAVID HARRIS.

Sworn to and subscribed before me this 27th day of October, 1927.

THOS. E. MALLISEE,
Justice of the Peace.

CHILDREN FLED TO THE MOUNTAINS

STATE OF PENNSYLVANIA,
County of Clearfield, ss:

Before me, a justice of peace in and for said county and State, personally came Tony Cocoa, of Ginter, Pa., who, being duly sworn according to law, says: That in the township of Gulich, Clearfield County, Pa., at Brookwood shaft, on the 22d day of August, 1927, while a number of children were playing along the side of the road, three members of coal and iron police, employed by the Madera Hill Coal Mining Co., chased them into the woods, frightening them and scaring them almost to death. The children were so badly scared that they went on the mountain, and it took the neighbors more than three hours to find them.

TONY COCOA.

Sworn and subscribed to before me this 9th day of November, A. D. 1927.

[SEAL.] W. H. SMITH,
Justice of the Peace.

(My commission expires first Monday in January, 1930.)

HORSES ARE USED FOR MANIFOLD PURPOSES

Personally appeared before me, John J. Gill, justice of the peace in and for the county of Allegheny and State of Pennsylvania, one Mrs. Frances Birhar, of House No. 701, Renton, Pa., who, being duly sworn, deposes and says: That on the morning of July 19, 1927, as she was on her way to visit Mrs. Ella Lazar, she was accosted by a State trooper, who was employed at the Renton coal mine, who told her that if she did not run back to her home he would make his horse jump on her. He followed her about 300 yards and chased her into Mrs. Bogity's house, and called her vile and vulgar names. Further that she and her husband have been residents of Renton for the past five years, and her husband is a union man, employed at the Renton coal mine.

MRS. FRANCES VEHAR.

Sworn to and subscribed to before me this 4th day of October, 1927.

JOHN J. GILL,
Justice of the Peace.

BREAK INTO HOMES

Personally appeared before me, John J. Gill, justice of the peace in and for the county of Allegheny and State of Pennsylvania, one Mrs. Anna Turba, house No. 145, Renton, Pa., who, being duly sworn, doth depose and say: That on July 19, 1927, she was standing with a woman who was chased into her porch by some State troopers. Presently two troopers came along, and one told the other to get off his horse and beat them, the two women. They ran in the house and locked the door. The trooper broke the lock and entered the house and struck one woman with his mace and beat her, Mrs. Turba, across her hips with his mace. The trooper outside told the trooper inside to beat them to death. Mr. Turba was ill and bedfast at the time and was so upset that he was confined to his bed for a month and has been unable to work and support his family, and they are now depending upon neighbors for support. Her husband is a union man and was employed by Renton mine. They have six children and have resided in Renton for eight years. She is afraid to leave the house for fear of being insulted or assaulted by the State police.

ANNA (her x mark) TURBA.

Sworn to and subscribed to before me this 4th day of October, 1927.

JOHN J. GILL, *Justice of the Peace.*

WOMEN UNSAFE ON THE STREETS

Personally appeared before me, John J. Gill, a justice of the peace in and for the county of Allegheny and State of Pennsylvania, one Ludwig Bogertay, house No. 55, Renton, Pa., who, being duly sworn, doth depose and say: That on July 29, 1927, he was standing on his porch when a deputy sheriff rode up to him and said: "Get in the house or I will club hell out of you and damn quick, too." He was not bothering them or interfering with their duties, and he also saw them insulting and assaulting women and children who were not interfering with them in any way. He is a union man and has lived in Reuton for five years.

LUDWIG BOGERTAY.

Sworn and subscribed to before me this 4th day of October, 1927.

JOHN J. GILL, *Justice of the Peace.*

DRIVEN INTO HYSTERICS

COMMONWEALTH OF PENNSYLVANIA,

Washington County, ss:

Before me, the subscriber, Thomas Ward, in and for the county and Commonwealth aforesaid, personally appeared Pulenie Peterson, who, being duly sworn according to law, doth depose and say, on the 24th day of October, 1927, that she was abused by George Waytte, one of the deputy sheriffs employed by the Valley Camp Coal Co. at Van Vooruis, Fallowfield Township, and Washington County, Pa., and because of the abuse thereof the said Pulenie Peterson was confined to her bed for three days because of the abuse which necessitated medical attendance, and further deponent saith not.

PULENIE PETERSON.

Sworn to and subscribed before me this 1st day of November, 1927.

[SEAL.] THOMAS WARD, *Alderman.*

(My commission expires first Monday in January, 1932.)

There are two classes in the private army employed by the operators, the coal and iron police and the deputy sheriffs.

It is against the latter that the keenest resentment is felt.

HIRELINGS OF THE OPERATORS

The coal and iron police are frankly the hirelings of the operators. From long experience the miners know these police are ready to go to any lengths to please their bosses and earn their pay.

But the deputies are theoretically the subordinates of the sheriff, an officer elected by popular vote and intrusted with wide powers and discretion.

In actual practice the deputies are selected by the operators, just the same as the private police. The miners charge they are just as overbearing, just as careless of the rights of ordinary human beings as the companies' hired men.

At Harwich, where the mine is owned by the interests which control the Pittsburgh street railways, complaints were numerous.

DEPUTIES WORSE THAN PRIVATE POLICE

Here the practice of forbidding the miners, then still living in company houses awaiting the decision of the courts in the eviction suits, from visiting among themselves or exercising many of the ordinary privileges of citizens were stated to be enforced with special rigor.

One striker told of being arrested for speaking to a sick friend who died a week later. The miners had to plead for permission to attend the funeral and were forbidden to march to the grave.

Another striker stated he had been arrested when he went to ask the wife of a neighbor to do some washing for his wife, who was expecting a new baby.

Still another said he had been fined $14.60 for trespass because he carried groceries to the house of a relative.

In another case a woman standing by the fence between two lots had been struck on the toes by a deputy and profanely told to "keep in her own back yard."

Six families were evicted at this mine on the very day the American Federation of Labor conference convened in Pittsburgh. The deputies threw the furniture into the street.

MINE BARONS CONTROL SCHOOLS

Another cause of bitter complaint was the treatment of the strikers' children who, it was asserted, were driven off the streets by the deputies.

The school directors are mine officials and many incidents were related of discrimination against the children of miners.

When the chief deputy at this point was interviewed concerning these charges he did not deny them, but deprecated the stories of the strikers, claiming they had been "exaggerated." He admitted that certain families had been forbidden to visit their friends, but justified this on the ground that they were "radicals."

BRUTALITY UNNECESSARY

Another chief deputy, only a few miles away, indignantly denied that there was necessity for such tactics. He contended such practices were deliberate attempts to foment disorder.

Our duties are to prevent unlawful assembly and obstruction of the public highways.

He said.

There should be no difficulty in performing these functions as the miners are anxious to avoid trouble. They are good boys and only ask to be let alone. If the coal and iron bullies would keep their mouths closed and attend to their own business there would be little to do.

He pointed to the fact that his territory had been one of the quiet sectors of the strike area, but said he had been reproached by mine officials for not "bearing down" harder on the miners. One of the complaints was that he "talked pleasantly to them."

Ample proof exists of the truth of the miners' statement that hundreds of arrests have been made on the most trivial charges. Both the deputies and the coal and iron police do not take their victims before the nearest justice of the peace, but draw them all over Allegheny County seeking a justice who will be sure to "stick" them.

ABSURD TACTICS OF POLICE

Some of the cases border on the absurd.

For example: One picket, a Turk, was taken before one of these "hard-boiled" justices of the peace charged with using abusive language.

It happened that he had called, in his native tongue, to a scab who happened to be of his own race:

Hi, buddy, there is a strike on in that mine.

An official interpreter had to be called from Pittsburgh before the local Solomon could be convinced that "buddy" in Turkish was not an opprobious epithet.

At another point a picket was arrested for talking too loud. The operations at this mine had been shifted to keep the scabs from coming close to the picket posts on the public road, but this picket, blessed with an especially powerful voice, had been able to beat that game and project his message to the listening nonunionists. Just how loud an American citizen might speak without fracturing the laws and constitution of Pennsylvania was not definitely determined by the justice of the peace.

The "squire" was doing a land-office business until the number of miners brought before him and the unvarying regularity with which they were found guilty and fined attracted the attention of officers of the United Mine Workers. Since then, about 240 appeals have been taken from his decisions.

We have in Pennsylvania a situation where the courts have declared that when a miner leases a house from a coal company the relation of landlord and tenant does not exist, as it does under the laws of other States, and when these evictions commenced the miners' union undertook to try and test the validity of these leases. They succeeded in getting some of these leases up to the courts; but, finally, along comes this injunction I spoke about a minute ago and enjoins the miners' union, its officials, or anybody connected with it directly or indirectly, from continuing "this conspiracy to prevent men returning to work in the mines" for this particular defendant by either putting up bonds or employing lawyers or contributing in any way toward getting the cases of these poor miners into court; and, of course, their cases can not be reviewed by the courts if they can not get them before the courts.

THE HEARTLESS EVICTIONS

This injunction went so far as to restrain and name the bonding companies that are restrained from putting up bonds in order to get their cases properly before the court—I think the amount of the bond was $700.

Here is a matter for those of you who are lawyers; here is a matter for those of you who have been judges; here is a matter for the great Committee on the Judiciary of this House—to protect the sovereign rights of citizens of the United States, because when a man living in one of these humble company shacks is informed of his eviction, if he does not get out, he and his family are put out on the streets, and if any person goes to his rescue he is enjoined for doing so, and if he did help an unfortunate man he no doubt would be sent to jail for contempt of court. The miners do not have $700. If they had they would not be working in those damnable hell holes in the bowels of the earth.

They can not get into court. They have not the money to put up the bonds, and the court reaches out and forbids the miners' union to put up the bonds so that these men may get

their cases into court. It restrains the bonding companies of Pennsylvania from putting up bonds for these miners, because they consider it a part of a conspiracy to keep men from going to work in these mines.

CITIZENS DEPRIVED OF THEIR RIGHTS

This is the situation, my friends, briefly stated. How are the poor miners going to get their cases into court when we find a judge sitting on the bench depriving American citizens of the right to have their cases reviewed by the courts of the land? How long are we going to stand for such damnable injunctions that take from the citizens of the United States the right guaranteed by the Constitution of the United States. Such practices are rightly called government by injunction.

No feature of the strike has aroused more deserved indignation than the manner in which the miners have been thrown out of their homes by the operators.

Almost 10,000 families have been evicted and are being sheltered in flimsy barracks, in abandoned churches, old stores buildings, and in any other place which will afford some semblance of protection from the bitter winter weather of the Pittsburgh district.

I have here a list of barracks erected by the United Mine Workers, which I ask be inserted in the RECORD:

Barracks erected or under course of construction January 11, 1928

Town	Rooms	Families
Curtisville	325	138
Newfield	75	29
Arden	75	31
Broughton	66	25
Cokeburg	31	12
Avella	128	54
Harmarville	225	85
Harwick	188	76
Indianola	233	85
Kinloch	120	50
Naomi	43	17
Ontario	57	23
Pike Mine	36	15
Pittsburgh Terminal No. 2	217	82
Pittsburgh Terminal No. 3	121	59
Pittsburgh Terminal Nos. 4, 5, 6	325	125
Pittsburgh Terminal No. 7	85	34
Pittsburgh Terminal No. 8	200	70
Pittsburgh Terminal No. 9	224	94
Renton	340	132
Russelton	335	132
Soudan	192	79
Vesta No. 4	382	156
Vesta No. 5	464	185
Vesta No. 6	195	78
Vesta No. 7	60	25
Total	4,708	1,896

HOUSES STAND EMPTY

The excuse given for the eviction of the miners from the company houses was that the houses were needed for scabs. Yet, in a number of cases, after the miners had been driven out, the places were left vacant, except for those occupied by coal and iron police.

At Lick Run I saw a row of 44 houses with the windows boarded up with scrap lumber.

Right across the road, in flimsy barracks erected by the miners with material furnished by the United Mine Workers were the families that had been evicted.

Some of the families had lived in the company houses for 30 years. Several of the strikers in the barracks first saw the light of day in those abandoned homes.

The barracks are of one thickness of coarse lumber and this has already shrunken so as to leave wide cracks. These are covered with paper to keep out rain, snow, and wind. No appeal to the imagination is necessary to emphasize what this means to women, some in delicate health, and to children during the winter months.

When I visited the Pittsburgh district some of the union miners were still living in company houses pending decision in suits brought by the United Mine Workers.

In many cases they had scabs for next-door neighbors. Under the terms of the injunction issued by Judge Schoonmaker, as construed by the coal and iron police, they were not permitted to resent by word or look the jeers and insults of the mine guards or the scabs.

WANTON CRUELTIES

Their light and water had been cut off. On the ground that it constituted trespassing as defined by the injunction, grocery men, milkmen, and others bringing household supplies were forbidden to enter the company's property.

The miners and their wives had to wait in the public road until the delivery men came by and then carry their purchases to their homes, in some cases over half a mile.

I saw several women climbing hillsides with bags of coal on their heads. In another place a number of strikers were gathered by the roadside guarding bundles which others were carrying away in relays.

In one camp the only source of supply, after the water had been cut off, was a condemned spring. One of the commonest sights was that of boys carrying pails of water for long distances from springs or from the wells of sympathetic home owners.

Not content with this petty persecution the mine companies have resorted to more serious aggression.

TEAR DOWN HOUSES

At Coverdale Mine No. 8, I visited the home of John Usnick, a union miner then living in a company house.

Usnick had been served with an eviction notice and had refused to leave. The company had been restrained from throwing him out by the suits brought by the United Mine Workers.

Without any notice whatever a gang of company workmen was sent to the house and proceeded to erect scaffolding and tear off the roof. When an explanation was demanded Usnick was informed that "necessary repairs" were being made.

Mrs. Usnick was lying ill in an upper bedroom at the time and a block of wood dropped on her shoulder, paralyzing it for several days.

Complaint was made to the county attorney, and the company was informed that they must replace the roof. This was done by tacking on sheets of paper, leaving holes large enough to admit one's hand. Daylight could be seen through scores of cracks.

Heavy rains drenched the entire house. At the time of our visit the wallpaper was falling off, and the floors were still wet and the furniture soaked.

Two other families in this camp were treated in the same manner. When protest was made the company proceeded to camouflage its action by erecting a third story on the houses, but failed to go to the trouble of providing any connection between the upper and the lower floors. The village contains several hundred houses, but these are the only miners' homes with more than two stories.

The influence of the mine companies is being used, according to the strikers, to prevent them from securing employment of any kind.

At Harmanville an officer of the local miners' union informed me that a number of the strikers had secured work at the Duquesne Light Co., a public-service corporation.

All were suddenly fired. When asked for an explanation, the gang bosses said that word had come from the Consumers' Mine Co. that the miners were "undesirable."

PITTSBURGH CITIZENS AROUSED

What about the people of Pittsburgh?

For a long time they failed to realize the misery and actual starvation existing at their very doorsteps. The miners had suffered in grim silence. But finally the suffering spoke for itself. Various organizations and individuals began to investigate.

Among numerous other agencies the Young Women's Bible Class of the Beechview Episcopal Church, located in a prosperous suburb of Pittsburgh, conducted an investigation of its own.

These girls went into the homes of both scabs and strikers. They were so appalled by what they had seen that they immediately wired the senior Senator from New York. His indignation was so aroused that he in the Senate disclosed the facts given to him in a scathing speech in which he declared: "This is not a recital of conditions in Armenia or in some remote part of the earth, but within half a day's journey from the Capitol."

This telegram was as follows:

CONDITIONS ALMOST UNBELIEVABLE

PITTSBURGH, PA., *January 3, 1928.*

Senator ROYAL S. COPELAND,
Senate Building, Washington, D. C.

DEAR SENATOR COPELAND: Reading your article on the coal situation prompts me to wire first-hand information. The Young Women's Bible Class of the Methodist Episcopal Church of Beechview, Pittsburgh, made investigation on December 2 in mines Nos. 2 and 3 at Castleshannon and mine No. 8 at Coverdale. We found large families of bright children without shoes and stockings and not sufficient food or clothing. Conditions almost unbelievable could exist in America. We found a newborn babe without any clothing, the first one born in the barracks of Coverdale. We immediately opened a receiving station in Beechview, and we were the first organization to extend relief to these destitute women and children in the mines. It seemed the heavens opened, and in less than three weeks we distributed 1,000 pairs of shoes and stockings, 500 well-filled baskets of groceries, and

a lovely Christmas treat for 1,200 children. This is to say the sympathy of the people is expressed in greater degree than upon any previous demand. Judging from the quality of all kinds of clothing, the contributors must have sacrificed. We were happy to provide ample clothing even for this very small portion of the area in distress. The use of coal being a public service, surely the Government will come to the rescue of these people, who are honest and industrious and must not be allowed to perish. We are not concerned in the controversy, but from a humanitarian standpoint we are urging you to use all the power at your command. I met you when you spoke in this city at a meeting. The barracks in which they are forced to live you could insert a lead pencil between the boards.

Very sincerely,

IDA L. ALLEN,
Teacher and Treasurer of the Relief Committee.
Mrs. H. G. SCHRAEDER,
Chairman.

STRIKE BREAKERS SUFFER PRIVATIONS

Amazing as this state of affairs must appear to the Members of the House, the most astounding feature is yet to be disclosed.

This is the condition of the scabs who have, in the Pittsburgh Coal Co. and other mines of the Pittsburgh, West Virginia, and Ohio fields, enjoyed for over two years the wage scales and living conditions which one nonunion operator had the impudence to declare, when repulsing the invitation of Secretary of Labor Davis to attend his conference, were in the public interest.

When the citizens of Pittsburgh were brought to realize the emergency existing on their doorsteps, numerous agencies inaugurated investigations in both strikers' barracks and the stockade-guarded shanties of the scabs.

THE CLERGY AROUSED

This movement was led by the united clergymen of the city, supported by a large volunteer committee composed of the heads of practically every welfare organization in Allegheny County.

The Rev. Dr. Samuel H. Goldenson, rabbi of Rodef Shalmon Temple, as chairman of a ministerial committee, issued a call for a meeting to prepare an appeal to the public for funds.

Members of the committee are the Rev. Dr. Ralph B. Urmy, pastor of the Bellevue Methodist Episcopal Church and chairman of the social service commission of the Pittsburgh Council of Churches of Christ; the Rev. L. W. Mason, pastor of the First Unitarian Church; the Rev. Father J. F. R. Corcoran, head of the Catholic charities of the diocese of Pittsburgh; and the Rev. Dr. W. I. Wishart, pastor of the Eighth United Presbyterian Church, North Side, and president of the Pittsburgh Council of Churches of Christ.

Father Corcoran estimated that $5,000 a week would be required for at least three months to save the miners' families from starvation.

OTHER DISTRICTS SUFFER

But what of the other districts? How are the strikers and scabs faring in West Virginia, Ohio, and central Pennsylvania?

Among those attending the conference called by Secretary of Labor Davis were Van A. Bittner, special representative of the United Mine Workers in West Virginia, and Presidents Lee Hall and James Mark, of the Ohio and central Pennsylvania fields, respectively.

These four chieftains told extremely interesting stories of the coal diggers' struggle in their districts.

By far the most important revelation came from northern West Virginia.

BUSINESS MEN CALLING FOR PEACE

Practically every business and professional man in 13 counties, comprising the entire coal-producing area of the State, has signed a petition calling for peace.

This petition is a most extraordinary document. After reciting that the strike has lasted for three years and that all attempts at a settlement have failed, it declares:

Three years of low wages have demonstrated that prosperity and happiness and contentment can only come to the mine fields of northern West Virginia through a rehabilitation of higher wages, better working conditions, and more freedom in the mining camps.

We believe that this can be brought about only through proper negotiations between the coal operators and the United Mine Workers of America.

The petition is addressed to Governor Howard M. Gore, United States Senators GUY D. GOFF and M. M. NEELY, all of West Virginia, and Secretary of Labor James J. Davis.

These distinguished gentlemen are urged to "use all the influence they possess to bring the operators and miners together for the purpose of negotiating a wage scale and ending the strike, in order that our business may be prosperous and happiness may again prevail."

ALL CLASSES PROTEST

The signers of the petition include sheriffs, mayors, and city councilmen, county attorneys, clergymen of every denomination, bankers and representatives of every line of commerce and industry. About 22 cities and towns are included.

Not content with signing as individuals, the members of the city council of Clarksburg, the fourth largest city in the State and by far the largest in the strike area, adopted an official resolution, declaring that "untold harm had resulted from the strike to inhabitants of the community."

The members of the Ministerial Association of Clarksburg also signed as individuals, and then adopted a resolution expressing the same sentiments on behalf of the association.

The conditions in northern West Virginia were described by Van Bittner.

HOW FARES WEST VIRGINIA?

There is no business in our territory and has been none since the beginning of the strike. The situation is one which residents in more fortunate communities would describe as "impossible."

Not a nickel of the money paid in wages to the scabs is spent in the cities and towns.

The camps are under martial law, administered by the mine guards. The coal properties are surrounded by stockades, flooded with electric lights and patroled by armed gunmen. No one, not even the scabs, is allowed to enter or leave the camps without a pass.

In spite of this situation only 1 out of 10 has been starved and terrorized into returning to work.

The complement of all mines, working full force, is about 20,000. We have 14,000 on strike, with 4,000 families in barracks.

The scabs, mostly southern negroes, are being imported by the carload to take the places of other scabs who escape from the prison camps.

It is estimated that 200,000 have been brought in, yet the largest force at work at one time was about 13,000.

The situation in Ohio and central Pennsylvania was described by Presidents Lee Hall and James Mark.

The Ohio operators are employing mine guards of the usual type. In some mines they outnumber the scabs who are at work. The attitude of the State authorities has been much fairer than in Pennsylvania.

OHIO INJUNCTION-RIDDEN, TOO

The corner stone of the union-busting program in Ohio, as elsewhere, is the injunction issued on behalf of the operators.

Eighteen local and one Federal injunction have been granted.

According to President Hall, only four "open-shop" mines are attempting to operate with scabs, the remainder being closed down.

The Goodyear Rubber Co. tried to operate its large mine on a nonunion basis, but failed to succeed. A number of mines are paying the union scale, selling their coal and apparently prospering.

FIGHT COSTLY TO OPERATORS

The enormous expense incurred by the operators in their fight to break the union is shown by the output figures of the four scab mines—

Said President Hall—

About 1,600 union men were formerly employed, and the daily production was about 8,500 tons. Now between 800 and 900 scabs turn out 2,200 tons.

The difficulties encountered in maintaining even a skeleton force are enormous. Out of 40 scabs imported in one day 38 came out within 24 hours.

Every effort is made to prevent us talking to the scabs. At one mine three electric siren whistles were put up, which blow day and night to drown out the calls of our pickets to the scabs.

One day a picket stood from 9 in the morning until 11 at night with a megaphone to his lips. During this entire period the sirens never stopped for an instant.

DEPUTIES RULE CENTRAL PENNSYLVANIA

In central Pennsylvania the companies are not employing coal and iron police, but are depending on hordes of deputy sheriffs.

These deputies are worse than mine guards—

Said President Marks—

We can, in some measure, exert influence to restrain the latter from excesses, but the sheriffs are owned body and soul by the mine operators through the corrupt political machine.

The strike in this field has cost the operators enough to pay the Jacksonville scale for two years. A number of the mine owners are willing to deal with us, and did do so for several months after the expiration of the Jacksonville agreement, but because of some mysterious influence which they dared not defy, they were forced to break relations.

What is behind this determined campaign to starve and coerce honest, peaceful, and industrious citizens into slavery?

A great conspiracy of railroads, banks, and public-utility corporations!

Here is a series of facts, compiled and issued by the United Mine Workers, which clearly establishes this fact:

MORE EVIDENCE OF CONSPIRACY

It is well known that the Pennsylvania Railroad has been cooperating with the Pittsburgh Coal Co., the Hillman Coal & Coke Co., the Jones & Laughlin Steel Co., the Inland Steel Co., the Wheeling Steel Co., the Bethlehem Mines Corporation, and others in the policy of eliminating the union and sustaining the action of the Pittsburgh Coal Co. in repudiating its contract with the United Mine Workers of America. It is public knowledge also that the Pittsburgh Terminal Coal Corporation, which refused to make an agreement with its employees after April 1, 1927, enjoyed the sustaining counsel and assistance of the Pennsylvania Railroad in this decision.

All of this activity on the part of the Pennsylvania Railroad, in conjunction with the above-named coal companies, has for its purpose the destruction of the United Mine Workers of America and the degradation of the wages of coal-mine workers.

RAILROAD INFLUENCE IN OHIO

Not only did the Pittsburgh Coal Co. and the Pennsylvania Railroad Co. influence the wholesale repudiation of the Jacksonville agreement in western Pennsylvania, but this powerful influence was used also to direct and control the policies of coal operators in Ohio as well. The Pittsburgh Coal Co. owned mines in Ohio. When it scrapped its agreement in Pennsylvania it also scrapped it in Ohio and employed the same tactics there that it employed in Pennsylvania. A few other companies in Ohio also repudiated the agreement, but the majority of Ohio operators did not. However, upon expiration of the Jacksonville agreement the Ohio operators fell in behind the leadership of the Pittsburgh Coal Co. and refused to negotiate a new agreement with the miners except upon the basis of a heavy reduction in wages.

The Pennsylvania Railroad, the New York Central Railroad, the Baltimore & Ohio Railroad, and other interstate railroads with lines in the Ohio coal fields lined up behind this policy and, under the lash of these railroad companies, the Ohio operators have fought and still are fighting to destroy the United Mine Workers of America and reduce wages. As a result of this policy practically all of the mines in Ohio are idle, 40,000 mine workers have been out of work since April 1, 1927, coal production in Ohio is negligible, while the railroads are shipping coal from other States into Ohio for their own use. The result is destitution, suffering, and starvation for 200,000 men, women, and children of the coal-mining section of Ohio and business depression and bankruptcy for business men and merchants.

COAL ORDERS WITHHELD

A purchasing agent of the Pennsylvania Railroad Co. informed an operator in the Crooksville, Ohio, district that he could not consider giving him an order for coal as long as he operated his mine on a union basis. This purchasing agent told this operator that if he would operate his mine nonunion the Pennsylvania Railroad Co. would buy his coal and pay him a price that would make him a profit. This purchasing agent said to this operator: "We are not going to contribute any more to that damnable union."

An operator of a mine near Coshocton, Ohio, was advised by the Pennsylvania Railroad Co. that it would support him if he would operate his mine nonunion. This operator told officials of the United Mine Workers of America that he could not operate on a union basis and sell his coal.

An operator of a mine near Roseville, Ohio, operating on a union basis, sought a contract with the Pennsylvania Railroad Co. for the sale of his coal. The purchasing agent of the Pennsylvania told this operator: "I will pay no price for fuel that will justify the miners' Jacksonville scale."

THE CANCELED CONTRACT

A coal company whose mine is on the line of the Baltimore & Ohio Railroad in the Bellaire (Ohio) field had a contract with the Baltimore & Ohio to supply coal to that railroad. In the summer of 1927 this coal company signed a contract with the United Mine Workers of America in which it agreed to continue paying the wage rates provided in the Jacksonville scale, pending a final settlement of the wage controversy between operators and miners. Five days after publication of the fact that this temporary agreement had been signed the Baltimore & Ohio Railroad canceled its contract with this coal company, and officials of the company say the railroad took this action because of the signing of this temporary agreement.

The Pennsylvania Railroad Co. informed the operators of three mines in the Crooksville (Ohio) field that, if these companies would start their mines on a nonunion basis, the Pennsylvania would buy their coal and pay them a price sufficient to guarantee a profit.

RAILROADS REFUSED TO DELIVER CARS

The operator of a mine in Jefferson County, Ohio, on the tracks of the Wabash Railroad, signed a temporary agreement with the United Mine Workers of America to continue paying the Jacksonville scale, pending a permanent settlement of the wage question, and that he started his mine and loaded three cars of coal. When he ordered more cars for loading he was informed by the railroad company that it had no more cars. Being unable to obtain cars for loading purposes under these circumstances, this operator's mine is idle while railroad-fuel coal is being shipped into the State of Ohio from other States where miners' wages have been depressed to very low figures.

The Pennsylvania Railroad Co. is standing 60 per cent of any losses that may accrue to a coal company whose mine, near Shadyside, Ohio, is now operated nonunion. This company has imported and still is importing green, inexperienced men to work in its mine, some of these men being recruited in eastern cities and many more from the cotton fields of the Southern States.

RAILROADS PRACTICE A GAUGE IN FREIGHT RATES

When the present freight-rate structure of the country was established by the Interstate Commerce Commission the large railroads told the commission they were paying from $2.20 to $2.40 a ton for their locomotive coal, and that this fact should be taken into consideration by the commission in rate making. Freight rates were based upon that price for coal. Now, however, these same railroads have hammered down the price of coal until they are arbitrarily refusing to pay more than $1.60 to $1.75 a ton for coal, thus reducing their own operating cost, but they are still collecting the same rates for hauling freight and passengers that they charged when they paid $2.20 to $2.40 for coal. Coal companies can not pay decent, living wages to their miners and sell their coal at $1.60 a ton.

RAILROADS REFUSE TO BUY INDIANA UNION-MINED COAL

In Indiana, representatives of the Pennsylvania Railroad encouraged the Indiana producers to resist the making of a wage agreement at the Miami, Fla., conference of operators and miners of the central competitive field in February, 1927. Mr. E. D. Logsdon, president of the Knox County Consolidated Coal Co., of Indiana, large producers of fuel coal for the Pennsylvania Railroad, assumed leadership of the Indiana operators and organized the Indiana Bituminous Coal Operators' Association for resistance to the making of a new wage agreement and the necessity of beating down wages. Since the official termination of the strike in Indiana and Illinois, the Logsdon interests, the Pike County Coal Co., and other mines heretofore supplying railroad fuel for the Pennsylvania have declined to resume operations, because the Pennsylvania Railroad refuses to place any orders with these mines for railroad fuel mined under the existing wage rate—the Jacksonville scale. The Pennsylvania Railroad is fueling its lines in Indiana with coal brought in from the east and southeast at a higher cost than that for which Indiana coal could be purchased. And while this condition exists, the mines in the Indiana field are idle and thousands of miners out of work and reduced to a state of destitution.

COMPELLED TO CEASE OPERATIONS

In November, 1927, the Pennsylvania Railroad served notice on Indiana coal operators that, beginning December 1, that company would pay $1.60 a ton and no more for coal in Indiana. Under this ultimatum from the Pennsylvania Railroad, those Indian operators that had been supplying the Pennsylvania with coal were obliged either to close down their mines or attempt to operate nonunion with strike-breakers in a 100 per cent union-organized field. They chose the former course and closed their mines, thus throwing thousands of men out of work.

In issuing this ultimatum to Indiana operators, the Pennsylvania Railroad very well knew that the operators could not comply with the price terms and pay decent, living wages to their miners. It was well aware that in order to sell coal to the Pennsylvania Railroad at $1.60 a ton they would be compelled to ignore, repudiate, and break away from their contract with the United Mine Workers of America, which was negotiated and signed at Terre Haute, Ind., in the summer of 1927.

Whether by understanding and agreement; by concert of action; or mere coincidence, the attitude of the New York Central Railroad, the Baltimore & Ohio Railroad, and other railroads in Indiana in this matter are parallel with the policy of the Pennsylvania Railroad. All are working for elimination of the United Mine Workers of America from the bituminous coal industry. With the miners' union destroyed and out of the way, there would be no minimum limit to the wage reductions which might then be forced upon the mine workers of the country, for they would then be without any means of self-protection against such onslaughts.

NEW YORK CENTRAL INTERESTS WOULD ELIMINATE THE UNION

As further proof of this fact, the New York Central Railroad, through its subsidiary coal company, the Clearfield Bituminous Corporation, has assumed the leadership of the commercial operators in the Central Pennsylvania bituminous producing field, first, in terminating its contract with the United Mine Workers of America on June 30, 1927; and, second, in the application of the policy of elimination of the Union, entailing evictions, injunctions, employment of armed guards and gunmen, coal and iron police, and the assistance of the Pennsylvania State constabulary.

Mr. F. H. Herriman, president of the Clearfield Bituminous Corporation, which is owned by the New York Central Railroad, in a telegram to Secretary of Labor Davis on December 13, 1927, advised that his interests would never again deal with the United Mine Workers of America and considered the elimination of the United Mine Workers of America as imperative.

The United Mine Workers of America is the one and only restraining influence in this country that prevents the New York Central and other strike-breaking interests from hammering coal miners' wages down to the poverty and starvation level. It is for that reason that these powerful interests are endeavoring so diligently to destroy the union.

WESTERN RAILROADS DEMAND LOW-WAGE COAL

This general campaign for the destruction of the United Mine Workers of America and lowering of miners' wages is not confined to eastern fields alone. The Western Coal & Mining Co., a subsidiary of the Missouri Pacific Railroad, maintained contractual relations with the United Mine Workers of America for years. But when the Jacksonville agreement expired and the large eastern roads began their fight against the union, the Western Coal & Mining Co. used its full power and influence to prevent coal companies in Kansas from making a new agreement with the union.

The Missouri, Kansas & Texas Railroad openly asserted that it would not buy a pound of coal produced under the Jacksonville agreement, and it has religiously followed that policy. That company buys in the low-wage, nonunion fields of other States all the coal it consumes in the State of Kansas, while Kansas mines stand idle and Kansas miners are unemployed.

The Frisco Railroad buys in Kansas about 25 per cent of the total amount of coal which it consumes in that State. It ships in some coal from the low-wage nonunion field of western Kentucky and the rest of its supply from the nonunion field of Alabama where wages of mine workers are as low as $2 a day.

Similar conditions exist in other States.

NONUNION COAL PREFERRED

A high official of the Rock Island Railroad visited Appanoose County, Iowa, in his private car, and while he was there he notified coal operators of that county who were operating with union labor that they should immediately prepare to run their mines on a nonunion basis, as the Rock Island had adopted a policy of buying no coal from mines that were operated on a union basis. He said the company was going to put this policy in effect as soon as possible and that it was warning the operators to prepare themselves. Recently the Rock Island refused to take any coal in Appanoose County that was mined by union men. The company shipped coal to Iowa from Trinidad, Colo., several hundred miles distant, although union-mined Iowa coal would have cost it much less than the Colorado product when transportation charges are considered.

The Chicago, Burlington & Quincy Railroad is buying practically no coal in Iowa where union miners are employed. This company is shipping coal for its own use in Iowa from nonunion fields of Kentucky, on which the freight rate alone is far more than Iowa coal would cost it on its engines.

DISASTROUS EFFECTS OF LOW WAGES

During the years when the Pittsburgh Coal Co. operated its mines with union miners and paid the union scale of wages its average cost of production of coal was $1.89 per ton. Since it repudiated its agreement with the United Mine Workers of America and employed strike breakers its production cost has been $3.78 per ton. These figures are taken from the reports of the Pittsburgh Coal Co. A similar situation exists with reference to other companies that followed the lead of the Pittsburgh Coal Co., under the lash of the Pennsylvania Railroad, the New York Central, and other interstate railroad companies that are parties to this conspiracy.

THE UNFAIR FREIGHT RATES

But there is still another phase of the situation:

The northern fields in Ohio and Pennsylvania have been the victims of discriminatory freight rates to such an extent as to utterly disrupt the natural flow of coal from the nearest fields to the industrial centers and big city markets.

I refer to the scandalous and long-standing "cargo rate cases," which have been repeatedly before the Interstate Commerce Commission.

Here are some figures:

In 1919 11½ per cent of the Lake port coal originated in the Kanawha district of West Virginia. In 1925 this had increased to 30 per cent

The Pocahontas region shipped 5¼ per cent in 1909 and 25½ per cent in 1925.

The Pittsburgh region shipped 50 per cent of the entire Lake port coal in 1909 and only 8 per cent in 1925.

Now, when we come to railroads we find the same story:

In 1909 the Chesapeake & Ohio shipped 7½ per cent of the Lake coal and 38¾ in 1925.

The Norfolk & Western shipped 6¾ in 1909 and 19¼ in 1925.

In this period the Lancaster & Northern increased its shipments from nothing to 14¾ per cent.

The Baltimore & Ohio, which serves the northern West Virginia fields, decreased from 17½ to 10 per cent.

The New York Central lines, including the Pittsburgh & Lake Erie, shipped 22¼ per cent in 1909 and 3¼ per cent in 1925.

The Pennsylvania had 34¼ per cent of the Lake coal in 1909 and only 3½ per cent in 1925.

Now, here are a very few out of many examples which can be cited to explain this astonishing change by which an old established industry in one section was wrecked to build up another much farther from the customers.

Here are some of the freight rates on a Toledo base:

Pittsburgh, 281 miles, $2.39 per ton.

Kanawha, 381 miles, exactly the same, $2.39 per ton.

Pocahontas, 443 miles for $2.64; 162 miles longer haul for 25 cents more in freight charges.

McRoberts district, 476 miles, for $2.39; 195 miles for nothing.

But when we come to seacoast rates we find that the same discrimination exists:

From Pittsburgh to New York, 499.8 miles, the rate is $3.19 per ton.

From Kanawha to Hampton Roads, 524.4 miles, the rate is $2.62.

Kentucky sends coal to Hampton Roads, 612.3 miles, for $2.72.

The Pittsburgh to Philadelphia rate is $2.72 for 415.6 miles and the Pittsburgh to Baltimore rate is $2.65 for 356.4 miles.

CONTEST IN STARVATION

The Hon. CLYDE KELLY, Representative of the thirty-third Pennsylvania congressional district, has this to say of the situation.

This situation has been repeatedly called to the attention of the Interstate Commerce Commission, but every time we raise the issue we are reminded by the commisison that wages are higher in the union fields than in the nonunion fields; and are told that wages, and not freight rates, are the cause of our trouble.

A competition in wage slashing is invited by this attitude, but it is not a solution of the problem. Obviously all that would result would be a test of the comparative ability of the miners in various sections to endure starvation.

If the recent cuts in freight rates from the northern fields to Lake ports had been granted 18 months ago, I believe the present state of affairs could have been avoided.

THE RED CROSS HAS BEEN INFORMED

My friends, I could continue and tell you a lot more, but time will not permit me to do so.

Mr. CARSS. Will the gentleman yield?

Mr. CASEY. Yes; gladly.

Mr. CARSS. I would like to ask the gentleman if the attention of the American Red Cross has been called to the misery that exists among the women and children and the conditions which the gentleman has elaborated upon this afternoon.

Mr. CASEY. Mr. Speaker, let me say in reply to the very proper inquiry of the gentleman from Minnesota [Mr. CARSS], that has been done, and I rather hestitate to discuss this phase of the situation because of the likelihood of being misunderstood. We all have great respect for the Red Cross, and we should have great respect for it. It has done wonderful work, but I can not afford to be accused of either sidestepping or dodging the question very properly asked a moment ago. I will say in reply to the gentleman from Minnesota, yes; the attention of the Red Cross has been called to this matter.

The SPEAKER pro tempore [Mrs. ROGERS]. The Chair wishes to notify the gentleman from Pennsylvania that he has occupied 50 minutes and has 10 additional minutes.

A RATHER PECULIAR ATTITUDE

Mr. CASEY. I thank the Chair.

The attention of the Red Cross has been called to the matter with this result, and I will put the statement in the RECORD. A woman by the name of Flowers in charge of the Red Cross at Pittsburgh was called upon by Lowell M. Limpus, the reporter for the New York Daily News, of whom I have previously spoken. She said, "It is their fault; their fathers could relieve the situation by going back to work." He said, "Their fathers will not work at the mines under the present conditions; they brought it on themselves." She said, "We are not to blame." "Neither are the children," said this man Limpus. "They did not declare the strike; it is not their fault that they are cold and hungry; there is an emergency at your door as serious as the New England flood. What is the great mother Red Cross going to do about it?" Her answer was, "Nothing."

Mr. HUDSPETH. Will the gentleman yield?

Mr. CASEY. I yield with pleasure to my friend from Texas.

Mr. HUDSPETH. I want to state that the statement the distinguished gentleman from Pennsylvania has just made has made a great impression on one Member of this House, and that is myself. I want to ask the gentleman if there has been any bill introduced in this Congress that would relieve this intolerable situation?

Mr. CASEY. I am talking about a resolution that I introduced in the House for an investigation into this matter. Now, let me answer the gentleman from Minnesota [Mr. CARSS]. Unfortunately the Red Cross in our State takes this very unfortunate position: That it makes no difference how many women and children are starving and freezing to death, the men of the house can relieve the situation by going back to scab in the mines, and therefore they will do nothing to relieve the distress that may exist. The Red Cross says let them go to the poor board for relief. Under the laws of Pennsylvania the poor board can only give relief to individuals who have declared themselves paupers. To say the least, it is a rather untenable position for the great Red Cross to take.

THEIR UNION IS THEIR ALL

Let me say to you, my friends, that many of you do not understand what the union means to these men and women. It means more to them than their Government officials, because it is the only thing that they have to rely upon to see that they get justice; they depend upon our great Government and their union working together to protect them from the injustices that have been heaped upon them, as I am trying to explain, and that is why they love the union. Notwithstanding their love for their children, notwithstanding their love for their women, notwithstanding they love their country, many of them would rather see their women and children die from hunger, lying on the hillsides of western Pennsylvania, their bones bleaching in the sun of the coming spring than to have it said that they were scabs. [Applause.]

Now, let me give you a typical illustration of how these men feel about the question of scabbing. During the strike in the soft-coal fields when the late President Harding was in the White House he undertook to force a condition of mining coal with bayonets. He forgot that you have to have miners to mine coal. So they went into western Pennsylvania with the soldiers and they put Old Glory on top of the mine tipple. While the miners were holding a meeting of their union one morning word came to the president of the local, who happened to be a man who served with honor and distinction in the World War, that the soldiers had arrived and placed the United States flag on top of the mine tipple. He said, "Brothers, we will adjourn the meeting and go down and see what is going on."

WILL STARVE BUT NOT SCAB

He organized the march, and they went to the mine tipple; when they got there he said, "Uncover," and every man uncovered. He said, "Salute the flag, eyes right," and then this man speaking for his organization said, "Old Glory, we love you. Old Glory, we are willing to fight for you. Yes, Old Glory, we love you so much that we are ready to die for you; but, Old Glory, we will not scab for you." [Applause.]

That is the attitude of these men. They are willing to serve; they are willing to do anything for their country or their flag; they are ready to die for our flag and our institutions; but they are unwilling to be called a scab. There is no word in the vocabulary of the American people that is so distasteful to them.

Let me say in conclusion, and I hope the Chair will be patient and lenient and look the other way from the clock for a minute, that I may say a word about this field of unrest.

I hold in my hand a pamphlet prepared by the United Mine Workers of America, pointing out the activities of communistic and bolshevistic Russia and how she has financed its propaganda within the labor organizations of the United States.

My time is about up. I will not have time to read what it contains. Under leave to extend I will insert it in the RECORD so Members may read it.

UNION BULWARK AGAINST BOLSHEVISM

Let me say there is no organization in this country that has done more to hold back the false philosophy of communism and bolshevism than the great United Mine Workers of America. [Applause.] At every convention of this organization they have their fights with the bolshevists and communists. Not only every convention, but every night of the week they have these fights, because at almost every local union meeting these people are in there with their false propaganda trying to undermine the institutions of our great country, trying to poison the minds of these men who are so terribly persecuted.

This country and this House owe to the United Mine Workers of America a debt of gratitude that we will never be able to repay for the service they have done along this line. You may not know about it, but they have done a wonderful service for this country.

But what about this situation? The bolshevists and communist organizations have their trained agitators out in the coal fields of western Pennsylvania spreading the seeds of dissension, trying to get it into the hearts and the minds of these people that their leaders, Mr. Lewis, Mr. Murray, and Mr. Kennedy, and other officers, are squandering their money, that they are the ones who are responsible for their hardships, their privations, and their distress. This is done to try and get control of this great organization so they can carry on their damnable work of destruction.

THE GRAVE QUESTION INVOLVED

What will be the result if they succeed, God alone knows, but let me say to you that if they ever succeed in destroying this great organization of the United Mine Workers of America, or if they ever succeed in destroying the great organization, the American Federation of Labor, then God Almighty help the people of the United States and God Almighty help the institutions of our beloved country.

You have a sample of it in Russia. Do you want it here? Do you want the working class to be a disorganized mob, a fertile field for all kinds of seed of poison and treachery, or is it better to have them organized, well disciplined, with confidence in their leaders, confidence in their Government and its institutions, with leaders who believe in and preach the doctrine of the Constitution—government such as the United States. Gentlemen, I say to you, in conclusion, that we have a very grave question before us. [Prolonged applause.]

Following is the pamphlet above referred to:

(This series of six articles was prepared by the United Mine Workers of America, disclosing the attempt that is being made by the red forces, under the direct supervision of Moscow, to seize control of the organized labor movement of America and use it as the base from which to carry on the communist effort for the overthrow of the American Government. These articles are the result of an independent searching investigation on the part of the United Mine Workers of America which led directly to original sources.)

THE AMAZING SCHEME

ARTICLE I

The United Mine Workers of America with this article begins an exposé of the communist revolutionary movement in America, as promoted and fostered by the Communist International at Moscow, and dealing with it as it involves the welfare of the miners' union, and other similar labor organizations, and the interests of the American people as a whole.

The purpose and object of the United Mine Workers of America in bringing to the attention of the American people the far-reaching and intensive activities of the communist organization in this country is twofold. The United Mine Workers of America wants the public to know what this thing is. It wants the public to know something about the fight which the miners' union is waging to stamp it out. First, it desires to reveal and make known the sinister and destructive groups and elements attempting to "bore from within" its own ranks and membership and to seize possession of the organization, and, through such seizure, to later gain possession of all legitimate trade-unions; second, to inform the American people of the scope and purport of the hostile and inimical movement being carried on within their midst.

Imported revolution is knocking at the door of the United Mine Workers of America and of the American people. The seizure of this union is being attempted as the first step in the realization of a thoroughly organized program of the agencies and forces behind the Communist International at Moscow for the conquest of the American Continent.

The overthrow and destruction of this Government, with the establishment of an absolute and arbitrary dictatorship, and the elimination of all forms of popular voice in governmental affairs, is being attempted on a more gigantic scale, with more resolute purpose, and with more crafty design, than at any time in the history of this Nation.

The communist régime at Moscow, bent on world conquest, is promoting and directing one of the best organized and most far-reaching campaigns in America that any country has ever been confronted with. The communist organization on the American Continent is composed of more than 6,000 active leaders and lieutenants, and approximately 1,000,000 members adherents and sympathizers, scattered in every State and Province of the United States and Canada, and who are actively or tacitly promoting the scheme to import bolshevism and sovietism to this side of the Atlantic.

This campaign affects the people of the Dominion of Canada as much as it does the United States. The revolutionary agents of Moscow are working as actively and energetically among the people of the one country as they are among the people of the other. Proof

of this statement is found in the recent red outbreak among the misguided miners of Nova Scotia, where armed revolution was preached; where an illegal strike occurred and the red movement was only broken by the vigorous and forcible action of John L. Lewis, president of the United Mine Workers of America.

The major points in this revolutionary program of the communists as aimed against the United Mine Workers of America and other legitimate trade-unions and the people of the United States and Canada are:

1. Overthrow and destruction of the Federal, State, and provincial Governments, with the elimination of existing constitutional forms and foundations.

2. Establishment of a soviet dictatorship, absolute in its exercise of power, owing allegiance to, and conceding the authority only of the communist, or Third International, at Moscow, as a "governmental" substitute.

3. Destruction of all social, economic, and political institutions as they exist at this time.

4. Seizure of all labor unions through a process of "boring from within" them, and utilizing them as a strategic instrument in fulfillment of their revolutionary designs upon organized and constitutional government.

5. Invasion of the United Mine Workers of America, with the ouster of its present officials and leaders and the substitution of a leadership of communists, that it may be used as an instrumentality for seizing the other labor unions of America, and for eventually taking possession of the country.

6. A well-organized movement is being promoted within the 4 railroad brotherhoods and 16 railroad trade-unions to amalgamate all railroad workers into "one departmentalized industrial union," controlled by a single leader of communist principle and affiliation, and owing allegiance to the communist organization.

7. Seizure of the American Federation of Labor, with the ouster of its officials, and through such seizure gaining control of all its affiliated units and trade-unions.

8. Conversion of all craft trade-unions into single units of workers within an industry known as industrial unions, with coordination under a super-soviet union owing allegiance to, and accepting the mandates of, the Communist International and its subsidiary, the Red Trade Union International at Moscow.

9. Through conquest and subjugation of the labor unions, and conversion and mobilization of farmers and other related groups, the overthrow of existing institutions, and the creation of a condition similar to that which now prevails in Russia.

The data and the facts set forth in this and the following articles represent months of careful independent research among original documents and records covering the whole of the communist movement in America and Europe, particularly as it has been injected into the ranks of the United Mine Workers of America, the American Federation of Labor, and labor organizations in general.

The movement has been traced back to its original purposes and intents and followed in all of its phases to its present status in this country.

Manifestos, programs of action, communications, and revolutionary documents have been examined and compared. Through these factors it has been possible to weigh and gauge the design and purpose of the communist movement, examine its scope and range, and to determine the extent to which it has entered into the American social, economic, and political fabric, as well as to chart the major outlines of its immediate future program of action.

The menace of bolshevism in America—the United States and Canada—is not a figment of imagination or an invention of hysteria. It is not a passing fancy or a deceiving mirage. Nicolai Lenin and his group of associates at Moscow are waging a definite contest for the subjugation and seizure of the United States and Canada. They would destroy the present Governments, destroy the sovereignty and independence of the people, and, in their place, enthrone the idols and fallacies of bolshevism.

Millions of dollars are being spent in this contest. Much of the money is coming from continental Europe and the remainder is being collected through organizations and committees created for that purpose or by donations and contributions of sympathetic or well-intentioned people in the United States.

Immediately before the start of the miners' strike on April 1, 1922, the sum of $1,110,000 was sent into the United States, by way of Canada, from Moscow, for the purpose of enabling the communist agents to participate in the strike. Behind this move was the scheme to overthrow the leadership of the union and then convert the strike into an "armed insurrection" against the Government of the United States.

The massacre of the strike breakers at Herrin, Ill., was engineered by these communist agents "boring from within" the miners' union. According to their own statements, they were engaged for seven weeks beforehand in their preparations for a tragic occurrence of this kind at some point in southern Illinois as a means to "arousing the workers to revolutionary action." Details of this incident will be disclosed in a subsequent article of this series.

In the coal fields of southwestern Pennsylvania, where the strike started by orderly process, mine plants, tunnels, and power-transmission lines were blown up, the homes of miners were wrecked, and men were beaten or injured by these communist agents in an effort, under the instructions of Gregory Zinoviev, president of the Communist International to arouse "the revolutionary spirit of the workers and prepare them for the coming revolution in America." All of these things show what American employers would have to deal and contend with if the communist plans were to succeed and the present legitimate American labor movement were weakened or destroyed.

Three times in three years the bolshevik leaders at Moscow have attempted armed insurrection and revolution in the United States. The first instance was in connection with the steel strike in 1919. The second was in the "outlaw" switchmen's strike in 1920; and the third was in the railroad and coal strikes in 1922. In the strikes of 1922 these communist agents were arrayed as much against the leaders and officials of the miners' and railroad unions as they were against other loyal citizens of the Nation.

In each of these strikes the communist agents, working under instructions which originated at Moscow, have sought to turn them into revolutionary uprisings that would accomplish the overthrow of goverment in America and establish in its place a proletarian dictatorship that recognized and accepted only the mandates of the Communist International.

It may be stated, incidentally, that the growth and effectiveness of the communist movement in America has been handicapped and limited by the immutable policy of the Communist International that its chosen representatives must control everything of which they come into possession. Exercise of this control is the definite aim, and always the major consideration, in every amalgamation, reorganization, or new enterprise with which they are associated, whether it be in the seizure of a labor union or in the promotion of the aspirations of a candidate for political preferment. They recognize no voice except their own.

The "thesis of tactics" adopted by the Third World Congress of the Communist International at Moscow says:

"From the very first day of its establishment the Communist International has distinctly and unambiguously devoted itself to the purpose of participating in the trade-unions and in the struggles of the laboring masses, and of conducting this struggle on a communist basis and of erecting during the struggle great revolutionary communist mass parties, waiving the idea of the formation of small communist sects for the attainment of influence upon the working class solely by agitation and propaganda."

Demand by the communist "inner circle" of leaders, consisting of a dozen men, for supreme authority for themselves has been the obstacle that has prevented the actual realization of their plans several times to seize organizations in this country. It was this demand that caused the minority communists to split from the majority communists in the early stages of their movement in this country, resulting in a dual movement ever since. Because of their essential revolutionary purpose and design, these communists have not believed that the control of any enterprise or agency which they might need later as a revolutionary medium could be trusted to the keeping of anyone who was not of their chosen inner circle, amenable to their discipline, and servile to the mandates of the Communist International.

This phase of policy is in keeping with their principle that the soviet dictatorship, when once established, is absolute and does not recognize in the conduct of its affairs either the voice or the representation of the people. Indeed, their conception of the individual is that he is of no consequence to the general scheme of human affairs; that only the masses are to be taken into consideration, and they directed by the superauthority and "wisdom" of a soviet dictatorship.

Wherever possible in conducting their activities in America the communists have attempted to "bore from within" organizations already existing and to utilize them for their ultimate ends and purposes. They have been particularly active in trying to "bore from within" the United Mine Workers of America for the reasons that it is the largest single labor organization in the country, includes a larger number of races and nationalities among its members, and is the nearest approach, in their opinion, to a "one big union," which is their ideal conception of a labor union and their objective for all labor unions. In this attempt these communists have met with the determined opposition of President Lewis and other strong leaders of the miners' union, who are determined that the union shall not be converted into a bolshevik institution.

The same tactics have been used continuously for four years to seize and control the American Federation of Labor, the railroad labor organizations, and various other trade groups. The communists have declined to establish rival or competing organizations to these federations as long as the possibility existed that they might eventually take possession of them and annex them to their revolutionary movement in America.

Trade-unions have been regarded by the communists from the very outset as their first objective, and their eventual stronghold, in overthrowing the Government and seizing the country.

In these unions they have recognized an opportunity to get in close contact with the labor masses, establish relations and connections with them, and imbue them with hatred and hostility toward the existing order of things. For this reason, the Communist Party of America, with its allies, the Workers Party of America, the Trade Union Educational League, and the Friends of Soviet Russia, under the instructions of the Communist International and its subsidiary, the Red Trade Labor Union International, is using all of its industrial contacts to segregate and restrict the control and management of the trade-unions in the hands of its leaders and official groups.

That this design may be more easily carried out the members of these communist parties are constantly becoming members of trade-unions, thus acting in accordance with the prearranged plan of their central executive committees that they shall enter these unions, and, acting in concert, gradually absorb them as a part of the communist revolutionary movement.

The program of action of the United Communist Party, which was accepted and affirmed in slightly diluted form by the Communist Party of America in the convention at Woodstock, N. Y., in 1921, and later accepted with slight variations by the Workers Party of America, known as the "legal branch," says:

"The United Communist Party considers as one of the most serious and immediate problems the question of the best method of breaking up the bureaucratic control and transforming the union structure into a machine of revolutionary action. The United Communist Party confirms the present necessity of militant workers remaining with the large mass of organized workers, regardless of the reactionary aims of the unions, and, by determined and coordinated strength, turning these unions to the revolutionary cause. The United Communist Party section of the Communist International is the instrument for that coordination of the revolutionary work within the unions."

Compulsion and force is to be applied to industrial workers to move them to become communists, according to the doctrines of the Communist Party of America. Its adherents are told:

"Obviously, many nonrevolutionary workers must be taken into the most revolutionary of unions, even compelled to join against their wills."

Conducting and promoting the revolutionary campaign in the United States is a secret party organization, directed and controlled by representatives of the Communist International. This is the Communist Party of America. It is purely a revolutionary organization and makes no pretense at legality. It boldly proclaims to its members that it is the "illegal" party, and designates itself as such. Technically it is known as the "underground" party. This party has at its head the supreme executive revolutionary committee in America, responsible only to Lenin, Zinoviev, and other officials of the Communist International. It does not recognize any superior power or agency in the United States. Its work is done secretly; the identities of its officials and leaders are concealed behind assumed names. Its letters and records are in code letters and numerals. Its members are accepted only after investigation and examination, and remain on probation for a period of six months before they are received into full membership. Its meetings are held secretly with the participants gathering at a preliminary rendezvous and proceeding to an assembly room known in advance only to the leader.

On the surface, working partly in the open, is another revolutionary organization, known as the Workers Party of America, and created, under instructions from the Communist International, by the Communist Party of America. It is known as the "legal" party. Its primary purpose is to shield the "underground" or "illegal" party and conceal the revolutionary activity of the real soviet agents in America. The mission of this party is fundamentally the same as that of the Communist Party of America, i. e., to overthrow the Government of the United States and establish a bolshevik régime.

Joined with these two revolutionary parties and assisting them as one of their direct subsidiaries is an alleged labor-union movement, "boring from within" the American Federation of Labor, and seeking to seize and destroy it and enmesh the trade-unions of the United States in the bolshevik movement and conquest of the United States. This organization is the Trade Union Educational League, headed by William Z. Foster, with headquarters at Chicago.

This league is cultivated and promoted by the organizers and agents of the Communist and Workers Parties and is the direct instrumentality of Lenin and Zinoviev of the Communist International, and Losovsky, of the subsidiary Red Trade Labor Union International, for amalgamating the labor unions into the world revolutionary movement of the communists.

Through this organization the revolutionary leaders in America are making a nation-wide attempt to obtain control of the American Federation of Labor, reorganize the craft unions on the basis of "one big union" in an industry and weld them into the central revolutionary agency in America.

Working in conjunction with the two communist parties is another politico-industrial instrumentality, the Friends of Soviet Russia, an organization whose aim is to give free lectures to disseminate and propagate communistic and disloyal doctrines, designed to undermine the American Government, destroy the confidence of the people in its principles and foundation, and prepare the way for a soviet, or "proletarian," dictatorship.

The Friends of Soviet Russia is purely a communistic enterprise, reorganized from the American Labor Alliance, and through the latter agency controlled and directed by the central executive committee of the Communist Party of America. It has been, and is, one of the effective agencies of the communist groups distributing disloyal and revolutionary doctrines and propaganda among the immigrant masses in America, promoting labor unrest and discord, and seeking to induct the foreign residents of the country into the Trade Union Educational League, the Workers Party of America, or other revolutionary agencies and instrumentalities under the control of the Communist Party of America.

Active among the "intellectual" classes of the country, and posing as a champion of the "liberties of speech, press, and assembly," is the American Civil Liberties Union at New York. This organization is working in harmony and unity with the communist superstructure in America, engaged in the dissemination of radical utterances and propaganda, and conducting a nation-wide campaign for the liberation of bolshevik agents and disloyal agitators who have been convicted under the war-time laws, or the syndicalist laws of different States, for unpatriotic or revolutionary activities. It is the successor of the American Union Against Militarism, which consistently opposed the military draft act during the war and gave comfort and assistance to the conscientious objectors who resisted military service.

While offering aid to scores of individuals who have been arrested or convicted for violation of national or State laws, it has not in a single instance come to the assistance of a man or woman who did not profess radical sentiments, or who was not allied with the communist, the anarchist, the revolutionary, or the radical movements in America.

Fifty-two persons, holding a total of 325 directorates in 45 organizations, are in control of the radical and revolutionary campaigns now being waged in this country. A systematic examination of the directorates of these organizations reveals the fact that they interlock into almost a single whole. While the ultraradical and discreet "liberal" groups meet occasionally, there is no real gap or breaking point, and in their general aspects they are fused into a united effort, giving mutual support to each other in their numerous activities. It is in this interlocking arrangement and mutual cooperation that the most insidious and dangerous aspect of the communist movement in America is found.

The key to the ultraradical movement in America, as promoted and fostered by the communist leaders at Moscow, is found in this interlocking arrangement. Through this mechanism these communist groups interlock also with the Communist International and the Red Trade Labor Union International at Moscow, so that the revolutionary movement in America is the direct offspring and agency of the communist régime in Russia, for the purpose of seizing and possessing themselves of the American Continent through the mediumship of revolution inspired and conducted from the stronghold of bolshevism on the other side of the Atlantic.

The details of this interlocking arrangement, together with the details of the communist activities in this country as they relate to the United Mine Workers of America and to other labor organizations, will be set forth in the succeeding articles.

ARTICLE II

The United Mine Workers of America, in presenting the second article exposing the activities of the communist revolutionary organization in America, calls attention to the fact that this movement is centered chiefly around and within the productive efforts of the country, and that its advancement is being sought through the encouragement of industrial strife and the breeding of distrust and misunderstanding between employers and labor unions.

In carrying out this design the communists are as much the foe of the trade-unions as they are of the employers. Their underlying purpose is to take possession of the unions as a step toward the ultimate realization of a soviet dictatorship in America.

There are persons who charge that the United Mine Workers is a red organization and that it works, sympathizes, and cooperates with and is dominated by communists and communist influences. But this is not true. The United Mine Workers of America has no sympathy with the communist movement in any of its phases. In fact, communists recognize the miners' union as their strongest and bitterest enemy in America. That is the reason why the Moscow masters put forth such a tremendous effort to cripple and seize the organization.

The possibility that the United Mine Workers of America would not be successful in the spring of 1922 in renewing the existing wage agreement with the coal operators, and that a suspension of work at the coal mines would take place on April 1, was realized by the Communist International, and the communist superorganization in America, more than eight months beforehand. Keenly alive to the

peculiar relations that existed between the operators and the miners, they foresaw the eventuality of a cessation of work.

The coal operators had carefully watched the trend of the open-shop campaign, and it had been apparent for some time, even to the uninitiated, that as soon as this movement was sufficiently intrenched in industry an effort would be made to cripple the miners' union in the hope that there might be a lower labor cost within the coal industry.

Generally speaking, a strike does not injure a coal operator. Coal in the ground does not deteriorate, and losses caused by a strike can be added to the price of the coal when it is finally mined. Consequently, the coal operator has nothing to lose, and possibly much to gain, when a strike is precipitated.

Officials of the miners' union had known for a long while that the time was approaching when the strength and cohesion of their organization would be sorely tried. It was recognized by them that if a condition arose before April 1, which made it seem reasonably likely that a strike would wreck the miners' union, it would not be unwelcome to some of the nonunion and other interests in the coal industry. In fact, if responsibility for the upheaval could be shifted to the shoulders of the union, they might quietly agitate matters so that a strike would result.

Some of the coal-producing interests were chafing under the existing agreement with the union, and it was manifest that they would welcome any move that promised to put them on an open-shop basis.

These facts were well known to the officials of the Communist International at Moscow, and to their American advisors and emissaries who were visiting them frequently for purposes of consultation about industrial and political matters in America.

It is not surprising, therefore, to find Gregory Zinoviev, president of the Communist International, secretly instructing his American agents early in 1922 to foster and encourage the threatened breach between the operators and the mine workers. With the strategy of a field marshal Zinoviev sent the following instructions from Moscow to communist agents in the United States a few weeks before the start of the miners' strike on April 1, 1922:

"The central executive committee of the Communist Party of America must direct its particular attention to the progress of the strike of the miners of America.

"Agitators and propagandists must be sent to the strike regions.

"It is necessary to arouse striking coal miners to the point of armed insurrection. Let them blow up and flood the shafts. Shower the strike regions with proclamations and appeals. This arouses the revolutionary spirit of the workers and prepares them for the coming revolution in America."

These brief instructions contain the whole communist attitude toward the strike. They show that the prime purpose was to bring about disorder, violence, and riot which could be charged up against the United Mine Workers of America.

Into this troubled situation the communist group of America, under Zinoviev's instructions, were to thrust in their entire organization, and to create a condition within the strike which would eventually eliminate the officials of the miners' union, and enable them to extend the strike into a great industrial upheaval, involving, as they hoped, all labor unions and all industry. Thus the United Mine Workers of America was attacked by an underground enemy and had that enemy to fight at the same time that it was engaged in a tremendous contest with the coal operators. It was a significant coincidence that the two elements should attack the miners' union at the same time.

As the breach between the operators and the miners' union widened and it became apparent that a strike would not be averted, Zinoviev sent more specific instructions to America, directing that agitators and propagandists be sent into the coal region; that the towns and villages be showered with proclamations and appeals; that mine shafts be blown up and flooded; and that, as he said, "the revolutionary spirit of the workers be aroused for the coming revolution in America."

Participation of the communists in the strike started with their going quietly into the coal regions and pretending to cooperate with the officials of the union until it was manifest that the cessation of work was complete. Then they started broadcasting these regions with incendiary and inflammatory circulars, many of which were designed to breed distrust and suspicion of union officials among their followers. The more revolutionary of these documents originated at Cleveland, where the communist organization had concentrated the sum of $1,110,000, sent into the country by Zinoviev and his associates, for the purpose of financing the participation of their agents in the strike.

Other circulars were issued in Chicago and New York. Some of them were reprinted at Pittsburgh and Uniontown, Pa., Wheeling, W. Va., and Bellaire, Ohio. In every instance they were distributed to the miners by the district, section, and local organizers and agents of the Communist Party of America and the Workers Party of America, and who acted under the direct instructions of the central executive committees of these parties.

As far as was feasible the communists fitted their plants to the program of the United Mine Workers. Uninvited and unwelcome though they were, they worked within the union, and not as a dual organization. Only by secrecy and stealth did they launch their hostile and vicious campaign. Suspicion and distrust of the union officials was spread gradually among the rank and file of the miners, largely through whisperings of attempted or prospective betrayal, or acts of bad faith on their part.

They did not want a settlement of the strike by orderly process. They wanted a continuation and enlargement of it, with themselves in control, that would finally engulf the whole American industrial structure.

Late in 1920 the communist coterie at Moscow decided to launch a new movement in America to capture the trade-unions. Their effort through their political branches to bring about an uprising in conjunction with the steel strike in 1919, and the "outlaw" switchmen's strike in 1920, had resulted in failure. Samuel Gompers, with stinging denunciation, had driven back the wave of communism in the unions. In only one industry, the so-called needle trades, had the communist movement met with any degree of success, but these organizations were isolated from the rest of the labor movement.

It was therefore manifest that victory in America could not be achieved solely through the mediumship of the existing communist political units. A readjustment was necessary, and it was made. A separate organization, fashioned as a national labor movement, intended to work within the unions as a part of them—employing the process of "boring from within"—was put into the field. Samuel Gompers, they hoped, would be overwhelmed by it, for it was apparent that with his unyielding opposition the American Federation of Labor could never be seized or controlled by them as long as he remained in it.

With these objects in view, Zinoviev, Losowsky, and Lenin proceeded during the next 12 months to organize the Trade Union Educational League. This project was put under the control of, and made amenable as far as its work was concerned, to the central executive committee of the Communist Party of America, and it remains so to-day. William Z. Foster was selected to lead this movement. In the spring of 1921 he went to Russia, and the understanding was that he went there to get his instructions for the organization of the Trade Union Educational League, gather facts about the communist work in Soviet Russia, the functioning of communist ideas and theories, and learn how the officials of the Communist International wanted these ideas and theories applied in America through the Trade Union Educational League.

In Moscow Foster was officially designated, according to Lenin's confidential messages to the central executive committee of the Communist Party of America, to lead the new "boring from within" movement in America. Their object was twofold. The communist "drive" against the labor unions in America would be fortified and strengthened, and they would be put on a more practical and effective basis for taking advantage of a coal strike, if it took place in the spring, to bring about "the armed insurrection" than they had been in the steel and switchmen's strike.

Foster began to exploit the Trade Union Educational League immediately on his return in November, 1921, saying that its purpose was to "assist in hastening the natural evolution of the labor movement from a craft to an industrial basis." He said that the purpose of his new venture was to lay the foundation for the reorganization of all labor unions into an industrial "one big union."

Foster called his first meeting of the Trade Union Educational League in Chicago on October 31, 1921, and there presented the mandate of the Red Trade Labor Union International, empowering him to form "a strong political revolutionary union in the United States, promoted through the agency of the shop steward committees." This plan is diametrically opposed to the policy of the American labor movement. His activity, he said, would not be confined to general communist propaganda, but to "special work in the formation of the activities of the American section of the Red Trade Labor Union International." He announced that he would launch a new revolutionary publication in the English language to aid him in his work.

Foster's first official announcement, a revolutionary document attacking the craft union idea, and calling for the formation of a new movement to supplant existing craft unions with "industrial" unions, or a "one big union," was issued on February 10, 1922. One week later Foster issued a second letter, with a "Call to action." He said that existing unionism is obsolete and backward, and that "militants must definitely and finally rid themselves of the dual union secessional movement that has negated their efforts for so long," and further, that "they must thoroughly organize themselves within the trade-unions for the effective application of their boundless energies and dynamic programs." He said that the Trade Union Educational League proposed to develop craft unions from "their present antiquated and stagnant

condition into modern, powerful labor organizations capable of waging successful warfare against capital."

When the miners' strike started on April 1, 1922, Foster and his coterie were ready to inject themselves into the situation and start their "militant" campaign as it had been outlined in Moscow, and developed in detail by himself and the communist organization in this country. Foster was now the great industrial organizer of the communist movement in America, with direct connection and contacts with the Communist International and its field general in command of the campaign to capture the American unions.

Loyal assistance was forthcoming from the central executive committee of the Communist Party of America. Instructions sent out on the eve of the coal strike were:

"In view of the threatened strike of the miners, the central executive committee has worked out the following plan of activity for the organization: The national industrial organizer has been placed in complete charge of all phases of the coal situation. He is to utilize to the fullest extent all his open connections in the union with the view of uniting all the left elements for coordinated support of the miners in the event of a strike. In this emergency the national industrial organizer has authority to appoint assistants without waiting for the confirmation of the CEC (central executive committee). All party channels are at the disposal of the industrial organizer for this purpose. All district organizers must carry out instructions without delay. Through our legal organ we will wage a campaign to win the railroad workers to the idea of refusing to carry scab coal. Throughout the struggle all our papers in No. 1 (Communist Party) and No. 2 (Workers Party) will be kept fully informed of the activities and developments of the situation. The national industrial organizer is preparing a leaflet and a detailed plan of operation for all our nuclei."

As a means of facilitating their campaign in the coal regions the communists divided the country into two sections. The eastern section, with headquarters at New York, included the anthracite region in eastern Pennsylvania and the bituminous fields in the remainder of the State, as well as the coal fields of Maryland, West Virginia, southeastern Ohio, and eastern Kentucky.

The western district covered the coal fields of Illinois, Indiana, and northern and central Ohio. Headquarters were at Chicago.

Major headquarters for general supervision of the strike work in these districts were maintained both at Chicago, the home of Foster, and at Cleveland, the home town of C. E. Ruthenburg, executive secretary of the Workers Party of America.

Agents from New York and Chicago, as well as Cleveland, poured into the coal fields. The New York headquarters was located in the national offices of the Workers Party of America, and specifically in the office of Carlo Tresca, anarcho-communist and political refugee from Italy, who was sentenced to the Federal penitentiary at Atlanta for violation of war time laws. Tresca was the "field supervisor," who executed the "boring from within" plans in the eastern district as they came to him from the communist "inner circle."

Cooperating with him and giving him all possible assistance were James P. Cannon, chieftain of the Workers Party of America and member of the "inner circle" of both the Workers and Communist Parties; William F. Kruse, assistant secretary of the Workers Party of America and dominating factor in the Friends of Soviet Russia; J. Lewis Engdahl, editor of the Worker, one of the official communist organs; Ludwig Lore, member of the executive committees of both communist parties and one of the interlocking links between them, as well as editor of the revolutionary Volks Zeitung at New York.

Cannon, whose party alias is "Cook," was in constant communication with the agents sent into both the eastern and the western districts. Lore, or "Young," provided much of the propaganda that was circulated in these districts.

Southwestern Pennsylvania from the very start was the center of the strike whirlpool. The affected area here extended from Pittsburgh and Johnstown on the north to Fairmont and Wellsburg, W. Va., and Bellaire, Ohio, on the south and west.

The Chicago headquarters were largely under the direction of John Carney, editor of the communist organ, Voice of Labor, and his business manager, Nick Dozenburg, as well as Arne Swabeck, a member of the central executive committee of the Communist Party.

Assisting them and acting as their chief field agents were T. R. Sullivan, communist organizer at St. Louis; Norman Tallentire, a communist organizer at Chicago; and Gus Fraenckel, an agent working among switchmen and railway employees in the Chicago district. Swabeck, Sullivan, and Tallentire were later arrested in the raid on the communist convention at Bridgman, Mich.

At about the time the strike started, Peter Poscal Cosgrove, of Boston, a well-known communist agent, returned from Russia, saying that he had arranged with Lenin for the organization of the miners of America on communist "one big union" lines, and that he would cooperate with Foster to this end.

Immediately after Cosgrove's return, James P. Cannon joined Alfred Wagenknecht, alias "Martin," alias "Duffy," member of the executive committee of the Workers Party and alleged correspondent for communist newspapers, who was recently expelled from the anthracite miners' convention at Scranton, Pa., and both of them departed for Russia for further conference with Lenin and his associates.

Jay Lovestone, alias "L. C. Wheat," executive secretary of the Communist Party of America, went to Berlin to get funds for strike promotion purposes that had been left there by Russian agents.

As the communist emissaries from New York swarmed into the coal fields of Pennsylvania, they attempted to gain the confidence of the officials of the union and to ascertain their plans for the conduct and management of the strike. In a number of instances they succeeded in this purpose, and did make their way into the councils of local groups of the union, a situation which afforded enemies of the union an excuse for unjustly charging against it all of the crime and disorder which followed.

Everywhere that they went violence, disorder, and trouble, clashes with the police, dynamiting, incendiary fires, and injured and maimed men were left in their wake.

The New York Volks Zeitung, in its issue of April 10, said:

"Right after the outbreak of the strike in the textile and coal industries the Workers Party sent its most able organizers into the strike zone to carry on their work in the sense of the party principles. Three district organizers, 5, 6, and 10, dedicate their entire energy to this task."

William F. Dunne, labor editor of the Worker, went into the Pittsburgh and Ohio regions as the chief emissary of the New York headquarters. Dunne carefully and closely examined the field and looked for the weak points in the ranks of the miners that were most susceptible to attack by the communists. Dunne made a tour through Pennsylvania and Ohio, uttering inflammatory speeches as he went, and rendering confidential reports to the higher communist officials of his work and of the conditions that he found.

In the raid conducted recently by Prosecuting Attorney Gardiner and Assistant Prosecuting Attorney Myers, of Pittsburgh, on the headquarters of Fred Merrick, duplicate copies of the reports sent by Dunne to New York were uncovered. These documents are now in the possession of Mr. Gardiner. Merrick is under indictment for violation of the Pennsylvania antisedition act, and at liberty under bail of $10,000. While in Pittsburgh, Dunne occupied the same living quarters with Merrick and made use of the facilities of the Workers' Party district office.

Soon after arriving at Pittsburgh, Dunne said that he, Merrick, and other leaders of the Communist and Workers' Parties felt that the effort to organize the southwestern Pennsylvania coal fields "was being made not because of the efforts of the officials of the United Mine Workers of America, but in spite of them."

He said that while matters continued to progress as they were then doing, he and the other organizers of the Communist and Workers' Parties would not interfere in any way, or concentrate very much on the mine workers, but that as soon as the organizers of the United Mine Workers of America had completed their work there an intensive campaign would be started in the ranks of the miners' union to spread the strike to other industries.

"Naturally, as soon as this campaign is under way, more speakers will be brought in," said Dunne. "The officials of the United Mine Workers of America are being watched very closely for any treacherous action on their part toward the rank and file, and should any such action be attempted they will immediately be exposed."

Tresca made his appearance in the region on May 6, when the strike was one month old. Soon after the coming of Tresca and his associate, Emilia Coda, violence started on a major scale. Miners' houses were dynamited; power transmission lines were blown up; highways were mined with bombs, and automobiles were blown to fragments. One small car was reduced to splinters by a bomb hidden under a bridge, but the occupants escaped with slight injuries. Reports of threatened dynamitings were a daily occurrence. Families of mine officials and workers alike lived in constant terror. A state of hysteria and terriorism spread over the strike region.

The communists concentrated their activities in the vicinity of Uniontown, New Salem, Brownsville, Charleroi, and Avella. In the center of this district is the so-called coke region, where practically all of the mine workers were foreign born or aliens.

From their stronghold at Avella, and cooperating with the communist group at Bellaire, Ohio, these communists engineered the raid in July on the nonunion mine at Cliftonville, near Wellsburg, W. Va., in which lives of the sheriff and a number of their own men were lost. Previous to this raid plans for its execution were made by the communist agents at Avella, Canonsburg, and Pittsburgh. This occurrence was one of the outbreaks through which the communists expected to take possession of the strike, spread it to other industries, and bring about a general "armed uprising."

The American Civil Liberties Union, acting on the pretext that "free speech, free press, and civil liberty" was menaced by the efforts to suppress the violence, disorder, and trouble stirred up by the communist agitators, sent a delegation of its own to southwestern Pennsylvania to also "work from within" the strike. This organization

proclaimed that it was exerting its efforts in behalf of the United Mine Workers of America, and that it was trying to help "win the strike." Records seized by District Attorney Gardiner in Merrick's office at Pittsburgh include an extended correspondence between Merrick and Roger Baldwin, directing secretary of the American Civil Liberties Union. This correspondence reveals that the principal effort of the American Civil Liberties Union in this section was to provide legal means for obtaining police permits for street meetings at which communist speakers would appear, and under the guise of assisting the miners' strike spread their communist propaganda and revolutionary doctrines.

The relations between Baldwin and Merrick are shown to have been intimate and friendly. Not only were the communist problems of the district discussed in their letters to each other but there is also frequent reference to the activities of Baldwin and of the American Civil Liberties Union in the correspondence that passed at that time between Merrick on the one hand, and William Z. Foster, James P. Cannon, William F. Kruse, H. E. Keas, C. E. Ruthenburg, Charles Baker, and a dozen others of the most active of the communist and revolutionary agents who were connected with the scheme of "boring from within" the strike.

The American Civil Liberties Union is shown by the correspondence at the time to have been concerned primarily in keeping the communist agents out of the jails and prisons of southwestern Pennsylvania after they were sent in there by the revolutionary organization in this country.

Careful scrutiny of the letters that passed between the communist agents and their superior officers in New York does not in any single instance show where they sought to establish an open or frank contact with an official of the United Mine Workers. On the other hand, these letters furnish adequate evidence that when they did establish contacts with union officials it was for the purpose either of inveigling them into the communist movement or placing them in a compromising status where suspicion and distrust of them and of the union could be aroused in the minds of the rank and file of the miners and they be forced to relinquish their positions.

The communist group in this region constituted an "inner circle" working in accordance with instructions from Lenin and Zenoviev to seize control of the strike and to make certain that there was no settlement until the officials of the union were thrown out; the trouble spread into other industries, and a general uprising of workers precipitated throughout the country.

In the next article of the exposé of the communist revolutionary movement in America the United Mine Workers will reveal the conspiracy that brought about the uprising in Herrin, Ill., resulting in the death of more than a score of men.

ARTICLE III

The United Mine Workers of America, in continuing the revelations of the communist revolutionary movement in America as it relates to the miners' union and other labor organizations, presents here the facts in the conspiracy which caused the loss of the lives of 22 men at Herrin, Ill., on June 21, 1922.

The United Mine Workers of America, as an organization, has been mercilessly attacked and condemned for the Herrin massacre when, in fact, the miners' union was in no manner responsible for what took place. This revolting, inexcusable, terrible crime was fomented, promoted, and caused solely by communists. It was a carefully planned affair, schemed with all of the diabolic cruelty and disregard for law that characterizes the activities of the communist movement.

Participating in the events which led to the slaughter of these men were 67 members—virtually all of them of Lithuanian nationality—of the local chapter, in the town of Herrin, of the Communist Party of America, together with 19 other communist agents and organizers, who had been sent in from Chicago by the communist organization for the purpose of arousing the local communists and precipitating an attack upon the strip mine of the Southern Illinois Coal Co.

All of the 67 local communists, as well as the 19 imported agents, were members of what is known as the Bolshevik Lithuanian branch of the Communist Party of America. They accept the decisions of the Communist International, proclaim allegiance to the Communist Party of America, and adhere to its mandates and party principles.

For more than seven weeks preparations had been in progress in Franklin and Williamson Counties, in southern Illinois, to bring about the attack upon the strike breakers and armed guards who were at the strip mine after the coal strike started on April 1. Violence, disorder, and trouble were rampant in southwestern Pennsylvania. Communist groups in New York, Cleveland, and Chicago were active in their efforts to cause the strike in southwestern Pennsylvania to expand and grow into a great revolutionary movement, in which the original causes for the cessation of work in the mines would be lost sight of, and an armed insurrection, having for its purpose the establishment of a Bolshevik régime or dictatorship in this country, and enforced recognition of the Russian dictatorship and the Communist International would be brought about.

The plan was to have simultaneous uprisings in southern Illinois and, if possible, in the vicinity of Bellaire, Ohio, which was also a hotbed of communist agitation and propaganda, and in the region surrounding Uniontown, Pa.

A telegram sent to the local union officials at Herrin by President John L. Lewis, of the United Mine Workers, placing the workers of the strip mines in the category of "strike breakers" was shrewdly twisted and distorted, according to the boast of the communist leaders at Chicago, into an "invitation" to attack the strip mines and the workmen employed there.

Officials of the United Mine Workers had no intimation that an attack upon the strip mines was contemplated or that a conspiracy within the Communist Party of America existed at the time to precipitate a tragedy such as took place on the day after the telegram of President Lewis was received.

Headquarters for the participation of the communists in the miners' strike in Illinois, Indiana, and northern and central Ohio was at Chicago.

William Z. Foster was the dominating figure in the situation. Through the medium of the strike he proposed to gain a strong foothold in the miners' union for the recently organized Trade Union Educational League, and to convert the miners' union into a "one big union" center around which would gradually be mobilized the trade-unions of America, reorganized in accordance with this idea.

Foster's right-hand men in the movement in Illinois were Earl Browder, editor of his official organ; Thomas R. Sullivan, communist organizer at St. Louis; and Norman Tallentire, a communist organizer at Chicago.

Jack Carney, editor of the revolutionary Voice of Labor at Chicago, and his business manager, Nick Dozenburg, were active figures in the organization. The chief field agent was Arne Swabeck, member of the central executive committee of the Communist Party of America, while other agitators associated with the "boring from within" work in the strike were Oscar Larson, of the Young Communist League; Nels Kjar, who had been convicted in the Cook County courts for conspiring against the Government and the country during the war; Gus Fraenckel, an agent among the railway employees; and Charles Krumbein, a district official of the communists.

Carney was instrumental in the preparation and printing of communist circulars and dodgers for distribution in the strike region and designed to undermine the leaders of the miners' union and throw the organization into the hands of the communists.

The program was not confined to Chicago—it was the program of the Communist Party all over America. For two years the communists had searched for a way to seize control of the miners' organization, and the strike was being taken advantage of as the supreme opportunity in this direction. If they succeeded, the miners' union would become the foremost revolutionary agency in the country and "militancy" among labor unions for the overthrow of the Government would become an established fact.

Foster and his group, through the Trade Union Educational League, adopted the policy of urging the miners to resist any settlement of the strike by the recognized leaders of the union and to spread propaganda and misleading information through the ranks of organized labor that President Lewis and his associates were engaged in a deep-laid scheme to betray the members of the miners' union.

At the same time all communist agents were actively working to expand the strike into a revolutionary uprising, starting in a few localities and gradually spreading to other labor unions and developing into a nation-wide outbreak of organized labor.

Such was the Herrin affair, and such was the purpose behind it.

On April 4, 1922, Swabeck mailed from the office of the Voice of Labor, in Chicago, 60,000 copies of the inflammatory leaflet, Miners, Strike to Win. Throughout this strike this office was one of the major points from which the communist campaign among the miners in southern Illinois was carried on.

Swabeck went personally into Franklin and Williamson Counties, visiting the towns of Christopher, Zeigler, Sesser, Marion, Herrin, and other points where large numbers of miners were idle.

In Franklin County he was joined by Sullivan, of St. Louis, and Tallentire and Fraenckel, of Chicago, as well as other individuals who had been imported to spread communist propaganda among the miners.

Early in May the boast was made in the office of the Voice of Labor that the Illinois coal fields would soon be dominated by the members of the Communist Party, as the membership of the United Mine Workers was being steadily fed with communist propaganda and it was bearing fruit. Many communist groups had been started among the miners, it was stated, and all of them were acting in the capacity of recruiting units for the "illegal" or Communist Party.

The intent of the communists in the strike was established in a meeting under the auspices of the Workers Party of America in the Ashland Auditorium, at Chicago, on March 26, where Swabeck and Krambein were the speakers. Swabeck said that "armed insurrection will be forced upon the workers to use in this strike." Krumbein asserted that "solidarity" would be used as the motto of the com-

munists in the coal strike. Solidarity as used by the Communist International and the Communist Party of America means "mass action for revolutionary purposes."

Kjar's task was to mobilize the various organizers and agitators of the Communist Party for work among the miners. In this he was assisted by Krumbein and Larson.

Carney went into southern Illinois about May 20, posing as a correspondent of the Federated Press, but for the real purpose of urging the miners there not to make a separate agreement with the operators until, as he said, a complete settlement of the strike could be affected. The aim of the communists was to keep the strike going until their seeds of revolution could sprout sufficiently to prevent any settlement of the strike being reached.

Another agent of the communists who went into southern Illinois was Browder, who, in a speech at a communist gathering in Christopher early in May, accused the officials of the miners' union and the American Federation of Labor of treachery. He said that "the miners' salvation is in an organization which will be unified with all the industrial workers of the world, and aiming at social revolution and the workers' republic." Browder was followed on the stage by Sullivan, who made a speech for solidarity, and urged the miners to become members of the revolutionary parties.

This agitation under the active efforts of the communists continued during May and June. The strike area in southern Illinois was carefully examined, and the points where riot, violence, or armed insurrection might be started were charted and catalogued. In the list of these places were Christopher, Zeigler, Sesser, and Herrin.

Continuation of work in the strip mine at Herrin had been a source of irritation to the striking miners in that vicinity. The communist agents were quick to realize this situation and to seize upon it as a means of propagating their doctrines and increasing their influence with the idle miners.

With the local Lithuanian miners as a nuclei, a Communist Party chapter was organized in Herrin, holding its meetings secretly in the Lithuanian language, but taking its instructions from the agents of Dozenburg in the office of Carney at Chicago. Quietly and stealthily they worked among the idle miners at Herrin, preaching insurrection and armed attack upon the strip mine, where coal was being produced.

Swabeck and Fraenckel were spending most of their time in the vicinity of Herrin, returning to Chicago each week end for conferences with the communist leaders there.

In June a query as to the status of the men employed in the strip mine was made President Lewis. He replied to this query, classifying the situation as one of strike breaking. This telegram was immediately pounced upon by the communist agents in the vicinity and distorted into an excuse for an armed attack upon the strip mine.

The workers there were captured, and under the leadership of the 19 communist agents who, according to Dozenburg, had been imported for the purpose of starting armed insurrection and revolution, the men were shot down.

It is certain that there always will be some form of organization of labor in America. Employers may well ask themselves whether they would prefer to deal and negotiate with labor in its present organized form or with labor organized and controlled by those who are capable of doing what was done at Herrin.

That night and the next day there was rejoicing in the office of the Voice of Labor in Chicago. The armed insurrection that had been carefully planned was at hand—it had actually started. Dozenburg proclaimed that the new communists at Herrin had proven that they were real communists, and that now the revolutionary work must be spread to Indiana and Ohio.

Very clever tactics had been used by communists in assisting rioters, and the next step must be to shift responsibility from the men who committed the crime and put it "on the slain men," and to prevent the punishment of any of the men who were implicated in the massacre.

Dozenburg expressed confidence that no one would be punished for the crime, for the communist grip was strong in Herrin, and "our people working among the miners used clever tactics in assisting them and are using the party tactics to influence the public officials."

"Our great advantage is," said Dozenburg, "that the head of the mine workers, Lewis, sent a telegram there. This was used as an opportunity by our people by which they easily could be covered in their action."

Dozenburg then went to the center of the affair.

"We have 67 members of the Communist Party in Herrin," he said. "They are all Lithuanians, besides the 19 sent down from here. The 19 sent down from here represent the Lithuanian bureau of the Communist Party. They are all members of the Lithuanian federation of the bolshevik faction of the Communist Party."

Amalgamation of the coal miners, railroad workers, marine transport workers, and farm workers into a single organization for a general strike was the program of the communists at the outset of the strike. Lenin's instructions, when he sent $1,110,000 into the country for strike-promotion purposes, called for this kind of an amalgamation. And from the outset of the coal strike the communists were as actively "boring from within" the ranks of the marine transport workers, railroad workers, and farm workers as they were among the coal miners. Communist elements in all of these unions received instructions from the central offices in Chicago and Cleveland to join in a united effort to promote and stir up a general strike in all industry. The magnet used to attract union members to this program was the "one big union" or "militant union" idea. The emissaries among farm workers preached "cooperative" effort in production and marketing, which, as taught by the communists, means eventual confiscation of the land of the man who fails or refuses to join in the communist "cooperative" scheme.

The movement for general amalgamation was specifically in charge of the Trade Union Educational League, and throughout the miners' strike Foster concentrated his efforts on its promotion and furtherance. Foster did not confine himself simply to the coal union during the strike. His function was to extend it to all unions, if possible, and bring about a general strike that would eventuate into armed uprising.

The marine transport workers were already organized as a "one big union," so that additional communist effort in this direction was not necessary. The coal miners were considered sufficiently mobilized in a "one big union" if the organization of the United Mine Workers could be captured.

But a different condition existed among the railroad workers. Four brotherhoods and 16 unions were established there. In order to control them as a unit and mobilize them into the Foster "one big union" scheme, a plan for a single "departmentalized industrial union," since known as the Minnesota plan, was evolved.

With the impetus and fresh courage given to the communist agents by the Herrin massacre, their efforts among the railroad, marine transport, and farm workers were redoubled. Some of their ablest agitators were withdrawn from among the coal miners and sent among the railroad workers. One agitator among farmers, at Washington, was sent into California to work among the agricultural interests there. Invariably the work among the railroad workers was designed to shake their faith in their officials and recognized leaders and turn them to Foster and his Trade Union Educational League. The Herrin massacre had demonstrated that the miners were capable of armed uprising. The plan was to bring about in some quarter, preferably an important railroad junction point like Chicago or Pittsburgh, a similar outbreak among railroad workers. Communist papers and publications teemed with propaganda designed to further the general idea of armed uprising. It was recognized that if an uprising came about it would not be supported by the legitimate officials of the affected unions and that thus the communist agents would have the opportunity to slip into places made vacant by ousted officials.

The idea to forcibly seize the memberships of the unions had not yet made its appearance among the communists. That came later, in November, after they had failed in all their efforts during the summer. They only proposed then to undermine the union officials by winning the rank and file of their members from them.

Later, however, they decided to throw out by any means possible the leaders of the unions and forcibly to seize records, offices, and positions, and that is the plan on which they are working to-day.

The convention of the agents of the Communist International and leaders of the Communist Party of America, at Bridgman, Mich., last August, constituted one of the greatest conspiracies in the history of the United States. The raid upon that convention by the sheriff of the county in which it was held was one of the greatest blows that the communist organization in America has ever received.

Intent upon promoting the general uprising of all coal mine, railroad, marine transport, and farm workers, and carrying their aim to a successful realization before the coal and railroad strikes could be settled, their revolutionary sittings were suddenly cut short by the appearance of the Michigan sheriff, who confined them in the local jail and compelled them to shift their activities from the promotion of industrial revolution to the raising of money for bail purposes and preparing a defense in an effort to escape imprisonment under Michigan's criminal syndicalism law.

But the matter did not end there. The coal strike was settled soon after the Bridgman raid, despite every effort on the part of the communists to prevent a settlement, and the miners returned to work.

In November, however, they were busily plotting for another strike of the coal miners on April 1, 1923, supported by a railroad strike brought about by the "one big departmentalized union" of railroad workers.

Plans for this strike were being actively laid, emissaries were hurrying to Moscow for consultation with Lenin, Zinoviev, and Losowsky. "National" conventions were being arranged for at Chicago and Cleveland. A national farmer-labor party to draw together the farm workers and the industrial workers was being promoted by Foster, funds were being sent into the country from abroad, or raised by so-called national defense committees, labor defense councils, or miners' relief committees.

Among themselves, the communists were confident that the United Mine Workers would not be successful in making a new wage agreement with the operators to go into effect on April 1. Their party

press was filled with propaganda designed to close the ranks of the communists for the coming crisis on April 1.

A new contract between the United Mine Workers and the operators was effected, however, in the New York conference in January, and with it went glimmering the hope of another industrial upheaval in 1923.

Half-hearted efforts were made by Foster and his followers in the railroad unions early in November to precipitate a general strike of the railroad workers. It was decided, however, to abandon this attempt and to call a convention in Chicago on December 9 and 10 for the purpose of organizing an independent "one big union" movement among the transportation workers.

G. H. Kennedy was chosen as president of the new organization, which was brought into existence at the Chicago convention. O. H. Wangerin was selected as secretary-treasurer. Headquarters were established at St. Paul, from which place the campaign is being carried on now.

In the succeeding story the United Mine Workers of America will present the details of the efforts that have been made by the communist organization since January, and are being made at this time, to seize possession of the union and attempt again to put through the program which failed in the miners' strike last year.

ARTICLE IV

Collection of money from the American people for the promotion of the revolutionary movement in this country has become an organized industry in the last two years.

The sum which is being annually derived in this manner runs into millions of dollars, with only an approximate idea as to its aggregate. In addition, millions of dollars are being sent over from Moscow and other bolshevik centers in European capitals.

The United Mine Workers learns from an authoritative source that the money from abroad is coming in through the usual international banking channels, originating in Moscow, Berlin, or Stockholm, and that it is distributed to the accounts of various individuals in different banks after it reaches this country.

Part of the money with which the communists have attempted to get control of the United Mine Workers has been collected from the miners themselves in the belief that it was to be used in the upbuilding and strengthening of their organization, and for entirely legitimate purposes.

One such collection agency as this is known as the Miners' Relief Conference, a communist enterprise that has been operating in the Pittsburgh region since last August. The conference has been one of the most important channels through which money had filtered into the communist organization for destructive work within the miners' union.

Efforts of the communists to get control of the United Mine Workers have continued without interruption since the strike of last year came to an end with the agreement at Cleveland. In the first two months of this year these efforts centered on the proposition of bringing about an "outlaw" strike on April 1; later, to drive a wedge into the United Mine Workers through advocacy of the expedient of Government ownership of mines.

The strongest efforts of the communists to get control of the miners' union have been exerted in the last eight months. William Z. Foster, industrial organizer for the Communist International, has been at the head of the enterprise. The principal scene of action has been in southwestern Pennsylvania. The vehicle of the movement has been the Miners' Relief Conference, and the magnet for attracting the miners has been that of Government ownership of the mines.

The United Mine Workers have not approved or adopted any plan for nationalization of the mines. At the international convention two years ago a committee was appointed to make a study of the subject and submit a report, with recommendations, at the next convention, to be held next January.

Notwithstanding the fact that the miners' union is seeking to reach a conclusion on this proposition in an orderly way, the communist organization has concentrated all of its resources to the end of forcing the union to acknowledge it as the chief objective of the mine workers of this country.

The "drive" this year for the absorption of the miners by the communists was launched by Foster and his associates at Pittsburgh on February 10. A conference was held there at that time, which was attended by Foster, with Fred Merrick, communist organizer at Pittsburgh; Thomas R. Sullivan, communist organizer at St. Louis; Norman Tallentire, communist organizer at Chicago; Freeman Thompson, of Springfield, Ill., and delegates from mining fields in Ohio and Pennsylvania. The purpose of the conference was to extend the communist movement into all of the districts and locals of the union and engulf it in a wave of ultraradicalism.

Two delegates from the anthracite region were present, and they gave assurances that the hard-coal mines would be shut down on April 1 in connection with the proposed strike. But this proposed "outlaw" strike did not occur.

Three things were decided upon at this conference:

1. Establishment of headquarters for organizing activities at Pittsburgh, and the carrying on of an aggressive campaign to reorganize the miners' union in accordance with communist doctrines.

2. An effort to bring about a general strike on April 1.

3. The holding of a convention of miners' delegates of the United States and Canada in Pittsburgh during the first week in June, and launching a new international organization within the union which would gradually absorb it and eliminate its international and district officials.

Foster said at this conference that "wonderful progress" had been made among the miners in the Pittsburgh region, and that with the international convention in June he expected to arouse sufficient support in the union to enable him to control the policies of the next biennial convention in January, and establish himself as the dominant factor in the union.

Although a working agreement for the coming year had been made by the union and the operators two weeks before in a wage conference at New York City, plans for an "outlaw" strike on April 1 were frankly discussed by Foster and his associates at the conference.

"We must have no settlement of this strike until an agreement can be negotiated, under the charter of a new union having one of our own men as its leader," said Merrick.

The scheme by which it was proposed to set this strike going was to induce President Lewis to reestablish the strike of 1922 in the coke-producing region of Pennsylvania. Under the agitation of the communists it would be spread to the other coal fields by April 1. Behind this plan was a scheme of Foster's to spread the strike to other industries and bring about a general tie-up of industry during the summer.

Simultaneously with the conference at Pittsburgh the communist publications started a campaign to discredit President Lewis among the miners of the union, and to force him to reestablish the strike in the coke region as a means of protecting his influence with the miners there. J. Louis Engdahl, member of the central executive committee of the "legal" Communist Party and editor of the "legal" communist organ, the Worker, said:

Every militant trade-unionist must stand aghast at the tyrannous measures used by the high officialdom of the United Mine Workers of America in driving the Fayette County strikers back under the slave whips of the Standard Oil Co. and of the United States Steel Corporation."

Nationalization of the mines was decided upon at the conference as the principal issue of the communists in driving their wedge into the miners' union. In the official platform which was adopted there nationalization was made the chief issue. On this question the platform says:

"To meet this situation of demoralization a radical change must be made in the coal industry. There is only one solution at this moment that is possible, and that is nationalization of coal mines.

"Against this plan will be marshaled all the forces and resources of plutocratic America. The capitalist press and its journalistic hirelings, together with any army of retainers composed of the intellectual and political prostitutes of Wall Street, are flooding the country with an avalanche of lies, slander, and misrepresentation against nationalization. Corrupt and reactionary labor leaders are also opposing this plan, and every honest trades-unionist who espouses the cause is marked for persecution.

"In advocating nationalization of coal mines, the progressive coal miners mean the operation of the coal mines under the direction of competent union miners, and not under a commission composed of the usual lawyers, bankers, and politicians. A political bureaucracy sitting at Washington as directors of the coal industry would be a monstrosity worse even than the abortion known as the railroad labor board, and would never be tolerated by the rank and file of the United Mine Workers of America.

"Nationalization of coal mines, as a political program, will be a failure unless it includes genuine democratic management of the mines. Since the efficient operation of the coal mines is only possible by those who have had experience in digging coal, we demand that the program of nationalization of coal mines shall provide for the operation of the mines entirely under the direction of union miners, who alone are possessed of the technical, mechanical, and manual skill necessary for the successful operation of the mines."

Foster and Merrick started their campaign in southwestern Pennsylvania with a bang. Alexander Howat, deposed president of the Kansas miners, was brought into the region as the chief speaker and missionary. Meetings were held in Fayette, Westmoreland, and other counties in the interests of the movement. Speakers appeared before local unions, and under the pretense of reorganizing them along "militant" lines, a communist nuclei was established in many of them.

Efforts were made also to extend the movement to Ohio, West Virginia, Indiana, Illinois, central and eastern Pennsylvania, and to Nova Scotia and Alberta. Contacts were established with local union officials and State board members in Illinois; with H. E. Keas, a

communist agent, in Ohio; E. R. Fay and R. P. Alcock in Alberta; and with J. B. McLachlan, Alexander McKay, and Angus McLennan in Nova Scotia.

Arrangements were made through McLachlan and McLennan for Howat to invade Nova Scotia in April and May to promote a communist organization there in conflict with the authority of the international officials of the United Mine Workers. McLachlan sent $200 to Merrick to defray Howat's traveling expenses, but Howat insisted on Thomas Myerscough, an aid of Merrick, accompanying him, and McLachlan was asked to contribute $600 more.

Howat failed in his efforts to gain entry into Canada because Canadian immigration authorities kept him out, and he returned to Pittsburgh. There he continued his campaign to overthrow the leadership of the miners and to carry out the program of the conference of February 10.

In the files in Merrick's office, which were seized at Pittsburgh, was a letter written by E. R. Fay, of Newcastle, Alberta, Canada, wrote to Myerscough, asking for a program of the insurgents, "and all necessary information to start the ball rolling to get rid of John 'Liar' Lewis and his gang of skunks." Fay said, "He acted on the recommendation of Tim Buck, the national industrial organizer of the Workers Party of Canada."

Merrick's first move for the seizure of the miners' union at Pittsburgh was to initiate a demand for a recount of the votes in the district election on December 12. He described his faction as the "progressives" and announced that "it has been decided to circulate petitions at once to recall all of the present officials of District 5 for improper conduct, especially in connection with the Fayette strike."

When the strike was settled at Cleveland last fall the communists bent their efforts to persuading the miners in southwestern Pennsylvania to refuse to return to work. The miners' relief conference was organized early in the fall on the pretext that it would provide a means of subsistence for the men and their families who refused to go back to work. J. A. Hamilton, a former school-teacher, was selected as secretary. Hamilton had direct business connections with Foster, and was known as his representative in the Pittsburgh region.

Scores of miners in southwestern Pennsylvania followed the prompting of Merrick and his aids not to return to work. Limited sums of money were supplied to them by the miners' relief conference, although an examination of such records as were kept show that in virtually every instance the relief donations were confined to miners who were either communists in principle or were agents in their neighborhoods for the communist organization.

Inspection of the records of the conference fails also to show even the simplest forms of bookkeeping in accounting for the moneys and supplies that were received. While considerable sums of money were contributed by sympathetic men and women who heeded the appeals that were broadcasted over the country, the records of the contributions are either on scraps of paper or found in the original letters of the donors.

The kindly heart of Mrs. Sarah Hyams, 252 West Seventy-sixth Street, New York City, responded to the "touching" appeal of Hamilton for money, and on October 9 she sent her check for $500, saying: "I had some money which I had made up my mind to use where it would do the most good. When your letter came I felt that this is where it should go. It does not seem possible that the condition stated by you and by so many others could exist in a country as rich as ours, or that people could be so heartless. I only hope that you will get all of the help you need, so that some of this awful poverty may be relieved."

Hamilton sent Mrs. Hyams a statement on November 3, which purported to cover the expenditure of $126 of the $500. He explained that $50 had been given to George Lutz, an idle miner at Republic, Pa. Lutz was one of the most active agents of Merrick and Hamilton in that region, and recognized as aiding them in their movement.

Miss Maude Tollefson is a teacher in a private school at Peekskill, N. Y. She was the recipient also of one of the "touching" letters of Merrick and Hamilton, and on November 7 sent in a donation. Hamilton in his reply so impressed Miss Tollefson with the worthiness of this enterprise that she appealed to her friends to join with her in making contributions. In writing to Hamilton on November 16, she said:

"By the middle of next week I will have some clothes collected from the teachers here, and possibly from friends in New York City. Will you let me know whether to send them to you, or to J. M. Geisel, whose picture you sent me with the address on the back. Also, I have sent word to my mother in South Dakota to send what she can find. I am sure she will do so."

Hamilton was the recipient also of considerable sums of money from Louis Gruss, alias "Willard," formerly of the Friends of Soviet Russia, and secretary of a so-called miners' relief committee in New York. Gruss sent to Hamilton, according to the records of the latter, a total of $1,450; but later begged Hamilton for a loan of $100 to defray the expenses and hall rent of a meeting in New York City where Howat would speak.

Appeals were sent by these communists to local unions of the United Mine Workers in Pennsylvania, Ohio, Indiana, Illinois, and West Virginia, asking that arbitrary assessments for "relief" purposes in the coke region be laid on the memberships, and the money remitted to Merrick and Hamilton. Some of the local unions were induced to do this, with usually an assesment of 25 cents a member. Local unions in Franklin and Williamson Counties, in Illinois, and in the vicinity of Bellaire, Ohio, sent sums of as much as $300 each.

The relationship between Merrick and Hamilton and the communist organization is shown in their connection with the labor defense council at Chicago. A few days after the raid upon the communist convention at Bridgman, Mich., last August, the national defense committee, a communist agency, was reorganized into the labor defense council.

The council launched on the task of raising $200,000 for bail purposes at Bridgman, and to employ lawyers and provide funds for the trials of the individuals who had been caught in the sheriff's dragnet. Explicit instructions were sent to every communist agency in the country to "get busy" at the task of raising money for this purpose. Organizers and district officials were told by the communist central organization to give unqualified support to the demands of the labor defense council. As far as possible donations were to be sought from the labor unions on the claim that the raid on the revolutionary gathering at Bridgman imperiled the cause of organized labor in this country.

Moritz J. Loeb, secretary of the labor defense council, wrote to Merrick and Hamilton, on December 6, as follows:

"Comrade Ruthenburg has assured us that the Workers Party organizers will be held responsible for activity toward the organization of labor defense councils in their districts. We have seen a copy of the letter at the national office of the workers' party sent out in this respect. It is our understanding that you are the district organizer of the Pittsburgh district and we would very much like to have you take responsibility toward organizing the labor defense council in your district, seriously."

A week later Loeb wired to Merrick, as follows:

"Five men remaining in Berrien jail can all be released for $15,000. Exert every effort. Raise everything possible, cash or Liberty bonds. Send us what you have immediately. We must get men out by Christmas. Put on small drive. Do your part and we succeed."

Early in January the labor defense council sent Tom Tippett, business manager of the Federated Press, into the Pittsburgh district as its special agent to assist in the money raising. Merrick and Hamilton were told to give their support to making the Tippett meetings a success. On this point Loeb said:

"Please do not be too economical in your advertising of the Tom Tippett meeting. We are particularly anxious that you should get out a good crowd, even though the financial returns on the investment are not of the best."

Advertising matter was sent to Merrick by Loeb which stated that—"the reporter for the labor press on the Herrin trial will come to Pittsburgh to tell of the nation-wide attack on labor, the open-shop drive of which Herrin, West Virginia, and the Bridgman raids are only the outstanding examples. No better representative of the working class can tell this story, as Tippet has been an actual observer of the major campaigns which have been calculated to destroy the labor movement."

The extent to which money was diverted from the miners' relief conference at Pittsburgh into the coffers of the labor defense council for use at the Bridgman trials or into other communist channels can not be definitely ascertained from the records in the office of Merrick and Hamilton. However, Hamilton, in a letter of January 7, said:

"This relief work has succeeded much beyond expectations, as we have sent into Washington, Allegheny, Westmoreland, Fayette, and Greene Counties nearly $9,000 worth of various kinds of relief. Besides we have thrown some hot shot into the contemptible official circles, and in this way helped considerable in getting the union to give what scanty support it is giving to the Fayette County men.

"This sort of activity is what makes me satisfied with my affiliation with the Workers Party as I have never been either a member of the Socialist Party or as unaffiliated. The W. P. is endeavoring to day by day take part in the struggles of the working class in such a manner as to assist most in the final overthrow of capitalism."

The data at hand show that Merrick's and Hamilton's work for the miners' relief conference was so intimately associated with their work for the labor defense council that it is difficult at times to distinguish between them. Hamilton gave as much time and effort, according to his own reports, to the promotion of the labor defense council, purely a communist enterprise, as he did to the miners' relief conference.

The correspondence shows that while Merrick and Hamilton were appealing to the people of the country for money for the relief of "starving miners" they were also holding mass meetings in the same region to collect money from these "starving miners" to remit to the labor defense council at Chicago.

When Merrick declined to approve the suggestion that another agent of the labor defense council be sent into the Pittsburgh region he gave as his reason that they were then collecting all the money from these "starving miners" which he believed it was possible to do.

Merrick in carrying on his work maintained close contact with Ruthenburg, William W. Weinstone, James P. Cannon, J. Louis Engdahl, William Z. Foster, and William F. Kruse, of the communist organizations, and with Roger Baldwin, of the American Civil Liberties Union. Merrick was in frequent correspondence with Ruthenburg during last winter and spring concerning the details of the communist campaign in the miners' union. Ruthenburg was irritated at the resistance offered by the United Mine Workers to the distribution of radical literature by Merrick, and on February 10 he wrote to Merrick as follows:

"Certainly we can not agree with your viewpoint in regard to the defense nor with the action of the district executive committee in ordering the discontinuance of the distribution of the program in the Pittsburgh district. There has been distributed by the communist movement in the United States literature that was considered even more radical than the program could be, and ways and means have been found in which to make the distribution. Certainly we should not, because of attacks of the authorities and the arrest of three of our members, permit that to interfere with the continuation of our work. That is not the communist attitude. The communist viewpoint is to continue the work of the movement irrespective of what the authorities say or do in persecuting our party. This does not mean that you need to make the distribution in such a manner as to expose the members to arrest, but certainly you should not allow such a little thing comparatively as has happened in your district to interfere with the continuance of the work."

The American Civil Liberties Union was called upon by Merrick to give assistance in freeing the radical agents and emissaries who were arrested in the Pittsburgh region. A small loan was made to Merrick in one of these cases from the Garland Foundation fund. In writing to Baldwin for a renewal of the note covering this loan on January 13, Merrick said:

"Due to the terrific fight that developed in the election campaign in district 5 of the U. M. W. of A., we are compelled to go to the miners for every cent we can get to carry on the fight of the progressive miners. As a result of it, have won the election. While the machine, one of the most corrupt in the U. M. W. of A., claims victory by a small margin, we have proof that they were defeated and will carry it to the international executive board."

Baldwin replied that the board had agreed "with pleasure to extend your note for 60 days."

In writing to C. E. Ruthenburg on August 10 Merrick said, with reference to Roger Baldwin, managing director of the American Civil Liberties Union and the Garland Foundation:

"In answer to my letter to Baldwin concerning the $2,000 to the Garland fund I got the information that the money has already been voted to be used exclusively in district No. 2 in central Pennsylvania. I can not blame Baldwin, for Brophy, the president of the organization, is a fine fellow and has cooperated with the Civil Liberties Union all along, while the district officials here have refused to help at all."

Baldwin was also called upon by Merrick for a loan to finance the election contest in the Pittsburgh district against the officials of the United Mine Workers. The board of the Garland Foundation fund refused to make this loan, however, and Baldwin advised Merrick to this effect.

Merrick's relations with James P. Cannon, known as "the paymaster" of the communists, during the eight months' "drive" have been equally intimate and businesslike. Cannon was the individual directly responsible for sending William F. Dunne into the Pittsburgh region at the start of the miners' strike in 1922. In writing to Merrick at that time concerning Dunne's prospective visit, Cannon said:

"We fully appreciate the importance of the Pittsburgh district in the present coal situation and want to help you in every way possible to make the most of the possibilities offered."

In the next article dealing with the communist revolutionary movement in this country the United Mine Workers will present the facts concerning the "boring from within" campaign as it relates to all trade-unions and labor organizations in the United States and the interlocking directorates and the mechanism by which these organizations are found together and conduct their work virtually as one departmentalized unit.

ARTICLE V

The Communist Party of America was created for the purpose of taking possession of the United Mine Workers of America, the American Federation of Labor, and the labor unions of the country, and, through them, overthrowing the Government of the United States.

This has been its continuing purpose since the days in May, 1921, when it was brought into existence on the top of Overlook Mountain, in the Catskills, near Woodstock, N. Y.

The decision of the Communist International to organize a secret or "underground" party in America was due to the fact that its manifestoes and communications to this country, as well as the program of action of its political units and groups, advocated the overthrow of the Government by force, violence, and armed insurrection, and made its members subject to prosecution in many of the States or to deportation at the hands of the Federal Government.

The courts of the country had judicially held that the purpose of the Communist International, on its own declarations, was to overthrow the Government, which made membership of an alien in the Communist Party grounds per se for deportation.

The United Mine Workers of America is in possession of original and authenticated copies of the manifestoes and communications that were sent to America by the Communist International at the time the Communist Party in America was brought into existence. These documents establish clearly what the purpose of the party was. And the manifestoes and communications that have been received from Moscow since that time show that its intent and purpose has continued to be the same that it was when it was organized.

Seventy communist leaders, representing the two factions of the Communist Party, and the United Communist Party, gathered in the ancient hotel on the top of Overlook Mountain on the morning of May 15, 1921, to compose their differences and unite in a single group, to be known as the Communist Party of America. This assembly was not only at the command of Lenin and Zinoviev, of the Communist International, but it was accompanied with the threat that if the factional differences were not put aside and a united front presented for invading the labor unions of the United States, no more money would be forthcoming from Moscow for financing the revolutionary movement in this country. Up to that time Moscow had contributed money to both of these factions, but had decided that their hostility to each other was neutralizing the results of their work.

Charles E. Scott, member of the Pan-American Bureau, or supreme communist agency in the Western Hemisphere at that time, appeared at the convention as the personal emissary of Lenin and Zinoviev. Scott possessed the power to break deadlocks and force an amalgamation of the two factions.

Scott was essentially a fighter. He was a practical man, and a man of few words. There was nothing of the theory propounding radical about him. He wanted action in America rather than words, and his mission at Overlook Mountain was to see to it that the two communist factions established themselves on a basis for aggressive action.

Scott had been a resident of the United States and Canada for more than two years. He was then making his home in Boston. The other members of his bureau were Sen Katayama, alias "Yavki," an elderly Japanese then living in Mexico City, and Louis C. Fraina, who was spending his time in Berlin as an agent for the American communists.

Scott's real name was Jakor Davidovitch Janson. He had formerly been a representative of the communist commissariat for foreign affairs at Irkutsk. He saw military service on the Polish front in 1919 and fought with the Bolshevik forces in the Caucasus early in the same year. From August, 1920, to the beginning of 1921 he was chief of the eastern department of the Soviet régime in Russia, and was sent to China early in 1921.

Silent and taciturn in his bearing, Scott met the 70 delegates in the vicinity of Kingston. They were conveyed to the foot of Overlook Mountain in automobiles. Guards saluted them as they passed along the road. For more than two weeks these guards has been stationed in the vicinity of Fort Montgomery, Tannersville, Saugerties, and Kingston. Trains arriving at these towns were observed by sentinels. A guard remained behind the delegates to watch the village marshal in Woodstock. Other guards were scattered around the country as farm hands. There were guards also in the Grand Central Station in New York. Scott broke his silence to say that the prospective convention could only be raided by a squadron of cavalry, and that, with his guards on the alert, its presence would be known when 30 miles away.

Alighting from their automobiles, the delegates climbed in single file up the mountain. Other guards were encountered along the trail.

When they reached the Overlook Mountain Inn, on the top of the mountain, they were assigned two in a room. Two of the delegates were women. A steering committee forbade anyone to go beyond 200 feet from the hotel unless they were going to the meeting place of a committee or of the convention in the woods. The delegates were all searched, and every scrap of paper or other evidence that would be incriminating if the place was raided was taken from them. They were forbidden to write letters or to make notes unless they were in the committee or convention room, and then only for the purpose of speaking on the question under discussion. These scraps of paper were to be given to the committee as soon as the delegate had finished his remarks. Twice each day the persons of the delegates were searched, as were their rooms.

As night approached guards could be seen signaling each other with flashlights from the mountain tops that all was well.

Sixty of these men were representatives of the Communist Party and of the United Communist Party. The remainder were communist leaders in the United States and associated with Scott. There were delegates from all of the communist districts, including Minneapolis and Duluth. The Pacific coast was represented by L. E. Katterfield, a young communist who was born in Kansas and graduated from a

Wichita college. James P. Cannon, chief fiscal agent of the Communist International, was present, but left the convention several days before it adjourned to go to Kansas City to attend his trial on a charge of sedition. Robert Minor, said to be the son of a circuit judge in San Antonio, and a former newspaper cartoonist at St. Louis, was present as the representative of the Communist International in propaganda matters.

For three days the factions caucused separately, and then at a spot in the woods, with the delegates seated in a natural amphitheater, the convention was called to order by Dr. Jacob Hartmann, alias "Swift," connected with the Russian famine and medical relief at New York. Hartmann used a bowlder for a platform desk.

Here the Communist Party of America was brought into existence. the important decisions were that it should be an "underground" or secret organization, with its existence manifest only through related and subsidiary organizations; that the central executive committee should exercise supreme discipline and control over all communist groups in the United States, including the language federations; and that it should determine and voice the policies of the communist movement in this country—in accordance with the mandates and instructions of the Communist International.

On the point of control of the language federations the Russian delegates made bitter objection, but a radiogram came from Moscow saying that the delegates of neither party would be received at the World Congress of the Communist International in July unless both parties were fully united.

The central executive committee of the United Communist Party announced that the communist leaders at Moscow had sent a special contribution of $135,000 to this country to finance the unity project, but that to date only $50,000 had been actually received on this side, which had been equally divided between the Communist Party and the United Communist Party. It was decided to tax the party membership 50 cents each to defray the expenses of the convention there.

When the convention came to a close on May 29 Minor and one other individual were chosen as delegates to go to Moscow and inform Lenin that communist unity in America had been achieved. Two days later Minor was on the high seas.

An indication of just what party unity meant was shown a few days later when a Russian branch of the old Communits Party at Akron, Ohio, was found to have $1,000 in its treasury. There was a grand and glorious feeling in the district headquarters of the new party in Cleveland when this discovery was made, and the money was promptly confiscated under a decision of the Overlook convention that no group or local unit could have more than $15 on hand for its personal use.

The central executive committee of the new party was chosen from among members and leaders of various organizations of the country. These included the Friends of Soviet Russia, the Russian Medical Relief Society, the Industrial Soviet League, the People's Reconstruction League, the Farmer-Labor Party as it then existed, the Industrial Workers of the World, the World War Veterans, and later the Workers Party of America and the Trade Union Educational League.

A few months after this convention was held the Workers Party was organized under the specific instructions of Lenin at a communist convention in Brooklyn as the "legal" branch of the Communist Party of America.

The program of action adopted by the Overlook Mountain convention was in its essential aspects the same as had already been proclaimed by the United Communist Party. It called for mass action by the workers, seizure of labor unions, and converting them into "militant" enterprises, "boring from within" the American Federation of Labor, and, in particular, the seizure of the United Mine Workers of America.

The chief aim of the Communist Party of America, as developed in the Overlook Mountain convention, was to put the control of the revolutionary movement in America in the hands of a definite group of leaders, functioning as one committee, and exercising authority over all communist activity in this country through a specific grant of authority from Lenin and the Communist International. It is interesting, therefore, to find that when the Workers Party was organized nine of the members of the central executive committee of the Communist Party were named as members of its central executive committee also.

These nine were Jay Lovestone, alias "Wheat," executive secretary of the Communist Party; Earl Browder, alias "Ward" and "Dixon," editor of the organ of the Trade Union Educational League; James P. Cannon, alias "Cook," chairman of the Workers Party; Ludwig Lore, alias "Young," editor of a communist organ in New York City; Robert Minor, alias "Ballister," representative of the Communist International in America; A. Bittelman, alias "Raphael," communist organizer in New York; Alexander Trachtenberg, communist writer and author in New York; William W. Weinstone, alias "Lewis," national official of the Workers Party; and C. E. Ruthenburg, alias "Damon," executive secretary of the Workers Party.

When Delegate Tyrosowsky, alias "Stepan," alias "Wallace," returned from the Congress of the Communist International early in 1922, he appeared before the central executive committee of the Communist Party and made a report concerning the Workers Party and the work in America, which was quoted to the communist leaders by the committee in the following language:

"During the Congress the greatest leader of the Comintern (Communist International) held an interview with the whole American delegation. In his opinion the American comrades do not utilize all of the opportunities of the struggle. Among other means of utilization of opportunities for legal communist work Comrade L. (Lenin) advised us to take the necessary steps to establish a legal communist organization. The legal organization should be the camp in which the revolutionary workers who can not very well be admitted to the underground will be mobilized."

There are 200 organizations in the United States actively engaged in or sympathetic with the communist revolutionary movement as directed and conducted by the Communist Party of America. Some of them are local in their scope and work, others are nation-wide. Forty-five of these organizations of either "pink" or radical structure are engaged in the communist effort to seize control of the labor unions in this country and convert them to the revolutionary movement. In virtually every instance these organizations have direct contact through the mechanism of interlocking directorates with the central executive committee of the Communist Party of America or with its "legal" branch, the Workers Party of America.

Fifty-two persons hold 325 directorates in these 45 organizations. A study of the interlocking arrangement shows that all of these organizations are fused into a single whole. The extreme radicals are promoting the revolutionary movement, and a dozen intermediate degrees of "liberal" radicals and "parlor pinks" are cooperating with them intimately and closely, so that the contact is complete from end to end of the scale. There is no gap or breaking point. Ten of the directors appear in radical as well as "liberal" groups, and at the same time among the "civil liberties" or "intellectual pink" groups.

Illustrative of this arrangement is the executive committee and the national committee of the American Civil Liberties Union, at New York, posing as the champion of free speech and civil liberty, but serving as a forerunner and trail blazer for the active and insidious activities of the communists among labor organizations. Harry F. Ward, born in London in 1873, and chancellor of the Union Theological Seminary, is chairman of this organization. The managing director is Roger Baldwin, who served a term as a draft evader in the Essex County jail, in New Jersey, in 1918 and 1919.

Other members on the national committee include Norman M. Thomas, who is connected with six other organizations and who is a clergyman, combining intellectual radicalism with religion; Peter Poscal Cosgrove, of Boston, a Nova Scotian, who has recently been a recruiting agent for William D. Haywood's industrial unit, the Kuzbas, in Russia; Felix Frankfurter, member of the law faculty at Harvard University; Elizabeth Gurley Flynn, a solicitor of funds for the I. W. W.; William Z. Foster, born in Massachusetts in the eighties, and heading the Trade Union Educational League; John Haynes Holmes, member of the League for Amnesty of Political Prisoners—an enterprise to obtain the release of the potential communist leadership from the Federal and State prisons; Norman Hapgood, a newspaper writer; Arthur Garfield Hayes, a New York attorney; Robert Morss Lovett, former professor at the University of Chicago, and first president of the Federated Press; Judah L. Magnes, head of the Jewish Kehillah in New York City; and Oswald Garrison Villard, a New York publisher.

The major propaganda distributing agency of the communists is the Federated Press. This is an alleged newspaper service with headquarters at Chicago. It has been financed and promoted through the central communist organization, under instructions of the Communist International at Moscow. It serves approximately 200 newspapers, publications, and agencies in America and about 120 newspapers in Europe. It also supplies an "economic service," described by William Z. Foster as "consisting of statistics upon the actual condition of our industrial system," to local labor unions that can be induced to subscribe for it.

When organized in January, 1920, it had eight members. This number increased to 125 before the end of 1921. Practically every revolutionary group in America, including the Industrial Workers of the World, has cooperated with this enterprise. It has established branches in 30 cities, including the National Capital. This agency is the medium through which the great mass of propaganda favorable to the red flag of general destruction in Russia is being circulated in this country.

Robert Morss Lovett, of New York, as president of the Federated Press, sent Bruce Rogers, an organizer of the Communist Party, to the Pacific coast last year to solicit funds for the Federated Press. In a letter to Rogers on April 29, 1922, he instructed him to approach the wealthy "intellectuals" of Los Angeles and certain well-known motion-picture magnates and stars at Hollywood with requests for donations, saying:

"These men are with us. They helped us before and they will do it again. Present the situation strong, and don't let them off easy, for we need the money, and need it badly."

Rogers sought life-membership subscription in the Federated Press "pink" circles of Los Angeles, where he confided that:

1. The Federated Press does not represent the viewpoint of the great mass of organized labor because it is "too far advanced," and "too revolutionary" for the conservative American workingman.

2. No enterprise was ever financed by passing the hat, and the small contributions being received from organized labor are not sufficient to keep the Federated Press going.

Robers sought life-membership subscriptions in the Federated Press at $1,000 each. He raised more than $20,000 in Los Angeles alone.

Francis Drake, editor of the Citizen, a labor publication in Los Angeles, challenged the statements of Rogers as to the purpose of the Federated Press and informed him that the Citizen would not print the "news" distributed by it because "it is communist propaganda, and colored in the interests of disruptionists like William Z. Foster, Alexander Howat, and Curley Grow."

National committees are a favorite mechanism with the communists in their organizations. These committees are nothing more than an interlocking arrangement, ranging from communist parties to apparently harmless welfare enterprises, through which the communist central group are attempting to take possession of the labor unions, with the American Federation of Labor, in this order: First, the United Mine Workers of America; second, the four railroad brotherhoods and 16 railroad unions; third, the textile workers, including knit-goods workers, loom fixers, silk weavers, hosiery workers, and wool sorters; fourth, the steel and packing-house workers; and fifth, the farm workers.

The purpose of the Communist Party of America as the central contact of all communist enterprises is found in the official organ, the Communist, for July, 1922:

"The purpose of the underground organization of the Communist Party of America is to function adroitly within a solid body of cells for secret and illegal activities, and as a caucus for the purpose of controlling the open movement and keeping it along correct lines. * * *

"We must correlate the struggles of our workers with the struggle of the Russian workers by so coordinating our fight for such immediate needs as unemployment relief, with the demand for recognition of and unrestricted trade relations with Soviet Russia.

"We must wage the fight directly through the activities aimed at strengthening the Communist International and the Red Trade Union International.

"Without a proletarian army the Communist Party of America will accomplish nothing. The proletarian army that the Communist Party of America must guide and lead is the organized labor movement of the country. The organized labor movement contains the great masses of the workers who have fought against capitalism for their immediate interests, and are prepared to do so over and over again. The bulk of the organized workers in America are in the American Federation of Labor.

"The historic rôle of the Communist Party is through its leadership to marshal the working classes against the capitalist class, conquer and destroy the State power, and establish the dictatorship of the proletariat."

The assault to seize the American Federation of Labor started five years ago with the organization of the United Communist Party and has continued with unchanging persistence ever since. The platform of the United Communist Party contained the first unqualified attack upon the Federation and the labor unions affiliated with it. This document said:

"The United Communist Party must systematically and persistently familiarize the working class with the fact of the inevitability of armed conflict in the proletarian revolution. The United Communist Party must prepare the working class for armed insurrection as the final form of mass action, by which the workers shall conquer the State.

"The conquest of the State and the annihilation of its governmental machinery becomes the immediate object of the struggle. Consciously to direct this inevitable development and to lead the working class in the final conflict is the historic mission of the United Communist Party.

"The class struggle, which so long appeared in forms unrecognizable to the millions of workers directly engaged in it, develops into an open combat, civil war.

"The United Communist Party confirms the present necessity of militant workers remaining with the large mass of organized workers, regardless of the declared reactionary aims of these unions, and, by determined and coordinated strength, turning these unions to a revolutionary course. The United Communist Party, section of the Communist International, is the instrument of that coordination of revolutionary work within the labor unions.

"Members of the United Communist Party will form the revolutionary group in each union, regardless of what kind of union it may be. The United Communist Party caucuses with the union shall have the power to discipline, to compel communists regularly to attend union meetings. They shall by discipline regulate the activities of the communists on the floor and in voting in the union assembly. Upon every important question affecting the welfare of the union and labor in general, the caucus shall formulate a policy and all members shall strictly adhere to the decision.

"The workers' revolution can not succeed without the support of the great bulk of whatever labor organizations may exist at the time. For these reasons the United Communist Party can not be satisfied with the formation of a few new unions of declared revolutionary purpose, but of small membership and slight relation to key industries."

The efforts of the communists are not confined to taking possession of trade-unions. They have a systematic program also for entering legislatures and municipal assemblies, and with the declaration that their members in those positions are amenable to the same discipline as in the trade-unions. They aim also to enter the Army and the Navy. Bukharin and Berzin, of the executive committee of the Communist International, in a manifesto to the communists of America two years ago, said:

"We consider one of the most important tasks before you is the organization of communist groups in the Army and Navy, which should carry on energetic propaganda in favor of soldiers' and sailors' soviets, and denunciatory agitation against officers and generals.

"Act centrally. Do not fall asunder. Organize conspirative revolutionary headquarters."

Local chapters of the Trade Union Educational League have been established in every industrial city in the country for the purpose of carrying on the campaign against the trade-unions. Foster's greatest success at the outset in promoting this enterprise was on the Pacific coast, especially around Los Angeles and in central California. A larger volume of pernicious ultraradical activity is centered around Los Angeles than any other city in the United States with the single exception of the metropolitan district of New York. Revolutionary radicalism is profitable around Los Angeles because it is made so by the wealthy "intellectuals" there who are dabbling in it.

Funds which Foster and his group are spending in Pennsylvania, Ohio, Illinois, and other places to seize control of the United Mine Workers are to an unusual extent being derived from wealthy residents of Los Angeles, Pasadena, Altadena, Long Beach, and other places around Los Angeles. Revolutionary agents coming direct from Moscow are received in homes there and tendered dinners by so-called "intellectual clubs."

Pernicious and revolutionary propaganda distributed among the coal miners in the strike of 1922, and intended to arouse them to violence and "mass action," was, in a number of instances, turned out by so-called popular authors and novelists in Los Angeles who are receiving from $600 to $800 a month from the "intellectual pinks" of that vicinity for doing that sort of thing. Foster's first and chief foothold for the Trade Union Educational League in the first 12 months that he promoted it was in and around Los Angeles. Even the Communist International has learned that the most appropriate spot for launching new revolutionary movements and organizations is Los Angeles.

When A. Plotkin, a representative of the Communist International, started his work in this country in September, 1922, to seize the railroad unions as the communists were attempting to seize the United Mine Workers, he went straight to Los Angeles as the initial point. Later he carried on his work in other parts of the country with money donated to him at Los Angeles.

New efforts and activities of the communists in the coming months, indicating the nature of their program for the future, will be outlined in the next article of this series.

ARTICLE VI

The bolshevik movement in the United States would have sapped its own energies and disintegrated, or have degenerated into pure anarchy, if it had not been for the support and assistance that it has constantly received from the so-called "parlor bolsheviks" and "pink revolutionists" in America. They have served the function of keeping it alive and on an active footing, when otherwise the efforts of Lenin and the Communist International would have failed.

Investigation by the United Mine Workers of America into all phases of the communist efforts has clearly disclosed the fact that the funds of wealthy men and women, flattered by the glamor of pseudo "intellectuality," has instilled new energy and given new leases of life to the communist movement, and enabled its agents and organizers to multiply to proportions which, at this time, gives them and their activities an aspect that challenges the attention not only of the labor unions but of the whole country.

The dangers that lie in the future are in the seemingly harmless and innocuous expedients with which the communists have learned to cloak and conceal their true aims and purposes. One of these is the plot to compel recognition of Soviet Russia by the Government of the United States, with the establishment of diplomatic relations between the two countries.

No greater victory short of the overthrow of the Federal Government itself could be won by the communist organization in this country than to bring about recognition of the soviet régime in Russia by this Government. Experience has demonstrated that wherever the Soviet Government goes, it goes for propaganda. If diplomatic relations were established with this country, the soviet régime would be the sole beneficiary.

A recognized government is entitled to a consulate in every city, and a consular staff may be as large as desired and may do about what it wants to do. In the light of their past activities, the first thing that the soviets might be expected to do in the United States, if accorded recognition, would be to establish "consulates," with large propaganda staffs, in all of the leading cities. The present "underground" revolutionary organization centered around the Communist Party of America would then be able to come to the surface and start its work with renewed impetus in the open.

With the diplomatic doors opened to them the soviets could bring in men and money in such numbers and sums as they desired. While the possibility of their overthrowing the American Government is not to be conceded, one of the major lines of defense against them and their revolutionary designs and purposes would be removed; they would be afforded unlimited opportunities for their revolutionary work, and energies that are sorely needed for constructive effort in America would be diverted and dissipated in fighting the serpent in the house.

Establishment of diplomatic relations with the communists, with consulates in whatever cities they wished to put them, would give them unlimited opportunities for attacking the labor unions and trade organizations, and create an active recognized revolutionary machinery in this country against which the unions and the Government would have little or no protection.

Every effort has been exerted by the communists in the last five years to get control of the labor unions. With Soviet Russia given diplomatic recognition the unions that have so far successfully combated their inroads would be placed virtually at their mercy, and made doubly vulnerable to the assaults and attacks of the red hosts at Moscow.

Deportations of alien communists would be halted, and the red agents of Moscow when arrested in this country would demand the "protection" of the consulates and diplomatic emissaries of the Communist International.

The communists have a strong organization in the vicinity of Bellaire, Ohio, from which much of their revolutionary activity is being carried on. A soviet consulate could be established there. They have boasted that they instigated and carried out what took place at Herrin, Ill. They could establish a consulate at Herrin. They have used dynamite and shotguns in southwestern Pennsylvania. They might have consulates at Pittsburgh, Uniontown, Connellsville, and Johnstown. They might establish a "consulate" in every industrial center in this country.

Another phase of the communist movement in America at this time that commands attention is the demand for the release of "political" prisoners who are confined in the Federal and State prisons. This is a phase of the revolutionary movement that goes hand in hand with the demand for recognition of Soviet Russia. The center of the communist movement is an outgrowth of, and to a certain extent, a continuation of the German espionage system here during the war. Some of its methods and practices, such as its system of "underground" activity, with camouflaged organizations on the surface, are essentially the same as were employed by the German espionage and propaganda agents during the war.

Germany had an excellent organization in the United States, conducted and managed by astute and skilled leaders. The higher agents were sent into the country from abroad, but they were told that the rank and file of their units and groups must be recruited from among the malcontents and disloyalists in the United States. As a result of this program, large numbers of anarchists, syndicalists, agitators, would-be revolutionists, enemies of the Government, and individuals who had been convicted of crime were enlisted in the German service. In no other strata could recruits be found in such numbers as were needed. An "underground" organization, as well as a "surface" one, was established by the Germans.

After the armistice the various units that the Germans had created continued to exist for mutual benefit. None of these units had any particular love or respect for the other, but they were all working in some measure together. They had been brought into direct contact with each other for the first time, had formed acquaintances, been under discipline, and had learned to cooperate without fomenting factionalism among themselves.

When the flow of German money into the country stopped, these agents and units turned to the bolsheviks, who had seized Russia, and through the plunder of banks and estates were in a position to finance a revolutionary movement in America. The bolsheviks had the money to spend for propaganda, and they had come to a realization that if their dictatorship in Russia was to survive they must engage in an extensive campaign of world propaganda and revolutionary activity.

The American units were successful in their overtures to the Lenin régime. Indeed, Trotsky was in some measure their emissary. They held out the prospect to the bolsheviks that with proper cultivation and intensive effort the revolutionary units already existing in the United States could quickly mobilize the labor unions and trade unionists for an armed uprising, with seizure and overthrow of the Government, and the establishment of a soviet dictatorship responsible to and maintaining allegiance to the Communist International.

It will thus be seen that from the very outset the trade unions of America have been the first and chief objective of the communists and the instrumentality through which they have expected to accomplish their ends.

To-day the bolshevik organization in America is better systematized, more coordinated, and has a larger range of activities than it ever had before. These activities are expanding and spreading in scope. The communist organization is not as elastic as it was in the hands of the Germans, and it is not as well financed. It is, nevertheless, very real and very effective, and from a skeleton organization created by the Germans has multiplied many times in strength and scope of action, and to-day has ramifications that reach into virtually every labor union, every industry, every community, and most of the phases of American life.

The movement for the release of "political" prisoners goes back to the days when the Germans were in control of the organization. Many of the German agents were convicted of violation of the war-time laws and confined in Federal penitentiaries. To effect their release and give the Moscow communists the benefit of their entire potential leadership in this country the campaign has been carried on for the release of political prisoners. The claim has been made that it has been intended to secure the release of conscientious objectors. The communications of the Moscow leaders to the red leaders in this country show that the real purpose has been to quietly obtain the release of the imprisoned communists under a hue and cry for the release of conscientious objectors.

The communist movement is feeding in a large degree on the demand for a resumption of trade with Russia. There are no obstacles to export and import trade with Russia except those handicaps which they have imposed upon themselves through the dissipation and exhaustion of their own economic resources, and their interference with the productivity of the Russian people.

The chief obstacle to the resumption of normal trade relations with Russia has been in the fact that foreign trade has remained in the hands of soviet agents, so that American exporters had to deal solely with them, and were not granted an opportunity to ship their goods into Russia for sale to Russian individuals. A second obstacle has been in the fact that the monetary reserves have been exhausted. With production reduced, the soviets have had nothing to resume trade with.

Even if Russia were given diplomatic recognition, and the soviets removed the restrictions they have imposed upon foreign trading, there could not be a normal exchange of goods until the soviets provided guaranties for the security of the goods sent into the country. The handicap of the soviets having little or nothing to exchange would still remain. In all probability such recognition would furnish an excuse for the bolshevik propagandists launching an agitation in the United States for a foreign loan to the soviets to resuscitate the wrecked and ruined industries of their country, and incidentally to finance their own activity in this country.

During the next 12 months the communists will bend greater efforts than at any time in the past to effect the seizure and control of the American Federation of Labor and the United Mine Workers of America. Their recent correspondence contains renewed demands that the "boring from within" campaign shall be carried on more energetically, and that there shall be larger results than in the past. They adhere to the belief, as set forth in their communications, that if they can seize control of these two organizations, and gradually absorb the remaining large labor unions, they can do what they like with the Government and the rest of society, as they have done in Russia where there are no bona fide labor unions.

They are systematically working to exploit every unusual situation or disturbance in furtherance of their revolutionary aims. They are in readiness to seize upon every opportunity offered by national industrial or political conditions to further their program. They are hopeful of controlling the next annual convention of the American Federation of Labor, in October, and are carefully working now to control a majority of the delegates that attend it. They are hopeful that a nation-wide strike of the coal miners will take place next April, which will afford them an opportunity again to attempt the seizure of the union through revolutionary methods, as they attempted in the strike of 1922.

Revolutionary agents are working among the miners in a half-dozen States—Pennsylvania, Ohio, Indiana, Illinois, West Virginia, and the Southwest—and in Nova Scotia and Alberta to force a strike in April. They believe that the coal operators will refuse to make a new agreement with the miners' union, as they refused in 1922, and that the miners will have no other option than to cease work.

They are working also among the State federations of labor. William Z. Foster, head of the Trade Union Educational League, speaking at the communist gathering of miners in Pittsburgh, on June 2, declared that the "one big union" idea has already been adopted by 13 State federations of labor, and that the federations in other States give promise of immediately following in their wake.

Foster has organized a group in the Pittsburgh district known as the "Progressive Miners International Committee of the United Mine

Workers of America" to conduct the preliminary work in anticipation of a general miners' strike next April. He has carefully explained that this committee is not a dual union movement, but that it seeks to "reform" the United Mine Workers. He says that it proposes to establish a "radical bloc" in the United Mine Workers. Similar "blocs," he declares, exist in the needle, marine, transport, metal, and building trades, and among the railroad workers.

"The purpose of these blocs," it is explained, "is to educate the rank and file of workers to seize control of their respective unions and then when that is accomplished amalgamate under the one big union idea."

Foster drew up the resolutions that were adopted when the "Progressive Miners International Committee" was organized, and they were put through the convention with the assistance of his son-in-law, Joe Manley. At the same time plans were devised for holding the next meeting of the committee three days before the international convention of the United Mine Workers of America, at Indianapolis, Ind., next January, when plans would be devised for attempting to seize control of the convention, the organization, and official positions of the miners' union.

Loyal union members have known little or nothing of the designs of the communists on the labor organizations. In each instance the communist agent has posed as a "friend" of labor. In many instances these agents have been foreigners, attached to one of the foreign language federations of the Communist Party of America. The propaganda and revolutionary doctrines have been spread through different languages, and through newspapers and publications established in this country for that purpose. One of these newspapers last year cleared a profit of $20,000 for the communists, in addition to furnishing them with their circulars and leaflets free of charge.

Whether the major communist organizations go forward or slip backward, the leaders of the movement in the country are prepared to stand behind the chief idea and push it through the labor unions. With a foothold in the unions they are prepared, if necessary, to abandon the major organizations they have established in this country.

Names of these organizations are changed frequently. This is in accordance with the suggestion of Lenin, himself, who believes that when the stigma of communism is definitely attached to a "surface" organization, it should be merged into a new group. In this manner the members of the old organization are retained and new members more easily obtained.

Money in great sums is coming into the country to finance these efforts. It is not merely to pay the expenses of propaganda and revolutionary effort among the trade-unions, but is intended to enable the communists also to keep in close touch with the affairs of the National Government at Washington. A half dozen agents are on the job in Washington all the time, whose duty it is to watch each movement and gauge the political effect of each action taken by the Government.

More than a million dollars for the communist movement was raised in this country under the guise of Russian famine relief. This money was deposited in banks in New York and Chicago in the name of relief committees, and eventually found its way, after passing through various other bank accounts, into the hands of the real communist emissaries in the United States, the most prominent of whom at that time was Dr. Jacob Dubrowsky, of New York, successor of Ludwig C. A. K. Martens, self-styled soviet "ambassador" to this country.

Heavy sums of money were sent into the country at the time of the disarmament conference at Washington. In December, 1921, the communists sent Doctor Dubrowsky the sum of 100,000 crowns, with which he was to go to Washington and follow the proceedings of the conference. Another sum of 50,000 crowns was sent to agents of the Young Communist League, at Philadelphia, to carry on propaganda efforts while the conference was in session.

The objective of the communist in this country is to be gathered from the "constitution" of the new Union of Socialist Soviet Republics, at Moscow, which was adopted July 6, 1923. This union, while using the name "Socialist" as descriptive of the member republics, corresponds to the system that exists in Soviet Russia, and by which the country is managed. This "constitution" says that every law and court decision in a member republic shall be subject to annulment or abridgment by the edicts of the supreme executive authorities of the "union."

Section 18 of article 4 of this "constitution" defines the authority which the soviets at Moscow propose to exercise over the foreign countries that are members of the "union." The section says:

"All decrees and ordinances that determine the general rules of the political and economic life of the Union of Socialist Soviet Republics and also those that in principle alter the present practices of the state organs of the Union of Socialist Soviet Republics must absolutely be laid before the central executive committee of the Union of Socialist Soviet Republics for revision and confirmation."

Under this section the laws and ordinances enacted by the legislative bodies of the United States would be subject to "revision and confirmation" of the supreme council of this "union," sitting in Moscow. Section 20 of this "constitution" says further:

"The central executive committee of the Union of Socialist Soviet Republics has the right to annul and suspend the decrees, ordinances, and dispositions of the presidium of the central executive committee of the union, as well as those of the soviet congresses and the central executive committees of the federated Republics and of other authorities working within the territory of the Union of Socialist Soviet Republics."

Under this section, acts of Congress and the State legislatures, if they continued to exist, would become subject to review by the supreme council of the "union."

As a means of strengthening the revolutionary work in the various countries a "supreme court" of the "union" is established. Its purpose is stated in section 43 of article 7, as follows:

"In order to strengthen the revolutionary code of laws in the territory of the Union of Socialist Soviet Republics there is established in connection with the central executive committee of the Union of Socialist Soviet Republics a supreme court."

This court, it is stated, is to have power to impart explanations of legislation and examine laws and decisions of national assemblies and courts. Under this arrangement a small revolutionary minority established in control of the Government of the United States, or in any other country, would be supreme in that its decisions and laws, if objected to by the populace, would be referred to the "supreme court" at Moscow, which could revise and confirm them as it wished.

This sort of thing is exactly what the communists in America are aiming at, as demonstrated by their manifestos and communications that have been pouring into the country virtually since the armistice. It is the specific aim and objective of the communist groups that are "boring from within" the United Mine Workers of America and seeking to obtain control of the American Federation of Labor. A world-wide communist organization of miners is being promoted by the communists for this purpose. In the program of action adopted by the communist conference of miners at Pittsburgh on February 10, and presided over by Foster, the following plank was inserted:

"We demand the closest affiliation of the United Mine Workers of America with the organized miners of the world."

This platform also called for the organization of a communist political party, which would amalgamate the farmers and workers into a single unit. That movement is being industriously promoted this year.

The communist movement in the next 12 months will be conducted along more intensive lines than it has at any time in the past. The labor organizations will meet their greatest assaults and attacks, and the communists will make greater efforts than they have at any time in the past to get possession of them. The movement is aimed not only at the labor unions but at the entire industrial, social, and political structure of the country, and with the single aim of eventually establishing a soviet dictatorship in the United States, and converting the country into a vassal colony of the Communist International at Moscow. It is a situation that challenges not only organized labor but every employer as well. This is one occasion when labor and the employer might very well join hands and fight together instead of fighting each other.

The SPEAKER pro tempore (Mrs. ROGERS). The Chair recognizes the gentleman from New York [Mr. LAGUARDIA] for one-half hour.

Mr. LAGUARDIA. Madam Speaker and Members of the House, I do not come from a mining district. I have no miners living within hundreds of miles of my city. I have made several investigations in the course of the past 23 years that I have been in public office. I have sought always to approach an investigation with an open mind. I candidly state now that, after personally seeing the conditions so graphically described by the gentleman from Pennsylvania [Mr. CASEY], who just addressed us, I became partial. Therefore I shall endeavor to state the facts as impartially as a partial observer can state them.

This is a battle of statistics against human life. This is a test between the theories of a new school of coal economics and everyday living conditions of men and women. The gentleman from Pennsylvania [Mr. CASEY] stated the cause of the disturbance, which dates back to the breaking of the so-called Jacksonville agreement, which was effective on April 1, 1924. Mr. Lesher, of the Pittsburgh Coal Co., frankly admitted to me last Saturday that his company broke the agreement before its termination. I do not believe that this is a local question in any sense of the word.

A study or investigation of the coal industry must necessarily take into consideration not only western Pennsylvania but central Pennsylvania, Kentucky, West Virginia, Indiana, and Ohio. I conferred with miners of the union on strike, with nonunion miners, as well as with the representatives of some of the largest coal companies. Taking for granted all that the conditions described by the coal-mine companies are exactly as they state them, still I fail to find justification for the present low rate of wages and the determination to keep these wages down at their present impossible low rate.

According to the statements made to me by the mine owners with whom I conferred and from their attitude, unless the Government intervenes this strike is going to be a long and

bitter drawn-out affair, costly and disastrous. The owners justify their attitude and wage reduction on what they call sound economics. I have yet to see a case where figures could not be used to prove either side of the question. Figures and mental experts are always available for both sides of a controversy. I will concede that the soft-coal industry is unstable, that there is keen competition, and that the capacity of the mines of the country is greater than the present needs for soft coal. All that being true, what the mine owners are seeking to do is to take the cost of an unstable industry, of cutthroat competition, and of overproduction out of the wages of the mine workers. In other words, they expect to make the workers digging the coal pay for the deplorable conditions existing in the industry which they, the owners, have brought about. This is, indeed, a new school of economics. To illustrate the mathematics of this new school of coal economics, let me give you the formula on which the present and future wages of the mine workers are to be fixed: They take the return on capital invested, plus profit, plus all overhead expenses, plus depletion, plus depreciation, plus transportation, add them together, subtract it from the present competitive market price of coal, and the remainder is taken as the standard to pay the mine workers. To make it clearer, the actual cost of living and the bare necessaries of life of a miner are entirely disregarded and he is to bear all of the burdens of a demoralized industry and doomed to work for starvation wages. To continue along the lines of the coal economics, in figuring the return on capital investment, interest is computed for 365 days of the year, while the miners are expected to live on a measly pay for only 160 days out of the 365 days. When these coal economists will find a way to make it unnecessary for a miner, his wife, and children to eat the 200 days that he does not work, they will justify their formula, but not until then.

Under the Jacksonville agreement the average earnings of a miner range between $1,050 to $1,200 a year. Under the present wage scale, which incidentally has been reduced three times since the breaking of the Jacksonville agreement, the highest earning will range from $600 to $750 a year, and no family can live decently on that amount in this country.

The factors which have created the unstable conditions in the coal industry must necessarily be charged to the owners of the mines and in no way can the miners or the miners' union be held responsible. The cutthroat competition which prompts this organized and systematic campaign of wage reduction is entirely the fault of the operators themselves. The question of production is likewise due to the waste and bad business management of the coal industry.

Ninety per cent of mining coal is human labor. An industry that can not pay its workers a decent living wage has no right to exist. [Applause.] Efficient operation, economic production, and stabilized prices would provide the mine workers of this country a proper wage scale, permitting them to live decently and happily.

Whether in Pennsylvania, Indiana, Ohio, or West Virginia the terrorism and brutality of mine owners and their agents must cease. The custom of permitting mine owners to uniform, equip, and arm their own police, maintain their own detention pens, and pass summary judgment on the workers is so contrary to the fundamentals of our laws that it becomes necessary for the Federal Government to intervene and put a permanent stop to these outrageous conditions. The mine owners have assumed an extraterritoriality which not even a sovereign State under our Constitution is granted. Sovereign States in our Union are subject to the limitations imposed by the Constitution. These mine owners in their territory recognize no limitations.

Mr. QUIN. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Please, not now. This fight is not entirely a union fight. It is an organized, systemized campaign of wage reduction. Since the breaking of the agreement in Pennsylvania the wages have been reduced three times in the Pittsburgh district, so that they are now being paid such a low standard of wage that living is impossible. I have here some statements of wages. The men are paid every two weeks. Just listen to these statements, please, and perhaps you will understand why I became so partial to the miners.

Here is one for two weeks, amounting to $39.58. But from this sum of $39.58 is deducted $2.21 for assignment; 30 cents for sharpening miner's tools, smithy work; $5.50 for railroad fare, this man having been brought in from the outside; 50 cents for doctor; 30 cents for the relief fund; $8.30 commissary; electric mine lamp, 60 cents. They deduct from this man's wages for two weeks, in all, $21.80; they deduct that from the $39.58, leaving him a cash balance for two weeks' work of $17.71.

Here is one of the so-called "three pink kisses" statements: At the end of two weeks when the miner has nothing coming to him, the company indicates that by placing on the statement at the place marked "balance due," three red crosses. This is a typical statement, and it is nothing unusual under present conditions for a miner to receive "three pink kisses" at the end of two weeks' work. This boy H. Gabel earned $31.24 in two weeks. From this amount the company charged him 4 cents for smithing; $1.20 for rent; he was charged $30 for moving, making his debt just $31.24, the same as his earnings, leaving him no balance. This means that the man had to draw from the company's stores the food necessary to keep him and his family alive. Therefore next week he will again be indebted to the company, and may run for weeks and weeks before he gets any cash at all in his pay envelope. Here is another statement: This shows that the miner earned $21.48 in the two weeks, and again he is charged with equal amount by the company, leaving him only the three pink kisses for his pay day. In this instance he was charged $1 for assignments, 10 cents for smithing, $9.69 for his tools, $1.85 for powder, $8.23 for board, and 65 cents for an electric mine lamp. I want the Members to note that the miners are required not only to pay for their tools, but also for keeping their tools in condition—that is the item called smithing—and are charged with the cost of the powder used for blasting in the mine. He must also pay for his lamp and for the upkeep or fuel for the lamp, as the case may be. Here is another statement: Each one of these statements is from a different company. This man's name is Jim Harrison. Jim loaded 1,218 hundredweight of coal in his two weeks' period, for which he was credited $39.58. Against this the company debited him as follows: Assignments, $2.21; smithing, 30 cents; railroad fare, $5.50; doctor, 50 cents; relief fund, 30 cents; board or commissaries, $8.30; electric lamp, 60 cents; total, $21.87, leaving Jim a cash balance of $17.71 for two weeks' work.

Here is another good one: Allen Price worked for another of the companies and was permitted to work two days out of two weeks, or, to be exact, two days and one hour, for which he received $9.56; but out of the $9.56 the company charged him 40 cents for coal, $1.03 for explosives, 10 cents for a brass check, 15 cents for a miner's lamp, totaling $1.68. This, deducted from $9.56, left him $7.88 for two weeks. However, according to the company's subtraction on the statement which I hold in my hand they deducted $1.68 for the $9.56 and get a remainder of $6.08, so that our friend Price lost $1.80 owing to the coal company's peculiar mathematics. How this man or any other man can live on $7.88 for two weeks is beyond me or anybody else in this House. Here is a statement which is one of the best showing and, I dare say, about as high as any man can earn in two weeks under the present scale of wages. He totaled for two weeks $43.51, but against this he was charged $7 for rent, $4.76 for coal, 75 cents for doctor, $2 for explosives. However, this man was indebted to the commissary for food for his family, so they charged the balance to that, and he received nothing at the end of two weeks. In this case, too, the man remained in debt to the company and will continue to be in debt owing to the necessity of purchasing food for his family from the company's stores, and while in debt he is not permitted to leave the employ of the company. If this is not peonage, I do not know what it is.

Now, I ask any Member on the floor to tell me how a family can live on the wages paid workers according to the statements that I have read. I would say that the average pay under the present scale of wages will range from $13 to $17 a week. That is putting it very high. I hold here in my hand, gentlemen, a photograph showing a typical miner's family. Here is the mother with her seven little children, graduating in size from, I would say, 1 year to about 10. They stand next to their poor belongings, which have just been thrown out of the company's home from which they have been evicted. How can any man support a wife and four or five children on $13 a week?

This wage condition and the dire destitution of the miners who are working under the present wage scale is not only prevalent in the western district of Pennsylvania but in other sections of the country where soft coal is mined. Let me pause just long enough from Pennsylvania to read a letter received from a miner in Eckman, W. Va.:

ECKMAN W. VA. *Feb 6th 1928*

MR LA GUARDIA.
Congressman from N. Y.
Washington

MY DEAR CONGRESSMAN

having seen in the paper what you are doing for the Penna coal miner and know that your heart is in the right place, I am just wondering if you would think that I was trying to over do matters by asking you to considire the situation of southwestern West. Va. The situation here is almost as critical as in the Pennsa coal fields, tho there is no strike here "only strife" One or two days per week is

all the time a workman generly gets, I am a coal miner and thirty five dollars is as much as I have been able to make in any two weeks for a long time, and to prove to you just how tight they are in this part of the country, at one time just before Christmas I was out of mens had nothing whatever except three cars of coal that was standing at the tipple waiting to be dumped, I ask the store manager if he would credit me to one pound of lard and he very rudely refused me, and this same man some time since then short changed my seven year old boy for 25 cents these are a few of the things that a coal miner faces in Mcdowell County W. Va. I am employed by the Eureka Coal & Coke Co, of Eckman * * * one thing more, the coal operators here are so organized that a man cant get a letter to Washington or any where else if it looks the least bit suspicious.

Thanking you I remain,

Yours Very truly W. C. AUSTIN

Now, so much as was said by the gentleman from Pennsylvania [Mr. CASEY] as to the coal and iron police, I need not repeat, but I simply want to state that there is nothing in the origin of the law under which they operate which gives these men the authority which they assume. They were uniformed; they wear military uniforms, Sam Brown belts, armed with an automatic revolver and a club, and this [exhibiting] is one of the badges which they wear. They are paid by the mining company, they are commanded by the mining company, and they are under absolute orders from the mining company, ostensibly for the purpose of protecting property, and are responsible to no one else. I have ascertained—and it is a matter of daily and hourly occurrence—that they do not limit their activities to the protection of the mining property. They do not remain on the mining property, but they go out on the highways of the State and there they apprehend these men who have left the company and are indebted to the company. They exercise a brutality that I have never heard of in the United States or any other country, either now or in the past history of the world; and that is covering a lot of territory.

Now, gentlemen, this condition exists all through the coal-mining States—Kentucky, West Virginia, Indiana, Ohio—so that it becomes necessary for a Federal investigation to seek to coordinate these various sections and to seek to stabilize this industry.

Now, not only are these men being exploited, but here is a picture of a typical strike breaker that they have imported from the South. These colored men—these poor boys—are now kept in a veritable state of peonage. They are charged with their railroad fare and with their board and with their expenses. They are kept indebted to the company, and they are not permitted to leave. They are kept on the property by sheer force of the private police.

A MEMBER. That is a violation of the peonage law?

Mr. LAGUARDIA. Yes. I am relating these conditions in this connection for that very purpose. I am seeking to show that it is a violation of the peonage law and therefore within the province of a congressional investigation.

Mr. QUIN. May I ask the gentleman if the public is being robbed in the price of coal?

Mr. LAGUARDIA. The gentleman from Pennsylvania stated that the passenger rates on railroads were based on the cost of coal mined under a decent wage scale, and that now the railroad companies are paying one-half of what they had been paying for their coal, and yet the previous price of coal is reflected in the present cost of freight and passenger transportation.

Now, gentlemen, not only are the strike breakers being worked and paid a disgracefully low rate of wages, but the conditions under which mine companies permit them to live is degrading and debauching. Conditions in these strike breakers' mining camps are anything but wholesome and healthful. All of this is tolerated by the mining companies. Gentlemen, the worst kind of poison hootch is sold to these strike breakers and United States Government officials are compelled to wait the pleasure of the private police—these coal and iron police that we are talking about—before they are permitted to enter the company's property and go to the places where the law is being violated. Needless to say that by the time they get there everything has been cleared away and everybody gone. On pay nights carloads of unfortunate degraded women, black and white, are taken to the camp. I have here photostatic copy of the record of one of the squire's courts. It shows the conviction of two unfortunate women who pleaded guilty to keeping and maintaining a disorderly house. The significant thing is that their fine was paid by the iron and coal police of the companies representing the coal-mine company. Here, gentlemen, are the two photostatic copies of the court record.

Here is a photograph of a family being evicted loading their poor belongings on a truck to take to the strikers' barracks. A great deal has been said by the companies about the eviction of the union miners. During my visit in the coal district of Pittsburgh I noted that the officials of each company were particular to emphasize that it was the other companies who were brutal and heartless. Each charged the other. In that respect I think they were correct. Two of the companies with whose officers I conferred ask me to distinguish each of the companies in relating or recording abuse of miners in eviction or sale of furniture. I regret that I can not do that. Time would only permit me to look at the situation as a whole, taking the miners on one side, all of the coal operators and the strike breakers, and treat the subject as whole. However, the photographs which I have and my memoranda will enable proper identification of the misdeeds of the various companies at any time that it should be required.

Here is a photograph showing that not only were miners evicted, but that their furniture, their household furniture, was levied and seized by the constable and sold at public auction. Let me read this notice of a constable's sale which I now hold in my hand. The plaintiff in the action is the Pittsburgh Terminal Coal Co. The defendant is Alex Renish. The constable's notice of sale is dated Mount Lebanon, Pa., December 6, 1927. All the property of this unfortunate defendant, Renish, the notice proclaims, was seized and taken in execution by the constable. The sale was scheduled to take place on the 12th day of December, 1927, at 2.30 p. m., at 207 House Coverdale, Pa. This is what the company seized from their former employee and sold at public auction: 1 stove, 1 cabinet, 1 table, 1 sewing machine, 3 chairs, 1 Maytag washer, 1 heat stove, 1 upholstered living-room suite, 1 chiffonier, 6 chairs, 2 beds, and—please note this—"all other salable goods on the premises." In my State, and I dare say in the majority of the States of the Union, such necessary household furniture is not subject to levy and execution. And there are very few even hard-hearted landlords who would go to such an extreme. Lest it should be said that this is an exceptional case, I have here in my hand a photograph of a large tree in the Pittsburgh coal district on which are posted no less than six notices of such constable's sales of seized furniture levied on execution at the instance of the mining companies. During my tour of the various towns my attention was called to scores and scores of such notices plastered on the walls, on trees, and everywhere.

Here is a photograph, gentlemen, showing how these imported strike breakers are quartered in some of the mines. This apparently is an old abandoned day coach converted into sleeping barracks for colored strike breakers.

Talking about the colored strike breakers, I want to relate an instance which I gathered from witnesses who have talked to these men. One night some 25 of these colored strike breakers attended a union meeting. Word got to the camp, and when they returned they were met by the coal and iron police, handcuffed, and then beaten. They were then detained in one of the private jails of the coal companies until the "judge" arrived, the judge being no judge at all, but the superintendent of the company, acting in the capacity of a judge. Just think! Their own private police, their own private jail, and their own private judge. The judge proceeded to question these men and then asked one of the coal and iron police officers to pull out his gun. The judge asked these men collectively if they knew what it was. Oue big colored boy stood up and says, "Yes, sah; I knows what it is. I's learned what it was in the A. E. F., and what's more, I's going, and you can shoot me down, but I's going," and he went. Outside he was met by Mr. McCory, of the New York Daily News, and told his story. The man was then bleeding and bruised from the beating he had just received. And if there is an investigation, Mr. McCory can testify to this incident.

Here, gentlemen, is an instance where the company did not evict. They could not evict, it seems. They wanted to get the striker out of the house, so what did they do? The photograph I hold here will show that they built a scaffold and ripped part of the roof over the bedroom right out. This other photograph that I have will show you the inside of the room, with the roof torn out and the rain leaking in. Needless to say the family moved out.

Here, gentlemen, let me show you this photograph. This picture indicates an elderly man evidently in his sixties—surely not a husky—and his face would indicate that the many, many years of coal mining is telling of its hardships; and here is another picture of this same man showing his skull cracked by the famous iron and coal police.

Gentlemen, not only have they brought down to a disgraceful rate the wages, but these men are degraded in living conditions.

Mr. BOWLING. Are the squires on the pay roll of the company, too?

Mr. LAGUARDIA. It is no court at all. They have their own private detention camps.

Mr. BOWLING. The gentleman said something about somebody holding court.

Mr. LAGUARDIA. Some of them, of course, are controlled by the mining companies; one or two are independent, fearless, and honest.

Mr. CASEY. Let me add, without fear of contradiction, that these squires are on the pay rolls of the companies.

Mr. LAGUARDIA. Now, gentlemen, as to the injunction referred to by the gentleman from Pennsylvania. I do not know whether he mentioned it or not, but the injunction not only restrains them from defending themselves in court, retaining attorneys, or paying strike benefits, but restrains them from collecting on the lots of churches and restrains them from singing hymns.

Mr. CASEY. Will not the gentleman place in the RECORD the name of the minister, because so much has been said about these men being a lot of aliens and anarchists. The minister's name is Reverend Phillips, of the Magyar Presbyterian Church.

Mr. LAGUARDIA. I thank the gentleman. Now, gentlemen, we have this condition. It is conceded there is too much coal production; it is conceded, gentleman, that there are too many miners, yet we are creating a condition wherein the operators are bringing into the field some 45,000 or 50,000 more miners. With this system of peonage and this system of wage reduction, naturally that is going to reflect all through the labor markets of the United States. I repeat that the American standard of living is entirely disregarded. Gentlemen, you can not imagine a more pathetic sight than that which I saw. On one side of the road the houses of the mining company vacated and boarded up, and across the street, where the miners were compelled to lease ground, the dismal barracks in which each miner's family is living in two rooms. Yet you go into these dismal barracks and you will find them immaculately clean. These men are not fighting for a whim; these men are not fighting for any false idea. Gentlemen, they are simply fighting to get enough to eat for themselves and their children.

What will be the far-reaching result of this mine condition? The time is not distant when every self-respecting railroad man will refuse to operate a train that burns the coal mined under such disgraceful conditions. [Applause.] This is going to branch out; this has ramifications; it can not endure; no American family can live on $13 or $14 a week.

I spoke to one old man there who came from Tuscany, and had been working in the same mine since 1888. On the day I was talking to him, last Friday, it was the second anniversary of the death of his son, who had lost his life in an explosion in that mine. Those men belong to the mine; they have invested their life in the mine; they have as great a vested interest in that mine as any bondholder or stockholder has. [Applause.] Their very life is invested in that mine; they have an attachment for it, and yet it is sought to take their places by placing others to be exploited and made even more miserable.

I want to pause just a minute to give credit to the New York Daily News for furnishing this documentary and photographic evidence. I want to say that the Daily News, published by the owners of the Chicago Tribune, is not by any means a radical paper. When they went to the mines they went there with an open mind, and they found the conditions so intolerable and so incredible and have frankly so stated. They have rendered a great public service to the American people by exposing the facts. [Applause.]

Now, just one more case. I want to point out that even the unfortunate strike breakers are living under intolerable conditions. One family was brought there, a man, wife, and children. He was charged, I think, some $45 for his railroad fare; he worked there weeks and weeks and finally they stopped his credit at the commissary, or the company's store, because he had not earned enough, and on the 24th of December, on Christmas Eve, when he went home his wife said to him, "John, they have stopped our credit again," and they had nothing to eat on Christmas Day, after working several weeks as a strike breaker. These may seem sentimental or some may call it sob stuff, but I tell you, gentlemen, it grips one and makes any red-blooded man indignant.

Ordinarily a labor dispute is so localized in one State that it is not the province of the Federal Government to intervene. In the case of the soft-coal strike, however, there are many compelling reasons which make either a House or senatorial investigation imperative to be followed by necessary governmental intervention. It is no longer a matter of adjustment between the workers and employers; it has become a national problem and must be treated accordingly.

The arming and equipment of private police officers under absolute control and orders of mine owners, acting and exercising authority beyond the private property of the mines, making arrests, bringing them into privately owned places of detention, is not only contrary to law but to the Constitution.

Whether union workers or strike breakers, it is a matter of national concern that these men should be enabled to live decently and enjoy the freedom which the Constitution of this country guarantees to them.

It is a matter for congressional investigation to investigate the charge that a system of peonage now exists in the soft-coal regions in the various States. The statutes of the United States provide that—

> The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in any Territory or State of the United States—

and it is declared that any agreement made for services to liquidate any debt or for compulsory continued service is null and void. I am not reading this from the by-laws of the United Mine Workers, but from the Revised Statutes of the United States. Let me read another section of the United States laws, which, it is charged, has been violated:

> Whoever shall knowingly and willingly bring into the United States any person inveigled in any other country with intent to hold such person so inveigled in confinement or to any involuntary servitude shall be fined not more than $5,000 and imprisoned not more than five years.

A large number of Mexicans were actually inveigled down in Mexico and brought to these coal mines, and only through the intervention of the Mexican consul were they released and sent back home. An offense against the Federal laws has been committed which justify Federal investigation and intervention.

Here is another one: The strike breakers are kept on mine territory. If they seek to leave, they are pursued by the coal and iron police out and beyond mine property, taken from the public highways, arrested, and brought back, all in violation of section 444 of title 18 of the United States Code, which provides:

> Whoever holds, arrests, returns, or causes to be held, arrested, or returned, or in any manner aids in the arrest or return of any person to a condition of peonage shall be fined and imprisoned.

This is a daily occurrence in the coal districts that I visited. Now let me read you this one:

> Whoever obstructs or attempts to obstruct or in any way interferes with or prevents the enforcement of the antipeonage law commits a felony and is subject to fine and imprisonment.

Yet these private, uniformed, and armed army of the mine owners are daily doing this very thing, and when a local officer issues a warrant against any of these agents of the mine owners the mine owners simply refuse to produce them. That, I submit, is another reason justifying an investigation.

The present railroad rates have been fixed on the basis of coal cost, based on a decent living wage to the miners ranging between $2.20 to $2.40 a ton for coal. Under the present peonage system of mining, in which the railroads have taken a very important part, they are now paying $1.60 to $1.75 a ton, although the former American rate of wages continues to be reflected in freight and passenger rates.

It is a matter of national concern that the soft-coal industry be stabilized until Federal intervention can coordinate the mines in the various States and bring about the required stabilization.

The life and existence of a million people comprising the mine workers and their families located in five or six States of the Union is naturally a matter of concern for the Federal Government.

Gentlemen, this can not endure. I have said and will repeat and will close by saying that these miners are a great deal different from some of us. They are attached to the place where they have worked all their lives. They do not migrate. They have not the diversified interests that people generally have. They are different in almost every way from us except that they, too, have a natural love for their children, just as much as we have and just as much as the directors of the mine companies have. They are simply putting up a game fight for the lives of these children.

Oh, I have heard it said many times that we should not bring the children into it. You can not take the children out of it. The mine operators have taken away their homes. They have taken away their jobs. They have taken away the morsel of bread from their mouths, but the miners have retained their

souls. I appeal to you, gentlemen, to put aside statistics, to put aside returns, and to rally back of a resolution to give these people some help and the assurance of a square deal. [Applause.]

Mr. SPEAKS. Mr. Speaker, the next item in the Army appropriation bill is one in which all of the Members are interested to some extent. It has been delayed for a considerable time. I want to be assured that all have an opportunity to hear the discussion, and while I regret to inconvenience Members, I nevertheless call attention to the doubt of whether there is a quorum present, and I demand the presence of a quorum.

Mr. RANKIN. Will the gentleman withhold that a moment? I want to ask unanimous consent to address the House for 10 minutes, and I am willing to accept the membership we have here now. If the gentleman will withhold his point until after I get through my remarks, I will appreciate it.

Mr. SPEAKS. If I am entitled to press my demand for a quorum later, I will yield to the request of the gentleman from Mississippi.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. Does the gentleman from Ohio withhold his point of no quorum?

Mr. SPEAKS. I withhold it, Mr. Speaker.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

COTTON

Mr. RANKIN. Mr. Speaker, we are informed through the columns of the daily papers that the Legislature of the State of Mississippi, responding to the pressure of the farmers of the Southern States, has unanimously passed a resolution asking the Congress of the United States to investigate the New York Cotton Exchange and to put a stop to those iniquitous practices which are now depriving the cotton farmers of the products of their toil.

Mr. Speaker, the cotton market is one of the most sensitive elements, I will say, in American life. Go into the New York Stock Exchange and to the average American it looks like a bedlam. Around a circle a great number of men are scrambling and bidding and offering cotton for sale. Finally, when a man makes a deal with another, the noise is so great it can not be transmitted by word of mouth, but a man standing in the well with a white glove on his hand will transmit that message to a man on the platform who delivers it over a telephone to the man who is checking it up on the board.

Suppose a sale is made of 1,000 bales of cotton at 17.45. The moment that figure is checked up on the board, it is flashed on to the board of every cotton exchange in America, and possibly throughout the world. At that moment that becomes the price and goes out as the price cotton is selling for at that particular time on the New York market. Certain manipulators whose names will be developed before this Congress adjourns have recently concentrated in New York between 140,000 and 200,000 bales of low-grade cotton. Just why the New York Exchange would permit these men to offer on the exchange cotton that is not really spinnable, and does not measure up to the standard is a mystery to me.

A man comes in who is a spinner, we will say, a man who is legitimately engaged in the cotton industry. He goes on to the exchange to buy 10,000 bales of cotton. Cotton is selling, we will say, at 20 cents a pound, but to his surprise, a man rises up over here and says, "I offer for immediate delivery 10,000 bales at 19½ cents." The speculator who is on to the particular firms that have this low-grade cotton and are using it on the New York exchange to manipulate the price does not bid, but the innocent purchaser, the spinner, if you please, who is interested, says, "Here is a good chance for me to get my cotton," and he buys it; but when he goes to sample that cotton he finds he can not use it. What does he do? He is bound to come back on the exchange and retender that cotton at a reduced price in order to get rid of it, so that he may purchase cotton from some one that is offering spinnable cotton for sale.

Whenever the time comes that it is necessary to depress the price of cotton to carry out their iniquitous scheme, these manipulators offer more of this unspinnable cotton for sale.

A Member of this House received a few days ago a letter from a firm in his State, or a man in his State, giving this astounding information: One of these firms controlling this great bulk of low-grade cotton wrote and asked how much cotton was on hand in that locality, what were the conditions of the people who were holding it, and how much it would be necessary to depress the market in order to wring it out of their hands.

This has been going on since January, 1927. They have depressed the price in such a way as to rob the cotton growers of hundreds of millions of dollars, and have driven it from 23 cents a pound down to about 17 cents a pound, and are now gloating over their exploit.

I am going to ask unanimous consent to extend my remarks in the RECORD by inserting a statement on this proposition that I want every Member of the House to read. If every man in the American Congress understood what is going on in the manipulation of the price of cotton we would have no trouble in carrying out the request of the members of the Legislature of the State of Mississippi to investigate the New York Exchange and to investigate those who have entered into this iniquitous conspiracy to destroy the price of American cotton.

I am not going to take up any more time of the House if I may have consent to extend my remarks by inserting in the RECORD this statement, which goes into details on this proposition, and in that way give the facts to the Congress and to the American people. [Applause.]

The statement is as follows:

The acceptance of undesirable spinning character on contract serves to equip the manipulator with his most effective bludgeon for depressing prices, and not only enables him to prosecute his large straddle operations to a successful and profitable conclusion, but also on account of the custom of country merchants in the South of selling cotton during the active crop-moving period to a considerable extent to the agents of the large manipulators on what is known as "on call" or "sliding scale terms" basis future quotations and the buyer having the option to call or fix the price, the buyer naturally exercises this option to his decided advantage during period of depression in contract prices, many of which are engineered by the manipulative activities of the buyer himself.

Appended hereto will be found a statement of "cotton classed at New York from August, 1926, to January, 1928," including "transfers," prepared and furnished upon request by the Department of Agriculture. This statement shows both the amount of cotton certificated locally in New York as well as cotton certificated in other contract markets, principally in New Orleans, and transferred to the New York market and known as "transfer" cotton during the period described.

It will be seen that there was a total of 139,276 bales of "transfer" cotton shipped to New York during the entire period in question, and that the bulk of this cotton arrived in New York between the 17th day of September, 1926, and the 25th day of March, 1927, inclusive—viz, approximately 125,000 bales. It will also be seen that before these shipments commenced the New York stock had declined to about 23,000 bales but that within six months thereafter, or by March 25, 1927, it had been increased to about 195,000 bales, or total certifications, including local certificates, of about 170,000 bales, of which all but about 45,000 bales consisted of "transfer" cotton shipped mostly from New Orleans.

That these shipments of transfer cotton to New York were intended purely for manipulative purposes will be clearly seen from observation of the dates upon which it was received in New York, and the relative price at which the near position in the respective future markets of New York and New Orleans were trading, as shown:

	Total receipts, transfer cotton	Price New Orleans	Price New York
1926			
Week ending—	*Bales*	*Cents*	*Cents*
Sept. 17	1,074	October 16.10	October 16.12
Sept. 24	10,429	October 14.30	October 14.34
Oct. 1	8,152	October 13.60	October 13.90
Oct. 8	6,988	October 12.25	October 12.60
Oct. 15	6,169	October 12.42	October 12.85
Oct. 22	3,058	December 12.18	December 12.19
Oct. 29	1,462	December 12.05	December 12.00
Nov. 5	113	December 12.26	December 12.17
Nov. 12		December 12.26	December 12.10
Nov. 19		December 12.48	December 12.42
Nov. 26		December 12.42	December 12.34
Dec. 3	1,394	December 11.65	December 11.90
Dec. 10	4,854	December 11.57	December 11.85
Dec. 17	4,877	December 11.82	December 12.08
		1927	1927
Dec. 24	67	January 12.23	January 12.15
Dec. 31	20	January 12.52	January 12.42
1927			
Week ending—			
Jan. 7	945	January 12.50	January 12.45
Jan. 14	2,341	January 12.80	January 12.74
Jan. 21	1,603	January 13.20	January 13.16
Jan. 28	4,798	March 13.14	March 13.17
Feb. 4	5,678	March 13.22	March 13.23
Feb. 11	10,513	March 13.67	March 13.68
Feb. 18	7,715	March 13.68	March 13.65
Feb. 25	7,572	March 13.66	March 13.69
Mar. 4	12,798	March 14.00	March 13.97
Mar. 11	14,120	March 13.91	March 13.85
Mar. 18	7,207	March 13.60	March 13.51
Mar. 25	1,887	March 13.81	March 13.71
Total	125,834		

From the above tabulation it will be noticed that during the period of the heaviest transfers the New Orleans market ranged at a slight premium over and above the New York market, and that only during a few weeks during October and December, 1926, was there any premium in New York over the corresponding position in New Orleans, the widest premium during these few weeks being only 35 points, whereas it requires a shipping parity of 85 points between the two markets to ship and deliver on New York. As already pointed out, the great bulk of this transfer cotton was shipped to New York when the differences were approximately even to a slight premium on New Orleans over New York, nevertheless this cotton was shipped at an average obvious loss of 85 points, or $4.25 per bale. Why would anyone deliberately ship cotton and sustain such a loss except for the purpose of manipulating and depressing the market to which it was shipped, as is evidenced by the fact that practically all of this cotton still remains in the New York stock and has been dumped and redumped on the market there during the past 10 or 12 months?

The following are some extracts from an address delivered during April, 1926, as reported in the April 10 issue of that year of the Cotton Trade Journal, which address was made at the second annual convention of the American Cotton Shippers' Association at Atlanta, Ga., on April 9, by one of the star manipulators of the cotton market, the object of which address was to justify the ethics of a "squeeze" which had been conducted by the manipulator in question on the March position of the year before:

"To those members of the cotton trade who have kept well informed on the subject, reference to the 'manipulators' of March New York is practically equivalent to the publication of my firm's name as the principals in that operation.

"During the summer and early fall of last year, March New York, under the shadow of a very large stock which the trade anticipated would be attracted to New York by the December operation, was sold heavily by speculators and by straddlers and hedgers, with the result that this position for many consecutive weeks ruled much below a proper parity with spot cotton in the South, and within 10 to 20 points off March New Orleans, whereas a shipping parity is about 85 points.

"Why should anyone sell March New York at 15 points over March New Orleans, when it costs about 85 points to make delivery? The only answer is to be found in the general assumption that some one had already planned to attract to New York so much cotton on December that nobody could afford to receive it on March except at a discount under May, and at an attractive level under southern values.

"The October-December operation last season is a concrete example. October, 1924, when practically all cotton was tenderable, went to a premium of about 100 points over December and attracted a stock of 175,000 bales to New York; and under the weight of this cotton, December sold at 40 to 50 points under December New Orleans, whereas the normal parity should be 75 to 85 points over December New Orleans. It also sold at a low parity with Liverpool and with spots in the various southern markets.

"No one complained of manipulation that year, except a few daring ones who stayed short of October too long, because it was the brand of manipulation that nine out of ten traders depend upon for supplying New York with an ample stock to make safe their speculative short sales, short hedges against stocks of spot cotton, and straddle operations with the short end in New York and the long end in other future markets.

"Does anyone fail to see that this choice gives an enormous advantage to any firm placed in the position of exercising it?

"We must be excused if we fail to feel any sense of commercial perversion in continuing to play the game according to the rules."

The following is an extract from an article on the New York cotton market, published under date of October 19, 1927, by the cotton editor of the New York Journal of Commerce:

"The extraordinary spot basis stands out in sharp relief. New York contracts at $6 per bale under the price for middling seven-eighths of an inch cotton in the Atlantic markets have a strange look. New York, for some reason inscrutable to many, is to all appearances the cheapest market in the world. Such an anomaly is regretted by some reflective people. They fear that it may make New York a target for criticism."

It is evident from this that this journal which reflects the sentiment of the members of the New York Cotton Exchange was fearful of the exchange being placed in an embarrassing position as a result of this glaring manipulation.

MANIPULATORS DISLODGE SOUTHERN HOLDERS OF COTTON

The foundation of the bear campaign of the past four months in the cotton market was laid during the winter and spring of 1926-27 by the accumulation during that period of a large stock in New York, approximately 200,000 bales, consisting principally of soft and wasty and generally undesirable character cotton, commonly known as "punk." The bulk of this cotton, or, to be specific, about 140,000 bales, were classed and certificated in New Orleans and shipped to New York, in spite of a loss in doing so of about $5 per bale; the shippers and deliverers on New York incurring this loss deliberately, with the confident knowledge that the cotton was so undesirable as to constitute, together with its bulk, one of the most effective weapons of pressure that the New York market had seen for a number of years, and it was calculated by the manipulators that the delivery of this cotton in New York would readily justify the loss involved in its shipment, whereby keeping it intact there as long as necessary the purposes of these operators would be effectively served.

That the great bulk of this stock is composed of undesirable character and virtually despised by spinners is amply evidenced by the fact that this stock has remained in New York for over a year, in spite of the cotton in question being the cheapest in the world, apparently, viz, available for export to Europe for quite a period at a price as much as $6 to $7 per bale below spot values of the same description of cotton in the South, and at no time less than $2.50 to $3 per bale in favor of New York versus the southern value, although during the period in question the world's consumption of American cotton was establishing new high records. Therefore, during this entire period of over a year this stock in New York served absolutely no other purposes whatsoever than fitting or dovetailing completely and most effectively into the schemes of the manipulators.

Last fall, when the approximate size of this season's production became generally well known, it was announced by several of the admittedly best schools of economists of the country that cotton this season, giving due consideration to the production and the carry-over—that is, the total supply in relation to the world's indicated consumption—should command a price between 20 and 32 cents, and, theoretically speaking, the forecast of these economists were entirely reasonable; the only element of error in their calculations was that, owing to the peculiar technique of the market, they overlooked the size of the stock in New York and the heavy preponderance of undesirable cotton it contained and, hence, could not visualize or foresee what an important factor of depression this stock constituted. But the overwhelming depressing influence of this stock in what is generally admitted by all odds to be the greatest future trading market in the world was clearly foreshadowed during last fall, when, in spite of a distinct tendency on decreasing crop prospects simultaneously coupled with constantly increasing consumption (during September to December, 1927, consumption establishing new high world's records), prices, as reflected by the New York exchange were exhibiting a continually sagging tendency and since September have shrunk over 8 cents per pound, or some $40 per bale, and about $20 per bale below what the reputable economists foresaw as the approximate intrinsic value of middling cotton this season. In other words, all logical and even scientific deductions as to proper intrinsic values which cotton should have commanded this season have been utterly defied and made to look ludicrous by the operations of the manipulators using this large stock of spinner-despised cotton as a sledge hammer for unsettling and depressing prices.

During the past week these great manipulators have played in the dual stellar rôle of manipulator and accumulator. Until recently, all through the severe decline in prices, the farmer or his agents, the cooperatives and country merchants had bravely and tenaciously held on to their cotton in what appeared to them the justifiable hope that the decline would long since have culminated and prices rise again to reasonable levels; but the decline has become so severe and searching, by reason of the pressure brought about by the manipulative accumulators, these holders have become unnerved and panicky, and the banks financing their cotton have admonished them to sell, fearing still lower levels, with the result that their cotton has been wrested from them at the bottom of the decline, whereupon the manipulators have stepped in, playing the rôle of accumulators, and taken hundreds of thousands of bales off their hands, the final result of which program is that not only has this cotton been dislodged from the farmers' hands at ruinously low prices, and for his efforts and determination in holding the farmer is further punished by becoming the inheritor of all the charges of carrying this cotton for five or six months. Below are quoted several extracts from the news of the day bearing on this subject:

From the New York Journal of Commerce, issue February 4, 1928:

"The technical position was better here and the spot situation at the South is said to have been relieved this week by heavy sales by the western cooperative associations. There was even a story that they had sold something like 100,000 bales to Houston interests."

Further, from the Dow, Jones ticker, date of February 3, 1928:

"Lines of 'call' cotton bought from merchants and farmers considerably reduced since Monday, January 30."

It will be noticed in the above quotation reference is made to "call" cotton bought from merchants and farmers. The cooperatives and country merchants in the South are accustomed to selling or making contracts during the active crop-moving period to a large extent with the agents of the large manipulators on what is known as "on call" or "sliding scale" terms, based on New York future quotations, the buyer securing the option to call or fix price whenever possible, and therefore the buyer, viz, manipulator, through the depressive influence exercised by him via the large stock of undesirable cotton in New York controlled by him, often manufactures, so to speak, the level of price at which he fixes the price of his "call" contracts with the coopera-

tives and country merchants, an instance in point being clearly demonstrated during the past week.

Cotton of seven-eighths inch length in staple, and of fair average to good spinning character constitutes the great bulk of our cotton crops. It might be said that the proportion of this description of cotton contained in the average crop bears the same relation to the total production as the proportion of the "common people" in the country bear to the total population. Therefore, this cotton has come to be known generally in the trade as "bread-and-butter" cotton; for just as bread and butter is the principal food of the common people, so this sort of cotton furnishes the "food" of the majority of the world's spindles consuming American cotton.

It would hardly be any exaggeration to state that the supply of and demand for this kind of cotton represents about 85 per cent or more each, respectively, of the United States Cotton Belt's productive capacity and the world's consumptive requirements. Therefore, the characterization of it as "bread-and-butter" cotton would seem very appropriate as fittingly descriptive of its predominant function in the world's trade.

Is it not therefore entirely consonant with the best economic principles that the cotton trade in seeking to establish a suitable standard to represent staple and character to act as the basis of value for the futures contract markets, should select a type or standard as truly representative as possible of the staple and character of the great bulk of the cotton produced in the average crop? Not only so that future contracts may reflect as closely as possible the intrinsic value of that kind of cotton which constitutes this great bulk and avoiding abnormal disparities in the relationship between spot values as reflected in the cash markets in the South and future contract values as expressed by the quotations prevailing on the exchanges, but for other important reasons as well.

The manufacturing element in the trade, on account of the great supply of this so-called "bread-and-butter" cotton, has educated the consuming world by reason of its relative price advantage in consideration of quality furnished, to demand cotton goods manufactured out of this cotton.

The remaining odd 15 per cent contained in our cotton crops is represented largely by staple length of fifteen-sixteenths inch and better and of character equal or superior to that shown in the supply of seven-eighths inch already described, while the supply of cotton below seven-eighths inch and of undesirable spinning character in most crops is really insignificant, probably seldom exceeding 3 to 4 per cent, sometimes less.

There seems to be current in some sections of the Cotton Belt the belief that by demanding only such cotton as will meet a certain minimum standard of character and staple desirability, a hardship is visited upon those communities that may happen to produce a disproportionately large quantity of this undesirable spinning quality—in other words, disfranchising this cotton; but from a broad viewpoint of the situation in its entirety and from the standpoint of conserving the best interests of by far the large majority of producers and others concerned, this is a dangerous economic fallacy. For example, the New York market rarely, if ever, absorbs for delivery on contract, even in years of large production, more than 125,000 to 200,000 bales maximum, many seasons much less, as it has been ascertained by the large interests who invariably manipulate the New York market, that a contract stock of the dimensions described above, provided it contains, which it usually does, a sufficient percentage of undesirable character cotton commonly known as "punky" staple and "wasty" character, is ample to protect the interests of these manipulators, as they have long since found that there is a very close mathematical relationship between the following factors:

(a) The size of the New York stock in bales of certificated cotton.

(b) The percentage of undesirable character contained in this stock.

(c) The extent to which the basis middling price—i. e., the current contract quotations as expressed on the New York figures—can be depressed.

These big manipulators have the equation worked out to almost mathematical precision. Almost identically to the same extent that the New York stock is saturated or polluted with this undesirable cotton through the temporary prevalence of fictitious values on New York for that particular description of cotton, subject, of course, to minor variations from time to time as to the degree of undesirability, there is and unfailingly must be a compensational adjustment or depression of contract values on this New York Exchange, resulting in debasement of contract values there, which on account of the enormous amount of purely "in-and-out" trading in futures on this exchange, unfortunately and unjustly set the price standard for the entire cotton crop, or at least the 85 per cent already referred to, and constitutes an organized form of robbery of the producer on a wholesale scale. This is an economic truism that can not be effectively disputed.

This process is further augmented and abetted by the large interests who control the policy of this exchange by various ingenious schemes and devices adopted into the by-laws and rules of said exchange, such, for instance:

By the rotating device or system of tendering and constantly retendering certificated cotton through notices of delivery between themselves, comanipulators, and brokers acting as their agents, the effect of which is to bring about repeated forced sales of the entire New York stock over and over again, the depressing and unwholesome effect of which practice upon price levels is not hard to estimate. Likewise by the enactment of rules in the exchange of other devices calculated to create a reluctance on the part of would-be receivers, especially nonmembers, to "take up" cotton on these contracts, viz, imposing prohibitive spot commission which must be paid by anyone receiving this contract cotton—i. e., a spot commission of 15 points or 75 cents per bale, which is in addition to the original commission charged by the brokers for buying and selling futures. On all confirmations of executions rendered to their clients by these commission houses the following clause is distinctly stipulated:

"All orders for the purchase or sale of cotton for future delivery are received and executed with the distinct understanding that actual delivery is contemplated."

The object of this clause naturally is intended to convey that the transaction in question is a bona fide purchase or sale of actual cotton for the purpose of giving the contract the necessary validity to make it enforceable in the courts and remove any possibility of stigmatism of a gambling nature or interpretation being placed upon the contract in question.

Now, as the commission house charges, in accordance with the rules and regulations of the exchange, an original commission of 5 points or 25 cents per bale for the round transaction of buying and selling, and, as their understanding between themselves and their clients is to the effect that an actual delivery will take place, nevertheless, inasmuch as they are compelled to charge an additional commission of 15 points or 75 cents per bale in the event the buyer elects to receive or take physical delivery of the cotton purchased, these commission houses in effect being compelled to say to their clients as follows:

"We have bought this cotton for you in accordance with your instructions, and, although the contract contemplates an actual delivery, if you elect to liquidate the obligation by a corresponding sale before delivery date or maturity of the option, the commission shall only be 5 points or 25 cents per bale; but, on the other hand, should you elect to take delivery as the contract contemplates, we shall be compelled, in order to keep within the rules of the exchange, to penalize you by making an additional charge of 15 points or 75 cents per bale; in other words, if you dare to demand delivery of the actual cotton, you must pay a fine of 75 cents per bale in addition to the original commission for buying of 2½ points, or 12½ cents per bale, or a combined charge of 17½ points equals 87½ cents per bale."

The above is not intended as any reflection upon the commission houses themselves as attempting to extort an exorbitant commission, but merely to demonstrate the effect of the commission rule in question as adopted into the rules and maintained there by those who control the general policy of the exchange; as a matter of fact, on account of the general antipathy toward this contract cotton itself, and the prohibitive charges involved in receiving this cotton by nonmembers of the exchange, the extent to which these commission houses benefit by these exorbitant commission charges is practically negligible, and a full statement to the above-quoted effect on the confirmation of execution issued by these commission houses would not have a wholesome aspect, hence they assiduously refrain from any remarks as to the commission involved in the transaction, and merely state that "it shall be in strict conformity in all respects to the rules, regulations, and customs of the New York Cotton Exchange, the United States cotton futures act," etc.

This in spite of the fact that involved in the actual delivery of contract cotton, no additional service is performed on behalf of their clients, other than the partial financing of the cotton for which all interest charges are for account of the receiver, and the mere exchange of documents necessary to accomplish the transaction and some trifling clerical work entailed in calculation of the other fixed charges, such as warehouse, insurance, inspection, classification, etc., all of which are also for account of the receiver, in addition to the commission and penalty (so-called spot commission) for receiving the cotton, the same having already been classified and certified by the United States Department of Agriculture, thus relieving said commission houses of any expense, responsibility, or service of consequence whatever as ordinarily associated with the necessary classification of cotton when purchased and taken up in the spot markets in the South.

This spot charge of 75 cents per bale, in addition to the buying commission of 12½ cents per bale, unescapable by all nonmembers who may receive or contemplate receiving cotton on future contracts, constitutes a burden and obstruction upon interstate commerce and provides the manipulating element with an additional strangle hold on the certificated stock in that market, while the manipulator by reason of his membership in the exchange and equipment for handling this cotton has the distinct advantage of escaping this unjust so-called "spot commission." No such commission charges are imposed on the Chicago Board of Trade for receiving grain against future-delivery options.

* * * * * * *

With further regard to the exclusion of undesirable cotton from delivery on contract, while this may at times exert a trifling hardship upon a relatively few producers as affecting or disfranchising only an almost insignificant quantity of the total production, the admission of delivery of this undesirable quality through its depressing influence on the basis middling value serves to severely penalize millions and millions of bales of desirable cotton.

[NOTE.—Congress has legislated that manipulating is illegal in primary commodity markets (see United States grain futures act, September, 1922) and the Supreme Court has duly affirmed the constitutionality of such legislation on the ground that manipulation is inimical to the national public interest, which is preeminent.]

For what good reason has cotton, one of the major primary commodity markets, been neglected or rather allowed to remain unprotected from manipulation, as the consideration of national public interests are surely equally true of cotton as of the grain markets?

This being the case, the cotton exchanges should be so regulated as to effectively prohibit manipulation or attempted manipulation, so that the operations of such exchanges shall not come into conflict with the said national public interest as they are doing at present.

Private institutions, operating as cotton exchanges, where the self-interests of their own memberships naturally predominate, can not be seriously expected, without suitable controlling legislation, to properly conserve the rights of the public.

The way is clear. Apply the principles of the Capper-Tincher law to the cotton exchanges, thereby expressly prohibiting manipulation.

The enactment of the United States grain futures act of September, 1922 (Capper-Tincher law), was followed about a year later by one of the most active and largest bull markets ever witnessed during peace times, and also a bull market with great activity the succeeding year, although prices were of somewhat more moderate proportions, proving, however, that the enactment of this legislation against manipulation in no way interfered with the normal activity of the market.

The national public interest is at stake and should not be permitted to be frustrated by the existing system in cotton, so that those who have spent their life's energies in the industry, whether farmer, spinner, or merchant, may not continue to pay toll to the manipulators and be cheated out of their birthright and results of honest efforts and investments.

W. L. C., *April 10, 1926.*

Why should anyone sell March New York at 15 points over March New Orleans when it costs 85 points to make delivery?

OCTOBER, NOVEMBER, DECEMBER, 1926 (by same token).

Why was cotton received on October and December (1926) New Orleans at prices even with to a premium of 25 points over October and December New York and shipped and delivered on New York when it costs 85 points to make delivery, showing an obvious loss of $4.50 to $5 per bale in the transaction?

The March, 1925, option in New York ruled at shipping parity with southern spot values, because the stock in New York at that time was nil, normal parity temporarily prevailed, proving that large stocks in New York, containing large percentages of undesirable spinning character, viz, punky staple, do seriously depress prices and distort parities, while in other years even where stocks in New York have been relatively large, but the percentage of poor or undesirable staple and character small or negligible, these large stocks have not had a similar depressing effect, because lower rates of ocean freight and marine insurance from New York have tended to offset the increased toll or cost of delivery in New York against delivery in southern port.

January 12, 1928: Basis middling seven-eighths inch staple is bringing the price of March New York contracts f. o. b. interior Georgia-Alabama points to-day, and there is reported to be an active demand at this basis, especially for export to Germany. How does this basis compare with the price at which New York contracts basis middling can be received on contract and shipped, for example, c. i. f. and 6 per cent terms to Bremen:

Shipment from Georgia-Alabama interior points:	
Cost f. o. b. interior, price of March New York, say	$0.1900
Inland freight from interior to southern port	.0055
Ocean freight to Bremen	.0060
Insurance, marine, etc	.0025
	.2040

Plus 6 per cent tare—94 divided by 20.40 equals 21.70 cents cost, insurance, freight, and 6 per cent. Bremen from Georgia-Alabama interior points.

Shipment from New York certificated stock:	
Cost price of January New York contracts terms	$0.1900
Cost to place f. o. b. ship side	.0040
Ocean freight to Bremen	.0037
Insurance, marine, etc	.0018
	.1965

Plus 6 per cent tare—94 divided by 19.65 equals 21.21 cents cost, insurance, freight, and 6 per cent. Bremen out of New York contract stock.

Showing a difference in favor of New York of some 49 points, or $2.50 per bale, yet the New York stock fails to move out except in very negligible quantities. Why? Because those engaged in manipulating the market have their interests best served by keeping the New York stock intact and a continuous weight on the value of the contract there until they have taken in their heavy short commitments, preferring to pay the higher prices ruling in the South to provide for their current spinners' requirements, and at the same time discouraging anyone else from receiving cotton on contract and shipping it out by delivering to any would-be receivers only the most undesirable character cotton in the stock, of which this year there is a very substantial percentage. This undesirable portion in the New York certificated stock this year, unhesitatingly and freely described by everyone who has had occasion to see it as punky staple, is the real keynote to the apparent paradox and enables the manipulators to keep the entire stock intact until they see fit to do otherwise, or until they have enjoyed the full benefit of the effect of its weight on prices and the relationship between spots and futures and between the New York market and other contract markets.

NEW YORK, N. Y., *January 28, 1928.*

Hon. MARVIN C. JONES,

House of Representatives, Washington, D. C.

DEAR SIR: While we were in your office this week you asked us the question why cotton had declined from 25 cents to 18 cents. Others have asked me for an explanation of this seeming economic paradox of prices declining while the crop prospects were also declining.

I think the best way to make this clear to the lay mind is to explain that there has been in effect a grand auction sale conducted on the New York Cotton Exchange from day to day of quantities of cotton of poor, wasty staple, for which there was no demand. This stock of contract cotton in New York has been tendered and repeatedly tendered many times since September last, and this continued forced sale of this poor-character cotton in New York from day to day and from week to week and from month to month has been effected only at a constantly declining price level for the contract. Cotton growers in the South have held tenaciously to their spot cotton, only to see prices constantly lowered by this continued forced sale of poor-character cotton in New York, which has been shipped and held there expressly for that purpose by large manipulators.

If the cotton that is being tendered in New York was all of good character, this grand auction sale would have terminated before the 20-cent level was reached, as domestic mills and exporters would have taken up the cotton. As it is, the large stock of cotton is still there in New York, with no takers even at 17½ cents, which is the price to-day.

By allowing the cotton growers to find a market through delivery on contract for some 80,000 bales of poor-character cotton during the past season an opportunity has been offered and seized upon by large manipulators to destroy the whole price level for the balance of the crop and make an open mockery of the law of supply and demand. Growers of about 5 per cent of the cotton crop who demand an outlet through the contract market for their poor, wasty staple little realize the serious economic consequences that are visited on the growers of the other 95 per cent by admitting their undesirable cotton for delivery on contract.

It is for this reason that we propose to exclude cotton of poor character from delivery on contract in our bill.

Yours very truly,

Mr. SPEAKS. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Ohio makes the point of order that no quorum is present. The Chair will count. [After counting.] Two hundred and twenty-eight Members present, a quorum.

WAR DEPARTMENT APPROPRIATION BILL

Mr. BARBOUR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10286, the War Department appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10286, of which the Clerk will read the title.

The Clerk read the title, as follows:

A bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes.

Mr. SPEAKS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. Has the paragraph been read?

Mr. SPEAKS. I understood this was the first business in order this morning.

The CHAIRMAN. Does the gentleman ask to return to page 42?

Mr. SPEAKS. Yes. The agreement was that the first paragraph on page 42 should be passed and considered when we reached the item for rifle practice, page 64.

The CHAIRMAN. The Clerk will report the paragraph passed over.

The Clerk read as follows:

ORDNANCE STORES—AMMUNITION

For the development, manufacture, purchase, and maintenance of airplane bombs, pyrotechnics, grenades, ammunition for small arms, targets, and accessories for bomb, small arms, and machine-gun target practice; and ammunition for military salutes at Government establishments and institutions to which the issues of arms for salutes are authorized, $4,000,000.

Mr. SPEAKS. Mr. Chairman and ladies and gentlemen of the committee, the purpose of this amendment is to insure that the national matches, so called, and the School for Small Arms, which have been a part of the national-defense program for the past quarter of a century, shall continue annually as originally intended by existing law which has recently been restated and emphasized in a bill which passed the House January 16, 1928.

The national competition has been an outstanding military training event since 1903. For many years these meetings afforded the only opportunity for bringing the various organizations of our national-defense system into close association, and they are credited with being one of the most potent influences in establishing cordial relations between the Army and National Guard and in promoting the "all one army" movement.

Since 1903 the competitions have been held annually with the exception of 1912 and 1916, during the World War, until 1926, when the War Department original estimates failed to request the necessary appropriations. There appears to have been no reason for the omission and failure to provide for the annual events other than the arbitrary decision that they should not be held that year and that in future they should be scheduled biennially.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPEAKS. I ask unanimous consent that I may be permitted to make my statement out of order with respect to time, and I promise to be brief.

Mr. MADDEN. Mr. Speaker, I shall object to that. That would grant the gentleman unlimited time.

Mr. SPEAKS. I shall agree to confine it to 15 minutes.

Mr. MADDEN. From the beginning?

Mr. SPEAKS. Yes.

Mr. MADDEN. Beginning with the first five minutes?

Mr. SPEAKS. Yes.

Mr. MADDEN. I have no objection to that.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to continue for 10 minutes additional. Is there objection?

There was no objection.

Mr. SPEAKS. The amendment is based upon this particular item for the reason that the reduction could be made here without embarrassing the War Department or in any manner affecting the national welfare adversely or interferring with national-defense activities. Some 550,000,000 rounds of .30-caliber ammunition is now piled up in the reserve storehouses. This ammunition will remain there year after year deteriorating, and each year through deterioration millions of rounds will be declared unserviceable and sold to junk dealers or otherwise disposed of; so Members may understand that the 12,000,000 rounds which we might not purchase by reason of the $500,000 reduction is negligible in connection with the ammunition supply. The committee, on page 12 of their report, states in part as follows:

The committee has made careful inquiry into the foundation for published reports of an ammunition shortage. Much testimony has been taken and illuminating data supplied. * * *

* * * There is no plan prescribed by law. The plans are formulated by the War Department under the general statute imposing upon the General Staff the duty of preparing plans for national defense. The subject is one of constant study and there is a continuing fluctuation by reason of recurring studies of mobilization plans, changes in organization, and the development and supply of new weapons.

* * * The War Department plans to present to the Budget for the fiscal year 1930 a program looking to the gradual elimination over a period of years of the existing deficit and that will meet annual losses through deterioration. With the subject under study and unsolved when the pending estimates were being built, it would seem that this would be the orderly and logical course to pursue. Such recommendations as the War Department may submit must have the very careful consideration of all concerned.

The accompanying bill, in agreement with the Budget estimate, carries $7,393,034 for ammunition for all components. This compares with a sum less than $6,000,000 for the present fiscal year.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. SPEAKS. I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. I want to understand the parliamentary situation. The gentleman has simply offered an amendment now to reduce the amount in line 8, on page 42, as I understand it.

Mr. SPEAKS. That is correct.

Mr. GARRETT of Tennessee. That is all that is pending. Some of the Members, I think, do not understand the purpose of the gentleman, and I think it would be well enough to explain he proposes to reduce the amount here and increase the amount for rifle practice at another point in the bill.

Mr. SPEAKS. Yes. I thank the gentleman for his suggestion. My purpose was to first assure the House that there is absolutely no occasion to be alarmed regarding the ammunition supply, and it was my intention to quote the Secretary of War in support of this statement.

Mr. LINTHICUM. Mr. Chairman, the gentleman from Tennessee says that the gentleman from Ohio is to follow this up with another amendment.

Mr. SPEAKS. Yes. A short time ago, Mr. Chairman, the press of the country carried a very alarming statement alleged to come from the War Department, the purport of which was that our supply of ammunition was not sufficient to last for a period of 30 minutes.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. SPEAKS. Yes.

Mr. BUTLER. I do not want to interrupt the gentleman, but I would like to be informed——

Mr. SPEAKS. I shall inform the gentleman if he will permit me to continue.

Mr. BUTLER. If the gentleman will tell me what is the object of this, I shall be very much indebted to him.

Mr. SPEAKS. This is an effort to secure funds for carrying on a part of our national training program without increasing the Budget. I want now to quote the Secretary of War relative to the ammunition supply, as shown on page 1015 of the hearings:

Mr. COLLINS. I want to ask the Secretary a question: Mr. Secretary, a very remarkable statement that was attributed to you was carried in the papers about six weeks ago, to the effect that we did not have enough ammunition to last us for 30 minutes.

Secretary DAVIS. I do not think that statement was attributed to me. I agree with you that it was a remarkable statement.

Mr. COLLINS. You disclaim responsibility for it?

Secretary DAVIS. I absolutely disclaim all responsibility for it. It was a foolish statement in the first place, and entirely untrue. It has been attributed to me in comments upon it, and I considered whether it was advisable to pay enough attention to it to even disclaim it. It purported to be a statement that I made to the President but which, of course, I did not make.

This should be sufficient to convince Members that, so far as the reduction in ammunition supply is concerned, if the amendment is adopted there is no occasion for apprehension in that connection.

My next amendment will be, on page 64, after the comma in line 9, insert a new paragraph, which conforms precisely to an amendment prepared by the War Department, to cover the national matches in 1926.

Mr. FROTHINGHAM. Is this for a national match or is it for rifle practice through the different States?

Mr. SPEAKS. This is in accordance with the plan of the National Board for the Promotion of Rifle Practice, applying to all the States, and the national competition and school presents the final training stage. Practically every State is represented with teams; also from the Army, Navy, Marine Corps, West Point, and Annapolis.

Mr. TABER. What the gentleman proposes is in respect to rifle matches and ordinary rifle practice as provided elsewhere?

Mr. SPEAKS. Competition and instruction; yes.

Mr. McSWAIN. Will the gentleman state the total number of people who participate in the national events?

Mr. SPEAKS. There were about 101 teams at the last match.

Mr. McSWAIN. And the teams average how many?

Mr. SPEAKS. They number about 15.

Mr. McSWAIN. So that there were some 1,500 or 1,700 expert riflemen from all over the country at this last match?

Mr. SPEAKS. The teams came from all of the States. I have here telegrams from the adjutants general of practically all of the States, the National Guard associations of the United States, the Reserve Officers' Association of the United States, the American Legion—all of the national-defense agencies of the Nation—supporting this proposition. It is not opposed by the War Department if we can secure the necessary funds outside of the items carried in this bill. The Secretary told me personally that he would not object if we would add to the present bill an appropriation to defray the expenses incurred.

Mr. MAAS. Mr. Chairman, will the gentleman yield there?

Mr. SPEAKS. Yes.

Mr. MAAS. The adjutant general from Minnesota is in the city at this time. I have had quite a conference with him, and he is very much in favor of this and indorses it completely.

Mr. McSWEENEY. Mr. Chairman, will the gentleman yield?

Mr. SPEAKS. Yes.

Mr. McSWEENEY. Are not these matches an incentive to a young man to take a greater interest in them, because the young men have the hope of being selected to represent their units at the national matches?

Mr. SPEAKS. Undoubtedly. The competitions in the States create an interest in rifle shooting that can be accomplished in no other way, and the enthusiasm reaches its culmination in this school and competition.

This program results in developing thousands of expert riflemen who are qualified to act as instructors to the millions of untrained civilians who would be called upon in times of emergency.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. SPEAKS. Yes.

Mr. TABER. Why does not the gentleman make an addition to the sum given here for these matches? It is a very good thing. I object to taking this money away from the fund for ammunition. Last year the Secretary of War came before our committee and gave us a very alarming account of the state of our ammunition.

Mr. SPEAKS. I have just read you a statement from the Secretary of War wherein he discounts all such reports and condemns them in the strongest terms. The reason why we are asking for a reduction is to avoid increasing the total amount the bill carries.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Maryland moves to strike out the last word.

Mr. LINTHICUM. Mr. Chairman and gentlemen of the committee, I am very much in favor of the gentleman's amendment to strike $500,000 from this item and also to that which is to follow, providing $500,000 for these national rifle matches.

Former President Roosevelt said that "A man who can not shoot straight might as well be armed with a club." When we look at this vast appropriation of $399,000,000, of which some $300,000,000 goes for war purposes, we must see that it is absolutely essential in order to expend that money properly and advantageously that our men should be able to shoot straight. The apex of this whole appropriation is the fact that we want to reach the enemy, and if men can not shoot straight they will never reach the enemy, and the ammunition and the great aggregation back of it is all wasted.

Among the men of great ability and of vast influence in our Army warfare is Major General Lejeune, who says:

* * * We put a team in the first annual match, and from that day until the present time there has been an increasing interest in rifle shooting, and rifle shooting in the Marine Corps dates from the beginning of the national rifle matches. Our whole system of training is built up so that the annual rifle match is the apex of the pyramid. * * *

This rifle-shooting program is an annual program and, as I have stated, the national match in September of each year is the incentive and the goal toward which all these men are working.

It would be, in my opinion, a calamity to discontinue these matches; that is, to discontinue holding them each year. The interest would lapse undoubtedly, and the impetus would certainly die out. * * *

The thing that differentiated the American from the foreign soldiers was the ability of the American soldiers to shoot straight and hit an individual instead of just shooting at the landscape. Our men fired at marks, at other men; they fired as individual men, and they did not waste so much ammunition, and they hit what they shot at; just as in the old days rifle shooting was kept up in this country by the woodsmen and the hunters and pioneers, who had to shoot in order to live.

This is followed by the statement of Gen. R. H. Allen, Chief of Infantry, who indorses these matches, and says:

The "national match" is really a misnomer. It is really the national school of musketry. * * *

If we will look at the history of our country and our military operations, we will find that our success since the days of the Indian wars has been largely or primarily due to our ability as rifle shots. * * *

That national asset, marksmanship, which was built up in the early days from the fact that a man shot for his meals and shot to live, is becoming lost, and it is dying out, and unless something is done to foster and keep alive interest in rifle shooting, and to grant the facilities for the citizen to use the rifle and to become enthusiastic in its use, we will not only lose our standing as the leading nation in the world in marksmanship, but with it we are going to lose something that is far more vital to us as a nation; when called into the service, if we ever should be, we are going to lack the aggressiveness and the offensive spirit that were the great features of our success in the past. Therefore I consider that a movement is necessary that will foster rifle shooting that will stir up enthusiasm among the civilians, not in the Army. It is a fine thing for the Army, of course, and it adds an incentive, but if it was simply for the Army that it was wanted, if it was simply the Infantry of the Army that wanted it, I would not be for it.

It is for the civilian public, in the reserve, and the civilian rifle teams, instruction of the Reserve Officers' Training Corps and of the citizens military training camps and the civilian rifle clubs.

Colonel Macnab, who is deeply interested and who recommends it strongly, says:

Our present arms and ammunition are due to our present training methods which are due to the national matches. If we give up these matches, 10 years from now we may not have the rifle and the ammunition and the training methods that we ought to have 10 years from now. We do not know. If we had not had these rifle matches in the past we would not have to-day the present rifle and ammunition, and if we give up the matches now we may not have what we ought to have 10 years from now. That is the point on the ammunition and the rifle. There is no doubt about that being correct. I think even the Ordnance Department will admit that. * * *

There are 2,000 rifle clubs alone that are associated with the National Rifle Association, containing a great many more than 100,000 members. All of those men influence their clubs. They are influencing others at home. If the national matches were not held every year, in my opinion these clubs would be reduced greatly in numbers, and the ones that were left would be reduced greatly in efficiency, because the incentive that keeps them going, of these national matches, of going to the matches, the members of each one of these clubs, more than one member from some of them going to those matches, they go back enthused, they have new ideals, they carry the enthusiasm back.

* * * If we stop, if we have this interruption of a whole year without any matches, I do not believe the saving would be commensurate with the harm done.

There are 101 rifle clubs in this country having a total membership of 100,000 members. They are all in favor of this. Some 1,500 of them participate. I think we ought certainly to have the appropriation for this purpose.

I have a letter from Gen. M. A. Reckord, the executive vice president of the National Rifle Association of America, in which he gives me the information that 101 teams participated in the last national matches consisting of—Service, 5; National Guard, 47; Reserve Officers' Training Corps, 9; citizens' military training camps, 9; making a very splendid array of these clubs. General Reckord is a soldier of great ability. He is renowned for his splendid record on the battle fields of France. He is a man of expert rifle practice and a wonderful executive officer. Knowing him and his record as well as I do, and his support of this amendment, there can be no doubt that it is meritorious, necessary, and of great benefit to our country and its national defense.

The Budget has left out entirely an appropriation for these matches, and yet they have asked additional appropriations for 1929 of $29,000,000, and all we are asking for is that $500,000 of that money be allocated to these national rifle matches. This is not a new proposition. It is not a proposition that has originated since the war. We find that these national matches have been going on for many years. I have the list of them here. The national rifle matches were first held in the year 1903 at Seagirt, N. J., and since that time they have been held every year with the exception of 1912; 1918, when the war was going on; and the year 1926. So that it is not a new proposition. The Government has recommended it ever since 1903,

and it has not been until this time that a proper appropriation has not been made for this purpose.

I sincerely trust that you gentlemen will consider the point. The point we are making is that the contest in these rifle matches are bringing together numbers of men who take part in the matches and who become sharpshooters and men who can shoot straight. If there is one thing in the history of the recent war that stands out prominently, it is the fact that America abounds in men who can shoot straight and in men whom we call sharpshooters.

Mr. TABER. Mr. Chairman, will the gentleman yield there?

Mr. LINTHICUM. Yes.

Mr. TABER. Does not the gentleman understand that in 1926 there was no appropriation for this and that these matches were not held?

Mr. LINTHICUM. I said they had been held every year, with the exception of 1912, 1918, and 1926, since the year 1903. So it is no new institution. It is something that has been recognized by the Government all these years for some 24 or 25 years. I certainly trust you will give this matter your very serious consideration.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to proceed for one additional minute.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. LINTHICUM. It is not making any new appropriation. It is merely allocating $500,000 for this purpose, which has been done ever since 1903. It is taking practically nothing from the general appropriation, because the general appropriation has been increased $29,000,000; and all we are asking of that is the allocation of $500,000 for what we consider a very vital practice in the military affairs of our country. [Applause.]

Mrs. KAHN. Mr. Chairman, I move to strike out the last two words. A large standing army is not compatible with our form of government; the people do not want it; Congress does not want it. Therefore when we, as a nation, are forced to back up our rights with something more than words, it is a great citizen army that we must depend upon. For that reason I want to state right here that I am for anything that will increase the efficiency of that citizen army. I believe that every effort made and every dollar spent—whether it be for the Reserve Officers' Training Corps, the citizens' military training camps, or expert rifle shooting—toward the training of that great citizen army is effort and money well and wisely invested. Because it is this great citizen army that is, after all, our real line of defense, and because it is these boys and men off the street, out of the shop, out of the office—yes, even out of our schools—who must bear the brunt of war when it comes, it is only fair that they should have this break that the opportunity to gain even a superficial knowledge of military tactics and science gives them. During the late war a large majority of the casualties occurred among young men between the ages of 19 and 21 years. I recall having heard an Army officer recount his experience in sending untrained men—mere boys—out to locate machine-gun nests. Instead of prostrating themselves on the ground and crawling along, they rushed forward, literally on tiptoes, into the very jaws of death. Sheer lack of knowledge as to how to protect themselves was not the least of the reasons for our heavy casualties.

I find in the Republican platform of 1924 these words:

> There must be no further weakening of our Regular Army. We advocate appropriations sufficient to provide for the training of all members of the National Guard, the citizens' military training camps, the Reserve Officers' Training Corps, Officers' Reserve Corps, and the reserves who may offer themselves for service.

So that we Republicans are doubly bound in this matter.

Mr. Brisbane, in his article in this morning's Washington Herald, had this to say:

> Our State Department has signed an arbitration treaty with France. The treaty recognizes the Monroe doctrine, which is satisfactory. But best and only permanent recognition of that doctrine will be found in adequate defense and preparation.

I ask unanimous consent, Mr. Chairman, to extend my remarks by adding resolutions passed by 30 women's patriotic organzations of America at a conference called by the Daughters of the American Revolution and held in Washington last week.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection

The resolutions referred to are as follows:

> Whereas reliance by the American people upon the national defense act as a safe defense policy is justified only so far as that policy is carried into effect; and
>
> Whereas the Chief of Staff of the United States Army estimates that 220,000 reserve officers are needed to function the six field Army mobilization plan of the War Department; and
>
> Whereas at this time there are but about 110,000 reserve officers; and
>
> Whereas there are only about 16,000 of these reserve officers trained annually: Therefore be it.
>
> *Resolved*, That the Women's Patriotic Conference on National Defense indorse the plan contemplated by the national defense act of having trained in peace time a sufficient number of reserve officers to train and command a draft Army on the basis of the War Department's present mobilization plans of six field armies in the event of national emergency.

Mr. BARBOUR. Mr. Chairman, I want to say to my distinguished colleague from California that I quite agree with her that young men 18 and 19 years of age, who may be called upon to handle a rifle in case of war, should be properly trained, but those young men 18 and 19 years old are not going to receive any benefit from this amendment. This amendment is for the national rifle matches, and let us see just what the exact situation is.

We carry in this bill for civilian rifle clubs $200,000, which is $100,000 more than we carried in the 1928 bill. In other words, we appropriate twice as much in this bill for the civilian rifle clubs as we did for the fiscal year 1928. There are in this country 1,560 civilian rifle clubs with a total membership of about 100,000. We provide twice as much money for their training as we did during the present fiscal year. The only difference is that we make no provision for the national matches at Camp Perry, Ohio. The amendment offered by the gentleman from Ohio proposes to take $500,000 out of the appropriation for ordnance stores and ammunition. That appropriation of $4,000,000 is broken down into 38 different projects; that is, the $4,000,000 will be spent for 38 projects, most of it for ammunition. The largest project under this item is for the procurement of .30-caliber ball ammunition, for which the estimated expenditure is more than $3,000,000. If you take $500,000 out of the $4,000,000 you are going to wreck this set-up for the item of ordnance stores and ammunition.

What are we doing for civilian rifle practice in this country? We are all in favor of civilian rifle practice. The committee is in favor of it and brings in a bill every year with an item in it for civilian rifle training. As I said a moment ago, we have doubled the appropriation this year.

To all of these 1,560 clubs, which have a total membership of about 100,000, the United States Government furnishes free of cost two .30-caliber rifles and two .22-caliber rifles. In addition to that we have a number of school teams throughout the country that engage in rifle practice, and to these school teams the Government furnishes, free of cost and without expense to the schools, up to 100 rifles per team.

We propose to furnish these civilian rifle clubs for home training, which is the real training, 120 rounds of .30-caliber ammunition per man firing—that is, if a man is just an honorary member of a club and is not interested in firing, he will not get any ammunition—but for every man firing the Government furnishes free of charge 120 rounds of .30-caliber ammunition and 200 rounds of .22-caliber ammunition. In addition to that we furnish targets and other supplies for them to carry on this rifle practice. This is all going to be done under this bill to an extent twice as great as they are doing it this year.

Mr. KINCHELOE. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from Kentucky.

Mr. KINCHELOE. Does the organic act upon which this appropriation is based provide for an annual rifle match?

Mr. BARBOUR. No; if I remember the language correctly, it states that there shall be annual estimates submitted of the cost of rifle practice.

Mr. KINCHELOE. I imagined it was not clear, to say the least of it, in view of the fact that the House at this session has passed a bill providing specifically for such matches to be held annually.

Mr. BARBOUR. I will say to the gentleman that the language of the act does not definitely declare that these national matches shall be held every year.

Mr. KINCHELOE. Does this $100,000 extra which the gentleman speaks of for target practice contemplate an annual match?

Mr. BARBOUR. No; that is for the home training of the members of these clubs.

Mr. KINCHELOE. Then the War Department in the absence of this amendment does not contemplate the holding of these matches annually in the future?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent to procede for five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARBOUR. It is now contemplated to hold these national matches biennially instead of annually, and the amendment of the gentleman from Ohio [Mr. SPEAKS] will provide for the matches being held annually; that is, it will provide for national matches in 1928. We held one in 1927 and the bill proposes to pass 1928.

Mr. McSWAIN. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from South Carolina, if I have the time.

Mr. McSWAIN. It is the program of the War Department to hold the national match every other year?

Mr. BARBOUR. That is the program of the War Department.

Mr. McSWAIN. But if the bill which this House has already passed passes the Senate and is signed by the President it will be compulsory to hold it every year.

Mr. BARBOUR. That would be a different proposition, I will say to the gentleman.

Mr. McSWAIN. The House has already passed that bill.

Mr. SPEAKS and Mr. LINTHICUM rose.

Mr. BARBOUR. I will yield first to the gentleman from Ohio.

Mr. SPEAKS. I just want to develop the facts. The fact that the House had passed the bill H. R. 8550, which made it absolutely compulsory that these matches be held annually, was brought to the attention of the gentleman's committee before the committee report was made, was it not?

Mr. BARBOUR. Yes; that is true.

Mr. SPEAKS. And the fact that this House again expressed itself after the Judge Advocate General of the Army had held it was compulsory to hold these matches annually, but nevertheless the committee disregarded that.

Mr. BARBOUR. The bill had not passed the Senate and there was nothing for the committee to disregard.

I now yield to the gentleman from Maryland.

Mr. LINTHICUM. The present law provides that the War Department shall submit estimates for these matches, does it not?

Mr. BARBOUR. Shall submit estimates for rifle practice.

Mr. LINTHICUM. But the gentleman thinks that through a technicality the law does not direct the committee to do it and it can be evaded.

Mr. BARBOUR. Not by any technicality, but under the plain language of the law. Read the law and the gentleman will see what the provision is.

Mr. LINTHICUM. That is what I have done, and I would imagine from reading it that when the law states they shall submit annual estimates for these matches it was the intention that we should have these rifle matches annually.

Mr. BARBOUR. Not necessarily. It depends entirely on how it may be adapted to the program of the War Department. If I may continue with my statement, I will show just how this fits in with the War Department's program.

Mr. LINTHICUM. What would be the use of submitting the estimates if we were not to have the appropriations?

Mr. CLAGUE. May I explain that just a moment? I think the gentleman from California [Mr. BARBOUR] is mistaken about there being anything in the law with respect to estimates.

Mr. BARBOUR. My recollection is that the law refers to estimates. The gentleman from Minnesota has the law before him, and I will ask him to read just what the law says.

Mr. SPEAKS. While the gentleman is looking for that, will the gentleman from California permit a suggestion?

Mr. BARBOUR. Yes.

Mr. SPEAKS. In view of the fact that I shall offer an amendment which will bring that question immediately before the Speaker, I suggest we just pass it over now.

Mr. BARBOUR. The amendment which has been offered opens up the whole subject.

Mr. SPEAKS. There is no question about the pending amendment being in order, but the next amendment to be offered will bring out the question of whether these national matches are authorized by law.

Mr. BARBOUR. I will say to the gentleman from Ohio that I did not bring up that question at this time. It was brought up by questions that were asked.

Mr. CLAGUE. May I read just what the law is?

Mr. BARBOUR. Yes.

Mr. CLAGUE. The law is this:

The Secretary of War shall annually submit to Congress recommendations and estimates for the establishment and maintenance of indoor and outdoor rifle ranges, under such comprehensive plan as will ultimately result in providing adequate facilities for rifle practice in all sections of the country.

Mr. BARBOUR. Those are the estimates that I had in mind.

Mr. LINTHICUM. That is stronger than I thought it was.

Mr. McSWAIN. Will the gentleman read that part on the other page where his thumb is?

Mr. CLAGUE. That relates to the trophies.

Mr. McSWAIN. Yes; at the annual matches.

Mr. BARBOUR. Let me go on with my statement. We are not getting anywhere by having this discussion of the law.

In order to have these national matches this year it is going to cost in the neighborhood of $578,000.

Mr. SPEAKS. How much was the estimate for last year?

Mr. BARBOUR. I do not recall definitely.

Mr. SPEAKS. Four hundred and seventy thousand dollars, as I recall.

Mr. BARBOUR. I have not those figures before me, but it is going to cost this year in the neighborhood of $578,000.

In addition to this, there will be the cost of the Army and the Navy teams that will go to the national matches. This year we had 101 teams at the national matches and they averaged 13 men each. So it will cost in the neighborhood of $600,000 to send about 1,300 men to these national matches.

They get their expenses paid from wherever they live. The match last year lasted 29 days at Camp Perry, and they received 5 cents a mile going and coming. They also received $1.20 a day subsistence, and tents, equipment, rifle, ammunition, and all of those things for the period of 29 days.

It is proposed to hold the national matches every two years instead of yearly. It was testified before our committee that the cost of the matches is mounting up each year. There is a larger attendance of contestants each year. They are increasing the number of matches each year, all piling up the cost of the national matches.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. WAINWRIGHT. I would like to ask the gentleman whether he considers that this deduction of $500,000 from the proposed appropriation for ammunition supply is really a serious matter?

Mr. BARBOUR. I do. We are told that our ammunition supply is being depleted. It is not nearly as bad as has been pictured, but if we keep taking away from appropriations for ammunition the supply will be depleted.

Mr. WAINWRIGHT. Personally, I would rather have the proposition to increase the appropriation for rifle matches rather than intrench on this provision for ammunition.

Mr. DALLINGER. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. DALLINGER. If this amendment is defeated, will the gentleman from California oppose an amendment to add $500,000?

Mr. BARBOUR. I will. I do not think it is justified under the War Department program.

The Secretary of War was asked about the national matches when he appeared before the committee, and this is what he said:

Mr. BARBOUR. What would you say about the department's attitude toward having the national rifle matches held every year instead of every other year?

Secretary DAVIS. From my association with it as Assistant Secretary of War, when I was directly in charge of it, I think that the national rifle matches are a very valuable asset. There is a tremendous amount of interest in it among men who participate in it, and they give a benefit beyond the actual number who participate in the matches. They extend the interest all over the country all the rest of the year. On the other hand, it is quite an expensive element of the military problem. I have not looked at the figures for a year or so, but my recollection is that it would cost, certainly, $500,000, and perhaps more than that, or between $500,000 and $600,000, to hold the matches. I was rather appalled when I got the figures together originally, when they were compiled from the different appropriations. In addition to that, it takes quite a number of men from other duties to operate the butts, to take care of the camps, and that sort of thing. It is a very

arduous duty, and a duty of a kind that enlisted men naturally do not like to perform. In one sense of the word, it is really not the sort of duty that they came into the Army to perform; so it does have that effect. It is rather unfair to any one command to give them that job year after year. All of those things, of course, must be taken into consideration. We felt that while the rifle practice was a very valuable asset, it was a rather expensive proposition and that it would be fair to work out a plan by which those matches would be held every other year. I am inclined to think that is a sound decision.

Now bear in mind that we are not decreasing the amount for civilian rifle practice; we are doubling it. It is only the experts who go to the national matches—1,300 to 1,500 of them, who are asking for this additional $500,000 or $600,000.

To throw further light on the position of the Secretary of War in regard to this proposal I am going to ask the Clerk in my time to read certain sections of a letter dated January 25, addressed by the Secretary of War to the Hon. DAVID A. REED, Chairman of the Committee on Military Affairs of the United States Senate, expressing his opinion on the bill that passed the House of Representatives a short time ago, which would require these matches to be held annually and which has been referred to in this discussion.

The Clerk read as follows:

I do not favor the passage of the act for the following reasons:

The law should not be such that the War Department will be required to hold the national matches annually, irrespective of important considerations, which would make it unprofitable from the point of view of national defense to hold these matches every year. Under existing conditions the question of how often the national matches should be held may be discussed under three major considerations, i. e., financial, personnel, and training.

FINANCIAL CONSIDERATIONS

The approximate cost, chargeable to War Department, appropriations, of holding the national matches is $570,000.

Under present conditions it is not believed that this amount should be spent for national matches oftener than on alternate years. There are many projects of the War Department for which more money is desired. To these projects favorable consideration can not always be given on account of limited appropriations. Such matters as better housing conditions, maintenance of authorized enlisted strength, better uniforms, increase of war reserves, increase in ammunition allowances, active-duty training of more reserve officers, increasing the number of citizens' military training camps trainees, increasing the number of Reserve Officers' Training Corps units, larger-scale maneuvers, more joint Army and Navy exercises, and many other projects, including the national matches, must be carefully considered in formulating the War Department estimates and decision as to how much should be spent on each after the limiting figure of the War Department is set.

The amounts to cover the holding of the national matches this calendar year are not included in the Budget for the fiscal year 1929. The expense of these matches could not be borne by other items included in the 1929 Budget without seriously interfering with the activities covered by these items.

PERSONNEL CONSIDERATIONS

The personnel, exclusive of competitors, required for conduct of the national matches and the school of instruction consists of about 300 officers and 1,800 enlisted men. The Marine Corps has usually furnished about 250 enlisted men and some officers, but in 1927 was unable to do this.

In order to limit the cost the Regular Army personnel has to be taken from stations in the Great Lakes—Ohio Valley region. Climatic conditions in these localities demand that the fullest use be made of the period of favorable weather for troop training. To take troops away from their training work in this season works a distinct hardship on these troops and limits their value in connection with the military training of civilians, one of the most important tasks imposed upon the Regular Army. If this task is to be properly accomplished the Regular Army must itself be well trained, and consequently advantage must be taken of favorable seasons.

To hold these matches annually would unduly deprive the troops of the Regular Army from their self-training and hamper to a considerable extent their work in connection with the civilian components.

TRAINING CONSIDERATIONS

Small-arms marksmanship is a very important element in the training of officers and men belonging to branches having such weapons. Its importance is so great that the War Department can not make its efficiency and development dependent on the national matches any more than the development of horsemanship can be made dependent on the national horse show. Therefore small-arms marksmanship is an important part of the training in the special-service schools and generally throughout the Regular Army and National Guard. It is also emphasized in the Reserve Officers' Training Corps camps and citizens' military training camps. The War Department, through the director of civilian marksmanship, assists civilian rifle clubs throughout the country with arms, ammunition, and equipment. Experiments by the Ordnance Department and the various using branches are continually being made to improve weapons and ammunition and develop increased efficiency in their use. The following are the appropriate amounts carried in War Department appropriations to provide small-arms ammunition to be used annually by the various activities indicated:

Regular Army	$2,100,000
Organized Reserves	100,000
Citizens' military training camps	122,000
National Guard	910,000
Reserve Officers' Training Corps	157,000
Civilian rifle clubs	150,000

In addition to the amounts just mentioned, there are carried in annual War Department appropriations items to cover manufacture and repair of small arms, maintenance and repair of rifle ranges and target equipment, and other things connected with instruction in small-arms marksmanship of the military and nonmilitary organizations listed above. Also additional compensation is allowed for qualification in the principal arms of the various units of the Regular Army. Thus it is seen that Congress appropriates for, and the War Department provides for continual training and interest in marksmanship in the Army and generally throughout the country. Although the national matches were not held in 1926, those held in 1927 had greater attendance, the interest displayed was unusually keen, and the scores were generally higher than had obtained in previous national matches.

The War Department recognizes the value of the national matches, and the small-arms firing school held in connection therewith as means of further disseminating instruction in marksmanship and of creating interest. The gathering together of the best shots from all sources in competition is highly desirable and beneficial. But considering the present financial, personnel, and training conditions, and carefully weighing the value of the national matches in comparison with other activities the conclusion is that the national matches should be held on alternate years. Therefore the passage of any legislation making it obligatory to hold the matches annually is not favored.

Mr. BARBOUR. Mr. Chairman, I ask the House to bear in mind that we are continuing this rifle practice, and are spending large sums for the National Guard, the Reserve Officers' Training Corps, and the citizens' military training camp. We propose to spend $200,000 in 1929 for civilian rifle clubs, as compared with $100,000 in 1928. Hundreds of thousands of dollars are being spent for rifle training, and such training is not affected by this amendment. The only thing this amendment does is to send about 1,500 expert rifle shots from all parts of the country to Camp Perry for about a month to engage in competition. The fact that the matches in 1927, after they had passed 1926, were the best ever held is an indication that no harm has been done, and that no interest has been lost in the matches.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. McLAUGHLIN. This amendment decreases the amount available for producing ammunition. There seems to be a wide difference of opinion as to the amount of ammunition now on hand. There is reference in the hearings to a newspaper report to the effect that we are deficient, and something was read from the statement of the Secretary of War. But he does not deny the truthfulness of that newspaper statement. He says that it was wrong to publish it, as far as it was read by the gentleman from Ohio [Mr. SPEAKS].

Mr. BARBOUR. The committee, I think, denied the truthfulness of the statement in its report, and in the statement that was made on the floor previous to the consideration of the bill under the five-minute rule.

Mr. GARRETT of Texas. Mr. Speaker, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. GARRETT of Texas. Does the gentleman, as chairman of the Subcommittee on Appropriations in charge of appropriations for the activities of the Military Establishment, agree with the logic set forth in the letter just read, that a man would be a better marksman if he practices only once in two years?

Mr. BARBOUR. I do not think that was said. This does not refer to his practice. We are providing amply for practice. This is taking him to Camp Perry for a national match, to compete with other men from other sections of the country.

Mr. GARRETT of Texas. Does the gentleman think he would be a better shot in a national contest by having him meet in matches only once in two years than if he were to meet every year?

Mr. BARBOUR. The evidence before our committee shows that the matches held in 1927, after passing 1926 without holding matches, were the best matches that have been held. I was not there. I am taking the testimony of the men who were there.

Mr. GARRETT of Texas. Why does not the gentleman, following that logic, recommend that we have these matches quadrennially? They might be still better then.

Mr. BARBOUR. I suggest that the gentleman from Texas ask that of the men who attended the matches last year and who appeared before the committee.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent for time to read an amendment approved last year, on February 14, 1927, in reference to these rifle matches.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. LINTHICUM. Mr. Chairman, on February 14, 1927, the following amendment was approved:

That for the purpose of furnishing a national trophy and medals and other prizes to be provided and contested for annually, under such regulations as may be prescribed by the Secretary of War, said contest to be open to the Army, Navy, Marine Corps, and the National Guard or Organized Militia of the several States, Territories, and the District of Columbia, members of rifle clubs, and civilians, and for the cost of trophy, prizes, and medals herein provided for, and for the promotion of rifle practice throughout the United States, including the reimbursement of necessary expenses of members of the National Board for the Promotion of Rifle Practice to be expended for the purpose hereinbefore prescribed, under the direction of the Secretary of War, the sum of $7,500 is hereby authorized to be appropriated annually: *Provided*, That no competitor shall be entitled to commutation of rations in excess of $1.50 per day, and when meals are furnished no greater expenses than that sum per man per day for the period the contest is in progress.

That was the expression of the Congress on February, 1927. The Congress specifically said for the annual contest of rifle clubs.

Mr. TABER. Mr. Chairman, the amendment offered by the gentleman from Ohio [Mr. SPEAKS] provides for a reduction in the number of .30-caliber cartridges that can be made under this appropriation so that when we get through the year, instead of having an increased shortage of 13,000,000, we will have an increased shortage of 25,000,000 rounds. We have 560,000,000 rounds, or about that much, but we have a great big loss every year due to deterioration, and we have to begin to put some new cartridges into our reserve or we will find a little further along that we will not have any that are up to date and any good.

Mr. SPEAKS. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. SPEAKS. What is the capacity of the Frankfort Arsenal in producing .30-caliber ammunition on an eight-hour basis?

Mr. TABER. I can not give the gentleman that offhand. Can he give it?

Mr. SPEAKS. It is about 60,000,000 rounds annually, as I recall. That is 5,000,000 rounds a month on an eight-hour basis. Add to this the peace-time capacity of the Winchester, the Great Western, the Remington, the Peters, and others, we would have several hundred million rounds; so that so far as ammunition is concerned the amount eliminated by this amendment is absolutely negligible.

Mr. TABER. That is what I want the committee to have in mind. Our capacity for producing cartridges all together in this country is only 120,000,000 rounds, and that is not enough. That is not enough. We could not go into production in any kind of shape at any reasonable time on these cartridges to supply the deficiency. That is exactly the situation.

Mr. SPEAKS. Does the gentleman say that deterioration and requirements of the Army annually could not be met with the Frankfort Arsenal alone?

Mr. TABER. No. I meant to say that if we got into an emergency with only 120,000,000 rounds capacity in the United States, you are up against it, and our depreciation is going on at such a rate that our 560,000,000 rounds is fading away at the rate of more than 25,000,000 rounds a year, and when it gets a little older we will not have any reserve.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. TABER. Not at this time.

That is the situation with reference to the ammunition reserve, and that is the reserve which the country depends upon at this time. This $500,000 ought not to be taken out of this appropriation.

Now I want to talk a little bit about these rifle matches, so that the committee will have in mind a clear idea of just what these rifle matches are. These rifle matches were attended last year by 101 teams. I do not know just how many men, but about 15 men on a team, perhaps 14; perhaps 13. That means about 1,500 men, and those men stayed there the whole 30 days. They not only had rifle competition but they had instruction. It was a good school, and it was a successful school; and it was the more successful because it was possible to get a lot of these people on the guard teams and on the reserve teams to be there, because they can not possibly stand the strain of going every year.

Now, on top of that there were 34 civilian rifle clubs who were there to compete, and a great many members of these civilian teams are said to be between 60 and 70 years of age and absolutely unfit to serve in cases of emergency.

Now, another thing. The cost of this thing is very high, because before they get to these matches they have a competition to see what company and what arsenal can put up the best bullets.

The CHAIRMAN (Mr. NEWTON in the chair). The time of the gentleman from New York has expired.

Mr. TABER. May I have one minute more?

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. They have competition annually in their districts and in the Army and in the guard for marksmanship. The fact that we do not pass this addition to the bill and put in these rifle matches does not mean any curtailment of practice, because we have provided a great deal more for that purpose than was given last year. I submit that all together, taking the whole situation together, we should not touch this ordnance appropriation, and we would not under the circumstances have need of rifle matches next year. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. SPEAKS].

The question was taken, and the Chairman expressed himself as in doubt.

Mr. SPEAKS. A division, Mr. Chairman.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 58, noes 59.

Mr. SPEAKS. Tellers, Mr. Chairman.

The CHAIRMAN. Tellers are demanded. Those who favor taking the vote by tellers will rise and stand until they are counted. [After counting.] A sufficient number have arisen.

Tellers were ordered, and the Chairman appointed Mr. BARBOUR and Mr. SPEAKS to act as tellers.

The committee again divided; and the tellers reported—ayes 71, noes 76.

So the amendment was rejected.

Mr. SPEAKS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment. The Chair would ask the gentleman from Ohio if the section to which he offers this amendment is a new section, the amendment to be offered on line 9, on page 64?

Mr. SPEAKS. Yes.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. SPEAKS: On page 64, after the comma, in line 9, insert a new paragraph, as follows:

"For every expenditure requisite for and incident to the conduct of the national matches and the maintenance and operation of the Small Arms Firing School held in conjunction therewith as authorized by section 113 (c) of the national defense act (act of June 3, 1916, as amended by the act of June 7, 1924, and February 14, 1927), including procurement and installation of equipment, ammunition, supplies, materials, flooring and frames for tents, construction of shooting galleries, and shelters for rifle practice; nonstructural improvements; repairs and alterations to buildings, water system, sewer and lighting systems; repairs and alterations to equipment and supplies; communication service; pay and allowance of officers and enlisted men of the National Guard participating in the national matches and the Small Arms Firing School from the date of departure from their homes to the date of return thereto; pay and allowance of reserve officers called to active duty in connection with the national matches and the Small Arms Firing School; personal and nonpersonal services; subsistence, including commutation of rations, to authorized teams from the National Guard, Organized Reserve, Reserve Officers' Training Corps, citizens' military training camps, and civilian teams representing the States and including the enlisted men of teams from the Regular Army from the date of departure from their homes or stations to the date of return thereto at the rate of not exceeding $1.50 per day each; transportation, including repair, operation, and maintenance of motor-propelled and animal-drawn vehicles; travel of authorized teams representing the Regular Army, National Guard, Organized Reserve, Reserve Officers' Training Corps, citizens' military training camps, and civilian teams representing States, including officers and enlisted men of the Regular Army; travel of commissioned and enlisted personnel of the Regular Army; National Guard, and Organized Reserve on duty in connection with the national matches and the Small Arms Firing School, including mileage of officers; reimbursement of travel expenses or allowances in lieu thereof as authorized by law for officers of the

Regular Army and Organized Reserve; travel of civilian employees to and from the national matches, including a per diem allowance in lieu of subsistence while traveling to and from said matches and while on duty thereat; all to be expended under the direction of the Secretary of War, $500,000."

Mr. BARBOUR. Mr. Chairman, I make the point of order that it is legislation on an appropriation bill.

The CHAIRMAN. The Chair will hear the gentleman from Ohio on the point of order.

Mr. MADDEN. I want to be heard also.

Mr. SPEAKS. Mr. Chairman, I do not care to make an argument, and will simply refer you to section 113 of the national defense act, particularly paragraph (c), and also to a decision rendered by the gentleman from Connecticut [Mr. TILSON] while in the chair on March 28, 1924, wherein he held that the law was sufficient even to authorize expenditures for international matches, not merely national matches in the United States but international matches also.

The CHAIRMAN. The Chair would like to inquire of the gentleman from California [Mr. BARBOUR] just what specific portions of this amendment he deems to be without the provisions of section 181 of the National Code of Laws?

Mr. BARBOUR. Mr. Chairman, I did not hear all of the amendment as it was read, but I hold it in my hand and will read this language:

pay and allowance of officers and enlisted men of the National Guard participating in the national matches and the Small Arms Firing School from the date of departure from their homes to the date of return thereto; pay and allowance of reserve officers called to active duty in connection with the national matches and the Small Arms Firing School; personal and nonpersonal services.

I do not know of any law, Mr. Chairman, which authorizes an appropriation for that purpose.

Mr. SPEAKS. Will the gentleman permit an interruption?

Mr. BARBOUR. I will.

Mr. SPEAKS. That language—I admit there is a good deal of it—is the exact language set up by the War Department upon the advice of the General Staff and, as I have been informed, approved by the Judge Advocate General of the Army, and is an exact copy of an amendment suggested in a supplementary estimate prepared for the 1926 matches.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. SPEAKS. I yield.

Mr. GARRETT of Texas. May I call the gentleman's attention to the fact that the chairman of the subcommittee has admitted that he knows of no law which this violates; so why argue the question?

Mr. BARBOUR. Oh, no; the gentleman misunderstood me.

Mr. McSWAIN. Will the Chair hear me for a moment?

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. McSWAIN. If the Chair will refer to section 113 of the national defense act, he will find there a direction, first, to the Secretary of War to make estimates for these rifle matches annually. In two other places also there is an authorization for the appropriation of money to buy the trophies; that is, the loving cup given to the winning team. Now, Mr. Chairman, while it is true that the law as it now stands is not mandatory and does not require an annual match, it is permissive and authorized, and there is just as much authority, I respectfully submit to the Chair, to hold the match annually as there is to hold one every other year or every third year.

Suppose that in 1929 we were making appropriations for 1930 and the gentleman came in with his estimate for this match, and which he now says the War Department will bring in next year. Would there be any authority for it? If there would be any authority, the authority would be section 133 of the national defense act. It is an authorization and it is a permission of law. While it is not compulsory, while it is not mandatory, while it is not required, and while it is not the duty of the committee to do it, if the committee does not do it, it is within the power of this House to do it, because there is the same authority for the annual match as there is for the biennial match, the triennial match, or the quadrennial match. The same authority is absolutely contained in section 113 of the national defense act. I do not know whether the Chair has that section before him.

The CHAIRMAN (Mr. NEWTON). The Chair has the act before him. It is chapter 12 of title 32 of the United States Code. The Chair is ready to rule. Of course, the opinion of the Chair goes to the question of the point of order and not to the merits of the question. After examining section 181 of title 32 of the United States Code the Chair is impressed with the very broad language of the act. For example:

The Secretary of War shall, within the limits of appropriations made from time to time by Congress, and in accordance with reasonable rules and regulations approved by him upon the recommendation of the National Board for the Promotion of Rifle Practice, authorize and provide for—

And the Chair calls attention to the further very general and sweeping language of the authorization act—

(a) Construction equipment, maintenance, and operation of indoor and outdoor rifle ranges and their accessories and appliances.

(b) Instruction of able-bodied citizens of the United States in marksmanship and, in connection therewith, the employment of necessary instructors.

(c) Promotion of practice in the use of rifled arms, the maintenance and management of matches or competitions in the use of such arms, and the issuance in connection therewith of the necessary arms, ammunition, targets, and other necessary supplies and appliances, and the award to competitors of trophies, prizes, badges, and other insignia.

It is not necessary for the Chair to read the other provisions of the act. What has been read will give a very good idea of the very general and broad language used in the authorization act.

The Chair's attention has been called to an opinion rendered in construing the same act by Chairman TILSON, March 28, 1924. A similar point of order had been raised in reference to appropriations for international rifle matches. He said:

There is nothing in the amendment relating to international rifle matches. Section 113 of the national defense act is a provision entitled "Encouragement of rifle practice." And under that heading the act, as it seems to the Chair, attempts to authorize the holding of matches, the establishment and maintenance of indoor and outdoor rifle ranges, and authorizes the Secretary of War to prepare comprehensive plans such as will ultimately result in providing adequate facilities for rifle practice in all sections of the country and, in general, to secure, maintain, and carry on these rifle ranges and indoor targets for the purpose of encouraging rifle practice.

The gentleman from Kentucky [Mr. JOHNSON] calls special attention to the National Board for the Promotion of Rifle Practice. It seems to the Chair that an act of this kind ought to be liberally construed to carry out the evident intent of the law itself. If the Secretary of War decides to carry it out through the National Board for the Promotion of Rifle Practice, it would seem without evidence to the contrary that this would be a proper means for carrying out the provisions of the law. Believing that the provisions contained in the amendment do not go beyond the authorization of the law itself, if properly interpreted, the Chair is constrained to overrule the point of order.

The Chair is of the opinion that with the broad language of the basic law and with the benefit of the observations made by the distinguished chairman [Mr. TILSON] that the point of order should be overruled.

Mr. COLLINS. Mr. Chairman and gentlemen of the committee, the Finance Section of the War Department estimates the cost of holding a match at approximately $1,000,000. Of course, this includes the expense chargeable to both the Army and Navy.

There will be teams sent from the Regular Army, the Navy, the Marine Corps, the National Guard, the Reserve Officers Training Corps, the citizens' military training camp, and citizens' rifle clubs. Rifle practice is furnished to all in these organizations, including rifle clubs, now.

Congress appropriates ample money to provide target practice to the Army and its civilian organizations. The same is true for the Navy; the same is true in the Marine Corps; the same is true in the National Guard and all other branches, including the rifle clubs. Congress furnishes the civilian clubs with ample ammunition, and this is provided for in the bill now.

It is proposed here to hold an annual match of all organizations. Really the only people that will be benefited, if it really be a benefit, will be the 34 civilian teams of 13 men each, or 442 individuals. Some of them range in age between 60 and 70 years.

Just think about it, training men for war whose ages range between 60 and 70 and at an expenditure of a million dollars!

Mr. LINTHICUM. How can it cost a million dollars when the amount proposed is only $500,000?

Mr. COLLINS. Oh, that does not amount to half the costs. I have stated to you what will have to be provided in the bill. There will of necessity be a deficiency item provided later to cover all the expense. Practically $25,000 a year to train men between 60 and 70 years for warfare.

Why not provide money for the golf clubs of the country. Golf is just as essential to training a man between 60 and 70 years of age for warfare as is rifle practice. You know the Government could not use these men in warfare. Why train them—why this expense?

Why, gentlemen, it seems to me to be utter folly. I will tell you why it is in this bill. These rifle clubs are a fine lot of upstanding men, and they have an upstanding citizen of Maryland here on the ground, and they are paying him $7,200 a year to work for appropriations like this and to look out for their welfare. General Reckord is a fine man. I am not saying anything in criticism of him. He is doing his work well for his organization.

In addition to this amount the general draws a salary of $5,000 a year as adjutant general of the State of Maryland, so I am told. I am not saying anything in criticism of him. I think he more than earns his salary. If I were in his shoes, I would work just as hard as the general does. But, gentlemen, we do not want to give away a million dollars merely to train 34 civilian teams of 13 men each, or a total of 442 men—it is a waste of public money and it is our duty to look out for the welfare of all citizens of our country, to protect them from wasteful appropriations, of which this is one.

Mr. GARRETT of Texas. Mr. Chairman and Members of the House, if we are to follow the logic of the gentleman from Mississippi and his argument in regard to the age of these men engaged in rifle matches, then the committee has stultified itself in making any appropriation for this purpose at all, but should have recommended that this branch of the service be discontinued altogether. Men should not stand on the floor of the House and make fun of men who are engaged in target practice; they seem to forget the lesson that Switzerland taught the world.

They say that a long time ago the Emperor of Germany was on a friendly visit to Switzerland, and while talking with the President of Switzerland he said, "Mr. President, I understand you have quite a number of crack riflemen in your military establishment." "Yes," said the President of Switzerland, "we have 500,000 crack shots in the military reserves of Switzerland." "Why, Mr. President," said the Emperor, "I would like to review some of your troops." "To be sure," said the President, and the troops were reviewed. Then said the Emperor, "Mr. President, do I understand you to say that you have 500,000 such men as these?" "I do, sir," said the President. "Well, Mr. President," said the Emperor, "suppose I should come against you with a million men?" "In that event," said the President, "my men would have to shoot twice apiece." [Laughter.]

Mr. Chairman, I received the following letter from Maj. Gen. John A. Hulen, the commander of the National Guard of my State, on this subject, which I desire to put in the RECORD at this time:

HEADQUARTERS THIRTY-SIXTH DIVISION
TEXAS NATIONAL GUARD,
Houston, Tex., February 1, 1928.

Hon. DANIEL E. GARRETT, M. C.,
Washington, D. C.

MY DEAR CONGRESSMAN GARRETT: I have been informed that the military appropriations bill does not provide funds for national matches. May I urge that you use your best efforts to have this item added to the bill on the floor when it comes up for consideration.

In my opinion the national matches are largely responsible for the present high standard in both rifles and ammunition. These matches have created much interest and enthusiasm throughout the National Guard and have trained many excellent instructors for members of their respective units at home.

You no doubt will recall that General Pershing in issuing his directions from France for the training of our divisions stressed time and again small arms target practice, and it is now a matter of history how these boys of ours, well trained in this phase of their serious undertaking, shoved the Germans before them with their well-directed rifle fire.

May I again urge that you do all that you consistently can in support of this very necessary activity. In this recommendation I feel confident that all the officers, especially the higher ranking officers, of the Thirty-sixth Division join me.

With assurances of my highest personal regards, I remain,
Yours very sincerely,

JOHN A. HULEN,
Major General, Texas National Guard, Commanding.

Of course, I understand that, regardless of what our own judgment may be, we are not supposed to raise our voice against anything that the Committee on Appropriations brings in here. Somehow or other when a man gets on that powerful committee—and it does not make any difference whether he is from Mississippi, California, or Illinois—he immediately swells himself up, sticks out his chest, and refers to the appropriations of the United States Government as "our" money. [Laughter.] He says, "we" have done so-and-so; "we" have allowed so much deteriorated ammunition to be shot away by these men during the year; "we" have said to the National Guard, "You can do this or you can do that." Well, who the devil is "we"? [Laughter.]

Mr. Chairman, the House of Representatives ought to do what it knows it ought to do. If you are going to have peace in the country you will have to have a trained civilian establishment, these reserve officers, and your National Guard. They are the men that the world will stand before and tremble when we have an emergency. We have the Regular Army, and the men in it are wonderful military men. They play their part well and have always done so in all our history, and of them we are justly proud, but it was the four and a half million stalwarts who were called from all over this country that put the fear of Almighty God into the heart of the Kaiser of Germany. [Applause.] I think this House ought not to hesitate a moment about voting this appropriation into this bill, and take out some of the others if you want to. [Applause.]

Mr. McSWEENEY. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio for five minutes.

Mr. SPEAKS. Mr. Chairman, if the gentleman will permit me for a moment, I want to read two telegrams at this point. One from the adjutant general of Illinois says:

There is no question but the national matches should be held annually. We have our annual instruction in rifle practice, and the matches are necessary for advanced training. Members of teams representing Illinois are all bona fide members of the National Guard and available in all emergencies.

The adjutant general of the State of New York says:

I consider national matches of vital importance to marksmanship. They should be annual or not at all.

Mr. McSWEENEY. Mr. Chairman and gentlemen, after hearing the gentleman from Texas [Mr. GARRETT], I can readily see why the Democratic Convention went to Houston. [Applause.]

I hope it is not presumptuous on my part to defend my good friend from Ohio, General SPEAKS. I feel that if there are some lobbyists here on behalf of this item he is not actuated by their ideas or their inspiration. He has in his heart the welfare of Ohio and the rest of the Nation, and is interested in bringing to the young men of our country proper training. I hope I am not betraying any confidence or speaking too personally when I say that I happened to be aide-de-camp of Major General Farnsworth in the World War. When the time came to leave him I said, "Do you feel that Infantry is a thing of the past in military operations?" He said, "So long as there is war on the face of the earth the individual man with an individual method of defense will be the backbone of every military operation."

So I say that we must give that individual man an opportunity to be well trained to defend himself with the means of defense that we give him, and that means up to this time is the rifle. It is unfair to ask men to defend you in time of emergency unless you give them an opportunity to be trained. The committee will say that they do have training, but I claim that that training will not give the efficiency necessary unless the men have an incentive to put their hearts and souls into the training. I know that you as Americans love fair competition, and the men when they enter this training know that if they do well they are going to have the supreme happiness of representing their unit in the great national match. With General SPEAKS, I feel that you should see these men training, for, as he says, they will come to be the bulwark of your country in time of emergency. I felt almost like a murderer when I had replacements come to me at midnight in France and ask me how to load their rifles before they took their places in the line.

I say to you frankly that it is not right of any government to ask a man to enter a conflict and not be taught the method of defense. I think it is almost requiring him to sacrifice his life needlessly. I hope that we can give our sanction to this amendment. I feel that instead of so much placarding and advertising on the streets, asking men to join the Army, if you will simply tell them that they are going to have a chance to compete with the fine young manhood of our country in open competition in marksmanship and in healthful sports, they will flock to the standard more readily than they will be lured to it by these great placards throughout the country. [Applause.]

Mr. WILLIAM E. HULL. Mr. Chairman, I move to strike out the last three words. It is not often that I take the floor to

speak on a bill unless it is one that I think is of special importance to the country. I happen to know that in the State of Illinois we have a hundred and forty of these rifle clubs that belong to the National Guard. They are the most energetic men we have in the State of Illinois for keeping up the National Guard. They are not old men 60 and 70 years of age, but they average from 30 to 40 years, and some even younger than that.

They are all fellows who are willing to give up their time to go to any of the encampments. They do not ask any particular amount of pay for it. They are willing to go out and parade when it is necessary, and they are willing to go forward when they are called upon to defend the State or the country. If it is the will of the Congress of the United States to uphold men of this character, who are willing to give their time and even their lives if necessary to go to the front to defend the country, then the country itself ought to be willing to give them opportunity of keeping their organizations together.

Anyone with good sense knows that the life of any organization of this character depends upon these men going into encampment and into practice. If you take that away from them, then you take the life out of their organization; and so far as I am concerned, regardless of what it takes out of the Treasury for upkeep of these organizations, I am for it. I am for it for three reasons: First, the country needs these organizations; second, you can not keep up the organizations without giving them the opportunity to go to practice; and, third, the time may come when you will call upon these men to defend the country, and I think it is the duty of this Congress to appropriate the necessary funds to give these men the opportunity of having rifle practice.

Mr. GOLDSBOROUGH. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM E. HULL. Certainly.

Mr. GOLDSBOROUGH. Does not the gentleman think that the fact that these middle-aged men attend the matches is an inspiration to the younger men?

Mr. WILLIAM E. HULL. I do.

Mr. BARBOUR. Mr. Chairman, most of the argument that is made here in behalf of this amendment is entirely beside the question. Nobody disagrees with the idea that we should train the National Guard, that we should train men in the Reserve Officers' Training Corps and the men who go to the Citizens' Military Training Corps camps, and those in the rifle clubs. We are all in favor of such training, and hundreds of thousands of dollars are carried annually in these bills for just that kind of training.

Mr. SPEAKS. Mr. Chairman, will the gentleman yield there?

Mr. BARBOUR. Not now.

Those are all provided for in this bill. If we were not providing for this training, then we might favorably consider an amendment which would provide it; but this amendment does not provide for that kind of training. It means taking 1,300 or 1,500 of the most expert riflemen and sending them for 30 days to Camp Perry to participate in the national rifle matches. The bill contemplates holding the matches every other year; not to hold them in 1928, but in 1929; and when we say "we" on the committee we are not speaking of ourselves, but of the Members of this House whom we represent, and when we speak of "money," we are not speaking of our money, but the taxpayers' money; the money that is paid into the Treasury by your constituents back home. That is the money we are trying to conserve.

It is not a question of stopping rifle practice. It is already provided in the bill. It is a question of sending 1,300 or 1,500 men to Camp Perry to hold a match every year instead of every other year and at an expense of $600,000 in round figures. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. SPEAKS].

The question was taken, and the Chairman expressed himself as in doubt and suggested a division.

The committee divided; and there were—ayes 92, noes 71.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

QUARTERMASTER SUPPLIES AND SERVICES FOR RIFLE RANGES FOR CIVILIAN INSTRUCTION

To establish and maintain indoor and outdoor rifle ranges for the use of all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the National Board for the Promotion of Rifle Practice and approved by the Secretary of War; for the employment of labor in connection with the establishment of outdoor and indoor rifle ranges, including labor in operating targets; for the employment of instructors; for clerical services, including not exceeding $20,000 in the District of Columbia; for badges and other insignia; for the transportation of employees, instructors, and civilians to engage in practice; for the purchase of materials, supplies, and services, and for expenses incidental to instruction of citizens of the United States in marksmanship, and their participation in national and international matches, to be expended under the direction of the Secretary of War, and to remain available until expended, $6,875.

Mr. GUYER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kansas moves to strike out the last word.

Mr. GUYER. I ask unanimous consent to proceed for three minutes out of order.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GUYER. Mr. Chairman, at a time when agriculture and agricultural pursuits are in a depressed condition, a situation that has existed for a number of years, I want to speak briefly of a phase of agricultural development and enterprise that promises much as one of the efforts which is aiding powerfully in the recovery of many areas of our agricultural communities.

I do not make the claim that it will cure all the ills of agriculture or solve all the problems of the farmer, but merely direct attention to it as one of the minor divisions of the farming industry which is adding a ray of hope to a distressing condition of America's greatest industry, that of tilling the soil.

Having lived on a farm most of my life and all the time since the end of the World War, I know by experience and by contact with farmers how difficult it is to raise grain or stock at a profit.

I do not at this time desire to discuss the problems of agriculture in general but only briefly to refer to the dairy development in a part of Kansas which I have the honor to represent, and for the purpose of this brief address I will confine myself to the dairy development of one county in the district.

Bourbon may not sound exactly like a milk county; nevertheless, it is. It is situated about 100 miles south of Kansas City on the Missouri border and is a typical county of that part of Kansas. It has a limestone soil and a climate suitable for raising bluegrass, clover, and alfalfa, and all other feed for dairy cows, and it has made a remarkable record in developing a great industry in a very short time which has revolutionized the industry of agriculture in that county; and what is true of Bourbon County is true to a great extent of Allen and Linn Counties also.

Things were not going right on the farms and the people were discouraged, so a careful survey was made and the situation critically analyzed. It was found that corn, wheat, and oats were almost the exclusive crops raised; and these were subject to all the uncertainties of climate, excessive rain, and drouth, as well as the ravages of insects. It showed a soil losing its fertility, decreasing crop yields, depreciating farm values, and an increasing percentage of tenant farmers; and out of it all a low morale among the country people, a depression in agriculture, and a lack of prosperity in the business institutions that depend upon the farmer.

With the result of this survey before them a group of live business men, including progressive farmers, concluded that with over 400,000 acres of limestone land capable of producing the best bluegrass, clover, and alfalfa, and a system of hard-surfaced roads radiating from the county seat, which is Fort Scott, they could establish a dairy industry which would rehabilitate the farming industry and at the same time recreate the fertility of their soil and induce a rising production of unexcelled feed for dairy cows. For what preserves and fertilizes the soil more than bluegrass, clover, and alfalfa?

These enterprising men went to work in a systematic way creating public sentiment in a vigilant, persistent, and intelligent press, and in public meetings, for 365-day hard-surfaced roads; for good roads and the dairy industry go hand in hand. They used all sorts of propaganda on the subject of good roads and dairy farming, and the result was a convincing educational campaign.

The dairy experts of the agricultural college at Manhattan and the services of the Farm Bureau were enlisted. The railroads centering at Fort Scott, always alert for business, added their powerful organizations to spread the truth of the kingdom of the cow. Men who knew their subject lectured at the schoolhouses so that people got to thinking and talking about the cows. It became the proper subject of conversation in polite society, and people were talking about the "land of milk and ready money."

Nothing ever happens that does not first exist in somebody's mind. Then it spreads to the minds of others and soon it materializes. The psychology of the situation was intelligently formed, and then it became an accomplished fact.

In 1919 a special train from Bourbon County visited the great dairy districts of Iowa, Illinois, and Wisconsin, where a party of 162 persons saw at first hand the results of intensive methods of dairy farming where it had long been established and successfully carried on.

Out of this intelligently directed campaign has unfolded one of the finest romances of cooperation between the city man and his country neighbor that is on record anywhere, and it furnishes a good example for industry and agriculture to follow.

Bourbon County has solved that problem of cooperation and it has furnished one of the finest examples of creative and constructive thought and action that I know of in recent years. Its agriculturists, dairymen-farmers have made many blades of grass grow where but one grew before.

It has given to the people a steady cash income. It has constructed 150 miles of hard-surface roads, the largest number of miles of hard-surfaced roads of any county in Kansas. In 1918, 80 dairymen sold 8,000 pounds of milk daily at the Borden condensary at Fort Scott; in 1924, 900 dairymen sold 125,000 pounds, and it is still expanding. Nearly a million dollars annually is paid to the farmers for milk in both Bourbon and Allen Counties.

It has created a Holstein-Friesian company to promote the breeding of a high grade of cattle, and has proved that it pays to keep only the best cows of whatever breed. It has produced a yearly dairy show exhibiting dairy cattle, dairy equipment, and dairy products, with the usual educational features of such occasions. In October, 1927, the dairy show was the event of the year, at which two young ladies—Miss Maida McCartney, of Bourbon County, and Miss Emma Lou Martin, of Linn County—were chosen to make a trip to Washington as the guests of the Kansas dairy show. They are in Washington at the present time, chaperoned by Mrs. Guyer. They were honor guests at the Kansas Day banquet on January 30 at the Raleigh Hotel, where they delivered the message of the development of the dairy industry in Kansas.

Miss Martin, addressing the gathering, said:

First, I wish to tell you this wonderful trip to Washington is most delightful in every respect, and I know not how to express my grateful thanks for the honor and many courtesies shown me here. The dream of seeing the National Capital is one I could hardly expect to have fulfilled for me, and I desire that you know I truly appreciate it.

I represent the dairy industry in the district composed of Linn and Bourbon Counties, Kans. This district lies along the Kansas-Missouri border and its center is about 80 miles south of Kansas City, with which we are connected by three railroad systems and two Federal-aid highways.

The contour of our part of the State is rolling and in some places broken. Ours is the oldest settled portion of the State. There was an Indian trading post in Linn County as early as 1825, but the first substantial settlement was about 22 years later.

Our people are of long-established American stock. They came to Kansas at a time when strong character was needed. They stayed and wonderful developments have sprung from the raw prairies.

Since the welfare of our Nation depends largely upon the farm not only for raw products but for the boys and girls from whom good citizens are made, the young people are continually being given by their parents more and better opportunities to encourage them to stay on the farm.

Bluegrass grows naturally there and a great deal of our land is adapted to the raising of alfalfa and other dairy feeds, such as corn and other small grains. Our marketing facilities, diversified climate, and general character of our soil are favorable to the dairy industry.

Fort Scott, which is the largest city in our district, has a large condensary. We are urging an increase of dairy farming. Almost every farmer keeps a few cows and sells cream. One or more cream stations may be found in every town. We do not believe the danger to the dairy industry lies in overproduction but rather in the combination of the middlemen within the cities. We with other farmers must depend upon Congress to guarantee us open markets.

We request you to inquire into the natural resources of Kansas, and particularly those of our district, and urgently invite you to come to live with us, that together we may build a better citizenship and increase the opportunities of our country, of which we already are so justly proud.

In addressing this assembly of Kansans, Miss McCartney said:

It seems fine, when so far from Kansas, to see so many Kansans and to feel so much at home.

I come to Washington bringing with me from the Kansas Dairy Show a message of the development of the dairy industry. It is surely a very great honor and pleasure for me to be able to deliver this message to you this evening.

Kansas is a State of surprises: First, Kansas surprises you by becoming the greatest wheat-growing State. Then Kansas astonishes you with its wonderful alfalfa production. Now Kansas amazes you with the rapid development of the dairy industry.

The people of Kansas discovered that no branch of agriculture is so essential to human life, so conducive to excellent character, so productive of agricultural contentment and prosperity as dairying. The people of Kansas also discovered that Kansas, with its mild, healthful climate, with its fertile soil that grows in abundance bluegrass, alfalfa, and ensilage, was a favorable place to develop the dairy industry; so the people of Kansas hastened to secure a splendid dairy development.

You who are especially proud of our State will be glad to know that the dairy industry has grown so rapidly that now Kansas has become one of the leading States in dairy production. Additional condensaries, creameries, and cheese factories are rapidly being established in our State. Since the Kansas dairyman is enjoying prosperity, we are confident that our future dairy development will be even more rapid than that of the past. We expect that soon Kansas will not only lead in the production of wheat and alfalfa but also in the production of dairy products.

I know you are glad to hear of the rapid development of the dairy industry in Kansas and will be glad to carry this message to others.

I deeply appreciate the many courtesies being shown me, and when I return to Kansas I will tell our people of the great interest you are showing in the prosperity and advancement of our splendid State.

In this achievement Bourbon County had the powerful assistance of the chamber of commerce at Fort Scott and of the farm organizations, which deserve the thanks of all who believe in constructive, scientific methods of industry, whether it be manufacturing or farming.

I have briefly outlined what was accomplished by intelligent effort, touching only the high points to illustrate a fine example of progressive farming and creative and constructive enterprise, and also furnished an example of cooperation between the business man and his neighbor, the farmer, which industry and agriculture may well emulate, for neither can be permanently prosperous without the prosperity of both.

The Clerk read as follows:

Equipment or material purchased outside of the United States from funds appropriated in this act shall be admitted free of duty.

Mr. WATSON. Mr. Chairman, I raise a point of order against the section just read, including lines, 7, 8, and 9, page 66, as being legislation on an appropriation bill.

Mr. BARBOUR. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Monument on Kill Devil Hill, Kitty Hawk, N. C.: To commence the work preliminary to the acquisition of a suitable site, surveys, preparation of designs, and all necessary expenses incident to the erection of a monument on Kill Devil Hill at Kitty Hawk, N. C., in commemoration of the first successful human attempt in all history at power-driven airplane flight, in accordance with the act entitled "An act providing for the erection of a monument on Kill Devil Hill at Kitty Hawk, N. C., commemorative of the first successful human attempt in history at power-driven airplane flight," approved March 2, 1927, $5,000.

Mr. BARBOUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BARBOUR: On page 75, line 15, strike out the figures "$5,000" and insert in lieu thereof the figures "$25,000."

The amendment was agreed to.

The Clerk read as follows:

PROTECTION OF GOVERNMENT PROPERTY ADJACENT TO LOWELL CREEK, ALASKA

For every expenditure requisite for and incidental to the regulation of Lowell Creek, Alaska, as authorized by Public Resolution No. 52, approved February 9, 1927, to be available immediately, $100,000: *Provided*, That no part of this appropriation shall be expended or obligated until the sum of $25,000 shall have been contributed by the town of Seward or other local interests to be benefited.

Mr. CHAPMAN. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to extend my remarks in the RECORD on this bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

ARMY REMOUNT SERVICE

Mr. CHAPMAN. Mr. Chairman and gentlemen of the committee, the bill under consideration contains an item appropriating money for the purchase of horses for the military service, not only for remounts for members of the military establishment entitled to public mounts but also for breeding purposes.

My able, diligent, and distinguished colleague [Mr. VINSON of Kentucky] has introduced a bill (H. R. 7195) to authorize an annual appropriation for those purposes. Mr. VINSON'S bill, reported from the Committee on Military Affairs, of which I am a member, passed the House without a dissenting vote, and I hope it will meet with a similar response in the Senate. I am heartily in favor of the item above referred to, contained in the bill under consideration, and also the enactment into general law of the bill H. R. 7195, introduced by my colleague, Mr. VINSON of Kentucky.

There was a time when practically every farmer was a horse breeder and a horseman. They rode horses, understood horses, and loved horses. In recent years, however, the production of good riding horses has decreased in about the same ratio in which motor transportation has increased.

Before the Great War a few far-sighted men recognized the seriousness of the situation and a comparatively small fund was provided with which the Bureau of Animal Industry purchased a few blooded stallions, which were placed in competent hands in a small section of the country. The Quartermaster General, having charge of the acquisition of horses for the Army, had the get of those horses inspected and when they developed properly purchased those suitable for Army purposes. That was a small beginning. The result was grossly inadequate to the necessity that soon arose. There were far from enough horses to supply the need of the great emergency.

The world was aflame with war. Our country was hurled into the maelstrom of universal carnage. The seductive effect of peace and prosperity had been to lull us into a false sense of security. We had not heeded the sage admonition of the Father of his Country that adequate preparation for war is the most effectual means of preserving peace.

Overnight we exchanged the habiliments of peace for the panoply of war. Preparedness became our watchword. Men, women, and children of every rank and condition, color, caste, and creed served and sacrificed with exalted ideals and sublime patriotism. The man power of the United States was mobilized with incredible swiftness and unsurpassed patriotism. No braver men ever wore any country's uniform than the Americans who met the challenge of military autocracy in 1917 and 1918. Labor demonstrated its patriotism and contributed its full share to the stupendous effort of our country in its hour of need. The farmers exerted themselves to the utmost without counting cost in producing food for our Army and the world. Our citizens responded ardently and unstintedly to the financial requirements of the crisis. Railroads and other agencies of transportation fulfilled every expectation. The greatest industrial nation on the earth, our commercial supremacy asserted itself. Our mechanical genius demonstrated its superiority. With astounding speed our factories supplied the shoes and clothing, the chemicals, the munitions, the arms, and armaments that we and our allies needed.

All these things were done so quickly as almost to stagger the imagination, but there was one of the necessaries of armed conflict, one of the most-needed items in our program of defense, that could not be supplied with celerity. Said Maj. Gen. B. F. Cheatham, the Quartermaster General, in an address at Nashville, Tenn., September 7, 1926:

> Nature demands at least six years to produce a horse suitable for a cavalryman to ride.

Our allies purchased in this country from 1914 to 1918 approximately 1,300,000 horses and mules. Most of those they bought were far from suitable for the rigorous use to which they had to be put.

At the beginning of the war there were only 39,000 horses and mules in the Army of the United States. Farmers, breeders, dealers, sportsmen—patriots all—rallied to the call of a newly organized remount service. They scoured the country from ocean to ocean seeking to buy horses that could do the work. It was a task impossible of accomplishment. They bought 320,000 horses and 160,000 mules, but too many of those were not fit. They could not stand the pace. They did not have the blood. They had not been conditioned and trained.

Motor trucks served their purpose; but where the surfaced roads ended and the mud began; where there were no bridges, and where timbers were felled and shell craters yawned; in detours around barbed-wire entanglements; in the dead of winter, when death lurked near, and American doughboys ready to go over the top and out into the death and destruction, into the hell of no-man's land, waited anxiously in a dugout for food and ammunition and the satisfying "fag"—the motor vehicle was not equal to the task. The horse and the mule must save the day. And countless times they did.

General Pershing said of the Army mule:

> You can pack him, drive him, or ride him; you can starve him, beat him, and neglect him—you can do all sorts of things to him that you can not do to an automobile, and he will be there just as long as he has four legs to walk on.
>
> It was a pitiful sight during the war to see horses and mules, splendid and faithful to the last, drop by the roadside, exhausted from lack of food or shot to pieces by artillery.

It is admitted that horses are necessary in concealing machine guns in difficult and obscure locations. It is not disputed that horses are needed to move artillery noiselessly and slowly in support of infantry.

But it is urged that cavalry belongs to the pages of history and is not effective in modern warfare. Nothing could be further from the truth. General Pershing and other eminent authorities contradict such a contention. The airplane is of great value in reconnaissance work, but in some kinds of weather, in some atmospheric conditions, it can not serve the purpose, and cavalry is necessary. A great American soldier has said:

> In scanning a large wooded area for the enemy the aviator can only say, "I did not see the enemy"; cavalry, on the other hand, may well bring the report, "We have been through the woods and the enemy is not there." Both the cavalry and the air service of an army are needed for reconnaissance, and one complements the work of the other.

Maj. Gen. James G. Harbord, United States Army, retired, in a radio address at New York, January 21, 1926, made the following convincing statement in answer to those who no longer regard extensive cavalry operations as important:

> In the World War we saw really an army of cavalry operating on the flank of the allied battle line in a war of movement that extended from Rumania to the Suez Canal. Every allied army commander on the western front wished for cavalry in those days between July 18 and November 11, 1918. On the brown Mesopotamian plains, where the wars of mankind first began, Allenby's cavalry demonstrated that mounted operations on a large scale are still in the war picture. The picture has changed only in scale and war demands more cavalry than ever. Cavalry means horses in great quantities.

It has been estimated that in event of another great war we would need 350,000 horses and 300,000 mules at the beginning. The lowest reasonable estimate of necessary replacements is 3 per cent, or 19,500 head, per month, or nearly a quarter of a million a year.

Mr. Chairman, that presents a very serious problem. Have we learned in the bitter school of experience the folly of unpreparedness? When the war was over a new and larger remount service was organized. The Congress of the United States lent its aid; the Remount Bureau of the War Department, the Bureau of Animal Industry of the Department of Agriculture, and the cavalrymen and artillerymen of both the Regular Army and the National Guard joined in the work. Enthusiastic cooperation and material support came from members of such organizations of patriotic devotees of the horse as the American Remount Association, the Thoroughbred Horse Association, the American Saddle Horse Breeders' Association, the Trotting Horse Breeders' Association, and the Horse Association of America. They have done a great deal to popularize the plan throughout the country.

The purpose is to encourage the breeding of good horses by providing good sires. The remount service started in 1921 with 183 stallions; at the end of the fiscal year 1927 it owned 522 stallions, 461 of which were thoroughbreds. A great many of them were donated to the service by thoroughbred breeders, who also have offered prizes for remount colts. Other stallions were purchased by the Government. Those 522 stallions are located in 42 States and Territories. The fees are exceedingly small. Many breeders keep them at their own expense. As a result the average maintenance cost last year was only $377 per stallion.

From 1921 to 1926, inclusive, there were produced approximately 40,000 remount colts and fillies. The approximate value of the 1926 crop alone to the farmers owning them was $1,500,000. Most of them are at least half thoroughbred and are excellent potential Cavalry horses. The farmer sells his best colts to private owners at fancy prices while the Government buys those of average quality, taking its chance in the open market against all other prospective purchasers.

With the passage of H. R. 7195, introduced by Mr. VINSON of Kentucky, and the continuance of annual appropriations for

the remount service in a few years there will be no such dearth of horses suited for Army purposes as there has been in the past.

The exquisitely beautiful bluegrass region of Kentucky, the heart of which is in the historic congressional district which has honored me with a commission as its Representative in this House, is unquestionably the greatest nursery of the American thoroughbred, the American standard-bred trotter, and the American saddle horse in the world. Its leadership as the birthplace and home of those types of horses is undisputed and unquestioned. Senator Ingalls, of Kansas, surely must have returned from a visit to that marvelously beautiful section, that undulating bluegrass pasture land, with its carpet of perennial verdure, when he said that grass—

> bears no blazonry or bloom to charm the senses with fragrance or splendor, but its homely hue is more enchanting than the lily or the rose.

The limestone formation underlying the bluegrass region of Kentucky transmits to its soil an unsurpassed fertility and imparts to the bluegrass itself substance that incites physical development in horses that feed upon its luxuriance and gives to them bone and muscle and heart, speed, weight-carrying ability, endurance, stamina, and courage, qualities that have brought to Kentucky's equine kings and queens the crown of supremacy in the tan-bark ring and to her fleet-footed thoroughbreds the floral wreath of conquerors on the turf.

The blood of the Kentucky trotter in the remount service will carry on in artillery and transport horses. Gen. Basil W. Duke and Gen. John B. Castleman, both knightly Kentucky gentlemen who rode with the intrepid John Hunt Morgan in the sixties, have left beautiful tributes to the superior qualities of the saddle-bred horse for cavalry service, eloquently depicting his powers of endurance, his smooth action and easy gaits, his cheerful response to kind and careful treatment.

Both the standard-bred trotter and the saddle-bred horse have a strong infusion of the patrician blood of the thoroughbred. General Harbord said:

> This blood, above all others, carries with it the qualities of courage, stamina, and speed which are so essential to the saddle horse for military purposes. It will be a sad day for our country if it is permitted to disappear.

After the endurance test of 1922, Maj. Charles L. Scott, chairman of the breeding committee of the American Remount Association, paid tribute to the thoroughbred in the following language:

> A thoroughbred has won the two real 300-mile endurance rides this year—Norfolk Star in Colorado and Vendetta in Vermont. The former horse ridden under terrific heat, and at a very high altitude—the latter in cold and severely trying weather. We may say, therefore, that the thoroughbred has shown this year that this breed is the equal, if not the superior, of any other breed under any conditions, regardless of climate, altitude, or terrain. This breed has demonstrated this year that it has the speed, the bone, the substance, the weight-carrying ability, the stamina, and the courage to defeat the best of other breeds, and the result sets at rest all idle, senseless talk of the thoroughbred being of no value except for racing. All true students of the light horse know that the blood is found in all sections of the United States, and, no matter what cross, the result is always an improvement. This fact is known to the western farmer, the cow puncher, the polo player, the hunting man, and the man of all walks and conditions of life who is open minded and fair and a student of the horse.

In reading the history of the thoroughbred and his ancestors we learn that among the royal patrons of the horse centuries ago were William the Conqueror; Edward III; Henry VII; Henry VIII; Queen Elizabeth; James I, who rode horseback to Westminster Hall; Charles I; Charles II, who introduced eastern blood into England; James II; and William III, during whose reign appeared in England the first of three stallions, to one of which every modern English and American thoroughbred traces ancestry in direct male line. He was an eastern horse, Byerly Turk.

The other two founders of the thoroughbred race were Godolphin Barb and Darley Arabian. Every other male line has disappeared. Not only does the thoroughbred trace his ancestry to those three sires, but the fastest trotters the world has produced are scions of the house of Hambletonian, a descendant of Darley Arabian, and the greatest saddle horses that ever carried the blue ribbon from a show ring traced their lineage through Denmark to Byerly Turk, the first of the triumvirate of founders of the thoroughbred race.

The seventh congressional district of Kentucky, of which Lexington is the center and metropolis, is the home of the blooded horse, the capital of the horse kingdom, and the mecca of horse lovers throughout the world. There was organized the body of Confederate Cavalry, under the command of the dashing, daring Morgan, that revolutionized the tactics, methods, and uses of cavalry in warfare. Young men, the flower of the Anglo-Saxon race, the hope and expectancy of Kentucky, accomplished horsemen, expert marksmen, the annals of war contain no record of a braver, knightlier, more intrepid soldiery. The name of their gallant leader, John Hunt Morgan, whose equestrian statue adorns the historic Courthouse Square at Lexington, is carved in the pantheon of immortality beside the names of those other great cavalry leaders, Jeb Stuart, Joe Wheeler, and "the Marshal Ney of the Confederacy," Nathan Bedford Forrest.

The land that produced such cavalrymen as rode with Morgan and Breckinridge, Duke, and Stoner, will always be the home of the horse and the home of horsemen whose devotion to that noble animal, the companion of brave men in every age, will be a constant reminder that our word chivalry is from the French word cheval, a horse.

Mr. BARBOUR. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. NEWTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes, and had come to no resolution thereon.

ADDRESS OF HON. JOHN C. KETCHAM, OF MICHIGAN

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech delivered by my colleague, Hon. JOHN C. KETCHAM, at Lansing, Mich., during farm week, at a time when there was probably the greatest gathering of farmers that has ever taken place in the State of Michigan.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD by inserting a speech recently delivered by his colleague, Mr. KETCHAM. Is there objection?

There was no objection.

Mr. WOODRUFF. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following speech delivered by my colleague Hon. JOHN C. KETCHAM at Lansing, Mich., during farm week:

NATIONAL FARM LEGISLATION

CAUSES OF TROUBLE

As an approach to this subject suppose we first consider the condition of agriculture, and the causes that have led up to this condition. I fully indorse the declaration of the business men's commission on agriculture which recently declared that agriculture is not merely a business or an industry, but that it is a public function or service performed by individuals for the care and use of the land in the national interest. Therefore agriculture is invested with a clear and unquestioned public interest and its welfare is a matter of national consideration calling for deliberate and farsighted national policies.

Now, these, briefly, are the conditions which challenge national consideration. Agriculture is and has been seriously below the general price level since 1921. Taking 1913 as the average pre-war condition and 100 as the index to represent it, the unfavorable position of agriculture is shown by the fact that labor's index to-day is 228, and transportation's index is 157, and the general commodity index is 152, and agriculture's index is only 138. Comparing farm prices at the farm with wholesale prices represented by the commodity index, we find the comparative value of the former, however, only 91. While this is a great improvement over 1921, when this latter index was only 69, the fact remains that the loss to agriculture in the seven intervening years is calculated at $9,000,000,000.

LOW FARM INCOMES

The farmer's income is both actually and relatively low. After business expenses and taxes were paid last year the average surplus was $627. The farmers are 25 per cent of our people, but receive only 10 per cent of the country's income. The farmer's wealth is one-fifth of the country's total, but the farmer's income is only one-tenth of the country's total.

Farm taxes are rapidly encroaching upon capital instead of being paid out of income. Compared with 1913, the tax index is now 250. Last year the tax average was 33 per cent of the net farm income. Direct Federal taxes on farmers have been virtually wiped out by exemptions and low rates. For instance, Branch County, in Michigan, had only five Federal income-tax payers outside of cities and villages in 1925. Washtenaw County had but 34, and Lenawee and Kalamazoo

Counties each had but 75. Meanwhile, farm property values are down to an index of 119 from a much higher index in 1921, and there has been a loss in farm population of 3,000,000 since 1920. I claim that this presents a picture which no straight-thinking American citizen can longer ignore.

TROUBLE FROM DEFLATION

Now, what are the causes of these farm troubles? First, there was the deflation of 1921. Everyone suffered during this readjustment and agriculture suffered more than others because of lack of organization and the difficulty of quick turnovers. In any price depreciation the farmer goes down lowest and stays down longest. This is the primary reason why he will never vote to repeal our protective tariff system. The second reason for trouble was expansion and overproduction resulting from the war demands which opened up millions of acres of new production. It has been hard to let go after this machinery has been geared up.

Seasonal price fluctuations also have played havoc. It is stated that 75 per cent of both wheat and cotton are marketed by farmers in the first three months after maturity. This is the period of low prices and strikes with great force the poor farmer who must sell regardless of markets.

Then comes the most serious factor of all; namely, great surpluses. In wheat, for instance, we have an average of 200,000,000 bushels above home consumption demands. This must find a foreign market at the world price. This world price in turn reflects on the part of the crop sold at home in spite of a tariff of 42 cents. This tariff does keep out low-priced foreign-grown wheat and the tariff is necessary for that reason. But when the surplus gets outside the United States, the tariff does not help and the lower wheat prices reflect back to our great disadvantage. If we had no surplus of wheat, as I think we should have, the tariff of 42 cents would be fully effective as it now is on butter, wool, etc. The alternative, as I see it, is to supplement our present tariff system by some new agency which puts wheat and other surplus crops into the tariff picture. That is exactly the object to be served by the export debenture plan, which I shall explain in a moment.

IT IS EVERYBODY'S PROBLEM

Now, having defined the problem and the causes for it, let us seek a practical, rational, workable program which can speed prompt and progressive agricultural prospectus. How can this be done? First, we must have sympathetic and helpful appreciation of the seriousness of the problem by all of our people. It is not the farmers' problem alone. It is the problem of all business men and all industry and all consumers, because we all go up or down together in the last analysis.

We must have education and research. Progress is the keynote of success everywhere and especially so in farming, because no business calls for a wider range of accurate and up-to-date information. All agencies that contribute to this end should be encouraged.

Then comes the factor of organization—not organization against other groups, but organization for agriculture. Farmers must awaken to this necessity as never before to the end that they shall cooperate not only among themselves but with other economic groups in the country.

Then comes the major contemplation. What can legislation do?

In the first place it should soft pedal all reclamation and irrigation projects until additional land is actually required. Fifteen million acres have gone out of cultivation east of the Mississippi in five years, according to Secretary Jardine. No new farm areas are necessary or required by the Nation at large at the present time. On the other hand legislation should earnestly back up the development of inland waterways and the St. Lawrence waterway and lower water transportation costs generally, because, for example, more than 5 per cent per bushel on wheat can be saved thereby.

GET IN TARIFF PICTURE

Then, the farmer should be put into the tariff picture by new and higher rates on his competitive products. We imported last year more than $2,000,000,000 of agricultural products—many of which displace our own products and thus drive farmers into further production in other lines. Corn, oils, eggs, sugar, fruits, and vegetables are illustrative of crops which should be protected by new and higher tariff.

But now comes the most important consideration of all. Price levels must be stabilized in line with some of the many proposals now pending before Congress. Some plan must be devised to make the tariff effective on those crops which now have high enough rates but where the surplus kills the effect of the tariff. The McNary-Haugen bill sought to do this thing. It was and still is opposed by President Coolidge. It was and still is problematical in much of its practical prospectus. Its equalization fee was and is of questionable constitutionality.

Even those who believe in the McNary-Haugen bill must admit that any possibility of its adoption and utility is at least three crop years away—two by Coolidge's veto and at least one more in which to set up its machinery and test its constitutionality. Agriculture can not afford to wait through three more crop years for the assistance to which it is entitled. I believe the export debenture plan is simpler, better, more practical, and unquestionably constitutional. But whether it is better or not, the fact remains that this plan could move into operation this very year if passed by Congress. We could initiate the great experimental adventure of bringing farm prosperity up to par. We dare not longer postpone the initiation of helpful legislation.

In the face of these disabilities, should agriculture entrench at Washington and demand the McNary-Haugen bill or nothing? I think not. On the contrary, I think there is a better answer. I believe the alternative is constitutional, economically sound, practical, simple, and in line with our traditional protective-tariff policy. It is not revolutionary. It is not socialistic. It will be presented in complete legislative form during the next congressional week. I challenge the concentrated attention of the country to it. I challenge unprejudiced consideration by agriculture itself. Now, this is the proposal and an explanation of how it would work. It is identified as the National Grange plan.

EXPORT DEBENTURE PLAN

The export debenture plan is a straightforward attempt to bring tariff benefits to those agricultural products at present unable to take advantage of the protective-tariff system because of small exportable surpluses which tend to depress domestic prices to the world level.

Equality between agriculture and the industrial and commercial groups could be restored either by pulling down the artificial high-price structure made possible for these latter groups through such legislative devices as protective tariffs, immigration restriction, railroad-rate guaranties, exclusive patents, and tariff rebates, or the readjustment could be made by enabling agriculture to take advantage of similar devices to raise itself to this same price level and thus meet the difference in costs of production here and abroad. The National Grange prefers the latter—the constructive method—rather than the destructive and disruptive method.

Since the inequalities resulting from the tariff system are the chief source of difficulty, the logical and sensible thing to do is to apply the remedy at that point. The export debenture or bounty plan is, in fact, a recognized supplement to the protective-tariff system in many nations to-day and was proposed by Alexander Hamilton as a part of the original tariff system in the United States.

TREASURY CERTIFICATES

Stated in the simplest terms the export debenture plan is an arrangement whereby exporters of those agricultural products of which we produce a surplus receive from the Treasury Department certificates having a face value established by Congress and intended to represent the difference in costs of production between here and abroad, such certificates being negotiable and good for their face value in the payment of import tariffs on any articles later imported.

The farmer, cooperative organization, or commercial exporter may not desire to import directly, but the certificates would be readily negotiable to American importers at a slight discount. Naturally the effect of such an arrangement would be immediately to raise by approximately the amount of the export debenture the prices of those farm products now held down to the foreign level. This would follow, because any holder of these products could readily sell his supply in the foreign market at the foreign price and get, in addition thereto, the value of the export debenture or certificate. He is therefore able and willing to pay a higher price, and the general price level for these crops in this country would rapidly ascend by approximately the amount of the export debenture.

The grange plan provides that at the beginning only one-half the existing tariff rates would be given in debenture payment. For example, the present tariff on wheat is 42 cents a bushel. A cooperative association or grain dealer in Kansas desiring to ship wheat to Liverpool would receive the Liverpool price plus a certificate or debenture having a face value amounting to 21 cents for each bushel exported. Unless the exporter himself desired to bring in goods and use his debentures to pay the import duties or tariffs on these imports, he would sell his debentures to persons in the importing business. Since these debentures would be worth full face value in paying import duties, the importer would be eager to get them and would pay face value less a nominal exchange discount.

RATES ARE ADJUSTABLE

The grange plan provides that the President may adjust the debenture rates applying to the several farm crops, either upward or downward, to the extent of 99 per cent. Whenever investigations show that the rates set in the act do not cover the difference in costs of production between here and abroad the rates may be raised. Whenever the exportable surplus increases unduly the debenture rates may be reduced as a means of discouraging overproduction.

With the export debenture plan of farm relief no money would be taken out of the United States Treasury, but, of course, the cash receipts of the Treasury would be less, since a portion of the import duties would be paid with debentures instead of with cash, as at present. Exactly the same thing happens, however, whenever Congress increases tariff rates so as to protect our manufacturers against foreign competitors. If the desired purpose is accomplished, imports are shut off and

the money from import duties is kept out of the United States Treasury. Theoretically, at least, the money thenceforth goes into the pockets of the American manufacturer and his laborers.

SIMPLICITY OF OPERATION

One great advantage of the export debenture plan as compared with the equalization fee plan is its extreme simplicity of operation. No complicated machinery is required, no elaborate new boards or commissions, in fact no large appropriation is required, although a modest fund for administration would be needed. The Treasury Department would issue these debentures just as it now issues "drawback" certificates, tobacco revenue stamps, and similar instruments having a recognized value that must be protected. Officials already stationed at export ports are capable of certifying to the amount of the various crops exported and designating the persons entitled to receive the export debentures.

Opponents of the export debenture plan usually base their opposition on the plea that it is a subsidy. The plan is no more a subsidy than is the protective tariff. The very purpose of our protective tariff is to prevent foreign low-cost goods from coming into the United States. By this means large quantities of dutiable goods are kept out and hundreds of millions of dollars in duties are prevented from entering our Treasury. For instance, when the duty on aluminum was more than quadrupled in September, 1922, the Treasury income from that source dropped from an average of about $2,000,000 for the preceding three years to an average of $514,000 for the succeeding four years. This protection results in great benefits to manufacturers and their employees, and the cost of this protection is borne by consumers of these articles—that is, by the general public.

SAME THING HAPPENS

Exactly the same thing happens where the export debenture plan is in operation. Less tariff receipts enter the Treasury, but our producers of farm crops are benefited. Consumers, including farmers, pay slightly more for some of their foods, as their contribution toward making the protective tariff system actually protective for agriculture. Consumers likewise pay for the benefits expected by farmers under the equalization fee plan as proposed in the McNary-Haugen bill.

The export debenture plan is not as much a subsidy as the tariff drawback privilege now accorded many American manufacturers, or the tariff reductions given Cuban sugar, greatly to the benefit of American capitalists. Under the tariff-drawback arrangement our manufacturers are actually paid what amounts to an export bounty on goods sold abroad. They receive cash payments from the Government in proportion to the amounts of goods exported.

This practice is based on the theory that our manufacturers should not be compelled to pay duties on raw materials imported for manufacture and later included in manufactured articles sold abroad. It is contended that the manufacturer can not afford to pay the protected domestic price for these imported materials if he is to sell abroad at world price levels. This is exactly the contention of the American farmer; he can not pay the protected price for labor, supplies, and other production factors and at the same time sell at the foreign price level not only abroad but at home as well.

WAY SUGAR TARIFF WORKS

Our Government allows Cuba a great advantage over other foreign countries and it is a tremendous benefit to American capitalists who now dominate the Cuban sugar situation, as well as to American manufacturers who sell goods to Cuba. Incidentally this 20 per cent tariff reduction removes by just that degree the tariff protection needed by sugar cane and beet farmers in the United States. This special concession to Cuba, and indirectly to American capital and industry, has kept out of the United States Treasury sugar duties amounting to not less than $135,000,000 in the last five years.

The farmer is asking merely that there be applied to his problem some of the same spirit of tariff adjustment and modification as is already being used to accommodate industry and capital.

HOW MUCH WOULD IT COST?

The grange plan definitely limits the maximum amount of debentures in any year to 50 per cent of the tariff revenues. At the debenture rates proposed it is estimated that the total value of debentures issued on agricultural exports during 1927 would have been about $175,000,000.

The United States Treasury would pay out nothing. But revenues from import duties would be reduced—just as they are reduced by the Cuban sugar tariff differential, draw-back privileges, and prohibitive tariffs—and this amount would have to be made up in other ways. Some of it could be sacrificed through tariffs on other food products that compete with American agriculture—tropical fruits, for instance. If instead of reducing corporation taxes the present schedule of tax rates be retained for a time, the tax revenues would probably be ample to make up for any decline that might result in import revenues. Surely industry and labor would profit from improved agricultural conditions far more than from the small tax cut that is contemplated at the present time.

FOOD COSTS INCREASED

Food costs need not be increased to any appreciable extent, and in many instances not at all. The price paid by the consumer bears so little direct relation to the price received by the farmer that the increase in the wholesale price might be entirely offset by more efficient distribution. For instance, the wheat in the average 8.55-cent loaf of bread costs only 1.15 cents, according to a recent report of the Federal Trade Commission. Allowing the 21-cent increase in the price of a bushel of wheat under the export debenture plan, this would amount to only about 0.15 part of a cent increase in the cost of the wheat required in the loaf of bread. Since the margin between the baker and the consumer is about 6.5 cents, this added small fraction of a cent in cost could readily be covered through better efficiency in distribution and cause no increase in the retail price of bread.

The increased income which would come to farmers with the export debenture plan in operation would act as a stimulus to the various lines of commercial activity. The farmer must of necessity spend nearly all he makes, and the manufacturer, distributor, and banker would each get his share of this increased business. But in the process new life would be put into agriculture and the farmer encouraged to go ahead with his program of self-help and improved efficiency in production and marketing. The economic structure would again be in more equitable relationship as between the various groups and all would have benefited through the readjustment.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed, without amendment, a bill of the following title:

H. R. 10636. An act to make an additional appropriation for the water boundary, United States and Mexico.

The message also announced that the Senate had passed with amendments a bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 9136. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, did the gentleman from Colorado [Mr. TAYLOR] understand that this request was to be made?

Mr. CRAMTON. The gentleman from Colorado [Mr. TAYLOR] is the ranking Member. I have consulted with him about the matter and it is satisfactory to him.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed the following conferees: Messrs. CRAMTON, MURPHY, and TAYLOR of Colorado.

AN EXPLANATION OF THE BANKHEAD BILL PROVIDING FOR LAND SETTLEMENT AND LAND RECLAMATION BY COOPERATION OF THE FEDERAL GOVERNMENT

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent to insert in the RECORD an explanation of a reclamation bill recently introduced by myself.

The SPEAKER. The gentleman from Alabama asks unanimous consent to insert in the RECORD an explanation of a reclamation bill recently introduced by himself. Is there objection?

There was no objection.

Mr. BANKHEAD. Mr. Speaker, there are several bills pending in the House and Senate on the subject of the development of rural homes by a system of governmental cooperation in the reclamation of arid and semiarid lands. A few days ago I introduced in the House a bill (H. R. 7004) providing for the same purposes—providing a national scheme for the same purposes, to include the reclamation of swamp lands, overflowed lands, and cut-over lands, in addition to the arid and semiarid lands of the West.

I do not want to trespass upon the time of the House this afternoon by submitting the remarks I have prepared in explanation of my bill, but I ask unanimous consent, Mr. Speaker, that I may incorporate in the RECORD my explanation and analysis of that bill for the information of the Members of the House.

OUTLINE OF THE COOPERATIVE RECLAMATION ACT, H. R. 7004

The reclamation of waste land by means of irrigation or drainage has for many years been one of the settled policies of nearly all civilized governments. The reclamation of land by means of irrigation has been a settled policy of the United States for more than 20 years. It is now proposed to authorize the reclamation of lands by other means, thus making such policy applicable to all parts of the country.

Since the principal problem involved in the utilization of arid or semiarid, swamp overflow or logged-off land is a financial one, the financial plan which this bill contains is its most important feature. The financial problems incidental to land reclamation exist because of the rather long period of nonproduction which must elapse while the construction of reclamation works is in progress and while the settler is improving and preparing his land for crops. This will vary from 4 to 10 years, depending upon the magnitude of the works and the financial plan adopted. Since no legitimate profit is possible until the land has been developed to a condition of practically normal production, most reclamation projects that are privately financed prove disappointing, and because of the many disappointments that have occurred, private capital has practically retired from this field.

To-day the surplus lands of the country that possess any great agricultural value require reclamation by some means or other. While it is agreed that the reclamation of most of such land can only be successfully accomplished through the cooperation of the Government, it is believed that such work should be done in pursuance of a plan which, once inaugurated, will be self-continuing.

Such work can only be initiated through the use of funds appropriated by Congress. But inasmuch as valuable assets will be created through the wise expenditure of such appropriations, these assets should, in turn, be made the basis of further financing, thus obviating the need of any further advances by Congress. Also all sums thus appropriated should be repaid to the United States with interest. All of these results can readily be accomplished under the plan contained in this bill.

In working out this plan the fullest advantage has been taken of existing land-credit devices provided by State and Federal legislation in order that the money used for the construction of reclamation works or for loans to veterans might be returned to the fund in the shortest possible time, so as to become available for the reclamation of other land and the making of other loans, at the same time providing for the payment by the settler of the cost of such work and of such loans over a long period of years at a reasonable rate of interest.

The basis for the organization of a reclamation project is a drainage or irrigation district, as the case might be. This district has full taxing powers under the State law and the right to incur indebtedness. Such district shall be empowered to enter into a contract with the United States for the reclamation of lands within its limits, and shall vote its bonds for an amount equal to the cost of such reclamation, such cost also including interest on all advances during the period of construction. When a district has issued its bonds and deposited them with the Federal Farm Loan Board the Secretary of the Interior may proceed with the construction of the project.

The cost of constructing the first series of projects will be paid from the appropriation provided in the bill. Then when all the property of a district that is subject to assessment for the payment of its bonds is found by the Federal Farm Loan Board to have a value equal to twice the value of such bonds, such board shall sell such bonds to the investing public and the money received from such sale shall be placed in the cooperative reclamation fund. to be available for the reclamation of the lands of other projects. These will constitute a second series of projects, this process being continued series by series, without requiring any further appropriation by Congress.

The bill authorizes an appropriation of $500,000,000, to be expended over a period of 11 years, $30,000,000 during each of the first and second years, $40,000,000 the third year, and $50,000,000 each year for the next eight years.

The bill provides that the repayment of all advances made to a project from the appropriation shall begin 10 years after the completion of the works of such project under an amortization plan extending over a period not to exceed 40 years. The payment each year of 6 per cent of the total of such advances will liquidate this debt within this period with interest at 4 per cent.

The amount which will be available for this repayment will be derived from the sale of district bonds and from the payment annually into the fund of 1 per cent of the cost of each project. The amount that will be derived from these two sources will depend upon the time required for constructing the works of a project and for establishing a property value so the district bonds may be sold.

Assuming that the average time for constructing the works of a project is four years and that the accruing interest during such period, which shall be added to the amount actually expended, is 10 per cent of such amount, bonds would then be issued by the district amounting to 110 per cent of such actual expenditures. The sale at par value of ten-elevenths of such issue would return to the fund the amount that had actually been expended. This amount would immediately become available for the reclamation of other lands. The remaining one-eleventh of such bond issue would then be deposited in the fund, the annual installments for the repayment of the same being available for reinvestment, the accruing amounts finally to be applied on the repayment of the appropriation when such repayment begins. The 1 per cent of the cost of each project that will be paid into the fund each year will also be available for reinvestment and payment on account of the appropriation. The amount derived from these two sources will be sufficient to repay the appropriation with interest at 4 per cent, without diverting any part of the construction fund for such purpose.

Assuming that through the sale of district bonds the construction fund originally provided by appropriation can be turned over during an average period of six years, reclamation works costing about $3,000,000,000 can be constructed during the next 30 to 35 years.

The bill provides that the district bonds shall draw 5 per cent interest and be paid under an amortization plan during a period not exceeding 40 years. The payment each year of 1 per cent of the principal will retire the bonds within this period. Thus, while the entire cost of the project will be repaid into the fund by the district by the end of about the sixth year after the beginning of construction—being then available for the reclamation of other lands—the settler will repay such cost over a period of about 35 years through the payment of the bonds of his district, thus receiving all the benefits of long-term payments.

The annual payments of the settler on account of the reclamation of his land will be: Installment on the bonds of his district, including interest at 5 per cent and principal, 6 per cent; as additional funds for the repayment of the appropriation with interest, 1 per cent. These make a total payment of 7 per cent of the total amount of bonds issued, to begin one year after the works of the project are completed. No payments will have to be made during the period of construction.

Provision is made for the reclamation of public land in any district and for the sale of such lands to any qualified purchaser on easy terms of payment.

The Secretary of the Interior shall have control over the settlement of the land that is to be reclaimed. He shall establish the maximum area of the farm unit or holding in any project, and unless 80 per cent of all holdings in excess of the unit so established shall be reduced to such maximum area the Secretary shall not approve such project. The price and terms of payment of all excess holdings must be approved by him, and the owners of the same shall confer upon him an irrevocable power of attorney to sell such holdings to actual settlers according to the terms of a contract to be entered into with him by such owners before the project is approved.

For a period not less than six months former service men and women and the widows of men who have served in the Army, Navy, or Marine Corps of the United States in the war with Germany or in any other war, or during the Mexican border trouble, and who have been honorably discharged therefrom, if otherwise qualified, shall have a preference right of entry and purchase of all public lands and excess areas in a district.

The Secretary of the Interior is authorized to improve any farm unit that may be available for entry or purchase by a veteran so it will be ready for actual cultivation, and he may also supervise the placing of other improvements upon such land, provided such improvements are paid for by the State or the former owner of such land or by any other agency. The Secretary is also authorized to make short-term loans to any veteran, to an amount not to exceed $2,000, for improvements on his land or the purchase of livestock and equipment. This loan is to be repaid to the fund from the proceeds of a long-term loan which he shall negotiate through the Federal land bank as soon as the value of the property is sufficient for the purpose. The proceeds of this loan may also be used for the repayment of any loan made to a veteran by the State or by any other agency or for the payment of all or any part of the purchase price of his land.

The bill provides a basis for the most practical cooperation with any State in placing veterans on reclaimed lands. By

repaying the cost of reclamation through the payment of district bonds the annual installments for this purpose become a tax and will be paid as any other tax. Therefore loans made by the State or from the fund can be secured by a first mortgage, and since the existence of the district bonds will affect but little, if any, the loan value of the land, the maximum loan that is warranted by the value of land can always be made through the Federal land bank for the liquidation of such short-term obligations as the veteran may have to incur. These short-term loans and other obligations of the veteran will not likely have to run more than two to four years before their repayment in the manner provided, so only a relatively small amount of money will be required for a loan fund.

The Secretary of the Interior shall be authorized to complete projects already begun under the provisions of the existing reclamation act from the fund created by this act. But all reclamation projects, or units of projects, upon which actual construction work shall be commenced after the passage of this act, shall be organized in the manner described, and shall pay the cost of such works into the fund with interest.

It will not be claimed that the millions in our great cities and other congested centers who are to-day living in the lowest depths of poverty, and the other millions now in the swelling ranks of the unemployed, constitute the Nation's "first line of defense." On the contrary, these and the conditions against which they are compelled to struggle are felt to be the country's greatest menace. All forward-looking men and women are agreed that our national security depends upon the further development of our rural homes, not that the producing area of the country needs to be extended at this time, but that more men and women should be placed in possession of resources so they might more readily establish their economic independence. This can not be done by settling more of our population in the cities, but they must be encouraged to return to the country, back to the land. Those who are most entitled to assistance in establishing their independence in this manner are included with the millions of young men and women who stepped forward to the defense of the country in the Great War, and who may, at any time, be called upon for further sacrifice. In what spirit will the next call be met? This is a serious question and one well worth considering right at this time.

Until the deep-seated causes of the present world-wide distress are removed, prosperity can not come back to us through any struggle that we might make for industrial supremacy. The odds are against us. Instead of spending sleepless nights over plans for controlling the markets of hundreds of millions of people too poor to buy, why not consider plans with a view to preventing our own people from sinking to the economic level of the people of Europe? The fact is our overdeveloped industries have failed us at a most critical time. As a consequence of this, millions are now looking into a future that holds but little hope.

However, nature is more kind. She does not close the door in the face of her children, but her bounties are ever recurring. This is why those on the land are safe. But life in these perilous times for many, many millions in the great cities of this and other countries is most precarious. Armies and navies can not combat the forces which threaten the world to-day. Other means will have to be employed.

Only by increasing the purchasing power of our own people and the extension of our home markets can the economic balance in this country be restored. This can most readily be done through the further development of our own natural resources, but this must be in a way which will establish the economic independence of more people. More homes must be established, and these must be rural homes. Their existence will permanently strengthen the country's real "first line of defense," which is the happiness, contentment, and loyalty of the great common people.

This is the broad purpose of the bill described. The appropriation each year for the next 11 years would just about pay for one first-class fighting ship. However, such appropriation would provide permanent homes for more than 100,000 people and would afford permanent employment through new wants that would be created for as many more. This is the kind of constructive statesmanship which through the operations of the reclamation act have placed more than 250,000 people on once desert land, created a property value of more than $500,000,000, from which every year there is returned a gross revenue greatly exceeding the entire cost of the works that have been constructed by the Government.

BRIDGE ACROSS THE RIO GRANDE RIVER

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 5583, granting the consent of Congress to the Kansas City, Mexico & Orient Railway Co. of Texas and the Kansas City, Mexico & Orient Railway Co. to construct, maintain, and operate a railroad bridge across the Rio Grande River at or near Presidio, Tex., and agree to the Senate amendment

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table House bill 5583, with a Senate amendment, and agree to the Senate amendment. Is there objection?

There was no objection.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

BRIDGE ACROSS LAKE CHAMPLAIN

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 6099, granting the consent of Congress to the States of New York and Vermont to construct, maintain, and operate a bridge across Lake Champlain between Crown Point, N. Y., and Chimney Point, Vt., and agree to the Senate amendment.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table House bill 6099, with a Senate amendment, and agree to the Senate amendment. Is there objection?

There was no objection.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. MAAS, for 10 days, on account of important business.

ADDRESS OF HON. JOHN H. BARTLETT, FIRST ASSISTANT POSTMASTER GENERAL

Mr. MANLOVE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech made by First Assistant Postmaster General John H. Bartlett at the McKinley Day celebration held in Ohio.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MANLOVE. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address of John Henry Bartlett, First Assistant Postmaster General, at the McKinley banquet, at Dayton, Ohio, on the evening of January 27, 1928:

MCKINLEY THE ADVANCE AGENT OF PROSPERITY

Gentlemen of the McKinley Club, under the inspiration of a name forever memorable in American annals, Republicans of this great State are gathering for conference, to the end that party principles may be recalled and party plans conversed, and all to the greater end that our country may be the better governed. The memory of the last of our Civil War Presidents comes back to us vividly to-night and challenges to the fore the noblest impulses that thrill men with love for their country. We do well, gentlemen, now and then to throw on the screen of imagination in bold and beautiful relief for the stimulation of our faith that sterling character in American history who so enriched posterity with his brain and his blood, that splendid American statesman; yes; that ardent Republican, William McKinley.

M'KINLEY AND THE TARIFF

He served his time and generation exceedingly well. No man can do more than that. We are not recalling his name for party exaltation, although that is our privilege. We are not simply extolling him as a soldier boy of 18, who early proved his title to manhood by volunteering into the fighting lines under the cause of Abraham Lincoln, although McKinley the soldier is a theme which may profitably occupy any evening. Neither are we glorifying him now solely because this club bears his name and this is the season of his birth; but we are sighting back to him and his ideals down the line of 30 years because McKinley was the one man who proved, actually demonstrated, that American prosperity and American standards can not be maintained long on a scale two or three hundred per cent higher than that of other nations without the aid of some system of financial protection—in other words, without a protective tariff, even although our productivity per man is greater than theirs. That was the verdict of the people of his day, as decisively rendered and formally recorded as any of the crystallized facts of our national political history. And subsequent industrial events have continued to reaffirm that judgment. If there any longer remains a doubt on the subject of tariff protection in the minds of honestly influenced statesmen, it is not a doubt concerning the wisdom of the principle itself, but only such doubts as may naturally arise on the application of this principle to the rapidly changing industrial, commercial, and agricultural phases of our country.

M'KINLEY'S VISION

McKinley had the vision to see this principle ahead of and more clearly than most other men at a time when it would have been national shipwreck for some one not to have seen it. By it and through it the country has prospered beyond McKinley's dreams and almost beyond our own comprehension. Let us recall that the McKinley method of tariff reasoning was "high wages first," and as cheap necessities of life thereafter as possible. The method of reasoning of his opponents was the reverse, namely, "cheap necessities first," with wages coming as a secondary consideration. These two schools of thought, these two methods of reasoning, are still existent and, as it was in the beginning, they lead the reasoners to widely different conclusions on the application of the protective-tariff principle. It is necessary, therefore, that the American voter himself should never lose sight of the principles as they were so vividly understood during the days of McKinley. Such meetings as this which bring into fresh review the life of McKinley should also bring into fresh contemplation the principles of protection and his methods of reasoning concerning them, so that we may not be misled by specious argument to the contrary. I do not mean that we should study the application of the protective-tariff principle to each of the thousands of commodities and products which have to be studied by the lawmaking powers, but I do mean that we should never lose sight of the principle, and that we should never fail to grasp what McKinley so readily grasped and so forcibly presented, that high wages—good wages—must ever be the first and paramount consideration, and that a high civilization is always the handmaiden of high wages. We should not indolently fall into the false line of philosophy that that which produces low prices in the necessities of life is paramount. It is important, of course, but not of the first consideration. If low prices in the necessities of life are first consideration and wages secondary, then it follows that we admit free of duty in competition with ourselves the products of the farms and the workshops where labor is more poorly paid.

We Republicans contend that the danger from cheap foreign products may be averted in this country by a protective tariff if and where such protection for such purpose is actually needed. That is the Republican policy. That was the McKinley philosophy.

THE TARIFF AND DEMOCRATS

It is not easy to state the tariff attitude of our opponents, for they have never copyrighted any fixed ideas thereon. To be sure, they twice had chances and twice accepted those chances, laboring and bringing forth the Wilson-Gorman tariff and the Underwood tariff. And although these laws were later repealed, the tear stains on the shirts of American workmen have never yet completely faded out. It is not my purpose to discuss items of the tariff. In fact, it is not clear at this time what the attitude of our opponents may be on the tariff. It certainly is true that they have been defeated at the polls so many times on the tariff issue that they are beginning to feel the sting of these defeats and are rather inclined to side-step the issue altogether. But this does not mean that Republicans should be lulled into indifference or regard the protective tariff system as not constantly requiring advocates and defenders. It is one of those principles which must be kept before the American people in order that they may see and realize its value. The voters should not be satisfied with the Democratic attitude on the tariff this year unless they, in their platform, flatly declare that they are for it.

AMERICAN PEOPLE PRACTICAL

But our opponents bitterly dislike to admit that they have been wrong on the tariff. In fact, they have acquired a dislike for the tariff. Probably the greatest reason why they have had only two presidential tenants in the White House in 68 years is because of this antitariff proclivity of theirs. The American people are extremely practical and sensible. First of all, they want to get a living for themselves and their families. Laying all sentiment to one side, what they want is prosperity, business, jobs, crops, and markets. Give them these and they will do the rest. It may seem strange to some that there is existent in the country so much free-trade propaganda, that there are so many who profess to believe in it. It is because each individual argues for himself. If a given person could have protection on the thing he produces so as to get good prices for it, and at the same time free trade on everything he buys so that he may possibly buy cheaper, it is plain to see that he would like that brand of free trade. So we are apt to hear men arguing that there should be free trade in most everything, naming the things, but omitting his own line of occupation. In that particular it is something like the prohibition sophistry, namely, "good for the other fellow."

That sort of argument is selfish, narrow, and sectional. It is not the broad national viewpoint which McKinley advocated and which opened the floodgates of prosperity in this country. These free-trade or low-tariff speech makers address the wage earners at the mill gates about thus:

TYPICAL FREE-TRADE SPEECHES

"You are paying too much for your food, due to existing tariff rates keeping out the cheap food products from other countries. You have the right to buy wherever you can buy the cheapest, and to insure that right you should assist in repealing the tariff on farm products, so that the American markets could be supplied with the cheap land products of the Argentine, New Zealand, and Canada, the cheap dairy products of Australia and northern Europe, cheap fruit from southern Europe and Central America, and cheap eggs from China. By reason of getting these foods so cheaply from foreign countries, you could cut down your living costs and thereby be more prosperous." To the mill operatives listening to such a speech from the candidate for office it sounds convincing and they applaud vociferously, and many doubtless vote the Democratic ticket in response thereto. The deception in this is very artful. They forget to tell those wage earners that 40 per cent of the products of the American industries are bought by the agricultural producers of the country. Ruin the farmers and 40 per cent of the products of American industries are taken away, and hence 40 per cent of the American industrial laborers are put out of employment, including 40 per cent of the very men whom such speaker is addressing. Another Democratic speaker addresses a mass meeting of farmers and tells them that if they had free trade in the things they have to buy, they could get along much better, forgetting to tell them that 90 per cent of the farmers' output is bought and consumed by these same well-paid industrial wage earners in the United States, forgetting to tell them that if they bought from free-trade labor outside the country they would thereby eject from employment much of the American well-paid industrial labor and thus destroy the good market for their own output. In other words, the different elements of our country, the different industries, and occupations, have their prosperity so interlinked one with the other that they must both prosper together or both suffer adversity together. This is not only reasonable but it has been the history of our country. They must together preserve the American market for American products of all kinds so far as practicable.

TARIFF SHOULD BE JUST HIGH ENOUGH

There is an all-important distinction between a tariff that is high enough to protect and a tariff that is just too low to protect. A very few cents in the tariff may make the difference between the prosperity of an industry and its complete collapse. A foreign country that can undersell the product of an American industry or of agriculture even a little in any particular item can drive that item out of business. The so-called Wilson-Gorman tariff enacted during the administration of President Cleveland was too low to protect many American industries, and you gentlemen here all too vividly recall the painful unemployment over this country at that time, so great unemployment that whole armies of idle men marched across the continent to Washington carrying banners reading, "We don't want charity; we want work." McKinley set out to remedy that condition. McKinley's policies finally restored the country from that crisis. Then again we all remember the condition of business in 1920 and 1921—that is, after the World War—when the effect of the Democratic Underwood tariff was getting in its work.

POMERENE TESTIFIES

While we remember this I propose to summon a witness to prove it, and I will summon your distinguished Ohio citizen, ex-Senator Pomerene, who in the United States Senate on January 31, 1921, spoke as follows:

"I sent out a questionnaire into every chamber of commerce and every central labor union in cities of 10,000 or over in my State, and word comes back from nearly every one of these industrial centers that about 40 per cent of the workingmen of the country are out of employment."

I am citing this in order that you may absolutely know by incontrovertible evidence that labor conditions were desperate when the Harding administration came in nearly seven years ago. People are so apt to forget this, particularly when our opponents are asserting to the contrary. And I am stating this also as an item in our argument that the protective tariff has always been invoked as a remedy against unemployment, and protection so stimulates business that it leads to new machinery and mass production, ofttimes lowering prices in the end. I am also referring to the benefits of the tariff to glorify the wisdom of the original "advance agent of prosperity," whose name we are acclaiming to-night.

MISREPRESENTATIONS

Gentlemen of the McKinley Club, since we are Republicans here together to-night, may we not talk frankly about our party, which McKinley loved? Our opponents really have formulated nothing so far, as indicated by their speeches, which may be called "issues." This they practically admit. Thus far their appeals are limited to pleas for needed harmony among themselves and to outlawed dissertations on individuals now or formerly in the Republican Party. It might seem wiser for me to make no reference whatever to their repeated attempts to create the impression that Democrats are more honest than Republicans.

DEMOCRATS AND REPUBLICANS BOTH HONEST

First, let me say as an optimist, believing in American manhood and patriotism, that as a rule, emphasizing the word "rule," both Repub-

lican and Democratic officials are honest. It must not be thought that official Washington now consists of Republicans only. As a matter of fact, our system is now so developed at the Capital that although the Republicans are nominally in power, there are nearly as many Democrats in the potent official positions in Washington as there are Republicans. My positive testimony is that during the six years while I have had contact with all these higher officials of both parties there has not come to my personal knowledge one instance of dishonesty nor a single transaction in which I had any suspicion of dishonesty, and I can say this as one who has supervised annually the expenditure of over $400,000,000 appropriations, and in so doing made thousands of contacts with both Republicans and Democrats in the higher positions of the Nation. In the first place, I have seen no disposition to be dishonest, and, in the second place, there are so many checks and reviews, so many officials who have something to do with each transaction, that dishonesty is practically impossible. I am perfectly sure that it is not true that Republicans or Democrats in office are dishonest as a rule. If there be dishonesty, it is the great and rare exception and it is bound eventually to be discovered. Moreover, I believe it is most harmful to the welfare of the Nation to cause the rank and file to believe what is not true—that their officials are generally crooked and corrupt. I deem it distinctly dishonest in a public speaker to misrepresent to an audience that an exception is the rule.

MISREPRESENTATION BREEDS ANARCHY

To cause uninformed citizens and aliens to lose faith in national honesty by false representations is but injecting germs of anarchy into unsteady minds, which conduct in times past has resulted in serious acts of violence. Such conduct has resulted in assassinations actually snatching from us in the flood tide of lofty endeavor our three martyred Presidents, Abraham Lincoln, James A. Garfield, and William McKinley, and but barely missing the fourth when an attempt was made on Theodore Roosevelt. It must be noted and noted seriously that all these assassins did their acts while seeming to believe they were serving God and their country. Gentlemen, it is fitting that "McKinley Night" should warn against tendencies which produce assassinations.

Every patriot as a matter of course will attempt to uncover dishonesty and to punish it wherever and whenever it is found. It is equally axiomatic that no patriot will represent dishonesty in government to be greater than it is. It is as censurable to represent an exception to be the rule as it is to represent an honest man to be dishonest.

PARTY MEN COMPARED

If it were material to know which party has furnished the greater number of exceptions to the rule of honesty, there might well be made a thorough canvass. But dishonesty is an individual responsibility and not a party responsibility. We are not in the habit of condemning other organizations when some individual fails. It is the attitude of the organization toward the erring individual which constitutes the acid test of the organization. In the happenings which have created so much discussion and sincere regret, it appears that the alleged millionaire tempter was a Democrat and the alleged poor man tempted was a Republican.

SLANDERING THE DEAD

Isn't it better to be frank about these matters, gentlemen, and to admit that the high officials of both parties are generally honest and that when an instance of dishonesty occurs the patriotic men of both parties join in condemnation and prosecution? And, gentlemen, let us not forget that slander and libel are hideous crimes, whether spoken of the living or of the dead.

REPUBLICAN'S 10 PRESIDENTS

But while we are in the business of comparing individuals, why should we not compare the good? Why should we not behold the great leaders of each party and compare them one against the other? They are the ones who shape the destiny of the country. If our opponents desire, I propose they match for honor and statesmanship their party leaders against our party leaders. Let them match, if they can, some one against Abraham Lincoln, some one against Ulysses S. Grant, Rutherford B. Hayes, Benjamin Harrison; yes, some one against William McKinley, Theodore Roosevelt, William Howard Taft, Warren G. Harding, and, finally, some one against Calvin Coolidge. Against these names whom will they place?

TWO PRESIDENTS IN 68 YEARS

In 68 years they have produced only two—Grover Cleveland and Woodrow Wilson. Man for man, I am quite willing to match Republicans against Democrats in every phase of our country's history and in every phase of statesmanship and honesty. I am quite willing that those who would choose their party affiliations on the basis of upright manhood should ponder on these two lists of Presidents and study them exhaustively. I am quite willing that they should study their records as Presidents and as men.

CLEVELAND AND WILSON

Now, it is only for this cursory comparison that I refer briefly to these two Presidents of our opponents. They were not successful in running the Government, although I concede they were honorable men. Grover Cleveland's administration produced one of the greatest industrial and commercial panics that ever blighted a country—the panic of 1893. It was the worst period of unemployment and suffering that labor has ever known in this country, and it was under a free-trade tariff. It is also true that during the last three years of President Cleveland's administration the income of the Government did not meet the running expenses of the Government by several million dollars each year, and this great Nation was compelled to borrow money to pay its running expenses. The Treasury condition was so bad when President McKinley succeeded Cleveland that there had accumulated the enormous deficit for those times of $137,811,729.46. Although this had been neglected for three years, President McKinley in 11 days after he took the oath of office convened Congress in extraordinary session to stop the floodgates of adversity. The Democratic convention that nominated a successor to President Cleveland did not even give him complimentary mention in their platform.

The other Democratic President whom our opponents have to match against our long line of Republican Presidents from Lincoln to Coolidge was the late Woodrow Wilson.

WILSON'S ADMINISTRATION AND THE LEAGUE

His administration is too fresh in the minds of the people for review. He was certainly unfortunate in having to go through a war. We must not charge the war to him. But the thing which stands out with reference to President Wilson mountain high in the minds of everyone, and always will, is his efforts to get our American Nation into the League of Nations. No man ever worked more persistently to accomplish something which would mean greater disaster to our people. Our souls are now filled with horror and our frames shake with fear every time we contemplate how near he came to the precipice of this undertaking. It was by the narrowest possible margin that we were kept out of that awful vortex of wars which is constantly consuming Europe, and he certainly would have succeeded in this had it not been for a stanch group of unflinching Republicans in the Senate who stood against it like the rock of Gibraltar.

REPUBLICANS BLOCKED THE LEAGUE OF NATIONS

Republicans then did the greatest service to the American people that has been done since they preserved the Union and made men free, for they preserved America from the bondage of European wars and forever decreed that American sons shall not be called to arms in a foreign country by the vote of a foreign body. They saved American freedom and independence. Those of us who take this view of the League of Nations never think of Woodrow Wilson except in terms of the man who made this the supreme effort of his career. He was honest of purpose, to be sure, but in him practical business judgment was wanting. He became obsessed with one idea.

HARDING AGAINST LEAGUE

The Democratic Party paid the penalty for their attitude toward the League of Nations in a defeat by the worst majority ever administered to a presidential candidate in this country, and the Republican Party for its stand in the matter met the approbation of the American people by the election of a President who stood squarely against the League of Nations, a stalwart and beloved son of your Commonwealth, the late Warren G. Harding.

WILSON WASTE

Assuming that the war was inevitable, some war debt, too, was inevitable, but it was too large. Those who witnessed the lavish expenditure of money during the war, with its perfect orgy of waste, are bound to think that the debt of $26,000,000,000 left by the Wilson administration was by far greater than it should have been, because there was no business ability or economy in that administration. Besides we were too mournful and too excited during the war to be very exacting on war contracts and matters of honest business dealing. But there is a lasting conviction in the minds of business men everywhere that the losses in money were unjustifiable and that the crumbs wasted under the table of mismanagement then were bigger than any losses that have been suspicioned or proven since.

COOLIDGE'S SUCCESSES

We all despise dishonesty in Government by officials of either party and we all eagerly join in their prosecution, and I again assert that they are the exception and not the rule. But, gentlemen, if we must bring up instances of dishonesty as the Democratic speakers are constantly essaying to do, if we must compare the exceptions of one party with the exceptions of another, let us go all the way up and down the line and do a thorough job. Personally, I believe official Washington is now beyond suspicion of dishonesty; that the Government is run on better business principles to-day than it has ever been run in the history of the country. I am sure no more honest men ever lived than both President Harding and President Coolidge. The most outstanding acomplishment of the Harding-Coolidge administration is the creation, management, and perfection of the system known as the Budget system and its accomplishments during the last six years. By the splendid direction of President Coolidge through the Budget an economy program has been carried out so sucessfully as to cut our running expenses very

materially, and also to reduce the national debt about $1,000,000,000 per year. This fact also means a prosperous condition of the country. On the other hand, a bill creating a Bureau of the Budget was actually vetoed by President Wilson. When he went out of office and President Harding came in things were in bad shape generally. There were over 5,000,000 workers in this country out of employment.

HARDING AND THE TARIFF

President Harding at once recommended and caused to be enacted a protective tariff with more protecting features in it. This inspired business confidence to such an extent that industries revived, and when he died so suddenly and lamentably there was scarcely a willing toiler in the country who was out of employment. History is bound to be fair with President Harding.

When you hear our opposing orators attacking Republicans ask them how our 10 Presidents compare with their 2.

WHAT DEMOCRATS WOULD HAVE DONE IF THEY COULD

When you hear them boasting of their principles you might ask them what would be America's plight to-day if the voter had actually permitted the Democratic Party to put their various platform principles into law and actual practice. Do you realize that if the Democratic platforms could have been carried out we would have practically free trade to-day? Do you realize that we would have the free and unlimited coinage of silver in the ratio of 16 to 1 to-day? And do you realize, gentlemen, that we would be in the League of Nations bound hand and foot to-day? Is not that enough to make us wary of Democratic platforms? Is there any wonder that business staggers when it thinks of the possibility of the Democratic Party formulating a new platform? These three platform principles stand out in American history as repudiated, dumped on the junk pile of political folly.

BUSINESS FEARS DEMOCRATIC ADMINISTRATION

Is it any wonder that Democrats hesitate to experiment on a new issue, having had so much sinister luck in issue picking? The only thing I have heard from Democratic speakers of late that hints at an issue is their talk that the country is not prosperous. We traverse that issue. But if the business record of the Cleveland-Wilson administrations is kept in mind as sample doses of Democratic medicine for national ills, it seems to me we would have to be powerful sick in a business way before we would consent to a change of doctors or medicine. I am sure the Nation is not that sick yet. We must admit that the country has really had a most marvelous six years of prosperity, all in all. There is now only a very slight sagging from the very highest peak of prosperity. There are no symptoms of general relapse. The best business minds of the country now predict a huge business year in 1928. It would not be surprising if there would be aroused some nervousness over what the election may bring. This nervousness, however, is not aggravated because the people can not believe that there is any danger of another Democratic administration. If they did think there was such danger, this nervousness would develop into prostration. It would become a real disease if business was not so confident that the Coolidge policies would be carried on by the election of a Republican successor to that remarkable statesman and level-headed business man who has so completely won the confidence of both parties as well as both hemispheres.

THE PROSPERITY ISSUE

In order to create a political issue on the subject of prosperity our friends must not only claim that we have not been prosperous for the past seven years, but they must also claim that they have the exclusive formula and initiative to make us prosperous. Such claims would create an issue. On such an issue they must fail. Let us ask ourselves what national prosperity is. It may be helpful to refer to this, not that we need a defense against idle accusations, but because of pride in the accomplishment of our own Republican administration.

HIGH WAGES

I believe that practically every thinking man of any party would put at the head of the column of prosperity items the fact of "good wages for our workers." Conceding this, our argument is won, for wages are certainly the highest ever known in this country in all its history. It is needless to state that they are fully twice as high as in any other country, and five times as high as in some countries.

COST OF LIVING LOWER

And these wages have not only been made higher during the past six years, but according to official statistics, the purchasing power of wages has increased so that one dollar will now buy in food products what it took $1.20 to buy in 1920. Coincident with the highest wages the amount of unemployment has been the lowest. It began with over 5,000,000 laborers idle when President Harding was inaugurated on March 4, 1921; but it rapidly diminished to a negligible quantity, remaining there for the past five years. No further evidence of prosperity need be cited than these facts concerning wages and the employment of labor. The rest follows.

SAVINGS HIGHEST

But to continue this, let me refer to the fact that the savings deposits of our people have more than doubled since 1920, they then being $12,449,769,000 and now being $26,032,001,000.

TEMPERANCE

I am bound, however, to say that a considerable portion of this gain in savings deposits should be recorded as a credit to the effectiveness of temperance which Republicans have stood by in the past and will continue to sponsor in the future. The deposits in the United States Postal Savings System have increased in the sum of $14,089,000 during 1927, this item being significant because these deposits are largely made by the foreign element in this country who would be the first affected in case of unemployment. During the past year, the total deposits of the 100 largest national banks in the country have increased by $1,407,755,877. All these most significant banking figures Democratic orators are omitting, but are stressing the comparatively unimportant fact that a larger number of small national banks have failed than usual. This is true, but I am told it is more the outgrowth of reckless ventures in banking and poor management. This has greatly improved of late, however. The ownership of automobiles by the working people to an amazing extent needs no proof save our own daily observations, and it is further convincing evidence of our prosperity particularly when taken in connection with the increase in savings deposits.

PASSING PROSPERITY AROUND

A few years since that brilliant Republican statesman from Indiana, the Hon. Albert J. Beveridge, coined a pet expression, "Pass prosperity around," and that is precisely what the present Republican administration is accomplishing. Our own observation tells us and tells us daily that people in all walks of life in the United States are living better than ever before.

There are more sons and daughters of workmen now in college than ever before; more homes have telephones and modern equipment; more laborers and their families have good food and clothing; in short, the whole tone of civilization, so far as the enjoyment of life is concerned, is raised to a standard never before enjoyed in this or any other country. Mr. Hoover tells us there are about 6,000,000 radio receiving sets now in American homes. The pessimistic Democratic orator will have a harder time and fare worse if he undertakes an antiprosperity issue than Bryan did with his 16 to 1.

ERA OF EXPANSION

It has been and is an era of tremendous expansion, and 1928 is looked to with hopefulness by the master minds of the country in every line of endeavor. The railroads of the country during the year 1927 added 780 new locomotive engines, 1,040 passenger cars, and 275 Pullman cars, and prosperity in the air is seeming to go like a house afire. It is predicted that 3,000 new airplanes will be built in the year 1928. The Postal Service now is flying mail 17,444 miles per day and will soon add 7,000 more miles. Your own stamped-envelope factory here in Dayton has increased its output from 2,350,000,000 in 1920 to 3,145,946,376 in 1927. Yes, by and large, the country is prosperous. In fact, in certain lines there may exist apprehensions that the pace is too swift. But we have no disposition, however, to overlook those points that need stimulation and to apply every possible remedy.

A STRONG PRESIDENT NEEDED

The vital organs of the body politic are "sound," to use the words of the greatest Secretary of the Treasury since Alexander Hamilton, the Hon. Andrew W. Mellon. Let us not be so overjoyed at our remarkable prosperity that we do not exercise due care in seeing to it that no weak or fractious President is put in charge of American destiny, for I believe it will require greater skill and wisdom to continue our prosperity at a reasonably high degree than it did to attain it to the degree we already enjoy. This era of prosperity has continued longer than any other prosperity cycle in our history, and because of the remarkable soundness and strength of the policies and principles of the Coolidge administration.

Holding with a determined grip to the fundamental principles of Government and to the natural laws of business, he has sought the cooperation of the leaders in every line of industry to an extent which has won their confidence and developed a spirit which is bound to win for America a continuing prosperity. He has recognized the fact that government and laws alone can not arbitrarily make prosperity, but they can do much. The Government can aid cooperation, and the Government, above all, can avoid recklessly wrecking what private genius can and will accomplish. There is still need of a man with iron in his veins at the helm.

COMPLEX BUSINESS PROBLEMS

Prosperity intoxicated by its own speed may run amuck. There is upon us an era of phenomenal evolution in industry, as great evolution, perhaps, as is taking place in invention and discovery. Gigantic corporations of world-wide activity are being formed. Railroad consolidations of staggering proportions are in the making. The new experiences of the dollar-in-the-air are thrilling men to action. International radio, international telephone, international everything seem to be the order of the day. All these and many other advances are appealing to our amazed imagination, telling us that we need giant minds at the head of our Government and that the sound policies that have brought us thus far should not be displaced by political

experiments. All these things convince us—convince every serious-minded man—that if we do not have Coolidge we should take the Coolidge chart and compass and sail on to greater successes.

MUCH YET TO BE DONE

But intelligent criticism and study is necessary and is along the line of progress. We do not object to our opponents pointing out the weak places and the unprosperous spots. We know them. They know them. We only object to their saying that the country is not prosperous, and therefore needs their hands to guide it. Mr. Stewart McDonald well says: "Only the demagogue will deride those who dare to be doubtful about the industrial future of the United States. But, however great the respect to which economic pessimism is entitled, there is abundant evidence that we have entered a new age in which industry promises the triumph of mind over matter, the tapping of sources of wealth much greater than the limited gifts of nature on which we depended in the past."

We are not at all unmindful of the need for doing everything that the Government can safely do to aid in leveling up the prosperity of agriculture with other levels of prosperity. There has been improvement along this line. The prices of farm products have increased, and there are evidences of gradual recovery. The Republican Party is as determined to bring success to the farmer as it has ever been determined on any great purpose in its entire history, even as McKinley was determined. It only desires to make sure that it is applying a cure which will not kill the patient.

The President and Congress are not unmindful of the necessity of building up a great merchant marine. They are not unmindful of our purpose to begin the great internal improvements of the country. They are not unmindful of a lack of prosperity in certain textile and industrial spots. And we are all full of determination and resolve that where something must be done, where undertakings are demanded, on land or sea or air, they shall be accomplished. We only suggested that the same policies of the same party which has conducted our country through seven years of successes shall continue to conduct it, not for the benefit of the party—that is of small consideration—but for the benefit of the country, the Western Hemisphere, and the whole world.

THE LESSON OF M'KINLEY'S LIFE

Gentlemen, you do a real service to your country in annually bringing to public attention the superb statesmanship, the sterling character, and the lovable nature of one of the best and most effective Presidents in our entire history. No life could better inspire American youth. He had the gentleness of a woman yet the strength of a soldier. He possessed the sympathy of a child, yet the mental power of a giant, a tolerant Christian of unimpeachable character. He thrills me most at the beginning and at the end of his career—the two scenes. A boy of 18 years shouldering a rifle and marching with men of all ages to almost certain slaughter at a time when men's souls were numb with fear, taking his natural patriotism through fine heredity, nerving his youth at the prayerful appeal of Abraham Lincoln, comforting his mind through the fatherly benediction of his superior officer, Rutherford B. Hayes—we behold the same person who, near the end at Buffalo, mortally wounded by an assassin's bullet, President of the United States, benefactor of his countrymen, about to become another victim of the spirit of anarchy, softly saying as the mob sought to kill the deluded creature, looking down with bleeding yet pitying heart, "Don't hurt him." To-day we need this dying lesson taught by the Ohio soldier boy and martyred President. Let the acts which produce anarchy be restrained. Let lawlessness be put down. Let us get the full meaning of the life of the hero whom we glorify to-night. This wonderful State of yours, with its six and a half million people, with its twenty billions of wealth, large enough to be an empire or a republic on any other continent, rich in natural resources, diversified to the point of independence, progressive in business and philanthropy, famous in statesmen, mother of six Presidents, may well rise to a man and drink a toast to-night to one of its sons, as ideal an American as ever lived—William McKinley.

ADJOURNMENT

Mr. BARBOUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 32 minutes p. m.) the House adjourned until to-morrow, Thursday, February 9, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, February 9, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Department of Agriculture appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To place agricultural products upon a price equality with other commodities (H. R. 10656).

To foster agriculture and to stabilize the prices obtained for agricultural commodities by providing for the issuance of export debentures upon the exportation of such commodities (H. R. 10568).

COMMITTEE ON THE CENSUS

(10.30 a. m.)

To provide for the fifteenth and subsequent decennial censuses (H. R. 393).

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

To amend Title II of an act approved February 28, 1925, regulating postal rates (H. R. 9296).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To amend an act entitled "An act for the regulation of radio communications," approved February 23, 1927 (H. R. 8825).

COMMITTEE ON ROADS

(10 a. m.)

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented (H. R. 358, 383, 5518, 7343, and 8832).

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented, and authorizing appropriation of $150,000,000 per annum for two years (H. R. 7019).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

For the issuance and execution of warrants in criminal cases and to authorize bail (H. R. 9784).

COMMITTEE ON INSULAR AFFAIRS

(10.30 a. m.)

For the relief of certain Porto Rican taxpayers (S. 754).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote the unification of carriers engaged in interstate commerce (H. R. 5641).

COMMITTEE ON LABOR

(2 p. m.)

To divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases (H. R. 7729).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

342. A letter from the Secretary of War, transmitting report, dated January 25, 1928, from the Chief of Engineers, United States Army, on preliminary examination and survey of Menominee Harbor and River, Mich. and Wis. (H. Doc. No. 171); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

343. A letter from the Secretary of War, transmitting report, dated January 26, 1928, from the Chief of Engineers, United States Army, on preliminary examination and survey of Monroe Bay and Creek, Va. (H. Doc. No. 172); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

344. A letter from the Secretary of War, transmitting report, dated January 27, 1928, from the Chief of Engineers, United States Army, on preliminary examination of Alameda Harbor, Calif.; to the Committee on Rivers and Harbors.

345. A letter from the Secretary of War, transmitting report, dated January 24, 1928, from the Chief of Engineers, United States Army, on preliminary examination of Tombigbee River, Miss.; to the Committee on Rivers and Harbors.

346. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Saginaw River, Mich., and entrance thereto (H. Doc. No. 173); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

347. A letter from the Secretary of War, transmitting report dated January 24, 1928, from the Chief of Engineers, United States Army, on preliminary examination of Crystal River, Fla.; to the Committee on Rivers and Harbors.

348. A letter from the Secretary of War, transmitting report dated January 26, 1928, from the Chief of Engineers, United States Army, on preliminary examination of Beach Creek, Va.; to the Committee on Rivers and Harbors.

349. A letter from the Secretary of War, transmitting report from the Chief of Engineers dated January 25, 1928, on preliminary examination of Shem Creek from Hog Island Channel to point beyond city limits of Mount Pleasant, S. C.; to the Committee on Rivers and Harbors.

350. A letter from the Secretary of War, transmitting report dated January 25, 1928, from the Chief of Engineers, United States Army, on preliminary examination of channel from Maple, N. C., to the inland waterway between Norfolk, Va., and Beaufort Inlet, N. C.; to the Committee on Rivers and Harbors.

351. A letter from the Secretary of War, transmitting report dated January 23, 1928, from the Chief of Engineers, United States Army, on preliminary examination of Columbia River, Wash., with a view to securing an adequate channel to the town of Ilwaco; to the Committee on Rivers and Harbors.

352. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Columbia River, Wash., between Ilwaco and the town of Chinook, with a view to bank protection from floods and erosion; to the Committee on Rivers and Harbors.

353. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Neuse River, N. C., from New Bern to Raleigh; to the Committee on Rivers and Harbors.

354. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of harbor at Mackinaw City, Mich.; to the Committee on Rivers and Harbors.

355. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Portage Bay, Alaska, and adjacent bays, with a view to providing practicable harbor accessible to the Cold Bay oil fields; to the Committee on Rivers and Harbors.

356. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of channel from the inland waterway through Gurrituck Sound to Gurrituck Courthouse, N. C.; to the Committee on Rivers and Harbors.

357. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of channel on the northeasterly side of Marquette Island, Mich., between Mackinac Bay and Muscallonge Bay; to the Committee on Rivers and Harbors.

358. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of channel way of the Moosabec Reach, Me.; to the Committee on Rivers and Harbors.

359. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Camden Harbor, Me.; to the Committee on Rivers and Harbors.

360. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Clatskanie River, Oreg., from Clatskanie to the channel of Columbia River; to the Committee on Rivers and Harbors.

361. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Homosassa River, Fla.; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. YON: Committee on the Public Lands. H. R. 9842. A bill to provide for the survey, appraisal, and sale of the undisposed lots in the town site of St. Marks, Fla.; with amendment (Rept. No. 598). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALL of Indiana: Committee on Pensions. H. R. 10437. A bill granting double pension in all cases where an officer or enlisted man of the Navy dies or is disabled in line of duty as the result of a submarine accident; without amendment (Rept. No. 599). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE of Colorado: Committee on the Public Lands. H. R. 8286. A bill to authorize the sale of certain lands near Garden City, Kans.; without amendment (Rept. No. 600). Referred to the House Calendar.

Mr. COLTON: Committee on the Public Lands. H. R. 8724. A bill granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city; with amendment (Rept. No. 602). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. H. R. 8733. A bill granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city; with amendment (Rept. No. 603). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. H. R. 8734. A bill granting certain lands to the city of Centerville, Utah, to protect the watershed of the water-supply system of said city; with amendment (Rept. No. 604). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on the Public Lands. H. R. 475. A bill to amend certain laws relating to the submission of proof of entries within reclamation projects; with amendment (Rept. No. 605). Referred to the House Calendar.

Mr. REED of New York: Committee on Education. H. R. 279. A bill to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867; without amendment (Rept. No. 606). Referred to the Committee of the Whole House on the state of the Union.

Mr. WATRES: Committee on the Post Office and Post Roads. H. R. 8337. A bill to amend the air mail act of February 2, 1925, as amended by the act of June 3, 1926; with amendment (Rept. No. 607). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Irrigation and Reclamation. H. R. 9958. A bill to authorize the disposal of public land classified as temporarily or permanently unproductive on Federal irrigation projects; without amendment (Rept. No. 608). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DREWRY: Committee on Naval Affairs. H. R. 6195. A bill granting six months' pay to Constance D. Lathrop; without amendment (Rept. No. 601). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 936. A bill for the relief of Garrett M. Martin; with amendment (Rept. No. 609). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 940. A bill for the relief of Michael J. Fraher; with amendment (Rept. No. 610). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 943. A bill for the relief of Thomas Carroll; with amendment (Rept. No. 611). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 10612) granting an increase of pension to Elizabeth Woodruff, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JONES: A bill (H. R. 10706) to forbid forecasts or predictions of future cotton prices by Government officials; to the Committee on Agriculture.

By Mr. KENDALL: A bill (H. R. 10707) authorizing the Point Marion Community Club, its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Point Marion, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. WINTER: A bill (H. R. 10708) providing for horticultural experiment and demonstration work in the semiarid and dry-land regions of the United States; to the Committee on Agriculture.

By Mr. CONNALLY of Texas: A bill (H. R. 10709) for the prevention and removal of obstructions and burdens upon interstate commerce in cotton by regulating transactions on cotton-futures exchanges, and for other purposes; to the Committee on Agriculture.

By Mr. DENISON: A bill (H. R. 10710) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924; to the Committee on Interstate and Foreign Commerce.

By Mr. LEAVITT: A bill (H. R. 10711) to amend section 3 of the act approved April 12, 1926 (44 Stat. 239, 240), with reference to suits involving Indian land titles among the Five Civilized Tribes; to the Committee on Indian Affairs.

By Mr. BECK of Wisconsin: Resolution (H. Res. 111) relative to presidential retirement after the second term; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. COLTON: Memorial of the Legislature of the State of Utah, protesting against the passage of the Swing-Johnson bill, pending in Congress, or other similar legislation; to the Committee on Irrigation and Reclamation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARBOUR: A bill (H. R. 10712) granting a pension to Johanna M. C. Fritz; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 10713) for the relief of Frick Co., Waynesboro, Pa.; to the Committee on Claims.

By Mr. BLAND: A bill (H. R. 10714) for the relief of T. Abraham Hetrick; to the Committee on Military Affairs.

By Mr. COCHRAN of Missouri: A bill (H. R. 10715) to authorize Col. Charles A. Lindbergh, United States Army Air Corps Reserve, to accept decorations and gifts from foreign governments; to the Committee on Military Affairs.

By Mr. BOWMAN: A bill (H. R. 10716) granting a pension to Malinda Bell Caldwell; to the Committee on Invalid Pensions.

By Mr. BULWINKLE: A bill (H. R. 10717) granting an increase of pension to Susan Gentry; to the Committee on Invalid Pensions.

By Mr. BYRNS: A bill (H. R. 10718) granting an increase of pension to Mrs. Frank Browne McConnell; to the Committee on Pensions.

By Mr. CANFIELD: A bill (H. R. 10719) granting a pension to Louisa E. Prall; to the Committee on Pensions.

Also, a bill (H. R. 10720) granting an increase of pension to Lucy Jane McGrayel; to the Committee on Invalid Pensions.

By Mr. CARTWRIGHT: A bill (H. R. 10721) granting a pension to James C. Laymance; to the Committee on Pensions.

By Mr. CLARKE: A bill (H. R. 10722) granting a pension to Amelia Morse Lebaron; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 10723) granting an increase of pension to Georgia L. Vroman; to the Committee on Invalid Pensions.

By Mr. DOUGLASS of Massachusetts: A bill (H. R. 10724) granting a pension to Joshua C. Hiscock; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 10725) for the relief of Anthony Amad; to the Committee on Claims.

By Mr. GILBERT: A bill (H. R. 10726) granting a pension to Idella McFarland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10727) granting a pension to Ann P. Brown; to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 10728) granting a pension to Jennie McFarland; to the Committee on Invalid Pensions.

By Mr. KELLY: A bill (H. R. 10729) for the relief of Laura A. DePodesta; to the Committee on Claims.

Also, a bill (H. R. 10730) for the relief of the Liberty Banking Co., Pittsburgh, Pa.; to the Committee on Claims.

By Mr. LEHLBACH: A bill (H. R. 10731) for the relief of Nunzio Viola; to the Committee on Claims.

By Mr. MacGREGOR: A bill (H. R. 10732) for the relief of the owner of the steam lighter *Victor T.;* to the Committee on Claims.

Also, a bill (H. R. 10733) for the relief of the owner of scow *65–H;* to the Committee on Claims.

Also, a bill (H. R. 10734) for the relief of the owner of the barge *Katie Tracy;* to the Committee on Claims.

Also, a bill (H. R. 10735) for the relief of the owner of Cahill Towing Line (Inc.); to the Committee on Claims.

By Mr. MAAS: A bill (H. R. 10736) granting a pension to Albert M. Taugner; to the Committee on Pensions.

By Mr. MORROW: A bill (H. R. 10737) granting a pension to William D. Kershner; to the Committee on Pensions.

By Mr. PEAVEY: A bill (H. R. 10738) granting an increase of pension to Joe Mitchell; to the Committee on Pensions.

By Mr. QUAYLE: A bill (H. R. 10739) to place Dr. Charles H. Delancey on the retired list of the Navy as a lieutenant commander; to the Committee on Naval Affairs.

By Mr. RATHBONE: A bill (H. R. 10740) for the relief of Tony Parish; to the Committee on Claims.

By Mr. RAYBURN: A bill (H. R. 10741) to provide for a final settlement of the claims of J. F. McMurray and J. F. McMurray as assignee of Mansfield, McMurray & Cornish against the Choctaw and Chickasaw Nation or Tribes of Indians for legal services rendered and expenses incurred; to the Committee on Indian Affairs.

By Mr. REECE: A bill (H. R. 10742) granting an increase of pension to William E. Slimp; to the Committee on Pensions.

Also, a bill (H. R. 10743) granting a pension to George Arthur Taylor; to the Committee on Pensions.

By Mr. SINCLAIR: A bill (H. R. 10744) providing for the examination and survey of the Missouri River from Sioux City, Iowa, to the mouth of the Yellowstone River, N. Dak.; to the Committee on Rivers and Harbors.

By Mr. STALKER: A bill (H. R. 10745) granting an increase of pension to Mary L. Wheeler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10746) granting an increase of pension to Edith Pealing; to the Committee on Invalid Pensions.

By Mr. STOBBS: A bill (H. R. 10747) for the relief of Frank Billig; to the Committee on Military Affairs.

By Mr. SWEET: A bill (H. R. 10748) granting an increase of pension to Jennie E. Forsyth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10749) granting an increase of pension to Harriet E. Granger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10750) granting a pension to Olive E. Smith; to the Committee on Invalid Pensions.

By Mr. UPDIKE: A bill (H. R. 10751) authorizing the Secretary of the Navy to make a readjustment of pay to Gunner W. H. Anthony, jr., United States Navy, retired; to the Committee on Naval Affairs.

By Mr. WARE: A bill (H. R. 10752) granting a pension to Lucy F. Sanders; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 10753) granting an increase of pension to Belle M. Jump; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3444. By Mr. AYRES: Petition of citizens of El Dorado, Kans., against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3445. Also, petition of citizens of Wichita, Kans., against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3446. By Mr. BACHMANN: Petition of Paul Timberlake and a number of other signatures of citizens of Wheeling, Ohio County, W. Va., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3447. By Mr. BARBOUR: Letter of Rev. H. J. Krehbiel, of Reedley, Calif., relative to naval building program; to the Committee on Naval Affairs.

3448. Also, petition of residents of the seventh congressional district of California, protesting against the passage of the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

3449. By Mr. BEERS: Petition of Sterling Council, No. 449, Junior Order of United American Mechanics, favoring the passage of House bill 3; to the Committee on Immigration and Naturalization.

3450. Also, petition of members of Washington Camp, No. 471, Patriotic Order Sons of America, and Duncannon Council, No. 181, Sons and Daughters of Liberty, favoring restricted immigration; to the Committee on Immigration and Naturalization.

3451. By Mr. BRIGHAM: Petition of Ray H. Porter and 23 other citizens of South Shaftsbury and Bennington, Vt., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3452. By Mr. BULWINKLE: Petition of citizens of Charlotte, N. C., opposing the Brookhart bill (S. 1667); to the Committee on Interstate and Foreign Commerce.

3453. By Mr. BURTNESS: Petition of 75 residents of the first congressional district of North Dakota, protesting against the passage of the compulsory Sunday observance law (H. R. 78); to the Committee on the District of Columbia.

3454. Also, petition of 57 residents of Towner County, N. Dak., urging increase in pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3455. By Mr. CARSS: Petition of Asa Kelsey and 12 other residents of Fairland, Minn., protesting against enactment of House bill 78, the so-called compulsory Sunday observance bill; to the Committee on the District of Columbia.

3456. Also, petition of M. J. Thompson and 89 other residents of Hibbing, Minn., protesting against enactment of House bill

78, compulsory Sunday observance bill; to the Committee on the District of Columbia.

3457. By Mr. COLE of Iowa: Petition of Lew Wallace and 31 other signers, all residents of Cedar Rapids, Iowa, protesting the passage of the compulsory Sunday observance bill (H. R. 78), or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

3458. Also, petition of W. D. Crawford and 100 other signers, all residents of Cedar Rapids, Iowa, protesting the passage of the compulsory Sunday observance bill (H. R. 78) or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

3459. By Mr. CLAGUE: Petition of L. L. Rockwell, Wells, Minn., and a hundred other citizens of Faribault County, opposing House bill 78, compulsory Sunday observance bill; to the Committee on the District of Columbia.

3460. Also, petition of S. H. Kraushaar, Alden, Minn., and 90 others, opposing House bill 78, compulsory Sunday observance bill; to the Committee on the District of Columbia.

3461. Also, petition of Robert C. Braaten and 45 other citizens of Murray and Nobles Counties, Minn., opposing House bill 78, compulsory Sunday observance bill; to the Committee on the District of Columbia.

3462. By Mr. CRAMTON: Petition signed by H. W. McKay and 45 other residents of Croswell, Mich., urging passage of a Civil War pension bill carrying higher rates of pension; to the Committee on Invalid Pensions.

3463. Also, petition signed by J. H. Beckton and 66 other residents of Caro, Mich., urging favorable action on the Cannon bill (H. R. 9298); to the Committee on Interstate and Foreign Commerce.

3464. Also, petition signed by Charles C. Ingersoll and 18 other residents of Vassar, Mich., urging favorable action on the Cannon bill (H. R. 9298); to the Committee on Interstate and Foreign Commerce.

3465. By Mr. CRISP: Petitions from citizens of Fitzgerald, Ga., requesting Legislature increase pension of Union soldiers of the Civil War and their widows; to the Committee on Invalid Pensions.

3466. By Mr. CROWTHER: Petition of residents of Schenectady, N. Y., against compulsory Sunday observance (H. R. 78); to the Committee on the District of Columbia.

3467. By Mr. EVANS of Montana: Petition of Alice Pauli and other residents of Butte, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3468. Also, petition of Frank Neary and other residents of Butte, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3469. Also, petition of Opal Russell and other residents of Butte, Mont., protesting against the passage of House bill 78, the Sunday observance bill; to the Committee on the District of Columbia.

3470. Also, petition of Edith Corkish and other residents of Butte, Mont., protesting against the passage of House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

3471. Also, petition of G. E. Marvin and other residents of Bozeman, Mont., protesting against the tax on Chautauqua tickets; to the Committee on Ways and Means.

3472. Also, petition of R. Price and other residents of Butte, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3473. Also, petition of Dorothy Dolan and other residents of Butte, Mont., protesting against the passage of House bill 78, the Sunday observance bill; to the Committee on the District of Columbia.

3474. Also, petition of George Harrington and other residents of Butte, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3475. Also, petition of W. A. Burke and other residents of Butte, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3476. Also, petition of C. S. Wagner and other residents of Butte, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3477. Also, petition of Leo Hoffman, of Butte, Mont., and other residents of that city, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3478. By Mr. ROY G. FITZGERALD: Petition of 45 citizens of Dayton, Ohio, praying for the defeat of Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3479. By Mr. GALLIVAN: Petition of Branch No. 5, United National Association of Post Office Clerks, Boston, Mass., Frank M. Flanagan, recording secretary, Back Bay post office, Boston, Mass., urging passage of House bills 6506 and 6658; to the Committee on the Post Office and Post Roads.

3480. By Mr. GARBER: Resolution of Council on National Parks, Forest and Wild Life, of 233 Broadway, New York, by Barrington Moore, secretary, asking that Congress give greater recognition to the need for forest-fire prevention and that it provide more appropriations for the detection and suppression of fires in their early stages; to the Committee on Agriculture.

3481. Also, letter and resolution of Chicago Dental Society, of Chicago, Ill., by Hugo G. Fisher, secretary, indorsing House bill 5766, to provide for the coordination of the public-health activities of the Government and for other purposes; to the Committee on Interstate and Foreign Commerce.

3482. Also, petition of the residents of Alva, Okla., urging the enactment of legislation for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3483. Also, petition of residents of Mooreland, Okla., urging the enactment of legislation for the relief of the Civil War veterans and their widows; to the Committee on Invalid Pensions.

3484. Also, letter of Aurelia M. Hill, box 4205, Takoma Park, Washington, D. C., in protest to the passage of the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

3485. By Mr. GARDNER of Indiana: Petition of Lester Sloan and 127 other citizens of Mitchell, Washington County, Ind., urging the Congress of the United States to take immediate steps to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

3486. By Mr. GARNER of Texas: Memorial of Jefferson County (Tex.) Chapter of the Reserve Officers' Association of the United States, in support of creation of department of national defense; to the Committee on Military Affairs.

3487. By Mr. HADLEY: Petition of residents of Sedro-Woolley, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

3488. By Mr. HAUGEN: Petition of 130 citizens of West Union, Iowa, urging the passage of a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

3489. Also, petition of 58 citizens of Riceville, Iowa, protesting against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3490. By Mr. HOCH: Petition of Mrs. W. M. Adsit and 16 other citizens of Eureka, Kans., asking for immediate vote on pension bill providing for increase of pensions to Civil War veterans and widows; to the Committee on Invalid Pensions.

3491. By Mr. JACOBSTEIN: Petition of citizens of Rochester, N. Y., protesting the passage of the Lankford bill (H. R. 78) proposing a blue Sunday law for the District of Columbia; to the Committee on the District of Columbia.

3492. By Mr. JOHNSON of Washington: Petition of 3,473 citizens of Clarke, Cowlitz, Lewis, Mason, Grays Harbor, Pacific, Pierce, and Thurston Counties, Wash., opposing compulsory Sunday observance legislation in the District of Columbia; to the Committee on the District of Columbia.

3493. Also, petition of 13 citizens of Chehalis, 22 citizens of Tacoma, and 25 citizens of Clarke County, Wash., favoring increased pension for Civil War soldiers and widows; to the Committee on Invalid Pensions.

3494. Also, petitions of 26 citizens of the State of Washington, favoring increased salaries for certain Federal employees as provided by House bill 6518; to the Committee on the Civil Service.

3495. By Mr. KNUTSON: Petitions of citizens of Swanville, Minn., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

3496. By Mr. LINDSAY: Petition, being referendum No. 48 on the merchant marine, adopted by the board of directors of the Queensboro Chamber of Commerce, New York City, making certain recommendations with respect to the merchant marine and in general expressing disapproval of the United States Government remaining in the shipping business; to the Committee on the Merchant Marine and Fisheries.

3497. By Mr. MAAS: Petition of Mrs. A. Christiansen and 16 petitioners of Ramsey County, Minn., protesting against passage of House bill 78, compulsory Sunday observance; to the Committee on the District of Columbia.

3498. Also, petition of Elizabeth Lantry and 48 petitioners from St. Paul, Minn., protesting against passage of House bill 78, compulsory Sunday observance; to the Committee on the District of Columbia.

3499. Also, petition of A. R. Fischer and 287 petitioners of St. Paul, Minn., protesting against passage of House bill 78, compulsory Sunday observance; to the Committee on the District of Columbia.

3500. Also, petition of Raymond W. Mendel and 25 petitioners of St. Paul, Minn., protesting against passage of House bill 78, compulsory Sunday observance; to the Committee on the District of Columbia.

3501. By Mr. MANLOVE: Petition signed by 120 citizens of McDonald County, Mo., including J. M. Patton, Mrs. Ed Revard, and Mrs. Ed Ragsdale, of Pineville; L. B. Stratton, Anderson; D. R. Sturges, W. W. Baxter, and M. E. Meador, of Lanagan; and J. M. Tatum, Anderson, all in the State of Missouri, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3502. Also, petition signed by 44 citizens of Jasper County, Mo., including Elmer E. Edwards, John J. Fuller, Anna Mulkins, Mrs. J. R. O'Connor, Mrs. L. W. Campbell, all of Webb City Mo.; Mrs. Eunice Ryker and J. A. Boots, of Joplin, Mo., protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3503. Also, petitions including Mrs. George M. Dunkin, C. B. Lane, J. E. Hendrix, and 75 others, citizens of Nevada, Mo., protesting against Lankford compulsory Sunday bill; to the Committee on the District of Columbia.

3504. Also, petition signed by 48 citizens of Bates and Vernon Counties, Mo., including Lon Ray, Eva S. Bynum, T. W. Arnold, C. W. Anderson, H. O. Maxey, of Butler, Mo., Mrs. L. Branaman, Mary H. Newlove, and J. T. Allen, of Nevada, Mo., and Myrtle D. Maxey and Elfie Callahan, of Montrose, Mo., protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3505. By Mr. MAPES: Petition of 108 residents of Grand Rapids, Mich., for the enactment of further legislation by Congress for the benefit of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3506. By Mr. MOORE of Kentucky: Petition signed by C. A. Lawton, J. W. Humphreys, J. H. Tudor, and 118 other citizens of Central City, Ky., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

3507. Also, petition signed by Rev. W. T. Denny, Rev. T. J. Mack, Rev. A. J. Bownley, Lesley Anthony, D. D. Williams, and 133 other residents of Franklin, Ky., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

3508. By Mr. MURPHY: Petition of John Pasack and 72 others, asking for appropriations for roads covered by mail routes; to the Committee on Appropriations.

3509. By Mr. O'BRIEN: Petition of citizens of Harrison County, W. Va., protesting against House bill 78, or any other bill that will in any way give preference to one religion above another; to the Committee on the District of Columbia.

3510. By Mr. O'CONNELL: Petition of the Council on National Parks, Forest and Wild Life, Washington, D. C., favoring increased appropriations for detection and suppression of fires; to the Committee on Appropriations.

3511. By Mr. PEAVEY: Petition of numerous citizens of Lac du Flambeau, Vilas County, Wis., in favor of legislation to bring aid and relief to needy and suffering Civil War veterans and their widows; to the Committee on Invalid Pensions.

3512. By Mr. ROBINSON of Iowa: Petition from about 30 citizens of Cascade, Dubuque County, Iowa, urging the immediate passage of Civil War widows' pension bill; to the Committee on Invalid Pensions.

3513. By Mr. RATHBONE: Petition of citizens of Chicago, Ill., urging that immediate steps be taken on the Civil War pension bill; to the Committee on Invalid Pensions.

3514. By Mr. SHALLENBERGER: Petition against compulsory Sunday observance; to the Committee on the District of Columbia.

3515. By Mr. SINCLAIR: Petition of 17 citizens of Manning, N. Dak., in behalf of House bill 5601; to the Committee on the Civil Service.

3516. By Mr. SMITH: Resolution signed by Mrs. T. G. Mays, jr., and 123 other residents of Boise, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3517. By Mr. STALKER: Petition of sundry citizens of Schuyler County, N. Y., urging the enactment of legislation for an increase in pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3518. By Mr. SWING: Petition of citizens of San Bernardino County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3519. Also, petition of citizens of Riverside, Calif., and other communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3520. Also, petition of citizens of Oceanside, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3521. Also, petition of citizens of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3522. Also, petition of citizens of Beaumont, Calif., and other communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3523. By Mr. TEMPLE: Petition of Shingiss Tribe, 339, Improved Order of Red Men, and Chartiers Valley Central Labor Union, Canonsburg, Pa., in support of House bill 25 and Senate bill 1727, known as the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

3524. By Mr. STEELE: Petition of 150 citizens of De Kalb and Fulton Counties, Ga., protesting against the passage of legislation enforcing compulsory Sunday observance, especially the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

3525. By Mr. WELCH of California: Petition of Charles W. Carleton, secretary Tabernacle Seventh Day Adventists Church, San Francisco, Calif., containing 1,300 signatures, protesting against the passage of House bill 78, Lankford Sunday bill; to the Committee on the District of Columbia.

3526. By Mr. WYANT: Petition of Mount Pleasant (Pa.) Church of the Brethren, opposing Navy appropriation bill; to the Committee on Appropriations.

3527. Also, petition of Washington Camp, No. 627, Patriotic Order Sons of America, Salina, Pa., indorsing House bill 10078; to the Committee on Immigration and Naturalization.

3528. Also, petition of Henry A. Dreer, seed, plant, and bulb growers, advocating changes in postal laws; to the Committee on the Post Office and Post Roads.

3529. Also, petition of Izaak Walton League of America, indorsing House bills 15, 69, 357, 478, 5467, 5729, 5760, 6091, 6919, 7361, and Senate bills 1181, 1183, 1272, 1280, and 2171; to the Committee on Agriculture.

SENATE

THURSDAY, *February 9, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Lord, who never failest to help and govern those whom Thou dost bring up in Thy steadfast fear and love, reveal in us the love that seeks and saves, the sacrifice of reconciliation, the very force that vibrates forever across the invisible fabric of the universe out of which the worlds are woven. Thrill into flame the spirits of all great men, that they may shine as beacon lights in the world, and touch into trembling glow ten thousand times ten thousand taper points of that great multitude of Thy children—the good who are not great. Grant this, O Lord, through Him who is the light of the world, our Saviour Jesus Christ. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendment of the Senate to each of the following bills:

H. R. 5583. An act granting the consent of Congress to the Kansas City, Mexico & Orient Railway Co. of Texas and the Kansas City, Mexico & Orient Railway Co. to construct, maintain, and operate a railroad bridge across the Rio Grande River at or near Presidio, Tex.; and

H. R. 6099. An act granting the consent of Congress to the States of New York and Vermont to construct, maintain, and operate a bridge across Lake Champlain between Crown Point, N. Y., and Chimney Point, Vt.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes; requested a conference with the Senate on the disagreeing votes

of the two Houses thereon, and that Mr. CRAMTON, Mr. MURPHY, and Mr. TAYLOR of Colorado were appointed managers on the part of the House at the conference.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Ferris	McMaster	Shortridge
Bayard	Fess	McNary	Simmons
Bingham	Fletcher	Mayfield	Smith
Black	Frazier	Metcalf	Smoot
Blaine	George	Moses	Steck
Blease	Gillett	Neely	Steiwer
Borah	Gooding	Norbeck	Stephens
Bratton	Gould	Norris	Swanson
Brookhart	Greene	Nye	Thomas
Broussard	Harris	Oddie	Trammell
Bruce	Harrison	Overman	Tydings
Capper	Hawes	Phipps	Tyson
Caraway	Hayden	Pine	Wagner
Copeland	Heflin	Pittman	Walsh, Mass.
Couzens	Howell	Ransdell	Walsh, Mont.
Curtis	Johnson	Reed, Pa.	Warren
Cutting	Jones	Robinson, Ark.	Waterman
Dale	Kendrick	Robinson, Ind.	Watson
Deneen	King	Sackett	Wheeler
Dill	La Follette	Schall	Willis
Edge	McKellar	Sheppard	
Edwards	McLean	Shipstead	

Mr. JONES. I was requested to announce that the Senator from New Hampshire [Mr. KEYES] is detained from the Senate on official business.

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

INTERIOR DEPARTMENT APPROPRIATIONS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMOOT. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. SMOOT, Mr. CURTIS, and Mr. HARRIS conferees on the part of the Senate.

PETITIONS AND MEMORIALS

Mr. REED of Pennsylvania presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the enactment of Senate bill 744, the so-called Jones merchant marine bill, which was referred to the Committee on Commerce.

Mr. KING presented the following resolution of the Legislature of the State of Utah, which was referred to the Committee on Commerce:

STATE OF UTAH,
EXECUTIVE DEPARTMENT,
SECRETARY OF STATE'S OFFICE.

I, H. E. Crockett, secretary of state of the State of Utah, do hereby certify that the attached is a full, true, and correct copy of Senate Concurrent Resolution 3, by Mr. Auerbach, protesting against the passage of the Swing-Johnson bill, pending in Congress, or other similar legislation, passed by the Utah State Legislature on February 25, 1927, as appears on file in my office.

In witness whereof, I have hereunto set my hand and affixed the great seal of the State of Utah this 31st day of January, 1928.

[SEAL.] H. E. CROCKETT,
Secretary of State.

Certificate of enactment

We hereby certify that the foregoing bill, known as Senate Concurrent Resolution 3, by Mr. Auerbach, "Resolution protesting against the passage of the Swing-Johnson bill, pending in Congress, or other similar legislation," having first been regularly passed by the legislature and presented to his excellency, the governor, and the same not having been approved by him, was returned by him with his objections to the house in which it originated, to wit, the senate, which house duly entered the governor's objection at large upon its journal, and proceeded, pursuant to section 8 of article 7 of the constitution of Utah, to reconsider the bill; that after such reconsideration the said bill again passed both houses of the legislature by a yea-and-nay vote of two-thirds of the members elected to each house, to wit, by a vote of 18 yeas, 1 absent and not voting, 1 deceased in the senate, and by a vote of 45 yeas, 6 nays, and 4 absent and not voting in the house, there having been elected to the senate 20 members, 1 of whom had died and the vacancy caused by his death not having been filled, and to the house 55 members. We certify that the said bill was this 7th day of March, 1927, deposited with the secretary of state.

A. B. IRVINE,
President of the Senate.
S. M. JORGENSEN,
Speaker of the House.
H. L. CUMMINGS,
Secretary of the Senate.
E. L. CROPPER,
Chief Clerk of the House.

Resolution 3, protesting against the passage of the Swing-Johnson bill, pending in Congress, or other similar legislation

Be it resolved by the Legislature of the State of Utah (the governor concurring therein), That the State of Utah, through its legislature, hereby protests against the passage of the present Swing-Johnson bill, or any similar legislation, by Congress until provisions are made therein for an equitable apportionment of the waters of the Colorado River.

Resolved further, That the Governor of the State of Utah forward certified copies of this resolution to the President of the United States, the Secretary of the United States, to the Senators and Representatives in Congress from this State, and to the Governors of the States of Arizona, Colorado, California, New Mexico, Wyoming, and Nevada.

The foregoing Senate Concurrent Resolution 3 was publicly read by title and immediately thereafter signed by the president of the senate, in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 25th day of February, 1927.

A. B. IRVINE,
President of the Senate.

Attest:

H. L. CUMMINGS,
Secretary of the Senate.

The foregoing Senate Concurrent Resolution 3 was publicly read by title and immediately thereafter signed by the speaker of the house, in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 25th day of February, 1927.

S. M. JORGENSEN,
Speaker of the House.

Attest:

E. L. CROPPER,
Chief Clerk of the House.

Received from the senate this 25th day of February, 1927.

Received from the secretary of the senate and filed in the office of the secretary of state this 7th day of March, 1927.

H. E. CROCKETT,
Secretary of State.

Mr. SHORTRIDGE presented a memorial of sundry citizens of Monterey County, Calif., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions numerously signed by sundry citizens of the State of California, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committe on Pensions.

Mr. SIMMONS presented memorials numerously signed by citizens of Charlotte and vicinity, in the State of North Carolina, remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

Mr. WILLIS presented memorials of sundry citizens of Cleveland, Ohio, remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

Mr. JONES presented memorials of sundry citizens of Seattle and vicinity, in the State of Washington, remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Sunnyside, Wash., praying for the passage of legislation granting farm relief by reducing freight rates, etc., which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Ferndale, Wash., remonstrating against the passage of legislation provid-

ing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Entiat, Wash., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Seattle, Wash., praying for the passage of legislation amending the immigration law so that the quota distribution may be based on the census of 1890, and that the present quota distribution based on national origin be annulled, which was referred to the Committee on Immigration.

He also presented a resolution adopted by Leif Erikson Lodge, No. 1, Sons of Norway, and the Valkyrien Lodge, No. 1, Daughters of Norway, protesting against the quota provision of the present immigration law and requesting that the quotas for the Scandinavian countries remain undisturbed, which was referred to the Committee on Immigration.

Mr. NORBECK presented a resolution adopted by Spirit Mound Local, No. 400, Farmers' Educational and Cooperative Union of America, of Vermilion, S. Dak., favoring a fair and just investigation of the meat-packing industry, which was referred to the Committee on Agriculture and Forestry.

Mr. COPELAND presented a resolution adopted at a meeting in the city of New York, N. Y., of members of the Council on National Parks, Forests, and Wild Life, favoring the making of adequate appropriations for forest-fire prevention, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Rochester and Buffalo, N. Y., remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the National Guard Association of the State of New York, favoring the passage of the so-called Tyson-Fitzgerald bills, providing for the retirement of emergency officers of the Army in service during the World War, which was ordered to lie on the table.

He also presented a resolution adopted by the National Guard Association of the State of New York, favoring the passage of legislation for the holding of national shooting matches annually in connection with the School for Small Arms Firing, which was referred to the Committee on Military Affairs.

Mr. McLEAN presented petitions of Lodge No. 22, of Bridgeport, and Elm Lodge, No. 420, of New Haven, both of the International Association of Machinists, in the State of Connecticut, praying for the passage of legislation providing for the reconditioning of the U. S. S. *Mount Vernon* and the U. S. S. *Monticello*, so that employees of the navy yards may be kept working, which were referred to the Committee on Commerce.

He also presented memorials of sundry citizens of New Haven, Bridgeport, and Hamden, all in the State of Connecticut, remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by Council No. 6, Junior Order United American Mechanics, of Bridgeport, Conn., protesting against the repeal of the national-origins quota provision of existing law and urging Congress to carry into execution that provision of the immigration act of 1924, which was referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Cromwell, Conn., remonstrating against the adoption of the proposed naval-building program, which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES

Mr. BROOKHART, from the Committee on Military Affairs, to which was referred the bill (S. 2007) to authorize the Secretary of War to pay officers and Filipinos formerly enlisted as members of the National Guard of Hawaii for field and armory training during years 1924 and 1925, and to validate payments for such training heretofore made, reported it with an amendment and submitted a report (No. 274) thereon.

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 3066) for the relief of Herman Shulof, reported it with an amendment and submitted a report (No. 275) thereon.

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (S. 3062) for the relief of Anna Faceina, reported it without amendment and submitted a report (No. 276) thereon.

Mr. FESS, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 23) providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779, reported it with amendments and submitted a report (No. 277) thereon.

REPORT OF THE SESQUICENTENNIAL OF AMERICAN INDEPENDENCE AND THOMAS JEFFERSON CENTENNIAL COMMISSION

Mr. BINGHAM. From the Committee on Printing I report a resolution and ask for its immediate consideration.

The resolution (S. Res. 143) was read, as follows:

Resolved, That the manuscript entitled "Report of the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States" be printed as a Senate document.

Mr. BINGHAM. I will state that the estimate of the cost of this printing is given by the Public Printer at $587.23.

The resolution was considered by unanimous consent and agreed to.

MUSCLE SHOALS

Mr. NORRIS. Mr. President, I want to submit a request for a reprint of the report which I have previously made relating to Muscle Shoals. In this report I gave the cost of nitrate plant No. 2 at Muscle Shoals at something over $67,000,000. While I think that is technically correct, and it is the figure which the War Department carries on its books as the cost of that plant, at the same time I believe that it is just a little misleading. I want to reprint the report with a modification and explanation of that statement. I ask unanimous consent for a reprint with the correction I have suggested.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. NORRIS. While I am on my feet I would like to give notice that, as soon as the resolution of the Senator from Wisconsin [Mr. LA FOLLETTE], which is now the unfinished business, is disposed of I shall, if I can get recognition, make a motion to take up the Muscle Shoals joint resolution.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 3093) amending Subchapter XII—fraternal beneficial associations—of the Code of Law for the District of Columbia to provide protection on the lives of children by fraternal beneficial associations; to the Committee on the District of Columbia.

By Mr. SMOOT:

A bill (S. 3094) for the relief of Hanmer Peterson; to the Committee on Claims.

A bill (S. 3095) to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918; to the Committee on Finance.

By Mr. WALSH of Massachusetts:

A bill (S. 3096) granting an increase of pension to Esther A. Ela; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 3097) for the relief of the State of North Carolina; to the Committee on Claims.

By Mr. THOMAS:

A bill (S. 3098) for the relief of A. G. Wilson; to the Committee on Claims.

By Mr. NEELY:

A bill (S. 3099) granting an increase of pension to Lulu E. Winans; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 3100) to facilitate and simplify the work of the Department of Agriculture in certain cases; to the Committee on Agriculture and Forestry.

By Mr. JONES:

A bill (S. 3101) granting a pension to Margaret K. Walker (with accompanying papers); to the Committee on Pensions.

A bill (S. 3102) for the relief of William Ellis McCarthy; to the Committee on Naval Affairs.

By Mr. TRAMMELL:

A bill (S. 3103) directing an investigation to determine the advisability of establishing a national park in the State of Florida; to the Committee on Public Lands and Surveys.

A bill (S. 3104) directing an investigation of reclamation of swamp and overflowed lands and plans for Government cooperation; to the Committee on Irrigation and Reclamation.

By Mr. CAPPER:

A bill (S. 3105) granting an increase of pension to Martha A. McLin (with accompanying papers); to the Committee on Pensions.

A bill (S. 3106) to change the name of Railroad Avenue between Nichols Avenue and Massachusetts Avenue; to the Committee on the District of Columbia.

By Mr. COPELAND:

A bill (S. 3107) to regulate the practice of the healing art to protect the public health in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SWANSON:

A bill (S. 3108) for the relief of Lucy H. Doak (with an accompanying paper); to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 3109) for the relief of Frank Johnston; and

A bill (S. 3110) granting compensation to Edward Byrne (with accompanying papers); to the Committee on Finance.

A bill (S. 3111) granting a pension to Mary E. Evans;

A bill (S. 3112) granting a pension to Sophronia O'Neill;

A bill (S. 3113) granting an increase of pension to Josephine I. Harrington; and

A bill (S. 3114) granting an increase of pension to John G. Slate; to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 3115) granting a pension to Catherine Foley; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 3116) providing half holidays for certain Government employees; to the Committee on Civil Service.

By Mr. BINGHAM:

A bill (S. 3117) for the relief of the State of Connecticut (with an accompanying paper); to the Committee on Claims.

By Mr. HARRISON:

A bill (S. 3118) to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near section 35, township 10 north, range 6 east, Leake County, Miss.; and

A bill (S. 3119) to authorize the construction of a temporary railroad bridge across Pearl River, at a point between or near sections 33 and 34, township 8 north, range 3 east, in Madison County, Miss., and sections 3 and 4, township 7 north, range 3 east, in Rankin County, Miss., and between Madison and Rankin Counties, Miss.; to the Committee on Commerce.

CHANGES OF REFERENCE

On motion of Mr. NORBECK, the Committee on Banking and Currency was discharged from the further consideration of the bill (S. 2795) to amend subdivision c of section 47 of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended, and it was referred to the Committee on the Judiciary.

Mr. BROOKHART. I introduced a bill (S. 1878) to amend section 5137 of the Revised Statutes, as amended, which was referred to the Committee on the Judiciary. It should have gone to the Committee on Banking and Currency. With the consent of the chairman of the Judiciary Committee, I ask that that change of reference be made.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Without objection, it is so ordered.

INVESTIGATION OF PUBLIC UTILITY CORPORATIONS

Mr. BLEASE submitted an amendment intended to be proposed by him to the resolution (S. Res. 83) authorizing an investigation of public utility corporations, which was ordered to lie on the table and to be printed.

AMENDMENTS TO TAX REDUCTION BILL

Mr. TRAMMELL and Mr. ROBINSON of Indiana each submitted an amendment intended to be proposed to House bill 1, the tax reduction bill, which were separately referred to the Committee on Finance and ordered to be printed.

IMPERIALISM IN CENTRAL AMERICA

Mr. BINGHAM. Mr. President, I present an article from the World's Work for February, 1928, entitled "Are we imperialists? And what imperialism does in Central America," by Samuel Crowther, which I ask may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARE WE IMPERIALISTS? AND WHAT IMPERIALISM DOES IN CENTRAL AMERICA

By Samuel Crowther

[Does the eye of Latin America, looking at our American eagle as a symbol of political liberty and freedom for all, see a vulture seeking to prey upon all backward and smaller neighbors? Shortly before the opening of the Pan American Conference at Habana and before the Lindbergh good-will flights, Mr. Crowther asked this question of the Presidents and high officials of the Central American Republics, and here he gives their answers.]

I set out to find the American imperialistic eagle. My search ranged pretty much all over Central America. Though I heard that the bird had been seen, it was always in the next country. And when I came to that country I found that it had not been there but was quite likely in some other country. Thinking that if anyone had first-hand knowledge it would certainly be the Presidents of these little Republics, I saw and talked with all of them. Here is what I saw and what they said.

I

Most of the half-million Costa Ricans are grouped on the high, rolling plateau that holds the cities of Cartago and San Jose and on a narrow strip of country extending along the railroad that follows the Reventazon River to Port Limon and the sea. The plateau grows coffee—very fine coffee, every berry of which is inspected and graded at the beneficios—coffee-drying stations—just as though they were so many diamonds. All native Costa Ricans are in coffee or in politics or related to Minor C. Keith. The volume of coffee production has remained more or less stationary for nearly half a century. Politics is a closed-shop industry with very little provision for apprentices. Everything else was started by Mr. Keith or by the successor to part of his undertakings—the United Fruit Co.

Mr. Keith is the ranking American citizen of Central America. He is now past 80 and lives in New York, but he is more active now throughout nearly every section of Central America than he was almost 60 years ago, when he found himself with a contract to build a narrow-gauge railroad from the sea to the top of the mountains. Several contractors had already failed, and the Republic had no money. So Keith's concession was hardly wrung from a cringing government—it gave the young man a good chance to close his career at its start.

Gathering together a crew of assorted beach combers and importing some shiploads of darkies from the Mississippi levees, he built the road, finding the money in England as he went along—for in those days the United States was a borrowing and not, as to-day, a lending Nation. Later Keith took another contract by which he filled up and drained Port Limon, thereby executing the first bit of sanitation ever done in the American Tropics. Still later the Government, with some aid from Keith, built the railway down the other side of the mountains to Puntarenas on the Pacific.

Thus it came to pass that Costa Rica was the first of all the Central American countries to have a railway from its capital to the sea and, until lately, the only one to have a railway connection with both oceans. Also, it was the first to come into direct contact with American enterprise, for Keith began to plant bananas along the Caribbean to make business for the railroad, and he persuaded others to plant. Then he organized a company to handle these bananas, and finally this company became a part of the United Fruit Co. In these once worthless malarial swamps the company has invested about $10,000,000 in railway spurs, drainage canals, houses, hospitals, and offices, and each year pays out about $7,000,000 in wages, in buying bananas from local planters, in railway freight charges and in taxes. The former income of this section was exactly nothing, while the income on the Pacific side of the railroad, where American enterprise has not penetrated, is still almost nothing.

Apparently nothing of much consequence has been done in Costa Rica except by Americans for nearly half a century, and since Americans have been in Costa Rica longer than they have in any of the other countries of Central America, I thought that the President ought to know a good deal about American imperialism, and especially since in San Jose almost every family of prominence has American connections by marriage.

The presidential palace in San Jose is not palatial. It is a one-story frame building facing the national park, which is away from the center of town. A policeman let me into a plain, wooden hall, from which opened several offices, showing odds and ends of desks and a few ancient but not antique red plush chairs. In a moment or two Don Ricardo Jiménez Oreamuno—he is known as Don Ricardo Jiménez—entered. He looks what he is—a perfectly independent man. He was President once before, from 1910 to 1914, and had no desire to be President again. But in 1924 he was more or less forced into the job to avoid a party split, and he is being President in exactly his own way—his political future is behind him. He is the best lawyer of the country, but he is not a rich man, because in his practice he has always set his fees according to what he thought his services were worth, not according to his client's pocketbook. This is more unusual than not becoming rich by being President.

"The foreign capital invested in this country," he said, speaking English slowly but well, "has been of great benefit. American capital, some of our people feared, might lead to intervention and imperialism, but it has not. It has been invested in the country and given employment to our people, and in every way the country has benefited from its being here.

"There are no American concessions or monopolies, and as long as I have known the affairs of my country, which is a very long time, Americans have never mixed in politics or had candidates or sought

to influence elections or attempted to exercise any influence outside of their own business affairs. They have stood up for their rights, but they have asked no favors. They have received no favors, but I hope they have had their rights.

"Not long ago we borrowed $8,000,000 through American bankers, and of this nearly six millions were used to retire internal loans at a high rate of interest. This loan was opposed but not intelligently. It represented a sensible refunding of our obligations and has saved us a great deal of money as well as released capital for home purposes, and this has stimulated business. Also, we have had the additional capital to build roads. Only a small part of our country is as yet developed. We could support many times our present population, but we can not do this until we can build automobile roads, and for this we shall need still more money.

"Whatever imperialism may be, it is not here. We do not know it, and we never expect to know it."

II

Honduras is twice as big as Costa Rica, being slightly larger than Pennsylvania, and it is supposed to have about three-quarters of a million people, according to the last very sketchy census; but while in Costa Rica nearly the whole population is concentrated in a small, highly cultivated area, and the rest of the country is hardly more than explored, the people of Honduras are scattered over the mountains and valleys from the Caribbean to the Pacific, with the greatest concentration in the fruit regions of the Caribbean. Once one has left these fruit territories with their railroads, the mule becomes the only sure method of getting anywhere. The strength of a government depends upon its ability to enforce law and order, and this in turn depends upon its ability rapidly to concentrate its forces, and without roads this is impossible.

Tegucigalpa, the capital of Honduras, is away off in the mountains, and until an American company put in a radio station it did not have even decent telegraphic communication with the rest of the country. The jefe politicos, if they control the comandantes of their districts, as they invariably do, can act about as they please, and revolutions are a matter of expediency rather than opportunity.

Tegucigalpa itself is a sprawling little city without any particular reason for existence except to be the country's capital. It has almost no business or trade and is utterly isolated. It is even harder to get out of it to the Caribbean than it is to get into it from the Pacific, for, while the road up from San Lorenzo is bad enough in any weather, still it may be used by automobiles even in the rainy season, if one keeps a sharp watch for slides and washouts. But the road north, although another good piece of engineering as far as Lake Yojoa, is not kept up, and so in bad weather only a mule can get through. The difficulty with nearly all Latin American improvements is that small provision is ever made for upkeep. From the lake to the head of the railway line the road is almost impassable, unless the weather be very dry.

The head of the railroad marks the beginning of the Americanized territory. There is one large American mining company, the Rosario, in the interior, but outside of small cattle ranches and some desultory coffee growing there is nothing in Honduras excepting the strip about 30 miles wide along the Caribbean coast, where three American fruit companies operate in bananas and sugar. Even lumbering does not pay well enough to make it worth anyone's while seriously to bother with it. Practically the whole income of the country is derived from the American capital invested on the Caribbean.

This section is a different world. It has railways, electric lights, sanitation, hospitals, modern piers, and steamship services. The total investment of the several companies is in excess of $40,000,000, and they annually pay in wages, taxes, and fruit purchases at least $10,000,000. Their customhouses are the sources of the country's big revenues, and so an astute revolutionist begins by seizing one of these ports and trying to collect the customs; and with the seat of government so far away, he can, if he has the cooperation of the local comandante, hang onto a customhouse for a couple of weeks and finance himself very nicely out of the proceeds.

The strength of any government in Honduras depends upon the strength of the general who stands behind it. The strength of the present government is General Carias, who is nearly a full-blooded Indian. He is the leader of the National Party and led the revolution of 1924 against the Liberals, who held Tegucigalpa. Instead of making himself President, he was content with being president of Congress and also president of the permanent committee, which functions when Congress is in recess; it actually has more to do with running the country than has Congress, and it can even depose the President. General Carias is dictator in fact although not in name, but unlike most dictators he seems to dislike showing his authority. He lives in the mountains about 20 miles from the capital in an unpretentious little one-story place, with a roadside store in front. He mounts his horse and rides into the capital only when he is needed.

Dr. Miguel Paz, the President, is a country doctor and never had been in politics before his election. He began his medical education in Guatemala, then he studied in London and Paris and finally in New York, but he is in no sense a cosmopolite, nor is he a politician. His real interest is medicine, and he gives the impression of not being very comfortable as President. The main thing on the President's mind was roads.

"We must have both railroads and automobile roads," he said. "Our people are very poor, because in the interior it costs so much to move goods. We could be raising cattle on a larger scale, we could be lumbering, we could be doing many things if only we had more roads. Then the whole country could be opened up in the same way that the north coast has been opened up by the Americans.

"American capital has been of great benefit to us. It is responsible for nearly all the business of the country. We want more, not less, American capital, and we shall do everything we can to make investment safe and profitable."

"Have the American companies or has the American Government done anything that could be classed as imperialistic? Have they interfered in any way with your own sovereignty?" I asked.

"No," he answered; "in no way. No American company has ever been in politics, and the few Americans who have ever taken an active part in our political affairs were acting for themselves—they were 'soldiers of fortune.' They were members of our own parties and did not represent foreign interests. Whenever your Government has landed marines it has been for the purpose of protecting property from useless destruction. We are not interfered with in any way, and I feel that the presence of the United States and the Monroe doctrine, far from being a menace, constitute our greatest protection."

III

The wildest stories of American imperialism center around Nicaragua because our marines have frequently landed there. I read in one socialistic publication that American bankers had earned, or rather taken, $39,000,000 in profits out of this Republic, which impressed me as something of an achievement. After looking Nicaragua over, I discovered that the taking of such an amount would not be an achievement at all, but a miracle!

The first floor of the presidential palace was American and military. The second floor was Nicaraguan and nonmilitary. A big waiting room was filled with orderly rows of the large bent-wood rocking chairs, without which no Central American home is complete, and every chair held a fat, barefooted peasant woman, who had come hunting for news of husband or sons, and would never find any because no one ever knows who is in the army.

President Diaz was in another large room, likewise filled with chairs; but he was alone. He did not look at all like a man whose life outside that cordon of marines would have been worth next to nothing. Neither did he look like a man who had been shot at many times and who once before had sat in this same room supported by the forces of the United States. On the contrary, he seemed to be a very quiet, peaceful man, with a pleasant but not at all strong face. His friends like him intensely and his enemies hate him intensely, but there is nothing about him to show why. His manner is exceedingly quiet, although not reserved. Ever since he first came into office as Vice President in 1910 on the overthrow of the dictator Zelaya, he has advocated an American protectorate as the best way out for Nicaragua.

"The only solution that will insure peace for Nicaragua," he told me, "is an arrangement such as you have for Cuba under the Platt amendment, which gives you the right to intervene in the case of revolution and also gives a certain supervision over finances.

"I proposed this when I was President before. I think it would be welcomed by all of my countrymen who have the interests of their country at heart, for it is the only method that will overcome the habit of revolution. We had no revolutions while the legation guard was here, but that was an unofficial arrangement. I think that an official arrangement by which revolution could be made impossible would bring American money into this country and let us develop our resources.

"Our two parties, the Liberals and the Conservatives, hold to exactly the same principles, and our revolutions are concerned not with principles but only with personalities.

"All Nicaraguans are friends of the United States. There is no real anti-American sentiment, but a great deal has been manufactured by Mexico. This revolution was purely of Mexican origin, and our people when in revolution will take aid from anywhere. The Liberals know as well as I know that it is to the United States and not to Mexico that Nicaragua must look.

"We have not enough American money in Nicaragua. If we could have secured the loan in 1911 to build a railroad across the country the revolutionary habit would by this time have died. As it is, we are separated from the Caribbean by mountains and jungles and have had no opportunity to become a unified country.

"We are now just where we were 16 years ago, and it is a question of building up all over again. If the United States would build the canal, that would benefit everybody, but we can become a rich country without the canal, if only we can get the railroad. There has never been any American imperialism in Nicaragua. It is simply that we have been saved from the worst consequences of our purely sectional wars."

IV

Little Salvador has lost the habit of revolution. It is only a tiny country of seven thousand odd square miles, literally hanging on the shores of the Pacific, but it has more than a million and a half people, and is thus of the Central American Republics second in point of population to Guatemala, which has about 2,000,000 people, but is nearly seven times as large.

Salvador, like Switzerland, has made the most of its mountains, and with fewer natural advantages than any other Central American Republics has forced its way ahead through coffee growing. The chief barrier to progress in all of these countries is revolution, and Salvador has not had a revolution since 1898. One of the principal reasons is that Minor Keith built a railroad practically the length of the country. Thus troops may be mobilized anywhere within a day. This means that they do not have to be mobilized and the people can use the railroad to transport their products through all seasons of the year. Now the railroad is being continued to join the Guatemalan section of the International Railways of Central America, so that within six months it will be possible for Salvador to ship its goods out of Puerto Barrios, the Caribbean port of Guatemala, and take advantage of its frequent services.

The completion of the connecting link of the railroad will mark the first joining of two Central American countries by railroad. It seems remarkable, but the only convenient way of getting from one Central American country to another is by going to the coast and taking a ship. Otherwise one must go by mule back through the jungle. This is the real reason why no union of Central American Republics has ever lasted. There can be no union until they have established communication with one another.

Salvador has an American loan. It is the only loan of consequence in Central America. One might imagine from listening to the American anti-imperialists that one could not swing a cat anywhere in Central America without hitting a rapacious banker. Actually, all these countries are trying to get money. They show a surprising desire to become the victims of American imperialism. The Salvadorian loan was made in 1922, principally because the English loan was in default. It is a consolidated loan, under which an American fiscal representative, W. W. Renwick, collects 70 per cent of all the imports and exports. Salvador liked his work so well that he now collects all the customs, including their own 30 per cent.

The loan was partly a consolidation but also gave some new money. The new money was mostly spent, under supervision, in providing the city of San Salvador with modern municipal improvements. This work includes a water system, sewers, electric and telephone ducts, and street paving. San Salvador is the first really modernized Central American city outside of the Canal Zone. Now, out of the portion of the funds collected by the fiscal agent and practically out of money that before his régime never saw the light, a road program is being undertaken.

The one thing that all parties in Salvador seem to agree on is that the American loan has been a success, and this in spite of a quite considerable anti-American feeling that has been worked up, and also in spite of the fact that the customs receipts of the country are pledged. The rub in these arrangements, which not only pledge revenues but also have them collected by a foreigner, is that it involves a loss of sovereignty—which is true. But the situation has been so humanly handled by Mr. Renwick that no one seems to bother about the technical situation. The English bonds that were in default were a lien on the customs. It was the British who discovered that the customs were the only tangible assets on which to lend.

I saw the new President, Dr. Pio Romero Bosque, a few weeks after his inauguration and almost before he had a real introduction to his office. Seeing the President of Salvador involves more formality than seeing any other of the Central American Presidents. The Casa Presidencial is only a single-story building, but it is opposite the armory of the First Infantry Regiment, which is a pretentious structure taking in a whole city block. It is really a fort. Sentries patrol every side, and high up on each corner are steel cages with more sentries. The entry into the President's house is somewhat surprising, for one goes through a small door and pops most unexpectedly into a room completely lined with soldiers sitting bolt upright with their rifles, bayonets fixed, between their knees. It is just as though one dropped into an animated cutlery shop. The waiting room is along a small and very pretty court filled with flowers, and hanging at the end is a large painting of the signing of the Salvador declaration of independence in 1823.

"It is most important for us to continue to get roads and sanitation throughout the country as well as in San Salvador," said the President. "Our financial arrangements are working out so well and we should have the money as we need it without the necessity for borrowing more. And we are collecting taxes on capital that it was said we could not collect. The tax laws may have to be changed, but we shall, I am sure, be able to pay for all improvements out of revenues."

Knowing that he had the reputation of being a Mexican sympathizer, I asked him:

"What do you think Mexico has in mind with all its propaganda, most of which is against the United States?"

"Mexico is working for an ideal," he said, vaguely. And answering a further question he went on: "No; Mexico does not represent that ideal and is not living up to it, but they are trying to do something, and I do not believe that it is aimed against the United States, for that would be only foolish. There could be no war between the United States and Mexico. I can not conceive of such a war, but since you ask me what this country would do in such an event, I can say only that Salvador would remain strictly neutral.

"We have not had much experience in Salvador with American money, and I have heard of imperialism, but I can not say that I know exactly what it means. Your countrymen have built our largest railroad, they have done the improvement work here, they negotiated our loan, and our largest bank is owned by Americans. There are no American concessions in the sense of monopolies, and we have been asked for none. In fact, all of our relations with Americans have been very pleasant, and I can see no reason why they should not continue so. We need you more than you need us."

V

Gen. Lázaro Chacón, the President of Guatemala, is commonly termed "The Unknown Soldier," for until he became President at the death of Orellana last year, he had never been anything but a soldier. I talked with him in the Presidential Palace, which is an unpretentious one-story building facing the plaza and across from the barracks of the Guard of Honor that Chacón formerly commanded and where he still has his quarters. He does not speak English, but the chief of the protocol in the foreign office lived for years in New York and proved to be an ideal interpreter. I asked him if the capital that had come into his country from the United States had been a benefit or a hurt, and if he had detected signs of imperialism.

"The capital from the United States has been wholly a benefit," he answered. "It has raised wages on the coast to several times what are paid in the interior. We should welcome more capital and must look to the United States not only for it but also for guidance. I have never heard of imperialism in this country. In fact, I do not know of any American company having asked for or having received anything to which it was not justly entitled. There are no American monopolies, and we have been asked for none. All the best works we have are the result of American capital."

Next I talked with the Minister for Foreign Affairs, Dr. José Matos. I asked him about the extent of Mexican propaganda in his country.

"There is a great deal of Mexican propaganda," he answered. "It is very disturbing. We have had many raids on the border and also we have had to ask many Mexicans to leave. There is also a deal of bolshevist preaching, but this, I think, is not effective, for our people have no liking for socialism. We are doing our best to combat all of this, but you know that we must keep friendly with Mexico, for they are our neighbors, and with the long boundary their armies could cross anywhere and crush us. We hope that the United States would protect us, but you might be a long time taking action. And then where should we be?

"As I see the situation, you will some time take Nicaragua as a canal route. Costa Rica will then be only a State between two canals. This means that Honduras, Salvador, and Guatemala must unite on economic lines. The day of political union has passed. We must unite for our own development, and the money for that development must come from the United States. We need money for roads and water power. As for the United States being imperialistic, that is nonsense. I know your country too well."

General Orellana encouraged Minor Keith in the building of the railroad, which had been started years before, and now the road goes from Puerto Barrios on the Carribean right through to the Pacific, with a spur leading up toward Mexico, and another, as has been mentioned, on its way to make connection with Salvador. There have been no revolutions since this road went through, and it looks as though the habit were no more. But the road that represents an investment to date of upwards of $45,000,000 would not be a paying investment had not the United Fruit Co. reclaimed the wastes of the Caribbean and made banana plantations out of the wilderness at a cost of about $10,000,000 and installed its usual system of sanitation, hospitals, towns, and modern equipment.

ALIEN PROPERTY AND OTHER CLAIMS

Mr. SMOOT. From the Committee on Finance I report back favorably with amendments the bill (H. R. 7201) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds, and I submit a report (No. 273) thereon.

I wish to state that I shall have a copy of the bill, together with the report, placed upon the desk of every Senator within the next 15 minutes. This is a very important piece of legislation and I want to call it up for consideration at the very

first opportunity. Therefore, I ask that Senators may read the report, because it has been made quite full in explanation of every provision of the bill and every amendment thereto. I do not think it is going to take very long to pass the bill.

Mr. BORAH. Mr. President, may I ask the Senator, in order to save a little time, if there have been any considerable changes from the bill as it passed the House?

Mr. SMOOT. There are quite a number of changes. There are the Austrian claims and Hungarian claims which are incorporated in the bill now. There are also some minor changes. The Senate committee agreed to the valuation to be placed upon the ships of $100,000,000, or not more than that amount. They also agreed to the amount of retained German property of 20 per cent, the same as the House provided. As to the other amendments in the bill, the report gives a detailed statement as to just why the amendments are made and what effect they have.

Mr. OVERMAN. Does it give a list of the claimants?

Mr. SMOOT. No; it gives the amount of the claims, but not the list. That is in the office of the Alien Property Custodian.

Mr. HARRISON. Mr. President, may I ask the Senator a question before he takes his seat?

Mr. SMOOT. Yes.

Mr. HARRISON. I understood the Senator from Nebraska [Mr. NORRIS] to say that following the passage or defeat of the pending resolution he proposed to make a motion to take up the Muscle Shoals bill. Does the Senator from Utah propose to wait until after the Muscle Shoals bill shall have been disposed of before he moves to take up the alien property bill, or what is the understanding with reference to it?

Mr. SMOOT. Mr. President, I took it for granted that the statement of the Senator from Nebraska referred to by the Senator from Mississippi was merely an announcement of the intention of the Senator from Nebraska. I have just stated to the Senate that I desire to take up the alien property bill at the first opportunity. The committee which considered the bill was virtually unanimous in reporting it, and I do not think debate and disposition of the bill will take very long.

Mr. HARRISON. I agree with the Senator that it ought not to take very long to pass the alien property bill, and it should be taken up as soon as possible so that it may be passed.

Mr. SMOOT. It is my intention to get the bill before the Senate at the earliest possible moment.

Mr. ROBINSON of Arkansas. Mr. President, what does the Senator from Utah mean by his statement that the report of the committee on the alien property bill is virtually unanimous?

Mr. SMOOT. I refer to the fact that there are one or two items in the bill as to which members of the committee reserve the right to offer amendments on the floor of the Senate.

Mr. ROBINSON of Arkansas. There are items that are contested, but there is no minority report?

Mr. SMOOT. There is no minority report on the bill.

Mr. KING. Mr. President, as a member of the Finance Committee I desire to say that there are some features of the bill which do not meet my approval and there are some amendments which I shall desire to tender, but in the main I subscribed to the report simply because we had to do so. The bill deals with an important subject; we have got to dispose of it, and compromises of a very important character have to be made in order to secure any legislation covering the questions involved.

ASSISTANT PRINTING CLERK

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 140), submitted by Mr. WATSON on the 6th instant, providing for the employment of an assistant printing clerk in the office of the Secretary of the Senate, reported it without amendment.

The VICE PRESIDENT. Does the Senator from Illinois desire the immediate consideration of the resolution?

Mr. DENEEN. No; I am not making that request.

The VICE PRESIDENT. The resolution will be placed on the calendar.

INVESTIGATION OF PUBLIC UTILITY CORPORATIONS

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 83), submitted by Mr. WALSH of Montana on December 17, 1927, authorizing an investigation of public utility corporations, reported it with an additional amendment.

Mr. WALSH of Montana. I ask unanimous consent for the immediate consideration of the resolution.

SEVERAL SENATORS. Let it be read.

The VICE PRESIDENT. The clerk will read the resolution for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 83), as proposed to be amended, as follows:

Senate Resolution 83, Report No. 225

IN THE SENATE OF THE UNITED STATES,

December 17, 1927.

Mr. WALSH of Montana submitted the following resolution; which was ordered to lie over under the rule. December 19, 1927, referred to the Committee on Interstate Commerce. February 1 (calendar day, February 2), 1928, reported by Mr. WATSON, with amendments. February 6, 1928, referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Resolution

Resolved, That a committee of five Members of the Senate be appointed by the President thereof, and be hereby empowered and directed to inquire into and report upon: (1) The growth of the capital assets and capital liabilities of public utility corporations doing an interstate business supplying either electrical energy in the form of power or light or both, however produced, or gas, natural or artificial, of corporations holding the stocks of two or more public utility corporations operating in different States, and of nonpublic utility corporations owned or controlled by such holding companies; (2) the method of issuing, the price realized or value received, the commissions or bonuses paid or received, and other pertinent facts with respect to the various security issues of all classes of corporations herein named, including the bonds and other evidences of indebtedness thereof, as well as the stocks of the same; (3) the extent to which such holding companies or their stockholders control or are financially interested in financial, engineering, construction, and/or management corporations, and the relation, one to the other, of the classes of corporations last named, the holding companies, and the public utility corporations; (4) the services furnished to such public utility corporations by such holding companies and/or their associated, affiliated, and/or subsidiary companies, the fees, commissions, bonuses, or other charges made therefor, and the earnings and expenses of such holding companies and their associated, affiliated, and/or subsidiary companies; and (5) the value or detriment to the public of such holding companies owning the stock or otherwise controlling such public utility corporations immediately or remotely, with the extent of such ownership or control, and particularly what legislation, if any, should be enacted by Congress to correct any abuses that may exist in the organization or operation of such holding companies.

The committee is further empowered and directed to inquire and report whether, and to what extent, such corporations or any of the officers thereof or anyone in their behalf or in behalf of any organization of which any such corporation may be a member, through the expenditure of money or through the control of the avenues of publicity, have made any and what effort to influence or control public opinion on account of municipal or public ownership of the means by which power is developed and electrical energy is generated and distributed, or to influence or control elections: *Provided*, That the elections herein referred to shall be limited to the elections of President, Vice President, Members of the United States Senate and of the House of Representatives.

That the said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper, and to require the attendance of witnesses by subpœnas or otherwise; to require the production of books, papers, and documents; and to employ counsel, experts, and other assistants, and stenographers, at a cost not exceeding $1.25 per printed page. The chairman of the committee, or any member thereof, may administer oaths to witnesses and sign subpœnas for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee, or appears and refuses to answer questions pertinent to said investigation, shall be punished as prescribed by law. The expenses of said investigation, which shall not exceed $30,000, shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

The committee or any subcommittee thereof is authorized to sit during the sessions or the recesses of the Senate, and until otherwise ordered by the Senate.

Mr. WALSH of Montana. I will change my request and ask unanimous consent for the consideration of the resolution at the close of morning business on Monday next.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Mr. President, I inquire if the consideration of the resolution will lead to any extended debate?

Mr. WATSON. I think it will, I will say to the Senator. I think there will be quite a lengthy debate on it.

Mr. SMOOT. Mr. President, I wanted not later than Monday to call up the alien property bill for consideration. I do not think it is going to take very long to pass the bill. It ought to be passed so that it may go to conference at the earliest day possible.

Mr. WALSH of Montana. Let us say, then, that the consideration of the resolution is not to interfere with the consideration of the alien property bill.

Mr. SMOOT. That is satisfactory to me.

Mr. DILL. May we have an understanding that there will be no vote on Monday?

Mr. WATSON. On what?

Mr. DILL. On the resolution.

Mr. WATSON. I do not think that a unanimous-consent agreement of that kind could be reached, because nobody knows how long the debate will last.

Mr. DILL. There are a number of Senators who will not be here on Monday; I am one of them; and I hope we can have such an understanding as I have indicated.

Mr. WATSON. A number of Senators will be absent from the city speaking on Lincoln's birthday, which occurs on Sunday, February 12, but the celebration of which will come on Monday, the 13th. It might be entirely agreeable that no vote be taken on Monday, but I think the resolution ought to be taken up for discussion on Monday.

Mr. ROBINSON of Arkansas. Mr. President, I apprehend there will be no difficulty about the matter of a vote on Monday. The Senator from Montana himself probably would not desire a vote on Monday or Tuesday. Until that time Senators who want to be present when the vote is taken will be absent, but I do think that the consideration of the resolution should be proceeded with on Monday.

Mr. WATSON. Subject to the alien property bill.

Mr. ROBINSON of Arkansas. Certainly.

Mr. WATSON. Very well.

The VICE PRESIDENT. The Senator from Montana asks unanimous consent that Senate Resolution 83, which has been read, be considered on Monday.

Mr. WATSON. Subject to the consideration of the alien property bill.

Mr. SMOOT. Yes.

The VICE PRESIDENT. The Chair will inquire at what time on Monday?

Mr. WALSH of Montana. I will say at the conclusion of the morning business.

The VICE PRESIDENT. At the conclusion of the morning business, subject to the consideration of the alien property bill.

Mr. SIMMONS. Mr. President, then that does not mean that we are to vote on Monday?

Mr. WALSH of Montana. Oh, no.

Mr. WATSON. No; that is not the meaning.

Mr. SIMMONS. But merely that the resolution shall be taken up at that time?

The VICE PRESIDENT. That it will be taken up subsequent to the consideration of the alien property bill.

Mr. BINGHAM. At what time on Monday—after the conclusion of the morning business?

Mr. WATSON. Yes.

The VICE PRESIDENT. Is there objection?

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry. Does that mean, if the alien property bill takes all day Monday, that the unanimous consent agreement will have no application or that the resolution of the Senator from Montana will be taken up on Tuesday?

Mr. WATSON. That it will be taken up immediately on the conclusion of the alien property bill, as I understand.

Mr. REED of Pennsylvania. On whatever day the alien property bill shall have been disposed of?

Mr. WATSON. Yes.

Mr. REED of Pennsylvania. I have no objection to that.

Mr. ROBINSON of Arkansas. I think it would be well to have the unanimous-consent agreement so state.

Mr. SMOOT. I understood the Chair, in putting the request for unanimous consent, stated that it would be subject to the consideration of the alien property bill.

Mr. REED of Pennsylvania. Then, Mr. President, ought not the unanimous-consent agreement provide that the alien property bill shall be taken up at 2 o'clock on Monday?

Mr. WALSH of Montana. I understood from the Senator from Utah that he might not be prepared to take up the bill at that time.

Mr. SMOOT. I will say to the Senator I shall certainly be prepared at that time.

Mr. WALSH of Montana. Very well. I will modify my request for unanimous consent so as to provide that the resolution shall be taken up for consideration after the disposition of the alien property bill.

Mr. REED of Pennsylvania. Which bill shall be taken up not later than 2 o'clock on Monday.

Mr. NORRIS. Mr. President, if I shall be successful in bringing up the Muscle Shoals bill, perhaps it will be out of the way by that time; but I should dislike to get part way through with it and then come in conflict with a unanimous-consent agreement which would cause it to be laid aside and provide that some other measure shall be taken up. That, I think, is not the way in which to expedite business—to get part way through with one bill and then take up another bill.

Mr. SMOOT. May I say to the Senator that I should like very much to take up the bill on Saturday.

Mr. NORRIS. I have no objection to taking it up, if it may be understood that it will come up at the conclusion of the consideration of the Muscle Shoals bill.

Mr. SMOOT. I do not know when that will be.

Mr. NORRIS. I can not say, either; I wish I could. It may be that it will only take a day; I do not think it will take very long.

Mr. SMOOT. I can not agree to that.

Mr. NORRIS. If there is any urgent reason, Mr. President, why the alien property bill should be considered immediately, I am willing that it should come up this afternoon or to-morrow.

Mr. SMOOT. In my opening statement I said that I also filed a report on the bill. It is a very difficult bill to read and understand. The committee have been very particular in framing the report to discuss every question involved.

Mr. TYSON. Mr. President, I am interested in this discussion because I have a bill in charge which I desire to have considered.

Mr. SMOOT. In the report the questions involved in the bill are explained in detail; the report is a long one, and I am afraid it would not expedite the passage of the bill to bring it up to-day. The report on the bill is now found upon the desks of Senators, and I have asked them to read the bill and the report. I know if they will do so it will hasten the passage of the bill.

Mr. NORRIS. I do not want to interfere with any proper disposition of the business of the Senate. We do not have to take up the Muscle Shoals bill to-day or to-morrow. If there is anything about the alien property bill that makes it particularly urgent to take action upon it at once, I am willing to let that bill come up and be disposed of before we take up the Muscle Shoals measure; but I should not like to start in on the Muscle Shoals bill and get halfway through and then be compelled to lay it aside to take up some other important measure that will probably occupy a day or several days of the Senate's time.

Mr. TYSON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. Yes.

Mr. TYSON. I wish to say, Mr. President, that there is a bill on the calendar, being Order of Business No. 116, Senate bill 777, which, in my opinion, is a very important measure. It has been reported to the Senate, and a similar measure has been before the Senate for several years. I should object to any bill being considered until I can secure some arrangement as to when the bill to which I have referred may be brought up and considered.

Mr. HEFLIN. Mr. President, I ask for the regular order.

The VICE PRESIDENT. The regular order is demanded.

Mr. WALSH of Montana. Mr. President, let us see if we can not agree that the resolution be taken up at the close of the morning business on Monday. That would give us the morning hour. We can consider the matter at least until the hour of 2 o'clock.

Mr. SMOOT. In other words, the Senator suggests that the resolution be considered immediately following the routine morning business.

Mr. WALSH of Montana. Immediately following the routine morning business on Monday.

Mr. SMOOT. I have no objection to that. Then, at 2 o'clock we can take up the alien property bill.

The VICE PRESIDENT. The Senator from Montana asks unanimous consent that the resolution be taken up at the conclusion of the routine morning business on Monday.

Mr. REED of Pennsylvania. That will cut out the consideration of the calendar on Monday. Why not provide that the resolution shall be considered after the routine morning business on Tuesday?

Mr. MOSES. We called the whole calendar two days ago, Mr. President.

Mr. REED of Pennsylvania. But there have been many bills placed on the calendar since that time.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

Mr. BLEASE. Mr. President, I have an amendment which I desire to propose to the resolution. I should like to offer it at this time and have it lie on the table and be considered pending.

The VICE PRESIDENT. The amendment will be received and lie on the table.

Mr. TYSON. Do I understand that the unanimous-consent agreement as proposed merely provides for the bringing up of the resolution of the Senator from Montana, without anything further?

The VICE PRESIDENT. That is correct.

Mr. TYSON. So that no other measure will be brought up under the agreement.

Mr. SMOOT. The agreement provides that the resolution shall be considered immediately after the routine morning business on Monday.

Mr. TYSON. That does not give the bill reported by the Senator from Utah or any other bill any preference afterwards.

Mr. SMOOT. The request as now submitted does not give any other bill a preference.

Mr. TYSON. I wanted to understand the proposed agreement in its present form.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the agreement is entered into.

The agreement was reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, by unanimous consent, That on the calendar day of Monday, February 13, 1928, at the conclusion of the morning business the Senate will proceed to the consideration of the resolution (S. Res. 83) authorizing an investigation of public-utility corporations.

PUBLIC BUILDINGS

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 278) to amend section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

HENRY W. KEYES,
F. E. WARREN,
Managers on the part of the Senate.
RICHARD N. ELLIOTT,
FRITZ G. LANHAM,
J. WILL TAYLOR,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. KING. Mr. President, I desire to ask the Senator what the points of agreement were.

Mr. WARREN. There are, finally, no disagreements, and the bill is exactly as we passed it. After the first meeting the House and Senate conferees concluded that the amendments which had been offered were unnecessary, understanding from the Architect of the Treasury that such was the case, and they agree now to strike them out; so the bill is lying on the desk as it was printed and as it passed.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

INVESTIGATION OF CONDITIONS IN PENNSYLVANIA COAL FIELDS

Mr. NEELY. Mr. President, in the course of a debate that occurred in the Senate on the 1st day of February I voiced my opposition to a bill sponsored by the Senator from New York [Mr. COPELAND], which provides that in certain contingencies a Federal commission shall seize and operate the coal mines of the country.

A number of newspapers that are widely circulated in West Virginia have erroneously construed my assertion of opposition to the Copeland bill as a declaration of war against the Johnson resolution, which proposes a senatorial investigation of the conditions in the coal fields of Pennsylvania, Ohio, and West Virginia.

To the best of my information there is neither a West Virginia coal operator nor a West Virginia coal miner who is opposed to the Johnson resolution.

On the day the distinguished Senator from California [Mr. JOHNSON] so ably and eloquently discussed this measure in the Senate I voluntarily informed him that I intended to support it. The intention thus communicated I shall translate into appropriate action at the earliest opportunity by voting for the Johnson resolution.

This statement is made for the purpose of having my attitude toward this important measure accurately recorded.

LOAN OF COTS, BLANKETS, ETC.

Mr. CURTIS. Mr. President, the other morning the Senator from Arkansas asked unanimous consent for the consideration of a bill which had passed the House by unanimous vote. I asked that the measure be sent to the committee, because I think that is the best course to pursue. I have no objection to the bill; and, as it is important that it shall pass soon, I move that the Committee on Military Affairs be discharged from the further consideration of House bill 7013, and that it be returned to the calendar.

The VICE PRESIDENT. The question is on the motion of the Senator from Kansas.

The motion was agreed to.

Mr. ROBINSON of Arkansas. Mr. President, on behalf of my colleague, the junior Senator from Arkansas [Mr. CARAWAY], and myself, I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

Mr. KING. Let it be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Chief Clerk read the bill (H. R. 7013) authorizing and directing the Secretary of War to lend to the Governor of Arkansas 5,000 canvas cots, 10,000 blankets, 10,000 bed sheets, 5,000 pillows, 5,000 pillowcases, and 5,000 mattresses or bed sacks to be used at the encampment of the United Confederate Veterans to be held at Little Rock, Ark., in May, 1928, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to lend, at his discretion, to the entertainment committee of the United Confederate Veterans, whose encampment is to be held at Little Rock, Ark., in the month of May, 1928, 5,000 canvas cots, 10,000 blankets, 10,000 bed sheets, 5,000 pillows, 5,000 pillowcases, and 5,000 mattresses or bed sacks: *Provided,* That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered at such time prior to the holding of said encampment as may be agreed upon by the Secretary of War and the chairman of said entertainment committee, Mr. E. R. Wiles: *Provided further,* That the Secretary of War before delivering said property shall take from said E. R. Wiles a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RADIO REGULATION

Mr. COPELAND. Mr. President, I present a letter, in the nature of a petition, relating to the radio matter. I should like to have it included at this point in my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

BROOKLYN, N. Y., *February 7, 1928.*

Hon. ROYAL S. COPELAND,
United States Senate, Washington, D. C.

DEAR MR. COPELAND: In the belief that insurgent interests have had most to say in connection with the present hearings regarding the continuance of the Federal Radio Commission and its personnel—usually those opposed to anything are quick to anger, those favorable content to remain silently acquiescent—I think that in all fairness that the experiences of this station, WLTH, and the writer, its owner and president, should be made part of the record; and to that end it is my duty as well as my pleasure to give this public expression of my belief in the integrity, fair-mindedness, and efficiency of the commission, and also my conviction that it has made material progress in an admittedly difficult situation.

It was my desire to give these impressions in the form of verbal testimony and for such reason made a trip to Washington. I found, to my great regret, that the Interstate Commerce Committee's time was so limited that there was no opportunity for me to take the stand, especially as the president of the National Broadcasting Co., a most important witness, had been called at the meetings Monday as well as Saturday.

Therefore, I am taking the liberty of addressing these words to you and trust that you will forward them through the proper channels, that WLTH's attitude may be understood.

This station was formerly known as WFRL. It broadcast on 218 meters under those call letters. In the summer of 1927 it was able to effectuate plans for expansion, and these were laid before the commission in its regular order of business. The appeal of this broadcaster for a high wave length was recognized, after a legal hearing, and after the case had been analyzed the commission agreed that the application was warranted.

It is not because that our petition was granted that this communication is being sent for your information. What WLTH desires to emphasize is that on this occasion and all others the commission sought to get at all the facts in an open and thorough way, with justice to all affected, which was done with due promptness and courtesy. The commission has sought to cooperate. It has never aimed to bulldoze, to placate, or discriminate; and that is the view of the others within the radio field with whom WLTH has been in touch.

It is therefore pleasing to note that the proposal to extend the life of the commission has met with approval and that the members so far unconfirmed by the Senate have been given a favorable recommendation by the committee.

This action, we firmly conclude, is in the public interest, insuring a continued series of conferences between the board and the stations that will result in a solution of the obvious troubles that still remain.

Thanking you for your interest in the broadcasting situation and with assurance of high regard, I am,

Respectfully yours,

S. J. GELLARD,
President WLTH,
"The Voice of Brooklyn."

P. S.—This station will give its assistance to every worthy civic and charitable cause and fulfill all those functions necessary in the public interest which comprise the foundation stones of broadcasting. As you undoubtedly know, WLTH's microphone has been open to these organizations from the inception of the station, and in carrying qut this policy we trust to keep on going far beyond the strict letter of the radio statutes.

REGULATION OF TRANSPORTATION RATES

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The Chief Clerk read Senate Concurrent Resolution No. 10, submitted by Mr. ROBINSON of Arkansas on the 8th instant, as follows:

Whereas the Congress has been memorialized by State legislatures and by citizens to the effect that the Interstate Commerce Commission has attempted so to regulate rates of transportation as to equalize prosperity among producers of commodities and to the end has employed rate regulation to place an embargo upon the products of certain States and in order to favor the products of other States as to certain markets;

Whereas these memorials and petitions indicate the assumption of a power not vested in the commission and a discretion which the Congress can neither exercise nor confer; and

Whereas it is advisable that the Senate should have full and complete information concerning the subject complained of: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Interstate Commerce Commission be requested, and is hereby instructed to transmit to the Congress on or before the 15th day of April, 1928, the following information, to wit: (a) Copies of all decisions handed down by it in the five years preceding the 1st day of April, 1928, in which its decisions as to the reasonableness of any rate or rates were in any sense influenced by the competitive advantage or disadvantage of the producers in one State, district, or section as compared with the advantage or disadvantage of the producers in another State, district, or section; (b) a full and complete citation of the section or sections of the interstate commerce act as amended, and other acts, under which the commission claims and believes it was granted the power to equalize prosperity among the producers of commodities; and a statement of the clause or clauses, articles, or amendments of the Constitution under which it claims and believes that decisions of such a character and purport were authorized or were implied.

Mr. CURTIS. Mr. President, this does not call for anything that is not already printed except what is covered by the statement in the last clause?

Mr. ROBINSON of Arkansas. My interpretation of the resolution is that it merely calls for the decisions which are alleged to have been made, using the rate regulation power for the control or influencing of industry.

Mr. CURTIS. I have no objection.

Mr. SHORTRIDGE. Mr. President, addressing myself to the Senator from Arkansas, certain of those requests go upon the assumption that the commission has rendered decisions of that character, do they not?

Mr. ROBINSON of Arkansas. I have no objection to modifying the resolution so as to read "copies of all decisions, if any."

Mr. SHORTRIDGE. I think that would cover the point I have in mind.

Mr. ROBINSON of Arkansas. I ask leave to modify the resolution, in line 5, after the word "decisions," to insert the words "if any," so that it will read "copies of all decisions, if any, handed down," and so forth.

The VICE PRESIDENT. Without objection, the modification will be made.

Mr. TRAMMELL. Mr. President, will the Senator from Arkansas permit a question?

Mr. ROBINSON of Arkansas. Certainly.

Mr. TRAMMELL. I am very much in sympathy with the purpose and object of the resolution. In my State we feel that in the fixing of the transportation charges, on citrous fruits, as an illustration, the commission has been influenced by such a policy as that concerning which we are asked to make an inquiry. Would this reach a situation of that kind; in other words, where rates were fixed for a haul of 3,000 miles practically the same as for a haul of 1,200 miles? Would it reach a situation of that kind?

Mr. ROBINSON of Arkansas. This resolution does not attempt to define any policy for the Interstate Commerce Commission. It does seek to get information from the commission itself as to whether such a policy has met with approval in the decisions of the commission.

Mr. TRAMMELL. I heartily agree with the purpose of the resolution.

Mr. BARKLEY. Mr. President, I desire to discuss this resolution. I am very much concerned about the securing of the information called for by the resolution, because in my judgment the Interstate Commerce Commission has rendered decisions not based upon the justice or reasonableness of freight rates, per se, but has rendered decisions in order that business might be diverted from one section of the country to another.

When the interstate commerce act was first passed, in 1887, the main object was to provide a commission under the commerce clause of the Constitution that would protect the people from exorbitant and unjust freight rates and would also give the people a tribunal before which they might appear for the purpose of preventing unfair discrimination as between individual shippers, and prevent the granting of preferences to one shipper who was the competitor of another.

Under the sections of the interstate commerce act prior to the taking over the railroads as a war measure the only function of the commission in deciding upon rates was to determine whether they were just and reasonable. They had a right also to pass on whether a given rate was unjustly discriminatory or preferential as between shippers.

When the war came the railroads were taken over by the Government as a war measure, and the railroad systems of the country were somewhat unified, and we all learned some lessons in the control and operation of railroads by reason of our experience during the war.

When Congress was charged with the duty of returning the railroads to their owners it became necessary to enact new legislation. The House of Representatives passed what was then known as the Esch bill. It came over to the Senate, and the Senate struck out all the language of the bill which passed the House and inserted the Cummins bill, and the two Houses, through their conferees, thereafter worked out a measure now known as the transportation act, which has been in force since 1920.

The Senator from Arkansas, Mr. ROBINSON; the Senator from Washington, Mr. Poindexter; the Senator from Minnesota, Mr. Kellogg; the Senator from Iowa, Mr. Cummins; and the Senator from Ohio, Mr. Pomerene, were the Senate conferees in working out the differences between the two Houses on the transportation act.

Congressmen Winslow, of Massachusetts; Hamilton, of Michigan; Esch, of Wisconsin, now a member of the Interstate Commerce Commission; Sims, of Tennessee; and myself comprised the House conferees on that legislation. The Senator from Arkansas and I are the only Members in either branch of Congress now who were on that conference committee. We worked for six weeks or more in undertaking to adjust the differences between the two Houses. I was unable to support the conference report, partly on account of some of the provisions of section 15a.

In the bill which passed the House of Representatives there was nowhere any power conferred upon the Interstate Commerce Commission to set itself up as a judge as between different sections of our country, to bring prosperity to one section and adversity to another through the means of the adjustment of freight rates. In the bill which passed the Senate, known as

the Cummins bill, there was no such provision and no such authority granted.

After working on the compromise measure for six weeks it was brought into both the Senate and the House within a week of the adjournment of Congress. The President of the United States had already provided that on the 31st day of March, whether Congress passed any legislation or not, the railroads were to be returned to private ownership, and as the Congress was to adjourn on the 4th day of March both Houses were confronted with the situation where they were required to vote upon the so-called Esch-Cummins law, or the transportation act, as it was presented to both Houses, or run the risk of having no new legislation at all on the subject of railroad rates or railroad operation.

In the report of the House Committee on Interstate and Foreign Commerce, of which I happened to be a member, there was nowhere any mention of any provision, nor the suggestion of any authority, that would give the Interstate Commerce Commission the right to set itself up as a judge as between the sections of our country in matters of commerce and prosperity.

In the report of the Senate Committee on Interstate Commerce, prepared by Senator Cummins on the bill which was passed by the Senate as a substitute for the bill which passed the House, there was nowhere any suggestion of any such power that ought to be granted to the Interstate Commerce Commission.

In the report of the conference committee, made late in February, within a week of the adjournment of Congress on the 4th of March, there was nowhere any discussion or suggestion of any such power to be conferred upon the Interstate Commerce Commission.

In the transportation act itself, section 15a, which has been a matter of universal discussion throughout the country since its enactment, there is this provision, subsection 2 of section 15a:

> In the exercise of its power to prescribe just and reasonable rates—

And up until this time justness and reasonableness had been the standard of rate fixing by the commission since its creation—

> In the exercise of its power to prescribe just and reasonable rates the commission shall initiate, modify, establish, or adjust such rates so that carriers as a whole (or as a whole in each of such rate groups or territories as the commission may from time to time designate) will, under honest, efficient, and economical management and reasonable expenditures for maintenance of way, structures, and equipment, earn an aggregate annual net railway operating income equal, as nearly as may be, to a fair return upon the aggregate value of the railway property of such carriers held for and used in the service of transportation: *Provided,* That the commission shall have reasonable latitude to modify or adjust any particular rate which it may find to be unjust or unreasonable, and to prescribe different rates for different sections of the country.

Section 15a was intended to give congressional direction to the Interstate Commerce Commission that in determining the justness and reasonableness of any rate it was authorized to fix a standard of rates for the whole country high enough to guarantee to the railroads a fair return upon the value of the property used for the purposes of transportation.

This last proviso was a mere incidental power conferred upon the commission in order to aid it in carrying out the general provisions of that subsection, to wit, the power to make rates that would bring to the railroads a fair return on the value of their property.

That provision of section 15a was never intended by either the House or the Senate, or by either the House or the Senate committees, or by the conferees of the House or the Senate, to confer upon the Interstate Commerce Commission the broad power to change rates, or to initiate rates, or to deny rates, based upon the proposition that the granting or the denial of such rates would be an advantage in favor of one section of country and a disadvantage with respect to some other section of our country.

Mr. KING and Mr. SHORTRIDGE addressed the Chair.

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Kentucky yield; and if so, to whom?

Mr. BARKLEY. I yield to the Senator from Utah first, and then I will yield to the Senator from California.

Mr. KING. Does the Senator propose some amendment to the existing law which will curb the Interstate Commerce Commission or restrain them in the exercise of discretion which becomes a discrimination, as I understand the Senator, in favor of one section as against another, or which will justify them in their course in determining that they will fix the rates in order to advance the prosperity of one section which they believe to be under a cloud of depression?

Mr. BARKLEY. I have not offered any amendment to the existing transportation act. I am speaking upon the resolution offered by the Senator from Arkansas [Mr. ROBINSON] calling upon the Interstate Commerce Commission to furnish the Senate with information regarding decisions of this character. But I will say to the Senator that if this tendency of the commission upon which it has embarked is to be continued, I shall certainly offer an amendment to the interstate commerce act which will make it impossible for the commission to set itself up as a judge as between sections of our country, with power to decide that one section shall be prosperous and another shall undergo adversity by reason of freight-rate maneuvers.

Mr. KING. Of course, I might say to the Senator that there is a general feeling in the intermountain region that, whether purposely or otherwise, that section has been discriminated against under the construction of the long-and-short-haul provisions of the transportation act, as the result of which our freight rates have been unduly advanced and freight rates to the Pacific coast, to our disadvantage, if they have not been lowered, have been put at such a standard that it is in effect discrimination against the intermountain section of the country.

Mr. BARKLEY. I am familiar with the contention of the intermountain section of the country with reference to the matter, and I have considerable sympathy for some of your problems.

I yield now to the Senator from California.

Mr. SHORTRIDGE. To appreciate the full force of the remarks of the Senator from Kentucky, is it argued that the commission has in any of its decisions exercised the power claimed to be granted to it to fix rates with the purpose of equalizing the prosperity of different sections?

Mr. BARKLEY. Yes. I will say to the Senator from California that it is not only claimed, but it is insisted upon. In recent decisions of the Interstate Commerce Commission that very question has not only been discussed by the commission, but the preponderance of evidence introduced before the commission had to do with the economic situation in one section of the country as compared with the economic situation in another section of the country, and in its decision, rendered subsequently, the commission attempted to adjust that economic condition by a readjustment of freight rates.

Mr. SHORTRIDGE. That prompts me to request the Senator to be good enough to refer us to the particular case or ruling wherein that power was claimed and exercised.

Mr. BARKLEY. In the Lake Cargo cases decided in May, 1927, the claim was made that that was the compelling motive of the commission in providing for a reduction of freight rates from the State of Pennsylvania to ports on the Great Lakes, where coal is transferred from trains to boats and shipped across the Great Lakes to consuming districts in the Northwest. In that very decision Commissioner Hall, who has retired from the commission, dissented from the majority opinion because he contended that the commission had no such power as it assumed. He had written two years prior to that the opinion of the Interstate Commerce Commission denying this very action on the part of the commission. Two years later its views, by reason of the fact that two commissioners changed their attitude, were reversed, and this same Commissioner Hall, who had written the previous opinion, wrote a very strong dissenting opinion in the latter decision, in which he charged that there was no transportation reason for a reduction of freight rates applying to one section of the country, and charged that the commission had undertaken to do a thing that Congress had not empowered it to do, to wit, regulate or adjust economic and industrial conditions that were wholly different and due to different circumstances in two sections of the country affected by the decision.

Mr. SHORTRIDGE. Does the Senator from Kentucky claim, as matter of law, that the commission has no power under the law to take into consideration that matter? In other words, does the law in express terms, properly interpreted, give to the commission authority or power to consider the subject matter affecting the prosperity or industries of different sections?

Mr. BARKLEY. The law gives the commission power to consider freight rates upon the reasonableness and justness of the rate within itself or to determine whether a rate is unduly prejudicial or discriminatory as between different shippers and different sections; but that is a power which is incidental to the power granted in section 15a that charges the commission with the duty of fixing and adjusting rates over the whole country that will bring to the railroads a fair return. It is not a primary power, but an incidental power.

Mr. SHORTRIDGE. I am not asking these questions as indicating opposition to the Senator's views. If they are exercising this power to the disadvantage of a given section, and if the law authorizes them to do this, then we ought to consider the amending of the law.

Mr. BARKLEY. I said a moment ago that we should ascertain if the tendency to which I have referred is to be continued and adopted as a policy of the commission, which I think is wholly unauthorized, because the power given to the commission with reference to taking into consideration the economic or labor or industrial conditions in different sections of the country is for the purpose of preventing transportation discrimination or transportation prejudices for or against different sections of the country and was never intended to give the commission the power to fix the freight rates based upon whether one section of the country ought to be and another section ought not to be prosperous.

Mr. SHORTRIDGE. Then if the power is there, which may be abused, the law ought to be amended.

Mr. BARKLEY. I agree with the Senator. In the formation of the Constitution and in the adoption of the commerce clause of the Constitution it was felt incumbent upon the Constitutional Convention to provide against the possibility of one section of our country erecting barriers against another section in the matter of its commerce. Therefore it provided in effect that no State shall have the power to tax exports or imports coming from or going to another State, and that only Congress itself shall have the power to regulate commerce between the States and with foreign countries. I think that was a wise provision of the Constitution. Yet we have set up a commission, under the authority of the commerce clause of the Constitution, which is doing the very thing against which the Constitutional Convention provided, by declaring, through the manipulation of freight rates, that it has the power, for instance, to say that the coal operators in the State of Pennsylvania, through a reduction of 20 cents per ton on coal shipments to the lake ports, shall be allowed that advantage in an effort to overcome economic and industrial conditions over which the commission has no power and thereby deprive other coal-producing sections of the country of the opportunity to market their coal along the lake ports for the benefit not only of operators and industrial conditions in the southern territory but in order to give the industrial life of the Northwest—Michigan, Wisconsin, the Dakotas, Iowa, and other Northwestern States—the opportunity to go into the open market under equitable conditions and buy their coal wherever they desire to buy without having a commission here in Washington in effect saying to them that they shall be denied that equal opportunity because they propose to reduce the freight rates in one section of the country and inform railroads in other sections of the country that they will not be permitted to reduce their rates in the same way.

Mr. BLAINE and Mr. BRUCE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kentucky yield; and if so, to whom?

Mr. BARKLEY. I will yield first to the Senator from Wisconsin.

Mr. BLAINE. And through that same manipulation of rates place an economic loss upon the consumers of coal in the Northwest of about $5,000,000.

Mr. BARKLEY. Absolutely. I think the Senator has fixed the amount very conservatively at $5,000,000. There is no way to fix the actual loss sustained by the industrial life of the Northwest through this situation.

Mr. BLAINE. The Northwest is paying $5,000,000 in added freight rates.

Mr. BARKLEY. Yes.

Mr. BLAINE. That is an economic loss to the users.

Mr. BARKLEY. And by the time we multiply this increase in actual freight rates to the consumer there is hardly any way to estimate how much the actual loss will be.

I yield now to the Senator from Maryland.

Mr. BRUCE. Let me ask the Senator from Kentucky whether he has not overlooked the effect of the Senate joint resolution commonly known as the Hoch-Smith resolution, which was approved January 30, 1925? That resolution provides:

> That the Interstate Commerce Commission is authorized and directed to make a thorough investigation of the rate structure of common carriers subject to the interstate commerce act, in order to determine to what extent and in what manner existing rates and charges may be unjust, unreasonable, unjustly discriminatory, or unduly preferential, thereby imposing undue burdens or giving undue advantage as between the various localities and parts of the country, the various classes of traffic, and the various classes and kinds of commodities, and to make, in accordance with law, such changes, adjustments, and redistribution of rates and charges as may be found necessary to correct any defects so found to exist.

Mr. BARKLEY. What is the Senator's question?

Mr. BRUCE. Whether the Senator has not overlooked, in criticizing, as he has done, the recent decisions of the Interstate Commerce Commission, the effect of that joint resolution to which I have just referred? Now, so far as that act proposes to give the Interstate Commerce Commission a certain amount of leeway in giving the great agricultural interests of the country an advantage, it meets with my entire approval, because I think the condition of the farmer is such that there might be some degree of legislative favoritism properly shown to him.

Mr. SMITH. Mr. President, if the Senator will allow me, with the permission of the Senator from Kentucky——

Mr. BARKLEY. I yield.

Mr. SMITH. That, of course, meant that even in the realm of agricultural products there should be no discrimination, even on those products, as between one section and another. It simply provides that these basic industries, calling the attention of the commission to their necessity in our organized life, shall be placed at a rate that is as low as is consonant with the upkeep of the road. But it did not intend, and I am sure the Senator, who was a member of the committee at the time, will admit that it does not contemplate any such act, nor, in my opinion, does it give any permission to do the thing that it is here now charged the commission has done, namely, to fix rates by which a given commodity, such as coal, may enjoy a monopoly of a market as against another producing section.

Mr. BRUCE. Still the Senator is bound to admit that under the legal meaning of the import of that act it does provide that the Interstate Commerce Commission is to look into the entire rate structure, so far as it affects those products or gives undue advantage as between the various localities and parts of the country to various classes of traffic, and so forth, and then to make, in accordance with law, such changes, adjustments, and redistribution of rates and charges as may be found necessary to correct any defects so found to exist. I may say that that law was in some respects a very unwise law, and is more responsible than the Interstate Commerce Commission itself for the abuses or the alleged abuses of which the Senator from Kentucky is speaking.

Mr. BARKLEY. I will say to the Senator from Maryland that the Hoch-Smith resolution was passed largely in the hope that some readjustment might be made in freight rates touching agricultural products. I supported it as a Member of the House.

The language itself is somewhat general. It had no relationship in the mind of the author of the resolution in the House—who was on the same committee of which I happened to be a member in the other body—in a broad sense to anything except agricultural products. As a matter of fact, it directed the commission to investigate the rate structure, with a view of the possibility of its readjustment; but the commission has not made that investigation, and none of the decisions of which complaint is made here were based upon the provision of the Hoch-Smith resolution, because they have not made the investigation, and have reported that it will, in all probability, take years for them to make the investigation so that they can carry the intention of Congress into effect.

Mr. BRUCE. Mr. President, is not the Senator mistaken? In its original form the Hoch-Smith resolution, of course, may have contemplated a change in the existing law with reference to the agricultural interest only, but that is not true, I submit, as respects the resolution as finally passed. If the Senator will allow me, I will remind him there is an express, separate, and distinct clause in the Hoch-Smith resolution touching on agriculture, which provides:

> In view of the existing depression in agriculture, the commission is hereby directed to effect with the least practicable delay such lawful changes in the rate structure of the country as will promote the freedom of movement by common carriers of the products of agriculture affected by that depression, including livestock, at the lowest possible lawful rates compatible with the maintenance of adequate transportation service.

That, of course, has its especial and exclusive application to agriculture, but the earlier portions of the resolution are general in character. They apply to rates of all sorts, and give the commission the power to readjust all rates.

Mr. BARKLEY. Even taking the broadest possible construction of the language in the resolution, nowhere is there even the suggestion that Congress intended to empower the commission to use the medium of freight rates to build up one section of the country and to tear down another section of the country, agriculturally or otherwise.

Mr. BRUCE. I think that would be, of course, a most lamentable and indefensible result, but, all the same, the tendency

of the latitude of discretion with which the commission is clothed by the resolution is to produce that very state of things.

Mr. SMITH. May I call the attention of both the Senator from Kentucky [Mr. BARKLEY] and the Senator from Maryland [Mr. BRUCE] to paragraph 2 of section 15a of the transportation act which, if liberally interpreted without reference to the context, would give the commission greater power than that which the Senator from Maryland has called attention to in the resolution of which I happen to be coauthor. The proviso in section 2 of paragraph 15a of the Esch-Cummins Act reads:

> That the commission shall have reasonable latitude to modify or adjust any particular rate which it may find to be unjust or unreasonable, and to prescribe different rates for different sections of the country.

It does not say different rates on the identical commodity, but it leaves that wide open to the commission. It says, "different rates for the different sections of the country." Of course, the context shows that the very thing could happen which the Senator from Utah was complaining of, namely, that in a sparsely settled community where the cost of transportation is intrinsically more expensive than in a highly developed community, a higher rate might be prescribed.

Mr. BRUCE. In other words, what it contemplates is that the rates shall be the same under the same conditions.

Mr. SMITH. That they shall be the same under the same conditions.

Mr. BRUCE. That is true.

Mr. SMITH. Under the decision of the commission in the recent rate case they have, as I interpret it, discriminated against one community and in favor of another on the question of rate adjustment. The roads themselves, as I understand, had not particularly desired a change; in fact, if my information is correct, the old rate the Northeastern States had was remunerative, but under the rate structure then existing the mines in Virginia found it profitable to mine coal and to send it in competition to the lake ports. That decision, however, practically puts an embargo on those mines in Virginia.

Mr. BRUCE. The commission have reached the conclusion that the respective transportation conditions under which coal is shipped from Pennsylvania and Ohio to the Great Lakes and the transportation conditions under which coal is shipped from West Virginia, Virginia, Kentucky, and Tennessee to the Great Lakes are different.

Mr. SMITH. The decision, if my reading of it is correct, is largely based upon the fact that they had the right to determine really the prosperity or condition of the industry in one community as against another. I shall refresh my memory as to that, because I think some amendment to the transportation act is necessary.

The fact of the business is, I think every student of economics in this country who realizes the relation that exists between transportation, production, and distribution agrees that we ought not to amend but to rewrite the entire transportation act.

Mr. BRUCE. Mr. President, the Senator from South Carolina does not think, though, that a member of the Interstate Commerce Commisison ought to be punished for reaching a conclusion conscientiously, even though this conclusion may be erroneous?

Mr. SMITH. Not at all; but I think members of the commission ought to show regard for the legislation which we enact, so as to make it easy for them to keep conscientiously to the right.

Mr. BRUCE. So do I.

Mr. SMITH. We ought as legislators to make it as easy as possible for them to do right and as hard as possible to do wrong.

Mr. BARKLEY. Mr. President, in that regard I wish to say that I think Congress is the body that should establish the policies that shall govern the regulation of commerce in the United States, and not the Interstate Commerce Commission.

Mr. SMITH. I agree with the Senator.

Mr. BARKLEY. Congress has the power to establish policies and incidental to its power Congress happened to confer upon the Interstate Commerce Commisison a broad jurisdiction in order that the railroads might be assured a fair return on their property. It was never conceived that under this authority rates might be shifted so as to enhance the industries of one State or section and depress those of others.

Mr. BROOKHART. Mr. President——

Mr. BARKLEY. I yield to the Senator from Iowa, and then I should like to proceed.

Mr. BROOKHART. I wish to state a condition which justified the Hoch-Smith resolution. The Senator from Maryland said it was wrong and should not have been adopted; but I wish to call attention to the fact that agriculture in the United States to-day furnishes 11 per cent of the freight tonnage of the United States, while it is paying 19 per cent of the freight rate, and if we consider the value of products the discrimination is even greater.

I am inclined to think the law does give the commission the power to consider the entire industry of agriculture in comparison with other industries; I think that was its purpose, but I want to ask the Senator from Kentucky if in the very act of the commission's deciding the reasonableness of a rate or the question of discrimination between rates is there not included as a part of it the question of the economic advantage or condition of the different communities?

Mr. BARKLEY. Of course, there is included in it the possibility of affecting economic conditions, but it was never the intention of Congress, in my opinion, to confer upon the Interstate Commerce Commission the power to change any rate solely on the ground of economic advantage or disadvantage as between sections of the country, and especially as between different sections in the production of a given commodity, such as coal or lumber or salt or any other commodity that might be a matter of competitive commerce.

Mr. BROOKHART. I concede that, but when they decide that a certain rate is unreasonable and discriminatory and must be reduced and that another rate will stand or be increased, that has a tendency of itself to tear down one community and build up another.

Mr. BARKLEY. That is inevitable.

Mr. BROOKHART. Yes; that is inevitable.

Mr. BRUCE. Mr. President, will the Senator from Kentucky yield to me? I should like to ask the Senator a question.

Mr. BARKLEY. I yield.

Mr. BRUCE. Is not the Senator aware that not only the interstate commerce law as it was originally enacted and subsequently amended by the Hoch-Smith resolution and the public service commission laws of this country generally empower regulatory bodies, such as the State public service commissions, to say whether a rate unjustly and unreasonably discriminates against one locality as compared with another?

Mr. BARKLEY. Yes.

Mr. BRUCE. There is nothing unusual, nothing uncommon, nothing extraordinary about that power.

Mr. BARKLEY. That is true; but even before the transportation act was passed the Interstate Commerce Commission had the power to determine whether any rate was unduly prejudicial or unduly discriminatory as between sections. If a rate was unduly lowered in order to discriminate against one shipper as against another or one community as against another, the Interstate Commerce Commission had the power to take that into consideration; but where they say in one decision rendered two years ago that a rate is reasonable and just and that it is not either prejudicial or discriminatory, and two years later decide again that it is not prejudicial or discriminatory but, based upon the same facts, it is unreasonable, and therefore they reduce it as to one section of the country and warn the railroads in another section of the country that they can not reduce their rates to compete with a section which they are trying to favor, I say that is a power never intended by Congress to be conferred upon the Interstate Commerce Commission.

Mr. BRUCE. The Senator will remember that the Supreme Court of the United States once said that the Federal income tax law was constitutional and then a few years later that it was unconstitutional.

Mr. BARKLEY. But we amended the Constitution to remedy the defect of unconstitutionality as it was decided by the latter decision.

Mr. BRUCE. The second decision was made, according to my recollection, before the amendment of the Federal Constitution was made. I think the Senator's memory is at fault. I think before there was any change in the Federal Constitution at all the Supreme Court of the United States reversed itself in respect to the income tax.

Mr. BARKLEY. I do not think so. My memory may be at fault, but I think the last decision made an amendment to the Constitution necessary; otherwise there would have been no need of amending the Constitution; Congress could have passed an income tax law without amending the Constitution.

Mr. President, inasmuch as the Lake Cargo case has been brought up—and I hesitate to enter upon a discussion of it, because I do not wish unjustly to criticize the commission—I think it might be somewhat enlightening to the Senate to refer to it briefly.

So far as this question is concerned, it has come down to a battle between sections. It is no longer, as it used to be, a question of a fight between a shipper and a railroad nor necessarily a fight between railroads. Years ago, when the coal mines of Kentucky were first opened up as well as the coal mines of West Virginia and of Tennessee—and they produce the better quality of coal by the way, a coal of higher volatility—the coal fields of Pennsylvania began a drive on the Interstate Commerce Commission to bring about what they called a differential in freight rates. So a differential of 7 cents per ton was allowed. They were not satisfied with that; they continued their drive until they got a differential of 9 cents, and then they continued until they got a differential of 17 cents, and they continued the drive until they got a differential of 25 cents a ton in the freight rate between the coal fields of Pennsylvania and the other coal fields of the country, especially those of Kentucky, Tennessee, and West Virginia.

In spite of this constant widening of the difference between the freight rates from Pennsylvania and those from Kentucky and West Virginia, the fields in Pennsylvania lost ground in the percentage of coal they shipped to the Great Lakes; and, in proportion as they lost ground by reason of the economic conditions and by reason of the quality of their coal, they intensified their drive on the Interstate Commerce Commission to widen the differential again. So in 1925 the question came up on the request for a reduction of the freight rate upon coal from Pennsylvania, and the Interstate Commerce Commission decided against that contention. They held that the existing relationship as to rates between the two sections was not unduly prejudicial nor discriminatory. They held that the rate from Pennsylvania was not per se unreasonable. Then began a drive such as will always occur wherever the commission sets itself up to decide between sections of the country.

The distinguished Senator from Pennsylvania on this floor denounced the commission, and elsewhere he even went so far as to say that it ought to be abolished, because in a decision in 1925 it had not complied with the wishes of the coal operators of his State.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BARKLEY. I will yield, briefly.

Mr. COPELAND. Did not the Senator from Pennsylvania also go about threatening slaughter and saying there would be trouble if the President did not appoint some man favorable to him?

Mr. BARKLEY. Yes. Not only did he denounce the commission and declare himself in favor of its abolition, but he went so far as to boast that unless the President should appoint somebody to represent Pennsylvania all sorts of dire consequences were to follow. The President appointed Mr. Cyrus W. Wood, from the State of Pennsylvania, who was committed to this policy of discrimination in which the Senator from Pennsylvania was interested and which the commission had denied in 1925. The Senate, by an overwhelming majority, rejected that appointment; and then a strange thing happened. Two members of the Interstate Commerce Commission who had joined in the decision in 1925 against the discrimination that Pennsylvania asked for changed their views and made a former minority into a majority; and in May of 1927 the same commission, with one exception, that had decided that these relative rates were not unjust and prejudicial or discriminatory, the same commission that had decided in 1925 that the rate from Pennsylvania to the lake ports was not unreasonable but was a reasonable and fair rate changed its opinion and consented that the same rate, based on the same facts and the same circumstances, was unjust and unreasonable, and reduced it 20 cents per ton, while at the same time holding that the rate as between these other fields and Pennsylvania was still undiscriminatory and not prejudicial. The very circumstances that brought about the change in the attitude of the commission, the drive from the Senator from Pennsylvania, the onslaughts of criticism hurled at the commission by him, make it extremely unwise that either Congress or the commission should set itself up or should create an agency that would place the power of deciding the welfare and fate of one community as against another altogether on the basis of economic or industrial conditions, because whenever that condition is brought about every Senator, every community, every section of our country will be demanding that there shall be somebody appointed upon the Interstate Commerce Commission to be a special pleader for the industries in that particular section of the country.

Already bills have been introduced dividing the country into regions and providing that members of the Interstate Commerce Commission shall be appointed from these various regions. I am not declaring myself either in favor of or against that amendment to our law; but I do say that when one section of the country finds the commission, under either an assumed authority or the exercise of a secondary authority or an incidental authority, undertaking by the manipulation of freight rates to say that one section of the country shall prosper and blossom, and another shall be visited by a blight upon its industries, it is not strange that any section of the country or any State would desire to have on that great commission somebody to represent its industries.

I have always looked upon the great Interstate Commerce Commission somewhat as I look upon the Supreme Court of the United States. There have been complaints broadcast over the country against government by commission. It has been stated that there are too many commissions and bureaus set up in our departments and independent of departments. We know that all of them are always grasping for power never intended to be conferred by Congress; but I have always felt that the one commission that had justified itself from the very beginning of its existence was the Interstate Commerce Commission, and I could not foresee the time ever coming when it would either set itself up or Congress would set it up as a sectional board to decide between sections of the country, and say that one industry shall prosper and another shall not. If the time ever comes when that tendency shall be crystallized into a fixed policy, the great esteem in which the Interstate Commerce Commission has been held in years gone by will be lost, which I should regard as nothing less than a calamity.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from California?

Mr. BARKLEY. I yield for a brief question.

Mr. SHORTRIDGE. I call the attention of the Senator to Article I, section 9, clause 6, of the Constitution, which reads:

> No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

I think I agree with the Senator, who appears to be contending that Congress has no constitutional power to enact any law delegating any power to any commission to prefer one section of the country over another; and I think the Senator's argument, if I grasp his views, would be sustained by this section of the Constitution.

Mr. BARKLEY. I thank the Senator for his interruption. It is my contention that Congress has no power to enact any law that would discriminate in commerce as between different sections of the country, taking the word "port" there to be used in its general sense of meaning places of entry and of exit for the commerce of the United States.

Mr. SHORTRIDGE. Certainly.

Mr. BARKLEY. But, even if Congress had any such power, it has not conferred it upon the Interstate Commerce Commission.

Mr. SHORTRIDGE. If the Senator will note, the first part of that clause does not mention "ports" merely; inhibits any preference by any regulation of commerce as to ports.

Mr. BARKLEY. I understand.

Mr. BROOKHART. Mr. President, will the Senator yield for a question?

Mr. BARKLEY. Yes.

Mr. BROOKHART. Under the clause of the Constitution just quoted, would not the long and short haul rate that is established or permitted by the act of Congress, and sometimes approved by the commission, be unconstitutional?

Mr. BARKLEY. It might be. Of course, the only excuse ever offered for the long and short haul provision of the interstate commerce act was in order that the railroads might not drive out water competition. On most of the rivers now there is not any competition, anyhow, but that result was brought about by entirely different conditions.

Mr. BROOKHART. That is true, too.

Mr. BARKLEY. In regard to this case I am somewhat embarrassed in referring specifically to it; but in order to show that what I am talking about was in the minds of the commission when they reversed their decision of 1925, wherein they said these rates were not discriminatory and not prejudicial and not unreasonable, in their reversal in 1927 they undertake to justify their new decision not because the rates are prejudicial or discriminatory, because they specifically say they are not, but they undertake to justify their new decision by saying that the rate is unreasonably high from Pennsylvania to the Lakes.

Of course, after they decided that it was not unduly discriminatory or prejudicial, the only reason or excuse upon which they could reduce it from that field and deny a similar reduction to another field would be that it was unreasonable and unjust; and, of course, having made up their minds to render that sort of decision, they would base it upon the unreasonableness and injustice of the rate itself. But in a

letter written by one of the commissioners, who changed his views on the subject after the decision was rendered, he said that the object of the decision was to widen the differential between the fields of Pennsylvania and of West Virginia, Kentucky, Tennessee, and other southern coal fields.

That is not all. Not only in that case but in numbers of cases this tendency of the commission to try to adjust unequal economic and industrial conditions has been assumed by them. There have been requests made in 35 cases by railroads to reduce rates from one section to another, and in those 35 cases the Interstate Commerce Commission has denied the railroads the right to reduce the rates. I do not contend that all of these denials were based upon the assumed authority of the commission to pass on the economic conditions of various sections of the country, but some of them are, and a large portion of them are. There are 35 cases in which the commission denied a reduction of rates applied for by the railroads themselves, and there are only 9 cases where the commission has permitted the railroads to reduce their rates accordingly.

There are seven cases in which the commission itself has initiated a raise that was not desired by the railroads nor by the commercial interests that they served, but in order that the economic and industrial conditions of various sections of the country might, through the medium of freight rates, be equalized, and therefore the people in one section denied the right to take advantage of their natural location or the quality of their products in the markets of the Nation.

I say that the exercise of such a power was never contemplated by Congress. The exercise of such a power, if persisted in, will destroy the Interstate Commerce Commission, will destroy the high esteem in which it has been held by the railroads and by business and by the people at large, and we will have a clamor here for a commission to represent sections of the country rather than a commission that has the vision to look at all parts of the United States and try to harmonize its freight-rate structure not with a view to giving an undue advantage to one section over another but with an eye single to advancing the commercial welfare and the prosperity of the people of every section of the United States.

Therefore I am very much interested in the passage of this resolution, and I hope we will obtain information that will enable the Congress of the United States to decide whether there have been any extrajudicial or extralegislative powers assumed by the Interstate Commerce Commission; and if so, whether some amendment may not be adopted to curb that exercise of power. And if in an hour of unwisdom, with a legislative stop watch held upon the Houses of Congress, compelled in the last week of a short session to pass legislation that in all probability the majority of neither House understood, we have unwittingly conferred upon the commission a power which they are exercising unwisely and to the disadvantage of great sections of the country, and therefore to the disadvantage of the whole country, we may look toward some amendment of that law that will correct this evil.

Mr. President, I hope this resolution will be adopted, and that the report for which it calls will be speedily returned.

The PRESIDING OFFICER. The question is on agreeing to the resolution offered by the Senator from Arkansas, as modified.

Mr. JONES. Let the resolution be read.

The PRESIDING OFFICER. The clerk will read the resolution.

The Chief Clerk read the resolution.

Mr. JONES. Has the resolution been referred to any committee?

The PRESIDING OFFICER. The resolution came over under the rule, and it was laid before the Senate for consideration to-day.

Mr. BINGHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Barkley	Ferris	McMaster	Shortridge
Bingham	Fess	McNary	Simmons
Black	Frazier	Mayfield	Smith
Blaine	George	Metcalf	Smoot
Blease	Gillett	Moses	Steiwer
Borah	Gooding	Neely	Stephens
Bratton	Gould	Norbeck	Swanson
Brookhart	Harris	Norris	Thomas
Broussard	Harrison	Nye	Trammell
Bruce	Hawes	Oddie	Tydings
Capper	Hayden	Overman	Tyson
Caraway	Heflin	Pittman	Wagner
Copeland	Howell	Ransdell	Walsh, Mass.
Couzens	Johnson	Robinson, Ark.	Walsh, Mont.
Curtis	Jones	Robinson, Ind.	Warren
Deneen	Kendrick	Sackett	Waterman
Dill	King	Schall	Watson
Edge	La Follette	Sheppard	Wheeler
Edwards	McKellar	Shipstead	Willis

Mr. JONES. Mr. President, I desire to announce that the junior Senator from New Hampshire [Mr. KEYES] is necessarily absent on official business.

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, there is a quorum present.

Mr. BRUCE. Mr. President, I desire to say a word in regard to the resolution. I confess I can not see why we should call on the Interstate Commerce Commission for copies of its decision. Of course, all the decisions of the commission are printed in bound volumes. It seems to me the most we might ask the commission to do would be simply to give us the references to its decisions bearing upon this particular subject. That is the first objection I see to the resolution. Of course, it is more or less of a formal character.

I certainly do think the resolution involves a reflection, a real, opprobious reflection, on the Interstate Commerce Commission in asking it under what sections of the interstate commerce law, and under what clauses of the Federal Constitution, it finds its authority "to equalize prosperity" in this country.

It seems to me that involved in such language as that there is an innuendo to which the Senate should not give its approval. Surely the Interstate Commerce Commission is not of such low estate that the Senate can intimate in a resolution that it has so far forgotten its obligations under the Constitution and laws of the land as to render decisions for the purpose of equalizing prosperity; that is to say, decisions completely usurping the authority of Congress and of the President of the United States. If the language of the resolution were changed in that respect, I should be willing to vote for it, because, after all, it is a mere request for information, information, doubtless, that is to be used for the purpose of making an assault on the confirmation of Mr. Esch when that comes along in due course of parliamentary procedure, but still information. But I do think that enough respect is entertained by the people of the United States for the Interstate Commerce Commission, a commission that is held, I venture to say, in higher esteem than almost any other agency of the Government except the Supreme Court of the United States, to induce us to forbear, in a resolution asking for information, to attempt to fix nothing less than a stigma to the character and standing of the commission.

Mr. ROBINSON of Arkansas. Mr. President, the statement just made by the Senator from Maryland is to me an astounding proposition. During the course of the debate this morning he himself took the floor to show that under the law the commission has the power to regulate rates with regard to the prosperity of sections or communities. Then he assumes to criticize the resolution on the ground that it asks the commission to send to the Senate the decisions which pertain to that subject.

Mr. President, this is one of the big questions relating to transportation. It is not altogether a one-sided question, as I think this debate has disclosed, but there is not a word in the resolution which any mind except that of the Senator from Maryland can interpret into an unfair criticism of the Interstate Commerce Commission.

I ask for a vote on the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution as modified.

Mr. BRUCE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. SWANSON (when his name was called). I am paired with the senior Senator from Maine [Mr. HALE]. I do not know how he would vote if present, and therefore withhold my vote. If I were permitted to vote, I would vote "yea."

Mr TYSON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote on this question, I withhold my vote. If permitted to vote, I would vote "yea."

The roll call was concluded.

Mr. SWANSON. I am informed that my pair, the senior Senator from Maine [Mr. HALE], if present, would vote "yea." Consequently I am at liberty to vote. I vote "yea."

Mr. BRATTON. I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. I am informed that if he were present he would vote as I intend to vote. I therefore am at liberty to vote, and vote "yea."

Mr. TYSON. I am informed that my pair, the Senator from West Virginia [Mr. GOFF], if present would vote "yea." I therefore vote "yea."

Mr. JONES. I desire to announce that the Senator from New Hampshire [Mr. KEYES] and the Senator from Pennsylvania [Mr. REED] are necessarily absent on official business. If present, they both would vote "yea."

I also desire to announce that the Senator from Delaware [Mr. DU PONT] has a general pair with the Senator from Florida [Mr. FLETCHER].

Mr. ROBINSON of Arkansas. I was requested to announce that the Senator from Arizona [Mr. ASHURST] and the Senator from Virginia [Mr. GLASS] are detained from the Senate on account of illness.

I was also requested to announce that the Senator from Delaware [Mr. BAYARD], the Senator from Missouri [Mr. REED], the Senator from Montana [Mr. WHEELER], the Senator from Iowa [Mr. STECK], and the Senator from Louisiana [Mr. RANSDELL] are detained on official business.

The Chief Clerk recapitulated the vote, showing one vote in the negative.

Mr. BRUCE. Mr. President, I am still unwilling to make it unanimous.

The result was announced—yeas 68, nays 1, as follows:

YEAS—68

Barkley	Edwards	McMaster	Shipstead
Bingham	Ferris	McNary	Shortridge
Black	Fess	Mayfield	Simmons
Blaine	Frazier	Metcalf	Smith
Blease	George	Moses	Stephens
Borah	Gooding	Neely	Swanson
Bratton	Harris	Norbeck	Thomas
Brookhart	Harrison	Norris	Trammell
Broussard	Hawes	Nye	Tydings
Capper	Hayden	Oddie	Tyson
Caraway	Heflin	Overman	Wagner
Copeland	Howell	Pittman	Walsh, Mass.
Couzens	Jones	Robinson, Ark.	Walsh, Mont.
Curtis	Kendrick	Robinson, Ind.	Warren
Deneen	King	Sackett	Waterman
Dill	La Follette	Schall	Watson
Edge	McKellar	Sheppard	Willis

NAYS—1

Bruce

NOT VOTING—25

Ashurst	Gillett	Keyes	Smoot
Bayard	Glass	McLean	Steck
Cutting	Goff	Phipps	Steiwer
Dale	Gould	Pine	Wheeler
du Pont	Greene	Ransdell	
Fletcher	Hale	Reed, Mo.	
Gerry	Johnson	Reed, Pa.	

So the resolution as modified was agreed to.

The preamble was agreed to.

WASHINGTON BIRTHDAY CELEBRATION IN ALEXANDRIA, VA.

Mr. SWANSON. Mr. President, there will be a celebration in Alexandria on the 22d of February in commemoration of George Washington's birthday. A very large parade will be held. The President of the United States will be there, the Governor of Virginia will be present, and I have been requested to extend an invitation to the Senate to be present upon that interesting occasion. I send to the desk the invitation, which I ask may be printed in the RECORD.

The VICE PRESIDENT. Without objection, the invitation will be printed in the RECORD.

The invitation is as follows:

THE GEORGE WASHINGTON BIRTHDAY ASSOCIATION,
Alexandria, Va., January 16, 1928.

To Senate of the United States.

GENTLEMEN: It has been the custom of Alexandria, Va., for many years, from time to time, to celebrate the birthday of Gen. George Washington on February 22 with a parade of a civic, military, and fraternal nature. On this occasion we have present many distinguished guests, and it has been our further custom to extend an invitation to your honorable body to be present as our guests on this occasion.

We therefore extend a most cordial and earnest invitation to you to be present in Alexandria, the home city of George Washington, on February 22, 1928, and witness, as the guests of our association, the parade in honor of Gen. George Washington's birthday.

Most courteously and respectfully yours,

THE GEORGE WASHINGTON BIRTHDAY ASSOCIATION,
J. WM. MAY, *President.*
M. E. GREENE, *Secretary.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, returned, in compliance with the Senate's request, the message of the Senate announcing its agreement to the amendment of the House to the bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes.

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 5583. An act granting the consent of Congress to the Kansas City, Mexico & Orient Railway Co. of Texas and the Kansas City, Mexico & Orient Railway Co. to construct, maintain, and operate a railroad bridge across the Rio Grande River at or near Presidio, Tex.;

H. R. 6099. An act granting the consent of Congress to the States of New York and Vermont to construct, maintain, and operate a bridge across Lake Champlain between Crown Point, N. Y., and Chimney Point, Vt.; and

H. R. 10636. An act to make an additional appropriation for the water boundary, United States and Mexico.

PRESIDENTIAL TERMS

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, Senate Resolution 128.

The Senate resumed the consideration of the resolution (S. Res. 128) submitted by Mr. LA FOLLETTE, as follows:

Resolved, That it is the sense of the Senate that the precedent established by Washington and other Presidents of the United States in retiring from the presidential office after their second term has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions; and be it further

Resolved, That the Senate commends observance of this precedent by the President.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Connecticut [Mr. BINGHAM] to refer the resolution to the Committee on the Judiciary.

Mr. WALSH of Massachusetts. Mr. President, no Member of this body has a higher regard than I for the tradition which limits the Presidency to two terms.

Every Member of this body is in accord with this fundamental principle. No resolution or vote is necessary to record our sentiments or the sentiments of the American people on this subject. In fact, there has never been in any responsible quarter any question about it.

The sponsors of the resolution upon which we are called upon to vote have very frankly conceded that their purpose in offering it is because they profess to see a danger that the present incumbent may be induced to violate this tradition. But whether they had that purpose or not, it will be construed by many Americans as being so motivated. It is aimed at a danger which can only exist upon the assumption that the President of the United States would be guilty of an act of bad faith.

I do not subscribe to the proposition which has been advanced by some of those who have spoken in opposition to this resolution, namely, that had Mr. Coolidge chosen to become a candidate it would not have been a violation of the tradition. I am frank to say that, in my judgment, the candidacy of any President after he has twice taken the oath of office is contrary to the spirit of this tradition.

I do, however, assert that the President's declination of a candidacy was so clear and unequivocal that to impute to him now the suggestion that he would repudiate his statements and accept a nomination under any political emergency or pressure is an unwarranted reflection upon the high character which I concede President Coolidge possesses. He is not the man who means one thing and says another.

Though I differ with some of President Coolidge's political philosophy, I recognize that he possesses great strength with the American people, and this has been largely due to the confidence the people have had in his integrity, in his straightforwardness, and sincerity of purpose. I believe the public can rely upon his declaration in this matter as being actuated by the same frankness and same sincerity which has always characterized his public service.

It had been suggested here that no one knows the motives which prompted his declaration. While it is true that no one knows, each of us is at liberty to form his own judgment—and in my judgment, respect for a tradition of our Republic was the controlling motive in Mr. Coolidge's decision. I can not bring myself to lend support to a resolution which by indirection reflects upon the good faith of the President of the United States in view of his solemn statement to the American people.

For the reason only that I do not choose to instruct the President or appear to be doubtful or distrustful of the President's attitude toward more than two terms in the Presidency, I shall vote against the resolution.

I hope the Senator from Wisconsin will agree, and I shall later move, with his assent, I hope, that the second paragraph of the resolution be stricken therefrom in order that there may be no suggestion and no hint from the action of the Senate that we have in any way attempted to reflect upon or question the good faith of our President. I think we ought to accept in good

faith, as sincere and as honest, the positive statement of the President of the United States that he will not again be a candidate for the office.

Mr. LA FOLLETTE. Mr. President, will the Senator from Massachusetts yield to me?

The PRESIDING OFFICER (Mr. ROBINSON of Arkansas in the chair). Does the Senator from Massachusetts yield to the Senator from Wisconsin?

Mr. WALSH of Massachusetts. I yield.

Mr. LA FOLLETTE. The Senator from Massachusetts contends that the resolution by indirection reflects upon the good faith of the President of the United States when he made his statement first in the Black Hills on August 2 and which he amplified at the meeting of the Republican National Committee on December 6 last. It seems to me that the very clause in the resolution which the Senator from Massachusetts suggests he is going to move to strike out would place the Senate upon record as interpreting President Coolidge as having been sincere in his statements and commends him for the action which he has taken in sustaining the antithird-term tradition.

Mr. WALSH of Massachusetts. I suppose the Senator from Wisconsin will not deny the fact that the resolution has been presented because of fear that in a political emergency a call may be made by the Republican Party upon the President to set aside the statement that he has made that he will not be a candidate and seek to have him become a candidate?

Mr. CARAWAY. May I ask the Senator a question?

Mr. WALSH of Massachusetts. I think the Senator from Wisconsin [Mr. LA FOLLETTE] desires to ask me a further question.

Mr. LA FOLLETTE. I stated on the floor very frankly when this resolution first came up for consideration that I had introduced a resolution on the subject of a third presidential term on the 22d day of February, 1927, that I intended to introduce a similar resolution at this session of Congress, and that I had not done so because it had been generally interpreted by the people of this country—and to that assumption I agreed—that the President of the United States was sincere and meant what he said when he stated that he did not choose to run, and when he subsequently further amplified his statement to the Republican National Committee.

Mr. President, the Senator from Massachusetts and all others who are conversant with political developments in this country know, as I stated at the time I introduced the resolution some days ago, that there were certain powerful interests in the Republican Party that did not accept the statement of the President of the United States as being sincere and were endeavoring to create a situation where he would be drafted as the nominee of the Republican convention.

Mr. WALSH of Massachusetts. I understand the Senator's position; he has been extremely frank and fair and ably presented his resolution; but I still insist that the resolution suggests the possibility of the President of the United States wavering and setting aside this time-honored tradition if political pressure dictated such a course.

Mr. SHORTRIDGE and Mr. HARRISON addressed the Chair.

The PRESIDING OFFICER. The Senator from California [Mr. SHORTRIDGE] first addressed the Chair, and he is recognized.

Mr. SHORTRIDGE. I merely wish to address a question to the Senator from Massachusetts [Mr. WALSH]. Anyone who will take the time to look at the wording of the resolution will see that the second resolving clause of the resolution is not in praise of the President. It "commends observance of this precedent by the President." Interpreted grammatically, it merely advises him to observe it. It is not in praise of him, however, at all.

Mr. WALSH of Massachusetts. It suggests a fear that in an emergency the President may change his mind and the Senate begs him not to do so.

Mr. SHORTRIDGE. Certainly.

Mr. LA FOLLETTE. Mr. President, I hesitate to enter into an argument with the Senator from California [Mr. SHORTRIDGE] over an analysis of the sentence, but, if I understand the English language, it seems to me that the statement is just as direct and straightforward as it could be made. The language reads:

> And be it further
> *Resolved*, That the Senate commends observance of this precedent by the President.

Mr. BORAH. Mr. President, if the Senator from Wisconsin will insert the word "the" between the word "commends" and the word "observance" there can be no question even as to grammatical construction.

Mr. LA FOLLETTE. I would be perfectly willing to modify the resolution to that extent, because my intention in drawing the resolution certainly was to make that declaration without equivocation or evasion; and, upon the suggestion of the Senator from Idaho, I will modify the resolution by inserting the word "the" after the word "commends" in line 9.

Mr. BINGHAM. However, Mr. President, if the Senator from Wisconsin will look back at the preceding clause of the resolution, he will find that it reads:

> The precedent established by Washington and other Presidents of the United States in retiring from the presidential office.

So the Senator will see that it is impossible to commend the President for having done something which he has not done, for he has not retired. It is clear that the use of the word "by" in the last line of the resolution should be superseded by the word "to." The obvious intent of the resolution introduced by the Senator from Wisconsin is "that the Senate commends observance of this precedent to the President." [Laughter.]

Mr. LA FOLLETTE. No, Mr. President. That may be language which would suit the Senator from Connecticut, as he is alleged to be a very close friend of the President of the United States, but I could not accept that as a statement of my intent in drawing the resolution, which, I assure the Senator from Connecticut and all other Senators, was entirely sincere.

Mr. SHORTRIDGE. May I ask the Senator from Wisconsin what was his intent? Was it to praise the President or to advise him or inferentially to criticize him or others who might think he would make the most excellent President during the next four years——

Mr. CARAWAY. Nobody thinks that.

Mr. SHORTRIDGE. Even though he has served for a time approaching eight years. What was the—I will not say the latent—but what was the controlling purpose or intent of the Senator from Wisconsin in using language in the resolution which, perhaps, might be subject to some doubt?

Mr. LA FOLLETTE. Mr. President, the Senator from California has raised a question with regard to what the language of the resolution intends, and I have endeavored to state frankly exactly what I intended to convey by it. I will say further to the Senator that I have on at least two occasions stated exactly the reason for my reintroduction of this resolution; and I assure the Senator that I have no latent or hidden motives. I refer the Senator to the statement which I made at the time this resolution first came up for discussion, and I also call his attention to the statement which I made a few moments ago in reply to the Senator from Massachusetts [Mr. WALSH].

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. LA FOLLETTE. Certainly.

Mr. CARAWAY. If the motives of the Senator from Wisconsin may be impugned, then all the Members of Congress from New England, when they voted for a similar resolution, were also actuated by unholy motives, were they not?

Mr. LA FOLLETTE. Mr. President, the Senator is correct, except that there were two members of the delegation from New England in the House in 1875 who did not vote for the resolution.

Mr. CARAWAY. There were two who voted against it?

Mr. LA FOLLETTE. Yes; there were two who voted against it.

Mr. CARAWAY. That had not been my remembrance. However, every member from Massachusetts voted for it.

Mr. LA FOLLETTE. All but one.

Mr. CARAWAY. Which one voted against it?

Mr. LA FOLLETTE. I do not recall the name just now.

Mr. CARAWAY. Well, he has been forgotten. [Laughter.]

Mr. SHORTRIDGE. Mr. President, I am not impugning motives, but hereafter, if the Senate will tolerate it, I will undertake to express my view as to just what this extraordinary, this simple declarative sentence, having Lindley Murray in mind, means, if it means anything.

Mr. FESS. Mr. President, when the resolution was first called up I had intended to address the Senate upon it at some length, because it involves a problem of wide interest, especially when historically considered, but I am not inclined to do that at this time, because of physical conditions which do not comport with easy speech.

The resolution involves the question of presidential eligibility to reelection. That I regard as its most important feature. In the Constitutional Convention that question was very widely discussed and on it there was a wide difference of opinion. In the Constitutional Convention the principle of a short term and quick responsibility was contended to be a fundamental principle of American democracy. As to whether such quick response would be conserved better by limiting tenure as well as limiting the term, or whether it would be conserved

better by limiting the term and extending the tenure was a question of doubt.

As everyone conversant with the proceedings of the Constitutional Convention knows, there were different views and different decisions reached at different times; in other words, the convention reversed itself on this particular subject.

When the question arose in reference to the Chief Executive, the convention originally proposed a term of seven years, with ineligibility for reelection. When a vote was called upon that proposal Washington was included in the list of those who voted against it. Although he did not make any comment at the time, later on, as is well understood, Washington had a conversation with Jefferson on the matter, and they did not agree. Also Washington wrote a reply to General Lafayette, who specifically addressed a letter to Washington on the subject of ineligibility to reelection. In the reply of General Washington he took a decided position against the Jeffersonian view. So it was decided not to limit tenure. The Constitutional Convention did fix a short term, but kept open the question of tenure, so that if experience might count for anything it could be utilized in the administration of the Government.

I think that the most concrete illustration of the difference between a limited term and a limited tenure will be found in the case of Members of both legislative bodies. The term of Members of the House and Members of the Senate is fixed, but their tenure is not limited. Neither is there a prohibition of eligibility to reelection in either case, nor is there in the case of the Chief Executive. In other words, the Constitutional Convention decided in both cases that a limitation on tenure was not wise, and that the question of eligibility to reelection should be kept open as a privilege on the part of the people.

In the case of the executive branch of the Government we have in practice both the limit of term and the limit of tenure. Custom thus far has limited the tenure of the Executive to two terms. That may have the force of law, but there is no constitutional inhibition against extending the term of the Executive beyond the second term. There is no inhibition whatever, as every student of constitutional law must recognize. Neither is there any inhibition in regard to the Members of this body or the Members of the House of Representatives.

I made some notes on another occasion of the practice in the House of Representatives as well as in the Senate.

If we take the Sixty-ninth Congress for purposes of study, the House of Representatives contained a Member who was serving, in the Sixty-ninth Congress, his seventeenth term. His term was two years. His tenure had been 34 years. In that Congress there was 1 Member serving his sixteenth term, 1 serving his fifteenth term, 1 serving his fourteenth term, 2 Members serving their twelfth term, 9 serving their eleventh term, 10 serving their tenth term, 7 serving their ninth term, 15 serving their eighth term, 35 serving their seventh term, 46 serving their sixth term, 42 serving their fifth term, 64 serving their fourth term, and so on. In other words, the rule in the House is limited term, but unlimited tenure, upon the basis that experience is of value in legislation.

The same thing is true in this body. It may be of interest to know that the representative in the Constitutional Convention who was nearest Thomas Jefferson was George Mason, of Virginia, the father of the famous Bill of Rights of Virginia, the first of its kind in the history of the world. George Mason raised the question of limiting the tenure of Members of the Senate and argued that Senators should not be elected for more than one term and, it seemed to me, employed in his argument a force that is second only in effect to that which he applied to the Executive—not much less. When the vote was taken, and the tenure of Members of the Senate was not limited to one term, George Mason gave it as his mature judgment that a great mistake had been made by the Constitutional Convention.

While I would not be facetious in this discussion at this time and should not be inclined and should not permit myself to offer any resolution for mere effect, it would be a proper thing for a resolution to be offered here in the form of an amendment to the present resolution to authorize a commission to study, at least, the feasibility of not only limiting the tenure of the President but limiting the tenure of Senators, and whether there is a basis for the argument that was adduced in the Constitutional Convention that no Senator should serve longer than one term. It would be interesting to me, as it would be interesting to everyone, to have an investigation of that sort and to get the facts upon which argument of that kind could be adduced. As we believe that unlimited tenure in this body employs experience and capitalizes ability, so it seems to me it is equally true in the case of the President.

Mr. President, I have never been averse to the spirit of a resolution that would announce an opinion upon whether service beyond a second term is a wise course or not. I have in the past argued that it would be better, probably, for the country and everyone concerned if in practice the presidential term were longer than at present and the President were ineligible to reelection. I would not adduce that on the basis that has been adduced here by individual Senators, on the ground that a President would prostitute his first term in order to secure a second term, or that he would prostitute his second term in order to secure a third term. I should not put it upon that basis at all; but I am aware that the President of the United States is under a burden that it is quite difficult for him to sustain from the pressure that comes to him from outside sources that is made possible by his reelection. In other words, Presidents break under the burdens of the office very largely through attempting to respond to requests that can not be met.

I do not believe I speak amiss when I say I can not avoid the thought that the life of the late President Harding—who seemed to permit his personality to go out to everyone who appeared in his presence—was very much shortened by the burdens of the office.

The very last conference I had with him was on Thursday before he left for Alaska on Tuesday, when he spoke in rather pathetic terms of the burdens of the office of the Presidency. Anyone who knew him and knew how he regarded the pressure that was brought upon him in connection with the requests of friends for this and that would recognize that he would wear under it, and probably break under it.

Not every President would be so affected. I have thought that it might be wise for us to pass a constitutional amendment to extend the term of the President and limit it to one term; but it has never been looked upon with favor. The proposal has been offered over and over again in the form of an amendment, and it has never been seriously considered by either body, House or Senate; and, after all, I suppose it would be still better for us to continue the practice of limiting term but not limiting tenure except by the vote of the people, as is done in the House, and as is done in the Senate. At any rate, whether it is wise or otherwise, that has been the practice from the beginning.

It is not a mooted question that the third term that was denied originally to the Presidents who might have been elected to a third term was not denied them by the people. It was simply never requested by those who might have achieved a third term. There has been much confusion about Washington's attitude. Over and over again we hear it stated in this and other bodies that Washington set the example of turning away the honor of a third election as if it were a matter of principle with him, instead of a matter of purely personal convenience.

I admit that the precedent was set by Washington. I admit that he was not elected to a third term; but I will not admit that he believed that a third term was vicious, or that he ever thought it was unpatriotic, or that he thought it would not be a wise course. The truth about the matter is that when he asked Madison to draw up in convenient shape what would suit him for a farewell address it was at the end of his first term. Washington had intended not to remain even to the end of his first term, as is known by every historian. When he was elected, having presided over the Constitutional Convention, having been regarded as the only one to be presented, as nobody was presented against him, he made it known that he would accept the office as a public service, but he did not want to be bound to a complete term of four years. He would inaugurate the Government, and, at convenience, retire.

There was not any doubt of his intention to retire at the end of the first term, even though he might have changed his views about retiring before the term was over. He stated to Madison that he wanted an address prepared suitable to his retirement. Madison put it into form. In that address I find these words, which are constantly quoted by the proponents of this resolution as being the words of Washington:

> May I be allowed further to add as a consideration far more important that an early example for rotation in an office of so high and delicate a nature may equally accord with the republican spirit of our Constitution and the ideas of liberty and safety entertained by the people.
>
> "Rotation in office!" That is stated as being in accord with our views of democratic government.

Mr. President, that statement was written by Madison. That statement was not in the President's Farewell Address when he finally delivered it to the American people. This particular

item of Madison's draft was never accepted by President Washington.

Mr. LA FOLLETTE. Mr. President——

Mr. FESS. I yield.

Mr. LA FOLLETTE. The Senator said that that statement had been quoted by the proponents of this resolution. Will the Senator state what Senator it was that quoted it?

Mr. FESS. I do not recall anyone in the Chamber who quoted it; but in the discussions against the third term throughout the country by historians Madison's draft is constantly reviewed.

Mr. LA FOLLETTE. I just wanted to make it clear that no proponent of the resolution in this Chamber had made that quotation. As a matter of fact, I stated in the brief remarks I made that a frank discussion of this question must admit that Washington had never gone on record as being opposed to a third term.

Mr. FESS. Yes, Mr. President; and I want to commend the author of the pending resolution for his frank discussion, and especially his frank statement in reference to Washington, because it is quite different from the usual statements on this subject. I commend the Senator for his frank statement.

I think probably I should have amended my language by saying, instead of the proponents of this resolution, the proponents of the theory against the third term; then I would have been wholly within the range of accuracy.

On the other hand, Washington, because of developments in Europe and our complications on foreign affairs, decided that he would again accept the nomination and election. Then at the approach of the end of the second term, which was some time about 1795 or 1796, Washington called to his aid Hamilton, and asked him to throw into form a draft that would be suitable as a farewell address. That farewell address was to express the views of the President, and if he had any idea whatever of objecting to a third term on the ground that it would be unpatriotic or that it would not be a wise course, rather than upon the ground of his personal tastes and personal conveniences, it would have been in that address that the statement would have been made, and the farewell address of the President of 1796 can be scanned from the first word to the last and there will be found no hint of his objection to a third term in principle. I want that to be specifically understood as saying that Washington's declination to be elected a third time was not on the ground of the principle, but only because it was a personal convenience to him to retire.

As to Jefferson and Madison and Monroe, they represented an entirely different school of politics. There were two well-defined schools of politics in the Constitutional Convention, and while Jefferson was not in that convention he did have his representatives there, especially in Madison and in George Mason, of Virginia. They well represented the views of Jefferson, though Madison was much more Federal in his theory than was Jefferson. He would not go along as far as Jefferson would go.

Jefferson was dominated by the fear of autocratic government, and that was normal with him. In the first place, the theory of Jefferson, however we may account for it, was that there should be no interference with the liberty of the individual in government. He believed that that government was best which governed least. He believed that the citizen was better subserved in his opportunity and ability when unhindered as much as possible by government decree, and he extended that view to the States, so that Jefferson very frequently is regarded as the advocate of State rights, if not State sovereignty. I do not believe that Jefferson can be described as being the exponent of State sovereignty in the degree that John C. Calhoun was later on. Nevertheless, Jefferson wrote the Kentucky resolutions, and the Kentucky resolutions, outside of the Virginia resolutions, which were written by Madison, are the best exponent of the principle of State rights that we have in American literature. They were written by Thomas Jefferson.

Jefferson emphasized the idea of liberty. Jefferson feared autocracy. Jefferson was afraid of too much power, too much government. However we may explain the source of his fear, that was fundamental with him, and I regard it as tremendously important not only in any study of our political theory but in the development of our American poltical theory.

While Jefferson, therefore, was not in the Constitutional Convention to work out his ideas, he was in contact and communication with the men who were there who represented his views, and one of his views, specifically uttered, was that terms should be elective, and not appointive, that terms should be short and not long, that tenure should be short and not long. In other words, he was in favor of not only shortening the term but of preventing the term being extended beyond a certain limit, for fear of too much control by officialdom. He was quite normally committed to the idea of one term and no reelection. He communicated with Washington in the matter. He expressed his disapproval of the plan of the Constitutional Convention as it finally completed its work on that subject.

It is true that Jefferson did not recommend in his message, and did not mention in his inaugural address, that he had stood against eligibility to reelection, but all along the years to 1826, when he died on the 4th of July, Jefferson was in close communication with correspondents on matters of government, especially with reference to the democratic theory, of which he was an exponent, and it was generally known that he had never given up his idea that there should be a limit of the term of the Executive to one year.

Finally, just before he died, this distinguished exponent of the theory of government, one of our country's greatest draftsmen of political documents, especially in reference to the democratic theory, wrote as a sort of last will and testament that famous autobiographical note of 1826, in which he again said that he believed that the Executive should be denied reeligibility. It is not likely that he would have wanted to limit the Executive to one term if the term were a short term. I have found no indication anywhere that he was in favor of making the term four years, and the Executive ineligible for reelection with that short a term.

The one school which stood for the theory of quick responsibility to the people through short terms was represented first by Thomas Jefferson, followed by Madison, followed by Monroe, followed by Jackson, and then, while Cleveland would not be looked upon as viewing these problems in the same light precisely in which those men did, although he was a great Democrat, Cleveland took almost identically the same view.

The other day I made an exception in the case of Woodrow Wilson. Wilson was elected for a second term. At his first election, Wilson was elected upon a platform containing a plank declaring in favor of a single term. That does not mean that Wilson committed himself to that. It was stated the other day that when a man runs upon a platform, naturally that commits him. I happen to know that President Wilson had no regard for that particular plank, and while I have seen a statement recently that he so stated openly, I have never seen the statement; but I am aware that he did not believe in that particular plank at all. I have never charged that President Wilson, running on a plank favoring one term and then afterwards becoming a candidate for reelection, was guilty of any particular inconsistency.

I have thought that in the cases of Jefferson, and Madison, and Monroe, and Jackson, all of whom are on record as believing fundamentally that there should be no reeligibility in the Executive, they were inconsistent, in that their practice did not agree with their theory. Yet that, perhaps, has no force in an argument.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. CUTTING in the chair). Does the Senator from Ohio yield to the Senator from Idaho?

Mr. FESS. I yield.

Mr. BORAH. Do I understand the Senator to contend that those men are on record in favor of one term where the term was four years?

Mr. FESS. No; so far as I know that dated back to the discussion in the Constitutional Convention as to whether there should not be a term limited to six or seven years, and ineligibility to reelection.

Mr. President, there is another phase of this resolution which calls for a litle more extensive investigation than I have been able to give to it; that is, whether a term is completed when another oath is taken, even though the tenure of the first would not last over a day, or whether when a Vice President had succeeded to the Presidency and had been afterwards elected for a four-year term a third term would begin if he should be reelected again, although his first term had not been a full one. It is on that particular point of dispute that I have been quoted in the press at times.

The first Vice President to become President was Tyler, who succeeded Harrison after Harrison had served only one month. Tyler's term, therefore, was 3 years and 11 months, short of the full term of 4 years by only 1 month. Nobody would deny that that was a full term. Tyler was a candidate for renomination, but was denied the opportunity of again running.

The next case was that of Millard Fillmore. Fillmore did not serve as President as long as did Tyler. It is not of any particular value, but I think it might be refreshing to Senators to have these facts. Fillmore served two years and nine months. Andrew Johnson served as President three years and ten and a half months. Arthur served as President three years and six and a half months. Roosevelt served as President during the

balance of the term for which McKinley had been elected—for three years and six months. I think there will be little dispute that if these men had been reelected they would have been serving second terms, although the first terms had been short of four years.

When we apply that to the President we find that he served one year and seven months of the unexpired Harding term, that being less than two years, and is the only Vice President who came to the Presidency to serve less than half the period of his predecessor's term. The question that comes to my mind—and it would never have arisen had not the question of the candidacy of the present President been broached in the country—is whether one year and seven months make up a term. I should not think it would, but there are distinguished Senators here, well recognized for their ability in history and constitutional law, who not only say that the one year and seven months will make up the term, but that even if it be but one week or if it be but one day it would make up the term; in other words, if it is the administering of the oath for but a minute, that means that he has fulfilled the course limited to two terms. If the present President or any other President should serve as Vice President 3 years and 11 months and 29 days, lacking only one day of the full four years, and then take the oath because of the death of the President, and serve but one day as President, his taking of the oath of office and serving that one day would constitute his full first term, according to their contention.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. FESS. Certainly.

Mr. BORAH. As this is only a tradition and not a constitutional provision with which we are dealing, so many things enter into and constitute the tradition that it would be very difficult to fix any definite standard by which to measure the particular phase of the matter which the Senator is now discussing. But there are two matters which we hear discussed in the ordinary walks of life, with the laymen, which have to do with it. We hear men say that no man in this country should be permitted to serve longer than Washington served, longer than Jefferson served, or Madison, if it is only a year longer. It is said by them that Washington served eight years, and somebody else proposes to serve nine years, and so forth. Those things all enter into the making up of the judgment of the people as the finality in the matter of tradition.

But the second proposition, speaking with reference to the present incumbent of the office, is this: Has the Senator any doubt that President Coolidge was renominated and reelected upon the strength of the record which President Coolidge made in that year and seven months rather than the record of his predecessor?

Mr. FESS. No doubt whatever.

Mr. HARRISON. Mr. President, I did not catch the Senator's answer to that question.

Mr. FESS. I said there was no doubt whatever. The Senator asked me if I had any doubt, and I told him I had no doubt.

Mr. HARRISON. But no doubt about what?

Mr. FESS. Will the Senator from Idaho repeat his question?

Mr. BORAH. Does the Senator wish me to repeat it or have the official reporter read it?

Mr. HARRISON. I just did not catch it.

Mr. BORAH. I asked the Senator from Ohio if he had any doubt about the proposition that President Coolidge was renominated and reelected by his great majority on the strength of the record which he had made or on the record which his predecessor had made? In other words, he had a term and upon its record he was renominated and was elected.

Mr. FESS. I scarcely recognize the relevancy of the question, but I have no hesitancy in answering the question as I did.

Mr. President, I had hoped the Senators were going to give me some light that would give me some relief as to what is the second or first term. I should like to ask the Senator whether a year and seven months of an unexpired term is properly regarded as the first term of the President. Let me ask, if that be true, would it be so if it were one year, or would it be so if it were one month, or would it be so if it were one day?

Mr. BORAH. My opinion is that the construction which would be placed upon the tradition, if it were involved in a campaign, would be that if the party had held office twice or held the term, whether short or long, and exercised the powers of the Presidency, he would be regarded as having had two terms.

Mr. FESS. Even had he served but one day?

Mr. BORAH. Even had he served but one day. As I said, this being a mere matter of tradition and not a constitutional provision or matter of law, there is no measure which we can bring to bear upon it unless we take the proposition of "term" as having held the office.

Mr. FESS. What I would like to have my friend from Idaho tell me is this: Would the services of one day of an unexpired term amount sufficiently in his mind that he, a believer in the theory of limiting it to two terms, would say that he is denied the right to run the next time?

Mr. BORAH. Yes; that is my view. I want to say that I think the anti-third-term principle is sound, but I do not think it is sacred. I have said many times that while I think in ordinary exigencies of political conditions in the country the third-term principle ought to be observed, I am perfectly willing, however, to also leave it to the judgment of the people or the electorate. I would not write it in the Constitution of the United States. There may be times and terms and conditions in which the people would judge it better to have the President for the third time than to change under the circumstances.

I think that condition would have arisen, as I said yesterday, had Lincoln's first term been his second term; that is to say, had the exigencies of the Civil War situation arisen at the close of his second term as they did at the close of his first term, the American people would have insisted on his being President again, and he would have been President. When we take into consideration the stupendous effort which was made by the leaders in the Republican Party to confine him to one term, when he was advised over and over again by the leaders that he could not be elected, but that, the people being heard from, he was renominated and reelected, in my judgment that same thing would have happened at the close of his second term under similar conditions. That exigency might be justified. I believe, too, that had Washington had upon his hands at the close of his second term the situation that he had at the close of his first term, he would have consented to be a candidate for the third time, and he would have been reelected for the third time.

But those are extraordinary and exceptional conditions, which are to be appealed to when the judgment of the people think the facts justify it. In all ordinary conditions I think the third-term principle ought to apply. Therefore I would apply it, as I said a moment ago, to anyone who had held the office twice, whether it was a day or whether it was six months or a year.

Mr. FESS. The Senator would apply it as a principle, but open to exceptions on exceptional occasions?

Mr. BORAH. Yes. I am perfectly willing to leave it to the people. I have no doubt, in the light of the 150 years which have passed and the experiences we have had in regard to this matter, and judging by the examples of great men who have gone before and the political jealousy of the people, but that it is perfectly safe to leave it to the people. In other words, I would not write it into the Constitution of the United States. I would leave it a tradition.

Mr. BRUCE. Mr. President——

Mr. FESS. I yield to the Senator from Maryland.

Mr. BRUCE. Does not the Senator from Ohio overlook the fact that any rule, whether it is a third-term rule or other rule, to have any real significance and efficacy must be a rule of general application? There is always the possibility, of course, of a President dying within a month after he takes office or of a President dying two or three months afterwards and the Vice President becoming President. Now, a rule of general application can not speculate and should not speculate in the contingencies involved in the question of when the President may or may not die and be succeeded by the Vice President.

What the third-term tradition opposes, as I construe it, is the accumulation of personal prestige and authority that may be brought about by a man occupying the exalted office of President, with all the patronage and power that attach to it, for more than two terms. So enemies of a third term can not afford to take any risk as to the time when a President may or may not die. The rule should be broad and flexible enough to cover any and every mortuary contingency so far as the President is concerned. I think the Senator overlooks that.

Mr. FESS. In other words, the rule ought to be so regarded that it can be broken just as easily as kept, and then there would be no embarrassment at all.

Mr. BRUCE. No; I would have it inviolate. I would not have it turn on the question as to when the President may die and be succeeded by the Vice President. The rule, to have any value, must, like all rules of that kind that have any value, be uniform.

Mr. BORAH. There is no way to make this tradition inflexible. If it is not a constitutional provision or written in the law, there is no way by which to make it inflexible, because

it depends entirely upon the judgment of the electorate. Unless we write it in the Constitution I do not know how we can make it inflexible.

Mr. FESS. Mr. President, what I have been trying to indicate that is embarrassing to me is whether taking the oath of office complies with the full term of four years and has the same effect as a full four-year term. The Senator from Maryland [Mr. BRUCE] thinks that the situation which I have suggested might not arise. It might very easily arise, and that is the thing I want to know about. What makes the first term? What makes a full term? Is one day just the same as four years? I insist that it is not that, although the Senator from Idaho [Mr. BORAH] thinks so, and Doctor Butler, president of Columbia University, says it is true. The Senator from Maryland thinks that completes the term. I can not see it in that way. However, it is perfectly safe to leave it as the Senator from Idaho puts it, and then nobody is embarrassed. No matter how much we talk here, no matter what opinion might be expressed, let the people decide it. They will decide it one way or the other. One time it will be one way and another time it will be another way.

I fully agree with the Senator from Idaho in that if Washington would have permitted himself to run in 1796 he would have been elected without very much doubt.

Mr. BRUCE. Mr. President——

Mr. FESS. Just a moment. I think there is no doubt that if Andrew Jackson would have given any intimation that he wanted to succeed himself in 1837, instead of really appointing his own successor in Martin Van Buren, he could have elected himself more easily or as easily as to have selected his successor. I have no doubt about it.

I have not the slightest doubt that if President Lincoln had been spared to complete his second term, because of the popularity he had enjoyed and the confidence and love he had inspired, he could have been reelected. I also have not any doubt if Colonel Roosevelt had been nominated in 1912 without opposition, although having served, as he claimed, two terms, that he would have been easily elected, and if death had not taken him when it did there would not have been a single opposing candidate against him in 1920, and he would have been overwhelmingly elected in that year, notwithstanding the fact that he had been twice President. Now I yield to my friend from Maryland.

Mr. BRUCE. The Senator from Ohio, however, realizes that if a President were to die a month after he took office and were succeeded by the Vice President, who rounded out the term of the President, and then himself was elected to another term, and then to still another and another term, and in that way gradually—for that was the theory of Mr. Jefferson—became an emperor or an autocrat of some sort, it would not make much difference whether or not Presidents as a rule died after a longer period than one month after succession to office. One catastrophe would be enough fully to justify the anti-third-term tradition.

Mr. FESS. The Senator from Maryland will agree with me, I am sure, that Jefferson's opposition to a third term was better fortified and more warranted than any opposition to a third term in this day would be. Jefferson lived at a time when the Republic was young, when we had no friends. He served in France with great honor, as the Senator from Maryland knows. He recognized the flux of political situations in Europe. He had written the Declaration of Independence, the greatest document of human liberty that has come from the hand of man, and it is significant that in that document every count of the indictment with the exception of 2—making 22 in all—begins with the personal pronoun "he" in reference to the King of England, of whom he was very fearful. Jefferson sat in the Legislature of Virginia, which was not then a sovereign State but a colony which ought to have had the right of local government, and he saw the legislature of his own State, of which he was a part, dissolved by a royal governor appointed by the King of England.

Jefferson had reason for fearing the dangers of executive usurpation. He also had reason for fearing the man on horseback, because Napoleon was in the saddle at that time. There is not the slightest fear of that to-day, is there?

Mr. BRUCE. The entire Republican convention in 1880 certainly cherished that fear as strongly as Mr. Jefferson ever did when it refused to give a third term even to such a military hero as General Grant. Mind you, there were no Democrats in that convention, and it was held some years after the split in the Republican Party of that time.

Mr. FESS. Mr. President, Grant was one of the world's greatest soldiers. In 1868 he was nominated by a unanimous convention; every vote in the convention being cast for him, and not a single vote being cast against him. He was elected by a tremendous majority. He was not, however, skilled in the politics of the country; he was only a soldier. Because of opposition to certain policies which General Grant announced, most of which I agree were very sound—and one of the fundamental principles of finance he sustained by a veto—he made himself extremely unpopular with the politicians of the country. Then in some appointments he offended a certain group, and all who have any familiarity with history will recall that the opposition grew so powerful that Horace Greeley led a revolt and the Liberal Republican Party was formed which put a candidate in the field in 1872 against Grant. Unfortunately, the Democratic convention indorsed Horace Greeley as did the Liberal Republicans, although a branch of them broke off and nominated Charles O'Conor. In 1872 the fight in the Republican Party was so bitter that it resulted in the breaking off of a large element of the party. Then, by 1875 there was such a falling away of support even among the Republicans that when Springer, of Illinois, introduced his resolution, that in language was similar to the one now pending, 164 Democrats—every Democratic Member of the House—voted for it and the opposition to General Grant was so strong that most of the Republicans voted for it.

Mark you, this was in 1875, preceding the famous battle of 1876, which is known as the "disputed Presidency." Then, in 1880, with this factional fight still running, the Republican Party, led on the one hand by Blaine and on the other hand by Conkling, was looking for a candidate. Grant was then making a trip around the world. He was feted in every capital of the Old World. He landed at San Francisco in 1880. Conkling said, "There is our candidate." He immediately took him up and undertook to nominate him for President in 1880. The contest was between Conkling and Blaine. Conkling had not the votes; Blaine had not the votes; and the compromise was the nomination of Garfield. There is not a scintilla of evidence that Grant could have been nominated, whether it had been after his first or second or third or fourth or even his twentieth term.

I think there can be no doubt about that. My suggestion to my friend from Maryland is to this effect: Whatever legitimate grounds there may have been against a third term in the early history of our country, those grounds do not now obtain. I do not think there is any fear whatever of the man on horseback, as was the case in the days of Napoleon.

Mr. BRUCE. Mr. President, if I may interrupt the Senator further, let me say that that may be true under ordinary circumstances, but suppose our country should find itself faced by turmoil and insurrection, or even revolution, if you please; and the fears of the propertied classes of the country, indeed, of all the conservative elements of the country, were very much aroused; does the Senator think that even under those conditions such a thing as a President gradually sliding into an inheritance, to use Mr. Jefferson's phrase, would be impossible?

Mr. FESS. I do not think that a resolution of the character now pending before the Senate would have any effect whatever upon retarding events if such a condition should arise. It would not make any difference what we may say here to-day.

Mr. BRUCE. I think it would.

Mr. FESS. I do not think so.

Mr. BRUCE. It is fair, I think, to assume that a resolution formally adopted by this body would have a certain degree of effect in molding public opinion.

Mr. FESS. Mr. President, with the growth of industry in America, with great masses of our people employed in factories located in great centers of population and wholly dependent upon the continuance of their occupations for a livelihood, I confess I sometimes tremble when I think of the possibility of any derangement in industrial conditions such as might be caused by a great depression which would cause populations to suffer for want of work. I have no reference now to any political theory; I am speaking merely about the growth of population in great centers, dependent wholly upon one great branch of industry. In case that industry should fail to give employment, operatives be thrown out of employment, and a great strike ensue I can imagine that, under certain leadership, a despotism might follow.

Mr. BRUCE. The Senator can imagine, in other words, that a man on horseback might come along under those circumstances.

Mr. FESS. However, I do not think that a vote in the Senate on the question of a third presidential term would have as much effect as a fly on a dog's ear in a case such as that.

Mr. BRUCE. I am sorry that the Senator entertains such a poor opinion of the influence of the Senate. I am sure the Senator will agree with me in thinking that on the eve of the World War there was no reason to believe that Italy, a coun-

try endowed with the freest of institutions, would ever pass under the sway of such an autocrat as Mussolini. Yet to-day Italy has just as much a dictator as ancient Rome ever had at any time in her history.

Mr. FESS. While that is true, I would not admit that what could be done in Italy could be done in America. I would not admit that for a moment.

Mr. BRUCE. I do not know about that. The history of the Italian struggle for liberty is one of the most glorious things in human history. The Senator knows that.

Mr. FESS. That is true.

Mr. BRUCE. And the Italians had a great deal more from which to free themselves than we had when we waged our Revolutionary War.

Mr. FESS. The Senator is a student of history and he knows that for a hundred years before the Federal Constitution the thirteen Colonies were training themselves for government in which *all* the people should participate, and then, after 100 years of such training, there was convened the Constitutional Convention, which framed an instrument, containing only seven articles, that has been our bulwark of our liberty and our organic law for 139 years, during which time the country has never experienced a revolution. I do not think there is in America any danger at all of what has taken place in Italy. I do not for a moment think it possible.

Mr. BRUCE. The Senator knows, though, what a desperate struggle the Italian people carried on to free the state from the church and from foreign influence.

Mr. FESS. Yes; I admit that.

Mr. BRUCE. That was one of the most strenuous contests that any people ever waged. The Senator surely remembers what a long step it was from the government of the Bourbons in Italy to Cavour and Mazzini.

Mr. FESS. I will simply remind my friend that there are eight nations in Europe now that might be regarded as being under dictators, all the result of the World War. There is not any possibility of that sort of thing taking place here in America with our population. We view the problems of government on an entirely different plane, and I think it is the result of 250 years of training; and no other nation has had the training that we have had in this form of government.

Mr. BRUCE. The Senator realizes, of course, that the time will come when our country will be much more densely populated than it is now.

Mr. FESS. Yes; and our problems will be greater.

Mr. BRUCE. And there will probably be a great deal more social disaffection and unrest then than there is now. That is what Macaulay anticipated, the Senator will recollect, in his famous letter to Mr. Randall, the biographer of Jefferson, when he said that the trouble with our Government was that it was all sail and no anchor. That is not true at the present time; but if such a storm were to break in this country, as it is not difficult to imagine, we might desire considerably more anchor and less sail than we have now.

Mr. FESS. The Senator will recall that de Tocqueville also made a prophecy that this Government could never stand perpetually in a republican form, and prophesied that it would not be many years until we would lose our existence. The Senator recalls that.

Mr. President, reverting to what I said a moment ago, that I think there is no doubt about what would have taken place in elections in spite of the third-term tradition if these persons had announced themselves candidates, I hope I shall not be regarded as violating the amenities of this Chamber if I say that I have looked upon the term of one year and seven months of the present President as a fraction of a term. I did not count that as a full term. I looked upon the close of the present term as not the completion of two terms. That is the reason why I constantly attempted to refute the idea that if President Coolidge were renominated there would be any violation of the third-term tradition. It would be a tenure longer than eight years; it would be an innovation to that extent—that is, no President in our history has ever served more than eight years—but, while it would be a year and seven months more than eight years, it would not be a violation of the third-term tradition. If that would be a violation of it, then one year more would be, or one day more would be; and I have thought that an untenable position.

What I said a moment ago about President Roosevelt I would say frankly to-day about President Coolidge—that if the way opens for his nomination I do not hestiate to say that he will be elected by one of the largest majorities ever given in an election, in spite of the tradition that friends of mine say would be broken on the third-term matter.

Mr. BRUCE. But the Senator does not think, I am sure, that the President could be induced, after he has practically given his word to the people of the United States not to be a candidate to succeed himself, to be a candidate again?

Mr. FESS. Mr. President, I have noted with the greatest interest the Democratic planning and strategy that has surrounded the name of President Coolidge ever since the suggestion was made that he might be renominated. I admire the brilliant strategy. It is not only seen among Democratic Senators but it is read in every great Democratic newspaper. They are taking this view: The men who say that President Coolidge could not accept a nomination tendered to him when it is not sought because it would be bad faith, because it would be insincerity, because it would show a lack of character, are expressing a wish rather than a judgment. There is not any doubt about that.

Mr. BRUCE. No, Mr. President; I say to the Senator, so far as I am concerned, that he is absolutely mistaken. No strategic motive of any kind enters into my convictions in relation to this subject. I have taken the President at his word; and I believe, and I shall continue to believe until I am absolutely disabused of the impression, that he is another one of our Presidents who has set a most inspiring example to the American people in declining a third term when the nomination, at any rate, for a third term was completely within his grasp. As I said the other day, I believe that he has been actuated by the same motives by which Jefferson was actuated, by which Madison was actuated, by which Monroe was actuated, and by which Jackson was actuated under similar circumstances; and I, for one, would have a much less high opinion of the President than I have if I thought that after having said what he has said he could be capable of allowing himself, his own motives, his own purposes, and his own words to be overruled by any external influence, however strong.

Mr. FESS. Mr. President, I think we shall be compelled to accept the statement of the Senator in good faith as he has expressed it, although it is a happy situation for a Democratic leader to be in to have a conviction that fully comports with his wishes in the matter. It relieves some embarrassment.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Ohio yield?

Mr. FESS. I yield.

Mr. ROBINSON of Arkansas. The Senator has had a good deal to say recently about strategy in connection with this subject. He has also credited the Senator from Maryland [Mr. BRUCE] with good faith in the expression of his attitude.

It is recalled that after the President made his famous announcement, "I do not choose to run in 1928," the Senator from Ohio, according to press reports, placed on the President's announcement the same construction that he is placing on it now; and we read a story, generally published, that the Senator from Ohio was called to the White House and severely reprimanded for apparently questioning the good faith of the President's declaration, and for implying what he is implying now, that the President really did not mean what he said; that he was simply inviting pressure to induce him to run again, or was soliciting the influences of his party organization to draft him and force him to run. I wonder if the Senator from Ohio believed that the President meant what he said when he declared that he would not run again in 1928?

Mr. FESS. Mr. President, there is not any doubt about what the President meant to say. He meant precisely what he said.

Mr. ROBINSON of Arkansas. There has been some question as to what "I do not choose to run in 1928" means.

Mr. FESS. He meant precisely what he said, Mr. President.

Mr. ROBINSON of Arkansas. Will the Senator yield for a further question? Why did the Senator seek to coerce, or to persuade, if he prefers that term, the President into violating his construction of his proper relationship to the campaign of 1928? Why did the Senator from Ohio try to induce him to run when he said he did not want to?

Mr. FESS. Mr. President, the wants of the President may not be the same as my own.

Mr. ROBINSON of Arkansas. Manifestly; but why did the Senator from Ohio want the President to run for another term when the President said that he did not choose to do so?

Mr. FESS. For the same reason that the Democrats would like to find somebody that could win, which they can not do.

Mr. ROBINSON of Arkansas. Oh! Then the Senator from Ohio thought the President had a better chance to win than any other person mentioned among the Republican candidates?

Mr. FESS. No; the woods are full of Republicans that can win.

Mr. ROBINSON of Arkansas. Oh, yes. We have them from Ohio and we have them from almost every State in the Union.

Mr. FESS. Of course we have.

Mr. ROBINSON of Arkansas. But what I am trying to get the Senator to say is why he found it incumbent upon him to incur the lightninglike wrath of the Chief Executive by implying to the country that the President really did not mean that he did not want to run; that what he meant was that he wanted to be forced to run?

Mr. FESS. Mr. President, the Senator from Arkansas is trying to inject a personal matter here as to which I think I shall have to take Senators into my confidence and explain what they do not understand.

Mr. ROBINSON of Arkansas. Oh, the Senator wants to make a confidential statement?

Mr. FESS. Yes.

Mr. ROBINSON of Arkansas. Then will the Senator tell us if the President really did get mad with the Senator from Ohio when the Senator tried to force him to run again?

Mr. FESS. Mr. President, just how far one ought to talk in the Senate about a newspaper episode is somewhat uncertain in my mind.

Mr. ROBINSON of Arkansas. If the Senator says——

Mr. FESS. I want the Senator to listen to me.

Mr. ROBINSON of Arkansas. Will the Senator yield?

Mr. FESS. No; not now.

The President made a statement on August 2 at Black Hills. I was at Black Hills within a few days after that statement was published. I talked with the President about the statement and expressed my regret and surprise. I learned that the President desired to leave the presidential office on the 4th of March, 1929. I got the argument that this was not a one-man country; that there were plenty of other candidates; that the office was one of burdens. I had no intimation then, nor ever since, that the third-term idea had ever entered his mind. I assumed from what I could gain without quoting him that the office is one of burdens and of service, and that if the argument I was putting up that the country needed him was of any force, the same argument could be used four years from now, and for that reason there was no force in it.

Mr. ROBINSON of Arkansas. Now, will the Senator yield?

Mr. FESS. No; not yet.

I read the statement in the light of possibilities. Although there was not any doubt of the President's meaning, I could not see that he would be foreclosed by what he said from accepting a nomination in case it was tendered him. That is the argument that I offered to the public without any authority from him.

The time came when I was in New York City, and the New York Times wanted an interview. I did not hesitate to say to them that while the President had taken himself out of the candidacy so far as a statement would go, I did not feel that the American people were denied the right to nominate him and tender him the nomination, even though he had stated that he did not choose to run.

A few days after that I was not called to the White House; I went to the White House to talk on some other matters. We had a good time; and when leaving——

Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. FESS. Not now. Upon leaving, I said to the President, "I hope that my frequent references to your being called in 1928 are not embarrassing to you." Then he frankly let me know that they were embarrassing to him. While I insisted that there was no ground for it, that the people did not believe I was talking with his approval but upon my own responsibility, he said, "The difficulty is the people will likely think you are talking with my approval," and I found that the President felt somewhat embarrased. I said to him, "If you really think that, I will clear it up immediately." Senators know what happened. When I got out to the newspaper boys I said to the boys, "Make it perfectly clear that when I am talking about the President being drafted next year I am talking on my own responsibility—I am not talking with his approval." Then I added what was not true, but I wanted to get it across, "I find the President seems to be greatly displeased with what I have said."

Mr. ROBINSON of Arkansas. Will the Senator yield there?

Mr. FESS. Not yet. When I said, "I find the President is displeased with what I have been saying," then the boys said, "Were you called to the White House?" I said, "No; certainly not." They said, "Well, is this a second announcement, second to the Black Hills?" I said, "Why, certainly not." I found, with accumulated questions, that the newspaper boys came to the conclusion that I had been reprimanded, that I had been rebuked; and one of them went to the extent of saying, "Anybody acquainted with Mr. Fess would know that he had a run-in, because he was flushed in the face."

It was all amusing, and while it was getting the thing across that I aimed to put across, I did not mean to pay the price for it that I had to pay by having it said that I was rebuked, or that I was censured or reprimanded, for there was not an element of that in it whatever.

Now I yield to my friend from Arkansas.

Mr. ROBINSON of Arkansas. The Senator said a moment ago that he stated what was not true when he declared that the President was displeased.

Mr. FESS. I said, "I find that the President is greatly displeased." I have just said that I found nothing of the sort.

Mr. ROBINSON of Arkansas. The Senator said that he stated that, but that it was not true. The Senator has had a good deal to say about the newspapers, and now I would like to know whether the stories in the newspapers were true that the Senator, when he left the White House, looked despondent, dejected, depressed, distressed, and despairing.

Mr. FESS. All of those things were said.

Mr. ROBINSON of Arkansas. All of those things were said?

Mr. FESS. And I was just as despondent as I am this minute.

Mr. ROBINSON of Arkansas. The Senator says that he was not speaking with the approval of the President. I would like to ask him if he is speaking with the approval of the President now.

Mr. FESS. I am not. I speak altogether upon my own responsibility.

Mr. ROBINSON of Arkansas. Then the Senator is liable to be called to the White House again and reprimanded.

Mr. FESS. I was not called to the White House.

Mr. ROBINSON of Arkansas. The Senator is liable to be reprimanded the first time he goes down to the White House to get a job for somebody.

Mr. HARRISON. Mr. President, I want to ask the Senator a question to clear up a question in my own mind.

Mr. FESS. I yield to the Senator.

Mr. HARRISON. Does the Senator mind telling the Senate whether the reports that came out were true that when the Senator had his conference with the President, and when the President upbraided him, or reprimanded him, or chastised him——

Mr. FESS. When the newspapers said that he did.

Mr. HARRISON. That he hit him on the wrist, and told him not to do it any more?

Mr. FESS. We all not only understand the Senator from Mississippi, but we greatly appreciate the humor that always underlies everything that he says.

Mr. President, I had not intended saying anything about the rebuke said to have been administered in connection with the question of drafting the President. But I do repeat this, and I want the country to know it, that I should not regard it as a mark of insincerity, or dishonor, or any breach of faith, or a lowering in any degree of character, if President Coolidge should accept should the convention at Kansas City tender him the nomination. I do not take that view of it.

Mr. ROBINSON of Arkansas. Will the Senator yield?

Mr. FESS. That does not mean that I think that the President does not mean what he says, because I well know that he does mean what he says.

Mr. ROBINSON of Arkansas. What force does the Senator give to the declaration of the President, repeated over and over again, that he does not choose to run in 1928?

Mr. FESS. I give the same force that I give to the statement of the Vice President that he is not a candidate for the Presidency. That does not mean that he could not accept the nomination without discredit or dishonor, and nobody else believes that except those who are afraid that he will be nominated.

Mr. President, in my judgment, the present President has a record upon which the country looks with favor. If the convention should decide to tender President Coolidge the nomination, I do not know whether he would accept it or not. He might refuse to accept it; but he certainly could accept it without any breach of honor and without any bad faith.

Mr. ROBINSON of Arkansas. But the President does not take that view of the matter, because he reprimanded and corrected the Senator from Ohio for the expression of that opinion.

Mr. FESS. The Senator can put his own interpretation on the words of the President.

Mr. ROBINSON of Arkansas. What is the Senator's interpretation of the President's attitude?

Mr. FESS. The Senator from Ohio has stated over and over that in his judgment President Coolidge does not want to continue after March 4, 1929, as President. President Coolidge is

certainly tired of the office he is holding. I do not admit that the mere decision or conviction that he wants to quit would be inconsistent with an acceptance of the nomination if it should be tendered.

Mr. ROBINSON of Arkansas. The Senator feels, notwithstanding all that he has stated, and notwithstanding the President's repeated declaration, that the President is just as free to accept the nomination as if he had said nothing?

Mr. FESS. Without a doubt, Mr. President. If the convention shall tender President Coolidge the nomination, when the world knows he does not want it, when he is not seeking it, when he can not be charged with corralling the delegates to force it, when he has made it clear that he does not want it, if the people of this country wanted him to have it, he could accept it without any dishonor whatever; there is no doubt of that. Our friends on the other side are so fearful that it will be tendered and he will accept it that they are trying to make it appear that it would be dishonorable, an act of bad faith, if he should accept the nomination. In my judgment, there would not be any breach of honor in his acceptance of the nomination, because the President has made it perfectly clear that he does not want the office again.

Mr. ROBINSON of Arkansas. Will the Senator yield for another question?

Mr. FESS. I yield.

Mr. ROBINSON of Arkansas. Does the Senator feel that he is in accord with the President in the opinion he has just expressed?

Mr. FESS. Oh, the Senator should not attempt to involve me in trying to involve the President.

Mr. ROBINSON of Arkansas. I am not trying to involve the President.

Mr. FESS. The President does his own speaking. I know nothing more than his words express. I do not want the Senator to ask me whether I think the President thinks of it as I do. The Senator knows as much about that as I do. I am simply speaking of the code of honor, which would allow the President to accept an office that he does not want if it is tendered to him when he does not seek it. There would be no dishonor; and if the nomination shall be tendered to him when he does not seek it, he will be so overwhelmingly elected that the Democrats will look a long time for a leader who will stand equal to him.

Now, Mr. President, as to this resolution, I can not vote for it.

Mr. HEFLIN. Mr. President, before the Senator goes into that, may I ask him a question?

Mr. FESS. I yield.

Mr. HEFLIN. Does the Senator believe that when the President said "I do not choose to run" he meant "I will not accept the nomination if tendered me"?

Mr. FESS. I do not think the two things are at all the same. I have never talked to the President about the wording of his statement. I have gotten it direct that he means what he says, and my conclusion is that the President wants to leave the office. I am talking about whether a man like the President, called by the people, although determined not to continue, would be in dishonor if he should yield to the call of the people. I say that he would not, and that is saying nothing about what the President himself wants to do.

Mr. HEFLIN. The Senator thinks, then, he left the door open, so that if he should be nominated, he could accept?

Mr. FESS. That is the Democratic interpretation.

Mr. HARRISON. What is the Senator's interpretation?

Mr. FESS. My friend from Mississippi is very fearful that the door will be kept open.

Mr. HARRISON. No; I am not fearful at all.

Mr. FESS. All the Democrats are fearful, including not only Senators but the New York Times and the great Democratic papers, which would be very glad to see our friend the Governor of New York the candidate of the Democratic Party.

Mr. HARRISON. Will not the Senator tell us what his interpretation of the language used by the President is?

Mr. FESS. The President has stated, in his language, in his formal statement, that he does not choose to run in 1928. I do not propose to comment upon his statement. I let the Senator do his own commenting, and make his own interpretation. All I say is that, in the light of that statement, to my mind meaning that he does not want to run in 1928, in case the convention should tender him the nomination when he does not want it, when he does not seek it, when he has made it known to everybody that he does not want it, there would be no dishonor in his accepting it.

There is a chance, I will say to my friend from Mississippi, that the convention might reach the point where they would want to tender the nomination to the President. Then whether he would accept it or not would be a different thing. I do not know. But I do not see how anyone could decline it if tendered in that way. That is only my own opinion, however.

Mr. HEFLIN. Mr. President, may I read the Senator just three lines of what George Washington said on that subject?

Mr. FESS. On what subject?

Mr. HEFLIN. Exactly what the Senator is talking about, declining to run. He stated in his farewell address that he felt that—

> I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

He did not say he did not choose to run. He said he had formed a resolution not to run, and that he would not even be considered for the office.

Mr. FESS. In case he had been nominated and tendered the office after he had made that statement, it would have meant dishonor, would it, for him to have accepted it?

Mr. ROBINSON of Arkansas. Undoubtedly.

Mr. FESS. No; it would not.

Mr. HEFLIN. The position he took was for the good of the country. He did not think a President ought to have more than two terms. He realized that he was setting a precedent that was good and was for the good of the country.

Mr. FESS. It is a gratuitous statement that he did not think a President ought to have more than two terms. I challenge the Senator to show a single line in anything that Washington ever said that would indicate that he did not think a President should have more than two terms.

Mr. BRUCE. Mr. President, may I interrupt the Senator?

Mr. FESS. I yield.

Mr. BRUCE. Does not the Senator think that it would be pretty harsh treatment for a Republican President publicly to state twice that he had no intention of being a candidate to succeed himself, and thus to entice, so to speak, various rival candidates into the field, as, for instance, the Senator from Ohio [Mr. WILLIS], the Senator from Kansas, and other Republican candidates for the Presidency at this time, and then afterwards, after they and their friends had carried on extensive campaigns, and perhaps very costly campaigns in a pecuniary sense, at the last moment, when the convention met, to accept the Republican nomination to the Presidency?

Mr. FESS. That long hypothetical inquiry involves the President doing something himself, planning a campaign, which everybody knows is not true. He is not doing anything of the kind. Suppose the campaign goes on, as it will go on up to the meeting of the convention, and the convention decides, no matter what has been said in the campaigning of candidates, that it will turn to the President, because they will conduct the campaign upon the administration as the main argument upon which to go to the people. Why is it that the President would be in dishonor when he has nothing whatever to do with it? Does the Senator mean that under those circumstances, where a convention would tender the nomination, it might be by unanimous vote of the convention, it would be dishonorable to those who had failed to be nominated for him to accept it?

Mr. BRUCE. I think it would be bad faith. The Senator recollects that when the honored McKinley, from his own State, went to a Republican convention as a friend and adherent of John Sherman, and the convention attempted to substitute his name for that of Sherman, he rose and declared that he would consider himself dishonored if, after coming to that convention under the circumstances he had, he were to accept a nomination to the Presidency from it.

Mr. FESS. McKinley's language was even stronger than that. He said he came pledged to the candidacy of John Sherman, an Ohio man, and he would rather be taken home in his coffin than to break that pledge. But let me say to the Senator that McKinley was a delegate who was elected on a pledge for a candidate who was before the convention.

Mr. BRUCE. The Senator's point is that the unanimous overpowering call of a presidential convention is sufficient to dissolve any personal obligation that a man owes to his own statements of his intentions.

Mr. FESS. Certainly. The convention would desire to nominate the best man for the country. They can not nominate more than one. They must make a difference between this one and that one, and if a convention delegate can not vote for somebody who can win and upon whose record we are going to run without dishonoring him. I do not know the code of honor or the code of ethics of the Senator.

Mr. BRUCE. All I say is, if I know the code of honor, that Secretary Hoover would have bitter cause to complain of the President, the Senator's colleague [Mr. WILLIS] would have bitter cause to complain of him, Mr. Lowden would have bitter cause to complain of him, and every other Republican candi-

date for the Presidency at the present time, too, if, after he had been prompted by the President's own words to become a candidate, with all the loss of time and expenditure of money that such a candidacy involves, the President were to accept another nomination to the Presidency.

Mr. FESS. The interest of Democrats in the candidacy of President Coolidge is in reverse ratio to their success or wishes of success. This tremendous outbreak of those Senators is only a measure of their fear that what I am saying will come true, and they are trying to put it on the basis of dishonor. I state that there is not a scintilla of dishonor in politics, in ethics, in what not, if any man is tendered the nomination without his seeking it when he is known not to want it. If after this is known he is tendered the nomination and accepts it, to accept it under those circumstances is no dishonor.

Mr. BRUCE. Was not the nomination tendered to McKinley when John Sherman was a candidate?

Mr. FESS. Oh, no. There was simply a vote in the Ohio delegation that they were ready to tender it to him and break away from John Sherman, and he did not want it.

Mr. BRUCE. As a matter of fact, there was a demonstration in the convention, if my memory is not at fault, though the human memory is a very unreliable organ, which indicated as plainly as anything could indicate that the convention wanted to nominate McKinley. Of course, it is inconceivable that under those circumstances John Sherman himself would not have been generous enough to release McKinley, and I think it is not unlikely, if the secret history of the whole transaction were known, that he proffered himself as ready to release him; but McKinley in effect said, "No; I came here as the supporter and adherent of John Sherman. To him my scrupulous good faith is due, and I would consider myself a dishonored man if I were to accept the nomination." Indeed, as I recollect, he went so far as to say, "If the nomination is actually tendered to me, I will decline it."

Mr. FESS. Mr. President, in 1880, in the convention James A. Garfield nominated John Sherman in one of the most eloquent addresses delivered in any political convention in our history. The day before he made that nominating speech the delegates were in a fight on the floor of the convention over the adoption of the unit rule of the convention. The question was whether each delegate in a State delegation could vote his own view or whether the majority of the delegates would vote the delegation. Garfield stood on a chair, as the Senator from Indiana [Mr. WATSON] will recall, in the midst of that convention and made an open fight on the floor of the convention and reversed the action of the committee, and made himself immediately one of the strongest figures in the convention. Up to that time he was not considered as a candidate. On the very first ballot there was an attempt to inject Garfield's name. He declined it. Then later others, and still others, voted for him, and finally on the thirty-seventh ballot Garfield was nominated. Was there any dishonor on the part of Garfield in going to the convention and presenting John Sherman's name and standing by him, and yet, when the convention turned to Garfield, for him to accept it? Was there any dishonor in that?

Mr. BRUCE. I was not referring to Garfield. I was referring to McKinley.

Mr. FESS. I know the Senator referred to McKinley, but I am referring to a second incident and that is the one involving Garfield. If the Senator believes that Garfield in 1880 was subject to criticism, that he committed a breach of honor, then he and I do not agree.

Mr. BRUCE. In my opinion Garfield did a good many things that McKinley would not have done, and the Senator knows why I say that. He is familiar with his political history.

Mr. ROBINSON of Arkansas. Does the Senator from Ohio regard the conduct of Mr. Garfield as exemplary, going to the convention pledged to a man and nominating him, and then taking the nomination himself?

Mr. FESS. I regard Garfield's conduct as perfectly in order.

Mr. HARRISON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. FESS. Certainly.

Mr. HARRISON. May I ask the Senator if in his nomination speech to-day of the President for a third term he does not feel that he is doing an injustice to his colleague from Ohio [Mr. WILLIS], who is a candidate for the Presidency?

Mr. FESS. No injustice whatever. I am speaking upon my own responsibility and I hope with the approval of my colleague.

Mr. WATSON. Mr. President——

Mr. FESS. I yield to the Senator from Indiana.

Mr. WATSON. Does not the Senator believe that before Garfield accepted the nomination, either he personally or some of his agents or lieutenants or close friends in the delegation were in intimate touch with John Sherman, and that John Sherman withdrew and acceded to the nomination of Garfield?

Mr. FESS. Certainly.

Mr. BRUCE. Does not the Senator believe the same thing of McKinley, that he was approached by friends of John Sherman and told that Sherman would not stand in the way of his nomination; and yet, like the strong good man he was, refused to accept the nomination?

Mr. FESS. The Senator from Maryland answers his own question.

Mr. BRUCE. That is the safest way.

Mr. FESS. Most Senators are well acquainted with what Ohio does. We participate in all national conventions and the record ever since the Civil War, and even before that, is not to be ashamed of. Out of the entire list of Presidents, only eight of them have come from the State of Ohio.

Mr. BRUCE. I believe some one once said that some men are born great, some achieve greatness, and some are born in Ohio. [Laughter.]

Mr. FESS. That is true. The distinguished Senator from Maryland once in a flight of oratory said that there is much greatness in the West, most of which had gone from the East, all of which had to go on trunk lines, and all of which went across Ohio, and that naturally some of the greatness en route rubbed off in that State.

Now, as to the resolution I do not like the language:

That any departure from this time-honored custom would be unwise—

I do not object to that word—

unpatriotic—

I do object to that. I do not believe that anyone who thinks of the possibilities that might obtain at the close of a second term would say that there are not some circumstances where a third term might be entered upon without being unpatriotic. It seems to me, even though we believe in the wisdom of limiting the tenure to two terms, there might arise cases where it would be a patriotic service to accept office for a third term.

Mr. HARRISON. May I ask the Senator if the words to which he objects were stricken out would he support the resolution?

Mr. FESS. There are some other words in the resolution which I should desire to have stricken out, and then I would support it. I want the word "unpatriotic" stricken out; nor do I want to vote for a resolution containing the words "fraught with peril to our free institutions." I would not object to voting for it as a general statement, but I desire to make exceptions. There may arise cases where the peril would come in not departing from the tradition. If that clause could be so worded as to be a general statement, with exceptions left open, I should not oppose it. I, however, would not vote for any resolution that included the second resolving clause.

The Senator from Wisconsin, who offered this resolution, expressed the idea in the speech he made when the resolution was first under consideration, and he made it perfectly clear that one of the reasons for the introduction of the resolution is a fear that the President might be a candidate under certain circumstances, and he thinks the resolution, if adopted, would at least assist in preventing that happening. I would not vote for any suggestion of that kind at all; and it seems to me that Senators who are acting from the standpoint not of mere politics but of a general principle in government would hesitate to favor that particular clause of the resolution.

Mr. LA FOLLETTE. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. FESS. I yield.

Mr. LA FOLLETTE. After listening to the interpretation which the Senator from Ohio placed upon the statements made by the President of the United States on August 2 and December 6, I desire to say that, if that interpretation is sound, certainly the second paragraph should be stricken from the resolution.

The Senator from Ohio has stated that it is his conviction that the President of the United States has left himself in a position where he could accept the nomination if tendered. If that be the proper interpretation to place upon the President's statement, it would certainly be most inappropriate for the Senate of the United States to commend the President's observance of the anti-third-term tradition if in fact his statements

do not warrant the conclusion that he intends to observe that tradition.

Mr. FESS. Mr. President, the remark of the Senator from Wisconsin that my statement was to the effect that the President has left himself in a position by his statement to accept another nomination for the Presidency is unwarranted. That would ascribe to the President the purpose of making a statement that would be open to two interpretations. No Senator who has listened to me to-day would make such a statement.

Mr. LA FOLLETTE. Mr. President, will the Senator from Ohio yield further?

Mr. FESS. I yield.

Mr. LA FOLLETTE. After listening to the interpretation of the Senator from Ohio of the statements made by the President of the United States August 3 and December 6 as to his being a candidate in 1928, I wish to say that if the construction placed upon the President's language by the Senator from Ohio is correct, then I agree that the second paragraph should be stricken from the resolution following the President's supplementary statement of December 6, 1927, because, following that statement, the interpretation generally placed upon it was that the President had completely and conclusively eliminated himself as a presidential possibility and that his nomination by the convention was foreclosed by his attitude. Now, the Senator from Ohio takes the position that the President of the United States in making that supplemental statement has made it in such a way that he can accept the nomination if it shall be tendered to him, and that that statement does not in any wise preclude his acceptance of the nomination.

The point I am trying to make is that if the Senator's interpretation is the correct one, if the Senator from Ohio, following his chastisement at the White House, is in a position officially to interpret the language of the President better than those who have previously placed the interpretation upon it, then I say the second resolve of the resolution should be stricken from it.

If the Senator from Ohio will be so kind as to permit me further to trespass upon his time, I should like to say also that in drawing the resolution, and including the last resolving clause in it to the effect "that the Senate commends observance of this precedent by the President," I accepted the interpretation placed upon the President's supplementary statement of December 6 that most of the political observers, the newspapers, and the public generally placed upon it. I felt that if I offered this resolution without the provision commending the President for his action in the observance of the anti-third-term tradition I would be subject to the charge that I did not take his statement as having been made in good faith, but for the purpose of subterfuge and deceit. Therefore, Mr. President, I included that commendation in the resolution; but if the Senator from Ohio, who I am sure everyone will acknowledge is one whose interpretation of the language of the President should be given great weight and consideration, is correct in his statement, and if that be the proper interpretation of the meaning of the President's language, then clearly the final resolving clause should be stricken from the resolution, for, as the Senator from Ohio has interpreted the President's statement, we would be putting ourselves in the position of commending him for something which he had not done.

Mr. FESS. Mr. President, the Senator from Wisconsin has given his interpretation of the purpose of the resolution. Of course, it is a commendatory resolution; everybody knows that it is meant to do honor to the President. [Laughter.] There is no question about that. I do not want my language misconstrued. I again state that if the convention were to nominate President Coolidge, which is not at all impossible, then anything that has been said by him, so far as I can interpret the English language, would not foreclose his acceptance of the nomination if it were tendered without his seeking it. That is not the President's language; I am speaking for myself. So far as I can learn from what the President says to me, he wants to leave the office on the 4th of March, 1929; he is tired of the office and does not care to be a candidate, and, I might say, has decided not to be a candidate; but as to the question of honor, I can not see that there would be any dishonor in his accepting the nomination if tendered under the circumstances.

Mr. President, when the time comes I shall vote to strike out the second resolving clause.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. FESS. I yield.

Mr. WALSH of Massachusetts. The Senator has made a statement which I have heard nobody else in the country make. He tells us that when the President made the statement, as he did on two occasions, it was his opinion that the President did not have under consideration at all the anti-third-term tradition. I understand that statement to have been made by the Senator from Ohio. Am I correct?

Mr. FESS. Mr. President, let me state it a little differently. I am morally certain that the third-term idea had nothing whatever to do with the President's statement.

Mr. WALSH of Massachusetts. I should like to ask the Senator if the President said anything to him that would lead him to that conclusion?

Mr. FESS. I am not repeating anything that the President said to me, and nobody would ask to quote the President.

Mr. WALSH of Massachusetts. I understood the Senator to make that statement very positively. It is the only time I have ever heard it made by anybody. It is my opinion that the President did have in mind the anti-third-term tradition and that he declined to be a candidate because of that tradition. I think the Senator's statement is not fair to the President.

Mr. FESS. I think if the Senator will make a little investigation he may have that opinion modified.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. FESS. I yield the floor.

Mr. REED of Missouri. Mr. President, I have listened to this entertaining debate and conversation for an hour or two. I merely desire to make one or two observations. When the Senator from Ohio [Mr. FESS] assumes that the Democratic side of the Chamber is tremendously exercised about the possible candidacy of President Coolidge he is hugging to his breast another of the many delusions he habitually embraces.

I have been conjuring in my mind for the reason why the Senator so persistently keeps before the country the idea that the President will really run to succeed himself, and I am wondering if the Senator is the duly appointed or if he is only the self-anointed John the Baptist of the savior of the Republican Party. [Laughter.]

I followed with great interest a large number of stories in the press of a few months ago attributed to the White House spokesman. We all wondered for a long time who the White House spokesman might be, but about the time inquiry became acute the White House spokesman disappeared from the face of the earth, and the place that knew him once knew him no more. As I have thought of this conversation in the Senate to-day, I have wondered whether the Senator from Ohio is really the White House spokesman on this occasion.

Mr. FESS. Upon no occasion am I the White House spokesman.

Mr. REED of Missouri. Then, I wonder why the Senator speaks so often for the White House and gives us the inner consciousness of the President, even to the extent of saying that the President in his declaration did not at all have in mind the ancient and honored tradition of this country that no man ought to run for a third term.

So far as I can make out from the Senator's discussion, this is what he said: "The President said, 'I do not choose to run,' but the President did not say he would not accept a nomination; and he is as free to accept that nomination to-day as he would have been if he had never made any statement at all." That is to say, all that the President said was a string of ciphers without an integer attached at either end of the string; and all that the President meant was, "I do not inject myself into this campaign, but if you want to nominate me, all right; I will take it."

That is the position in which the President is put by his friend and his confidant! If the President is content with that, well and good; but if the President really meant what he said, after the next interview with the Senator from Ohio there will be no doubt about the Senator's face being flushed.

The Senator tells us that the Democrats are terribly interested in the possible candidacy of the President to succeed himself, and tells us that the President will sweep the country, and that his election is assured. I want to remind the Senator of the old Biblical phrase:

> Let not him that girdeth on his harness boast himself as he that putteth it off.

This is a good time to win conventions by word of mouth long in advance of the canvassing of the ballots; but I am wondering why the Senator so persistently insists that the President may be nominated, that the convention will likely enough turn to him in the last analysis. It seems to me that that is the doctrine of despair. The Senator, having surveyed the field, having looked them all over, feels in his heart that the only chance they have to win at all is to get away from the entire bunch, and trusts that they may get away even by accepting the President against his protest.

I protest against that. I protest in the name of the Senator's own colleague [Mr. WILLIS]. I protest in the name of the distinguished leader upon the other side of the Senate [Mr. CURTIS].

Mr. FESS. Will the Senator yield there?

Mr. REED of Missouri. When I get through with the list. I protest in the name of that great English statesman, Mr. Hoover. I protest in the name of that great dirt farmer, Mr. Lowden. I protest in the name of the great Republican Party; for, with all its faults, it really does seem to me that it is not absolutely forced to nominate one man because it has not any other man capable of filling the position.

I yield to the Senator from Ohio.

Mr. FESS. Mr. President, if Ohio can nominate the candidate, he will be an Ohio man.

Mr. ROBINSON of Arkansas. Which one?

Mr. FESS. WILLIS.

Mr. REED of Missouri. I am not so sure; because, while the Senator says that now, he has already announced the doctrine that it is perfectly proper and perfectly honorable for a man to go to a convention pledged to a candidate, selected to nominate him, and then to carry away the prize himself; to sit in the councils of a man, to know all of the machinery that he is employing and all of the influences to which he is appealing in order to gain support, to appear as his champion, and then to turn upon him and take away from him the thing he sought, and take it over to himself.

If that be the Senator's philosophy, then I do not know but that he may appear in the convention loudly proclaiming the virtues and praising the pulchritude of his illustrious colleague, and have all the time in his heart the hope that this despairing convention, in the last throes of its agony, may turn to him, and that he can carry away the nomination. I do not know. I would always have trusted the Senator implicitly until to-day; but after to-day he could never sit in my councils if I were trying to organize a fight, for I would not know but that the next day he would employ every secret he there learned, every plan he there became acquainted with, for his own emolument and his own profit.

I think the Senator does not really mean what he said. I do not think the ordinary ward politician would ever be guilty of going to a convention pledged to a candidate and acting as his manager and then seeking or accepting the nomination himself. I do not think the philosophy taught here to-day is on a level with a very low order of politics. I think it is beneath that level.

As far as the President is concerned, if the "White House spokesman" who has vanished in thin air, or the White House spokesman who appears here to-day, see fit to keep him before the people, it does not concern the Democratic Party much; but it does concern those gentlemen who, upon the strength of it, have thrown their fortunes into the arena and really we have not much interest in that. They are perfectly welcome to fight it out among themselves. But the statement made by the Senator from Ohio to-day demands a decisive answer. One who is so close to the President that he consults with him about his political future, one so distinguished in his party and standing so high among his fellow Senators as does the Senator from Ohio, declares that the President is in no manner bound by anything he said, and that he is as much a receptive candidate as anybody else is a receptive candidate; that is to say, he will take the nomination if you give it to him.

Mr. FESS. I did not say anything of that sort.

Mr. REED of Missouri. The Senator said that in his opinion, if the convention renominated the President, he could accept the nomination with honor.

Mr. FESS. Yes; I said that, and I repeat it.

Mr. REED of Missouri. Now, does the Senator mean to say that he will accept it? Let us have a "yes" or "no" answer to that.

Mr. FESS. I do not know.

Mr. REED of Missouri. The Senator does not know?

Mr. FESS. No.

Mr. REED of Missouri. Very well. Then we have been talking a long time to no purpose.

Mr. HEFLIN. Mr. President, I can not let this opportunity go by without defending the President. President Coolidge needs defense.

He has told us that he does not choose to run. As far as I am concerned, I will excuse him. [Laughter.] The Senator from Ohio [Mr. FESS] has spoken for an hour and a half, and he has conveyed the idea to Senators, and it will go out to the country, that the President might run; that he might be nominated; and that he might accept the nomination.

I think we would put the President in a bad attitude if we should let that kind of an argument influence us here to-day. I think we ought to vote as nearly unanimously as possible to pass this resolution, and show the President that we accept his statement in good faith; that we do not put the interpretation on his language that the Senator from Ohio does; that we are backing him up, showing him that the Senate by an almost unanimous vote is willing for him to stick to his statement that he does not choose to run.

Why should the Senator from Ohio want to make a man change his mind when he himself says he does not choose to run? The President probably saw that difficulties would arise, even though it was insisted by his friends that he should run. He did not want to go up against the Democratic Party in the next race. I do not know what considerations may have moved him; but something moved him when he was in the far West, when farmers were calling on him from every quarter of that section. He decided one day that he did not choose to run. He announced it to the country. He came back to the Capital. When the national committee of his own party met, he reiterated that he did not choose to run. He never did say that he would not run and that he would not accept the nomination, but he used an old, familiar term that had long been used in New England, "I do not choose to run"; and they tell us that that means "I will not run," and that it means "I would not accept the nomination if tendered me."

There are so many constructions put upon that statement. Let us decide with the President here to-day that he meant that he did not choose to run, and say by this resolution that we do not choose for him to run. [Laughter.] Why not do that, Mr. President?

The Senator from Ohio said that Washington did not have in mind this third-term proposition. He had nothing else in mind; and he did not announce to his countrymen that he did not "choose" to run, or that he "preferred" not to run. He said to them:

> It appears to me proper * * * that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

He made it as strong as he could make it. He knew that his act would be looked on as a precedent, and it has been. To this good day this time-honored custom has been observed. Why should not the Senate, the greatest lawmaking body in the world, go upon record as commending the custom Washington set, and which has been observed for 125 years?

Mr. President, I do not want to detain the Senate longer, and will not. I am going to vote for this resolution as it stands.

Mr. MOSES. Mr. President, I want to ask the Senator from Alabama if he intends to conclude his remarks to-day without any comment whatever upon what he knows must have been one element in the President's choice, namely, the certainty that Al Smith would be the Democratic nominee?

Mr. HEFLIN. I could not attend to that subject properly in the time that we have left to-day. [Laughter.]

SHENANDOAH NATIONAL PARK

Mr. NYE. Mr. President, I report back favorably from the Committee on Public Lands and Surveys without amendment Senate bill 2656, to establish a minimum area for the Shenandoah National Park for administration, protection, and general development by the National Park Service, and for other purposes, and I submit a report thereon (No. 278). I ask for the immediate consideration of the bill.

The VICE PRESIDENT. The clerk will read the bill.

The Chief Clerk read as follows:

> *Be it enacted, etc.*, That the minimum area for administration, protection, and general development by the National Park Service in the Shenandoah National Park, the establishment of which is provided for by the act of Congress approved May 22, 1926 (44 Stat. 616), be, and the same is hereby, established as 327,000 acres, and so much of the said act of May 22, 1926, as is inconsistent herewith is hereby repealed.
>
> SEC. 2. That the Secretary of the Interior is hereby authorized to lease lands within the Shenandoah National Park and Great Smoky Mountains National Park for periods not exceeding two years, upon such conditions as he may in his discretion deem proper, to persons and educational or religious institutions occupying same or who had or claim to have had some interest in the title to the same prior to the establishment of the park.

Mr. SWANSON. Mr. President, the object of the bill is to reduce the acreage required in the Shenandoah National Park, as provided in the act passed during the last Congress. The act which was passed required a minimum of 521,000 acres. This bill requires a minimum of 327,000 acres. It has been ascertained that in the 525,000 acres contemplated to be acquired

under the former measure, a great deal of valuable land would be included. I am very anxious to see this bill passed, as the Legislature of Virginia is in session and contemplates appropriating a million dollars to purchase the land for the Government.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COOSA RIVER BRIDGE, ALABAMA

Mr. BLACK. Mr. President, on last Monday the Senate passed Senate bill 2257, providing for the building of a bridge over the Coosa River. There has now come over from the House an identical bill—House bill 7902—which is before the Committee on Commerce. In order to obviate duplication, and to get quick action, I move that the Committee on Commerce be discharged from the further consideration of House bill 7902, when I shall ask that the Senate proceed to its consideration. It is a bill (H. R. 7902) granting the consent of Congress to the State Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Wetumpka, Elmore County, Ala.

The motion was agreed to; and there being on objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUMMI INDIAN RESERVATION ROAD

Mr. JONES of Washington. Mr. President, from the Committee on Indian Affairs I report favorably without amendment Senate bill 1478, to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash., and I submit a report thereon (No. 279). I ask for immediate consideration of the bill. It is a local measure.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That not to exceed the sum of $20,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the completion and graveling of the road which has been partially constructed by Whatcom County across Lummi Indian Reservation, in the State of Washington, to be expended under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That the proper authorities of the State of Washington or the county of Whatcom shall agree to maintain such road free of expense to the United States.

Mr. JONES. The bill is approved by the department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OHIO RIVER BRIDGE

Mr. SACKETT. I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of House bill 473, granting the consent of Congress to the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River. A Senate bill identical in form has passed the Senate, and I want the Senate to act on this House bill.

There being no objection, the Committee on Commerce was discharged from the further consideration of the bill, and the Senate, as in Committee of the Whole, proceeded to consider it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION—RECESS

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 4 o'clock and 55 minutes p. m.) took a recess until tomorrow, Friday, February 10, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 9, 1928

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

FIELD ARTILLERY

First Lieut. William Jackson Morton, jr., Signal Corps, with rank from December 14, 1927.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Benjamin Robert Wade, Infantry, from February 2, 1928.

To be lieutenant colonels

Maj. Lucian Barclay Moody, Ordnance Department, from February 2, 1928.

Maj. Paul Delmont Bunker, Coast Artillery Corps, from February 2, 1928.

To be majors

Capt. John Andrew Weeks, Cavalry, from February 2, 1928.

Capt. Robert Lincoln Christian, Infantry, from February 2, 1928.

To be captains

First Lieut. Robert Artel Case, Infantry, from February 1, 1928.

First Lieut. John Russell Deane, Infantry, from February 2, 1928.

First Lieut. Richard Zeigler Crane, Ordnance Department, from February 2, 1928.

First Lieut. Paul Carson Febiger, Cavalry, from February 7, 1928.

First Lieut. Leslie Walter Jefferson, Coast Artillery Corps, from February 7, 1928.

To be first lieutenants

Second Lieut. Wallace Evan Whitson, Air Corps, from February 1, 1928.

Second Lieut. Lloyd Shepard, Coast Artillery Corps, from February 2, 1928.

Second Lieut. Rex Eugene Chandler, Field Artillery, from February 2, 1928.

Second Lieut. Russel J. Minty, Air Corps, from February 4, 1928.

Second Lieut. Sheffield Edwards, Field Artillery, from February 7, 1928.

Second Lieut. John Roper Burnett, Coast Artillery Corps, from February 7, 1928.

DENTAL CORPS

To be colonel

Lieut. Col. George Harry Casaday, Dental Corps, from February 3, 1928.

VETERINARY CORPS

To be colonel

Lieut. Col. William Proctor Hill, Veterinary Corps, from February 4, 1928.

To be first lieutenant

Second Lieut. Ernest Eugene Hodgson, Veterinary Corps, from February 2, 1928.

APPOINTMENTS IN THE REGULAR ARMY

GENERAL OFFICERS

To be major general

Brig. Gen. George LeRoy Irwin from March 6, 1928, vice Maj. Gen. Joseph D. Leitch, to be retired from active service March 5, 1928.

To be brigadier general

Col. Frank Crandall Bolles, Infantry, vice Brig. Gen. George L. Irwin, nominated for appointment as major general.

PROMOTIONS IN THE NAVY

MARINE CORPS

Marine Gunner Michael Wodarzcyk to be a chief marine gunner in the Marine Corps, to rank with but after second lieutenant, from the 19th day of August, 1927.

Quartermaster Clerk Harry Halladay to be a chief quartermaster clerk in the Marine Corps, to rank with but after second lieutenant, from the 10th day of June, 1926.

Quartermaster Clerk Walter E. Yaecker to be a chief quartermaster clerk in the Marine Corps, to rank with but after second lieutenant, from the 11th day of February, 1927.

Quartermaster Clerk Charles Wiedemann to be a chief quartermaster clerk in the Marine Corps, to rank with but after second lieutenant, from the 18th day of August, 1927.

Quartermaster Clerk Amos E. Potts to be a chief quartermaster clerk in the Marine Corps, to rank with but after second lieutenant, from the 19th day of August, 1927.

Quartermaster Clerk William J. Cahill to be a chief quartermaster clerk in the Marine Corps, to rank with but after second lieutenant, from the 27th day of August, 1927.

Quartermaster Clerk Joseph R. Morris to be a chief quartermaster clerk in the Marine Corps, to rank with but after second lieutenant, from the 29th day of August, 1927.

Pay Clerk Frealigh R. Powers to be a chief pay clerk in the Marine Corps, to rank with but after second lieutenant, from the 10th day of August, 1927.

Pay Clerk Edward J. Donnelly, jr., to be a chief pay clerk in the Marine Corps, to rank with but after second lieutenant, from the 10th day of August, 1927.

Pay Clerk Allen A. Zarracina to be a chief pay clerk in the Marine Corps, to rank with but after second lieutenant, from the 10th day of August, 1927.

Pay Clerk John D. Erwin to be a chief pay clerk in the Marine Corps, to rank with but after second lieutenant, from the 10th day of August, 1927.

Pay Clerk Frank H. O'Neil to be a chief pay clerk in the Marine Corps, to rank with but after second lieutenant, from the 10th day of August, 1927.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 9, 1928

FOREIGN SERVICE

To be secretaries, Diplomatic Service

Mahlon Fay Perkins.
McCeney Werlich.

POSTMASTERS

ALABAMA

Elmer L. Klick, Sheffield.
Minnie L. Garrett, Uriah.
Emma Rippetoe, Vredenburgh.

CALIFORNIA

Hannah C. Dybo, Baypoint.

COLORADO

Zina N. Cleveland, Julesburg.

FLORIDA

Julius H. Trente, Groveland.

ILLINOIS

Guilford M. Humphrey, Beardstown.

NEBRASKA

Daniel C. Leach, Bayard.
Georgia Muirhead, Hemingford.
Leona V. Snyde, Papillion.
Carl H. Olderog, Springfield.
Louis J. Bouchal, Wilber.

NEW JERSEY

John H. Tyrrell, Perth Amboy.
Nathaniel S. Hires, Salem.

NORTH CAROLINA

Jacob M. Stancil, Kenly.
Nora Stedman, Moncure.
Nannie M. Moore, Warrenton.

VIRGINIA

Noah Markey, Beaverdam.
Roscoe C. Travis, Bowling Green.
James A. Riddel, Bridgewater.
Francis C. Fitzhugh, Cape Charles.
Hugh T. Arwood, Disputanta.
James M. Nunn, East Radford.
Mary P. Leftwich, Forest.
Charles A. Hammer, Harrisonburg.
William R. Rogers, Hilton Village.
Susan B. Lewis, Hopkins.
Frank D. Paul, Leesburg.
Rodney F. Woodward, Marshall.
Charles P. Smith, jr., Martinsville.
Oswell H. Hopkins, Narrows.
Roger G. Dyson, North Emporia.
Mary E. Spratt, Richlands.
Bessie H. Moon, Saxe.
Joseph B. Jones, Smithfield.
Gilbert F. Stiles, Wachapreague.
John B. Grayson, Warrenton.
William M. Chamberlain, Waverly.
Benjamin A. Dratt, Woodford.

WYOMING

Johan O. Hedemann, Columbine.

HOUSE OF REPRESENTATIVES

THURSDAY, *February 9, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who hast created us wilt not leave us alone. Thou dost understand our possibilities, and we ask Thee to help us make the best use of ourselves. Surely Thou wilt watch over us until all Thy promises are fulfilled. Purify every desire, cleanse every motive, and deliver us from the throes of weakness and sin. O sin, the monster—how it hurts him who cherishes it as well as the one against whom it rages! Clear the way and make firm and steadfast our footsteps that we may prove ourselves worthy of Thy daily providential care. Keep our minds free from evil and our hearts from guile, and may we indulge ourselves in the great hope that righteousness is destined to cover the wide earth even as the waters cover the seas. When the curtain of the day is drawn may we have no regrets, but peace, sweet peace, the gladdest and the happiest possession of earth. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed a bill and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2996. An act to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the achievements of Col. Charles A. Lindbergh;

S. J. Res. 5. Joint resolution to grant a preference to the wives and minor children of alien declarants in the issuance of immigration visas; and

S. J. Res. 62. Joint resolution providing for the cooperation of the United States in the Pacific Southwest Exposition in commemoration of the landing of the Spanish padres in the Pacific Southwest and the opening of the Long Beach, Calif., world port.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 278) entitled "An act to amend section 5 of the act entitled 'An act to provide for the construction of certain public buildings, and for other purposes,' approved May 25, 1926."

The message also announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 7013. An act authorizing and directing the Secretary of War to lend to the Governor of Arkansas 5,000 canvas cots, 10,000 blankets, 10,000 bed sheets, 5,000 pillows, 5,000 pillowcases, and 5,000 mattresses or bed sacks, to be used at the encampment of the United Confederate Veterans to be held at Little Rock, Ark., in May, 1928.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 9136) entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes," disagreed to by the House of Representatives, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMOOT, Mr. CURTIS, and Mr. HARRIS to be the conferees on the part of the Senate.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 5583. An act granting the consent of Congress to the Kansas City, Mexico & Orient Railway Co. of Texas and the Kansas City, Mexico & Orient Railway Co. to construct, maintain, and operate a railroad bridge across the Rio Grande River, at or near Presidio, Tex.;

H. R. 6099. An act granting the consent of Congress to the States of New York and Vermont to construct, maintain, and operate a bridge across Lake Champlain between Crown Point, N. Y., and Chimney Point, Vt.; and

H. R. 10636. An act to make an additional appropriation for the water boundary, United States and Mexico.

SENATE BILL AND JOINT RESOLUTIONS REFERRED

A bill and joint resolutions of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 2996. An act to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions

commemorative of the achievements of Col. Charles A. Lindbergh; to the Committee on Coinage, Weights, and Measures.

S. J. Res. 5. Joint resolution to grant a preference to the wives and minor children of alien declarants in the issuance of immigration visas; to the Committee on Immigration and Naturalization.

S. J. Res. 62. Joint resolution providing for the cooperation of the United States in the Pacific Southwest Exposition in commemoration of the landing of the Spanish padres in the Pacific Southwest and the opening of the Long Beach, Calif., world port; to the Committee on Ways and Means.

JOINT RESOLUTION AND BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval a joint resolution and bills of the House of the following titles:

H. J. Res. 104. Joint resolution granting consent of Congress to an agreement or compact entered into between the State of New York and the State of Vermont for the creation of the Lake Champlain bridge commission and to construct, maintain, and operate a highway bridge across Lake Champlain;

H. R. 108. An act granting the consent of Congress to the States of North Dakota and Minnesota to construct, maintain, and operate a bridge across the Red River of the North;

H. R. 164. An act to authorize appropriations for construction at the Pacific Branch, Soldiers' Home, Los Angeles County, Calif., and for other purposes;

H. R. 172. An act to authorize the Secretary of War to grant and convey to the city of Vancouver a perpetual easement for public highway purposes over and upon a portion of the Vancouver Barracks Military Reservation, in the State of Washington;

H. R. 193. An act to extend the time for commencing and completing the construction of a bridge across the Mississippi River, at or near the village of Clearwater, Minn.;

H. R. 194. An act granting the consent of Congress to the county of Morrison, State of Minnesota, to construct, maintain, and operate a bridge across the Mississippi River at or near Little Falls, Minn.;

H. R. 199. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a bridge across the Mississippi River at or near Monticello, Wright County, Minn.;

H. R. 319. An act to legalize a bridge across the Snake River at Idaho Falls, Idaho;

H. R. 444. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Wolf Point, Mont.;

H. R. 495. An act granting the consent of Congress to the county of Armstrong, a county of the State of Pennsylvania, to construct, maintain, and operate a bridge across the Allegheny River at Kittanning, in the county of Armstrong, in the State of Pennsylvania;

H. R. 766. An act for the relief of Ida F. Baum;

H. R. 1405. An act granting six months' pay to Maria J. McShane;

H. R. 2138. An act for the relief of the owner of the schooner *Sentinel*;

H. R. 2145. An act for the relief of Albert J. Zyvolski;

H. R. 3400. An act to correct the military record of Andrew B. Ritter;

H. R. 4127. An act for the relief of Joel T. Smith;

H. R. 4393. An act for the relief of Howard V. Sloan;

H. R. 4707. An act for the relief of Calvin H. Burkhead;

H. R. 4777. An act to compensate Robert F. Yeaman for the loss of certain carpenter tools, which was incurred by reason of a fire in the Government area at Old Hickory Ordnance Depot;

H. R. 4995. An act for the relief of Sabino Apodaca;

H. R. 5228. An act for the relief of Finas M. Williams;

H. R. 5300. An act for the relief of Lewis H. Francke and Blanche F. Shelley, sole legal heirs of Ralph K. Warrington;

H. R. 5510. An act granting the consent of Congress to the city of Duluth, Minn., to construct, maintain, and operate a bridge across the Duluth Ship Canal;

H. R. 5583. An act granting the consent of Congress to the Kansas City, Mexico & Orient Railway Co. of Texas and the Kansas City, Mexico & Orient Railway Co. to construct, maintain, and operate a railroad bridge across the Rio Grande River at or near Presidio, Tex.;

H. R. 5628. An act to extend the time for commencing and the time for completing the construction of a bridge across the Potomac River;

H. R. 5638. An act granting the consent of Congress to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Tombigbee River, at Epes, in the State of Alabama;

H. R. 5744. An act granting the consent of Congress for the reconstruction of a bridge across the Grand Calumet River at East Chicago, Ind.;

H. R. 5994. An act for the relief of George C. Hussey;

H. R. 6041. An act granting the consent of Congress to the Pennsylvania Railroad Co. to construct, maintain, and operate a railroad bridge across the Allegheny River;

H. R. 6045. An act granting the consent of Congress to the commissioners of Mahoning County, Ohio, to reconstruct, maintain, and operate the existing bridge across the Mahoning River at South Avenue, Youngstown, Mahoning County, Ohio;

H. R. 6046. An act granting the consent of Congress to the city of Youngstown to construct a bridge across the Mahoning River at or near West Avenue, Youngstown, Mahoning County, Ohio;

H. R. 6099. An act granting the consent of Congress to the States of New York and Vermont to construct, maintain, and operate a bridge across Lake Champlain between Crown Point, N. Y., and Chimney Point, Vt.;

H. R. 6162. An act for the relief of Thomas M. Ross;

H. R. 6466. An act granting a part of the Federal building site at Phoenix, Ariz., to the city of Phoenix for street purposes;

H. R. 6479. An act to extend the times for commencing and completing the construction of a bridge across the Susquehanna River between the Borough of Wrightsville, in York County, Pa., and the Borough of Columbia, in Lancaster County, Pa.;

H. R. 6483. An act granting the consent of Congress to the State of Illinois, the county of Lee, and the city of Dixon, or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Rock River at Dixon, Ill.;

H. R. 6512. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Wentworth Avenue, in Cook County, State of Illinois;

H. R. 6513. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois;

H. R. 6514. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Indiana Avenue, in Cook County, State of Illinois;

H. R. 6958. An act granting the consent of Congress to the city of Youngstown to construct a bridge across the Mahoning River at Youngstown, Mahoning County, Ohio;

H. R. 6959. An act to legalize a bridge across the Caney Fork River in De Kalb County, Tenn.;

H. R. 7192. An act to extend the time for commencing and completing the construction of a bridge across the Ohio River between the municipalities of Rochester and Monaca, Beaver County, Pa.;

H. R. 7370. An act granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River near Indian Cove, Idaho;

H. R. 7374. An act granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River near Swan Valley, Idaho;

H. R. 7466. An act granting the consent of Congress to the State of Montana, Valley County, Mont., and McCone County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont.;

H. R. 7745. An act granting the consent of Congress to the Chicago & Northwestern Railway Co., a corporation, its successors and assigns, to construct, maintain, and operate a railroad bridge across the Rock River;

H. R. 7913. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct a bridge across Elk River on the Athens-Florence road, between Lauderdale and Limestone Counties, Ala.;

H. R. 8092. An act for the relief of Randolph Sias;

H. R. 8369. An act for the relief of Josephine Thibodeaux;

H. R. 8889. An act for the relief of Adriano Cruceta, a citizen of the Dominican Republic; and

H. R. 10636. An act to make an additional appropriation for the water boundary, United States and Mexico.

TERMS OF PRESIDENT, VICE PRESIDENT, ETC.

Mr. SNELL, chairman of the Committee on Rules, reported the following rule for printing in the RECORD:

House Resolution 112

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Concurrent Resolution 18, proposing an amendment to the Constitution. That after general debate, which shall be confined to the House concurrent resolution and shall continue not to exceed five hours, to be equally divided and controlled by those favoring and opposing the House concurrent resolution, the House concurrent resolution shall be read for amendment under the five-minute rule. At the conclusion of the reading of the House concurrent resolution for amendment, the committee shall rise and report the House concurrent resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the House concurrent resolution and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, I would like to make a short announcement. This resolution for the consideration of House Concurrent Resolution 18 provides five hours of general debate, but if it develops during the discussion of resolution that we need more time we will ask to have the rule amended and give more time. We appreciate this is a most important matter, and we want the House to have ample time to discuss it freely and fully from all sides.

I have been asked when the rule will probably be called up. I may say I will give the House, as near as possible, a week's notice before it is called up. I do not believe it will be called up next week on account of some other matters that will interfere and as several Members have requested that it be put over to a later date.

Mr. HASTINGS. What is the resolution about?

Mr. SNELL. It is a resolution providing for the consideration of the White-Norris constitutional amendment.

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to address the House for eight minutes on the subject of submarines.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CALL OF THE HOUSE

Mr. McDUFFIE. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. Evidently there is not a quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 27]

Ackerman	Douglas, Ariz.	Johnson, S. Dak.	Purnell
Adkins	Doyle	Kendall	Quayle
Anthony	Roy G. Fitzgerald	Kindred	Reed, Ark.
Auf der Heide	Foss	Kunz	Robsion, Ky.
Beck, Pa.	French	Larsen	Romjue
Begg	Gallivan	Leatherwood	Sanders, N. Y.
Bell	Gilbert	Lehlbach	Sirovich
Bohn	Glynn	Linthicum	Steagall
Boies	Graham	Maas	Strong, Pa.
Britten	Griffin	Mead	Strother
Burdick	Haugen	Michaelson	Sullivan
Campbell	Hickey	Monast	Taylor, Tenn.
Celler	Hogg	Morrow	Tucker
Clancy	Houston	Norton, N. J.	Updike
Connolly, Pa.	Howard, Okla.	O'Connell	Weller
Cooper, Ohio	Hughes	O'Connor, N. Y.	White, Me.
Curry	Hull, Tenn.	Parks	Williamson
Davey	Igoe	Porter	Wingo
Dickstein	Jacobstein	Prall	Winter

The SPEAKER. Three hundred and fifty-six Members have answered to their names, a quorum.

On motion of Mr. TILSON, further proceedings under the call were dispensed with.

COMPLETION AND REPAIR OF CUSTOMS BUILDINGS IN PORTO RICO

Mr. KIESS. Mr. Speaker, I ask unanimous consent that the bill (H. R. 9363) to provide for the completion and repair of customs buildings in Porto Rico be rereferred from the Committee on Ways and Means to the Committee on Insular Affairs.

The Clerk read the title of the bill.

Mr. GREEN of Iowa. Mr. Speaker, reserving the right to object, and I shall not object, this bill pertains merely to the affairs of the people of Porto Rico. The construction of these buildings is to be paid out of the revenues of Porto Rico and has nothing to do with continental United States. While the bill technically may be within the jurisdiction of the Ways and Means Committee, I shall not object, with the understanding that the rereference is without prejudice, to which I understand the gentleman from Pennsylvania consents.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the bill just reported be rereferred from the Committee on Ways and Means to the Committee on Insular Affairs. Is there objection?

There was no objection.

RELIEF OF CERTAIN PORTO RICAN TAXPAYERS

Mr. KIESS. Mr. Speaker, I ask unanimous consent that the bill (S. 754) for the relief of certain Porto Rican taxpayers be rereferred from the Committee on Ways and Means to the Committee on Insular Affairs.

Mr. GREEN of Iowa. Mr. Speaker, I reserve the right to object simply for the purpose of stating the situation. This bill also pertains entirely to the affairs of the people of Porto Rico. It is an amendment of an act originally passed upon by the Committee on Insular Affairs. I have consulted with members of the committee on both sides of the House and there seems to be no objection to this rereference, with the same understanding as was had with respect to the other bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SUBMARINES

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a short editorial on submarines from the Washington Post.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The editorial is as follows:

SUBMARINES IN SEA LANES

It may be necessary for Congress to prohibit the maneuvering of underseas boats in commercial lanes. There are hundreds of miles of water space within easy reach of the coasts that are free at all times from commercial traffic, in which submarine tests could be made with safety.

The location of the appalling accident to the *S–4*, which has resulted in destroying the lives of two score or more officers and men, is in a narrow channel constantly traversed by merchant ships and in the course of vessels of the Coast Guard.

There is no way in which a surface vessel can locate an undersea boat except when the submarine shows her periscope or conning tower. In the case of the *S–4* it appears that the commander of the *Paulding* had no knowledge whatever of the fact that a submarine was anywhere in the vicinity, and it was only when her conning tower appeared above the surface that her presence was even suspected. Then it was too late. The collision was inevitable. No seaman, however expert, can change his course or stop the headway of his ship within a distance less than the length of his hull.

In such circumstances the accident which has brought sorrow to so many homes is reported as "unavoidable." But it could have been prevented if the naval authorities had taken the precaution to direct the commanders of undersea boats to refrain from submerging their vessels near the coast, and especially within commercial lanes in the vicinity of ports.

It is time that steps were taken to stop this unnecessary loss of life. If the naval authorities do not have common sense enough to order submarine tests in unoccupied waters, Congress should direct them to do so.

Mr. McCLINTIC. Mr. Speaker and gentlemen of the House, I shall try to conclude my remarks as quickly as possible, as I understand that the river and harbor amendment comes up immediately after I conclude. I sought this opportunity this morning to make a short address for the purpose of bringing to the attention of the House a very significant statement that I have just received in the way of a letter referring to submarines. Simon Lake, who is given credit for the invention of the submarine, who lives at Milford, Conn., has written me a letter in which he makes the statement that some time ago while at Provincetown, Mass., he was told by certain of those who participated in the rescue of the *S–4* that if they had had on this ship the new appliances he had put on other submarines built for other nations that the 38 or 40 of those who lost their lives could have been rescued in one hour. I ask that the Clerk read the letter in my time.

The Clerk read as follows:

From the evidence so far attained the loss of the *S–4* was due to no fault in the boat itself. It was due to a collision at sea, and since then several other surface ships have been sunk by collision and collisions are going on between surface ships at the rate of several per day, as maritime statistics show, frequently accompanied by very large loss of life. Such losses are so frequent as to be commonplace, and only attract a brief notice in the press; but because those men were not drowned at once, as practically always occurs when surface ships sink with their crews and passengers entrapped, the whole world became

interested in the possibility of their rescue. The fact that some of these men were alive for days is to my mind a proof that the submarine is safer than the surface ships. In no other type of ship could men survive 100 feet under water for days. It is unfortunate that the *S–4* was not fitted with certain safety features, similar to which were installed in the boats I built for foreign governments some years ago. Had these features been installed on the *S–4* I believe, from the information given me by some of the officers in the rescue fleet at Provincetown on a recent visit there, that at least 38 of the 40 men could have been rescued within an hour after the *S–4* was sunk.

Mr. McCLINTIC. Mr. Speaker and gentlemen of the House, that is one of the most startling statements I have ever heard with respect to submarines in the Navy for the reason certain naval officers have denied that any new devices with merit have been submitted to the Navy.

Mr. MADDEN. Will the gentleman yield?

Mr. McCLINTIC. I will.

Mr. MADDEN. I want to ask the gentleman who wrote the letter?

Mr. McCLINTIC. Simon Lake, the inventor of submarines. This letter shows that this inventor has supplied new safety appliances to other nations of the world in the construction of submarines. This means that he has been building submarines for other Governments and that our Navy has not seen fit to adopt his suggestions. It means by inference that the United States Navy has not considered his suggestions as being necessary, yet foreign nations have adopted these new appliances for safety. It seems to me if we had the right person at the head of this department in our Navy that our submarines would have been fitted with new safety appliances, and that the 38, if not all of those who lost their lives in the disaster, might have been saved.

Mr. Speaker, a report has been given out by the press that the special committee of naval officers appointed by the Navy has held its hearing and made its report, but that this report has not been given to the public, and the Secretary of the Navy makes the statement that he does not know when it will be given to the public. I want to say to you here and now that if this committee that has made the special investigation has not consulted men with the same qualifications as Simon Lake, the inventor of submarines, and has not considered who was responsible for not providing safety devices, and has not ascertained whether new ideas along that line have been submitted to the Navy from time to time—I say now that their report will be nothing more and nothing less than a whitewash of the Navy.

Everyone knows that when a committee of this kind is appointed it is its duty to go into every phase of the situation, and the point uppermost in the minds of the American people to-day is why did not the Navy and those charged with the responsibility require the kind of safety devices that were then known, as testified to by Mr. Lake in his letter, which would have brought about the rescue when the accident occurred?

I say to you the time has come for us to take some action in a matter of this kind. I suggested some time ago, and introduced a bill that called for a survey of conditions in southern waters for the relocation of a base to be used in the training of submarine crews. Everyone knows that our submarine training activities should be taken out of the ship-travel lanes and be put at some place where they would not be subject to disasters like the one that sunk the *S–4*. Southern waters are warm and much clearer; therefore something should be done at once in this connection.

I do not know whether it is going to be possible to get a resolution passed along this line or not, but I do say that if another such accident occurs in the travel lanes of the ocean whereby 40 or 50 men are sent to their death in a submarine accident, then there will be those in the Nation who will feel that the Secretary of the Navy ought to be prosecuted criminally—and he ought to be summarily removed if he does not attend to this work in a proper manner. [Applause.]

Mr. MANSFIELD. Will the gentleman yield?

Mr. McCLINTIC. I will.

Mr. MANSFIELD. Can the gentleman tell us what other naval powers have done in the way of providing safety devices?

Mr. McCLINTIC. I am glad the gentleman from Texas has asked that question. I have a statement of a German sailor who was in a German submarine lost at the bottom of the sea for a day or so; afterwards it was located, and this ship was raised in sufficient time to effect the rescue of all of those in the ship.

SAYS GERMAN DEVICE COULD HAVE RAISED "S–4"—FORMER GUNNER'S MATE IN KAISER'S NAVY HELPED BUILD SUCCESSFUL SALVAGE CRAFT

In Germany a marine device which would have raised the sunken *S–4* from the bottom of Provincetown Harbor probably within 48 hours under the most adverse conditions and would have made possible the saving of her crew of 40 men, was built and used successfully more than 10 years ago, according to Ernest Hermann Hagemann, now of Hartford, and during the World War artilleristen maat (gunner's mate) in the German Navy.

The craft, designed and built for the Government at Wilhelmshaven, Prussia, a large naval base, in 1917, was basically two separate ships with specially constructed hulls joined together by rigid steel beams in such a way that there was space enough between them to allow the floating of undersea boats of the size and type in use at that time. A giant crane was mounted between the two vessels equipped with lifting machinery powerful enough to bring sunken craft to the surface even if partly filled with water.

According to Mr. Hagemann's story, after he had gone through a harrowing experience in a disabled submarine at the bottom of the North Sea, and subsequently had been declared unfit for undersea service, he was transferred to the engineering branch of the navy as an assistant draftsman late in 1916.

Shortly after that, with a number of naval architects and engineers, he was sent to the shipyards of the firm of Blum & Foss, at Wilhelmshaven, where the "submarine lift boat" was to be built.

The first type which was evolved was similar to a second one built later in the year, after a period of experiment, except that it had three arched cranes for lifting instead of one. Each of the two halves of the lift boat was completely fitted out as though it were a separate ship, Mr. Hagemann continues. In addition, there was on each vessel the machinery and air pumps necessary for diving. The contrivance was approximately 18 meters (59 feet) long and of about 1,500 gross tons.

EQUIPPED WITH HOOKS

After this idea had been worked out all submarines were equipped with properly mounted hooks, to which divers could attach the steel cables for lifting. In practice and experimental work the submarines could be raised sometimes in an hour, sometimes two or three.

The first time the lift boat was called out for actual use Mr. Hagemann and the other draftsmen and engineers who had worked on her and on the first one which was built were aboard. It was late in 1917.

A school submarine from the Heligoland base, with a double crew on board, had submerged and failed to come up some distance out from the island. In the meantime, according to Mr. Hagemann, a storm came up and after it had to some extent abated the sunken submarine was found lying on a sandbar about 35 feet under water. In all she was on the bottom 36 hours, but only a few hours were required to bring her to the surface once the lift boat commenced operations, and her crew was saved.

During the years he served in the navy, Mr. Hagemann said, there were a number of other cases where the lift boat was able to rescue sunken and disabled submarines without loss of life among their crews. At the time of the sinking of the *S–51* in Block Island Sound, two years ago, he said, he was surprised that no such device had been evolved by the United States Navy, and was doubly so when the sinking of the *S–4* brought to light the fact that none has since been developed.

Mr. Hagemann came to Hartford four and a half years ago from Germany because of the postwar economic depression. He is now a cabinetmaker in the employ of the L. F. Dettenborn Woodworking Co. He was born in Wilhelmshaven in 1891. Following his graduation from "real gymnasium," similar to the American trade school, he joined the navy and during the war served in a number of important naval engagements.

In 1916, after he had been for some years stationed at the Heligoland naval base, he was ordered to Kiel, where he took a course in the submarine school for six weeks. Immediately after this he was assigned to the *U–67*.

I want to put this statement in the RECORD for the reason that this German boy sent me a telegram and offered to come to Washington if his expenses were paid and tell this Government how this German rescue ship was constructed.

The SPEAKER. The time of the gentleman from Oklahoma has expired. [Applause.]

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

The SPEAKER laid before the House the following communication:

IN THE SENATE OF THE UNITED STATES,
February 8, 1928.

Ordered, That the House of Representatives be respectfully requested to return to the Senate the message of the Senate announcing its agreement to the amendment of the House of Representatives to the bill (S. 700) entitled "An act authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes."

Attest:

(Signed) EDWIN P. THAYER, *Secretary.*

The SPEAKER. Without objection, the request will be complied with.

Mr. ARENTZ. Mr. Speaker, reserving the right to object, I received a communication in my mail this morning from the American Indian Defense Association, and it was stated in that communication that "Senate bill 700 has been recalled from the House and a motion to reconsider it is pending in the Senate." Apparently this association has given its orders. The Senate is asking for the recall of this legislation introduced by Representative MORROW, of New Mexico.

Has any Member of this body or the body at the other end of the Capitol such power? Could any of us dictate the policy of this House in the manner of this association?

Whether they are right or wrong in this instance no individual, no group of men or women, no association should be able to force their opinions or policies down the throats of any Member, and God forbid that the weight of their influence should be felt in any committee of either House or Senate.

The Morrow bill was thoroughly discussed in the Committee on Indian Affairs of the House. Mr. Collier, secretary of this association, sat in on these hearings; Mr. CRAMTON offered his amendment and was heard by this committee. It is true that his amendment was not accepted in toto, but it was accepted by Mr. MORROW and by the Committee of the Whole when offered by Mr. CRAMTON from the floor.

Mr. Speaker and Members of the House, I have felt the full force of the tyrannous action of this association and of the Indian Rights Association in my endeavor to deal justice alike to Indians and whites on the Walker River in my beloved State of Nevada. Here the Paiute Indians live on the Walker River Indian Reservation, where they were driven by United States soldiers in 1859. They have not tilled the self-same soil since the time of Christ, as it is reported the tribes of Cochiti, Santo Domingo, and San Felipi have upon the Middle Rio Grande Valley.

The Walker River Indians learned to till the soil from the white settlers and did not commence the growing of crops on the reservation until 1871. The whites commenced in 1859. They stepped out of the covered wagon into their cabin. They filed on the water of the stream and put it to beneficial use and now have under cultivation over 100,000 acres.

The Indians have 2,023 acres under cultivation. Their primary water right only covers this acreage. I have always insisted that the Indians are entitled to this acreage of primary water rights. The Indian Rights Association have insisted that this right must be doubled. This is unfair. Where these people who are so solicitous in the interest of the Indian have in this instance coerced Congress, in the case of the Walker River, they have, I am forced to believe, browbeaten some officials of the Indian Bureau into accepting their views of the Walker River matter.

I am kindly disposed toward all American Indians. To them I always want to extend a helping hand, to be fair and just, to give them the benefit of the doubt on questionable matters, and at the same time to treat my white brethren with equal justice and to always bear in mind that in the eyes of our Government the white man should be looked on with equal favor as the Indian.

Mr. MORROW. Mr. Speaker, I perhaps would be the one Member in the House that might raise an objection to this message being sent back to the Senate, but having taken part in the legislation, knowing it to be in the interest of the Indians and to be vitally in the interest of my State, if there is any further investigation needed, I take pleasure in withdrawing my objection to its being sent back to the Senate.

The SPEAKER. Is there objection?

There was no objection.

WAR DEPARTMENT APPROPRIATION BILL

Mr. BARBOUR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the War Department appropriation bill, with Mr. TILSON in the chair.

The Clerk reported the title of the bill.

The Clerk read as follows:

RIVERS AND HARBORS

To be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers:

Mr. SEARS of Florida. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 78, after line 16, insert a new paragraph, as follows:

"Harbor improvements: To pay the city of Miami, out of any funds available in the Treasury not otherwise appropriated, for part reimbursement of the $1,605,000 advanced or loaned to the Government by said city for the improvement of Miami Harbor, as provided under the river and harbor act passed March 3, 1925, in accordance with House Document 516, the sum of $605,000."

Mr. BARBOUR. Mr. Chairman, on that I reserve the point of order.

Mr. SEARS of Florida. Mr. Chairman, it is, indeed, unfortunate that my good friend and colleague from California [Mr. BARBOUR] is the chairman of this subcommittee. There is no man in this House for whom I have a higher esteem. Some years ago there was a good deal of friction between California and Florida, but joining with them in their fights for relief, and they joining with me, that friction has been swept aside. I do not believe that I am overstating it when I say that if the chairman of the subcommittee were at liberty to do so, he would support my amendment.

I want the attention of this House because I feel that I have a meritorious cause, and I know that I have a meritorious amendment. The facts of the case are as follows:

In 1925 under the river and harbor act, as my colleagues will recall, there was authorized for the deepening of Miami Harbor 25 feet, the sum of $1,605,000. On page 14, section 11, of that bill is found the following proviso:

That whenever local interests shall offer to advance funds for the prosecution of a work of river and harbor improvement, duly adopted and authorized by law, the Secretary of War may, in his discretion, receive such funds and expend the same in the immediate prosecution of such work. The Secretary of War is hereby authorized and directed to pay, without interest, from appropriations which may be provided by Congress for river and harbor improvement, the money so contributed and expended.

In January, 1926, Miami, Fla., put up $500,000. Due to a local fight, nothing could be done. The local fight was on the turning basin and the kind of docks that they would have, so the Government had $500,000 of our money for more than 12 months without spending a dollar of it. In September, 1926, Miami put up the balance of the fund, making it $1,605,000 on which she is paying 5½ per cent interest. A few weeks after we deposited that fund the hurricane struck Miami, and the city had to spend hundreds of thousands of dollars in clearing her streets, removing the débris, reconditioning the sewerage, and if I paint too sorrowful a picture, I am sure that my friends Congressmen FREEMAN, of Connecticut, CHALMERS and MORGAN, of Ohio, STRONG of Pennsylvania, CARTER and SWING, of California, LYON, of North Carolina, MCDUFFIE, of Alabama, and DEAL, of Virginia, who went down there and saw the destruction that was visited on the good people, will say so or that the picture could not be overdrawn.

Facing that condition and with a loss of $78,000,000 in the storm section, Miami now comes to you and asks you to give back to her, not an appropriation, but the money that she advanced to you in good faith. If it were a foreign country like Japan, for whom you voted a million dollars, perchance it would pass without opposition. But, unfortunately, I am appealing to you for your own people; that they may be given the relief they are entitled to. On June 5 of this year—my colleagues, listen to this—those bonds mature, and unless you give this relief Miami will have to reissue bonds and will have to pay between $50,000 and $60,000 additional interest, brokerage, printing, and so forth.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. SEARS of Florida. May I have five minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SEARS of Florida. I say to you that when a city or a municipality is hit so hard by an act of Providence, and by law can only assess a certain millage, and they can only raise a certain amount of taxes, you, my colleagues, will realize the importance of the proposition and give back to Miami her money in order that she may take up those bonds on the 5th day of June of this year and not compel them to pay between $50,000 and $60,000 additional.

Then I want to call you attention to these facts: Miami has expended on that harbor $3,596,373.85. The Government of the United States has spent on that harbor $2,956,000. Miami will have expended, when you shall have returned to her the $605,000, nearly as much as the Government has expended on the harbor.

My colleagues put it in the law that we had to construct the channel, and my friend from Connecticut [Mr. FREEMAN] went over it and saw it. We had to dig the channel across the bay to a depth of 15 feet in order to get our first appropriation. I do not believe that when a city has expended nearly $4,000,000 of her own money and then advanced to the Government $1,605,000 to complete the harbor, you should refuse to give back to her now her money in order that she may meet her obligations.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. SEARS of Florida. Yes.

Mr. SNELL. May I ask the gentleman if this money was not spent originally at the request of the people of Miami? Did she not want to get her work done in advance of other work in connection with rivers and harbors?

Mr. SEARS of Florida. That may be so. But I say to you, my friends, as I said before, Miami would not be asking for this now if it were not for that act of Providence over which she had no control. Therefore I want you to be as liberal to her as you are to foreign countries. We advanced the money in good faith. We had nothing to do with the hurricane. We had nothing to do with the cause that makes it necessary to ask that she get back at once all of the money advanced to the Government.

Mr. SNELL. You do not say that we have not lived up to all our legal rights?

Mr. SEARS of Florida. No; I have not said that. Unfortunately Congress can wait 10 years and we are estopped from complaining. General Jadwin has been kind to me.

Mr. SNELL. How much is this?

Mr. SEARS of Florida. Five hundred thousand dollars.

Mr. SNELL. How much is in this bill?

Mr. MADDEN. It is $1,605,000 altogether. Five hundred thousand dollars of that was paid last year, and $500,000 will be paid back this year. Six hundred and five thousand dollars it is now proposed will be paid back next year. But the gentleman is not willing to wait.

Mr. SNELL. That is what I asked about.

Mr. SEARS of Florida. I am unwilling to wait, because we are entitled to it, and the city authorities say they can not wait. They must refund those bonds on the 5th of June. I ask you, my colleagues, to take that fact into consideration. If you were in my place, and if it were your city that you were pleading for, a city suffering from a hurricane, you would realize my situation. When the disastrous floods occurred I wired to the President to go the limit, and I promised him that I would back him up when Congress convened. It is true that we might wait 10 years; but, as I say, the city must have the money before June.

Mr. MADDEN. The gentleman knows that there is no disposition to wait 10 years. It is distinctly understood that the gentleman's city is going to get $500,000 right away.

Mr. SEARS of Florida. Yes. We get it out of this bill. I want to be perfectly fair.

Mr. MADDEN. And it is also distinctly understood that you will get the other $605,000 next year. The gentleman is trying to legislate it on this bill.

The CHAIRMAN. The time of the gentleman from Florida has again expired.

Mr. SEARS of Florida. Mr. Chairman, may I proceed for five minutes more?

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SPEAKS. Mr. Chairman, will the gentleman yield?

Mr. SEARS of Florida. Yes.

Mr. SPEAKS. As I understand it, the Government next year will refund to Miami the $605,000 you are asking for now. If the House refuses to comply with your request it will cost the city of Miami about $50,000 in interest and other charges.

Mr. SEARS of Florida. Yes; approximately; and the city has no funds to redeem the bonds.

Mr. SNELL. The gentleman does not mean to say that it will cost $60,000, does he?

Mr. SEARS of Florida. I am talking about the sale of bonds.

Mr. SNELL. It certainly will not cost that much.

Mr. SEARS of Florida. I do not want to quibble about it. It is 5½ per cent on $605,000. There is the interest, about $30,000; the brokerage and the printing of the bonds and the expenses of the sale, if you can get a sale for them. I do not want to mislead the House. It is over $30,000.

Mr. SNELL. It is for the improvement of the city. I am talking about the harbor improvement.

Mr. SEARS of Florida. Yes. We have spent nearly $4,000,000, and the Government has spent less than $3,000,000 on the harbor, so that we have been more than fair.

You say, "Why are you asking for this?" We would not complain if the hurricane had not struck us. Those people are not asking for charity. I will leave it to my good friend from Connecticut [Mr. FREEMAN] and my good friends from Ohio [Messrs. CHALMERS and MORGAN], who went down there and saw the devastation. I leave it to my good friend, Mr. CARTER, of California. They saw conditions shortly after the hurricane, and I want it understood we are not asking for sympathy. We are simply asking you to do that which we believe we are entitled to.

Let me call your attention to this: For the removal of wrecks after the hurricane Miami expended $66,508 in getting the wrecks out of the harbor. The sand was 3 feet deep on some of the streets. Barges, loaded with ballast and rock, were blown into the Royal Palm Park. God knows why the loss of life was not greater. It took hundreds of thousand of dollars for those people to restore streets, and so forth, of the city, and no city ever came back faster than Miami.

I will say, my friends, in conclusion, that I have presented the case as well as I could. If this is setting a precedent, I think it can well be done in view of the terrible disaster which came to Miami. I do not believe I have overdrawn the picture. If any of my colleagues, either on the Republican side or on the Democratic side, who went down there and saw conditions will say that I have overdrawn the picture I will withdraw the amendment.

Mr. MADDEN. Will the gentleman yield?

Mr. SEARS of Florida. Yes.

Mr. MADDEN. The understanding was, was it not, that this would be paid back in three installments?

Mr. SEARS of Florida. No.

Mr. MADDEN. What was it, then?

Mr. SEARS of Florida. The understanding was that it would be paid back.

Mr. MADDEN. It might not be paid back, then, in 20 years, according to that statement.

Mr. SEARS of Florida. That is true; but the understanding also was that this great Government of ours, with a boasted surplus of $600,000,000 during times like those I have pictured to you, would not hold us to 20 years, because Miami would not have advanced the money if that had been understood.

Mr. MADDEN. Let me ask another question. I have been helping the gentleman to get the money.

Mr. SEARS of Florida. That is true, and the hearings show I have thanked the gentleman repeatedly.

Mr. MADDEN. And I will continue to help the gentleman all I can, and I do not think they will have any trouble in getting the money when the time comes.

Mr. SEARS of Florida. But will you loan me $40,000 to pay the interest?

Mr. MADDEN. I think the gentleman is romancing.

Mr. SEARS of Florida. No; I am not romancing. I am not able to do it myself.

Mr. MADDEN. They did receive $500,000 last year, did they not?

Mr. SEARS of Florida. Yes.

Mr. MADDEN. The gentleman knows he is going to get $500,000 more, does he not?

Mr. SEARS of Florida. I have that assurance from General Jadwin, and General Jadwin has never yet broken his word.

Mr. MADDEN. And the gentleman has my assurance that I am going down there with him for the purpose of trying to get General Jadwin to allocate this other $605,000. I think the gentleman is trying to legislate this out of the Treasury, and he ought not to be permitted to do so.

The CHAIRMAN. The time of the gentleman from Florida has again expired.

Mr. SEARS of Florida. Mr. Chairman, I ask unanimous consent to proceed for one additional minute.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. SEARS of Florida. Sometimes a man talks too much, but there have been so many speeches on the other side during my time, I want to say this. The city commissioners last December advised me they had to have this money, and on January 17 I received this telegram:

JANUARY 17, 1928.

One million one hundred five thousand harbor notes bearing 5½ per cent interest mature June 1, 1928.

L. J. GRIFFIN,
Director of Finance.

That is the whole question. Those bonds mature in June and we have no money with which to take them up. The city commissioners have asked me to put this up to my colleagues and I have tried to make my case. All I ask of you is to vote as you would have me vote if conditions in your district were just like ours.

Mr. HASTINGS. Will the gentleman yield?

Mr. SEARS of Florida. Yes.

Mr. HASTINGS. I saw in the newspapers a statement to the effect that three banks had failed there the other day and that they were shipping $7,000,000 by airplane to save another one of your banks in Miami; is not that correct?

Mr. SEARS of Florida. That is true; but I am not referring to that. That is another condition, due, I am told, to propaganda, while the other was the act of God. [Applause.]

Mr. SPEAKS. Mr. Chairman, I rise for the purpose of inquiring of the chairman of the Rivers and Harbors Committee whether there is a large sum lying dormant and to the credit of river and harbor activities as a contingent fund?

Mr. DEMPSEY. No. The situation is always this: There are always outstanding contracts, and while the books apparently show an unexpended balance, we will say, of $20,000,000 or $30,000,000, almost invariably at least $25,000,000 out of, we will say, $30,000,000 has been obligated for contracts which have been partially performed but which have not been completed and upon which payments are not due. There is really in the hands of the engineers of unexpended balances only a small sum like $5,000,000 or $6,000,000 carried along from time to time to meet extraordinary emergencies which may arise. For instance, we are carrying in this bill $10,000,000 for the Mississippi, but that is not the sum we are going to carry in the flood control bill.

This $10,000,000 is to meet extraordinary emergencies which may arise, and the engineers have been expending down there from this fund the sums which were necessary to meet the pressing and immediate necessities of the situation anywhere all over this country. At any time we may have a disaster like the Galveston flood or like the Mississippi flood.

Mr. MADDEN. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. MADDEN. This $10,000,000 is the $10,000,000 annual obligation under the act providing for Mississippi River flood control?

Mr. DEMPSEY. Yes.

Mr. MADDEN. And can not be spent anywhere else.

Mr. SPEAKS. Will the gentleman state, as chairman of the committee, that to his knowledge there are no funds to the credit of the river and harbor commission which will not be required during the next fiscal year?

Mr. DEMPSEY. I think that is very, very clear, and I intend, if I am able to get the floor, to deal with that very subject. I do not think there is any question about that. They will not have any fund which they can spare beyond the $500,000 they have allocated for the payment of this debt to Miami, and next year, in the 1930 appropriation, they propose to allocate $605,000, the remainder.

Mr. SEARS of Florida. I have been assured by General Jadwin that if this bill were increased $10,000,000 Miami could not get another penny more, and I am not asking any city in this country which has a river or harbor to be cut down in order that Miami may benefit by it. In other words, I stand or fall on my proposition.

Mr. MADDEN. Mr. Chairman, I make the point of order against the amendment that it is a change of existing law.

The CHAIRMAN (Mr. TILSON). The amendment reads:

To pay the city of Miami, out of any funds available in the Treasury not otherwise appropriated, for part reimbursement of the $1,605,000 advanced or loaned to the Government by said city for the improvement of Miami Harbor, as provided under the river and harbor act passed March 3, 1925, in accordance with House Document 516, the sum of $605,000.

I find in the Statutes at Large, Sixty-eighth Congress, page 1187, this statement of the law:

Miami Harbor, Fla.: In accordance with the report submitted in House Document 516, Sixty-seventh Congress, fourth session, and subject to the conditions set forth in said document.

The gentleman's amendment refers to the same document and provides that this payment must be made in accordance with House Document 516, which appears to be the law on the subject.

It would seem to the Chair that this furnishes a basis for the appropriation, if Congress wishes to make it, and therefore the Chair will overrule the point of order.

Mr. MADDEN. Mr. Chairman, the Chair has ruled on the question?

The CHAIRMAN. The Chair overrules the point of order because the amendment states that the proposed appropriation is in accordance with a certain document to which it refers, and which by reference of the river and harbor act is made the law controlling the appropriation.

Mr. MADDEN. But this is changing the law. The document is the law.

The CHAIRMAN. If the appropriation is not in accordance with the document referred to, of course that fact can be shown.

Mr. MADDEN. This is not in accordance with the document.

The CHAIRMAN. I do not see how the Comptroller General could pay it unless it is done in accordance with the document referred to, because the amendment states specifically that it is to be done in accordance with that document.

Mr. MADDEN. The amendment is either a reenactment of the statute or it is nothing.

The CHAIRMAN. The river and harbor act provides an authorization as set forth in a certain document.

Mr. MADDEN. This money is paid out of the general river and harbor fund, according to the statements made by the Chief of Engineers of the Army.

The CHAIRMAN. It seems to the Chair that the Comptroller General would not allow payment of this sum, even though it were carried in this bill, unless it is found to be in accordance with House Document 516, which the river and harbor act makes the law.

Mr. CHALMERS rose.

The CHAIRMAN. The Chair therefore overrules the point of order unless the gentleman from Ohio wishes to be heard.

Mr. CHALMERS. I simply wanted to say, Mr. Chairman, I think the Chair is absolutely correct in the ruling, and if necessary I would be pleased to give my reasons.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SEARS of Florida: On page 78, after line 16, insert a new paragraph, as follows:

"Harbor improvements: To pay the city of Miami, out of any funds available in the Treasury not otherwise appropriated, for part reimbursement of the $1,605,000 advanced or loaned to the Government by said city for the improvement of Miami Harbor as provided under the river and harbor act passed March 3, 1925, in accordance with House Document No. 516, the sum of $605,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the Chair being in doubt, the commitee divided, and there were—ayes 101, noes 87.

Mr. MADDEN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. BARBOUR and Mr. SEARS of Florida.

The committee again divided; and the tellers reported that there were—ayes 142, noes 115.

So the amendment was agreed to.

The Clerk read as follows:

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation; for survey of northern and northwestern lakes, Lake of the Woods, and other boundary and connecting waters between the said lake and Lake Superior, Lake Champlain, and the natural navigable waters embraced in the navigation system of the New York canals, including all necessary expenses for preparing, correcting, extending, printing, binding, and issuing charts and bulletins and of investigating lake levels with a view to their regulation; for examinations, surveys, and contingencies of rivers and harbors, provided that no funds shall be expended for any preliminary examination, survey, project, or estimate not authorized by law; and for the prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City, for pay of inspectors, deputy inspectors, crews, and office force, and for maintenance of patrol fleet and expenses of office, $50,000,000.

Mr. GIBSON. Mr. Chairman, I move to strike out the last word and do so for the purpose of making a statement pertinent to this section and asking a question as to the construction of it.

In the early days of last November a great disaster overtook the State of Vermont in the form of a flood. People have not yet come to fully realize its full extent or far-reaching effect. In 24 hours a damage was caused equal in amount to one-tenth of the assessed valuation of all the taxable property in the State. Our highway and bridge damage was $7,377,469, according to a survey by the Bureau of Public Roads. Our total damage was $30,435,000, according to the latest information. The highway and bridge damage means a per capita loss of $21 for every man, woman, and child in the State; our total damage a per capita loss of $86. I venture the assertion that

this was one of the greatest disasters that ever overtook the people of any State in the history of the Nation.

Going back we find that other disastrous floods occurred in 1869, 1850, 1830, 1811, and 1785. These floods affected practically the same valleys and the same areas. No survey to determine if there is any practicable way of controlling floods or lessening the damages therefrom has ever been made for Vermont.

I have filed with the Committee on Flood Control petitions signed by hundreds of Vermont citizens asking the Federal Government to take some action for their protection.

Now, I wish to know from the chairman if sufficient funds are available from this appropriation to make this survey possible by the engineers of the War Department.

Mr. BARBOUR. It is the judgment of the subcommittee, I will state to the gentleman from Vermont, that this paragraph does carry enough money; in fact, the Chief of Engineers testified before the committee that out of this $50,000,000 he proposes to allocate $1,500,000 for surveys with respect of flood control, power possibilities, navigation, and purposes of that kind.

Mr. GIBSON. Is it the opinion of the chairman of the subcommittee that this will be sufficient to take care of all the work?

Mr. BARBOUR. Yes; because this appropriation is a lump-sum appropriation. It is allocated to different projects. It is sometimes found that one project can use more money than has been allotted to it, while another project does not need so much. So there is enough money here, in the opinion of the committee, and if the Chief of Engineers needs any more money for these surveys, in addition to the $1,500,000 which he proposes to allocate, the committee is of the opinion he can find it.

Mr. GIBSON. Mr. Chairman, I withdraw the pro forma amendment.

Mr. McDUFFIE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 79, line 10, strike out the figures "$50,000,000" and insert in lieu thereof "$55,886,310."

Mr. McDUFFIE. Mr. Chairman and gentlemen, this deals with appropriations for river and harbor work throughout the entire country. It is quite an important item, and I suggest to the chairman of the subcommittee that we agree upon a limit of reasonable time in which to discuss it.

Mr. BARBOUR. What does the gentleman say to a half hour on each side?

Mr. DEMPSEY. I would like to have 20 minutes.

Mr. BARBOUR. Well, say 40 minutes on a side.

Mr. NEWTON. Reserving the right to object, in the division of time is it to be from this side of the aisle and that side of the aisle, or for and against the amendment?

Mr. BARBOUR. For and against the amendment is my understanding, one-half to be controlled by the gentleman from Alabama and one-half by myself.

Mr. BANKHEAD. Mr. Chairman, this is a very important question, and I hope the chairman of the subcommittee will agree to an hour on a side. We are not under great pressure for time.

Mr. McDUFFIE. I have had several requests for time on this side.

Mr. BARBOUR. Let us make it 45 minutes on a side.

Mr. McDUFFIE. That is agreeable to me.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent that the time for debate on this paragraph and all amendments thereto be limited to an hour and a half, one-half to be controlled by the gentleman from Alabama and one-half by myself.

The CHAIRMAN. The Chair will say to the gentleman that there can be no control of time by agreement in Committee of the Whole. An agreement may be entered into for the limitation of debate. The gentleman from California asks unanimous consent that the time for debate upon this paragraph and all amendments thereto be limited to an hour and a half. Is there objection?

Mr. MADDEN. Reserving the right to object, I suggest that the speeches of five minutes each be alternated for and against the amendment.

The CHAIRMAN. That is in the control of the Chair, and doubtless the Chair will follow that suggestion.

Mr. MADDEN. I think it better be understood in the agreement.

Mr. McDUFFIE. We do not want any such agreement as that, to limit the remarks to five minutes. It is difficult to speak upon a matter of this importance in five minutes with any satisfaction.

Mr. MADDEN. I did not mean that every speech would be limited to five minutes, but that the speeches should be alternated for and against the amendment.

The CHAIRMAN. The gentleman from California asks unanimous consent that debate on this paragraph and all amendments thereto be limited to one hour and a half. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will again report the pending amendment.

The Clerk again reported the amendment.

Mr. ENGLAND. Mr. Chairman, ordinarily I vote to sustain the action of the committee, but I am impelled not to do so in this particular instance. I favor the adoption of the pending amendment. No money is used by our Government which means more to our commercial life than that appropriated for the improvement of our inland waterways and harbors. Water transportation is much cheaper than land transportation; high freight rates are impeding our industrial development. I understand that the Army engineers say that approximately $56,000,000 can be used in the development of these waterways and at the same time conserve the rules of economy. West Virginia will not get any improvement out of this appropriation. I am especially interested in the improvement of the Great Kanawha River. The Government built 10 dams in this river between 1880 and 1898 to improve navigation. A portion of these dams are now entirely obsolete, and the remainder are inadequate for the present requirements of that great industrial valley. There are approximately 18,000,000,000 tons of unmined coal lying within the bowels of the earth in this valley; much of this coal is the finest quality in the world. Our chemical industry at and near Charleston is developing so rapidly that it will soon be the greatest chemical center of the Nation. We have the largest ax factory as well as the largest glass plant in the world; we also have numerous other factories of various kinds. Nature has made this section one of the most desirable for factory purposes in the United States.

I assume that all the river and harbor improvements authorized by Congress are meritorious, but I venture the assertion that but few, if any, have more merit than the Great Kanawha River from the standpoint of available tonnage shipments.

It is my purpose to introduce a bill within the next few days in this body authorizing the improvement of the Great Kanawha River, after which I shall have more to say relative to the improvement of same. It is my purpose to fully inform Congress of the inexhaustible resources of this valley and of the immense tonnage that will be transported therefrom as soon as the Government equips the river with proper transportation facilities. The Ohio and Mississippi Rivers need the tonnage from this valley, and if this improvement is made the Kanawha Valley will be able to supply the southern consumers with cheaper coal and also establish a large foreign market from Panama. We will also be able to furnish the West and great Northwest with the finest quality of coal in the world at a much lower rate than they are now paying.

Every Member of this House ought to be, and perhaps is, in favor of a great inland waterway system. These improvements should be completed at the earliest possible date, and I earnestly plead with my colleagues to manifest their interest therein by voting for the adoption of this amendment. [Applause.]

Mr. DEMPSEY rose.

The CHAIRMAN. The Chair would recognize some Member opposed to the amendment.

Mr. DEMPSEY. This is with the consent of the other side.

The CHAIRMAN. The gentleman from New York.

Mr. DEMPSEY. Mr. Chairman and my colleagues, my own present situation is such, owing to the fact that I have been endeavoring to negotiate a compromise of the subject matter of this amendment, that I feel constrained to follow the Committee on the Rivers and Harbors appropriation item. I do think, however, that there are certain vital matters which are not thoroughly appreciated either by the committee or by the House, and to which I shall direct attention.

We have in the United States adopted projects, live projects, to complete which will call for an expenditure of $250,000,000. We have all agreed, as I understand it, the engineers, the Committee on Appropriations, the House, and the public that works of this nature should be prosecuted with such reasonable celerity as the circumstances will permit. We have the funds and the time has come when we are not faced with a war situation. We have reduced taxes four times. We have reduced the expenses of the Government. The President in a recent message said that we are now at a point where we may undertake great internal improvements, and certainly there are no improvements so important as the development of navigation in

this country through improving our harbors and inland streams. We have reached an agreement, unwritten, and which is perhaps no more than a general understanding, that works of this nature should be completed in five years. We have found from experience that if funds are provided this can be done.

We have $250,000,000 to-day of uncompleted, important improvements of this nature. If we are to complete these projects within five years we must have more than $50,000,000 a year. I am not speaking in regard to this particular appropriation, but I am speaking as to the duty of this country toward river and harbor appropriations in the immediate future, and I want to show what the situation is.

How much were we able to use last year on the new work out of a $50,000,000 appropriation? We expended $17,000,000 for maintenance and that left only $33,000,000 for new work. We need, therefore, without taking into account new projects, which are sure to be adopted, if we are to carry out our five-year program, as we all agree we should do, $50,000,000 a year for new work and $17,000,000 a year for maintenance, $67,000,000 a year in all. We have adopted a provision for a survey of practically all of the navigable streams in the United States, for navigation, for power, for irrigation, for municipal uses, for every possible use to which water can be put. It is probably the most important legislation which Congress has adopted in many years. Formerly we made separate appropriations for them, in addition to the lump sum. This, which will amount to $1,500,000, is included this year in the $50,000,000, as is also the ordinary surveys, which will cost $250,000, making altogether $1,750,000 to come out of this $50,000,000 before we can apply it to maintenance and new work.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. In a moment. Maintenance last year cost $17,000,000. You can easily figure that with an appropriation of $50,000,000 we are not going to be able to complete our five-year program; but when you come to consider the matter, you find that it is not a five-year program for $250,000,000. Why do I say that? Because in a great country like this, growing in business, developing and multiplying in transportation, increasing in wealth, increasing just as rapidly in commerce, you are bound to make your waterway improvements keep pace with the times. We must develop our waterways just as we develop the railroads and keep pace with the railroads. To illustrate that, on the Great Lakes the average size of a lake freighter in 1900 was 3,500 tons and to-day it is 14,000 tons, and without that growth we could not have maintained the low cost of transportation on the Great Lakes, the lowest cost of transportation the world has ever known, 1 mill per ton per mile, upon which is based all of the steel and iron development of this great country of ours. We find that in order to keep the Great Lakes in line with transportation developments as they are progressing, we must increase the depth of the channels. To be sure, to-day, through the fact that we have had an excessive rainfall and that we are in a deep-water cycle, the Great Lakes have come back to pretty nearly the statutory depth of 20 to 21 feet, but for a long period of years we had only about 18 feet, and we must provide not alone for the high-water times but for the low-water times, and in order to do that we must deepen the channels of the Great Lakes. There is coming in here within the next two weeks a report in favor of deepening the Great Lakes at a cost undoubtedly of several million dollars, and that adds to your $250,000,000.

As I stepped into the Hall this morning I ran across a Representative from the State of New Jersey who is a friend of the Representative from Camden. They are to have a report made in their favor which shows that the city of Camden itself is to spend $2,000,000 on terminals and docks, and modern loading and unloading devices, to make that a great and modern and useful port. The locality has shown its belief in the project by bonding itself for $2,000,000. Undoubtedly the expenditure on the part of the United States will be many millions of dollars, and how are we to provide for it? We should not delay work on the projects already adopted. These two cases—the Great Lakes and the Camden case—are simply illustrative of numerous cases all over the United States. This country does not stand still. This country is moving forward at an astounding pace, and as it goes forward we find that in places where you thought you had no particular need for transportation suddenly there arises a great tonnage, and that tonnage demands transportation.

Take in further illustration the city of Los Angeles. A harbor was improved there which many people thought would be of little value. It had after a time a tonnage of 2,000,000 tons a year, and then there was discovered there great quantities of oil, and in one year the tonnage jumped from 2,000,000 tons per year up to 2,000,000 tons per month. And what happened in Los Angeles is happening all over the Texas coast, where they have a most tremendous oil and a very great fruit development. To provide for the growing needs of this great country in waterway transportation and to carry out a five-year program we must have much more money than we have had in the past.

Mr. DENISON. Mr. Chairman, will the gentleman yield there?

Mr. DEMPSEY. Yes.

Mr. DENISON. This so-called five-year program was adopted some two or three years ago, was it not?

Mr. DEMPSEY. Yes.

Mr. DENISON. Now, since that was done, Congress has authorized a great many additional projects for the improvement of rivers and harbors, projects as have been approved. How much do those projects involve?

Mr. DEMPSEY. The last bill, I think, carried something like $60,000,000 or $70,000,000.

Mr. DENISON. If that is true, there will have to be some appropriations made to begin those projects?

Mr. DEMPSEY. Not only those projects, but other projects which will be adopted from time to time. Here we have, first, the public demanding water transportation. Go to any port, any great vicinity where they have developed a large commerce, and you will find a whole city a seething mass demanding river and harbor development. Out in the Middle West you find the farmer is suffering from a long period of hard times. He says transportation is one of his largest costs, and he knows, by studying the figures, that he can get cheaper transportation by water than otherwise. Mr. Babson says in one of his letters that we have become the greatest mass-producing manufacturing Nation of all the nations of the world, and we have solved that problem of mass production; but he says we have utterly failed and gone back on the problem of distribution, so that to-day a product the manufacturing cost of which is 20 cents costs the consumer a dollar. And he said that in the next few years he confidently believes that the problem of distribution will be solved just as successfully as we have solved that of mass production. The prime problem confronting us will be that of distribution, and that will eventually be cut down to reasonable proportions. Part of what is saved in the distribution of agricultural products will go to the farmer and increase his profits.

The farmer believes that improving of the channels in our rivers will give him cheaper transportation, that what he saves will be largely, if not wholly, his, and that these river improvements will be a large measure of farm relief. The farmer regards the making of our rivers navigable as something that is practical, something that is at hand, and something that can be done for him now.

Let us take the other aspect of the matter. Here are the farmers of the Middle West, those who, for instance, can ship by the Missouri when its channel is deepened and its banks stabilized, saying that cheap transportation will afford them relief. Let us see what the attitude of Congress is toward that question. I happened just yesterday to have a talk with the chairman of the committee that deals with that question in the other body, and he said to me, "Are you going to have a rivers and harbors bill?" I said, "Here is the Great Lakes problem on which the iron and steel business of the country depends. It is a question in which every American is interested, and if the report on deepening the Great Lakes channels comes to us we feel that we must have a bill." He said, "What good is there of a bill? You are not going to make appropriations to complete within a reasonable time even the projects already adopted. How are you going to add new projects to the ever growing list and get the money necessary to finish the five-year program?" That is the feeling of all those in Congress who are interested in waterway transportation. How much time have I used, Mr. Chairman?

The CHAIRMAN. The gentleman has consumed 14 minutes.

Mr. McDUFFIE. Mr. Chairman, may I interrupt the gentleman?

Mr. DEMPSEY Yes.

Mr. McDUFFIE. Does not the gentleman think the Congress should appropriate immediately money sufficient, even if it takes a hundred million dollars, in the interest of economy to complete the major projects that are of primary importance?

Mr. DEMPSEY. Yes; I will answer that question. So far as this bill is concerned, I feel three things: First, that I was a party to the negotiation of a compromise which makes me a supporter of the present bill as it is; second, I do not think we have given the country full and fair notice of this five-year program or what it means; and third, I recognize also that there are unusual and very large demands on the Treasury at

this session of Congress. And so all of those things unite in tying my hands. Yet I believe that we should adopt a program of appropriating each year one-fifth of the total amount of money necessary to complete every live project, and also each year, whatever sum it is necessary to expend for maintenance. Appropriations for surveys, both the annual surveys and these unusual surveys of the rivers of the country, for which we recently provided and which cost millions of dollars, should be made in addition to those necessary for other new work and for maintenance.

Mr. McDUFFIE. After having adopted the amendment a moment ago taking care of Miami, it means that $605,000 more shall come out of this bill, and that means that we shall have in a year $605,000 less for the construction of rivers and harbors. That is true, is it not?

Mr. DEMPSEY. That is true if the amendment means anything. I think the amendment as adopted does not mean anything. I think it means they are to be paid according to the law as it is, and the law as it is is that they are to be paid as the Government wants to pay them. But I do think there is no work so important to the people of this country—I do not think the work even of providing for the Army or the Navy is of greater importance—than to provide the cheap transportation by water for all our products, whatever they may be.

I believe that the iron and steel business would never have come into existence, that we would not have supplied even our own domestic needs, much less would we have been exporting, except for cheap transportation on the Great Lakes. Let me add also that cheap transportation on rivers is illustrated by the Monongahela River, where they carry coal at about 15 cents a ton as against a railroad rate of about $1.12 a ton.

Now, there is another reason besides the fact that transportation is cheaper why we should provide transportation by rivers.. This country is rapidly growing. We have transportation facilities for our people to-day. We will have 40,000,000 more people in 25 years, but we have no transportation facilities for them. The easiest, the cheapest, and best way to provide that transportation is by water. It is the only way, because new railroads are not being built. We have no additional mileage. We have practically the same railroads to-day we had 10 years ago. We have not added any considerable mileage in that time and we do not bid fair to add additional mileage. Unless we provide these transportation facilities by water we will lack, as Mr. Loree, president of the Delaware & Hudson Railroad Co., recently said, the transportation with which to supply our people with the necessaries of life—with food to sustain life and with coal to keep them warm.

This is the situation in a general way. We might as well face the fact that if we are to continue waterway development we must have a program of appropriations sufficient to meet the needs of the country, and those needs, as generally recognized and sensed, mean a 5-year program; the completion of every project not in 20 years, as the Ohio is about to be completed, but in 5 years, because that is economical, because it gives you in a reasonable time the use of the many millions which you have expended on a project and you never have any substantial r turn in being able to navigate a stream until the improvement is complete, because it provides the transportation which is promised when we adopt the project, and because a five-year program insures the performance of the work on every project in a businesslike and sensible as well as an economical way. Delays on these projects are always costly. They mean that the people do not get what Congress promises each time it adopts a project. By indefinite delays we lose in great part the benefit of the legislation.

Mr. MADDEN. Will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. MADDEN. I take it from what the gentleman says—and I have been listening very attentively in order to get a word of cheer somewhere—that the Rivers and Harbors Committee has a plan under which it does not propose to establish any new projects until the end of this five-year period, during which we will appropriate sufficient money to complete the projects which the committee has already worked out—is that right?

Mr. DEMPSEY. No. What we have in mind is that we believe we have a great chairman of the Committee on Appropriations who has broad vision, splendid judgment, and who can see the needs and necessities of the country and that he will provide for new projects of merit in just the same broad-minded and splendid way that he has in the past in helping to provide for existing projects. [Applause.]

I have referred to the fact that the cheap transportation of the Great Lakes was the basis of the development of the iron and steel business of this country, and has served as a most economical method to distribute the coal of Pennsylvania through the Northwest. The cheap transportation of these lakes, too, has been the means of building up the numerous great cities which border on them, commencing with Duluth, taking in Chicago, Milwaukee, Detroit, Toledo, Cleveland, and ending with Buffalo. The crying need of to-day is for a deep-waterway connection between the Great Lakes and the ocean. Such a waterway will pay a splendid profit on the cost of construction, whatever it may be. Circumstances may, however, delay the adoption of this project for some time. Deep-water navigation is being extended through Canada to Lake Ontario by the construction of the Welland Canal, which is nearing completion. This canal is 25 miles in length, and its construction involves an expenditure of about $125,000,000. The question arises whether the United States should be content to use this Canadian connection between the two lakes, or whether, on the other hand, the United States should have a canal of its own and within its own territory.

Every citizen of the United States agrees that if the commerce between Lakes Erie and Ontario is to be large and important—if it is to be large in volume and great in value—it would be better to have a canal of our own, rather than to depend on one wholly within a foreign country, which belongs to it alone, and over the operation of which it will have sole and exclusive jurisdiction. While we may not expect a traffic on Lake Ontario comparable to that on the other Great Lakes, the greatest commerce in the world, it is but natural to expect that enough commerce will go in both directions to make the volume large for any inland water other than the Great Lakes. It is to be remembered that Buffalo has now an annual water-borne commerce of 20,000,000 tons, yet the great iron and steel business there is only in its infancy, the many huge plants there having been started a comparatively few years ago. So far Buffalo and the Niagara frontier have been, so far as water transportation is concerned, in a similar position to a vicinity which has a standard-gauge railroad running in one direction and a narrow-gauge road only in the other direction. In other words, the Niagara frontier has had the enormous benefit of the Great Lakes system to the west, but has had leading east only the Erie Canal, which is too shallow and accommodates boats of such small tonnage as not to be able to compete successfully with the large units of modern transportation.

With deep water transportation to the east, a large tonnage coming and going on Lake Ontario is, it is firmly believed, assured. It is quite certain, however, that the tonnage on a canal running through the Niagara frontier, which already has 20,000,000 tons of water-borne commerce annually, would be much larger than by the Welland Canal, which runs through an open country, from which practically no tonnage would come.

So we come naturally to the point that as a large commerce can be expected through a deeper waterway connecting the two lakes and on Lake Ontario, it would be better for this country to own and control the operation of a canal of its own rather than to use the foreign Welland Canal, provided a canal of our own can be constructed at a reasonable cost, as compared with that of the Welland, and which will afford facilities at least equal to those of the Welland Canal.

The great objection to all canals is that, owing to the fact that vessels passing through them at a high rate of speed wash away and destroy the banks, ships must be slowed down to about one-third of their speed on the Great Lakes. This prolongs the journey and adds to the cost of transportation. While the Welland Canal is, as has been said, 25 miles long, and owing to the geography of the locality, had to be constructed in a straight line north and south, the situation on the American side is such that it provides two natural and highly desirable routes, one from La Salle to Lewiston, both on the Niagara River, and the other from Tonawanda, also on the Niagara River, via Lockport, to Olcott. The La Salle-Lewiston route is only 11 miles long; that from Tonawanda to Olcott is 24 miles long.

A survey was made in 1900 of these two routes which is so comprehensive and able as to rank as highly as any waterway report made in the history of the country. It shows that at that time a 21-foot channel by the La Salle-Lewiston route would have cost $43,214,344, while the cost of such a canal by the Tonawanda-Lockport-Olcott route would have been $49,274,894. The president of one of our greatest railroads, who has had a great experience in construction work and knows its cost well, says that such costs as those involved here have not increased on the whole since 1900; while the cost of labor has increased largely, the expense of the work to be done by machinery has decreased greatly, owing to the greater efficiency of the machinery of to-day, so that the increase in the one case is just about offset by the decrease in the other.

The conclusion, therefore, is natural, if not inevitable, not alone that there will be a large volume of commerce through a

deep waterway connecting Lake Erie with Lake Ontario, and on Lake Ontario, but that a canal shorter in distance and in the time necessary to navigate it can be constructed on the United States than on the Canadian side, and it is obvious that it would be to the advantage of the United States to have this commerce rather than to have it go to a foreign country. It will be a decided advantage, also, to our country to own, control, and operate its own waterway rather than to depend upon a foreign waterway. It will be a decided and great benefit, too, to have this waterway pass through the thickly settled American Niagara frontier, where there are nearly a million people, and which already has a waterway-transportation business of 20,000,000 tons a year rather than for the American frontier to be obliged to send to and receive from the Welland Canal, for a distance of 25 miles, all of its Lake Ontario water-borne commerce, both passenger and freight.

Next, the Tonawanda-Lockport-Olcott Canal is shorter than the Welland, and a canal by the La Salle-Lewiston route would be less than half the length of the Welland. A canal by either American route will cost only a fraction of the expense of the construction of the Welland Canal. An American canal by either route would be quicker to navigate than the Welland, because by the La Salle-Lewiston route we would have less than half the canal navigation which would be encountered on the Welland, and by the Tonawanda-Lockport-Olcott route, owing to the fact that the canal from Lockport to the lake passes through a deep gulf, with natural, high banks, which would not wash, the time occupied in navigating the canal would be considerably shorter than by the Welland Canal.

The American Niagara frontier is the largest center for any canal connecting the two lakes—Erie and Ontario. It has the second largest tonnage of any place on the Great Lakes and is the largest center of population between Lake Erie and New York City. It is growing with prodigious strides, and when once such an increased diversion of water for power purposes is permitted to be made from the Niagara River as can be safely granted without impairment to the scenic grandeur, judging by the growth of the city of Niagara Falls since the present diversion was made, the increase in population, wealth, and transportation by water will be rapid and enormous. For all freight originating in the Niagara frontier and to go east, or coming from the east with the Niagara frontier as its destination, the Tonawanda-Lockport-Olcott route is the best of the three routes and incomparably better than the Canadian route by the Welland.

Distances by the Welland Canal and by the two American routes to and from Olcott for freight from the east or going east and either originating in or destined to the cities in the American Niagara frontier

City	By the Welland Canal	By the Tonawanda-Lockport-Olcott route	By the La Salle-Lewiston route
	Miles	*Miles*	*Miles*
Buffalo	77	34	58
The Tonawandas	87	24	48
Niagara Falls	102	39	45
Lockport	99	12	60

Savings in distances in using the American routes on freight above described over the Canadian route

City	By the Tonawanda-Lockport-Olcott route	By the La Salle-Lewiston route
	Miles	*Miles*
Buffalo	43	19
The Tonawandas	63	39
Niagara Falls	63	57
Lockport	87	39

Similar savings in distances by the American routes over the Canadian route on round trips between the American Niagara frontier and places to the east

City	By the Tonawanda-Lockport-Olcott route	By the La Salle-Lewiston route
	Miles	*Miles*
Buffalo	86	38
The Tonawandas	126	78
Niagara Falls	126	114
Lockport	174	78

To-day the Niagara frontier has, as has been said, water transportation east only by the Erie Canal, which is too shallow to make it economical or practical.

Transportation by the Welland Canal to or from the east for the entire Niagara frontier would be both uneconomical and impractical because of the added distances shown by the preceding tables.

As the frontier already has deep-water transportation to and from the west, and the Welland Canal is neither practical nor economical for transportation to the east, it is hard to see how it is of advantage to or adds to the facilities of any part of the Niagara frontier.

On the other hand, with the Niagara River deepened to the same depth as the Great Lakes channels from Tonawanda to Niagara Falls, the Tonawanda-Lockport-Olcott route would not alone furnish the shortest and most economical transportation for the frontier to and from the east, but it would also be of very great value for water transportation between the different points in the frontier.

It is to be remembered, too, that the Niagara frontier, with all of the facilities which come with a million of population, would afford the many advantages needed by ships, such as supplies, dry docks for repairs, and, whenever advantageous, the taking on or discharging of part of a cargo, none of which advantages would be afforded on the route of the Canadian waterway.

Then, too, Buffalo, with its great harbor, would afford safety and protection to vessels in case of storm, with no such protection afforded the Erie entrance of the Canadian Canal.

Even for through traffic the Tonawanda-Lockport-Olcott route is shorter than that by the Welland Canal in distance and would be much shorter in time because, as has been said, of the fact that for much of the distance from Lockport to Olcott that route is between high banks, which will not wash, and a boat would not be required to slow down.

Because, therefore, it is better to own a canal of our own, better to control and operate it than to depend upon a foreign canal; because we have two routes on the American side, both of which are highly preferable for all traffic, and especially so to all freight originating in or the destination of which is the Niagara frontier, for navigation purposes to the Canadian route; because both of the American routes pass through a great center of population, where a great volume of freight originates and is received; because a canal by either American route will cost much less than the Canadian canal will cost; and because the operation of an American route will build up American commerce and help make certain that we continue to hold, as we do to-day, the great volume of transportation on the Great Lakes; and because the routes on our side are American routes and not foreign routes I earnestly advocate the speedy adoption of the project for the construction of an American canal connecting Lake Erie with Lake Ontario by a channel of the same depth as the channels in the Great Lakes.

It is to be borne in mind that the question is a practical and financial one. The International Joint Commission, representing this country and Canada, in 1921 agreed upon a report which was submitted to the Senate, Sixty-seventh Congress, second session, Document No. 114, pages 178 and 179, in which it was recommended that—

each country should be debited with its share of the entire cost of all works necessary for navigation, including the cost of the Welland Canal, based upon * * * cargo tonnage * * *.

The report said also—

* * * the fair and reasonable plan appears to be to divide the cost in proportion to the benefits each receives.

Our commerce on the Great Lakes amounts to over 100,000,000 tons annually and that of Canada to about 7,000,000 tons, so if the division is to be made in proportion to tonnage we would pay over $100,000,000 of the cost of the Welland Canal, and yet have no interest in it and no control over its operation. We can construct a canal of our own, a very much better canal, which we will own and control, which will serve our commerce infinitely better, at a fraction of what Canada would deem, if we use it, we should pay toward the cost of the Welland Canal. And we, a rich, prosperous people, want no friction with a smaller, poorer, and friendly neighbor over a question of this kind; we would want to pay what Canada deems fair or not use her canal.

There is another improvement for which there is a crying need on the Niagara River. We have throughout our century and a half of existence been allowing many of our water powers to run to waste and have been drawing, needlessly and extravagantly, to the extent that water power would take its place, upon our limited supplies of coal. The greatest of all our water powers is that at Niagara Falls. Two hundred and twenty-six

thousand cubic feet per second of water flow down the Niagara River. By treaty with Canada 56,000 cubic feet is diverted for power purposes—36,000 on the Canadian side and 20,000 in our country. Niagara Falls is divided into two parts, the American Falls, of 1,000 feet in width, and the Horseshoe Falls, 3,000 feet wide, with Goat Island between the two falls. Ten thousand cubic feet per second flow over the 1,000 feet on the American side, and makes a most beautiful spectacle, presenting a deep stream, with no rocks anywhere visible. The remaining 160,000 cubic feet flow over the Horseshoe Falls, most of it in a few hundred feet in the center of the fall, where it has eroded and worn back the face of the fall for hundreds of feet, while the greater part of the 3,000 feet is bare rocks, with practically no water flowing over it.

A miniature of Niagara Falls has been constructed adjacent to the bank on the American side of the river and is in operation, by which to demonstrate that by placing cement blocks in the bed of the Canadian side of the stream the flow of the water can be spread so that it will cover evenly the entire Canadian or Horseshoe Falls, just as the face of the American Falls is covered to-day. On the basis of 10,000 feet making a beautiful fall over a width of 1,000 feet, the Horseshoe Falls, after the spread in the flow of the river has been accomplished, should require but 30,000 feet to make as beautiful and satisfying a spectacle as the American Falls presents. This would result in its being safe to divert 130,000 cubic feet more for power purposes. I do not suggest that there be an immediate additional diversion of this amount of water, however. A diversion of 80,000 cubic feet, only two-thirds of what it would seem perfectly safe to divert, without impairing or imperiling the beauty or grandeur of the Falls, would be highly conservative and could not by any possibility do harm.

The question of permitting any additional diversion could be left to commissioners representing the two countries, who would proceed only as they found, on actual experience, it safe and wise for them to do so. Of course, the permit to divert additional water should be coupled with a condition that the licensees should construct the works in the Canadian River spreading the flow of the water over the Horseshoe Falls.

As a result of such an added diversion, and of simultaneously constructing works in the bed of the river to spread its flow, we would stop the erosion of the Horseshoe Falls and would have there a continuous fall, 3,000 feet in width, with no bare or unsightly rocks visible, but with only a beautiful waterfall for that entire broad width. Man will have improved upon nature, and this one of the seven wonders of the world will be a grander sight than it has ever before been. And at the same time, a diversion of 80,000 additional cubic feet per second will produce 2,400,000 additional horsepower, the equivalent of the enormous volume of 24,000,000 tons of coal annually. While this additional power will add enormously to the prosperity of the Niagara frontier, the question is by no means a local one. Through the power already developed, Niagara Falls has become the electrochemical center of the world, and the power has been carried besides to municipalities 200 miles away. The position of Niagara Falls as an electrochemical center enables it to manufacture many products of the greatest value to us in times of peace and in the World War this power produced over 80 per cent of many of the ingredients going into the manufacture of our munitions of war. All this has been accomplished through a diversion of only 20,000 cubic feet for power purposes on the American side. What stupendous results will be accomplished when we add 40,000 cubic feet more and put it at work for the benefit of the Nation. It is hard to conceive the enormous benefits which are certain to come to all of us.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama [Mr. McDUFFIE] may proceed for 20 minutes.

Mr. HASTINGS. As I understand, the gentleman is in favor of this amendment?

The CHAIRMAN. He is in favor of the amendment. The gentleman is the proponent of the amendment. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. The gentleman from Alabama is recognized for 20 minutes.

Mr. McDUFFIE. Mr. Chairman and gentleman of the committee, I hope I may have the attention of the distinguished chairman [Mr. MADDEN] and that he will be convinced of the absolute necessity for the adoption of this amendment. I was not surprised but somewhat gratified to hear the speech made by my friend Mr. DEMPSEY, the chairman of the Rivers and Harbors Committee, who said that while he was going along with the committee and support the $50,000,000 Budget figures, because of a certain situation in which he finds himself he is not in a position now that justifies him in going with many of those, even on his own side as well as on our side of the aisle, who believe that this amendment should be adopted.

His speech and attitude on this amendment reminds me of a little story I heard—if you will permit me to tell it—about a colored minister down home in the far Southland who was taking the devil for his text in a series of meetings. He talked about the devil day in and day out. He described the devil as having red skin, a long forked tail, forked hands and forked ears, breathing smoke from his nostrils, and with fire in his eyes. He could not say enough bad things about the devil. At the end of the seventh day, and late in the evening as the minister was as usual accusing the devil, a youngster in the community, dressed to look like the devil as he had been described, crawled in the window of the church. He had an electric apparatus which permitted him to have his eyes shine like fire, and as he smoked a cigarette the smoke was blown out of his mouth and nostrils. The congregation, of course, began to get to the door so as to pass out as quickly as possible. The devil got between the door and the preacher. The preacher being shut off from escape looked at him and said, "Mr. Devil, I want to say something to you." He said, "It is true I have said all manner of evil things against you. I have charged that all of these troubles and shootings in this community are traceable directly to you. I have said hard things about you, it is true, but I just want to say to you right now that my heart has been with you all the time." [Laughter.]

That, gentlemen, is the attitude of the chairman of the Rivers and Harbors Committee [Mr. DEMPSEY]. He is voting with the committee against the amendment and praying to God the amendment will be adopted. [Laughter and applause.] There may be others on your side in the same fix. I hope there are not many.

There is no pleasure, certainly none for me, and none on the Democratic side, in this or any other effort to disturb the President's Budget figures. The Budget is not a sacred thing, however, and Members of Congress owe something to their constituencies and the country as well as to the Budget. While the country may believe that but for the President's "sitting on the lid," the Congress would have long ago pulled all the money out of the Treasury and wasted it, the record shows—and I call the chairman [Mr. MADDEN] as a witness—that the Congress, under the leadership of himself and others, with the cooperation of the Democratic side as well, has appropriated since the installation of the Budget system $250,000,000 less than the President's Budget estimates.

Mr. MADDEN. It is more than $350,000,000 less.

Mr. McDUFFIE. So much the better. Then, why be afraid the Congress is going to run away with the Public Treasury and waste the country's financial resources?

Mr. MADDEN. We gave that back to the taxpayers, as the gentleman knows.

Mr. McDUFFIE. Yes; and in appropriating for this great work you are going to give the taxpayers more money and more advantages, according to the words of the President himself, who many times has approved appropriations for rivers and harbors, and even in his last message he said, "Improvements of this kind are compatible with economy." Again he said, "Such expenditures are creative of wealth; they add to taxable values and tend to lower the tax burdens." These are the words of the President of the United States, whose Budget officers cut the estimate of the engineers $5,886,310 without assigning any reason whatsoever.

The amendment I have just offered, gentlemen, which I hope you will adopt, simply raises the Budget figures from $50,000,000 to $55,886,310, the amount the engineers estimate is needed for the next year. Why should this be done?

The gentleman from Illinois [Mr. DENISON] just called to your attention the fact that since we adopted, or, rather, since some sort of suggestion was made that we should appropriate $50,000,000 a year for five years to complete a program; since we began that program we have added $73,000,000 in authorizations to be carried out and appropriated for by the Congress.

Mr. MADDEN. I wonder if the gentleman would answer the question which my friend, the gentleman from New York [Mr. DEMPSEY], failed to answer—whether in carrying out this five-year program you are going to add $72,000,000 to the program.

Mr. McDUFFIE. I do not know how many more projects are going to be added to the program. The Illinois River in the gentleman's State will need a little more attention. The survey provided for in this bill will determine that and fix our future policy in using all our inland waterways.

Mr. MADDEN. The Illinois River is only $3,000,000.

Mr. McDUFFIE. And I want to help the gentleman and will help him get that project completed at the earliest date. Does

the gentleman from Illinois wish to stop appropriating for projects that are absolutely necessary in the proper and orderly functioning of our transportation systems?

Mr. MADDEN. No: but I want the committee, including the leading Democrat on the committee and the leading Republican on the committee, who is the chairman——

Mr. McDUFFIE. I thank you, but I am not the leading Democrat on the committee.

Mr. MADDEN. Yes; the gentleman is easily the leading man wherever he happens to be. [Laughter and applause.]

Mr. McDUFFIE. The gentleman is very clever, but he is now "damning me with faint praise." [Laughter.]

Mr. MADDEN. Is it not worth being damned for?

Mr. McDUFFIE. Well, to say the least, I would rather have the gentleman's compliment in the cloakroom or elsewhere than at this particular time and place.

Mr. MADDEN. More people will know about it here.

Mr. McDUFFIE. Oh, well, the others here may have the same keen intelligence and perception the gentleman possesses and may have already found it out themselves. [Laughter.]

Mr. MADDEN. I am glad to know the gentleman acknowledges it. [Laughter and applause]. Seriously, if we are sincerely for the five-year program and want to complete it, of course we can not complete it if we double it in that time. That is fair, is it not?

Mr. McDUFFIE. That is fair; but we are not going to double it. There is no intention of doubling it. We must continue to adopt worthy projects.

Mr. DEMPSEY. What the gentleman means is that you can not complete the program if you add to it unless you simultaneously also add to the appropriation.

Mr. McDUFFIE. Why, of course.

Mr. MADDEN. That is not what I meant. [Laughter.]

Mr. WILLIAM E. HULL. May I ask the gentleman a question here which I think will clarify the situation?

Mr. McDUFFIE. Yes.

Mr. WILLIAM E. HULL. If this amendment carries we are then going on a basis of $55,000,000. We have a nine-year program ahead of us instead of a five-year program.

Mr. McDUFFIE. At the rate of $50,000,000 a year; yes.

Mr. WILLIAM E. HULL. If we keep on a $55,000,000 basis or probably raise it to $60,000,000, we can catch up, and then when certain projects are completed that money will go on the new projects that will come in.

Mr. MADDEN. Will the gentleman let me make just one statement here? While you are doing that, of course, you will have hundreds of millions of dollars to be appropriated for flood control. Do not forget that.

Mr. McDUFFIE. Let me say to the gentleman that the people of this Nation are committed to the proposition of controlling the flood hazards of the Mississippi River regardless of what we do in a bill of this kind or regardless of what happens to this amendment.

Mr. MADDEN. Not yet, but they ought to be.

Mr. McDUFFIE. Yes; and the Congress will endeavor to formulate—and I hope we can fix at this session—a definite, permanent, and adequate policy for Mississippi River flood control, and appropriate ample funds to begin the work at an early date.

Mr. MADDEN. I think they will, and I will help them.

Mr. McDUFFIE. Let me give the Members here a concrete example, from the hearings, as to what is going to happen in the expenditure of public funds for this work, if we expend $55,000,000, and, on the other hand, if we expend $50,000,000 during the next year. I want to call your attention to some of the new projects and show you how they are affected. These are the last projects adopted in the last river and harbor bill:

The Thames, Conn., under the $55,000,000 scheme, gets $300,000, while under the $50,000,000 it gets $250,000, a difference of $50,000.

Passaic (N. J.) and Hackensack Harbors get $300,000 under the $55,000,000 appropriation and $250,000 under the $50,000,000.

Appomattox, Va., would be cut down $11,000.

Channel to Newport News, in which the Navy is interested, cut down $82,500.

Beaufort-Cape Fear River Channel would be cut down $150,000.

Charleston Harbor, another place that the Navy is interested in, $15,000.

Savannah Harbor, $30,000.

Jacksonville to Miami, $50,000.

Sabine-Neches waterway, Tex., $220,500.

Galveston Channel, $71,000.

Moline, Ill., and Hastings Lock and Dam, Minn., instead of spending $1,500,000, as would be done under a $55,000,000 appropriation, under the $50,000,000 carried in this bill, they would spend $1,300,000, a cut of $200,000.

On the Missouri River from Kansas City to Sioux City it is hoped they can spend $600,000, whereas under the $50,000,000 program as now carried in the bill, they can only spend $450,000—a difference of $150,000.

The Illinois River, under the $55,000,000 program, they would spend $525,000, while under the $50,000,000 program they would spend $475,000.

At Michigan City there is only a change of $5,000.

At Sandusky Harbor, Ohio, under the $55,000,000 program they would spend $605,000, whereas under the $50,000,000 program only $500,000—a difference and reduction of $105,000.

In the State of California, for projects there, very worthy ones, too, $150,000 less can be expended under the terms of the bill as presented us than will be expended if my amendment is adopted. Let us remember that the usual amount for preliminary surveys—$250,000, which we always provide in addition to the $50,000,000—must, under this bill, come out of the $50,000,000. With $1,500,000 for general surveys, we have a total of $1,750,000 to be expended outside of the regular construction and maintenance work. This leaves less than $50,000,000 for the work next year.

It is elemental that the less money you give the engineers the less progress they are going to make. This money will not be wasted and there is no "pork" in this appropriation.

Mr. WILLIAM E. HULL. Is it not true that we only have $30,000,000 or $32,000,000 to expend on projects under the present plan?

Mr. McDUFFIE. I think that is true, and I thank the gentleman. The testimony before the committee shows that it is absolutely necessary to have $2,000,000 to begin what I think is the most constructive step forward taken by the Congress in years in reference to the utilization of waterways. This bill carries the initial appropriation for that work.

The last Congress provided a general study of all the streams of the country with a view of getting their maximum development from the standpoint of power, flood control, and navigation, treating each stream as a unit. Every State in the Union is affected by this survey, and the survey is for the progress in every State in proportion to the amount of money furnished by Congress to expedite this important work.

Many projects have been found useless—probably a hundred of them—on which the engineers are no longer spending much money. Some have been abandoned entirely. This study will disclose their uselessness, wherever they may be, and Congress can act more intelligently in striking these projects from the calendar, and thereby save that much money, which will go into the general fund for more meritorious and for the major projects of the country.

Here is a map recently made by the engineers and the Power Commission showing the country divided into zones. In each zone where you see a red figure, immediately on the passage of this bill the engineers will put their experts there to study every stream with a view of developing its maximum utilization for the purposes I have just mentioned; that is, for navigation, power, and flood control.

We are just entering the power age, the age of electricity, as we did the steam age. Electricity is being multiplied in its uses. It is doing away with the drudgery of the home and becoming the "hewer of wood and the drawer of water." The electrical industry is making more progress to-day than probably any other industry in the country. The time has come when we are going to need and utilize every water power and develop every stream in the country.

In 1869 our industries employed only about 2,350,000 primary horsepower, while at the last census in 1919 our industries employed nearly 30,000,000 primary horsepower, an increase of about 1,200 per cent. The use of electricity in manufacturing operations was first noticeable in 1889, when the census returns showed approximately 15,600 horsepower of electrical energy employed in manufacturing. At the last census in 1919, after a lapse of 30 years, this electrical power had grown to 16,317,000 horsepower. In other words, the last census showed that something over 55 per cent of the power used by our industries was electrical energy, and the increase during the last 10 years has been very rapid and enormous.

The value of all of our agricultural crops in 1899 was about $3,000,000,000. Twenty years later it was about $15,500,000,000, but our manufactured products, which in 1899 had a value totaling $11,400,000,000, reached the enormous total of $62,400,000,000 in 1919, or more than four times the value of all our farm crops put together. The figures for farm crops do not

include livestock. The importance of fully utilizing our power resources, therefore, can not be overestimated.

Who knows the power resources of our country?

Nobody. Many guesses have been made. For example, on the Tennessee the highest estimate was 1,900,000 horsepower, and a careful, detailed study, authorized by Congress, has shown that outside of Muscle Shoals the Tennessee River has 58 dam sites and more than 3,000,000 horsepower available. The same results, in proportion, may be found in other sections of the country. It appears that 72 per cent of the power now developed in this country is east of the Mississippi River, while 79 per cent of our potential power is in the West. This study or survey will point the way for capital interested in power development; it will show the potential power existing throughout the various sections of the country, and will not only mean the conservation of power resources but show the best plan for developing and using our inland streams to their maximum capacity for navigation, flood control, and irrigation as well.

Mr. DEMPSEY. Will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. DEMPSEY. Just as business has developed at Niagara, where we can develop 3,000,000 horsepower and supply a more beautiful and wonderful waterfall than we have ever had in all the history of Niagara.

Mr. McDUFFIE. Mr. Chairman, let me call attention to one more thought I have, and that is the vast use of our inland streams, connecting channels, the lake and coast harbors. Last year we carried on our water courses and our harbors more tonnage than ever before in the history of this Nation. That tonnage was carried at a saving to the producer and the consumer of many times the amount carried in this bill. Shall the greatest and the richest Nation in the world, worth some four hundred billions of dollars, hesitate to spend a few more million dollars in a work that is so all important as this? Last year we appropriated nearly four billions for the expenses and all governmental activities. Out of every dollar we used only 12½ mills for river and harbor development. If you put 540,000,000 tons of commerce in railroad cars, 30 tons for each car, you would have 18,000,000 carloads. This vast tonnage had a value of more than $27,000,000,000. Shall we hesitate? We can find money enough to put $7,000,000 and more down here on the Avenue, to buy or condemn a building and to build for the Department of Commerce.

Mr. MADDEN. Seventeen and a half million dollars.

Mr. McDUFFIE. Yes; but you raised the original ten millions seven and a half million dollars, and the amount you found for that raise is what I am talking about now. I do not know where it came from, but I know it appears mighty easy for the Appropriations Committee sometimes to find ample money for other purposes, while they blue-pencil appropriations for something that is bringing a return to the Public Treasury.

Mr. MADDEN. It was not so easy.

Mr. McDUFFIE. Well, it was done, and for Lord's sake let us get this amount raised a little.

Mr. OLIVER of Alabama. And does the amount carried in the gentleman's amendment correspond with the recommendation of the engineers?

Mr. McDUFFIE. Yes.

Mr. OLIVER of Alabama. Did the engineers in making their recommendations take into account the additional projects added since the $50,000,000 was agreed on?

Mr. McDUFFIE. Yes. I have just read a list of those. The engineers were authorized to submit a $50,000,000 budget, or did submit those figures to the Budget Office. They had estimated $56,000,000 in round numbers, but without reason, without giving any excuse the Budget Office blue-penciled $5,886,000, and said that was as much as we could have for river and harbor work. The committee, of course, followed the Budget. We know the committee likes to follow the Budget and the members do also. We appreciate the work done by that splendid gentleman from California [Mr. BARBOUR] and his colleagues on this subcommittee, but none of us are infallible. The subcommittee made a mistake in not providing amounts in accord with the engineers' estimate. Let us provide in this bill sufficient funds to carry on properly this important work for the benefit of all the people of the entire Nation. [Applause.]

Mr. HUDSON. Mr. Chairman, it seems to me that we are losing sight in this discussion of the real meaning of this amendment. It is not a question of whether this Congress is in favor of developing further river transportation and navigation. The whole question is as to whether the amount carried in the bill will economically and judiciously forward work on inland navigation as well as keep intact the harbors of the coast and the Great Lakes. All of us believe with the chairman of the Committee on Rivers and Harbors that this is a great problem that is before us, but we sometimes wonder just where he was talking when he made that speech. It made me think of a laborer we had on the farm, when I was a boy, who used to come into the corn field with his overalls on hind-side first, because he said he wanted the wear on both sides.

The bill appropriates $50,000,000 and they say they want more in this amendment because they want to finish certain work. Look at these figures on page 147 of the hearings, part 2, which show from year to year the balance that the engineers have to work on. The balance they say on November 1, 1927, was $56,428,534, and taking out the outstanding liabilities there was left an available balance on that date of $37,291,932.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. HUDSON. In just a moment.

Mr. McDUFFIE. I want to give the gentleman the exact figure.

Mr. HUDSON. Gentlemen on the other side will say that has been allocated. General Jadwin further says, in another place in the report:

> We find we can take these items and through wise discretion change them onto projects that ought to be finished first.

In other words, there is a balance of $37,000,000 which under the wisdom of the engineers can be placed anywhere in the completion of a project. On page 136 he says:

> We have eight or nine times as much work authorized by Congress to be done as we have money available each year for new work, so it gives us quite a good deal of discretion in the matter. We try to go over them all very carefully and recommend what we think is needed on those that are needed the most.

We might increase this amendment by several million dollars, instead of by $6,000,000, and we would not meet all of the demands of these projects.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. HUDSON. In a moment. The gentleman from Alabama [Mr. McDUFFIE] cited these various projects, suggesting that this State should lose so much and that State so much and so on. In the 46 projects there is a difference between the $50,000,000 and the $56,000,000 in round numbers of $2,000,000. The Chief of Engineers, General Jadwin, says in a report that it is often found that a project started will not warrant its completion, because there is not enough commerce to warrant it. You can not tell whether this project allocated here in this report will ever go to completion even if we give the other additional $6,000,000.

I read further from the hearings on page 159:

> Mr. BARBOUR. Will the appropriations carried in this bill enable you to carry on the work as expeditiously as heretofore, or possibly even to a greater extent than heretofore, because of the fact that you have a better organization, a better program, and a more smoothly working machine?
>
> Major ROBINS. Yes, sir. With the $50,000,000 we have had for the last few years, $50,000,000 for next year would enable us to keep our organization intact and our machine going smoothly. It will enable us to carry on the work at the same rate that we have carried it on for the last year.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield there?

Mr. HUDSON. In a moment. Just one more statement. Now, Mr. Chairman, there is only one item in this that I am concerned about, and that is in the $50,000,000 from which they are taking the item for a survey. That must be taken out of the $50,000,000, and I will offer an amendment to cover that amount, namely, $2,000,000.

The CHAIRMAN. The time of the gentleman has expired. The Chair would like now to recognize some gentleman in favor of the amendment.

Mr. CHALMERS rose.

The CHAIRMAN. The Chair will recognize the gentleman from Ohio.

Mr. CHALMERS. Mr. Chairman, this amendment in itself is not of paramount importance, and is important only in this, that the Committee on Rivers and Harbors and those Members of the House who are in favor of the proper development of water transportation feel that they should give notice to the Budget authorities and to the Committee on Appropria-

tions that they must plan for a sufficient appropriation to take care of the river and harbor projects within a period of five years.

We can not say that we can not afford it. Why, the farmer might just as well say that he could not afford to buy seed corn or seed wheat. I want to say this to the membership of the House: It is a small matter, but we of the Great Lakes States expect to come before the House in a short time for a large appropriation to deepen the lake channels. I introduced a bill in the House about two years ago for a 25-foot channel for the Great Lakes. That bill will probably be reported by the committee within a very few weeks. That project will possibly run into a total of approximately $60,000,000, and if we accomplish it in a five-year period it will cost approximately $12,000,000 annually.

Who can say we can not afford it? The chairman of our committee has stated this afternoon that we handle freight on the Great Lakes at a mill per ton-mile. What does it cost on the railroads? More then ten times that amount.

Mr. DEMPSEY. And three times as much on the sea and five times or six times as much on some of the inland waterways.

Mr. CHALMERS. I want to call your attention to the record of 1923 on the Great Lakes. There were 367 lake freighters locking through the Soo Canal and the St. Marys River. I want to give you the draft and the possibilities of these freighters. There were 367, disregarding the class below 2,000 tons. The average cost per ton on all of the tonnage hauled by these freighters amounted to 88 cents; 88 cents a ton for the haul, and the average haul was 801.3 miles. Now, I have figured the capacity of those 367 boats. They were built for greater service than they were able to perform. They were built, or some of them at least, for a draft of 24½ feet, but they were compelled to accommodate themselves that year to an 18¾-foot draft. If we had had a sufficient channel in the Detroit River, at the Limekiln Crossing, the Livingston Channel, in the St. Clair Flats, in the St. Marys River, and the West Neebish Channel, if we had had a sufficient depth, these 367 Lake freighters could have carried 26,000,000 tons additional freight. That additional amount could have been carried with the same crew, the same officers, the same men, and I want to say that the 88 cents a ton covers the loading and unloading of the freight except coal. Before I get through I hope to show that the cost of loading and unloading coal can be almost disregarded. What would have been the saving in actual dollars and cents if we had had the draft to accommodate these big boats?

Let us see what it is worth in dollars and cents, 26,000,000 tons additional and 88 cents a ton. Let us throw off 13 cents for the loading and unloading of coal, and that is ample. I have stood on the bank of the Maumee River and have seen the Hocking Valley and the New York Central derricks load coal into lake freighters. I have seen them load 260 tons of coal in three minutes. Those derricks pick a car right off of the tracks, elevate it, turn it upside down, and drop the coal into the hold of the ship, set the car on the tracks again, and the car will automatically go up an incline and away out to the yard miles away.

Two hundred and sixty tons of coal loaded into a lake freighter every three minutes, and that means 110,000 tons of coal every 24 hours. So 13 cents a ton will amply cover the additional cost of the loading and unloading of the coal. Then we have a clear profit of 75 cents a ton for every ton of extra freight loaded on these 367 boats, which amounts to $25,350,000 a year—not for all time, but for each year. And what is it going to cost to complete the project of the bill for deeper ship channels for the Great Lakes? From Buffalo to Duluth, a distance of 1,000 miles, to Chicago, and to all of the intermediate ports, what is it going to cost? Sixty million dollars, and an annual profit of over $25,000,000. When you add the Lake Michigan tonnage to that of Superior it gives us 33,800,000, tons. So that the entire tonnage saved will be 33,800,000 tons, which, figured at a profit of 75 cents, would amount to $25,350,000.

Do you tell me we can not afford that expenditure for approximately 50 per cent profit each year? So I want to say to the Membership of the House that while this is a small matter on this bill, it will, under the plans of our committee, require an expenditure to complete these projects in a five-year period of approximately $75,000,000. We are to-day simply laying the foundation for future water transportation policy. I thank the committee.

Mr. TABER. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The Chair is trying to hold the balance even, politically as well as geographically.

Mr. HASTINGS rose.

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. HASTINGS. Mr. Chairman, I think I may say that there is no man in the House who is more deeply interested in flood control than I am. I am interested in the internal development of our country. I do not want to throw an obstacle in the way of it. I am for the internal development of my country, and I have sought on the floor of the House during my brief membership here, to promote that object, and I have voted every dollar of encouragement where I thought the money would be expended for internal improvement.

This amendment is to add $5,886,310 to the $50,000,000. My understanding is that out of this $50,000,000, $1,500,000 will go for certain surveys that are allocated.

Mr. McDUFFIE. If we have this amendment adopted $2,000,000 will be spent for surveys.

Mr. HASTINGS. That is the point I am coming to. If this amendment is adopted, $2,000,000 will be allocated to surveys of certain rivers and streams.

Mr. HUDSON. Mr. Chairman, will the gentleman yield there for a suggestion?

Mr. HASTINGS. Yes.

Mr. HUDSON. I propose to offer an amendment that will take care of that proposition.

Mr. HASTINGS. I am not voting on future amendments. I am voting on this pending amendment. The point to which I want to invite attention is the injustice of this allocation. I represent in part the State of Oklahoma. That State is a typically Western State. It is deeply interested in the development of the Arkansas River. Let us see what this amendment will do to the second largest tributary of the Mississippi River, next to the Missouri River. Under the $50,000,000 as it stands in this bill a million and a half dollars is allocated to surveys. I invite your attention to pages 156 and 157 of the hearings. Out of that there is allocated to the Arkansas River and its tributaries for surveys what? Fifty thousand dollars. If we adopt this amendment, then I understand $2,000,000 will be taken out of it for surveys. Let us look at the Arkansas River. It gets $50,000 under the one, and if you add the amendment it gets $50,000 out of the $2,000,000. Most other streams get increases for surveys.

Now, Mr. Chairman and gentlemen of the committee, I am not going to stultify myself by sitting on the floor of this House and permit this discrimination against one of the great rivers of the country, and I am not going to vote for any amendment which does not do justice to the Arkansas and to all other streams.

Mr. ABERNETHY. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. ABERNETHY. Does the gentleman think he can help the Mississippi flood situation by cutting out $150,000 for a project of mine and vote me out because the gentleman will not get a few dollars more?

Mr. HASTINGS. I will answer that in this way, that we have sat here in patience for years and years; we have tried to lift up our voices for one of the great streams of this country, and we are not going to sit idly by any longer. The voice of the Arkansas River is going to be heard upon this floor, and we are going to demand that justice be done the Arkansas River along with the other streams.

I have been appealing in every way I can for justice to be done to the Arkansas River. Next to the Missouri River, it is the longest tributary of the Mississippi. It is 1,460 miles long. It rises in Colorado and flows through Kansas, Oklahoma, and Arkansas, emptying into the Mississippi. Appropriations were made to improve the Arkansas River as far back as 1832 and as far up the river as Wichita, Kans. This major tributary of the Mississippi has been held navigable by the Government for a hundred years. It was actually navigated as far up as Fort Gibson, which is opposite Muskogee, for 75 years. When railroads were built through the country transportation on the river fell into disuse. During the past few years little, if any, appropriations have been made for snagging or keeping the channel open or reveting its banks. During my first term in Congress we succeeded in getting an appropriation of $235,000 for the Arkansas River in Arkansas and Oklahoma. We were not able to force the engineers to expend any of this money on the Arkansas River in Oklahoma. I know that the river is navigable, provided a reasonable amount of money is expended in opening up and keeping clear the main channel of the stream.

Let us examine the allocations found on pages 156 and 157 of the hearings on this bill. I am inserting the tables found in these two pages, which are as follows:

Tentative allotments for fiscal year 1929 for surveys of streams in the interest of navigation, flood control, power development, and irrigation (H. Doc. No. 308, 69th Cong., 1st sess.)

Stream	On basis of $1,500,000	On basis of $2,000,000
St. Croix	$5,500	$7,400
Machias	4,000	5,000
Union	3,000	4,000
Penobscot	15,000	20,000
Kennebec	12,000	17,000
Androscoggin	8,000	10,000
Presumpscot	3,000	4,000
Saco	5,500	7,400
Kennebunk	3,000	3,700
Salmon Falls	4,000	5,000
Merrimack	12,000	16,500
Taunton	1,000	1,000
Pawtucket	1,000	1,000
Pawcatuck	1,000	1,000
Thames	1,000	1,000
Connecticut	11,500	11,500
Housatonic	1,500	1,500
Hudson and tributaries	37,300	37,300
Lake Champlain	700	700
Poultney	1,500	1,500
Otter Creek	2,500	2,500
Boquet	1,600	1,600
Ausable	300	300
Saranac	300	300
Big Chazy	2,700	2,700
Winooski	3,300	3,300
Lamoille	2,700	2,700
Missisquoi	2,600	2,600
Raritan	5,000	11,000
Delaware and tributaries	50,000	68,000
Susquehanna	9,000	12,000
Potomac	48,000	64,000
Patuxent	6,500	9,000
Rappahannock	9,500	13,000
Pamunkey	10,000	13,500
James	6,500	8,700
Roanoke	6,200	8,300
Meherrin	1,300	1,500
Neuse	4,500	6,000
Tar	1,000	1,500
Monongahela	6,400	8,500
Ohio	2,600	3,500
Beaver	1,000	1,500
Muskingum	13,000	17,000
Little Kanawha	8,000	11,000
Big Sandy	7,500	10,000
Guyandot	15,000	20,000
Kanawha	16,000	22,000
Miami	7,500	10,500
Licking	8,000	11,000
Kentucky	500	500
Salt	1,800	2,500
Green and barren	12,000	16,000
Wabash	34,000	45,000
Tradewater	1,200	1,500
Rainy	2,700	3,600
Kawishiwi	1,000	1,400
Vermilion	3,000	4,000
Little Fork	3,300	4,500
Big Fork	3,300	4,500
St. Louis	1,100	1,500
Pigeon	1,600	2,200
Brule	1,400	1,900
Temperance	700	950
Poplar	700	950
Baptism	700	950
Beaver Bay	700	950
Cascade	700	950
Gooseberry	700	950
Devil Track	700	950
Manitou	700	950
Bad	2,600	3,500
Montreal	1,300	1,800
Cape Fear	7,500	10,500
Yadkin-Peedee	3,000	4,000
Santee Basin	3,000	4,500
Savannah	2,600	3,500
Altamaha and tributaries [1]	3,200	4,200
St. Marys	600	1,000
Satilla	600	800
Suwannee	1,500	2,000
Withlacoochee	2,500	3,500
Mobile, including Coosa and tributaries [1]	60,000	68,000
Apalachicola	25,000	46,000
Pearl [1]	25,000	28,500
Tombigbee and tributaries [1]	40,000	54,000
Warrior and tributaries [1]	35,000	42,500
Calcasieu	7,500	10,000
Amite	5,200	7,000
Tickfaw	3,700	5,000
Tangipahoa	3,000	4,000
Chefuncte	2,200	3,000
Bayou Nezpique	3,400	4,500
Bayou Teche	1,500	2,000
Guadalupe	5,000	12,500
Red [1]	51,000	51,000
Ouachita	25,000	25,000
Yazoo and tributaries [1]	24,000	24,000
St. Francis	10,000	10,000
Arkansas and tributaries	50,000	50,000

[1] Added by Congress.

Tentative allotments for fiscal year 1929 for surveys of streams in the interest of navigation, etc.—Continued

Stream	On basis of $1,500,000	On basis of $2,000,000
Mississippi and minor tributaries	$35,500	$43,000
Meramec	8,000	11,000
Iowa	4,000	4,000
Des Moines	3,000	3,000
St. Croix	5,700	7,000
Chippewa	3,300	4,000
Wisconsin	33,000	42,000
Missouri and tributaries	70,000	90,000
Cumberland	71,000	97,000
Tennessee	100,000	100,000
Allegheny	9,000	12,000
Amnicon	700	950
Sturgeon	1,200	1,600
Carp	700	950
Manistique	3,500	4,700
Menominee	8,000	11,000
Peshtigo	2,600	3,500
Oconto	2,600	3,500
Wolf	7,300	9,700
St. Joseph	10,000	13,500
Kalamazoo	4,700	6,300
Grand	10,000	13,000
Muskegon	3,700	5,000
Manistee	3,600	4,800
Illinois	40,000	54,500
Eel	8,500	16,000
Mad	5,000	9,000
Klamath	15,000	25,000
Sacramento	12,000	16,000
San Joaquin	16,000	22,000
Kearn	4,000	5,000
Columbia	57,000	116,000
Cowlitz	1,000	1,500
Lewis	1,000	1,500
Willamette	7,000	10,000
John Day	2,000	9,000
Snake	25,000	60,000
Skagit	14,000	21,000
Stilaguamish	7,000	13,000
Snohomish	7,000	20,000
Chehalis	5,000	12,000
Puyallup	5,000	10,000
Total	1,500,000	2,000,000

Without this amendment it will be noted there will be allocated to the Arkansas River $50,000. With this amendment adopted there will be allocated to the Arkansas and its tributaries only $50,000. That is what I object to. There is a discrimination against the Arkansas River. There are innumerable small streams mentioned in this table not known out of the county through which they run, and practically every one of them gets an additional amount for a survey if this amendment is adopted.

Take the first one, for instance, the St. Croix. As the bill now stands it gets $5,500. If the amendment is adopted it gets $7,400. The Arkansas River, the second most important tributary of the Mississippi, gets not a single dollar additional if this amendment is adopted. Let us take the Cape Fear River. It gets $7,500. If the amendment is adopted it gets $10,500. Let us take the important River Tickfaw. It gets $3,700. If the amendment is adopted it gets $5,000, or an increase of $1,300. Who knows where this stream is? Then let us take the Amite River. It gets $5,000. If this amendment is adopted it gets $7,000. Search your geography for this river. Let us take the Missouri and its tributaries. It gets $70,000. If the amendment is adopted it gets $90,000. Take nearly all of the other items; the same increase applies. I am not complaining against the amount appropriated for the Missouri and its tributaries, but I do not propose to sit on the floor and permit the Arkansas to be longer discriminated against, and until justice is done the Arkansas River I want to serve notice upon the Members of the House that I am not going to vote for increased allocations for other streams without allocations for the Arkansas River. My State and district are deeply interested in flood-control legislation. I will go as far as any Member of the House in making adequate appropriations for surveys and flood control. I favor river and harbor improvements, and I favor the use of the rivers of our country to cheapen freight rates, but I will not longer sit silent and permit the Arkansas River to be thus discriminated against. The Board of Engineers might as well know that now. Major Putnam in 1915 made an illuminating report, urging additional appropriations for improvements on the Arkansas River. It can be made navigable, and in my judgment it is a mistake not to do so. It is urged that I can get this another year, or out of another appropriation. That does not satisfy me. I have heard that long enough. What we want on the Arkansas River is an adequate appropriation to carry forward the work now. If we do our duty with the Arkansas River and this river is restored to its usefulness, we

need not fear but what the coming generation will continue adequate appropriations for it. I want to urge, and repeat again, that no one in Congress is more interested in the internal development of our country than I am; but the members of the Committees on Rivers and Harbors and Flood Control have to be made to understand that the Arkansas River is on the map, and that we must have appropriations for it, and that justice must be done this river while appropriations are being made for the other streams throughout the country. The time to get these appropriations is when bills like this come up for our consideration. I am going to continue to urge as strongly as I may the importance of this river, and, of course, in order to get it improved we must make adequate appropriations for surveys so that correct estimates may be submitted for appropriations.

Mr. TABER. Mr. Chairman and gentlemen of the committee, I realize it is not a popular thing to come here and oppose an increase in appropriations. Personally I favor the improvement of our rivers and harbors just as rapidly as it can be done in decency and appropriate enough money to reasonably take care of them, but I do not see any sense in going beyond that.

We have heard a little bit about the survey item. I call your attention to the statement of General Jadwin and Major Robins on page 155 of the hearings. In the preliminary allocations of their $50,000,000 they allocated $1,500,000 for surveys, but they kept back about $3,000,000 to be allocated later. General Jadwin says that that $1,500,000 can very readily be increased to $1,800,000 or $2,000,000. That is the survey end of the situation.

I want to go into the status of funds. On pages 158 and 159 you will see that in June, 1925, they had an unexpended balance of $69,471,000 and liabilities and contracts amounting to $21,500,000, or a net amount in the Treasury of $47,900,000. In June, 1926, they had an unexpended balance of $72,433,000 and contracts and liabilities of $17,000,000, or a net unexpended balance of $55,000,000, an increase of $8,000,000 over the year before. In June, 1927, the unexpended balance in the Treasury was $81,000,000, contracts and liabilities $25,000,000, net $56,000,000, an increase of $1,000,000 over the year before. On July 1, 1926, they had unallocated sums from the year before of $668,000. On July 1, 1927, they had unallocated sums of the year before of $2,167,000, an increase all the time.

We are not in a position where we need to increase this appropriation to let them go on in decency with the work. I want to call your attention to one part of the authorization act, which is now section 621 of the code:

> Any public work on canals, rivers, and harbors adopted by Congress may be prosecuted by direct appropriations, by continuing contracts, or by both direct appropriations and continuing contracts.

Which is practically an authorization for the entering into of any work which needs to be done immediately.

I want to call your attention to one other thing. These contracts and these projects can be carried on much better than they could in the years before, because now the department and the contractors have available a great lot of equipment suitable for the projects and they can do a lot more work with the same money. Taking all this into consideration, I think we have carried enough in this appropriation bill and that it should not be increased.

Mr. WILLIAM E. HULL. Mr. Chairman and gentlemen of the committee, I simply want to answer some of the statements with reference to the amount of the balances which the gentleman who preceded me and the gentleman from Michigan [Mr. HUDSON] said were in the Treasury. We brought General Jadwin before our committee and we asked him about the present balance, which is about $69,000,000. Remember, that when he made that report it was July, 1927. In that $69,000,000 was the $50,000,000 that you appropriated last year. Consequently, when you run around to July 1, 1928, you will have spent the $69,000,000, with the exception, probably, of a balance of from $10,000,000 to $20,000,000, which is necessary to run the business. In other words, put it on a business basis. If you are running a wholesale business you have got to have a balance in the bank of $20,000 or $30,000 that you can check against. In a business of this kind, where you are spending $50,000,000 a year, you have to have a balance that you can check against in order to keep your contracts going. This is necessary from a business standpoint, and you can not do business without money. In carrying on this work, if you allowed them to go along in any other way, then by July 1, 1928, the Treasury account they are drawing against would be out of funds. So they are dependent upon the appropriation you are talking about for next year's river and harbor work.

As far as I am concerned, I can get along with the Illinois River and take the reduction. It does not make any difference to me personally, but if you are going to complete these projects, then you must have more money; and, as the gentleman from New York [Mr. DEMPSEY] has told you, we ought to appropriate at least $65,000,000 a year until we can catch up and get these projects done. If you continue to do it the way you are doing it now, you will waste more by delaying the projects than you will gain.

Let us take the Missouri River as an illustration. Under the proposed plan of $55,886,310 we can probably have the Missouri River dredged so that we can use boats on it in three years' time and give the farmers of the West the opportunity of shipping their grain over that waterway.

Mr. HUDSON. Will the gentleman yield?

Mr. WILLIAM E. HULL. I can not yield now.

Therefore I say that letting this thing drag along with small appropriations is on the same principle of a man deciding to build a house and contracting with me to go ahead and build a house for $10,000, but when I have completed the house up to the point of plastering it he would then say to me, "We will not plaster until next year." Would there be any common sense in holding up the construction of a house a whole year because you did not want to plaster it? The same thing is true with respect to this river and harbor proposition.

We had on January 1, $46,000,000 unexpended. Seventeen million dollars of that amount has already been allocated, leaving a balance of $29,000,000 which they will have to use for other projects between now and July 1.

I am making this speech more with the idea of clarifying the thing, if I can, in a common-sense way, and to show that on July 1, 1928, if you did not appropriate any more money, you would be practically out of funds entirely.

Mr. BRIGGS. Will the gentleman yield for a question?

Mr. WILLIAM E. HULL. Yes.

Mr. BRIGGS. Is it not true that the Chief of Engineers reported that for last year they carried over the waterways and through the harbors of the United States, including the Panama Canal, commerce of over 500,000,000 tons, valued at over $26,000,000,000, the greatest ever carried in the history of this country.

Mr. WILLIAM E. HULL. That is true.

Mr. BRIGGS. Showing the port development and the necessity of transportation facilities within the country.

Mr. WILLIAM E. HULL. Yes.

Mr. ABERNETHY. Mr. Chairman and gentlemen of the committee, I shall only detain you a few moments. I want to address my remarks to this side of the House for the time being, and particularly to the gentlemen who were in the great controversy involving the Illinois River and the lake diversion last Congress.

The gentleman from Alabama [Mr. MCDUFFIE] in the facts and figures which he gave here, shows that unless this increase is made, the continuation of the inland waterway beginning in my district is cut to the extent of $150,000 this coming year. This cripples for several years the completion of that great inland waterway.

You gentlemen of the Missouri River territory, you gentlemen of the Illinois River territory, you gentlemen who want to carry through this flood-control program for the Mississippi River, and to the gentleman from Oklahoma who is not satisfied with this amendment because he is not going to get $100,000 but $50,000—think of the situation on the rivers and waterways in my country. We do not get a cent for any survey unless this amendment is passed and are cut $150,000 on the inland waterway appropriation. The gentleman from Oklahoma gets $50,000 for surveys in any event. We have stood with you people on the Mississippi River, we have stood with you on the Missouri River, we have stood with you on the Illinois River, and now we ask you to stand with us on this proposition if you expect us to stand with you in the future. [Applause.]

Mr. NEWTON. Mr. Chairman and gentlemen, we have just heard from "the boys," or at least one of "the boys" on the Arkansas River who seemed to favor this proposition but was not going to vote for it. You are now going to hear from one of "the boys" on the Mississippi River who is in favor of the amendment and is going to vote for it. [Applause.]

Mr. MADDEN. If the gentleman will permit, some one has said here that the murmur of the waters of the Arkansas flowing down to the Everglades is like the singing of the birds.

Mr. NEWTON. I understand so, but I would like to have it articulated here with a little different kind of note.

Here is the way I look at this proposition, and it is the way I have tried to look at each and every one of these rivers and harbors appropriations for the last several years. We have a policy that has been established by Congress, a legislative policy of authorizing certain projects.

Under the law it is the duty of the Chief of Engineers to study these projects and to annually advise us just how much

money he can economically expend in a given year in carrying out the policy of Congress.

During the past several years we have had considerable trouble here in the House in getting the appropriation up to the estimate of the Chief of Engineers. If my recollection serves me correctly, for some two or three successive years the Budget estimates were substantially less than the estimates of the Army engineers. Congress felt that it had laid down the legislative policy and that there should be appropriated sufficient moneys so that that policy could be put into effect. We in the House felt that the judgment of the Army engineers was better than that of the Director of the Budget. On those successive occasions the appropriation was increased so as to conform to the estimates of the Army engineers.

We did not want to override the Budget; neither did we think that the Budget ought to override the express wish of Congress. Happily an understanding was entered into by the rivers group with the executive branch of the Government about two years ago. This understanding in substance called for the completion of the then authorized projects in a period of five years, with an annual appropriation of $50,000,000 for that purpose. As a result of that understanding provision was made for $50,000,000 two years ago with a like sum one year ago.

During the last Congress we passed a new rivers and harbors authorization act. It was the first one of its kind for years. We authorized additional projects aggregating an expenditure of $72,000,000. I voted for that bill, and when I did so I did not have the idea that I was making a mere gesture in favor of the development of our inland waterways. To me it was the commencement of an additional program of river improvement, the commencement of which was to be in the immediate future and the completion of which was to come along in due time. It did not occur to me that the passage of that legislation was going to result in decreasing the expenditures upon existing projects. Certainly no one supporting that measure had any such thought. Congress was announcing a supplemental program of rivers and harbors construction, and we naturally thought it was going to be carried out.

Mr. HUDSON. Will the gentleman yield?

Mr. NEWTON. I can not yield until I complete my statement, if the gentleman will permit, and then I will be pleased to yield.

Mr. Chairman, I certainly counted upon the cooperation of the Budget in the carrying out of this express policy of Congress. However, when we came back here this fall we found out that no additional provision had been made for the commencement of any one of these projects. The Budget called for only $50,000,000. This clearly meant that either the earlier program was to be slowed up, or that no work whatever was to start on any of the new projects. This was disappointing. Then, as I looked into the question more closely, I learned that as a matter of fact the Budget was not even recommending for existing projects the sum of $50,000,000, which had been recommended one year and two years ago.

Heretofore it has always been the practice to carry a blanket sum for the projects—this has been $50,000,000 the last two years, as I have said—and an additional sum for the survey items. Whatever was appropriated for surveys was in addition to the sum appropriated for projects. It will be observed that the Budget this year recommended $50,000,000, which was to cover both projects and surveys. Now, the surveys that the Army engineers contemplated making this year and which had been authorized by Congress called for an appropriation of nearly $2,000,000. Therefore, if this appropriation is to stand as it is, the appropriation for the projects that Congress has authorized will have been cut down approximately $2,000,000 less than what they were one and two years ago. This means that we can not even carry out the five-year program that was in existence when the understanding was entered into.

Are we for the improvement and development of our inland waterways or not? Are we merely playing with this proposition? I feel this way about it: The legislative branch of the Government, with the approval of the Executive, has announced the policy. Having announced that policy, we ought to pass an appropriation bill which will carry it out. I have examined the hearings and it is perfectly clear from the testimony of General Jadwin that he and his assistants feel that if this policy of Congress is going to be carried out in an efficient and economical way that the appropriation ought to be $55,800,000. When General Jadwin so reports, he does so with the full appreciation of the responsibilities of his position. He knows the situation. He knows what his job is. He knows where his equipment is, where his help is located. He ought to know more than anyone else how this program can be economically and efficiently carried out if the policy of Congress is to be carried out.

I believe in the development of our inland waterways. There is not a day hardly but what information comes to me of the extreme desirability, if not necessity, to the industrial and agricultural interests of the Middle West for cheaper and more adequate transportation. The products of our farms come into competition on our eastern and western coasts with the farm products of foreign countries. These countries have a cheap ocean freight haul to our coast, whereas our farmers have an expensive railroad freight haul. Therefore I want to see these projects which Congress has started finished just as soon as they can be economically finished.

Mr. HUDSON. Does the gentleman think the addition of $6,000,000 is a proper ratio for the $72,000,000? If you will make the basis of the change $72,000,000, I will vote for ten or fifteen million dollars to do it.

Mr. NEWTON. Here is the situation: We are never going to complete these projects unless we get the money, and we have not got the money this year that we had two years ago. Let me ask the gentleman, Does he think that in this bill we ought to take less than we had a year ago and less than we had two years ago?

Mr. HUDSON. No——

Mr. NEWTON. Then the gentleman very clearly ought to vote for our amendment. [Applause.]

Mr. HUDSON. No; because the engineer has said that the machinery set up could use $50,000,000.

Mr. NEWTON. Oh, no!

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. BRIGGS. Mr. Chairman and gentlemen of the committee, anybody who has read the hearings before the Appropriations Committee with reference to river and harbor items ought to be convinced that the amount of $50,000,000 is altogether insufficient.

Mr. Robbins, for the Chief of Engineers, testified that with an annual appropriation of only $50,000,000 it would take eight or nine years to complete the new work now in sight.

This appropriation of only $50,000,000 proposed by the committee denies the completion of new projects within a reasonable time as outlined by the Chief of Engineers. Of course, Members of Congress must know that these balances in the hands of the Chief of Engineers which we have been hearing about are not surplus funds which can be added to the appropriation carried in this bill. They are balances not available to new authorized projects; they are balances which represent commitments already made; obligated funds and funds yet to be allocated for maintenance and carrying on river and harbor work throughout the remainder of the whole fiscal year ending June 30, 1928.

When you state that a large balance existed on the 1st of November, you must remember that the engineers have to carry through project work until the 1st of July out of that appropriation. It must be further remembered the engineers tell you that they can not do as much work in the colder season of the year as they are able to do in the warmer season, and they do practically double the work in the summer months that they do in the winter months. If you test your balance in the winter, you are taking out of the equation that feature which is so sharply emphasized by the engineers.

It seems to me penny-wise and pound foolish to be postponing the completion of these projects adopted by the Congress, and which represent urgent need of the improvements authorized.

The Chief of Engineers calls attention in his testimony to the fact that where they have plans ready to carry through this work it means an actual loss to the Government not to carry them through in accordance with the plans as contemplated. He says, page 152 of the hearings:

> If that plant is not employed continuously somebody has to pay for it, and in the long run the Government must pay for it in the cost of the work, because you will get less work for the money. From our experience in the past we have found that when the appropriations were dropped they were discontinued, and it is hard to get the work done at the right prices under those conditions.

Not a great many of our citizens probably are familiar with the tremendous commerce moving over the waterways of the Nation, and through its great ports.

The 1927 report of the Chief of Engineers, United States Army, page 3, volume 2 of such report, reflects that the commerce of the United States during the calendar year 1926 amounted to the vast total of 540,500,000 tons, valued at $26,722,000,000, which the Chief of Engineers, in his testimony before the Appropriations Committee of this House, further stated was the greatest amount of commerce ever before carried in the history of this country.

There is probably no service by the Government which has produced greater returns for the people than is exemplified in the great river and harbor projects of the Nation.

Without the existence of deep-water ports the great foreign or coastwise trade of the United States could never have been developed to anything like its present proportions.

Foreign goods moving through such national gateways as Galveston, Texas City, New Orleans, Mobile, Savannah, Charleston, Norfolk, Baltimore, Philadelphia, New York, Boston, Seattle, Portland, San Francisco, Los Angeles, and other great ports, are paying custom duties into the United States of over $500,000,000 a year.

In addition to such enormous sum in custom receipts so collected, the great river and harbor national gateways have exercised a tremendous influence in the reduction of freight rates to and from the ports, and have further resulted in the rapid development and increased wealth of the territory within the States contiguous or adjacent thereto.

The United States engineers have officially indicated that the creation of the great port of Galveston has resulted in rate reductions amounting from $10,000,000 to $20,000,000 annually; a saving to the people in one year of the total cost of the river and harbor improvement at Galveston throughout its whole history.

The Chief of Engineers has indicated plainly that, if the proposed river and harbor appropriation for all the waterways of this country is not increased from $50,000,000 to $55,000,000, the completion of the new work authorized in the last river and harbor bill, with other projects, will be materially delayed.

Instead of being able to allocate the sum of $621,000 for completion of the 32-foot project at Galveston within the next year, the Chief of Engineers has notified Congress that only $550,000 can be allocated to this most important improvement at the port of Galveston, which has recently attained the distinction of handling more than a billion dollars of commerce in one year.

In the last eight years commerce through the port of Galveston has practically doubled; and when Congress last year learned how great and increasing a service it was performing for the Nation, and particularly for the southwestern part thereof, and how great a need for an even deeper channel existed, it directed an increase of the project depth in Galveston Channel as well as an increased depth in Galveston Harbor. It is urgent that the money for this and other projects authorized should be provided with the least possible delay, so that such projects can be promptly carried to completion.

The testimony of the Chief of Engineers and his assistants have demonstrated beyond question that funds on hand are only sufficient to carry on the work estimated for in the last Army appropriation bill, and that it is absolutely essential that the customary reserve be maintained in order that the engineers will at all times have some funds on hand with which to meet unexpected and very serious situations in the maintenance of the river and harbor work of the United States.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. BRIGGS. Yes.

Mr. McDUFFIE. As a matter of fact, at the end of each fiscal year the only money unallocated by the engineers is the amount of approximately $5,000,000, which they must keep for emergency purposes.

Mr. BRIGGS. Certainly; they must have a reserve fund, and they testified in these hearings that if they had not done that, they could not have carried through the relief and survey work which they did on the Mississippi last summer after that terrible flood. The Congress of the United States was not in session, and there was no source to which they could turn except to the reserves held by the engineers, and through the use of those reserves the work was accomplished.

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. BRIGGS. No. I am sorry I can not. My time is too limited.

Mr. HUDSON. I would like to call attention to the fact that "allocated" is not "contracted."

Mr. BRIGGS. I understand that perfectly, but the allocation of these funds to other projects delays matters. The great Intercoastal Canal has allocated to it a sum of money, and they are waiting now only for the rights of way. If you transfer that allotment to some other project, you will have seriously delayed the completion of that great project. You are not carrying out your program, but you are procrastinating and delaying your program by such a course, and this Congress ought to adopt this amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BARBOUR. Mr. Chairman, I do not think there is anything that I can say at this time that will change anyone's vote on this amendment. It is one of the river and harbor proposals which always bring a big crowd to the floor of the House, and always cause more or less enthusiasm; but there is no occasion for any enthusiasm on the part of the average Member interested in river and harbor projects in this amendment. My good friend from Ohio [Mr. CHALMERS] made a fine speech about the Great Lakes and the necessity for the deepening of the channels and harbors of the Great Lakes. If this amendment is adopted, the Great Lakes are not going to get any of it to speak of. The amount that would go to that section of the country would not make a ripple in a fish pond, let alone do any good to the Great Lakes. The amount that would go to the great majority of the projects in this country that you gentlemen are interested in would not make any difference at all if you should get any of this $5,586,310. What are they going to do with this money if the amendment is adopted? You will find at page 294 of the hearings General Jadwin said:

> It was my further intention, had the $5,000,000 increase in the appropriation been approved, to allot from that about $2,000,000, so that they would have pretty close to $5,000,000 instead of $3,000,000 allotted the coming year.

He was talking about the Missouri River between Kansas City and the mouth. Two million dollars of your $5,000,000 is going into that one project.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. No. General Jadwin further said:

> Allotting the remaining $3,000,000 of the $5,000,000 to other works would then have given approximately the same ratio in which the $50,000,000 is allotted; since the $50,000,000 is divided, about $20,000,000 in the Mississippi system and about $30,000,000 to the Great Lakes and the works on the three coasts.

According to that statement the Missouri River below Kansas City is going to get $2,000,000 and the whole Mississippi system is going to get about $1,300,000 of the $5,585,000 in addition to what it will get under the $50,000,000, and then all of the rest of the country, the Great Lakes included, I will say to my friend from Ohio, and all of the Atlantic coast and all of the Gulf coast, down in my friend McDUFFIE's section of the country, and all of the Pacific coast——

Mr. McDUFFIE. It does not affect my district at all.

Mr. BARBOUR. I have not yet yielded. All of these sections of the country are going to get about $2,300,000. Gentlemen, what do you expect to get in this division of the $5,558,000? Ninety-five per cent of you are not going to get any benefit worth mentioning. Major Robins testified before the committee that the only thing the $50,000,000 will not do is to enable them to rush certain important projects that there is a great demand for. So if you get your additional $5,558,310 the only thing which they can do which they could not otherwise do would be the rush of a few of the projects.

Mr. CHALMERS. Mr. Chairman, the gentleman has referred to me. Will he yield?

Mr. BARBOUR. Yes.

Mr. CHALMERS. I just wanted to say this, that we of the Great Lakes are looking to the future.

Mr. BARBOUR. Well, that is a good time to look to, and not the present, in regard to this appropriation.

Mr. HUDSON. And if the House will adopt my amendment, it takes care of that very thing that the gentleman speaks of?

Mr. BARBOUR. Absolutely.

Mr. HUDSON. That $2,000,000.

Mr. BARBOUR. Gentlemen, there is a regular, businesslike way of doing this. The committee has been appropriating for the last two or three years $50,000,000 a year for rivers and harbors. A few years ago the appropriation bills for the War Department carried $40,000,000 a year for river and harbor work. Then there came before the committee certain Members of the House who were interested in the waterways of this country.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BARBOUR. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARBOUR. These gentlemen came before the committee. They did not represent the Rivers and Harbors Committee; they did not represent anybody, probably, but themselves; but they told the committee that if it would increase the appropriation to $50,000,000 a year all of the work that was necessary to be done would be taken care of. I know the answer to that is that since that time we have authorized new projects. Then the businesslike way of handling those new prospects is to go

through the Budget and come here to Congress with estimates. If we now tie onto this bill this additional $5,586,310 for certain favored projects, it is going to establish a precedent that will do us no good in the future, because when a river and harbor appropriation comes in hereafter it will not go through with orderly consideration, but everyone who has a favorite project will then have this precedent before him for adding to the appropriation and tying his favorite project onto the bill.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. McDUFFIE. The gentleman stated that nobody would get any benefit with the exception of one or two projects.

Mr. BARBOUR. Well, say three or four.

Mr. McDUFFIE. I want to call the gentleman's attention to page 151 of the hearings, where practically $2,000,000 is taken off the projects adopted in the last bill, to say nothing of the projects existing when the later projects were adopted.

Mr. BARBOUR. For surveys?

Mr. McDUFFIE. Not altogether for surveys.

Mr. BARBOUR. But there were many of these projects that did not deserve very much consideration anyway. I am discussing the matter of where this $5,558,000 is going. It is going to a few favored projects, and the rest of the projects are not going to get any benefit from it at all worth mentioning.

Gentlemen, you are soon coming to this Congress with a program for flood control, to cost anywhere from $275,000,000 to $1,250,000,000, according to the estimates that have been submitted. Congress is going to meet that problem, and I confidently believe that Congress is going to provide a program for adequate relief. It is going to cost a lot of money. Why not take up this matter in a businesslike way instead of gouging here and there for particular projects? Why not wait and meet that problem when it comes, and take care of all projects in a businesslike manner?

Mr. MOREHEAD. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. MOREHEAD. The gentleman spoke of the Missouri River, as I thought, in a rather light way.

Mr. BARBOUR. No. I think that is one of the important projects before us.

Mr. MOREHEAD. I want to say that the States bordering on the Missouri River produce 45 per cent of all the agricultural products in the United States, and that particular section of the river which we hope will be made navigable will enable us to secure a reduction in the cost of transportation. The people of that section now are paying the highest freight rates, and we think it would be of great benefit to the agricultural interests of the country if that improvement were made.

Mr. BARBOUR. I had no intention of speaking lightly of the Missouri River, because in my opinion the project below Kansas City is one of the most important in the country.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. WILLIAM E. HULL. Is it not true that if we have the $5,558,000 granted we deduct 10 per cent off all the projects?

Mr. BARBOUR. That means that when we allocate to these different projects, 10 per cent will be deducted for contingencies.

Mr. WILLIAM E. HULL. As a rule all the projects that are included now will be affected.

Mr. BARBOUR. That will provide even less money for the Great Lakes.

Mr. WILLIAM E. HULL. The gentleman stated nobody will get any benefit from this. I say they will all get benefit from it.

Mr. BARBOUR. I say the average run of river and harbor projects throughout the country will not get any benefit from this amendment worth mentioning.

Mr. WILLIAM E. HULL. I disagree with the gentleman on that. I think all will benefit from it.

The CHAIRMAN. The time of the gentleman from California has expired. All time has expired.

Mr. HUDSON. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDSON to the amendment offered by Mr. McDUFFIE: In lieu of the sum proposed in the said amendment insert "$52,000,000."

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HUDSON. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 45, noes 130.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama [Mr. McDUFFIE].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. MADDEN. Mr. Chairman, I demand a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 140, noes 40.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MUSCLE SHOALS

For operating, maintaining, and keeping in repair the works at Dam No. 2, Tennessee River, including the hydroelectrical development, $275,000, to remain available until June 30, 1929, and to be exepnded under the direction of the Secretary of War and the supervision of the Chief of Engineers.

The CHAIRMAN. Without objection, the Clerk will be authorized to correct the spelling of the word "expended" in line 15, page 79.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Eastern Branch, Togus, Me.: Current expenses, $57,500;
Subsistense, $113,000;
Household, $105,000;
Hospital, $72,000;
Transportation, $500;
Repairs, $35,000;
Farm, $26,000;
In all, Eastern Branch, $409,000.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent to correct the spelling of the word "subsistence" in line 17 of page 83.

The CHAIRMAN. Without objection, the Clerk will make the correction in the spelling.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Marion Branch, Marion, Ind.: Current expenses, $57,000;
Subsistence, $260,000;
Household, $105,000;
Hospital, $1,006,000, of which sum there shall be available immediately $600,000 for the construction of three cottages, with an aggregate capacity of 200 beds, and $100,000 for the construction of a sanitary fireproof annex to the present hospital with a capacity of 50 beds, including on account of each of such projects the construction of such necessary approach work, roadways, and other facilities leading thereto, heating and ventilating apparatus, furniture, equipment, and accessories as may be approved by the Board of Managers of the National Home for Disabled Volunteer Soldiers. The Secretary of the Treasury, upon request of the Board of Managers, may have all architectural and inspection work in connection with the work herein provided for performed by the Office of the Supervising Architect of the Treasury Department and the proper appropriations of that office may be reimbursed from this appropiation on that account;
Transportation, $1,000;
Repairs, $55,000.

Mr. LUCE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. LUCE. Mr. Chairman, not a few Members of the House are interested in the program of hospital construction now being considered by a subcommittee of the Committee on World War Veterans' Legislation. I speak at this point in order to call your attention to the anomalous situation presented by the items here for support of the hospitals connected with the 10 National Homes for Disabled Volunteer Soldiers, commonly spoken of as the soldiers' homes. The hospital items amount to $2,902,000, being almost exactly one-third of the total for the homes—$8,500,300. Omitting the construction item of $700,000 for the home at Marion, Ind., from both figures, they would be, respectively, $2,200,000 and $7,800,300, making the hospital maintenance cost 28 per cent of the whole. There are in these hospitals about 1,735 Veterans' Bureau patients—that is, World War veterans. In the haste of the war several of these hospitals were built on the grounds of soldiers' homes as a matter of convenience. They and their occupants are not now under the jurisdiction and control of the Veterans' Bureau, as they should be. By reason of this the bureau can not use all the hospital resources owned by the Federal Government to the best advantage of the suffering victims of the World War.

Better classification of patients could be made, more beds would be available where most needed, the convenience of friends and relatives of patients could be more subserved, less expenditure for new construction would be required—in short, the needs of World War veterans could be more efficiently and more economically met if all the hospital facilities owned by the Government should be brought under one control. I am taking this opportunity to inform the Members of the House that the possibility of legislation to this end is under consideration by the subcommittee of the Committee on World War Veterans' Legislation that is studying the hospital-construction program, and to bespeak for it the attention of the House in case it should be reported.

Mr. MADDEN. Is the gentleman going to make a motion to strike out the item in this bill?

Mr. LUCE. Not at all. It is simply a pro forma amendment.

Mr. MADDEN. I thought perhaps the gentleman wanted to cut the bill down.

Mr. LUCE. No. I do not desire to disturb the appropriation. I was informing the House that an attempt may be made to get the approval of the House for some method of meeting the situation. I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Total, Panama Canal, $8,660,000, to be available until expended.

Mr. McSWAIN. Mr. Chairman, I move to strike out the last two words, and ask unanimous consent to proceed out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McSWAIN. Mr. Chairman, ladies and gentlemen of the committee, I have not read the bill for agricultural relief of the distinguished gentleman from Texas [Mr. CONNALLY], but if it does undertake and look to accomplish the object he has in mind, it will be a godsend and a blessing to the farm people of the country, because it will help not only the producers of cotton but the lesson it will teach will be of untold value to the producers of agricultural commodities throughout the Nation and the world.

Let me call your attention to this remarkable fact: There is no exchange for dealing in speculative margins on any products under the sun save the products of the farmer. Now, think of that! Just as a mere matter of pure logic and reason you would think that the speculation would be in the commodities which are ready for the market, ready to sell, ready to use, and you would think that the speculation would be in shoes and not in hides; you would think the speculation would be in shirts and not in raw cotton; you would think the speculation would be in oil and not in the raw cottonseed; you would think the speculation would be in flour already for use and in the barrel or in the sack and not in the wheat in the elevator. Yet, as a matter of fact, there is no speculation on any of the finished products. What would happen if there should be set up in New York or Chicago or Pittsburgh an exchange to speculate on future marginal contracts relating to steel? How long would such an exchange be able to pay the rent, much less the other overhead expense of an exchange that proposed to deal in steel? Who fixes the price of steel? The manufacturers regulate it, of course, by the slow process of supply and demand. In order that the great plants may not be completely shut down they will slowly, under conditions, let down the price to satisfy the consuming public, but no class, whether steel producers or shoe producers, clothing producers, flour millers, or other finished-product manufacturers, is subject to the fluctuating, irrational, vacillating prices that are produced by speculative marginal futures contracts.

Now, why have they picked out from all the producers of the world those who produce the raw products of the farm? Because of the simple fact that the farmer in his unorganized, solitary state of production is unable to defend himself from the fluctuating prices that the purely speculative futures contract imposes upon him. He is utterly helpless. Therefore those who have not spun yet are clothed in raiment and fine linen at the expense of the fellow who has produced it, who has labored, who has cooperated with God in the bringing into existence of something which was not. They take advantage of him who is helpless as he stands before the arbitrary, artificial, economic forces of combined financial power, just as he was helpless as he stood when God sent the hail or sent the windstorm or sent the flood or sent the drought. He stands helpless, solitary, alone in his distress against the combined forces of nature and of man.

Why, it seems to me, my friends, if there is anything that the power of government ought to do, it is to reach out with a strong arm and protect against those who seek to profit from the labors of the man who has stood alone to bring into existence that which was not, and which are necessary to man's life, and to save him and to protect him from these fluctuations, these unnecessary, these unjust fluctuations that the combined power of wealth can bring to bear down prices when they use the money that they can borrow on short-term loans with the securities which are the property of the people themselves, to wit, their own products, thus using our crops to depress the prices. [Applause.]

The pro forma amendment was withdrawn.

The Clerk read as follows:

In addition there is appropriated for the operation, maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, during the fiscal year 1929, the necessary portions of such sums as shall be paid as water rentals or directly by the Government of Panama for such expenses.

Mr. COLLINS. Mr. Chairman, I have an amendment at the Clerk's desk.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: On page 92, line 22, insert a new paragraph, as follows:

"Without authorization by Congress no part of the funds appropriated by this act shall be expended in the transportation of any portion of the armed forces provided for in this act to the territory of a foreign country over which the United States does not now possess sovereign jurisdiction."

Mr. BARBOUR. Mr. Chairman, I make a point of order against the amendment on the ground that it is legislation, and particularly call attention to the first four words of the amendment.

The CHAIRMAN. The gentleman from California makes a point of order against the amendment. Does the gentleman from Mississippi wish to be heard?

Mr. COLLINS. I think it is a limitation on the appropriation, Mr. Chairman.

The CHAIRMAN. Will the gentleman cite the Chair to any precedent sustaining his contention?

Mr. GARRETT of Tennessee. Mr. Chairman, it seems to me it is clearly a limitation upon the funds carried in the bill. The first four words to which the gentleman has called attention do not change the character of it at all and do not make it legislation in any way. The meaning of it is that no part of the appropriations made in the bill shall be used to pay for the transportation of troops within a certain area therein defined. The words "without authorization of Congress" do not change the character of the limitation.

The CHAIRMAN. The gentleman, of course, realizes that aside from the four words which were specially called to the attention of the Chair it is clearly a limitation couched in the usual language of a limitation. Whether these four words affect the case is, of course, the question.

Mr. GARRETT of Tennessee. I do not see how they possibly can.

Mr. MOORE of Virginia. Mr. Chairman, I would like to suggest, in emphasizing what has just been said by the gentleman from Tennessee [Mr. GARRETT] that the point of order can not be well taken with respect to the words in question for this reason: If the words were not used, nevertheless it would be implied and recognized that Congress has full jurisdiction. The use of the words, therefore, can not in any substantial way affect the proposal that is covered by the amendment.

If the words are used "without the authority of Congress," it is expressly stated that the subject is entirely within the power of Congress to be dealt with as it thinks proper. On the other hand, if the words are not used, it is equally the case that the subject rests with Congress to deal with it as it may think proper. Accordingly, there is an utter absence of logic in the proposition raised by the point of order.

Mr. BARBOUR. It seems to me that under the present law we have authority to send troops to foreign countries without a special act of Congress. But here is the point that occurs to me: The amendment might be construed so that we could not send a military attaché abroad, and that would clearly be a change of the law which authorizes the sending of military attachés, who are a part of the armed forces. An Army officer in active service who is designated as military attaché is a part of the armed forces of the country.

Mr. MAPES. Mr. Chairman, I would like to suggest a thought for the consideration of the Chair: With the four

words referred to, can the Chair say that the amendment shows on its face that it will necessarily reduce expenditures or limit the appropriation? Does the Chair know whether or not Congress has authorized the use of the money in the way that the amendment suggests? If it has, then the amendment would not reduce expenditures.

The CHAIRMAN. Does the gentleman have in mind that already under existing law Congress may have fully authorized the Executive to send armed forces to these countries, and that even though the amendment passed carrying these four words he would still have the same authority to send these forces abroad?

Mr. MAPES. For all that the Chair may know, I doubt whether the Chair can say that on its face the amendment is a limitation of appropriation, because the law already may authorize the President to do that very thing.

The CHAIRMAN. That may be true, but it seems to the Chair that that fact would not affect the ruling. The question is whether under the guise of a limitation an attempt is here made to enact legislation or to change existing law. With such examination as the Chair has been able to make, he is not able to find a decision that would warrant holding that including these four words would so change the law. Therefore the Chair overrules the point of order.

Mr. COLLINS. Now, Mr. Chairman, I would like to see if we can not agree on some time to discuss this amendment?

Mr. BARBOUR. How would five minutes on a side suit the gentleman?

Mr. COLLINS. I would like at least 30 or 40 minutes.

Mr. BARBOUR. We can not finish the bill to-night if we take such time to discuss an amendment under the 5-minute rule. I would consent to 10 minutes on a side.

Mr. COLLINS. But there are a half dozen Members on this side who want to speak.

Mr. BARBOUR. I am willing to agree to 10 minutes on a side.

Mr. COLLINS. This is a very important amendment, and there are at least a half dozen Members on this side that want time, and I think we will consume more than that time, in my opinion, under the five-minute rule.

Mr. BARBOUR. We have been very liberal on this bill. There has been no request for time on the part of anybody that has not been granted. This is the sixth day we have spent considering this bill. Every man who has asked for additional time has had it without objection. We are coming to the point now where we ought to finish the bill, and we are within two pages of the end. Any reasonable request will not be objected to.

Mr. COLLINS. Will the gentleman say 20 minutes on a side?

Mr. BARBOUR. No; I will consent to 15 minutes on a side.

Mr. COLLINS. Well, we will take the 15 minutes.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and all amendments thereto be limited to 30 minutes, 15 minutes to be used by those supporting the amendment and 15 minutes by those opposed.

The CHAIRMAN. The gentleman from California asks unanimous consent that debate on the paragraph and all amendments thereto be limited to 30 minutes. Is there objection? [After a pause.] The Chairs hears none.

Mr. HUDDLESTON. Mr. Chairman, the Constitution of the United States clothes Congress with the exclusive function of declaring war. The purpose of this amendment is to reassert that constitutional responsibility.

The tendency is growing in this country for the absorption by the Executive of the powers that belong to the legislative branch of the Government. The tendency is increasing for the President not to ask the consent of Congress whether he shall carry on war, but to proceed on his own initiative to use our armed forces in military enterprises in foreign countries. Shall we allow that practice to increase, or shall we ask for a return to the fundamental principles of a democratic government, which clothe the representatives of the people with the right to say when our country shall go to war?

The tendency is to leave to Congress merely the poor function of declaring the legal state of war, while the Executive proceeds to do the things which bring on war and to take actions to conduct that war. It is now within the technical power of the President to send our armed forces to any part of the world if he may choose. To-morrow he may send them for an invasion of Canada, or he may send our fleet to bombard London. He has the technical authority to so complicate our affairs by a pernicious military activity as to virtually make of himself a dictator and to bring us into conflict with the whole world. The founders of the Republic never intended to place such powers in the Executive. They are powers which those who love the Constitution and intend to abide by its spirit will never accord to the Executive.

This amendment will curb the arbitrary power of the President to make war without the consent of Congress. If there be any among us who believe in the American system, a system of divided responsibility, in which each branch of the Government shall be separate within its own sphere and function, I ask them, Will you not now vote to show your faith?

Are you willing that the President shall make war without the consent of Congress? If you are, then let things go as they are. If you are willing to abdicate your sworn responsibility as representatives of the people, then vote against this amendment. But if you believe in Americanism, if you hold to the fundamentals on which our country was founded, if you adhere to the faith of the fathers, then I beg you do not forget it now. [Applause.]

Mr. NEWTON. Mr. Chairman, this amendment is an attempt under the guise of a limitation upon an appropriation bill to restrict and limit the President of the United States in the discharge of a constitutional duty. It is an attempt to have Congress do indirectly what it could not constitutionally do directly.

Under our Constitution the executive powers of Government are granted to the President. He is made the Commander in Chief of our Army and Navy. In my judgment, this is in effect a violation of the constitutional powers of the Commander in Chief.

Furthermore, Mr. Chairman, it is clear that this is aimed at the President in the present effort he is making to bring order out of chaos and to protect American life and property in one of the Central American countries. There is no one who has been to any of those countries that we have occupied for portions of the time who has not been impressed with the character of the work of our Navy and marines and our other armed forces. We have as a Nation a great responsibility, one that we do not merely fulfil at the water's edge. We have responsibilities by reason of the position that we occupy in this hemisphere. This amendment is an attempt to thwart the President of the United States in the effort that he is making, honestly making, in accordance with his ideas of the powers that are conferred upon him to bring order out of chaos in that country.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. OLIVER of Alabama. I, of course, know not what the intent of others may or may not have been. The effect of this amendment, however, would not in any way interfere with the sending of marines to Nicaragua, because this amendment refers to the Army and can only refer to the Army.

Mr. NEWTON. The gentleman is correct; but can the gentleman cite an instance where the present President of the United States has ever sent members of the Army to any foreign country in violation of law?

Mr. OLIVER of Alabama. The language of the amendment recognizes the right to send them where Congress has authorized them to be sent. For instance, they may be sent to Tsientsin, China. There is a treaty authorizing the President to send them there. This in no way interferes with any legal authority now existing authorizing him to send the Army abroad.

Mr. NEWTON. Does the gentleman hold the opinion that the President of the United States is going to send the Army of the United States where he is not authorized to send it, under the law and the Constitution?

Mr. OLIVER of Alabama. Since the gentleman asks me the question, may I say that I have no way of knowing whether he intends to do so or not. So far as I am advised, he has not done so; and so far as I know he has never sent the Army where he was not authorized to send them.

Mr. NEWTON. Then why the occasion for offering this amendment at this time?

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. No; I can not yield. Under the Constitution the President of the United States is the Commander in Chief of the Army and Navy, and it is his business to use the Army and the Navy in accordance with that Constitution and the laws of the land. Of course, he can abuse those powers.

The Constitution conferred great powers upon the President. These powers can be used or abused. That is true of any person in any public office or private position of trust and responsibility. For that reason the President must answer to the people every four years, and to further guard against abuse of power he is made subject to impeachment.

Mr. Chairman, this is not the first time that a President of the United States has been called a dictator. They repeatedly said it of Lincoln, and I presume it has been said of several

others from Lincoln to Wilson. But the mere assertion of the charge did not prove the case. Every Member of this House knows that no just charge of that kind can be made against the present President of the United States. And every citizen knows it also.

At this time, when the Republics of this hemisphere are gathered together in conference in Habana to promote cordiality and good will, with representatives of both of our great political parties in attendance as delegates, it ill behooves this Congress or any Member thereof to attempt to embarrass the President in the discharge of his constitutional duties. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, the only possible objection that I could conceive of being offered to this plain declaration of policy would grow out of a possibility that an emergency might arise at some time when the Congress is not in session, and that, to my mind, is not a sufficient reason to justify a vote against this declaration of policy.

Armed intervention of a nation in the affairs of another is war. [Applause.] And any condition that might arise serious enough to justify armed intervention surely is serious enough for the President to ask the counsel of Congress, the constitutional war-declaring part of the Government of the United States. For that reason I have no hesitation whatsoever, standing upon the Constitution of my country, in declaring here in this bill that which I believe to be the law now, which I believe ought to be respected, the organic law of the Republic.

It is not a particular reflection upon the present Executive. I have said before and I say again that I respect the Executive. I respect his office and I respect his person. But as a Member of Congress, charged with a duty to the Constitution itself, I, too, have a right as long as I am a Member to have some voice in saying whether the facts in regard to life and property in another nation justify the sending of the armed forces of my country to intervene in the affairs of another nation.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield for a question?

Mr. GARRETT of Tennessee. Certainly.

Mr. WAINWRIGHT. On the 31st of January, as I remember, the gentleman from Vermont [Mr. GIBSON] made a speech here where this question was involved, wherein he recited, as I remember, 21 cases arising between the year 1895 and the year 1921 where armed forces of the United States had been used outside of the continental limits of the United States for the protection of American life and property, and many of those cases happened when Congress was not in session, most of them being cases of great emergency. Would the gentleman go so far as to say that in cases of that kind, where the situation was sufficiently serious to justify the President of the United States to send our armed forces for the protection of our citizens, he should not have that power?

Mr. GARRETT of Tennessee. Mr. Chairman, I can make it no stronger, I think, than I made it a moment ago, anticipating that that very question might be asked, or at least might be in the minds of some gentlemen. If there is a situation existing in any country serious enough to justify the sending of armed forces—an act of war—it is serious enough to warrant the calling of Congress in session and having it take action on the matter. [Applause.]

Mr. FRENCH. Mr. Chairman, I am opposed to the pending amendment because it involves a proposition that ought to be considered not as an amendment to a great appropriation bill but as an independent proposition referred to an appropriate committee.

No one questions that the war-making power of the Government is rightly vested in the Congress of the United States. No one seeks to disturb the organic law of the country or to modify the time-honored policy of our Government in respecting the organic law. Here is an amendment, however, that is not limited to the uses of the military forces of the United States as agencies of war, but goes so far as to prevent the administration from using the military forces of the United States conceivably in an emergency for the maintenance of peace, for the protection of lives and property of American citizens, and for the preservation of orderly conduct of peoples where otherwise war might ensue.

I doubt not that the proposed amendment is aimed at the administration on account of present conditions where it has been believed necessary by the administration in the preservation of peace to use armed power.

Within the few moments at my disposal it would be impossible for me to begin to outline the situation. This very fact suggests that a proposition so broad as that proposed in the amendment should not be considered under the five-minute rule on a bill to which it does not pertain and at a time when Members generally were not aware that such an amendment was to be proposed.

Generally speaking, the people of the United States have trusted the national administration of whatever party might be in power with discretion in the use of armed forces of the United States for the preservation of peace and order when war was not conceivable and when the use of the armed power has at times been within the United States and at times been within the territories of other countries, where for the time being orderly processes of government had been stayed.

Only a few years ago it was my privilege to visit Santo Domingo, where were stationed a limited number of the armed forces of the United States. Santo Domingo was then, as now, an independent Republic. The limited number of armed forces of our Government, members of the Marine Corps, had been in Santo Domingo maintaining peace and order since 1916. Just prior to their landing in Santo Domingo a coup d'état had occurred which had resulted in the overthrow of the President of the Republic. That was in April, 1916. This revolutionary action was followed by wild lawlessness, and marine forces of the United States were promptly landed, suppressed the uprising, and brought about a condition of orderly processes of government that meant the saving of human life, of citizens of the United States, of citizens of the Republic of Santo Domingo, and of citizens of other nations of the world. The very presence of the marines on that occasion meant peace, not war. Gentlemen of the House, the event to which I refer occurred during the time that the Presidency of the United States was filled by a man belonging to the party of those in this Chamber who are seated on my right, President Wilson. During the balance of the administration of President Wilson and during the administration of President Harding and well into the administration of President Cooldige marines of the United States were maintained in Santo Domingo in carrying out the policy that the Wilson administration believed meant for order, for peace, for humanity.

May I mention another illustration?

A few years ago I was in Haiti, at Port au Prince, and I remember that as I was being driven through one of the streets of the capital of that neighboring Republic there was pointed out to me the building and grounds that had been occupied by the French legation in 1915, and it was pointed out to me that from that home of the French minister to Haiti the President of that little Republic on a night in July, 1915, was seized and assassinated and his body dragged through the streets, from which law and order had fled.

This was part of a debacle that meant the destruction of hundreds of human lives and the utter abandonment of security. Not only was there no protection for citizens of Haiti but the life of no foreign citizen was more secure.

Within two hours after the desperate act of murdering the President had been committed the marines of the United States had landed from a cruiser. Civilization superseded anarchy, and order was restored. [Applause.]

Woodrow Wilson was President of the United States. Gentlemen of this House, we do not know at what moment some disaster may occur in some place where the responsibility should be assumed by one of the strong nations of the world to restore and maintain order.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Not now.

Not only was prompt action taken then, but under the same administration and the succeeding administrations of two different Presidents, under the policy of two political parties, the power of the United States has been present in Haiti for the maintenance not of war but of peace. [Applause.] We were there not for the purpose of destroying life but for the purpose of saving the lives of men, women, and children, at an hour when the hand of Haitian authority had failed.

The responsibility for peace was upon any civilized country; the United States, if you please, and President Wilson did not shrink. More than that, in bringing about peace and stability the Wilson administration and the two succeeding administrations have followed a common program.

Mr. OLIVER of Alabama. Had this amendment been written into the Army appropriation bill at that time, it would not have interfered with the President in the exercise of that authority?

Mr. FRENCH. Oh, no; because these were marines that were sent there. But the proposition is no different here. Soldiers and marines are both part of the armed forces of the United States. Mr. Chairman, we do not know the day or the hour when in some part of this world of ours mob rule may wipe out orderly government for the time being. The demands of humanity may call for any nation at hand to assume respon-

sibility. Indeed, in the two illustrations to which I have briefly referred—Santo Domingo and Haiti—if the Government of the United States had not interfered some other nation, in all probability, would have assumed the prerogative that was assumed by our Government, and would have protected the lives of men, women, and children at a time when government had been superseded by mob rule. The amendment should not prevail. [Applause.]

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. MOORE of Virginia. Mr. Chairman, I was never freer from any spirit of partisanship in dealing with any matter that has come before the House in my time than I am now. I have not the slightest inclination to visit criticism upon the President of the United States. From what has just been said by the gentleman from Idaho it is quite apparent it would be in vain to try to make this a party question. He has referred to the action of the administration under a Democratic President as well as under Republican Presidents. I believe we ought to treat this proposal very cooly and very deliberately and without any partisan excitement whatever.

Now, what is designed? The amendment seems to have been very carefully worded so as to maintain the authority of the administration to send troops to any nation where the United States is entitled to exercise jurisdiction as, for example, to Cuba and to the Panama Canal Zone. It is simply, as has already been so strongly stated by the gentleman from Tennessee, an attempt to maintain the general principle governing the division of the powers of our Government by asserting and clarifying the power of Congress, so as to have that power less confused than it now is with the power of the Executive. It does nothing more than say that unless the legislative branch of the Government acts, the transportation of troops to another nation shall not be permissible—no more permissible than to declare or wage war in a technical sense without congressional authority.

It is a mere platitude to remark that when the Constitution was framed and adopted the war power was exclusively lodged with Congress upon the fullest consideration of that matter. Is there any gentleman here who wishes Executive practices to continue enabling thoughtful and reasonable men to think and say that the Executive is going a bow shot beyond what was contemplated at the outset in the way of exercising war powers? There is very much discussion of that question in the country and I think we would serve the public interest and tranquillize the situation by removing the opportunity and necessity for any such discussion.

I have looked back over a long stretch of history during which the Executive has sent forces to other nations. I have listened to the illustration just given by the gentleman from Idaho. Taking into account that transaction and all other transactions which have occurred, I fail to find a single instance in which it would not have been entirely possible to obtain the opinion of Congress before the action was taken. Forces can only be sent for one purpose—and no administration has claimed to the contrary—namely, for the purpose of protecting American life and property, not the life and property of a ruler of Haiti or the life and property of other people. I ask gentlemen to cite a case—any case pertinent to the present issue—in which it would not have been entirely possible for Congress to have expressed its view in advance of armed forces being sent abroad.

During a regular session Congress can, of course, act promptly. And should a President at any other time conceive that an armed force should be sent to the territory of another nation, there will be no difficulty in bringing about an extra session. In this day the means of communication and travel make that an easy thing to do.

The opponents of the amendment talk of emergencies, but shall we take counsel of our fear that in some imagined instance events may disastrously outrun the ability of Congress to act? And how unwise it is to stress the inconvenience and expense which may attach to waiting upon action by Congress, and for that or any other reason be willing to continue on a course of gradually but pretty swiftly permitting the Executive to determine under what circumstances hostilities shall be commenced and carried on—activities having all the characteristics and aspects of war, notwithstanding the war power is vested in Congress and nowhere else. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. BARBOUR. Mr. Chairman, this is not an amendment that should be incorporated in an appropriation bill. It is an amendment that affects our foreign policy. It is a question that should be considered by the Committee on Foreign Affairs and brought before the House in the regular way, considered at length, and the Members of the House fully advised as to what they are voting on. It should not be dragged in here as a rider, you might say, on an appropriation bill. This is no time anyway for legislation of this kind, legislation which is intended to hamper the President of the United States in matters which are now lodged in his discretion, especially when our representatives are gathered with those of our sister Republics of the Western Hemisphere at Habana trying to work out a plan by which we can all dwell in peace and harmony and in a state of mutual respect and good will. I say this is no time for the legislative branch of our Government to be injecting a provision of this kind into an appropriation bill. It seems to me that this amendment might be so construed as to even prevent our sending military attachés abroad. I see the gentleman from Mississippi smiling. It might even go so far, I will say to the gentleman from Mississippi, as to prevent our sending Army teams to the Olympic games next year in Europe. Then it would be ridiculous. Who knows when our forces might be called upon to go into a foreign country and upon foreign soil?

Mr. HOCH. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. HOCH. If a marauding band should cross the Mexican border and this amendment were in effect, it would prevent American troops from pursuing those marauders across the border

Mr. BARBOUR. Absolutely.

Mr. MILLER. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from Washington.

Mr. MILLER. I might also suggest the Chinese situation which developed a short time ago.

Mr. BARBOUR. Yes; and the gentleman from Kansas [Mr. HOCH] calls to mind a very memorable occasion which occurred under the administration of the last Democratic President, when marauding Mexicans did cross our border and murdered several of our own citizens on the American side of the line. If my memory serves me right, Congress was not in session at the time and our President, be it said to his credit, sent American troops into Mexico to try to capture and punish the Mexicans who had invaded our country.

Mr. GARRETT of Tennessee. That was by treaty.

Mr. BARBOUR. Suppose that should happen again when Congress is not in session. With this provision in the bill, before any action could be taken Congress would have to be called in session, consider the question, and pass legislation authorizing the President to send troops into a foreign country.

Mr. Chairman, this provision has no place in an appropriation bill. It should not be passed in this way. If anybody is conscientiously in favor of legislation of this kind, let it be brought in in the regular way and met here on the floor of the House with the arguments for and against it. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired; all time has expired. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. COLLINS) there were—ayes 71, noes 103.

So the amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. BARBOUR. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 10286, the War Department appropriation bill, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. BARBOUR. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

Mr. BARBOUR. Mr. Speaker, we demand a separate vote on the Wurzbach amendment, the Speaks amendment, and the McDuffie amendment. It has been suggested that the votes be taken to-morrow. We are going to ask for roll calls. Would it be in order to-morrow to ask for aye and no votes on each of the amendments as they come up?

Mr. SPEAKS. Mr. Speaker, would there be any preference with respect to the gentlemen involved in the several amendments?

The SPEAKER. The Chair does not understand the question of the gentleman from Ohio.

Mr. SPEAKS. Have I the right, Mr. Speaker, to demand a separate vote upon the amendment which I introduced and which was agreed to in the committee?

The SPEAKER. Any gentleman may demand a separate vote on any amendment.

Is a separate vote demanded on any other amendment? If not, the Chair will put the other amendments in gross.

The other amendments were agreed to.

CONSTRUCTION OF PUBLIC BUILDINGS

Mr. ELLIOTT. Mr. Speaker, I submit a conference report on the bill (H. R. 278) to amend section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926.

MISSOURI RIVER BRIDGE, GLASGOW, MONT.

Mr. DENISON. Mr. Speaker, there is a Senate bill (S. 1501) on the Speaker's table. I ask unanimous consent that it may be indefinitely postponed, a similar bill having passed the House and also the Senate.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill (S. 1501) on the Speaker's table be indefinitely postponed. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. SEARS of Florida, indefinitely, on account of sickness in family.

To Mr. CELLER, for one week, on account of sickness.

RESTRICTION OF MEXICAN IMMIGRATION

Mr. BOX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by me at an immigration conference.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BOX. Mr. Speaker, under authority granted by the House, I submit for printing in the RECORD an address delivered by me on January 19, 1928, before the immigration conference held in Memorial Continental Hall, Washington, D. C., under the auspices of the Key Men of America, a patriotic organization composed of authorized representatives of a great number of other affiliated patriotic societies engaged in the study of immigration problems.

The address is as follows:

Mr. Chairman, ladies, and gentlemen, during the present session of Congress immigration discussion and legislation will probably center around four important questions:

(1) Shall our deportation laws be strengthened, extended, and better enforced?

(2) Shall the endless chain of relationship existing between immigrants and their kindred abroad be permitted to start dragging out of Europe thousands of those whom the laws now exclude?

(3) Shall we retain in the law the national-origins provisions, written into the act of 1924, making it more accurately and adequately serve the Nation's purpose to keep itself American, or shall they be suspended or repealed at the dictation of certain hyphenated minorities of our population?

(4) Shall the quota provisions of the immigration law be made applicable to Mexico, South America, and adjacent islands?

To this last question I shall devote my brief remarks.

The people of the United States have so definitely determined that immigration shall be rigidly held in check that many who would oppose this settled policy dare not openly attack it. The opposition declares itself in sympathy with the policy and then seeks to break down essential parts of the law and opposes any consistent completion of it making it serve the Nation's purpose to maintain its distinguishing character and institutions. Declaring that they do not believe that paupers and serfs and peons, the ignorant, the diseased, and the criminal of the world should pour by tens and hundreds of thousands into the United States as the decades pass, they nevertheless oppose the stopping of that very class from coming out of Mexico and the West Indies into the country at the rate of 75,000, more or less, per year.

Every reason which calls for the exclusion of the most wretched, ignorant, dirty, diseased, and degraded people of Europe or Asia demands that the illiterate, unclean, peonized masses moving this way from Mexico be stopped at the border. Few will seriously propose the repeal of the immigration laws during the present Congress, but the efforts of those who understand and support the spirit and purpose of these laws to complete them and make them more effective by the application of their quota provisions to Mexico and the West Indies, will be insidiously and strenuously opposed.

The admission of a large and increasing number of Mexican peons to engage in all kinds of work is at variance with the American purpose to protect the wages of its working people and maintain their standard of living. Mexican labor is not free; it is not well paid; its standard of living is low. The yearly admission of several scores of thousands from just across the Mexican border tends constantly to lower the wages and conditions of men and women of America who labor with their hands in industry, in transportation, and in agriculture. One who has been in Mexico or in Mexican sections of cities and towns of southwestern United States enough to make general observation needs no evidence or argument to convince him of the truth of the statement that Mexican peon labor is poorly paid and lives miserably in the midst of want, dirt, and disease.

In industry and transportation they displace great numbers of Americans who are left without employment and drift into poverty, even vagrancy, being unable to maintain families or to help sustain American communities. Volumes of data could be presented by way of support and illustration of this proposition. It is said that farmers need them. On the contrary, American farmers, including those of Texas and the Southwest, as a class do not need them or want them. I state the rule as of country-wide application, without denying that a small percentage of farmers want them, and that in some restricted regions this percentage is considerable. I doubt if a majority of the bona fide farmers of any State want or need them. I have given much attention to the question and am convinced that as a state-wide or nation-wide proposition they are not only not needed and not wanted, but the admission of great numbers of them to engage in agricultural work would be seriously hurtful to the interests of farmers, farm workers, and country communities. They take the places of white Americans in communities and often thereby destroy schools, churches, and all good community life.

American farmers are now burdened with a surplus of staple farm products which they can not sell profitably at home or abroad. That surplus weighs down the prices of the entire crop in both the domestic and foreign markets until it threatens agriculture with financial ruin. Individual farmers, farm organizations, their Representatives in Congress, students of farm economics, bankers, and business men of the farming sections, all are striving to find a means of getting rid of this surplus of farm products, with its dead weight upon the price of farmers' crops. Congress is continually being urged to make appropriations to help carry the farmers' surplus, to levy taxes on farm products, to restrain overproduction, and otherwise to provide a method of getting rid of this oversupply of the farmers' leading crops. The President in his messages to Congress has repeatedly discussed this surplus and dealt with proposed remedies for it.

The importers of such Mexican laborers as go to farms at all want them to increase farm production, not by the labor of American farmers, for the sustenance of families and the support of American farm life, but by serf labor working mainly for absentee landlords on millions of acres of semiarid lands. Many of these lands have heretofore been profitably used for grazing cattle, sheep, and goats. Many of them are held by speculative owners.

A great part of these areas can not be cultivated until the Government has spent vast sums in reclaiming them. Their development when needed as homes for our people and in support of American communities is highly desirable. Their occupation and cultivation by serfs should not be encouraged. These lands and this mass of peon labor are to be exploited in the enlargement of America's surplus farm production, possibly to the increased profit of these speculative owners, but certainly to the great injury of America's present agricultural population, consisting of farmers, living and supporting themselves by their own labor and that of their families, on the farms of America.

The dreaded surplus, which already makes an abundant crop worse for farmers as a whole than a scant one, is to be made more dreadful by the importation of foreign labor working for lower wages and under harder conditions. The surplus which I have mentioned often hurts worse than a pest of locusts on the wheat crop or of boll weevil in the cotton fields.

While farmers, business interests in agricultural sections, Congress, and the President are deep in the consideration of the great problem presented by the farm surplus, and when presidential campaigns may turn on the condition and its consequences, labor importers are scheming and propagandizing for the purpose of bringing in armies of alien peons, claiming that they are needed on the farms, where they would only make the farm-surplus problem worse. If the Government tries to relieve this distress of the farmer caused by surplus production, shall it at the same time be de-Americanizing farms and farming communities and making the surplus and price situation worse by importing masses of serf laborers? Some think that agricultural prices can be sustained by a high tariff. Why have a tariff wall to keep out the products of pauper labor abroad and at the same time be bringing in armies of peons to increase the oversupply inside the tariff wall to the ruin of our own farmers?

Another purpose of the immigration laws is the protection of American racial stock from further degradation or change through mongrelization. The Mexican peon is a mixture of Mediterranean-blooded Spanish peasant with low-grade Indians who did not fight to extinction

but submitted and multiplied as serfs. Into that was fused much negro slave blood. This blend of low-grade Spaniard, peonized Indian, and negro slave mixes with negroes, mulatoes, and other mongrels, and some sorry whites, already here. The prevention of such mongrelization and the degradation it causes is one of the purposes of our laws which the admission of these people will tend to defeat.

Every incoming race causes blood mixture, but if this were not true, a mixture of blocs of peoples of different races has a bad effect upon citizenship, creating more race conflicts and weakening national character. This is worse when the newcomers have different and lower social and political ideals. Mexico's Government has always been an expression of Mexican impulses and traditions. Rather, it is an exhibition of the lack of better traditions and the want of intelligence and stamina among the mass of its people. One purpose of our immigration laws is to prevent the lowering of the ideals and the average of our citizenship, the creation of race friction and the weakening of the Nation's powers of cohesion, resulting from the intermixing of differing races. The admission of 75,000 Mexican peons annually tends to the aggravation of this, another evil which the laws are designed to prevent or cure.

To keep out the illiterate and the diseased is another essential part of the Nation's immigration policy. The Mexican peons are illiterate and ignorant. Because of their unsanitary habits and living conditions and their vices they are especially subject to smallpox, venereal diseases, tuberculosis, and other dangerous contagions. Their admission is inconsistent with this phase of our policy.

The protection of American society against the importation of crime and pauperism is yet another object of these laws. Few, if any, other immigrants have brought us so large a proportion of criminals and paupers as have the Mexican peons. If time permitted, I could present masses of authentic reports sustaining the truth of this statement. As one of a great many instances, I read a news item from the Dallas News of January 5, 1928:

MEXICANS SUFFERING FROM UNEMPLOYMENT, AGENCY MAN REPORTS

"Unemployment conditions among Mexicans in Dallas is the most acute in the history of 'Little Mexico,' A. Luna, operator of an employment agency, said Wednesday. He declared that hundreds of families are suffering severely, especially on account of the recent cold weather.

"'These people are badly in need of immediate relief,' Mr. Luna said, 'perhaps much more relief than is now available.'"

Note the term "Little Mexico" used in this news item. These "Little Mexicos" are springing up in many sections in and about the cities and industrial centers and all over the Nation. Some of them are assuming large proportions, and all of them together are becoming disturbingly large.

The number of such reports coming from California, Colorado, Arizona, New Mexico, and the whole Southwest, through the press and from public and private charity organizations, is very great and covers the whole period of mass peon immigration from its beginning until now.

The statements made in connection with each of these propositions are presented to this company, containing many students of the problem and a large percentage of those with whom the present and future public welfare is a paramount consideration, with the assurance that such citizens will give further attention to the question and disprove or verify the statements made.

The volume of Mexican immigration, the attending circumstances, and the prospects for its continuance and enlargement are such as to make this an important part of one of the Nation's greatest problems. Mexico has nearly 15,000,000 people who are prolific breeders, capable of producing millions of new inhabitants every year.

Their economic condition will continue worse than ours for an indefinite time and cause their laborers to want to migrate to the United States. Under a well-known law of population, the gaps left at home by those who come from year to year will be rapidly refilled by a natural increase. Thus Mexico will become an inexhaustible source of this low-grade immigration.

Immigrants who have poured upon our shores from Europe and Old World countries have had to pay the expense of land travel in reaching foreign seaports, after which the heavy expense of ocean transportation had to be paid. Mexico's masses have only to tramp to the border. The expense of their transportation, whether paid by them or others, is trifling compared to the cost of crossing the ocean from Europe or Asia to America. The methods by which labor importers reach them and induce them to come are inexpensive and easy. The building of barriers against the flood flowing in from elsewhere must increase the inpouring from Mexico. Unless it is checked it will continue with increasing volume.

The most dangerous mass immigration now menacing us is that from Mexico.

Our efforts to deal wisely and adequately with Mexican peon immigration from the standpoint of public and patriotic interest are opposed by the same selfish interests which have hindered all the Nation's efforts in dealing with our immigration, namely, the short-sighted, present profit-seeking interests of those who want cheap labor. If it were not for this opposition, the grave question which I am suggesting would be settled soon and the settlement made would be with a patriotic view to the public welfare now and hereafter.

If we ask Mexico, Haiti, Cuba, and South America to consent to the application of this necessary restriction, they will, of course, refuse and the evil stream will continue to pour its pollution into the mass of our population.

Efforts to obtain the consent of foreign countries to our immigration policy have been an unbroken failure throughout the history of our dealing with the problem. More than one presidential administration tried to settle the Chinese immigration question by the Burlingame treaty, in which it was recited that the right of races to migrate was inherent and inalienable. This was to apply as between the hundreds of Chinese millions and America. The United States Congress had to cut the Nation's way out of that ruinous entanglement.

Italy did not consent to our present law, but wanted to handle the subject by treaty to which her consent would be necessary, but the Constitution had vested this power in Congress, and Congress exercised it, accomplishing the Nation's purpose and helping to save its future. Other instances could be cited; one more will be enough. Japan had interests and a will concerning Japanese immigration in conflict with the interests and will of the United States. Every effort was made to avoid having America declare its will by congressional action as our Constitution contemplates. So long as we dickered with that question, consulting any but our constitutional rule, it remained unsettled and troublesome. It would have been with us yet had Congress waited for the consent of a foreign power or left that question to be settled in any but the constitutional way; but the will of America was accomplished in the manner provided by the fathers. The world did not crumble, its peace was not disturbed, but our friends of former times remain our friends, respecting us and being by us respected. Any other course would have continued the question and the irritation it caused.

These and other national experiences in dealing with the immigration problem should be recalled by the public when men say that in this instance we must consult the wishes of the people south of the Rio Grande or farther south.

Ladies and gentlemen, practically all of the reasons which have moved the United States to adopt and adhere to the policy of restricting immigration from Europe and Asia argue for the restriction of peon immigration from Mexico and the countries to the south and east. The difficulties which folly and greed have heretofore thrown in the Nation's path are being thrown in its way now. Let us hope that the people of these times and the membership of this Congress will be as wise and courageous as those who have preceded us.

LEAVE TO FILE MINORITY VIEWS

Mr. GIBSON. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. LAMPERT] may file minority views on the so-called market site bill, and that I may have the privilege also of filing separate minority views on the same bill.

The SPEAKER. The gentleman from Vermont asks unanimous consent that the gentleman from Wisconsin [Mr. LAMPERT] and himself may file separate minority views on the market site bill. Is there objection?

There was no objection.

AGRICULTURAL RELIEF

Mr. CONNALLY of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CONNALLY of Texas. Mr. Speaker, under leave granted me to extend my remarks in the RECORD, I desire to include my speech before the Committee on Agriculture on February 9, 1928, which is as follows:

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, I thank you for giving me this opportunity to make a few observations in reference to agricultural legislation, and I thank also the gentleman from Michigan, Mr. KETCHAM.

Probably most of you know I voted against the McNary-Haugen bill. I have been abused by many cooperative representatives here who are drawing pretty handsome salaries. But I have been trying to vote for the farmer, whether he belonged to a cooperative organization or not; and what I wanted to suggest to the committee this morning is that it seems to me as a Member of Congress that it is about time for this committee and for the Congress to quit fooling the farmer and really pass some practical measure that stands some chance of becoming a law.

We know when the Haugen bill was up before, a lot of gentlemen said that the President would veto it; a great many others just as solemnly, who had been down and eaten some corn cakes with the President a few mornings, were just as sure he was going to approve it. It was easy for those who voted either way to console themselves. But we know now that he did veto it and we know now that if he did have the nerve to veto it once he has got nerve enough to veto it again. It would be very easy for us to come along and say, "We will have the McNary-Haugen bill or nothing, and we will take it over and put it on the President's doorstep and let him veto it if he wants to." That will get you some farmer votes probably; it will get you the loyal devotion of some cooperatives, and a lot of them that do not understand the situation will still vote for you. But for the farmer who is on the farm that really wants some action, that is not going to get you very far as soon as he finds out the truth about the thing. That is what the "co-ops" did last year. They demanded the Haugen bill or nothing, and they got nothing.

I have been down mixing among the farmers. They are not fools; they are not all being fooled by these maneuvers of political farmers up here in Washington. There is a whole lot of difference between a high-salaried lobbyist, whose job will play out as soon as real relief is granted, and the farmer back home who works on the farm with his hands.

I know something about farming. I have got a farm myself; my wife has got a farm; and I have been on that farm this fall and up to pretty recently terracing it and looking after it and trying to put it in shape and to make it productive. You will not fool those farmers. It seems to me, as I say, that the time has come to really pass some bill that can pass, one that will not be vetoed.

Well, now, what is that bill? I want to indorse it—I want to go a little further than the bill of the gentleman from Michigan, Mr. KETCHAM; and I want to indorse in very large part what the master of the grange has said this morning. I do not agree with him about tariffs. I am a low-tariff man. But, be that as it may—he did not state his own view—the bill I have here does not look like the attitude of these farm-relief fellows from Iowa, Mr. HAUGEN and Mr. DICKINSON, who stood in the halls of Congress and wept copious tears over the high tariff running and robbing the farmer. And yet a few days ago, when they had an opportunity to vote for the McMaster resolution to reduce the tariff, they wrapped their snug garments of political fealty about themselves and voted to not have any reduction of the tariff. [Laughter.] They wept and shed tears last year about the misery and the poverty of the farmer, and said it had been caused by high tariffs, and only the other day they voted to confirm him in that misery and consign him to several more years of that misery and that poverty. So, we are not going to get anything through tariff reduction as long as we have this farm-relief crowd from Iowa running the Government. [Laughter and applause.]

Now, let us pass something practical; let us pass something that will give real relief. What will do it? I want to commend the bill of my colleague, Mr. JONES, of Texas, which is similar to the Ketcham bill.

I want to say that I was very much pleased this morning to hear the master of the grange pay my colleague, Mr. MARVIN JONES, that splendid compliment that he had shown a grasp of the farm situation that few Members of Congress had shown. I would go still further. I recently had an article in Texas Farm and Ranch, a leading farm magazine of the United States, in which I proposed this sort of a plan, and I think my colleague has the very plan in mind. I proposed the establishment of an export corporation, with a revolving fund of $300,000,000 or $400,000,000, or whatever is necessary, out of the Treasury, on the same plan as the McNary-Haugen bill.

Then I tied into that plan—I would tie into that this export debenture system. So that if the exporter would not pay back to that producer you were talking about, Mr. KINCHELOE, the fellow who did not belong to the cooperative, the fellow with 15 kids and 10 bales of cotton, who has got to sell those 10 bales of cotton and can not hold them; he can not wait; he does not belong to a cooperative; he can not wait until next summer; he has got to sell it now; the corporation would give him a market. I would have this export corporation, with sufficient capital, so that when the price fell below a reasonable figure, based on the cost of production, that that export corporation would get into the market and buy cotton and hold it, and then that export corporation when it exported that cotton could take the export debentures and either import the manufactured goods back on its own account or it could sell them to importers and take the money from the export debentures and put it into this revolving fund as capital account——

Mr. KINCHELOE. You would have those debentures negotiable, would you not?

Mr. CONNALLY. Absolutely negotiable. That plan would bring a raise in price to every farmer, whether a member of the cooperative or not, because that export corporation would afford healthy competition with all other exporters; it would afford a competitive market, and if the exporter bought that cotton or that wheat he would have to pay the price that would move it away from the export corporation itself. Then I would, under the debenture system, allow the exporter and the cooperatives to have the same privilege of getting the debentures that the export corporation would have; and the reason for that is that you would then be setting up competitive agencies there, each one bidding for the farmers' product, and naturally that would stimulate the price and make it go to its highest possible level.

Mr. JONES. Mr. CONNALLY, do you not think it would take an export corporation or something similar to that to take care of this individual farmer?

Mr. CONNALLY. That is what I way saying. I want the export corporation tied right in here with the debenture system.

Mr. JONES. I think the gentleman is exactly right. I am thinking along the same line.

Mr. CONNALLY. I understand Mr. JONES has a bill that provides that in a way.

Mr. JONES. The gentleman is giving some new suggestions in connection with it, and I am glad to hear him on it.

Mr. CONNALLY. That is my idea and my plan.

That is workable. Let me show you why: The export debentures, according to the master of the grange here, would probably supplement that revolving fund of $150,000,000 a year, would it not? And every farmer in America would get a reflection of that advance in price. That plan would add $140,000,000 annually to the price of farm products, and on cotton 2 cents per pound, or $10 per bale. It would not be confined to the cooperatives, because it would raise the whole commodity market. The man would not have to wait until next summer to get his returns. That would be the direct result, but the indirect result in stimulating the market would be still greater.

Let us get to one other point. Why did I vote against the McNary-Haugen bill? I voted against the McNary-Haugen bill, gentlemen, just like a great many of you voted against it, because it had that equalization fee in it. The Attorney General of the United States has said that equalization fee is unconstitutional. The law makes the Attorney General the adviser of the President on legal questions; and do you suppose any President, with any self-respect, is going to approve a bill that the Attorney General tells him has got a clause in it that is absolutely unconstitutional? If you think that Mr. Coolidge is that kind of a man, you are simply a Christian Science farm-relief man. You think you are for farm relief, but you are not. [Laughter.] That is all there is to that, if you really think that he is not going to do it, you don't know; and anybody who believes he is believes in ghosts. [Laughter.] He is not going to do it.

So, now, in that situation, what do you want to do?

Mr. RUBY. He says he is going to do that way, anyway.

Mr. CONNALLY. The governor says he is going to do that way. So what are you going to do? Are you going to fool the farmers—are you going down home and make that same speech you made all over your district last year, painting the picture of the farmer in disaster and all that, and say, "We tried to do something"? Oh, yes; "We tried to do something, and the President would not let us do it." You can go down there and make that speech, but you are not fooling all of them.

Mr. ASWELL. Three times.

Mr. FULMER. May I ask you a question, Mr. CONNALLY?

Mr. CONNALLY. You may; yes.

Mr. FULMER. In stimulating the price under your proposition, would you not naturally stimulate production?

Mr. CONNALLY. It would not stimulate production any more than it would stimulate it under the McNary-Haugen bill.

Mr. FULMER. That is right. Do you have anything in this bill——

Mr. JONES. I will state to the gentleman that there is a provision in both bills here presented for a reduction of these debentures in the event there is an increase in production.

Mr. CONNALLY. There is a clause in both the bills to regulate the debenture certificates in amount. If it stimulates production too much you lower the debentures.

Mr. JONES. And you may take it off altogether?

Mr. CONNALLY. Yes. That has a tendency to slow it up. Whenever a man makes the statement that he wants to raise the price of the farmers' product and tries to avoid the fact that that is going to stimulate production, of course, he is in error. But what are all these bills trying to do? Raise the price, are they not? That argument that it is to raise the price is going to meet every one of you on every plan you have got, because if you were not trying to raise the farmers' price you would not be up here in this room to-day.

What else about the equalization fee? I say it is unconstitutional, and I voted against it. We tried to get you to limit the bill to $25 per bale on cotton, but you would not do it, and gave the board power to fix it at any figure it might choose.

Gentlemen, that equalization fee is beautiful in theory. The gentleman from South Carolina asked a question there which is splendid, because the theory of the equalization fee is that this omniscient all-powerful, all-wise board is going to know just exactly when the market

requires that they pop on the fee so as to reduce production and regulate it. That is a beautiful theory. But, gentlemen, it will not work; it is not workable. To tax each bale of cotton from $10 to $25, and turn the farmer's money over to some one else to spend will not relieve the farmer of anything except his money. You tell me that the farmer who goes up to sell a bale of cotton or who goes up to sell a bushel of wheat—I am not talking about these professional farmers, these book farmers, who draw big salaries to agitate and propagandize. But I am talking about the fellow who raises wheat and corn and cotton. You can not tell me that he favors the equalization fee. I am talking about the man who does not belong to the cooperatives. If he wanted to join the cooperatives, he would join it. But a great many people in this country do not believe in that; they want to run their own business; they want to sell their own stuff in their own way.

I can see that fellow in Texas who has raised only about three bales of cotton. In the fall he takes a bale of it up to the gin and gets it under the sucker and begins to scratch the cotton up the blowpipe. About that time a Government inspector comes out to collect the equalization fee. He says, "Hold on. Don't begin to gin this cotton yet. Have you paid the equalization fee?" The fellow says, "What? What did you say?" "Why, the $10 to $25 equalization fee on this bale of cotton," or $15 or $20. "What is that for?" "That is the new farm relief provided in the farm relief bill." [Laughter.] He says, "What did you say—farm what?" "Farm relief; farm relief bill." "I never joined nothing like that." "No; I know you didn't, but your Congressman joined for you." [Laughter.] "The devil he did." [Laughter.]

Gentlemen, you can laugh all you please about that; but that is a fact. That is not workable. It will not work.

What else does it do? The equalization fee would create an army of employees. You can not dodge that. It would create an army of employees and bureaucrats. And who is going to pay for them? Who would pay all these salaries? Gentlemen, it would come out of the farmers; it would come out of the equalization fee. And what are you planning here? You would absolutely consume him with this army of employees and hangers-on and understrappers; and that would come out of the farmer's own pocket, and you know it would. It would come out of the $10 or $25 the farmer would pay on each bale of cotton.

Let me tell you something. The boys who are not members of these cooperatives are not for the McNary-Haugen bill; and let me tell you why they are not for it. They are beginning to find out that under the McNary-Haugen bill every man who sells a bushel of wheat or bale of cotton or any other agricultural commodity under that bill has got to pay the equalization fee, whether he belongs to an organization or not. What goes with that fee? These farmers that run their own business are beginning to learn; these farmers are beginning to find out that their $10, $15, or $20 on a bale of cotton and 25 cents or 50 cents on a bushel of wheat is going to be thrown into a fund, and turned over to whom? Turned over to the cooperatives. That is the truth. They are finding it out. They are going to turn over the money collected from all of the farmers and put it into a fund and turn that fund over to the cooperatives to handle and manage and speculate with and carry their cotton and their wheat, and such other as they choose to buy; and they are not for—they are not for it, and I as a representative of all these farmers who do not belong to the co-ops am not going to vote for a law that makes him—I mean that makes them—join the cooperatives whether they want to or whether they do not. And if he does not do it I am not going to tax him and take his money and turn it over to the cooperatives to exploit and practice on.

One other thing. They say you must not have a subsidy. I submit that under this debenture plan there is no subsidy. It is shown here that the Treasury would not get so much money in tariff duties. It is true. But in the case of aluminum, these farm-relief fellows of Iowa, when they voted to give Andrew Mellon a monopoly on the aluminum business they kept out of the Treasury, according to the department's figures, $300,000. Three hundred thousand dollars would have gone in there if they had not raised the tariff on aluminum, and by the same token took several millions out of the pockets of the farm wives, the city wives, and all other housewives in this country in added cost of the aluminum ware they use. So it is no more a subsidy than the raised tariff on aluminum.

I submit that all this is going to be more or less of an experiment. The whole project of farm relief is going to be an experiment. I think it is worth several hundred millions, even if you do go into the Treasury and take it out, to demonstrate either the success of some of these plans or the failure of some of these plans. They talk about the railroads. When you turned the railroads back to their stockholders, for that six-month period in which they were granted a certain income, where did it come from? It came out of the Treasury of the United States; it did not come out of any equalization fee levied on the railroads themselves, did it? No.

The CHAIRMAN. That is what this bill will do; it will take the money out of the Treasury.

Mr. CONNALLY. The gentleman voted for the Esch-Cummins law, did he not?

The CHAIRMAN. I did not.

Mr. CONNALLY. You have been asked that you do for the farmer what has been done for the railroads. Under the Esch-Cummins law you did that for the railroads. Now, why is it not fair, according to their own doctrine, to do the same thing for the farmers? Suppose we spend $200,000,000 or $300,000,000 in the experiment and find out we have made a failure; we can quit, can we not? The Treasury is not so badly off that it can not afford it. This is a great industry and it is worth the experiment.

Let me tell you about the equalization fee. This country is supposed to be still a country of free men and free industry. The McNary-Haugen bill with that equalization fee would build up the most autocratic tyranny in an industry that could be conceived of in this country. Here is a fellow who has a farm out here and he goes out and raises a bale of cotton or a bushel of wheat. He raises it with the sinews and the muscles of his own hands, out under God's own sunlight, tilling it with his own implements in his own soil. If when he produces it and comes up to the markets of the world with a bale of cotton in one hand and a bushel of grain in the other, the McNary-Haugen bill says: "You shall not sell it. You shall not exchange the fruits of your toil and the fruits of your soil, brought together there by the mystic elements in nature's laboratory, under God's sun. You shall not sell either one of them until you pay tribute in the form of an equalization fee." What for; to run the Government? Oh, no. To maintain armies in the national defense? Oh, no. To keep the Navy afloat to protect the national honor? Oh, no. What for? To maintain the courts? No. To punish crime? No. Why, to turn it over to some little board selected by a group of particular organizations, representing only 7 or 8 per cent of the entire farmers of the United States. Are we going to say to the farmer that "You shall not sell your product until you pay this tribute to this group and let them dissipate it in their unwisdom, as they may dissipate it"?

Gentlemen, I can not take up all of your time. I do not want to take up much more of your time.

But here is the Grange, as I understand it, the largest and the oldest agricultural organization on the earth, advocating this debenture doctrine. I approve the plan as outlined in my remarks a few minutes ago and substantially that of my distinguished colleague from Texas, Mr. MARVIN JONES, and that is the establishment of an export corporation with sufficient capital or a revolving fund out of the Treasury, to be replenished from time to time by the debenture, and then tied into that system this debenture plan; and it will operate for the benefit of every farmer that produces a bushel of wheat or a bale of cotton anywhere in these United States. And you will not have this great army of employees and fee collectors and inspectors and auditors and officials. You will have a very small organization. It will not cost the Government a dollar, except in the method of this debenture system. And I submit that it is workable; it is a practical system and it really offers some hope of relief. While everybody knows who knows anything that the McNary-Haugen bill as it was in the last session with the equalization fee, even if it passes both Houses, can not pass the White House. And we are mad—we are mad, or else we are insincere and we are mountebanks—we are either mad or mountebanks if we try to bunco the American farmer again with the McNary-Haugen bill with the equalization fee in it, that you know is going to be vetoed the moment it is laid on the President's desk. The man who insists on passing the McNary-Haugen equalization fee when he knows it will be vetoed does not want any farm relief. He is merely trying to fool the farmer.

The CHAIRMAN. Do you yield for a question?

Mr. CONNALLY. Yes.

The CHAIRMAN. Something was said about fooling the farmer. Let us examine the two measures before us and see which one fools the farmer. Let us assume that we export wheat to the extent of 200,000,000 bushels, where under the debenture plan it would cost the Government $42,000,000. Under the equalization fee plan, if you advance the price 50 cents, the equalization fee would be 12½ cents, which would leave the farmer 37½ cents net. The farmer would be receiving 37½ cents instead of 21 cents, which is 16½ cents above the debenture plan. Hence a profit to the farmer of 16½ cents a bushel over the debenture plan, or $300,000,000 net, and the cost to the Government under the debenture plan would be $42,000,000.

Mr. CONNALLY. I thought the gentleman was asking me a question.

The CHAIRMAN. I want you to tell the committee which plan has the best values for the farmer.

Mr. CONNALLY. You ask me to tell you, and I am telling you. I want to answer your question.

The CHAIRMAN. Which plan is the better for the farmer? The equalization plan that pays $300,000,000 net, or the debenture plan that pays $168,000,000, with $42,000,000 at the expense of the Treasury; the equalization plan which gives the farmer 37½ cents, or the debenture plan which gives him 21 cents; the equalization plan giving him $300,000,000 net, or the debenture plan giving him $168,000,000, at an expense of $42,000,000 borne by the Treasury? As a result, under the equalization plan the farmer would be ahead $132,000,000 and the Government would be ahead $42,000,000. The farmer and the Federal Treasury would be $174,000,000 ahead.

Mr. CONNALLY. I never have understood what the gentleman's question is. I do not understand it.

The CHAIRMAN. Turn your attention to the two plans.

Mr. CONNALLY. I know about the two plans.

The CHAIRMAN. Two hundred million bushels of wheat exported would cost the Government $42,000,000——

Mr. CONNALLY. I shall be glad to answer a question, but every time I start to answer the gentleman starts again and I can not do it.

The CHAIRMAN. I am going to show you which plan would give the most to the farmer.

Mr. CONNALLY. The gentleman arbitrarily assumes that his bill will do things that can not be proven.

The CHAIRMAN. If you do not want to answer the question, we will take it up later.

Mr. CONNALLY. I will answer any questions the gentleman may ask. I do not want to be discourteous.

The CHAIRMAN. I asked this question—it is a simple one: Under the debenture plan, if 800,000,000 bushels of wheat are marketed or sold and 200,000,000 bushels exported, the cost to the Government would be $42,000,000. Assuming that the price would advance 21 cents a bushel, the producers would receive from the Government 21 cents a bushel on the 200,000,000 bushels exported—that is $42,000,000; and 21 cents a bushel on the 600,000,000 bushels—that would be $126,000,000, a total of $168,000,000.

Under the equalization plan, if the price is advanced—the tariff of 42 cents and 8-cent cost of bringing to our port of entry, or total of 50 cents—and 200,000,000 bushels are exported, the equalization fee would be 12½ cents, which would leave the farmer 37½ cents net, or 16½ cents above the 21 cents received under the debenture plan; and the producers' net profit would be $300,000,000 or $132,000,000 more than under the debenture plan. In other words, under the debenture plan, the producers would receive $168,000,000, of which $42,000,000 would be at the expense of the Federal Treasury; and under the equalization-fee plan they would receive a net gain of $300,000,000. In other words, the debenture plan not only makes a raid on the Treasury to the extent of $42,000,000, but pays the producers $132,000,000 less than under the equalization plan, where the cost is paid by the producers themselves and no burden placed on the Treasury.

Mr. CONNALLY. Is that your question?

The CHAIRMAN. That is the question. Is that fooling the people?

Mr. CONNALLY. Let me say to the gentleman that I do not think anybody, unless it be the gentleman from Iowa, believes that the McNary-Haugen bill would raise the price of wheat 50 cents a bushel. In the past the gentleman voted for a tariff of 42 cents a bushel on wheat, and he told the House at the time it passed that all we had to do to raise the price of wheat 42 cents a bushel was to pass the bill. Now he comes back in the McNary-Haugen bill and says it does not raise the price 42 cents a bushel, and you have to devise some other artificial contrivance to do what he said would be done by the 42 cents a bushel tariff. He may be just as much in error again.

The CHAIRMAN. It has never been declared that it would advance the price 42 cents a bushel, nor has a vote ever been taken to fix the tariff at 42 cents.

Mr. CONNALLY. It is a beautiful theory, but it will not work. It has not worked. Let me ask the question. Does the gentleman believe the President will approve the McNary-Haugen bill?

The CHAIRMAN. I am not so much concerned about that.

Mr. CONNALLY. I know you are not, but I am. I want the gentleman to answer my question. If you really want farm relief, you ought to be concerned whether it will be vetoed.

The CHAIRMAN. I think every Member should vote as his conscience dictates.

Mr. CONNALLY. Does the gentleman want a bill or a veto?

The CHAIRMAN. I do not think the President would have any respect for me if I should do as he might direct. I have a higher conception of my duty than that; I have a higher regard for Members of Congress than to suggest such a thing. Personally, I would not want it said that I am serving as a bellhop for the President or anybody else.

Mr. CONNALLY. Do you think the President is going to be your bellhop and approve this bill if you pass it?

ADJOURNMENT

Mr. BARBOUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 37 minutes p. m.) the House adjourned until to-morrow, Friday, February 10, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, February 10, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Department of Agriculture appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To place agricultural products upon a price equality with other commodities (H. R. 10656).

To foster agriculture and to stabilize the prices obtained for agricultural commodities by providing for the issuance of export debentures upon the exportation of such commodities (H. R. 10568).

COMMITTEE ON THE CENSUS

(10.30 a. m.)

To provide for the fifteenth and subsequent decennial censuses (H. R. 393).

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

To amend Title II of an act approved February 28, 1925, regulating postal rates (H. R. 9296).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To amend an act entitled "An act for the regulation of radio communications," approved February 23, 1927 (H. R. 8825).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote the unification of carriers engaged in interstate commerce (H. R. 5641).

COMMITTEE ON THE JUDICIARY SUBCOMMITTEE NO. 2

(10 a. m.)

To provide for a joint reunion of the surviving veterans of both sides of the war 1861 to 1865 in the city of Washington in the year 1928; to authorize the appropriation of sufficient money from the United States Treasury to pay the expenses of such joint reunion; and to provide for a commission to carry into effect the provisions of this act (H. R. 5577).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 112. A resolution providing for the consideration of H. Con. Res. 18, a concurrent resolution proposing an amendment to the Constitution; without amendment (Rept. No. 612). Referred to the House Calendar.

Mr. HOUSTON of Hawaii: Committee on the Public Lands. H. R. 10483. A bill to revise the boundary of a portion of the Hawaii National Park on the island of Hawaii in the Territory of Hawaii; without amendment (Rept. No. 613). Referred to the House Calendar.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 5531. A bill to amend the provision contained in the act approved August 29, 1916, relating to the assignment to duty of certain officers of the United States Navy as fleet and squadron engineers; without amendment (Rept. No. 614). Referred to the House Calendar.

Mr. DRANE: Committee on Naval Affairs. S. 771. An act providing for the loan of the U. S. S. *Dispatch* to the State of Florida; without amendment (Rept. No. 615). Referred to the House Calendar.

Mr. HILL of Washington: Committee on Indian Affairs. H. R. 8731. A bill to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.; without amendment (Rept. No. 616). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WURZBACH: Committee on Military Affairs. H. R. 3268. A bill for the relief of John De Camp; with amendment (Rept. No. 617). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 4865. A bill for the relief of Dock Leach; with amendment (Rept. No. 618). Referred to the Committee of the Whole House.

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 10715. A bill to authorize Col. Charles A. Lindbergh, United States Army Air Corps Reserve, to accept decorations and gifts from foreign governments; with amendment (Rept. No. 619). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7086) granting an increase of pension to Ellen M. Willey; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10052) granting an increase of pension to Jessie Sparrow; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10569) for the relief of Gilbert P. Chase; Committee on Claims discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Oklahoma: A bill (H. R. 10754) to authorize the construction of an auditorium and school rooms at the Concho Indian School at Concho, Okla.; to the Committee on Indian Affairs.

Also, a bill (H. R. 10755) to authorize the construction of additional sleeping porches at the Concho Indian School, at Concho, Okla.; to the Committee on Indian Affairs.

By Mr. CANFIELD: A bill (H. R. 10756) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Miami River, between Lawrenceburg, Dearborn County, Ind., and a point in Hamilton County, Ohio, near Columbia Park, Hamilton County, Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. LANKFORD: A bill (H. R. 10757) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce; to the Committee on Agriculture.

By Mr. AYRES: A bill (H. R. 10758) to amend the tariff act of 1922; to the Committee on Ways and Means.

By Mr. BLACK of New York: A bill (H. R. 10759) amending section 266 of the United States Judicial Code by denying injunctions against city and State officials; to the Committee on the Judiciary.

By Mr. BURTON: A bill (H. R. 10760) to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918; to the Committee on Ways and Means.

By Mr. HUDSON: A bill (H. R. 10761) to prevent obstruction and burdens upon interstate trade and commerce in copyrighted motion-picture films, and to prevent the restraint upon the free competition in the production, distribution, and exhibition of copyrighted motion-picture films, and to prevent the further monopolization of the business of producing, distributing, and exhibiting copyrighted motion pictures, by prohibiting blind booking and block booking of copyrighted motion-picture films and by prohibiting the arbitrary allocation of such films by distributors to theaters in which they or other distributors have an interest, direct or indirect, and by prohibiting the arbitrary refusal to book or sell such films to exhibitors in which they have no such interest; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES: A bill (H. R. 10762) to place agricultural products upon a price equality with other commodities; to the Committee on Agriculture.

Also, a bill (H. R. 10763) relating to investigation of new uses of cotton; to the Committee on Agriculture.

By Mr. KVALE: A bill (H. R. 10764) to amend the Federal reserve act and the national banking laws, and for other purposes; to the Committee on Banking and Currency.

By Mr. WHITE of Maine: A bill (H. R. 10765) to create, develop, and maintain a privately owned American merchant marine adequate to serve trade routes essential in the movement of the industrial and agricultural products of the United States and to meet the requirements of the commerce of the United States; to provide for the transportation of the foreign mails of the United States in vessels of the United States; to provide naval and military auxiliaries, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. KVALE: A bill (H. R. 10766) to amend section 5197 of the Revised Statutes, as amended, and for other purposes; to the Committee on Banking and Currency.

By Mr. CANNON: A bill (H. R. 10767) providing for the purchase of a site and erection of a public building at Owensville, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. CARTWRIGHT: A bill (H. R. 10768) to amend section 182 of the Judicial Code in so far as it relates to the eastern district of Oklahoma; to the Committee on the Judiciary.

By Mr. EVANS of California: Joint resolution (H. J. Res. 196) designating the American Green Cross as a national body for education and research work in connection with the protection of forests, reforestation of denuded areas, flood control, and allied problems, and for other purposes; to the Committee on Education.

By Mr. WILSON of Mississippi: Joint resolution (H. J. Res. 197) authorizing and directing an investigation of the activities of the spinners and brokers, and particularly the New York Cotton Exchange, and for other purposes; to the Committee on Agriculture.

By Mr. SNELL: Resolution (H. Res. 112) providing for the consideration of House Concurrent Resolution 18, a concurrent resolution proposing an amendment to the Constitution of the United States of America; to the Committee on Rules.

By Mr. KIESS: Resolution (H. Res. 113) providing for the printing of the journal of the Twenty-eighth National Encampment of the Veterans of Foreign Wars of the United States; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 10769) granting an increase of pension to Anna Hilbert; to the Committee on Invalid Pensions.

By Mr. BRAND of Georgia: A bill (H. R. 10770) granting a pension to Wilson M. Slaughter; to the Committee on Pensions.

Also, a bill (H. R. 10771) granting a pension to Alice Mabel Lang; to the Committee on Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 10772) granting an increase of pension to Sarah M. Armstrong; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 10773) for the relief of Marion M. Gray; to the Committee on Pensions.

By Mr. COMBS: A bill (H. R. 10774) for the relief of the Carlisle Commission Co.; to the Committee on War Claims.

Also, a bill (H. R. 10775) for the relief of Charles Cubberly; to the Committee on Military Affairs.

By Mr. CRAIL: A bill (H. R. 10776) to authorize the appointment of Quartermaster Sergt. John Imhof, second grade, retired, United States Army, to quartermaster sergeant, first pay grade, retired, United States Army; to the Committee on Military Affairs.

Also, a bill (H. R. 10777) granting a pension to Thomas A. West; to the Committee on Pensions.

By Mr. DARROW: A bill (H. R. 10778) granting an increase of pension to Patrick W. O'Donnell; to the Committee on Pensions.

Also, a bill (H. R. 10779) granting a pension to Susie E. Richards; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 10780) granting an increase of pension to Nancy J. Wager; to the Committee on Invalid Pensions.

By Mr. FULBRIGHT: A bill (H. R. 10781) granting a pension to Thomas Dowler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10782) granting an increase of pension to Zippora B. Sowards; to the Committee on Invalid Pensions.

By Mr. GAMBRILL: A bill (H. R. 10783) for the relief of William A. Miles; to the Committee on Claims.

By Mrs. KAHN: A bill (H. R. 10784) granting a Pension to Ruth D. Covell; to the Committee on Pensions.

By Mrs. LANGLEY: A bill (H. R. 10785) granting a pension to Martha Bowles; to the Committee on Invalid Pensions.

By Mr. MORROW: A bill (H. R. 10786) authorizing surveys and investigations to determine the best methods and means of utilizing the waters of the Gila River and its tributaries above the San Carlos Reservoir in New Mexico and Arizona; to the Committee on Irrigation and Reclamation.

By Mr. NELSON of Maine: A bill (H. R. 10787) granting an increase of pension to Nettie S. Staples; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 10788) granting an increase of pension to Susanna Dakin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10789) granting an increase of pension to Alice E. Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10790) granting an increase of pension to Mary A. Schwartz; to the Committee on Invalid Pensions.

By Mr. SPEARING: A bill (H. R. 10791) to provide for a survey of Bayou Sennette, in Jefferson Parish, La., with a view to maintaining an adequate channel of suitable width; to the Committee on Rivers and Harbors.

By Mr. STOBBS: A bill (H. R. 10792) granting an increase of pension to Emma S. Rust; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 10793) granting an increase of pension to Eliza J. Newton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10794) granting a pension to Rebecca B. McConnaughy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10795) granting an increase of pension to Retta Chatland; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 10796) granting a pension to Anna Cupp; to the Committee on Invalid Pensions.

By Mr. WINTER: A bill (H. R. 10797) granting an increase of pension to Mary L. Huff; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3530. By Mr. ALDRICH: Resolution of Swedish Mission Church, Auburn, R. I., protesting against new quota provisions of immigration law and urging continuance of quota at present in force; to the Committee on Immigration and Naturalization.

3531. By Mr. BACHMANN: Petition of Mrs. Charles Tout and 67 citizens of Power, Brooke County, W. Va., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3532. Also, petition of 37 representatives of the Clerksburg Drug Co., and 82 representatives of the Ohio Valley Drug Co., respectively, urging that close attention and serious consideration be given to House bill 11, introduced by Representative CLYDE KELLY, of Pennsylvania; to the Committee on Interstate and Foreign Commerce.

3533. By Mr. BEERS: Memorial from members of Yeagertown Council, No. 211, Sons and Daughters of Liberty, and Washington Camp, No. 426, Patriotic Order Sons of America, favoring restricted immigration; to the Committee on Immigration and Naturalization.

3534. By Mr. BOIES: Petition signed by citizens of Woodbury and Ida Counties, Iowa, protesting against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3535. By Mr. BOYLAN: Resolution of New York State National Guard, favoring the national matches item in Army appropriation bill; to the Committee on Military Affairs.

3536. Also, resolution of New York State National Guard convention, favoring the Tyson-Fitzgerald bill; to the Committee on Military Affairs.

3537. By Mr. BURTON: Petition of citizens of East Russia, Ohio, expressing disapproval of the bill now pending to authorize an ambitious naval program; to the Committee on Naval Affairs.

3538. Also, petition of citizens of Cleveland, Ohio, and vicinity, protesting against the passage of the Brookhart bill (S. 1667) in regard to the sale and distribution of motion pictures; also the Cannon bill (H. R. 9298) on the same subject; to the Committee on Interstate and Foreign Commerce.

3539. Also, petition of the Pasadena Monthly Meeting of the Religious Society of Friends, Pasadena, Calif., protesting against the proposed increase in naval construction; to the Committee on Naval Affairs.

3540. Also, petition of 30 members of the Girl Reserve Club of the High Point High School, High Point, N. C., protesting against the big Navy program; to the Committee on Naval Affairs.

3541. By Mr. COMBS (by request): Petition of citizens of Missouri, opposing Senate bill 1667; to the Committee on Interstate and Foreign Commerce.

3542. By Mr. DALLINGER: Resolution of Crusader Commandery, No. 293, Knights of Malta, of Cambridge, Mass., opposing any weakening of the present immigration laws; to the Committee on Immigration and Naturalization.

3543. Also, petition signed by certain citizens of Melrose, Mass., urging the enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3544. Also, resolutions of the Baptist Minister's Conference of Boston and vicinity, opposing the Navy bill; to the Committee on Naval Affairs.

3545. Also, protest of members of the Church of the Epiphany, Winchester, Mass., against the Navy bill; to the Committee on Naval Affairs.

3546. By Mr. DARROW: Memorial of the Philadelphia Board of Trade, opposing the enactment of the Jones bill (S. 744); to the Committee on the Merchant Marine and Fisheries.

3547. By Mr. EATON: Petition of 279 residents of Trenton, N. J., protesting against proposed enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

3548. By Mr. ESTEP: Petition of Alva C. Davies and 155 other residents of Pittsburgh, Pa., protesting against the passage of bill known as the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3549. Also, petition of Dr. H. W. Kelly and 262 other residents of Pittsburgh, Pa., protesting against House bill 78, known as the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3550. Also, petition of Edward H. Grapp and 30 other residents of Pittsburgh, Pa., protesting against House bill 78, known as the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3551. Also, petition of Dr. W. A. Kelly and 297 other residents of Pittsburgh, Pa., protesting against House bill 78, known as the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3552. Also, petition of Council on National Parks, Forest, and Wild Life (formerly National Park Committee), 233 Broadway, New York City, urging that Congress give greater heed to the need for forest-fire prevention and provide more appropriations for the detection and suppression of fires; to the Committee on the Public Lands.

3553. By Mr. FISHER: Petition of V. J. Isle and 27 other petioners, protesting against the bill known as the Brookhart bill; to the Committee on Interstate and Foreign Commerce.

3554. By Mr. FORT: Petition of residents of Newark, Orange, and Irvington, N. J., protesting against House bill 78, the so-called Sunday blue law; to the Committee on the District of Columbia.

3555. By Mr. FOSS: Petition of Albion Minty and several other citizens of South Athol, Mass., protesting against the passage of House bill 78, known as the Lankford Sunday observance bill; to the Committee on the District of Columbia.

3556. Also, petition of E. O. Hutchinson and other citizens of Athol, Mass., protesting against the passage of House bill 78, known as the Lankford Sunday observance bill; to the Committee on the District of Columbia.

3557. Also, petition of J. Franklin Wilkinson and 79 other citizens of Gardner, Mass., protesting against the passage of House bill 78, known as the Lankford Sunday observance bill; to the Committee on the District of Columbia.

3558. By Mr. FRENCH: Petition of 106 citizens of Latah County, Idaho, urging enactment of legislation increasing pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3559. By Mr. FULBRIGHT: Petition of citizens of Nixa, Mo., urging legislation in behalf of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3560. By Mr. GARBER: Petition of residents of Grant County, Okla., in protest to the enactment of legislation for compulsory Sunday observance as embodied in House bill 78; to the Committee on the District of Columbia.

3561. Also, letter of James Bowser, post service officer of George Walker Post, No. 18, of Muskogee, Okla., in support of House bill 6688 and Senate bill 2259; to the Committee on World War Veterans' Legislation.

3562. Also, petition of residents of Buffalo, Harper County, Okla., urging the enactment of legislation for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3563. Also, petition of residents of Meno, Okla., in protest to the enactment of compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3564. Also, petition of residents of Texas County, Okla., in protest to House bill 78, for compulsory Sunday observance; to the Committee on the District of Columbia.

3565. Also, petition of residents of Guymon, Texas County, Okla., in protest to the enactment of legislation for compulsory Sunday observance as embodied in House bill 78; to the Committee on the District of Columbia.

3566. Also, petition of residents of Knowles, Okla., in protest to the enactment of legislation for compulsory Sunday observance as embodied in House bill 78; to the Committee on the District of Columbia.

3567. By Mr. GALLIVAN: Petition of the Anti-National Origins Clause League of Michigan, protesting against the national origins method of determining quotas; to the Committee on Immigration and Naturalization.

3568. By Mr. GARNER of Texas: Petition of citizens of Kingsville, Tex., favoring Sunday observance legislation; to the Committee on the District of Columbia.

3569. Also, petition of citizens of La Feria, Tex., against compulsory Sunday observance; to the Committee on the District of Columbia.

3570. By Mr. GIBSON: Petition of residents of Randolph, Vt., protesting against legislation for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

3571. By Mr. HADLEY: Petition of Sarah J. Prouty, of Bellingham, Wash., for further relief of Civil War veterans and widows; to the Committee on Invalid Pensions.

3572. Also, petition of residents of Sequim, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

3573. By Mr. KADING: Petition signed by citizens of Wyocena, Wis., advocating increase in pension for Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

3574. By Mr. KORELL: Petition of citizens of Portland, Oreg., protesting against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3575. By Mr. KVALE: Petition of mass meeting under auspices of Fifth Congressional District Council of Agriculture of Minnesota, urging immediate enactment into law of House bill 7940, with the equalization fee provisions retained intact; to the Committee on Agriculture.

3576. Also, petition of several residents of Murdock, Minn., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

3577. Also, petition of 79 officers and members of the Stevens County (Minn.) Farm Bureau Federation, appealing to Minnesota Members of Congress to insist on immediate enactment into law of farm-relief legislation which includes provisions for levy of an equalization fee, and insisting that northwestern farmers wish no substitute or compromise legislation; to the Committee on Agriculture.

3578. Also, petition of Associated General Contractors of America, Northwest Branch, of Minnesota, opposing passage of House bill 8125; to the Committee on Public Buildings and Grounds.

3579. Also, petition of 40 commercial beekeepers representing all sections of the State of Minnesota, protesting against the corn sugar bill; to the Committee on Interstate and Foreign Commerce.

3580. By Mr. LEA: Petition of 96 residents of Humboldt County, Calif., protesting against the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

3581. By Mr. LINDSAY: Petition of New York State National Guard Convention, Albany, N. Y., January 14, 1928, being a set of resolutions indorsing the principles of the Tyson-Fitzgerald bills (S. 777 and H. R. 500) and urging speedy passage thereof; to the Committee on World War Veterans' Legislation.

3582. Also, petition of New York National Guard Convention, Albany, N. Y., January 14, 1928, petitioning Congress to support legislation favorable to continuation of national rifle matches and school for small-arms firing; to the Committee on Appropriations.

3583. By Mr. McKEOWN: Petition of Ben Crouch and 65 other citizens of Sapulpa, Okla., protesting the passage of House bill 78; to the Committee on the District of Columbia.

3584. Also, petition of Homer H. Bishop and 26 other citizens of Oklahoma, protesting the passage of House bill 78; to the Committee on the District of Columbia.

3585. Also, petition of Claud Gerard and 55 other citizens of Oklahoma, protesting the passage of House bill 78; to the Committee on the District of Columbia.

3586. Also, petition of Mrs. Fred Jones, Mrs. C. M. Sims, and 40 other citizens of Bristow, Okla., protesting the passage of House bill 78, or any compulsory Sunday observance law; to the Committee on the District of Columbia.

3587. Also, petition of Mary T. Barnard, W. T. King, and 32 other citizens of Shawnee, Okla., urging the increase of pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3588. Also, petition of Sanders Dunlap and 65 other citizens of Konawa, Okla., protesting the passage of any compulsory Sunday observance law; to the Committee on the District of Columbia.

3589. Also, petition of Dr. W. L. Moore and 30 other citizens of Lima, Okla., protesting the passage of any compulsory Sunday observance law; to the Committee on the District of Columbia.

3590. Also, petition of K. W. Hill and 20 other citizens of Oilton, Okla., protesting the passage of any compulsory Sunday observance law; to the Committee on the District of Columbia.

3591. Also, petition of Mrs. Basil B. Hughes and 65 other citizens of Seminole County, Okla., protesting the passage of any compulsory Sunday observance law; to the Committee on the District of Columbia.

3592. Also petition of O. O. Davis and 65 other citizens of Sapulpa, Okla., protesting the passage of any compulsory Sunday observance law; to the Committee on the District of Columbia.

3593. Also, petition of T. J. Blake and 40 other citizens of Stroud, Okla., protesting the passage of any Sunday observance law, particularly House bill 78; to the Committee on the District of Columbia.

3594. Also, petition of V. D. Farnsworth and about 45 other citizens of Lincoln County, Okla., protesting the passage of any compulsory Sunday observance law; to the Committee on the District of Columbia.

3595. Also, petition of E. O. Cooper and 65 other citizens of Stroud, Okla., protesting the passage of a compulsory Sunday observance law; to the Committee on the District of Columbia.

3596. Also, petition of Mrs. J. H. Epperson and 40 other citizens of Sapulpa, Okla., protesting the passage of any Sunday observance law, particularly House bill 78; to the Committee on the District of Columbia.

3597. Also, petition of William H. Gossadge and five other citizens of Seminole County, Okla., protesting the passage of House bill 78; to the Committee on the District of Columbia.

3598. Also, petition of Mrs. Ora Harris and 25 other citizens of Lincoln County, Okla., protesting the passage of House bill 78; to the Committee on the District of Columbia.

3599. Also, petition of John Eagan and 65 other citizens of Sapulpa, Okla., protesting the passage of House bill 78; to the Committee on the District of Columbia.

3600. Also, petition of Cora Winchester and 65 other citizens of Olive, Okla., protesting the passage of any compulsory Sunday observance law; to the Committee on the District of Columbia.

3601. By Mr. McREYNOLDS: Petition signed by 175 voters of Sparta, White County, Tenn., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

3602. By Mr. MARTIN of Massachusetts: Petition of Lawrence J. Daley, Nancy C. Simmons, and 42 other residents of Fall River, Mass., protesting against the enactment of the so-called compulsory Sunday observance bill; to the Committee on the District of Columbia.

3603. By Mr. MEAD: Petition of residents of Buffalo, N. Y., protesting against the passage of Senate bill 1667; to the Committee on Interstate and Foreign Commerce.

3604. By Mr. MORIN: Petition of Mrs. J. H. Riemann and 500 petitioners of Pittsburgh, Pa., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3605. Also, petition of A. J. Robling and 550 petitioners of Pittsburgh, Pa., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3606. By Mr. MURPHY: Petition of R. B. Arnold, of Bellaire, Ohio, and 44 others, asking for the passage of House bill 11, to protect the public against misleading price manipulation; to the Committee on Interstate and Foreign Commerce.

3607. Also, petition of J. L. Burris, of Smithfield, and 20 others, asking for the passage of House bill 11, to protect the public against misleading price manipulation; to the Committee on Interstate and Foreign Commerce.

3608. By Mr. O'CONNELL: Petition of the New York State National Guard Association, heartily indorsing the principles of the Tyson-Fitzgerald bills (S. 777 and H. R. 500); to the Committee on World War Veterans' Legislation.

3609. Also, petition of the New York State National Guard associations, favoring legislation for national matches and in connection therewith the school for small-arms firing; to the Committee on Military Affairs.

3610. By Mrs. ROGERS: Petition of Edna D. Douglas, of 20 Walden Street, Lowell, Mass., and 80 others against House bill 78 or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

3611. By Mr. SELVIG: Petition of Mrs. Sigfrid Danielson and 53 adult residents of Roseau County, protesting against the passage of House bill 78 or any other bill providing for

compulsory Sunday observance; to the Committee on the District of Columbia.

3612. By Mr. SPEAKS: Petition signed by Mrs. A. L. Gilmore and some 50 citizens of Columbus, urging the enactment of legislation increasing pension rates of Civil War soldiers and survivors; to the Committee on Invalid Pensions.

3613. Also, petition signed by Fred B. Lytle, Columbus, Ohio, and some 137 residents of Franklin County, Ohio, protesting against the enactment of House bill 78; to the Committee on the District of Columbia.

3614. Also, petition signed by C. W. Kussmaul and some 14 other citizens of Columbus, favoring the enactment of legislation increasing pension rates of Civil War veterans and widows; to the Committee on Invalid Pensions.

3615. By Mr. YON: Petition of G. A. Hawkins and 109 other citizens of Bay County, Fla., protesting against the passage of the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

SENATE

FRIDAY, *February 10, 1928*

(Legislative day of Thursday, February 9, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

PRESIDENTIAL TERMS

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, Senate Resolution 128.

The Senate resumed the consideration of the resolution (S. Res. 128) submitted by Mr. LA FOLLETTE, as follows:

Resolved, That it is the sense of the Senate that the precedent established by Washington and other Presidents of the United States in retiring from the presidential office after their second term has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions; and be it further

Resolved, That the Senate commends the observance of this precedent by the President.

Mr. JONES. Mr. President, if this were a resolution submitting an amendment to the Constitution providing for not more than one or two terms for a President, there might be much urged in favor of it. It does nothing of the kind. It proposes no action by the Senate. It proposes no study or legislation and not even an investigation of any sort. The passage of the resolution, in my judgment, amounts to nothing more than the declaration of 49 or more Senators that in their judgment the people of the country are not competent to select their President.

Mr. President, I can not subscribe to any such doctrine. I shall vote against the resolution and await with interest the vote of Senators whose party slogan a few years ago was "Let the people rule." Nor can I subscribe to the declaration in the resolution that leaving the selection of their President to the American people would be "unwise, unpatriotic, and fraught with peril to our free institutions." Such a reflection as that upon the American people is wholly unwarranted and unjustified. If there is such danger in trusting the people, let an amendment be submitted to the Constitution restricting or limiting the terms of their Presidents, and give the people the opportunity of deciding as to whether or not they want to limit themselves further as to the selection of their Presidents.

Mr. EDGE and Mr. HARRISON suggested the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Shipstead
Barkley	Fess	McLean	Shortridge
Bingham	Fletcher	McMaster	Simmons
Black	Frazier	McNary	Smith
Blaine	George	Mayfield	Smoot
Blease	Gerry	Metcalf	Steck
Borah	Gillett	Moses	Steiwer
Bratton	Glass	Neely	Stephens
Brookhart	Gooding	Norbeck	Swanson
Broussard	Gould	Norris	Thomas
Bruce	Greene	Nye	Trammell
Capper	Harris	Oddie	Tydings
Caraway	Harrison	Overman	Tyson
Copeland	Hawes	Pine	Wagner
Couzens	Hayden	Pittman	Walsh, Mass.
Curtis	Heflin	Ransdell	Walsh, Mont.
Cutting	Howell	Reed, Pa.	Warren
Dale	Johnson	Robinson, Ark.	Waterman
Deneen	Jones	Robinson, Ind.	Watson
Dill	Kendrick	Sackett	Willis
Edge	King	Schall	
Edwards	La Follette	Sheppard	

Mr. JONES. I desire to announce that the junior Senator from New Hampshire [Mr. KEYES] is necessarily absent on official business.

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

Mr. SHORTRIDGE. Mr. President, I crave the indulgence of the Senate while I discuss, and I hope briefly, a resolution which I venture to suggest has no place in this body. I apologize, therefore, for taking up the time of the Senate upon a subject such as this; but perhaps I will be pardoned in view of the example which has been set.

Mr. President, I keep uppermost in my mind the Constitution of our country. That Constitution was framed by wisdom and ratified by a patriotic people. Under that Constitution we have grown from weakness unto strength, from a Nation of three and one-half millions of people to a mighty Republic of over 110,000,000, from a little Nation to one of the greatest and the most prosperous on the earth.

Naturally the pending resolution has brought to our attention the father of our country. All the resources of lofty and loving eloquence have been exhausted in vain attempts to portray the greatness and the genius for war and government of Washington. Orators, poets, historical writers, philosophers on government, each in his turn has paid tribute to the father of our country. The character of Washington, his words, his thoughts, his example have properly and naturally been brought to our attention, and before I shall have finished I hope to quote the very words of Washington in respect to the very matter embraced within the resolution before us.

I digress to say aside that I have been somewhat surprised that Senators have not consulted the writings of Washington; not what has been said of him in eulogy, but what he, the wise man, the patriotic man, the great man, said in respect of this very proposition, namely, the eligibility or ineligibility of the occupant of the presidential office. I now say at the very outset that if we read what he wrote we shall see that George Washington saw no danger to the Republic in leaving it to the wisdom and the patriotism of the people of America to choose their President.

I say with respect, as I remarked in passing a moment ago, that a resolution of this sort has no place in the Senate. This is a legislative body. The Constitution very wisely divides our Government into three great departments—the legislative, with certain delegated power; the executive, with well-defined power; and the judicial, with power to interpret, to construe the Constitution and the laws made in pursuance thereof, and laws enacted by the different States to determine whether those laws run counter to the supreme law of the Constitution or laws made in pursuance thereof.

Mr. BINGHAM. Mr. President, will the Senator yield at that point?

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Connecticut?

Mr. SHORTRIDGE. I yield.

Mr. BINGHAM. The Senator has said that the Senate is a legislative body. Has he forgotten that it recently considered itself to be judicial?

Mr. SHORTRIDGE. I had. I should add that while it is a legislative body, its functions may be divided into three parts: First, legislative power proper; second, advisory power in the matter of treaties and certain Federal offices; and, third, judicial power when it comes to sit as a court or a body of impeachment. So the purpose and essence of this resolution can not fall within any one of these three functions which the Senate specifically has under the Constitution.

Ah, it may be said that this is a mere idle remark; but, Mr. President, if this resolution is proper to be entertained, proper to be discussed, taking the time of the Senate for hours and days, then it is quite easy to suggest that there are many other resolutions that might well, with equal propriety, be introduced and disposed of. This resolution might well be debated by members of some kindergarten school in some remote village; but the Senate of the United States is not the place for its consideration. However, the Senator from Wisconsin [Mr. LA FOLLETTE], seeing the pillars of the Republic trembling and the "wide arch of the ranged empire" collapsing, and fearing that Plymouth Rock may be taken up and thrown into the sea, introduces this moth-eaten resolution.

It has afforded a coveted opportunity for Senators to display knowledge of a few scraps of history; and it has enabled some Senators to unleash their tongues, rush to the door of the temple of liberty, and beat back the enemies of the Republic—as though to-day, in this year of our Lord 1928, an enemy was at our gate, that Hannibal was within sight of Rome.

Since I see my scholarly friend from Utah [Mr. KING] smiling, for his mind goes back over the past and he knows something of the history of the world, I wonder what would have been said in the Roman Senate when Hannibal was within a few miles from Rome, out there on the Appian Way, if some senator in his toga had risen and introduced a resolution that no general of the Roman Army should be appointed or reelected a third time—if it had been suggested that Fabius be dismissed! As Senators familiar with history know, if a Roman senator had made such a proposition in the Roman Senate he would have been hurled from the Tarpeian Rock; he would have been regarded as another Catiline.

Mr. President, what is the meaning of this resolution?

Mr. NEELY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from West Virginia?

Mr. SHORTRIDGE. I yield with pleasure.

Mr. NEELY. I hope that the scholarly and eloquent statesman from California does not mean to intimate that Senators will, by supporting the La Follette resolution, become as infamous as Catiline, who murdered his brother-in-law and conspired to overthrow the government of his country.

Mr. SHORTRIDGE. No; but I am prompted to say that it seems to me that any Senator who votes for this immediate resolution is afraid of the people of the United States of America, or, perhaps, thinks that we have sunk to that depth of political depravity suggested by Washington in his letter to Lafayette when we may not rely upon the people of the Republic.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me?

Mr. SHORTRIDGE. Yes; I yield to the Senator.

Mr. ROBINSON of Arkansas. The plain inference from the Senator's remarks is that he favors a third term for the Chief Executive?

Mr. SHORTRIDGE. Not at all. I will make myself plain; it will not be necessary to draw an inference. I generally attempt to make myself clearly understood.

Mr. ROBINSON of Arkansas. But the Senator has stated that it is almost treasonable for other Senators to support a resolution declaring against a third term for the Chief Executive. What other inference could one draw from his remarks?

Mr. SHORTRIDGE. You may draw this inference, I will say to the Senator from Arkansas, that any Senator to-day who feels it necessary to warn against a third term for the President must have reached the conclusion referred to by Washington, that he fears the people have become so debauched, so lost to political virtue, so cooled off in their reverence for the Constitution and the laws, that we may not trust them. I do not occupy that position, and I do not think the Senator from Arkansas does; I am sure he does not.

Mr. ROBINSON of Arkansas. Will the Senator inform the Senate whether he favors a third term for the Chief Executive?

Mr. SHORTRIDGE. I can imagine conditions, such as Washington points out, when it would be the patriotic duty of the Nation or of the people of the United States to continue in their service a chosen Chief Executive, the Commander in Chief of their Army and Navy.

Mr. ROBINSON of Arkansas. Well, if I understand the Senator, my first inference was correct, namely, if the Senator thinks the country has a good President that President is justified in seeking a third term or the people are justified in supporting him for a third term.

Mr. SHORTRIDGE. The Senator, of course, will utterly fail in attempting to state my position wrongly; he does not do it intentionally; but I say this: I am going to leave this matter with the people of the United States.

Mr. ROBINSON of Arkansas. We shall all do that.

Mr. SHORTRIDGE. Of course we shall.

Mr. ROBINSON of Arkansas. We shall all do that if any President——

Mr. SHORTRIDGE. Let us do it, then.

Mr. ROBINSON of Arkansas. If any President chooses to violate the precedent about which we are speaking; but I do not feel that there is anything treasonable or cowardly in a Senator expressing his adherence to what has become the accepted policy of the Nation.

Mr. SHORTRIDGE. I will discuss that, but I am not imputing treason. I am saying—and I shall not longer be diverted—that I am willing to trust the people; and I do not think they are calling upon the Senator from Arkansas or upon me or upon other Senators here to legislate for them or to pass any such resolution. I have faith in the people of the United States. I believe the people of the Senator's great State and of my State love the Constitution to-day better and have greater faith in our form of government than they ever had before. And therefore——

Mr. ROBINSON of Arkansas. Is the Senator——

Mr. SHORTRIDGE. Pardon me. Therefore—and I repeat myself over and over again—this seems to me to be an untimely resolution; it is an unwise resolution; nor is it true, so far as treason is concerned, that it would be unpatriotic for the people of America in a great emergency to continue in service a President who had carried the Nation on, even if it be so for two elected terms.

Mr. ROBINSON of Arkansas. Washington had done that, had he not?

Mr. SHORTRIDGE. Of course, he had.

Mr. ROBINSON of Arkansas. And Washington decried against a third term.

Mr. SHORTRIDGE. He did not, Senator—pardon the emphasis. Washington never uttered one word against it.

Mr. ROBINSON of Arkansas. Does the Senator think the example of Washington tends to support the policy of third terms for Presidents?

Mr. SHORTRIDGE. The example of Washington is known to the world.

Mr. ROBINSON of Arkansas. Yes.

Mr. SHORTRIDGE. I will answer now—it is out of the order of my thought, but perhaps it is just as well to pause right here.

Mr. NEELY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from West Virginia?

Mr. SHORTRIDGE. Pardon me; I will yield presently. Let me first courteously reply to the Senator from Arkansas.

Mr. NEELY. I wish only to ask the Senator a question.

Mr. SHORTRIDGE. Well, what thought is bursting out? What is it?

Mr. NEELY. Is the Senator's belief coextensive with his implication that all Senators who support the La Follette resolution should be hurled from the Tarpeian Rock to political oblivion?

Mr. SHORTRIDGE. No; I hope the Senator from West Virginia will live in a Lucullan banquet room the rest of his life. But I wish to say here that I may move an amendment to this resolution providing that no Senator with a six-year term shall ever be elected for a third term. That is fraught with great danger. The power that is developed in the Senate——

Mr. GLASS. Mr. President, would it not greatly distress the Senator from California if the Senate should adopt his suggested amendment?

Mr. SHORTRIDGE. No. I am entering upon my second term, and I will trust to the whirligig of politics.

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. Yes, sir.

Mr. PITTMAN. There is one thought that occurs to me in view of the Senator's argument that the resolution has no proper place in the Senate.

Mr. SHORTRIDGE. It has not.

Mr. PITTMAN. The thought occurs to me that the resolution is necessary in defense of the candidates for the Presidency on the Republican side of the Senate. Does not the Senator believe that the only possible excuse for Republican Senators being candidates for the Presidency is the fact that they believe President Coolidge meant what he said?

Mr. SHORTRIDGE. My reply to my learned friend from the far West——

Mr. ROBINSON of Arkansas. Not so far west.

Mr. SHORTRIDGE. My reply is that I am not speaking of persons to-day, unless it be the great George Washington. I am not thinking of the present occupant of the White House; I am not thinking of any man; I am thinking of our form of government and the power of the people of this Republic to choose their officers, including their President. I am not thinking of any particular Democratic or Republican candidate for that high office, though they are as—

> Thick as autumnal leaves that strow the brooks in Vallombrosa.

Mr. PITTMAN. I understand that the Senator is making a serious argument, and I think it is a serious question which is involved.

Mr. SHORTRIDGE. It is.

Mr. PITTMAN. But I do think it is unkind, not to say cruel, that the Senator should say to all the other Senators here, if there are any who are not candidates, that they shall be debarred from supporting the position taken by the candidates who are members of this body. I think that any Senator here has an absolute right to be a candidate for the Presidency, and I think that his sincerity should not be questioned, and

when we have Republican Senators daily announcing their candidacy we can not allow it to be considered by the country that their action is treasonable to their President. I think we should state as a Senate that we believe that the candidates who are now members of the Senate firmly believe that the President of the United States was sincere when he said he was not going to run.

Mr. SHORTRIDGE. Well, many are called but few are chosen. [Laughter.] I grant that every distinguished, learned, scholarly, and ambitious Member of the Senate has a constitutional right to run for the Presidency and may be eligible intellectually and otherwise. I am offering no bar to any Senator here who may desire to run for the office.

Mr. PITTMAN. I know; but I do not think the Senator meant to reflect upon the Senators who are candidates.

Mr. SHORTRIDGE. Oh, no; not at all.

Mr. PITTMAN. I did not want that idea to get out, when the Senator said that he was not thinking about the senatorial candidates. There are a great many people who are thinking of the senatorial candidates. It is possible that some of them will be nominated. As a matter of fact, there is no reason why some of them should not be nominated, in my opinion. As a matter of fact, there are none of them but that I should like to see nominated.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. Well, time is running on and we have not eternity at our disposal.

Mr. NEELY. The Senator's quotation of one of Milton's classical and mellifluous expressions reminds me of a stanza of Byron's Destruction of Sennacherib, which is as follows:

> Like the leaves of the forest when summer is green,
> That host with their banners at sunset were seen;
> Like the leaves of the forest when autumn hath blown,
> That host on the morrow lay wither'd and strown!

Does the Senator from California realize that all but one of the Republican candidates for the presidential nomination will inevitably be overtaken by a fate similar to that which overwhelmed the Assyrian host?

Mr. SHORTRIDGE. That is very beautiful; but the word "green" suggests to me this: I have a little touch of Irish in me, and I do not care what color you paint your barns down in West Virginia, provided it is green.

Mr. NEELY. Unless there is a change of administration, we shall not even be able to whitewash them.

Mr. SHORTRIDGE. Well, it will be a Republican Senator that will come back from West Virginia next time. Pardon me for saying that.

Mr. NEELY. In which improbable event the people of West Virginia would suffer a dire calamity.

Mr. SHORTRIDGE. Now, returning to my friend from Arkansas, let me quote what Washington said upon this immediate point of ineligibility to the presidential office, if that be a proper way to express it.

In a letter addressed to Lafayette in 1789 among other things he said what I shall read in a moment. May I pause to say Washington was discussing, in correspondence with Lafayette, our Constitution. Of course, we know the great love that existed between Lafayette and Washington—one of those beautiful affections, sexless love, ennobling love of man for man. He opened his heart to Lafayette—I hope that is a good phrase to use—and he said:

> On the general merits of this proposed Constitution, I wrote to you some time ago my sentiments pretty freely. * * * There are other points in which opinions would be more likely to vary. As for instance, on the ineligibility of the same person for President, after he should have served a certain course of years. Guarded so effectually as the proposed Constitution is, in respect to the choice of President, I confess I differ widely myself from Mr. Jefferson and you, as to the necessity or expediency of rotation in that appointment. The matter was fairly discussed in the convention—

Senators remember all that discussion, and it is not necessary to take up the time here to go back and quote from the debates in the Constitutional Convention. Washington sat there presiding; he listened to all those arguments, and he said:

> The matter was fairly discussed in the convention, and to my full conviction, though I can not have time or room to sum up the argument in this letter, there can not, in my judgment, be the least danger that the President will by any practicable intrigue ever be able to continue himself one moment in office, much less perpetuate himself in it, but in the last stage of corrupted morals and political depravity; and even then, there is as much danger that any other species of domination would prevail. Though, when a people shall have become incapable of governing themselves, and fit for a master, it is of little consequence from what quarter he comes. Under an extended view of this part of the subject, I can see no propriety in precluding ourselves from the services of any man, who in some great emergency, shall be deemed universally most capable of serving the public.

I hope that the heralds of the morning, or of the dusky evening, will quote that and let the people of the United States know, not what we say of George Washington, not what we think of him, but let the people know what George Washington said in his letter to Marquis de Lafayette in 1789. I have read it, and I hope it will be reread and pondered.

But, moreover, that is not the only time when George Washington spoke specifically on this very question of ineligibility, or the limiting of the term for a given man.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. Yes, Mr. President.

Mr. ROBINSON of Arkansas. Of course, we all know that there is no inhibition in the Constitution against a President who has served two terms succeeding himself. Is it the purpose of the Senator now to attempt to show that George Washington favored third terms for President, and is it his purpose to show that it is sound public policy?

Mr. SHORTRIDGE. I am not setting out to show that, Mr. President. I am setting out now to show, as I said, that George Washington never expressed himself in hostility to a third term if there was a great emergency which called for a given man.

Mr. ROBINSON of Arkansas. Nevertheless, Mr. President, when urged to become a candidate for a third term, when the Nation seemed to demand his services, when many great influences were being brought to bear upon him to make the sacrifice, he declined to do so, and his action in declining under those conditions forms the basis of a policy which has become well established in the conscience and judgment of the great majority of the American people, in my opinion, namely, that no Chief Executive should succeed himself after having served a second term. There is this consideration, too, which applies with some force to a second term, but not with equal force, namely, that a President who desires to do so can force his own renomination, for the simple reason that in nearly every convention that assembles a large number of the delegates consist of Federal officeholders, and a larger number, perhaps, consist of the relatives and friends of Federal officeholders; and within the last few years we have seen an illustration of a President seeking to be nominated for a second term, whose nomination was encompassed, when he was able to carry only two very small States. So that there is a power and an influence which accrues to one in a high office, particularly a high executive office, which enables that individual, if he chooses to exercise his power, to encompass his own preferment in spite of the will of the public.

Mr. SHORTRIDGE. Yes; and then the people have the final say; and I am standing with the people to-day.

Mr. ROBINSON of Arkansas. Just to-day? Is that the only time the Senator proposes to stand by the people?

Mr. SHORTRIDGE. To-day, and all my life; and I claim the right of Arkansas to elect her Senators, too, notwithstanding the vote of this body.

Mr. ROBINSON of Arkansas. That is a gratuitous contention. I did not know that anybody had contradicted it.

Mr. SHORTRIDGE. The Democratic Party in Baltimore, in convention assembled—the great, historic Democratic Party, representing 48 States, good men and patriotic men, who loved their country—adopted solemnly a platform one plank of which was against a second term. I shall read it here in a moment. They nominated a great American. He kept us out of war; but when 1916 came along, forgetting their platform, they renominated him; and the people of America elected him. I do not cite that as indicating inconsistency or abandonment of principle. If I cite it for any immediate purpose, it is to show that finally the choice of a President rests with the people of America.

Now, let me quote again what Washington said:

> There can not in my judgment be the least danger that the President will by any practicable intrigue ever be able to continue himself one moment in office, much less perpetuate himself in it, but in the last stage of corrupted morals and political depravity.

Mr. President, I am not willing to admit, this day or any other day, that the American people have reached that depth of moral or political depravity. I believe that the people of this country—men and women—are devoted to the Constitution and will exercise a wise and discriminating judgment in the choice of a President.

Moreover, right on this point, in a letter to Bushrod Washington, dated November 10, 1786, Washington said—and he speaks so much better than I can that I read his words—

touching the safeguards in the Constitution against the perpetuation of power in one man or in a group of men:

The power under the Constitution will always be in the people. It is intrusted for certain defined purposes and for a certain limited period to representatives of their own choosing, and whenever it is executed contrary to their interest or not agreeable to their wishes their servants can and undoubtedly will be recalled. It is agreed on all hands that no government can be well administered without powers; yet the instant these are delegated, although those who are intrusted with the administration are no more than the creatures of the people, act as it were but for a day, and are amenable for every false step they take, they are, from the moment they receive it, set down as tyrants; their natures, they would conceive from this, immediately changed, and that they can have no other disposition but to oppress. Of these things, in a Government constituted and guarded as *ours* is, I have no idea, and do firmly believe, that, whilst many *ostensible* reasons are assigned to prevent the adoption of it, the real ones are concealed behind the curtains, because they are not of a nature to appear in open day. I believe, further, supposing them fewer, that as great evils result from too great jealousy as from the want of it. We need look, I think, no further for proof of this than to the constitution of some, if not all, of these States. No man is a warmer advocate for proper restraints and wholesome checks in every department of government than I am, but I have never yet been able to discover the propriety of placing it absolutely out of the power of men to render essential services, because a possibility remains of their doing ill.

A little later, in a letter written in 1788 to Lafayette, when the country was discussing the amending of the Articles of Confederation, Washington said, in assigning his reasons for the support of a constitution such as framed:

These powers—as the appointment of all rulers will forever arise from, and at short-stated intervals recur to, the free suffrage of the people—are so distributed among the legislative, executive, and judicial branches, into which the General Government is arranged, that it can never be in danger of degenerating into a monarchy, an oligarchy, an aristocracy, or any other despotic or oppressive form, so long as there shall remain any virtue in the body of the people.

So I set out to say—and I did say—that there is no known writing of Washington wherein he expresses the thought that there should be a limit as to the election or reelection of a President any more than that there should be a limit as to the election or reelection of a Senator or of a Member of the House or as to the election or reelection of a governor of one of our great and quasi-sovereign States.

His example we know, and we know the words of Jefferson, but I have here quoted the very words of Washington, in which he says that he wholly disagrees from Jefferson upon that proposition. As he repeatedly stated, Washington was willing to leave the subject matter of the choice of a President to the people of the Republic, and I shall be surprised if any industrious, scholarly Senator will be able to find any word in Washington's formal documents, in his letters, in his private diary, in which he expressed a thought different from what he said to Lafayette in 1789.

One word more on this remote historical period. We know that Washington did not wish to become President the first term; we know that. After presiding over the convention in Philadelphia, and then going forth with John Marshall and others and urging the adoption of the Constitution, he retired to Mount Vernon, in the hope that there he would enjoy the pleasures and the satisfaction of private life. I have his words here in respect to being called back into the public service for the first term, and after reading them, I will take the liberty of quoting from him as to what he said as to a third term, in a reply to Lafayette.

In 1789 George Washington said this, after the adoption of the Constitution by the several States:

The choice of Senators, Representatives, and electors, which (excepting in that of the last description) took place at different times in the different States, has afforded abundant topics for domestic news since the beginning of autumn. * * * I will content myself with only saying that the elections have been hitherto vastly more favorable than we could have expected, that Federal sentiments seem to be growing with uncommon rapidity, and that this increasing unanimity is not less indicative of the good disposition than the good sense of the Americans. Did it not savor so much of partiality for my countrymen, I might add that I can not help flattering myself that the new Congress, on account of the self-created respectability and various talents of its Members, will not be inferior to any assembly in the world. I most heartily wish the choice—

I beg Senators to listen to this, for I hope to impress them with it—

I most heartily wish the choice to which you allude [election to the Presidency] may not fall on me. * * * If I should conceive myself in a manner constrained to accept, I call Heaven to witness that this very act would be the greatest sacrifice of my personal feelings and wishes that I ever have been called upon to make.

My movements to the chair of government will be accompanied by feelings not unlike those of a culprit who is going to the place of his execution. * * * Integrity and firmness are all I can promise. These, be the voyage long or short, shall never forsake me, although I may be deserted by all men; for, of the consolations which are to be derived from these, under any circumstances, the world can not deprive me.

Heaven knows that no event [election to the Presidency] can be less desired by me, and that no earthly consideration short of so general call, together with a desire to reconcile contending parties as far as in me lies, could again bring me into public life.

We know why he did not yield to the importunities of men to be elected after his second term. Later, in 1799, during the administration of John Adams, when there had grown up the Federalist and the Anti-Federalist Parties, and John Adams betrayed little ability to carry on successfully, if you please, there was then a movement, in 1799, about the close of this intervening term of Adams, to call Washington back into the Presidency for a third term, even as a great mass of Americans wanted to call Theodore Roosevelt back after an intervening term. We have here the words of Washington in regard to that matter, as to why he did not accept the call, and those of us familiar with that period well might blush when we recall the bitter, the ungenerous attacks that were made upon Washington. Indeed, it is said that if the smallpox had not broken out in Philadelphia during that period he could not have walked the streets without open insult. Yet we to-day bow in reverence before him and go down as pilgrims to Mount Vernon.

I repeat that in 1799, when John Adams's term was drawing to a close and the great Thomas Jefferson was, of course, fighting him and his party, overtures were made to Washington to become a candidate. He declined, but not because of any third-term prejudice; not at all. He declined because, he said—and his words are here—he could not serve better than the occupant of the office, that partisanship had so developed that he would be abused and traduced even as the occupant of the office was being abused and traduced, and that he could not bring himself to believe that he could serve any more capably. That he said in 1799. I read from his letter to Gov. Jonathan Trumbull, dated July 21, 1799:

I come now, my dear sir, to pay particular attention to that part of your letter which respects myself—

That is, as to his running for a third term in 1799. He continues:

I remember well the conversation which you allude to, and have not forgot the answer I gave you. In my judgment it applies with as much force *now as then;* nay, more, because at that time the line between parties was not so clearly drawn and the views of the opposition so clearly developed as they are at present. Of course, allowing your observation (as it respects myself) to be founded, personal influence would be of no avail.

Let that party—

Now, I quote him without comment, but this is what Washington said. By "that party," of course Senators know to whom he referred—

Let that party set up a broomstick and call it a true son of liberty—a Democrat—or give it any other epithet that will suit their purpose, and it will command their votes *in toto.*

Will not the Federalists meet, or rather defend their cause, on the opposite ground? Surely they must, or they will discover a want of policy indicative of weakness and pregnant of mischief, which can not be admitted. Wherein, then, would lie the difference between the present gentleman in office and myself? * * *

It would be criminal, therefore, in me, although it would be the wish of my countrymen, and I could be elected, to accept an office under this conviction which another would discharge with more ability; and this, too, at a time when I am thoroughly convinced that I should not draw a *single* vote from the Anti-Federal side, and, of course, should stand upon no other ground than any other Federal character well supported; and, when I should become a mark for the shafts of envenomed malice and the basest calumny to fire at—when I should be charged not only with irresolution, but with concealed ambition, which waits only an occasion to blaze out—and, in short, with dotage and imbecility.

So I turn from the Father of his Country by saving that there is not one word in his writings or in his political philosophy against the ineligibility of a citizen of the Republic who meets the requirements of the Constitution to the Presidency.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. With pleasure.

Mr. ROBINSON of Arkansas. Of course, again I say there is no question of legal eligibility arising under the resolution; but I do not see how the Senator can quote the language last quoted from Washington in support of the policy of a third term for President.

Mr. SHORTRIDGE. I respectfully inquire of the Senate what is meant by "second term" in the resolution, or "third term" in the resolution? Does it mean successive terms—two, three successive terms? What is the meaning of "term"? I listened yesterday with respect to some thoughts as to what the word "term" means in the Constitution or what meaning was to be attributed to it in the resolution. "Term?" The Constitution fixes the term. When we speak of the term of a Senator it is six years. When we speak of the term of a President it is four years.

When a President dies—thank God none has ever been impeached—and there is a vacancy the Vice President, by force of the Constitution, performs the functions of the President. He continues the term, the remaining years or months of the fixed constitutional legal term of four years. He does not serve a term. Speaking as a lawyer, if I may presume to do so, he does not serve a term. There is but one term of four years. The President dies. The Vice President continues to perform his functions during the remainder of that time, but the Vice President, I have sometimes thought, does not become President. In such event, I have sometimes thought that the Vice President performs the duties of the President, even as the vice president of a company performs the duties of the president in the latter's absence.

But whatever the Constitution may say on that subject, or whatever the true interpretation of it may be, I stand here contending that the Vice President does not serve a term, but a part of a term remaining unfilled by the President. I therefore question the resolution unless it is made specific as to meaning successive terms.

That brings me to this thought thrown out a moment ago: In 1900 William McKinley and Theodore Roosevelt were elected President and Vice President. I take pride in recalling that I bore the returns from California to this body, having been presidential elector at large in that State in 1900. In the providence of God a great catastrophe came upon us in the death of William McKinley. Theodore Roosevelt became President. He served his country well, unafraid, undaunted, never afraid of enemy within or from without. He was a great American. Later he retired with honor from the presidential chair. Four years intervened. There were many millions of American citizens, north and south, east and west, who prayed and worked for the return of Roosevelt to the presidential chair. He failed of nomination and of election, and another great American, in the person of President Wilson, was elected in 1912 and reelected in 1916. But there were millions of people in America who wanted to see Roosevelt again President.

I would like to inquire of Senators, if Theodore Roosevelt had received the nomination and had been elected in 1912 or in 1916 or in 1920, would they have thought the Republic was in danger, and would these same gentlemen who followed his banner have stood here in the Senate or elsewhere opposing him and advancing the argument that he was endangering the Republic or violating some sacred tradition of the Republic?

Mr. HARRISON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. GEORGE in the chair). Does the Senator from California yield to the Senator from Mississippi?

Mr. SHORTRIDGE. Certainly.

Mr. HARRISON. The Senator, of course, in the campaign of 1912 took a very prominent part in his State, as he has done in the last quarter of a century or more. Did not the Senator in 1912 make speeches throughout California in behalf of Mr. Taft and against the reelection of Mr. Roosevelt on the theory that Mr. Roosevelt had already served two terms?

Mr. SHORTRIDGE. No. I opposed him then because I then was, always have been, and am a regular Republican.

Mr. HARRISON. And did not the Senator employ the argument which I have just called to his attention?

Mr. SHORTRIDGE. No.

Mr. HARRISON. Did not some of the speeches of the Senator in that campaign fairly scintillate with the idea that Mr. Roosevelt would be serving longer than Washington, Madison, and those other gentlemen, and therefore he should not be reelected?

Mr. SHORTRIDGE. I do not know what the newspapers may have said, but I know my firm views all my life.

Mr. HARRISON. Does the Senator deny that the papers of that time made such statements?

Mr. SHORTRIDGE. I do not know what they stated. I deny that any such statement was made unless it is brought to my attention. In that campaign there were three candidates—Woodrow Wilson, former President Roosevelt, and our regularly nominated candidate, William H. Taft. I supported President Taft upon the ground that he was the regularly nominated candidate of the Republican Party and worthy of election, and did not advance those arguments at all. I do not recall ever having discussed the third-term proposition. It may have been mentioned by others, but so far as political discussion was concerned I did not ground my opposition to Mr. Roosevelt at all upon that proposition.

I content myself with asking the question whether as of this day there is any danger confronting the public which would make it necessary for the Senate to indulge in this debate or in this discussion or in considering this resolution? Of course, I am subject to censure in doing so, I admit that; but the example having been set I have thought I would be excused for prolonging the discussion.

Mr. SIMMONS. Mr. President, may I ask the Senator a question?

Mr. SHORTRIDGE. Certainly.

Mr. SIMMONS. The Senator has taken up a great deal of time this morning in an effort to inform the country with reference to the views of Washington with regard to a third term for somebody else beside himself. Would the Senator, if he has the information before him, give the country the benefit of the reasons assigned by Mr. Roosevelt for his refusal to become a candidate for a third term? I think if the Senator would investigate that matter, if he has not already done so, he might find some enlightenment. If he has, I think it would be enlightening to the country to know what were the reasons of Mr. Roosevelt for declining to be a candidate to succeed himself after he had held the office, not for two whole terms, but for one whole term and a part of the term of his predecessor.

Mr. SHORTRIDGE. We ought not to be in doubt for the reasons President Roosevelt assigned, because he expressed them himself. He doubtless entertained those views at that time, but manifestly he did not hold to the view that after an intervening term he would be ineligible, or that to accept then the nomination and election would place him in the position of violating any tradition or imperiling the country.

Mr. SIMMONS. That is a very different question.

Mr. SHORTRIDGE. I am discussing this question.

Mr. SIMMONS. Yes; we are discussing the question of a third consecutive term, and not the question of whether a man who has held one term or two terms and then had somebody else as an intervening occupant of the Presidency can properly offer himself for reelection for another term.

Mr. SHORTRIDGE. A very learned Senator yesterday took that position, that it would be violative of the tradition.

Mr. SIMMONS. I am not taking any position about it.

Mr. SHORTRIDGE. No; it was not the Senator from North Carolina.

Mr. SIMMONS. What I am trying to get the Senator to do is to give us the reasons assigned by Mr. Roosevelt himself——

Mr. SHORTRIDGE. I can not quote him.

Mr. SIMMONS. The reasons why he did not run for a third term under conditions exactly similar to the conditions which obtain in the case of Mr. Coolidge.

Mr. SHORTRIDGE. I am not discussing Mr. Coolidge or Mr. Roosevelt or Mr. Anybody. I am discussing the question of the constitutional right of the people of the United States to exercise their choice and their judgment. President Roosevelt expressed himself as of a certain time, giving his reasons. I can not quote his exact words.

Mr. SIMMONS. But the Senator does not get the point of my question. The point of my question is that the Senator has taken up certainly half an hour, if not three-quarters of an hour, explaining why Washington was not a candidate for a third time, or explaining the reasons that Washington gave why somebody else might not be eligible to a third term. Is it not just as pertinent to give the reasons assigned by Mr. Roosevelt, who lived more than 100 years after Washington and when conditions were entirely different in the country? Why not give the reasons assigned by him why he did not run for a third term? That is the question I am putting to the Senator from California.

Mr. SHORTRIDGE. I have yielded for the Senator to state his question. The Senator knows that Mr. Roosevelt gave his reason. He advanced the suggestion that it would not be good policy, expressing himself in his own vigorous way. That is all he said. That was the sum and substance of it. He was

not a candidate and undoubtedly assisted in the nomination of Mr. Taft.

Mr. SIMMONS. What construction does the Senator place upon the meaning of Mr. Roosevelt's words when he said it would not be good policy—that it would not be wise or patriotic?

Mr. SHORTRIDGE. He did not say it would be unpatriotic.

Mr. SIMMONS. That it would infringe upon a well-established principle?

Mr. SHORTRIDGE. He may have said that.

Mr. SIMMONS. What did he mean when he said it would not be good policy?

Mr. SHORTRIDGE. Of course, he meant what he said. It was not ambiguous or unintelligible.

Mr. SIMMONS. What is the Senator's construction of what he meant? Did he mean that it would be unwise; that it would be violative of a well-established precedent that ought to be followed?

Mr. SHORTRIDGE. Unquestionably he said that. There is nothing uncertain about it.

Mr. SIMMONS. Exactly.

Mr. SHORTRIDGE. He gave his reasons for it.

Mr. SIMMONS. I know he did.

Mr. SHORTRIDGE. Certainly he did.

Mr. SIMMONS. I wanted the Senator from California to be as specific in speaking about the views of a great American, as he has described Mr. Roosevelt, who had been for two terms in the White House——

Mr. SHORTRIDGE. He had not been in the White House for two terms.

Mr. SIMMONS. Just like Mr. Coolidge, he had served a part of one term and one full term in the White House; and he thought that it would not be wise, that it would not be in conformity with good public policy for him to allow himself to be nominated for a third term.

Mr. SHORTRIDGE. Unquestionably he said that.

Mr. SIMMONS. Yes. Now, will the Senator from California pardon me a little further?

Mr. SHORTRIDGE. Will the Senator first pardon me? The Senator rather censured me for the time I have been taking up. Now, who has consumed most of my time?

Mr. SIMMONS. I did not mean to censure the Senator for the time he was taking up; I was not opposed to his taking a reasonable time to elaborate and discuss the case of Roosevelt as he had taken to discuss the case of Washington.

Mr. SHORTRIDGE. I have discussed the case of Washington because history has been misstated; I have discussed that case for a perfectly manifest purpose. I have no hesitation in incorporating in the RECORD here the very words of Roosevelt. I respect them; they are entitled to respectful pondering. The Senator from North Carolina may do so in my time if he wishes.

Mr. SIMMONS. But the Senator had passed the discussion of Roosevelt without mentioning the fact that he declined to be a candidate for a third term under conditions similar to those which now confront Mr. Coolidge.

Then I wish to ask the Senator another question. The Senator has elaborated upon the views of General Washington; he has read from his letters; he has insisted that Washington said there was no danger in a third term or in giving the President an indefinite lease of power. Does the Senator know that long since General Washington departed the great State from which he came, the State of Virginia, saw fit in its constitution to provide that its governor should not hold office for more than one term of four years?

Mr. SHORTRIDGE. I do not think that is wise at all.

Mr. SIMMONS. Does the Senator know that many other States of this Union, my own State of North Carolina being one of them, the State of South Carolina on one side of us being one of them, the State of Virginia on the other side being one of them, have each of them in their constitutions adopted in recent years provided that their governors shall not hold two consecutive terms?

Mr. SHORTRIDGE. I know that.

Mr. SIMMONS. Why? Because they feared the very thing that is in the public mind when opposition is expressed to a third term for a President of the United States at this time.

Mr. SHORTRIDGE. With great respect for Virginia and for the Senator's own great State of North Carolina, where my grandfather was born, I do not think it wise for the people of a great State thus to limit themselves. I remember that old Virginia elected and reelected and reelected Patrick Henry to a third term as Governor of Virginia. Did anybody think that the liberties of Virginia were imperiled when that great man was its governor for a third term? The only time, by the way, that Virginia ever turned against Patrick Henry was in the convention at Richmond when the great influence of Washington, Marshall, and others, by a naked majority of only 10 votes, secured the ratification of the Federal Constitution.

Mr. SWANSON. Mr. President, if the Senator will permit me to interrupt him, at that time, if I recall aright, the term of the Governor of Virginia was one year, or perhaps two years.

Mr. SHORTRIDGE. That may be.

Mr. SWANSON. Afterwards, however, when the term was extended to four years, making it equal to the presidential term, the patriots of Virginia thought there ought to be a limitation on it.

Mr. SHORTRIDGE. It may be wise for them; I do not know.

Mr. SWANSON. I would like to ask the Senator another question. I recall during the last Roosevelt campaign that charges were made against him that in running again for the presidential office he had violated the doctrine against third termism he laid down on the night of his election. The newspapers were very voluble, as were many citizens, in criticism of him for running again. Did the Senator from California indulge in any such criticism of Roosevelt at that time, that in again running for the Presidency he had departed from the tradition to which he had announced his adherence the night after his election?

Mr. SHORTRIDGE. I do not recall having done so, but it is conceivable that I pointed out his inconsistency, he having announced that he was opposed to the third-term idea, as the Senator has done again and again. I may have pointed out——

Mr. SWANSON. Mr. President——

Mr. SHORTRIDGE. Pardon me for a moment and then I will yield further. I may have pointed out that he was violating his own public declarations, even as I pointed out that the Democratic candidate and the Democratic Party had violated the solemn declaration of the Democratic platform committing the party to the one-term idea when they sought to reelect President Wilson.

Mr. SWANSON. If the Senator will permit me, I should like to ask him another question. If I understand the discussion at that time, most Republican speakers whom I heard and debated with commended Roosevelt very highly for the letter written the night after his election upholding the tradition against third termism. Subsequently they criticized him severely for departing from it. Did the Senator indulge in any laudation of Roosevelt for having announced that doctrine and then did the Senator follow it up with criticism of Roosevelt for having departed from it, as most of the Republican speakers did at that time?

Mr. SHORTRIDGE. No; I never indulged in any such somersault upon that proposition.

Mr. SWANSON. The somersault is being turned now.

Mr. SHORTRIDGE. The somersault is not being turned by me.

Mr. SWANSON. The somersault has occurred about 20 years afterwards.

Mr. SHORTRIDGE. No. I know my own views, and while they may suffer change, nevertheless I hold fast to one proposition and take my stand with George Washington. If George Washington was wrong, then I am wrong. George Washington saw no danger in entrusting this matter to the people, and he said that if the people became debauched, lost in moral or political virtue, then it mattered little whence the master came, but he feared no man on horseback. While it is in my mind, let me remind Senators who inherit the doctrines of Jefferson—and some of them I inherit—that Thomas Jefferson said that the American people would have their hearts torn out of their breasts rather than surrender their liberty to a Napoleon or a Cæsar. I am not afraid of any Napoleon; I am not afraid of any Cæsar; I see no danger to the Republic from such a quarter; indeed I see no great danger to the Republic from within or from without. I have wasted the time of the Senate and my own to-day more than I should have done in discussing a danger which I think is purely an imaginary one. It is the eye of childhood that fears a painted devil. There is no danger to the Republic which the passage of this resolution will avert. I repeat again and again that I am not thinking of persons nor of the present administration—not at all. I would say the same thing if a Democrat were in the White House, even if he had served a part of a term and was serving his so-called second term. I am not speaking of persons, but of the form of government under which we have operated, and I deny that this resolution speaks the truth when it says that anyone who shall take a contrary view is unpatriotic. Yet if Senators will consider the language of the resolution, they will realize that it imputes lack of patriotism to those who shall vote against it.

I made no charge of treason against anyone. Individual Senators may vote as they think proper, but I wish to divorce

the question from all local partisanship or present political considerations. I wish to leave the matter of the election of their President to the American people, to the people of the 48 States. I wish to leave the people free, as the years may come and go in the future, to act as they shall think wise, to do exactly as George Washington said they might well do in some moment of great danger, some occasion of great exigency which would move them to continue in office their Chief Executive.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Tennessee?

Mr. SHORTRIDGE. Yes, sir.

Mr. McKELLAR. Does not the Senator think there exists in this country a very strong and deep feeling upon the part of all patriotic citizens that it would not be a wise plan for any President to serve for a longer period of time than that served by the first President, George Washington?

Mr. SHORTRIDGE. Doubtless there are many who so think.

Mr. McKELLAR. Does not the Senator think, instead of there being many, that it is the underlying view of the people of America that General Washington, our great patriot President, and the first one, having voluntarily fixed two terms as proper for him, no other President should serve for a longer time?

Mr. SHORTRIDGE. That may well be.

Finally, Mr. President, this resolution is to the effect that to depart from this alleged tradition is "unwise, unpatriotic, and fraught with peril" to the Republic. I deny that. There is not a fact in history which warrants any such conclusion. Responding to the thought of the Senator from Tennessee, if it be desirable that the President shall be limited to two terms of four years, then let us submit an amendment to the Constitution and let the people of the United States pass upon that question. Such an amendment can be submitted to the legislatures of the different States or to conventions called in the several States; and let us propose such an amendment and provide that it shall be considered, ratified, or rejected by conventions called in each and all of the 48 States; and then we can ascertain whether the people of the United States want to bind themselves by such an amendment.

Therefore, I think it would be wise to refer this resolution to the Committee on the Judiciary; and that committee, perhaps sympathizing with the purpose of the resolution, might suggest and report a proposed amendment to the Constitution. If such a proposal came before this body, then, of course, it would be the legitimate subject of earnest consideration, for it would have to be passed by the requisite two-thirds of the Senate and two-thirds of the House to be submitted for ratification by the people, the legislatures, or conventions. But this resolution will not be a law, and, I repeat, it does not speak the truth.

I am not standing here beating my breast and claiming to be more patriotic than other Senators; but I have a reverent affection for our Constitution and our form of Government. I know what it has done for man and for woman, and I want it to live forever; and if it be desired that we of this generation shall amend it in the way suggested, be it so. The convention that met at Philadelphia discussed it—men who loved liberty, who had shed their blood for liberty discussed this question. Washington sat in the chair corresponding to the one now occupied by our Presiding Officer, listened to those arguments, and the wise men decided not to limit or bind the people of the United States in respect to this matter. If it be desired or be thought wise to depart from the conclusion reached by the fathers, let the people decide, and let them decide that grave matter in an authoritative way; and that way I have suggested. I have not lost faith in the people. Therefore I hope that Senators will agree to refer this resolution to the Committee on the Judiciary, with the view, if it be so, of submitting a proposed amendment to the Constitution of the United States.

I have broken my promise, Mr. President. I have detained the Senate too long. I have in no degree done any justice to the subject, and none to myself; but I leave the matter, trusting there will not linger in the mind of anyone a feeling or a thought that there is anything personal in anything I have said—nothing at all. In political campaigns we inveigh against our so-called political enemies, and doubtless I called attention to the 1912 one-term plank in the platform of the Democratic Party and commented upon their inconsistency. Doubtless I did. It may well be that I commented on the inconsistency of Theodore Roosevelt in doing that which he had spoken against. It may well be. I am not thinking of persons. I am thinking of great principles of government; and I am standing here, very humbly, affording him no strength, beside the father of our country, who was willing to leave this matter to the wise judgment of his countrymen. There I am willing to leave it.

Mr. BINGHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GEORGE in the chair). The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	La Follette	Shortridge
Barkley	Ferris	McKellar	Simmons
Bingham	Fess	McMaster	Smith
Black	Fletcher	McNary	Smoot
Blaine	Frazier	Mayfield	Steck
Blease	George	Moses	Steiwer
Borah	Gerry	Neely	Stephens
Bratton	Gillett	Norbeck	Swanson
Brookhart	Glass	Norris	Thomas
Broussard	Gooding	Nye	Trammell
Bruce	Gould	Oddie	Tydings
Capper	Harris	Overman	Tyson
Caraway	Harrison	Pine	Wagner
Copeland	Hawes	Pittman	Walsh, Mass.
Couzens	Hayden	Ransdell	Walsh, Mont.
Curtis	Heflin	Reed, Pa.	Warren
Cutting	Howell	Robinson, Ark.	Waterman
Dale	Johnson	Robinson, Ind.	Watson
Deneen	Jones	Sackett	Wheeler
Dill	Kendrick	Sheppard	Willis
Edge	King	Shipstead	

The PRESIDENT pro tempore. Eighty-three Senators having answered to their names, a quorum is present.

Mr. EDGE. Mr. President, the time of the Senate for a considerable portion of the last three or four days has been consumed in what appeals to me as purely a political gesture. I wish to assure the Senate that, following my usual custom, my remarks on the pending resolution will be very, very brief. I think I can assemble in a three-minute talk sufficient objection, at least so far as my viewpoint and conviction are concerned, to demonstrate that this resolution should not be agreed to.

Sponsors for the pending resolution frankly admit that it was introduced for the purpose of deterring the present President of the United States from being called to head his party for the second time, or, as they prefer to put it, to prevent him from being a candidate for a third term. The introduction of the resolution and its source was a clear indication that the strength of the President in the country is recognized and that he is greatly feared by his opponents.

Personally, I have no doubt that, whether the resolution shall be adopted or rejected, it will not have the slightest effect upon the determination of the present occupant of the White House.

With much regret I have accepted the statement of the President in not being a candidate to succeed himself as final and conclusive, and I am convinced that nothing could happen which would change his determination.

That the resolution to a great extent is meaningless is practically admitted by at least some of its sponsors or supporters. They frankly say that they would not support an amendment prohibiting a third term as a part of the Constitution. They further admit that they would prefer at times to leave to the people the decision in a situation such as, in the minds of some, perhaps now confronts us.

If the proponents of this resolution feel that the Constitution should not be amended in this particular, but that the people should be given an opportunity to decide, then why do they support the resolution; why, from their standpoint, is there a necessity for the resolution?

We have heard much to the effect that the people should rule, and we know that ultimately the people do rule. This resolution is met by some of its supporters with the statement that it should not be a part of our fundamental law. Then, I repeat, it becomes simply a political gesture.

In my judgment the time of the Senate can be much better spent in the consideration of some of the legislation which the country hopes we will consider, rather than spending three or four days, and perhaps hours yet to come, in simply voting yea or nay on a political gesture which, its supporters admit, should ultimately be decided by the people.

I do not believe the people need or seek our advice in this particular.

Mr. SHEPPARD. Mr. President, I make the point of no quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Black	Borah	Broussard
Barkley	Blaine	Bratton	Bruce
Bingham	Blease	Brookhart	Capper

Caraway	Gooding	Neely	Smoot
Copeland	Gould	Norbeck	Steck
Couzens	Harris	Norris	Steiwer
Curtis	Harrison	Nye	Stephens
Cutting	Hawes	Oddie	Swanson
Dale	Hayden	Overman	Thomas
Deneen	Heflin	Pine	Trammell
Dill	Howell	Pittman	Tydings
Edge	Johnson	Ransdell	Tyson
Edwards	Jones	Reed, Pa.	Wagner
Ferris	Kendrick	Robinson, Ark.	Walsh, Mass.
Fess	King	Robinson, Ind.	Walsh, Mont.
Fletcher	La Follette	Sackett	Warren
Frazier	McKellar	Sheppard	Waterman
George	McMaster	Shipstead	Watson
Gerry	McNary	Shortridge	Wheeler
Gillett	Mayfield	Simmons	Willis
Glass	Moses	Smith	

The PRESIDENT pro tempore. Eighty-three Senators having answered to their names, there is a quorum present.

Mr. REED of Pennsylvania. Mr. President, I do not mean to take the time of the Senate for more than a moment or two to state my attitude on the pending resolution.

I am going to vote against the resolution, although I feel as I think the majority of the Senate feel, that in the ordinary case it is unwise for the people to elect the same man to more than two substantial terms in the Presidency. I put it in that way, because I mean that if a President has had a substantial term by succession to the elected President, in my judgment that is the equivalent, for all practical purposes, of an elective term.

I do not believe that, as a general rule, it would be wise to put this provision into the Constitution. I think we can all agree that it would have been to the infinite benefit of all of our people, in all probability, had President Lincoln served three full successive terms instead of one term and a few weeks. Had he been in office for eight years longer, most of the agony of reconstruction and the unwisdom of the reconstruction policies would, in all probability, have been avoided.

There may be exceptions, as I think there was an exception in that case. The people can be trusted to say whether the circumstances of a particular case justify a departure from this tradition. I do regard it as a tradition. I believe that most of the people of the United States regard it as a traditional policy of the people, and I hope that it will not be departed from except in emergencies or in remarkable cases.

As far as Mr. Coolidge is concerned, I do not believe that he has had two substantial terms as President of the United States. A term of one year and seven months by succession does not seem to me to constitute in substance a term as President of the United States. However that may be, the people are to say, not the Senate of the United States.

When we look at this resolution, and wonder what constitutional function the Senate would be exercising in adopting the resolution, we are met by nothing. If this were a constitutional amendment which the Senate were asked to propose, of course no one could question our authority to pass the resolution, but its proponents do not offer it as a constitutional amendment which we have authority to adopt. It is not legislation which we have authority to originate. It bears no relation to our powers over appointments or over treaties. There is nothing in the powers of the Senate which authorizes us to give advice on such matters, either to the President or to the people.

Our authority in this matter is exactly the same as that of the members of any old ladies' sewing society which adopts a resolution on the subject. We have 96 votes in our separate States as voters. So presumably have 96 old ladies in a sewing society. The advice which the Senate now undertakes to offer to the President and to the country carries not the sanction of the Senate as a constitutionally organized deliberative and legislative body, but of 96 individuals who happen for the moment to sit here in this Chamber.

Mr. EDGE. Ninety-four.

Mr. REED of Pennsylvania. The Senator corrects me. We are reduced to 94 because of our judgment that the people in two of our States are incapable of deciding for themselves whom they will have as Senators. This is but a repetition of that action of the Senate. We are now advising the people of the United States that because of their imbecility we will tell them whom to elect, how many times to elect him, how they shall gauge his eligibility and desirability for election. The Senate has taken upon itself the power of a board of directors in a large number of matters in which neither the Constitution nor the people who elected us intended us to function as their advisers. It means to some of us that we are usurping a power and giving advice for which the people of the country will not thank us, that we are giving advice which they neither need nor desire, and that we are giving advice to which neither they nor the President will pay the slightest attention.

Therefore, although I am in full sympathy, as I have said, with the tradition of the American people that, barring emergencies, it is sufficient to have one man in office for eight years as President, I do not believe that I can vote for the pending resolution.

Mr. BORAH. Mr. President, there is only one feature of this subject to which I wish to recur for a brief moment. I think I have stated the view which I entertain with reference to the general proposition, and that is that under all ordinary circumstances the principle of the anti-third-term policy ought to prevail in our national affairs.

Last summer, when our President was at his summer home in South Dakota, he made a statement to the effect that he did not choose to be a candidate in 1928. I regarded that statement as conclusive against his candidacy at the time it was made, and so stated in the public press. At the time the President made the statement there was little or no doubt in the mind of anyone but that he would be renominated in case he chose to be a candidate.

I doubt very much if there would have been any opposition to him in the convention. He could not have made the statement for any other reason in the world than his desire not to be a candidate. Those who know the President know that he would not speak in idle fashion concerning a matter of that character. There could have been no possible reason from political strategy for him to have made the statement, even assuming he would heed political strategy. The situation was well within his control. In fact, to have remained silent was to have assured his renomination. I say I regard it as taking him out of the race.

Later the President made another statement which seemed to amplify his former statement, although in my judgment he added very little to it. He said:

> This is naturally the time to be planning for the future. The party will soon place in nomination its candidate to succeed me. To give time for mature deliberation I stated to the country on August 2 that I did not choose to run for President in 1928. My statement stands. No one should be allowed to suppose that I have modified it. My decision will be respected. After I had been eliminated the party began, and should vigorously continue, the serious task of selecting another candidate from among the number of distinguished men available.

Taking the two statements together, I regard our considering this resolution is at a time when no one as a candidate is proposing to violate the tradition which has obtained in this country practically since its organization. I am casting a vote at a time when, in my judgment, there is no possibility of the present incumbent being a candidate for reelection. He has settled that question himself, voluntarily and definitely settled it. As he said in his statement, "My decision will be respected." We know precisely what that means. He is completely out of the race. I do not, therefore, regard a vote here as having anything to do whatever with the President of the United States or his possible candidacy. I venture to say that he will control that as completely as it could be controlled even if we had the power to pass a law in regard to it.

I am called upon, therefore, to vote my mere personal views with reference to this tradition, and that personal view is that under all ordinary circumstances the tradition ought to prevail.

I would not write it into the Constitution. I would leave it where it is. But, generally speaking, I believe it a wise tradition. If I had been writing the resolution before us, I should not have expressed it as strongly as did the Senator who wrote it, because, while I regard it as sound, I can very well understand how conditions might arise in which it would be wise and patriotic to disregard the tradition.

But in view of the fact that the present situation is such that one may express his individual view at a time when it embarrasses no candidate and does not embarrass any individual who is to be a candidate, and when he may express simply his view as to a policy which has heretofore obtained, I expect to vote for the resolution.

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

Mr. BORAH. Certainly.

Mr. BINGHAM. Does the Senator from Idaho really think that the second part of the resolution does not relate to the present circumstances and does not cast a certain amount of reflection on the question of whether the President may or may not run again?

Mr. BORAH. As I understand the second part of the resolution, the author of the resolution has interpreted the President's attitude as acquiescing in the tradition relating to a

third term. It may be and probably is true that the President did not have in mind a third term when he retired, but nevertheless it was construed throughout the country and by the press and by individuals very generally as having entered into the thoughts of the President at the time he retired. I do not know of anyone who knows, and I doubt if anyone does know or ever will know, just what thoughts were in the mind of the President when he retired; yet the fact that he did retire, the fact that the third-term principle was under discussion when he did retire or that it was being discussed throughout the country in the press and by individuals naturally led to the general supposition that it entered into his mind at the time he retired from the candidacy.

I should like to feel that it did enter into the mind of the President, that it was a part and parcel of the things which made up his final judgment in regard to the matter. I should like to feel that a President who had the nomination in his grasp, absolutely under his control, who in all probability would have been reelected, stepped aside in deference to this tradition. I believe in strengthening the tradition and making exceptions to it only under those extraordinary circumstances which may in a measure amount to a national crisis.

Mr. BINGHAM. Mr. President, will the Senator yield again?

Mr. BORAH. Certainly.

Mr. BINGHAM. Does the Senator think, then, if he votes for the second part of the resolution that he is commending the President for something which he is about to do?

Mr. BORAH. I am perfectly satisfied that in voting for the second part of the resolution I am in no way censuring nor in any way embarrassing the President of the United States. If it has any effect, it is complimentary to the action which he took. There is no more chance of the President being a candidate in the face of his two statements than if there were a constitutional inhibition against his being a candidate. We all know who know the President that no convention is going to pull him away from those declarations. He said, "My decision will be respected," and so it will. I do not regard, therefore, the present President as being in the slightest embarrassed by the resolution. If the convention should arise as one man and renominate him, I do not regard that the resolution would be at all hurtful to the President accepting the proposition. He would be guided by his own statements and by his sense of duty and patriotism.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. BORAH. Certainly.

Mr. REED of Pennsylvania. Then the Senator does not agree with the proponent of the resolution, who, as I understood him, described his reason for introducing the resolution as being a desire to offset the possibility of the President being drafted for another term?

Mr. BORAH. The author of the resolution undoubtedly had in mind a number of politicians in the United States who are taking shelter under the President's wing until they find a secure place to go. [Laughter.]

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. BORAH. Certainly.

Mr. CARAWAY. Does it seem to the Senator that those who are opposing the resolution as reflecting upon the President are themselves expressing a doubt as to the sincerity of the President when he said he would not be a candidate?

Mr. BORAH. I would not want to say that, but I have thought that those who have insisted and who have persistently given to the press statements that the President would be renominated and would accept, did in a measure challenge the intellectual integrity of the President.

Mr. CARAWAY. Then those Senators who now say the resolution will embarrass the President certainly did not quite take seriously the President's statement that he is not a candidate?

Mr. BORAH. I do not understand that they are contending that this would embarrass the President.

Mr. CARAWAY. No; they are not contending that, but that is what they say.

Mr. BORAH. As I understood the Senator from Pennsylvania to say, neither the President nor the convention will pay the slightest attention to it.

Mr. CARAWAY. Then it does not embarrass the President.

Mr. REED of Pennsylvania. Mr. President, if the Senator from Idaho will yield to me at that point, I did not say that this would embarrass the President. I do not know whether it would embarrass the President or not. The point I make is that it ought to embarrass the Senate to offer a lot of unsolicited advice in a matter that is not any of its business.

Mr. CARAWAY. Oh, the Senator is always so solicitous about the good reputation of the Senate. He is so anxious to have it stand well that he wants to have Smith and VARE here to raise the general average. I ask the Senator from Idaho if he heard the statements of the Senator from New Jersey [Mr. EDGE] and the Senator from Ohio [Mr. FESS] and the Senator from Connecticut [Mr. BINGHAM], who thought this was a cheap way to embarrass the President?

Mr. BORAH. I think with all due respect, and with great personal respect for my friend from Wisconsin [Mr. LA FOLLETTE], who introduced the resolution, that by reason of his attitude on some other matters relative to the President the resolution has been a little misconstrued.

Mr. CARAWAY. I do not think it has been misconstrued.

Mr. BORAH. I think it has been. I think that if this resolution had been introduced by my friend from Connecticut [Mr. BINGHAM] or any other leader here upon the Republican side it would have been construed as a commendation of the President in standing with Washington, and Jefferson, and Madison, and Monroe in favor of recognizing the tradition which has been established in this country.

Mr. REED of Pennsylvania. Does the Senator think that this resolution is intended to be complimentary to the President?

Mr. BORAH. I do not know what was in the mind of the Senator from Wisconsin, but I have no doubt, from my standpoint, that it is complimentary.

Mr. REED of Pennsylvania. If it is intended to be complimentary to the President and is supported by Senators who call themselves "progressives," and by all of the Democrats in the Chamber, then to-day ought to go down as a red-letter day, ought it not?

Mr. BORAH. So far as the Democrats are concerned, they would be strikingly inconsistent if they did not vote for this resolution. It is a Democratic doctrine; it originated with Thomas Jefferson; it has been one of the cardinal principles of the Democratic Party from its organization to this time; and I can not conceive of a Democrat voting against the resolution if he believes in the principle which is one of the cardinal principles of the Democratic Party.

Mr. BLEASE, Mr. NORBECK, and Mr. WATSON addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Idaho yield; and if so, to whom?

Mr. BORAH. I yield first to my friend from South Carolina.

Mr. BLEASE. I just want to thank my candidate for President for his high compliment by saying that I am going to vote against this resolution.

Mr. BORAH. The Senator from South Carolina is very independent of individuals and political parties.

Mr. NORBECK. Mr. President, speaking of the Democratic attitude toward a third presidential term, does the Senator from Idaho think if the Democrats vote for the resolution they will pay any more attention to it than they did when in the Baltimore platform they declared for a single term for President?

Mr. BORAH. I am not the keeper of the Democratic conscience, but I regard this as having been one of the cardinal principles of the Democratic Party for the last hundred years.

Mr. REED of Pennsylvania. Does that go along with State rights?

Mr. BORAH. Yes; it is one of the matters that go along with State rights.

Mr. WATSON rose.

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BORAH. I shall do so in a moment. But this, Mr. President, has come to be also largely a Republican principle. While I am of the opinion that it originated with Jefferson and was confirmed by Madison, Monroe, and Jackson, when we came down to the time of Grant and to the great fight of 1912, the great Republican leaders, those who had control of the party and who finally made the nomination, were fighting the third term, and at that time it was regarded as a sound Republican principle by many of our leaders.

Now I yield to the Senator from Indiana.

Mr. WATSON. Mr. President, the Senator from Idaho has said in the course of his remarks that there might come such an emergent condition that the nomination and even the election of a President for a third term would be wise and patriotic. Does the Senator from Idaho assume that attitude?

Mr. BORAH. I do.

Mr. WATSON. Does the Senator think that if this resolution were carried into effect it would preclude the nomination and election of a President under those conditions?

Mr. BORAH. Not at all. Leaving out the old ladies' sewing society, to which my friend from Pennsylvania compared the

Senate, I regard this as nothing more than the expression of the individual views of the Senators here upon this subject, the same as if I were called upon to give an interview or to write an article or to express myself in a public place. It would be my individual view concerning this matter. As to the Senate putting behind it the sanction, authority, and power of the Senate as a constitutional body to bind anybody by its action, of course, it does not exist; but that is not a prerequisite always to the action of the Senate. We have adopted resolutions time and time again with reference to matters which were wholly political. They come here, some Senator introduces them, a Senator is placed in the position where he must record his vote, and he does it as an individual or, rather, as a matter of fact, as a citizen.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. BORAH. I do.

Mr. LA FOLLETTE. I desire to call to the Senator's recollection the resolution which was adopted on the 31st day of January, 1924, being Senate Resolution 134, submitted by the Senator from Arkansas [Mr. ROBINSON], which declared:

Resolved, That it is the sense of the Senate that the President should ask for the resignation of the Secretary of the Navy, Charles Denby.

Mr. President, the same argument advanced by the Senator from Pennsylvania [Mr. REED], that the Senate had no constitutional authority to act in that case, was advanced and has been advanced against resolutions of this character, but I submit that anyone who is familiar with that situation would not say that the action of the Senate did not bring about the resignation of Mr. Denby from the Cabinet.

Mr. REED of Pennsylvania. Yes, Mr. President; I think it did, and I think it was one of the greatest injustices in the recent history of the Senate; but, if I may ask the Senator from Idaho a question, I think we are all agreed, and, so far as I know, Mr. Coolidge is agreed, that the policy that the resolution pretends to declare is a sound policy. There is no difference among us as to the desirability of adhering to the tradition.

Now, if I may give a parallel case without attempting to be ridiculous, we all believe in the observance of the Ten Commandments, and so does Mr. Coolidge, but it appears to me there would be something offensive and rather impertinent if we were to pass a resolution commending to him the observance of the Ten Commandments. So it is here. This is one of the commandments of the political life of America. Presumably he has it at heart as much as we have. We are all agreed on the principle. Is there not something impertinent in our recommending to the President the observance of this political tenet, which, so far as we know, he shares with us?

Mr. BORAH. Mr. President, I can not conceive of our recommending in this resolution anything to the President. The President has eliminated himself from the candidacy for President; he is out of the race.

Mr. SMOOT. Then why the resolution?

Mr. BORAH. My friend from Utah asks, Why the resolution? Notwithstanding the fact there are people in the country who are constantly debating this question. It is still being discussed in the press; politicians who are anxious in regard to the nomination are insisting upon it; and that, I presume, is why it is here. It has been a matter of public discussion and is still a matter of public discussion, and the Senate, while it can not bind by its action, certainly is not precluded from having a conviction or a view upon a matter of great political importance.

Mr. REED of Pennsylvania. Not in the least; but in the second paragraph of this resolution we commend the observance of this tradition by the President. That is advice; that is not commendation of the President. We do not commend the President; we commend the observance on his part. That is advice to him to observe it, as I read the resolution.

Mr. BORAH. My understanding of that portion of the resolution is that the Senator from Wisconsin construes the President's action to be in harmony with the tradition.

Mr. SHORTRIDGE and Mr. BLAINE addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Idaho yield; and if so, to whom?

Mr. BORAH. I yield first to the Senator from California.

Mr. SHORTRIDGE. I understand the Senator from Idaho to agree with Washington when he says that—

Under an extended view of this part of the subject, I can see no propriety in precluding ourselves from the services of any man who on some great emergency shall be deemed universally most capable of serving the public.

Of course, I agree with that. If that be so, I ask the Senator and the Senate to observe the language of this resolution, if I may address myself directly to the Senator——

Mr. GLASS. Mr. President, may I inquire exactly what secret information the Senator from California is imparting to the Senator from Idaho?

Mr. SHORTRIDGE. If the Senator from Virginia will give heed, I think he will understand me. I am not obliged to reply, but I do reply respectfully. I say I assume that the Senator from Idaho agrees with Washington?

Mr. GLASS. Oh, we all agree with Washington.

Mr. SHORTRIDGE. Very well; then I hope you will vote accordingly. But I wish to say to the Senator, who is so courteous, that if that be so, if there be emergencies of the character suggested, why, then, does the Senator propose to say that I am unpatriotic if I vote against this resolution?

Mr. BORAH. I do not say that.

Mr. SHORTRIDGE. There may be emergencies——

Mr. GLASS. On the contrary, the Senator from California is the only Senator who has imputed unpatriotic motives to all of his colleagues here who propose to vote for the resolution.

Mr. SHORTRIDGE. On the contrary, I made no such imputation; none whatever. I am quoting Washington.

Mr. CARAWAY. Then we are all patriots.

Mr. SHORTRIDGE. And Washington insists that certain exigencies may arise when it would be proper, in his judgment, that a President should serve a third term. The form of this resolution is such that it would be said that those of us who voted against it are unpatriotic.

Mr. BORAH. I do not so construe it; neither do I construe it as having anything whatever to do with the future action of the President of the United States. If he had not made the statements which he did make, if he had not eliminated himself from candidacy for the Presidency, the Senator's argument would be unanswerable; we would be attempting here to control the President's action and in some way embarrass him; but he is as completely out of the race as are some of the many candidates who are running. [Laughter.]

Mr. BLAINE. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. BORAH. I yield.

Mr. BLAINE. The Senator has suggested that the adoption of this resolution would only mean an expression of the individual opinion of the individual Members of the Senate. Does it not go further and beyond being a mere expression of opinion?

The anti-third-term policy is traditional. It has its force not by some constitutional or legislative enactment, but it has grown out of circumstances. First the declaration of Washington, then a specific declaration of Jefferson, then declarations of Madison and Monroe or whosoever the Presidents were who repeated it, revived and kept alive that tradition.

Now we come down to a later period. As I understand, this tradition can only be perpetuated by acts in conformity with the original suggestion that initiated the tradition or by repetition of the expressions that involve the principle in respect to that tradition. Therefore, in order to strengthen the tradition and in order to keep it alive and in order to perpetuate it, had the President in his statement last summer absolutely declined under any circumstances to accept the nomination or reelection to the office of the Presidency, by that act, by those words he would have added or aided in the perpetuation of this tradition. Therefore, if this resolution shall be adopted will it not be an act of far more importance than the mere expression of individual opinion? Will it not rather be an expression of the opinion of a legislative body that gives it such force as to perpetuate it and hand it on to future generations as a policy of this Government as expressed by those who have public and official responsibility and certain duties with respect not only to our Constitution, but as well with respect to the traditions that have been started for us by those who founded this Republic? Will not that be the effect of the adoption of this resolution?

Mr. BORAH. Mr. President, I am unable to give to the resolution the strength and importance which the Senator from Wisconsin seems to give to it. I am unable to do that for the reason that this is not one of the functions of the Senate. It is not one of the duties imposed upon us by the Constitution or by the authority granted to us under the Constitution.

In so far as the Senate has prestige in the country, in so far as its Members are regarded as representing the public thought of the country, thus expressing their public views upon this

particular matter, it has influence in the country. It strengthens in that respect the tradition, and in my judgment only in that respect. But so far as I am individually concerned, as I say, I regard it simply as expressing my individual views upon this matter, since it is brought to me in the way it is in the Senate. It may have more strength and more prestige, more influence upon public opinion, by reason of its happening here than if 96 of us should meet outside, not as Members, and pass our judgment. There may be something connected with the Senate which the public does not disassociate from our individual acts which will give it more prominence and more prestige; but, nevertheless, so far as I am concerned it is expressive simply of my individual views as a citizen.

Mr. President, I said a moment ago that in 1912 this matter was up for consideration, and it was a very vital matter with the Republicans of the country. It was discussed at length in the Senate and in the country. The Republican leaders at that time thought that the action of Colonel Roosevelt was in violation of the tradition established early in the history of our country. Some of us took the view then, as we do now, that it was a matter for the people to decide. If the people thought an exigency had arisen which justified departure from the tradition, it must be left to the judgment and conscience of the people to determine it, and nowhere else.

I stated at the time in the debate here, as I state now, that while upon all ordinary occasions we should observe the tradition, I was willing to leave it ultimately where it belonged, to the judgment of the people, and not incorporate it in the Constitution of the United States. That is precisely where I would leave it now; and in expressing my views to-day I express them as one of the people interested in this tradition, and believing in it under all ordinary circumstances, and in no other wise.

Mr. BLEASE. Mr. President, if things continue as they are going, I think it will be well for the Senate to change its name from the "United States Senate" to "United States Supergrand Jury" and "Special Advisors of the People," and turn ourselves into investigators of other people's business and advisors to the people who created us.

I am opposed to resolutions which certainly are not law and have no legal effect. This resolution was first introduced when Mr. Coolidge was spoken of for a third term and the sentiment was very strong. It was allowed to die and stay dormant until again the third-term talk was commenced and then revived. It therefore seems to me, Mr. President, as it does to a great many others, who have so stated to me, that the resolution was introduced for the purpose of slapping Mr. Coolidge in the face, and endeavoring to create a sentiment over the country against his renomination.

Therefore I think it very unfortunate, to say the least, whatever may be the opinion of the Senate as to the third term, that the resolution should be considered just at this time.

Why not let us wait until after the next Republican National Convention and then pass it if we wish? It seems to me that that would be the wiser course to pursue.

The Springer resolution has been brought into the controversy. Everyone knows that that resolution was introduced as a direct slap in the face of President Grant and his Cabinet. When the question was asked yesterday it was distinctly stated that "that resolution prevented Mr. Grant's renomination"; and I came to the conclusion from that reply and from the source from which it came that this resolution was prompted by the Springer resolution and introduced for the same purpose, substituting Coolidge for Grant.

Certainly this resolution does not refer to George Washington, Ulysses S. Grant, or Theodore Roosevelt, who have been referred to in this debate. Then to whom does it refer? Of course, to Calvin Coolidge.

I was somewhat amused at some of the Democrats who seem to be voting for this resolution, especially when it was admitted that no man, not even Calvin Coolidge, "would ever be reelected to a third term." If we Democrats think that, then why not allow him to be nominated, so that we can defeat him? It seems to me that this is a case of whistling in the dark to keep up your courage.

Mr. President, my position is that we should let the people alone and let the people rule. If the people of the United States wish to elect a man for a third term, they have the constitutional right to do so; and the Senate, as their servants, have no right to attempt to prevent them from doing so.

Some Senators who now seem so very anxious to follow the example set by Washington and Jefferson must have recently changed their opinions of the example and advice of these two Presidents. When the League of Nations question was before the Senate, and when the World Court question was before the Senate, and when the question was before the Senate of depriving two States of the American Union of their representation upon the floor of the Senate, which is distinctly and positively prohibited by the Constitution, they seem to have had very little regard for what Washington or Jefferson had to say; and there have been other matters of national importance in which the advice of Washington and Jefferson has been totally ignored.

For instance, those gentlemen advocated and fixed as the policy of this country that each State should be entitled to two United States Senators, and that they should not be deprived of their representation in this body. However, when the roll is called each day, we find two of these States absolutely deprived of the representation advised and advocated by Washington and Jefferson. I can not see why their advice should be any more taken on this resolution than in those more important matters, and I think about this as I do those: Let the people speak as to who shall be their representatives, and when they shall have spoken let their will be respected.

I think we would be in a better position if we would listen to the people more and try to carry out their wishes, instead of trying to dictate to them what their wishes should be.

I am for the people first, last, and all the time, and letting them alone. They are the superior power; and whatever may be their wish, I always attempt to submit to. Therefore I shall vote against this resolution and allow the people to decide this question, and not a few partisans on either side of this Chamber, who, whatever may be their idea in the matter, I can assure them are being accused of passing this resolution for the sole political purpose of endeavoring to thwart the nomination of Mr. Coolidge.

Mr. President, on page 2618 of the CONGRESSIONAL RECORD of February 7 this appears:

> Mr. LA FOLLETTE. The reason why I referred to the Springer resolution was because the Senator from Ohio a moment ago made the suggestion that the adoption of the pending resolution would have no effect. There are historians—although they may not, in the opinion of the Senator from Ohio, be as able or as well informed as he—who maintain that the passage of the Springer resolution was the very thing which put the quietus upon the Grant boom.

On page 2626 of the same date the following appears:

> Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Nebraska yield to me to ask the Senator from Connecticut a question?
>
> Mr. NORRIS. I yield.
>
> Mr. LA FOLLETTE. Mr. President, will not the Senator permit me to give some figures with regard to New England?
>
> Mr. ROBINSON of Arkansas. Certainly.

Then ensued a controversy between the Senators from Connecticut, Nebraska, Wisconsin, and Arkansas; and the Senator from Wisconsin finally said:

> Mr. LA FOLLETTE. Yes, Mr. President; that is the exact language of the resolution.
>
> Mr. NORRIS. A copy of it.
>
> Mr. LA FOLLETTE. Yes.

I submit, Mr. President, that with that statement in the RECORD, and with the debate that has gone on upon this matter, there can be but one honest construction put upon this resolution. That honest construction is that it is feared by some people that the present occupant of the White House might be, as some people say, drafted for the Presidency; and this resolution, as said by the Senator from Wisconsin [Mr. LA FOLLETTE], following the Grant resolution, and the Grant resolution having put a quietus upon the boom of Mr. Grant, that this resolution is intended for no other purpose except to put a quietus upon the renomination of Mr. Coolidge.

I am no apologist for Calvin Coolidge. He does not expect any defense at my hands; but I am responsible for my own conduct, and I feel that if I were to sit here and allow this resolution to go through without protest I would be untrue to my people—I mean, the American people. I do not mean the people of South Carolina alone, because they take no part in the nomination of a Republican candidate, except about six or eight negroes, and they will vote whichever way they get the most money for voting. I am speaking of the great people of this Nation. I say that we have not the right to pass this resolution. We may do it through might making right. There are thieves in the night, and there are thieves by might; and we, too, by might, can pass this resolution; but when we do it we are stepping beyond the pale of our duties as Senators, as I see it.

Why should we attempt to say to the American people that they shall or shall not do certain things?

That is my position, Mr. President.

The Senator from Wisconsin stated that the Springer resolution put the quietus upon the Grant boom. While I have a high regard for the opinion of every Senator here, I believe that this resolution was intended to do the same thing for Mr. Coolidge; and instead of hurting him, if you do not look out, you will be creating sentiment in the opposite direction.

You turned a man out of the Senate not long ago. You refused to let him in here. If you had let him be sworn in, tried him, and turned him out for conduct unbecoming a gentleman, he would have gone back to Illinois possibly in disgrace and never been heard of any more. As it is, you kept him out, and you have made a hero out of him. He has been reappointed. You will have to act on that. The people will resent your action. They will reelect him on the 10th of April, and he will come back here again, and you will have him for the third time knocking at your doors; while, if you had let him in and then kicked him out, as you should have done, and as I wanted to help you do, you would have been rid of him.

I believe firmly that if this resolution is passed by the Senate the American people will resent it; and, as I said a while ago, if we Democrats over here believe that nobody can be elected for a third time, why not let the Republicans go ahead and nominate Mr. Coolidge, and give us the chance to beat him?

Just one other thing, Mr. President.

Some people have a good deal to say about Mr. Washington. When Mr. Washington was President of the United States there were 3,929,214 people in this country. When Mr. Grant was President of the United States there were 38,558,371 people in this country. When Mr. Coolidge took the oath of office as President of the United States five years ago there were 111,693,030 people in this country, with a strong probability that to-day there are between 120,000,000 and 125,000,000 people in this country.

Mr. President, with all due respect to President Washington, I have no doubt that if he had been down at his home in Mount Vernon and had seen an airship coming across while he was President, he might have ordered out the entire American Army and Navy to find out what that thing was. I have no doubt that if Mr. Jefferson had been coming up to Washington in his buggy he might have shot at a man passing in an automobile. What may have been done by the 3,000,000 people of that day and time, in the conditions and circumstances surrounding them, is no precedent for us to-day, with possibly 120,000,000 people facing modern conditions.

Mr. President, I did not care to make any speech on this question; I merely wanted to put in the RECORD my views on the matter and to state why I expect to vote as I shall vote.

Mr. President, I think the only chance the Democrats have to win is to combine the South and the West. I heard some Democratic Senators say a while ago that they did not think it made much difference who was nominated on either side, that they did not think the Democrats had a chance. I think we are putting ourselves further from the chance when we take up four or five days in the Senate discussing a resolution that can not be made into law, that can not bind anybody, that would not affect anybody. The 120,000,000 people of this country can say, "Yes; 40 or 50 Senators voted that a man should not have a third term, but we have a right to say, and to also say whether those Senators shall have a second term or not."

I think it is unfortunate that this resolution was brought into the Senate. I think it will be unfortunate for the Senate to pass it. I would not be at all surprised, if the Senate should pass the resolution, that they would find in the country a resentment for slapping in the face a man who has no opportunity to reply. I have always had a contempt for a preacher who would get up in the pulpit and abuse somebody because he knew there could be no reply to him. I always had a contempt for a lawyer who would get up in the courthouse and take advantage of a witness and abuse him because he knew he had a judge and a lot of bailiffs to keep the witness from jumping up and beating the devil out of him. I believe in standing face to face with a man.

I believe the Republicans and the Progressives should go to their conventions and that the Democrats should go to their convention, and that we should there fight out our party questions. But when it comes to legislating for the great American people in this body we should be one and act for all the people of this country, regardless of factions or parties.

Mr. HARRISON obtained the floor.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Kansas?

Mr. HARRISON. I yield.

Mr. CURTIS. I want to call for a quorum, and then ask unanimous consent that we shall take a recess for 10 minutes, in order to pay our respects to and shake hands with the French aviators, Lieut. Dieudonné Costes and Lieut. Commander Joseph Lebrix, who are now waiting to come into the Chamber. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	La Follette	Shortridge
Barkley	Ferris	McKellar	Simmons
Bayard	Fess	McMaster	Smith
Bingham	Fletcher	McNary	Smoot
Black	Frazier	Mayfield	Steck
Blaine	George	Moses	Steiwer
Blease	Gerry	Neely	Stephens
Borah	Gillett	Norbeck	Swanson
Bratton	Glass	Norris	Thomas
Brookhart	Gooding	Nye	Trammell
Broussard	Gould	Oddie	Tydings
Bruce	Greene	Overman	Tyson
Capper	Harris	Pine	Wagner
Caraway	Harrison	Pittman	Walsh, Mass.
Copeland	Hawes	Ransdell	Walsh, Mont.
Couzens	Hayden	Reed, Pa.	Warren
Curtis	Heflin	Robinson, Ark.	Waterman
Cutting	Howell	Robinson, Ind.	Watson
Dale	Johnson	Sackett	Wheeler
Deneen	Jones	Schall	Willis
Dill	Kendrick	Sheppard	
Edge	King	Shipstead	

The PRESIDENT pro tempore. Eighty-six Senators having answered to their names, there is a quorum present.

RECEPTION OF LIEUT. COMMANDER JOSEPH LEBRIX AND LIEUT. DIEUDONNÉ COSTES, FRENCH AVIATORS

Mr. CURTIS. Mr. President, I ask unanimous consent that the Senate stand in recess for 10 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senate will stand in recess until 3.05 o'clock.

The Senate being in recess, the Vice President escorted the French aviators, Lieut. Commander Joseph Lebrix and Lieut. Dieudonné Costes, accompanied by Mr. Paul Claudel, the French ambassador, into the Chamber, where they were greeted with great applause.

The Vice President, the ambassador from France, and the French aviators stood in the area near the Secretary's desk, and Mr. CURTIS, the majority leader, and Mr. ROBINSON of Arkansas, the minority leader, personally presented the Members of the Senate to the distinguished visitors, after which they retired from the Chamber amid great applause from the floor and the galleries.

PRESIDENTIAL TERMS

The recess having expired, the Senate resumed its session and continued the consideration of the resolution (S. Res. 128) submitted by Mr. LA FOLLETTE.

Mr. HARRISON. Mr. President, the scenario which the senior Senator from Wisconsin [Mr. LA FOLLETTE] has filmed is one of interest and amusement. It is full of tragedy as well as comedy. It is a pity that it is only within the walls of this Chamber that it is being portrayed and that it could not be reproduced elsewhere so the country might visualize on the screen the incidents that have happened here, the pathos, the sympathy, and the tragedy; the looks of disgust upon the part of certain embryo Presidents; the expressions of anxiety upon the part of certain would-be Vice Presidents; the fright that some might be punished by the gentleman in the White House if they should take certain positions with reference to the matter; the ambitious looks on the part of others who would be legatees to all the mischievements of the administration.

It is an amusing situation that confronts the Senate. My heart goes out to the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], and the senior Senator from Ohio [Mr. WILLIS] because they are in a bad fix when it comes to voting upon this particular resolution. This is not a Democratic conception. We have nothing in the world to do with it. Of course, in the discharge of our duty here we have to vote on it. But the resolution originated on the other side of the aisle. I would vote gladly to excuse the Senator from Kansas, the Senator from Indiana, and the senior Senator from Ohio from voting on the proposition because I know, as you know, Mr. President, and as they know, that if they vote for it the President might chastise them as he chastised on one occasion the junior Senator from Ohio [Mr. FESS], and that it might be misconstrued in the country that these embryonic

presidential possibilities really do not want the President to be a candidate for renomination.

Everybody knows that the Senator from Kansas, the senior Senator from Ohio, and the Senator from Indiana do not care if President Coolidge is a candidate for renomination. They would battle for the nomination just the same if he were a candidate. So, as far as that matter is concerned, it does not give them any concern. But if they vote against the resolution then they will have to answer also, because they are then put in the attitude that they do not believe in the time-honored tradition of Washington, Jefferson, Madison, and Monroe, and that really they thought the President was insincere and hypocritical and that they did not believe him when he said he did not choose to run for President again. They do not want to be put in that attitude, and yet the country will accept their action in that way.

Here we have talked for several days—that is, Senators on the other side of the Chamber have—about the pending resolution. Following the action of the distinguished junior Senator from Ohio yesterday in his three-hour discussion and the long speech of the eucalyptian gentleman from California this morning [laughter], I am inclined to believe that there is a well-oiled filibuster against the resolution and that Senators on the other side of the aisle want to hold it here until after the Republican convention shall have met and nominated somebody. Then they might believe, when Mr. Coolidge is not renominated, that they are free to vote upon this particular proposition.

Here is the junior Senator from Ohio [Mr. FESS], who stated yesterday with vigor, and the papers throughout the country accepted it and the people will do likewise, that the President is still a candidate for renomination and that he will accept it if it is given to him, because yesterday the junior Senator from Ohio admitted that he was so close to the President that even when they visited together at the White House and he left, his statements were likely to be accepted as the views of the President. I believe that is the language he employed when the President slapped him upon the wrist with a piece of chewing gum and said, "Simeon, don't do it again." [Laughter.]

Mr. President, evidently the distinguished Senator from Ohio had good reasons for the position he took. That is why there was so much confusion about the proposition for so long a time. After the President had seen him in the White House and upbraided and chastised him, and was so influential with him even as to cause the distinguished Senator from Ohio to go outside and tell a falsehood to the representatives of the newspapers of the country, he persisted in saying that "notwithstanding what the President has done, I am still for his renomination."

I am glad the Vice President has just entered the Chamber and taken the chair, because he is the only one, except those of us on this side of the aisle, who is wholly disinterested in the controversy that is waging on the other side of the Chamber. Of course, it makes no difference to us whether President Coolidge is renominated or some one else is nominated, and it makes no difference to our distinguished Vice President either. [Laughter.] He is giving no concern about it at all. He has made his position so clear that everybody knows he is not a candidate for President of the United States. [Laughter.] If President Coolidge had been as clear in his statement as has our distinguished Vice President, the distinguished Senator from Ohio [Mr. FESS] could not have confused the issue and persisted in being for the President.

Mr. President, I want to read what the distinguished Senator from Ohio has said about the President's position. Of course, I am not going to read the headlines in the papers of October 21 of last year, which said "Coolidge rebukes FESS." I shall not do that, because yesterday the Senator made his confession. But I want to read from an utterance of the distinguished junior Senator from Ohio following that incident. This is carried in the New York Times.

I must admit that the Senator did grow a little cold on the President following this occurrence, and that for a while it seemed as though he had warmed up to the forces of the Willis crowd of Republican leaders in Ohio and was really for his colleague. He acted as though he was true to him for a while. He stopped talking that Coolidge renomination stuff, but all of a sudden something changed the distinguished junior Senator from Ohio. Was it because Congressman BURTON, of Ohio, came out for Hoover and started a fight in Ohio and the situation got mixed up and then the distinguished junior Senator from Ohio thought he would go back to his first love and renominate him for President of the United States? Here is what the Senator said, if he is quoted correctly. Of course, he may not have been, but Mr. Oulahan is a most reputable correspondent and this is a very reputable paper:

As given to the New York Times to-day, the comment of Senator FESS was as follows—

This was October 22 of last year, several days following the chastisement that the President had administered to the distinguished junior Senator from Ohio—

"He said he did not choose to run," said Mr. FESS. "He did the same thing when he was president of the Massachusetts Senate and was being urged to run for lieutenant governor. He followed the same tactics," said Senator FESS, "when he was Governor of Massachusetts and was prevailed upon to become a candidate for President of the United States. It is the Coolidge way"—

Said the distinguished junior Senator from Ohio, who admits himself to be so close to the President and to know him so well—

"It is the Coolidge way of doing things. It is the Coolidge psychology"—

Said the junior Senator from Ohio—

"It is my opinion that the mere fact that the President does not say something more in the face of general public clamor is proof that he intends to accept the nomination when it is offered him."

Those are the words of the distinguished junior Senator from Ohio, who yesterday spoke against the resolution and who has been the most persistent leader in the country for the renomination of President Coolidge. Consistency? Why, Mr. President, back here a little while ago the distinguished junior Senator from Ohio gave out other statements, speaking about the President and the tenure of the President in office:

The situation is greatly aggravated by the eligibility to reelection. Not infrequently much of the energy of the head of the administration during the first term is extended in getting ready for reelection—

Said the junior Senator from Ohio—

Ineligibility for reelection would remove the ground which to-day makes the President too much the head of the party rather than the head of the Government, no matter how much he might detest the discrimination. The six or seven years is long enough to develop a real policy, and would enable the administration to accomplish better results than two terms of four years each, because of the overemphasis of party success rather than of the general good.

Those were the views five years ago of the distinguished Senator from Ohio before he became so close to the distinguished President of the United States. Ah, Mr. President, he is not unlike Mark Antony, who, in his funeral oration over the body of Julius Cæsar, said:

> You all did see that on the Lupercal
> I thrice presented him a kingly crown,
> Which he did thrice refuse.

No, the Senator would follow the action of that historic character.

Mr. President, I submit that with the resolution before the Senate we must not overlook the fact that every Senator who has spoken against the resolution, save one, went out in 1912, in the fight within the Republican Party as to whether Theodore Roosevelt would be nominated or William Howard Taft; and at that time fought the renomination of Theodore Roosevelt.

In their speeches, I dare say—and I call upon them now to disclaim it if it is not true—they went from one end of their States to the other saying that Roosevelt should not be elected because it would be in contravention of the traditions of the Government and the precedent established by Washington, Madison, and Jefferson. That was the main contention that they waged against Roosevelt at that time. I asked the distinguished and golden-throated Senator from California [Mr. SHORTRIDGE] to-day if in that campaign he did not travel from one end of California to the other using those arguments in behalf of his candidate. He stated if the newspapers quoted him in that way that he did not think it was true.

Senators on the Republican side know what the issue was. They are changing front here. Some of them are voting one way or the other, being actuated by various motives which prompt them, some hoping that they may be the legatee of the President in the White House; others thinking it might bring them closer to him, so that they can get more patronage from him. However, I submit, Mr. President, that when they vote to eliminate from the resolution the words—

Resolved, That the Senate commends the observance of this precedent by the President—

they put themselves on record as disbelieving in the sincerity of their own President. They vote to put themselves in

the attitude that they refuse to commend him for observing the tradition of the past.

We have more faith in Calvin Coolidge than some of the Senators on the other side who are close to him have in him. Of course, they know him better than we do. That may be the reason that prompts them. [Laughter.] But we believe that he meant what he said when he stated what he did, even though nobody understood it exactly at that particular time. When he elaborated upon it and amplified it to the national committee, of course everybody then understood what he meant. However, if we had any doubt about it, it was all eliminated when the distinguished Senator from Kansas [Mr. CURTIS] threw his hat into the ring and began to make an aggressive fight for the nomination. [Laughter.]

I have said all I wish to say. I am going to vote for the resolution and uphold the President.

Mr. HEFLIN. Mr. President, I wish to suggest a way out of the dilemma in which some of our friends on the other side of the Chamber find themselves. These candidates for President who are hoping that Mr. Coolidge will not run are disturbed by the presence of this resolution. If they will all vote for the resolution and tell the President that they are backing him up and supporting him in the position that he has taken all will be well, at least so far as their candidacy is concerned. If the President should frown upon them, they can say, "Well, did you not mean what you said when you said you did not choose to run?" So that is the way out of this dilemma for the distinguished candidates for the Presidency on the other side of the Chamber.

Now I want to say a word or two in reply to the Senator from Pennsylvania [Mr. REED]. He said that the expression of opinion in this body upon this question is no more than the expression of an old women's sewing society composed of 96 women. Mr. President, this body has the power to confirm all the appointments of any consequence of the President. It has the power to impeach the President himself. The President can not—he can not obtain pay for his services except by the consent of the Senate. This body has the power to ratify treaties with foreign governments, and they can not be ratified except by its consent. The Senate is peculiarly the body selected by the founders of this Government to be on the housetop watching out for any evil that might approach, calling attention to dangers that might come from any quarter, and certainly to preserve the ancient landmarks of the fathers.

The two-term tradition is as much a part of this Government as if it were written in the Constitution or the law so far as the sanction of the American people is concerned. They believe in it and they want it respected; and Senators who fool themselves and think that the people will think that we are trying to offend the President upon a great question like this are, indeed, amusing as well as deceiving themselves.

Let me tell you, Mr. President, what will happen if the Senate fails and refuses to pass this resolution. The Senate will have shown to the country that it has no conviction on the subject and no desire to prevent a step toward monarchy in America. The Senate can not afford to refuse to adopt this resolution. The Senate must go on record as protesting against any step toward monarchy. A President with the power to fill the offices of this country, to direct legislation, to veto it, to bestow favors upon powerful interests, can build a machine that would be almost impregnable. He could, by using his power, nominate himself for a second term and also for a third term.

If this custom shall ever be broken in any particular it will be effectively broken. The Senator from Pennsylvania has stated that he would not favor breaking the two full-term custom; that he would not favor breaking that precedent; but where a President has had part of a term and has had, in addition, one full term, he is willing for him to have another. Mr. President, I repeat that if this precedent shall be broken at all the barriers will have been burned away, and thereafter any political party can insist, "Oh, well, that question has been up in the Senate, has been discussed, and then thrown into the wastebasket; Coolidge was elected three times, and some other President was elected three times, and the way is open for you." Senators, this is no child's play; it is a serious matter, affecting the future well-being of the Republic and the life of this Government. Washington pointed the way. He said, in effect, "I refuse to be considered for a third term; that is the precedent I set." And this great Government, the greatest in all the world, has observed it to this good day. I am going to cast my vote for the adoption of this resolution.

Mr. KING. Mr. President, will the Senator permit me to qualify one observation of his?

Mr. HEFLIN. I yield.

Mr. KING. The Senator stated that treaties negotiated by the President must be ratified by the Senate. That, of course, is the constitutional requirement, but the Senator will recall that when the Senate recently refused to ratify a treaty, a modus vivendi was entered into under the terms of which the rejected treaty was to be put into effect and given vitality.

Mr. HEFLIN. Which ought not to be permitted. Mr. President, the Senate ought to assert itself.

Mr. KING. I agree with the Senator.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. HEFLIN. I yield the floor.

Mr. BORAH. I am going to ask the Senator from Utah to what modus vivendi he refers?

Mr. KING. I refer to the modus vivendi which was negotiated in the summer of 1927 between the United States and Turkey, under the terms of which, as I interpret them, the provisions of the Lausanne treaty were to be regarded as in effect and the American ambassador sent to Turkey was to treat some of the provisions of the treaty as being in effect.

Mr. BORAH. Mr. President, I think the Senator will ascertain upon investigation that he is in error in regard to this matter. That which the President did in regard to the Turkish situation was unquestionably within the power of the President to do. He made no effort in any way to put into effect the Lausanne treaty, and it is not in effect at this time.

Mr. KING. Mr. President, I differ with the chairman of the Foreign Relations Committee. If that part of the modus vivendi which in effect declared that the principles of international law should obtain in the relations between the two countries, then my eminent friend would be correct; but I think that a careful perusal of the terms of the modus vivendi will show that it goes further than that and attempts to put into operation the treaty, or some of its provisions, which had been rejected by the Senate.

Mr. BORAH. I think, Mr. President, I will be able to convince the Senator, when we get all the facts, that I am not in error. Because of a statement which the Senator made some time ago, I had occasion personally to investigate this matter, and I am quite sure that he is in error as to the facts.

SEVERAL SENATORS. Vote!

Mr. HARRISON. I ask for the yeas and nays.

Mr. NEELY. Mr. President, in order to relieve the distinguished senior Senator from Ohio [Mr. WILLIS] and the equally distinguished Senator from Connecticut [Mr. BINGHAM] of all possible embarrassment to which their voting for this resolution might subject them, I offer an amendment to be added at the end of the last paragraph of the resolution, as follows:

Provided, That if the President should change his mind and choose to become a candidate for reelection the last paragraph of this resolution shall be held to be null and void.

[Laughter.]

The VICE PRESIDENT. The amendment is not in order at this time. There is a motion pending to refer the resolution to the Committee on the Judiciary.

Mr. NEELY. Then I ask that my amendment may lie on the table, subject to be called up when it becomes in order.

The VICE PRESIDENT. The amendment will lie on the table.

The question is on the motion of the Senator from Connecticut to refer Senate Resolution 128 to the Committee on the Judiciary.

Mr. BINGHAM. Mr. President, I have listened with great interest and some edification to the mellifluous eloquence of my distinguished friend, the silver-tongued orator from Mississippi [Mr. HARRISON]. He is always ready to come to the aid of the Republicans in time of need and to give us the pleasure of listening to the good advice which he thinks we so greatly need from time to time. Never does he rise to address us that I do not sit back comfortably in my chair and know that something delightful and worth listening to is coming. I was particularly glad to-day to hear him say that he had so much faith in the President. It is refreshing to find that he has changed his mind since he delivered that wonderful oration in Madison Square Garden on the occasion of so much harmony in his party, when the references which he made to the present President of the United States were not exactly in line with what he said to-day.

Mr. CARAWAY. The Senator must have a long memory.

Mr. BINGHAM. I do not wonder that the Democrats have a short memory in regard to that occasion, Mr. President. I only hope that the 4-H Club that is going to meet down in Texas next June will be easier for them to remember.

Furthermore, the direful prophecies of the modern white-robed Cassandra from Alabama with regard to the danger of our becoming a monarchy are also duly noted on this side of the Chamber. We regret that he has so much pessimism in regard to the Republicans. His direful prophecies, however, I understand, are in the nature of precious advice and warning to us. Just why we need all this advice is a little mysterious.

A few weeks ago, Mr. President, we on this side of the aisle looked on in silence and amusement while the Democratic convention was in progress on the other side of the aisle. But we offered no warning or advice. We saw presidential candidates, including the one who has so recently told us that personally he preferred two terms, holding forth in a manner that brought clouds of grief to the brow of my distinguished friend from Mississippi, who looked as though the only thing he desired was some way of escape from the Chamber. When the Democratic convention was in progress on the other side of the aisle we did not rush in with eloquence and advice, but stayed quietly on our own side, hoping that they would settle it all in a harmonious manner, as was done a few days later, when the distinguished Cassandra from Alabama said that words uttered apparently in earnestness actually were uttered merely in jest.

As a matter of fact, Mr. President, this resolution does not appear to me really to concern the gentlemen on the other side of the aisle. Why should they care so much about it? They have no third-term candidate in view. They need not worry about the proprieties or the principles involved, or the precedents likely to be established. That is a matter which the Republican convention has to worry about. Nevertheless, although the distinguished Senator from Mississippi has told us to-day that this did not concern them, they have spent a great deal of time considering it, and have shown an almost sensitive, tender interest in what was going on.

Indeed, the distinguished Senator from Alabama has several times urged us to pass the resolution immediately. True, his personal preferences in regard to two terms can not be put into effect unless he can secure at least one term, Mr. President. Is it that his chances of securing one term seem to depend upon the thought that if we do not pass this resolution somebody else may be nominated for a third term?

Mr. President, as has often been said before, we fear the Greeks when bearing gifts. This touching interest in our welfare which has been shown by the gentlemen on the other side of the aisle leads one to suspect that they fear that if, through force of circumstances, the present occupant of the White House should be chosen by the Republican convention and should run, their chances of having a President in the White House might go glimmering. Can this be the cause of so much interest and advice?

Actually, Mr. President, the question before us is a motion to refer the resolution to the committee. I should like to give very briefly two or three reasons why it seems to me that this matter ought to be referred to the Committee on the Judiciary.

In the first place, the point arises as to whether it is a proper resolution for us to consider. The Constitution gives us certain legislative duties. Is it not true that lately the Senate has come into disrepute through a large part of the country, due to the fact that we so often neglect our legislative duties to become a grand jury, or to become a band of prosecuting attorneys, or to become a group of investigators and inquisitors, not so much with the intention of perfecting legislation as in an effort to purify and uplift the American public? We have neglected our legislative duties. In this kind of resolution it seems to me we are neglecting them again. Therefore, I think this resolution should be referred to a committee to see whether it is a proper resolution for us to consider.

In the second place, if the resolution is a proper one, is it in the best possible language? Is it not possible to amend the resolution so that it might more nearly meet the views of the distinguished Senator from Idaho [Mr. BORAH], so that in case of grave national emergency there might be no cloud on the necessity of securing a President for a third term, as, for example, in time of war?

In the third place, Mr. President, if it is not a proper resolution, ought not that committee to consider very carefully whether or not an amendment to the Constitution ought to be offered for our consideration? If all the eloquence that has been heard in regard to a third term be founded on sound public policy and be wise, then surely there ought to be some amendment to the Constitution so that in case the public goes crazy over some popular military hero then it might be restrained by a constitutional provision preventing his consideration.

For those reasons, Mr. President, I hope very much that this resolution may be referred to the Committee on the Judiciary. Its distinguished chairman, its distinguished membership, assure us that there is no danger of its being, as my friend from Alabama believes, a "wastebasket." There is no danger of its being considered a "chloroform chamber," as has been suggested by the Senator from Wisconsin. There is every reason to believe that under the distinguished chairmanship of the Senator from Nebraska [Mr. NORRIS] the resolution will receive earnest consideration and will be put in such shape that all of us who truly believe in the ancient traditions and landmarks of the Nation may have an opportunity of expressing ourselves by voting on such an amendment to the Constitution as they might propose. So we might avoid the accusation which has been leveled against us by many newspapers and many public men throughout the country of wasting our time considering and passing resolutions which the Constitution never intended us to consider and which in no way lie in the realm of legislation.

Mr. HEFLIN. Mr. President, just one word in reply to the Senator.

He referred to what transpired on this side a few days ago on the Hearst-Mexican-Catholic scandal, and incidentally he referred to something that I said concerning tar and feathers, used figuratively and in fun, of course, when replying to the Senator from Arkansas. I am sure that the Senator does not for a moment believe that I intended that remark to be taken seriously. I have not found a Senator in this Chamber on either side who thought that I made that retort seriously to the Senator from Arkansas, and neither have I found anybody outside of this Chamber who hold to such a view except three feeble-minded persons, and I am having them examined for entry into St. Elizabeths Asylum. [Laughter.] No person with any gray matter above his eyes believes that I intended that remark seriously. Only those who have scrambled eggs and mayonnaise dressing in their heads took that remark seriously. [Laughter.]

In all seriousness I want to say this to the distinguished Senator, however: He talked as though this were a partisan political matter and we were trying to meddle with the Republican Party's program. Senators, Washington warned against this very situation. He told us to be on guard always against the partisan spirit and to let our country's welfare stand above it on all occasions. I say to you to-day in all seriousness, whether the occupant of the White House be a Democrat or a Republican, I will vote, every chance I get, to stand by this great principle laid down by Washington. We ought to do everything in our power every time we get a chance to hold this Government true to the purpose of its creation. We ought not to fling aside its best interests for the partisan welfare of anybody or any party. We ought to put country above party. Then let Democrats and Republicans alike here to-day show their patriotism, their willingness to do the right thing, regardless of party considerations.

The VICE PRESIDENT. The question is on the motion of the Senator from Connecticut [Mr. BINGHAM] to refer the resolution to the Committee on the Judiciary.

Mr. HARRISON. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. EDWARDS (when his name was called). I have a general pair with the Senator from Illinois [Mr. DENEEN], and in his absence I withhold my vote. If the Senator from Illinois were present he would vote "yea." If I were permitted to vote, I would vote "nay."

Mr. GEORGE (when his name was called). I have a pair with the senior Senator from Colorado [Mr. PHIPPS], who is absent. If he were present, he would vote "yea," and if I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. CARAWAY (when Mr. METCALF's name was called). I have a general pair with the junior Senator from Rhode Island [Mr. METCALF], who I find is absent. When my name was called I voted "nay," but not knowing how the Senator from Rhode Island would vote were he present, I withdraw my vote.

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Maine [Mr. HALE], who is absent. If he were present, he would vote "yea," and if I were at liberty to vote, I would vote "nay."

Mr. TYSON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. GOFF], who is absent. Not knowing how he would vote were he present, I withhold my vote. If permitted to vote, I would vote "nay."

The roll call was concluded.

Mr. TYDINGS. I desire to announce that the junior Senator from South Carolina [Mr. BLEASE] is detained from the Senate on official business, and that if he were present, he would vote "yea."

Mr. FLETCHER. I transfer my pair with the junior Senator from Delaware [Mr. DU PONT] to the senior Senator from Missouri [Mr. REED] and vote "nay."

Mr. ASHURST (after having voted in the negative). I rise to inquire whether the junior Senator from New Hampshire [Mr. KEYES] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. ASHURST. I am paired for the day with the junior Senator from New Hampshire, and being unable to secure a transfer, I respectfully withdraw my vote.

The result was announced—yeas 27, nays 52, as follows:

YEAS—27

Bingham	Gooding	Oddie	Smoot
Capper	Gould	Pine	Steiwer
Curtis	Greene	Reed, Pa.	Warren
Dale	McLean	Robinson, Ind.	Waterman
Edge	McNary	Sackett	Watson
Fess	Moses	Schall	Willis
Gillett	Norbeck	Shortridge	

NAYS—52

Barkley	Ferris	Kendrick	Sheppard
Bayard	Fletcher	King	Shipstead
Black	Frazier	La Follette	Simmons
Blaine	Gerry	McKellar	Smith
Borah	Glass	McMaster	Steck
Bratton	Harris	Mayfield	Stephens
Brookhart	Harrison	Neely	Thomas
Broussard	Hawes	Norris	Trammell
Bruce	Hayden	Nye	Tydings
Copeland	Heflin	Overman	Wagner
Couzens	Howell	Pittman	Walsh, Mass.
Cutting	Johnson	Ransdell	Walsh, Mont.
Dill	Jones	Robinson, Ark.	Wheeler

NOT VOTING—15

Ashurst	du Pont	Hale	Reed, Mo.
Blease	Edwards	Keyes	Swanson
Caraway	George	Metcalf	Tyson
Deneen	Goff	Phipps	

So the Senate refused to refer the resolution to the Committee on the Judiciary.

The VICE PRESIDENT. Does the Senator from West Virginia desire a vote on his amendment?

Mr. NEELY. By all means, Mr. President.

The VICE PRESIDENT. The clerk will read the amendment.

The CHIEF CLERK. Add at the end of the resolution the following proviso:

Provided, That if the President should change his mind and choose to become a candidate for reelection, the last paragraph of this resolution shall be held void and of no effect.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. FESS. Mr. President, I offer an amendment. After line 8, following the colon, I move to strike out all the balance of the paragraph, consisting of the words "*And be it further resolved,* That the Senate commends the observance of this precedent by the President."

Mr. LA FOLLETTE. Mr. President, does the Senator desire to make a statement with regard to the amendment?

Mr. FESS. Not unless the Senator from Wisconsin is opposed to it.

Mr. LA FOLLETTE. I desire to make a statement concerning it in my own time. I want to accept the amendment, but I desire to make a statement concerning it.

Mr. FESS. I do not care to be heard if the Senator is going to accept it.

Mr. COPELAND. Mr. President, before the Senator from Wisconsin proceeds, may we have the proposed amendment stated?

The VICE PRESIDENT. The clerk will read the amendment.

The CHIEF CLERK. The Senator from Ohio offers the following amendment: On page 1, to strike out, on lines 8, 9, and 10, the words "*And be it further resolved,* That the Senate commends the observance of this precedent by the President."

Mr. LA FOLLETTE. Mr. President, much of the debate on this resolution has gone afield into the consideration of potential political developments, in which I have no concern, and which, in my judgment, add nothing to the importance of the principle involved in the resolution now before the Senate.

I did not offer the resolution with any concern whatsoever for its possible effect, for good or ill, upon the political fortunes of President Coolidge or any other individual or any political party or faction. My concern was and is for the maintenance of a traditional principle as old as the Government itself, that no man should hold the presidential office for a longer period than eight years, or more than once employ the kingly power and prestige of the office to renominate himself and thus destroy that principle. That is my position at this hour.

I first offered a resolution on this subject on February 22, 1927, in exactly the form in which it was adopted by the House of Representatives in 1875 by the overwhelming majority of 234 to 18. That resolution had the support of Garfield, Hoar, Frye, Hale, and all the eminent Republicans and Democrats in the House of Representatives of that day. That resolution was introduced and adopted when it appeared that President Grant might be a candidate for a third term in 1876.

When I introduced the resolution on February 22 last it was generally accepted that President Coolidge would be a candidate for renomination, and I regarded the two-term principle as being in immediate jeopardy. On August 2, 1927, the President issued his statement, "I do not choose to run for President in 1928." On December 6 he amplified and emphasized that statement with a declaration which until recently has been generally interpreted, even by some of his immediate and warmest friends, to mean that he would not be a candidate.

Accordingly, I added to the resolution introduced by me a year ago a clause declaring the commendation of the Senate for the observance of this time-honored precedent.

I added this clause in good faith and in all sincerity in order to avoid the charge that because of my political opposition to the policies of President Coolidge I had attempted to get the Senate by implication to go on record to the effect that it did not take the President at his word in the statements issued by him on August 2 and December 6.

Nevertheless, within the last few days some of the prominent and powerful organization leaders of the Republican Party, notable among the number being National Committeeman Hilles, of New York, have openly and publicly proceeded to launch a movement to "draft" President Coolidge in utter disregard of the principles for which I am contending.

Until I heard the address of the Senator from Ohio yesterday I did not believe it was possible that the President's statements could be interpreted otherwise than as being conclusive, nor did I believe, following the December 6 statement, that he could be induced to yield to such a movement and thereby repudiate the assurance he has given the country and his party, as I interpret it, and thus to attempt the destruction of the anti-third-term tradition.

To my astonishment, and I think to the astonishment of the country, the President's closest political friends in the Senate, led by the Senator from Ohio, object to the clause of commendation on the ground that the President did not, by the express language which he employed, foreclose his acceptance of a nomination if it were tendered him by the convention.

In view of the sources from which this objection emanates, and in view of the authentic character which must be given their interpretation of the President's intent, I accept the amendment to the resolution striking out the concluding paragraph.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LA FOLLETTE. I yield.

Mr. NORRIS. I wish the Senator would not accept the amendment, because, while I myself do not care for a roll call, there are some of us who would like to vote on the amendment. I am opposed to the amendment. If the Senator accepts it, of course it will go in as a part of the resolution, and we would have no vote on it. The Senator can accept the amendment, and I presume with his favor it will be adopted, but I wish the Senate might have a vote on it. Otherwise those who want to vote on the question would have to offer an amendment covering the same matter as an addition to the resolution.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. HEFLIN. My understanding was that the Senator said that so far as he was concerned he would accept it.

Mr. LA FOLLETTE. No, Mr. President; it is my intention, as the author of the resolution, for the reasons which I have stated, and which I was continuing to state, to accept the amendment.

The VICE PRESIDENT. The amendment can be reoffered by any Senator from the floor.

Mr. LA FOLLETTE. Yes, Mr. President. I accept this amendment, because the resolution of commendation adds nothing to the force of the first resolution nor to the weight of the Senate's declaration at this time, in view of the situation, against the breach of the two-term tradition.

As a matter of fact, Mr. President, the elimination of this concluding paragraph upon the insistence and demand of the President's intimate friends and supporters more sharply em-

phasizes the importance and the direct implication contained in the body of the resolution.

Let there be no misunderstanding, and I think there should be none, in view of the frank statements made by me at the time this resolution was introduced, and during its consideration as to its import and intended effect. Without regard to personalities involved, it is a direct expression of the Senate's adherence to and determination to maintain this important and sound tradition. The urgent necessity for its adoption by the Senate is only emphasized by the attitude in which his most intimate friends and hearty supporters have placed President Coolidge during the course of this debate.

Mr. NORRIS. Mr. President, I shall not offer as an amendment the language which has been taken out of the resolution by its author, but I can not permit the occasion to pass without just a few words upon the subject.

As a friend of the President, as an old liner and a stalwart, I want to protest against this motion favored and backed by a few New England and mid-west radicals. [Laughter.] I take it that those who favor the amendment are unfriendly to President Coolidge. I think it is a slap at the President, and as a bitter partisan supporter of the President, I want publicly to resent it.

Here is a resolution to be passed by this high legislative body in which we directly commend the President for a patriotic act that he did. We undertake to give him a compliment for following in the line, the pathway, and the footsteps of Washington, Jefferson, and other illustrious leaders in our country. Then here come a few earnest, perhaps, honest, perhaps, but ill-advised insurgents, and they insist that we shall insult the President of the United States, that at least we shall not commend him for following in the footsteps of Washington. His enemies may say, and will say, I think, that in this case we ought to commend him because those like the junior Senator from Ohio [Mr. FESS] and his followers, who are backing up the motion, would probably say that we ought not to establish this kind of a precedent. They could say, they might say, and I fear they will say, that the President has so seldom followed in the footsteps of Washington, Jefferson, and others of our illustrious forefathers, that they do not want to establish a precedent now by commending him in this case where he has done it.

I want to warn these obstreperous Senators that they are treading on dangerous ground. There are those of us who are patriotically trying to back up the President in every good thing that he does, who will not forget this conduct and this attempt to really criticize the President. The President himself will not forget it. A man of his ability and his temperament will remember it as some Senators here have had occasion to know that he has remembered things like this in the past. He ought to remember it. I should not be surprised if in the proper following out of his constitutional duty, now established, to declare war without the consent of Congress, these Senators who are undertaking to strike out of the resolution this clause of praise and commendation to the President will find themselves drafted into the marines [laughter] and used for the purpose of bringing about fair elections in Philadelphia and Pittsburgh. [Laughter.]

Mr. HEFLIN. Mr. President, may we have the resolution read now as it would read as amended?

Mr. FESS. Mr. President, I understand the amendment I proposed has been accepted and there will be no vote on it. I wish to offer a further amendment. In line 4, after the word "second," I move to insert the word "elective," so it would read "after the second elective term." I do not care to debate it.

The VICE PRESIDENT. The Senator from Ohio offers an amendment, which will be stated.

The CHIEF CLERK. In line 4, after the word "second," insert the word "elective," so as to make the resolution read:

Resolved, That it is the sense of the Senate that the precedent established by Washington and other Presidents of the United States in retiring from the presidential office after their second elective term has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions.

Mr. HEFLIN. Mr. President, if I understand the Senator, his amendment would mean that the President would have to be elected two times. He might serve 3 years and 11 months of a term to which he succeeded as Vice President, but under the amendment that service would not count; he would have to have two elections.

Mr. FESS. I think the Senate will easily recognize the meaning of the word "elective."

Mr. HEFLIN. Certainly.

Mr. FESS. We have had six Presidents who have been promoted from the Vice Presidency.

Mr. HEFLIN. Then he might serve 11 years and 11 months——

Mr. FESS. Yes; and he might serve eight years and one day, too.

Mr. HEFLIN. He might serve 11 years and 364 days, as a Senator sitting near me suggests, and still under the Senator's amendment he could have two full terms by being elected to them.

Mr. FESS. He could. This means simply that the American people can, if they want to, elect a man the second time, although he has served a portion of a term to which he came without being elected to that term, but was, under the Constitution, promoted to that term. I do not care to discuss the amendment. It is understood by the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Ohio.

Mr. HARRISON. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. ASHURST (when his name was called). Being unable to obtain a transfer of my pair with the Senator from New Hampshire [Mr. KEYES], I withhold my vote.

Mr. EDWARDS (when his name was called). I have a general pair with the Senator from Illinois [Mr. DENEEN]. Not knowing how he would vote on this question, I withhold my vote.

Mr. GEORGE (when his name was called). I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. Not knowing how he would vote on this question, I withhold my vote.

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Maine [Mr. HALE]. I do not know how he would vote on this question, and therefore withhold my vote. If permitted to vote, I would vote "nay."

Mr. TYSON (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote on this question, I withhold my vote. If permitted to vote, I would vote "nay."

The roll call was concluded.

Mr. FLETCHER. Making the same announcement as before as to my pair and its transfer, I vote "nay."

Mr. CARAWAY. I have a pair with the junior Senator from Rhode Island [Mr. METCALF]. Not knowing how he would vote, I withhold my vote. If permitted to vote, I would vote "nay."

The result was announced—yeas 6, nays 73, as follows:

YEAS—6

Bingham	McLean	Waterman	Willis
Fess	Warren		

NAYS—73

Barkley	Fletcher	McKellar	Sheppard
Bayard	Frazier	McMaster	Shipstead
Black	Gerry	McNary	Simmons
Blaine	Gillett	Mayfield	Smith
Blease	Glass	Moses	Smoot
Borah	Gooding	Neely	Steck
Bratton	Gould	Norbeck	Steiwer
Brookhart	Greene	Norris	Stephens
Broussard	Harris	Nye	Thomas
Bruce	Harrison	Oddie	Trammell
Capper	Hawes	Overman	Tydings
Copeland	Hayden	Pine	Wagner
Couzens	Heflin	Pittman	Walsh, Mass.
Curtis	Howell	Ransdell	Walsh, Mont.
Cutting	Johnson	Reed, Pa.	Watson
Dale	Jones	Robinson, Ark.	Wheeler
Dill	Kendrick	Robinson, Ind.	
Edge	King	Sackett	
Ferris	La Follette	Schall	

NOT VOTING—15

Ashurst	Edwards	Keyes	Shortridge
Caraway	George	Metcalf	Swanson
Deneen	Goff	Phipps	Tyson
du Pont	Hale	Reed, Mo.	

So Mr. FESS's amendment was rejected.

Mr. BINGHAM. I desire to offer an amendment, to which I ask the attention of the Senator from Idaho [Mr. BORAH]. It is in line with his remarks this afternoon. In line 6, after the word "custom," I move to insert the words "except in a case of grave national emergency."

The VICE PRESIDENT. The question is on the amendment of the Senator from Connecticut.

The amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

Mr. FESS. Mr. President, I offer an amendment to the resolution. In line 7, after the word "unwise," I move to strike out the words "unpatriotic, and fraught with peril to our free institutions."

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Ohio.

Mr. ROBINSON of Arkansas. Mr. President——

Mr. McKELLAR. Let the amendment be reported.

The VICE PRESIDENT. The Chair recognizes the Senator from Arkansas.

Mr. ROBINSON of Arkansas. The last amendment proposed by the Senator from Ohio which was voted on constituted an interpretation of the intent and true meaning of the resolution. We have been discussing the resolution now for several days, and I think the amendment of the Senator from Ohio last voted upon, and which was rejected by a vote of 70 opposed to the amendment to 6 in favor of it, disclosed that the Senate fully understands the resolution. I think that it will not be necessary to amend it.

SEVERAL SENATORS. Vote!

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Ohio [Mr. FESS].

The amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

Mr. LA FOLLETTE and Mr. HARRISON called for the yeas and nays, and they were ordered.

The Chief Clerk proceeded to call the roll.

Mr. ASHURST (when his name was called). For the day I am paired with the Senator from New Hampshire [Mr. KEYES]. I transfer that pair to the senior Senator from Missouri [Mr. REED] and vote "yea."

Mr. CARAWAY (when his name was called). Making the same announcement with reference to my pair as on the previous vote, I withhold my vote.

Mr. EDWARDS (when his name was called). On this question I am paired with the Senator from Illinois [Mr. DENEEN]. If he were present, I am informed that he would vote "yea." As I intend to vote in the affirmative, I am permitted to vote, and vote "yea."

Mr. GEORGE (when his name was called). I have a general pair with the Senator from Colorado [Mr. PHIPPS]. If he were present, he would vote "nay," and if I were permitted to vote I should vote "yea."

Mr. SWANSON (when his name was called). I am paired with the senior Senator from Maine [Mr. HALE]. I am informed by his colleague the junior Senator from Maine [Mr. GOULD] that if he were present he would vote "nay." If I were privileged to vote, I should vote "yea." I withhold my vote.

Mr. TYSON (when his name was called). I have a general pair with the Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote if present, I withhold my vote. If permitted to vote, I should vote "yea."

The roll call was concluded.

Mr. FLETCHER. I have a general pair with the Senator from Delaware [Mr. DU PONT]. I am advised, however, that if he were present he would vote as I intend to vote. I will therefore vote. I vote "yea."

The result was announced—yeas 56, nays 26, as follows:

YEAS—56

Ashurst	Cutting	Howell	Sackett
Barkley	Dill	Johnson	Schall
Bayard	Edwards	Kendrick	Sheppard
Black	Fletcher	King	Shipstead
Blaine	Frazier	La Follette	Simmons
Borah	Gerry	McKellar	Smith
Bratton	Gillett	McMaster	Steck
Brookhart	Glass	Mayfield	Stephens
Broussard	Gooding	Neely	Thomas
Bruce	Harris	Norris	Trammell
Capper	Harrison	Nye	Tydings
Copeland	Hawes	Overman	Wagner
Couzens	Hayden	Pittman	Walsh, Mont.
Curtis	Heflin	Robinson, Ark.	Wheeler

NAYS—26

Bingham	Greene	Pine	Walsh, Mass.
Blease	Jones	Ransdell	Warren
Dale	McLean	Reed, Pa.	Waterman
Edge	McNary	Robinson, Ind.	Watson
Ferris	Moses	Shortridge	Willis
Fess	Norbeck	Smoot	
Gould	Oddie	Steiwer	

NOT VOTING—12

Caraway	George	Keyes	Reed, Mo.
Deneen	Goff	Metcalf	Swanson
du Pont	Hale	Phipps	Tyson

So the resolution as modified was agreed to, as follows:

Resolved, That it is the sense of the Senate that the precedent established by Washington and other Presidents of the United States in retiring from the presidential office after their second term has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions.

ALIEN PROPERTY AND OTHER CLAIMS

Mr. SMOOT. I move that the Senate proceed to the consideration of Calendar No. 281, being House bill 7201, known as the alien property bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah to proceed to the consideration of House bill 7201.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7201) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds, which had been reported from the Committee on Finance with amendments.

Mr. CURTIS. I ask the Senator if he will not allow the bill to be temporarily laid aside, so that I may make a request.

Mr. SMOOT. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Without objection, it is so ordered.

ADJOURNMENT TO MONDAY

Mr. CURTIS. Mr. President, I am advised that a number of Senators will be away to-morrow, and I ask unanimous consent that when the Senate concludes its business to-day it adjourn to meet at 12 o'clock on Monday next.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 278) to amend section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926.

The message also announced that the House had passed the bill (S. 2656) to establish a minimum area for a Shenandoah National Park, for administration, protection, and general development by the National Park Service, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 473. An act authorizing the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky.;

H. R. 7013. An act authorizing and directing the Secretary of War to lend to the Governor of Arkansas 5,000 canvas cots, 10,000 blankets, 10,000 bed sheets, 5,000 pillows, 5,000 pillowcases, and 5,000 mattresses or bed sacks to be used at the encampment of the United Confederate Veterans to be held at Little Rock, Ark., in May, 1928;

H. R. 7902. An act granting the consent of Congress to the State Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Wetumpka, Elmore County, Ala.; and

H. R. 8269. An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes.

PETITIONS AND MEMORIALS

Mr. THOMAS presented sundry memorials numerously signed by citizens of the State of Oklahoma, remonstrating against the passage of the so-called Brookhart bill relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

Mr. BINGHAM presented a resolution adopted by Ben Miller Council, No. 11, Junior Order United American Mechanics, of Danbury, Conn., protesting against repeal of the national-origins provisions of the existing immigration law, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the Connecticut State Federation of Women's Clubs, indorsing the so-called McSweeney bill, to facilitate research as to methods of forest production and conservation, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Cromwell, Conn., remonstrating against the adoption of the proposed naval building program, which was referred to the Committee on Naval Affairs.

He also presented a memorial of sundry citizens of New Haven, Conn., remonstrating against the passage of the so-called Brookhart bill relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

Mr. ROBINSON of Arkansas presented a resolution adopted by the Little Rock (Ark.) Engineers' Club, favoring the passage of Senate bill 851, affording relief to relatives of persons losing their lives in the disaster to the U. S. S. *Norman*, which was referred to the Committee on Claims.

He also presented a resolution adopted by the Southern States Conference of Beekeepers' Associations, favoring inclusion in the next census of provision for the enumeration of colonies of bees excepting those on farms, etc., which was referred to the Committee on Commerce.

He also presented a resolution adopted by the Southern States Conference of Beekeepers' Associations, protesting against the passage of the proposed corn sugar bill, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Southern States Conference of Beekeepers' Associations, favoring the making of an additional appropriation of $10,000 (through the Department of Agriculture) to establish in the South a field laboratory for the solving of certain problems relative to the beekeeping industry, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of the State of Arkansas, remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

Mr. COPELAND presented petitions of sundry citizens of New York City, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented a resolution adopted at the seventy-third annual meeting of the New York State Horticultural Society at Rochester, N. Y., favoring the passage of the so-called Borah bill establishing a licensing system for dealers and commission men handling fruits and vegetables, etc., which was referred to the Committee on Agriculture and Forestry.

PROF. WILLIAM H. H. HART

Mr. CURTIS presented certain papers and documents, which were referred to the Committee on Claims, to accompany the bill (S. 2325) for the relief of Prof. William H. H. Hart, principal of the Hart Farm School and Junior Republic for Dependent Children.

REPORTS OF COMMITTEES

Mr. CARAWAY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1103) permitting the withdrawal of water from White River, Ark., reported it without amendment and submitted a report (No. 280) thereon.

Mr. WHEELER, from the Committee on Indian Affairs, to which was referred the bill (S. 2815) to reimburse certain Indians of the Fort Belknap Reservation, Mont., for part or full value of an allotment of land to which they were individually entitled, reported it without amendment and submitted a report (No. 281) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 3120) granting a pension to William L. Thomas (with accompanying papers); to the Committee on Pensions.

A bill (S. 3121) for the relief of F. A. McGregor; to the Committee on Naval Affairs.

By Mr. THOMAS:

A bill (S. 3122) granting a pension to Sarah Purnell; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 3123) granting a pension to Devonah Watts; to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 3124) granting an increase of pension to Ethyl M. C. Horner; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 3125) granting an increase of pension to Catherine Alter (with accompanying papers); to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3126) granting an increase of pension to Pleasant Nidifer; to the Committee on Pensions.

By Mr. FRAZIER:

A bill (S. 3127) to amend section 217 as amended of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on Post Offices and Post Roads.

(By request.) A bill (S. 3128) to amend section 3 of the act approved April 12, 1926 (44 Stat. 239, 240), with reference to suits involving Indian land titles among the Five Civilized Tribes; to the Committee on Indian Affairs.

By Mr. WALSH of Montana:

A bill (S. 3129) for the relief of Frank N. Dominick; to the Committee on Military Affairs.

By Mr. TYDINGS:

A bill (S. 3130) to amend the act of March 3, 1915, by extending to the widows or dependents of naval officers and enlisted men who die and to enlisted men who are disabled as a result of submarine accidents the same pensions as are allowed in the case of aviation accidents; and

A bill (S. 3131) to provide additional pay for personnel of the United States Navy assigned to duty on submarines and to diving duty; to the Committee on Naval Affairs.

By Mr. DALE:

A bill (S. 3132) granting an increase of pension to Elmira M. Story (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 3133) to amend section 17 of the act approved June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended; to the Committee on Military Affairs.

By Mr. WATSON:

A bill (S. 3134) granting a pension to Daisy Jinks; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 3135) granting an increase of pension to Jinia F. King (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. COPELAND submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill insert the following:

Northwest: For the widening to 50 feet and repaving the roadway of H Street from Seventeenth Street to Eighteenth Street, $30,000. In the widening and repaving of the roadway of H Street between Seventeenth and Eighteenth Streets, 40 per cent of the entire cost thereof shall be assessed against and collected from the owners of abutting property in the manner provided in the act approved July 1, 1914 (38 Stat. L. 524), as amended by section 8 of the act approved September 1, 1916 (39 Stat. L. 716), and the owners of abutting property also shall be required to modify, at their own expense, the roofs of any vaults that may be under the sidewalk on said street if it be found necessary to change such vaults to permit of the roadway being widened.

ADMINISTRATION OF CIVIL SERVICE LAWS

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent to have a communication from the National Civil Service Reform League printed in the RECORD and referred to the Committee on Civil Service.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is here printed, as follows:

NATIONAL CIVIL SERVICE REFORM LEAGUE,
8 West Fortieth Street, New York, February 4, 1928.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH: I have read with interest your remarks, as contained in the CONGRESSIONAL RECORD of January 31, in connection with the amendment proposed by Senator BRUCE to classify certain employees of the Fleet Corporation and the Shipping Board under the civil service law.

The National Civil Service Reform League has been conscious for many years of the fact that certain provisions of the civil service law (the act of January 16, 1883) have been grossly abused by administrative officials. By far the most serious and the most extended abuse of the merit system in the Federal civil service occurs because of the latitude which is given to appointing authorities for the selection of one out of three on the eligible lists submitted by the Civil Service Commission. Under this provision of the rules, which, according to an opinion of the Attorney General, is made necessary under the Constitution (13 Op. Atty. Gen. 516, August 31, 1871), the spoils system

is permitted to creep in with all its vicious results. The damage is most noticeable in the Postal Service, where the examinations are conducted in the field and where but one vacancy exists for each examination.

Since legislation to require the appointment of the person standing highest on eligible lists would be attacked on the ground of its questionable constitutionality, the league has endeavored for the past few years to obtain Executive orders which would in effect accomplish the same purpose as legislation in this regard. In connection with the Postal Service we have asked the Postmaster General to adopt a rule for his own guidance that in making selections from eligible lists for postmasterships and positions of rural carrier, he would take the person standing highest unless there were some exceptional reason why he should not, in which case he should make a written statement of the reason for the information of the President and the United States Civil Service Commission. This the Postmaster General refused to do. The only reason we were able to obtain from him for not doing so was that political pressure upon him was such that he could not do so.

We have carried our appeal to the President, asking that he by Executive order instruct the Postmaster General to adopt this policy with relation to appointments to postmasterships and positions of rural carrier. This the President has so far been unwilling to do.

The bad effect of the policy of the selection of one out of three is due to the present practice of the Post Office Department of submitting the eligible list to the Member of Congress or to the local political leader in the district in which the vacancy has occurred. He is asked to recommend the person he considers best fitted "as to character or residence." As you well know, section 10 of the civil service law restricts the recommendations that may be received by appointing officers from Members of Congress to the question of character or residence of the candidate. However, it is well known and, indeed, it is only natural that the judgment of a Member of Congress as to the character of a candidate is in most cases controlled by the political opinions and affiliations of the candidate. Section 10 of the civil service law was intended to prevent the very things that by the present practices of the Post Office Department are permitted under it.

The league would be glad to have your opinion as to the best means of correcting this situation. For example, would you agree to a provision in the law which would prohibit heads of departments from seeking or receiving recommendations from the Members of Congress or from local political leaders as to the selection of one of the three persons on eligible lists for postmasterships or positions of rural carrier?

I inclose a marked copy of proceedings of the last annual meeting of the league, in which this subject is discussed in the annual report of our council.

Sincerely yours,

H. W. MARSH, *Secretary.*

REGULATION OF IMMIGRATION

Mr. REED of Pennsylvania. Mr. President, I ask leave to insert in the RECORD a letter from Congressman JOHN C. BOX, of Texas, on the subject of the proposed quota for Mexican immigration.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is here printed, as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 1, 1928.

Mr. WILLIAM C. HALL,
Secretary Chamber of Commerce, Lufkin, Tex.

MY DEAR MR. HALL: I am just in receipt of your letter of the 28th ultimo, in which you say:

Hon. JOHN C. BOX,
Washington, D. C.

DEAR MR. BOX: This is to inform you that at a recent meeting of the board of directors of the Lufkin Chamber of Commerce, in which we had a large attendance, the matter of restricting Mexican immigration, which is brought into Texas for the purpose of furnishing the necessary labor to carry on the general farming operations, especially along the southern line of Texas, also to assist in railroad work and general development work in the timber country, which is so necessary to the upbuilding of our great State.

Our directors were unanimous in their opinion that it was a mistake to restrict this immigration, and that they are joined by a majority of our people in this opinion. They desire to inform you that this matter of restriction is in opposition to the best thought of our local people, and they strongly protest the action you have taken in regard to this matter. It is hoped that you will reconsider your action regarding the immigration matter and aid in continuing the present arrangement for the use of this class of labor in Texas.

This letter is being sent to each of the Congressmen of the State, also to the various district chamber of commerce organizations.

Yours very truly,

WM. C. HALL, *Secretary.*

I believe that I know more about the bearing of this question upon the welfare of all of the people now and hereafter than any man or group looking upon it from the standpoint of personal and local immediate financial interest.

The bulk of these Mexican peons do not return to Mexico, as is often incorrectly stated. The number of alien-born Mexicans in Texas and throughout the country is increasing rapidly. Their numbers more than doubled between 1900 and 1910, and more than doubled again between 1910 and 1920, and probably have more than doubled again since 1920. Some estimate our present alien Mexican population at 3,000,000. An official estimate made some time ago placed it at more than 1,000,000. I estimate it at some 2,000,000.

Every reason which calls for the restriction of undesirable immigrants from other countries calls for restriction against these peons. They are illiterate and many of them suffer from contagious diseases which they spread. They furnish a disproportionately large number of paupers and criminals. Where they are numerous many of them vote, and they are becoming numerous in many places. Under bad leadership their ignorance and degradation often debauches the ballot shamefully.

They are displacing thousands of American-born men and women in our industries and turn our own people adrift in search of honest employment, sometimes into vagrancy. American farmers are now producing a surplus of staple products which bears down ruinously the prices of farm products at home and abroad. More Mexican peons working for absentee landlords add to the distress of this situation. In rural communities they supplant Americans and correspondingly weaken country schools, churches, and all good community life. The admission of many thousands of them annually tends to drive our rural population further down toward pauper peasantry.

Human experience, as it has passed through successive generations, has been filled with the record of such blunders as you would have me make now and the woes which have resulted. Thoughtful men do not laugh at the lessons taught by history, which is the record of human experience. You urge the very reasons which were urged in support of the bringing of black slave labor to America. That resulted in years of strife, war, and ruin, the loss of hundreds of thousands of the finest lives, bitter sectionalism in the Nation for half a century, and still leaves a troublesome, ominous race question. Large sections of the country have already been so filled with similar people from southern and eastern Europe that their American minorities are alarmed and the rest of the country disturbed. This movement into Texas, California, and the Southwest is like it in character and in the dangers attending it. Race troubles have already occurred between Mexicans and Americans in several places in Texas, Colorado, and elsewhere. That Mexican and American people and ideas and practices do not blend harmoniously was proven in Texas 90 years ago. The Alamo, Goliad, and many other horrors resulted. You are asking me to remix some things my grandfather helped to unscramble at San Jacinto.

Gentlemen, I am a public servant, grateful for the confidence and kindness shown me by my constituents, and anxious to have your approval, but bound to make the public welfare paramount. If my knowledge, judgment, and sense of duty deprive me of your approval, I shall regret it. If a majority of the people of Angelina County and the district agree with you in demanding a reversal of my course and can find a man who will be more complacent and forgetful of other obligations upon him, or who agrees with you and is frank and courageous enough to publicly so declare himself, the course to be pursued by your Representative, after my present service terminates, can be settled in the good American way. I am a candidate for reelection and shall go forward in the course I indicated from the beginning and am consistently following.

In all matters wherein I can serve you, your directors, and membership consistently with the paramount obligations resting upon me, I remain,

Your servant,

JOHN C. BOX.

RETIREMENT OF DISABLED EMERGENCY OFFICERS

Mr. TYSON. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the New York Times of February 8, 1928, entitled "Justice to disabled emergency officers."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JUSTICE TO DISABLED EMERGENCY OFFICERS

The bill for the relief of disabled emergency officers of the Army has twice passed the Senate. Recently it was reported to the House of Representatives with only one vote in the negative. There seems to be no reason why it should not be taken up and put on passage. Why the delay? Such legislation would be an act of justice to meritorious officers who led American troops in France and who are 30 per cent or more disabled. Regular Army officers in the same condition have been

retired and are receiving 75 per cent of the pay of their rank. In a report on the bill made on January 23, Senator TYSON said:

"There were nine classes of officers who fought in the World War. These were the Regular, provisional, and emergency officers of the Army, Navy, and Marine Corps. Eight of these nine classes of officers have been retired by the Congress for wounds and disabilities resulting from their World War services. The only officers for whom the Congress has failed to provide retirement are the disabled emergency Army officers."

The selective service act of May, 1917, put all officers and men not of the Regular Army on the same footing as regards pay, allowances, and pensions with officers and men of the Regular Army. There should be no discrimination against the emergency officers. But for almost eight years there has been a discrimination. Why should a Regular Army officer, retired for wounds and physical disability, receive a substantial pension and the emergency officer be deprived of it? Senator TYSON brought out the fact that 93 per cent of the Army officers killed in action were emergency officers. To-day their average age is 48 years. The battle deaths of the emergency officers were 54 per cent greater than those of the men who served under them.

It is not true, as asserted, that enlisted men are opposed to the Tyson-Fitzgerald bill. Ninety per cent of the members of the American Legion served in the ranks, and ten times the Legion has approved the principle of the proposed legislation. Seven times have the Disabled American Veterans recorded their commendation. "The disabled emergency enlisted man," says Senator TYSON, "realizes that the compensation now drawn by him is more than he would draw if this act were made applicable to him." With slight criticism of the wording of the bill, which did not affect the principle of it, Secretary of War Davis gave his sanction to it on January 21 in a letter to Chairman REED, of the Senate Military Affairs Committee. Mr. Davis, however, said that the Director of the Bureau of the Budget had advised him that "the proposed legislation" was "in conflict with the financial program of the President." But does anyone think that Mr. Coolidge would veto this bill if it were sent to him by Congress? The country does not want money saved at the expense of the gallant emergency officers of the World War. The obstructionists should stand aside and let the House vote.

OHIO RIVER BRIDGE AT MADISON, IND.

Mr. WATSON. Mr. President, some days ago the Senate passed a Senate bill to construct a bridge at Madison, Ind. The House has passed a similar bill, being House bill 7916, which has come over to the Senate and been referred to the Committee on Commerce. I move that the Committee on Commerce be discharged from further consideration of the bill and that it may be considered at this time.

The VICE PRESIDENT. In the absence of objection, the Committee on Commerce will be discharged from further consideration of the bill.

Mr. WATSON. I ask unanimous consent for the immediate consideration of the bill (H. R. 7916) authorizing the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Madison, Jefferson County, Ind.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole proceeded to consider the bill.

Mr. JONES. May I ask the Senator if the House bill is identical with the Senate bill which the Senator says has been passed?

Mr. WATSON. My understanding is that they are identical.

The VICE PRESIDENT. The Chair is informed that the bills are identical.

Mr. JONES. If the bills are identical, I have no objection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ASSISTANT PRINTING CLERK

Mr. WATSON. Mr. President, a day or two ago there was reported from the Committee to Audit and Control the Contingent Expenses of the Senate a resolution submitted by me providing for the employment of an additional clerk in the office of the Secretary of the Senate. I ask, out of order, unanimous consent for the immediate consideration of that resolution.

Mr. KING. I should like to ask the Senator the reason for that? We have had more business at other sessions of the Senate than at this.

Mr. WATSON. There are several employees in the office of the Secretary who are not well. Of course, they are on the roll. The Secretary now has one employee in his office who is sick and can not perform the duties required. There is absolute necessity for it or I would not have offered the resolution.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution (S. Res. 140) was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to employ an assistant printing clerk from February 1, 1928, for service in the office of the Secretary at the rate of $1,940 per annum to be paid from the contingent fund of the Senate until the end of the present session of Congress.

RECORDS OF GENEVA CONFERENCE

Mr. BINGHAM. Mr. President, I ask unanimous consent for the immediate consideration of a resolution on the calendar which involves the printing of a document. It should not have gone to the calendar in the first place. I refer to Senate Resolution 134, which has been reported by the Committee on Printing and which proposes to print the manuscript entitled "Records of the Conference for the Limitation of Naval Armaments held at Geneva from June 20 to August 4, 1927." There is necessity for the immediate printing of the document, as there are no copies available.

Mr. ROBINSON of Arkansas. I understand the Senator to say that the resolution has been reported from the Committee on Printing?

Mr. BINGHAM. Yes.

Mr. ROBINSON of Arkansas. Is the report unanimous?

Mr. BINGHAM. Yes.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution (S. Res. 134) was considered and agreed to, as follows:

Resolved, That the manuscript entitled "Records of the Conference for the Limitation of Naval Armament held at Geneva from June 20 to August 4, 1927," be printed as a Senate document.

MENOMINEE RIVER BRIDGE AT MARINETTE, WIS.

Mr. BLAINE. I ask unanimous consent for the immediate consideration of the bill (S. 2902) granting the consent of Congress to the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at or near Marinette, Wis.

Mr. KING. I will inquire of the Senator if the report on the bill is unanimous?

Mr. BLAINE. It is.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in section 1, on page 1, line 6, after the word "River," to insert "at a point suitable to the interests of navigation," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Wisconsin and the State of Michigan to construct, maintain, and operate a free highway bridge and approaches thereto across the Menominee River at a point suitable to the interests of navigation at or near Marinette, Wis., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. There is hereby conferred upon the State of Wisconsin and the State of Michigan all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 4 o'clock and 35 minutes p. m.), in pursuance of the order previously entered, adjourned until Monday, February 13, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 10 (legislative day of February 9), 1928

POSTMASTERS

CONNECTICUT

Louis J. A. Stefon, Baltic.
Frank D. Stanton, Stonington.

INDIANA

Walter J. Daunhauer, Ferdinand.
Dora B. Henderson, Lakeville.
Harvey E. McNees, Winchester.

KANSAS

Rosa M. Harmon, Oil Hill.

MAINE

Dwight P. Macartney, Oakland.
Lysle W. Folsom, Springvale.
Lester E. Goud, Topsham.

MICHIGAN

W. DeMont Wright, Harbor Springs.
Harry C. Ziegler, Wayne.

MISSOURI

Harley C. Shively, Hamilton.
Tom D. Purdy, Harris.
Jennette M. Boisseau, Holden.

NEVADA

Margaret F. Rackliffe, Hawthorne.

NEW YORK

Edgar F. Cummings, Beacon.
Albert B. W. Firmin, Brooklyn.
William E. Lent, East Williston.
Mary Murdie, Loon Lake.
Anna E. McHugh, Seaford.
Carlyle S. Hoskins, Stillwater.
John De Frine, Williamson.

NORTH CAROLINA

James L. Edwards, Newport.

NORTH DAKOTA

William E. Knox, Antler.
Albert E. Gutekunst, Drayton.
Joseph H. Huseby, Leeds.
Ivah A. Miller, Nome.
James Fitzpatrick, Sawyer.

OREGON

Cora Maconn, Warrenton.

PENNSYLVANIA

Mary A. Kerr, Boyers.
William W. Latta, California.
Kathryn L. Petrini, East Brady.
Roy R. Rhodes, Freedom.
Frank Kerr, Madera.
William M. Thomas, Ridgway.
Edward G. Carper, Roaring Spring.
Harry L. Kelley, Slippery Rock.
Frank G. Jones, Spartansburg.
Helen L. Chaffee, Wesleyville.

TENNESSEE

Baltis L. Kemp, Adamsville.
Mamie D. Phillips, Brighton.
William T. McCown, Fayetteville.
Samuel P. Raulston, Jasper.
John D. Brooks, Russellville.
Thomas E. Richardson, Tullahoma.

TEXAS

Jefferson D. Bell, Bartlett.
Neeley R. Vaught, Burkburnett.
Eugene Webb, Corrigan.
James R. Melvin, Gilmer.
Joe Burger, sr., Wharton.

UTAH

Leo N. Gledhill, Gunnison.

HOUSE OF REPRESENTATIVES

FRIDAY, *February 10, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our blessed, blessed Heavenly Father, Thou hast called us to a great task. We would prepare ourselves at Thy altar, and there exercise the greatest and the humblest virtue, which is penitence. May our greatest victories be wrought in our own hearts. Let the thought of God become increasingly precious to us. Open Thou our eyes that may behold wondrous things out of Thy law. Show us the wealth that lies beneath the old familiar Word. O teach us over again the glory of that treasure that lies hidden in the songs of Zion, and raise us up to that height of aspiration which was the summit of the prophets of old. Make these hours golden by revealing unto us Thy wisdom. But, above all, make us men after God's own heart—which is, make us just, loving, generous, and magnanimous. Through Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 473. An act authorizing the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky.; and

H. R. 7902. An act granting the consent of Congress to the State Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Wetumpka, Elmore County, Ala.

The message also announced that the Senate had passed a concurrent resolution and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. Con. Res. 10. Concurrent resolution requesting certain information from the Interstate Commerce Commission relative to regulation of freight rates with a view to equalizing prosperity among producers of commodities;

S. 1478. An act to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.; and

S. 2656. An act to establish a minimum area for a Shenandoah National Park, for administration, protection, and general development by the National Park Service, and for other purposes.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the following title was taken from the Speaker's table, and, under the rule, referred to the appropriate committee, as follows:

S. Con. Res. 10. Concurrent resolution requesting certain information from the Interstate Commerce Commission relative to regulation of freight rates with a view to equalizing prosperity among producers of commodities; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 473. An act authorizing the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky.;

H. R. 7013. An act authorizing and directing the Secretary of War to lend to the Governor of Arkansas 5,000 canvas cots, 10,000 blankets, 10,000 bed sheets, 5,000 pillows, 5,000 pillowcases, and 5,000 mattresses or bed sacks to be used at the encampment of the United Confederate Veterans to be held at Little Rock, Ark., in May, 1928;

H. R. 7902. An act granting the consent of Congress to the State Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Wetumpka, Elmore County, Ala.; and

H. R. 8269. An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes.

SEATS ON FLOOR OF SENATE AND HOUSE FOR CABINET OFFICERS—REFERENCE OF A BILL

Mr. SNELL. Mr. Speaker, I call attention to the bill H. R. 5625, introduced by the gentleman from Virginia [Mr. MONTAGUE], providing that the heads of executive departments may occupy seats on the floor of the Senate and the House of Representatives, which bill has been referred to the Committee on the Judiciary. My object in calling it to the attention of the Speaker at this time is because I believe the bill should have been properly referred to the Committee on Rules, as the bill deals entirely with the rules of the Senate and the House. Rule XXXIII of the House, for instance, provides who shall be admitted to the floor of the House, and Rule XII defines the rights of people such as Delegates who are not Members of the House. I think there is no doubt that the bill should have been properly referred to the Committee on Rules, but it is not my desire or intent to ask that it be rereferred. I merely want to protect the rights of the Committee on Rules in regard to any future bills of this character.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. MADDEN. If the gentleman does not make the objection now as to the jurisdiction of the committee to which this bill was referred, he would be too late to make it when that committee reported the bill.

Mr. SNELL. I am not going to make any objection, as far as this bill is concerned. I merely rise to call the attention of the Speaker to the situation, and to suggest that in the future such bills be referred to the Committee on Rules.

Mr. MADDEN. Does this bill give the right of debate to Cabinet officers?

Mr. SNELL. Yes.

Mr. MADDEN. I should not think they would want that, although we might like to have some of them here so that we could interrogate them on things they do not know anything about.

Mr. MONTAGUE. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. MONTAGUE. I understand from the gentleman from New York that he thinks as a matter of procedure this bill should have the reference he has just indicated, but that, as the lawyers say, he only makes the point for future reference.

Mr. SNELL. That is all.

Mr. MONTAGUE. He does not ask for a rereference of the bill?

Mr. SNELL. I do not.

Mr. MONTAGUE. I may say that is satisfactory to me, although I indicated no preference for a reference of this bill originally. I think the bill has been to two committees and is now before the Committee on the Judiciary.

Mr. BLANTON. Mr. Speaker, will the Chair permit a parliamentary inquiry?

The SPEAKER. Yes.

Mr. BLANTON. If it be the rule that this bill should properly go to the Committee on Rules, and the chairman of that committee not seeing fit to demand his jurisdiction, is not that a matter that any Member of the House can exercise a prerogative in respect to and ask that the rule be enforced?

The SPEAKER. The Chair would recognize any gentleman under the circumstances to ask unanimous consent for a rereference, but the Chair thinks that the Committee on the Judiciary has jurisdiction over a matter of this sort. However, now that the attention of the Chair has been called to the matter, he does not hesitate to say that the Chair thinks that a more proper reference would have been to the Committee on Rules.

Mr. BLANTON. Mr. Speaker, to get a ruling by the Chair, as I am against that bill, and being a little afraid that the influence of the distinguished gentleman from Virginia [Mr. MONTAGUE] might be so strong that the Committee on the Judiciary will favorably report it when probably it would not be so reported from the Committee on Rules——

Mr. SNELL. I wish the gentleman would not make the request at this time.

Mr. BLANTON. I make the point of order in order to get the matter before the Speaker.

Mr. SNELL. I hope the gentleman will withhold it for the present. I think the matter will work out satisfactorily later.

Mr. BLANTON. But after the Committee on the Judiciary reports the bill the gentleman from New York will have lost his rights in the matter.

Mr. SNELL. But they have not reported it as yet.

Mr. BLANTON. But they might report it.

Mr. SNELL. Certainly; they could report anything that was before them.

Mr. BLANTON. In order to get a ruling by the Chair, I make the point of order that that bill is improperly before the Committee on the Judiciary.

The SPEAKER. The Chair would not sustain that point of order. The Chair thinks that the Committee on the Judiciary would have jurisdiction, but the Chair is clear that the reference would be more properly to the Committee on Rules. In default of any action by the Committee on Rules, the Chair thinks the bill had better remain where it is.

PERMISSION TO COMMITTEE ON IMMIGRATION TO SIT DURING SESSIONS OF HOUSE

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that the Committee on Immigration and Naturalization may sit during the sessions of the House.

The SPEAKER. The gentleman from Washington asks unanimous consent that the Committee on Immigration and Naturalization may be permitted to sit during the sessions of the House. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I hope the gentleman from Washington will fix a time limit when this committee may do that, and not have it during the entire Congress.

Mr. JOHNSON of Washington. I am willing to modify my request.

Mr. GARRETT of Tennessee. For 30 days.

Mr. JOHNSON of Washington. About that. Give us the month of March.

Mr. GARRETT of Tennessee. I have asked the gentleman, who is chairman of the Committee on Immigration, to limit it to 30 days.

Mr. JOHNSON of Washington. Very well. Mr. Speaker, I modify my request and ask that the committee may sit during the sessions of the House for 30 days.

The SPEAKER. The gentleman from Washington asks unanimous consent that the Committee on Immigration and Naturalization may be permitted to sit during the sessions of the House for the next 30 days. Is there objection?

There was no objection.

GUARANTY OF BANK DEPOSITS

Mr. HOWARD of Nebraska. Mr. Speaker, I ask unanimous consent to speak for two minutes right now.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. HOWARD of Nebraska. Mr. Speaker, during recent days I have heard many Members of the House speaking almost tearfully about the great losses sustained by their home people through the unfortunate failure of banks, and I have read of large sums of money being carried even by airplanes to bolster up tottering banks. At this moment I desire to explain to all of them an easy way to get rid of all such apprehensions on their part and of all such losses on the part of their constituents.

There is now pending before this House a bill known as H. R. 5576, which provides a law to guarantee the deposits of the people in national banks along the line of the deposit law with reference to State banks in Nebraska, under the administration of which law in 17 years no person has ever lost a dollar.

Now, I want to get this bill passed if I can, but in the meantime I suggest to all my colleagues the advisability of suggesting to their home folks that they should send their deposits to Nebraska, where the bank deposits are guaranteed and where no person has lost or can lose a dollar. [Applause.]

Mr. CHINDBLOM. Can the gentleman tell us who introduced the bill he refers to?

Mr. HOWARD of Nebraska. An eminent member of our State delegation introduced the bill, but a feeling of modesty prevents me from announcing his identity. [Laughter.]

GEORGE WASHINGTON'S BIRTHDAY

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MOORE of Virginia. Mr. Speaker, on the 22d of February, in the year 1800, following the death of General Washington in December of the previous year, the anniversary of his birth was celebrated in Alexandria city, and that has been the custom ever since.

On the coming February 22, which falls on Wednesday, there will be such a celebration, marked by more than usually

impressive ceremonies. One of the incidents will be a reception by the Governor of Virginia and Mrs. Byrd of the President of the United States and the other guests who may honor the occasion by their presence. I am requested by the George Washington Birthday Association, a very old association, which was organized about 30 days after the death of Washington, to invite the Members and officers of the House and their wives to attend the approaching celebration. Those of them who find it possible to do so will be most heartily welcomed by the community which was the county seat of Washington's county of Fairfax for most of his active life, which was, as we would now say, his home town, and with which he was more closely and constantly identified than with any other locality. In no other locality are there such vivid and unfading memories of the wonderful soldier and statesman who is everywhere venerated as the master builder of our great Republic. I have no doubt that Governor Byrd, of Virginia, will communicate individually with the Members of the House. [Applause.]

NAVAL AIRCRAFT POLICY

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. McCLINTIC. Mr. Speaker and gentlemen of the House, there appeared in the evening papers of yesterday and the morning papers a news item which quotes Admiral Philip Andrews, of Boston, Mass., as making a statement evidently for the purpose of discrediting Colonel Lindbergh's successful flights. This admiral makes the statement that such flights were 95 to 98 per cent luck. It would seem to the casual observer, and I view it in this manner, as an underhanded rap at Colonel Lindbergh and aviation. This admiral tried to discredit the ability of one of the greatest flyers that the world has ever produced. [Applause.]

Admiral Andrews, in making his unwarranted criticism, does not take into consideration the fact that this flyer has been making daily trips in the air for the past six or seven months, in all kinds of weather, and, in addition, making landings at places where airplanes have never flown before. Colonel Lindbergh has used only one machine in a series of flights—in addition to crossing the ocean—which carried him into every State in the Union, and the remarkable fact about the longest tour ever made in the United States was that the "Lone Eagle of the Air" always arrived at his destination on time. Everyone remembers that a short while ago Colonel Lindbergh flew from Washington to Old Mexico, and after visiting there a few days he began a tour of certain South American countries, which brought him into contact with some of the most difficult obstacles that have ever been faced by any aviator, and I believe I am safe in saying that he arrived on time at every place with the exception of one, where he was delayed on account of fogs. I suppose that this learned admiral would say that these additional flights were 98 per cent luck. It is not luck, but, on the other hand, pluck and the ability to know how to navigate the air.

I would like to know who is it that is sponsoring certain admirals to come out in newspaper articles and throw rocks in the way of criticism at those who are trying to build up not only aviation but in addition the finest international feeling that was ever promoted by any ambassador of this Nation or otherwise. This particular naval officer is not satisfied with taking a fling at Lindbergh and aviation, but in addition he makes certain statements which leave the impression that our two new airplane carriers, costing more than $80,000,000, will not be successful. Everyone that has kept up with the progress of aviation now knows that there are in the Navy some officers who have done everything in their power not only to discredit aviation but to leave the impression with the public that certain types of ships are more important than this branch of national defense.

During the hearings now being held before the Naval Affairs Committee testimony has been given showing that airplane carriers will be able to combat an enemy with bombing planes for a distance of 200 miles before an attacking ship can get within gun range. If this is true, and it has not been denied, then the most dangerous citizen in the Nation is that class of individuals who are so prejudiced against new, up-to-date appliances of defense as to try to poison the minds of the public in favor of the kind of ships that are now thought by many to be obsolete. I have no patience with any kind of a superannuated officer—be he in the Navy or the Army—who has a mind that can not accept new ideas, and the quicker this Nation can retire such individuals from the service the better off we will be. I believe that the people are getting tired of reading in the papers every two or three days about some admiral in the Navy trying to discredit some person, some branch of the service, or predicting war with some major nation, all for the purpose of stimulating sentiment in favor of the greatest shipbuilding program in all the world.

I think the country would like the Secretary of the Navy to answer this question: Who is inspiring these admirals to go out whenever an occasion presents itself for the purpose of developing sentiment in favor of this great shipbuilding naval policy? It will be remembered that Admiral Magruder made a suggestion relative to economy in the Navy, and off came his head; but when these other admirals come out for the purpose of molding public sentiment and trying to discredit aircraft and all those connected with it, and the Secretary of the Navy does not act, I feel there is something radically wrong here in Washington, and I think that any admiral who would try to discredit Lindbergh, who has done more for this Nation than any other unofficial representative we have ever had, ought to be dealt with in a way so that we will have no more disgraceful, uncalled-for outbursts. [Applause.]

CONSTRUCTION OF PUBLIC BUILDINGS

Mr. ELLIOTT. Mr. Speaker, I call up the conference report on the bill H. R. 278, and ask for its immediate consideration.

The SPEAKER. The gentleman from Indiana calls up the conference report on the bill H. R. 278, which the Clerk will report.

The conference report and accompanying statements were read.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 278) to amend section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

RICHARD N. ELLIOTT,
FRITZ G. LANHAM,
J. WILL TAYLOR,
Managers on the part of the House.

HENRY W. KEYES,
F. E. WARREN,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 278) to amend section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On amendment No. 1: Makes the amount of annual expenditures of $35,000,000 available, "beginning with the fiscal year 1928."

On amendment No. 2: Provides that expenditures outside of the District of Columbia under the provisions of section 5 of the public building act of May 25, 1926, shall not exceed $10,000,000 annually (in lieu of $5,000,000) in any one of the States, Territories, or possessions of the United States.

RICHARD N. ELLIOTT,
FRITZ G. LANHAM,
J. WILL TAYLOR,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

WAR DEPARTMENT APPROPRIATION BILL

The SPEAKER. The Clerk will report the first amendment on which a separate vote is demanded.

The Clerk read as follows:

Page 55, line 4, after the word "training," strike out the sign and figures "$2,125,600" and insert in lieu thereof the sign and figures "$2,657,000."

The SPEAKER. The question is on agreeing to the amendment.

Mr. BARBOUR. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 268, nays 95, not voting 70, as follows:

[Roll No. 28]

YEAS—268

Abernethy	Englebright	Kelly	Reed, N. Y.
Allen	Estep	Kemp	Reid, Ill.
Allgood	Evans, Calif.	Kerr	Robinson, Iowa
Almon	Evans, Mont.	Ketcham	Rogers
Andrew	Faust	Kiess	Rowbottom
Arentz	Fenn	Knutson	Rubey
Arnold	Fish	Kopp	Rutherford
Aswell	Fisher	Korell	Sanders, N. Y.
Bacharach	Fletcher	Kurtz	Sanders, Tex.
Bachmann	Fort	Lanham	Sandlin
Bacon	Frear	Lankford	Schafer
Beers	Free	Lea	Sears, Nebr.
Bell	Freeman	Leavitt	Seger
Black, N. Y.	Frothingham	Leech	Shallenberger
Blanton	Fulbright	Lehlbach	Simmons
Bloom	Fulmer	Lindsay	Sinclair
Bowman	Furlow	Linthicum	Sinnott
Box	Gallivan	Lozier	Somers, N. Y.
Boylan	Gambrill	Lyon	Speaks
Brand, Ga.	Garber	McClintic	Spearing
Brand, Ohio	Gardner, Ind.	McFadden	Sproul, Kans.
Briggs	Garner, Tex.	McKeown	Stalker
Brigham	Garrett, Tenn.	McLeod	Stedman
Britten	Garrett, Tex.	McMillan	Steele
Buchanan	Gasque	McReynolds	Stevenson
Buckbee	Gibson	McSwain	Stobbs
Bulwinkle	Gifford	McSweeney	Strong, Kans.
Burton	Glynn	Major, Mo.	Sumners, Tex.
Butler	Golder	Manlove	Swank
Canfield	Goodwin	Mansfield	Sweet
Cannon	Gregory	Martin, La.	Swing
Carew	Green, Fla.	Martin, Mass.	Tarver
Carley	Greenwood	Michener	Tatgenhorst
Carter	Guyer	Miller	Taylor, Colo.
Cartwright	Hadley	Milligan	Temple
Casey	Hale	Montague	Thatcher
Chalmers	Hall, Ill.	Mooney	Thompson
Chapman	Hall, Ind.	Moore, Ky.	Thurston
Chase	Hall, N. Dak.	Moore, N. J.	Tillman
Clancy	Hancock	Moore, Ohio	Timberlake
Clarke	Hardy	Moorman	Treadway
Cochran, Mo.	Hare	Morehead	Underhill
Cohen	Hastings	Morgan	Underwood
Collier	Haugen	Morin	Updike
Colton	Hawley	Morrow	Vincent, Mich.
Corning	Hill, Ala.	Nelson, Me.	Vinson, Ga.
Crail	Hill, Wash.	Nelson, Mo.	Vinson, Ky.
Crosser	Hogg	Norton, Nebr.	Wainwright.
Crowther	Hope	Norton, N. J.	Ware
Cullen	Howard, Nebr.	O'Brien	Warren
Curry	Howard, Okla.	O'Connell	Watres
Dallinger	Hudspeth	O'Connor, La.	Weaver
Darrow	Hughes	Oldfield	Welsh, Pa.
Davenport	Hull, Tenn.	Oliver, N. Y.	White, Colo.
Davey	Hull, Wm. E.	Palmer	White, Me.
Denison	Irwin	Palmisano	Whitehead
De Rouen	James	Parker	Williams, Tex.
Dickinson, Mo.	Jeffers	Parks	Wilson, La.
Doughton	Jenkins	Peavey	Wilson, Miss.
Douglas, Ariz.	Johnson, Ind.	Pou	Winter
Douglass, Mass.	Johnson, Okla.	Prall	Wolverton
Drane	Johnson, S. Dak.	Pratt	Woodruff
Drewry	Johnson, Tex.	Ragon	Wright
Driver	Johnson, Wash.	Rainey	Wurzbach
Dyer	Jones	Ransley	Wyant
Edwards	Kading	Rayburn	Yates
England	Kahn	Reece	Yon

NAYS—95

Ackerman	Cox	Kent	Perkins
Aldrich	Cramton	Kincheloe	Purnell
Andresen	Crisp	King	Quin
Bankhead	Davis	Kvale	Ramseyer
Barbour	Deal	LaGuardia	Rankin
Beck, Wis.	Dempsey	Letts	Schneider
Beedy	Dickinson, Iowa	Lowrey	Selvig
Berger	Doutrich	Luce	Shreve
Black, Tex.	Elliott	McDuffie	Smith
Bowling	Eslick	McLaughlin	Snell
Browne	Fitzgerald, W. T.	MacGregor	Sproul, Ill.
Browning	French	Madden	Summers, Wash.
Burtness	Green, Iowa	Magrady	Swick
Busby	Griest	Major, Ill.	Taber
Bushong	Hammer	Mapes	Tilson
Byrns	Harrison	Menges	Tinkham
Carss	Hersey	Merritt	Vestal
Chindblom	Hoch	Moore, Va.	Wason
Christopherson	Holaday	Murphy	Watson
Clague	Houston, Del.	Nelson, Wis.	White, Kans.
Cochran, Pa.	Huddleston	Newton	Whittington
Cole, Iowa	Hudson	Niedringhaus	Williams, Ill.
Collins	Hull, Morton D.	Oliver, Ala.	Woodrum
Cooper, Wis.	Kearns	Peery	

NOT VOTING—70

Adkins	Celler	Fitzpatrick	Kendall
Anthony	Combs	Foss	Kindred
Auf der Heide	Connally, Tex.	Gilbert	Kunz
Ayres	Connery	Goldsborough	Lampert
Beck, Pa.	Connolly, Pa.	Graham	Langley
Begg	Cooper, Ohio	Griffin	Larsen
Bland	Dickstein	Hickey	Leatherwood
Bohn	Dominick	Hoffman	Maas
Boies	Dowell	Hooper	Mead
Bowles	Doyle	Igoe	Michaelson
Burdick	Eaton	Jacobstein	Monast
Campbell	Fitzgerald, Roy G.	Johnson, Ill.	O'Connor, N. Y.
Porter	Sabath	Sullivan	Williamson
Quayle	Sears, Fla.	Taylor, Tenn.	Wingo
Rathbone	Sirovich	Tucker	Wood
Reed, Ark.	Steagall	Welch, Calif.	Zihlman
Robsion, Ky.	Strong, Pa.	Weller	
Romjue	Strother	Williams, Mo.	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Connery (for) with Mr. Graham (against).
Mr. Rathbone (for) with Mr. Hooper (against).
Mr. Combs (for) with Mr. Foss (against).
Mr. Bland (for) with Mr. Cooper of Ohio (against).
Mr. Burdick (for) with Mr. Begg (against).
Mr. O'Connor of New York (for) with Mr. Wood (against).
Mr. Mead (for) with Mr. Anthony (against).
Mr. Kindred (for) with Mr. Beck of Pennsylvania (against).
Mr. Jacobstein (for) with Mr. Connolly of Pennsylvania (against).
Mr. Connally of Texas (for) with Mr. Johnson of Illinois (against).
Mr. Romjue (for) with Mr. Michaelson (against).
Mr. Fitzpatrick (for) with Mr. Strong of Pennsylvania (against).
Mr. Quayle (for) with Mr. Porter (against).
Mr. Celler (for) with Mr. Kendall (against).

Until further notice:

Mr. Adkins with Mr. Dominick.
Mr. Dowell with Mr. Kunz.
Mr. Roy G. Fitzgerald with Mr. Steagall.
Mr. Hickey with Mr. Weller.
Mr. Maas with Mr. Ayres.
Mr. Leatherwood with Mr. Tucker.
Mr. Zihlman with Mr. Griffin.
Mr. Strother with Mr. Williams of Missouri.
Mr. Robsion of Kentucky with Mr. Doyle.
Mr. Williamson with Mr. Wingo.
Mr. Campbell with Mr. Gilbert.
Mr. Lampert with Mr. Dickstein.
Mr. Eaton with Mr. Goldsborough.
Mr. Taylor of Tennessee with Mr. Sears of Florida.
Mrs. Langley with Mr. Auf der Heide.
Mr. Bohn with Mr. Igoe.
Mr. Boies with Mr. Sirovich.
Mr. Welch of California with Mr. Larsen.
Mr. Bowles with Mr. Reed of Arkansas.
Mr. Hoffman with Mr. Sabath.
Mr. Monast with Mr. Sullivan.

Mr. DOUGLASS of Massachusetts. Mr. Speaker, my colleague Mr. CONNERY is unavoidably absent on account of the death of a near relative. If present, he would vote "yea."

Mr. CONNALLY of Texas. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. CONNALLY of Texas. Mr. Speaker, I came in while the roll was being called. I do not know whether my name had been passed or not, and I can not say I was present and listening.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

EXTENSION OF REMARKS

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

WAR DEPARTMENT APPROPRIATION BILL

The SPEAKER. The Clerk will report the next amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment offered by Mr. SPEAKS: Page 64, after the comma, in line 9, insert a new paragraph, as follows:

"For every expenditure requisite for and incident to the conduct of the national matches and the maintenance and operation of the Small Arms Firing School held in conjunction therewith as authorized by section 113 (c) of the national defense act (act of June 3, 1916, as amended by the act of June 7, 1924, and February 14, 1927), including procurement and installation of equipment, ammunition, supplies, materials, flooring and frames for tents, construction of shooting galleries, and shelters for rifle practice; nonstructural improvements; repairs and alterations to buildings, water system, sewer and lighting systems; repairs and alterations to equipment and supplies; communication service; pay and allowance of officers and enlisted men of the National Guard participating in the national matches and the Small Arms Firing School from the date of departure from their home to the date of return thereto; pay and allowance of reserve officers called to active duty in connection with the national matches and the Small Arms Firing School; personal and nonpersonal services; subsistence, including commutation of rations to authorized teams from the National Guard, Organized Reserve, Reserve Officers' Training Corps, citizens' military training camps, and civilian teams representing the States, and including the enlisted men of teams from the Regular Army, from the date of departure from their homes or stations to the date of return thereto, at the rate not exceeding $1.50 per day each; transportation, including repair, operation, and maintenance of motor-propelled and animal-drawn

vehicles; travel of authorized teams representing the Regular Army, National Guard, Organized Reserve, Reserve Officers' Training Corps, citizens' military training camps, and civilian teams representing States, including officers and enlisted men of the Regular Army; travel of commissioned and enlisted personnel of the Regular Army, National Guard, and Organized Reserve on duty in connection with the national matches and the Small Arms Firing School, including mileage of officers; reimbursement of travel expenses or allowance in lieu thereof as authorized by law for officers of the Regular Army and Organized Reserve; travel of civilian employees to and from the national matches, including a per diem allowance in lieu of subsistence while traveling to and from said matches and while on duty thereat; all to be expended under the direction of the Secretary of War, $500,000."

The SPEAKER. The question is on agreeing to the amendment.

Mr. BLANTON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 242, nays 118, not voting 73, as follows:

[Roll No. 29]

YEAS—242

Abernethy	Fish	Knutson	Reid, Ill.
Aldrich	Fisher	Kopp	Rogers
Allen	Fitzgerald, Roy G.	Korell	Rowbottom
Allgood	Fletcher	Kurtz	Rubey
Andrew	Frear	Lanham	Rutherford
Arentz	Free	Lankford	Sanders, N. Y.
Arnold	Freeman	Lea	Sanders, Tex.
Aswell	Frothingham	Leavitt	Sandlin
Ayres	Fulbright	Lehlbach	Schafer
Bacharach	Fulmer	Lindsay	Sears, Nebr.
Bacon	Furlow	Linthicum	Seger
Bell	Gallivan	Lozier	Shallenberger
Black, N. Y.	Gambrill	Luce	Simmons
Blanton	Garber	Lyon	Sinnot
Bloom	Gardner, Ind.	McClintic	Smith
Boylan	Garrett, Tenn.	McFadden	Somers, N. Y.
Brand, Ga.	Garrett, Tex.	McKeown	Speaks
Brand, Ohio	Gasque	McLeod	Spearing
Briggs	Gibson	McMillan	Sproul, Kans.
Browning	Gifford	McReynolds	Stalker
Buchanan	Glynn	McSwain	Stedman
Buckbee	Golder	McSweeney	Stevenson
Bulwinkle	Gregory	Major, Ill.	Stobbs
Byrns	Green, Fla.	Major, Mo.	Strong, Kans.
Canfield	Greenwood	Manlove	Sumners, Tex.
Carew	Guyer	Mansfield	Swank
Carley	Hadley	Martin, La.	Sweet
Carss	Hale	Martin, Mass.	Swing
Carter	Hall, Ill.	Merritt	Tatgenhorst
Cartwright	Hall, Ind.	Miller	Taylor, Colo.
Casey	Hastings	Milligan	Temple
Chalmers	Haugen	Mooney	Thompson
Chapman	Hawley	Moore, Ky.	Tillman
Chase	Hill, Ala.	Moore, N. J.	Tinkham
Clancy	Hill, Wash.	Moore, Ohio	Treadway
Clarke	Hogg	Moorman	Underhill
Cochran, Mo.	Hope	Morehead	Underwood
Cohen	Houston, Del.	Morgan	Updike
Collier	Howard, Nebr.	Morin	Vinson, Ga.
Colton	Howard, Okla.	Morrow	Vinson, Ky.
Connally, Tex.	Hudson	Nelson, Mo.	Wainwright
Corning	Hudspeth	Norton, Nebr.	Ware
Crail	Hughes	Norton, N. J.	Warren
Crosser	Hull, Tenn.	O'Brien	Weaver
Crowther	Hull, Wm. E.	O'Connell	Welch, Calif.
Cullen	Irwin	O'Connor, La.	Welsh, Pa.
Curry	James	Oldfield	White, Colo.
Dallinger	Jeffers	Oliver, N. Y.	White, Kans.
Davey	Jenkins	Palmer	Williams, Tex.
Davis	Johnson, Ind.	Palmisano	Wilson, La.
De Rouen	Johnson, Okla.	Parker	Wilson, Miss.
Dickinson, Mo.	Johnson, S. Dak.	Parks	Winter
Douglas, Ariz.	Johnson, Tex.	Pou	Wolverton
Douglass, Mass.	Johnson, Wash.	Prall	Woodruff
Drane	Jones	Pratt	Wright
Driver	Kahn	Ragon	Wurzbach
Englebright	Kelly	Rainey	Wyant
Eslick	Kemp	Ransley	Yates
Evans, Calif.	Ketcham	Rayburn	Yon
Evans, Mont.	Kiess	Reece	
Fenn	Kincheloe	Reed, N. Y.	

NAYS—118

Ackerman	Chindblom	Garner, Tex.	Lowrey
Almon	Christopherson	Goodwin	McDuffie
Andresen	Clague	Griest	McLaughlin
Bachmann	Cochran, Pa.	Hall, N. Dak.	MacGregor
Bankhead	Cole, Iowa	Hammer	Madden
Barbour	Collins	Hancock	Magrady
Beck, Wis.	Cooper, Wis.	Hardy	Mapes
Beedy	Cox	Harrison	Menges
Beers	Crisp	Hersey	Michener
Berger	Darrow	Hoch	Montague
Black, Tex.	Deal	Holaday	Moore, Va.
Bowling	Dempsey	Huddleston	Murphy
Bowman	Denison	Hull, Morton D.	Nelson, Me.
Box	Dickinson, Iowa	Kading	Nelson, Wis.
Brigham	Doughton	Kearns	Newton
Britten	Doutrich	Kent	Niedringhaus
Browne	Drewry	Kerr	Oliver, Ala.
Burtness	Edwards	King	Peavey
Burton	Elliott	Kvale	Peery
Busby	England	LaGuardia	Perkins
Bushong	Estep	Lampert	Purnell
Butler	Faust	Leech	Quin
Cannon	Fort	Letts	Ramseyer
Rankin	Sproul, Ill.	Tilson	White, Me.
Robinson, Iowa	Steele	Timberlake	Whitehead
Schneider	Summers, Wash.	Vestal	Whittington
Selvig	Swick	Vincent, Mich.	Williams, Ill.
Shreve	Taber	Wason	Woodrum
Sinclair	Tarver	Watres	
Snell	Thatcher	Watson	

NOT VOTING—73

Adkins	Dominick	Jacobstein	Sabath
Anthony	Dowell	Johnson, Ill.	Sears, Fla.
Auf der Heide	Doyle	Kendall	Sirovich
Beck, Pa.	Dyer	Kindred	Steagall
Begg	Eaton	Kunz	Strong, Pa.
Bland	Fitzgerald, W. T.	Langley	Strother
Bohn	Fitzpatrick	Larsen	Sullivan
Boies	Foss	Leatherwood	Taylor, Tenn.
Bowles	French	Maas	Thurston
Burdick	Gilbert	Mead	Tucker
Campbell	Goldsborough	Michaelson	Weller
Celler	Graham	Monast	Williams, Mo.
Combs	Green, Iowa	O'Connor, N. Y.	Williamson
Connery	Griffin	Porter	Wingo
Connolly, Pa.	Hare	Quayle	Wood
Cooper, Ohio	Hickey	Rathbone	Zihlman
Cramton	Hoffman	Reed, Ark.	
Davenport	Hooper	Robsion, Ky.	
Dickstein	Igoe	Romjue	

So the amendment was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. Connery (for) with Mr. Graham (against).
Mr. Rathbone (for) with Mr. Hooper (against).
Mr. Combs (for) with Mr. Foss (against).
Mr. Bland (for) with Mr. Cooper of Ohio (against).
Mr. Burdick (for) with Mr. Kendall (against).
Mr. O'Connor of New York (for) with Mr. Wood (against).
Mr. Mead (for) with Mr. Anthony (against).
Mr. Kindred (for) with Mr. Beck of Pennsylvania (against).
Mr. Jacobstein (for) with Mr. Connolly of Pennsylvania (against).
Mr. Romjue (for) with Mr. Michaelson (against).
Mr. Fitzpatrick (for) with Mr. Strong of Pennsylvania (against).
Mr. Quayle (for) with Mr. Porter (against).
Mr. Celler (for) with Mr. Johnson of Illinois (against).

Until further notice:

Mr. Cramton with Mr. Steagall.
Mr. French with Mr. Larsen.
Mr. Begg with Mr. Hare.
Mr. Green of Iowa with Mr. Dickstein.

Mr. DOUGLASS of Massachusetts. Mr. Speaker, my colleague the gentleman from Massachusetts, Mr. CONNERY, is unavoidably detained on account of the death of a near relative. If present, he would vote "aye."

Mr. FRENCH. Mr. Speaker, I wanted to vote "no," but I confused the bells and thought there would be one more call. I am afraid I can not qualify.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. McDUFFIE: On page 79, line 10, strike out "$50,000,000" and insert in lieu thereof "$55,886,310."

The question was taken; and on a division (demanded by Mr. BARBOUR) there were—ayes 160, noes 96.

So the amendment was agreed to.

The bill was ordered to be engrossed, read a third time, and was read the third time.

Mr. COLLINS. Mr. Speaker, I have a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. COLLINS. I am.

The SPEAKER. The gentleman is a member of the committee?

Mr. COLLINS. I am.

The SPEAKER. The Chair recognizes the gentleman from Mississippi to offer a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. COLLINS moves to recommit the bill to the Committee on Appropriations with instructions to forthwith report the same back to the House with the following amendment:

"Add to the end of the bill the following as a section:

"Without authorization by Congress no part of the funds appropriated by this act shall be expended in the transportation of any portion of the armed forces provided for in this act to the territory of a foreign country over which the United States does not possess jurisdiction."

The SPEAKER. The question is on agreeing to the motion of the gentleman from Mississippi to recommit the bill.

Mr. COLLINS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 125, nays 229, not voting 79, as follows:

[Roll No. 30]

YEAS—125

Abernethy	Deal	Jones	Peavey
Allgood	Dickinson, Mo.	Kading	Pou
Almon	Dominick	Kerr	Quin
Arnold	Doughton	Kincheloe	Ragon
Bankhead	Drane	Kvale	Rainey
Beck, Wis.	Edwards	LaGuardia	Rankin
Bell	Eslick	Lampert	Rubey
Berger	Evans, Mont.	Lankford	Rutherford
Black, Tex.	Fletcher	Linthicum	Sanders, Tex.
Blanton	Frear	Lowrey	Sandlin
Bowling	Fulbright	Lozier	Schafer
Box	Fulmer	Lyon	Schneider
Brand, Ga.	Gardner, Ind.	McClintic	Shallenberger
Briggs	Garner, Tex.	McKeown	Sinclair
Browne	Garrett, Tenn.	McMillan	Stedman
Browning	Garrett, Tex.	McReynolds	Steele
Bulwinkle	Gasque	McSwain	Sumners, Tex.
Busby	Gregory	Major, Mo.	Swank
Canfield	Green, Fla.	Milligan	Tarver
Cannon	Greenwood	Mooney	Tillman
Carss	Hammer	Moore, Ky.	Underwood
Cartwright	Hare	Moore, Va.	Vinson, Ky.
Casey	Harrison	Moorman	Ware
Chapman	Hastings	Morehead	Weaver
Cochran, Mo.	Hill, Ala.	Morrow	Whitehead
Collier	Hill, Wash.	Nelson, Mo.	Wilson, Miss.
Collins	Howard, Nebr.	Nelson, Wis.	Woodrum
Connally, Tex.	Howard, Okla.	Norton, Nebr.	Wright
Cooper, Wis.	Huddleston	Oldfield	Yon
Cox	Jeffers	Oliver, Ala.	
Crosser	Johnson, Okla.	Palmisano	
Davis	Johnson, Tex.	Parks	

NAYS—229

Ackerman	Dyer	Kent	Sanders, N. Y.
Aldrich	Elliott	Ketcham	Sears, Nebr.
Allen	England	Kiess	Seger
Andresen	Englebright	King	Selvig
Andrew	Estep	Knutson	Shreve
Arentz	Evans, Calif.	Kopp	Simmons
Aswell	Faust	Korell	Sinnott
Ayres	Fenn	Kurtz	Smith
Bacharach	Fish	Lea	Snell
Bachmann	Fisher	Leavitt	Somers, N. Y.
Bacon	Fitzgerald, Roy G.	Leech	Speaks
Barbour	Fitzgerald, W. T.	Lehlbach	Spearing
Beedy	Fort	Letts	Sproul, Ill.
Beers	Free	Lindsay	Sproul, Kans.
Black, N. Y.	Freeman	Luce	Stalker
Bloom	French	McDuffie	Stobbs
Bowman	Frothingham	McFadden	Strong, Kans.
Boylan	Furlow	McLaughlin	Summers, Wash.
Brigham	Gallivan	McLeod	Sweet
Britten	Gambrill	MacGregor	Swick
Buchanan	Garber	Madden	Taber
Buckbee	Gibson	Magrady	Tatgenhorst
Burtness	Gifford	Major, Ill.	Taylor, Colo.
Burton	Glynn	Manlove	Temple
Bushong	Golder	Mansfield	Thatcher
Butler	Goodwin	Mapes	Thompson
Byrns	Green, Iowa	Martin, La.	Thurston
Carew	Griest	Martin, Mass.	Tilson
Carley	Guyer	Menges	Timberlake
Carter	Hadley	Merritt	Tinkham
Chalmers	Hale	Michener	Treadway
Chase	Hall, Ill.	Miller	Underhill
Chindblom	Hall, Ind.	Moore, N. J.	Updike
Christopherson	Hall, N. Dak.	Moore, Ohio	Vestal
Clague	Hancock	Morin	Vincent, Mich.
Clancy	Hardy	Murphy	Vinson, Ga.
Clarke	Haugen	Nelson, Me.	Wainwright
Cochran, Pa.	Hawley	Newton	Warren
Cohen	Hersey	Niedringhaus	Wason
Cole, Iowa	Hoch	Norton, N. J.	Watres
Colton	Hogg	O'Brien	Watson
Corning	Hope	O'Connell	Welch, Calif.
Crail	Houston, Del.	O'Connor, La.	Welsh, Pa.
Cramton	Hudson	Oliver, N. Y.	White, Kans.
Crowther	Hudspeth	Palmer	White, Me.
Cullen	Hughes	Parker	Whittington
Curry	Hull, Morton D.	Perkins	Williams, Ill.
Dallinger	Hull, Wm. E.	Prall	Wilson, La.
Darrow	Irwin	Pratt	Winter
Davey	James	Purnell	Wolverton
Dempsey	Jenkins	Ramseyer	Woodruff
Denison	Johnson, Ind.	Ransley	Wurzbach
De Rouen	Johnson, S. Dak.	Reece	Wyant
Dickinson, Iowa	Johnson, Wash.	Reed, N. Y.	Yates
Douglas, Ariz.	Kahn	Reid, Ill.	Zihlman
Douglass, Mass.	Kearns	Robinson, Iowa	
Doutrich	Kelly	Rogers	
Drewry	Kemp	Rowbottom	

NOT VOTING—79

Adkins	Cooper, Ohio	Holaday	Michaelson
Anthony	Crisp	Hooper	Monast
Auf der Heide	Davenport	Hull, Tenn.	Montague
Beck, Pa.	Dickstein	Igoe	Morgan
Begg	Dowell	Jacobstein	O'Connor, N. Y.
Bland	Doyle	Johnson, Ill.	Peery
Bohn	Driver	Kendall	Porter
Boies	Eaton	Kindred	Quayle
Bowles	Fitzpatrick	Kunz	Rathbone
Brand, Ohio	Foss	Langley	Rayburn
Burdick	Gilbert	Lanham	Reed, Ark.
Campbell	Goldsborough	Larsen	Robsion, Ky.
Celler	Graham	Leatherwood	Romjue
Combs	Griffin	McSweeney	Sabath
Connery	Hickey	Maas	Sears, Fla.
Connolly, Pa.	Hoffman	Mead	Sirovich
Steagall	Sullivan	Weller	Williamson
Stevenson	Swing	White, Colo.	Wingo
Strong, Pa.	Taylor, Tenn.	Williams, Mo.	Wood
Strother	Tucker	Williams, Tex.	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. Combs (for) with Mr. Begg (against).
Mr. Bland (for) with Mr. Sullivan (against).
Mr. McSweeney (for) with Mr. Weller (against).

Until further notice:

Mr. Connolly of Pennsylvania with Mr. Driver.
Mr. Rathbone with Mr. Peery.
Mr. Wood with Mr. Griffin.
Mr. Cooper of Ohio with Mr. Williams of Texas.
Mr. Foss with Mr. Connery.
Mr. Hooper with Mr. Dickstein.
Mr. Maas with Mr. Hull of Tennessee.
Mr. Swing with Mr. Stevenson.
Mr. Porter with Mr. Lanham.
Mr. Anthony with Mr. Kindred.
Mr. Brand of Ohio with Mr. Rayburn.
Mr. Strong of Pennsylvania with Mr. Steagall.
Mr. Burdick with Mr. Quayle.
Mr. Davenport with Mr. Crisp.
Mr. Graham with Mr. Larsen.
Mr. Johnson of Illinois with Mr. O'Connor of New York.
Mr. Michaelson with Mr. Montague.
Mr. Hickey with Mr. Reed of Arkansas.
Mr. Holaday with Mr. Fitzpatrick.
Mr. Kendall with Mr. Mead.
Mr. Morgan with Mr. Romjue.
Mr. Monast with Mr. Jacobstein.
Mr. Bowles with Mr. Celler.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. BARBOUR, a motion to reconsider the bill was laid on the table.

DISTINGUISHED VISITORS

The SPEAKER. The Chair desires to state for the benefit of the House that very shortly we will have the pleasure of receiving in the gallery two distinguished French aviators, Lieut. Commander Joseph Lebrix and Lieut. Dieudonné Costes. The Chair is sure this will be a matter of interest and that the Members will desire to be present. They are expected some time between 2 and half past 2 o'clock.

SHENANDOAH NATIONAL PARK

Mr. HARRISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2656) to establish a minimum area for a Shenandoah National Park, for administration, protection, and general development by the National Park Service, and for other purposes, and pass the same. A similar House bill (H. R. 8526) has been unanimously reported by the committee and is on the calendar.

Mr. TILSON. Mr. Speaker, may we have the bill reported?

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The question was taken, and the bill was passed.

On motion of Mr. HARRISON, a motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that on Monday next, immediately after the reading of the Journal, I may be permitted to address the House for 30 minutes on the tariff.

Mr. MADDEN. Mr. Speaker, I am going to object to that request. If the gentleman wants time, I will yield him time in general debate.

Mr. TILSON. The gentleman can secure time, as we expect to have general debate going on at that time.

RESOLUTIONS ADOPTED BY 30 PATRIOTIC ORGANIZATIONS OF WOMEN

Mr. JOHNSON of South Dakota. Mr. Speaker, I have another unanimous-consent request to submit. Last week there was a meeting of 30 patriotic organizations of women, such as the American Legion Auxiliary and the Daughters of the Revolution, who had a meeting in Washington and passed a short set of resolutions. I ask unanimous consent to extend my remarks in the RECORD by inserting these resolutions in the Appendix.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Speaker, under leave granted me to extend my remarks I insert in the RECORD the following resolutions adopted by 30 patriotic organizations of women who met in the city of Washington February 1 to 3, 1928. This conference, which these women's national patriotic groups hold in the interest of national defense, is an annual affair. They have formed a permanent organization, known as

THE WOMEN'S PATRIOTIC CONFERENCE ON NATIONAL DEFENSE

Their officers at this year's conference were:

Chairman extension committee: Mrs. Alfred J. Brosseau, president general Daughters of the American Revolution, Washington, D. C.

Vice chairman extension committee: Mrs. Robert Walbridge, national president American Legion Auxiliary, Indianapolis, Ind.

Members advisory board: Mrs. Alfred J. Brosseau, chairman, Washington, D. C.; Mrs. Adalin W. Macauley, vice chairman, Menomonie, Wis.; Mrs. Lucia R. Maxwell, secretary, Washington, D. C.; Mrs. Albert G. Mang, *treasurer*, Chicago, Ill.; Mrs. George T. Guernsey, Independence, Kans.; Mrs. Henry B. Joy, Grosse Pointe Farms, Mich.; Mrs. H. H. McCluer, Kansas City, Mo.; Mrs. Flo Jamison Miller, Monticello, Ill.; Mrs. Mary Logan Tucker, Washington, D. C.

Chairman credentials committee: Mrs. Henry B. Joy, Grosse Pointe Farms, Mich., of the Daughters of 1812.

Chairman resolutions committee: Mrs. John Laidlaw Buel, Litchfield, Conn., of the Daughters of the Founders and Patriots.

Chairman program committee: Mrs. Mary Logan Tucker, Washington, D. C., of the Ladies of the Loyal Legion.

ORGANIZATIONS PARTICIPATING

American Legion Auxiliary; Mrs. Robert Walbridge, national president, Indianapolis, Ind.

American War Mothers; Mrs. Thomas Spence, national president, Milwaukee, Wis.

American Women's Legion; Mrs. Raymond S. Patton, president, Washington, D. C.

National Auxiliary United Spanish War Veterans; Mrs. Margaret M. Manion, president, Milwaukee, Wis.

Colonial Daughters of the Seventeenth Century; Mrs. J. Morton Halstead, president, Brooklyn, N. Y.

Daughters of the American Colonists; Mrs. George T. Guernsey, president, Independence, Kans.

Daughters of American Revolution; Mrs. Alfred J. Brosseau, president general, Washington, D. C.

Daughters of the Colonial Wars; Mrs. Frank D. Ellison, president, Boston, Mass.

Daughters of the Revolution; Mrs. Henry T. Kent, president, Philadelphia, Pa.

Government Club of Chicago; Mrs. Frederick W. Bentley, president, Chicago, Ill.

Ladies' Auxiliary, Veterans of Foreign Wars of United States; Mrs. Edward A. Stark, Camden, N. J.

Ladies of the Grand Army of the Republic; Mrs. Maybell Ross, president, Chicago, Ill.

National Society Dames of the Loyal Legion; Mrs. Mary Logan Tucker, president, Washington, D. C.

National Society Daughters of the Founders and Patriots; Mrs. John L. Buel, president, Litchfield, Conn.

National Society of New England Women; Mrs. A. Willis Byrne, president, Hartford, Conn.

National Society United Daughters of 1812; Mrs. Samuel Z. Shope, president, Narberth, Pa.

Order of the First Families of Virginia; Mrs. Henry L. Cook, president, Milwaukee, Wis.

Women of the Army and Navy Legion of Valor; Mrs. William D. Rock, president, Philadelphia, Pa.

Women's Constitutional League of Virginia; Mrs. Edward B. Cameron, president, Newport News, Va.

Women's Naval Service; Mrs. George Barnett, president, Washington, D. C.

Women's Overseas Service League; Miss Lena Hitchcock, president, Washington, D. C.

Women's Relief Corps; Mrs. Emma W. Campbell, president, Minneapolis, Minn.

National Patriotic Council; Mrs. Noble N. Potts, president, Washington, D. C.

Daughters of the Union Veterans of the Civil War, Miss Agnes I. McCoy, president, Fall River, Mass.

National Society of Colonial Daughters of America, Mrs. Charles A. Pauley, president, Cincinnati, Ohio.

National Society Patriotic Builders of America (Inc.), Mrs. William Cummings Story, president, New Rochelle, N. Y.

Society of Sponsors of United States Navy, Mrs. Russell C. Langdon, president, New York City.

New York Colony of New England Women, Mrs. Stanley L. Otis, president, New York City.

Wisconsin Department, Service Star Legion.

National Society of the Daughters of the Union, 1861–1865.

No. 1

RESOLUTION ADOPTED

Whereas activities, movements, campaigns, and crusades are being organized under the specious titles of—

"Remedy of war,"

"Making the ballot count,"

"Promoting international righteousness,"

"Rebuilding the postwar world,"

"Stimulating the socialistic theory of 'production for use and not for profit,'"

"Young Pioneers":

Therefore be it

Resolved, That the organizations represented in the Women's Patriotic Conference on National Defense urge their members for their own protection to rigidly examine the aims and objectives of all such activities before aligning themselves in tangible or intangible support thereof and that they question themselves in the following manner:

Where are we being led?

Who leads us?

Do we investigate an organization before joining it?

Do we contribute to causes without examining their motives?

Do we lend our names as patronesses without ascertaining ways in which they are to be used?

Do we grant the use of our homes to so-called liberals for "betterment meetings," "international programs," "fellowship discussions," and the like?

Do we entertain "emissaries of radicalism" unawares?

Do we sign petitions calling for action by governmental authorities without finding out whether such action may be considered as undue "meddling" with the management of governmental affairs?

Do we deluge our Senators and Representatives with telegrams and letters at the request of so-called peace movements?

What type of resolutions are our communities passing? What organizations quote and make use of these resolutions to influence public opinion?

How much study do we give to national defense?

Do we give sufficient thought and study to legislative measures before indorsing them?

Do we vote?

Do we urge the conservative and apathetic people of our community to vote?

Who teaches our children?

What are they taught?

Where do they spend their leisure hours?

What organizations attempt to recruit them?

Do they take student tours, attend summer conferences and camps, and travel in youth caravans? If so, under what guidance and escort?

What view do they take of marriage? Of religion?

FEBRUARY 3, 1928.

COMMITTEE.

No. 2

ADEQUATE NAVY REQUESTED

Whereas the United States Navy has been the pride of the American people and the handmaiden of American liberty throughout our history, and valiantly performed its duty of keeping our shores free from invasion; and

Whereas the safety of this Nation depends primarily upon our first line of defense, the United States Navy, to protect our shores and keep off all comers with hostile or avaricious intent; and

Whereas it is the duty of every American citizen to see that the United States Navy is prepared for this great missison in an adequate manner and manned by a personnel of officers and men worthy of the traditions established by John Paul Jones, Lawrence, Porter, Farragut, Decatur, and Dewey, pledged to devotion to duty and the commission of valorous deeds; and

Whereas the safety of the Nation and of these brave men and lads in Navy blue depends on the building of real ships of the most modern type, not only as preparation for national defense but as peace insurance: Therefore be it

Resolved, That the Third Women's Patriotic Conference on National Defense, assembled in Memorial Continental Hall, Washington, D. C., this day, February 3, 1928, put itself on record as standing firmly in favor of an adequate Navy and merchant marine for the United States of America, inferior to none, and in keeping with the population, wealth, and resources of this Nation, so that in case of aggression we will be able to not only defend our shores and homes but to maintain those high principles of "life, liberty, and the pursuit of happiness" for each individual, established by the founders of this Republic; and

Resolved, That we indorse the pending Navy program in Congress, including the building of 5 airplane carriers, 25 cruisers, 9 destroyer leaders, and 35 submarines, and the naval aviation building program sufficient to equip these vessels adequately and the immediate construction of the 2 rigid airships for the Navy already authorized by Congress.

THE WOMAN'S NAVAL SERVICE,
Mrs. GEORGE BARNETT.
Mrs. GIBSON FAHNESTOCK.
Mrs. JAMES M. THOMSON.
Miss NATALIE SUMNER LINCOLN.
Mrs. VYLLA POE WILSON.
Miss ELISABETH E. POE.

FEBRUARY 3, 1928.

No. 3

MERCHANT MARINE UPHELD

Whereas the merchant marine of the United States is an integral part of the Navy calculations during wars; and

Whereas it is necessary for the national defense that the United States possess a large and prosperous merchant marine to serve as an auxiliary of the Navy in time of peril; and

Whereas this can best be accomplished by building up our merchant shipping in time of peace, carefully seeing to it that American foreign commerce is transported in ships owned and manned by American citizens and flying the American flag, to the end that in time of emergency we shall be able, promptly and effectually, to uphold our rights upon the seas: Now therefore be it

Resolved, That the Women's Patriotic Conference on National Defense, in session at Washington, D. C., this 3d day of February, 1928, places itself on record as strongly favoring the permanent maintenance of adequate American steamship service on routes essential to American trade; that it believes this is for the interest of the people of the United States, and urges Congress, in furtherance of the national desire to promote and foster an American merchant marine, to continue its moral and material support of the laudable work of the United States Shipping Board in keeping the American flag upon the seas.

FEBRUARY 3, 1928.

No. 4

GET OUT THE VOTE

Whereas many invidious schemes for "political education" are likely to be initiated during the coming election season, such as subtle propaganda by radio to discredit American principles or no less cleverly designed though more openly practiced agitation to influence the woman's vote: Therefore be it

Resolved, That every member of every organization represented at the Women's Patriotic Conference on National Defense be urged to counteract any such propaganda by renewing her allegiance to national ideals, by refreshing her knowledge of the United States Constitution, and by pledging herself not only to vote constructively but to help get out the conservative vote of the Nation.

FEBRUARY 3, 1928.

No. 5

IMMIGRATION RESTRICTION APPROVED

Whereas the immigration act of 1924, passed by an overwhelming vote in both Houses of Congress in response to the nation-wide demand of the American people, was a well-considered and statesmanlike measure for restricting immigration to the United States, and provided a fair basis for apportioning the immigration still permitted in accordance with the present composition of the American people; and

Whereas the total annual immigration legally admitted to the United States, now about 450,000, without counting the great illegal immigration, remains far too large; and

Whereas it is generally conceded that quota restrictions should be extended to Mexico, the West Indies, and the countries of Central and South America, from which we are receiving a large unassimilable immigration detrimental to American labor; and

Whereas the illegal entries of aliens over our land borders and into our seaports are continuing on a large scale, there is need of much larger appropriations by Congress to check this evil and also to deport the thousands of alien criminals and others already now in the country who are subject to deportation under our laws: Therefore be it

Resolved by the Women's Patriotic Conference on National Defense, representing 30 patriotic organizations, assembled in Continental Memorial Hall, at Washington, D. C., on this 3d day of February, 1928, That we urge upon Congress the continuance of the basic provisions of the immigration act of 1924, including the national-origins system, as the permanent basis for apportioning the quotas; the extension of quota restrictions to Mexico, the West Indies, and the countries of Central and South America; the decrease of the total quota immigration in accordance with the principle of national origins; the enactment of more strict legislation, supported by adequate appropriations, to effect the deportation of aliens who have surreptitiously entered the country, or who have succeeded in evading our laws designed to exclude the dangerously criminal and insane; and be it further

Resolved, That copies of these resolutions be sent to the chairman of the House Immigration Committee.

FEBRUARY 3, 1928.

No. 6

OLD IRONSIDES FUND

Whereas the aid of fraternal and patriotic organizations throughout the country has been asked in promoting the campaign to save the U. S. S. *Constitution,* familiarly known as *Old Ironsides:* Therefore be it

Resolved, That we, the Women's Patriotic Conference on National Defense individually, so far as possible, assist in this work by helping in the sale of the prints of a painting of the ship by Gordon Grant, or by personal contributions to the $750,000 fund needed for the saving of this ship—*Old Ironsides*—remembered for its great historical and patriotic significance.

FEBRUARY 3, 1928.

No. 7

INCREASE THE RESERVES

Whereas we recall that President Coolidge in an annual address said that "Our country reports nothing but peaceful intentions toward all the earth, but it ought not to fail to maintain such a military force as comports with the dignity and security of a great people. It should be a balanced force, intensely modern, capable of defense by land and sea, beneath the surface and in the air." And that further word of his is embodied in an annual message that "For several years we have been decreasing the personnel of the Army and Navy, and reducing their power to the danger point. Further reduction should not be made. The Army is a guaranty of the security of our citizens at home"; and

Whereas reliance by the American people upon the national defense act as a safe defense policy is justified only so far as that policy is carried into effect; and

Whereas the Chief of Staff of the United States Army estimates that 220,000 reserve officers are needed to function the six-field-Army mobilization plan of the War Department; and

Whereas at this time there are but about 110,000 reserve officers; and

Whereas there are only about 16,000 of these reserve officers trained annually: Therefore be it

Resolved, That the Women's Patriotic Conference on National Defense indorse the plan contemplated by the national defense act of having trained in peace time a sufficient number of reserve officers to train and command a draft Army on the basis of the War Department's present mobilization plans of six field armies in the event of national emergency.

FEBRUARY 3, 1928.

No. 8

R. O. T. C. AND C. M. T. C.

Whereas the Women's Patriotic Conference on National Defense recognizes and appreciates the patriotic service of the National Guard of the various States; Therefore be it

Resolved, That we express to them our sense of security resulting from their traditional and continued protection of our homes and cherished institutions; and be it further

Resolved, That we uphold the training of our youth in the Reserve Officers' Training Corps and in the citizens' military training camps as giving to the Nation the highest exemplification of strong American manhood.

FEBRUARY 3, 1928.

No. 9

DISABLED EMERGENCY ARMY OFFICERS

Whereas of the nine classes of officers who fought the World War eight have been granted retirement by the Congress, although the ninth, the disabled emergency Army officers, which suffered the greatest battle casualties and severest wounds and disabilities, has not yet been granted this retirement; and

Whereas the Tyson-Fitzgerald bills to make such retirement effective are now pending in the Senate and the House: Therefore be it

Resolved, That this Third Women's Patriotic Conference on National Defense earnestly requests the Congress to enact this just legislation at the present session of Congress.

FEBRUARY 3, 1928.

No. 10

MILITARY AVIATION

Whereas the five-year Army air program, provided under the act of July 2, 1926, provided for an annual increment of 1,248 enlisted men, in addition to increased officer personnel; and

Whereas in neither enlisted nor officer strength have the provisions of this act been maintained; and

Whereas this conference believes that the relative importance of the air force is increasing rather than decreasing: Therefore be it

Resolved, That the Congress and the War Department be requested to find ways and means of rectifying this situation; and be it further

Resolved, That this Third Women's Patriotic Conference on National Defense looks with favor upon the creation of an adequate air force at such time in the future as this may be expedient.

FEBRUARY 3, 1928.

No. 11

UNIVERSAL DRAFT

Whereas the Capper-Johnson bill to provide the universal draft in the event of war has now been repeatedly introduced during the last five years; and

Whereas this legislation is first of all a peace measure, in that it would make war less likely to occur; it is a national defense measure, in that all elements of the Nation would serve without profit in the event of war; it is a measure of simple justice, as it would tend to eliminate slackers and profiteers: Therefore be it

Resolved, That we, the Third Women's Patriotic Conference on National Defense, urge the Military Affairs Committees of the Senate and the House to report these measures favorably to their respective bodies, so that in the event of another war there may be equal service by all and special privilege for none, and profit be definitely taken out of war.

No. 12

HOSTESSES

Whereas the Army hostess service maintained by civilian organizations during the World War, taken over from them and supported by the Army since that time, has proved to be not only a very important factor in providing for the contentment, well-being, and general welfare of the enlisted men in the Army and their families, and also in promoting a closer cooperation between the civilian communities and the Army posts where hostesses are employed in recreational and other activities; and

Whereas this service has very seriously diminished since it has been dependent upon Government money instead of funds provided by civilian organizations; and

Whereas we believe such welfare work is even more necessary to the soldiers and their families than it is to employees of large civilian organizations, owing to the isolated conditions of a soldier's life; and

Whereas we believe that one or more hostesses should be at every summer camp where young boys are being trained, and where they are often away from home for the first time: Now therefore be it

Resolved, That the Women's Patriotic Conference on National Defense now in conference assembled does unqualifiedly indorse this valuable service and urge the Secretary of War to give these hostesses a permanent military status, and to increase the number so that every important post and every summer training camp shall have at least one trained Army hostess; and be it further

Resolved, That this conference urge its members to request their Representatives and Senators in Congress to work for a congressional appropriation of not less than $75,000 for this service.

No. 13

CHEMICAL

Whereas the surprise attack on the allied armies, April 22, 1915, with chemical-warfare materials very nearly resulted in complete disaster for the allied cause; and

Whereas unpreparedness in any powerful means of waging war is an invitation to attack and surprise by that method; and chemical warfare demonstrated in the World War its very great power: Therefore be it

Resolved by the Women's Patriotic Conference on National Defense, That it reaffirm the action taken in 1927 in urging the continued full support of the Chemical Warfare Service and in deploring all attempts to destroy that valuable part of our national defense, the necessity for which was so fully recognized during the World War.

No. 14

THE STAR-SPANGLED BANNER

Whereas the Star-Spangled Banner, words by Francis Scott Key and music by John Stafford Smith, has been declared the national anthem by the regulations of the Army and Navy for the past 100 years, and has been enshrined as such in the hearts of the American people: Be it

Resolved, That this Women's Patriotic Conference on National Defense, consisting of 30 national patriotic organizations, do petition the Congress of the United States of America to establish the Star-Spangled Banner as the national anthem of this country by passing bill H. R. 206.

No. 15

SCHOOL TEXTBOOKS ON AMERICAN HISTORY

Whereas attempts are being made to expunge from our school histories all references to war and heroism in battle; to ignore the honor due to the great soldiers and sailors of the Nation; to stress internationalism in place of national loyalties; to belittle those who have fought and died that this Nation might live; and to exalt at their expense the so-called "heroes of peace"; and

Whereas we feel that the truths of history, both military and civil, should never be thus tampered with in order to advance the interests or opinions of any section of our people; and

Whereas we feel that love of our own country, respect for its laws and institutions, and reverence for its heroes of peace and war should be instilled into the minds of our youth, but without arousing bitterness against any other country: Therefore be it

Resolved, That we disapprove all such attempts to falsify our history, and that we recommend to each organization comprising this Women's Patriotic Conference on National Defense that it appoint a committee to make rigid investigation into conditions in the schools relative to the teaching of American history and the books in use.

Resolved, That we request the members of this conference to urge a law in their respective States requiring all teachers in public and private schools to take the oath of allegiance to the United States of America.

No. 16

SOVIET RUSSIA

Whereas the plan promulgated in the constitution and decrees of the present Soviet Government of Russia for a world revolution to destroy all existing "capitalist governments" and do away with the hated "bourgeoise class" through "red revolution" is not a myth but a proven fact; and

Whereas the emissaries are working unceasingly to spread their propaganda for "peace" through abolition of military training and total disarming of all capitalist nations, including the United States, destruction of courts, fostering discredit of the officials and institutions of our Government, particularly its foreign policy; and

Whereas a campaign is well on its way with paid organizers to mobilize children into "young communist groups," into the "youth movement," into "young communist leagues," "young pioneers," etc., to organize communist group units within the United States military units, to establish industrial "nuclei" in every industry—railways, mills, factories, munition plants—capable and ready to take command and defeat the United States mobilization plans when their revolution is ripe, or when capitalist nations are disarmed; and

Whereas units of the Communist (International) Party in America are increasing at a tremendous rate, sweeping thousands of unsuspecting "pacifists" into unwitting (or knowing) cooperate with their program, disguised as "peace plans" and loudly proclaiming for recognition of Soviet Russia in order that their uncensored folio may come in under "diplomatic immunity to search," whereby propaganda centers could be set up in the consulate of every American city to great advantage of the present soviet régime; and

Whereas there is no way of knowing where the "boundaries" of this so-called soviet nation are (inasmuch as they are as wide as the territory occupied by the "proletariat" or laboring class), any one of the republics of the federation having a right under their constitution to decree itself out of the union when it wishes to escape an international obligation:

Resolved, That the Women's Patriotic Conference on National Defense go on record as opposing the recognition of Soviet Russia by the Government of the United States; and further be it

Resolved, That the representatives of the various organizations participating in the Women's Patriotic Conference on National Defense here convened send out a rousing call to their respective groups to organize a definite campaign to counteract activities and influences of menacing forces now within our gates and to prevent others entering; and be it further

Resolved, That all the organizations here represented be urged to establish substantial funds for the use of their respective committees intrusted with the vitally important task of cooperation for national defense against such well organized and well financed enemies.

No. 17

FLAG CODE

Whereas the red, white, and blue of the flag enfolds the very spirit and vitality of our Republic; and

Whereas age has been taught to revere "Old Glory"; and

Whereas youth should look upon it as worthy of supreme devotion and repudiate all attempted substitutes of green esperanto flags, peace flags, and red flags: Therefore be it

Resolved, That the Women's Patriotic Conference on National Defense go on record as indorsing House Joint Resolution 11, to adopt an official flag code of the United States.

No. 18

THE CONSTITUTION UPHELD

Whereas we, the members of the Women's Patriotic Conference on National Defense, wish to place ourselves on record as firm supporters of the Constitution of the United States, acknowledging it to be the greatest safeguard of human liberty ever given to mankind; and

Whereas we pledge ourselves, individually and collectively, to defend and uphold the Constitution by rendering loyalty to its sentiments, obedience to its provisions, and by holding its principles sacred and inviolable: Therefore be it

Resolved, That we urge the people of the United States to guard against the substitution of bureaucracy for democracy, paternalism

for individual and community responsibility, centralized authority for local self-government, which substitution would undermine American principles of government ordained and established by the Constitution of the United States.

FEBRUARY 3, 1928.

No. 19

TEACH THE CONSTITUTION

Whereas knowledge and understanding of our system of government is the greatest safeguard of our institutions; and

Whereas there are eight remaining States whose legislatures have not passed a law making the teaching of the United States Constitution compulsory: Therefore, be it

Resolved, That the Third Women's Patriotic Conference on National Defense go on record as indorsing such a law in these eight States, and that we pledge ourselves to work for its adoption.

FEBRUARY 3, 1928.

ADJOURNMENT OVER

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet next Monday.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Connecticut whether it is contemplated that District of Columbia business shall be considered next Monday?

Mr. TILSON. No; the Treasury and Post Office Departments appropriation bill, which will be considered during the remainder of to-day, will go on next Monday. It is a privileged bill and as unfinished business will be in order on Monday. We hope to give the District another day later on.

Mr. GARRETT of Tennessee. There has been some inquiry about District business.

Mr. TILSON. It would be in order next Monday, but the appropriation bill as unfinished business would have the right of way.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10635, the appropriation bill for the Treasury and Post Office Departments. Pending that I ask unanimous consent that the control of general debate be divided between the gentleman from Tennessee and myself until we finally reach a time when we can agree on a limit of debate.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10635, the appropriation bill for the Treasury and Post Office Departments, and pending that he asks unanimous consent that general debate for the time being be equally divided and controlled by himself and the gentleman from Tennessee. Is there objection?

There was no objection.

The motion of Mr. MADDEN was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. MICHENER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read the title, as follows:

A bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MADDEN. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY. Mr. Chairman and gentlemen of the House, the bill under consideration deals with appropriations for the Post Office Department. It carries $764,000,000 for the biggest business on earth.

There is one paragraph in the report submitted by the distinguished chairman of this committee [Mr. MADDEN] to which I wish to direct your attention. It is found on page 29 and is as follows:

In connection with the figures of receipts, expenditures, and deficits of the Post Office Department attention should be called to the fact that the figures as presented, while they depict the situation in a fairly accurate manner, do not give a portrayal of the cost of the service on the same basis as a private business. Whether it is ever possible or desirable to attempt to set up an accounting system in a Government activity similar to that which would prevail if the activity were in private ownership is always a debatable factor, due to the difference in the ends sought to be accomplished by the Government and private business—one striving for profit and the other for service to its people. Progress is being made and very valuable information is being furnished in connection with the cost-ascertainment investigations of the department. While some of the costs revealed by these reports may be said not to be a proper charge against the Post Office Department, there should be recalled that the Post Office Department receives some advantages from its Government status which are not reflected in its expenditures. Chief among these is the space occupied by postal facilities in Government-owned buildings, of which there are 1,400 or more throughout the United States. A further program of building construction is authorized, which, under pending legislation, would bring the total up to $200,000,000 for new structures, in which a very large proportion of the space will be devoted to postal needs.

There is in this statement an accurate distinction between the Post Office Department and private business—

One strives for profit and the other for service to its people.

The greatest difficulty right now as to the post-office establishment is due to the fact that we have been attempting to operate it on both policies—profit and service. The result is a confusion, which will never be remedied until we make a straight-out declaration as to the service policy of the Post Office Department and act on that principle.

I am gratified that the Appropriations Committee has suggested this vital matter in its report. I would paraphrase one sentence in the paragraph I have read and make it read: "Due to the difference in the ends sought to be accomplished by the post office and private business—one striving for profit and the other for service of its people—the accounting system used by the Post Office Department should not be such as to hinder service to the people."

The present accounting does not show a true picture. In the balance sheet are items which are not understood to be free and partly free projects adopted by Congress, not as postal operations but as public-service provisions.

Mr. Chairman, there is only one feature of the yearly report of postal finances which is known to the public. That is the so-called deficit. But any consideration of that brings up the whole question of postal finances, which is a dry-as-dust subject to the average person. I defy any Member of Congress here to even read through the complicated, involved, tabulations in the cost-ascertainment report for 1927, which has been submitted by the department.

Yet United States postal finances are of vital concern in the consideration of the biggest business on earth. It handles 25,000,000,000 pieces of mail matter every year and carries 337,000,000 messages from residents of this country to friends and relatives in all the lands on the globe. It is the greatest agency of intercommunication ever devised. How important it is may be judged by the statement of Bryce in his classic treatise on "The American Commonwealth." In it he declared that the factor which makes us a united Nation "is the means of internal communication that holds the country together and renders it one for all social and political purposes as well as for commerce."

That such a mammoth public-service enterprise should be based upon a dollar-and-cent balance sheet is so absurd that Congress can not even attempt to act upon it. The real fact is that the present balance sheet itself furnishes the absurdity. Many times Congress has builded wiser than it knew, by paying no attention whatever to it.

What is the so-called postal deficit? Well, to judge from its prominence in department reports and in newspaper headlines one would judge that it is the one outstanding feature of this colossal business. The opening paragraphs of the Postmaster General's report for 1927 emphasize the deficit of some $28,000,000. Every newspaper in the land chronicled the deficit with such heads as that in the Washington Post: "Postal operations conducted at $28,000,000 loss." Others were "Post Office behind many millions in 1927," "Huge deficit in Postal Service," "Post Office fails to break even by $28,000,000."

The comments on the report ranged from characterization of the deficit as proof of extravagance and inefficiency to a declaration that the Post Office is a bankrupt business.

Such statements are grossly unfair to the Congress that makes appropriations, to the department that administers them, and to the postal personnel, the most efficient body of workers ever organized into a unit for cooperative efforts.

There is not a deficit of $28,000,000 in postal operations. There is a large surplus instead in postal operations. The so-

called deficit, which looms so large, is due solely and wholly to free and partly free services which are given because Congress has made use of the great nation-wide postal organization in advancing the common welfare.

The cost of these policies is exactly on a par with expenditures for the Department of Commerce or the Department of Agriculture. No one points to a deficit in these departments, but to do so would be just as logical as in the case of the Post Office.

Let us analyze this so-called deficit. First there is the franking and penalty privilege, through which officials of the Government send without postage charge information as to the conduct of public affairs. It is a vital function, which should not be discontinued or even curtailed, but it is not a postal operation.

The Post Office Department informs me that the revenues which would be derived from the penalty mail sent by various departments would be $14,501,208, and that the actual cost of handling it is $6,263,620.

The franked mail sent out by Members of Congress and others at regular rates would bring in $532,652, and the actual cost to the department is stated as $520,691.

Therefore, in the so-called deficit there is at least $6,784,311, which is the bare cost of the service.

Second. Congress has directed for 75 years that small county newspapers should be sent within the county of publication to offices where there is no delivery without payment of postage. Not a cent is secured by the Post Office Department for this service. According to a department statement, the estimated cost is $9,000,000 a year.

That means that there should in all fairness be a reduction of the so-called deficit by $9,000,000. By no stretch of the imagination can such a policy be called a postal operation.

Third. In order to encourage the circulation of religious, fraternal, and similar publications not published for profit, Congress has established a special flat rate of 1½ cents a pound for such publications. This rate applies to advertising portions as well as reading matter.

There are more than 6,000 of these periodicals going through the mails at a rate which pays only a fraction of the actual cost of handling. It is a public-welfare project, which may or may not be justified, but it is in no sense a postal operation to be charged against postal revenues.

The Post Office Department informs me that the actual loss through such a policy is $16,000,000 a year. It makes up more than half of the reported deficit for last year. By any business system of bookkeeping it should be subtracted from the so-called deficit.

Fourth. Congress has adopted a ship-subsidy policy in connection with foreign mail. It is a worthy American policy in connection with the maintenance of a merchant marine. But it has no connection with actual postal operations, since the service would be performed by foreign vessels at one-half the cost. We should admit honestly that it is a policy for the encouragement of United States shipping. We should most assuredly not assess it against postal revenues.

The Post Office Department states that this policy costs $3,600,000 a year. That sum should be subtracted from the so-called deficit.

Fifth. Congress has decided that as a philanthropic measure publications in raised letters for the use of the blind shall go through the mails without payment of postage. This is no postal operation. It is a gift to the blind, with the post-office establishment made the agency for the gift. The department informs me that the actual cost is $32,000 a year.

Mr. Chairman, here are five distinct governmental projects being carried out very properly through the Postal Service, the nation-wide agency of communication. Not one of them is as logical a postal operation as the construction of good roads, which no one would charge to postal revenues. They are public-welfare projects, and any post-office deficit built up out of them is a sham and delusion.

The actual cost of these five projects, according to the most conservative estimate of the department, is $35,426,000. This completely offsets the $28,000,000 reported deficit and leaves a substantial surplus instead. Any sensible accounting system would show this state of affairs in this great service department.

In dealing with this phase of postal finances I must add that there is another item which in my estimation is unfairly charged against postal revenues. I admit that it does not stand on all fours with the other items I have discussed, but in reality it is a public-welfare measure rather than a postal operation. I refer to the inevitable loss, after the most generous allowance for its part in postal operations, due to the rural free delivery.

This service is on a different basis than city delivery, Railway Mail Service, and other similar operations. These latter form the most economical method of handling the mails, and if a profit-making corporation were to take over the service these organizations would be continued exactly as at present.

Not so with rural free delivery. A profit-making company would slash it off at one stroke, and in so doing would reduce expenses more than $100,000,000. The express company delivers in the cities because it is cheaper to do that than to provide storage and clerical help to deliver all goods at the office. It compels the rural dweller to come to town for his express shipment because it is more economical than to deliver the goods to him. Exactly the same system would apply if the Postal Service were to be run on a profit-making basis.

However, Mr. Chairman, no good American wishes to curtail the Rural Free Delivery Service. I would extend it until every farmer and dweller in rural communities receive speedy and complete service. I believe the money expended is for the public welfare. It is true, also, that if mail were handled on these routes up to capacity the loss could be greatly diminished.

At present giving the Rural Free Delivery credit for every penny of postage on mail originating on the routes and half the revenues on all matter delivered, and using the figures in the Postmaster General's report for 1927, there would be a loss of $48,613.000 on the year.

Suppose we omit this entirely and leave it to be considered as a postal operation and nothing else. I have already shown that there is still a surplus instead of a deficit.

Is it not apparent, Mr. Chairman, that by any fair system of postal accounting the postal deficit is a myth and a delusion? It is not a fact but a state of mind. If postal policies are to be built on a false basis, the entire structure is certain to be out of plumb.

That is exactly the situation. Here is no mere technicality of accounting but a fundamental disorder which affects the entire postal system. The person unfamiliar with the true state of affairs says, "Why so much concern over a bookkeeping trifle? If there is a deficit, it comes out of the United States Treasury, just the same as if you charged the items against the Treasury in the first place. What real difference does it make?"

Such a question proves utter ignorance of the postal situation. What seems to be the difference between tweedledee and tweedledum in reality is the difference between fair postage rates and unjust postage rates; between complete postal service and inadequate postal service; between proper working conditions for postal workers and unjustifiable conditions.

That mythical deficit now sets the tune. As unsubstantial as the vampire of olden days, it does suck the blood from the postal system. It reduces service, lays too heavy a charge upon mail users, and robs the workers of rightful relief.

Let us consider these statements: First, the postage-rate problem. Under present conditions the great urge is to wipe out this deficit and balance the books. But in this deficit are all these governmental expenses, represented by free and partly free services.

Therefore, if that deficit is to be wiped out, users of the mails must pay not only all proper postal costs but also furnish the money for large governmental expenditures. The money from the sale of stamps must be used to send out the penalty package and the franked letter, the religious paper, and the publication for the blind. It must cover the cost of these public-welfare projects which should be met from the General Treasury as a benefit to all and not a few.

That is the reason, Mr. Chairman, why the Post Office Committee of the House is now so busily engaged in consideration of a bill reducing the rates on all classes of mail matter.

Here is a deficit, so called, of $28,000,000, and still the department and practically every Member of Congress agrees that there should be reductions in rates. The bill we are now considering, as introduced by Chairman GRIEST and as accepted by the department, would, according to department figures, reduce revenues by more than $10,000,000, and consequently add that much to the deficit. Still, the only objections from any quarter is that certain reductions do not go far enough.

Nor is such a feeling due altogether to the fact that the Postal Service does not pay dividends as does a private business, and therefore there is no injury to the pocketbook nerve when no profits are shown. It is due also to the fact that complete service is the prime function of this great organization, and rates should be in line with such a fundamental policy.

Of course, there are certain rates, such as that on post cards in first-class-mail classifications, where the 2-cent rate is so high that it has driven matter out of the mail and entailed a loss of some $6,000,000 instead of an estimated gain of $10,000,000. It was higher than the traffic would bear.

Mr. Chairman, I have prepared a table which shows the postage rates in force before 1925, the rates established by the act of February 28, 1925, and the rates now proposed. It is as follows:

Statement showing comparison between old rates, 1925 rates, and proposed rates

Class	Mail matter	Old rates	1925 rates	Proposed rates
First	Post cards, private mailing	1 cent each	2 cents each	1 cent each.
Second	Transient	1 cent 4 ounces	2 cents 2 ounces; over 8 ounces, parcel post.	1 cent 2 ounces.
	Publishers: Scientific, religious, etc., newspapers, periodicals, reading matter, 1½ cents pound.	1¼ cents pound	1½ cents pound	1½ cents pound.
	Advertising: Zones 1 and 2	2 cents pound	2 cents pound	1¾ cents pound.
	Zone 3	3 cents pound	3 cents pound	2½ cents pound.
	Zone 4	5 cents pound	6 cents pound	4 cents pound.
	Zone 5	6 cents pound	do	4¾ cents pound.
	Zone 6	7 cents pound	do	5½ cents pound.
	Zone 7	9 cents pound	9 cents pound	7 cents pound.
	Zone 8	10 cents pound	do	7¾ cents pound.
Third	Printed matter	Up to 4 pounds, 1 cent each 2 ounces; over 4, parcel-post rates.	Under 8 ounces, 1½ cents 2 ounces; over, parcel post.	Under 8 ounces 1½ cents 2 ounces; 20 pounds, 12 cents pound.
	Books, catalogues, seeds, etc	Under 8 ounces, 1 cent 2 ounces; over 8 ounces parcel post.	Under 8 ounces, 1 cent 2 ounces; over, parcel post.	Under 8 ounces, 1 cent 2 ounces; over parcel post.
Fourth	Merchandise over 8 ounces: Local zone	5 cents first pound; 1 cent each additional 2 pounds.	7 cents first pound; 1 cent additional 2 pounds.	7 cents first pound; 1 cent additional 2 pounds.
	Zones 1 and 2	5 cents first pound; 1 cent each additional pound.	7 cents first pound; 1 cent additional pound.	7 cents first pound; 1 cent additional pound.
	Zone 3	6 cents first pound; 2 cents additional.	8 cents first pound; 2 cents additional.	8 cents first pound; 2 cents additional.
	Zone 4	7 cents first pound; 4 cents additional.	9 cents first pound; 4 cents additional.	8 cents first pound; 4 cents additional.
	Zone 5	8 cents first pound; 6 cents additional.	10 cents first pound; 6 cents additional.	9 cents first pound; 6 cents additional.
	Zone 6	9 cents first pound; 8 cents additional.	11 cents first pound; 8 cents additional.	10 cents first pound; 8 cents additional.
	Zone 7	11 cents first pound; 10 cents additional.	13 cents first pound; 10 cents additional.	12 cents first pound; 10 cents additional.
	Zone 8	12 cents each pound	14 cents first pound; 12 cents additional.	13 cents first pound; 12 cents additional.
	Mailed rural routes		2 cents less parcel	2 cents less local first, second, and third; 1 cent less fourth, fifth, sixth, seventh, and eighth zones.

Here is the statement furnished by the Post Office Department as to the effect on revenues of the proposed rate reductions:

Estimated net decrease in revenue

First class, post cards	$1,200,000
Second class:	
Zone rate publications	3,860,000
Transient	100,000
Third class, bulk pound rates	7,000,000
Fourth class, service charge	2,200,000
Prospective loss in revenue	14,360,000

The proposed measure carries provisions as to business reply cards and envelopes, deficient postage, special delivery and special handling, which would bring in additional revenues, but I am dealing here only with the rates on the classes of mail matter.

Mr. GARNER of Texas. I understood the gentleman to say that the rate on first-class matter was so high that it yielded less revenue than before that rate was raised, but he does not make the same statement about the second-class matter. You are reducing the rate and getting less revenue in the second class.

Mr. KELLY. We get less revenue, according to the Post Office Department, yes. The contention is made that because of the present zone rates on advertising, there is less revenue received than there would be at a lower rate.

Mr. HASTINGS. How much less?

Mr. KELLY. No one knows that, but that contention is being made on the ground that great quantities of second-class matter go by private agencies now, but would come back to the Post Office Department at the lower rates.

Mr. HASTINGS. Is that a contention made by the Post Office Department?

Mr. KELLY. No; that is made by the users of the mail.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. KELLY. Yes.

Mr. COOPER of Wisconsin. I have received, as have doubtless other Members of the House, many letters from constituents saying that the 20-pound provision in third class is a discrimination in favor of mail-order houses. What has the gentleman to say to that contention?

Mr. KELLY. Discrimination against them?

Mr. COOPER of Wisconsin. No; in favor of the mail-order houses.

Mr. KELLY. Even if the article weighed only one-half an ounce, the 20-pound limit would mean that about 640 separate pieces would need be mailed. Of course, very few business men send out less than 640 pieces. If they send that number they get the 20-pound rate just the same as the biggest mail-order house in the country.

Mr. COOPER of Wisconsin. One correspondent said that he had always been accustomed to sending out 500.

Mr. KELLY. If his circular weighed two-thirds of an ounce he would get the 20-pound rate. If it weighed half an ounce, he would have to mail at 1½ cents for 2 ounces. The discrimination, if there is any there, and there is some objection to this rate, would be that mailing of less than 20 pounds would take a higher rate of postage.

Mr. COOPER of Wisconsin. The gentleman says, "If there is a discrimination." Ought not the law to be so drawn that there can be no possible discrimination against the country storekeeper in that regard?

Mr. KELLY. I do not want to get into an argument about the merits of this rate, because we have not taken action on it. I am trying to suggest that there is a serious proposition, the reason for reduction of postage rates, facing us in the Post Office Department with an alleged $28,000,000 deficit.

Mr. GREEN of Florida. I have received several letters from seed houses down in my State as to first-class matter, desiring that the weight be raised from 8 ounces to 10 ounces, which would give them a cheaper distribution of their seeds, and so directly or indirectly benefit the farmer. What does the gentleman think of that?

Mr. KELLY. The gentleman refers to third class, and that proposal is being considered now. Anything under 8 ounces goes as third class, and anything over 8 ounces goes into the fourth class.

Mr. GREEN of Florida. These same gentlemen, I may say, would like pretty well to see the post-card rate go back to 1 cent.

Mr. KELLY. There is no difference of opinion in regard to that.

Mr. GREEN of Florida. Is anything to be done as to the removal of the service charge on certain classes of mail?

Mr. KELLY. Yes; the proposed bill deals with the service charge in certain parcel-post zones.

Mr. GREEN of Florida. Will it be effective 200 miles from the shipping point?

Mr. KELLY. Not according to the proposed bill; no. Instead of having a 2-cent service charge beyond the third zone it would be reduced to 1 cent.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. KELLY. Yes.

Mr. CROWTHER. How about the money-order department?

Mr. KELLY. There is a loss, according to the department, of $8,000,000. The rates ought to be changed on that.

Mr. BANKHEAD. Will the gentleman yield?

Mr. KELLY. Yes.

Mr. BANKHEAD. I have had a great many inquiries from my district with reference to a proposition which, I understand,

is before your committee, a proposal to prohibit the Government from further publishing and selling stamped envelopes with return addresses upon them. Has any action been taken in the committee on that matter, or has the committee given any consideration to it? I ask for the reason that I want to know how to intelligently answer these inquiries that are submitted to me.

Mr. KELLY. I will say to the gentleman from Alabama that that question is perennial and has been before the committee repeatedly. Hearings requiring days have been given to it in past years. Another bill, proposing to prohibit the Government from printing these return cards on envelopes, is now before the committee but has not yet been given a hearing in this session.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. KELLY. Yes.

Mr. GREEN of Florida. There is apparently no desire on the part of the committee to increase or make postal matters harder on newspapers and other publications coming within that class.

Mr. KELLY. I will say to the gentleman from Florida that the proposed provisions uniformly reduce the present rates. [Applause.]

Now, Mr. Chairman, I am glad to say that the Post Office Department has recognized the justice of the principle which I have repeatedly stated on this floor as to proper credit for free services. In the bill under consideration by the Post Office Committee there is provision for credit for some of these items I have discussed. It provides that the cost of franked, penalty, free in county, and free to the blind mail shall be set apart from other postal expenditures.

It does not go far enough, but it is a long step in the right direction and does some measure of justice to the Post Office Department. In the bill I introduced some time ago, I specified other items, which seem to me to be similar in principle, and I also provided for consideration of the rental charge of Government buildings, as mentioned in the report of the Appropriations Committee.

Unless we do build the Post Office Establishment on a service basis and have the accounting show it clearly, we will be swayed in every action by a fictitious deficit or stand unjustified criticism from those who conceive the entire Postal Service as a profit-making institution.

We have already gone so far that we have a schedule of postage rates which raises revenues for the payment of Government expenditures other than strictly postal operations.

Something can be said for such a plan, if honestly adopted. Several nations use it now in connection with the Postal Service. But I protest against its use by stealth and subterfuge. If we intend to adopt it, let us say so out in the open and act accordly. One thing is certain, it has not thus far been adopted as the American plan. On the contrary, it was definitely rejected by the founders of this Nation.

The makers of the Constitution which contains the postal power, specifically refused to give any such power to Congress. They said that the post office should be for the service of the people and not an institution for raising revenue.

The Pinckney plan submitted to the Constitutional Convention of 1787 provided that Congress should have power to "establish post offices and raise a revenue from them."

Mr. Patterson, on June 15, suggested a provision that Congress be empowered to raise revenues—

by a postage on all letters and packages passing through the general post office, to be applied to such Federal purposes as they shall deem proper and expedient.

The Constitution makers overwhelmingly rejected such suggestions. They rejected also the theory behind them. They foresaw that any attempt to raise revenue through the Postal Service would destroy its primary purpose. They knew that even the sketchy service of Revolutionary days had been the great unifying agency which makes a nation out of 13 colonies. They knew the importance of the Postal Service in the Nation and they did not propose to have it marred and crippled by any attempts to make it produce revenues.

Oh, the framers of the Constitution knew all about the possibility of making the post office a revenue producer. They were very familiar with the British system, which was built on that policy.

In 1785 the British postal system had a gross income of £463,753, with net revenues to the Government of £261,409. This amount took the place of so much tax money and was used to defray governmental expenses.

But the American nation builders had a different purpose in mind. They visioned a great postal institution for the service of every citizen. They had few means at hand for raising revenues. The finances were a far greater source of worry then than at present, when we can scarcely decide the amount of surplus to be turned back to the people. Still those statesmen forbade the use of postage rates for raising money to be used for governmental expenses. They refused to permit the raising of revenue through the post office.

They also expressly stated that the only methods for raising funds to meet governmental expenses should be through "laying and collecting taxes" and "borrowing money on the credit of the United States." Where certain methods are enumerated, all others are excluded.

Both in their action on the postal and the taxing provisions of the Constitution, the founders deliberately provided that revenues for the Government should not be raised through postage rates.

Congress has power to do anything which is necessary to create and maintain a Postal Service, but it must be for service, not for revenue raising. Congress can provide that any class of mail matter may be carried free if it decides such action would promote the common good. It may fix less-than-cost rates on any class of mail matter for the same reason.

But it certainly goes beyond its power when it decrees that certain classes of mail matter shall be carried free and certain services performed free and then makes other classes of mail matter and other services pay the cost of such policies.

I believe we should restore the constitutional American post office to the lines laid down by its founders, the statesmen who desired it to be a great unifying service institution.

But suppose we are not concerned about the judgment of the fathers of the Republic in this matter. Let us consider it as it faces us to-day, 140 years after the Constitution was framed. Is it good policy to-day to administer the Post Office Department on a revenue-raising basis? Shall postage rates be fixed so that revenues will show a balance over all expenditures? Shall every administrative effort have as its end the securing of a surplus at the end of the year? Shall we pay out of postal revenues for every free and partly free project adopted by Congress for the common welfare?

Such a policy means the transformation of this establishment into a revenue producer instead of a service giver. It makes profits, not service, the keynote in the Postal Service. For my part, I protest against any such policy.

Over the Washington post office is the real ideal of the Postal Service, quoted everywhere as a true and vivid summary of its purposes.

If we adopt the profit or revenue motive we should have to rewrite that statement as follows:

"Messenger of sympathy and love" (when there is a profit on the messages).

"Servant of parted friends" (in case the revenues will justify).

"Consoler of the lonely" (at so much per console).

"Bond of the scattered family" (if held to a self-sustaining basis).

"Enlarger of the common life" (in case the deficit is not enlarged).

"Carrier of news and knowledge" (when money can be made from the carriage).

"Instrument of trade and industry" (when the cost ascertainment shows it pays).

"Promoter of mutual acquaintance" (where the return to the promoter is sufficient).

"Of peace and good will among nations" (if it assures a postal surplus at the end of year).

No, Mr. Chairman, the American people have never advocated nor agreed to any such weasel qualifications of the aims of the Postal Service and they never will.

If I correctly interpret the public desire as to the Postal Service, they say to Congress:

"We ask that the Post Office Department render full and complete service at the lowest rates consistent with such service; perform such other public-welfare services as it is best fitted to carry out, to be paid for out of Treasury funds; maintain the most efficient organization possible through a personnel receiving compensation in line with American standards of living and the value of services rendered."

Such a command, if carried out, will make the Postal Service what it should be. Every family in the land should be served by the Postal Establishment. This great nation-wide organization should be used for every worthy project where it can best serve the national need. The army of workers who make the service possible should have compensation and working conditions which will serve as an example in justice to every American employer.

If we definitely determine upon the service policy and an honest accounting system, reductions in rates will be in har-

mony with that policy. We raised the rates in 1925 because the President and his advisers saw only the reported deficit and insisted that it dictate policy. In his veto message of June 7, 1924, returning the postal salary bill, he said:

> For the fiscal year 1923 the postal revenues were $32,000,000 less than the cost of the service for that year. This deficit had to be met from the moneys paid by the taxpayers. We should not add to the amount of the postal deficit, as is proposed by this bill, but should attempt as a sound business principle to have the users of the mails approximately pay the cost of the service.

Postage rates were increased because of a mythical deficit, and Congress will have to retrace its steps. When we do so, we should put up a signboard which will point the true road for the future. On it we should write the words for all to see and understand: "Not profits but service in the post office."

After all there has been, except for such short by-path excursions, a consistent policy in the formulation of postage rates and it may be seen through all the years since the service was established. Many Congresses have acted upon the subject and many changes have been made but they have followed one course throughout. There is a philosophy behind our postage rates. They do not form a random structure, a hit or miss system.

Our general policy as to postage rates may be formulated as follows:

First-class mail shall pay rates reflecting the fact that the postal organization is built primarily to carry letters and messages. The revenues shall be about the sum necessary to pay half the entire cost of actual postal operations.

Second-class mail. (1) To encourage county weekly papers; they shall be sent through the mails free to such offices as have no delivery system.

(2) To encourage religious, scientific, fraternal, and other publications not published for profit, there shall be a flat rate of 1½ cents per pound for the entire publication, including reading matter and advertising.

(3) Ordinary newspapers and other publications shall pay the full cost of carriage upon their advertising portions with a flat rate of 1½ cents a pound on reading matter.

(4) Newspapers sent by other than publishers shall pay the total cost of handling.

Third-class matter shall pay the total cost of handling.

Fourth-class matter shall pay the total cost of handling.

These are the traditional principles upon which rates are made. They are the proper principles. The confusion in which we have found ourselves for several years is due to two things: First, the insistence upon higher rates when just increase in compensation was granted to employees. Second, the cost ascertainment report which takes no account of the relative value of service given but links first-class mail with the other classes just as though a railroad company should figure freight rates on coal and automobiles on the same basis.

Both of these mistakes come back at last to the fictitious deficit. The inclusion of public-welfare projects with postal operations has showed a mythical loss on some classes of mail matter, while the refusal to recognize the real status of first-class mail has showed a mythical gain. It is time to decide upon a definite policy which will permit fair and square postage rates.

Mr. Chairman, I have pointed out that rate making in the Postal Service has been traditionally based on the policy of service. By making a mythical deficit the keynote of postal calculations we become involved in confusion and injustice. We force the users of paid mail service to pay for benefits to others than themselves. We compel them to pay not alone for the service given them but for a great deal besides.

The very first step toward fair and square rate making is to learn exactly what postal operations cost after deducting policy projects which are public welfare rather than postal. Then the costs may be apportioned to the classes of mail matter on a value of the service basis.

Postage rates is not the only question involved in a proper postal policy. When a fictitious deficit molds postal administration the service to which the American people are entitled is not given.

If expenditures for all purposes must be squeezed into the limits of revenues for paid mail matter the service is bound to be cut to the bone. Railway postal cars, where distribution en route would speed the mail, must give way to storage cars and closed-pouch service and terminal distribution. Carrier service must be cut to the minimum. Clerical help must be refused until the mail begins to pile up into a mountain. Laborers must do the work of clerks and save the difference in their compensation. Speed-up systems must be evolved to bring out the last ounce of energy. There must be arbitrary weight and unit standards forever advanced to the skill of the fastest worker.

"Twist the screws on costs and show a surplus" really means "keep the Postal Service to the point beyond which the public would rise in wrath."

Improper accounting which shows a fictitious deficit does more than produce too high postage rates and too little service. It means that postal workers must be denied improvements and betterments in working conditions to which every American worker is entitled.

Any suggestion for better conditions must be weighed against the deficit. For instance, the Postmaster General in two annual reports urged a differential for postal employees who work at night.

When the House committee tried to carry out his recommendation the favorable report was withdrawn on the ground of finances, which means the deficit.

Again the Postmaster General asked for legislation to permit the payment of actual and necessary expenses for moving the household goods of officers and regular clerks in the Railway Mail Service when arbitrarily transferred from one station to another for permanent duty.

The entire expense involved was but $10,000 a year, and the House committee desired to act on the recommendation. However, when the bill was sent to the department the reply was unfavorable because of the finances.

These are suggestions for improvements originating in the department. It is not difficult to judge the fate of suggestions which come from Members of Congress who are interested in providing fairer employment for the postal workers of the United States.

It simply means that any such step must be taken in the face of opposition from the department, which knows best what should be done. Because an inaccurate accounting system gives a deficit, every postal worker in the land must be denied conditions to which he is entitled; not only to which he is entitled, but which he has earned through devoted efforts.

First Assistant General Bartlett has given figures showing that in 1914 the average revenue per post-office clerk was $5,581. In 1927 it had risen to $7,951. In 1914 the average revenue per city letter carrier was $6,468; in 1927 it was $10,614. The average railway postal clerk is doing 30 per cent more distribution to-day than in 1914.

Surely it is not fair to compel workers who have shown such increasing efficiency to endure hardships because of a nonexistent deficit on a faulty and improper balance sheet.

Mr. Chairman, the true end sought to be accomplished by the Post Office Department is the service of the American people. That is the true keynote, the chief corner stone. With that service motive dominating, we can meet the problems of postage rates, increased service, and working conditions on a just and efficient basis.

I have asked this time in the general debate on this post-office appropriation bill to emphasize the need of a definite postal policy. If we decide upon the service policy and act upon it, it will benefit every American through a better, more efficient, and comprehensive Postal Service. That is a purpose well worth the while of this Seventieth Congress of the United States.

Mr. BYRNS. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK of Texas. Mr. Chairman, I have taken the floor at this time to discuss the Box bill—H. R. 6465—a bill introduced in the House by my colleague, Representative JOHN C. BOX, and which seeks to place the same quota restrictions on Mexican immigration as applies to immigration from the European countries.

I have received a good many communications from organizations in Texas asking me how I stand on this bill. One of the organizations which has written me on the subject is the West Texas Chamber of Commerce, and I now ask to have read in my time my reply to that letter.

The Clerk read as follows:

FEBRUARY 10, 1928.

Hon. HOMER D. WADE,
Manager West Texas Chamber of Commerce,
Stamford, Tex.

MY DEAR MR. WADE: I have received your letter of January 31, 1928, in which you urge that the present immigration laws, so far as they relate to Mexico and Canada, be left intact, at least for the present; and you state that in making this request you speak for the West Texas Chamber of Commerce. You also request that I advise you what my attitude is on the question involved.

I will be very glad to tell you. I am unequivocally in favor of the Box bill, which seeks to place Mexican immigration under the same quota restrictions as now apply to European immigration. Not only am I in favor of this bill, but I expect to do what I can to help get action on it at this present session of Congress. To that end I have asked to be heard by the Committee on Immigration of the House of Representatives when it begins its hearings on the Box bill next week. I shall appear before the committee and urge favorable consideration of the bill at this session of Congress.

The argument used by some that we need a large influx of Mexican immigration, because it furnishes cheap labor, makes no appeal to me. In the first place, there is no scarcity of labor in the United States, taking it as a whole, and there is none in Texas. In fact, the labor supply is more than ample. The truth of the matter is there is serious unemployment in many sections of the United States, and some authorities estimate the number of unemployed at 4,000,000 men.

In the next place, even if there were no large amount of unemployment, it is a very short-sighted policy for certain large business interests in the United States to advocate lax immigration laws to get cheap labor. It is sowing to the wind to afterward reap the whirlwind. Capital in the long run can only prosper in the truest and best sense by doing full justice to labor. And while a temporary advantage might be gained in the way of larger profits by beating down wages and lowering the American standards of living through a wholesale and unrestricted foreign immigration, yet the results in the end would be disastrous.

Radicalism and discontent would stalk abroad and would fasten their tentacles to the vitals of American business and commerce and, Samson-like, would pull down the pillars of our whole economic structure on our heads.

Aside from economic reasons, there are strong reasons of a social nature why our Nation should pursue a policy of selective and restrictive immigration. As to the soundness of this position I am well convinced. And I am further of the opinion that these selective and restrictive provisions of the law should apply to Mexican immigration, just the same as to any other, and I shall certainly vote that way at every opportunity I have.

Yours sincerely, EUGENE BLACK.

[Applause.]

Mr. BLACK of Texas. Now, Mr. Chairman, statistics show that about 50,000 immigrants come to the United States annually from Mexico, and during the last year this number increased to more than 60,000. Unless restrictions are imposed this number is certain to increase from year to year and before we are aware of it we will have a Mexican population in the United States of several millions of people. It seems to me that every consideration of common sense and good judgment would require that we impose quota restrictions at this time and avoid serious complications in the future.

If we pass the Box bill and put Mexican immigration under quota restrictions, the number of immigrants that would come to the United States thereafter from Mexico would be less than 3,000 annually.

IMMIGRATION RESTRICTION DOES NOT SIGNIFY RACIAL PREJUDICE OR HATE

I do not advocate a policy of rigid immigration restriction because I entertain in my heart any element of racial prejudice or hate against any nation of people in the world. I certainly entertain no ill feeling toward the Mexican people or the Mexican Government. I am anxious to see every nation, kindred, and tongue to earth's remotest bounds climb the ladder of success and improve their standards of living, health, and moral welfare. I would like to see ill feeling and distrust and sectional animosities vanish from the face of the earth. Such a consummation is the Utopia to which we all would look with fond desire.

I would like to see the United States of America play the largest possible part toward the achievement of a better feeling and a more perfect understanding among the nations, but we do not have to sacrifice any of our national aspirations and desires in order to play this useful part in the world's affairs. In fact, the more we would allow our cherished institutions, builded and established by our forbears, to be undermined and destroyed by an inundation of immigrant masses, either hostile to those institutions or unable to understand them, the less we would be able to contribute to the onward march of humanity.

The very best service we can render to the world, and the largest contribution we can possibly make to the sum and total of human happiness is to keep our country a land of improving standards of living, of cleaner moral perceptions, of more robust physical and mental health, and of finer ideals of government. We can not do this if we are careless and indifferent about the elements which make up our composite citizenship. There are two outstanding considerations which make restriction of immigration imperative. There may be other reasons, but these two impress me most. They are:

First. Protection of American standards of living for American labor against the demoralization which would result from unrestricted immigration.

Second. Protection of American Government and American institutions against the imperfect and distorted ideas of those who have never been trained to self-government and who have but little understanding of its true meaning and significance.

These reasons not only satisfy me as to the correctness of my support in favor of this Box bill, but they go further than that; they make it my imperative duty to vote for it if I get the opportunity.

Mr. HARDY Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes, and had come to no resolution thereon.

DISTINGUISHED VISITORS

The SPEAKER. Gentlewomen and gentlemen of the House, it is my pleasure to announce the presence in the diplomatic gallery of his excellency the French ambassador. [Applause.] Accompanying him are Lieut. Commander Joseph Lebrix and Lieut. Dieudonné Costes [applause], who have just completed their epoch-making flight of more than 23,000 miles from Paris to Washington. [Applause.] Their presence here is another evidence of that friendship, strong and imperishable, which exists between our two great countries. [Applause.]

Mr. Ambassador and gentlemen, on behalf of the House of Representatives of the United States, I bid you a warm and affectionate welcome. [Applause.]

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. MADDEN. Mr. Speaker, I move that the committee resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10635, with Mr. MICHENER in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10635, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. BLACK of Texas. Mr. Chairman, just before the committee rose in honor of our distinguished guests, Lieut. Commander Joseph Lebrix and Lieut. Dieudonné Costes, trans-Atlantic flyers, I said that in our desire as a nation to promote good feeling and better understanding among other nations of the world it is not necessary to sacrifice in any degree our right to deal with immigration and other domestic problems of that nature in whatever way we see proper.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. BLACK of Texas. I yield to the gentleman.

Mr. GREEN of Florida. The quota law applies to Great Britain, France, and the other great nations of the world alike, but the Central and South American countries and Mexico and the islands may dump their people—white, Indian, and black—on our shores without any restrictions as to quota whatsoever, and more than 1,000 of the negroes, mostly from these islands, were sent here without any restriction last year.

Mr. BLACK of Texas. I will say to the gentleman that it is correct that the nations which he has enumerated at the present time are not under any quota restrictions at all, and the provisions of the Box bill would repeal that provision of the present immigration law, which exempts them from quota restrictions, and would place all of the nations enumerated by the gentleman from Florida under the same quota restrictions as are the European nations.

Mr. GARBER. Will the gentleman yield?

Mr. BLACK of Texas. I yield to the gentleman.

Mr. GARBER. I am very much in sympathy with the remarks of the distinguished gentleman from Texas. It is a great need that has long been recognized; in fact it was recognized at the time of the passage of the immigration bill that our back door was left open for indiscriminate immigration.

Does the Box bill set up the necessary machinery to enforce the quotas provided for under its provisions?

Mr. BLACK of Texas. Yes; it undoubtedly does that; in fact, I will call the attention of my friend from Oklahoma to the fact that the purpose of the Box bill is to repeal outright that subdivision of the law which now permits them to come in without quota restrictions.

Mr. HUDSPETH. Will the gentleman yield?

Mr. BLACK of Texas. I yield to my colleague from Texas.

Mr. HUDSPETH. I have not read the Box bill as introduced at this session, but does it apply the quota restriction also to Canada?

Mr. BLACK of Texas. Yes. I will say to the gentleman it repeals the entire subdivision to which I have just referred, and that subdivision does include the Dominion of Canada. In fact, I will say to my friend from Texas, the purpose of the Box bill is to place all immigrants upon the same quota basis; and let me say further I think it is a thoroughly sound idea. It is one within the rights of the American people to enact, and for reasons I will undertake to show briefly it is one that we ought to enact.

Mr. HUDSPETH. I did not hear the opening part of my colleague's statement, but I understand the gentleman stated that so many thousand came into the United States each year.

Mr. BLACK of Texas. There were about 68,000 of these immigrants last year from Mexico.

Mr. HUDSPETH. Can my colleague from Texas state, if he has the information, how many of these Mexicans returned to Mexico?

Mr. BLACK of Texas. I do not have those figures, but I will be pleased to endeavor to get them from the Department of Labor and put them in the RECORD.

Mr. HUDSPETH. I would like to have the figures on that.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLACK of Texas. May I have five minutes more in order to complete my statement?

Mr. BYRNS. Mr. Chairman, I yield the gentleman five minutes more. I will yield the gentleman more time if he desires it.

Mr. BLACK of Texas. I thank the gentleman. Does my colleague desire me to yield to him any further?

Mr. HUDSPETH. I do not want to take up my colleague's time unless it is entirely agreeable to him; but I have more questions I would like to propound.

Mr. BLACK of Texas. I will be very pleased to yield to the gentleman.

Mr. HUDSPETH. These Mexicans who come into the United States come in for the purpose of picking cotton along the Rio Grande and working on the ranches. They are used for seasonable labor when no other kind can be supplied in most instances. Now, can my colleague tell me how many of these Mexicans have ever been accused of crimes or indicted for crimes? I would like to have this information if my friend from Texas has it available.

Mr. BLACK of Texas. I wish my colleague to understand that I am not making any assault upon the Mexican people. I intend to try to show briefly that it would be a social mistake as well as an economic mistake to fill up this country with several million Mexican population; but in order to do that, I do not have to make any attack upon the Mexican people, and I have not made any, and I do not intend to make any.

Mr. HUDSPETH. I did not so understand; but I will state to my colleague if they are coming in and going back, being used simply as seasonal labor, then where is the harm in that to the American people, or where is the economical or social mistake? I do not know of many, if any, American laborers they displace on the farms or ranches in my district.

Mr. BLACK of Texas. If the gentleman's premise was correct——

Mr. HUDSPETH. I think I will show the gentleman in time that it is correct. At least, I will try to do so.

Mr. BLACK of Texas. The gentleman will have his opportunity to do that. I do not think the gentleman is correct. Many of them come over here and never go back.

Mr. ALLGOOD. Will the gentleman yield?

Mr. BLACK of Texas. I yield to the gentleman.

Mr. ALLGOOD. The Box bill, as I understand, removes all quota discrimination?

Mr. BLACK of Texas. Yes; it does, indeed, and places all upon a quota basis.

Mr. ALLGOOD. It places all countries upon the same basis, which is fair.

Mr. BLACK of Texas. Yes.

Now, Mr. Chairman, may I proceed further with the thought I was developing at the time I was interrupted, and, of course, I take no exception at all to the interruptions. I like to participate in discussions with my colleagues, whether they agree with me or not.

Mr. MADDEN. Will the gentleman yield?

Mr. BLACK of Texas. I yield to the gentleman.

Mr. MADDEN. I received a circular letter from the West Texas Agricultural Chamber of Commerce a day or two ago in which they set out the needs for more freedom of admission across the Mexican border in order that the farm units of west Texas might be better able to cultivate the soil. What merit is there in that?

Mr. BLACK of Texas. I will say there is about the same merit in that argument as has been made by all the employers of labor who seek to break down the immigration restrictions and allow into the United States an influx of cheap labor.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BYRNS. I yield the gentleman five minutes more.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. O'CONNOR of Louisiana. I want to say that I voted for the immigration bill, but I would like to see how far we are going. Would the provision in the Box bill that the gentleman speaks of be applicable to restricting the immigration of Indians from Mexico and Guatemala?

Mr. BLACK of Texas. Yes; the Box bill, as I have stated in my remarks, seeks to repeal that provision of the immigration law which permits certain nations of the Western Hemisphere, including, of course, Mexico and Guatemala, to come into the United States without quota restrictions.

Mr. O'CONNOR of Louisiana. Does that not look rather extraordinary to provide restrictions against the race that was already in America when we, the white people, came here?

Mr. BLACK of Texas. The people to whom the gentleman refers were not aborigines of the United States. Let me say to my friend from Louisiana, whom I esteem very highly, does he not recognize the serious problem involved, both from the standpoint of racial stock and the standpoint of social and economic reasons—does not he recognize the seriousness of the situation of allowing a large influx of Mexican immigrants such as is now coming in? Would it not be better to apply the same quota restrictions to the nations of the Western Hemisphere, including Mexico, as we apply to European countries?

Mr. O'CONNOR of Louisiana. As I stated, I voted for the immigration law, but in all fairness it is extraordinary for the people who came to America as an extension of European stock to divest the people who originally owned the country, and at this time make them prisoners in the land of their ancestors.

Mr. BLACK of Texas. The sentiment which the gentleman from Louisiana seeks to invoke does not exist, because such would not be the effect of the Box bill.

Mr. HUDSPETH. Will the gentleman yield?

Mr. BLACK of Texas. I will.

Mr. HUDSPETH. I do not like to take up the time of my colleague, but if I understand from his support of the Box bill he is afraid that if the Mexicans are brought in here they will have a tendency to lower the standards of American institutions in this country?

Mr. BLACK of Texas. I said that it would inevitably lower the standard of living.

Mr. HUDSPETH. Does not the gentleman know that we have Mexicans born in this country? Many of them fought under the Stars and Stripes in the World War.

Mr. BLACK of Texas. We have a large voting population, I understand, of Mexicans in some of the counties along the Rio Grande.

Mr. HUDSPETH. In my city of El Paso, according to the last estimate I saw, there are about one-third of them Mexicans. There are about 16,000 voters, and as I remember now about 2,000, or probably a few more, voted in our last primary. I think a great part of this number were born in the United States. Some Mexicans were here before the Battle of San Jacinto. Some fought under General Houston against the tyrant Santa Anna—and the first Vice President of the Republic of Texas was a patriotic Mexican—Texon-Antonio De Zavolla.

Mr. BLACK of Texas. I am not going to permit the gentleman to put me in the attitude of making any attack on the Mexican people. I expressly disclaim any desire to make any attack on the Mexican people. I have no feeling against the Mexican Government, but I do say that I earnestly believe that both from social and economical standpoints there is every reason that we should apply the quota law to Mexico the same as to other countries.

Mr. STEVENSON. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. STEVENSON. Apropos of Mexicans being in Texas when independence was acquired, were not the English and Scotch here when we acquired our liberty, and do not the restrictions against them apply to-day?

Mr. BLACK of Texas. They certainly do; the quota applies to people over the seas from whom we sprung.

My colleague, Mr. HUDSPETH, has asked me some questions and I shall ask him some. Does he think there is any less reason for applying the quota restrictions to the Mexican immigrants than there is for applying them to immigration from England or Scotland or Wales or Ireland?

Mr. HUDSPETH: For this reason: I have always understood that the quota has not been applied to our neighbors on the north or south.

Mr. BLACK of Texas. Oh, will the gentleman answer that question?

Mr. HUDSPETH. I am trying to answer it if the gentleman will restrain himself. I have understood that it has never hereto been applied to the countries bordering on the United States, and from the ones that come into my district—and I think most of them return in a few months—I can see no great reason for applying it to either Canada or Mexico.

Mr. BLACK of Texas. It has not been, but we hope to do it by the Box bill.

Mr. HUDSPETH. The English when they come here, come here to remain permanently, as I understand. If we can not get any other class of laborers than Mexicans to pick our cotton and work on our ranches, what are we going to do? Abandon our farms and our ranches, I will ask my friend from Texas?

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BLACK of Texas. I do not admit that the situation is so deplorable as the gentleman suggests.

Mr. BYRNS. Mr. Chairman, I yield five minutes more to the gentleman from Texas.

Mr. LaGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. LaGUARDIA. Three or four years ago I introduced a resolution to bring out the facts as to the number of Mexicans that were brought in seasonally. I found them as far north as the beet-sugar fields of Michigan. It was then suggested that that labor was not available in Texas, and my resolution remained in the committee. Is it because that labor is not available in Texas, or is it because they desire to keep wages down?

Mr. BLACK of Texas. My own view is, and I will be very frank about it, that taking Texas as a whole, excluding perhaps some isolated localities, there is an ample supply of labor in Texas for all reasonable purposes. In fact, I think there is quite a good deal of unemployment in some sections.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. GARNER of Texas. If I understood the gentleman's position in support of the Box bill, it is that by permitting Mexicans to come into this country it will lower the standard of living?

Mr. BLACK of Texas. Yes.

Mr. GARNER of Texas. And would that apply to Central and South America?

Mr. BLACK of Texas. It would.

Mr. GARNER of Texas. Would the gentleman apply the quota to all those countries?

Mr. BLACK of Texas. Certainly, and the Box bill undertakes to do it.

Mr. GARNER of Texas. Would the gentleman apply it to Canada?

Mr. BLACK of Texas. Yes. The Box bill does that. The purpose of the Box bill is to wipe out all the exceptions from the quota provisions, and I am earnestly in favor of doing it.

Mr. GARNER of Texas. And if they amend that bill so as to apply the quota to Mexico alone, would the gentleman support the bill?

Mr. BLACK of Texas. Certainly; but I do not think that is the way it ought to be done. I do not know of any good reason why we should exempt any nation from the quota provisions. I go further and say that it is thoroughly within the rights of the American people to properly restrict immigration. No nation has a right to consider it an unfriendly act on our part, but they will have a right to so consider it if we continue to discriminate.

Mr. GARNER of Texas. That is what I wanted to call the gentleman's attention to.

Mr. BLACK of Texas. I am not in favor of any discrimination. I stand ready to go before the Committee on Immigration, and I intend to go before it and advocate the passage of the Box bill in exactly the form in which it is now drawn, and that is to apply the quota restrictions to all nations alike.

Mr. GARNER of Texas. I asked the gentleman a question a moment ago, and he answered it in one way, that if we apply the quota to Mexico, he would apply it to all of the other countries, but if the bill should be amended either in the committee or on the floor so as to apply the quota only to Mexico, does the gentleman think that that would be treating the Mexicans right?

Mr. BLACK of Texas. I do not think really that the gentleman has a right to ask me what I would do in a supposititious case, and yet I do not mind answering him. I shall support the bill even though it is amended in the respect the gentleman states. I would prefer, however, that it be not so amended.

Mr. LaGUARDIA. Mr. Chairman, will the gentleman yield further?

Mr. BLACK of Texas. Yes.

Mr. LaGUARDIA. Is not the reply to the inquiry made by the gentleman from Texas [Mr. GARNER], with the exception of one or two points on the Canadian border, Canada does not present any such labor problem as Mexico does.

Mr. BLACK of Texas. That is true. I do not think that we have much immigration from the Dominion of Canada. I do not think that they would object to being included under the same quota provision as their mother country, England.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield further?

Mr. BLACK of Texas. Yes.

Mr. HUDSPETH. I voted for the immigration bill. If it should be shown that most of the immigrants, or a large majority of them, come over here only for seasonal labor and return to Mexico after a stay of two or three months, would the gentleman still be in favor of applying the quota?

Mr. BLACK of Texas. The gentleman is supposing again.

Mr. HUDSPETH. I say if it should be so?

Mr. BLACK of Texas. I decline to be led into a discussion of a supposititious case.

Mr. HUDSPETH. Probably this can be shown. I feel sure it is the case largely in my district.

Mr. BLACK of Texas. I do not think the gentleman can.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BYRNS. Mr. Chairman, I yield three minutes more to the gentleman.

Mr. COOPER of Wisconsin. Mr. Chairman, if the gentleman will yield, I would like to ask him a question.

Mr. BLACK of Texas. I yield.

Mr. COOPER of Wisconsin. I have listened to the questioning of the gentleman by his colleagues from Texas and elsewhere. One of them, I think, was strongly in favor of a tariff on cattle and one of a tariff on hides, but from his questioning I infer that he now wants free trade in labor. [Laughter.]

Mr. BLACK of Texas. I think that is a correct interpretation of the gentleman's attitude.

Mr. HUDSPETH. Mr. Chairman, will the gentleman permit a question there?

Mr. MADDEN. It is a most interesting statement, coming from the gentleman. I think the gentleman should interest himself in watching the psychology of the situation, where in Congress there is a demand for a further restriction of immigration and at the same time a demand for the greatest freedom in immigration.

Mr. HUDSPETH. In answer to the gentleman from Wisconsin I will say that there is a tariff on Mexicans coming in now of $8 a head, and besides there is a "literacy test" applied to all Mexicans coming into the United States, and they must be compelled to come in legally through regular ports of entry.

Mr. GREEN of Florida. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. GREEN of Florida. Regardless of what may apply to Mexico and Canada, I would like my colleagues to remember that it is permitting those West India islands to dump their negroes into Florida, and we are tired of it. Of course, some of their citizens are splendid white people.

Mr. BLACK of Texas. Mr. Chairman, that is all I have to say, except to reiterate that I am a supporter of the Box bill and will go before the House Committee on Immigration and Naturalization and do what I can to get a favorable report on it.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BYRNS. Mr. Chairman, I yield 20 minutes to the gentleman from Georgia [Mr. LANKFORD].

The CHAIRMAN. The gentleman from Georgia is recognized for 20 minutes.

Mr. LANKFORD. Mr. Chairman and gentlemen of the committee, in my time I wish to read from the Washington Post, of recent date, an editorial, as follows:

THE LANKFORD BILL

When the House Committee on Agriculture gets time it may consider the bill which Mr. LANKFORD, of Georgia, introduced early in December, and which has thus far languished in the files of the committee without showing signs of life. The Lankford bill proposes to give into the hands of the Secretary of Agriculture $1,000,000 with which to "experiment in the organization of producers' clubs and consumers' clubs, the sale of food and food products from producers' clubs and others to consumers' clubs and others."

It would go further still and authorize the Secretary to experiment with the "establishment of eating centers, owned and operated by farm organizations or clubs, for the purpose of advertising and extending the sale of farm products and for the purpose of profit." But that is not all. The Lankford bill would give the overworked Secretary of Agriculture the right and power to demonstrate to the public generally the real value of pure food, directly from the farm, "carefully prepared."

The department for several years past has been ready with astronomical formulas for figuring the future price of hogs, and has just issued a leaflet in which the farm boy may learn how to erect a rabbit hutch (Leaflet No. 15–L). The housewife has only to send a postal card to obtain an interesting bulletin which will tell her how to make her aprons and undergarments. The department also tells her how to get her shoes repaired before the heels "turn over." It is possible that, having issued so many aids to life, the thousands of employees over on the Mall and in the rented buildings outside are pining for new worlds to conquer. The opportunity will be presented when Congress adds the million provided in the Lankford bill. With that money an enterprising bureau can lay the foundation for demanding additional millions for the installation and upkeep of eaters' clubs.

Mr. Chairman, my faith in my bill is now doubly confirmed. The hit dog always barks. The Washington Post, the champion of the unnecessary profiteering middlemen, whom I am seeking to eliminate, is expected to howl.

The Government gives fabulous sums to Italy and other foreign nations, donates either directly or indirectly untold millions to railroads, manufacturers, international bankers, and others, and with a lavish hand experiments in almost everything under the sun except the selling of food and food products directly from the producer to the consumer. Of course, I am heart and soul in favor of my bill and shall argue for and urge its passage at every opportunity. I shall endeavor to argue it at length and in details in the next few days.

The Post editor is evidently very much against legislation for the producer and consumer. He thinks the big speculator owns the Nation and the fullness thereof. He objects to bulletins which cost much less than 1 cent each being issued to tell folks how to make a pair of shoes last a little longer, and yet favors laws that helps the manufacturers of shoes and others to rob the owner of that pair of shoes of thousands of dollars by a series of petty larcenies committed almost every day and every time the poor fellow buys any article of food or clothing. The editor sees great loss to the Government in the printing of a few farmers' bulletins which may prove helpful to the farmer, and yet the editor evidently approves as an act of the highest patriotism the stealing of millions and millions of dollars' worth of oil leases from the people of the Nation by Doheny, Sinclair, and Fall, with the aid and connivance of the president and owner of the editor's paper.

My bill seeks to help all who produce and all who eat—and that includes all of us. I would like to see an experiment station in the big cities where people could buy raw and cooked food directly from the farm. We would find just how cheaply the best food in the world can be placed on the hungry consumer's table. The farmer would get much more for his product. The consumer would get much fresher and better food for less money. All would be benefited except the unnecessary profiteer, and he would be justly eliminated. Let us pass this bill and also my bill to create the farmers' finance corporation to assure the farmer a fair average price for basic agricultural products such as cotton and tobacco, and the farm problem will disappear like morning mist before the sun. I have also introduced a bill providing for an extension of the parcel-post system so as to help the farmer deliver his food products directly from the farm to the consumers hundreds and thousands of miles away. There is no need for middlemen in the handling of food from the producer to the consumer. Let us put the fresh products of the farm on the table of the consumer each morning thousands of miles away just like the newspapers are ready for their readers, hundreds and thousands of miles away, every day.

Let us not be discouraged if we fail temporarily. Out of all this effort and fight should come—I hope very soon—a proper solution of the farmers' problems. The apparent failure and "wild Utopian dream" of to-day will be the success of to-morrow. Good comes out of every sincere effort in behalf of the right. Lowell wrote:

Truth forever on the scaffold, wrong forever on the throne.
Yet that scaffold sways the future, and, behind the dim unknown,
Standeth God within the shadow, keeping watch above His own.

Justice rules. Progress never stops. The farmers some day will come into their own. May God speed the hour. [Applause.]

Mr. Chairman, I yield back any time I may not have used.

The CHAIRMAN. The gentleman has consumed 8 minutes and yields back 12 minutes.

Mr. MADDEN. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. CROWTHER].

The CHAIRMAN. The gentleman from New York is recognized for 30 minutes.

Mr. CROWTHER. Mr. Chairman and gentlemen of the committee, all real Americans are proud of the high standard of living conditions enjoyed by the folks who toil on the farms and in the great industrial plants of this country.

Steady employment at good wages means more and better food, better clothing, better homes, more of them owned instead of rented, more opportunity for the children's education and advancement, a savings account for the proverbial "rainy day," and a chance to get acquainted with a few of the world's luxuries rather than to grind out an existence with bare necessities as the only reward for service.

The protective tariff policy, a fundamental of Republican faith, has been instrumental in the betterment of living conditions of our American workmen to a degree that has excited the wonder of the world. Never before in the country's history has there been such a concerted effort to break down this tariff policy. The most insistent demand comes from the international bankers who, having loaned vast sums abroad, are vastly more concerned regarding industrial success in Europe than they are for the welfare of American workmen and their families. Like Shylock, these bankers cry out and demand their pound of flesh; and if in the taking the lifeblood of American industry is drained to the last drop, it will be to them but a mere incident. The attitude of the international bankers has brought great joy to the Democratic camp, and they welcome this new convert to the free trade, alias "tariff for revenue" faith. Mr. Importer, from his retreat furnished gorgeously in orientals, shouts a loud "Amen, brother," and joins lustily in the chorus of the Democratic hymn:

Down with the tariff,
It's nothing but a tax;
If argument is futile,
Then let's take an ax.

[Laughter.]

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield there?

Mr. CROWTHER. Yes.

Mr. BANKHEAD. What has the gentleman to say as to the attitude of some 14 Republicans from the Western States?

Mr. CROWTHER. Well, I do not recognize them as Republicans as I know men of Republican faith and traditions. They are temporarily, at least, off the reservation.

Here we have an example of the much-discussed "companionate marriage," the Democratic Party and the international bankers being the high contracting parties, while the importers give away the bride, and holding themselves in prayerful attitude say, "Bless you my children, bless you."

Many of our key industries are lagging as a result of foreign competition, and on the list we find manufacturers of rugs, glassware and plate glass, pottery, bricks, cement, shingles, monumental stone, fabric gloves, veneers and plywood, calf leather, and cotton and woolen textiles. Of those mentioned, bricks, cement, shingles, and calf leather and monumental stone are on the free list, and no opportunity of relief is offered through the flexible clause of the present tariff act.

In fact, as I wrote to one of my friends who was actively interested in one of these great industries, it did not look to me as being possible for us to have any tariff legislation at this time. Any attempt to revise schedules would unsettle the business of the country; manufacturers would be in a quandary as to production; merchants would adopt the hand-to-mouth policy in buying; and a general depression of business would result. The producers who, unfortunately, are on the free list are in the position of the boy who was afflicted with a violent toothache. He lived 20 miles from a dentist, and all the comfort his friends could give was to say to him, "You will have to grin and bear it." These people will have to grin and bear it until such time as we have opportunity under

the right conditions to revise the tariff. The boy's answer, however, was that "he would bear it, but he'd be darned if he'd grin." The manufacturers whose products are on the free list will probably feel that same way.

The recent discussion in the United States Senate on the McMaster resolution for reduction of tariff duties brought out the fact that the Democratic Members, together with a few so-called Republicans, were anxious to revise the tariff rates but wanted them revised downward.

The fact of the matter is that the Fordney-McCumber bill was written at a period when industrial activity in Europe was paralyzed and foreign currency so depreciated in value that invoice prices meant almost nothing in dollars. During the nearly six years that have elapsed since the passage of the bill, industrial conditions have changed materially and there has been a gradual increase of foreign merchandise to our ports. The tariff bill that its opponents stated would stifle European trade and prevent foreign countries from doing business with the United States has been the greatest revenue producer we have ever had, over $600,000,000 having been paid at the custom-houses in 1926. So that instead of revision downward, the rates on many commodities should be raised, and a great many articles now on the free list should be protected by a reasonable rate of duty.

The knitted outerwear manufacturers have the highest protection under the present wool schedule and yet it is insufficient. In spite of this apparently high tariff on their goods, the import figures supplied by the Government show that in 1926, under present rates, compared with 1922, the last year of the Underwood bill, the imports of wool knitted underwear have increased over 360 per cent; imports of woolen knitted gloves, 200 per cent; imports of silk knitted outerwear, 139 per cent; imports of cotton knitted fabrics increased 1,600 per cent; and imports of cotton knitted gloves increased over 900 per cent.

The United States woolen and cotton knit-glove production for 1921 amounted to $21,308,700 and shrank in 1925 to $8,339,612. The above figures I have taken from your association's National Bulletin of July, 1927.

In four leading department stores in Washington I found that the fabric gloves with embroidery on backs and cuffs all had tags attached to each pair marked "Made in Germany" and "Made in Saxony," and the retail price has been increased to nearly double as compared with the prices in 1921.

During the period from 1922 to 1926 imports of cotton gloves (knitted) increased from $645,365 to $6,534,515, and the fabric-glove industry has been destroyed in this country as a result of insufficient protection.

The advantages of the European producers may be listed as follows: Low labor costs, low material costs, and extra hours of labor which are provided for in many cases by special agreement between industrial associations and the government. In Italy where labor is presumed to account for 50 per cent of production costs, women up to 17 years of age receive a daily wage of lire 9.9, or about 50 cents; women over 17 years, 19 lire, or about 95 cents; males up to 17 years, 13 lire, or about 65 cents; males over 17 years, 34 lire, or about $1.70.

These figures include amounts that were described by your President as living bonuses.

In Switzerland the wages paid to beginners are as follows:

Men, from 16 to 18 cents per hour.
Boys, 15 to 16 years of age, 10 to 12 cents per hour.
Girls, 15 to 16 years of age, 8 to 10 cents per hour.

The 48-hour week prevails here, but special permission can be had to work 52 hours at the regular wage rate. As soon as a manufacturing concern in Switzerland employs six people the State recognizes it as a factory, and it must be registered. This enables their associations to keep informed as to new concerns, and they endeavor to secure them as members, so that they are enrolled up to about 97 per cent.

Germany is back to normal so far as production is concerned, and is probably the strongest contender facing us to-day in the race for industrial supremacy. Skilled male labor receives 16 cents per hour, skilled female laber 10 cents per hour. Rayon prices in Germany run from 70 to 87 cents per pound, according to grade, about two-thirds of American costs. Rayon yarns can be purchased for about one-half of American costs.

WAGES

FRANCE

Males, 11 to 14½ cents per hour.
Females, 10 to 12 cents per hour.
Skilled knitters, 10 per cent higher.

AUSTRIA

Skilled labor, $5.07 per week.
Hand knitters, $3.91 per week.
Juvenile workers, $2.26 per week.

ENGLAND

Average weekly wage, $8.33.
Average skilled males, $13.43.
Average skilled females, $6.92.

UNITED STATES

Unskilled average, $18 to $30.
Skilled knitters receive $30 to $60.

In view of these tremendous differences in production costs, it is plain to be seen that without a tariff rate that is really protective knitted-outerwear industry would be hard pressed, and in parlance of the times "up against it." A reduction in the present rates would no doubt be a severe blow to the industry and result either in a complete cessation of activities or a radical cut in wages that would mean hardship and misery to thousands of their employees.

The present tariff rate is all that lies between them and the utter annihilation of their business.

There evidently is a necessity for higher rates in other manufactures of cotton, as the Tariff Commission lists in their 1926 report the following applications for surveys since 1922:

Nankin ticking, cotton cloth, cotton cloth (fine), cotton shirtings, cotton goods, spreads and quilts, woven labels, fabric gloves, hosiery, and heavy coat lining.

The 1927 report will no doubt show a decided increase in applications for investigation as to foreign production costs. Applications for increased duty are made by the manufacturers and the demand for decrease comes from the importers. If the United States Senate had held to their original agreement with the House of Representatives as to the adoption of American valuation as a basis for assessment of duties, the delays incident to investigation by the Tariff Commission would have been avoided. The bill was prepared by the Ways and Means Committee in the supposition that American valuation would be adopted and rates were adjusted to that plan. This labor on the part of the committee was all wasted and the importers all gave three cheers for the Senate.

The flexible clause was a sop to the supporters of American valuation, and while it has been of some value in several instances, it is a doubtful constitutional procedure to transfer the rate-making power from the Congress to the President, no matter who he may be or of what political faith.

POTTERY

I am informed on reliable authority that if all the pottery kilns were being run at capacity they could only supply 75 per cent of the pottery requirements of the country. To-day they are running at less than 50 per cent capacity and importations of foreign pottery are increasing steadily.

The pottery manufacturers, as well as the manufacturers of other commodities, will be compelled to ask that section 315 (b) be applied to their cases, which permits an ad valorem duty to be based and assessed upon the American selling price. This procedure is an absolute necessity in many cases where the flat raise of 50 per cent of present duty would be of no value.

The fabric-glove industry was developed in this country as a war industry. They were unable to import the fabric gloves during the war, and the use of these knit gloves by the women of the country to take the place of kid gloves became universal during that period. The fabric gloves were made at the behest of the great department stores of this country, who came to the manufacturers and asked them if they could not produce something that would be a commercial success in that line. They did so. Yet when they came here to ask for a protective rate, they were denied, and the result is that the fabric-glove industry has been destroyed in this country. These great department stores are anxious that industrial employees leave a goodly portion of their pay check with them every week, but they are arrayed in battle formation against their employers when they seek tariff rates that will enable them to meet foreign competition.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield there?

Mr. CROWTHER. Certainly.

Mr. GARNER of Texas. Did they not apply to the Tariff Commission for an increase of duty?

Mr. CROWTHER. Yes. That was denied them.

Mr. GARNER of Texas. How do you account for it, under your statement, that they would not give them relief?

Mr. CROWTHER. I can not account for it. This is one instance at least where the flexible clause did not work to the advantage of the American manufacturers. The statement of the President, as I remember it, was that in spite of an ad valorem of 75 per cent there had been a constant falling off in production in this country. That was a statement of fact, but, to my way of thinking, was a logical reason for allowing the increase of 50 per cent provided by the flexible clause rather than an argument for denying it.

I am not so much concerned about foreign production costs. I really do not think we need them and if I could have my way about it I would do away with necessity of ascertaining them. Allow me to present a practical case. If the gentleman from Maine [Mr. HERSEY] is a manufacturer in his State and I am an importer in a neighboring city importing the same kind of goods he manufactures, he is not at all concerned about production costs at the factory in Germany or France. What he is really concerned about is the price at which I can buy that article laid down on the American dock with freight, insurance, and packing paid. That is what interests him and nothing else. I do not think it is necessary for us to go snooping into the offices of business concerns in foreign countries, as we do under our present Tariff Commission act, and endeavor to examine their books and records for the purpose of determining their production costs. I do not think that if any of you gentlemen had a business and agents of the Government from France, Italy, or Germany came to your office Monday morning and said, "We are here to go through your books for the purpose of ascertaining your production costs in this plant," that they would get a very warm reception. They might get a courteous reception, but it would not be overwarm or overenthusiastic, and you would probably get rid of them as quickly as you could, and I do not think you would grant their request.

Here is what Great Britain did when they wrote their safeguarding of industries clause a number of years ago. You will remember that the Englishman is very loath to use the word "protection," but he calls it safeguarding of industry. They wrote that safeguarding of industries act during the war period, and they have added many hundreds of articles to it since, at a 33⅓ per cent duty.

I might add, in passing, that Great Britain is gradually changing as the years go by and the Cobden theory of free trade is becoming gradually dissipated and thrown to the winds. She is becoming very strongly and very materially a country where they believe in the protection, the safeguarding, as they call it, of industry. Here is what they adopted with regard to value:

> Where the rate of a duty of customs imposed by this act on any article is a percentage of the value of the article, that value shall be taken to be the price which an importer would give for the article, if it were delivered, freight and insurance paid, in bond at the port of importation, and duty shall be paid on that value as fixed by the commissioners.

So England long ago determined to have home valuation. I trust we may be able to incorporate such a provision in our next tariff bill in connection with ad valorem duties.

When the House and Senate wrote the Fordney-McCumber bill they in a sense declared their fallibility when they agreed to the flexible clause, because they knew conditions abroad were such that very rapid and important changes were liable to take place in the succeeding months and years. They used their best judgment and it has been helpful in several cases. But here is another thing they did. They declared themselves absolutely infallible as regards the free list. They said, "That is all right; we have made no mistakes there," and so they left to the man whose product was on the free list no avenue of relief. There was no door to which he could go and knock and ask for help. As I wrote to my friend in the cement business, he must grin and bear it until we have an opportunity to treat him fairly by allowing a protective rate on cement.

It seems to me that the omission of a method of benefiting the free list has worked a great injustice to the brick, cement, monumental stone, cedar shingle, and calf-leather industries, all of whom find themselves on the free list.

Mr. ALLGOOD. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. ALLGOOD. Has the gentleman any idea when we will have another revision of the tariff?

Mr. CROWTHER. I will tell the gentleman this: We will have a revision of the tariff in about 1929, after we elect a Republican President and a Republican House and Senate. Then we will have a revision of the tariff.

Mr. ALLGOOD. Have we not a Republican President, a Republican House and Senate now?

Mr. CROWTHER. No. We have a majority in the House; sometimes we have a good majority, but some of them run away from us occasionally and vote with you gentlemen on the Democratic side, and we surely have not a Republican majority in the Senate.

Mr. BLACK of New York. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. BLACK of New York. Does the gentleman consider Herbert Hoover a Republican?

Mr. CROWTHER. Well, I did not intend to bring Mr. Hoover's name into this discussion, but Mr. Hoover has declared his faith in a protective tariff on more than one occasion.

Mr. BLACK of New York. The gentleman is my expert on the Republican side, and I follow him.

Mr. CROWTHER. Well, I want to say to the gentleman that there has been considerable doubt expressed regarding his political faith, but inasmuch as he has occupied a Cabinet position for nearly eight years under two Republican Presidents and has served his country in a tremendously creditable manner, it seems to me that by this time he should be recognized as a Simon Pure.

Mr. BLACK of New York. The gentleman is not infallible on that, is he?

Mr. CROWTHER. Oh, no; and I am approaching presidential nominations with an open mind.

Mr. BANKHEAD. Does the gentleman from New York hope to get rid of these 14 Republican Senators in 1928?

Mr. CROWTHER. Their constituents will have a voice in that matter, and I am not certain that the distinguished Members the gentleman from Alabama refers to will all be candidates in 1928.

Mr. BANKHEAD. The gentleman believes in representative form of government and believes in the will of the majority ruling, as expressed through their elected representatives?

Mr. CROWTHER. Oh, yes; but I hope that during the intervening period between now and election they may give prayerful consideration to the facts and awake to a realization of their duties as Republicans.

Mr. BANKHEAD. And unless the prayer is effective the gentleman wants to stand pat?

Mr. CROWTHER. One or the other. I am a good deal like the Puritans, who said they trusted in God but wanted to keep their powder dry.

Mr. ALLGOOD. Will the gentleman yield?

Mr. CROWTHER. I will be glad to yield.

Mr. ALLGOOD. The gentleman spoke about not getting any revision of the tariff until 1929, or until the country elected a Republican President and a Republican House and Senate; is it not a fact that to-day the Democrats are in favor of a revision of the tariff?

Mr. CROWTHER. Downward.

Mr. ALLGOOD. Very well; but we are in favor of a revision of the tariff.

Mr. CROWTHER. Yes; downward.

Mr. ALLGOOD. So, does not the gentleman think there will be a better chance of getting a revision of the tariff by electing a Democratic President and a Democratic House and Senate rather than to elect a Republican administration?

Mr. CROWTHER. I will say to the gentleman it is not always for the good of the country when the Democrats revise the tariff or when they write a tariff bill; several such instances are on record.

Mr. ALLGOOD. But the gentleman wants the tariff revised.

Mr. CROWTHER. Yes; the way Republicans revise it—for the protection of the industries of the country. You Democrats are now expressing great solicitude for the farmer and declaring that the tariff is of no benefit to him. When you wrote the Underwood bill what did you do for the farmer?

Here is the way you treated the farmers that so many of you people are so earnest in your protestations regarding the welfare of. This list has been printed before, but it can not be printed too often. I have here the deadly parallel columns, and they show what trifling consideration you had for the farmers when you wrote a tariff bill. Here is a list of the products:

The tariff levy under the Underwood and Fordney Acts

Product	Underwood free trade, 1913	Fordney protective act, 1922
Beef and fresh veal	Free	3 cents per pound.
Cattle weighing less than 1,050 pounds each.	do	1½ cents per pound.
Cattle weighing over 1,050 pounds each.	do	2 cents per pound.
Lamb and mutton	do	Lamb, 4 cents per pound; mutton, 2½ cents per pound.

The tariff levy under the Underwood and Fordney Acts—Continued

Product	Underwood free trade, 1913	Fordney protective act, 1922
Bacon and ham, fresh, prepared, or preserved.	Free	2 cents per pound.
Meats	do	20 per cent.
Cream	do	20 cents per gallon.
Milk	do	2½ cents per gallon.
Eggs	do	8 cents per dozen.
Horses and mules	10 per cent	$30 per head.
Barley	15 cents per bushel	20 cents per bushel.
Buckwheat	Free	10 cents per hundredweight
Corn	do	15 cents per bushel.
Oats	6 cents per bushel	Do.
Rye	Free	Do.
Wheat	do	42 cents per bushel.
Apples	10 cents per bushel	25 cents per bushel.
Cherries	do	$1 per bushel.
Cider	2 cents per gallon	5 cents per gallon.
Peaches and pears	10 cents per bushel	25 cents per bushel.
Butter	2½ cents per pound	12 cents per pound.
Beans, green	25 cents per bushel	30 cents per bushel.
Beans, dried	do	$1.05 per bushel.
Peas, dried or green	10 cents per bushel	60 cents per bushel.
Onions	20 cents per bushel	57 cents per bushel.
Potatoes	Free	30 cents per bushel.
Hay	$2 per ton	$4 per ton.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. MADDEN. Mr. Chairman, I yield 15 minutes more to the gentleman from New York.

Mr. ALLGOOD. Will the gentleman again yield?

Mr. CROWTHER. Yes.

Mr. ALLGOOD. The gentleman is now bringing an accusation against his own party because they will not revise the tariff, and I do not see how the gentleman can hold out any hope of any revision of the tariff through Republican rule in this country.

Mr. CROWTHER. No; I do not bring any accusation against my party. I am bringing an accusation against the gentleman's party when it wrote the Underwood tariff bill. You failed to do the very thing you are now asking us and hounding us to do, when you had the opportunity.

You had a chance to do something for the farmer, but you did not give him any consideration. Your leader at that time brought in a bill and said, "Here is a bill without an ounce of protection." That statement was afterwards modified by some of the Members, who said that when they wrote such a bill it could not help but result in "incidental" protection.

Mr. BLACK of New York. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. BLACK of New York. But the farmers were not going broke during the Democratic régime.

Mr. CROWTHER. During the Democratic régime nobody was broke in this country. [Applause on the Democratic side.] A bloody World War raised a tariff barrier higher than Republicans would have constructed, for it was a virtual embargo. We were raising billions in Liberty loans, while the manhood of European nations were being taken away from their firesides in order that they might fight and protect their homes and protect their government. Then our boys marched away to end the conflict. We were supplying the world, as well as our own people and our Army with foodstuffs and necessities of every character. That was an artificial condition that had no bearing at all on the tariff situation. Nobody knows what would have happened to the country under the Underwood-Simmons bill if it had not been for the war. The war was your very salvation.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. STRONG of Kansas. But after the war was over and when the ill effects of the Underwood tariff law commenced to have an effect, immediately all agricultural prices went down because of the importation of agricultural products; and then the farmers did begin to go broke.

Mr. CROWTHER. Exactly.

Mr. STRONG of Kansas. We passed an emergency tariff law and put a tariff on everything they raised.

Mr. CROWTHER. Let me say there is really no need of getting unusually excited about the tariff discussion, because, gentlemen, it does not make any difference what political party is in power we are going to have a tariff bill just the same. [Applause.] The bills may vary somewhat as regards the rates and as regards the various commodities on the free list, but we are going to have a tariff bill.

You have tried your hand at writing one or two, and I think you have learned something, probably; and the change of heart which is exhibited here to-day shows that if you wrote a new one you would have considerably more consideration for the farmer than you had when you wrote the Underwood bill.

As I have said, there is no need of getting excited about it; but what has concerned me very considerably is this: When the committee of Democratic members of the Ways and Means Committee go into executive session to write a tariff bill I feel like asking them this question: "You are about to enter upon a project to which you are unalterably opposed, which your great leaders have declared unconstitutional. Do you still believe this?"

Within the last few years one of them withdrew that statement. Your great President Wilson withdrew, I believe, the statement that it was unconstitutional. Now that you are going to write a tariff bill, let me ask you this question: "You are unalterably opposed to the project; you really believe—some of you, at least—that it is unconstitutional and ought not to be done; now, tell me how you write your duties, by what process of analysis or deduction do you come to conclusions that allow you to write the rates into your tariff bill?" Do not tell me you do it to produce revenue, because no six of your men on this side agree as to how much revenue ought to be produced; and I shall ask if a duty on rice and goat hair is for revenue purposes. I have heard it stated here that $300,000,000 seems to be the peak limit, and then I heard another Democrat get up and deny that, and say that he had never made such a statement. I think it was the gentleman from Texas [Mr. BLACK], who now sits before me. So I ask, "Upon what basis do you draw these deductions?"

Mr. MADDEN. What was the peak of $300,000,000?

Mr. CROWTHER. Many prominent Democrats have thought that was about as much as we ought to take in as a matter of revenue at the customhouses.

Mr. MADDEN. That is more than we ever took in under any of their tariff proposals, but we have been taking in over $600,000,000 since then.

Mr. CROWTHER. Absolutely; and if you believe in a tariff for revenue you Democrats ought to get up and shout three times a day for the Fordney-McCumber bill, because it has been the greatest revenue producer the country has ever known; that is, if you are honest in your contention and belief in a tariff bill for revenue.

Mr. OLDFIELD. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. OLDFIELD. The gentleman has been asking the question as to how Democrats write tariff bills. Would the gentleman kindly explain to the House how Republicans write them?

Mr. CROWTHER. If the gentleman will answer my question, I will answer his.

Mr. OLDFIELD. Do not these great corporations write the schedules themselves?

Mr. CROWTHER. No; the gentleman and I had that argument on the floor before. He then promised that he would put the proof in the RECORD, and I said I hoped the gentleman would not forget to place the proof in the RECORD, and he said he would not, but he never has put it in. His memory is so poor that we have never seen them.

Mr. OLDFIELD. Did not the steel lobyists write the steel schedule, did not the woolen people come here and write the woolen schedule, did not the cotton people come here and write the cotton schedule? I say they did.

Mr. CROWTHER. That statement is an insult to the Members of the Ways and Means Committee. That statement is not a statement of fact. The gentleman from Arkansas has no right to belittle the manhood of a committee of this House like the Ways and Means Committee by any such charge as that. I say that for the benefit of the Democratic Members as well as the Republicans. It may be that a charge of that kind would meet approbation in the gentleman's territory, but not here.

Mr. OLDFIELD. Everybody knows that people who want a tariff on goods come here and write the schedules.

Mr. CROWTHER. Oh, no; the gentleman offered to produce proof of that and put it in the RECORD, but he has never done it.

Such statements are utter nonsense; when you Democrats write a tariff bill you write it, and when the Republicans write a tariff bill they write it. You can not fool the people with such bunk as that. You may get away with that kind of a speech in Arkansas, but it will not meet with a very warm reception in any other State in the Union.

CALF LEATHER

Now, we have the calf-leather industry, and 40,000,000 pounds of kip and calf leather came in last year. The calf-leather tanners do not know how much longer they can hold out. This product is on the free list.

Mr. GREENWOOD. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. GREENWOOD. The gentleman from New York thinks the tariff needs revision?

Mr. CROWTHER. I do.

Mr. GREENWOOD. Are we going to revise it at this session?

Mr. CROWTHER. No; the President has expressed himself on several occasions as opposed to revision at this time.

Mr. GREENWOOD. Can not the Congress do something even if the President is against it?

Mr. CROWTHER. I want to say it would be extremely unwise to touch the tariff at this session, because it would take six or seven months to do it. You can go into the smoking room and revise the tariff in 10 minutes, you can revise it conversationally walking from here to the House Office Building; but it takes the Committee on Ways and Means, the Finance Committee of the Senate, and Congress six or seven months of hard work after complete hearings and the help of the Tariff Commission to draft a tariff bill.

Mr. GREENWOOD. There are certain glaring rates there out of tune with the present situation confessedly. The gentleman mentions competition. If you can keep out that foreign competition by raising the rates and improving the situation in America, why do not you do it?

Mr. CROWTHER. We can not do it now.

Mr. GREENWOOD. Take that one schedule. Why not offer an amendment to the present law?

Mr. CROWTHER. Because under the rules of the House that opens up the whole bill.

Mr. GREENWOOD. Then let us open it up.

Mr. CROWTHER. You can not do it. It can not be done under the present circumstances. You gentlemen have good political sense. It is your political sense that keeps you prodding us continually on this subject.

Mr. GREENWOOD. If it is a good thing for America, if it needs to be raised, raise it, and if the rates need to be lowered, lower them; but let us not close the door, in view of the gentleman's argument that the rates need adjustment.

Mr. CROWTHER. If the gentleman was in the same position at this time, he would not open the tariff bill. It is a great advantage to be in the minority because you can be like blazes for something that you do not really want. [Laughter.]

Mr. GREENWOOD. I say that if I had anything to do with it I would open it up, and if it needs raising I would raise the duty.

Mr. CROWTHER. That is good Republican doctrine, and I hope the gentleman from Indiana will help us when the opportunity presents itself.

Here is another industry, the cement industry, that got somehow or other on the free list in 1922. A man 40 miles from me who has $4,000,000 invested in a plant said to me the other day that he is faced with a shutdown for the first time in 19 years. Why? Because cement is coming into America at such a tremendously low rate from Belgium, France, and England that he can not meet the competition. They have what they call chalk beds over there in those countries, where they just put those gigantic steam shovels in and take it out of the side of the hill and put it into barrels. If you want to go into the cement business in the United States, the first most necessary possession is a limestone quarry with an inexhaustible supply.

You have to grind that limestone with tremendously expensive crushing machinery, and by the time you get that limestone down to the same consistency as these people take it out with the steam shovel, which costs 5 cents a barrel in that country, you have been put to an expense of 29.4 cents a barrel in the United States. They are bringing the cement over to the southeastern ports of the country at a freight rate of 10 cents a barrel. The rate from Glens Falls, N. Y., to New England is 54 cents a barrel. The cement producers are on the free list, and they have no avenue of escape.

In five years more than 9,000,000 barrels of foreign cement have been brought into this country duty free. Briefly, the direct losses to American prosperity can be accounted for as follows:

Domestic labor lost in wages	$8,876,387
American railroads lost in business amounting to	6,336,623
Coal mines lost sales totaling	1,741,387
Textile mills and cotton growers lost business amounting to	528,326
Machine shops and foundries lost sales amounting to	3,465,000
Domestic cement industry lost sales amounting to	16,132,152

These represent only the major and direct losses. What these importations cost the country as a whole in stagnated business due to depleted buying power and loss of confidence on the part of investors can only be conjectured.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. GARNER of Texas. If I understand the gentleman's position with reference to the protective tariff, it is that he would produce everything in this country that we could produce and would not import anything that can be produced in this country?

Mr. CROWTHER. I should favor such a proposal.

Mr. TREADWAY. And would not the gentleman prefer that to not having any of our industries employed in this country, everything being brought in under a Democratic administration, at such rates as would paralyze industry?

Mr. CROWTHER. Yes. I think I can agree to both of those conclusions without any inconsistency. Mr. Chairman, there is another idea that I try to express to the people among whom I live and everywhere I go. We talk considerably in this country about patriotism and about the making of patriotic speeches and the waving of the flag. I think the most loyal and patriotic thing that Mr. and Mrs. American Citizen can do is when they need either a luxury or a necessity in their home to see to it that they buy something with a label on it "Made in the United States of America," where a decent pay envelope is handed out on Saturday night for an honest week's work. [Applause on the Republican side.]

I want to read something now that explains my sentiment and the issue very clearly. This was written by Thomas Jefferson. Some very wonderful Democrats have written observations in favor of the policy of protection and this is only a little different, but it happens that it expresses my sentiment in this respect:

> The prohibiting duties we lay on all articles of foreign manufacture, which prudence requires us to establish at home, with the patriotic determination of every good citizen to use no foreign article which can be made within ourselves, without regard to difference in price, secures us against a relapse into foreign dependency.

That is pretty good Republican doctrine, written by a great Democrat; and it is pretty sound, patriotic American doctrine.

Next we have the cedar-shingle industry that you have heard so much about. They are also on the free list, and I understand there have been 5,000 of their shingles sent here. I do not know whether they are to spank the Republicans or the Democrats. Anyway, they are here.

Mr. OLDFIELD. I think they are to spank the Republican members of the Committee on Ways and Means.

Mr. TREADWAY. And they came two in a bunch.

Mr. CROWTHER. Yes; to spank both. But there has been such dereliction on the part of the Democratic Members on several occasions that it warrants more than one spanking.

Mr. OLDFIELD. But the gentleman will admit that the Democrats have been voting in the committee to open up the tariff bill and the Republicans have not.

Mr. GARRETT of Tennessee. And looking at the size of some of the Republicans on the Committee on Ways and Means it occurs to me that it will probably require more than one shingle to spank them.

Mr. CROWTHER. And if the punishment was made to fit the crime, two shingles would not be too many when properly applied to the Democrats.

Bricks are also on the free list. Common brick imports have increased from 2,600,000 in 1923 to 114,345,000 in 1926. They come in largely from Belgium, and are shipped as ballast, with no freight charge, only a loading and unloading charge. Let me say that great as is the necessity, in many cases I believe it would be political and industrial suicide to attempt to revise the tariff at this time. You would upset the whole business of the country and industry would not know "where it was at."

Mr. GARNER of Texas. It is, then, for political reasons?

Mr. CROWTHER. No; not wholly for political reasons. It would disrupt business, and nobody can predict what the consequences would be.

Mr. GARNER of Texas. If you were to undertake to revise the tariff at this Congress, you would not be able to get the bill you want.

Mr. CROWTHER. You could not secure its passage in the other body, but I think we could do business with you liberal, open-minded Democrats and get the bill through the House. [Laughter and applause.] You were speaking of the things that require spanking. I want to quote here from the Poindexter plan of farm relief. It goes on to say:

> As a noted Senator once said, referring to a distinguished Congressman from Texas in the discussion of the wool schedule of the tariff

bill, "that the distinguished Congressman, although he was a Democrat and supposed to be against the tariff, has taken pains to secure in the Underwood-Simmons tariff bill thorough protection for his Angora goats, while he left the Rocky Mountain ram to face the wintry blasts of a Wyoming winter without protection."

[Laughter.]

Now you see there is use occasionally for the shingle, and it is not always on one side of the House. [Laughter.]

I call your attention to a page from the magazine called "The Farmer," that came to me. I am going to ask permission to extend my remarks by inserting this article and some important letters that I have received from time to time.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks, including the articles referred to. Is there objection?

There was no objection.

Mr. CROWTHER. He says in this article—

We do not produce our surplus. We import it.

If you will read it, you will find a great deal of substance and truth in the article. It says:

It has been taken for granted ever since the price smash of 1921 that American farmers were producing the surplus which has depressed their markets. They have been exhorted from all quarters to whoa up production—by college professors and Congressmen, by newspaper writers, bankers, market experts, and wagonloads of miscellaneous statisticians.

In ignoring this advice farmers have again proved their sound judgment. For the surplus which has plagued them since the war, which pesters them now, and which will continue to make trouble until it is taken firmly in hand, does not come chiefly from American farms.

Most of the fraction too much of soil stuffs which overloads our markets and lowers prices is brought into American markets from all the far corners of the earth.

A few men have seen this all along. One of them is Secretary of Commerce Herbert Hoover, who has summed up the matter in the statement that we are importing farm products which we could produce ourselves to the tune of $1,000,000,000 a year. Certain things, like coffee, rubber, and probably to some extent sugar, we can not produce and must continue to buy abroad. But these are the smallest part of our huge import total.

Let's open our minds to the full meaning of this situation. What it signifies is that in just the last few years 2,000,000 American farm folks have been thrown out of their homes, forced off the land into the towns and cities to make a market here in this country for peanut oil and low-grade eggs from China, for cocoanut oil from the Philippines, cattle hides from Argentina, cheese from Italy and Switzerland, wool from Australia, silk from Japan, and flax, fruit, vegetables, rice, nuts, and many other products from up and down the wide earth.

It isn't only that we have imported $1,000,000,000 worth of such things which have taken the place of products from our own farms, but the competition of these imports in our home markets has lowered the price there of every farm product from alfalfa to oranges. It has forced us to export heavily to foreign markets, which has cheapened our entire farm output.

Doubtless the total loss thus inflicted on American farmers would have kept the families on the land that have been squeezed off, besides adding to the prosperity of those who have survived this competition.

We import, for instance, hundreds of millions of pounds of vegetable oils every year. Add our big cheese imports to the portion of these oils that is made into butter substitutes and it means the displacement of about 800,000 cows that might be making a home market for alfalfa, corn, and other feeds.

Say that this dairy opportunity was saved to American farmers. Say also that they were given a part of the sugar-beet market, now narrowed by our annual import of 8,000,000 pounds of sugar, along with a home demand for the wool clip of 26,000,000 sheep and the egg yield of several million hens, both of which products we now buy abroad yearly in those amounts. Given these added outlets, farmers in single-crop regions, as in the Wheat Belt, could balance up their business pretty profitably.

Here is a chance for the politicians who have been preaching farm diversification to bring it about. Let Congress shut out the foreign competition that prevents farmers from raising more of a great many products.

Vegetable-oil imports replace hog fat as well as butter, cheapening hogs and forcing us to find lower-priced foreign markets for much pork production.

Tomato growers are feeling the pinch of annual imports from Italy of over 80,000,000 pounds of canned tomatoes—one-sixth as much as our total home output—along with 18,000,000 pounds of Italian tomato paste. And other vegetables are also being imported in large and growing quantities.

If space allowed, the list might be greatly extended. It all points a simple way to bring in some real farm relief—provide a tariff that will shut out these unnecessary imports, or at least lift the price of them high enough to give American farmers a competitive chance.

Let us open our minds to the full meaning of the situation. I read:

Fully 50 per cent of the cedar mills now remaining in business are in reality bankrupt and are only continuing because creditors refuse to accept them in payment of debts or are struggling on in the hope Congress will soon right the wrongs done to American labor, business, and industry.

REVENUE LOSSES

By reason of the free and unrestricted importation of shingles and cedar lumber the United States Government is annually losing more than $2,000,000, which of a right should be collected as a fair import tax as a consideration for the marked privileges British Columbia manufacturers enjoy in American markets, as well as to equalize production conditions between British Columbia and the United States.

Canadian manufacturers have just as free access to American markets as do Americans, but they pay no American taxes and in no way share our governmental expenses, and are therefore even more privileged in our own American markets than are American manufacturers. It is only fair that foreign manufacturers who enjoy American markets should bear a fair share of governmental expenses incident to the maintenance of such markets.

AMERICAN COMMERCE LOSSES

It would have been easy for the Tariff Commission to have ascertained the approximate losses to American labor and business resulting from the free importation of shingles and cedar lumber to the United States and the forcing of American labor into direct and unrestricted competition with orientals. The commission could have found that the annual importation of shingles and cedar lumber amounted to more than $12,000,000. It could have shown American labor lost the wages paid for the production of such finished products, and that American business lost the increased commerce incident to so large an increased pay roll. Annual labor idleness should rightly have received due notice in the report.

It is conservative to estimate that American labor is annually deprived of the right to earn an additional $10,000,000 in wages and that American business is annually curtailed more than $50,000,000 because of the free and unrestricted importation of shingles and cedar lumber to American markets, in addition to the deprivations and hardships imposed by idleness and unemployment of labor.

The commission should have pointed out that the existing tariff law affords actual and positive protection to oriental labor in British Columbia and to a foreign industry, because it operates directly to force manufacture in a foreign country, to the detriment of American labor, industry, and business.

Here is a letter that I have received:

(Tariff committee: N. C. Jamison, Jamison Lumber & Shingle Co.; W. C. McMaster, John McMaster Shingle Co.; W. C. Schultheis, Seattle Cedar Lumber Co.; George Bergstrom, C. B. Lumber & Shingle Co.; E. C. Miller, E. C. Miller Cedar Lumber Co.; W. A. Morrow, East Hoquiam Shingle Co.; J. Schwarz, Crescent Shingle Co.; N. Jerns, Jerns Shingle Co.; D. H. Lowery, Whatcom Falls Mill Co.; E. J. Sealey, Fred A. England Lumber Co.; D. H. Carpenter, W. I. Carpenter Lumber Co.; Hugh Schafer, Schafer Bros.; A. C. Edwards, committee chairman, Edwards Shingle Co.)

UNITED STATES CEDAR INDUSTRY,
Everett, Wash., January 3, 1928.

Hon. FRANK CROWTHER,
Member of Congress, Washington, D. C.

MY DEAR CONGRESSMAN: Our present tariff act charges an import tax on logs when imported to American mills for manufacture by American workmen, grants free and unlimited exportation of American logs to foreign countries, and admits free and unrestricted importation of shingles and cedar lumber to all United States markets.

Canada charges an export tax on logs, rigidly restricts log exportations, and at times completely prohibits shipment of Canadian logs to American mills. Canadian sales and import taxes practically bar all American shingles and cedar lumber from Canadian markets.

Such laws afford actual United States tariff protection to British Columbia shingles and cedar-lumber production; they give the oriental labor of Canada a legislative preference over American cedar workers; they operate to afford a practical subsidy to British Columbia production of shingles and cedar lumber; and just as effectually penalize American labor and industry for attempting to produce cedar products on American soil.

This congressional act has already exterminated more than 50 per cent of the productive capacity of the American red-cedar shingle industry. Fully 50 per cent of all remaining American cedar mills are practically bankrupt and certain of early failure unless relief is promptly granted by Congress from these congressionally discriminatory conditions.

These extreme conditions are forced on the American cedar industry and American labor through an act of Congress. They are unjust, unfair, un-American, and contrary to the pledges and promises of all political parties; they constitute an indisputable wrong of Congress against American labor and industry and of a right should be speedily corrected.

We are inclosing an industry statement showing our distressed condition. We are begging for correction of this congressional wrong, so that our industry may not be further exterminated nor our labor more completely pauperized, and that American business may not be needlessly stagnated. Being Americans we are at least entitled to an equal chance in the production of American products for American consumption. That is all we ask.

Yours very truly,

A. C. EDWARDS,
Tariff Committee Chairman.

Mr. GARNER of Texas. Will the gentleman yield right there?

Mr. CROWTHER. Yes.

Mr. GARNER of Texas. Are you going to say in the coming campaign that the McCumber-Fordney tariff bill failed to give you adequate protection?

Mr. CROWTHER. No. But I say that if the rates had been as high as they should have been we would have had no trouble. But our party and the committee did the very best they could under the circumstances, and we have had an unusually long period of real prosperity.

Mr. GARNER of Texas. It was the fault of your committee?

Mr. CROWTHER. Oh, no. If the gentleman from Texas had come into the committee and looked at some of the rates that were suggested, and that would have been truly protective, he would have laughed at them, and said that they were absurd. Many industries are suffering because they were put on the free list, and others are suffering because of the return of great industrial progress abroad. Let me read this to you before the gentleman from Alabama interrupts me:

SAYING IT WITHOUT FLOWERS

Our former ambassador to Germany during the Wilson administration, James W. Gerard, speaking as a citizen at large, uses strong words in reference to the attitude of Europe toward the United States. He says:

"The only way the United States of America can defeat the hatred of European nations toward us is to maintain the strongest fleet, Army, and air force in the world."

These are the words of a man who earned the confidence of the country in most trying times. In a public address last week he said, "Europe is boiling," and that knowing us to be economically rich, and resenting our immigration restrictions, as well as our protective tariff, "they hate us," as shown by the proposal in the league council to act against commercial supremacy—a "direct slap" at the United States.

Speaking as a Democrat, Mr. Gerard says:

"Germany is now ready for producing goods on a scale greater than any other foreign nation. A high tariff is the only protection the United States has to offer, for, if it is lowered, the high-wage American worker will meet the direct competition of the low-waged German. As a Democrat, I think it impossible to change the present tariff."

There is some degree of inconsistency in the attitude of many of the Democratic brethren who are strong advocates of restrictive immigration but are quite willing to let the goods manufactured by these peoples come in free of duty.

[Cries of "No! no!" on the Democratic side.]

Oh, well, if not free, you want a very low rate of duty on them, do you not?

Mr. GREENWOOD. We want to adjust some of these duties which we think are not right.

Mr. CROWTHER. No; the first thing the gentleman from Arkansas [Mr. OLDFIELD] would do would be to take off the duty on aluminum. You would not have heard so much about aluminum had not the Secretary of the Treasury happened to be interested in it. It would not have been mentioned otherwise, and it is only mentioned to show personal animus. The fact is that the American housewife can buy aluminum utensils at a remarkably low price, and aluminum ware is rapidly displacing tinware in the household.

Mr. BANKHEAD. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. BANKHEAD. I ask this question in absolute good faith: What consideration does the gentleman think these western agricultural States are entitled to on this question of the necessity for a revision of the tariff, as expressed by the votes of their representatives in the Senate of the United States, when they voted deliberately for a resolution at this session of Congress saying that agriculture is prostrate in their section of the country, and they believe one of the reasons for the depression is on account of the unfair proportion of tariff rates? They passed a resolution and 14 Republican Senators, at least nominally, voted for that resolution. Does not the gentleman think as a Republican that those farmers in that great expanse of country are honestly represented through the expression of their Senators when they say they need some reduction in the tariff?

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. MADDEN. Mr. Chairman, I yield the gentleman four additional minutes.

Mr. CROWTHER. I will say to the gentleman from Alabama that I feel toward the parties the gentleman refers to as many members of the Democratic Party felt toward Grover Cleveland at one time, and as many of them felt toward William Jennings Bryan a few years later. That is my answer to that question.

Mr. BANKHEAD. I do not know whether that is fair or not.

Mr. CROWTHER. I think it is perfectly fair.

Mr. BANKHEAD. I know it is in contravention of the rules to say anything about the vote of a Senator, but Senator CAPPER, Senator BORAH, Senator NORRIS, and some others—who have certainly heretofore had the brand of Republicanism upon them—voted for that resolution.

Mr. CROWTHER. I agree with the gentleman from Alabama that it is probably an infraction of the rules to discuss the votes of Senators. I am of the opinion, however, that the distinguished Members at the other end of the Capitol are certainly well enough acquainted with the constitutional prerogatives of this House to know that no such legislation as that had the right to be initiated in that body.

Mr. BANKHEAD. And they recognized that constitutional prerogative.

Mr. CROWTHER. No; they did not recognize it. They failed to recognize it; but that, no doubt, meets with the approval of the gentleman from Alabama, and meets with the probation of most Members on his side, because anything that looks like a disturbing factor among Republicans meets with your earnest approval. [Applause.]

Mr. ALLGOOD. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. ALLGOOD. Are we to infer from the gentleman's remarks that he believes the economic conditions throughout the country are not good?

Mr. CROWTHER. Well, they are not as good as they might be.

Mr. ALLGOOD. Then there is not general prosperity under Republican administration.

Mr. CROWTHER. Oh, I think the country is generally prosperous, but there are very many spots that are bad; but let me say to the gentleman that in the spots where conditions are bad and where industry is lagging, it is because they have not sufficient tariff protection and due to the keen competition with foreign-made goods. That is the reason we have these conditions—too many foreign goods on our store counters—and the tariff should not be revised downward; but it should be revised upward in order to keep these goods out of the country. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. BYRNS. Mr. Chairman, I yield to the gentleman from Indiana [Mr. CANFIELD] such time as he desires.

Mr. CANFIELD. Mr. Chairman, ladies and gentlemen, I am going to take just a few minutes of your time to discuss a question that I feel is not only of great importance to the farmers of the country but to the average business man and laboring man as well. The question I refer to is farm legislation, and, ladies and gentlemen, it should be given consideration by this body without delay. We should face it squarely and cease trying to prolong or dodge it, as it seems to me this body is trying to do.

Every Member of this House knows the farmers are not getting a square deal, and why a deaf ear should be turned to their demands for right and justice I personally can not understand. This body should not only be anxious to pass farm legislation in the interest of our farmers but in the interest of all business and labor, for while our farmers are held down as they are now, and have been for several years, their purchasing power is gone, and this hurts both business and labor.

We have in this country 35,000,000 of our population feeding the other 80,000,000. Thirty-five million held down merely be-

cause the question of devising and applying the proper remedy has not been taken care of by those that have the power to act. The buying power of 35,000,000 people practically cut off because the farmers are not given the consideration they so justly deserve.

The farmers have been assured for several years by both the Democrats and Republicans that they would be given consideration; and if there was ever a promise made to any group of men that should be fulfilled, it is the one that has been made to the farmers of the country.

We are told by those that oppose farm legislation that farm depression can not be helped by passing a law that will help take care of the surplus. To this my answer is: Big business is able to make their business profitable by controlling production and surplus, and our farmers can likewise be put in position to make a profit if they can control production and surplus, *but without* the aid of the Government they as a body are not able to organize in a way that this can be carried out, and what we as Members of Congress must do during this session of Congress is to pass a law that will enable them to control production and surplus as big business, through organization, is doing, and then the men that till the soil, working as they do, many of them 16 to 18 hours a day, can and will be able to get a fair return on the money they have invested and for the efforts they put forth. [Applause.]

True, I know there are Members in this body who are trying to sidetrack this question by saying, "Why pass a surplus control bill when the President will not sign it?" My answer to this is we as Members are answerable only for ourselves. It is our duty to do everything we can to see that farm legislation that will be helpful to the farmers is considered and passed without delay, and if the President in his wisdom feels it is his duty to veto such a measure and deprive the farmers of what is justly do them, that is up to him and not up to us as Members of Congress; and gentlemen of the House, I do hope that we can depend on the Members on the Republican side that are interested in helpful farm legislation to vote with those of us on the Democratic side of the House, as you did last year, so that farm legislation that will really help the farmer can be passed; and if the President wants to veto this measure, let him veto it; and if this is done, let us hope there are enough Members in this body that have studied this question and understand it that will vote to pass the measure over his veto so that our farmers can get the consideration they so justly deserve.

I know we have some Members in this body that feel that our farmers can only be given consideration by reducing the tariff, and, I am sorry to say, we have a few back in the district I have the honor to represent that feel that way—men who have given little or no study to the question and do not know what this great question is all about. Gentlemen, I would welcome the opportunity to vote for a reduction on tariff rates that are too high, and I know if we could reduce some tariff rates it would help our farmers, but I also realize that we have as much chance to reduce tariff rates during this session of Congress as we have to build a fence around the moon, so why not get together and pass farm legislation that can and will help the farmers of the country?

We have others that say the only way to help the farmers is to reduce freight rates on agricultural products. Freight rates should be reduced, but we all know there is no chance at the present time to have them reduced.

By investigation we find that the farmers in Canada have much lower freight rates than the farmers in our own country. Wheat growers in sparsely settled Canada have an advantage of from 8 to 10 cents a bushel over our own farmers. We know this should not be; we know that freight rates on agricultural products should be reduced, but we also know that under an administration that is owned and controlled by the moneyed interests there is no chance on earth to get a reduction on freight rates. So why let the impossible prevent us from doing what we can do by getting together and passing helpful farm legislation?

Laws have been passed that are helpful to the big interests of America. Laws have been passed that are helpful to the laborers of America; and why is it, ladies and gentlemen of this great body, that when it comes to our farmers nothing has been done for them?

It is only natural that those that are especially aided by laws enacted in their favor will forge to the front and those that are not able to get legislation that will be helpful to them will have to drop back.

At the present time we have our high protective laws, which allow the big interests to receive higher than fair prices for their products. Labor has been able to have restricted immigration laws passed—and I feel it is right that they should—which has enabled labor to ask higher prices than labor receives in any other country on the globe; but our poor farmers, who a few years ago were asked to produce all they possibly could, are to-day producing a surplus which must be sold; and the trouble is that the surplus must be sold on the world market; and the price the surplus brings determines the price of everything he has to sell.

Therefore some way must be devised to control the surplus produced so that the surplus will not set the price on the entire crop produced as it is doing at the present time.

In the President's message to the Seventieth Congress he made specific recommendation on agricultural legislation. You will remember the President recommended a Federal board and a revolving loan fund at a moderate rate of interest for the necessary financing. As I have said before on this floor, the farmers do not want to borrow any more money; what they want is a price for what they produce, so they can pay off what they already have borrowed. They want to get a price for what they have to sell, so they can pay off their mortgages and keep their homes, that many of them have worked a lifetime to be able to call their own, only to come to a time when they will have to give up everything they have if something is not done to relieve the present depressed agricultural condition.

The majority of the farm organizations of the country are united on what should be done to stabilize agriculture and have agreed that it can be done only by passing legislation that will control the surplus.

On November 27 and 28, 1927, a large number of the leading farm and cooperative marketing organizations met here in Washington to consider the legislation to be recommended at this session of Congress, and at this meeting they authorized the following statement:

A conference representing farm organizations and cooperative associations of the country has been held to consider the farm legislative situation prior to the opening of the session of Congress.

Throughout the meeting there has been complete accord among the farm groups on the principles of legislation for which they will contend. As in the past, they will ask for national legislation to enable farm cooperative organizations to control and manage crop surpluses in the best interests of the producers. The need for such legislation is generally admitted, and the position of these farm groups is definite. There has been no change in the position of the farm organizations represented in respect to the principles of legislation rendered. They want no Government price fixing or Government subsidies, direct or indirect. On the contrary, they insist that such legislation, to be effective, must require each marketed unit of a commodity to pay its share of the costs of its own stabilization and protection.

The group conferred with Senator MCNARY on Monday. It was especially emphasized in the meeting with the Senator that subsidy of any sort is not desirable in farm legislation, but that the principle of spreading the overhead cost of centralized surplus-control operations over all the commodity benefited is the best and soundest method yet proposed.

On November 14, 1927, the Corn Belt federations of farm organizations of the entire farm belt met at Des Moines, Iowa, and passed the following resolutions:

Meeting on the eve of the convening of the Seventieth Congress, the Corn Belt committee, speaking for more than a million and a half organized farmers, hereby renews its demand for the passage of the McNary-Haugen bill, and serves notice that it will accept no compromise which weakens or destroys any of the fundamental provisions of this bill.

Especially will we reject with scorn any measure which does not contain the equalization fee in untrammeled form, and this because this provision constitutes the very heart of the surplus-control problem and must become the basis of any agricultural policy which in the years to come will assure the producers of wheat, cotton, pork, tobacco, rice, and other surplus farm commodities of a dollar of 100 cents purchasing power.

The tragic toll of the existing agricultural situation finds proof in the fact that since the close of the World War the farm debt of the United States has increased from four and one-half billion dollars to twelve and one-half billion dollars and in a shrinkage of farm values of all kinds in the appalling sum of $20,000,000,000.

It is found in the further fact that while still constituting more than 25 per cent of the Nation's population, the 30,000,000 people of the farms are receiving less than 10 per cent of the national income.

With a condition so deep seated and menacing there can be no honorable compromise.

We are merely asking that the farm dollar shall equal in purchasing power the dollar of those who fix the farmers' cost of production, and less than this means peasantry.

We repeat, therefore, that we will scornfully reject any proposal which does not meet this great problem fairly and honestly.

On the same date, November 14, 1927, the Farmers' Educational and Cooperative Union of America held its national convention in Des Moines, Iowa, and passed the following resolutions:

The National Farmers' Union in their twenty-third annual session hereby affirms its confidence in the principles of the McNary-Haugen bill, and we pledge our full and hearty support to the fight in behalf of its passage. We shall not tolerate any vital changes in the provisions of the bill, such as the equalization fee and farm-organization control. We deeply resent assumed authority on the part of certain business and political organizations to initiate and sponsor farm-relief legislation.

On December 5, 6, and 7, 1927, the American Farm Bureau Federation held its ninth annual meeting in Chicago and adopted without a dissenting vote the following on farm legislation:

We appreciate the actions of the Sixty-ninth Congress, which, in a nonpartisan manner, passed the surplus control bill. If put into operation this measure would have marked the beginning of a sound economic agricultural policy in our Nation.

Commodity marketing and surplus control are inseparable. Cooperative organizations, however, can not bear the load unaided. Under certain conditions in order that operations may be successful the entire commodity marketed and not the member producers alone must, by the application of the equalization-fee principle, meet the requirement that each marketed unit shall pay its share in the cost of its own stabilization and protection.

We insist that legislation which contains the principles embodied in the McNary-Haugen bill with such improvements as experience and good judgment may suggest shall again be passed by Congress.

In addition to these meetings held by the farmers themselves there have been many other meetings that have passed similar resolutions demanding that this Congress pass legislation that will be helpful to agriculture. The reestablishment of a sound agricultural condition is demanded, and rightly so, by the farmers of the country, and this body should act, and that without delay.

The United States is the world's greatest agricultural nation, and to-day those engaged in farming are the least prosperous. About one-third of the population are engaged in farming. Agriculture is receiving about $12,000,000,000 as its total income, while the total national income is $90,000,000,000; or, in other words, the one-third of the population that is engaged in farming are receiving $12,000,000,000 and the other two-thirds of the population $78,000,000,000. The farming population receives one-eighth and the other two-thirds seven-eighths of the total national income. With these facts confronting us we can not help but realize that there is bound to be depression in the agricultural sections and there will continue to be depression until something is done to make it possible for the farmer to receive a fair price for what he has to sell.

Ladies and gentlemen of the committee, the great question that confronts us as Members of this body is, Are we going to continue our high-tariff policy to help the manufacturing interests and our restricted immigration policy to help organized labor without giving any attention whatever to our farmers; or are we going to pass legislation, without delay, that will put our farmers in a class with those that have already been given consideration by this body? This is a vital question, ladies and gentlemen, and if those of you who are interested in keeping a high tariff for industry and those of you who feel that organized labor should hold the standing it now has are not willing to help those of us who feel that it is time that our farmers should have legislation that will be helpful to them, it is time for the Members of this body who are interested in seeing that the farmers of this country are given consideration to stand as a body until right and justice is given to the farmer. [Applause.]

At the present time the balance between agriculture and industry is out of all reason. The permanent well-being of the future is threatened. Legislation that will be helpful to the farmers must be passed. Something must be done that will bring agriculture up to the high standard given to others. As it now stands, the farmer is the victim of injustice, and that injustice must be removed.

I understand the Labor Bureau, Incorporated, has given out a report that there are 4,000,000 laboring men out of employment. Think of it! 4,000,000 laboring men out of employment, and the heads of the present administration trying to make everyone think there is prosperity on every hand. How they get by with such statements I can not understand, for everyone knows that outside of a few special privileged manufacturers that are enabled to enjoy prosperity through the special privilege given them by the present high tariff there is a general depression everywhere, business men and banks going broke almost every day, and more especially in the agricultural districts; and, ladies and gentlemen of this great body, this condition can not improve with one-third of our people being discriminated against. General prosperity can only come when all classes are given a chance to make the purchasing power of their dollar equal to the purchasing power of others.

As I stated before, the purchasing power of our farmer has been cut off; he is forced out of the buying market; business and labor are beginning to feel it, and conditions will continue to get worse unless something is done to equalize the balance that now exists between agriculture and industry.

Ladies and gentlemen, the time has come when something must be done; consideration must be given to this all-important question without further delay, or the depressed condition that is being felt throughout the country will grow gradually worse.

To oppose farm legislation because it is new and has never been tried is nothing but discrimination against the farmer.

The manufacturers of the country have been given their high protective tariff, the railroads their high freight rates, and labor its restricted immigration, all of which has helped to give the farmers of the country a black eye.

I wish it were possible to lower the present highway-robbery tariff that we have on the statute books that is robbing the farmers on every hand. I wish it were possible to reduce the freight rates on agricultural products so that our farmers could move their products at a reasonable cost, but this we all realize can not be done under this administration; but, ladies and gentlemen, we can pass farm legislation that will be helpful to our farmers and thereby not only help the farmers get what is justly due them but the small business man and laboring man who are located in the agricultural sections as well.

Why delay this all-important legislation? Every Member of this body knows that something should be done. Let us do it now, so that farmers can and will be put on an equality with others that have in the past been given the consideration they ask. [Applause.]

Mr. MADDEN. Mr. Chairman, I yield 15 minutes to the gentleman from Kentucky [Mr. THATCHER].

Mr. THATCHER. Mr. Chairman and members of the committee, as a member of the subcommittee conducting the hearings on the bill upon which the debate is supposed to be proceeding, the Treasury and Post Office Departments bill, I wish to speak briefly concerning one or two phases of the bill; but before doing that, I may say that in the formulation of this bill and in the conduct of the hearings thereon, the work is very much like the work on the other appropriation bills that come before the Congress. It is intensive in character, and extended. Our own hearings began about the 9th of January and ran without interruption until about the 28th of January. On the post office bill the printed pages of the hearings are about 450. As to the Treasury Department bill, about 950 printed pages are consumed to indicate the testimony adduced, making a total of something like 1,350 pages of printed matter. The two bills are consolidated into a single measure.

In this work our subcommittee has had the invaluable service of the chairman of the Appropriations Committee, who is also the chairman of the subcommittee, Mr. MADDEN. I have counted it a peculiar privilege and honor to serve on this particular subcommittee since I have been a Member of this body, and I think it may not be inappropriate for me to testify concerning something of the work performed by the chairman of the subcommittee, because, after all, he must bear the major burden of the work of the subcommittee. His knowledge, not only of the matters contained in this bill, but his knowledge of matters contained in all the appropriation bills which come before Congress is of a marvelous character, and I feel that the country at large, as well as the two Houses of Congress, owe him a great and everlasting obligation, because he is truly a representative of the taxpayers in this work. [Applause.]

Since the Budget system has been in operation the House Appropriations Committee has been able to scale Budget esti-

mates by more than $350,000,000, and this result has largely been achieved because of the knowledge and judgment of the chairman of the Appropriations Committee.

In our work we are also assisted by our very competent clerk of the House Appropriations Committee, who is also clerk of the subcommittee, Mr. Sheild. No one can ever quite know the great and important service that is performed by the competent and experienced clerks of these great committees of the two Houses. They are the men behind the scenes, and their work is beyond estimation, so far as its importance is concerned.

I wish to call your attention especially to one or two subjects involved in the bill. Our distinguished chairman himself will at the appropriate time give you the general details set forth in it and in the various estimates which go to make up the many items of the Treasury and Post Office requirements.

I have always been deeply interested in the subject of aviation, and since I have been a member of this subcommittee that subject I have found to be one of absorbing interest. With your indulgence, I wish to submit a few facts and figures evolved in this particular hearing and, incidentally, in the hearings which have gone before since postal aviation has been a vital subject before Congress.

It is very wonderful to see what the growth of aviation has been, and it is very wonderful to note the splendid contribution which the young men of America, in the Army and out of the Army, have made to this great field of enterprise which makes its appeal, and gives its challenge, to the hardihood, to the endurance, to the courage, and to the clean living of the men engaged in it.

Concerning the subject of aviation in the Post Office Department, I may say that one of the most interesting branches of the postal work is the Air Mail Service.

The Postmaster General has properly visualized the possibilities of this field, and Col. Paul Henderson, the immediate predecessor of the present Second Assistant Postmaster General, performed splendid pioneer service in this connection; and it is but fair to say that our subcommittee has, under the wise, constructive leadership of its chairman throughout, recognized the importance of air mails and has cooperated to secure adequate appropriations therefor. It is fair to state also that Mr. Glover, the present Second Assistant, and his aides are carrying on this branch of the service and broadening its scope with wise efficiency.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. THATCHER. Yes.

Mr. JOHNSON of Texas. Does this bill further extend the aviation postal service; and if so, in what sections of the country will it be so extended?

Mr. THATCHER. It increases the appropriation for that purpose, and I will touch on that later.

Substantial appropriations were made at the beginning, and within the past three or four years, to enable the Post Office Department itself to engage in the transcontinental carriage of mail by air. The policy was to have the Government demonstrate what could be done in this regard, and thus blaze the way for private enterprise, under contract, to take over this service and to extend it, thus relieving the Government from the investment required and the other hazards involved. This policy has been crowned with success. The Post Office Department has gone out of the business of itself transporting air mail, and private enterprise has taken over the entire work, under contract, and is performing that work efficiently. This is as it should be. Not only this, but many new air mail routes have been added to the original transcontinental routes, and it is apparent that this service will continue to grow.

For the current fiscal year the appropriation for air mail contract service is $4,000,000, to which is to be added the sum of $500,000 from the fund available for the operation of the Government Air Mail Service. This makes a total for 1928 for this service of $4,500,000. The Budget recommendation for the ensuing fiscal year for this purpose was $6,000,000. The increase over current appropriations was to enable expansion of the air mail contract service. The subcommittee, after going into the subject carefully, concluded that to this total there should be added for expansions of the service the sum of $400,000 plus $30,000 for needs of the Post Office Department for personnel to supervise the air mail work. Hence this bill carries a total of $6,430,000 for the air mail contract service.

As pointed out in the committee report on this bill, the growth of this service has been tremendous during the past two years; and to-day there is heavy pressure from every quarter for the extension of air mail routes. The service, of course, is of a spectacular character, but its extension must be made conservatively and with due regard to legitimate needs and requirements. No definite figures are obtainable as to the net cost to the Government of this service. Only suggestive figures could be secured. These are based on a seven-day test in October last. The difference between the amount paid air mail contractors and the revenue from air mail stamps for this test period, October 10 to 16, was $17,651.46; that is to say, the net cost to the Post Office Department for this period was $17,651.46. Assuming these figures as constituting a fair average, the total excess of expenditures over receipts on account of the air mail contract service will run under present conditions to $847,270.08 for the year—in round numbers, $850,000. These figures, however, do not take into consideration the amounts expended and being expended through the Department of Commerce for the lighting of airways. When these lightings are established the cost of maintaining them should not be relatively a very large item.

It developed in the hearings that out of the 15 air mail contractors, perhaps not more than a half dozen are now making money on their contracts. The mail now being carried by air is the straight air mail postage, first-class mail prepaid at the rate of 10 cents per half ounce. Under the act of June 3, 1926, the total contract price which may be paid by the Postmaster General for this kind of mail is $3 per pound for the first thousand miles and 30 cents per pound additional for each hundred miles in excess of 1,000 miles. The earlier contracts were usually on the $3 per pound basis, as contractors did not then have the experience necessary to guide them and they bid the maximum allowed. Later experience and competition have played their part in the equation, and some of the newer contracts are based on much lower rates than were those of the earlier contracts, though the service required may be as exacting as that for which the maximum rate is allowed. To give a few examples: The rate now being paid on the route between Chicago and St. Paul is $2.75 per pound, whereas the rate from Salt Lake to Los Angeles is $3 per pound; and the rate from Chicago to Dallas is $3 per pound; again, the rate from Cheyenne to Pueblo is 83 cents a pound; from Albany to Cleveland, $1.11; from New York to Chicago, $1.24; and from Cleveland to Louisville—soon to be placed in operation—will be $1.22 per pound.

It may be interesting to know that the present total mileage of air mail routes is 8,044 miles and the number of routes 18, with a total of 17,444 miles flown thereover daily. In addition, seven new routes have been contracted for, with a total mileage of 3,656 miles, over which there will be a total daily flight of 7,312 miles. The new routes will be in operation on or before July 1 next, and on that date there should be in operation a total of 25 air mail routes, with a total length of 11,700 miles and a total daily flight of 24,756 miles.

Some of these routes are lighted, others are being lighted. Routes which have been day lines have been lighted and are being converted into night lines. The lighting of these airways is performed by the Department of Commerce. It is expected that by the 1st of next July there will be a total of 7,500 miles of these airways lighted. Of the additional 4,200 miles to be placed under air mail contract by the 1st of July a substantial portion will have to be lighted. In this connection I might suggest that these night-flying courses for our Postal Service, with much more accuracy, as well as with much more poetic suggestion, can be termed "star routes" than may be those post roads and post trails in the undeveloped sections of the country which have always borne this designation.

At this point I should like to include a list of the present air-mail routes and those under contract, and also tables showing the total weights of mail carried on the various air mail routes since the establishment of the air mail contract service on October 31, 1927; also some other brief tables, which will be informative:

AIR MAIL ROUTES

C. A. M. 1. Boston, Mass., via Hartford, Conn., to New York, N. Y., and return, 192 miles each way. Contract awarded October 7, 1925, to Colonial Air Transport (Inc.), 270 Madison Avenue, New York, N. Y., at $3 per pound; service commenced July 1, 1926.

C. A. M. 2. Chicago, Ill., via Peoria and Springfield, Ill., to St. Louis, Mo., and return, 278 miles each way. Contract awarded October 7, 1925, to Robertson Aircraft Corporation, Anglum, Mo., at $2.53125 per pound; service commenced April 15, 1926.

C. A. M. 3. Chicago, Ill., via Moline, Ill., St. Joseph and Kansas City, Mo., Wichita, Kans., Ponca City and Oklahoma City, Okla., to Fort Worth and Dallas, Tex., and return, 987 miles each way. Contract awarded October 7, 1925, to National Air Transport (Inc.), 506

South Wabash Avenue, Chicago, Ill., at $3 per pound; service commenced May 12, 1926.

C. A. M. 4. Salt Lake City, Utah, via Las Vegas, Nev., to Los Angeles, Calif., and return, 600 miles each way. Contract awarded October 7, 1925, to Western Air Express (Inc.), 113 West Ninth Street, Los Angeles, Calif., at $3 per pound; service commenced April 17, 1926.

C. A. M. 5. Salt Lake City, Utah, via Boise, Idaho, to Pasco, Wash., and return, 530 miles each way. Contract awarded October 7, 1925, to Walter T. Varney, post-office box 722, Boise, Idaho, at $3 per pound; service commenced April 6, 1926.

C. A. M. 6. Detroit, Mich., to Cleveland, Ohio, and return, 91 miles each way. Contract awarded November 25, 1925, to Ford Motor Co., Dearborn, Mich., at $1.08 per pound; service commenced February 15, 1926.

C. A. M. 7. Detroit, Mich., to Chicago, Ill., and return, 237 miles each way. Contract awarded November 25, 1925, to Ford Motor Co., Dearborn, Mich., at $1.08 per pound; service commenced February 15, 1926.

C. A. M. 8. Seattle, Wash., via Portland and Medford, Oreg., San Francisco, Fresno, and Bakersfield, Calif., to Los Angeles, Calif., and return, 1,099 miles each way. Contract awarded December 31, 1925, to Pacific Air Transport (Inc.), 593 Market Street, San Francisco, Calif., at $2.8125 per pound; service commenced September 15, 1926.

C. A. M. 9. Chicago, Ill., via Milwaukee, Madison, and La Crosse, Wis., to St. Paul and Minneapolis, Minn., and return, 383 miles each way. Contract awarded January 11, 1926, and service commenced June 7, 1926; Northwest Airways (Inc.), St. Paul, Minn., present contractor, at $2.75 per pound.

C. A. M. 11. Cleveland, Ohio, via Youngstown, Ohio, and McKeesport, Pa., to Pittsburgh, Pa., and return, 123 miles each way. Contract awarded March 27, 1926, to Clifford Ball, 407 Market Street, McKeesport, Pa., at $3 per pound; service commenced April 21, 1927.

C. A. M. 12. Cheyenne, Wyo., via Denver and Colorado Springs, Colo., to Pueblo, Colo., and return, 199 miles each way. Contract awarded March 29, 1926, and service commenced May 31, 1926; Western Air Express (Inc.), 113 West Ninth Street, Los Angeles, Calif., present contractor, at $0.83 per pound.

C. A. M. 16. Cleveland, Ohio, via Akron, Columbus, Dayton, and Cincinnati, Ohio, to Louisville, Ky., and return, 339 miles each way. Contract awarded October 10, 1927, to Continental Air Lines (Inc.), 1259 Union Trust Building, Cleveland, Ohio, at $1.22 per pound; service not yet in operation.

C. A. M. 17. New York, N. Y., via Cleveland, Ohio, to Chicago, Ill., and return, 723 miles each way. Contract awarded April 2, 1927, to National Air Transport (Inc.), 506 South Wabash Avenue, Chicago, Ill., at $1.24 per pound; service commenced September 1, 1927.

C. A. M. 18. Chicago, Ill., via Iowa City and Des Moines, Iowa, Omaha and North Platte, Nebr., Cheyenne and Rock Springs, Wyo., Salt Lake City, Utah, Elko and Reno, Nev., and Sacramento to San Francisco, Calif., and return, 1,904 miles each way. Contract awarded January 29, 1927, to Boeing Air Transport (Inc.), Georgetown Station, Seattle, Wash., at $1.50 per pound; service commenced July 1, 1927.

C. A. M. 19. New York, N. Y., via Philadelphia, Pa., Washington, D. C., Richmond, Va., Greensboro, N. C., and Spartanburg, S. C., to Atlanta, Ga., and return, 773 miles each way. Contract awarded February 28, 1927, to Pitcairn Aviation (Inc.), Land Title Building, Philadelphia, Pa., at $3 per pound; service not yet in operation.

C. A. M. 20. Albany, N. Y., via Schenectady, Syracuse, Rochester, Buffalo, N. Y., to Cleveland, Ohio, and return, 452 miles each way. Contract awarded July 27, 1927, to Colonial Western Airways (Inc.), 270 Madison Avenue, New York, N. Y., at $1.11 per pound; service commenced December 17, 1927.

C. A. M. 21. Dallas, via Houston, to Galveston, Tex., and return, 283 miles each way. Contract awarded August 17, 1927, to Texas Air Transport (Inc.), Fort Worth Club Building, Fort Worth, Tex., at $2.89 per pound; service to commence February 6, 1928.

C. A. M. 22. Dallas, via Waco, Austin, and San Antonio, to Laredo, Tex., and return, 417 miles each way. Contract awarded August 17, 1927, to Texas Air Transport (Inc.), Fort Worth Club Building, Fort Worth, Tex., at $2.89 per pound; service to commence February 6, 1928.

C. A. M. 23. Atlanta, Ga., via Birmingham and Mobile, Ala., to New Orleans, La., and return, 478 miles each way. Contract awarded August 19, 1927, to St. Tammany Gulf Coast Airways (Inc.), room R, mezzanine floor, Roosevelt Hotel, New Orleans, La., at $1.75 per pound; service not yet in operation.

C. A. M. 24. Chicago, Ill., via Indianapolis, Ind., to Cincinnati, Ohio, and return, 270 miles each way. Contract awarded November 15, 1927, to Embry-Riddle Co., Lunken Airport, Cincinnati, Ohio, at $1.47 per pound; service commenced December 17, 1927.

C. A. M. 25. Atlanta, Ga., via Jacksonville, to Miami, Fla., and return, 595 miles each way. Contract awarded November 23, 1927, to Pitcairn Aviation (Inc.), Land Title Building, Philadelphia, Pa., at $1.46 per pound; service not yet in operation.

C. A. M. 26. Great Falls, via Helena and Butte, Mont., and Pocatello, Idaho, to Salt Lake City, Utah, and return, 493 miles each way. Contract awarded December 30, 1927, to Alfred Frank, Salt Lake City, Utah, at $2.475 per pound; service not yet in operation.

FOREIGN MAIL ROUTES

F. M. 2. Seattle, Wash., to Victoria, British Columbia, and return, 84 miles each way. Contract awarded May 23, 1927, to Northwest Air Service (Inc.), care of postmaster, Seattle, Wash., at $190 per round trip; service commenced July 1, 1927.

F. M. 3. New Orleans to Pilottown, La., and return, 80 miles each way. Contract awarded May 21, 1927, to Arthur E. Cambas, 4322 Burgundy Street, New Orleans, La., at $110 per round trip; service commenced July 1, 1927.

F. M. 4. Key West, Fla., to Habana, Cuba, 90 miles one way (Cuban mail carried on return trip). Contract awarded July 19, 1927, to Pan American Airways (Inc.), 50 East Forty-second Street, New York, N. Y., at 40½ cents per pound; service commenced October 19, 1927.

Statement showing weight of mail (pounds) carried by the various routes since establishment of the contract air mail service to October 31, 1927

Month	Route No. and termini															
	No. 1 Boston–New York	No. 2 Chicago–St. Louis	No. 3 Chicago–Dallas	No. 4 Salt Lake City–Los Angeles	No. 5 Salt Lake City–Pasco	No. 6 [1] Detroit–Cleveland	No. 7 [1] Detroit–Chicago	No. 8 Seattle–Los Angeles	No. 9 Chicago–Minneapolis	No. 10 Jacksonville–Miami	No. 11 Cleveland–Pittsburgh	No. 12 Cheyenne–Pueblo	No. 13 Philadelphia–Washington	No. 15 Philadelphia–Norfolk	No. 17 New York–Chicago	No. 18 Chicago–San Francisco
1926																
February						131	302									
March						98	337									
April		(2)		(2)	(2)	150	428			(2)						
May		(2)	(2)	(2)	(2)	182	646			(2)		(2)				
June		(2)	(2)	(2)	(2)	135	591		(2)	(2)		(2)				
July	1,968	2,753	8,559	7,917	2,439	147	736		1,355	1,255		2,284	260			
August	1,017	3,373	8,133	8,514	5,562	193	706		1,242	1,271		2,084	159			
September	992	2,993	7,764	8,780	4,825	250	521	3,283	911	2,509		2,192	166			
October	928	2,836	8,414	9,507	7,006	225	623	5,490	1,446	2,451		2,665	48	431		
November	668	2,074	7,968	8,816	7,125	106	410	4,951	1,345	1,839		2,032		361		
December	1,089	2,724	8,084	11,663	3,274	104	529	5,950	1,496	1,517		2,940				
1927																
January	563	3,848	6,481	10,363	2,259	79	376	5,087	1,374			2,080				
February	707	2,108	6,620	13,797	2,958	82	816	4,380	1,347			2,222				
March	1,179	2,422	8,009	16,212	3,764	88	858	5,424	1,737			2,418				
April	1,520	2,402	10,106	16,041	3,935	171	797	5,322	2,073		919	2,570				
May	1,590	2,363	9,460	15,213	4,304	172	913	5,325	2,157		1,763	3,873				
June	2,603	3,856	10,542	17,120	5,392	235	982	6,131	2,730		1,992	3,443				
July	2,222	2,940	9,509	17,390	5,503	127	1,064	6,709	2,505		2,026	3,537				46,057
August	2,425	3,526	10,029	17,602	5,690	202	1,341	6,800	2,820		2,364	3,599				45,651
September	2,242	2,960	9,892	17,647	6,126	172	1,329	7,370	2,829		1,905	3,406			44,365	46,241
October	1,688	3,064	10,305	18,993	6,871	155	1,360	7,759	2,766		2,565	3,419			45,599	49,105
November	1,448	2,474	9,322	18,187	6,112	72	880	7,330	2,427		3,299	3,157			41,253	45,120
Total	24,819	48,718	149,247	233,762	83,147	3,276	16,545	87,311	32,560	10,893	16,833	46,831	633	792	131,217	232,174

[1] Net weight only.

[2] Count of postage basis.

The following is weight of mail carried by airplane on the transcontinental and New York-Chicago overnight routes from February, 1926, to June, 1927:

Month	Transcontinental		New York-Chicago (night)	
	West	East	West	East
1926				
February	8,046	8,042	2,497	2,815
March	9,394	9,293	4,000	3,973
April	9,535	10,425	4,049	4,520
May	10,754	11,925	5,486	6,820
June	12,873	12,593	6,254	7,949
July	11,243	11,993	6,088	8,840
August	12,556	12,695	6,322	9,453
September	14,065	13,641	7,612	9,277
October	14,027	15,114	7,249	9,149
November	12,918	13,240	5,521	8,124
December	17,527	16,745	6,512	9,300
1927				
January	11,536	14,387	5,187	6,818
February	14,125	16,631	3,856	7,220
March	16,812	20,979	6,185	8,915
April	16,323	20,282	6,401	8,063
May	16,917	20,268	7,177	8,612
June	21,998	22,108	10,036	9,578

Consolidated statistical report for fiscal year 1926
[February 15 to June 30, 1926]

Month (all routes)	Length of route	Frequency (round trips per month scheduled)	Miles of service		Postage value of mail dispatched	Amount paid to contractors	Net weight 6 and 7
			Scheduled	Actually flown			
	Miles						*Pounds*
February	328	24	7,872	7,070	$1,729.00	$466.82	433
March	328	54	17,712	16,251	1,737.00	464.38	435
April	2,034	108	64,444	58,835	21,185.76	15,148.78	578
May	3,220	148½	125,312	123,193	42,481.82	31,799.68	828
June	3,597	235½	195,730	190,996	[1] 51,272.98	41,874.05	726
Total			411,070	396,345	118,406.56	89,753.71	3,000

[1] Route 3 was changed to weight basis on June 20, and postage value for June 20 to 30 was estimated at 10 cents per letter and 20 letters to the gross pound (including equipment).

NOTE.—All routes were on a count of postage basis except 6 and 7, which were on a net weight basis, the postage value being estimated at 10 cents per letter and 40 letters per net pound.

Routes involved: C. A. M.—6, Detroit, Mich., to Cleveland, Ohio (established February 15, 1926); 7, Detroit, Mich., to Chicago, Ill. (established February 15, 1926); 10, Jacksonville, Fla., to Miami, Fla. (established April 1, 1926); 5, Elko,[1] Nev., to Pasco, Wash. (established April 6, 1926); 2, Chicago, Ill., to St. Louis, Mo. (established April 15, 1926); 4, Salt Lake City, Utah, to Los Angeles, Calif. (established April 17, 1926); 3, Chicago, Ill., to Dallas, Tex. (established May 12, 1926); 12, Cheyenne, Wyo., to Pueblo, Colo. (established May 31, 1926); 9, Chicago, Ill., to Minneapolis, Minn. (established June 7, 1926).

Consolidated statistical report for fiscal year 1927

Month (all routes)	Length of routes	Frequency (round trips per month scheduled)	Miles of service		Total weight of mails dispatched	Amount paid to contractor
			Scheduled	Actually flown		
1926	*Miles*				*Pounds*	
July	3,912	298½	222,370	214,585	26,673	$82,619.12
August	3,912	299½	220,284	214,368	32,404	91,367.70
September	5,301	307	248,570	228,775	35,246	100,474.42
October	5,456	325	269,062	256,189	42,070	121,908.12
November	5,456	312	289,109	257,057	37,686	109,878.18
December	5,178	297	286,254	239,433	39,340	114,087.74
1927						
January	4,495	262	244,010	205,612	32,510	93,552.23
February	4,495	240	223,412	191,383	35,037	101,263.52
March	4,495	274	251,778	233,308	42,111	121,987.91
April	4,618	275	246,333	231,998	45,856	133,129.25
May	4,618	298½	256,363	248,109	46,133	133,738.10
June	4,618	298	253,648	250,491	55,026	159,201.84
Total			3,015,993	2,776,108	470,092	1,363,208.13

[1] Operated to and from Salt Lake City, Utah, due to emergency conditions.

Additions and changes: C. A. M.—13, Philadelphia, Pa., to Washington, D. C. (established July 6, 1926); 8, Seattle, Wash., to Los Angeles, Calif. (established September 15, 1926); 10, extended north to Atlanta, Ga., September 15, 1926; 13 discontinued October 9, 1926; 15, Philadelphia, Pa., to Norfolk, Va. (established October 10, 1926, discontinued November 30, 1926); 10, discontinued December 31, 1926; 11, Cleveland, Ohio, to Pittsburgh, Pa. (established April 21, 1927).

Consolidated statistical report for the first half fiscal year 1928
[From July 1 to December 31, 1927]

Month (all routes)	Length of routes	Frequency (round trips per month scheduled)	Miles of service		Total weight of mails dispatched	Amount paid to contractor
			Scheduled	Actually flown		
1927	*Miles*				*Pounds*	
July	6,617	329	377,336	375,923	99,589	$250,891.15
August	6,617	338	379,991	376,998	102,047	258,963.45
September	7,340	384½	455,052	444,519	146,486	312,809.88
October	7,340	394	466,638	449,562	153,649	329,531.51
November	7,360	385	456,534	413,054	141,080	304,082.70
December	7,810	428	489,417	(1)	162,737	(1)
Total			2,624,968		805,588	

[1] Not compiled at this writing.

The question may be asked "Does the air mail service justify its cost?" I should say "Yes." Aside from any benefits which may arise from the standpoint of a quickened Postal Service, and aside from the question of added convenience to the patrons of that service, there are other considerations, I believe, quite as important as these. The operation of the Air Mail Service in this country has greatly aided the general interests of aviation, both commercial and military. Except for the pioneer work of the fearless flyers of the Air Mail Service operating directly under the Post Office Department, the demonstration could not have been made which was made, that this whole work is feasible, and may be commercially profitable in the hands of private contractors.

Mr. TILSON. Will the gentleman yield?

Mr. THATCHER. Yes.

Mr. TILSON. What the gentleman has stated is amply justified by results thus far obtained, and every consideration ought to be given to the air-mail routes. Is the gentleman sure that these routes are paying sufficiently so that there will be no difficulty in the future in having the contracts continued?

Mr. THATCHER. As I stated a moment ago, the testimony before our subcommittee was to the effect that at least half a dozen of the 17 or 18 operators are making money on their contracts. Some of them are doing very nicely, others are breaking even, and others are, perhaps, losing money. In my judgment, all of this will adjust itself after further experience, whereby those engaged in this work will be able to bid and be able to base their bids upon known conditions and known experiences; and they will be able to protect themselves just as bidders for other classes of mail transported on the land are in position to do.

Mr. TILSON. Does not the gentleman fear that some of these routes already established will have to be given up?

Mr. THATCHER. Some of them may be given up.

Mr. MADDEN. Some of them have already been given up.

Mr. THATCHER. And the "star route" contractors sometimes fail; but the entire work is getting more and more stabilized, and as experience goes on they will be able, better and better, to meet the conditions required. I believe that ultimately they will be able to bid with as much security, with as much knowledge of what is to take place, as may the bidders who transport the everyday mail of the country.

Mr. MADDEN. If the gentleman will permit, what they will really have to get before long is legislation which will recognize the ability which they possess, and will also recognize the necessity of recognizing such ability and genius; and instead of having to compete with anybody who has not a dollar or see the contract given to a man without a dollar or without experience, give the contract to a man who has the money, the experience, the ability, the determination to win and to place this service on a positive, successful plane of business, and thereby help to develop what we might call a system of preparedness that may be built around the Air Service of the country. This is what we will have to take into consideration in the development of this service.

Mr. TILSON. Then the gentleman is of the opinion that more power and authority should be given to the administrative officers in connection with this matter?

Mr. MADDEN. Yes; we have got to do that.

Mr. THATCHER. Thus it has come about that the Government has gone out of this operation and private enterprise has stepped into it and is meeting all the requirements involved.

The practical knowledge and experience which has been derived and will be derived from air-mail operation will also prove of the greatest advantage to our military service and to our commercial operations. In the light of the marvelous progress which has already been made in aviation, it is hardly possible to visualize what to-morrow will bring forth.

To-day we have had in the galleries of the House the two distinguished French aviators who have just arrived in Washington after a 23,000-mile flight beginning at Paris, and which spanned the Atlantic sea and led northward through Latin America to our own shores. They are carrying forward, in a glorious way, the aviation work of a great people who have shown every aptitude for aviation.

If the air mail service of our own country had done no more than develop—as it did develop—the "Lone Eagle of the Skies," the heroic Lindbergh, that service would have justified its cost a hundredfold. [Applause.]

Mr. BYRNS. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Chairman, since this Congress has assembled there has been considerable uneasiness expressed in certain quarters with reference to the extensive loans by the Federal reserve banks, especially in New York, known as brokers' loans, made not by the Federal reserve banks but by member banks, and it has come to the point where all sorts of remedies are being proposed.

For instance, we have before us in the Banking and Currency Committee a resolution introduced by the gentleman from Iowa [Mr. DICKINSON] in behalf, I suppose, of agriculture, in which he proposed to fix the law so that in a Federal reserve city—

as now or hereafter defined, and the Federal Reserve Board finds that such member bank makes extensive loans for use in dealing in securities on the stock exchange or in unlisted securities not eligible for rediscount in a Federal reserve bank, the board may require such member bank to hold and maintain with the Federal reserve bank of its district an actual net balance, in excess of the balance required in paragraph (c), in such amount as the board deems necessary to insure the safety of the member bank; but the total balance required to be so held and maintained by such member bank shall not be in excess of an amount equal to 20 per cent of the aggregate amount of its demand deposits and 5 per cent of its time deposits.

That resolution merely expresses the feeling that has grown up and is a tentative opinion as to what can be done and what can not be done from time to time. You will notice that the resolution says that "when the member bank makes extensive loans." Who is to determine what is an "extensive loan"? The fact is it is entirely unworkable. In addition to that, it penalizes one bank because it has made extensive loans, but that would not amount to anything if the business is large.

I do not expect to discuss the unworkable conditions of the resolution.

What has begun and what has gone on and what can be done? Speculation in stocks has gone on until the people begin to be alarmed at the enormous investments of reserves carried in the Federal reserve banks being loaned to member banks and by those placed with brokers who are dealing in stocks and securities that were not rediscountable in Federal reserve banks.

It got to the point where there was so much discussion that the President of the United States saw fit to come out with a statement, which was all right, but which I think was a mistake, but he made it on his responsibility and judgment.

That did to a certain extent relieve the pressure for a little while. But the thing went on until criticism became very active in a good many quarters, and you will notice what the result has been, and you will notice that it is a legitimate result.

The first thing was the raising of the discount rate in Chicago from 3½ to 4 per cent. That was a temporary setback to the market, and the newspapers said there was a shrinkage of a billion dollars in one day. Maybe that is true. There was a temporary fall on securities to that extent. That was simply the beginning of the program which no doubt was properly begun by the Federal Reserve Board in suggesting the bringing about of the slowing down of what seems to be a speculative market. They let that stand for a few days, and the market steadied itself, and then the Dallas bank raised its discount rate to 4 per cent.

From that time on, about once a week one of the banks raised its rediscount rate until nearly all are up to 4 per cent, and the apparent speculative borrowing has been largely curtailed. That is the way in which the Federal reserve bank can act, and not by some ironclad proposition by which you have got to step into a city where a bank is loaning extensively in that kind of paper and say to it, "You must be penalized by keeping a larger reserve against your deposits." I do not know, but I imagine that this has gone on until all but one or two of the banks have put their rates up to 4 per cent. They did not do it all at once, and it was well advised that they did not. At one time when the sentiment was becoming a little scary, and when there was great criticism of this wide extension of loans in the stock markets, if at that time there had been at once a raise of the rate of discount in all of the Federal reserve banks there would have been an alarming cataclysm in the stock market which might have ruined many good issues for the time being.

The Federal Reserve Board, as I conceive it, is following the line it should follow when it sees a situation of that kind develop. It gives a cushion to the fall, and it goes at it gradually, and raises the discount rate gradually, and it is doing it to-day. The result is that without any great wrench in the market we have an example of what the reserve board and the reserve system can do, judiciously and quietly, starting away off from the center of speculation, to steady things and stop that which is tending to become too speculative.

A question was raised some time ago when the Federal Reserve Board insisted on the Chicago bank lowering its rates. Some very rash talk was indulged in here by some men whose knowledge I conceive they think to be ultimate about that to the effect that the Federal Reserve Board has no right to require a bank to either lower or raise its rate of discount. All of you remember that. It was lowered at a time when there was surplus of money and at a time when, especially in the West in the great Chicago section, the crops were moving, where cheap money was desirable; and that was brought about by that very action. Not much has been said about that in the House of Representatives, and I conceive that the Federal Reserve Board was entirely within its rights. It hardly ever exercises that right, because a mere suggestion from them to any board of directors of any one of the banks is enough to bring about a change in the rediscount rates. In that instance their right to do this was questioned. I take advantage of this opportunity to read to you a few lines of the Federal reserve act, which confers the power upon them, which was vigorously challenged by some people in and around Washington.

The discount and rediscount by purchase and sale by any Federal reserve bank of any bills receivable and of domestic and foreign bills of exchange and acceptances, authorized by this act, shall be subject to such restrictions, limitations, and regulations as may be imposed by the Federal Reserve Board.

If that does not give them the right to regulate the rate which they shall charge, I can not conceive of anything that is more calculated to do it.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BYRNS. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. BLACK of Texas. Also, in view of the fact that the Federal reserve banks are banks of issue, does not the gentleman think it is wise that that authority be conferred upon some centralized agency such as the Federal Reserve Board?

Mr. STEVENSON. I do. I think it was wisely conferred, and I think it is explicitly conferred, and I think that generally it has been wisely exercised. I think it was wisely exercised in the Chicago case last year, when they needed cheap money in that country where they were moving the crops.

Mr. MORTON D. HULL. And there is another paragraph that relates to the right of review, with reference to the powers of the board.

Mr. STEVENSON. The paragraph to which the gentleman refers says the Federal reserve banks have the right "to establish from time to time, subject to review and determination of the Federal Reserve Board, rates of discount to be charged," and so forth. If only the right to "review" was given, the power of the board might be questioned, but words were used to mean something, and "determination" was added evidently to allow the board power to change the rate after it reviewed it; and they exercised that right in the Chicago case, reviewed the rate in existence, decided it was too high for the then existing conditions, and "determined" the desirable rate and directed it to be inaugurated. The sweeping power to regulate all condi-

tions of discount cited above is inconsistent with any other construction.

When they get ready to say on what conditions the Federal reserve bank can buy paper of member banks, one of the very important conditions is the question of what rate of discount they shall charge. With regard to all of this, the Banking and Currency Committee to-day is being flooded with resolutions and bills looking to fixing the rate of interest that shall be charged, and all that kind of thing, and fixing a great many of the other things that are left in the power of the board.

Let us for a moment look at what the board can do and what it does and how it does manage to regulate speculative conditions. In the first place, it can raise and lower the rate of discount, and it has raised it in nearly all of the banks, and thereby they judiciously curb what appears to be a coming speculative era.

In addition to that they have two powers. First, they can go on the open market and buy or sell paper. They have always from $300,000,000 to $500,000,000 of paper which they can sell and put on the market, and when the markets become speculative, in the places where that apparent speculation needs to be curbed, the question of withdrawing circulation of money in that vicinity arises, and what do they do? They take their acceptances and short-time United States paper and say, "Go out and sell $500,000,000 of this paper." (I use these figures as an illustration; they may be much larger than the fact.) They put it on the market and attract people who have money in bank, and they buy this paper quickly and readily; and so the money is drawn out of the banks and paid into the Federal reserve banks and they lock it up, and that money is taken out of circulation to that extent. If they have made money a little scarcer, they have stopped the speculative era, because they have stopped the floating of loans on ineligible collateral.

And then, again, when money is tight and they realize that industry and business is being hampered with the tightness of money, then what do they do? They lower the discount rate and give directions to buy a large amount of these acceptances, the short-time paper, the paper that is always gilt edged and will be coming in, and they send out and buy from $300,000,000 to $500,000,000 of it, and put it in their tills, and put the money in circulation.

And there you have a loosening up of money by these two processes under the Federal Reserve Board, through the Federal reserve banks having exercised the power, and in my judgment they have usually exercised it judiciously, either to ease business, on the one hand, or to curb a speculative era on the other. And for that reason I think it is well that we might stop and consider very carefully the many propositions that are being made to hamper and tie up this board and fix rates so that they can not use them for the purpose for which they were created, for the purpose of stabilizing business and supplying money to business when it needs it and withdrawing money when it does not need it. Sometimes mistakes have been made as to the proper treatment and bad results have followed, but usually the prudent, careful handling of these forces have been the safety of business. [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes, had come to no resolution thereon.

SONS OF UNION VETERANS OF THE CIVIL WAR

Mr. BEERS. Mr. Speaker, I offer a privileged resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 58

Resolved, That there shall be printed as a House document the proceedings of the annual report of the forty-sixth annual encampment by the commander in chief of Sons of Union Veterans of the Civil War for the year 1927, with accompanying illustrations.

The SPEAKER. The question is on agreeing to the resolution.

Mr. GARRETT of Tennessee. This resolution, as I understand it, is a unanimous report from the committee?

Mr. BEERS. Yes.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BLAND for an indefinite period, on account of illness in his family.

To Mr. WILLIAMS of Missouri (at the request of Mr. COCHRAN of Missouri), for three days, on account of illness.

ADJOURNMENT

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 44 minutes p. m.) the House adjourned, under the order previously made, until Monday, February 13, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, February 11, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Department of Agriculture appropriation bill.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To amend an act entitled "An act for the regulation of radio communications," approved February 23, 1927 (H. R. 8825).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

Granting the consent of Congress to the Great Falls Bridge Co. to construct a bridge across the Potomac River (H. R. 7340).

Authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near the Great Falls (H. R. 9830).

Granting the consent of Congress to the Delaware & New Jersey Bridge Corporation, a corporation of the State of Delaware, domiciled at Wilmington, Del., its successors and assigns, to construct, maintain, and operate a bridge across the Delaware River (H. R. 7725).

Granting the consent of Congress to Stranahan, Harris & Oatis, a corporation organized under the laws of the State of Ohio, and Edward Ball, of the county of Duval, State of Florida, their successors and assigns, to construct, maintain, and operate a bridge across the Delaware River (H. R. 8287).

For Monday, February 13, 1928

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

To amend Title II of an act approved February 28, 1925, regulating postal rates (H. R. 9296).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To provide for the increase of the Naval Establishment (H. R. 7359).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McLEOD: Committee on Patents. H. J. Res. 36. A resolution to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, etc.," approved February 8, 1918; without amendment (Rept. No. 621). Referred to the House Calendar.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. DYER: Committee on the Judiciary. H. Res. 96. A resolution requesting the Attorney General to furnish information regarding violation of the antitrust laws by the fertilizer corporations and penalties, if any, imposed; adverse (Rept. No. 622). Laid on the table.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Appropriations was discharged from the consideration of the bill (H. R. 4493) for the relief of Hugh S. Gibson, and the same was referred to the Committee on Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOWMAN: A bill (H. R. 10798) to regulate the practice of the healing art to protect the public health in the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 10799) for the lease of land and the erection of a post office at Philippi, W. Va., and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. HASTINGS: A bill (H. R. 10800) to authorize an appropriation for the relief of the State of Oklahoma on account of roads and bridges damaged or destroyed by the recent flood, to the Committee on Roads.

By Mr. LEATHERWOOD: A bill (H. R. 10801) for the exchange of certain lands situated in the Fort Douglas Military Reservation, in the State of Utah, for watershed lands in Red Butte Canyon, between T. Arthur Moore and the Government of the United States and for other purposes; to the Committee on Military Affairs.

By Mr. MILLER: A bill (H. R. 10802) to amend section 484 of the tariff act of 1922; to the Committee on Ways and Means.

By Mr. SOMERS of New York: A bill (H. R. 10803) to prevent the manufacture, sale, or transportation of improperly labeled or misbranded paint, turpentine, and linseed oil; to the Committee on Interstate and Foreign Commerce.

By Mr. SELVIG: A bill (H. R. 10804) to amend the act entitled "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926; to the Committee on Foreign Affairs.

By Mr. SINCLAIR: A bill (H. R. 10805) to amend section 1 of the tariff act of 1922; to the Committee on Ways and Means.

By Mr. ANTHONY: A bill (H. R. 10806) authorizing the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, to construct, maintain, and operate a toll bridge across the Missouri River at or near Atchison, Kans.; to the Committee on Interstate and Foreign Commerce.

By Mr. FULMER: A bill (H. R. 10807) to establish and maintain a pecan experimental station at or near the city of Orangeburg, S. C.; to the Committee on Agriculture.

By Mr. REECE: A bill (H. R. 10808) authorizing an appropriation for the erection of a monument or marker at Elizabethton, Tenn.; to the Committee on Military Affairs.

Also, a bill (H. R. 10809) to provide qualifications for the superintendents of national cemeteries and national military parks; to the Committee on Military Affairs.

By Mr. LEA: A bill (H. R. 10810) to limit the location of stations, substations, and branch post offices; to the Committee on the Post Office and Post Roads.

By Mr. McSWAIN: Joint resolution (H. J. Res. 198) to authorize the Department of State to issue passports without charge to farmers traveling in Europe to study agricultural methods; to the Committee on Foreign Affairs.

By Mr. HUDSON: Joint resolution (H. J. Res. 199) to increase the annual rate of compensation of the Capitol police; to the Committee on Accounts.

By Mr. ANDRESEN: Joint resolution (H. J. Res. 200) to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge," approved June 7, 1924; to the Committee on Agriculture.

By Mr. McSWAIN: Joint resolution (H. J. Res. 201) to prohibit the employment of armed forces to intervene in domestic affairs of any foreign country; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANFIELD: A bill (H. R. 10811) granting an increase of pension to Isophene Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10812) for the relief of Donald M. Davidson; to the Committee on Military Affairs.

By Mr. CAREW: A bill (H. R. 10813) for the relief of the parents of Donard Murphy; to the Committee on War Claims.

Also, a bill (H. R. 10814) for the relief of the parents of Emmett Murphy, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10815) for the relief of the parents of Garnet Murphy; to the Committee on War Claims.

By Mr. CLANCY: A bill (H. R. 10816) granting a pension to Christine A. Chester; to the Committee on Pensions.

By Mr. COLLIER: A bill (H. R. 10817) to provide for suit against the United States by the Merrill Engineering Co.; to the Committee on Claims.

By Mr. CRAIL: A bill (H. R. 10818) granting an increase of pension to Jennie M. Searle; to the Committee on Invalid Pensions.

By Mr. ENGLAND: A bill (H. R. 10819) authorizing improvement of the Great Kanawha River between Point Pleasant and Deepwater, W. Va.; to the Committee on Rivers and Harbors.

By Mr. FENN: A bill (H. R. 10820) granting an increase of pension to Ella Winchester; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 10821) for the relief of Frank Lytle and Otis Anne Lytle; to the Committee on Claims.

By Mr. GARRETT of Texas: A bill (H. R. 10822) granting an increase of pension to Lucy G. Foster; to the Committee on Pensions.

By Mr. GIFFORD: A bill (H. R. 10823) granting an increase of pension to Georgianna G. Thayer; to the Committee on Invalid Pensions.

By Mr. HUDSON: A bill (H. R. 10824) for the relief of Edward H. Cotcher; to the Committee on Military Affairs.

By Mr. HUGHES: A bill (H. R. 10825) granting an increase of pension to Lenora V. Ruley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10826) granting an increase of pension to Ruth A. Sharer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10827) granting a pension to Susan A. Riffle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10828) granting a pension to Viola Devore; to the Committe on Invalid Pensions.

Also, a bill (H. R. 10829) granting a pension to Hannah C. Oliver; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 10830) granting a pension to Mary Lynch Ickes; to the Committee on Pensions.

By Mr. JOHNSON of Texas: A bill (H. R. 10831) granting an increase of pension to Bridget Mullins; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 10832) granting an increase of pension to Samantha Snider; to the Committe on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 10833) granting an increase of pension to Alice Black; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 10834) granting a pension to Charles Vogle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10835) granting a pension to William Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10836) granting a pension to S. W. Greer; to the Committee on Pensions.

Also, a bill (H. R. 10837) granting a pension to Catherine Grace; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10838) granting an increase of pension to John S. Combs; to the Committee on Pensions.

By Mr. LETTS: A bill (H. R. 10839) for the relief of Shrader Drug Co.; to the Committee on Ways and Means.

By Mr. McSWAIN: A bill (H. R. 10840) granting a pension to Matt J. Gaines; to the Committee on Pensions.

By Mr. O'BRIEN: A bill (H. R. 10841) granting an increase of pension to Catherine A. Curran; to the Committee on Pensions.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 10842) to provide for a survey of Bayou Terre aux Boeuf, La., with a view to maintaining an adequate channel of suitable width; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 10843) to provide for a survey of Bayou Bienvenue, La., with a view to maintaining an adequate channel of suitable width and depth; to the Committee on Rivers and Harbors.

By Mr. PRATT: A bill (H. R. 10844) granting an increase of pension to Sarah Hubbard; to the Committee on Pensions.

By Mr. REED of New York: A bill (H. R. 10845) granting an increase of pension to Harriet I. Inman; to the Committee on Invalid Pensions.

By Mr. SOMERS of New York: A bill (H. R. 10846) for the relief of Sophie K. Stephens; to the Committee on Claims.

Also, a bill (H. R. 10847) to change the military record of Thomas J. Hayden; to the Committee on Military Affairs.

By Mr. STALKER: A bill (H. R. 10848) granting an increase of pension to Louise D. Warriner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10849) granting an increase of pension to Susan F. Winchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10850) granting an increase of pension to Annie C. Walbridge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10851) granting an increase of pension to Ellen M. Cook; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 10852) granting an increase of pension to Sarah Steward; to the Committee on Invalid Pensions.

By Mr. TABER: A bill (H. R. 10853) granting an increase of pension to Mary A. Westlake; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 10854) providing for the examination and survey of the Auglaize River in Ohio, and its tributaries, the Blanchard River and the Ottawa River, commonly called Hog Creek, and their tributaries; to the Committee on Flood Control.

Also, a bill (H. R. 10855) granting an increase of pension to Sarah J. Roop; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 10856) granting an increase of pension to Jennie Hollern; to the Committee on Invalid Pensions.

By Mr. YATES: A bill (H. R. 10857) granting an increase of pension to James Shaw; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3616. By Mr. BACHMANN: Petition of Mr. and Mrs. Walter Ritz and 102 signatures of other citizens of Wheeling, Ohio County, W. Va., protesting against the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3617. By Mr. BEERS: Petition of members of Blue Ridge Council, No. 453, Junior Order of United American Mechanics, favoring restricted immigration; to the Committee on Immigration and Naturalization.

3618. By Mr. BOWMAN: Petition against House bill 78, known as the compulsory Sunday observance law, submitted by petitioners from West Virginia; to the Committee on the District of Columbia.

3619. By Mr. BURTON: Memorial of Springbank Quarterly Meeting of Friends Church, in congregation assembled, at Plainview, Nebr., February 4, 1928, protesting against the proposed naval program contemplating the expenditure of $740,000,000 to increase the strength of the Navy; to the Committee on Naval Affairs.

3620. Also, report and resolutions adopted at the recent State convention of the Ohio Council of Churches, Columbus, Ohio, regarding international good will, arranging for representation at the centennial celebration of the American Peace Society, indorsing membership in the World Court, opposing the building of a competitive Navy, and other matters; to the Committee on Foreign Affairs.

3621. By Mr. CARSS: Petition by the Duluth Council for Prevention of War, for reduction of armaments; to the Committee on Foreign Affairs.

3622. Also, petition of Duluth (Minn.) Council for the Prevention of War, composed of delegates from religious, fraternal, economic, and political organizations of Duluth, Minn., protesting against the adoption of the $2,500,000,000 building program for the Navy; to the Committee on Naval Affairs.

3623. By Mr. CARTER: Petition of Hayward Post, No. 68, American Legion, of Hayward, Calif., urging the passage of the Tyson-Fitzgerald bill (S. 777 and H. R. 500); to the Committee on World War Veterans' Legislation.

3624. Also, petition of Hayward Chamber of Commerce, Hayward, Calif., urging the passage of the Tyson-Fitzgerald bill (S. 777 and H. R. 500); to the Committee on World War Veterans' Legislation.

3625. Also, petition of California Cherry Growers' Association, requesting a commission be appointed to inquire into the labor situation in California before a quota is established with Mexico; to the Committee on Immigration and Naturalization.

3626. By Mr. CRAIL: Petition of approximately 300 citizens of Los Angeles County, Calif., against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

3627. Also, petition of approximately 50 citizens of Los Angeles County, Calif., in favor of the Civil War pension bill; to the Committee on Invalid Pensions.

3628. By Mr. DEMPSEY: Petition of citizens of Buffalo, N. Y., against Brookhart bill, which affects the motion-picture industry; to the Committee on Interstate and Foreign Commerce.

3629. By Mr. DREWRY: Petition of citizens of Victoria County, Va., against the Lankford Sunday bill; to the Committee on the District of Columbia.

3630. Also, petition of citizens of Sussex County, Va., against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3631. By Mr. DYER: Petition of the American Dental Association of St. Louis, giving its unqualified indorsement to the Parker bill (H. R. 5766); to the Committee on Interstate and Foreign Commerce.

3632. Also, petition of citizens of St. Louis, Mo., protesting against the Brookhart bill; to the Committee on Interstate and Foreign Commerce.

3633. Also, petition of Lottie Reese et al., Shelbyville, Ind., against Lankford Sunday observance bill; to the Committee on the District of Columbia.

3634. By Mr. EVANS of Montana: Petition of Guy Davis and other residents of Schatz, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3635. By Mr. FENN: Resolutions of the Connecticut State Federation of Women's Clubs (Inc.), indorsing Senate bills 1181 and 1183 and House bills 357 and 6091, with reference to an adequate national forestry policy; to the Committee on Agriculture.

3636. By Mr. FISHER: Petition of J. E. Grinnell and 87 other persons of Shelby County, Tenn., in favor of an increase of pension for the Civil War veterans and their widows; to the Committee on Invalid Pensions.

3637. By Mr. FREEMAN: Petition of H. I. Pettis, of Norwich, and others from Baltic, Jewett City, Taftville, Stonington, and Mystic, Conn., protesting against the passage of compulsory Sunday observance bill (H. R. 78), known as the Lankford bill; to the Committee on the District of Columbia.

3638. Also, petition of Mrs. Charles W. Avery and others, of Norwich, Conn., protesting against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3639. Also, petition of Harold J. Peckham and others, of Waterford, Conn., against compulsory Sunday observance law, Lankford bill (H. R. 78); to the Committee on the District of Columbia.

3640. Also, petition of James W. Freiberger and others, of New London, Conn., against compulsory Sunday observance, Lankford bill (H. R. 78); to the Committee on the District of Columbia.

3641. Also, petition of C. P. Little and others, of Eastford, Conn., against compulsory Sunday observance, Lankford bill (H. R. 78); to the Committee on the District of Columbia.

3642. Also, petition of Mrs. N. I. Vergason and others, of Waterford, Conn., protesting against compulsory Sunday observance, Lankford bill (H. R. 78); to the Committee on the District of Columbia.

3643. Also, petition of Justin H. Peckham and others, of Gales Ferry, Conn., protesting against compulsory Sunday observance, Lankford bill (H. R. 78); to the Committee on the District of Columbia.

3644. By Mr. GARBER: Petition of the residents of Woods County, Okla., against compulsory Sunday observance as embodied in House bill 78; to the Committee on the District of Columbia.

3645. Also, petition of the residents of Ringwood, Okla., protesting against the enactment of House bill 78 for compulsory Sunday observance; to the Committee on the District of Columbia.

3646. Also, petition of the residents of Alva, Okla., protesting to the passage of House bill 78 for compulsory Sunday observance; to the Committee on the District of Columbia.

3647. Also, petition of the residents of Alfalfa County, in protest to the passage of House bill 78 for compulsory Sunday observance; to the Committee on the District of Columbia.

3648. Also, petition of the residents of Texas County, in protest to the passage of House bill 78 for compulsory Sunday observance; to the Committee on the District of Columbia.

3649. Also, petition of the residents of Enid, Okla., in protest to the passage of House bill 78 for compulsory Sunday observance; to the Committee on the District of Columbia.

3650. Also, letter from Mary Rouse Hyde, Washington, D. C., urging support of the Welch bill (H. R. 6518) to amend the reclassification bill for civil employees; to the Committee on the Civil Service.

3651. Also, letter from Loring, Short & Harmon, Portland, Me., urging support of House bill 11, popularly known as the Capper-Kelly fair price bill; to the Committee on Interstate and Foreign Commerce.

3652. Also, petition of the residents of Lamont, Okla., urging the enactment of legislation for the relief of the Civil War veterans and their widows; to the Committee on Invalid Pensions.

3653. By Mr. AUF DER HEIDE: Petition of 45 residents of Hudson County, N. J., protesting against House bill 78, Sunday observance bill; to the Committee on the District of Columbia.

3654. Also, petition of 65 citizens of Hudson County, N. J. (Union City, West New York, and North Bergen), protesting against House bill 78, Sunday observance bill; to the Committee on the District of Columbia.

3655. Also, petition of 180 citizens of Hudson County, N. J., protesting against House bill 78, Sunday observance bill; to the Committee on the District of Columbia.

3656. By Mr. HUDSPETH: Petition of citizens of Van Zandt County, Tex., indorsing House bill 5581, to prevent gambling in cotton futures; to the Committee on the Judiciary.

3657. Also, petition of residents of Nolan County, Tex., indorsing House bill 5581, to prevent gambling in cotton futures; to the Committee on the Judiciary.

3658. Also, petition of Catholic men of El Paso, Tex., against the Curtis-Reed bill; to the Committee on Education.

3659. By Mr. HAMMER: Petition of Southern Quarterly Meeting of Friends, held at Friendsville, N. C., the 28th of January, 1928, protesting against any increase in our Navy; to the Committee on Appropriations.

3660. By Mr. JOHNSON of Washington: Petition of Elder A. R. Bell and 1,999 other citizens of Tacoma, Pierce County, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3661. Also, petition of R. F. Moon and 19 other citizens of Tacoma, Wash., opposing enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3662. Also, petition of 24 citizens of Lewis County, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3663. Also, petition of 137 citizens of Pacific County, Wash., favoring increased pensions for Civil War soldiers and widows; to the Committee on Invalid Pensions.

3664. By Mr. KEARNS: Petition of citizens of New Richmond, Ohio, urging a vote on the Civil War pension bill; to the Committee on Invalid Pensions.

3665. Also, memorial of the Taliaferro Chapter, Daughters of the American Revolution, Georgetown, Ohio, requesting the passage of House Joint Resolution 11, to adopt an official flag code of the United States; to the Committee on the Judiciary.

3666. By Mr. KERR: Petition of the North Carolina State Beekeepers' Association, protesting against the passage of the corn-sugar legislation or any similar bill which would likewise weaken the pure food law; to the Committee on Agriculture.

3667. By Mr. LETTS: Petition of Gustav Wiesel and other citizens of Muscatine, Iowa, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3668. Also, petition of E. Anthony and other citizens of Davenport, Iowa, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3669. Also, petition of P. B. Fuhlendorf and other citizens of Davenport, Iowa, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3670. By Mr. MANLOVE: Petition signed by 16 citizens of Vernon County, Mo., including William Alexander and B. L. Hurt, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3671. Also, petition signed by 47 citizens of Nevada, Mo., including Mrs. J. B. Willard, H. C. Ware, E. E. Jones, and E. J. Nestor, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3672. Also, petition signed by 63 citizens of Vernon, Mo., including George M. Dunkin, W. L. Mesplay, and C. A. Logan, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3673. Also, petition signed by 23 citizens of Nevada, Mo., including Grace E. Milner and Mrs. J. A. Walker, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3674. Also, petition signed by 24 citizens of Lamar, Mo., including Cathêrin Griffin, Mary H. Hall, Julia S. McKee, and Mary E. Cross, favoring an increase in pension for widows of Civil War veterans; to the Committee on Invalid Pensions.

3675. Also, petition signed by 36 citizens of Tiff City, Mo., including Mrs. Archie Chase, William M. Marsh, Martha A. Devine, Laura Epperson, and Mrs. A. Wilks, favoring increase in pension for widows of veterans of the Civil War; to the Committee on Invalid Pensions.

3676. Petition signed by 91 citizens of Barton and Jasper Counties, Mo., including Edwin Preston, F. S. Bryant, F. M. Kunkler, and Charles J. Tester, favoring increased pensions for widows of veterans of the Civil War; to the Committee on Invalid Pensions.

3677. Petition signed by 20 citizens of Lawrence County, Mo., including Mr. and Mrs. J. D. Wells, of Mount Vernon, Mo., protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3678. Petition signed by 25 citizens of Joplin, Mo., including N. Rosenberg, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3679. Petition signed by 23 citizens of Joplin, Mo., including Edith Norsworthy, Mattie Button, and Alma Humphrey, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3680. Petition signed by 13 citizens of Joplin, Mo., including J. B. Steiner, Mrs. H. Smith, and Martha Warner, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3681. Petition signed by 41 citizens of Carthage, Mo., including W. H. Wood and John Harrison, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3682. Petition signed by 73 citizens of Vernon County, Mo., including George F. Sagerty, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3683. Petition signed by 24 citizens of Joplin, Mo., including Cadi Klein and Mrs. G. Potlitzer, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3684. Also, petition signed by 73 citizens of Jasper County, Mo., including H. R. Milbur, W. D. Linder, B. Moore, and Fred Ambrose, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3685. Also, petition signed by 44 citizens of Carthage, Mo., including Mrs. U. M. Davis, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3686. By Mr. MILLIGAN: Petition signed by citizens of Polo, Mo., advocating the increasing of pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3687. By Mr. MORROW: Petition of Apache Lodge, Brotherhood of Locomotive Firemen and Enginemen, East Las Vegas, N. Mex., requesting favorable action on Senate bill 1482, abolishing the use of injunctions in labor disputes; to the Committee on Labor.

3688. Also, petition of Chamber of Commerce, Santa Fe, N. Mex., protesting against that part of the Box bill which restricts Latin-American immigration; to the Committee on Immigration and Naturalization.

3689. By Mr. MURPHY: Petition of Rev. R. E. Conrad and the membership of the Freeport Presbyterian Church, protesting against the big naval program; to the Committee on Appropriations.

3690. By Mr. NEWTON: Petition of H. A. Salton, of Minneapolis, and others, against compulsory Sunday observance; to the Committe on the District of Columbia.

3691. By Mr. RAMSEYER: Petition of residents of Poweshiek and Jasper Counties, Iowa, protesting against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3692. Also, petition of residents of Mahaska County, Iowa, protesting against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3693. By Mr. SANDERS of New York: Petition of E. L. Kennedy and 37 citizens of Lyndonville, N. Y., and near-by villages, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3694. By Mr. SCHNEIDER: Petition of numerous citizens of Brown County, Wis., protesting against the enactment of House bill 78, or any other bill enforcing the observance of the Sabbath; to the Committee on the District of Columbia.

3695. Also, petition of eight citizens of Green Bay, Wis., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3696. Also, petition of numerous citizens of Green Bay, Wis., protesting against the enactment of House bill 78, or any other compulsory Sunday observance bill; to the Committee on the District of Columbia.

3697. By Mr. SMITH: Petition signed by Kenneth Leaper and 232 other citizens of Twin Falls, Idaho, protesting against

the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3698. Also, petition signed by Della Casper and 201 other residents of Ada County, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3699. Also, petition signed by E. J. Whiteside and 15 other residents of Idaho Falls, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3700. Also, petition signed by Mrs. A. W. Johnson and 73 other residents of Buhl, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3701. By Mr. STALKER: Petition of Mrs. Sate L. Retan and other citizens of Bath, N. Y., urging the enactment of legislation for an increase in pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3702. By Mr. STEELE: Petition of 28 citizens of Atlanta, Fulton County, Ga., protesting against the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3703. By Mr. STRONG of Kansas. Petitions of voters of Dickinson County, Kans., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3704. By Mr. SWING: Petition of citizens of San Diego County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3705. By Mr. THOMPSON: Resolution of the Antwerp Chamber of Commerce, Antwerp, Ohio, favoring an appropriation to continue work to control the European corn borer; to the Committee on Agriculture.

3706. Also, petition of 56 residents of Pandora, Ohio, protesting against the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3707. By Mr. THURSTON: Petition of 125 citizens of Centerville, Iowa, petitioning the Congress to pass legislation increasing the amount of pension of Civil War veterans and their dependants; to the Committee on Invalid Pensions.

3708. By Mr. WELCH of California: Petition from C. Doyen, containing 161 signatures, residents of San Francisco, Calif., favoring the passage of the Welch bill (H. R. 6518) reclassifying the salaries of the United States Federal employees; to the Committee on the Civil Service.

3709. By Mr. WYANT: Petition of Marion Park, president Bryn Mawr College, Bryn Mawr, Pa., indorsing House bill 9284 and Senate bill 2450; to the Committee on Immigration and Naturalization.

3710. Also, petition of national legislative committee of the American Legion, indorsing Wurzbach amendment, Army appropriation bill; to the Committee on Appropriations.

3711. Also, petition of Safe Deposit & Trust Co., Greensburg, Pa., indorsing Capper-Ketcham bill; to the Committee on Agriculture.

3712. Also, petition of residents of Greensburg, Westmoreland County, Pa., protesting against House bill 78; to the Committee on the District of Columbia.

3713. Also, petition of Greensburg Council, No. 82, Order of Independent Americans, Greensburg, Pa., indorsing bill to provide necessary funds to enforce restrictive immigration laws; to the Committee on Immigration and Naturalization.

3714. Also, petition of Board of Supervisors of Wayne County, Mich., praying that Fort Wayne, lying within the corporate limits of the city of Detroit, be ceded to Wayne County for use as a public park; to the Committee on the Public Lands.

3715. By Mr. YATES: Petition of George W. Wellington and others, urging that section 165 of the tax bill be adopted; to the Committee on Ways and Means.

3716. By Mr. ZIHLMAN: Petition of Prudence E. Colliflower and 21 residents of Brunswick, Md., in opposition to the compulsory Sunday observance law; to the Committee on the District of Columbia.

SENATE

MONDAY, *February 13, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, who didst guide our fathers in the founding of this Republic, and hast granted us an heritage of glorious suffering and the strength of chastening trial, make us ever mindful of the loving spirit of him whose name to-day is honored by a grateful nation. We believe that Thou hast appointed us for the protection of the weak and hast given us a potent ministry to all the world. Help us, therefore, to close the wide chasm between the strong and weak, the rich and poor, to cast into it all pride and prejudice, luxury and lust, the insolence of riches with the rancor of poverty, that we may fill it full and make a highway for the King to pass over, and that we may build here the holy city foretold by all Thy prophets since the world began.

Grant this for the sake of Him who became poor that we might be made rich, Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2656) to establish a minimum area for the Shenandoah National Park, for administration, protection, and general development by the National Park Service, and for other purposes, and it was thereupon signed by the Vice President.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McLean	Shipstead
Barkley	Fletcher	McMaster	Shortridge
Bayard	Frazier	McNary	Simmons
Bingham	George	Mayfield	Smith
Black	Gerry	Moses	Smoot
Blaine	Gillett	Neely	Steck
Blease	Glass	Norbeck	Steiwer
Borah	Gooding	Norris	Stephens
Bratton	Gould	Nye	Swanson
Brookhart	Greene	Oddie	Thomas
Broussard	Hale	Overman	Trammell
Bruce	Harris	Phipps	Tydings
Capper	Harrison	Pine	Tyson
Caraway	Hawes	Pittman	Wagner
Copeland	Hayden	Ransdell	Walsh, Mass.
Couzens	Heflin	Reed, Mo.	Walsh, Mont.
Curtis	Howell	Reed, Pa.	Warren
Cutting	Johnson	Robinson, Ark.	Waterman
Dale	Jones	Robinson, Ind.	Watson
Deneen	Kendrick	Sackett	Wheeler
Edge	King	Schall	Willis
Edwards	McKellar	Sheppard	

The VICE PRESIDENT. Eighty-seven Senators having answered to their names, a quorum is present.

HOUSE BILL REFERRED

The bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

LINCOLN AND THE UNION

Mr. SMOOT. Mr. President, on the base of the Lincoln statue in Chicago are carved these words:

> My paramount object in this struggle is to save the Union.

This was Lincoln's rejoinder to Greeley's criticism of the President's war policy.

In these few words are found the key to Lincoln's plans and purposes in the struggle between the States—the rebellion.

They are particularly significant in these times, for they emphasize the meaning of the Civil War and the importance of nationalism.

Throughout Lincoln's speeches and addresses runs the thread of the Union and the Nation. The Declaration of Independence was the seed of nationalism; the Federal Constitution was the National Union.

Lincoln said in Philadelphia:

> I have never had a feeling politically that did not spring from the sentiment embodied in the Declaration of Independence.

In his first inaugural address he said:

> I hold that in contemplation of universal law, and of the Constitution, the Union of the States is perpetual.

For many years the language of the Constitution and its interpretation was a matter of popular and judicial dispute. The Supreme Court was established to determine, as far as such a tribunal can determine, what was the truth. The rights of the

States and the powers of the Federal Government formed a fruitful topic of debate in and out of Congress. It developed into a struggle made sectional for political and economic reasons.

The giants of the Senate in those days clashed in words of fiery eloquence. Out of the instrument creating the Federal Government arose a cloud, now small, now ominously large. What was the Union of States? What was the Nation?

Webster came in words that thrilled the hearts of some and chilled the souls of others. He declared that this is a union—inseparable and imperishable.

Webster's Reply to Hayne appeared to settle the question of nationalism. Yet the irrepressible conflict approached and many States denied Webster's interpretation of the Constitution.

For 20 years the struggle persisted in stirring debate and angry discussion. Despite the logic and philosophy and the sophistry and claims employed by the disputants, the final battle ground was reached.

Then came Lincoln, the man called by Providence to meet the great issue and save the Union. Lincoln brought to that great issue a comprehension of his task. He possessed the kind of leadership necessary to bring popular opinion to a realization of the common danger.

Lincoln's First Inaugural Address was an appeal, not to enemies, but to friends. The closing words of that immortal epic were far above the passions and prejudices of the hour, and a message of tenderness and peace. It was unheeded and the armed conflict to save the Union began.

Said the President:

> The Union is much older than the Constitution * * *. One of the declared objects for ordaining and establishing the Constitution was to form a more perfect union.

The President declared:

> The Union is unbroken * * * and to the extent of my ability I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union shall be faithfully executed in all the States.

Lincoln's special message to Congress in July, 1861, breathed the spirit of the Union under the Constitution. He declared:

> This issue presents to the whole family of men the question whether a constitutional republic or democracy * * * can or can not maintain its territorial integrity against its own domestic foes * * *. Is a Government too weak to maintain its own existence?

Discussing the question of "sovereignty," the President said:

> The States have their status in the Union, and they have no other legal status * * *. The Union, and not themselves separately, procured their independence * * *. The Union gave each of them whatever of independence and liberty it has. The Union is older than any of the States, and in fact it created them as States.

It was claimed by some that the right to secede is consistent with the Constitution. Lincoln said:

> The principle itself is one of disintegration, and upon which no Government can possibly stand * * *. If a State may lawfully go out of the Union, having done so, it may also discard the republican form of government; so that, if to prevent this is an indispensable means to the end of maintaining the [constitutional] guaranty, then it is lawful and obligatory.

In his annual address to Congress December, 1861, Lincoln said:

> The Union must be preserved, and hence all indispensable means must be employed.

Lincoln's immortal address at Gettysburg is the highest tribute mortal man can pay to a new nation—

> conceived in liberty and dedicated to the proposition that all men are created equal.

It was an appeal to God that "this Nation * * * should not perish."

The closing words of his second inaugural was another prayer that we might "bind up the Nation's wounds" and achieve and cherish lasting peace.

Lincoln's great adventure to save the Nation ended successfully but tragically. When Stanton, the great Secretary of War, watched the President's eyes close in eternal peace, he said: "He now belongs to the ages." So he does.

Lincoln still lives. He will never die. Every 12th of February exalts human sacrifice and immortalizes the Nation, for Lincoln's work was distinctively a national work. We would be recreant to him and his cause if we were to depart from the spirit of national preservation for which he gave his all.

The great task of Lincoln has a peculiar significance now, surrounded as we are by powerful efforts to depart from nationalism and plunge into the experiment of internationalism. We are in the midst of forces as perilous to the Nation as rebellion. This Union may be disintegrated by foreign political entanglements as well as by internal disputes. The Nation can be destroyed by external as well as domestic foes. What Lincoln gained in his great adventure may be lost by a single false step.

Senators, I need not remind you that a new political philosophy is imminent, demanding the eliminating of the national spirit and the substitution of what is called internationalism, in the name of world brotherhood. In many recent international gatherings, appeals have been made, particularly to the United States, to disavow nationalism as an enemy of human unlift and world peace. Peoples less fortunate and successful than ourselves are insidiously attempting to induce us to surrender nationalism—the great object of Lincoln's life and labor.

On the contrary, nationalism is the mainspring of our progress; it gives us our sweetest melodies and inspires us to our noblest achievements. Not that we love others the less, but that we love the United States the more.

Beware of the snare of political internationalism. It means a surrender of national rights, of a portion of our sovereignty, of our patriotism, of our national independence. It is impossible for an American to be a citizen of the United States and at the same time a citizen of any League of Nations. It is impossible to follow and defend the American flag and an international flag at the same time.

Right here in Washington, in the very shadow of the Capitol, the White House, and the Lincoln Memorial, are organizations claiming to be American, teaching by conversation and by rote, a doctrine of internationalism, political and economic. Such teachings tend to destroy the very Union and nationalism taught and won by Lincoln. If the Nation Lincoln fought to save is to be perpetuated; if the Union he struggled to save is to endure in all its power and glory, the forces of Americanism and patriotism must rise in their might against the enemy, within and without.

Within the confines of the Capital of the Nation, having branches in the several States and abroad, are organizations teaching the doctrine that patriotism is a false doctrine and hostile to peace. There are organizations of women, I am loath to say, doubting the wisdom of patriotism and demanding a definition of that word. They scoff at loyalty, devotion to country, as nothing but contributions to war.

In the name of "peace" there are numerous organizations, with foreign alliances and American memberships, complaining of the statement that communism, bolshevism, socialism, liberalism, and ultrapacifism all tend to the same end. Yet they do. All these organizations are either willing or unwilling agents of disintegrating forces, as perilous as the rebellion Lincoln faced.

Radical forces, well financed and industrious as well as persistent, are secretly undermining Lincoln's great work. Propaganda to poison the morals of the young and to deceive the unwary as to the real principles of the American Government and the nature and benefits of this Republic, are daily broadcast.

Senators, American histories are being written omitting the names of those who appeal to the American sentiment of loyalty and patriotism, and extolling socialist and communistic theories. The revolutionary movement circulates in the United States more than 600 publications.

The lessons of this anniversary of Lincoln's birth are plain. He guided this Republic in its darkest days and through its most critical period; who, with the aid of thousands of loyal and patriotic defenders, saved the Nation, sits silent and mute in yonder memorial. His spirit reaches out imploringly into the hearts and souls of men and women of to-day who love their country and yearn to save it from all peril.

The Nation lives because Lincoln lives. The Nation will live as long as the soul of Lincoln lives in us and those who follow us.

Mr. ROBINSON of Arkansas. Mr. President, Abraham Lincoln is one of the outstanding figures of American history. He lived and served during a period of great distress and disturbance. He is representative in history of a true type of American citizenship. As a representative of the Southland in this great body I ask to be permitted to pay an humble tribute of respect and honor to one whose memory and whose deeds and teachings are just as much revered in the land below the line of Mason and Dixon as in the North.

What other statesman of the middle period of the Republic so faithfully adhered to the fundamental principles upon which all our permanent institutions rest? Who else in all that time of strife and turmoil maintained so unfalteringly, so faithfully the true doctrines that have made this Republic glorious among the sons of men throughout the world?

Born in poverty, restrained and hampered by all the adversities that humble youth can know, his farsighted vision looked into the distant future, and amidst the clamor and strife of civil conflict he, the head of the Nation, maintained an attitude and spirit of charity. He loved the Union. He realized that the issues about which the citizenship of the Nation was greatly disturbed were fundamental and not one-sided. When the tide of conflict for four long years had flowed back and forth and victory at last came to the armies of the Union the South could find no better friend than Abraham Lincoln.

The best proof of his greatness and of his title to immortality is found in the fact that neither factionalism nor sectionalism could arouse him to hatred or bitterness. If he had lived to lead the Republic in the darkness that enveloped it during the period of reconstruction, the reunion of the North and South would have been hastened and the bitterness and hostility of spirit which lasted too long would have ended when the immortal Lee surrendered to the generous Grant at Appomattox.

As a representative in this body of what has come to be known as the new South, I bow my head to-day in reverence. I pluck a white rose, blooming in the gardens of Dixie, and lay it on the tomb of the brave, humble, awkward, patient, immortal Lincoln, whose courage and charity have been excelled by the leader of armed forces nowhere at no time in the annals of human history.

In what other land, under what other sky, could one of such humble birth, of such simple attributes, but of such determined principles, have attained the prominence which crowned Abraham Lincoln?

If he could come back to life and move again among the men who served this Nation, he would find nowhere a more secure abiding place, nowhere would he be more cordially received, than in the land of Dixie.

Mr. BRUCE. Mr. President, I should like to be allowed the privilege of adding to this occasion a story about Mr. Lincoln which, so far as I know, has never been published. The gentleman by whom the story was told to me was the late John S. Gittings, of Baltimore, one of the most prominent business men and citizens of that city.

On the eve of the Civil War, just before Mr. Lincoln came on to Washington to be inaugurated, there was some fear, because of the extent to which the people of Baltimore were in sympathy with the South, that there might be at least a show of violence to Mr. Lincoln when he was passing through that city. Moved by the cordial impulses of a true woman, Mrs. John S. Gittings, the wife of Mr. John S. Gittings, the grandfather of the John S. Gittings to whom I have just referred, who was a daughter of Thomas Ritchie, the famous editor of the Richmond (Va.) Inquirer, invited Mrs. Lincoln, with her children, to be the guests of her husband and herself while Mr. Lincoln was passing through Baltimore on his way to the inauguration.

I might say, incidentally, that the brother of Mrs. John S. Gittings, one of the sons of Thomas Ritchie, killed in a duel Pleasants, the editor of the Richmond Whig, whose daughter also was one of the conspicuous figures in the social life of Baltimore at the time Mrs. John S. Gittings was.

After spending some little time under the roof of Mrs. Gittings, Mrs. Lincoln and her children passed on to Washington and rejoined Mr. Lincoln.

Later on, two young men in the State of Maryland were arrested and court-martialed and condemned to death for smuggling Confederate soldiers across the Potomac from the State of Maryland to the State of Virginia. In other words, they were condemned for precisely the same offense for which Edith Cavell was by a German court-martial during the World War. Of course, many instances of that sort were forgotten during the passions of the World War. Mrs. Gittings and some other ladies of Baltimore went over to see the President and to ask him at least to commute the sentence of these two young men. When the President was giving an audience to these women he recognized Mrs. Gittings, and he inquired, "Mrs. Gittings, you are a Southern woman, are you not?" She replied, "Yes, Mr. President; I have two brothers at this time in the Confederate Army." The President then asked, "And you are the Mrs. Gittings who took my wife and children under the protection of your roof when we were passing through Baltimore, are you not?" "Yes, Mr. President," she replied, "I had that pleasure." Then said Mr. Lincoln, "Mrs. Gittings, I give you the lives of those two men," and they were pardoned.

I mention that as just another illustration of the noble, the generous, the magnanimous traits of the man whom we are stopping for a moment by the wayside, so to speak, in our proceedings to honor to-day.

Mr. HEFLIN. Mr. President, I hail from the State where the first capital of the Confederacy was located, at Montgomery, Ala.

I have read the debates in Congress and out of Congress about the War between the States.

I have read Rawls's View of the Constitution, which was the accepted textbook at the West Point Military Academy when Lee was a cadet there. That book had taught that the secession of a State depended solely upon the will of the people of the State.

I have read what Charles Francis Adams, of Massachusetts, said, that prior to the War between the States the opinion was almost universal that in case of conflict between the State and Federal Government's sovereignty resided with the State and to it allegiance was due.

I have read what Doctor Eliot, a northern man, said in his history of our country—that the question of secession was never authoritatively settled until the war settled it; and that is true.

Mr. President, that question had to be settled. It could not be settled in the halls of peace; and as brave men as ever battled went out from the South fighting for their rights as they understood them to exist under the Federal Constitution. The brave Northern soldiers went out fighting in the belief that the Union was about to be destroyed; and both sides were fighting for the right as God gave them the power to see it.

Secession was held generally amongst the States in the early days as an inherent right; but the war settled that question, and it settled the slave question, and the new status of the Union was finally and forever fixed.

The most unfortunate thing that ever happened, not only to the whole country but to the South in particular, was when the great Lincoln was assassinated. It was a heavy blow to the South. I wish in my heart that he could have lived to lead in the work of bringing the sections back together in the bonds of friendship and union. His big, brave heart would have prompted him to do the thing necessary to cause both sections to forget as soon as possible the bitterness and prejudice born of war. When the news of Lee's surrender came to President Lincoln at the White House the tears rolled down his face, and he said, "Have the band play Dixie." He turned to those around him and said, "Now, let us set ourselves to the work of healing the wounds of war and in the spirit of fairness and justice restore those States to their places in the Union."

Mr. President, Lincoln was a broad-minded man; a man of great heart and great soul. He loved and served his fellowman. I believe that if Lincoln could have lived he would have done more in 12 months to cause the North and South to get away from the bitter feelings created by the war and to bind the sections together in the ties of mutual friendship and interests than was done in 30 years after his death.

What a pity that he did not live to do that great work. Thomas Moore in his beautiful poem said:

> Hope's precious pearl in sorrow's cup
> Unmelted at the bottom lay,
> To shine again when all drunk up,
> And the bitterness should pass away.

If Lincoln could have lived, sectional hate and bitterness would have quickly melted away under his tender and loving ministrations, and he would have gone down to his grave finally the best-beloved man in the whole United States. He was born in the South and he understood the southern people.

I honor the great Lincoln, and, Mr. President, it gives me pleasure to say a word on the recurrence of his birth time. As Senator Ollie James, of Kentucky, once said:

> If Lincoln were living to-day there is not a foot of soil under Dixie's skies where he could not pillow his head upon a Confederate soldier's knee and sleep, and sleep in safety there.

Mr. BROOKHART. Mr. President, it is with great gratification that I listen to these eulogies of Lincoln from the Senators of the Southland. The first principle of Americanism was written by a statesman from the Southland. Thomas Jefferson said in the Declaration of Independence that all men are created equal, and that governments derive their just powers from the consent of the governed. Add to that his statement of the great economic principle of equal rights to all and special privileges to none and you find included in those statements the great American principles that were advocated by Abraham Lincoln.

All of the troubles in our country have come from the fact that we have attempted to violate those principles of equality. The Southland did that in espousing the cause of slavery. Hence Lincoln, following the true principles of Jefferson, took the opposite view.

I therefore want to return to the Southland the greeting, and to venture to say that the South and the North can unite

for a settlement of the great problems of this time upon the principles of Jeffersonian democracy and Lincoln republicanism, government of the people, by the people, for the people.

SUPPLEMENTAL ESTIMATE OF APPROPRIATION—FLOOD RELIEF, MISSISSIPPI RIVER (S. DOC. NO. 56)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1929, for the War Department for flood relief, Mississippi River, in the amount of $1,500,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

Mr. CAPPER presented a resolution adopted by the State executive meeting of the Kansas County Superintendents at Topeka, Kans., praying for the passage of legislation to create a Federal department of education, which was referred to the Committee on Education and Labor.

Mr. COPELAND presented a memorial of sundry citizens of Albany and Troy, N. Y., remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

Mr. WILLIS presented a memorial of sundry citizens in the State of Ohio, remonstrating against the passage of the so-called Capper bill (S. 2506) to amend the packers and stockyards act, 1921, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Cincinnati and Columbus, Ohio, remonstrating against the passage of the so-called Brookhart bill relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

Mr. BINGHAM presented the petition of the Governor of Hawaii and sundry officials and citizens of the Territory of Hawaii, praying for the passage of legislation granting pensions of $95 per month to George G. Whittier, aged 91; James K. P. Morelock, aged 84; Robert M. Overend, aged 79; and James Devlin, aged 79, all Civil War veterans residing in the Territory of Hawaii, which was referred to the Committee on Pensions.

Mr. McLEAN presented a petition of the Trades Council of New Haven, Conn., praying for the passage of legislation providing for the reconditioning of the U. S. S. *Mount Vernon* and *Monticello*, so that the men employed in the navy yards may be kept working, which was referred to the Committee on Commerce.

He also presented a resolution adopted by Ben Miller Council, No. 11, Junior Order United American Mechanics, of Danbury, Conn., opposing the repeal of the national origins quota provision and favoring the execution of the quota provision in the existing immigration law, which was referred to the Committee on Immigration.

He also presented a letter in the nature of a petition from the Connecticut Association of Postmasters at Torrington, Conn., praying for the passage of legislation to increase the salaries of first, second, and third class postmasters, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of the Lowell House Mothers Club and sundry citizens, of Middletown, Conn., remonstrating against the adoption of the proposed naval building program, which were referred to the Committee on Naval Affairs.

He also presented resolutions of the Connecticut Federation of Women's Clubs, of Bridgeport, and the Woman's Club, of New Haven, both in the State of Connecticut, favoring the passage of the so-called McNary-Woodruff bill authorizing an appropriation for the purchase of land in Mad River Notch, situated in the town of Waterville, N. H., which were referred to the Committee on Agriculture and Forestry.

He also presented resolutions of the Connecticut Federation of Women's Clubs, of Bridgeport, and the Woman's Club, of New New Haven, both in the State of Connecticut, praying for the passage of the so-called McSweeney bill providing for research by various agencies of the United States Government as to methods of forest production and conservation, which were referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (H. R. 8527) for the relief of the International Petroleum Co. (Ltd.), of Toronto, Canada, reported it without amendment and submitted a report (No. 283) thereon.

Mr. BAYARD, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 2644) to carry out the findings of the Court of Claims in the case of the P. L. Andrews Corporation (Rept. No. 284); and

A bill (H. R. 5925) for the relief of the Fidelity & Deposit Co. of Maryland (Rept. No. 285).

Mr. WATERMAN, from the Committee on Claims, to which was referred the bill (S. 2227) for the relief of F. L. Campbell, reported it without amendment and submitted a report (No. 286) thereon.

He also, from the same committee, to which was referred the bill (S. 2424) for the relief of A. N. Ross, submitted an adverse report (No. 287) thereon.

Mr. PITTMAN, from the Committee on Interstate Commerce, to which was referred the bill (S. 656) to amend section 15a of the interstate commerce act, as amended, reported it without amendment and submitted a report (No. 290) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (H. R. 482) to provide relief for the victims of the airplane accident at Langin Field, Moundsville, W. Va., reported it without amendment and submitted a report (No. 291) thereon.

Mr. BLEASE, from the Committee on Military Affairs, to which was referred the bill (H. R. 1597) for the relief of Gaston M. Janson, reported adversely thereon and moved that the bill be indefinitely postponed, which was agreed to.

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 761) granting the consent of Congress to Dwight P. Robinson & Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River (Rept. No. 301);

A bill (S. 1170) granting the consent of Congress to the Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River (Rept. No. 292);

A bill (S. 1410) granting the consent of Congress to Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River (Rept. No. 295); and

A bill (H. R. 9186) authorizing the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, to construct, maintain, and operate a toll bridge across the Ohio River at or near Sistersville, Tyler County, W. Va. (Rept. No. 293).

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 1104) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland City, Ark. (Rept. No. 300);

A bill (S. 1406) granting the consent of Congress to Valley Bridge Co. (Inc.), of Pahucah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or within 1 mile of Canton, Ky. (Rept. No. 296); and

A bill (S. 1409) granting the consent of Congress to Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River (Rept. No. 299).

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 1407) granting the consent of Congress to Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River within 1 mile of Iuka, Ky. (Rept. No. 297); and

A bill (S. 1408) granting the consent of Congress to Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or within 2 miles of Smithland, Ky. (Rept. No. 298).

Mr. DALE also, from the Committee on Commerce, submitted a report (No. 294) to accompany the bill (H. R. 7916) authorizing the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Madison, Jefferson County, Ind., heretofore reported from that committee and passed.

Mr. BRATTON, from the Committee on Indian Affairs, to which was referred the bill (S. 1941) to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico, reported it with amendments and submitted a report (No. 302) thereon.

MISSISSIPPI RIVER BRIDGE AT BATON ROUGE

Mr. DALE. From the Committee on Commerce, I report back favorably without amendment the bill (H. R. 6487) authorizing the Baton Rouge-Mississippi River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Baton Rouge, La., and I submit a report (No. 289) thereon. I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JUDICIAL DISTRICTS IN OKLAHOMA

Mr. CARAWAY. From the Committee on the Judiciary, I report back favorably without amendment the bill (H. R. 7011) to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State, and I submit a report (No. 282) thereon. The need for the immediate passage of the bill is urgent, and I therefore ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas?

Mr. PINE. I object.

The VICE PRESIDENT. Objection is made, and the bill will be placed on the calendar.

JOSEPH JAMESON

Mr. CAPPER. Mr. President, from the Committee on Claims I report back favorably, without amendment, the bill (H. R. 3926) for the relief of Joseph Jameson, and I submit a report (No. 288) thereon. I ask unanimous consent for its immediate consideration.

Mr. SMOOT. I would like to have it go to the calendar.

Mr. WILLIS. Mr. President, if the Senator will permit me to say a word, I think he will not make that request.

Mr. SMOOT. I will withhold my request until I hear the Senator's statement. If there is any good reason for the immediate passage of the bill, I should like to know it.

Mr. WILLIS. Here is the reason for it. This is a bill which passed both House and Senate in the last session of Congress, but in the rush incident to final adjournment it did not reach the President in time for his signature. It has been fully gone into and there is not the slightest objection to it in any quarter, so far as I know.

Mr. KING. Mr. President, I would like to have the bill read before I consent to its consideration.

The VICE PRESIDENT. The clerk will read the bill.

The Chief Clerk read the bill.

Mr. KING. I think it ought to go to the calendar.

Mr. ROBINSON of Arkansas. I think the Senator from Ohio ought to explain the purpose of the bill.

Mr. WILLIS. If the junior Senator from Utah will withhold his objection, I shall do so.

Mr. KING. Very well.

Mr. WILLIS. As I said a moment ago, the bill has been very carefully gone into by the committees in both House and Senate. The bill passed both the House and Senate in the last Congress, but in the rush incident to final adjournment it did not reach the President in time for his signature.

The facts of the case are these: I have all the papers here and the recommendation from the department. There is not the slightest suggestion of any blame on the part of the postmaster. The fact is that highwaymen entered this post office, overpowered the employees, blew the safe, and carried away the money, some $10,000. The Post Office Department immediately and very strongly recommended that credit should be given the postmaster, that he was in no respect to blame for what had occurred.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. WILLIS. Certainly.

Mr. KING. Was there any charge that he was negligent——

Mr. WILLIS. Not the slightest.

Mr. KING. Let me complete my sentence—in retaining in the office so large a sum of money?

Mr. WILLIS. No; there was not the slightest charge of that nature.

Mr. KING. The Senator knows in a great many instances, in violation of the rule, postmasters retain, instead of promptly remitting, large sums of money, thus inviting robbery because the existence of the retention of the money becomes known in some way.

Mr. WILLIS. That charge was not made at all in this case. The Senator will recall that the post office at Lorain, Ohio, a city of probably, I should say, at least 30,000 people, was robbed as I have explained.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. WILLIS. Certainly.

Mr. ROBINSON of Arkansas. I understand that the report of the department is unqualifiedly favorable?

Mr. WILLIS. Absolutely. The Senator has correctly stated the facts.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Joseph Jameson, postmaster at Lorain, Ohio, in the sum of $10,662.10, due the United States on account of public funds and property lost in the burglary of the post office on March 1, 1925.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUEBLO INDIAN LANDS, NEW MEXICO

Mr. FRAZIER. Mr. President, if in order, I desire to call up the motion which I entered a few days ago to reconsider the vote by which the amendment of the House to the bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes, was concurred in.

Mr. WALSH of Montana rose.

Mr. FRAZIER. There will be no debate, I will say to the Senator from Montana. There is no objection to my request, as I understand.

Mr. EDGE. A parliamentary inquiry, Mr. President. Has morning business been concluded?

The VICE PRESIDENT. Morning business has not yet been concluded. Reports of committees are in order.

Mr. BRATTON. Mr. President, I have no objection to the motion made by the Senator from North Dakota.

The VICE PRESIDENT. The question is on the motion of the Senator from North Dakota, heretofore entered, to reconsider the vote. Is there objection? Without objection, it is so ordered.

Mr. FRAZIER. I now ask unanimous consent that the bill, as amended, be referred to the Committee on Indian Affairs.

The VICE PRESIDENT. Without objection, the bill will be so referred.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CUTTING:

A bill (S. 3136) creating the Roswell land district, establishing a land office at Roswell, N. Mex., and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. NORBECK:

A bill (S. 3137) granting a pension to Mary Two-Eagle (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 3138) granting an increase of pension to Hannah E. Cordes (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 3139) granting an increase of pension to Alice M. Woods (with accompanying papers);

A bill (S. 3140) granting a pension to Rachel Huff (with accompanying papers); and

A bill (S. 3141) granting an increase of pension to Rose Mercer (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 3142) for the relief of Capt. John V. D. Hume; to the Committee on Claims.

By Mr. GOULD:

A bill (S. 3143) granting an increase of pension to Victoire Morey; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 3144) granting an increase of pension to Samantha J. Wykoff (with accompanying papers); and

A bill (S. 3145) granting an increase of pension to Evaline M. Thrall (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 3146) granting a pension to Nellie Fryett (with accompanying papers); to the Committee on Pensions.

By Mr. HARRISON:

A bill (S. 3147) for the relief of James Francis McDonald and Sarah Elizabeth McDonald; to the Committee on Claims.

By Mr. DENEEN:

A bill (S. 3148) to amend the military record of John A. Burke; to the Committee on Military Affairs.

By Mr. NORRIS:

(By request.) A bill (S. 3149) providing for the transfer of a portion of the military reservation known as Camp Sherman, Ohio, to the Department of Justice; to the Committee on Military Affairs.

(By request.) A bill (S. 3150) to amend section 4 of the act approved February 11, 1925, entitled "An act to provide fees to be charged by clerks of the district courts of the United States"; and

A bill (S. 3151) to limit the jurisdiction of the district courts of the United States; to the Committee on the Judiciary.

By Mr. HAWES:

A bill (S. 3152) granting an increase of pension to Ellen R. Dobbs (with accompanying papers);

A bill (S. 3153) granting an increase of pension to Susanah Wilson (with accompanying papers);

A bill (S. 3154) granting an increase of pension to Ella Carland (with accompanying papers);

A bill (S. 3155) granting an increase of pension to Ann E. Tilson (with accompanying papers);

A bill (S. 3156) granting an increase of pension to Laura J. Coon (with accompanying papers);

A bill (S. 3157) granting an increase of pension to Margaret A. Hurst (with accompanying papers); and

A bill (S. 3158) granting an increase of pension to Martha Ann Vanbuskirk (with accompanying papers); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 3159) to authorize the purchase of land for the Navajo Indians in Arizona and New Mexico; to the Committee on Indian Affairs.

By Mr. MOSES:

A bill (S. 3160) to amend sections 1 (e) and 25 (e) of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; to the Committee on Patents.

By Mr. McNARY:

A bill (S. 3161) granting a pension to E. A. Hart; to the Committee on Pensions.

A bill (S. 3162) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.; to the Committee on Agriculture and Forestry.

By Mr. CAPPER:

A bill (S. 3164) for the relief of Donald W. Stewart; to the Committee on Claims.

A bill (S. 3165) granting an increase of pension to Miriam E. Livingston (with accompanying papers); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3166) granting a pension to Green L. Collins; to the Committee on Pensions.

By Mr. EDGE:

A bill (S. 3167) granting an increase of pension to Caroline A. Damon; to the Committee on Pensions.

A bill (S. 3168) for the relief of Anna W. Rork; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 3169) authorizing acquisition of a site for the farmers' produce market, and for other purposes; to the Committee on the District of Columbia.

By Mr. TYSON:

A bill (S. 3170) granting a pension to Hiram P. Sloan; to the Committee on Pensions.

A bill (S. 3171) providing for a Presidents' plaza and memorial in the city of Nashville, State of Tennessee, to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States; to the Committee on the Library.

By Mr. SHIPSTEAD:

A bill (S. 3172) granting a pension to Patrick Staton (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 3173) authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across the Suwannee River at a point where State Road No. 15 crosses the Suwannee River, State of Florida;

A bill (S. 3174) authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across Choctawhatchee River at the point where State Road No. 10 crosses Choctawhatchee River, State of Florida;

A bill (S. 3175) authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across East Pass at or near Morena Point, Fla.; and

A bill (S. 3176) authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across Santa Rosa Sound at or near Camp Walton, Fla.; to the Committee on Commerce.

By Mr. PHIPPS:

A bill (S. 3177) to improve the navigability of the Colorado River; to provide flood control; to aid in the reclamation of the public lands of the United States; to prevent controversy between the States of the Colorado River Basin, and for other purposes; to the Committee on Irrigation and Reclamation.

A bill (S. 3178) to provide an additional method for collecting taxes in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. RANSDELL:

A bill (S. 3179) providing for the transfer of the title to the military reservation at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College; to the Committee on Public Lands and Surveys.

By Mr. NORBECK:

A bill (S. 3180) authorizing the Secretary of the Treasury to pay Dr. A. W. Pearson, of Peever, S. Dak., and the Peabody Hospital at Webster, S. Dak., for medical services and supplies furnished to Indians; to the Committee on Claims.

PROPOSED STATUES OF GRANT AND LEE

Mr. BLEASE. Mr. President, I desire to introduce the bill which I send to the desk, and for it I ask immediate consideration.

The VICE PRESIDENT. The clerk will read the bill at length.

The bill (S. 3163) to provide for statues of Gens. Robert E. Lee and U. S. Grant was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $50,000 to be expended by the Secretary of War for statues of Gens. Robert E. Lee and U. S. Grant; and that the Secretary of War is hereby authorized and directed to secure such statues as soon as practicable, each to be of similar material and workmanship and of the same size, and to have the same placed, respectively, on pedestals situate at the right and left of the main entrance to the Army War College in the city of Washington, D. C.

The VICE PRESIDENT. The Senator from South Carolina asks unanimous consent for the immediate consideration of the bill.

Mr. SMOOT. Is this a report from a committee; and if so, from what committee is the bill reported?

The VICE PRESIDENT. The Senator from South Carolina introduces the bill and asks for its immediate consideration.

Mr. SMOOT. Without reference to a committee?

Mr. BLEASE. I will state what it is. I do not think it is necessary to refer it to a committee. It simply authorizes the Secretary of War to spend an amount not exceeding $50,000—of course, he does not have to spend that much, but I have put in that limit—for the purpose of having made and erected a statue of Gen. Ulysses S. Grant and one of Gen. Robert E. Lee, to be placed on pedestals to the right and left of the main entrance to the War College.

We have heard some nice talk this morning about the good feeling between the North and the South, and I think this would go at least some little distance to show that it is not a matter of mere words but that we mean a little of what has been said.

Mr. SMOOT. If the bill were simply to provide for a statue of Grant alone I would have the same objection. It ought to go to a committee. All bills of this character have been referred to the Committee on the Library.

Mr. BLEASE. The only objection I have to it going to the committee is that I know it will never get back.

Mr. SMOOT. I do not know as to that.

Mr. BLEASE. I have introduced about 15 bills and, with the exception of one, I have known of none coming back.

Mr. SMOOT. Does the Senator appear before the committee in support of the bills he introduces?

Mr. BLEASE. No; but I have written letters to them and asked for reports and have not been able to get them. I do not mind the other point so much, but there has been so much said about good feeling between the North and South this morning that I want to see some action to prove it.

Mr. SMOOT. I think the bill ought to go to the committee.

The VICE PRESIDENT. Is objection made?

Mr. SMOOT. I object.

Mr. BLEASE. That is what I expected, Mr. President, to come from the North.

The VICE PRESIDENT. The bill will be referred to the Committee on the Library.

WITHDRAWAL OF PAPERS—JOHN W. WOOD

On motion of Mr. NEELY, it was—

Ordered, That the papers filed with the bill (S. 23) granting a pension to John W. Wood be withdrawn from the files of the Senate, no adverse report having been made thereon.

PRINTING OF SURVEY OF DISTRICT PUBLIC SCHOOLS

Mr. PHIPPS submitted a resolution (S. Res. 144), which, with the accompanying papers, was referred to the Committee on Printing, as follows:

Resolved, That the manuscript of the report of a survey of the public schools of the District of Columbia, transmitted by the United States Bureau of Efficiency to Senator LAWRENCE C. PHIPPS, chairman of the Senate Subcommittee on Appropriations for the consideration of the District of Columbia appropriation bill, be printed with illustrations as a Senate document.

WORLD WAR VETERANS IN ST. ELIZABETHS ASYLUM

Mr. WALSH of Massachusetts. Mr. President, the Senator from Pennsylvania [Mr. REED] on February 8 had inserted in the CONGRESSIONAL RECORD a letter from Frank T. Hines, Director of the United States Veterans' Bureau, addressed to me, in regard to complaints about treatment of veterans at St. Elizabeths Hospital and allegations that men who were entirely sane have been confined there without court proceedings at the request of the Veterans' Bureau.

Director Hines in his letter referred to articles which have appeared in a Washington daily paper as the origin of this matter.

A brief letter from the managing editor of that paper I ask to have inserted in the CONGRESSIONAL RECORD, in view of a possible injustice that may be done the paper and person referred to, though undoubtedly not intended, by the Director of the Veterans' Bureau.

The PRESIDING OFFICER (Mr. GOODING in the chair). Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

FEBRUARY 10, 1928.

Mr. FRANK T. HINES,
Director of United States Veterans' Bureau,
Washington, D. C.

MY DEAR SIR: In the CONGRESSIONAL RECORD of February 8, 1928, page 2665 is reproduced a letter from you to Senator DAVID WALSH, containing the following paragraph:

"The situation referred to by Mr. Wallace apparently came to his attention through an article appearing in the February issue of a magazine known as Plain Talk. The person submitting this article formerly submitted similar articles to one of the Washington daily papers, but this paper discontinued using such material several months ago."

The inference is that Mr. P. H. Skinner, writer of these articles, had submitted them to the Washington Times for publication, and that the Times had discontinued use of such material because it had been found undesirable. The facts are:

Mr. Skinner was a regular member of the Washington Times staff and was assigned to these articles by the editor. They were discontinued only when it was the belief of the editor that they had accomplished the purpose for which they were designed, namely, to inform the public as to the facts surrounding lunacy proceedings in Washington.

Mr. Skinner continued as a member of the staff of the Times for a considerable period after the completion of these articles.

Yours very truly,

AVERY C. MARKS, Jr.,
Managing Editor.

DEMOCRATIC NATIONAL CONVENTION AT HOUSTON, TEX.

Mr. MAYFIELD. Mr. President, in order that the Democrats of the country and the people generally may know that Houston, Tex., is making adequate preparations to take care of all who visit that city on June 26, at the convention which will name the next President of the United States, I ask unanimous consent to have inserted in the RECORD a statement issued on February 11 by the Democratic National Committee.

The PRESIDING OFFICER. Is there objection?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the bureau of publicity of the Democratic National Committee]

GETTING READY FOR THE GREAT CONVENTION

WASHINGTON, D. C., February 11.—Houston and Texas entire are preparing, heart, soul, and pocketbook, to entertain the Democratic National Convention, which is to assemble June 26. No city or State ever entered upon such an enterprise with greater enthusiasm, good will, and determination to do all that can be done as hosts.

The finance committee of Houston has decided to raise $350,000 instead of $300,000. The big drive for subscriptions is to open Monday, February 13, but already $100,000 has been volunteered. It appears that Houston and the State of Texas, which is loyally backing the convention city, will raise about $500,000. A brand new 20,000-capacity convention hall, for which bids have been received and for which a contract will be let February 20, will cost $100,000. The city government of Houston pays for it. Of the $350,000 to be subscribed, $200,000 is for the Democratic National Committee and $150,000 for entertainment during the convention.

Women's clubs of Texas have organized to do their share in raising funds and entertaining delegates. A Rio Grande Valley leader has sent in a $1,000 check and pledged further support of that part of the State.

Jesse H. Jones, whose bid for the convention in behalf of Houston won over the national committee at its meeting in Washington January 12, and who has been appointed active chairman of the committee on arrangements of the national committee by Clem Shaver, national chairman, says "Houston is big enough, proud enough, and rich enough to provide all that is needed for the convention, nevertheless Houston is not going to reject contributions from other parts of Texas."

R. S. Sterling, chairman of the Houston finance committee, commenting on the eagerness of all Texas to lend a hand financially, says "they feel it is an honor which should go to all and not be selfishly enjoyed by Houston alone. I believe they are entitled to participate, and I believe Texas is going to rise to the occasion and show a spirit of hospitality unexcelled by any other State."

Mayor J. P. Logan, of Port Arthur, sending a $10 check, suggested one-half million Texans drop a dollar a piece in the big hat, and remarked that would be $500,000 for the "greatest round-up in Texas history."

Galveston has formed a special committee, under the leadership of Mayor Jack E. Pearce, to cooperate with Houston. Galveston is not far from the convention city and a good many visitors may stay at Galveston hotels. Transportation facilities between the cities are excellent.

The Kerrville Chamber of Commerce sent in a letter, reading "Three cheers for Houston. Good friends, we are always with you. Draw on us for $250."

A survey of hotel and apartment-house rooms is now underway. Citizens are offering their homes very generally for accommodation of persons who may not be able to obtain rooms at the hotels, which will be held primarily for delegates and alternates, members of the Democratic National Committee, and the press.

J. W. Evans, of the Houston Chamber of Commerce, says the hotels will accommodate between 7,500 and 8,000 guests, the number of rooms now being between 2,750 and 3,000. He estimates that accommodations for not fewer than 5,000 guests may be obtained in the various apartment houses and that from 10,000 to 12,000 visitors will be provided for in Houston homes. If necessary, Mr. Evans says, school buildings and office buildings will be pressed into service, and adds, "You can say one thing, and that is that visitors will not sleep in Pullman cars."

The auditorium, Mayor Holcombe, of Houston, says, will be completed June 1. He has announced a plan of separate reception committees, to be composed of former citizens of each of the States.

Garden clubs are leading in the movement to beautify for the convention. A few days ago 60,000 shrubs and flowers were distributed to junior high-school students to be taken home to plant.

One thousand bundles of five rosebushes each, at $1 a bundle, were sold in 40 minutes by the associated garden clubs and the Houston Chronicle. More than 500 people were turned away. They came back next day, when 3,000 more bundles were available.

All highways leading to Houston are to receive special attention, says R. S. Sterling, who is chairman of the Texas State Highway Commission, as well as chairman of the Houston committee on finance. Mr. Sterling says:

"Right now the roads are in splendid shape, and by convention time they will be even better. I am going to see that roads in Texas are in shape for the heavy travel we anticipate this summer.

"Many of the delegates and others coming to the convention will come by motor. The old Spanish trail, leading from Jacksonville, Fla., to California, by way of New Orleans, Houston, and San Antonio, is in first-class condition. Visitors will find many attractions in Texas and certainly will want to motor to places like the San Jacinto battle ground, 20 miles from Houston, to the Gulf, to beautiful old San Antonio—even to Mexico. The roads to Mexico, by the way, are in fine condition."

PROPOSED AMENDMENT TO THE SENATE RULES—REGULATION AND REGISTRATION OF LEGISLATIVE COUNSEL OR AGENTS

Mr. WALSH of Massachusetts. Mr. President, I send to the clerk's desk a notice which I ask to have read, under the rule.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk read as follows:

All persons employed for hire as attorney or agents to represent individuals, partnerships, societies, corporations, or foreign governments, to advocate or oppose pending legislation, shall register the fact of such employment, a statement of the particular legislation, and the name of their employer with the Secretary of the Senate, before engaging in such employment.

Upon motion of any Member of the Senate, supported by a majority vote, any designated employee may be summoned to appear before the Committee on Rules and required to give the names of all persons for whom he is employed or if an employer, the names of those who were employed by him to influence legislation during the current session of Congress and an account of all expenditures incurred or promised for the purpose.

The chairmen of the committees shall require all persons appearing before them to advocate or oppose pending legislation to state whether they are employed for the purpose, and if so, by whom employed. A list of employers so disclosed shall be kept by the committee, and upon motion of any member any designated employer shall be summoned before the committee and required to give the names of all persons employed by him to influence legislation during the current session of Congress, and an account of all expenditures incurred or promised for the purpose.

Mr. WALSH of Massachusetts. Mr. President, as I understand the rules of the Senate, a notice is required to be given one day before any amendment to the rules is presented. I now give that notice. Pursuant to this notice, I shall to-morrow present a resolution for the purpose of adding an additional rule to the present rules.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. WALSH of Massachusetts. I yield.

Mr. NORRIS. I want to ask the Senator whether he thinks he can accomplish by a rule what he evidently is trying to accomplish. There is no penalty attached to the violation of the rule. If his object can be accomplished in that way, it would be a very simple thing. The purpose the Senator has in view has my entire sympathy, but I was wondering whether we could reach it in that way.

Mr. WALSH of Massachusetts. As I interpret the rule, it would be possible to summon any person violating it before the bar of the Senate, and to that extent the Senate would have control over violators of the rule of the Senate. I will say to the Senator that I have, as undoubtedly he has, become discouraged at the possibility of ever getting any antilobby law enacted by Congress. Bills for this purpose have been pending here since I have been a Member of the body. I have presented bills similar to the very satisfactory antilobby legislation in operation in Massachusetts. No action has resulted. Of late I have been trying to find some way to check this notorious abuse, which perhaps was never more flagrantly practiced than at the present time, and have concluded that much benefit will come from a Senate rule. Therefore it seems to me that such a rule as I have proposed would at least serve the purpose of letting us have a public record of some of the invisible government that surrounds the Congress. The public, who have no paid lobbyist here, have a right to know what paid interests are trying to inform and influence us.

Mr. President, the idea of controlling the activities in part of the so-called lobby by a Senate rule is entirely new and is presented because of the almost certain failure of getting legislation through the Congress to this end. It presents an opportunity to the Senate to lead the way toward some form of regulation of the lobby at the National Capitol.

Of course, there is a lobbying that is perfectly legitimate and perfectly proper. Members of Congress do not want to keep themselves away from getting all information that is essential; but certainly there can be no valid objection to something that will let us know who the people are that are doing the lobbying, whom they represent, and what they are receiving in the way of fees.

Mr. President, it is loudly asserted that Washington is just now swarming with lobbies of every kind. I am not particularly objecting to that if it is known just exactly what these lobbyists are and whom they represent. If some action is not taken, we are going to be very much handicapped and embarrassed in doing our work here purely in the public interest during the present session of Congress.

I think it is a very unfortunate state of affairs to have the legislative branch of the United States Government without rules and provisions restricting and limiting the presence of lobbyists, compelling the registration of lobbyists and making public the interests and special causes that they represent and the amount of fees or money collected and paid out by those interested in legislation, and I am surprised that some serious effort has not been made in the past to prevent the activities of lobbyists in and about Congress by at least a registration act.

Mr. NORRIS. The Senator expressed the idea that he was going to have this referred to-morrow to the Committee on Rules.

Mr. WALSH of Massachusetts. As I understand, the rules of the Senate require that notice shall be given of a proposed rule, and it has been the practice that a proposed rule shall be referred first to the Committee on Rules.

Mr. NORRIS. It is very proper that that shall be done, but I do not see why the Senate could not do it now just as well as to-morrow.

Mr. WALSH of Massachusetts. The course which has generally been followed, and the rules require it, has been to give notice one day before the resolution for the rule is presented.

Mr. CARAWAY. Mr. President——

Mr. NORRIS. I yield.

Mr. CARAWAY. Mr. President, while this matter is being discussed, I want to call attention to the fact that at the beginning of the present session of the Senate I introduced a bill which would compel those seeking to influence legislation to disclose the names of their employers. That bill was referred to the Committee on the Judiciary, and by that committee referred to the subcommittee of which I am a member, and I have been directed to report it back favorably to the committee. It has been my intention to do so at the next meeting of the committee.

We all realize that there are a number of men interested in legislation who are really helpful. They represent, but not for profit, organized groups of citizens, like the group that represents organized labor, or the farmers, or many others that really are very helpful. They supply information.

There is another lot of lobbyists who represent people for hire, who seek to make profit out of either promoting or defeating legislation. That is the class of people, I take it, we all want to reach. We want to know whom they represent, how much money they have for carrying on propaganda, how they spend it, and who gets it. The proposed legislation which I hope the committee will report out at its next meeting will, if passed, give us that information.

The legislation provides that if one represents for hire somebody who hopes to make profit out of legislation, or the defeat of legislation, he must reveal the name of his employer, how much he is paid, how much he has for expenses, and how he expends it, under very severe penalties for not doing so.

Mr. NORRIS. Mr. President, I would like to put the same question to the Senator from Arkansas that I put to the Senator from Massachusetts. Has the Senator given any thought to the question as to whether the Senate could by rule reach this matter?

Mr. CARAWAY. No; I have not thought about that. I had thought, and I think yet, that it would be very much better to have the force of a statute back of it.

Mr. NORRIS. I have no doubt of that, but the Senator from Massachusetts has very well said that it is a difficult matter to get such a measure enacted into law; and it is, indeed, a difficult subject on which to legislate. As the Senator has said, there are some of these people who are very high-class people, and who are of very great assistance to committees. On the other hand, there are the others, who are about as low a class of people as you can think of.

Mr. CARAWAY. I think the exceptions provided in the bill about which I have been speaking would take care of just the situation the Senator speaks of. It would reach the people who are here for hire, who want an advantage, and who do not want people to know who are their employers, or how much money they spend.

There was a man down here who picked up $60,000 from some people interested in legislation. He said he spent $58,000. We want to reach that sort of a man and make him tell, first, who employed him, and, second, how much he received, how much money he was given for lobbying, and what disposition he made of it. If we had a statute which would make such men reveal their interests, that sort of lobbying would stop.

The strangest thing is this: The most gullible people in America are the big business interests. They will hire a lobbyist who is so cheap he could not fool a 10-year-old boy, and he will live off of them for years. They will load him up with money and he will come down here and write lying letters back to them, and they will take up new collections and finance him to do wonders, and no one ever saw him who did not realize how cheap and ineffective he is. I have a personal rule—whether it is a good one or a bad one—that when anybody comes into my office and commences to open a brief case and say, "I represent so-and-so," I say, "Then you go out in the hall and

represent them, but you will not do it here in my office." Such men can go before the committees.

But, as I said a moment ago, some groups of people who are here representing organized labor, representing farmers, representing many other things that are high class, are helpful, and nobody needs to have a check upon them because they are not trying to use money to influence people. The other groups, I suppose, do not ever use a dollar. They acquire it by representing what they find to be a fertile field and get the money and put it in their pockets. I think we can legislate such groups out of existence very largely, and I hope we are going to do that very thing.

Mr. WALSH of Massachusetts. Mr. President, I am very glad to hear the Senator state his view on the matter. I know the Senator early in the session introduced a bill bearing on this very subject matter, and that it has been referred to the Committee on the Judiciary. I would like to ask what is the status of that bill?

Mr. CARAWAY. That is what I was trying to make plain. There was a subcommittee appointed, and the subcommittee agreed unanimously to report it favorably to the full committee. I am very hopeful, indeed, that the full committee will report it out and have it put on the calendar, and that that may be done at the next meeting of the committee.

Mr. WALSH of Massachusetts. I would prefer legislation in the nature of the bill which the Senator has presented, but I appreciate the many difficulties which can not be discussed here which such a bill has and would encounter. I therefore thought that a rule would be some contribution by giving public information as to who is employed here to promote or oppose legislation.

Mr. CARAWAY. I think so myself.

Mr. WALSH of Massachusetts. A rule would be very helpful in restraining some of the abuses by giving us information; and a rule can be adopted immediately, while an act of Congress is unfortunately most remote.

Mr. CARAWAY. We have merely to turn the light of publicity on this crowd and then their usefulness or rather their claimed usefulness as lobbyists will disappear.

Mr. WALSH of Massachusetts. I am very glad the Senator is pushing his bill and interested in the regulation of the so-called lobby.

Mr. BRUCE. Mr. President, may I state to the Senator from Arkansas that my attention has not been called to the bill to which he has referred. We have a law in Maryland which provides that everyone who goes down to the legislature representing any interests which are concerned about pending legislation has to register his name and his address in a registration book kept for that purpose. If I went down there, for instance, as the legal representative or other representative of one of the railway companies I would have to register my name and address in this book and also the business which brought me to the State capitol. In the case of any interest which is represented by anyone that must be done. Then there is a penalty for not registering. Does the Senator's bill go further than that?

Mr. CARAWAY. Yes; it goes a bit further than that. It requires that they shall register with the Secretary of the Senate and the Chief Clerk of the House and disclose who their employers are, and to say how much, if any, money they have been given, and then file a report at the end of each month of how they have disposed of the money. It makes it absolutely certain then that the people who are being deluded into paying out money to hire cheap lobbyists or lobbyists of any kind will cease such payments, because I know that whenever the lobbyists are compelled to disclose their employers, how much money they have, and what they do with it, that will end it.

DECISIONS OF INTERSTATE COMMERCE COMMISSION

Mr. GLASS. Mr. President, I present a concurrent resolution adopted by the General Assembly of the State of Virginia, which I ask may be read at the desk.

The VICE PRESIDENT. The resolution will be read as requested.

The Chief Clerk read as follows:

Resolution

Whereas the Constitution of the United States not only does not confer upon Congress the authority to impose tariff and other import duties upon commerce between the States, but affirmatively asserts the principle of free and untrammeled commerce between the States; and

Whereas the Interstate Commerce Commission in recent decisions and opinions has construed the transportation act and the interstate commerce act to confer upon it the authority not to regulate the conduct of interstate commerce, but to control it to the extent of excluding the commerce of certain States from competitive markets outside their borders and of giving a monopoly of trade in those markets to competitors in other States; and

Whereas this construction of the statutes by the Interstate Commerce Commission will work inevitable and fatal injury to the interchange of all business between the States, and therefore to the general welfare of all the people, and said decisions and opinions have already proven injurious to the coal, agricultural, horticultural, manufacturing, and fishing industries of Virginia by directly impairing its internal business in interstate commerce: Now therefore be it

Resolved by the house of delegates (the senate concurring), That the Senators and Representatives in the Congress of the United States from the State of Virginia be, and are hereby, requested to do everything in their power to effect such changes in the Federal statutes as will prevent a repetition of such decisions and to have said statutes so amended as to make the construction thereof aforesaid impossible.

Agreed to by house of delegates February 3, 1928.

JNO. W. WILLIAMS,
Clerk, House of Delegates.

Agreed to by the senate February 3, 1928.

O. V. HAUGE,
Clerk of the Senate.

Mr. GLASS. Mr. President, in this connection I desire to say that had I been in the Chamber last week, instead of being detained by illness, I should have voted for the resolution submitted by the senior Senator from Arkansas [Mr. ROBINSON] without the amendment that he was pleased to accept. At the proper time, whether in executive session or in open session of the Senate, it is my purpose to address myself to the subject matter of this concurrent resolution of the General Assembly of Virginia.

I do not now participate in the opinion that there is any necessity of amending the statute itself therein referred to. I think the trouble lies in the Interstate Commerce Commission rather than in the statute, and in an utter perversion of its power. I think its recent decisions involve a usurpation of power that constitutes a positive menace to industry and to the commerce of the country. As I have stated, at an appropriate time I shall undertake to demonstrate that fact to the Senate and shall do all that within me lies to correct the vice at its source, which is the Interstate Commerce Commission itself.

Mr. SWANSON. Mr. President, I fully concur in what my colleague [Mr. GLASS] has said regarding the resolution of the General Assembly of Virginia which he has presented. Unless one has read the recent decision of the Interstate Commerce Commission in the Lake Cargo case it is impossible to realize to what extent the commission has arrogated to itself the position of being the industrial master of America. It has arrogated to itself the power to fix rates on all railroads, to control competition, to control markets, to say who shall and who shall not sell goods in certain markets, and that certain sections and States shall be controlled by its imperial industrial will. I am satisfied it was never intended that the Interstate Commerce Commission should become the industrial master of America, should determine what States shall develop and what industries shall thrive and what shall not thrive.

At the proper time I shall unite with my colleague in presenting this issue to the Senate and seek relief from such arbitrary power as is now arrogated to itself by the Interstate Commerce Commission.

Mr. BARKLEY. Mr. President, in this connection, I desire to have printed in the RECORD a joint resolution unanimously adopted by both houses of the Legislature of Kentucky with reference to the pending matter.

There being no objection, the resolution was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

IN THE SENATE,
Regular Session 1928.

Senate Joint Resolution 7 of the General Assembly of the Commonwealth of Kentucky, session of 1928, memorializing the Congress of the United States to inquire into the activities of the Interstate Commerce Commission in its interference with the freedom of commerce between the States, and its acts seeking to control industry and to stifle and suppress competition, and requesting Congress to adopt such legislation as is necessary to prevent a continuation of such acts and policies by the Interstate Commerce Commission

Whereas the Interstate Commerce Commission is an arm or agency of the Congress of the United States, created by the Congress to perform certain duties in the regulation of transportation for the protection of the shippers, the carriers, and the consumers of the United States; and

Whereas while we recognize the respect due to the decisions of all tribunals lawfully constituted by the Federal Government for the orderly conduct of its lawful functions, the right to observe and criticise the activities of such tribunals remains with the people for whose benefit they are assumed to have been created; and

Whereas the Interstate Commerce Commission, in exercising the powers vested in it by the Congress, has adopted the policy of increasing the disparity between the rates of competing producers and shippers and of steadily increasing the freight rate disadvantage of the long-haul shipper by making distance the sole measure of rates; and

Whereas the Interstate Commerce Commission is further exercising its powers to prevent carriers from reducing rates where such reductions are necessary in order to enable shippers served by such carriers to compete in the markets, and where the carriers proposing such reductions are able to make same without casting a burden on other traffic; and

Whereas the Interstate Commerce Commission in the further exercise of its powers has repeatedly found that the shipper or community having the lower rate is unduly prejudiced by the higher rate charged competing shippers or communities alleged to be unduly preferred; and

Whereas the aforesaid acts and policies of the Interstate Commerce Commission result in restricting competition, zoning the commerce of the country, and favoring certain sections thereof as against other sections and restricting the commerce between the States; and

Whereas the majority opinion in Lake Cargo rates, 1925, is illustrative of these tendencies on the part of the Interstate Commerce Commission and its method of fixing railroad freight rates, particularly on coal, all of which we deem unsound, unlawful, and dangerous, and may be set forth as follows:

1. To magnify the importance of a so-called rate structure, regardless of actual transportation conditions and abilities of railroads serving certain communities;

2. To give undue, an apparently controlling weight to mere differences in mileage, disregarding the facts as to actual transportation costs and operating conditions, and particularly disregarding, as concerning Kentucky, the fact that some railroads have been constructed solely for the purpose of moving coal, which fact takes such roads out of the class of roads carrying diversified freight;

3. To increase freight differentials in order to offset higher costs of production of coal;

4. To disregard the fundamental purpose of the Constitution to promote interstate commerce, and to destroy it under the name of regulation;

5. To carry these methods of rate making to the point where the result is the zoning of the country so that established markets would have to be abandoned, established business plants moved, sources of supply cut off, and the whole business structure of the country destroyed; and

Whereas these tendencies of the Interstate Commerce Commission are particularly injurious to the State of Kentucky in their destructive effect upon its coal industry for the reason that a large part of its coal must be transported long distances to reach its accustomed markets where it meets in competition coal produced under differentials in freight rates adverse to it fixed in the manner here stated; and

Whereas John J. Esch has been reappointed by the President as a member of the Interstate Commerce Commission, which nomination is now before the Senate of the United States for confirmation; and

Whereas the said John J. Esch has shown, by his votes in important cases, including the case above cited, before the commission during his past term as a member thereof, that he indorses, supports, and advocates the objectionable, dangerous, and unlawful tendencies and acts of the commission hereinbefore set out, and is not, therefore, in our opinion a proper person to be a member of the Interstate Commerce Commission: And, therefore, be it

Resolved that the Legislature of the State of Kentucky, duly assembled, Respectfully petition the Senate of the United States not to confirm the appointment of John J. Esch to be a member of the Interstate Commerce Commission; and

Further, that the Senators of this State be requested to vote against the confirmation of the said John J. Esch as a member of the Interstate Commerce Commission, and that they, as well as all the Representatives in Congress from this State, be requested to do all that they honorably can to prevent such confirmation; and

Further, that the governor of this State be requested to use his best efforts to the same end; and

Further, that a copy of this joint resolution be furnished the Senate of the United States, the Senate Committee on Interstate and Foreign Commerce, and the Senators and Representatives of the State of Kentucky.

(This resolution was unanimously adopted by the Senate and House of Representatives of Kentucky on January 23, 1928.)

JAMES BREATHITT, Jr.,
Lieutenant Governor and President of the Senate.
JOHN S. MILLIKEN,
Speaker of the House.

Attest:

R. F. FIELDS,
Chief Clerk of the Senate.
CHARLES J. HOWES,
Chief Clerk of the House.

Mr. PITTMAN. Mr. President, I am very much delighted to ascertain that a number of Senators have discovered the fact that the Interstate Commerce Commission is usurping power that was not granted to it by the Congress. A very lamentable discussion went on here for a number of years with regard to the long-and-short-haul clause. In that discussion Senators contended that Congress had no authority to vest in the Interstate Commerce Commission the right to allow a rate that did not bring a fair return, so that the railroads might carry freight where it would not go if the rate specified yielded a fair return. I remember the distinguished former Senator from Iowa [Mr. Cummins] stated time and time again that Congress had amended the interstate commerce act three times for the purpose of informing the Interstate Commerce Commission that it had no authority to allow railroads a rate that would not bring a fair compensation so that they could do business where they could not do it if they did have such fair compensation. In other words, under the long-and-short-haul action of the Interstate Commerce Commission that body was favoring certain points as against other points, and to do that, sir, it had to admit that it was not fixing a compensatory rate; in fact, it had to admit that the rate was not compensatory because if it was compensatory the favored points could not have the freight.

Mr. GLASS. Mr. President, I will say to the Senator from Nevada that in its recent decisions the Interstate Commerce Commission has gone far beyond the question of adjusting railroad rates with respect to their compensatory nature. It has assumed the authority to establish the industrial processes of an enterprise and to say if a particular enterprise is conducted under processes of thrift and profit railroad rates may be adjusted so as to favor another competitive enterprise, the processes of which are thriftless and unprofitable. The intricacies of the long-and-short-haul problem are not at all involved in the recent decisions. In them the Interstate Commerce Commission has appropriated power that does not reside in Congress itself and therefore can not be delegated to the Interstate Commerce Commission.

Mr. KING. Mr. President, may I say to the Senator from Virginia that many persons living in the intermountain region believe that an improper interpretation has been placed upon various provisions of the interstate commerce act, as a result of which great injury has resulted to the industrial and economic interests of that section. The belief is prevalent in the section referred to that a proper construction of the long-and-short-haul clause of the present transportation act has not been adopted by the Interstate Commerce Commission. As a result, the economic development of a number of States has been arrested and many industries destroyed.

Mr. GLASS. But not until now has the commission ever undertaken to control the operating processes of an industry.

Mr. KING. The interpretation placed upon the provisions referred to has operated to the disadvantage of industries in various sections of the United States and in favor of industries in other parts of the country.

Mr. GLASS. But its decisions in those cases, if I understand them, related altogether to the adjustment of railroad rates with a view properly to compensating the railroads. In these later decisions the Interstate Commerce Commission has undertaken to control the methods of operation of the industry itself, and to relate its adjustment of railroad rates to the processes of operation.

Mr. KING. Of course, if that be true it can not be defended.

Mr. SWANSON. Mr. President, if the Senator from Utah will permit me a word further, the complaint in this case is not lack of compensation to the railroads. The railroads themselves asked to be permitted to reduce their rates so as to meet competition where favoritism had been extended to other railroads. They admit that the rates are profitable; they admit that the rates they have asked to have reduced to meet competition give them just and full compensation, but the commission has refused to permit them, saying practically that it and it alone will determine where industry shall or shall not be developed.

Mr. KING. The transportation question is one of great importance to the entire country. The prosperity of the United States is largely dependent upon our railroads. They have served a highly important purpose in our material development. They have linked sections of our country together and have done much to unify all parts of our broad land. That many of the railroads were chargeable with mistakes and delinquencies was sufficiently established and brought about the creation of the Interstate Commerce Commission. If the railroads had been free from maladministration and discriminations, there would not have been sufficient sentiment in favor of creating a Federal commission of the character and authority possessed by the

Interstate Commerce Commission. That this administration has accomplished much good all must admit; that it has made mistakes its best friends will not deny. It is finite and possesses the infirmities that judicial and administrative bodies possess.

I should like to see the Interstate Commerce Commission pursue a course so fair and just as to make it free from just criticism. It is important that it have the confidence of the people in every section of the country. So far as I am concerned, I should like to fortify it in the confidence of the people. I have been reluctant to legislate to control this important body in the exercise of the authority and discretion conferred upon it. I want to regard it as a court that holds the scales of justice in its hands and executes the law without regard to section, groups, or class. It is a dangerous thing for Congress to attempt to legislate to meet every situation and to prescribe the course of conduct of this important Federal agency. Of course, the substantive law relating to the transportation problem must come from Congress; but in the administration of the law and in the discretion that a body of this kind must possess, Congress should be loath to interfere.

Of course, the commission is not impeccable. Some of its decisions, I have believed, were not sound, and I have criticized the constructions placed by it upon some provisions of the transportation acts. That there should be differences of opinion among members of the commission and among lawyers and legislators is quite natural. I believe that the commission has attempted to do its duty, and I believe that the efforts of Congress should be to strengthen and not to weaken it. If some of its acts are usurpations, or its decisions are clearly wrong, or if its decisions are right but the law is wrong and works injustices, then it would be within the domain of legitimate legislative power for Congress to change the law.

It has been felt by the people of my section of the country that the interpretation placed upon the long-and-short-haul clause has materially injured the Intermountain States. The people have felt that they have been discriminated against; that this discrimination has prevented the development of the resources of that section. They have seen other parts of the country prosper with less resources and natural advantages; and they have discovered, as they have believed, a casual connection between the prosperity of other sections and the adversity of their own section in the discriminating rates to which they have been subjected. The people of Utah and surrounding States are courageous and enterprising. They possess thrift and energy but their economic development has been hampered and arrested by the high freight rates imposed upon them.

As I interpret the long-and-short-haul clause, my section of the country has been discriminated against to the advantage of coastal regions. If Utah, Idaho, Nevada, and other Intermountain States could obtain freight rates, comparable with those existing in other parts of the country, in my opinion they would present an astonishing development and remarkable industrial and business progress. In saying this I do not wish to impute any improper motives to the Interstate Commerce Commission, nor do I wish to derogate in any manner from its prestige and influence. If the long-and-short-haul clause has been misinterpreted, as I believe it has, then Congress is warranted in legislating so that the commission would be unerringly guided along the proper path.

Mr. GLASS. Mr. President, the Interstate Commerce Commission can not maintain its prestige or expect to engage the respect of the people of this country by the usurpation of power, by a prostitution of the statute itself. There is no need to alter the statute. The need is to alter the Interstate Commerce Commission.

Mr. PITTMAN. Mr. President, with all due respect to my friend from Virginia, it has not, possibly, been misadministration, but it has been an administration beyond that which Congress authorized the commission to make. It was a fixed principle of transportation that there was really no excuse to charge more for a short haul than for a long haul over the same system. In other words, Congress could not see why a railroad should charge more for transporting goods 1,000 miles over the same system than 3,000 miles, and the fourth section provided that absolutely; but then we desired to make an exception for some peculiar case that might arise; and what was the reason for the exception? We said that in peculiar cases they might permit the charging of less for the longer haul than for the shorter haul, provided the rate fixed for the longer haul was reasonably compensatory.

That had a definite meaning in the mind of Congress, as Senator Cummins said, at the time that proviso was added. "Reasonably compensatory" meant that it should bring in sufficient to pay the interest on the bonds, in addition to the cost, and some reasonable interest on the investment.

The Interstate Commerce Commission, in going beyond the law as they did in this case, held that that meant what they termed out-of-pocket cost. In other words, if the rate to the longer point, being less than the rate to the shorter point, would bring them back something in the form of out-of-pocket cost, then it was a justification for getting away from the fourth section, which prohibited in terms charging less for the longer haul than for the shorter haul.

That is what I mean. We are not criticizing the Interstate Commerce Commission except when they go beyond the authority that Congress has given them.

Mr. GLASS. I am criticizing them only when they are plainly usurping authority that Congress has not given them, and that the Congress itself does not possess and could not delegate to them.

The VICE PRESIDENT. The resolution of the Legislature of Virginia will be referred to the Committee on Interstate Commerce.

INVESTIGATION OF PUBLIC UTILITY CORPORATIONS

The VICE PRESIDENT. The morning business is closed.

Pursuant to the order of the 9th instant, the Chair lays Senate Resolution 83 before the Senate, a resolution authorizing an investigation of public utility corporations. The question is on agreeing to the first committee amendment.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McLean	Shipstead
Barkley	Fletcher	McMaster	Shortridge
Bayard	Frazier	McNary	Simmons
Bingham	George	Mayfield	Smith
Black	Gerry	Moses	Smoot
Blaine	Gillett	Neely	Steck
Blease	Glass	Norbeck	Steiwer
Borah	Gooding	Norris	Stephens
Bratton	Gould	Nye	Swanson
Brookhart	Greene	Oddie	Thomas
Broussard	Hale	Overman	Trammell
Bruce	Harris	Phipps	Tydings
Capper	Harrison	Pine	Tyson
Caraway	Hawes	Pittman	Wagner
Copeland	Hayden	Ransdell	Walsh, Mass.
Couzens	Heflin	Reed, Mo.	Walsh, Mont.
Curtis	Howell	Reed, Pa.	Warren
Cutting	Johnson	Robinson, Ark.	Waterman
Dale	Jones	Robinson, Ind.	Watson
Deneen	Kendrick	Sackett	Wheeler
Edge	King	Schall	Willis
Edwards	McKellar	Sheppard	

The VICE PRESIDENT. Eighty-seven Senators having answered to their names, a quorum is present.

Mr. WATSON. Mr. President, I understand that the Senator from Montana [Mr. WALSH] is entirely willing to proceed now with his speech for perhaps the length of an hour. Is that about right?

Mr. WALSH of Montana. Yes, Mr. President.

Mr. WATSON. I also understand that the Senator from Utah [Mr. SMOOT] is willing that the regular order shall be displaced until 3 o'clock, in order to give the Senator from Montana that opportunity. I further understand that the Senator from Montana is willing, if the Senate takes a recess to-day to meet to-morrow at 12 o'clock and proceed with the consideration of his resolution, that we may take a vote not later than 5 o'clock to-morrow.

Mr. WALSH of Montana. That will be quite satisfactory to me, except that I desire to inquire how many Senators wish to speak on the subject. The Senator from Georgia has expressed a desire to address the Senate on the resolution, and I have asked him to come into the Chamber.

Mr. BORAH. Mr. President, I have no desire to delay a vote upon this resolution, and certainly not to object to any agreement which the sponsors of the resolution desire to make; but it would be a little more agreeable if the nature of the controversy could be developed to some extent. I am not a member of the committee which had charge of it. I do not know what is involved in this controversy. Why not let the Senator from Montana proceed, and meet according to the agreement to-morrow at 12 o'clock, and perhaps by 2 o'clock we can agree upon a time to vote? I should like to know what this controversy is about.

Mr. WALSH of Montana. I am inclined to think that that suggestion is a wise one, because apparently more Senators desire to speak on the resolution than I had supposed.

Mr. WATSON. I have no objection at all to that. All I want is to have an understanding so that the Senator from Utah will know just where he is.

Mr. SMOOT. Mr. President, if that understanding is arrived at, it should be also understood in laying aside tem-

porarily the alien property bill that the balance of the afternoon will be used in the discussion of the Senator's resolution.

Mr. OVERMAN. Mr. President, what is the use of laying aside the alien property bill temporarily? I have just come into the Chamber. There are some people in the gallery who are interested in the bill, and they would like to hear the bill discussed.

Mr. SMOOT. I should like to go on with the alien property bill; but there is a resolution here, submitted by the Senator from Montana, and by unanimous consent, granted on Friday, it was to be taken up after the morning business to-day. The Senator from Montana is now upon his feet to address the Senate upon that subject, but he can not get through with his speech in 20 minutes or a quarter of an hour; so an effort has been made to arrive at some conclusion here as to what is the best plan to follow.

I am perfectly willing to lay aside the alien property bill temporarily for the purpose of enabling the Senator from Montana to make his speech on the resolution; and the Senator from Indiana, as I understood him, desired, if possible at this time, to arrive at an agreement for a time to vote to-morrow.

Mr. OVERMAN. On what question?

Mr. SMOOT. On the Walsh resolution. I am perfectly willing to lay aside the alien property bill temporarily; but, if that is done, I hope the balance of the afternoon will be taken up in a discussion of the resolution of the Senator from Montana.

Mr. OVERMAN. How long will the alien property bill be laid aside?

Mr. SMOOT. I give notice now that unless there is a vote on this resolution to-day, I shall insist upon taking up the alien property bill when the discussion is over for the day.

Mr. OVERMAN. I do not see the purpose of laying aside the Senator's bill.

Mr. SMOOT. There is a unanimous-consent agreement to take up the resolution of the Senator from Montana.

Mr. OVERMAN. I know, and I want to be fair about it; but there are people here who want to hear the alien property bill discussed. They are interested in the measure. Why we should postpone it for a resolution, I do not know.

Mr. MOSES. Mr. President, I will say to the Senator from North Carolina that we already had a unanimous-consent agreement to take up the resolution of the Senator from Montana at the close of the routine morning business. The routine morning business has spun itself out to an interminable length already.

Mr. OVERMAN. The unfinished business is the alien property bill, is it not?

Mr. MOSES. That is correct.

Mr. WATSON. My understanding is, then, that the Senator from Montana is to proceed until 3 o'clock.

Mr. SMOOT. If no one else shall desire to go on at that time with a discussion of the resolution, I will ask that the unfinished business be proceeded with.

Mr. FLETCHER. The Senator from Montana may begin now, the unfinished business can be laid before the Senate at 2 o'clock, and the Senator from Montana may continue after that time.

Mr. MOSES. The Senator from Montana has deep-rooted objection to discussing a matter that is not before the Senate, as I understand.

Mr. WATSON. That is right.

The VICE PRESIDENT. The question is on the unanimous-consent request of the Senator from Utah, that the unfinished business be temporarily laid aside at 2 o'clock for the purpose of considering the resolution offered by the Senator from Montana [Mr. WALSH]. Is there objection? The Chair hears none, and it is so ordered.

Mr. WALSH of Montana obtained the floor.

The VICE PRESIDENT. Before the Senator proceeds the Chair will state that the pending resolution provides that the committee shall consist of five Members of the Senate to be appointed by the President of the Senate. The fact that the President of the Senate is financially interested in some public utilities leads him to request that some other method for the appointment of the members of the committee be provided for by the resolution. The Chair has no disposition to evade the responsibilities of his position, but under these circumstances this would seem proper.

Mr. WALSH of Montana. Mr. President, the information now given to the Senate was communicated to me a few days ago, and I readily appreciate that in that situation the Vice President should not be asked to make the appointments. Accordingly, I am going to ask leave to amend the resolution by striking out, in line 2, the words "be appointed by the President thereof, and," and to substitute for the same the words "to be elected thereby," so that it will read:

Resolved, That a committee of five Members of the Senate, to be elected thereby, be hereby empowered and directed to inquire—

And so forth.

I will take up with Senators, should the resolution be adopted, the personnel of the committee.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. WALSH of Montana. Yes.

Mr. KING. Does the amendment which the Senator has just suggested provide for a bipartisan committee?

Mr. WALSH of Montana. No; it provides for election by the Senate.

Mr. GEORGE. Mr. President, I gave notice of my intention to offer an amendment to the resolution and, inasmuch as I intend to offer the amendment in a slightly different form from that indicated in the notice, I shall be very glad to state it to the Senator if he desires.

Mr. WALSH of Montana. I would be glad to have the Senator do so.

Mr. GEORGE. I offer this amendment: In line 1, page 1, after the word "*Resolved*," to strike out all the language down to and including the word "upon," in line 3, and insert in lieu thereof the following: "That the Federal Trade Commission is hereby directed to inquire into and report to the Senate within each 30 days after the passage of this resolution and finally on the completion of the investigation upon," so that the resolution would read:

Resolved, That the Federal Trade Commission is hereby directed to inquire into and report to the Senate within each 30 days after the passage of this resolution and finally on the completion of the investigation upon.

Then follows the matter set out in the resolution as it was reported by the committee.

If that amendment should prevail, I would then offer an additional amendment relating very largely to the perfecting of the resolution. The additional amendment would really relate to the form and consist in the elimination of that part of the resolution as it now stands which is applicable only to an investigation by the Senate.

Mr. KING. Simply to harmonize it with the major amendment?

Mr. GEORGE. Simply to harmonize it with the major provisions. I offer the amendment and ask that it lie on the table.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. WALSH of Montana. Mr. President, the resolution, the nature of which I dare say is known to all the Members of the Senate, at least in a general way, comes before the Senate at this time upon a unanimous report of the Committee on Interstate Commerce, recommending the adoption of the resolution by this body with certain amendments, one group of which deals with the general subject of the investigation, the other dealing with the specific provisions of the resolution supplementary to the general investigation and a report of the Committee to Audit and Control the Contingent Expenses of the Senate, with an amendment limiting the expenditure to $30,000.

As to the first group, I have no objection to offer. The amendments suggested are not at all unacceptable. They are as follows: On line 5, page 1, the committee suggest the insertion of the words "doing an interstate business."

On line 1, page 2, it is proposed to strike out the word "such," after the words "stocks of," and insert "two or more"; and in line 2, after the word "corporations," to insert the words "operating in different States"; and in lines 3 and 4 it is proposed to strike out the words "or affiliated with," so that that part of the resolution, if so amended, will read:

(1) The growth of the capital assets and capital liabilities of public utility corporations doing an interstate business supplying either electrical energy in the form of power or light or both, however produced, or gas, natural or artificial, of corporations holding the stocks of two or more public utility corporations operating in different States, and of nonpublic utility corporations owned or controlled by such holding companies.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. SHIPSTEAD. Does the Senator object to having added, before the word "business," in line 5, the words "or international"?

Mr. WALSH of Montana. So that it would read "doing an interstate or international business"?

Mr. SHIPSTEAD. Yes.

Mr. WALSH of Montana. No; I should make no objection to that. Indeed, I shall ask that the resolution be amended accordingly.

Mr. President, in my view the scope of the investigation which was really contemplated by the original resolution would not be materially affected by the amendments proposed by the committee; that is to say, possibly if the resolution had been adopted in its original form the committee would have been authorized to investigate the operations of the little electric light company that does business in Rushville, Ind., or in Squash Center, Mo.; but the probabilities are that it would never have done so. It really was intended to authorize the committee to go into the financing and other operations of the great combinations, whose business, whatever it may be, extends into various States.

I desire to say in this connection, however, in explanation of this proposed amendment, that one of these companies may be doing an interstate business in either one of two ways. It may be transporting energy from one State into another State. That is a feature of this business that is growing in importance all the time. When I discussed the subject before the Senate last spring the best information I could obtain was to the effect that only 5 per cent of the total amount of electrical energy developed thus passed from one State to another, but the latest information we have about it is that 9 per cent thus passes across State lines, and as these combinations are developed, and the different plants are tied up, as it is expressed, the passage of energy from one State to another continually increases; that is to say, two entirely independent companies operate in two adjacent States. They never had any relations to each other at all, but the stocks of both of these become acquired by one and the same company, and thereupon it frequently happens that the plant in one State is helped out from the other State when they thus have joint control, so that the amount of business of that character is constantly increasing.

In addition to that—and that is the important thing—many of these corporations are actually engaged in doing an interstate business in the sale of their securities in interstate commerce. That is to say, they organize and put out securities of one kind or another—stocks, or bonds, or other securities—and they offer those to the general public, through advertisements in the papers, through personal solicitation by solicitors, through the stock exchanges and other exchanges, and thus they sell their securities.

There was for some time a question as to whether the sale of securities of that kind, passing from one State to another, constituted interstate business; but the question in our day has practically passed all discussion. The Federal courts have quite generally held in recent times that that constitutes interstate business.

I want this perfectly understood. Because the securities of some of these utility corporations are quoted upon the stock exchanges, and sold by one person to another person, it does not necessarily follow that the corporations themselves are engaged in interstate business. That does not follow by any means. That is to say, a corporation may be organized by half a dozen different individuals who take the stock of the company, and the whole stock of the company, and then it has no more stock to dispose of. Those parties may themselves sell in interstate business. The investigation would not reach transactions of that character.

Mr. GEORGE. Mr. President, will the Senator allow me to ask him just one question?

Mr. WALSH of Montana. In just a moment. Frequently the companies themselves put out their stock in this way, and those are the transactions which the investigation would reach.

I now yield to the Senator from Georgia.

Mr. GEORGE. Is it the Senator's view that the passage of securities from one State to another is interstate business?

Mr. WALSH of Montana. It is.

Mr. GEORGE. Is it the Senator's view that the main business of the underlying corporation itself is thereby subjected to interstate regulation?

Mr. WALSH of Montana. No.

Mr. GEORGE. All right.

Mr. WALSH of Montana. If the underlying corporation, whatever that may be, sells its securities in interstate commerce, then its business would be subject to investigation under this resolution.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, the bill (H. R. 7201) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds; which, under the unanimous-consent agreement previously entered into, will be temporarily laid aside.

Mr. GEORGE. Mr. President, I hope the Senator from Montana will pardon me, because I do not mean to interrupt him except to get his position clear. It is the Senator's contention, of course, that if the corporation issuing the securities puts them in interstate commerce, then under the resolution the business of the underlying corporation, the corporation issuing the stock and thus putting it into interstate commerce would be subject to investigation. But, as I understand the Senator, the business of the underlying corporation, its main business, whether it be the generation of electric energy or the packing of meat, or anything else, would not be brought within the regulatory powers of the Congress under the interstate commerce clause.

Mr. WALSH of Montana. That question relates to what possible legislation might be enacted by Congress with relation to the matter. The question is not directed at all, as I get it from the Senator, to the matter of what the resolution provides for in the way of an investigation.

Mr. GEORGE. No.

Mr. WALSH of Montana. There is a difference between investigating and legislating.

Mr. GEORGE. Yes; but I thought it might clarify the whole debate if the Senator was prepared now to say whether it is his view that, merely because the corporation issues and permits to be placed or places its stock in interstate commerce the corporation in the conduct of its underlying business might become subject to the regulation of Congress under the interstate commerce clause.

Mr. WALSH of Montana. I do not at all feel called upon to answer the question at this time.

Mr. GEORGE. Very well. I did not mean to interrupt the Senator.

Mr. WALSH of Montana. I regard it as utterly aside from the question as to what the resolution provides for. But I will say to the Senator with respect to that matter that my judgment about it is that the corporation which puts its stock out in interstate commerce is subject to regulation so far as the sale of those securities is concerned, and we may investigate the corporation to find out all about the value of the securities it puts out.

Further than that my present view is that the corporation not doing any other interstate business would not be subject to regulation. But, as I said, any question as to what legislation ought to be enacted with respect to the matter or what power Congress has to legislate with respect to the matter is rather aside from the question as to what the investigation contemplates.

Mr. GEORGE. I think I understand the Senator's position.

Mr. WALSH of Montana. I called attention to the following clause, beginning on page 1:

(1) The growth of the capital assets and capital liabilities of public utility corporations doing an interstate business supplying either electrical energy in the form of power or light, or both, however produced, or gas, natural or artificial, of corporations holding the stocks of two or more public-utility corporations operating in different States.

So that any holding company holding the stocks of public-utility corporations operating in at least two States becomes subject to inquiry here. As I said, I do not regard these amendments as materially restricting the scope of the investigation as it was contemplated at the time the resolution was drafted.

The other amendments on page 2, and down to line 3 on page 3, are formal in character, and there is no objection to those.

Then follows this clause of the original resolution:

The committee is further empowered and directed to inquire and report whether and to what extent such corporations or any of the officers thereof or anyone in their behalf or in behalf of any organization of which any such corporation may be a member, through the expenditure of money or through the control of the avenues of publicity, have made any and what effort to influence or control public opinion on account of municipal or public ownership of the means by which power is developed and electrical energy is generated and distributed, or to influence or control elections.

The committee proposes to add thereto the following proviso:

Provided, That the elections herein referred to shall be limited to the elections of President, Vice President, Members of the United States Senate and of the House of Representatives.

With respect to that particular amendment I am unable to give my assent, and I shall ask a vote of the Senate upon the same.

I desire to say in this connection that there was only one purpose in going into the subject of contributions to campaign funds, and that was to ascertain, if it was possible to ascertain the facts, whether, as has been charged, the State commissions or other regulatory bodies authorized by the States had been

in their actions to any extent whatever under the influence of these public-utility corporations. If the investigation is ordered, abundant evidence will be at hand. It will be told by men eminent in the financial world and in the domain of economics that with respect to many of these corporations the amount of their net returns indicates that the rates paid are quite above what must be regarded as reasonable.

A gentleman of very high attainments, who has been in the service of one of these great combinations for many years and who is thoroughly conversant with the whole subject, is prepared to come before the committee, if the investigation should be authorized, to testify that from the returns of the corporations themselves their net returns are quite above anything that is necessary in order to secure all necessary capital for extensions and improvements. Bear in mind, I do not assert that that is the case, but I undertake to tell the Senate the evidence which will be before the committee if the investigation is ordered. Of course, that means there is a question as to whether the regulation that we have through the State regulatory bodies is equal to the task before them or not.

While I am talking about that I ought to say that there was submitted to the committee a report from the Federal Trade Commission which flatly declares that the situation is not met at all by the State commissions. Not only that, but in the report we are told that the State commissions of both the States of Massachusetts and of New York have declared that the State commissions are not functioning as completely as is to be expected of them. I read simply this extract from a late report of the Federal Trade Commission:

> The inability of State commissions to regulate such combinations where one of the parties is chartered in another State has been pointed out by the Massachusetts Department of Public Utilities in a report to the Massachusetts Legislature (Electrical World, December 18, 1926, p. 1285) and by the New York Public Utilities Commission in connection with the formation of the Northeastern Power Co. (Atlantic Monthly, November, 1926, pp. 684–685). Other State commissions are struggling ineffectually with problems of regulation growing out of pyramided holding companies, controlling the operating companies and its concomitant problem of interstate ownership and interstate business of electric power.
>
> In his article dealing with this subject Professor Ripley has asserted that "The impotence of State administrative agencies in the face of the growth of these great combinations is indubitable," and has suggested several lines that the State and Federal legislation might take to alleviate the situation.

Mr. President, I am not really particularly concerned about how much money these public-utility corporations have contributed to the election of Senators and Representatives and electors of President and Vice President. In an indirect way that may possibly have some influence upon the local regulatory boards, but it can be only the most indirect influence. What I am particularly concerned in is how much influence they exert toward the election of State regulatory bodies or the appointive power in the various States to which those regulatory bodies owe their origin.

Besides, several times we have investigated the contributions made generally to the election of Senators and Representatives and to campaigns for President of the United States, and I am sure the committee will have no disposition to travel over the ground that has been so well covered by the various investigations in the years 1920, 1924, and 1926.

Mr. President, I am sure, if time would permit, that the Senate would be interested to have read letters which have come to me from various States in the Union telling about the efforts of the great combinations to get control of local operating companies, and particularly to get control of municipally owned utilities. Ordinarily the first application is made to the local city council to purchase from them the property which has been built up by the citizens of the community, and not infrequently it becomes necessary to have a referendum vote on the question; and money is spent freely in those elections in order to accomplish the purchase of the municipally owned plants. It is contributions of that character which it was believed would be enlightening in connection with the question of the operations of these public-utility companies.

Mr. GEORGE. Mr. President, if the Senator will permit me on that point, I quite agree with him that his original language was much better than the committee amendment. If my amendment prevails, or if it does not prevail, I propose to move to strike from the resolution that language; and particularly may I direct the Senator's attention to the fact that this is a simple resolution. It is not a joint resolution. It is not a concurrent resolution. It is a simple resolution offered by the Senator, under which it is specifically proposed by the proviso inserted on page 2 to investigate, by a committee of the Senate, the election of every Member of the House of Representatives. That would strike me as being wholly indefensible, and for that reason, if for none other, I should have moved to strike it out and shall move to strike it out, and shall vote with the Senator on that point whether my amendment prevails or is defeated. I agree with him that his original language as to that feature of the resolution is much the better.

Mr. WALSH of Montana. I thank the Senator for so much cooperation. Now, Mr. President, I want to say a few words about the hearing before the Committee on Interstate Commerce. I was accorded by that committee every opportunity to submit my views in reference to this matter and was treated with every courtesy. There appeared in opposition to the resolution of investigation, first, the aggregation of utilities companies; second, the representative of the American Manufacturers' Association; and, third, two gentlemen professing to speak for the association of State commissions; likewise there were some representative investment bankers. There appeared before that body no representative of the consumers of electrical energy of any kind whatever; neither was there before that body anyone who professed even to speak for the unfortunate investor in public-utility securities that are offered to the public all over this broad land.

The purpose of the proposed investigation, Mr. President, is to protect two classes of our citizens: First, the 17,000,000 of householders who pay for electric lighting; and, second, the great body of our people who are now putting their savings into the securities of these corporations that are so freely dealt in, so freely dealt in that one of these great combinations has a whole army of solicitors right here in the city of Washington going about from house to house peddling the securities of these corporations to clerks in the departments and school teachers, and that kind of thing. The securities may be perfectly sound; they may be all right, but we owe a duty to these two classes of representative citizens to ascertain the truth about these matters and let them know about them, as well as to legislate, if legislation be necessary—and I hope it will not be necessary—in order to protect them if the publicity does not accomplish that result.

The first group appearing in opposition to the inquiry included the National Electric Light Association, composed of 893 electric operating companies, 324 manufacturing companies, 263 associate companies, and 93 foreign companies; the American Electric Railway Association, composed of 337 operating companies, 35 associate companies, 423 manufacturing companies; the American Gas Association, composed of 469 operating companies, 25 holding companies, 350 manufacturing companies, and 17 associate companies.

They were marshaled by Mr. George B. Cortelyou; and it is well known that these great organizations through their representatives assembled here in the city of Washington before Congress convened last December set up spacious and luxurious quarters here and called to their aid experts in various lines, including experts in securing legislation from Congress and in defeating legislation before Congress.

As I asserted before the committee, Mr. President, there was assembled here the most formidable lobby ever brought together in this city, in my time at least, now for 15 years, representing capital to the amount of nearly $10,000,000,000, and representing what? The general public, the consumers of electric energy, and the purchasers of the securities that are put out by these companies? Not at all; but representing the companies to be investigated.

They were represented before the committee by a former Member of this body, and they furnished us a brief signed, as will be seen in the copy I hold in my hand, by something like, I should say, 50 or 60 legal firms, scattered all over the United States, attorneys for these various utility companies whose operations are to be the subject of inquiry. If the investigation were ordered, there would not be the slightest objection to utility companies having all manner of attorneys come before the committee and say whatever could be said for the companies and for their operation; in fact, they would be invited to do so; but I am saying now that these are the people who are opposing the investigation.

Next we had representatives of investment bankers and investment bankers' associations, who told us that they caused investigation into public-utility securities to be made and therefore there was no necessity for any investigation by a committee of the United States Senate or by any governmental authority at all. But the representatives of the Investment Bankers' Association told us that they dealt only in the bonds and in the preferred stock of these companies, and they paid no attention whatever to the common stock of the companies which is bought and sold generously through the usual avenues of trade.

Then we had the American Manufacturers' Association appearing by one James A. Emery, the employer and coworker of the infamous Mulhall, whose villainies were exposed by a committee of the Senate in the year 1913, chiefly through the energy and surpassing sagacity of the Senator from Missouri [Mr. REED]. I had thought that after the disclosures then made we had seen the last of Mr. Emery, but he is still with us.

Then there were two members of State commissions, one from the State of Wisconsin and another from the State of Pennsylvania, who came before us to say that the State commissions did not want the investigation to be conducted—at least that was to be inferred—because, forsooth, if the investigation were conducted it might possibly result in Federal legislation upon this subject. Of course, it is said that every good judge desires to extend his jurisdiction and he is always afraid that some of his jurisdiction may be taken away from him. No one can assert that the efficacy of regulation by the State authorities is not under *question*. I do not undertake to assert at this time that it is not effective, but here is the report of the Federal Trade Commission; here is the report of the commission of the State of Massachusetts and of the commission of the State of New York, who tell us that State regulation does not reach the matter at all. Yet these people do not want us even to inquire into the question as to whether it does or does not. I can not think that their attitude ought to be particularly persuasive with this body.

I might add that abundant information has been gathered by the Federal Trade Commission upon this particular subject, which will be exceedingly enlightening to the Senate and to the public if the investigation shall be ordered.

I ought to say in this connection in reference to the lobby to which reference has been made that the gentleman in charge of the lobby, according to the information coming to us from the newspapers, is Mr. Josiah T. Newcomb. His assistant is Mr. C. A. Beasley. Both of these gentlemen are in some form or other associated with or are officers of the Alabama Power Co. The Alabama Power Co. was some time ago accorded by the Federal Water Power Commission a permit to construct a dam across the Coosa River in the State of Alabama, the project being known as the Mitchell Dam project. It will be remembered that under the provisions of the water power development act of 1920 the public has the right to take over the property at the expiration of the period of the permit, which shall not be greater than 50 years, by paying the actual amount of money invested in the project less depreciation. It becomes, therefore, exceedingly important that we should know just how much money has gone into a project, and, accordingly, whenever a permit is granted by the commission it requires a detailed statement from the permittee of the actual money expended in the enterprise. The Alabama Power Co. was called upon by the commission accordingly to make a report to it as to the amount of money it had expended in this work.

It carried on the work, as is ordinarily done, through a construction company known as the Dixie Construction Co., which was, of course, the same thing as the Alabama Power Co. At the time the proceedings were instituted the stock of the Alabama Power Co. was held by the Alabama Traction, Light & Power Co., a corporation organized under the laws of Canada. Just why it resorted to Canada for the purpose of incorporating an Alabama company I am unable to apprise the Senate. I dare say, however, it was some consideration different than that which impelled the incorporators of the Continental Trading Co. to seek that jurisdiction.

However, it reported that the total amount expended in the development of this particular project was $10,990,000. The commission sent auditors to audit its books to verify the report thus made by the company, and they reported that according to the books the entire cost of the project, except for a feature hereafter to be referred to, was $5,816,000.

Mr. GEORGE. Mr. President, I did not understand who made that investigation. Will the Senator state who made it?

Mr. WALSH of Montana. The Federal Power Commission. In other words, the auditors for the Federal Power Commission rejected $3,539,000 alleged to have been spent in the construction of this project; and with respect to $1,635,000 the information was not sufficiently complete and specific to enable the commission to say whether it should or should not be allowed, and that subject is now being investigated.

Among the items rejected was $20,000 paid to Josiah T. Newcomb. Just exactly what contribution Mr. Newcomb made to the construction of this project the commission was unable to determine, and consequently rejected it. Seven thousand dollars went to H. J. Pierce, and an indeterminate amount went to Mr. C. A. Beasley.

Mr. President, it is transactions of this character, of which the public has learned more or less, that it is contemplated will fall under the scrutiny of this committee if it is appointed.

Bear in mind, exactly the same kind of a transaction may have occurred—and it is not at all unlikely that it has occurred—in connection with developments over which the Federal Power Commission has absolutely no control whatever. It, of course, can control only those developments which take place in navigable streams or where the development occurs upon the public lands. But it would not be at all surprising if, time and again, representations had been made to State commissions of expenditures of two or three times the amounts that were actually expended in the construction of a particular plant and made the basis not only of charges to the consumer but the basis of securities that are offered in interstate commerce to the public.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. WALSH of Montana. Yes.

Mr. KING. I have not had an opportunity to examine the report made by the Federal Trade Commission. If the Senator has adverted to this, I shall not ask him to repeat; but, if not, I should like to inquire just the extent of this investigation to see what supplemental investigation is contemplated, or whether it parallels the work already done by the Federal Trade Commission.

Mr. WALSH of Montana. I shall be very glad to apprise the Senator.

The Federal Trade Commission acted, Mr. President, under a resolution offered by the Senator from Kentucky, Mr. Ernst, as my recollection now serves me, that contemplated an inquiry into what appeared to be the monopolization of the tobacco crop of the State of Kentucky and other States engaged in the production of that plant. The Senator from Nebraska [Mr. NORRIS] offered an amendment to it, directing the Federal Trade Commission to inquire into the question as to whether the General Electric Co. was not, in effect, a power trust; whether it had not monopolized practically all of these power developments in the country.

Acting under that resolution, the Federal Trade Commission conceived that they would be unable to tell whether, indeed, the General Electric Co. was or was not a trust unless they also ascertained what its relations were to every other great combination in the country; so that their investigation went fully into the question of the great combinations that have sprung up, and that control something over 60 per cent of all of the electrical energy developed in this country. They made a report to the effect that at least that amount of energy is thus controlled by something like half a dozen of these groups, and that, so far as they are able to ascertain and determine, there is no actual control among these different groups; so that they found, in effect, that the General Electric Co. was not the so-called Power Trust.

Then they made a further report, which has not yet been published, but of which I have been able to get a proof copy, on various questions of holding companies and the control by State organizations, and so forth, to which I have heretofore referred.

Mr. President, that is all I care to say; but I desire to address myself now to the amendment proposed by the Senator from Georgia [Mr. GEORGE], which means that instead of this investigation being carried on by a committee appointed by the Senate it shall be conducted by the Federal Trade Commission.

I might say that the resolution here contemplates work practically supplemental to that of the commission. It is not intended to duplicate it at all. The powers conferred upon the commission by the resolution of the Senate did not authorize it to go into the question of the financing of these organizations, and we have no information from them upon that subject, which is the matter that is particularly desired to be gone into.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. COPELAND. Is there any reason why that additional power should not be given the commission?

Mr. WALSH of Montana. Yes; I am going to offer the reasons.

Mr. COPELAND. I thank the Senator.

Mr. WALSH of Montana. The reason is that the commission has no power to go into that, and the adoption of the resolution offered by the Senator from Georgia would be entirely nugatory.

Mr. GEORGE. Mr. President, I did not understand the Senator.

Mr. WALSH of Montana. I say that the commission would not have any power to conduct the investigation.

Mr. GEORGE. The Federal Trade Commission?

Mr. WALSH of Montana. The Federal Trade Commission, under a resolution of the Senate; yes, sir.

Mr. BROOKHART. Mr. President, I think this is the vital proposition, and I suggest the absence of a quorum. I think there should be more Senators present to hear this discussion.

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Shipstead
Barkley	Fletcher	McMaster	Shortridge
Bayard	Frazier	McNary	Simmons
Bingham	George	Mayfield	Smith
Black	Gerry	Moses	Smoot
Blaine	Gillett	Neely	Steiwer
Blease	Glass	Norbeck	Stephens
Borah	Gooding	Norris	Swanson
Bratton	Gould	Nye	Thomas
Brookhart	Greene	Oddie	Trammell
Broussard	Hale	Overman	Tydings
Bruce	Harris	Phipps	Tyson
Capper	Harrison	Pittman	Wagner
Caraway	Hawes	Ransdell	Walsh, Mass.
Copeland	Hayden	Reed, Mo.	Walsh, Mont.
Couzens	Heflin	Reed, Pa.	Warren
Curtis	Howell	Robinson, Ark.	Waterman
Cutting	Johnson	Robinson, Ind.	Watson
Deneen	Jones	Sackett	Wheeler
Edge	Kendrick	Schall	Willis
Edwards	King	Sheppard	

The PRESIDING OFFICER. Eighty-three Senators having answered to their names, there is a quorum present. The Senator from Montana will proceed.

Mr. WALSH of Montana. Mr. President, recurring for a moment to that part of the resolution which directs an investigation into the sums contributed to influence public opinion and to control elections, I desire to say that the State of California, in which regulation is good, has found it necessary to go into that subject, and it recently passed a resolution, as follows:

Resolved, That by order of the railroad commission you are required to supplement your 1927 annual report with a statement showing the amount of money, if any, expended by you for political purposes, the accounts to which such expenditures were charged, and the purposes for which such expenditures were incurred or made. By "expenditures for political purposes" is meant such expenditures, including allocation of compensation of executives, officers, and employees for time devoted to political purposes, as are incurred or made to elect or defeat a candidate for public office, or to support or defeat any measure on the ballot, or to place any measure on the ballot, or to keep it from being placed on the ballot at any State, county, municipal, or other election during the year.

That order of the commission was induced by the fact that a committee of the Legislature of the State of California conducted an investigation into moneys expended in an election theretofore occurring in that State over the question of whether the State should proceed to develop the water powers within the State or not, in which it was disclosed that the public utilities corporations of the State of California had expended for the purpose of defeating the election, as I recall, something like $400,000. Perhaps the senior Senator from California has more definite information on that subject.

Mr. JOHNSON. Mr. President, I do not recall the exact sum, but it was a very exorbitant amount.

Mr. WALSH of Montana. I ought to say that the State of Kansas conducted a like investigation and found a like enormous expenditure by the public utilities of that State in an effort to control some legislation there.

Mr. NORRIS. Mr. President, if the Senator will permit me, I would like to state that I read practically all of the evidence which was taken by the legislative committee in California to which he has referred. There was an enormous amount of money expended; but that was not all. That was an attempt to defeat a referendum, or an initiative, was it not?

Mr. WALSH of Montana. An initiative.

Mr. NORRIS. They were trying to defeat it, of course, and some of the ordinary employees of the city were summoned. They told, apparently with perfect honesty and fairness, just what happened. The ordinary little employee was called in and told what to do. He was given a certain territory to cover, and it was his duty to make a house-to-house canvass of the people who were in his locality, whom he served in his particular work, whom he knew about; and those employees did that. They spent the time of their employment, for which they were paid their regular salaries; and I suppose no extra money was paid them, but there was an army of that kind of men going around from house to house in every locality, practically, where there were employees, and that covered a good share of the State.

Mr. WALSH of Montana. And their compensation came out of the regular returns for their service.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. BROOKHART. In the same connection, in my State, a State senator named Milton B. Pitt was fighting the public utilities, taking the farmers' side of things and all that, and all at once he turned up on the other side, and it was disclosed then that he had been hired to make a hundred speeches at $50 a speech on the "patriotic sanctity of the Constitution of the United States."

Mr. WATSON. Mr. President, will the Senator yield for a question?

Mr. WALSH of Montana. I yield.

Mr. WATSON. I understand the Senator to say in broad terms that the Federal Trade Commission has no authority to make this investigation.

Mr. WALSH of Montana. Yes.

Mr. WATSON. What particular part of it—just the part relating to campaign expenditures, or all of it?

Mr. WALSH of Montana. The whole of it; and the commission has already decided that it has no power to prosecute an investigation into the expenditure of money such as is contemplated in the second part of the resolution.

Mr. WATSON. I will not confute the statement as to that part of it, but I am wondering, if we have the authority, why we can not delegate that authority to a commission already established.

Mr. WALSH of Montana. Because we have been restricted by law.

Mr. NORRIS. We can not do that, because we are only a part of the legislative branch.

Mr. WATSON. But the Senator now speaking introduced a resolution for the Federal Trade Commission to investigate——

Mr. NORRIS. I did; and has the Senator read the opinion of the Attorney General; and is he familiar with what happened to that resolution?

Mr. WATSON. Yes; but they went right on and investigated——

Mr. WALSH of Montana. Oh, no.

Mr. NORRIS. No; they did not.

Mr. WATSON. And made a report.

Mr. NORRIS. They made a report, but as I remember now, all the part of it referring to the propaganda, election expenses, and so forth, was cut out. They made no investigation as to that. What to my mind was the most important part of the resolution they never investigated.

Mr. WATSON. But they did investigate as to whether there was a power trust engaged in the distribution of electric energy; they did investigate as to whether there was a trust for the distribution of stocks and bonds; and they made a most voluminous report, one which my friend from Montana said the other day was a monumental work.

Mr. NORRIS. Mr. President, since I am brought into the discussion, I would like to say, in connection with the resolution which I introduced, in the first place, I could not get it up, but I offered it as an amendment to a resolution submitted by the Senator from Kentucky to investigate the Tobacco Trust. I have it before me, and I could read it; but in that resolution there was a specific provision that the commission should investigate the matter of money spent by the Electric Trust—so called by me—for propaganda purposes, for the purpose of influencing elections; and the Senate will remember the first thing that happened to that resolution. Under the domination of Mr. Humphrey, who was then dominating the actions of the Federal Trade Commission, it was held up for months and months without anything being done. The resolution was referred to the Attorney General for an opinion as to whether the commission had to do any of this work that was provided for in the resolution; and after longer delay, running over a long time, the Attorney General rendered his opinion, in which he said the resolution was all right to an extent, telling how far; but as to the balance, as to the part covering money spent for propaganda purposes and expenditures to control elections, it was beyond the scope and authority of the Federal Trade Commission; that they had no authority to make that investigation; and they never did make it; and for the same reason, it seems to me, they can not make it now.

Mr. GEORGE. Mr. President, I would like to direct the Senator's attention to this: I do not think it was said that it was beyond the scope——

Mr. WALSH of Montana. Mr. President, I may say to the Senator that I was intending to discuss that subject. I think I can give the Senate accurate information about it.

Mr. GEORGE. All right.

Mr. WALSH of Montana. Mr. President, the Federal Trade Commission has no power to make this investigation. It is authorized under the general act creating the commission to make investigations upon the request or direction of either House of Congress, but its activities in that direction exciting some opposition from corporations and others who were subject to investigation, a determined effort was made some years ago to hamstring the Federal Trade Commission. Its appropriations for the purpose were cut down, or were not as liberal as the circumstances, as the commission saw them at least, seemed to warrant, and that not accomplishing the purpose the opponents of the commission got incorporated in the appropriation act, under the appropriation for the support of the commission, a provision like that I read from the act of 1927–28:

> That no part of this sum shall be expended for investigations requested by either House of Congress except those requested by concurrent resolution of Congress.

Mr. OVERMAN. Mr. President, was not that stricken out in the appropriation act for the next year?

Mr. WALSH of Montana. The act does not carry it.

Mr. OVERMAN. The Senate struck that out.

Mr. WALSH of Montana. I am speaking about the law now. The provision is:

> *Provided*, That no part of this sum shall be expended for investigagations requested by either House of Congress except those requested by concurrent resolution of Congress, but this limitation shall not apply to investigations and reports in connection with alleged violations of the antitrust acts by any corporation.

Mr. Humphrey became a member of the commission some time, my recollection is, in the month of January, 1925. During the month of October preceding, the Federal Trade Commission had returned that the Aluminum Co. of America was guilty of a violation of the decree entered against it in 1912 in the District Court for the Western District of Pennsylvania, and its report with respect to that matter was transmitted to the Attorney General, together with some of the evidence upon which such conclusion was arrived at. It likewise advised the Attorney General at that time that it had in its files a large amount of evidence which it had assembled in support of this finding, which was open to his inspection at any time he saw fit to inspect it.

Before the Attorney General got around to make the inspection, however, Mr. Humphrey went on the commission, and he promptly got a resolution passed by the Federal Trade Commission to the effect that the commission would not permit the Attorney General of the United States to inspect any evidence in its files which it had secured from the company under investigation. A large part of the evidence had been secured by an inspection of the books of the Aluminum Co., and of the correspondence which had passed between the principal house in Pittsburgh and its branch houses throughout the country. That was all sealed up so that the Attorney General could not get it.

At that time the commission had under consideration not only the resolution under which they were then acting but they had four other resolutions of the Senate of the United States directing investigations. The Senate of the United States pursuant to law had directed the Federal Trade Commission to conduct those four investigations, one of which was the investigation referred to pursuant to a resolution offered by the then Senator from Kentucky, Mr. Ernst, inquiring into the Tobacco Trust, amended by the amendment offered by the Senator from Nebraska [Mr. NORRIS] to include the question as to whether the General Electric Co. was, indeed, the Power Trust.

The amendment of the Senator from Nebraska had two features. It asked for an investigation as to the trust character of the General Electric Co., and then it asked for an investigation into the amount of money that had been expended for the purpose of influencing public opinion with reference to the subject of public ownership or private ownership of public utilities. That part of the resolution as offered by the Senator from Nebraska I have copied in the resolution that is now under consideration word for word, adding thereto also expenditures in connection with elections.

Meanwhile Mr. Humphrey's attention had been called to the rider on the appropriation act of which I have heretofore spoken. He went out into the country and made a speech before the United States Chamber of Commerce in which he had the impertinence—I was going to say impudence—to declare that those resolutions by which he, a subordinate officer of the Government, was directed to conduct these investigations, were simply political in character, and that the commission had no power to conduct the investigations by reason of this rider on the appropriation bill. Then he went before the commission and told them that they ought to send the question to the Attorney General for an opinion as to whether the investigations should be carried on or not.

That request was sent by the President to the Attorney General in the month of May, 1925. Meanwhile, all work was suspended. The economic bureau of the Federal Trade Commission had been going on with those four investigations, or at least with some of them. All work was suspended until an opinion could be secured from the Attorney General of the United States, who took more than five months, everything being held up meanwhile, to determine the simple question as to whether under the rider they could go on with those investigations. Five months and 20 days after he was asked for the opinion he sent down an opinion to the effect that so far as the amendment offered by the Senator from Nebraska was concerned, the commission had the authority to make the investigation contemplated in the first part of the resolution, namely, to inquire whether the General Electric Co. was a trust, but that it had no power whatever to conduct the investigation contemplated by the second part of the resolution, which is substantially in the language of the resolution under consideration, as follows:

> The committee is further empowered and directed to inquire and report whether, and to what extent, such corporations or any of the officers thereof or anyone in their behalf or in behalf of any organization of which any such corporation may be a member, through the expenditure of money or through the control of the avenues of publicity, have made any effort and what effort to influence or control public opinion on account of municipal or public ownership of the means by which power is developed and electrical energy is generated and distributed or to influence or control elections.

Exactly the same line of argument which forbids the Federal Trade Commission to go into that subject forbids it to go into any other questions that are suggested for inquiry in the first part of the resolution under consideration. That is to say, the Attorney General held, and the Federal Trade Commission held, that they can inquire as to whether there have been violations of the antitrust act. The resolution contemplates nothing of that character at all.

Mr. SWANSON. Mr. President, will the Senator permit me to ask him a question?

Mr. WALSH of Montana. Yes.

Mr. SWANSON. Does the same provision exist in the act providing for the appropriations until the 1st of next July?

Mr. WALSH of Montana. Exactly.

Mr. SWANSON. So, if the resolution should pass, do I understand the Senator to say that under the existing law, which continues until the 1st of next July, they could not do anything?

Mr. WALSH of Montana. They could not do a thing.

Mr. NORRIS. The Senator does not mean that, does he? The question is, if the resolution should pass. The Senator means if it is amended so as to direct the Federal Trade Commission to conduct the investigation.

Mr. WALSH of Montana. Exactly.

Mr. SWANSON. That is what I meant. Are we to understand that this investigation, if it be referred to the Federal Trade Commission under the amendment of the Senator from Georgia [Mr. GEORGE], would be of such a character that the Federal Trade Commission could not do anything under the present law until after the 1st of July and until the new appropriation bill becomes a law and goes into effect?

Mr. WALSH of Montana. They could not turn a hand.

Mr. SWANSON. Then, we would have to wait until after the 1st of July or in the meantime enact a new law.

Mr. WALSH of Montana. But this has not become the law yet and the commission may or may not have power after the 1st of July next.

Mr. SWANSON. But as I understand it, until the 1st of July, under the existing law providing for appropriations, nothing can be done by the Federal Trade Commission to carry out the investigation suggested by the Senator.

Mr. WALSH of Montana. That is the fact.

Mr. WATSON. Mr. President, does not the resolution carry its own appropriation of $30,000?

Mr. WALSH of Montana. It carries its own appropriation if the investigation is to be conducted by the Senate and paid for out of the contingent fund of the Senate.

Mr. WATSON. Did the Senator read the last appropriation act?

Mr. WALSH of Montana. Yes.

Mr. WATSON. Was the Senator a while ago referring to the appropriation act or to the organic act creating the Federal Trade Commission?

Mr. WALSH of Montana. I referred to both. Under the organic act they may conduct any investigation which may be directed by either House, but the organic act has been amended by the rider on the appropriation bill.

Mr. WATSON. But it is not on the present appropriation bill.

Mr. WALSH of Montana. But the bill is not yet a law. The law is that no funds available to the Federal Trade Commission shall be devoted to this purpose at all.

Mr. OVERMAN. The rider was stricken out on my motion in committee, and was sustained in conference.

Mr. WALSH of Montana. I commend the Senator from North Carolina.

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. PITTMAN. Did I understand the Senator from Montana to say that the Attorney General and the Federal Trade Commission held that the Federal Trade Commission under the law had no authority to investigate the so-called political questions contained in the resolution?

Mr. WALSH of Montana. Yes.

Mr. PITTMAN. And that did not depend upon the restrictions in the appropriation bill?

Mr. WALSH of Montana. Oh, it did depend on the restrictions in the appropriation bill. It was based in the rider on the appropriation bill.

Mr. NORRIS. If the Senator will permit me, I had here a moment ago the opinion of the Attorney General.

Mr. WALSH of Montana. The Senator was kind enough to hand it to me and I have it here.

Mr. WATSON. Was not the ruling made by Mr. Myers, then in the Attorney General's office and now with the Federal Trade Commission?

Mr. WALSH of Montana. Mr. Myers wrote the opinion, and it expresses the view of the commission.

Mr. WATSON. I would like to hear it.

Mr. SWANSON. I understand that if the motion to refer the matter to the Federal Trade Commission prevails, then, under the opinion of the Attorney General and under the statute which exists to-day, until the 1st of July the Federal Trade Commission can do nothing, and then only in case the existing law is repealed or an appropriation is made available in some other manner.

Mr. WALSH of Montana. The Senator has stated the situation accurately.

Mr. SWANSON. Is that disputed by anybody?

Mr. WATSON. I want to examine it first.

Mr. GEORGE. Of course, I would not interrupt the Senator at this time, but I do not agree to the proposition at all that they could not have examined under the original resolution.

Mr. WALSH of Montana. Does the Senator dispute the proposition that both the Federal Trade Commission and the Attorney General have ruled otherwise?

Mr. GEORGE. I understand; but it was based entirely on the rider; not the want of power, but simply the want of funds. We will take care of any funds they need.

Mr. WALSH of Montana. No money can be drawn from the Treasury of the United States except in pursuance of appropriation authorized by law. That is the provision of the Constitution of the United States. They may or may not get an appropriation.

Mr. GEORGE. The Senator is perfectly familiar with deficiency appropriation bills that we pass here from time to time. Besides, I want to say, and I shall discuss it later, that in my judgment the Attorney General is wrong in his ruling, because under the Senator's resolution and under the resolution of the Senator from Nebraska, to which reference has been made, I think every bit of the inquiry was pertinent to the main fact of which they did have jurisdiction even under the rider on a resolution from either House.

Mr. NORRIS. Mr. President, if the Senator from Montana will permit me——

Mr. WALSH of Montana. I yield.

Mr. NORRIS. I want to express my gratification at the opinion of the Senator who has just made a statement that coincides with mine entirely. I thought the Attorney General's opinion was wrong, but I have not said so. I felt that until the courts had passed on it it had the effect of a decision of a court, and unless there was some way to appeal from it it was binding and was the law. But I did not like to criticize it, and I never have done so. However, I would like to say to the Senator that the opinion, right or wrong, especially when expressed to a tribunal that wanted the kind of opinion it got, was final and had the effect of a final determination of it by the Supreme Court of the United States. There was no way to appeal.

Mr. GEORGE. Oh, yes; but now when we strike the rider from the appropriation act itself, and again direct and empower the commission to go ahead and make the investigation, the Senate is not engaged in child's play and nobody can say that we will not cover any of their work by a deficiency appropriation if it becomes necessary.

Mr. WALSH of Montana. But a deficiency appropriation requires the approval of the other House of Congress, and the other House of Congress will then say whether we shall have this investigation or not.

Mr. GEORGE. Is the Senator afraid the other House of Congress will not grant the appropriation?

Mr. WALSH of Montana. I am perfectly satisfied the other House will not give any assistance whatever to this situation.

Mr. GEORGE. If I were the Senator I would not make that statement, particularly when I had incorporated in my resolution, a simple Senate resolution, a proposal to investigate the Members of that body without giving them a right to vote on it.

Mr. WALSH of Montana. Moreover, if I may be permitted to say, this body ought not for one single moment to tolerate the idea that when it wants to conduct an investigation it must go to the House of Representatives to get an appropriation to do it.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. ROBINSON of Arkansas. The resolution contemplates an investigation of the election of Members of the House of Representatives. Does the Senator feel that one House of Congress should assume the right to create a committee to investigate the Members of the other House of Congress? Does not the Senator know that that will interrupt the harmonious relationship between the two Houses that is essential to legislation?

Mr. WALSH of Montana. The Senator from Arkansas and I are in entire harmony about that matter. Perhaps the Senator was not present when I said I objected to that part of the resolution proposed, not by me, but by the Committee on Interstate Commerce, and I trust the Senate will reject it.

Mr. WATSON. Was not that included in the Senator's original resolution of investigation?

Mr. WALSH of Montana. If the Senator cares to make the resolution more specific by saying that this shall not extend to inquiry into the election of Members of the House of Representatives, I shall not have the slightest objection. Of course, I never contemplated going into that subject. It was only suggested by the Senator's committee that we do it.

Mr. NORRIS. Mr. President——

Mr. WATSON. But the Senator's resolution contemplated an investigation as to the expenditure of money for the election of all officers of the United States.

Mr. WALSH of Montana. Quite so, but if the committee did not want that done, they ought to have used appropriate language and have said the investigation shall not extend to contributions made toward the election of any Member of the House of Representatives.

Mr. WATSON. The original resolution of the Senator from Montana included all elections, but the committee limited the investigation to elections of President, Vice President, and Members of the Senate and House of Representatives.

Mr. NORRIS. Mr. President, will the Senator from Montana yield to me again?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WALSH of Montana. I yield.

Mr. NORRIS. I concur in what the Senator from Arkansas [Mr. ROBINSON] has said. The two Houses of Congress in their relationship with each other guard with jealous care an infringement upon the rights one of the other, and I am in full sympathy with that; but the Senator must realize that if we investigate the attempt of a corporation or anybody else to control or influence an election at which Senators are chosen, it would also include the Members of the House of Representatives.

Mr. ROBINSON of Arkansas. Then this should be a concurrent or a joint resolution; my mind is entirely clear upon that proposition. One House of Congress ought not to assume exclusively to investigate every other department of the Government, but it ought to give the other branch of Congress an opportunity to participate.

Mr. NORRIS. Exactly; and we ought to be permitted to investigate elections that apply to Senators without the consent of the other House.

Mr. ROBINSON of Arkansas. That is true.

Mr. NORRIS. We can easily reach an agreement on that.

Mr. ROBINSON of Arkansas. And we have that power under the Constitution of the United States.

Mr. NORRIS. I think so.

Mr. ROBINSON of Arkansas. But under the Constitution it is questionable whether we have the power to investigate as to the election of municipal officers and State officers and the Members of the House of Representatives. I can conceive that by the adoption of a resolution authorizing by a committee exclusively under the authority of the Senate an investigation of the election of Members of the House of Representatives we may create a condition where there can be no harmonious action between the two Houses. I think this ought to be a joint resolution or a concurrent resolution if we are to investigate all the departments of the Government.

Mr. WALSH of Montana. But the Senator from Arkansas is discussing this matter in a way that seems to me to lead to the conclusion that he is critical of the author of the resolution.

Mr. ROBINSON of Arkansas. Oh, not in any sense.

Mr. WALSH of Montana. I am pleased that the Senator from Arkansas and myself are as one on the question that the investigation ought not to go into the subject to which he has referred, and I am glad to know that he will vote with me, apparently, to disagree to that recommendation of the committee.

Mr. ROBINSON of Arkansas. My information is that the original resolution contemplated an investigation of the election of municipal officers, State officers, and Members of both Houses of Congress, but that the Senate committee's recommendation limits the investigation to Federal officers. I think the investigation ought to be limited to Federal officers; that the resolution ought to be changed to a concurrent or joint resolution, and also that the committee ought to be a joint committee. I make that suggestion. I have, however, no criticism to make of the Senator from Montana, of course.

Mr. WALSH of Montana. I was thinking about the resolution and not of myself personally.

Mr. SMITH. Mr. President, if the Senator from Montana will allow me, I desire to say that I have not before me a copy of the original resolution, but I attended the hearings in the committee and was present when this amendment was offered and agreed to. My impression is that as originally drawn the resolution did cover all elective officers, but the committee agreed that perhaps we did not have jurisdiction over certain officers but only those that come under the provisions of Federal election laws, and it was agreed that we should restrict the investigation to Federal elections. Of course, there did not arise nor did I hear discussed the unethical proposition of including Members of the House of Representatives. I thought we merely made the resolution apply to Federal positions and to Senators.

Mr. WALSH of Montana. Mr. President, that matter can be disposed of when we come to the consideration of that particular amendment.

Mr. ROBINSON of Arkansas. That is true.

Mr. WALSH of Montana. If the amendment proposed by the committee shall be rejected, it will be quite appropriate for anyone to endeavor to limit the scope and effect of the general language of the resolution by an amendment, and probably we shall not be very far apart about that. I merely desire at the present time to call attention to that portion of the opinion of the Attorney General which deals specifically with the subject. It is as follows:

> There is serious question, however, as to the requirement that the Federal Trade Commission shall ascertain and report the efforts, if any, made by the corporations in question, through the expenditure of money or through the control of avenues of publicity.
>
> To influence or control public opinion on the question of municipal or public ownership of the means by which power is developed and electric energy is generated and distributed.
>
> The relationship of such facts, assuming their existence, to a charge of violation of the antitrust acts is not apparent. Indulging all presumptions in favor of the validity of the resolution under the organic act, I am still unable to find authority for such an inquiry. All other features of the investigation properly may be made.

I ask unanimous consent, Mr. President, that the opinion of the Attorney General may be printed in the RECORD as an exhibit to my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[The opinion appears as an exhibit at the conclusion of the speech of Mr. WALSH of Montana.]

Mr. GEORGE. Mr. President, did the Senator state who prepared the opinion?

Mr. WALSH of Montana. The testimony before the committee of the Senate disclosed that it was actually written in about two or three days by Mr. A. F. Myers, then an assistant in the office of the Attorney General and now a member of the Federal Trade Commission; but it comes to us, of course, over the signature of the Attorney General.

Mr. WATSON. Mr. President, I understood the Senator to say a while ago that under the decision of the Attorney General the papers and documents of the electric light companies were locked up, so that the Federal Trade Commission was not permitted to see them.

Mr. WALSH of Montana. No; I was referring to the evidence in the matter of the Aluminum Co. of America.

Mr. WATSON. It had no reference to this matter?

Mr. WALSH of Montana. No.

Mr. WATSON. Then I misunderstood what the Senator said.

Mr. WALSH of Montana. I spoke about Mr. Humphrey's activities as a member of that commission.

Mr. WATSON. That had no relation, then, to the fourth amendment?

Mr. WALSH of Montana. It had only this relation: I was endeavoring to explain how this question came before the Attorney General for his opinion.

Mr. WATSON. Very well.

Mr. WALSH of Montana. But, Mr. President, quite aside from the question of the power of the commission to conduct the investigation, I must confess some surprise that the suggestion should come from this side of the aisle that this investigation should be conducted by the Federal Trade Commission. Had it come from some member of the stand-pat organization on the other side it would not have occasioned any particular surprise, but for the last three years it has been repeatedly declared that the Federal Trade Commission was packed for the purpose of preventing it from functioning as it was contemplated it should function in the act creating it; and Mr. Humphrey, a member of that commission, has been repeatedly the subject of hostile animadversion on this side of the Chamber, it being asserted that he was there to see that no investigations of any consequence should take place.

Now, Mr. President, I inquire whether this was pure political buncombe on our part and I ask if we are prepared now to confess to the world that we were peddling slander involving the President of the United States for pure political profit? I assert, sir——

Mr. WATSON. What does the Senator say about it?

Mr. WALSH of Montana. I assert, sir, that Mr. Humphrey ought never to have been appointed to that commission, and I undertake to say from the record that the imputations against him were entirely justified.

Mr. WATSON. But he is on the commission, and I ask the Senator to say what he thinks about either the ability or the capacity or the willingness of the Federal Trade Commission to make an investigation such as is proposed?

Mr. WALSH of Montana. I should say that it would not have any such desire whatever, so far as Mr. Humphrey could control it.

Mr. WATSON. I am not talking about Mr. Humphrey; I am talking about the commission.

Mr. WALSH of Montana. But he is a member of the commission.

Mr. WATSON. Certainly he is.

Mr. WALSH of Montana. If I may be pardoned, another member of the commission has been the subject of severe criticism by a subcommittee of the Committee on the Judiciary, and they now have his case under consideration.

Mr. WATSON. Who is that?

Mr. WALSH of Montana. That is A. F. Myers. His activity will be the subject for discussion on this floor as soon as the Judiciary Committee shall take action upon the report which is now before it.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Maryland?

Mr. WALSH of Montana. I yield.

Mr. BRUCE. I ask the Senator from Montana when Mr. Humphrey was appointed?

Mr. WALSH of Montana. My recollection is he was appointed in January, 1925.

Mr. BRUCE. Does not the Senator think that the members of the Interstate Commerce Committee, including myself, who voted for the confirmation of Mr. Humphrey had just as much right to form an opinion in regard to his qualifications for the office he now fills as the Senator from Montana himself?

Mr. WALSH of Montana. Undoubtedly.

Mr. BRUCE. The language which the Senator employed was not consistent with such an admission.

Mr. WALSH of Montana. I certainly did not intend to say anything to the contrary.

Mr. BRUCE. I, for one, voted for the confirmation of Mr. Humphrey after the fullest hearings were held and after I had been completely satisfied that the charges against him were not of such a nature as to justify our disapproval of his appointment.

Mr. WALSH of Montana. I did not impeach the honesty or good judgment of anybody who voted for his confirmation.

Mr. BRUCE. But the Senator expressed his astonishment that anyone on this side of the aisle should have voted for him. I believe that physically I am on this side of the aisle; I am certainly so in a party sense, and I was one who voted for the confirmation of Mr. Humphrey's appointment. The Senator I think forgets the facts when he assumes that every Senator on this side of the House or anything like every Senator on this side of the House was opposed to the confirmation of Mr. Humphrey.

Mr. WALSH of Montana. Not at all. I adverted to the fact that he has been the subject of the severest kind of criticism upon this floor and it has been asserted that he was on that commission for the purpose of preventing it from functioning.

Mr. GLASS. Mr. President, we do not agree about those things. I would vote right now to abolish the commission because of Mr. Humphrey's membership on it.

Mr. WHEELER. Mr. President, I think the Senator from Virginia is correct and that the commission ought to be abolished, because of the fact that it is packed with men like Mr. Humphrey.

Mr. GLASS. I have known Mr. Humphrey for 26 years; I served in the House with him; and it is because I do know him that I would vote to abolish the commission because he is a member of it.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH of Montana. I yield.

Mr. HARRIS. I think most of the original and real friends of the Federal Trade Commission feel much as does the distinguished Senator from Virginia. I myself differ with him to the extent that I do not believe in abolishing the commission, but I do hope that we can secure the appointment of such men on that commission that it may be conducted in the way in which it was originally intended to function.

Mr. WALSH of Montana. Mr. President, I wish to say a few words about some of the acts of Mr. Humphrey on this commission. I refer to the fact that promptly upon his appointment he sealed up the evidence secured by the commission from the Aluminum Co. of America after the commission had reported to the Attorney General that it was ready to turn it over to him and reported to the Attorney General that, in its opinion, a violation of the decree had taken place. He did not stop there, but he procured a rule to be adopted by the Federal Trade Commission which was to the effect that whenever the commission should issue a complaint against any corporation or company charging it with having violated the law, the complaint should not be made public until after the defendant had filed its answer. Everybody supposed that the proceedings were open to the public. The commission never files a complaint against anybody until, first, its economic division has investigated the facts and until its legal force has advised it that on the facts as reported a violation of law has taken place.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. COPELAND. Does the Senator feel that that is a just criticism of the commission? The other day I asked one of the commissioners—I have forgotten his name—who was before the Appropriations Committee, "Why is your commission so unpopular?" I said, "It is, is it not, or has been?" He said, "Yes." He said, "The reason why is because many complaints have come to us from trade rivals, and we used to give out this information to the public, and that was spread as a sort of propaganda by the rivals." Is it not a wise thing to protect the defendant until there has been found evidence to justify publicity?

Mr. WALSH of Montana. Mr. President, I can start any kind of suit against the Senator from New York, making all kinds of charges against him, and file it in the clerk's office, and issue a subpœna or a summons upon it. What can he do about it?

Mr. COPELAND. Even so, I should not think that was any particular reason why, in the rivalries of trade, where one business man thought another was infringing upon his rights——

Mr. WALSH of Montana. The Senator overlooks the fact that an investigation is conducted by the Federal Trade Commission before it issues the complaint.

Mr. COPELAND. I assume that that is true. Of course, the Senator from Montana thinks it is wise that there should be that investigation.

Mr. WALSH of Montana. Certainly.

Mr. COPELAND. That was not the practice, however, two or three years ago.

Mr. WALSH of Montana. Oh, yes; that was always the practice. The complaint came in that the particular company was engaged in unfair practices. It was turned over to the economic division. They were told to "go into this matter, inquire into the facts about it, and report to us."

Mr. COPELAND. Yes, Mr. President; but that is not all that was done. It was turned over to the public at the same time.

Mr. WALSH of Montana. Oh, no; oh, no.

Mr. COPELAND. Then I was misinformed.

Mr. WALSH of Montana. The Senator must have been. They then inquire into the facts. Of course, it is an ex parte inquiry, and they turn over the facts which they have assembled to the legal department, and the legal department says, "Assuming that these are the facts, there is a violation of law here," and thereupon they issue the complaint. That was prevented.

But the next thing, Mr. President, was this—and I will ask the Senator from New York kindly to give his attention to this: The next thing was that after a complaint had been issued, they gave the defendant against whom the proceedings were instituted an opportunity to come in and be heard privately by the commission with respect to the facts in connection with the matter.

Take the Continental Baking Co., for instance: The same course was gone through. The economic division reported that there was a violation of section 7 of the trade commission act by the acquisition by the Continental Baking Co. of the stocks of 16 different baking corporations. They then directed that a complaint issue against it, after obtaining the advice of their attorney. That was not made public; but Mr. Barber was given an opportunity to come before the commission in private, not publicly at all, and tell the commission why that complaint should not be dismissed. In that particular case, after he got through, they determined that they would not dismiss the complaint, that they would go on with it. That was another.

Then Mr. Humphrey sought to interrupt the proceedings on these four resolutions of the Senate by getting the Attorney General to render an opinion in accordance with his views that the commission had no power to go into the matter, and made his views public in a speech before the United States Chamber of Commerce.

Mr. President, these various acts of Mr. Humphrey in undertaking to limit and restrict, if not utterly destroy, the usefulness of the commission satisfied me that so far as he was able to control the situation there will not be any investigation of any value.

Now I want to advert to just one or two objections which have been made to the Senate giving its approval to this resolution.

It has been said, and I violate no confidences at all when I say that it is the common talk on newspaper row, that this resolution will not be adopted by the Senate, because neither party wants it adopted, because it will dry up the source of campaign funds for the next election. Mr. President, if it does anything of that kind that is another reason, to my mind, why it should be adopted.

If it be true that the course and conduct of these companies has been such as to lead to the belief that they are supplying the sinews of war for the two great political parties, the sooner the country knows about it the better it will be for everybody concerned. I am in no situation to say whether it is true or whether it is not true. However, it has been said, and possibly there is an implied threat in it, that Mr. Samuel Insull, whose name has attained some notoriety in connection with transactions heretofore investigated by the Senate, contributed to the Wilson campaign fund in Chicago in 1916, when I was the manager of the campaign at that place, and that his contribution was made to a lieutenant of mine.

That does not frighten me a bit. The matter of the accumulation of funds in Chicago was not intrusted to me. I had nothing to do with it. I spent the money all right enough. If a dollar was contributed by Mr. Insull, I never knew anything about it, if I even knew of his existence at that time; and I am perfectly willing that the whole matter may be gone into by any committee of the Senate at any time.

Mr. President, that is all I care to say about this matter at the present time.

EXHIBIT

[Re: Opinion on the powers and duties of the Federal Trade Commission in the conduct of investigations under resolutions of the United States Senate]

(Prepared by A. F. Myers; reviewed by P. R. Chandler; approved by William J. Donovan and William D. Mitchell)

OCTOBER 24, 1925.

SIR: I have the honor to acknowledge the receipt of your letter dated May 5, 1925, inclosing a communication from the Federal Trade Commission and requesting that I render an opinion on the questions propounded therein. The questions relate to the powers and duties of the Federal Trade Commission in the conduct of investigations under four designated resolutions of the United States Senate. As to these resolutions, severally, the following questions are asked:

1. Is the commission empowered by subsection (d) of section 6 of the Federal Trade Commission act to make the entire investigation called for by the resolution?

2. Is the commission empowered by said subsection to make any part of the investigation directed by the resolution; and if so, what part or parts thereof is the commission empowered to investigate?

3. If the inquiry directed by the resolution is partly within and partly without the power of the commission to investigate under the provisions of said subsection, may the commission legally proceed with that part of the investigation which is legally within such power regardless of the fact that part of the investigation directed is legally without such power?

4. If the Attorney General shall be of opinion that said resolution, or certain parts thereof, confer no power upon the commission to proceed with such investigations or parts thereof, do subsections (a) and (b) of section 6 of said act confer power upon the commission, proceeding as upon its own motion, to make such investigations or parts thereof?

I note that a preliminary question is suggested in the papers accompanying the submission regarding my authority to render this opinion. I need only say that the practice of rendering opinions to the President for the guidance of independent establishments is of such long standing and is instanced by so many opinions by my predecessors that I must regard it as settled and proper.

A resolution by one of the two Houses of Congress is not legislation and can not add to or detract from the powers already possessed by the commission under preexisting statutes. United States *v.* Louisville & Nashville R. R. Co. (236 U. S. 318; Federal Trade Commission *v.* American Tobacco Co. (264 U. S. 298, 283 Fed. 999); Federal Trade Commission *v.* Baltimore Grain Co. (284 Fed. 886); statement by Senator Cummins (51 CONG. REC. 11451). Power to make the investigations in question must, therefore, be found in the subsections of section 6 of the Federal Trade Commission act (copied in the order of their importance in this inquiry) and in the current appropriation act, approved March 3, 1925 (ch. 468, 43 Stat. 1203).

SEC. 6. That the commission shall also have power—

(d) Upon the direction of the President or either House of Congress to investigate and report the facts relating to any alleged violations of the antitrust acts by any corporation.

(a) To gather and compile information concerning and to investigate from time to time the organization, business, conduct, practices, and management of any corporation engaged in commerce, excepting banks and common carriers subject to the act to regulate commerce, and its relation to other corporations and to individuals, associations, and partnerships.

(b) To require, by general or special orders, corporations engaged in commerce, excepting banks and common carriers subject to the act to regulate commerce, or any class of them, or any of them, respectively, to file with the commission in such form as the commission may prescribe annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the commission such information as it may require as to the organization, business, conduct, practices, management, and relation to other corporations, partnerships, and individuals of the respective corporations filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the commission may prescribe, and shall be filed with the commission within such reasonable period as the commission may prescribe, unless additional time be granted in any case by the commission.

The appropriation act:

No part of this sum shall be expended for investigations requested by either House of Congress, except those requested by concurrent resolution of Congress, but this limitation shall not apply to investigations and reports in connection with alleged violations of the antitrust acts by any corporation.

An investigation which the commission may prosecute pursuant to subsection (d) must relate to an alleged violation of the antitrust acts by some corporation. The above-quoted provision of the appropriation act is but a reaffirmation of the requirements of subsection (d).

The question to be determined in each instance is whether the resolution is so worded as to allege a violation of the antitrust laws by any corporation. The courts have not defined with what definiteness and certainty an alleged violation of the antitrust acts must be charged in the resolution, Federal Trade Commission *v.* American Tobacco Co., supra, involved a petition for writ of mandamus to compel the respondents, American Tobacco Co. and others, to deliver to the commission certain books, documents, and correspondence. The commission was proceeding (a) under complaints of the use by respondents of unfair methods of competition contrary to the trade commission act, and (b) in pursuance of a resolution of the United States Senate. The resolution (S. 129, dated August 9, 1921) merely directed that the commission make a broad investigation as to the prices for certain grades of tobacco. The court in rejecting the resolution as a source of power said (p. 305):

[NOTE.—"Corporation" is defined by section 4 to mean "any company or association incorporated or unincorporated which is organized to carry on business for profit and has shares of capital or capital stock, and any company or association, incorporated or unincorporated without shares of capital or capital stock, except partnerships, which is organized to carry on business for its own profit or that of its members."]

"The Senate resolution may be laid on one side, as it is not based on any alleged violation of the antitrust acts within the requirements of section 6 (d) of the act." (United States *v.* Louisville & Nashville R. R. Co., 236 U. S. 318.)

No procedure is prescribed for alleging violations of the antitrust acts in the resolutions of the House or Senate, and no authority exists for holding such bodies to fixed forms. The debates accompanying the adoption of Senate Resolution 329, set out in connection with the consideration of that resolution, show that the Senate itself has declined to be bound to any formal procedure in alleging violations of the antitrust laws.

A main purpose of the Federal Trade Commission act was to enable Congress, through the Trade Commission, to obtain full information concerning conditions in industry to aid it in its duty of enacting legislation. That purpose was emphasized in the proceedings attending the passage of the act (H. Rept. 533, 63d Cong., 2d sess.; S. Rept. 597, 63d Cong., 2d sess.); and in the debates the commission was sometimes likened to a committee of Congress (statement of Congressman Stevens, CONGRESSIONAL RECORD, 51st Cong., p. 14935).

Resolutions directing investigations pursuant to section 6, subsection (d), are to be limited in their scope to the ascertainment of facts which reasonably and logically tend to show whether or not the antitrust acts are being violated by any corporation. The existence or nonexistence of a violation of such acts may be disclosed by acts committed by the corporations under investigation and the effect of such acts upon interstate trade and commerce. The investigations should not in any case be enlarged to include an inquiry into any matter which does not have a direct bearing upon the question whether interstate trade and commerce are being unlawfully monopolized or restrained.

In considering particular resolutions it is not enough to stop with the bare language thereof; resort must be had to the proceedings attending their adoption.

First. Resolution 163, Sixty-eighth Congress, second session: This resolution on its face requires, primarily, an economic investigation of the milling and baking industries, and incidentally a report of the facts (if any) tending to show contracts, combinations, etc., in restraint of trade. There is no direct allegation that any corporation or corporations is violating the antitrust acts. But the resolution as introduced contained a preamble reciting a series of alleged facts fairly calculated to bring the investigation within the scope of the commission's authority under subsection (d) of section 6. Certain of these recitals were stated so positively that their adoption in that form would have amounted to a declaration by the Senate that they were true. A Senator having objected to the resolution on the ground stated, the preamble was stricken out (CONGRESSIONAL RECORD, 65th Cong., p. 2541). The preamble follows:

[NOTE.—The resolutions are set out in an appendix to this opinion.]

"Whereas the price of bread is being maintained at substantially the level of war prices while the price of wheat has declined to pre-war levels; and

"Whereas bread made by American flour is selling in England at an average retail price of 4 cents a pound, as compared with an average of 8.7 cents in the United States; and

"Whereas the financial reports of flour milling and baking companies so far as published disclose enormous profits during recent years; and

"Whereas excessive bread prices have caused a decrease in the consumption of bread in the United States amounting to 44 loaves per person per year; and

"Whereas this reduction of bread consumption has largely decreased the domestic market for wheat and thus contributed to the distress and widespread bankruptcy of wheat farmers; and

"Whereas bread prices in American cities are artificially maintained at excessive levels, apparently by combinations and conspiracies in restraint of trade; and

"Whereas there has recently been formed a huge merger of baking companies; and

"Whereas the production and distribution of bread has ceased to be a local industry and has in large measure assumed the character of interstate commerce."

While the investigation is concerned more with the effects of monopoly than with the means by which accomplished, it is with the effects of monopoly that Congress is mainly concerned. The artificial enhancement and depression of prices are the indicia of monopoly. Whether or not the control acquired or exerted by a corporation or group of corporations over interstate trade and commerce is monopolistic in scope depends at least in some measure upon the power to control or affect prices. I am of opinion, therefore, that the commission may, as a part of its investigation of alleged violations of the antitrust law by baking and milling corporations, ascertain and report the facts in reference to costs, prices, and profits set out in the early part of the resolution.

The failure to specify any corporation by name can not be given controlling effect, as Congress might properly be reluctant to charge a corporation with violating the law in a public resolution. Such allegation serves merely as a basis for directing an investigation, and the better practice clearly would be to await the results of the investigation before publicly citing the corporation.

Second. Resolution 329, Sixty-eighth Congress, second session, is in two parts, each relating to a separate investigation of a different industry. The resolution as first introduced related only to the tobacco industry. That portion of the resolution evidently was drafted with an eye to the requirements of section 6, subsection (d), of the act. The letter from the commission indicates that it entertains no doubt as to its duty to make the tobacco investigation and that such investigation is well under way. I need only say that I concur in the view taken by the commission in that regard.

The second part of the resolution relates to an investigation of the General Electric Co. and its subsidiary and allied companies. This was originally introduced as a separate resolution (S. Res. 286) during the debate on the Muscle Shoals power bill (CONGRESSIONAL RECORD, 66th Cong. p. 939). In advocating the adoption of the resolution, Senator NORRIS said (CONGRESSIONAL RECORD, 66th Cong., p. 2200):

"I have already placed before the Senate, and other Senators have likewise placed before the Senate, evidence which it seems to me ought to convince any reasonable man that such a monopoly or combination exists.

"It is a common practice here when there is at least reasonable ground to believe that such a state of affairs exists, for a resolution providing for an investigation either by a committee or some other organization equipped to undertake it to be introduced for the purpose of the necessary inquiry in order to ascertain the information and to report. That has been true, so far as I can remember, without an exception. I can not understand, Mr. President, when, as in this case, for hours and hours the Senate has been given evidence showing the names of corporations and individuals that interlock and spread all over the country, why there should be opposition to the adoption of this resolution."

Thereafter the resolution was proposed as an amendment to the tobacco resolution (CONGRESSIONAL RECORD, 65th Cong., pp. 3379). Speaking in favor of the amendment Senator NORRIS repeated in substance the arguments previously made in support of the separate resolution. The question as to the character of the allegation of alleged violation of the antitrust act needed to authorize an investigation by the Federal Trade Commission was raised by Senator BRUCE (CONGRESSIONAL RECORD, 66th Cong., pp. 3390–3391):

"Mr. BRUCE. * * * But even in its present form as an amendment it still embodies the proposition that the Federal Trade Commission is to be instructed to institute an investigation into the operations of the General Electric Co. merely because a Member of the Senate has alleged on the floor of the Senate that the General Electric Co. is engaged in illicit practices."

* * * * * * *

"Did the Senator ever produce any testimony on that subject?

"Mr. NORRIS. Speaking as a lawyer, technically I did not, because I was not sworn or put on the witness stand, but I produced for hours and hours allegations as to the subsidiary companies, the ownership of stock, interlocking directorates, and so forth.

"Mr. BRUCE. * * * The point I am making is, that while I am thoroughly in sympathy with the idea of investigating any and all abuses which may be perpetrated by any business combination, I do think that such an investigation ought to be preceded by legal testimony. I am speaking now of testimony in the strict sense of the word, because we know that there is all the difference in the world between mere allegations and formal testimony making out a prima facie case of wrongdoing."

Senator BRUCE made the same suggestion concerning that part of the resolution relating to the tobacco industry. The action of the Senate in adopting the resolution and the amendment may be regarded as a determination that its procedure does not call for any formal allegation of a violation of the antitrust laws, and that the charges of a Senator, on the floor, are sufficient.

The recitals of the second part of the resolution allege a violation of the antitrust acts by a named corporation and its subsidiaries. For the most part the investigation directed is appropriate to develop truth or falsity of the charge. In carrying out this resolution regard should be had for the admonition already given to the effect that the inquiry should be limited to facts and circumstances tending to show any unlawful restraint of interstate trade and commerce. Under the provisions of the antitrust acts only restraints upon the production of electric energy for transmission over State lines and upon the interstate transmission of electric energy, or the monopolization thereof, may be properly investigated under the resolution in question.

There is serious question, however, as to the requirement that the Federal Trade Commission shall ascertain and report the efforts, if any, made by the corporations in question, through the expenditure of money or through the control of avenues of publicity, to influence or control public opinion on the question of municipal or public ownership of the means by which power is developed and electric energy is generated and distributed.

The relationship of such facts, assuming their existence, to a charge of violation of the antitrust acts is not apparent. Indulging all presumptions in favor of the validity of the resolution under the organic act, I am still unable to find authority for such an inquiry. All other features of the investigation properly may be made.

Third. Resolution 28, Sixty-ninth Congress, special session, was adopted at the special session of the Sixty-ninth Congress practically without debate. It recites that a former report of the Federal Trade Commission discloses the existence of 150 "open-price association" or associations "distributing or exchanging price information"; and that such associations may exert a large influence in maintaining prices at an exhorbitant level. The commission is directed to report the number, names, character, and importance of the open-price associations; the extent to which such associations have enabled members to maintain uniform prices; whether such open-price associations engage in other activities, and, if so, the nature and effect thereof "with respect to alleged violations of the antitrust law."

Trade associations, or "open-price" associations probably are corporations within the meaning of the Federal Trade Commission act, or if not, are composed of corporations.

Doubtless their operations, in many important particulars, affect interstate trade and commerce. The commission in proceeding under the resolution should not extend its investigation to include matters or things not affecting interstate commerce and consequently having no possible bearing upon alleged violations of the antitrust acts.

The resolution calls for an investigation which ought to be of value to Congress in considering what legislation, if any, is required to cope with a new form of business organization which, while possessing valuable features, has presented many difficult problems under the Federal antitrust laws. I am aware that the discussion concerning trade associations has centered about their legality under the antitrust acts, and that such associations have been the subject of four important decisions of the Supreme Court under those laws. I am of opinion, therefore, that the investigation called for by Resolution 28 is appropriate to disclose the existence or nonexistence of alleged violations of the antitrust acts by corporations as defined in the fourth section of the trade commission act and should be made.

Fourth. Resolution 34, Sixty-ninth Congress, special session, also was adopted without debate. The preamble asserts the economic value of cooperative organizations; recites that information concerning such organizations is not available in comprehensive form; and states that it is "frequently charged" that such cooperative organizations are being discriminated against and injured by various corporations and trade associations "in alleged violation of the antitrust acts." The first subdivision of the resolution calls for a purely economic investigation as to the value and importance of cooperative organizations. Standing alone, this part of the resolution would fail. However, I am not prepared to say that such an investigation is not a proper concomitant of the investigation of the charge of unlawful discrimination against such organizations. The vice of the alleged unlawful practices can be best judged in the light of the facts concerning the importance and value of the organizations subjected to such discrimination. In my opinion, the commission may investigate and report concerning the growth and importance of cooperative associations, and their relative efficiency as compared with other distributors, for the purpose of showing the extent and value of the interstate trade and commerce alleged to be unlawfully restrained.

You will recognize that I can not forecast all of the problems which may arise in carrying out the somewhat vague directions of the resolutions. Minor questions as they arise should be resolved by the commission in the light of the principles set out in this opinion. The test, whether or not a particular line of inquiry should be followed, would seem in each instance to be whether it will disclose material evidence of a violation of the antitrust acts.

The foregoing discussion covers all questions propounded by the Federal Trade Commission save the fourth. Since I have held that the resolutions (with the exception of one feature of Resolution 329) may

be complied with under the provisions of subsection (d) of section 6, there really is no occasion to consider what would be the power of the commission to proceed of its own motion under the other subsections mentioned.

It may be noted that the limitations of the current appropriation act relate only to investigations requested by either House of Congress, and it would seem that the commission would be free to proceed under subsection (a) to the extent deemed appropriate or desirable in conducting the investigations in question. However, the provisions of that subsection are not as broad as those of subsection (d), in that they authorize the commission to investigate only corporations engaged in interstate commerce, regardless of the effect of the operations of such corporations in restraining or monopolizing such commerce. It is fair to assume that the Senate, in adopting the resolutions, intended that the investigations should be made under subsection (d), which makes provision for just such investigations.

The provisions of subsection (b) are procedural and add nothing to the power to undertake investigations conferred by subsections (a) and (d). As the right of the commission under said subsection to require written answers to its interrogatories is in issue in a case now pending in the Supreme Court, it would be inappropriate for me to express any opinion regarding the exercise of such powers. This opinion, moreover, is based upon the premise that the investigations called for may be conducted and the desired information obtained with the cooperation of the corporations affected or by orderly processes; and I expressly disclaim any intention of passing even inferentially upon any question as to the power of the commission to compel the production of documentary evidence or the limitations thereon.

Respectfully,

JOHN G. SARGENT,
Attorney General.

THE PRESIDENT,
The White House.

APPENDIX

Sixty-eighth Congress, first session, Senate Resolution 163, February 16, 1924

Resolution

Resolved, That the Federal Trade Commission be, and it is hereby, directed to investigate the production, distribution, transportation, and sale of flour and bread, including by-products, and report its findings in full to the Senate, showing the costs, prices, and profits at each stage of the process of production and distribution, from the time the wheat leaves the farm until the bread is delivered to the consumer; the extent and methods of price fixing, price maintenance, and price discrimination; the developments in the direction of monopoly and concentration of control in the milling and baking industries, and all evidence indicating the existence of agreements, conspiracies, or combinations in restraint of trade.

Sixty-eighth Congress, second session, Senate Resolution 329, February 3 (calendar day, February 6), 1925

Resolution

Whereas it has been stated openly that an agreement exists between the American Tobacco Co. and the Imperial Tobacco Co. of Great Britain whereby the American Tobacco Co. will sell no tobacco in Great Britain and the Imperial Tobacco Co. will sell no tobacco in the United States; and

Whereas such an agreement gives the Imperial Tobacco Co. a practical monopoly on certain types of tobacco grown in Virginia, North Carolina, and South Carolina and a special interest in certain types of tobacco grown in Kentucky and purchased in the United States by the local resident agents of the Imperial Tobacco Co. and processed in the United States in its plants, and the same agreement gives the American Tobacco Co. a special interest in other types grown in those States; and

Whereas the growers of leaf tobacco have formed great cooperative organizations, known as the Tobacco Growers' Cooperative Association, the Dark Tobacco Growers' Cooperative Association, the Burley Tobacco Growers' Cooperative Association, comprising an aggregate of more than 270,000 grower members for the cooperative marketing of the tobacco of their members; and

Whereas such cooperative associations have been organized along lines encouraged by this Government and have been financed in part by the War Finance Corporation and the intermediate credit banks; and

Whereas the American Tobacco Co. and the Imperial Tobacco Co. are opposed to the formation of cooperative marketing associations among tobacco growers and desire to destroy them, and have attempted to discourage members by purchasing leaf tobacco from nonmember growers at higher prices than tenders theretofore made by such cooperative associations, and have induced and encouraged breaches of contracts between members and the cooperative associations contrary to the terms of the members' agreements with the associations; and

Whereas the said companies have practically boycotted the said cooperative associations and, by reason of their special interest in certain types, have caused great damage and harm to the cooperative associations; and

Whereas the aforesaid agreement stops competition between the said companies in the purchase from the growers of the types of tobacco used by the American Tobacco Co. and the Imperial Tobacco Co. and enables one company or the other to control the purchase and marketing of these types; and

Whereas acts on the part of these two companies cause leaf tobacco to be diverted from the cooperative associations to these companies, directly or indirectly, in spite of the contracts between the growers and the cooperative associations; and

Whereas such conduct on the part of such companies appears to be unfair practice in pursuance of an illegal agreement to restrict and restrain competition and trade in leaf tobacco in interstate commerce: Now therefore be it

Resolved, That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the President of the United States on or before July 1, 1925, the present degree of concentration and interrelation in the ownership, control, direction, financing, and management through legal or equitable ownership of stocks, bonds, or other securities or instrumentalities, or through interlocking directorates or holding companies, or through agreements, or through any other device or means whatsoever by the American Tobacco Co. and the Imperial Tobacco Co.; and also particularly to investigate the methods employed by these companies in their fight against cooperative marketing associations and any boycott thereof; and also particularly to investigate any agreements or arrangements made by said companies to embarrass or injure any such cooperative associations or to cause discouragement or breaches of contracts between growers, members, and the said cooperative associations; and

Resolved further, That the President of the United States be, and he is hereby, requested to direct the Secretary of the Treasury to permit the said Federal Trade Commission in making such investigation to have access to all official reports and records in any or all of the bureaus of said Treasury Department; and

Whereas it has been alleged on the floor of the Senate during the course of a debate upon a bill relating to the disposition, operation, management, and control of the water-power and steam-power plant, with their incidental lands, equipment, fixtures, and properies, that a corporation known as the General Electric Co. has acquired a monopoly or exercises a control in restraint of trade or commerce in violation of law of or over the production and distribution of electric energy and the manufacture, sale, and distribution of electrical equipment and apparatus: Therefore be it

Resolved further, That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the Senate to what extent the said General Electric Co., or the stockholders or other security holders thereof, either directly or through subsidiary companies, stock ownership, or through other means or instrumentalities, monopolize or control the production, generation, or transmission of electric energy or power, whether produced by steam, gas, or water power, and to report to the Senate the manner in which the said General Electric Co. has acquired and maintained such monopoly or exercises such control in restraint of trade or commerce and in violation of law.

The commission shall also ascertain and report what effort, if any, has been made by the said General Electric Co. or other corporations, companies, organizations, or associations, or anyone in its behalf, or in behalf of any trade organization of which it is a member, through the expenditure of money or through the control of the avenues of publicity, to influence or control public opinion on the question of municipal or public ownership of the means by which power is developed and electric energy is generated and distributed.

Resolved further, That the President of the United States be, and he is hereby, requested to direct the Secretary of the Treasury, under such rules and regulations as the Secretary of the Treasury may prescribe, to permit the said Federal Trade Commission to have access to official reports and records pertinent thereto in making such investigations.

Sixty-ninth Congress, special session of the Senate, Senate Resolution 28, March 17, 1925

Resolution

Whereas the Federal Trade Commission, in its annual report for 1922, states that at the request of the Joint Commission of Agricultural Inquiry the commission undertook a special investigation concerning the activities of trade associations, and found by response to its questionnaires that there were 150 open-price associations, or those distributing or exchanging "price information"; and

Whereas the commission reported "most of the open-price associations also distributed or exchanged information on other features of business, such as orders received, purchases, production, stocks, cost of production and merchandising, and matters of general interest to members"; and

Whereas such associations may exert a large influence in maintaining prices at an exorbitant level, particularly in the case of manufacturing concerns the products of which are protected by a high tariff duty: Therefore be it

Resolved, That the Federal Trade Commission is hereby directed to investigate and to report to the Senate at the next session of Congress—

First. The present number and nature of the open-price associations, the names of such associations, the number of their members thereof, and the importance of such associations in the industry.

Second. To what extent, if any, the effect of such open-price associations has been to maintain among members thereof uniform prices to wholesalers or retailers, or to secure uniform or approximately uniform increases in such prices.

Third. Whether such open-price associations engage in other activities; and if so, the nature and effects thereof, with respect to alleged violations of the antitrust laws.

Sixty-ninth Congress, special session of the Senate, Senate Resolution 34, March 17, 1925

Resolution

Whereas the successful development of cooperative organizations in production, distribution, and consumption affords needed opportunities for increasing the income of the producer, especially the farmer, and for diminishing the cost of living of the consumer, and appears to be of great public benefit, as shown by the experiences of numerous foreign countries; and

Whereas the President's agricultural conference recommends constructive Federal assistance in the development of producers' marketing organizations; and

Whereas complete and conclusive information with respect to the economic advantages or disadvantages of the cooperative movement in this country as compared with other types of marketing farm products has not been made available in comprehensive form; and

Whereas it is frequently charged that various cooperative organizations of farmers engaged in marketing grain, tobacco, cotton, livestock, and other products, as well as consumers' cooperative purchasing organizations, are being discriminated against and injured by various corporations and trade associations, in alleged violation of the antitrust laws: Now therefore be it

Resolved, That the Federal Trade Commission is hereby directed to make an inquiry (1) into the growth and importance of cooperative associations, including particularly the costs of marketing and distribution of such cooperatives as compared with the corresponding costs of other types of distributors, and (2) into the extent and importance of the interferences with and obstructions to the formation and operation of cooperative organizers of producers, distributors, and consumers by any corporation or trade association in alleged violation of the antitrust laws, and to report thereon with recommendations for legislation, or other remedial action, if the same appears necessary.

Mr. GEORGE. Mr. President, I expect to discuss the amendment which I have offered to the resolution, but I am not in a position to do so this afternoon. I wish, however, to draw attention to some facts while they are fresh in mind.

If anything is needed to convince one that an investigation so far-reaching in its consequences and affecting so many and so varied interests should not be made by a Senate committee, the degree of immoderation displayed in the discussion of the matter is itself sufficient proof.

I do not criticize the Senator from Montana. I entertain for him the highest opinion. I do not wish to interpose an objection to any proper investigation of the utilities enumerated in this resolution. My amendment provides for an immediate investigation by the Federal Trade Commission, with partial reports to the Senate within each 30 days, and a final report upon the completion of the work. It contemplates no delay. It contemplates a fair, a calm, a dispassionate investigation of a great business or industry of the country.

The objection that the Federal Trade Commission is not a proper tribunal to make this investigation is based largely upon the poor opinion of the Senator from Montana of a member of the commission; and yet the Senator reads here, as pertinent evidence upon which he asks to have the investigation proceed, excerpts from the report of the Federal Trade Commission. Take out of the Senator's showing before the Interstate Commerce Committee—indeed, take out of his argument here today—such excerpts as he takes from the Federal Trade Commission's reports, and there is not a prima facie case made for the investigation.

I am not opposing the investigation, however. I am simply calling attention to the fact.

Then the Senator is led afield to make the statement that no one contemplates or imagines that the other House of the Congress will sanction an investigation, though an investigation be demanded by the facts. The declaration in effect is made that the House would withhold an appropriation of money to cover the expense of an investigation ordered by this body upon the most substantial grounds.

Mr. WHEELER. Mr. President, let me ask the Senator if that has not been done already in reference to the investigation that was directed by the amendment presented by the Senator from Nebraska [Mr. NORRIS]?

Mr. GEORGE. Oh, no. I will get to that in the course of argument, Mr. President.

The Senator objects now to the resolution going to the Federal Trade Commission, when the original resolution offered by the Senator from Nebraska [Mr. NORRIS], under which a searching investigation was made, selected the commission to make it, and Mr. Humphrey was then a member of the commission.

The Senator is disturbed by the presence of lobbyists. He is not dissuaded from his course, and no one can dissuade him from his course, but the Senator from Montana ought to be willing to concede to others here the same strength to resist the seductive influences of lobbyists and the same disposition to do their duty as they see it regardless of consequences. Mr. President, it matters little whether the lobby is in the press gallery, representing a type of newspaper, or in the house somewhere on the street described by the Senator.

In the beginning of this inquiry into the utilities the Senate selected its own jury. It sent the resolution demanding an inquiry into the utilities named in the pending resolution to the Federal Trade Commission, and the Federal Trade Commission has now made its report.

Mr. BRUCE. Mr. President, may I remind the Senator from Georgia that the report was stated by the Senator from Montana in the course of the proceedings before the committee to be a monumental report?

Mr. GEORGE. Not only is that true, Mr. President, but the Senator invoked it as the basis of the right to continue and to extend the investigation. I am not criticizing the Senator and I am not defending the Trade Commission, but it is passing strange that we now have so little faith in the Federal Trade Commission. Upon the motion of the distinguished Senator from Nebraska the Senate sent the original resolution to the Federal Trade Commission, and the author of the pending resolution offered as the most pertinent evidence tending to sustain it the report of the Federal Trade Commission.

I do not know the members of the commission. A member of that body may be corrupt. I know that it has made its report; I know that the report is not partial to the utilities investigated. It covers practically the ground that the pending resolution seeks now to have re-covered.

Mr. BRUCE. Mr. President, if I may interrupt the Senator just a moment, I will call his attention to the fact that one of the recent accessions to this commission is a former chief justice of Arkansas.

Mr. GEORGE. I so understand.

Mr. BRUCE. Who, as I understand it, is a jurist of the very highest repute in point of both character and ability.

Mr. WALSH of Montana. Mr. President, I can not allow the statement just made by the Senator from Georgia to pass without comment, if he will indulge me for a moment. I do not think anything I said here could be interpreted as signifying that I thought any member of the Federal Trade Commission was corrupt.

Mr. GEORGE. If I used the word "corrupt," and the Senator did not, I withdraw it; but the Senator's whole objection is that he can not expect a fair report from this commission.

Mr. WALSH of Montana. Mr. Humphrey is of such a bent of mind about this matter, as his whole record shows, that I would not expect to get a fair report.

Mr. GEORGE. Mr. President, I need not repeat what I have said about the Federal Trade Commission. I am merely calling attention to the work actually performed by the commission in this case.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. BROOKHART. Does the Senator claim that the Federal Trade Commission under the law could or did investigate all the matters set out in the resolution introduced by the Senator from Nebraska?

Mr. GEORGE. No; I will get to that in a moment. I did not expect to go on this afternoon, as I stated in opening.

Mr. BROOKHART. I am perfectly friendly to the Federal Trade Commission myself, but I do not think they have authority to make such an investigation as we are asking here.

Mr. GEORGE. I think they have full authority, and that they declined to complete the investigation called for by the Norris resolution because of a rider attached to the appropriation bill which denied the commission the right to use the money appropriated for that purpose; but I will discuss that in just a moment.

What I am trying to do is to state the facts in this case. Two years ago the Senate solemnly selected its own jury, and

it was selected by the Senator from Nebraska. His action was concurred in, of course, by the author of this resolution and by all of the then sitting Members of the Senate present; I do not recall that there was a vote against it. The Federal Trade Commission did enter upon the work, as required by the resolution, and it has completed its work at this time.

Without waiting for the Federal Trade Commission to complete its work—and the Senator from Nebraska has not read its report—without waiting for the Federal Trade Commission to complete its work, and the Senator from Montana had not read its report when he offered this resolution——

Mr. WALSH of Montana. Mr. President, I will have to differ from that statement.

Mr. GEORGE. That the Senator had not read the report?

Mr. WALSH of Montana. The Senator from Montana had read the report in detail before he introduced this resolution. Since the resolution was introduced, only a few weeks ago, the commission made a supplemental report.

Mr. GEORGE. I mean the full report.

Mr. WALSH of Montana. Of course, I did not read a report before it was made. The second report was offered to the Senate only a few weeks ago. Before I introduced the resolution the commission had presented its first report.

Mr. GEORGE. I am not criticizing the Senator; I am trying to state the facts.

Mr. WALSH of Montana. The Senator said I introduced the resolution before I read the report of the commission.

Mr. GEORGE. I repeat it now. The Senator himself, before the Interstate Commerce Committee, stated that he had not read all the report; that at the time of the hearing before the Interstate Commerce Committee he had had access to only these proof sheets.

Mr. WALSH of Montana. The Senator simply is unappreciative of the fact that there were two reports.

Mr. GEORGE. No; I am not unappreciative of the fact.

Mr. WALSH of Montana. The commission made a report on the Norris resolution before my resolution was drawn at all, and I read that report. Only a few weeks ago, after this resolution was introduced, the commission made a further report. I stated before the committee that I had not been able to read the entire report; I had not been able to get it.

Mr. BRUCE. Mr. President, I desire to emphasize the fact that after the Senator from Montana did read it he called it a monumental report.

Mr. WALSH of Montana. No, no; you are all wrong about that.

Mr. BRUCE. Is not that the fact?

Mr. WALSH of Montana. I spoke about the original report, finding that the General Electric Co. was not a power trust.

Mr. BRUCE. But a commission that is good enough to render one monumental report is good enough to render another, and a third one, too.

Mr. WALSH of Montana. I understand the argument of the Senator. I commented on the original report of the commission.

Mr. BRUCE. Calling it a monumental report; and if we send this to them, there will be another monumental report, no doubt.

Mr. WALSH of Montana. I do not remember what the language was.

Mr. BRUCE. That was the language of the Senator.

Mr. WALSH of Montana. I just rose to call attention to the statement of the Senator that I had not even read the report of the commission before I introduced the resolution.

Mr. GEORGE. I was not criticizing the Senator in making that statement. I am merely trying to state the facts in this case. What are the facts? On the calendar day of February 9, 1925, the Senate considered the amended resolution introduced by the then sitting Member from Kentucky, Mr. Ernst, accepted an amendment offered at the time or theretofore offered by the Senator from Nebraska, and passed that resolution.

It will be borne in mind that that was early February, 1925. I do not know how long the Federal Trade Commission delayed before it actually took up the work under the resolution, but it took up the work under the resolution, and it has now finally completed the work, at least so far as I am advised.

I asserted, and I assert again, that the Senator from Montana principally relied for his pertinent facts upon the report of the Federal Trade Commission. I am not speaking about newspaper articles, and various complaints from other sources, but for his pertinent facts he relied upon the report of the Federal Trade Commission.

Mr. WALSH of Montana. Mr. President, will the Senator pardon an interruption?

Mr. GEORGE. Yes.

Mr. WALSH of Montana. That does not accurately state the situation at all. Last spring I made a careful presentation of this whole subject in a speech I delivered to the Senate. I relied for my principal facts upon the facts set out in that speech. We were met then before the committee with the contention that the whole situation was taken care of by the State commissions. In answer to that I read elaborately from the report to which I have referred. In other words, I did not rely upon that except to overcome something that had been said against the resolution.

Mr. GEORGE. Very well, Mr. President. It is a rule of law, and the rule is founded upon the soundest morality, that no one can impeach his own witness, that no one can call a witness and then discredit him; and the real reason, and the only reason here offered against referring this matter to the commission, aside from the one suggested by the Senator from Iowa, is that the Federal Trade Commission is unworthy of confidence, or at least that its chairman has such a "bent of mind"—whatever that may be—that no one can expect a fair report in this matter.

Going back to the facts, this is the jury which we selected. I have not heard the Senator from Nebraska say that he has read the report; I am sure he has not read the report. That is no criticism of the Senator from Nebraska nor the Senator from Montana, because the Federal Trade Commission's report was not available to any Senator until last week. Day after day I asked for the final report of the Federal Trade Commission, and I was unable to get it.

I obtained it Saturday afternoon. I remained in my office Sunday and read the report, and now, lest some one may think it is a mere postscript, as the distinguished Senator from Montana would have us believe, to the original report, allow me to say that the original report—that is, part 1 of the report—contains 272 pages and this "postscript" contains about 275 pages. We asked the Federal Trade Commission to make an investigation; it made the investigation, and before we read their findings we press for another investigation into the industry. Such a course must create fear and suspicion.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. GEORGE. I yield to the Senator.

Mr. BROOKHART. If the Senator puts so much faith in the thoroughness and efficiency of this investigation made by the Federal Trade Commission, why does he want to send the matter back to them to be investigated by them again?

Mr. GEORGE. The Senator himself called attention to the fact that the commission did not prosecute its inquiry into one matter set out in the Norris resolution. The Senator from Montana has included this particular matter in his resolution.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. GEORGE. Certainly.

Mr. CARAWAY. If the Federal Trade Commission is thoroughly unworthy and can not be trusted to make this investigation, it could not be trusted to make any, could it?

Mr. GEORGE. It could not.

Mr. CARAWAY. Then why should it not be abolished?

Mr. GEORGE. I think it should be, if that is true. I do not think there can be argument on the point. If it can not be trusted to make this investigation it can not be trusted to make any investigation and should be abolished.

Let me repeat. Having directed the Federal Trade Commission, an agency of the Government, to make an investigation, and the commission having made the investigation, before reading the report the Senate is asked to pass a resolution which at most merely enlarges upon the main grounds of the original resolution and calls for investigation of one matter which the commission did not consider because of the opinion of the Attorney General of the United States, to which I have referred. And the second investigation of the same industry is to be made by a special committee of the Senate, the report of the commission already made remaining in the Senate unread.

Mr. WATSON. Mr. President, if the Senator will permit me, I would like to give the exact language of the Senator from Montana before the Interstate Commerce Committee.

Mr. GEORGE. Yes.

Mr. WATSON. He was asked by the Senator from Ohio [Mr. FESS] as to whether he had considered the idea of a joint commission to make the investigation, to which he replied:

> Yes; I did consider the question not with respect to the making up of a special committee of Congress, but whether the Federal Trade Commission should be asked to make this investigation. However, the

Federal Trade Commission has made an investigation that will very largely narrow the work that will devolve upon the committee. They were called upon to inquire whether the General Electric Co. was a power trust, a monopoly; whether it monopolized the power interests of the country.

Then he went on to show their work and wound up by saying:

So the report of the Federal Trade Commission gives you the actual situation with respect to the combinations which had been entered into up to that time, and we will take that as a basis and proceed.

But the trouble about that is that the Federal Trade Commission moves very slowly; they go into the minutest details of these things, and it would be probably two or three years before any report could be had. In the second place, I feel, as I said to you a while ago, that publicity is the very best possible cure for many of these evils that creep into industry. We have now two large volumes from the Federal Trade Commission. One that came the other day has not as yet been printed. Nobody knows anything about them, not even a Senator. So that value is entirely gone.

Mr. GEORGE. In view of that statement alone it would seem that a deliberative body could not refuse the amendment offered by me to send this investigation to the commission.

Mr. WHEELER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Montana?

Mr. GEORGE. Yes; I will be pleased to yield.

Mr. WHEELER. The other day former Senator Lenroot, representing the Power Trust or the combination, appeared before the committee and issued a statement to the effect, as I read it, that they wanted the Federal Trade Commission to have this investigation. Would the Senator tell me why it is the power industry should want the investigation by the Federal Trade Commission?

Mr. GEORGE. I do not know.

Mr. WHEELER. Will the Senator yield further? He does know that the Power Trust and all of the allied power companies have been fighting to send this matter to the Federal Trade Commission, does he not?

Mr. GEORGE. Except as disclosed by the record, I do not know. If they ask that it go to the Federal Trade Commission I do not blame them, because I can see how any industry would hesitate to have its affairs gone into by a committee of a body which, having asked for an investigation by a department of the Government, and having gotten it, demands another investigation without first having read the report furnished it.

Mr. WHEELER. Does the Senator think the Federal Trade Commission is better equipped and will carry on the investigation better than the Senate of the United States?

Mr. GEORGE. I am not discussing that at this time. I only say that the Federal Trade Commission has made a report which now, for the first time, as an entirety, has become open to our inspection. No one could have read it except some one who was willing to spend the Sabbath in going over the proof sheets.

Mr. WHEELER. The Interstate Commerce Committee had it before them. It was brought before the committee which heard this matter and which reported it out.

Mr. WATSON. Oh, no.

Mr. WHEELER. Yes; the supplemental report.

Mr. WATSON. Oh, no.

Mr. GEORGE. Parts of it at least, and the Senator from Montana [Mr. WALSH] read into the record excerpts from it.

Mr. WHEELER. Exactly.

Mr. GEORGE. As the basis for his inquiry.

Mr. WHEELER. Oh, no; not at all.

Mr. GEORGE. I understood the Senator to say in rebuttal; but it is in the hearings—certain excerpts—and it is pertinent to the question, and it is a ground upon which this second investigation is asked.

Mr. WHEELER. The Senator is entirely mistaken.

Mr. GEORGE. Oh, no; I am not mistaken.

Mr. WHEELER. I am a member of the committee and I stated to the committee repeatedly and the committee understood that my colleague [Senator WALSH] relied for making out his prima facie case on the speech he made in the United States Senate a year ago and which every Member of the Senate was supposed to hear. There was not any question about it at all.

Mr. WATSON. I want to say to my colleague on the committee that the Senator from Montana [Mr. WALSH] brought in the proof sheets on the last day of the hearing—not the first day or the second day or any other day, but the last day—and read copious excerpts from them on the last day, and then is when the question came up.

Mr. WHEELER. Not the last day the committee had it before them.

Mr. WATSON. The last day of the hearings.

Mr. WALSH of Montana. No; I had opened the case for the committee, and after everybody had been heard in opposition I then brought in the report which I had just received.

Mr. WATSON. But the committee did not have access to the report, because he brought it in the last day, and I called his office the next day to ask if I could get a copy of it.

Mr. WALSH of Montana. I presented to the committee what I had.

Mr. WATSON. Certainly; but there was just that one copy accessible and available to members. The Senator himself said:

We have now two large volumes from the Federal Trade Commission. One that came the other day has not as yet been printed. Nobody knows anything about them, even a Senator.

Mr. WHEELER. That was the last day of the hearing, but I submit that after the hearing the committee held conferences and each member of the committee had those reports and were supposed to have them before they passed on the question, and the Interstate Commerce Committee, after having these hearings, reported out the resolution.

Mr. WATSON. My friend knows, as a matter of fact, that no member of the committee did have those reports. The Senator himself did not have one.

Mr. WHEELER. We had copies that my colleague [Mr. WALSH of Montana] brought there.

Mr. WATSON. I had one, but I do not think anybody else got one.

Mr. WHEELER. It is simply ridiculous for Senators to say that the Senator from Montana [Mr. WALSH] and the committee understood that he was basing it upon that hearing at all, because of the fact that the committee knows, and every member that was there at any time knows, that I repeatedly stated to them that he was basing it upon the speech he made on this question in the Senate of the United States about a year ago.

Mr. WALSH of Montana. With the permission of the Senator from Georgia, I should like to say that I was out of the Chamber for a moment when the Senator from Indiana read from the record what I said before the committee. I am not sure how much he read, but the context ought to be borne in mind.

I was arguing before the committee that an investigation by the Federal Trade Commission would be conducted practically in secret, the public would know nothing whatever about the evidence produced before the commission from time to time, and that even when it finally made a report, that report would go on file and nobody would know anything about it. So I adverted to the fact that it had already made a voluminous report with which no one seemed to have any familiarity at all, and I urged that as a reason why the investigation should be conducted by the Senate committee, so that the public would know all about the matter as evidence was adduced from time to time.

Mr. WATSON. I read everything the Senator said, including all that. I called particular attention to this language:

So the report of the Federal Trade Commission gives you the actual situation with respect to the combinations which had been entered into up to that time, and we will take that as a basis and proceed.

Mr. WALSH of Montana. Exactly. I did not propose to travel over the ground they had traveled over.

Now I desire to say—and I shall be glad to have the attention of the Senator from Georgia—that he scarcely represents the situation, as I think, when he says that the Federal Trade Commission has made an examination and inquiry into this matter and that now we want another inquiry before we have even read the report. That contemplates that the resolution covers the same ground as the resolution under which the Federal Trade Commission acted. The Senator surely knows he is mistaken?

Mr. GEORGE. It does substantially cover the same ground. It may call for some additional information, but it does substantially cover the same ground, and I do not think the Senator from Montana will deny it.

Mr. WALSH of Montana. I do absolutely deny that it does. I deny that it has anything at all to do with the question of violations of the antitrust act. There is not a thing in the resolution that the Senator can point to that will indicate that.

Moreover, while I am talking about this matter, the rider on the appropriation bill is practically nothing more nor less than a provision of the original enabling act creating the Federal

Trade Commission, which provides that the Federal Trade Commission—

upon the direction of the President or of either House of Congress shall investigate and report the facts relating to any alleged violations of the antitrust acts by any corporation.

That is its grant of power. It has no power under the law to make this investigation. Even under the original act it has no power to make the investigation.

Mr. GEORGE. I propose to discuss that to-morrow. If there is no combination here in restraint of trade, if there is no trust here, what does the Senator propose to investigate?

Mr. WALSH of Montana. It does not follow that there is any investigation at all——

Mr. GEORGE. No; I mean this: If there is no monopoly, if there is no monopolistic tendency in this industry, does the Senator want an investigation?

Mr. WALSH of Montana. Of course, that is not the question here at all. Here is a corporation that is not a trust at all. It owns absolutely nothing except one plant in one State and another plant in another State, and it transports——

Mr. GEORGE. Why does the Senator want to investigate such a corporation?

Mr. WALSH of Montana. Just a moment. It transports electrical energy from one State to the other. It is not a trust at all. We are not investigating the trust character of it. That has already been investigated by the Federal Trade Commission.

Mr. GEORGE. Yes; and so has the holding company been investigated.

Mr. WALSH of Montana. Of course, the holding company has been investigated, but the financing of the holding company has not been investigated.

Mr. GEORGE. Does that follow at all?

Mr. WALSH of Montana. It has not been investigated at all.

Mr. GEORGE. The Senator is mistaken. Perhaps not as completely as it will be if this additional investigation is authorized, but it has been investigated.

Mr. WALSH of Montana. The financing can be gone into so far as it is material. That was the question left to the Federal Trade Commission on a prior occasion, and the only question that could be left to them under their grant of power.

Mr. GEORGE. I propose to discuss the matter to-morrow. I propose to discuss the merits of the Federal Trade Commission's report. But I am contenting myself to-night with the statement, if I may be allowed to repeat, that the Senate, having asked for an investigation, having selected the forum, did not wait for the report of its tribunal but instituted another investigation into the very same industries.

Mr. WALSH of Montana. But if it did not cover the same ground why did it wait?

Mr. GEORGE. It did cover the same ground, as I think.

Mr. WALSH of Montana. Let the Senator compare the Norris resolution with this resolution.

Mr. GEORGE. I will compare it to-morrow. I stated that I did not intend going into that matter this afternoon, and I do not want to quibble over mere verbal statements. The Senator is after the same industry; his resolution affects the same organizations; he aims at but one thing.

The Senator from Nebraska, who introduced the other resolution, has not read the report of the Federal Trade Commission. Its report speaks for itself. This is not a partial report on behalf of the utilities; at points it is very critical of the companies. Indeed, the whole tendency of the report is to emphasize the necessity for Federal legislation. If the investigation now proposed has not that as its object, it is idle.

Mr. NORRIS. Mr. President, will the Senator from Georgia yield to me?

Mr. GEORGE. Yes; I yield to the Senator.

Mr. NORRIS. I am not disputing and I am not going to dispute the value of the report of the Federal Trade Commission. I expect, as soon as I can get it and find the time to read it carefully, and I shall obtain, no doubt, a great deal of information from it. I have read extracts from it, or what I suppose are extracts from it, and I think there is a great deal about it to be commended. As I understand, the commission probably made a very good investigation of the question covered by the particular part of the resolution introduced by me which they did investigate, but they did not investigate all of it. To my mind, the important feature that would have shown great necessity for legislation has not been touched by the Federal Trade Commission. That is the particular feature that this resolution does take up, as I understand—and, as the Senator from Montana has said, his resolution is a copy in part of the resolution which I introduced—which was held by the Attorney General to be beyond the jurisdiction of the Federal Trade Commission.

Mr. GEORGE. I wish to refer to that briefly. I am not going to detain the Senate much longer this afternoon.

Mr. NORRIS. The Senator from Georgia will not, I am sure, try to claim that those who are in favor of the adoption of the resolution of the Senator from Montana are necessarily condemning the Federal Trade Commission or even criticizing it?

Mr. GEORGE. Mr. President, the Senator from Montana [Mr. WALSH] most severely criticized the Federal Trade Commission. Not only that, but he most severely criticized the other House of Congress. Not only that, but he has most severely criticized the utilities commissions of every State in the Union.

Mr. NORRIS. I did not understand him in that way.

Mr. GEORGE. The Senator from Nebraska may read the remarks of the Senator from Montana to-morrow and he will find that no more scathing criticism could be made.

Mr. NORRIS. I have listened to the remarks of the Senator from Montana to-day.

Mr. GEORGE. I do not mean denunciation; I mean criticism. Indeed, the Senator has put the whole case for his motion here as opposed to the amendment which I offered, upon the ground that we can not trust the Federal Trade Commission; upon the ground that even the other House can not be trusted to appropriate a small sum of money to cover an investigation actually made at the request of the Senate.

Mr. NORRIS. I think the Senator from Georgia goes too far in his criticism of the Senator from Montana. However, we can not get anywhere by quibbling over a thing of that kind. Take, for instance, my own idea of Mr. Humphrey, who for a good while, I think, dominated the commission. I opposed him when he was nominated by the President to go on the commission as bitterly and as strongly as I knew how to oppose anybody, but I never once charged him with being dishonest; I did not make any statement one way or the other on the question, but it seemed to me that he was a dangerous man for that position because of his viewpoint, with which I became familiar from my service with him in the House of Representatives.

I think I know him. He is a wonderfully courageous man, and is entitled to much credit for his courage. He stands up for what he believes to be the right, and I have no doubt that he believes in the things that he advocates; but for that reason, if I am right, those very beliefs make him unfit to occupy the position he is now occupying. The more able he may be, the more dangerous he can become when occupying that kind of position.

Mr. GEORGE. If the Senator from Montana [Mr. WALSH] put his objection solely on that ground, we will let it rest there. I do not want to do him any injustice, of course, and I do not want to impute any statement to him that he did not make, but I did understand——

Mr. HARRIS. Mr. President, may I interrupt my colleague?

The PRESIDING OFFICER. Does the junior Senator from Georgia yield to his colleague?

Mr. GEORGE. Yes.

Mr. HARRIS. I want to ask my colleague if he does not distinguish between criticism and reflection? A man who is not honest would not have any influence with his colleagues upon a commission such as the Federal Trade Commission. The more honest, however, a man is the more dangerous he is in such a position if his views are what we believe to be dangerous.

Mr. GEORGE. Mr. President, with all due respect, the Senator from Nebraska [Mr. NORRIS] makes this commissioner a very able man, and my colleague [Mr. HARRIS] makes him a very honest man; so it seems as though he is a fairly good man to make the investigation.

I do not wish to impute any statement to the Senator from Montana that he did not make or that he did not intend to make. I do know, however, what his objection to my amendment is; he is wholly unwilling to have the proposed investigation conducted by the Federal Trade Commission because he does not think that they will make the investigation, believing that they are lacking in power with respect to one feature of it, and, as I believe he finally said, as to all features of the resolution. He does not desire the investigation to be made by the Federal Trade Commission because he does not believe the commission can or will make a fair report on the subjects involved. I am discussing it, therefore, and must be understood as discussing it, merely in the light of that statement. The Senator does not think that we can get a fair report from the Federal Trade Commission. I am trying to say that that commission has made its report, and I am trying to say that the Senate is now proposing to go on with another investigation, let us say a partial or supplemental one or one to follow up the investigation already made without having read the report following the investigation which has already been made.

Mr. KING. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. KING. I was called from the Chamber and have not had the advantage of all the remarks of the Senator from Montana and but a few sentences of the statement made by the Senator from Georgia. I have deduced, though, from what has been said—and I have an open mind upon this question, let me say—that pursuant to a resolution of the Senate, a report has been submitted by the Federal Trade Commission which has gone somewhat into this important subject. That report criticizes some of the utilities and submits information which may be the basis or may not be the basis for legislation. If the commission had authority to conduct the investigation covered by its report, I have not yet learned why it has not the authority to continue the investigation or to make further investigation in conformity with the resolution which is now before the Senate. If the Senator has not touched upon that question, I shall be very glad to hear him do so.

Mr. GEORGE. I think that it has the power; and that question I wish to discuss to-morrow.

Mr. WATSON. Mr. President, would the Senator like to complete his remarks to-morrow?

Mr. GEORGE. I should like very much to do so.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, February 14, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, *February 13, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, maker of heaven and earth and Father of all mercies, we thank Thee that the genius of our Republic contemplates the high privilege for every citizen to worship God according to the voice of his own conscience. It also secures to each the right to enjoy the fruits of his own labors. Forbid, O Lord, that we should pass by these blessings unnoticed. May they fall even upon the hearts of the reluctant and stupid and summon them to a more grateful life. We pause at one of the most radiant pages in our Nation's biography. In Thy name we bless his sacred memory. No son of the Republic has ever passed from a cradle so humble to a grave so illustrious. We praise Thee that antagonisms and enmities are no more and that every section of Columbia is joined in a national anthem of self-respect, reverence, and brotherhood. As long as the human heart remains to revere truth, fidelity, and goodness may we seek to make for our united country an everlasting name in heaven and earth. May it grow more stately and shine more brilliantly on the shore line of time, fulfilling the genius and mission of a great, free, united people. Amen.

The Journal of the proceedings of Friday, February 10, 1928, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the following title:

H. R. 7916. An act authorizing the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Madison, Jefferson County, Ind.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2902. An act granting the consent of Congress to the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at or near Marinette, Wis.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2656. An act to establish a minimum area for a Shenandoah National Park, for administration, protection, and general development by the National Park Service, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that on February 11, 1928, they presented to the President of the United States, for his approval, bills of the House of the following titles:

H. R. 473. An act authorizing the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky.

H. R. 7013. An act authorizing and directing the Secretary of War to lend to the Governor of Arkansas 5,000 canvas cots, 10,000 blankets, 10,000 bed sheets, 5,000 pillows, 5,000 pillowcases, and 5,000 mattresses or bed sacks to be used at the encampment of the United Confederate Veterans to be held at Little Rock, Ark., in May, 1928.

H. R. 7902. An act granting the consent of Congress to the State Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Wetumpka, Elmore County, Ala.

H. R. 8269. An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER. The Chair designates the gentleman from Connecticut [Mr. TILSON] to preside to-morrow.

THE LATE HON. STEPHEN MORGAN, OF OHIO

Mr. JENKINS. Mr. Speaker and Members of the House, I rise to announce to the House the death of a former Member of this House, Hon. Stephen Morgan. Mr. Morgan died at his home in Columbus on last Thursday. He represented in this House the same district that I now have the honor to represent. He was elected to and served in the Fifty-sixth, Fifty-seventh, and Fifty-eighth Congresses. Mr. Morgan was a man who left a great impress upon the people of his district. He had been a teacher for many years and in that capacity had been the head of a normal school at Oak Hill, Ohio, which a great many young men and women attended. This school was known as the Morgan Academy. Many of the leading men and women in that section owe their start in life to the inspiration gained at this academy. Since leaving Congress Mr. Morgan kept abreast of the times, and few men were better posted on the questions that involved the welfare of our people or our country. He was a man of great mental acumen. He lived on a very high plane. His death is mourned by all who knew him. He was a man of high character and most exemplary conduct. I knew him intimately and I feel it is an honor for me to stand here and give this brief testimonial to the worth of this distinguished citizen of my home county and district.

Mr. RANKIN. Will the gentleman yield?

Mr. JENKINS. Yes.

Mr. RANKIN. I would suggest that the gentleman from Ohio communicate Mr. Morgan's death to the Moses committee that is now compiling the new directory. They are just about ready to go to print and they have asked me on various occasions to furnish the names and dates of death of ex-Members. I shall be glad if the gentleman will do that.

Mr. JENKINS. I thank the gentleman from Mississippi for his suggestion, and I shall most gladly follow it out.

Mr. BURTON. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. BURTON. Mr. Speaker and Members of the House, I wish to add in addition to the excellent remarks of my colleague [Mr. JENKINS] a tribute to the memory of Stephen Morgan. He was a faithful friend, an upright and conscientious citizen, loyal in the performance of all his duties, a man upon whose public or private life there never was a stain.

His early activities, as has already been stated, began as a teacher in a common school, a lowly but noble vocation, in which many thousands have been engaged with a permanence and a devotion not surpassed by those upon whom sacred hands have been placed. Then for some 15 years he was the principal of an academy or normal school, and it was by reason of the acquaintances gained in this position that he was nominated for Congress.

I remember him well in his service of six years, from 1899 to 1905. I do not recall a single speech he made here, but he was constant in attendance and faithful in his committee work, with a keen discernment of the ability and trustworthiness of his colleagues. In his public life he observed the injunction, "Study to be quiet," and he was an illustration of the fact that there are many in legislative bodies who profit more as listeners than as talkers.

It is a source of great regret to me that he has passed on. I have a new realization that while we approach the twilight

hour we may have troops of friends, nevertheless there is a greater multitude among those who have passed through the golden gate into the great beyond.

Stephen Morgan may not have had widespread publicity, but his work was well done. His body will be buried at Horeb, in old Jackson County, which he loved so well, among the hills, not far from the Ohio River. Children and grandchildren of those whom he taught and with whom he associated will as the years pass on cherish his memory and profit by his example.

PROPOSED AMENDMENT OF THE SHERMAN ANTITRUST ACT

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, I have to-day introduced a bill for the amendment of section 6 of the Sherman Antitrust Act relating to the seizure of property used to aid violations of the act in order to aid the Department of Justice, which is now prosecuting an investigation of the operations of Anderson-Clayton & Co., of Houston, Tex., Anderson, Clayton & Fleming of New York, Pennefather & Co., of Liverpool, England, and other firms and corporations confederated with them charged with violating the Sherman Antitrust Act, which produced the condition of demoralization of the cotton industry, to which I called the attention of the House in my remarks on February 8, in connection with which I pointed out the fact that approximately 200,000 bales of cotton had been concentrated in New York for the purpose of manipulating and depressing the price of cotton to the great detriment of the cotton growers and others legitimately engaged in the cotton industry.

The presence of this cotton in New York is the basis of one of the items of manipulation complained of before the Department of Justice, and it is to assist that department I am asking for this amendment of the Sherman Antitrust Act in order to permit the department, when its present investigation reaches the point where it concludes that the Sherman Antitrust Act has been violated, as in my opinion it must, it may seize in the name of the Government this cotton, the presence of which has materially contributed to pillaging the South and the cotton industry generally of hundreds of millions of dollars within the last 15 or 16 months.

As the act appears at present, it provides for the forfeiture of such property only when it is in transit, but this cotton is now stored in warehouses in New York, where it is used for this unlawful purpose, and this amendment will unquestionably permit its seizure.

Mr. Speaker, I want to call your attention to a most brazen boast made by Mr. W. L. Clayton, of Anderson, Clayton & Co., which with its associates constitutes the most powerful cotton organization in the world, and the leader in this alleged conspiracy wherein he is quoted as having said in an address that, "firms other than his own can not hope to avoid loss in the cotton business unless they can correctly guess his mind."

Let me say, Mr. Speaker, that the tragedy of the situation is that that statement is true and is the cause of the deplorable condition in which the cotton industry find itself to-day, as a result of the unlawful manipulations of the cotton market on the part of these conspirators whom the Department of Justice is now attempting to reach through the strong arm of the law.

I congratulate the Department of Justice on its efforts, and I want them to know that the Congress of the United States is squarely behind them in this movement.

I want to assure them that they will have the backing of Congress in bringing to justice these men who are brazenly destroying the price of America's greatest commodity.

Before closing, I want to read one quotation from a speech made by a former president of the New York Cotton Exchange, who, in speaking of Mr. Clayton's boast, said:

> It is no concern of ours to further the grandiose plans of a would-be Napoleon of cotton—

Referring to W. L. Clayton—

> On the contrary, both our interest and our duty lie in the use of all our energies, all the means at our disposal, to bring it about that never again can one man stand before us and assure us with the smile of conscious power that nobody can buy or sell a bale of cotton except at a loss unless he can guess that man's mind.

Has it come to the point in this country when, by such manipulation as this, one man can so control the cotton market as to stand brazenly and defiantly announce to the world that no man can safely invest in a bale of cotton unless he can successfully guess that man's mind!

The efforts I made a few days ago are bearing fruit. I have in my hand now a resolution passed by the New York Cotton Exchange starting out with a reference to the resolution passed by the Mississippi Legislature, in which they not only welcome an investigation but they assure us they will give us their help in bringing about a cleaning up of this unfortunate condition that is to-day demoralizing the cotton industry and driving our farmers into poverty and our cotton people—the people legitimately engaged in the cotton industry—into bankruptcy, from the Great Lakes to the Gulf and from ocean to ocean.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Texas.

Mr. BLACK of Texas. I understand the gentleman has introduced a resolution asking for an investigation?

Mr. RANKIN. I am speaking now on this amendment, the immediate passage of which is an imperative necessity.

Mr. BLACK of Texas. I know that; but has not the gentleman introduced a resolution asking for an investigation of the New York Exchange?

Mr. RANKIN. There has been a resolution, I will say to the gentleman from Texas, introduced in both the House and the Senate.

Mr. BLACK of Texas. Before what committee is that resolution pending?

Mr. RANKIN. I do not know.

Mr. BLACK of Texas. I wish to say that I will be pleased to join my friend in an effort to get action on that resolution. I think the investigation should be made.

Mr. RANKIN. Certainly; and I want to say to the gentleman from Texas that I was preparing my resolution and waiting for a copy of the resolution passed by the Legislature of the State of Mississippi. I hope to have my resolution on that proposition in the hopper within the next day or two, but action on this amendment I am offering to the Sherman antitrust law should not wait upon any investigation. Let it go to a committee and be reported out at once and give the Department of Justice the law-enforcing power of this Government—the power to confiscate this cotton, as was contemplated by the framers of that law when it was passed.

Mr. BRAND of Georgia. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman.

Mr. BRAND of Georgia. I want to answer the question of the gentleman from Texas [Mr. BLACK]. Senator MAYFIELD, of Texas, before Christmas, introduced a resolution to investigate the Department of Agriculture and the activities of the New York Exchange. Since the holidays Senator SMITH, of South Carolina, has introduced a resolution for this purpose, and I have introduced one in the House for the same purpose. These resolutions are pending before the Committee on Agriculture and Forestry in the Senate and the Committee on Agriculture in the House, but we are not getting anywhere with them.

Mr. BLACK of Texas. What I am anxious to do is to get action not only on that resolution but favorable action on the bill introduced to-day by the gentleman from Mississippi [Mr. RANKIN] so we will get some results.

Mr. BRAND of Georgia. You will never do that until the Representatives and the Senators from the cotton-growing States and those in sympathy with us demand it, which I have been constantly contending for, for some time.

Mr. RANKIN. Let me say to the gentleman from Georgia and to the gentleman from Texas that never before have the men representing the cotton States had such an opportunity as they have now, with the Department of Justice conducting an investigation for the purpose of prosecuting those engaged in violating the Sherman Antitrust Act. With the moral support of Congress, and especially by the passage of this amendment, we can absolutely break up and forever put a stop to the concentration of these great amounts of cotton for the purpose of manipulating prices to the injury of everybody but the manipulators.

I believe the Department of Justice has this right under the present law without this amendment, but in order to make "assurance double sure" I have introduced this amendment. When it goes to the appropriate committee I shall appear before them and ask that they report it out at once in order that we may pass it through the House and Senate and bring about a cleaning up of what, in my opinion, is the most iniquitous situation the cotton industry ever faced. [Applause.]

THE LATE HON. WILLIAM DALLAS BYNUM, OF INDIANA

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent to address the House for five minutes to pay a tribute to a former Member of the House.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. GREENWOOD. Mr. Speaker, William Dallas Bynum, a former Member of this House, died in Indianapolis on October 21 last, at the home of his son. Death was caused by acute myocarditis. He was 81 years old. Mr. Bynum was born in Newberry, Green County, Ind., June 26, 1846, where his parents had settled in 1818. Completing his common and high school education in the schools of Greene County, Mr. Bynum entered Indiana University in 1865, and was graduated in 1869. Following graduation, Mr. Bynum read law in a Terre Haute law office, and was admitted to the bar in 1872, beginning his practice of law in Washington, Ind. The Indianapolis News gave a brief account of his political career:

Beginning a career of politics, Mr. Bynum served successively as the town's first city clerk and second mayor of the city of Washington, Ind. Coming to Indianapolis in 1881 Mr. Bynum was elected to the State legislature, serving two terms, the latter as speaker of the house. In 1885 he was elected Democratic Representative in the Congress from the seventh district, Indiana, and remained in Washington for the next 10 years, becoming "whip" of the minority party in the lower House.

In the Fifty-second Congress Mr. Bynum was a candidate for Speaker, the honor, however, going to Representative Crisp, of Georgia.

President William McKinley, in 1897, appointed Bynum member of a special commission to codify and revise the laws of the United States and he was occupied on this mission until 1906. Since 1916 he had served as a member of the board of trustees of the Indiana School for the Blind. His term on the board would have expired in 1931.

Memorial services in honor of Mr. Bynum were held by the Indianapolis Bar Association, and the Indianapolis News of October 22 paid him editorial tribute in the following manner:

Men sometimes seem to become almost historic figures before their death, and it was so with William D. Bynum who died yesterday at the age of 81. The days of his active service, and of the fame that it brought him, had long passed, and there were probably many youngsters who had never heard of him. Yet Mr. Bynum was one of the ablest and most useful Members of Congress that have represented this district, his term of service covering a period of 10 years. It began with the first administration of Grover Cleveland and ended with the Bryan control of the party * * *.

Following the leadership of the Democratic President, Mr. Bynum opposed free silver, broke with the party, and became one of the leaders of the gold Democratic movement, which took form in a convention held in this city in 1896, and in the nomination of the Palmer and Buckner ticket. * * *

In the campaign that followed Mr. Bynum was a leading figure.

As Member of Congress Mr. Bynum served with credit and distinction. He was an authority on the money question and was informed on the tariff, of which he had been a student for years. A man of strong personality, unquestioned courage, and rare independence of character (as his bolt in 1896 demonstrated) he was, both morally and intellectually thoroughly equipped for public service. Mr. Bynum's colleagues in Congress recognized his ability and esteemed and valued him.

A Cleveland Democrat, Mr. Bynum took the Cleveland view of public questions, not as a mere follower, but as the holder of the same principles and ideals. In whatever capacity he served, he did his duty as he saw it, and apparently had not other ambition than to do his duty. He always had the courage of his convictions, and he believed that principles were things to be adhered to, and, as far as possible, realized in action. A rather unusual type of public servant was Mr. Bynum.

Mr. Bynum is survived by the widow, one son, and one daughter. Burial was made at Washington, Ind.

He served his country well in his day and generation.

He loved his country because it was his own
And scorned to give aught other reason why.

His life is a testimonial of courage, patriotism, and service to his fellow man. The youth of our land might well receive from his life the admonition given by Wolsey to his friend Cromwell:

Let all the ends thou aimst at be
Thy country's, thy God's, and truth's.
Be noble and the nobleness that
Lies in other men, sleeping but
Never dead, will rise in majesty
To meet thine own.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes.

The question was taken.

Mr. BYRNS. Mr. Speaker, I object to the vote on account of the absence of a quorum and make the point of no quorum.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 322, not voting, 111, as follows:

[Roll No. 31]

YEAS—322

Abernethy	Dickinson, Iowa	Kading	Rainey
Ackerman	Dickinson, Mo.	Kearns	Ramseyer
Adkins	Dominick	Kemp	Rankin
Aldrich	Doughton	Kerr	Ransley
Allen	Douglass, Mass.	Ketcham	Rayburn
Allgood	Drane	Kiess	Reece
Almon	Drewry	Kincheloe	Reed, N. Y.
Andresen	Driver	Kopp	Reid, Ill.
Andrew	Dyer	Korell	Robinson, Iowa
Arentz	Elliott	Kurtz	Rogers
Arnold	England	Kvale	Rowbottom
Aswell	Englebright	LaGuardia	Rubey
Auf der Heide	Eslick	Lampert	Rutherford
Ayres	Estep	Lanham	Sanders, N. Y.
Bacharach	Evans, Calif.	Lankford	Sanders, Tex.
Bachmann	Evans, Mont.	Lea	Sandlin
Bacon	Faust	Leavitt	Schafer
Bankhead	Fenn	Leech	Sears, Nebr.
Barbour	Fisher	Lehlbach	Seger
Beck, Wis.	Fitzgerald, Roy G.	Letts	Selvig
Beers	Fletcher	Lindsay	Shallenberger
Bell	Free	Linthicum	Shreve
Black, Tex.	Freeman	Lowrey	Simmons
Blanton	French	Lozier	Sinclair
Bloom	Frothingham	Luce	Sinnott
Bowles	Fulbright	Lyon	Smith
Bowling	Fulmer	McClintic	Speaks
Bowman	Furlow	McDuffie	Spearing
Box	Gambrill	McKeown	Sproul, Ill.
Brand, Ga.	Garber	McLaughlin	Stalker
Brand, Ohio	Gardner, Ind.	McLeod	Steele
Briggs	Garner, Tex.	McMillan	Stevenson
Brigham	Garrett, Tenn.	McReynolds	Summers, Wash.
Browne	Garrett, Tex.	McSwain	Sumners, Tex.
Browning	Gasque	McSweeney	Swank
Buchanan	Gibson	MacGregor	Swick
Buckbee	Gifford	Madden	Swing
Bulwinkle	Gilbert	Major, Ill.	Tarver
Burdick	Glynn	Major, Mo.	Taigenhorst
Burtness	Goodwin	Mansfield	Taylor, Colo.
Burton	Gregory	Mapes	Taylor, Tenn.
Busby	Green, Fla.	Martin, La.	Temple
Butler	Green, Iowa	Martin, Mass.	Thatcher
Byrns	Greenwood	Mead	Thurston
Campbell	Griest	Menges	Tillman
Canfield	Hadley	Merritt	Tilson
Cannon	Hale	Michener	Timberlake
Carss	Hall, Ill.	Miller	Tinkham
Carter	Hall, Ind.	Milligan	Underhill
Cartwright	Hall, N. Dak.	Montague	Underwood
Casey	Hammer	Mooney	Updike
Chalmers	Hancock	Moore, Ky.	Vestal
Chapman	Hardy	Moore, Ohio	Vincent, Mich.
Chindblom	Hare	Moore, Va.	Vinson, Ga.
Christopherson	Hastings	Morehead	Vinson, Ky.
Clague	Hawley	Morgan	Ware
Clancy	Hersey	Murphy	Warren
Clarke	Hickey	Nelson, Me.	Wason
Cochran, Mo.	Hill, Ala.	Nelson, Mo.	Watres
Cohen	Hill, Wash.	Niedringhaus	Watson
Cole, Iowa	Hoffman	Norton, Nebr.	Weaver
Collier	Hogg	Norton, N. J.	Welch, Calif.
Collins	Holaday	O'Brien	Weller
Colton	Hooper	O'Connell	White, Kans.
Connally, Tex.	Hope	O'Connor, La.	White, Me.
Cooper, Wis.	Howard, Nebr.	Oldfield	Whitehead
Corning	Howard, Okla.	Oliver, Ala.	Whittington
Cox	Huddleston	Oliver, N. Y.	Williams, Mo.
Crail	Hudspeth	Palmisano	Williams, Tex.
Cramton	Hughes	Parker	Wilson, La.
Crisp	Hull, Morton D.	Parks	Winter
Crowther	Hull, Tenn.	Peavey	Wolverton
Cullen	Irwin	Peery	Woodruff
Dallinger	Jacobstein	Perkins	Wright
Darrow	James	Porter	Wurzbach
Davenport	Jeffers	Pou	Wyant
Davey	Jenkins	Prall	Yates
Davis	Johnson, Ill.	Purnell	Yon
Deal	Johnson, Ind.	Quayle	Zihlman
Denison	Johnson, Okla.	Quin	
De Rouen	Johnson, Tex.	Ragon	

NOT VOTING—111

Anthony	Bland	Carew	Connery
Beck, Pa.	Bohn	Carley	Connolly, Pa.
Beedy	Boies	Celler	Cooper, Ohio
Begg	Boylan	Chase	Crosser
Berger	Britten	Cochran, Pa.	Curry
Black, N. Y.	Bushong	Combs	Dempsey

Dickstein	Houston	Michaelson	Steagall
Douglas, Ariz.	Hudson	Monast	Stedman
Doutrich	Hull, Wm. E.	Moore, N. J.	Stobbs
Dowell	Igoe	Moorman	Strong, Kans.
Doyle	Johnson, S. Dak.	Morin	Strong, Pa.
Eaton	Johnson, Wash.	Morrow	Strother
Edwards	Jones	Nelson, Wis.	Sullivan
Fish	Kahn	Newton	Sweet
Fitzgerald, W. T.	Kelly	O'Connor, N. Y.	Taber
Fitzpatrick	Kendall	Palmer	Thompson
Fort	Kent	Pratt	Treadway
Foss	Kindred	Rathbone	Tucker
Frear	King	Reed, Ark.	Wainwright
Gallivan	Knutson	Robsion, Ky.	Welsh, Pa.
Golder	Kunz	Romjue	White, Colo.
Goldsborough	Langley	Sabath	Williams, Ill
Graham	Larsen	Schneider	Williamson
Griffin	Leatherwood	Sears, Fla.	Wilson, Miss.
Guyer	McFadden	Sirovich	Wingo
Harrison	Maas	Snell	Wood
Haugen	Magrady	Somers, N. Y.	Woodrum
Hoch	Manlove	Sproul, Kans.	

So the motion of Mr. MADDEN was agreed to.

The following pairs were announced:

Until further notice:

Mr. Snell with Mr. Carew.
Mr. Begg with Mr. Woodrum.
Mr. Johnson of South Dakota with Mr. Romjue.
Mr. Welsh of Pennsylvania with Mr. Bland.
Mr. Treadway with Mr. Gallivan.
Mr. Beck of Pennsylvania with Mr. Tucker.
Mr. Kendall with Mr. Wingo.
Mr. Maas with Mr. Sears of Florida.
Mr. Britten with Mr. Morrow.
Mr. Doutrich with Mr. Black of New York.
Mr. Manlove with Mr. Steagall.
Mr. Dowell with Mr. Boylan.
Mr. Rathbone with Mr. Stedman.
Mr. Bacon with Mr. Celler.
Mr. Stobbs with Mr. Doyle.
Mr. Foss with Mr. Kent.
Mr. Pratt with Mr. Griffin.
Mr. Graham with Mr. Jones.
Mr. Fort with Mr. Connery.
Mr. Palmer with Mr. Carley.
Mr. Morin with Mr. Combs.
Mr. Curry with Mr. Edwards.
Mr. Michaelson with Mr. Goldsborough.
Mr. Strong of Pennsylvania with Mr. Dickstein.
Mr. Hudson with Mr. Crosser.
Mr. Sweet with Mr. O'Connor of New York.
Mr. Taber with Mr. Wilson of Mississippi.
Mr. Nelson of Wisconsin with Mr. Fitzpatrick.
Mr. Frear with Mr. Moorman.
Mr. Wood with Mr. Douglas of Arizona.
Mr. Williams of Illinois with Mr. Sullivan.
Mr. Anthony with Mr. White of Colorado.
Mr. Wainwright with Mr. Kindred.
Mr. Johnson of Washington with Mr. Harrison.
Mr. Chase with Mr. Somers of New York.
Mr. Golder with Mr. Larsen.
Mr. Hoch with Mr. Moore of New Jersey.
Mr. Houston of Delaware with Mr. Igoe.
Mr. Robsion of Kentucky with Mr. Reed of Arkansas.
Mr. Newton with Mr. Sirovich.
Mr. King with Mr. Sabath.
Mr. Thompson with Mr. Berger.

The SPEAKER pro tempore (Mr. TILSON). Before announcing the result of the vote the Chair would like to state that he has requested five minutes of the gentleman from Illinois [Mr. MADDEN], in order that the gentleman from Oregon [Mr. HAWLEY] may now read Lincoln's Gettysburg address before we begin consideration of the bill. Immediately after the reading the gentleman from Illinois [Mr. MADDEN] will discuss and explain the bill.

Mr. MADDEN. It will be a little more comprehensive than that, Mr. Speaker, for I am going to talk about the finances of the Government as they now exist and call attention to the obligations we are about to create.

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. MICHENER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 10625) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes.

Mr. MADDEN. Mr. Chairman, I yield five minutes to the gentleman from Oregon [Mr. HAWLEY] to read Lincoln's Gettysburg address.

Mr. HAWLEY. Mr. Chairman and gentlemen, yesterday was the anniversary of Abraham Lincoln. On November 19, 1863, on the occasion of the dedication of the Gettysburg battle field as a national cemetery President Lincoln said:

Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that Nation, or any nation so conceived and so dedicated can long endure. We are met on a great battle field of that war. We have come to dedicate a portion of that field as a final resting place of those who here gave their lives that that Nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we can not dedicate, we can not consecrate, we can not hallow this ground. The brave men, living and dead, who struggled here have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us; that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this Nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people shall not perish from the earth.

Mr. MADDEN. Mr. Chairman, in presenting this bill to the House I will take occasion to discuss the general financial situation of the Government as it now exists. As a preface, I want to say a word about the duties and responsibilities of the Committee on Appropriations, so far as the chairman is concerned.

It is not a sinecure to be placed in a position where your duty and responsibility demands that you say "no" in many cases where you might, under the circumstances, like to say "yes." I find myself unpopular at times because I am frank to express my opinion on the cost of various measures and my opposition to them on account of the cost. I conceive it to be my duty to be frank, courageous, and combative when increased cost of the Government is concerned, particularly in cases where the full facts do not seem to justify it. If I did not act in this manner, I have the feeling that the House would judge me unfit for my position, and for that reason I am willing to incur whatever criticism I may inherit by what I believe to be a conscientious discharge of duty. [Applause.]

The Committee on Appropriations has endeavored to bring to the House, in connection with its bills, a clear, businesslike statement of the facts involved. If the House does not agree and takes some other action, that is the decision of the body whose servant the committee is. There can be no quarrel over reversals, for the final decision and responsibility belong to the House.

Ever since I have been chairman of the committee it has been my aim, so far as consistent with good management of the Government, to keep the sum total appropriated each session within the limit of the aggregate of the Budget estimates submitted by the Executive as necessary for the operation of the Government and the payment of its obligations. Up to the present there has not been a year in which the total of appropriations granted by the Congress has not been less than the total requested by the President. In fact, Congress has, in the aggregate, since the Budget came into operation, made appropriations approximately $350,000,000 less than the Budget estimates. [Applause.] That is a very commendable record, but I am sorry to say that a continuance of it at this session is dubious. [Laughter.] The action of the House on the recent War Department appropriation bill has placed the situation on all the bills where they are in excess of the Budget estimates at the present status. It is my hope that ultimately the Congress may come out in the aggregate under the total of the Budget, but, frankly, the outlook is dark. If Congress exceeds the Budget recommendations of the Executive in the aggregate, the responsibility is ours to meet and defend the action which brings about that variance in total. Such an eventuality is one of the vital principals of a budget system—that each branch of the Government—legislative and executive—should take a clear position in matters of taxation and expenditures and be prepared to justify that position if the occasion arises.

Congress is confronted at this session with two difficult problems—the one of reducing taxation, and the other of coping with new proposal for increased expenditures, which in some cases demand urgent and final settlement at this session. The President in his message recommended a tax reduction not to exceed $225,000,000. He also presented a budget calling for a maximum of expenditure which would at the same time permit this tax reduction to be made. The House at this session, in dealing with the tax-reduction problem, has passed a bill cutting taxes approximately $290,000,000, and thereby eliminated $65,000,000 more of revenue than the Executive has said might safely be taken and still leave enough to finance the Budget. Now the question that arises in my mind is very practical. How close are we getting to a balance between receipts and expendi-

tures when we decrease the revenue beyond the safety point and at the same time add liberally to the expenditures? The two actions are not in harmony, and instead of closing the gap it is further widened by driving a wedge in from both sides—one by further decreasing the revenue, and the other by further increasing the expenditures.

On the basis of present estimates, which may be varied one way or the other when the first installment of taxes is paid on March 15 next, our estimated receipts and expenditures for the fiscal year 1929 are as follows:

Estimated receipts	$3,809,497,314
Estimated expenditures	3,556,957,031
Estimated surplus	252,540,283

It is from this estimated surplus that a tax reduction, not to exceed $225,000,000, was recommended.

In the estimated expenditures for the next fiscal year no special allowance was made for starting some problems which are now before Congress. They include the following major items of expenditure legislation:

(1) Alien property bill, $100,000,000.

(2) Purchase of property in the triangle area in Washington, $25,000,000.

(3) Additional expenditures under the bill to raise the authorization of public-building projects from $100,000,000 to $200,000,000—$100,000,000.

(4) Expansion of the naval-building program, $1,000,000,000 or more.

(5) Flood-relief legislation, $300,000,000 plus.

(6) Boulder Dam, perhaps more than $125,000,000.

(7) Muscle Shoals, $67,000,000.

(8) Farm relief, indefinite.

(9) Miscellaneous legislation, from $25,000,000 up.

I assume that in a budget of expenditures, nearly $4,000,000,000 annually, there is considerable give and take. There will be failures to spend and savings in some of the appropriations which are estimated to be expended because of conditions arising to prevent it, and, conversely, there will be some unforeseen expenditures arising to take their places. There may be an increase or a decrease in the estimated revenue which would affect the case one way or the other. However, the whole situation is on an estimated basis and nothing positive can be known until the year is actually under way. We should, however, have the best estimates obtainable in advance. Better figures on which to base revenue estimates for 1929 will be available when tax payments are made in March. It is the judgment of the Treasury Department, however, that such returns instead of showing that the estimate of revenue for 1929 is not high enough will actually indicate that it is too high. A comparison of the revenues of this fiscal year to date with the revenues of last fiscal year for the same period shows a falling off of approximately $65,000,000. This seems to justify the belief that the revenues estimated for 1929 are not to be considered as too low and that we will be fortunate if we succeed in obtaining the amount at present estimated to be received in 1929.

Now in the margin of tax reduction suggested by the President and the Treasury Department I assume there was some leeway which might care for the increased expenditures which Congress within reason would adopt at this session as adding to the burdens of the next fiscal year, but with a $65,000,000 increase in the tax cut that margin is wiped out and inroads have been made upon any leeway which might exist by reason of the original estimated revenue proving to be too low.

I am calling this matter to the attention of the House, not to be critical but in a spirit of helpfulness and as a guide for our action in the consideration of appropriation bills and in the enactment of legislation which has the effect of adding to expenditures which have not been specifically included within the estimated revenues. I voted against the tax bill because I believed it went beyond the bounds of safety. I shall oppose those increased-expenditure proposals, which I believe to be unjustifiable and place in jeopardy a balancing of our receipts and expenditures. That at least will permit me to be consistent.

Now there is no particular reason why I should be more exercised about this than any other Member of the House, except that the House has placed me in a position of trust and I assume that it wants me to present the pertinent facts.

It further becomes my duty as chairman of the Appropriations Committee to give a résumé of our appropriation record of the session when it closes and to state what has been accomplished. I have been proud of that record in the past. It has been one which Members could stand on with great pride and cite as genuine accomplishment. I am thinking now about what the record of this session is to be like. I know what it ought to be, and I hope when it is written that it will be as creditable as previous accomplishments.

There is only one way in which we can attain a satisfactory record, and that is by a careful scrutiny of our legislation and a reduction to the very minimum in new proposals and a sound and reasonable action upon them.

It seems to me that this is the stage of the session to pause and give attention to what is involved in many of these great measures that are pending. The extent to which we consider the taxpayer as well as the beneficiaries of the proposed legislation is going to be the determining factor in the soundness of our action.

Now I want to devote a little time to this bill. The amount which is recommended to be appropriated is $1,063,337,060.

This sum is divided between the Treasury and Post Office Department as follows:

Treasury Department	$298,387,018
Post Office Department	764,950,042

The bill represents a decrease under the Budget estimates of $6,223,200.

The Treasury Department is supported out of two classes of appropriations—the regular annual and the permanent. In the permanent appropriations there is a net reduction of $52,000,000. Involved in this is a reduction in the amount of interest payments on the public debt from $720,000,000 for the fiscal year to $670,000,000 for the next fiscal year—a decrease of $50,000,000. This is a wonderful showing and is due to the excellent management of our finances. The cut in the interest cost results from two causes: (1) The decrease in the public debt through the operation of the sinking fund and the use of foreign repayments and the surplus in receipts; and (2) a decrease in the annual interest rate on securities through refunding operations. The refunding of the second Liberty loan at lower rates of interest on the securities issued to replace those retired as a part of the refunding operation, represents a decrease in interest alone of $21,000,000. The average rate of interest on the outstanding interest-bearing debt of the United States on December 31, 1927, was 3.88 per cent, compared with an average interest rate of 4.29 per cent in 1921. This decrease in the average interest rate represents an annual saving of approximately $72,500,000 which is due to the successful financial management of the administration in carrying on these refunding operations and obtaining money at lower rates of interest, and this is in turn due to the healthful financial condition of the country induced very largely by the successive reductions in taxation which have taken place and the economical conduct of the fiscal affairs of the Government.

The bill recommends for regular annual appropriation for the Treasury Department a total of $298,387,018, which is $1,629,962.44 more than the comparable appropriations made and available for like purposes during the fiscal year 1928, and $3,123,200 less than the Budget recommendations.

While I am not going to touch on all of the details here, I do commend a careful reading of the report of the committee on this bill, because it is comprehensive. It will inform you and it will enable you to inform people all over the country about these two big departments.

There is an aggregate reduction of more than $1,000,000 in the appropriations for the Bureau of Engraving and Printing and the Public Debt Service. Under the authority granted him by law, the Secretary of the Treasury has ordered a reduction in the size of the paper currency of the United States. Work is progressing on that program and it is hoped the change will take place some time during the next fiscal year, the date depending upon a determination of the question of whether to put all denominations of the new size into circulation at once or to put the $1 bills out first and have them followed later by the larger denominations. The matter has been gone into very thoroughly by the Treasury Department, and the committee has reviewed the plans. It is believed that the new currency will be more convenient and satisfactory to the public from the standpoint of convenience in handling, will be more durable, and certainly will be more economical to produce, and can be manufactured in larger quantities in a shorter period of time than the present size.

In connection with the Customs Service the committee has made one important change. The estimates called, among other items, for an increase of $191,944 for salary adjustments in the field positions. The committee has recommended an increase of $240,000 over the Budget in this instance, bringing the total up to $430,000. This sum, according to the officials of the Treasury Department, will be sufficient to provide an advance of one step in the salary rating of every employee whose services are such as to deserve this recognition. The action is recommended to the House as being just. Congress has been quite generous with the Customs Service in the past in the matter of salary adjustments. The average salary for the whole service has been raised since 1923 from $1,700 to more than $2,000 for 1928,

and by the terms of this bill it will be further raised to in the neighborhood of $2,100, and that is sufficient.

It has been frequently said that the men in the Customs Service are living on starvation wages, that they are unjustly treated, and are getting less than $1,500 a year on the average. The facts disclose that the average of all salaries in the service is about $2,000. So do not pay attention to everything that you hear from everybody. Take the facts themselves and decide the question.

In the Bureau of Internal Revenue, aside from the transfer of funds to the Bureau of Prohibition on account of the act making the Prohibition Unit a separate bureau, there is a straight-out decrease of $476,860, of which $161,860 is due to reductions in force recommended in the Budget and a decrease of $315,000 under the current law and the Budget estimate recommended by the committee. This seems to be safe. The work of the bureau is decreasing, due to the bringing current of the auditing of cases for previous years, and while there are some temporary situations which need improvement, the committee feels that they may be met and the work of collecting the internal revenue satisfactorily provided for with the amount allowed.

The bill carries $132,000,000 for the refunding of internal-revenue taxes illegally collected. This appropriation appears again in the annual bill for the first time in many years. It has heretofore been carried in deficiency bills on a calendar-year basis. The amount recommended, compared with the like amount made available for the current year, shows a decrease of $18,000,000. This decrease comes from the disposition of the back cases and a lessening of the amount that needs to be refunded. While this is a gain to the Government, it has an offsetting disadvantage because the disposal of the back cases also means that less revenue will be collected from schedules that were underpaid in the past. The Government has been collecting large amounts from these back taxes. The peak was reached in the fiscal year 1923, when it touched $600,000,000. For this year it is estimated at from $260,000,000 to $280,000,000, and for the next year it will further decrease. A very interesting statement will be found in the report on the bill, showing that all together we have paid out in refunds approximately $827,000,000, while we have collected from back taxes in the same period over $3,600,000,000, a ratio of $4.25 collected from underpaid schedules to $1 returned on account of overpaid schedules.

The Bureau of Prohibition appears in this bill as a separate organization, due to the act passed at the last session. Eliminating transfers of funds due to the establishment of this separate bureau, there is a straight-out decrease in the appropriation for the next year of $350,000. This cut is recommended by the Commissioner of Prohibition, who states that it will be possible to conduct the service with the smaller amount, due to better organization and closer administration. Prohibition enforcement is not perfect; perhaps it is not what it should be; but I believe that the new bureau is frankly and sincerely endeavoring to carry out the law which it is charged with enforcing. The civil-service situation in the bureau is embarrassing and demoralizing, and I hope that a way will soon be found to straighten it out and enable the service to go ahead with the enforcement work unhandicapped by the uncertainties which now make the task more difficult.

Mr. Doran, the present commissioner, has been coming before us ever since prohibition began. He has been before us as a subordinate, but we noticed that as a subordinate he had the facts. He has now been honored with the position of Commissioner of Prohibition. If prohibition can not be enforced by a man like Mr. Doran, then it can not be enforced by anybody, because Mr. Doran believes in it and understands it. In saying this I have no desire to reflect on any of his predecessors. They were all good men, but none of them seemed to approach the situation as he approaches it.

The Coast Guard is enlarged by 8 officers, 15 warrant officers, and 408 enlisted men. This augmentation is largely accounted for by the commissioning of three new vessels which have been authorized by Congress. One of these boats will go into the Gulf of Mexico and two to the Pacific coast, where the commandant believes that the forces should be strengthened. The new vessels are a part of the fleet of 10 authorized in 1925. While additional personnel is granted for these boats without the decommissioning of old vessels now in the service, the committee has the understanding that as the remaining 7 of the 10 boats are commissioned there will be a retirement of older and unfit vessels, and in that way the personnel will be found for the new boats without increasing the total personnel. The Coast Guard is doing excellent work both in the sphere of prevention of smuggling and law enforcement and in the saving of life and property at sea.

Congress has been generous with it in the matter of providing funds and equipment for its duties, but it is a navy in itself now, with a total personnel of 13,000 for the next fiscal year and with 37 cruising cutters, 414 lesser vessels, 25 destroyers, over 250 life-saving stations, and 5 seaplanes. There should, with this organization, be ample forces and equipment to perform the duties satisfactorily with a very minimum of increase for some years. In preparing the bill the committee has eliminated $32,200 for keeping in service a vessel more than 50 years old, which has been supplanted by a new and modern boat. There seems to be no sound reason why this boat should continue to be operated, and the funds have been taken out.

In this connection I might say of every branch of the Government, that once they get their nose under the tent they commence to swallow the tent. The Coast Guard has been no exception to the rule. There are many fine men in every branch of the service, but they are all forgetful, sometimes, every one of them, that there is anybody else involved except them. The taxpayer is often not given any consideration except by chance. I contend that the House of Representatives, through its agencies, is the only place in the Government where the taxpayer has his full consideration. Help us to give the taxpayer all the chance which you can. See to it that he is not overburdened with too many loads that somebody else should carry. Let us try to give him an understanding that we are here thinking about the man who digs the coal in the coal mine, or the man who runs the train at night, or the man who puts in the sewers that give us the sanitation that we enjoy. Let us understand, if we can, his problem and lighten the load on him as much as possible. [Applause.]

There is an important increase under the Public Health Service. An amount of $230,000 is recommended for rural sanitation, which is $145,000 over the current year. This sum is for rural health work in the counties of the flooded area of the South. After the water receded from the disastrous floods of the Mississippi River the Red Cross, the States and counties, and the Public Health Service raised a total of $955,000 for this county work, of which the Public Health Service contributed $262,000 this current year from the epidemic fund. For the next fiscal year the work has been transferred from the epidemic fund to the rural sanitation fund. The amount of $262,000 for the current year has been expended on work in 101 counties in the flooded district, where the organization is now perfected, or funds are in hand for perfecting it, in 86 counties, leaving 15 counties. The $230,000 recommended for the next year will permit the normal work of rural sanitation to proceed under the customary amount of $85,000, and the additional $145,000 is predicated upon a continuance for the first six months of the new fiscal year, or as much longer as it can be carried with this amount of this special work in the flooded counties.

Nothing has been left undone to see that those who suffered as a result of the great flood were made as comfortable as possible, and to see that their health was protected in every way. They were housed, they were fed, they were clothed. Thirty-five million dollars all told, which seems a good deal more than anybody imagines, was spent by the various agencies, the Government included, for the amelioration of the trouble and suffering of those people who live in the flooded area. [Applause.] Of course, when we reach the stage of legislation on this subject there will come then the consideration of the question of how we can make the territory through which these great rivers run safe and healthful for people to live in. I think it is the policy of the administration, as it is of every man who has given thought to the question, to do everything that is sane and safe, and designed to provide against the menace of floods in the future. At the same time it might be just as well to add that if there is anybody, no matter where, in official life or out of it, who tries to take advantage of the unfortunate situation caused by the floods, to bankrupt the Treasury of the United States, without justification, he will find some opposition somewhere, and I shall be on the side of that opposition. [Applause.] I am for anything that is decent, and anything that will help the situation as it ought to be helped.

Now I come to the very interesting topic of public buildings, for which the bill carries a total of $45,520,170. This sum is composed of four major divisions—

Maintenance, repair, minor improvements, equipment, rent, etc., in connection with about 1,450 completed existing projects	$15,885,170
Purchase of the building in New York for the Customs Service	8,000,000
Acquisition of land in the triangle area in Washington	2,680,000
New construction and sites under the public buildings act of May 25, 1926	18,955,000

The amount for maintenance and repair of existing structures is very largely routine, although there is involved in it the ex-

penses for commissioning of new buildings, additional amounts for repairs of buildings and mechanical equipment, additional personnel to improve the maintenance of existing buildings, and an amount to improve the salary situation in the custodial forces.

The $8,000,000 for the purchase of the building and site in New York is in accordance with the law, and a contract was made by the Secretary of the Treasury pursuant to that act. The building is now in course of construction and is expected to be completed during the next fiscal year. It will provide new quarters for the appraisers of the Customs Service, the laboratories of the Department of Agriculture, and the United States Customs Court. The Treasury Department believes that the arrangement is an advantageous one to the Government. The building is constructed under plans approved by the Treasury Department and the work is being supervised by the Architect's Office, both as to structural qualifications and costs. Any saving under the $8,000,000 contract price resulting in the letting of contracts and the purchase of materials and general execution of the work will result in decreasing the total contract price to the Government.

The $2,680,000 recommended for the purchase of land in the triangle area in Washington is recommended for the acquisition of square 256, which is almost wholly occupied by the property of the Southern Railway Co., at the junction of Thirteenth Street and Pennsylvania Avenue. The total property to be acquired in all of this triangle area is assessed at $16,624,000, and the act authorizing the acquisition fixed a maximum limit of expenditure of $25,000,000. The area comprises 1,131,920 square feet of land, assessed at $11,797,182, and the improvements on this land are assessed at $4,827,200.

Square 256 is the first parcel recommended for purchase under the authorization. The block contains 46,161 square feet of land, assessed at $758,770, and the improvements, including the Southern Railway Building, are assessed at $1,123,200, making a total assessed valuation for the block of $1,881,970. The property of the Southern Railway is assessed at $1,749,240, of which $661,740 represents 37,716 square feet of ground and $1,087,500 represents the structure. The building is of fireproof construction, with good foundations, and contains an available floor space of 209,603 square feet. The railway company has made a tentative offer to sell its property for $2,500,000 as against an assessed valuation of $1,749,240. While the offer is about 38½ per cent above the assessed value and seems high, the committee was of the opinion that, considering the appraisal made of the building by the architect's office on the basis of replacement less depreciation and obsolescence, and considering the assessed value of the land, that Congress would be justified in making this appropriation as a maximum amount so that negotiations could commence for favorable terms.

The amount recommended for new public-building projects throughout the country under the 1926 act is $18,955,000, made up as follows:

Section 3 buildings (1913 projects)	$1,550,000
Section 5 buildings, outside of Washington	13,905,000
Section 5 buildings, in Washington	3,500,000

The total number of projects recommended now is 81. Practically all of these were before Congress at the last session in the appropriation bill, which failed during the closing days of the session in Senate. While the amounts for each of the projects, both as to initial appropriations and limits of cost vary, either upward or downward, compared with last session, they are recommended as the result of further study of the conditions at the various localities by the joint action of the Treasury and Post Office Departments. It should be recalled that when the estimates for these buildings were submitted at the last session the survey of public-building needs of the country had just been completed, and the estimates had to be prepared quite hurriedly in order to get them in for consideration before adjournment on the 4th of March. The time that has elapsed since then has permitted a better study of the situation to be made, and that is the reason for the changes suggested in the estimates at this session.

There are five projects under section 3 of the act of May 25, 1926. These are 1913 buildings. Including the buildings in this bill and those that have heretofore been provided with enlarged limits of cost under the $15,000,000 extensions, all of the 1913 buildings will have been taken care of, with the exception of two, and, with a suitable reservation for the limit of cost on these, there will still remain a balance under the authorization of $15,000,000 of something like $600,000. There is a statement in the hearings showing the status of each of these projects.

Of the projects in the District of Columbia, there are three recommended in the bill—the Department of Commerce Building, the Internal Revenue Building, and the addition to the Government Printing Office. Including the limits of cost fixed in the bill on these projects, and on those that have heretofore been authorized for the District of Columbia, a total limit of cost will have been fixed of $45,825,000 out of the $50,000,000 maximum authorized.

Now on the so-called first year's building program under section 5, the $100,000,000 authorization, there are recommended 72 projects, all of which were here at the last session and carried in the bill that failed. The situation under the $100,000,000 authorization is this: For the buildings that are carried in this bill, there is consumed of the $100,000,000, a total of $43,655,000, which is $1,100,000 less than the amount fixed for these same projects at the last session. So while there has been an unfortunate delay of a year on the new program due to the failure of the Senate last session to pass the bill, there has been incidentally $1,100,000 saved to the $100,000,000 authorization in connection with that delay. Taking the $43,655,000 of limits of cost fixed in the bill on these projects, together with such limits as have heretofore been fixed for a few other projects under the $100,000,000, there will have been consumed in authorizations a total of $48,552,000 of the total $100,000,000, leaving for additional projects an authorization of approximately $51,500,000. To this, however, the sum of $100,000,000—authorized in the bill just approved by both Houses—should be added, so that the maximum limit of cost remaining for new projects, over and above those in this and previous appropriation bills, is a total of $151,500,000.

I have been dealing with the authorizations and limits of cost of the whole program. The rapidity with which it may be taken up depends upon a number of factors. First, the law places a restriction of maximum expenditure of $35,000,000 annually, except that any unexpended increment of the $35,000,000 remaining in one year may be carried forward and added to any subsequent year. Second, there is the physical factor of organization to supervise, prepare plans, obtain sites, secure space requirements, enter into contracts, and carry on a major construction program involving the annual expenditure of 35 or more millions a year. Third, the revenue situation of the Government must be considered as to how close to, or how far beyond, the $35,000,000 or more of expenditures we could go in any year under the amount of revenue to be available after giving heed, of course, to other needs of the Government that are just as important as the building program.

The delay of a year in starting on this first year's program has prevented the expenditure of the $25,000,000 this fiscal year. As a matter of fact, the Treasury Department, under the appropriations now on the books and those in this bill, estimates that approximately $15,000,000 will be expended this fiscal year, leaving $10,000,000 unused in the $25,000,000 limit of cost.

The raising of the annual rate of expenditure in the bill just passed by both Houses places a different situation on public-building expenditures. With the raising of that limit to $35,000,000 commencing with the fiscal year 1928, and with an estimated expenditure during that year of only $15,000,000, there would be carried forward under the new act approximately $20,000,000, all of which could be added to the $35,000,000 limit in 1929 or distributed reasonably over a period of years. My personal opinion is that it would be unwise to try to add the $20,000,000 in any single year and thus raise the expenditures in that year to $55,000,000. It would be an impossibility in 1929 both from a physical standpoint of the work involved and from the standpoint of the revenue that it would require. It would be infinitely better to spread this added increment over a period of years and do what work we can on the building program each year as sanely and efficiently and rapidly as possible.

Many questions have been asked of me personally as to what effect the addition of the $100,000,000 in authorization and the raising of the expenditure rate to $35,000,000 will have on the prospects of additional projects being taken up at this session. Prior to the passage of this new law, there could not have been any addition to the projects now before us because with the appropriations now on the books and those recommended in this bill, the Treasury Department would have been on a basis of expenditure of approximately $25,000,000 a year during the next fiscal year. Now by the passage of the new law, with the raising of the limit of cost and the increase in the rate of expenditure in any one year, the way is prepared for additional projects. To what extent that can take place at this session, I am unable to say definitely. It may depend upon a number of factors.

Mr. ELLIOTT. Mr. Chairman, will the gentleman yield there?

Mr. MADDEN. Yes.

Mr. ELLIOTT. We will have $10,000,000.

Mr. MADDEN. The preparation of estimates of cost for these projects and the priority which they should take is a

question for the Treasury and Post Office Departments. From my knowledge of that situation, I believe that it is possible for the two departments to prepare a further list of buildings for consideration before adjournment. The next question that arises is the practical one of revenue. How far can the Government afford to go in public-building expenditures, in addition to those that are already covered under the present estimated revenue?

I have referred to the fact that there are seven or eight major proposals of expenditure pending for disposition, for which no specific allowance was made in connection with our estimated receipts and expenditures for the next fiscal year. I have also referred to the fact that the tax bill goes $65,000,000 more in revenue decrease than is believed to be safe. The House has also added a very substantial amount to the War Department appropriation bill that was not covered in connection with our estimated receipts and expenditures. We are faced with this situation. The receipts and expenditures for the next fiscal year must balance. If the tax bill goes through in its present amount and we keep adding to the expenditures, there is now doubt about such a balancing.

If the additional expenditures are necessary and desirable, and many of them are, to what extent and in what amount can we have tax reduction and still provide for all of our expenditures this next fiscal year? In my judgment there can not be any very definite answer until after March 15, when the tax payments are received and the present estimates of revenues are either verified or shown to be too large or too small. As between too much tax reduction and no reduction at all, I favor abandoning the tax bill in its present form. I indicated my attitude on it by voting against it.

It is my hope that the situation will work out so that we may have a moderate and safe tax reduction and that some additional public-building projects and other imperative expenditures may be acted on at this session. If excessive tax reduction is to jeopardize a reasonable program for public buildings and other urgent, worthy measures, the tax bill should not be enacted and the surplus should be devoted to the retirement of the public debt and a decrease in the interest charge. And after all, that would be a safe and permanent form of relieving the tax burden.

The bill carries for the support of the Post Office Department for the next year the sum of $764,950,042. This figure is $7,582,042 more than the appropriations of the current year and $3,100,000 less than the Budget estimates. The increase in postal appropriations is approximately 1 per cent. The ratio of increase in postal appropriations last year was about 2 per cent. The appropriations for the next year are not increased in the same proportion as they were for the present year, because the estimated revenue and estimated business is not as great as was anticipated. This does not necessarily indicate that there is not an increase in postal business. There is an increase, but the increase is not in as great proportion as it has been in some previous years. For example the increase in revenues for previous years over the year just preceding them has been as follows: For 1924, 7.53 per cent; for 1925, 4.65 per cent; for 1926, 10.4 per cent; 1927, 3.53 per cent; and so far this fiscal year the increase is running about 2 per cent. The appropriations were based upon increases in revenues greater in 1927 and 1928 than actually took place, and therefore we overappropriated during those years. The turnback in the appropriations for the fiscal year 1927 amounts to about $27,000,000, and unless the revenues show a greater percentage of increase for the present year than they have shown so far, the turnback for 1928 will run in excess of $14,000,000.

The service must be provided and the large items of expenditure occur in the pay of postmasters, clerks at post offices, city-delivery carriers, railway-mail clerks, railroad transportation of the mail, and the Rural Delivery Service. These six items comprise slightly in excess of 80 per cent of the entire cost of the establishment. While the appropriations for 1929, in some cases, show a small decrease under the 1928 appropriations or only a slight increase, that is not indicative of any decrease in the service. It is in fact due to the situation to which I have just referred—that there is very considerable leeway in the existing appropriations, as the unexpended balances for this year and 1927 will indicate. The estimated unexpended balance in the item for clerks at post offices alone this year is approximately $7,000,000, and a similar situation exists in some of the other items.

There is, however, a considerable increase in the fund for the City Delivery and Collection Service. The amount added for this service is $3,800,000 over the current appropriation. There is a growth in this service which seems not to bear a very direct relationship to the increase in postal revenues. It is unquestionably due to the tendency of the population in the cities to spread out over a larger area, induced unquestionably by the advent of a general expansion of motor transportation.

The appropriation for railway transportation of mail is reduced by $750,000 under the current year and $1,250,000 under the Budget. Expenditures for 1927 were about $107,000,000, and the rate for this fiscal year, while slightly in excess of that annual rate, indicates that the amount allowed in the bill, $110,250,000, should be sufficient.

In connection with railway transportation it is appropriate to discuss the star-route item, which is somewhat related to the rail carrying of mail. The appropriation for star routes is increased from $13,400,000 to $13,850,000, which is $450,000 over 1928 and $250,000 over the Budget. The committee was told that in the first six months of this year that more train service had been discontinued than during any recent similar period. There is a tendency by the railroads to take off the short-line trains, which are not very profitable operations. The discontinuance of this character of service during the fiscal year 1928 is estimated by the Fourth Assistant Postmaster General at $350,000. That fact is immediately reflected in the star-route situation, because mail from discontinued-train service must be carried by bus or other star-route operators. It is because of this unusual occurrence that the committee has felt it necessary to go above the Budget and make suitable provision for star-route operation. The committee was informed that the discontinuance of these trains was not very heavily reflected in the rail transportation item, but from the investigation of the star-route item there is a very substantial relationship, one that is growing rapidly, against rail transportation than has been felt at the immediate time.

The CHAIRMAN. The gentleman has used one hour.

Mr. MADDEN. I ask unanimous consent to proceed a little further. It will take about 15 minutes more. I may not need it all.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 15 minutes more. Is there objection?

There was no objection.

Mr. MADDEN. There is also an increase of $1,100,000 in the appropriation for transportation of foreign mail. This sum is occasioned by several factors. There is an increase of $46,000 on account of the adjustment of one of the six existing mail-subsidy contracts, there is $100,000 additional for more frequent vessel service to the West Indies and Porto Rico, $350,000 on account of the estimated increase in parcel-post packages sent to foreign countries as the result of the raise in weight limits for packages from 11 to 20 and 22 pounds in the case of 37 countries, $450,000 additional on account of the normal increase in the quantity of mail carried on the non-contract or poundage basis. Under this item for the transportation of foreign mail, there has been available for a number of years not to exceed $150,000 for carrying mail by seaplane. The service is now maintained between these points: Seattle and Victoria, British Columbia; New Orleans and Pilottown, La.; and Key West and Habana. The amount is increased in the bill to $300,000, to permit of increased frequency and better service to Cuba, and the possible extension of the routes to other points in the West Indies.

For the Rural Delivery Service there is a total of $106,000,000, an increase of $494,000. This amount the committee has been assured is sufficient to take care of all the additional routes that can be approved during the year and to make the necessary extensions that should be put in.

The appropriation for the contract Air Mail Service shows an apparent increase of $2,430,000 over the current appropriation of $4,000,000. This increase is actually $1,930,000, as there was available for the current fiscal year, in addition to the $4,000,000 of direct appropriation, the sum of $500,000 from the fund for the operation of the Government air mail, making a total for contract air mail of $4,500,000 for 1928. In this instance the committee has gone $430,000 over the Budget estimate. There is against this appropriation of $6,430,000 a compensating factor by the elimination from the 1928 appropriations of the sum of $2,150,000 which is the amount granted for the current year for the operation of the Government air-mail lines, due to placing such lines on a contract basis.

The situation with respect to contract air-mail routes is as follows:

	Length of route (miles)	Miles flown daily	Number of routes
Routes in operation	8,044	17,444	18
Routes contracted for and to be in operation before July 1	3,656	7,312	7
Total anticipated situation by July 1	11,700	24,756	25

Requests for additional routes are pending and there are undoubtedly meritorious routes which should be adopted. In making the addition of $430,000 to the Budget estimate the committee has provided for two factors. The statement was made by the Second Assistant Postmaster General that the sum of $6,000,000 recommended in the Budget would not be more than sufficient to cover the routes now under contract, totaling 25, considering the increase in mail being handled. If the $6,000,000 should be more than sufficient to carry existing routes, the leeway in the fund would be so narrow as to practically exclude consideration of new routes. The committee is of the opinion that some margin should be provided for the establishment of new routes in thoroughly justifiable cases and for that reason has added the sum of $400,000 to cover new lines and the sum of $30,000 to provide for four assistant air-mail superintendents and clerical assistance at the principal air-transfer points, namely, New York, Chicago, Fort Worth, and Salt Lake City.

The development of contract air-mail service has been phenomenal and has practically all taken place within the past two years. There is tremendous pressure from many places in the country for the establishment of it. While it is a great development, it is yet somewhat experimental, and should be extended sanely and with due regard for the prospects of continued success. Information as to the relation between receipts from air-mail sources and expenditures for that purpose are very meager. The best the Post Office Department was able to give the committee on this point was statistics on a seven-day test in October, 1927. Based on this information, which will be found on pages 301 and 302 of the hearings, the department figures that air-mail service at that time was on a yearly loss basis of $850,000. No allowance was made in these calculations for expenditures by the Department of Commerce in the establishment and maintenance of airways through providing lighting, communication, and radio facilities. While it would not be proper to charge to air-mail service the entire expense of maintenance and depreciation on the airway equipment, the greater proportion of the cost is directly related to the cost of carrying mail by air and should be considered in conjunction with any loss figures of the Post Office Department through the contract operation.

The committee is of the opinion that with the 25 routes which are now under contract, additional expansion of the service should be very conservative and that more attention should be devoted to the success of the lines which have already been established than to the rapid extension of the contract mileage. This is not manna, dropped down from the sky to the children of Israel. It is a thing that can only be successfully operated by the participation of the people in the cost of the operation. In other words, you have got to sell enough postage stamps under this plan to make the receipts balance the expenditures, or you can not run the air-mail service very long. It is believed that the $400,000 recommended over the Budget, together with any margin available in the $6,000,000, should be ample to cover such new lines as should be adopted, with due consideration for the success of the whole network of mileage. The committee believes that the Post Office Department should not make new contracts to an extent which will cause expenditures under existing law to run in excess of the $6,430,000, and further believes that commencement of actual operations on new routes should be contingent so far as possible upon the proper preparation of the airways for flying purposes. The committee was informed that out of 15 air-mail-route operators probably 6 were making money. This is not a very good percentage. The success of the operators is vital to a continuance of the service. For this additional reason great care should be exercised in the establishment of new routes and attention devoted toward the development and success of the existing routes. In conclusion, let me say this: Irrespective of air-mail success or any other, as Members of Congress, to the extent that we have the courage to stand up under the propaganda which is still being pounded at us, we should devote ourselves, our strength, our minds, our hearts, our determination, and our patriotism to the development of a consistent policy of proper economy in the conduct of the Government. [Applause.]

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SUMMERS of Washington. To what extent are mail routes carrying passengers?

Mr. MADDEN. I understand in only one case—from San Francisco to Los Angeles.

Mr. CRAIL. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CRAIL. I would like to know about the public buildings at Red Bluff, Calif., and Los Angeles.

Mr. MADDEN. San Pedro is in this bill, and Red Bluff now has $90,000 already that was carried in previous appropriation acts.

Mr. COLE of Iowa. I want to say to the gentleman that he has just made the most informative speech that has been made in the House, I think, this year. [Applause.]

The CHAIRMAN. The gentleman has used 1 hour and 10 minutes.

Mr. BYRNS rose.

The CHAIRMAN. The gentleman from Tennessee is recognized for one hour.

Mr. BYRNS. Mr. Chairman and gentlemen of the committee, I am very sure that we have all listened with a great deal of interest to the address of the chairman of the committee, the gentleman from Illinois [Mr. MADDEN], relative to the present fiscal affairs of the Nation and also in explanation of the pending bill. We all recognize that the gentleman from Illinois is a student of finance. I do not suppose there is a man connected with the Congress or with the Government who has more accurate information relative to the fiscal affairs of our Government. Successful in his private affairs before he came to Congress, he has brought to his official work here the sound business judgment and great executive ability that he showed while in private life.

The gentleman has referred to the fact that Congress has reduced the Budget estimates of the President during the period of the Budget by something like $360,000,000. I do not think it is too much to say that more largely than anyone else the gentleman from Illinois is entitled to the greater portion of the credit for such reduction, because we all know that he has been a consistent advocate of economy; and while, as he says, he has had frequently to say "no," he does so always because he feels that the interests of economy and the interests of the Government demand it.

He has uttered a timely warning to the House with reference to appropriations to be made at this Congress. Of course, we know that there are propositions and projects which are pending before the House which must be considered, and, in my judgment, considered favorably, and which are going to require considerable appropriations, such as flood relief in the Mississippi Valley and other projects to which I might refer. But certainly his caution should be heeded in the House in the consideration of some of the projects that may be proposed and with the view of seeing that no more money is appropriated than is absolutely necessary.

It is not my purpose to discuss the bill now pending which makes appropriations for the Treasury Department and also the Post Office Department.

That has been done fully and thoroughly by the gentleman from Illinois. There is nothing controversial in the bill. There is no item to which I object as a member of the subcommittee which originally conducted the hearings and as a member of the Committee on Appropriations except one item of legislation in the bill, which undertakes to give to the Treasury Department the right to use the radio at public expense in the publicity to be given to the redemption of the third Liberty loan, which is to take place in September. I am opposed to that provision for several reasons. In the first place, I do not think it necessary. It seems to me the Secretary now has the widest opportunity to give publicity to the redemption of these bonds and the calling in of these bonds through the newspapers which, of course, will carry the facts, and also through the various banks of the country. Therefore I can see no reason for the additional public expense in using the radio for that purpose. We know, of course, that the holders of the smaller bonds are usually coupon holders, and naturally when they come to cash their last coupons on September 15 they will make inquiry, if they do not already know the facts, as to where they are going to get their next interest, and the banker who cashes their coupons will be there to advise them; and certainly those who are to take these bonds in the form of certificates for large amounts with lesser rates of interest will already have the information, or if they do not they will get the information from the bankers with whom they deal. I repeat, therefore, I can see no reason for injecting this camel's nose under the tent, so to speak, and in this bill provide that the radio may be used at public expense.

There is another objection to it. While I make no charge, and I am frank to say I do not believe those at the head of the Treasury Department would resort to it, we never know just how far those things may be used for political purposes, especially in a campaign year; and I think this, to say the least, is an improper time to start.

Another thing, if it is to be used by the Treasury Department you will doubtless find that next year the Commerce Department, with reference to the Bureau of Foreign and

Domestic Commerce, and other activities, and the Agricultural Department, and possibly other departments will be seeking the same privilege of using the radio at public expense for the purpose of giving to the public information which they deem expedient. Whether it is used for political purposes this year or in the years to come, we know that those things will naturally creep in.

It is only fair to say that Undersecretary Mills, when asked as to the possibility of this, assured the committee that there was no such purpose, and I am sure there is not. He assured the committee that whatever was said with reference to these bonds would be closely censored either by him or some other responsible official in the Treasury Department. That may be true, but I do not think the present administration or the next administration, no matter what may be its political complexion, should be given the opportunity to use the radio for this purpose, especially, as I say, when there is no real need for it, as I view it.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. GARNER of Texas. If I understood the gentleman correctly, he said this was legislation on an appropriation bill, and if that is true, a point of order will undoubtedly strike it out.

Mr. BYRNS. I think so, and I will say that if nobody else makes the point of order I propose to make it myself.

Mr. LINTHICUM. How much is carried for that purpose?

Mr. BYRNS. There is no amount carried. It is to be paid for out of expenses of loans, and, of course, there are several million dollars in the hands of the Treasury for that purpose. I think something was said to the effect that it probably would not cost much over $4,000 or $5,000, but no one can tell what it will cost. Regardless of the expense, for the reasons I have stated, I do not think there is any necessity for using it now.

Now, gentlemen of the committee, as I said, I do not care to discuss the pending bill. It has already been very fully discussed by the gentleman from Illinois, but I want to ask the indulgence of the committee for a few moments while I make some reference to the speech which was made by the President of the United States and by the Director of the Budget at the so-called business organization meeting held on January 30 last.

The President delivered a very carefully prepared and excellent address on the importance and value of economy in government. It was intended, of course, to reach the ears of millions of his radio audience. He saw fit to content himself with generalities and homilies on the value of economy, with which everyone agrees, rather than a demonstration by the citation of facts and figures from the expenditures made during the five years of his administration that there had been either economy or a reduction of governmental expenditures during his term of office. He frequently referred to "constructive economy," a phrase which he coined a year or more ago as a substitute for the economy which had been theretofore asserted was being practiced by the administration. "Constructive economy" may mean anything or everything. It may mean one thing to one person and something entirely different to another. Was it "constructive economy" when the President recommended appropriations to Congress during the period of the Budget, which Congress reduced approximately $360,000,000, thereby saving that amount to the Treasury? Was it the idea of "constructive economy" which influenced the President to do something which his three immediate predecessors had refused to do, when he urged Congress to purchase out of the Treasury of the people the unprofitable and unsalable stock of New York and other stockholders in the Cape Cod Canal off the Massachusetts coast at a cost of $11,500,000, and which will ultimately cost twenty-five or thirty million to put into operation?

Mr. DENISON. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. DENISON. I think the purchase of the Cape Cod Canal was recommended during a former Democratic administration both by the President and the Secretary of War.

Mr. BYRNS. I think the gentleman is mistaken about that. My positive recollection is—of course, I am always subject to correction—that no President ever recommended the purchase of the Cape Cod Canal until President Coolidge recommended it.

Mr. DENISON. As I understand it, President Coolidge took up the matter where the other administration had left off, and that Secretary Baker conducted the first negotiations.

Mr. BYRNS. But it was never recommended to Congress by any President in any message until President Coolidge recommended it.

Mr. DENISON. I am not saying it was done in a message by the President.

Mr. BYRNS. That was the statement I made.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. CONNALLY of Texas. I suggest that the gentleman from Illinois has made the best possible argument he could have in favor of the proposition, namely, that some Democrat at one time favored it.

Mr. DENISON. Well, not some Democrat; but it was the Democratic administration that first recommended and urged that we purchase the canal.

Mr. CONNALLY of Texas. That makes it that much stronger.

Mr. BYRNS. The question is not whether a Democratic administration favored it, but whether or not the President recommended it in a formal message and urged Congress to accept it, and I will repeat that I think the gentleman will find, if he will look into the record, that no President ever recommended its purchase until President Coolidge recommended it.

Mr. DENISON. My friend from Tennessee is dodging behind the question of a formal recommendation in a formal message. I do not take issue with him on that, because I do not remember, but I am positive it was a Democratic administration, as I stated, that started the proposition of purchasing the Cape Cod Canal.

Mr. McKEOWN. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. McKEOWN. I will state to the gentleman, for the information of the gentleman from Illinois, that it was claimed that a Democratic administration had made some implied agreement by which the canal would have to be taken over, but, as a matter of fact, it was taken over for the purposes of the war and it was denied it had that signification.

Mr. BYRNS. I thank my friend for his contribution, because he is more familiar with the situation than I am.

Mr. DENISON. I dislike to interrupt my friend from Tennessee, but let us keep the record straight. The canal was taken over during the war like we took over all the railroads, and it was while it was in the possession of the Government and under its control that President Wilson began negotiations or instructed his Secretary of War and Secretary of the Navy to enter into negotiations to purchase the canal, and the entire proceeding was following the recommendations of that administration. I happened to be on the committee that had the hearings on the bill in the first place.

Mr. BYRNS. I do not know what the Secretary of War, under the Democratic administration, may have done or what investigations he may have made; but I do know that whatever his investigations were, his opinion of what should be done was not such that it brought about a recommendation on the part of a Democratic administration that Congress make the purchase, because, of course, it was necessary for Congress to ratify and approve and to make the appropriation necessary to buy the stock of the canal.

I respectfully submit to my friend from Illinois that if the Secretary of War, after this investigation which the gentleman insists that he made, had come to the conclusion it was a proper thing for Congress to make the appropriation and purchase the canal, a recommendation would have come forward in due course and in the proper way from the President of the United States, and this was not done, by the admission of the gentleman himself.

Mr. LINTHICUM. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. LINTHICUM. Was not the first appropriation we recommended in a bill $6,000,000, and was not that set out as the real value of the canal?

Mr. BYRNS. I think the gentleman is correct. The first appropriation was for $5,500,000, if I remember correctly, in cash, and the balance was to be appropriated later.

Mr. LINTHICUM. I understood the amount was to be $6,000,000.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. CONNALLY of Texas. I hope the gentleman will not insist on this argument with the gentleman from Illinois [Mr. DENISON] because the gentleman from Illinois is trying to approve of the Democratic administration. I think, however, he is like the fellow who said he had never refused a drink but once, and that time he did not understand the gentleman. I think the only time the gentleman from Illinois is approving the Democratic administration of President Wilson, he is in error as to the facts.

Mr. BYRNS. It is gratifying, of course, that the gentleman from Illinois [Mr. DENISON] should approve of the Democratic administration.

Mr. DENISON. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. DENISON. The Democratic Congress itself passed a bill authorizing the purchase of the Cape Cod Canal.

Mr. BYRNS. Yes.

Mr. DENISON. And that was during a Democratic administration. The act of Congress during Mr. Wilson's administration authorized the administration to enter into a contract for the purchase of the Cape Cod Canal, if this could be done upon a proper basis; and if not, to condemn it.

Mr. BYRNS. The gentleman is a member of the Committee on Interstate and Foreign Commerce and the gentleman says this was done during a Democratic administration. That administration closed in March, 1921, and the gentleman knows we had a Republican Congress during the last two years of that administration. Is the gentleman absolutely sure that the authorization act for the purchase of the Cape Cod Canal was passed prior to 1921?

Mr. DENISON. I think it was.

Mr. BYRNS. I think the gentleman is clearly mistaken.

Mr. DENISON. I may be in error, but I think it was.

Mr. BYRNS. It was less than two years ago when that act was passed, and it was passed after Mr. Coolidge submitted his recommendation to the Congress urging Congress to pass it. I do not think there is any doubt about that.

Mr. DENISON. I think the gentleman is in error.

Mr. BYRNS. If the gentleman is not any more correct about the action and attitude of President Wilson and Secretary of War Baker than he is with reference to when the act was passed, I suggest to the gentleman that he look up the record.

Mr. DENISON. I do not want to make any statement that I do not know to be absolutely correct, but I am sure the act authorizing the purchase of the Cape Cod Canal was passed during the Democratic administration, and that following the passage of the act Secretary of War Baker entered into negotiations for its purchase. He could not agree on the purchase price and then he authorized condemnation proceedings and a jury fixed the award of damages.

Mr. BYRNS. I do not care to prolong the matter, but I will say to the gentleman that the act authorizing the appropriation for its purchase was passed within the last two years, but I shall look up the record so as to be absolutely certain about it and refer to it later. I do not want to make any statement that is not in exact accordance with the facts.

Mr. GREENWOOD. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. GREENWOOD. I was elected to Congress in 1922 and took my seat on the 4th of March, 1923, and the matter has been up since I have been here.

Mr. DENISON. I am talking about the original act, of course.

Mr. BYRNS. I understood the gentleman to refer to the authorization act.

Mr. DENISON. And that was passed long before my friend, the gentleman from Indiana [Mr. GREENWOOD], came to Congress.

Mr. BYRNS. Was it "constructive economy" which induced his recommendation to build a great monumental bridge across the Potomac River here in the District of Columbia exclusively out of the funds in the United States Treasury at a cost of $15,000,000, and which some have declared will cost many millions more before the structure and approaches are fully completed? This, too, his predecessors in office had refused to recommend.

Was it "constructive economy" which, in 1922, brought about the scrapping of newly completed modern battleships and others in process of completion and under contract at a cost of approximately $278,000,000 to the people, and in 1928, just six years thereafter, the recommendation of a new five-year naval construction program to cost approximately $1,250,000,000, with an annual upkeep of $60,000,000, not taking into consideration the replacements, which will cost another $1,250,000,000 during the five-year period?

Other instances might be cited but these are sufficient to show that the phrase "constructive economy" may be applied to any expenditure, dependent upon the viewpoint of the one making use of the term. It may be applied to expenditures wholly unnecessary from the public viewpoint, or it may be applied to expenditures made necessary by faulty business management.

The truth is that real economy needs no qualifying adjective, and when a qualifying adjective becomes necessary it ceases to be economy according the general acceptation of the true meaning of economy.

The Director of the Budget also delivered an address on this occasion. And let me say that I have a very warm and affectionate regard for the director, as I also have the greatest respect for the President. I have had occasion to speak many times of the high admiration I entertain for General Lord and the splendid service rendered by him as Director of the Budget. But he is rather hard put to it when in order to show a reduction of expenditures under the present administration he has to compare present-day expenditures with those of 1921, when the country was just emerging from the heavy expenses of the World War; when our Army and Navy had not been fully demobilized; when war agencies and contracts were still hanging over and being closed out; and when the Government was having to pay the losses incurred in taking over the railroads and other activities made necessary by the war.

He complains at those who have seen fit heretofore to compare present-day expenditures with those of 1916, the last full fiscal year before the war under a Democratic administration, when the total expenditures of the Government were only one-fourth of what they are to-day. He says that they might as well go back to the days of the Revolutionary War. By the same logic may it not be said that he might just as well have compared present-day expenditures with those of 1918 when the Government reached the peak of its war expenditures, as to compare them with 1921 when the country had not fully emerged from its war expenditures?

Why not compare them with the previous years of the present administration? Mr. Coolidge became President in August, 1923. There have been five fiscal years since that time. Surely a comparison of the expenditures of this fiscal year with those of the first fiscal year of the Coolidge administration will show whether there has been a reduction of Federal expenditures under the Coolidge administration. It is significant that neither of the distinguished speakers sought to do this.

The total actual expenditures of the Government for the fiscal year ending June 30, 1924—the first under President Coolidge—were $4,079,626,493.73. The estimated total expenditures for the fiscal year ending June 30, 1928, are $4,331,814,285, an increase of $252,187,791.25 in five years under the administration of President Coolidge. And do not overlook the fact that the Government is paying $220,602,912.92 less in 1928 in interest on the public debt than it did in 1924 and $7,000,000 less in pensions. If these sums be added—and it is entirely proper to do so—it will be seen that the total expenditures of the Government in 1928 are over $479,500,000 more than they were in 1924, the first year of the Coolidge administration. There may be some who will class this as "constructive economy." I dare say that there are few who will call it real economy.

The total expenditures by fiscal years during the administration of President Coolidge are as follows:

1924	$4,079,626,493.75
1925	4,129,234,923.68
1926	4,230,851,302.36
1927	4,176,706,508.06
1928 (estimated)	4,331,814,285.00

It is proper to say that each year there has been from forty to fifty millions less to pay in interest on the public debt than in the preceding year, and usually less in pensions and other post-war obligations. So the increase each year for the operations of the Government is really greater than the figures indicate. It will be observed that the only year in which there has been a decrease from the preceding year was in the fiscal year 1927, but that the expenditures for that year were considerably larger than those for the fiscal years 1925 and 1924. Attention should be called to the fact that $44,918,121.98 less in interest on the public debt and $9,000,000 less for the Veterans' Bureau was paid in 1927 than in 1926. So it will be seen that the figures given for 1927 do not present the real picture by way of comparison with 1926. There was actually a considerable increase in the cost of Government operations over 1926.

Great stress was laid in the President's address on the reduction of the public debt in the sum of approximately $8,500,000,000. It was heralded as evidence of the sound business policy and economy of the administration and a great service to the country. No mention was made or credit given to a Democratic administration for a large part of this reduction.

The public debt at its peak on August 31, 1919, was $26,596,000,000. Prior to March, 1921, under a Democratic administration, it was reduced to $24,051,000,000, a net reduction of $2,545,000,000 in 19 months. On June 30, 1927, the public debt was $18,512,000,000, a total reduction of about $8,084,000,000. Of this sum, approximately $5,539,000,000 represents the reduction during the six years of the Harding-Coolidge administrations. But it is not entitled, as the President assumes, to the credit for the full amount of that reduction. I have many times called attention to the cash assets inherited from the Wilson administration by the Harding-Coolidge administrations. Those cash assets

came from various sources, such as the sale of surplus war supplies, collection on loans to railroads during the Wilson administration, back taxes collected on taxes levied during the war and under a Democratic administration, and other sources, amounting in the aggregate to $3,786,00,000. I present a compilation of figures which was made by my colleague, Judge HULL, and which shows the sources and amounts of these assets:

Practically, cash assets inherited by Harding-Coolidge administrations and amount of net receipts to Treasury, fiscal years 1922 to 1927, inclusive:

War Finance Corporation	$157,247,000
Receipts from sale of Federal farm loan bonds	199,928,000
Railroads	442,652,000
Grain Corporation	7,000,000
Total	806,827,000
Add:	
Foreign debt interest and repayments	841,000,000
Back taxes collected after 1920 for 1917, net	1,300,000,000
German payments for Army occupation	25,000,000
Sale of surplus war supplies, including transfers and withdrawals	492,949,000
Reduction of balance in general fund on June 30, 1921	321,000,000
Total	3,776,776,000
Public debt reduction prior to Mar. 3, 1921	2,545,000,000
Grand total	6,321,776,000
Debt of the Federal Government when at its peak, Aug. 31, 1919, was	26,596,000,000
Feb. 28, 1921, it was	24,051,000,000
Reduction	2,545,000,000
Total gross debt, Feb. 28, 1921	24,051,000,000
June 30, 1927, it was	18,512,000,000
Reduction	5,539,000,000
Grand total reduction from Aug. 31, 1919, to July, 1927	8,084,000,000
The amount of reduction prior to Mar. 4, 1921, $2,545,000,000, plus Treasury receipts from cash assets left by Wilson administration, $3,786,000,000	6,332,000,000
Total reduction for which Harding-Coolidge administrations supplied money	1,752,000,000

It will be seen from this table that the total amount of reduction in six years in which the Harding-Coolidge administrations supplied the money was $1,752,000,000, and that, too, during a period of high taxes.

One of the many highly constructive measures passed by a Democratic Congress and approved by a Democratic President was the sinking fund act, under which a certain sum is paid annually into the sinking fund for the reduction of the public debt. This fund alone will wipe out more than $10,000,000,000 of our public debt by 1946. The amounts paid on the public debt from this fund for the fiscal years 1922 to 1927, inclusive, are more than the said sum of $1,752,000,000 for which the Harding-Coolidge administrations can claim to have supplied the cash. So it may be fairly said that the present administration owes some credit for even this reduction to the wisdom and foresight of a Democratic administration. The amounts paid during these years are as follows:

1922	$275,896,000.00
1923	284,149,754.16
1924	294,927,019.57
1925	306,666,736.01
1926	321,184,468.20
1927	336,890,832.47
Total	1,819,714,810.41

The wise Lincoln said:

You can fool a part of the people all the time and all the people a part of the time, but you can't fool all the people all the time.

It is about time the people were becoming aroused to the fact that despite the persistent and misleading propaganda of the past years there has been no reduction of Government expenditures. On the contrary, there has been a heavy increase, which can not be entirely justified on the plea that it was "constructive economy." [Applause.]

Mr. MADDEN. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, I want to take this opportunity to again call attention of the House to the situation brought about by the present immigration law. I realize that this is a very sensitive subject for a great many Members of the House, for there seems to be an attitude of refusing to even consider the situation. Any suggestion made by some of us who come from the large cities is viewed with a great deal of disfavor, and yet for the last three or four years the President has specifically recommended in his message to Congress an amendment which will humanize the law.

In his last message of the first session of the Seventieth Congress he suggested "further legislation to provide for uniting families when the husband or wife is in this country."

We have been seeking for some time to have the laws humanized to that extent. When I make such suggestions that is to amend the law permitting a mother or father of a citizen to come in as a nonquota immigrant, I do not believe it is fair to say that it is an attempt to lower the bars or attempt to cause a large influx of immigrants which would have a tendency to disturb labor conditions in this country.

I state frankly that there is no desire on my part or in the minds of most of the gentlemen who are urging an amendment of the law, I am sure, to so let down the bars as to bring such a large number of laborers into the country as to lower wages or cause increased unemployment. I am sure after my statement on the coal situation the other day and the attitude I have always taken on labor conditions in this country, it will be plain that I desire to keep up the American standard of living, and that I can not be fairly charged with seeking in any way to disturb labor conditions.

But something must be done to humanize the law to make it possible for families to be united.

It is no relief to extend or add more classes of immigrants to the preferential class, because the quota number from countries like Poland, Czechoslovakia, Rumania, Russia, and Italy is so limited that to extend any more of the preferential quota is no relief at all. In fact, it complicates and would make present conditions even worse.

For instance, take a man to-day who is sending for his mother in Italy or in Poland, where the amount of the quota is 3,800—1,900 regular quota and 1,900 preferential. It would take years before her turn as a preferential quota immigrant would be reached. In all likelihood she would die before that time.

What we need is an amendment which would permit the bringing in of a citizen's mother or father as nonquota immigrants, and place the wife of a declarant or "first-paper" man also in the nonquota class.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. I will yield to the gentleman from Texas.

Mr. BLANTON. The gentleman speaks of humanizing the law. Can the gentleman tell us—I understand it is ascertained or is being ascertained—how many citizens in New York State, or especially in New York City, are now out of a job and how many there are in Washington, Baltimore, and Philadelphia without jobs? We want first to humanize them with jobs here at home.

Mr. LAGUARDIA. The amendment that I have in mind would not bring in a solitary worker.

Mr. BLANTON. Everybody works in America if they can. The women all work in some way.

Mr. LAGUARDIA. Let me make my speech, please. Take the young man who arrives in this country around the age of 30. He lives here seven or eight years and becomes a citizen. He is 38 years old and he wants his father and mother to come here; they naturally are elderly and do not come here to work; are not going to compete in the labor market. They simply come here to live with their children.

Mr. BLANTON. But when he sends for his 18-year-old son he is.

Mr. LAGUARDIA. They can come in now under the law.

Mr. BLANTON. And the gentleman from New York helped to get that provision into the law. Every time one of these 18-year-old immigrants comes in he competes with somebody already here.

Mr. LAGUARDIA. I will say this to the gentlemen, that I have been seeking by my support of labor legislation and by my activity in labor organizations to bring up the standard of living, and have contributed a great deal toward that end. I can point to many, many instances where I have been instrumental in increasing wages and making the American standard of living something more than a mere figure of speech.

Mr. BLANTON. I am helping them along that line myself.

Mr. LAGUARDIA. The gentleman's record will speak for itself. I am very glad that the gentleman has interrupted me to the extent of suggesting that the fear is, in bringing in a large number of these aged parents, that they would compete in the labor market. I congratulate the labor unions on the new recruit to their cause.

Mr. WELLER. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WELLER. Is it not a fact that before these mothers and fathers can come in a bond must be given to assure the Government that they will not become a charge on the Government of the United States?

Mr. LAGUARDIA. If there is any doubt, yes. Statistics will show that there is hardly any possibility of these aged parents becoming public charges. In the first place, the children must be able to pay their passage over here, and then when they arrive he must make a showing that they are able and willing to properly take care of their parents. If there is the slightest doubt about that, the Government properly asks for a bond. Not only has the President of the United States in his messages repeatedly recommended the humanizing of this law, but Commissioner General of Immigration Hull suggested that he would urge that the wife of an immigrant who is here legally under quota be allowed to join a husband. That is not an unreasonable demand to make.

Mr. BLANTON. Oh, nobody would object to that?

Mr. LAGUARDIA. That is fine. Will the gentleman vote for such an amendment?

Mr. BLANTON. I will vote to let any spouse join the other where there was a former marriage, but not subsequent ones.

Mr. LAGUARDIA. That is fine; I shall depend upon the gentleman's help.

Mr. BLANTON. I have such a bill now pending before the Committee on Immigration to permit that very thing.

Mr. LAGUARDIA. Take, for instance, a man who is here legally, with no doubt of his legal status, who was married prior to the time that he came to the United States. Surely to permit his wife to come in would in no way interfere with the restrictive policy laid down by the Government at this time.

Mr. BLANTON. That is his legal wife, not his common-law wife.

Mr. LAGUARDIA. Of course not. Besides there are not many common-law wives in Europe.

Mr. BLANTON. Oh, there are a great many of them in some parts of Europe.

Mr. LAGUARDIA. Oh, no. I served in the American Consular Service for five years, and I say to the gentleman and to this House that the system of registration and the records of vital statistics in the older countries of Europe are far more perfect than they are in many of the States in the United States.

Mr. BLANTON. How about Russia?

Mr. LAGUARDIA. Oh, they have marriage over there.

Mr. BLANTON. Oh, but they have common contracts, too, that are separable at will.

Mr. LAGUARDIA. Why, common-law marriage is legal in this country.

Mr. BLANTON. I mean they have contract of cohabitation that does not even go so far as common-law marriage.

Mr. LAGUARDIA. In the gentleman's State and in my State it is possible for a man and woman to enter into an agreement of marriage that is absolutely valid.

Mr. BLANTON. And it requires a divorce in court to separate them.

Mr. LAGUARDIA. Certainly.

Mr. BLANTON. But in Russia it does not.

Mr. LAGUARDIA. We are not legislating for Russia. We are legislating for the United States. Anyway, I think the gentleman is in error.

Mr. BLANTON. Did not the gentleman advocate the recognition of Russia by the United States?

Mr. LAGUARDIA. That does not mean that we are going to attempt to regulate their internal affairs.

Mr. BLANTON. But when you advocate that and you let one of them come here I do not want him to send for all of his contractees.

Mr. LAGUARDIA. Oh, the gentleman here appropriates every year for our diplomatic representatives in Turkey, and in Turkey they have harems. We can not regulate the internal affairs of other countries.

Mr. BLANTON. I was not trying to do that, but I was just speaking of permitting only real, lawful wives to enter.

Mr. LAGUARDIA. Oh, the immigration law is very clear on that.

Mr. Chairman, every time we speak on this subject the charge is made that an "alien bloc" is seeking to break down the laws of the United States. I have here an announcement of an organization called the Key Men of America, who were advertising, who were suggesting, that something must be done to break down the influence of "alien groups." I say frankly to both parties on both sides of the aisle that I never hear this kind of talk about "alien groups" around the October time of the year. In fact, to the contrary—these good naturalized citizens are then treated with a great deal of deference—I therefore appeal to treat them right now and permit them to send for their aged parents who desire to come here and live permanently with their children.

Mr. HOLADAY. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HOLADAY. Will the gentleman, as he goes along, mention the various classes that he would like to get in, outside of the present law—the wives of aliens who are not citizens and their fathers and mothers and children?

Mr. LAGUARDIA. Of citizens?

Mr. HOLADAY. Of citizens. Just how many millions there will be in each case.

Mr. BLANTON. Oh, I do not think there will be any millions. I know it would not be anything like a million.

Mr. HOLADAY. How many unmarried aliens not citizens does the gentleman think are in the United States now?

Mr. LAGUARDIA. Unmarried?

Mr. HOLADAY. Yes.

Mr. LAGUARDIA. It would not affect them.

Mr. HOLADAY. But they could marry and immediately bring in their wives.

Mr. LAGUARDIA. Oh, I would not go that far.

Mr. HOLADAY. Then the furthest the gentleman would go would be only to those previously married?

Mr. LAGUARDIA. Yes. If a man is here now, who is not married, and he goes abroad and marries, knowing the law, of course he can not complain if his family is divided. I would limit it to those who were married prior to their emigration.

Mr. HOLADAY. The gentleman remembers that the present law of 1924 will have been in effect five years a year from July, so that everyone that enters after that time will have had an opportunity of becoming a citizen and bringing his wife and children in.

Mr. LAGUARDIA. Yes.

Mr. HOLADAY. And we had a temporary law two years before that, so that we may say that every alien who is in this country now has been here six years, with notice that he could not bring in his wife and children.

Mr. LAGUARDIA. The gentleman must look at the practical situation. As the gentleman knows, an alien can not apply for his second papers until five years have elapsed. In New York City it takes at least from one year to a year and a half before that man can obtain a verification of his arrival in order to be put on the list. These men as a rule are hard-working men, unskilled laborers. They work from early morning until late at night, and many of them have no opportunity to acquire a sufficient knowledge of the English language to pass the examination. The gentleman from Illinois had a part in the framing of the law.

Mr. HOLADAY. No; not the first law, under which he applies.

Mr. LAGUARDIA. I refer to the final test. If the immigrant is a young man and goes to school, he acquires the language easily. It is easy for him to acquire it. But in the case of the laborer who works from morning to night, and works to send money to the other side, for example, to support his wife, it is difficult for him to acquire sufficient knowledge of the English language to successfully pass the test on his application for the final papers; so that it is not a lack of interest on the part of the alien, not a lack of desire on his part to become a citizen, but simply that his condition will not permit him within the time the gentleman suggests, the period of five years, to acquire the requisite knowledge.

I pointed out some of the trick questions asked in the examination, and I told the gentleman, I think, privately, of a case where an applicant was before the examiner to be tested in English, and the examiner gave him an advertisement in a newspaper of a New York trust company, and then asked him what a trust company was. I submit, there are Members of this House who could not give an exact definition of what a trust company is. I am willing to limit the nonquota status to the wives of aliens who are here and who have applied for their first papers and who are otherwise eligible.

Mr. BLANTON. Mr. Chairman, will the gentleman yield there?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. I would like to get the gentleman back to the American standard of living. What are you going to do with all these jobless Americans when you bring in more? How do you answer that question?

Mr. LAGUARDIA. I am not advocating the bringing in of any who will enter the competitive labor market.

Mr. BLANTON. Everybody who comes in produces something, even if it is not anything more than knitted socks. It enters the competitive market.

Mr. LAGUARDIA. Not if they keep house.

Mr. BLANTON. We have not many idlers here in America except those who only clip coupons off of bonds.

Mr. LAGUARDIA. I do not get this out of books, or out of examining statistics, or out of my imagination. If you come up to my district, as I hope the gentleman will do some time, I will show him thousands and thousands of homes there where these good wives are bringing up their families and sending their children to school. They keep their homes—they are mothers of good loyal Americans. That is the work they do. You say if these aliens come her to work, you do not want them; and if they do not work, you do not want them for some other reason. You pass an illiteracy test, and say, "We will keep the illiterates out because they are ignorant," and then after the literacy test you say that those who come here are too smart. Some of us who happen to be sons of immigrants have taken an active part in the bringing about of improving the conditions of the immigrant. When an immigrant arrives here now he is well advised as to labor conditions and is warned against being exploited. We have broken down the padrone system. Now we have this proposition: Before the illiteracy test was imposed it was claimed that immigrants were too ignorant; now when they pass the literacy test it is claimed they are too smart. It is impossible to satisfy some people who are opposed to any kind of immigration. Yet this country was settled, built up, and made great by immigrants.

Mr. O'CONNOR of Louisiana. Mr. Chairman, will the gentleman yield there?

Mr. LAGUARDIA. Yes.

Mr. O'CONNOR of Louisiana. I think reference was made to Indians, who are prisoners in the land of their birth, on this continent. Do I understand that the gentleman believes that the restrictive features of the immigration act should be made somewhat more flexible in order to inflict less hardship?

Mr. LAGUARDIA. Yes. I say the mothers and fathers of naturalized citizens here should be admitted as nonquota immigrants, and that the wife of a man who has been admitted to the United States, and has applied for his second papers, should be likewise admitted as a nonquota immigrant.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. May I have five minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'CONNOR of Louisiana. In order to accentuate the gentleman's position, I want to make a statement concerning one of the most heartbreaking cases that ever came to my notice, a case where I could obtain no relief, although I applied to the Commissioner of Immigration and to the Committee on Immigration. It was the case of a young woman who came to this country and landed at New Orleans. She was detained as an illegal immigrant, but was later released on habeas corpus proceedings, and apparently the case was forgotten.

She married and a child was born to her, and then the immigration division took cognizance of the fact that the woman was not a native-born American and she was deported. Thousands of women down there could not understand the harshness of a provision by which that was done.

Mr. LAGUARDIA. The law which Congress passed was mandatory, and the law had to be carried out. It is the law that is cruel, not the immigration officials.

Now, as to this question of alien blocs, there is no such thing as an alien bloc here or anywhere in the United States. All this discussion about people being controlled by an alien group is absolutely unfounded. Because aliens now refuse to be herded and exploited is the reason why some now refer to them so disparagingly. They are standing up for their rights and are justified in asking Congress to repeal the cruel provisions of a law that separates their families.

I have here a circular which was sent into my district by the same people who refer to "alien groups" urging the voters of my district to vote against me, the gentleman from New York [Mr. DICKSTEIN], and Mr. Perlman because we had advocated these humanizing measures. Apparently, it is all right for these self-styled hundred per centers to make such an appeal. I want to say, and I can not say it too emphatically, that there is no difference between an American, whether he is of the first generation or of the fifth generation. The only difference between some of us is that my people came on immigrant ships, and I tell the truth about it, while some of you men say your people came over on the *Mayflower*, and it must have been a pretty big ship.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. The gentleman is such a good lawyer and logician that I am trying to follow him. I have noticed that every time we try to restrict the quota and lower it the gentleman wants to raise it. How does the gentleman square that with his position that we must uphold the American standard of living? How is the gentleman going to do that when you permit them to come in by hordes?

Mr. LAGUARDIA. I will say to the gentleman that I have been consistent in that and my record is consistent. I have done nothing else but seek to oppose legislation that was the result of narrow-mindedness and bigotry. That is all I have done. I remember some of the discussions here on the floor of the House when the 1924 bill was before us, and those discussions were absolutely the result of racial and religious hatred. My stand on that is absolutely consistent, and my record in attempting to uphold the American standard of living is not purely theoretical or oratorical. I have been on the picket line and I have helped thousands and thousands of people to get a sufficient wage with which to live up to that American standard of living. The trouble is that you are always willing to talk about the American standard of living when you are discussing a tariff bill and you are always willing to talk about the American standard of living when you are making a 4th of July speech, but you resent the idea of putting it into every-day practice.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. THATCHER. Mr. Chairman, I yield two minutes to the gentleman from Ohio [Mr. MURPHY].

Mr. MURPHY. Mr. Chairman and gentlemen of the committee, I am asking this time in order to request unanimous consent to extend my remarks in the RECORD by publishing some excerpts from a speech made by Ernest H. Van Fossan, a member of the Board of Tax Appeals. The speech was delivered at Cincinnati on the 1st day of December to the Lawyers' Club there. It is not a wet or dry speech, nor is it a speech of law enforcement. It is different. It deals with the observance of law, and because of the splendid preparation it shows I am asking the privilege of extending my remarks by inserting it in the RECORD.

Mr. LAGUARDIA. Mr. Chairman, reserving the right to object, how long is it?

Mr. MURPHY. It will take about one-half page of the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. MURPHY. Mr. Speaker, under leave granted to extend my remarks I insert an excerpt from an address delivered by Ernest H. Van Fossan, member of the United States Board of Tax Appeals, before the Lawyers' Club, of Cincinnati, Ohio, December 1, 1927, which is as follows:

If you will bear with me further, there is one thought that I would like to leave in your minds which, it seems to me, challenges the attention of every citizen of the United States, and especially should it command the attention of a group of lawyers. I refer to the growing spirit of lawlessness. It has long been my feeling that we have had too much talk about law enforcement and too little thought about law observance. Law enforcement is a duty of the State delegated to certain officials. Law observance is a duty of the individual and can not be delegated. If we had real law observance we would have no problem of law enforcement. In the face of the growing prevalence of lawlessness and individual indifference, no clear-minded citizen can have any honest doubt as to where his duty lies. Either the Constitution, the Federal and State laws, and municipal ordinances must be observed and enforced or America must face the prospect of being a nation of lawbreakers and criminals. There is no twilight zone. There can be no temporizing with lawlessness.

A city, a State, or a nation is but a group of people united by a common interest in their mutual welfare. Each organization partakes of the nature of its component factors. Their understanding is its understanding; their prejudices are its prejudices; their limitations are its limitations; their success is its success; their failures are its failures. In so far as the citizens of our Nation, you and I, are law-abiding, just so far and no farther will we have a law-abiding nation. In so far as we violate the law, we will have a nation of lawbreakers.

Do not misunderstand me. I am not a prophet of gloom. I do not believe America is on the verge of a great cataclysm, either political or moral or spiritual. The heart of America is sound. There is nothing fundamentally wrong with the world. The law of gravity still obtains. Newton's three laws of motion are still tenable. The stars are not wavering in their courses, nor do I think that society is dying. There is something deep down in the soul of America that rises to meet the challenge of every threat when the danger is understood. True, we are discarding some of the worn-out garments of a former day and donning a wardrobe of the newly revealed truth. But this is not revolutionary. It is merely the application of the law of life. It is practical evolution.

Society is never static. The world moves on. Nations rise and nations fall. Men are born, grow to manhood, and pass to eternity. We invent new devices and machines, discover new elements, harness new forces of nature, devise new ways to ease our burdens, and just as things mechanical move and are in a state of constant change, even so our minds, our thoughts, our traditions, our understandings are evolving. Even so is truth ever revealed. Yet the beauty of the sunset is as real as the beauty of the dawn. Some things never become obsolete. Time has tested and experience has proven the soundness of our fundamental law. And were I gifted with the power of leadership, possessed I a tongue that could stir up the hearts of men, nothing would more strongly appeal to me than to call you to the defense of our Constitution, of the law, of the traditions we cherish most, of the principles that have made America great.

I would instill the courage to speak our minds. To acquiesce and to agree is easy. It is the mark of the weakling; but it takes courage to talk back. When we hear men attack the law and our institutions; when they declare the modern age to be an age of disintegration; when they say that government is a failure; that all Government officials are grafters, or some other such thing, what do we do? Do we meekly agree? Are we cowed into tacit concurrence? Or do we take up the gage of battle and defend the law or the principle we know to be right? It isn't true that our government is a failure or that all officials are grafters or that the law is no longer deserving of our support. Our institutions are just as sound as they ever were. It is we who have failed. The law is but the bony skeleton of the institution of government. Men are its flesh and blood. It is we who have deserted the cause in its hour of need.

It is we, proud citizens of America, who allow her name to be bandied about because we lack the courage of our convictions; who permit other nations to mock us and jeer at our institutions—all because we—you and I—have failed to do our duty. Duty is either positive or negative—it is never neutral. You can not remain neutral in any crisis and not become a nonentity. And that is what too many of us have become—civic and political nonentities.

My friends, the law of the atom is the law of the mass. As does the individual, so does the Nation; our mind is the Nation's mind; our heart the Nation's heart; our strength the Nation's strength; our courage the Nation's courage; our soul the Nation's soul. To everyone of us there comes a challenge. Are we equal to the responsibility?

Mr. MADDEN. Mr. Chairman, on behalf of the gentleman from Tennessee [Mr. BYRNS], I yield 30 minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Chairman, I am rather sorry that I shall not be able to consume 30 minutes, owing to a serious throat trouble, but I have risen, as a member of the committee in charge of this bill, to discuss some phases of the bill. Unlike the position I assumed last year, I am in favor of every dollar in this bill which has been set aside for the enforcement of prohibition. [Applause.] I have a reason. At last we have a prohibition commissioner in America whom we can trust. He has not been on the job very long, but I have known him since prohibition has been the law of the land. He has appeared before our subcommittee year in and year out in a subordinate capacity, and he is the ablest and most honest man ever connected with the Prohibition Unit who has come before the Committee on Appropriations. Therefore I feel it my duty to stand with Doctor Doran and try to help him rather than in any way, shape, or form try to hamper him. I want that definitely understood. Whatever else I may say has nothing to do with prohibition enforcement as performed by certain Government officials. However, Mr. Chairman, to proceed. Lawlessness, like a cancer, grows more dangerous and destructive by the tolerance of its existence; and we are learning that prohibition grows more insolent and intolerant daily in its efforts to distort law and invent new methods of oppressing a foolishly submissive people. The pigmies of prohibition are strangling the American Gulliver and inaugurating the reign of misrule.

Prohibition, as promulgated by the pulpit-thumpers, parsons, and predatory prophets of the Anti-Saloon League, declares in effect that the Constitution and laws of the American Republic are subordinate to the eighteenth amendment and its interpretation by the giant intellect of Volstead. So we have come to the pass where the laws framed to guarantee the personal, political, and religious freedom of our citizens are as though written in water; those which safeguarded the home have become meaningless phrases; those limiting and prescribing the right of search have been torn to tatters by an army of spies, sneaks, and smellers; the physician saves life at the peril of his freedom since prohibition has made medicine a beverage; industry is very often indicted when it turns a wheel or perfects a perfume with alcohol.

Prohibition, its proconsuls, parasites, and plug uglies, has even reserved to itself and its allies a monopoly of murder, murder without penalty. The right to murder Americans abroad without fear or favor it delegates to Mexico and kindred bandit organizations; the right to murder Americans at home by poisonous liquors remains with the Anti-Saloon League and its allied bootleggers; and the right to wreck and drown American sailors and shoot up foreign seamen goes to its rum cruisers. Floggings, gougings, and arsons are the special privileges of prohibition's standing army—the Knights of the Night Shirt.

But let us point out that these lords of misrule can at times use finesse and practice restraint. Certain-lee! Observe the Lowman. He draws the line; nay, he frowns on the stealthy activities of the gas-meter men seeking to smell out stills in our best cellars. Lowman believed that was getting too close to home and might prove embarrassing. The demure deacon with a demijohn in the depths of the cellar might raise the devil with a Lowman who was a high man in the ancient order of the pump. No cellar snoopers for him!

His brilliant mind, his bristling brain, could conceive greater flights of fancy and bolder strokes of fantastic fanaticism far meeter than gas meters. He discovered the dubious depravity of ice and ginger ale, which were mere cloaks for booze. The intent to use them as such became criminal at once and called insistently for the application of the padlock law, which regretably applies only to doors, but which later it is expected may be applied to the mouths of the incurably wet in Congress. But we anticipate northern New York and its hot and heroic prohibition Lochinvar.

How were innocent ice and ginger ale to be convicted? How was justice—Volstead justice—to catch them in flagrante delicto and learn their intent to join forces and foregather with the wicked hip flasks? Here is where the genius of Lowman and the league will show a victory of mind over matter, which will materialize in more Volstead jobs, more juicy grafts, more disasters to the demon rum. Not all the ingenuity of prohibition died with Wayne Wheeler.

Prohibition will at once call to its colors and enlist the services of all the dry, trustworthy, and meritorious mind readers, telepaths, mediums, seers, sorcerers, occultists, second sighters, astralists, and workers in magic and spells, from the Great Lakes to the Rio Grande, and from San Diego, Calif., to Sacarappa, Me., and learn absolutely what is on the mind and what is the ulterior intent of ice and ginger ale in every cafe and hotel in America; and, if necessary, ring in all the witch doctors and Voodoo men in the Sunny South.

With ginger ale and ice stopped, strapped, and subdued, Lowman and the league can move on to nobler triumphs, padlock the town pump, gag the Mississippi River, arrest the rainmaker, paralyze the ocean, suppress the tank drama, and thwart the irrigation schemes of Congress. Having desiccated America, debauched religion, debased Christianity, and produce a glorious race of one-half of 1 per cent Americans, triumphant prohibition can advance to the attainment of its ultimate ideal—the establishment of hell on earth.

These are parlous times. These are days when the Republic, that was created out of the sweat and blood of Washington and his heroic companions, appears to be slipping from its moorings and we, the elected guardians of its safety and security, are bound in helplessness in the amazing entanglements of that new dispensation of prohibition and its pump-water prophets. As I look at contemporary America, throttled by the greasy, greedy hands of the Volsteadists, I wonder after all if the ideals and creeds of those allied infamies, the Anti-Saloon League and Calles of Mexico, are to supersede the principles and practices of Washington and Jefferson and become the new Americanism. The old men of the old days had their eyes on the dawn and sunrise; America to-day is marching back to medievalism and kingcraft, to servile days and ways, when liberty was the vision of the few and the scourge and manacle the portion of the many.

The latest development of prohibition should interest this House, since it is another chapter in the decline and fall of American liberty under the direction of what I may call, to parody the famous lines of that poet of humanity, Boyle O'Reilly—

> Organized pharisees, strident and spliced,
> In the name of a slandered, distorted Christ.

Prohibition and Volsteadism have pushed American Government out of doors and set up a new system of church and state. And what a church and what a state! It is a combination of violence, hypocrisy, and oppression; the Anti-Saloon League is the administration; the ministerial mob, the shrieking sisterhoods, and evangelistic dervishes and crackpates are its mouthpieces and executives; the Ku-Klux Klan is its standing army; and the browbeaten, servile courts its obedient servants. Is it not an inspiring picture for us, my brethren? A glorious

reward for the befooled millions who hazarded health and life in Europe to save democracy abroad while it was being strangled at home!

The United States to-day looks like a bad copy of Mexico; the America of George Washington has ceased to function; the Goddess of Liberty has been degraded into a drab in the gutters; and the soul and conscience of the land sleep as if with opium drugged.

Here in Washington, in the shadow of this stately Capitol, housing a host of shivering misrepresentatives of the people, the old, tyrannical machinery of discredited monarchy—the court of star chamber—is restored and an ancient infamy has been revived, that Governments can do no wrong and that juries which refuse to obey its behests and make indictment and conviction synonymous are guilty of crime and the fit targets for judicial anger and castigation.

A few weeks ago two men were haled to the police court to be charged with violation of the Volstead law, after their own rights under the Constitution had been invaded. A jury of 10 men and 2 women, all persons of character and repute, deemed the charges weak and strained, and within 5 minutes acquitted the two victims of Volsteadism. The judge, one Schuldt, expressed angry astonishment at the verdict and ordered the foreman to repeat it. Then and there he summarily discharged the jury from further duty, as a warning to all and several that insult and humiliation were to be the portion of those who did not bend the knee to Volstead and the Black Hand agencies of Anti-Saloon League government.

In the year of grace 1554, Sir Nicholas Throckmorton fell into disfavor with the Crown and was brought to trial, charged with vague contempts, and the jury that acquitted him was promptly imprisoned and injuriously fined for their strange independence, for the Crown of that age, like the Anti-Saloon League of this, was above the law and could do no wrong, and held that conviction must follow indictment. It took war, rebellion, revolution, and the decapitation and dethronement of kings to cure England of that evil. Are we to pay the same price to rid America of prohibition, the Anti-Saloon League, and government by lawlessness and judicial terrorism?

I have no hesitation in calling for the removal of this Judge Schuldt, another Jeffreys come to judgment, who should be swiftly and summarily displaced from the bench of a court, in which he would attempt to set up a star chamber in the very heart of the Republic. Judge Schuldt and his peculiar activities are part and parcel of the outrages and infamies growing out of the evils of prohibition and Volsteadism.

We of this House have a duty and responsibility that calls to us insistently. Let us answer the call before it is too late. Remember, please, my warning! [Applause.]

Mr. WELLER. Will the gentleman yield?

Mr. GALLIVAN. Yes.

Mr. WELLER. I want to know, after listening to the able speech of the gentleman from Massachusetts, wherein he said the enforcement of prohibition from Niagara Falls to the Gulf of Mexico had been somewhat watered, whether he still believes the old saying, "Water, water everywhere, but not a drop to drink?"

Mr. GALLIVAN. Of course, I believe in it.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. GALLIVAN. Yes.

Mr. O'CONNOR of Louisiana. All of the raids that are made by Government officials, gathered from all parts of the United States, are made in Louisiana, while the northern ports are left free.

Mr. GALLIVAN. Mr. Chairman, I yield back the remainder of my time.

Mr. BYRNS. Mr. Chairman, I yield 20 minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman and gentlemen, I shall speak upon prohibition as incorporated in the eighteenth amendment and interpreted in the Volstead Act. It is almost as difficult to have an intelligent discussion of the question of modifying the Volstead Act with the defenders of that law as it is to have an intelligent discussion of the tariff with a high protectionist. Anyone who advocates any change in that sacred Volstead statute is immediately accused of wanting to revive the saloon, flood the country with whisky, promote drunkenness, and nullify the Constitution. He is classified with bootleggers, the lawless element, and other enemies of society, just as the person who suggests that there should be a reduction of the extortionate duties of the tariff schedule is at once branded as a free trader and accused of wanting to destroy the whole tariff system.

Such have been the methods of intolerance from the dark ages of the past to the present time in which traces of darkness still remain.

LIGHT WINES AND BEER

We who are trying to bring about a modification of the Volstead Act to enable us to have light wines and beer do not belong in any such classifications, and we are not trying to do any of those things we are accused of wanting to do, nor are we inspired by any of the sordid or evil motives we are supposed to have. Certainly we can not be classified with the bootleggers or the lawless element because the modification of the Volstead Act, which would permit the use of light wines and beer of a nonintoxicating content, would put most of the bootleggers out of business and set up a formidable lawful competitor for those who continued in the law-defying business. It would reduce the amount of technical lawlessness generally in a large degree by enabling persons to obtain wholesome beverages lawfully, who now purchase poisonous decoctions unlawfully.

We do not favor modification because we want liquor or the unrestricted use of it. There are many men and women who favor modification who do not use liquor or wines or beer. Having had seven years' experience under the eighteenth amendment and the Volstead Act, we know that the existing laws do not prohibit; we have had fresh experience that morals are not the result of legislation, but that legislation without moral sanction is productive if immorality, lawlessness, and sometimes the extremes in crime.

TRUE TEMPERANCE

We favor modification primarily because we wish to correct as far as possible the evils which have been the outgrowth of the present law and to establish true temperance as the most obvious and effective means of undoing the harm wrought by Volsteadism. We are not asking for intoxicating liquors unless some system can be devised for its governmental control. We favor the establishment of an alcoholic content that competent judges would declare to be nonintoxicating. We do not wish this alcoholic content fixed by persons to whom the mere smell of bay rum would be equivalent to a debauch. We hope in time even to convince some of our so-called dry brethren of the wisdom of this course, and we base our hope upon the current report that some of them are expert in determining intoxicating contents.

Seriously, gentlemen, it is long past the time for the soberminded people of this country to consider the evils that have grown out of the prohibition laws and the conditions resulting therefrom that threaten the very fundamentals of our system of government. The alarming growth of crime in the last seven years is already receiving consideration by criminologists, publicists, and leaders of public thought. It is not necessary to cite many statistics; the fact that crime is rampant in many sections of the country is a notorious fact. Events are more convincing than figures. It is the result of many causes, but one of the chief causes is the outgrowth of prohibition legislation. It is only necessary to cite the murders and robberies by the bootleggers and hijackers in congested cities.

I am not speaking of the technical "crime" of violation of the Volstead Act, but of the major crimes committed by some elements of the violators. There is the long list of varied and frequently unusual crimes committed by the victims of the poisonous decoctions sold as whisky, gin, and other alleged distilled spirits. There are the thefts, burglaries, and similar crimes committed to get money wherewith to purchase liquors at exorbitant prices. The crime of perjury in trials for violations of the prohibition laws is becoming as common as ordinary lying, both on the part of the defense and the prosecution. It is no longer uncommon to read of cases where prohibition agents have deliberately framed a victim and perjured themselves to convict him.

PRESENT CONSUMPTION OF LIQUORS

The people of this country have no idea as to how much liquor is being consumed. It is, of course, very difficult to ascertain, but the World's Almanac estimates that there are 285,206,000 gallons of spirits alone consumed at a total cost of $2,854,160,000. Homemade wine, 75,000,000 gallons at a valuation of $300,000,000.

The Federal Government in 1925 reported the seizure of 17,850 illicit stills, and General Andrews estimated this was only about 1 in 10, or a total of 178,450 stills, all of which are pouring into the liquor traffic millions of gallons which can not be estimated.

In 1917 the number of gallons of domestic wine consumed was 37,640,000 gallons, but since that there has grown up a tremendous manufacture of wine from flowers, fruits, and berries in addition to the grape crops of California, which increased from 26,974 cars in 1920 to 72,255 cars in 1925, and has continued to increase at the same ratio up to the present.

It has been reported by the Government authorities that the rum row has been broken up by the Coast Guard since the

12-mile limit was established, but that this has merely diverted the production to the borders of Canada, Mexico, and the alley distillers of this country.

I merely mention these figures to show that there are so many sources of liquor that it is a matter of impossibility to enforce the present Volstead Act and the eighteenth amendment as construed therein.

GRAFT, BRIBERY, AND CORRUPTION

Prohibition enforcement from the beginning has been characterized by graft, bribery, and other forms of corruption. This was inevitable from the very nature of the work to be done. Bootlegging offered a field of operation more profitable than almost any other form of lawlessness. To the enforcement officer the prohibition law itself was the negation of that plea in the Lord's Prayer, "Lead us not into temptation." Every one of them was subject to temptation at all times. The agent with a small salary was daily confronted with the opportunity to add largely to his income and sometimes to acquire wealth by looking the other way, or as has frequently happened by actually guiding and protecting the cargo of the bootlegger. Human nature is the same the world over. The greatest foe of the naturally honest man is temptation; if he escapes it, he will remain honest; if he has the strength of character to resist it, he will likewise remain honest. Otherwise he succumbs. The naturally dishonest man who sees the opportunity for graft goes out in search of the tempter.

PROFITS IN DIVERTED ALCOHOL

Doctor Doran estimates that out of a manufacture of 60,000,000 gallons of industrial alcohol, 6,000,000 gallons were diverted, or, in other words, went into the drink trade.

This industrial alcohol sold for $3,200—at 32 cents a gallon in a 10,000-gallon tank car, or 40,000 quarts. A tank car would produce 80,000 quarts of gin or 120,000 quarts of whisky, which sells readily at $6 to $10 a quart. Take $6 for 120,000 quarts of liquor, brings the enormous sum of $720,000 to the bootlegging public. If 10,000 gallons produces that sum, then what will 6,000,000 gallons produce in profits?

How can you expect to prevent the manufacture and sale of whisky or gin which brings such tremendous profits with very little expenditure?

The prohibition agent, too, must be differently classified from the officer enforcing laws that have moral sanction behind them. A prohibition agent is as likely to take the same view of the prohibition law as the average man who votes dry and drinks wet. He sees no moral wrong in a violation of the law and is not conscious of committing any crime by permitting others to do it for a consideration. Not even this great lawmaking body can legislate morals any more than it can perform any other miracle.

That graft, bribery, and corruption generally exist in the prohibition-enforcement personnel is a matter of official declaration. Only last September Assistant Secretary of the Treasury Lowman, in Washington dispatches, is quoted as saying:

> There are many incompetent and crooked men in the service. Bribery is rampant. There are many men in sheep's clothing. Some day my arm gets tired signing orders dismissing crooks and incompetents. * * * If America can be made sober and temperate in 50 years, a good job will have been done.

This is the severest rebuke prohibition has received since the passage of the Volstead Act. If Mr. Lowman expects to have complete enforcement in 50 years by changing human nature so that it will be proof against temptation, he will be a sadly disillusioned man if he lives that long. If he expects in that time to arrest and punish all of the people engaged in illicit liquor traffic, he will be equally disillusioned. He may get many of the little fellows, but only occasionally one of the higher of the millionaire class, for bootlegging and rum running now produce their millionaires almost as rapidly as some of our legitimate and lawful industries.

The recent civil-service examinations of the enforcement agents have left the enforcement service in a demoralized and uncertain condition. The public has been led to believe that the Prohibition Unit sought the services of intelligent men as enforcement agents. This idea was long ago dispelled by the repeated violation of the law by the agents themselves, violations which extended to the bill of rights itself and included crimes of homicide and capital offenses. These were excused by the prohibitionists as the few exceptions. The remainder of the force was alleged to be not only men of some character but of high intelligence, but the civil-service examinations referred to show that 75 per cent failed on an intelligence test.

DRUNKENNESS INCREASES

In the meantime crimes continue to increase; arrests for drunkenness continue to increase. Take for example the fact that drunkenness increased almost as fast in 1926 as it did in 1925, and somewhat faster than it did in 1924. In the 602 places reporting, arrests for drunkenness increased from 650,961 in 1924 to 687,812 in 1925 and to 711,889 in 1926.

In the 534 places, arrests for drunkenness in 1926 increased 136 per cent above 1920—the first year of national prohibition.

In the 403 places reporting from 1914 to 1926 arrests for drunkenness in 1926 were higher than in any previous year, save only the war-boom peak of 1916. The 1916 peak was 563,792 arrests for drunkenness, and 1926 almost reached it, being 559,074.

Conditions in the former so-called dry States are very much worse to-day, compared with 1914, than are conditions in the so-called wet States. In the dry States the number of arrests for drunkenness went up rather sharply in 1926, and exceeded any year heretofore; whereas in the former wet States 1926 slightly exceeded the 1914 level, but did not quite reach the 1916–17 peak. The following table shows drunkenness in various large cities:

Arrests for drunkenness in large United States cities, 1921–1927, both inclusive

City	1921	1922	1923	1924	1925	1926	1927
Boston	30,987	37,643	38,988	59,536	37,944	38,882	38,794
Providence	3,779	4,330	5,127	4,819	4,192	4,169	4,124
New York	6,237	8,578	10,643	13,980	12,017	[1]12,330	[1] 11,997
Buffalo	8,347	8,655	12,181	11,135	10,174	11,590	[2] 8,929
Newark	1,252	1,198	2,541	2,477	2,615	[1] 4,437	[1] 3,388
Philadelphia	21,850	36,299	45,226	55,766	58,617	57,472	52,910
Pittsburgh	10,371	16,554	24,651	25,401	28,669	28,427	34,070
Wilmington, Del	498	577	797	1,003	1,011	1,207	1,274
Baltimore	3,258	4,955	6,235	6,029	5,687	5,755	5,475
Washington	6,375	8,368	8,128	10,354	11,160	13,715	13,812
Richmond	1,953	2,752	2,950	2,826	2,596	2,557	2,866
Wilmington, N. C	191	179	223	203	220	183	328
Charleston, S. C	512	584	592	732	775	1,192	951
Jacksonville	995	1,543	2,348	2,251	2,960	4,195	3,109
Atlanta	4,491	6,555	7,003	7,793	7,657	7,594	9,896
Birmingham	1,118	3,000	3,652	3,972	4,962	5,886	5,815
Vicksburg	63	106	137	105	321	405	374
New Orleans	7,079	12,511	10,173	12,788	14,171	13,678	13,976
Galveston	694	905	1,106	1,391	1,259	1,094	1,103
Little Rock	853	819	644	771	695	734	1,125
St. Louis	993	1,930	2,376	2,551	5,092	6,628	9,905
Louisville	2,495	2,018	3,812	4,748	5,229	4,866	5,425
Knoxville	----	2,753	----	4,456	3,862	3,691	4,181
Cleveland	5,156	16,817	18,814	19,271	23,393	11,532	10,350
Cincinnati	603	712	1,118	1,895	2,279	2,600	3,300
Chicago	49,762	64,853	75,800	86,092	92,888	92,960	85,290
Detroit	7,220	10,098	11,947	12,717	15,124	16,516	23,003
Minneapolis	5,243	7,268	7,289	7,676	7,435	6,857	6,224
Milwaukee	754	2,514	3,789	----	6,056	[1] 7,150	[1] 8,260
Omaha	3,821	5,242	4,817	4,480	5,142	4,759	4,788
Des Moines	1,949	2,333	4,489	3,032	2,395	2,110	1,939
Seattle	5,797	7,066	7,974	6,756	6,377	6,443	6,227
Portland, Oreg	2,904	3,761	3,099	3,922	3,613	[1] 3,922	[1] 4,137
Los Angeles	6,559	9,910	12,839	10,660	11,290	10,778	11,244
San Francisco	3,847	7,261	7,738	7,952	8,069	10,995	11,803
Salt Lake City	658	758	868	919	1,086	1,092	931

[1] New York, Newark, Milwaukee, and Portland: This includes arrests for drunkenness, alcoholic casualties, drunk and disorderly and operating vehicles while intoxicated.

[2] Buffalo: When persons are found intoxicated but not disorderly, the officer is directed to take them home instead of arresting them. This accounts for the great reduction.

General disrespect for law continues to increase, and the most outrageous and pitiful fact of all is that the morals of the youth of the land of both sexes are being undermined and impaired by the temptations and opportunities growing out of prohibition. Only a short time ago a social club was raided in Chicago and more than 100 boys and girls of little more than high-school age were found in a state of intoxication. This incident alone ought to be enough to shock the moral sensibilities of the Nation—at least the fathers and mothers—but it is only an extreme instance of what is becoming a more or less common occurrence.

One of the major reasons given by the proponents of prohibition was the protection of the morals of the young; they were never to know the taste of liquors of any kind, but in all the days of preprohibition I do not remember ever to have read of any such orgy among the young as the Chicago affair, and yet, as the press tells us from time to time, delinquency of the same sort is found at many places where youths congregate socially.

STATE RIGHTS AND LOCAL SELF-GOVERNMENT INVADED

The inroads which prohibition laws, enforcement, and malenforcement are making on local self-government are appalling and should be the concern of serious people who still retain an affection for our system of government and its traditions of civil liberty and the rights of individuals. To-day we find that prohibition regulations written by persons with no legislative mandate are rapidly supplanting the bill of rights; they are taking the place, too, of the common law which we inherited and of which we once boasted; the constitutional guaranty of security in the homes and of persons and papers is constantly

violated by unlawful searches and seizures. In most of the States the citizens are in double jeopardy if they violate the Volstead Act despite the Constitution; due process of law is no longer a sure constitutional protection against liberty or property; trial by injunction and padlock is supplanting trial by jury; in fact, trial by jury in prohibition cases is becoming negligible as compared with other procedures. In 1927 there were 31,717 convictions in criminal cases under the national prohibition act, and of these only 3,747 were trials by jury.

If no one is concerned about these encroachments upon our system of self-government, including the impairment of the rights of the States, they can not be expected to become aroused over the increasing toll of death from the poisonous decoctions now being sold under the names of various liquors.

POISON LIQUOR

On cross-examining Doctor Doran December 18 and 19, 1924, before the Senate Judiciary Committee, Senator JAMES A. REED, of Missouri, asked the following question:

Do you not think that it is a very wicked thing, when you know that 10 per cent of your products are getting out to the people, to put in poison or substances that are so subtle that people will drink them without knowing and destroy their health and life? Do you not think that it is about the nearest approach to murder that a man can commit? * * * You put the poison in it, and you know that 1 drop out of every 10 is going to be drunk by some human being * * *. You gentlemen are officers of the law, paid by the public, and you tell me that you take 60,000,000 gallons of alcohol and render it poisonous and of the 60,000,000 gallons, 6,000,000 gallons are going to be drunk by human beings, the effect being deleterious in some instances and poisonous in others. * * * Now, even if this unfortunate creature who drinks knows that he is getting it from a bootlegger, are not you after all doing something that can not be justified in morals or anything else? * * * I think you are poisoning the American people. I think it is wicked; I think it is infamous; I think it is damnable. And I want to know if there is not some way that you can enforce this prohibitory law without enforcing it by poison?

To which Doctor Doran replied:

Not under the present laws.

Mr. BLANTON. Will the gentleman yield?

Mr. LINTHICUM. I yield to the gentleman.

Mr. BLANTON. Is the gentleman from Maryland like the gentleman from Massachusetts [Mr. GALLIVAN]—one of his "wet" associates—in favor of supporting Doctor Doran in enforcing the law? I am asking the gentleman because the gentleman is the official "wet" leader here in the House.

Mr. LINTHICUM. I do not hesitate about answering the gentleman. I am in favor of Doctor Doran enforcing the law in a humane way. It is a part of the Constitution.

Mr. BLANTON. And the gentleman is going to support him in law enforcement, like the gentleman from Massachusetts said he was going to do?

Mr. LINTHICUM. I intend to support his appropriations in this bill because I want him to have every chance to enforce the law. Then when he does not do it, and when he can not do it, as I know, will the gentleman from Texas follow me in amending the law and modifying it so that we may have light wines and beer?

Mr. DEAL. Let him enforce the law legally.

Mr. LINTHICUM. Yes; I say so.

Mr. BLANTON. The reason the gentleman can not modify the law is because the gentleman is speaking to about 27 Congressmen here and practically all of them are dry. The gentleman can not make much headway, unless he can get in here his "wets" and talk to them.

Mr. LINTHICUM. Well, I will get the speech to the "wets." Perhaps I can talk to them in that way. They are already converted. What I need now is the cooperation of the so-called "drys."

Mr. LAGUARDIA. Will the gentleman yield?

Mr. LINTHICUM. Certainly.

Mr. LAGUARDIA. Of course, the gentleman knows that the meager appropriations in this bill can not even commence to enforce the prohibition law in the United States.

Mr. LINTHICUM. I think it was General Andrews who said it would take around $500,000,000 to enforce it in the gentleman's State alone, New York.

Mr. LAGUARDIA. And the gentleman and myself and every one of the so-called "wets" will vote for the $500,000,000 if they want that amount to attempt to enforce it.

Mr. LINTHICUM. Yes; give them every chance to enforce it so long as they do not bankrupt the United States Treasury, and when they find they can not enforce it let us have a modification of it by providing for light wines and beer and for the regulation of the sale of strong drink, like the Quebec plan, for instance.

Mr. BLANTON. But this position has been taken after the "wets" tried to knock out the appropriation in the bill at one time in support of the St. George Tucker amendment, which got but few votes.

Mr. LAGUARDIA. That is not so at all, and the gentleman knows it is not.

Mr. BLANTON. The gentleman himself may not have voted for it. I am talking about the position of the "wets" here. They tried to knock the appropriation out of the bill and they failed.

Mr. LAGUARDIA. The gentleman knows I did not do that.

Mr. BLANTON. I said the "wets." The gentleman is a "semidry."

Mr. DENISON. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. DENISON. As I understand the policy of my friend from Maryland and my friend from New York, it is this: Give the department all the money it wants to enforce the law and advise everybody to violate it.

Mr. LAGUARDIA. That is not so, and the gentleman knows it is not.

Mr. DENISON. Is not that the position of the gentleman?

Mr. LAGUARDIA. The gentleman knows very well that the gentleman from New York never made any such statement.

Mr. BLANTON. It takes two "wets" to answer the "dry" gentleman from Illinois.

Mr. LINTHICUM. Statistics for 1926, showing a startling increase in the death rate from alcoholism and from cirrhosis of the liver, a disease attributed to alcohol, have just been made public. Not only do they indicate the constantly increasing use of liquor under the Volstead Act, but they indicate an increasing one of poisoned liquor. The figures obtained from the United States Bureau of the Census show that in virtually every State, whether called "wet" or "dry," the death rate has been mounting, and that the highest rate in the United States was in the State of Wyoming, which has consistently voted "dry." This State was not in the reporting area when the law went into effect in 1920, but between 1922 and 1926, inclusive, its death rate from these causes had risen nearly 200 per cent and now stands at 8.9 per 100,000.

Between 1914 and the taking effect of the Volstead Act, January 17, 1920, there had been a steady decrease in the number of deaths from alcoholism until the rate then stood at 1 per 100,000. In 1926, the last available figures just made public, it had risen to 3.9 per 100,000, or practically four times greater. In 1920 the rate of deaths from cirrhosis of the liver was 6.2; in the figures for 1926, just made public, it was 7.5.

The seriousness of this subject was recognized by the conference of State health officers which met in Washington last May, and it was proposed that a commission of experts be named to study conditions from the standpoint of public health, but the United States Public Health Service, which is a bureau in the Treasury Department, which in turn is responsible for prohibition enforcement, opposed it and it was not adopted.

That the statistics of the Census Bureau are approximately correct—if any deviation, they are probably below the real figures—is shown by the report of the Metropolitan Life Insurance Co., giving the mortality from alcoholism among its policyholders as 4.1 per 100,000 for 1926, an increase from 3.2 in 1924. As probably four-fifths of the policyholders of the Metropolitan Life are among the industrial classes, this heavy increase in the death rate of workingmen insured in this company is another justification of the labor unions in advocating a modification of the Volstead Act so that the workingman can substitute healthful pure beer for the alcoholic beverages now sold under various designations which is increasing his death rate from alcohol poisoning and cirrhosis of the liver.

It is a serious count in the indictment against the Volstead Act when 11,700 persons die from these causes in one year.

NOT ADOPTED BY A MAJORITY

There is a widespread belief due to false and misleading propaganda that the eighteenth amendment and the Volstead Act were adopted and enacted by the will of the people. This is easily disproved by the record.

When the eighteenth amendment was declared ratified, there were but six States which were bone dry by popular vote—Arizona, Colorado, Montana, Oregon, Utah, and Washington having 4.2 per cent of the population. There were also six bone-dry States by act of the legislature, which is not always expressive of the will of the people. There were Florida, Georgia, Idaho, Kansas, Nebraska, and South Dakota, having 7.6 per cent of the total population. This total of 12 bone-dry States, with 11.8 per cent of the total population, all became bone dry after the beginning of the World War in 1914.

At the time of the ratification of the eighteenth amendment, there were 18 States with state-wide restrictions, but with

means of obtaining alcoholic beverages lawfully—Alabama, Arkansas, Indiana, Iowa, Maine, Michigan, Mississippi, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, having 32.5 per cent of the population.

The remaining 18 States had no state-wide "dry" law, and would therefore be classified as "wet" by extreme prohibitionists. I would prefer to call them free States. They were California, Connecticut, Delaware, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin, and Wyoming, having 55.7 per cent of the total population.

If the people of these 18 States with more than half the total population of the United States had wanted "bone-dry prohibition" they had the means at hand to enact a state-wide prohibition law, and the fact that they did not do so is the best evidence there is that they did not want it. Two of these last-named States—Connecticut and Rhode Island—have never ratified the eighteenth amendment, and two others—New York and Maryland—with two restricted States—Nevada and New Mexico—and one original bone-dry State—Montana—have no State enforcement acts to this day, be it said to their credit and not their shame, for they are thoroughly in accord with the Constitution of the United States and their own fundamental law which forbids double jeopardy, however the Federal Constitution may be construed by the Supreme Court upholding punishment by the State and Federal Government for the same offense.

There is good reason to believe that a change is taking place. The Anti-Saloon League sees it coming, and for that reason as well as to hold on to good jobs it is asking $2,000,000 a year for five years to educate the next generation. They fear that the coming generation may wipe the prohibition laws off the statutes.

So the league, if not the greatest of our three major political parties, is often the most successful in the matter of legislation, is organizing its new campaign, passing the hat to some, and levying its political assessments on others. It is asking a campaign fund annually twice as large as the Democratic National Committee spent in the last presidential compaign. However successful it may be in raising funds, it can never hope to equal the Republican National Committee.

The league is right in assuming that the coming generation of voters are growing more and more antagonistic to the Volstead Act and the conditions it creates. But the present generation is also undergoing a change of sentiment and among these are the law-abiding people, men and women who, in the belief that the eighteenth amendment and the Volstead Act would lessen crime and improve public morals and health, ardently supported them. These good people who for conscientious reasons are prohibitionists in practice and in urging respect for the prohibition law are undergoing a change of sentiment because they have seen the results to be the reverse of what they had hoped and expected.

VOLSTEADISM IMPOSED BY ANTI-SALOON LEAGUE

The prohibition laws were imposed upon the Nation by the Anti-Saloon League and its kindred organizations. Some of the methods by which this was done were revealed at the recent hearings of the special Senate committee investigating senatorial elections of which Senator JAMES A. REED, of Missouri, was chairman.

At that hearing Senator REED brought out the statement from Wayne B. Wheeler that the league had expended the enormous sum of $35,000,000 in its efforts to secure the passage and ratification of the eighteenth amendment and the passage of the Volstead Act; that in the three years prior to the adoption of national prohibition the league had spent at the rate of $2,500,000 a year. These expenditures make the sum spent by Smith and VARE in the elections then under investigation and the amount spent by Newberry in 1918 seem insignificant. The Senate has condemned the expenditures in the Newberry and Smith cases as "contrary to sound policy, harmful to the dignity and honor of the Senate, and dangerous to the perpetuity of free government."

The comparison is obvious: The expenditures of the Anti-Saloon League have been contrary to sound public policy, harmful to the honor and dignity of the Nation; harmful alike to public health and public morality, to official honesty, to the unalienable rights of citizens, and dangerous to the perpetuity of free government.

But the expenditures of enormous sums of money constitute only one of the major offenses of the league in political campaigns. For a long time it made no report of its expenditures under the national publicity act, and when it was compelled to render a report it rendered only a partial one, saying:

> We respectfully protest that there is no obligation on the part of the Anti-Saloon League of America to make this report as its activities are of an educational, scientific, and charitable character, rather than a political one. We, therefore, while protesting, refer only to the contributions made by our national organization for the election of Members of Congress.

Not only by persuasion, which the league had a right to use, has it sought to gain its political ends. It has threatened and bullied politicians and candidates in campaigns, and by the same methods has undertaken to bend State and National legislators to its will. It has at times supported a candidate in the primaries and opposed him in the general election, and its spokesman testified he saw no ethical delinquency in that.

Testimony before the Reed committee also revealed the fact that the league has sought to control the appointments of prohibition high officials and enforcement agents by the usual methods of recommending them, which under its well-known method of operation meant trouble for the appointing power if the recommendation were not heeded. It has at some periods been the general understanding that only men who had the indorsement of the league could get a job in the old Prohibition Unit, and when one of the high officials of that unit had signally failed to enforce the law through the objectionable methods then employed, the league made a persistent and determined fight to keep this pet of the organization in his job.

From beginning to end the operations of the league have been political, and it has frequently employed methods that have long since been discarded by professional politicians other than the old school who operated on the motto of "the end justified the means."

As collateral evidence, let me quote from a recent editorial in the New York Times:

> The evil fruits of enforcement have turned into enemies multitudes of men and women who at first and for long were resolved to support the law because it is the law. Reluctantly they have had to yield to what has become an overpowering weight of evidence. They see a social and moral recklessness or decadence among many of the young. They see old crime undiminished and the Volstead Act a fertile source of new. They see, besides the little delicacies of spying, informing, violence, and unlawful search and seizure, futility mingled with corruption in the enforcement service.

The time is at hand when some action must be taken. We should look at the question as patriotic American citizens and not assume the attitude of fanatics.

No law which has not the moral support of the people can long endure much less be enforced. As I have said you can not legislate people's morals any more than you can perform other miracles. [Applause.]

Mr. BYRNS. Mr. Chairman, I yield five minutes to the gentleman from Florida [Mr. YON].

Mr. YON. Mr. Chairman and gentlemen of the House, I was greatly impressed by the actions of the House Thursday, the 9th of February, and although you have in the past talked and voted as if Florida was an outlaw State on account of our constitutional provisions relating to inheritance and income taxes, when you voted and kept the 80 per cent credit clause in the internal revenue act so as to coerce my State, if possible, to repeal her constitution, and also after this, during a discussion of this floor by the able and splendid Member from Mississippi [Mr. LOWREY] on January 17, in which he took a dig at Florida, in which he referred to an argument between the Member from west Texas [Mr. HUDSPETH] and the gentleman from Florida [Mr. GREEN], in which he said these gentlemen got into an argument about which would be the best place to go when a man had made his fortune and was through and ready to die, and in stating his preference the gentleman from Mississippi said that if he died in either place it made little difference, because in either place the change would be so great and glorious if he went to heaven that he had come all the way from Florida or Texas, and if he died and went to the wrong place the contrast would be so slight that it would not hurt much, and admitted Texas was a great State, which I admit, but he did not even then admit Florida to be a great State; and with all of this added to your former action in the revenue act, I had come to feel that you were disposed to treat us roughly, but though after your action of agreeing to amendment of my colleague from Florida [Mr. SEARS] in giving to Miami the amount due her out of the recent military appropriation bill and the splendid spirit shown to a community that had undergone a series of misfortunes, the latest a series of bank disturbances,

caused by the circulation of a damaging falsehood. I am aware that this money is due Miami, but not all due as per contract with Government at this time, but they need it now, and, as I said at the outset, I appreciate this on behalf of the people of my State; and with all the backsets, Florida as a whole and Miami in particular both are all right, and with the sentiment as expressed in the following editorial from the Washington Post of last week that I read, as follows:

Since early in 1926, when the Florida boom burst with a resounding thud, its banks have been steering a cautious and conservative course. In most quarters it is believed that financial conditions in Florida now are thoroughly satisfactory and that the present flare up in which three banks have been taken over by the State comptroller and another has experienced an incipient run is not of particular significance. Trouble apparently was stirred up by an anonymous individual who, under the signature "Hiram," circulated letters counseling withdrawal of deposits. Investigation of the source of these letters is under way, but as yet the writer has not been identified.

The banks involved are the Southern Bank & Trust Co., taken over by the State comptroller at the request of its officers, and against which the anonymous letters were directed; the Citizens Bank of Miami, and the Bank of Allapattah, taken over to prevent them from being subjected to an unnecessary strain because of the possibility that a run would develop and not because either was unsafe in its present condition. The run developed against the First National Bank of Miami after the other banks had been taken over. The latter institution was able to meet all demands for payment.

In every quarter it is agreed that as soon as public confidence is restored the critical period will have passed. Florida banks have on call in New York millions of dollars. They have taken to heart the lessons learned in the boom period and have been leaning backward during the past year or so in the matter of loans. Fundamentally Florida stands to-day more sound than ever before. The State is destined to play an important rôle in the future not only as a national playground but also as the truck garden of the eastern seaboard.

In the meantime no effort should be spared in running to earth the individual responsible for the poison-pen letters. With banking so dependent upon public confidence, the person who willfully sets out to destroy confidence perpetrates an atrocious commercial crime.

Throughout the country, in the minds of the people, the country will recognize Florida's true significance in the destiny of the Nation, and again I certainly thank you for your splendid spirit shown my colleague and also my State. [Applause.]

Mr. BYRNS. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, I want to talk for a little while about a very ancient subject, and I am not going to undertake discussion of it in any controversial or in a particularly partisan spirit. The matter, by reason of legislative development, has reached the stage where it is apparent, to my mind, that it is constantly becoming a matter of acute concern to the people of this country. That is the question of the revision of the tariff.

When this Congress convened it was given out and generally expected that there would be some items of major legislation in the program of Congress—flood control, farm relief, Boulder Dam, Muscle Shoals, consolidated railroad systems, and a few other matters of outstanding importance—but the question of a revision of the tariff system of our country was not particularly mentioned as one of the things that would be expected to be the subject of legislation in this long session of Congress.

But it is apparent, to my mind, from reading the debates in the Senate of the United States and the House of Representatives, in seeking a solution for some of the other problems that we have in mind—that of farm relief and unemployment—that the question of tariff has been constantly pushed forward as a matter of grave consideration.

Not very long ago in the Senate of the United States a resolution on this question was introduced—and, mark you, gentlemen, it was not sponsored by a Democratic organization of that body nor by a group of Democrats in that body, but, significantly, was offered by a representative in another branch of Congress of a sovereign State, who at least nominally is a Republican in good standing.

After long and thorough, painstaking debate upon the importance of that question as it now affects agriculture, industry, and commerce, not sectionally but the entire country, a resolution was adopted speaking the sentiment of a very large majority of the representatives of the people in the other legislative branch of the Government in this language:

Resolved, That many of the rates in existing tariff schedules are excessive, and that the Senate favors an immediate revision downward of such excessive rates, establishing a closer parity between agriculture and industry, believing it will result to the general benefit of all.

Resolved further, That such tariff revision should be considered and enacted during the present session of Congress; and

Resolved further, That a copy of this resolution be transmitted to the House of Representatives.

Recognizing the constitutional limitations upon the powers of that body to originate revenue legislation, it concluded with the further resolution—

That a copy of this resolution be transmitted to the House of Representatives.

What is the real significance of that proposal? Is it a matter that the Congress of the United States can treat lightly? Is a matter that must be lightly pushed aside by we men who are here in both branches of our Government seeking, if we can find it, some safe and sane solution for the depressed condition of our agricultural affairs in America? Shall we say that that is a mere gesture and that it means nothing? Bear in mind that not only the Democrats in the other body voted for that resolution but that some 14 representatives of the great western group of States—Messrs. BORAH, BROOKHART, CAPPER, SHIPSTEAD, NORRIS, HOWELL, FRAZIER, NYE, NORBECK, MCMASTER, LA FOLLETTE, BLAINE, and PINE voted for the resolution. Did they mean anything by their votes?

Were they conscious of the necessities of their people for agricultural relief? Did they, contrary to the traditional policy of their party, recognize the importance of some action of that sort being taken, to the extent that they so voted, reflecting, as they no doubt did, what, in their judgment, is best for the interest of the great States and sections that they represented—that there should be a revision downward of some of the excessive rates, and by implication ask the House of Representatives to take some action upon it? Let us see what their Republican colleagues on the floor of this House did on that proposition. From the State of Idaho we find that Messrs. SMITH and FRENCH voted against the resolution. From the State of Iowa we find that Messrs. GREEN, DICKINSON, KOPP, LETTS, ROBINSON, HAUGEN, COLE, RAMSEYER, DOWELL, and THURSTON voted against it. I was particularly surprised that the one-time so-called leader of the farm bloc in this House, the gentleman from Iowa [Mr. DICKINSON], when this opportunity was presented to him to express the views of his people on the question, if they were properly interpreted in the other body, voted against the only proposal which made it possible at this session of Congress to go into this question of undertaking to find some relief for agriculture through reducing downward the excessive industrial schedules of the present law. I have heard the gentleman from Iowa [Mr. DICKINSON] stand here time after time warning his Republican associates from the East and from New England that unless they gave relief in the nature of the McNary-Haugen bill his Republican associates from his section of the country would see to it that the high-protective tariff wall should be torn down to some extent and give relief to agriculture in that way. From the State of Kansas we find that Messrs. GUYER, SPROUL, HOCH, STRONG, and WHITE voted against the resolution, although a distinguished representative of that great State in another body, who is supposed to be one of the spokesmen of the agricultural interests of the West, said by his vote that he thought this to be an imperative proposition at this session of Congress.

From Minnesota we find that Messrs. FURLOW, ANDRESEN, MAAS, NEWTON, KNUTSON, and SELVIG voted against the resolution. Then we find that Messrs. SEARS and SIMMONS from the State of Nebraska, which is the State of one of the greatest intellects in the Senate of the United States, in my opinion, voted against it. In the State of North Dakota we find that Messrs. BURTNESS and HALL, and in South Dakota Mr. WILLIAMSON, and in Wisconsin Mr. COOPER, and in Oklahoma Mr. GARBER voted against the resolution. My concern is to know which group of representative thought in the Congress of the United States really represents the interest of agriculture on this question of tariff revision, the Representatives on this floor or those who represent the sovereignty of their people in another body. Which is reflecting the real views of their constituents on this vital problem?

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. DENISON. What does the gentleman from Alabama think on the question of whether as a general rule the Members of this body from a particular State represent the views of the people of that State about as well as the representatives of that State in the Senate?

Mr. BANKHEAD. In reply to the gentleman's question I would say that naturally I am inclined to think that probably we in this body better represent those views.

Mr. DENISON. I think the gentleman is right about that.

Mr. BANKHEAD. At least we hope so; but, as I say, it presents to an inquiring mind an interesting political dilemma—as to whether our colleagues here under the Republican flag represent the real views of their agricultural constituents upon this question, or do those in another body represent them?

The gentleman from New York [Mr. CROWTHER] made a speech here a few days ago in which he said that industry was depressed in his section of the country because the tariff rates are not high enough to protect some of the industries located in that section, upon which the prosperity of that people depended.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BYRNS. Mr. Chairman, I yield the gentleman five minutes more.

Mr. BANKHEAD. So that we find a representative of that particular school of thought, and I pay the compliment to Mr. CROWTHER to say that he is always sincere and that he never makes any apologies for his high-protection views—we find a representative of a great industrial State in the East solemnly proclaiming to the country that we need a revision upward of the tariff schedules as they affect industry, and he says that we ought to have them, but that we ought not to have them now because that group of thought has not an actual majority in both branches of the Congress, and that he and his group are not willing to take any chances upon it until they are absolutely assured by some new elections that they hold the legislative reins and can impose their will and view upon these questions upon the people of the United States.

On the contrary, gentlemen, we find representatives of a great group of agriculturalists saying that agriculture and its interests are prostrated and suffering and in peril because of the inequality of these tariff rates. The rates are too high for the things that they have to buy. Therefore they are not upon terms of equality with other people in the country.

Gentlemen, this question, in my mind, although as I said it was not on the program here of the activities to be carried out by this Congress, and although by your action the other day in refusing even to give the Committee on Ways and Means a tacit instruction to consider this question—my opinion, because of the very factors I have enumerated here, is that the question of tariff revision is and will be in my opinion in the coming congressional and national election one of the paramount issues of this campaign. There are so many conflicting views upon it from our friends on the Republican side that we do not know where they stand on it. It is illustrated by a story related of Senator Taylor of Tennessee in one of his campaigns. Perhaps some questions of fact are involved, but the story illustrates what I am speaking about. It was during a heated controversy over the free-silver question. There were wide differences of opinion on that question in Tennessee. The story runs that Senator Taylor, who was a candidate for office at that time and making a campaign, was going to speak in a section of east Tennessee where he was not quite sure of the sentiment of the people on the silver question, and he naturally thought he would side-step a little on that question.

At any rate, while he was holding forth on other questions an old fellow sitting on the back benches said, "Well, Senator, we would like to hear from you on the money question. What do you think of it?" The Senator talked of other questions, meanwhile thinking of what he might say in answer to the old man, and presently the old fellow interrupted him again and said, "Senator, how do you stand on it?" Finally the Senator said, "My friend has asked me a frank question and is entitled to a frank answer. He asks me how I stand on the money question, and I am going to tell him very frankly. I believe," he said, "in the gold standard. I also believe in the free and unlimited coinage of silver at the rate of 16 to 1 without the consent of any other nation on earth. I also believe in a very liberal use of greenback currency, and a right smart little sprinkling of counterfeits." [Laughter.]

On this question of the tariff, as reflected by the views and attitudes and votes of Members who are supposed to represent the Republican faith on this question, never in my experience have I seen so many counterfeit views on the tariff question as have been brought forth at this session. [Applause.]

The truth of the matter is that if the Republicans in this House from the agricultural West would join with the Democrats in an earnest and determined effort, we could revise the tariff at this session in such fashion that the "excessive" tariff schedules mentioned in the McMaster Senate resolution could be revised downward, and where additional protection is justified on farm products, that also could likely be secured.

On this suggestion I call the attention of you Republican farm-section Representatives to the bill recently introduced by Hon. WILLIAM A. AYRES, Democrat, of Kansas—H. R. 10758. He proposes a reduced tariff on a great many articles of necessity which the farmer has to buy, the rates upon which are now "excessive," and also proposes to raise the tariff on many products and by-products of the farm, which many of you claim should be raised to protect properly American agriculture, such as cattle, sheep, swine, meats, hides, milk, butter, eggs, poultry, corn, oats, wheat, rice, onions, and potatoes.

If you Republican Members from the West would get up enough courage to demand of your Ways and Means Committee consideration of and action upon the Ayres bill as a basis of tariff revision you could get it. But if you merely continue to make idle threats and allow the eastern manufacturers to dominate the situation, you will go nowhere and get nothing.

In the meantime your people back home will bear the burden and "pay the freight." Possibly they deserve that penalty for continuing to send here Representatives who talk one way and vote another.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. THATCHER. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. DENISON].

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes.

Mr. DENISON. Mr. Chairman, while the gentleman from Tennessee [Mr. BYRNS] was discussing the question of economy this afternoon he made the statement that the purchase of the Cape Cod Canal was hardly in harmony with the policy of economy which has been proclaimed by the present administration, and during that statement he and I engaged in a little colloquy on the question of who purchased the Cape Cod Canal.

I have looked the matter up—the gentleman from Tennessee and I have done so together—and I find that this matter of the purchase of the Cape Cod Canal first came up in April in the year 1917, when the Senator from Delaware, Mr. Saulsbury, in charge of the naval appropriations bill, inserted a provision in the bill authorizing negotiations for the purchase of the Cape Cod Canal. The Secretary of War, Mr. Baker, addressed a letter to Senator Saulsbury, in which he said that it would be agreeable to the administration to insert an amendment in the naval appropriation bill looking to the purchase of the Cape Cod Canal, and following that the appropriation bill was passed, and there was inserted in it this provision:

> Waterway connecting Buzzards Bay and Cape Cod, Mass.: The Secretary of War, the Secretary of the Navy, and the Secretary of Commerce are hereby authorized to examine and appraise the value of the works and franchises of the Cape Cod Canal, Mass., connecting Buzzards and Cape Cod Bays, with reference to the advisability of the purchase of said canal by the United States and the construction over the route of the said canal of a free waterway, with or without a guard lock, and having a depth and capacity sufficient to accommodate the navigation interests that are affected thereby. This investigation shall be conducted under the direction of the Secretary of War and the supervision of the Chief of Engineers in the usual manner provided by law for making preliminary examinations and surveys, except that the Secretary of War shall call upon the Secretary of the Navy and the Secretary of Commerce for such data and evidence as these Secretaries may wish to have incorporated in the report of survey, and, further, that the final report of the investigation, with its conclusions upon probable cost and commercial advantages, and military and naval uses of the said canal, shall be submitted to the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce for their action before it is transmitted to Congress.
>
> If the said Secretaries are all in favor of the acquisition of the said canal the Secretary of War is hereby further authorized to enter into negotiations for its purchase, including all property, franchises, and appurtenances used or acquired for use in connection therewith or appertaining thereto; and he is further authorized, if in the judgment of the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce, that the price for such canal is reasonable and satisfactory, to make contracts for the purchase of the same, at the option of the United States, subject to future ratification and appropriation by the Congress; or, in the event of the inability of the Secretary of War to make a satisfactory contract for the voluntary purchase of said Cape Cod Canal and its appurtenances, he is hereby authorized and directed, through the Attorney General, to institute and carry to completion proceedings for the condemnation of said canal and its appurtenances, the acceptance of the award in said proceedings to be subject to the future ratification and appropriation by Congress. Such condemnation proceedings shall be instituted and conducted in, and jurisdiction of said proceedings is hereby given to, the District Court of the United States for the District of Massachusetts, substantially as provided in "An act to authorize condemnation of land sites for public buildings, and for other

purposes," approved August 1, 1888; and the sum of $5,000 is hereby appropriated to pay the necessary costs thereof and expenses in connection therewith. The Secretary of War is further authorized and directed to report the proceedings hereunder to Congress, $5,000.

Mr. BYRNS. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. BYRNS. The gentleman stated that that item appeared in an appropriation bill, and authorized the Secretary of War and his colleagues in the Cabinet to make an investigation and a contract, but their action was not to be final. They only had authority to report to Congress, and it was necessary for Congress to pass a ratification bill in order to make any purchase agreed upon valid.

Mr. DENISON. Certainly. They could not pay the money or close the deal until their action was ratified by Congress.

Mr. BYRNS. Therefore it was not an authorization so far as any appropriation was concerned, but simply an authorization to make an investigation.

Mr. DENISON. Yes. I think the difference between the gentleman from Tennessee and myself grew out of the interpretation of the word "authorization." I was talking about the authorization of the purchase, and the gentleman from Tennessee evidently had in mind the authorization of the appropriation. Of course, anyone can see that it was the authorization of the purchase of the Cape Cod Canal rather than the authorization of the appropriation to pay for it that is most pertinent to our discussion of the subject of economy. After Congress has authorized the purchase of the property, all of us would agree that we should appropriate the money to pay for it. And the fact is that the former Democratic administration and Democratic Congress authorized the purchase of the Cape Cod Canal.

Mr. BYRNS. But this did not authorize the purchase except upon *ratification* by Congress.

Mr. DENISON. I have to differ with my friend, because that language is very plain. It authorized the Secretaries to enter into a contract for the purchase of the canal.

Mr. MADDEN. It not only authorized the purchase but it also authorized the entering of suit. Such a suit was entered and a judgment was rendered for $16,000,000. When Mr. Baker went out of office the certificate for the payment of the $16,000,000 was lying on the desk of the Attorney General, and I persuaded him not to sign it, and we finally settled the thing for $11,500,000.

Mr. BYRNS. The point I make is that it was not an authorization to purchase except upon ratification by Congress. The Secretary of War was not given the right to purchase and, as a matter of fact, he disapproved it.

Mr. DENISON. Of course, the Secretary of War did not have the money with which to make the purchase. He had to bring it back here and have the appropriation authorized by Congress. But this language is plain. Congress authorized the Secretaries to enter into negotiations and make a contract for the purchase of the canal, and if they could not make a satisfactory contract to purchase it they were directed to use the Attorney General in the condemnation of the property and bring back the award to Congress for its final approval. Following that Secretary Baker addressed a letter to Congress, under date of February 5, 1919, in which he advises Congress of his negotiations. He tells about entering into these negotiations for the purchase of the canal and says:

> In compliance with a further requirement of the act these reports have been given very careful consideration by myself and associates, the Secretary of the Navy and the Secretary of Commerce. After mature study of the data presented in the reports and further extended inquiry into the questions of costs and values we reached the conclusion that it was desirable for the Government to buy the canal and that $8,250,000 was a fair and reasonable price to pay for it. I then entered into negotiations with the owners of the canal with a view to contracting for its purchase and offered them the sum of $8,250,000, which offer they declined to accept. Convinced of my inability to make a satisfactory contract to purchase, I have asked the Attorney General to institute proceedings to condemn the canal and its appurtenances as provided in the act.

Following that Secretary Baker instructed the Attorney General to enter upon condemnation proceedings. The Attorney General entered condemnation proceedings in the United States court in Massachusetts. They had a long trial and the jury, I think, awarded $16,000,000, or something like that.

Mr. MADDEN. Sixteen million dollars.

Mr. DENISON. Sixteen million dollars for the canal. It was claimed that there was some error made in the admission of evidence of some kind and the case had to be taken to the court of appeals, and I think that court reversed the judgment of the lower court, not on account of the amount of the award but on account of the admission of some kind of evidence.

At any rate, the negotiations were still pending when the administration changed hands. Then the Secretary of Commerce, the Secretary of the Navy, and the Secretary of War of the new administration took up the negotiations where the Democratic administration had left off and finally succeeded in making a contract to purchase the canal for $11,500,000, which was something like $4,500,000 less than the jury had awarded as damages for the taking of the canal. That contract, made in pursuance of this direction from Congress under a preceding Democratic administration, was reported back to Congress by the Secretary of War, Mr. Weeks. It was pending in Congress for several years. We passed the bill in the House and it went to the Senate, but it failed of passage there because of some sort of a filibuster or for some other reason. Finally the ratification of the contract of purchase was included in the river and harbor bill which Congress passed in 1927 and became a law.

Mr. BYRNS. In order to keep the record straight, the contract was made for $11,500,000?

Mr. DENISON. Yes.

Mr. BYRNS. That was entered into on July 21, 1921.

Mr. DENISON. Yes; the national administration having changed hands.

Mr. BYRNS. That was $3,000,000 more than Secretary Baker said it was worth, was it not?

Mr. DENISON. Yes.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. DENISON. But later Secretary Baker, on May 28, 1919, addressed a letter to Congress, which I will take the liberty of inserting in the RECORD, because I will not have the time to read it.

In that letter he simply reported to the Congress the proceedings he had taken in trying to carry out the instruction of the Congress. He recites that he tried to purchase it but could not do so for what he thought was a reasonable price. Then he recites that they entered into condemnation proceedings, and finally he advises the Congress that he thought if he were authorized to do so and was given the money he could buy it for $10,000,000. He said he thought he could make them agree to those terms. He says:

> Upon further careful consideration, I am of the opinion that the canal can be acquired for not exceeding $10,000,000, and that it will be sufficient to appropriate this sum. In order that I may be authorized to take immediate possession of the property without waiting for the conclusion of the pending suit in condemnation, I have the honor to recommend that legislation substantially as follows be enacted.

In other words, he recommended that without waiting further, if he were given $10,000,000 and the authority to go ahead and close the contract of purchase, he felt he could do it for that amount. Congress did not do that, but he recommended that he be given $10,000,000 at that time. Several years later Congress ratified the contract which provided for $11,500,000 for the purchase of this canal.

I did not intend to get into this subject but I merely wanted to keep the record straight. The whole proceedings for the purchase of the Cape Cod Canal were begun in 1917 under the former Democratic administration. The Secretary of War, the Secretary of Commerce, and the Secretary of the Navy under Mr. Wilson's administration did consider this thing and recommended that the canal be purchased. Proceedings were undertaken to carry that out, and a Democratic Congress authorized it to be done. It instructed them to do it and report back, and the Republicans simply took up the matter where the Democrats had left off and completed what the Democrats did not have time to complete before the people decided the Government ought to be put in other hands.

Mr. BANKHEAD. The only difference being that if Mr. Baker's proposition had been accepted there would have been a saving of $1,500,000.

Mr. MADDEN. When the judgment was rendered by the court, under Mr. Palmer's administration, there were no witnesses put on the stand to testify on behalf of the Government, but on the other side of the case Belmont and his friends, who owned the canal, put on George W. Goethals and others to testify as to the value of the property, and the judgment rendered amounted to $16,000,000.

Mr. DENISON. In that connection I want to say to my friend from Alabama that when we finally agreed to pay $11,500,000 for the canal there was included in its provisions

the settlement of claims against the Government amounting to millions of dollars, which resulted from the use and occupation of the canal by the Government during the war. That amount included a lot of damage to the canal resulting from collisions, and so forth, which happened during Federal control. The Government had never compensated the owners of the canal for its use during the period of Federal control. The canal company's claims for compensation for the use of the canal during Federal control, and their other large claims for damages to the canal, were all included in the contract of settlement for $11,500,000. So that while we nominally paid $11,500,000 for the property, that amount of $11,500,000 included the settlement of these millions of dollars worth of claims against the Government accruing under the railroad administration.

I merely wanted to make that statement in the interest of fairness to all the departments of the Government.

Mr. McSWAIN. Will the gentleman yield?

Mr. DENISON. I yield to the gentleman.

Mr. McSWAIN. Does not the whole thing finally narrow itself down to this conclusion? When the Government institutes proceedings to condemn property, it not only should be very careful to put an abundance of witnesses on the stand as to value but it should be very particular in its selection of the jurors. [Laughter.]

Mr. DENISON. Of course, that is true in all kinds of condemnation suits.

But a great many Members of the House, gentlemen, voted for final ratification of this contract and the purchase of this canal because they believed that this prior action of Congress morally committed the Government to the purchase of the canal and that we, in good faith, ought to carry out our obligations.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BLANTON. Will the gentleman in charge of the bill yield the gentleman from Illinois one-half minute? I would like to ask the gentleman a question.

Mr. MADDEN. I yield the gentleman one-half minute.

Mr. BLANTON. I want to ask the gentleman this question: Since Secretary Baker made his report on this canal, the distinguished Senator from Nebraska [Mr. HOWELL] put in the CONGRESSIONAL RECORD a list of all the big stockholders of this company who would be benefited by this act, and did not that change the situation somewhat?

Mr. DENISON. I confess I did not see that and I do not know.

Mr. BLANTON. The gentleman ought to read that list.

Mr. DENISON. I would like to, I am sure.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD and in connection therewith to put in the names of the owners of stock who benefited by the purchase of the Cape Cod Canal.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

Mr. DENISON. I will object to that.

Mr. BLANTON. Just the names of those who benefited.

Mr. DENISON. I do not object to the gentleman putting in anything he wants, but I do not want it inserted in my remarks.

Mr. BLANTON. I mean for it to be inserted at the end of the gentleman's speech.

Mr. DENISON. I do not object to the gentleman inserting anything he wishes, but not in my remarks.

Mr. CHINDBLOM. That was a part of the speech.

Mr. BLANTON. It was a part of my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, as per leave granted me, I insert here the names of the stockholders of the Cape Cod Canal Co., who profited by this sale to the Government, such list having been placed in the RECORD by the distinguished Senator from Nebraska [Mr. HOWELL] on December 21, 1926, and is quoted from page 845 of the RECORD, to wit:

August Belmont Estate, 45 Cedar Street, New York.
August Belmont & Co., 45 Cedar Street, New York.
Estate of Levi P. Morton, 32 Liberty Street, New York.
Mrs. Mary W. Harriman, 39 Broadway, New York.
Estate of Morton F. Plant, 45 Wall Street, New York.
Thomas F. Ryan, 140 Broadway, New York.
M. S. Wallach, 52 William Street, New York.
Estate of Edwin Hawley, 25 Broad Street, New York.
N. M. Rothschild & Sons, London, England.
William Goadby Loew, 2 Wall Street, New York.
F. B. Keech, 7 Wall Street, New York.
William Barclay Parsons, 84 Pine Street, New York.
Union Trust Co., depository for A. P. C. Trust E., 538, 80 Broadway, New York.
F. D. Underwood, 50 Broad Street, New York.
H. P. Wilson, 50 Broad Street, New York.
I. C. McKeever, 7 Wall Street, New York.
Estate of Andrew Freedman, 140 Broadway, New York.
Primus E. Godridge, 16 Wall Street, New York.
W. P. Wainwright, 7 Wall Street, New York.
Samuel Untermyer, 120 Broadway, New York (p. 58, hearings before subcommittee of Senate Committee, 68th Cong., on H. R. 3933, January 14, 1925, pt. 2).

Mr. BYRNS. Mr. Chairman, I yield myself five minutes.

There does not seem to be any particular or very wide difference between the gentleman from Illinois [Mr. DENISON] and myself. My chief point with reference to the Cape Cod Canal was that this stock was unprofitable to those who owned it and absolutely unsalable to anybody except the Government, which paid $11,500,000 for it; and it was freely stated on the floor that in order to put the Cape Cod Canal in condition to operate there would be required many million dollars more; in fact, I recall one distinguished gentleman who made the statement that it would cost between $25,000,000 and $30,000,000.

Mr. MADDEN. To rehabilitate it.

Mr. BYRNS. Yes; and including the purchase price, of course.

Mr. MADDEN. Oh, I think there is no doubt about that.

Mr. BYRNS. The gentleman has just confirmed my statement, and he is the gentleman to whom I referred.

No one questions that the point I was endeavoring to make was that this stock was entirely unprofitable to those who owned it and absolutely unsalable to anyone except the Government of the United States. So far as these other facts are concerned, the gentleman from Illinois and I have looked the matter up since the remarks were made and find that on August 8, 1917, there was an act passed by the Congress—which was a Democratic Congress and under a Democratic administration—directing or authorizing the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce to make investigations and if they could get proper terms to purchase the Cape Cod Canal, subject, of course, to final ratification and approval by Congress.

Mr. MADDEN. That is true.

Mr. BYRNS. They were not given any authority to make the purchase, and Congress did not give them the jurisdiction or authority to purchase it.

Now, the gentleman from Illinois [Mr. DENISON] has just shown that they were unable to agree and that Secretary of War Baker reported that in his judgment a proper price was $8,500,000. They refused to accept it. Then, proceeding under the act to which I have referred, he asked the Attorney General to institute condemnation proceedings. These proceedings were had and the jury findings, as stated, were about $16,000,000. I assume that figure is correct.

Mr. DENISON. Yes.

Mr. BYRNS. Of course, that was not approved by Congress. Then the matter rocked along until July 21, 1921, when the Secretary of War, Mr. Weeks, of Massachusetts, entered into a contract with the Cape Cod Canal stockholders by which he agreed to give $11,500,000, an increase of $3,000,000 over the amount which Secretary of War Baker thought the stock was properly worth. Of course, Secretary of War Weeks did not make the purchase, because, as I have just said, the act did not authorize him to purchase it, but he entered into that contract.

It was not until January 21, 1927, one year ago, that Congress took action by an amendment on the rivers and harbors bill and authorized an appropriation to be made to pay the stockholders $11,500,000, and later on, as I recall, a deficiency bill carried, I think, $6,000,000 by way of an appropriation.

Mr. MADDEN. Five million five hundred thousand dollars. There was $6,000,000 worth of bonds.

Mr. BYRNS. As I have shown, I was absolutely correct in my statement that the authorization act which completed the purchase was enacted within the last two years.

Mr. DENISON. And that was to keep faith with what our Democratic predecessors had done.

Mr. BYRNS. No; because the Democratic Secretary of War said that the property was worth $8,500,000, and according to the gentleman's own statement, in the letter which he says he is going to insert, the Secretary of War stated he thought he could purchase it for $10,000,000; but a contract was made in 1921 under a Republican administratiaon to pay $11,500,000.

Mr. DENISON. Yes; but my friend must remember that that $11,500,000 included the settlement of claims amounting to several million dollars more.

Mr. MADDEN. Mr. Chairman, I will take about two minutes to explain what I know about this. In the first place, August P. Belmont, treasurer of the National Democratic Committee, from New York, owned what was known as the Cape Cod Canal. I do not know how the negotiations for the sale and purchase began, but they did begin, and the case went to the courts. Mr. Palmer was the Attorney General of the United States at the time. He failed to call witnesses to testify as to the value of the canal for the Government. On the other hand, the Belmont interests did call witnesses, among whom was George W. Goethals, now dead, to testify, and they testified as to the value of the canal, including the 3,000 acres around the canal.

Judgment was rendered as a result for $16,000,000. When Mr. Baker and Mr. Palmer went out of office there was a certificate for the payment of $16,000,000 under the judgment on the desk of the incoming Attorney General waiting for his signature. He came and asked if I knew anything about it. I told him all I knew about it, as I am telling you now. I thought it was not advisable to sign the certificate, because I thought it was an excessive price to pay.

I may say now what I said then, that if the Government bought the canal it would undoubtedly have to spend $25,000,000 more to make it a canal. I say that again.

The incoming Attorney General did not sign the certificate. I think he was being pressed to do so and so was the President. They came to me about it, and asked as to the advisability, and I said, "If you have any doubt about the propriety of the payment of this certificate, tell those people that you can not get by me with it in its present form." They did not press it after that.

I think the case was taken out of court a little later, and further legislation was had on the subject. But the final outcome was that $11,500,000, including the bonds that rested on the property, was to be paid, and we did appropriate $5,500,000 to meet the obligations, aside from the bonds. There was an effort made to appropriate for the bonds, but the Committee on Appropriations refused to do that because the law distinctly says that you can not pay the bonds until after six months notice, nor can you give notice until six months after the title passes, and I do not know that the title has passed yet.

I want to say one thing more, and that is that if we had listened to the importunities of those who were anxious to have payment made, we would have paid $1,500,000 more than has been paid on the accumulated interest which we refused. The gentleman from Tennessee [Mr. BYRNS] and myself were always on guard, and there was not any danger of a thing of that kind getting by us when we were awake, and we were not often asleep. [Laughter and applause.]

Mr. BYRNS. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman, I do not intend to take up much time. My real purpose is to ask permission to revise and extend my remarks in regard to a trip I made through Mexico and Guatemala and my observations of agricultural and other conditions. I want to suggest in regard to clarifying the point that seems to me in dispute here, that some gentleman who can secure the information tell us what revenue the Cape Cod Canal has produced within the last 10 years?

Mr. BYRNS. I do not think there has been any.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Chairman, some years ago Tomas Garrido, Governor of the State of Tabasco, Mexico, invited Walter Parker, then general manager of the New Orleans Association of Commerce, to select a committee of gentlemen to visit his State to investigate its resources and carry back their observations to those who might find them of interest. Mr. Parker invited gentlemen representing all lines of New Orleans commercial interests to accept the generous invitation of the Governor of Tabasco. As a result of that invitation, Walter Parker, general manager of the Association of Commerce (chairman); JAMES O'CONNOR, Member of Congress for New Orleans; Dr. Brandt V. B. Dixon, president emeritus Newcomb College of Tulane University; Paul Villere, representing the associated banks of New Orleans; A. M. Shaw, consulting engineer; Prof. Charles H. Stromberg, of Louisiana State University; Dr. William Gates, director department of middle-American research, Tulane University; Alan W. Payne, assistant to Doctor Gates; W. W. Allen, manager export department Albert Mackie Co.; J. B. Monteros, of Monteros & Co., exporters; J. C. Whilden, exporter of livestock; J. H. Kurth, manufacturer; and W. A. Burt, lumberman and importer, left New Orleans on board the steamer *Atlantida*, a Vaccaro vessel.

I might mention at this point that the Vaccaro brothers have been heroes in the strife in endeavoring to build up the port of New Orleans and establish the supremacy of American commerce. They are men from the ground up. Unostentatiously they go through life apparently unaware of the tremendous power they have won as giants in the commercial, financial, and transportation chapters of the country.

I am going to save myself considerable trouble and give you a picturesque and entertaining account of our trip from the facile pen of my brilliant, scholarly, and charming acquaintance, Alan W. Payne. It is more than an account. It is a pen picture. With masterly stroke he brings you along on one of the most romantic journeys I ever had the good fortune to make. Hard days and nights that are unforgetable, and scenes which will live until my memory is no more.

On board of the steamer were Gen. P. E. Calles, the then President elect of Mexico, and his two daughters. This party left the ship at Tampico, where a great ovation was accorded General Calles. The streets were thronged with welcoming people, soldiers, marines, sailors, and the police lined up to make the official welcome. The air rung with the shouts of the populace, who lined the festooned and gorgeously decorated thoroughfares. Huzzas and bravos were the order of the day and were gladly shouted on the sidewalks and in the cafés. Our party regretfully had to leave the festive scene, however, for it was necessary to make Frontera before the next night, as it is difficult to get over the bar there after sundown, even in small steamers which are used as lighters to take the passengers from the larger vessel which has to anchor some distance out from the mouth of the river. This really beautiful river is named the Grijalva, in honor of one of the crew with Columbus on the immortal voyage that resulted in the discovery of America. It is several miles up the river to the town of Frontera, where the party located for a few nights.

Just above this city two great rivers, the Usumacinta and Grijalva, come together, and it seems quite a moot question as how to name the river from there to the seas. The mouth opens to the east, but some years ago a canal, about half a mile long, was dredged to the north, so as to give an entrance from that direction in case of easterly storms. The bar that has formed off these two mouths gives constant trouble, since only vessels of less than 7 feet draft can enter. When this bar can be removed, steamer traffic can go up both rivers for several hundred miles. At present, bananas, lumber, and other exports must be transshipped by means of barges. With the removal of this obstruction a great commercial development, advantageous as much to New Orleans as well as to the country, since this city is the logical market to which the people look, should open up.

VEGETATION LUXURIOUS

After a cordial banquet in the main hotel of the town, situated on a most picturesque plaza, the party was quartered in a beautiful private home near by. On awakening the next morning we were greeted by the calls of brilliant cardinals flitting through the trees of the patio. This garden was the most colorful spot imaginable. Outstanding among the bushes was the glorious Bugainvillæa, with huge clusters of purplish flowers that put to shame the feeble tints of its New Orleans kin. Plants of varicolored leaves; high palms swaying in the breeze; orange and lemon trees; various colorful flowers whose names were as unfamiliar as their forms. In the center a great tamarind tree overspread all, keeping out the glare from a brilliant cloudless sky. And in the background an ancient red tiled roof, green in spots with age, framed in the straight white pillars of the royal palm. Surely, a garden fit for a princess.

During that day several side trips were made. One took us out in the country for a lunch on native products, that those who had never seen the Tropic countries should get an idea of the fields and woods. Another to a sawmill, where great rafts of mahogany trees, brought down many miles from Guatemala and the interior of Tabasco, were trimmed, cut into planks to some degree, and prepared for shipment to New Orleans. On the way, and in fact in many other places, we walked on sidewalks of wide mahogany planks that would have been worth their weight in silver in the States. Yet this wood is as plentiful as pine here, and found used as generally. Later we visited the headquarters of the International Petroleum Co., which has been drilling for oil farther inland for a year or so, and whose officials and field men are confident that oil will be found.

A banquet followed in the evening and a most enjoyable party afterwards, although most of the party had the night before enjoyed dancing until late at a ball given in our honor.

The next day, November 12, the party was taken up the Grijalva River on a "hind-wheeler" steamer, passing through the most verdant country, where banana trees 30 feet and more in height were seen. Birds of all varieties, including the snowy egret, white crane, many parrots, and others unfamiliar were seen in thousands. For nine hours the vessel pushed up this broad river, passing numerous cayucos, or dugout canoes, poled by men standing in bow and stern with great oars that are used both for paddling and poling. Villahermosa, "the Beautiful City," capital of the State, hove in sight long after dark. And

after a very sumptuous dinner Governor Garrido received the party, in company with the local chamber of deputies in the city hall.

In his welcoming talk Governor Garrido stressed the desire of the people for peace and voiced their recognition of the need of developing the commerce and resources of the country. The Tabascans, he said, look to the United States for help, and particularly a market. The people have had more than enough of revolution and civil strife and are fully desirous of protecting foreign capital that should be invested for development.

Spokesmen for our party voiced the sentiment that the United States should lend a helping hand, since the Central American States are now our logical markets for our manufactured products, as well as our best sources of raw materials. The meeting broke up with the most friendly relations established, and, in fact, this was the keynote of the entire visit. Both sides found that the others were not such bad people after all, and agreed that if more Mexicans visited this country and more North Americans visited theirs the most cordial relations of business and friendship would link the two countries firmly together.

SOME DANCE ALL DAY

The party was invited next day to a fête at the suburban home of the governor, where after arriving for early breakfast music was struck up and staid gentlemen from this city found themselves dancing for hours with many comely maidens of the town who had been invited to grace the occasion. Various of the Mexican dances were put on as exhibitions, and several singers who had mighty good voices, too, sang the rather sad songs of that section. Dinner was served later, and we were told, even after we had gone back "home" for a rest, the others danced all day. These people find our fox trot, one step, and waltz the most enjoyable, but as their own dances are considerably slower than ours, this music also was slowed down to a point where most of us found it difficult to keep going.

In the evening the mayor and municipal officers entertained at supper on the balcony of the city hall, overlooking a most beautiful plaza, such as is the center of every Latin town, with an orchestra indoors and a military band concert outside to beguile the time. Here, again, the most friendly relations were voiced, and the party left for bed with the most fervent wishes to be of help to those people.

Here I might digress to say something about the meals that were lavished upon us. Usually, upon sitting down to table, one could gauge the number of courses to come by the number of plates stacked before him, often three and four. But oftentimes one got fooled, for the waiters would whisk away plate after plate as the courses went by and slyly return several more plates. There was always a good soup, fish, several different meats, chicken, turkey, or duck, rice, and potatoes in plenty, various wines, salads, fruits, other sweets, and dessert, with coffee and smokes topping off a belt-stretching list.

THINK OF THIS

Also, though it be lese majesty, one could recount the list of liquors served; beer always, champagne frequently, white and red wines, a brandy of the country, which various members of the party long will remember as "habanero," other cordials and whiskies, till the round came back to beer and the feasted one forgot just which he was drinking.

The following day members of the party drifted around town inspecting various sights in which they were interested. There were shops where live 'gators became everything from puttees to belts and holsters, hatbands, and trunks. Woodworking shops where furniture to rival the best output of the United States was made from the 32 different cabinet woods that grow in the section. One of the most interesting visits made by the writer was to a primary school, a private institution, for the state has no money any more to aid education, much as it wants to. Here there were 400 as bright and pretty tots, from the first grade to the seventh, as one could find in our own schools, all industrially at work under the eyes of earnest young women teachers. Others visited a secondary law school, also a private institution, where a devoted principal is doing his best with few funds to start out his law students. It is a most unfortunate condition that no Federal funds are used to promote education, for, above all, the people need schooling.

SUGAR BY THE TON

The next day was devoted to a trip 30 miles farther upriver to inspect one of the largest, and said to be the oldest, plantations in the state. Here the cane was growing 15 to 18 feet high in a field that has been under intense growing for 63 years without fertilizer and with little cultivation. The cane is planted from 12 to 15 years and yields from 28 to 35 tons of sugar per acre. Other fields were producing up to 40 tons. The plantation had its own mill and a small refinery, where "plantation refined" sugar is sent to Yucatan, where it sells for 8 cents per pound. The grinding season starts in November and continues for seven months.

Cane here is afflicted to some slight extent by a borer worm, but not to any amount of damage, and was said not to harbor any diseases. The cane is allowed to flower, and we are told the growers get more sugar by this method.

BANDITS ACTIVE

The next day, after we had left, we were informed later, revolutionists, who are now little more than ordinary bandits, raided the plantation.

But that was nothing. The first evening in the country, we found later, one of the revolutionary leaders who had been caught that day was taken out in the near-by country, so as not to disturb our welcome, and shot.

Upon returning from this hacienda we returned to our river boat and at midnight started down the river, in company with the governor and a large retinue, to pay a visit to near-by Maya ruins. In the company was the governor's private orchestra, an honor never before falling upon any members of the party, I am sure. In fact, wherever we went we were fêted with music, at one time having a band, another military band, and the orchestra to tickle our ears.

Down the Grijalva, almost to Frontera, and up the Usumacinta we were taken, arriving at the small village of Monte Cristo late the second morning. Here various automobiles, loaded aboard at Villahermosa, were put ashore and the party was taken over a very rough trail to the village of Santo Domingo de Palenque, where we stopped for the night, before visiting the ruins. By this time we were in the near-by State of Chiapas, also Mexican territory, but very near to the Republic of Guatemala. The various river systems spread a network of usable rivers and streams across all this territory, consequently there are no roads to speak of. Nor are there railroads, and telephones are conspicuous by their absence. There is considerable attempt to link the country with telegraph lines, but what is sorely needed are good roads where creeks do not avail and several lines of rail in various sections. One of the first things Tabasco is planning to do is to start railroads through this territory, but the funds are sadly lacking.

SLEEP IN CORN BIN

The road, if it could be called such, which took us to this small town, owed its being to the operations of the International Petroleum Co., which has carted in much drilling equipment by using great caterpillar trucks. Consequently deep bogs occurred whenever the forest drew in upon the road, and the machines were mired so many times no one could keep count.

At Santo Domingo sleeping and hotel accommodations were at a premium. There just were not any. However, we were bunked for the night in a corn bin of a local storekeeper, a German gentleman.

At this town was found the ruins of an ancient church, no one of the inhabitants knowing how many centuries old, but now gone to decay and used as a barracks for the sad-looking soldiers. In the front of the church were two wonderfully carved slabs of limestone, taken from the ruins of Palenque, an ancient esoteric center of the Maya civilization of long ago, that was near by.

In the morning stiffened joints were limbered to clamber aboard a group of small native ponies, and a terrible trail was taken to visit the ruins, some 9 kilometers distant.

Several horses slipped on the muddy tree trunks that served for bridges, several riders were thrown, and two ponies went into the streams. How the riders managed to free them was a mystery to us.

A description of these ruins hardly fits in here, but it can be said they date far back into or before the early days of the Christian era, and mark what must have been somewhat like a secluded monastery where ancient high priests performed the mysteries of their religion. The party clambered up steep artificial pyramids upon which are situated various temple ruins, and down into dungeonlike tunnels that ran underneath, then returned as they had come. The cars were boarded at noon, and after another hard trip landed us at the boat side after dark, after a journey during which many breakdowns occurred and several members swore they had seen several of the fierce native tigers of that section.

The steamer took us back to Frontera by late the next morning, where we were again fêted, were guests of honor at another ball, and then started on the last lap back home at midnight.

There were no steamers in port, and despite the anxious efforts of the governor to get one or a Federal war vessel to take us to Vera Cruz, none was available. Therefore we started back as deck passengers of an ancient three-masted schooner, the *Nachi Cocom*. This boat, only 105 feet long and 23 feet wide, luckily had a powerful gasoline motor as auxiliary power.

BOAT IS CROWDED

Fortunately for us the sea was calm and we did not experience even a rain. For besides our own and the governor's party going to witness the inauguration of President Calles at Mexico City, there were several score of others. With only two cabin berths on the ship we were stretched out on deck for 30 hours.

Meals were served on deck, where there was not even space to move around in. But it was the very best that could be done, as Governor Garrido was a delightfully thoughtful host and was tireless in his efforts to see that we had as much comfort as could be secured on such a trip. We all feel like singing, when we think of him, "He is a jolly good fellow."

After a stop of several hours at Puerto Mexico, a free port destined for considerable development, especially since oil is exported there, the good ship finally landed us at Vera Cruz, where we were lucky enough to find a fruit boat on the eve of leaving for New Orleans.

Finding it impossible to accept the governor's kind invitation to be his guests as far as Mexico City, most of the party took reservations for home. Therefore, after bidding a cordial and friendly adieu to Gov. Tomas Garrido and many friends made on the trip, the party left that night on the Vaccaro steamer *Yoro*, landing at home Monday evening, November 24, after a little less than three weeks away.

The trip was most valuable in results to Tulane University and opened the eyes of the business men to the possibilities of commercial development in Tabasco. Plans have been formulated to start progress toward concrete work in this direction. These will be made public later.

The New Orleans Association of Commerce, made up of men who have won distinction in every walk of life, captains of industry, merchant princes, financial leaders, will do their part and blaze the way for closer, friendlier, and more profitable relations with our sister Republic. The big men, the tall men of our city are among the best friends Mexico has in the United States.

Let me close by saying that if there be any among the readers of this address who are blessed with the wanderlust, and who long for the spell and lure of the jungle and the sublime awe of beholding the mighty ruins of a gorgeous past in the history of people who thousands of years ago played out their part in the grand drama of American life, let him make the journey to the great and inspiring temples that are to-day the lonely sentinels of the valleys of silence that lie between the mountain peaks which they adorn. They stand serene and tranquil, far from the madding crowd's ignoble strife, and when a visitor does step from the jungle to behold them he wonders whether inanimate things can speak unto each other. The birds of the air and the beasts of the jungle only appear to be there. Except the crickets chirp and the grass lark sings its sweet song and the monkeys in the great trees, in thrilling wild cries that are almost terrifying, send the word to distant tribes that a new animal, man, has invaded their home. But one feels that the Spirit of God moves over it all.

Three years have passed into eternity since I made that wonderful trip. But the temples of the now wilderness are as indelibly fixed and as vividly in my mind as if I were still standing among their ruins. And what ruins! Palaces still, whose giant architecture defies the constant stroke of time. The slabs removed from the sacred vaults where imperial rulers rested in silent glory by Cortez in his quest for gold seemed to have been broken but yesterday. Temples in which the serene and powerful priesthood were cloistered that they might the better promote the moral, intellectual, and physical welfare of a now vanished people whose economic superstructure rested on a wonderfully developed agricultural basis. There are some scenes so stupendous, so affecting, so saddening, as to choke with emotion and make description possible only to the loftiest genius.

Wet with tears and choking with heart sobs the last of the Mayos must have viewed these reminders of the days that are no more, of a glory that was of Greece, of a grandeur that was of Rome. They were conquered by other men, and they and their triumphs are one with yesterday. Given to peace, they learned too late that their wealth was an invitation to the lesser breeds without the law to trample them and their civilization out of existence.

So runs the scroll of human destiny,
Written in fire and blood and scalding tears,
Scrawled with wrecked hopes and blasted visions—
The weary record of ten thousand years.

The weary record of peoples and of kings
Of empire and of race,
Which unto the law that ruleth earthly things
In ruin yielded place.

Next year I shall go to Yucatan and dwell for a while with ghosts of those who were but are not. They and their kin, who made the outlying islands far more attractive than the Thousand Islands of the St. Lawrence, with temples the ruins of which may be seen from the deck of any steamer bound for Port Barrios, the gateway to Guatemala and San Salvador. Let us move southward, but before doing so let us saunter a few days through the southern metropolis.

See America first has become almost shopworn. It is a bromide. It has probably lost all of the force and charm that it once had as a phrase. I will therefore try to pour old wine into new bottles. Journey down to New Orleans and see one of the most unique and attractive cities on the continent. As Webster said of Massachusetts, "There she stands." We of New Orleans say of the Crescent City that lies between and around the great crescent of the Mississippi River and the historic Lake Pontchartrain, which connects with Maurepas and Lake Borne, "There she lives"—lives a life so exquisitely charming that she is known to the thousands of visitors who have entered her portals as the city that care forgot. A Latin quarter that possesses all of the magnetic pull of Paris, Lisbon, and Madrid and the appeal of New York and San Francisco combined.

The lure of the Tropics is but a faint emotion when compared with the deep-seated thrill felt by those who have oft in the stilly night wandered down the silent streets of the Latin quarter under the fascinating effect of a moonlit sky. Within easy reach of the city are the old plantation homes that linger with one like a haunting melody. Some of the most historic spots on the continent are either within the city or just beyond its limits. Jackson Square, where was celebrated the great victory of Jackson over Pakenham, flanked by the famous Pontalbo buildings and the old cathedral, a replica of the Chapel at Versailles, with the Cabildo on the one side and its counterpart, the old archbishopric, on the other. Below the city are the Plains of Chalmette, on which was fought a battle that relieved the War of 1812 of its tragic failures and glorified American arms far beyond that of any other engagement in our history. Out of New Orleans runs steamers to Mexico and Central America. A four-day trip on palatial steamers will bring a visitor to old Vera Cruz, from where he can take the Mexican Central Railroad and in less than six hours climb almost 8,000 feet before making the level run into the magnificent City of Mexico with its cathedral, around which is clustered a history that is destined to become the background for the literature of the New World. Chapultepec Heights, the Pyramids, the great civilizations of remote times, evidenced by excavations right within the city; Madero Square, the famous opera house not yet completed, the wonderful squares and public buildings, the great museum with art treasures that attest the glories of Aztec Maya and antedating civilizations cling to the memory. From Mexico City may be easily reached innumerable points which for scenic grandeur have no parallel in Switzerland or the Austrian Alps. Or a traveler may take a ship with all of the conveniences which go with the first-class trans-Atlantic liners and move down to Port Barrios. There he will spend the day steaming by the wonders of Rio Dulce. The next morning he is off to Guatemala City. He may remain a few hours at Quirigua, and there in a jungle contemplate and muse over the ruins that were once the pillars of cathedrals, churches, and temples and art galleries that probably go as far back for their beginning as the day when the angels of the Lord entertained Abraham.

Right near is the justly celebrated and famed hospital service of the United Fruit Co. That institution has been of greater value to the Central Americas than any factor that has come into the life of a people who were going downhill rapidly during the last hundred years. That great hospital not only inaugurated and institutionalized the wonderful methods of sanitation and hygiene for the protection of the vast number of people who operate the great banana plantations of the company but has by its educational and welfare service and influence imparted to the whole country the tremendous value that lies in orderly and disciplined cleanliness, which, indeed, is next to godliness. American capital along these lines has been of incalculable benefit to the present generation of Central America—an advantage that will bestow blessings upon the future generations of those tropical countries. That company and other American companies have come to a people that were in a slough of despondency and in the direst poverty and agricultural misery as of good tidings of a great joy. Hundreds of thousands benefited directly and indirectly by the agricultural prosperity that has come from the endeavors of these great American institutions. Guatemala, with its wonderful cathedral and quaint Spanish life, adapted to the New World will remain with the visitor. But it is the trip to Antigua that is unforgettable.

Minister Holland is an unusually charming and gracious gentleman and, as my host, saw to it that I beheld the miracles of nature and the hand of the Almighty in the tremendous chiseling of the cavernous depths of the canyons, deep unto sublimity, and the mountain heights whose peaks dominate the landscape and may be seen for miles out on the bosom of the Pacific Ocean. Over the mountain roads, moving to and fro, were Indian men and women, boys and girls, and even children, with baskets on their heads and one in each hand. They moved in a slow run and made many miles in a day.

From far up in the mountain regions they came with produce to the markets in Guatamala City—not so much for the purpose

of selling or exchanging their stores as to sit in the market place and talk over the traditions of their ancestors who are with the dust. And as it was before Romulus and Remus builded what was to become the Eternal City, to mention slightingly a woman's name in the market place is to create a feud which may last for several generations. Dead to the world but still in its midst may be said very accurately of Antigua, the old city that was rocked to its destruction by the terrific earthquake of 1776. The streets are as silent as the streets of Pompeii and Herculeneum that are just beginning to feel the sunlight that they have not known for nigh on to 1,900 years. There were 40 churches in that old city, each of which would be equal to the finest ecclesiastical edifice of to-day, except possibly any of the great cathedrals of the world; and the three cathedrals whose ruins attest an architectural conception and workmanship never surpassed are in each instance larger than most of the great temples of religion that are standing to-day. Neither the Grand Canyon nor the Coliseum excite the mind with such reflections as the mournful silence of these cathedrals, churches, abbeys, and public buildings. Lonely, ghostly, they seem to accentuate and deepen the stillness that at times glooms over the broad seas. Ruins which suggest that in the fullness of time all things must pass away.

> The cloud-capp'd towers, the gorgeous palaces,
> The solemn temples, the great globe itself,
> Aye all which it inherits, shall dissolve
> And like this insubstantial pagent faded—
> Leave not a wrack behind.
> We are such stuff as dreams are made of
> And our little lives are rounded with a sleep.

What a wonderful past these ruins suggest, what memories are aroused in the contemplation of them. Involuntarily one recalls the lines:

> A land without ruins is a land without memories—a land without memories is a land without history. A land that wears a laurel crown may be fair to see, but twine a few sad cypress leaves around the brow of any land, and be that land barren, beautiless, and bleak, it becomes lovely in its consecrated coronet of sorrow and wins the sympathy of the heart and of history. Crowns of roses fade; crowns of thorns endure. Calvaries and crucifixions take deepest hold on humanity. The triumphs of might are transient; they pass and are forgotten. The sufferings of right are graven deepest on the chronicles of nations.

I once heard the late Senator Lodge and the late orator Bourke Cockran in a colloquy agree that Ireland and Central America, during a period of less than 100 years, had lost more than half of what their population were nearly a century ago. In the case of Ireland, the emigration upon such a tremendous scale was the result of economic conditions which drove millions to the Americas and Australia. In the case of the Central Americas, earthquakes and revolutions scattered more than half of the people and forced them into South America and back to Europe from which all of our ancestors came. I have always thought that it was an historical fallacy to assume that Spanish conquistadores sent their loot and pillage over the Atlantic Ocean to fill the coffers of Spain. The evidence is entirely to the contrary. The conquistadores sent to Spain for artisans, architects, builders, and materials in order to construct the great buildings, the ruins of which may be seen all over Mexico and Central America. No doubt they paid for the marble and statuary which went into the great public structures and for the services rendered by the constructors out of the gold which was wrested from Aztec and Inca. Yes, my friends, see America first. There is a story in each of the middle Americas, a romance that explains the lure of the Tropics.

Miles and miles of banana plantations. Banana trees, with their great fronded leaves that scarcely conceal the huge bunches of fruits that nestle among them. Fruit trains that run to ship side from plantations miles and miles away and up in the highlands coffee haciendas. Make the trip. You will probably find something richer than that which you went in search of, and just as the Argonauts under Jason brought home knowledge more valuable than the golden fleece you will, in addition to memories that will never fade, add to your store of information and wisdom. You will understand and better appreciate the problem of the Americas and our own obligations and responsibilities.

The Clerk proceeded to read the bill, and read to the end of line 21 on page 3.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having assumed the chair as Speaker pro tempore, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes, and had come to no resolution thereon.

CONFERENCE REPORT—CONSTRUCTION AT MILITARY POSTS

Mr. McSWAIN. Mr. Speaker, I present a conference report upon the bill (H. R. 7009) to authorize appropriations for construction at military posts, and for other purposes, for printing under the rule.

SENATE BILL REFERRED

A bill of the following title was taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 2902. An act granting the consent of Congress to the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at or near Marinette, Wis.; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 14, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, February 14, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(1.30 p. m.)

Navy Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To place agricultural products upon a price equality with other commodities (H. R. 10656).

To foster agriculture and to stabilize the prices obtained for agricultural commodities by providing for the issuance of export debentures upon the exportation of such commodities (H. R. 10568).

COMMITTEE ON THE CENSUS

(10.30 a. m.)

For the apportionment of Representatives in Congress among the several States under the Fourteenth Census (H. R. 27).

For the apportionment of Representatives in Congress (H. R. 130).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON INSURANCE AND BANKING

(10.30 a. m.)

To provide security for the payment of compensation for personal injuries and death caused by the operation of motor vehicles in the District of Columbia (H. R. 9688).

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

To amend Title II of an act approved February 28, 1925, regulating postal rates (H. R. 9296).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To provide for the increase of the Naval Establishment (H. R. 7359).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To amend an act entitled "An act for the regulation of radio communications," approved February 23, 1927 (H. R. 8825).

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE NO. 1

(10 a. m.)

To authorize the appointment of special United States commissioners (H. R. 5608).

To provide for the procedure in the trial of certain criminal cases by the district courts of the United States (H. R. 8230).

To authorize district courts of the United States to provide for reports of misdemeanor cases by United States commissioners (H. R. 8555).

To facilitate disposition of the business of United States district courts (H. R. 8556).

To provide for the procedure in the trial of certain criminal cases by the district courts of the United States (H. R. 10639).

To authorize United States commissioners to hear all complaints of misdemeanor violations of the law, and for other purposes (H. R. 10548).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

362. A communication from the President of the United States, transmitting supplemental estimates of appropriations under the legislative establishment, Library of Congress, for the fiscal year 1929, in the sum of $34,520 (H. Doc. No. 174); to the Committee on Appropriations and ordered to be printed.

363. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of ocean frontage of Afognak, Alaska, with a view to providing a harbor; to the Committee on Rivers and Harbors.

364. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Yaquina River, Oreg., from Toledo to Yaquina Bay; to the Committee on Rivers and Harbors.

365. A letter from the Acting Secretary of Commerce, transmitting draft of a proposed bill to authorize the sale of the land and improvements known as Battery Island Fisheries Station, Md.; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 7944. A bill to authorize appropriations for construction at military posts, and for other purposes; without amendment (Rept. No. 631). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOWARD of Oklahoma: Committee on Indian Affairs. H. R. 8326. A bill to authorize the construction of a dormitory at Riverside Indian School at Anadarko, Okla; without amendment (Rept. No. 632). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOWARD of Oklahoma: Committee on Indian Affairs. H. R. 9033. A bill to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'" without amendment (Rept. No. 633). Referred to the House Calendar.

Mr. REID of Illinois: Committee on Flood Control. H. R. 117. A bill to modify the project for the control of floods in the Sacramento River, Calif., adopted by section 2 of the act approved March 1, 1917, entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes"; without amendment (Rept. No. 634). Referred to the Committee of the Whole House on the state of the Union.

Mr. WOODRUFF: Committee on Naval Affairs. H. R. 5746. A bill to authorize the appraisal of certain Government property, and for other purposes; without amendment (Rept. No. 635). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREEN of Iowa: Committee on Ways and Means. H. R. 9195. A bill to amend sections 2804 and 3402 of the Revised Statutes; without amendment (Rept. No. 636). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 21. A bill to provide for date of precedence of certain officers of the staff corps of the Navy; without amendment (Rept. No. 637). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. H. R. 979. A bill for the relief of J. W. Zornes; with amendment (Rept. No. 623). Referred to the Committee of the Whole House.

Mr. ROY G. FITZGERALD: Committee on Claims. H. R. 2654. A bill for the relief of Anton Anderson; with amendment (Rept. No. 624). Referred to the Committee of the Whole House.

Mr. COCHRAN of Pennsylvania: Committee on Claims. H. R. 2657. A bill for the relief of Thomas Huggins; with amendment (Rept. No. 625). Referred to the Committee of the Whole House.

Mr. ROY G. FITZGERALD: Committee on Claims. H. R. 4303. A bill for the relief of the Smith Tablet Co., of Holyoke, Mass.; with amendment (Rept. No. 626). Referred to the Committee of the Whole House.

Mr. COCHRAN of Pennsylvania: Committee on Claims. H. R. 6436. A bill for the relief of Mary E. O'Connor; with amendment (Rept. 627). Referred to the Commitee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 8031. A bill for the relief of Higgins Lumber Co. (Inc.); without amendment (Rept. No. 628). Referred to the Committee of the Whole House.

Mr. WARE: Committee on Claims. S. 1325. An act for the relief of John A. Fox; with amendment (Rept. 629). Referred to the Committee of the Whole House.

Mr. MARTIN of Massachusetts: Committee on Claims. H. R. 9112. A bill for the relief of William Roderick Dorsey and other officers of the Foreign Service of the United States who, while serving abroad, suffered by theft, robbery, fire, embezzlement, or bank failures losses of official funds; with amendment (Rept. No. 630). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 4605. A bill authorizing the President to issue an appropriate commission and honorable discharge to Landon Randolph Mason; with amendment (Rept. No. 638). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10684) granting an increase of pension to Mary C. Conley; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10414) granting an increase of pension to Cynthia Kelley; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. OLDFIELD: A bill (H. R. 10858) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a toll bridge across the White River at or near Newport; to the Committee on Interstate and Foreign Commerce.

By Mr. YON: A bill (H. R. 10859) authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across Choctawhatchee River at the point where State Road No. 10 crosses Choctawhatchee River, State of Florida; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 10860) authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across East Pass at or near Morena Point, Fla.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 10861) authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across Santa Rosa Sound at or near Camp Walton, Fla.; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGER: A bill (H. R. 10862) to provide for the enforcement of the first amendment to the Constitution of the United States, to punish violations of its provisions, and for other purposes; to the Committee on the Judiciary.

By Mr. HOGG: A bill (H. R. 10863) to amend section 206 of the World War veterans act of 1924 as amended; to the Committee on World War Veterans' Legislation.

By Mr. HALE: A bill (H. R. 10864) to authorize an appropriation for the relief of the State of New Hampshire on account of roads and bridges damaged or destroyed by the recent flood; to the Committee on Roads.

By Mr. PEAVEY: A bill (H. R. 10865) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. RANKIN: A bill (H. R. 10866) authorizing and directing the War Department to obtain and place on the Civil War battle field of Brices Cross Roads, or Guntown, in Lee County, Miss., appropriate markers for the purpose of properly preserving this historic landmark; to the Committee on Military Affairs.

Also, a bill (H. R. 10867) providing for the repairing, remodeling, enlarging, improving, or altering the Federal court-

house building at Aberdeen, Miss.; to the Committee on Appropriations.

Also, a bill (H. R. 10868) authorizing and directing the War Department to obtain and place on the Civil War battle field of Tupelo or Harrisburg in Lee County, Miss., appropriate markers for the purpose of properly preserving this historic landmark; to the Committee on Military Affairs.

By Mr. UNDERHILL: A bill (H. R. 10869) amending section 764 of Subchapter XII, fraternal beneficial associations, of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. WURZBACH: A bill (H. R. 10870) granting travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine insurrection who were discharged in the Philippines; to the Committee on Military Affairs.

By Mr. ALMON: A bill (H. R. 10871) granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. DYER: A bill (H. R. 10872) to fix the salaries of certain judges of the Territories and insular possessions of the United States; to the Committee on the Judiciary.

By Mr. GREEN of Florida: A bill (H. R. 10873) authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across the Suwannee River at a point where State Road No. 15 crosses the Suwannee River, State of Florida; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWLEY: A bill (H. R. 10874) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.; to the Committee on the Public Lands.

Also, a bill (H. R. 10875) to amend the laws relating to the Postal Savings System; to the Committee on the Post Office and Post Roads.

By Mr. JACOBSTEIN: A bill (H. R. 10876) to declare Lincoln's birthday a legal holiday; to the Committee on the District of Columbia.

By Mr. RANKIN: A bill (H. R. 10877) to amend section 6 of title 15, chapter 1, of the Code of Laws of the United States of America relating to the forfeiture of property in transit and owned in violation of section 1 thereof, and as amended, providing for the forfeiture of property owned or used in violation of section 1, irrespective of whether same is or is not in transit; to to the Committee on the Judiciary.

By Mr. WILLIAMS of Missouri: A bill (H. R. 10878) to amend section 5 of the World War veterans' act of 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. CRAIL (by request): A bill (H. R. 10879) for the establishment of a Pacific coast national highway system; authorizing examination, survey, and report to the War Department, as a preliminary to the improvement, construction, and maintenance of a system of motor-truck highways to meet the transport requirements of heavy commerce in time of peace and of heavy ordnance in time of war and to serve as post roads, with proper and sufficient laterals, in the States of California, Oregon, and Washington; to the Committee on Roads.

By Mr. HOUSTON of Delaware: A bill (H. R. 10880) to authorize the Secretary of the Interior and the Commissioner of Pensions to compute service of the Fifth and Sixth Delaware Regiments from enlistment to discharge; to the Committee on Invalid Pensions.

By Mr. QUIN: A bill (H. R. 10881) to authorize the Secretary of the Treasury to pay to the city of Brookhaven, Miss., $638.45 as reimbursement for street paving in front of post-office building; to the Committee on Claims.

By Mr. GASQUE: A bill (H. R. 10882) to prohibit the intermarriage of certain races; to the Committee on the Judiciary.

By Mr. McLEOD: A bill (H. R. 10883) for the apportionment of Representatives in Congress; to the Committee on the Census.

By Mr. SELVIG: A bill (H. R. 10884) to amend the act entitled "An act to carry into effect the provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926; to the Committee on Foreign Affairs.

By Mr. ARENTZ: A bill (H. R. 10885) to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. 437); to the Committee on the Public Lands.

By Mr. SINNOTT: A bill (H. R. 10886) conferring jurisdiction upon the United States District Court for the District of Oregon, or the Court of Claims, to hear and determine any suit or suits, actions, or proceedings which may be instituted or brought by the State of Oregon, and/or the Klamath irrigation district, a public corporation of the State of Oregon, by intervention or direct suit or suits, to set aside that certain contract between the United States and the California-Oregon Power Co., dated February 24, 1917, together with all contracts or modifications thereof, and to set aside or cancel the sale made by the United States Government, through the Secretary of the Interior, of the so-called Ankeny and Keno Canals and the Leavitt power site, and the lands embraced in the rights of way thereof, to the said California-Oregon Power Co., and to determine the validity of the disposition of surplus waters; to the Committee on Irrigation and Reclamation.

By Mr. HUDSPETH: A bill (H. R. 10887) providing for half holidays for Government employees; to the Committee on the Civil Service.

By Mr. HOGG: Joint resolution (H. J. Res. 202) providing for the erection of a memorial to Gen. Anthony Wayne on the site of Old Fort Wayne, at Fort Wayne, Ind.; to the Committee on the Library.

By Mr. SABATH: Joint resolution (H. J. Res. 203) proposing an amendment of the eighteenth amendment of the Constitution; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 10888) granting a pension to Nancy C. Kennamer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10889) granting a pension to Sarah E. Woodall; to the Committee on Invalid Pensions.

By Mr. ARNOLD: A bill (H. R. 10890) granting an increase of pension to Alice M. Carlisle; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 10891) granting a pension to Benjamin F. Burch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10892) granting a pension to Corabelle Tilman; to the Committee on Invalid Pensions.

By Mr. BACHMANN: A bill (H. R. 10893) granting an increase of pension to Malinda Jack; to the Committee on Invalid Pensions.

By Mr. BRIGHAM: A bill (H. R. 10894) granting an increase of pension to Haddie M. Laraway; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 10895) granting an increase of pension to Georgia A. Godwin; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 10896) granting a pension to Susan F. Pierceall; to the Committee on Invalid Pensions.

By Mr. CASEY: A bill (H. R. 10897) to correct the military record of John P. Smith, deceased; to the Committee on Military Affairs.

By Mr. CLARKE: A bill (H. R. 10898) granting an increase of pension to Sarah A. Sitts; to the Committee on Invalid Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 10899) granting an increase of pension to Rebecca L. Huff; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 10900) granting a pension to Sarah A. Patterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10901) granting a pension to Martha S. Mitchell; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 10902) granting an increase of pension to Isabelle Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10903) granting an increase of pension to Mary E. Dunham; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 10904) granting a pension to Bertha C. Harper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10905) granting a pension to Anna E. Blessing; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 10906) granting a pension to Theodosia Kemble; to the Committee on Invalid Pensions.

By Mr. FULMER: A bill (H. R. 10907) to authorize payment of war-risk insurance to the estate of William Wheeler, deceased; to the Committee on World War Veterans' Legislation.

By Mr. GIFFORD: A bill (H. R. 10908) for the relief of L. Pickert Fish Co. (Inc.); to the Committee on the Judiciary.

By Mr. GLYNN: A bill (H. R. 10909) granting an increase of Pension to Julia Gilbert; to the Committee on Invalid Pensions.

By Mr. GOLDER: A bill (H. R. 10910) for the relief of William Zeiss, administrator of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold; to the Committee on War Claims.

By Mr. HADLEY: A bill (H. R. 10911) granting an increase of pension to Paulina B. Cruikshank; to the Committee on Invalid Pensions.

By Mr. HARE: A bill (H. R. 10912) to compensate or reimburse John W. Elkins, jr., for part of salary retained by War Department and money turned over to same by him; to the Committee on War Claims.

Also, a bill (H. R. 10913) to compensate Talbird & Jenkins for balance due on contracts with Navy Department dated March 20 and October 9, 1919; to the Committee on War Claims.

By Mr. HASTINGS: A bill (H. R. 10914) granting an increase of pension to Elizabeth Brinkley; to the Committee on Invalid Pensions.

By Mr. HERSEY: A bill (H. R. 10915) granting a pension to Melvie A. Reed; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 10916) for the relief of Paul A. Hodapp; to the Committee on Claims.

By Mr. JENKINS: A bill (H. R. 10917) granting an increase of pension to Caroline Bean; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 10918) granting an increase of pension to Mary E. Best; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 10919) granting an increase of pension to Maria C. Van Horn; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 10920) granting a pension to Emily F. Dam; to the Committee on Pensions.

By Mrs. LANGLEY: A bill (H. R. 10921) granting a pension to Jerry Carpenter; to the Committee on Pensions.

By Mr. LOZIER: A bill (H. R. 10922) granting a pension to William I. Jones; to the Committee on Invalid Pensions.

By Mr. McSWAIN: A bill (H. R. 10923) granting a pension to Preston D. Barron; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 10924) granting a pension to Jennie B. Hanks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10925) granting an increase of pension to Isabelle Teel; to the Committee on Invalid Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 10926) granting an increase of pension to Henry P. Logsdon; to the Committee on Pensions.

By Mr. MAPES: A bill (H. R. 10927) granting an increase of pension to Mary L. Huron; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10928) granting a pension to Caroline Adams; to the Committee on Invalid Pensions.

By Mr. NELSON of Missouri: A bill (H. R. 10929) granting a pension to John W. Cline; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 10930) granting a pension to Clarence E. Maynard; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 10931) granting an increase of pension to Sarah E. Hartley; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 10932) for the relief of the widows of certain Foreign Service officers; to the Committee on Foreign Affairs.

By Mr. PARKER: A bill (H. R. 10933) granting an increase of pension to Lucy Wilkes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10934) granting an increase of pension to Pheba A. Snyder; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 10935) granting an increase of pension to Kate Mathews; to the Committee on Invalid Pensions.

By Mr. ROBINSON of Iowa: A bill (H. R. 10936) granting an increase of pension to Isabella Peters; to the Committee on Invalid Pensions.

By Mr. SCHAFER: A bill (H. R. 10937) for the relief of Margaret Diederich; to the Committee on Foreign Affairs.

By Mr. SEGER: A bill (H. R. 10938) granting an increase of pension to Annie Hopper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10939) granting an increase of pension to Annie M. Munson; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 10940) granting an increase of pension to Amanda J. Mossman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10941) granting an increase of pension to Isabel Reid; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 10942) for the payment of damages to certain Indians and citizens of California caused by the failure of a detention reservoir built by an agency of the United States on the Bard unit of the Yuma reclamation project; to the Committee on Claims.

By Mr. TIMBERLAKE: A bill (H. R. 10943) granting an increase of pension to William D. Warren; to the Committee on Pensions.

By Mr. UNDERHILL: A bill (H. R. 10944) for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department; to the Committee on Claims.

By Mr. VESTAL: A bill (H. R. 10945) granting an increase of pension to Mary A. Ashcraft; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10946) granting an increase of pension to Elizabeth Heironimus; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 10947) granting an honorable discharge to Theodore H. Bryant; to the Committee on Military Affairs.

By Mr. WILLIAMS of Illinois: A bill (H. R. 10948) granting an increase of pension to Carrie Watson; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 10949) granting a pension to Mary Ellen Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10950) granting an increase of pension to Rebecca A. McCauley; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3717. Petition of subcommittee for the Board of Supervisors of Wayne County, Mich., favoring the designation of old Fort Wayne as a public park; to the Committee on Military Affairs.

3718. By Mr. BARBOUR: Resolution of Fresno Labor Council, of Fresno, Calif., protesting against unrestricted Mexican immigration; to the Committee on Immigration and Naturalization.

3719. Also, resolution of the Woman's Christian Temperance Union of Modesto and Merced Counties, Calif., protesting against naval expansion program; to the Committee on Naval Affairs.

3720. Also, petitions of residents of the seventh congressional district of California, protesting against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

3721. By Mr. BOIES: Petition signed by citizens of Battle Creek and Ida Grove, Ida County, Iowa, protesting against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3722. By Mr. BURTON: Petition of citizens of Lake County, Ohio, protesting against the adoption of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3723. By Mr. CASEY: Petition of Edmond J. Symons and 45 other citizens, of Shickshinny, Pa., favoring Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3724. Also, petition of Mrs. Herman Hill and others, of Shickshinny, Pa., against compulsory Sunday laws; to the Committee on the District of Columbia.

3725. By Mr. COOPER of Ohio: Petition of residents of Youngstown, Ohio, protesting against the enactment of House bill 78, for compulsory Sunday observance; to the Committee on the District of Columbia.

3726. By Mr. CRAIL: Petition of approximately 5,000 citizens of Los Angeles County, Calif., against the passage of House bill 78 or any other similar legislation; to the Committee on the District of Columbia.

3727. Also, petition of 1,800 members of Women's City Club, Long Beach, Calif., voicing protest against gigantic naval program; to the Committee on Naval Affairs.

3728. Also, petition of Sarah R. Shaw, opposing expenditure of $740,000,000 in naval construction; to the Committee on Naval Affairs.

3729. Also, petition of Mount Hollywood Congregational Church, voicing opposition to proposed naval building program; to the Committee on Naval Affairs.

3730. By Mr. CRAMTON: Petition signed by H. L. Dearlove and 34 other residents of Mayville, Mich., urging defeat of a bill before the House providing for a reduction of the rate on third-class mail; to the Committee on the Post Office and Post Roads.

3731. By Mr. W. T. FITZGERALD: Petition of members of Beech Grove Brethren Church, Darke County, Ohio, opposing enactment of the Navy appropriation bill; to the Committee on Naval Affairs.

3732. By Mr. FRENCH: Petition of 104 citizens of Canyon County, Idaho, protesting against enactment of House bill 78 or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3733. Also, petition of 29 citizens of Adams County, Idaho, protesting against enactment of House bill 78, or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3734. Also, petition of 78 citizens of Bonner County, Idaho, protesting against enactment of House bill 78, or any compulsory Sunday observance; to the Committee on the District of Columbia.

3735. Also, petition of 253 citizens of Orofino, Idaho, protesting against enactment of House bill 78, or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3736. By Mr. GALLIVAN: Petition of Wellington, Sears & Co., Boston, Mass., recommending early and favorable consideration of House bill 9195, the enactment of which would have an important bearing on parcel-post arrangements with Cuba; to the Committee on Ways and Means.

3737. By Mr. GARBER: Letter of Sam Basket, of Oklahoma City, Okla., in support of the bill to pension United States marshals and their deputies; to the Committee on the Civil Service.

3738. Also, letter of James H. Poage, Chicago Stock Exchange Building, Chicago, Ill., recommending a harbor site between Jacksonville and Key West at Bay Mabel Harbor, at Hollywood; to the Committee on Rivers and Harbors.

3739. Also, letter of A. O. Campbell, of Oklahoma City, Okla., in support of House bill 5772, known as the "day labor bill"; to the Committee on the Judiciary.

3740. Also, letter and resolution of West Texas Chamber of Commerce, by Homer D. Wade, manager, stating that any resolution introduced in Congress for the purpose of a congressional investigation of the affairs of the Federal reserve bank of the eleventh district at Dallas, Tex., will be looked on with favor by the board; to the Committee on Banking and Currency.

3741. Also, letter and resolution of South Jersey Port Commission, Camden, N. J., recommending the adoption by the Interstate Commerce Commission of the proposed report of its attorney-examiner, together with the conclusions and recommendations therein contained; and that legislation based on the conclusions and recommendations of the proposed report, covering the operation of motor buses, be enacted by Congress during the present session; to the Committee on Interstate and Foreign Commerce.

3742. Also, letter of the National Grange, the American Farm Bureau Federation, and the Farmers' Educational and Cooperative Union, stating that they are opposed to any legislation which would look toward placing any further acreage under production or additional producers upon farms until agriculture has been restored to economic parity with other forms of industry and commerce; to the Committee on Agriculture.

3743. Also, petition of the residents of Texas County, Okla., in protest to the enactment of House bill 78, for compulsory Sunday observance; to the Committee on the District of Columbia.

3744. Also, petition of residents of Fairview, Okla., in protest to the enactment of House bill 78, for compulsory Sunday observance; to the Committee on the District of Columbia.

3745. Also, letter of the Soroptimist Club of Washington, D. C., by Caroline B. Stephen, president, and Ethel Knight Pollard, chairman civic committee, in support of Senate bill 1907 and House bill 6664, to establish a woman's bureau of the Metropolitan police department of the District of Columbia; to the Committee on the District of Columbia.

3746. Also, letter of Charles J. Todd, secretary of Post Q, Virginia Division, Travelers' Protective Association of America, of Bristol, Va., in support of House bill 5588; to the Committee on the Judiciary.

3747. By Mr. GARNER of Texas: Petition of citizens of San Juan, Tex., against compulsory Sunday observance; to the Committee on the District of Columbia.

3748. Also, petition of citizens of Laredo, Tex., against compulsory Sunday observance; to the Committee on the District of Columbia.

3749. Also, petition of citizens of Donna, Tex., against compulsory Sunday observance; to the Committee on the District of Columbia.

3750. By Mr. HARRISON: Petition against compulsory Sunday observance by C. B. Hamm and others; to the Committee on the District of Columbia.

3751. Also, petition against compulsory Sunday observance by Frank B. Pool and others; to the Committee on the District of Columbia.

3752. By Mr. HERSEY: Petition of M. J. Frye and others, of Dexter, Me., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3753. By Mr. HOOPER: Petition of J. K. Gilbert and 50 other residents of Branch and Calhoun Counties, protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

3754. By Mr. HOWARD of Nebraska: Petition signed by members of the congregation of the Springbank Quarterly Meeting of Friends Church, assembled in Plainview, Nebr., protesting against the bill now pending before Congress providing for a big Navy program, and urging naval reduction; to the Committee on Naval Affairs.

3755. Also, petition signed by Henry F. Tiede, of Loretto, Nebr., and 77 other petitioners of that vicinity, protesting against the passage of the so-called Lankford bill for compulsory observance of the Sabbath, or any other proposed legislation proposing compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

3756. Also, petition signed by Mrs. G. W. Whitney and Mrs. R. C. Andrews, of Fullerton, Nebr., and 155 other citizens of that vicinity, protesting the passage of the so-called Lankford or Sunday observance bill for compulsory observance of the Sabbath, or any other proposed legislation providing compulsory observance of the Sabbath in the District of Columbia; to the Committee on the District of Columbia.

3757. By Mr. HUDDLESTON: Petition of M. E. White and other residents of Birmingham, Ala., in opposition to House bill 78, the District of Columbia Sunday bill; to the Committee on the District of Columbia.

3758. Also, petition of Adolph B. Weil and numerous other residents of Birmingham, Ala., in opposition to House bill 78, the District of Columbia Sunday bill; to the Committee on the District of Columbia.

3759. Also, petition of L. G. Thomas, Mrs. P. C. O'Connor, and M. E. McPherson, and other residents of Jefferson County, Ala., in opposition to House bill 78, the District of Columbia Sunday bill; to the Committee on the District of Columbia.

3760. Also, petition of citizens of Del Rio and Val Verde County, Tex., urging that appropriation be made for the annual national rifle matches; to the Committee on Appropriations.

3761. By Mr. JENKINS: Petition signed by 123 voters of Jackson County, Ohio, urging that immediate steps be taken to bring to a vote a Civil War pension bill for the relief of veterans and widows of the Civil War; to the Committee on Invalid Pensions.

3762. Also, petition signed by 39 adult residents of Gallia County, Ohio, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3763. By Mr. JOHNSON of Texas: Petition of National Lumber & Creosoting Co., of Texarkana, Ark.-Tex., indorsing House bill 6091; to the Committee on Agriculture.

3764. Also, petition of International Creosoting & Construction Co., of Texarkana, Ark.-Tex., indorsing House bill 6091; to the Committee on Agriculture.

3765. By Mr. KINDRED: Resolution of the New York State National Guard Association of the State of New York, indorsing the principles of the Tyson-Fitzgerald bills (S. 777 and H. R. 500), and urging the United States Congress to pass these bills immediately; to the Committee on World War Veterans' Legislation.

3766. By Mr. KING: Special resolutions passed by the Illinois Livestock Shippers' Association, in meeting assembled at Galesburg, Ill., January 7, 1928, signed by J. R. Armstrong, president; D. A. Woodward, vice president; and J. B. C. Lutz, secretary and treasurer; to the Committee on Agriculture.

3767. Also, petition of National Tribune's Civil War pension bill, signed by Luther Pittman, 215 North Twenty-ninth Street, Quincy, Ill., and 20 other citizens of Quincy, Ill.; to the Committee on Invalid Pensions.

3768. By Mr. KNUTSON: Petition submitted by B. F. Ives and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3769. By Mr. KORELL: Petition of citizens of Portland, Oreg., urging legislation in behalf of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

3770. Also, petition of citizens of Portland, Oreg., protesting against the bill known as the Brookhart bill; to the Committee on Interstate and Foreign Commerce.

3771. Also, petition of citizens of Portland, Oreg., against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3772. By Mr. KVALE: Petition of Minnesota Wheat Growers' Cooperative Marketing Association, urging passage of farm-relief legislation; to the Committee on Agriculture.

3773. Also, petition of Post Office Clerks of Minnesota, urging passage of the legislative program adopted at their last State

convention; to the Committee on the Post Office and Post Roads.

3774. Also, petition or Northwestern Lumbermen's Association, favoring a reduction of the corporation income tax; to the Committee on Ways and Means.

3775. By Mr. LINDSAY: Resolutions adopted by board of directors, the Maritime Association of the Port of New York, at a regular monthly meeting held on February 8, 1928, protesting against House bill 9481, which provides for an appropriation of $12,000,000 for the reconditioning of the U. S. S. *Mount Vernon* and *Monticello* by the United States Shipping Board; to the Committee on the Merchant Marine and Fisheries.

3776. By Mr. LUCE: Petition of citizens of Wellesley, Mass., protesting against the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3777. By Mr. MORROW: Petition of Bank of Commerce, Roswell, N. Mex., protesting against the Oddie bill (S. 1752); to the Committee on the Post Office and Post Roads.

3778. Also, petition of citizens of Socorro, N. Mex., against House bill 78, by Mr. Lankford, compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

3779. Also, petition of Marie Gibson Missionary Society of the Methodist Church, protesting against naval construction program; to the Committee on Naval Affairs.

3780. Also, petition of Rev. C. T. Hughes, pastor, and Frank Boyer, clerk, Colored Baptist Church, Chamberino, N. Mex., protesting against proposed naval construction program; to the Committee on Naval Affairs.

3781. By Mr. MURPHY: Petition of Philena Santee, president, and Lorena Pearce, secretary pro tempore of the Damascus Woman's Christian Temperance Union, protesting against the big naval program; to the Committee on Appropriations.

3782. Also, petition of Anna C. Hall and Anna B. H. Oliphant, representing the Homemakers' Club, of Winona, Ohio, 100 members, protesting against the naval appropriation bill; to the Committee on Appropriations.

3783. Also, petition of Mrs. J. L. Rogers, of Rogers, Ohio, representing the Woman's Christian Union, protesting against the present naval program; to the Committee on Appropriations.

3784. Also, petition of Mrs. W. A. Schnaebelen, Mrs. S. A. Huffman, and others, of Leetonia, Ohio, protesting against Sunday observance laws; to the Committee on the District of Columbia.

3785. By Mr. NELSON of Missouri: Petition signed by citizens of Versailles, Mo., against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3786. By Mr. O'CONNELL: Petition of the American Society of Mechanical Engineers, wood industries division, favoring the passage of the McSweeney-McNary bill, for expanded program of Federal forestry research; to the Committee on Agriculture.

3787. Also, petition of the American Live Stock Association, in convention assembled, adoption of various resolutions; to the Committee on Agriculture.

3788. Also, petition of the National Parks Association, Washington, D. C., protesting against the passage of House bill 5729, to turn Mena National Forest, Ark., into Ouachita National Park; to the Committee on the Public Lands.

3789. Also, petition of the New York Lumber Trade Association, opposing the passage of the Jones bill, merchant marine (S. 744); to the Committee on the Merchant Marine and Fisheries.

3790. Also, petition of Richey, Browne & Donald (Inc.), of Maspeth, Long Island, N. Y., opposing the passage of the LaGuardia bill (H. R. 7759) as the best interests of every citizen of our country; to the Committee on the Judiciary.

3791. Also, petition of the National Home Study Council, Washington, D. C., favoring the passage of Senate bill 2366 and House bill 7951, relating to degree-conferring institutions; to the Committee on the District of Columbia.

3792. Also, petition of the Maritime Association of the port of New York, protesting against the proposal embodied in House bill 9481, providing an appropriation of $12,000,000 to be expended by the United States Shipping Board in reconditioning the steamers *Mount Vernon* and *Monticello;* to the Committee on Appropriations.

3793. Also, petition of the United States Fisheries Association (Inc.), office of the executive secretary, New York City, favoring the passage of the Stalker bill (H. R. 8298); to the Committee on the District of Columbia.

3794. Also, petition of the Rochester Chamber of Commerce, Rochester, N. Y., favoring the passage of House bill 9195, Cuban parcel post bill; to the Committee on the Post Office and Post Roads.

3795. Also, petition of Frederick W. Eberle, seedsman, Albany, N. Y., favoring revision of the first, third, and fourth class postal matter; to the Committee on the Post Office and Post Roads.

3796. Also, petition of the Soroptimist Club of the District of Columbia, favoring the passage of House bill 6664 and Senate bill 1907, to establish a woman's bureau of the Metropolitan police department of the District of Columbia; to the Committee on the District of Columbia.

3797. By Mr. PEAVEY: Petition of numerous citizens of Three Lakes, Wis., protesting against the enactment of compulsory Sunday observance legislation and particularly against House bill 78; to the Committee on the District of Columbia.

3798. By Mr. PORTER: Petition of 369 residents of Pittsburgh, Pa., protesting against the passage of House bill 78, or any compulsory Sunday bills that have been introduced; to the Committee on the District of Columbia.

3799. Also, petition of 80 residents of Pittsburgh, Pa., in favor of House bill 78; to the Committee on the District of Columbia.

3800. Also, petition of 231 residents of Pittsburgh, Pa., protesting against the passage of House bill 78, or any compulsory Sunday bills that have been introduced; to the Committee on the District of Columbia.

3801. By Mr. RAMSEYER: Petition of citizens of Malcom, Iowa, protesting against a big Navy building program; to the Committee on Naval Affairs.

3802. By Mr. ROBINSON of Iowa: Petition in opposition to the large increase in the naval building program, signed by the students and faculty of Corneil College, Mount Vernon, Iowa; to the Committee on Naval Affairs.

3803. By Mr. SWICK: Petition of E. H. Dambach and 39 other residents of New Brighton, Pa., requesting the passage of Civil War pension bill providing $72 per month for every surviving veteran of the Civil War, $125 per month for all surviving veterans needing the aid and attendance of another, and $50 per month for every Civil War widow; to the Committee on Pensions.

3804. Also, petition of Paul White and 18 other residents of New Castle, Pa., protesting the passage of the Lankford bill or other measures contemplating compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

3805. Also, petition of John L. Williams and 25 other residents of New Castle and Lawrence County, Pa., protesting the passage of the Lankford bill, or other compulsory Sabbath observance measures affecting the District of Columbia; to the Committee on the District of Columbia.

3806. By Mr. THATCHER: Petition of numerous citizens of Louisville, Ky., protesting against enactment of Sunday observance legislation; to the Committee on the District of Columbia.

3807. By Mr. THURSTON: Petition of 37 citizens of Weldon, Clarke County, Iowa, protesting against increased naval construction; to the Committee on Naval Affairs.

3808. By Mr. TILSON: Petition of Leo J. Laughlin and other residents of New Haven, Conn., protesting against passage of Senate bill 1667, with respect to distribution of motion pictures; to the Committee on Interstate and Foreign Commerce.

3809. By Mr. WATSON: Resolution from the Makefield Monthly Meeting of Friends, in opposition to an increased naval program; to the Committee on Naval Affairs.

3810. Also, resolution passed by Washington Camp No. 73, Patriotic Sons of America, in opposition to any change in the national origin act unless to give greater strength as to entry and registration of foreigners; to the Committee on Immigration and Naturalization.

3811. Also, resolution from Buckingham Monthly Meeting of the Society of Friends, in opposition to increased naval construction; to the Committee on Naval Affairs.

3812. Also, petition from members of Newtown (Pa.) Friends Boarding Home, in opposition to an increased naval program; to the Committee on Naval Affairs.

3813. Also, resolution passed by the Baptist Ministers' Conference of Philadelphia and vicinity, in opposition to proposed increased naval program; to the Committee on Naval Affairs.

3814. Also, resolution from the Merion Chapter, Daughters of American Revolution, in favor of House Joint Resolution 11, to adopt an official flag code of the United States; to the Committee on the Judiciary.

3815. By Mr. WILLIAMS of Missouri: Petition of Dr. L. L. Feltz et al., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

3816. By Mr. WURZBACH: Petition of Oliver W. Johnson, Mrs. William Smith, Mrs. J. A. Lewis, Rev. R. E. Brown, Vernae May, Henry Ellison, and other citizens of San Antonio, Bexar

County, Tex., in support of increased pensions for Civil War veterans and widows; to the Committee on Invalid Pensions.

3817. By Mr. WYANT: Petition of Maj. Gen. Arthur St. Clair Chapter of the U. S. D. of 1812, favoring passage of Lankford bill; to the Committee on the District of Columbia.

3818. Also, petition of Greensburg Council, No. 169, Junior Order United American Mechanics, favoring House bill 3; to the Committee on Immigration and Naturalization.

3819. Also, petition of L. W. Kintigh, R. F. D. No. 2, Irwin, Pa., indorsing Capper-Ketcham bill; to the Committee on Military Affairs.

3820. Also, petition of Olympia-Oakford Park Co., McKeesport, Pa., protesting against the passage of Lankford bill (H. R. 78); to the Committee on the District of Columbia.

3821. Also, petition of Raymond E. Maxwell, Haverford, Pa., protesting against naval appropriations bill; to the Committee on Appropriations.

3822. Also, petition of Washington Camp, No. 627, Patriotic Order Sons of America, Salina, Pa.; to the Committee on Immigration and Naturalization.

3823. Also, resolution of American Dental Association, indorsing House bill 5766; to the Committee on the Judiciary.

3824. Also, petition of Loring, Short & Harmon, Portland, Me., favoring passage of House bill 11; to the Committee on Interstate and Foreign Commerce.

3825. Also, petition of the Queensberry Club, favoring House bill 7736; to the Committee on the Judiciary.

SENATE

TUESDAY, *February 14, 1928*

(Legislative day of Monday, February 13, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Sheppard
Barkley	Fess	McLean	Shipstead
Bayard	Fletcher	McMaster	Shortridge
Bingham	Frazier	McNary	Simmons
Black	George	Mayfield	Smith
Blaine	Gerry	Moses	Smoot
Borah	Glass	Neely	Steck
Bratton	Gooding	Norbeck	Steiwer
Brookhart	Gould	Norris	Stephens
Broussard	Greene	Nye	Swanson
Bruce	Hale	Oddie	Thomas
Capper	Harris	Overman	Trammell
Caraway	Harrison	Phipps	Tydings
Copeland	Hawes	Pine	Tyson
Couzens	Hayden	Pittman	Wagner
Curtis	Heflin	Ransdell	Walsh, Mass.
Cutting	Howell	Reed, Mo.	Walsh, Mont.
Dale	Johnson	Reed, Pa.	Warren
Deneen	Jones	Robinson, Ark.	Waterman
Dill	Kendrick	Robinson, Ind.	Watson
Edge	Keyes	Sackett	Wheeler
Edwards	King	Schall	Willis

The VICE PRESIDENT. Eighty-eight Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions adopted by the Oscawana Democratic Club, of Queens County, New York City, N. Y., indorsing the stand of Senator JOSEPH T. ROBINSON in favoring religious tolerance, which were ordered to lie on the table.

The VICE PRESIDENT also laid before the Senate cablegrams from the president of the Senate and the speaker of the House of Representatives of Porto Rico, which were referred to the Committee on Territories and Insular Possessions and ordered to be printed in the RECORD, as follows:

[Cablegram]

SAN JUAN, P. R., *February 14, 1928.*

The PRESIDENT OF THE SENATE,
Washington, D. C.:

Upon the opening of the legislature this senate this day on which the birth of the liberator and martyr President is being celebrated, remembering his memorable sentence, "The Government of the people, by the people, and for the people shall not perish from the earth," unanimously resolved to ask you to apply these words to our island through the enactment of the bills introduced by our Resident Commissioner providing for the election of the Governor of Porto Rico by the vote of the people at the elections of 1932 and authorizing our people to draft their own constitution.

ANTONIO R. BARCELO,
President of the Senate of Porto Rico.

[Cablegram]

SAN JUAN, P. R., *February 13, 1928.*

The PRESIDENT OF THE SENATE OF THE UNITED STATES,
Washington, D. C.:

This house at the opening of its sessions on this day when the birth of the liberator and martyred President is celebrated wishes to remind you of his memorable sentence, "The Government of the people, by the people, and for the people shall not perish from the earth." Porto Rico demands that the principles involved in those words be applied to our island in the form of public institutions recommending to Congress approval of bills introduced by our Resident Commissioner providing the election of the Governor of Porto Rico by the vote of her people at the elections of 1932 and enabling our people to formulate our own constitution, thus acting in accordance with the several memorials presented to Congress by our legislative assembly.

JOSE TOUS SOTO,
Speaker House of Representatives.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Nevada, which was referred to the Committee on Claims:

Senate Joint Resolution 2, memorializing Congress relative to reimbursement by the Government of the United States for moneys paid by the State of Nevada for military purposes

[Approved February 4, 1928]

Whereas the Territory of Nevada was created by act of Congress March 2, 1861; and

Whereas said Territory was repeatedly called upon by the commanding general of the Department of the Pacific during the years 1863 and 1864 to furnish and equip troops to protect from warring Indians the overland mail route; and

Whereas at that time the routes to the Pacific coast by sea had been closed and there were not sufficient troops otherwise available to protect and keep open said overland route; and

Whereas the conditions then existing and the exigency of the occasion is shown by the statements of General Wright, one of the many similar being, "The Indian disturbances * * * threaten the entire suspension of our mail facilities as well as preventing any portion of the vast immigration approaching from the East. * * * It is impossible for us at this moment to purchase horses and equipment. Each man would have to furnish his own"; and

Whereas the Territory of Nevada then comprised a vast, sparsely populated desert region between two great mountain ranges, 1,500 miles distant from railroad communication, and where the then cost of living vastly exceeded that of any other section of the United States; and

Whereas in pursuance of said most urgent calls for troops, repeatedly made, the Territory of Nevada provided a regiment of Cavalry and a battalion of Infantry, by the aid of which troops only the overland mail, stage, and immigration route was kept open to the Pacific coast; and

Whereas in order to at all provide sufficient troops for the purpose the Territory was compelled to, and did by act of its "legislative power," provide for the payment to her troops of certain compensation in addition to that then provided to be paid by the United States to troops in other sections of the country, and to meet such payments the Territory, being without other means, was compelled to and did authorize a bond issue in the sum of $100,000; and

Whereas such additional compensation was intended to cover the expenses of recruits prior to being mustered into the service and to equalize in part the difference in the purchasing power of the soldier's pay due to the increased cost of all necessary supplies in the region; and

Whereas the officials of the Territory may well have assumed that the Territory would be reimbursed under the provisions of the act of Congress of July 27, 1861, entitled "An act to indemnify the States for expenses by them in defense of the United States" (12 Stat. 276), and the letter of Secretary of State, Hon. William H. Seward, of date October 14, 1861, addressed to governors and containing the statement, "There is every reason to believe that Congress would sanction what the State should do and would provide for its reimbursement"; and

Whereas under the act of Congress creating the Territory of Nevada "legislative power was vested in a governor," appointed by the President, "and a legislative assembly," and all legislative acts and executive proceedings were required to be transmitted to the President of the United States and to the Senate and House of Representatives, and were so transmitted, and no objection was made by the President or the Congress to said acts creating said debt for said military purposes; and

Whereas on March 21, 1864, Congress adopted an enabling act authorizing the people of the Territory to frame a constitution and to become admitted into the Union as a State; and

Whereas the impelling motive of the administration and of Congress at that time in adopting such enabling act was to create an additional State in order to provide for ratification of the then contemplated amendment to the Constitution of the United States abolishing slavery, which proposed amendment was deemed by the administration of President Lincoln, according to the statement of Hon. Charles A. Dana, then Assistant Secretary of War, to possess a moral force "equivalent to

new armies in the field—that it would be worth at least a million men"; and

Whereas in pursuance of said enabling act the people of the Territory of Nevada adopted a constitution and submitted the same to President Lincoln for approval, notwithstanding the fact that the people of the Territory had just previously overwhelmingly defeated a similar proposed constitution initiated by Territorial action, and notwithstanding the further fact that the effect of admission to statehood was to shift the expense of local government from the United States to the few people then inhabiting the Territory; and

Whereas upon admission the State was morally bound to assume payment of all debts and obligations contracted by the Territory, which assumption was made by a provision of the State constitution and the same approved in accordance with the provisions of the enabling act by President Lincoln; and

Whereas the State of Nevada was bound to and did continue to carry out the policy inaugurated by the Territory, and did carry out its obligations to pay the debts created by the Territory and others necessarily contracted in continuing such policy, and that in order to do so the State was compelled to and did borrow money upon a bond issue for such purpose, and has since continued to refund said bonds and to pay interest upon the same; and

Whereas by acts of Congress of June 27, 1882 (22 Stat. 111), and October 6, 1886 (24 Stat. 217), the Secretary of the Treasury, with the aid of a board of examiners consisting of Army officers, was required "to examine and investigate" the claims of certain States and Territories, including that of Nevada, said act of 1882 providing "that no higher rate shall be allowed for the services of said forces and other proper expenses than was allowed and paid by the United States for similar services in the same grade and for the same time in the United States Army serving in said States and Territories, and for supplies furnished in the same country"; and

Whereas there were no other soldiers of the United States Army serving in said Territory and receiving less pay than that received from all sources by troops raised in the Territory of Nevada; and

Whereas the said board of examiners reported that with the "extra pay" allowed under the Territorial act "their compensation from all sources did not exceed, if, indeed, was equal to, the value of the money received as pay by the troops stationed elsewhere," and that in passing the Territorial act "the legislature was mainly instigated by a desire to do a plain act of justice," and that the term "bounty," as used in the Territorial act was in fact a payment made to captains of military companies "for expenses incurred by them in enlisting, lodging, and subsisting the men prior to their entering the United States service * * * and under the circumstances this expense was economical"; and

Whereas said board of examiners rejected said disbursements because of the technical reason they were described in the statute as "bounty and extra pay," notwithstanding the findings of fact made by said board show that such disbursements were in no way a gratuity, but, upon the contrary, were in one case "economical" and in the other a "plain act of justice"; and

Whereas both the said board of examiners and the Court of Claims in considering the matter of such disbursements felt bound by general laws, and hence could not consider conditions and circumstances peculiarly applying to Nevada alone and to the equities of her case; and

Whereas by an act of Congress approved March 3, 1899 (30 Stat. 1206), the Secretary of the Treasury was required "to investigate and report to Congress * * * the amount furnished by the State of Nevada or by the Territory of Nevada and assumed by said State * * * with such interest on the same as said State has actually paid, together with what amounts have been heretofore paid by the United States"; and

Whereas in pursuance of said act of Congress of March 3, 1899, the Secretary of the Treasury transmitted to Congress "a statement of the case made by the Auditor of the War Department," from which it appears that, inclusive of the interest paid by the State to January 31, 1899, there remained "the sum of $462,441.97 for which the State has not been reimbursed"; and

Whereas since the furnishing of said statement made in compliance with said act of Congress no material part of said sum "for which the State has not been reimbursed" has been paid; and

Whereas the Senate of the United States upon four several occasions passed measures providing for the reimbursement of the State of Nevada in full for all her said war expenditures, and appropriate committees of the House of Representatives, after exhaustive investigations, in every instance recommended the passage of such measures; and

Whereas the State of Nevada has not as yet been reimbursed for its said expenditures, but has continually been compelled to pay interest upon the original debt incurred: Therefore be it

Resolved by the senate and the assembly, That it is the sense of the Legislature of the State of Nevada that if, as would appear to have been determined by the board of war examiners and the Court of Claims, a strict legal obligation does not rest upon the Government of the United States to reimburse the State of Nevada for the expenditures by it assumed and incurred for military purposes in keeping open the overland mail route to the Pacific coast during the time of the War between the States, that in equity the Government of the United States should reimburse the State of Nevada for such expenditures, and that in addition thereto a moral obligation is imposed to make such reimbursement, for the following reasons:

First. That the use of the words "bounty and extra pay" in the Territorial statute were misnomers and did not express the real purpose of such act.

Second. That the debt was contracted by Territorial officers created by act of Congress and were in fact Federal officers.

Third. That the acts of the Territorial legislature were submitted to the President and the Congress and were not disapproved.

Fourth. That the Territorial officers in incurring the original debt acted in a great emergency and pursued such methods as were best calculated to accomplish the result required.

Fifth. That in calling upon the people of the Territory to accomplish a great war measure by assuming the obligations of statehood, the State was bound to assume the debts and obligations of the Territory in the first instance, and by approving the constitution the President and the Congress ratified the action of the people of the State in the second instance.

Sixth. That by assuming the obligations of statehood Congress was relieved from an expense of Territorial government vastly in excess of the entire amount assumed and paid by the State of Nevada for war expenditures made upon request of the proper military officers of the United States, and for which it asks reimbursement.

Be it further

Resolved, That the action of the State officers in presenting a memorial to Congress for the reimbursement of the State of Nevada, of date December 5, 1927, be approved; be it further

Resolved, That the Congress be, and it hereby is, petitioned to provide for the reimbursement of the State of Nevada for the disbursements by it made and referred to in this resolution; be it further

Resolved, That a copy of this resolution be transmitted to the United States Senate, to the House of Representatives, to the Comptroller General of the United States, and to our Senators and Representatives in Congress.

MORLEY GRISWOLD,
President of the Senate.
V. R. MERIALDO,
Secretary of the Senate.
D. H. TANDY,
Speaker of the Assembly.
JOHN W. WRIGHT,
Chief Clerk of the Assembly.

STATE OF NEVADA,
Department of State, ss:

I, W. G. Greathouse, the duly elected, qualified, and acting secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original Senate Joint Resolution No. 2 introduced by Senator Fairchild, approved February 4, 1928, now on file and of record in this office.

In witness whereof I have hereunto set my hand and affixed the great seal of state at my office in Carson City, Nev., this 10th day of February, A. D. 1928.

[SEAL.]

W. G. GREATHOUSE,
Secretary of State.

Mr. SIMMONS presented a memorial numerously signed by sundry citizens of Durham and vicinity, in the State of North Carolina, remonstrating against the adoption of the proposed "big Navy program," which was referred to the Committee on Naval Affairs.

He also presented a resolution adopted by the executive committee of the North Carolina Department, American Legion, favoring the passage of the so-called Tyson-Fitzgerald bill, for the relief of disabled emergency officers of the World War, which was referred to the Committee on Military Affairs.

He also presented resolutions adopted by Camp Chase Adams, United Spanish War Veterans, at Charlotte, N. C., favoring the prompt passage of legislation making an extra appropriation for the "additional Air Corps increment for the Army" and to allow the Budget estimate of $4,631,927 to remain intact for the exclusive use of training of the Organized Reserves, etc., which were referred to the Committee on Military Affairs.

Mr. WARREN presented a petition of sundry citizens of Rock River, Wyo., praying for the retention of the national-origins provision in the existing immigration law, which was referred to the Committee on Immigration.

He also presented a resolution adopted by Lodge Branting, No. 477, Vasa Order of America, at Laramie, Wyo., protesting against any change of the immigration quotas of Sweden and the other Scandinavian countries, which was referred to the Committee on Immigration.

Mr. FRAZIER presented a resolution adopted by the board of county commissioners of Walsh County, N. Dak., protesting

against the passage of the bill (S. 1752) to regulate the manufacture and sale of stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by Local Union No. 167, Farmers Union, of Francher Township, Ramsey County, N. Dak., favoring the passage of the so-called McNary-Haugen farm relief bill, which was referred to the Committee on Agriculture and Forestry.

Mr. COPELAND presented resolutions adopted by the board of directors of the Maritime Association of the Port of New York, protesting against the proposal embodied in House bill 9481, providing that an appropriation of $12,000,000 be expended by the United States Shipping Board in reconditioning the steamships *Mount Vernon* and *Monticello*, etc., which were referred to the Committee on Commerce.

He also presented memorials of members of the faculty and student bodies of Union Theological Seminary and Yale Divinity School, protesting against the proposed "big Navy program," which were referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Madison County, N. Y., praying for the adoption of the so-called Capper resolution, for the negotiation of treaties renouncing war as an instrument of public policy, and the so-called Borah resolution for the formal outlawry of war, which were referred to the Committee on Foreign Relations.

He also presented a letter in the nature of a memorial from the Rochester (N. Y.) Theatrical Managers Association, remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Pathé Exchange and sundry citizens of the Buffalo district, New York, remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Chenango Bridge, N. Y., remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

REPORTS OF THE AGRICULTURAL COMMITTEE

Mr. McNARY, from the Committee on Agriculture and Forestry, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 2148) to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, and for other purposes (Rept. No. 303); and

A bill (S. 2149) authorizing and directing the Secretary of Agriculture to investigate all phases of crop insurance (Rept. No. 304).

Mr. McNARY also, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2456) to establish game sanctuaries in the national forests, reported it with an amendment and submitted a report (No. 305) thereon.

He also, from the same committee, to which was referred the bill (S. 2832) providing for horticultural experiment and demonstration work in the southern Great Plains area, reported it with amendments and submitted a report (No. 306) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAYARD:

A bill (S. 3181) granting an increase of pension to Ellenora K. Underwood (with accompanying papers); to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3182) granting an increase of pension to Sallie Bateman Hahn; to the Committee on Pensions.

By Mr. CARAWAY:

A bill (S. 3183) to enlarge the Army and Navy General Hospital at Hot Springs National Park, Ark.; to the Committee on Military Affairs.

By Mr. CUTTING:

A bill (S. 3184) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. JONES:

A bill (S. 3185) for the relief of Leonard Claud Huntington; to the Committee on Naval Affairs.

A bill (S. 3186) to provide for the conservation of fish, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. TYDINGS:

A bill (S. 3187) granting a pension to Max Shar;

A bill (S. 3188) granting a pension to Lucretia Hogg; and

A bill (S. 3189) granting an increase of pension to Frederica Strong Albee; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3190) for the relief of Joseph T. McGuire;

A bill (S. 3191) for the relief of the parents of Garnet Murphy;

A bill (S. 3192) for the relief of the parents of Emmett Murphy, deceased; and

A bill (S. 3193) for the relief of the parents of Donard Murphy; to the Committee on Claims.

By Mr. KING:

A bill (S. 3194) to establish the Bear River migratory-bird refuge; to the Committee on Agriculture and Forestry.

By Mr. NEELY:

A bill (S. 3195) granting a pension to John J. Hughes; to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 3196) granting an increase of pension to Mary W. McClung (with accompanying papers);

A bill (S. 3197) granting an increase of pension to Austella Stephenson (with accompanying papers); and

A bill (S. 3198) to amend the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, by inserting the word "Army," so as to read "Army, Navy, and Marine Corps"; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 3199) to place Dudley W. Woodward on the retired list of the United States Army as a captain; to the Committee on Military Affairs.

By Mr. SHIPSTEAD:

A bill (S. 3200) to amend subdivision a of section 4 of the act enfitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended; to the Committee on the Judiciary.

By Mr. SHEPPARD:

A bill (S. 3201) for the relief of Paul D. Carlisle; to the Committee on Claims.

By Mr. REED of Missouri:

A bill (S. 3202) granting compensation to Adelia M. Pierce (with accompanying papers); to the Committee on Finance.

A bill (S. 3203) granting an increase of pension to Mary E. Emerson (with accompanying papers); and

A bill (S. 3204) granting a pension to Mary E. Beckner (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 3205) granting an increase of pension to Alvina Murry (with accompanying papers);

A bill (S. 3206) granting an increase of pension to Imildiah J. Chase (with accompanying papers); and

A bill (S. 3207) granting an increase of pension to Phebe J. Irion (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO ALIEN PROPERTY BILL

Mr. COPELAND submitted an amendment intended to be proposed by him to House bill 7201, the so-called alien property claims bill, which was ordered to lie on the table and to be printed.

PROPOSED AMENDMENT TO THE SENATE RULES—REGULATION AND REGISTRATION OF LEGISLATIVE COUNSEL OR AGENTS

Mr. WALSH of Massachusetts. I submit a resolution proposing a change of the Senate rules. This is the resolution to which I referred on yesterday. I ask that it may be printed in the RECORD and lie over.

The resolution (S. Res. 145) was ordered to lie over under the rule, as follows:

Resolved, That the standing rules of the Senate be, and they are hereby, amended by adding a new rule, as follows:

RULE XLI. REGULATION AND REGISTRATION OF LEGISLATIVE COUNSEL OR AGENTS

All persons employed for hire as attorney or agents to represent individuals, partnerships, societies, corporations, or foreign governments, to advocate or oppose pending legislation, shall register the fact of such employment, a statement of the particular legislation, and the name of their employer with the Secretary of the Senate before engaging in such employment.

Upon motion of any Member of the Senate, supported by a majority vote, any designated employee may be summoned to appear before the Committee on Rules and required to give the names of all persons for whom he is employed, or if an employer, the names of those who were employed by him to influence legislation during the current session of Congress and an account of all expenditures incurred or promised for the purpose.

The chairmen of the committees shall require all persons appearing before them to advocate or oppose pending legislation to state whether they are employed for the purpose, and if so, by whom employed. A list of employers so disclosed shall be kept by the committee, and upon motion of any member any designated employer shall be summoned before the committee and required to give the names of all persons employed by him to influence legislation during the current session of Congress, and an account of all expenditures incurred or promised for the purpose.

WELCOME TO COL. CHARLES A. LINDBERGH

Mr. SMOOT submitted the following resolution (S. Res. 146), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate all expenses incurred by the Senate, including necessary expenses for travel for Senators appointed by the Vice President to attend the ceremonies incident to the welcome accorded Col. Charles A. Lindbergh at Washington, D. C., on June 11, 1927.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7009) to authorize appropriations for construction at military posts, and for other purposes.

OHIO RIVER BRIDGE, TYLER COUNTY, W. VA.

Mr. NEELY. Mr. President, I ask unanimous consent for the immediate consideration of Calendar No. 300, the bill (H. R. 9186) authorizing the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, to construct, maintain, and operate a toll bridge across the Ohio River at or near Sistersville, Tyler County, W. Va. A similar bill passed the Senate and went to the House. In the meantime the House had passed this bill and sent it here.

The VICE PRESIDENT. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OHIO RIVER BRIDGE NEAR LOUISVILLE, KY.

Mr. SACKETT. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of the bill (H. R. 9660) authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city, and that the Senate proceed to its consideration.

There being no objection, the Committee on Commerce was discharged from the further consideration of the bill, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEED OF BETTER VENTILATION IN CAPITOL BUILDING

Mr. COPELAND. Mr. President, I send to the desk and ask to have printed in the RECORD as a part of my remarks an editorial from this morning's Washington Post entitled "Curing a cold."

I have been disturbed about the atmosphere in the Senate Chamber and the atmosphere in various Senate committee rooms. I have observed, for instance, in the Committee on Commerce and the Committee on Appropriations the vilest air. Senators meekly submit to the exposure of their persons to bad atmospheric conditions.

I speak seriously, because I believe that the life of every Senator here is shortened by the way in which he lives in the Capitol.

I have had pending for a long time a measure seeking to remodel the Senate Chamber, in order that outside air may be admitted. I speak of it because of my interest in the health of my colleagues. I think even the Republicans on the other side of the Chamber ought to live longer than they are likely to survive under the conditions which prevail here.

I believe this editorial is so sensible that it should engage the serious thought of every Senator.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Tuesday, February 14, 1928]

CURING A COLD

Cornell University now discloses that it, too, has joined the popular search for a cause and cure of the common cold. For over a year the staff of its medical college has been treating a selected group of students to twice-a-week baths in the ultra-violet rays of a mercury vapor lamp. This group, it is said, shows a decrease of 50 per cent, as compared with an untreated group, in both the number and severity of colds.

The experiments were started to test a theory that, since people rarely suffer from colds in summer, sunlight has something to do with their immunity. The ultra-violet rays, like sunlight, change the bactericidal power of the blood, increasing its resistance to the germs that cause colds. They also, it has been found, improve the condition of the skin which protects the delicate tissues of the body from bacteria always seeking entrance. Thus the door is closed to persons who have been treated to the rays of the mercury vapor lamps, and if the bacteria do succeed in forcing an entrance, the blood itself is better equipped to destroy the intruders.

The physicians interested in the experiment say that the lesson to be learned therefrom is that people must take greater advantage of sunshine, nature's ultra-violet storehouse. Yet stranger things than this may follow if the theory is found to be sound. Possibly ultra-violet ray service stations may come to be part of civilization. Not every one can get as much sunlight as he needs, but if he could drop into such a service station for a few minutes twice a week, the need would not be so pressing.

INVESTIGATION OF PUBLIC-UTILITY CORPORATIONS

The Senate resumed the consideration of the resolution (S. Res. 83) authorizing an investigation of public-utility corporations.

The VICE PRESIDENT. The Senator from Georgia [Mr. GEORGE] is entitled to the floor.

Mr. WATSON. Mr. President, will the Senator yield to me for a moment?

Mr. GEORGE. Certainly.

Mr. WATSON. I should like to ask the Senator from Montana [Mr. WALSH] if he would object to a unanimous-consent agreement to vote upon the pending resolution at 5 o'clock to-day?

Mr. WALSH of Montana. I should not object.

Mr. WATSON. I asked the Senator from Idaho [Mr. BORAH] this morning if he would object, and he said he would not.

Mr. NORRIS. Mr. President, what is the proposition?

Mr. WATSON. To vote on the pending resolution at not later than 5 o'clock this afternoon.

Mr. NORRIS. It might be that under such an arrangement one Senator would take up all the time between now and 5 o'clock. I do not want to delay the vote; I am as anxious as anyone to get a vote; but with that kind of a blanket agreement some one might be deprived of an opportunity to speak on the resolution.

Mr. WATSON. We can perhaps limit the length of speeches, if the Senator desires, after the Senator from Georgia concludes.

Mr. WALSH of Montana. I rather think we shall be able to reach a vote this afternoon.

Mr. WATSON. The Senator from Utah [Mr. SMOOT] is insisting on proceeding with the consideration of the alien property bill unless we can reach some kind of agreement. I think if we could proceed for a while with the discussion of the resolution, and it should look like we might reach a vote, the Senator from Utah might be agreeable to permitting us to proceed with the discussion, and if we could do that I think it would be very pleasing to both sides.

Mr. WALSH of Montana. I would suggest that we go on until about 2 o'clock and then take up the matter.

Mr. REED of Pennsylvania. Mr. President, has any thought been given to a consideration of the calendar some day this week?

Mr. CURTIS. It is my intention to ask for an adjournment just as soon as the pending resolution is out of the way, so that we may have a morning hour, when the calendar can be taken up.

Mr. GEORGE. Mr. President, inasmuch as I have proposed an amendment to refer the investigation to the Federal Trade Commission, and inasmuch as the power of that commission to conduct the investigation is questioned, I desire to call the attention of the Senate briefly to the powers of the commission.

Section 5 of the Federal Trade Commission act declares:

That unfair methods of competition in commerce are hereby declared unlawful.

The same section empowers and directs the commission "to prevent persons, partnerships, or corporations, except banks, and common carriers subject to the acts to regulate commerce from using unfair methods of competition in commerce," and gives the commission full power to make inquiry and to conduct investigations into the acts of all corporations engaged in commerce.

I desire specifically to call the attention of the Senate to the power of the Federal Trade Commission to make economic investigations. It is provided in section 6 (a)—

That the commission shall have power—

(a) To gather and compile information concerning and to investigate from time to time the organization, business, conduct, practices, and management of any corporation engaged in commerce.

And the commission may require reports and answers to specific questions in the compilation of such information, the only corporations that are excepted being banks and common carriers, which are otherwise regulated.

I desire to call the attention of the Senate specifically to the power given the Federal Trade Commission under the Clayton Act, by which the commission is given jurisdiction over violations of sections 2, 3, 7, and 8 of that act, and is specifically granted power in certain cases to investigate holding corporations or the ownership by one company of the stock of another where the effect may be to substantially lessen competition between the companies and to restrain commerce or tend to create a monopoly.

I desire to call the attention of the Senate to the further power conferred upon the Federal Trade Commission to investigate so-called interlocking directorates in cases where one person shall at the same time be a director in any two or more corporations engaged in interstate or foreign commerce other than common carriers and banks or banking, which throughout the act, of course, are excepted from the jurisdiction of the Federal Trade Commission because they are otherwise regulated.

I desire to call the attention of the Senate to certain rulings of the Attorney General. It is alleged that by reason of a provision in the appropriation act for the fiscal year 1925, and under the appropriation act for the current fiscal year, the Federal Trade Commission has not the power upon the request of a single House of Congress to make the inquiry covered by the Walsh resolution. The provision of the appropriation act referred to reads as follows:

No part of this sum shall be expended for investigations requested by either House of Congress except those requested by a concurrent resolution of Congress; but this limitation shall not apply to investigations and reports in connection with alleged violations of the antitrust acts by any corporation.

I desire to call the attention of the Senate to the opinion of the Attorney General given to the Federal Trade Commission upon Resolution No. 163 of the Sixty-ninth Congress, and particularly to the opinion of the Attorney General upon Resolution No. 34 of the Sixty-ninth Congress, in which the Attorney General has ruled that the Federal Trade Commission has the power to make precisely the same kind of investigation called for by the pending resolution.

The only question, Mr. President, that has arisen grew out of the rider on the appropriation act which limited the power of the Federal Trade Commission to expend moneys appropriated to it to conduct an investigation ordered by the resolution of a single House of Congress unless that resolution required an investigation of some act declared to be or supposed to be under the condemnation of the antitrust acts.

Mr. President, I propose to take this case out of any possible controversy by announcing now that I shall offer at the end of the resolution substantially the following amendment:

The commission is hereby directed to inquire whether any of the practices hereinabove enumerated constitute unfair methods in commerce, tend to the restraint of trade and commerce and/or to create a monopoly, and/or constitute a violation of the Federal antitrust laws.

Mr. BARKLEY. Mr. President, will the Senator from Georgia yield to me?

Mr. GEORGE. I yield.

Mr. BARKLEY. Does the Senator contend that the authority which he read from the law a moment ago or the amendment which he intends to propose, if agreed to, would authorize the Federal Trade Commission to inquire into the activities of corporations in politics and elections?

Mr. GEORGE. Entirely so; and I wish to say to the Senator that I agreed with the Senator from Nebraska [Mr. NORRIS] yesterday in his interpretation of the resolution which he offered in 1925 and which was adopted by the Senate on February 9 of that year. He meant to inaugurate an inquiry into the activities of utility corporations in order that it might be disclosed whether those utilities were engaging in efforts to control elections and particularly whether they were using money or other influences corruptly in order to control the regulatory bodies that have jurisdiction over the utilities themselves.

The Senator from Montana himself yesterday made very specific his own interpretation of what he conceived to be the proper direction that the committee would give that inquiry under that provision of the resolution. His interpretation is in to-day's RECORD.

Mr. BARKLEY. I have been somewhat disturbed, I will say to the Senator, about the question whether the jurisdiction of the Federal Trade Commission under the act which created it would empower it to enter into a field that might be regarded as wholly reprehensible but not necessarily a violation of the antitrust laws.

Mr. GEORGE. Suppose the antitrust law is alleged to be violated by a corporation which comes under State control; suppose it is true that the State commission itself is elected or its election is influenced by such corporation; and suppose that the corporation is by the commission thus elected permitted to have a free hand in carrying out its own policies, it seems to me to be too clear to admit of argument that we would have an instance where even the expenditure of money or the use of agencies of publicity to influence and control elections in that case would be directly related to the very activity that the Federal Trade Commission was created to investigate and to prevent.

Mr. GLASS. Mr. President, may I inquire of the Senator from Georgia whether the report of the Federal Trade Commission in obedience to the Norris resolution covered that aspect of the investigation?

Mr. GEORGE. I will say to the Senator that the report of the Federal Trade Commission in response to the Norris resolution did not cover it, because it was not required by the resolution itself; that is to say, it was not required of the Federal Trade Commission to report whether any such practices tended to restrain trade or commerce or tended to create a monopoly or constitute a violation of any of the Federal antitrust laws.

Mr. GLASS. I understood the Senator to say that he gave the same interpretation to the resolution as was given to it by the Senator from Nebraska——

Mr. GEORGE. I did; and I think it a fair one.

Mr. GLASS. That the resolution required that sort of an inquiry.

Mr. GEORGE. I think that was a fair interpretation of the resolution.

Mr. GLASS. But the Federal Trade Commission did not give that interpretation to it.

Mr. GEORGE. The Attorney General took a different view of it and excluded investigation under that particular clause of the resolution, not because power was wanting, but because the commission had no authority to use its funds in view of the rider that had been attached to the then applicable appropriation bill and to a prior appropriation bill.

Mr. President, combinations in restraint of trade and commerce may be created in various ways, but monopolies can exist in the United States in no utility subject to State power and regulations unless the State fails to exercise its power or unless the State power is misdirected or misused. In other words, it is most difficult to conceive of a monopoly or of restraint of trade and commerce by a utility company subject to State regulation if the State is exercising its regulatory power in a proper way. It follows that a monopoly can be brought about through the corrupt use of money in controlling the election of State officers charged with the duty of regulating the business in which the monopoly exists.

Mr. GLASS. Mr. President, if it will not interrupt the Senator, in pursuance of the inquiry that I made a while ago, let me say that I think it is well to have the Senate understand that the Federal Trade Commission did not have available funds, perhaps, to pursue the inquiry that was ordered by the Norris resolution, because its chairman, Mr. Humphrey, came before the Appropriations Committee and prevailed upon the committee not to appropriate sufficient funds; and the same Mr. Humphrey appeared before the Appropriations Committee of the Senate at this session and sought again to prevail upon the committee not to appropriate funds for an investigation by a single House of Congress.

Mr. GEORGE. But he was unsuccessful this year.

Mr. GLASS. He was unsuccessful this year, as he should have been in all the other years.

Mr. GEORGE. That leads me to say that I am not defending the Federal Trade Commission. I hold no brief for the commission or any member thereof. I must admit that many of their rulings and certain of their acts would seem to merit the condemnation that has been pronounced against them; but, so far as this matter is concerned, I am considering simply what the commission did, and I am calling attention to that for the reason that the inquiry and investigation thus far made by the commission in this matter is not partial but is rather critical of the utilities.

Mr. President, with the amendment which I shall offer in the event my first amendment prevails, no question can arise, as I think, touching the Federal Trade Commission's power to make the investigation required.

Mr. KING. Mr. President, will the Senator yield?

Mr. GEORGE. I am glad to yield.

Mr. KING. Does the Senator think that the amendment which he is about to tender or, at least, will tender before he concludes does not need the support of the House of Representatives, but would motivate the commission or require it to make the investigation though it were a resolution adopted by the Senate alone?

Mr. GEORGE. Exactly. I wish to say, Mr. President, that if the election of any officer—State or Federal—is undertaken, the resolution should direct the committee of the Senate or the Federal Trade Commission to pursue the investigation within proper limits. If it be the purpose to investigate the election of Senators, I suggest that the Senate now has a committee which has full power to investigate the elections of all Senators nominated in the primaries of 1926 and elected in the fall of 1926, and if it should be desirable to extend that committee's power to include other elections I apprehend that that could be done. But the proper inquiry here, Mr. President, is whether utilities subject to regulation by State bodies have controlled or corruptly influenced the election of State commissions, thereby securing commissions favorable to the utilities, and have as a result built up monopolies engaged in unfair practices, imposed unjust rates upon the public, and sold to the public worthless securities.

If we direct the Federal Trade Commission to make inquiry into all of these alleged practices and to report whether such practices tend to create monopoly or constitute violation of the Federal antitrust law, the investigation may as well be made by the Federal Trade Commission as by a committee selected from this body.

Mr. KING. Mr. President, will the Senator pardon an interruption?

Mr. GEORGE. I yield, Mr. President.

Mr. KING. It seems to me, as I view the situation, that the investigation of expenditures of money to corrupt elections, especially the election of Senators, ought to be conducted by a committee selected by the Senate or by one of its standing committees. I have understood that the paramount purpose of this resolution was not to investigate expenditures for the election of Senators, but for the purpose of determining whether the Sherman or Clayton Acts have been violated, or whether monopolies or monopolistic tendencies have been developed which have restrained trade, and particularly whether the power organizations have formed combinations in restraint of trade, or have by their conduct come under the denouncement of any of the laws to which the Senator refers.

I am not quite clear why we should combine an inquiry into campaign expenditures or the corrupt use of money in effectuating the election of Senators with an examination of whether this power organization is a trust and has violated the antitrust laws. Why may we not differentiate them, and if we feel that an investigation should be made to ascertain whether there have been corrupt elections, whether money has been improperly expended in the election of Senators, delegate that duty to the Senate committees? I confess, however, that I do not quite understand why we should commingle the activities of the body that shall be assigned to the investigation, whether it be a committee chosen by the House or by the Senate, or whether it be the Federal Trade Commission.

Mr. GEORGE. Mr. President, I am in thorough accord with the observations and views of the Senator from Utah. I simply did not desire to restrict this investigation. If the Senate wishes to join them, I offer no objection; my amendment proposes that the investigation be made by the Federal Trade Commission.

I think, of course, we ought not to investigate State elections; certainly State elections wholly unrelated to the choice of the regulatory commissions having jurisdiction over these utilities. My view is that we should not in this resolution undertake to investigate the campaign expenditures for a President, or for a Vice President, or for a Senator. My view certainly is that we ought not to undertake to investigate the election of Members of the House of Representatives under a simple Senate resolution without inviting the House to concur in it or to disagree from it; but I am not going to raise objection. I am merely calling attention to it; and I am merely saying that every election in the United States, from that of constable in the remotest precinct in the farthest State from Washington to that of the President of the United States, may be investigated and will be investigated by the Federal Trade Commission under the resolution containing the amendment which I have now suggested; and that commission will, of course, be compelled to say whether money or influence used in those elections was intended to and did have any reasonable relationship to the regulation of rates and to the control of utilities in every part of the United States. Leave it as broad and as general as the encasing air, as it was, indeed, when the Senator from Montana introduced it. I have stated that the resolution should be properly restricted, but, so far as I am concerned, I am going to leave it just as the Senator himself desires to have his resolution stand.

Now, Mr. President, let us see what the Federal Trade Commission did in this case.

The Federal Trade Commission entered upon its investigation some time after the passage of the resolution; the Senator from Montana has been good enough to say about five months thereafter, and I presume he is correct in that statement. But the Federal Trade Commission pursued the investigation, and the result of its investigation is contained in two volumes—one already published and before the Senate; the other merely in proof-sheet form, and which the Senate has not had an opportunity to examine.

While the Senator from Nebraska originally called for an investigation of the General Electric Co. and those companies affiliated and connected with it, yet his resolution was in such form as to demand an inquiry into the whole electric business in the United States—that is, into all of those companies generating electric energy or power for commercial distribution or use. The Federal Trade Commission did, in fact, examine the whole industry. Their own report shows—and I have it here before me, and I shall be glad to furnish the page if Senators desire it—that they investigated 1,500 privately owned utility companies, 63 holding and investment companies, 440 municipal departments for the generation of electric energy, or, as they themselves show, they investigated the companies producing 96 per cent of the electric energy going into commercial uses in the United States. The companies not examined are small producers throughout the country. They did not investigate all of these producing companies as fully as certain of the larger companies. They went into a general investigation of the whole electric industry, however, and the chapters themselves—and I read only the large type—indicate the scope and character of the work actually performed by them.

I read from part 1 of the report:

Extent of General Electric control.
General Electric interests in electric power companies.
Comparative importance of General Electric power interest.
Stockholders in common and interlocking directorates.
Development of General Electric interests.
The Electric Bond & Share Co.
The American Gas & Electric Co.
The American Power & Light Co. group.
The Electric Power & Light Corporation group.
The Lehigh Power Securities Corporation group.
The National Power & Light group.
The Southeastern Power & Light Co. group.
The United Gas & Electric Corporation.
The Northeastern Power Corporation and affiliates.
Description of other power groups.

Power company groups not falling within these general groups, or in these holding companies or mergers, as they are called, are then investigated. Under this head they investigated—

The Stone & Webster group.
The Byllesby group.
The Hodenpyl-Hardy group.
The Cities Service or Doherty group.
The Barstow group.
The White group.

And various other undesignated groups—that is, groups having no well-known designation.

The North American Co.
The Insull group.

Extensive developments and large local operations are also investigated in volume 1 of this report.

The other volume, the second part of the report filed by the Federal Trade Commission, goes very much more exhaustively into the whole electric industry; and I wish to read to the Senate merely some of the black-letter types at the heads of the chapters in this portion of their report.

Mr. KING. Mr. President, will the Senator suffer an interruption?

Mr. GEORGE. I yield.

Mr. KING. Is there any contention that the field which was covered in these reports was not exhaustively covered? And if there were facts omitted, is it contended that further investigation would reveal matters not elicited in the examination thus far?

Mr. GEORGE. There is none, except that it is contended that the resolution under which this investigation was made did not call for certain things that are now demanded by this resolution, and that is in a measure correct; but it is a further examination into precisely the same thing that the commission examined in the first instance under the Norris resolution.

Mr. KING. And would tie onto it?

Mr. GEORGE. And would tie onto it.

Mr. GLASS. Mr. President, in pursuance of the inquiry made by the Senator from Utah, has the Senator from Georgia had time or has he taken the pains to examine critically, to analyze this report of the Federal Trade Commission, in order to convince himself that the examination was thorough, that all essential questions were asked, and that no essential question was omitted in the examination?

Mr. GEORGE. The report does not consist of questions and answers, but of findings. These reports contain more than 550 pages of the conclusions reached and of the facts developed, but they are not in the form of questions and answers.

Mr. GLASS. What I had in mind, I will say to the Senator, is that an investigation may be had by the Federal Trade Commission or any other commission which is reluctant, which is not designed by the investigators to develop all the facts; and the mere findings of a commission of that sort would not carry much weight with me.

Mr. GEORGE. I wish to say to the Senator that there is no evidence in this report that that course was pursued by the Federal Trade Commission. I said yesterday, and permit me to repeat, that the investigation is thorough; it is searching; it is critical at many, many points of the utilities and points out that the States have not full power to control these utility corporations in fixing rates on power passing in interstate commerce and in issuing and selling securities.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. GEORGE. I will be glad to yield.

Mr. WHEELER. The Senator said that the investigation was thorough. I am wondering how he could tell whether it was thorough or not unless he himself examined the evidence.

Mr. GEORGE. I said that I had not access to the questions and answers; but there is no charge that this examination, so far as it went, was not fairly made and that the results of the examinations are not beneficial to the Senate. The Senator from Montana himself has conceded so much, his position being that the investigation did not go as far as his resolution would go, and in all respects it did not, of course.

Mr. WHEELER. I understand that thoroughly; but the Senator makes the bald statement that the investigation was thorough. I submit that I do not see how he can state that the investigation was thorough unless he has in some way examined the evidence.

Mr. GEORGE. I have examined this report.

Mr. WHEELER. I know; but an examination of the report means nothing——

Mr. GEORGE. I have examined the report; I have examined it carefully. The report concerning all of the matters which the Federal Trade Commission did investigate is thorough, in my judgment. I do not undertake to say that all of their conclusions are correct. They may not be verified. They may not stand the test. But certainly the commission has gone into the question referred to it, it has widened the scope of its investigation as far as possible, and to the extent that it felt authorized to make the investigation has made an investigation, and no impartial man can say that its report is a partial or one-sided report. It bears all the evidences of being a reasonably thorough investigation of the field, as far as the commission investigated it.

Mr. WHEELER. I do not see how the Senator can say it was a thorough investigation. I can understand how he can say the report is thorough, but I can not see how he can say that the investigation was thorough when he does not know anything about the evidence.

Mr. GEORGE. I can say that an investigation is thorough as a result of an examination of the conclusions and results reached, and it is my judgment that this was a thorough examination as far as it went. It might have been pursued in various directions further, I grant, but so far as the investigation went, it was thorough, and I judge that by the conclusions the commission reached, by the facts it found, by the evidence it brought here.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. GEORGE. I yield to the Senator from New York.

Mr. COPELAND. The question raised by the junior Senator from Montana is one which I have heard discussed a good many times; that is, that if this investigation should be conducted by a Senate committee, there would be a record of the questions and answers. Is there any reason why the Federal Trade Commission, if it were to make such an examination as this, should not have such a record for the benefit of those who desired to study the conclusions of the commission and form a personal opinion regarding the reports?

Mr. GEORGE. None, Mr. President; but I do want to say this: That the only investigation that will ever be of any value to the Senate in framing legislation will be an investigation upon which the Senate can depend, and it will be a finding of fact worthy of acceptance upon the most rigid and critical examination of the facts. There can be but one reason for this inquiry into the utilities, and that is to lay the foundation for legislation if legislation is necessary. That is the full position of the Senator from Montana. I do not think it a wise policy for the Senate to embark upon the course of conducting investigations merely to find out whether legislation is necessary, but, at the most, the only reason for this investigation, or any other economic investigation, is to find the facts upon which the Senate and the House can determine whether legislation is necessary and, if necessary, what kind of legislation should be passed. Neither the Senate nor the country can safely rely upon any investigation that does not present facts, and present facts in such manner that we can base intelligent action upon the facts.

That is what the Federal Trade Commission attempted.

I said yesterday, and permit me to repeat, that if the conclusions reached by the Federal Trade Commission in the examination already made are upon examination found to be justified, found to be correct, the Senate is in possession of sufficient information to enable it to do all that it can do under the Constitution to enable it to regulate rates of electric energy or power passing in interstate commerce and to enable it to regulate the utilities and holding corporations to the extent that they engage in interstate commerce in the flotation of their securities across State lines. We find conclusions sufficient in this report itself to justify legislation if upon examination we find that the conclusions reached by the Federal Trade Commission are correct, because the commission takes the decided position in its report that the States have not the power, or at least that the States have not exercised the power, effectively to control these utility corporations. They do not dogmatically state that to be the case, but the whole tenor of the report is in that direction. They quote, even at great length, the articles of Professor Ripley; they quote from other authorities who undertake to point out the weakness in the regulation of utilities at present and indicate how the utilities may properly be controlled in the future.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. COPELAND. Yesterday there were very serious reflections made upon the bent of mind of certain commissioners. I suppose that any Member of the Senate who has the feeling that that is an untrustworthy tribunal might be dissatisfied with conclusions formulated by the commission upon the result of a star-chamber examination. That is the reason why I ask the Senator if there could not be included in his amendment the further proviso that the record should be made a public record, so that anyone who sought to review the evidence and to determine whether the conclusions reached were fair and just conclusions would have an opportunity to study the record to determine for himself whether the conclusions were wise or not.

That is the thought I have in mind; that is the chief criticism, if I may say so to the able Senator from Georgia, I have heard about his proposal, in contradistinction to that of the Senator from Montana, that in one case there is a star-chamber proceeding, without any record to enable one to determine for himself whether the conclusions are proper conclusions or not. So I have hoped that perhaps the Senator might broaden his amendment so as to guarantee to us that if there is a record made it shall be a record which each of us may study, if so disposed.

Mr. GEORGE. Mr. President, I have not given thought to that suggestion; but, so far as I am concerned, I would have no objection to providing that the Federal Trade Commission be required to file with its report the transcript of the evidence upon which its findings are based.

Mr. COPELAND. Mr. President, does not the Senator think that would be wise?

Mr. GEORGE. I have no objection to it. I have not given thought to it, but I have no objection to it.

Mr. GLASS. Mr. President, may I say to the Senator that that very thought is the controlling influence with some Senators. If an investigation is had by an adversary commission, with its preconceived notions about these things, if, as is held by some Senators, the evil genius of this entire report was a commissioner or commissioners who were averse to making a thorough investigation, of what account are the conclusions of a report of that sort to a Senator who thinks that way about it?

Mr. GEORGE. Mr. President, I think the value of the report is in the accuracy of the findings made by the commission.

Mr. GLASS. But how does the Senator know that the findings are accurate unless he has had an opportunity to examine the report of the whole inquiry?

Mr. GEORGE. He may more immediately inform himself if he has the report on which the findings are based, and I want to say this to the Senator, that this suggestion has not been made to me, but I am quite willing to accept it, or I am quite willing to offer an additional amendment that the Federal Trade Commission be required to report each 30 days after the passage of this resolution, and finally upon the completion of its work, and that it be required to file with its reports the transcript of the evidence upon which the reports are based.

Mr. GLASS. I think it very unfortunate if that shall not be done in substantiation, if it may be confirmed, of the report we already have.

Mr. GEORGE. I have not investigated to see whether there is any countervailing statute or law that applies to the Federal Trade Commission, but so far as I know it would be within the power of the Senate, and would be very proper for the Senate, to direct that the evidence upon which the reports themselves are based be transmitted to the Senate for use by the Senate.

Mr. COPELAND. Mr. President, if the Senator will permit, I think it would add tremendously to the strength of the Senator's position if his amendment were to include that item. There can be no doubt, if the Senator will permit me, that there are Senators here who feel as the Senator from Virginia has just expressed it, that there is an evil genius upon the commission. But if the reports provided for by the amendment of the Senator from Georgia shall include the stenographic report of the evidence, then I concede that any opposition which might develop to the Senator's position would be largely swept away.

Mr. GEORGE. Mr. President, I give notice that I shall offer an amendment, if my original amendment shall prevail, providing that the Federal Trade Commission be required to transmit to the Senate for the use of the Senate the transcript of the evidence upon which its findings already submitted to the Senate are based, and that along with its reports under the resolution it transmit to the Senate the transcript of the evidence upon which its reports and findings are based.

Mr. BLACK. Mr. President, will the Senator yield for a question?

Mr. GEORGE. Yes; I yield.

Mr. BLACK. As I understand it, the objection is made by certain Senators that the commission is hostile. That being true, of what benefit would it be to have the stenographic report of the questions asked by a commission hostile to the examination, and which was not open to the public, and where the people had no representative sympathetic with the investigation? If it is intended, in line with the suggestion of the Senator from New York, to have an investigation by this commission which will meet the expectations of those like the Senator from Virginia, who believe that the commission can not be trusted, why should the amendment not go further—although I will state that I am not in favor of the amendment at all—and provide that the hearings shall be open to the public, and that a special representative of the people who desires a thorough and fair investigation shall be employed to propound the inquiries?

Mr. GEORGE. Mr. President, so far as I am concerned, I am not interested in how the investigation is held if the questions and answers come here or even if the findings come here, because I propose to test the findings of any committee or commission as best I can. I would have no objection, I will say to the Senator, but I do not know what regulation or law may stand in the way of it, and so far as I am concerned I will content myself with offering the amendment that I have already indicated.

Mr. SIMMONS. Mr. President, will the Senator yield?

Mr. GEORGE. I am glad to yield to the Senator from North Carolina.

Mr. SIMMONS. The Senator referred a little while ago to the report made by the commission. Will the Senator please, for my information if for nobody else's, give me the date of that report?

Mr. GEORGE. Part I of the report of the Federal Trade Commission under the Norris resolution was submitted to the Senate on February 21, 1927.

Mr. SIMMONS. Since then there have been several other or additional reports.

Mr. GEORGE. There has been one other report, and that was submitted to the Senate January 13, 1928, and referred to the Committee on Printing. February 1, 1928, the committee ordered the report to be printed, and that report is yet in proof-sheet form.

Mr. SIMMONS. It is not yet available to Senators?

Mr. GEORGE. It is not yet available to Senators.

Mr. SIMMONS. I wish to ask the Senator another question. Has he read the two reports?

Mr. GEORGE. Yes; I have read the two reports.

Mr. SIMMONS. I wish now to ask the Senator if in reading those reports he discovered anything that indicated to his mind a bias on the part of the commission against the interests of the public in this question?

Mr. GEORGE. I did not. I discovered, as I think, severe criticism of certain of the utilities. I do not say that these companies did not deserve the criticism, and I do not indicate that the observations and findings made by the commission are not entirely justified. I do not mean that there is in the report any intemperate language, but I mean that the findings of the commission itself upon its survey of the industry may in some particulars be controverted by the utility companies. As I said, I have never defended the general policy of the Trade Commission and do not now defend it, but there is no indication in the report that the commission undertook to evade any inquiry or undertook to withhold or suppress any statement that related to the public interest. It seems to me to be a fair and reasonably exhaustive report. Indeed, I think it a most valuable report. It is the basis and foundation of any investigation that may be made of electric and gas utilities in the United States.

Mr. SIMMONS. In other words, the Senator means to tell us that he, as a trained lawyer, has read that report and that he does not discover any evidence of partiality on the part of the commission hostile to the interests of the public?

Mr. GEORGE. I do not. It is true that the commission finds generally that a monopoly did not exist, but it sets out all of the facts that constitute the basis of the conclusion reached by it. I have found no evidence, so far as I have been able to study the report, of any partiality against the interests of the public.

Mr. GLASS. Mr. President——

Mr. SIMMONS. Will the Senator from Virginia pardon me just a moment further?

Mr. GLASS. Very well.

Mr. GEORGE. I yield further to the Senator from North Carolina.

Mr. SIMMONS. The commission is composed of five members, is it not?

Mr. GEORGE. Five members—bipartisan.

Mr. SIMMONS. Three of one party and two of the other party?

Mr. GEORGE. The law reads that the commission shall not consist of more than three members of any one political party, as I recollect it.

Mr. SIMMONS. So that in any investigation at least some member of the commission might be reasonably supposed to have the public interest at heart.

Mr. GEORGE. I should think so, if the Senator pleases; and I know that the particular investigation here does not disclose a want of sympathy by the commission for the public welfare.

Mr. SIMMONS. I regret very much that I have not had the opportunity to read the report as thoroughly as the Senator has, but I understand from the Senator that one part of it is not yet available to the Senate.

Mr. GEORGE. Except in proof form.

Mr. GLASS. Mr. President——

Mr. GEORGE. Before I yield to the Senator from Virginia let me say that there may be in the report particular conclusions that might not meet with the approval or the judgment of many eminent and patriotic men. There may be in the re-

port particular conclusions that would be strongly controverted, and I apprehend will be strongly controverted by the interests which are supposed to be hostile to the public—that is, by the utilities.

But what I am saying is that, on the whole report, it does not to my mind disclose any bias against the public interest, whatever may be the general attitude of the Trade Commission or of any member thereof.

Now I am very glad to yield to the Senator from Virginia.

Mr. GLASS. It was not very important except that I have been endeavoring to appraise the real value of the report. Assuming that it was conducted by persons who did not want to discover the truth and who did not make ample and sufficient efforts to disclose the facts, is it conceivable that they would ever embody in the report anything to indicate that fact to a Senator or to any intelligent examiner of the report?

Mr. GEORGE. I do not suppose they would. If it be assumed that the five gentlemen——

Mr. GLASS. I asked the question because I really wanted to discover the value of the report.

Mr. GEORGE. I have tried to be as explicit upon the point as I can, and I will say to the Senator that whoever makes an investigation of the electric industry, whatever his character, whatever his capabilities, will have to cover the ground covered by the Federal Trade Commission in its report. He must cover the same ground, and he must cover the ground in substantially the same way, though he may not reach the same conclusion in every instance. That is the value of the report. The value of the report can not be questioned if it is subjected to faithful study. I regret that I have not myself had time to make a more thorough study of it. But the value of it can not be questioned. I do not think it has been questioned. I think the most that is said about it is that it was made by a hostile commission, and that it does not go far enough because the power of the commission was not invoked with respect to certain matters about which the Senate now desires information.

Mr. GLASS. Regardless of the reason why it may not have gone far enough, if as a matter of fact it did not go far enough, of what account is its report to the Senate?

Mr. GEORGE. It went as far as the Senate asked it to go, and it might have been well thought by any committee or any commission that it was not justified in transcending its authority. I think it is of real value to the Senate, particularly if the conclusions reached, which indicate the necessity of Federal control both of electric energy in interstate commerce and of some sort of additional control of the securities which are issued and sold in interstate commerce, are verified. That is to say, if its conclusions are correct I think the report is of especial value to the Senate.

The Senator from Montana [Mr. WALSH] contends that the original investigation did not cover the financing of the various public-utility corporations, did not cover as exhaustively as he now thinks desirable the holding companies and the pyramiding and the whole scheme of financing. I say very frankly that the commission did not go as far as it might have gone under the pending resolution. Of course, I have already said that the commission did not undertake to inquire into the use of money to influence public opinion on the question of public ownership of utilities or to control elections, because it was ruled by the Attorney General that they could not use their money for that purpose.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Georgia yield to the Senator from New York?

Mr. GEORGE. I yield.

Mr. COPELAND. May I ask the Senator if his resolution provides for gaining the information which was not brought out by the report as to financing and pyramiding and that sort of thing?

Mr. GEORGE. Entirely; because my proposed amendment to the resolution does not modify and does not qualify the scope of the resolution as introduced by the Senator from Montana.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Maryland?

Mr. GEORGE. I yield.

Mr. BRUCE. May I ask the Senator just a question? He referred to an opinion of the Attorney General a moment ago as to the right of the electric-power corporations to use the corporate funds in counteracting the clamor for municipal and State and Government ownership. I have never seen that opinion. I did not know there was such an opinion in existence. Does the Attorney General suppose that such corporations have no right to expend any money, however reasonable the sum may be, in exposing the fallacies and shortcomings and disasters of municipal and State and Government ownership?

Mr. GEORGE. Oh, no. The Attorney General did not go into the merits of that inquiry.

Mr. BRUCE. How far did he go, in the legal sense?

Mr. GEORGE. The Attorney General merely advised the Federal Trade Commission that in view of the rider attached to the appropriation bill the commission could not use the money to make the investigation.

Mr. BRUCE. Oh, that is a different thing entirely.

Mr. GEORGE. But it expressed no opinion on the merits at all.

Mr. President, I have no disposition to detain the Senate longer, as other Senators want to speak on the matter. I wish to emphasize, before I pass from the Federal Trade Commission, that I have no apologies for it, but its work is entitled to be judged by its actual value, and I undertake to say that no man will say that its work is not of value, that it is not instructive, or that it is not helpful to the Senate itself. I undertake to say that ultimately its findings before us will be subjected to criticism more by the utilities than by anyone, however extreme his views may be, representing the public interests in the controversy.

But the fact is that on February 9, 1925, we asked the commission to make the investigation. It made it, and in January, 1927, it filed a partial report. In January, 1928, it filed its completed report, containing more than 550 pages, and not even Senators have had an opportunity to read it. Now we are proposing an additional investigation of the same utilities, without having acquainted ourselves or familiarized ourselves with the investigation already made by the Federal Trade Commission.

Mr. WALSH of Montana. Mr. President——

Mr. GEORGE. I yield to the Senator.

Mr. WALSH of Montana. I want to recur to the statement just made that we directed the Federal Trade Commission to make a certain inquiry and that it has made that inquiry. The authority to make the inquiry which we directed them to make is found in Senate Resolution 329 of the Sixty-eighth Congress. If the Senator will permit me, I shall be glad to read it. It is as follows:

> *Resolved further*, That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the Senate to what extent the said General Electric Co., or the stockholders or other security holders thereof, either directly or through subsidiary companies, stock ownership, or through other means or instrumentalities, monopolize or control the production, generation, or transmission of electric energy or power, whether produced by steam, gas, or water power; and to report to the Senate the manner in which the said General Electric Co. has acquired and maintained such monopoly or exercises such control in restraint of trade or commerce and in violation of law.
>
> The commission shall also ascertain and report what effort, if any, has been made by the said General Electric Co. or other corporations, companies, organizations, or associations, or anyone in its behalf, or in behalf of any trade organization of which it is a member, through the expenditure of money or through the control of the avenues of publicity, to influence or control public opinion on the question of municipal or public ownership of the means by which power is developed and electric energy is generated and distributed.

That is what we asked the Federal Trade Commission to inquire into and that is all we asked the Federal Trade Commission to inquire into.

Mr. GEORGE. I understand that; but I have indicated the scope of the inquiry made and the reason why the Federal Trade Commission said that it was obliged to give it that broad scope.

Mr. WALSH of Montana. I rose simply to call attention to the statement of the Senator that we had directed the Federal Trade Commission to make this general inquiry and that it had done so.

Mr. GEORGE. Yes; but the inquiry was necessarily broad, and the report shows why it was broad. I have said, and the record bears me out, that they called for reports from companies producing 96 per cent of all the electric energy generated in the United States.

Mr. WALSH of Montana. There is no controversy about that at all.

Mr. GEORGE. Then why does the Senator wish to say and why does he wish to leave the impression that the commission pursued a very limited inquiry?

Mr. WALSH of Montana. I have not so stated. I said in my opening statement that in order to ascertain the facts it was necessary for them to inquire into the relations sustained between the General Electric Co. and the other companies.

Mr. GEORGE. I beg the Senator's pardon. I thought his purpose in reading the resolution was as I have stated.

Mr. BRUCE. Mr. President, will the Senator from Georgia yield to me for a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Maryland?

Mr. GEORGE. I shall be glad to yield to the Senator.

Mr. BRUCE. As the second report is not open to the inspection of the Senate, I should like to know what the conclusions of the commission were with reference to the extent that electric light and power companies had sought to influence public opinion in relation to State or Government ownership.

Mr. GEORGE. The commission did not examine into that question because of the ruling of the Attorney General that it could not so use its funds, but I will say on that point, though I have no disposition to go into it, that the last chapter—and it is an exhaustive chapter—in part 2 of the report bears upon the question of propaganda and the attempt to influence public opinion by the activities of the utility companies. The report itself concludes with it. It does not condemn it; but, though it had no authority to go into that field, it does point out explicitly in the concluding chapter that if activities in that direction undertaken by the utilities are to have any just weight with the public they must be conducted out in the open; that they must not be covered up under the names of writers and educators.

I do not think it can be successfully controverted that the Federal Trade Commission has ample power to continue the inquiry now sought under the pending resolution and to complete its inquiry with respect to everything enumerated in that resolution. That, I think, is true under the general powers which it possesses. The only question that could or might arise is as to its power to use the money appropriated to it to defray the expense of a portion of the investigation demanded. That, I think, is completely covered by the amendment which asks the commission to inquire whether any of these practices constitute violations of the Federal antitrust laws.

I desire to call the attention of the Senate again to the fact that 1,500 companies privately owned, 63 holding-investment companies, 440 municipal lighting departments reported to and were examined by the Federal Trade Commission under the Norris resolution. Those concerns produced in 1924, the year previous to the adoption of the Norris resolution, 96 per cent, measured in kilowatt-hours, of all of the commercial electrical energy produced in the United States.

I wish to call attention to the fact that not a single utility company has passed a dividend on its preferred stock or made default in the payment of any of its bonds or securities, so far as this record discloses. I dare say that no other great industry in the country can present a like record to the people of the United States.

But it is said, on the contrary, that they have paid the interest upon their bonds and securities and have paid dividends upon their preferred stock by an unreasonable exaction out of the public in the way of rates. Be it so, Mr. President, and, if it is so, then the utilities ought to be regulated; then the pertinent inquiry is what authority should regulate them? Nine per cent only of the power generated by all of the electric companies in the Union passes in interstate commerce; 91 per cent is absolutely intrastate. Who ought to regulate it? Of the 9 per cent that passes in interstate commerce nearly 2 per cent is a mere interchange of power; that is, one company over in Alabama, for instance, transmits a certain quantity of power over into Georgia and Georgia in return pays it back in kind, the companies having physical connections between their distributing systems. So only about 7 per cent of all the hydroelectric energy and of all the steam-produced electrical energy in the United States goes into interstate commerce. Are we going to turn over to a Federal agency the power to regulate a great industry in the United States merely because some 7 per cent of its product passes in interstate commerce?

Where are those who yet insist that the States have some rights? Where are those who do not know that when we give a Federal agency power to regulate electrical energy passing in interstate commerce that agency will do ultimately what the Interstate Commerce Commission has done in the case of railroad rates, namely, raise the rates within the States themselves?

The Senator from Montana said that not a single bondholder had been called before the committee to protest against the adoption of the pending resolution; that not a single user of electric current had been called to protest against the adoption of the resolution. I say that the Senator never called a single American housewife nor a single user of electricity, nor did he call a single bondholder of any of the utilities in the United States, gas or electric, to support his resolution; and yet this resolution is offered for and on behalf of the users of electric current and of the holders of the bonds of the utility corporations.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Montana?

Mr. GEORGE. I yield.

Mr. WALSH of Montana. If the Senator were favoring this resolution, whom would he call to speak for the householders? The householders are not organized, while the utility interests are organized. We are supposed to represent the householders and consumers.

Mr. GEORGE. Oh, I understand that, Mr. President; but I am making the statement I have made preparatory to one that I am going to make.

Mr. WALSH of Montana. Let me ask the Senator again whom would he call to represent the householder?

Mr. GEORGE. Had I offered this resolution, I would have called before the committee users of electric current, of electric energy, who claim that the rates are exorbitant, and I would have submitted their testimony to the committee. I would also have called purchasers of utility bonds, worthless or depreciated bonds, if such are available.

Mr. WALSH of Montana. If the Senator will pardon me for just a moment, the bondholder is really not deeply concerned about this question. He has security based upon the actual physical assets of the property secured by mortgage. He is not the one who suffers at all; the one who suffers is the man who goes out and buys the common stock. Let me say that the bondholders, however, were, as a matter of fact, represented in opposition to the resolution.

Mr. GEORGE. Exactly. Now let me ask the Senator a question. He made his position very clear yesterday. Did he not say that the two purposes he had in mind or the two possible results to be obtained in the event legislation was found to be necessary at all were, first, a control over the rates for electric current, and second, a regulation of the issuance of bonds or stocks or other securities in interstate commerce?

Mr. WALSH of Montana. No; the Senator has not quoted me accurately, although the general idea is there.

Mr. GEORGE. I meant to quote the Senator accurately.

Mr. WALSH of Montana. I said that we were seeking to protect the holders of the junior securities of the utility companies and the consumers of electrical energy.

Mr. GEORGE. Exactly; and I am saying that the Senator did not call, nor is the evidence here in support of his resolution——

Mr. WALSH of Montana. The Senator is quite right about that, because the consumers are not organized, and they have no representative that could be called; and it is exactly the same way with the holders of the junior securities. They are scattered all over the country, and they are not organized. The great bond-dealing houses do not deal in their securities at all. They come and speak for the bondholders and holders of the preferred securities, the senior securities.

Mr. GEORGE. I was not criticizing the Senator for not calling them, but he was criticizing the opposition to his resolution for not calling them.

Mr. WALSH of Montana. No; no.

Mr. GEORGE. I understood the Senator to do so.

Mr. WALSH of Montana. I was pointing out, or trying to point out, that the only people who appeared to oppose the resolution were those who are interested in not having any investigation, namely, the representatives of the utilities companies and the representatives of the holders of the senior securities, and a gentleman representing the State commissions.

Mr. BRUCE. Mr. President, the Senator from Georgia overlooked the fact that there are a great many very large consumers and users of electrical energy, and that some of them might very well have been placed upon the stand in this hearing. Whether they were part of a general organization or not I apprehend is a matter of no importance.

Mr. WALSH of Montana. Mr. President, let me say that I conceived that that would be a question very much more appropriately presented to the committee when it is appointed than presented to the Interstate Commerce Committee on the question as to whether or not an investigation should be ordered. If the investigation proceeds in a general way, abundant material is at hand upon that particular subject.

Mr. BRUCE. But the Senator's point was that nobody was put on the stand representing the consumers because there was no organized association of consumers. I say that was immaterial. With due deference to the Senator, I say that that was no substantial reason, because, of course, there are many large users of electric power and energy who are interested in the question of rates and interested in all other questions that

appertain to the practical workings of electric-light companies; and the Senator could have put some of those individuals or some of those corporations on the stand.

Mr. WALSH of Montana. Can the Senator tell us about how some of them would be representative of the state of affairs throughout the country?

Mr. BRUCE. Why, certainly. If you got a certain number of users of electric light and power here from the different States of the Union, you could get them from all 48 States.

Mr. WALSH of Montana. Of course, I could have conducted this investigation before the Interstate Commerce Committee.

Mr. BRUCE. I should have been delighted to furnish the Senator from Montana with the names of half a dozen or a dozen or, perhaps, two dozen very large users of electric light and power in the State of Maryland alone.

Mr. GEORGE. Mr. President, I hope the Senator from Montana will understand that I was not so much criticizing him as I was trying to avoid what seemed to me to be an unjust criticism of those who oppose his resolution; but I do want to say that the Senator unquestionably could have called consumers; rates could have been gone into, at least to a certain extent, if he wished to; and I say that the Senator might well have called the utilities commissioners from all of the various States. The rates, however, are matters of public record.

Mr. WALSH of Montana. But does not the Senator recognize that that is the very question, or at least one of the most important questions, that this investigation is to go into if it is ordered?

Mr. GEORGE. Yes; I understand.

Mr. WALSH of Montana. Why should I go out and try all those questions before the Interstate Commerce Committee?

Mr. GEORGE. I understand that, Mr. President; but we are not going to investigate them for an idle purpose. Our investigation, if it is fruitful at all, must lead to some legislation; and the Senator indicated the scope of the legislation himself, provided any legislation was found to be necessary.

Mr. WALSH of Montana. Let me remark, Mr. President, that I said before the committee, and I am glad to repeat now, that I hope it will be demonstrated that no legislation upon the subject is necessary at all.

Mr. GEORGE. I understood the Senator to state that.

Mr. WALSH of Montana. I likewise want to repeat what I said there, that it is my judgment that many of the evils complained of, many of the abuses which undoubtedly inhere in this industry at the present time, will be corrected by the publicity that is given by these hearings.

Mr. GEORGE. I understand. I know what the Senator said; but I say that we are not engaging in idle work here. We are not engaging in the business of furnishing publicity and facts to the various States. I do not think it is my function merely to furnish them facts, and to draw to their attention certain conditions.

Mr. BROOKHART. Mr. President——

Mr. GEORGE. Pardon me just a minute; I wish to conclude. If the investigation is to bear any fruit, it must result in legislation. There can be but two forms of legislation. One is to control the rate to the user of electric energy and gas, because the resolution covers both; and I was proceeding to point out that only 9 per cent of electric energy passed in interstate commerce; that actually about 7 per cent only passed into the hands of the consumers; that is to say, that a fraction amounting to nearly 2 per cent was mere interchange of power.

Now I want to go further. A fraction of 1 per cent only of manufactured gas in the United States passes in interstate commerce. I will not vote for any investigation if the single proper purpose it may have is to bolster up a demand for legislation when there is no more need for legislation than is presented in support of this resolution. You propose to regulate all the gas industries of America, all of the gas manufacturers of America, when here in your own record is the indubitable proof that a mere fraction of 1 per cent of the manufactured gas produced in the United States passes in interstate commerce.

Mr. WALSH of Montana. Mr. President, will the Senator suffer an inquiry?

Mr. GEORGE. Yes; I will.

Mr. WALSH of Montana. Upon what statement from any source does the Senator make the statement that we propose to regulate every gas industry in the United States?

Mr. GEORGE. If this resolution results in legislation, it must result in, first, the regulation of rates upon electric energy and gas in interstate commerce; second, the regulation and control of the sale of securities. The moment the Congress of the United States regulates the flow of a fraction of 1 per cent of the gas across State lines, you place in the power of a Federal agency in Washington the power to raise the cost to the consumer of more than 99 per cent of the gas which never passes a State line. That is why I say it. I say it because you did it with the Interstate Commerce Commission.

Mr. WALSH of Montana. Mr. President, let me inquire of the Senator, does he want to abolish the Interstate Commerce Commission?

Mr. GEORGE. Oh, I am not talking about that.

Mr. WALSH of Montana. What powers does the Senator want to take away from it?

Mr. GEORGE. If the Senator wants to lead me afield in that, I shall be glad to discuss it; but in the interest merely of time I will say that the Interstate Commerce Commission, of course, had to come into existence. It came into existence because nearly all of the business of the carriers was interstate, or at least because a great per cent of that business was interstate.

Mr. WALSH of Montana. Yes; but the Senator is complaining because we did something.

Mr. GEORGE. No; I am not complaining. I am saying that the inevitable result of your legislation is to give to a commission at Washington the power to raise the rates on the users of more than 99 per cent of all the manufactured gas produced in the United States; and why? Because in our great anxiety and desire to legislate and to create bureaus to reach out and control industry we are willing, though that part of the industry that we can legitimately control is less than 1 per cent, to give to an agency power over the 99 per cent which never passes into interstate commerce.

You had to have the Interstate Commerce Commission. You had to have it, and you did have it, when in the course of time so much of the business of the carriers was interstate, until Congress was obliged to intervene; but you do not have to have similar action here, and that is what I am talking about, because only 9 per cent of the electric energy produced in this country passes the line of a State. Less than 1 per cent of artificial gas ever goes across a State line; and when you come to the securities, it is stated in your own hearings, and uncontradicted by any evidence, that only 3 per cent of all of the corporate securities in the United States consist of the securities of the electric and gas companies, and only a negligible fraction of those securities ever passes a State line.

I am speaking here for the commissioners of my State, for the men who appeared before your committee, for the men who, you say, can not be trusted to regulate these utilities and these powers. I am speaking for them because they know they have been stripped of all their power to regulate the railroads within their States; and they know, as the commissioner from Wisconsin told the Interstate Commerce Committee, that they are about to be stripped of the power to control telephone rates within the States.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. GEORGE. Yes; I yield.

Mr. BLACK. I understand that the objection the Senator makes here is—and I want to be clear about it—that if this investigation is made, it will lead to legislation which the Senator opposes. If I am correct in that, I am just wondering what difference it would make, then, whether the investigation were made by a special Senate committee or by the Federal Trade Commission so far as the results attained are concerned. If there were a fair investigation by the Federal Trade Commission, would there not be just as much likelihood of legislation as though the matter had been investigated by a Senate committee?

Mr. GEORGE. I do not think so; and that brings me to the last thing that I want to say.

There is the widest difference between an investigation by a tribunal charged with the finding of facts in an orderly and systematic way and an investigation by any legislative committee. Those who appeared before the committee in opposition to the resolution know, however much we may reassure ourselves by saying that if the industries be sound the result of the investigation will be to help rather than to hurt them, the inevitable effect of a Senate investigation upon industry.

Mr. BORAH. Mr. President, I was not sure that I understood the Senator from Alabama, and therefore perhaps I did not correctly understand the Senator from Georgia. Do I understand the Senator from Georgia to conclude that legislation is not so likely to follow upon an investigation made by the Federal Trade Commission as upon one made by a Senate committee?

Mr. GEORGE. No; if the investigation went to the facts, I must assume, of course, that the facts would be the same in any event, and those facts would, of course, control us as to the type or kind of legislation, if any, that we would propose.

Mr. BORAH. Then the legislation would as likely follow in one instance as in the other?

Mr. GEORGE. As likely in one instance as in the other. But what I am calling attention to is that those men who appeared here, and especially the representatives of the States, were, in my judgment, within their rights in appearing. Their position is that they ought not to be interfered with through Federal legislation, because they are able to handle the situation, and that more will be lost by Federal interference, in virtually the infancy of the industry, so far as interstate business is concerned, than can be gained by the interposition of the Federal Government into this field at this time. I conceive that that was a legitimate reason and justification for their appearance here.

Mr. BORAH. Mr. President, I think most of us, perhaps all of us, will concede that the representatives of the State utilities commissions were within their rights, not only within their rights but were performing their duty in interfering here; but the question of whether or not there should be legislation, or whether or not the amount of control which we have over this industry will be sufficient to justify legislation, will be a matter to come up after the legislation shall be proposed, it seems to me.

Mr. GEORGE. Oh, yes; certainly; but the Senator probably did not hear all of the remarks of the Senator from Montana yesterday in presenting the case and in identifying those who appeared in opposition to his resolution. I grant that all the Senator from Idaho has said is entirely correct.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. WALSH of Montana. The remarks made by the Senator just before he was interrupted a moment ago prompt me to ask that the Senator recur to them. The Senator expressed the view that an investigation of this industry would be disastrous to it, as it had been to other industries subject to investigation.

Mr. GEORGE. No; not disastrous, Mr. President.

Mr. WALSH of Montana. Rather disadvantageous, at least. I remember that we investigated the Steel Trust at one time, but I do not remember that that seriously affected the development of the steel business. The House of Representatives investigated the Money Trust at one time, but I do not remember that the banking interests suffered very materially. It will be recalled that a very rigorous investigation of the insurance business was conducted in the State of New York some time ago by a committee headed by ex-Secretary Hughes. I do not remember that the insurance business suffered. But in each of those cases some abuses that had crept into the business were corrected.

Mr. GEORGE. Mr. President, I did not mean to say that certain investigations have not been profitable.

Mr. WALSH of Montana. No; but the Senator did say that they were destructive of various industries that had been investigated.

Mr. GEORGE. Mr. President, this is what I meant to say: That if the Federal Trade Commission, specially clothed with the power to make this investigation, particularly fitted to do this identical work, can not be trusted to do this work, then no man in this body is justified in voting a single penny of the people's money to support that tribunal. No man can justify his vote to continue it.

Mr. GLASS. Mr. President, if the Senator will permit, the thing that just now is puzzling me is why the Senator is willing to have any investigation at all, if legislation in pursuance of such an investigation is going to be as disastrous as he indicates he thinks it will be.

Mr. GEORGE. The Senator from Virginia has misunderstood me. I did not mean to say that legislation would be disastrous to the industry.

Mr. GLASS. Not to the industry; no. The Senator—and I concur in everything he says on that phase of the matter—has vehemently and with great reason inveighed against the concentration of power in Federal commissions here at Washington, and has in this case particularly opposed delegating to any Federal commission the power to regulate rates for electricity and for gas and power produced by these organizations. Will not legislation, which may ensue from the investigation which he proposes, have just as disastrous an effect in that regard as legislation which may ensue from an investigation by a Senate committee? Why, then, if that is so, does not the Senator oppose any investigation?

Mr. GEORGE. I did not say that.

Mr. GLASS. I am asking why the Senator did not say that.

Mr. GEORGE. Because I am about to say what I wish to say.

Mr. GLASS. Well——

Mr. GEORGE. It is entirely legitimate for an officer who holds and exercises a part of the sovereignty of his State to come before any committee of Congress and say to the committee, "In our judgment, the industry that you are now proposing to regulate federally should not be brought under Federal control." That is what the commissioners from the States who appeared here did say.

Mr. WALSH of Montana. If the Senator will suffer an interruption, those commissioners came before us and told us that we ought not to conduct the investigation, that they are doing the job, and doing it well.

Mr. GEORGE. Exactly.

Mr. WALSH of Montana. But Professor Ripley tells us that the inefficacy of the State commissions is indubitable, and the Federal Trade Commission tells us that they do not meet the situation. Why should we not inquire about which of them is correct about the matter? Why should we not find out what the truth about the matter is?

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. CARAWAY. I take it for granted that if legislation is not to follow, the real object of the investigation is to show that the proper way to regulate industry is by publicity.

Mr. GEORGE. Exactly.

Mr. CARAWAY. Whipping them backward and forward with propaganda?

Mr. GEORGE. Exactly.

Mr. CARAWAY. Abandon the Constitution; wipe off the statute books the laws, and say that from this time on we are going to set up a propaganda agency here in the Senate and regulate business by propaganda. That is the conclusion we must reach from the argument.

Mr. GEORGE. Exactly so.

Mr. GLASS. Then, Mr. President, again I say, if that be so, why have any investigation at all?

Mr. GEORGE. Mr. President, will the Senator from Virginia let me finish what I was going to say along that line?

Mr. GLASS. Certainly.

Mr. GEORGE. I called attention to the fact that less than a fraction of 1 per cent of manufactured gas passes over any State line, that less than about 7 per cent of electric energy actually passes State lines, and I called attention to the fact in that connection that the State commissions from the various States, through their representatives, came here and opposed any investigation, and they opposed it upon the ground that Federal regulation is not now demanded or required. They certainly submit facts which are pertinent here, and which we ought to take into consideration when we vote to have any investigation by either the Federal Trade Commission or by a committee of the Senate, as I concede very frankly.

I am not going so far myself as to say that no Federal legislation may be necessary; I am not going so far as to say that Federal legislation may be entirely unjustified; but I do think that it is pressing the matter too far to undertake the Federal regulation of business enterprises if a negligible percentage of their products only pass in interstate commerce. If the tendency now manifest in the electric industry continues, and more and more electric energy passes from State to State, then it may be necessary to have, and even the utilities themselves may demand, as the carriers would now be compelled to ask, Federal control. But the representatives of the States have brought to us facts that are well worthy of our consideration. At least they show that neither branch of the Congress of the United States should conduct an investigation into an industry, and before that is completed, go into another investigation through a different channel and through a different tribunal.

It seems that the industries named here may well say to the Senate, "You are not justified in investigating us at all, but you certainly are not justified in taking the investigation out of the tribunal where you yourself placed it, and putting it into the hands of a Senate committee for the purpose of furnishing head lines and propaganda to arouse public clamor for legislation by the Federal Government."

The utilities take the position that in view of all that has happened they do not resist an investigation so much, but they say, "Let it go on here in the same tribunal in which the investigation was begun."

Mr. WHEELER. Mr. President, did I understand the Senator to say that they were asking that the matter be sent to this tribunal; that they were willing that it should be so sent?

Mr. GEORGE. No; I did not say that.

Mr. WHEELER. Then I misunderstood the Senator.

Mr. GEORGE. I did say what is in the record—and the Senator is a member of the committee—notably, a statement by Mr. Owen D. Young, that they do not object to, in all the cir-

cumstances they favor, an investigation, but they do object to an investigation by a Senate committee. I think I am fairly interpreting it.

Mr. WHEELER. But let me say to the Senator that the position taken by most of the others who appeared was entirely different from that Mr. Owen Young took.

Mr. GEORGE. Perhaps so. I was quoting what I thought was a responsible voice.

Mr. WHEELER. Most of them took the position the Senator is taking on the floor here to-day with reference to the fact that no investigation should be had, because it would injure the industry; secondly, they took the position that we did not have any authority to go in and investigate the industry at all.

Mr. GEORGE. I am not taking that position, and I am not taking the position that the investigations fairly and properly made will hurt the industry.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. GEORGE. I yield.

Mr. CARAWAY. A moment ago the Senator from Idaho wanted to know if the same legislation would not follow the investigation whether it were made by a Senate committee or by the Federal Trade Commission, and the Senator from Virginia reechoed that query. If that is true, and those who are sponsoring the resolution want Federal legislation, then why do they object.

Mr. GEORGE. There would be no reason.

Mr. CARAWAY. They say the same legislation will follow and the same results will follow. Why are they so anxious to set up a special committee to investigate?

Mr. GEORGE. There would be no reason if legislation really be the object of the inquiry.

Mr. GLASS. But, as a matter of fact, I did not say that.

Mr. GEORGE. I did not understand the Senator to say it.

Mr. CARAWAY. I presume I am mistaken. Because the Senator kept asking the question over and over again if the same legislation was to follow, and that had been the assertion, I took for granted he was advocating it.

Mr. GLASS. That was the contention of the Senator from Georgia. I am still perplexed to know, if the Senator from Georgia please, if the same measure and character of legislation may follow the investigation by the Federal Trade Commission as will or may follow an investigation by a Senate committee, diastrous in either event in its consequences, why he does not oppose any investigation at all. I am still perplexed to know why that is so.

Mr. CARAWAY. Mr. President, will the Senator permit me further?

Mr. GEORGE. Certainly.

Mr. CARAWAY. I think the Senator from Virginia recognizes the difference between the two investigations sought. The sponsors of the one by the Senate lay down its chief virtue to be one of publicity. They want to control the industries of the country by threatening them with unfavorable publicity. It may be that they are entitled to be so controlled. I do not know. It may be that publicity is a wise way to have government. I do not know. If it is, though, I am confident that we ought to abolish the Constitution and cease to sit as a Congress, because we are not presumed to be publicity agents. If publicity is what they want we had better hire a publicity agency. They are to be had at so much a day and come very much cheaper than the Congress.

In fact, while we are talking about publicity, the one that has given this resolution the most publicity, the one which has been, as far as I have been able to read the papers, the most insistent in its demand for a senatorial investigation, is headed by a man who has had an office here ever since I came to Congress. The first time I ever saw him was at the time he was devoting his energies to changing the constitution in my own State, and the Woman's Christian Temperance Union were opposing him because they said he was doing it in the interest of the saloon. That was the high ideal which inspired him to invade my State and try to change our constitution. He lost about 10 to 1. He has been running a publicity agency here in behalf of some of these enterprises and ideals.

I hate to say this, because it may be that the Senator from Maryland [Mr. BRUCE] will be compelled to vote for the Senate resolution if I do.

But the Constitution undertook to guard against the unreasonable invasion of a man's private rights. It said that an unwarranted and unreasonable search and seizure was forbidden. We are told now that that is all wrong; that no man ought to have any privacy; that everything he does ought to be controlled by public propaganda. If that is the wisest way to govern the country, we ought to say so. Let us abandon the idea that we want regulation, and let us say, as is undoubtedly intended, that we want propaganda.

Mr. GEORGE. Mr. President, the theory has grown, and to a rather remarkable extent, that almost everything done by an individual, especially I may say by a corporation, should be made known, and that if the conduct of the individual is bad the neighbors ought to know it, and if it is good it not only will not hurt him but will help him. That is the philosophy which we are accentuating in our efforts here.

Mr. CARAWAY. And the very people who advocate it keep on the statute books a law which provides that they may sue for libel if anyone says anything about them.

Mr. GEORGE. I thank the Senator from Arkansas for his observations.

Mr. COPELAND. Mr. President, may I ask the Senator if there is anything in favor of the Federal Trade Commission making the investigation on the theory that they have already acquired a lot of knowledge and their research men have gone into the various items involved in the proposed investigation, and perhaps they are better prepared to continue the investigation than a Senate committee would be, which would have to begin de novo? Is there anything in that suggestion?

Mr. GEORGE. I should think so. I tried to emphasize that. Perhaps the Senator was out of the Chamber at the time. My conclusion was that if the particular investigation should not be carried on by the Federal Trade Commission, for any reason whatever, then it ought not to be intrusted with any investigation. Of course, the work which it has already done is indispensable to an inquiry even such as is suggested, because to begin the inquiry where the resolution proposes to take it up, without all that has preceded it in the investigation, would be not quite meaningless perhaps, but would be of little or at most of slight value to the Senate or the other House in an attempt to frame legislation.

Mr. GLASS rose.

Mr. GEORGE. Perhaps I have not answered specifically the Senator from Virginia or cleared up in his mind as specifically as I might have done my own position.

Mr. GLASS. I will say to the Senator that he has not done so, and I excuse my repeated interruptions of the Senator upon the ground that I do not contemplate making any address upon the subject.

Mr. GEORGE. I am glad to have the Senator interrupt.

Mr. GLASS. I want to know how I shall vote on the question. I frankly say that the Senator has not cleared up my perplexity, as indicated by my inquiry. Now I would like to ask the Senator if the scope of his proposed amendment is not quite as extensive as the proposal of the original resolution?

Mr. GEORGE. It covers exactly the same ground, I will say to the Senator.

Mr. GLASS. Then I am the more perplexed that the Senator is willing to advocate the amendment which he proposes. I quite agree with the Senator in everything he has said about Federal control. I am as utterly opposed to it as it is possible for any human being on earth to be. I quite agree with him in his very vigorous and conclusive defense of the public utilities commissions, or, rather, of the State agencies in appearing here to protest against Federal control.

But if Federal control is as inevitably to follow the resolution of the Senator from Georgia after an investigation by the Federal Trade Commission as it is the resolution of the Senator from Montana after an investigation by the Senate, I can not see why the Senator from Georgia does not oppose any investigation whatsoever. Is it merely because the investigation by the Senate committee will get some large degree of publicity and because the investigation by the Federal Trade Commission will get no publicity at all—because there is no human being in the Senate or outside the Senate who knew the contents of this report which has been presented here now of the Federal Trade Commission, and they will not know any more about the contents of any other report that the Federal Trade Commission may make. If it is a mere question of publicity, that is no justification on earth for an investigation at all.

Mr. GEORGE. I myself do not think so. I am going to be very frank with the Senator and say that in my judgment no investigation is necessary further than has been made.

Mr. GLASS. I do not agree with the Senator that no investigation at all is necessary, because I have no confidence in the world in the report that has been submitted.

Mr. GEORGE. If the Senator will allow me to finish my statement——

Mr. GLASS. Certainly I will.

Mr. GEORGE. I do not think that any investigation is necessary, nor is it really justified further than the investigation already made. That is my conclusion. But a demand has been made here for it. The resolution has been introduced. The matter has been brought before the Senate and the country. I think sufficient facts have been developed and I accept the

work thus far done by the Federal Trade Commission to justify me in suggesting that Federal interposition in two respects might well be made in the case of these utilities.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. GEORGE. I will yield, though I desire to conclude, if the Senator pleases.

Mr. WHEELER. Does not the Senator think that the honest thing for those who are really opposed to the investigation is just to vote against an investigation rather than attempt to send it to the Federal Trade Commission, knowing that under the law and under the rules of the Federal Trade Commission no investigation can be held?

Mr. GEORGE. Mr. President, I do not know that under the law no investigation can be held; but I do know that under the law an investigation can be held, and I do not, therefore, agree with the Senator's statement.

But I want to say to the Senator very frankly that I would rather have the investigation made by a dispassionate and impartial tribunal than made by the most capable Members of this body, not because of any lack of confidence in the Members of the Senate, but because we all know that we are here weighted down with duties of one kind and another, and I do not believe that a thorough, searching, exhaustive investigation by a Senate committee can be as unbiased, can be as complete, can furnish the facts upon which we would desire to stand, as might be furnished by an impartial tribunal with all of the machinery necessary to a full investigation.

I do not think there is justification for Federal regulation and, therefore, that an investigation by the Senate is not justified if the object of that investigation is to control the rates for the relatively small percentage of electric current passing in interstate commerce. I do not think that a Federal investigation is justified if the result of that investigation is to control the negligible proportion of only 3 per cent of the total of all securities in the United States passing in interstate commerce.

The men who appeared in opposition to a Senate investigation represented not merely the utilities companies but they represented the public service commissions in all of the States of this Union that now have such commissions. They also represented all the savings banks of this country, with their combined capital assets of more than $9,000,000,000, some $350,000,000 of which are invested in the securities of utility companies. They represented all of the life-insurance companies of this country, with their total capital assets of $14,500,000,000, with approximately a billion dollars of their policyholders' money invested in the securities of utility companies. These men—and surely they have the right to appear here, because they represent interests scattered all over the Nation—said to us, "If you want an investigation, let it be conducted by the Federal Trade Commission or some other regularly established commission, but do not give to the investigation a political or partisan complexion." They gave reasons which appeal to all impartial minds outside of the Senate.

Mr. NORRIS. Mr. President, it is quite evident, I think, that an investigation of utility corporations is going to take place, either by a committee of the Senate, as provided for in the resolution of the Senator from Montana [Mr. WALSH] or by the Federal Trade Commission, if the amendment of the Senator from Georgia [Mr. GEORGE] shall prevail. I think it can be demonstrated very readily that if the investigation shall be attempted by the Federal Trade Commission the result will be in the most important particulars practically negligible.

I stated to the Senator from Georgia yesterday that I agreed with him that the decision of the Attorney General was erroneous, and yet I have always conceded that it was only a matter of opinion. It is sufficient to say that the Attorney General in passing upon that portion of the resolution adopted by the Senate which provided for the investigation by the Federal Trade Commission of the political activities of the General Electric Co. and its various subsidiaries held that that provision of the resolution was null and void so far as an investigation by the Federal Trade Commission was concerned.

That portion of the resolution was almost an exact copy of the similar portion of the resolution which has been offered by the Senator from Montana. I wish to read the two resolutions and then to read the opinion of the Attorney General, which, it seems to me, provides without a shadow of doubt that no investigation can take place by the Federal Trade Commission.

The resolution of which I was the author, which was adopted in the Sixty-eighth Congress, contained two provisions, as has already been stated. One directed the commission to investigate the activities of the General Electric Co., its stockholders, and security holders, to ascertain whether they constituted a monopoly in the electric-light business. The other portion of the resolution read as follows:

> The commission shall also ascertain and report what effort, if any, has been made by the said General Electric Co. or other corporations, companies, organizations, or associations, or anyone in its behalf, or in behalf of any trade organization of which it is a member, through the expenditure of money or through the control of the avenues of publicity, to influence or control public opinion on the question of municipal or public ownership of the means by which power is developed and electric energy is generated and distributed.

Now, let me read from the resolution offered by the Senator from Montana [Mr. WALSH], which is before us:

> The committee is further empowered and directed to inquire and report whether, and to what extent, such corporations or any of the officers thereof or anyone in their behalf or in behalf of any organization of which any such corporation may be a member, through the expenditure of money or through the control of the avenues of publicity, have made any and what effort to influence or control public opinion on account of municipal or public ownership of the means by which power is developed and electrical energy is generated and distributed.

There is practically the same language as in the resolution introduced by me; at least, everyone must concede that the two contain the identical idea.

Now let us see what the Federal Trade Commission did. When they had that language presented to them in the resolution which was adopted by the Senate in the Sixty-eighth Congress they referred it to the Attorney General and asked his opinion about it. They referred at the same time several other proposals in the resolutions, but I am merely going to read that portion of the opinion of the Attorney General which applies to this particular subject. Senators will realize that it applies definitely to the resolution now before the Senate; there is no difference.

Mr. KING. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. KING. Is the Attorney General's opinion based upon substantive law?

Mr. NORRIS. I am going to take that question up, I will say to the Senator, and if he will peremit me I shall read from the opinion. It will show of itself that he refers particularly to the organic law creating the commission. So all the talk about a rider on an appropriation bill is immaterial. He held that the commission did not have authority to conduct the investigation under the organic law which created it.

Mr. KING. How could the commission investigate to the extent it did if the organic act forbade it doing so?

Mr. NORRIS. I think, perhaps, the Senator was not present when I undertook to explain that there were two divisions of the resolution. I called attention to both of them, but I will do so again.

The first portion of the resolution called upon the commission to investigate and to ascertain the monopolistic tendencies of the General Electric Co. and its subsidiaries. The second called upon the commission to ascertain whether those companies had spent any money for propaganda purposes, for the purpose of controlling the avenues of publicity, and for the purpose of meeting the arguments for or against public or private ownership. The Attorney General held that they had a right to investigate as to the first subject of inquiry, but they had no right to investigate as to the second. Then I showed that the resolution now before the Senate is almost in identical words—and a portion of it is in exactly the same words—as the second division of my resolution under which the Attorney General held the commission had no authority to investigate. Now, I am going to read that portion of the opinion of the Attorney General which applies to the particular resolution now before the Senate.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. NORRIS. I yield to the Senator from Montana.

Mr. WHEELER. I think that this is a very important subject, and I should like to suggest, if the Senator will yield to me for that purpose, the absence of a quorum.

Mr. NORRIS. I hope the Senator will not do so at this time, because few Senators who are not now present will be moved by what may be said, and they will not obtain the whole of the argument if they return in response to the suggestion of the absence of a quorum.

Mr. WHEELER. Very well.

Mr. NORRIS. I desire now to quote from the opinion of the Attorney General. The first portion of the resolution which the Attorney General is discussing contained still another proposition, namely, to investigate the Tobacco Trust. The other portion of the resolution was attached as an amendment to the resolution of the Senator from Kentucky providing for an investigation of the Tobacco Trust. The Attorney General is

speaking now of that portion of the resolution containing in itself two parts which I had tacked on as an amendment:

The recitals of the second part of the resolution allege a violation of the antitrust acts by a named corporation and its subsidiaries. For the most part the investigation directed is appropriate to develop truth or falsity of the charge. In carrying out this resolution regard should be had for the admonition already given, to the effect that the inquiry should be limited to facts and circumstances tending to show any unlawful restraint of interstate trade and commerce. Under the provisions of the antitrust acts only restraints upon the production of electric energy for transmission over State lines and upon the interstate transmission of electric energy, or the monopolization thereof, may be properly investigated under the resolution in question.

Now I come to the part of it holding the other part of the resolution to be void.

There is serious question, however—

Says the Attorney General—

as to the requirement that the Federal Trade Commission shall ascertain and report the efforts, if any, made by the corporations in question through the expenditure of money—

He uses almost the same language himself; part of the way he does quote the language—

or through the control of avenues of publicity, to influence or control public opinion on the question of municipal or public ownership of the means by which power is developed and electric energy is generated and distributed.

The relationship of such facts, assuming their existence, to a charge of violation of the antitrust acts is not apparent. Indulging all presumptions in favor of the validity of the resolution under the organic act, I am still unable to find authority for such an inquiry. All other features of the investigation properly may be made.

Senators, that is the law to-day. Whether we believe it is right or wrong, that is the opinion of the Attorney General, never appealed from, no way to do it as far as this commission is concerned, and final; and under that opinion the Federal Trade Commission will never take a step in accordance with the language I have read you, contained in the Walsh resolution. In other words, it is a nullification of any investigation.

There is, therefore, but little difference between having no resolution and passing this resolution with the amendment to be offered by the Senator from Georgia; and, of course, that is what the Electric Light Trust want. They are riding very easily and safely.

Mr. HOWELL. Mr. President——

Mr. NORRIS. I yield to my colleague.

Mr. HOWELL. The statements being made by my colleague are so to the point, and of such importance, that I am going to ask my colleague to yield while I make the point of no quorum.

Mr. NORRIS. Oh, no; I have gotten through with that part of it now, and of course if the Senators who are absent come in they would not hear it, anyway, unless I repeated it. I hope the Senator will not do that.

Mr. President, so much for the technical legal phase involved before us to-day. I can not understand how any man can dispute the proposition. I can not understand how we can expect the Federal Trade Commission to take a single step to investigate the things that are called for in this language. Of course they will not investigate. I understand that the opinion of the Attorney General was written by a man who is now a member of the Federal Trade Commission. I am not charging dishonesty, Senators. I am not charging lack of ability. I am simply stating a legal proposition. I am not making any charge against the Federal Trade Commission. I am assuming that this man was conscientious when he rendered that opinion. He may have been right under the law. At least it is the law, unappealed from and final.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question there?

Mr. NORRIS. Yes.

Mr. SHORTRIDGE. Do I understand it to be the law that the opinion of the Attorney General, in respect of a given statute, is finally determinative of the real meaning of the law?

Mr. NORRIS. Oh, no, Mr. President. I will make that plain.

Mr. SHORTRIDGE. That is what I want to have the Senator do.

Mr. NORRIS. In this case it is final because we have a Federal Trade Commission that want that kind of an opinion, and of course they will make no effort to violate it.

Mr. SHORTRIDGE. No; what I mean is this: They called upon the Attorney General for an opinion, as I understand.

Mr. NORRIS. Yes.

Mr. SHORTRIDGE. He rendered a certain opinion.

Mr. NORRIS. Yes, sir.

Mr. SHORTRIDGE. Now, following my former question, under the law is the commission bound to proceed or not proceed according to the opinion of the Attorney General?

Mr. NORRIS. I do not think so.

Mr. SHORTRIDGE. As a matter of law, I am asking.

Mr. NORRIS. I am answering the Senator's question in that way. I think they could violate and go contrary to the Attorney General's opinion if they wanted to; but, having asked it, I suppose, of course, when they get it they will follow it, and that will be the proper course to take. I am not disputing that. That is what I would do if I were a member of the commission.

Mr. WALSH of Montana. Mr. President, if they did not follow the opinion of the Attorney General, has the Senator any doubt in the world that these public utilities would immediately institute proceedings to enjoin them from proceeding?

Mr. NORRIS. Not a bit.

Mr. WALSH of Montana. That is what they always do. I have a record here of half a dozen such proceedings on the part of corporations.

Mr. SHORTRIDGE. If they should in a proper proceeding seek to enjoin, then there would be a judicial determination.

Mr. WALSH of Montana. Yes; after the lapse of four or five years.

Mr. SHORTRIDGE. I am not asking this question in a contentious spirit. I want to know the position as a matter of law.

Mr. NORRIS. There is not any doubt about it.

Mr. McMASTER. Mr. President——

Mr. NORRIS. I yield.

Mr. McMASTER. If the Federal Trade Commission have an opinion from the Attorney General that they can not proceed with this investigation under the law, if they started to proceed, and their expense vouchers went before the Comptroller General, would not the Comptroller General be placed in a position not to allow those expenditures?

Mr. COPELAND. Mr. President——

Mr. NORRIS. He probably would.

I yield now to the Senator from New York. I hope the Senators will not interrupt me too much, because I want to finish. I do not want to take up too much of the time of the Senate.

Mr. COPELAND. May I say to the Senator that I have not interrupted him at all up to this point.

Mr. NORRIS. I have not said the Senator did. I have just yielded to him so that he can do it.

Mr. COPELAND. I thank the Senator.

Does the Senator believe that the Federal Trade Commission has no legal right to proceed in this matter?

Mr. NORRIS. No; I said yesterday that I do not agree with the Attorney General, but my opinion does not control. The Attorney General's opinion does.

Mr. COPELAND. The Federal Trade Commission could determine the matter for itself, could it not?

Mr. NORRIS. Exactly; but why should men in the Senate quibble over a matter of this kind? Here are the Federal Trade Commission. They said to the Attorney General, "Can we proceed? We ask your opinion." He said, "No; you can not"; and then they turn around and proceed, when everybody knows that the reason they asked him was because they did not want to proceed and were hunting a way to get out of it. That was under the influence of Mr. Humphrey, a member of that commission.

Mr. COPELAND. Mr. President, so far as I am concerned, I voted with the Senator from Nebraska against the confirmation of Mr. Humphrey.

Mr. NORRIS. Yes, sir.

Mr. COPELAND. I think I was one of a very small number to do that.

Mr. NORRIS. I remember that our number was small, but it made up in quality what it lacked in quantity.

Mr. COPELAND. Modesty prevents me from saying anything further on that subject; but, Mr. President, there are other men on this commission, are there not?

Mr. NORRIS. Oh, yes.

Mr. COPELAND. Are they not honorable men?

Mr. NORRIS. As far as I know, they are.

Mr. WALSH of Montana. Let me remark that Mr. Myers, who wrote this opinion, is on the commission now.

Mr. COPELAND. Is there any reason why the other three men on the commission are not honorable men?

Mr. NORRIS. No; there is not; but why should this commission, having asked for this opinion and having received it, now go back on it? Of course, if they do, regardless of what

the law may be determined to be in the end by the Supreme Court, it will have to go to the Supreme Court before it is determined, because an injunction proceeding would be commenced overnight if they started to proceed.

Mr. WALSH of Montana. If the Senator will permit me, I should like to state for the information of the Senator from New York that Mr. Humphrey is on the commission, and he acquiesced in this ruling before.

Mr. COPELAND. There are two Democrats on the commission. How do they stand?

Mr. WALSH of Montana. They are new men, who came on since this action was taken.

Mr. NORRIS. Mr. President, it seems to me it is a practical question. Either we want to have an investigation, or we do not. If we want to have an investigation, let us vote for the resolution that will bring it about. If we do not want an investigation, let us vote it down, or vote for the amendment which kills it. There is not any use in concealing the truth about it. It looks perfectly clear to me. I am not finding fault with the man who says, "We do not need to have any investigation; we do not want any." He has a right to do that. It is a question with two sides. I concede it. I would not question his honesty, or his wisdom, or anything of that kind; but we are either going to have an investigation or not; and, as I think I have now demonstrated, as a matter of law, if the so-called George amendment is agreed to, we will get no investigation. We might just as well face it.

Mr. President, Mr. Humphrey was a member of the Federal Trade Commission when this other resolution was passed, and he is a member now. He is, I understand, at the present time chairman of the Federal Trade Commission. Of course, everybody knows that Mr. Humphrey would be opposed to anything of this kind. I do not charge him with dishonesty. I do not charge him with lack of ability. He is one of the most courageous men I ever met. He is not afraid of a whole army. He expresses his sentiments and his beliefs and his opinions and his judgments without fear; but if you knew Mr. Humphrey as some of us who served with him for a great many years in the House of Representatives know him, you would know in advance that he never had any sympathy for anything outside of big business. He believes in it. It is his god. He is honest and conscientious about it. I presume he wants to turn the world over to big business, and let the poor people get some employment out of it, and get a few crumbs that they rake off from the marble top or the mahogany top table. He believes in that kind of business. He always has, as far as I know. He stands out boldly and advocates things which mean that. So, when this request went to the Attorney General, it went from a commission dominated by Mr. Humphrey, which did not want to investigate that matter, and they got the very opinion they wanted.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. COPELAND. There is no man on this floor—I have said it many times on the floor and in private—who is franker and in my judgment more anxious to state things exactly as they are than the Senator from Nebraska. Now I want to ask him this question:

If the resolution proposed by the Senator from Georgia outlining the desires of the Senate regarding this investigation is passed by the Senate, directing the Federal Trade Commission to make this examination under the terms outlined here, does the Senator from Nebraska believe that the commission will refuse to do it?

Mr. NORRIS. I certainly do. I do not see how they can take any other course. As far as the language of that part of the resolution I have read is concerned, they are precluded, under the law which controls them now, from doing it. They have the opinion from the highest legal officer in the United States that they have no authority to do it, and they refused before. They refused to make this same investigation under my resolution. That is a matter of history.

Mr. COPELAND. Mr. President, will the Senator yield for another question?

Mr. NORRIS. Yes.

Mr. COPELAND. Is there any reason why the Senate could not ask the present Attorney General whether or not the Federal Trade Commission is qualified to proceed under the terms of the George amendment?

Mr. NORRIS. I presume we could. We would be asking the same Attorney General who has already written an opinion to the effect that they have no authority to do it.

Mr. COPELAND. I think, if I understand the Senator, this opinion was written by Mr. Myers when he was Assistant Attorney General.

Mr. NORRIS. Yes; but it came from the Attorney General himself.

Mr. COPELAND. This particular Attorney General?

Mr. NORRIS. A request goes to the Attorney General, and not to an assistant.

Mr. COPELAND. Did it go to the present Attorney General?

Mr. NORRIS. I think so.

Mr. WALSH of Montana. Oh, yes.

Mr. COPELAND. Mr. Sargent?

Mr. NORRIS. Yes; the same man.

Mr. WALSH of Montana. His signature is to it.

Mr. NORRIS. Of course, nobody expects the Attorney General to write all his opinions, but he is responsible for them. I presume in a general way he knows what they are, and supervises them and agrees with the conclusions reached by his assistants.

Mr. KING. Mr. President, will the Senator suffer an interruption?

Mr. NORRIS. Yes.

Mr. KING. The Senator has commented upon the dominating influence exercised by Mr. Humphrey upon the Federal Trade Commission since some time ago. I agree with the Senator, and I recall upon a number of occasions having criticized Mr. Humphrey for the positions which he took. It seemed as though he had been placed there by the Executive—and I do not mean to criticize the President—to inaugurate a different policy from that which had been pursued. when Huston Thompson, and a former Senator from this body, and one other member of the commission, rendered some very valuable and searching opinions. But I want to challenge the Senator's attention to the fact that quite recently Mr. Hunt, a member of the commission, Judge McCulloch, a member of the commission, a former chief justice of Arkansas, and the new appointee from North Carolina, have voted constantly against Mr. Humphrey, so that Mr. Humphrey now stands practically alone. In his efforts, to which reference was made a short time ago, to modify the appropriation for the coming year so as to excise from the appropriation some of the duties and responsibilities imposed by law, he stood alone; he was not supported at all by his conferees. Mr. Van Fleet, as the Senator knows, has left the commission, so that now, with five commissioners, Mr. Humphrey stands alone. I make that observation, not by way of combating anything the Senator has said, but in order that the record, as I understand it, may be brought down to date.

Mr. NORRIS. Of course, that statement does not combat anything I have said. I have not charged anybody with doing anything that he thought was wrong. That is not necessary. It is enough to get the facts before the Senate. Whether the commission is better now than it used to be, I am unable to say. It may be. It may be that there are enough of them there to override Mr. Humphrey and override the Attorney General, and prevent an injunction from being issued, but I do not believe it.

If they were all saints, they could not stop a court from issuing an injunction; and that means that even though the case is ultimately decided in their favor, and the Attorney General reversed, they will do nothing until the Supreme Court finally passes on it, and by that time we shall have a different commission, the present members will all be dead from old age, and there will be a lot of new fellows there, who can open another case and start it on its weary way. So, for all practical purposes, even though we concede that the commission are going to go contrary to the advice they got from the Attorney General—we have no right to charge that, but for argument that is admitted—and that they will refuse to obey the mandate of the Attorney General, even though we admit all that, it is going to be five or six years before this investigation even commences.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. COPELAND. If I understand the Senator, his criticism of the present proposal of the Senator from Georgia is that the Attorney General has rendered an opinion which would make it impossible for the Federal Trade Commission to give us the report we desire. Am I right?

Mr. NORRIS. That is practically right.

Mr. COPELAND. I have in my hand this opinion, which was just handed me by the Senator from Montana, and he has marked the language in question, which is this:

There is serious question, however, as to the requirement that the Federal Trade Commission shall ascertain and report the efforts, if any, made by the corporations in question, through the expenditure of money or through the control of avenues of publicity, to influence or control public opinion on the question of municipal or public ownership of the

means by which power is developed and electric energy is generated and distributed.

The relationship of such facts, assuming their existence, to a charge of violation of the antitrust acts is not apparent. Indulging all presumptions in favor of the validity of the resolution under the organic act, I am still unable to find authority for such an inquiry. All other features of the investigation properly may be made.

Then the only thing involved, if that is all there is to it, is that the Attorney General said that it was not proper to inquire into whether this money had been used to influence public opinion regarding public ownership or otherwise.

Mr. NORRIS. To begin with, the Senator has not given us anything new. I have already read that identical language in the hearing of the Senator.

Mr. COPELAND. I beg the Senator's pardon.

Mr. NORRIS. That is the opinion of the Attorney General. Let me read the part of the resolution to which it applies:

The commission shall also ascertain and report what effort, if any, has been made by the said General Electric Co. or other corporations, companies, organizations, or associations, or anyone in its behalf, or in behalf of any trade organization of which it is a member, through the expenditure of money or through the control of the avenues of publicity, to influence or control public opinion on the question of municipal or public ownership of the means by which power is developed and electric energy is generated and distributed.

That is all cut out; they can not do anything with it. Is there anything else in the Walsh resolution? What is there left of it when that is taken out?

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. SHIPSTEAD. The resolution states in the proviso proposed to be inserted on page 3:

Provided, That the elections herein referred to shall be limited to the elections of President, Vice President, Members of the United States Senate and of the House of Representatives.

That is, to investigate campaign contributions, as I understand it.

Mr. NORRIS. Yes; I should think so.

Mr. SHIPSTEAD. The Federal Trade Commission is appointed by the President and confirmed by the Senate.

Mr. NORRIS. Yes.

Mr. SHIPSTEAD. This is asking the creatures of the Senate and of the President to investigate campaign contributions that have been made, if any, to elect Presidents and Members of the Senate. Is not that a good deal like asking a bookkeeper to investigate his employer?

Mr. NORRIS. It has some elements of that similarity in it, I think.

Mr. SHIPSTEAD. I wanted to call that to the Senator's attention.

Mr. NORRIS. Mr. President, when I was interrupted, I was about to read from a speech of Mr. Humphrey made at the Atlantic meeting of the United States Chamber of Commerce on May 20, 1925, at Washington, D. C. He is speaking of these particular resolutions about which I have been talking, the resolution I referred to as mine, and there was another one introduced by the Senator from Minnesota, and one by the then Senator from Wisconsin, Mr. La Follette, asking for various kinds of investigations. He said, in referring to them:

It is perfectly useless to take time to explain the purpose of these resolutions. It is clearly apparent that the primal motive in all of them is political, to advance the personal fortunes of some person, party, or class.

Here is a subordinate official of the Government, directed in his official capacity to make certain investigations by certain resolutions passed by the Senate, denouncing them all as political, and says that "the primal motive in all of them is political, to advance the personal fortunes of some person, party, or class." That is the man who presides over the Federal Trade Commission, which it is desired shall make this investigation of the great Power Trust of the United States, the greatest institution of its kind in the civilized world.

Let us read a little more of what he said in that speech:

I do not charge or even intimate that the Senate or any Senator wishes the commission to do an unlawful act, but all who are familiar with the facts know that often such resolutions are passed out of mere courtesy, upon the request of a single Senator, that often they are passed to prevent the opposition of a single Senator to some other matter. They are often passed rather than listen to a prolonged discussion about them. We all know that frequently such resolutions do not represent the deliberate wish and judgment of the Senate.

Let me tell you something about the history of the particular resolution introduced by me and passed by the Senate. I introduced that resolution, containing the language I have read, and instead of it being passed at the request of a Senator, it had the bitterest kind of opposition. There was arranged over on this side a full-blooded filibuster to prevent its passage, if such filibuster was necessary. I realized that it was going to be impossible to pass it without the filibuster, and the filibuster would kill it perhaps. I was unable to get it up in the Senate. Instead of it being passed simply at the request of a Senator, it never made a single step except against opposition of the bitterest kind, and it was only adopted finally because I was able, after a time of intensive watching and diligence, to find a parliamentary loophole by which I could compel the Senate to take a vote on it, and I knew that if I could get a vote it would pass.

It happened that Senator Ernst, of Kentucky, then a Member of this body, and a candidate for reelection, satisfactory to the management on this side of the Chamber, who wanted to help him wherever they could in his election, thought it would be beneficial to him in his campaign in Kentucky if he could get an investigation in regard to tobacco. So he introduced a resolution asking that the Federal Trade Commission be authorized to make such an investigation. I think that if it had been known that I was watching, and what I was going to try to do, he would never have been able to get that resolution up, but I sat in this Chamber for days and days with my eye on the Senator from Kentucky. He finally got his resolution up by unanimous consent; there was no objection to it; it was going right through; and then I offered my resolution as an amendment. It was in order, and when a roll call was taken the amendment was agreed to, and that is how my resolution got to the Federal Trade Commission.

So the chairman of that commission, when he says that these resolutions come up by unanimous consent, that they are passed merely at the request of some Senator, has another guess coming. He does not know what a hard row that little resolution had to travel, and when it finally got to the commission the very heart was taken out of it by Humphrey in referring it to the Attorney General. Now, we have the same situation confronting the Walsh resolution, and he proposes to send it to the same grave.

Mr. COPELAND. Mr. President, will the Senator yield now?

Mr. NORRIS. I yield.

Mr. COPELAND. There is a lot in this resolution presented by the Senator from Montana——

Mr. NORRIS. The Senator may discuss that after a while. I do not want to take up the time. The Senator from Montana will not agree with the statement. There is not much more in it, but if the Senator from New York thinks there is, for the argument's sake, I am going to admit it. I will simply say that all of that part of the resolution to which I have referred will be as dead as a doornail if we send it to the Federal Trade Commission. That is what I am asserting, and only that. If the Senator can get something else out of it, he is welcome to it, but he can not get anything out of it if the part I have read shall be stricken out. I want to see that investigation made, and through that we shall get a great deal of light, if the right kind of an investigation is made into the electric-light business.

That is the thing the trust is afraid of. If it were necessary, I could almost fill the Senate Chamber with documents to demonstrate the importance of the proposition. I want the investigation to take place. That is the crux of the investigation. There is more in it than in anything else. In my investigation I said, when the Attorney General's opinion came down, "I have no further interest in it. The real life and blood of it is taken out," and the man who, more than any other man on earth took it out, after the stand-pat element here in the Senate could not take it out, was the man Humphrey, now chairman of the Federal Trade Commission.

As I said a while ago, Mr. Humphrey makes no bones about his position on any question. I give him credit for being honest in his convictions and I give him credit for being as courageous as any man I know. I am not charging him with anything that is untrue, in my judgment. He believes in just what he says. He believes in big business. He believes in corporations. He would be glad to see the Electric-Light Trust reach out with its mighty fingers and take in every plant, small and great, in the United States and hold them in one hand, and he would let them run unregulated if he had his way. They could not charge so much as to displease him; he does not believe in that kind of government. The bigger the corporation the more holy it becomes.

So we have that kind of a man on the Federal Trade Commission. That is the kind of a man that Senators desire to head this investigation.

Mr. GLASS. And as a tribute to his audacity, not to say his effrontery, he appeared before the Senate Committee on Appropriations three weeks ago and endeavored to anticipate this very action by having a provision incorporated in the appropriation bill that no single House of Congress should require the Federal Trade Commission to make an investigation.

Mr. NORRIS. I thank the Senator from Virginia. Knowing Mr. Humphrey as I do, I am not surprised that he would do that. That is the most natural thing in the world for him to do. He did it conscientiously and honestly and knowingly.

Mr. COPELAND. Mr. President, will the Senator yield to me now?

Mr. NORRIS. Yes.

Mr. COPELAND. I dislike to take a single moment of the Senator's time, but he is always so fair and just that he will pardon me for calling his attention to what I think is a mixing on his part of Mr. Humphrey with the Walsh resolution. I share all his feelings about Mr. Humphrey. I voted with the Senator, as he knows, for his resolution and investigation and all that sort of thing. But the pending resolution has in it five things having to do with public utilities. Then almost as an afterthought it says that the committee is further empowered and directed to inquire into the matter of public ownership.

Mr. NORRIS. I said to the Senator when he interrupted me before that if he can get anything else out of the resolution he is perfectly welcome, but the part I have been talking about is out if the investigation goes to the Federal Trade Commission. The Senator can not deny that. Do we want anything else than that?

Mr. COPELAND. Is there anything else in it than that?

Mr. NORRIS. Yes; probably.

Mr. GLASS. The question is, Why not include that?

Mr. NORRIS. Why not, of course? Why should we take that out which we do by referring it to the Federal Trade Commission? That is not all. I am not going to stop to argue it, but I think I could make an argument which would satisfy at least myself that there are other things in the resolution to which the reasoning of the Attorney General applies. In other words, if his reasoning is right, then everything in the resolution which does not directly refer to the antitrust laws is illegal and void. I go on the theory that the Senator wants this particular provision in the resolution. If we do, let us not send it to the Federal Trade Commission because then it will be torn out.

But I was talking about Mr. Humphrey. Even if we admit that they have authority, and forget all about the Attorney General and everything that has happened in the past, let us consider the chairman of that commission and the influence which he must have and properly has in that commission. Are we going to submit to a man who holds his ideas the making of an investigation that will be very bitter to his heart under his belief?

After Mr. Humphrey was appointed to the Federal Trade Commission Mr. Paul Anderson, of the St. Louis Post-Dispatch, called on Mr. Humphrey and secured from him an interview which he published in the paper. It is an exceedingly interesting proposition covering nearly a page in the paper, in which he pays tribute to him, as I have tried to do to-day, as a man of courage and ability and fearlessness. But he quotes him in several of the things that he said and, without reading the entire article, I am going to quote just briefly some of the things that are included in it as coming from Mr. Humphrey. Mr. Anderson put this proposition to him:

> Another of the changes made by the new majority was to expand the board of review from three members to five. KING—

That is the junior Senator from Utah [Mr. KING], and I wish he were here—

> charged that this move was to enable Humphrey to control it.

That was true. The Senator did charge it and everybody else charged it, and nobody ever denied it. There used to be a board of review of three members. When Humphrey got control he had the board of review enlarged to five. He already had one of the old members, and the two new members made three, and gave him control of the board of review.

> The writer called on Humphrey to obtain his reply to these accusations. He found a blunt, bulky, brisk, and bearded man who spoke with a candor that was almost breath-taking. Humphrey's resemblance to former Premier Poincaré, of France, is remarkable. He is like him physically, mentally, and politically. He is harsh, rasping, and pugnacious.

That is all true.

> There is no doubting his courage. He is a hard man.

Here is what Humphrey said:

> "I certainly did make a revolutionary change in the method and policies of the commission," he snapped. "If it was going east before, it is going west now. I would be ashamed to look a decent man in the face and to admit that I did not change the procedure."

Further on Mr. Anderson said:

> He was asked if that was not exactly what the Federal Trade Commission act intended, that the commission should collect information for Congress and for the Department of Justice.
>
> "I don't think so," was the terse answer.
>
> He was reminded that Senator KING had charged him with "packing" the board of review in order to control its decisions.
>
> "What of it?" he shot back. "Do you think I would have a body of men working here under me that did not share my ideas about these matters? Not on your life. I would not hesitate a minute to cut their heads off if they disagreed with me. What in hell do you think I am here for?"
>
> Obviously—

Continued Mr. Anderson—

> nobody could charge the burly commissioner with evasion or lack of frankness.
>
> "Listen," he barked. "This is nothing but politics. KING and NORRIS and those fellows are simply hitting at Coolidge through me. They don't like me because they think I helped make Coolidge President."
>
> "Did you?"

Mr. Anderson made that inquiry.

> "I hope so. I tried hard enough," he answered grimly. "I like to believe I had something to do with it."
>
> "Have you intimated in your speeches that Commissioners Thompson and Nugent were using the commission to spread bolshevist propaganda?"
>
> "I don't deny it," he affirmed. "I am willing to stand by what I said."

That gives the Senate an idea of what Mr. Humphrey is, the man whom it is proposed to have investigate, the man who is going to sit in judgment and preside at this investigation that we are going to call upon the Federal Trade Commission to make. Why, Mr. President, if we lay aside everything else, it seems to me that particularly on this question we ought not to ask an investigation by a board of which a man like that is the head.

What is it that they are going to investigate? What is the so-called trust? What is this lobby that is down here spending thousands of dollars every day to defeat just such a thing, turning heaven and earth to prevent the passage of the resolution? Is not that a sufficient reason why it should pass? That ought at least to be another reason, if it is not a sufficient reason standing by itself. Everybody knows what wonderful methods have been used by great corporations and great monopolies to control elections. Mention was made yesterday of how the Electric Trust went into the election in California when California was having a vote upon an initiative proposition to conserve the waters of California and, incidentally, in their conservation, to utilize all the electricity that could be generated. There was one of the liveliest campaigns that had ever taken place. As was shown yesterday, the rank and file of the employees and representatives of the Electric Trust in California were started out to canvass the entire State.

Cities, towns, and villages were divided into districts and every man was given his particular street, his particular block, where he had to go, in the employ of this company, and make a house-to-house canvass, to see all his acquaintances, go to his lodges and clubs everywhere where he might meet his companions, and secure their votes, if he could, against the proposition.

After that was all over, as was said yesterday, there was a committee appointed, I think, by the State Senate of California to investigate the matter. I read most of the evidence. They did not get half way through it. They ran out of money before they got very far.

It was a most remarkable condition of things. There was a man by the name of McCarthy who was a recognized and avowed leader among laboring men. They bought him. They gave him $10,000 and he was to handle and did handle, I suppose, to the extent of his ability, the laboring men. When the investigation disclosed what had happened they ran that man out of the State.

There was another man, Eustace Cullinan, who organized some kind of an organization. I have forgotten its name, but it had a very highfaluting name. The testimony showed in that investigation that he was the only man in the organization. He met in his own room, all alone, and organized and selected officers and everything. Of course, he was in the employ of the trust. That organization advertised in the newspapers of California, page advertisements of all kinds, and the

people supposed that it was a real organization. It had a beautiful name. They spent $125,000 in the campaign through this one man alone, so his testimony showed, as I remember it. There never was an accounting made of a single penny.

Mr. President, that is the method that is being used, and who pays the bill? Who paid the bill in California? The men and the women who were being deceived. They were paying for their own deception. Every man or woman who read a newspaper by an electric light, every woman who washed her clothes by an electric washing machine, everyone who used electricity in any way paid his or her share of that boodle fund that contaminated California. California, however, is no exception; a proper investigation will show that the same kind of thing is going on everywhere. An investigation will also show that Mr. Insull, of Illinois, is not the only man who tries to buy and sell seats in the United States Senate. Spread all over the United States, in every community there will be some nucleus of this trust.

It is said by the utility interests, "Oh, publicity will ruin us." I think it will. I believe that a great deal of good will come from publicity. If these companies were honest, if they were not doing the things that are charged in the resolution, they would not be afraid of an investigation, but they would open their arms and say, "We are ready to be investigated." Instead of that, however, they spent enormous sums of money even to prevent this resolution from going through the Senate in its present shape. We saw two ex-United States Senators appearing before the committee. If they have their way, they are going to send the investigation to a commission that is presided over by another "lame duck," who, in language that I have read, condemns the Senate for doing business in a loose way, who tried his best to get into the Senate, but the people of his State declined to permit him to do so, and he was defeated.

Now, the question arises, What are we going to do about it? We can not at this time tell just what the magnitude of this question is. Those who have studied it and thought about it have begun to realize that it is the greatest question of the day, and that eventually, if the present stride is kept up, the electric monopoly will control everything in this country from ocean to ocean and from the Lakes to the Gulf. They are buying up now by the hundreds little plants away out in the country, and frequently paying three times what they are worth. The people are going to pay the bill in the end. It is the one great monopoly that uses unlimited funds, filched from the people themselves, to deceive and undo the very people who contribute in pennies the money that makes these corporations rich. That is the kind of thing we are dealing with here, and we can not give too much publicity to it.

Why should electric-light rates and the items that go to constitute them be secret? Why should the light that comes from the power in the rivers and the lakes, and from the bosom of the earth, in the shape of coal, be turned over to a few multimillionaires and the people be kept in ignorance of how they are being deceived with their own money and how they are being overcharged not for the luxuries but for the necessaries of life? This trust will reach into every home; it will affect every person—man, woman, and child—at least who is living a modern life in a modern home. There is no escape. Should they not know whether they are being overcharged? Should they not know whether the power and utility companies are contaminating our legislatures and our courts and our commissions and our Senate?

We had a lesson in reference to this matter in the Insull case. Have we forgotten that? There was a man knocking at our doors who admitted that over $125,000 was contributed to his campaign fund by these special interests. Now, are we afraid to let the light shine in and to let the truth be known to the American people? After all, they are the folk who bear the burden; they are the ones who pay the bill, and it is their property that flows down the mountain side in the shape of rivers, that is dug out of the earth in the shape of coal, that is being used to make this unseen current, this unseen comfort of modern existence and modern civilization that enters into every home. Why should we hesitate to let the owners of the property, who have to pay all the bills, know what the truth is?

Mr. HARRIS. Mr. President, I wish to state in the beginning that what I shall say is not intended as a criticism of Senators who may differ with me on this question.

For two reasons I very much regret to oppose this amendment referring the investigation to the Federal Trade Commission. First, it is offered by my friend and colleague, Senator GEORGE; and second, because of the fact that I was one of the five men appointed by President Wilson to serve on the Federal Trade Commission when it was first organized, and I was serving as chairman of the commission when I resigned to become a candidate for the Senate.

I am proud to have served with such able and splendid men as Joseph E. Davies, of Wisconsin; Edward N. Hurley, of Illinois; George Rublee, of New Hampshire; William Parry, of Washington; Governor Fort, of New Jersey; and William B. Colver, of Minnesota. The last three are no longer living. The more intimate my association was with them and with our general counsel, John Walsh, the more I recognize not only their ability but their unselfish devotion to public service.

The Federal Trade Commission was created by Congress despite bitter opposition. After the commission was created this opposition made every effort to cripple it by denying it appropriations, and some Senators to this good day are not reconciled. I recall that on two occasions the Senate Appropriations Committee declined to recommend the appropriation necessary for the expenses of the commission. I find to-day that the original supporters of the commission have not the same faith in it that they formerly had. On the other hand, the commission seems recently to have conducted its business in a way to please those who originally opposed it so bitterly. Except for this change in the policy of the commission, I would support the amendment of my colleague, Senator GEORGE, to refer the investigation to the commission.

Mr. President, Senators whose opposition was formerly so bitter are now voting unanimously to send the Walsh resolution to the commission.

I think the first few years of its existence the Federal Trade Commission served the purpose which those who created it hoped that it would, but a change of personnel reversed completely the policy of the commission and disappointed its friends to such an extent that they even thought of abolishing it.

Mr. President, I think the Power Trust is unnecessarily alarmed about the investigation that the resolution proposes shall be conducted by a Senate committee. What has it to fear from a fair investigation if it has conducted its business legitimately? I should think an investigation that would give the public the facts would be welcomed by these companies. Because Senator WALSH, by his investigation of the Teapot Dome matter was so relentless in his efforts to find the criminals in this the greatest Government scandal in many years, the Power Trust seems to be afraid this investigation, under his resolution will be a prosecution. Those of us who are associated with Senator WALSH know there is no fairer-minded or abler man in this body, and that he would not use his position to antagonize any legitimate business. Senator WALSH and those of us supporting his resolution are interested in getting all the facts to the public—the public on whom the power companies must depend to earn dividends for their companies.

The Walsh resolution originally provided for the naming of this committee by the Vice President, who is one of the leading bankers and business men of America and the world. The Power Trust even opposed this. No legitimate business should have any fear of a committee named by him. The resolution has been changed to leave the election of the committee to the Senate.

The public is deeply interested, because it is forced to pay for the electricity generated by the power companies. It is entitled to know whether the rates are fixed so as to pay dividends on watered stock or on actual money invested in their property. They are entitled to earnings on a fair valuation of their property. Many believe the power companies charge the public in Georgia and other sections too much. If not, they should welcome an investigation that would prove the contrary. I do not believe this would hurt any legitimate business interest, and certainly the consumers of power and electricity are entitled to this information. If the water-power companies have conducted their business legitimately, which I am assuming they have, why should they oppose this investigation which will make public their true condition? On the other hand, they should welcome it, let the public know the facts, and it should help the water-power companies.

While I was a member of the Federal Trade Commission an investigation was made at my suggestion of charges against the Standard Oil Co. of Indiana and other oil companies relative to an alleged discrimination in price in different sections. It was shown that the Standard Oil Cos. in Georgia and other States were charging for gasoline about 5 cents a gallon more than the Standard Oil Co. in Indiana and adjoining States. The reason for lowering the price in that section was to destroy competition from the independent companies by selling below cost of production in the Indiana territory so as to kill off this competition and making up this loss by advancing the prices in other sections. The commission placed

me in charge of this investigation. I recall that Mr. Stewart, president of the Standard Oil Co. of Indiana, opposed this investigation and severely criticized the commission. Some men of great wealth think their conduct is above the law. I am not surprised that this same Mr. Stewart is now declining to give the Senate committee information that would enable the Government to send criminals to the penitentiary. I am sure he would prefer an investigation by the Federal Trade Commission at this time rather than by the Senate committee. The commission's investigation of the Standard Oil Co. stopped this discrimination against Georgia and other sections where gasoline was sold about 5 cents higher. The people got a reduced price from the investigation, and it did not in any way tend to destroy the Standard Oil Cos. Neither will the Walsh investigation injure the legitimate water-power companies.

Mr. President, I think the power companies are making a mistake in opposing the Walsh resolution. I am friendly to and try to encourage the development of our section by the water-power companies. I assume that their business is conducted in a legitimate way; and if it is, they certainly have nothing to fear from an investigation. If their business is not legitimate, the people of the country are entitled to know if the prices they pay for power and electricity are in turn paying dividends on watered stock. The power companies, in my judgment, are not only making a mistake in opposing this but they have made a blunder in the lobby they have kept here for years to prevent the Muscle Shoals development as the law created it; that is, to furnish nitrates to make munitions in time of war and to furnish cheap fertilizers to the farmers in time of peace. The same water-power lobby that is here opposing the Walsh resolution and trying to refer it to the Federal Trade Commission is doing its best to keep Muscle Shoals from being developed to give the farmers cheaper fertilizers.

There can be no prosperity in my State, or in any other agricultural section, until the farmers are more prosperous, and there is nothing that would help them so much as the ability to get cheap fertilizers. We should help the farmers every way possible. The water-power companies and every other business would benefit by the farmers' prosperity. Only recently the fertilizer rates have been raised about $8 a ton over last year. The reason fertilizers were sold so cheap last year was because of information farmers furnished me, which I gave the Department of Justice and asked for an investigation. It showed that representatives of the Fertilizer Trust had held a meeting at Baltimore and raised the price over the previous year. These men after an investigation were indicted in the United States court at Baltimore, pleaded guilty to having fixed fertilizer prices, and were fined $98,000. Last year they sold fertilizer cheap, they were afraid they would be again indicted and sent to prison if they violated the law by an agreement to raise and fix prices. The investigation I requested the Department of Justice to make saved Georgia farmers alone millions of dollars.

While I differ with my colleague and other Senators on the disposition of Muscle Shoals, I mean no criticism of them. However, I do feel that the Fertilizer and Water Power Trusts, which have kept a lobby here for years to defeat this legislation, have done the farmers, themselves, and everyone in our section a great injury by delaying this legislation that would give our farmers cheaper fertilizers.

Mr. President, no Senator has taken more interest in the development of water power of his State than I have. Two years ago, because of the great importance of the rivers and harbors of my State, I gave up an important committee to go on the Commerce Committee having charge of legislation for rivers and harbors. Last year I amended the rivers and harbors bill when it was before the Commerce Committee so as to require the United States engineers to make a survey of all the Georgia rivers and tributaries to find potential water power and to study navigation and flood control. When this survey is completed any farmer or other person owning property along these rivers can ascertain from the Government survey more clearly the value of such lands for water power. Heretofore the owners of lands adjacent to the streams have sold their lands at farm-land values without any additional consideration for possible water power.

Mr. President, while I have discussed this matter largely from the standpoint of how it concerns the people of my State, I feel sure that similar conditions exist elsewhere in our country.

Mr. President, the officials and employees in charge of the Georgia Railway & Power Co., which is a part of the Water Power Trust in my State, are among our leading citizens and are my good friends. I have every reason to assist them and wish them success in the development of the power which the good Lord gave us in the many rivers and their tributaries that flow through our State. I have the kindliest feelings toward them. I would do nothing that would cripple their business or any other legitimate investments. On the other hand, Mr. President, every man, woman, and child in Georgia is taxed to pay for the power furnished by this company and is interested in this investigation, and it is my duty to protect them. The public has no powerful lobby to look after their interests, and it is my duty to protect them.

This company is buying franchises in most of our cities and towns and soon will have virtually a monopoly in my State. The rate charged by the water-power companies for electricity and allowed by the public-service commission will depend upon the amount of invested capital. An investigation under this resolution would reveal the actual money invested in these companies and would determine whether there is watered stock and help them in ascertaining a fair rate. I believe in the long run that this investigation will help the companies as well as protect the public.

On account of the advantages of the rivers in my State, we should get power much cheaper than in States not so fortunate. I want to build up our State. If we get cheap power, we will attract factories and other enterprises which will add to our prosperity. But if the people of Georgia are charged unjustly high rates by the water-power companies and are thereby to be taxed to pay dividends on watered stock, then the advantage given us by the power from our rivers will be of no avail and manufacturing plants will go to other States having cheaper water-power rates. We must encourage and help the water-power companies, but they should charge the public reasonable rates.

The electricity generated from these rivers should be used to furnish water and light to the people in every home in town and country. If cheap enough, electricity can be used in cooking and washing, even in dishwashing, to the great advantage and saving to housewives. But if power companies make the price of electricity pay dividends on watered stock instead of money invested in the companies, then people of moderate means will be denied these advantages to which they are entitled, and they will drive factories from our States to other States charging reasonable rates.

Mr. President, I am not unmindful of the great political influence that the Water Power Trust wields in my State. As I have stated, I have the kindest feelings for their officials and employees. I know that they can give me trouble in my next campaign if they wish. In the election of Frank Smith to the Senate from the State of Illinois, by the use of hundreds of thousands of dollars in a corrupt campaign, the Traction and Power Trusts in that section showed what they could do. They bought a Senatorship for this man Smith who had served their interests instead of serving the public. They defeated Senator McKinley, one of the most useful Senators I have served with—a man whose kindness made him kingly. I am proud to assert that the use of money can not buy an election in Georgia. I think that in declining to seat Frank Smith the Senate has rather discouraged the use of money for the purpose of buying elections. The Senate in excluding Smith from this body has served notice that no Senator whose seat was purchased will be allowed to serve. Money spent to buy such elections will not bring any dividends to those who make such investments.

Mr. President, from what I hear from Senators and others there has not been such propaganda and lobbying against any measure since I came to the Senate as there has been against the Walsh resolution. To defeat this resolution or to refer it to the Federal Trade Commission admittedly would be a great victory for the Water Power Trust.

The VICE PRESIDENT. The question is on agreeing to the first amendment reported by the Committee on Interstate Commerce.

Mr. ASHURST and Mr. WATSON suggested the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	La Follette	Shortridge
Barkley	Fess	McKellar	Simmons
Bayard	Frazier	McMaster	Smith
Bingham	George	McNary	Smoot
Black	Gerry	Mayfield	Steck
Blaine	Glass	Moses	Steiwer
Borah	Gooding	Neely	Stephens
Bratton	Gould	Norbeck	Swanson
Brookhart	Greene	Norris	Thomas
Broussard	Hale	Nye	Trammell
Bruce	Harris	Overman	Tyson
Capper	Harrison	Pittman	Wagner
Copeland	Hawes	Ransdell	Walsh, Mass.
Couzens	Hayden	Robinson, Ark.	Walsh, Mont.
Curtis	Heflin	Robinson, Ind.	Warren
Cutting	Howell	Sackett	Waterman
Deneen	Johnson	Schall	Watson
Dill	Keyes	Sheppard	Wheeler
Edwards	King	Shipstead	Willis

Mr. McKELLAR. I desire to announce that the Senator from Florida [Mr. FLETCHER], the Senator from Wyoming [Mr. KENDRICK], the Senator from Washington [Mr. JONES], the Senator from Nevada [Mr. ODDIE], and the Senator from Pennsylvania [Mr. REED] are engaged in the Committee on Appropriations.

The VICE PRESIDENT. Seventy-six Senators have answered to their names. A quorum is present. The question is on agreeing to the first committee amendment.

Mr. WATSON. Mr. President, I understand that the Senator from Wisconsin [Mr. BLAINE] desires to speak on this subject, and also the Senator from Nebraska [Mr. HOWELL]. I should like to know whether other Senators want to be heard on the question.

The reason why I ask is because several Senators are absent from the Chamber, and I agreed to notify them in time to be present to vote. If there is a possibility of getting a vote to-night I should like very much to know it, on their account. If there is no possibility of getting a vote to-night I should like to be informed, so as to notify the Senators who want to be here when the vote is taken.

Mr. BRUCE. Mr. President, I will say to the Senator from Indiana that I desire to say a few words explanatory of my vote on this resolution.

Mr. WATSON. I understand the Senator from Wisconsin says that he will occupy a half hour.

Mr. BLAINE. Yes.

Mr. WATSON. The Senator from Nebraska desires a half hour; and if the Senator from Maryland does not want to occupy over 15 minutes there is no reason why we could not have a vote at 5 o'clock.

Mr. WALSH of Montana. Mr. President, I am advised that the Senator from Washington [Mr. DILL], whom I do not see in the Chamber, desires to speak; and I was told also that the Senator from Massachusetts [Mr. WALSH] wishes to speak. If we can let the matter drift along, I think we shall get a vote within a reasonable time.

Mr. WATSON. Very well.

Mr. BLAINE. Mr. President, I shall endeavor to curtail my remarks within some reasonable limits.

At the outset let me say that it has come to me as a great surprise that the opposition to the proposal made by the Senator from Montana [Mr. WALSH] should be led by one of the distinguished Senators on the Democratic side of the aisle, especially in view of the fact that in the campaign of 1924 the Democratic candidate for President and those who were promoting his candidacy were on the other side of this question and took a position quite contrary to that of the distinguished Senator from Georgia [Mr. GEORGE].

I hold in my hand a campaign pamphlet entitled "How Reclamation is being Wrecked and Why," issued by the Democratic National Committee from Washington, D. C.

After reciting in some detail how reclamation had been wrecked by the former administration and by the then administration, how the water-power interests of this Nation were attempting to monopolize hydroelectric and thermoelectric power and power production, and after reciting in some detail the fight on Muscle Shoals and Boulder Dam, the Democratic Party of that day, with Mr. Davis as its leader, said:

> Keep in mind that this is a test fight of national concern. It is imperative to the power combine to control regulatory commissions, eliminate competition, and suppress public development of power. It does not like the Democratic platform or statements like this from Gov. Charles W. Bryan, Democratic nominee for Vice President.

Then the pamphlet quotes Mr. Bryan.

> If the water-power sites of the country were allowed to pass into the hands of great combinations of capital, the people would pass under a yoke of servitude more galling, if possible, than any foreign landlord system.
>
> It—

Referring to the water-power combine—

> is alarmed—

So this Democratic campaign pamphlet says—

> over the campaign of Gov. Al Smith, of New York, for public development as well as strict regulation of existing private companies, with home rule for cities and the tremendous popular support back of these ideas in the State Democratic platform.

This pamphlet says, after reciting these things and other things:

> This is the stage setting, the actors, and the gigantic issue at stake. In the electric industry are invested many billions of dollars, and a major underlying issue in this campaign is whether the people shall be further mulcted by this gigantic trust.

I appreciate that this proposed resolution has reference to the expenditure of money in order to control public opinion and public office, and that it does go in the direction of the possible investigation of campaign contributions by public-service interests. It is just as important to the users of the products of these utilities to know whether the money which they are paying in increased rates for gas, electricity, and power is going into the hands of political parties and candidates for political offices as it is for them to know whether it is going into actual service.

It is important to know why the public utilities of this Nation expended in 1927, $28,000,000 for advertising, as asserted by the Manufacturers News in the October, 1927, issue.

I have here a report of the special committee on campaign expenditures for 1924, of which I understand the Senator from Idaho [Mr. BORAH] was chairman, and I find from a study of that report and that biographical textbook, Who's Who, and other public sources, that vast sums of money were contributed to the Democratic Party as well as to the Republican Party by the officers and agents of the public-service corporations. In the list of contributors there were 100 contributors representing utility interests who subscribed to the Republican campaign fund, and only 9 who subscribed to the Democratic campaign fund.

I assert that the public-utility interests of America are willing to buy city councils, State legislatures, public-utility commissions, Members of Congress, and, if necessary, to control the Government of the United States, they are willing to buy membership in the President's Cabinet.

I do not know how near to the door of any Senator the trail with respect to these matters may go. As far as I am concerned, I am quite willing that a committee of the Senate should investigate these public utilities, their financial manipulations, and the campaign contributions they have made to candidates for President, Vice President, or Members of the Senate.

I notice, as all Members of this body have observed, that the most powerful lobby in the history of this Nation has been in the city of Washington for the last several weeks. Of what does that lobby consist? These public utilities, these water-power interests, and gas interests, are bipartisan. They are both Republican and Democratic, or attempt to be both. In the State of Illinois the same interests contributed to both candidates for the United States Senate. As shown by the investigation of Teapot Dome, Harry Sinclair contributed to the campaign funds of both parties.

It is the same in their selection of a lobby. On the one hand, they have a former Member of the Senate, a conservative Republican; on the other hand, they have a former Member of the Senate who was at one time a great Bryan progressive Democrat. They do not stop there. They go to men all over the United States who have held political offices, offices of importance, members of State public-utility commissions. They have gone to my State, and there appropriated a number of the former members of our railroad commission. They have attached to their lobby former governors, candidates for governors, former United States Senators, former members of State supreme courts; they have gone down the whole gamut of officialdom to seek out men who have political power, and have in the past shown some degree of political shrewdness.

The brief filed with the Interstate Commerce Committee was signed, I understand, by some 182 lawyers and law firms. Of that number 141 were attorneys who had been heretofore important public servants of their States from United States Senator down to that of delegate to a party convention.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER (Mr. BRATTON in the chair). Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. BLAINE. I yield.

Mr. WATSON. Is it not a fact that one of the very strongest statements made in opposition to any investigation was the one made by Mr. Gettle, president of the Public Utilities Commission of the State of Wisconsin, appointed to that position by the Senator while he was Governor of Wisconsin?

Mr. BLAINE. Mr. President, I want to inform the distinguished Senator from Indiana that in the position now occupied by the chairman of the Wisconsin Railroad Commission during his present term of office, and at the time that he was appearing before the Interstate Commerce Committee, he was not an appointee of mine while I was governor.

Mr. WATSON. He made the statement in the hearings that he was.

Mr. BLAINE. The Senator did not observe what I said. He was originally appointed by me when I was governor, but his reappointment did not come from me.

Mr. WATSON. Who did appoint him?

Mr. BLAINE. The present governor.

Mr. WATSON. When the Senator, while governor, appointed him, he was entirely satisfactory, was he?

Mr. BLAINE. He was entirely satisfactory as I viewed him at that time. I do not know whether the Senator has ever been governor of his State, but I have had some experience along that line. When a governor makes appointments he does not give a bond to guarantee that the appointees will continue to serve as they ought to serve, and as he thought they would serve when appointed. They sometimes go wrong.

I am not saying that the chairman of the Railroad Commission of Wisconsin went wrong. He is not here to defend himself. I am not condemning him in this respect. I am answering the Senator's questions, and when he is satisfied, then I want to read from the hearings exactly what Mr. Gettle, of the Wisconsin Railroad Commission, said. I think the Senator from Indiana has misquoted him, and I think in all fairness to Mr. Gettle there should be read from the report what he did say.

Mr. WATSON. I speak only from recollection, and my recollection was that he was opposed to any investigation.

Mr. BLAINE. No.

Mr. WATSON. My further recollection is that he was not in favor of an investigation by a committee of the Senate. Is there anything wrong with either the integrity or the ability of the chairman of the Public Utilities Commission of Wisconsin, or whatever you may call it?

Mr. BLAINE. Let me read what Mr. Gettle said, and then we may all have an answer to that question.

Mr. WATSON. Likewise he is the chairman of the public-utilities association of the country, is he not?

Mr. BLAINE. No; he is not chairman. I quote the following questions and answers from page 36 of the report of the proceedings before the Interstate Commerce Committee relating to the investigation of public utilities:

Senator SACKETT. Are your State commissions opposed to a Federal investigation of this matter?

Mr. GETTLE. Oh, they are not opposed to a Federal investigation of those things included in this resolution which involve interstate commerce and interstate transactions.

He says more than that. On page 41 of the same report there appears the following:

Senator WALSH of Montana. Are we to understand that you object to any inquiry as to whether any State commissions do function properly or not?

Mr. GETTLE. We object to it on the ground of jurisdiction. We think that Congress has no right or power constitutionally to investigate the functions of State commissions, and have so stated in our resolution.

Senator WALSH of Montana. And that is the only ground of objection that you have?

Mr. GETTLE. Yes, sir; that is the only ground.

Senator WALSH of Montana. Outside of that, you would not have any objection?

Mr. GETTLE. None whatever. We would welcome it.

I know why Mr. Gettle was brought to Washington before the committee by this lobby. He was brought down here to give character, if you please, to the opposition, because it has been, as every Senator knows, the reputation of Wisconsin to have had splendid utility laws. Our railroad commission, our industrial commission, and I could go over the entire list which have served the public interests of Wisconsin, are well known. Mr. Gettle, by reason of his prominence in the National Association of Public Utilities Commissioners, was dragged down here in order to give some stamp of character and reputation to the opposition to the resolution by this same lobby of one hundred and some-odd lawyers, among whom were two former distinguished Members of this body belonging to different political parties.

Who are some of these lawyers who filed the brief before the committee? Mr. William V. Hodges. Who is Hodges? He is treasurer of the Republican National Committee, and has been since 1924. He had hold of the purse strings of the Republican Party. He was the gentleman who received the contributions, and the party knew from whence some contributions might be had. It gives Mr. Hodges a peculiar and particular power in the Government of the United States, representing as he does the treasury of a large and successful political party.

A former Democratic Governor of Idaho is another. Then they have a former member of the Wisconsin Railroad Commission. I am not condemning these men. I am not imputing anything wrong to them nor to the chairman of our railroad commission. I am merely indicating that this powerful combination of public utilities has a grip on things and a way by which it may control public opinion and possibly the opinion of legislatures and the Congress.

Then comes another distinguished gentleman, Robert Hale, a cousin of United States Senator HALE from Maine. So it goes all the way through, 141 former public officials who signed their names to a brief filed by the attorneys for the public-utility interests.

Mr. President, I think the Senator from Nebraska [Mr. NORRIS] and the Senator from Montana [Mr. WALSH] have pointed out clearly enough that the Federal Trade Commission has no power to carry out any of the wishes of the Senate as expressed in the proposed resolution; moreover, that the commission has no funds. The rider placed upon the appropriation limits the commission to the consideration, so far as Congress is concerned, of those questions relating to violations of antitrust laws, and I will not go into that matter further at this time.

But I do want to call to the attention of the Senate this report of the Federal Trade Commission. I took sufficient interest in it to have it bound, not because I had any great regard or respect for the report, but I thought it might be well to perpetuate in some permanent form the huge trick or, I would say, imposition that the Federal Trade Commission has exercised upon Congress. This volume [indicating] contains their report. In making their investigation they did not call a single witness. They did not swear a single witness. They did not cross-examine a single witness. They made no effort whatever to bring before the Federal Trade Commission a single person who might know something about the facts or information desired by the Senate.

What did the Federal Trade Commission do? It is very plain. This is not my testimony. I take my proof from the report itself. The report was made up from sources available to any Member of the Senate. The report is made up from sources which are available to every citizen of the United States, whether he is an official or a private citizen.

The information contained in their report is written in a number of other reports filed with this body or available to the public in libraries or in the departments here in the city of Washington. There is nothing original in the report. The recitation of facts as contained in the report is taken from what sources? The Federal Trade Commission says that the recitation of these facts is taken from the Bureau of the Census, the Geological Survey, the Bureau of Internal Revenue, information published in the Electric World, the Commercial and Financial Chronicle, and other financial periodicals, Poor's Cumulative Daily Digest, and investors' manuals consisting of Moody's, Poor's and Moody's, Poor's, John Moody's, McGraw's, and the Central Station Directory. The Cumulative Daily Digest is only an accumulation and compilation of news items and financial items. Those are the sources from which the report was made up.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. BLAINE. I yield.

Mr. WHEELER. I do not know that I understood the Senator correctly. Did I understand him to say that the Federal Trade Commission never swore a witness nor cross-examined a witness?

Mr. BLAINE. That is my understanding, and I am taking their statement as to the sources of their information from pages 4 and 5 of their report. I would be very glad to read it for the RECORD if it is thought necessary.

I said that the information contained in this report by the commission was available to every Member of the Senate and to every citizen of the United States in public documents and in our public libraries. I want to qualify that with this statement—except in one particular instance, and that is with respect to income-tax returns.

Those are not available to Members of Congress. They are not available to anyone except by some express order of the President. The veil of secrecy has been drawn over those income-tax returns.

But aside from that one single instance, every iota of information and recitation of facts set forth in the Federal Trade Commission's report under the Norris resolution is contained in public documents available to everyone. I say, Mr. President, that it is a gross imposition upon the Senate and upon the public even to suggest that this report is the product of the Federal Trade Commission, except that its clerks and its stenographers and a few men to whom the commission gives credit compiled this recital of facts. And they call that an investigation!

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. SHIPSTEAD. If the Senator's statement is correct, then the report is as valuable as a report of a bank examiner would be, provided he based his report on the statements of the banks appearing in the newspapers, and no more.

Mr. BLAINE. Yes. I do not want it understood that the commission did not send out requests to operating companies, holding companies, and municipal lighting departments. They did, and some of them answered. But those same organizations would have answered any inquiry from any Member of the Senate or the public, so far as that is concerned, because they were not being cross-examined. There was no searching inquiry as to whether or not those corporations and utility officers were telling the truth. They were reporting it as a Member of the Senate would report his biography to the Clerk of the Senate. What else did they do? They conferred and corresponded with the chief executive officer of the General Electric Co. and the Electric Share & Bond Co., also the principal independent holding companies, the large individual companies, and other service organizations and other associations, all of which might have been done by a Senator in his individual capacity or in his official capacity or by any citizen of the United States.

A great deal of statistical and other data were also secured from the files and the published reports of public service commissions in nearly all of the States, all of it available to Members of the Senate, available here right in the city of Washington. I dare say, Mr. President, that one clerk in my office since March 18, 1927, has presented for my own use a far more intelligent and voluminous report upon the public utilities of the United States than has been produced by the Federal Trade Commission.

After this imposition, can it be said that the Federal Trade Commission is the proper body to make an investigation? An investigation of what? To ascertain facts and information upon which this particular Senate or succeeding Senates may base legislation for the future of this industry. What does the question amount to? Is it important? I hold in my hand a letter from the Interstate Power Co. I think that organization belongs to the so-called Byllesby interests. Attached to it is an agreement between the Interstate Power Co. and a farmer in my own State. What are the rates that that farmer has to pay for light and power?

For the first 25 kilowatt-hours used per month, 28½ cents per kilowatt-hour.

That is the contract price. That contract is filed and is under the jurisdiction of the Wisconsin Railroad Commission, having jurisdiction with respect to rates and services of public utilities. I want that to go into the RECORD.

As I view the situation, boards, commissions, and public administrative bodies, having quasi-judicial and administrative powers, reflect the attitude, political and economic, of the President of the United States. As they think, so think these organizations. When such a commission is functioning under an administration directed by those who are seeking to serve the public interest first it will be found that it functions on behalf of the public. On the other hand, when the deadening hand of politics is laid upon every commission and every department of the Government it will be found that there can be no success for the Shipping Board, no success for the Inland Waterways Commission, no success for the Interstate Commerce Commission, no success for the Federal Trade Commission.

They are paralyzed or stimulated according to the political or economic views of the person who happens to be the chief of our Nation.

Mr. President, I think this matter is important. This is no trivial affair. It is important that the Congress should have the information sought. For just a moment let us look at the background of economic evolution in America. What has happened in the past through indifferent Congresses and administrations that yielded to the tremendous forces and powers that have controlled government in the past? Our public lands have been given away and vast areas of the public domain have been granted to railroads. What is the price we are paying to-day for the mistakes of the past? The American consumer is paying an increased freight rate to meet interest earnings on lands once owned by the public but donated to railroads.

What about our forests? They are almost gone or are rapidly disappearing. To-day there is on the calendar of this body a bill to authorize appropriations running into the millions to make restitution. This and future generations will pay the price because of the devastation of our forests through the mistakes of the past. Our coal fields are all in the hands of private monopoly, and what is the price we are paying for that? It is the price not only to the consumer alone in the cost of coal—and its cost is almost prohibitive—but a price far greater than that. We are to-day paying the price of men and women and children driven by the mine owners from humble dwelling places owned by the coal operator into barracks built for them by charity that their lives may be protected during the remainder of the wintertime. We are paying the price of starvation for those children.

The other week the distinguished Senator from California [Mr. JOHNSON], with his oratorical ability to sway and convince, described the price we are paying, on the one hand, because of the exploitation of those vast coal fields which once were the heritage and in the possession of the people of the United States; and on the other hand, the distinguished Senator from Pennsylvania [Mr. REED] described the price that the operators claim to be paying—the price of bankruptcy.

Are we in this generation, in this Congress at this time, to repeat the mistakes of the past? If we do, future Members of the Congress of the United States with justification may and will condemn this Congress for its laches, its failure to protect the interests of the people of America.

Mr. President, involved in the question now before us is electric power produced by water and produced by coal. There is no human being who can paint in accurate colors the possibilities for the future if we preserve this heritage in the interest of the people instead of turning it over into the hands of monopolies and trusts. The water powers of America are only partially developed. They have a potential development of 54,000,000 horsepower, only a small fraction of which is developed to-day. Combining the possibilities of that power with power produced by thermal processes, by steam or oil as fuel, and considering the inventive genius of the American citizen, I can see the time not far distant, ah, within the lifetime of many Members of this body, when the energy produced by hydroelectric and thermal electric processes will be sufficient to light every home in America, be it city or rural; to drive every stationary implement upon our farms, to turn the wheels of industry, to speed our trains across the continent.

This is the age of electricity; and, as was so truly said by Engineer Cooper, who had so much to do with the engineering project of Muscle Shoals, a nation's strength, a nation's defense, depends upon her electric power.

I think the most important question before Congress at this time is this question of the preservation and conservation of these possibilities, to conserve this last and only natural resource that the American people possess—the hydroelectric energy of our flowing streams.

Mr. President, I know that the Members of this body will appreciate the full significance of the necessity of conserving these natural resources. To conserve them, it becomes necessary to legislate upon facts and information to be gathered by Congress and not by the Federal Trade Commission.

The seat to my right is vacant. It is the seat to which Frank Smith, of Illinois, would have been entitled had he not accepted contributions from those interests that wanted to buy a seat in the Senate. Frank Smith has been punished. Mr. President, I can not reconcile a vote to unseat Frank Smith with a vote to prevent a thorough, competent, and effective investigation of the subject matter of this resolution by the Senate.

Mr. NORBECK. Mr. President, I ask unanimous consent to have printed in the RECORD two telegrams I have received on the subject of the pending resolution.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

HURON, S. DAK., *February 8, 1928.*

Senator PETER NORBECK,
Washington, D. C.:

We suggest the wisdom of support of amendment to Walsh resolution asking that the public-utility investigation be made by Federal Trade Commission.

SOUTH DAKOTA STATE CHAMBER OF COMMERCE.

BELLE FOURCHE, S. DAK., *February 8, 1928.*

Hon. PETER NORBECK,
Washington, D. C.:

Will you use your influence to have investigation of public utilities heard by Federal Trade Commission instead of Senate?

COMMERCIAL CLUB OF BELLE FOURCHE.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 4 o'clock and 37 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, February 15, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 14 (legislative day of February 13), 1928

FOREIGN SERVICE

VICE CONSUL OF CAREER AND SECRETARY IN THE DIPLOMATIC SERVICE

George H. Butler, of Illinois, now a Foreign Service officer, unclassified, and a vice consul of career, to be also a secretary in the diplomatic service of the United States of America.

UNITED STATES COAST GUARD

Commander James F. Hottel to be a captain, to rank as such from November 27, 1927, in place of Capt. Francis S. Van Boskerck, deceased.

Lieut. Commander Michael J. Ryan to be commander, to rank as such from November 27, 1927, in place of Commander James F. Hottel, promoted.

Lieut. Commander James Pine to be a commander, to rank as such from December 1, 1927, in place of Commander Benjamin L. Brockway, retired.

Edward M. Kent to be a constructor, to take effect from date of oath.

(The above-named persons have passed the examinations required by law.)

REGISTER OF LAND OFFICE

J. Lindley Green, of Alaska, to be register of the land office at Anchorage, Alaska, effective March 18, 1928. (Reappointment.)

POSTMASTERS

ARKANSAS

William H. Hogg to be postmaster at Stephens, Ark., in place of A. R. Cheatham, resigned.

CALIFORNIA

Herma L. McBain to be postmaster at Hamilton City, Calif., in place of B. M. Staton, resigned.

Dwight E. Knapp to be postmaster at Garberville, Calif., in place of E. C. Thomas, deceased.

May C. Baker to be postmaster at Paradise, Calif., in place of M. C. Baker. Incumbent's commission expired January 9, 1928.

Anna L. Monroe to be postmaster at Ferndale, Calif., in place of A. L. Monroe. Incumbent's commission expired January 9, 1928.

CONNECTICUT

William B. Simon to be postmaster at New Canaan, Conn., in place of W. B. Simon. Incumbent's commission expires February 15, 1928.

FLORIDA

Thomas J. Bulford to be postmaster at Hilliard, Fla., in place of T. J. Bulford. Incumbent's commission expires February 15, 1928.

ILLINOIS

Arthur P. Welborn to be postmaster at Woodlawn, Ill., in place of A. P. Welborn. Incumbent's commission expired January 7, 1928.

James G. Baker to be postmaster at Waltonville, Ill., in place of J. G. Baker. Incumbent's commission expired January 7, 1928.

INDIANA

McKinley Elliott to be postmaster at Middlebury, Ind., in place of C. W. Elliott deceased.

IOWA

Alvah S. Dukes to be postmaster at Unionville, Iowa. Office became presidential July 1, 1927.

Wilbur F. Busby to be postmaster at Creston, Iowa, in place of C. H. Thomas, deceased.

KANSAS

Gilbert W. Budge to be postmaster at St. John, Kans., in place of Rella Maupin. Incumbent's commission expired December 18, 1927.

MARYLAND

Webster Ravenscroft to be postmaster at Oakland, Md., in place of Webster Ravenscroft. Incumbent's commission expired January 7, 1928.

Charles R. Wilhelm to be postmaster at Monkton, Md., in place of C. R. Wilhelm. Incumbent's commission expired January 7, 1928.

MASSACHUSETTS

Carroll L. Bessom to be postmaster at Mansfield, Mass., in place of C. L. Bessom. Incumbent's commission expires February 15, 1928.

J. Francis Megley to be postmaster at Holbrook, Mass., in place of J. F. Megley. Incumbent's commission expires February 15, 1928.

Thomas Carroll to be postmaster at Bridgewater, Mass., in place of Thomas Carroll. Incumbent's commission expires February 15, 1928.

MINNESOTA

Ida V. Lund to be postmaster at Farwell, Minn. Office became presidential July 1, 1927.

Philip P. Palmer to be postmaster at Backus, Minn., in place of H. V. Albrecht, resigned.

George E. Anderson to be postmaster at Austin, Minn., in place of G. E. Anderson. Incumbent's commission expired January 8, 1928.

MISSOURI

Charles Hawker to be postmaster at Wheeling, Mo., in place of Charles Hawker. Incumbent's commission expired January 14, 1928.

L. Tom Wilder to be postmaster at Sainte Genevieve, Mo., in place of L. T. Wilder. Incumbent's commission expires February 15, 1928.

Alexander T. Boothe to be postmaster at Pierce City, Mo., in place of A. T. Boothe. Incumbent's commission expires February 15, 1928.

William T. Robinson to be postmaster at La Plata, Mo., in place of W. T. Robinson. Incumbent's commission expires February 15, 1928.

Thomas W. Box to be postmaster at Lamar, Mo., in place of T. W. Box. Incumbent's commission expires February 15, 1928.

George L. Keener to be postmaster at Galt, Mo., in place of G. L. Keener. Incumbent's commission expired January 14, 1928.

NEBRASKA

Edgar W. Meth to be postmaster at Arthur, Nebr., in place of E. W. Meth. Incumbent's commission expired December 19, 1927.

NEW JERSEY

John G. Stoughton to be postmaster at Bergenfield, N. J., in place of J. G. Stoughton. Incumbent's commission expires February 15, 1928.

Elmira L. Phillips to be postmaster at Andover, N. J., in place of E. L. Phillips. Incumbent's commission expires February 15, 1928.

NEW YORK

Estella Otis to be postmaster at Keene Valley, N. Y., in place of D. A. Sanders, resigned.

Ada J. Folsom to be postmaster at Winthrop, N. Y., in place of A. J. Folsom. Incumbent's commission expired January 8, 1928.

Henry L. Sherman to be postmaster at Glens Falls, N. Y., in place of H. L. Sherman. Incumbent's commission expires February 15, 1928.

Benjamin Wightman to be postmaster at Cherry Valley, N. Y., in place of Benjamin Wightman. Incumbent's commission expired January 8, 1928.

Mabel F. Reynolds to be postmaster at Alfred, N. Y., in place of M. F. Reynolds. Incumbent's commission expired January 8, 1928.

NORTH CAROLINA

George E. Keatler to be postmaster at Concord, N. C., in place of W. B. Ward, resigned.

May C. Campbell to be postmaster at Norwood, N. C., in place of M. C. Campbell. Incumbent's commission expired March 3, 1927.

Abner W. Smith to be postmaster at Boone, N. C., in place of W. B. Farthing. Incumbent's commission expired December 19, 1927.

William H. Manning to be postmaster at Bethel, N. C., in place of W. H. Manning. Incumbent's commission expired December 19, 1927.

NORTH DAKOTA

Gusta A. Hongslo to be postmaster at Galesburg, N. Dak., in place of Jacob Omdahl, removed.

James F. McQueen to be postmaster at Pembina, N. Dak., in place of J. F. McQueen. Incumbent's commission expired January 22, 1928.

Olaf A. Bjella to be postmaster at Epping, N. Dak., in place of O. A. Bjella. Incumbent's commission expired February 13, 1928.

Selmer Erfjord to be postmaster at Buxton, N. Dak., in place of Selmer Erfjord. Incumbent's commission expired January 22, 1928.

OHIO

Edna M. Gilson to be postmaster at Steubenville, Ohio, in place of Richard Gilson, deceased.

Franklin Fasig to be postmaster at Arlington, Ohio, in place of H. S. McKean, removed.

Egbert H. Mack to be postmaster at Sandusky, Ohio, in place of E. H. Mack. Incumbent's commission expired December 19, 1927.

Charles A. Bower to be postmaster at Bowerston, Ohio, in place of C. A. Bower. Incumbent's commission expired December 19, 1927.

OKLAHOMA

Fred A. Langham to be postmaster at Crowder, Okla., in place of F. W. Hunn, resigned.

James M. D. Clawdus to be postmaster at Wilson, Okla., in place of J. M. D. Clawdus. Incumbent's commission expires February 15, 1928.

John T. Williams to be postmaster at Perkins, Okla., in place of J. T. Williams. Incumbent's commission expired November 18, 1925.

PENNSYLVANIA

George J. Miller to be postmaster at Pittston, Pa., in place of G. J. Miller. Incumbent's commission expires February 15, 1928.

Charles B. Bishop to be postmaster at Morton, Pa., in place of C. B. Bishop. Incumbent's commission expired January 8, 1928.

John N. Sharpsteen to be postmaster at Honesdale, Pa., in place of J. N. Sharpsteen. Incumbent's commission expires February 15, 1928.

Lemuel N. Ammon to be postmaster at Gap, Pa., in place of L. N. Ammon. Incumbent's commission expires February 15, 1928.

Daniel J. Turner to be postmaster at Clarksville, Pa., in place of D. J. Turner. Incumbent's commission expired December 4, 1926.

TENNESSEE

Hilary R. Vaughn to be postmaster at Hendersonville, Tenn., in place of H. R. Vaughn. Incumbent's commission expired February 9, 1928.

TEXAS

William H. Dodd to be postmaster at Laugtry, Tex. Office became presidential July 1, 1927.

William R. Dotson to be postmaster at Jewett, Tex., in place of F. R. Harvison, removed.

John M. Cape to be postmaster at San Marcos, Tex., in place of J. M. Cape. Incumbent's commission expired December 19, 1927.

Charles A. Duff to be postmaster at Legion, Tex., in place of C. A. Duff. Incumbent's commission expires February 15, 1928.

Bradley Miller to be postmaster at Cooledge, Tex., in place of Bradley Miller. Incumbent's commission expires February 15, 1928.

David A. Young to be postmaster at Commerce, Tex., in place of D. A. Young. Incumbent's commission expires February 15, 1928.

Gertrude N. Merrill to be postmaster at Buffalo, Tex., in place of G. N. Merrill. Incumbent's commission expires February 15, 1928.

Ethyl H. Williams to be postmaster at Angleton, Tex., in place of E. H. Williams. Incumbent's commission expires February 15, 1928.

VERMONT

Truman E. Wheeler to be postmaster at Lyndonville, Vt., in place of C. L. Stuart, resigned.

VIRGINIA

Max R. Kiser to be postmaster at McClure, Va., in place of F. P. Sutherland, removed.

WASHINGTON

Francis H. Lester to be postmaster at Tieton, Wash. Office became presidential July 1, 1927.

Lovilla R. H. Bratt to be postmaster at Richmond Beach, Wash., in place of L. R. H. Bratt. Incumbent's commission expired January 7, 1928.

WEST VIRGINIA

Claude Pepper to be postmaster at Salem, W. Va., in place of Claude Pepper. Incumbent's commission expires February 15, 1928.

Charlie F. Baldwin to be postmaster at Madison, W. Va., in place of C. F. Baldwin. Incumbent's commission expires February 15, 1928.

Everett B. Wray to be postmaster at Glen White, W. Va., in place of E. B. Wray. Incumbent's commission expired December 18, 1927.

WISCONSIN

Walter C. Anderson to be postmaster at Rosholt, Wis., in place of J. C. Austin, removed.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 14 (legislative day of February 13), 1928

APPOINTMENTS, BY PROMOTION, IN THE ARMY

To be major general

George LeRoy Irwin.

To be brigadier general

Frank Crandall Bolles.

To be colonel

Benjamin Robert Wade.

To be lieutenant colonels

Lucien Barclay Moody.
Paul Delmont Bunker.

To be majors

John Andrew Weeks.
Robert Lincoln Christian.
John Jay McCollister.
Howard Charles Tobin.

To be captains

Warren Joseph Clear.
James Henry Howe.
Robert Artel Case.
John Russell Deane.
Richard Zeigler Crane.
Paul Carson Febiger.
Leslie Walter Jefferson.

To be first lieutenants

Wallace Evan Whitson.
Lloyd Shepard.
Rex Eugene Chandler.
Russel J. Minty.
Sheffield Edwards.
John Roper Burnett.
Michael Buckley, jr.
Benjamin Stern.

DENTAL CORPS

To be colonel

George Harry Casaday.

VETERINARY CORPS

To be colonel

William Proctor Hill.

To be first lieutenant

Ernest Eugene Hodgson.

APPOINTMENTS, BY TRANSFER, IN THE ARMY

FIELD ARTILLERY

First Lieut. William Jackson Morton, jr.

AIR CORPS

To be first lieutenant

Patrick Weston Timberlake.

POSTMASTERS

FLORIDA

Ralph C. Allen, Auburndale.
Daisy D. Pollard, Country Club Estates.
John B. Jones, Oviedo.
George C. McLarty, Pahokee.

ILLINOIS

Daisy A. Rome, Fisher.
Arthur T. Sams, McClure.
John P. Mathis, Vienna.

INDIANA

Katherine M. Schwindler, Linden.

KENTUCKY

Henry W. Bishop, Falmouth.

NEBRASKA

Lafayette O. Roblee, Lewellen.

NORTH CAROLINA

Paul E. Bruce, Mars Hill.
Arthur H. Gibbs, Whittier.
Mary F. Hight, Youngsville.

WYOMING

C. Golden Welch, Cowley.

WITHDRAWAL

Executive nomination withdrawn from the Senate February 14 (legislative day of February 13), 1928

POSTMASTER

OREGON

Elizabeth C. Lewis to be postmaster at Tigard, in the State of Oregon.

HOUSE OF REPRESENTATIVES

TUESDAY, *February 14, 1928*

The House met at 12 o'clock noon, and was called to order by Mr. TILSON as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We breathe our hearts' deep love to Thee, our Father, while sweet and tender memories steal over our souls. We thank Thee for health and for all the gifts Thy love imparts. So do Thou incline our hearts to seek the altar of prayer and thanksgiving. Just now let us hear Thy voice, catch its music, behold the day, and be glad. Soften our wills that we may sympathize with one another's failures. In every way lead us to magnify Thy name in human lives and homes. O Thou who dost ever sit at the fireside of the human heart; O Thou who hast never lifted a hand to smite, but is ever aloft in holy benediction, remind us that every self-surrender of man to his own higher self is met by the self-revelation of God. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 3926. An act for the relief of Joseph Jameson; and

H. R. 6487. An act authorizing the Baton Rouge-Mississippi River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Baton Rouge, La.

LETTER FROM ADMIRAL PHILIP ANDREWS CONCERNING COLONEL LINDBERGH

Mr. DOUGLASS of Massachusetts rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Massachusetts rise?

Mr. DOUGLASS of Massachusetts. To ask unanimous consent that I may proceed for five minutes on an important matter.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. DOUGLASS of Massachusetts. Mr. Speaker and Members of the House, on Friday last my Democratic colleague from Oklahoma [Mr. MCCLINTIC] made reference here to certain remarks attributed in the press to Rear Admiral Philip Andrews, commandant of the Boston Navy Yard, which is located in my district. Admiral Andrews in delivering an address in Boston referred to the historic New York to Paris flight of that great American, Colonel Lindbergh, and I feel that Mr. MCCLINTIC's criticism of Admiral Andrews's remarks was the result of the latter being inaccurately reported as having stated that Colonel Lindbergh's success on his trans-Atlantic trip was but a matter of mere luck.

This morning I received from Admiral Andrews a letter upon the subject, which I would like to read into the RECORD that it may serve to correct the misunderstanding that has arisen in the matter.

The high character and splendid record of Admiral Andrews gives accepted credence to his explanation. I have known the admiral personally for some years, meeting him often in an official capacity at the navy yard situated in Charlestown, which so vitally concerns my constituency. Permit me to say that in the entire United States service I do not believe there is a more efficient, more honorable, or more liberal officer than Admiral Andrews. In my estimation he is far too broad-minded and possessed too well with the capacity to judge genuine values to belittle or minimize the magnificent and inspiring accomplishments of his fellow patriot, Colonel Lindbergh.

His great talents and remarkable energy are now being given enthusiastically to the work of raising funds for the preservation of the historic frigate, the *Constitution*, and it will be due in a great measure to his efforts in this matter that *Old Ironsides* will continue to be a patriotic inspiration to all Americans.

Admiral Andrews's letter is as follows:

DISTRICT STAFF HEADQUARTERS,
FIRST NAVAL DISTRICT,
Navy Yard, Boston, February 11, 1928.

DEAR MR. DOUGLASS: I was told of a few critical remarks made in the House of Representatives by Congressman MCCLINTIC, of Oklahoma, in regard to what he saw in the papers on the talk which I gave to the Men's Club of the Park Street Church in Boston.

I suppose he must have realized that any few words in the paper on a talk which took a half an hour would not be complete enough to give much of an idea of what I really said. I don't know Mr. MCCLINTIC, and while I made some responses to the inquiries of the press associations here, what they printed was very incomplete, too, though good as far as it went. I wish you would tell Mr. MCCLINTIC that he happened this time to get a very incomplete account of what I said, and also that I am not one of those opposed to aviation, as he seems to think. Also, I am not in the least disposed to offer any criticism of Lindbergh, for whom I have a whole-hearted admiration.

I have, as you know, a son-in-law who has been a naval aviator for about six years—Lieut. C. C. Champion—who holds the altitude records for both landplanes and seaplanes. He is the remarkable person who fell 7 miles last July over the city of Washington and had the cylinder heads and pistons of his motor blow out, had four fires on the way down, and managed to put them out and land his plane without any other damage except the holes made in it by the flying missiles. I am rather proud of him and his accomplishments. I am more than proud of Lindbergh and think that he is without doubt the greatest aviator in the world. I believe, too, what nobody has ever said before, that Lindbergh is probably the one man who could repeat his performance of flying from New York to Paris. I believe he could do that successfully again.

What I was trying to point out to this very small assemblage of about 30 people—and I may say that I made a very rambling talk, without any notes or without any preparation—was that the weather was such a determining factor in the success of very long distance flights, and I was talking about the possibility of carrying freight and passengers across the Atlantic Ocean, and was stressing particularly the great influence the wind had, and I stated that I did not think a regular service across the Atlantic was possible in the present development of the airplane unless we got a new and much lighter fuel than we have at the present time.

There was nothing that I said that reflected on Lindbergh in any way, but I am sure that if Mr. MCCLINTIC himself had heard all that I said that he would have entirely agreed with it. I mentioned the fact that Lindbergh with great judgment had picked out one of the two occasions when the weather during that summer was favorable for such a flight.

You know how efficient and what a high standing our Naval Reserve aviation station at Squantum has. That is, I think, partly due to my encouraging attitude toward aviation, which everybody about here thoroughly understands.

I also told the press people that I didn't get my opinions from Secretary Wilbur or anybody else in Washington, and that I had had no talk with anybody there on the subject of aviation. If I knew Mr. MCCLINTIC, I would write him myself, but I feel sure that you can tell him that I am not an "anti" in the least. Also, I might say that Lindbergh has done more for international good will than any 40 diplomats that could be imagined, and also I have felt somewhat fearful, in his making so many trips around this country and over Central and South America, of something happening to him. And to have any accident befall him would be nothing short of a national calamity. So that's that.

With kind regards to you and your family,

Very sincerely yours,

PHILIP ANDREWS,
Rear Admiral, United States Navy.

Hon. JOHN J. DOUGLASS,
House of Representatives, Washington, D. C.

[Applause.]

PERMISSION TO A COMMITTEE TO SIT DURING THE SESSIONS OF THE HOUSE

Mr. DYER rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Missouri rise?

Mr. DYER. To ask unanimous consent that the Committee on the Judiciary may sit during the sessions of the House to-morrow.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that the Committee on the Judiciary may sit to-morrow during the sessions of the House. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that to-morrow, immediately after the reading of the Journal, I may speak for 15 minutes with reference to the bill S. 700, having to do with the Middle Rio Grande conservancy district.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that to-morrow, immediately after the reading of the Journal, he may address the House for 15 minutes on the subject indicated by him. Is there objection?

There was no objection.

CONSTRUCTION AT MILITARY POSTS

Mr. JAMES. Mr. Speaker, I call up the conference report on the bill (H. R. 7009) to authorize appropriations for construction at military posts, and for other purposes.

The SPEAKER pro tempore. The gentleman from Michigan calls up the conference report on the bill H. R. 7009. The Clerk will read the conference report.

The conference report was read.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7009) to authorize appropriations for construction at military posts, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, and 6, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of "$6,792,191" insert "$6,695,691"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "and armament building, $61,000; school building, $40,000; gasoline and oil storage, $16,900; paint, oil, and dope storage, $5,000; night-flying lighting system, $15,000; improvement of landing field $81,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the language stricken out insert: "Scott Field, Ill., gas holder, $49,500"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the language proposed by the Senate amendment insert the following: "; Fort Leavenworth, Kans., one hangar, $40,000; field warehouse and shop, $45,000; headquarters building, $20,000; gasoline and oil storage, $5,000; night-flying lighting system, $10,000; Walter Reed General Hospital, in the District of Columbia, for the construction of a three-story ward building, for conversion of the fourth story of the present administration building of said hospital into an operating suite, including the construction of the necessary corridors, roads, walks, grading utilities, and appurtenances thereto, $310,000; the United States Military Academy, West Point, N. Y., for the purpose of razing the old cadet mess hall, and of preparing the plans and specifications and of excavating the ground and otherwise preparing the site for the construction of a new cadet barracks at the United States Military Academy (the total cost of which is not to exceed $825,000), $185,000: *Provided*, That the Superintendent of the United States Military Academy, West Point, N. Y., with the approval of the Secretary of War, is authorized to employ architects to draw the necessary plans and specifications from funds herein authorized, when appropriated; Fort Benjamin Harrison, barracks and motion-picture theater, $400,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the language proposed by the Senate amendment insert the following:

"There is hereby authorized to be constructed from current funds in possession of the Secretary of War, 96 sets of bachelor officers' quarters at Schofield Barracks, Hawaii, $108,000; an addition to ward building (hospital), Fort Sill, Okla., $30,000."

And the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the language proposed by the Senate amendment insert the following:

"The act entitled 'An act to authorize appropriations for construction at military posts, and for other purposes,' approved March 3, 1927, is hereby amended so as to strike out the authorization therein for $500,000 for barracks at Fort Benning, Ga., and to substitute therefor the following: 'For Fort Benning, Ga., barracks, $300,000; to complete the hospital, $135,000; to construct nurses' quarters, $65,000.'"

And the Senate agree to the same.

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. McSWAIN,
Managers on the part of the House.

DAVID A. REED,
FRANK L. GREENE,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7009) to authorize appropriations for construction at military posts, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On No. 1: Strikes out the total carried in the bill and substitutes the total brought about by the changes agreed to by the conference committee.

On Nos. 2 and 3: The Assistant Secretary of War in charge of aviation asked that the language passed by the House be changed and the new figures be inserted because further study of the project made necessary the increased authorization.

On No. 4: This amendment was adopted at the suggestion of the Chief of the Air Corps because it was for this building the increased amount is desired.

On Nos. 5 and 6: The Assistant Secretary of War for Aeronautics stated that the amount carried in the bill as it passed the Senate was necessary for the building program at the new primary flying school in order to insure a complete project.

On No. 7: The gas holder at Scott Field, Ill., is merely the completion of a unit for the new plant being constructed at that field and as such is a necessary item. The word "hydrogen" was stricken from the bill because the gas holder is to contain helium.

On No. 8: The House passed H. R. 9567, to authorize appropriations for the construction at Fort Leavenworth, Kans., and for other purposes, introduced by Hon. DANIEL R. ANTHONY, Jr., and the Senate included the item in this measure. The House also passed H. R. 9676, providing for construction at Walter Reed General Hospital, and H. R. 9202, authorizing construction at the United States Military Academy, West Point, N. Y., and these items also are carried in this amendment. The item for Fort Benjamin Harrison was reduced because there are only 440 men at this post, who are now housed in temporary quarters. A personal visit by the chairman of the subcommittee of the House Committee on Military Affairs in charge of real estate and construction developed the fact that the most necessary construction at that post at this time was a motion-picture theater, because the present room for such purposes is on the second floor of a frame structure that is a veritable fire trap.

On No. 9: A letter from the Secretary of War to the chairman of the Senate Military Committee explained the necessity for this legislation. The amendment is to indicate definitely that "Ward Building" is part of the hospital at Fort Sill, Okla.

On No. 10: The change in language in this amendment was made to conform to the suggested language of the Secretary of War in a letter on the subject.

JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. MCSWAIN,
Managers on the part of the House.

Mr. JAMES. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOWARD of Nebraska rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Nebraska rise?

Mr. HOWARD of Nebraska. Would the Speaker please submit my request to the House for permission to speak for about 15 minutes on the subject of a big Navy?

Mr. MADDEN. Mr. Speaker, I suggest that the gentleman do that to-morrow. Let us divide the time up.

Mr. HOWARD of Nebraska. That would suit me, to-morrow morning.

Mr. MADDEN. I suggest that the gentleman may get in some time during the day in the committee, out of order. I do not want him to be out of order now.

Mr. HOWARD of Nebraska. If I do that, Mr. Speaker, I will have to violate my program. My program does not permit me to ask any individual for time, but the whole House.

Mr. MADDEN. The gentleman does not have to ask any individual Member. I know the gentleman will be circumspect. Sometimes, as he knows, we try to get in in any way we can.

Mr. MCCLINTIC. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes to-morrow immediately after the gentleman from Michigan [Mr. CRAMTON] concludes his remarks.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to proceed for 10 minutes to-morrow immediately after the gentleman from Michigan concludes his remarks. Is there objection?

There was no objection.

CHANGE OF REFERENCE

The SPEAKER pro tempore. The Chair desires to call the attention of the House to a proposed change of reference of the bill (S. 1287) for the relief of Near East Relief (Inc.). This bill was messaged over from the Senate on February 8. It was inadvertently referred to the Committee on War Claims. It is agreed by the chairman of the Committee on Claims and the chairman of the Committee on War Claims that it should be referred to the Committee on Claims. Without objection, it will be so referred.

There was no objection.

TREASURY AND POST OFFICE APPROPRIATION BILL

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. MICHENER] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10635, with Mr. MICHENER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10635, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes.

Mr. MADDEN. Mr. Chairman, last week the gentleman from South Dakota [Mr. JOHNSON] asked unanimous consent to proceed for 30 minutes. I objected and said we would give the gentleman time in general debate. It so happened that when he could be given time he had to go away and notified me he could not be here. I suggested I would ask that he be given time this morning, so I ask unanimous consent, notwithstanding the fact that we have begun to read the bill, that the gentleman from South Dakota may speak out of order for 30 minutes.

Mr. BYRNS. Mr. Chairman, I have no objection to that, but I had agreed to yield some time to the gentleman from North Carolina [Mr. BULWINKLE] yesterday, but I did not do it. I do not think the gentleman wants over 5 or 10 minutes, and then I understand that the gentleman from Texas [Mr. CONNALLY] desires to speak out of order for five minutes.

Mr. MADDEN. I will include the three gentlemen in my request. Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. CONNALLY], that the gentleman from South Dakota [Mr. JOHNSON], and that the gentleman from North Carolina [Mr. BULWINKLE], in the order named, may proceed out of order for 5 minutes, 30 minutes, and 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, this morning's newspaper reports announce the successful return of Col. Charles A. Lindbergh from his goodwill South and Central American flight to his home at St. Louis. The *Spirit of St. Louis* has now returned to the bosom of its mother. In making this flight Colonel Lindbergh has rendered his country a great service. At a time when within those regions there has existed so much to arouse their hostility toward the United States and at a time when European nations, perhaps, are endeavoring to alienate Central and South America for trade purposes, this great evangel of peace and of good will, this daring messenger of his country, has gone to those regions and brought the people of those climes to his feet in tribute and won for himself, as a representative of the great Republic of the north the highest respect and the finest enconiums of this day.

Mr. Chairman and gentlemen of the committee, as an humble representative of the American people, let me here express the hope that Colonel Lindbergh may cease to imperil his valuable life and endanger his personal safety by other hazardous or dangerous flights.

I believe the Congress of the United States ought to pass a resolution memorializing Colonel Lindbergh not again to risk the hazards of the air or the perils of the sea, but to devote his life to leadership in America in the development of aircraft [applause] and in continuing to stir within the young manhood of America that compelling inspiration which his great example has already generated.

Gentlemen of the committee, his example is too valuable, his life is too precious, his inspiration to the young manhood of America is too splendid, and his services to his country in developing aircraft and the Nation's fighting force in the air are too far beyond computation to risk them again in dangerous enterprises. The path of duty lies now in the direction of preserving his great life. The world is already at his feet in tribute to his daring achievements of the past. Let Congress request him now to preserve his life for the service of his country and of the world in the years of the future. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired. The gentleman from South Dakota [Mr. JOHNSON] is recognized for 30 minutes. [Applause.]

Mr. JOHNSON of South Dakota. Mr. Chairman and gentlemen of the committee, I doubt whether I will be able to conclude my remarks in the time allotted to me, so I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Chairman and gentlemen of the committee, in the course of a life that has not been entirely free from activities it has been my good fortune and privilege to know many men who have taken a rather prominent part in the affairs of the Nation. I have known many legislators in this body in this time, men who know how laws are drafted, how laws are passed, and how laws have been defeated. I have known many men who have been eminent in the law and in medicine and who know what part lawyers and physicians are supposed to take in the scheme of life. It has been my good fortune to know many men who have taken part in other activities of the country, famous baseball players and football players, and men who have served with credit to themselves and their country in some of the greatest battles of history. I have heard those men discuss the rules of the games in which they have taken part. I have heard Members of Congress object, and I thought rightfully object, because something had been done in the process of legislation that was unfair. I have heard football players object, for instance, because some

one had violated the rules and tackled below the knees or tried to gouge out some one's eyes. I have heard baseball players complain because some one attempting to play the game had deliberately slid into second base or home plate and tried to spike them. I have heard many soldiers make objections because they did not think they should always be shot in the back without any possibility of protecting themselves. The rules affecting all the activities to which I have referred are well recognized and should be observed.

But, Mr. Chairman and gentlemen of the committee, I thought most of those rules were violated on the 17th of January, when Senate Resolution 52, the McMaster resolution, referring to the tariff, all at once appeared on the floor of this House. It was impossible for me to be present that day because I had a rather important engagement—at least to me—in a hospital in the city of Washington, and therefore never had an opportunity to express myself on either the subject matter or the procedure.

This resolution reads as follows:

Resolved, That many of the rates in existing tariff schedules are excessive, and that the Senate favors an immediate revision downward of such excessive rates, establishing a closer parity between agriculture and industry, believing it will result to the general benefit of all.

Resolved further, That such tariff revision should be considered and enacted during the present session of Congress.

And then, apparently as an afterthought, and innocently or otherwise, it was—

Resolved further, That a copy of this resolution be transmitted to the House of Representatives.

Now, while it was impossible for me to be present, I did what every Member of this body or any other parliamentary body would do. I had a general pair, asking the pair clerk in the event anything was thrown into the House and I could not be present, to pair me with the majority of the Republicans, believing, as I do, that the expression of a majority of the Republicans would be more likely to result in good for the entire Nation than any other group of men who form any political party, and I was therefore, apparently, paired against the McMaster resolution.

It is a fundamental right of either branch of Congress, the House or the Senate, to resolve on any subject at any time. If either branch of Congress should determine that it was the guardian of the entire world and all the people contained therein, it would be particularly appropriate that that body should pass a resolution on every conceivable subject. In the particular resolution referred to, the Senate recorded itself as believing that the resolution would result to the general benefit of all, and if that statement is true, the Senate should certainly have resolved at great length. So long as the resolution remained in the confines of the Senate and afforded only a wonderful opportunity for the display of oratorical ability, it acted as a vehicle to convey to the world at large, and industry in particular, that there was a real need and demand for the passage of farm-relief legislation. Presumably, the Senate had in mind the thought that if agricultural legislation was not enacted into law those who believed in such legislation were ready to lower the tariff on commodities of manufacture and industry so that there would be equality among men whether they manufactured goods or produced agricultural products, and though it is very far from my present intention to attempt to discuss the senatorial mind or intention in this discussion, from reading the debates on the McMaster resolution, it is entirely probable that the Senate intended to convey that thought by the passage of the resolution, and as long as it remained on the Senate side it would have accomplished that purpose. I think, perhaps, this was the intention in the mind of that great parliamentary body, because I have read with great interest recent speeches made by a very distinguished and able Senator from my State, Senator PETER NORBECK. On June 15, 1926, as shown by the RECORD, he expressed the thought which I know he believes in and which I know I believe in when he said:

The wise business man is already beginning to realize that his market is adversely affected by the farm depression. The farmers may be in the minority, but an active minority is often an effective force. You ask what will happen. Several things will happen. First, the farmer will tear down the tariff structure, for he believes that he will be invited to participate in its rebuilding. He will not be ignored when that task comes. Perhaps he may, like Samson of old, pull down the temple upon himself, but desperate people will do desperate things, and there is no way to stop them. Radicalism that has been expressed in recent primary elections will be mild compared to what will follow if the present inequality continues.

And then, still consistent and still able to express himself, on January 16 of this year the distinguished and able senior Senator from South Dakota, in his remarks, said:

The point is that the Northwest must look out for itself, and it will look out for itself. The farmers of the prairies are no longer party bound. They do not vote for labels alone. They now look carefully to principles of parties and to the character and record of the candidates. They are not unmindful of the fact that it was following eight years of Democratic administration that the Republican stock dividends, referred to by my colleague [Mr. MCMASTER] the other day, were paid. They were not 10, 20, and 30 per cent; they ran to hundreds of per cent and thousands of per cent, and in one case a 16,000 per cent stock dividend was paid.

PARTY RESPONSIBILITY

The farmer well understands that his ruination came during a Democratic administration and was due to the attitude of the party toward him. He has watched closely the record of both sides of this Chamber on so-called farm-relief measures, and he finds that only one record is worse than that of the Republican Party in the Senate, and that is that of the Democratic Party. But the farmer also knows that the Republican Party promised in its platform to remedy the inequality existing. The failure to do so is the record that stands against the party. The attitude of the parties and candidates will be closely watched in the coming presidential campaign.

The Senators from the agricultural South and the industrial East have joined hands against making the tariff effective for the farmer by the McNary-Haugen bill, and they are not supporting any other measure that will accomplish the purpose. The Northwest farmer is still pleading for economic justice for agriculture—a proportionate price for the products of his labor. If this is denied him, he will insist on tearing down the tariff wall. If the farmer is compelled to sell in a world market, he will demand the privilege of buying all his supplies in the same market free from import duty.

The tariff must be made effective for the farmer also or the tariff must be reduced.

I have quoted the Senator so extensively because he has so well expressed the thought in which I believe.

There would have been no trouble and no debate on this side of the House except, innocently or otherwise, the last proviso of this resolution directed that a copy of it be transmitted to the House of Representatives. This, in spite of the fact that section 7 of Article I of the Constitution provides as follows:

All bills for raising revenue shall originate within the House of Representatives.

And every time the parliamentary body at the other end of the Capitol has attempted to violate this provision of the Constitution there have been plenty of Members on this side who believe in the Constitution who have been ready and willing to make the objection to its action.

The provision in the Constitution means exactly what it says; and the Senate has no more power or authority to originate tariff legislation than the House has the right to dictate to the Senate concerning treaties with foreign governments, and we do not attempt to do this. The Senate does not even possess the right or power to add a tariff law as a rider on an appropriation bill. It has no power whatsoever in originating revenue matters, and I presume it never will have such power. So far as I have been able to determine in the past resolving career of that distinguished body, it has tried to keep within its jurisdiction and never before has submitted such a resolution.

The rules of the House must be lived up to and respected exactly as the rules of the Senate or the rules of the courts, and the House could do very little under this resolution that suddenly appeared from the other side of the Capitol, because it did not anticipate that that body would attempt to violate the Constitution of the United States; and our rules made no provision for the other parliamentary body attempting to violate the Constitution; and the House, as the judge of the matter, hardly knew what to do when this foundling baby was laid on its doorstep. Its paternity was known but its legitimacy questioned, and we did not know what to do with it. The Democratic leader, Mr. GARRETT of Tennessee, who knows parliamentary law and whose mental integrity has never been questioned by anyone, moved that the resolution be referred to the Committee of the Whole House on the state of the Union.

Now, had it been so referred, not being a proposed law, and not being a joint or a concurrent resolution, and, in fact, not being much of anything but an expression of opinion, it could only have been debated for an hour and then have quietly died. The Speaker very properly ruled that such reference of the resolution was not in order. Mr. GARRETT of Tennessee, the Democratic leader, in his great desire to promote peace and harmony among the Republicans, made it difficult for the average citizen and voter to distinguish between Democrats who run on the Republican ticket, Republicans who believe in a tariff based on the difference between the cost of production at

home and abroad and Democrats who believe in a tariff for revenue only, and moved that the resolution be referred to the Committee on Ways and Means. This would have been a polite and dignified way of administering the death blow to the resolution as it would then have never seen the light of day.

It might have been discussed in executive session of the committee, but the rules of the House would have prohibited that discussion from having been made public. If it were to have been discussed, far better that it remain on the Speaker's table, for anyone feeling the urge to indulge in oratorical effulgence who could secure a few moments to speak might discuss it.

It is clear, however, under the Constitution and the rules that the Senate had no right to initiate revenue legislation, and Mr. TILSON, of Connecticut, made the point of order that the motion to refer the motion to the Ways and Means Committee was not in order. The Chair very properly sustained the point of order.

Mr. GARRETT of Tennessee then appealed from the decision of the Chair. Mr. TILSON, of Connecticut, then moved to lay on the table the appeal from the decision of the Chair. The roll call was then taken upon the motion to lay on the table the appeal from the decision of the Chair. It was not a vote on the McMaster resolution, and the practical result of the vote only is to make it possible for every political demagogue and candidate for Congress who desires to misrepresent the facts to assert anything that he wishes to assert concerning the vote of any Member of Congress and apparently prove his case. No Member of Congress could express himself, because the motion was not debatable.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I would like to yield, but I will say that the combination between the Senate and the Democrats of the House has made plenty of trouble already. I will yield a little later.

Mr. GARRETT of Tennessee rose.

Mr. JOHNSON of South Dakota. The same thing will apply to the gentleman from Tennessee, for whom I have great respect. I do not want his speech embedded in mine.

Mr. GARRETT of Tennessee. The gentleman spoke about being in trouble, and I thought I would help him out. [Laughter.]

Mr. JOHNSON of South Dakota. No; I am not in trouble; I am trying to get other gentlemen out of trouble, which they do not deserve. Now, this can easily be shown by the votes of Members of Congress from my own State, two able and distinguished gentlemen, Mr. WILLIAMSON and Mr. CHRISTOPHERSON, representing two districts from that State, with whom it has been my pleasure to serve during all of their legislative career. Neither of them has disagreed on agriculture or tariff legislation. Both have supported loyally and faithfully the McNary-Haugen bill with the equalization fee.

In that I agree with them and still agree with them. Both have stood upon the doctrine that if adequate agricultural legislation can not be enacted to place upon a parity agriculture, industry, and labor, the tariff wall must be lowered, at least to the basis of the difference in cost of production at home and abroad.

They both came here in their congressional innocence and they have been valuable Members. I know they agree absolutely with Senator NORBECK and myself and others, and yet you have seen one recorded one way and one the other, when, as a matter of fact, they agree with me that we will have agricultural relief, or Congress may not adjourn, or we may have a revision of the tariff.

So far as I know no one has ever questioned this attitude of any of the Members of the House from South Dakota. If they should question, it would be political trickery and untrue. On the motion to lay the appeal on the table, one of these gentlemen voted aye and the other no. Either of those votes accomplished the same thing, to wit, nothing. If the appeal were lost the resolution would be smothered in the Ways and Means Committee, and if the appeal was successful the resolution would be smothered on the Speaker's table.

The final result of the vote was only to embarrass every Republican Member of Congress from an agricultural district and to open the door so that every demagogue who desired to get to Congress could attack every Member for voting either way, and every political pirate is doing that very thing.

No one in the House can express themselves on any particular subject, but any one in the other body can express themselves on anything at any time. The rule that applies in the House and in the Senate therefore is different. You know that on this side of the Capitol our business is to legislate rather than to indulge in oratory.

We believe that we would rather pull agriculture up to the plane of manufacture and industry than to depress industry and manufacture down to the plane of agriculture. I think that a great President, Theodore Roosevelt, expressed a thought that should never be forgotten, when in one of his speeches he said that in the long run everyone in the United States will go up or down together, and I prefer to see every branch of business in the United States and agriculture come to a higher plane or standard of living than to depress the business of anyone. [Applause.]

Of course, as I say, I do not know what was in the mind of the men who sent this resolution over here. I asked a distinguished Member of the other body, whom I know very well, and whom I had the great privilege of knowing some years ago when he was serving in the Army. I can talk with him and he can talk with me very frankly. A few days ago I said to him, "Just why did you put that third provision in the resolution, to send a copy of it over to the House, when you knew that we could not get a vote on it, when you knew that all that we could do would be to have four or five parliamentary votes on the question and that no one could express himself, with the result that a few political pirates and demagogues could tear around the United States and misrepresent our position?" He answered me very frankly, as he has always dealt with me during the years I have known him, both in the Army and in the Congress. He said, "I do not know what was in their minds, but they might have been a good deal like the doughboy who had recently enlisted and was sent up as a replacement to the Infantry in the Rainbow Division in the late war. Thrown in, as this doughboy was, with a lot of old, hardened, battle-scarred veterans, he did not feel that he should show his ignorance of the implements of war and destruction which are used in time of battle.

"Particularly did he fail to have an explanation made to him of the dangers and possibilities and idiosyncrasies of hand grenades, and no one thought to tell him that if the pin on one of those grenades was pulled, within five seconds it would blow up not only all of the innocent bystanders who happened to be in the vicinity but was likely to blow up the pullee of the pin. Some one had told him, however, that these grenades were noisy, and were loaded with T. N. T.; but he did not think of that until after he had pulled the pin, when suddenly it occurred to him that the pin had some connection with the firing mechanism, and two seconds before the grenade exploded he managed to give it a wild heave in the general direction of the sky, just like resolutions sometimes come to parliamentary bodies. After the dead and wounded had been cleared away, a hard-boiled old captain from the company, who rode down in the ambulance with the recruit, as they took him to the hospital for repairs and replacement, said, 'Son, what did you want to do; kill all the men in your own company?' 'Captain,' said the boy, 'I didn't know anything about these hand grenades. The corporal said that they would make an awful lot of noise, but really I did not know that such a little piece of machinery could raise so much hell.'" [Laughter.]

That is exactly the situation of this resolution. No one appreciated the fact that coming in as it did it might tend to give every political demagogue in the United States an opportunity to run for Congress; that it might give men a chance to misrepresent other men, and that it could serve no useful purpose, whether it laid on the Speaker's table and died there, or reposed on the desk of the chairman of the Committee on Ways and Means and died there, because, no matter what happened to it, it had to die under the Constitution of the United States and the rules of the House.

Mr. Chairman, I trust that I have expressed myself clearly enough so that there will be less of misrepresentation of the votes of Members of Congress. I have two very good friends whom I see before me to-day, and one of them voted "nay" and the other voted "aye" on the resolution. Both are for agricultural relief and take the viewpoint that I take, that if we do not get it we are very likely to see some tariff legislation before this is over, and if I have in any degree protected those men from unfair abuse, I shall have served the only purpose I desired to serve in this short discussion. I now yield to the gentleman from Texas [Mr. GARNER].

Mr. GARNER of Texas. And I shall ask the gentleman one question appropriate to the present moment. The gentleman says that his only purpose in rising this morning was to protect his two colleagues from his State. I now ask him on which side he would have voted had he been here?

Mr. JOHNSON of South Dakota. Had I been here I would have lived up exactly to the Constitution of the United States and the rules of the House, and have voted to sustain the position of the Chair, which I think was correct.

Mr. GARNER of Texas. And the gentleman does not favor the sentiments expressed in the McMaster resolution?

Mr. JOHNSON of South Dakota. The gentleman from Texas perhaps has not listened to me very carefully.

Mr. GARNER of Texas. Oh, yes; I did listen very carefully to the gentleman.

Mr. JOHNSON of South Dakota. I said that I favored agricultural relief and the McNary-Haugen bill; to be exact, that we ought not to divide our forces on that; and if we can not pass the McNary-Haugen bill and industry and agriculture do not get on a parity, then I am willing to join anyone to revise the tariff; but I should like to have the battle on the McNary-Haugen bill instead of on a resolution that means nothing.

Mr. GARNER of Texas. But if the gentleman can not raise agriculture up to where we desire to raise it, he would be willing to reduce the tariff on some of the things that the farmer has to purchase?

Mr. JOHNSON of South Dakota. Yes. I now yield to the gentleman from Tennessee [Mr. GARRETT], who wished me to yield to him some time ago.

Mr. GARRETT of Tennessee. Oh, the gentleman has answered the question that I would have asked him.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield to the gentleman from Texas.

Mr. JONES. I would like to suggest to the gentleman that for four or five years I have been hearing statements made to the effect that if we did not pass farm-relief legislation along certain lines we were going to revise the tariff. This is the only time during those five years in which those gentlemen making those threats, including the gentleman from Iowa [Mr. DICKINSON] and others, have had a chance to make good their threats. Does not the gentleman think it would have been a good step to have taken to have shown that they mean business by adopting that resolution? I suggest that action along that line would have at least indicated the sentiment of the House.

Mr. JOHNSON of South Dakota. The gentleman seems to think that the Constitution of the United States and the rules of the House should be violated in voting to override the ruling of the Chair concerning a resolution violating the rules?

Mr. JONES. No. The gentleman has not stated how he really feels on the resolution. On the merits of that resolution is he in favor of tariff reduction or not?

Mr. JOHNSON of South Dakota. I have expressed my views exactly on the tariff and industrial-relief questions, and on the resolution that came up here on a technical and partisan vote.

Mr. JONES. Does not the gentleman think that if the House expressed its opinion, it might have some persuasive force with the committee?

Mr. JOHNSON of South Dakota. I suggest that if the gentleman will get his Democratic Members together and agree upon a system of farm relief, we may be able to do something. But he can not get more than two-thirds of them. If the gentleman will get his people together and give us a bill based on the difference in the cost of production here and abroad, he will have a chance to do something.

Mr. JONES. Will the gentleman vote in favor of that?

Mr. JOHNSON of South Dakota. The gentleman from Texas can get plenty of votes when they are purely political, but he can not get them when they are practical.

Mr. JONES. Will the gentleman vote for a revision of the tariff law now?

Mr. JOHNSON of South Dakota. I would be willing to vote on a law, but not on a fool resolution.

Now, if the gentleman will keep quiet for a moment, I will tell him how to do it.

Mr. JONES. The gentleman and his colleagues have been talking for five years about what they wanted to do, and yet when they get a chance to do it they do not take advantage of it. They vote against the only opportunity they have had in all these years for a real expression on the tariff. That is not a fool resolution, but one of tremendous importance.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. MURPHY. Will the gentleman give us an idea of what the farmer expects to buy cheaper when he gets a reduction of the tariff—things that he buys now? Everything that he buys now—fertilizer, twine, and machinery are admitted under the free list.

Mr. JOHNSON of South Dakota. Oh, if I should start in on the tariff duties on different schedules I would not have time enough between now and next Christmas. I would like to go into those questions, but if the gentleman will read the Senate debate on this Senate resolution he will find there the very answer that he wishes.

Mr. GARRETT of Tennessee. Will the gentleman yield to me now?

Mr. JOHNSON of South Dakota. I will be delighted to yield to the gentleman.

Mr. GARRETT of Tennessee. In the event farm-relief legislation, or to be specific, the McNary-Haugen bill, should fail, will he be ready to consider the question of a tariff debate?

Mr. JOHNSON of South Dakota. Yes.

Mr. GARRETT of Tennessee. I would like to ask the gentleman from South Dakota if he is not absolutely confident in his own mind that there is not the remotest chance for an agricultural relief bill, containing the equalization fee, to become a law at this time?

Mr. JOHNSON of South Dakota. I do think it has a good chance, I will say to the gentleman. Conditions have changed since it was up before, and ideas have been changed.

Mr. GARRETT of Tennessee. Does the gentleman think there has been a change in the White House?

Mr. JOHNSON of South Dakota. I know there is a change. I am not authorized to speak for the gentleman in the White House, but I think there are enough votes in the House to override a veto, even if the gentleman in the White House does not agree to it. If Congress should not adjourn this summer, there might be time for the discussion of many things.

Now, I want to ask the gentleman from Tennessee a question. If the conditions were reversed, and the gentleman from Tennessee were Speaker and the gentleman from Ohio [Mr. LONGWORTH] were the minority leader, and the gentleman from Tennessee were in the chair, when this tariff resolution came up would he not have ruled exactly as the Speaker did rule?

Mr. GARRETT of Tennessee. I decline to give the Republican side of the House the benefit of my wisdom. They will have to solve their own problems. [Laughter.]

Mr. JOHNSON of South Dakota. I thought the gentleman would refuse. [Applause.]

The CHAIRMAN. The time of the gentleman from South Dakota has expired, and the gentleman from North Carolina [Mr. BULWINKLE] is recognized for 10 minutes. [Applause.]

Mr. BULWINKLE. Mr. Chairman, I do not desire to speak about that hand grenade which so affected my friend from South Dakota, but I do wish to call to the attention of the House and have it read in my time a resolution passed at a recent meeting of the executive committee of the American Legion, Department of North Carolina.

The CHAIRMAN. Without objection, the Clerk will read the resolution.

There was no objection.

The Clerk read as follows:

Resolution

Be it resolved by the executive committee of the North Carolina Department, American Legion, that—

Whereas at every annual convention of this department the members of the department have unanimously adopted resolutions memorializing the Senators and Representatives of this State to support the Tyson-Fitzgerald bill for relief of the disabled temporary officers of the World War; and

Whereas at the present session of Congress this bill has again been reported favorably to both branches of Congress and will undoubtedly pass by a large majority if it is brought to a vote: Now, therefore,

This committee unanimously requests the Members of Congress from North Carolina to support the efforts of those in charge of this bill for an early and favorable vote thereon.

For four sessions, Mr. Chairman, this bill has been reported favorably by the committee of the House. For four times the House has failed to take action upon it. I think on several occasions this bill, or a bill of similar character, passed the Senate, but for seven years there has been no attempt by the majority party in this House to bring this bill to a vote. Members of the House have constantly said, a majority of them, in fact, that they are in favor of this bill.

The reason that I am bringing it to your attention to-day is that it is time for us either to vote it up or vote it down, and quit playing with it. If there is merit to it, as I think there is, then there is no question but what we as men should face it and should vote on it. For eight years we have played football with this.

While I am speaking about that, may I not say also as to other veterans' legislation that there has not been a single meeting of the full Committee on Veterans' Legislation. That will run along, like it always does, to the end of the session, and then it will be brought in under suspension of the rules. It is true, in justice to the chairman, that he has been in the hospital, but he has been out for some time. Nearly two months and a half have elapsed. There have been subcommittee meetings on the hospital bill, but nothing definite has been done with respect to that. The subcommittee has never reported to the full committee. There have been a few meetings

of the subcommittee in regard to the insurance matter, but no report to the full committee. You can mark my prediction, which will come true, that there will not be a meeting of the full committee before the latter part of this month or of next month. It is meant and intended by the majority steering committee on your side of the House that the general bill for veterans' relief shall be brought up toward the end of the session under suspension of the rules, as all similar bills have been in the past.

Mr. CLARKE. Will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. CLARKE. As I understand, the bill to which the gentleman refers is the one which equalizes the pay.

Mr. BULWINKLE. It is the emergency officers' bill.

Mr. CLARKE. That is the bill to which the gentleman refers?

Mr. BULWINKLE. Yes.

Mr. CLARKE. What is the objection to it?

Mr. BULWINKLE. I can not find any objection to it, and I have voted on it favorably in the committee time after time.

Mr. SIMMONS. Mr. Chairman, I ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to proceed out of order for five minutes. Is there objection?

Mr. BANKHEAD. Mr. Chairman, reserving the right to object, is the gentleman going to speak on the subject of the division in the Republican ranks on the McMaster resolution?

Mr. SIMMONS. I am going to speak on the matter discussed by the gentleman who preceded me, Mr. BULWINKLE.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SIMMONS. Mr. Chairman and gentlemen, I have listened with much interest to what my good friend Mr. BULWINKLE has had to say about veterans' legislation and in particular about the bill known as the emergency officers' bill. He and I have not parted company generally on veterans' legislation, but we have parted company on that bill. We have fought side by side for all veterans' legislation since I have been here.

I am one of a group of service men in the House who appeared before the Rules Committee in the last Congress opposing the giving of a rule on the emergency officers' bill. Our reasons for doing it were plainly stated to the Rules Committee then; they are printed and nobody need have any doubt about what those reasons are. I likewise spoke before the House last Congress on the bill. I propose to appear before the Rules Committee again this year, if given the opportunity, before a rule is granted on the emergency officers' bill.

In all of these years we have not had before the Veterans' Committee of this House an open full hearing on that bill, and I will say this to the Rules Committee now, as I say it to the House, that if the Veterans' Committee will hold hearings on the emergency officers' bill and give the men on that committee who are opposed to it a fair chance to call witnesses and examine them, and to bring before the Veterans' Committee the Secretary of War, the Secretary of the Navy, the Director of the Veterans' Bureau, the national commander of the American Legion, the national commander of the Disabled American Veterans and others who are asking for this legislation in order that the Congress may know first hand what the opinion is regarding the bill and what the facts are, and what the bill does, then I will not oppose the bill coming on the floor of the House for consideration.

Until that is done I feel we are entitled to oppose the bill coming before the House. It is a bill that now proposes to fix permanently an annual charge of something better than $2,000,000 a year and upward on the Treasury. It is a bill that discriminates decidedly against over 200,000 disabled enlisted men of the World War and against over 6,000 disabled officers. I think we ought to have the facts; Congress is entitled to the facts. All the facts we have now before the Congress are facts that men who have studied that bill and who have reached the conclusion it is wrong have pulled out of different people at different times—thus some prepared statements submitted to the committee by interested organizations. The World War Veterans' Committee has not brought those facts to the Congress and they should. We are entitled to have that committee bring those facts and those witnesses to us.

There is pending now before the House on that bill a minority report from the World War Veterans' Committee signed by two service men of the World War, one a Republican and one a Democrat, who are opposed to the bill. Last year there were four service men on that committee who signed that report. Two of them are not now members of the committee. With the permission granted to extend my remarks I include herein a copy of their report:

MINORITY VIEWS

Having been denied hearings in the Committee on World War Veterans' Legislation, we content ourselves with the presentation of the minority views as expressed in connection with this bill in the Sixty-ninth Congress and which are submitted below.

J. E. RANKIN.
BIRD J. VINCENT.

This is known as the World War emergency officers' retirement bill. If it should become a law it would most unjustly discriminate against all disabled enlisted men and a large part of the disabled emergency officers in favor of a certain class comprising a limited number of disabled emergency officers. It would reward men not according to their disability but according to their rank, thereby violating the very fundamental principles of our American institutions.

For instance, an officer who incurred physical disability in line of duty and has been "or may hereafter be" rated at not less than 30 per cent permanent disability shall be placed upon the retired list at 75 per cent of the salary to which he was entitled at the time of his discharge. What does this mean? It means that an emergency officer with a 30 per cent disability which originated in line of duty shall receive pay for life as follows:

	Per month
Brigadier general	$375.00
Colonel	250.00
Lieutenant colonel	218.75
Major	187.50
Captain	150.00
First lieutenant	125.00
Second lieutenant	93.75

While the enlisted man with a 30 per cent disability will receive $30 a month.

Yet they tell us that the ex-service men are in favor of this measure. That is not true. If every ex-service man in the United States understood what this bill means, we doubt if it would receive the indorsement of 1 service man out of 10.

It even discriminates against an overwhelming majority of the disabled emergency officers themselves. Those who are rated at less than 30 per cent permanent disability are excluded from a participation in the financial benefits of this measure. They are to receive the same pay as enlisted men with similar disabilities. If a colonel and his enlisted brother were both 30 per cent permanently disabled, the colonel would receive $250 a month, while the enlisted man would receive only $30 a month. But if they were both 29 per cent permanently disabled they would both receive the same compensation, $29 a month.

Not only that, but it discriminates against the sacred dead, who "gave the last full measure of devotion" upon the field of battle or have died since the war closed. Their loved ones who were dependent upon them for support would not receive one dollar's worth of benefit from this unjust legislation. The widows and children of officers who gave their lives in the conflict, or who have died since the war closed, would draw compensation on the basis of allowances for the dependents of enlisted men.

The disabled emergency officers are being taken care of now along with the enlisted men. They served together, they fought together, they were frequently members of the same families, and where they suffered the same disabilities they should receive the same treatment.

But the advocates of this bill argue that these disabled emergency officers are discriminated against in the retirement of officers of the Regular Army, and ask Congress to pass this measure to favor 1,848 of these emergency officers and to discriminate against 41,496 enlisted men who are disabled to the same degree and 6,618 disabled emergency officers and 171,580 disabled enlisted men whose disabilities are rated at less than 30 per cent, in order to correct what they contend is a discrimination in favor of the officers of the Regular Army.

We are not responsible for the present law providing for the retirement of officers of the Regular Establishment. But if we were, and were willing to concede that there is an injustice in the present law, we would not be justified in trying to offset it by passing additional unjust legislation.

We must remember that officers of the Regular Establishment go into the Army for life. They make it their life's work; and in order to secure the class of men necessary to maintain the proper officer personnel in times of peace we must make some provision for taking care of them in case they become disabled.

As was said by a former Secretary of War:

"The privileges of the retired list of the Regular Army constitute a consideration granted by the Government for the consecration of lives to its military service and the volunteering for life for such service in any exigencies that may arise, whether in peace or war. The mili-

tary relation requires the officer to give up ambitions which are the rightful portion of every man in the great world outside, and for a measure of compensation which does not exceed what is barely sufficient to maintain himself and family in the status which the military service demands; and the law has said that when he serves a prescribed period of time, or has reached a certain age, or is disabled by injury or disease incident to the service, he must withdraw from active service and give way to a younger man better fitted for the rigors of military life. As the officer has not been trained for a business career or for any career in civil life, he finds himself at the end of his service, certainly in the vast majority of cases, not only without a profession but without a competency."

He also calls attention to the fact that—

"Congress has thus far restricted the privilege of retirement to members of the permanent Military Establishment; that is, to those only who have consecrated their lives to the military service. This is true not alone of the officers but of the enlisted man, who may retire only when he has served a sufficient time to indicate that he has adopted the military service as a life career. To those who have thus pledged their services for life to the Nation, in peace or in war, Congress, as a matter of keeping faith with them, has provided by law that they shall be secure in their calling throughout their lives, and when they have performed what is deemed a life service shall be relieved of some of the active duties of service and be permitted a living pay for the remainder of their lives. This basic principle of our retirement laws is recognized in an opinion rendered June 10, 1898, by Solicitor General Richards and had the approval of Attorney General Griggs. In discussing the applicability of laws relating to the Regular Army to the then existing volunteer forces the Solicitor General said:

"Chapter 2 of Title XIV, providing for the retirement of Army officers, clearly has no application to the Volunteer Army, organized for simply temporary service. This chapter creates two lists of Regular Army officers—the active and the retired list—a distinction which does not obtain in the Volunteer Army. When, therefore, section 1222 places a restriction on every 'Army officer on the active list,' it plainly refers to Regular Army officers. An Army officer of the active list is one not only active but permanently engaged in the military service of the Government. Having chosen the Army for his career, and being actively engaged therein, the statute properly prohibits him from accepting or exercising the functions of a civil office.

"While an officer of the Volunteer Army may be said to be actively engaged in the military service, he is not permanently so engaged. He is called out to meet an emergency, and must be discharged when the purpose for which he entered the service has been accomplished. Unlike the Regular Army officer, he has not selected the military service for a profession. He has simply responded to a patriotic call, and expects when the war is over to return to civil life. His term of military service is uncertain and contingent. He may be taken from his civil duties for a few months, for a year, for two years at the most. The Government does not need nor demand a complete and final severance of his relations with civil life. He may be able to make arrangements to bridge over his absence, and on his return resume his former work."

This is not a new proposition. The Adjutant General stated in a letter to a Member of Congress on February 25, 1926, that—

"Many bills have been introduced in both Houses of Congress at different times authorizing the appointment on the retired list of the Army of those officers who served in the Volunteer Army in the Civil War, but none of them has ever been enacted into law."

Congress refused for 50 years and more to pass a law that would thus discriminate between the officers and enlisted men of the Civil War. On May 9, 1917, Hon. Newton D. Baker, then Secretary of War, in a letter to the chairman of the Military Affairs Committee with reference to such a measure, made the following prophetic statement:

"Furthermore, if the bill under consideration were to be enacted into law for the benefit of men who served as volunteer officers of the Civil War, it is reasonably certain that it would be followed by other measures for the benefit of volunteer officers of the war with Spain, of officers belonging to the National Guard who have rendered or are now rendering active Federal service, and of officers of the present war not belonging to the permanent Military Establishment. It would seem that the precedent established by the enactment of such legislation for the benefit of volunteer officers of one war should, in common fairness, be followed in time by similar legislation for the benefit of volunteer officers of all wars. It can be readily seen that the expense involved in any such legislation would be enormous."

The additional expense of this bill for the first year would be $1,190,052. As time goes on the expense will grow. Men will be asking to have their cases reopened and their disabilities readjusted. Those whose disabilities shall have increased to 30 per cent will be entitled to be placed on the pension roll along with the others. And we had just as well admit that this is a permanent pension that we are being asked to allow to these disabled emergency officers. The chances are that we will soon be asked to reduce the degree of disability to 20 per cent, then to 10 per cent, and finally to wipe it out altogether, and to ultimately place the ex-officers on a pension status as officers instead of leaving them to be treated in the same manner as enlisted men. The enlisted men outnumber the officers overwhelmingly, and already some of them are asking that they be given the benefits of this retirement act in case it passes, and that they be retired as second lieutenants. Suppose pressure should be brought to bear upon Congress later to wipe out some of the discriminations of this measure by giving the enlisted men the retirement or pension status of second lieutenant. Ultimately the percentage requirement as to their disabilities would disappear. Who can tell what the ultimate expense to this Government such a pension policy would bring?

The bill is just the opening wedge. It is lifting the latch to the floodgates of expenditure, the consequences of which no one can foretell.

We regret very much that we are unable to agree with the majority of the committee that reported this bill out. But in justice to the enlisted men, who are just as patriotic and just as deserving as the officers; in justice to the many thousands of disabled emergency officers, whose disabilities are rated at less than 30 per cent; in justice to the widows and orphans of those who made the supreme sacrifice; in justice to the taxpayers of the United States on whose shoulders the burden of these expenditures would rest, we respectfully dissent from the views of the majority, and submit that this bill ought not to become a law.

J. E. RANKIN.
BIRD J. VINCENT.
J. L. MILLIGAN.
S. J. MONTGOMERY.

The attached table is self-explanatory.

Compensation and increased retirement cost for commissioned officers, September 30, 1926

Rank	Permanent partial (over 30 per cent)		Permanent total		Total		Army pay rate	75 per cent of Army pay rate	Cost on basis of 75 per cent of Army pay rate
	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment			
General							$500.00	$375.00	
Colonel	3	$175	9	$790	12	$960	333.33	250.00	$3,000
Lieutenant colonel	7	305	14	1,320	21	1,625	291.66	218.75	4,594
Major	54	2,330	67	7,200	121	9,530	250.00	187.50	22,688
Captain	216	9,600	250	25,700	466	38,300	200.00	150.00	69,900
First lieutenant	358	16,450	313	32,770	671	49,220	166.66	125.00	83,875
Second lieutenant	283	13,160	274	27,310	557	40,470	125.00	93.75	52,219
Total	921	42,015	927	95,090	1,848	137,105			236,276

$236,276×12=$2,835,312: 75 per cent of annual pay for Army officers rated permanently disabled 30 per cent or more.
$137,105×12=$1,645,260: Annual compensation for Army officers rated permanently disabled 30 per cent or more.
$2,835,312−$1,645,260=$1,190,052: Increased cost for retiring Army officers rated permanently disabled 30 per cent or more.
$1,190,052÷$1,645,260=72.33 per cent: Per cent of increase in pay for Army officers who are retired.
25 Navy officers (including Coast Guard) receiving $1,120 compensation are rated permanent partial 30 per cent or more.
72 Navy officers (including Coast Guard) receiving $7,100 compensation are rated permanent total.
$1,120+$7,100=$8,220×12=$98,640: Annual compensation for Navy officers.
72.33 per cent of $98,640=$71,346: Increased cost for retired Navy officers.
8 marine officers receiving $370 compensation are rated permanent partial 30 per cent or more.
8 marine officers receiving $800 compensation are rated permanent total.
$370+$800=$1,170×12=$14,040: Annual compensation for marine officers.
72.33 per cent of $14,040=$10,155: Increased cost for retired marine officers.
$71,346+$10,155=$81,501: Increased cost for retired naval officers.

If the proponents of the bill believe in it, if they are willing it should come before the House of Representatives with this body fully advised about it, they ought to be willing that the House of Representatives have the facts about it and they ought to be willing that the World War Veterans' Committee should hold hearings on it. This year I am told that over the objection of members of the committee that committee reported out the bill without a hearing, and it is before you from the great committee that has charge of it and which is asking you to follow its recommendation without hearings to help you in reaching a conclusion on it.

So for my part, while I have opposed during these years this bill coming before the Congress, if the World War Veterans' Committee will just tote fair with the House and hold open, free, complete hearings on the bill and give the Congress the facts about it, then for one I will not further oppose the bill coming before the House.

THE UNITED STATES CODE

Mr. RAMSEYER. Mr. Chairman, I move to strike out the last line in order to offer a few constructive suggestions in regard to the use of the United States Code of Laws which was enacted a few years ago and which embraces the statute laws of the United States in force on the 7th day of December, 1925.

Mr. MADDEN. Let us read the paragraph first.

Mr. RAMSEYER. The paragraph under consideration makes reference to an enactment by Congress, and therefore involves the use of the United States Code. I have on several occasions addressed you on the use that ought to be made of this code.

The gentlemen present here this afternoon, including members of the Committee on Appropriations, and especially the lawyers on that committee, I am sure will agree with me when I say that it is the duty of Congress to enact just laws; that such enactments should be in clear and simple language, so that the people can understand them, and that after writing such laws in understandable language such laws should be codified at frequent intervals, so they can be easily found by the people who want to familiarize themselves with the laws enacted by Congress to govern the Nation.

In codifying the statute laws of the United States it must be conceded that the Congress has been extremely negligent. There was no codification of the statute laws of the United States from 1878 until the attempted codification of 1925. I have before me here the volume entitled "The Code of Laws of the United States of America," which is supposed to contain the statute laws of the United States in effect December 7, 1925.

Although this volume has been available in the office of every Member of Congress for about a year, no bill has yet been reported to this House to amend a statute of the United States by referring to such statute as it appears in this United States Code. Bills to amend existing law are introduced, considered by committees, and reported to the House, and the statutes thus sought to be amended are either referred to as appearing in the Revised Statutes, or in the Statutes at Large, or an act of a certain date. Now, it is well known that each act of Congress as it is passed is printed separately, bearing the date on which the President signed it. Such separate prints of these acts are in the possession of very few people. Of course, the original of each of these acts is in the possession of the Secretary of State.

Now this Code of Laws, in so far as it is accurate, was intended to supersede all enactments, whether found in the Revised Statutes, Statutes at Large, or other sources, prior to December 7, 1925. On page 1 of this code is what may be termed the enacting clause. A portion of paragraph (a) of section 2 of said clause reads as follows:

> The matter set forth in the code * * * shall establish prima facie the laws of the United States * * * in force on the 7th day of December, 1925.

The last sentence of this paragraph reads:

> In case of any inconsistency arising through omission or otherwise between the provisions of any section of the code and the corresponding portion of legislation heretofore enacted, effect shall be given for all purposes whatsoever to such enactments.

In this enacting clause there is no attempt to repeal any previous enactments. Although the matter set forth in the code shall establish prima facie the laws of the United States, in order to be the laws of the United States such matter must meet the test set forth in the last sentence of the paragraph to which I just referred. If there is no such inconsistency—I am now referring to the language of the last sentence of that paragraph again—in a particular section of the code, then such section is the law beyond dispute or doubt. If such inconsistency is presented in any particular section, then the corresponding portion of legislation heretofore enacted is the law and not the section wherein the inconsistency appears.

I call especial attention of the lawyers of this House to what I am about to say, and I hope I may have your attention for a few minutes, although I realize that what I am discussing now is both dry and technical. Our reluctance to make use of this Code of Laws or referring to this code in bills to amend existing statutes is probably based on fear that to make such use might invalidate the proposed act to amend existing statutes in the code. The fear is that in case the section of the code so amended should be found to contain "any inconsistency" that the amending act would thereby be invalidated.

The first proposition I want to make to you is that the sections in the code in which no inconsistency appears with corresponding portions of legislation heretofore enacted are the law, and that an act to amend one or more of such sections in the code would be valid. It would be perfectly safe to adopt the practice in this House to report bills to amend such section or sections without any other reference in such bills to previous enactments where such section or sections could be found.

For instance, about two weeks ago, when this question first came up as to what use should be made in our legislation of the United States Code, there was up for consideration a bill to amend section 2455 of the Revised Statutes. This section is reproduced in section 1171 of title 43 of the United States Code. Assuming there is no such inconsistency in section 1171 of title 43 of the United States Code as contemplated in paragraph (a) of section 2 of the enacting clause to the code, then this section is the law. Then the bill before the House to amend section 2455 of the Revised Statutes should have been a bill to amend section 1171 of title 43 of the United States Code. I furthermore think it is the duty of Members in charge of bills to amend existing statutes to find out whether the statute they seek to amend appears in the United States Code without any inconsistency. If it does so appear in the code, then use should be made of the code without any other reference to encumber the bill.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. RAMSEYER. If the gentleman will wait until I get through with my statement, I shall be pleased to yield to him.

The second proposition I wish to present is this: Suppose a bill is presented and passes Congress "to amend section 1171 of title 43 of the United States Code, to read as follows." What appears after the word "follows" is what Congress intends to be the law. Now the question arises, What will be the effect of such an enactment in case the said section 1171 of title 43 of the United States Code contains "any inconsistency," such as is contemplated in the enacting clause of the code? Can there be any question about the intent of Congress? Common sense will tell anybody that the amendatory act thus passed by Congress was by Congress intended to be the law, and I think it is safe to go on the assumption that the courts in construing such an enactment would exercise the same degree of common sense that Congress exercised in enacting the amendatory law. The question presented is, Will the validity of the enactment depend upon section 1171 of title 43, United States Code, being free from "any inconsistency"? At the end of this section 1171 of title 43 of the United States Code, the section I am using as an illustration, there are, in parenthesis, references to previous enactments where this section can be found. These references are for the guidance of the courts as well as for the guidance of Congress. Will the courts, in passing on the validity of such enactment, take notice of said references in determining the intent of Congress? I am simply throwing out these suggestions for you to think about.

Mr. COLTON. Will the gentleman yield?

Mr. RAMSEYER. If it is right on this point.

Mr. COLTON. It is right on that point.

Mr. RAMSEYER. Pardon me, but let me finish my statement, because a few moments ago I refused to yield to the gentleman from Florida.

Now, the third proposition I wish to present is this—and on this I invite the attention and serious consideration of the members of the Appropriations Committee: If through fear or in the exercise of caution we deem it unsafe to refer only to the Code of Laws in bills to amend the statute laws, I am here

to assert there is absolutely no excuse for the Appropriations Committee to refer in the appropriation bills to anything but the Code of Laws. The many references in every appropriation bill to acts of Congress are not for the purpose of giving validity to any appropriation. An appropriation in an appropriation bill becomes law whether based on existing law or not. Under the rules of the House, if an appropriation bill carries an item not based on existing law it is subject to a point of order. One object in referring in an appropriation bill to certain statutes or acts is to assure Members of the House that that particular appropriation is based on existing law. Furthermore, such references may aid officers in the departments who administer the appropriations authorized by Congress. Such references in the bill, whether for one or the other purpose, or for both purposes, should be made to the United States Code of Laws, because that Code of Laws is accessible to every Member of Congress and to every administrative officer in the Government. I challenge contradiction of the statements I have just presented to you on this proposition, and, in fact, I earnestly invite debate of the Members of this House on each of the three propositions I have presented to you this afternoon. Furthermore, I invite and welcome comments from any source, including the Bureau of the Budget, Comptroller General, and all administrative officers.

Mr. MADDEN. Why not take it up when the question is up?

Mr. RAMSEYER. That question is up right now. You have nearly a hundred references to statutes in this bill. I could offer an amendment to change each one of those references. However, I have no intention of doing so. There is absolutely no excuse or sense in maintaining this archaic method of referring to enactments in appropriation bills and not making use of the code for that purpose.

The excuse has been made that it is difficult to locate some of the statute laws in the United States Code. I wish to call attention to the fact that in the legislative reference service in the Library of Congress there is a complete card index showing where every enactment of Congress prior to December 7, 1925, can be found in the United States Code. The gentleman who prepared this card index and who is in charge of it is referred to in the preface to the Code of Laws in this language:

> Acknowledgment of valuable assistance is given to W. H. McClenon, of the legislative reference division of the Library of Congress, and to the law officers and other representatives of the several departments, bureaus, and commissions of the Government.

I requested Mr. McClenon to furnish me from his card index references to the United States Code for the statutes cited in this bill, H. R. 10635. I have those references before me and will insert them in the RECORD, so that Members of the House, and especially members of the Appropriations Committee, can see just how easy and simple it is to make use of the Code of Laws.

Mr. MADDEN. Can the gentleman certify to the accuracy of code citations?

Mr. RAMSEYER. I can not certify to their accuracy, but Mr. McClenon, an authority on the subject, can make such certification.

Mr. MADDEN. The gentleman from Oregon, chairman of the Committee on Public Lands, had a bill and he could not find the references.

Mr. RAMSEYER. Since that time I have told the gentleman from Oregon to call upon Mr. McClenon and make use of his card index.

Mr. SINNOTT. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. SINNOTT. The gentleman does not expect the committee to keep in touch with all these matters. We have spent three hours on four bills trying to find references with the assistance of a clerk.

Mr. RAMSEYER. They have them in the legislative reference division of the Library. Make use of that service and save time.

Mr. SINNOTT. I could not find them at all. A part of the oil leasing act is not in the code.

Mr. RAMSEYER. There are a few omissions. Now, I want to show you how difficult it is to get out of a rut. On page 64, line 16, of this bill is a reference to the act of July 2, 1836. Note the date—1836. That is over 40 years before the Revised Statutes. This act of July 2, 1836, was repealed in the act of June 8, 1872, as you will find in Seventeenth Statutes at Large, section 327. This reference to the act of July 2, 1836, has undoubtedly been carried in the appropriation bills for years and years, even though the act has been repealed for over 50 years. It is certainly high time that the propositions I have presented this afternoon be given some thought and consideration by this House.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting a few sheets showing the United States Code references to statutes cited in the bill under consideration.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. I present the following references, to which I referred in my remarks, for printing in the RECORD:

UNITED STATES CODE REFERENCES FOR STATUTES CITED IN H. R. 10635

Page 2, lines 5–6. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 2, line 10. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 2, line 14. Act. Chapter.

Page 2, line 25. Section 6 of such act. Section 666 of such chapter.

Page 3, line 7. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 3, lines 20–21. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 6, line 12. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 6, line 20. The act of March 1, 1919. Section 111 of Title 44, United States Code.

Page 7, lines 8–9. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 10, line 4. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 10, lines 12–13. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 10, lines 15–16. Section 3653 of the Revised Statutes. Section 545 of Title 31, United States Code.

Page 10, lines 22–23. Section 3649 of the Revised Statutes. Section 548 of Title 31, United States Code.

Page 11, lines 5–6. Section 3512 of the Revised Statutes. Section 319 of Title 31, United States Code.

Page 11, lines 22–23. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 12, lines 1–2. Act of September 24, 1917, as amended and extended. Section 760 of Title 31, United States Code.

Page 12, lines 6–7. Section 8 of the first Liberty bond act and in section 10 of the second Liberty bond act, as amended. Sections 759 and 760 of Title 31, United States Code.

Page 12, line 8. The act of June 16, 1921. Section 761 of Title 31, United States Code.

Page 12, line 25. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 13, line 4. The classification act of 1923. Chapter 13 of Title 25, United States Code.

Page 13, line 14. Section 518 of the tariff act of 1922. Section 405 of Title 19, United States Code.

Page 13, lines 17–18. Section 525 of the tariff act of 1922. Section 414 of Title 19, United States Code.

Page 13, lines 21–22. Section 3648 of the Revised Statutes. Section 529 of Title 31, United States Code.

Page 14, lines 11–12. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 15, line 19. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 15, line 22. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 16, line 4. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 16, line 7. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 18, lines 9–10. The appropriation "Collecting the internal revenue, 1928." Not in code.

Page 19, lines 4–6. Sections 3220 and 3689, Revised Statutes, as amended by the revenue acts of 1918, 1921, 1924, and 1926. Section 149 of Title 26, United States Code, as amended by the revenue act of 1926, and section 711 of Title 31, United States Code.

NOTE.—Section 149 of Title 26, United States Code Appendix, contains the amendment made by the revenue act of 1926.

Page 19, lines 15–16. Section 600 of the revenue act of 1924. Section 881 of Title 26, United States Code.

Page 19, lines 16–18. Section 900 of the revenue act of 1921, or of the revenue act of 1918. Not in code.

Page 20, lines 12–13. The national prohibition act. Title 27, United States Code.

Page 20, lines 13–19. The act entitled * * * revenue act of 1918. Sections 211, 691–707 of Title 26, United States Code.

Page 20, lines 19–24. The act entitled * * * export act. Sections 171–185 of Title 21, United States Code.

Page 21, line 15. The said acts of December 17, 1914, and May 26, 1922,. Sections 211, 691–707 of Title 26 and sections 171–177, 184, 185 of Title 21, United States Code.

Page 21, line 18. The act of March 3, 1925. Sections 522–524 of Title 19 or sections 41–43 of Title 27, United States Code.

Page 21, line 21. The national prohibition act. Title 27, United States Code.

Page 22, lines 18–19. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 23, line 10. The act approved March 3, 1925. Section 523 of Title 19, or section 42 of Title 27, United States Code.

Page 23, line 19. The act of June 4, 1920. Section 943 of Title 34, United States Code.

Page 25, lines 12–14. The act entitled * * *, June 10, 1926. Not in code.

Page 25, lines 16–18. The act entitled * * *, June 10, 1926. Not in code.

Page 26, lines 15–16. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 26, lines 23–24. The act of December 17, 1914. Probably sections 691–696 of Title 26, United States Code.

Page 27, lines 3–4. The Treasury Department appropriation act for the fiscal year 1928. Not in code.

Page 28, lines 15–16. The act of August 4, 1886 (24 Stat. p. 227). Section 176 of Title 31, United States Code.

Page 28, lines 22–23. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 30, lines 3–4. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 31, lines 4–5. Section 16 of the act of February 5, 1917. Section 152 of Title 8, United States Code.

Page 35, lines 4–5. Sections 3 and 4, Chapter XV, of the act approved July 9, 1918. Sections 24 and 25 of Title 42, United States Code.

Page 35, line 21. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 37, lines 14–18. The act entitled * * * March 4, 1927. Not in code.

Page 38, lines 19–20. Section 3, public buildings act approved May 25, 1926. Section 343 of title 40, United States Code. Appendix.

Page 39, lines 6–7. The act of July 3, 1926. Not in code.

Page 39, lines 12–13. The act of June 25, 1910. Not in code.

NOTE.—The specific provision indicated was not located, but it is certainly not in the code.

Page 39, line 19. The act of July 3, 1926. Not in code.

Page 40, line 2. The act of July 3, 1926. Not in code.

Page 40, line 4. The acts of March 4, 1913, and August 11, 1913. Not in code.

Page 40, line 15. The act of March 4, 1913. Not in code.

Page 40, lines 16–17. Section 3, act of May 25, 1926. Section 343 of Title 40, United States Code. Appendix.

Page 40, lines 19–20. Section 5, public buildings act, approved May 25, 1926. Section 345 of Title 40, United States Code. Appendix.

Page 52, line 8. Act approved March 3, 1905. Not in code.

Page 53, lines 12–13. Section 5, public buildings act, approved May 25, 1926. Section 345 of Title 40, United States Code. Appendix.

Page 53, lines 15–16. Section 5, public buildings act, approved May 25, 1926. Section 345 of Title 40, United States Code. Appendix.

Page 53, lines 21–22. The act of July 3, 1926. Not in code.

Page 54, line 5. The act of July 3, 1926. Not in code.

Page 54, line 7. Section 5, act of May 25, 1926. Section 345 of Title 40, United States Code. Appendix.

Page 54, lines 9–10. The act of May 25, 1926. Sections 343 and 345 of Title 40, United States Code. Appendix.

Page 54, lines 21–25. The act entitled * * * January 13, 1928. Not in code.

Page 57, line 24, to page 58, line 1. Section 6 of the act of May 30, 1908 (35 Stat. p. 537). Section 683 of Title 31, United States Code.

Page 60, line 1. The public buildings act approved May 25, 1926. Section 342 of Title 40, United States Code. Appendix.

Page 64, line 1. Sections 3749 and 3750 of the Revised Statutes. Sections 301 and 302 of Title 40, United States Code.

Page 64, line 7. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 64, line 13. The act approved August 4, 1919. Section 191 of Title 20, United States Code.

Page 64, line 16. The act of July 2, 1836. Not in code.

NOTE.—This act was repealed by Seventeenth Statutes, page 327, section 327.

Page 64, lines 23–24. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 65, line 3. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 65, line 10. The classification act of 1923. Chapter 13 of Title 5, United States Code.

Page 69, line 16. The deficiency appropriation act, approved June 16, 1921. Section 392 of Title 5, United States Code.

Page 72, lines 20–21. The acts of April 21, 1902, and May 27, 1908. Section 423 of Title 39, United States Code.

Page 74, lines 11–12. Section 5 of the act of July 28, 1916. Sections 524–568 of Title 39, United States Code.

Page 74, lines 13–14. Section 214 of the act of February 28, 1925. Section 826 of Title 39, United States Code.

Page 76, lines 20–21. The act approved February 2, 1925. Sections 464 and 465 of Title 39, United States Code.

NOTE.—The amendment of June 3, 1926, is included in section 464 of Title 39, United States Code Appendix.

Page 78, line 2. The act of June 25, 1910. Section 760 of Title 39, United States Code.

Page 81, lines 17–23. The act entitled * * * December 6, 1924. Not in code.

The Clerk read as follows:

The appropriation "Expenses of loans," contained in section 8 of the first Liberty bond act and in section 10 of the second Liberty bond act, as amended, which was made applicable by the act of June 16, 1921, to any operations arising in connection with any public debt issues made subsequently to June 30, 1921, is hereby made available for the payment of expenses of radio advertising in connection with any such issues or refunding operations.

Mr. BYRNS. Mr. Chairman, I make the point of order against the paragraph beginning on line 5 as legislation on an appropriation bill.

Mr. MADDEN. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. MADDEN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: On page 12, after line 4, insert a new paragraph, as follows:

"For the payment of expenses of radio advertising in connection with public-debt issues and refunding operations in the public debt, $10,000, to be immediately available, and to be payable from the appropriation, expenses of loan, act of September 24, 1917, as amended and extended."

Mr. BYRNS. Mr. Chairman, I make the point of order against the amendment upon the ground that it is legislation on an appropriation bill. I know of no law authorizing the use of the radio for advertising purposes, and the very fact that it is thought necessary to carry specific authorization in this bill shows on its face that it is legislation. The Secretary of the Treasury is given authority under the general statute to advertise, and he has so done heretofore. As a matter of fact, under the second Liberty loan he used the radio, but the hearings will show that the Comptroller General, while he permitted the accounts to pass, told him that hereafter he would not do it, because it was legislation and not authorized by law. I repeat, if it is not legislation, there is no necessity for carrying it in this bill. The fact that it is proposed shows that it is necessary to have legal authority for radio advertisement, and I insist on the point of order.

Mr. MADDEN. Mr. Chairman, the law which authorized the Secretary of the Treasury to issue bonds also provides that there may be set up an appropriation equal to a percentage of the total amount of the bonds, from which he is authorized to pay all "necessary expenses." On page 898 of the hearings the Chair will find the following language:

Section 10 of the act of September 24, 1917 (second Liberty bond act), which contained the second appropriation for "Expenses of loans," reads as follows:

"That in order to pay all necessary expenses, including rent, connected with any operations under this act, except under section 12, a sum not exceeding one-fifth of 1 per cent of the amount of bonds and war savings certificates and one-tenth of 1 per cent of the amount of certificates of indebtedness hereon authorized is hereby appropriated, or as much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct."

It is true that the Comptroller General ruled that the language of the act was not sufficiently comprehensive to admit of the use of radio in advertising for the refunding of the bonds that were outstanding, because he said—though I think it was not a very good reason—that it was a modern appliance. If a modern appliance can not be used, what shall we use? Then, on the other hand, if the Comptroller General ratified the use of it, by the fact that he passed the account for the expenditures

that had been made, but said "don't do it again," there must be some authority in the act. Where did he get his "television" that enabled him to decide that the law was good on one occasion, but would not be good later? One time he says there is law, and then he says there is not. Which decision shall we follow? What will my friend from Tennessee [Mr. BYRNS] do in that case? Is he going to follow the first ruling of the Comptroller General, where he authorized the payment of the bills, or the second ruling, when he said there would not be any future law for them. Undoubtedly there is law. The act provides that the Secretary of the Treasury is authorized to "pay all necessary expenses." What does that mean? I do not know how many of these bonds are out, but something over $4,000,000,000, and I think some 65 per cent, or more, of them are in denominations of from $50 to $100 each.

Irrespective of that, I contend that this is just as much in order as any other item in the bill. Newspaper advertising and all kinds of other activities are paid under this indefinite appropriation. Merely because this is the radio, which reaches more people and costs less money to reach them than any other method, is no reason why the law is not good, especially since the law provides an appropriation, "in order to pay all necessary expenses" and "to be expended as the Secretary of the Treasury may direct." Shall it be said and agreed that we are violating the rules when we set apart, as this amendment proposes to do, $10,000 out of any balance of the appropriation which was authorized under the one-fifth and the one-tenth of 1 per cent of the total amount of bonds? We are also limiting the power of the Secretary of the Treasury, rather than enlarging it, because we say to him that he can take only $10,000 out of that indefinite sum for a given purpose. We contend the purpose is not only legal but legitimate and meritorious.

Mr. BYRNS. Mr. Chairman, my friend from Illinois [Mr. MADDEN] has asked me which ruling of the Comptroller General I am going to rely upon. He seems to be relying upon the second ruling, in which the Comptroller General held that expenses incurred in the radio advertisement were not authorized by law. As the hearings disclose, the facts are that this amendment was requested by the Undersecretary of the Treasury, and it is put into the bill at his instance, due to the ruling of the Comptroller General that, although they did advertise through the radio in June, 1927, since the expense was incurred and the bills had been paid, he would permit the account to pass, but with the express notice that there was no law to authorize it, and that any future radio advertisements would be disapproved. I submit that if the argument of the gentleman from Illinois is correct this is already authorized by law, and there is no reason to place the amendment upon this bill. If they already have the authority, why give the authority again in this bill? When the general law was passed the radio had not been developed. Hence Congress could not have had such advertisement in mind. This is why the Comptroller General held this kind of advertising not authorized by law and why it is deemed necessary to have the authority given in this bill. It is clearly legislation and therefore not proper on an appropriation bill.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. BYRNS. I yield.

Mr. MADDEN. It is merely because we want to spend it.

Mr. BYRNS. That is the reason offered by my friend a moment ago. My recollection is that the Undersecretary of the Secretary said it would cost $4,400 or $5,000, or something of that sort. But I submit, Mr. Chairman, in view of the statement of the Undersecretary, the real reason for this amendment is that it is necessary in order to permit the Treasury Department to advertise through the radio; and it seems to me that the very fact that the amendment is offered is a demonstration of that. There is no limitation on other forms of advertising. The gentleman from Illinois has not sought to make any limitation upon other methods of advertising that may be used by the Secretary of the Treasury which is authorized by law. It is rather strange that he would make an exception in favor of radio, if that be the fundamental reason for offering this amendment. I submit, Mr. Chairman, that the amendment is subject to a point of order and is legislation upon an appropriation bill.

The CHAIRMAN. The Chair is ready to rule. Section 8 of the act of April 24, 1917—first Liberty bond act—containing the first appropriation for "Expenses of loans," reads as follows:

That in order to pay all necessary expenses, including rent, connected with any operations under this act, a sum not exceeding one-tenth of 1 per cent of the amount of bonds and one-tenth of 1 per cent of the amount of certificates of indebtedness herein authorized is hereby appropriated, or as much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, to be expended as the Secretary of the Treasury may direct.

Section 10 of the act of September 24, 1917—second Liberty bond act—which contained the second appropriation for "Expenses of loans," contains practically the same language.

These sections have been continued and extended, and they are the law to-day, so that it seems to the Chair that the only question to be decided here is whether or not the words "necessary expenses" would warrant advertising through radio. It has been suggested that the Comptroller General has refused to recognize advertising through radio because that is a "modernism." I do not know that that is exactly the ground on which a ruling should be made here, but it seems quite clear that when this law was enacted in 1917, and continued by subsequent legislation, it was the purpose of the Congress to give to the Secretary of the Treasury the discretion to use the funds appropriated by the Government for all "necessary expenses" in carrying out the purposes of the act.

Now, is this a necessary expense? Who is to determine whether or not it is a necessary expense? It seems to the Chair that that discretion is lodged in the executive officer whose duty it is to carry out the purposes of the bill. The executive officer has found that radio is a modern means and method of advertising, and in his judgment it is a proper method to use in dealing with our debt obligations under the law above mentioned. The amendment offered here is in the form of a limitation. It limits the amount which may be expended for this particular purpose to $10,000. There is nothing in the amendment which would tend to extend or broaden the statute. The provision which was stricken out on a point of order clearly attempted to construe a statute law. Therefore under the rulings of the House it was legislation upon an appropriation bill. The Chair therefore feels that in view of the circumstances and the decisions, the words "necessary expenses" are sufficiently broad to include the item of advertising by radio, especially when a limitation is placed in the amendment. The Chair therefore overrules the point of order.

The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. LINTHICUM. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Maryland makes the point of order that there is no quorum present.

Mr. LINTHICUM. I withdraw the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is withdrawn.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CUSTOMS SERVICE

For collecting the revenue from customs, for the detection and prevention of frauds upon the customs revenue, and not to exceed $10,000 for the securing of evidence of violations of the customs laws, including not to exceed $5,000 for the hire of motor-propelled passenger-carrying vehicles, $18,940,000, of which such amount as may be necessary shall be available for salaries of general appraisers and justices of the United States Customs Court retired under the provisions of section 518 of the tariff act of 1922, and $169,800 shall be available for personal services in the District of Columbia exclusive of eight persons from the field force authorized to be detailed under section 525 of the tariff act of 1922: *Provided*, That not to exceed $10,000 of the total amount appropriated shall be available for advances to be made by disbursing officers when authorized by the Secretary of the Treasury, the provisions of section 3648 of the Revised Statutes to the contrary notwithstanding.

Mr. BANKHEAD. Mr. Chairman, I desire to reserve a point of order against the proviso in order to get some information from the chairman of the committee as to what this proviso covers and the reason for it. It is clearly legislation.

Mr. MADDEN. This proviso has been in the bill for a great many years. The $10,000 referred to is for the purpose of advancing funds in special cases to get information upon which they can disclose violations of the customs law. The United States sends agents abroad to get advance information about smuggling, so that by the time the smuggler gets over here the authorities will have all the necessary information to make arrests.

Mr. BANKHEAD. Mr. Chairman, I withdraw the reservation.

The CHAIRMAN. The reservation is withdrawn. The Clerk will read.

The Clerk read as follows:

Refunding taxes illegally collected: For refunding taxes illegally collected under the provisions of sections 3220 and 3689, Revised Statutes, as amended by the revenue acts of 1918, 1921, 1924, and 1926, including the payment of claims for the fiscal year 1929 and prior years, $132,000,000: *Provided*, That a report shall be made to Congress of the disbursements hereunder as required by such acts, including the names of all persons and corporations to whom payments are made together with the amount paid to each: *Provided further*, That no part of this appropriation shall be available to refund any amount paid by or collected from any manufacturer, producer, or importer in respect of the tax imposed by subdivision (3) of section 600 of the revenue act of 1924, or subdivision (3) of section 900 of the revenue act of 1921, or of the revenue act of 1918, unless the Commissioner of Internal Revenue certifies to the proper disbursing officer that such manufacturer, producer, or importer has filed with the commissioner, under regulations prescribed by the commissioner with the approval of the Secretary of the Treasury, a bond in such sum and with such sureties as the commissioner deems necessary, conditioned upon the immediate repayment to the United States of such portion of the amount refunded as is not distributed by such manufacturer, producer, or importer, within six months after the date of the payment of the refund, to the persons who purchased for purposes of consumption (whether from such manufacturer, producer, importer, or from any other person) the articles in respect of which the refund is made, as evidenced by the affidavits (in such form and containing such statements as the commissioner may prescribe) of such purchasers, and that such bond, in the case of a claim allowed after the passage of this act, was filed before the allowance of the claim by the commissioner.

Mr. MADDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 19, line 8, strike out the figures "$132,000,000" and insert in lieu thereof the figures "$130,000,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF PROHIBITION

For expenses to enforce the provisions of the national prohibition act and the act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," approved December 17, 1914, as amended by the revenue act of 1918, and the act entitled "An act to amend an act entitled 'An act to prohibit the importation and use of opium for other than medicinal purposes,' approved February 9, 1909," as amended by the act of May 26, 1922, known as "the narcotic drugs import and export act," including the employment of executive officers, agents, inspectors, chemists, assistant chemists, supervisors, clerks, and messengers in the field and in the Bureau of Prohibition in the District of Columbia, to be appointed as authorized by law; the securing of evidence of violations of the acts; the purchase of such supplies, equipment, mechanical devices, laboratory supplies, books, and such other expenditures as may be necessary in the District of Columbia and the several field offices; hire, maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary; and for rental of necessary quarters; in all, $12,729,140, of which amount not to exceed $658,320 may be expended for personal services in the District of Columbia: *Provided*, That not to exceed $1,350,440 of the foregoing sum shall be expended for enforcement of the provisions of the said acts of December 17, 1914, and May 26, 1922, and the Secretary of the Treasury may authorize the use by narcotic agents of motor vehicles confiscated under the provisions of the act of March 3, 1925, and pay the maintenance, repair, and operation thereof from this allotment: *Provided further*, That no money herein appropriated for the enforcement of the national prohibition act, the customs laws, or internal revenue laws shall be used to pay for storage in any private warehouse of intoxicating liquors or other property in connection therewith seized pursuant to said acts and necessary to be stored, where there is available for that purpose space in a Government warehouse or other suitable Government property in the judicial district wherein such property was seized, or in an adjacent judicial district, and when such seized property is stored in an adjacent district the jurisdiction over such property in the district wherein it was seized shall not be affected thereby: *Provided further*, That for purpose of concentration, upon the initiation of the Commissioner of Prohibition and under regulations by him, distilled spirits may be removed from any internal-revenue bonded warehouse to any other such warehouse, and may be bottled in bond in any such warehouse before or after payment of the tax, and the commissioner shall prescribe the form and penal sums of bond covering distilled spirits in internal-revenue bond warehouses, and in transit between such warehouses.

Mr. LINTHICUM. Mr. Chairman, I offer an amendment and make the point of order of no quorum.

The CHAIRMAN. The gentleman from Maryland makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and twelve Members are present, a quorum. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LINTHICUM: At the end of line 15, page 22, insert: "*Provided further*, That no money herein appropriated for the enforcement of the national prohibition act shall be used in the preparation or issue of any permit for the removal or use of any industrial alcohol known to be denatured by any poisonous drug or other material injurious to the human system."

Mr. MADDEN. Mr. Chairman, I reserve a point of order against the amendment, and I ask unanimous consent that debate on this paragraph and all amendments thereto be limited to one hour and that the time shall alternate between those opposed to the amendment and those in favor of the amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on this paragraph and all amendments thereto be limited to one hour and that the time shall alternate between those opposed to the amendment and those in favor of the amendment. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Chairman and gentlemen of the committee, I have introduced this amendment for the purpose of prohibiting a custom which has grown up in the Prohibition Unit, which is called by Senator JAMES A. REED a most damnable custom, a custom which allows the Prohibition Unit to put poison in alcohol when they know that of the 60,000,000 gallons of industrial alcohol which was issued 6,000,000 gallons would go to the bootleggers and become the drink of the country. They poisoned this alcohol, and the consequence has been that in this country we have had 11,700 deaths from poisoned liquor, including that directly attributable to alcohol which was poisoned and by virtue of such poison caused death from cirrhosis of the liver.

Senator JAMES A. REED said to Doctor Doran:

Do you not think that it is a very wicked thing, when you know that 10 per cent of your products are getting out to the people, to put in poison or substances that are so subtle that people will drink them without knowing and destroy their health and life? Do you not think that it is about the nearest approach to murder that a man can commit? * * * You put the poison in it, and you know that 1 drop out of every 10 is going to be drunk by some human being * * *. You gentlemen are officers of the law, paid by the public, and you tell me that you take 60,000,000 gallons of alcohol and render it poisonous and of the 60,000,000 gallons, 6,000,000 gallons are going to be drunk by human beings, the effect being deleterious in some instances and poisonous in others. * * * Now, even if this unfortunate creature who drinks knows that he is getting it from a bootlegger, are not you after all doing something that can not be justified in morals or anything else? * * * I think you are poisoning the American people. I think it is wicked; I think it is infamous; I think it is damnable.

I do not propose to discuss the matter to any great length, but it seems to me that if there ever was anything done by this Government which has been most injurious to the people of the country it has been this habit of absolutely poisoning the alcohol which it was known would get into the hands of people who drink liquor, and when the Prohibition Unit knew that 6,000,000 gallons of this denatured alcohol, poisoned under the authority and with the permission of the Government, would get into the hands of people who would drink the same.

I am not talking about the enforcement of the Volstead Act, because I think there are other ways in which it can be enforced. This amendment only prohibits the issuance of any permit which allows the distribution or withdrawal of industrial alcohol which is poisoned or which has some drug in it that is injurious to the human system.

Statistics for 1926 showing a startling increase in the death rate from alcoholism and from cirrhosis of the liver, a disease attributed to alcohol, have just been made public. Not only do they indicate the constantly increasing use of liquor under the Volstead Act but they indicate an increasing one of poisoned liquor. The figures obtained from the United States Bureau of the Census show that in virtually every State, whether called "wet" or "dry," the death rate has been mounting.

Between 1914 and the taking effect of the Volstead Act, January 17, 1920, there had been a steady decrease in the number

of deaths from alcoholism until the rate then stood at 1 per 100,000. In 1926, the last available figures just made public, it had risen to 3.9 per 100,000, or practically four times greater. In 1920 the rate of deaths from cirrhosis of the liver was 6.2; in the figures for 1926, just made public, it was 7.5, many of which deaths were caused by poisoned liquor.

The seriousness of this subject was recognized by the conference of State health officers, which met in Washington last May, and it was proposed that a commission of experts be named to study conditions from the standpoint of public health, but the United States Public Health Service, which is a bureau in the Treasury Department, which in turn is responsible for prohibition enforcement, opposed it and it was not adopted.

Certainly the death in one year of 11,700 persons from alcohol and its poisonous ingredients should receive even the sympathy of prohibition fanatics.

When we try to humanize this Volstead Act we are falsely accused, but the work will continue until this great question is rightfully decided.

I went into a discussion of this whole question yesterday, and I hope I brought out clearly why I think the Volstead Act should be modified. But no question about modification is before us at this time. There is no question as to whether you believe in prohibition or whether you do not believe in prohibition. There is no question as to whether you believe in temperance or do not believe in temperance. The great question before you to-day is whether you believe in the enforcement of the act by poisoning the liquor which is bound to get into the hands of the people and when the Government knows that 6,000,000 gallons will eventually reach them. Ten thousand gallons of poisoned alcohol mean 80,000 quarts of gin and it means 120,000 quarts of whisky. So when you poison 10,000 gallons of alcohol you poison 80,000 quarts of gin and you poison 120,000 quarts of whisky. You can from this calculate just what it means when 6,000,000 gallons of alcohol is consumed.

It is for this committee to say as to whether it approves of our Government poisoning people through this denatured poison when some other denaturant can be used which does not poison the human system, causing death or ill health.

Mr. WELLER. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. WELLER. Have the gentleman's studies with reference to poisoned liquor led him to any figures or statistics with reference to the whisky and alcohol sold by drug stores under permit?

Mr. LINTHICUM. I can say to the gentleman, as I said in my speech yesterday, that the liquor consumed in this country costs about $2,807,000,000 for bootlegged and moonshine goods. I do not know how much liquor sold in the drug stores is consumed. Much liquor is kept in the drug stores and sold on prescription. It is quite a vast quantity, but I have not been able to get any figures upon it.

Mr. SIROVICH. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. SIROVICH. Will the gentleman kindly tell the House the quantity and the character of the drugs or poisons that are put into liquor by the Government?

Mr. LINTHICUM. I am not informed as to the quantity or character of poisons they put into it, but I know it was admitted by Doctor Doran that 6,000,000 gallons of poisoned alcohol went into the hands of those people who drink it.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. BLACK of Texas. Mr. Chairman, I make the point of order against the amendment upon the ground that while the language of the amendment is in the form of a limitation that really it amounts to the enactment of a new legislative policy, and that is not permissible under the rules of the House on an appropriation bill.

Supporting the point of order, I would cite the Chair to a brief statement of a decision rendered by Chairman LUCE on January 8, 1925, reported in paragraph 825 of the Rules of the House as contained in the manual. Mr. LUCE, the Chairman, in that decision said:

> In construing a proposed limitation, if the Chair finds the purpose to be legislative, in that the intent is to restrict executive discretion to a degree that may be fairly termed a change in policy rather than a matter of administrative detail, he should sustain the point of order.

The present Volstead Act contains a provision that permits the issuance of permits for the use of alcohol for industrial purposes, but it also demands that such industrial alcohol shall be denatured so that it will be unfit for use for beverage purposes. If the amendment that is now pending should be enacted, practically that part of the Volstead Act would be repealed and the Secretary would not be able to issue permits for alcohol to be used for industrial purposes. He would have to scrap all of his formulas for denaturing alcohol. I submit, if the amendment is adopted it amounts to the enactment of a legislative policy and therefore is in contravention of the rules of the House.

I make the point of order upon that ground. It is really tantamount to the enactment of a new legislative policy and is not a limitation on an appropriation bill in the sense that limitations are in order.

Mr. LINTHICUM. Mr. Chairman, only a few days ago the question was up whether we could put a limitation on a bill prohibiting the Government or the War Department from transporting troops into foreign territory. My amendment is very similar to that amendment then proposed and which was ruled in order by the Chair at that time. That, also, if passed, would have changed the policy of the National Government, especially the policy of the present administration, because it is transporting troops into foreign territory. It is supplying troops in foreign territory, and the adoption of that amendment, which was ruled in order by the Chair, would have changed the whole policy of the present administration upon that subject. Now, the policy which we propose to change is the policy of poisoning American citizens by inserting poisonous drugs in industrial alcohol which is issued under these permits. If the amendment which was ruled in order the other day, and which was a limitation, was proper then, certainly this amendment is proper now.

Mr. BLACK of Texas. Mr. Chairman, I just wish to say in reply to some of the things which have been said that the purpose of these permits is not to permit alcohol to be withdrawn for beverage purposes but for industrial purposes. There is nothing before the House as a scientific fact that we may know that it is possible to really denature alcohol without putting something in it that is harmful or poisonous to the human system. Certainly you would not denature alcohol by flavoring it up so as to make it pleasant for the human taste. It is probably not possible to denature alcohol without putting into it some unwholesome substance; and yet if this amendment is enacted the whole legislative policy would be changed; and it might be beyond the possibilities to permit alcohol to be withdrawn for industrial purposes.

Mr. LINTHICUM. Mr. Chairman, the facts are that Doctor Doran, who is now in charge of prohibition enforcement, stated that 60,000,000 gallons of industrial alcohol is withdrawn every year. He also stated that he knew that 6,000,000, or 10 per cent thereof, is used for beverage purposes in this country. He stated it was all poisoned, and Senator REED called it a most damnable act to poison American citizens. I do not know that this amendment will change the policy of the Government, but if it is the policy of the Government to poison American citizens, it ought to be changed, and that is the purpose of this amendment. The gentleman from Texas [Mr. BLACK] the other day voted for the amendment which prohibited the National Government or the War Department from transporting troops into foreign territory. This amendment is on all fours with that.

Mr. BLACK of Texas. Oh, that is not a change of legislative policy.

Mr. LINTHICUM. That would have changed the whole policy of the Government.

Mr. BLACK of Texas. No; there is no legislative policy that authorizes the President to send American troops into a foreign country.

Mr. LINTHICUM. And there is no legislation that authorizes the Prohibition Bureau to poison American citizens, but they do it just the same, and they kill thousands more people than they do in Nicaragua.

Mr. BLACK of Texas. Oh, well, of course they do not do that.

Mr. LINTHICUM. They do do it.

Mr. BLACK of Texas. There is a law that authorizes the Prohibition Bureau to issue permits for industrial alcohol and the affirmative requirement is that it be denatured.

Mr. LINTHICUM. And the Prohibition Bureau passes upon the substance through which it is to be denatured, because I talked to them and they told me that themselves.

Mr. LEHLBACH. Mr. Chairman, with reference to the point of order, of course we understand that with the merits of the proposition we have nothing to do. Whether a limitation on the expenditure of an appropriation changes the policy of the Government, by prohibiting or preventing through lack of money for that purpose a course of action which the Government has heretofore pursued, has nothing whatever to do with the determination of the question. An amendment is simply a

limitation if the money hereby appropriated may not be spent for a certain specific purpose. If that is all the amendment does, it is a limitation.

This proposed amendment does not impose new duties on any official of the Government. It does not vest any official of the Government with discretion that he at present has not. It does not change a substantive law on any subject. It merely says that the money herein appropriated shall not be spent for this purpose, which is a clear purpose that requires no discretion, no affirmative administrative action to ascertain its application, or anything of that sort. Therefore it is clearly a limitation and in order.

Mr. CRAMTON. Mr. Chairman, the gentleman from New Jersey is not quite correct. The amendment that has been proposed, it is true, does not vest any official of the Government with a discretion he does not have now. It does not add any discretion which officials of the Government do not now have, but it does, on the contrary, take away a discretion which they do have.

Mr. LEHLBACH. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. LEHLBACH. Does not every limitation take away from an official the discretion to spend the money?

Mr. CRAMTON. The limitation may properly take away from the official the opportunity to spend the money, but the limitation, to be in order, must not change the law under which he must act in the performance of his official duties. Under the law the Commissioner of Prohibition is required to pass upon applications for permits for the withdrawal of certain alcohol for industrial use. In order to protect the use of that alcohol, in order that he may perform his duty and be sure that the alcohol is used not for beverage purposes but only industrially, he has the authority to require certain ingredients put in the alcohol, and certain formulas are submitted to him and approved by him.

This amendment does not say that he may not use any money in passing on applications for permits. If that were the amendment, however unwise it might be, it would be parliamentary—if the amendment read, "none of this money shall be used in the supervision of the issuance of permits," that would be parliamentary and in order.

Instead of that it says that he can use this money only in issuing permits for certain kinds of alcohol, permits for the use of industrial alcohol according to certain formulas. Now, that is a change of substantive law. It limits the discretion of all officials, and under our rules a limitation may not limit the discretion of officials or add to their discretion or place new duties on them. It is clearly, Mr. Chairman, not in order under the rule as to limitations.

Mr. LEHLBACH. Will the Chair indulge me a few more words?

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. LEHLBACH. All the amendment does is to say to the official you may not spend this money to secure the placing in industrial alcohol poisonous or other injurious substances. It does not vest them with discretion. Every inhibition to spend money takes away from the official the discretion of spending the money for that purpose. All this limitation does is to say you can not exercise your discretion in the use of poison in alcohol.

Mr. HOCH. Mr. Chairman, if I understood the reading of the amendment the latter part says—will the Chair give me the latter part of the amendment?

The CHAIRMAN. The amendment reads:

Provided further, That no money herein appropriated for the enforcement of the national prohibition act shall be used in the preparation or issue of any permit for the removal or use of any industrial alcohol known to be denatured by any poisonous drug or other material injurious to the human system.

Mr. HOCH. It is the latter part that I have reference to. I concur in the argument made by the gentleman from New Jersey with the possible exception of the last few words, "injurious to the human system." If it said which contains some particular substance so there would be no exercise of judgment I think it would be simply a limitation on the expenditure of this money and therefore in order under the rule. But if it imposes a duty on the officials to go into a chemical examination or analysis to determine whether certain substances are injurious to the human system then I think this goes beyond a mere limitation and imposes a new duty on the officials.

Mr. LEHLBACH. Mr. Chairman, in answer to the gentleman from Kansas I wish to say that if it required study, if it required analysis, if it required any protracted labor or examination to ascertain what is injurious to the human system there might be some merit in the argument of the gentleman from Kansas. But any child of reasonable intelligence who goes to a grammar school knows that the substances used to denature alcohol are injurious to the human system.

Mr. HOCH. Mr. Chairman, I am not sure that the gentleman states a fact when he says that there is no question about the things that are injurious to the human system. There might be, and probably is, a great difference of opinion in respect to that. In fact, the gentlemen who are urging this amendment claim that alcohol itself is helpful to the human system, while others assert that it is injurious. An amendment to an appropriation bill, offered as a limitation, must clearly come within the rules of the House in order to make it in order as a limitation. It seems to me that the latter part of this amendment does place a new discretion and a new duty upon an administrative officer. In other words, it would not be a clear case of whether this money was to be spent or not. In order to bring it within the rule of limitation it must be a case so clear that the administrative officer will have no question whatever as to whether this money should be expended for that purpose, and as soon as it is not clear, and he is compelled to determine something, then I think we have gone beyond the rules of the House as to limitations, and have imposed upon this administrative officer a new duty.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. HOCH. Yes.

Mr. LINTHICUM. The gentleman, of course, is aware that all of these denaturants are passed on by the Prohibition Unit before they are used, and they know just what drug or other material is used in every bit of industrial alcohol for which they issue permits; so that it is a knowledge they already have.

Mr. HOCH. They know what drug is used, but the question of whether it is injurious to the human system is another matter.

Mr. LINTHICUM. Any medical encyclopedia would tell them what the effect of the drugs are.

Mr. BLACK of Texas. Mr. Chairman, I would like to make this one more observation. We must recognize that we are not dealing with medicinal liquors in this pending amendment. Medicinal liquor is prescribed by a physician. Under the Volstead Act the Prohibition Unit has the right to issue permits for the use of industrial alcohol, but must require that it be denatured. Naturally the Prohibition Commissioner, from humane motives, undertakes to prescribe formulas that will be as little harmful as possible to the human system if the alcohol be unlawfully diverted to beverage purposes. He does that, of course, because he recognizes that some unfortunate may get hold of the liquor and drink it, and he naturally uses all of the scientific knowledge that is at his command in order to prescribe formulas that will not be harmful to the human system. But if we adopt this amendment it will then become the affirmative duty of the commissioner, if he issues these permits for industrial alcohol, to make an exhaustive research to see that any formula used will not be harmful to the human system. It must be remembered that we are dealing with industrial alcohol and the law requires that it be denatured. To denature alcohol does not mean to flavor it up with vanilla extract or other pleasant-tasting flavors. That would not be denaturing alcohol, but would be making it pleasant for beverage purposes.

Mr. O'CONNELL. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. O'CONNELL. Why should he not make an exhaustive investigation?

Mr. BLACK of Texas. He does, but you might by this sort of a limitation put it beyond his powers to issue any permit for industrial alcohol.

Mr. O'CONNELL. I think we are putting it within his power to do it by that amendment.

Mr. CRAMTON. Mr. Chairman, from a hurried reference to the Volstead Act there is a requirement in section 2 of Title III that—

Any person hereafter establishing a plant for the production of alcohol shall likewise before operation make application, file bond, and receive permit.

Again, in section 11 of the same title, under "tax-free alcohol," there is a provision that any person permitted to obtain alcohol tax free, except the United States, and so forth, shall first apply for and secure a permit to purchase the same and give the bonds described under Title I, but alcohol withdrawn for nonbeverage purposes for use of the United States, and so forth, does not apply.

It is made the duty of the Commissioner of Prohibition to issue a permit for the use of alcohol for nonbeverage purposes. This amendment limits the discretion of the official in performing that duty. If the amendment should provide that this

money could be used for passing upon applications for permits, that would be a proper limitation, so far as the parliamentary situation is concerned, but when they go further and say that the Commissioner of Prohibition must continue to pass on those applications for permits and that in passing on them he shall not have the authority he has heretofore had, he shall not be permitted to require certain formulas to be used, certain denaturants to be used, but must permit only the use of such denaturants as he holds are not injurious if used as a beverage, he is immediately called upon and forced to exercise a determination as to whether or not they are injurious. You will put that new duty upon him to determine whether that which is used in order to prevent the use of alcohol for beverage purposes is going to be noninjurious if used for beverage purposes. It adds a new responsibility and it takes away a wide discretion that he now has.

The CHAIRMAN. The Chair, of course, has had no opportunity to make any investigation of this matter other than the arguments presented on the floor. Those arguments, of course, present different views and are far from satisfying. Each of the eminent parliamentarians discussing the matter is thoroughly satisfied that he is absolutely correct in his deductions. The Chair has no such certainty of opinion. However, at first blush the Chair believes that this amendment is a limitation, such a limitation as is permitted under the rules and precedents of the House.

It does not require an investigation; it does not interfere with the discretion of an officer; nor does it necessarily change a policy. A limitation merely provides that the money appropriated may not be used for a certain purpose, whether that purpose changes a policy or nullifies an act. It is a restriction upon the use of the money. That is all that this amendment does.

As to whether or not it interferes with the discretionary power of the enforcement officer of the prohibition law to such an extent as to change the policy of the department is another matter, but the Chair feels that the enactment of this amendment would not change the policy. So far as an investigation being necessary on the part of the enforcement officer is concerned, the Chair finds the language to be, "shall be used in the preparation or issue of any permit for the removal or use of any industrial alcohol known to be denatured by any poisonous drug or other material injurious to the human system," and the Chair does not feel that that would require an investigation, an extensive investigation, on the part of the enforcement officer. It does not appear that additional duties are imposed upon an officer. It provides how this money shall be expended. Regardless of the Chair's opinion as to the merits of the amendment, he feels constrained to overrule the point of order.

The question is on agreeing to the amendment.

Mr. MEAD. Mr. Chairman, I desire to take the time of the House for a few moments, first of all, to answer a statement advanced by the gentleman from New York [Mr. LAGUARDIA] a few days ago which reflected upon the fair name of the city of Buffalo, N. Y., and also to say something about the great problem that we have along the Niagara frontier, which, in my judgment, is very germane to this section of the bill making appropriations for the regulation of the importation and exportation of intoxicating liquors. The gentleman [Mr. LAGUARDIA] stated—to use his exact language I read from the RECORD:

> The sad feature about this is that a close investigation of this office—to which the gentleman refers—will find several agents of the Government going there at stated intervals; that breweries in New York City, Kingston, in Poughkeepsie, in Westchester County, and also in Erie and Monroe Counties, operate through this clearing house.

Now, my friends, that is not true. I deny that there are any breweries operating illegally in Buffalo. I deny that there is any protection given to breweries in my particular section of the country. Let me read to you a statement from the Buffalo Evening News of Wednesday, February 1, the day before the gentleman made his charges:

> One hundred and sixty thousand dollars in beer to be destroyed—Ontario's new law spoils "near-beer" trade here, so East Buffalo brewery will quit business.

Talking about the sad features, that certainly is the sad feature.

> Five thousand barrels of beer, all of preprohibition strength, will be destroyed by dry agents, acting in conjunction with employees of the Ebbco Beverage Co., operators of the $400,000 East Buffalo brewery in Emslie Street, near Williams Street, as the result of the decision of the officers of the company Tuesday to surrender the corporation's cereal beverage permit and retire from the brewing business.
>
> This company has been in business for 60 years, and prior to prohibition occupied an outstanding position in the brewing industry. Employees were given written notice to-day of the discontinuance of the business.
>
> With Ontario breweries providing good standard beer and ales, the market for prohibition near beer in the Buffalo area has diminished almost to the vanishing point, and that fact and the constantly increasing regulation to which cereal beverage manufacturers are subjected by the Prohibition Department are assigned by officers of the company as the governing reason in their decision to retire from the cereal beverage business.
>
> It is useless for us to attempt further competition when Canadian breweries are all making brews of proper strength—with emphasis on the word "proper."

Now, my friends, prohibition in this country and temperance or personal liberty in Canada makes this international problem a most serious one. With New York, on one side of the Niagara River, as dry as the Sahara Desert, and Ontario, just across the river, as wet as the river that separates us from that land of promise, we find a great and serious situation developing day by day; so much so that some patriotic citizens decided to build a great concrete bridge that would connect the city of Buffalo with the Dominion of Canada and bring us closer together in friendship, in spirit, and perhaps in spirits. [Laughter.]

This bridge was dedicated on the 4th day of July, the day we celebrate our independence—save the mark—and on that great day the Prince of Wales and many other princes of good fellows joined in dedicating that wonderful structure. Thousands of people crossed the bridge that day into the moist Province of Canada, and when many of them returned they were as unconstitutional as any good quart of Scotch ever happened to be. [Laughter.]

When the discussion came up about the building of this great bridge some people complained because of its cost. It was to cost in the neighborhood of $5,000,000. But many of them, who have since used the bridge, say it is worth a hundred millions. [Laughter.] Others contend that it would have been better for this country to have built a pipe line, with one end of it open in the city of Buffalo. [Laughter.]

Astounding statistics on the continued growth of Canadian liquor exports to the United States, despite United States dry laws, have just been compiled at the Canadian capital. They show an increase of over $2,000,000 in the 1927 Canadian-United States booze business over the 1926 figures.

Whisky exports from Canada to the United States—here are the monthly totals for the two years 1926 and 1927:

	1927	1926
January	$1,774,533	$1,241,013
February	1,112,825	1,056,629
March	1,699,928	1,616,213
April	905,684	790,581
May	1,342,754	749,156
June	1,696,680	1,382,308
July	1,228,577	1,216,474
August	1,407,055	1,119,205
September	1,718,685	1,490,002
October	1,625,713	1,459,272
November	−1,603,392	+1,774,784
December	1,600,000	1,579,343

In addition to the above big totals, there were exported from Canada to the United States during 1927 foreign liquors to the value of $2,500,000, as compared with $1,183,533 in the corresponding period in 1926, and also some $6,000,000 worth of beer, gin, and other beverages.

CANADA EXPORTS $26,000,000

The monthly comparisons of Canadian booze shipments to the United States will show that there was an increase over every corresponding month of 1926, excepting in November, when, for some reason—probably a brief period of activity by preventive officers—the month's total showed a decline of about $170,000 over November of 1926.

The same Government compilations provided an eye opener for Canadians in another respect, and that was that the dominion is spending about $1,000,000 a week on alcoholic beverages. The domestic production of whisky, gin, beer, and other strong drinks amounts to $40,000,000 per annum. And Canada has imported during the 12 months of 1927 another $40,000,000 worth. Of the total quantity Canada exported to the United States and other countries $26,000,000 worth, keeping $54,000,000 worth to quench the thirsts of its own 9,000,000 people.

Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five additional minutes. Is there objection?

Mr. MADDEN. Mr. Chairman, I object. Of course, if this is to be taken out of the 30 minutes given to those in favor of the amendment, I shall not object.

The CHAIRMAN. The time will come out of the 30 minutes given to those in favor of the amendment.

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. I understood I was to control 30 minutes of the time and that the gentleman from Illinois was to control 30 minutes of the time. I wish to say that I have two requests for time, and I ask the Chair to bear that in mind.

The CHAIRMAN. The Chair will recognize gentlemen for five minutes. Any additional time must be gained by the unanimous consent of the committee. The Chair again states: Is there objection to the request of the gentleman from New York that he may proceed for five additional minutes?

Mr. CRAMTON. Mr. Chairman, let us understand. That would be a part of the 30 minutes?

The CHAIRMAN. That would be a part of the 30 minutes in favor of the amendment. Is there objection to the request of the gentleman from New York.

There was no objection.

Mr. MEAD. Connecting up my story, I want to say that the problem which confronts us along the Niagara frontier is due, of course, to the fact that Canada has repealed prohibition and substituted Government control, with the result that the citizens of the United States, taking advantage of the situation, journey over to Canada in large numbers.

On the Canadian side of the river, on what was formerly mere pasture land, there is in the building a great city, 25 miles in length. They are constructing club houses, building athletic institutions, summer homes; in fact, a great city is being built, to the economic loss of our side of the river and the enrichment of the wise Province of Ontario.

As an example, here is an invitation that came to me a few days ago from a newly formed Country Club in Canada:

JAMES M. MEAD, Esq.

DEAR SIR: There will be a social for the members, their families, and friends Sunday, February 12, from 2.30 p. m. to 12 m.

Try and come over and have a real day's enjoyment in our new clubhouse—

And so forth.

Many of these clubs are being formed over there for the accommodation of our citizens, and I want you to know the hospitality of our Canadian friends is unbounded. On one occasion a Buffalonian went over there to get a permit to buy his ration of liquor. When asked where he lived he was a little reluctant as to whether he ought to tell a lie and give a Canadian address. The clerk in the store actually thought of an address and gave it to him. So, my friends, they have the welcome sign out for Americans all the time, and while we are trying to hinder Canadians from coming into our country by our strict enforcement of the immigration laws, they are welcoming Americans by the thousands into their country. In that they are as wise as we are stupid.

The Ontario Tourist Bureau is pleased to report that for the past season tourists entering the Province by automobile spent something over $40,000,000, an increase of 48 per cent over 1926. Wet now.

Included in the expenditure is $80,600 for liquor licenses. How much was spent for the liquor obtained with the licenses is not given by the bureau, but a statistician on the outside figures that it might reach the full total of expenditures given by the bureau.

All together about $300,000 went into the imperial treasury from the visitors from this side the line.

Ontario is a beautiful country and it has some fine fishing grounds. There are beautiful spots in the United States, too, and some excellent fishing is to be had without going so far afield; but the fishing on this side, notwithstanding the eagerness of the trout to bite, is rather dry compared to that in Ontario, so New York must grin and bear it.

Ontario stands for national decency, for honesty, public integrity, and a high standard of morals, while hypocrisy, deceit, lawbreaking, and debauchery is rampant under prohibition in our land.

The CHAIRMAN. The gentleman from Michigan [Mr. CRAMTON] is recognized for five minutes. [Applause.]

Mr. CRAMTON. Mr. Chairman, this amendment vitally involves the enforcement of the eighteenth amendment to the Constitution. More than that, I have the word of Doctor Doran that it involves the prosperity of many great industries in this country.

It is interesting to me to see what the policy is to be of the wet bloc in the House as presented by its newly chosen leader, the gentleman from Maryland [Mr. LINTHICUM]. The policy of our other friend from Maryland, John Philip Hill, was to destroy the eighteenth amendment by authorizing beer and wine, but it is apparent that the gentleman from Maryland [Mr. LINTHICUM], the new leader, has on his banner, "Hamstring enforcement in any way we can do it."

Now, on yesterday the gentleman from Massachusetts [Mr. GALLIVAN] announced his implicit confidence in Doctor Doran, the Commissioner of Prohibition. That is the only thing my friend from Massachusetts ever said on this question with which I agree entirely with him. I have implicit confidence in Doctor Doran, and this House has implicit confidence in him. Doctor Doran has the responsibility of enforcing the law, and it is beneath the dignity of Members of this body to attempt to take steps which are only intended to destroy the work of enforcement. Doctor Doran is the man who has the responsibility. Every Member of this House ought to be behind him in his efforts to enforce the law. What does Doctor Doran say about this amendment? I just called him on the telephone. I read the amendment to him. What does Doctor Doran, who has the responsibility, who has studied the question, who is the chemist who had to do with these formulas before he became Prohibition Commissioner, say about the proposed amendment? He says:

It would not only be destructive of enforcement, it would be destructive of industries as well; it is so far-reaching as to be nothing but nonsensical.

Doctor Doran tells me there are 95,000,000 gallons of alcohol lawfully used in industry, great industries already built up, and there is a constant increase in its lawful use. If this amendment goes through, he says that tremendous industries will immediately be destroyed because they will not be able to get the kind of alcohol they need in their industry. I hope even my friend from Maryland [Mr. LINTHICUM] would not desire to destroy, hamper, and interfere with great industries, even if he is willing to destroy enforcement of law.

This amendment provides that there can be no permit for the issuance of industrial alcohol denatured by any poisonous drug. Doctor Doran tells me that there is no industrial alcohol now issued but what is denatured by some denaturant that would be injurious if used for beverage purposes. So the amendment would say that no permit could be issued for the issuance of industrial alcohol denatured in any way, because——

Mr. LINTHICUM. Will the gentleman yield?

Mr. CRAMTON. Yes; I will yield.

Mr. LINTHICUM. I want to ask the gentleman a question. The statistics show that 11,700——

Mr. CRAMTON. Just put the question. I do not care for the debate.

Mr. LINTHICUM. I can get to it quicker in this way.

Mr. CRAMTON. I am sorry, but I can not yield except for a question.

Mr. LINTHICUM. I want to ask the gentleman if he is in favor of using poison to denature industrial alcohol and thereby murder the people of this country?

Mr. CRAMTON. Since I want to see the law enforced, and the greatest good to the greatest number will come through enforcement of the law, I am willing to have used as a denaturant that which it is necessary to have used in order to make it effective. [Applause.]

Mr. LINTHICUM. Even poison?

Mr. CRAMTON. And when one draws this for one purpose and unlawfully uses it for another he has full notice; and Doctor Doran states there is no denaturant now used that would not be forbidden under this proposed amendment.

Adoption of the amendment, I will say to the committee, therefore only means one of two things: Either no permits are to be issued, or there must be a free use of alcohol without any denaturant whatever. This would, on the one hand, destroy utterly enforcement of the eighteenth amendment, and, on the other hand, would cripple and destroy many great industries.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. LAGUARDIA, Mr. SIROVICH, and Mr. PALMISANO rose.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman and gentlemen, I am as "wet" as any man in this House, and I have been consistently opposing prohibition, but there is only one way to do it and that is by constitutional or legislative methods. You can not do it in any other way.

Denatured alcohol is nothing new. You had denatured alcohol before you had prohibition and if a "wet," so-called, desires to take the attitude that our function here is to get "hooch" made of colored raw alcohol on the market, then you can consistently vote for this amendment; but this is not going to hasten but retard the day when Congress will have to deal with this subject intelligently, constructively, and basically.

What we, as "wets," ought to do, gentlemen, is not to offer an amendment of this kind, but insist upon the Prohibition Bureau having sufficient men, appropriating enough money so that not one ounce of denatured alcohol can find its way into channels where it will be used for beverage purposes.

Mr. LINTHICUM. Will the gentleman yield?

Mr. LAGUARDIA. Yes; I yield.

Mr. LINTHICUM. I want to ask the gentleman what he estimates that would cost the Government.

Mr. LAGUARDIA. That is just my point. That is the attitude I have assumed. If the American people want prohibition, if our friends the "drys" here are sincere, it will cost them anywhere from $200,000,000 to $250,000,000.

Mr. O'CONNELL. And then they will not enforce it.

Mr. LAGUARDIA. And then they can not enforce it, and then the American people, I will say to the gentleman from Maryland, will realize that this law is humanly impossible of enforcement; but this nibbling at it by ineffective amendments will in no way help the cause.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. LAGUARDIA. No; I do not yield to the gentleman from Florida. Florida is so happily situated near the West Indies that you get all the pure liquor you want and it is hypocritical to take any stand as to law enforcement.

Mr. GREEN of Florida. Florida will always take the stand of upholding the laws of our Nation and the integrity of those laws.

Mr. LAGUARDIA. And there are more prohibition lawbreakers in the gentleman's State, in proportion to population, than there are in my State.

Mr. GREEN of Florida. I do not think the gentleman can prove that.

Mr. LAGUARDIA. Oh, I have been down to Miami.

Mr. GREEN of Florida. I hope the gentleman goes there and stays there, I will say to my friend. [Laughter.]

Mr. LAGUARDIA. Now, gentlemen, what we ought to do here is to add $50,000,000 a year to this appropriation and to create a force that will go into every State. I pointed out here the other day that we have about 2,034 agents.

That would not permit even 10 to 1 in the largest 250 cities in the United States. Do you not see that the law is only being partially, locally enforced here and there. It is hardly being enforced in the so-called dry States. We will get nowhere until we bring the facts right home to the American people. Until we so enforce the law and dry up the dry States, and it will cost hundreds of millions of dollars.

Mr. GRIFFIN. Does the gentleman recommend us to vote against this amendment?

Mr. LAGUARDIA. Yes.

Mr. CAREW. Does the gentleman intend to vote against it?

Mr. LAGUARDIA. Yes; I am going to vote against it; I am here not to facilitate the bootlegger; I am here to seek a change in the law by constitutional and legislative means. [Applause.] That is my attitude, and I stick to it. I do not care if all of the bootleggers in New York are opposed to me; the gentleman can have them if he wishes. [Applause.]

Mr. BLANTON. Mr. Chairman, naturally I am opposed to this wet amendment. This is only the annual fight that the so-called wets make against the enforcement of the law. Since the rider of the great white charger from Baltimore has disappeared from the scene of battle his mantle has fallen on the shoulders of another gentleman from Maryland, our distinguished friend [Mr. LINTHICUM].

There was offered in their last fight on the floor by one of the most distinguished Members of Congress, who was specially selected for the purpose, the distinguished gentleman from Virginia, HENRY ST. GEORGE TUCKER, who was formerly president of the American Bar Association, an amendment that would absolutely tie the hands and feet of every prohibition-enforcement officer in the land, and the House by an overwhelming vote defeated it.

What does our friend from Maryland [Mr. LINTHICUM] want to do about this lawless liquor? Does he want to make it so palatable to the taste that everybody will want to drink it? What does he want to do with this lawless stuff? He has taken an oath to uphold and support and defend against all enemies foreign and domestic against this Constitution, and what does he now want to do about it? Does he want to make this liquor so that it will be an inducement, a special temptation to people to violate the law?

Why, before the constitutional amendment was passed, before Volstead was ever heard of, there was poison placed in denatured alcohol. The time now is no different from the former times in that respect. The Government is doing what it has been doing for years, and I am glad to see the distinguished now orthodox Republican, my friend from New York, Mr. LAGUARDIA, oppose this amendment; he is in favor of the law and will endeavor to defend the fundamental law of the land.

This amendment is ridiculous. It will get a few more votes than the Henry St. George Tucker amendment, because some will justify their vote from a sentimental standpoint, from a humanitarian standpoint, and say that we do not want some poor fellow to get hold of poison. Why, my friends, they can drink numerous other poisons now if they want to; there are lots of poisons procurable in drug stores, if they want deliberately to drink it. They know that denatured alcohol is poison. Have the citizens of this land become so helpless that they have to have Grandmother LINTHICUM, from Maryland, walk around with them to protect them from poisoned alcohol? [Laughter.] Do they have to have special laws and protection from the wets of the country to keep them from drinking this injurious alcohol? You will get a few more votes. There is one thing about the wets, however, that I like, and that is that they never give up, even when engaged in a hopeless cause. They have got their full forces here now. The gentleman from New York [Mr. GRIFFIN] is here to help them on this momentous occasion. I see that they have their full membership here, but when the vote is counted they again will have only a handful and yet they come back month after month and year after year to continue their hopeless battle.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIROVICH. Mr. Chairman and fellow Members of the House, for almost a quarter of a century I have been in the practice of medicine.

Never have I participated in the drinking of any alcoholic beverages. In my opinion the use of liquor has never destroyed the lives of human beings, but the abuse of it has. Moderation has been my precept in every form of indulgence. In my humble opinion the greatest evil of this country to-day is overindulgence in every line of endeavor. Thus we have two patent examples of overindulgence—drunkenness swinging the pendulum to one apex while prohibition carries it to the heights of the other. Temperance, therefore, should be the avenue we should travel in approaching this great and momentous problem that confronts our country. [Applause.]

The materia medica classifies alcohol in the following five groups:

First. Absolute alcohol, which is 97 per cent alcohol.

Second. Whisky, gin, rum, cognac, brandy, and rye contain between 45 and 49 per cent alcohol.

Third. The red wines, white wines, and champagne contain from 10 to 18 per cent alcohol.

Fourth. The stouts, ales, and porters contain from 4 to 6½ per cent alcohol.

Fifth. Beer contains from 1 to 3 per cent alcohol.

The 97 per cent or absolute alcohol is used in the elaboration, perfection, and development of most of the medicinal drugs which are utilized by doctors and pharmacists in dispensing medicine.

There is not a dry Member in this House who does not use alcohol every time he takes his physician's prescription to allay his sufferings, because most of the drugs and herbs used in pharmaceutical preparations can not be dissolved in any other media but alcohol. So I repeat, there is not a dry Member of this House, or his family, who does not use alcohol when he takes medicine.

Prior to prohibition the Government of the United States imposed a tax on pure alcohol and a very small tax on industrial alcohol. Into this industrial alcohol used for commercial purposes, the Government placed various chemical ingredients such as kerosene, quinine, creosote, pyridyne, formaldehyde, bichloride of mercury, wood alcohol, and countless other poisonous substances so that this industrial alcohol might not compete with the tax-paid pure alcohol.

Since prohibition has come into being 60,000,000 gallons of industrial alcohol are presumed to be used annually for commercial purposes, 6,000,000 of which, however, are diverted and

converted by unscrupulous bootleggers to the clandestine purveyors of bootleg whisky. It is this industrial alcohol poisoned by the Government that has sent thousands of our unfortunate American citizens to an early and unsuspected grave.

Shall we have our Government act as a Lucretia Borgia of medieval days, who poisoned all who came into intimate contact with her? Shall we in this twentieth century—this civilized twentieth century—turn back to medieval times and leave to posterity the infamous heritage of the Borgias? I for one am irrevocably opposed to the country I love committing murder. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SIROVICH. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. EDWARDS. Mr. Chairman, reserving the right to object, how much time is remaining?

The CHAIRMAN. Twenty minutes have been consumed for the amendment and 25 minutes against the amendment.

Mr. MADDEN. And if he gets unanimous consent, does that add to the hour?

The CHAIRMAN. It comes out of the hour.

Mr. BLANTON. How much time is left?

The CHAIRMAN. For the amendment 10 minutes are left, and against the amendment 15 minutes.

Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SIROVICH. Mr. Chairman and gentlemen of the House, it is this 6,000,000 gallons of diverted and converted industrial poisoned alcohol that finds its way to human consumption and is responsible for the murder annually of 12,000 of our citizens. This frightful mortality of 12,000 has the added horror of the morbidity of those who become victims of alcoholic gastritis, cirrhosis of the liver, Bright's disease, optic neuritis, and blindness, which are all attributable to the poisonous substances contained in denatured alcohol.

Mr. Chairman, as long as the prohibition law is upon the statute books of our country I believe in its complete and rigid enforcement and will vote for any measure that will carry into effect that feature of our Constitution. [Applause.]

The question before the House is not whether one is in favor of prohibition or opposed to prohibition; not a question of temperance or intemperance; not a question of those who are honest in their views or those who are otherwise; but the fundamental and only question before the House is the amendment of the gentleman from Maryland [Mr. LINTHICUM], whether the Government shall put into industrial alcohol obnoxious drugs to make it unpalatable, or to put poison in it that ultimately commits murder.

Personally, I am in favor of denaturing alcohol with such ingredients that will make it unpalatable; yes, even nauseating, for human consumption; but loving humanity as I do, especially those weak, who need the guidance and assistance of others, I plead with you Members of this historic body not to permit our country to become particeps criminis to a continuation of horrors that have come in the wake of governmental participation in the poisoning of denatured alcohol. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. I yield to the gentleman from New York.

Mr. LAGUARDIA. The amendment under consideration does not do anything.

Mr. SIROVICH. Read the amendment.

Mr. LAGUARDIA. I have.

Mr. SIROVICH. So have I. In effect this amendment prohibits the use of toxic or poisonous drugs. There is no objection to drugs that would denature the alcohol so long as they are not injurious to the body, and my contention is that any drugs that are in there which are not injurious, from the standpoint of poisoning, may be safely used as a denaturant.

Mr. WELLER. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. Yes, sir.

Mr. WELLER. Is it not a fact that for the year 1926 Doctor Harris, the general commissioner of New York City, reported that in New York City alone there were 755 deaths due to alcoholic poison?

Mr. SIROVICH. Yes; and I attended a few cases myself, and every newspaper in New York was opposed to the use of poison in denatured alcohol.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. Yes; I will yield to my friend from Texas.

Mr. BLANTON. I want to ask the distinguished gentleman from New York if it is not a fact that whisky, absolutely without poison in it, has killed thousands of people?

Mr. SIROVICH. Yes; and it has saved thousands of people in cases of pneumonia and other diseases. It has perhaps saved more than it has killed. We do not object to the use of liquor, but to the abuse. [Applause.]

Mr. BLANTON. The leading physicians of the United States do not agree with the gentleman.

Mr. SIROVICH. I am in agreement with the leading physicians of the United States, and I beg the gentleman's pardon.

Mr. BLANTON. How about Doctor Mayo? He contends that it is not necessary at all.

Mr. SIROVICH. I can give you the names of equally eminent authorities. Prof Samuel Lambert, who was my dean at the College of Physicians and Surgeons at Columbia University, one of the most eminent authorities in the world, is one. He is as good a witness as Doctor Mayo as to the effects of alcohol. Doctor Mayo is a surgeon. Professor Lambert is a medical man. Alcohol is used more freely in medicine than in surgery.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. LAGUARDIA. Is it not better to go to the foundation of this proposition and repeal the amendment so as to prevent the outrageous conditions that exist at the present time?

Mr. SIROVICH. It is best to go to the foundation. But that is not the subject before the House, however. The subject here is to amend the law in order to prevent the Government from engaging in partnership with the people who poison this liquor.

Mr. LAGUARDIA. I would put an end to the partnership of the Government with bootleggers.

Mr. SIROVICH. So would I, and hope all of the Members of this House would——

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. CRAMTON. As I understand the gentleman's position, he opposes putting anything into industrial alcohol that can not easily be taken out of it?

Mr. SIROVICH. No; I do not oppose that which can be easily taken out, but there are certain poisons by which the Government is denaturing alcohol that can not be taken out and which is the main cause of the death of so many thousands. That is why I am in favor of taking the Government out of the business of poisoning its citizens. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GREEN of Florida rose.

The CHAIRMAN. The gentleman from Florida is recognized for five minutes.

Mr. GREEN of Florida. Mr. Chairman, the gentleman from New York [Mr. LAGUARDIA] is mistaken when he states that Florida is a wetter State than New York. [Applause.] I would like to say to my friend from New York and to my colleagues that Florida is one of the old dry States. It is dry by State law. It is dry by national law. It has a citizenship which is for law and which is for order. I deny the statement that my State is a wet State in practice or a wet State in theory. It is a dry State under the prohibition law, as dry as the Sahara Desert. It is not a State that fosters lawlessness, but it is a State of law and a State of order, and a State where nullificationists do not exist; in Florida we believe in the majesty of the law and uphold the integrity of the Nation. [Applause.]

The CHAIRMAN. The gentleman from Florida yields back four minutes.

Mr. PALMISANO rose.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. PALMISANO. Mr. Chairman and Members of the House, I understand that, under the rulings, in order to offer my amendment and say a few remarks I must do so at this time. I want to speak on the subject of the amendment that I am going to introduce after the action of the committee on the amendment now pending before it, and at the outset I want to say that I am sorry to hear the statement from the gentleman from Michigan [Mr. CRAMTON], who said he would resort to anything in order to enforce the law—that is, the Volstead Act. I have endeavored since I have been a Member of Congress——

Mr. CRAMTON. I made no such statement. The gentleman appears to refer to me, since he speaks of the gentleman from Michigan. I have said nothing that could be distorted into such a statement.

Mr. PALMISANO. If I am mistaken, I apologize to the gentleman.

But, anyhow, the dry element seems to take the view that a man who gets up here and says something about the wet clause is a nullifier and a criminal in himself. I want to appeal to the dry Members of this House. I have introduced a resolu-

tion here and correspondence which I have had with the Prohibition Commissioner as to an investigation of the prohibition administrator of Maryland and the District of Columbia, and I have shown in that resolution that the prohibition administrator has sanctioned the blackjacking of citizens, has put on as an undercover man a man who has been convicted of the crime of robbery and had been sentenced to six years in the Maryland penitentiary, and when that man was arrested for carrying concealed deadly weapons and for assault with intent to kill, that criminal is defended by the United States district attorney for the district of Maryland.

I say to you, my friends, that we are all trying to get this question settled right. I say, let us eliminate the criminals who are employed to enforce this Volstead Act. Let us prevent the administrators of this law from paying a cent to a man who has been convicted of a crime, to men who have been indicted by the various States for committing felonies, or to a man who has two indictments for misdemeanor pending in any of the courts of the country. I say, when you do that the gentlemen who are professing to be dry will prove that they are sincere by eliminating an element that the Prohibition Department is using in order to enforce the law. No longer than the other day our commissioner, Doctor Doran, when he found that the agents were unable to pass the examination—what did he say? This applies to you, gentlemen. When any of us here, at the next session, who are unable to be reelected next November—would you say to the man who came back here in November or in the following March "that because you had not been reelected you were going to sell out or be unfaithful to your trust or oath of office"?

Of course, you will not, because no man who is honest, in the first instance, would dare to do anything after his defeat. But, that is not true of the prohibition agents if we believe what Doctor Doran says:

> You upset the whole force, that the men who had failed in the examination are selling out.

That they are a bunch of grafters, and I say if they are a bunch of grafters they had no right to be there and they have no right to be there now, whether they passed the examination or not.

So, my friends, I have been trying to be fair. I ask you to look at the resolution and correspondence which I introduced on January 17.

Mr. MADDEN. Mr. Chairman, as chairman of the Appropriations Committee it becomes my duty to recommend to this House from time to time the funds necessary to enforce the law. We are here to-day with a bill which carries funds in many places for law enforcement. The particular item pending before us, and which has excited the enmity of our friends from Maryland, is only one of the items in the bill for which money is expended to enforce the law.

The amendment offered by the gentleman from Maryland [Mr. LINTHICUM] is a subterfuge. Why does he not move to repeal the Volstead Act, if he is in earnest? He might get some others to vote with him on that. He knows very well that any attempt on his part to repeal the law will be useless, so he tries, through a side issue, to embarrass the situation.

He is trying to make it impossible to spend the money proposed to be appropriated for the enforcement of the act. He wants to say that industrial alcohol, denatured, shall not be permitted to leave the warehouse. He wants it to leave the warehouse in its pristine purity, if it leaves at all. [Laughter.] He wants by indirection to do what he knows he could not do by direction.

There is no sense, no justice, and no decency in the attempt now being made to embarrass the administration in the enforcement of the law. [Applause.] The law is here, and here it will remain. The law will be enforced, irrespective of what Maryland may think about it. [Applause.] If he will come in with an act to repeal the prohibition act—I am a wet—I would probably vote for a legitimate motion to repeal, but never under any circumstances would I vote for any such subterfuge as he now proposes.

Mr. CRAMTON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CRAMTON. The gentleman from Illinois may probably have noted—or, at least, he will on the standing vote to follow—that while the speeches come from Maryland the vote will largely come from Tammany Hall, and may exhibit what we might expect in the way of enforcement under Al Smith. [Applause.]

Mr. MADDEN. So, gentlemen of the committee and citizens of the country, we are obligated under our oaths to enforce the law, and while the law is on the statute books, if I have anything to say anywhere, either as a public official or as a private citizen, it will be in favor of that law enforcement.

Mr. BLANTON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLANTON. Tammany Hall, I want to say to the gentleman from Michigan [Mr. CRAMTON], is a local organization in the city of New York. It has no application anywhere else in the United States. [Laughter.]

Mr. MADDEN. So, Mr. Chairman and gentlemen of the committee, as we come to you from day to day with recommendations for the funds with which to carry on the Government and ask your support for the appropriation of these funds, we come to-day with other recommendations for other funds to enforce our laws, and we ask you in the name of law and order to vote down the amendment offered by the gentleman from Maryland. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The question was taken; and on a division (demanded by Mr. CRAMTON and Mr. LINTHICUM) there were—ayes 39, noes 167.

So the amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment. On page 21, line 10, strike out "$12,729,140" and insert in lieu thereof "$75,000,000."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. LAGUARDIA: On page 21, line 10, strike out the figures "$12,729,140" and insert in lieu thereof "$75,000,000."

Mr. LAGUARDIA. Mr. Chairman, is all time exhausted on this paragraph and all amendments thereto?

The CHAIRMAN. Yes. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I offer another amendment. On page 21, line 10, strike out "$12,729,140" and insert in lieu thereof "$25,000,000."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. LAGUARDIA: On page 21, line 10, strike out the figures "$12,729,140" and insert in lieu thereof "$25,000,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. BLANTON. Mr. Chairman, I ask for a division.

Mr. CAREW. Mr. Chairman, I demand a division.

The committee divided; and there were—ayes 11, noes 182.

So the amendment was rejected.

Mr. LINTHICUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. LINTHICUM: At the end of line 15, page 22, insert: *"Provided further,* That no money herein appropriated for the enforcement of the national prohibition act shall be used in the preparation or issue of any permit for the removal or use of any industrial alcohol known to be denatured by any poisonous drug."

Mr. MADDEN. Mr. Chairman, I make the point of order that that is the same amendment.

Mr. LINTHICUM. No; this is limited to any poisonous drug.

Mr. MADDEN. It is exactly the same thing.

Mr. LINTHICUM. No; the other amendment included any material injurious to the human system, whereas this amendment is limited to any poisonous drug.

The CHAIRMAN. There seems to be some difference in the amendment.

Mr. BLANTON. Mr. Chairman, I make the further point of order that the amendment is dilatory.

The CHAIRMAN. The point of order is overruled.

Mr. LINTHICUM. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

Mr. BLANTON. I object, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland [Mr. LINTHICUM].

The question was taken; and on a division (demanded by Mr. BLANTON and Mr. CRAMTON) there were—ayes 35, noes 184.

So the amendment was rejected.

The CHAIRMAN. The gentleman from Maryland [Mr. PALMISANO] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 22, line 6, after the word "thereby," insert the following: "*Provided further,* That no money herein appropriated for the enforcement of the national prohibition act shall be used to pay anyone who has been convicted of a crime prior to his appointment, nor one who has been indicted for committing a felony, nor anyone who has two indictments pending against him in any of the State or Federal courts within the United States."

The question was taken; and on a division (demanded by Mr. PALMISANO) there were—ayes 31, noes 168.

So the amendment was rejected.

The Clerk read down to and including line 2 on page 26.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. Mr. Chairman and gentlemen of the committee, while we are still on the subject of law enforcement I want to call the attention of the House to a news item which appeared to-day in the papers, reporting a protest which had been filed by the Rumanian minister against what he deemed a violation of his immunity.

My letter to the Secretary of State speaks for itself, and I will ask the Clerk to read it.

The Clerk read as follows:

FEBRUARY 14, 1928.

Hon. FRANK B. KELLOGG,
Secretary of State, Washington, D. C.

MY DEAR MR. SECRETARY: Items appearing in the public press would indicate that a formal protest has been lodged by the royal Rumanian ambassador to the effect that his diplomatic immunity was invaded and disregarded by the activities of certain prohibition agents in New York City. While I have on many occasions protested against the activities of prohibition enforcement officials, I want to take this opportunity to state that I have obtained the details of the incident of which the Rumanian ambassador protests and unhesitatingly state that the agents in this instance not only acted within the proper limits of their official duties but that not even by an extreme stretch of the imagination was any diplomatic immunity disregarded.

It seems that the prohibition officials have had a system of express shipments of liquor under observation. A package shipped from a certain firm in Philadelphia addressed to Mr. A. E. Norris, of 55 East Seventy-second Street, happened to be one of the packages under observation and investigation. It contained bottles of liquor, and it was properly seized at the time of delivery.

I have searched the precedents in vain and fail to find where diplomatic immunity is conferred on the father-in-law of an employee of a diplomatic representative of a foreign country.

I take this opportunity, however, to point out that the representative of the Rumanian Government is the last person in the world to protest in a case of this kind. If he is now seeking to protect American citizens and to extend extraterritorial rights and diplomatic immunity to the father-in-law of an alleged employee of his office, he is seeking to establish a precedent heretofore unknown in international law. May I recall that only recently an American citizen residing in Rumania representing American business, living peacefully and entirely within his rights under the treaty between the United States and Rumania was brutally assaulted while the Rumanian police officers looked on, because it was suspected that the wife of this American citizen was of the Hebrew faith. A representative of a nation which has all through its history so disregarded the rights of others, the rights of its own citizens to worship in accordance with their belief, is the last person in the world to complain of liquor shipped in violation of law to the father-in-law of one of its nationals is seized by United States Government officials in the performance of their duties.

Before any formal reply is given to the protest filed, I respectfully urge a careful investigation in order to give the agents of the Government an opportunity to state their side of the case.

I am, sir, respectfully yours,

F. LAGUARDIA.

Mr. CRAMTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. CRAMTON. I made some investigation of the question of diplomatic immunity three or four years ago and I found that clearly, both under our our law and under the international law, not only does the immunity not extend to employees and relatives of employees, as the gentleman has emphasized, but it also does not extend to every secretary and underling of the embassies and legations. It pertains to the representative quite strictly.

Mr. LAGUARDIA. In this case, as I state in my letter, the father-in-law is an American citizen and a resident of New York City. These shipments coming out from Philadelphia were part of the liquor which I stated about a month ago was coming direct from the ships to the choice trade, and all these shipments were under observation. One happened to go into this man's home, and I fail to find where the nationality of an alleged employee extends any diplomatic rights or immunities to a citizen father-in-law.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to proceed for five minutes out of order in order to reply to the gentleman from New York [Mr. LAGUARDIA].

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. Mr. Chairman, I think the gentleman from Michigan [Mr. CRAMTON] made his statement probably a little too broad. In looking up the precedents and the holdings under international law with respect to diplomatic immunity, I find the better authority is in favor of extending it to every member of the official household of a diplomat. But I want to say if you look up the precedents you will find in no case has it ever been held that diplomatic immunity permits any diplomat to disobey the laws of the country to which he is attached. He is expected to obey the law of the country to which he is sent, and if he disobeys it, it has been the universal custom and the universal practice to notify his country that he is persona non grata, that his passports have been handed to him, and that he should be called home. This has been the practice almost universally with all civilized countries.

I want to say with regard to the proposition here in Washington, it is not ordinarily the diplomats of the big countries who violate the law. Most of them are from the small countries, and the smaller the country and the rank of the diplomat the greater you will find his violations of law here in Washington. This is ordinarily the case here with respect to violators, although the representatives of most small countries obey our laws. I want to say that some of them, however, have absolutely disregarded the traffic laws of the District of Columbia. When they know it is against the law to run by street cars when they have stopped to discharge passengers, they deliberately run by them. When they know it is against the law to speed down some of our main streets like Sixteenth Street at 40 miles an hour, they have done this in disregard of the law and when stopped by officers they have cursed them and abused them. When they know it is against the law of the District of Columbia and of this Nation for anyone under 16 years of age to drive an automobile in the city of Washington, they have let young boys, even as young as 14 years of age, drive down the street and negligent homicide has resulted in at least one case recently.

I want to say they are persona non grata in the country to which they are attached when they disobey and disregard its laws, and they ought to have their passports handed to them, and I hope Mr. Secretary Kellogg in the future, when a complaint is made to him by the officials of the District of Columbia that diplomats stationed here in Washington and accredited to this country from foreign countries disobey and disregard our laws, will not call the officers who found them disobeying the law and admonish them or cause them to be admonished that they must not so interfere in the future, as has been done in some cases. I hope in each case he will let the country know that their passports have been handed to them and that he will ask to have them recalled.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman.

Mr. SCHAFER. How do these diplomats get these choice brandies and liquors into this country?

Mr. BLANTON. They ship them here. The gentleman knows how they get them here. They ship them here, and the gentleman knows when they dispense them here—and they have been dispensed by footmen and by butlers and by underlings—or when they are sold here in violation of the law in the Nation's Capital, they ought to be sent back home.

Mr. CRAMTON. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. CRAMTON. A diplomat can bring it in in his own baggage with him, but a diplomat has no more right to make a shipment of liquor into the United States than any citizen.

Mr. BLANTON. Certainly he has not, but he ships it in just the same. He has no right to dispense liquor here. We have nothing to do with what he puts on his own table; we have nothing to do with what he wears; we have nothing to do with what goes on lawfully in his embassy, but we do have something to do with what he does in such embassy in violation of our laws, and what he does on the streets of our Capital, and when an underling dispenses liquor in violation of law he ought to be called to account. Every country will uphold us in sending him back home.

Mr. SCHAFER. If we permit the diplomat to bring liquor in here in his baggage, why should we not permit the workingman to have 2½ per cent beer?

Mr. BLANTON. Oh, the gentleman is talking now for Wisconsin. [Laughter.] I was talking for our whole Nation.

Mr. SCHAFER. The man that wears a uniform on his back in a department is no better than the man who earns his bread by the sweat of his brow.

Mr. BLANTON. I quite agree with the gentleman from Wisconsin. But both ought to obey the law. I have a resolution now pending before Congress to require our State Department to hand passports to all diplomats accredited to this country who wilfully and deliberately disobey our laws.

Mr. CRAMTON. Mr. Chairman, in reference to the matter discussed by the gentleman from Texas, in order that I may refresh my recollection and consult my files, I ask unanimous consent that I may extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CRAMTON. The privileges of diplomatic immunity are stretched to fantastic and unwarranted lengths in practice. In this country such immunity must rest upon its recognition in our statutes, sections 4062 to 4066, Revised Statutes of the United States. These are found in sections 251 to 255 of title 22, United States Code.

I made some study of this question five years ago in connection with the public display of liquors at that time by certain embassies and legations. Anyone interested in the subject will find in my discussion, on pages 3789 and following of the CONGRESSIONAL RECORD, volume 64, February 16, 1923, data from the Secretary of State, the Attorney General, and the Secretary of the Treasury.

The immunity only extends to "the person of any ambassador or public minister of any foreign prince or state, authorized and received as such by the President, or any domestic or domestic servant of any such minister." It protects such person from arrest or imprisonment, and his goods and chattels from distraint, seizure, or attachment—United States Code, page 252. But such domestic servant is not protected unless—

> The name of the servant has, before the issuing thereof, been registered in the Department of State and transmitted by the Secretary of State to the marshal of the District of Columbia, who shall upon receipt thereof post the same in some public place in his office. (U. S. C. 254.)

There is nothing to cover the great number of secretaries, stenographers, and fathers in law. Only the minister or ambassador and such servants as are registered and posted are entitled to the immunity.

As to the use of liquor on the premises of legations and embassies we can not interfere, by reason of their extraterritoriality.

They have under the Constitution no right to import it into this country or transport it here. A common carrier or a private carrier transporting liquor for them is subject to the same penalties as for unlawful transportation for any other person. The Treasury regulations set forth in my remarks above referred to contemplate that shipments for the diplomats should not be received through the customs without examination, but that it should be sufficient, so far as examination is concerned, to accept a statement of the diplomat as to whether or not the shipment contained liquors.

In practice secretaries have been accorded the immunity, and the greater part of the trouble comes from them. The humor underlying the official disposal of such a case by Charles E. Hughes when Secretary of State is interesting. In the case of the secretary of the Polish Legation the Secretary of State wrote the following letter to Dr. Ladislas Wroblewski, then minister of Poland resident here, in which in one brief letter he expressed his regret for the invasion of the customary immunity in that case, and "improved this opportunity" to inform the minister that—

> Mr. Sokolowski appears to have had in his possession a quantity of alcoholic beverages greatly in excess of that which the privileges and immunities which are enjoyed by diplomatic representatives resident in this country would justify—

And—

> I understand * * * Mr. Sokolowski has been transferred to Warsaw.

The letter follows:

DEPARTMENT OF STATE,
January 26, 1924.

The department has addressed the following communication to Dr. Ladislas Wroblewski, minister of Poland:

DEPARTMENT OF STATE,
Washington, January 25, 1924.

SIR: With reference to your note of December 22, 1923, concerning the violation of the domicile of Mr. Venceslas Sokolowski, secretary of your legation, on December 20 last, and to subsequent conversations on this subject between you and an official of this department, I beg to transmit herewith a copy of a communication addressed to me from the Assistant Secretary of the Treasury, dated January 23, in relation thereto.

You will observe therefrom that the fact that the third floor of the premises was occupied or leased by Dr. Venceslas Sokolowski was unknown to the officers at the time the search was made; that if they had known of his status the apartment would not have been entered, and that it is regretted that such entry was made. I assure you that I share in the expression of regret that the immunity customarily enjoyed by all diplomatic officers should not have been observed in this instance.

I am constrained, however, to improve this opportunity to inform you that, according to the facts that have been developed in this connection, Mr. Sokolowski appears to have had in his possession a quantity of alcoholic beverages greatly in excess of that which the privileges and immunities in this regard, which are enjoyed by diplomatic representatives resident in this country, would justify. It has, therefore, been a matter of concern that this diplomatic immunity has been abused. I understand, from information with which you have been so good as to furnish the department, that Mr. Sokolowski has been transferred to Warsaw.

Accept, sir, the renewed assurances of my highest consideration.

CHARLES E. HUGHES.

The Clerk read as follows:

For completion of the survey of the salt-marsh areas of the South Atlantic and Gulf States, to determine the exact character of the breeding places of the salt-marsh mosquitoes, in order that a definite idea may be formed as to the best methods of controlling the breeding of such mosquitoes, $10,000, to be expended by the Public Health Service in cooperation with the Bureau of Entomology of the Department of Agriculture.

Mr. BYRNS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 35, line 14, strike out the figures "$10,000" and insert "$15,000."

Mr. MADDEN. The committee accepts that amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For incidental and contingent expenses, including new machinery and repairs, cases and enameling for medals manufactured, net wastage in melting and refining and in coining departments, loss on sale of sweeps arising from the treatment of bullion and the manufacture of coins, and not exceeding $1,000 in value of specimen coins and ores for the cabinet of the mint at Philadelphia, $273,000: *Provided*, That no part of this sum shall be expended for expenses of the annual assay commission.

Mr. MADDEN. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 36, strike out the proviso in lines 21, 22, and 23, and in line 19, after the word "coins," insert the following: "not to exceed $500 for expenses of the annual assay commission."

The amendment was agreed to.

The Clerk read as follows:

Any appropriation herein made toward the combined purpose of acquiring land and starting construction shall not be construed to prevent the Secretary of the Treasury from contracting for the necessary land in an amount in excess of such appropriation if, in his judgment, a balance will remain in the limit of cost sufficient to cover complete construction of the building.

COAST GUARD STATION, GRAND MARAIS, MINN.

Mr. CARSS. Mr. Chairman, I move to strike out the last word. I do this for the purpose of sincerely thanking the Committee on Appropriations and the membership of the House for their favorable consideration of an item in the Treasury and Post Office appropriation bill, which appears on page 26.

The item to which I refer provides for construction of a Coast Guard station at Grand Marais, Minn., on the north shore of Lake Superior, about halfway between Duluth, Minn., and the international border.

I introduced a bill in the Sixty-sixth Congress, which was enacted, authorizing the establishment of this station, and in the past three years have appeared before the Bureau of the Budget and the Appropriations Committee in an attempt to

secure the necessary funds for construction. While it has required some time to accomplish results, it has been well worth the effort to have finally succeeded in securing the approval of the committee and the House.

Admiral F. C. Billard, commandant of the United States Coast Guard, has rendered valuable assistance through his active and enthusiastic cooperation. He appeared before the Bureau of the Budget on different occasions, urged the establishment of this station, and requested that the unused balance to the credit of the United States Coast Guard be applied to this project. I want to pay my compliments to this capable and humane public official, and to the personnel of the United States Coast Guard in general for the very efficient manner in which they discharge the duties imposed upon them in the saving of human life in times of shipwreck and disaster.

The need for this station is very urgent. Grand Marais has a natural land-locked harbor, affording shelter for vessels that put in at that point to weather the storms. It is also a port from which considerable quantities of gravel, pulpwood, and other forest products are shipped. In addition to the traffic which originates at Grand Marais, many vessels pass this point during the season of navigation on the Great Lakes.

In the summer of 1926, 11,445 boats entered and cleared from the ports of Duluth, Minn., and Superior, Wis. Much of this traffic passes close to the dangerous, rocky coast and islands that lie near Grand Marais, and, Mr. Chairman, I shudder to think of the terrible fatalities which might occur should some of our large passenger boats go aground in a storm on the reefs or shoals. The life-saving station nearest to Grand Marais is 105 miles across Lake Superior, too great a distance to render effective assistance to boats stranded on the north shore.

The question of establishing a Coast Guard station at Grand Marais, Minn., was taken up with Hon. Herbert Hoover, Secretary of Commerce, who approved the project as a safeguard to navigation, but, Mr. Chairman, the most compelling reason which has prompted me to attempt to secure the construction of this station is the need of the sturdy, courageous fishermen, who go out upon Lake Superior to ply their trade in the winter season when the temperature frequently reaches 40 degrees below zero and sometimes lower. These men are engaged in herring fishing. The herring usually begin their run about September 15 and continue to frequent the shores until about February 15. During the winter season the ice field on the lake frequently extends from 90 to 100 miles out from the Bay of St. Louis into Lake Superior, but due to the prevalence of strong north winds the ice is driven away from the north shore, leaving a space of open water from one-half mile to 5 or 6 miles in width. It is in this strip of open water the fishermen set their nets and ply their trade.

These men are frequently caught, while out attending to their nets, by sudden off-shore storms, are blown to sea, and often perish from cold or exhaustion. Some have perished within sight of their loved ones, who were unable to render assistance because of the lack of proper equipment. These fishermen live with their families in the little hamlets sheltered under the majestic cliffs of the north shore. Oftentimes the wives of the fishermen accompany their husbands to assist them in earning a livelihood for their dependents. Some of these women have also perished.

It is on behalf of these men and their dependents—these honest toilers who brave the storms in order that others may be provided with luxuries—for the Lake Superior fish are a real luxury—these people, who lead such obscure lives that their welfare is often overlooked; it is on behalf of these people that I wish to thank the Members of the House and committee for this appropriation necessary to establish this station. In years to come, Mr. Speaker, who knows what a great work for humanity may have resulted through our action here to-day, and I am grateful it has been my privilege to have served with the membership of the House which has to-day approved this project. [Applause.]

Mr. MADDEN. Mr. Chairman, I wish to say that the committee made a very careful study of the problem mentioned by the gentleman from Minnesota. It has real merit for it affects the lives of numbers of people who are jeopardized on many occasions. This is the only life-saving station for many miles along that coast, and the north coast of Lake Superior is not a very smooth place in a storm. We were anxious to follow the advice of the gentleman from Minnesota and have recommended the appropriation for the station. We hope, now, with this money, they will proceed rapidly to construct the station, put in the equipment that is provided, and furnish the facilities to protect the lives of these people.

Mr. BLANTON. The gentleman from Minnesota [Mr. CARSS], who is one of our most valuable legislators here, needs special commendation, for I understand that this is the first money that that part of Minnesota has been able to get out of the Committee on Appropriations for 30 years.

Mr. MADDEN. He has been very persuasive. We looked into the merits of the case and were convinced that he knew what he was talking about, and we are glad to cooperate with him. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having resumed the chair as Speaker pro tempore, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10635, the Treasury and Post Office Departments appropriation bill, and had come to no resolution thereon.

CALENDAR WEDNESDAY BUSINESS

Mr. O'CONNELL. Mr. Speaker, I ask the distinguished gentleman from Illinois [Mr. MADDEN] whether it is his purpose to continue with this bill to-morrow?

Mr. MADDEN. Yes; I hope so. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business, in order to-morrow, be dispensed with and that we may proceed with this bill.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to dispense with Calendar Wednesday business to-morrow. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I have been informed, and, I am sure, authentically, that the committee which would have the call to-morrow, the Committee on Foreign Affairs, is agreed practically by its entire membership that they do not care to go forward with their business.

Mr. MADDEN. The gentleman from Pennsylvania [Mr. PORTER], chairman of that committee, told me that he is not ready and will be glad to have Calendar Wednesday business dispensed with to-morrow.

Mr. GARRETT of Tennessee. That has been my understanding. There is no committee demanding the time, and under the circumstances I see no reason to object.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, it may be true that the committee which has the call to-morrow is not ready, and yet the custom is to call the roll of committees. Every session we are confronted with a situation where in the last day of the session or the day before the last day of the session there is presented the first opportunity that the Veterans' Committee has to come in with its bills. The Veterans' Committee has one or two important bills which it has reported and which the House is ready and anxious to consider. Besides, there is a constitutional amendment in respect to the lame-duck Congress that has been reported and that is on the calendar and ready.

Mr. GARRETT of Tennessee. In regard to the constitutional amendment, a special rule has been authorized from the Committee on Rules as far as the White amendment is concerned, and I think the gentleman from New York will agree that a constitutional amendment ought not to be called up on Calendar Wednesday, when the time for debate is entirely too restricted. There ought not to be cloture of debate on a constitutional amendment.

Mr. LAGUARDIA. I agree with the gentleman.

Mr. GARRETT of Tennessee. Let me say further in regard to the observation made by the gentleman from New York in respect to the other committees, of course I get my information touching these matters of proposed procedure primarily from the majority floor leader. I feel quite sure that there are no other committees that do want to go on to-morrow. I think it proper to say, however, that it will hardly lie within the mouths of the chairmen of these various committees along toward the end of the session to come in and complain that they did not have an opportunity to be heard if they do not come here now upon occasions of this kind and object. So far as I am concerned, I feel no responsibility in connection with it and do not feel that my side has any responsibility in connection with it. Therefore I interpose no objection.

Mr. LAGUARDIA. The mere fact that the chairmen of the committees do not object is not very comforting to some of us who are very anxious to get consideration of certain legislation.

Mr. GARRETT of Tennessee. I have always recognized the right of the majority party to fix the order of business, unless there is some extraordinary condition.

The SPEAKER pro tempore. Is there objection?

There was no objection.

DISPOSITION OF CERTAIN BRIDGE BILLS

Mr. DENISON. Mr. Speaker, there are upon the Speaker's table certain Senate bills which I wish to have taken from the Speaker's table and indefinitely postponed. They are—

S. 760. An act granting the consent of Congress to the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River;

S. 2257. An act granting the consent of Congress to the State Highway Department of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala.; and

S. 2666. An act granting the consent of Congress to the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River.

The SPEAKER pro tempore. What is the request of the gentleman from Illinois?

Mr. DENISON. I ask unanimous consent to take these bills from the Speaker's table and indefinitely postpone their consideration, the reason being that similar bills have passed the House and have gone to the Senate and have been passed by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. DENISON]?

There was no objection.

Mr. DENISON. Now, Mr. Speaker, I wish to call up the following Senate bills from the Speaker's table and take the same action.

The SPEAKER pro tempore. The Clerk will report the Senate bills referred to.

The Clerk read as follows:

S. 820. An act granting the consent of Congress to R. A. Breuer, H. L. Stolte, John M. Schermann, O. F. Nienhueser, Charles A. Egley, and George C. Eberlin, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Hermann, Gasconade County, Mo.;

S. 821. An act granting the consent of Congress to O. F. Schulte, E. H. Otto, O. W. Arcularius, J. L. Calvin, and J. H. Dickbrader, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Washington, Franklin County, Mo.;

S. 2188. An act granting the consent of Congress to Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Miami, Saline County, Mo.;

S. 2189. An act granting the consent of Congress to F. C. Barnhill, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Arrow Rock, Saline County, Mo.;

S. 2476. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Lafayette-Celina road in Clay County, Tenn.;

S. 2477. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Clinch River on the Sneedville-Rogersville road in Hancock County, Tenn.;

S. 2479. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Jasper-Chattanooga road in Marion County, Tenn.;

S. 2478. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Decatur-Kingston road in Roane County, Tenn.;

S. 2480. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn.;

S. 2730. An act authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city;

S. 1879. An act granting the consent of Congress to the Interstate Bridge Co., of Lansing, Iowa, to construct a bridge across the Missouri River at Lansing;

S. 2490. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.; and

S. 1162. An act granting the consent of Congress to the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, for the construction, maintenance, and operation of a toll bridge across the Ohio River at Sistersville, Tyler County, W. Va.

Mr. DENISON. Mr. Speaker, in this connection I would like to say that bills similar to all these Senate bills have passed the House and are now pending in the Senate. The House bills were in proper form. The Senate bills are not in proper form, and it would be necessary to have them referred to our committee and be amended. The authors of these bills have told me that they would prefer the passage of the House bills, and, therefore, in view of that situation, I ask unanimous consent that these bills be taken from the Speaker's table and indefinitely postponed.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, Mr. Speaker—I shall not object—but there has been a habit growing up in another body where in a situation like this we send over House bills, and all after the enacting clause of the House bill is stricken out and the Senate bill is incorporated, and the bill is passed as a Senate bill. That custom has grown up. I understand that this request that the gentleman from Illinois is making will force another body, through courtesy, to pass House bills, if any are passed at all.

Mr. MADDEN. That would not be a bad idea.

Mr. BLANTON. It being a question of courtesy, I shall not object.

The SPEAKER pro tempore. The Chair hears no objection.

Mr. DENISON. Mr. Speaker, in this connection I would like to state that it is not the best practice for Members, who introduce bills of this kind in the House, to go over to the Senate and have similar bills introduced there. It does not expedite business. Very often the bills pass each other on their way across, and produce complications. I think it will expedite the consideration of business of this kind to just introduce the bill in the House and let it await its turn in the Senate, because we are expediting these bills as rapidly as possible here, and it will save time and work to allow the House bills to be considered by the Senate.

Mr. GARRETT of Tennessee. It duplicates the work. I think we passed 70 bills one day, and 34 of those bills passed the Senate on the same day, and of course one or other body has to do this work over again.

Mr. DENISON. Mr. Speaker, I want to propound a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DENISON. There is a Senate bill on the Speaker's table, S. 2348. A similar bill has passed the House and gone to the Senate. Of course, I am familiar with the rule that when a Senate bill is on the Speaker's table, and a similar bill has been reported here and is on the calendar, it is in order to consider the Senate bill. Does the same rule apply where the House bill has passed the House and been messaged over to the Senate?

The SPEAKER pro tempore. The Chair sees no reason why this should change the rule.

Mr. DENISON. It seems that the reason for the rule would apply.

Mr. GARRETT of Tennessee. May I suggest, Mr. Speaker, that my first reaction to the thought is that it would change the rule. The rule now is simply one of convenience and in order to expedite business. Now it does not necessarily expedite business for a gentleman to call this bill up in the absence of the House bill. Suppose the Senate would take the House bill and amend it and send it back to us. It seems to me the best course would be for the gentleman to make a motion requesting the return of the House bill.

Mr. DENISON. I thought of that, but I thought this would be the quickest way to dispose of it. The Senate bill is in reality in the form we desire to pass it. It was my intention to amend the House bill when it was before the House, but by an oversight I neglected to do so. Then I went over and suggested to the Senate committee that they amend the Senate bill in the manner desired, which they did. The Senate bill has been amended and is now on the Speaker's table in proper form, whereas the House bill will have to be amended by the Senate committee before it can be considered by the Senate.

Mr. GARRETT of Tennessee. Then we really have nothing on our calendar at all on the subject?

Mr. DENISON. No; the House has been passed.

Mr. BANKHEAD. Let me suggest that the House itself might disagree with the gentleman's personal views with reference to the amendment in question.

Mr. DENISON. They are not my personal views but the committee's views.

Mr. BANKHEAD. Then the House might disagree with the committee's views.

Mr. RAMSEYER. Complications might arise, as has been suggested by the gentleman from Tennessee. The gentleman has the Senate bill and is thinking of having it passed. The similar House bill is over in the Senate. Of course, if the House bill were on the Calendar, you could dispose of it, but the gentleman does not know but what some Senator has the floor over there right now seeking to pass the House bill, and if we should pass both of them unamended, they would both go to the President. I think there is quite a difference in the situation which the gentleman presents and that under which a Senate bill can be called up as a matter of right when a similar House bill is on the calendar.

Mr. MAPES. Mr. Speaker, regardless of the theory and purpose of the rule, is it not a pretty free interpretation of the rule to hold that a bill which has already passed the House

comes under the rule, because the rule provides that a bill must be reported by a House committee and be on the House Calendar? It is not on the House Calendar after it goes to the Senate.

Mr. DENISON. Of course, the bill was reported by the House committee and was on the House Calendar.

Mr. MAPES. It was, but it is not now.

Mr. DENISON. No; it is not now, and that is the reason I propounded the inquiry. I was not sure about the application of the rule.

Mr. GARRETT of Tennessee. We have not the House bill here at all. Of course, the gentleman from Illinois will understand that I am discussing the parliamentary question, and there is no reflection intended. We have not any way officially to know that the House bill and the Senate bill are the same. I repeat to the gentleman that I am discussing the parliamentary situation, and casting no reflection upon the statement made by the gentleman that they are the same, or substantially the same; but the more I think of it the more I am impressed with the idea that we could not afford to set the precedent of holding that a bill which has in fact passed the House and is physically away from the House occupies precisely the same parliamentary status as one that is reported from a committee and is on the calendar under the terms of that rule.

The SPEAKER pro tempore. The Chair would like to read the paragraph of the rule which seems to apply, and beyond this he can find nothing that does apply.

House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House.

This is all the Chair can find in the rules that directly applies to this situation.

Mr. CHINDBLOM. Let me add:

And not required to be considered in Committee of the Whole.

It refers only to House bills and not bills on the Union Calendar.

The SPEAKER pro tempore. Yes; it applies to House Calendar bills only.

Mr. GARRETT of Tennessee. Will the Chair kindly give the rule from which he has just read?

The SPEAKER pro tempore. It is Rule XXIV, paragraph 2.

Mr. CHINDBLOM. May I suggest, Mr. Speaker, that while I may be wrong I seem to recall that this matter has been decided within the last year or two, when it was held that when a bill had left the House and gone to the Senate it did not come within this rule.

The SPEAKER pro tempore. The precedent to which the gentleman refers has not been called to the attention of the Chair.

Mr. DENISON. Nor to mine; and I do not remember such a question having arisen.

The SPEAKER pro tempore. The Chair is not aware of the existence of such a precedent and would like to have the gentleman cite it.

Mr. CHINDBLOM. I do not like to rely altogether on my recollection, of course, but I do seem to recall some such ruling.

The SPEAKER pro tempore. In order that no new precedent may be established here unnecessarily, let the Chair suggest that in the absence of necessity for haste it would be well for the gentleman from Illinois [Mr. DENISON] to withhold his request until to-morrow.

Mr. DENISON. I will say to the Chair that there is no haste in connection with this matter.

The SPEAKER pro tempore. Then the Chair will suggest that the gentleman withhold his request until to-morrow in order to give time to look up the decisions interpreting the rule.

Mr. DENISON. I will be glad to let the matter go over until to-morrow. But in that connection let me suggest to the Chair that the rule does not say that this rule applies where a bill substantially similar has been reported by a House committee and is on the House Calendar; it says simply when a bill substantially similar has been reported by a committee of the House. That is the case here, although, as a matter of fact, it has been passed by the House. I have raised the question, Mr. Speaker, because I can see that this question is likely to arise often, and I am anxious to learn the best way to expedite the business in accordance with the Rules of the House.

Mr. GARRETT of Tennessee. Yes. My own thought about it is that clearly it must mean that the House bill is yet within the control of the House. In this instance we are not in physical possession of the bill. It has already passed the House and gone away from us.

Mr. CHINDBLOM. Let me suggest also that the term "bill" refers generally to matters actually pending in the House. Is the bill in the House after it has been sent to the Senate, or is it a "House bill" after it has been passed by the House and sent to the Senate?

Mr. DENISON. I do not know what else it would be.

Mr. CHINDBLOM. It is an "act" so far as the House is concerned. The Senate gives the bill the title of an "act" when it comes there after passage in the House.

The SPEAKER pro tempore. The further discussion of the matter inclines the Chair even more to the belief that this is a matter that should go over.

CALENDAR WEDNESDAY BUSINESS

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask recognition for the purpose of asking the gentleman from New York [Mr. LAGUARDIA] a question.

The SPEAKER pro tempore. Without objection, the gentleman may propound his question.

There was no objection.

Mr. O'CONNOR of Louisiana. Do I understand that the gentleman from New York was seeking to convey the thought that the chairman of the Committee on Veterans' Legislation will not take advantage of Calendar Wednesday and——

Mr. MADDEN. I do not think the gentleman ought to get that information second hand.

Mr. O'CONNOR of Louisiana (continuing). And call up legislation that is within the control of that committee.

Mr. MADDEN. The gentleman's committee has not the call.

Mr. LAGUARDIA. The gentleman was simply seeking to anticipate the time when the Committee on World War Veterans' Legislation would be called.

Mr. O'CONNOR of Louisiana. I understand the gentleman intimated there were a number of the members of that committee who desired to have legislation considered, and I was under the impression that the gentleman conveyed the thought that there were members of the committee who were willing and anxious to have bills considered but that the chairman of that committee, apparently, was indisposed to take advantage of the call.

Mr. LAGUARDIA. The gentleman knows that the committees are called in their order of standing and that the more Calendar Wednesdays we dispense with the less opportunity there is that a committee at the end of the list will be called.

Mr. MAPES and Mr. BLANTON rose.

Mr. O'CONNOR of Louisiana. I yield to the gentleman from Michigan.

Mr. MAPES. Mr. Speaker, it seems to me far-fetched to try to bring the chairman of the Committee on World War Veterans' Legislation into this Calendar Wednesday proposition at this time.

Mr. MADDEN. Regular order, Mr. Speaker.

Mr. MAPES. Mr. Speaker, the gentleman from Louisiana has two minutes.

Mr. McSWAIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from South Carolina rise?

Mr. McSWAIN. For permission to extend my remarks in the RECORD.

Mr. MAPES. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MAPES. Did not the gentleman from Louisiana have some time?

The SPEAKER pro tempore. The gentleman did not. It was all by unanimous consent and the regular order has been demanded.

Mr. MAPES. I understood the gentleman to ask for two minutes.

Mr. O'CONNOR of Louisiana. I asked the question in an effort to honestly and sincerely get the information.

Mr. MAPES. Mr. Speaker, in fairness to the chairman of the Committee on World War Veterans' Legislation I ask unanimous consent to proceed for one minute.

Mr. O'CONNOR of Louisiana. It was not my desire, Mr. Speaker, to reflect upon the chairman of the World War Veterans' Legislation Committee.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I shall ask unanimous consent to proceed for two minutes in view of the situation that has developed.

Mr. MAPES. Mr. Speaker, it seems to me rather far-fetched to try to bring the chairman of the Committee on World War

Veterans' Legislation into this discussion with respect to dispensing with Calendar Wednesday. His is one of the very last committees to be authorized by the rules and we are only starting the call of the calendar of committees now. The Banking and Currency Committee is the committee actually having the call. The next committee is the Committee on Coinage, Weights, and Measures and the next committee is the Committee on Interstate and Foreign Commerce. The Committee on Interstate and Foreign Commerce is anxious not to lose its day, and to jump way down to the end of the list of committees and try to charge the chairman of a committee near the end of the call with responsibility of dispensing with Calendar Wednesday it seems to me is rather far-fetched.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. BANKHEAD. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Regular order is demanded. The Chair recognizes the gentleman from South Carolina. For what purpose does the gentleman rise?

Mr. McSWAIN. For the purpose of presenting a unanimous-consent request that I be permitted to extend my remarks in order to explain a bill which I have introduced to-day doing tardy justice to the original and pioneer aviators of the United States Army.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

JUSTICE TO PIONEER AVIATORS—RELATING TO NATIONAL DEFENSE

Mr. McSWAIN. Mr. Speaker, with reference to the bill introduced by me "to provide proper recognition for the early pioneers in Army aviation," it is proposed in the first section that those officers of the Army who qualified on or before December 31, 1913, as military aviators, shall receive 75 per cent additional pay for flying as has heretofore been twice provided in bills passed by Congress, and that, of course, this extra pay shall accrue only for periods during which they participate regularly and frequently in aerial flights.

There were 24 of these officers who qualified as military aviators during this early period; that is, prior to December, 1913. Eleven other officers detailed to flying activities during this same period were killed. Of this total of 35, 2 have transferred to other branches, 5 are retired, only 7 remain active in the Air Corps, and 21 are dead. It is thus seen that but seven officers remain in the Air Corps to participate in the benefits of this section. One of these officers now receives 75 per cent additional pay—under the provisions of section 127a, national defense act—because the rating of military aviator was conferred upon him for having specially distinguished himself in time of war in active operations against the enemy. Another of these seven officers has been found physically disqualified and is not on flying duty. Thus this provision would to-day affect but five officers and entail an additional cost to the Government of only $517.70 monthly.

These men were the early pioneers in Army aviation and were responsible for developments which made flying in subsequent years from ten to forty times safer. They have all qualified a second time as military aviators under the laws of Congress passed June 3, 1916, and July 24, 1917.

By section 2 it is proposed to permit these early pioneers in Army aviation to retire at any time subsequent to the passage of the act. This is not without precedent, for in an act of the Sixty-third Congress, approved March 4, 1915, copy attached, certain officers of the Army and Navy who had been engaged in work on the construction of the Panama Canal were permitted to retire at any time after the passage of that act.

This is a very just provision, for these officers who have survived have lived their lives many times over in the hazardous early days of flying when a fatality occurred for approximately every hundred flying hours. Subsequent to that period all of these officers have held positions of great trust and responsibility and contributed much to the development and organization of the present air forces of the country.

This section will apply to a maximum of 9 officers, 7 who are now active in the Air Corps and 2 who were transferred to other branches of the service. All of these officers have had over 20 years' service and there is no doubt that the services they gave during the early days of flying should count many times over and make them eligible for retirement.

Section 3 of the bill proposes that the retired pay of these officers shall be 75 per cent of all pay and allowances, including flying pay, of the grade in which retired. There are five of this group of officers now on the retired list and possibly nine others will become eligible to participate in the benefits of this provision if they live to retire. This makes an absolute maximum of 14 officers, or but 40 per cent of the total number of 35 who started the early air activities in the Army and were responsible for its early development. The casualty rate was high. The strain, mental and physical, was great; but these officers persisted in spite of the chances against them because they realized that here was a new weapon for national defense which required development. Some of those who are now retired suffered accidents which contributed to their physical unfitness. One officer was picked up for dead and was being taken to the undertaker's when somebody discovered a sign of life. He was completely broken up, but managed to survive and was placed on the retired list.

Medical officers familiar with the hazards of flying believe the subconscious strain on the physical system due to the ever-present risk in military flying causes officers to use up their physical resistance very much faster than in other walks of life. How much more so was this the case when flying was only one-thirtieth to one-fortieth as safe as it is to-day! Therefore, it would appear that this is but a just recognition of the services that these early pioneers rendered.

It is impracticable to compute the cost of this provision because it varies with the grade and length of service of the officer affected. It is obvious, however, that the cost will be trifling compared with the services rendered. Applied to the officers on the retired list to-day, it will amount to but $717.19 per month.

The last section of the bill is designed to prevent any retroactive effect as such an action is believed contrary to the policy of Congress.

The justice of this proposed legislation is fully appreciated when the early history of Army flying is known. With little more than box kites to fly in, with casualties occurring on every hand, with appropriations so meager that often the officers themselves supplied the funds to maintain the equipment, with equipment so frail as to be a constant menace to the safety of the flyer and with little known of aerodynamics, these early pioneers had almost insurmountable obstacles with which to contend. One purchase of six "military" planes took six lives. A death occurred for approximately every hundred flying hours. Those who survived and passed the tests not only were announced in War Department orders as having qualified as military aviators, but they again qualified under subsequent laws of Congress and received the pay which it is now designed by the provisions of this bill to restore to them. They not only flew under extremely hazardous conditions but were responsible for the development of many characteristics considered highly desirable in military airplanes. So far as known, no material recognition has ever been given them.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. LEAVITT, for two days, on account of important business.

ADJOURNMENT

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

Mr. LaGUARDIA. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Illinois withhold his motion to adjourn?

Mr. MADDEN. I withhold it.

PROHIBITION AGENTS, ADMINISTRATORS, ETC.

Mr. LaGUARDIA. Mr. Speaker, I ask unanimous consent that I may have until midnight to-morrow to file minority views on the resolution H. Res. 108.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CALENDAR WEDNESDAY BUSINESS

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

Mr. MADDEN. Mr. Speaker, I withhold the motion for that purpose.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I want to say to the Members of the House that I have not the slightest or remotest desire to reflect on the alertness or vigilance of the chairman of the Committee on World War Veterans' Legislation, for whom I entertain the warmest sort of friendship; and it is not entirely, in my judgment, in keeping with the situation that prompts one of the Members here to rise for the purpose of honestly securing information, to be distorted by another Member and made to appear as if his attitude were unfriendly and hostile to a man for whom he has the warmest friendship. I think the gentleman from Michigan [Mr. MAPES] and I have the same thought, and that is to refute any inference that might be made that the chairman of the World War Veterans' Legislation Committee has been derelict in any way. I

did not ask my question with any idea of reflecting upon the vigilance of the chairman of that committee.

Mr. MAPES rose.

Mr. O'CONNOR of Louisiana. I yield to the gentleman from Michigan.

Mr. MAPES. So far as I am concerned, I had no intention of misinterpreting the gentleman's inquiry, and I accept what he says in perfect good faith.

Mr. GARRETT of Tennessee. May I ask one of the gentlemen a question? In view of the experience which we have had in regard to veterans' legislation covering the last six years at least, does not the gentleman think we are wasting a good deal of time in even discussing Calendar Wednesday for the legislation of the Committee on World War Veterans' Legislation, because they have never functioned except under suspension of the rules?

Mr. BLANTON. That is exactly what I wanted to bring out. Since the committee was organized four years ago, they have never brought in a bill except under a suspension of the rules, where you could not amend it in any particular, and the rules allowed only 20 minutes to the side for debate.

SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table, and, under the rule, referred to the appropriate committee, as follows:

S. 797. An act granting the consent of Congress to the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, at or near Wellsburg, W. Va.;

S. 798. An act granting the consent of Congress to the R. V. Reger Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Cumberland, Hancock County, W. Va.;

S. 1498. An act to extend the time for the construction of a bridge across the Chesapeake Bay and to fix the location of said bridge;

S. 2554. An act granting the consent of Congress to the cities of Atchison and Leavenworth, Kans., the city of St. Joseph, Mo., and the counties of Buchanan and Platte, Mo., their successors or assigns, to construct a bridge across the Missouri River or to acquire existing bridges; and

S. 2698. An act granting the consent of Congress to the State of Vermont to construct, maintain, and operate a free highway bridge across the Clyde River at or near Newport, Vt.; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT

The SPEAKER pro tempore. The gentleman from Illinois moves that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 15, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, February 15, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To place agricultural products upon a price equality with other commodities (H. R. 10656).

To foster agriculture and to stabilize the prices obtained for agricultural commodities by providing for the issuance of export debentures upon the exportation of such commodities (H. R. 10568).

COMMITTEE ON THE CENSUS

(10.30 a. m.)

For the apportionment of Representatives in Congress among the several States under the Fourteenth Census (H. R. 27).

For the apportionment of Representatives in Congress (H. R. 130).

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

To amend Title II of an act approved February 28, 1925, regulating postal rates (H. R. 9296).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To provide for the increase of the Naval Establishment (H. R. 7359).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity (H. R. 7759, 8237).

Defining combinations and conspiracies in trade and labor disputes and prohibiting the issuance of injunctions therein (H. R. 10082).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To amend the immigration act of 1924 by making the quota provisions thereof applicable to Mexico, Cuba, Canada, and the countries of continental America and adjacent islands (H. R. 6465).

COMMITTEE ON ROADS

(10 a. m.)

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented (H. R. 358, 383, 5518, 7343, and 8832).

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented, and authorizing appropriation of $150,000,000 per annum for two years (H. R. 7019).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

Authorizing the erection of a public warehouse for storage of Government supplies and purchase and condemnation of real estate in the District of Columbia (H. R. 8919).

To create a commission to be known as the commission for the enlarging of the Capitol Grounds (S. 2301).

COMMITTEE ON WAYS AND MEANS

(10 a. m.)

To authorize the settlement of the indebtedness of the Hellenic Republic to the United States and of the differences arising out of the tripartite loan agreement of February 10, 1918 (H. R. 10760).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DENISON: Committee on Interstate and Foreign Commerce. S. 1946. An act relative to the pay of certain retired warrant officers and enlisted men and warrant officers and enlisted men of the reserve forces of the Army, Navy, Marine Corps, and the Coast Guard, fixed under the terms of the Panama Canal act, as amended; with amendment (Rept. No. 640). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 6480. A bill to authorize appropriations for construction at military posts, and for other purposes; with amendment (Rept. No. 646). Referred to the Committee of the Whole House on the state of the Union.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 7932. A bill to authorize appropriations for construction at military posts, and for other purposes; with amendment (Rept. No. 647). Referred to the Committee of the Whole House on the state of the Union.

Mr. JAMES: Committee on Military Affairs. H. R. 5806. A bill to authorize the purchase of real estate by the War Department; with amendment (Rept. No. 648). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISHER: Committee on Military Affairs. H. R. 5817. A bill to provide for the paving of the Government road extending from St. Elmo, Tenn., to Rossville, Ga.; with amendment (Rept. No. 649). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on the Public Lands. S. 1455. An act to grant extensions of time under coal permits; without amendment (Rept. No. 651). Referred to the Committee of the Whole House on the state of the Union.

Mr. KIESS: Committee on Insular Affairs. S. 754. An act for the relief of certain Porto Rican taxpayers; with amendment (Rept. No. 652). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. J. Res. 175. A resolution to change the name of the

Ancon Hospital in the Panama Canal Zone to the General Gorgas Hospital; with amendment (Rept. No. 653). Referred to the House Calendar.

Mr. MORROW: Committee on the Public Lands. H. R. 9829. A bill to extend the provisions of the act of Congress approved March 20, 1922, entitled "An act to consolidate national forest lands"; with amendment (Rept. No. 654). Referred to the House Calendar.

Mr. JOHNSON of Oklahoma: Committee on the Public Lands. H. R. 465. A bill to authorize the city of Oklahoma City, Okla., to sell certain public squares situated therein; with amendment (Rept. No. 660). Referred to the Committee of the Whole House on the state of the Union.

Mr. WASON: Committee on Disposition of Useless Executive Papers. A report on disposition of useless papers in Government Printing Office (Rept. No. 661). Ordered printed.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 7198. A bill granting the consent of Congress to Henry Thane, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River; with amendment (Rept. No. 662). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 9831. A bill authorizing J. E. Turner, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Ocmulgee River at or near Fitzgerald, Ga.; with amendment (Rept. No. 663). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 9964. A bill authorizing E. L. Higdon, of Baldwin County, Ala., his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across Perdido Bay at or near Bear Point, Baldwin County, Ala.; with amendment (Rept. No. 664). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 10070. A bill authorizing the New Martinsville & Ohio River Bridge Co. (Inc.) to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.; with amendment (Rept. No. 665). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 10144. A bill authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Zapata, Tex.; with amendment (Rept. No. 666). Referred to the House Calendar.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 10373. A bill authorizing the Plattsmouth Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Plattsmouth, Nebr.; with amendment (Rept. No. 667). Referred to the House Calendar.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 10424. A bill authorizing John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Fallon, all of Falls City, Nebr., his or their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Rulo, Nebr.; with amendment (Rept. No. 668). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. S. 2902. An act granting the consent of Congress to the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at or near Marinette, Wis.; with amendment (Rept. No. 669). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 7927. A bill granting the consent of Congress to the Louisiana Highway Commission of the State of Louisiana to construct, maintain, and operate a bridge across the Atchafalaya River at Melville, La.; with amendment (Rept. No. 670). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 8897. A bill granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, county of Cook, State of Illinois; with amendment (Rept. No. 671). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 9350. A bill granting the consent of Congress to Frank E. Merrill, carrying on business under the name and style of Frank E. Merrill & Co.'s Algonquin Shores Realty Trust, to construct, maintain, and operate a footbridge across the Fox River; with amendment (Rept. No. 672). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 9361. A bill granting the consent of Congress to the city of St. Charles, State of Illinois, to widen a bridge across the Fox River within the city of St. Charles, State of Illinois; with amendment (Rept. No. 673). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 9365. A bill granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the St. Francis River; with amendment (Rept. No. 674). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 9761. A bill to extend the time for completing the construction of a bridge across the Monongahela River at or near Pittsburgh; with amendment (Rept. No. 675). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 9773. A bill authorizing the Manufacturers' Electric Terminal Railway, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near the mouth of the Big Blue River, in Jackson County, Mo., where the same empties into the Missouri River; with amendment (Rept. No. 676). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 9843. A bill to extend the times for commencing and completing the construction of a bridge across the Kanawha River at or near the town of Henderson, W. Va., to a point opposite thereto in or near the city of Point Pleasant, W. Va.; with amendment (Rept. No. 677). Referred to the House Calendar.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. H. R. 9946. A bill to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.; with amendment (Rept. No. 678). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 10025. A bill to extend the time for completing the construction of a bridge across the Monongahela River at or near McKeesport, Pa.; with amendment (Rept. No. 679). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 10026. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Savanna, Ill.; with amendment (Rept. No. 680). Referrel to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 10143. A bill authorizing the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Merryville, La., on the Merryville-Newton highway; with amendment (Rept. No. 681). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 10298. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans; with amendment (Rept. No. 682). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WRIGHT: Committee on Military Affairs. H. R. 2527. A bill for the relief of William Porter; without amendment (Rept. No. 641). Referred to the Committee of the Whole House.

Mr. WRIGHT: Committee on Military Affairs. H. R. 2529. A bill for the relief of Rezin Franklin Neves; without amendment (Rept. No. 642). Referred to the Committee of the Whole House.

Mr. WRIGHT: Committee on Military Affairs. H. R. 2531. A bill for the relief of Marion Francis Wade; with amendment (Rept. No. 643). Referred to the Committee of the Whole House.

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 4864. A bill for the relief of William Martin; with amendment (Rept. No. 644). Referred to the Committee of the Whole House.

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 4954. A bill for the relief of Thomas Purdell; without amendment (Rept. No. 645). Referred to the Committee of the Whole House.

Mr. PEAVEY: Committee on War Claims. S. 496. An act for the relief of M. Zingarell and wife, Mary Alice Zingarell; without amendment (Rept. No. 655). Referred to the Committee of the Whole House.

Mr. ESLICK: Committee on War Claims. H. R. 4265. A bill for the relief of certain officers and former officers of the

Army of the United States, and for other purposes; with amendment (Rept. No. 656). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims: H. R. 4266. A bill for the relief of certain officers and former officers of the Army of the United States, and for other purposes; with amendment (Rept. No. 657). Referred to the Committee of the Whole House.

Mr. ESLICK: Committee on War Claims. H. R. 7166. A bill to allow credit in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies; with amendment (Rept. No. 658). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 9334. A bill for the relief of Morris J. Lang; with amendment (Rept. No. 659). Referred to the Committee of the Whole House.

ADVERSE REPORT

Under clause 2 of Rule XIII,

Mr. DYER: Committee on the Judiciary. H. Res. 108. A resolution relative to the number of prohibition agents, administrators, supervisors, investigators, and employees in the employ of the United States Government (Rept. No. 650). Laid on the table.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pension was discharged from the consideration of the bill (H. R. 10841) granting an increase of pension to Catharine A. Curran, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOX: A bill (H. R. 10951) authorizing the construction of a toll road or causeway across Lake Sabine at or near Port Arthur, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: A bill (H. R. 10952) to fix the salaries of certain judges of Porto Rico; to the Committee on Insular Affairs.

By Mr. LEAVITT: A bill (H. R. 10953) to authorize the Secretary of the Interior to adjust reimbursable debts of Indian tribes; to the Committee on Indian Affairs.

By Mr. GREEN of Iowa: A bill (H. R. 10954) to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa.; to the Committee on Ways and Means.

By Mr. ALLGOOD: A bill (H. R. 10955) to amend the immigration act of 1924 by making the quota provisions thereof apply to all nations except those that are barred by the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. DAVILA: A bill (H. R. 10956) amending the immigration laws as applied to Porto Rico; to the Committee on Immigration and Naturalization.

By Mr. EDWARDS: A bill (H. R. 10957) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920; to the Committee on Public Buildings and Grounds.

By Mr. HAUGEN: A bill (H. R. 10958) to amend the definition of oleomargarine contained in the act entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended; to the Committee on Agriculture.

By Mr. HOUSTON of Hawaii: A bill (H. R. 10959) to extend the benefits of certain acts of Congress to the Territory of Hawaii; to the Committee on Agriculture.

By Mr. GOLDSBOROUGH: A bill (H. R. 10960) to adjust the salaries of criers and bailiffs of the United States district courts; to the Committee on the Judiciary.

Also, a bill (H. R. 10961) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on the Civil Service.

By Mr. ALLGOOD: A bill (H. R. 10962) to authorize the stamping into the coinage of the United States of America from silver bullion $20,000,000 in denominations of 50 cents each commemorating the outstanding achievements of Col. Charles A. Lindbergh; to the Committee on Coinage, Weights, and Measures.

By Mr. JACOBSTEIN: A bill (H. R. 10963) for the apportionment of Representatives in Congress; to the Committee on the Census.

By Mr. McSWAIN: A bill (H. R. 10964) to amend the national defense act; to the Committee on Military Affairs.

By Mr. REECE: A bill (H. R. 10965) to increase the efficiency of the Military Establishment, and for other purposes; to the Committee on Military Affairs.

By Mr. PARKER: A bill (H. R. 10966) to authorize the sale of Battery Island Fisheries Station; to the Committee on Interstate and Foreign Commerce.

By Mr. ELLIOTT: Joint resolution (H. J. Res. 204) providing that the Secretary of Agriculture be directed to give notice that on and after January 1, 1929, the Government will cease to maintain a public market on Pennsylvania Avenue between Seventh and Ninth Streets NW.; to the Committee on Public Buildings and Grounds.

By Mr. HULL of Tennessee: Resolution (H. Res. 114) to secure justice to agriculture; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN: A bill (H. R. 10967) to provide for a survey of Rahway River, N. J., with a view to maintaining an adequate channel of suitable width; to the Committee on Rivers and Harbors.

By Mr. ALLGOOD: A bill (H. R. 10968) for the relief of Claudie Savage; to the Committee on Military Affairs.

By Mr. BACHMANN: A bill (H. R. 10969) granting an increase of pension to Virginia Powell; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 10970) granting a pension to Jennie Boulden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10971) granting an increase of pension to Caroline Stahl; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 10972) granting a pension to George Y. Dudley; to the Committee on Pensions.

By Mr. CANFIELD: A bill (H. R. 10973) granting an increase of pension to Roscoe W. Barker; to the Committee on Pensions.

By Mr. CARTER: A bill (H. R. 10974) for the relief of Carl Holm; to the Committee on World War Veterans' Legislation.

By Mr. CRAIL: A bill (H. R. 10975) for the relief of William M. Cavanaugh; to the Committee on Military Affairs.

Also, a bill (H. R. 10976) granting an increase of pension to Elizabeth Parmelee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10977) granting an increase of pension to Sterrett E. McNulty; to the Committee on Pensions.

By Mr. CROWTHER: A bill (H. R. 10978) granting an increase of pension to Nancy E. Ostrom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10979) granting an increase of pension to Mary L. Seeley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10980) granting an increase of pension to Cynthia Stiles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10981) granting an increase of pension to Almira S. Peck; to the Committee on Invalid Pensions.

By Mr. CULLEN: A bill (H. R. 10982) for the relief of Charles Curtis (Inc.); to the Committee on War Claims.

By Mr. DENISON: A bill (H. R. 10983) granting an increase of pension to Laura Heaton; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 10984) granting an increase of pension to Sarah H. Day; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10985) granting an increase of pension to Susie E. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10986) granting an increase of pension to Missouri Bunch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10987) granting an increase of pension to Christina Figgemeier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10988) granting an increase of pension to Jane Davis; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 10989) granting an increase of pension to Mary A. Savidge; to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 10990) for the relief of Gordon C. Bennett; to the Committee on Claims.

By Mr. ROY G. FITZGERALD: A bill (H. R. 10991) granting a pension to Mary A. Karnehm; to the Committee on Pensions.

By Mr. FURLOW: A bill (H. R. 10992) granting a pension to Abbie S. Miller; to the Committee on Pensions.

By Mr. GARBER: A bill (H. R. 10993) granting a pension to Hannah Elizabeth Rector; to the Committee on Invalid Pensions.

By Mr. GARNER of Texas: A bill (H. R. 10994) granting a pension to George P. Durham; to the Committee on Pensions.

By Mr. HALL of Indiana: A bill (H. R. 10995) for the relief of Charles E. Reyburn; to the Committee on Claims.

By Mr. JAMES: A bill (H. R. 10996) granting a pension to Emma Obenhoff; to the Committee on Pensions.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 10997) granting an increase of pension to Alice R. Husted; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 10998) for the relief of Eliza Jane Wells; to the Committee on War Claims.

Also, a bill (H. R. 10999) granting an honorable discharge to S. W. Greer; to the Committee on Military Affairs.

By Mr. LEATHERWOOD: A bill (H. R. 11000) granting a pension to Caleb D. Brinton; to the Committee on Pensions.

Also, a bill (H. R. 11001) for the relief of Maj. O. S. McCleary, United States Army, retired; to the Committee on Claims.

By Mr. LOZIER: A bill (H. R. 11002) granting a pension to Louesa F. Wagaman; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 11003) granting an increase of pension to Susan Hunziker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11004) granting an increase of pension to Manda Harris; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 11005) granting an increase of pension to Amanda Gilbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11006) granting an increase of pension to Mary L. Dunham; to the Committee on Invalid Pensions.

By Mr. MEAD: A bill (H. R. 11007) granting a pension to Ida Wilkinson; to the Committee on Pensions.

By Mr. RUBEY: A bill (H. R. 11008) granting an increase of pension to Nancy Jane Wilson; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 11009) granting an increase of pension to Amanda Russell; to the Committee on Invalid Pensions.

By Mr. SMITH: A bill (H. R. 11010) granting an increase of pension to Adam Roth; to the Committee on Pensions.

By Mr. SPEAKS: A bill (H. R. 11011) granting an increase of pension to Martha E. Twaddle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11012) granting an increase of pension to Rosanah H. Bradley; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 11013) granting an increase of pension to Lydia A. Bader; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 11014) for the relief of Don C. Fees; to the Committee on Claims.

By Mr. VINSON of Kentucky: A bill (H. R. 11015) granting an increase of pension to Roena C. Caskey; to the Committee on Invalid Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 11016) granting an increase of pension to Judith T. Whiteford; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3826. By Mr. ALDRICH: Petition of Ella Hokerson and 23 others, of Providence, R. I., protesting against passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3827. By Mr. ALLEN: Petition of citizens of Moline, Ill., urging Congress to enact the Civil War veteran pension bill; to the Committee on Invalid Pensions.

3828. By Mr. BACHMANN: Petition of Mary Bidgood and 48 signatures of citizens of Wheeling, Ohio County, W. Va., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3829. By Mr. BUCKBEE: Petition of the Rockford City Fire Department, in favor of House bill 9346 and Senate bill 2852, to increase the salary of the fire and police departments of the city of Washington; to the Committee on the District of Columbia.

3830. By Mr. BURTON: Memorial of citizens of Pocopson, Pa., protesting against the proposed naval construction program; to the Committee on Naval Affairs.

3831. Also, petition of citizens of Harrisburg, Pa., urging the passage of House Joint Resolution 1, prohibiting the shipment of arms, etc., to aggressor nations; to the Committee on Foreign Affairs.

3832. Also, memorial of various citizens of Whittier and Springville, Iowa, protesting against the proposed program for naval expansion; to the Committee on Naval Affairs.

3833. By Mr. CANFIELD: Resolution of Edward Jameson, commander, and Nicholas Zimmer, adjutant and quartermaster, of the Robert Huff Post, No. 89, Grand Army of the Republic, of Lawrenceburg, Ind., asking for immediate relief for Civil War veterans and their widows as set out in the resolution; to the Committee on Invalid Pensions.

3834. By Mr. CARTER: Petition of Frederick W. Dunster and many others, of Berkeley, Calif., urging the passage of legislation increasing the pensions of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3835. By Mr. CHALMERS: Petitions against compulsory Sunday observance signed by residents of Toledo, Ohio; to the Committee on the District of Columbia.

3836. By Mr. CRAIL: Petition of the Los Angeles Branch of the Women's International League for Peace and Freedom, protesting against the gigantic naval-armament construction program; to the Committee on Naval Affairs.

3837. Also, petitions in the form of telegrams voicing protest against armament program before Congress; to the Committee on Naval Affairs.

3838. Also, petition of H. S. Hazeltine, against putting immigration from Mexico on a quota basis; to the Committee on Immigration and Naturalization.

3839. By Mr. CURRY: Petition of citizens of third California district, against House bill 78; to the Committee on the District of Columbia.

3840. Also, petition of 2,049 residents of the third district of California, protesting against the enactment of the Lankford Sunday bill for the District of Columbia; to the Committee on the District of Columbia.

3841. By Mr. DENISON: Petition of various citizens of Makanda, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill, in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

3842. Also, petition of various citizens of Pinckneyville, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

3843. Also, petition of various citizens of Perry County, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

3844. By Mr. ESTEP: Petition of Allegheny County Grand Army Association, Pittsburgh, urging that any and all legislation in the interests of relief for surviving veterans and the widows of veterans of the Civil War be given favorable consideration; to the Committee on Invalid Pensions.

3845. By Mr. EVANS of Montana: Petition of Charles Stanton and other residents of Hamilton, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3846. Also, petition of Mrs. A. L. Lyman and other residents of Darby, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3847. Also, petition of Mrs. Frank Cooper, of Missoula, Mont., and residents of Darby, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3848. Also, petition of Mrs. L. J. Van Houten and other residents of Custer, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3849. Also, petition of Mrs. Bird Baugher and other residents of Missoula, Mont., protesting against the passage of House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

3850. By Mr. W. T. FITZGERALD: Petition of professors, pastors, and students of Witmarsum Seminary, Bluffton, Ohio, protesting against the passage of the Navy bill, as a means of leading the Nation into war; to the Committee on Naval Affairs.

3851. Also, memorial of the First Mennonite Church of Bluffton, Ohio, urging the defeat of the naval appropriation program; to the Committee on Naval Affairs.

3852. By Mr. FOSS: Indorsement by Capt. John Joslin, jr., Chapter of the Daughters of the American Revolution of House Resolution No. 2, regulation of a flag code; to the Committee on the Judiciary.

3853. By Mr. HAWLEY: Petition of residents of Sitkum, Canby, Newberg, 6 petitions of residents of Salem, petition of

residents of Kerby, Dayton, Milwaukee, Monmouth, Eagle Creek, Harlan, Monroe, 2 petitions of residents of Eugene, 3 of Silverton, 18 of Coos County, 1 of Lincoln County, 1 of Linn County, 1 of Polk County, 2 of Clackamas County, 3 of Marion County, 8 of Lane County, and 9 of the first congressional district, all in the State of Oregon, against the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

3854. By Mr. HICKEY: Petition of DeWitt S. Osgood and other citizens of Elkhart, Ind., opposing the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3855. By Mr. HOOPER: Petition of Charles S. Loud and 110 other residents of Calhoun County, Mich., urging to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune for relief of needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

3856. By Mr. HOUSTON of Hawaii: Petition of the Hon. W. R. Farrington, Governor of the Territory of Hawaii, and 46 other citizens of the Territory of Hawaii, urging the increase of pensions of certain veterans of the Civil War to $95 per month; to the Committee on Invalid Pensions.

3857. By Mr. WILLIAM E. HULL: Petition of Isabelle Davis and other citizens of Peoria, Ill., for increase of pension of widows of Civil War veterans; to the Committee on Invalid Pensions.

3858. Also, petition of D. N. Phenix and other citizens of Bradford, Ill., for increase of pension of widows of Civil War veterans; to the Committee on Invalid Pensions.

3859. By Mr. JOHNSON of Texas: Petition of Jefferson County, Tex., Chapter of the Reserve Officers' Association of the United States, favoring the creation of a department of national defense, with three equal branches, namely, (a) Army, (b) Navy, and (c) Air; to the Committee on Military Affairs.

3860. Also, petition of Hearne Chamber of Commerce, of Hearne, Tex., opposing the Box Mexican immigration bill; to the Committee on Immigration and Naturalization.

3861. By Mr. JOHNSON of Washington: Petition of Elder A. R. Bell and 1,501 other citizens of Tacoma, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3862. Also, petition of Tacoma Council of Parent-Teacher Associations, favoring the Curtis-Reed education bill; to the Committee on Education.

3863. Also, petition of 33 citizens of Elma, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3864. Also, petition of V. O. Wallace and 31 other citizens of Chehalis, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3865. By Mr. KORELL: Petition of citizens of Portland, Oreg., protesting against the enactment of compulsory Sunday observance legislation, and particularly against House bill 78; to the Committee on the District of Columbia.

3866. By Mr. LaGUARDIA: Petition of Republican county committeemen and committee women of the third assembly district, county of Queens, New York City, urging increase of pension for Civil War veterans; to the Committee on Invalid Pensions.

3867. By Mr. LETTS: Petition of Gerald Meyer and other citizens, of Davenport, Iowa, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3868. By Mr. LINDSAY: Petition of adjutant general, State of New York, for restoration of allowances made by the Budget for the National Guard, providing adequate funds for armory drills and camps of instruction; to the Committee on Appropriations.

3869. By Mr. LINTHICUM: Petition of Mrs. John N. Parker, Miss Lillian Bulla, Miss Florence L. Hooper, Mrs. Arthur K. Taylor, Mrs. Mary V. Campbell, Franklin O. Curtis, Eleanor D. Smith, Richard J. White, and others, of Baltimore, registering opposition to the naval construction bill; to the Committee on Naval Affairs.

3870. Also, petition of Stanley F. Burrows, Bethesda, Md.; E. B. Clark, Baltimore; Francis M. Caulfield; and Miss Martha F. Fennelly, indorsing House bill 25; to the Committee on the Civil Service.

3871. Also, petition of Samuel M. Dell & Co., Baltimore, and Baltimore Association of Commerce, Baltimore, urging passage of House bill 9195, Cuban parcel post bill; to the Committee on Ways and Means.

3872. Also, petition of Baltimore Association of Commerce and Maryland Bankers' Association of Baltimore, Md., registering opposition to Senate bill 744, on the American merchant marine; to the Committee on the Merchant Marine and Fisheries.

3873. Also, petition of Thanhouser & Weiller, the Gandy Belting Co., Lewis W. Lake, and M. S. Levy & Sons, all of Baltimore, Md., urging legislation for Mississippi Valley flood control be passed; to the Committee on Flood Control.

3874. By Mr. LUCE: Petition of A. C. Walton, Needham, Mass., regarding amendment to the civil service retirement act; to the Committee on the Civil Service.

3875. By Mr. McDUFFIE: Petition of citizens of Gilbertown, Ala., protesting against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3876. By Mr. McKEOWN: Petition of Susan Hunzeken and others, urging the passage of Civil War pension bill; to the Committee on Invalid Pensions.

3877. Also, petition of Manda Harris and other citizens of Kindrick, Okla., urging an increase for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3878. Also, petition of Leonard Crawford and 70 other citizens of Shawnee, Okla., protesting the passage of any compulsory Sunday observance bill; to the Committee on the District of Columbia.

3879. By Mr. MAPES: Petition of 17 residents of Ada, Mich., advocating the enactment of additional legislation for the benefit of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3880. Also, petition of 55 residents of Grand Rapids, Mich., and vicinity, advocating the enactment of additional legislation for the benefit of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3881. By Mr. MEAD: Petition of residents of Buffalo, N. Y., in opposition to Senate bill 1667; to the Committee on Interstate and Foreign Commerce.

3882. By Mr. Miller: Petition of citizens of Bremerton, Wash., protesting passage of House bill 78, the District Sunday closing law; to the Committee on the District of Columbia.

3883. By Mr. MORIN: Petition of the Allegheny County Grand Army Association, of Pittsburgh, Pa., urging passage of such pension legislation as will bring the much needed relief to the surviving veterans and the widows of veterans of the Civil War; to the Committee on Pensions.

3884. By Mr. MORROW: Petition of five different congregations of churches in East Las Vegas, N. Mex., favoring enactment of Stalker bill (H. R. 9588), increasing penalties for violation of Volstead act, presented by Mrs. Viola Phillips, secretary Women's Christian Temperance Union; to the Committee on the Judiciary.

3885. Also, petition of game and fish commission of New Mexico indorsing McSweeney-McNary bill, increasing facilities of Department of Agriculture for research in forestry; to the Committee on Agriculture.

3886. Also, petition of pastor and members of Presbyterian Church, Las Cruces, N. Mex., opposing proposed naval program, submitted by Miss Anna R. Hadley, representing the valley federation of missionary societies; to the Committee on Naval Affairs.

3887. By Mr. MURPHY: Petition of Mrs. Laura Garside and 15 others, of Salem, Ohio, praying for the passage of Civil War pension bill; to the Committee on Invalid Pensions.

3888. By Mr. NEWTON: Petition of O. L. Hilde, of Minneapolis, and others, against Sunday compulsory observance; to the Committee on the District of Columbia.

3889. By Mr. O'CONNELL: Petition of H. McCoy Clements, financial corresponding secretary and treasurer of Lodge No. 50, International Brotherhood of Boiler Makers and Iron Ship Builders and Helpers of America, Charleston, S. C., favoring the elimination of the continuous-service clause in the Federal employees' retirement bill; to the Committee on the Civil Service.

3890. By Mr. PRALL: Resolutions passed and adopted unanimously by the National Guard Association of the State of New York, in convention assembled in Albany, N. Y., received from Capt. William J. Mangine, secretary National Guard Association, Albany, N. Y.; to the Committee on World War Veterans' Legislation.

3891. Also, resolution passed and adopted by the National Guard Association of the State of New York, in convention assembled in Albany, N. Y., January 13 and 14, 1928, received from Capt. William J. Mangine, secretary of the National Guard Association, Albany, N. Y.; to the Committee on World War Veterans' Legislation.

3892. By Mr. RAMSEYER: Petition of residents of sixth congressional district of Iowa, protesting against the passage of House bill 78 or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3893. By Mr. REED of New York: Petition indorsing Civil War pension bill from residents of Chautauqua and Little Valley, N. Y.; to the Committee on Invalid Pensions.

3894. Also, petition of residents of Arkport and West Almond, N. Y., protesting against House bill 78; to the Committee on the District of Columbia.

3895. By Mrs. ROGERS: Petition of Osborne L. Smith, secretary of the Seventh Day Adventist Church, of 98 Marginal Street, Lowell, Mass., with 38 signatures of citizens of Lowell, Mass., against compulsory Sunday observance bill (H. R. 78) or any other similar proposed measure; to the Committee on the District of Columbia.

3896. By Mr. RUBEY: Petition of citizens of sixteenth district of Missouri, protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3897. Also, petition by citizens of Wright County, Mo., urging passage of legislation for increased pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

3898. By Mr. SHREVE: Petition by a large number of citizens of Spartansburg, Pa., for the immediate passage of pension relief for veterans of the Civil War and their widows, sponsored by the National Tribune; to the Committee on Invalid Pensions.

3899. Also, petition by numerous citizens of Erie, Pa., for the immediate passage of the pension relief bill sponsored by the National Tribune; to the Committee on Invalid Pensions.

3900. Also, petition by numerous citizens of Erie, Pa., protesting against the passage of the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3901. By Mr. SMITH: Communication signed by S. J. Kenepp and other residents of Payette, Idaho, favoring the settlement of international controversies by arbitration, and opposing unreasonable expenditures in enlarging the Navy and Army; to the Committee on Military Affairs.

3902. By Mr. SPEAKS: Petition by Mrs. Effie Makes Russell and some 55 citizens of Columbus, Ohio, urging the enactment of legislation increasing pension rates for Civil War soldiers and survivors; to the Committee on Invalid Pensions.

3903. By Mr. STRONG of Pennsylvania: Petition of 152 citizens of Callensburg, Pa., urging immediate action of Congress on a bill to increase the rates of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3904. By Mr. THOMPSON: Petition of citizens of Latty, Ohio, protesting against House bill 78, the Sunday observance bill; to the Committee on the District of Columbia.

3905. By Mr. TIMBERLAKE: Petition protesting against placing Mexican agricultural immigration on quota basis; to the Committee on Immigration and Naturalization.

3906. Also, petition from Colorado State Farm Bureau, opposing further Mexican immigration restriction as proposed in Box bill; to the Committee on Immigration and Naturalization.

3907. By Mr. WATSON: Resolution passed by the Doylestown (Pa.) Council, No. 40, Sons and Daughters of Liberty, favoring House bill 5473, to provide for the registration of aliens, and for other purposes; to the Committee on Immigration and Naturalization.

3908. Also, resolution passed at the Falls monthly meeting of Friends, held at Fallsington, Pa., February 9, 1928, in opposition to a large naval program; to the Committee on Naval Affairs.

3909. Also, resolution passed by the Colony Club, Ambler, Pa., in opposition to an increased naval program; to the Committee on Naval Affairs.

3910. Also, petition from Wrightstown, Pa., monthly meeting of Friends, in opposition to proposed increased naval program; to the Committee on Naval Affairs.

3911. Also, resolution passed at a meeting of the Makefield Liberty Club, in opposition to the proposed increased naval program; to the Committee on Naval Affairs.

SENATE

WEDNESDAY, *February 15, 1928*

(Legislative day of Monday, February 13, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Broussard	Deneen	Gerry
Barkley	Bruce	Dill	Gillett
Bayard	Capper	Edge	Glass
Bingham	Caraway	Edwards	Gooding
Black	Copeland	Ferris	Gould
Blaine	Couzens	Fess	Greene
Borah	Curtis	Fletcher	Hale
Bratton	Cutting	Frazier	Harris
Brookhart	Dale	George	Harrison
Hawes	Mayfield	Reed, Pa.	Swanson
Hayden	Metcalf	Robinson, Ark.	Thomas
Heflin	Moses	Robinson, Ind.	Trammell
Howell	Neely	Sackett	Tydings
Johnson	Norbeck	Schall	Tyson
Jones	Norris	Sheppard	Wagner
Kendrick	Nye	Shipstead	Walsh, Mass.
Keyes	Oddie	Shortridge	Walsh, Mont.
King	Overman	Simmons	Warren
La Follette	Phipps	Smith	Waterman
McKellar	Pine	Smoot	Watson
McLean	Pittman	Steck	Wheeler
McMaster	Ransdell	Steiwer	Willis
McNary	Reed, Mo.	Stephens	

The VICE PRESIDENT. Ninety-one Senators having answered to their names, a quorum is present.

BATTERY ISLAND FISHERIES STATION, MD.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting a draft of proposed legislation recommended by the department to authorize the sale of the land and improvements known as Battery Island Fisheries Station, Md., which, with the accompanying paper, was referred to the Committee on Commerce.

PETITIONS AND MEMORIALS

Mr. PITTMAN. Mr. President, I present and ask to have printed in the RECORD and referred to the Committee on Agriculture and Forestry Joint Resolution 2 of the Legislature of the State of Nevada, which is entitled "Assembly joint resolution memorializing the Secretary of Agriculture of the United States to continue in effect his Federal quarantine against importation into the United States of livestock and livestock products from foreign countries where foot-and-mouth disease is known to exist."

There being no objection, the resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Assembly Joint Resolution 2 (Mr. Winter), memorializing the Secretary of Agriculture of the United States to continue in effect his Federal quarantine against importation into the United States of livestock and livestock products from foreign countries where foot-and-mouth disease is known to exist

[Approved February 3, 1928]

Whereas reports are being circulated that the present Federal Government quarantine against importation to the United States of livestock, meats, hides, and similar livestock products from foreign countries where foot-and-mouth disease is known to exist may be abolished or modified; and

Whereas foot-and-mouth disease is known to be one of the most destructive of the contagious and infectious diseases affecting livestock, its appearance in this country, based upon past experience, not only causing terrific losses of livestock, but requiring control measures necessitating drastic restriction of movement of all kinds of commerce in the areas affected as well as large expenditure of public funds: Therefore be it

Resolved by the Assembly and Senate of the State of Nevada, That we indorse and approve the action of the Secretary of Agriculture of the United States in establishing the aforesaid quarantine and most strongly urge upon him the necessity and desirability of its continuance in force against all foreign countries where foot-and-mouth disease exists; and be it further

Resolved, That copies of this resolution, duly authenticated by the proper officials of the State of Nevada, be sent to the Hon. W. M. Jardine, Secretary of Agriculture of the United States, and to each Member of the Nevada delegation in the Congress of the United States.

MORLEY GRISWOLD,
President of the Senate.
V. R. MERIALDO,
Secretary of the Senate.
DOUG H. TANDY,
Speaker of the Assembly.
JOHN W. WRIGHT,
Chief Clerk of the Assembly.

STATE OF NEVADA,
Department of State, ss:

I, W. G. Greathouse, the duly elected, qualified, and acting secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original Assembly Joint Resolution No. 2, introduced by Mr. Winter, approved February 3, 1928, now on file and of record in this office.

In witness whereof I have hereunto set my hand and affixed the great seal of State at my office in Carson City, Nev., this 10th day of February, A. D. 1928.

[SEAL.]

W. G. GREATHOUSE,
Secretary of State.

Mr. PITTMAN. I also present and ask to have printed in the RECORD and referred to the Committee on Post Offices and Post Roads, Assembly Joint Resolution 1, of the Legislature of the State of Nevada, memorializing Congress relative to

Federal aid for highway maintenance. A part of the resolution is as follows:

Resolved by the Senate and Assembly of the State of Nevada, That we respectfully memoralize and petition the Congress of the United States to give due consideration to enacting Federal aid for maintenance purposes on the same ratio as used for the basis of the present Federal aid road act.

I will state that I have introduced a bill in accordance with the resolution just presented, and it is now pending before the Committee on Post Offices and Post Roads.

There being no objection, the resolution was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

STATE OF NEVADA, DEPARTMENT OF STATE,
CARSON CITY, NEV.

Assembly Joint Resolution 1, memorializing Congress relative to Federal aid for highway maintenance, approved February 3, 1928

Whereas the Legislature of the State of Nevada, now assembled in a special session, is again confronted with the necessity of enacting suitable legislation to provide additional funds for the department of highways to be used in maintaining the State's 7 per cent highway system; and

Whereas the tremendous yearly increase in motor transportation is commanding more money each year for maintaining the roads to a standard meeting the requirements of the Federal Bureau of Public Roads; and

Whereas this ever-increasing cost of maintenance is becoming a heavy tax burden upon the people of the State of Nevada; and

Whereas the State of Nevada is the seventh largest State in the Union with 87.72 per cent of the total area untaxable Federal-owned land; and

Whereas the total population of the State is less than 80,000 people; and

Whereas it is of great importance to the State of Nevada and all western and public-land States a policy be developed which will insure Federal aid for the maintenance of the roads built under the Federal aid road act, and on the equitable ratio of public land to privately owned taxable land; and

Whereas the conditions prevailing in the State of Nevada also exist in most western and all public-land States: Now therefore be it

Resolved by the Senate and Assembly of the State of Nevada, That we respectfully memorialize and petition the Congress of the United States to give due consideration to enacting Federal aid for maintenance purposes on the same ratio as used for the basis of the present Federal aid road act; be it further

Resolved, That the secretary of the State of Nevada be, and is hereby, directed to forward a certified copy of this resolution by mail to each and every Member of Congress, to the Secretary of Agriculture, Chief Engineer of the Bureau of Public Roads, the American Automobile Association, the American Association of State Highway Officials, and to the governors and heads of the departments of highways of all western and public-land States.

MORLEY GRISWOLD,
President of the Senate.
V. MERIALDO,
Secretary of the Senate.
DOUG TANDY,
Speaker of the Assembly.
JOHN W. WRIGHT,
Chief Clerk of the Assembly.

STATE OF NEVADA,
Department of State, ss:

I, W. G. Greathouse, the duly elected, qualified, and acting secretary of state of the State of Nevada, do hereby certify that the above resolution is a correct copy of Assembly Joint Resolution 1, introduced by Mr. Boak, January 27, 1928, and approved February 3, 1928.

In witness whereof I have hereunto set my hand and affixed the great seal of State at my office in Carson City, Nev., this 7th day of February, A. D. 1928.

[SEAL.]

W. G. GREATHOUSE,
Secretary of State.

Mr. BINGHAM. Mr. President, I present a letter in the nature of a petition from the Chamber of Commerce of Norwich, Conn., which I ask may be printed in the RECORD and referred to the Commerce Committee.

There being no objection, the communication was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

NORWICH, CONN., *February 9, 1928.*

Senator HIRAM BINGHAM,
House of Senate, Congress of the United States,
Washington, D. C.

DEAR SIR: The Norwich Chamber of Commerce, acting through its legislative committee and board of directors, have authorized me to write you stating what action has been taken in regard to legislative affairs, as follows:

1. Merchant marine: The chamber is in accord with the national chamber's views in opposing the Jones bill, S. 744.

2. Federal taxation: Our committee, which considered United States Chamber referendum No. 50, was in favor of immediate reduction and repeals in Federal taxes. They were opposed 2 to 1 to the provision that the report of corporate income tax applicable to net income of 1927 should not exceed 10 per cent; and this committee was in favor of Congress providing full opportunity for the joint tax committee for the Federal tax laws and their administration.

3. Postal rates: The action in this matter was in favor of revision of present postal rates, as the chamber believes that the present postal rates are unscientific and a disappointment in production of revenue to the Government.

4. Mississippi flood control: Our chamber went on record as opposed to the Federal Government absorbing the entire expense of the flood control in the Mississippi Valley. It believes that a proportion of this expense should be borne by the States bordering on the lower Mississippi, as there is a direct benefit accruing to these States by such protection. They are, however, in favor of the Federal Government assuming sole responsibility for locating, constructing, and maintaining such works, and that there should be adequate appropriation to insure efficient, continuous, and economic work, and that the whole matter of flood control should be dealt with in legislation and administration upon its own merits, separate and distinct from any other undertaking.

5. Railroad consolidation: The committee is in favor of railroad consolidation and urges support to the Fess-Parker bill.

6. Bill H. R. 6523: The legislative committee and the board of directors are in favor of the passage of this bill, which seeks to increase the allowance of retired war veterans to $30 per month.

7. Swing-Johnson bill: The legislative committee and board of directors state that in their opinion the Government should let the public utilities alone.

Very truly yours,

NORWICH CHAMBER OF COMMERCE,
WALTER H. PILCHER, *Secretary.*

Mr. JONES presented petitions of teachers of the Lincoln High School, of Seattle, and sundry citizens of Tacoma, all in the State of Washington, praying for the passage of legislation to create a Federal department of education, which were referred to the Committee on Education and Labor.

Mr. BLAINE presented a petition of sundry citizens of the State of Wisconsin, praying for the passage of the bill (S. 1481) to amend sections 11 and 12 of an act to limit the immigration of aliens into the United States, and for other purposes, approved May 26, 1924, which was referred to the Committee on Immigration.

He also presented a memorial signed by 329 citizens of the State of Wisconsin, remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

Mr. ROBINSON of Arkansas presented memorials of sundry citizens of Hot Springs, Little Rock, Forrest City, Marianna, Fort Smith, Brinkley, Fayetteville, and Rogers, all in the State of Arkansas, remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

Mr. COPELAND presented a telegram in the nature of a petition from Ida K. Reid, of Rome, N. Y., representing 1,600 central New York women organized in round table, praying for the making of adequate naval appropriations for the national defense, which was referred to the Committee on Naval Affairs.

He also presented a memorial of members of the Emmanuel Baptist Church, of Batavia, N. Y., remonstrating against the adoption of the proposed enlarged naval building program, which was referred to the Committee on Naval Affairs.

He also presented a resolution adopted by the East Greenbush (N. Y.) Grange, in favor of no reduction in taxes this year and the application of the surplus on the public debt, which was referred to the Committee on Finance.

He also presented a resolution adopted by the East Greenbush (N. Y.) Grange, opposing any relaxation of immigration restrictions and favoring the prompt passage of legislation further restricting immigration from countries south of the Rio Grande River, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the board of directors of the New York State Federation of Women's Clubs, favoring the passage of the so-called McNary-Woodruff bill, providing for appropriations to be expended over a period of years for conserving the navigability of navigable rivers, etc., which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of members of the faculty and student body, of Colgate University, Hamilton, N. Y., favoring adoption of the so-called Capper resolution for the negotiation of treaties renouncing war as an instrument of public policy, and also the so-called Borah resolution for the formal outlawry of war, which were referred to the Committee on Foreign Relations.

He also presented memorials numerously signed by sundry citizens of New York City and Brooklyn, N. Y., remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various moving-picture zones of the country, which were referred to the Committee on Interstate Commerce.

REIMBURSEMENT TO THE STATE OF NEVADA

Mr. ODDIE. On yesterday a joint resolution of the Legislature of the State of Nevada memorializing Congress relative to reimbursement by the Government of the United States for moneys paid by the State of Nevada for military purposes, was referred to the Committee on Claims. I move that it be withdrawn from the Committee on Claims and rereferred to the Committee on the Judiciary.

The motion was agreed to.

REPORTS OF COMMITTEES

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 5898) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered, reported it with amendments and submitted a report (No. 307) thereon.

Mr. FRAZIER, from the Committee on Indian Affairs, to which was referred the bill (S. 2707) to provide for the classification of all unallotted land of the Klamath Indian Reservation and to reserve for forest-production purposes all land primarily adapted to the production of crops of timber, reported it without amendment and submitted a report (No. 308) thereon.

Mr. STECK, from the Committee on Pensions, to which was referred the bill (S. 2998) granting double pension in all cases where an officer or enlisted man of the Navy or Marine Corps dies or is disabled as the result of a submarine accident, reported it without amendment and submitted a report (No. 309) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3194) to establish the Bear River migratory-bird refuge, reported it without amendment and submitted a report (No. 310) thereon.

Mr. MOSES, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 7020) to amend section 5 of the act of March 2, 1895, reported it without amendment.

He also, from the same committee, to which was referred the bill (S. 1666) to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service from the appropriation of foreign mails at fixed rates per pound or per mile, and for other purposes, reported it without amendment and submitted a report (No. 311) thereon.

Mr. COUZENS, from the Committee on Interstate Commerce, to which was referred the resolution (S. Res. 105) to investigate conditions in the coal fields of Pennsylvania, West Virginia, and Ohio, reported it with amendments and moved that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was agreed to.

COTTON PRICES

Mr. DENEEN. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably with an amendment Senate Resolution 142, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 142) submitted by Mr. SMITH February 8, 1928, was read, as follows:

Whereas the 1927 cotton crop is more than 4,000,000 bales less than the production of cotton in 1926; and

Whereas the consumption of American cotton is greater than ever before in the history of the cotton industry; and

Whereas the price of cotton has steadily declined from the time that it was ascertained that the crop would be extremely short; and

Whereas the Bureau of Agricultural Economics of the Department of Agriculture stated in a bulletin issued by it that in spite of the short crop cotton prices would decline; and

Whereas from the date of issuance of such statement cotton prices have steadily declined; and

Whereas numerous petitions and memorials have come from different sources alleging manipulation of the cotton market: Therefore be it

Resolved, That the Committee on Agriculture and Forestry or a duly authorized subcommittee thereof is hereby authorized and directed (1) to make a full and complete investigation of the activities of the cotton exchanges, cotton merchants, bankers, millmen, and the Department of Agriculture, with a view to determining whether there has been any manipulation of the market or any undue influence thereupon in connection with the issuance or publication of cotton reports or the decline in the price of cotton, and (2) to report thereon to the Senate as soon as practicable, with such recommendations for necessary legislation as it deems advisable. For the purposes of this resolution, such committee or subcommittee is authorized to hold hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic, and other assistance, to require by subpœna or otherwise the attendance of such witnesses, and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of such stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee or subcommittee, which shall not be in excess of $25,000, shall be paid from the contingent fund of the Senate.

Mr. FRAZIER. I understand that the resolution proposes an investigation by the Committee on Agriculture and Forestry.

Mr. SMITH. It does. The resolution was submitted by me a few days ago. It has just been favorably reported, and I hope we may have immediate action upon it.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The amendment of the Committee to Audit and Control the Contingent Expenses of the Senate was, on page 3, line 3, after the words "excess of," to strike out "$25,000" and to insert "$5,000," so as to read:

The expenses of such committee or subcommittee, which shall not be in excess of $5,000, shall be paid from the contingent fund of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 3208) for the relief of G. J. Bell; to the Committee on Claims.

A bill (S. 3209) granting a pension to Ethel Hay Norton; to the Committee on Pensions.

By Mr. BRUCE:

A bill (S. 3210) providing for the men who served with the American Expeditionary Forces in Europe as engineer field clerks the status of Army field clerk and field clerk, Quartermaster Corps, of the United States Army, when honorably discharged; to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 3211) for the relief of F. Stanley Millichamp; to the Committee on Indian Affairs.

A bill (S. 3212) to amend section 4404 of the Revised Statutes of the United States, as amended by the act approved July 2, 1918, placing the supervising inspectors of the Steamboat Inspection Service under the classified civil service; to the Committee on Commerce.

By Mr. THOMAS:

A bill (S. 3213) for the relief of J. H. Baker; to the Committee on Claims.

A bill (S. 3214) to incorporate the Reserve Officers' Association of the United States; to the Committee on the Judiciary.

By Mr. SMOOT:

A bill (S. 3215) to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa.; to the Committee on Finance.

By Mr. WHEELER:

A bill (S. 3216) authorizing the erection of a memorial to the Lewis and Clark expedition at Three Forks, Mont.; to the Committee on the Library.

A bill (S. 3217) to authorize the disposal of public land classified as temporarily or permanently unproductive on Federal irrigation projects; to the Committee on Irrigation and Reclamation.

By Mr. REED of Pennsylvania:

A bill (S. 3218) granting an increase of pension to Cynthia E. Van Giesen (with accompanying papers); to the Committee on Pensions.

By Mr. DENEEN:

A bill (S. 3219) for the relief of the Poston Brick Co.; to the Committee on Claims.

A bill (S. 3220) granting a pension to William I. Gustin;

A bill (S. 3221) granting a pension to Benjamin Garland; and

A bill (S. 3222) granting an increase of pension to Catherine Gardner; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 3223) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 3224) authorizing the adjustment of the boundaries of the Crater National Forest, in the State of Oregon, and for other purposes; and

A bill (S. 3225) to enlarge the boundaries of the Crater National Forest; to the Committee on Public Lands and Surveys.

A bill (S. 3226) granting a pension to Rachel Hanson;

A bill (S. 3227) granting a pension to Joel M. Clanton;

A bill (S. 3228) granting a pension to William Franklin DeSpain; and

A bill (S. 3229) granting a pension to James W. Allen; to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 3230) granting a pension to Sarah Hooper Robinson (with accompanying papers); and

A bill (S. 3231) granting a pension to Julia Fuller (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 3232) granting an increase of pension to Rosa Owens; to the Committee on Pensions.

A bill (S. 3233) authorizing the issuance of duplicates of certain notes to Harry E. Good; to the Committee on Finance.

By Mr. HEFLIN:

A bill (S. 3234) granting an increase of pension to Elizabeth B. Pettus; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3235) providing additional pay for submarine duty; to the Committee on Naval Affairs.

A bill (S. 3236) granting a pension to Stephen B. Moss (with accompanying papers); to the Committee on Pensions.

By Mr. HOWELL:

A bill (S. 3237) authorizing the Plattsmouth Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Plattsmouth, Nebr.; to the Committee on Commerce.

By Mr. WILLIS:

A bill (S. 3238) granting an increase of pension to Mary M. Farwell (with accompanying papers); to the Committee on Pensions.

By Mr. DENEEN:

A bill (S. 3239) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924; to the Committee on Commerce.

By Mr. NEELY:

A bill (S. 3240) granting an increase of pension to Mary A. Chadock; to the Committee on Pensions.

A bill (S. 3241) to amend the Federal farm loan act, as amended; to the Committee on Banking and Currency.

By Mr. COPELAND:

A bill (S. 3242) for the relief of Josephine H. Burt; to the Committee on Claims.

By Mr. BINGHAM:

A joint resolution (S. J. Res. 93) to provide for payment of the claim of the Government of China for compensation of Sun Jui-chin for injuries resulting from an assault on him by a private in the United States Marine Corps (with accompanying papers); to the Committee on Foreign Relations.

IMPROVEMENT OF THE COLORADO RIVER

Mr. PITTMAN submitted an amendment intended to be proposed by him to the bill (S. 3177) to improve the navigability of the Colorado River, to provide flood control, to aid in the reclamation of public lands of the United States, to prevent controversy between the States of the Colorado River Basin, and for other purposes, which was referred to the Committee on Irrigation and Reclamation and ordered to be printed.

AMENDMENTS TO ALIEN PROPERTY BILL

Mr. HOWELL submitted two amendments intended to be proposed by him to House bill 7201, the so-called alien property claims bill, which were ordered to lie on the table and to be printed.

Mr. McKELLAR. I submit an amendment intended to be proposed by me to House bill 7201, the so-called alien property claims bill, relative to certain Danish ships.

Section 19 of the bill as reported by the committee authorizes an award in respect of the taking by the United States of two ships belonging to German companies, which companies became, through the transfer of Schleswig-Holstein to Denmark in pursuance of the Versailles treaty, Danish companies. The section as reported requires a finding that all the German members of the company became citizens of some other country and remain non-German on the date of the passage of the bill. It is barely possible that a small portion of the interest in the company may be vested in Germans. The amendment substitutes for the limitation in the bill a requirement that no award can be made unless the company was organized under the law of Germany and became a company under the law of some other country, and that on the date of the enactment of this act at least 95 per cent of the interest in the company is owned by non-Germans.

I move that the amendment lie on the table and be printed.

The motion was agreed to.

STATISTICS RELATIVE TO UNEMPLOYMENT

Mr. WAGNER. Mr. President, I submit a resolution and ask unanimous consent that it be read and lie over under the rule.

The VICE PRESIDENT. The clerk will read the resolution.

The legislative clerk read the resolution (S. Res. 147), as follows:

Whereas it is essential to the intelligent conduct of private and public business enterprises, to the proper timing for the inauguration of public works by the Federal Government, and the encouragement of similar undertakings by the States, to the formulation of sound economic policy, and it is prerequisite to the provision of relief against the hardship of unemployment and to the ultimate solution of the unemployment that accurate and all-inclusive statistics of employment and unemployment be had at frequent intervals; and

Whereas it is apparent that the United States is now suffering from a decided growth of unemployment, and no nation-wide statistics of unemployment in the United States are anywhere available:

Resolved, That the Secretary of Labor is hereby directed (1) to investigate and compute the extent of unemployment in the United States and make report thereon to the Senate, and together therewith to report the methods and devices whereby the investigation and computation shall have been made; (2) to investigate the method whereby frequent periodic report of the number of unemployed in the United States and permanent statistics thereof may hereafter be had and made available, and make report thereon to the Senate.

The VICE PRESIDENT. The resolution will lie over under the rule.

CONFERENCE REPORT—CONSTRUCTION AT MILITARY POSTS

Mr. REED of Pennsylvania submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7009) to authorize appropriations for construction at military posts, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, and 6, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of "$6,792,191" insert "$6,695,691"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "and armament building, $61,000; school building, $40,000; gasoline and oil storage, $16,900; paint, oil, and dope storage, $5,000; night-flying lighting system, $15,000; improvement of landing field, $81,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the language stricken out insert: "Scott Field, Ill., gas holder, $49,500"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the language proposed by the Senate amendment insert the following: "; Fort Leavenworth, Kans., one hangar, $40,000; field warehouse and shop, $45,000; headquarters building, $20,000; gasoline and oil storage, $5,000; night-flying lighting system, $10,000; Walter Reed General Hospital, in the District of Columbia, for the construction of a three-story ward building, for conversion of the fourth story of the present administration building of said hospital into an operating suite, including the construction of the necessary corridors, roads, walks, grading utilities, and appurtenances thereto, $310,000; the United States Military Academy, West Point, N. Y., for the purpose of razing the old cadet mess hall, and of preparing the plans and specifications and of excavating the ground and otherwise preparing the site for the construction of a new cadet barracks at the United States Military Academy (the total cost of which is not to exceed $825,000), $185,000: *Provided*, That the Superintendent of the United States Military Academy, West Point, N. Y., with the approval of the Secretary of War, is authorized to employ architects to draw the necessary plans and specifications from funds herein authorized, when appropriated; Fort Benjamin Harrison, barracks and motion-picture theater, $400,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the language proposed by the Senate amendment insert the following:

"There is hereby authorized to be constructed from current funds in possession of the Secretary of War, 96 sets of bachelor officers' quarters at Schofield Barracks, Hawaii, $108,000; an addition to ward building (hospital), Fort Sill, Okla., $30,000."

And the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the language proposed by the Senate amendment insert the following:

"The act entitled 'An act to authorize appropriations for construction at military posts, and for other purposes,' approved March 3, 1927, is hereby amended so as to strike out the authorization therein for $500,000 for barracks at Fort Benning, Ga., and to substitute therefor the following: 'For Fort Benning, Ga., barracks, $300,000; to complete the hospital, $135,000; to construct nurses' quarters, $65,000.'"

And the Senate agree to the same.

DAVID A. REED,
FRANK L. GREENE,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.
JOHN M. MORIN,
W. FRANK JAMES,
JOHN J. McSWAIN,
Managers on the part of the House.

The report was agreed to.

EMPLOYMENT OF AMERICAN MERCHANT VESSELS

Mr. JONES. Mr. President, I have here the quarterly report of the Shipping Board on the employment of merchant vessels of the United States. It contains some very valuable information, in view of the legislation now pending, and I ask that it may be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

UNITED STATES SHIPPING BOARD,
BUREAU OF RESEARCH, DIVISION OF STATISTICS,
January 1, 1928.

QUARTERLY REPORT ON THE EMPLOYMENT OF AMERICAN MERCHANT VESSELS OF 1,000 GROSS TONS AND OVER JANUARY 1, 1928
(Does not include lake or river tonnage)

INTRODUCTORY

This report is compiled from the latest available information as to the employment or status of American-owned steam and motor merchant vessels of 1,000 gross tons and over engaged in or assigned to ocean trade.

Table I summarizes the status and employment of privately owned and Government-owned American passenger, general cargo, and tanker vessels which were engaged in foreign and coastwise trades or were laid up and out of active service on date of report.

Table II includes ships in passenger service and gives further detail as to ownership and trade segregations.

Tables III and IV make similar segregations of general cargo and tanker vessels, respectively.

Table V shows location of laid-up vessels.

Vessels operating in two or more trade services are assigned to the service in which the largest portion of operation was performed during the three months' period preceding the date of this report; i. e., coastwise vessels touching Canadian ports and intercoastal vessels touching Caribbean or Hawaiian ports, are included with coastwise and intercoastal vessels, respectively. Record of vessels sold by the Shipping Board to private owners for operation or for scrapping has been revised upon the basis of actual physical delivery, the tonnage delivered for scrapping being eliminated entirely from the record. Shipping Board vessels under bare-boat charter or assigned to managing operators for spot service have been included as Government-owned tonnage engaged in the services to which they are assigned.

TABLE I.—*Summary of the employment of American steam and motor merchant vessels of 1,000 gross tons and over January 1, 1928*

[Does not include lake or river tonnage]

Services	Passenger and combination		General cargo		Tankers		Total	
	Number	Gross tons	Number	Gross tons	Number	Gross tons	Number	Gross tons
Privately owned:								
West Indies and Caribbean	34	152,042	58	168,032	68	402,926	160	723,000
Overseas foreign	29	325,605	106	579,915	51	338,870	186	1,244,390
Coastwise	91	444,251	412	1,678,817	221	1,443,636	724	3,566,704
Laid-up vessels	30	154,245	122	346,284	11	43,267	163	543,796
Total privately owned	184	1,076,143	698	2,773,048	351	2,228,699	1,233	6,077,890
Government owned:								
West Indies and Caribbean	[1]2	19,244			1	7,311	3	26,555
Overseas foreign	10	166,542	[2]292	1,683,266	1	7,045	303	1,856,853
Coastwise					2	13,589	2	13,589
Government service			1	4,963			1	4,963
Laid-up vessels	3	58,877	[2]476	2,334,328	7	41,548	486	2,434,753
Total Government owned	15	244,663	769	4,022,557	11	69,493	795	4,336,713
Total American merchant fleet	199	1,320,806	1,467	6,795,605	362	2,298,192	2,028	10,414,603

[1] Panama R. R. vessels.

[2] Includes 2 Panama R. R. vessels.

TABLE II.—*Passenger service*

Services	Private ownership		Government ownership				Total fleet	
			U. S. Shipping Board		Panama R. R.			
	Number	Gross tons	Number	Gross tons	Number	Gross tons	Number	Gross tons
West Indies and Caribbean	34	152,042			2	19,244	36	171,286
Overseas foreign—South America:								
East coast	4	54,948					4	54,948
West coast	4	19,578					4	19,578
Trans-Atlantic:								
Atlantic Europe and United Kingdom	1	17,281	10	166,542			11	183,823
Mediterranean								
Trans-Pacific:								
Orient and Far East	9	127,286					9	127,286
Australia	3	18,637					3	18,637
Around the world	8	87,875					8	87,875
Total foreign	63	477,647	10	166,542	2	19,244	75	663,433
Coastwise:								
Atlantic and Gulf	39	177,045					39	177,045
Pacific	27	87,258					27	87,258
Intercoastal	7	66,814					7	66,814
Hawaii	11	81,917					11	81,917
Porto Rico	7	31,217					7	31,217
Total, coastwise	91	444,251					91	444,251
Laid-up vessels	30	154,245	3	58,877			33	213,122
Total passenger	184	1,076,143	13	225,419	2	19,244	199	1,320,806

NOTE.—Privately owned vessels touching Canadian ports, 1 in Atlantic coastwise trade. 6 in intercoastal trade touch West Indies ports. 2 vessels in Pacific coast trade in Alaska service.

TABLE III.—*General cargo service*

Services	Private ownership		Government ownership				Total fleet	
			U. S. Shipping Board		Panama R. R.			
	Number	Gross tons	Number	Gross tons	Number	Gross tons	Number	Gross tons
West Indies and Caribbean	58	168,032					58	168,032
Overseas foreign, South America:								
East coast	15	79,668	26	140,560			41	220,228
West coast	23	135,738			2	5,201	25	140,939
Transatlantic:								
Atlantic Europe and United Kingdom	8	42,092	154	875,302			162	917,394
Baltic Europe	6	29,631	1	5,114			7	34,745
Mediterranean	20	102,354	20	107,610			40	209,964
India via Suez	2	11,372	5	31,407			7	42,779
East and South Africa	6	33,706					6	33,706
West Africa			13	71,739			13	71,739
Trans-Pacific:								
Orient and Far East	10	60,204	49	316,846			59	377,050
Australia	4	18,622	20	115,913			24	134,535
Around the world	12	66,528	2	13,574			14	80,102
Total foreign	164	747,947	290	1,678,065	2	5,201	456	2,431,213
Coastwise:								
Atlantic and Gulf	143	487,956					143	487,956
Pacific	81	175,644					81	175,644
Intercoastal	159	904,506					159	904,506
Hawaii	10	53,310					10	53,310
Porto Rico	19	57,401					19	57,401
Total coastwise	412	1,678,817					412	1,678,817
Government service			[1] 1	4,963			1	4,963
Laid-up vessels	122	346,284	474	2,312,337	2	21,991	598	2,680,612
Total general cargo	698	2,773,048	765	3,995,365	4	27,192	1,467	6,795,605

[1] Loaned to War Department.

NOTE.—Privately owned vessels touching Canadian ports: 6 in overseas foreign service and 18 in coastwise service.

TABLE IV.—*Tanker service*

Services	Private ownership		Government ownership		Total fleet	
			U. S. Shipping Board			
	Number	Gross tons	Number	Gross tons	Number	Gross tons
West Indies and Caribbean	68	402,926	1	7,311	69	410,237
Overseas foreign—South America:						
East coast	4	37,230			4	37,230
West coast	9	63,466			9	63,466
Trans-Atlantic:						
Atlantic Europe and United Kingdom	25	155,523			25	155,523
Baltic Europe						
Mediterranean	1	4,469			1	4,469
India via Suez						
East and South Africa	2	11,888				11,888

TABLE IV.—*Tanker service*—Continued

Services	Private ownership		Government ownership: U. S. Shipping Board		Total fleet	
	Number	Gross tons	Number	Gross tons	Number	Gross tons
Trans-Pacific:						
Orient and Far East	4	29,378	1	7,045	5	36,423
Australia	3	21,165			3	21,165
Around the world						
Foreign trading, foreign	3	15,751			3	15,751
Total foreign	119	741,796	2	14,356	121	756,152
Coastwise:						
Atlantic and Gulf	132	878,249	1	6,295	133	884,544
Pacific	37	197,277	1	7,294	38	204,571
Intercoastal	46	335,666			46	335,666
Hawaii	5	27,414			5	27,414
Porto Rico	1	5,030			1	5,030
Total coastwise	221	1,443,636	2	13,589	223	1,457,225
Laid-up tankers	11	43,267	7	41,548	18	84,815
Total tankers	351	2,228,699	11	69,493	362	2,298,192

NOTE.—Two privately owned tankers touched Canadian ports.

TABLE V.—*Laid-up vessels*

Ports	Private ownership: Passengers		Private ownership: General cargo		Private ownership: Tankers		Government ownership: Passengers		Government ownership: General cargo		Government ownership: Tankers		Total	
	Number	Gross tons	Number	Gross tons	Number	Gross tons	Number	Gross tons	Number	Gross tons	Number	Gross tons	Number	Gross tons
Astoria			1	1,838									1	1,838
Baltimore	1	8,170	8	24,097									9	32,267
Bellingham			2	3,547									2	3,547
Boston	4	18,847	6	17,526									10	36,373
Charleston									2	13,514			2	13,514
Chester, Pa					1	1,257							1	1,257
Everett	1	1,203	1	2,542									2	3,745
Fall River					1	1,696							1	1,696
Freeport					1	4,487							1	4,487
Galveston					1	4,943							1	4,943
Gatun Lake									[1] 2	21,991			2	21,991
Guanica			1	2,086									1	2,086
Houston					1	3,518							1	3,518
Jacksonville			1	1,101									1	1,101
Mobile			4	13,114	1	2,773			18	100,269	4	22,678	27	138,834
New Orleans					2	9,785			20	102,357			22	112,142
New York	8	37,236	29	69,914	2	8,314			137	654,403	2	11,559	178	781,426
Newport News	2	20,677					1	21,144					3	41,821
Norfolk	1	9,699	1	2,174					219	1,033,708			221	1,045,581
Orange									13	44,703			13	44,703
Philadelphia			2	4,903					53	291,724			55	296,627
Port Arthur			1	2,498	1	6,494							2	8,992
Port Newark			19	63,783									19	63,783
Portland, Me			2	3,132									2	3,132
Portland, Oreg			2	8,393									2	8,393
Providence			1	3,626									1	3,626
San Francisco	3	22,009	22	73,133					8	48,652	1	7,311	34	151,105
San Pedro	1	1,057	5	12,343									6	13,400
Savannah	1	3,648	1	2,674									2	6,322
Seattle	8	31,699	13	33,860					4	23,007			25	88,566
Solomons Island							2	37,733					2	37,733
Total	30	154,245	122	346,284	11	43,267	3	58,877	476	2,344,328	7	41,548	649	2,978,549

[1] Panama R. R. vessels.

HOW TO MAKE FRIENDS IN LATIN AMERICA

Mr. DILL. Mr. President, I ask unanimous consent to have inserted in the RECORD an editorial from The State, a newspaper in Columbia, S. C., entitled "How to make friends in Latin America," which I ask may be published in the Appendix. I am informed that the editor of this newspaper, Mr. N. G. Gonzales, is a man of American lineage of several generations, and that The State is one of the most important newspapers in South Carolina.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From The State, of Columbia, S. C., Sunday, February 12, 1928]

HOW TO MAKE FRIENDS IN LATIN AMERICA

On numbers of occasions The State, having very direct inside information on the subject, has directed attention to the fact that in their conduct of business in foreign countries, but more especially in Latin America, the citizens of the United States expect and demand much more from their Government than do nationals of any other country doing business abroad; that our Government takes cognizance of complaints that nationals of Britain or Germany would not think of making, and that while in most of these cases our Government has no idea of pushing its intervention to a serious point, it does bring its influence to bear when it should not be employed and when it offends the dignity of the little country. There are two inevitable results: The Governments of those small countries have their backs up when we come around and the traders there trade with us only when they can get what they want nowhere else.

Now, comes Senator BLAINE, of Wisconsin, progressive Republican, who also has inside information and offers this concurrent resolution:

"*Resolved by the Senate (the House of Representatives concurring)*, That the policy of this country with reference to investments and the conduct of trade by American citizens in foreign countries should be grounded upon the following principles:

"1. American citizens engaged in trade or commerce in foreign countries must obey the laws of these countries.

"2. Investments made by American citizens are subject to the laws of the country wherein they are made.

"3. The Government of the United States will not assume responsibility for the fulfillment of contractual arrangements made by American citizens with foreign governments or with private citizens of foreign countries.

"4. Before American citizens can expect the Government of the United States to take any action with reference to their complaints that they have been unfairly dealt with in foreign countries, they must first have exhausted the remedies available to them in the courts of such countries.

"5. If, in the opinion of the President of the United States, decisions made by the court of last resort in any foreign country deny to American citizens the same rights accorded to nationals of other countries or violate the principles of international law, and also in the event that the legislative or executive branches of such foreign governments shall refuse to observe decisions of their courts favorable to American citizens, this country will endeavor to adjust such differences through friendly negotiations and stands ready to submit the same to arbitration.

"6. In no event will the Government of the United States have recourse to arms or resort to force in any manner to gain or preserve for American citizens rights and privileges in any foreign country beyond those enjoyed by the native citizens of such country.

"7. For the security of the Government of the United States, and to promote peace, the interests of the governments in this hemisphere are mutual. We owe it, therefore, to candor and to the amicable relations existing between the United States and the governments of the world to declare that we should consider any attempt on their part to extend privileges and engage in conduct not permitted to the Government of the United States or its citizens under the foregoing declarations as dangerous to our peace and safety. We could not view any attempt on the part of a foreign government to encroach upon the rights of small nations and the equality of nations guaranteed to the countries of this hemisphere in any other light than as the manifestation of an unfriendly disposition toward the United States."

Adopt that as this Government's policy—and apply it faithfully—and it would do more in five years to bring about real friendliness, where now exists nothing but lip friendliness, between "El Colossus del Norte" and more than a dozen Latin-American countries, than all the speech making by Presidents and Secretaries of State and former Secretaries of State could possibly accomplish in a lifetime.

There is nothing unusual or radical in Mr. BLAINE'S resolution. The Department of State would probably say it is practically identical with "our long-established policy." So it is, but the Department of State seldom dares to resist the call, backed by this or that business influence and this or that influential politician, to "use its good offices," in cases in which it has no business to meddle at all. Then it gets "hooked," and goes further and further, sometimes reaching the stage of threatening language. To the same class of calls to which Washington responds, London answers: "We are running our business; our business is not to run your business. Stand on your own feet."

If fortified with a definite expression from Congress such as Senator BLAINE proposes, the Department of State might develop the courage to resist pressure that should not be applied.

WATERS BETWEEN MINNESOTA AND ONTARIO

Mr. SCHALL. I ask unanimous consent to have printed in the RECORD an article written by myself relative to the development of power in the international boundary waters between Minnesota and Ontario.

The VICE PRESIDENT. Without objection, leave is granted. The article is as follows:

THE DE-CREATOR—E. W. BACKUS AND HIS WATER-POWER PROJECT—CONCERNING THE BURNING QUESTION OF THE THREATENED RUINATION OF THE SUPERIOR-QUETICO REGION BETWEEN MINNESOTA AND ONTARIO

By Senator THOMAS D. SCHALL

(United States Senator THOMAS D. SCHALL is a man of the most sterling character and highest integrity, and an exponent of spiritual idealism in statesmanship. His intimate knowledge of the Superior-Quetico situation, as revealed in this article, is a warning to all conservationists and lovers of the forest to guard their heritage. Editor Out Door America.)

Northern Minnesota has a reserve, known as Superior National Forest. Adjoining it, Ontario has a similar area, the Quetico Forest Reserve, 160 by 125 miles of primitive forest, extensive as Massachusetts, Rhode Island, and Connecticut combined. The last stand of the forest primeval, a priceless heritage;

"Where murmuring pines and hemlocks,
Stand like harpers of eld."

Still through the 20,000 square miles of forest roam moose, fox, wolves, deer, bear, muskrat, beaver, wild life in its original free, happy state; the waters are full of fish; game of all sorts finds sanctuary.

Without doubt, if left alone, the two Governments will follow out the desire of the Izaak Walton League of America, and similar organizations, and make of this a playground for the continent, under supervision of the two Governments. If kept so, it would permit a glimpse of the North—

"Where the trees together stand
Closer than the blades of wheat,
When the summer is complete."

And furnish a development to the soul of man, bring to him the vision of this great thing from which we have come, the environment that made our hardy pioneers firm in backbone and strenuous in thew and sinew. And you can reach it in a night's ride from Chicago.

Lovers of hills, dales, woods, lakes, rocks, dells, trout-filled streams, rivers, rapids, and waterfalls, come from all over the United States by the thousands. This national-forest area belongs, not to any specific individual, for exploitation, but was set aside by President Roosevelt for the youth of the Nation. As time goes on, and the frontier passes away, it will be of increasing value; a Backus and a Roosevelt are ever antipathetic; spirit in conflict with material. If the lone wolf of the Northwest has his way, the border lakes from Rainy Lake to Pigeon River, will be turned into a series of great storage ponds, by dams erected at Government expense for the benefit of the Backus-Brooks paper, pulp, lumber, and power industries.

This jewel spot is in grave danger of exploitation. It has become a question of burning national as well as local interest. I said, four years ago, in the House of Representatives, "They [Backus-Brooks Co.] have for years, regardless of anyone's rights, been pursuing a ruthless course in the construction of water-power dams. They are vitally interested in the international boundary waters treaty between Canada and the United States." For four years, I have felt alone, a voice crying in the wilderness. It is good to hear the echoes coming back, and feel the ever-growing numbers awakening to this menace.

The enunciation of the destructive plan afoot stirred rumbles of protest and indignant letters to the International Joint Commission. The secretary, technically truthful, replied, "There is pending before the International Joint Commission no application for the granting of water-power rights in the boundary waters." However, E. W. Backus had made application to the Minister of Lands and Forests, Toronto, for the right to construct many dams and control the level of waters all along this northern country.

The International Joint Commission sent a questionnaire to a large number of people, E. W. Backus among them. A hearing was held at International Falls, September, 1925. The report of the hearings is published as a Government document and can be secured by writing the International Joint Commission, Washington, D. C. Testimony indisputably shows that raising the water level will turn this whole region into a dreary, tree-rotted devastation. It will ruin this recreational asset, the last of the wilderness areas east of the Rockies. When man tampers with nature, it is never with improving fingers. His changes are a menace to fish and plant and animal and human life.

State lands and settlers' lands alike have already suffered irreparable injuries from Backus's existing Rainy Lake Dams. Warroad has been flooded. Three more feet raise would drown out Fort Frances, Ontario. And what would 5 to 30 feet raise mean, which is Backus's proposition? Existing spawning beds have been eliminated and great damage caused by constant variations in the water level. When the level is high in the fall, the ice forms, later the water beneath is drained away. In the spring shoals of dead fish are found, and great numbers of dead muskrats and beavers who can not accommodate their way of life nor endure the rapid artificial change, resultant on a storage system. Any considerable raise would utterly destroy the numerous beautiful islands. Some of the dead trees when cut through had 95 annular rings, showing that not in a hundred years had such floods occurred. The mass of standing dead timber will create in the periodic low level great fire hazard, surely grim enough now in the memory of all those northern settlers.

Millions of dollars' worth of damage suits have been brought against Backus. But relief for him has come through his long-sought treaty between the United States and Canada, generally known as the Lake of the Woods treaty, which gives the authority to raise these water levels and divides the damages to property for such raise between the United States and Canada. But because governments can't be sued, can't be pushed, can't be hurried, anything like actual damages have gone to the winds for this whole country that has been and will be overflowed. People damaged may possibly get a small percentage. As to future damages, no one can tell where they will lead and all for what? To raise the water power on the United States side a few per cent; the remaining per cent will develop in Canada, where they have already more power than they can possibly use.

It gives us pause to consider the colossal selfishness that would lay barren God's work, the wilderness. The harm once done is done forever. Once Midas has transmuted the lovely vivid life of pine forest, stream, and flashing lake into stiff and ugly gold, not all our prayers can change it back again.

And what's the good of it? Who wants this power? Nobody but the lumber, pulp, and paper magnate. There isn't population to require heavy power. There are only four towns in all this vast region. Tourist traffic is bringing each year more and more millions of dollars into the State, offsetting many times the potential water-power possibilities.

To the eye of the materialist, conservation means saving from waste, the squeezing of the ultimate penny. To him, a river is just so much water power and nothing more. If it flows on its way, he looks upon the water that is gone as so much material loss, possible profits wasted. The gold side of the medal is the only one. To the silver things of the

spirit, he is forever unseeing. He has no conception what the wilderness means to the canoeist, joyously roughing it, keenly welcoming the difficulties, thrilled at the tussle with rocks and foaming rapids, fed with beauty of falls, and finding zest in the troubles of packing kit around, doing for himself and building health and strength through overcoming the pioneer problems.

The great danger of the age is that material development is far outstripping the spiritual, lack of balanced development is suicidal. Let us keep this quiet solitude, with its healing to the soul, its vision of beauty, untampered.

In every true American's heart is the zest of the wilds that has come down through his ancestors. Here's the chance to take his tired nerves, frayed by his struggle with materialism, and repair them in the balm of solitude and communion with nature, and his God.

In his opening statement before the International Joint Commission hearings, Backus finds food for great mirth at the warning that all this is to be put in jeopardy. Complaining he works 18 hours a day, he says that he'd like to vacation too, but he can't see anything in the canoeist's way. He honestly thinks that if he does away with falls and rapids and lakes too, in some cases, to make a smooth artificial thing, where canoes can go along as he says without all that bother, he will be a benefactor. He'd like to "joy ride" that way, though he'd like a fast motor boat better. It would save all the time as well as the bother.

He says the trees that fringe the lake front are "no good." The pine-crested islands, which would be submerged are "no good." And the pasture and meadowland, that's "no good." Asked about the remaining timber, much of which is over 2 feet through, he said, "Oh, we've got all the timber of any value. What's left should be saved." Saved! He means cut down. If any lone brave giant has escaped the all-destroying ax, let's go and save him! The only saving, to this man with the blind spot is to save for himself the money value—dollars and cents. And it is a real opinion, he announces openly and unblushingly.

He also says that his proposed change would only mean a new shore line just like the old one when the timber and brush is down and cut away. Now, when would that be? Who is going to do it? The dying, dead, and rotting timber would stand many years before nature could heal the scars; and the beaches of slow sand accretions, they'd never build again. Thousands and thousands of years have gone to their making. They can't be duplicated. With titanic disregard this man views the chaos he proposes. Like a negative-destroying decreator he talks blandly of "pulling" lakes, diverting channels, blotting out contours. With complete confidence in his unbrooked power over the commission, Senators, Congressmen, governors, attorneys general, State auditors, fish commissioners, presidential influence, etc., he says, "Make no doubt about it, it's going to be done."

It doesn't seem to me the International Joint Commission could possibly bring themselves in the interest of one man to make commitments at the expense of the entire people of the United States. If the truth could be understood, feeling would become intense over the whole country.

The youth of our land should have consideration over an elderly, hundred times millionaire, who, from his own statement, never had any playtime and in whom the dire necessity of boyhood developed naturally into a fanatical grubbing for money. With money came power. With more money came more power until a power mania has enveloped him and become his god. The desire is there to do the thing as he conceives it, and the more opposition to that desire the more it whets his unconquerable spirit.

The ways of this great overlord are devious, and things are done past belief; things that vision or foresight could not indicate. Don't underestimate him. He is a Napoleon in brains and matchless in boldness. And no one can look upon his vast accomplishments without feeling an awe and appreciation for the gigantic force he is. A mastery, a lone courage, a dash, a go-ahead spirit, a mental conception, a bulldog stick-to-it-iveness that disregards all obstacles, demands the admiration of any just man who has the slightest conception of the enduring strength it takes to wrest from an unwilling world the success this dictator Backus has made a part of himself. He takes no one into his real confidence as to what is the gigantic purpose behind this colossal undertaking. His wits are keen; he is a most remarkable and dangerous man. He juggles facts to utterly bewilder the simple. In his progress from poor boy to multimillionaire he has become so intrenched in the belief in his own power that he regards this permission he seeks as already granted and the wilderness his property to do with as he wills.

The casual onlooker may think Backus is not in politics. On the contrary, he is seeking with colossal assumption to have the Government pay the expense of building the dams and all the damage of the overflow. Later he proposes, as his demand for power increases, to use these dams, and when he does use them he magnanimously consents to pay back to the Government one-half the construction cost. That's politics, and politics alone. He needs the good will of Government officials everywhere. The whole foundation of his fortune was based on the development and utilization of natural resources. It has been imperative as his basis of political operation to control Minnesota politics, and in this international scheme which he has no doubt been unfolding in his mind for many years he has formed a similar sphere of influence in the Province of Ontario, where he has immense timber and water-power holdings, recently acquired through his powerful political fist. He contributes heavily to the campaign fund of all parties that he may have a foot in every camp.

He alone contributed $150,000 in 1924 to put over the Mussolini idea in Minnesota and under the fictitious slogan of economy, though tax checks have been higher and higher and will be still higher put into the hands of the governor unconstitutional dictatorial power. He was the means of raising for this same State gubernatorial campaign $150,000 more from other kindred souls, perhaps some of the 10,000 big business men of Minnesota, who, Backus testified in the Minnesota State Senate hearings, would go further than he to defeat me. It has been vital for him to keep his eye on public officials that they do not hinder him. Of course, he is in politics. His idea of politics is to have acquiescence. If his project is to be defeated, the only defense of those opposing him is politics. Backus's kind is never licked. Public officials he either makes march or he breaks, if he can. Backus got his treaty over, he got his dams, he gets everything he wants. He wanted a survey of this project at Government expense. No one else wanted it. He got it. Where does he get this power? He keeps his partner, William Brooks, in active politics in the State senate, and as Republican national committeeman, while he manipulates from the side lines. Why did Republican Backus want Farmer Labor Senator Magnus Johnson on this International Joint Commission? Why did he go to the President for Magnus? Why did he have his partner, William Brooks, the Republican national committeeman, write to the President to ask that Farmer Labor Magnus be appointed? Because he knew this very question was to come up. He testified at the Minnesota State Senate hearings, as follows:

"Mr. BACKUS. Senator Johnson asked me if he would be obliged to look for opposition from me in this matter. While I told him frankly I did not think I would have very much to say about the matter, but the way he had handled himself in assisting in putting through this Lake of the Woods treaty, getting that cleaned up, I would not oppose his application; in fact would even go to the President and ask him to give it to him.

"So I went to the President and suggested it might be a good political move, as long as it was a nonpolitical appointment, to give it to Senator Johnson.

"Q. He was not appointed?—A. No, I am sorry to say; not appointed, because it would have been a God's blessing to Senator SCHALL if it had been made.

"Senator SCHALL. If I had agreed to that appointment there would never have been a contest, would there, Mr. Backus?

"Mr. BACKUS. No; I do not believe there would, Senator.

"By TOM DAVIS:

"Q. In my understanding of your business interests in the northern part of the State, your companies would have considerable to do with the joint commission in fixing of water levels?—A. More or less; yes.

"Q. And that decision of the commission would affect either favorably or adversely your interests in that locality?—A. Yes; to a greater or lesser extent.

"Q. And by your interests, I mean your financial interests. You understand that?—A. I do.

"Q. Magnus called how many times would you say in January, February, and March this year? Called at your office and had talks with you?—A. I could not say, but three or four, maybe three or four, maybe four or five."

Those interested in defeating this project should write their Congressmen and Senators. But it is especially imperative that Minnesotans and Ontarians write their prospective candidates, Senators, Congressmen, governors, auditors, attorneys general, game and fish commissioners, etc., and have them go on record as to where they stand and get assurance of their active cooperation against this plan. No straddling should be accepted. To succeed, he must have the officials of this State and Province at least not aggressively opposed to his project.

He makes the road so hard to those that oppose him that it's a warning of destruction to any that might look to follow. What chance has an individual who dares stick his nose into what Backus considers his business? Public men naturally hesitate before opposing his invulnerable power, wielded through his tremendous political machine.

I am loath to refer to what might seem to be a personal matter; but if the people are to understand, it's illuminating as an example; for the fight on me is not private, but public, and therefore of general interest to the individual because of the great office the people elected me to, and the influence that goes with it.

Besides opposing his pet project, I was the means of helping him pay $3,000,000 and over back taxes. Because of my stand, I incurred his enmity. I have had nothing but misery and sorrow since. Four years ago I put myself clearly on record, as shown by my remarks in Congress on May 19, 1924, which were, in part:

"It is the scheme of the old selfish political plunder gang, headed by Backus, with his hands in almost every business of the State, holding

in contempt assessors, county commissioners, State tax commissions, income-tax officers, with a well-known trend of ruthlessness in their operations well greased with their millions of ill-gotten gain, filched from the Commonwealth, against a humble, blind representative of the people.

"I would fail in respect to myself and to my people and to my God if I shirked this disagreeable but imperative duty of exposing the long, grisly fingers that are reaching in to control national politics.

"The Backus crowd not only hold a strangling grip upon Minnesota's financial resources but their ramifications extend into Canada, and are therefore international. A few years since, as a short cut to control of the Ontario government, they put over the Farmer-Labor ticket for the purpose of securing great concessions in timber and water power. They have not been negligent in seeking to grab control of such a movement in Minnesota. They are vitally interested in the international boundary waters treaty between Canada and the United States. They have for years, regardless of anyone's rights, been pursuing a ruthless course in the construction of water-power dams.

"Then, too, there is a little matter of several millions of dollars of income taxes due to the Government of the United States, which Backus is vitally interested in escaping. I have introduced House Resolution 301 to investigate this tax steal, and in case I am the Republican candidate for the United States Senate I want it understood that I am in no way connected with this boodling, reactionary gang; and if I am elected to the United States Senate I shall be as free as I have been during my 10 years' service in the House. No clique, gang, corporation, organization, or person has a 5-cent piece invested in the office I hold.

"Bill Brooks is now on his way to be Republican national committeeman of the State of Minnesota, and unless public opinion stops him he will be so elected at the Cleveland convention. Why is he so anxious to be national committeeman? Because if things go as this old reactionary gang has planned then he will practically be the United States Senator, for the Farmer-Labor candidate will be without the pale of the Republican administration and can 'but peep to what he would,' and the national patronage of the State, together with other tremendous influences, will be solely within the hands of the national committeeman. This is a condition that would exactly suit these selfish interests. And this is the condition for which they have set the political stage in Minnesota."

Backus never looked upon me as the right sort of timber in all my public service, and on record as I am, I am an obstacle to the plans for gaining control of this water power. I should be made an example of, a glaring warning. If I am destroyed, I will be a citation of ruin to the recalcitrant. But if I am left "standing" after what I have done and said, it will be a bad precedent; in the position I hold, very dangerous, for I might any time see fit to make further observations. So he wants to "save" me by cutting me down in 1930, since there have been three failures to unseat me otherwise. The political chessboard in Minnesota is now being adroitly arranged to that end. And the man chosen to accomplish that feat has, because of his economy complex, already passed over his chance in 1928 and announced his candidacy for my place in the United States Senate in 1930.

Here is some testimony under oath by Mr. Backus:

"Q. You are not on friendly terms with Senator TOM SCHALL?—A. I have not any high regard for him.

"Q. Have these taxes been paid, Mr. Backus?—A. They have.

"Q. Three million dollars?—A. Yes, sir.

"Q. That, of course, would not make you have the highest regard in the world for Mr. SCHALL, would it?—A. I think Senator SCHALL was extremely unfair and unwise. I just want to say this further, and my complaint as to the attitude of Mr. SCHALL, when he was Congressman, on the floor of Congress, in all fairness before making the statement before the body as he did, he should have sent for me and said, 'I want to talk to you about this.'

"Mr. DAVIS. Your position is, before Senator SCHALL brought this matter to Congress, nonpayment of your taxes, he should have sent for E. W. Backus and talked the matter over with him?—A. Yes.

"Mr. DAVIS. Is it not a fact that if a man other than Senator SCHALL was sitting in the Senate, a man who would send for you and talk to you, it would be much better for you because of your taxes, speaking of a cold-blooded financial situation, Mr. Backus?

"Mr. BACKUS. Well I admit it would be better to have someone there who would handle matters of this kind in a businesslike way.

"Mr. DAVIS. SCHALL seems to have handled this matter in such a businesslike way that Backus-Brooks paid $3,160,000 in taxes that the Government found was owing, and earned his salary for 350 years."

Yet despite the above, certain newspapers in my State continue to quote Backus a contributor to my campaign in 1924. I never met the man. The first time and the only time that I ever saw or heard him was while he was testifying in the Minnesota Senate Schall-Smear hearings, and I know and everybody else knows that he fought me at that election and will do so again with all the resources—and there are many—at his command.

A man did come to my office and stated that he had just come from an interview with Backus, and Backus told him that it would be worth one-half million dollars to him if I would be fair and reasonable. And if I had been thus fair and reasonable no doubt I would to-day be heralded by these same newspapers throughout the State as one of Minnesota's great men, instead of merely being the ill consequence of a primary election. No wonder Backus and his ilk want to do away with primaries and go back to the businesslike convention system, where you get what you contract for.

During my candidacy for the Republican nomination for the United States Senate almost every newspaper in the State was against me. Not because of my record. They did not attack that. I was finally nominated against the opposition of all sorts of political associations, clubs, and organizations, and immediately a contest was filed in the courts against my nomination. It was dismissed by the courts. I made my campaign alone, and without organization. Due to some mysterious power I had to fight not only the two opposition parties but most of the organization of my own party.

Despite it, I won out. I was no sooner elected than grand juries were importuned to indict me for fictitious and alleged offenses. Next a fake contest was instigated in the United States Senate for the purpose of giving carte blanche to publishing malicious lies with impunity because of the public-document status the complaint against me had acquired. This pseudo contest failed by unanimous vote of the committee and the entire Senate, without even one word of denial on my part.

The following remarks were made June 16, 1926, in the Senate, after that body, finding every allegation without foundation, had unanimously dismissed the complaint:

"During my 10 years' service in the House I tried to protect the people from the encroachments of those who had no regard for the eighth commandant—'Thou shalt not steal'—and in so doing incurred the deadly hatred of a concern of tremendous finance, beyond dispute the most powerful influence in Minnesota politics.

"This sinister influence, with its vast power distributed throughout the State, opposed me with all its strength, by fair and foul means—mostly foul—in the last election and was maniacally enraged at my victory. Then, patched together from campaign lies and whole cloth, comes this so-called contest, without even a denial that I had received a majority of the votes. It was absolutely without foundation as to any wrongdoing of mine, as the record of the hearing entirely bears out. Its purpose was to destroy my influence as Senator, to slander, belittle, and irritate, to the end that I might be forced to succumb or be so weakened in the eyes of the voters of my State that my reelection would be made impossible. The instigators of this contest knew that it was absolutely baseless, and framed it from the start as a possible trading proposition whereby they sought to enforce my indorsement of Magnus Johnson's appointment to the International Joint Commission, but when they found that no trade was possible they carried it on for advertising purposes to its farcical end; meanwhile the flaming accusations were blazoned from one end of the country to the other, for startling charges always get front-page space, while denials or the final outcome go unnoticed.

"Insidious, clever, lying propaganda was abundantly spread in the Capitol through button-holing by presentable hirelings. Carefully instigated malicious newspaper clippings were forwarded through the mail. Members of the Senate and the House and the employees of each and the departments were thus thoroughly canvassed in an effort to prejudice and destroy my prestige and good name, the so-called contest meanwhile being used as a background."

Through the influence of Backus's partner, State Senator William Brooks, Republican national committeeman, a resolution was put through the Minnesota State Senate, in March, 1927, for another "smear" investigation which after six weeks of wide-open hearing was unanimously dismissed by the committee, and the entire State senate.

During the hearings one of the prosecution's witnesses became very ill and doctors said he was liable to die. Whereupon he called in the priest, took the last sacrament, and made a confession in which he laid bare the whole conspiracy wherein he and two others had plotted to get $30,000 for their perjured testimony. This testimony was corroborated in its vital parts by Backus and his lawyer, to whom he referred this witness, after phoning him to call and see him.

This Schall hearing was forced onto the State senate despite the fact that the senate had no more jurisdiction to hold such hearing than the aldermen of the village of Podunk would have to unseat the President of the United States. But there was sagacious method in this procedure, for grave charges were flying about that there was a great shortage in the office of the State treasurer. This official had recently resigned to accept appointment by the governor as one of the big three.

An investigation of this treasury shortage was being demanded. The big three is a newly created unconstitutional implement by which the governorship of the State of Minnesota was changed into a dictatorship.

Also, there was being demanded an investigation of the action of a member of the securities commission recently appointed by the governor. After the legislature closed this member was indicted and is now on

trial in the United States courts for felony in that office. Both of these proposed investigations were clearly the duty of the State senate and within its jurisdiction. But in order to hold the attention of the people from what was their plain duty they went entirely outside their jurisdiction and set up a counterattraction for a smoke screen to hold the attention of the public until the legislature by statutory provision must adjourn, and under the eyes of State Senator Brooks, Republican national committeeman, who dishes out campaign funds and State patronage, they passed a resolution to investigate TOM SCHALL'S election, although they knew it was res adjudicata by the United States Senate. They hoped to put over a twofold fraud to smear me and at the same time cover the laches of the State administration, and again demonstrated that the private wrong to me has become inextricably entangled with the wrong done the public. My attorneys during these hearings offered testimony to show that over $300,000 had been raised to elect the governor, but four of the carefully selected inquisitorial committee of five would not allow the introduction of such evidence.

To-day some one is paying men to go about the country with a novel, in which I am supposed to be the villain, purporting to be written by a former political manager of mine. I have never had any manager, political or otherwise, in my 14 years public life, but Mrs. Schall. This novel is a tissue of falsehoods, misleading, misrepresenting, with nothing of truth in it but portions of speeches I have delivered in Congress, and those speeches twisted out of their application. These men stop at the best hotels and live on the fat of the land, and it does not matter whether they sell books or not, the proffer for sale gives an opporunity to start conversation and spread the malicious gossip. If the book is not bought, they give it to you. They have a set news review, which appears word for word, in all the Backus papers. The Washington News even fell for it. They have a man here in the Capital, staying at one of the most expensive hotels and furnished with a luxurious sedan for his convenience in getting about to influential officials of the Government. No books are being sold, but the canvass keeps up.

Backus's controlled newspapers, together with his tremendous political organization throughout Minnesota, keep constantly before the people of my State all sorts of slanderous, belittling, incriminating references to me. If anyone comes to me in behalf of a friend or relative in jail, if anyone commits a crime or a misdemeanor in Minnesota, and it can be found out that he knew or spoke to or supported me at election or at any time was employed by me, or saw or wrote me about getting a job, they link my name with his and give it front-page space, and constantly they quote that the people of my State, when they vote for me, must hold their noses.

The Friday before election in 1924, 300 men were sent out over the State with a forged Catholic bulletin in one pocket and a bogus Ku-Klux Klan paper in the other, and two lists of persons carefully picked who would be prejudiced by one or the other.

One of Backus's lieutenants not long ago was asked if Backus thought he could lick SCHALL in 1930. The lieutenant replied, "Backus thinks so, but I don't, and have told him so. But he insists that it shall be done if it costs him a million dollars. "I told him, 'It can't be done, Ed, if you spent two million.' We had pretty near all the newspapers in 1924, all political organizations; opposing him the most popular and spectacular candidate Minnesota has ever known; we lifted 40,000 votes and still we didn't get him. And he's sure stronger now than he was then, thanks to the advertisement your fool State senate hearings gave him."

The Minneapolis pettifogger who conducted the prosecution against me in the United States Senate, and who said during that proceeding that he didn't care how long it lasted as he was getting $100 a day and his expenses, is even now busy trying to secure perjured affidavits upon which to base another complaint before the United States Senate that they may thus for the third time acquire immunity and excuse to broadcast slander.

It is quite in character with this alert mind that now Backus should seize the psychological moment and declare—what up to now he has not advanced, that his plan is one of flood control. He hoists himself thus by his bootstraps. A host of Backus flood-control propaganda is let loose. Dignified magazines and newspapers publish it. There will be plenty of it from now on. The dams make the floods, not, as Mr. Backus makes haste to assure, "do away with the flood menace." So far as Minnesota is concerned, his modest acceptance of the credit for a vast flood control is knocked in the eye by the statement of O. L. Kaupanger, secretary of the Minnesota State division of the Izaak Walton League, in a newspaper interview January 17, 1928.

Mr. Kaupanger says: "The one difficulty, from the point of view of residents of the region, is to understand why flood control should be needed in a region where in its natural state floods are unknown. Not in the memory of man has the water ever remained high enough on any uncontrolled lake or river in the Rainy Lake region to affect vegetation. Since the chain of lakes have been dammed there have been disastrous floods." And if the rest of these dams are permitted and the waters impounded and the levels raised from 5 to 30 feet, no one can predict the utter destruction and widespread desolation.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On February 3, 1928:

S. 440. An act for the relief of Charles H. Send.

On February 4, 1928:

S. 1968. An act to authorize the Secretary of Agriculture to pay for the use and occupancy by the Department of Agriculture of the Bieber Building, 1358 B Street SW., Washington, D. C., and for other purposes.

On February 6, 1928:

S. J. Res. 38. Joint resolution giving and granting consent to an amendment to the constitution of the State of New Mexico, providing a method for executing leases and other contracts for the development and production of any and all minerals on lands granted or confirmed to said State by the act of Congress approved June 20, 1910, and to the enactment of such laws and regulations as may be necessary to carry said amendment into effect if it is adopted.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 278. An act to amend section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926;

H. R. 3926. An act for the relief of Joseph Jameson;

H. R. 6487. An act authorizing the Baton Rouge-Mississippi River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Baton Rouge, La.;

H. R. 7009. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 7916. An act authorizing the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Madison, Jefferson County, Ind.; and

H. R. 9186. An act authorizing the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, to construct, maintain, and operate a toll bridge across the Ohio River at or near Sistersville, Tyler County, W. Va.

INVESTIGATION OF PUBLIC-UTILITY CORPORATIONS

The Senate resumed the consideration of the resolution (S. Res. 83) authorizing an investigation of public-utility corporations.

The VICE PRESIDENT. The question is on agreeing to the first amendment reported by the Committee on Interstate Commerce.

Mr. KING. May I inquire what is the pending amendment?

The VICE PRESIDENT. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 1, line 5, the committee proposes, after the word "corporations," to insert the words "doing an interstate business."

Mr. ROBINSON of Arkansas. Mr. President, does not the question recur on the amendment of the Senator from Georgia [Mr. GEORGE] to the committee amendment?

The VICE PRESIDENT. No; that is not an amendment to the committee amendment.

Mr. BRUCE. Mr. President, I have always thought that one of the most valuable functions that a legislative assembly can be called upon to perform is that of investigation. To some purposes such an assembly is very imperfectly adapted. It is the poorest kind of an executive; it is even a worse judge; but as an inquisitorial instrument it is one of the most effective things at times of which I know. Every legislative assembly, of course, should turn an attentive ear to every popular complaint. It should not be slow to explore abuses, nor should it be slow to expose corporate or individual misconduct of any kind. But at the same time, Mr. President, this inquisitorial function of the legislature is a thing that like all other forms of power should not be abused; so ever since I have been a Member of this body I have insisted whenever there was a proposal to have the Senate investigate any industry or any person that a sound prima facie case should first be made out. What would we think if an individual were tried before he had been indicted or arraigned; that is, before there had been at least some kind of accusatory ex parte investigation made into the question as to whether he was guilty or innocent?

Of course, to a certain extent it is a popular thing to bait corporations and great industries. That kind of thing measurably

appeals to the unthinking, unreflecting mass of the community; but I say it is just as wrong, just as indefensible to accuse a great industry and to follow up the accusation, no matter how vague, by an investigation before a prima facie case of some sort has been made out as it would be for a grand jury to indict the citizen before at least some substantial ex parte testimony had been adduced tending to establish the guilt of the accused.

There has been more than one investigation prosecuted by this body since I have been here. One was prosecuted, with a striking measure of brilliant success, by the untiring industry, the keen technical insight, and the rare forensic abilities of the Senator from Montana [Mr. WALSH]. That was a real investigation, an investigation warranted if not by specific accusations at least by an atmosphere of widespread and aggravated suspicion that the Government had been flagitiously despoiled of its property. Then came along the investigation into the conduct of Attorney General Daugherty and his unsavory associates. Just as I gave my approval to the oil investigation I gave my approval to that, asking in that instance, too, only that there should be, so far as possible, a fair, impartial, and dispassionate investigation.

The Senator from Ohio [Mr. WILLIS], it will be recollected, rose at that time and said that Mr. Daugherty was as clean as a hound's tooth. In point of fact, it proved that the Senator should have taken his simile from the other end of the dog. But, as I have said, the function of legislative investigation can be abused, and readily abused, from all sorts of motives. Now we have reached the point at which there seems to be in this Chamber an absolute rage, a mania, nothing less than a mania, for investigation. In a short time there will be nothing left to investigate except the senatorial investigators themselves. At this time there are pending in the Senate no less than 18 different investigations. Indeed, I doubt whether my statement is sufficiently exhaustive.

With the greatest respect, I say that perhaps more conspicuously than any other Member of this body, the Senator from Montana has succumbed to the propensity to investigation. As I have had occasion to observe, he seems to find the same degree of pleasure in investigation that some men find in intoxication. He is like a tiger who tastes human blood and then becomes a man-eater for the rest of his life. I commend to him therefore the importance when he indulges his taste for investigation of selecting some object that unquestionably calls for investigation.

I said a few moments ago that after a while there will be nothing for the investigators in this Chamber to investigate except themselves, and I now wish to say to the Senator from Montana that at this very time he has an opportunity to bring about such an investigation. A dispatch has recently come from Florida stating that a witness on the stand in a case there a few days ago testified that he had been engaged in the unlawful business of importing liquor into this country, and that among his customers was more than one Member of the Senate of the United States. If everything is to be investigated, why does not the Senate, I repeat, investigate itself?

Again, should the Senator from Montana be wholly unable to resist the pruriency of investigation, I commend to him the expediency of investigating the transactions and operations of the Custodian of the Alien Property Fund. Again and again in the last few months the intimation has come to me from reliable sources that if the probe were put in there it would strike a pus sac of no little magnitude; and yet nobody seems to be willing to put the probe in, fierce and uncompromising as is the spirit of investigation that prevails in this Chamber. Why is that? Perhaps because the roots of that office are to some extent planted in the remoter past, and a full investigation of its history might enmesh Democrats as well as Republicans in its net on the eve of a presidential election.

I am one of those Democrats who believe with Benjamin Franklin that a rascal hanged out of a family confers more credit on it than all its irreproachable members; and if any Democratic lawyer as well as Republican lawyer has been receiving, in connection with the workings of the office of Alien Property Custodian, grossly exorbitant fees, or if any Democrat as well as Republican has been in some other form receiving graft arising out of that office, by all means let us have an investigation. Extreme as I think this spirit of investigation has become, I would be willing, if that were the field of investigation——

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BRUCE. No; not at this moment. I will yield to the Senator later.

I know, of course, that I shall not be able to prevail with the Senator from Montana [Mr. WALSH]. He is so constituted that when he is opposed to an investigation he is as fanatically uncompromising as when he is in favor of one. Some of us have not forgotten the fact that in 1926, when we asked the Judiciary Committee of the Senate, of which he was a member, for an investigation into the practical workings of prohibition, from first to last he set his face like flint against any such investigation. We who felt so strongly upon this vital subject, we who believed prohibition to be such a tyrannical and scandalous system, would have been absolutely denied, if the Senator from Montana had had his way, the privilege of demonstrating to the country that prohibition had been the prolific parent of oppression, of lawlessness, of corruption, of scandal, and of bloodshed.

Ah, but there were other men on the Judiciary Committee quite as strong prohibitionists as the Senator from Montana, and they, all honor to them, saw to it that we had fair play. There was an investigation, there was a hearing, with the result that they demonstrated the fact that out of a Prohibition Unit force of a few thousand men no less than 875 scamps had been dismissed from the Prohibition Unit, either for violations of the Volstead Act or for one form of downright rascality or another.

The Senator from Montana will indeed be successful, if this special committee shall be formed and he shall be its chairman, should he bring into the meshes of his investigation as many as 875 rapscallions engaged in the electric light and power business of this country; and yet that was the bag which that prohibition investigation made. And, mind you, that list of 875 dismissed prohibition officers did not include any members of the Prohibition Unit force who had been merely suspected and asked to resign, and, needless to say, no members of the force who had been guilty of criminal offenses but had been clever enough in one way or another to avert suspicion.

If investigation is a good thing, it is a still better thing when it works both ways, and not simply when some man with a perfervid nature, moved by his enthusiastic temperament, or perhaps by the ambition to be President, or by some other secondary or ulterior motive, gives himself up to purely prosecuting zeal. Even now there are some people saying in this country to Democrats like myself who happen to be great admirers of Gov. Alfred E. Smith, "Why do you not drop your wet Catholic and take up a dry Catholic?" And perhaps a highly efficient and successful investigation in this case might operate in no considerable transfer of allegiance on the part of Democrats from one presidential candidate to another.

When the pending resolution went to the Interstate Commerce Committee I expected, if that committee had a good prima facie case against the electric light and power companies of this country presented to it, to give my approval to the creation of the special committee mentioned in it. Of all its members, I was perhaps the one that was most studious to see that the Senator from Montana [Mr. WALSH] had the amplest opportunity to make out such a prima facie case. In the very beginning of the proceedings of the committee I suggested that we should have a full opening statement from him, thinking, of course, that he would frame in that statement something in the nature of a real indictment against the electric light and power corporations; and afterwards, when the question arose as to whether or not the witnesses before the committee were to be cross-examined on behalf of the sponsors of the resolution by the Senator from Montana, I, in the face of no little opposition, took the position that the Senator from Montana should have the right to cross-examine any of the witnesses that he saw fit. Indeed, such abundant opportunities were afforded to him to participate in the hearings of the committee that he himself has been responsive and grateful enough to say on the floor of the Senate that we was treated with the utmost degree of courtesy by the committee in the course of the hearings.

I waited in vain, however, for the prima facie case, and so did every other member of the committee. You may go over those printed hearings, and you will not find a really substantial thing to justify the investigation at this time of all the interstate electric light and power companies of this country. Mind you, if the Senator from Montana had had his way, the investigation would not have been limited to interstate electric light and power companies. He proposed to reach, with the searchlight of investigation, not only every interstate electric light and power company in the United States but every intrastate electric light and power company in it as well, no matter how reduced its scale of importance, no matter how limited its operations.

Nor is this all. Not only did he propose to empower the special committee called for by the pending resolution to investigate how far all these electric light and power companies, interstate and intrastate, had attempted to control the election of Presidents, Senators, and Members of the House of Representatives, but how far the election of every State official

as well, no matter how petty his office. The extremes to which the Senator from Montana was disposed to go in those respects have been revised by the committee, and, I trust, will ultimately be revised by the Senate.

And let me ask, in what temper of mind did these fruitless hearings leave the Senator from Montana? Notwithstanding the fact that they proved to be a water haul, to use a fishing phrase, the Senator from Montana actually concluded them both in these words, and I ask the Members of this body to listen to them intently as I read:

> Now, Mr. Chairman, I merely desire to say this much, that in the starting of this movement I had hoped to be in a situation where I could present to any committee everything that was good in this movement, as well as everything that was evil or fraught with danger to the public, either to the investor or to the general consumer, who is obliged to pay the rates upon which these things are done. But the matter has developed—

Just listen to this:

> But the matter has developed in such a way that I am bound to assume the rôle of a prosecutor.

That is to say, the hearings commenced with the Senator as an investigator, and though nothing really reflecting upon the conduct of these electric light and power companies was elicited in the course of them, they ended with the Senator from Montana in the rôle, according to his own admission, of a prosecutor, a prosecutor to the death, a prosecuting gun loaded to kill, though, as far as the testimony at the hearings went, there was nothing to kill, nothing even to maim or cripple. Such is the spirit in which he, if he is chairman of the special committee, proposes to enter upon this investigation.

Mr. WALSH of Montana. Mr. President——

Mr. BRUCE. I yield.

Mr. WALSH of Montana. That statement was made when there were present in large numbers in the committee room representatives of the great power lobby that was assembled here, which I said would probably take care of the other side of the question.

Mr. BRUCE. Power lobby! That word "lobby" has been so perverted during the course of my experience as a member of legislative bodies that I can hardly keep my bile from rising when I hear it. No honest man fears a lobby of any sort.

Mr. WALSH of Montana. I thought the public utilities there represented by 180 lawyers would be able to say whatever might be said in support of their end of the inquiry.

Mr. BRUCE. Perhaps it takes 180 lawyers to cope with such a lawyer as the Senator from Montana.

Mr. DILL. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. DILL. The Senator knows that there is an amendment offered by the Senator from Montana proposing that the Senate shall elect the committee.

Mr. BRUCE. That proposition is pending now because the Vice President, responding to the impulses of his high-minded and honorable character, said he did not think under the circumstances that it was proper for him to name the members of the committee.

Mr. DILL. If the Senator thinks that the Senator from Montana would be so unfair, he could help elect somebody else the chairman of the committee, and elect a committee that would be fair.

Mr. BRUCE. Knowing, as they used to say down South, how "sot" the Senator from Montana is in his ways, I think we should have some difficulty in doing that without his consent, but we might.

As I said, I for one am sick of hearing these constant references to lobbies. I have been a member or connected as a law officer with legislative bodies for no small part of my life, and I have had hundreds of citizens, interested or disinterested, approach me to present their views to me with reference to legislation, and never once in all that time—I say it as if I said it at the foot of an altar—never in all that time did I ever have any human being approach me with any improper proposal as to a matter of legislation. They all, to use the happy phrase of the old English poet, felt that so far as I was concerned:

> He comes too near that comes to be denied.

I often wonder who are the members of legislative bodies who are approached with corrupt solicitations.

The Senator from Montana and I will never agree upon a proposition that all lobbyists, whether honorable lawyers or pettifoggers, whether business men of high or low degree, are a set of unconscionable, unscrupulous knaves standing at the doors of the legislature for the purpose of illicitly or insidiously influencing the course of legislation.

I say without a moment's hesitation that the lobbyist is my best friend. I would as soon complain of the approaches of any man, I care not who he is, that is interested in any matter of pending legislation to me, as I would of a witness being allowed the privilege of testifying in a case because he was interested in the case. Let the lobbyist present his case to me and I will determine for myself how far it should and how far it should not be discounted by his selfish interest in the particular legislative subject matter about which he is concerned.

The very first thing that I do whenever any matter of importance is pending in this body is to obtain all the information that I can and from any source that I can, interested or disinterested, with reference to the merits of the matter.

What were the representatives of this vast industry to do, in the judgment of the Senator from Montana? Were they to pay no heed at all to the pending resolution? Were they not to take cognizance at all of the fact that the electric light and power industry was about to be investigated, and that the electric light and power companies of the country were about to be subjected to a vast amount of expense because of the proposed investigation, to say nothing of the extent to which the value of their securities might be affected and their ability to obtain the loans that are indispensable to their maintenance impaired by reckless or unfair treatment? Were they to be denied the privilege of coming here and respectfully insisting that if there was to be an investigation it should at least be a fair, impartial, and dispassionate one?

Is it not allowable for me to say that the representatives of those electric light and power companies as American citizens had just as much right under the circumstances to stand about our doors here as we had to sit in our seats here? Ah, no, says the Senator from Montana in effect, they are nothing but a lot of ravenous wolves skulking about a stockade.

Indeed, in his views about this lobby, this ogre, this monster, this mythical rawhead and bloodybones, he becomes as irate as though aflame with moral indignation of the loftiest order at the very idea of a group of American citizens insolently coming here for the purpose of presenting their case to this body. He reminds me of a thing that I read some time ago about a London costermonger. The author said that he overheard this costermonger curse an eel because the eel would not lie still while he was skinning him. By the way, that incident takes us back to King Lear, where the cockney says to the writhing eels in the hot pan:

> Down, wantons, down!

The Senator is very much provoked because the great electric light and power industry will not lie still when threatened with unfair treatment, and exclaims, too, "Down, wantons, down!"

No prima facie case was made before the Interstate Commerce Committee, but I am willing that there should be an investigation after all this agitation; and while I have no special connection of any kind with the representatives of the electric light and power companies of the United States, as I understand it, they themselves wish an investigation, provided that it is a just, an impartial, an honest, and a nonpolitical one. They take this position, notwithstanding the fact that we are on the eve of a presidential campaign, and it is easy for all sorts of persons on the eve of such a campaign to lend themselves to all sorts of secondary and ulterior purposes in the prosecution of a legislative investigation.

In my judgment, the proper agency for this investigation is the Federal Trade Commission, and I ask this body again not to let itself be swept off its feet by any extravagant denunciation of the members of that commission. There is even my friend from Virginia [Mr. GLASS], a man as cool, deliberate, and clear-headed in action as any man I know in the world, but very vehement in the maintenance of his convictions, which are strong, as the convictions of all strong men usually are. He went so far yesterday as to state that if a man like Humphrey was to be on the Federal Trade Commission he would like to see the commission abolished; in other words, to get rid of the rat he was willing to burn down the house.

Then there were the Senator from Nebraska [Mr. NORRIS] and the Senator from Montana, who similarly denounced Mr. Humphrey up hill and down dale and held him up as utterly unworthy of trust.

Now, whenever I hear such sweeping charges made against any public official I always try to preserve my balance. I voted against the appointment of Mr. Warren as Attorney General of the United States because I thought that there were special reasons why his confirmation should be rejected by this body. I had reason to think that in the discharge of his duties he might be influenced by his past business connections. I voted

against the confirmation of Mr. Wood as a member of the Interstate Commerce Commission because I thought that his antecedents and environments had also been such that he might not find himself in a position to discharge his duties in such a position in the disinterested manner in which public duty should be discharged by every public official.

But I can not forget that I was one of the members of the Interstate Commerce Committee which heard the case that was attempted to be made out against Mr. Humphrey. All his enemies rallied in full force. They drew up and pressed the most damning indictment that they could possibly frame. So far as I was concerned, I would have voted against his confirmation as cheerfully as I turn into my bed at night if I had thought that he was unfit to be a member of the Federal Trade Commission. But that committee gave a fair and impartial hearing to the case and concluded that the reputation, standing, and integrity of Mr. Humphrey had not been successfully impeached, and so his confirmation was recommended by the committee and was afterwards, after another effort to defeat it on the floor of the Senate, approved by the Senate.

I understand that he has just written a letter to the Senator from Montana, in view of some accusations made against him a day or so ago by that Senator, stating that the changes in the practice and procedure of the commission, to which the Senator from Montana adverted in making those accusations had, every one of them, been made with the full consent of his colleagues.

And who, pray, are his colleagues? Who would be associated with him if the proposed investigation should be referred to that commission? Of course, Mr. Huston Thompson and Mr. Nugent, both of whom are regarded—though I do not say justly regarded—by many individuals in this country as extremists, are no longer on the commission. They have been succeeded by two members whose integrity, intelligence, and qualifications in every respect for its duties can, without the slightest difficulty, be duly avouched. One of them is Judge McCulloch.

Mr. BROOKHART. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Iowa?

Mr. BRUCE. I yield.

Mr. BROOKHART. Did the Senator say that Commissioner Nugent is still on the commission?

Mr. BRUCE. No; I said he had left the commission.

Mr. BROOKHART. Yes; he is not now on the commission.

Mr. BRUCE. No; he is not on it. I do not know whether that fact conveys gratification to the breast of the Senator from Iowa or not.

Mr. BROOKHART. I was very much in favor of his reappointment.

Mr. BRUCE. I am not reflecting on either Mr. Thompson or Mr. Nugent. But, as I have just asked, who are the two new members of the commission? Their weight and influence seem to be left altogether out of account by the Senator from Montana [Mr. WALSH] in his vitriolic tirade against Mr. Humphrey. One of them, as I said, is no less a person than Judge McCulloch, formerly of the Court of Appeals of the State of Arkansas, who stepped down from the bench of that court an honored, an illustrious, and spotless jurist, to take his place—God knows why—upon the board of an administrative Federal commission. I understand that he is one of the ablest lawyers and one of the profoundest and most upright judges in the country. Is the Senator from Montana prepared to cast aspersions upon him, too, to doubt his disposition to handle the investigation contemplated by this resolution in a perfectly proper manner in every respect should it be referred to him and his associates?

Who is the other new member of the commission? Mr. Garland S. Ferguson, the nephew of one of the most beloved and respected Members of this body, who I am told is also admirably qualified for the discharge of his duties as a member of the commission. Is the Senator from Montana prepared to shy a brick at him, too, to doubt his integrity, to distrust his ability, and to claim that he, too, would be shamelessly subservient to corporate influences notwithstanding his oath of office and the high and sacred nature of his responsibilities?

So if we are not going to have a prosecution such as the Senator from Montana seemed to contemplate in the course of the hearings to which I have been referring, but are going to have an investigation, a fair, impartial, and dispassionate investigation, why should not the Federal Trade Commission conduct it, as the Senator from Georgia [Mr. GEORGE] asked in the course of his most luminous and convincing speech yesterday? The commission have already largely covered the field of the electric light and power industry. They have rendered two reports. One was to the effect that no evidence had been brought to their attention of any violations of the antitrust act by the electric light and power companies, and that was followed by a supplemental report. Their first report gave such striking indications of industry, of patient laborious research, of conscientious discharge of duty, that the Senator from Montana, in the course of the hearings before the Interstate Commerce Committee, actually referred to it as a monumental report—and such, indeed it seems to be.

But now, having acquired the mastery that they have over some phases of the electric light and power industry in the country, why should they not be allowed to complete their work and to go on to additional fields of investigation connected with the industry and to bring in another monumental report setting forth the financial set-ups and interconnection of the various electric light and power companies of the country, and showing, too, if the Senate desires it, whether any of those electric light and power companies have sought to control in any manner the elections of Senators or other Federal officials?

In other words, the alternatives presented to this body to-day, under circumstances that involve no specific accusations of misconduct against the electric light and power industry, are investigation or prosecution; and certainly the great business interests of the country are not to be vexed and harried by prosecution as distinguished from investigation except when there is some real cause for prosecution, inferable with more or less confidence from the nature of the accusations made against them.

Another thing; experience has abundantly shown that an investigation which is not carried on by this body in a proper manner does not secure the confidence of the country. I recollect that during the last presidential campaign—I believe I have quoted the remark here once before—when I happened to be sitting by Mr. John W. Davis, our Democratic candidate for the Presidency, at a dinner, he said to me, "Senator, I can not see that the oil investigation has had any effect upon public opinion in the United States at all." That was after he had been making the circuit of the country and had been delivering campaign speeches first at one point and then another. I said to him then, "But suppose that that investigation had been carried on just as efficiently, just as firmly, but had been carried on just a little less with the air of a political prosecution, do you not think that it might have had a material and telling effect upon public opinion." Of course, I will not say what his answer was.

And if anybody thinks that the Democratic Party is going to gain anything at this time, on the eve of a presidential election, by a fierce, undiscriminating prosecution of one of the greatest industries of the country, he is, in my judgment, mistaken. As I have said, if there had been specific accusations of misconduct against these companies, if any wrongdoing had been clearly brought home to them, I would be here at this moment advocating the selection of a special committee for the purpose of carrying on the investigation, and I should be glad to see the Senator from Montana once more fall into his habitual rôle as a prosecutor. But those are not the conditions that surround us. The only effect of a partisan attack upon one of the great industries of this country at the present time, so far as the Democratic Party is concerned, would be to make the people of the United States feel more strongly than they have for some time past that the Democratic Party is not the best agency to which the material interests of the Nation can be committed. I say that notwithstanding the fact that the most glorious single feature of the history of the Democratic Party to my mind is the unbending will, the adamantine face that it has always set against special privilege in every form.

However, I have already said not only enough to weary Senators but to weary myself, and I can only add in conclusion that I trust, as I have rarely ever trusted under similar circumstances in the course of my legislative life, that the amendment of the Senator from Georgia [Mr. GEORGE] will prevail.

Mr. DILL. Mr. President, I was particularly impressed with the remarks of the Senator from Maryland [Mr. BRUCE] on the subject of the lobby in connection with the pending resolution to investigate the public utilities of this country. The Senator from Maryland boasted of the fact that nobody had made any improper proposal to him relative to the resolution. I do not know whether or not the Senator really expected those who heard him and those who will read his remarks to take him seriously when he argued that there was no lobby working in connection with this resolution. Of course, the lobby that is here and that has been here for weeks and that is working in the sections from which Senators receive correspondence is not crude nor rough; this lobby does not try to prevent this investigation or to hamstring it by sending it to the Federal Trade Commission by any such crude proposals as making improper offers to Senators. Of course, nobody has come here

and attempted to buy any Senator's vote; nobody has even offered to bribe Senators with campaign contributions. They would not think of that; that is too common and coarse. They have not threatened to defeat any Senator who might vote the other way. They have risen above that kind of lobbying, because that is the old kind of lobbying. They have been much more subtle and, I think, much more efficient as a result of their subtlety. They have employed numerous and divers ways of influencing the minds of Senators.

I think every man, whether he is in public life or not, has certain characteristics; he has certain tendencies that make it possible to appeal to him and to influence his action. I might almost describe it in terms of a blind horse with which, as a boy, I was familiar in Ohio. He was a peculiar horse. He was very gentle and tractable except for one thing; that was to get a bit in his mouth whenever we tried to put the bridle on him. He had one blind eye, and if we could get up on his blind side and start the bit in his mouth before he saw us, we could get the bridle on him, and he was a fine horse for all purposes. So the lobby that has worked on the pending resolution has worked on the principle of coming up on the blind side of Senators.

The first and most common method of appeal has been to suggest that the investigation proposed is to be a political one, and that the Senator from Montana expects to make himself so notable by it that he will be nominated for President of the United States on the Democratic ticket. Mr. President, in my judgment, the Senator from Montana does not need any added glory as an investigator to make him worthy of the nomination for President or of election, for that matter; and if conditions in the public-utility financing organizations are so terrible and so glaring that the Senator from Montana, or anybody else, can make it evident to the American people that an investigation is needed, why object to his reaping the reward that might come? The truth of the matter is that the very carrying forward of the proposed investigation by the Senator from Montana would probably do more to prevent his nomination than anything else, because every power and force which these great organizations of wealth could command would be used against him to prevent his securing a two-thirds vote in the national convention. However, that argument has been effective and will be effective with Senators, as will be shown when the vote is taken.

Then, Senators have been asked to vote to cause the investigation to be made by the Federal Trade Commission, because they have been told by very close personal and political friends that they own certain public-utility stocks that will be reduced in value if this resolution shall be adopted. That appeal has been made on the part of citizens who are honest and clean and have no thought of being lobbyists, but it is effective to a certain extent when not considered in its full import. Even widows and those who hold in trust money for orphans, who have investments in public-utility stocks, make their appeal to Senators on the ground that an investigation will destroy the value of their securities and, therefore, will be a dangerous thing.

Furthermore, the appeal has been made that the proposed investigation will so frighten capital that it will delay the development of great electric-power projects in various States, and Senators have been appealed to not to vote for anything that would delay such development in their States. That is another appeal which has a powerful influence.

So the lobby which has been working here has been a lobby more clever and more subtle and more effective than any I have ever known in my public career either in the House or in the Senate.

Now, what are the facts? When this resolution was brought before the Senate at this session we were asked to vote to send it—I say we were asked; the truth is we were frequently implored—to vote to send it to the Interstate Commerce Committee. It was thought that would kill it; but when it reached the committee there was so great a sentiment in favor of reporting it that we were then asked to amend the resolution so that the investigation might be conducted by the Federal Trade Commission, and on a vote in the committee of eight to eight that was refused. Now, we have the resolution on the floor of the Senate, and we are asked to provide that the Federal Trade Commission shall conduct the investigation so that it shall not hurt anybody.

Sir, either the financing of public-utility securities is sound or it is unsound. If it is sound, no investigation can hurt public-utility stocks permanently. There might be for a week or for a month some little depression in price, but if the investigation should show that the financing was sound, no harm would be done; in fact, the position of public-utility stocks would be strengthened. If any investigation shall be made by a committee of the Senate or any other body and nothing shall be revealed in the way of wild financing and watered securities, no harm will be done; but if there are instances of financing which make the securities unsound, then the quicker the fact is exposed and the more completely it is exposed the better even for the holders of the securities themselves.

I remind you, Mr. President, that this is not merely a resolution to investigate some business which has grown up temporarily. It is to investigate not only what is already a great public business, but to investigate a business that has grown so great that no other can be compared with it.

We are on the edge of the electrical age in America. Holding companies have been buying up little power companies throughout the country, paying two and three times what has been their previous value, and incorporating them into one great holding company. In my home town of Spokane, within the past month, the Electric Bond & Share Co. paid $230 a share for the stock of the Washington Water Power Co., which furnishes the electric light and power for the inland empire between the Rockies and the Cascades in the Northwest.

When I left home on the 1st of December that stock was selling for less than half that amount, as I recall. It was purchased by the Electric Bond & Share Co. for $230. Who will pay for it? Will it be the electric light and power consumers of that community, or will it be the holders of securities which will eventually prove to have been watered 50 per cent?

Much has been said about having the proposed investigation conducted by the Federal Trade Commission, a body that was established to investigate under the law and not to ascertain information on which to predicate some new law. Practically every State in the Union has its public service commission which passes upon the bonds of public-utility companies. There is no authority in the Federal Government or in any other Federal body to control the financing and the issuing of bonds of the great interstate public-utility holding companies. To my mind the dominant reason for this resolution is that we may secure the facts in order that we may legislate intelligently to protect future investors against watered securities in the electric light and power business, rather than to allow unwholesome conditions to continue until great national scandals occur and tremendous losses are suffered by investors.

I remind you that a few years ago, when it was first advocated that the Interstate Commerce Commission should take control of the railroad securities of this country, it was looked upon as a radical and wild proposition, and yet it has been found absolutely necessary. Why? Because the dangers in railroad securities have not been due to poor railroad management, the actual operation of the railroad trains and the handling of the passengers and the freight, but the national scandals of railroads have come as a result of watering the stocks and the manipulation of those stocks on the stock markets of the country.

I will not go into the history of the Chicago & Alton or the New Haven or other roads which might be mentioned, but I remind you that the electric light and power business is the coming public-utility business of the country, and the time has come when the Congress should have the facts asked for by this resolution, and should have them secured by a committee of its own members.

I have no complaint against the Federal Trade Commission as such; but I know from the reports they have already made that they do not and can not take the interest in this kind of an investigation that Members of the Senate will take when they know that this investigation is being made to get information for legislative purposes, and a vote to send this resolution to the Federal Trade Commission is a vote to kill this investigation.

I read in the newspapers that the Walsh resolution is dead, that the fight has been won against this investigation. Well, maybe that is true; maybe the votes will show that; but I remind you that it will be a barren victory, and this resolution or another resolution like it will come again at a time when the public demand is far greater than it is to-day, because of the abuses in the meantime which will make it necessary.

You can not shut out the light from a business that is financing itself as the public-utility electric light and power business is doing to-day, paying two and three times the value of these little power plants in order to issue bonds and securities to the American investor. So when you remember that electricity to-day is used in 14,000,000 out of 26,000,000 American homes, and that every day the use of electricity is increasing, when you remember that wherever there is a municipally owned light and power plant in competition with a privately owned plant rates are forced down to a basis below what they are where they do not have that competition, the question naturally arises, Why? The answer is to be found in large part in the watered securities that are being floated on the investment markets of this country to-day.

I criticize no one for his views or his vote on this measure. I assume that every Senator is as honest in his purpose as I can be. I say to you in all frankness, however, that a vote on this measure is a vote in the interest of the great money power of the country or it is a vote in the interest of the great masses of the people of this country. The American people may not understand all the details and differences about the Federal Trade Commission and the Senate committee, but they do understand that Wall Street and the money power is on one side of this fight and the interest of the great masses of the people is on the other side.

So far as I am concerned, I propose to be on the side of what I believe to be the interest of the great masses consuming electric light and power in this country and the people who are investing their money in these securities on the theory that they are based on sound financing.

It is not so important as to what the so-called big men of the country will say about us. Many of them are big only because they have money. It is not so important what the newspapers will say about us; but it is important whether our action here shall contribute to the benefit of the people as a whole, or whether it shall enable these great financing organizations to go forward with a system that they have already so abused as to arouse the best economists of America to the point of extreme criticism.

No public man should allow himself to be influenced by those who can secure his ear and make their appeal when as a result of that influence his vote will be against the interests of the millions who are struggling in this country to make a livelihood, and who have neither money nor time to come here to plead for their cause.

We owe something—ah, we owe everything—to the millions of people who send us here and expect us to protect their interests when they can not understand what their interests are, or, if they do, can not come here because of lack of finances and time to present their case.

So I say, you may defeat the Walsh resolution; you may beat this investigation, and turn it over to the Federal Trade Commission, and nothing be proven or shown by that investigation, but that will not have ended this controversy. Sooner or later, these facts will come forth. Whether they are to come forth in an investigation in the orderly methods that have been pursued in other investigations and the truth be known before greater wrongs have been committed or whether they are to be further covered up by a half-hearted, friendly, whitewashing investigation and nothing done until the pressure shall come that inevitably will come, makes but little difference in the final result, except as to the people who must pay the bill and those who will lose by their investments in the meantime.

Mr. President, this is only a part of the great struggle which goes on ceaselessly between the forces of conservatism on the one hand and progressivism on the other. There is no party line in this situation. There are Democrats voting one way and Democrats voting another, Republicans voting one way and Republicans voting another.

This resolution, better than anything else that has come into the Senate in many days, will draw the line between those two classes of public men. The public as a whole is about to learn the line-up in this body, and that will be valuable.

Leaders come forward in these fights for progressive measures. They are sometimes called radicals. They are decried against, and they fight on, and after a while they often become conservative in their views and quit fighting. Sometimes they go to work for great organizations of capital at immense salaries. But the people always press on. The people always look for new leaders, and new leaders come. So for the history of a thousand years this struggle of the people for more rights, for fewer privileges by law to those who exploit in the labor of the poor has gone on. This stream of progress has flowed up the slopes of history. It is the only stream in all history that flows upward. It flows up from ignorance toward education; up from slavery toward freedom; up from tyranny toward self-government; up from autocracy toward democracy.

I shall not be surprised if this resolution is defeated, but I shall be glad to have been able to be here and do my part, so far as I can, in what I believe to be the cause of greater social justice and greater human contentment and greater human happiness for the common masses of America. Their uplift, their happiness, their opportunities, their rights affect the world, because to-day the world looks to America as a great example; and this Nation rules the world, not by armies and navies, not by guns and ammunition, but by the silent example of our treatment of the masses of men within our own borders, by which we say to all men everywhere, "If you approve, go thou and do likewise."

Mr. HOWELL. Mr. President, some one has said that there are two great mainsprings of human action—desire and fear. However, there is a third, possibly more effective because of its continuous action, and that is habit.

Desire and fear actuate individuals spasmodically, but habit is constantly at work. It is like gravity, pulling all the time; and the great obstacle to the advance of civilization is the manner in which humanity clings to habits which are, or have become, irrational.

The people of this country are in the habit of paying excessive prices for electrical energy, a habit of which they are largely unconscious. The result has been enormous profits. These profits in turn have resulted in the pyramiding of the stocks and bonds of our electrical industries, until now we are confronted not merely with unjust electrical rates in this country but with the danger of our investing public putting money into securities based upon the resulting inflated values.

Public regulation has failed to provide just rates and to prevent the distribution of inflated securities. As a result, this investigation has been suggested; and in my opinion it is not only justified but in view of the facts it is the duty of Congress itself to proceed therewith and not delegate it even to the Federal Trade Commission.

What evidence have we that the American people are paying excessive electric-light rates? To demonstrate this fact, I shall compare the rates charged for domestic service in Toronto, Canada, with similar rates charged for service in Birmingham, Ala. Toronto is supplied with electrical energy from Niagara Falls by the Hydroelectric Commission of Ontario, and Toronto municipally distributes the energy which it purchases from the Hydroelectric Commission. The company that distributes electrical energy in Birmingham, Ala., is supplied with electrical energy by the Alabama Power Co. The Alabama Power Co. is a great hydroelectric power enterprise, and the distributing agency in Birmingham is one of its subsidiary companies.

So we have Toronto, Canada, publicly supplied, on the one hand; Birmingham, Ala., privately supplied, on the other. Again, Toronto is about 100 miles from Niagara Falls, the source of its electrical energy. Birmingham is about 100 miles from Muscle Shoals, where the Alabama Power Co. purchases from the Government of the United States electric energy for 2 mills a kilowatt-hour. Similarly, Toronto purchases its energy from a governmental subdivision of Ontario, the Hydroelectric Commission, but they have to pay therefor not 2 mills a kilowatt-hour, but some 2.8 mills per kilowatt-hour at Niagara Falls.

What is the cost of transmission? The Hydroelectric Commission also transmits for Toronto the electrical energy which the city requires from Niagara Falls and adds to the 2.8 mills paid therefor 1.1 mills. In other words, in Toronto, at the switchboard, the city pays 3.9 mills per kilowatt-hour for the electrical energy delivered. It probably does not cost the Alabama Power Co. to exceed 2 mills to transmit the energy which it purchases from our Government at Muscle Shoals to Birmingham, because the distance is practically the same as that from Niagara Falls to Toronto. Therefore we may assume that the energy from Muscle Shoals delivered by the Alabama Power Co. in Birmingham costs the company 4 mills, as against 3.9 mills paid by Toronto for its electrical energy purchased and delivered at its switchboard from Niagara Falls.

Now, let us consider and compare the rates charged for electrical energy in Toronto with those charged in Birmingham. In one case the distributing plant is owned by the public; that is in Toronto. In the other the distributing plant is owned by a private corporation; that is in Birmingham.

In 1926 the average bill for domestic consumption in Toronto was for 94 kilowatt-hours; that is, taking all the bills for electrical energy used domestically in Toronto, dividing the total by the number of domestic consumers, gave a quotient of 94 kilowatt-hours per month. What did the domestic consumer in Toronto pay for that 94 kilowatt-hours? The average bill was $1.63, or at the rate of 1.7 cents a kilowatt-hour.

What did the domestic consumer in Birmingham, Ala., pay in 1926 for 94 kilowatts a month? He paid $7—$1.63 in Toronto; $7 in Birmingham, Ala.

Energy sold by the Government of the United States to the Alabama Power Co. was transmitted, and that portion which reached Birmingham was sold to the domestic consumer for 7.45 cents per kilowatt-hour; but the electrical energy delivered from Niagara Falls to Toronto, about the same distance, by the government of Ontario, or a subdivision thereof, and distributed by the public plant in Toronto, cost the consumer but 1.7 cents—7.45 cents in Birmingham; 1.7 cents in Toronto—both supplied by water power, both owned and controlled by the Government, so far as the hydroelectric development is concerned. Does not this unquestionably demonstrate the fact that the people of this country are paying excessive electric-light rates,

inasmuch as the average domestic rate throughout the United States is approximately that of Birmingham?

What evidence is available to the effect that public regulation has failed in this country? In Ontario, Canada, there is a city known as Niagara Falls, located right where electrical energy is developed from the fall of water afforded by the Niagara River. Opposite Niagara Falls, Ontario, is Niagara Falls, N. Y., another city supplied by hydroelectric energy from the same Niagara River. On the Canadian side the city of Niagara Falls is supplied with electrical energy by its own municipal plant, which buys its electrical energy from the Hydroelectric Commission of Ontario.

In 1926 the average bill for electrical energy used in Niagara Falls, Canada, was for 208 kilowatt-hours per month. The charge therefor was $2.54. In Niagara Falls, N. Y., across the river, 208 kilowatt-hours cost about $7.40.

On the Canadian side of the river the domestic consumer paid 1.2 cents per kilowatt-hour, on an average; on the American side of the Niagara River he paid 3.6 cents per kilowatt-hour—three times as much.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. STEIWER in the chair). Does the junior Senator from Nebraska yield to his colleague?

Mr. HOWELL. I yield.

Mr. NORRIS. I am wondering if my colleague, in stating the rate in Niagara Falls, N. Y., spoke on the assumption that the Niagara Falls, N. Y., customer consumes as much electricity as the customer on the other side of the river.

Mr. HOWELL. I have used for comparison the average bill in Niagara Falls, Canada, and compared it with the same consumption, 208 kilowatts a month, in Niagara Falls, N. Y.

Mr. NORRIS. I have no figures before me, but it must necessarily follow that the average bill in Niagara Falls, N. Y., is very much smaller than the average bill in Niagara Falls, Canada, because, as the Senator has read, the average bill in Niagara Falls, Canada, is for something over 200 kilowatts a month. That means that a good many of the houses and homes in Niagara Falls, Canada, consume as many as 200 kilowatts in one month.

In the United States that would be an enormous amount of electricity. The ordinary eight-room house will consume from 40 to 50 kilowatts a month. In other words, the ordinary house in Niagara Falls, Canada, will consume about as much electricity as six or seven similar houses in the United States on the average. That is because the rates in Niagara Falls, Canada, are so low, and because electricity is cheap nearly everybody—not everybody, of course, but a very large number of people and homes—do all their cooking, for instance, by electricity and have all the appliances known to modern science, because they can afford them. On this side of the river, where they get the power from the same falls, they can not afford all those things because the rate is so high.

I have forgotten the rate in Niagara Falls, N. Y., but it would not be fair to take the average rate on the Canadian side for over 200 kilowatts a month and use that as a basis to make any figures on the American side, because it would not make the difference appear nearly as great as the difference actually is. In other words, the American consumer, consuming a small amount of electricity for his home, does not get down into the low rates like the Canadian consumer does. I think in Canada the maximum rate is 2 cents a kilowatt-hour and goes down to 1 cent. Can my colleague give me the maximum rate in Niagara Falls, N. Y.?

Mr. HOWELL. The maximum rate is 5 cents.

Mr. NORRIS. How much of that rate can the householder use before it drops, and how far does it drop?

Mr. HOWELL. Five cents per kilowatt-hour for the first 40 hours' use of demand, 4 cents for the next 120 hours, and 1¼ cents for all excess.

Mr. NORRIS. The average householder in Niagara Falls, N. Y., does not get the benefit of the cheap rate because he does not take enough electricity. He will have to pay the maximum rate for all he gets.

Mr. HOWELL. I am comparing a bill for 208 kilowatt-hours a month in Niagara Falls, Canada, with a bill for 208 kilowatt-hours a month in Niagara Falls, N. Y., and the facts are about as I have stated.

Mr. NORRIS. I have no doubt of that, but that is the point I want to call to my colleague's attention. His comparison does not make the showing as favorable to the Canadian consumer of electricity as the real facts are, because the average bill in Niagara Falls, N. Y., is much less, so the American consumer in Niagara Falls, N. Y., is paying a higher rate than my colleague's illustration uses. If he took the real bill or the average bill in Niagara Falls, N. Y., his comparison would be much more illuminating. In other words, in the comparison my colleague has made it does not show up, to the full extent that it should, of the difference between the two rates.

Mr. COPELAND. Mr. President, will the Senator yield for a question?

Mr. HOWELL. In just a moment. As suggested by my colleague, in another form of statement the striking difference would be rendered more apparent. That, I assume, is what my colleague desired to make clear.

Mr. NORRIS. That is correct.

Mr. HOWELL. In Niagara Falls, Canada, the electric distribution plant is owned by the people of that city. The electrical energy is delivered to the distribution system by the hydroelectric commission and the rates quoted are the result. In Niagara Falls, N. Y., the energy is developed by a private corporation from water power obtained from the same Niagara River, but with this difference; it is distributed by a private corporation, subject to regulation by the New York Public Service Commission, and the rates resulting are approximately what I have stated. Does not this comparison demonstrate the failure of public regulation?

Mr. SMITH. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Nebraska yield to the Senator from South Carolina?

Mr. HOWELL. I yield.

Mr. SMITH. The Senator mentioned a moment ago the maximum rate; that is, the initial rate of about 5 cents for the first 40 hours. How does that compare with the initial rate for the first 40 hours on the Canadian side?

Mr. HOWELL. I have not the details of the schedule here; however, on the Canadian side it is much lower.

Mr. SMITH. I think that would come nearer to bringing out the fact which the senior Senator from Nebraska was attempting to develop, that the initial rate is so much on the American side, and I would like to compare it with the similar rate on the Canadian side.

Mr. HOWELL. I can throw some further light on the matter from some data which I have at hand.

Mr. SMITH. I thought perhaps the senior Senator from Nebraska could give us those rates.

Mr. NORRIS. If my colleague will yield, I have those rates in the report of the hydroelectric commission at my office, but not here. Speaking from memory and from my knowledge of cities of the size of those in Ontario, Canada, I think I can tell the Senator. I may be wrong. I think it is 2 cents.

Mr. SMITH. As compared with 5 cents on the American side?

Mr. NORRIS. Yes.

Mr. HOWELL. I can throw further light upon the matter with the data which I have in hand. Let us consider a smaller bill. Sarnia is a city 170 miles distant from Niagara Falls. Its electric energy is delivered to Sarnia by the Hydroelectric Commission. Assuming that it costs 2.8 mills per kilowatt-hour at Niagara Falls, the city pays 3 mills for transmitting the energy to the switchboard in Sarnia, or a total of 5.8 mills. In Sarnia, a town of but 16,000 inhabitants, 81 kilowatts a month is the average bill, and the charge therefor is only $1.69, or at the rate of 2.1 cents per kilowatt-hour.

Mr. NORRIS. Is not my colleague wrong on the rate there? Will he give those figures again?

Mr. HOWELL. The charge for 81 kilowatts in Sarnia is $1.69, or at the rate of 2.1 cents per kilowatt-hour.

Mr. SMITH. That charge includes the transmission?

Mr. HOWELL. That is the charge the consumer pays. I am assuming the cost of the electric energy at Niagara Falls at 2.8 mills. The charge for transmission on that basis is 3 mills, making the total cost at Sarnia, 170 miles distant, 5.8 mills. Sarnia then proceeds to distribute its energy and collects from the domestic consumer as an average 2.1 cents per kilowatt-hour.

Mr. COPELAND. Mr. President, will the Senator yield for a question?

Mr. HOWELL. Certainly.

Mr. COPELAND. For my information, will the Senator state, when the comparison is made between the rates in Canada and in the United States if the same charge is made for taxes, interest, and depreciation on the Canadian plant as is made against the cost of operation of the American plant?

Mr. HOWELL. The charge on account of capital is the rate which the publicly created hydroelectric commission has to pay for money, and I presume that it is from 4 to 4½ per cent. The hydroelectric commission does not pay and the distributing plants do not pay taxes. But what ought we to add for taxes? In the city of Washington the amount to be added for every kilowatt-hour sold by the Potomac Electric Power Co. to make

up for what they pay in taxes is 3 mills per kilowatt-hour. Suppose we add 3 mills to the rates to which I have referred. In the case of Sarnia the rates, instead of being 2.1 cents per kilowatt-hour, would be 2.4 cents.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to his colleague?

Mr. HOWELL. Certainly.

Mr. NORRIS. I am induced to ask my colleague permission to interrupt him on account of the question the Senator from New York propounded, and a very proper question, I think. My colleague has answered it so far as the facts are concerned, but there is another thing in these rates which has not been referred to. The Canadian rates which my colleague gives for Niagara Falls, Canada, and for Sarnia, being a town just across the river from Port Huron, Mich., include an item that is not included in any of the items on the American side, and that is an amortization fee which in 30 years will pay off the entire investment. There is no such fee on this side of the line because the investment is never paid off and the consumer continues to pay, and it goes on, like the brook, forever.

Mr. COPELAND. If the junior Senator from Nebraska will permit me to reply to what has just been said by the senior Senator from Nebraska [Mr. NORRIS], I desire to say that I was impressed by what occurred in Rochester a little while ago. I had occasion to speak there and I emphasized the difference in price between the charge made per kilowatt in Ontario and the charge made in Buffalo or Niagara Falls. Then I said, "By the way, what is the charge made here in Rochester?" I was told it was 3½ cents a kilowatt-hour; so there was not much difference.

Mr. NORRIS There ought to be no difference. If the theory of those who are opposed to the Canadian system is right, and we are getting cheaper rates here, of course, the rates in Rochester ought to be very much less than they are in Canada. As a matter of fact, they are not, as everybody knows who has inquired.

Mr. COPELAND. What does the junior Senator from Nebraska say?

Mr. HOWELL. Mr. President, allow me to read from the National Electric Light Association rate book of 1927.

Mr. NORRIS. Now we shall see what is paid in Rochester.

Mr. HOWELL. I quote Rochester Gas & Electric Corporation:

Energy generated by steam and water, also purchased.

Population, 321,000: Residence lighting and power, availability; lighting and incidental power where demand is not over 7.5 kilowatts, on straight line meter, 8 cents a kilowatt-hour.

Mr. COPELAND. Now read the remainder of it.

Mr. HOWELL. I continue:

Delayed payment penalty—

They do not reduce the bill for prompt payment——

Mr. NORRIS. They add to it.

Mr. HOWELL (continuing):

Delayed payment penalty, 10 days, 10 per cent first $5 of bill, 2 per cent excess.

Mr. COPELAND. What is the rate in the case when larger quantities are used than in the ordinary home?

Mr. HOWELL. Mr. President, I will say that the remaining rate data covers about two pages of the handbook.

Mr. COPELAND. Of course, all I know is the reply which was made to me, that the charge was 3½ cents per kilowatt. That took my argument out of doors.

Mr. HOWELL. Unless one is very familiar with rates and facts in such connections, electric-light officials will make statements which, though possibly technically correct, will conceal rather than reveal the facts and thus confuse rather than enlighten.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. HOWELL. I yield.

Mr. WALSH of Montana. I wish to inquire of the Senator from New York [Mr. COPELAND] for what use was the rate of 3½ cents per kilowatt charged?

Mr. COPELAND. Of course, I was making the ordinary speech that one makes when he wants to emphasize the importance of conserving electric power for the people, and I used the figures that I have heard the distinguished senior Senator from Nebraska [Mr. NORRIS], as well as the distinguished junior Senator from Nebraska [Mr. HOWELL], give in comparing the rates between Niagara Falls, Ontario, and Niagara Falls, N. Y. I expected when I asked the question, "What do you pay?" for them to say about 10 cents, but I was taken out of court at once when the reply was 3½ cents.

Mr. WALSH of Montana. For what purpose?

Mr. COPELAND. For domestic use.

Mr. HOWELL. Mr. President, I hold in my hand the official rate book of the Electric Light Association. I am sorry I have not worked out the rates for Rochester. The facts I have presented, in my comparison of the charges for electrical energy in Niagara Falls, Canada, and those of Niagara Falls, N. Y., in one case regulated by virtue of public ownership, the other by a public service commission, must clearly indicate a failure of regulation, or at least they indicate the tremendous price the people of the United States are paying notwithstanding and in spite of regulation.

Mr. President, here we have Niagara Falls on one hand and Muscle Shoals on the other, the Canadian Niagara Falls development publicly owned and operated. Muscle Shoals owned publicly also, but not utilized as in the case of the Canadian development that is distributed by transmission lines to neighboring cities. As a result we find that Birmingham is paying more for its electrical energy than is the city of Omaha, Nebr., which is supplied not by water power but by a privately owned steam plant under circumstances such as slack coal $4.50 a ton. The maximum net rate in Birmingham is 7.45 cents, while in Omaha the maximum is 5.5 cents. Why this difference; Birmingham is supplied by water power, Omaha by steam, both are privately owned? The Omaha electric-light plant was threatened with public competition, and it voluntarily reduced its rate from 14 cents a kilowatt-hour in 1912 to 6 cents in 1917, right in the midst of the World War; and since then it has reduced the net rate another half cent.

Mr. President, if the Government of the United States will do at Muscle Shoals what the people of Ontario have done with their share of the water power at Niagara Falls, all the territory within 250 miles of Muscle Shoals can be supplied with energy from that plant and the cost of light and power tremendously reduced.

Let us consider what are the rates in the territory within 250 miles of Muscle Shoals. Remember the Government is now selling energy at Muscle Shoals to the Alabama Power Co. for two-tenths of a cent a kilowatt-hour. Nashville, Tenn., is only 110 miles distant. It is a city of 137,000 population; but what do its citizens pay for the use in their homes of 94 kilowatt-hours a month? Ninety-four kilowatt-hours cost in Nashville $8.46, while in Toronto, Canada, 90 miles from Niagara Falls, a distance only 20 miles less than the distance from Nashville to Muscle Shoals, consumers pay for 94 kilowatt-hours $1.63. Here we have $8.46, as against $1.63, for an identical service.

Some one may ask, "Do you not know that the energy supplied in Nashville may be largely generated by steam power?" Mr. President, the Potomac Electric Power Co., of this city, is developing electrical energy and putting it on the switchboard at a cost of not to exceed seven-tenths of a cent a kilowatt-hour—7 mills per kilowatt-hour. Toronto, Canada, has to pay about 3.9 mills a kilowatt-hour for the energy at its switchboard. So, if the electrical energy in Nashville is supplied by a steam plant, if it is an efficient plant, the energy on the switchboard only costs about 3 mills more than transmitted energy in Toronto. The fact, therefore, that in Nashville electrical energy is supplied by a steam plant can not account for the difference between the rate charged to the domestic consumer in Nashville, namely, 9 cents per kilowatt-hour, and the rate charged in Toronto, which is 1.7 cents per kilowatt-hour.

If the Government of the United States will continue to operate Muscle Shoals, not sell the power generated there to the Alabama Power Co. for 2 mills a kilowatt-hour, but expend an additional $5,000,000 installing transmission lines, we will be, so far as Muscle Shoals is concerned, practically in the same situation as Ontario, with reference to water power generated at Niagara Falls and elsewhere, under the control of the Hydro-electric Commission, and at the same time afford rates to the surrounding cities comparable to those enjoyed by the municipalities of Ontario. There are 384 of them, if I remember aright, that are enjoying these advantages, and if I am not mistaken there are not more than three cities in all Ontario in which there are privately owned plants, and in each there are competing public installations.

Consider Memphis, Tenn. It is only 140 miles from Muscle Shoals. Windsor, Ontario, is 215 miles from Niagara Falls. Compare the rates charged in Windsor with the rates charged in Memphis. Ninety-four kilowatt-hours per month costs in Memphis $5.34, but in Windsor 94 kilowatt-hours costs but $1.88.

Mr. President, consider what we could do for the people of this country if we would use Muscle Shoals as an example. That is what the opponents of this investigation fear. They fear that by the adoption of this resolution we will begin to pull out the pillars from under this tremendous capitalization of electrical industries that is swelling every day.

As further evidence of the failure of public regulation, consider the following facts, based on 1925 statistics, afforded for the following cities: The net bill for a consumption of 40 kilowatts per month, furnished by privately owned companies, not by publicly owned enterprises. These privately owned utilities are subject to public competition, either actual or potential.

The data I will now read are some that I have previously prepared.

In Hagerstown, Md., a city of 30,000 inhabitants, the privately owned company utilizes a steam plant, and its charge for 40 kilowatts a month is $2.20.

In Jamestown, N. Y., a city of 39,000 inhabitants, supplied by both water and steam power, the rate for 40 kilowatts per month is $2.

In Lincoln, Nebr., a city of 59,000 inhabitants, they use steam power only. The rate for 40 kilowatts per month is $2.10.

In Springfield, Ohio, a city of some 62,000 inhabitants, steam power only is used. The charge for 40 kilowatts is $2.10.

In Omaha, Nebr., a city of 215,000 inhabitants, steam only is used for the development of energy. In that city they have not had actual competition, but there has been potential competition, and the private company charges $2.20 for 40 kilowatts a month.

In Cleveland, Ohio, a city of 800,000 inhabitants, steam only is used. There is actual competition by the public, and the rate charged by the private company is $2 for 40 kilowatts a month.

The average charge in these six cities for 40 kilowatts per month afforded by privately owned electric-light plants in competition with publicly owned plants is $2.10.

The corresponding charges of the publicly owned plants are not at hand. I am not quoting rates of publicly owned plants; I am quoting rates of privately owned plants, except in the case of Cleveland. There the charge for 40 kilowatt-hours per month by the publicly owned plant is $1.20, the power utilized being steam.

In other words, since 1914 part of the city of Cleveland has been supplied with electrical energy at a maximum rate of not to exceed 3 cents a kilowatt-hour, and the plant is successfully operating to-day. The consequence is that the privately owned Cleveland electric-light plant that formerly charged 10 cents a kilowatt-hour reduced its rates voluntarily to 5 cents a kilowatt-hour, although the courts and the public-service commission of Ohio had held that it was entitled to 10 cents, that a lower rate would be confiscatory.

The following table compares on a percentage basis this six city average and the charge of the Cleveland municipal plant with similar charges in a number of cities throughout the country, all subject to legal regulation.

In Bessemer, Ala., supplied by water power, afforded by the Alabama Power Co., the rate for 40 kilowatts was 45 per cent higher than the six city average, and 155 per cent higher than the rate of the municipal plant in Cleveland.

In Birmingham, Ala., supplied by the Alabama Power Co., using water power, the rate was 46 per cent higher than the six city average rate, and 155 per cent higher than in the case of Cleveland.

Mr. GEORGE. Mr. President, will the Senator permit an interruption?

Mr. HOWELL. Certainly.

Mr. GEORGE. In the case of Birmingham, was the rate regulated?

Mr. HOWELL. I understand that it is regulated by the Public Service Commission of Alabama.

Mr. GEORGE. The Senator refers to the six city rates. Are those rates regulated?

Mr. HOWELL. The rates of the privately owned companies are regulated. There are public-service commissions in all of the States within which the six cities are located, except the State of Nebraska.

Mr. GEORGE. What I wanted to know was, What was the difference between Birmingham and the six cities to which the Senator is referring? Are the plants in the six cities all publicly owned?

Mr. HOWELL. No; the average rate I have quoted for the six cities——

Mr. GEORGE. I am just trying to get the basis.

Mr. HOWELL. Just a moment. The average rate I am quoting for the six cities is the average charged by privately owned plants in those cities where regulation is not necessarily by a public-service commission but through and because of public competition.

Mr. GEORGE. Oh, I see. The Senator means where the municipality itself has a plant?

Mr. HOWELL. Yes. In other words, the rates in these six cities are not the rates of the publicly owned plants. I am simply quoting the rates of the privately owned plants in each case.

Mr. GEORGE. I understand. Now, as I understand, the single city that the Senator first selects is one where there is regulation merely by a commission?

Mr. HOWELL. Yes, sir.

Mr. GEORGE. The six cities are where there may be regulation by commission plus competition of the municipally owned plant?

Mr. HOWELL. That is true.

Mr. GEORGE. And then the other plant is one that is municipally owned outright?

Mr. HOWELL. Yes.

Mr. GEORGE. So that the Senator's investigation leads him to the belief, of course, that if the mere matter of rate is to control it is better to have public ownership of all these utilities?

Mr. HOWELL. Mr. President, for a number of years I have advocated public competition. As an example, in Omaha we secured authority to build ice plants. The rate for delivered ice had been raised from 50 cents to 70 and 80 cents. This was in the midst of the war. We installed ice plants. The result was that immediately, as soon as we began operating, the rate for delivered ice dropped back to 50 cents.

The rate for cash-and-carry ice dropped to 30 cents. Although we could produce but a third of the ice used in the city of Omaha, at 30 cents per 100 pounds, the rate at which we sold to the public, the proceeds of the sale of the ice produced enabled us in seven years to pay off the $700,000 invested in the plants, so that they are to-day "velvet," as it were, so far as the people of the city of Omaha are concerned.

Mr. President, it was our position from the beginning that we did not want to do all the ice business in the city of Omaha. Merely sufficient to regulate rates. In my opinion, public competition is decidedly more advantageous and safer than public monopoly. Public competition could keep the privately owned ice plants good, and they would necessarily keep the publicly owned plants on their toes or they would go out of existence. That has been the result. I am for public competition, not public monopoly. I am for public competition so far as Muscle Shoals is concerned, because if the Government of the United States will operate Muscle Shoals and build transmission lines, deliver energy to the various cities throughout that territory, I know what the result will be. I might here tell the distinguished Senator from Georgia what the result would be in his city of Atlanta.

Mr. GEORGE. Mr. President, I would like to ask the Senator to answer my question.

Mr. HOWELL. In just a moment I will yield.

Mr. GEORGE. If the Senator does not want to yield——

Mr. HOWELL. I will be delighted to yield, if the Senator will allow me to finish. Never mind; I will yield now and take up Atlanta later.

Mr. GEORGE. I merely wanted to know if the Senator's position was the same as respects the country as that illustrated by the ownership of the ice plants. Is it the Senator's theory, then, that the only effective way—the Senator disclaiming Government ownership of all utilities—is to sprinkle about all over the country some publicly owned utilities, so that the competition plus the regulation may bring about the rate? I want to get the Senator's position, that is all.

Mr. HOWELL. Mr. President, the Senator has not been present while I have been discussing this matter, and therefore I will take the liberty of stating an outline of my position.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. HOWELL. I yield.

Mr. GLASS. Of course, the position of the junior Senator from Nebraska is important, but there are others of us in the Senate who have not had the opportunity or the information or the industry to make the investigation which evidently has been made by him. How are we to ascertain, how are we to take positions unless we shall have an impartial investigation of these matters and ascertain the facts?

Mr. HOWELL. Mr. President, that was what I proposed now to state. I have pointed out that the people of this country were paying excessive electric rates. I think I have demonstrated the fact. I have further pointed out and indicated that public regulation has failed, and as a result of that failure and these tremendous rates there has been a pyramiding of capital issues in connection with electric light and power industry.

Inasmuch as regulation has failed, and people are in the habit of paying these high rates, there is only one way to rectify the situation; that is, by agitation, by such an investigation as this, to bring knowledge of these facts to the country. By an investigation of this kind we will also warn investors that they are liable to find themselves buying securities whose issuance is justified only upon the theory that our people will continue to pay these excessive electric rates.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. WALSH of Montana. The Senator has called attention to the difference between the rates in the United States and the Province of Ontario, Canada. That has been a controverted question in this floor for a long time. It is asserted, for instance, that there appears to be a lesser rate charged in Canada because the energy is developed by a public institution that does not pay any taxes. It is asserted that the rates are higher for domestic service in this country, but that the rates are lower for industrial service. It is said that the Government of Canada is obliged to make up a deficit every once in a while. On the other hand, all these things are denied and controverted. Why should we not have an investigation to find out what the truth about the matter is, so that the Senate can be advised by its own committee?

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. SMOOT. I think it was about three or four years ago when the subject of the rates in Canada was first brought to the attention of the Senate, and these rates were then quoted as being the rates paid in Canada. At that time I had a complete statement, and I have just sent to my office to see if I could locate the papers so as to state just what the examination in Canada demonstrated beyond the question of a doubt. Even if any institution here wanted to furnish electric power at the same rates at which they are furnished in Canada, and could have the Government make up any deficit in the same way the deficits are made up in Canada, I do not think the Senator would approve of that.

I did not know this subject was coming up, but if I can locate the papers I will call the Senator's attention to the result of the investigation that was made. I assure him that if the sworn statements of the investigators, both Canadian and American, are correct, there is no such rate made in Canada to justify the statements made.

Mr. WALSH of Montana. How are we ever to know what the facts are unless an investigation is conducted by the Senate and a committee of the Senate reports to the Senate the truth about the matter?

Mr. SMOOT. I heard over the radio last night the figures now quoted, and it was pointed out that those rates were possible because of Government ownership, and that such rates could be given to institutions and individuals of this country. I want to say to the Senator frankly that when this matter came up, I think three or four years ago, the same figures were quoted, and after an investigation in Canada it was demonstrated that they were not made up on any basis on which an institution in this country could or would operate, and no deficit could be made up unless it came from the investment of the company, and if the plant was operated by the United States, the same as deficits have been made up in Canada, some provision would have to be made to make up deficits, or if it was an individual company it could not operate very long without bankruptcy.

Mr. HOWELL. Mr. President, I will ask the distinguished Senator from Utah what he has to say respecting the electric-light plant in Cleveland, publicly owned, which for the last 14 years has been furnishing electrical energy at a maximum rate of not to exceed 3 cents a kilowatt-hour?

Mr. SMOOT. Mr. President, I have not made any investigation of that, and I would not want to make any kind of a statement until I had made some investigation. But 3 cents is quite different from 1.78 cents. There is a great difference. In fact, it is nearly twice as much, and, as I understand now, there are many of the companies in the United States furnishing energy for power purposes at 3 cents per kilowatt-hour.

Mr. HOWELL. I am not talking about power; the power rate is very much lower in Cleveland.

Mr. SMOOT. Very much.

Mr. HOWELL. I am talking about the maximum rate charged the small consumer.

Mr. SMOOT. Of course, I can not make the statement offhand, because it would be simply a guess on my part.

Mr. WALSH of Montana. I can furnish the Senator the exact information from the city of Cleveland. The Senator from New York, if he will give me his attention a moment, told about rates in Niagara Falls. The average rate in Cleveland is just a little less than 2 cents a kilowatt-hour.

Mr. SMOOT. That is for power and light both.

Mr. WALSH of Montana. Power and light both; as against something over 7 cents for the entire United States.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. BLAINE. I would like to inquire of the Senator from Utah as to the statement I made in the course of my remarks yesterday that the farmer in Wisconsin is paying at the rate of 28.4 cents per kilowatt-hour for the first 25 kilowatt-hours.

Mr. SMOOT. I did not hear the Senator make the statement, I will say, and I can not comment on it.

Mr. BLAINE. I was wondering whether the Senator disputed that statement.

Mr. SMOOT. I do not dispute it. This is the first time I have heard the statement.

Mr. BLAINE. If the Senator had been here yesterday he would have heard it.

Mr. SMOOT. Unfortunately, then, I will say to the Senator, I was not in the Chamber when he made the statement.

Mr. BLAINE. Let me inquire further of the Senator——

Mr. SMOOT. But if 28 cents per kilowatt-hour is the rate the farmer pays in Wisconsin, I will say that I know of no such rate anywhere else in the United States outside of Wisconsin.

Mr. BLAINE. It prevails.

Mr. SMOOT. I say that I know of no such rate, and I never heard of any such rate prevailing anywhere outside of Wisconsin.

Mr. BLAINE. Does such a high rate prevail in Canada?

Mr. SMOOT. No; and I do not think any such rate prevails in the United States outside of Wisconsin.

Mr. BLAINE. I would be very glad to furnish the Senator the information, and I think if he will analyze the rates he will find——

Mr. SMOOT. The Senator from Montana just said that, taking everything into consideration, the average rate for the whole country was only 7 cents. I have never heard such a rate mentioned before as that given by the Senator from Wisconsin.

Mr. HOWELL. Mr. President, I now take the liberty of calling the attention of the distinguished Senator from Georgia to the rates for electrical energy in his State, at least in Atlanta. Electrical energy in Atlanta is furnished by water power. In Atlanta a domestic consumer using 94 kilowatt-hours a month pays $7.61, or at the rate of 8.1 cents per kilowatt-hour.

Mr. GEORGE. Upon what date are the Senator's figures based?

Mr. HOWELL. They are from the 1927 rate book.

Mr. GEORGE. At what time?

Mr. HOWELL. I do not know the month the volume was issued.

Mr. GEORGE. Has the Senator investigated to see whether the utilities commission has reduced the rate since that time?

Mr. HOWELL. I have not; but I dare say there has been no reduction in the rate since the issuance of this volume. I will ask the Senator if he knows whether there has been a reduction made in the Atlanta rate.

Mr. GEORGE. I do not know, but I had the impression that there was a proceeding before the utilities commission relating to the rate. I do not know when the last rate was fixed.

Mr. HOWELL. I am not surprised that there should be a proceeding before the utilities commission in Georgia respecting the rate charged in Atlanta. Atlanta is a city of 228,000 people. It is about the size of the city of Omaha.

Mr. GEORGE. From what census is the Senator now quoting? Atlanta has a greater population than that. I want to be certain that we are just to Atlanta.

Mr. HOWELL. I am quoting from the 1927 rate book of the National Electric Light Association.

Mr. GEORGE. Atlanta has a larger population than that, I will say to the Senator, at least, but I do not know when the last rate regulation went into effect relating to domestic rates.

Mr. HOWELL. According to the population reported by the rate book in question Atlanta and the city of Omaha are about the same size. Atlanta has the advantage of hydroelectric power. Omaha has not that advantage. Omaha's electric energy must be supplied by steam. Ninety-four kilowatt-hours, as I have previously stated, costs in Atlanta under the schedule set forth in the 1927 rate book $7.61, or at the rate of 8.1 cents per kilowatt-hour. In Omaha we have developed a public-ownership spirit. We acquired our water plant in 1912. We built an ice plant in 1919. We acquired the gas plant in 1920. As a consequence, in Omaha 94 kilowatt-hours now cost not $7.61, as in Atlanta, but $5.17.

Mr. WALSH of Montana. Mr. President, I believe the attention of the Senator from Georgia [Mr. GEORGE] was diverted

while those figures were being read. Perhaps the Senator from Nebraska will be kind enough to read them again.

Mr. HOWELL. Atlanta is within 215 miles of Muscle Shoals. It is within the distance of Windsor, Canada, from Niagara Falls. In Windsor, Canada, 215 miles away from Niagara Falls, 94 kilowatt-hours cost not $7.61, but $1.88 only.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. HOWELL. In just a moment. If Muscle Shoals were utilized as Niagara Falls has been utilized by Ontario, Atlanta could have the advantage of the same low rate that Windsor enjoys at the present time, and this investigation is necessary to bring such facts to the people of Georgia and the United States.

Mr. GEORGE. Exactly. Now, will the Senator let me ask him a few questions?

Mr. HOWELL. Certainly.

Mr. GEORGE. Where does Windsor, Canada, get its current?

Mr. HOWELL. From Niagara Falls.

Mr. GEORGE. Is it publicly or privately owned?

Mr. HOWELL. The distribution plant is publicly owned.

Mr. GEORGE. That is, owned by the Dominion?

Mr. HOWELL. It is owned by the city. The power stations and the transmission lines are owned by the hydroelectric commission representing Ontario.

Mr. GEORGE. The Senator committed himself to the proposition that this investigation is needed and necessary in order to get the facts. I agree with the Senator. There is but one legitimate object of the investigation and it must result either in the bolstering up of the demand for the Government ownership of the utilities of the country or in the regulation of those utilities. That regulation itself is certainly the hope of many who speak as frankly as the Senator who now occupies the floor, and will result ultimately in the ownership of those utilities.

Mr. HOWELL. If the distinguished Senator from Georgia takes the position that the only way we can have lower electric rates in the United States is through public ownership, and that this proposed investigation will result in public ownership, then I am for this investigation and public ownership, not as an end but as a means to an end. Wherein we differ is this: I am not afraid of public ownership.

Mr. GEORGE. Why does the Senator insist on comparing the rate of a private company with the rate of a Government-owned company, and why does the Senator from Montana especially direct my attention to that fact? The Senator from Nebraska followed his statement by the unequivocal statement that, therefore, it is necessary to have an investigation in order to get the facts, in order to enable intelligent action.

Mr. HOWELL. Mr. President, I do not want to be discourteous. I have yielded upon every occasion when requested; however, I would like the opportunity now of finishing my statement before I yield further.

The PRESIDING OFFICER. The Senator declines to yield further.

Mr. HOWELL. I will state again that I am not for public ownership as an end. I do not believe in public ownership as an end. I am for public ownership as a means to an end. If we can not accomplish for the people of the country fair and just rates except by resorting to public ownership, I am not afraid of public ownership. I will not throw up my hands. I will fight and fight with public ownership if necessary. I am fearful the distinguished Senator from Georgia is so afraid of public ownership that he is not willing to fight with the means at hand.

Now, let me reiterate that if Muscle Shoals, which belongs to the Government of the United States, were fearlessly taken hold of by Congress, a board of directors appointed to manage it, and supplied with $5,000,000 or $10,000,000 with which to extend transmission lines to various municipalities in its territory, inviting them to put in competing electric-light plants, the city of Atlanta could enjoy as low rates, in my opinion, as those enjoyed by Toronto, or, at least, by Windsor, Canada.

As I said, 94 kilowatt-hours in Windsor cost $1.88, or 2 cents per kilowatt-hour, whereas in Atlanta, Ga., controlled by a privately owned corporation, regulated by a public-service commission, the rate to the domestic consumer is 8.1 cents, or, for a bill of 94 kilowatt-hours, is $7.61.

Mr. President, again I state that the people of the country have the habit of paying enormous electric-light rates. The profits have been correspondingly great. The owners of the electric plants have been trying to perpetuate those profits by capitalizing the companies on the basis of those enormous earnings. They are selling their stocks and bonds throughout the country, hoping that they will secure a large enough clientele to oppose successfully any change in the present situation.

The time has come when the public should act. The State legislatures and the Congress are the only vehicles through which justice can be secured. But in order to obtain action by legislatures and action by the Congress it is necessary to arouse the people of the country, educate them. Whatever may be the view of anyone else respecting the pending resolution, in my opinion its value for that purpose will be enormous. This hoped for effect will be largely defeated, in my opinion, if the investigation is made by the Federal Trade Commission. We ought to fight with the weapons we have at hand to do justice to all the people of the United States.

Mr. President, I will ask permission to include in the RECORD certain statistics prepared by myself which I began to read and did not finish.

The PRESIDING OFFICER. Without objection, it is so ordered.

The memorandum of statistics is as follows:

EFFICIENCY OF COMPETITION

The electric light and power industry affords excellent illustrations of the efficiency of public competition as compared with legal regulation. For the purposes of comparison in this connection, consider a net lighting bill of 40 kilowatt-hours per month. In the following cities the charges for this consumption by the privately owned plants, subject to actual or potential competition, are as follows, viz:

City	Population	Power utilized	Competition	40 kilowatt-hours per month
Hagerstown, Md	30,000	Steam	Actual	$2.20
Jamestown, N. Y	39,000	(?)	do	2.00
Lincoln, Nebr	59,000	Steam	do	2.10
Springfield, Ill	62,000	do	do	2.10
Omaha, Nebr	200,000	do	Potential	2.20
Cleveland, Ohio	800,000	do	Actual	2.00
Six city average				2.10

Thus the average charge for 40 kilowatt-hours per month by the privately owned plants in these six cities regulated by public competition is $2.10.

The corresponding charges of the publicly owned plants are not at hand except in the case of Cleveland. There the charge for 40 kilowatt-hours per month is $1.20, the power utilized being steam.

The following table compares on a percentage basis this "six-city average," and the charge of the Cleveland municipal plant with similar charges in a number of cities throughout the country all subject to legal regulation only:

City	Power utilized [1]	Per cent higher than 6-city average	Per cent higher than Cleveland municipal charge
Bessemer, Ala	Water and steam	45	155
Birmingham, Ala	do	46	155
Montgomery, Ala	Steam and water	43	151
Minden, Conn	Steam	90	233
New London, Conn	do	70	198
Washington, D. C	do	43	150
Atlanta, Ga	Water and steam	64	166
Augusta, Ga	do	71	200
Indianapolis, Ind	Steam	33	133
Portland, Me	Steam and water	52	167
Baltimore, Md	Steam	52	167
Cambridge, Mass	do	62	183
St. Paul, Minn	Steam and water	73	203
Jackson, Miss	Steam	186	400
Great Falls, Mont	Water	24	117
Butte, Mont	do	24	117
Atlantic City, N. J	Steam	119	283
Jersey City, N. J	do	71	200
Albany, N. Y	Steam and water	52	167
Amsterdam, N. Y	do	71	200
Auburn, N. Y	do	84	223
Buffalo, N. Y	Water and steam	14	100
Mount Vernon, N. Y	do	129	300
New Rochelle, N. Y	do	129	300
Poughkeepsie, N. Y	Steam and water	115	277
Newburgh, N. Y	do	115	277
New York, N. Y. [2]	Steam	80	215
Rochester, N. Y	Steam and water	52	167
Schenectady, N. Y	do	63	185
Utica, N. Y	do	50	163
Norristown, Pa	Steam	110	267
Scranton, Pa	do	81	217
Reading, Pa	Steam and water	90	233
York, Pa	Water and steam	72	201
Providence, R. I	Steam and water	57	175
Chattanooga, Tenn	Water and steam	63	183
Knoxville, Tenn	do	89	230
Nashville, Tenn	Steam and water	89	230
Salt Lake City, Utah	Water and steam	54	170
Appleton, Wis	Steam and water	90	233
Milwaukee, Wis	Steam	49	160

[1] "Steam and water" indicates water power is used as an auxiliary. "Water and steam" indicates steam power is used as an auxiliary.

[2] Average for 9 companies.

These data, collected from cities widely scattered and with greatly varying populations, utilizing both steam and water power, certainly indicate that there is something the matter with legal regulation. They also testify to the efficiency of regulation by public competition, and the remarkable possibilities of a well-managed, steam-operated, public enterprise in the electrical field.

Incidentally it may be properly inferred also that water power in the hands of private interests means little to the public, a fact that has animated those who have bitterly opposed the leasing of the great power at Muscle Shoals, constructed at enormous expense with public funds.

Of course, it may be urged that the rates in the six cities enjoying public competition are not compensatory. However, they have been in effect for a considerable time; and, moreover, one of these cities, Omaha, enjoys this low rate not because of actual competition but because of potential competition; that is, fear of public competition. In other words, the private company operating in Omaha, realizing it must afford reasonable rates or be confronted with public competition, voluntarily acquiesced in the rate quoted for that city, to the end of avoiding public competition. Certainly no public-utility corporation would agree to a noncompensatory rate as a result of a mere threat.

Mr. COPELAND obtained the floor.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. COPELAND. Certainly.

Mr. WATSON. I have been wondering if the Senator from Montana will let us see if we can fix a time for a vote. The debate has been running along now for three days, and it is desired very much that we shall bring it to a close.

Mr. WALSH of Montana. I think the debate is coming to a close.

Mr. WATSON. The Senator believes the debate is coming to a close?

Mr. WALSH of Montana. Yes.

Mr. SMOOT. The Senator thought so on Monday.

Mr. CURTIS. Mr. President, may I suggest that speeches from now on be limited to 30 minutes? Senators who have indicated that they want to talk have stated they will not take over 20 minutes. If we limit the speeches to half an hour, we can undoubtedly bring the debate to a close this afternoon.

Mr. WALSH of Montana. I hope I may have the privilege of closing the debate, and I would not want to agree to that.

Mr. WATSON. Does the Senator from Montana think the debate will be concluded by 5 o'clock this afternoon?

Mr. WALSH of Montana. I would think so. Senators who are to talk have assured me that they will speak only briefly.

Mr. WATSON. I am being greatly pressed all the while by the Senator from Utah [Mr. SMOOT], chairman of the Finance Committee, to conclude the matter so that he may have the Senate proceed with the consideration of the alien property bill.

Mr. SMOOT. I want to express the hope that we may vote on the pending resolution to-night.

The PRESIDING OFFICER (Mr. FESS in the chair). The Senator from New York will proceed.

Mr. COPELAND. Mr. President, there can be no doubt of the importance of conserving for posterity the great water powers of America. As time goes on, hydroelectric development is bound to be the one feature which will make life comfortable for those who come after us. If there is one thing I honor the great governor of my State for, it is the fight he has made to preserve the water powers of New York for the people. I venture to say that the waters from Niagara Falls to the Canadian line and all the rivers of our preserves in New York State will be saved for the people. He has set out on his fight to insist upon it that those water powers and hydroelectric developments should be had by the people of New York.

There can be no difference of opinion among us regarding the importance of the subject. But I heard yesterday with amazement the address made by the senior Senator from Nebraska [Mr. NORRIS]. I felt still greater amazement as I read his speech this morning in the CONGRESSIONAL RECORD. It seems to me—and I say it in all kindness and courtesy—that the distinguished Senator has strayed away from his usual bent of mind regarding a matter of this sort. In his address yesterday he made a very bitter attack upon Mr. Humphrey, a member of the commission, and it seemed to me then, and it does now, that he has confused in his mind the attitude of Commissioner Humphrey as against the attitude of the Federal Trade Commission.

I have no brief for Mr. Humphrey. Nobody knows that better than does the Senator from Nebraska. I was one of the 10 Members of the Senate to vote against the confirmation of Mr. Humphrey; I was one of the four Democrats who voted against him; but there are other men upon the commission, and I think it would be a very great pity, indeed, to let the impression go out that we have a commission made up of men who are unworthy of our confidence.

I have here a list of the members of the Federal Trade Commission, and I will ask the distinguished Senator from North Carolina [Mr. SIMMONS] as to one of them. Garland S. Ferguson, jr., a Democrat, from Greensboro, N. C., a great lawyer, who was a referee in bankruptcy. Is he looked upon, I will ask the Senator from North Carolina, as a capable and honest man?

Mr. SIMMONS. Mr. President, I have no hesitation in replying in the affirmative to the Senator's inquiry. Mr. Ferguson was appointed upon the indorsement and approval of both my colleague [Mr. OVERMAN] and myself, and of almost the entire bar in the section of the State of North Carolina, in which he has resided. He comes from one of the most distinguished families of North Carolina. Its members have been distinguished as great judges and great lawyers. His father was for twenty-odd years a great judge of the superior court. Mr. Ferguson himself has been a practicing attorney for many years in North Carolina. He is a brother of the great shipbuilder Ferguson, and his reputation as a lawyer and as a man is equal to that of anybody whom I know in my State.

Mr. COPELAND. I thank the Senator from North Carolina.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Montana?

Mr. COPELAND. I yield to the Senator from Montana.

Mr. WALSH of Montana. It is not an uncommon thing for a man who has not very much of an argument otherwise to set up a straw man and then knock him down. I am sure the Senator from New York will be unable to point to a single Member of the Senate who has in any wise questioned either the integrity or the ability of Mr. Ferguson. Perhaps we can proceed upon that assumption. Eulogies have been pronounced upon Judge McCulloch, another member of the commission. I have a very pleasant acquaintance with him; we are neighbors. He is a delightful gentleman, and I have no doubt in the world a very honorable gentleman and an excellent lawyer. Why waste time to tell about the virtues of these two gentlemen?

Mr. COPELAND. Mr. President, the Senator from Montana referred to a straw man that is set up to be knocked down. In this instance I assume that I am the straw man who is to be knocked down. However, I think it does have a bearing upon this case and upon what we are going to do with this resolution to know whether we are dealing with a group of men who have or have not integrity, capacity, and ability.

The Senator from Nebraska yesterday excoriated in bitter terms the chairman of the commission, Mr. Humphrey; the Senator from North Carolina has just spoken of Mr. Ferguson; and in spite of the diversion of the Senator from Montana, I am going to venture to ask our distinguished and beloved leader on this side, the Senator from Arkansas [Mr. ROBINSON], whether Judge McCulloch is a man who may be relied upon?

Mr. ROBINSON of Arkansas. Does the Senator from New York desire me to answer his question now?

Mr. COPELAND. Yes.

Mr. ROBINSON of Arkansas. Mr. President, Judge E. A. McCulloch was for 20 years prior to his appointment to the Federal Trade Commission a member of the supreme court, the highest judicial tribunal in the State of Arkansas. During the greater part of that time he was the chief justice of that court. He is a great judge, a man of undoubted integrity, and of recognized ability. He is affectionately regarded by the bar and the people of the State of Arkansas.

Mr. COPELAND. I thank the Senator. I regret that both the Senators from Iowa are absent. If they were here, I should ask them about Mr. Hunt, a Republican from Iowa, who is or was president of the American Farm Bureau Federation of that State, an outstanding citizen, as I understand, and a fair and able man. Mr. Myers we have discussed at great length.

Mr. WHEELER. Mr. President, will the Senator from New York yield to me?

The PRESIDING OFFICER. Does the Senator from New York yield to the junior Senator from Montana?

Mr. COPELAND. I yield.

Mr. WHEELER. Mr. Hunt was one of those who voted with Mr. Humphrey to dismember practically or to ruin the effectiveness of the Federal Trade Commission. I am sure the Senator from New York ought to ask somebody else to rise and eulogize Mr. Humphrey and tell the Senate that prior to his going on the commission he was an attorney and a lobbyist for the Lumber Trust, and was the attorney for the Republican National Committee when that organization sent its representatives out to Montana to frame a case against me.

Mr. COPELAND. Of course, I will say to the junior Senator from Montana——

Mr. WHEELER. I think somebody ought to get up and eulogize Mr. Humphrey because of his activities in that respect.

Mr. COPELAND. I think the Senator from Montana will have a hard time to find anybody in this Chamber who will eulogize Mr. Humphrey. Certainly I shall not.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. COPELAND. Certainly.

Mr. NORRIS. I am surprised that the Senator is not going to eulogize Mr. Humphrey. I thought the Senator was criticizing me because I did not eulogize him. I do not know that I cast any reflection upon any member of the commission. I think I did not mention any of them by name, except Mr. Humphrey and Mr. Myers, and the only thing I said about Mr. Myers was that he was the gentleman who wrote the opinion of the Attorney General to which reference has been made. I presume he was conscientious in it, but that opinion took away from the Federal Trade Commission the jurisdiction to investigate a part of the subject matter of the identical resolution before us. The Senator wanted me to remain in the Chamber, as I supposed, while he administered a rebuke to me for what I said about Mr. Humphrey, but I did not say as much against him as the Senator himself has said. I do not think, necessarily at least, the question of the honesty or the integrity or the ability or the patriotism of the members of the commission is involved. The Senator is endeavoring to have evidently a sort of testimonial meeting in the Senate; he has been calling on Members of the Senate for testimony with regard to the character and ability of various members of the Federal Trade Commission and other officials of the Federal Government. That may be entertaining, but I can not understand how that will meet the proposition that the Attorney General has held by an opinion, submitted at the request of the Federal Trade Commission, that the commission has no jurisdiction over at least the subject matter of a portion—in my judgment the most important portion—of the pending resolution. That is my main objection.

Mr. WHEELER. We might resolve the Senate into a mutual admiration society of the members of the commission, might we not?

Mr. NORRIS. Yes.

Mr. COPELAND. I am not so sure that I ought to follow the Senator from Nebraska as I did last year, or whenever it was that the confirmation of Mr. Humphrey was under consideration. I heard the Senator say some things then about Mr. Humphrey, and he repeated them yesterday; but he has not excoriated the other members of the commission.

However, it does make a difference what manner of men serve upon the Federal Trade Commission. I take pride in the fact that it was a Democratic administration that gave us the Federal Trade Commission; that is, I did take pride in it until this week.

Mr. WHEELER. And a Republican administration ruined it.

Mr. COPELAND. Now I am told that I must not be proud of it any more because it was ruined by a Republican administration.

Mr. NORRIS. I should like to know who told the Senator that he must not be proud of it any longer. I have not heard such a statement.

Mr. COPELAND. The junior Senator from Montana has just told me that it has been ruined by the Republican administration.

Mr. NORRIS. The advice of the Senator from Montana, so far as I have ever come in contact with it, I have found good; but the Senator is under no obligation to follow it unless he wishes to do so.

Mr. COPELAND. I am very much obliged to the Senator; I am glad that I do not have to follow it. [Laughter.]

Mr. NORRIS. I am glad the Senator has found that out. [Laughter.]

Mr. COPELAND. Mr. President, I did take pride in the fact that there had been made a part of the Government itself the Federal Trade Commission. I have read, or rather reread, with the greatest interest to-day the message of Woodrow Wilson when he appeared before Congress to urge the establishment of the Federal Trade Commission.

In that message Mr. Wilson referred to the fact that "the business of the country has long waited and has suffered because it could not obtain further and more explicit legislative definition of the policy and meaning of the existing antitrust laws," and so forth.

Mr. WHEELER. Mr. President, if the Senator will pardon a further interruption, I assume he has also read the speeches of Al Smith with reference to the Power Trust in New York, has he not?

Mr. COPELAND. I certainly have, and Mr. Smith did not have to come to the Senate of the United States to secure any legislation to make effective his control of the Power Trust in the State of New York.

Mr. WHEELER. I am assuming that he has opposed the Power Trust in New York, has he not?

Mr. COPELAND. He certainly has, and very effectively so.

Mr. WHEELER. He has been advocating, has he not, some kind of Government ownership of the power units of the St. Lawrence River?

Mr. COPELAND. He has, by the State.

Mr. WHEELER. By the State?

Mr. COPELAND. Yes, sir.

Mr. WHEELER. And he is doing it, I assume, for the reason that he feels that he ought to have some kind of control over the Power Trust in the State. Let me ask the Senator further if Governor Smith were President of the United States would he follow that same policy?

Mr. COPELAND. I can not say what he would follow if he were President of the United States.

Mr. WHEELER. I thought the Senator from New York was the spokesman for Governor Smith here on the floor.

Mr. COPELAND. I wish I were; but I have not that high honor.

Mr. President, if the Senator from Montana has finished his speech I will go on with mine.

As I was saying, I have taken pride in the fact that the Federal Trade Commission was organized. The bill to create that commission was presented here by a great Democrat, Senator Newlands, of Nevada. The bill was considered by the Congress during a long period of time. The delightful thing about it is that when Mr. Newlands made his report to the Senate he pointed out the fact that the action of the Senate Committee on Interstate Commerce was thoroughly nonpartisan. As he said, "prominent members of the Republican Party having participated actively in the perfection of the bill." It was a measure which had been given the careful study of prominent Members of the Senate and of the House, and out of it came this important commission.

Now we have reached a point, Mr. President, where we are charged with being controlled by the lobby if we do not vote to have an investigation made by Members of the United States Senate and not by this Federal Trade Commission, which, according to Senators here, is made up of honorable men.

What about the lobby, Mr. President? I read about it, and I hear about it, and I am told about the "high-priced men" who are here in Washington. I must assume that they are here. But, Mr. President, the lobby must regard me as the senior Senator from Montana appears to, merely as a straw man, because I have not been approached by anybody and asked to send this resolution to the Federal Trade Commission. I have been approached by Members of this body, who have appealed to me in the most proper way, the most solicitous way, fearing that I might go wrong, that I might ruin the governor of my State, and he could not be President, and that I could not be reelected to the Senate!

The only persons outside of this body who have approached me have been men who have urged me to vote to adopt the resolution presented by the Senator from Montana. The lobby that I have met, and the only lobby that I have met, has been a lobby seeking to induce me to vote for this resolution, and not against it.

I do not know how other Senators feel about it, but I venture to say that my experience is the experience of every Member of this body. So far as I know, no Member of this body has ever been approached by a member of the so-called lobby. Either there is not any lobby, or else they are not earning their money. At least, so far as I am concerned I have had no contact with them.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Montana?

Mr. COPELAND. I yield.

Mr. WALSH of Montana. I have on my desk a paper telling of the arrival here in the month of October last of Mr. Josiah T. Newcomb, who I showed was in the employ of the Alabama Power Co. and got $20,000 out of the construction cost of the Mitchell Dam project, who, on his arrival, gave a dinner to the representatives of the press here at one of the expensive clubs of the city of Washington. That was in the month of October last.

Mr. BLACK. Mr. President, who was that?

Mr. WALSH of Montana. Josiah T. Newcomb.

Mr. COPELAND. Mr. President, we will assume that is all so; but do members of the press control the votes of Senators?

Mr. WALSH of Montana. Not at all. They influence public opinion, however, which does control some Senators.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nebraska?

Mr. COPELAND. I yield.

Mr. NORRIS. I have not made and do not intend now to make any charge whatever about anybody on this lobby approaching or influencing any Senator; but the Senator must know that there is now in the city of Washington a great lobby on the water-power proposition.

Mr. COPELAND. I have read it in the newspapers.

Mr. NORRIS. I can cover the Senator up with literature on the subject if I bring it all over here——

Mr. COPELAND. I am glad the Senator is doing it and not some lobbyist.

Mr. NORRIS. But I just happen to have in my desk here a little pamphlet that is going all over the United States, put out, as shown on its face, by this joint committee. I have here a letter containing a whole newspaper page of propaganda sent out by the same committee. This committee, as stated here in print on the front of this little pamphlet that I have, is the joint committee of national utility associations. Its New York office is 420 Lexington Avenue. I understand that this committee has a whole floor down here in Washington. George B. Cortelyou is the chairman of it. Mr. Newcomb, whose name is familiar to most Senators, is one of the managers of it. I have not been there, but I have been told about it by newspaper men; and one newspaper man in particular whom I know, and who is beloved by the Senator from New York, came into my office and told me that he was there, and that they offered to double his salary if he would quit his present clients and go to work for them in the publicity field.

It is not a secret. I think we can mention that without saying that a newspaper lobby is coming here to the Senate and trying to get Senators out and control them. They have more sense than that. These men—who, I presume, draw tremendous salaries and are capable of earning them—would not be so foolish as to meet the Senator from New York on the street and offer him a bribe. That is not the way they get men like the Senator from New York on their side.

Mr. COPELAND. I am so stupid; how do they get them?

Mr. NORRIS. The Senator is not stupid. The ways, perhaps, are outlined somewhat by the circulation of this pamphlet. If it were material, I would take that pamphlet up and discuss the various things that are contained in it. Some of them are direct, and some of them are indirect.

Mr. COPELAND. Just what is the pamphlet?

Mr. NORRIS. The object of it all is to show that the Government must let this great corporation, this Water Power Trust, alone; it must keep its hands off. The Senator from California at the last session stated on the floor of the Senate that this man Newcomb, one of the men who are running this thing down here, stated the amount of money that they had invested—I have forgotten what the figures were—and stated that they were not going to let Congress legislate on such things as Muscle Shoals and Boulder Dam. They do not want anything of that kind to occur.

If the Senator will pardon me just a moment longer, the statements contained in this pamphlet and the statement here on this sheet, being an editorial by the great newspaper writer, Mr. Brisbane, in themselves no one can find fault with. I have read this statement and I think it is a beautiful and able one. The point is that they use every one of those things in a misleading way. They are converting or trying to convert the rank and file of the people of the United States by this kind of insidious legislative propaganda.

Mr. COPELAND. Let me ask the Senator, is not this statement in favor of the Walsh resolution?

Mr. NORRIS. No; it does not say anything about it, and a great deal in this pamphlet says nothing about it. It does it in an insidious way. It does it in an indirect way. It goes on to show the wonderful possibilities of water-power development. It says nothing about who shall do it; but in their argument in the letter in which they send to you, they say, "These radicals are trying to prevent that kind of thing." It is not true, although, of course, every word of the written language may be true.

I will call the attention of the Senator to a statement in this little pamphlet. I am familiar with most of the things that are mentioned here. They are very shrewd in the way they put it up. If the thing were standing alone, no one would suspect, even, that it was propaganda; and the propaganda that is effective is that kind of stuff, put in in connection with something else that is misleading.

Here is a heading "Two beautiful bridges," and just a paragraph. It goes on and says:

In Potomac Park, Washington, D. C.—

I suppose 90 per cent of the people who get this pamphlet have never been in Potomac Park, have never been in Washington, D. C. If that statement were made outside of the other things that go with it, it would not have any effect anywhere; but then it goes on to tell what they are:

In Potomac Park, Washington, D. C., there are two beautiful parallel bridges, built under exactly the same conditions. The plans for both bridges were prepared by the same engineer, the estimated cost for each bridge was $1,000,000, and the time estimated for completion of each was one year.

One of those bridges was built by private enterprise in less than one year and for less than the estimated cost. The other bridge was built by the United States Army in three and a half years and at a cost of $3,250,000.

What they want to convey there is that everything the Government does is a failure. The Senator and all of us are familiar with Potomac Park, and we know that there is not any such thing there as two parallel bridges just alike. They do not say that they are just alike; but what person who has not been to Washington and reads that will not believe that they are identically the same—two bridges just alike? If you pin them down, technically, they will get out from under that.

I took up the matter with the War Department. I have been here for 25 years every winter. I did not know of any such bridges. I have walked and ridden all over Potomac Park. I did not believe there was such a thing, and of course there is not. The nearest thing to it is a wagon bridge down here, and, a quarter of a mile or so from it, a railroad bridge. They are the only two bridges that can possibly be referred to here; and, of course, nobody can compare those two things and say that the cost ought to be equal, or that one ought to be constructed sooner than another.

I only give that as a sample. These other things are samples, and this book is full of just such stuff.

It may interest the Senator to know that on the last page they rake me up and down because I am a radical, they say. In another place they refer to the electric-light rates in Ontario, and they do not tell a lie, excepting that they tell only part of the truth, which is more deceiving than though the entire thing were manufactured and made out of whole cloth.

That is the kind of propaganda that is going on. It is a shrewd propaganda; and that is the way they get the support of such honest men as the Senator from New York, by influencing public opinion, by influencing and buying newspapers, and writing these misleading editorials and stories and accounts of things that are only partly true.

Mr. WHEELER. Mr. President, I think the Senator is entirely wrong when he says that they influence the Senator from New York. Apparently, it is the Senator from Indiana [Mr. WATSON] who is doing the influencing here.

Mr. WATSON. No; I will say to my friend that the Senator from Indiana endeavored to head off debate. What I want to do is to get a vote, and I think the best thing to do is to serve notice that we are going to stay here until we do vote.

Mr. COPELAND. If the Senator from Indiana will sit down, I will finish my speech very soon.

Mr. WATSON. If the Senator from New York will agree to sit down in 20 minutes, I will sit down now.

Mr. WHEELER. I hope the Senator from Indiana does not think the Senator from New York is hurting his cause.

Mr. WATSON. Not at all. The Senator from New York always illuminates every cause to which he addresses himself.

Mr. WHEELER. If the Senator will yield, I should like to suggest the absence of a quorum.

Mr. COPELAND. Oh, no.

Mr. WHEELER. I am going to suggest the absence of a quorum, because I want the Members of the Senate to hear this illuminating speech and discussion that is going on.

Mr. COPELAND. I will not yield for that purpose.

Mr. BLAINE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Wisconsin?

Mr. COPELAND. For what purpose, may I ask the Senator?

Mr. BLAINE. I want to ask two questions.

Mr. COPELAND. Very well; go ahead.

Mr. BLAINE. I understood the Senator from New York to be asked the question if he was the spokesman for Governor Smith on the floor of the Senate. That question was answered. I want to ask whether the Senator from New York represents the viewpoint and opinion of Governor Smith upon this question?

Mr. COPELAND. The Senator from New York does not. The Senator from New York can speak for himself only. The convention in Houston will determine the matter the Senator has in mind.

Mr. BLAINE. Then, Mr. President, I have one other question. If the Senator from New York was in the Chamber yesterday, he heard me, in the course of my remarks, describe the report that was made by the Federal Trade Commission in response to the Norris resolution, in the course of which remarks I showed conclusively that all that is contained in the report may be found in public documents which any Member of the Senate may read, or in some of the public documents which any Senator might have acquired, and reports of State utility commissions which any Senator might have obtained; that aside from that, and some periodicals available to everyone, the Federal Trade Commission did not subpœna a single witness, did not swear a single witness, did not cross-examine a single witness. Now, I ask the Senator from New York if he is willing to have another request go to the Federal Trade Commission, with the result that the Federal Trade Commission will impose upon the Senate in the same way they did in making the report to which I refer.

Mr. COPELAND. I thank the Senator for his comments and his question. I am assuming that the Federal Trade Commission will carry out in detail the investigation which we ask them to make.

Mr. BLAINE. I would like to ask the Senator this question.

The PRESIDING OFFICER. Does the Senator yield further?

Mr. COPELAND. Mr. President, I do not want to be discourteous——

Mr. BLAINE. Just one more question.

Mr. COPELAND. Very well.

Mr. BLAINE. Does the Senator base his assumption upon the past record of the Federal Trade Commission, or upon a hope that he has?

Mr. COPELAND. On both. Now, Mr. President, I want to speak about the Senator from Nebraska for a moment, if he will permit me. Of course, he has described a black lobby. What has he to say about the other kind of a lobby, the "white lobby"?

I have here a lot of stuff written by Mr. Judson King about political lawyers, and here is a release put out, signed by the Anti-Monopoly League, my old friend George L. Record, president, and B. C. Marsh, secretary. It says:

> Senator WALSH'S resolution * * * met a snag in the reactionary Committee on Interstate Commerce, of which Senator JAMES E. WATSON, of Indiana, is chairman.

Then I find in this same indirect appeal to Senators, seeking to influence them, the following:

> Senator NORRIS challenges the sincerity of the Willis-Madden bill on Muscle Shoals.
>
> "I am proposing to turn it over to you. Why don't you answer my question?" said Senator NORRIS.

Of course, Senators, we were not born yesterday. There will be anti this and pro that. There will be organizations without end that will send out literature. I hope, for the sake of those who send this stuff along, that the Senator from Nebraska reads it more thoroughly than I do. My mail is so filled with legitimate matter that I do not pay much attention to the sort of thing mentioned by the Senator from Nebraska. I prefer to listen to the Senator himself, and when he speaks he does influence me. But certainly the Senator from Nebraska does not believe that Senators here are swayed from the path of duty and that they do wrong things or things which they should not do because of this propaganda. He does not contend that.

Mr. NORRIS. Mr. President, the Senator from New York must not try to convey an idea which I have several times expressly disclaimed. The Senator, while he criticizes what I said yesterday and have said before on this proposition——

Mr. COPELAND. No; I am not criticizing.

Mr. NORRIS. Will have to admit that I have not charged anybody with corruption or dishonesty. I told the Senator how I thought this lobby got such men as the Senator himself. It is the indirect work that has its influence. No man would come up to the Senate and try to buy Senators as you would buy a lot of cattle. He would be in jail before long and could not buy anybody. Even if a man were inclined to sell, he would not sell in that way. That is not the way it is done.

The Senator suggested he was not born yesterday. I suppose he knows that is not the way it is done. But he does know, he certainly must know, of the wonderful influence of publicity through the newspapers and magazines and publications and pamphlets over this country, and he must know that we are influenced by that propaganda indirectly and unconsciously, without knowing it. That is the kind of propaganda that I think is effective and which this lobby is putting out. I have not been down to the headquarters, but I can get the address of the lobby and let the Senator go down and walk through their rooms.

Mr. COPELAND. I do not want it.

Mr. NORRIS. The Senator is not afraid to go down there, is he?

Mr. COPELAND. No; but I do not need to go down there, according to the Senator.

Mr. NORRIS. No; they do not need to send for the Senator, because for some other reason the Senator agrees with them in what they are trying to do. That is said without any insinuation that the Senator is not just as conscientious as I am. I realize there are two sides to every question.

Mr. COPELAND. Has the Senator been affected by this white lobby, the material he has received?

Mr. NORRIS. No; not that I know of. Maybe I have been and do not know it.

Mr. COPELAND. I wonder if perhaps sometimes this lobbying does not have a negative effect. It so happens that the papers I read take the same view the Senator from Nebraska takes. I have seen great editorials in the papers calling upon Senators to vote the way the Senator from Nebraska is voting. I suppose it is a streak of obstinacy in my nature that makes me, when I read such things, take the opposite view!

Mr. NORRIS. I am sorry that the Senator takes that view, because that demonstrates that he is controlled by a stubbornness that I did not suppose ever possessed him. I thought he was a more reasonable man than that. If that is the Senator's nature, and if that is the way to control the Senator, I will know how to advise any lobbyist who ever wants to get him in the future.

Mr. COPELAND. I thank the Senator for his facetious remarks.

Mr. SIMMONS. Mr. President, let me say to the Senator from New York that I thought he was answering the charge which has been broadcast throughout the United States that there was a great lobby here, lobbying with the Senators in the interest of the defeat of this resolution. That charge has been made frequently upon the floor of the Senate.

Everybody understands what is meant when you say that the Senate is being lobbied. You do not by that mean propaganda in the newspapers; you mean individual representatives of these organizations coming here and belaboring Senators in behalf of their view of the question under consideration.

I was very glad to hear the Senator discuss that phase of the matter. If the statement is true, I know nothing about such a lobby. But there is a vast difference between lobbying and propaganda. No man can in this age escape propaganda, both pro and con, unless we abolish the press, abolish the newspapers and magazines, and the other instrumentalities of communication, such as broadcasting by radio. What comes to us through those instrumentalities is propaganda. No man can escape that. No man is to be condemned because he reads the newspapers containing such propaganda. He can not get full information on other matters unless he does read the newspapers. Nobody can charge that if a Senator is influenced by that kind of propaganda he is improperly affected, because that propaganda is indulged in with reference to everything—political candidates, politics, all sorts of industrial schemes and enterprises. There is no way to escape it. But a charge that the Senate is being influenced improperly by lobbyists refers to a thing very different from that. It is upon this latter matter that I would like to hear the Senator further.

Mr. COPELAND. I thank the Senator. He speaks from long experience in the Congress. No man could fail to condemn a newspaper that was colorless upon great public questions. We expect the great papers of the country to express their views. Every Senator reads the editorial utterances and the newspaper articles, and if he has not character enough to resist the stimulation to any improper method or act on his part by reason of this reading, he is not worthy to be a Senator. On the other hand, every Senator seeks advice wherever he can get it, and seeks knowledge wherever he can get it. It is charged that there is a lobby here somehow or other influencing us. I do not know how; I do not know what the methods are; I have not had contact with them, whether it is by the use of tea or coffee, or cigars, or good dinners, or what not; I do not know. But it is absurd to say that any lobby is controlling the votes of this body.

Mr. CARAWAY. Mr. President——

Mr. COPELAND. I yield.

Mr. CARAWAY. I believe the charge was that they gave a dinner to some of the newspaper boys, as I understood the Senator from Nebraska, so I presume that was the insidious lobby which corrupted the press. But may I ask the Senator just one question. As I gather from the statement of the Senator from Nebraska, the thing to which he took exception was propaganda, as he called it, against Government ownership, and the development of certain power at Muscle Shoals, for instance. Is it a crime for the men who hewed this country out from the wilderness as individuals to try to perpetuate society as it was, as individualists, and to oppose propaganda that is going the rounds to try to turn over all the activities of society to the Government? Is that a crime?

Mr. COPELAND. I think not.

Mr. CARAWAY. I had not thought so. Perhaps it is because I am impervious to wisdom, but I have felt that a man was not serving America overwell who continuously pounded into the American people that they were failures, that they were incapable of managing their own affairs, that they were too dishonest to be intrusted with their own government, and therefore that they must surrender it all to somebody who sits in the basement of a public building here and parts his hair in the middle and smokes his cigarette out of the left corner of his mouth, who thinks he knows more about how business should be run in Arkansas and Nebraska and New York than the people who made Nebraska and made Arkansas and made New York. It may be that I ought to shut my ears against that propaganda, but it is going the rounds. I still have confidence in the men and women who made America. I still believe that if too much of the hand of Government is taken off of them they will demonstrate that they can be trusted to run their own affairs. I may be misinformed, but that is my position.

While I am speaking of this matter, I want to call attention to what the original resolution provides. Of course, nobody will contend that a resolution has any power to give the Congress the right to investigate that thing which it has not the right to regulate.

The power to regulate gives the power to investigate. That is where we get the investigating power. The resolution calls for an investigation of the election of every officer in America. It does not say so, but that is its purpose.

Former Senator Lodge at one time had the force bill in charge, and of all things that the people hated in my part of the country it was Lodge and the force bill. We felt like he was striking down our very civilization, and yet he only tried to take over and regulate and control the selection of Representatives in Congress and United States Senators. This resolution proposes to delegate the power to investigate, and necessarily carries with it the power to regulate the election of every officer from constable up or down, and those people who at one time denounced Lodge are now supporting that proposition. Oh hear, Shade, my most humble apology!

Mr. COPELAND. I thank the Senator. May we return to the opposition of the Senator from Nebraska to the ultimate disposition of the resolution? He laid great emphasis upon page 3 of the Walsh resolution, relating to the expenditure of money through the control of the avenues of publicity to influence or control public opinion on account of municipal or public ownership. That is the great thing the Senator from Nebraska has fought for. I have fought shoulder to shoulder with him many times. But there are many other things in the resolution besides that one.

Here it is provided that the investigating group must inquire into the growth of the capital assets and capital liabilities of public-utility corporations, and the method of issuing stocks and bonds, the price realized or value received, the commissions or bonuses paid or received, the extent to which such holding companies or their stockholders control or are financially interested in financial or other corporations, and the relation of the classes of corporations, the holding companies, and the public-utility corporations.

Why, Mr. President, there is a tremendous amount in this resolution besides the thing fought for by the Senator from Nebraska. I think there is ample in it to require the careful study and consideration of experts. I wonder how any Senator, each one of us with a dozen committees and subcommittees, does his work, especially when he has to live in such air as we have in this Chamber. Then, on top of that, think of the proposition to make an exhaustive study of this great problem, to be made by a Senate committee without the employment of the very experts who would be used by the Federal Trade Commission. It is absurd beyond words.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Idaho?

Mr. COPELAND. I yield.

Mr. BORAH. If there is to be legislation upon this subject, the Senate of the United States must study it. It has got to make the investigation. Nobody else can make it except the Senate of the United States and the other branch of Congress if there is going to be legislation, and that, so far as I am concerned, is the only feature of it in which I am interested.

Mr. COPELAND. I fear the Senator from Idaho is not fully conversant with the substitute resolution proposed by the Senator from Georgia [Mr. GEORGE]. His substitute or amendment, as modified, provides for the investigation by the Federal Trade Commission and that a transcript of the testimony shall be furnished to the Senate.

Mr. BORAH. Exactly; and I undertake to say that no investigation for the purposes of legislation can be carried on successfully or effectively except by the body which intends to legislate.

Mr. COPELAND. But the Senator certainly is not going to contend that this body is going to make the investigation? It must of necessity be made by a small committee, and the body as such, the great group of Senators, will have to make the same study.

Mr. BORAH. It is true that it will be made by a committee in the first instance, but that committee has in mind all the time during the investigation the subject of legislation. It makes the investigation and pursues the subject with the ultimate object of legislating. In my judgment no successful investigation could be made for the purpose of legislation except by some one who has in mind the subject of the legislation.

Mr. COPELAND. May I call the attention of the distinguished Senator to the fact that the resolution itself provides for the study with particular reference to what legislation, if any, should be enacted by Congress to correct any abuses that may exist. That is contemplated in the resolution. There is not a thing, I will say to the Senator, so far as I can judge, in turning this investigation over to the Federal Trade Commission that can possibly do away with the gathering of such material as we will need in formulating legislation.

Mr. BORAH. We have made a good many investigations here of subject matters as to which I was doubtful as to our jurisdiction, but we are all of 15 or 20 years behind with reference to this particular subject in the way of legislation. If there is any subject about which we ought to be informed and about which we will have to be informed and about which we will have to take the trouble to inform ourselves, it is this matter, for the purpose of legislation.

Mr. COPELAND. But the distinguished Senator from Montana [Mr. WALSH], who has given thought to this matter for years, has formulated in his outline of program exactly what subjects should be followed by those who investigate, and he did it with reference to legislation. That is the purpose of the proposed investigation.

Now, the other matter which excites the Senator from Nebraska [Mr. NORRIS] is with reference to the question of whether there is propaganda to defeat public ownership. On that subject, except when we come to natural resources like the powers of great rivers, such as the Tennessee River and the Colorado River, I must part company with the Senator from Nebraska, because I do not believe in public ownership and operation.

Mr. NORRIS. Mr. President, let me say to the Senator that regardless of what the Senator believes he must admit, and I know he will admit, that whether the development and distribution of electric power and current should be carried on by privately operated corporations or by municipalities owning the plants of distribution and of generation, there is involved a question of tremendous importance. I care not which side the Senator is on. For the purposes of investigation, for the purpose of ascertaining what is the truth, no matter which side we are on, if we are going to investigate at all, we ought to ask for a fair and honest investigation.

That particular provision in the resolution calls upon the committee to ascertain whether the alleged trust, which is reaching out into every community in the United States, is spending money and using influence for the purpose of controlling means of publicity, like newspapers, and so forth, on that question. The Senator may not agree with me as to whether a municipality should own its electric-light plant and its distributing system; but if there is a contest on and it is claimed that these private corporations are doing what we have described here, such as the private corporations did in California to control an election, spending money to buy men, to influence and control newspapers, either directly or indi-

rectly, then we must admit that is a proper subject for investigation in order to get the truth, no matter which side we are on.

We ought not to quarrel about knowing what the truth is. When it comes to that, we may get together in agreement or we may still disagree, but at least we ought not to object to the American people having the evidence. The Senator, it seems to me, must admit that. It is not a question of whether we believe in Government or municipal operation of electric plants. It is a question of whether, under existing conditions, there are not some unfair methods being used, some money being spent. We want the light to shine in, we want the truth, and the Senator himself, as I understand it, admits that that part of the resolution will drop if the matter goes to the Federal Trade Commission, because the Attorney General has already decided that they have no authority to investigate that subject.

Mr. COPELAND. Of course, I am not competent to discuss the legal aspect of the case. I have given emphasis to this particular matter, because that is one thing where there may be some doubt as to the effectiveness of the resolution. That question was raised by the Senator from Nebraska. I recognize that, and as to whether money is so used or not, I think we ought to have the information. I am hopeful that there will be no failure to get it through the means provided by the resolution as proposed to be amended by the Senator from Georgia [Mr. GEORGE]. But this is one matter where there seems to be some question of doubt.

However, Mr. President, there is plenty of work to be done by the Federal Trade Commission and plenty of material to be brought out for the use of this body. I want to see the investigation made. I want to find out what abuses exist. But I do not want to have unfavorable and unjust publicity given until the facts justify it. Certainly it is not right to have an attack made upon any branch of this great industry unless it is an attack which is well founded.

We have, so far as the further proposal of the resolution is concerned, that paragraph which relates to the election of Members of this body. We have a very efficient committee thoroughly qualified to take care of the problems involved there, and I am sure the committee headed by the Senator from Missouri [Mr. REED] will take care of that particular aspect of the question.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Idaho?

Mr. COPELAND. I yield.

Mr. BORAH. May I say that I should like to see the resolution stripped as nearly as possible of those matters which to my mind do not and will not throw very much light on legislation. In other words, I should like to see the investigation made with an eye to the future rather than the past. Even if things have transpired which ought not to have transpired, I should be interested in them only for the purpose of legislating in regard to them in the future. The men who have pioneered this great industry have taken great risks, and I presume when they had an opportunity they have taken great rewards. But I am not so much concerned about that as I am about what we shall do in the future. They have built up a great industry, and it evidently can not go along in the future without some regulation, some laws by which it shall be governed. The investigation ought to be made with that object in view. I assume that if made by the Senate it will be made with that object, and that object practically alone.

Mr. COPELAND. Does the Senator question if it were made by the Federal Trade Commission that it would not be made with that object in view?

Mr. BORAH. No; I was rather answering the proposition of what seemed to be the inference, if not the direct statement of the Senator, that if it was made by the Senate it would be made for the purpose of exposing the situation rather than for the purpose of getting at the real facts.

Mr. COPELAND. The Senator knows very well that whenever a Senate committee is appointed, immediately there is a furor; and every time the Senate committee meets there is sent out a whole lot of what the Senator from Nebraska calls propaganda. In consequence, great damage will be done to the utility companies of the country which are honest companies. I do not care anything about the other kind, but certainly some of these utility companies are honest.

The Senator from Georgia [Mr. GEORGE] yesterday brought out the amazing fact that the life-insurance companies of the country have a billion dollars invested in these securities and the savings banks have $500,000,000 invested in them. Certainly the Senator from Idaho does not want to have a sensational hearing. I do not care what the purpose of the Senate may be, and I do not care how high-minded would be the Senators upon the committee—and they would be high-minded—yet nevertheless the fact that the Senate had appointed such committee would in itself be a sensational thing which would be heralded to everybody as an attack upon the utilities of the country.

Mr. BORAH. My opinion is that if the Senate committee did not find anything sensational, within 48 hours after the session convened there would be no newspaper men in the room.

Mr. COPELAND. That may be true.

Mr. DILL. Does the Senator think that the investments of the life-insurance companies and of the banks will be permanently or seriously impaired by an investigation of this kind?

Mr. COPELAND. Yes; they will be seriously impaired but not permanently impaired.

Mr. DILL. They can only be seriously impaired if the financing is such as to cause serious impairment.

Mr. COPELAND. No; I do not agree with the Senator.

Mr. DILL. They are not supposed to be trafficking in and buying and selling their securities, and it is only those persons who are doing so who will be hurt.

Mr. COPELAND. The very fact that such an investigation is started would in itself adversely affect the paper value of these securities, and the Senator knows it. That condition would not be permanent, of course, but why unnecessarily impose any such embarrassment?

Mr. WALSH of Montana. Mr. President, will the Senator yield to me?

Mr. COPELAND. Yes.

Mr. WALSH of Montana. Is the Senator able to tell us how much the investigation of the oil leases affected the current values of the securities there involved, such as the Pan-American Co. stock and the Mammoth Oil Co. stock?

Mr. COPELAND. No; I am not.

Mr. WALSH of Montana. I can tell the Senator that it did not affect them at all until the sinister character of the transaction was exposed.

Mr. COPELAND. But I may say to the Senator that when we are dealing with public utilities, going into every State, into every county, into every municipality, into every locality, we are dealing with an entirely different thing than the oil business.

Mr. NORRIS. I agree with the Senator——

Mr. COPELAND. I am glad of that.

Mr. NORRIS. In that we should not do anything that would interfere, if we could avoid it by a straight, honest course, with those who hold the bonds and stocks of these intermingled, intertwined, and interlocked corporations controlling the electric light and power situation; but I want to submit to the Senator that I presume it is his knowledge as well as my knowledge and the knowledge of every other person who has given any consideration to the question that electric-light plants in little communities away out in the country, in little villages and little towns as well as cities are being purchased at fabulous prices. The Senator from Washington [Mr. DILL] to-day told us of a transaction in his home town of Spokane, Wash., where stock which was selling at $110 was actually bought by the Electric Bond & Share Co. for $230. I know in my State that numerous municipally owned and also privately owned electric-light plants in little country towns have been sold for three times what they are worth.

These properties are going to be given a fictitious value and used to float bonds and stock to be sold to the unsuspecting public. Would it not be a good thing if the truth were known and people were kept from investing their savings and their hard-earned and honestly-acquired money in ventures of that kind which must certainly collapse?

Mr. COPELAND. I think the Senator is right; but before that information is given to the public or suspicion of it is aroused in the minds of the public we should have the facts. That is the one great reason why I am in favor of having the investigation made by the Federal Trade Commission. Their's is always an unsensational procedure.

Mr. NORRIS. But I think the Senator from New York must agree with me that the particular part of the resolution as to which the Attorney General has decided the commission has no jurisdiction is the part of the resolution under which the information would be obtained as to whether these great corporations have expended money for the purpose of controlling sentiment and buying newspapers in order to enable them to purchase various small plants.

Mr. COPELAND. I know that that is the view the Senator from Nebraska takes. He makes that the heart of the resolution.

Mr. NORRIS. I think it is.

Mr. COPELAND. I do not think so. Consequently, we are not on common ground.

Mr. NORRIS. I understand that the Senator does not give that part of the resolution the importance that I do. He may be right about that and I may be wrong, but the Senator must admit, I think, that some importance should be attached to that part of the resolution.

Mr. COPELAND. Oh, yes; I do.

Mr. NORRIS. And the Senator agrees with me that we ought to have the information called for in that part of the resolution?

Mr. COPELAND. But the Senator knows there is——

Mr. NORRIS. The only way to get it, as I understand, is to pass the Walsh resolution and have a committee of the Senate rather than the Federal Trade Commission make the investigation.

Mr. COPELAND. I do not suppose the Senator and I are far apart. But I want to give him the other side of the shield about the buying up of these small plants. I have personal knowledge of a number of municipalities where there were publicly owned electric-light plants which failed in their operations. Why? Because they could not afford to have the trained experts to operate them. They were bought up and taken off the hands of the municipalities by near-by more powerful electric-light companies. There have been such consolidations, and frequently they have been beneficent and valuable. It works both ways.

Mr. NORRIS. It may be that there are such, and I have no doubt that there are a great many plants sold for a fair value, but the Senator heard the Senator from Washington [Mr. DILL] to-day give as an illustration a transaction which occurred in Spokane. I have personal knowledge of another transaction which has to do not with a municipally owned plant but with a private corporation owning an electric plant in a little town of about 3,000 people. Along came the representative of the so-called and, as I believe properly called, Electric Light Trust. He went into the office of the man who practically owned the little plant. It was the first time, so far as he knew, that the representative of the trust had ever been in the town. The owner of the plant was asked what he would take for it—he owned practically all the stock—and he gave a figure without intending to have the other man accept it. He gave him a figure that he thought was so much more than the value of the plant that he considered it would end the entire conversation; but, to his surprise, the man accepted the offer and gave him the money. He has been kicking himself ever since that he did not ask $25,000 more, because he thinks he could have obtained it just as well. However, he sold the plant for twice what it was worth. Somebody has got to pay for that. It seems to me that if that plant and other plants like it are going to be put into a great corporation and stocks and bonds issued on such transactions, the people of the country ought to know it, and we ought to know it if we want to legislate upon the subject.

Mr. COPELAND. Let me say to the Senator from Nebraska that if I did not believe that there are abuses, if I did not believed that there are things which should be corrected, I would be against any kind of an investigation.

Mr. NORRIS. So would I.

Mr. COPELAND. But it is because I think there are such abuses and I want them discovered and the responsibility fixed that I desire an investigation to be made. So the only difference between the Senator from Nebraska and myself is as to how the investigation should be carried on. It is my judgment that it is better that it should be conducted by the Federal Trade Commission than to have it conducted by a committee of the Senate. But I will not go into that question at any greater length now.

Mr. DILL. Mr. President, will the Senator yield for just one question?

Mr. COPELAND. I will yield for a brief question, but the leaders are scowling at me and hinting to me that there are Senators who wish to catch the train at 6 o'clock for New York, and so forth, and I must conclude.

Mr. DILL. Does the Senator think that if the oil investigation had been conducted by the Federal Trade Commission the facts would ever have been unearthed which were disclosed by the Senate committee?

Mr. COPELAND. I do not know whether they would or would not. I wish to say that I think the Senators who conducted the oil investigation deserve the thanks and applause of the people. Whether the investigation in the form proposed by the pending amendment will fail or not is a question, of course, but I do not think so or, of course, I would not vote for the amendment. The same doubt attaches to the Walsh proposal.

Now, Mr. President, I am going to close in the words of the Senator from Nebraska. I made him my text and I will make him my peroration. Yesterday he said:

> Why should electric-light rates and the items that go to constitute them be secret? Why should the light that comes from the power in the rivers and the lakes, and from the bosom of the earth, in the shape of coal, be turned over to a few multimillionaires and the people be kept in ignorance of how they are being deceived with their own money and how they are being overcharged not for the luxuries but for the necessaries of life. This trust will reach into every home; it will affect every person—man, woman, and child—at least who is living a modern life in a modern home. There is no escape. Should they not know whether they are being overcharged?

Mr. President, there is not any question about that. So, for my part, I believe that the investigation should be inaugurated. But I think it is the part of wisdom for the Senate to turn it over to the Federal Trade Commission, because that body is organized for this very sort of work.

If that commission is not worthy of trust, if we do not have confidence in it, if we do not believe in it, if we have any doubt of the integrity of the men who serve on that commission, we ought to abolish it. I should not think much of a Senator who would vote one dollar of appropriation to continue the Federal Trade Commission unless it is worthy of our confidence, and, certainly, so far as I am concerned, it has mine. Therefore, I shall vote for the George amendment to the Walsh resolution.

Mr. WALSH of Massachusetts. Mr. President, I well realize the state of mind of the Senate at this hour, and I regret that I must ask the indulgence of Senators while I present some observations which I entertain on this important public question. I hope they will be charitable enough to me to concede that I am not responsible for the protracted debate which has taken place this afternoon.

Mr. President, the importance of the question now before the Senate is so great that I feel it my duty to state the reasons for the position which I expect to take.

The Senate has debated for days the pending resolution, and no Senator has undertaken to say that an investigation of the public-utility corporations should not be had; indeed the Senator from Georgia [Mr. GEORGE], who is leading the opposition to the resolution in the form recommended by its author, has stated that there should be an investigation, and that the result of that investigation may be either Government ownership or national regulation of the public-utility industry.

The Interstate Commerce Committee of the Senate has made a unanimous report favoring an investigation.

Indeed, the representatives of these public utilities have said that they welcomed an investigation, but their only concern was that it should be a fair one.

Mr. President, in view of these facts, the real question and indeed the only question before the Senate is whether the Senate will conduct the investigation or whether the Federal Trade Commission shall be directed to reopen a subject which it has already investigated.

For myself, I shall vote against the proposal to refer this investigation to the Federal Trade Commission and give my hearty support to the resolution in the form in which it was unanimously reported by the Interstate Commerce Committee, subject to such perfecting amendments as may be necessary and which will provide for an investigation by a committee of the Senate.

Mr. President, I do not intend to discuss the merits or demerits of the Federal Trade Commission.

In my view of the matter the question is solely whether the body which is charged to legislate shall make its own inquiry or whether it shall delegate, what I consider to be its duty in the matter, to a commission which is charged with no legislative duty; or, to put it otherwise, to a commission which shall inquire and investigate and study this important problem, but have no voice, no part, and no spokesman in this body who has been connected with the investigation, to shape possible future legislation by the Senate.

I concede it is quite proper and necessary for Congress to create commissions and bureaus to regulate and investigate for it, but there comes times and questions which are of such supreme public interest that it is the duty of the Congress and not a bureau to act for the American people.

No one questions the enormous importance of this question. We are dealing with an industry of mammoth extent and constantly enlarging, expanding almost overnight into one great industrial unit, which is no longer confined to the borders of any one State, which reaches into every avenue of life and business, which affects some of the most essential necessities of human existence and development. It is an industry which by common consent is designated a "public utility" charged with a great public interest.

Mr. President, what objection has been raised to an investigation by the United States Senate? Is it charged that it will

not be thorough? Is it charged that it will not here be conducted by men of ability and integrity?

No such charge has been leveled, but the innuendo has been very plain; it is that the investigation might be too thorough and too searching, because it has been recognized on every hand that if an investigation is had by the Senate it will be conducted by the author of this resolution who is now known from one end of the country to the other as a diligent, fearless, astute, incorruptible searcher of the truth and exposer of public corruption.

There is another innuendo; it is that it will not be fair, which amounts to saying that appointive public officials are more likely to protect the public interest than the duly chosen officials of the people.

This innuendo is a challenge to democratic institutions. Developed to its logical conclusion, the Senate of the United States ought to be composed of appointed public officials rather than elected representatives of the people.

I grant that an investigation by the Senate will be more spirited, intense, partisan if you please, than one conducted by a commission. I admit that instead of a unanimous report by a commission we may get a majority and minority report by a Senate committee.

I concede that an investigation by the Senate will be more open and public than one conducted by a commission. But wherein is all this incompatible with the public interest?

Is not the success and progress of our free institutions due to the fact that we approach public questions and argue them spiritedly, from different viewpoints and apply a widely separated political philosophy to their final solution?

Is there any safer guaranty for the future? Has there been any more helpful contribution to the wisdom of the legislation in the past than the fact that it was the direct and net result of argument and strenuous contention by rival political thought and leadership—jealous only of which political group could most safely interpret the public will and promote the general welfare?

I refuse to admit that a militant majority and minority political representative government is a detriment and incapable of investigating great public questions that are fraught with tremendous consequences to the prosperity and happiness of the American people.

Mr. President, perhaps it may be suggested—indeed it has been—that the Senate is prone to too many investigations.

I challenge any Member of this body to rise now and point to any investigation which has been had by the Senate in the past and to say in the light of disclosures which such investigations produced that they should not have been had.

Will you say the so-called oil investigation, the Veterans' Bureau investigation, the slush-funds investigation have not been a benefit to the public and that they could have been better conducted by an appointive tribunal?

Mr. President, from the standpoint, then, of its importance, of its magnitude, of its far-reaching effect, of the tremendous growth of these public utilities before we have had time to stop and control our amazement, I assert this investigation is a responsibility and duty which the Senate can not delegate to a subordinate department of the Government.

Mr. President, last summer I wrote to the Federal Trade Commission asking them to furnish me with certain information. I read the letter I received in reply. The letter is dated August 29, 1927:

> MY DEAR SENATOR: In the absence of Commissioner Myers, I am writing to acknowledge your letter of August 23 with respect to economic consequences of the federation of capital of the leading industries of the country.
>
> Dr. Francis Walker, the commission's chief economist, who is in charge of this investigation, is away and is not expected back for about a week, at which time your letter will be brought to his attention.

Since that time I have received no information from the Federal Trade Commission. I do not say that in criticism of the commission, because perhaps it is my fault that I did not follow up my inquiry with another letter to the commission; but I was prompted to write that letter because of the great public attention I saw being attracted to the question of federation of finances and of industry and the many disastrous consequences resulting to the consumer, the investor, and the employee. If any Senator does not consider this an important question, I ask him to consult the files of the Congressional Library. Indeed, the grip this question has to-day upon the public mind is tremendously far-reaching.

Mr. President, the underlying question here is the financial structure of these utility corporations. Is the public interest being properly safeguarded?

You may complacently tolerate without protest the reckless financing of corporations that deal with purely private businesses. You may possibly permit the people to be exploited and their securities made worthless through a general system of overcapitalization. But when it comes to a great public utility, you and I can not escape the responsibility of protecting the three public interests involved:

First, the consumer, who, if dishonest capitalization exists, must pay a higher price for the products of such corporations.

Secondly, the investor, who will find, as thousands of them have found, that their stocks and bonds were worthless because of the extensive and unchecked system of stock inflation that has gone on in this country. The extent of this not long ago led a public man—none greater in this country—to say that the amount of money made from stock watering in this country aggregated a larger sum than all the larcenies, all the defalcations, all the robberies, and all the embezzlements since Columbus first landed in America.

Thirdly, the employees of these inflated corporations.

You may say it is none of our business when this occurs in the so-called private industries; notwithstanding the serious hardship consequent to the people who work for these industries, because their wage is measured after the profits upon an inflated instead of an honest capitalization and an honest investment in the industry. You can not take such a position if the corporation is performing a semipublic service.

A recent magazine article is quoted in reference to finance juggling in New York as follows:

> It has been estimated by the Secretary of the Treasury that over $1,700,000,000 annually is taken from the public by stock frauds. If these figures include losses from fake mines and oil prospects, stock-market gambling, bucket shops, and double and treble commissions paid for rigging markets and faking market sales, exorbitant promotion profits, watered stock and inflated balance sheets, fake reorganizations of defunct business, freeze outs, memberships in empty mutual-welfare corporations, fake guaranties against stock losses, bonds secured by uncompleted or vacant buildings, certificates of anæmic investment trusts, forged trade acceptances, as well as the thousands of varieties of badly conceived ventures floated chiefly on air, then this estimate is over modest.
>
> Out of 150 questionnaires sent out haphazardly by the attorney general's securities bureau, and returned by corporations, 28 revealed fraud in the sale of stock and handling of corporation assets.
>
> An investigation of the Consolidated Stock Exchange disclosed that its brokers in August, 1925, were short over $3,000,000 worth of securities out of $12,000,000 pretended to have been bought for the public. This $3,000,000 was "cleared" out of existence by an ingenious bookkeeping system of offsetting purchases by a fiction called "loans to brokers."

Mr. President, I consider this—and I do not hesitate to say so—a public and political question of the highest, if not of supreme, importance in America to-day.

Mr. President, some political party some day in this country must go forward and say to the unorganized millions, "We will protect you against unjust and unfair exploitation and extortion by those who have been able to gather together huge sums of money, and whose power is so mighty that even public officials shake and tremble in their presence."

I am not opposed to big business. I am against Government ownership of private business. For seven years in the Committee on Finance I have demanded, and I now demand, a reduction in the taxes of the more than 100,000 small, struggling corporations of this country that are to-day penalized by an increase in their corporation income taxes. It is dishonesty in business that I oppose and condemn. It is unfair discrimination against little business by big business that I protest.

If you are not interested, Senators, let me assure you the average business man is interested, for he sees ahead of him a vacant store and a vacant place in business life. If you are not interested in this problem of federation of capital, you will find that it is of interest to the independent manufacturers who are asking us to protect and save them against the improper methods and the unfair competition that they have suffered from these great combinations of wealth.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. After I finish I shall be glad to yield.

Let me now read to Senators on this side what the Democratic platform in 1924 said on this subject:

FRAUDULENT STOCK SALES

> We favor the immediate passage of such legislation as may be necessary to enable the States efficiently to enforce their laws relating to the gradual financial strangling of innocent investors, workers, and

consumers, caused by the indiscriminate promotion, refinancing, and reorganizing of corporations on an inflated and overcapitalized basis, resulting already in the undermining and collapse of many railroads, public service and industrial corporations, manifesting itself in unemployment, irreparable loss, and waste, and which constitute a serious menace to the stability of our economic system.

Mr. President, I appreciate that some Members on this side of the Chamber take a different view of this matter and assert that the Federal Trade Commission and not the Senate ought to conduct this investigation.

It may be that when the vote is taken a majority will so view it.

In such event, I have every hope that the assertions that have been made here that the Federal Trade Commission will make a thorough investigation will prove to be true.

But it is entirely obvious that investigations will deal with past political adventures of these utilities, and that the activities of the "lobby" of which we have heard so much will continue.

Whatever kind of investigation we conduct, let us do something here and now to bring for all future time invisible government into the open, so that our people—the unorganized and unselfish millions who place confidence in our capacity to keep their Government free from selfish and contaminating influences—may know who are here advising and urging us as to our attitude on all questions that relate to the regulation of great predatory interests.

This hour and this issue emphasizes once more the necessity of bringing from under cover and into the open the selfish influences that seek to promote or defeat pending legislation.

Mr. WATSON. Mr. President, I want to find out whether we can not come to some kind of an agreement as to when we shall vote on this resolution. Would it be agreeable to the Senator from Montana to fix the time to vote at not later than 3 o'clock to-morrow afternoon, he to have one hour to-morrow?

Mr. WALSH of Montana. Mr. President, I dislike very much to place any limit on debate in this matter. I think the debate is coming to a close.

Mr. WATSON. The Senator said that to me day before yesterday, and said it again yesterday, and said it again to-day. Debate has not come to a close, and I see no apparent indication that the debate will come to a close unless we fix a time to vote.

Mr. WALSH of Montana. I have taken pains to make inquiry, and I know of only two Senators who desire to talk on this side, who have both said they would talk briefly. As I said before, I trust that I may be accorded the privilege of closing the debate, and I do not like to be limited in my time.

Mr. WATSON. The only point about it is that I am informed that two or three Senators want to leave the city, and that the debate may be prolonged to-morrow for the express purpose of giving them an opportunity to come back. I do not think that is fair treatment of the Senate, when we have now before us so many great problems to consider.

Mr. WALSH of Montana. I quite agree with the Senator. Some of the supporters of the measure on this side of the Chamber are desirous of leaving the city this evening, and they are extremely hopeful that we may be able to reach a vote to-day.

Mr. DILL. Why can we not stay here and finish the debate to-night?

Mr. HEFLIN. I was just going to make that suggestion.

Mr. DILL. Why do we have to adjourn every day at 5 o'clock?

Mr. WATSON. We do not. If the Senate will stay here, and Senators will remain until we take a vote, personally I shall be very highly pleased. I shall be glad if the Senator from Montana will be permitted to speak his hour, because he told me a while ago that he would like to have an hour to conclude the debate, and he is entitled to that time. I think it is the duty of the Senate to remain here until the vote shall have been taken and this matter shall have been finally disposed of. So far as I am concerned, as the chairman of the committee, I intend to insist that we do remain here until the vote shall have been taken.

Mr. FESS. Mr. President, will the Senator yield before he sits down?

Mr. WATSON. Certainly.

Mr. FESS. As a member of the committee, I did desire to speak briefly on the resolution, but if we can vote to-night I will very gladly forego the opportunity.

Mr. WATSON. That is very kind of the Senator. I hope others will be as considerate.

Mr. HEFLIN. Mr. President, I agree with the suggestion of the Senator from Indiana. We have farm relief legislation pending here. We hope to dispose of Muscle Shoals at this session of Congress if it is possible to do so. I submit that we have devoted considerable time to the consideration of this question. It seems to me that this question has been pretty thoroughly discussed in the Senate. Able speeches have been made on both sides. Most of the Senators are ready to vote.

I do not think we ought to adjourn now and carry this matter over into the session of to-morrow. Let us stay here until 8 or 9 o'clock to-night and be through with it, and take up these other measures and go on with the legislative work of the Senate.

Mr. JOHNSON. Mr. President, I have taken no time on this matter, and I have no desire to do so now. I do not want to talk upon the subject matter, so far as that is concerned. But I do think that the importance of this resolution will warrant us in taking an unusual course in respect to it, and I can not for the life of me see why upon a matter of this extraordinary importance it is essential for us to remain here until midnight to dispose of it. I therefore suggest that if we can we agree by unanimous consent upon an hour for a vote at such time as may be convenient to those who are present, and permit those who desire to speak upon the resolution to be heard.

I suggest to the Senator from Indiana and to the Senator from Montana that it might very readily be that an agreement by unanimous consent for a vote upon the resolution could be had, and that that should be done. There is no use, it strikes me, to punish some of us by keeping us here indefinitely upon this matter. Beyond that, the importance of the matter, I think, would justify us in reaching some sort of an agreement.

Mr. CURTIS. Mr. President, I suggest that we reach an agreement to vote at not later than 4 o'clock to-morrow.

Mr. WATSON. That is entirely agreeable to me.

Mr. ASHURST. Mr. President, I object to that.

The VICE PRESIDENT. There is objection.

Mr. WALSH of Montana. I trust the Senator will withdraw his objection.

Mr. ASHURST. I will not withdraw it, Mr. President. I want to vote on the resolution, and I can not be here at 4 o'clock to-morrow.

Mr. CURTIS. Can we not agree that debate shall be limited?

Mr. WATSON. May I inquire whether the Senator from Arizona will be here the following day?

Mr. ASHURST. I think I will just object to a vote to-morrow at 4 o'clock.

Mr. HEFLIN. Mr. President, let us make it 5 o'clock to-morrow.

Mr. JOHNSON. I am agreeable to the suggestion, although I have nothing to do with the fixing of the time to vote, I recognize, but if the Senator from Arizona, for instance——

Mr. ASHURST. I have no objection to voting at 5 o'clock on Saturday.

Mr. WATSON. I have. I think the only thing to do is to proceed with the debate now.

Mr. HARRISON. That is right; let us go on.

Mr. JOHNSON. I disagree. I move that the Senate take a recess until 12 o'clock to-morrow.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. In his absence I withhold my vote.

Mr. NORRIS (when his name was called). I am paired with the junior Senator from Arkansas [Mr. CARAWAY], who is necessarily absent, and therefore I withhold my vote.

The roll call was concluded.

Mr. TYSON. I have a general pair with the Senator from West Virginia [Mr. GOFF], who is absent. I therefore withhold my vote.

Mr. GERRY. I wish to announce that the junior Senator from South Carolina [Mr. BLEASE] and the junior Senator from Utah [Mr. KING] are necessarily absent, and that these Senators have a general pair.

The result was announced—yeas 42, nays 44, as follows:

YEAS—42

Barkley	Ferris	McKellar	Shipstead
Bayard	Frazier	McLean	Steck
Bingham	Glass	McMaster	Steiwer
Black	Gould	McNary	Swanson
Blaine	Greene	Neely	Tydings
Borah	Hale	Norbeck	Wagner
Bratton	Harris	Nye	Walsh, Mass.
Brookhart	Hayden	Oddie	Walsh, Mont.
Capper	Howell	Overman	Wheeler
Cutting	Johnson	Reed, Mo.	
Dale	La Follette	Sackett	

NAYS—44

Ashurst	George	Metcalf	Shortridge
Broussard	Gerry	Moses	Simmons
Bruce	Gillett	Phipps	Smith
Copeland	Gooding	Pine	Smoot
Couzens	Harrison	Pittman	Stephens
Curtis	Hawes	Ransdell	Thomas
Deneen	Heflin	Reed, Pa.	Trammell
Dill	Jones	Robinson, Ark.	Warren
Edge	Kendrick	Robinson, Ind.	Waterman
Edwards	Keyes	Schall	Watson
Fess	Mayfield	Sheppard	Willis

NOT VOTING—8

Blease	du Pont	Goff	Norris
Caraway	Fletcher	King	Tyson

So the Senate refused to take a recess.

Mr. WATSON. Mr. President, I would like to ask the Senator from Montana [Mr. WALSH] and the Senator from Arizona [Mr. ASHURST], who objected a while ago, if they will object to a unanimous-consent agreement to take a vote to-morrow afternoon at 4 o'clock?

Mr. ASHURST. Mr. President, I have not the slightest objection to voting now or postponing the vote; but on behalf of a number of Senators I have made the objection at their request. I will not mention their names. I will let them speak for themselves.

Mr. WATSON. Does the Senator now object?

Mr. ASHURST. Yes; I do; certainly.

Mr. WATSON. Does the Senator object to fixing a time to vote at any time to-morrow?

Mr. ASHURST. I have no objection to fixing a time to vote at any hour on Friday or Saturday.

Mr. WATSON. But any time to-morrow?

Mr. ASHURST. To that I must object.

Mr. HARRISON. Mr. President, does not the vote we have just taken indicate that we want to vote on the proposition to-night?

Mr. WATSON. I think so.

Mr. HARRISON. Why not go ahead and conclude the debate and vote?

Mr. WATSON. Very well; that course is agreeable to me.

The VICE PRESIDENT. The question is on agreeing to the first committee amendment.

Mr. MOSES. Let it be stated.

The CHIEF CLERK. On page 1, line 5, after the word "corporations," the Committee on Interstate Commerce reported to insert the words "doing an interstate business."

Mr. WALSH of Montana. Mr. President, I move to amend the committee amendment by inserting, after "interstate," the words "or international."

The VICE PRESIDENT. The amendment of the Senator from Montana to the committee amendment will be stated.

The CHIEF CLERK. On page 1, line 5, after the word "interstate," insert the words "or international," so that it will read: "corporations doing an interstate or international business."

The VICE PRESIDENT. The question is on agreeing to the amendment to the committee amendment.

Mr. WHEELER. Mr. President, I send to the desk an article written by Frank R. Kent, of the Baltimore Sun, which I ask that the clerk may read.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read as follows:

[From the Baltimore Sun, February 14, 1928]

THE GREAT GAME OF POLITICS

By Frank R. Kent

PUBLIC UTILITY WISDOM?

WASHINGTON, February 13.—To a detached view the almost desperate effort of the public-utilities interests to sidetrack the proposal to investigate them by having the investigating done by the Federal Trade Commission instead of Senator WALSH will not in the long run turn out to be a very intelligent thing.

Apparently their idea is that the best interests of the industry will be served by making a joke of the investigation and the one thing above all to be desired is to keep it out of the hands of WALSH. Along this line the extraordinary lobby which the public utilities have assembled in Washington, headed by two ex-Senators, one a Republican, Lenroot of Wisconsin, the other a Democrat, Thomas of Colorado, has been working and with such success that it was generally believed to-day the votes were in hand. To most observers the mere idea of the Federal Trade Commission, as at present constituted, making a real investigation is absurd.

In the opinion of those who look farthest ahead, if they succeed in their present drive to smother the investigation, which is what it amounts to, the position in which the public utilities will be placed will be neither enviable nor sound—nor, it might be added, secure. If they succeed, they will for the present avoid an investigation; but they make it more sure in the future and in a form less palatable than is now proposed. It is, of course, not to be expected that the employed lobbyists working for the immediate fee should take a broad view of this business, but it is curious that some of the really enlightened men behind them—men of great influence in the industry—should be equally shortsighted.

No one blames them for being opposed to an investigation. Investigations, whether justified or not, are inevitably irritating and upsetting to the investigated. The fact is, however, that regardless of their contention that the investigation is unnecessary, and notwithstanding the power and extent of the lobby, weeks ago it was conceded that the order for the investigation in some form would pass. Under such circumstances, it is argued, if the public utilities are as good as they say they are, the intelligent attitude would seem to be one that in effect said to the public: "We did not, of course, want an investigation because we believe none needed. But as the Senate has seen fit to order one we insist that it be as thorough as possible. We want Senator WALSH, who started this thing, to go to the bottom now he has started. If there is anything rotten in this industry, it is to our interests to know it, and the sooner the better. If there is not—and we believe there is not—then we want a clean bill of health."

That would have been consistent with the position publicly assumed by such leaders of the industry as Owen Young, and with the protestations of purity made by its counsel before the committee. It would, in fact, square with the facts so far as the really big men are concerned, because they are, with few exceptions, not only personally on the level but run their business that way, deal from the top of the deck. There are extremely few Insulls among them.

Instead of taking that position, however, they have taken one that in effect says this: "We are afraid of a real investigation. We are afraid to let the able and experienced WALSH insert the probe. We are not really as pure as we pretend, and therefore we think the safest thing for us is to amend the Walsh resolution, take the thing out of his too keen and capable hands, put the job up to the Federal Trade Commission—where the presence as chairman of the hard-boiled Humphrey makes a fine coat of whitewash a dead-sure proposition."

What seems to be overlooked by the usually enlightened utility men is, first, the natural deduction for the public to make is that fear of Senator WALSH rather argues a consciousness of guilt; second, that the uninspiring personnel of the Federal Trade Commission and the dominance over it of Humphrey is such as to make it certain that its report, however eulogistic, will satisfy very few outside the industry itself. In other words, the contention is that the net result will be an increased and not a diminished hostility toward public utilities—a hostility calculated to make them more of an issue in politics than ought to be the case. It does seem that it would have been a wiser course, if there is nothing to be ashamed of, to let Senator WALSH find that fact out. It would certainly redound to the credit of the industry if he did. But perhaps they know their business best.

Mr. GLASS. Mr. President, I do not think we are going to have a vote on this resolution to-night. I had hoped we would vote on it this afternoon, as many other Senators had hoped, but that hope apparently is not to be realized. There are some of us who wish to speak briefly on the subject but do not care to proceed when the few Senators who will remain to listen to the discussion are exhausted. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia.

Mr. HARRISON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). Announcing my pair as before, on account of the absence of the Senator from Delaware [Mr. DU PONT] by reason of illness, I withhold my vote.

Mr. NORRIS (when his name was called). Upon this vote I am paired with the Senator from Arkansas [Mr. CARAWAY]. If I were at liberty to vote, I should vote "yea."

Mr. TYSON (when his name was called). I am paired with the Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. GERRY. I wish to announce that the junior Senator from South Carolina [Mr. BLEASE] and the junior Senator from Utah [Mr. KING] are necessarily absent, and that each of those Senators has a general pair.

The result was announced—yeas 36, nays 48, as follows:

YEAS—36

Barkley	Frazier	McLean	Sheppard
Black	Glass	McMaster	Shipstead
Blaine	Gould	McNary	Steiwer
Borah	Harris	Neely	Swanson
Bratton	Hayden	Norbeck	Trammell
Brookhart	Howell	Nye	Wagner
Capper	Johnson	Oddie	Walsh, Mass.
Cutting	La Follette	Overman	Walsh, Mont.
Ferris	McKellar	Reed, Mo.	Wheeler

NAYS—48

Ashurst	Fess	Keyes	Shortridge
Bayard	George	Mayfield	Simmons
Bingham	Gerry	Metcalf	Smith
Broussard	Gillett	Moses	Smoot
Bruce	Gooding	Phipps	Steck
Copeland	Greene	Pine	Stephens
Couzens	Hale	Ransdell	Thomas
Curtis	Harrison	Reed, Pa.	Tydings
Deneen	Hawes	Robinson, Ark.	Warren
Dill	Heflin	Robinson, Ind.	Waterman
Edge	Jones	Sackett	Watson
Edwards	Kendrick	Schall	Willis

NOT VOTING—10

Blease	du Pont	King	Tyson
Caraway	Fletcher	Norris	
Dale	Goff	Pittman	

So the Senate refused to take a recess.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Montana to the first committee amendment. The amendment to the amendment will be stated.

The CHIEF CLERK. It is proposed to amend the committee amendment on page 1, line 5, after the word "interstate," to insert the words "or international," so as to read, "doing an interstate or international business."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE PRESIDENT. The next amendment of the committee will be stated.

The next amendment of the Committee on Interstate Commerce was, on page 2, line 1, after the word "stocks," to strike out "such" and insert "two or more"; in line 2, after the word "corporations," to insert "operating in different States"; in line 3, after the word "by," to strike out "or affiliated with"; in line 10, after the word "which," to insert "such"; in line 16, before the word "public," to insert "such"; in the same line, after the word "by," to insert "such"; in line 22, before the word "holding," to insert "such," so as to read:

Resolved, That a committee of five Members of the Senate, to be elected thereby, be hereby empowered and directed to inquire into and report upon: (1) The growth of the capital assets and capital liabilities of public utility corporations doing an interstate or international business supplying either electrical energy in the form of power or light or both, however produced, or gas, natural or artificial, of corporations holding the stocks of two or more public utility corporations operating in different States, and of nonpublic utility corporations owned or controlled by such holding companies; (2) the method of issuing, the price realized or value received, the commissions or bonuses paid or received, and other pertinent facts with respect to the various security issues of all classes of corporations herein named, including the bonds and other evidences of indebtedness thereof, as well as the stocks of the same; (3) the extent to which such holding companies or their stockholders control or are financially interested in financial, engineering, construction, and/or management corporations, and the relation, one to the other, of the classes of corporations last named, the holding companies, and the public utility corporations; (4) the services furnished to such public utility corporations by such holding companies and/or their associated, affiliated, and/or subsidiary companies, the fees, commissions, bonuses, or other charges made therefor, and the earnings and expenses of such holding companies and their associated, affiliated, and/or subsidiary companies; and (5) the value or detriment to the public of such holding companies owning the stock or otherwise controlling such public utility corporations immediately or remotely, with the extent of such ownership or control, and particularly what legislation, if any, should be enacted by Congress to correct any abuses that may exist in the organization or operation of such holding companies.

The amendment was agreed to.

The next amendment was, on page 3, after line 13, to insert the following proviso:

Provided, That the elections herein referred to shall be limited to the elections of President, Vice President, Members of the United States Senate and of the House of Representatives.

So as to read:

The committee is further empowered and directed to inquire and report whether, and to what extent, such corporations or any of the officers thereof or anyone in their behalf or in behalf of any organization of which any such corporation may be a member, through the expenditure of money or through the control of the avenues of publicity, have made any and what effort to influence or control public opinion on account of municipal or public ownership of the means by which power is developed and electrical energy is generated and distributed, or to influence or control elections: *Provided*, That the elections herein referred to shall be limited to the elections of President, Vice President, Members of the United States Senate, and of the House of Representatives.

Mr. WALSH of Montana. Mr. President, I send to the desk a telegram and ask that it may be read.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read as follows:

ATLANTA, GA., *February 15, 1928.*

Senator THOMAS J. WALSH,
Care Senate Office Building, Washington, D. C.:

Have just wired Senator WALTER F. GEORGE as follows: "South needs such investigation of electric power industry as Walsh resolution would provide if for no other reason contributions to congressional campaigns in South as well as elsewhere should be disclosed." Don't understand his position.

C. A. COBB,
Editor Southern Ruralist.

Mr. BRUCE. Mr. President, I should like to inquire whether such a lobbyist as the one who sent that telegram should be spurned from the doors of the Senate?

Mr. WATSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Indiana?

Mr. WALSH of Montana. I yield.

Mr. WATSON. I ask unanimous consent that the telegram which I send to the desk may be read.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read as follows:

MIAMI, FLA., *January 20, 1928.*

Hon. JAMES E. WATSON,
United States Senate, Washington, D. C.:

The executive council of the American Federation of Labor favors an investigation of power companies, but it believes such investigation should be made by competent experts free from partisan political influence and without political significance.

WILLIAM GREEN,
President American Federation of Labor.

Mr. WALSH of Montana. Mr. President, I trust the amendment of the committee under consideration now will not be agreed to; but I should say in this connection that the Senator from Oregon [Mr. STEIWER] suggested to me an amendment to this provision a while ago which, for the assurance it would give to some doubting Thomases, perhaps should be inserted, that would limit the time back of which the committee could not go in this matter of campaign contributions.

Likewise, Mr. President, when we shall arrive at that point, I shall ask leave to amend by taking out the words "and directed," in line 3, page 2, so that the committee would be empowered but not directed to inquire, and have a discretion as to these matters.

I ask unanimous consent, if the Senator from Oregon desires to present his amendment, that it may be considered before the amendment of the committee now under consideration.

The VICE PRESIDENT. Without objection, it will be so ordered.

Mr. WATSON. What is the amendment?

The VICE PRESIDENT. Has the Senator from Oregon prepared an amendment which he desires to offer?

Mr. STEIWER. Mr. President, I did not have in mind offering an amendment. I merely suggested it to the author of the resolution.

Mr. WALSH of Montana. Then I will offer the amendment suggested to me by the Senator from Oregon. After the word "or," on page 3, line 12, insert "since 1923."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 3, line 12, after the word "or," it is proposed to insert "since 1923," so that, if amended, it will read:

and what effort to influence or control public opinion on account of municipal or public ownership of the means by which power is developed and electrical energy is generated and distributed, or, since 1923, to influence or control elections—

And so forth.

Mr. WATSON. I have no objection to that amendment.

Mr. WALSH of Montana. With that amendment I trust the amendment of the committee will be rejected.

Mr. HARRISON. May I ask the Senator why he proposes 1923?

Mr. WALSH of Montana. The Senator from Oregon suggested that it be 1925. I said to him that I should not object to 1923. That would be within the last five years. I suggest this because in the course of the debate some apprehension was exhibited lest this committee, which would have enough work to do anyway, should go back an indefinite length of time to ascertain the amount of money that had been contributed to elections; so I thought it was a reasonable thing that some limit should be placed upon it.

The VICE PRESIDENT. Without objection, the question is upon the amendment of the Senator from Montana.

The amendment was agreed to.

The CHIEF CLERK. The next amendment is, on page 3, in line 13, after the word "elections," to insert the proviso heretofore read.

The VICE PRESIDENT. Without objection——

Mr. WALSH of Montana. Mr. President, I trust we shall have a vote on that.

Mr. ASHURST. Let the amendment be stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 3, line 13, after the word "elections," it is proposed to insert a comma and the following proviso:

Provided, That the elections herein referred to shall be limited to the elections of President, Vice President, Members of the United States Senate, and of the House of Representatives.

Mr. WALSH of Montana. The matter of elections of Members of Congress and presidential electors has been investigated by special committees in 1920, 1924, and 1926. I do not see any reason for traveling over that ground again. I do not know why that should be made a specific subject of investigation when it has already been investigated. I should like to exclude that.

Mr. WATSON. Does the Senator want to exclude that and have his original resolution restored, as asked for above, to investigate campaign expenses, including the election of every constable or sheriff or county or State officer anywhere in the United States?

Mr. WALSH of Montana. I said to the Senator that I was going to ask to amend the resolution by striking out the word "directed," so that the committee would go just as far as it cared to go, as far as seemed to it important, in connection with the material subject of the inquiry. If the election of a constable had anything at all to do with these other matters, I should like to have the committee go into it. I can not conceive, however, that it could possibly have any such effect.

Mr. ROBINSON of Arkansas. Mr. President, I offer an amendment to the committee amendment.

On line 15, page 3, I move to strike out all after the word "Senate." The effect of the amendment will be to relieve the committee, if constituted, from an investigation of the elections of Members of the House of Representatives. I have already made some remarks in the Senate on that subject, and I think the Senator from Montana probably will agree with me.

Mr. WALSH of Montana. I hope that amendment will be agreed to.

Mr. BORAH. Mr. President, the effect of the amendment of the Senator from Arkansas is to exclude investigations with reference to the election of Members of the House?

Mr. ROBINSON of Arkansas. Yes.

Mr. BORAH. And in order to do that we will vote "yea"?

Mr. ROBINSON of Arkansas. Yes.

Mr. BRATTON. Mr. President, will the Senator from Arkansas give me his attention? In order to perfect the language in harmony with the suggestion of the Senator, should not the word "and" be inserted following the word "President"?

Mr. ROBINSON of Arkansas. Yes; the word "and" should be inserted there. Shall I restate the amendment?

The VICE PRESIDENT. The Secretary will state the amendment as modified.

Mr. ROBINSON of Arkansas. Yes; let the Secretary state the amendment.

The CHIEF CLERK. Before the word "Members" it is proposed to insert the word "and," and after the word "Senate" it is proposed to strike out the remainder of the paragraph—that is, the words "and of the House of Representatives," so that, if amended, the proviso will read:

Provided, That the elections herein referred to shall be limited to the elections of President, Vice President, and Members of the United States Senate.

Mr. WATSON. I hope that amendment may be agreed to.

The VICE PRESIDENT. Is there objection to the amendment of the Senator from Arkansas to the amendment of the committee? The Chair hears none. The question is upon the amendment of the committee as amended by the amendment of the Senator from Arkansas.

Mr. WALSH of Montana. Mr. President, I merely desire to say, with reference to the amendment as it stands, that, as I have heretofore stated, the purpose of this inquiry into elections is to find out whether, as has been charged—and I do not undertake to say whether it is true or whether it is not true—these public-utility corporations have been spending money to control elections in the various States, either to control the regulatory bodies in the various States or to control elections in which questions of the purchase and sale of properties of municipalities are involved.

As I said, I have a number of letters from people in municipalities where a municipal plant is in existence saying that they have been obliged to contend again and again in elections against an attempt by one of the great combinations to get possession of those local utilities. I should like to inquire into the truth of those matters. The elections of President and Vice President and the elections of Senators and Representatives have only the most remote relation to the elections that are of consequence when you are investigating public utilities; and if you confine the inquiry to elections that have not much of anything to do with the question, you exclude all the elections that are of direct consequence in the matter of the control of public utilities.

Mr. GLASS. Mr. President, does the Senator think that that is a question to be inquired into by the Congress of the United States? I have no doubt on earth that utility companies do undertake to control municipalities. I have not the remotest doubt on earth that they are guilty of bribery and corruption; but it seems to me that that is a matter of inquiry by the municipality or by the State itself, and not by the Federal Government.

Mr. WALSH of Montana. Let me remind the Senator that it is restricted to contributions made by "such corporations"—that is to say, these corporations that are engaged in interstate business of one kind or another.

Mr. GLASS. It would seem to me to be a very comprehensive proposition, one that would involve the invasion of the States and of subdivisions of the States by a congressional investigation; and therefore I think we ought to adopt this proposed limitation.

Mr. BINGHAM. Mr. President, I thought there had been a general feeling on the other side of the aisle that we might give up any rights of the States.

Mr. GLASS. Oh, it is not a question of "the other side of the aisle." It is a question for the judgment of the Senate of the United States. I have very little patience with these people who have not an idea beyond partisanship.

Mr. WATSON. Mr. President, there was much discussion in the committee, during the consideration of this measure there, as to the right or authority of the Congress of the United States to investigate all these local elections; and I think members of the committee were very decidedly of the opinion that we had no such authority. I want to ask my friend from Montana what right he thinks the Senate of the United States has to investigate the election of a constable out in Missoula, Mont., or the election of a county officer out there.

Mr. WALSH of Montana. If the Senator puts it in that bald way, of course, I should say it had no right; but when it goes to investigating the activities of corporations engaged in interstate commerce it becomes a very important matter as to whether those corporations thus engaged in interstate commerce are engaged in trying to elect constables in Missoula.

Mr. WATSON. But, of course, the Senator includes in "interstate commerce" those who sell stocks and bonds across State lines.

Mr. WALSH of Montana. Exactly.

Mr. WATSON. That is just where we disagree.

Mr. NORRIS. Mr. President, it seems to me there ought to be no dispute on the proposition which is now before the Senate. Assuming that we want an investigation, it seems to me that even those who are opposed to the entire resolution ought to be fair enought to say, "If you have an investigation, we want one that is effective."

I think myself that this amendment is very important, and, if agreed to, will curtail the power and the jurisdiction of this committee so as to prevent it from going into many things that are intended by the scope of the resolution to be looked into.

I sympathize entirely with those who say we ought not, we have no jurisdiction, to go into a village or a city election. That is not what this resolution contemplates—to ascertain whether John Smith or Richard Roe was elected councilman for a certain ward in a certain city, or whether John Jones was elected sheriff of a certain county. That is not contemplated in this investigation. But, if we adopt the amendment, suppose there is some proposition in which the General Electric Co., for instance, or the Electric Bond & Share Co., is interested—it covers the entire United States—and the proposition is submitted to a city, a village, a State, or a county; and let us say, for the sake of argument—of course, it is pretty rank to say that these people would do some of these things—but let us assume for the sake of argument that they would spend, in an election in a village or a city, a million dollars to put across a proposition, either to buy or to sell a system for the

generation and distribution of electricity in that town: Does anybody say we have not the authority to investigate contributions made by a corporation engaged in interstate commerce, even though it be at a municipal election? If this amendment shall be agreed to, the committee can not investigate into expenditures of the Electric Light Trust or the Water Power Trust, even though they might admit that they spent a million dollars in some particular election, unless the contribution was made at the time of a general election, where electors for President or Members of the Senate were chosen.

Referring to the election in California where the initiative was involved, about which we have been talking, off and on, during this debate, a large part of the money raised was spent to control that election, but we could not investigate such expenditure unless that election were called at the same time the people were voting for Senators or a President of the United States.

Senators should not get mixed up and think that there is contemplated here an investigation of the elections of State or county or municipal officials. That is not the idea at all. If we are going to do anything about these big corporations engaged in water-power development and the development and distribution of electricity across State lines, corporations engaged in interstate business, selling their bonds or stocks in different States, if we are going to investigate them at all the investigations should not be limited to elections where Senators are elected.

We are really asked to take away from this committee the power to make a very important investigation, and the amendment is directed to the very heart of this resolution itself. It would almost nullify it. In this particular we would be almost nullifying the work that could be done if any investigation were to take place.

I appeal to those who are not going to vote for the resolution to vote against this amendment, because they should concede to those who favor the investigation that if we have an investigation at all it ought to be effective, and it can not be effective if this amendment shall be agreed to, in my judgment.

Mr. WILLIS. Mr. President, I view with the same abhorrence entertained by the Senator from Nebraska the idea of corruption in municipal elections, but I can not bring myself to the point where I can believe that it is a proper function of the Senate of the United States to go into the question of municipal elections anywhere in this country. I do not believe the Senate has yet become simply a grand jury.

I rose particularly, however, to say that I think one of the most sensible things that has been said upon this question has been said by the Governor of Ohio, with whom I disagree very sharply politically. I ask unanimous consent to have read at the desk a brief statement the Governor of Ohio made recently on this question.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read as follows:

[From the Ohio State Journal, January 30, 1928]

OHIO WILL RESIST UTILITY CONTROL BY UNITED STATES, DONAHEY SAYS—CENTRALIZATION IN GOVERNMENT DENOUNCED BY GOVERNOR; USURPATION, HE CALLS IT—HOME RULE ASKED

On the eve of a meeting of the Interstate Commerce Committee of the United States Senate to consider its report on the Walsh resolution for a wide-open investigation of the electric and gas utilities, Governor Donahey, Sunday, declared the temper of Ohio people would be to resist usurpation by the Federal Government of the State rights in public-utility regulation.

Governor Donahey was moved to this expression when shown a statement made by Governor Byrd, of Virginia, in which the latter denounced the infringement of the Federal Government on State rights, through Congress, commissions, and courts as the most serious menace to America.

"The day's dispatches from Washington indicate there are in prospect not only a Senate investigation of the electric and gas utilities, but also the telephone and telegraph and the motion-picture industries," Governor Donahey said.

"The only end of such investigations will be legislation which will take authority from States and lodge it in Federal commissions in Washington. The inevitable result will be that regulation of utilities, the motion-picture industry, or any other industry which Congress may choose to investigate, will be further removed from the people.

"During my 15 years' political experience in Columbus, I have observed that the tendency has been to centralize administration in Columbus. Washington is now endeavoring to absorb the prerogatives of the States and to centralize government there. The tendency should be, rather, to get back to home rule. Many of the bills I have vetoed intended to centralize government in the State; for that reason I rejected them. The tendency should be to get back to the people.

"In Ohio the people believe in home rule. That's why, in 1912, they wrote into the State constitution an amendment giving local governments the right to regulate their utilities, with the right of appeal to the utilities commission provided to safeguard all concerned. In Ohio regulation of utilities is a success; we do not need any aid in this respect from the Federal Government.

"In Ohio the sale of utility securities, like that of all other classes of securities, is under State control. But regardless of financial operations in utility securities, consumers' interests are protected, for the companies' earnings are restricted to a fair return on the value of the property used and useful for serving the public.

"The people of Ohio will resist any effort by Congress to usurp their rights in utility regulation. They feel competent, through their municipal councils, their legislature, their commission, and their courts, to safeguard themselves with regard to service, rates, and financing.

"The Senate, and particularly the Senators from Ohio, should be mindful of the fact that this State adheres to the principle of State rights."

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended.

Mr. WALSH of Montana. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BRUCE. Mr. President, is the question on the amendment offered by the Senator from Arkansas [Mr. ROBINSON]?

The VICE PRESIDENT. The question is on agreeing to the amendment as amended by the Senator from Arkansas. The yeas and nays have been ordered, and the Clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I again announce my pair with the Senator from Delaware [Mr. DU PONT], who is absent on account of illness. I therefore withhold my vote. If permitted to vote, I should vote "nay."

Mr. NORRIS (when his name was called). On this vote I am paired with the junior Senator from Arkansas [Mr. CARAWAY], who is absent. If the Senator from Arkansas were present, he would vote "yea," and if I were at liberty to vote I would vote "nay."

Mr. TYSON (when his name was called). I have a general pair with the Senator from West Virginia [Mr. GOFF], who is absent. Not knowing how he would vote if present, I withhold my vote.

The roll call having been concluded, the result was announced—yeas 50, nays 34, as follows:

YEAS—50

Bayard	Glass	Overman	Smoot
Bingham	Gould	Phipps	Steck
Broussard	Greene	Pine	Stephens
Bruce	Hale	Pittman	Swanson
Copeland	Hawes	Ransdell	Thomas
Curtis	Jones	Reed, Pa.	Tydings
Deneen	Kendrick	Robinson, Ark.	Wagner
Edge	Keyes	Robinson, Ind.	Warren
Edwards	McLean	Sackett	Waterman
Ferris	McNary	Schall	Watson
Fess	Metcalf	Shortridge	Willis
Gerry	Moses	Simmons	
Gillett	Oddie	Smith	

NAYS—34

Ashurst	Dill	Johnson	Sheppard
Barkley	Frazier	La Follette	Shipstead
Black	George	McKellar	Stelwer
Blaine	Gooding	McMaster	Trammell
Borah	Harris	Mayfield	Walsh, Mass.
Bratton	Harrison	Neely	Walsh, Mont.
Brookhart	Hayden	Norbeck	Wheeler
Couzens	Heflin	Nye	
Cutting	Howell	Reed, Mo.	

NOT VOTING—10

Blease	Dale	Goff	Tyson
Capper	du Pont	King	
Caraway	Fletcher	Norris	

So the amendment as amended was agreed to.

The VICE PRESIDENT. The Clerk will state the next amendment of the Committee on Interstate Commerce.

The CHIEF CLERK. On page 4, line 5, after the words "The expenses of said investigation," insert a comma and the words "which shall not exceed $30,000."

The VICE PRESIDENT. Without objection, the amendment is agreed to. That completes the committee amendments.

Mr. WALSH of Montana. Mr. President, my attention has been called to the fact that the resolution as drawn does not in one respect comply with the law. It seems that the law prescribes that the cost shall not exceed 25 cents per hundred words, instead of $1.25 per printed page. Is that correct, may I ask the Senator from Utah?

Mr. SMOOT. That is correct.

Mr. WALSH of Montana. Accordingly I submit an amendment, as follows: On page 3, line 23, strike out the words "$1.25 per printed page" and substitute therefor the words "25 cents per 100 words."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. WALSH of Montana. Then I move to strike out, on page 1, line 3, the words "and directed."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, line 3, after the word "empowered," strike out the words "and directed," so that it will read:

That a committee of five Members of the Senate be elected thereby and be hereby empowered to inquire into and report upon.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. GEORGE. Mr. President, I propose the following amendment: On page 1, line 1, after the word "*Resolved*," strike out down to the word "upon," in line 3 of the same page, and insert:

That the Federal Trade Commission is hereby directed to inquire into and report to the Senate, by filing with the Secretary thereof within each 30 days after the passage of this resolution and finally on the completion of the investigation, the stenographic report of the evidence taken by the commission to accompany its partial and final reports upon.

And then follows the resolution as it has been perfected by the Senate.

The VICE PRESIDENT. The question is upon agreeing to the amendment submitted by the Senator from Georgia.

Mr. WATSON. Mr. President, may the amendment be reported by the clerk from the desk?

The VICE PRESIDENT. The clerk will read the amendment.

The Chief Clerk read the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. BLACK. Mr. President, I desire to offer an amendment to the amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

Mr. GEORGE. May I say just a word in explanation merely of my amendment?

The VICE PRESIDENT. The clerk will state the amendment of the Senator from Alabama to the amendment.

The CHIEF CLERK. Amend the amendment offered by the Senator from Georgia by adding the following:

The inquiry before the Federal Trade Commission shall be open to the public and due notice of the time and place of all hearings shall be given by the commission.

Mr. GEORGE. Where is it proposed to insert the amendment? At the appropriate place in the resolution?

Mr. BLACK. Yes.

Mr. GEORGE. I have some additional amendments, and I reserve the right to accept the amendment offered by the Senator from Alabama.

Mr. BLACK. I have offered it as an amendment to the amendment of the Senator from Georgia.

Mr. GEORGE. I was inquiring whether it was an amendment to my amendment. I do not see how it could be appropriately attached to my amendment.

The VICE PRESIDENT. The Chair suggests that the Senator from Alabama withdraw his amendment and offer it at another place.

Mr. BLACK. Very well. I shall offer it if the Senator's amendment is agreed to.

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WALSH of Montana. The amendment offered by the Senator from Alabama is altogether germane, not to the resolution as it is before us at all but it is germane to the amendment offered by the Senator from Georgia. If the amendment of the Senator from Georgia is adopted without any amendment at all, I inquire of the Chair——

The VICE PRESIDENT. An amendment to the resolution does not have to be germane to anything in the resolution. It can be offered to the committee amendment or to the text of the resolution.

Mr. GEORGE. What I had in mind was that it might not appear appropriately in connection with my amendment, but if my amendment is adopted, I then said I propose to offer some additional amendments and I would not object to this amendment.

Mr. WALSH of Montana. My parliamentary inquiry of the President of the Senate is, If the amendment offered by the Senator from Georgia should be adopted by the Senate, then will the amendment offered by the Senator from Alabama be in order?

The VICE PRESIDENT. It will be in order, but not as an amendment to the amendment of the Senator from Georgia.

Mr. DILL. Mr. President, I understand that the law makes Federal Trade Commission inquiries secret. This would be a repeal of the law to that extent. Can the Senate do that by resolution?

Mr. GEORGE. Then, of course, it would be merely ineffectual. I stated in the debate that I do not know what the law is, but if the amendment is offered I shall accept it.

Mr. DILL. But the amendment would have no effect if it is in contradiction of the law.

Mr. GEORGE. I do not know what the law requires, because I stated specifically that I do not know, but if the amendment is offered I shall not object to it.

The VICE PRESIDENT. The amendment of the Senator from Alabama can be offered as an amendment to the amendment of the Senator from Georgia. If the amendment of the Senator from Georgia is adopted, then the amendment of the Senator from Alabama will have to be inserted at the proper place in the resolution.

Mr. SWANSON. Mr. President, as I understand the amendment offered by the Senator from Alabama it is to perfect the amendment offered by the Senator from Georgia. When an amendment is to be perfected it must be done before the amendment itself is adopted. The amendment of the Senator from Alabama proposes to open the hearings by the Federal Trade Commission to the public. It is in order to perfect the amendment of the Senator from Georgia before we vote on it. It does seem to me the amendment offered by the Senator from Alabama ought to be voted on as it is intended as a specific amendment to the amendment of the Senator from Georgia.

The VICE PRESIDENT. The amendment to the amendment is in order.

Mr. GEORGE. So far as I am concerned, I have no objection to the amendment.

Mr. HEFLIN. Mr. President, I hope the amendment to the amendment will be adopted.

Mr. BLACK. In order to clear this up may I read the law on the subject?

Mr. GEORGE. I have said I have no objection to the amendment.

Mr. BLACK. I would like to read the law. I want to read the law with reference to whether or not we have that power. My judgment is that we do not have the power, but I want to offer the amendment, because I think it should be a public hearing if there is a submission of the matter to the Federal Trade Commission. My judgment is from the law that we do not have the power.

The VICE PRESIDENT. The Chair suggests that the clerk read the amendment of the Senator from Georgia as proposed to be amended by the Senator from Alabama.

The Chief Clerk read as follows:

That the Federal Trade Commission is hereby directed to inquire into and report to the Senate by filing with the Secretary thereof within each 30 days after the passage of this resolution, and finally on the completion of the investigation, the stenographic report of the evidence taken by the commission to accompany the partial and final reports, upon—the inquiry before the Federal Trade Commission shall be open to the public and due notice of the time and place of all hearings shall be given by the commission.

Mr. WATSON. Mr. President, will the Senator from Georgia yield?

Mr. GEORGE. I yield.

Mr. WATSON. Does the Senator from Alabama say that he is offering an amendment which he knows is contrary to existing law?

Mr. GEORGE. If the Senator from Alabama makes that statement, I shall object to his amendment.

The VICE PRESIDENT. The inclusion of the amendment of the Senator from Alabama as read comes after the word "upon." It should either follow or precede that word in some other way.

Mr. BLACK. I would arrange that, but I would like to have the privilege of answering the Senator from Indiana. The law provides as follows with reference to the powers of the Federal Trade Commission:

To make public from time to time such portions of information obtained by it hereafter, except trade secrets and names of customers, as it shall deem expedient in the public interest.

If this matter should be submitted to the Federal Trade Commission and they wanted to have a star chamber proceeding, I understand the law is that they could prohibit any human being from being there when they took evidence, because they have the power to do it.

Mr. BRATTON. Mr. President, will the Senator from Georgia yield?

Mr. GEORGE. I yield.

Mr. BRATTON. I am unable to agree with the Senator from Alabama [Mr. BLACK]. If the Senate has the power by resolution to require the Federal Trade Commission to conduct the investigation, I think it has the power to govern the procedure to obtain. If the Senate undertakes to make the hearings public, I think it can do that, because the investigation will not be conducted under law independent of the resolution. The power of the Federal Trade Commission to conduct the investigation emanates from the resolution. If the power is granted by the resolution I think we have the right to govern the procedure under which the investigation shall be conducted.

Mr. GLASS. If the amendment proposed by the Senator from Alabama is contrary to the statute, what becomes of the provision of the amendment of the Senator from Georgia, which requires the Federal Trade Commission to report its proceedings every 30 days after the adoption of the resolution?

Mr. BLACK. The commission can do so if it desires.

Mr. GLASS. If the amendment of the Senator from Alabama is contrary to the statute, likewise the amendment of the Senator from Georgia is so.

Mr. BLACK. Yes; undoubtedly.

Mr. GEORGE. I presume the Senator from Alabama is offering his amendment in good faith, and so presuming, I suggest to him that his amendment should precede the word "upon" so that the grammatical construction, with proper punctuation, would be at least in proper form.

The VICE PRESIDENT. The Secretary is reconstructing the amendment as amended.

Mr. BLACK. May I suggest in reply to the statement that I was offering my amendment in good faith, that I am offering it in good faith to this extent that I believe the Federal Trade Commission has the right to deny the publication of any word of evidence or any report that it makes, but I believe that, if there is an effort in good faith to have a bona fide investigation by the commission, and that commission shall attempt to conduct an investigation in good faith, it will obey the injunction of this single body of the National Legislature, although we can not change the law as written; we can not by resolution change any existing statute passed by both Houses which sets forth the powers of the commission. I assume that if the Federal Trade Commission will act in good faith in conducting an investigation it will in good faith obey this injunction by the Senate.

Mr. WALSH of Montana. Mr. President, I am in full accord with the views expressed by the Senator from Alabama. Both Houses of Congress and the President of the United States enacted a law which reposed in the commission the right to make public its proceedings. The Senate of the United States can not change that law; it can not take power away from the commission by any resolution it may adopt, that is to say, the amendment of the Senator from Alabama can go on as just a kind of appeal to the Federal Trade Commission, but I am going to argue as suggested a little while ago by the Senator from Virginia that that amendment is no more obnoxious to the statute than is the amendment of the Senator from Georgia itself obnoxious to the statute.

Mr. GEORGE. Oh, Mr. President, I am satisfied that my amendment is not obnoxious to the statute, or I should not have offered it. I am perfectly satisfied that my amendment is a proper one, if the Senate sees fit to adopt it.

Mr. BARKLEY. Mr. President, will the Senator from Georgia yield to me?

Mr. GEORGE. I am glad to yield to the Senator from Kentucky, but I wish to say that I would not at this late hour go into any discussion of the relevancy, propriety, and legality, so to speak, of this particular amendment when it has been before us for several days.

Mr. BARKLEY. In the event that the Federal Trade Commission should submit to the Department of Justice, as it did on a former occasion, which action has been discussed here, an inquiry as to whether it had the power to make the investigation contemplated by the Senator's amendment and the Attorney General should render such a decision as he rendered in the other case, where would this investigation be?

Mr. GEORGE. If the Senate shall adopt my amendment, the investigation will be in the hands of the Federal Trade Commission.

Mr. BARKLEY. The Senator evidently did not catch my question. Suppose the commission should ask the Department of Justice whether under existing law, regardless of the pending resolution, it has the power to make the kind of investigation proposed and the Department of Justice should render an opinion holding that it can not make such an investigation under the existing law——

Mr. GEORGE. Does the Senator mean the investigation called for by the whole resolution or by some particular part of the resolution?

Mr. BARKLEY. Well, by some particular part of the resolution.

Mr. GEORGE. To which particular part of the resolution does the Senator refer?

Mr. BARKLEY. For instance, to that portion with reference to campaign contributions.

Mr. GEORGE. I propose to add another amendment, which, in my judgment, will leave that within the jurisdiction of the committee, if the amendment shall be adopted.

Mr. BARKLEY. Does the Senator think that we can amend existing law by the adoption of a Senate resolution?

Mr. GEORGE. No.

Mr. BARKLEY. Then what effect would any amendment on that subject have?

Mr. GEORGE. I am not undertaking to amend existing law.

Mr. BARKLEY. I can not see how any amendment that the Senator contemplates would cure the objection that I have in mind.

Mr. GEORGE. I do not know that I understand the Senator; but if the Senator has not heard what I said, I am sorry. I said that I intend to offer some additional amendments requiring the Federal Trade Commission to inquire whether any of the practices enumerated in the resolution tend to restrain trade or commerce or tend to create a monopoly or constitute a violation of any of the antitrust acts.

Mr. BARKLEY. That might all be included and still not touch the question. The question of what constitutes restraint of trade is a technical question under the law, and the act which created the Federal Trade Commission somewhat elaborates in that regard.

It is conceivable that there might be practices that were reprehensible that did not, in letter or in spirit, violate the terms of the antitrust acts.

Mr. GEORGE. I quite agree with the Senator, but the proposition is this: When the Senate asks for a specific investigation and asks whether the practices set forth constitute a violation of the Federal antitrust laws then the commission will be bound to answer us, and in order to answer us it will have to examine the facts.

Mr. BARKLEY. Would not the commission, though, be in a position where they might say, "admitting a certain state of facts to exist, they do not constitute a violation of the antitrust laws, and, therefore, we have no power to go into the question"?

Mr. GEORGE. I do not think so; I do not think that the commission would take that view of it. The commission did not take that view in connection with various other resolutions before it, though it finally answered that it did not think that the practices complained of constituted a violation of the Federal anitrust laws.

Mr. President, I apprehended that there might be discussion upon the amendment. I merely rose at this time to make plain what the amendment provides, conceding that it might be effective for any purpose. It provides merely that, in lieu of a committee of Senators, the inquiry shall be referred to the Federal Trade Commission; that the Federal Trade Commission shall be required and directed to pursue the inquiry—I am merely stating the substance of it now—that reports be made each 30 days, so that there may be no unnecessary delay in bringing the facts before the Senate and the country; and that the stenographic report of such evidence as the commission may take shall accompany the partial reports and the final report to be made by the commission.

The Senator from Alabama [Mr. BLACK] has added a further amendment providing that the hearings shall be open and on notice. If his amendment is valid and is binding on the commission, I presume the commission will comply with it. If it is not actually binding upon the commission, yet it would be within the power of the commission to comply with it in the event the opportunity to make the investigation was afforded. I contented myself with accepting the Senator's amendment, because if it is not a valid amendment and can not change existing law, if the commission shall not see fit to acquiesce in it, it will do no harm if incorporated in my amendment, because in that event it would be merely disregarded, of course, as incapable of changing an existing statute.

Mr. HEFLIN. Mr. President, if the Senate shall go on record as requesting the Federal Trade Commission to do a certain thing and to report to the Senate every 30 days, and the trade commission shall refuse to do that, then, of course, the Senate

can take such action as it may choose to take in another direction. We are not precluded from proceeding further if we should be disappointed in any way in the conduct of the trade commission.

Mr. GEORGE. By no means.

Mr. HEFLIN. After the national convention shall have met we will still be in session, and we can go on with this matter and proceed in some other way with it.

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia [Mr. GEORGE] as modified.

Mr. GLASS. Mr. President——

Mr. GEORGE. Does the Senator wish to discuss the amendment at this time?

Mr. GLASS. I do.

Mr. GEORGE. I yield the floor.

Mr. WALSH of Montana. Mr. President, I am very sure the Senator from Virginia would much prefer to proceed to-morrow, and I again give my confident assurance that we will reach a vote early to-morrow. I do not know of any other Senator who desires to speak, except the Senator from Virginia, and perhaps one other Senator here, and then I myself should like to close the debate. I wonder if we can not reach an understanding as to taking a recess at this time?

Mr. WATSON. Mr. President, will the Senator agree to unanimous consent to take a vote at 3 o'clock to-morrow?

Mr. WALSH of Montana. I suggested 4 o'clock a while ago, and I would rather say 4 o'clock.

Mr. DILL. Mr. President, we can not do that.

Mr. WATSON. Does the Senator from Washington object?

Mr. DILL. I do.

Mr. WATSON. Does he object to an agreement to a vote at any time to-morrow?

Mr. DILL. I do.

Mr. WATSON. Then, Mr. President, let us proceed.

Mr. GEORGE. Mr. President, I wish to say that I very much regret that we can not, in deference to the Senator from Virginia, adjourn or take a recess until to-morrow, so as to allow him to proceed at a more convenient time. I should even have voted for an adjournment, as I would have voted for his motion, if it were not for the fact that I am precisely in the situation that other Senators are on this side who are themselves making objection to any hour to-morrow. I, too, desired to be away, but I concluded that I should remain here until the vote was finally taken. Now, I wish to say to the Senator——

Mr. WATSON. Mr. President, I see nothing else to do but to proceed with the discussion.

Mr. GEORGE. If we can reach any agreement to vote at any time to-morrow, I shall be glad to vote for an adjournment.

SEVERAL SENATORS. "Vote."

The VICE PRESIDENT. The Senator from Virginia is entitled to the floor.

Mr. GLASS. Mr. President, I would be altogether disposed to apologize to the Senate for detaining it in session at this late hour except for the fact that the Senate by 2 votes has itself invited the punishment. I am not disposed to insist upon a recess, if I could have it, because of any appraisal of the value of the brief remarks which I shall submit upon the pending resolution. However, if there be any virtue in aloofness, I may say that I am not among those Senators who have been "marked up" on this proposition and "checked off." I have wanted, if I could, to reach a just conclusion. I have wanted, if I might, to be convinced in the first place of a real necessity for such an investigation as has been proposed; and then, of equal importance, I have wanted to understand under what auspices the investigation should be had. The last is the pertinent matter at this moment.

The Senator from Georgia [Mr. GEORGE] has proposed an amendment to the resolution of the Senator from Montana which would transfer the investigation from a committee of the Senate to the Federal Trade Commission. Albeit I am not fully convinced of the need at this time of any investigation at all, I am irrevocably convinced against the policy of committing such an investigation to the Federal Trade Commission; and should the amendment of the Senator from Georgia prevail I shall vote against any investigation whatsoever, because I am not willing to be among those who will spend the Government's money in a futile fashion.

OUTCRY AGAINST INVESTIGATION

We have heard to-day some remarkable philippics against congressional investigations. It is not the first time that such investigations have been deplored. We heard much of the same kind of talk when Teapot Dome was investigated, and again when the Department of Justice was under grave suspicion. Then, as now, one would have supposed that the investigators were the real culprits, and the persons proposed to be investigated the innocent victims of partisan malice.

Prominent Senators, influential public officials, were averse to the investigations ordered by the Senate some years ago; and one, reading at that time the editorial utterances of the metropolitan press, must inevitably have inferred that the Senate had precipitately entered upon a useless expenditure of public funds for the deliberate exploitation of ambitious politicians among its members. Some gentlemen on that occasion, as others on this, were very dubious as to the desirability of inquiring into the activities of certain public officials. On that occasion, as on this, there were not wanting those to come bravely to the defense of injured innocence. On that occasion, as on this, we were gravely admonished that the procedure should be very circumspect and cautious. Triumphantly, as it seemed, the Senate was reminded that the Judiciary Committee of the other House had, in the case of the suspected Attorney General, utterly refused to present articles of impeachment. Daugherty then, as Humphrey to-day, was pronounced a brave man and honest. Such, indeed, was the aversion to "government by investigation" that the power of the Congress to inquire into the conduct of public officials was sharply challenged and the Senate, in plain terms, was told to mind its own business.

Had the Senate then regarded protests of the precise nature of those to which we have listened to-day, the naval oil reserves would be in possession of the knaves who purchased them from the scoundrels who sold them; and recreant public officials now in disgrace would be still in high favor, exercising the important trusts which they shamelessly betrayed.

MORE THAN COURAGE REQUIRED

The chairman of the Federal Trade Commission, to which body it is here proposed to commit the investigation suggested by the senior Senator from Montana, has been praised for his courage, which nobody has ventured to question. However, Mr. President, it not infrequently has happened that an unworthy person has been applauded for "the courage of his convictions." That threadbare phrase long ago ceased to signify exceptional virtue in the man in whose behalf it is flourished. There are wholly dangerous men who exhibit the courage of their convictions. What is of greater concern in this particular case is to ascertain what are Mr. Humphrey's convictions. I have known men in public life with an abundance of courage who, along with it, had the very basest convictions. Let us get a picture of the chairman of the commission to which we are asked to send this investigation. We may then the better determine the degree of satisfaction which Senators should derive from their boasted aid in putting such a man in a position of great importance and responsibility. Likewise, we may then the better decide the hazard the Senate will take in confiding to such a man a matter of this magnitude and vital concern to the people of the United States.

When Mr. Humphrey was appointed a member of the Federal Trade Commission it was announced, if not by the White House spokesman, with quite as much apparent authority as that gentleman appeared to assume, that he was put on this commission to halt its inquisitiveness, to change the order of its activities, to revolutionize by restraining its methods of procedure. The statement was even made that it was the conviction of the President that this and other commissions should subordinate their judgment to the opinions of the Executive; that they properly were mere agencies of the Executive to register the policies of the administration.

Mr. Humphrey hastened to perform the service for which he was designated; and, in a little while, was asked if he had not made revolutionary changes in the methods and policies of the Federal Trade Commission. Responding to this inquiry by a representative of the St. Louis Post-Dispatch, Mr. Humphrey frankly said:

> I certainly did make a revolutionary change in the method and policies of the commission. If it was going east before, it is going west now. I would be ashamed to look a decent man in the face and to admit that I did not change the procedure.

Mr. GEORGE and Mr. BRUCE addressed the Chair.

Mr. GLASS. Let me get through with this, please, and then I will submit to interruptions.

Mr. GEORGE. I wanted to ask the Senator to whom these statements were made, because I did not hear the interview read yesterday.

Mr. GLASS. It was put in the RECORD by the senior Senator from Nebraska.

Mr. GEORGE. Will the Senator give me the page in the RECORD? I want to know what reporter wrote the interview.

Mr. GLASS. The name of the reporter is Mr. Paul Anderson, of the St. Louis Post-Dispatch.

Mr. GEORGE. I did not hear the interview read.

Mr. BRUCE. Mr. President, will the Senator yield to me for just one minute?

Mr. GLASS. Yes.

Mr. BRUCE. Is the Senator aware of the fact that Mr. Humphrey has in the last day or two written a letter to the Senator from Montana [Mr. WALSH] stating that Judge McCulloch and Mr. Ferguson, the two members who have recently become members of the Federal Trade Commission, had united with him in those changes, as well as the other members of the commission?

Mr. GLASS. Those two gentlemen were not even members of the commission when this interview was given.

Mr. BRUCE. I wanted to ascertain——

Mr. WALSH of Montana. Did the Senator refer to me?

Mr. BRUCE. I want to be correct in regard to the matter of time. I received this morning a copy of a letter that had been sent to the Senator from Montana by Mr. Humphrey, in which he referred to certain changes in practice and procedure. He stated that his colleagues had all concurred in those changes, and my recollection is that he mentioned by name both Judge McCulloch and Mr. Ferguson.

Mr. GLASS. I think the two recently appointed members of the commission were not members at the time of which I speak. Mr. Humphrey's colleagues at that time, or some of his colleagues at that time, did unite with him because they were under his complete domination.

Mr. WALSH of Montana. Mr. President, if the Senator will permit me, I have not received any such letter from Mr. Humphrey, but I am thoroughly conversant with the matter, and the Senator from Virginia is quite right, that all of these changes were effected before either Judge McCulloch or Mr. Ferguson were members of the commission.

Mr. BRUCE. Then it was a different set of changes, perhaps, to which I was referring, from those to which the Senator from Virginia has been referring. That may be.

Mr. GLASS. If I may be permitted to continue, I will exhibit a little more conclusively the spirit and character of this chairman of the Federal Trade Commission.

Mr. BRUCE. Mr. President, once more I ask the Senator to yield to me for just one minute.

Mr. GLASS. I yield.

Mr. BRUCE. If there is no objection, I would like to offer in evidence a copy of the letter to which I have referred.

Mr. GLASS. I hope the Senator will not offer it in my remarks. I do not care to have any letter from Humphrey in my remarks.

Mr. BRUCE. I will withdraw it, and offer it to-morrow, after the Senator shall have concluded.

WHAT HUMPHREY IS THERE FOR

Mr. GLASS. That will be more agreeable to me. Mr. Humphrey was asked by this newspaper writer if the Federal Trade Commission act did not exactly intend—

that the commission should collect information for Congress and for the Department of Justice.

I don't think so—

was the terse answer.

Mr. Humphrey was reminded that Senator KING had charged him with "packing" the commission's board of review in order to control its decisions, and the astounding answer was:

What of it? Do you think I would have a body of men working here under me that did not share my ideas about these matters? Not on your life. I would not hesitate a minute to cut their heads off if they disagreed with me. What in hell do you think I am here for?

A "board of review" functioning under the suspended axe of a brutal political boss! And that is the temperate, the considerate, the judical-minded gentleman to whose tender care and sense of public service it is insisted the Senate must commit this inquiry. We are asked to confess that it would not be possible to select from the membership of this body five Senators comparable in character, poise and spirit to this finished product of corporation zeal that once found laconic expression in the expletive "The public be damned!"

In defense of the idea of referring this matter to the Federal Trade Commission much has been said about the two new members of the body. I do not for one moment question the character, the capabilities or spirit of either Judge McCulloch, of Arkansas, or Mr. Ferguson, of North Carolina; but they are entirely new, inexperienced members of that commission. They have no familiarity with its processes. I doubt if they have as yet a useful familiarity with its history. Their friends should warn them against the perverted notions and pernicious activity of the chairman of the commission. Why, since their appointment, and without consultation with them, this chairman appeared before the Senate Appropriations Committee and sought to preclude any investigation by this body through the Federal Trade Commission by providing that none of its funds should be expended upon an inquiry ordered by the Senate or the House singly!

That by some people may be called "courage," just as the inquiry, "What in the hell am I here for?" might be called pertinent. I should be disposed to characterize the one as a piece of inexcusable effrontery and the other as a profane expression of contempt for the public interests. And, for one, I am not willing to submit an investigation to a man, however honest or courageous he may be, who has the perverted notion of the divine right of monopoly; who has the vicious habit of thinking that big business can commit no wrong which the legislative body is justified in attempting to remedy.

THE COMMISSION POWERLESS TO INVESTIGATE

Pursuing this line, who are the other members of the commission? The Senator from New York [Mr. COPELAND] had a Methodist experience meeting here to-day which drew from the brethren eulogies of some of the members of the commission; but he did not go far enough. I do not undertake to assail the integrity of Commissioner Myers. I do not recall ever having seen him; but with his preconception of the powers of the commission and, indeed, of the powers of the Senate of the United States, we know how well prepared he is to enter upon an investigation of this sort. He is the gentleman who, it is said, wrote the opinion of the Attorney General of the United States to the effect that the Senate has no right to ask nor the Federal Trade Commission to accede to a request to investigate matters covered by a large part of the pending resolution.

The senior Senator from Nebraska [Mr. NORRIS] pointed these things out yesterday to empty seats, just as his colleague [Mr. HOWELL] to-day presented here some of the most startling facts in connection with public utilities to empty seats, showing practically that there has been a "check-off" and that there is no desire for information or for enlightenment upon matters of this kind.

In the opinion alluded to, the Attorney General is on record as saying that the proposed investigation, as embodied in a large part of this resolution, is contrary to the organic act setting up the Federal Trade Commission, and that it has no right to inquire into these things under the law. Concluding his opinion on this phase of the then proposed investigation, the Attorney General said:

There is serious question as to the requirement that the Federal Trade Commission shall ascertain and report the efforts, if any, made by the corporations in question, through the expenditure of money or through the control of avenues of publicity, to influence or control public opinion on the question of municipal or public ownership of the means by which power is developed and electric energy generated and distributed. The relationship of such facts, assuming their existence, to a charge of violation of the antitrust act is not apparent.

Then, as if to emphasize the whole thing, he said:

Indulging all presumption in favor of the validity of the resolution under the organic act, I am still unable to find authority for such an inquiry.

Mr. GEORGE. Mr. President, will the Senator permit me to interrupt him at that point?

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). Does the Senator from Virginia yield to the Senator from Georgia?

Mr. GLASS. I will yield in just a moment.

Now, we are proposing to refer the investigation to a commissioner, among others, who is indubitably on record as saying that the commission has no authority under the organic law to make any such investigation.

Now, I yield to the Senator from Georgia.

Mr. GEORGE. I want to say to the Senator that I would not have reached the conclusion expressed by the Attorney General under the Norris resolution, but I can see how he did reach it, because I specifically direct the Senator's attention to the fact that all that the Norris resolution did was to ask for an investigation of expenditures of money to control the agencies of publicity to influence public opinion on the question of public ownership of these utilities.

Now, then, there was no specific requirement that the commission determine whether those facts or practices, if true, constituted a violation of law, and it would be difficult indeed to say that the expenditure of money for the purpose of publicity on the question of public ownership could have any real direct or legal relation to monopoly. But the pending resolution, and

I direct the Senator's attention to it, not only recites the same language, but it says "or to influence or control elections."

I have indicated the amendment which I propose to offer. I know that the Senator from Virginia will agree with me that a monopoly can be fostered or created or continued if, by the use of money we elect officers whose duty it is to regulate it, and they, thereby having been corrupted, permit it to go on. So we have a different resolution here. I do not think there is any doubt about the power, but the advisability, the wisdom, or the usefulness of sending it to the commission is of course altogether a different proposition.

Mr. GLASS. Nor would the Senator have reached the conclusion that Mr. Myers, for the Attorney General, actually did reach.

Mr. GEORGE. No; I said very frankly that I would not.

Mr. GLASS. I said the Senator would not have reached that conclusion. I have no reason to assume that Mr. Myers would participate in the view just expressed by the Senator from Georgia. On the contrary, such is my knowledge of the spirit and career of the chairman of the Federal Trade Commission that I am not willing to believe that he would not undertake again to get a confirmatory opinion from the Department of Justice with respect to the Walsh resolution, which comprehends the very things that the Attorney General, in his opinion on the Norris resolution three years ago, said the Trade Commission had no authority, under the organic law, to investigate.

Now the Senator from Georgia proposes to add something which, in his conception of the matter, may give the problem a different aspect. But what does the Senator imagine would ensue? Why, even if the Federal Trade Commission should desire to proceed under the resolution, the corporations which it is proposed to investigate would not be willing. They would sue out injunction after injunction; and there would be many new faces in this Chamber before we would ever reach a conclusion of the matter.

Now let me, just for a moment, pursue my analysis of the Federal Trade Commission.

Mr. BORAH. Is the Senator about through?

Mr. OVERMAN. Why not adjourn?

Mr. GLASS. I wanted to adjourn a while ago.

Mr. OVERMAN. Let us adjourn, then.

Mr. GLASS. I am nearly through now.

Mr. OVERMAN. We will make a motion to adjourn and then the Senator can continue to-morrow.

Mr. GLASS. Senators are punishing themselves, and I am punishing myself to continue to-night.

Mr. WALSH of Montana. Mr. President, will the Senator yield for me to present a motion to take a recess until to-morrow?

Mr. GLASS. I yield.

Mr. WALSH of Montana. Mr. President——

Mr. GEORGE. Mr. President, I want to make a statement. I want to make it in all fairness. I have asked that the Senate adjourn over until to-morrow in order to accommodate the Senator from Virginia [Mr. GLASS] and others.

Mr. GLASS. It was not to accommodate me, I will say to the Senator.

Mr. GEORGE. I would be willing to accommodate the Senator by that course. There are some objections made by one or two Senators, as I understand only two Senators, who simply are not willing to have an agreement to vote at any hour to-morrow because they wish to be away.

I say candidly to the Senator that I have been really ill during the entire week and I can not well be here on Friday or Saturday. If I stay here through it all, I do feel that we ought to be able to reach some agreement to vote at some hour to-morrow, even if it is 6 o'clock in the afternoon. I would be glad to have a unanimous-consent agreement to take a recess until in the morning.

Mr. GLASS. I will say to the Senator that I am perfectly content to go on so far as I am concerned. I had hoped that we would adjourn until to-morrow, however.

Mr. GEORGE. I had hoped so myself.

Mr. GLASS. I had hoped so, in order that I might proceed, not in haste as I have been obliged to do, but deliberately, to the consideration of what I regard as a very grave problem. But the Senate was not willing.

Mr. WALSH of Montana. I think there could be no doubt that we would reach a vote to-morrow.

Mr. GEORGE. There was an objection and it was disclosed to me that the reason was that two Senators had to be away.

Mr. WALSH of Montana. I think pairs can be arranged for them.

Mr. GEORGE. I think so. I even offered to pair with one of them myself, though I am the author of the pending amendment.

Mr. WALSH of Montana. Let us test the matter by a motion to take a recess until 12 o'clock to-morrow.

Mr. GEORGE. Could we not have a unanimous consent agreement? I think the Senator would wish to be that courteous at least, because I say very frankly I could not be here on Friday or Saturday.

Mr. WALSH of Montana. I feel very sure that the vote must come to-morrow.

Mr. GEORGE. If the Senator is sure of that, why not enter into an agreement?

Mr. WALSH of Montana. I should not like to suggest a unanimous consent agreement because it is well known that it was stoutly opposed by several Senators who are not now present.

Mr. GEORGE. And who stated that they desired to be away to-morrow.

Mr. GLASS. It looks as if Senators will compel me to speak and then refuse to listen to what I have to say.

Mr. GEORGE. I am staying and am listening with interest to the Senator's address.

Mr. GLASS. The Senator is exceedingly courteous.

Mr. GEORGE. As the author of the amendment I myself am supposed to be paired with one of the Senators who wish to be away to-morrow, but when I state in my place that I can not be here on Friday or Saturday, I think there might be a unanimous-consent agreement to vote some time to-morrow.

Mr. WALSH of Montana. The Senator understands fully that I have repeatedly agreed to a unanimous-consent agreement to vote to-morrow at any time after 4 o'clock, and I am perfectly agreeable to that now, but I do not want to propose that in the absence of Senators who objected very strenuously to such a unanimous-consent agreement.

Mr. GEORGE. Very well. I wanted to state my position. If it means carrying over the vote to a time when I am unable to be here, I will have to arrange a pair.

Mr. WALSH of Montana. If the Senator is here to-morrow, I feel sure that we shall get a vote.

Mr. HEFLIN. Mr. President, I suggest that we proceed.

Mr. WATSON. I shall object to any sort of an arrangement to postpone the consideration of the resolution.

Mr. EDWARDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McNary	Shortridge
Barkley	George	Mayfield	Simmons
Bayard	Gerry	Metcalf	Smith
Bingham	Gillett	Moses	Smoot
Black	Glass	Neely	Steck
Blaine	Gould	Norbeck	Steiwer
Borah	Greene	Norris	Stephens
Bratton	Hale	Nye	Swanson
Brookhart	Harris	Oddie	Thomas
Broussard	Harrison	Overman	Trammell
Capper	Hawes	Phipps	Tydings
Copeland	Hayden	Pine	Tyson
Couzens	Heflin	Pittman	Wagner
Curtis	Howell	Ransdell	Walsh, Mass.
Cutting	Johnson	Reed, Mo.	Walsh, Mont.
Deneen	Jones	Reed, Pa.	Warren
Dill	Kendrick	Robinson, Ark.	Waterman
Edge	Keyes	Robinson, Ind.	Watson
Edwards	La Follette	Sackett	Wheeler
Ferris	McKellar	Schall	Willis
Fess	McLean	Sheppard	
Fletcher	McMaster	Shipstead	

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, a quorum is present. The Senator from Virginia is entitled to the floor.

THE THIRD MEMBER OF A TRIUMVIRATE

Mr. GLASS. Mr. President, before I was interrupted by the attempt to reach an agreement to vote I was commenting on the composition of the Federal Trade Commission, to which it is proposed to refer the investigation of public utility corporations. I had referred to Chairman Humphrey and paid my respects also to Mr. Myers, who wrote the opinion of the Attorney General, stating specifically that certain important features which are embodied in the pending resolution could not be made the subject of investigation by the Federal Trade Commission.

Then there is a third member of the Federal Trade Commission. I think I have pretty accurate information as to the attitude of that gentleman, obtained from those once associated with him and from others who have observed the pliancy of his mind and the ease with which he is influenced, some say dominated, by the chairman of the commission and the other member to whom I have specifically made reference. He assisted Chairman Humphrey in altering the processes and the methods of the commission. While he is not on record as having used any expletives, while it is not known that he has ever passionately

inquired, "What in hell do you think I am here for?" yet he seemed to be there principally for the purpose of concurring with the chairman and the other member of the commission upon whom I have animadverted.

Mr. President, there is the picture; there is the body to which it is proposed to commit this investigation, three of the members already with hostile preconceptions which no amount of evidence, which no testimony of any nature, could be expected to alter. It is a futile proposition. The chairman of the Federal Trade Commission actually voted in the House of Representatives against the establishment of the commission. He does not believe in it as an institution of the Government. He never did believe in its activities before he was made a member, and he altered the whole situation when he was made a member. He was made a member to alter the whole situation. He dominates completely two other members of the commission; or I should more accurately have said that he and a colleague dominate a third member of the commission, and that is a majority of the commission.

How idle it is for us to talk here about committing to the commission an investigation which the commission itself says, under the opinion of the Attorney General, written by one of the commissioners, it has no lawful right to make!

ABOUT PUBLICITY

Mr. President, with respect to the amendment of the Senator from Georgia, as amended by the amendment of the Senator from Alabama, requiring publicity, clearly we can not have publicity by order of a Senate resolution. The law expressly leaves within the discretion of the commission itself all matters relating to publicity.

Some Senators talk about the "monumental report" that has already been compiled by the Trade Commission, part of it not yet bound. Who in this body ever heard of that report until the Walsh resolution was presented to the Senate? Who ever would have heard of it had not this resolution been presented? It would have found its appropriate place in the musty archives of the Federal Trade Commission, and no human being ever would have known of its existence. Now, that we have the report, of what account is it except as the conclusions of a select group of economists, conscious of the fact that they dare not pursue their inquiries beyond the scope approved by certain members of that commission?

There is not one thing about the report that indicates what questions were asked, conveniently or otherwise. There is not a thing about it to indicate what answers were given; nor do we know, nor can we know from an examination of the report, what questions were conveniently omitted; and then tell me that that is a thorough and convincing report! I am not ashamed, as one Senator, to announce myself totally unconvinced.

As to publicity, the law provides that the commission is authorized—

> to make public from time to time such portions of the information obtained by it hereunder, except trade secrets and names of customers, as it shall deem expedient in the public interest.

Mr. Humphrey—Mr. Humphrey!—is to tell us what is expedient for the public interest! Of course he is. "What the hell is he there for?" So that in the last analysis we are gravely proposing here to fool the public and oblige the interests.

Nobody has ever yet accused me of being a congenital enemy of the interests. Rather, I have been classified as an incurable conservative; but that is what is proposed here—to fool the public and immensely to oblige the interests by referring this problem to a commission on record as saying that it has no lawful authority to pursue a great part of this investigation; a commission which, if it were to pursue it, might be relied upon to give such a conclusion of its findings as Chairman Humphrey and two other members have invariably given when big business was at all involved.

As I said in the beginning, so I say in conclusion, I shall not be a party to any such travesty. I shall not vote for any such proposition; and, however desirable or urgent it may be to have an investigation, I shall vote against this resolution if the amendment of the Senator from Georgia prevails. I am not willing to take money out of the Federal Treasury or to impose upon the credulity of the public by voting for an investigation that will, in my conception of the case, be no investigation, and of which we will never hear anything should it be pursued.

PUBLIC OWNERSHIP OF PUBLIC UTILITIES

Mr. President, I am no longer to be frightened, as once I was, by the vehemently expressed hostility of some gentlemen to municipal ownership of public utilities. Like most people of my temperament and nature, I get my preconception of things, and it is exceedingly difficult to alter opinions when once they are fixed. For years I capitulated to the idea that it was a horrible heresy to talk about community or public ownership of public utilities. I began to recover my senses when we entered upon the discussion here of Muscle Shoals, when some people actually wanted to give away a great property, costing the Government of the United States more than a hundred million dollars. Then, by actual personal observation and inquiry, I was confirmed in my dawning belief that a seriously debatable question was involved, and that no intellectual or moral taint attaches to any man who may advocate, in certain conditions and to a certain extent, public ownership of public utilities.

The distinguished senior Senator from Nebraska [Mr. NORRIS] three years ago presented, from his place in the Senate, surprising revelations with respect to this problem. Unhappily, few Senators listened; and, without meaning offense, I venture to say that few Senators know a great deal about the problem. I happened to have an excess of time on my hands, and read what the Senator said, and he said many things that all of us should know. So it has been to-day, with the junior Senator from Nebraska [Mr. HOWELL] presenting facts and figures of the most significant kind, and Senators coming in and inquiring, "Now, what is he talking about?" and brushing the whole thing aside without hearing a word, without examining a fact or a figure that was presented.

I want to know, and I want an investigation that will inform me about these things. I want the questions comprehended by this resolution submitted to somebody who has not already prejudged the case, and who is not body and soul and mind possessed by those who would discredit public ownership of public utilities in any circumstance.

Why, sir, the Kaiser, up to the moment of his capitulation, had no more zealous belief in the divine right of the Hohenzollerns to rule the Empire than Chairman Humphrey has in the divine right of big business to do anything that big business desires to do; that being my belief, I am not going to waste the Government's money, or compromise my own intellectual integrity, or exhibit a degree of credulity of which I would be ashamed, by voting for a resolution that would commit this investigation to the Federal Trade Commission.

I am sorry, Mr. President, that I could not have proceeded with my part in this discussion in less haste, with a more orderly summation of facts, and a more impressive presentation of the conclusions reached; but Senators know that when they must cut and readjust their line of thought, it necessarily impairs the convincing nature of what they have to say.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. GEORGE], as modified.

Mr. WALSH of Montana (at 7 o'clock and 45 minutes p. m.). Mr. President, at this time I move that the Senate take a recess until 12 o'clock to-morrow.

Mr. CURTIS. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. NORRIS (when his name was called). I am paired with the junior Senator from Arkansas [Mr. CARAWAY], who is absent. If he were present, he would vote "nay," and if I were at liberty to vote, I would vote "yea."

Mr. SHIPSTEAD (when his name was called). I am paired with the senior Senator from Kentucky [Mr. SACKETT], who is absent. If the Senator from Kentucky were present, he would vote "nay," and if I were at liberty to vote, I would vote "yea."

Mr. TYSON (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. GOFF], who is absent. Not knowing how the Senator from West Virginia would vote, I withhold my vote.

The roll call was concluded.

Mr. GERRY. I desire to announce that the senior Senator from Florida [Mr. FLETCHER] is paired with the junior Senator from Delaware [Mr. DU PONT].

I also desire to announce that the junior Senator from South Carolina [Mr. BLEASE] is paired with the junior Senator from Utah [Mr. KING].

Mr. HOWELL (after having voted in the affirmative). I have a pair with the senior Senator from Maryland [Mr. BRUCE]. In the absence of the Senator from Maryland I voted by inadvertence, and I withdraw my vote.

Mr. FRAZIER. I have a pair with the senior Senator from North Carolina [Mr. SIMMONS], who is absent. Not knowing how he would vote if present, I withhold my vote.

The result was announced—yeas 26, nays 51—as follows:

YEAS—26

Barkley	Glass	McNary	Trammell
Black	Harris	Neely	Wagner
Blaine	Hayden	Norbeck	Walsh, Mass.
Brookhart	Johnson	Nye	Walsh, Mont.
Capper	La Follette	Reed, Mo.	Wheeler
Couzens	McKellar	Sheppard	
Cutting	McMaster	Swanson	

NAYS—51

Ashurst	George	McLean	Shortridge
Bayard	Gerry	Mayfield	Smith
Bingham	Gillett	Metcalf	Smoot
Bratton	Gooding	Moses	Steck
Broussard	Gould	Oddie	Stelwer
Copeland	Greene	Phipps	Stephens
Curtis	Hale	Pine	Thomas
Deneen	Harrison	Pittman	Tydings
Dill	Hawes	Ransdell	Warren
Edge	Heflin	Reed, Pa.	Waterman
Edwards	Jones	Robinson, Ark.	Watson
Ferris	Kendrick	Robinson, Ind.	Willis
Fess	Keyes	Schall	

NOT VOTING—17

Blease	du Pont	King	Simmons
Borah	Fletcher	Norris	Tyson
Bruce	Frazier	Overman	
Caraway	Goff	Sackett	
Dale	Howell	Shipstead	

So the Senate refused to take a recess.

Mr. WATSON. Mr. President, this is the fourth effort in a short time that has been made to have the Senate either adjourn or take a recess. It seems to me that the temper of the Senate to remain here and take a vote on this proposition should by this time be well understood. So far as I have any influence whatever, I intend to insist on the Senate remaining in session until this question shall have been disposed of.

Mr. WALSH of Montana. Mr. President, the question before the Senate is on the amendment offered by the Senator from Georgia [Mr. GEORGE], and inasmuch as practically the whole debate has turned about that matter it might, as it seems to me, very appropriately be closed by a discussion confined almost exclusively to that question.

The Committee on Interstate Commerce by unanimous vote recommended the adoption of the resolution with the amendments which have already been adopted by the Senate. While the Senator from Georgia has professed a desire, such as expressed by the Interstate Commerce Committee, that an investigation should be had, and his amendment contemplates that the investigation shall be conducted by the Federal Trade Commission, yet the great burden of his argument, and it could not be mistaken, was against any investigation whatever. And that is right, Mr. President. There will be, there can be, no investigation of this question by the Federal Trade Commission. As has already been explained to the Senate, it has been determined by the commission itself, under the advice of the Attorney General, that at least one-half of the investigation can not be conducted by that body, and I want to remind the Senate now that it was so held by the Attorney General not upon the basis of the rider on the appropriation bill but it was specifically declared by the Attorney General in the language that was read by the speaker who last addressed the Senate, and by other speakers, that it was based upon the ground that the organic act itself conferred no such power upon the commission or upon the Senate.

The language of the organic act is perfectly plain. It reads:

> Upon the direction of the President or either House of Congress to investigate and report the facts relating to any alleged violations of any of the antitrust acts by any corporation.

In the case that went before the Attorney General and was under consideration by the commission, it might reasonably have been urged, the particular part of the resolution to which objection was there taken being in immediate connection with the other part of the resolution, which did confessedly refer to violations of the antitrust act, that the whole was to be considered together, and that the latter part of the resolution related to violations of the antitrust act, as well as the first part. But the Attorney General held differently, and held that it did not.

In this particular resolution there is not anything that refers to any violations of any antitrust act. So that the very same arguments that induced the Attorney General, when the matter was before him on the previous occasion, to hold that the latter part of the resolution was without the competence of the Senate or the Federal Trade Commission, must impel the Attorney General to hold that the first part of this resolution is equally without the power of the Senate to direct or the Federal Trade Commission to prosecute.

The Norris resolution consisted of two parts. The first part was a direction to inquire whether the General Electric Co. was a trust in violation of the antitrust act, and the second part a direction to inquire about this other matter, the expenditure of money.

If Senators will take the pending resolution and read it, they will find that there is not a suggestion in it from beginning to end that anybody has violated the antitrust act, and if it were not for the fact that the other investigation had been conducted, no one would undertake to say that it had the remotest reference to any violation of the antitrust act.

Read it! The investigation is to determine—

> (1) the growth of the capital assets and capital liabilities of public utility corporations doing an interstate or international business supplying either electrical energy in the form of power or light or both, however produced, or gas, natural or artificial, of corporations holding the stocks of two or more public utility corporations operating in different States, and of nonpublic utility corporations owned or controlled by such holding companies; (2) the method of issuing, the price realized or value received, the commissions or bonuses paid or received, and other pertinent facts with respect to the various security issues of all classes of corporations herein named, including the bonds and other evidences of indebtedness thereof, as well as the stocks of the same; (3) the extent to which such holding companies or their stockholders control or are financially interested in financial, engineering, construction, and/or management corporations, and the relation, one to the other, of the classes of corporations last named, the holding companies, and the public utility corporations; (4) the services furnished to such public utility corporations by such holding companies and/or their associated, affiliated, and/or subsidiary companies, the fees, commissions, bonuses, or other charges made therefor, and the earnings and expenses of such holding companies and their associated, affiliated, and/or subsidiary companies; and (5) the value or detriment to the public of such holding companies owning the stock or otherwise controlling such public utility corporations immediately or remotely, with the extent of such ownership or control, and particularly what legislation, if any, should be enacted by Congress to correct any abuses that may exist in the organization or operation of such holding companies.

No one has suggested any inquiry at all as to whether there has been any violation of the antitrust act. That matter has already been disposed of by the first report of the Federal Trade Commission and nobody is asking that the matter be opened up again. This is an entirely different inquiry, and when the Attorney General is called upon for an opinion upon the matter as to whether the Federal Trade Commission has power to go into it, he must take the resolution just exactly as it is before him and say whether it is an investigation into violations of the antitrust act or not, and render his opinion accordingly. So that whatever may be said in criticism of the former opinion of the Attorney General, I have no doubt in the world that he will hold, as he must hold, that this is entirely without the scope of the act creating the Federal Trade Commission.

The distinguished Senator from Georgia [Mr. GEORGE], the author of the amendment, calls attention to paragraph (a), being subdivision of section 6 of the Federal Trade Commission act, to the effect that the commission is authorized—

> to gather and compile information concerning and to investigate from time to time the organization, business conduct, practices, and management of any corporation engaged in commerce, etc.

That is to say, the Federal Trade Commission has a perfect right to go into that matter if it desires to do so, but entire discretion is reposed in the commission either to go into the matter or not to go into the matter just exactly as it sees fit. The Senate of the United States can not direct it to do anything except in accordance with the provisions of subdivision (d) of the act, upon the direction of the President or either House of Congress to investigate and report the facts relating to any alleged violations of the antitrust act by any corporation.

So that there is no doubt about the proposition. But the Senator from Georgia said he is going to put the thing past question by adding an amendment to the effect that the Federal Trade Commission is to tell us whether these things constitute a violation of the antitrust act or not. If that can be done, then we can refer any matter to the Federal Trade Commission for investigation by just adding a little clause at the end as to whether the things to be investigated constitute a violation of the antitrust act or not. We might thus refer to them the question of the investigation of the leasing of the oil lands and put a clause on that they shall inquire as to whether the leasing or any acts done in connection therewith are in violation of the antitrust act. Is it possible that anybody can contend that the limitations of the statute can be overcome by any such futile procedure as that? I undertake to say that no lawyer

who gives real serious reflection to the subject can say anything except that it is beyond the power of a single House of Congress to confer any such power upon the Federal Trade Commission.

But, Mr. President, let us suppose that this is not sound. Let us suppose that the real correct solution of the matter, the correct interpretation of the law, is such as is given to it by the Senator from Georgia. I want to call attention to a fact not heretofore adverted to, that the Committee on Interstate Commerce, when this matter was before it, was harangued for two hours by lawyers representing some one in opposition to the resolution, arguing and citing cases from the Supreme Court of the United States to the effect that even the Senate of the United States did not have any authority to make the investigation itself. Of course, if the Congress or either House of Congress has not the power to make the investigation, then it can not confer that power upon the Federal Trade Commission or any subordinate organization of the Government.

Therefore, those who do not desire the investigation carried on at all, either by the Senate or the Federal Trade Commission, will unquestionably go to the court and ask an injunction to restrain the Federal Trade Commission from going on with the investigation, first, because neither the Senate nor the Federal Trade Commission can go into the subject at all upon general principles and, second, that it can not go into it because of the restrictions of the organic act of the Federal Trade Commission. Then, as said by the Senator from Virginia [Mr. GLASS], the youngest man in this body will have gray hair before the matter is finally disposed of.

This is not speculation, Mr. President. That is the regular thing when investigations are ordered concerning which there is the slightest doubt about the power either of the Senate to order the investigation or of the Federal Trade Commission to conduct it.

I asked the secretary of the commission to prepare for me a list with appropriate information concerning the injunctions which had been sued out against the Federal Trade Commission to prevent it from conducting investigations in which it was engaged or which it desired to prosecute. He gave me the memorandum, which I ask to have incorporated in the RECORD as an exhibit to my remarks.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Without objection, that order will be made.

(See Exhibit 1.)

Mr. WALSH of Montana. I refer to the Claire Furnace Co. case, which the Federal Trade Commission started to investigate in the year 1919. It remained in the court until the 18th day of April, 1927, more than eight years, before a final determination was had in the case by the courts. I read:

> On April 20, 1925, the Supreme Court directed reargument, which was had on November 24, 1925, and on April 18, 1927, this court rendered its decision dismissing the bill for want of equity.

That is to say, they held after eight years that the bill of injunction had no equity in it and that the Federal Trade Commission ought long ago, in 1919, to have proceeded with its investigation.

The next case is the Maynard Coal Co. case, remaining in the courts for some three or four years, holding up the investigation by the Federal Trade Commission during that time.

The next case is the Millers National Federation case. On February 16, 1924, the United States Senate by resolution directed the commission to investigate and report to the Senate, among other things, the extent and methods of price fixing, price maintenance, and price discrimination in the flour and bread industries, developments in the direction of monopoly and concentration of control, and all evidence indicating the existence of agreements, conspiracies, and combinations in these industries. They went into court in that case and my recollection is the matter is still pending. The case was argued in the court of appeals on October 3 and 4, 1927, and on October 5, 1927, that court confirmed the decree of the district court. The case has gone to the Supreme Court of the United States and my recollection is it is still pending in that court.

The next case is a proceeding in which the commission sought by mandamus to secure information necessary for economic investigations, and the same procedure was gone through with in that case.

So I undertake to say that whether the Senator from Georgia is right about this matter or whether I am right, whether the commission has the power to go into this investigation or has not the power, it will not proceed until the whole thing goes through the long, dreary, weary way clear up to the Supreme Court of the United States to determine these legal question. It need not be said that the shrewd 184 lawyers who represented the protestants against the resolution are not aware that this opportunity thus to delay proceedings and perhaps eventually to defeat them.

But it has been said, Mr. President, that the investigation ought not to be prosecuted because the Federal Trade Commission has already made the investigation. Of course, if that is true, there is no reason why the resolution, as amended as the Senator from Georgia desires to have it amended, should be adopted. If the investigation has already been made, there is only one rational thing to do, and that is to defeat the resolution for any investigation at all.

What is the fact about the matter? I have here the first report of the Federal Trade Commission, and I refer to the index of that report. I call attention to the nature of the investigation sought to be had here. We want to find out what assets there may be back of the securities these companies are putting out, what bonuses they pay for the sale of them, what commissions enter into the thing, and we want to go into the whole question as to whether these securities are backed by proper revenues of the company or whether they are largely water. Nothing of the kind appears in the report of the Federal Trade Commission on the investigation heretofore made. It had no power or authority under the resolution to go into that kind of thing. All it had power to inquire into was whether there was a power trust in the country, not whether it was issuing securities that were of value, not whether the subsidiary companies were charging rates that were too high to thus bolster up and afford a basis for the issuance of these securities. There is nothing of that kind in the report. I call attention to the index of the first volume:

> Part I. Extent of General Electric control:
> Chapter I. Basis and nature of the inquiry.
> Chapter II. General Electric interests in electric power companies.
> Chapter III. Comparative importance of General Electric power interests.
> Chapter IV. Stockholders in common and interlocking directorates.
> Part II. Development of General Electric interests:
> Chapter V. The Electric Bond & Share Co.
> Chapter VI. American Gas & Electric Co. group.
> Chapter VII. The American Power & Light Co. group.
> Chapter VIII. The Electric Power & Light Corporation group.
> Chapter IX. The Lehigh Power Securities Corporation group.

And so on down the list, without a suggestion concerning the reasonableness of the rates that any of those corporations charge or the value of securities which they issue. I ask that this index may be incorporated in the RECORD as an exhibit to my remarks.

The PRESIDING OFFICER. Without objection, that order will be made.

(See Exhibit B.)

Mr. WALSH of Montana. So I have before me the later report of the commission. The index of that report likewise carries no suggestion whatever of any investigation such as is contemplated by this resolution. Part 1 deals with "The supply of electrical equipment." It is divided into chapters, as follows:

> Chapter I. Basis and scope.
> Chapter II. Historical milestones in electrical development.
> Chapter III. Electrical manufacturing companies.
> Chapter IV. Growth and profit of the General Electric Co.
> Chapter V. Comparative importance of the General Electric Co.

And so forth, and so forth. No one has called attention to anything in either of these reports which deals with the subject that we are seeking to inquire into by the resolution now under consideration by the Senate. I ask that this index be incorporated in the RECORD as a further exhibit to my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The matter referred to will be found as Exhibit No. 3, at the end of the speech of Mr. WALSH of Montana.)

Mr. WALSH of Montana. Mr. President, let me inquire whether it is possible to find anywhere anything like the facts that I presented to the Senate on day before yesterday concerning the capitalization of the corporation developing the Mitchell Dam project in the State of Alabama on the Coosa River, showing that out of an investment of $10,900,000, as returned by the company, at least $3,000,000 were thrown out by the auditors of the Federal Power Commission as entirely unwarranted; and yet the great sum of $10,900,000 was to be made the basis of the rates that the people in that locality were to pay for all time to come for the service that was to be rendered from that project. Nothing of that kind will be found in the report of the commission.

Mr. President, I inquire of Senators whether it is not altogether likely that exactly the same process of padding has taken place with reference to many of the corporations that

are thus offering their service to the public without any real substantial values back of them?

When this matter was before the Interstate Commerce Committee attention was called to an article appearing in a St. Louis newspaper concerning transactions connected with the Laclede Gas Light Co. of that city. It was disclosed that a man came into that city and, in the short space of two or three years, bought up the Laclede light plant of the city of St. Louis and put out bonds and stock to the amount of something over $4,000,000 that had not a penny of assets back of them. Mr. President, those were circulated and sold to the general public through a banking house in the city of Pittsburgh. The editorial appearing in the St. Louis Post-Dispatch of January 17, 1928, in reference to the Laclede Co. is as follows:

WHAT HAPPENED TO LACLEDE?

The Post-Dispatch does not know, and does not pretend to know, what will happen if the State public-service commission permits the City Utilities Co. to purchase 40 per cent of the stock of the Public Service Co.

The Post-Dispatch does know what happened to the Laclede Gas Light Co.

Charles A. Munroe came down from Chicago in 1924 and bought control of Laclede. The price was $5,650,000. He himself put up $1,200,000, and five of his associates supplied the $4,500,000.

Mr. Munroe came to St. Louis with admirable sentiments and pretty words. This was not speculative adventure for him. This was an investment. St. Louis was to be his home. He had left Chicago forever. Such, in substance, was his salutatory. The State public service commission, we imagine, remembers Munroe's pleasing manner and beguiling talk.

What happened? Munroe at once organized a holding company under the name of the Laclede Gas & Electric Co. The only property of that holding company was the common stock of the Laclede Gas Light Co.

What next? With this common stock as its only security, the holding company issued the following securities: Bonds, $4,700,000; preferred stock, $1,260,000; common stock, 200,000 shares.

The next step? Munroe gave the bonds to his five associates to reimburse them for $4,500,000 they had provided in the original purchase. He kept the $1,260,000 of preferred stock to reimburse himself for his original investment. Of the 200,000 shares of common stock, Munroe kept 60 per cent and his five associates got the remaining 40 per cent.

About a year later the five associates sold their $4,700,000 of bonds to the Union Trust Co. of Pittsburgh, which in turn sold them to the investing public.

The status then was: Munroe and his five associates, by possession of the common stock of the holding company, retained controlling ownership of the Laclede Gas Light Co. and it had not cost them a cent. Subsequently they sold this control to another Chicago public-utility magnate at a handsome profit. Munroe cleaned up something like $4,470,000.

Is this typical of holding company financing? We do not say so. But it did happen in the case of Laclede, and if there is anything to prevent similar juggling with our local transportation utility, other than the disinclination of Mr. Newman and his associates to make a lot of money, we should like to know what it is.

This is not unusual, Mr. President; it is not at all unusual. My files are stacked with information of exactly the same character. Indeed, I asserted in the address which I made in the Senate a year ago, and I am informed upon the most reliable authority, that one of the organizers of these great combinations has cleaned up within the last two or three years something like $200,000,000. Of course, either the stocks which were sold to the public have nothing back of them better than water or air, or else the people of the country are obliged to make up the amount in the excess rates which they are obliged to pay for the service of these public utility corporations.

But, Mr. President, it is suggested that there was no showing before the Interstate Commerce Committee warranting this investigation, and when I asserted that there was no one appearing against the resolution and against the investigation except representatives of the very industry that was to be investigated, it was retorted that I did not bring witnesses to testify that the rates were excessive. No; but the committee had before it the address which I delivered here in the Senate, as I said, a year ago, and in that address I showed that the price of the stocks of some of these great holding companies have mounted high within the last few years. Thus, the stock of the American Gas Co. that was quoted in 1921 at 49 went up in 1924 to 140 and in 1925 to 179; the stock of the American Light & Traction Co., quoted at 112 in 1921 was quoted at 249 in 1925; the stock of the American Water Works & Electric Co., quoted at 6 in 1921 went up to 200 in 1925; the stock of the Midwest Utilities Co., the Insull company, quoted at 24 in 1921 mounted to 112 in 1925; the stock of the North American Co., quoted at 46 in 1921 mounted to the almost inconceivable figure of 687 in 1925.

I should say in explanation with reference to the North American Co. that their stock was originally $100 face value and that $100 face value stock was quoted in 1921 at $46 a share. They then split it up into $10 shares, and the $10 shares were in 1925 quoted at $68 a share; in other words, there was an advance from $46 to $680 on the basis of the old stock of 1921. What do those figures indicate? They indicate that the corporations have been making inordinate profits upon their stocks, and therefore the stocks have commanded these high prices in the market.

But, Mr. President, that was not the only evidence submitted to the committee to show that inordinate and excessive prices for service have been charged for and have been received by these companies. There was abundant other evidence. It was in evidence that there had been practically no decline whatever in the price of electrical energy, or something like half a cent per kilowatt-hour, between 1921 and 1925. Yet it is well known that all commodities generally fell in price during that same period something like 60 per cent. In other words, the same money which the public utilities were earning in 1921 would buy in 1925 at least 40 per cent more of the commodities generally purchased than their earnings would buy in 1921. The price of electric service did not go down in proportion to the decline in the price of other commodities, and particularly the price of farm commodities.

More than that, Mr. President, during this time the cost of producing electrical energy was constantly declining, so that the quantity of coal which was required to produce a certain amount of energy in 1920, in 1925 produced something like two or three times as much; in other words, the industry had been established, improved, and perfected; the art had so advanced that the cost of producing electrical energy declined very materially during that time. That is established by facts to which I have called the attention of the Senate, indubitable in character because they come from the census reports of the United States.

But, Mr. President, I offered also to produce, and I can produce before any commission or committee that investigates this matter, a well-informed and capable man for over 10 years in the service of one of these great companies, who will testify from the reports of these companies themselves, that the rates are excessive, and that their net returns are far beyond anything that is necessary in order to secure new money for the purpose of additions, improvements, or new construction.

I did not, however, introduce this evidence before the committee. I could have gone on and supplied a lot of the material that was furnished by the Senator from Nebraska yesterday in his illuminating address, but that would have been to try this matter before the Interstate Commerce Committee.

I reserved that to be presented before the committee to be appointed under this resolution, if the committee was to be appointed, because, of course, all of this would be subject to explanation. Perhaps the apparent effect of it could be overcome. In other words, I was not going to try this matter before the Interstate Commerce Committee. My resolution was to try it before a special committee appointed by the Senate; but I could have gone on, and I could have given some very interesting figures. I could have called attention to the marvelous success that has attended the operation of the municipal light plant at the city of Tacoma, at the city of Los Angeles, at the city of Cleveland, and at the city of Seattle, and I could have compared the prices that are charged by those municipal utilities with the charges of the private corporations operating in the same territory.

I have here a letter from the engineer in charge of the electric-light plant at Tacoma, municipally owned. In this he says—and I shall ask that the entire letter be incorporated in the RECORD:

In my judgment the time has come when a thorough investigation of the power and light industry of this country is imperative; that is, from the standpoint of the people and industries of the country deriving the benefits from our power resources. I am convinced that the cause which affects the high rate structure of practically every privately owned power and light utility lies in the financial set-ups of these companies. You will glean from my articles my version of this particular phase which so greatly affects the industry as it stands to-day.

Then he sent me another letter under date of November 30, 1927, in which he tells me that the average rate for all classes of energy supplied by the city of Tacoma is 1.0427 cents—that is, about 1 1/20 cents—per kilowatt-hour. Is the Senator from New York [Mr. COPELAND] giving me his attention? The rate is 3 cents in Niagara, the Senator tells us. The average rate in the city of Tacoma from a municipally owned plant is 1 1/20 cents.

I ask that these two letters be incorporated in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letters are as follows:

CITY OF TACOMA,
September 26, 1927.

Senator THOMAS J. WALSH,
Washington, D. C.

DEAR SIR: I am keenly interested to know what you have in mind regarding the instituting of a fight in the coming session of Congress for an investigation of the power industry of this country. I hope you will not think me presumptuous in writing to you and transmitting under separate cover some data which I feel you will be interested in.

I have spent several years in a study of the electric-rate structure of this country, and have prepared a considerable amount of data pertaining to it.

Some months ago I sent to Senator NORRIS some rate comparisons made between the Alabama Power Co. and the municipally owned Power & Light Utility here in Tacoma. This study covers all of the different classifications of service, and I am sending it to you, together with a series of articles written during our last State legislature session at the time we had a power bill before them.

You undoubtedly will be interested in knowing that the city of Tacoma offers the lowest power and light rates found in America. This fact is incontrovertible, and I have in my file the supporting evidence, namely, a comparative rate study of every classification of service in every State in the Union.

In my judgment the time has come when a thorough investigation of the power and light industry of this country is imperative; that is, from the standpoint of the people and industries of the country deriving the benefits from our power resources. I am convinced that the cause which affects the high rate structure of practically every privately owned power and light utility lies in the financial set-ups of these companies. You will glean from my articles my version of this particular phase which so greatly affects the industry as it stands to-day.

If at any time I may be of service to you during the controversy which naturally will be precipitated when a movement of this kind is started, I want you to feel free to call upon me.

We have made considerable progress in the State of Washington along this line and we have in the way of a practical example the cities of Tacoma and Seattle, which is of invaluable support in fighting the rate structure of the private power companies. Taken as a whole, rates are considerably lower in this section of the country than in the eastern section. I attribute this directly to the effort expended in this State, together with the practical demonstration of our publicly owned plants.

Yours sincerely,

KENNETH G. HARLAN,
Public Utility Engineer.

TACOMA, WASH., *November 30, 1927.*

Senator THOMAS J. WALSH,
Washington, D. C.

DEAR MR. WALSH: Replying to your letter of November 18, or rather to the inclosure dated November 17, which was in answer to my letter of September 26, I am inclosing a table showing the different classifications of service in Tacoma, together with the total revenues derived from each classification and average rate per kilowatt-hour. The commercial lighting classification includes both residential and commercial service. The city of Tacoma did not segregate these classifications until recently—in a few months we will be able to make the segregation between residential and commercial. The commercial power classification includes all power business with an average rate of 6.37 mills. The greater part of the last item, "Energy to other utilities," represents power furnished to the municipal lighting plant of Seattle.

The average rate of 1.0427 cents, which represents the combined classifications of service is, of course, an especially low average rate; moreover, it is a rate that can not be matched by any rate in America, and when we make this statement it is made without fear of successful contradiction, because the exhaustive studies that I have made are conclusive evidence that this rate is not only the lowest rate but is substantially below any other which to-day exists.

The reason for Tacoma's low power and light rates is obvious, and you no doubt are aware of the conditions that have made possible this low-rate structure. Briefly, it can be predicated upon three outstanding conditions: First, a low cost of horsepower (kilowatt development); second, the greater part of the indebtedness has been amortized. At this date the outstanding indebtedness represents less than $30 per horsepower; this may be contrasted with the private power companies' indebtedness, which exceeds $400 per horsepower.

Third, notwithstanding the private power companies' claim that our plant is politically operated and consequently wasteful, our operating expense record purports to show that our power and light system has been operated with exceptional efficiency and low cost per kilowatt output and per kilowatt-hour sold.

The private power companies, in my judgment, will never be able to match Tacoma's rates, because their outstanding indebtedness never diminishes, but constantly increases year after year, which necessitates additional revenues to be secured through the medium of rates to pay interest upon indebtedness which will never be amortized.

In face of Tacoma's low rate, our power and light plant, last year, earned a net of approximately $1,000,000, and notwithstanding a substantial reduction amounting to approximately 17 per cent this year's indications are that our net earnings will exceed $1,000,000.

I have a great deal of data which is, in my opinion, pertinent to your issue, but it is a little difficult to segregate this data and to know exactly what portions would serve you best.

I have sent Senator NORRIS a considerable amount of data, mostly comparative tables of power and light rates. I have compilations for all comparative rates, for all classifications of service, in all parts of the United States. I also have considerable information pertaining to the Ontario Power Commission's operations and pertaining to the regulatory methods and policies of the various power companies operating throughout the United States.

If I can be of further service in the fight you are contemplating you may feel free to call upon me as I am extremely interested in the issue and assure you that I will gladly lend you any support that is in my power to give.

Naturally, because of the struggle we have had in this State over this same issue, we have accumulated a great deal of data and have devoted a great deal of study, not only to the issue as it affects our State, but to the broader principles as they affect the entire Nation.

At an early date I will forward several photostatic copies of the inclosed tables.

Yours sincerely,

KENNETH G. HARLAN,
Public Utility Engineer.

Mr. WALSH of Montana. With these letters there came some figures quite like those given to the Senate by the junior Senator from Nebraska [Mr. HOWELL] on yesterday. Mr. Harlan furnished me a table, a comparison of rates charged by the municipal plant of Tacoma, Wash., and the rates charged by the Alabama Power Co.

In Tacoma the contractor for 10 horsepower, or 7.46 kilowatt-hours, gets his power for 1.47 cents. The Alabama Power Co. charges for the same thing 4.38 cents.

For 25 horsepower the city of Tacoma charges 1.47 cents. The Alabama Power Co. charges 3.88 cents.

For 50 horsepower the city of Tacoma charges 1.47 cents. The Alabama Power Co. charges 3.63 cents.

For 200 horsepower the city of Tacoma charges 0.976 cent. The Alabama Power Co. charges 1.1 cents.

So on down the list.

For 20,000 horsepower the rate in Tacoma is 0.377 cent, and the Alabama Power Co. charges 0.853 cent.

In other words, as compared with the Alabama Power Co. the Tacoma rates show a difference in the case of small quantities of power of 198.2 per cent, and in the case of large quantities of power of 126.3 per cent. These figures are the figures given out by the Alabama Power Co. itself as to its territory, while the figures given by Tacoma are fixed by the ordinance of the city of Tacoma.

I ask that this table be incorporated in the RECORD as part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Comparison Tacoma municipal lighting versus Alabama Power Co.

POWER

Horsepower	Kilowatts	Load factor	Consumption, kilowatt-hour	Monthly cost		Average rate per kilowatt-hour		Difference	Per cent difference
				Tacoma	Alabama Power Co.	Tacoma	Alabama Power Co.		
		P. ct.				*Cents*	*Cents*	*Cents*	
10	7.46	15	805.7	$11.86	$25.36	1.472	4.389	2.917	198.2
		25	1,342.8	14.54	48.05	1.083	3.578	2.495	230.4
		40	2,148.5	18.57	64.16	.864	2.986	2.122	245.6
25	18.65	15	2,014.2	29.65	78.26	1.472	3.885	2.413	163.9
		25	3,357.0	36.37	105.12	1.083	3.131	2.048	189.1
		40	5,371.2	46.44	141.69	.865	2.638	1.773	205.0
50	37.30	15	4,028.4	59.31	146.52	1.472	3.637	2.165	147.1
		25	6,714.0	72.74	183.09	1.083	2.727	1.644	151.8
		50	13,428.0	106.31	250.23	.792	1.864	1.072	135.4
75	55.95	20	8,056.8	99.03	224.50	1.229	2.786	1.557	126.7
		30	12,085.2	119.17	264.78	.986	2.191	1.205	122.2
		50	20,142.0	159.46	345.21	.792	1.714	.922	116.4
100	74.60	20	10,742.4	129.82	279.32	1.208	2.600	1.392	115.2
		30	16,113.6	156.68	333.04	.972	2.067	1.095	112.7
		50	26,856.0	207.12	433.60	.771	1.615	.844	109.5
200	149.20	20	21,484.8	209.64	236.33	.976	1.100	.124	12.7
		30	32,227.2	259.79	354.50	.806	1.100	.294	36.5
		50	53,712.0	324.24	581.48	.604	1.083	.479	79.3

Comparison Tacoma municipal lighting versus Alabama Power Co.—Con.

POWER—continued

Horsepower	Kilowatts	Load factor	Consumption, kilowatt-hour	Monthly cost		Average rate per kilowatt-hour		Difference	Per cent difference
				Tacoma	Alabama Power Co.	Tacoma	Alabama Power Co.		
		P. ct.				Cents	Cents	Cents	
300	223.80	20	32,227.2	$289.47	$354.50	0.898	1.100	0.202	22.5
		30	48,340.8	344.68	525.08	.713	1.086	.373	52.3
		50	80,568.0	441.37	858.18	.548	1.065	.517	94.3
500	373.00	25	67,140.0	474.19	722.47	.706	1.076	.370	52.4
		50	134,280.0	675.61	1,361.02	.503	1.014	.511	101.6
		90	241,704.0	997.88	2,306.98	.413	.954	.541	131.0
750	559.50	25	100,710.0	666.29	1,058.89	.662	1.051	.389	58.8
		50	201,420.0	968.42	1,964.57	.481	.975	.494	102.7
		90	362,556.0	1,451.82	3,334.23	.400	.920	.520	130.0
1,000	746.00	25	134,280.0	858.38	1,361.02	.639	1.014	.375	55.9
		50	268,560.0	1,261.22	2,535.26	.470	.944	.474	100.9
		90	483,408.0	1,905.76	4,361.47	.394	.902	.508	128.9
2,500	1,865.00	25	335,700.0	2,010.95	3,105.95	.599	.925	.326	54.4
		50	671,400.0	3,018.05	5,959.40	.450	.888	.438	97.3
		90	1,208,520.0	4,629.41	10,524.92	.383	.871	.488	127.4
5,000	3,730.00	25	671,400.0	3,931.90	5,959.40	.586	.888	.302	51.5
		50	1,342,800.0	5,946.10	11,666.30	.443	.869	.426	96.2
		90	2,417,040.0	9,168.82	20,797.34	.379	.860	.481	126.1
10,000	7,460.00	25	1,342,800.0	7,773.80	11,666.30	.579	.869	.290	50.1
		50	2,685,600.0	11,802.20	23,080.10	.439	.859	.420	95.7
		90	4,834,080.0	18,247.64	41,342.18	.377	.855	.478	126.8
15,000	11,190.00	25	2,014,200.0	11,615.70	17,373.20	.577	.863	.286	49.6
		50	4,028,400.0	17,658.30	34,493.90	.438	.856	.418	95.4
		90	7,251,120.0	27,326.46	61,887.02	.377	.853	.476	126.3
20,000	14,920.00	25	2,685,600.0	15,457.60	23,080.10	.576	.859	.283	49.1
		50	5,371,200.0	23,514.40	45,907.70	.438	.855	.417	95.2
		90	9,668,160.0	36,405.28	82,431.86	.377	.853	.476	126.3

Mr. WALSH of Montana. I was also furnished a schedule of the total revenues from all classes of power, the total number of kilowatt-hours, and, of course, the quotient of the two, the average rate per kilowatt-hour.

For commercial lighting, metered, the rate in Tacoma is 1.91 cents—just a little under 2 cents per kilowatt-hour for commercial lighting.

For commercial power, metered, the rate is sixty-three one-hundredths of a cent.

For municipal street lighting the rate is ninety-two one-hundredths of a cent.

For municipal building lighting the rate is 1.02 cents.

For municipal power the rate is sixty-four one-hundredths of a cent.

For other public and grounds lighting the rate is 1.56 cents.

For other public institutions' power the rate is sixty-six one-hundredths of a cent.

For electrical energy to other utilities the rate is forty-nine one-hundredths of a cent.

The average of all of these is 1.04 cents.

I ask that this schedule be incorporated in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Operating revenues for 12-month period of October, 1926, to September, 1927, inclusive

	Total kilowatt-hours	Total revenues	Average rate per kilowatt-hour
			Cents
Commercial lighting, metered	54,092,697	$1,035,441.36	1.9142
Commercial power, metered	80,342,282	512,238.84	.6376
Municipal street lighting	5,363,182	49,383.80	.9208
Municipal building lighting	630,356	6,469.80	1.0264
Municipal power	2,337,978	15,032.80	.6430
Other public and grounds lighting	677,755	10,576.29	1.5605
Other public institutions, power	2,480,502	16,439.11	.6672
Electrical energy to other utilities	22,723,579	112,976.30	.4972
Total	168,648,331	1,758,558.30	1.0427

KENNETH G. HARLAN,
Public Utility Engineer.

TACOMA, WASH., *October 22, 1927.*

Mr. WALSH of Montana. It appears that out there in the State of Washington they have been having quite a contest between these municipally owned plants of Seattle and Tacoma and the plants of the private corporations operating in the State of Washington, so that a comparison can be instituted between the municipal plants and the private plants operating in exactly the same territory.

Thus, the Puget Sound Power & Light Co. furnishes light for Seattle in part, Bellingham, and Everett. Its average rate is 1.64 cents.

In Tacoma the rate is 1.24 cents.

In Spokane the rate is 1.86 cents.

The rate of the Grays Harbor Railway & Light Co. is 3.53 cents.

The rate of the Yakima-Walla Walla system is 3.69 cents.

Walla Walla pays 4.37 cents.

Yakima pays 4.18 cents.

Pomeroy pays 6.15 cents.

Portland, Oreg., pays 2.03 cents.

I offer for the RECORD the article in which this schedule appears.

The PRESIDING OFFICER. Without objection, the article will be printed in the RECORD.

The matter referred to is as follows:

TACOMA RATES ARE LOWEST IN THE STATE—POWER COSTS LOCAL USERS ONE-THIRD LESS THAN IN SEATTLE AND ONE-HALF LESS THAN IN SPOKANE; YAKIMA STILL HIGHER

[The second of a series of articles on the Metcalf power bill from the city's standpoint.]

By Kenneth G. Harlan, public-utility expert for city of Tacoma

The electrical rate structure of this State has been subject to much controversy. Rate comparisons have repeatedly been made in support of divers contentions. However, the ordinary rate comparison is of little value, for there are points in any rate structure that can easily be chosen which will purport to show to the advantage or disadvantage of each respective utility. In order to make proper comparisons, various factors must be given due consideration; for instance, a comparison based upon a consumption of electricity at an extremely low point, or vice versa, carries an erroneous impression because of the fact that only a small per cent of service falls within its scope.

Proper and fair comparisons can only be made upon energy consumption falling in the zones which represent the bulk of service. Also comparisons are often made upon certain schedules which represent only a small portion of service such as special power rates applicable to a small restricted classification. Obviously, such comparisons, while they may be properly computed, are void of any material importance, nor can they be seriously considered when true comparison of rates are sought.

A method of rate comparison, however, which is accurate and true, is the comparison of the total amount of energy sold to customers divided into the gross revenues received therefrom which results in an average rate. Such computations can either be based upon each schedule or by combining all schedules. Space will not permit comparisons of each schedule; therefore, comparisons of combined schedules must suffice.

	Kilowatt-hours	Operating revenue	Average rate per kilowatt-hour
Year 1925			
			Cents
Puget Sound Power & Light Co. (Seattle, Bellingham, and Everett)	257,204,373	$4,240,998.60	1.6488
Spokane	123,928,713	2,312,872.92	1.8663
Tacoma	131,415,703	1,633,654.94	1.2431
Grays Harbor Railway & Light Co.	17,169,897	606,824.72	3.5342
Year 1925			
Yakima-Walla Walla System	44,657,322	1,649,679.02	3.6943
Walla Walla	8,771,381	383,328.98	4.3702
Yakima	13,562,740	567,399.91	4.1835
Pomeroy	533,608	32,834.51	6.1583
Portland, Oreg.	301,631,116	6,146,401.24	2.0377

AVERAGE POWER RATE

The foregoing computations are based upon the combined amount of energy served annually to all classifications of business divided into the total revenue received, which gives the average rate of kilowatt-hour, and which in the last analysis reveals the true status of the rate structure, irrespective of what may result in the comparison of rates at certain points or in certain schedules or classifications of service. It is interesting to note the low average rate given by the city of Tacoma as compared to the average rate per kilowatt-hour for power companies. The following tables will emphasize to a greater extent the pronounced difference which exists:

Seattle, Everett, and Bellingham (year 1925)

257,204,373 kilowatt-hours, at 1.6488 cents (Seattle, Everett, Bellingham)	$4,240,998.60
257,204,373 kilowatt-hours, at 1.2431 cents (Tacoma)	3,197,307.56
Savings based on Tacoma average rate	1,043,691.04

From the above table it is apparent that had the cities of Seattle, Everett, and Bellingham enjoyed the average rate which Tacoma gives

to her people and industry, those cities would have been saved $1,043,691.04, or, putting it another way, these cities paid an average rate which was 33 per cent greater than that of Tacoma. The foregoing computations are based upon the Puget Sound Power & Light Co. rates, and do not include Seattle's city light plant.

Spokane (year 1925)

123,928,714 kilowatt-hours, at 1.8663 cents (Spokane)	$2,321,872.92
123,928,714 kilowatt-hours, at 1.2431 cents (Tacoma)	1,540,557.84
Savings based on Tacoma average rate	772,315.68

If Spokane had Tacoma's average rate, it would have saved to its people and industry $772,315.08, or, in other words, its average rate was 50 per cent above the average rate paid in Tacoma. According to information at hand, this sum which would have been saved to the city of Spokane alone equals very closely the total amount of taxes paid to the State of Washington by all of the private companies on their power and light properties. But the people of Spokane apparently are satisfied with their rates; Mr. Post, general counsel for the Washington Water Power Co., stated before a public legislative hearing at Olympia a few days ago that the people in his section had their feet on the ground and that the Spokane rates were the lowest in the State.

PEOPLE SATISFIED

Mr. Post surely did not expect such remarks to be taken seriously, although, apparently, such glittering generalities have served their purpose in his locality, but it is wondered if the people of Spokane really knew the true rate conditions whether or not they would continue to keep their feet "firmly upon the ground." Spokane has always been in a strategic position in respect to electric power; that city was endowed with a wonderful waterfalls in the heart of its business district. Seldom, if ever, has there been a city gifted in such a way; but has the city of Spokane or its industry capitalized this gift? The answer is obvious, for its people and its industry are paying rates 50 per cent above those paid in Tacoma, where energy is transmitted for many miles. Some day, we venture, the people of Spokane will get their feet off the ground at least long enough to peer over the almost impenetrable propagandic wall that has been built around them and view the power situation in its true light.

Portland (year 1923)

301,631,116 kilowatt-hours, at 2.0377 cents (Portland)	$6,146,401.24
301,631,116 kilowatt-hours, at 1.2431 cents (Tacoma)	3,749,576.40
Savings on Tacoma's average rate	2,396,824.84

Tacoma's average rate would have saved to the people and industry of Portland in the year 1923 $2,396,424.84. This represents more than the combined taxes of all the utilities, electric, railway, water, and gas in the entire State of Oregon.

Yakima (year 1923)

13,562,740 kilowatt-hours, at 4.19 cents (Yakima)	$567,399.91
13,562,740 kilowatt-hours, at 1.2431 cents (Tacoma)	168,598.42
Savings based on Tacoma average rate	398,801.49

Had the people in Yakima enjoyed Tacoma's average rate they would have saved to that community $398,801.49. It would be unfair to the private power companies to contend that Tacoma's average rate should be in effect in Yakima. It is fully recognized that it costs more to serve in a sparsely settled district than it does in a densely populated territory. The significance of this situation is thoroughly realized and proper consideration has been allotted to it. However, it can not be recognized to the extent of the existing rate differentials or to an average rate of more than three times that which is paid in Tacoma.

The people in the Yakima district, in the event that the Metcalf power bill becomes a law, could build a "tie line" to the closest point in the system now owned and operated by the municipally owned plants, purchasing their energy from this source and thereby would be able to enjoy a rate much less than that which they are now paying to the private power company. Then surely this matter must bear a close relation to the proposed power issue. The opinion has been expressed that the matter of rates is irrelevant to the Metcalf power bill and that rates have no relation to taxes. It seems absurd that anyone who has given serious thought to this subject could fail to recognize the existing relation.

(The succeeding article will be given to a discussion of the reasons why municipally owned and operated plants are able to sell at a lower rate.)

Mr. WALSH of Montana. Then in the controversy had out there it was represented, as has been so often represented, that of course the municipal plant does not pay any taxes, and therefore it can afford to offer its service and its energy at a less rate than the privately owned corporation; but the gentleman who runs the plant out there, Mr. Kenneth Harlan, an eminent engineer, takes up that matter in a discussion, and shows that the amount of taxes paid by the private corporation, distributed proportionally in its business, makes practically no difference whatever in the total rate per kilowatt-hour. In other words, if the amount paid for taxes per kilowatt-hour produced were added to the rate charged by the municipality, it would still be very materially less than the rate charged by the private corporation.

I ask that Mr. Harlan's article on that subject, and two other articles by him on the same general topic, be incorporated in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

EXPERT DISCUSSES METCALF MEASURE—RELATION OF COST OF ELECTRIC POWER TO TAXES PAID BY PRIVATE COMPANIES EXPLAINED BY TACOMA PUBLIC-UTILITY ENGINEER

By Kenneth G. Harlan, public-utility expert for city of Tacoma

(In the following article, Mr. Kenneth G. Harlan, public-utility expert for the city of Tacoma, sets forth the reasons, from the city's standpoint, why the legislature should pass the Metcalf power bill.)

Misapprehension concerning many aspects of the proposed power measure now before the State legislature appears prevalent not only in the minds of a great many citizens of this State but also among the majority of our legislators at Olympia, as well as newspaper correspondents at the statehouse. From numerous sources, and particularly those emanating from Olympia and through various newspapers, inference has been given that the proponents of the power measure have failed to present material or relevant facts in support of the power bill.

Such an impression, particularly when left with members of the legislature and broadcast through the columns of the public press, manifestly creates a reaction which is not in keeping with the true facts, but which undoubtedly is very gratifying from the standpoint of the private power interests.

The writer is somewhat curious to know just what facts are considered pertinent or relevant to this issue. It is true that if all the facts and data presented by the proponents of the power measure are to be ridiculed, belittled, and even contorted, then as a natural consequence the glittering generalities propounded by the principals and sympathizers of the private power interests will continue to influence the minds of the legislators at Olympia, as well as a great many voters in this State.

As a result of such clever manipulation and subterfuge, misconception prevails and it is because of this condition the writer has submitted to set forth in the columns of the newspapers certain concrete figures and facts which it is hoped will deal with this State's power issue in a comprehensive and relevant manner. The figures used in these articles have been taken directly from the books and records of the respective power companies in this State. Therefore they are in reality their own figures, and must be incontrovertible; the conclusions are the natural results of the figures themselves. Admittedly, statistics and figures are tiresome and uninteresting to a great many; they lack "emotional appeal," but it is imperative from a standpoint of equitable and fair determination of the power issue that concrete figures and facts, rather than phrases and generalities, be the influencing factors in the disposition of such an issue.

FACTS AVAILABLE

There is available in this State to-day a mass of condensed figures and facts that are not only pertinent and relevant, but relate directly to the power measure; they are not only available, but have been offered to the legislative bodies of this State; their authenticity and propriety may readily be determined through the department of public works, located within a few steps from the legislative halls. Earnest appeal is made to every member of the 20th session of the legislature entreating them to give this issue an open-minded and unbiased opinion; to analyze to a final conclusion the records which may be had; then when the roll is called upon Senate bill 159 to discharge their duties to the people of this State in a courageous manner, predicated upon thorough knowledge of the material facts.

Irrespective of the outcome of this bill, the power issue will remain a live issue, and with little doubt, if it fails in this session of the legislature, will again be carried to the voters of this State, where in the past two years its support has grown with such increasing intensity that its approval by the people seems assured. For this reason, if for no other, the legislature should attempt to solve the power problem at this time and, if failing in a solution, should refer it to the people of this State at the next general election.

The power issue as it now stands before the State legislature in the form of the Metcalf power bill is not new. In substance it is the same issue that has been before this State for many years, and obviously it will remain a paramount issue until such time that a law is placed upon the statute books which will permit the people to enjoy a competitive field in the power and light industry. The proposed Metcalf power bill would give cities a right to compete with private power companies outside of their corporate limits for a distance of 10 miles. It would give the right to purchase to any other city or governmental agency owning its own distribution system situated within 50 miles of the corporate limits or 25 miles of a transmission line connecting a city with this power plant. Such city or town would likewise be

permitted to sell electrical energy within 10 miles of its corporate limits.

During the Bone power bill campaign in the year 1924 the private power company speakers on numerous occasions vigorously contended that it was not competition they feared. They boasted of their efficiency in power production and distribution and condemned in no uncertain terms the efficiency of what they branded "politically managed plants." They averred that their real objection to a power measure of this kind was not because of competition but because of the unfairness in taxing their business while the competing cities would go tax free.

Apparently these contentions were not made in good faith, for it now seems obvious that no matter what kind of a power bill might be submitted if it conferred the right to cities to enter the territory that the private power companies call "our territory" such would meet with just as bitter opposition from the private power interests. This fact is borne out in the present Metcalf power bill, which would cause a 5 per cent tax to be levied upon gross operating revenues, yet notwithstanding this tax, which was proposed for the purpose of placing competition upon a parity so far as taxes were concerned, it is very apparent that just as vigorous opposition is manifested by the private power interests as there was against the Bone bill, which did not carry a tax at all.

It may be contended that the proposed tax of 5 per cent in the Metcalf power bill is insufficient and possibly not equal to that which the private power company pays. The question of taxes which should be imposed on gross sales in order that it be comparable to that paid by the private companies was a subject of careful consideration, and it was found that 5 per cent corresponds very closely to the actual taxes paid to the State of Washington upon power and light properties. The following figures are set forth in support of the foregoing statement. These figures were taken directly from the books of the Pacific Power & Light Co. and show the exact amount of taxes it paid to the State for the year 1923:

Real and personal taxes	$80,732.25
Gross operating revenues	1,649,679.02

Taxes equal 4.89 per cent of gross operating revenues.

From the above figures it is apparent that the Pacific Power & Light Co., which operates in the entire southeastern section of this State, actually paid to the State a tax of 4.89 per cent, based on its gross sales; yet, in face of this fact, the said company furnished its share of the propaganda that has been broadcast to the remotest corner of this State, declaring that the private power company paid $10 in taxes to the State out of every $100 that they received in gross revenues. In order that the writer's statements may not be construed as "mere conversation," the following excerpt from a pamphlet issued in the year 1924 is presented:

"CLAIM TO PAY 10 PER CENT

"Few citizens of the State realize that the power company, according to law, pays 10 per cent of its gross revenues into State taxes and is therefore one of the heaviest taxpayers of the State. In the southern section of the inland empire the Pacific Power & Light Co. pays a total of $103,000, while in the Walla Walla district alone the taxes amount to $41,000."

To emphasize the absolute disregard this private power company had for veracity, attention is directed to the actual taxes paid in Walla Walla County in the year 1923, which amounted to $8,616.25, as compared to the $41,000 that appears in the published statement, and 4.89 per cent as a combined tax paid to the State instead of 10 per cent as claimed. The Puget Sound Power & Light Co. has persistently set before the public the statement that out of each $100 received in operating revenue they pay $8.86 to the State in taxes.

This tax appeal has drawn to them a great many supporters, but because the statement is only half true, the argument based upon it should have nothing to commend it. It seems pertinent at this time, in order that the tax statement of the private power companies be clarified, to again ask these companies to allocate these taxes to their different holdings; render a statement to the legislature of this State, showing what portion of the $8.86 out of every $100 represents Federal income tax, taxes on electric-railway systems, coal mines, bus lines, and other allied enterprises.

It seems high time that the State should know the exact facts relating to these taxes which the private companies claim they pay, for the thing which seems most relevant at this time is the amount of taxes that the private power interests pay upon their power and light properties in this State. By virtue of the actual case of the Pacific Power & Light Co., it seems reasonable to assume that the taxes paid by Stone-Webster and the Washington Water Power Co. should be very close to those paid by the Pacific Power & Light Co., which amounted to $4.89 out of every $100 in revenue, instead of the $10 which they claim.

FIVE PER CENT TAX SUFFICIENT

In further support of the 5 per cent tax proposed in the Metcalf bill, it is found that in the year 1925 the private companies of this State received in gross revenues from the sale of electrical energy $17,346,097. Five per cent of this equals $867,304.85. It would seem that this figure could be used to advantage by the legislature; if it is found by them that the actual taxes paid to the State by the private power companies upon their power and light properties exceed this figure, then some fault might be found with the Metcalf power bill.

On the other hand, if it is found that the taxes paid by the private power companies are in the proximity of the $867,304.84, it would indicate that the tax feature in the Metcalf power bill is equitable and fair. The only case where allocation has been made public to the writer's knowledge was in the case of the Pacific Power & Light Co. above referred to, which strongly supports the 5 per cent tax.

Looking at the tax question from another angle, the Yakima-Walla Walla region in the year 1923 furnished 23,000 customers for the private power company. Predicated upon the aforementioned taxes paid by this company, it is found that each customer paid for the company in their power and light bills an average tax of $3.33 per customer per year. For many years the patrons of this power company were dissatisfied with rates prescribed and in the year 1925, after a hard-fought battle on rates before the regulatory body of this State, and after municipal development had been threatened, an annual reduction of $250,000 was secured. Compare this savings to taxes. The savings resulting from the rate fight, based upon customers, amounted to an average of $10.87 per customer per year, or more than three times the amount of the charge for taxes.

TAX COLLECTORS

I say "charge" for taxes, because it must be admitted that the private power companies in reality do not pay taxes. They are tax collectors, but the taxes are paid by their customers, for the reason that they are not on a competitive basis, but, instead, fall under State regulation, which permits them to earn a fair rate of return after all operating expenses and taxes are deducted.

Aberdeen is another case where the mere threat of municipal development brought down the rates of the private company so that the savings represented many times what the taxes were. If, in the case of southeastern Washington, $10.87 per customer each year could be saved through an organized fight and through a mere gesture toward a publicly owned plant, and if the city of Aberdeen by mere threat of municipal development could force rates down so that the savings in these respectives districts equaled many times what the taxes paid by them for the private power company amounted to, then what would be the effect of the Metcalf power bill upon not only certain districts in this State, but upon every district? It seems reasonable that rates would immediately be reduced by the private power companies to a level where there would be no incentive on the parts of various districts to seek competition through "tie line" service from the municipally owned plants.

In the event that such assumptions are correct, what would be the effect of a small reduction in rates? In the year 1925 there was served to the people and industry of this State by the private power company, in round figures, 990,000,000 kilowatt-hours. Assuming that the effect of the Metcalf power bill would result in a reduction of only 1 mill, or one-tenth of 1 cent, per kilowatt-hour, the savings to power and light consumers in this State now receiving service from the private companies would be $990,000.

FINANCING CAUSES HIGH POWER RATES—BONDS AND STOCK ISSUED ON "HOPES" AND GOOD WILL MUST PAY DIVIDENDS TO PARENT COMPANY—ORIGINAL COST NEVER AMORTIZED

By Kenneth G. Harlan, public-utility expert for city of Tacoma

After more than 30 years of municipal ownership, the city of Tacoma has to-day reached a preeminent position in the power and light industry of this Nation. Preeminent because it has given to its people and its industry the lowest power and light rates in America, and at the same time experienced substantial net earnings which last year amounted to approximately $1,000,000 for the current period; second to none in the character of its hydroelectric developments and in its transmission and distribution, it stands before the power industry of this country as a challenge to all private power interests whose rates and charges are all that tariffs will bear, and which have made the people and industry of their domains the economic slaves of an Eastern financial combine—and those are not mere words. If it is thought so, ask yourselves this question: Why are Tacoma's rates lower than those of the private power interests?

Why can this city sell for less? That rates are lower is incontrovertible, but for what reason? Why? That is the question which stands out persistently in the minds of many at this moment. Acute controversy prevails throughout the State concerning this matter. The question has been asked: "Is it because the private companies pay taxes where the city plants do not"? No—that apparently is not the reason; possibly few realize that Tacoma's power and light plant pays each year to the general fund a 5 per cent tax based upon its gross revenue, which last year amounted to more than $80,000, and which appears equivalent to the taxes paid by the private power companies upon their "power and light" properties in this State.

Is it, then, because the municipally owned plants can operate more efficiently? It is doubtful if they should, although apparently they do,

for under State regulation there is little incentive for the private companies to maintain management and overhead costs within the bounds of reason; only in a competitive field will minimum overhead costs and efficient management of private companies prevail, but under State regulation a public utility is allowed a fair return upon its "rate base" after all expenses, taxes, and depreciation allowances are deducted, and invariably the "rate base" carries large intangible values representing "water rights," "development costs," "going-concern values," and even good will. However, efficient operation, while important, is not the primary reason why Tacoma rates are lowest.

FINANCING IS REASON

The prime reason apparently lies in the methods and policies of the private power utilities in financing their business, notwithstanding the policy of State regulation, which in theory permits earnings based only upon "prudent investment."

No comment upon public utility finance could omit consideration of the age-old charge of stock watering; that is to say, the overissues of securities in proportion to the actual investment. By way of concrete illustration: In the year 1910 an eastern syndicate invaded a certain section of this State, purchasing all of the power and light properties in that particular region. The actual price paid for these properties was $3,600,000, after which $1,900,000 was spent in additions and betterments, making a total cost of $5,500,000. Within a year these same properties were turned over to a member of an eastern Power Trust whose opening entry upon its books for said properties was $10,900,000, against which stocks and bonds were issued, and which has been increased from time to time until to-day the book values exceed $23,000,000, with a corresponding amount of stocks and bond issues.

In other words, the original cost was "stepped up" from $5,500,000 to $10,900,000 and excess issues of stock floated upon what might be called "hopes"; the particular menace of such practice lies in the fact that the parent company which, in this case, as usual, is an eastern concern, looks to its subsidiary in the field to secure through the medium of rates sufficient revenue to forever pay interest upon these stocks and bonds which are issued in excess of the actual physical value of the property.

MUNICIPAL PLANT PAID FOR

The foregoing emphasizes the overextended condition existing with at least some of the private power utilities that are operating in this State, but even with those utilities whose outstanding stocks and bonds do not exceed the fair value of their property, if such a case exists, then it must be admitted that even these stocks and bonds will never be diminished or amortized. On the contrary, they will be constantly increased as plant additions are made, and the public must forever pay through the medium of rates, interest, and dividends upon this investment.

This condition presents itself in strong contrast with the municipally owned plants and obviously is the chief reason why Tacoma's rates are substantially lower and will always be lower than those of the private power companies, for in the case of the municipally owned plant eventually its indebtedness is amortized and the plant is paid for. It is then permissive to reduce rates to a level where revenue is only required for operating expenses, maintenance, and a depreciation reserve.

The power interests in the Puget Sound region have never failed of opportunity, both through the medium of advertising and vocal utterance, to direct an attack against the $19,000,000 in bonds outstanding against Seattle's city light plant, implying what a tremendous burden it is upon the taxpayers of Seattle, but they fail to ever mention the $119,000,000 in stocks and bond issues outstanding against their properties—and the singular thing about this is that these stocks and bonds will never be retired. The $19,000,000 of bonds against Seattle's municipal plant has been reduced through amortization from a much greater sum.

LOWER RATES

Ultimately this entire debt will be wiped out, which will result in additional rate reductions, and which, in turn, will force, through competition, the private company to follow suit. Eventually Seattle's plant will be paid for, all from earnings, such as has been experienced in Tacoma, where the last of the bonds against the La Grande power plant were paid off and then burned at a public jubilee.

If Tacoma's municipal plant was owned by the private power interests, it is reasonable to assume that at least $15,000,000 worth of stocks and bonds would be outstanding against it. Based on 7 per cent interest, it would be necessary to raise rates in Tacoma so that an additional revenue could be secured to pay $1,050,000 in interest on the said $15,000,000. This is based on the assumption that no bonds were now outstanding.

The recent $4,000,000 issue of bonds against the new Cushman plant, which will be amortized in a few years, would result at this time in a difference of $280,000, or, instead of the $1,050,000, the additional amount in rate increase required would be $770,000—bearing in mind that the city borrows its money at an interest rate of 5½ per cent, whereas the private company borrows mostly from its customers through "customer stock sales" at an interest rate of 7 per cent.

A widespread criticism of the unwarranted complexity of the financial set-up of these companies, particularly the top companies that feed off of the earnings of their progeny, is not without foundation. The capital structure of one of these "top-holding" companies was recently characterized by Barron's Weekly—assuredly a competent critic—as "a financial nightmare."

Thus, because of the methods of "high finance" followed by private power utilities, many States require that such utilities be conducted by domestic corporations, else they be denied the enjoyment of such rights as that of eminent domain.

SELL STOCK TO CUSTOMERS

For several years past the private power interests have persistently and elaborately set before the public the advantages of stock sales to customers. By this device of "customer ownership," as it is called, an almost inexhaustible reservoir of new capital became available, and this in turn became highly provocative for the financing of new adventures without any need of seeking capital through regular channels that might insist upon adequate securities. Consequently, because of the advantage that these companies were quick to grasp through the sale of customer stock, they have been able to finance a large portion of their enterprises from this source, with the result that in reality the people through the purchase of this customer stock, have loaned the money to build these properties, but they have no voice in its affairs nor are they conferred with any voting power; the common stock, which is invariably held by the financial combines of the East, hold full power of control; as W. Z. Ripley, professor of economics at Harvard University, states: "It is probably true in most cases that the controlling common stock of the banking or management firm standing at the head of the utility hierarchies already instanced practically represents no actual investment in first instance."

The plain truth, then, appears that the people furnish the capital to build the enormous outlays; the big power combines issue the controlling common stock to themselves, apparently in payment for "intelligent promotion," and then seek rates of a character sufficiently high to pay to themselves dividends and interest upon these stock issues that in most cases cost nothing and represent nothing.

Customer stock sales have grown in such astounding proportions in the past few years that at this writing, according to statistics, approximately 1,307,000 customers of public utilities are shareholders in their respective companies, and it is reported that the sales of securities direct to customers in the year 1925 amounted to $296,000,000.

A concluding thought on customer ownership: If it is desirable for 1,307,000 customers to own the greater part of these public utilities, would it not be infinitely better for all of the people to own all of this business, thereby dispensing with the tribute now being paid to these eastern masters of finance who have built one of the greatest monopolies known to this generation? Is there anything wrong with such reasoning, and is it clear to us why Tacoma's power and light plant, which is owned entirely by the people, is able to serve its citizens and its industry at so low a rate?

Now, regarding the relevancy of these matters to the Metcalf power bill: It should be apparent and can be consistently argued that so long as there are millions of dollars represented in outstanding stock issues far in excess of real property value, the rate structure of the private power companies will continue to remain excessive, for through the ingenuity of its experts and public-relations men, which it must be admitted are well chosen, they will continue to present seemingly logical reasons which will exert sufficient influence to permit a rate that will serve their needs, for there is no group in the State of Washington, or in the Nation, that is in closer touch with regulation or with the members of our legislature than is this group who represent the private owner interests. Only through a power measure such as the Metcalf bill is this situation likely to be altered, and only then by forced regulation through the natural laws of competition.

It is not the writer's intention to convey the impression that the present directing heads of our department of public works are other than competent or conscientiously discharging the duties of their office, but it must be admitted, for records in the State department speak for themselves, that too often in the past rates have been predicated to a great extent upon theoretical factors injected by experts of the private interests, wherein the lines of demarcation between the theoretical and actual failed to be recognized. Moreover, the department of public works has been hampered in its effort to efficiently regulate the public utilities of this State because of lack of jurisdiction. A recent rate case, now before the supreme court, strongly supports this statement, the details of which will be set forth in a succeeding article.

POWER COMPANIES' VALUATIONS HIGH—PRIVATE CORPORATIONS LISTED AT $435.33 PER HORSEPOWER, AS COMPARED WITH $42.55 FOR TACOMA MUNICIPAL PLANT

By Kenneth G. Harlan, public-utility expert for city of Tacoma, Wash.

In preceding articles the writer has endeavored to present three distinct phases pertaining to the power issue, each in its relation to the Metcalf bill. First, that the proposed 5 per cent tax on gross sales is comparable to the taxes now being paid to the State by the private

power companies upon their power and light properties; second, that the municipally owned power plants are serving electrical energy at a rate far below that of the private-power companies, and that legislation such as the Metcalf power bill would permit competition, which in turn would effect rate reductions over the entire State, resulting in a savings many times the amount of taxes now being paid upon power and light properties. Third, that the complex financial structure of the private utilities which leads up through a chain of holding companies to a New York or Boston parental throne has rendered it impossible for the private power companies to prescribe rates to match those prescribed by the municipal plants, and at the same time procure sufficient revenue to pay interest and dividends upon overissued securities, which, unlike the municipally owned plants, are never amortized.

In the State of Washington there are 75 private power and light utilities, of which, based upon operating revenue, 88 per cent represents three major holdings; that is, Puget Sound Power & Light Co., Washington Water Power Co., and the Pacific Power & Light Co., leaving only 12 per cent representing the remaining 72. The aggregate book value of these properties at the end of the year 1925 amounted to $228,000,000. But it can not be seriously contended that their physical value equals anything near this sum, although there is little doubt but that the full amount in stocks and bonds are outstanding againt these book values.

The private power companies have developed in this State 390,850 kilowatts, or 523,739 horsepower. Based on the $228,000,000, this equals $583.34 per kilowatt, or $435.38 per horsepower. Compare this to the indebtedness per horsepower outstanding against the municipally owned plants, which amounts in Seattle to $146.53 per horsepower, and in Tacoma to $42.55 per horsepower. The Puget Sound Power & Light Co. costs per horsepower, based on their outstanding stocks and bonds, equals $420.18, which is very close to the figure first quoted, representing the combined private utilities. The striking contrast existing between the private and municipal utilities should emphasize again the importance of such legislation as the Metcalf power bill.

RATE BASE VALUES

The aggregate rate base values fixed by the State Department is unknown, for, as in the case of the Puget Sound Power & Light Co., some of the rate base values have not been established. All the eastern Washington utilities and those located in remote districts have been subjected to rate base determinations; the Puget Sound Power & Light Co. being practically the only exception in the State, and it is obvious why it has not been necessary to establish a rate base for the regulation of this major utility; it is serving Seattle upon a strictly competitive basis, which district represents close to a third of the State's population, and this in itself is the strictest kind of regulation. Other surrounding territory is so located that rates are to an extent effected by the established tariffs in the competitive fields.

Consequently this utility has never, in a stricter sense, fallen under State regulation, although there are points on the east slope of the Cascades and in sections not adjacent to Seattle and Tacoma where stricter regulation no doubt would be welcome; and even in the adjacent territory if placed upon a competitive basis, undoubtedly many schedules would be reduced. The fact in itself that a portion of the Puget Sound Power & Light Co.'s business is not really being regulated by the State, but instead through the natural laws of competition, should strongly emphasize the need of the Metcalf power bill, which would accomplish this very thing not only for Seattle and Tacoma, but for the entire State of Washington.

STATE REGULATION

The following excerpt from a recent article written by W. Z. Ripley, professor of economics at Harvard University, reads: "The last serious indictment against the overdeveloped holding corporation in the public-utility field has to do with rate regulation. Under the terrific involution of accounts it may become practically impossible to allocate costs and to determine earnings as related to the investment. The holding company is exposed to the temptation to exploit its subsidiaries, taking its own profit by undue enhancement of the operating expenses of the local concerns. Alpha Co., the operating concern, apparently runs at a loss, while Omega Co., which holds its stock, pays dividends nevertheless. Such things may be accomplished by overloading management expenses. 'Too many crossed wires' was the newspaper headline applied to the Massachusetts public utilities decision in 1916, when something like $240,000 out of its total expenditures of $318,000 was paid by the North Adams Gas Light Co. to the Light, Heat & Power Corporation of West Virginia for current supplies, construction, and management. How easy for the interstate holding company to dilute earnings in order that they may become digestible in the public view; and how difficult in a massive hierarchy of such holding companies to trace anything like costs in relation to investment back to some solid bench mark. How difficult to pass upon the reasonableness of contracts for use of property or sale of power. This, too, has recently been brought to the attention of the Massachusetts Legislature. Proceedings degenerate under such circumstances into a mere muzz of words."

STATE REGULATION IMPOTENT

In preceding articles reference has repeatedly been made to State regulation. To discuss the many ramifications connected with this subject would require voluminous text. Therefore, in order to show the impotency of State regulation, a mere citation of two instances must suffice: The case of the Department of Public Works *v.* The Pacific Power & Light Co. (Cause No. 5689). After an elaborate preparation of evidence, this case came to a hearing before the regulatory body of this State, where it was found that the contentions of the complaining cities to the effect that the rate base of this company, upon which rates were predicated, or, in other words, the value upon which the people through rate charges must pay a return, included $873,922 worth of property situated in Oregon, and that for years people in both the States of Washington and Oregon had been forced to pay through the medium of rates a return to this company upon said property. The facts were conclusive, and the State department ordered the property eliminated from the rate base of the Washington system, but this order was not made retroactive and the hundreds of thousands of dollars previously paid as a return upon this property is gone forever.

But, continuing the story, this private power company was not satisfied with what was right; when denied of this added opportunity to gouge the public, it rebelled; the regulation that it had always boasted of met with little favor when it departed from its accustomed influence, so it sought through a subterfuge to gain an unfair advantage of the people it served by appealing to the courts upon the grounds of a technicality of law. It claimed that the regulatory body of this State lacked authority to correct an error that had been made years before when the previous rate base had been established for this company, at which time the error, or whatever it may be called, in allowing the Oregon properties to be a part of the Washington rate base was made. Imagine laws in this State that will permit an opinion to be handed down by our courts to the effect that the regulatory body of the State has no power to correct its own errors, defeating the very purpose for which this body was created and rendering it a regulatory body in name only, shorn of its powers to regulate, thereby rendering it powerless.

The next step in this case was to the Supreme Court, where it now rests awaiting a decision. Let us speculate results: If the Supreme Court reverses the lower court and upholds the regulatory body in its power to regulate, it is logical to assume that the private power company will appeal to the Federal courts, and if it wins there, then the State regulatory body is done, for unlike the private company it has no premise upon which it or the people can carry an issue of this nature to the Supreme Court of the United States.

STATE REGULATION HANDICAPPED

To further emphasize the handicap imposed upon State regulation, the courts of this State rendered an opinion to the effect that the sale of electric power to industries was not "public use"; therefore the regulatory body had no jurisdiction over its sale or its service. (Decision just rendered in the case of the Chelan Electric Power Co. may alter this opinion.) This accounts for the language found in the power tariffs filed by the private companies which reads, "The filing of this schedule for power not devoted to public use is voluntary on the part of the company." Operating under such conditions as this, it is little wonder that faith is ofttimes shattered in the State agencies, even though these agencies may be exerting every effort to earnestly and equitably serve the people.

If there is to be State regulation, then give to that regulatory body full and unlimited powers to regulate. If there are laws upon the statute books preventing such repeal them, and if new laws are required enact them, but in any event equip this body with ample authority and jurisdiction so that it may function in the manner intended, for under such pitiful circumstances as now exist there is little wonder that the private power companies have been able to prescribe such extortionate rates as those found in many sections of this State, and it is clearly evinced why its army of paid politicians has become all but a part of the fixtures in the lobby halls of our State legislature.

Mr. WALSH of Montana. I want to submit another table furnished me by Mr. Harlan. This shows Tacoma's power rates, and it is divided among the different industries utilizing the power.

Thus, for instance, in the cotton textiles of Tacoma there are furnished 1,317.50 horsepower, at 0.415 of a cent per kilowatt-hour—less than half a cent per kilowatt-hour.

In the foundries there is 1,987.24 horsepower used, and they pay 0.47 of a cent per kilowatt-hour.

The shipbuilding industry pays 0.57 of a cent per kilowatt-hour.

The paper-manufacturing business pays 0.41 of a cent per kilowatt-hour.

The pump-manufacturing industry pays 0.665 of a cent.

And so on down the list.

The pulp and paper manufacturing industry takes 20,000 horsepower from them at a rate of 0.398 of a cent, practically four-tenths of a cent, per kilowatt-hour.

I ask that this schedule be incorporated in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Tacoma's power rates

Industry	Horsepower	Kilowatts	Kilowatt-hours	Average rate per kilowatt-hour
				Cents
Cotton textiles	1,317.50	982.86	495,361	0.415
Foundry	1,987.24	1,482.48	480,324	.470
Grain milling	803.00	599.04	86,262	.745
Rubber and tire-manufacturing	10,199.00	7,608.45	3,286,850	.416
Structural steel works	3,021.25	2,253.85	649,109	.484
Shipbuilding	311.50	232.38	75,291	.571
Paper manufacturing	855.50	638.20	344,628	.417
Auto assembly	979.75	730.89	210,496	.513
Woolen textiles	165.00	123.09	62,037	.542
Shoe manufacturing	101.00	75.35	21,701	.852
Battery manufacturing	60.00	44.76	12,891	.865
Meat packing	1,419.25	1,058.76	533,615	.414
Pump manufacturing	405.75	302.69	65,381	.665
Furniture manufacturing	498.75	372.07	80,367	.639
Paint manufacturing	153.00	114.14	24,654	.865
Pulp and paper manufacturing	20,107.24	15,000.00	7,560,000	.398

Mr. WALSH of Montana. Mr. President, it can be readily understood why these cities are forging ahead. They are attracting industries there by reason of the advantageous rates for power that are supplied by these municipal plants.

Mr. President, this does not stand alone. The city of Los Angeles makes a similar showing. The city of Cleveland makes a similar showing. All of these facts it was our purpose, if this resolution should be adopted and the investigation go forward, to bring to the attention of the committee called upon to investigate the matter. Why should I present these matters to the Interstate Commerce Committee, simply called upon, not to determine the merits of this thing, but whether or not the investigation should go on?

I referred to a clipping that came in my mail only this morning about another of these transactions, in which securities were put out vastly in excess of the confessed value of the property.

Mr. President, I was also prepared to show before this committee that in a great western city, the electric light and power plant being owned by a private corporation and a desire being manifested by companies to buy the plant, that corporation caused an appraisal of the property to be made, in order that it might have a basis for making a proposition to sell the property.

It called to its aid eminent engineers to make the appraisal for it, and the information I have was given to me by one of the appraisers who made the appraisement. They were conscious of the fact that the company was desirous of selling the property, or at least that it had in contemplation the sale of the property, and they were accordingly desirous of going as far as they possibly could to give the thing the highest value that their judgment would permit. They figured it at $4,000,000, and it was sold at that figure. Within six months the company getting it put out securities to the total amount of $11,000,000 upon the same property.

I read now from a paper published at Muncie, Ind., and probably would be of interest to the senior Senator from that State were he in the Chamber:

ELWOOD, IND., February 12.—City officials have secured some valuable information which will be used in the controversy in which the city is engaged with the Elwood Water Co. in regard to a petition filed by the company with the public service commission for an increase in rates. City Attorney H. F. Wilkie has received information from attorneys and former owners of the local plant that the present owners purchased the plant for $100,000. This amount in bonds was paid by the present owners, and the bonds are still outstanding and in the hands of residents of Wilkes-Barre, Pa., where the former owners reside.

The present owners, in asking for the rate increase, in their petition placed the value of the plant at $640,000. When the hearing was held on January 25 they refused to answer questions in regard to the purchase price. The hearing was not completed here in January, but will be resumed late this month in Indianapolis. The information in regard to the purchase price then will be introduced by the city officials. They paid $100,000 for the plant, and are asking rates of the consumers of water in that city based upon a valuation of over $600,000.

It is a few of these things, Mr. President, that we would like to look into. We would like to find out whether the public are being charged excessive rates to pay dividends upon this watered stock, or whether the rates are down where they ought to be, and there is absolutely nothing to be expected in the way of return from these stocks on the part of those who have been induced to buy them.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. BARKLEY. Are these some of the bonds concerning which it was stated a day or two ago that there had been no default in the payment of interest?

Mr. WALSH of Montana. I am unable to say that.

Mr. BARKLEY. The statement was made that none of the bonds of these public utilities outstanding had defaulted in the payment of interest.

Mr. WALSH of Montana. So I am told.

Mr. BARKLEY. I was wondering whether that statement included these bonds that are based upon the transactions to which the Senator has reference.

Mr. WALSH of Montana. I am unable to advise the Senator. I am going to call the attention of the Senate to another interesting transaction. I said in the address which I delivered here a year ago that there had been a feverish competition between these great holding companies for the acquisition of operating properties in the different States, they paying outrageous prices for them.

I call attention to an article which appeared on the 4th day of last August in the Manufacturers Record, a magazine published over in the city of Baltimore. I read as follows:

Recently an effort was made by the Electric Public Utilities Co., a Delaware corporation, to buy four electric companies in Maryland, as follows: The Lonaconing Electric Light Co., the Emmitsburg Electric Co., the Antietam Electric Light & Power Co., and the Midland Electric Light Co. These plants are located in small towns throughout the State.

The Lonaconing company has 550 shares of stock with a par value of $13,875, the Emmitsburg company 1,500 shares with a par value of $15,000, the Antietam company 115 shares with a par value of $11,500, and the Midland company 500 shares with a par value of $5,000, making a total for the four companies of $45,375. The price offered for these plants was $468,000 cash, plus a bonded indebtedness of $50,000, making a total of $518,000.

The Maryland commission—all honor to them—said, "You can not do business in this State on that basis. We will not tolerate the business at all." But that is not peculiar; it is not extraordinary at all. The thing has been going on all over the United States, the most exorbitant prices being paid for these companies. This article continues:

The engineers of the public-service commission made a report giving a replacement value on these four properties of something over $200,000, and a firm of engineers made a replacement value of something over $300,000. The price agreed upon between the buyer and seller was $518,000, and the annual profit on that price, as indicated by the earnings for the last three years, would be about 9 per cent.

The application was denied. The article continues:

Discussing this situation with an engineer who has recently come across several transactions of this kind, he made the statement that a friend of his had netted about $500,000 profit recently by buying up small utility companies in the South, spending a few thousand dollars on improvements, and then selling them at high figures to big electric combinations. He stated that as public-service commissions give to these companies the right to charge a rate which yields a profit of 7 to 8 per cent on the total valuation, many of them were perfectly willing to pay a big price to the intermediary, because capitalized or valued at these high prices they were still allowed to make 7 or 8 per cent by public-service commissions.

Mr. President, I have been accused by the Senator from Georgia of having been intemperate in my views, and perhaps in my language, in the discussion of this subject. I think it might be retorted that no great degree of judicial impartiality was exhibited by the Senator himself, in charging, for instance, that we had accused the Federal Trade Commission of being corrupt, and that we were engaged in a plot to destroy a great industry. But when I think of the mass of stuff that has come to me during the last six months, of the nature of which you can get some intimation by these examples which I have produced before you, I feel like saying, in the classic language of Lord Clive, I am surprised at my own moderation.

I do not care to comment upon the ill-tempered, not to say ill-mannered, remarks of the Senator from Maryland [Mr. BRUCE] on yesterday, addressed to me. I pass them by as the idle wind which I regard not. I have only a word to say with reference to his vitriolic and unrestrained criticism of my conduct of the inquiry into the leasing of the naval oil reserves. I desire to say with reference to that, only this, that on a former occasion the Senator from Maryland, having put out a statement of the same character, I challenged it upon the floor of the Senate, and he declared that he had no purpose what-

ever to embrace me in the general denunciation which he had directed against senatorial investigations, although his language was incapable of any other construction. Yet on yesterday his remarks were pitched in another key.

Mr. President, I have said all I care to say about this matter. I have done my duty as I see it, with one purpose, and one purpose only, regardless of criticisms that may be aimed at me, to serve the people of the country in the obligation that I saw before me.

EXHIBIT 1

(Memorandum for Senator WALSH re injunction suits, etc., against the Federal Trade Commission)

(A) PROCEEDINGS IN WHICH ECONOMIC INVESTIGATIONS OF THE COMMISSION WERE HALTED BY INJUNCTIONS)

(1) THE CLAIRE FURNACE CO. CASE

In 1919 the press, the public, and various branches of State and National Governments were giving great attention to the enormous increase in the cost of the great majority of the necessities of life. In August of that year the Federal Trade Commission was asked by Congress what it could do touching the then high cost of living; and in response to the inquiry members of the commission appeared before the Commttee on Appropriations of the House of Representatives and suggested that a thorough inquiry into and publication of the facts respecting production, prices, and costs of certain basic commodities would, in their opinion, be of the greatest value to the country at large, to Congress, to the courts, to the prosecuting arm of the Government, and to business itself in ascertaining causes of the conditions existing. Asked what articles or industry should be investigated, the then chairman of the commission suggested fuel, steel, and several other basic commodities. As a result of this suggestion money was appropriated, and the commission sent questionnaires to practically all corporations engaged in the manufacture and sale in interstate commerce of steel products, requesting monthly reports showing the quantities of products manufactured, plant capacity, orders booked during the month, cost of manufacturing, prices at which sold in domestic and foreign commerce, and general income statements and balance sheets. The declared purpose of the inquiry was to publish the information acquired in totals, without divulging the identity of the concerns furnishing the data, for the purpose of showing existing conditions in the production and sale of steel products. The Claire Furnace Co. and certain other corporations declined to make the reports, and joined in a suit in equity to restrain the commission from proceeding in any manner to compel the production of the information or to impose any penalties for failure to produce it.

The Supreme Court of the District of Columbia, in which the suit was instituted, issued a permanent injunction on the ground that the information sought by the commission was not information respecting interstate commerce, nor information with respect to matters so directly affecting such commerce that it could be required under the commerce clause of the Constitution.

The commission took the case to the Court of Appeals of the District of Columbia, which affirmed the decree of the lower court, Chief Justice Smyth dissenting.

The commission then appealed the case to the Supreme Court of the United States, the case being docketed in that court on March 21, 1923. A motion to advance the case was filed by the commission and granted, and the case was argued December 6, 1923. The commission's assignment of errors, among others, raised the following interesting questions:

(1) Has Congress the power to compel corporations to supply information within the field over which it has power to legislate, in order to learn whether remedial laws are required for the national welfare; (2) as a means of procuring information which Congress may itself require, may it constitutionally confer upon an administrative body authority to compel corporations to supply information, by resort to the courts, if necessary, respecting a subject over which it has jurisdiction; (a) for transmission to Congress; and (b) as a basis of reports to Congress and of recommendations to Congress for legislation by such administrative body.

On April 20, 1925, the Supreme Court directed reargument, which was had on November 24, 1925, and on April 18, 1927, this court rendered its decision dismissing the bill for want of equity.

The commission had not raised the question of the jurisdiction of the Supreme Court of the District of Columbia sitting as a court of equity to entertain the suit. However, the trade commission act provides that upon application of the Attorney General, at the request of the commission, the district courts of the United States shall have jurisdiction to issue writs of mandamus commanding any person or corporation to comply with the provisions of the act or any order made in pursuance thereof; and also provides that upon failure of any corporation to file any annual or special report it shall be liable to a penalty of $100 per day for such failure, to be recovered in a civil suit. After citing these provisions, the Supreme Court held that in event of either such proceeding the parties would have an adequate opportunity to present every objection which they could urge in the suit in equity, saying in part:

"There was nothing which the commission could have done to secure enforcement of the challenged orders except to request the Attorney General to institute proceedings for a mandamus, or supply him with the necessary facts for an action to enforce the incurred forfeitures, if, exercising his discretion, he had issued either proceeding, the defendant therein would have been fully heard and could have adequately and effectively presented every ground of objection sought to be presented now, consequently, the trial court should have refused to entertain the bill in equity for an injunction."

As further reason why the statutory procedure should be followed, the court stated that Congress intended to impose upon the Attorney General the duty of examining the scope and propriety of the orders, and of sifting out of the mass of inquiries issued what, in his judgment, was pertinent and lawful, before asking the court to adjudge forfeitures for failure to give the correct amount of information required or to issue a mandamus against those whom the orders affected and who refused to comply. The exercise of this discretion will greatly relieve the court and may save it much unnecessary labor and discussion.

This seems to make the orders and request for information of the commission subject to the approval of the Attorney General, though the reports of committees and debates on the Federal Trade Commission act indicate that it was the purpose of Congress to create a commission which would be entirely independent of the governmental departments.

The commission, as previously stated, had not raised in either of the courts below the question of the jurisdiction of the trial court, but had submitted to the jurisdiction with the hope that a decision might be had in a measure at least determining the character of the information which the commission is authorized by the statute to secure from corporations under the authority to require annual and special reports. So much was the commission desirous of learning the proper construction of the statute in this regard that it had, upon refusal of the steel companies to file the reports, applied to the Attorney General for the institution of suits in mandamus to compel compliance with the commission's order, and the Attorney General had in fact instituted two suits in the proper district courts of the United States, one against the Republic Iron & Steel Co., and the other against the Bethlehem Steel Co. The prosecution of these suits was stayed by the injunction issued by the Supreme Court of the District of Columbia, and, since the decision of the case by the Supreme Court had been dismissed, the appropriation under which the investigation was being prosecuted having long since lapsed.

THE MAYNARD COAL CO. CASE

At about the same time that the steel companies were asked by the commission to file monthly reports (referred to above under "The Claire Furnace Co. case"), substantially similar questionnaires were sent to practically all corporations engaged in the production and sale in interstate commerce of bituminous coal.

One of these companies, the Maynard Coal Co., declined to make the report in question, and applied to the Supreme Court of the District of Columbia for an injunction. A permanent injunction practically identical with that issued in the Claire Furnace Co. case was awarded.

The case was taken by the commission to the Court of Appeals of the District of Columbia, where argument was had on January 9 and 10, 1924. On May 10, 1924, the Court of Appeals directed a reargument. The case was reached on the calendar October 10 of that year and continued generally at that time pending a decision by the Supreme Court of the United States in the Claire Furnace Co. case.

The case was reargued on October 3, 1927, and on November 7 the Court of Appeals rendered its opinion, reversing the decree of the lower court, and remanding the cause, with directions to dismiss the bill. The court followed the action of the Supreme Court of the United States in the Claire Furnace Co. case, quoting from the opinion in that case as follows:

"With this statement we are forced to the consideration of a controlling question of jurisdiction. In the case of Federal Trade Commission et al. *v.* Claire Furnace Co. et al. (274 U. S. 160) the Supreme Court considered a proceeding identical with that presented in this case where an injunction had been granted to restrain the threatened enforcement of the penalty for refusal to comply with a similar order of the commission. The court there held that injunction did not lie since the statute furnished complainants a complete and adequate remedy at law."

* * * * * * *

"Considering the discretionary power reposed in the Attorney General to control the bringing of actions under the act, the court in its opinion in the Claire case said: 'There was nothing which the commission could have done to secure enforcement of the challenged orders except to request the Attorney General to institute proceedings for a mandamus or supply him with the necessary facts for an action to enforce the incurred forfeitures. If, exercising his direction, he had instituted either proceeding the defendant therein would have been fully heard and could have adequately and effectively presented every

ground of objection sought to be presented now. Consequently the trial court should have refused to entertain the bill in equity for an injunction. * * * It was intended by Congress in providing this method of enforcing the orders of the Trade Commission to impose upon the Attorney General the duty of examining the scope and propriety of the orders, and of sifting out of the mass of inquiries issued what in his judgment was pertinent and lawful before asking the court to adjudge forfeitures for failure to give the great amount of information required or to issue a mandamus against those whom the orders affected and who refused to comply. The wide scope and variety of the questions, answers to which are asked in these orders, show the wisdom of requiring the chief law officer of the Government to exercise a sound discretion in designating the inquiries to enforce which he shall feel justified in invoking the action of the court. In a case like this the exercise of this discretion will greatly relieve the court and may save it much unnecessary labor and discussion. The purpose of Congress in this requirement is plain, and we do not think that the court below should have dispensed with such assistance. Until the Attorney General acts, the defendants can not suffer; and when he does act, they can promptly answer and have full opportunity to contest the legality of any prejudicial proceeding against them. That right being adequate, they were not in a position to ask relief by injunction. The bill should have been dismissed for want of equity.'"

Final decree, in accordance with the mandate of the court of appeals, was entered by the Supreme Court of the District of Columbia on December 14, 1927.

THE MILLERS' NATIONAL FEDERATION CASE

On February 16, 1924, the United States Senate, by resolution, directed the commission to investigate and report to the Senate, among other things, the extent and methods of price fixing, price maintenance, and price discrimination in the flour and bread industries, developments in the direction of monopoly and concentration of control, and all evidence indicating the existence of agreements, conspiracies, or combinations in these industries. In the course of the investigation the commission made inquiry with respect to the activities of the Millers' National Federation, a voluntary, unincorporated association whose members produce approximately 65 per cent of the flour milled in the United States, as well as of the activities of other milling associations and corporations engaged in the milling industry. Permission was requested of the Millers' National Federation to inspect certain papers, documents, and correspondence files, which permission was in part granted. As a result of the inspection of certain correspondence, the commission requested the federation to supply it with copies of certain designated letters, and further requested access, for the purpose of inspection, to minutes of meetings among members of the federation and other millers in various parts of the country, and to letters passing between the federation and its members leading up to the adoption of a so-called code of ethics by the federation. The request was denied. The commission thereafter called a hearing in the investigation at Chicago, Ill., and served subpœna upon the secretary of the federation requiring him to produce at the hearing certain letters specified by dates, names of the parties correspondent, and subject matter, which its representative had been permitted to inspect in the federation's offices. Subpœnas were also served requiring the production of minutes of the meetings among members of the federation and other millers above mentioned (inspection of which had been denied), and of the letters relating to the adoption of the code of ethics. The Washburn-Crosby Co., a member of the federation and the largest milling corporation in the United States, having also refused to permit the commission to inspect certain letters specified by dates, names of parties correspondent, and subject matter, as well as having declined to permit a statement of its business, made up from its books by representatives of the commission to be taken from its offices, subpœnas duces tecum were served upon officers of the corporation requiring the production of the letters and of the statement, at a hearing to be held at Minneapolis, Minn.

On the day prior to the hearing set for Chicago, Ill., the Millers' National Federation, on behalf of its members, filed a petition in the Supreme Court of the District of Columbia praying for a temporary restraining order and a temporary injunction restraining the commission from taking any steps or instituting any proceedings to enforce the subpœnas or requiring the plaintiffs, or any of them, to produce the documents or letters required thereby. On the day of hearing set at Chicago the secretary of the federation, the officers of the Washburn-Crosby Co., and certain idividuals connected with the federation through membership therein of corporations in which they were officers, did not appear as required by subpœnas, and on the morning of the same day a temporary restraining order was issued by the Supreme Court of the District of Columbia as prayed for in the petition. A motion for temporary injunction was subsequently made. The commission answered the motion on the merits and moved to dismiss the petition on various grounds, among others, that the court was without jurisdiction to restrain the commission from proceeding with the hearing. Both motions were argued, and on September 22, 1926, the court rendered its decision enjoining the commission. From this an appeal was allowed on December 10, 1926, to the Court of Appeals of the District of Columbia. Before hearing of this appeal was had the commission on March 30, 1927, petitioned the Supreme Court of the United States under section 240(a) of the Judicial Code for certiorari, which was denied on April 25, 1927, thus allowing the case to remain on appeal in the Court of Appeals of the District of Columbia.

The case was argued in the court of appeals on October 3–4, 1927, and on December 5, 1927, that court affirmed the decree of the Supreme Court of the District (enjoining the commission), and remanded the case for further proceedings. The court held that the opinion of Supreme Court of the United States in the Claire Furnace Co. case was not controlling; that the present case must be determined upon principles not obtaining in that case; and that injunction would lie to restrain the commission should the court find on a final determination of the case on its merits that the commission had exceeded its jurisdiction. In short, its holding simply was that the Supreme Court of the District had jurisdiction to determine the matter. The commission, on December 12, filed a petition for rehearing, on the ground that the court had failed to decide the point of law which was the principal basis for the judgment below, and practically the sole ground assigned in the petition for special appeal on which the case was heard in the court of appeals. The petition for rehearing was denied on January 21, 1928; the case now awaits determination on the merits on the Supreme Court of the District of Columbia.

(B) PROCEEDINGS IN WHICH THE COMMISSION SOUGHT BY MANDAMUS TO SECURE INFORMATION NECESSARY FOR ECONOMIC INVESTIGATIONS

THE AMERICAN TOBACCO AND LORILLARD CO. CASES

On August 9, 1921, the United States Senate passed a resolution directing the Federal Trade Commission:

"To investigate the tobacco situation in the United States as to the domestic and export trade, with particular reference as to market price to producers for tobacco and the market price for manufactured tobacco and the price of leaf tobacco exported, and report to the Senate as soon as possible the result of such investigation."

In September of the same year there were filed with the commission complaints charging that the American Tobacco and Lorillard companies were violating section 5 of the Federal Trade Commission act, in that they were parties to a combination to fix and regulate the resale prices at which commodities manufactured and sold by them should be resold in interstate commerce by those to whom they had disposed of their products. The commission, in accordance with its usual practice of making preliminary inquiries before issuing formal complaints, and for the purpose of informing the Senate, as directed in the resolution mentioned above, instituted an investigation into the organization, business, conduct, practices, and management of the two companies and into the alleged violation of section 5 of the trade commission act. Certain information was compiled relating to the interstate business of the companies, they permitting the inspection by the commission of certain books and documents. They, however, refused to permit the inspection of certain other documents and correspondence files, whereupon the commission, through its duly authorized agent, served a formal notice and demand for access to certain records, documents, and correspondence, described as follows:

"All letters and telegrams received by the American Tobacco Co. from all of its jobber customers located at different points throughout the United States, and also copies of all letters and telegrams sent by the American Tobacco Co. to such jobbers during the period of January 1, 1921, to December 31, 1921, inclusive."

In January, 1922, the commission made a preliminary report to Congress setting forth the facts it had developed in response to the resolution above referred to.

On June 13, 1922, the Attorney General of the United States, acting at the request and on behalf of the commission, filed in the United States District Court for the Southern District of New York separate petitions against the American and Lorillard companies, praying that alternative writs of mandamus issue commanding the companies, unless the letters and telegrams passing between the companies and their jobber customers be submitted to the agents of the commission for inspection and examination, to show cause why peremptory writs of mandamus should not issue commanding them to do so. The commission alleged in its petitions that the refusal of the companies to permit the access demanded had prevented it from making a complete report in response to the Senate resolution and hindered the commission from investigating the conduct, management, etc., of the companies and from performing its duty to prevent the use of unfair methods of competition in interstate commerce. The district court denied the petitions, saying in the course of its opinion (October 3, 1922):

"To grant the relief prayed for by the petitioner would be to permit of an unreasonable search and seizure of papers in violation of the fourth amendment. It was not the intention of Congress to grant such unlimited examination and inspection by the legislature in question, nor, indeed, did Congress have authority to do so under the commerce clause of the Constitution. It would be unreasonable and unjust to accede to the demands of the petitioner; and the application for the peremptory writ of mandamus against the respondents, American Tobacco Co. and P. Lorillard Co. is denied."

Writs of error were sued out by the commission directly to the Supreme Court of the United States.

The Supreme Court, in affirming the judgment of the lower tribunal, said:

"The right of access given by the statute is to documentary evidence—not to all documents, but to such documents as are evidence. The analogies of the law do not allow the party wanting evidence to call for all documents in order to see if they do not contain it. Some ground must be shown for supposing that the documents called for do contain it."

What the Supreme Court decided was whether the commission had an unlimited right of access to and inspection of corporate records. The commission did not claim such a right and was not attempting to exercise it. The real question before the court was whether a writ of mandamus should issue to enforce compliance with a limited demand for production and inspection of documents in a proceeding against a corporation which was being conducted under separate statutory powers, viz: (a) Under a Senate resolution which did not include specific charges of violation of law; (b) under information filed with the commission giving the commission reason to believe that the law had been violated and that a proceeding by it would be to the public interest; and, (c) under a formal complaint which included formal charges of violation of law.

THE GRAIN CASES

The second group of this class of cases arose out of an investigation by the commission pursuant to a Senate resolution (S. Res. 133, 67th Cong. 2d sess.) directing the commission to investigate the grain business, with particular reference to export business, with a view to ascertaining the causes of the decline in domestic prices of grain, whether the decline in export prices was due to conditions in the export market, and the reason for the spread of from 15 to 20 cents between the prices of cash wheat and of futures.

In connection with this investigation the commission, after informal requests had been denied, made formal demand for access to the books and records of three companies engaged in the export grain business in Baltimore, Md. The demand was refused and a petition for mandamus to compel the inspection was filed. The court denied the petition for the writ, holding (a) that the Senate resolution did not direct the commission to inquire respecting any alleged violation of the antitrust act, and therefore did not confer any authority upon the commission under section 6 (d) of the trade commission act; (b) that section 6 (a) and (b) of the trade commission act do not confer any authority to inspect the books and documents of corporations generally where there is no alleged violation of law, but where a general investigation only is being made into conditions existing in the industry; (c) that any attempts by the courts to confer the authority to make such inspection in a general inquiry would be unconstitutional. (Federal Trade Commission *v.* Baltimore Grain Co.; Federal Trade Commission *v.* H. C. Jones Co.; Federal Trade Commission *v.* Hammond, Snyder & Co., 284 Fed. 886.)

The commission regarded the principle involved in this group of cases too important not to be passed upon by the Supreme Court of the United States, and it therefore prosecuted an appeal to that tribunal. Briefs were prepared and filed, the case argued, and on March 16, 1925, a per curiam decision was rendered affirming the decision in the lower court on the authority of the tobacco cases (supra).

THE BASIC PRODUCTS CO. CASE

(260 Fed. 472)

This case was before the court on the demurrer of the Government to the answer of the Basic Products Co. to a petition filed by the Attorney General of the United States at the request of the Federal Trade Commission for a writ of mandamus upon the company.

The Basic Products Co. is the manufacturer of Syndolag, a patented article which it is claimed has been developed by the defendant after great expenditure of time and money, and in the production of which certain refinements of method have been developed which are and have been kept secret and which constitute trade secrets of great value, as are also the cost accounts relating to its production. Syndolag, among its other uses, is widely sold by the defendant for repairing the bottoms of open-hearth steel furnaces. The United States Navy Department during the war ordered 250 tons of Syndolag, for which the defendant quoted $35 per ton, but which price the Navy Department refused to agree to and required that the material be billed at $30 per ton. A certain amount was shipped and billed at such tentative price. On the signing of the armistice the balance of the order was canceled. Eventually payment was made to the defendant for all Syndolag delivered, at the $30 rate. The company has repeatedly offered to bill the material at whatever price the Navy Department should fix and make refund of any excess received; further, it offered to refund to the Navy Department, if the department was unwilling or unable to fix a price, the whole amount received in connection with the transaction. In the meantime, repeated demands have been made by the Navy Department on defendant for affidavits showing cost of production of the article for the averred reason of enabling the Navy Department to decide upon the price which it would be willing to pay defendant for its production. The defendant refused to furnish such affidavits, whereupon the department's demands were taken up by the Federal Trade Commission at the request of the department. On March 8, 1919, the commission passed a resolution to the effect that pursuant to the provisions of subdivision (a) of section 6 of the Federal Trade Commission act, the commission proceed to gather and compile information concerning, and investigate the organization, business, conduct, practices, and management of the Basic Products Co. The company has refused to allow its books to be examined for the purposes set forth in the resolution.

Judge Orr, in his opinion, first states, "With respect to the petition, it is to be noticed:

"That there is no averment of any facts which show that the defendant is engaged in interstate commerce. The recital in the resolution of the Federal Trade Commission, which is hereinafter set forth, is not such averment."

The court holds that in view of the definition of the word "commerce" by the act itself the only corporations whose organization, business, conduct, practices, and management may be investigated by it under the provisions of subdivision (a) of section 6 of the Federal Trade Commission act are those that are engaged in interstate commerce. Judge Orr says: "In the argument, as well as in the petition, there was lacking the assertion of facts, which would bring the defendant within the terms of the act of Congress. Nowhere has it been made to appear that the defendant is engaged in interstate commerce in any other way than any other corporation or any citizen may be so engaged, by making one or more shipments of manufactured goods from one State into another."

After quoting at some length from the opinion of Judge Jackson, in re Greene (52 Fed. 104–113), as containing not only a definition but an elaboration thereof, which suggests not only the limitations upon the power of Congress but also possibilities of the existence of activities by entities, corporate or otherwise, which might be brought within the jurisdiction conferred by the act upon the Federal Trade Commission, Judge Orr states:

"Imagination, however, can not suggest such an extension of constitutional limitation as may justify the investigation undertaken by the commission in this case. Indeed, so far as the matter has been brought to the attention of the court, no such assertion of power was ever made to the courts. Investigation under subdivision (a) of section 6 is limited to corporations engaged in interstate commerce. The defendant is engaged in manufacture."

In closing, Judge Orr, in his opinion, says:

"Counsel for the defendant urges upon this court the necessity of declaring section 6 of the trade commission act to be unconstitutional, not only 'in so far as it authorizes investigations and compulsory disclosures of matters which are beyond the commerce power of Congress,' but also 'in so far as it attempts to authorize a search or seizure by an administrative agency of the Government without charge or suspicion of wrongdoing.' While the contention of counsel is probably sound, this court does not deem it necessary to go farther than to hold that the commission have not the power to carry on investigation which they have assumed in the present case.

* * * * * * * *

"An incident of such investigation is the ascertainment of trade secrets. It is plain that the cost of manufacturing a patented product to which the manufacturer has the exclusive right may be a trade secret, a species of property of great value. This is also true of refinements of method in producing the same. The act prohibits the disclosure of trade secrets. The assumption that no such disclosure will be made disappears before the expressed intention to give the information to the Navy Department. We have, then, a contemplated search and seizure and a contemplated taking of private property for public use without due process of law, which are violative of the fourth and fifth amendments of the Constitution.

"With respect to the third reason in support of the demurrer, little need be said. The act itself authorizes a petition for mandamus in aid of the commission. 'Mandamus issues where, and only when, there is a right to demand, and a corresponding duty to perform, the act required.' (19 Standard Encyclopedia of Procedure, 128.) It never was intended that the extent of a free man's duty to perform should be determined by those who demand performance.

"The demurrer must be overruled and the petition for a writ of mandamus must be refused."

(C) PROCEEDINGS IN WHICH EFFORTS WERE MADE TO PREVENT THE COMMISSION FROM PROCEEDING UNDER SECTION 5 OF ITS ORGANIC ACT.

THE T. C. HURST & SON CASE

The commission in this case had issued its complaint, charging that respondents were engaged at Norfolk, Va., in the business of selling chandlery supplies to ships reaching the port of Norfolk, Va., while engaged in interstate and foreign commerce; that in the course of their business they had given cash commissions and gratuities to captains and other officers and employees in charge of ships reaching said port to induce them to purchase from respondents, to the exclusion

of competitors of the respondents, provisions and supplies for use and consumption upon such ships in and beyond the territorial jurisdiction of the United States.

Hurst & Son, in their bill for injunction, averred that certain sections of the act of Congress creating the commission were unconstitution and void, for the following reasons: (a) Because beyond the powers vested in Congress by the Constitution; (b) because there is delegated to the commission legislative authority; (c) because the commission is empowered to define and determine what shall constitute "unfair methods of competition in commerce"; (d) because it deprives the parties of the right of trial by jury; (e) because the statute attempts to regulate intrastate as well as interstate commerce; (f) because the proceedings sought to be enjoined discriminate between persons engaged in the same line of business and take away the property of one without due process of law and without just compensation, while not molesting others using the same practice, and for other reasons more specifically set up in the bill of complaint.

The court held that the contention that the act was unconstitutional for any of the reasons specified was without merit, and further held that the commission had acted entirely within its rights of and concerning a matter liable to injuriously affect commerce, and declined to grant the injunction prayed for.

In the course of its opinion the court said:

"The constitutionality of the act itself is challenged, also the right of the commission to decide what shall constitute unfair competition, and of Congress to authorize it so to do, as well as the manner in which the commission may proceed in the discharge of its duties to determine what is unfair competition, the specific complaint being that the commission may not proceed against a particular person, firm, or corporation, believed to be engaged in unfair competition, but must in the same proceeding include all other persons similarly engaged."

After quoting the provisions of section 5 of the Federal Trade Commission act, the court then disposed of the various contentions made by the complainants, as follows:

"The contention that the act of Congress is unconstitutional for any of the reasons specified, is without merit, as it is manifestly within the power of Congress to legislate generally in respect to the burdens that may or may not be imposed upon foreign and interstate commerce, and it is also within its power to declare what would be fair and what unfair methods and dealings in relation thereto, and how the same should be ascertained and determined. The commission is given full power and authority to investigate, make findings of fact, and render its judgment and order in relation thereto, and before the same is carried into effect, the judgment of the circuit court of appeals, the second highest court under the Government, is to be sought by the commission to enforce its order, and any party required by such order to cease and desist from using such method of competition, may obtain a review of such order in the circuit court of appeals, by filing its written petition praying therefor. The action of the circuit court of appeals is final, save when its interposition is sought by the commission, certiorari lies from its decision to the Supreme Court of the United States. The jurisdiction of the circuit court of appeals to enforce, set aside, or modify orders of the commission is exclusive. In all of the proceedings, whether before the commission or the court, the amplest provision is made for notice to and full hearing of all parties interested, and for this court, for any of the reasons urged, to anticipate by injunction, the action of the commission, and the judgment of the court, charged under the law with the review thereof, would be clearly an usurpation of authority."

THE BUTTERICK CO. CASE

Another suit was brought in the Supreme Court of the District of Columbia by the Butterick Co., a corporation, and its affiliated corporations, against which a complaint had been issued by the commission, charging them with unfair methods of competition (resale price maintenance), in violation of section 5 of the commission act, and with violations of section 3 of the Clayton Act (tying contracts). In these suits the principal ground for injunction relied upon was that the commission was without jurisdiction, because its complaint did not state facts sufficient to constitute a violation of section 5 of the commission act or of section 3 of the Clayton Act. Thus was raised for determination the important question of the right of parties proceeded against by the commission to prevent such proceedings by recourse to a court of equity. On the argument counsel for the commission contended, in opposition to the application for injunction, that no ground whatever was shown for the interposition of a court of equity, and that the provisions of the Federal Trade Commission act and the Clayton Act provided a method of review of the commission's orders by the United States Circuit Court of Appeals, which afforded the respondents an adequate remedy under these statutes, which remedy was by the very terms of the statute made exclusive. The court refused to grant the injunction and dismissed the bills.

THE DOUGLAS FIR CO. CASE

This represented an attempt by the Douglas Fir Exploitation & Export Co. et al. to prevent the commission, by injunction, from issuing a complaint charging unfair methods of competition in violation of section 5 of the Federal Trade Commission act, also section 4 of the export trade act. The action was commenced February 17, 1922.

The Supreme Court of the District of Columbia, in which the company instituted action, without opinion, granted the commission's motion to dismiss on the ground that the plaintiff had not stated such a case as would entitle it, in a court of equity, to any relief from or against the commission.

THE CHAMBER OF COMMERCE OF MINNEAPOLIS CASE

(280 Fed. 45—C. C. A., eighth circuit)

This was a petition in certiorari to review preliminary orders of the commission, denying the motions of the chamber of commerce and other respondents named in the complaint issued by the commission. The object of the motions was to dismiss the complaint upon jurisdictional grounds before hearing upon the merits; the complaint charged that respondent had made use of unfair methods of competition in violation of section 5 of the commission act. The petition for certiorari for want of jurisdiction in the court to entertain it was denied. The court in the course of its opinion stated:

"In cases arising under this law injunctions to halt the taking of testimony have been uniformly denied. The powers conferred upon this commission are similar to those conferred upon the Interstate Commerce Commission, with the exception that the powers of the latter are more pronounced and potential. In all cases where Congress has lodged in administrative officers of boards power to find facts and make orders, such findings and orders are conclusive when supported by substantial legal evidence. The courts will not consider with nicety the weight of such evidence. Illustrations of this principle are to be found in many cases arising under the Land Department, the Post Office Department, and before the Interstate Commerce Commission. To halt this investigation before testimony is taken would be an invasion of the powers of the legislative and executive branches of the Government.

"The real gist of the complaint here is that it is claimed, and with plausibility, that the chief petitioner is not subject to the jurisdiction of the Federal Trade Commission; that the commission is proceeding erroneously and in excess of its powers; that the taking of the testimony before a final order can be made will be very expensive, and that a grievous burden is being inflicted upon petitioners, for which an ultimate setting aside of any order that may be made will not adequately compensate them. This is true in some degree of any order of the commission which may finally be set aside. The law does not contemplate that commissions of this nature will act arbitrarily nor without probable cause. It is, of course, conceivable that they may do so, but such a possibility can not justify this court in exceeding its statutory powers and authority. To do so would be to deny to the administrative and legislative branches of the Government the powers and authority which have been conferred upon them and which have been uniformly upheld by the courts. It may be desirable that the law should provide for a preliminary review of questions of jurisdiction either by the circuit court of appeals or by the district courts, but in the absence of such provision we can not assume that power."

EXHIBIT 2

CONTENTS

	Page
Acknowledgment	X
Letter of submittal	XII
SUMMARY	
Growth of the electric power industry	XVIII
The Electric Bond & Share Co	XIX
Other General Electric interests	XX
Degree of General Electric control in 1924	XXI
Effect of changes since 1924	XXII
Profits of electric power companies	XXIII
Interlocking interests	XXIV
Stockholders in common	XXIV
Interlocking directorates	XXV
Origin of the Electric Bond & Share Co	XXVI
Interests of the Electric Bond & Share Co	XXVII
The American Gas & Electric group	XXVIII
The American Power & Light group	XXIX
The Electric Power & Light Corporation group	XXIX
The Lehigh Power Securities Corporation group	XXX
The National Power & Light group	XXXI
Other Electric Bond & Share Co. interests	XXXII
Other power groups and important local companies	XXXIII
The Stone & Webster group	XXXIII
The Byllesby group	XXXIV
The Hodenpyl-Hardy group	XXXIV
The Doherty group	XXXIV
The Barstow group	XXXV
The J. G. White group	XXXV
Other service groups	XXXV
Large combinations	XXXVI
The Insull interests	XXXVI
The North American group	XXXVII
Other large combinations	XXXVII
Extensive unit developments	XXXVIII
Important local power companies	XXXVIII
Municipal plants	XXXVIII

PART I.—EXTENT OF GENERAL ELECTRIC CONTROL

CHAPTER 1.—BASIS AND NATURE OF THE INQUIRY

	Page
SEC. 1. Origin of inquiry	1
Senate resolution	1
SEC. 2. Comprehensive nature of the inquiry	2
SEC. 3. General Electric disposal of the Electric Bond & Share Co	3

	Page
SEC. 4. Electric-power service organizations	4
SEC. 5. Sources of information	4
CHAPTER II.—GENERAL ELECTRIC INTERESTS IN ELECTRIC POWER COMPANIES	
SEC. 1. Method of statement	6
SEC. 2. Interests in service groups of the Electric Bond & Share Co	6
SEC. 3. Serviced holding companies and operating subsidiaries	9
American Gas & Electric Co. group	9
American Power & Light Co. group	11
Electric Power & Light Corporation group	12
The Lehigh Power Securities Corporation group	13
The National Power & Light Co. group	14
Carolina Power & Light Co. group	14
Other companies under Electric Bond & Share supervision	15
SEC. 4. Other Electric Bond & Share Co. interests	15
Southeastern Power & Light Co	15
United Gas & Electric Corporation	16
SEC. 5. Disposal of General Electric interests in the Electric Bond & Share Co	17
Effect of disposal of Bond & Share Co. stock	17
SEC. 6. Other interests in the electric power companies	21
Mohawk Hudson Power Corporation	23
Northeastern Power Corporation	24
Other New England power interests	24
SEC. 7. Loans by the General Electric Co	25
CHAPTER III.—COMPARATIVE IMPORTANCE OF GENERAL ELECTRIC POWER INTERESTS	
SEC. 1. Need for comparisons	27
SEC. 2. Growth of the industry	27
Private and municipal plant growth	29
Growth since 1922	30
SEC. 3. Measures of importance of electric power groups	31
SEC. 4. Nature and scope of reports to the commission	32
Method of computing total investment	33
Method of computing investment in electric business	33
Appreciation, good will, etc	33
Method of computing net income from the business	33
Method of computing net operating income from the electric business	34
Basic data for comparisons	34
SEC. 5. Comprehensiveness of the commission's reports	34
SEC. 6. Company groupings and control	35
Method of grouping	35
Physical measures of control	38
Control by General Electric interests	39
Control of other holding interests	39
Control by independent operating companies	39
Private and municipal ownership	40
Distribution of control of the entire electric power industry	40
SEC. 7. Investments and rates of return	42
Nature and scope of the commission's data	42
Earnings on total investment	43
Estimated earnings on electrical investment	44
SEC. 8. Effect of changes since 1924	49
General nature of developments	49
Changes in General Electric interests	49
Electric Bond & Share Co. and other groups	50
Conclusion	50
CHAPTER IV.—STOCKHOLDERS IN COMMON AND INTERLOCKING DIRECTORATES	
SEC. 1. Scope of this study	52
Number and character of companies covered	52
Classification of companies	52
SEC. 2. Extent to which stockholders exercise their rights	53
SEC. 3. Dispersion of stock control among holding companies	54
SEC. 4. Stockholders in common	56
SEC. 5. Relation of the directors to the business of a company	63
SEC. 6. Extent of interlocking directorates	64
SEC. 7. Extent of interlocking directorates among operating companies	67
PART II.—DEVELOPMENT OF GENERAL ELECTRIC INTERESTS	
CHAPTER V.—THE ELECTRIC BOND & SHARE CO.	
SEC. 1. Conditions preceding the formation of the Electric Bond & Share Co	69
Demand for electrical products	69
Securities taken in payment for electrical equipment	69
Early method of realizing on securities	70
Problem of marketing power company bonds	70
Problem of marketing power company stocks	71
SEC. 2. Formation of the Electric Bond & Share Co	72
Preliminary steps	72
SEC. 3. Description of the Electric Bond & Share Co. service	74
SEC. 4. Investments and earnings	76
SEC. 5. Development of electric-power interests	77
SEC. 6. Map of supervised power systems	77
SEC. 7. Companies not supervised by the Electric Bond & Share Co	78
CHAPTER VI.—AMERICAN GAS & ELECTRIC CO. GROUP	
SEC. 1. Original organization	79
SEC. 2. General policy in acquiring companies	81
SEC. 3. Acquisition of numerous small companies	81
SEC. 4. Accretions in New Jersey	86
SEC. 5. Merger with the American Electric Power group in 1925	87
SEC. 6. Acquisition of the Appalachian Power and the Virginia Power Co.s	88
SEC. 7. Internal rearrangements	91
SEC. 8. Financial methods	91
CHAPTER VII.—THE AMERICAN POWER & LIGHT CO. GROUP	
SEC. 1. Beginnings of the system	93
Organization of the American Power & Light Co. and the Kansas Gas & Electric Co	93
Later additions to the Kansas Gas & Electric system	94
SEC. 2. Developments in the Pacific Northwest	95
Acquisition of the properties of the Portland Gas Co	95
Formation of an Oregon-Washington operating unit	96
Later developments of the Pacific Power & Light system	97
SEC. 3. Developments in the Southwest	98
Addition of a Texas group in 1912 and 1913	98
Later additions to the Southwestern Power & Light group	101
Present status of the Southwestern Power & Light group	101
SEC. 4. Addition of a Nebraska system	101
An open-end bond issue	102
SEC. 5. Acquisition of Minnesota properties	103
Later additions to the Minnesota Power & Light system	105
Changes in financial structure of the Minnesota Power & Light Co	106
SEC. 6. The Florida group of properties	106
SEC. 7. Acquisition of the Central Arizona Light & Power Co	108
SEC. 8. Conclusion	108
CHAPTER VIII.—THE ELECTRIC POWER AND LIGHT CORPORATION GROUP	
SEC. 1. Formation and financing of the Utah Power & Light Co	109
Conditions preceding formation of the Utah companies	109
Financing, construction, and acquisitions	112
SEC. 2. Origin and development of Idaho Power & Light Co. and Power Securities Corporation	115
Reorganization plan	115
Subsequent construction and financing	116
Reorganization of National Securities Corporation; formation of Power Securities Corporation	117
SEC. 3. Origin of the Dallas companies and of Electric Bond & Share Co.'s connection with them	118
SEC. 4. Origin of Electric Bond & Share Co.'s interest in the New Orleans Public Service (Inc.)	120
SEC. 5. Formation of the Electric Power & Light Corporation	121
SEC. 6. Addition of the Couch properties and others	123
CHAPTER IX.—THE LEHIGH POWER SECURITIES CORPORATION GROUP	
SEC. 1. Formation of the group	125
SEC. 2. Internal reorganization	127
SEC. 3. Miscellaneous acquisition in subsequent years	127
SEC. 4. Acquisition of the East Penn Electric system	129
SEC. 5. Acquisition of the Pennsylvania companies of United Gas & Electric Corporation system	129
SEC. 6. Reorganization on a permanent basis	130
SEC. 7. Development of properties and methods of financing	131
Development of the Lehigh Securities properties	131
Financing methods	131
Features of bond issues	132
CHAPTER X.—THE NATIONAL POWER AND LIGHT GROUP	
SEC. 1. Formation of National Power & Light Co	134
Extent of the present group	134
The old National Power & Light Co	134
Plan of reorganization	135
Securities readjustment in reorganization	137
Subsequent acquisition	137
SEC. 2. The Carolina Power & Light Co	138
Origin of the company	138
Minor acquisitions	139
Yadkin River Power Co	139
Asheville Power & Light Co	140
Carolina Gas & Electric Co	140
Construction and financing	141
SEC. 3. Combination of the Carolina Power & Light and the National Power & Light groups	141
Growth of National Power & Light Co	141
Annexation of the Carolina Power & Light Co	142
CHAPTER XI.—THE SOUTHEASTERN POWER & LIGHT CO. GROUP	
SEC. 1. Development of the system	144
SEC. 2. Development of Alabama Power system under the old régime	147
SEC. 3. Recent extensions of the Southeastern Power and Light system	149
CHAPTER XII.—THE UNITED GAS AND ELECTRIC CORPORATION	
SEC. 1. Origin and control	151
SEC. 2. Investment and operations	152
CHAPTER XIII.—NORTHEASTERN POWER CORPORATION AND AFFILIATES	
SEC. 1. Purpose of consolidation	154
SEC. 2. Buffalo, Niagara & Eastern Power Corporation	154
SEC. 3. Mohawk-Hudson Power Corporation	157
SEC. 4. The Northeastern Power Corporation	160
Recapitalization of New England Co	160
Formation of the Eastern States Power Corporation and the Northeastern Power Corporation	163
PART III.—DESCRIPTION OF OTHER POWER GROUPS	
CHAPTER XIV.—POWER COMPANY GROUPS AND SERVICE ORGANIZATIONS	
SEC. 1. Power company groups	167
SEC. 2. General comparison of services	169
SEC. 3. Pyramiding holding companies	172
SEC. 4. Superposed holding companies	175
SEC. 5. Fields of operation of principal power groups	176
CHAPTER XV.—THE STONE & WEBSTER GROUP	
SEC. 1. Companies in the group	177
SEC. 2. Investment and operating data for 1924	180
SEC. 3. Capital structure of the Stone & Webster group	180
SEC. 4. Development of Stone & Webster service	182
SEC. 5. Services offered by Stone & Webster	184
SEC. 6. General policy of Stone & Webster	187
CHAPTER XVI.—THE BYLLESBY GROUP	
SEC. 1. Companies in this group	188
SEC. 2. Investment and operating data	191
Capitalization of the Standard Gas & Electric group	192
Pyramiding control	193

CHAPTER XVII.—THE HODENPYL-HARDY GROUP — Page

SEC. 1. Development of the group — 198
SEC. 2. Companies in this group — 199
SEC. 3. Investment and operating data — 200
SEC. 4. Capitalization of the group — 201
The Commonwealth Power Corporation group — 202

CHAPTER XVIII.—THE CITIES SERVICE OR DOHERTY GROUP

SEC. 1. Origin — 204
SEC. 2. Companies in this group — 204
SEC. 3. Investment and operating data — 206
SEC. 4. Capitalization of Doherty group — 207
Structure of the Cities Service Power & Light subgroup — 208
SEC. 5. Control of the Cities Service Co — 209

CHAPTER XIX.—THE BARSTOW GROUP

SEC. 1. Origin and development — 210
SEC. 2. Companies in this group — 213
SEC. 3. Investment and operating data — 214
SEC. 4. Capital structure — 215

CHAPTER XX.—THE WHITE GROUP

SEC. 1. Investment and operating data — 217
SEC. 2. Companies in this group — 218
SEC. 3. Capitalization of the Associated Gas & Electric group — 220

CHAPTER XXI.—OTHER SERVICE GROUPS

SEC. 1. Introduction — 223
SEC. 2. The Fitkin group — 223
Companies in this group — 223
Development of organization — 225
Operating data — 227
Capital structure and pyramiding — 227
Modification of corporate and security structures — 231
SEC. 3. The United Light & Power Co — 232
SEC. 4. The United Gas Improvement Co — 234
SEC. 5. The American Water Works & Electric Co — 236

CHAPTER XXII.—THE NORTH AMERICAN CO.

SEC. 1. Connection with the General Electric Co — 238
SEC. 2. Companies in this group — 239
SEC. 3. Development of the system — 241
Pyramiding subsidiaries — 241
Improvement in earning power of subsidiary operating companies — 242
Acquisition of additional companies — 243
SEC. 4. Recent additions to the system — 245
Washington Railway & Electric Co — 245
Mississippi River Power Co — 245
Central Mississippi Valley Electric properties — 246
Western Power Corporation — 246
North American Light & Power Co — 247
SEC. 5. Investment and operating data — 248
SEC. 6. General character of group — 249
Sources of the North American Co.'s income — 249
Control of the North American Co — 249

CHAPTER XXIII.—THE INSULL GROUP

SEC. 1. Origin — 251
SEC. 2. Composition and geographic extent — 251
Recent additions to the group — 254
SEC. 3. Investment and operating data for 1924 — 255
SEC. 4. Capitalization of the Middle West Utilities group — 256

CHAPTER XXIV.—OTHER LARGE COMBINATIONS

SEC. 1. Introduction — 260
SEC. 2. Public Service Corporation of New Jersey — 260
SEC. 3. Columbia Gas & Electric Co — 262
SEC. 4. Penn-Ohio or the Republic Railway & Light group — 263

CHAPTER XXV.—EXTENSIVE UNIT DEVELOPMENTS AND LARGE LOCAL OPERATIONS

SEC. 1. Character of unit developments and local operations — 266
SEC. 2. Pacific Gas & Electric Co — 266
SEC. 3. The Montana Power Co — 268
SEC. 4. The Washington Water Power Co — 269
SEC. 5. Other interconnected electric-power groups — 270
SEC. 6. Large local companies — 270
SEC. 7. Municipal plants — 272

LIST OF TEXT TABLES

TABLE 1. Number and percentages of shareholders common to the General Electric Co. and the Electric Bond & Share Securities Corporation, by size of holding groups, and percentages of common holdings and of aggregate holdings of each group in each of the companies in September, 1926 — 19
2. Distribution of Electric Bond & Share Securities Corporation stockholders, and their holdings, by size of holdings, September, 1926 — 21
3. Loans made by the General Electric Co. to electric-power companies during 1924, with payments thereon down to May 31, 1926 — 26
4. Loans made by the General Electric Co. to electric-power companies from January 1, 1925, to July 1, 1926, with date of final payment — 26
5. Growth of the central electric light and power stations, as reported by the Census Bureau, 1902 to 1922 — 28
6. Total electric-energy production by public-utility plants of the United States, as reported by the Geological Survey, and estimated electric-power station output, 1919 to 1926 — 30
7. Base totals for measurement of control of the electric-power industry — 34
8. Statistical summary of distribution of control of the electric-power industry — 36
9. Percentage distribution of control of that part of the electric-power industry reporting to the commission — 38
10. Percentage distribution of control of the country's entire electric-power industry, 1924 — 40
11. Rates of return on investment for all privately owned operating companies returning usable schedules grouped according to company affiliations for the year 1924 — 43

Page

TABLE 12. Rates of earnings of specified holding company groups on total investment and on common-stock equity of the holding company as shown in published consolidated balance sheets and income statements, 1924 and 1925 — 45
13. Number of corporation income-tax returns and amounts of net income or deficit reported for corporations in the electric light and power industry and for all corporations as reported by the Treasury, by years, 1918–1924 — 47
14. Percentages of voting stock present at annual meetings for specified holdings companies — 54
15. Holders of 1 per cent or more of the voting stock of the General Electric Co. or the Electric Bond & Share Co., who were at the same time reported as holders of 1 per cent or more of either class of stock of any domestic holding power company, with the proportion of their holdings of each class to the total outstanding, February, 1925 — 56
16. Reported holders of 1 per cent or more of any class of stock of each of two or more holding companies in different power groups or in a holding company and the General Electric Co. or any of its investment company affiliates, 1925 — 58
17. Reported holdings of 1 per cent or more of either common or preferred stock in any operating company by holders who were holders of stock in two or more competitive groups of power holding companies, 1925 — 61
18. Directors of the General Electric Co. or of the Electric Bond & Share Co., or of any domestic electric power holding or operating company controlled by either of them, or by either company and its officers combined who were at the same time directors in other groups of electric-power companies, February, 1925 — 65
19. Number of men holding directorships in two or more companies and number of directorships held — 67
20. Capital and net earnings of the Electric Bond & Share Co., by years, 1905–1925 — 76
21. Capitalization on Dec. 31, 1924, gross income, net operating income, and electric energy generated and sold during 1924, for companies that entered into the Buffalo, Niagara & Eastern Power Corporation — 155
22. Capitalization on Dec. 31, 1924, of the five companies that entered the Mohawk-Hudson Power Corporation combination, together with their statistics of operating revenues and generation and sales of electric energy during 1924 — 158
23. Service groups, large combinations, and extensive unit developments, other than the General Electric, in order of their electric output in kilowatt-hours for 1924 — 168
24. Investment and operating data of the Stone & Webster group of electric power companies, 1924 — 180
25. Investment and operating data for 1924 for the Standard Gas & Electric group as constituted on Sept. 30, 1925, and in 1926 — 191
26. Capitalization of the direct operating subsidiaries of the Standard Gas & Electric Co. and of its holdings of common stock — 193
27. Investment and operating data for Hodenpyl-Hardy electric power companies for 1924 — 201
28. Investment and operating data for the Doherty group of electric power companies, 1924 — 206
29. Investment and operating data of the Barstow group of electric power companies in 1924 — 214
30. Investment and operating data for the group of J. G. White companies, 1924 — 217
31. Combined net operating revenues, gross income, interest charges and balances available for depreciation, dividends and surplus of four principal operating subsidiaries of the North American Co., by years, 1919 to 1924, inclusive — 242
32. Investment in and operations of companies in the North American Co.'s group in 1924 — 248
33. Commonwealth Edison, Middle West Utilities, Midland Utilities, and Public Service Co. of Northern Illinois investment and operating data for 1924 — 255
34. Investment and operating data reported by specified large individual electric power companies for 1924 — 271
35. Investment and operating data reported by specified municipal plants for 1924 — 272

LIST OF CHARTS AND MAPS

CHART. Growth of the electric light and power industry, 1902–1922 — opposite p. 28
MAP I. Electric power systems in the United States supervised by the Electric Bond & Share Co. — opposite p. 78
II. Fields of operations of principal power groups (located by counties, 1925) — opposite p. 176

EXHIBIT 3

CONTENTS

Page

Acknowledgment
Letter of transmittal
Letter of submittal

PART I.—THE SUPPLY OF ELECTRICAL EQUIPMENT

CHAPTER I.—BASIS AND SCOPE

SEC. 1. Basis of the inquiry
Method of conducting the inquiry
Control of the electric-power industry
SEC. 2. Scope of this report

CHAPTER II.—HISTORICAL MILESTONES IN ELECTRICAL DEVELOPMENT

SEC. 1. Introduction
SEC. 2. Events preceding the commercial application of electricity

Page

SEC. 3. Commercial application of electricity
The telegraph
The telephone
Arc lighting
Incandescent lighting
Dynamos and motors
Transformers; rotary converters; synchronous condensers
Turbo-generators
Water-wheel generators
Electric meters

CHAPTER III.—ELECTRICAL MANUFACTURING COMPANIES

SEC. 1. Kinds of manufactures considered
SEC. 2. Full and long-line companies
Number of companies
SEC. 3. Conditions in 1880–1890
SEC. 4. The General Electric Co
SEC. 5. The Westinghouse Electric & Manufacturing Co
SEC. 6. Allis-Chalmers Manufacturing Co
SEC. 7. American Brown Boveri Electric Corporation
SEC. 8. Short-line companies
Specialization in manufacture
Generators, motors, and transformers
Electric meters
Control apparatus
Switchboards; panel boards
Switching apparatus
Insulators
Electric wires and cables

CHAPTER IV.—GROWTH AND PROFITS OF THE GENERAL ELECTRIC CO.

SEC. 1. Growth of the electrical supplies industry
Number of establishments and amount of production
Capital employed
Value of specified products
SEC. 2. Plants and products of the General Electric Co
SEC. 3. Ownership of stocks of other companies
SEC. 4. Volume of sales
SEC. 5. Total investment in the company
SEC. 6. Value of stockholders' interest
SEC. 7. Division of assets
SEC. 8. Earnings of the General Electric Co

CHAPTER V.—COMPATATIVE IMPORTANCE OF THE GENERAL ELECTRIC CO.

SEC. 1. Sources of information
SEC. 2. Proportion of total electrical products manufactured
SEC. 3. Comparison of wage earners employed
SEC. 4. Proportion of value of specified products
SEC. 5. Electrical goods generally used by power companies
SEC. 6. Value of General Electric and Westinghouse products compared with Census Bureau totals, 1923
SEC. 7. Generator installations
SEC. 8. Imports and exports of electrical supplies
Total imports and exports
Proportions of electrical products exported by the General Electric Co. in 1923 and 1924
Classified exports of the General Electric Co
SEC. 9. Comparison of General Electric Co.'s rate of net earnings with those of other companies
SEC. 10. Comparison of rates of net operating earnings in the electrical business
SEC. 11. Comparison of the net earnings on the stockholders' interest

CHAPTER VI.—THE COMPETITIVE FIELD

SEC. 1. Introductory
Specialization in manufacture
SEC. 2. Distribution agencies
Distribution problems
Retailers and contractor-dealers
Wholesalers
Manufacturers' distributing organizations
Competitive effect of big-company control of jobbers
SEC. 3. The competitive field among manufacturers
Position of the two largest companies
What executives of power companies say about competition among manufacturers
Preference for products of large manufacturers
Purchasing policy of operating companies
Relations of General Electric Co. with Electric Bond & Share Co
Sale of equipment to other manufacturers

CHAPTER VII.—COMPETITION IN SPECIFIED LINES

SEC. 1. Generators and prime movers
Types of generators and prime movers
Competition among manufacturers
Proportions of generators of different makes
SEC. 2. Power and distribution transformers
Transformer types
Number of manufacturers
Concentration of manufacture
Price competition in transformers
Transformer quantity discounts
Lump-sum bids
Effect of holding company growth
SEC. 3. Motors
The field of motor manufacture
Dominant position of big companies
Competition in the motor field
Price competition in motors
Lump-sum bids
Motor quantity discount contracts
Stocks on consignment
Extensive sales and service organizations
Affiliation of distributors with large companies
Affiliation of operating companies with holding companies
Financial contracts of big companies
Dealer-contract purchase corporations
Patents
Position of small manufacturers

Page

SEC. 4. Meters and instrument transformers
Watt-hour meters
History of watt-hour meter manufacture
Switchboard voltmeters and ammeters
Portable and laboratory testing and calibrating instruments
Instrument transformers
SEC. 5. Switchboards
SEC. 6. Switch gear
High-tension circuit breakers
Medium and low voltage switches
SEC. 7. Transmission and distribution line materials
Wire and cable
Line insulators
Other insulating materials
Poles and line towers
SEC. 8. Other materials used by the power industry

CHAPTER VIII.—FINANCING SALES

SEC. 1. Early developments
General Electric financing corporations
Cash loans to power companies
Retail financing companies
General Electric contract purchase corporations
Westinghouse dealer financing
Competitive effect of big-company dealer financing
Financing sales of railway equipment

CHAPTER IX.—FOREIGN-PATENT AGREEMENTS AND COMPETITION IN THE UNITED STATES

SEC. 1. Purpose and scope of the inquiry
The situation in electrical manufacture
Foreign competition in electric-power equipment
Scope of the inquiry regarding contracts
SEC. 2. Contracts involving patent exchanges with foreign companies
General Electric Co.'s method of handling
Westinghouse Co.'s method of handling
SEC. 3. Effect on competition in the United States
Legal aspects
Economic aspects
England
Germany
France
Italy
Japan
Conclusion

CHAPTER X.—MANUFACTURERS' TRADE ASSOCIATIONS

SEC. 1. Manufacturers' associations
The Electric Power Club
Associated Manufacturers of Electrical Supplies
The Electrical Manufacturers' Club
Electrical Manufacturers' Council
National Electric Manufacturers' Association
Objects
Membership
Working sections
Representatives and dues
SEC. 2. Legal supervision of association activity
General legal supervision
Standardization
Cost accounting
Price suggestions
Statistics
SEC. 3. Cooperation with other organizations
SEC. 4. Large-company control

PART II.—COMPETITION IN THE ELECTRIC-POWER INDUSTRY

CHAPTER XI.—ORGANIZATION OF THE ELECTRIC-POWER INDUSTRY

SEC. 1. The electric-power industry
Origin and growth of the electric-power industry
Decreased investment per kilowatt-hour produced
Decreased revenue per kilowatt sold
Private and municipal plant growth
Early relations between manufacturers and central stations
Growth of large central stations
SEC. 2. Development of holding companies
Origin of holding companies
The economic basis for holding companies
Holding company control
Interconnection

CHAPTER XII.—STATE REGULATION

SEC. 1. Reason for discussing regulation
SEC. 2. Forms of regulation
General police power
Public-utility regulation
Division of the regulatory function
SEC. 3. The basis for State regulation
Public interest
The dual nature of public interest
SEC. 4. Regulation of the right to engage in business
Charters
Franchises
Certificates of public convenience and necessity
Indeterminate permits
SEC. 5. Regulation of financing
Purpose of regulation
SEC. 6. Regulation of mergers
The character of mergers
Control of local mergers
Control of holding companies
SEC. 7. Regulation of services
Relation of services to rates
SEC. 8. The regulation of rates
Limitation of "fair return"
SEC. 9. Lack of uniformity in State regulation
SEC. 10. Limit of State jurisdiction
SEC. 11. Position of the Federal Power Commission

Page

SEC. 12. Prosperity of the industry under Government regulation
Rate of growth and relative importance of the industry
Great demand for light and power securities
Relative profitableness of the power industry
Rate trends under regulation
Distribution of total revenue as between classes of customers
Effect of rate reduction on residential consumption
SEC. 13. Distribution of the consumer's dollar
Sources of data
Electrical World distribution
Distribution of the consumer's dollar in specified States
Distribution of earnings to different classes of securities
Conclusion

CHAPTER XIII.—COMPETITIVE CONDITIONS IN THE ELECTRIC POWER INDUSTRY

SEC. 1. Character of competition in the power industry
SEC. 2. Character of competition in the power industry
Competition for business in occupied territory
Recent illustrations of local competition
Municipal competition with private companies
Interconnected municipal systems
Potential competition of public service power companies with industrials
Competition between power companies for unoccupied territory
SEC. 3. Problems created by holding companies
Competition among service organizations
Regulation problems growing out of holding companies
Rates for energy in interstate commerce
Valuation problems in connection with mergers
Combination of holding companies

CHAPTER XIV. NATIONAL ELECTRIC LIGHT ASSOCIATION

SEC. 1. Introductory
Organization
Objects
Growth of membership
SEC. 2. Structure of the National Electric Light Association
Geographic divisions
The governing body of the national association
SEC. 3. Income and expenditures
Sources of income
Income and expenses
SEC. 4. Scope and nature of activities
SEC. 5. Public relations activities
The public relations sections
Cooperation with educational institutions
Harvard University
Retainers to members of faculty
Preparation of textbooks
Special university course
Distribution of pamphlets
Public speaking
Women's clubs
Photographic exhibits
Motion pictures
Information bureau organization committee
SEC. 6. Cooperation with other associations
Society for Electrical Development (Inc.)
Electrical Supply Jobbers' Association
Association of Electragists International
Financial associations
Insurance companies
General Federation of Women's Clubs
Associated Advertising Clubs of the World
SEC. 7. Other related organizations
SEC. 8. Special funds
Good-will advertising campaign
Home-lighting contest
Industrial-lighting campaign
Appliance advertising
SEC. 9. Other special activities
Rate books
Merchandising policy committee
Wiring cost
SEC. 10. Conclusion

LIST OF CHARTS

CHART I. Territorial distribution of branch offices and service and repair shops of the General Electric and Westinghouse Cos. and their closely affiliated distributors, 1927
II. Growth of the electric power industry as shown by number of establishments, value of plant, installed capacity, energy generated, and sales of power as shown by census reports from 1902 to 1922
III. Organization of the National Electric Light Association
IV. Geographic divisions of the National Electric Light Association

LIST OF TEXT TABLES

TABLE 1. Capitalization and assets of the General Electric Co. in comparison with the capitalization of its three underlying companies
2. Number of manufacturers making different types of electrical equipment used by power companies, according to the E. M. F. Yearbook, 1925
3. Number of establishments, average number of wage earners employed, primary horsepower, and value of production, as reported for the electrical machinery, apparatus, and supplies industry, census years 1879 to 1923
4. Value of production reported by the Census Bureau for electrical machinery, apparatus, and supplies manufactured in the United States, by kinds of product, for specified census years, 1899 to 1923
5. Sales billed by the General Electric Co., by years, 1892–1926

Page

Table 6. Sales billed by the General Electric Co. for different kinds of electrical products, with percentage of each to the total, 1924
7. Total investment in the General Electric Co. and proportions of the total consisting of stockholders' interest and of capital borrowed, by years, 1893–1926
8. Stockholders' interest in the General Electric Co., with amounts of capital stock, surplus, and reserves, by years, 1892–1926
9. Percentages of the net assets of the General Electric Co. represented by capital invested in the business and by outside investments, by years, 1893–1926
10. Investments of the General Electric Co. in its own manufacturing business, and proportions comprised by plant, patents, franchises, etc., net working capital, and other fixed assets, 1893–1926
11. Net earnings of the General Electric Co. on the total investment and disposition of earnings, 1892–1926
12. Net earnings and rates of net earnings on total investment before and after deduction of Federal taxes, for the General Electric Co., by years, 1892–1926
13. Net earnings and rates of net earnings on the stockholders' interest in the General Electric Co. before and after deduction of Federal taxes, by years, 1892–1926
14. Net earnings and rates of net earnings on investment in the business and on outside investments, before deduction of Federal taxes, for the General Electric Co., by years, 1893–1926
15. Value of production of electrical machinery, apparatus, and supplies manufactured by the General Electric Co. in comparison with that reported for the industry as a whole and with the total for all other companies, for specified years
16. Total value of production of electrical goods and value of production of electrical goods produced by the General Electric Co., by classes of products, 1919, 1921, and 1923
17. Total domestic sales of electrical machinery, apparatus, and supplies and proportion of such sales comprised of products of the kind generally used by companies engaged in the generation, transmission, or distribution of electric current, for the General Electric Co. and certain other companies, 1923 and 1924
18. Comparison of value of electrical goods manufactured by the General Electric Co. and the Westinghouse Electric & Manufacturing Co., with the total reported by the Bureau of the Census, by classes of products, 1923
19. Kilowatt capacity of generator installations and proportions comprised by the products of the three largest manufacturers, for specified periods, 1900 to 1925
20. Value of exports of electrical machinery, apparatus, and supplies, by kinds of product, 1914, 1919, 1921, and 1923
21. Comparison of estimated export and domestic sales of electrical machinery, apparatus, and supplies, for 136 companies, 1923 and 1924
22. General Electric Co.'s export sales and percentages of export sales to total sales, by kinds of products, 1924
23. Total investment and net earnings on total investment before deduction of Federal taxes for the General Electric Co. and specified groups of companies, 1924
24. Investment in the electrical goods manufacturing business and net operating earnings of the business before deduction of Federal taxes, for the General Electric Co. and specified groups of companies, 1924
25. Total stockholders' interest and net earnings on stockholders' interest before deduction of Federal taxes, for the General Electric Co. and specified groups of companies, 1924
26. Sales and service organizations of the General Electric Co. and the Westinghouse Electric & Manufacturing Co., 1926
27. Summary of General Electric and Westinghouse companies sales and service organizations, 1926
28. Percentages of General Electric Co. generators to total in use in 1925, as reported to the commission, classified by specified groups of companies for specified periods, 1905–1925
29. Number of manufacturers of alternating-current and direct-current generators of different types, divided to show the number of large and small companies for each type of generator
30. Sample of manufacturers' competitive bids on turbogenerators, showing specifications, number of companies bidding, prices, names of successful bidder, and reason for awarding contract
31. Distribution of generator capacity by makes and periods within which installed in electric light and power stations of the United States in 1925. (Approximately 700 operating companies reporting to the Federal Trade Commission.)
32. Net income of General Electric dealer financing companies as shown by profit and loss statements for the years 1924–1926, inclusive
33. Loans by the General Electric Co. to its dealer financing companies outstanding Dec. 31, 1924, 1925, and 1926
34. Control of electric public-utility generating capacity reported to the Federal Trade Commission, 1925
35. Value of plant and equipment of the electric-power industry as shown by the Bureau of the Census, for specified years, 1902–1922
36. Securities sold and capitalization at the end of the year of electric-power companies, as shown by the Electrical World, 1921–1926
37. Proportions of total energy sold and gross revenues derived from sales to lighting customers, power customers, and electric railways, 1922–1926

Page

Table 38. Electric energy sold, gross revenue, and average realization per kilowatt-hour sold to lighting customers, power customers, and electric railways, 1922–1926
39. Percentage distribution of gross revenue of electric-power companies to operating and maintenance, depreciation, taxes, interest, dividends, and surplus for the years 1920 to 1925
40. Distribution in specified States of the electric-power consumer's dollar as between specified items of operating expenses and profit for the year 1924
41. Distribution of the electric-power consumer's dollar as between specified items of operating expense and profit for 32 companies in 1922 and 47 companies in 1924
42. Membership of the National Electric Light Association, by classes, 1914–1926, inclusive
43. Growth of electrical central station industry, 1902–1922

APPENDIX

EXHIBIT 1.—Electrical products manufacturers in which the General Electric Co. is interested through ownership of voting stock
2.—Table 43. Growth of electrical central station industry, 1902–1922
3.—Constitution of the National Electric Light Association
4.—National Electric Light Association—Income and expenditures. Statement of income and expenses, years ending June 30, 1925, and June 30, 1926
5.—Committee organization of the National Electric Light Association, 1926
6.—Related organizations
7.—Tentative suggestions for a possible agenda for the proposed joint conference on wiring costs and methods

EXHIBIT 4

DEPARTMENT OF WATER AND POWER,
BUREAU OF POWER AND LIGHT OF THE
CITY OF LOS ANGELES,
November 4, 1927.

Senator THOMAS J. WALSH,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR WALSH: Thinking that it might prove of interest to you, I am sending you, separately, a copy of the audit report by Price, Waterhouse & Co. of the financial operations and status of the bureau of power and light of the department of water and power, city of Los Angeles, together with a copy of the ordinance approving rates established and charged by the municipal bureau of power and light for electric service furnished by it within the city to the city and its inhabitants.

The audit report shows the operating revenues and expenditures of the bureau for the fiscal year 1926–27, and the financial status of the bureau, assets versus liabilities, as of June 30, 1927.

The municipal bureau of power and light began operating—that is, rendering electric service within the city—in May, 1917, so that the summary financial report marked "Exhibit 1" shows the results of 10 years of operation, total assets in excess of $64,000,000, with actual liabilities less than the assets by more than $23,000,000.

The difference between the assets and actual liabilities is made up of $18,265,000 of surpluses or clear profits made during the 10-year period, approximately $4,737,000 contributed from tax money during the construction period and represented by capital investment, and $240,000 of bond premiums.

The yearly surpluses as set up by our accountants and audited by Price, Waterhouse & Co. have been arrived at by first deducting from gross operating revenue the total cost of operation and maintenance, full depreciation allowance, and all interest. For the last fiscal year the surplus was $3,258,000 out of a gross earning of $12,659,000. This is an excellent showing, we feel, in view of the especially low electric rates charged by the bureau for service. The rates charged by private electric companies elsewhere in California would result in a gross revenue to the bureau of power and light, if charged by it, from 15 per cent to 18 per cent greater than our actual gross revenues, while the rates charged in various cities of similar size in the United States by private corporations would result in a gross revenue to the bureau of power and light, if charged by it, from 15 per cent to 50 per cent greater than our actual gross revenue.

Very truly yours,

E. F. SCATTERGOOD,
Chief Electrical Engineer and General Manager.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia [Mr. GEORGE], as modified.

Mr. REED of Pennsylvania. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. WALSH of Montana (when Mr. FLETCHER'S name was called). The senior Senator from Florida [Mr. FLETCHER] is paired with the junior Senator from Delaware [Mr. DU PONT]. If the Senator from Florida [Mr. FLETCHER] were present and permitted to vote, he would vote "nay." If the Senator from Delaware were present and permitted to vote, I am advised that he would vote "yea."

Mr. FRAZIER (when his name was called). On this question I am paired with the senior Senator from North Carolina [Mr. SIMMONS].

Mr. NORRIS (when his name was called). Upon this vote I am paired with the junior Senator from Arkansas [Mr. CARAWAY]. If the junior Senator from Arkansas were present he would vote "yea." I transfer my pair to the senior Senator from Idaho [Mr. BORAH], who is unavoidably detained from the Senate, and vote "nay." I desire to announce, although it may be apparent from my transfer, that if the Senator from Idaho [Mr. BORAH] were present on this question he would vote "nay."

Mr. OVERMAN (when Mr. SIMMONS'S name was called). My colleague, the senior Senator from North Carolina [Mr. SIMMONS], is unavoidably detained. He has a general pair with the Senator from North Dakota [Mr. FRAZIER]. If present my colleague would vote "yea."

Mr. TYSON (when his name was called). On this question I am paired with the junior Senator from West Virginia [Mr. GOFF]. If that Senator were present, he would vote "yea." If I were permitted to vote, I would vote "nay."

The roll call was concluded.

Mr. BROOKHART (after having voted in the negative). I have a pair with the Senator from South Carolina [Mr. SMITH]. I have voted, but as my pair is absent I shall have to withdraw my vote. If permitted to vote, I would vote "nay."

Mr. SHIPSTEAD (after having voted in the negative). Has the senior Senator from Kentucky [Mr. SACKETT] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. SHIPSTEAD. On this question I am paired with that Senator. If he were present he would vote "yea," and if I were permitted to vote I would vote "nay." I therefore withdraw my vote.

Mr. GERRY. I desire to announce that the Senator from Maryland [Mr. BRUCE] is paired with the Senator from Nebraska [Mr. HOWELL], and that the Senator from South Carolina [Mr. BLEASE] is paired with the Senator from Utah [Mr. KING]. If present, the Senator from Maryland [Mr. BRUCE] and the Senator from South Carolina [Mr. BLEASE] would vote "yea" and the Senator from Nebraska [Mr. HOWELL] and the Senator from Utah [Mr. KING] would vote "nay."

Mr. FRAZIER. I am paired with the Senator from North Carolina [Mr. SIMMONS]. If I were allowed to vote, I would vote "nay." If the Senator from North Carolina were present and voting, he would vote "yea."

The result was announced—yeas 46, nays 31, as follows:

YEAS—46

Bayard	Gillett	Moses	Smoot
Bingham	Gooding	Oddie	Steck
Bratton	Gould	Overman	Steiwer
Broussard	Greene	Phipps	Stephens
Copeland	Hale	Pine	Thomas
Curtis	Heflin	Pittman	Tydings
Deneen	Jones	Ransdell	Warren
Edge	Kendrick	Reed, Pa.	Waterman
Edwards	Keyes	Robinson, Ark.	Watson
Ferris	McLean	Robinson, Ind.	Willis
Fess	Mayfield	Schall	
George	Metcalf	Shortridge	

NAYS—31

Ashurst	Gerry	McKellar	Sheppard
Barkley	Glass	McMaster	Swanson
Black	Harris	McNary	Trammell
Blaine	Harrison	Neely	Wagner
Capper	Hawes	Norbeck	Walsh, Mass.
Couzens	Hayden	Norris	Walsh, Mont.
Cutting	Johnson	Nye	Wheeler
Dill	La Follette	Reed, Mo.	

NOT VOTING—17

Blease	Dale	Howell	Smith
Borah	du Pont	King	Tyson
Brookhart	Fletcher	Sackett	
Bruce	Frazier	Shipstead	
Caraway	Goff	Simmons	

So Mr. GEORGE'S amendment as modified was agreed to.

Mr. GEORGE. Mr. President, on page 3, line 3, I move to strike out the word "committee" and insert the word "commission."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 3, line 3, strike out the word "committee" and insert the word "commission."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. GEORGE. I now move to strike out all after line 16, on page 3; that is to say, all that portion of the resolution which merely provides for hearings before the committee, the right of the committee to summon witnesses, and so forth, and fixing the pay for the reporting of the testimony. Manifestly that would have no application now, since the resolution goes to the Federal Trade Commission. I move to strike out all after line 16, on page 3, down to the end of the resolution.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. GEORGE. I now move that the resolution be amended by adding at the end thereof the following language, which I ask the clerk to report.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. Add at the end of the resolution the following:

The commission is hereby further directed to report particularly whether any of the practices heretofore in this resolution stated tend to create a monopoly or constitute a violation of the Federal antitrust laws.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BLACK. Mr. President, I desire to offer an amendment at the end of the resolution.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. After the paragraph just agreed to insert the following:

The Senate shall proceed, within 10 days after the passage of this resolution, to select an attorney to present and develop all facts before the commission connected with this investigation, and the attorney shall be paid out of the contingent fund of the Senate an amount fixed by the Interstate Commerce Committee of the Senate.

Mr. WATSON. Mr. President, I very much hope that the amendment will not be agreed to. I can not approve of the Senate of the United States employing lawyers to present a case of that character. The Federal Trade Commission are amply supplied with lawyers to look after matters imposed upon them and committed to their keeping. I see no necessity for the adoption of this particular amendment.

Mr. REED of Missouri. Mr. President, I think the only thing necessary to complete the work that has just been done would be to remove absolutely any possibility of a real investigation.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Alabama.

Mr. BLACK. Mr. President, since the Senator from Indiana [Mr. WATSON] has made the statement about the amendment I desire to state this fact: As I understand it, this is not a regular court proceeding. If there is not some method of presenting the evidence there will be no evidence before the commission. There must be some one charged with that duty; that is, if it is really intended to have an investigation. Of course, if no investigation is desired, the amendment should be overwhelmingly defeated.

Mr. GLASS. Mr. President, in view of the adoption of the main amendment presented by the Senator from Georgia [Mr. GEORGE], I for one am unwilling that the Senate shall have anything whatsoever to do with this so-called investigation, and I shall vote against the amendment presented by the Senator from Alabama.

Mr. HEFLIN. Mr. President, I hope my colleague's amendment will be adopted. I think it would be a good thing to select some bright and trustworthy attorney to present such facts as he may be in possession of to the commission.

The Senate has employed attorneys to represent the Government in the cases of Sinclair and Doheney and Fall. What harm could come in this instance from having some competent attorney present any facts that he may find? No harm could come from that.

I for one, for reasons entirely satisfactory to me, voted in favor of the amendment to have the Federal Trade Commission conduct the investigation of the utility companies, but I should like to see some good lawyer given the opportunity to aid and assist in any way that he possibly could. If the commission should fail or refuse to do anything, the Senate will take the proper steps to see that an investigation is had. We are not tied up by this proceeding. We have not surrendered any right that we have. The Senator from Montana suggested that the companies might take an appeal from the Trade Commission on the ground that it had no authority and thus would hold up the matter in the courts. If any such proceeding is started looking to delay or to preventing an investigation, I shall move that the Senate itself shall proceed to the investigation after the two national conventions shall have met and adjourned.

Mr. SWANSON. Mr. President, do I understand the amendment directs the Senate to employ the counsel and that he shall be paid out of the contingent fund of the Senate?

Mr. BLACK. The amendment is designed to provide for the employment of an attorney.

Mr. SWANSON. It seems to me that if the commission is competent to make the investigation it certainly ought to be competent to select counsel. The Senate has decided that it is competent to make the investigation, and it does seem to me to be making a reflection on them to say that they have not sense enough to select such counsel as they may need.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the junior Senator from Alabama [Mr. BLACK].

The amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to, as follows:

Resolved, That the Federal Trade Commission is hereby directed to inquire into and report to the Senate, by filing with the Secretary thereof, within each 30 days after the passage of this resolution and finally on the completion of the investigation (any such inquiry before the commission to be open to the public and due notice of the time and place of all hearings to be given by the commission, and the stenographic report of the evidence taken by the commission to accompany the partial and final reports) upon: (1) The growth of the capital assets and capital liabilities of public utility corporations doing an interstate or international business supplying either electrical energy in the form of power or light or both, however produced, or gas, natural or artificial, of corporations holding the stocks of two or more public-utility corporations operating in different States, and of nonpublic-utility corporations owned or controlled by such holding companies; (2) the method of issuing, the price realized or value received, the commissions or bonuses paid or received, and other pertinent facts with respect to the various security issues of all classes of corporations herein named, including the bonds and other evidences of indebtedness thereof, as well as the stocks of the same; (3) the extent to which such holding companies or their stockholders control or are financially interested in financial, engineering, construction, and/or management corporations, and the relation, one to the other, of the classes of corporations last named, the holding companies, and the public-utility corporations; (4) the services furnished to such public-utility corporations by such holding companies and/or their associated, affiliated, and/or subsidiary companies, the fees, commissions, bonuses, or other charges made therefor, and the earnings and expenses of such holding companies and their associated, affiliated, and/or subsidiary companies; and (5) the value or detriment to the public of such holding companies owning the stock or otherwise controlling such public-utility corporations immediately or remotely, with the extent of such ownership or control, and particularly what legislation, if any, should be enacted by Congress to correct any abuses that may exist in the organization or operation of such holding companies.

The commission is further empowered to inquire and report whether, and to what extent, such corporations or any of the officers thereof or any one in their behalf or in behalf of any organization of which any such corporation may be a member, through the expenditure of money or through the control of the avenues of publicity, have made any and what effort to influence or control public opinion on account of municipal or public ownership of the means by which power is developed and electrical energy is generated and distributed, or since 1923 to influence or control elections: *Provided*, That the elections herein referred to shall be limited to the elections of President, Vice President, and Members of the United States Senate.

The commission is hereby further directed to report particularly whether any of the practices heretofore in this resolution stated tend to create a monopoly, or constitute violation of the Federal antitrust laws.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 9 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 16, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *February 15, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Hear us, O Lord of the vineyard. Thou dost still send us forth to the fields of service. As each has his own task, may he achieve Thy good pleasure by a thorough devotion to duty. Helpfulness enters into the fundamental conception of our living. The praise of life is that man exhales bounty and stimulus and encouragement as he journeys on. Keep us clear of any just accusation that we have done any evil thing. Permit us to work with Thee in the service of our country, in the growth of Christian idealism, and in bringing heaven and earth nearer together. Rebuke our ease, smite our selfishness, and lead us on toward that realm where all night is past and the day has dawned. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 9186. An act authorizing the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, to construct, maintain, and operate a toll bridge across the Ohio River at or near Sistersville, Tyler County, W. Va.; and

H. R. 9660. An act authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7009) entitled "An act to authorize appropriations for construction at military posts, and for other purposes."

DEPORTATION OF CERTAIN ALIENS

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that I may file minority views on the bill H. R. 10078, a deportation bill from the Committee on Immigration, within five days.

Mr. TILSON. Let the Clerk report the bill.

The Clerk read as follows:

A bill (H. R. 10078) providing for the deportation of certain aliens, and for other purposes.

The SPEAKER. The gentleman from New York asks unanimous consent to file minority views on the bill H. R. 10078 within five days. Is there objection?

There was no objection.

ADDRESS OF HON. LORING M. BLACK, JR.

Mr. CULLEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing a speech delivered by my colleague [Mr. BLACK] on the retirement of Admiral Plunkett.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CULLEN. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following speech of Hon. LORING M. BLACK, Jr., a Representative in Congress from the State of New York, at a dinner to Admiral Charles P. Plunkett, tendered by the civilian employees of the New York Navy Yard on February 13, 1928:

Mr. BLACK. Admiral Plunkett recently ventilated the subject of an Anglo-American war with a rather startling journalistic and official repercussion to himself. Such a conflict has long been whispered about in British and American naval and diplomatic circles. Our admiral succeeded in drawing it into the open and such open discussion should be healthy rather than hurtful.

On this question there are two main American theses: First, no American wants war with Great Britain; second, in the event of such a war, no American wants the United States to be unprepared.

There are some who believe that a conflict between the United States and the British Empire is unthinkable, but, as Mr. Storm Jameson said in the February English Review of 1921, "It is easy to declare roundly that a war between this country and America is unthinkable. That statement argues nothing so much as an imaginative incapacity on the part of the sentimentalists who make it." No less a student of international affairs than President Wilson has said that the seed of war in the modern world is industrial and commercial rivalry.

We have reached a stage of tremendous economic rivalry with Great Britian, and in 1926 we led Great Britain in the ratio of 91 to 85 in the relative value of foreign trade. Great Britain has long been accustomed to the position of the great economic and maritime leader of the world. In our coastwise trade alone we equal the entire foreign trade of Great Britain. Tradition has given to the leading economic factor the supremacy on the high seas. When we agree with Great Britain that there should be a parity of naval strength, we are making a great concession, for were we to have a Navy commensurate with our economic position as fixed by precedent, which precedent was made by Great Britain, we would have a Navy far surpassing the British.

The American idealists on the subject of the high-mindedness of foreign diplomacy have suffered some rude jolts. They are beginning to realize that peace treaties of foreign powers arise from desires toward increasing national prestige rather than being motivated by a hope of world peace. No better example of this has been offered than the fate of the Washington Disarmament Conference. We had among our delegates some very practical gentlemen who were carried away with the postwar idealism and who were, therefore, out-maneuvered in the Washington conference war game by that ghostly diplomatic cat, Lord Balfour. Of him, Mr. A. G. Gardner, editor of the London News, has said "You feel that he would give you the same smile in sending you to the scaffold as he would in passing you the salt." At his door can be laid much responsibility for the present war talk and practically all responsibility for the naval-armament race which is now being run. He was crafty enough to leave Great Britain free to regain its relative naval strength by consenting to the scrapping of our new battleship construction and Great Britain's inferior ships of that type, having in mind that Great Britain could and would build a powerful instrument of war in the 10,000-ton cruiser. Mr. Gardner also said of Balfour that his "domination of the Washington conference made a deep and lasting impression on America of British statesmenship at its highest point." His mastery over the conference was not for the purpose of stopping armament competition but merely to bring down the then supremacy of America. He left the door open, and he repeatedly has said so, for the construction of the 10,000-ton cruiser which Mr. Hector Bywater describes as "in fighting value they are but little inferior to the treaty type, which they might engage without undue risk. As regards protection they are probably superior."

Great Britain has attempted to blame Japan for violating the spirit of the Washington treaty but in Lord Balfour's mind in Washington was worked out the idea of the present race.

It has always been my contention and stated on the floor of Congress that when Great Britain started her cruiser program and Japan her cruiser and submarine program that our State Department should have protested on the theory that the spirit of the treaty was being violated. Had such a protest been lodged, an exchange of notes should have brought us back to the ratio and would have accomplished much more than the ill-fated Geneva Conference.

Admiral Plunkett is not to blame for war talk, but responsibility is squarely up to Lord Balfour, who used a peace movement as a war weapon.

Speaking of the Geneva conference, President Coolidge, in his message to Congress, said, "We were granted much cooperation by Japan, but we were unable to come to an agreement with Great Britain."

This is a much terser and fully as pregnant statement of a possibility of conflict with Great Britain than any of the speeches of our admiral. This was followed up by the President in his submission to Congress of the Navy building program sent to the House by the Secretary of the Navy.

It seems to me that Congress might well follow the department on this matter. The program is generally misunderstood. Congress can not appropriate for the Navy year by year unless there is legislation passed by Congress prior to the appropriations authorizing the expenditure of the money for certain purposes. The proposal of the department was for the time being only to have Congress authorize subsequent Congresses to appropriate the money needed to carry out a naval policy.

As far as cruisers are concerned, if the department policy is adopted, the British will reach the 400,000-ton quota which we submitted at Geneva five years in advance of us on the basis of their existing approved program. I say to those Americans who have such great faith in Great Britain, that they consider what the British Admiralty deem necessary for the protection of British trade and then see if they can not conclude that our Navy is justified in asking just as much protection at least for a greater trade—the trade of the United States.

The British Admiralty believes it requires 600,000 tons of cruiser construction. President Coolidge tells us "we have a foreign commerce and ocean lines of trade unsurpassed by any other country." If the British Admiralty is right about what Great Britain needs in cruisers for its trade, surely our Naval Department is entirely too modest in its request of Congress for cruiser protection for our trade. Of course, the American who worries about the safety of Great Britain will tell us that the British need cruisers to protect trade within far-flung possessions, but the British understand that this immense cruiser fleet is not for the purpose of convoy but for the purpose of blockading and starving into submission a hostile nation. This purpose would naturally interfere with our trade should we care to have commercial intercourse with the power at war with Great Britain.

To those who believe that a great fleet means war, let us say that war logically proceeds from a stronger against a weaker power and if we are impressed with American ideals of peace, we can feel sure that we will not, as a stronger power, wage war and quite logically, a weaker power is not liable to make war on us. A strong fleet is a mighty help toward peace; as Lord Nelson said, "There is no better a negotiator in the councils of Europe than a fleet of English battleships."

It might be well to consider what Japan is doing. The Japanese Advertiser on October 8 said that Japan will be equipped, under its reorganization of the navy, with the most powerful navy she has ever possessed. The naval strategists do not always agree with the pacifists that at the time of war talk there will be war, for, as Commander Matsunaga, of the Japanese naval ministry says, "the Japanese Navy makes it a point to begin action at a time when it is thought practically impossible." Our trade on the Pacific and insular relations require that we at least maintain the ratio of 5 to 3 with Japan, as established at the Washington conference. Mr. Hector Bywater tells us that with few modern

cruisers now at its disposal the American Navy could do practically nothing to secure the safety of trade routes in war.

In the absence of swift cruisers to hold hostile raiders in check the American merchant marine would, in all likelihood, be swept from the sea. The prime obligation on Congress under the Constitution is to provide for the common defense; and indeed the prime purpose of the Constitution was to organize the States into a unit for defensive purposes and foreign intercourse. Congress should pay heed to those experts of the Navy, such as Admiral Plunkett, who has for years been building up the American Navy with an eye to the construction work of possible aggressors.

There are those who believe that the money spent on warships could be better spent in the agricultural fields and otherwise; but the mere building of naval crafts is a peace-time contribution to the general good in relieving unemployment conditions. We had about 2,000,000 less employed in 1927 than we had in 1923. This is a serious condition. We have the private shipyards of the country going out of business and navy yards stagnating. We have American trade carried in foreign bottoms.

America has become a great economic factor and should take a reckoning of its power on the sea and start to build. This would help our shippers, our great industrial yards, and American skilled labor.

Should war ever unfortunately come to this country, it is better that it should come when we are ready to protect American interests. Admiral Plunkett has done a tremendous service to peace and preparedness by his honest indication of realities on the high seas.

I hope the country, on his retirement, will not lose his tremendous energy, brilliant mind, and honest heart. I trust that America will decide to build itself up as a maritime power. If those concerned have any vision, they will look to our admiral as a great leader in such a movement.

MEETING OF COMMITTEE OF WORLD WAR VETERANS

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to address the House for one minute on a matter of the committee meeting of the World War veterans.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PERKINS. On Tuesday next there will be a meeting of the subcommittee of the World War Veterans' Committee on insurance at 10 o'clock a. m., at which time we would like to have Members of the House who are interested present their views on the continuance of the World War veterans' insurance.

EXTENSION OF REMARKS

Mr. QUIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing an article on flood control.

Mr. MADDEN. Reserving the right to object, how long is it?

Mr. QUIN. It is a pretty lengthy article.

Mr. UNDERHILL. I object.

The SPEAKER. Under the special order the Chair will recognize the gentleman from Michigan [Mr. CRAMTON].

MIDDLE RIO GRANDE CONSERVANCY DISTRICT AND THE PUEBLO INDIANS

Mr. CRAMTON. Mr. Speaker and gentlemen, for a little time I want to bring to the attention of the House the bill (S. 700) which authorizes the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district, for irrigation, drainage, and flood control for certain Pueblo Indian lands in New Mexico.

The bill passed the Senate, came to the House, passed the House the other day by unanimous consent, certain amendments which I offered being accepted. It has gone to the Senate, and there has been referred back to the Indian Affairs Committee, and its progress halted.

This is a highly important bill, and the action that has been taken is the result of unfair lobbying and has in it possibilities of great loss for the Indians as well as for the people of New Mexico. The situation that has arisen carries with it also this important question, that is broader than this bill—whether through misrepresentation, falsehood, and threats Congress can be diverted from doing that which ought to be done, with the result that nothing is done, or possibly something done that ought not to be done.

UNDESIRABLE LOBBYING

One John Collier, executive secretary of the Indian Defense Association (Inc.), with whose work I have had a great deal of contact, is responsible for this delay and threatened defeat of the bill. And I say, measuring my words, from knowledge of his methods and his accomplishments, that he is an insincere, unworthy, unreliable, misrepresenting, destructive lobbyist. He goes about peddling misinformation and threats with equal facility and irresponsibility, never constructive, but always destructive.

As when defending Sacco and Vanzetti, so he is at all times sure his Government is wrong. He is creating and preserving for himself a job and wasting the fine enthusiasm and altruistic motives of many fine people who are, through misunderstanding, led into his organization and who might, with honest leadership, do a great constructive work.

About this bill he has said in a circular letter which attacks me but was not sent me by him but has been peddled by him where he thought most desirable:

> There are six Pueblo tribes involved in this bill. Three of these—namely, the tribes, Cochiti, San Domingo, San Felite—do not possess sufficient cultivated land to make a decent living. Under the bill with the Cramton amendment these three tribes will be strangulated.
>
> Virtually though not technically confiscating these newly reclaimed acres, debarring the Indians from expanding their agriculture on to these newly reclaimed acres, and gravely handicapping the Indians in any effort to lease these newly reclaimed acres.
>
> The Pueblo tribes having been used up to a certain point are simply ditched and are wound up in a paralyzing hopeless rope of unjust debt.

I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

SHALL HALF A MILLION DOLLARS BE A GIFT?

Mr. CRAMTON. The difference of opinion arises as to whether the million and a half dollars which is proposed to be appropriated for the benefit of those Indians is all, at some vague and indefinite time in the future, to be reimbursed to the Treasury, or whether we shall advance a million and a half dollars without interest, waiting 40 or 50 years for its return, and then make them a present of one-third of it—a half million dollars.

He charges that an agreement with the conservancy district, with the Indian Bureau, or others has been violated. Even he, with his loose handling of the truth, dares not say that I was a party to any agreement to give the Pueblos a half million, or that my committee made any such promise, or that Congress was ever a party to any such agreement. Has the time come when lobbyists can extort an agreement from a municipal project and hold Congress bound by it? Or can even a bureau of the Government commit Congress to a gift of half a million dollars from the Treasury?

This project means much to the middle Rio Grande Valley of New Mexico, and is not possible without Government cooperation on behalf of the Indians. The pestiferous force of the pernicious lobbying activities of Collier are no doubt known in New Mexico, where he has been active. Naturally they would consent to any reimbursement terms for the Indian lands that the Government sees fit to impose. That is between the Indians and the Government and does not affect the district, so long as the Indian lands come in. And the gentlemen who have been promoting the project here in a most honorable, very able, and entirely commendable way are not responsible for the so-called Cramton amendments.

Neither is the Indian Bureau responsible. They have advised the gift.

I accept my share of responsibility, acting in sincere performance of my official duty. Bound by no promise or commitment to the contrary, actuated by no selfish interest, and quite familiar with the proposition through hearings and study and several visits to the locality involved, I have proposed amendments which have met with general favor in this House, and I was assured would be accepted at the other end of the Capitol.

What has been the showing to Congress? In the subcommittee of the Appropriations Committee holding hearings on the second deficiency appropriation bill last year, on the initial appropriation for reconnaissance work, the gentleman from Indiana [Mr. WOOD] asked this question:

> If an appropriation were made, would the money come out of the tribal fund or out of the General Treasury?

To which the reply was made by Mr. Rodey, who was the representative of the conservancy district:

> It would be chargeable to the tribal funds.

There was nothing there about any gift of a half million dollars.

My own subcommittee on the Interior Department appropriation bill visited the section last October, and we held extensive hearings in December, to the extent of 50 pages of the hearings on the Interior appropriation bill, and those hearings developed this difference of opinion with the Indian Bureau as to the policy to be followed. All my associates on that subcommittee on the Interior Department appropriation

bill—Messrs. MURPHY, FRENCH, TAYLOR, and HASTINGS—held the view that I held, that we would be doing sufficient if we advanced the money without interest for their benefit, and that it all should be returned. I went before the Committee on Indian Affairs and expressed those views, and several members of that committee have indorsed my view. When the amendment went through the House several members of that committee, including the chairman, Mr. LEAVITT, were on the floor, and all were thoroughly cognizant of what was being done. There was no objection made at that time.

THE BILL AS AMENDED BY THE HOUSE

I shall insert at this point, under the permission given me, a copy of the bill, and it will show the bill as it was passed by the Senate and as it came to the House. There is inclosed in black brackets those parts that were crossed out by my amendment, and in italics will appear the language that I inserted. The full scope of my amendments then appears:

[S. 700, Seventieth Congress, first session]

A bill authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district, providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to enter into an agreement with the Middle Rio Grande conservancy district, a political subdivision of the State of New Mexico, providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands situated within the exterior boundaries of the said Middle Rio Grande conservancy district, as provided for by plans prepared for this purpose in pursuance to an act of February 14, 1927 (44 Stat. L. 1098). The construction cost of such conservation, irrigation, drainage, and flood-control work apportioned to the Indian lands as shall not exceed $1,593,311, and [that] said sum, or so much thereof as may be required to pay the Indians' share of the cost of the work herein provided for, shall be payable in not less than five installments without interest, which installments shall be paid annually as work progresses[, and there is hereby authorized to be appropriated not to exceed $1,593,311, of which amount $100,000 is hereby made immediately available for the payment of the first installment]: *Provided,* That should at any time it appear to the said Secretary that construction work is not being carried out in accordance with plans approved by him, he shall withhold payment of any sums that may under the agreement be due the conservancy district until such work shall have been done in accordance with the said plans: *Provided further,* That in determining the share of the cost of the works to be apportioned to the Indian lands there shall be taken into consideration [any] *only* [allowances determined by the Secretary of the Interior as propery deductible, and] the [total] Indian acreage benefited *which* shall be definitely determined by said Secretary and such acreage include only lands feasibly susceptible of economic irrigation and cultivation, *and materially benefited by this work* and in no event shall the average per acre cost for the area of Indian lands benefited exceed $67.50: *Provided further,* That all present water rights now appurtenant to approximately 8,346 acres of irrigated Pueblo lands owned individually or as pueblos under the proposed plans of the district, and all water for the domestic purposes of the Indians and for their stock shall be prior and paramount to any rights of the district or any property holder therein, which priority so defined shall be recognized and protected in the agreement between the Secretary of the Interior and the said Middle Rio Grande conservancy district, and the water rights for newly reclaimed lands shall be recognized as equal to those of like district lands and be protected from discrimination in the division and use of water, and such water rights, old as well as new, shall not be subject to loss by nonuse or abandonment thereof so long as title to said lands shall remain in the Indians individually or as pueblos or *in* the United States, and such irrigated area *of approximately 8,346 acres* shall not be [subjected directly or indirectly to the reimbursable features of this act, nor shall it be] subject by the district or otherwise to any pro rata share of future operation and maintenance or betterment work *performed by the district.* [Subject to the foregoing exception the remainder of the] *The* share of the cost paid the district on behalf of the Indian lands under the agreement herein authorized, including any sum paid to the district from the funds authorized to be appropriated by the act of February 14, 1927 (44 Stat. L. 1098), shall be reimbursed to the United States [in accordance with the benefits derived, but in no event to exceed the limitation of cost herein fixed,] under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided,* That such reimbursement shall be made *only* from leases or proceeds from the newly reclaimed Pueblo lands [in not less than 40 annual payments], and there is hereby created against such newly reclaimed lands a first lien, which lien shall not be enforced during the period that the title to such lands remains in the pueblos or individual Indian ownership: *Provided further,* That said Secretary of the Interior, through the Commissioner of Indian Affairs, or his duly authorized agent, shall be recognized by said district in all matters pertaining to its operation in the same ratio that the Indian lands bear to the total area of lands within the district, and that the district books and records shall be available at all times for inspection by said representative.

WHAT THE BILL DOES

What does the bill do? I say that John Collier or anyone else takes upon himself a tremendously heavy responsibility when he endangers the final enactment into law of so important and desirable a measure as this. That is particularly so upon the part of anyone who presumes to speak for the interest of the Indians, because they are benefited above all others.

This proposed conservancy district stretches for 150 miles along the Rio Grande River, above and below Albuquerque. It is only 3 or 4 miles wide. The Rio Grande River through the years has built itself up with a deposit of silt, so that drainage is about impossible for those lands adjacent to the river, so that whether they are Indian lands or white lands there are many acres that used to be cultivated that can not now be cultivated, because they have become water-logged and sour and filled with alkali. Nature knows no difference between white lands and Indian lands.

It is the purpose of this bill to afford drainage, flood protection, and water for irrigation for this long and narrow stretch of land. It can only be done by united action of the whole area. It is the purpose to afford drainage and remove the alkali, afford a sure and ample water supply for irrigation, and make these acres available for use and fully productive. Whether they are Indian lands or whether they are white lands, they are not used as much as formerly and can not be. There are 8,000 acres, approximately, of Indian lands that are subject to some cultivation, and credits have been allowed them for certain structures. These lands need this project.

The bill provides that the Secretary of the Interior must find that the acreage "is feasibly susceptible of economic irrigation and cultivation" before it is brought into the district.

But, furthermore, and this is of special importance as to the 8,000 acres, which Collier says have been "irrigated since before the time of Christ in a highly efficient way," my amendment inserted the further requirement that the Secretary find, before including them, that the land is "materially benefited by this work." If they are materially benefited, and they are, even the 8,000 acres, why should the Indians not repay sometime the cost of the work?

Here is what the bill, as amended, does to these Indians who are being "strangulated" we are told:

First, as to the 8,000 acres that now have some partial use, they are given a priority of water right as against all other lands, including other lands in the district. To-day they have no such guaranteed priority. The bill reads:

Provided further, That all present water rights now appurtenant to approximately 8,346 acres of irrigated Pueblo lands owned individually or as pueblos under the proposed plans of the district, and all water for the domestic purposes of the Indians and for their stock shall be prior and paramount to any rights of the district or any property holder therein, which priority so defined shall be recognized and protected in the agreement between the Secretary of the Interior and the said middle Rio Grande conservancy district.

Next, as to the other 15,000 acres of land that are not now used, but which are to be reclaimed by this bill, they are given an equal priority with other lands in the district, forever, while in Indian ownership, whether used or not, and the water rights for newly reclaimed lands shall be recognized as equal to those of like district lands and be protected from discrimination in the division and use of water, and such water rights, old as well as new, shall not be subject to loss by nonuse or abandonment thereof so long as title to said lands shall remain in the Indians individually or as pueblos or the United States. There is a great advantage and a great protection to the Indians. If it were possible to organize this district without those Indian lands, the water would be taken and those 15,000 acres would be forever useless. But under the bill, whether the water is used or not, the Indians are assured it is there when they want it.

They have some use of the 8,000 acres, but under this bill, with these improvements, their beneficial use of these lands will be doubled, if not quadrupled, over what it is to-day; and nothing from the proceeds of those lands is taken, and no lien is to rest upon them. We furnish the $67.50 per acre; we charge it to them on the books, but we take our chance of getting it by improving the lands now entirely unimproved.

As to the 15,000 acres not now used, we are going to make those valuable—worth from $100 to $200 per acre. In fact,

since they pay no interest on what we loan to them, the Indians and their advisors should look ahead 25 or 50 years to see what those lands will be worth to these Indians in the future. Those Indians will increase in population. They are now starting out on new lines of progress. Very soon they are going to need those 15,000 acres. Under Mr. Collier's own statement, which I quoted, they need some of them now; but they are useless to-day. This project will make them productive, drained, and with full water right.

GENEROUS TREATMENT OF THE INDIANS

What do the Indians pay? They get their priority established. Their lands—8,000 acres—are made much more productive. The 15,000 acres for the first time will have a value. What do we ask them to do that we are "confiscating" their lands?

The whites must not only pay the money invested but must pay interest; the Indians pay no interest.

The whites will pay $76 an acre; the Indians $67.50.

The whites *must* pay their debt in 40 years, and their taxes and interest charges besides. The Indians pay no taxes and no interest and are not likely to pay it in 40 years.

The whites pay operation and maintenance cost not only on their lands but on these 8,000 acres of Indian land perpetually. Perpetually is a long, long time; but forever, under the terms of this bill, the Indians are exempt from any charge for operation or maintenance or betterment work done by the district for the 8,000 acres. The little side ditches the Indians will take care of themselves, but the main canals are forever maintained by the whites without any charge to the Indians. The bill reads:

and such irrigated area of approximately 8,346 acres shall not be subject by the district or otherwise to any pro rata share of future operation and maintenance or betterment work performed by the district.

Then consider in the course of time what that is worth to the Indians. Still we are told that Congress is trying to confiscate the lands of the Indians.

The Indians pay nothing from their pockets or from the proceeds from the 8,000 acres. What do they pay? We have confidence enough in the success of the project and what it will do with that 15,000 acres not now used at all that we will take our chances on the success of the project, and the bill does not ask interest but just the principal to reclaim and improve the 23,000 acres and takes it only from the rentals that the Indians secure from the 15,000 acres. The bill reads, as amended:

The share of the cost paid the district on behalf of the Indian lands under the agreement herein authorized, including any sum paid to the district from the fund authorized to be appropriated by the act of February 14, 1927 (44 Stat. 1098), shall be reimbursed to the United States under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided*, That such reimbursement shall be made only from leases or proceeds from the newly reclaimed Pueblo lands, and there is hereby created against such newly reclaimed lands a first lien, which lien shall not be enforced during the period that the title to such lands remains in the pueblos or individual Indian ownership.

This contemplates that the lands reclaimed, which are in communal ownership, will be leased to individual Indians or to whites, Indians, of course, being given the preference. In either case a rental will be asked based on such rentals on similar lands in the valley. The rentals from such leases, whether Indian or white, will be applied to the debt until it is paid and thereafter will go to the pueblo. The Indians will have at hand new areas of desirable land and have no excessive charges to pay for lands now valueless. There is no hardship here. I would prefer "proceeds from leases of newly reclaimed pueblo lands" as clearer, but no doubt the language used means the same.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Speaker, I ask for two additional minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAMTON. I repeat, there is no hardship there. If the project is not successful, nothing will come back to the Treasury. But if it is successful, as I believe it will be, there will be 15,000 acres made productive that are not now productive, and the proceeds of leases of that 15,000 acres now unused we will take to repay what we furnished them.

GUARANTEES THE FUTURE OF THESE PUEBLOS

This bill guarantees the future prosperity of the Pueblos involved. It is fair. It is generous. And if these organizations, such as that led by John Collier, would be constructive, they would be here trying to put it through Congress instead of obstructing its passage. It is not an easy thing to get $1,500,000 from Congress, and this means much to the Indians, much to New Mexico. I have been doing all I could to get this bill through.

There is no gain for the Indian in teaching him to be a mendicant or to expect gifts from the Government. The day of rations proved the insanity of that policy, and we have abandoned it. We ought now to follow the policy of giving the Indian help to help himself. That is what he wants above all else. What this bill does is to help the Indian to help himself. It would be law now except for the misrepresentations and the threats of John Collier. [Applause.]

NAVAL PROGRAM

The SPEAKER. The gentleman from Oklahoma [Mr. McCLINTIC] is recognized.

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to revise and extend my remarks by inserting a tabulation.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. McCLINTIC. Mr. Speaker and gentlemen of the House, there are two distinct classes of citizens in this Nation: Those that can see a war cloud in the middle of every sunshiny day and who continuously try to take advantage of every opportunity to involve this country in great expenditures for the kind of preparedness that is believed by many to be useless in time of war; and secondly, the class who take into consideration the economic and financial conditions of this country and the various nations of the world, keeping in mind that the ultimate object of all of the best citizens should be the maintenance of peace with other nations, also keeping in mind that should the Nation be so unfortunate as to become involved in a war that the kind of preparedness we should have would be the newer, more modern kinds of defense that any nation will need to be victorious.

Within the last 48 hours a perfect barrage of propaganda has been given to the citizens of this country in favor of a war program. Monday, Secretary Wilbur started the fireworks at Indianapolis; Tuesday, the press quoted the President of the United States as favoring the construction of this program, but leaving the impression that he would be satisfied with 25 cruisers; and this morning the distinguished gentleman from Illinois gives notice that he has flopped over and again joined the administration in promoting certain features of the proposed legislation, which, according to the figures just presented to the Naval Affairs Committee, covering a five-year program to be completed in nine years, amounts to the enormous sum of $4,176,426,000.

Secretary Wilbur, in his speech made at Indianapolis on Monday, assailed the critics of the administration in support of what he claimed was a program amounting to $740,000,000, which is a sum far less than the actual figures shown in this connection, for the reason this amount does not include the following: $96,650,000 allocated for the building of submarines and cruisers already authorized; $170,070,000 for the five-year aviation program; $76,970,000 for cruisers now being constructed and authorized in the 1928 program; and approximately $540,000,000 for increased personnel and expenses in connection with the proposed new ships. This sum, added to the estimated cost necessary for the upkeep of the Navy and the proposed reconditioning of certain battleships, brings the cost up to more than $4,000,000,000 to be expended during the nine-year period.

Secretary Wilbur, in his Indianapolis speech, complains about those who want the Navy to fight blindfolded, as if there were war clouds on the horizon and this Nation was about to rush into war. What about the aviation program of one hundred and seventy millions? Such tomfoolery as this is what makes the balance of the world despise us. Such unwarranted allegations are what hurts our foreign trade. Admiral Jones has just testified before the Naval Affairs Committee that another disarmament conference will be held in three years, at which all five of the world powers will be represented. If this Nation starts the construction of a program costing more than a billion dollars, we will be in the same attitude as we were in 1922, when it was necessary to scrap nearly $300,000,000 worth of new ships in order to bring about a disarmament agreement.

Yesterday the representatives of the shipbuilding corporations testified that not a single ship could be completed within three years; therefore, if contracts are let for this enormous program, the other nations of the world will be sufficiently wise to realize that the best method of combatting this situation will be to reduce their tonnage to such a figure as to cause us to scrap some more new ships. Every competent witness that has testified before the committee makes the positive statement that no

nation on earth can land an army on our shores as long as we have adequate aircraft. It was likewise testified that we could fly our seaplanes out 200 miles from shore and destroy an approaching enemy. Testimony was also given that it would be impossible, even with cruisers, to protect our commerce in time of war, provided the same passed within striking distance of any major nation with which we might be at war.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. McCLINTIC. I yield.

Mr. COLE of Iowa. Can the gentleman give us any information as to how many cruisers and other vessels for war purposes we have under construction at the present time?

Mr. McCLINTIC. I will try to answer that before I get through. I do not want to break the continuity of my speech.

During the World War the submarine was the ship that struck terror to the hearts of the people and was the most feared. To combat this menace the destroyer was found to be the most efficient ship; therefore, if it is necessary to protect this country in the way of a surface shipbuilding program, then the most efficient step that could be taken would be to decommission a lot of old obsolete ships, using the men and officers to man the one hundred and fifty-odd destroyers that we now have tied up at docks at Philadelphia and San Diego, and, in addition, build enough submarines, using the latest safety devices of rescue, so as to make this a real arm of defense.

Everyone knows that the submarine is the only kind of a ship that could possibly enter into the harbor of a city like New York in time of war; therefore, if this is true, why waste our money in building up a peace-time Navy such as the Secretary of the Navy says is indorsed by himself and the President of the United States. Of course, the Navy realizes that unless it gets this building program authorized and started building before the convening of the next disarmament conference the expenditures will never be made, keeping in mind that there are nearly 600 officers in Washington that would welcome berths on new cruisers rather than quarters in submarines and destroyers.

I venture to assert that England and the other powers of the world would not object if the United States should build 100 cruisers, realizing that we could not use them in war, except in protected zones; yet if the so-called war party of this Nation wants to bring about a situation that will startle the world let them suggest the construction of about 60 new submarines and see how quickly this will bring about an international colloquy for the purpose of either banning this type of vessel or causing the same to be the subject of serious consideration at the disarmament conference in Washington in 1931.

Mr. BLANTON. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. BLANTON. It is refreshing to hear one member of the Naval Affairs Committee speak for the people. The rest of the committee usually speak for the Navy. I want to ask the gentleman this question: Does he think these big naval officers will be satisfied with anything but large vessels on which they have their retinues of attendants, and where it takes about four different officers in relays to reach them from the deck to their cabin? They are the kind of ships upon which they like to function in peace times. I want to say to the gentleman that I would like him to give us his idea about the proposal which now comes from the Navy that they shall have an assistant on the floor of the House to speak for the Navy on all questions when a Member of Congress gets up to speak for the people.

Mr. McCLINTIC. I want to say, in answer to the question the gentleman has asked, that there are approximately 600 naval officers in Washington; and all of these officers desire at some time to command a great, big, fine ship that has lovely and luxurious quarters. If I were in the Navy, or if the gentleman were in the Navy, to be perfectly fair and frank about it, he and I would want the same thing. But this is a war program when there is no sign of a war in sight. We ought not to be building for a peace program. We ought to build a program for preparedness. We ought to prepare this Nation so that it will be able to defend itself against any kind of a situation which would ever confront it; and if that is true, taking the lessons of the last war, let us build the kind of a ship which would enable us to stand off every country in the world if that condition should arise. [Applause.] That is the way I view this situation.

As to that part of your question which refers to the Navy having an assistant on the floor of the House to speak for the Navy on all subjects, it is now known that the Navy already prepares practically all of the bills they desire enacted into law which relate to departmental matters. These are either given to the chairman or some member of the committee, who introduces same on the floor of the House; then they go back to the clerk of the committee, who refers them to the same source from which they originated, and a report is made. In many times the report is prepared ahead of the time the bill is introduced. Therefore, according to the present procedure, practically no legislation can be enacted into law without the indorsement of the Navy for the reason the officers in charge of this great bureau have practically a strangle hold on the functions of the committee having jurisdiction over this subject. If anyone in the Navy wants to represent the same on the floor of the House, let him resign his position, go back home, and offer himself as a candidate for Congress; then, if he is elected, he may speak out in any way he sees fit. At the present time this Government suffers from too much bureaucratical control, and it is growing worse. If improvements are not to be had in the very near future, the time will eventually arrive when the people will have to rise up in some forcible manner and demand their rights.

Many students of the Geneva conference are of the opinion that an agreement could have been reached if the United States had agreed to put 6-inch guns on the new type of cruiser desired. However, when it is known that the Navy kept Admiral Jones in England off and on for a period of two years in conference with certain naval officers and that all naval officers are against the reduction of ships, it can be easily understood why the disarmament conference at Geneva was the most successfully concluded of any ever held, from the standpoint of the officers in the Navy.

I am only bringing this to your attention for one reason. I think every class of people in this Nation ought to be properly posted. I think the facts ought to be given to the public, and I am only presenting here what I would like to have presented to me if I were not a member of the Naval Affairs Committee. [Applause.]

Under the leave granted to me I insert the following table, which was prepared by the Navy and submitted to members of the Naval Affairs Committee:

	1929	1930	1931	1932	1933	1934	1935	1936	1937	Totals
1. New construction already building:										
Submarines V-5 and 6	$1,890,000	$2,000,000								$3,890,000
Cruisers 24 and 25	7,800,000	450,000								8,250,000
Cruisers 26, 27, and 30	21,000,000	13,800,000								34,800,000
Cruisers 28, 29, and 31	17,310,000	23,140,000	$9,350,000							49,800,000
2. 1928 program:										
Airplane carriers	5,700,000	11,400,000	17,100,000	$19,000,000	$19,000,000	$13,300,000	$7,600,000	$1,900,000		95,000,000
Light cruisers	25,500,000	51,000,000	76,500,000	85,000,000	85,000,000	59,500,000	34,000,000	8,500,000		425,000,000
Destroyer leaders	10,000,000	20,000,000	12,500,000	2,500,000						45,000,000
Submarines	14,000,000	28,000,000	35,000,000	35,000,000	35,000,000	21,000,000	7,000,000			175,000,000
3. Aviation construction:[1] 5-year program	18,300,000	22,550,000	24,480,000	20,340,000	18,240,000	16,540,000	16,540,000	16,540,000	16,540,000	170,070,000
4. Aviation construction:										
(a) For cruisers now building		1,310,000	1,310,000	660,000	660,000	660,000	660,000	660,000	660,000	6,580,000
(b) For 1928 program		1,500,000	1,700,000	9,180,000	10,550,000	11,180,000	13,360,000	13,190,000	9,730,000	70,390,000
5. Net increased cost, due to 1928 program and ships now building; includes personnel, and operation of ships and planes	3,025,000	9,811,000	14,469,000	16,423,000	25,208,000	33,121,000	41,049,000	47,752,000	51,883,000	242,741,000
Total of 1, 2, 3, 4, and 5	124,525,000	184,961,000	192,409,000	188,103,000	193,658,000	155,301,000	120,209,000	88,542,000	78,813,000	1,326,521,000
Cost of Naval Establishment other than covered by items 1 to 5 above	295,870,000	306,623,000	312,695,000	316,805,000	320,933,000	321,516,000	323,259,000	325,505,000	326,699,000	2,849,905,000
Total estimated costs per annum	420,395,000	491,584,000	505,104,000	504,908,000	514,591,000	476,817,000	443,468,000	414,047,000	405,512,000	4,176,426,000
Average annual expenditures for items 1, 2, 3, and 4, covering cost of new ships and aircraft and item 5 covering cost of operating such construction										147,391,222
Average annual expenditures, excluding items 1, 2, 3, 4, and 5. That is, cost of operating and maintaining present Navy, including personnel without any new construction, but including cost of modernizing Oklahoma and Nevada										316,656,111
Total average annual expenditures for present Navy plus cost of 1924 and 1928 building programs and 5-year aviation program and including all costs of operating and personnel										464,047,333

[1] Includes rigid airships and planes for Naval Reserve training.

W. L. CLAYTON

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, the press dispatches in the morning paper carry a statement from W. L. Clayton, of the firm of Anderson, Clayton & Co., in which he denies the statement made by me on the floor of the House a few days ago charging his firm, together with others, with violating the Sherman Antitrust Act in unlawfully manipulating the cotton market. In that dispatch Mr. Clayton says:

> I have never made the boast which Representative RANKIN attributes to me—

referring to the charge that he is alleged to have stated that firms other than his own could not hope to avoid loss in the cotton business unless they could correctly guess his mind.

That statement is alleged to have been made in a speech before a general meeting of the New York Cotton Exchange members during May, 1926, and has been repeatedly quoted ever since that time, but this is the first time Mr. Clayton has ever denied it, so far as I have been able to learn.

My authority for that statement is contained in a speech made by Mr. Arthur R. Marsh, a former president of the New York Cotton Exchange, on February 6, 1928, to the exchange members. Mr. Marsh is an authority on cotton. He was recently retained by the Hon. Charles Evans Hughes to prepare a brief on the operation of hedges on cotton exchanges. In his speech to the members of the New York Cotton Exchange on February 6, Mr. Marsh said:

> That responsibility was irrevocably fixed when in this very room, at the general meeting of the members of the New York Cotton Exchange held in May, 1927, Mr. Clayton, with amazing assurance unqualifiedly avowed that firms other than his own can not hope to avoid loss in the cotton business unless they can correctly guess his mind.

No one has denied that Mr. Clayton made this speech, although I understand that several hundred members of the exchange were present when Mr. Marsh made this statement.

I wonder if Mr. Clayton denies having made that speech. If he has been misquoted, is it not passing strange that he never noticed the error until it was brought to light on the floor of the House? Mr. Clayton says in his statement of yesterday:

> My firm has violated no law. We have done nothing of which we or any of our friends need be ashamed. No act of ours has had the intent or the effect of depressing the cotton market.

Let us see about that. Mr. Clayton has not denied, and he can not deny, that his firm and their confederates had shipped from the New Orleans territory and concentrated in New York between one hundred and forty and two hundred thousand bales—largely transfer cotton—at a loss of from $4 to $5 a bale, practically all of which still remains in New York and was shipped there within the last 16 months to be used as a club in manipulating the market and depressing prices.

One of the best witnesses to prove the iniquity of that action is Mr. W. L. Clayton himself, who said in a speech in Atlanta, Ga., on April 9, 1926:

> The October-December operation last season is a concrete example. October, 1924, when practically all cotton was tenderable, went to a premium of about 100 points over December and attracted a stock of 175,000 bales to New York; and under the weight of this cotton December sold at 40 to 50 points under December, New Orleans, whereas the normal parity should be 75 to 80 points over December, New Orleans.

That statement shows that Mr. Clayton knew then that the concentration of this alleged stock of cotton in New York would become a most powerful weapon in the hands of any manipulator for controlling or depressing the cotton market.

In that same speech Mr. Clayton, in speaking of the enormous advantages which his firm has enjoyed, used this astounding language:

> Meantime we must be excused if we fail to feel any sense of commercial perversion in continuing to play the game according to the rules.

Admitting in that speech that he must be excused for failing to feel any sense of commercial perversion, we are not surprised that after carrying out the very same nefarious practices, Mr. Clayton comes out in the press of yesterday and says that he did nothing of which he need feel ashamed.

Mr. Clayton and those confederated with him in this gigantic conspiracy are now pretending to welcome an investigation they are going to get. Not only are they slated for an investigation by the House and Senate of the United States but the Department of Justice as well. And that is likely to prove the most interesting investigation they have ever faced, for it promises also to furnish them with a grand jury investigation, as well as proceedings to seize and confiscate this great bulk of cotton which they have unlawfully concentrated and used to manipulate the cotton market in violation of the law.

Not only that but there are probably other investigations awaiting them. Every person, firm, or corporation from whom they have taken money through these manipulations has a right under the law to go into court, bring suit, and recover judgment for their losses.

Let Congress go to the bottom of this matter, not only in its investigations but also in backing up the Department of Justice in their attempt to clear this condition up in order that we may assure the American people that this will never occur again. [Applause.]

PIONEERS IN THE WOMAN MOVEMENT

Mr. BRAND of Georgia. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BRAND of Georgia. Mr. Speaker, during the month of January of this year I communicated with the National Woman's Party, whose national headquarters is at 21 First Street NE., Washington, D. C., at the request of some of the club women of my district in Georgia, who were and are interested in obtaining information in respect of the lives of Lucretia Mott, Susan B. Anthony, and Elizabeth Cady Stanton, who were the pioneers of the equal-rights movement, and whose statues are in the crypt of the Capitol.

Personally speaking, I think this statue of these famous and historic women should be taken from its hiding place in the crypt of the Capitol, where few people ever see it, and that it should be placed on the second floor, where all visitors to the Capitol from this country and other nations of the world may have the opportunity of seeing the same.

The just tribute to which these three outstanding women are entitled, and which will probably be the last which this Government will ever be asked to bestow, will never be completed or grow into full fruitage until their statue is placed on the second floor of this Capitol, where it can be seen by visitors as they come and go during the ages to follow. [Applause.]

Mr. BLANTON. Will the gentleman yield?

Mr. BRAND of Georgia. Yes.

Mr. BLANTON. That requires congressional action, and if the gentleman would introduce a resolution to that effect, we could then get action and get the statue moved up where it ought to be.

Mr. BRAND of Georgia. I have been thinking of doing that for some time. The bill for this purpose will be ready for introduction within a day or two.

Mr. LINTHICUM. Does the gentleman from Georgia propose to give a history of the life of all three of these ladies or just the one?

Mr. BRAND of Georgia. I was only asked to give that of Miss Anthony.

Mr. LINTHICUM. Does not the gentleman think it would be well to do that as to all three of them?

Mr. BRAND of Georgia. I do, and I will be glad to comply with the gentleman's suggestion.

In one of the letters from Miss Mabel Vernon, national executive secretary of the National Woman's Party, she stated that they would like to have February 15, the birthday of Susan B. Anthony, observed as widely as possible. She further stated in this letter that they would appreciate it if I would call attention to the work of this great woman on that day on the floor of the House of Representatives. I take pleasure in complying with this request, and now present to the House of Representatives a brief statement of the life and activities of Miss Anthony, which was sent to me by Miss Vernon, and also statements of the lives and activities of Lucretia Mott and Elizabeth Cady Stanton, the same, respectively, being in words and figures as follows:

SUSAN B. ANTHONY—MILITANT SUFFRAGIST (1820–1906)

Born in South Adams, Mass., February 15, 1820.

Died in Rochester, N. Y., March 13, 1906.

Father: A cotton manufacturer and liberal Quaker, who educated his daughters to be self-supporting. Moved to Rochester in 1848.

Teaching: Taught in New York from 1835 to 1850. When she was 17 she received $1.50 a week and "boarded 'round"—excellent wages for a woman.

SUFFRAGE AND EQUAL-RIGHTS WORK

1852. Met Mrs. Stanton, the suffrage leader, at Seneca Falls. Joined Mrs. Stanton, Horace Greeley, and others in an attempt to have women admitted to the "People's College," then being started. But it was merged into Cornell and women excluded.

At the temperance convention in Albany, to which she was a delegate, she rose to speak to a motion, but was rebuked by the presiding officer, who told her that "the sisters were not invited to speak but to listen and learn." She and three or four other women left the hall.

1853. The first woman to speak on the floor of a teachers' convention. She helped to introduce a resolution for recognition of the right of women teachers to equal pay, which was carried despite the president's protests.

1854. Held suffrage meetings in every county in New York. Held suffrage conventions in every year after that up to Civil War. Petitions for suffrage and equal guardianship rights for women drawn up at State suffrage convention were presented to New York Legislature.

Canvassed New York annually with similar petitions to the legislature. Traveled to many towns off the railroad line, enduring many hardships.

1859. Forced to abandon speaking because of a breakdown in health, she continued writing and circularizing. She wrote: "No genuine equality, no real freedom, no true manhood or womanhood can exist on any foundation save that of pecuniary independence."

1861. Persuaded to give up preparations for the annual women's rights convention to concentrate on work to win the war, though she was not misled by the sophistry that the rights of women would be recognized after the war if they helped to end it.

1863. Organized Woman's National Loyal League to support the Government in the Civil War.

1864. She agitated for the inclusion of women in the fourteenth and fifteenth amendments. Even the abolitionists opposed her, saying, "This is the negro's hour." Miss Anthony then decided to devote more effort to State campaigns so that the demand of women for national enfranchisement would have behind it the power of votes.

1872. Arrested.

She determined to test the fifteenth amendment. She was allowed to register in Rochester and to cast her ballot. She was arrested, tried, and found guilty by an instructed jury. A fine was imposed, which she refused to pay, saying, "I shall earnestly and persistently continue to urge all women to the practical recognition of the old revolutionary maxim, 'Resistance to tyranny is obedience to God.'"

1878. Secured the introduction for the first time in the United States Senate of a Federal suffrage amendment in the same form in which the nineteenth amendment was finally passed.

ATTITUDE ON POLITICS

Miss Anthony's attitude toward political parties is illustrated by her words, "My view of our true position is to hold ourselves as a balance of power, to give aid and comfort to the party which shall inscribe on its banners 'Freedom to women.' I do not expect any man to see and act with me, but I do not understand how any woman can do otherwise than refuse to accept any party which ignores her sex."

Immediately upon the mention of the claims of women in the platform of the Republican Party Miss Anthony made an effort to have the Democrats follow suit. Her political policy was adopted by the National Woman's Party and followed from 1913 on.

1896. Entered the presidential campaigns and spoke for suffrage at every party convention.

Continuously until her death in 1906 worked for suffrage in State-to-State campaigns. She always advocated securing suffrage by Federal action and constantly protested to Congress against the necessity of laborious State-by-State campaigns; but she realized that Congress would not act until women had sufficient voting power in the States to compel it.

Throughout her life Miss Anthony's watchword was "No compromise."

TO SUSAN B. ANTHONY

(Reprinted on cover of Suffragist, February 13, 1915)

Something there was that you imagined not,
For all your wisdom, temperate and high,
How unto us, to whom the kinder years
Secure a fairer fight, an easier lot,
Your name would be a creed, a battle cry,
A silver trumpet blowing to the sky.
Steeling our hearts, filling our eyes with tears,
Giving us fire and fortitude and love;
This was, alas! a thing you never guessed—
How younger women whom you knew not of
Would rise and call you blessed.

—By Alice Duer Miller, in New York Tribune.

LUCRETIA MOTT

Lucretia Mott was born January 3, 1793, on the island of Nantucket, the second child of Thomas and Anna Coffin. Her ancestors had lived on the island of Nantucket since its first settlement by white men in 1659. Lucretia spent her childhood there and many times in later life refers to the years she spent on this island.

Captain Coffin, Lucretia's father, was engaged in the sea trade with East India and was often gone long from his home. At those times her mother, Anna Coffin, with six little children carried on the activities of the home. Lucretia, writing in her diary of those early days, said: "In those early days I was actively useful to my mother, who in the absence of my father on his long voyages carried on a mercantile business and often made trips to Boston to purchase goods." The exercise of women's talents in this line, as well as the general care which devolved on them in the absence of their husbands, tended to develop and strengthen them mentally and physically.

Captain Coffin with his family moved to Boston in 1804.

At 13 years of age Lucretia, with a younger sister, was sent to the Friends Boarding School at Nine Partners, N. Y. At this school she became a fast friend of Sarah Mott, a sister of James Mott, whom she afterwards married.

After two years as pupil she was appointed assitsant teacher at a salary of $100 a year. At the end of the year she received further promotion as regular teacher, with the inducement that in this position her younger sister would be entitled to her education.

The family moved to Philadelphia in 1809.

In 1811, in her nineteenth year, Lucretia married James Mott. In their young married life there were many turns of fortune, all of which she met in heroic manner.

When their little family was growing about them and Mr. Mott was becoming prosperous in business, Mrs. Mott, now 25 years of age, felt called to a more public life and engaged in the ministry of the Society of Friends and became an inspiring preacher and lecturer.

In all her efforts she had the cordial support of her husband. The names of James and Lucretia Mott were inseparably linked in their public activities. Their home was a meeting place for eminent persons, including visitors from abroad.

In 1840 a world's antislavery convention was called in London. Women from Boston, New York, and Philadelphia were delegates to that convention. Lucretia Mott was one of the delegates, but on her arrival in England her credentials were not accepted because she was a woman.

At this convention she met Elizabeth Cady Stanton. Mrs. Mott and Mrs. Stanton, sitting in the railed-off space assigned to women, had listened to a long debate on the question of admitting women as members of the convention. They had heard the last thing before adjournment the overwhelming chorus of "noes" that barred women out. They left the hall together, "burning with indignation," and resolved on their way back to their lodgings that when they went home they would call a convention to take up just one thing—the rights of women.

The result of this meeting was the first women's rights convention in Seneca Falls, N. Y., July 19 and 20, 1848.

The Declaration of Independence was chosen as a model for a "declaration of sentiments" to be presented at the convention, and a list of 18 grievances was collected to match the 18 set forth by the declaration of 1776.

This enumeration complains of the deprivation of the franchise; the exclusion from legislative bodies; civil death upon marriage; moral irresponsibility for crimes committed in the presence of the husband; loss of property rights upon marriage; inequality in the laws of divorce and guardianship of children; taxation without representation; exclusion from nearly all profitable employments, and discrimination in pay in those employments which she is permitted to follow; exclusion from teaching theology, medicine, or law; exclusion from all colleges; exclusion from the ministry and an equal participation in the affairs of the church; and the creation of a false public sentiment through the promulgation of two codes of morals. It concludes "He has endeavored in every way that he could to destroy her confidence in her own powers, to lessen her self-respect, and to make her willing to lead a dependent and abject life."

As the "declaration of sentiments" covered the entire feminist program, the resolutions have a familiar ring. Thus we find an important aim of the Woman's Party in the fourth resolution "that the women of this country ought to be enlightened in regard to the laws under which they live that they may no longer publish their degradation by declaring themselves satisfied with their present position, nor their ignorance by asserting that they have all the rights they want."

No man was called in the first day of the convention, when the real work was done in a meeting of which no record seems to have been preserved. It was hastily decided on the second day not only to permit the men to remain but to make James Mott chairman of the meeting. Mrs. Mott was an experienced and self-possessed speaker, but was handicapped for the position of chairman by a light voice.

The Seneca Falls convention adjourned after two days, but so many points of discussion had developed that it was agreed to have another meeting at Rochester two weeks later. This meeting was filled to overflowing.

In 1852 Mrs. Mott was elected president of the women's rights convention at Syracuse. The Syracuse Standard reports that she presided with an ease, dignity, and grace that might be envied by the most experienced legislator in the country.

Mrs. Mott was the first president of the Equal Rights Association, founded in New York in 1866.

She presided in January, 1869, at the first woman suffrage convention ever held in Washington. All associations friendly to woman's rights were invited to send delegates to this convention.

The last convention at which Lucretia Mott appeared was the convention of the National Woman Suffrage Association in 1879, when she was 86 years old.

Lucretia Mott spent her last days at Roadside, near Philadelphia. She died November 11, 1880, and is buried in the Friends Burying Ground at Fair Hill. At the time of her death memorial services were held in many cities throughout the country, at which tribute was paid to her life and work.

Carrying on the fight for equality in which Lucretia Mott led the way, the Woman's Party is now working for an amendment to the United States Constitution which provides: "Men and women shall have equal rights throughout the United States and every place subject to its jurisdiction." This amendment is called the "Lucretia Mott amendment."

[NOTE.—The above information taken from History of Woman Suffrage, edited by Ida Husted Harper; an article by Lucretia Mott Motchell in January-February, 1921, issue of the Suffragist; article by Carol Rehfisch in June 23, 1923, issue of Equal Rights; Life and Letters of James and Lucretia Mott by Anna Davis Hallowell.]

ELIZABETH CADY STANTON, ONE OF THE THREE PIONEERS IN THE WOMAN MOVEMENT

Elizabeth Cady was born at Johnstown, N. Y., November 12, 1815, the daughter of Daniel Cady, judge of the Supreme Court and Court of Appeals of New York, and of Margaret Livingston Cady, the daughter of Col. James Livingston, of General Washington's staff. She married Henry Brewster Stanton in 1840, and in May of that year attended the World's Antislavery Convention in London. Mrs. Stanton and other women were not allowed to take seats because of their sex. She and Lucretia Mott decided to call a woman's rights convention upon their return to America. Together they wrote the call to the Seneca Falls convention of 1848. At the first session Mrs. Stanton offered a resolution demanding the ballot for women as the most important right, which was adopted in the face of protest.

In 1863 Mrs. Stanton and Miss Anthony formed the Woman's Loyal League, of which Mrs. Stanton was president. In 1867 the two women established The Revolution, a political newspaper, of which Mrs. Stanton was editor in chief.

In 1869 was founded the National Woman's Suffrage Association, of which Mrs. Stanton was president more than 25 years. At the convention of the association in Washington in 1878 Mrs. Stanton brought forward the demand for a separate woman suffrage amendment.

Mrs. Stanton conceived the idea of the International Council of Women and presided at the first meeting in Washington, March, 1888.

She worked for and helped to secure in some States property rights for women, equal guardianship laws, and their right to their own wages.

She died October 26, 1902, the last document she signed being a plea for liberty for women, which appeared in an editorial in a New York newspaper.

PERMISSION TO ADDRESS THE HOUSE

Mr. MORROW. Mr. Speaker, I ask unanimous consent that to-morrow morning, after the reading of the Journal and the disposition of matters on the Speaker's table, I may be permitted to address the House for 15 minutes concerning the passage of the bill S. 700, as amended in the House, along the line of the speech of the gentleman from Michigan [Mr. CRAMTON] this morning.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10635, with Mr. MICHENER in the chair.

The Clerk read the title of the bill.

The Clerk read down to and including line 4 on page 56.

Mr. WARREN. Mr. Chairman, yesterday when the paragraph on the Coast Guard was considered I was called out of the Chamber. I ask unanimous consent that I may be permitted to address the committee for seven minutes on that paragraph.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WARREN. Mr. Chairman, I wish to thank the gentleman from Illinois [Mr. MADDEN] and his subcommittee for their treatment of the Coast Guard in this bill, and especially in their recognition of the fact that new buildings and repairs are so vitally necessary. There are more Coast Guard stations in my district than any other in America, and it is my pleasure to know all the men in the service down there, and to appreciate the magnificent work they have done. The Coast Guard is one of the least understood and one of the least known of our departments of Government, and they have no papers or press agents to carry what they are doing to the country.

Did you know—

That in the last fiscal year they saved or rescued from peril 3,313 human souls, the largest number in any one year since the organization of the service, and that the total number of assistance rendered was 5,508?

Did you know—

That the value of the ships and cargoes assisted was $37,801,357, and that in the enforcement of the laws of the United States—navigation, motor boat, and custom laws—68,223 vessels were boarded and examined during the year?

Did you know—

That in the Mississippi floods last spring the Coast Guard removed 43,853 persons from perilous positions and saved 11,313 herds of livestock?

Those are just a few examples of a phase of their work that is not generally known. In recent years the Coast Guard has been called upon to enforce a law, the righteousness or possible unwisdom of which is not to be discussed, but the fact is that, having to administer this law, the great and noble purpose for which they were created is being fast overshadowed, and in some sections they have become the target for slurs and falsehoods and insinuations.

When the marine is carried away from his country and loved ones to chase Sandino, he does not stop to question what his Government's foreign policy is. When the man in the Navy is carried to eastern waters and landed in China, he does not stop to reason why. When the man in the Army is called out to preserve the peace, he does not ask why he is there. And so it is not in the province of the Coast Guard, nor do they question the wisdom of a law they are called on to enforce, but perform their duty with a singleness of purpose and unafraid. And yet the marine and the soldier and the sailor are not criticized for obeying orders, while the Coast Guard in the performance of their duty are having hurled at their heads in some sections the terms "spy," "detective," and "snooper."

They are exposed to more temptations than any men in any service anywhere. Snags and pitfalls are thrown across their path, but to their everlasting credit they are meeting the test and coming out unscathed. Just a few months ago in this campaign of detraction that has been carried on against the Coast Guard in some sections, there was published in one of the leading magazines in the country an article carrying the inference that the service was shot through with graft. I tell you, both from knowledge, information, and investigation that it is a miserable lie and a slander and insult offered to brave men.

I want to see this great organization expand and grow. I want to see the ambitions and aspirations that its great admiral—and he is an administrative genius—has for the service realized. I want to see the housing facilities at many of the stations so improved that at least the men may have the ordinary comforts of life. I want to see the man when he enters the service have the incentive that after he has served his Government loyally and faithfully for 30 long years in this perilous work, that he may be retired upon his option. I want to see every man in charge of an active station a warrant officer. I want to see Congress abandon its policy of indifference and neglect, and hereafter give this organization the necessary appropriations to decently and efficiently operate.

Mr. MADDEN. The gentleman must know, I assume, that the Coast Guard has the same retirement privileges that the Army and the Navy have.

Mr. WARREN. I fully understand that.

Mr. MADDEN. I was wondering what the gentleman meant by stating he wanted to see them have retirement privileges.

Mr. WARREN. I did not say retirement. Here is what I was going to say: Some day, when we have more men here

in Congress who think in terms of human rather than property rights, we are going to make a fight to place the Coast Guard under the pension laws of the country, where they ought to be.

Mr. MADDEN. They have better provisions now. They have the retirement privileges that the Army and the Navy have.

Mr. WARREN. I fully understand that, but they are not under the pension laws like the Army and the Navy.

Mr. MADDEN. They are; exactly.

Mr. WARREN. Well, I still beg leave to disagree with the gentleman, and I will point that out later.

The man in the Coast Guard is just as much in the service of his country as the man in the Army and Navy, for in time of war they are part of the armed forces; but yet, when one of them dies or is killed in the performance of his duty or is foully murdered, as is frequently the case, their loved ones receive a notation that he was a brave man, and they are granted six months' pay. Pitiful cases of distress and need are coming in from all sections.

Mr. BULWINKLE. If the gentleman will permit, they have the same rights with respect to war-risk insurance as the men in the Army and the Navy at the present time.

Mr. WARREN. I understand that.

Now, answering the question of the gentleman from Illinois [Mr. MADDEN], of course I know that the same retirement law applies to the Army, the Navy, and the Coast Guard. When a man in the Army or Navy is killed in the performance of his duty his dependents come under the pension laws. This is not true of the Coast Guard, and this discrimination is what I am protesting against. Just recently a fine young man in the service from my district was brutally murdered in the performance of his duty in Florida. He left a wife and several small children, who are destitute. The only aid they got was six months' salary under the retirement act. I know that the gentleman from Illinois [Mr. MADDEN] has been a consistent friend of the Coast Guard, and I hope that we will have the benefit of his great influence to remedy this discrimination.

Our Government is too great and too fair to mete out this injustice and to tolerate this situation to exist much longer.

I love to think of the Coast Guard, gentlemen of the House, as fulfilling the mission for which it was created. I like to think of it as serving humanity. I like to picture the sun-crowned but lonely patrol on our wind-swept coast burning his Coston signal to herald that succor is near.

I like to picture the man in the lookout with his eagle eye sweeping the sea in his eternal vigil. I like to picture them in their surfboats through mountainous seas and storms and tempests snatching men from the very jaws of death. I like to picture them as firing the gun and sending true the line, and with strong hands and fearless hearts bringing in to safety human beings who had despaired of all. I like to see them in their stations rendering aid and sympathy and love to the unfortunate sojourners whom fate throws up in their midst. That is what the Coast Guard is. That is my conception of the service. That is where their heart is, and that is why their deeds have been one grand epic that sweeps down the decades.

They that go down to the sea in ships, that do business in great waters—these see the works of the Lord and his wonders in the deep.

The Clerk read as follows:

Operating supplies: For fuel, steam, gas for lighting and heating purposes, water, ice, lighting supplies, electric current for lighting, heating, and power purposes, telephone service for custodial forces; removal of ashes and rubbish, snow, and ice; cutting grass and weeds, washing towels, and miscellaneous items for the use of the custodial forces in the care and maintenance of completed and occupied public buildings and the grounds thereof under the control of the Treasury Department, and in the care and maintenance of the equipment and furnishings in such buildings; miscellaneous supplies, tools, and appliances required in the operation (not embracing repairs) of the mechanical equipment, including heating, plumbing, hoisting, gas piping, ventilating, vacuum-cleaning and refrigerating apparatus, electric-light plants, meters, interior pneumatic-tube and intercommunicating telephone systems, conduit wiring, call-bell and signal systems in such buildings, and for the transportation of articles or supplies, authorized herein (including the customhouse in the District of Columbia, but excluding any other public building under the control of the Treasury Department within the District of Columbia, and excluding also marine hospitals and quarantine stations, mints, branch mints, and assay offices, and personal services, except for work done by contract or for temporary job labor under exigency not exceeding at one time the sum of $100 at any one building), $3,090,000. The appropriation made herein for gas shall include the rental and use of gas governors when ordered by the Secretary of the Treasury in writing: *Provided*, That rentals shall not be paid for such gas governors greater than 35 per cent of the actual value of the gas saved thereby, which saving shall be determined by such tests as the Secretary of the Treasury shall direct: *Provided further*, That the Secretary of the Treasury is authorized to contract for the purchase of fuel for public buildings under the control of the Treasury Department in advance of the availability of the appropriation for the payment thereof. Such contracts, however, shall not exceed the necessities of the current fiscal year.

Mr. MADDEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 63, line 17, after the word "that," insert the word "hereafter."

Mr. MADDEN. Mr. Chairman, we have been carrying this language for a great many years. It requires the Secretary of the Treasury to get a supply of coal in advance—to contract for it a year in advance. It has been carried for a long time, and there has been no objection to it. It ought to be carried, and I see no reason why we should not make it permanent; and that is the reason we are offering the amendment.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

AMERICAN PRINTING HOUSE FOR THE BLIND

To enable the American Printing House for the Blind more adequately to provide books and apparatus for the education of the blind in accordance with the provisions of the act approved August 4, 1919, $65,000.

Mr. BYRNS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 64, line 13, after the figures "$65,000," insert a colon and add the following: "*Provided*, That the sum herein appropriated shall not be expended unless two copies of each publication printed by the American Printing House for the Blind during the fiscal year 1929 shall be furnished free of charge to the National Library for the Blind, located in Washington, D. C."

Mr. THATCHER. Mr. Chairman, I make a point of order that that is legislation on an appropriation bill.

The CHAIRMAN. The Chair will be pleased to hear from the gentleman from Tennessee as to the authority of law.

Mr. BYRNS. Mr. Chairman, I insist that the amendment does not carry any legislation. It is purely a limitation. It does not instruct or direct the American Printing House Co.; there is no provision directing the American Printing House for the Blind to furnish the publications. It simply says if it does not furnish them it shall not get the money. There is no legislation in the amendment. There is no duty imposed on this printing institution in Louisville, Ky.; it is not required to furnish them; it is simply a limitation on the appropriation that it is not to be available unless they do the thing provided in the amendment. I insist that there is no legislation in it, and it is not subject to a point of order.

I am perfectly aware that any limitation which carries with it legislation or which imposes additional duties on officials of the Government is subject to a point of order. In the first place, Mr. Chairman, the American Printing House for the Blind is not a Government institution. Therefore if it carried direction to that printing house to supply these books it would not be subject to the objection that it was imposing additional duties on Government officials. In addition to that, I repeat that there is nothing in the amendment requiring the American Printing House for the Blind to furnish books. It simply says if you do not do it you do not get the money.

Mr. THATCHER. Mr. Chairman, I am sorry that I am not able to agree with the gentleman from Tennessee. The language of the amendment is ingeniously drawn and its purpose is legislation. The acts of Congress of 1919 and 1927 which authorize the appropriation of money for the American Printing House for the Blind relate back to and tie into the basic act of 1879, the act of Congress which provided that the money appropriated thereunder for the purpose of the American Printing House for the Blind shall be expended for books and periodicals for the education of the blind of the entire country and shall be apportioned to the schools for the blind in all the States of the Union and to the Territories, including the District of Columbia, according to the number of blind pupils in these schools as regularly and annually certified by the superintendents of the respective schools for this purpose.

Now, these acts which determine how this money shall be expended limit the application of funds made under appropriations for these schools for the blind; that is to say, to those that have been established agreeably to the laws of the States and Territories.

To-day these books and apparatus which, under the basic law, must be furnished to the schools for the education of the blind in the country without a cent of profit on their production to the American Printing House for the Blind, are distributed in this way, and the purpose of the amendment is to set aside the existing law to the extent of making it mandatory as to $1,280 worth of books that they shall furnish the National Library for the Blind, which is a private institution, though receiving a gratuity of $5,000 a year under congressional appropriation, and which is not entitled under existing law to receive any of these books at all. Hence, the amendment, if adopted, will change the basic law of Congress.

I submit, therefore, that the proposed amendment is legislation pure and simple, and it illustrates the wisdom of the rule that legislation should not come in this form on an appropriation bill.

Mr. BYRNS. Mr. Chairman, I do not want to take up the time of the Chair unduly. Much that the gentleman from Kentucky [Mr. THATCHER] has said refers to the merits of the amendment. That is a matter for discussion if the amendment should be held in order. My point is simply this: Congress heretofore passed acts authorizing certain appropriations. Of course the Chair is familiar with the fact that merely because an act has been passed authorizing an appropriation it is not necessary for Congress to make the appropriation, either in the amount named in the authorization act or any part of it, if Congress does not see fit to do so. The authorization act simply provides that Congress may do it if it sees fit on an appropriation bill, and brings it within the rules of the House.

Here is an appropriation of $65,000 in addition to the $10,000 which is carried under a permanent appropriation. This amendment simply provides that this $65,000 herein appropriated shall not be expended unless the American Printing House for the Blind shall furnish to the National Library for the Blind, located here in the city of Washington, to the upkeep of which our Government contributes, two copies of each publication during the fiscal year 1929. There is no legislation in that. If the American Printing House for the Blind does not want to furnish the copies, it need not do it, but it will not get the appropriation unless it does. There is no direction or duty sought to be imposed. The amendment simply provides that if they want the $65,000 they have to supply this National Library for the Blind in the District of Columbia with two copies free of these publications. I insist that it is not legislation and no duty or obligation is imposed upon the American Printing House for the Blind.

Mr. MADDEN. Mr. Chairman, the law of 1879 clearly obligates this institution, the American Printing House for the Blind, to contribute books and prints to public institutions of learning for the blind in the States. I apprehend there has been no question about the fulfillment of that obligation. The amendment offered by my friend from Tennessee [Mr. BYRNS] obligates the American Printing House for the Blind to supply two books of each kind printed to the National Library for the Blind, located in the city of Washington. It is a library, not a public institution of learning, such as is referred to in the States. The question arises, Shall we differentiate between what the act originally said, under which the American Printing House for the Blind is compelled to supply books to these educational institutions in the States, and a library for the blind, privately owned, privately operated, to which the Government, it is true contributes something annually, though I apprehend that that has nothing to do with the point of order? The only question that arises in my mind is whether the National Library for the Blind comes within the rule laid down in the law of 1879 requiring the Printing House for the Blind to contribute these books. If it comes within that law, of course I apprehend that the amendment is not necessary. If it does not come within the law, then the amendment would be clearly without the law.

The CHAIRMAN. The law seems to refer to public institutions. If this library for the blind is a public institution, then there would be some justification for holding the amendment in order. The precedents of the House hold that a limitation accompanied by an affirmative direction to a departmental officer by the use of the word "unless," he shall do some particular thing, is, in effect, legislation and therefore not in order.

Mr. BYRNS. Mr. Chairman, will the Chair permit an interruption?

The CHAIRMAN. Certainly.

Mr. BYRNS. I again call the attention of the Chair to the fact that this is not a public institution and this is therefore not an instruction, as I said, to any departmental officer or any officer of the Government. It is purely a private institution.

Mr. THATCHER. But this is under the general supervision of the Secretary of the Treasury, and reports must be made to the Secretary of the Treasury, and this appropriation is made under the auspices of the Secretary of the Treasury.

The CHAIRMAN. The law provides that these copies may be furnished upon the "request" of the institution. The amendment provides a direction to deliver, notwithstanding that no request has been made, but not until certain prescribed action has been taken. The Chair therefore sustains the point of order.

Mr. BYRNS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BYRNS: Page 64, line 13, after the figures "$65,000," insert a colon and the following: "*Provided*, That no part of the sum herein appropriated shall be expended until the said American Printing House for the Blind shall have filed with the Treasurer of the United States an agreement in writing that it will furnish free of charge to the National Library for the Blind, located in Washington, D. C., two copies of each publication printed by said American Printing House for the Blind during the fiscal year 1929."

Mr. THATCHER. Mr. Chairman, I make the same point of order against that amendment for the same reason, that it is legislation on an appropriation bill.

Mr. BYRNS. Mr. Chairman, the Chair in his ruling stated that the former amendment was a direction to the American Printing House for the Blind to furnish copies of these publications. I respectfully insist that in that amendment and in the amendment now pending there is absolutely and positively no direction to the American Printing House for the Blind to furnish any publications. There is no effort and no purpose in the amendment to compel the American Printing House for the Blind to furnish any publication to the National Library for the Blind, located here in Washington. It simply provides that if they want this $65,000 they must furnish them. If they do not want to do that, then this $65,000 remains in the Treasury and is not paid over to them. It is simply a question whether the American Printing House for the Blind wishes to furnish the publications, or whether it prefers not to furnish them and not take the appropriation.

Now something has been said here, Mr. Chairman, about the merits of this proposition. I have in my hand here a statement that shows that of the $25,000 appropriated under the last act passed, $12,680 went to increase of salaries. Among those increases—and remember it is a private institution—the superintendent had his salary increased from $5,000 to $6,500, and then provided a new assistant superintendent at $2,500. Then they gave to the printing people and the pressmen little increases of about $60 a year. So that when the gentleman from Kentucky [Mr. THATCHER] says that this is for the purpose of distributing books free to the States, he is not wholly correct. It seems to me that this semipublic institution here in Washington, which has 13,000 volumes and which furnishes these 13,000 volumes on request to any institution throughout the Union, and for which the Federal Government, through the District of Columbia appropriation bill, appropriates $5,000 a year, is worthy of consideration. Former Senator Gore, of Oklahoma, who is the chairman of the National Library for the Blind, insists that it is important for this very worthy institution. It has an endowment, but it could not get along without the appropriation from the Government.

Now, what are we asking of this Louisville institution, which has been drawing $10,000 since 1879, and $40,000 since 1918, and $75,000 for the past year? To contribute something which on its own admission will not cost more than $1,200 a year. I am rather surprised that there should be any objection on the part of that institution to make this little contribution to the institution for the blind here in Washington, which can hardly get along with the $5,000 which the Government appropriates through the District of Columbia appropriation bill.

Now, I insist, Mr. Chairman, that in this amendment there is not the slightest legislation. It is simply a limitation pure and simple, requiring, as many other appropriation items do, that "if you get this money, you must file a written agreement that you will furnish these few books to the National Library." It is entirely optional. It does not impose any legislative duty whatever upon the American Printing House for the Blind or any other institution. It is such a limitation as appears in many other appropriation bills.

Mr. THATCHER. Mr. Chairman, the facts with respect to these questions about the salaries granted have been thrashed out before the committee and accepted, and they have been reported to the Treasury Department, and the amounts accepted as being reasonable and justified, and estimates have been submitted and appropriations accordingly made. I am sorry that the gentleman from Tennessee [Mr. BYRNS] has brought this subject in at this stage of the matter, because I think it has no bearing on the question at issue.

Now, the last amendment seeks to do by indirection what can not be done directly. I call the attention of the chairman to the act of March 3, 1879, which provides that certain books and apparatus shall each year be distributed among all the public institutions and establishments for the education of the blind. I read:

1. The income upon the bonds thus held in trust for the education of the blind shall be expended by the trustees of the American Printing House each year in manufacturing and furnishing embossed books for the blind and tangible apparatus for their instruction. And the total amount of such books and apparatus so manufactured and furnished by this income shall each year be distributed among all the public institutions for the education of the blind in the States and Territories of the United States and the District of Columbia, upon the requisition of the superintendent of each, duly certified by its board of trustees. The basis of such distribution shall be the total number of pupils in all the public institutions for the education of the blind, to be authenticated in such manner and as often as the trustees of the said American Printing House shall require; and each institution shall receive, in books and apparatus, that portion of the total income of said bonds, held by the Secretary of the Treasury of the United States in trust for the education of the blind, as is shown by the ratio between the number of pupils in that institution for the education of the blind and the total number of pupils in all the public institutions for the education of the blind, which ratio shall be computed upon the first Monday in January of each year.

2. No part of the income from said bonds shall be expended in the erection or leasing of buildings.

3. No profit shall be put on any books or tangible apparatus for the instruction of the blind manufactured or furnished by the trustees of said American Printing House for the Blind, located in Louisville, Ky., and the price put upon each article so manufactured or furnished shall only be its actual cost.

4. The Secretary of the Treasury of the United States shall have the authority to withhold the income arising from said bonds thus set apart for the education of the blind of the United States whenever he shall receive satisfactory proof that the trustees of said American Printing House for the Blind, located in Louisville, Ky., are not using the income from these bonds for the benefit of the blind in the public institutions for the education of the blind of the United States.

5. Before any money be paid to the treasurer of the American Printing House for the Blind by the Secretary of the Treasury of the United States, the treasurer of the American Printing House for the Blind shall execute a bond, with two approved sureties, to the amount of $20,000, conditioned that the interest so received shall be expended according to this law and all amendments thereto, which shall be held by the Secretary of the Treasury of the United States, and shall be renewed every two years.

6. The superintendent of the various public institutions for the education of the blind in the United States shall each ex officio be a member of the board of trustees of the American Printing House for the Blind, located in the city of Louisville, Ky.

* * * * * * *

IV. That the trustees of said American Printing House for the Blind shall annually make to the Secretary of the Treasury of the United States a report of the items of their expenditure of the income of said bonds during the year preceding their report, and shall annually furnish him with a voucher from each public institution for the education of the blind, showing that the amount of books and tangible apparatus due has been received.

V. That this act shall take effect from and after its passage.

I may say in passing that the State of Kentucky, which was the pioneer in printing for the blind in this country, began in 1858 to carry on this work. It was quite successful in a local way, with the result that institutions all over the country for the education of the blind joined in requests and made contribution for the purchase of books at cost furnished by the American Printing House for the Blind, and finally Congress passed the act of 1879, prescribing the terms on which books might be printed there for distribution all over the country to the institutions where the blind children were being educated. The State of Kentucky has contributed as a gratuity about $125,000 to $150,000 worth of property at Louisville, without one cent of advantage over any other State in the Union; and if this amendment should be adopted, it means that the blind schools of Texas and Minnesota and New York and every other State in the Union will have their allocations of books for use reduced to the extent that books may be furnished this Washington library.

Mr. BYRNS. May I ask, how much will this cost the American Printing House for the Blind?

Mr. THATCHER. It will cost nearly $1,300 a year.

Mr. BYRNS. How much was the superintendent's salary increased just a year ago?

Mr. THATCHER. It was over a year ago.

Mr. BYRNS. I want to ask the gentleman another question, so he can answer all of these questions. Was not his salary increased $1,500, from $5,000 to $6,500, and did they not provide for a new assistant superintendent at $2,500 just about a year ago? I submit, if the gentleman's argument be correct, that in the increase which was made then they were cutting the institutions out of their just deserts?

Mr. THATCHER. I will answer the gentleman on that. The present superintendent of this institution was formerly the superintendent for the blind in the State of Texas. He was the unanimous choice of the superintendents of the United States when they assembled, and he was told that if he would give up his work in Texas and take charge of this important work, which needed a superintendent, he would be paid in a short time $6,500, which he considered as being necessary in order to justify him in giving up his work in Texas.

Mr. BYRNS. How long has he been serving as superintendent?

Mr. THATCHER. Not over two or three years.

Mr. BYRNS. Then they waited for some time before they increased his salary because his salary only went into effect in May, 1927.

Mr. THATCHER. I understand, but the superintendents of the United States agreed to that, and he is only in the position to-day because of the agreement that he should receive that salary if he would give up his work in Texas. As to the other increases, the American Printing House for the Blind has a work that is very technical and very difficult, and these increases were made after the compensation of those employed in every other element of industry in the country had been increased on account of war conditions and after-war conditions. These questions have been gone into by the subcommittees dealing with this appropriation, and they have been shown that these increases were justified.

This proposed amendment undertakes to change the law and to make it obligatory, in order that this appropriation may function at all, that two copies of each of these publications shall be furnished to this particular library, a private institution, at a cost of something like $1,300 a year. I submit, if that can be done, then the 50 or 60 other libraries for the blind in this country will have the same right and the same justification for asking that they be treated in the same way.

Mr. REED of New York. That is exactly what other institutions will do. The minute you provide that this library shall receive these copies, then every other library in the country will be demanding the same thing.

Mr. BYRNS. How could they demand it with any degree of justice?

Mr. REED of New York. They could do it, and would do it if this action were taken.

Mr. BYRNS. There are no other institutions in any State and there are no other libraries for which the States or Congress appropriates $75,000 as a gratuity, as is the case in connection with the American Printing House for the Blind, and it seems to me it is a very little thing for the Federal Government, which appropriates as a gratuity $75,000 to this private institution, to ask that it give $1,300 worth of publications to this institution in Washington.

Mr. THATCHER. If this action were taken with regard to this institution here there would be the same reason for such action with reference to the other 60 libraries in this country, and they would be making requests of the same character. Every dollar of the $75,000 appropriated by Congress is expended in the cost of books and apparatus for the blind pupils of the United States, including the Territories and the District of Columbia. The American Printing House for the Blind exists only for this purpose, and it is altogether dependent on this appropriation, and books and apparatus furnished to the schools for the blind throughout the country under the basic act of Congress must be, and are, furnished at cost on a pro rata basis of blind-school population in the States, Territories, and the District of Columbia.

The CHAIRMAN. The Chair is ready to rule. The discussion on the floor has been largely with reference to the merits of the proposition. The Chair is not passing on the merits.

It seems to the Chair that this amendment is clearly a limitation with an affirmative direction. A limitation simply provides that money shall not be spent for a specific purpose. This amendment goes further and says that this money shall not be spent unless or until certain things are done.

One particular decision has been called to the attention of the Chair, rendered in Committee of the Whole, on February 20, 1926, when the gentleman from Ohio [Mr. BEGG] was in the chair. At that time the following amendment was offered:

Amendment offered by Mr. FISH: On page 6, line 1, after the figures "$3,000,000," insert a colon and the following: "*Provided further,*

That not more than one-half of this sum shall be expended unless or until plans and estimates are proposed and approved by said commission for the erection near Sechault, France"—

And so on. In passing upon a point of order made against the amendment the Chairman said:

From a careful reading of section 2, which has been read by the gentleman from Alabama [Mr. BANKHEAD], it seems to the Chair that the gentleman's amendment, as the gentleman from Illinois [Mr. CHINDBLOM] says, directs the commission to do a specific thing, actually changing the basic law creating the commission, and that the amendment does not restrict in any sense the appropriation.

Now, the Chair after examining these two amendments finds that in intent they are very similar.

It can not be said that this amendment restricts the appropriation alone, but goes further and directs that certain things shall be done. Therefore the Chair sustains the point of order.

The Clerk read as follows:

For compensation to postmasters, $52,000,000.

Mr. O'CONNELL. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection

There was no objection.

Mr. O'CONNELL. Mr. Chairman, it is a pleasure to me to take this opportunity to recommend H. R. 5837, introduced by Mr. SPROUL of Illinois. The purpose this bill seeks to accomplish should have been done by Congress many years ago.

The inadequate compensation of the group of faithful public servants the measure is designed to increase has long been a reproach upon the Government. No better evidence need be produced to prove the tardiness of legislation when it comes to rectifying wrongs than the record of neglect in respect to the matters this bill is intended to rectify. Every few years Congress has been enacting legislation to increase the compensation of different groups of postal employees, so that they will more nearly accord with the salaries paid in the industries, so that they will correspond with the increasing costs of living, so that they will provide for the faithful supervisors, carriers, clerks, and laborers wages upon which they can support their families, yet it is astonishing to note that the postmasters of a group of the largest offices in the country, upon whom the heavy responsibilities of management rest, have been ignored.

In saying this I want to make it clear that I do not consider we have yet done all that should be done to aid these faithful employees I have enumerated, for there is pressing need of providing additional grades for them to which they may be promoted as rewards for long service, exceptional efficiency, and so forth, and likewise need for legislation to ameliorate their working conditions. When the opportunity offers for me to support measures of this character it is my purpose to do so, but the measure to which I am now referring is to care for the small group of postmasters who have been, as I have previously said, so long ignored, and it is to this matter I wish particularly to address myself at this time.

As examples of cases of injustice such as I have in mind, of inadequately compensated postmasters, let me instance the two postmasters in my home city—Brooklyn and New York.

The salary of the postmaster at New York was fixed by Congress at but $8,000, 53 years ago, or, to be exact, May 3, 1875, and it has never been increased since.

At the time Congress acted in this matter we had not yet celebrated the centennial anniversary of this country's birth, and the progress which has since been achieved by the world in science, the arts, and industry is probably greater than the achievements of the world in these directions in all the time which went before. While everything else in the world has moved forward and upward, these salaries have stood absolutely still.

It would be altogether superfluous for me to remind the House of the increased cost of living during these 53 years. Not only has the cost of living kept soaring higher but the standard of living has kept pace with the rising costs, so that the incumbent of this office is not only obliged to spend more for the necessities which sufficed his predecessor in 1875 but he has to live according to the higher standards of to-day, and conform with habits, usages, and practices which were in those so far distant days quite unknown.

In the year 1875, when the salary for the New York postmaster was fixed, the total receipts of the entire postal system of the United States were a little less than one-third of the receipts of the New York post office in 1927. Of course, with the enormous increase in receipts there has come a corresponding increase in the responsibilities of the postmaster. His bond under the law covers every cent of this vast sum, and of many millions more involved in the money order and postal savings transactions which occur in the New York office.

In my investigation of this subject I found the following very illuminating facts which I am sure will prove of interest to my colleagues of the House. These facts deal with the remarkable growth of the postal business in the cities of New York and Brooklyn, and are staggering in their exposition not only of the great responsibilities of the postmasters of the respective cities, but of the tremendous work that is being done by the Postal Service personnel, whom every fair-minded person will admit are notoriously underpaid. Now, then, let us see:

MEMORANDUM

The salary of the postmaster at New York, N. Y., was fixed by a special act of Congress more than 50 years ago.

Comparison

Postal receipts	1875	1927
Receipts	$3,166,946.19	$75,552,970.91
Expenditures	839,445.82	36,249,908.13
Surplus	2,327,500.37	39,303,062.78

Personnel assigned:	
Number of employees (approximate)—	
1880	1,500
1928	Over 18,000
Stations operated:	
1880	19
1928	55

Receipts for the calendar year 1927 approximated the total appropriations made for conducting the entire postal service of the United States at the time the last adjustment of the salary of the postmaster was made.

The volume of business of the New York post office exceeds that of the entire Dominion of Canada.

The volume of business transacted in one month of the present time approximates more than twice the business transacted for the entire year when the salary was first fixed at $8,000 per annum.

The responsibilities of the postmaster increased correspondingly to the increase of the volume of business and the personnel, and was also increased by the introduction of the following additional new activities of the Postal Service:

Postal savings, established January 1, 1912.

Parcel Post Service, inaugurated January 1, 1913.

Government-owned motor-vehicle service added to the postmaster's responsibilities in December, 1917.

Central accounting system in 1920.

Distribution of supplies.

All of these added activities and the growth of the business increased the responsibilities, but no adjustment in salary has been made.

The New York post office has 55 classified stations and 265 contract stations.

Over 18,000 employees are required to man the service.

It receives, delivers, and dispatches 16,000,000 pieces of ordinary mail daily. Receives, delivers, and dispatches 156,000 pieces of registered mail daily. Receives and dispatches 75,000 insured and C. O. D. parcel-post packages daily. Weighs and dispatches 568,000 pounds of newspapers and periodicals daily. Issues over 600,000 salary checks in a year.

The annual cash receipts and disbursements total approximately $923,000,000.

Issued in 1927, 5,871,362 domestic money orders, totaling $66,856,849.

Issued in 1927, 451,503 international money orders, totaling $8,698,978.

Paid in 1927, 19,343,021 domestic money orders amounting to $162,940,721.

Paid in 1927, 76,460 international money orders, amounting to $976,915.

Has on deposit in postal savings $27,428,142.

Postal Savings depositors total 96,528 accounts.

Maintains a motor-vehicle fleet of 626 trucks and provides repairs and maintenance service for 41 other post offices.

Postal receipts for year ended Dec. 31, 1927	$75,552,970.71
Postal receipts for year ended Dec. 31, 1926	72,686,647.40
Increase 3.93 per cent, or	2,866,323.31

The increase for one year represents more than twice the volume of business transacted in 1875, when the present salary of the postmaster was fixed.

Mr. MADDEN. Does the gentleman think the salary of these postmasters should be increased?

Mr. O'CONNELL. I am pleading very earnestly for that. I think we ought to adopt the Sproul bill, which would give

the postmaster at New York $12,000 a year and pay the postmaster in Brooklyn, who does similarly good work, $10,000.

Mr. MADDEN. Why not make them both the same?

Mr. O'CONNELL. You bet, I will say to my friend from Illinois, I would very much like to give them both the same salary. They are worth it and more besides, as well as Hon. Skidmore Pettit, the efficient and hard-working postmaster at Jamaica, who serves a large part of my district.

Mr. LOZIER. Will the gentleman yield?

Mr. O'CONNELL. Yes; gladly.

Mr. LOZIER. Is it not true that while the work has increased enormously, yet the postmaster at New York City and the postmasters in similar cities have been given a great battery of assistant postmasters and clerks, bureau chiefs, and division chiefs, which has very largely reduced the responsibility and the work of the postmasters? Is not that true in all the large cities of the United States?

Mr. O'CONNELL. Oh, no; I will say to my friend that it may reduce their work a little, but it does not reduce in any respect their responsibility. [Applause.]

Now, I must hurry on. There are included within the New York post-office organization five stations whose activities, personnel, and postal receipts equal, or surpass the postal business transacted by many large first-class cities. This may best be indicated by the following summary showing postal receipts for the year 1927, floor space occupied, and personnel assigned:

City Hall Station

Receipts	$10,380,932
Floor space (square feet)	136,130
Personnel (employees)	1,674

Up to 1918 City Hall Station was the general post office.

The receipts are greater than those of Cleveland, Ohio, which is the eighth largest post office in the Postal Service.

Receipts are greater than those of Buffalo, N. Y., and Indianapolis, Ind., combined, and approximate the combined receipts of Toledo, Ohio; Dayton, Ohio; Richmond, Va.; Hartford, Conn.; and Memphis, Tenn.

Grand Central Station

Receipts	$6,540,977
Floor space (square feet)	120,000
Personnel (employees)	2,400

Located, as its name implies, at the terminus of the New York Central and the New York, New Haven & Hartford Railroad lines, it is a keystone in the New York postal system.

The postal receipts compare favorably with those of Baltimore, Md., and exceed those of Minneapolis, Minn., Washington, D. C., and Milwaukee, Wis.

Hudson Terminal Station

Receipts	$2,456,463
Floor space (square feet)	56,000
Personnel (employees)	1,400

This station is located in the Hudson Terminal Building with direct railway connection with the Pennsylvania lines via the Hudson & Manhattan Railroad.

This station is the distribution center for the down town financial district, and dispatches daily more than a million pieces of first-class mail.

Madison Square Station

Receipts	$5,781,872
Floor space (square feet)	58,000
Personnel (employees)	900

This station is located in the most important commercial and industrial center. The postal receipts exceed those of Milwaukee, Wis.; Indianapolis, Ind.; Atlanta, Ga.; and Dallas, Tex., and are greater than the combined receipts of Louisville, Ky., and New Orleans, La.

Varick Street Station

Receipts	$1,893,027
Floor space (square feet)	163,000
Personnel (employees)	1,100

The receipts are greater than those of Nashville, Tenn., or New Haven, Conn. There is no similar activity of such proportions in the Postal Service. Here are made up all mails intended for foreign countries. Mail is forwarded to Varick Street Station from all parts of the United States, and is distributed for final dispatch to the various countries.

Indicative of the growth in the volume of foreign business handled by the New York post office is the following comparative statement:

Number of sacks dispatched via steamships in 1927	1,557,054
Number of sacks dispatched via steamships in 1917	628,596
Increase of approximately 148 per cent or	928,458

During the period of one week, March 20 to 26, 1927, 32,960 sacks were dispatched to foreign countries via 57 different steamships. During the week of December 4 to 10, 1927, a total of 53,145 sacks were dispatched via 61 different steamships. The weekly average number of sacks dispatched aggregates 20,000, and the average number of steamships via which mail is forwarded weekly totals 56.

The motor-vehicle service requires more than 646 employees to maintain this branch of the service. There is maintained a complete overhaul and repair unit, which also provides mechanical service to 128 other post offices. The local fleet consists of 393 vehicles, which performed service of 3,411,066 miles in 1927.

Besides those units enumerated above, namely, City Hall Station, Grand Central Station, Hudson Terminal Station, Madison Square Station, and Varick Street Station, there are six other stations whose receipts are in excess of $1,000,000 per annum, namely, Trinity Station, Station S, Station A, Station G, and Station P, and five whose receipts range from $2,881,000 to $4,313,076, namely Station D, Station V, West Forty-third Street Station, Wall Street Station, and Times Square Station.

The general post office is the executive and administrative headquarters of this great organization, and houses in addition to mail-handling activities the executive, administrative, and financial sections of the organization. The responsibility of all of these activities rests solely upon the postmaster.

The present postmaster, the Hon. John J. Kiely, is exceptionally well fitted for the position, having come up from the ranks of the service, and through assignment in an official capacity to practically all of the larger units referred to above, secured an experience and training which qualifies him admirably to administer efficiently and economically all of the varied activities of the New York post office.

Turning now to Brooklyn, my home city, which is an independent post office, with, of course, its own postmaster, the Hon. Albert Firmin, we find that Congress passed an act June 5, 1920, which fixed the salaries of all postmasters in first, second, and third class post offices; and while the postmasters of all the second and third class offices, and of some of the first-class offices received an increase of about $200 each, the offices with receipts in excess of $600,000 were not affected, except that an additional grade was provided for offices with receipts of $7,000,000 and in excess of this sum, with compensation at $8,000.

Again there was legislation in 1925, when Congress, upon February 28, 1925, gave some small increases to postmasters of the third class and to a few grades in the second class. The compensation of postmasters of large offices like New York and Brooklyn were not, however, increased.

The receipts of the Brooklyn post office last year were $9,140,807.15. Brooklyn now ranks next to Chicago as to its population. Brooklyn is in fact the seventh city in the world as to population. It is credited by the Census Bureau in its estimate of July 1, 1927, with 2,274,400 people, or 459,000 more than Manhattan. The Brooklyn City post office also serves a section of Queens County, with possibly 100,000 additional patrons, and from these statistics you will perceive the transcendent importance of this great center of population over our other great cities. It is the most populous of all the boroughs making up New York City. Furthermore, it is growing with phenomenal speed. In excess of $600,000 each working day is being expended at the present time for new buildings and alterations on old ones, and you can well perceive the burden this rapid development places upon the postal organization and how it adds to the responsibilities of the postmaster.

I have mentioned that the receipts of the Brooklyn office during the year just passed amounted to $9,140,807, but this big sum by no means represents the full financial responsibility of the postmaster, and for which full responsibility he is bonded. The money-order transactions of the Brooklyn office I find, for instance, amounted last year to $59,029,187, and it has $6,299,666 on deposit in the postal savings.

I do not believe that there are any other industrial organizations in our Commonwealth with transactions of comparable volume and employing executives with comparable responsibilities which are paying so little. In our great industrial and financial institutions, few among which employ so many men or handle such large sums, it will be found that minor executives are paid more than we are paying these chief executives.

Contrasting the salaries of our postmasters in large post offices of the United States, the maximum grade of which is $8,000, with the salaries paid in New York to our city officials—and I do not doubt but a similar comparison with other cities would produce like results—we find that the postmasters are sorely discriminated against. Our city pays the dock commissioner $10,000; the chief civil-service commissioner, $8,500; commissioner of correction, $10,000; commissioner of accounts, $10,000; commissioner of water supply, $10,000; commissioner of health, $10,000; commissioner of markets, $10,000; director of budget, $12,000; and secretary to the mayor, $8,500.

I should add that while the duty of Congress is to fix compensation commensurate with the responsibility of the office—and it is the duty of the Executive to see that the positions are filled by those who measure up to the importance of the offices created—it is nevertheless of interest when we are discussing the problems involved to know that the present incumbents of these two offices are men who entered the service more than 40 years ago, starting at the lowest rungs of the postal ladder, and that they have as a result of assiduous application to duty, exemplary industry, and acknowledged efficiency climbed to the top. It is equally interesting to know that many other postmasters among those who would be benefited by this bill, in some of the chief offices of the United States, have likewise very fine records of the same kind, as, for instance, the postmaster at Philadelphia and Detroit.

In closing I would add that the Postal Service is one of the chief industries of the Nation. Upon its efficient management both our social and industrial relations and communications are very largely dependent. Any breakdown in the postal system would result in the paralysis of the country. Such men as I have referred to have devoted their lives to this business, which is our business, and it is a specialized work, so that if they abandon it they have no other market in which to offer the knowledge which they have acquired.

Under these circumstances and in view of the other facts submitted, it is only common justice to compensate them fairly for their services.

So long as the salaries fixed in 1875 and on these other remote dates I have named remain unchanged we are subject to grave reproach for permitting it. [Applause.]

Mr. WELLER. Mr. Chairman and members of the committee, after the illuminating address of my distinguished colleague from New York, I feel it is only proper and right that somebody from the city of New York and the Borough of Manhattan should say a word on behalf of the post office and the present incumbent of that office, and let the splendid work that is being done there be known throughout the country.

The present postmaster of the Borough of Manhattan of the city of New York is not of my political affiliation, but he is a gentleman who has administered the affairs of the post office for the past four and a half or five years and has brought it to the wonderful level it has now attained.

The distinguished chairman of the Committee on Appropriations asked my colleague if he wanted to raise this salary. I want to indorse with all the strength at my command the suggestion that his salary be raised, because Mr. John J. Kiely, now in active control of 18,000 men in the Post Office Department, an army in and of itself, where the distribution of mail is done in the most efficient manner known throughout the United States, should receive a salary commensurate with a man who commands an army or a man who commands a division of 18,000 men in the city of New York or anywhere throughout the United States. To say that this man should be kept at the present salary of $8,000 a year, when he has been a postman all his life and a postmaster for the past four and a half or five years, is ridiculous.

I understand nothing can be done in this bill with reference to this particular salary, but the Sproul bill will accomplish what is sought to be done with respect to this matter.

Under the administration of Mr. Kiely pneumatic tubes have been placed throughout the city of New York and Brooklyn, and it is possible now to deliver a letter within the city of New York and within the Borough of Manhattan in a matter of two or three hours.

The time has come when we should recognize such efficient work, and we must recognize efficiency irrespective of party and irrespective of any other consideration. A man who is doing his work as splendidly as Mr. Kiely is in New York should receive recognition and his salary should be advanced. He should receive at least the sum of $12,000 a year, and I will support the bill introduced by the gentleman from Illinois [Mr. SPROUL] which contemplates such an increase. [Applause.]

The Clerk read as follows:

For the inland transportation of mail by aircraft, under contract, and for the incidental expenses thereof including not to exceed $30,000 for assistant superintendents and clerks at air mail transfer points, in accordance with the act approved February 2, 1925, and amended June 3, 1926, $6,430,000: *Provided*, That $19,100 of this appropriation shall be available for the payment for personal services in the District of Columbia, incidental and travel expenses.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word for the purpose of asking a question.

I would like to ask the gentleman from Illinois whether the contracts for air mail meet the probable developments of the air mail service in the coming fiscal year, and will the appropriation provide for a reasonable expansion of that service?

Mr. MADDEN. There is $6,430,000 in this item. In addition to that there is an appropriation in the Department of Commerce appropriation bill for the development of airways, lighting, and so forth. There are 11,700 miles of air mail routes under contract; they are not all in operation and will not all be in operation until about the 1st of July.

The sum of $6,000,000 was asked in the Budget for carrying air mail by contract. The committee thought they ought to have some leeway, and so we added $430,000. I believe the department is satisfied.

The committee thinks that there ought to be great care exercised in the letting of contracts for air mail. They ought to be sure that there is air mail to be carried over the routes for which the contract is let. Otherwise you are not going to be able to get contractors. We are depending now on private citizens to bid for it, either as individuals or as members of corporations. It would be most unfortunate, it seems to the committee, if we should let contracts for air mail routes that turned out to be unprofitable.

Mr. BRIGGS. The committee, I understand, has the thought that in taking these contracts the contractor must be able to make a reasonable return. Otherwise there would not be sufficient interest in the service on the part of the contractor.

Mr. MADDEN. Yes; and we ought not to expand until we are reasonably certain of success.

Mr. BRIGGS. Except where they are an integral part of the air mail service throughout the country.

Mr. MADDEN. Yes; there is money enough in the fund to meet any such emergency.

Mr. BRIGGS. In the contemplated reduction in the Air Mail Service from 10 cents to 5 cents a half ounce, does the gentleman expect an increase in revenue from that reduction?

Mr. MADDEN. The committee does.

Mr. BRIGGS. My own thought is that it will produce an increase in revenue.

Mr. MADDEN. It should, but experience has shown that whether rates will bring an increase in revenue is uncertain. Nobody can tell. The best test we had on a comparison of receipts and expenditures was for seven days last October, when the deficit was shown to be about $850,000 on a yearly basis, but since that time there has been some growth. There was nothing included in that loss for the lighting of the airways which would add to the loss. But the air service is growing.

Mr. BRIGGS. I understand that the gentleman from Illinois stated in his opening speech that there were about six air mail routes showing a profit.

Mr. MADDEN. We were told that, but it is a question of how they keep their books, whether they charge off depreciation or whether they just balance receipts and expenses without any charge for depreciation.

Mr. BRIGGS. But the gentleman thinks there is a growing improvement?

Mr. MADDEN. There is a growing improvement, and it is encouraging.

Mr. BRIGGS. And the gentleman thinks that the reduction to 5 cents a half ounce will improve matters in revenue?

Mr. MADDEN. There is one thing that everybody ought to realize, and that is the Air Mail Service is not going to be self-sustaining without the cooperation of the public.

Mr. THATCHER. Mr. Chairman, I ask unanimous consent to print in the RECORD a statement of the contract Air Mail Service and the poundage rate.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The matter referred to is as follows:

CONTRACT AIR MAIL SERVICE

C. A. M. 1. Boston, Mass., via Hartford, Conn., to New York, N. Y., and return, 192 miles each way. Contract awarded October 7, 1925, to Colonial Air Transport (Inc.), 270 Madison Avenue, New York, N. Y., at $3 per pound; service commenced July 1, 1926.

C. A. M. 2. Chicago, Ill., via Peoria and Springfield, Ill., to St. Louis, Mo., and return, 278 miles each way. Contract awarded October 7, 1925, to Robertson Aircraft Corporation, Anglum, Mo., at $2.53125 per pound; service commenced April 15, 1926.

C. A. M. 3. Chicago, Ill., via Moline, Ill., St. Joseph and Kansas City, Mo., Wichita, Kans., Ponca City and Oklahoma City, Okla., to Fort Worth and Dallas, Tex., and return, 987 miles each way. Contract awarded October 7, 1925, to National Air Transport (Inc.), 506 South Wabash Avenue, Chicago, Ill., at $3 per pound; service commenced May 12, 1926.

C. A. M. 4. Salt Lake City, Utah, via Las Vegas, Nev., to Los Angeles, Calif., and return, 600 miles each way. Contract awarded October 7, 1925, to Western Air Express (Inc.), 113 West Ninth Street, Los Angeles, Calif., at $3 per pound; service commenced April 17, 1926.

C. A. M. 5. Salt Lake City, Utah, via Boise, Idaho, to Pasco, Wash., and return, 530 miles each way. Contract awarded October 7, 1925, to Walter T. Varney, post-office box 722, Boise, Idaho, at $3 per pound; service commenced April 6, 1926.

C. A. M. 6. Detroit, Mich., to Cleveland, Ohio, and return, 91 miles each way. Contract awarded November 25, 1925, to Ford Motor Co., Dearborn, Mich., at $1.08 per pound; service commenced February 15, 1926.

C. A. M. 7. Detroit, Mich., to Chicago, Ill., and return, 237 miles each way. Contract awarded November 25, 1925, to Ford Motor Co., Dearborn, Mich., at $1.08 per pound; service commenced February 15, 1926.

C. A. M. 8. Seattle, Wash., via Portland and Medford, Oreg., San Francisco, Fresno, and Bakersfield, Calif., to Los Angeles, Calif., and return, 1,099 miles each way. Contract awarded December 31, 1925, to Pacific Air Transport (Inc.), 593 Market Street, San Francisco, Calif., at $2.8125 per pound; service commenced September 15, 1926.

C. A. M. 9. Chicago, Ill., via Milwaukee, Madison, and La Crosse, Wis., to St. Paul and Minneapolis, Minn., and return, 383 miles each way. Contract awarded January 11, 1926, and service commenced June 7, 1926; Northwest Airways (Inc.), St. Paul, Minn., present contractor at $2.75 per pound.

C. A. M. 11. Cleveland, Ohio, via Youngstown, Ohio, and McKeesport, Pa., to Pittsburgh, Pa., and return, 123 miles each way. Contract awarded March 27, 1926, to Clifford Ball, 407 Market Street, McKeesport, Pa., at $3 per pound; service commenced April 21, 1927.

C. A. M. 12. Cheyenne, Wyo., via Denver and Colorado Springs, Colo., to Pueblo, Colo., and return, 199 miles each way. Contract awarded March 29, 1926, and service commenced May 31, 1926; Western Air Express (Inc.), 113 West Ninth Street, Los Angeles, Calif., present contractor, at $0.83 per pound.

C. A. M. 16. Cleveland, Ohio, via Akron, Columbus, Dayton, and Cincinnati, Ohio, to Louisville, Ky., and return, 339 miles each way. Contract awarded October 10, 1927, to Continental Air Lines (Inc.), 1259 Union Trust Building, Cleveland, Ohio, at $1.22 per pound; service not yet in operation.

C. A. M. 17. New York, N. Y., via Cleveland, Ohio, to Chicago, Ill., and return, 723 miles each way. Contract awarded April 2, 1927, to National Air Transport (Inc.), 506 South Wabash Avenue, Chicago, Ill., at $1.24 per pound; service commenced September 1, 1927.

C. A. M. 18. Chicago, Ill., via Iowa City and Des Moines, Iowa, Omaha and North Platte, Nebr., Cheyenne and Rock Springs, Wyo., Salt Lake City, Utah, Elko and Reno, Nev., and Sacramento to San Francisco, Calif., and return, 1,904 miles each way. Contract awarded January 29, 1927, to Boeing Air Transport (Inc.), Georgetown Station, Seattle, Wash., at $1.50 per pound; service commenced July 1, 1927.

C. A. M. 19. New York, N. Y., via Philadelphia, Pa., Washington, D. C., Richmond, Va., Greensboro, N. C., and Spartansburg, S. C., to Atlanta, Ga., and return, 773 miles each way. Contract awarded February 28, 1927, to Pitcairn Aviation (Inc.), Land Title Building, Philadelphia, Pa., at $3 per pound; service not yet in operation.

C. A. M. 20. Albany, N. Y., via Schenectady, Syracuse, Rochester, Buffalo, N. Y., to Cleveland, Ohio, and return, 452 miles each way. Contract awarded July 27, 1927, to Colonial Western Airways (Inc.), 270 Madison Avenue, New York, N. Y., at $1.11 per pound; service commenced December 17, 1927.

C. A. M. 21. Dallas, via Houston, to Galveston, Tex., and return, 283 miles each way. Contract awarded August 17, 1927, to Texas Air Transport (Inc.), Fort Worth Club Building, Fort Worth, Tex., at $2.89 per pound; service commenced February 6, 1928.

C. A. M. 22. Dallas, via Waco, Austin, and San Antonio, to Laredo, Tex., and return, 417 miles each way. Contract awarded August 17, 1927, to Texas Air Transport (Inc.), Fort Worth Club Building, Fort Worth, Tex., at $2.89 per pound; service commenced February 6, 1928.

C. A. M. 23. Atlanta, Ga., via Birmingham and Mobile, Ala., to New Orleans, La., and return, 478 miles each way. Contract awarded August 19, 1927, to St. Tammany Gulf Coast Airways (Inc.), Room R, Mezzanine Floor, Roosevelt Hotel, New Orleans, La., at $1.75 per pound; service not yet in operation.

C. A. M. 24. Chicago, Ill., via Indianapolis, Ind., to Cincinnati, Ohio, and return, 270 miles each way. Contract awarded November 15, 1927, to Embry-Riddle Co., Lunken Airport, Cincinnati, Ohio, at $1.47 per pound; service commenced December 17, 1927.

C. A. M. 25. Atlanta, Ga., via Jacksonville, to Miami, Fla., and return, 595 miles each way. Contract awarded November 23, 1927, to Pitcairn Aviation (Inc.), Land Title Building, Philadelphia, Pa., at $1.46 per pound; service not yet in operation.

C. A. M. 26. Great Falls, via Helena and Butte, Mont., and Pocatello, Idaho, to Salt Lake City, Utah, and return, 493 miles each way. Contract awarded December 30, 1927, to Alfred Frank, Salt Lake City, Utah, at $2.475 per pound; service not yet in operation.

FOREIGN MAIL ROUTES

F. M. 2. Seattle, Wash., to Victoria, British Columbia, and return, 84 miles each way. Contract awarded May 23, 1927, to Northwest Air Service (Inc.), care of postmaster, Seattle, Wash., at $190 per round trip; service commenced July 1, 1927.

F. M. 3. New Orleans to Pilottown, La., and return, 80 miles each way. Contract awarded May 21, 1927, to Arthur E. Cambas, 4322 Burgundy Street, New Orleans, La., at $110 per round trip; service commenced July 1, 1927.

F. M. 4. Key West, Fla., to Habana, Cuba, 90 miles one way (Cuban mail carried on return trip). Contract awarded July 19, 1927, to Pan American Airways (Inc.), 50 East Forty-second Street, New York, N. Y., at 40½ cents per pound; service commenced October 19, 1927.

The Clerk read as follows:

OFFICE OF THE THIRD ASSISTANT POSTMASTER GENERAL

For manufacture of adhesive postage stamps, special-delivery stamps, books of stamps, stamped envelopes, newspaper wrappers, postal cards, and for coiling of stamps, $7,950,000.

Mr. GILBERT. Mr. Chairman, I move to strike out the last two words. Under what arrangement does the Government procure printed stamped envelopes?

Mr. MADDEN. The Government has a contract for printing stamped envelopes, which will expire next year. I think not more than $30,000 on a whole year's supply.

Mr. GILBERT. Mr. Chairman, I am opposed to the Government entering into any activity that is not a necessary function of Government.

This appropriation is necessary to fulfill the Government's annual payment under its four-year contract for stamped envelopes with return notice, and so forth. I do not oppose this appropriation for the sole reason that I want the Government to live up to its contract, but I am opposed to the renewal of that contract when it expires and serve notice that I shall fight any extension as unwise in principle.

There is no reason for the Government to appropriate money to carry on any business that is not a necessary function of government. I am opposed to any appropriation to permit the Government to go into either the printing or the stationery business. The statement is made, and perhaps it is correct, that by this method the users of this character of printed stationery may acquire it cheaper than from private sources. It is also stated that this will therefore benefit a large number of people and adversely affect only a few. This statement is also no doubt true. Yet, conceding the truth of both statements, are we justified in this intrusion of the Government into a legitimate field of private business which is not a necessary function of government?

I have received many letters from my district which are inspired by the chamber of commerce of the city (Dayton, Ohio) which has the monopoly of doing this printing for the Government. This fact is not disclosed in the letters. These letter writers all favor the continuance of the custom. One of these letters to me is from a shoe merchant in my district, who says that he can buy his stationery much cheaper this way, and if the Government did not do this work only a few printers would be benefited thereby. I concede this also to be true, yet still is it wise for the Government to do this printing?

Is it not the purpose of government to protect the rights of the few as well as the rights of the many? I suggested to the shoe merchant that if the Government went into the shoe business and manufactured millions of pairs of shoes it would probably furnish them to the wearers of shoes cheaper than they are now buying them, and only a few shoe merchants would suffer therefrom. This also would apply with equal force to countless other phases of private business, and if for that reason alone the Government did invade many fields of private business the final result would be that there would be no business outside of the Government.

Regardless of the great number benefited and the small number prejudiced, I see no more reason for the Government to go into the stationery and printing business than into the shoe business or any other unnecessary business. I am therefore opposed to the principle of appropriating for this activity.

The Clerk read as follows:

For pay of rural carriers, auxiliary carriers, substitutes for rural carriers on annual and sick leave, clerks in charge of rural stations, and tolls and ferriage, Rural Delivery Service, and for the incidental expenses thereof, $106,000,000.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. Is the appropriation provided here for rural carrier service adequate to meet all demands?

Mr. MADDEN. The appropriation is $106,000,000. There are 38 applications pending for new routes. They will all be adjudicated and most of them, I presume, will be put into

service. There are about 1,100 applications for changes in existing routes and all of those will be adjusted. There never has been a better situation in respect to the rural service than that which exists to-day. They have plenty of money here, every one admits, with no piling up of applications that are undisposed of.

Mr. BRIGGS. And this provides for a reasonable expansion of that service?

Mr. MADDEN. It provides for all of the expansion requested.

Mr. BRIGGS. Some will come in with the current fiscal year.

Mr. MADDEN. Yes.

Mr. BRIGGS. And this provides for meeting that situation as well as for pending applications?

Mr. MADDEN. Yes.

Mr. BLANTON. And the Post Office Department, especially the office of the Fourth Assistant Postmaster General, will not be able to answer that it can not furnish new service where it is needed because it has not the money.

Mr. MADDEN. It will not be justified in making that excuse.

Mr. BLANTON. Because the committee has given it all it requested along that line?

Mr. MADDEN. Yes.

The Clerk read as follows:

SEC. 2. Those civilian positions in the field services under the several executive departments and independent establishments, the compensation of which was fixed or limited by law but adjusted for the fiscal year 1925 under the authority and appropriations contained in the act entitled "An act making additional appropriations for the fiscal year ending June 30, 1925, to enable the heads of the several executive departments and independent establishments to adjust the rates of compensation of civilian employees in certain of the field services," approved December 6, 1924, may be paid under the applicable appropriations for the fiscal year 1929 at rates not in excess of those permitted for them under the provisions of such act of December 6, 1924.

Mr. MADDEN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 81, line 24, after the figures "1929," insert "and thereafter."

Mr. MADDEN. Mr. Chairman, in order that there may be no misunderstanding about what this means, I wish to say that we have carried this language for years. It is necessary from year to year. What this language proposes is now being done, and if this amendment is adopted we will not be required to carry the language in the future, because it will then be permanent law.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. The head of an executive department or independent establishment, where, in his judgment, conditions of employment require it, may continue to furnish civilians employed in the field service with quarters, heat, light, household equipment, subsistence, and laundry service; and appropriations for the fiscal year 1929 of the character heretofore used for such purposes are hereby made available therefore: *Provided*, That the reasonable value of such allowances shall be determined and considered as part of the compensation in fixing the salary rate of such civilians.

Mr. MADDEN. Mr. Chairman, I move to amend by striking out the word "therefore," in line 10, on page 82, and inserting in lieu thereof the word "therefor."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I have a further amendment, which I desire to offer on that paragraph.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 82, line 8, after the figures "1929," insert "and thereafter."

Mr. MADDEN. This is similar to the amendment just adopted.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. LINTHICUM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LINTHICUM. When is the proper time to move to recommit the bill?

The SPEAKER. After the engrossment and third reading of the bill.

Mr. MADDEN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The SPEAKER. The question is on ordering the previous question.

Mr. MADDEN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll. The question is on ordering the previous question on the bill and all amendments to final passage.

The question was taken; and there were—yeas 324, nays 10, not voting 99, as follows:

[Roll No. 32]

YEAS—324

Ackerman	Crail	Hastings	Milligan
Adkins	Cramton	Haugen	Montague
Allen	Crisp	Hawley	Mooney
Allgood	Cullen	Hersey	Moore, Ky.
Almon	Curry	Hickey	Moore, N. J.
Andrew	Dallinger	Hill, Ala.	Moore, Ohio
Arentz	Darrow	Hill, Wash.	Moore, Va.
Arnold	Davenport	Hoch	Morehead
Aswell	Davis	Hoffman	Morgan
Auf der Heide	Denison	Hogg	Morrow
Ayres	De Rouen	Holaday	Murphy
Bachmann	Dickinson, Iowa	Hooper	Nelson, Me.
Bacon	Dickstein	Hope	Nelson, Mo.
Barbour	Doughton	Houston, Del.	Newton
Beedy	Douglass, Mass.	Howard, Okla.	Niedringhaus
Beers	Doutrich	Howard, Nebr.	Norton, Nebr.
Begg	Doyle	Huddleston	O'Brien
Bell	Drane	Hudspeth	O'Connell
Berger	Drewry	Hughes	O'Connor, La.
Black, Tex.	Driver	Hull, Morton D.	Oldfield
Bland	Dyer	Hull, William E.	Oliver, Ala.
Blanton	Eaton	Irwin	Oliver, N. Y.
Bloom	Edwards	Jeffers	Parker
Bowles	Elliott	Jenkins	Parks
Bowling	England	Johnson, Ill.	Peery
Bowman	Englebright	Johnson, Ind.	Perkins
Box	Eslick	Johnson, Okla.	Pou
Boylan	Evans, Calif.	Johnson, Tex.	Prall
Brand, Ga.	Evans, Mont.	Johnson, Wash.	Pratt
Brand, Ohio	Fenn	Jones	Quin
Briggs	Fisher	Kahn	Ragon
Brigham	Fitzgerald, Roy G.	Kearns	Rainey
Browne	Fitzgerald, W. T.	Kelly	Ramseyer
Browning	Fitzpatrick	Kemp	Rankin
Buchanan	Fletcher	Kerr	Ransley
Buckbee	Fort	Ketcham	Rayburn
Bulwinkle	French	Kiess	Reece
Burtness	Frothingham	Kincheloe	Reed, N. Y.
Burton	Fulbright	Kopp	Reid, Ill.
Busby	Fulmer	Korell	Robinson, Iowa
Bushong	Furlow	Kvale	Robsion, Ky.
Butler	Gallivan	LaGuardia	Rogers
Byrns	Gambrill	Lanham	Romjue
Campbell	Garber	Lankford	Rowbottom
Canfield	Gardner, Ind.	Leech	Rubey
Cannon	Garner, Tex.	Lehlbach	Rutherford
Carew	Garrett, Tenn.	Letts	Sanders, N. Y.
Carley	Garrett, Tex.	Lindsay	Sanders, Tex.
Carss	Gasque	Lowrey	Sandlin
Carter	Gibson	Lozier	Schneider
Cartwright	Gifford	Luce	Sears, Nebr.
Casey	Gilbert	McClintic	Seger
Chalmers	Glynn	McKeown	Shreve
Chapman	Golder	McLaughlin	Simmons
Chindblom	Goldsborough	McLeod	Sinclair
Christopherson	Goodwin	McReynolds	Sinnott
Clague	Gregory	McSwain	Sirovich
Clarke	Green, Fla.	McSweeney	Speaks
Cochran, Mo.	Greenwood	Madden	Spearing
Cochran, Pa.	Griest	Magrady	Sproul, Ill.
Cohen	Griffin	Major, Ill.	Sproul, Kans.
Cole, Iowa	Guyer	Major, Mo.	Steele
Collier	Hale	Manlove	Stevenson
Collins	Hall, Ill.	Mansfield	Summers, Wash.
Colton	Hall, Ind.	Mapes	Sumners, Tex.
Combs	Hall, N. Dak.	Martin, Mass.	Swank
Connolly, Pa.	Hammer	Mead	Sweet
Cooper, Ohio	Hancock	Menges	Swick
Cooper, Wis.	Hardy	Merritt	Swing
Corning	Hare	Michener	Taber
Cox	Harrison	Miller	Tarver

Tatgenhorst	Vestal	Welch, Calif.	Wilson, La.
Taylor, Tenn.	Vincent, Mich.	Weller	Winter
Temple	Vinson, Ga.	Welsh, Pa.	Wolverton
Thatcher	Vinson, Ky.	White, Kans.	Woodruff
Thurston	Wainwright	White, Me.	Woodrum
Tillman	Ware	Whitehead	Wright
Tilson	Warren	Whittington	Wurzbach
Underhill	Wason	Williams, Ill.	Wyant
Underwood	Watres	Williams, Mo.	Yates
Updike	Weaver	Williams, Tex.	Zihlman

NAYS—10

Beck, Wis.	Deal	Peavey	Tinkham
Black, N. Y.	Kading	Schafer	
Clancy	Linthicum	Somers, N. Y.	

NOT VOTING—99

Abernethy	Fish	Leatherwood	Selvig
Aldrich	Foss	Leavitt	Shallenberger
Andresen	Frear	Lyon	Smith
Anthony	Free	McDuffie	Snell
Bacharach	Freeman	McFadden	Stalker
Bankhead	Graham	McMillan	Steagall
Beck, Pa.	Green, Iowa	MacGregor	Stedman
Bohn	Hadley	Maas	Stobbs
Boies	Hudson	Martin, La.	Strong, Kans.
Britten	Hull, Tenn.	Michaelson	Strong, Pa.
Burdick	Igoe	Monast	Strother
Celler	Jacobstein	Moorman	Sullivan
Chase	James	Morin	Taylor, Colo.
Connally, Tex.	Johnson, S. Dak.	Nelson, Wis.	Thompson
Connery	Kendall	Norton, N. J.	Timberlake
Crosser	Kent	O'Connor, N. Y.	Treadway
Crowther	Kindred	Palmer	Tucker
Davey	King	Palmisano	Watson
Dempsey	Knutson	Porter	White, Colo.
Dickinson, Mo.	Kunz	Purnell	Williamson
Dominick	Kurtz	Quayle	Wilson, Miss.
Douglas, Ariz.	Lampert	Rathbone	Wingo
Dowell	Langley	Reed, Ark.	Wood
Estep	Larsen	Sabath	Yon
Faust	Lea	Sears, Fla.	

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Faust with Mr. McDuffie.
Mr. Porter with Mr. Kindred.
Mr. Free with Mr. Dominick.
Mr. Rathbone with Mr. Connally of Texas.
Mr. Snell with Mr. Bankhead.
Mr. Graham with Mr. Davey.
Mr. Johnson of South Dakota with Mr. Igoe.
Mr. Hudson with Mrs. Norton of New Jersey.
Mr. Wood with Mr. Reed of Arkansas.
Mr. Lampert with Mr. White of Colorado.
Mr. Treadway with Mr. Steagall.
Mr. Purnell with Mr. Connery.
Mr. Morin with Mr. Sullivan.
Mr. Maas with Mr. Tucker.
Mr. Bacharach with Mr. Dickinson of Missouri.
Mr. MacGregor with Mr. Celler.
Mr. Crowther with Mr. Wingo.
Mr. Dowell with Mr. Larsen.
Mr. Fish with Mr. Moorman.
Mr. McFadden with Mr. Palmisano.
Mr. Leavitt with Mr. Yon.
Mr. Britten with Mr. Taylor of Colorado.
Mr. Anthony with Mr. Crosser.
Mr. Beck of Pennsylvania with Mr. Shallenberger.
Mr. Dempsey with Mr. Abernethy.
Mr. Frear with Mr. Hull of Tennessee.
Mr. Green of Iowa with Mr. Jacobstein.
Mr. Kendall with Mr. Douglas of Arizona.
Mr. Strong of Pennsylvania with Mr. O'Connor of New York.
Mr. Watson with Mr. Lyon.
Mr. Stobbs with Mr. Quayle.
Mr. Smith with Mr. Sabath.
Mr. Palmer with Mr. Stedman.
Mr. Chase with Mr. Kunz.
Mr. Burdick with Mr. Lea.
Mr. Foss with Mr. Kent.
Mr. Hadley with Mr. Martin of Louisiana.
Mr. Freeman with Mr. Sears of Florida.
Mr. King with Mr. McMillan.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The previous question is ordered. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. LINTHICUM. Mr. Speaker, I move to recommit the bill.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. LINTHICUM. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. LINTHICUM moves to recommit the bill to the Committee on Appropriations with instructions to forthwith report the same back to the House with the following amendment: Add to the end of the bill the following as a new section:

"That no money herein appropriated for the enforcement of the national prohibition act shall be used in the preparation or issue of any permit for the removal or use of any industrial alcohol known to be denatured by any deadly poisonous drug."

Mr. BLANTON. Mr. Speaker, I make the point of order on the motion to recommit, that it is legislation sought to be placed without authority on an appropriation bill, in that it seeks to change the existing law, the law having been for the past 25 years that permits can be issued to remove such alcohol where it contains poisonous substances; and it seeks also to interfere with the discretion of executive officers in the performance of their duty.

The SPEAKER. The Chair would like to inquire if this is the same amendment that was offered yesterday?

Mr. BLANTON. Either the same or it substantially. Mr. Speaker GILLETT in several instances corrected wrong rulings that were inadvertently made in Committee of the Whole. I call the attention of the Chair to one in particular where Chairmen of the Committee of the Whole had held for many years that the garden-seed provision on an appropriation bill was in order; and yet, when the matter came up before the Speaker the Speaker stated that, although that holding had been held in the Committee of the Whole repeatedly, he felt it his duty to exercise proper consideration of the question, and that if he could not agree with the position of the Chairman of the committee, he was constrained not to follow it. And he sustained the point of order. I am appealing now to the judgment of the present Speaker of the House. This is a change of law, and an interference with the proper discretion that an executive officer should have in the performance of his duty.

Mr. MADDEN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The Chair was not present yesterday when this question was ruled on in Committee of the Whole, but the Chair understands that the amendment is practically the same. The Chair has read the debate and read the decision of the Chairman, the gentleman from Michigan [Mr. MICHENER], and thinks that the decision was quite correct. He therefore overrules the point of order. The question is on the motion to recommit.

The question was taken; and the Speaker announced that, in the opinion of the Chair, the ayes have it.

Mr. LINTHICUM. A division, Mr. Speaker.

The SPEAKER. The gentleman from Maryland demands a division.

Mr. CAREW. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays. Those in favor of taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Sixty-eight Members have risen—a sufficient number. The yeas and nays are ordered. As many as are in favor of the motion to recommit will, when their names are called, answer "yea," those opposed will answer "nay."

The question was taken; and there were—yeas 61, nays 283, not voting 89, as follows:

[Roll No. 33]

YEAS—61

Auf der Heide	Deal	Lehlbach	Prall
Beck, Wis.	De Rouen	Lindsay	Ransley
Berger	Dickstein	Linthicum	Sabath
Black, N. Y.	Douglass, Mass.	McLeod	Schafer
Bloom	Doyle	Martin, La.	Schneider
Boylan	Drewry	Mead	Sirovich
Britten	Englebright	Merritt	Somers, N. Y.
Carew	Fitzpatrick	Mooney	Spearing
Carley	Gallivan	Moore, N. J.	Tatgenhorst
Clancy	Gambrill	Niedringhaus	Tinkham
Cochran, Mo.	Glynn	O'Connell	Ware
Cohen	Griffin	O'Connor, La.	Welch, Calif.
Combs	Hancock	Oliver, N. Y.	Weller
Connolly, Pa.	Irwin	Palmisano	
Corning	Kading	Peavey	
Cullen	Kahn	Porter	

NAYS—283

Ackerman	Begg	Burdick	Clarke
Adkins	Bell	Burtness	Cochran, Pa.
Aldrich	Black, Tex.	Burton	Cole, Iowa
Allen	Bland	Bushong	Collier
Allgood	Blanton	Butler	Collins
Almon	Bowles	Byrns	Colton
Andresen	Bowling	Campbell	Cooper, Wis.
Andrew	Bowman	Canfield	Cox
Arentz	Box	Cannon	Crail
Arnold	Brand, Ga.	Carss	Cramton
Aswell	Brand, Ohio	Carter	Crisp
Ayres	Briggs	Cartwright	Crowther
Bacharach	Brigham	Casey	Curry
Bachmann	Browne	Chalmers	Dallinger
Bacon	Browning	Chapman	Darrow
Barbour	Buchanan	Chindblom	Davenport
Beedy	Buckbee	Christopherson	Davis
Beers	Bulwinkle	Clague	Denison

Dickinson, Iowa	Hastings	Magrady	Sinnott
Dickinson, Mo.	Haugen	Major, Ill.	Speaks
Doughton	Hawley	Major, Mo.	Sproul, Ill.
Doutrich	Hersey	Manlove	Sproul, Kans.
Drane	Hickey	Mapes	Steele
Driver	Hill, Ala.	Martin, Mass.	Stevenson
Dyer	Hill, Wash.	Menges	Strong, Kans.
Eaton	Hoch	Michener	Summers, Wash.
Edwards	Hoffman	Miller	Sumners, Tex.
Elliott	Hogg	Milligan	Swank
England	Holaday	Montague	Sweet
Eslick	Hooper	Moore, Ky.	Swick
Evans, Calif.	Hope	Moore, Ohio	Taber
Evans, Mont.	Houston, Del.	Moore, Va.	Tarver
Fenn	Howard, Nebr.	Morehead	Taylor, Tenn.
Fisher	Howard, Okla.	Morgan	Temple
Fitzgerald, Roy G.	Huddleston	Morrow	Thatcher
Fitzgerald, W. T.	Hudspeth	Murphy	Thurston
Fletcher	Hughes	Nelson, Me.	Tillman
Fort	Hull, Morton D.	Nelson, Mo.	Tilson
Frear	Hull, Wm. E.	Newton	Timberlake
French	Hull, Tenn.	Norton, Nebr.	Treadway
Frothingham	Jeffers	O'Brien	Underhill
Fulbright	Jenkins	Oldfield	Underwood
Fulmer	Johnson, Ind.	Oliver, Ala.	Updike
Furlow	Johnson, Okla.	Parker	Vestal
Garber	Johnson, Tex.	Parks	Vincent, Mich.
Gardner, Ind.	Johnson, Wash.	Peery	Vinson, Ga.
Garner, Tex.	Jones	Pratt	Vinson, Ky.
Garrett, Tenn.	Kearns	Quin	Wainwright
Garrett, Tex.	Kelly	Ragon	Warren
Gasque	Kemp	Rainey	Wason
Gibson	Kerr	Ramseyer	Watres
Gifford	Ketcham	Rankin	Watson
Gilbert	Kiess	Rayburn	Weaver
Golder	Kincheloe	Reece	Welsh, Pa.
Goldsborough	Kopp	Reed, N. Y.	White, Kans.
Goodwin	Korell	Reid, Ill.	White, Me.
Gregory	Kvale	Robinson, Iowa	Whitehead
Green, Fla.	LaGuardia	Robsion, Ky.	Whittington
Green, Iowa	Lanham	Rogers	Williams, Ill.
Greenwood	Lankford	Romjue	Williams, Mo.
Griest	Leech	Rowbottom	Williams, Tex.
Guyer	Letts	Rubey	Wilson, La.
Hadley	Lowrey	Rutherford	Wilson, Miss.
Hale	Lozier	Sanders, N. Y.	Winter
Hall, Ill.	Luce	Sanders, Tex.	Wolverton
Hall, Ind.	McClintic	Sandlin	Woodruff
Hall, N. Dak.	McKeown	Seger	Woodrum
Hammer	McLaughlin	Selvig	Wright
Hardy	McReynolds	Shreve	Wyant
Hare	McSweeney	Simmons	Yates
Harrison	Madden	Sinclair	

NOT VOTING—89

Abernethy	Freeman	McFadden	Smith
Anthony	Graham	McMillan	Snell
Bankhead	Hudson	McSwain	Stalker
Beck, Pa.	Igoe	MacGregor	Steagall
Bohn	Jacobstein	Maas	Stedman
Boies	James	Mansfield	Stobbs
Busby	Johnson, Ill.	Michaelson	Strong, Pa.
Celler	Johnson, S. Dak.	Monast	Strother
Chase	Kendall	Moorman	Sullivan
Connally, Tex.	Kent	Morin	Swing
Connery	Kindred	Nelson, Wis.	Taylor, Colo.
Cooper, Ohio	King	Norton, N. J.	Thompson
Crosser	Knutson	O'Connor, N. Y.	Tucker
Davey	Kunz	Palmer	White, Colo.
Dempsey	Kurtz	Perkins	Williamson
Dominick	Lampert	Pou	Wingo
Douglas, Ariz.	Langley	Purnell	Wood
Dowell	Larsen	Quayle	Wurzbach
Estep	Lea	Rathbone	Yon
Faust	Leatherwood	Reed, Ark.	Zihlman
Fish	Leavitt	Sears, Fla.	
Foss	Lyon	Sears, Nebr.	
Free	McDuffie	Shallenberger	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Kindred (for) with Mr. McDuffie (against).
Mr. Quayle (for) with Mr. Bankhead (against).
Mr. Sullivan (for) with Mr. Moorman (against).
Mr. Kunz (for) with Mr. Pou (against).
Mr. Connery (for) with Mr. Leavitt (against).
Mr. Celler (for) with Mr. Johnson of Illinois (against).
Mr. White of Colorado (for) with Mr. Snell (against).
Mr. O'Connor of New York (for) with Mr. Stalker (against).
Mrs. Norton of New Jersey (for) with Mr. Purnell (against).
Mr. Crosser (for) with Mr. Smith (against).
Mr. Graham (for) with Mr. Dominick (against).
Mr. MacGregor (for) with Mr. McMillan (against).
Mr. Beck of Pennsylvania (for) with Mr. Steagall (against).

Until further notice:

Mr. Dempsey with Mr. Mansfield.
Mr. Faust with Mr. Abernethy.
Mr. Kendall with Mr. Connally of Texas.
Mr. McFadden with Mr. Igoe.
Mr. Fish with Mr. Larsen.
Mr. Michaelson with Mr. Reed of Arkansas.
Mr. Stobbs with Mr. Davey.
Mr. Wood with Mr. Sears of Florida.
Mr. Freeman with Mr. Lea.
Mr. Palmer with Mr. Jacobstein.
Mr. Strong of Pennsylvania with Mr. Kent.
Mr. Johnson of South Dakota with Mr. Lyon.
Mr. Kurtz with Mr. Shallenberger.
Mrs. Langley with Mr. Stedman.
Mr. James with Mr. Tucker.
Mr. Hudson with Mr. Wingo.
Mr. Free with Mr. Taylor of Colorado.
Mr. Dowell with Mr. Yon.

Mr. DOUGLASS of Massachusetts. Mr. Speaker, my colleague from Massachusetts [Mr. CONNERY] is unavoidably absent. If he were present he would vote "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MADDEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

THE LATE STANYARNE WILSON

Mr. STEVENSON. Mr. Speaker, I desire to announce that on yesterday, at Spartanburg, S. C., Hon. Stanyarne Wilson, a Member of this House for six years from the fourth South Carolina district, died.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, the order of business for to-morrow will be the Underhill general claims bill, which is the unfinished business on the calendar. The District appropriation bill is not ready for consideration to-morrow, and as the unfinished business on the calendar is the general claims bill, it will go on to-morrow.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. CHINDBLOM. There is some notion that other bills reported by the Claims Committee may come up to-morrow. Is that so?

Mr. TILSON. It is not the intention to take up the Private Calendar.

BRIDGES ACROSS THE TUG FORK OF BIG SANDY RIVER

Mr. DENISON. Mr. Speaker, I wish to call up Senate bill 2348, now on the Speaker's table.

The SPEAKER. The gentleman from Illinois calls up a Senate bill, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (S. 2348) granting the consent of Congress to the Norfolk & Western Railway Co. and Knox Creek Railway Co. to construct, maintain, and operate two bridges across the Tug Fork of Big Sandy River, near Devon, Mingo County, W. Va.

Mr. DENISON. Mr. Speaker, in this connection I would like to submit a parliamentary inquiry to the Speaker. It is the same inquiry I submitted yesterday afternoon to the Acting Speaker [Mr. TILSON]. When a Senate bill has been passed by the Senate and is messaged over to the House and is lying on the Speaker's table, and a similar bill, or a bill substantially similar, has been reported by a House committee, it is proper under the rules to move to take the Senate bill from the Speaker's table and consider it in the House. The question I wish to present is, does the same rule apply where the House bill has not only been reported by the House committee but has been passed by the House and sent over to the Senate? When I propounded my inquiry yesterday afternoon there was some discussion about the matter, and there appeared quite a difference of opinion respecting it among several of our best parliamentarians, although the Acting Speaker [Mr. TILSON] seemed to be practically sure that the rule would apply in such a case just the same as if the House bill had been reported but not passed. I would like to present that inquiry to the Speaker before this bill is acted upon, in order that there may be a ruling of the present Speaker and the question may be definitely settled for the guidance of Members when similar questions hereafter arise.

The SPEAKER. The Chair has read the debate on that question, not being present yesterday. The Chair remembers that a short time ago the present occupant of the chair was about to make a ruling on the subject sustaining the right to call up a bill under these circumstances. However, at that time the gentleman calling up the bill changed his request to one of unanimous consent, so it was not necessary for the Chair to pass directly upon the question. The Chair, however, has before him a precisely similar situation which developed in the third session of the Sixty-second Congress, where a question arose as to whether a Senate bill could be called up as a matter of right when a similar House bill had been passed. Speaker Clark, in ruling on that question, decided, in substance, that the situation, in so far as the House bill was concerned, was the same whether it had been merely reported or had actually passed. Speaker Clark held that the same rule applied, and the present occupant of the chair, having been of that opinion hitherto and being reinforced by this ruling of Speaker Clark, has no hesitation in ruling that such a bill may be called up as a matter of right.

Mr. DENISON. Mr. Speaker, the Committee on Interstate and Foreign Commerce has formally authorized me to make this motion, and therefore I renew the motion.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Chair thinks it would be proper, under the circumstances, to request the Senate to return the House bill. That was done in this previous case.

Mr. DENISON. I was either going to do that, Mr. Speaker, or request them to table it or postpone its consideration indefinitely.

The SPEAKER. The gentleman will take charge of that.

Mr. DENISON. Yes; I will attend to that.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. QUAYLE, for an indefinite period, on account of undergoing an operation in a Brooklyn hospital.

Mr. GIBSON, for five days, on account of important business.

Mr. HARE. Mr. Speaker, I ask unanimous consent for leave of absence for my colleague the gentleman from South Carolina [Mr. MCMILLAN], on account of illness.

The SPEAKER. Without objection, the request is granted.

There was no objection.

THE VOLSTEAD ACT

Mr. BERGER. Mr. Speaker, I was unavoidably absent yesterday, and therefore I have to ask unanimous consent to extend my remarks in the RECORD on the subject of poisoned whisky.

Mr. SCHAFER. Reserving the right to object, are these remarks a post-mortem?

Mr. BERGER. A post-mortem about the gentleman, because I consider him "poisoned." [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BERGER. Mr. Speaker and gentlemen, I have introduced a bill to legalize the manufacture and sale of light wines and beers.

Now, let me define, first, what is understood by light wines. Light wines are those containing 12 per cent or less of alcohol. And beer is the usual beverage of barley and hops with an alcoholic content of 4 per cent or less.

VOLSTEAD LAW IS MAKING OUR NATION A "HARD-LIQUOR" NATION

My reason for introducing that bill, above all, is the fact that the Volstead Act is arbitrary, unscientific, and nonsensical, and that it can not be effectively enforced under present conditions.

Furthermore, also, that the eight years of attempted enforcement of the Volstead Act have brought about disastrous consequences to the morale of our country. During these eight years crime has increased and drunkenness has increased. The reason for that is simple. Beer and light wines can not be obtained readily, but one can get whisky. People bought and used whisky which they got from bootleggers.

The kind of whisky people can get, however, is inferior and harmful and instills poisons in hundreds of thousands of our people, especially, also, of our young people.

Since we have prohibition our Nation has not only become a Nation of home-brewers, making inferior beer to take the place of the good old beer that we had in the past, but, what is worse, our people drink again "hard liquor." And that is a great pity, since in 1917 we were just on the point of getting used to light wines and beers.

CREATING "LAW JAMS"

One of the worst aspects of the Volstead Act is that violations of law have ceased to be regarded as crimes. Violations are so common that the Federal courts are congested with liquor cases. The beginning of 1928 has seen one of the worst law jams and court congestions in the history of the country.

Prohibition cases are chiefly responsible for that. At the present time criminal litigation alone, based on violations of the Volstead Act, represent more than 50 per cent of all the criminal litigation in the Federal courts.

And another feature of this is that fully 15,000 dry cases must be nolle prossed by Federal district attorneys because the Government's evidence has collapsed.

I shall submit a table showing the record, by years, of Volstead law arrests and prosecutions, which will give a view of court congestion.

SPYING IS A JOB NEITHER DECENT NOR HONORABLE

And since the Volstead Act is a bad act, it naturally needs "bad actors" to enforce it.

When prohibition was getting under way a suggestion was made in Congress to select all the agents by civil service. The late Wayne B. Wheeler, however, objected strenuously. He and his Anti-Saloon crowd wanted a hand-picked crew—and having full sway in Congress—Congress let Wayne B. Wheeler have his way.

The result was a bad failure. Therefore lately the Anti-Saloon League began to clamor for a civil-service examination, which the old force had also to undergo. And although the test was not scholastic and had nothing to do with book learning—and the questions were very simple, practical questions—75 per cent of the present 2,000 supervisors, inspectors, and agents of the Federal prohibition enforcers were unable to pass the examination.

The failure of these men to pass so simple an examination caused considerable comment all over the country.

But that result can also be explained very readily.

The service under the Volstead Act is one which in the main appeals only to persons of a low grade of intelligence or those who can not find any other jobs. "High-brow" prohibition agents—which in this case would mean prohibition agents who can read and use common, everyday intelligence—would perhaps be all right if the job they were called upon to do was either decent or honorable.

CELLAR SNOOPER KNOWS LESS THAN EIGHTH-GRADE BOY

As everyone knows, however, the prohibition agent, with few exceptions, is rarely asked to do anything that is decent or honorable. Most of his time he is supposed to spend snooping on his neighbors and otherwise make a nuisance of himself. And not a small part of his time he must spend making a hash of the spirit, if not of the letter, of the Constitution of the United States under the pretext of enforcing the eighteenth amendment.

And thus the Prohibition Bureau begot a crowd three-quarters of which could not pass an examination, which any boy or girl who has finished the eighth grade in a public school would easily pass. Out of a force of 2,000 men three-quarters of those spies and cellar snoopers failed to qualify in that examination.

So much for this side of the question.

PLEASE LOOK AT THE MONEY SPENT

But now as to the other side.

National prohibition finished the eighth year of its existence on January 16, 1928.

The financial outlay by the Federal Government for the enforcement of this act during the eight years follows:

Prohibition Unit	$75,716,860
Coast Guard, approximate	70,000,000
Department of Justice, approximate	32,000,000
Total	177,716,860

Nor is that all.

AND LOOK AT THE INCOME LOST

There has been, on the other hand, a definite loss in revenues that the Government derived from spirits and beers. These amounted to $483,050,854.47 in 1919 and $443,389,544.98 in 1918.

In the eight years before 1918 the internal-revenue receipts from these sources were:

1910	$201,008,670.88
1911	211,804,579.55
1912	212,042,339.92
1913	223,314,452.21
1914	226,179,689.76
1915	223,948,646.09
1916	247,453,543.52
1917	284,008,512.62

This was an increase from 1910 to 1917 of more than $80,000,000 in annual receipts. Discounting the two abnormal years of taxes collected and assuming that the eight years from 1920 to 1928 would have seen a like increase in these revenues, the total that might now be expected if prohibition had not come would be close to $350,000,000 or more a year.

FIGURES PROVING DRUNKENNESS STEADILY ON THE INCREASE

And the most significant result is that drunkenness has increased continuously.

Drunkenness increased almost as fast in 1926 as it did in 1925 and somewhat faster than it did in 1924.

The 602 cities and towns reporting arrests for drunkenness showed an increase from 650,961 in 1924 to 687,812 in 1925 and 711,889 in 1926. I have no figures for 1927 as yet.

In 534 cities and towns arrests for drunkenness in 1926 increased 136 per cent above 1920—above the first year of national prohibition.

In 403 cities and towns reporting for 1914 to 1926, arrests for drunkenness in 1926 were higher than in any previous year with the one exception of the war-boom peak of 1916. The 1916 peak was 563,792 for drunkenness, and 1926 almost reached that peak year, being 559,074.

MORE DRUNKENNESS IN THE NATIONAL CAPITAL THAN EVER

Intoxication in Washington, the National Capital, has apparently risen to new high altitudes. At any rate, all previous records for commitments to the District of Columbia Jail for intoxication were shattered in the last fiscal year, ending June 30, 1927, according to the annual report of the superintendent of the institution submitted to the District of Columbia Commissioners. The largest total commitment for a single offense in the year was for intoxication.

The report pointed out that intoxication accounted for 49.2 per cent of the total for all offenses for which prisoners were committed to the jail, and that the intoxication cases, which numbered 5,874, exceeded by 820 the number of prisoners sent to jail for the same offense in the preceding year.

Conditions in the former so-called dry States are very much worse to-day as compared with 1914 than are conditions in the so-called wet States. In the dry States the number of arrests for drunkenness went up sharply in 1926 and exceeded any year heretofore.

REPORT OF FEDERAL COUNCIL OF CHURCHES ON DRINKING AMONG YOUNG PEOPLE

But the most distressing result of the Volstead Act has been the increase in drinking among boys and girls and young people generally. There have been reports to this effect in the press so constantly from all over the United States that the matter has become common knowledge.

The Federal Council of Churches in its investigation of the subject sent questionnaires to 2,700 social workers, who, as a class, are prejudiced in favor of prohibition. Yet the great majority of the replies received stated that they observed more drinking by young people than in preprohibition times. Sheriffs and chiefs of police of towns and district attorneys give similar testimony.

The attorney general of South Dakota, a dry State before prohibition, said:

> There is a strange psychology about this liquor problem that makes it doubly significant. It is beginning to affect a different type of persons than it did before. Now it is the youngster of the family of means who is toting the bottle. The boy thinks it is smart to have a bottle on the hip, and the girls encourage the boys to do it. And they rush about in cars. It is one of the most menacing phases of the whole situation.

RAISING A NEW CROP OF DRUNKARDS

While there is not much authoritative statistics as yet upon the subject of drunkenness among the young, apparently the largest increase has taken place among those from 15 to 25 years of age.

The Police Department of Washington, D. C., has classified the arrests for drunkenness by ages, and its figures are illuminating. These official figures completely confirm the other evidence on the subject as to the Nation on the whole and leave no doubt that there has been a very considerable increase in drunkenness among the young. This can only mean that each year we are raising a new crop of drunkards which is much larger than the annual crop we used to raise under the saloon.

ABANDON ALL HOPE OF BENEFIT FROM VOLSTEAD ACT

When we also consider that drunkenness generally has already increased to the preprohibition level, and that drunken children have increased far above what was ever known to be before in our country, we can not escape the conclusion that the Volstead Act is an absolute failure—that it surely has not promoted temperance and sobriety.

Moreover, since conditions have become worse, not better, each year since we have prohibition, and with the "next generation" drinking as never before, there seems to be no hope that the Volstead Act can ever accomplish its purpose.

So much for the effect of prohibition and the Volstead Act on the young folks.

DEATHS FROM ALCOHOLISM ON THE INCREASE

But what about the injury wrought by the bootlegger, moonshine, and poison whisky on adults?

We happen to have some statistics on that question.

Figures obtained by the New York World from the United States Census Bureau indicate that the mounting death rate from alcohol, on which the attention of the country was focused sharply at the national convention of State public-health officials held in Washington May, 1927, has not been checked.

Statistics up to December 31, 1926, have been completed for the United States registration area.

They show a picture even more dismal than that unfolded in Washington. There were 4,109 deaths from alcoholism in the United States registration area, which covers nearly all the States, in the last year for which records are available. There were, in addition, 7,591 deaths from cirrhosis—hardening—of the liver, a disease which physicians ordinarily attribute to alcohol.

Starting with 1920, when the reaction from prohibition began to set in, there has been a steadily mounting tide of deaths from these two causes. In virtually every State in the Union, whether known as wet or dry, the percentages have been mounting. There is a general agreement among experts who have studied the subject that the enormous increase in deaths is to be attributed quite as much to the quality of the liquor obtainable as it is to the quantity.

In 1920, two years after the eighteenth amendment was adopted, only 20 persons were recorded in Chicago as dying from alcoholism. In 1927 there were 340 such deaths, an increase of 1,600 per cent for the eight-year period.

Detailed figures showing that the bootlegger is far more deadly than the preprohibition saloonkeeper in his heydey were made public in New York at the bureau of vital statistics of the department of health. The death rate from alcoholism for 1927 is 13 per 100,000, or slightly more than the rate for measles in peak years.

BOOTLEGGER FAR MORE DEADLY THAN SALOONKEEPER IN HIS HEYDEY

The figures reveal a startling rise beginning in 1921 and continuing year after year until in 1927 all records for the deadly effects of alcohol, good or bad, are smashed. The 1927 total is, so far as can be learned, the greatest in the history of the city.

The Chicago (Ill.) Journal of January 5 says:

> This editorial writes itself. The coroner reports that in 1927 there were in Cook County 433 deaths caused wholly by alcoholism and 161 homicides and deaths by accident clearly due to alcohol. The total, 594, is the ghastly record for 12 months of the Anti-Saloon League and the Woman's Christian Temperance Union brand of prohibition. The number of deaths due to alcoholism is mounting steadily year by year. The "drys" will chant songs in praise of the holy eighteenth amendment and the sacred Volstead Act, but the cemeteries are filling up.

IF MY BILL BECAME LAW IT WOULD PREVENT MURDER AND PROMOTE TEMPERANCE

The country evidently can not go on like this.

That is why I introduced my bill to permit the manufacture, sale, and use of light wines and beer.

I am of the firm conviction that if my bill becomes a law—and the Volstead Act is amended accordingly, and also accompanied by suitable revenue legislation—that we would eliminate all the evil effects of the present method of enforcing the eighteenth amendment. And we would also obtain what the eighteenth amendment was passed for—a greater degree of temperance.

My bill, should it become a law, would stop the growth of the bootlegging industry, check disrespect for the Constitution, eliminate scandalous corruption, and prevent murder by poison whisky. And in addition it would produce a handsome revenue which could be used for beneficial purposes.

WILL ANTI-SALOON LEAGUE PERMIT OLD PARTIES TO ACCEPT IT?

Let us hope that the Anti-Saloon League—which absolutely controls both the Republican and Democratic Parties in Congress—will permit the committee to report out my bill.

I submit herewith a table showing the number of arrests for intoxication year by year:

Summary of arrests for intoxication

(Figures from police departments)

	403 places	"Wet" States—280 places	"Dry" States—123 places	534 places	602 places
1914	531,574	425,781	105,793	----------	----------
1915	528,426	413,059	115,367	----------	----------
1916	563,792	452,029	111,763	----------	----------
1917	546,351	445,467	100,884	----------	----------
1918	428,725	358,635	70,090	----------	----------
1919	312,136	252,301	59,835	----------	----------
1920	237,101	175,326	61,775	281,561	----------
1921	321,195	244,656	76,539	376,794	----------
1922	429,886	329,215	100,671	510,150	----------
1923	506,104	393,350	112,754	597,201	----------
1924	521,474	408,034	113,440	612,389	650,961
1925	540,151	423,927	116,224	642,957	687,812
1926	559,074	434,444	124,630	664,101	711,889

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 278. An act to amend section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926;

H. R. 3926. An act for the relief of Joseph Jameson;

H. R. 6487. An act authorizing the Baton Rouge-Mississippi River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Baton Rouge, La.;

H. R. 7009. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 7916. An act authorizing the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Madison, Jefferson County, Ind.; and

H. R. 9186. An act authorizing the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, to construct, maintain, and operate a toll bridge across the Ohio River at or near Sistersville, Tyler County, W. Va.

ADJOURNMENT

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Thursday, February 16, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, February 16, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce (H. R. 7940).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON INSURANCE AND BANKING

(10.30 a. m.)

To provide security for the payment of compensation for personal injuries and death caused by the operation of motor vehicles in the District of Columbia (H. R. 9688).

COMMITTEE ON IRRIGATION AND RECLAMATION

(10 a. m.—caucus room)

To discuss various irrigation projects.

COMMITTEE ON THE CENSUS

(10.30 a. m.)

For the apportionment of Representatives in Congress among the several States under the Fourteenth Census (H. R. 27).

For the apportionment of Representatives in Congress (H. R. 130).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To provide for the increase of the Naval Establishment (H. R. 7359).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing an amendment to the Constitution of the United States providing for national representation for the people of the District of Columbia (H. J. Res. 18).

COMMITTEE ON RIVERS AND HARBORS

(10.30 a. m.)

A meeting to consider House Document 111.

COMMITTEE ON ROADS

(10 a. m.)

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented (H. R. 358, 383, 5518, 7343, and 8832).

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented, and authorizing appropriation of $150,000,000 per annum for two years (H. R. 7019).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

366. A letter from the Acting Secretary of War, transmitting report from the Chief of Engineers on preliminary survey of Smith Creek, Md. (H. Doc. No. 177); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

367. A communication from the President of the United States, transmitting supplemental estimates of appropriation amounting to $502,816.88 for the Department of Agriculture for the fiscal year 1929, together with two proposed amendments affecting estimates of appropriation contained in the Budget for the fiscal year (H. Doc. No. 176); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. YON: Committee on the Public Lands. H. R. 6993. A bill authorizing the Secretary of the Interior to sell and patent certain lands in Louisiana and Mississippi; with amendment (Rept. No. 683). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on the Public Lands. H. R. 7946. A bill to repeal an act entitled "An act to extend the provisions of the homestead laws to certain lands in the Yellowstone forest reserve," approved March 15, 1906; with amendment (Rept. No. 684). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAAS: Committee on Foreign Affairs. H. R. 10884. A bill to amend the act entitled "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926; without amendment (Rept. No. 685). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. S. 2301. A bill to create a commission to be known as the commission for the enlarging of the Capitol Grounds, and for other purposes; with amendment (Rept. No. 686). Referred to the House Calendar.

Mr. DYER: Committee on the Judiciary. H. R. 8927. A bill to amend the act entitled "An act to promote export trade, and for other purposes," approved April 10, 1918; with amendment (Rept. No. 689). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. YON: Committee on the Public Lands. S. 2020. An act for the relief of Leonidas L. Cochran and Rosalie Cochran Brink; without amendment (Rept. No. 687). Referred to the Committee of the Whole House.

Mr. PORTER: Committee on Foreign Affairs. H. R. 10932. A bill for the relief of the widows of certain Foreign Service officers; without amendment (Rept. No. 688). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 10844) granting an increase of pension to Sarah Hubbard, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. VINSON of Georgia: A bill (H. R. 11017) for the prevention and removal of obstructions and burdens upon interstate commerce in cotton by regulating transactions on cotton futures exchanges, and for other purposes; to the Committee on Agriculture.

By Mr. BRAND of Georgia: A bill (H. R. 11018) providing for canceling naturalization certificates if and when a naturalized citizen has since the date of the certificate of citizenship been guilty of fraud or by his acts, declarations, or conduct has ceased to be a man of good moral character; to the Committee on Immigration and Naturalization.

By Mr. KIESS: A bill (H. R. 11019) to establish a fish-cultural station and auxiliary stations at points in the State of Pennsylvania; to the Committee on the Merchant Marine and Fisheries.

By Mr. SINNOTT (by departmental request): A bill (H. R. 11020) validating certain applications for and entries of public lands; to the Committee on the Public Lands.

By Mr. COOPER of Ohio: A bill (H. R. 11021) to amend section 1 of the locomotive boiler inspection law, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER: A bill (H. R. 11022) to extend medical and hospital relief to retired officers and enlisted men of the United States Coast Guard; to the Committee on Interstate and Foreign Commerce.

By Mr. ENGLEBRIGHT: A bill (H. R. 11023) to add certain lands to the Lassen Volcanic National Park in the Sierra Nevada Mountains of the State of California; to the Committee on the Public Lands.

By Mr. LEHLBACH: A bill (H. R. 11024) to confirm civil annuities granted under certain circumstances; to the Committee on the Civil Service.

By Mr. OLDFIELD: A bill (H. R. 11025) to amend section 202, subdivision 10, of the World War veterans' act, 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. PARKER: A bill (H. R. 11026) to provide for the coordination of the public health activities of the Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SUMMERS of Washington: A bill (H. R. 11027) to provide for the vocational rehabilitation of residents of the District of Columbia permanently disabled in industry or otherwise and their return to employment; to the Committee on Education.

By Mr. HOLADAY: A bill (H. R. 11028) authorizing the coining of silver 50-cent pieces in commemoration of the memory of Joseph Gurney Cannon; to the Committee on Coinage, Weights, and Measures.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Nevada, favoring Federal aid for maintenance of roads built under the Federal road act; to the Committee on Roads.

Memorial of the Legislature of the State of Nevada, memorializing Congress relative to reimbursement by the Government of the United States for moneys paid by the State of Nevada for military purposes; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARBOUR: A bill (H. R. 11029) granting a pension to Katharine Grannis; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 11030) granting a pension to John Roy; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 11031) granting an increase of pension to Ellen H. Dilley; to the Committee on Invalid Pensions.

By Mr. COMBS: A bill (H. R. 11032) for the relief of the Atchison, Topeka & Santa Fe Railway Co.; to the Committee on Claims.

By Mr. DRANE: A bill (H. R. 11033) granting an increase of pension to Mary J. Graham; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 11034) granting an increase of pension to Sarah Matilda Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11035) granting an increase of pension to Catherine A. Heaton; to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 11036) granting an increase of pension to J. W. Redington; to the Committee on Pensions.

By Mr. GIFFORD: A bill (H. R. 11037) granting an increase of pension to Lydia A. Crosby; to the Committee on Invalid Pensions.

By Mr. GUYER: A bill (H. R. 11038) granting a pension to Clara E. Andress; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11039) for the relief of Jesse Dotts; to the Committee on Military Affairs.

Also, a bill (H. R. 11040) granting a pension to Mary Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11041) granting a pension to William A. Willburn; to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 11042) for the relief of Ray W. Firth; to the Committee on the Civil Service.

By Mr. HANCOCK: A bill (H. R. 11043) for the relief of Ollie Keeley; to the Committee on Claims.

Also, a bill (H. R. 11044) granting a pension to Edward Currier, jr.; to the Committee on Pensions.

By Mr. HICKEY: A bill (H. R. 11045) to confer jurisdiction upon the Court of Claims to hear and determine the claim of Clara Percy; to the Committee on the Judiciary.

By Mr. HILL of Washington: A bill (H. R. 11046) granting a pension to Daniel F. Shaser; to the Committee on Pensions.

By Mr. HUDDLESTON: A bill (H. R. 11047) granting a pension to James Nelson; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 11048) for the relief of Mary L. Ickes; to the Committee on Claims.

By Mr. LAMPERT: A bill (H. R. 11049) granting an increase of pension to Mary A. Hoon; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 11050) granting an increase of pension to Curt T. Spicer; to the Committee on Pensions.

Also, a bill (H. R. 11051) granting an increase of pension to Nancy King; to the Committee on Invalid Pensions.

By Mr. O'BRIEN: A bill (H. R. 11052) granting an increase of pension to Rosa M. Able; to the Committee on Pensions.

By Mr. PEAVEY: A bill (H. R. 11053) for the relief of Hugo Stamm; to the Committee on Indian Affairs.

By Mr. PERKINS: A bill (H. R. 11054) granting a pension to Ada C. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11055) for the relief of persons who furnished labor, material, or money for the construction of the Barling bomber; to the Committee on Claims.

By Mr. RAMSEYER: A bill (H. R. 11056) granting an increase of pension to Ellen C. Basil; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 11057) granting an increase of pension to Rosena E. Gordon; to the Committee on Invalid Pensions.

By Mr. SEARS of Florida: A bill (H. R. 11058) authorizing the Secretary of the Navy to present former Coxswain Patrick J. Murphy with a distinguished-service medal; to the Committee on Naval Affairs.

By Mr. SNELL: A bill (H. R. 11059) granting an increase of pension to Alice Sweeney; to the Committee on Invalid Pensions.

By Mr. SOMERS of New York: A bill (H. R. 11060) to correct the military record of James H. Overbaugh; to the Committee on Military Affairs.

By Mr. SPEAKS: A bill (H. R. 11061) granting a pension to Louise Escudero; to the Committee on Pensions.

Also, a bill (H. R. 11062) granting an increase of pension to Ellen E. Whitmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11063) granting an increase of pension to Nora Sloan; to the Committee on Invalid Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 11064) for the relief of F. Stanley Millichamp; to the Committee on Indian Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11065) granting a pension to R. G. Rhea; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3912. By Mr. BARBOUR: Letters of Sadie C. Reynolds, Lenora Starnes, and Laura L. Foster, of Hughson, Calif., protesting against the naval-expansion program; to the Committee on Naval Affairs.

3913. Also, resolution of Taft Central Labor Union, Taft, Calif., urging that immigration from Mexico be placed upon a quota basis; to the Committee on Immigration and Naturalization.

3914. Also, petition of residents of the seventh congressional district of California, protesting against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

3915. By Mr. BOWMAN: Petition from voters of West Virginia, urging additional relief legislation for Civil War veterans and dependents; to the Committee on Invalid Pensions.

3916. By Mr. BOYLAN: Petition by clerks employed in the World War division of The Adjutant General's office, favoring the Welch bill; to the Committee on the Civil Service.

3917. Also, petition of Lodge No. 197, of the Order Sons of Italy in America, of New York, favoring resolution introduced by Senator Copeland to proclaim October 12 as Columbus Day for the observance of the anniversary of the discovery of America; to the Committee on the Judiciary.

3918. By Mr. CANFIELD: Petition of Emma Griffith, Mrs. John Ross, James B. Girard, and 76 other citizens of Madison, Ind., urging the passage of House bill 9588; to the Committee on the Judiciary.

3919. By Mr. CARLEY: Petition of the Danish Veterans' Society of New York, Peter Jensen, president, 7012 Perry Terrace, Brooklyn, N. Y., protesting against reduction of immigrants from Scandinavian countries; to the Committee on Immigration and Naturalization

3920. By Mr. CARTER: Petition of Ivis Currie, organist, and seven others of Berkeley, Calif., protesting against the passage of the Brookhart bill, relating to the distribution of motion pictures; to the Committee on Interstate and Foreign Commerce.

3921. Also, petition of Robert Harvey, manager, and several others of Oakland, Calif., protesting against the passage of the Brookhart bill, relating to distribution of motion pictures; to the Committee on Interstate and Foreign Commerce.

3922. Also, petition of Clarence L. Lewis, theater manager, and six others of Berkeley, Calif., protesting against the passage of the Brookhart bill, relating to the distribution of motion pictures; to the Committee on Interstate and Foreign Commerce.

3923. Also, petition of Thomas P. Woods and 248 employees of the United States veterans' hospital at Livermore, Calif., urging the passage of House bills 492 and 6518; to the Committee on the Civil Service.

3924. By Mr. COHEN: Petition from H. Martinsen and many other constituents, protesting against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3925. By Mr. COCHRAN of Pennsylvania: Petition of Mrs. H. C. Feather and other citizens of Sandy Lake, Pa., urging the enactment of legislation for an increase in pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3926. By Mr. COLE of Iowa: Petition of Jonas Olson and 19 other signers, residents of Le Grand, Iowa, petitioning for a pension granting increases to Civil War soldiers and their widows; to the Committee on Invalid Pensions.

3927. Also, petition of Olivia M. Pomeroy and 44 other women signers, residing at Iowa Soldiers' Home, Marshalltown, Iowa, who are widows of Civil War soldiers, petitioning for a bill to be passed granting increase in pension to Civil War widows; to the Committee on Invalid Pensions.

3928. Also, petition of Elvira Stanley, of Whittier, Iowa, and 49 other signers, residents of Whittier and Springville, Iowa, opposing a large naval expansion program; to the Committee on Naval Affairs.

3929. Also, petition of Ole H. Bryngelsam, of Le Grand, Iowa, and 44 other signers, residents of Dunbar, Le Grand, and Gilman, Iowa, being members and others of the Stavanger Monthly Meeting of Friends, believing that war is both unnecessary and un-Christian, that great armies and great navies are not a protection against but rather an incentive to war, protest against any increase of that part of our Navy designed for war purposes; to the Committee on Naval Affairs.

3930. Also, petition of 356 students and faculty members of Cornell College, Mount Vernon, Iowa, believing that the threatened departure in increased naval building is a step in the wrong direction which will lead to competitive building among the nations and eventually to war, oppose the program of increase building proposed by the Committee on Naval Affairs; to the Committee on Naval Affairs.

3931. By Mr. CRAMTON: Petition signed by Stephen M. Ruh and 25 other residents of Elkton, Mich., and vicinity, protesting against the passage of any compulsory Sunday observance bills; to the Committee on the District of Columbia.

3932. By Mr. DAVENPORT: Petition of Grace Gibson and other residents of Oneida County, N. Y., protesting against the passage of House bills 7179 and 7822 and similar bills for the compulsory observance of Sunday; to the Committee on the District of Columbia.

3933. Also, petition of Mrs. Lou A. Lewis and other citizens of Oneida County, N. Y., protesting against the passage of bills making observance of the Sabbath compulsory; to the Committee on the District of Columbia.

3934. By Mr. DRANE of Florida: Petition of the Exchange Club of Fort Meade, Fla., urging Congress of the United States to appropriate sufficient funds to provide adequate and proper housing for its officers and enlisted men; to the Committee on Military Affairs.

3935. By Mr. EATON: Petition of 55 residents of Bernardsville, N. J., against proposed enactment of compulsory Sunday observance law for the District of Columbia; to the Committee on the District of Columbia.

3936. By Mr. ENGLEBRIGHT: Petition of citizens of Redding, Calif., protesting against Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

3937. Also, petition of Charlotte Cantrall and other citizens of Alturas, Calif., favoring increase of pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3938. By Mr. EVANS of Montana: Petition of Harry Meyer and other residents of Butte, Mont., protesting against the passage of Senate bill 1667, the Brookhart bill; to the Committee on Interstate and Foreign Commerce.

3939. Also, petition of H. J. Torrance and other residents of Butte, Mont., and vicinity, protesting against the passage of the Brookhart bill (S. 1667); to the Committee on Interstate and Foreign Commerce.

3940. Also, petition of Mrs. Ray Nadeau and other residents of Butte, Mont., protesting against the passage of Senate bill 1667, the Brookhart bill; to the Committee on Interstate and Foreign Commerce.

3941. By Mr. FRENCH: Petition of 30 citizens of Kootenai County, Idaho, protesting against the enactment of House bill 78, or any compulsory Sunday observance; to the Committee on the District of Columbia.

3942. By Mr. FULBRIGHT: Petition of citizens of Ava, Douglas County, Mo., urging legislation in behalf of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3943. By Mr. GALLIVAN: Petition of Charles E. Anderson, 1406 Columbia Road, South Boston, Mass., urging early and favorable consideration of House bill 5691, to increase the compensation and regulate the leave of absence of storekeepers, gaugers, and storekeeper-gaugers of the Internal Revenue Service; to the Committee on Appropriations.

3944. By Mr. GARBER: Letter of L. E. Raymond, manager of the Blackwell Milling & Elevator Co., of Blackwell, Okla., in protest to Senate bill 1752, in regard to the Government printing stamped envelopes; to the Committee on the Post Office and Post Roads.

3945. Also, letter of Eugene P. Gum, secretary of Oklahoma Bankers Association, Oklahoma City, Okla., in protest to the passage of Senate bill 1573; to the Committee on Banking and Currency.

3946. Also, letter of Oklahoma Cottonseed Crushers' Association, of Oklahoma City, Okla., in regard to the control of the boll weevil in the State of Oklahoma; to the Committee on Agriculture.

3947. Also, resolution of department of state, Carson City, Nev., asking that Congress give due consideration to enacting Federal aid for maintenance purposes on the same ratio as used for the basis of the present Federal aid road act; to the Committee on Roads.

3948. Also, letter of Herbert S. Foreman, Brooklyn, N. Y., urging the enactment of the Fitzgerald bill (H. R. 500) for the retirement of the disabled emergency Army officers of the World War; to the Committee on World War Veterans' Legislation.

3949. By Mr. GIBSON: Petition of residents of Newfane, Vt., opposing legislation to provide for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

3950. By Mr. GREEN of Florida: Petition of 104 citizens of Ocala, Fla., advocating passage of bill providing for increase in pensions to Civil War veterans and Civil War widows; to the Committee on Invalid Pensions.

3951. By Mr. GUYER: Petition of 160 citizens of Franklin County, Kans., protesting the enactment of Sunday observance legislation, and particularly House bill 78; to the Committee on the District of Columbia.

3952. Also, petition of citizens of Ottawa, Franklin County, Kans., protesting the enactment of compulsory Sunday observance legislation, and particularly House bill 78; to the Committee on the District of Columbia.

3953. Also, petition of 112 citizens of Allen County, Kans., urging an increase of pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3954. By Mr. HADLEY: Petition of residents of Kent and Seattle, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

3955. Also, petition of residents of Sequim, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

3956. Also, petition of a few residents of Port Angeles, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

3957. Also, petition of a number of residents of Washington State, protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

3958. By Mr. HARRISON: Petition of Thomas Jones and others, of Berryville, Va., opposed to the proposed Navy program; to the Committee on Naval Affairs.

3959. By Mr. HAUGEN: Petition of 21 citizens of Northwood, Iowa, urging the passage of a Civil War pension bill for the relief of needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

3960. By Mr. KEMP: Petition protesting against House bill 78, the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

3961. By Mr. KING: Petition of the National Tribune's Civil War pension bill signed by William Rose, Rushville, Ill., and 40 other citizens of my district; to the Committee on Invalid Pensions.

3962. By Mr. HOOPER: Petition of Edna Abraham and 102 other residents, of Kalamazoo, Mich., protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

3963. By Mr. HOWARD of Nebraska: Petition signed by Henriette C. L. Fedderson, of Neligh, Nebr., pleading for increased pensions to Civil War veterans and widows of Civil War veterans for the relief of suffering survivors of the Civil War; to the Committee on Invalid Pensions.

3964. By Mr. KVALE: Petition of members of the Woman's Christian Temperance Union, Benson, Minn., urging passage of House bill 9588; to the Committee on the Judiciary.

3965. Also, petition of members of the Hector (Minn.) Woman's Christian Temperance Union, favoring enactment of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

3966. Also, petition of the Woman's Christian Temperance Union of Minnesota, favoring enactment of Stalker bill (H. R. 9588); to the Committee on the Judiciary.

3967. Also, petition of Omar Hanan, of Willmar, Minn., favoring enactment into law of House bills 25, 88, and 89; to the Committee on the Post Office and Post Roads.

3968. Also, petition of Farmers Union, Local No. 99, of Kandiyohi County, Minn., urging an investigation of the strike in Pennsylvania; to the Committee on Labor.

3969. By Mr. LINDSAY: Petition of R. H. Comey Brooklyn Co., protesting against House bill 7759, designed to amend the Judicial Code; to the Committee on the Judiciary.

3970. By Mr. MORROW: Petition of Rotary Club, Raton, N. Mex., opposing enactment of Box bill restricting Mexican immigration; to the Committee on Immigration and Naturalization.

3971. Also, petition of citizens of Berino, N. Mex., S. A. Donaldson, chairman, opposing proposed naval program; to the Committee on Naval Affairs.

3972. Also, petition of Parent-Teacher Association of Chamberino, N. Mex., Mrs. J. I. Ware, president, opposing proposed naval-construction program; to the Committee on Naval Affairs.

3973. By Mr. O'CONNELL: Petition of the emergency committee of the big Navy bill, Boston, Mass., protesting against the suggested naval building program involving the expenditure of from $740,000,000 to $2,500,000,000 during the next 5 to 20 years; to the Committee on Naval Affairs.

3974. Also, petition of the Women's Committee for Repeal of the Eighteenth Amendment, opposing the appropriation for the support of the prohibition-enforcement activities of the United States Coast Guard; to the Committee on Appropriations.

3975. Also, petition of Peter Henderson & Co., seedsmen, New York City, N. Y., favoring the passage of House bill 9296, revision of the postal rates; to the Committee on the Post Office and Post Roads.

3976. Also, petition of the Board of Young Friends Activities, Poplar Ridge, N. Y., opposing the proposed big Navy bill; to the Committee on Naval Affairs.

3977. By Mr. PERKINS: Petition of 1,200 citizens from several counties in the State of New Jersey, protesting against the passage of any compulsory Sunday observance bill; to the Committee on the District of Columbia.

3978. By Mr. ROBINSON of Iowa: Petition against the enactment into law of the compulsory Sunday observance bill (H. R. 78) or any similar measure, signed by J. C. Siemens and a large number of other citizens of Goldfield, Iowa; to the Committee on the District of Columbia.

3979. By Mr. SANDERS of New York: Petition of the National Tribune's Civil War pension bill, signed by Mrs. G. K. Demary and 39 other citizens of Medina, N. Y., urging legislation in behalf of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

3980. By Mr. SINCLAIR: Resolutions by the Agricultural Economic Conference at Minot, N. Dak., indorsing the McNary-Haugen bill and further Government support of cooperative marketing; to the Committee on Agriculture.

3981. Also, petition of 48 residents of Williston and Epping, N. Dak., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3982. Also, petition of 62 residents of Regent and Beach, N. Dak., protesting against the enactment of compulsory Sunday observance legislation, and especially against House bill 78; to the Committee on the District of Columbia.

3983. By Mr. SINNOTT: Petition of 14 citizens of the second congressional district of Oregon, protesting against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3984. Also, petition of numerous citizens of Wallowa County, Oreg., protesting against the enactment of House bill 78, or any compulsory Sunday observance bill; to the Committee on the District of Columbia.

3985. By Mr. SUMMERS of Washington: Petition signed by Viola G. Wing and 289 others of the State of Washington, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3986. Also, petition signed by John Gustafson and 21 others, of Pomeroy, Wash., urging increase in pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

3987. By Mr. TEMPLE: Petition of a number of citizens of Greene County, Pa., in support of legislation increasing the pensions of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

3988. By Mr. THATCHER: Petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sunday observance legislation, and more particularly House bill 78; to the Committee on the District of Columbia.

3989. Also, petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sunday observance legislation, and more particularly House bill 78; to the Committee on the District of Columbia.

3990. Also, petition of numerous citizens of Middletown, Ky., protesting against the enactment of compulsory Sunday observance legislation, and more particularly House bill 78; to the Committee on the District of Columbia.

3991. By Mr. THURSTON: Petition of 302 students and members of the faculty of Cornell College, Mount Vernon, Iowa, protesting against the increased building program proposed by the Committee on Naval Affairs; to the Committee on Naval Affairs.

3992. By Mr. WATSON: Resolution passed by the Middletown monthly meeting of Friends, held February 5, 1928, in opposition to the proposed naval appropriation bill; to the Committee on Naval Affairs.

3993. Also, petition from Abington quarterly meeting of the Religious Society of Friends, comprising approximately 1,300 members, in opposition to increasing the naval armaments of the United States; to the Committee on Naval Affairs.

3994. Also, petition with 122 signatures of residents of Montgomery County, Pa., protesting against legislation designed to increase the naval armaments of the United States; to the Committee on Naval Affairs.

SENATE

THURSDAY, *February 16, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty and everlasting God, our Heavenly Father, who hast led us through storm and sunshine, bringing us in safety to the beginning of this day, let Thy love and patience be shown forth in our lives and conversation, Thy tenderness and compassion in our words and actions. For the duties of this day strengthen us with blessings from on high, that through Thine own enabling power whatever of good has been cast down may be raised up, whatever of truth has grown old may be made new, and that all things may advance unto perfection, when the kingdoms of this world shall have become the kingdom of our Lord and of His Christ, and He shall reign forever and ever. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, February 13, 1928,

when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 2348) granting the consent of Congress to the Norfolk & Western Railway Co. and Knox Creek Railway Co. to construct, maintain, and operate two bridges across the Tug Fork of Big Sandy River near Devon, Mingo County, W. Va.

The message also announced that the House had passed a bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McMaster	Shipstead
Barkley	George	McNary	Shortridge
Bayard	Gerry	Mayfield	Simmons
Bingham	Gillett	Metcalf	Smoot
Black	Glass	Moses	Steck
Blaine	Gooding	Neely	Steiwer
Borah	Gould	Norbeck	Stephens
Bratton	Greene	Norris	Swanson
Brookhart	Hale	Nye	Thomas
Broussard	Harris	Oddie	Trammell
Bruce	Harrison	Overman	Tydings
Capper	Hawes	Phipps	Tyson
Copeland	Hayden	Pine	Wagner
Couzens	Heflin	Pittman	Walsh, Mont.
Curtis	Howell	Ransdell	Warren
Cutting	Johnson	Reed, Mo.	Waterman
Dale	Jones	Reed, Pa.	Watson
Deneen	Kendrick	Robinson, Ark.	Wheeler
Edge	Keyes	Robinson, Ind.	Willis
Ferris	King	Sackett	
Fess	McKellar	Schall	
Fletcher	McLean	Sheppard	

Mr. GERRY. I wish to announce that the Senator from New Jersey [Mr. EDWARDS] is unavoidably absent. I will let this announcement stand for the day.

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

THE CALENDAR

Mr. CURTIS. Mr. President, I ask unanimous consent that at the conclusion of routine morning business the calendar be taken up and considered until not later than 2 o'clock, unobjected bills only to be considered.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

HOUSE BILL REFERRED

The bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS

Mr. WARREN presented a resolution adopted by the Lions Club, of Rawlins, Wyo., protesting against changes in the present land laws or the further extension of forest reserve or Federal game preserve areas, which was referred to the Committee on Public Lands and Surveys.

Mr. COPELAND presented a petition of sundry citizens of Bronx County, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Buffalo and New York, N. Y., remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

INTERPARLIAMENTARY UNION

Mr. TYSON. Mr. President, last summer from August 25 to 30 there was held in the city of Paris, France, the annual meeting of the Interparliamentary Union.

As is well known the Interparliamentary Union is composed of groups of practically all the various nations of the world, and the American group which attended the meeting of the union last year in Paris was composed of a considerable number of Senators and Representatives of the Congress of the United States.

While the Interparliamentary Union is not an official body, at the same time it is composed of men and women, all of whom are members of the parliaments of the various countries.

The Congress of the United States contributes to the expense of the Interparliamentary Union about $6,000 per year for the purpose of maintaining it.

The sessions of the union are held in the various capitals of the world annually and have been the means of bringing together distinguished men and women representing the various governments and for the purpose of considering matters which are of great interest to all the countries of the world.

It has been the custom to place in the CONGRESSIONAL RECORD the report of the proceedings of the meetings of the Interparliamentary Union, made by the secretary. The late Senator McKinley, of Illinois, who was formerly the president of the American group, always had these proceedings placed in the Senate RECORD.

I had the honor of being a member of the American group last year and attended the sessions of the union in Paris. I found the sessions of very great interest, and I think of very great value to the countries represented.

The sessions were held in the senate chamber of the Luxemburg Palace, Paris, and every courtesy and consideration was given to the members of the union by the Government of France.

The President of France himself was greatly interested and was present on one or two occasions when the union was in session. The president of the Senate of France presided over the sessions of the union, and the attendance from the 33 countries of the world represented was composed of men of the highest importance in their country; premiers, foreign ministers, and many others being present, and especially imposing were the delegations from France, Germany, Great Britain, Poland, and Czechoslovakia.

Many vital questions of the day were discussed, including disarmament, codification of international laws, customs agreements among the nations of Europe, and the regulation of the sale of opium, and while, of course, no official action could be taken, due to the unofficial character of the assembly, at the same time the complete discussion of every subject resulted in resolutions being passed at the conclusion of the conference upon many subjects which will have, in all probability, a far-reaching influence in the various countries represented.

I believe, Mr. President, it will be of interest to the Members of Congress and to those who read the CONGRESSIONAL RECORD to be informed as to just what transpired at this last session of the Interparliamentary Union. The president of the American group is an honored former Member of this body, ex-Senator THEODORE E. BURTON. I ask unanimous consent that the report of the secretary of the Interparliamentary Union be inserted in the RECORD.

Mr. BINGHAM. Mr. President, may I inquire of the Senator from Tennessee how much space will be occupied by the insertion in the RECORD of the matter to which he refers?

Mr. FLETCHER. How voluminous is it?

Mr. TYSON. It is just an ordinary document, being merely a résumé of the proceedings, covering perhaps a page and a half or two pages of the CONGRESSIONAL RECORD.

Mr. FLETCHER. I thought the Senator desired that all of the addresses made should be printed in the RECORD, and that would occupy too much space.

The VICE PRESIDENT. Without objection, the request of the Senator from Tennessee is granted.

Mr. TYSON. Mr. President, the matter submitted and ordered to be printed in the RECORD is as follows:

THE AMERICAN GROUP OF THE INTERPARLIAMENTARY UNION

STATEMENT OF THE EXECUTIVE SECRETARY

Pursuant to Article VI of the by-laws, the twenty-fifth annual meeting of the American group of the Interparliamentary Union will be held in the Committee on Naval Affairs room of the House Office Building Friday, February 24, 1928, at 10.30 o'clock a. m. In the light of this fact the following information will be of interest to the Congress:

BY-LAWS OF THE AMERICAN GROUP OF THE INTERPARLIAMENTARY UNION

ARTICLE I. The American group of the Interparliamentary Union is organized under the constitution of the union, and all its proceedings shall be regulated in accordance therewith.

ART. II. The membership of the group consists of Senators and Representatives in Congress. Former members of the council of the Interparliamentary Union are life members of the group under the constitution of the union; and former Members of the United States Senate and House of Representatives, who were members of the Interparliamentary Union, and who have "rendered distinguished services," may be continued members by vote of the Interparliamentary Council, on the recommendation of the American group.

ART. III. The officers of the group shall be a president, three vice presidents, a secretary, a treasurer, and an executive committee of nine, of which the president of the group shall be the chairman. They

shall hold office for one year, or until their successors are elected. Meetings of the executive committee shall be held on the call of the chair.

ART. IV. It shall be the duty of the president to preside at meetings of the group, to act as chairman of the executive committee, as he may deem necessary, and to issue the call for all meetings of the American group. The president of the group shall appoint the American delegates to the conferences of the Interparliamentary Union.

ART. V. There shall be, in addition, a permanent executive secretary, whose duty it shall be to keep the records of the group; who shall be the custodian of its library and permanent archives. He shall also prepare such official reports from the American group as may be required by the Interparliamentary Council or the secretary general of the union.

ART. VI. The annual meeting of the American group shall be held on February 24, except when that date falls on Sunday, when it shall be held on the next subsequent day.

Other meetings of the group shall be held on the call of the executive committee, or whenever a meeting shall be requested in writing by 20 or more members.

ART. VII. All resolutions bearing upon the national or international policy of the Government of the United States, offered at any meeting of the group, shall first be referred to the executive committee if there is any objection to their immediate consideration.

ART. VIII. All members of the American group, reelected to Congress, shall continue their membership in subsequent Congresses except upon resignation communicated in writing.

ART. IX. There shall be no dues or other financial responsibility on the part of members of the group except in case of an assessment, which shall not exceed $1 in any one year, and which may be voted by a majority of the members present at a meeting regularly called for that purpose; a copy of the proposed amendment shall accompany the notice of such called meeting.

ART. X. These by-laws may be amended, after notice previously given, by a majority vote of the members present at any meeting regularly called for that purpose, or at any annual meeting. A copy of the proposed amendment shall accompany the notice of any meeting called for the purpose of amending the by-laws, and no other amendment than the one thus proposed shall be considered at any meeting thus called or at any annual meeting.

MINUTES OF THE TWENTY-FOURTH ANNUAL MEETING, FEBRUARY 24, 1927

The twenty-fourth annual meeting of the American group of the Interparliamentary Union was held in the room of the Committee on Naval Affairs of the House of Representatives February 24, 1927, at 10.30 o'clock a. m. The meeting was called to order by Representative ANDREW J. MONTAGUE, senior vice president of the group.

The executive secretary submitted his report, as follows:

"The facts of major interest during the year 1926–27, in the order of their importance to the group, are the death of Senator William B. McKinley, the meeting of the six commissions in Geneva, an invitation from the French group, and the matter of finance.

"Senator William B. McKinley, of Illinois, president of the American group of the Interparliamentary Union, beginning 1919, died at Home Lawn Sanatorium, Martinsville, Ind., December 27, 1926. Memorial services were held in the House of Representatives Sunday, February 6, 1927, where addresses were made by Representatives MADDEN, BRITTEN, DENISON, ADKINS, BARKLEY, BURTON, MONTAGUE, HULL, CONNALLY, CHINDBLOM, ARNOLD, YATES, SABATH, RATHBONE, and MCKEOWN. (February 27 similar services were held in the Senate, where addresses were delivered by Senators DENEEN, WARREN, CAPPER, HARRIS, and ROBINSON.) Many letters and telegrams have been received from various groups and officials of the Interparliamentary Union, all of which will appear in the CONGRESSIONAL RECORD and in the memorial volume to be published by Congress. The day following Senator McKinley's death the group adopted resolutions, which were sent to the Senator's relatives in Champaign, Ill.

"The Interparliamentary Union has six study commissions, as follows: (1) Commission pour l'etude des Questions Economiques et Financieres; (2) Commission pour l'etude des Questions Ethniques et Coloniales; (3) Commission pour l'etude des Questions Juridiques; (4) Commission pour l'etude des Questions Politiques et D'organisation; (5) Commission pour l'etude de la Question de la Reduction des Armements; (6) Commission pour l'etude des Questions Sociales et Humanitaires. These commissions met in Geneva August 26 to September 1, 1926. Delegates representing the American group at these meetings were Representative BURTON, Senator SWANSON, Representative PORTER, Senator PAT HARRISON, and Senator T. H. CARAWAY. The executive secretary was present. Representative BRITTEN was at the time in Europe, but because of ill health he was unable to get to Geneva.

"The invitation from the French group to attend the twenty-fourth conference of the Interparliamentary Union in Paris, August, 1927, was read.

"The executive secretary's statement relative to the finances of the group follows:

"'The finances of our American group of the Interparliamentary Union are, as usual, in an unhappy condition. This is an unfortunate fact, due undoubtedly to want of attention by members of the group. Congress appropriates $6,000 a year for the maintenance of the Interparliamentary Union, but none of this money is available for the purposes of the American group. In short, the American group of the Interparliamentary Union has no visible means of support. There is no provision for dues or assessment. There is no aid from Congress. The work of the group moves along as best it can. It is true that the group has for a number of years been the recipient of charity. Various people have helped financially. Senator McKinley paid many bills out of his own pocket. Our treasurer, too, has from time to time eased the situation from his own funds. The Carnegie Endowment for International Peace has kindly contributed funds for a number of years. The American Peace Society has helped. Generous as these acts are, they ought not to be necessary. Your executive secretary asks no pay for his services. He accepted the duties of his office some 9 or 10 years ago because he was asked and because he felt since his own work has to do with matters affecting international understanding, that the Interparliamentary Union offers practical means of helping in that business worthily. He has enjoyed the work immensely. It is true Senator McKinley thought that the executive secretary ought to receive something at least toward his expenses, whereupon, after correspondence with the president of the Carnegie Endowment, he allotted $600, which he insisted your executive secretary should take for the year ending February 24, 1926, and urged that that amount, regularly granted for a number of years to Dr. S. B. North, Mr. Call's predecessor, should be similarly allotted to the present executive secretary.'

"The labors of this organization have in years past been worth while. They are worth while now. What the future of the group will be, especially during the coming decade, depends, of course, upon the tasks it sets for itself to perform. The group will wish to be reminded that it has not only sent delegates to international conferences of the union, it has stood for definite matters, the principles of arbitration, the codification and extension of international law, the processes of international justice, and kindred things.

"Your executive secretary has been forced since Senator McKinley's death to handle certain moneys. The Senator's executor has sent a statement of the finances of the conference of 1925 and of our group. Your executive secretary asks, therefore, that you appoint a committee to audit all of the accounts, his own included, and to appoint a committee for that purpose.

"Upon motion of Mr. BRITTEN it was voted to appoint such a committee.

"Upon motion of Mr. MCSWAIN, it was voted to accept and file the report of the executive secretary.

"Mr. BURTON reported the work of the council and of the study commissions of the Interparliamentary Union in Geneva for the week August 26 to September 1, inclusive. He pointed out that some 21 countries were represented. The proposal that all future meetings of the Interparliamentary Union be held at Geneva failed. There were lengthy discussions relative to the alleged decadence of interparliamentary bodies. Whether or not the Spanish language should be added to the three official languages of the conference, French, German, and English, was discussed and denied, but with the understanding that in case there is a sufficiently large representation of Spanish-speaking countries at any conference, the Spanish language may be used in addition to those already employed. No little attention was paid to the further codification of international law. There were discussions on the criminality of wars of aggression. Discussion of tariff regulations was limited to European countries. The rights of minorities and problems incident to the reduction of arms were discussed at considerable length. Mr. BURTON called especial attention to the debates relative to opium and poisonous drugs, and paid special tribute to the work of Representative PORTER.

"Representative PORTER explained that his resolution called upon the governments to stop the manufacture of heroin, now confined to some six or seven countries, and the suppression of the traffic in prepared opium within 15 years."

The officers of the American group were duly elected, as follows:

OFFICERS

President: Representative THEODORE E. BURTON.

Vice presidents: Representative ANDREW J. MONTAGUE, Virginia; Representative WILLIAM A. OLDFIELD, Arkansas; Representative HENRY W. TEMPLE, Pennsylvania.

Treasurer: Representative ADOLPH J. SABATH, Illinois.

Secretary: Representative JOHN J. MCSWAIN, South Carolina.

Executive secretary: Arthur Deerin Call, 613 Colorado Building, Washington, D. C. Telephone, Main 7409. Cable address, "Ampax, Washington."

EXECUTIVE COMMITTEE

Representative THEODORE E. BURTON, Ohio, ex-officio chairman; Representative FRED BRITTEN, Illinois; Representative TOM CONNALLY,

Texas; Representative HENRY ALLEN COOPER, Wisconsin; Representative CLARENCE F. LEA, California; Representative JAMES C. MCLAUGHLIN, Michigan; Senator ALBEN W. BARKLEY, Kentucky; Senator CHARLES CURTIS, Kansas; Senator JOSEPH T. ROBINSON, Arkansas; Senator CLAUDE A. SWANSON, Virginia.

Mr. BURTON and Mr. MONTAGUE were elected members of the council.

Under "unfinished business" the executive secretary returned to the financial condition of the American group. He reminded the meeting that practically every group of the Interparliamentary Union provides for a grant included in the state budget for the expenses of the union. Many of the groups are supported by Government appropriations. For example, the Danish group received in 1926 5,400 Danish crowns and a special grant toward the expenses of the northern assembly of delegates. The Esthonian group provides from that portion of the state budget entitled "International expenditure, official journeys," for the traveling expenses of its delegates. The German group receives a grant of 15,000 reichmarks from the Government, 9,000 of which are turned over to the Geneva office and the balance used for traveling expenses. The Swedish group receives a grant of 15,000 Swedish crowns. The Norwegian group receives 9,000 Norwegian crowns for traveling expenses and 1,200 for administrative expenses. Substantial contributions for the traveling expenses of delegates are received by the Bulgarian groups, the Hungarian, the Italian, Polish, Rumanian, Yugoslav, and Czechoslovak groups. A sum of 45,000 French francs is placed at the disposal of the French group. Some of the groups—for example, the Egyptian and the Japanese—are officially constituted by the parliament and the expenses of their delegates automatically paid. The South and Central American groups fall also into this category. It may be now regarded as the exception for the members of the union not to receive contributions toward their traveling expenses. The matter of the support of the American group of the Interparliamentary Union is, however, a matter of course for the Congress to decide. A stenographic report of the remarks upon this matter follows:

"Mr. MCLAUGHLIN. Has this matter ever been taken up with those who have the preparation of appropriations?

"The CHAIRMAN. Mr. BURTON can answer that. I think perhaps we would not find a ready response.

"Mr. SABATH. So far I have never noticed any objection to the $6,000 appropriation. There was no opposition to the general appropriation of $50,000 for the last conference. So I am of the opinion that there would be no objection to making an appropriation of, say, $8,500, so that the $2,500 could be utilized for the general expenses of the committee.

"The CHAIRMAN. We have already passed the $6,000 item this year, I think.

"Mr. OLDFIELD. May I make a suggestion? Mr. BURTON is on the Committee on Foreign Affairs and Mr. PORTER is the chairman of the committee. I am sure that the Democratic members on that committee would not object to increasing this appropriation, and if the Foreign Affairs Committee would get behind it unanimously we could put it over in the House. I think it ought to be done. I think some reasonable amount ought to be appropriated by Congress to look after this matter. I really think it is a very important thing. I think when we get more Members of our two legislative bodies interested that this organization will probably do more for international peace than any other agency in the country. So I say I think it is important, and I believe if the Committee on Foreign Affairs will take hold of this thing and will be backed up by the Members here we can get some results. I am certainly in favor of trying to accomplish something along that line, although perhaps it is true that we can not expect to do anything at this session.

"Mr. BURTON. No; it is too late this session. But we ought to refer this to a committee to be chosen by the President, and they ought to go to work on it.

"The CHAIRMAN. Do you make a motion to that effect?

"Mr. BURTON. Yes, Mr. Chairman; that a committee of five, let us say, be appointed to take the matter up.

"Mr. BRITTEN. I think we are getting a little away from the subject matter before the group. The suggestion was in regard to the financing in America of the officers and delegates of the American group, not a question of appropriating $6,000, which we appropriated for the expenses on the other side of the water. I have made some little inquiry into this thing, and the gentleman over here [Mr. SABATH], with his good business mind, has hit the nail on the head, and so has Mr. OLDFIELD. Something should be done. We are appropriating $6,000 a year. A matter of $2,500 more, I am sure, is something no one would object to for office expenses, postage, telephone, telegrams, etc., of the American group. It is not even worth talking about. I am quite certain that if the distinguished gentleman will get back of the Committee on Foreign Affairs, that the next $6,000 appropriation going through the House can be so managed as to increase it $2,500 for the local office. I will be glad to help, and I know every member of the group present here will be glad to lend his assistance in that direction.

"Mr. MCLAUGHLIN. I agree with what has been said here. This is a great public movement in behalf of the peace of the world. The parliaments of the Interparliamentary Union, or many of them, are very sincere. Many of them are able to contribute to this thing, either to the expense of the local organization or in the payment of their expenses as delegates to these conferences; but a man's ability to serve in a great movement like this ought not to be limited by his ability to pay a contribution to this society or to pay his way as a delegate to the conference. It may be too late to do anything at this session—unless it could be done by unanimous consent—but I certainly think there ought to be an increase in this appropriation in the interest of the public. It is for all the people that these gentlemen are sacrificing their time and giving their efforts and talent and money, and I would suggest that we see if we can not get an increase even at this session. It may be possible. I am ready to do anything I can. It is possible we might get an allowance in the deficiency bill if no one objects.

"The CHAIRMAN. We would have to have an authorization, perhaps, and somebody might object to it.

"Mr. MCLAUGHLIN. I do not think a great organization like this ought to be put to the necessity of going around begging subscriptions for such an object as the one we have before us.

"Mr. PORTER. It does seem to me when we talk about $2,500 we are minimizing our activities. If we are going ahead with this matter let us have a proper appropriation. It is not fair that men should pay their own expenses to these conferences, and I would be happy to introduce a bill providing for sufficient funds to take care of these expenses, and I think we could put it through Congress. I am afraid it is a little late to do anything this session. The only way I see it could possibly be done is to tack it onto the deficiency bill now in the Senate.

"Mr. BURTON. What they would say would probably be that it has not the approval of the Budget, and it is probably too late this session.

"Mr. PORTER. Yes, sir; that is probably true. But I shall be happy when Congress recomvenes to confer with you gentlemen, and we will agree on a bill providing for somewhere near sufficient funds, because I confess that my travel around the world is very expensive, and it seems to me it is hardly fair when a man gives his time to a worthy object for nothing that he should also be required to pay his actual necessary expenses.

"I might add that the Committee on Foreign Affairs this year recommended and obtained appropriations for a number of conferences, such as the sanitary conference, the economic conference, the Geneva conference, and the public-health conference.

"Mr. OLDFIELD. And there was no trouble about it.

"Mr. PORTER. No.

"The CHAIRMAN. May the Chair suggest that the motion has prevailed (there being no objection) that the president, Mr. BURTON, appoint a committee of five to promote this matter.

"You understand, Mr. President, that it has been so ordered?

"Mr. BURTON. Yes, Mr. Chairman; and I will appoint a committee of five. If it is impracticable to do anything at this session, then I will take it up at the next session. I agree that Congress should have at least five delegates to attend these conferences, and I do not think we ought to be dependent upon the charity of any benevolent organizations or any individuals. There is a certain lack of a sense of independence that ought not to exist when delegates attend these conferences and their expenses have not been appropriated for by their government. They are on a public duty, and it seems to me that their governments ought to defray their expenses.

"Mr. SABATH. When I suggested $2,500 I did not mean to suggest that that should be the exact amount, but simply wanted to suggest that some sum should be appropriated to take care of the expenditures of the delegates and incidental expenses. I feel that if we need $10,000 we ought to be able to have it appropriated. We appropriate millions of dollars for the Army and the Navy, and ten thousand or twelve thousand dollars a year for this worthy object would be a mere trifle in comparison with our total appropriations.

"Mr. PORTER. Just one word more, Mr. Chairman. It is not only desirable that the delegates should be allowed their expenses so that they will not be out of pocket, but by making an appropriation you are going to add to the force and independence and dignity of the representation that you send to these conferences. You give your representation then a semiofficial sanction, if you appropriate a reasonable sum for the purpose. To me that feature is more important than the actual money appropriation.

"The CHAIRMAN. I think that is very true. There is only one possible point that might be raised as against an appropriation to pay expenses of delegates, and that would be that it might be said that it might lead to a scramble for the places as delegates. I hope that is not true, however."

Upon motion of Mr. BRITTEN, the meeting adjourned at 12 o'clock noon.

(Signed) ARTHUR DEERIN CALL,
Executive Secretary.

FEBRUARY 24, 1927.

[H. Res. 9205, 70th Cong., 1st sess.]

IN THE HOUSE OF REPRESENTATIVES,
January 12, 1928.

Mr. BRITTEN introduced the following bill; which was referred to the Committee on Foreign Affairs and ordered to be printed:

A bill to authorize an appropriation for the American group of the Interparliamentary Union

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to assist in meeting the annual expenses of the Interparliamentary Union there is hereby authorized an appropriation of $10,000.

THE PARIS CONFERENCE, AUGUST 25–30, 1927

The American group of the Interparliamentary Union was represented at the twenty-fourth conference in Paris as follows: By Senators ELMER THOMAS, MILLARD E. TYDINGS, and LAWRENCE D. TYSON; and by Representatives A. PIATT ANDREW, SOL BLOOM, THEODORE E. BURTON (president of the group), FRED A. BRITTEN, EMANUEL CELLER, THOMAS C. COCHRAN, ROY G. FITZGERALD, JED JOHNSON, EDGAR HOWARD, ANDREW J. MONTAGUE (vice president of the group), STEPHEN G. PORTER, FRED S. BURNELL, HATTON W. SUMNERS, and by two former Members of the Congress, William D. B. Ainey and Richard Bartholdt. The executive secretary, Arthur Deerin Call, accompanied the group. Ladies accompanying the party were Miss Ainey, Mrs. Laura S. Price, Mrs. Emanuel Celler, Miss Jane Celler, Mrs. Jed Johnson, Mrs. Andrew J. Montague, Mrs. Isabel Ball Baker, Mrs. Kate S. Davis, Mrs. Lawrence D. Tyson, Mrs. Sol Bloom, and Miss Vera Bloom.

Thirty-three parliaments were represented at the conference: Germany, United States, Austria, Belgium, Bulgaria, Canada, Denmark, Dominican Republic, Egypt, Estonia, Finland, France, Great Britain, Greece, Hungary, Dutch Indies, British Indies, Ireland, Italy, Japan, Lithuania, Mexico, Nicaragua, Norway, Holland, Peru, the Philippines, Poland, Rumania, Salvador, Sweden, Switzerland, and Czechoslovakia; with a total of 440 delegates.

The sessions of the conference were held in the French Senate. Receptions were numerous and of that welcoming kind peculiar to the graciousness of France. In the evening of August 24 the organization committee gave a reception in the Palais du Luxembourg to the delegates and their ladies. The next day the delegates were received by officials of Paris in the city hall. Friday, the 26th, there were two receptions, one in the Elysée Palais by M. Gaston Doumergue, President of the French Republic, and another in the Palais Royal by M. Paul Painlevé. There was a reception at the Quai d'Orsay given by M. Briand, Minister of Foreign Affairs; and in the Palais Bourbon by M. Fernand Bouisson, president of the Chamber of Deputies. On Sunday the delegates were taken by special train to the Condé Castle at Chantilly. The entertainments came to a close with a final banquet in the Salle Wagram Tuesday evening, August 30, when the American group was represented among the speakers by Senator TYSON.

The conference was opened with addresses by Baron Adelsward, president of the conference; Paul Doumer, president of the French Senate; Fernand Merlin, president of the French group; and by M. Poincaré, Prime Minister of France. Mr. BURTON, of the American group, addressed the conference upon trade restrictions and upon the reduction of armaments; Mr. PORTER upon the traffic in noxious drugs; Mr. FITZGERALD, Mr. SUMNERS, and Mr. MONTAGUE upon the codification of international law; Mr. HOWARD upon the reduction of armaments. Much of the work of the American group, however, was devoted to the meetings of the special commissions.

The conference was organized as follows:

President: Mr. Paul Doumer, president of the Senate of France.

Vice presidents: Messrs. Schückling (Germany), THEODORE E. BURTON (United States of America), Erwin Waihs (Austria), Fernand Cocq (Belgium), Vassileff (Bulgaria), Belcourt (Canada), Borgbjerg (Denmark), Luis F. Mejia (Dominican Republic), Mohamed Mahmoud Khalil Bey (Egypt), Auguste Rei (Estonia), O. Mantere (Finland), Lord Treowen (Great Britain), Panayoti Petridis (Greece), Albert de Berzeviczy (Hungary), Schumann (Dutch East Indies), Michael Hayes (Ireland), di Stefano-Napolitani (Italy), Bukichi Miki (Japan), Kalnins (Latvia), Miguel F. Ortega (Mexico), Chamorro (Nicaragua), Wefring (Norway), Heemskerk (Holland), Gonzales Orbegozo (Peru), Benigno S. Aquino (Philippines), Bronislas Dembinski (Poland), Jean Th. Floresco (Rumania), Ruben Rivera (San Salvador), Baron Adelswärd (Sweden), de Meuron (Switzerland), J. Brabec (Czechoslovakia).

Secretary general: Christian L. Lange, Ph. D.

The resolutions as finally adopted by the conference were as follows:

I

THE FIGHT AGAINST DRUGS OF ADDICTION

A

The Twenty-fourth Interparliamentary Conference calls the very special attention of the groups of the union to the serious dangers attendant upon the abuse of opium and other drugs of addiction for the health and morality of the peoples, especially with regard to the younger generation.

The conference declares unanimously that the attainment of the ends aimed at in the fight against this abuse will only be reached by the following measures:

(a) Limitation of the culture of the poppy and of coca leaves and of the production of all narcotics to the recognized amount needed for medical and scientific purposes, this measure to include the total suppression of the use of opium for smoking.

(b) The establishment of a system of control by national or international means for the observance of the rules fixed to the above effect.

(c) The elimination of all profits by private dealers in the drug trade, with the exception of the drugs required for legitimate purposes as mentioned above.

B

The Twenty-fourth Interparliamentary Conference, taking note of the fact that under article 6, chapter 2, of The Hague convention of 1912, the contracting powers undertook to adopt measures for the suppression of the manufacture, trade in, and use of prepared opium within the territories subject to their jurisdiction, recommends for the consideration of the groups of the union to urge the Governments concerned to set a definite term not to exceed 15 years, within which the manufacture, trade in, and use of prepared opium within their respective territories and possessions be finally and completely suppressed.

C

Considering that the two conferences held at Geneva from November, 1924, to February, 1925, resulted in the conclusion of a series of international agreements concerning the gradual limitation of the abusive use of opium and of other dangerous drugs, and making for the establishment of effective control and supervision of the use of such drugs, and seeing that opinions differ as to the value of those agreements, the conference recommends that the groups who regard the agreements as an important step toward the achievement of the ends in view urge their respective parliaments and governments to see that the Geneva agreements are ratified by their country without delay, and asks the groups who are unable to share this opinion to make every effort to induce their States to endeavor to revise those agreements at the first possible opportunity in accordance with the principles enumerated in Resolution I.

In the meantime those groups are asked to make every effort to induce their states to exercise a strict control on the manufacture and export of narcotics, in view of the fact that it is practically impossible to supervise the traffic.

D

The conference recommends that the groups shall examine the possibility of obtaining the adoption by legislative and administrative measures of the prohibition of the production and distribution of heroin.

E

Whereas the great dangers above mentioned created by the abuse of drugs of addiction may compromise the reconstruction in the social and economic field which is recognized as necessary, after the World War, in next to all countries, the Interparliamentary Bureau is requested to transmit these resolutions to all the groups of the union and to all the governments and parliaments of the world.

II

A SYSTEM OF CUSTOMS AGREEMENTS BETWEEN THE COUNTRIES OF EUROPE

A

The Twenty-fourth Interparliamentary Conference realizes that the predominating factor in the economic field in our times is the economic interdependence of all nations on what has become a world market. It believes, in common with the economic conference held at Geneva in 1927, that the "effort to attain self-sufficiency can not hope to succeed unless it is justified by the size, natural resources, economic advantages, and geographical situation of a country."

The conference recalls the fact that the Twenty-third Interparliamentary Conference, which met at Washington and Ottawa in 1925, passed a resolution declaring—

"that it would be of the greatest importance for good relations between European states and thus contribute to guarantee the peace of the world, if the economic barriers at present dividing these states were, as far as possible, abolished,

"and that such measures probably, in any case in the long run, would contribute to create a steady and more extensive market for the products of European agriculture and industry, and therefore also to decrease the cost of production and the danger of unemployment in Europe."

The conference desires to record its profound satisfaction at the meeting of the International Economic Conference, held in Geneva in May, 1927, and pays tribute to the noteworthy work achieved by that conference. It seconds the conclusions and recommendations formulated by the economic conference with regard to tariff and commercial problems.

It lays particular stress on the importance of giving immediate effect to the suggestions made by the economic conference that "the Council

of the League of Nations should intrust the economic organization to undertake, in connection with the inquiry provided for in the preceding recommendations, all the necessary discussions, consultations, and inquiries to enable it to propose the measures best calculated to secure either identical tariff systems in the various European countries or at least a common basis for commercial treaties, as well as the establishment, for all countries, of clearly defined and uniform principles as to the interpretation and scope of the most-favored-nation clause in regard to customs duties and other charges."

The conference sees in the unanimity with which the conclusions of the Geneva Economic Conference with regard to European commercial policy were adopted, a striking proof of the existence of a profound sense of the economic solidarity of the nations of Europe, and believes that unanimity to be of happy augury for the work to be accomplished for the liquidation of the system of superprotection now in force in Europe.

It further places on record that most of the states of Europe have now achieved stabilization of their currencies, while in the remaining states there is a tendency toward such stabilization.

B

In view of the facts set forth above, the Twenty-fourth Interparliamentary Conference issues an urgent invitation to all the national groups of the union to direct every effort toward a systematic pursuance of the work in favor of the creation of a system of customs agreements between the countries of Europe. It lays special stress on the importance of the following measures:

(a) The abolition at the first possible moment of absolute prohibitions of imports and exports, except in cases where such prohibitions is dictated by bona fide considerations of a sanitary nature or relating to the maintenance of order within a State (e. g., alcoholic drinks, opium, etc.). Attention is called to the international conference on this subject which will meet in November, 1927, under the auspices of the League of Nations.

(b) The abolition of bounties on exports in order to discourage the system of dumping.

(c) The simplification of customs formalities on the basis of the Geneva convention of November 3, 1923.

(d) The unification of the nomenclature of customs tariffs, particularly in respect of the most important goods.

(e) The ratification of the Barcelona and Geneva conventions on transit.

(f) The conclusion of long-term international commercial treaties in order to insure the stability of customs relations, the extension of international trade, and a steady market for industrial and agricultural products.

(g) The general adoption, on unconditional terms, of the most-favored-nation clause.

(h) The solution by arbitration or by a chamber of the international court of justice, of contestations with regard to the interpretation and application of contractual customs stipulations.

C

The Twenty-fourth Interparliamentary Conference regrets to note a general tendency among the states to raise their customs tariffs. It recommends that the national groups shall endeavor to arrest and to reverse that tendency.

D

The conference recognizes that the conclusion of regional customs agreements between countries having special interests in common is in accordance with the general aim of lowering the barriers in the way of international trade, on condition that such agreements be not directed against a third party.

E

The conference moreover invites the League of Nations energetically to pursue the work so well begun in the economic field and to take steps to induce its members to contribute to the realization of the proposals of the economic conference, for the amelioration of economic conditions in Europe and in the world in general.

F

The Interparliamentary Union seeing that vast customs' unions, such as the European Customs' Union, are highly desirable, as much from the point of view of economic prosperity as from that of the progress of concord and peace; seeing, however, that the immediate suppression of all customs' duties would, in the world's present condition, provoke a very serious crisis and can not be recommended, expresses the wish that methods of abolishing, or at least progressively and gradually reducing, customs duties be made an object of study in all countries, the annual diminution of these duties being unimportant enough not to bring about a crisis and enabling, on the contrary, the various national industries to adapt themselves without bad results to the régime of vast customs unions.

G

These resolutions shall be transmitted forthwith to the League of Nations and to the governments.

III

ABOLITION OF PASSPORT VISAS

The conference reiterates the recommendation of the Stockholm conference of 1921 and the Berne-Geneva conference of 1924 in favor of the abolition of passport visas, without prejudice to any measures which may be considered necessary for the security of the state.

IV

REDUCTION OF ARMAMENTS

RESOLUTION

The Twenty-fourth Interparliamentary Conference recalling the fact that the states signatories of the peace treaties of 1919–20 and of the covenant of the League of Nations, unanimously recognized that the maintenance of peace requires "the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations";

Seeing that by virtue of the aforementioned peace treaties, the armaments of certain states have been reduced and limited "in order to render possible the initiation of a general limitation of the armaments of all nations";

Seeing that this preparation for a convention of general limitation has, thanks to the sustained efforts of the preparatory disarmament committee of the League of Nations, resulted, in spite of numerous reservations, in unanimously accepted drafts in favor of the limitation of armaments for land and air, but has not succeeded in reconciling the various points of view expressed in the matter of naval armaments;

Seeing that these failures have caused great disappointment to those who, suffering from the effects of the present economic disorder, count on seeing their hopes realized by means of the reduction of the burden of military organization;

Expresses the wish that the governments, basing themselves on the lofty principles of the covenant of the League of Nations, employ with energy every means in their power to favor an appeal to arbitration in case of contest between states, to insure security for each state, facilitate the general reduction of armaments, and hasten the common work necessary for the achievement of this threefold result;

The conference asks the groups of the union to work for this end within their respective parliaments and with their governments, with all the energy which the situation demands, and invites them to organize active popular propaganda in order that public opinion may express itself imperiously in favor of the reduction of armaments and the reign of justice between the nations.

TECHNICAL PLAN FOR A GENERAL REDUCTION OF ARMAMENTS

PREAMBLE

The Twenty-fourth Interparliamentary Conference, recalling the fact that the Interparliamentary Conference of Washington and Ottawa proclaimed "the necessity of giving to the nations a feeling of security";

Believing that in addition to the security guaranteed by the League of Nations, and which the union wishes to see more well defined and more efficacious, one of the means, and one of the most important, of reaching that end would be a general reduction of armaments;

Considering, moreover, that the peace treaties of 1919–20 fix limits for the armaments of certain states "in order to render possible the initiation of a general limitation of armaments of all nations";

And in view of the fact that a committee constituted by the League of Nations in pursuance of article 8 of the covenant with the mission of preparing a general disarmament conference, is at present engaged in the elaboration of a draft convention for the reduction of armaments, is happy to see the United States of America cooperating in the work of the said preparatory committee, and expresses the wish that other states not members of the League of Nations may also join in the work before the meeting of the disarmament conference.

It notes with satisfaction that the technical studies and the discussions of the preparatory committee have, in spite of all the imperfections which characterize them, served to clear the ground to a certain extent and to prepare the way for the elaboration of a draft convention.

It recommends to the attention of the governments and members of the conference the general technical plan for a limitation and reduction of armaments accompanying the present resolution, in being understood that paragraphs A, B, and C of Chapter II (Special Rules), in particular, are meant to serve as examples. It invites the national groups of the union to transmit the said plan to their respective governments and parliaments and requests the Interparliamentary Bureau to communicate it to the preparatory committee.

TECHNICAL PLAN

I. General principles

A. Agreements as to the limitation and reduction of armaments of the several states must take the following principles into account, except in cases of an entirely special character:

1. In fixing the limit of the armaments of each state, the whole of the elements of a military, geographical, demographical, economic, financial, moral, and political order which may constitute the war potential ("potentiel de guerre") of the state in question must be taken into

account, but the limitation should in principle affect only land, naval, and air armaments properly speaking.

2 Further, regard must be had, when fixing that limit, to the length of frontiers and of coast, to the particularly exposed situation of a given state and to the special tasks incumbent on states which are colonial powers.

3. The limit of armaments of each state must be such that no state retain a force or war potential enabling it to constitute a hegemony and to defy the decisions of the authorities of the League of Nations, taken in conformity with the covenant of the league.

B. No state is authorized to increase its present armaments. States whose present armaments exceed the limits which shall be agreed upon shall proceed to a gradual reduction of armaments in conformity with the following principles:

1. The basis for the gradual reduction of armaments is obtained by taking the average of the armaments of the state in question during the three (five) financial years preceding the year * * *.

2. The elements to be taken into account in calculating the average for each state shall be:

(a) Peace-time effectives and effectives which can be mobilized within a given time in all land, sea, and air forces.

(b) The duration of active military service.

(c) The annual contingent of recruits.

(d) The total tonnage of war vessels.

(e) The total tonnage of the air force attached to the army and the navy.

(f) The total sum expended annually for armaments on land, at sea, and in the air.

The expenditure referred to under (f) shall be calculated on a gold basis. In addition to military expenditure properly speaking, provision shall be made in the total expenditure allowed for all credits allocated to the following purposes:

Subsidies for the development of national industries, with a view to their mobilization in the event of war.

Subsidies to the mercantile marine on condition of possible transformation of merchant ships into warships.

Subsidies to civil aviation, with a view to the utilization of the machines in the event of war.

3. The total military expenditure of whatsoever nature shall be reduced in a proportion to be agreed upon, beginning as from the financial year 19 * * *. This reduction shall be repeated every * * * years, always taking as basis the average of the three (five) financial years originally decided upon, until the average has reached the final limits to be agreed upon.

4. Extraordinary military expenditure incurred as a result of a recommendation of the Council of the League of Nations shall not be considered as forming part of the expenditure to which the reduction applies.

II. Special rules

A. LAND FORCES

1. Peace-time effectives and effectives which can be mobilized within a given time must not be increased and must be gradually reduced in conformity with the general principles enumerated above.

2. A certain proportion, not to be exceeded, must be fixed between the number of officers and noncommissioned officers and of men under arms or who can be mobilized within a given time.

3. The number of rifles, machine guns, and cannons of various calibers must be limited to a certain proportion corresponding to the peace-time effectives and to the contingent of recruits, in conformity with the principles laid down in the peace treaties of 1919–20 concerning the limitation of armaments of certain countries.

4. The maximum caliber of cannons must be fixed.

5. Tanks must be prohibited.

6. The preparation of means of chemical and bacteriological warfare and training in their use must be forbidden.

7. The numerical strength of the police force and customs officers must be limited.

8. The organization of associations not recognized by the official military authorities and giving military instruction to their members must be forbidden. In estimating the total forces, account must be taken of private organizations recognized by the authorities, as well as of the forces organized by the State itself.

B. NAVAL FORCES

1. Within the limits of the total tonnage of each State the tonnage of different categories of vessels must be limited in conformity with the principles contained in the treaty of Versailles concerning the German Navy.

2. New naval construction must be prohibited during a period of years to be agreed upon, and engagements taken as to the delay to be observed in the replacement of vessels of different categories.

3. The maximum tonnage of each category of vessels to be constructed, as well as the caliber and number of cannons, must be limited.

4. Submarines must be prohibited.

5. The construction of new naval bases must be prohibited.

6. The number of effectives in the navy and the annual contingents for naval service must be limited in proportion to the total tonnage in order to prevent marines from being used as reinforcements for the land army.

C. AIR FORCES

1. Military aircraft should be employed exclusively for reconnoitering purposes. The limits of those military air forces must be fixed in proportion to the forces of the army and navy of each country.

2. The number of pilots receiving military instruction must be fixed in proportion to the air units.

3. The number of machines, as well as their total engine power, must be limited.

D. MILITARY EXPENDITURE

The annual expenditure—

(a) On equipment and ammunition for the land army in the mother country, as well as in the other territories under the authority of the state;

(b) On naval material—ships, armament, etc.;

(c) On material for the air force

must not be increased and must be gradually reduced in a proportion to be agreed upon.

E. DEMILITARIZED ZONES

1. With a view to removing the danger of frontier incidents and to creating a greater sense of security within the States, demilitarized zones shall be created, especially on exposed frontiers.

2. These zones shall be placed, if need be, under international supervision.

III. Supervision

1. A permanent disarmament committee composed of representatives of the states parties to the convention shall be created with the mission of supervising the execution and application of the rules agreed upon, and their adaptation to changed circumstances.

2. States shall be under obligation to furnish to that committee detailed information concerning the elements of their land, naval, and air organization, including all necessary information concerning their military expenditure.

3. The secretariat of the League of Nations shall publish each year an abstract of the military expenditure of each state, reckoned in gold francs, and all other information as to their military—land, naval, and air—preparations.

4. In order to facilitate the publication of the above abstract, the states shall supply a statement of all credits affected to military, naval, and air purposes on the basis of a common uniform model.

5. Each state shall have the right to bring to the attention of the committee any fact which, in its opinion, constitutes an infraction of the agreements concerning the limitation of armaments. The committee may submit the case to the council of the League of Nations.

6. The council of the league may order an inquiry on the spot.

7. The council shall give a decision as to the justness of the complaint. Contested decisions shall be submitted to the International Court of Justice.

8. In order that the application of the dispositions prohibiting the preparation of the means of chemical or bacteriological warfare, as well as training in their use, may more easily be supervised, an international organization of the industries concerned shall be created under the ægis of the League of Nations.

IV. Final provisions

1. The permanent disarmament committee shall propose and submit to the contracting powers any modification to the convention which it considers useful.

2. The gradual reduction shall continue until

(a) the peace-time effectives, including officers and noncommissioned officers, do not exceed three per thousand of the population of the state concerned;

(b) the effectives which can be mobilized within a given time do not exceed 12 per thousand of the population;

(c) the peace-time effectives of native troops in territory outside that of the mother country do not exceed 3 per thousand of the population of those territories, and the native effectives which can be mobilized do not exceed 12 per thousand of the population of those territories;

(d) the naval forces do not exceed 4,000 tons per million inhabitants of the mother country and 700 tons per million inhabitants of other parts of the state or empire in question.

3. These figures may, however, be increased or reduced in a proportion to be fixed by the convention, taking into account the facts mentioned in the general principles enumerated under A.

4. States whose armaments are already below the limits specified in this plan need not proceed to the gradual reduction referred to in Chapters I B and II. They will be subject, together with the other States, to the supervision provided for in Chapter III.

5. States which consider that their situation allows them to disarm more rapidly or in a greater measure than is provided for by the above stipulations, are at full liberty to do so.

V

METHODS FOR THE CODIFICATION OF INTERNATIONAL LAW

A

In view of the importance and urgency of a progressive codification of international law, considering that by such codification the flagrant injustices and numerous uncertainties which characterize international law in its present state would be eliminated and that a stable and generally accepted basis would then be created for the solution of international disputes in the supreme interest of peace; in view of the recommendation made to the Council of the League of Nations by the committee of experts for the progressive codification of international law, to the effect that the codification of a first series of subject matters which, in the opinion of the experts and according to the declarations of a considerable number of governments, are to be regarded as ready for such a codification, should be taken in hand; the twenty-fourth interparliamentary conference warmly supports the recommendation and records the wish that a first conference on public international law be summoned as soon as possible, and that all states, whether members or not of the league, be invited to participate in it, with a view to giving practical and tangible effect to the highly important work of the committee of experts.

B

In view of the very satisfactory progress made in the work pursued up till now by the committee of experts of the League of Nations, the conference recommends that the committee of experts, functioning as a permanent committee, as is the case with other bodies within the league, shall be invited to pursue and push forward its studies with a view to preparing fresh preliminary draft conventions on other chapters of public international law the codification of which appears desirable and feasible.

It insists on the importance of a thorough and conscientious preparation of the work of the conference on public international law and recommends in particular that the present and future work of the committee also embrace the question of the unification of certain principles of international penal law, and be carefully studied in every quarter concerning itself with the development of international law, and that it be, if necessary, coordinated with the work of other competent institutions, and especially with that of the Pan American Union.

C

The conference recalls the resolution voted by the twenty-third conference held at Washington and Ottawa in 1925 recommending the drafting of a general synthetic plan of codification of public international law, and requests the committee for juridical questions of the union to submit the draft of such a plan to the next interparliamentary conference.

The draft shall regard war solely as a crime against international law (with the exception, however, of the right of legitimate defense which justifies a resort to arms), and must consquently include, in addition to positive law, rules intended to secure the law of peace (friendly arrangements, mediation, conciliation, arbitration, resort to international jurisdiction) as well as rules relating to the ultimate execution of decisions reached.

Article V of the statutes of the union reads:

"The duty of a national group is to keep its parliament informed, through its committee or through one of its members, of resolutions adopted at the conferences which call for parliamentary or governmental action.

"The Interparliamentary Union expects its members to do their utmost to see that the work of the union is made known throughout their respective countries in order to obtain as large a measure of support as possible. It also invites them to assist to the best of their ability in the maintenance of peace among the nations."

This has been interpreted to mean not that every group is expected to carry into effect all the resolutions voted at all the conferences; rather that the resolutions shall be brought to the knowledge of the various parliaments for such action as they may think best.

The executive committee of the Interparliamentary Union has made a selection of those resolutions of the recent conferences which in its judgment should more particularly engage the attention of the groups. As enumerated in the program of the bureau for 1928, these special resolutions are:

1. On "The control of foreign policy," voted by the Berne-Geneva conference in 1924. (See Compte Rendu, 1924, p. 665.)

2. "The private manufacture of and the traffic in arms and munitions," voted by the Berne-Geneva conference in 1924. (See Compte Rendu, 1924, p. 670.)

3. The "Institution of paritative committees," with the view of preventing conflicts between subjects of a given country belonging to different nationalities. This resolution was voted by the Washington-Ottawa conference in 1925. (See Compte Rendu, 1925, p. 802.)

4. The "Fight against drugs of addiction," a resolution voted at the Paris conference in 1927. (See resolution No. 1.)

5. "Customs agreements between the countries of Europe," voted by the Paris conference in 1927. (See resolution No. 2.)

THE UNION'S PUBLICATIONS

Each of the conferences of the Interparliamentary Union is reported in a volume called the Compte Rendu. This report of the Paris conference contains 591 pages. There is an official bimonthly publication of the bureau, called the Interparliamentary Bulletin. In addition the union issues from time to time other documents.

Members desiring further information relative to the union will wish to communicate with the executive secretary, 613 Colorado Building, Washington, D. C. (telephone, Main 7409).

REPORTS OF COMMITTEES

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 2327) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, reported it without amendment and submitted a report (No. 313) thereon.

Mr. WARREN. I beg to report for my colleague [Mr. KENDRICK], who is engaged in his committee room, the following bills from the Committee on Public Lands and Surveys:

The VICE PRESIDENT. The reports will be received.

Mr. WARREN (for Mr. KENDRICK), from the Committee on Public Lands and Surveys, to which was referred the bill (S. 766) to fix the compensation of registers of local land offices, and for other purposes, reported it with an amendment and submitted a report (No. 314) thereon.

He also (for Mr. KENDRICK), from the same committee, to which was referred the bill (S. 2858) to authorize the use of certain public lands by the town of Parco, Wyo., for a public aviation field, reported it with amendments and submitted a report (No. 315) thereon.

Mr. ODDIE, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 1341) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, reported it with amendments.

Mr. ASHURST, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 5783) to grant extensions of time of oil and gas permits, reported it with amendments and submitted a report (No. 316) thereon.

J. L. SINK

Mr. STEIWER. Mr. President, from the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 8216) to confer authority on the United States District Court for the Western District of Virginia to permit J. L. Sink, a bankrupt, to file his application for discharge and to authorize and empower the judge of said court to hear and determine the same, and I submit a report (No. 312) thereon. I call the attention of the Senator from Virginia [Mr. SWANSON] to the bill.

Mr. SWANSON. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the United States District Court for the Western District of Virginia is hereby authorized and empowered to permit J. L. Sink, a bankrupt, to file an application for a discharge in bankruptcy in said court at any time within six months from the approval of this act: *Provided*, That it shall be made to appear to the judge of said court that said bankrupt was unavoidably prevented from filing an application within the time limit fixed by the general laws on bankruptcy: *Provided further*, That said application shall be heard and determined according to said bankruptcy laws.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAYARD:

A bill (S. 3243) granting an increase of pension to Elizabeth F. King (with accompanying papers); to the Committee on Pensions.

By Mr. BLAINE:

A bill (S. 3244) to amend section 203 of the World War veterans' act of 1924, as amended; to the Committee on Finance.

By Mr. METCALF:

A bill (S. 3245) for the relief of civilian employees in the Engineer Department of the United States Army; to the Committee on Military Affairs.

By Mr. BRATTON:

A bill (S. 3246) to extend the provisions of the act of Congress approved March 20, 1922, entitled "An act to consolidate national forest lands"; to the Committee on Public Lands and Surveys.

By Mr. NORBECK:

A bill (S. 3247) to amend the definition of oleomargarine contained in the act entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended; to the Committee on Agriculture and Forestry.

By Mr. GREENE:

A bill (S. 3248) granting a pension to Ella Allger; and

A bill (S. 3249) granting an increase of pension to Margaret R. Smith; to the Committee on Pensions.

By Mr. WALSH of Montana:

A bill (S. 3250) for the relief of W. W. Payne; to the Committee on Claims.

By Mr. ROBINSON of Indiana:

A bill (S. 3251) granting a pension to Lenore La Hue (with accompanying papers); and

A bill (S. 3252) granting an increase of pension to Sina Igelmann (with accompanying papers); to the Committee on Pensions.

By Mr. REED of Missouri:

A bill (S. 3253) granting the consent of Congress to the Randolph Bridge & Terminal Co., a corporation, its successors and assigns, to construct, maintain, and operate a railroad bridge across the Missouri River near Randolph, Mo.; to the Committee on Commerce.

A bill (S. 3254) authorizing the erection of a memorial to John D. Orear; to the Committee on the Library.

A bill (S. 3255) granting a pension to Florence E. Houser (with accompanying papers); and

A bill (S. 3256) granting an increase of pension to Christine Klump (with accompanying papers); to the Committee on Pensions.

CHANGE OF REFERENCE

On motion of Mr. TYDINGS, the Committee on Naval Affairs was discharged from the further consideration of the bill (S. 3130) to amend the act of March 3, 1915, by extending to the widows or dependents of naval officers and enlisted men who die and to enlisted men who are disabled as a result of submarine accidents the same pensions as are allowed in the case of aviation accidents, and it was referred to the Committee on Pensions.

CUMBERLAND RIVER BRIDGE, TENNESSEE

Mr. TYSON submitted an amendment intended to be proposed by him to the bill (H. R. 9137) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lebanon-Hartsville road in Wilson and Trousdale Counties, Tenn., which was referred to the Committee on Commerce and ordered to be printed.

PROPOSED CANCER HOSPITAL

Mr. GILLETT (by request) submitted the following resolution (S. Res. 148), which was referred to the Committee on Public Buildings and Grounds:

Whereas the disease cancer is on the increase in the United States; and

Whereas the several States are unable to control its spread; and

Whereas a certain amount of alkali is a deterrent to the growth of cancer: Therefore be it

Resolved, That a special committee, to be appointed by the President of the Senate, be, and it is hereby, authorized and directed to investigate the advisability of the National Government building a hospital for cancer patients in one of the alkali districts.

INVESTIGATION OF CONDITIONS IN PENNSYLVANIA COAL FIELDS

Mr. DENEEN. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably, with an additional amendment, Senate Resolution 105. I ask for the immediate consideration of the resolution.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. KING. Let the resolution be read, Mr. President.

The VICE PRESIDENT. The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 105) submitted by Mr. JOHNSON January 9, 1928, and reported with amendments by the Committee on Interstate Commerce on February 13 (calendar day, February 15), 1928, and by unanimous consent the Senate proceeded to its consideration.

The amendments of the Committee on Interstate Commerce were, on page 1, line 2, after the words "Senate Committee on Interstate Commerce," to insert "or a subcommittee thereof"; on page 2, line 4, after the word "committee," to insert "or a subcommittee thereof"; on the same page, in line 10, after the word "committee," to insert the words "or a subcommittee thereof"; on the same page, in line 13, after the word "committee," to insert the words "or a subcommittee thereof"; on the same page, in line 15, after the word "committee," to insert the words "or a subcommittee thereof"; and in line 22, on the same page, after the word "committee," to insert the words "or a subcommittee thereof."

The amendments were agreed to.

The amendment of the Committee to Audit and Control the Contingent Expenses of the Senate was, on page 2, line 11, after the word "thereof," to insert the words "which shall not exceed $10,000."

The amendment was agreed to.

Mr. NORRIS. Mr. President, I should like to make an inquiry of the Senator from California [Mr. JOHNSON]. There was so much confusion in the Chamber that I could not ascertain from the reading of the resolution what committee is to conduct the proposed investigation.

Mr. JOHNSON. The investigation is to be conducted by the Committee on Interstate Commerce or a subcommittee thereof.

Mr. NORRIS. I had supposed it would be conducted by the Federal Trade Commission.

Mr. KING. Mr. President, may I have the attention of the Senator from California?

Mr. JOHNSON. I shall be very glad to give it to the Senator.

Mr. KING. In view of the statements appearing in the press concerning the deplorable conditions of the miners and their families in the district referred to, I wish to ask the Senator from California whether the State officials have made an investigation or have set up any instrumentalities to make an investigation or whether steps have been taken to protect the miners in their rights, if their rights have been violated; and, if not, why not? In other words, was it necessary to come to Congress to secure an investigation in order to ascertain the facts? Was there a lack of State machinery to deal with the situation, or has the State machinery broken down?

Mr. JOHNSON. I think that I am justified in saying that the State machinery has entirely done so. One of the reasons, however, why we have come to Congress is that it is an interstate affair, concerning a languishing industry, which I concede, and conditions resulting therefrom of privation and want which ought as well to be investigated. The only body that can afford any remedy is the Federal Legislature. It is my hope, and it is the hope of those who have investigated this matter as I have, that the Interstate Commerce Committee, or its subcommittee which shall be intrusted with this work, will do what may be essential in the way of recommendation not only to relieve the human suffering that has resulted from a languishing industry that is interstate but may present a permanent cure for those conditions. That is the purpose of the resolution.

So far as the State authorities are concerned, I am unable to say that they have either with the celerity or the alacrity which I would like to see endeavored to accomplish the results sought to be accomplished by this resolution.

Mr. KING. Well, Mr. President——

Mr. REED of Pennsylvania. Will the Senator from Utah yield to me for a moment?

Mr. KING. I yield.

Mr. REED of Pennsylvania. I wish to say in behalf of Governor Fisher, of Pennsylvania, that he has examined diligently and thoroughly into the allegations of brutality by State police and by coal and iron police; that he has required the surrender of the commissions of a great number of the latter; that he has had an investigation in progress—and it is still in progress—to determine the correctness of the actions of both types of police.

So far as conditions of distress exist—and they do exist—the communities there have been active in extending relief. I know that is true of my own city of Pittsburgh. Very large funds have been privately collected there for the relief of the families of miners who are living in barracks. There is undoubtedly great distress; we in Pennsylvania know that to be so; and we do not need to have investigating committees to learn of it, so far as we are concerned, because it is apparent to everyone who looks; but when it is proposed to have an agency of the Federal Government examine into conditions there we are glad to have that done, because we want the remainder of the country to know what we already know to our sorrow.

Mr. KING. Mr. President, in view of the situation as reported, and in view of the questions presented for solution, and

that a real solution may require Federal legislation, I shall vote for the resolution. I regret, however, that conditions should arise in any State as to its domestic and internal policies which must be brought to the door of the Federal Government.

It is unfortunate that under our dual form of government the States do not always rise to their responsibilities. To the extent that they are inert the opportunity for aggrandizement by the Federal Government becomes greater, and in time its functions may become usurpatory of the functions and the assertion of power by the General Government increases its desire for power. Thus the States are weakened and their responsibilities are taken over by the Federal Government.

The State of Pennsylvania has more than 10,000,000 people; it is a great industrial Commonwealth; and there ought to be enough statesmanship, there ought to be enough humanity—and humanity and the social aspects of life constitute the greater part of statesmanship—among its people to care for the domestic and internal affairs of the State. If social conditions arise demanding attention—and they are within the competency of the State to deal with—it is its duty, if legislation is needed, to enact the same to care for any evils or cure any maladies, social or domestic, that may exist.

Mr. REED of Pennsylvania. Mr. President, I fully agree with what the Senator says, that the State is perfectly competent to take care of itself as well as the Federal Government can take care of it, but I should like to ask the Senator if he were the Governor of Pennsylvania what he would do?

We can not compel men to work when they have gone on strike and do not want to go back to work. We can not compel the operators of the mines to pay wages that the market price of coal will not provide. I tell you, Mr. President, that both the miner and the operator are ground down by the force of competition to a point where a decent living return to either of them is wholly impossible; and if the Governor of Pennsylvania were a magician he could not cure that situation.

Mr. KING. What the Senator says may be true; but it seems to me that if a condition exists such as has been indicated the legislature of the State might be convened and adopt measures that would ameliorate conditions, if not cure them. The Senator knows that the inhibitions upon the States are not such as exist with respect to the Federal Government. A State may do many things which the Federal Government has no power to do. A State may have no prohibition in its constitution against dealing with questions of the character involved in the present coal situation in a manner calculated to bring the operators and miners together, or to solve the whole problem. Under the police powers of the States, in the absence of State constitutional restriction, the States have very great powers in dealing with strikes and controversies between capital and labor. I am not criticizing Pennsylvania or its officials, nor do I charge that they have failed in the performance of their duties. I reiterate, however, my regret that the question, which is a domestic one and so vitally affects the peace and welfare of the State, should not be settled by the parties themselves, by the State, in a manner just and fair to all.

Industrial questions often present serious difficulties; indeed, many so-called political problems are at bottom economic and industrial. The social and industrial phases of life are not always determined by academic theories or political formulas. I know many of the sorrows and tragedies that follow strikes and lockouts. I acted as attorney upon several occasions for striking miners. They believed that they had been wronged, and a serious situation developed which disturbed the peace of the State. My sympathies were aroused in their behalf because I felt that they had just grievances.

The coal-mining situation is one which presents difficulties and problems not easily solved. There are too many coal mines, not only in Pennsylvania but in many States. In my own State we have an unfortunate situation. Few mines have realized any profits, and a number have been closed down. Many hundreds, if not thousands, of persons have been compelled to seek employment in other channels of life. The demand for coal was small measured by the capacity for production, and this situation produced conditions unfavorable to the mine owners as well as the miners.

I hope that the results of the investigation contemplated by this resolution will be helpful and that some plan may be devised which will prevent a repetition of the sad and tragic conditions to which the attention of the Senate has been called upon so many occasions during the past few years.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. KING. I will yield first to the Senator from Pennsylvania, because he addressed me first and probably desires to continue the inquiry which he propounded.

Mr. REED of Pennsylvania. Mr. President, I do not wish to continue it very long.

Mr. KING. When the Senator from Pennsylvania shall have finished I shall yield very glady to my friend from Nebraska.

Mr. REED of Pennsylvania. I ask the Senate to understand that throughout the Pennsylvania and Ohio fields the mine workers are unionized; they are competing with districts in which the mine workers are not unionized. Throughout Pennsylvania and Ohio there are now about three miners for every place that exists for a man who wants to work in the coal industry; there are about three times as many mines as there is any need for. The industry was greatly overstimulated during the war time. That district has been trying since the war to work with union labor or to pay substantially the union scale even where it was running an open shop.

There is a great overcapacity in the industry. It comes in competition with those southern districts that lie in Virginia and southern West Virginia and Kentucky and Tennessee, where the wage scale is very substantially less, where the taxes per acre paid by the coal owner are only about one-tenth what we have to pay; and then, too, there is this never-ending disagreement as to freight rates.

We can give illustrative cases, and so can they, which, taken alone, indicate that our rates are either too high or too low, as the case may be. At the present moment coal is brought from Pocahontas to Washington at exactly the same freight rate that it is brought from Meyersdale, Pa., to Washington, although their coal travels exactly twice as many miles as does ours. Our people give an instance like that. It is countered immediately by the representatives of those States, citing instances that to them seem unfair. Our people believe, whether they are right or they are wrong, that the third great factor that tells against them is an injustice in freight rates; but the fact remains that down there in the southern fields the mines are working fairly regularly; employment is provided for those men in those mines nearly every day in the week; while our mines, if you please, union or nonunion, hard coal or soft coal, are running less than half the week where they are running at all; and the price of our product is so low that, as I said before, neither miner nor mine owner can have any possible hope of a proper return for the contribution that he makes to the production of the commodity.

If the Governor of Pennsylvania were anything else than a mint, he could not correct that situation. He has it at heart just as much as we have, and it is the biggest problem in my State; and if any of us could devise a cure for that condition to-day they would build monuments to him in every city in Pennsylvania. It is not because we do not care; it is because we are at our wits' end to know how to handle the difficulty.

Bear in mind those factors, I beg of the Senate—too many mines; too many miners; severe competition with these newly developed districts in the South; high taxes per acre, approximately ten times per acre what is paid by our competitors; the effort to maintain a higher wage scale in the face of the declining price; and then this never-ending unhappiness that pervades the industry on the subject of the railroad rates that are paid. It is fair to say that most of the coal that we send to our customers pays more to the railroad than it does to the coal industry. The cost of getting it to the consumer exceeds the cost of mining it and putting it on the railroad cars.

Those are the causes; and it is not because we are indifferent. You can not be indifferent. I drive in almost any direction from my town of Pittsburgh, and I have very few miles to go before I find people living in conditions that ought to be impossible in this great country of ours. I would do anything on earth to correct it if I could. It is not enough to say, "Settle your strike." Suppose the mine workers gave in to-day and tried to go back to work. They could not find the work. The men of these families who are living in barracks have mighty little work waiting for them if they would surrender in their strike. Suppose the mine operators, the owners of the mines, give in and surrender in this strike. They are equally out of luck, because they have neither the market nor the market price that will enable them to pay a fair wage.

We talk of prosperity or we talk of farm problems; but I doubt if there is any problem in the business world in America to-day that seems so insoluble as does this calamity that confronts the State of Pennsylvania.

Mr. JOHNSON. Mr. President, I want to make plain to the Senate that I am interested in getting the resolution passed so that we may get to work. I do not want to indulge in animadversion or in criticism at all. Some of the questions that were asked me by the distinguished Senator from Utah might perhaps have been answered in a much more critical way. I do not now wish to indulge in that. I recognize something of what has been said by the Senator from Pennsylvania. There is an industry that is languishing, that has had its trials and its

tribulations. It is a basic industry. I recognize that. I recognize, too, I think, what he perhaps may not recognize as well as I do, some of the contributing causes to that languishing industry.

I should like, if it were possible, by this resolution and by the subsequent investigation by the Interstate Commerce Committee, not only to relieve the human distress that is appealing to me, of course, and more appealing than any other part of the investigation, but I should like, too—and in that connection I have been in consultation with those in the Department of Labor and with the Secretary of Labor—to endeavor to present something that will remedy the conditions that exist, not only from the human aspect but from the economic as well; and this resolution, if you will recall, is predicated, so far as its jurisdiction is concerned, upon the investigation of all of the causes that have contributed to the conditions in the Pennsylvania fields, and the railroad situation, in the endeavor, as it is asserted, to depress wages, as well as upon the instrumentalities of the courts and their use in the State of Pennsylvania.

Mr. GLASS. Mr. President——

Mr. JOHNSON. I yield to the Senator from Virginia.

Mr. GLASS. I shall vote for the Senator's resolution; but I should like to inquire if he has in mind a purpose to stifle competition and to transfer from one field to another this distress which has been depicted to the Senate.

Mr. JOHNSON. Oh, no, sir; by no means, sir. This is such a horrible condition up there, sir, that I would not wish it to spread. I would wish to curtail it in every possible way.

I believe it is quite so, as the Senator from Pennsylvania has said, that the Governor of Pennsylvania has instituted some inquiry into the coal and iron police; but the institution of that inquiry was very, very recent.

Mr. REED of Pennsylvania. Oh, Mr. President, will the Senator permit me to interrupt him?

Mr. JOHNSON. I will, sir.

Mr. REED of Pennsylvania. Away back last spring I sent photographs to the Governor of Pennsylvania from Pittsburgh showing the location of the first riot which occurred, and making the statement to him that the conduct of his State police was then criticized, and he started that investigation then. I speak of my own personal knowledge.

Mr. JOHNSON. I stand corrected if that be so. I spoke from the press alone.

So far as the relief that has been extended by the State of Pennsylvania is concerned, the first relief was extended by the churches in Pittsburgh, and was very slender, indeed. The next was by the little Sunday schools there. It is true the miners have been giving, to those who required it, $3 per week, and upon $3 per week families have been living in the coal fields of Pennsylvania. It is equally true that one week ago certain very excellent gentlemen in Pittsburgh met, and then they contributed some very large sums for relief of distress in the State of Pennsylvania. So that something has been accomplished thus far, at least, in the presentation of the matter. Much may be done by the passage of the resolution and the investigation.

I do not desire, as I repeat, to go into detail again concerning conditions or concerning the industry itself. I believe that the Interstate Commerce Committee is equipped, that it has the jurisdiction, that it is more or less familiar with the facts, and that with the aid of the Department of Labor as now constituted it may do a monumental work in accomplishment under this resolution, and I beg that it may be passed.

Mr. BINGHAM. Mr. President, I listened the other day with the greatest interest to the eloquent presentation of the facts by the Senator from California [Mr. JOHNSON]. There is no question about the need and the suffering. There is no question that something ought to be done.

It is with extreme diffidence that I suggest that what ought to be done is not an investigation by Members of this lawmaking body, who would have to be taken away from their duty here if they made a proper personal study of the conditions in the field. It would not do for them to postpone such an investigation until after the Congress should adjourn. They ought to make it now, if at all. I can not help wondering why the Senator from California does not direct the Department of Labor to make this investigation. He has just stated that the committee would have to rely upon them, and it seems to me that it is eminently——

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. BINGHAM. May I finish the sentence?

Mr. JOHNSON. I was going to answer the Senator's question if he was propounding a query to me; that was all.

Mr. BINGHAM. When I finish the sentence I shall be glad to have the Senator answer it. It seems to me that it is eminently fitting that the Secretary of Labor or his able department should be instructed to carry out just the investigation which the Senator proposes.

Now I shall be glad to yield to the Senator.

Mr. JOHNSON. One of the reasons, sir, that make this investigation necessary by the Senate, with its inquisitorial powers, is because the Secretary of Labor undertook to bring these parties together and to do what he could with the Government of the United States thus intervening through its Secretary of Labor; and the men in Pennsylvania who are the operators of the coal mines refused to meet with the Secretary of Labor of the United States. That is the reason, sir, why we can not ask the Secretary of Labor to undertake this investigation; and if you will read the remarks that I made a week ago upon this subject you will find inserted in them the letter of the Secretary of Labor to me, saying in so many words that he endeavored to bring the parties together, to have them meet in amity, and he sought to have some sort of arrangement made that might at least alleviate conditions up there, and the operators refused to meet with the Secretary of Labor. That is one of the reasons why this investigation is asked by the Senate.

Mr. BINGHAM. May I ask the Senator another question? If it is possible for us to give to certain Senators the power to make this investigation in Pennsylvania, why have we not the power to give to the Secretary of Labor the same power to make an investigation of this matter and to compel the attendance of witnesses?

Mr. JOHNSON. I do not think we could transfer the inquisitorial powers of this body to any official outside this body.

Mr. BINGHAM. Of course, Mr. President, I am one of those very old-fashioned people who do not like to see the Senate of the United States continue in its course of becoming the great national grand jury, and when the Senator from California refers to the inquisitorial powers of the Senate I am inclined to ask him where in the Constitution he finds authority for the Senate to exercise inquisitorial powers?

Mr. JOHNSON. It has the absolute power. We may take that for granted. I do not care to discuss that.

Mr. BINGHAM. I know we have been taking it for granted.

Mr. JOHNSON. And we have it.

Mr. WATSON. Mr. President, if the Senator will permit me, I would just like to make a statement about the jurisdiction of the Senate to act on problems of this character. It was debated fully and considered quite at length in the committee. My remarks also have reference to the question propounded by the Senator from Utah [Mr. KING].

There are four allegations in this resolution. The first is that the committee is directed "to make a thorough and complete investigation of the conditions existing in the coal fields" of Pennsylvania, West Virginia, and Ohio.

I doubt very seriously whether or not we could justly make that kind of investigation, because that doubtless does not come within the purview of our authority to investigate, in my judgment. The only authority that we have for investigation is that we may develop facts which may be the basis of legislation, and these coal mines, lying wholly within a State and being operated wholly within a State, are doubtless subject wholly to State jurisdiction.

The second allegation is this, "to ascertain whether the railroad companies and their officials have been or are, by agreement or otherwise, endeavoring to depress the labor cost of coal produced by union mine labor." In other words, an implied allegation that there is a conspiracy among various railroads to boycott the mines operated by union labor. That clearly falls within the purview of our authority to investigate. It might be made the subject of legislation legitimately by Congress. Therefore I think that Congress may very legitimately inquire into those conditions.

Mr. FESS. Mr. President, will the Senator yield there?

Mr. WATSON. Certainly.

Mr. FESS. That particular item is beyond the power of the States, as I understand it.

Mr. WATSON. That is my understanding.

Mr. FESS. There is rather a serious charge made by more or less responsible people, and I could not see how a State could make the inquiry, and for that reason I did not hesitate to vote for the authority of the Senate to make the investigation.

Mr. BINGHAM. Mr. President, can not the Interstate Commerce Commission do that?

Mr. FESS. That has jurisdiction simply over the question of rates, and could not handle the punitive idea that is here involved.

Mr. BINGHAM. Can not the Department of Justice do it, then?

Mr. FESS. It might.

Mr. WATSON. Mr. President, the next question is whether or not in the said coal fields wage contracts have been abrogated or repudiated.

I doubt very seriously whether or not, if there were no other allegation than that in this resolution, we would have authority to investigate. That comes wholly within State jurisdiction, in my judgment. Then follows the fourth allegation, which is this, that—

> The said committee, or a subcommittee thereof, shall ascertain whether in industrial disputes or strikes in said coal fields injunctions have been issued in violation of constitutional rights, and whether by injunction or otherwise the rights granted by the Constitution of the United States have been abrogated and denied.

Clearly that is a legitimate subject for inquiry by the Senate of the United States and not by a State legislature, and I think not legitimately by a department of Government.

Mr. REED of Pennsylvania. So far as it relates to the Federal courts, at least.

Mr. WATSON. It relates to the Federal courts; that is the point exactly, it covers cases where constitutional rights have been violated.

Mr. SACKETT. Mr. President, why is it not also proper to consider violations of constitutional rights by State courts just as well as Federal courts?

Mr. WATSON. I do not want to split hairs with my friend from Kentucky, because he and I are alike in advocating the passage of this measure, but I think that so far as injunctions have been issued by Federal courts and then violated, it is clearly a matter proper for inquiry by the Congress of the United States, either branch or both branches.

I do not believe, I will say to my friend from Connecticut, that it falls within the province of the Interstate Commerce Commission to make an investigation of this character. They are charged by the organic act which created them with certain specific duties, and their whole time is occupied in the discharge of those duties. I do not think they have the time, and I do not think really they have the machinery, to investigate a matter of this character.

Mr. BINGHAM. Mr. President, may I ask another question?

Mr. WATSON. Certainly.

Mr. BINGHAM. Why would it not be possible to redraft the resolution in such form as to refer to the proper Senate committee those parts of it which properly belong to the Congress, and which the Senator has just clearly pointed out should be given to the appropriate committee to investigate, which in this case would seem to me to be the Committee on the Judiciary, in the matter of the injunction, because that committee, as I understand it, now has before it an act relating to the abuse of injunctions. The other parts of the investigation, which the Senator from Indiana has said do not properly belong to the Congress, could be given to the Department of Labor or to the Department of Justice, as the case might be.

All I am trying to get at, Mr. President, I will say to the Senator in explanation of my question, is to avoid any further steps being taken by the Senate to become merely a grand jury instead of a proper body making laws, and in its judicial capacity seeing whether the laws are properly carried out by the Federal authorities.

Mr. WATSON. I will say to my friend that I quite fully agree with that view of the situation, but here is a case which so peculiarly calls for legislation, or, as it appears now, may call for legislation, that I think there is no escape from an investigation by a committee of the Senate.

If we have not jurisdiction over two of these allegations, we clearly have over the other two, and I think it would be taking two bites at the cherry to distribute the authority and investigate part of the matter by one committee and another part by another committee. I am not seeking, heaven knows, to have any further investigations sent to my committee, but if the Interstate Commerce Committee is to make this investigation, it should have jurisdiction to investigate the whole subject, and every phase of the whole subject, and ought to have, because you can not consider the parts which relate to State sovereignty and the parts relating to national sovereignty separately. They must be considered together by one committee, at one time, in my judgment.

Mr. BINGHAM. I was not referring to any division between committees of matters relating to the States and the Federal Government, but why include an investigation of matters which the Senator himself admits is not the province of the Federal Government?

Mr. WATSON. The old rule was that where the court by any one phase of a question acquired jurisdiction of a proposition, it had jurisdiction for all phases of the proposition, and though I quite agree with the Senator that we should not become a body of snoopers and snipers whose sole business it is to investigate anything and everything under the sun, nevertheless I think this is a perfectly legitimate matter of inquiry by the Senate of the United States.

Mr. NORRIS obtained the floor.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me for just one statement in that connection?

Mr. NORRIS. I yield.

Mr. REED of Pennsylvania. I sympathize with the Senator from Connecticut in his insistence upon the proper separation of State and National functions, and with the Senator from Utah in his constant insistence on that, but the condition in this case is so desperate, the needs of relief, if there is any relief possible, are so great, that I do not believe anybody in Pennsylvania will assert any legal technicalities, and while I am not authorized to speak for every individual there, I do not believe this committee will even have to issue a subpœna. They will be welcomed to the State, and a request will suffice to bring any witness to tell everything he knows. There will be no disposition, I am sure, to contest or quibble over the authority of the committee to get the facts. We want them to have the facts.

Mr. NEELY. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Nebraska yield to the Senator from West Virginia?

Mr. NORRIS. I yield.

Mr. NEELY. I understood the Senator from Pennsylvania to say a few minutes ago that the coal produced in Pennsylvania yields twice as much profit to the railroads that carry it to market as it yields to the operators who produce it.

Mr. REED of Pennsylvania. No, Mr. President, I did not say that. I said that in most cases the cost of getting it to market exceeded the cost of producing it at the tipple.

Mr. NEELY. In other words, the Pennsylvania coal operators pay more for the transportation of a ton of coal than they are able to retain from the proceeds of its sale for having produced it.

Mr. REED of Pennsylvania. I fancy that is true in West Virginia as well, is it not?

Mr. NEELY. It is true in West Virginia; and, unfortunately, to a much more distressing extent than it is in Pennsylvania As a result of the most recent and outrageous decision of the Interstate Commerce Commission West Virginia, Virginia, and Kentucky pay 45 cents more than Pennsylvania pays for the transportation of a ton of coal to Lake Erie ports.

West Virginia coal operators pay 48 cents more than Ohio No. 8 and Cambridge districts pay for the transportation of a ton of coal to the Lakes.

For 10 years prior to the 10th day of August, 1927, West Virginia and Kentucky operators paid 25 cents a ton more freight on their high-volatile coal, and West Virginia paid 40 cents a ton more freight on her smokeless coal to Lake Erie ports than Pennsylvania paid. During these 10 years Ohio No. 8 and the Cambridge districts enjoyed, over West Virginia and Kentucky, a handicap freight rate to the Lakes which was 3 cents a ton greater than the handicap granted to Pennsylvania by the Interstate Commerce Commission. By virtue of an order issued by the commission the railroads serving the eastern Ohio and western Pennsylvania districts were required to lower their freight rates 20 cents a ton on lake cargo coal for the benefit of these districts.

About the 1st of August, 1927—on or before the 10th of August, 1927—the Chesapeake & Ohio, Norfolk & Western, Louisville & Nashville, and the Southern Railroads duly announced that they would voluntarily reduce their freight rates on soft coal from the southern districts to Lake Erie ports 20 cents a ton in order to meet the enforced reduction in favor of Pennsylvania and Ohio.

This voluntarily proposed reduction of rates in favor of West Virginia and the other southern coal-producing States the Interstate Commerce Commission unceremoniously suspended, or, in other words, compelled the four railroads just mentioned to charge 20 cents a ton more freight than they asked on West Virginia, Kentucky, and Virginia coal that is shipped to the Lakes. The net result of all of which is an enforced freight-rate reduction of 20 cents a ton in favor of Pennsylvania and Ohio and an enforced suspension of a similar reduction voluntarily made in favor of West Virginia, Kentucky, and Virginia, for which the Interstate Commerce Commission is exclusively to blame. A majority of this commission, unmindful of their duty to the entire country, have constituted themselves champions of Pennsylvania's undertaking to monopolize the bituminous-coal business of the United States. They say to the railroads, in effect, "You shall not reduce your rates on Virginia,

West Virginia, Kentucky, and Tennessee coal, because you would thereby interfere with the monopolistic schemes of the coal operators of the State of Pennsylvania.

Strange to say, Mr. Esch, on the eve of his reappointment to membership on the commission, changed his position on this very important lake cargo freight-rate question, and for the first time yielded to Pennsylvania's clamor for a monopoly of the coal business in the Northwest. In the light of Mr. Esch's previous record, I am compelled to believe that his desire for reappointment either consciously or unconsciously influenced his vote in this case.

Fortunately the Senate will soon have an opportunity to ascertain Mr. Esch's reasons for having assisted in outraging Virginia, West Virginia, Kentucky, and Tennessee in order to create an indefensible monopoly for Pennsylvania.

The southern coal operators have learned in the merciless school of bitter experience to understand a complaint such as the Senator has made against burdensome freight rates, but they will scarcely be able to forget the grievous afflictions which they are suffering at the hands of the Interstate Commerce Commission long enough to pity the producers of Pennsylvania who have become the beneficiaries of the commission's most affectionate and paternalistic solicitude.

The Senator from Pennsylvania should not complain of freight rates. On the contrary, he should rejoice over the fact that his State and the State of Ohio have succeeded in coercing the Interstate Commerce Commission to decide every rate case in their favor regardless of consequences to the rest of the country.

I also understood the Senator from Pennsylvania to say that the operators of his State are now producing coal with union labor or under union conditions.

Mr. REED of Pennsylvania. Substantially, that is true.

Mr. NEELY. I ask the Senator if the Pittsburgh Coal Co., the greatest coal company of the Senator's State, and one of the greatest in the world, is not operating wholly "nonunion" at the present time, and if it has not been operating "nonunion" exclusively for many, many months?

Mr. REED of Pennsylvania. Oh, yes; of course, that is so, and everybody knows it. Throughout the bituminous region there is a very large strike on, so that there is no great amount of union production at the present time, and those companies which are operating are trying to operate nonunion in many cases. That is true.

Mr. NEELY. In fact all of the large coal companies in the Pittsburgh region are operating under nonunion conditions, are they not?

Mr. REED of Pennsylvania. Absolutely; while through the anthracite region it is quite the other way, and there are no nonunion operations.

Mr. NEELY. The anthracite region is not in question. It is not involved in the resolution of the distinguished Senator from California.

In view of the fact that anthracite coal is produced only in Pennsylvania and that its producers are free from competition, it would be quite remarkable if the anthracite industry were not thoroughly unionized.

Mr. REED of Pennsylvania. The whole purpose of my statement, if the Senator pleases, was that the wage scales prevailing in Pennsylvania are, I believe, higher than those in the competitive districts. I think that is true.

Mr. NEELY. I have been informed by persons who ought to know that the scale of wages now prevailing in western Pennsylvania and eastern Ohio is similar to that which prevails in Virginia, West Virginia, Kentucky, and Tennessee.

Mr. GLASS. In any event, may I ask the Senator from West Virginia if it is the proper function of Congress to adjust wage scales? Is that the purpose of the investigation?

Mr. NEELY. Certainly Congress has no authority to equalize the wages that are paid by the proprietors of private industries, and the pending resolution invokes no action relative to this matter. But regardless of the purpose of the proposed investigation I do fervently hope that it will be productive of great benefit to every distressed coal miner and every embarrassed coal operator in the land; and that the investigating committee may succeed in evolving a practical plan for the rehabilitation of the entire coal industry, the prosperity of which is directly or indirectly of vital importance to every man and woman and child.

Mr. WILLIS obtained the floor.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NORRIS. Have I lost the floor again?

Mr. NEELY. I apologize to the Senator from Nebraska.

Mr. NORRIS. I have had the floor off and on several times and have not finished a sentence yet. Through my kindness of heart I always yielded when a Senator wanted to make a speech. Under the rule I understand we are not allowed to speak more than twice on the same day on the same bill or on the same question, and since technically I have had the floor three different times this morning and lost it every time by some Senator just taking it away from me, I suppose that technically I am not entitled to the floor again. I want to submit, if the Senator from Ohio will permit me, a unanimous-consent request. I ask unanimous consent, notwithstanding I have ignorantly lost all my rights, that when all the other Senators who want to talk get through that I may have the floor. [Laughter.]

The PRESIDING OFFICER. The Senator from Nebraska is entitled to the floor at this time if he wishes it.

Mr. WILLIS. Mr. President, will the Senator from Nebraska yield to me for a brief statement?

Mr. NORRIS. Certainly.

Mr. WILLIS. Mr. President, I do not think the present moment is opportune for a discussion of matters which are now pending before the Interstate Commerce Commission. I regret that the distinguished Senator from West Virginia [Mr. NEELY] has felt called upon in this forum to indulge in the discussion of a matter judicial in character and which is now pending before the Interstate Commerce Commission. My own view of the propriety of government and my understanding of the functions of the Interstate Commerce Commission are such as to make me believe that it is, to say the least, indelicate to indulge in discussions here of matters which are now pending before the Interstate Commerce Commission, and therefore, while I should feel strongly inclined to controvert some of the suggestions made by the Senator from West Virginia, I shall not indulge in that discussion at this time.

I want to say further that I think the criticism leveled at Mr. Esch was hardly worthy of my friend the Senator from West Virginia, who always aims to be fair. I think that, while there may be difference of opinion as to the wisdom of Mr. Esch's decision upon this or any other matter, there can be no question as to his integrity, and the suggestion that he was influenced by anybody to reach a certain decision is, as I believe, entirely unworthy.

Because I think this is not the proper time for a discussion of these matters I yield the floor, but at the proper time I shall want to say something about the suggestions made relative to those matters now pending before the Interstate Commerce Commission.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

Mr. WILLIS. Certainly.

Mr. NORRIS. Will the Senator tell the Senate whether he is for or against the resolution which he has been discussing?

Mr. WILLIS. I am for it. I did not mean to leave any other impression. I was responding as best I might to the suggestions made by the Senator from West Virginia [Mr. NEELY].

Mr. DENEEN. Mr. President, I report an amendment to the pending resolution from the Committee to Audit and Control the Contingent Expenses of the Senate, the amendment being on page 2, line 18, after the word "witnesses," to insert:

to administer oaths and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in pursuance of the purposes hereof.

The PRESIDING OFFICER. The question is on agreeing to the amendment now reported by the Senator from Illinois.

Mr. NORRIS. Mr. President, I want to discuss the resolution. I hope I shall not be out of order in doing that. I undertook to make a little explanation an hour or so ago on an interruption of the Senator from Utah [Mr. KING], who, I think, misconceived the conditions which apply to the resolution. The conditions that brought about the introduction of the resolution, I think, and which in my judgment justify its passage, are conditions which, at least to a great extent, if not entirely, came about from the issuing of an injunction by a Federal judge in a Federal court. Because the difficulty has come about from an injunction that was issued from a Federal court, it therefore is a proper matter for investigation, I should think, by the Senate, being a part of the Federal Government. It is not a State injunction that is involved.

The people who are driven out of their homes and are living in barracks, where all this suffering takes place, are living there because of an injunction which is now the subject of consideration by the Committee on the Judiciary upon a bill now before that committee proposing to curtail the issuing of injunctions by Federal judges and Federal courts. Therefore, it seems to me that it is perfectly proper for the Federal Government, through any instrumentality under its control, to investigate the question.

Indeed, it was the intention of the subcommittee of the Committee on the Judiciary investigating the matter to apply to the

Senate for authority to go to Pittsburgh and make an examination of conditions. I doubt very much whether we shall do that if the resolution now before the Senate is passed, as I assume it will be, because then a subcommittee from the Interstate Commerce Committee will go and make the investigation and we shall perhaps rely on their report for the facts, if we want to use them.

Mr. KING. Mr. President, may I ask the Senator from Nebraska in what State the injunction was issued?

Mr. NORRIS. In Pennsylvania.

Mr. KING. That is what I understood.

Mr. NORRIS. The Judiciary Committee have not finished their hearings. They have only heard one side of the question. I would not presume to state anything about the facts, and I would not discuss them if it had not been that the Senator from Pennsylvania [Mr. REED], who is personally acquainted with the situation, has described in some detail the conditions existing there. I think it is without question a very deplorable condition, whatever the cause may be determined to have been.

I feel that some of the Senators here have changed base since yesterday. The Senator from Connecticut [Mr. BINGHAM], who, I am sorry, has left the Chamber—and yet I can not blame him very much because he knew I was going to take the floor—is consistent to-day with his conduct of yesterday. He did not want a committee of the Senate appointed yesterday to investigate anything pertaining to legislation, and he is against such action to-day. I thought he was wrong yesterday. I think he is wrong to-day, although I have to concede that in the judgment of the Senate he is right and I am wrong.

That can not be said of the chairman of the great Committee on Interstate Commerce, the Senator from Indiana [Mr. WATSON]. I am sorry he has left the Chamber, too. He is inconsistent to-day with the attitude he took yesterday, when he was opposed to a committee of the Senate gathering information for the purpose of legislation, while to-day he is in favor of it. We converted him evidently in the arguments yesterday, but the conversion did not come until after the Senate adjourned, and consequently we did not get his vote and we did not get the wonderful influence of his power here, or we would have won yesterday instead of getting licked. I feel that if we should have had a reconsideration of the vote yesterday since we now have with us the great Senator from Indiana, we could have done yesterday just what we are going to do to-day—appoint a Senate committee to gather some evidence for the purpose of enlightening the Senate in regard to legislation.

I did not know that this was coming up, but after the vote on yesterday I thought perhaps the Judiciary Committee was going to block any further consideration of the injunction bill, because I felt as though the Senate had established the precedent that none of its committees had any authority or any jurisdiction or any right to undertake an investigation for the purpose of determining whether we ought to have any legislation; and if so, what kind we ought to have. We shall reverse ourselves to-day under the influence, control, and leadership of the great Senator from Indiana, and we shall send his committee up there to gather evidence, and shall be able to legislate wisely and patriotically in due time.

Mr. REED of Pennsylvania. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The Senator from Illinois [Mr. DENEEN] offered an amendment a moment ago, which the clerk will read.

The CHIEF CLERK. The Senator from Illinois, on behalf of the committee, offers the following amendment: On page 2, line 18, after the word "witnesses," to insert:

to administer oaths and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in pursuance of the purposes hereof.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment proposed by the Senator from Pennsylvania will now be stated.

The CHIEF CLERK. The Senator from Pennsylvania offers the following amendment: On page 2, after line 9, to insert:

Said committee or subcommittee shall also investigate the existing rate structure of freight rates on bituminous coal, to determine whether there exist injustices and unfairness therein and whether any mining districts have been unfairly and abnormally stimulated and overdeveloped thereby.

Mr. COPELAND. Mr. President, if the situation in Pennsylvania and in other mining States were not so serious and the suffering so great, I should think that we might spend an hour laughing at the Senators from coal States who are so solicitous now that something should be done. This morning the Senator from Pennsylvania [Mr. REED], with tears in his voice, talked about the suffering in his State; the Senator from West Virginia [Mr. NEELY] is much concerned now over what is going to happen in the coal business; but two years ago, when there was suffering in my State and the people there were deprived of coal, I did not find any tears in the voices of Senators from the soft-coal States, neither did I find any sympathy in their hearts.

Mr. President, there can be no doubt that there is great suffering in the coal fields of Pennsylvania. As I said the other day, within an hour by airplane of this Capitol, women and children are suffering and deaths are occurring by reason of deprivations.

Mr. NEELY. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from West Virginia?

Mr. COPELAND. For a question only, please.

Mr. NEELY. The Senator from New York says that he found no sympathy in our hearts a year or two ago when he was trying to secure the passage of his coal bill. I want the Senator to tell us what diagnosis he made to determine that condition by virtue of which he ascertained a lack of sympathy on the part of those of us who come from coal-producing States?

Mr. COPELAND. Mr. President, the physician has learned to gain much knowledge by observation, and I had the opportunity time after time to observe the unwillingness and to witness the inactivity of the Senators from those States.

I am not going to become involved in any new controversy with the Senator from West Virginia. He has made his speech and when I get through with mine he may make another one; but I have some things to say about this resolution.

Mr. President, I desire to say, first to the Senator from California [Mr. JOHNSON] that when we deal with the sufferings, the misery, and the unhappiness in the homes of the coal miners, after all, we are dealing with effects, with results. I want to ask the Senator from California if he thinks that his resolution goes far enough to reach the causes of this suffering? The only thing I can find in the resolution which seeks to locate the causes is in the third line on the second page.

Mr. JOHNSON. I think that accomplishes the purpose.

Mr. COPELAND. The resolution there reads:

and the reasons for conditions and happenings therein.

Does the Senator think, if that language be adopted, that it will enable the committee to ascertain all the factors which enter into the causes of this serious situation in the coal industry?

Mr. JOHNSON. Those words were inserted purposely in order that every contributing cause might under the circumstances be developed. I can say to the Senator from New York very frankly that I have not any doubt, if there is any single cause or any number of causes contributing to those conditions and happenings in the coal fields, the committee will have a perfect right under that language to develop them.

Mr. COPELAND. May I ask the Senator, after the committee has ascertained all the facts and reached its conclusion, will the committee then feel free to recommend any measures of relief which may be necessary?

Mr. JOHNSON. That is my assumption.

Mr. COPELAND. I am very glad to have the Senator's opinion to that effect, but I want to make sure, Mr. President, that that is the case, because there is a very serious situation here. I do not need to be reminded by the Senators from the coal States about the dreadful plight of the coal industry; there is not any question about it. I am speaking now of the industry as a business; not of the industry in relation to labor and the sufferings of the miners and their families in the mining towns, but the industry itself. It is absolutely on the rocks. There have been employed the most short-sighted policies in the conduct of this industry. It is amazing to me to think that the men who control the industry—and as I have met them they appear to be wise and big business men—have not shown a grain of common sense in the conduct of the coal business, but have permitted it to drift along until now the industry is all but bankrupt. If it were an industry engaged in the development of some product which was a luxury, its condition would not be of any concern to the Congress, but there can be no happiness in this country unless we have an unfailing supply of coal.

We must have the coal to run our factories; we can not have employment in the cities unless we have coal to run the factories; we must have coal for every purpose having to do with the industrial life of our country. So it is a matter of vital importance that we do not direct the committee to go ahead

without wide authority. It would be a pity if it shall be determined at the end of the investigation that the committee is powerless, because it has authority to deal merely with intrastate matters.

The things that are happening in Pennsylvania are terrible. It is outrageous the way the private police treat the poor miners and their families there. It is a heartless and wicked thing the way the owners of the mines have dispossessed the miners, have put them out of comfortable cottages, thrown them into the street, and have not waited even for them to build barracks where they might go and take care of the babies; and babies have been born in the streets. It is an outrage, but unfortunately that particular phase of it is not a thing with which Congress can deal. That is a problem for the State of Pennsylvania and for the localities where the mines are situated. However, there is a larger problem, Mr. President, and that is the problem of the causes of this disastrous state of affairs and those causes we must seek.

I heard this morning the appeal from the Senator from Pennsylvania, an appeal that struck home to me. I do not want to hold myself as being holier or more sympathetic than is the Senator from Pennsylvania, but he did not respond to my appeal two years ago when the people of my city and of my State and in my section of the United States were suffering. There was not any response then.

But, Mr. President, we must go forward in this matter. We must ascertain how there can come about an economic situation which will permit people to suffer, to be deprived of employment, and cause women and children actually to suffer for want of food and to die from exposure.

The causes are not hard to find. Of course it is true that by reason of the World War and the demand at that time for fuel mines were opened by the hundreds. I suppose it is safe to say that we have to-day three or four thousand more coal mines than we need; and with the opening of every mine came the engagement of men as miners. Now, with no demand abroad for coal and with only our own people to serve, we find ourselves with three or four thousand more coal mines than we need, and a quarter of a million miners have no work.

Last year the mines of this country produced almost a maximum coal supply—almost as much as they had produced at any time—yet 250,000 miners were without work and three or four thousand mines have been closed.

It would not be worth while, I will say to the able and kind-hearted Senator from California, sad as it is, for the Senate to inquire merely into the physical conditions surrounding these suffering people in Pennsylvania. So unless the committee is determined to go to the root of the trouble and find the causes for the effects which we are witnessing the inquiry will be a failure.

I wish to say that my study of this question through two or three years has convinced me that it is a tremendous problem. The committee will have no easy task, but if it shall find a way to solve the problem, to restore the coal industry to economic prosperity, and to direct into other channels of activity the 250,000 surplus miners, then it will deserve a monument at the hands of the American people.

But, Mr. President, I appeal to the Senator from California to make sure that the wording of this resolution is sufficient. I had thought to add at the end of the ninth line on the second page language such as this:

> Also to ascertain all the factors which enter into the creation of this serious situation in the coal industry and to recommend measures for permanent relief.

If the Senator from California assures me that the language in the third line on the second page, "and the reasons for the conditions and happenings therein," is sufficient, I am satisfied; but I want to have the language sufficiently broad and the power conferred upon the committee sufficiently ample so that there shall be no doubt that the committee can go to the root of the trouble. It must ascertain what is wrong with this dying industry, in order that there may be restoration of economic prosperity in the coal industry so that we may no longer be embarrassed as we have been and may no longer suffer in our hearts by reason of the happenings in the mining communities.

Mr. JOHNSON. Mr. President, the Senator from New York and I seek to obtain exactly the same end. I am of the opinion that the language in the resolution is sufficient for that purpose. If there be the slightest doubt about it, I would not hesitate to accept the language that is suggested by the Senator from New York and to add it thereto; and if he feels any doubt on that score I would not object to adding the words that he has suggested as an amendment.

The senior Senator from Utah [Mr. SMOOT] suggests that the Senator's language is a limitation, while mine is quite the reverse.

Mr. SMOOT. Absolutely.

Mr. JOHNSON. The fact of the matter is, I personally inserted those eight words with the idea in mind that they would permit the development of anything that had occurred in the coal fields, any reason, any contributing cause in relation to the conditions, so that in my own mind I am very clear; but I want to have the matter very clear to others, too, because I quite agree with the Senator from New York that it would be useless merely to demonstrate the distress and the privation and the want and the hunger and the like. We want to go further. We want to show the causes for the present situation of the industry, as well as the causes that contributed to the want and the privation; and we wish above all things, having developed both and shown the causes, to present some constructive suggestion that may remedy the situation.

Mr. COPELAND. I thank the Senator. We do know the symptoms; we know the effects; we know the results, but we must find the causes.

The Senator from Utah, with his long experience here, knows far better than I do, and I ask him, is it his conviction that the language on the third line will make it possible for the committee to go the very limit in ascertaining the causes of the trouble?

Mr. SMOOT. There is no question about it in my mind; and not only that, but if anything develops in the hearing in the most remote way affecting the industry, they have full power to go to the limit, under the wording of the resolution.

Mr. COPELAND. I thank the Senator. My purpose in rising to speak was to "dye in the wool" this project, to make certain that the committee has the power and to have the Senate understand thoroughly that that is what we expect of the committee, and not have somebody after a while say, "Oh, well, it was never expected that the committee would go that far." The coal industry has been very touchy. Whenever any proposal has been made to investigate it in any way, or to suggest legislation, a dozen Senators in this body have been on their feet at once to say, "You must not do that. We do not want to be interfered with."

I want to make sure what is the sentiment of the Senate. I want it thoroughly understood that this investigation is to go to the heart of the problem, that we are to know what it is that is wrong, and what it is that must be done to remedy the situation.

Mr. GLASS. Mr. President, as already indicated, I have no objection whatever to the resolution as presented by the Senator from California; but now the Senator from Pennsylvania has presented an amendment in the nature of an addition to the resolution, and to that I am utterly opposed. It reveals the purpose of the Senator from Pennsylvania to renew and pursue here a bitterly controversial question.

Is it proposed, I ask the Senator from Pennsylvania, that the Congress of the United States shall assume the railroad rate-making power which it has already committed to the Interstate Commerce Commission? If that is not the purpose of his inquiry, I should like to know what it is. Is it not the purpose to transfer the wretchedness and the misery which he has depicted to the Senate from the coal districts of Pennsylvania to those of Virginia and Tennessee and Kentucky and other States?

Mr. JOHNSON. Mr. President, is the Senator addressing me or the Senator from Pennsylvania?

Mr. GLASS. I am addressing my inquiry to the Senator from Pennsylvania.

Mr. JOHNSON. That is what I thought. Pardon me.

Mr. REED of Pennsylvania. Does the Senator prefer that I answer him as he goes along or that I wait until he finishes?

Mr. GLASS. Just as the Senator himself may prefer.

Mr. REED of Pennsylvania. I should like to say, then, if the Senator will permit me, that of course I do not propose to transfer the misery that exists in Pennsylvania to any other district. I have nothing like that in mind; nor do I propose that the Senate shall make freight rates. All I ask is that this unending disagreement, in which the eloquent Senator from Virginia so well represents one side——

Mr. GLASS. If the Senator will please not say that I am eloquent, I shall be obliged to him.

Mr. REED of Pennsylvania. And in which I so feebly represent the other, may be inquired into by some disinterested Senators who view it impartially.

We are constantly hearing criticism on this floor of the Interstate Commerce Commission and its function. The Senate

has heard it from me in the past. We heard it this morning from my friend from West Virginia [Mr. NEELY]. All I want is that this committee, after it has investigated the matters that the Senator from California has in mind, after it has investigated this acute distress, shall then, having made its report on those things, go on and study with calmness and deliberation this immense conflict which has been waged for so many years between these two districts, and give us some impartial opinion on it and the means for its remedy, because it is against all reason that one part of the United States should be in perpetual warfare against another; and the Senator and I both know that that is the fact.

Mr. GLASS. No; I do not know that that is the fact, Mr. President. On the contrary, I know that for nearly 20 years the coal fields of one section submitted without a murmur to discriminating rates, differential after differential, increasing gradually until they became almost intolerable. They submitted without a murmur upon the assumption that the Interstate Commerce Commission judicially and fairly was making these differentials in pursuance of its duty to adjust transportation rates in a scientific way with respect to their compensatory nature.

After this long period of endurance without a murmur from any Senator or Representative from that section of the country, at last, when the Interstate Commerce Commission balked at a continuance of this oppression and refused to increase its differential, we found an outcry from the section represented by the Senator from Pennsylvania that assumed the most extraordinary aspect of anything that has ever happened within my recollection as a public man; and now the Senator is projecting this very controversy here in a proposed amendment to the pending resolution which assumes that the Congress of the United States possesses the rate-making power or will possess the rate-making power in legislation to follow the investigation proposed by the Senator from California.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. GLASS. I do.

Mr. REED of Pennsylvania. Is it not axiomatic that the Congress does possess the rate-making power, and that the only reason why the Interstate Commerce Commission has that authority is that we have delegated to it that portion of our legislative power?

Mr. GLASS. Yes; I should say that Congress possesses the rate-making power, and I should think the Senator from Pennsylvania would concede that the Congress itself determined that it was impracticable for Congress to exercise the rate-making power, and hence it delegated it to the Interstate Commerce Commission; and now the Senator is proposing to transfer one item of that rate-making power from the Interstate Commerce Commission presumptively to the Senate again because he is dissatisfied with it.

Mr. REED of Pennsylvania. Mr. President, if the Senator will yield, I had no opportunity to take up with the Senator from Virginia, as I did with his associates from West Virginia and Kentucky, Mr. NEELY and Mr. SACKETT, a modification of this amendment; but we have worked out a modification that appears to be reasonably satisfactory to everybody, and I think is clearly impartial and will not interfere with the investigation of the primary subjects intended by the resolution.

The modified amendment would read:

> Said committee or such subcommittee shall also, after having made its report on the foregoing matter, investigate the existing rate structure of freight rates on bituminous coal, to determine whether there exist injustices and unfairness therein, and whether any mining districts are being unfairly and abnormally stimulated and overdeveloped or are being depressed thereby.

It seemed to them, and it does to me, that that was about as impartial a way of stating it as we could do, and that it would not in any event interfere with the immediate examination of the questions that the proponents of the resolution had in mind.

Mr. GLASS. Does not the Senator perceive that that is a proposition to transfer from the Interstate Commerce Commission to the Senate itself the determination of the very question in controversy? Otherwise his resolution is perfectly futile and meaningless.

Mr. REED of Pennsylvania. Mr. President, I do not propose that we shall assume the rate-making power.

Mr. GLASS. Is it the purpose, then, for the Senate to undertake to instruct the Interstate Commerce Commission to exercise its rate-making power as delegated by Congress in a way to meet the view of the Senator from Pennsylvania?

Mr. REED of Pennsylvania. Of course not. But here are millions of people, citizens of this country, who say that the Interstate Commerce Commission has sanctioned a rate structure that works unfairly to them. It is not a question of a particular rate, it is not a question of correcting a particular rate, but the people in Virginia say to that commission and to the world in general that they have been unfairly treated, the people in Pennsylvania say the same thing, and there are millions of people interested in this. Are we to ignore it in the Senate except in desultory talk?

Mr. GLASS. Mr. President, the Senator from Pennsylvania was engaged in conversation a while ago, and he did not hear my statement that the people of Virginia for a period of nearly 20 years submitted without a single murmur through their representatives here or in the other branch of Congress to the rate-making adjustments of the Interstate Commerce Commission, upon the assumption that those adjustments were based upon a scientific determination of railroad rates with reference to the compensatory nature of those rates.

I challenge the Senator to show that a representative from Virginia, or any one of these coal fields affected by his proposition, ever uttered one word of condemnation or remonstrance when those differentials were being fixed. It was not until the Interstate Commerce Commission in its judgment refused to raise the differentials to an extortionate rate, to a rate that meant disaster to these other coal fields, that the Senator from Pennsylvania himself assailed the commission, and held up the confirmation of a nominee who had participated in that view of the question on the Interstate Commerce Commission.

Now, I am sorry to note that the Senator is trying to transfer that controversy again to the floor of the Senate, and to commit to a Senate committee a proposition which in the circumstances it has not proper jurisdiction, and the only meaning of which is that he is proposing that the Senate or the Congress may assume jurisdiction of this rate and either by resolution or advice or by statute require the Interstate Commerce Commission to so adjust rates as to meet the situation as the Senator sees it.

Mr. REED of Pennsylvania. Does the Senator approve the first part of the resolution, which would call for an examination of the actions of the Federal court in issuing an injunction in this case?

Mr. GLASS. I am much more disposed to take the view expressed by the junior Senator from Utah, that the great State of Pennsylvania itself ought to be able to take care of the situation, but since it has gotten into the Federal court I raise no objection to the resolution as presented by the Senator from California.

Mr. REED of Pennsylvania. The great State of Pennsylvania could not do much with the actions of Federal courts. If the Senator approves the Senate finding out the facts which underlie the judicial decree in that injunction suit, how can he consistently resist our effort to find out the facts which lie behind the orders of the Interstate Commerce Commission that have spelled disaster to whole communities?

Mr. GLASS. I think they are two entirely different propositions, distinctive, without relation one to the other. The inquiry here is as to whether a Federal court has abused its proper functions in issuing injunctions in a coal-mine strike.

Mr. REED of Pennsylvania. A Federal court, sanctioned by the Constitution, is a totally different department of the Government, and the Senator would have the Senate go and investigate that—and I agree with him that it should—but he would not have them investigate the creature of Congress.

Mr. FLETCHER. Mr. President, may I ask the Senator from Pennsylvania a question?

Mr. GLASS. I yield.

Mr. FLETCHER. I want to ask him whether or not it is his claim that this question of freight rates constitutes a contributing cause to the distressing conditions which the resolution undertakes to investigate.

Mr. REED of Pennsylvania. Our people in Pennsylvania think it is the principal cause, and they think that an investigation which is not permitted to go into that question goes in with one eye blind. I can not see why the Senator from Virginia should be so anxious to prevent the Senate from having the facts if he is so sure that he is right.

Mr. GLASS. Mr. President, I am not at all anxious to prevent the Senate from having any facts upon which the Senate is authorized to act. I simply do not desire to complicate the resolution of the Senator from California with a bitterly controverted proposition, the real purpose of which, disguise it as one may, is to authorize the Interstate Commerce Commission to exercise powers which Congress itself does not possess, and which the Congress may not lawfully delegate to the Interstate Commerce Commission, to authorize the Interstate

Commerce Commission to say whether it may not use its rate-making power as a cudgel to the operators of any industry in this country, or to the owner of any commercial enterprise, to put them under the ban of the Interstate Commerce Commission, to say to them, "Unless you are willing to conduct your business thus and so, this way or that way, we will penalize you by raising your railroad rates."

I say that it is a monstrous proposition. I say that it is a usurpation of power, which is already occurring, to which the Congress should put an end, and it will not put an end to it by introducing this controversial question here at this time and in this way.

Mr. REED of Pennsylvania. The Senator wants Congress to put an end to what has been done by the commission, and yet he is not willing that we should have the facts upon which to act.

Mr. GLASS. We have an abundance of facts. As a matter of fact, the Interstate Commerce Commission has scarcely closed its doors upon an exhaustive investigation of railroad rates in this particular field. The Senator knows that. We do not lack any information upon the subject. We are perfectly aware of what has happened, and the most pregnant thing which has happened of all the happenings is the fact that the Interstate Commerce Commission has been guilty of a monstrous usurpation of power, a perversion of the rate-making scheme committed to its administration.

I hope the Senator will withdraw his amendment. If he wants to enter upon this controversy in the Senate, let him do it as a separate proposition and not fasten it as a rider upon the comparatively unobjectionable resolution offered by the Senator from California.

Mr. REED of Pennsylvania. Mr. President, within my rights to perfect the amendment, I want to modify it to read in accordance with our agreement, as follows.

The PRESIDING OFFICER. The clerk will read.

The LEGISLATIVE CLERK. The Senator from Pennsylvania proposes to insert, on page 2, after line 9, the following paragraph:

> Said committee or such subcommittee shall also, after having made its report on the foregoing matter, investigate the existing rate structure of freight rates on bituminous coal, to determine whether there exist injustices and unfairness therein, and whether any mining districts are being unfairly and abnormally stimulated and overdeveloped or are being depressed thereby.

Mr. SACKETT. Mr. President, I do not like to see this amendment put upon the resolution now pending, and for very definite reasons.

I am anxious to see this resolution carried through and a proper investigation made of the serious condition that exists in the coal fields referred to or in any other fields. But as far as this amendment goes, if it should be determined by the Senate that a very much wider margin of railroad rates between the coal fields to which it refers were warranted, or that the rates from Pittsburgh should be further reduced, that fact would not in any particular help solve the difficulty under which the people in Pennsylvania now live. The situation there is the result of a strike, of an effort of the union to control, or of operators to get rid of the union, and however much business the operators there could gain under a change of freight rates, that strike would still continue and the misery of the people remain until one or the other side was defeated. In that sense this amendment is not germane to the resolution before the Senate.

As to an investigation of the effect of the freight rates and the attitude of the Interstate Commerce Commission upon the southern coal fields or upon the Pennsylvania coal fields, I would welcome it. I know that it will show that there has been made an attempt to shift the burden of unemployment from one section of the country to another, to develop abnormally one section of the country and retard the development of another section of the country.

Under any fair resolution that can be proposed—and in terms this one as offered seems to me now to be getting into a fair form—I would assist a separate resolution by going before the Interstate Commerce Committee. But there are various questions connected with the investigation that is proposed in this amendment which I feel are of such a serious nature that it ought not to be passed in open session without having been discussed in the committee, and there never has been any open discussion of this amendment in the committee.

One of the things to which I refer is the point raised by the Senator from Virginia, that if an investigation shall be made it should be made for the purpose of affording a basis for new legislation. If such new legislation requires the change of railroad rates in order to effect justice between the districts, the Senate is committing itself to overriding the Interstate Commerce Commission. I think that is a matter which the Senate Committee on Interstate Commerce ought to consider seriously and that they ought to consider also seriously the exact and fair wording of the amendment, which is very difficult for the Senate as a whole to do in open session.

An investigation of the great questions that are raised by this amendment would be a matter of tremendous expense. The coal organizations of both fields that are here involved have been fighting this question before the Interstate Commerce Commission and have been gathering witnesses and evidence for many years past. It has been a terrific charge upon the industry in both sections. If the additional charge of a further investigation before a Senate committee can be avoided, naturally it would tend to economy in the production of coal.

I feel, therefore, that I want to say to the Senate that if the Senate committee believes that a Senate investigation can be valuable in its ultimate results I will join, as a representative of the State of Kentucky, with the Senator from Pennsylvania in perfecting a resolution which will bring about an investigation that shall be fair and equal on all sides. But I do feel that without the proposition having run the gantlet of the Senate Committee on Interstate Commerce on the question as to whether such an investigation is wise, as to whether the results to be obtained from such an investigation would be helpful and afford a basis for legislation, it is one that should cause the Senate to pause and consider.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 7201, the Alien Property Custodian bill.

Mr. SMOOT. Mr. President, I ask unanimous consent that the unfinished business be laid aside for not to exceed 30 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the unfinished business is laid aside for not to exceed 30 minutes.

Mr. SACKETT. Mr. President, I would like to say a word or two more.

Mr. SWANSON. Do I understand that the unfinished business is laid aside for 20 minutes?

Mr. JOHNSON. No; the Senator from Utah asked unanimous consent to lay it aside for not to exceed 30 minutes.

Mr. SWANSON. I have no objection to laying it aside without any specific limitation.

Mr. JOHNSON. When the 30 minutes are up, if we have not disposed of the resolution I am going to ask that the unfinished business be laid aside for a further time.

Mr. SMOOT. Mr. President, one reason why I specified 30 minutes is because last week the alien property bill was laid before the Senate and made the unfinished business. I was assured on Monday that if I would consent fo lay it aside, the resolution, which we passed last night, would be passed in one day. Here it is Thursday and the unfinished business has not been considered for a minute. With the unfinished business laid aside indefinitely the pending resolution might take the remainder of the week, and I do not feel that I would be justified in consenting to lay aside the unfinished business further. I hope we can get through with the pending resolution in 30 minutes.

Mr. JOHNSON. I hope so. I think the Senator from Pennsylvania [Mr. REED] agrees with me that we ought to conclude it in 30 minutes.

Mr. REED of Pennsylvania. I think we can finish it in 15 minutes. I should like to see it passed to-day.

The PRESIDING OFFICER. The Senator from Kentucky has the floor and will proceed.

Mr. SACKETT. Mr. President, the point I was making when the unfinished business was laid before the Senate was that the questions here involved, it seems to me, are of such moment that they ought to be considered by a regular committee of the Senate before they are acted on. The question that must be involved, if the Senate finds that the rates as between districts are unjust, has been argued in the Senate on numerous occasions. One of the last arguments that I remember was presented by the Senator from Idaho [Mr. GOODING], in which he sought to demonstrate the advisability of a change in the rule of the long-and-short-haul clause. I listened to the arguments that were made here that such change of rates be made by congressional action, which, in my opinion, was contrary to the entire theory of rate making when that prerogative was turned over to the Interstate Commerce Commission.

If it was true in that case, it is true in this case. Therefore, a great principle of the whole method of rail rate making in the country is involved in the adoption of the pending amendment to the resolution.

I speak to the Senate in agreement that if the Senate thinks it is wise, after consideration by the committee, that the Senate shall investigate and see whether legislation of this character is necessary, I as a Representative of one of the districts involved in the matter will gladly and willingly join with the Senator from Pennsylvania, because, as I said, I feel that the cause of my people is just and it will stand before any tribunal in the country. But I do object to having an amendment put on the pending resolution which has not been considered by the proper committee of the Senate when it involves the rate-making power directly by Congress, a question of such magnitude to the country.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Pennsylvania.

Mr. EDGE. Mr. President, I simply want to propound a question to the proponent of the resolution, the Senator from California [Mr. JOHNSON], as to whether he objects to the addition of the proposed amendment to his resolution?

Mr. JOHNSON. Mr. President, I am very glad the question has been propounded. When the resolution first was introduced the Senator from Pennsylvania was sympathetic with it and suggested to me that he desired an amendment, which was substantially the amendment that he has offered to-day. I, knowing little of the proposition involved, told him that I would accept the amendment. Subsequently I learned, when the matter came before the Interstate Commerce Committee, that the amendment would give rise to very great discussion and controversy and might imperil the object I had in view in presenting the resolution. Thereupon I took the matter up with the Senator from Pennsylvania and explained to him the conditions which had arisen, and he very kindly said that he would leave to my discretion what should be done with the amendment.

I have not any objection to the amendment, unless the amendment is going to jeopardize and imperil the resolution and prevent the accomplishment of the purpose that is mine in introducing the resolution. Apparently, to-day, from what has been said by the Senator from Virginia [Mr. GLASS], from what has been said by the Senator from Kentucky [Mr. SACKETT], and from what has been said by the Senator from Pennsylvania [Mr. REED], an interminable debate will arise upon this particular amendment. I do not want the resolution jeopardized or imperiled in any way. Delay ought not to occur in a matter of this sort of such great importance, and the resolution itself ought not to be imperiled by any amendment of any kind or character that is not directed to the immediate purpose of the resolution. That is my attitude.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Virginia?

Mr. EDGE. I yield.

Mr. GLASS. I have already said that if the Senator from Pennsylvania wants to introduce a separate and distinct resolution to ascertain the facts, with a view to determining whether the Interstate Commerce Commission has properly exercised its functions or to have legislation to enlarge the functions of the Interstate Commerce Commission, to vest it with the right of determining, not the adjustment of railroad rates but conditions of operation and so on, I shall not object to it; I shall be glad to vote for it. There is no concealment that I want to make of any fact involved in any investigation whatsoever.

Mr. JOHNSON. Inasmuch as the Senator from Pennsylvania is quite in accord with me in desiring the investigation, will he not accept what is suggested by the Senator from Virginia and withdraw the pending amendment which causes the controversy and the delay in the passage of the resolution?

Mr. EDGE. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I do not see why we can not get a vote on the amendment within the next 15 minutes. The moment it is voted on the resolution will pass.

Mr. JOHNSON. Then let us vote on it.

Mr. EDGE. Mr. President, I have taken the floor for a very brief statement. As I have already publicly stated, and I think also to the Senator from California [Mr. JOHNSON] in conversation, I am in entire sympathy with his resolution and will vote for it. But I am unable to understand why we should make two bites of the cherry, as it were. It seems to me the subject introduced in the amendment proposed by the Senator from Pennsylvania is decidedly germane. By his own explanation he makes it perfectly clear that much of the difficulty in the coal fields, as analyzed in the State of Pennsylvania, has arisen because of the difference in freight rates in transporting coal. I do not propose for a moment to discuss that proposition, its equity, or its fairness, but as the representative in part of one of the States in the Union not having any coal deposit, but being consumers, of course, as are the other 35 or 40 States of the Union which are noncoal-producing States, we have a decided interest in the freight rates. It naturally causes wonder as to why, in paying for a ton of coal, we pay just as much if it is hauled 150 miles as if it comes 300 miles.

It seems to me when a committee of the Senate is going into that district to investigate a rather comprehensive program such as is contained in the resolution of the Senator from California, it is only common business sense at the same time, by the same committee in the atmosphere, to get all the information that can be obtained which might directly or even indirectly apply to the prices of coal. I can see no reason in the world, especially when the Senator from Virginia [Mr. GLASS], the Senator from Kentucky [Mr. SACKETT], and other Senators all express their willingness that the investigation should be made, why we should subdivide it or why one should interfere with the other; in other words, why should 10 Members of the Senate be employed to inquire into a situation that five Members can readily investigate?

Mr. GLASS. Does the Senator from New Jersey contend that it is the business of Congress or any other branch of the Government to determine transportation rates by the varied conditions in different coal fields? If it may do that with respect to coal, may it not do it with respect to any other industry or any other commercial enterprise?

Mr. EDGE. Exactly; but the Congress of the United States has provided legislation under which the rate-making powers and all other powers are delegated to the various commissions. It seems to me absolutely within the purview of a very proper investigation for the Senate of the United States to determine those underlying facts which go to help prepare or consider legislation.

Mr. GLASS. Does Congress itself possess or has it the right to delegate to any commission the power to say what may be the operating conditions in any industry in the country?

Mr. EDGE. Perhaps not directly that; but the Congress, it seems to me, should——

Mr. GLASS. Has Congress the right——

Mr. EDGE. Will the Senator let me answer his question?

Mr. GLASS. The Senator can answer both questions in one word. Has Congress the right itself or has it the right to delegate to any commission the power to fix transportation rates——

Mr. EDGE. The rate-making power——

Mr. GLASS. To fix transportation rates with reference to the operating conditions that prevail in any industry or any commercial enterprise in the country?

Mr. EDGE. The Senator has asked me more or less a technical legal question, but I would say, from the standpoint of a layman, in a general way, that if the Congress of the United States, under the broad interpretation, as I understand it, of the decision of the Supreme Court, has the right to investigate almost any situation or condition in the country if it can be even indirectly related to the pertinency of legislation; it certainly has the right both morally and legally to ascertain, in the fields of Pennsylvania, Virginia, or any other State, the underlying condition.

Mr. GLASS. I am not talking about ascertainment; I am talking about what may be done constitutionally or legally after we have ascertained the facts. Does the Senator contend that the Congress of the United States has the power——

Mr. EDGE. To investigate; yes.

Mr. GLASS. I did not say investigate.

Mr. EDGE. That is all I am discussing.

Mr. GLASS. Why investigate if we do not contemplate legislation?

Mr. EDGE. I am assuming that that is what is contemplated.

Mr. GLASS. I am asking the Senator, after the investigation shall have been made, if ordered, has the Congress itself the constitutional right to so adjust transportation rates in the country as to affect operating conditions in any industry or any commercial enterprise?

Mr. EDGE. The Congress of the United States has the right to secure, and it is its duty to secure, all information of the kind pertinent to legislation.

Mr. GLASS. The Senator does not answer my question.

Mr. EDGE. I will answer the Senator's question, but I will answer it in my own way, and not in the way the Senator from Virginia would like me to answer it.

As to their direct power to actually fix rates; no. As to their power to secure all the information that may or may not be of help in revising powers of the Interstate Commerce Commission; yes.

Mr. GLASS. I have not attempted to deny the latter proposition.

Mr. EDGE. Then we are not very far in disagreement.

Mr. GLASS. What then is the purpose of the investigation if it is not legislation or to obtain information upon which to base legislation?

Mr. EDGE. My latter answer was entirely upon the premise of information upon which to base legislation.

Mr. GLASS. But the second answer of the Senator shows how utterly futile the proposed investigation might be.

Mr. EDGE. That could only be discovered after the investigation was completed.

Mr. SWANSON. Mr. President, I am very much surprised at the position taken by some Senators on the other side of the aisle. I am satisfied that many of them who are contemplating voting for the amendment offered by the Senator from Pennsylvania are not acquainted with the situation.

There is now pending before the Interstate Commerce Commission a case in which the railroads have asked the privilege of reducing their rates to the extent that rates have been reduced on certain other railroads for the benefit of the coal mines of Pennsylvania and contiguous sections. The reduction in the rates referred to has increased by 20 cents a ton, the differential or benefit which those mines enjoy. The railroads that serve Virginia, West Virginia, Kentucky, and Tennessee have asked the privilege of a similar reduction. That case, as I have said, is now pending before the Interstate Commerce Commission, which has refused permission to the railroads to put into effect the lower rates which are sought. That case will ultimately determine whether or not the new rates shall be allowed to go into effect. Yet the Senator from New Jersey, the Senator from Connecticut, and the distinguished and able lawyer from Pennsylvania are desirous of having Congress investigate a case that is pending in quasi judicial tribunal. I sat here for a long time and heard the roof of the Capitol almost blown off in denunciation of Congress daring to investigate any question concerning which or involved in which there was a case pending in the courts.

What is this proposition in a real common-sense way? There is pending a case as to whether certain railroads shall be permitted to put into effect the same reduction in rates that was accorded to other railroads. While that case is pending, is being heard and argued, it is proposed that the Senate shall by a committee proceed to investigate the question and have a report and recommendation submitted.

Mr. REED of Pennsylvania. Mr. President, does the Senator mean that he disapproves an investigation of those matters which are pending in judicial tribunals?

Mr. SWANSON. I might say that the Senator has almost persuaded me that we ought never to do such a thing from the continual talk he has indulged in relative to similar matters.

Mr. REED of Pennsylvania. I wonder whether I have not entirely persuaded the Senator to that effect?

Mr. SWANSON. With a case pending in the court, I do not think that the Senate ought to undertake an investigation with the view to making a report to influence the decision of that court.

Mr. REED of Pennsylvania. Is the Senator going to vote for the resolution as it stands without my amendment?

Mr. SWANSON. I am not saying what I am going to do. I shall cross that bridge when I get to it, and I wish I could persuade the Senator from Pennsylvania to do the same thing.

Mr. REED of Pennsylvania. The Senator is now facing that very bridge, and I am wondering whether he is going to cross it.

Mr. SWANSON. I do not think the Senate should take such action as is proposed by the Senator's amendment when there is a case pending before the Interstate Commerce Commission. I do not think that it should appoint a committee to make a recommendation to do what the Senator has decided should be done in that case. The Senator can not advocate that, can he?

Mr. REED of Pennsylvania. Will the Senator yield to me for a moment?

Mr. SWANSON. I yield.

Mr. REED of Pennsylvania. If the Senator is not going to vote for the resolution as presented by the Senator from California, then he is probably the only Member of the Senate who is going to vote against it. I call the Senator's attention to the fact, however, that the resolution as originally submitted empowers the committee to "ascertain whether in industrial disputes or strikes in said coal fields injunctions have been issued in violation of constitutional rights."

If it is commandment No. 1 in the Senator's decalogue that proceedings pending in court ought not to be inquired into, how can the Senator's conscience allow him to vote for that portion of the resolution?

Mr. SWANSON. If the Senator will permit me, I will answer that very quickly. The Senator admits that there is a specific case now pending, in which three railroads have asked to reduce their rates.

Mr. REED of Pennsylvania rose.

Mr. SWANSON. I will yield to the Senator later. A specific case is pending, and the Senator asks for an investigation as to the specific question involved in that case. If a specific injunction were pending——

Mr. REED of Pennsylvania. It is.

Mr. SWANSON. As to that specific case, a different proposition would be involved. I have no objection to proceeding along the line of general principles, but the Senator endeavors to invoke the functions of a committee of the Senate to help him in a case that is pending before the Interstate Commerce Commission. It does not turn on any broad principle; it merely involves the question whether the coal fields in Pennsylvania shall be developed or the coal fields elsewhere shall be developed, although the Pennsylvania coal under existing law already has a differential of more than 20 cents a ton, which is a great advantage.

What I object to is allowing this matter to be investigated, and a report made to be considered by the Interstate Commerce Commission, when a case on the very subject is pending before it. When the decision shall have been rendered if the opinion is adverse to the claims of the Senator from Pennsylvania, then I think it would be very proper to have an investigation. On the other hand, if it shall be decided adverse to the vast interests of Virginia, West Virginia, Kentucky, and Tennessee, we would ask for an investigation. Why? With a view of ascertaining whether or not the law ought to be amended, whether such authority and power ought to be given to the Interstate Commerce Commission. The commission might decide in this case that it has not the authority; that it is not the industrial master of the country; but I say, pending that decision, it is not proper and it is not right to employ the subterfuge of an investigation by the committee to influence the decision of the Interstate Commerce Commission.

Mr. REED of Pennsylvania. The Senator does not seem to have read my amendment; I do not think he has read the original resolution; and he certainly has not been listening to the debate; but otherwise he is fully equipped to condemn the proposition that I have proposed.

Mr. SWANSON. Perhaps I am suspicious of anything that the Senator from Pennsylvania may introduce in connection with coal.

Mr. REED of Pennsylvania. I quite understand that.

Mr. SWANSON. It carries with it suspicion prima facie.

Mr. REED of Pennsylvania. The Senator would be surprised to learn, then, that this amendment seems to the Senator from West Virginia and the Senator from Kentucky to be entirely satisfactory; that it does not refer to any particular dispute; that it does not in any way imply any favoritism to Pennsylvania.

Mr. SWANSON. They have given sufficient reasons why it should not be adopted. I have other objections. I think, with the combination of objections urged by other Senators and the fact that there is a case pending, the committee ought not to make a report on the facts to be ascertained in this case. I have no objection when a decision shall have been reached, and when the decree shall have been entered, to having the question investigated; in fact, I shall then favor it; but at this time I think that the proposed action should not be taken. I do not know, really, what the purpose of the Senator is. He says he is in favor of the original proposition. I am willing to vote for it and have no objection to it, but I will tell you, Mr. President, there is a very fine way of killing a proposition by adding amendments to it. I have engaged in that kind of procedure myself, and I am afraid the Senator from Pennsylvania himself is an adept at it.

Mr. REED of Pennsylvania. Just before the Senator entered the Chamber the Senator's colleague said that he saw no objection to such an investigation as this if we would provide for it in a separate resolution. Which of the Senators represents the true thought of the great State of Virginia?

Mr. SWANSON. Virginia has two Senators; it is not like the State of Pennsylvania, which is dominated by a boss and which has only one. [Laughter.] Virginia sends two Senators here and not one, and they are not dominated by a boss.

Mr. REED of Pennsylvania. Of course, there is such a thing as State rights in Virginia.

Mr. SWANSON. I repeat, we have two Senators and not one.

Mr. REED of Pennsylvania. Yes; but the State of Pennsylvania is not permitted to select more than one.

Mr. SWANSON. She does not need more than one when she has a boss, because they vote the same way.

Mr. President, in my opinion, the pending resolution should not have attached to it the amendment of the Senator from Pennsylvania. In justice to the commission and what is being done there, I think the investigation proposed by the Senator from Pennsylvania should not be made until the case pending there has been decided. When it shall have been decided, we shall know as to the industrial business of the entire United States, where coal may be mined, where it may be sold, where we shall have factories developed, and other industries in various sections. Those questions will be determined. If the commission shall say that it will be the industrial master of America, I think the law ought to be changed. The proper time to conduct such an investigation and to ascertain the facts will be when the commission has decided the case pending before it and defined what it thinks its authority is. Now is a very inopportune time.

Mr. REED of Pennsylvania. The Senator has now answered my question. He is going to vote for this resolution in spite of the fact——

Mr. SWANSON. I do not know whether I will vote for it if it shall be amended as the Senator seeks to amend it, but without his amendment I will vote for it.

Mr. REED of Pennsylvania. Even if it calls for an investigation of specific proceedings which are still under adjudication in the United States court?

Mr. SWANSON. As to whether coal shall be sold from Pittsburgh or sold from Virginia is more or less a local matter, but if the Senator's amendment were adopted it would be an effort to secure evidence and facts to help him in a case that is pending before the Interstate Commerce Commission, and the power of the Senate ought not to be used for that purpose.

Mr. JOHNSON. Mr. President, if the Senators will yield to me for just a moment, I wonder if they would do me the kindness to permit a vote on the pending amendment before the half hour to which the Senator from Utah referred shall have expired?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania.

Mr. REED of Pennsylvania. On that I ask for the yeas and nays.

Mr. NEELY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry. Is this a call for a quorum or a yea-and-nay vote?

The PRESIDING OFFICER. The roll is being called to ascertain the presence of a quorum, at the request of the Senator from West Virginia [Mr. NEELY].

Mr. NEELY. Mr. President, I withdraw my suggestion of the absence of a quorum.

The PRESIDING OFFICER. The point of order of the lack of a quorum has been withdrawn. The question is on the amendment of the Senator from Pennsylvania [Mr. REED], on which the yeas and nays are demanded.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. ASHURST responded in the negative when his name was called.

Mr. BLAINE. Mr. President, I ask that the amendment may be stated.

Mr. SMOOT. The roll call has proceeded and the Senator from Arizona has answered to his name. Nothing can now be done but to continue the roll call.

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that the amendment may be stated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will state the amendment.

The LEGISLATIVE CLERK. On page 2, after line 9, it is proposed to insert:

Said committee or such subcommittee shall also, after having made its report on the foregoing matter, investigate the existing rate structure of freight rates on bituminous coal to determine whether there exist injustices and unfairness therein, and whether any mining districts are being unfairly and abnormally stimulated and overdeveloped or are being depressed thereby.

The VICE PRESIDENT. The clerk will resume calling the roll.

The roll call was continued.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. I transfer that pair to the Senator from Massachusetts [Mr. WALSH] and vote "nay."

Mr. TYSON (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. GOFF]. I transfer my pair with him to the senior Senator from Louisiana [Mr. RANSDELL], and will vote. I vote "nay."

The roll call was concluded.

Mr. BROUSSARD. My colleague [Mr. RANSDELL] is unavoidably absent. If present, he would vote "nay."

Mr. BROOKHART (after having voted in the negative). I have a pair with the Senator from South Carolina [Mr. SMITH]. I am informed that he would vote the same way that I have voted, and therefore I will allow my vote to stand.

Mr. ASHURST. I desire to announce that the junior Senator from Washington [Mr. DILL] and the junior Senator from Massachusetts [Mr. WALSH] are absent on important business; and that if present, they would severally vote "nay."

Mr. REED of Pennsylvania (after having voted in the affirmative). Has the Senator from Delaware [Mr. BAYARD] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. REED of Pennsylvania. I will transfer my pair with him to the Senator from Vermont [Mr. GREENE] and let my vote stand.

Mr. BLAINE. My colleague [Mr. LA FOLLETTE] is necessarily absent. If present, he would vote "nay" on this question.

The result was announced—yeas 15, nays 60, as follows:

YEAS—15

Bingham	Gillett	McLean	Reed, Pa.
Couzens	Gooding	Moses	Smoot
Curtis	Hale	Oddie	Willis
Edge	Keyes	Phipps	

NAYS—60

Ashurst	Fess	King	Schall
Barkley	Fletcher	McKellar	Sheppard
Black	Frazier	McMaster	Shipstead
Blaine	George	McNary	Simmons
Borah	Gerry	Mayfield	Steck
Bratton	Glass	Metcalf	Steiwer
Brookhart	Harris	Neely	Stephens
Broussard	Harrison	Norbeck	Swanson
Bruce	Hawes	Norris	Trammell
Capper	Hayden	Nye	Tydings
Copeland	Heflin	Pittman	Tyson
Cutting	Howell	Reed, Mo.	Wagner
Dale	Johnson	Robinson, Ark.	Walsh, Mont.
Deneen	Jones	Robinson, Ind.	Warren
Ferris	Kendrick	Sackett	Wheeler

NOT VOTING—19

Bayard	Edwards	Overman	Thomas
Blease	Goff	Pine	Walsh, Mass.
Caraway	Gould	Ransdell	Waterman
Dill	Greene	Shortridge	Watson
du Pont	La Follette	Smith	

So the amendment of Mr. REED of Pennsylvania was rejected.

The VICE PRESIDENT. In accordance with the unanimous-consent agreement, the Chair lays before the Senate the unfinished business.

Mr. SMOOT. Mr. President, I am informed that there are no further speeches to be made upon the resolution. If that be the case, I ask unanimous consent that the unfinished business be temporarily laid aside for the purpose of having a vote upon the resolution.

The VICE PRESIDENT. Is there objection to the proposed unanimous-consent agreement that the unfinished business be temporarily laid aside, and that a vote be had upon the resolution?

Mr. TYDINGS. Mr. President, reserving the right to object, I wish the Senator from Utah would make his request so that we can hear him. For about ten times I have never been able to understand what he has asked. If he will speak a little louder, I shall appreciate it.

Mr. SMOOT. I can not talk against half a dozen Senators. My request was that the unfinished business be temporarily laid aside in order to take a vote upon the pending resolution.

The VICE PRESIDENT. Without objection, it is so ordered. The question is on agreeing to the resolution as amended. The resolution, as amended was agreed to, as follows:

Resolved, That the Senate Committee on Interstate Commerce or a subcommittee thereof be, and it is hereby, authorized and directed immediately to make a thorough and complete investigation of the conditions existing in the coal fields of central Pennsylvania, western Pennsylvania, West Virginia, and Ohio; also to ascertain whether the railroad companies and their officials have been or are, by agreement or otherwise, endeavoring to depress the labor cost of coal produced by union mine labor; also whether in the said coal fields wage contracts have been abrogated or repudiated, whether defenseless men, women, and children, without cause, have been evicted from their homes, and generally what has transpired in the said coal fields, and the reasons for conditions and happenings therein; and in this connection the said committee or a subcommittee thereof shall ascertain whether in industrial disputes or strikes in said coal fields injunctions have been issued in violation of constitutional rights, and whether by injunction or otherwise the rights granted by the Constitution of the United States have been abrogated and denied.

The expenses of said committee or a subcommittee thereof hereunder, which shall not exceed $10,000, shall be paid out of the contingent

fund of the Senate. Upon the conclusion of its investigation the committee or a subcommittee thereof shall forthwith report to the Senate.

Said committee or a subcommittee thereof is hereby empowered to sit and act at such time or times and at such place or places as it may deem necessary; and to require by subpœna or otherwise the attendance of witnesses, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in pursuance of the purposes hereof; and to require the production of books, papers, and documents, and to do such other acts as may be necessary in the matter of said investigation.

The chairman of the committee, or of a subcommittee thereof, or any member thereof, may administer oaths to witnesses. Every person who, having been summoned as a witness, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation hereby authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

RECENT DECISIONS OF THE INTERSTATE COMMERCE COMMISSION

Mr. REED of Missouri. Mr. President, I had intended to discuss a matter before the Senate this afternoon relating to the Interstate Commerce Commission, but the day is wearing on, and the bill which is the unfinished business is important, and I want it to have attention and the right of way. So I desire to give notice that on to-morrow, as soon as the routine morning business shall be disposed of, I will ask the attention of the Senate while I submit some remarks.

ALIEN PROPERTY AND OTHER CLAIMS

The VICE PRESIDENT. Under the unanimous-consent agreement, the Chair lays before the Senate House bill 7201, the Alien Property Custodian bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7201) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds, which had been reported from the Committee on Finance with amendments.

Mr. SMOOT. Mr. President, I assure Senators that I am going to speak only a few moments in explanation of the pending bill, known as the Alien Property Custodian bill. As I stated in reporting the bill, the report was made in such a way that every item in the bill and every amendment thereto was explained in the report. Therefore, what I have to say to-day will be just a short, further explanation of the object and purpose of the bill.

SETTLEMENT OF WAR CLAIMS BILL

Mr. President, I am very glad of the opportunity to proceed at the present time for prompt action by the Senate upon the settlement of the war claims bill. The legislation is of the utmost importance. There was almost unanimous agreement in the Finance Committee upon the provisions of the bill. In fact, I believe I am justified in stating that there was unanimous accord upon the general principles, and that the divergent views of one or two Senators were directed toward only a few provisions of the bill.

NECESSITY FOR THE LEGISLATION

A practical method must be found, without delay, for the payment of the claims of American nationals against Germany, amounting to more than $191,700,000, including interest to January 1, 1928 (excluding the claims of the United States on its own behalf, amounting to more than $62,200,000, including interest); for the payment by the United States of the amounts which it justly owes, and I may say has owed for several years, for private property which it took during the war, consisting of ships and patents and radio station; and for the return of property which was seized by the Alien Property Custodian during the war, and which is still held by him.

The existing situation demands immediate action. American claimants must be paid as soon as possible and as much as possible, for if nothing is done now they will not be paid within their lifetime. The owners of the property taken by the United States must be paid, for their debts are already long overdue. As much of the property in the hands of the Alien Property Custodian as is possible should be returned at once.

A practical solution of the problems necessitates a certain departure from principles, a departure which under other circumstances might not be easy of justification. For example, as I have stated before, I, for one, would have been glad if all the alien property could have been returned years ago. We have probably retained it now for a longer period than American principles would permit, if that were the only problem involved. But we are not confronted with the sole question of the disposition of alien property. We must also recognize the necessity of adequately protecting the citizens of the United States who suffered losses by the acts of Germany during the World War. We have worked long and hard in an effort to determine upon practical methods which will be fair, equitable, and sound.

The committee report discusses in detail every provision of importance in the bill. This report has been available for several days. Accordingly it will not be necessary for me at this time to enter into a lengthy and technical discussion of the bill and its provisions. I trust that Senators interested in the bill will study the report carefully, for I believe they will find in it an answer to their questions. I will do no more at the present time than refer briefly to the bill and then explain the reasons which prompted the committee to reject many of the proposals made to it.

WHAT THE BILL WILL DO

The bill as reported by the Finance Committee will, briefly, accomplish the following:

First. All death and personal injury awards to American nationals (393 in number and aggregating more than $4,000,000) will be paid in full; all awards to American nationals not in excess of $100,000 will be paid in full (3,046 in number to date and aggregating more than $29,400,000).

Mr. OVERMAN. Mr. President, I am interested in the claims of the estates of some of those who went down on the *Lusitania*.

Mr. SMOOT. They are all taken care of.

Mr. OVERMAN. Will any interest be paid?

Mr. SMOOT. Interest will be paid on all the claims of Americans in accordance with the awards made by the Mixed Claims Commission.

Mr. ROBINSON of Arkansas. Can the Senator state from memory the number of claims of that class that will not be fully paid?

Mr. SMOOT. Does the Senator mean over the $100,000?

Mr. ROBINSON of Arkansas. Yes.

Mr. SMOOT. One hundred and seventy-eight claims. That is, there are 162 claims that have already been adjusted and there are 16 claims that have not been adjusted by the Mixed Claims Commission, which no doubt will be, and when those 16 have been adjusted then there will be 178 of them.

Mr. ROBINSON of Arkansas. One hundred and seventy-eight in all?

Mr. SMOOT. One hundred and seventy-eight in all. Every claim will be paid with the exception of 178, and as to those 178 I will tell the Senator just exactly what they will amount to outside of the 16 that have not yet been adjusted.

The sum of $100,000 will be paid upon all the larger awards (162 in number, with about 16 still to be entered, and aggregating more than $158,000,000). These payments (amounting to more than $51,000,000) will be made as soon as the necessary administrative machinery can be set up. Practically all of them should be paid by September 1 of this year. The balance of the larger awards will be paid in future installments and an amount equal to 80 per cent of all the private awards (amounting to more than $153,400,000) will be paid, with interest, within six years.

Second. The claims against the United States will be adjudicated with an opportunity afforded the claimants and the United States to be heard and to present evidence. It should be possible to enter awards in most of the cases within two years. As soon as the awards are entered the claimants will receive 50 per cent of their award and the balance will be payable in future installments.

Mr. HOWELL. Is the Senator referring to ships?

Mr. SMOOT. Ships, and patents, and a radio station.

Mr. HOWELL. The ships have already been appraised at $34,000,000?

Mr. SMOOT. That was right after we entered the war. I will reach that question.

Mr. SWANSON. Mr. President, let me ask the Senator this question: As the Senator has said, the ships were appraised and their value ascertained at the time they were taken?

Mr. SMOOT. Yes.

Mr. SWANSON. I think that was done by a naval board, when I was chairman of the Committee on Naval Affairs of the Senate, and they tried to fix a fair estimate. This bill provides for future appraisement of those ships?

Mr. SMOOT. Not to exceed $100,000,000.

Mr. SWANSON. Then this board will be authorized to increase this $34,000,000 to $100,000,000 if they see proper?

Mr. SMOOT. Interest upon the $35,000,000 would bring it up to about $50,000,000.

Mr. SWANSON. At what rate of interest?

Mr. SMOOT. At 5 per cent.

Mr. SWANSON. Does the Senator know of any facts, any evidence, which would make these ships more valuable than they were at that time, when ships were in great demand?

Mr. SMOOT. Yes; I will say that we had one of the parties who appraised the ships before the Finance Committee——

Mr. SWANSON. At what price has the Government been selling these ships?

Mr. SMOOT. Some of them have brought more than they were appraised for.

Mr. SWANSON. How many for less than they were appraised for?

Mr. SMOOT. I do not remember of any one being sold for less.

Mr. SWANSON. What have been the aggregate sales of these ships? What are the figures of their appraisement?

Mr. SMOOT. The Senator will find that in the report. I do not have the figures here now.

Mr. SWANSON. Did the committee discuss the question as to whether these ships really ought to be paid for under international law? Was that looked into?

Mr. SMOOT. There is no question about that.

Mr. SWANSON. The Senator has a way of saying "There is no question about that."

Mr. SMOOT. If the Senator will wait, I will tell him why. There is no question that they should be paid for, under the attitude the Government of the United States has taken in relation to the returning of German property.

Mr. SWANSON. As I understand, the law with respect to ships is this: Of course, when a ship is in your harbor, under international law you have no right to capture it until you give it ample time to get out and escape any cruiser you might send out after it. As to these ships, it would have been a mere subterfuge to order them out of the harbors when the British fleet was lying in wait ready to capture them, and if they had gotten to Germany, Germany surrendered to the Allies all the ships they had above a certain tonnage.

I am willing to waive all question of international law and pay a fair and reasonable price for those ships, but I am not willing to pay any extravagant prices for the ships when I think it is almost a question of generosity on our part to settle for them at all.

Mr. SMOOT. The whole matter of returning a great deal of the property has been a matter of generosity on the part of the United States. All we are asking for now is $255,000,000 to pay the costs of the army of occupation in Germany after the war and to pay the awards of the Mixed Claims Commission.

Mr. SWANSON. No; we get a certain percentage out of the reparations to pay these debts.

Mr. SMOOT. Up to the present time we have received about $17,000,000 as payment of Army costs and, of course, that has been credited to the $255,000,000 for our army of occupation, and we have also received in addition $16,500,000 for the payment of awards of the Mixed Claims Commission.

Mr. SWANSON. I would like to ask the Senator another question. I have not had time to read the bill, but under it will the taxpayers of America be required to pay the obligations Germany owes us on account of injustices done our nationals? Will the taxpayers of America be called upon to pay?

Mr. SMOOT. There may be a loss to the taxpayers of America if we do not collect from Germany enough in the way of reparations to pay the expenses of the army of occupation, and whatever claims we have against Germany outside of that.

Mr. HOWELL. Mr. President, is it not a fact that the maximum amount applicable to the payment of awards is $10,700,000?

Mr. SMOOT. I just said that the amount would be $10,700,000.

Mr. HOWELL. Is it not also a fact that if that $10,700,000 is paid in the ordinary way to pay these claims, it will take 80 years to pay the claims?

Mr. SMOOT. I think it would take approximately 61 years.

Mr. HOWELL. Under this bill the plan provides for paying these claims all within 39 years?

Mr. SMOOT. Twenty-six years, as I remember, exclusive of Government claims.

Mr. HOWELL. The Government claims will not be paid for 39 years?

Mr. SMOOT. That is correct.

Mr. HOWELL. Fifty-three years; very well. It must be evident that if the Secretary of the Treasury states that $10,700,000 would not pay all these claims in 80 years, that if there is any plan whereby 61 per cent of American claims are paid within the next 2 or 3 years, and the balance of claims be paid within 26 years, and the total paid, as the Senator says, within 53 years, somebody is going to contribute.

Mr. SMOOT. Mr. President, this was not an individual war, it was not a corporation war; this was an American war, and if anybody is to lose any money, it is the American people. What I mean to say is that rather than an individual American, everybody was interested in it. As was so well said before the committee, the Government claims, under the plan we have, are put last. It will fall upon the taxpayers of the country, as far as that is concerned, pro rata if there is any loss.

Mr. SWANSON. I do not understand the Senator to advocate, do I, that the sinking of the *Lusitania*, killing American citizens——

Mr. SMOOT. That is all provided for.

Mr. SWANSON. Let me finish. You have provided for that?

Mr. SMOOT. Yes.

Mr. SWANSON. Is the American taxpayer ultimately to pay those claims?

Mr. SMOOT. No. We have the money now to pay all those claims.

Mr. SWANSON. Is the American taxpayer finally to pay, in taxes collected in the future, for what is paid out now? That is what I want to know.

Mr. SMOOT. We do pay, and properly so, for the ships we took, for the patents we took, and for the one radio station. Nothing else will be paid by the Treasury or borne by the taxpayers.

Mr. SWANSON. I am perfectly willing for the nationals of Germany to have the money due and the nationals of America who have claims against Germany to get together and fix up a fair settlement of these various claims. I am willing that a long time may be given. I am willing for America to advance a little money, and delay payment, and be generous about it, provided ultimately the American taxpayer shall not be taxed to pay for the derelictions of the German Government.

Mr. SMOOT. As far as the ships and the radio station and the patents are concerned, those are to be paid by the Government. All the property that was seized of Germany and all of the losses of American individuals of every name and nature are to be paid under the provisions of the bill in effect out of moneys received from Germany. We retain 20 per cent of all the property in the hands of the Alien Property Custodian and pay only 50 per cent of the payments for ships and patents and the radio station, and the remainder of the payments are to be made through the reparations.

I would like to have the Senator from Virginia follow the statement I make. I am not through yet.

Mr. SWANSON. As I said, I am willing to deal generously with these people. I think America ought to deal generously under these circumstances. If I am assured by the Senator, after an investigation by the members of the Finance Committee, that ultimately, if we collect the reparations from Germany, American taxpayers might be delayed, that some money might be advanced, but I am not willing that ultimately the taxpayers of America shall be taxed to pay debts which the German Government itself ought to pay.

Mr. SMOOT. If the reparations are paid by Germany, American taxpayers will not be called upon to pay those debts.

Mr. SWANSON. Then it will be left to us whether we will enforce and collect those reparations. Have I an absolute assurance from the Senator that he is satisfied that if Germany pays her reparations the American taxpayer will not be compelled to discharge the obligations of the Government of Germany to its nationals?

Mr. SMOOT. I will assure the Senator that will be the case if the reparations are paid.

Mr. HOWELL. Mr. President, will the Senator yield at that point?

Mr. SMOOT. Mr. President, I think I have my speech prepared in consecutive order, so that any Senator who will follow it will know exactly what the divisions are and how the payments will be made. I would like to get through with it, and then any question that may be asked I shall be glad to answer if I can.

Mr. HOWELL. I simply want to add one thing in this connection, and that is that the United States Treasury will be the victim in connection with the payment of all these awards within the time specified, whether the 2¼ per cent Dawes annuities come to the United States or not, and that is all that is provided for in the payment of these awards.

Mr. SMOOT. If the payments continue as up to this time they will be paid in due time.

Third. Eighty per cent of the German property held by the Alien Property Custodian will be returned immediately, and the balance will be returned in future installments.

Fourth. All the property held by the Alien Property Custodian belonging to Austrian or Hungarian nationals will be

returned in full as soon as their governments provide for the payment of their claims of American nationals against them; and the claims of their nationals against the United States will be adjudicated and paid in full.

NO BURDEN ON THE TREASURY

The above results are accomplished without drawing one cent from the Treasury of the United States, except for the payment of the debts which we justly owe. As a matter of fact, this amount is already well represented by assets held by the United States. We still have many of the ships; we have the proceeds derived from the sale of some of them; we have insurance moneys received in the case of some of the vessels which were lost or damaged; and we have the operating profits received by the United States during the war period. It might well be said then that we are providing merely for the distribution of assets now on hand, rather than providing for a new appropriation.

The payments to the United States on account of its army of occupation costs are not affected by the bill, but will continue to be received. Under the Paris agreement the United States is entitled to receive as reimbursement for its Army costs, as a prior charge, the sum of 55,000,000 gold marks per year, or approximately $13,100,000. For the information of the Senate, I might state that the total received from Germany up to January 31 of this year, as reimbursement of the cost of its army of occupation, was $16,889,975.74.

FINANCE COMMITTEE AMENDMENTS

The Finance Committee amendments are explained in detail in the committee report. It is not necessary, therefore, to discuss them at this time. However, a brief reference to the more important amendments may be justified.

(1) LATE CLAIMS

Many American nationals did not present their claims against Germany or German nationals to the Mixed Claims Commission within the six-month period specified in the exchange of notes at the time of signing the agreement. There are, roughly, about 5,000 claims which were filed too late, and I know of many others that have not yet been filed. Many of these, of course, involve postwar transactions and are not within the jurisdiction of the commission. Although there are a few fairly large claims, by far the great majority of them are small claims of individuals.

An amendment recommended by the committee requests the President to enter into negotiations with the German Government with a view to extending the time, so that claims may be filed before July 1, 1928. This provision, of course, relates only to those claims which would otherwise have been within the jurisdiction of the commission had they been presented within the period specified. The committee was unanimous in its belief that the six-month period was too short. I sincerely hope the amendment will be adopted and that the agreement will be entered into.

(2) THE AUSTRIAN AND HUNGARIAN SITUATION

The bill as it passed the House dealt only with claims of American nationals against Germany, of German nationals against the United States, and the return of the property of German nationals held by the Alien Property Custodian. The work of the Tripartite Claims Commission, which has been engaged in the adjudication of claims of American nationals against Austria and Hungary, has now progressed to the point where we can now safely and adequately deal with the Austrian and Hungarian situation, and the committee has done so. Briefly, the amendments provide that the property held by the Alien Property Custodian, of Austrian and Hungarian nationals, will be returned in full immediately upon the deposit by these governments of amounts sufficient to pay the awards to American nationals against them, and that the claims of their nationals against the United States may be adjudicated and paid.

Mr. SIMMONS. Will the Senator yield to me for the purpose of making the point of no quorum? I desire to do that because, unfortunately, I was not able to attend the hearings before the Finance Committee on the alien property bill. The Committee on Commerce, which had in charge and which was investigating the question of flood control, met at 10 o'clock each day and the Committee on Finance met at 10 o'clock, and I, being deeply interested in the matter of flood control, elected to attend those hearings instead of the committee investigating the Alien Property Custodian fund. I notice that with the exception of one other member of the committee, the able junior Senator from Utah [Mr. KING], there is no member of the committee on the floor at this time. I would like to have a quorum for that reason.

Mr. SMOOT. All of them were here when I started, I will say to the Senator. I suppose their absence comes about from the fact that the report, which was made upon the bill, was made very carefully and went into the details of the bill very thoroughly. I am quite sure that every member of the committee knows just exactly what is in the report. If any Senator will take the report and the bill and study them just briefly, he can see everything in detail as to the amendments involved. It will not take me long to get through now.

Mr. SIMMONS. I understand that the agreement of the committee with respect to the matter was practically unanimous.

Mr. SMOOT. Yes.

Mr. SIMMONS. That is to say, the junior Senator from Utah [Mr. KING], I am advised, would not favor it, but with that exception the report was unanimous. There is some difference, however, between agreement to support a proposition and the report upon the action of the committee. I thought the other members of the committee might want to hear the report, which I understand has not been published and has probably not been submitted to the committee and has not been approved by the committee.

Mr. SMOOT. Does the Senator mean the report?

Mr. SIMMONS. Yes.

Mr. SMOOT. Oh, yes; it has been submitted to the committee.

Mr. KING. It has been published, but not formally submitted.

Mr. SIMMONS. Has the report which the Senator is now making been submitted to the committee?

Mr. SMOOT. This is a statement I am making now. This is not the report.

Mr. SIMMONS. I thought the Senator was reading the report.

Mr. SMOOT. No; this is my speech upon the report.

Mr. SIMMONS. Has the report been published?

Mr. SMOOT. Oh, yes.

Mr. SIMMONS. I have not had an opportunity to examine it.

Mr. SMOOT. I hope the Senator will not make the point of no quorum.

Mr. SIMMONS. If the Senator objects, I shall not do so.

Mr. SMOOT. I thank the Senator.

(3) CLAIMS OF THE GERMAN GOVERNMENT

Although the House bill provided that no award on account of ships would be paid to the German Government or to any member of the former ruling family, and that no property held by the Alien Property Custodian should be returned to the German Government or the members of the former ruling family, the committee felt that the burden should be upon the shipowners to establish the interest of the German Government or the members of the former ruling family in the ships. An amendment to this effect was adopted. Amendments were also adopted prescribing a definition for the phrase "members of the former ruling family." This definition will be applicable in the case of claims against the United States and also in the return of property held by the Alien Property Custodian.

(4) SHIP CLAIMS OF DANISH CITIZENS

Two of the ships which were seized by the United States belonged to a German association or corporation which, under the plebiscite held under the treaty of Versailles, became a Danish association or corporation. In view of this fact, it seemed to the committee that different treatment should be accorded them, and their claims are handled in a separate section—section 19 of the bill. It seemed to the committee, however, that special treatment was justified only upon the ground that all the interests in the association or corporation were non-German. Accordingly it was provided that those members or stockholders who were German nationals—and it will be noted that this does not mean that all the members or stockholders were German nationals—must have become citizens or subjects of a country other than Germany and that they did not thereafter, and prior to the date on which the bill becomes law, revert to their German citizenship.

(5) INTEREST ON SHIP AWARDS

A committee amendment changes the interest date on the awards of the arbiter (on account of ships, patents, and the radio station) so that his awards will include interest down to January 1, 1929, instead of January 1, 1928, as in the House bill. The effect of this provision is to include the additional year's interest in the $100,000,000 limitation upon the aggregate awards of the arbiter under the bill. It is not believed that any awards will be entered before January 1, 1929.

(6) EXCESSIVE ATTORNEYS' FEES

The provisions designated to prevent the exaction of excessive attorneys' fees are strengthened by committee amendments to prohibit the acceptance of any fee until the amount has been fixed by the appropriate official, and to provide specifically for disbarment from practice before any executive department or agency.

(7) ALIEN PROPERTY TO BE AVAILABLE IMMEDIATELY

In order to provide immediate funds, a committee amendment permits the Secretary of the Treasury to call upon the Alien Property Custodian for an amount not in excess of $40,000,000, to be used in the payment of American claims in accordance with the provisions of the bill. This amount is the estimated 20 per cent, under the House bill, which would eventually have been transferred to the special deposit account. Under the House bill, however, it would have been necessary to wait until the Alien Property Custodian had decided upon the return of the property and had received the written consent of the owner to the retention of the 20 per cent. The Senate amendment, of course, provides for the necessary adjustments if this amount should prove either too small or too large. This provision will greatly facilitate and expedite the payment of American claims.

(8) RETURN OF ALIEN PROPERTY IN CASE OF DEATH OF OWNER

The provisions of the present law and of the House bill relating to the return of alien property in cases where the owner has died or, in the case of a corporation, where it has been dissolved, are amended by the committee and somewhat simplified. In the case of death of the owner, the amount of property to be returned is governed by the status of the decedent. In the case of the dissolution of a corporation, the stockholders' interests will be established, the interest of each stockholder placed in a trust in his name, and will be subject to return to him.

(9) SAVING CLAUSE FOR PENDING SUITS

There are several suits pending brought by the United States or the Alien Property Custodian. In order to remove any possible construction that the provisions of the bill affect these pending suits, a saving clause has been added to section 29.

(10) FEDERAL TAXATION

The provisions relating to taxation are fully discussed in the committee report, and it is not necessary for me to go into them at this time, beyond saying the committee tried to work out provisions which were fair to the owner as well as to the United States.

I might refer to one amendment which we did not have an opportunity to work out in the committee but which I expect to offer to the bill. For purposes of administrative simplicity, to reduce very considerably the work in the Alien Property Custodian's office, and to prevent unnecessary expense I expect to offer an amendment under which all trusts of less than $2,000 held by the Alien Property Custodian will be returned in full—that is, they will not be subject to the retention of 20 per cent.

PROPOSED AMENDMENTS NOT ADOPTED BY FINANCE COMMITTEE

The more important amendments suggested during the hearings of the committee which were not adopted by the committee are discussed in the committee report, and the reasons for the action thereon by the committee are stated. There are, however, several other amendments which were proposed but which were not adopted, and it might be well for me to refer to them briefly.

It was suggested that we should pay for the use of certain ships during the war title to which was not taken over by the United States. This suggestion relates to four German ships which were taken by the Cuban Government and which were turned over by the Cuban Government to the United States for its use. At the end of the war these ships were returned to Cuba. Your committee could see no justification for paying the German owners.

It was suggested that a specific provision be inserted to the effect that no award should be made for any ship if it was part of the naval auxiliary fleet of Germany. This proposal was rejected because the provisions of the bill are adequate. Compensation will be paid only for "merchant" ships under the terms of the bill. Furthermore, as to the possibility of a merchant ship being a part of the German naval auxiliary fleet, I understand that, although some of the privately owned vessels were subject to the issuance of German Government orders placing them in the naval auxiliary, no such order was issued as to any of the ships interned in the United States. In any event, however, if it should develop that any of the merchant vessels were actually a part of the naval auxiliary fleet the provisions of the bill are adequate, for they would no longer be "merchant" ships.

It was proposed that provision should be made for the Tuckerton radio station. The facts relating to this station are extremely complicated and in all probability all the facts are not yet known. The proposal was rejected because the bill does not in any way affect transactions between the Alien Property Custodian and private parties. The reason for including in the bill the radio station at Sayville, L. I., is that that station was sold to the United States, and the United States should pay fair compensation for it. As to sales to private parties, however, the field is entirely too broad and unrestricted to permit of any thought of legislation, certainly not without extensive hearings which would require months to conduct. It would seem that whatever rights German nationals may have on account of their interest in the Tuckerton station is a matter to be settled between the parties.

It has been suggested that the time within which German patent owners could bring suit for a reasonable royalty under section 10 of the trading with the enemy act should be extended. It was under this section that the Federal Trade Commission issued licenses during the war for the use of German patents. Royalties were prescribed and the American licensees paid the royalties into the Treasury. Under this section the owner of the patent was entitled to bring suit within one year after the termination of the war—that is, before July 2, 1922—for the judicial determination of a reasonable royalty. There are, roughly, about 200 suits pending in court under this section, covering periods from the date of the license by the Federal Trade Commission to the date of seizure by the Alien Property Custodian of the patent; from the date of seizure by the Alien Property Custodian to the date of sale by the Alien Property Custodian; and after the date of sale by the Alien Property Custodian. In those cases where suits were not brought, section 10 provided that the royalties should be returned to the licensee and that the licensee should not be liable for further payment. It is quite impossible by legislation at this time to deal with all of the innumerable cases and the complex situations.

It was also suggested that the bill should provide for payment for use by the United States during the war period of royalties to which an American national was entitled under a contract with the German owner of the patent. It is believed that whatever rights the American nationals have should be handled in a separate bill to authorize him to sue in the Court of Claims in the same manner as though he were the owner of the patent. Furthermore, there are several other similar situations, and all of these should be dealt with at the same time. No one appeared at the hearings and, consequently, the committee did not have an opportunity to ascertain all the facts involved in the cases.

A proposal was made that the jurisdiction of the Mixed Claims Commission and the liability of Germany should be extended, and that the commission should be given power to enter awards, for example, for debts incurred after the termination of the war. It would seem hardly necessary to answer this proposal, for the liability of Germany is fixed by treaty and the jurisdiction of the Mixed Claims Commission is fixed by agreement. The United States acting alone has no power to change either the treaty or the agreement.

CONCLUSION

I know of no reason why the consideration of this bill by the Senate should require an undue amount of time. I hope that its early enactment will be forthcoming. As I stated above, except upon a very few provisions, there is practically unanimous agreement upon the bill by the members of the Finance Committee. All the private parties affected by the bill are agreed upon it. I hope that the Senate will proceed promptly with its consideration.

PROPOSED ENLARGEMENT OF THE NAVY

Mr. KING. Mr. President, we have before us an important measure involving the disposition of the property of Germans, Austrians, and Hungarians in the possession of the Alien Property Custodian and the adjustment of the claims of the United States and its nationals against Germany and its nationals and the Governments of Austria and Hungary and their nationals. The property to be returned aggregates in value several hundred million dollars, and the sum to be paid by the United States in the settlement will amount to tens of millions of dollars. But with a measure so important before us there appears to be but little interest in the Chamber. On the other side of the Chamber only four Senators appear. On the minority side the showing is slightly improved. Owing to the apparent unconcern in the bill I shall address myself to another matter no less important but which will doubtless excite no greater interest than the subject before us.

Mr. President, during the past few days I have received, and doubtless other Senators have received, telegrams and letters from various parts of the United States urging support of what is denominated "the President's naval program," whatever that may be. The American people have been flagellated by militarists and navalists, and some have been whipped into a frenzy, until they seem to believe that the United States is on the eve of a mighty conflict that threatens its very existence. In my opinion, the premises of the militarists and navalists are wrong. Many of them occupy similar positions to those held

by the German militarists prior to the World War, and many of the arguments employed by the leaders of the former German Empire to support their military policies and demands for "preparedness" are urged in our own country to compel Congress to expend hundreds of millions annually in preparations for war.

In making this statement I am not opposing reasonable appropriations for the maintenance of our Army and Navy. I have upon various occasions advocated a naval plan that would give to the United States an adequate, modern, and up-to-date Navy.

I have opposed archaic plans of the Naval Board and condemned some of their reactionary policies. When the naval authorities insisted upon expending one and a half billion dollars to carry out the 1916 naval program I opposed it. The Naval Board fought for this plan and its execution in the face of the experiences and lessons of the war. To them the battleship was not only the foundation but the structure of the Navy. The submarine and airplane and the naval craft and naval weapons which the Great War demonstrated were essential to a modern navy, was accorded but insignificant place in the categories prepared by them of needed naval vessels.

As a member of the Senate Naval Committee I opposed the 1916 program, and insisted that any naval program that did not provide light cruisers, submarines, and airplanes was incomplete and inadequate. At the same time I urged that the United States should join with other nations in reducing armaments and setting up instrumentalities for the settlement of international disputes. It is my view that the United States has fallen short in its efforts to promote world peace and to bring about world disarmament. In the present situation our country, of course, must maintain an adequate Navy—one that is modern and properly balanced with reference to the types and categories of naval craft. For such a Navy I shall give my hearty support. To a military policy—a policy that ignores the high responsibilities resting upon this Nation of leading the world into the path of peace, of developing an international spirit of comity and, indeed, affection—I shall not give my support.

As I view the situation, the thoughts of mankind should be diverted from the channels of war and directed into the paths of peace. This Nation, because of its favored position geographically and otherwise, should lead the world in every movement to promote peace and prevent war. There are many persons, not only in the United States but throughout the world, who will be disappointed at the message which is being written by our country and at the character of greetings which it is sending forth to the peoples of the world.

During the past year there has been a remarkable repercussion of the militaristic spirit throughout the United States, largely as the result of propaganda, and in part due to the agitation of a small minority who seem to have learned nothing from the past, and are unconcerned at the thought of another war with all of its devastation, destruction, and sorrow. And yet the great masses of the people of the world do not want war but peace. They desire to live their lives in peace and to devote their energies to promote justice and freedom—political, economic, and religious. They regard war as race suicide, as the greatest tragedy that may afflict humanity.

The apostles of militarism and of so-called "preparedness" are clamorous, and with fanatical zeal carry forward their crusade in our own country. A vigorous campaign has been waged and is being carried on in favor of stupendous appropriations by Congress for military purposes. Efforts are made to excite the fears of the people that the United States is menaced by powerful foes, and that unless hundreds of millions are immediately expended for so-called military and naval defense, our country will be plunged into a titanic conflict.

Unfortunately there are those in every country who regard world peace as impossible, and who attempt to discredit all efforts looking to the development of an international spirit of amity and the removal of the causes of war. It is the view of many of this class that humanity is forever condemned to bear the chains of military bondage and to pour out its richest blood upon sanguinary battle fields. This is the mechanistic view of the world, and denies, in effect, the existence of an overruling Providence and the capacity of the children of men under the guidance of a divine power to attain the goal of world peace and unity under political and other organizations in which law and justice reign. A pessimistic view, and one not entirely accurate, in my view, is expressed by Mr. H. G. Wells in his "Foreword" to the recent book entitled "Peace or War," by Commander Kenworthy:

> A huge majority of the people of the world think no more of the prevention of war than a warren of rabbits think about the suppression of shotguns and ferrets.

And the militaristic clique, appreciating that the great mass of mankind, absorbed as they are in the burdens of their daily toil, do not give sufficient thought to the formulation of ways and means to promote peace and end war, play upon their credulity, and attempt to lead them to believe that their lives and their countries are in danger, which can only be averted by withdrawing millions of men and women from industry, training them for war, and arming them with deadly weapons and poison gases for the destruction of millions of their fellow men.

Mr. Roosevelt, in a published essay during the World War, stated that the cause of war was fear, and that the chief reason for fear must be removed to prevent the awful tragedies of war.

Lord Grey, in his recent work, tells us that—

> fear begets suspicion and distrust and evil imaginings of all sorts till each government feels that it would be criminal, and a betrayal of its own country not to take every precaution while every government regards every precaution of every other government as an evidence of hostile intent.

That there is an active propaganda in the United States, the result of which, if unchecked, must be to inflame the minds of many and lead to preparations upon the part of the United States which will arouse suspicions and provoke similar movements in other countries, must be evident to every person who possesses any knowledge of history and the psychology of peoples. That there is no occasion for a renaissance of militarism in the United States is apparent to those who appreciate the currents that carry humanity forward. This powerful Nation is menaced by no country. Unfortunately, the strident tones and the clamorous voices of a small minority in our country are carried beyond the seas and are calculated to arouse the fears and suspicions of peoples and governments desiring peace and who recognize the primacy of this Republic and would be willing to follow it in every reasonable plan in the interest of international fellowship.

President Coolidge, in his message to Congress a year ago, declared:

> No threatening cloud at the present time darkens the sky.

And in his Trenton speech, December 29, 1926, he declared:

> I do not believe that we can advance the policy of peace by returning to the policy of competitive armaments. * * * While I favor an adequate Army and Navy, I am opposed to any effort to militarize this Nation.

The President further stated in his message to Congress, December 7, 1927, that the proposed expenditure of six hundred and eighty millions for the next fiscal year for the Army and Navy provides the most adequate defensive force our country has ever supported in time of peace and that "as a whole our military policy is sufficient."

In passing, it is not improper to remark that appropriations so enormous for military expenses of the United States for 12 months only, and at a time when it is at peace with the world and there is no menace to its security, would be certain to excite some wonderment, if not ironic laughter, upon the part of persons in other lands. They would have difficulty in perceiving the sincerity of our protestations of peaceful intentions when expending for military purposes more than any nation in the world, and more than double the amount expended by Germany in any one year, even at a time when it is alleged she was preparing for a world conflict.

Judge Hughes, when Secretary of State, said that—

> So far as we can see into the future, the United States is not in the slightest danger from aggression; in no single power and no possible combination of powers lies any menace to our security.

And Secretary Kellogg, in a message published in December, 1926, declared that—

> One of the greatest obstacles to such understanding and sympathy (between nations) is brought about by competitive armaments on land and sea. History has shown that this competition is one of the conditions most pregnant in provoking fear, followed by armed hostility.

In the face of these declarations Congress has recently received the Budget estimates for the Army and the Navy, submitted by the President for the fiscal year 1929, calling for more than $760,000,000 for the normal peace establishment of the United States. This does not include further expenditures which will be made and additional appeals calling for tens of millions of dollars which Congress will be asked to enact into law, nor does it provide for important repairs upon naval craft, and new construction which the Secretary of the Navy, with, presumably, the approval of the President, has asked Congress to authorize.

The Secretary has transmitted to Congress a bill to authorize the construction of 25 light cruisers, 9 destroyer leaders, 25 submarines, and 5 aircraft carriers. If this bill becomes law at this Congress it will constitute the Navy's 1928 building program. It does not include items for repairs and elevation of guns upon battleships and cruisers, and other important activities which will call for large appropriations. The Secretary informs Congress that the estimated cost of this proposed building program is merely "speculative," and but a rough "approximation" of the cost of each unit is submitted, from which it appears that the cruisers will cost $425,000,000, the destroyer leaders $45,000,000, the submarines $160,000,000, and the aircraft carriers $95,000,000. This "speculative approximation" of the Secretary is to proceed upon a base estimate of expenditures amounting to $725,000,000.

This huge sum, as I have indicated, constitutes no part of the ordinary military expenses to which I have referred, amounting to more than $760,000,000 for the fiscal year 1929.

When it is recalled that the appropriations for naval craft have always exceeded the estimated costs it is certain that this proposal involves an expenditure of more than $1,000,000,000 for new naval construction.

When under the terms of the Washington conference treaties a limitation was placed upon capital-ship construction, there was great satisfaction and, may I add, great misunderstanding of its results. It was believed by many persons that naval costs would be materially reduced. But it is apparent from this new naval program submitted by the Secretary of the Navy that the gain in one direction is lost in other ways.

The modification of the 1910 program saved in battleships, but we are now too engulfed in an ocean of naval costs, arising from the building of other types of battleships.

An examination of the cost of completed war vessels authorized under the act of 1916 shows that the final cost was more than double the estimates submitted by the Navy. It is obvious that the execution of this program will demand further appropriations, so that the billion dollars required for the construction of these naval vessels will not be the only amount which will be required to be appropriated. Additional naval officers and seamen must be added to the already large personnel of the Navy.

An admiral recently stated that this naval program would require twenty-odd thousand additional seamen and nearly 2,000 additional naval officers. This will mean that a large sum be added to the figures which I have suggested to meet the annual ordinary expenses of the Navy.

Additional supplies and equipment costing tens of millions of dollars annually will be called for. It is safe to say that to meet this new construction, additional appropriations will be annually required aggregating more than $50,000,000. The chairman of the Naval Affairs Committee of the Senate, in a recent speech, stated that at least $60,000,000 annually must be appropriated for an indefinite period to meet the deterioration chargeable to obsolescence. That amount is in addition to the figures I have just submitted.

The life of naval craft is limited from 15 to 20 years. The present fleet, with its stupendous cost of between a billion and a half and $2,000,000,000, will be obsolete within 20 years, which means, if the present militaristic spirit in the United States continues and the program of new construction recommended by the Secretary of the Navy is carried out, that the expenditure of at least $11,000,000,000 by the Navy Department alone will be made within that period.

The Budget transmitted by the President to Congress on the 5th of December provides the estimates of appropriations for the next fiscal year. These estimates undoubtedly have the approval of the President. The amount provided for the Navy is $362,167,020, and for the War Department $398,823,143. Senators recall that only a day or two ago we passed an appropriation bill for new Army camps and buildings aggregating several million dollars; so that the amount recommended as the ordinary expenses will not cover many other appropriations, which will be made before we adjourn, for the maintenance of the Army. This means that more than $760,000,000 is the estimate approved by the President for the ordinary expenses of the Army and Navy for the next fiscal year. It is certain that in these departments there will be deficiencies to be covered by further appropriations of at least $50,000,000. The ordinary expenses, therefore, of our Military Establishment for the coming fiscal year will be more than $800,000,000.

As above indicated, appropriations of many millions more will be made to meet new construction and the program submitted by the Secretary of the Navy. While we are at peace with the world, and should be making efforts to secure international limitation of armament, a budget providing a sum so enormous for the Military Establishment of our country can not be defended.

It is pertinent to pause for a moment to compare this appropriation with expenditures by the Government in other years.

In 1880 the total expenditures of the Federal Government were $338,865,031. Of that amount, the Army and the Navy, combined received $40,000,000. In 1890 the total expenditures of the Federal Government were $395,430,284. In 1900, $698,912,982. The Army received of this amount $80,430,000 and the Navy $48,099,969. In 1910 the total expenditures of the Federal Government were $1,044,622,000. Of this amount, $95,883,000 went for the maintenance of the Army and $136,935,199 covered the expenditures of the Navy. In 1916 the total expenses of the Government were $1,114,794,000, of which amount the Army received $101,959,195 and the Navy $149,661,864. During the World War, when the military forces of the United States numbered more than four and a half million men, the appropriations for the Army and Navy were very large. During the years from 1922 to 1928, inclusive, Congress has appropriated to meet the expenses of the Navy more than $2,261,000,000 and for the maintenance of the Army more than $2,440,000,000, or a total for military purposes of more than $4,701,000,000.

That does not include the billions expended in pensions and by the Veterans' Bureau in meeting the various demands made upon it pursuant to legislation enacted since the close of the World War.

The Budget estimates for the next fiscal year reveal no reduction in the appropriations for either the Army or Navy, but, on the contrary, a larger amount than for the preceding year. It is certain that our military budget within the next two years, if the present policy prevails, will exceed $1,000,000,000 for ordinary expenses. The officials of the Budget Bureau have, I believe, attempted to stem the great tide of departmental demands for Federal appropriations, and have sought to enforce greater economies in all branches of the Government. They deserve credit for what they have done, but they have been unable to bring the Federal Budget within reasonable and proper limitations. When we consider that in 1916 the total expenditures of the Federal Government were slightly in excess of a billion dollars, it is difficult to understand why the appropriations recommended by the President and the Budget Bureau for 1929 aggregate more than $4,258,000,000. It is certain, however, that with the increasing demands made upon the Federal Government and the growth of bureaucracy and paternalism, the aggregate expenditures authorized by Congress for the next fiscal year will be approximately $5,000,000,000.

Mr. President, there are evidences that confirm the view that this Congress will pass no tax reduction bill. Appropriations are too lavish, and if continued will leave an empty Treasury.

Let me add parenthetically that no greater service could be performed in behalf of the people of the United States by any individual or group of individuals than to awaken the people to the increasing demands for appropriations by the Federal Government and by States and by their political subdivisions. These demands often take the form of paternalistic and socialistic measures, and if unchecked will materially modify the structure of our Government and impose intolerable burdens of taxation upon the people.

The exactions of the Federal and State Governments for the next fiscal year will exceed, in my opinion, $11,000,000,000, the greater part of which will be consumed in paying the salaries of the ever-increasing army of office holders in State and Nation.

We expended between 1884 and 1920 more than $6,000,000,000 for our Navy. In all the wars of the world, from 1793 to 1860, the cost amounted to but $9,243,000,000, and all the wars of the world, from 1861 to 1910, cost but $14,000,000,000. Yet we have expended during the last seven years—years of peace—more than $4,670,000,000 to maintain our Army and Navy. When Germany was at the zenith of her military power her entire appropriation for both army and navy did not exceed $300,000,000 in any year. My recollection is that when Admiral Von Tirpitz was building the German Navy there was not expended for its maintenance and for construction to exceed $111,000,000 in any single year.

In my opinion we can not justify our naval program or the enormous appropriations for military purposes. The appropriations for the present fiscal year provide for keeping in commission 500 vessels, 178 of which are assigned to shore activities, and also for the care of 344 vessels which are not manned and commissioned for active service. Many of these vessels in the last-named category, particularly destroyers, are seaworthy and could quickly be put into shape for active service. Our capital ships are more modern and are superior to those of Great Britain or any other country. President Coolidge, in his annual

message to Congress, December 7, 1926, stated that no navy in the world, with one exception approaches ours, and none surpasses it. Mr. Hector Bywater, one of the ablest naval critics, in an article appearing in the Baltimore Sun a year ago, declared that—

Taking all factors into consideration the American fleet is adjudged to be superior to the British fleet.

He also stated that—

Even in gun power the advantage is held to lie with the American fleet.

Our 18 capital ships, with a tonnage of 528,850, constitute a more effective fighting unit than Great Britain possesses. Seven of our capital ships were completed between 1918 and 1923, and are superior in construction, equipment, and in fighting strength and power to those of the British Navy.

We have in the Naval Establishment at this time 10 modern 7,500-ton cruisers which at their rated tonnage give 75,000 tons of vessels in this class. Each of these cruisers carries 6-inch guns and excels the best British cruisers in the rate of speed. In addition, the Navy has 22 cruisers of the second line, not all of which are in commission, with an aggregate tonnage of 50,000. This brings our present and authorized cruiser tonnage to more than 200,000. Congress has heretofore authorized the construction of eight 10,000-ton cruisers to mount 8-inch guns, which when completed will give us an additional 80,000 tons in modern cruisers. A number of these cruisers are in the course of construction and upon their completion our Navy will have 155,000 tons in modern cruisers.

The American delegates to the recent naval conference held at Geneva indicated that our Government was willing to consider a limitation on cruiser tonnage of 250,000 to 300,000 for the United States and the British Empire and from 150,000 to 180,000 for Japan. The Secretary of the Navy now proposes to add to our Naval Establishment 250,000 tons of cruisers, equal to the entire quota of tonnage submitted to the Geneva conference as the American minimum.

When it was indicated at the Geneva conference that the United States intended under this proposal to ultimately have twenty-five 10,000-ton cruisers in its quota of 250,000 tons, the British found the proposal unacceptable. And yet if the recommendation of the Secretary of the Navy be adopted, it means an ultimate cruiser tonnage of the United States of 455,000; and upon the assumption that the new cruisers, if authorized, will be of the 10,000-ton, 8-inch gun type, we will have 35 cruisers of this description in the Naval Establishment, whereas the proposal at Geneva was for not more than 25.

When the Washington treaty was entered into the United States had 13 cruisers and 9 gunboats now listed as cruisers. These vessels were from 3,000 to 16,000 tons and in speed were rated from 21 to 27 knots. Great Britain had 67 cruisers, only 10 being above 5,000 tons. Most of Great Britain's cruisers were old, some of them being constructed between 1900 and 1905. At least 24 have been withdrawn from service because of being obsolete.

Of those remaining in Great Britain's fleet, 34 are less than 5,000 tons, and of these 34, 13 are less than 4,000 tons. Great Britain has 4 cruisers of 9,500 tons carrying 7½-inch guns and 2 cruisers of 7,750 tons carrying 6½-inch guns.

This recommendation of the Secretary of the Navy will be regarded as a declaration to other nations that the United States is entering upon a competitive naval program. It will inevitably produce unfavorable reactions; it will arouse fear in many countries and create suspicion as to the course which the United States intends to take in its relations with other nations. That it will provoke nations now struggling with financial burdens to increase their armament, must be apparent to all. The consequences, so far as they relate to world peace, will be most unfortunate. This naval outburst upon the part of the Secretary of the Navy is greatly to be deplored.

Mr. H. G. Wells, in the "Foreword," to which I have referred, alludes to the gathering rivalry between the United States and Great Britain in naval arms and to the discussion of war between the two countries, and states that it is—

largely due to the stupid professionalism of experts in both countries.

May I add, in passing, that in my opinion the failure of the Geneva conference was largely due to the failure of the United States to have proposed for submission to the conference a definite plan or policy for further limitations of naval craft, and to the fact that naval forces and experts dominated or at least exercised too great an influence.

Continuing, Mr. Wells said:

Whether a war between United States and Great Britain is to be regarded as a tolerable possibility does not enter into the philosophy of the naval monomaniacs on either side of the water. Their business is to make Britain "safe" from the United States and the United States "safe" from Britain, and they are quite capable of calculating upon Japan as an ally in such war.

Mr. President, I have before me a copy of the speech recently delivered by Admiral Plunkett. In my opinion, his speech does not deserve much commendation but condemnation. He said:

The penalty of national efficiency, either in commerce or in arms, is war.

If I read history aright, we are nearer war to-day than ever before, because we are pursuing a competitive trade policy and crowding other nations into the background. A policy of this kind inevitably leads to war. But if you don't want war, be a worm and crawl into the nearest hole in the ground. If we had been prepared for war in 1917, we never would have been dragged into it, and now we are paying $26,000,000,000 on account of our stupid unpreparedness.

Mr. President, I have before me a volume which contains statements made by the military cabal, by professors, by generals, by statesmen in Germany prior to the World War, and they parallel the statements made by the militarists of the United States during the past year. There has been a propaganda, nation-wide in extent, carried on by high officials of the Government, by some officers of the Army and Navy, by various clubs and organizations in support of a policy that would require billions of dollars to be spent in military preparations during the next few years. Representations have been made that our country was practically without defense, that its security was menaced, and its life imperiled by warlike nations of the world, all of whom were enemies of the United States. Talk of this character was calculated to arouse the fears of many people and to stimulate them to activity in demanding large appropriations for so-called preparedness. I observe in the same paper carrying the speech of Admiral Plunkett an observation made at the same meeting by Congressman LAGUARDIA. It will be regarded by some as a sufficient answer to the militant speech of the naval officer.

Rome conquered the world and had the most perfect military machine in the universe, but it was confronted with a new philosophy laid down by the Carpenter of Nazareth and it crumpled and was crushed.

This statement the meeting applauded.

The speaker ridiculed the idea that the United States and Great Britain could be forced into war against each other, and he considered there was no danger from any other power.

If we embark on the proposed five-year naval building program there will be no further tax reduction, as you can't pull money out of the air.

Admiral Plunkett, when interrogated, confessed that he was referring to Great Britain as a nation with which the United States would soon be at war. Talk of that kind, Mr. President, I characterize as not only unwise but harmful to the United States and calculated to disturb its relations with other nations and to arouse their fears and resentments.

I have before me a copy of an article recently written by Mr. Frank H. Simonds, who is now in Europe, and whose knowledge of world conditions gives to his utterances a peculiar value.

I ask permission to insert as a part of my remarks excerpts from this article and another article written by him the following week.

The PRESIDING OFFICER (Mr. THOMAS in the chair). Without objection, it is so ordered.

The excerpts referred to are as follows:

[From the Washington Star, February 5, 1928]

EUROPE SEES AMERICA AS SEEKING WORLD RULE—CONTINENT PICTURED AS BELIEVING UNITED STATES DELIBERATELY PLANS CONQUEST—DEBT AND NAVAL POLICIES CITED

By Frank H. Simonds

GENEVA: "Uncle Sam, imperialist."

It was under this title that I found the familiar gentleman, whom we all accept as symbolical of our Nation, masquerading, when I first arrived in Europe more than five months ago. And it is as an imperialist, conscious, deliberate, and determined, that I have been forced to hear him described in many countries and by the representatives of many nations not only constantly but increasingly since that time.

From Moscow to London Europe is at the present time discussing American policy as the revelation of definite and matured purpose to obtain world hegemony. American ambition, interpreted in European comment, aims at no less than threefold mastery: We are "out" to combine financial domination of the universe with naval supremacy on the seven seas and political and even territorial control and expansion in both Americas.

What the United States is now doing, in Europe's mind, constitutes a strikingly close parallel to what Spain, France, and Germany tried to do in Europe, and what the British have been able to do on the seas and in distant continents in the past two centuries.

GOES BACK TO DEBTS

If one might summarize the European conclusion, it would be stated something like this: "America is the richest, the strongest, the most powerful country on this planet. Since the Roman Empire no nation has been comparably irresistible. But no country has possessed even a fraction of the power now in American hands without setting out to rule the world. The question is not whether America will make one more of the experiments in imperialism with which European history is filled, but how it will undertake it."

Europe, the American visitor will be told, first became aware of American imperialism, when, after repudiating the League of Nations and relapsing into traditional isolation, the United States promulgated its debt policy. No European will argue that his own country would have followed a different policy from the American. Even for him such a statement would seem too absurd. What he says is that we did what any European country would have done under the circumstances, and thus our motives must have been similar.

* * * * * * *

SCANS OWN NAVAL RECORD

Uncle Sam is, then, "out" for financial domination of the world. That assertion is, in a sense, old, since the indictment of "Uncle Sam" as Uncle Shylock has been going forward with a varying degree of intensity for several years. His appearance as the aspirant for sea supremacy is, by contrast, somewhat more recent. Nevertheless, the conception has been developing in Europe ever since the Washington conference of 1921–22.

* * * * * * *

RECENT NAVAL PARLEY

When President Coolidge called the naval conference which assembled in Geneva last summer the proceedings of that meeting, which were interpreted for the Continent by the British press, had the character of a demand for actual supremacy covered by an argument for specious parity. When, after the failure of the conference, we announced our program for naval expansion, its magnitude and proposed expenditure fairly took European breath away. Moreover, it was instantly accepted as the final demonstration that we were seeking naval supremacy, that he had been deliberately seeking it from the Washington conference onward, and that we were now going to realize our ambition.

The third major circumstance of what Europe regards as our imperialism is our alleged purpose to dominate the American continents.

To understand this phase of European thought it is essential to know that at all times the Kellogg-Briand conversations over the famous project to outlaw war were invariably bracketed in European press comment with our military operations in Nicaragua. Thus the American gesture, the proposal to expand the Briand formula into a general renunciation of war, was interpreted as a moral cloak for our military actions.

But far more important in European eyes were the reservations we sought to append to the specific arbitration pact with France, and particularly those reservations which concerned the Monroe doctrine. These, to the European mind, disclosed the deliberate purpose to reserve for ourselves without any possible limitation, beyond any conceivable interference, the whole South American and Central American region as the field for our territorial and economic imperialism.

* * * * * * *

[From the Washington Star, February 12, 1928]

EUROPE IS AWAKENING TO LEADERSHIP OF UNITED STATES—NATIONS ABROAD AIDED IN CONCLUSION BY HABANA CONFERENCE AND AMERICAN STAND OF INDIVIDUALITY

By Frank H. Simonds

GENEVA.—Not since the height of the resentment roused by the debt question, more than two years ago, has there been any such explosion of criticism of the United States as has accompanied the Pan American Conference at Habana. Why this meeting should have had any large importance for Europe it is difficult to see; nevertheless the European press seized upon it with something like general unanimity and used it as the opportunity to denounce the United States.

Actually the Habana affair came as a climax to the series of American incidents which have attracted general European attention. Within a single month we had proclaimed a naval program which, for Europe, was the promise of American supremacy; in our discussions with France over a treaty to outlaw war we had conducted an operation judged by Europe to be attack upon the League of Nations, which to the European mind was as dangerous as it was direct; finally, at Habana, we were—so Europe assumed—undertaking to demonstrate our hegemony in the three Americas.

HIT "NEW" MONROE DOCTRINE

As a result, all European journals turned suddenly to the discussion of the American phenomenon. What were we after and what, beyond all else, was this Monroe doctrine of which we had so much to say? It had been, Paris newspapers solemnly explained, a proclamation designed to forbid European powers from conducting colonial enterprises in America, to prohibit the holy alliance from assisting in the reconquest of Spanish colonies. It was, then, a century ago a doctrine of America for the Americans.

But it was that no longer. On the contrary, as the United States now proclaimed it, the Monroe doctrine was a policy which operated to enable the United States, without European interference, to exploit and direct all three Americas. It was the wall by which we were seeking to shut Europe and the world out of South America. Our policy was not the old Monroe doctrine, "America for the Americans," but the new "All the Americas for the Yankees."

And what were we doing down there? Every important newspaper in Europe, in London as in Paris and in Rome, managed to set the news of the fighting coming from Nicaragua alongside the expressions of American idealism uttered by the President of the United States and echoed by the American press and public opinion.

HYPOCRISY CHARGED

Nicaragua, for Europe, was the sign that we intended to do in Central America what Great Britain, France, Germany, all the colonial powers, had done in Asia and in Africa. Our interferences in various directions, at Panama, in Haiti, in Nicaragua, were carefully collected into a statistical disclosure of American intentions. Our marines were going in to protect our dollars.

Inevitably, all American protestations of high purpose were regarded on this side of the Atlantic as hypocritical.

"We all have little Nicaraguas of our own," sneered the Morning Post in London.

"American imperialism is renewing in Latin America the achievements of French imperialism in Morocco and British in India," declared the Communistic Humanite of Paris.

"The United States has two standards for the great principles of its democratic peace policy," observed the semiofficial Temps, in an article which the London Times significantly reprinted, "according as it applies them universally or on the American Continent, where they are subservient to the hegemony it has already acquired there."

Equally definite were the charges that we were seeking to establish an American league of nations which should be a rival to the Geneva institution, but in which other member nations would be subservient to us. We were seeking in part to force, in part to persuade, the Latin American States, members of the Geneva body, to leave it. Like our attack upon the league in our Briand-Kellogg negotiations of a peace pact, the Habana episode was aimed at the League of Nations.

* * * * * * *

FEELS AMERICAN POWER

In the post-war years Europe has again and again been brought face to face with the negative consequences of our actions, our refusals to join the league, to accept European responsibilities. It has felt increasingly the power of our wealth. But what it has not even dreamed of is that along with the elements of power went the purpose to use them. Suddenly our naval program, the Briand-Kellogg discussions, the Habana conference, combined to reproduce something like a revolution in European conception.

* * * * * * *

Mr. KING. I shall trespass on the time of the Senate to read a paragraph from the last article apropos of the Habana conference of which we have heard so much and from which it is sincerely hoped great good will result.

Within a single month we had proclaimed a naval program which, for Europe, was the promise of American supremacy; in our discussions with France over a treaty to outlaw war we had conducted an operation judged by Europe to be an attack upon the League of Nations, dangerous as it was direct; finally, at Habana, we were—so Europe assumed—undertaking to demonstrate our hegemony in the three Americas.

Speaking of Europe, he said:

It has felt increasingly the power of our wealth. But what it has not even dreamed of is that along with the elements of power went the purpose to use them. Suddenly our naval program, the Briand-Kellogg discussions, the Habana conference, combined to reproduce something like a revolution in European conception.

Mr. President, if time permitted, I could present to the Senate the utterances of journalists and statesmen and persons of importance and repute in many countries of the world, in which they discuss the attitude of this Republic toward other nations and give their interpretations of our policies and purposes. There is a remarkable concurrence of view among these divergent groups. Generalizing, it may be said that the motives of the United States are questioned and fear is entertained as to the international course which this Republic will pursue.

A wise and just course will eradicate these apprehensions. We hold the keys that will unlock the hearts of the world. The United States can enter the sacred precincts of humanity's

affection. We must not throw away this great opportunity for service and leadership.

But I return to the thread of my remarks: In submarines we are superior to any other nation. At the present time in commission there are 3 fleet submarines, 43 submarines of the first line, and 29 of the second line, which means that we have 78 active submarines in the Naval Establishment. Three additional fleet submarines are in the course of construction, and there are 43 additional submarines out of commission but substantially as good as those in commission. But the Secretary of the Navy now asks for 32 additional submarines, to be constructed at a cost which he roughly estimates at $160,000,000 but which will probably be $200,000,000.

On November 16 of last year the new aircraft carrier *Saratoga* went into commission, and on December 14, the very day the Secretary gave his request for additional naval construction, the *Lexington*, the other modern aircraft carrier, went into commission. The ultimate cost of these two vessels has not been definitely determined, but an estimate made December 19 places the expenditures of the *Lexington* at $39,958,881.61. This means that the two carriers will cost approximately $80,000,000. It is quite likely that when they receive their complement aircraft and necessary auxiliaries, $100,000,000 will be the cost to the Government.

Yet, in the face of these enormous figures and with the success of these airplane carriers largely a question of experimentation, the Secretary comes to Congress with the request for the construction of five more airplane carriers at a cost of $19,000,000 each. Of course, the cost of these new carriers will not be $95,000,000 but a sum greatly in excess of $100,000,000, even though their cost would be less than 50 per cent of the cost of the *Lexington* and *Saratoga*.

Neither the security nor the prestige of the United States requires this latest display of naval extravagance. If progress is made in the limitation of armaments, it is necessary to limit cruiser tonnage to an aggregate which is entirely incompatible with the extravagant program submitted by the Secretary of the Navy.

It is frequently asserted that the Washington conference established a ratio of 5–5–3 for all naval vessels. This is, of course, incorrect. The conference dealt primarily with the capital ship, which by definition included all vessels of war having a displacement in excess of 10,000 tons and carrying a gun having a caliber in excess of 8 inches. This provision limiting naval armament by exclusion made the 10,000-ton cruiser, mounting 8-inch guns, the largest vessel of war which could be constructed outside of the limitations of the treaty. Vessels of this class were permitted without limitation as to number, which means without limitation as to aggregate tonnage. The British were ready to agree both to the 5–5–3 ratio and upon the aggregate tonnage for cruisers which should be above the 6,000-ton, 6-inch gun class, but otherwise excluded from the capital ship classification of the Washington treaty.

It would seem that the number of 10,000-ton, 8-inch gun cruisers which Great Britain requires as reasonably necessary for her protection and the protection of her dominions would be adequate for the United States. If this view had been adopted at the Geneva conference, the British might have proceeded to build such number of 6,000-ton, 6-inch gun cruisers as they required as their necessary complement, unstimulated by the competitive building of vessels of this class upon our part, for which, our naval authorities say, we have no special need.

These smaller cruisers are in no wise a menace to the United States. They can not operate at such a distance from their bases to get effective contact with our shores. Their construction ought to be curtailed in the interest of economy, but economic pressure for this purpose is much stronger in Great Britain than in the United States. It seems obvious that the proposals of the Secretary of the Navy laying down a program for additional naval construction are calculated, if not intended, to interfere with, and quite likely to interdict any progress toward an international agreement for the further limitation of naval armament.

Destroyers are important vessels in naval warfare. The United States has 276 vessels of this class, Great Britain but 169, and Japan 78. In addition our Naval Establishment possesses 17 destroyer leaders having a larger tonnage and speed than those of similar type in the naval establishments of other countries. A survey of our Naval Establishment supports the view indicated by the President that there is no superior navy in the world and perhaps but one which equals in fighting strength that of the United States.

Mr. President, there is nothing in the attitude of any country to justify this military hysteria which possesses some Americans. Whom have we to fear on this hemisphere? Between the United States and Canada there is the utmost good will. The future will witness a growing regard and indeed affection between the peoples of the United States and Canada.

The republics to the south of us desire the good will and friendship of this Republic. There is no militarism on their part, and their expenditures for military purposes are scarcely sufficient for police protection.

May I digress, Mr. President, to remark that in the last Democratic platform, adopted in 1924, there was incorporated a plank, broad and comprehensive, dealing with our relations with the Latin-American Republics. I had the honor to write that plank. We referred to interests held in common between these countries and the United States, and declared the importance of maintaining the most cordial relations. One of Mr. Bryan's sentences—uttered several years before—was added to the platform declaration. The sentence was:

> God has made us neighbors—justice shall keep us friends.

Our duty to the Latin-American States is to see that justice is done. God has made us neighbors; justice should bind us together, and strengthen the ties of friendship as the years and centuries pass.

There are some Americans who point to Japan as an enemy of the United States, and a naval power against which we must arm. I deplore these attacks upon a friendly nation. Japan's attitude toward the United States has been one of friendship and consideration. With her large population and limited resources, and her peculiar geographical position, it is not improper for Japan to adopt reasonable means for her security against possible difficulties with Russia and China. The economic disadvantages to which Japan is subject preclude her from becoming a great military power, even though she were disposed to assume that rôle. The Japanese desire peace and the good will of all nations. A year ago, when a naval program covering a period of four years was proposed, it was rejected, although it called for an appropriation of but $147,000,000. A subsequent proposition was submitted by the Marine Minister calling for an expenditure of $130,000,000, extending over a period of five years; 2 per cent to be expended the first year and less than 5 per cent the second year. If conditions were less chaotic in China and Russian policies less uncertain, Japan's military establishment would be reduced below its present limits.

At the recent Geneva conference Japan exhibited a desire for a further limitation of armaments, and her honorable and pacific course won for her the highest praise. So in the various conferences which have been held since the World War for the purpose of promoting peace and limiting and reducing armaments, Japan has taken a leading part. Her course has been for peace and not war, and her example has been worthy of emulation by other countries.

Mr. President, whom do we fear in Europe? Those who attempt to provoke controversies between the United States and Great Britain are enemies not only of their own country but of the world. It is inconceivable that there should be war between this Republic and the English-speaking people who live under the British flag.

The inhabitants of Germany entertain for the United States the most cordial feelings.

I recall, Mr. President, when the last tariff bill was under consideration there were many critical statements of Germany in this body. It was alleged that she was still militant and revengeful, and only waiting the hour when she could arise from the ashes of defeat and confound those with whom she had warred.

I did not entertain that view, and contended for a tariff policy that would encourage trade and commerce between the United States and Germany and strengthen the bonds of fellowship between these great democracies. Two and a half years ago I was in Germany and met President von Hindenburg and leaders of German thought. The views entertained by some when Von Hindenburg was elected that he would attempt to turn Germany into monarchial paths were not warranted. I found the President to be a man of peace. He was loyally supporting the Ebert constitution and trying to direct the course of the German Republic along the paths of honor and progress. We have nothing to fear from Germany. Germany seeks the friendship and the good will of the American people.

We should seek every opportunity to extend the hand of fellowship to the German people. There are millions of American citizens of German ancestry. They have contributed to the material and spiritual development of the United States. There can be no further misunderstandings between these two great Nations.

The German people are devoting themselves to the rehabilitation of their country. They have given every evidence of their peaceful intentions and their desire to win the regard of all

nations. There is no will to war in Germany, but on the contrary the ways of peace are being followed.

Neither France nor Italy is a menace to the United States. The people of those countries are the friends of this Republic. We need have no fear of Russia or of bolshevism. Slowly and painfully the Russian people are emerging from the dark night of bolshevism. The great mass of Russian people desire the friendship of the United States. They wish contacts with the world. They want and they need the help of the United States and other countries in order that Russia may be put upon the highway of progress and prosperity. In my opinion it is to be regretted that the proposition for disarmament made by Litvinoff, speaking for the Soviet Government, has been treated with so little consideration. Concede it to have been a gesture; in my opinion it represented the view of the overwhelming majority of the Russian people. They suffered during the World War and their lives since then have been a constant tragedy. They desire peace and relief from the unhappy conditions under which they live.

Mr. President, is it not time for the people of the United States to take the lead in bringing peace on earth and good will among men? Our financial power in the world is recognized. America should wear the crown of moral leadership. The great World War should have taught us, as well as other nations, the folly of war and the futility of great military operations. Nations that prepare for war usually have war.

In a little over four years of war more than 7,146,000 of the flower of the allied nations gave their lives on battle fields; more than 12,000,000 were wounded, and more than 4,600,000 were missing. Germany and her allies lost more than 4,650,000 killed, and those who were wounded numbered more than 8,500,000. It is impossible to compute the direct losses measured in money; and the indirect losses can not be comprehended.

The expenses of the war and the property loss have been estimated at between three and four hundred billion dollars; and still war is a "legal institution" and the world is oppressed with demands to maintain armies and military establishments and construct mighty navies, realizing, as we must, that they will not prevent war, but, indeed, will be quite likely to provoke war. During the past seven years the United States has pursued a cynical attitude towards all efforts to promote world peace. We refused to join the League of Nations or become a member of the World Court or participate in the conferences of the league, where efforts have been made and are being made to devise some practical plan of limiting military armament and removing the causes of war.

I repeat, the material strength and financial resources of the United States demand that it assume the responsibility of world leadership to outlaw war and bring international good will. Our disclaimers of any desire for conquest will not be sufficient. The need of world leadership was never so great.

I recall a statement recently made by a great British statesman, Ramsay MacDonald. He said, "What the world needs to-day more than anything else is a political Shakespeare," meaning by that, as I interpreted his speech, that we needed some one who could understand human nature and the causes that move humanity, a man who had vision, a prophet—not the narrow-minded nationalist who wraps bunting about him and declares that he is a 100 per cent Britisher or a 100 per cent American.

Labor in all parts of the world is more united in demanding world peace than ever before. There is a feeling that men may no longer be led to the shambles or caused to die upon the battle field at the whim and caprice of an autocrat or to satisfy the ambition of the wicked and imperialistic desires of a military cabal or an oligarchy of wealth.

The benignant spirit of municipal law and its happy consequences can be imported into international relations, and there can be developed a spirit of international fellowship and good will and an international code of laws which will remove the causes of war and produce a higher standard of civilization.

If we persist in our propaganda for a big Navy, and deprecate all efforts to establish tribunals for the settlement of international disputes, there will be developed a spirit and habits which will constitute impediments to world peace. The fate of this Nation as well as other nations rests upon the character of the people; and character results from many processes. Spencer declared that institutions are dependent upon character, and, however changed in their superficial aspects, can not be changed in their essential nature faster than character changes. If statesmen, publicists, writers, and teachers talk of war and preparation for war, and great armies and mighty navies, and declare that our country is in danger at the hands of other nations, the minds of the people will respond, and the institutions of the country, domestic and national, made to conform to those mental pictures.

Thomas Paine taught that—

> An army of principles will penetrate where an army of soldiers can not; it will succeed where diplomatic management would fail; it is neither the Rhine, the Channel, nor the ocean that can arrest its progress; it will march on the horizon of the world and will conquer.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate took a recess until to-morrow, Friday, February 17, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 16, 1928

UNITED STATES COAST GUARD

Lieut. Commander (Engineering) Lucien J. Ker to be a commander (engineering) in the Coast Guard of the United States, to rank as such from December 18, 1927, in place of Commander Robert B. Adams, promoted. This officer has passed the examinations required for the promotion for which he is recommended.

APPOINTMENT IN THE REGULAR ARMY

MEDICAL CORPS

To be first lieutenant

First Lieut. Stuart Absalom Cameron, Medical Corps Reserve, with rank from February 11, 1928.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Julien Edmond Gaujot, Cavalry, from February 14, 1928.

To be lieutenant colonel

Maj. George R. Allin, Field Artillery, from February 14, 1928.

To be majors

Capt. William Hampton Crom, Air Corps, from February 11, 1928.

Capt. George Rainsford Fairbanks Cornish, Infantry, from February 14, 1928.

To be captains

First Lieut. James Fairbank Smith, Chemical Warfare Service, from February 9, 1928.

First Lieut. John Reigel Embich, Chemical Warfare Service, from February 11, 1928.

First Lieut. Fred William Koester, Cavalry, from February 14, 1928.

To be first lieutenants

Second Lieut. Raymond Stone, jr., Coast Artillery Corps, from February 9, 1928.

Second Lieut. John Joseph Binns, Field Artillery, from February 11, 1928.

Second Lieut. Walter Burnside, Cavalry, from February 14, 1928.

Second Lieut. James Francis Joseph Early, Air Corps, from February 14, 1928.

Second Lieut. Howard John Vandersluis, Coast Artillery Corps, from February 15, 1928.

MEDICAL ADMINISTRATIVE CORPS

To be captain

First Lieut. Amos Stanhope Kinzer, Medical Administrative Corps, from February 13, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 16, 1928

UNITED STATES DISTRICT ATTORNEY

Charles Joseph Riley to be district attorney, Canal Zone.

UNITED STATES DISTRICT JUDGE

Warren B. Burrows to be United States district judge, district of Connecticut.

POSTMASTERS

CALIFORNIA

Maude Cunningham, Goleta.
Joseph A. Wilson, Manteca.

COLORADO

Carl A. Erickson, Monte Vista.

IDAHO

Elmer H. Snyder, Filer.
Allan H. Smith, Roselake.

IOWA

George F. Mitchell, Coin.
Elizabeth O'Reilly, New Albin.
Clarence C. Stoner, Nora Springs.

KENTUCKY

Lora V. Combs, Hardburly.

NEW JERSEY

Ellen E. Showell, Absecon.
Mary E. Cubberley, Hamilton Square.
Elizabeth D. McGarrey, Laurel Springs.
Edward C. Francois, Union City.

NORTH CAROLINA

Anna W. McMinn, Pinebluff.

OKLAHOMA

Roy Patton, Ames.
Frank A. Smith, Byars.
Arthur D. Hartley, Cardin.
Laura M. Hopkins, Woodward.

PENNSYLVANIA

Robert P. Habgood, Bradford.

WEST VIRGINIA

Emerson E. Deitz, Richwood.

HOUSE OF REPRESENTATIVES

THURSDAY, *February 16, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

God of yesterday, to-day, and forever, we know that Thy mercy underlies the spacious earth around. The divine life in humanity is the supreme test that we may rise above our present limitations. As the problems of government are with us, help us to solve them with patience, gentleness, and brotherly love. Let our moderation be known among all men, desisting from self-praise, self-glorification, and invidious comparisons. Spare us from becoming a torment of our own ambitions and a prey of our own untamable desires. Guide us, for we are needy; help us, for we are weak; deliver us, for the way is uncertain; and save us lest we fall. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval bills of the House of the following titles:

H. R. 278. An act to amend section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926;

H. R. 3926. An act for the relief of Joseph Jameson;

H. R. 6487. An act authorizing the Baton Rouge-Mississippi River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Baton Rouge, La.;

H. R. 7009. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 7916. An act authorizing the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Madison, Jefferson County, Ind.; and

H. R. 9186. An act authorizing the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, to construct, maintain, and operate a toll bridge across the Ohio River at or near Sistersville, Tyler County, W. Va.

ADDRESS OF HON. EDWARD E. ESLICK, OF TENNESSEE

Mr. BYRNS. Mr. Speaker, I ask unanimous consent to print in the RECORD a very interesting address by my colleague, Mr. ESLICK, delievered over the radio February 15. It is an able address and should be read with pleasure and profit by everyone.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. BYRNS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

THE AGRICULTURAL SITUATION

I am to talk for a few minutes on the agricultural situation. January, 1921, saw fewer mortgages on farm lands in the United States than at any time within half a century. All products during and following the war brought high prices. Really, all kinds of business in the United States was financially in good condition when the collapse came in 1920.

There is an old adage, "Money talks." If this be true, the farmers of the country and money have not been on speaking terms since 1920. Whose fault is this? Recently a large landowner and wheat grower from Kansas, testifying before the Interstate Commerce Commission, said: "We have some good farmers, but we have a lot of poor ones. Most of these unsuccessful ones buy automobiles on the installment plan before they get their crops harvested. Any lack of success they have is due to laziness, shiftlessness, and improvidence. On my own farm I do everything with machinery and tractors. I have not a single horse or mule on the place."

The average farmer of the country is not able to have the latest improved machinery. Nor can the average farmer of the country produce his crop without horse stock. No more can a dairy be operated without cows than a cotton farmer cultivate his crop without mules. This utterance is a slander on the farmers of America!

The answer to this statement is, that only 4 per cent of the farmers of the world live in America. Yet this 4 per cent of the world's farmers produce 7 per cent of the world's corn, 60 per cent of its cotton, 50 per cent of its tobacco, 25 per cent of its oats, 20 per cent of its wheat, 15 per cent of its barley, and 11 per cent of the world's potatoes. Of the seven articles most needed and used by man the 4 per cent of American farmers produce nearly 36 per cent of the world's output. Branded as lazy and shiftless, the American farmer on an average produces nine times as much as the average world farmer.

The American farmer is not shiftless and lazy. He produces too much. The issue now is to keep from producing a surplus and, if produced, to prevent it from controlling the price of the balance of his crops. We will always have the question of surplus and how to dispose of it at fair prices. There are 970,000,000 acres of land in the United States subject to cultivation, yet in 1926 only 328,000,000 acres of these lands were under cultivation. At the present rate of productivity, if all of our land subject to cultivation was producing, this country alone could almost feed and clothe the teeming millions of the world.

The financial journals tell us that 1926 and 1927 were the most prosperous peace-time years our country has known. That our earning capacity has been greater and wealth has accumulated faster than at any other peace time in our history. Nearly one-third of our population is agricultural. The gross income of our country last year was nearly $95,000,000,0000. Yet the agricultural population—one-third in numbers—received only 10 per cent of this income. From Crops and Markets, July, 1927, a Government publication, it is stated that between January 1, 1921, and January 1, 1927, agricultural invested capital declined $15,000,000,000, while the corporate wealth of America increased $35,000,000,000. Agricultural invested wealth in 1926 and 1927 earned only 3½ per cent each year. Invested corporate wealth earned 13 per cent yearly. The earnings of the farmer were on the reduced investment. The earnings of corporate wealth were on increased values.

That I may give you the real picture of the farmer's condition, I want to borrow from the speech of the Hon. JAMES W. COLLIER, of Mississippi, one of the ablest and most conservative of southern Representatives. In the House he recently said the flood "interrupted over 3,000 miles of railroad transportation, flooded over 12,000,000 acres of land in 174 counties in 7 States." As to the ability of this great farming section to bear its part of rehabilitation, he said: "There is $770,000,000 invested in mortgages on land and in bonds, and $45,000,000 is still outstanding of levee bonds. Now its assessed valuation so bonded and so mortgaged aggregates $815,000,000." The picture is black. The land in 174 counties in 7 States mortgaged and encumbered to its full assessed value. The world has no finer lands than the great Mississippi Valley—rich as the Valley of the Nile.

I do not believe that the farmer has been intentionally destroyed by other lines of business and industry, because he is the producer of the two things that all peoples must have—food and clothing. On the other hand, he is the greatest consumer of the products of other lines of industry and trade of any single class in the country. The farm body is large—more than 7,000,000 farmers engaged in the different kinds of agriculture. It is impossible to organize all of them in co-

operation so as to control production and marketing. Industry, generally speaking, is constituted of much smaller bodies. They can and do organize for self-protection. Groups of industry have interlinking interests. They help each other for mutual safety and protection. Always the purpose is to make more money. In the end the combination puts the strangle hold upon the unorganized farmer, who is unable to protect himself.

That the farmer has asked aid through legislation is of recent origin. Seven years ago the corn farmers of the West began the agitation for Federal farm relief. From bad crops and low prices this demand extended to the wheat producers of the West; then to the livestock people; and finally when the cotton farmer was upon his knees and his crop was bringing 60 per cent of the cost of production, he, too, joined hands with his unfortunate brethren and turned his face toward Washington and asked that the cotton interests should be cared for.

We are told that farm relief legislation is impossible. We are further told that the farmer can not be benefited by legislation. Nearly all lines of industry have been taken care of by legislation. The manufacturer has his subsidy in the form of a tariff. Labor has increased its wages through the naturalization laws. The corporate wealth of the land engaged in interstate commerce is permitted to charge a rate sufficient to make reasonable earning on its invested capital; when this is denied by the Interstate Commerce Commission they go to the Federal courts, and almost invariably relief is granted. The effect is, business engaged in interstate commerce is guaranteed a fair return on the investment. The same rule applies to intrastate business through the public utilities commissions. Banks throughout the land, both State and Federal, are permitted to charge a rate sufficient to make a fair return on their capital. And so on throughout the entire lines of business, enterprise, and trade. But the farmer has no guaranty. He is advised to labor and to wait. And he is still laboring to get out of the ditch—patiently waiting. When he makes a demand, it is branded as economically unsound and unconstitutional. From the great business interests of the land, entrenched and protected by favored and unfair legislation, every piece of progressive legislation is assailed as unsafe, unsound, and unconstitutional. Monopoly invokes the Constitution as the guillotine to behead and destroy all progressive legislation.

For one, I do not believe that prosperity can be restored to the farmer by a single act of Congress. But there must be a beginning, and it should be in good faith to better the farmer's condition. I was the first from my State, and, in fact, one of the first southern Representatives, to declare for the McNary-Haugen bill in the first session of the Sixty-ninth Congress. I did not think and do not now believe that this bill would give complete relief to agriculture. But it is the best bill offered, with a chance of passage.

It is in the right direction. I am willing to try it and, by experience, perfect it. If I could write the farm relief bill, it would differ from all the bills before the House committee. My thought is to reduce the tariff one-half on the things, and the material which goes into the things, the farmers use. I would materially reduce the transportation charges on his products. Then I would back cooperative marketing with enough of the public funds to establish cooperation between the producer and the consumer, where supply would meet demand at a fair price with a reasonable profit to the producer. The difference in price from producer to consumer is too great. The article which brings $1 to the producer is delivered to the kitchen door of the consumer at $3.

Farm legislation was defeated in the first session of the Sixty-ninth Congress. The McNary-Haugen bill was passed in the last session of that Congress and vetoed by the President. He assigned many reasons for the veto. Unconstitutionality of the equalization fee was stressed. Farm relief is knocking again at the door of Congress. Many views are expressed at the hearings before the Agriculture Committee of the House. The West and South are agreed that farm relief is badly needed. But there is a great diversity of opinion as to the kind of legislation needed. One line of thought is for cooperative marketing financed by and under Government control. Another is the debenture plan, the payment upon exports rather than the tariff as the yardstick. But the real struggle is over the McNary-Haugen bill. Practically all the objections raised to this measure by the President have been taken from the present bill. The debatable issue now is the McNary-Haugen bill, with or without the equalization fee. What the result will be no one knows. I believe that if the McNary-Haugen bill is reported to the House, either with or without the equalization fee, it will pass. If with the equalization fee it will meet a veto at the hands of the President, if he is to remain consistent.

The Farm Bureau Federation and almost all allied and kindred farm organizations are demanding the passage of this bill with the equalization fee. And at the present time my information is that the Agricultural Committee is favorable to the equalization fee.

I can not get what I want in the way of a farm bill. I believe the farmers are entitled to relief. I shall support the best measure offered which has a chance of passage—the McNary-Haugen bill, if reported to the House. Legislation is never what any one Congressman or Senator wants. It is the result of discussion, concession, and compromise. Any farm bill which shall meet the approval of the two Houses—the Senate and the House—must be one of compromise, representing the consensus of opinion chiefly of Representatives and Senators from agricultural sections—the West, Middle West, and South. If the President vetoes the bill, I do not believe it can be passed over his veto.

Whatever else that may be said, the fight is on for relief legislation for agriculture. It is here to stay until it obtains. If this Congress denies the farmer relief, he will be back here at the next Congress, and the battle will continue until his rights are recognized and he is placed upon the same basis as other business and industry. This great class of our citizenship asks no advantage. They demand a fair deal and an equal opportunity. These are the basic rights of every business man. They are now denied to the farmer. No issue is ever settled until it is settled right. The man, the indispensable man, whose labor produces the food and clothing of mankind, is in distress. He is appealing to Congress not for favors but for fairness—that equal and exact justice may be done him. He asks nothing more. He will be satisfied with nothing less.

PERSONAL EXPLANATION

Mr. EATON. Mr. Speaker, I ask unanimous consent to make a personal statement for one minute.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to address the House for one minute. Is there objection?

Mr. EATON. Mr. Speaker, last evening I had the distinguished honor of addressing the Electrical League in this city, and this morning the Washington Post does me the honor or dishonor to print scare headlines as follows:

Congress power critics brutes, EATON asserts.

I wish simply to say that I never used the word, thought of it, or was within a thousand miles of it in connection with power critics or anyone else.

I am opposed to any form of political investigation of the power industry or any other industry in this country, but I am in favor of any necessary investigation that is designed to build up and strengthen the power business, which constitutes the keystone in our industrial structure and that will advance our general industrial and economic prosperity.

I made the speech and expressed myself, as I thought, clearly. I have had some experience in the use of words and I decline to be held responsible for any moronic misinterpretation made by others. [Laughter and applause.]

Mr. BLANTON. Will the gentleman yield?

Mr. EATON. No; I have yielded too much already. [Laughter.]

MIDDLE RIO GRANDE CONSERVANCY DISTRICT AND THE PUEBLO INDIANS

The SPEAKER. The Chair will recognize the gentleman from New Mexico under a special order for 15 minutes.

Mr. MORROW. Mr. Speaker, I listened very attentively to the remarks of the chairman of the subcommittee of the Appropriations Committee which he delivered in this House yesterday relative to the passage of the bill (S. 700) which was substituted by me in this body for House bill 70, and amended by the gentleman from Michigan [Mr. CRAMTON], concerning which there has been much discussion on the outside as to the merits of that legislation.

I want to say in the beginning that I believe the gentleman from Michigan is a firm friend of the Indians, with a desire to legislate in behalf of their development.

The legislation had its beginning in my State in order that one of the most important valleys in the State might be developed and reclaimed. New Mexico, or, as the gentleman from Texas [Mr. BLANTON] has frequently said, "little old New Mexico," is old and is new in its development. This legislation brings us back to the commencement of irrigation in that section of the United States. Irrigation began there not 100 years ago, but perhaps 1,000 or 2,000 years ago. Pueblo Indian lands, now included in this conservancy plan, have been indifferently irrigated for centuries. When the Spaniards first came into this section in 1535 they found the Indians irrigating their lands. History, taken from the archives of Mexico and of Spain, substantiate this statement. The Spaniards came into the State in 1541 and made a settlement therein in 1582. They learned from the Pueblo Indians the method of irrigation. We may safely say that the Pueblo Indians were the first irrigators of lands in the United States.

Both the Indians and the Spaniards had irrigated in this Rio Grande Valley through a series of years running back into the centuries. At one time the amount irrigated was estimated to be as high as 125,000 acres of land, including 8,346 acres of

Indian pueblo land. The land has become water-logged, alkaline, and requires drainage. The city of Albuquerque, which is the largest city in the State of New Mexico, and situated in what is known as the middle Rio Grande Valley, in order to reclaim this land formed a conservancy district under the laws of the State of New Mexico and patterned same after the conservancy districts that are now successfully operated in other portions of the United States. They did not come to the Reclamation Bureau or to Congress for funds to carry on their project, but they included in that conservancy district not only the town or city of Albuquerque but also the land up and down the valley, three other important towns, and several minor villages. In all, there are 210,000 acres of land within the district, of which 129,000 acres are to be drained and reclaimed. Included within this land are six Indian pueblos, with their parcels of irrigated land, interspersing white lands.

In order to reclaim and build their drainage canals it is necessary that these canals shall run through the Indian lands, and the Indian lands will be reclaimed thereby. The Indian lands, as I stated, have become water-logged, and the alkaline water has risen to the surface. The production upon these lands is not 25 per cent of normal production. The water-logged condition exists on all the acreage, including the original 8,346 acres of Indian land. The officers of the district came back to the Government, and through the Indian Bureau asked cooperation so that the Indian lands can be included in the plan of flood control and irrigation. A bill was passed in the last session of Congress appropriating $50,000 as the Government's share to survey the Indian lands under the supervision and control of the Indian Department of the Government. The district itself spent something like $300,000. It was found feasible to include the Indian lands. The district has fully complied with the law. Then, when the engineers' reports were made and found satisfactory, the district, through its representatives, came back to this Congress asking that legislation be passed to include the Indian lands, and that the Government through Congress advance, under its regulations and under contracts to be entered into by the department, the Indian proportionate part of the cost to reclaim said Indian land. The bill as presented was the outcome of the plan for legislation. It was not prepared by the Member of Congress on this side. It was not prepared by the Senator from New Mexico on the other side. It was prepared by the Indian Bureau, through its legal department, in conjunction with the officials of the conservancy district. This legislation proposed was brought to the Subcommittee on Appropriations, of which the gentleman from Michigan [Mr. CRAMTON] is chairman. I appeared before that committee. The Senator who introduced the legislation on the other side appeared. The bill was read, thoroughly discussed, every feature therein. It was the purpose of the Assistant Commissioner of Indian Affairs that there should be a gratuity of $500,000 in that bill. The bill as prepared contained that feature. After a discussion in that body a member of that committee from a western State, who has had great experience in Indian affairs, and who tries to protect the Government and at the same time protect the Indians, said, "You people have a gratuity in this bill." All the members of the committee recognized that fact, that there was a gratuity of $500,000 in the bill. The gentleman from Michigan [Mr. CRAMTON] and his committee made their position absolutely plain to Mr. Meritt, to the conservancy district officers, and to everyone present that Congress does not recognize, and had not recognized in any legislation for a period of years, a gratuity in legislation for the Indians, but had placed therein a reimbursable feature.

The bill was presented to the Indian Affairs Committees of the House and of the Senate and thoroughly discussed, but Mr. Meritt, Assistant Commissioner of Indian Affairs, still maintained the position that these Pueblo Indians are honest, faithful, moral Indians, and have not received any large funds from the Government, and that this gratuity should be allowed them. Every member of the committee, as I remember, including the chairman, the gentleman from Michigan, expressed his views. The gentleman from Michigan [Mr. CRAMTON] read his bill, and some of the members of that committee indorsed his position. When the bill was reported out from the House committee it was reported with the gratuity feature, and in that shape it came before you. It was reported out in the Senate in the same manner.

I recognized the fact that the gentleman from Michigan would offer upon the floor the amendment that was presented, and I want to say to you, as a friend of the Indians, as a citizen of New Mexico, representing that entire State in this body, that there never was fairer legislation than the legislation proposed by the amendment offered by the gentleman from Michigan for the Indians of my State. [Applause.]

Now, Members of the House, I will go further. In a conference held with Mr. Meritt, the Assistant Commissioner of Indian Affairs, the question was put to him, "Do you regard this bill with the amendment as fair to the Indians?" He replied, "There has not been a fairer piece of legislation in behalf of the Indians presented to the Congress of the United States within a period of 20 years." He was further asked, "Do you believe the reimbursable feature should be in there covering the part of the money advanced by the Government or that it be a gratuity given the Indians?" He said, "Since 1913 your Appropriations Committee of the House have put in the reimbursable feature in legislation of this kind."

Mr. Speaker, the attack that has been made on the legislation embraced in the amendments has been inspired by one John Collier, whom the gentleman from Michigan so aptly described yesterday. Only one purpose has prompted the attack—the question of notoriety, the question of publicity—so that the people who are putting up the funds to sustain Mr. Collier in a position to further create agitation among the Indians may continue to contribute to such funds.

Lawyers out in my State representing Indian societies have been telegraphing back here that the legislation is not proper and is not in behalf of the Indians. One of those lawyers is an upright honorable man, but he has a misconception of the action taken.

Referring back to the legislation and the bill as presented to your body upon the consent day. The bill was passed to include the amendment offered as a substitute by the gentleman from Michigan; I knew before the same was offered that the gentleman from Michigan was going to offer amendments. I had conferred with him, and his amendments were quite satisfactory to me. I thought they were right and proper and that they should be in the bill, and that the bill as so amended should be enacted. I have learned that on consent day you had better not get on the floor and talk about your bill. If your committee has acted upon it and you have a favorable report, you had better let your bill pass without any debate, because there are always present those who are ready to object and who are ready to discuss, and there are those also who are interested in other bills that follow yours on the calendar. They become anxious, and if there is much discussion they are likely to call for the regular order, which is tantamount to an objection, and the result is that your legislation fails.

This legislation is absolutely vital to my State. The climatic conditions out there are very favorable to agriculture, by irrigation, inferior to none in the United States. They can raise five crops of alfalfa in a year. There are 200 growing days each year, and they can produce all kinds of fruits and vegetables. They can raise sugar beets. The 8,346 acres of irrigated Indian land that came with the Indians to the United States under the treaty of Guadaloupe Hidalgo remain to-day, as the gentleman from Michigan said, protected with a prior water right, and it will not cost the Indians one dollar to have that land reclaimed. The result will be that it will change the value of that land, which is now worth perhaps not to exceed $25 to $30 an acre, into land worth $150 or $200 per acre. But this bill and the action of this House included also the reclamation and irrigation of 15,000 acres of new land; land that had never been touched; that had never been plowed. That land is practically commons to-day, used for grazing, and the grazing fee is practically nothing, perhaps 3 to 5 cents per acre. The value of that land to-day does not exceed $5 or $10 per acre at the most.

The SPEAKER. The time of the gentleman from New Mexico has expired.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for an additional 10 minutes. I am sure the House is very much interested in the statement the gentleman is making.

The SPEAKER. Is there objection?

There was no objection.

Mr. MORROW. These 15,000 acres will at once receive a value under reclamation of from $150 to $200 per acre. The original bill, S. 700, carried a charge of $67.50 per acre against the 15,000 acres of land and the gratuity of $500,000. The amendment of the gentleman from Michigan provides that the 8,346 acres that the Indians had occupied and used and irrigated for centuries, which had become practically useless, should not be included in any lien, should be exempted from lien for all time, but that the 15,000 acres of new land to be developed and to be reclaimed should bear a reimbursable charge; this land to be leased and the lease money paid to the Government at some time in the distant future. Is there anything unjust in that?

There are 3,500 Indians, including men, women, and children in these six pueblos. There are only about 700 heads of

families. They have 8,346 acres of land, and divided among the heads of families it will give 11.8 acres of irrigated land without any lien to each head of a family. I attended a conference of the Reclamation Committee this morning and they were discussing how much acreage should go to a family under a reclamation project. It was suggested that it depended upon the ability of the family, and would run from 10 to 20 and 40 acres, but not to exceed 80 acres in a unit.

Another thing that presented itself in the circular sent out by Mr. Collier was that three of these pueblos have not sufficient irrigated land upon which to make a living. Mr. Speaker, the Indian Bureau is the guardian of the Indians. If those Indians need additional land they will be the ones to receive first recognition in so far as the newly reclaimed land is concerned. It was represented by Mr. Collier that the Indian Defense Association, which he represents, desired that the new lands be exempted, where cultivated by the Indians, from any charge whatsoever. The Indian Bureau of the Government through its agency can lease the land needed at a nominal price of say $1 or $2 per acre, which it will gladly do, if conditions so require, taking from them no rights whatever.

There is absolutely no radical change in the legislation passed by the House other than with respect to the $500,000 gratuity to the Indians, and the Indians themselves were not clamoring for that. They were satisfied with the legislation, but certain people started to lobby, as the gentleman from Michigan said, and put out certain reports, and then wanted all this land absolutely free.

The gentleman who is lobbying on the outside presented this statement to me. He said:

> Why change, in dealing with these Pueblo Indians, from the fact that this Government heretofore has never made a charge or made it reimbursable until this legislation?

That is absolutely not true, as the records of this body will disclose.

Now, Members of the House, in conclusion I want to say that the committee visited my State this year, led by the gentleman from Michigan [Mr. CRAMTON] as the chairman. They visited every Indian pueblo that they could reach within the time. We have in the State of New Mexico to-day two schools, one at Albuquerque, with 850 Pueblo children, bright, active, intelligent children; in fact, I believe it is one of the best Indian schools in the United States, at least in the Southwest. In the Indian school at Santa Fe we have 450 Indian pupils. Both of these schools were well taken care of in the funds provided in the Interior Department appropriation bill. Besides those two boarding schools we have other day schools. The committee was sincere in their work in New Mexico in behalf of the Indians. Each member of that committee, as I understand, indorses the position of the gentleman from Michigan. That position, I understand, is the position of your Appropriations Committee, and I, as the Member from New Mexico, say to you Members here that I stand squarely with them for honest, fair, and just legislation in behalf of the Indians, and for honest, fair, and just legislation which will permit my State to go forward, and carry along in this conservancy district the Indians whom Congress has declared citizens, and whom we should bring as soon as possible into the affairs of this Government, and deal with them in the States alone and not in the National Government. [Applause.]

DAWES AND HOOVER

Mr. HOWARD of Nebraska. Mr. Speaker, may I speak for about 15 minutes?

The SPEAKER. The gentleman from Nebraska asks unanimous consent to speak for about 15 minutes. Is there objection?

Mr. CLARKE. Is that the subject or the time limitation?

The SPEAKER. Is there objection?

There was no objection.

Mr. HOWARD of Nebraska. Mr. Speaker, the time was when the duties of a Member of the Congress were wholly congressional. So many new duties have been thrust upon a Congressman now that I want to talk just a little bit on that subject. You know, and most Members probably do know, that a Congressman now is expected to be able to tell every one of the home folks who shall write to him on the subject just who is going to be nominated for President by each of the great political parties. I have a great many inquiries along that line, and I make the best answer I can. I have an answer now in my mind with reference to an inquiry regarding the probable nomination at Kansas City in June. Perhaps I might best answer that question, Mr. Speaker, by asking you if you know how smooth is oil? [Laughter.] I do not know, but I do know that Vice President DAWES is as smooth in the political game as my own conception of the smoothness of oil. [Laughter.] Nominally CHARLEY is pledged to promote the candidacy of Governor Lowden for the Republican presidential nomination. Secretly his ablest friends are grooming CHARLEY for the place.

Here is the situation: About one year ago this very week there was held in Washington a conference attended by representatives of the mighty moneyed interests which financed the campaign which led to the nomination of President Coolidge in 1924, and which elected him in that year. The conference regarded Coolidge as first choice for his own succession in the White House, the conclusion being unanimous that those mighty moneyed interests could not find one more faithful to their general cause than President Coolidge had been. But there was an obstacle in the way. That obstacle was the strong sentiment among the American people in opposition to any man filling the office of President three terms in succession. The big men in that conference were not there for the purpose of play. They were there to pave the way for the election of a President who would be as faithful to their interests as President Coolidge had been. And so they decided it would be dangerous to go up against the anti-third-term sentiment with Coolidge as a candidate. Having reached this decision, the conference began casting about for one man best calculated to serve their interests and capacity as President. Many were discussed, but at last the conference voted unanimously in favor of making Herbert Hoover their candidate for the Republican nomination, with the understanding that in due time they would have President Coolidge announce that he would not be a candidate.

This program has been carried out to the letter. In due time President Coolidge announced that he would not be a candidate for a third term. Immediately the great newspapers and magazines, largely owned or controlled by those moneyed interests which supplied the money to nominate and elect Mr. Coolidge in 1924, began spreading the most scientific propaganda in behalf of Hoover, and so successfully that they now have all the other announced candidates on the run.

But now another danger sign has appeared. The big money folks in charge of the Hoover campaign have discovered that in all the Middle West agricultural States the opposition to Hoover is so bitter and so unrelenting as to make very questionable the ability of Hoover to carry those States as against any man the Democrats might nominate against him, provided the Democratic nominee should be friendly to the cause of agriculture.

Now comes CHARLEY DAWES.

CHARLEY DAWES is as fondly loved by big money as is Herbert Hoover, save in one particular. Speaking in my own bucolic language, he has a tough mouth. He might take the bit in his teeth if he should reach the presidential chair and stage a runaway. Of course, he would not run far, but even a little runaway would be annoying to the big money folks who should put one of their own in the presidential chair.

With that one objection brushed away, CHARLEY DAWES will be just as satisfactory to the big money folks as Herbert Hoover could be, and it begins to appear that somebody is doing a little brushing. The higher rises the tide of opposition to Hoover in the Republican agricultural States of the Middle West the nearer CHARLEY DAWES comes to falling heir to the influences which up to this time have decreed that Hoover must be the nominee. No doubt about CHARLEY DAWES being one of the best sweethearts of the general Wall Street interests, and no doubt about him being far stronger among the agricultural elements than Hoover. And so it is easy to estimate the possibility of the ditching of Hoover by the big money folks and the throwing of their strength to DAWES. Not because Hoover is not 100 per cent for the Wall Street program, but only because of the fear that the bitter enmity of the agricultural folks might lose some of those Republican Middle West States to the Republican Party if a proved enemy of the general agricultural interests should be the nominee, and certainly the proof is at hand to show that Mr. Hoover would not favor any legislation for the welfare of agriculture unless such legislation should have been written in the gold room of the house of Morgan.

A year ago CHARLEY DAWES must have looked with a prescient eye down through the days and there discovered the anti-Hoover sentiment among the American farmers. He knew then that Hoover would be the first choice of the money folks who brought about the nomination and election of Coolidge in 1924. And right here Dawes adopted a little program all his own, a program which is leading the observers of political curves to regard CHARLEY DAWES as "smooth as oil." At first he began making a few innocent "agricultural gestures."

They were kindly received. Day by day he grew more aggressive in behalf of legislation in behalf of agriculture. And now, why, at this very moment some of the most astute political observers in the United States do not hesitate to say that the big moneyed folks will ditch Hoover before the opening

prayer shall be offered in the Kansas City convention and proceed to start CHARLEY DAWES on the way from the chair of Vice President of the Republic to the chiefest chair in the White House.

What is CHARLEY DAWES saying about it?

He says he is for Lowden.

King *Richard* said he loved his nephews, but he killed them in the tower.

CHARLEY DAWES says he loves Lowden. At Kansas City he will love DAWES more.

As between Herbert Hoover and CHARLEY DAWES I am 1,000 per cent for DAWES. May the gods not compel me to make a choice between the two. Both are sweethearts of the Morgan-Mellon group of moneyed interests. Both would be obedient to general Wall Street dictation, but Hoover would be more obedient than DAWES. [Applause.]

GENERAL CLAIMS BILL

Mr. TILSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9285) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death.

Mr. BLANTON. Mr. Speaker, I understood the committee wanted a quorum present.

Mr. TILSON. We can have a vote on going into committee.

Mr. BLANTON. All right.

The question was taken.

Mr. BLANTON. Mr. Speaker, I make the point that there is not a quorum present, and object to the vote on that ground.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 331, not voting 102, as follows:

[Roll No. 34]

YEAS—331

Abernethy	Clarke	Garrett, Tex.	Kvale
Ackerman	Cochran, Mo.	Gasque	LaGuardia
Adkins	Cochran, Pa.	Gibson	Lanham
Aldrich	Cohen	Gifford	Lankford
Allen	Cole, Iowa	Gilbert	Lea
Allgood	Collier	Glynn	Leech
Almon	Collins	Golder	Lehlbach
Andresen	Colton	Goldsborough	Letts
Andrew	Combs	Goodwin	Lindsay
Arentz	Connally, Tex.	Gregory	Lozier
Arnold	Cooper, Ohio	Green, Fla.	Luce
Auf der Heide	Cooper, Wis.	Greenwood	McClintic
Ayres	Corning	Griest	McDuffie
Bacharach	Cox	Griffin	McKeown
Bachmann	Crail	Guyer	McLaughlin
Bacon	Cramton	Hadley	McLeod
Bankhead	Crisp	Hale	McReynolds
Barbour	Crosser	Hall, Ill.	McSwain
Beck, Wis.	Crowther	Hall, Ind.	McSweeney
Beedy	Cullen	Hall, N. Dak.	Madden
Beers	Curry	Hammer	Magrady
Begg	Dallinger	Hancock	Major, Ill.
Bell	Darrow	Hardy	Major, Mo.
Berger	Davenport	Hare	Manlove
Black, N. Y.	Davey	Harrison	Mansfield
Black, Tex.	Davis	Hastings	Mapes
Bland	Denison	Haugen	Martin, La.
Blanton	De Rouen	Hawley	Martin, Mass.
Bloom	Dickinson, Iowa	Hersey	Mead
Bowles	Dickinson, Mo.	Hickey	Menges
Bowling	Dickstein	Hill, Wash.	Merritt
Bowman	Doughton	Hoffman	Michener
Box	Douglas, Mass.	Hogg	Miller
Boylan	Doyle	Holaday	Milligan
Brand, Ga.	Drane	Hooper	Monast
Brand, Ohio	Drewry	Hope	Moore, Ky.
Briggs	Dyer	Howard, Nebr.	Moore, Va.
Brigham	Eaton	Howard, Okla.	Morehead
Browne	Edwards	Huddleston	Morgan
Browning	Elliott	Hudspeth	Morin
Buchanan	England	Hughes	Morrow
Buckbee	Englebright	Hull, Morton D.	Murphy
Bulwinkle	Eslick	Irwin	Nelson, Me.
Burtness	Evans, Mont.	James	Nelson, Mo.
Burton	Faust	Jeffers	Nelson, Wis.
Busby	Fisher	Jenkins	Newton
Bushong	Fitzgerald, Roy G.	Johnson, Ind.	Niedringhaus
Butler	Fitzgerald, W. T.	Johnson, Okla.	Norton, Nebr.
Byrns	Fletcher	Johnson, Tex.	O'Brien
Campbell	Fort	Johnson, Wash.	O'Connell
Cannon	Frear	Jones	Oldfield
Carew	Free	Kading	Oliver, Ala.
Carss	French	Kahn	Oliver, N. Y.
Cartwright	Frothingham	Kearns	Palmisano
Casey	Fulbright	Kelly	Parker
Chalmers	Fulmer	Kemp	Parks
Chapman	Furlow	Ketcham	Peery
Chase	Gambrill	Kiess	Perkins
Chindblom	Garber	Kincheloe	Porter
Christopherson	Gardner, Ind.	King	Pou
Clague	Garner, Tex.	Kopp	Prall
Clancy	Garrett, Tenn.	Korell	Quin
Ragon	Simmons	Tatgenhorst	Wason
Rainey	Sinclair	Taylor, Colo.	Watres
Ramseyer	Sinnott	Taylor, Tenn.	Weaver
Rankin	Sirovich	Temple	Welch, Calif.
Ransley	Smith	Thatcher	Welsh, Pa.
Reece	Somers, N. Y.	Thurston	White, Kans.
Reed, Ark.	Speaks	Tillman	White, Me.
Reed, N. Y.	Spearing	Tilson	Whitehead
Reid, Ill.	Sproul, Ill.	Timberlake	Whittington
Robinson, Iowa	Sproul, Kans.	Tinkham	Williams, Ill.
Robsion, Ky.	Stalker	Treadway	Williams, Mo.
Rogers	Steele	Underhill	Williams, Tex.
Romjue	Stevenson	Underwood	Wilson, Miss.
Rowbottom	Strong, Kans.	Updike	Winter
Sanders, Tex.	Summers, Wash.	Vestal	Woodruff
Sandlin	Sumners, Tex.	Vincent, Mich.	Woodrum
Schafer	Swank	Vinson, Ga.	Wright
Schneider	Swick	Vinson, Ky.	Wurzbach
Sears, Nebr.	Swing	Wainwright	Yates
Seger	Taber	Ware	Zihlman
Shreve	Tarver	Warren	

NOT VOTING—102

Anthony	Freeman	Linthicum	Sanders, N. Y.
Aswell	Gallivan	Lowrey	Sears, Fla.
Beck, Pa.	Graham	Lyon	Selvig
Bohn	Green, Iowa	McFadden	Shallenberger
Boies	Hill, Ala.	McMillan	Snell
Britten	Hoch	MacGregor	Steagall
Burdick	Houston	Maas	Stedman
Canfield	Hudson	Michaelson	Stobbs
Carley	Hull, Tenn.	Montague	Strong, Pa.
Carter	Hull, Wm. E.	Mooney	Strother
Celler	Igoe	Moore, N. J.	Sullivan
Connery	Jacobstein	Moore, Ohio	Sweet
Connolly, Pa.	Johnson, Ill.	Moorman	Thompson
Deal	Johnson, S. Dak.	Norton, N. J.	Tucker
Dempsey	Kendall	O'Connor, La.	Watson
Dominick	Kent	O'Connor, N. Y.	Weller
Douglas, Ariz.	Kerr	Palmer	White, Colo.
Doutrich	Kindred	Peavey	Williamson
Dowell	Knutson	Pratt	Wilson, La.
Driver	Kunz	Purnell	Wingo
Estep	Kurtz	Quayle	Wolverton
Evans, Calif.	Lampert	Rathbone	Wood
Fenn	Langley	Rayburn	Wyant
Fish	Larsen	Ruby	Yon
Fitzpatrick	Leatherwood	Rutherford	
Foss	Leavitt	Sabath	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Snell with Mr. Hull of Tennessee.
Mr. Graham with Mr. Driver.
Mr. Sweet with Mr. Carley.
Mr. Connolly of Pennsylvania with Mr. Aswell.
Mr. Beck of Pennsylvania with Mrs. Norton.
Mr. Leavitt with Mr. Sabath.
Mr. McFadden with Mr. Dominick.
Mr. Bacon with Mr. Gallivan.
Mr. Britten with Mr. Stedman.
Mr. Moore of Ohio with Mr. Kerr.
Mr. Pratt with Mr. Igoe.
Mr. Doutrich with Mr. Sullivan.
Mr. Purnell with Mr. Wingo.
Mr. Evans of California with Mr. Kunz.
Mr. Fenn with Mr. Larsen.
Mr. Hoch with Mr. Kindred.
Mr. Dowell with Mr. Tucker.
Mr. Rathbone with Mr. Hill of Alabama.
Mr. MacGregor with Mr. Miller.
Mr. Strong of Pennsylvania with Mr. Lyon.
Mr. Greene of Iowa with Mr. Mooney.
Mr. Hudson with Mr. Lowrey.
Mr. Watson with Mr. White of Colorado.
Mr. Johnson of Illinois with Mr. Shallenberger.
Mr. Wood with Mr. Connery.
Mr. Johnson of South Dakota with Mr. O'Connor of New York.
Mr. Stobbs with Mr. Canfield.
Mr. Kendall with Mr. Quayle.
Mr. Fish with Mr. Deal.
Mr. Palmer with Mr. Sears of Florida.
Mr. Dempsey with Mr. Fitzpatrick.
Mr. Burdick with Mr. Kent.
Mr. Kurtz with Mr. Wilson of Louisiana.
Mr. Anthony with Mr. McMillan.
Mr. Foss with Mr. Rayburn.
Mr. Knutson with Mr. Celler.
Mr. Wyant with Mr. O'Connor of Louisiana.
Mr. Sanders of New York with Mr. Rutherford.
Mr. Michaelson with Mr. Douglas of Arizona.
Mr. Wolverton with Mr. Steagall.
Mr. Freeman with Mr. Yon.
Mr. Maas with Mr. Jacobstein.
Mr. Boise with Mr. Montague.
Mr. Lampert with Mr. Linthicum.
Mr. Strother with Mr. Ruby.
Mrs. Langley with Mr. Moore of New Jersey.
Mr. Williamson with Mr. Moorman.

The result of the vote was announced as above recorded.

The doors were opened.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9285, with Mr. LAGUARDIA in the chair.

The Clerk read the title of the bill.

Mr. PEERY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PEERY: On page 2, in lines 8, 9, and 10, strike out the words "to consider, ascertain, adjust, and determine any claim liability for which is recognized under this section if the amount of the claim does not exceed $5,000," and insert in lieu thereof "to consider, adjust, and compromise any claim liability for which is recognized under this section if the amount of the claim does not exceed $3,000."

Mr. PEERY. Mr. Chairman and gentlemen of the committee, I want to say that in offering this amendment I do so with the utmost deference to the chairman and the other members of this committee. I have a very high regard for their ability and their statesmanship. I am in sympathy with the general purpose of this bill and with the objects sought to be accomplished.

If, as has been stated in the report of the committee, the machinery of Congress has broken down and does not properly function in the matter of determining these claims and adjudicating these claims, then the Congress should set up some machinery that will afford this relief to the people.

The bill proposes to confer jurisdiction upon certain existing tribunals for the adjudication of certain classes of claims, and to confer upon them authority to hear and determine these claims.

In brief analysis the bill proposes as follows:

First. To confer jurisdiction upon the Court of Claims to adjudicate all tort claims in excess of $10,000 for damage to property, with no limit as to the amount for which the Government may be sued.

Second. Concurrent jurisdiction is conferred upon the Court of Claims and the United States district courts to adjudicate all tort claims for damage to property in amounts from $5,000 up to $10,000.

Third. Jurisdiction is conferred upon the Employees' Compensation Commission to adjudicate all personal injury and death claims. A maximum amount for which suit may be brought for personal injury or death is fixed at $7,500.

Fourth. Jurisdiction is conferred on the head of each executive department and independent establishment to adjudicate tort claims for damage to property where the amount does not exceed $5,000.

Under existing law, which is the act passed in 1922, the heads of executive departments are now authorized to hear and settle claims up to $1,000. This bill proposes to extend their jurisdiction up to $5,000.

I think the bill goes too far in this respect, and it is to limit this jurisdiction to $3,000 that I offer this amendment.

I object also to the provision of the bill which confers upon the heads of executive departments power and authority to adjudicate these claims. I am quite willing for the heads of executive departments to be given the authority and the power to adjust and compromise claims up to $3,000, but I am not willing to confer upon the head of an executive department the right and power to adjudicate as a court the claim of any party against the Government.

The general purpose of this bill is for Congress to transfer the exercise of judicial functions to other jurisdictions. It is fundamental that any judicial tribunal should be fair and impartial, and when you confer upon the head of an executive department the power to adjudicate you are conferring the power of adjudication upon a partisan, because it is within his department that the basis of the claim arises—damage resulting from negligence on the part of some employee or agent of his department. I think to confer the power of adjudication upon the head of an executive department is not only wrong in principle, but will prove bad in practice.

Mr. McDUFFIE. Will the gentleman yield?

Mr. PEERY. Yes.

Mr. McDUFFIE. Suppose a claimant is not satisfied with the adjudication of one of these executive departments; what is his remedy?

Mr. PEERY. Under this bill he has to come back to Congress and present his claim and ask Congress to pass upon it.

Mr. McDUFFIE. And Congress or the committee will immediately say, "You have very little standing in court to-day because the department has already passed judgment on the claim."

Mr. UNDERHILL. Will the gentleman yield?

Mr. PEERY. Certainly.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. PEERY. Mr. Chairman, I ask unanimous consent that I may have five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. UNDERHILL. You do not alter the situation one single iota by the passage of this bill?

Mr. McDUFFIE. Except you have a record staring you in the face.

Mr. UNDERHILL. The committee has such a record now in every instance.

Mr. PEERY. In answer to the gentleman from Alabama, I think the practical effect will be that when the claimant has gone before the head of an executive department and has submitted his claim and has obtained an adjudication or finding from that department, when he comes back to Congress, the practical effect will be that Congress will say to him that he has had his day in court.

Mr. RAMSEYER. Will the gentleman yield?

Mr. PEERY. I will.

Mr. RAMSEYER. What language in the bill does the gentleman think gives the department the power of adjudication in a judicial sense. I do not see much difference in the language to be stricken out and the language the gentleman offers to substitute.

Mr. PEERY. I will say to the gentleman that the bill as originally submitted, page 2, reads "exclusive authority is hereby conferred upon the head of each department to consider, ascertain, adjust, and determine." It does not use the word adjudicate, it is true.

Mr. RAMSEYER. The gentleman's amendment reads to "consider, adjust, and compromise."

Mr. PEERY. Yes; I leave out the word determine, which carries the idea of adjudication.

Mr. RAMSEYER. And it limits the amount to $3,000. I am in sympathy with that; I think $5,000 is a very large sum to put in the hands of a head of the bureau. We get a wrong idea of values here when we appropriate in millions and millions of dollars, but as applied to the individual $5,000 is a large sum of money, whereas collectively for the Nation it does not seem to be. I hope the committee will consider a lower limit.

Mr. PEERY. In that connection I would like to say that the amount under existing law which gives the Federal court jurisdiction is $3,000. Under this bill they propose to confer jurisdiction on the Federal court and the Court of Claims from $5,000 to $10,000.

Mr. RAMSEYER. In contract cases.

Mr. PEERY. Yes; and in torts you are introducing a new instrumentality in the determination of claims. Why not let the Federal court have jurisdiction, as it now has, in excess of $3,000, and limit the jurisdiction of the heads of the executive departments to $3,000 and then give concurrent jurisdiction to the Federal district court and the Court of Claims from $3,000 to $10,000?

This bill involves the transfer of the jurisdiction from Congress to other tribunals. The gentleman from Massachusetts [Mr. LUCE] in his address upon this bill some days ago was asked by me if he considered it wise in principle to transfer the exercise of judicial determination from the Congress to the executive departments, and his reply in substance was that in his Commonwealth originally the three functions—executive, legislative, and judicial—were exercised by the general court, but that they had gotten away from that. It took them 150 years to get away from it, and now the best line of thought was not to keep the legislative and judicial separate.

I do not agree with my colleague upon this proposition or upon this principle.

Mr. John Randolph Tucker, to whom the gentleman from Massachusetts refers in a most complimentary way, in his work on the Constitution in discussing the division of powers under the Constitution into the legislative, executive, and judicial departments, quotes from Baron Montesquieu's Spirit of Laws, as follows:

When the legislative and executive powers are united in the same person or in the same body of magistrates there can be no liberty, because apprehensions may arise lest the same monarch or senate should enact tyrannical laws to execute them in a tyrannical manner.

Again, there is no liberty if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative the life and liberty of the subject would be exposed to arbitrary control, for the judge would be then the legislator. Were it joined to the executive power the judge might behave with violence and oppression. There would be an end of everything were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals.

Then he says:

The influence of Montesquieu's maxim upon the Federal Constitution is not left to conjecture. Mr. Madison discusses this subject at length

in the Federalist and vindicates the Federal Constitution against any material violation of the maxim.

The right of the claimant whose claim does not exceed $5,000 to have an impartial tribunal to hear and adjudicate his claim is equal and coexistent with the right of the claimant having a claim in excess of $5,000 to have a fair and impartial judge. This smaller claimant does not get such tribunal under the proposal of this bill. Under the bill as proposed he must take his claim to a tribunal that is presided over by an officer and a partisan of the Government. The bill, as originally drawn, proposed to give to this officer of the Government exclusive jurisdiction. The provision for exclusive jurisdiction has been stricken out, but the practical effect is virtually the same. For, if this bill should become a law, when a claimant meets with an adverse adjudication at the hands of the head of an executive department to which he must go with his claim for adjudication, the Congress as a practical matter would say to him that he had had his day in court. In my judgment it would be far better for Congress to set up an additional tribunal, a junior court of claims if you please, to hear and determine these claims up to $5,000, rather than to adopt the provision contained in this bill.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. UNDERHILL. Mr. Chairman, I am going to try once more to present to the House the reason for this section and ask their support because if you start to amend the bill to meet every exigency, every remote case, every possible expediency the mind of man may conjure up, the bill is not going to be worth anything.

The reason for limiting it to $5,000 is this: You would be surprised to find that in our committee the most of these claims up to $5,000 are brought by poor people and a large proportion of them are brought by ignorant people.

A Member of Congress can not practice before the courts on such cases and consequently the claimant has got to hire a lawyer. In their ignorance they are just as liable to fall into the hands of some unprincipled person and be obliged to leave the case to them on a contingent fee. All you lawyers know that under a contingent fee the lawyer will get a larger sum than he would on a straight fee.

A Member of Congress can go before the department—I do not care which department—that is, he can present for his constituent a claim, and he can present the evidence for him, and if the claim is allowed the constituent gets the full amount. If you reduce it to $3,000, what will be the result? These ignorant people, whom I mention, will take their cases to the courts under a contingent fee, and those that have a claim of $5,000 will receive $3,000 or less. It is no reflection at all upon the courts, it is no reflection at all upon those who appear before the courts. It is simply that this is a better way of securing equity, and we must remember all through the discussion that our committee is trying to act in the capacity of an equity court rather than a court of law, if you can separate the two, and I hope you will. We do not act upon the strict interpretation of all the laws that are laid down, as a court does. So in these small cases it is much better for the client, it is much better for the constituent, it is much better for you, that they be allowed to present their claims to the departments up to $5,000. A claim for a larger amount than that you would be justified in taking to the courts.

Furthermore, do not be afraid of the bugaboo or straw man which is conjured up here to be torn apart that the department is going to turn down every claim that comes before it, and that after it has turned it down and they come back to the Committee on Claims for adjudication that the Committee on Claims and Congress is simply going to take the action of the department and confirm it. At the present time the committee is guided by the decision or report of the department, and Congress itself time and time again holds up a bill on the floor of the House which has an adverse report from the department. So you see you have the same situation existing to-day with reference to the decision of the department that you would have under the provisions of this bill, not a bit different. If you think you are aggrieved or injured, you can still come to Congress and have the committee make an equitable adjudication of the claim rather than have it passed upon under an absolute interpretation of the law by the courts.

Mr. ALMON. Mr. Chairman, from my observation and experience with the heads of bureaus, I am more than willing that they should have jurisdiction of the amount stipulated in this bill. From my experience I believe that our constituents would get just as fair and probably more liberal settlement than they would through the Claims Committee under the present system. I am not afraid of submitting these claims up to $5,000 to the heads of the bureaus. Some one has said that they might be partisan or prejudiced because the claim arose in their particular department. The heads of the bureaus will probably have no knowledge of the facts in connection with any of these claims until they have been presented. When a man attains a position in the Government service where he gets to be the head of a bureau I am willing to trust him to pass on the claims which will be referred to him under the provisions of this bill.

Mr. RAMSEYER. Mr. Chairman, I move to strike out the last two words. Although I do not agree with the proponent of the amendment—that it changes the meaning of the bill to any considerable extent—I do want to express myself as being in favor of limiting the jurisdiction. I thought originally that it should be limited to $2,000. The amendment puts the limit at $3,000. I think that is better than $5,000; $3,000, I think, is large enough to leave to a department head. You have no provision in the bill here, even, for authorizing anybody to adopt uniform rules to guide department heads.

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. UNDERHILL. I have an amendment which will be offered as soon as this is disposed of which will take care of that feature.

Mr. RAMSEYER. Very well. That will be an improvement. Unless your amendment covers it, you have no provision for a review by anyone for errors of law. The department head may in his decision make errors of law, and his decision can not be reviewed at all.

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. UNDERHILL. The Committee on Claims and the House of Representatives in almost all of these cases make errors of law, because we are not a court of law; we are a court of equity.

Mr. RAMSEYER. That is another thing brought to my mind, since the gentleman has mentioned it. There was a good deal of loose talk when the bill was under consideration before about Congress exercising a judicial function in passing on claims. When a bill is before the House the constitutionality of which is in question, and Members get up and argue for and against the bill because of its constitutionality or unconstitutionality, do Members then exercise judicial powers or legislative powers? In acting upon the bill before us to reimburse somebody for loss of property or life, do we exercise judicial or legislative powers? It is the latter, of course, without question, and in order that we may rid ourselves of this inaccurate use of terms let me cite you an authority from the Supreme Court itself defining what constitutes the exercise of judicial power. In the Muskrat case, volume 219, page 356, I quote from Mr. Justice Miller. He said:

> The judicial power is the power of a court to decide and pronounce judgment and carry it into effect between persons and parties who bring a case before it for decision.

In other words, the exercise of judicial power has three elements—first, decision; second, pronouncing of judgment; and third, carrying into effect that judgment by a proper writ.

Now, Congress does not do that at any time, and so in none of the acts that we do here, whether passing on the constitutionality or validity of proposed legislation before us, or allowing a claim, do we exercise anything but legislative power. So let us get rid of that, and when we confer upon some officer in a department the power to pass upon a claim and transmit to Congress his finding, that is not the exercise of judicial power. Not a dollar of this money can be paid to any of these claimants until the Congress makes the necessary appropriation therefor.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. MOORE of Virginia. As I understand, the gentleman is simply concerned about the amount, and is not concerned about the language to be employed?

Mr. RAMSEYER. I do not see much difference between the language in the bill and the language in the amendment.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. Mr. Chairman, may I have five additional minutes?

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. RAMSEYER. I do not think there is much difference in the effect of the language, to be frank, between what is in the bill and what the gentleman from Virginia [Mr. PEERY] proposed in his amendment. I do favor the limitation in the

amount in this amendment, and will vote for the amendment for that reason, not because of any changes made as to power it confers upon the chief in a department.

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. UNDERHILL. Would it not be better if the gentleman is going to accept the amendment simply to strike out the figures "$5,000" and insert "$3,000"? If you keep on emasculating this bill it will not be worth anything. I will not support the amendment.

Mr. RAMSEYER. I know you will not support it. I suggest to the gentleman from Virginia to change his amendment and limit it to the amount.

The last time the bill was up for discussion there was a great deal of talk of what foreign governments had done along this line and what various States had done in permitting the individual to sue the State. Massachusetts, for instance, was cited as a shining example. I had the legislative reference bureau in the Library of Congress to look up this point, and I find that only a very few States of the Union have laws permitting suits in tort.

The progressive State of Massachusetts, for instance, although there is a section of the code there giving jurisdiction to the superior court to hear claims of all kinds, I understand the courts have construed it as simply conferring jurisdiction, but not the power or right to entertain suits against the State in such cases without further legislation; and the Legislature of Massachusetts as late as 1924, as you will find in chapter 390 of the session laws of 1924, passed a law conferring upon the attorney general power to pass on all claims up to $1,000, and they are to be paid providing the legislature appropriates the money. Upon claims involving over $1,000 the attorney general investigates them and makes his recommendation accordingly to the Legislature of Massachusetts. But the other States that have laws along this line are very limited. I am simply referring to this in connection with what I said the other day when this was up, that we should go slow. I am sympathetic toward the general purposes of the bill. The gentleman from Massachusetts [Mr. UNDERHILL] and his committee have done a lot of hard and conscientious work on the bill, and I want to see them get something through; but as this is a new venture I appeal to you to first learn how to walk before you try to run, and I am sure it will be a safer development toward the things you want to accomplish if you go slow instead of attempting to take the whole leap at once. I understand amendments will be offered to limit the amount the Court of Claims and the court can hear and they should be adopted.

Mr. LUCE. Mr. Chairman, will the gentleman yield there?

Mr. RAMSEYER. Yes.

Mr. LUCE. In view of what the gentleman has said about the action of Massachusetts, I would submit that the valuable institution known as the legislative bureau in the Library has not gone the full limit in supplying the information.

Mr. RAMSEYER. The gentleman will take his own time in explaining that. The gentleman will concede that they have not gone the whole limit, as might be inferred from speeches made here the other day.

Mr. LUCE. Yes; I prefer to take my own time, but I supposed the gentleman would be willing to be corrected in an error of statement.

Mr. RAMSEYER. Well, if I made a misstatement as to the law of Massachusetts I will yield to be corrected.

Mr. LUCE. In 1887 it was declared that the statute passed in 1879 had given jurisdiction over all claims against the Commonwealth, whether at law or in equity.

Mr. RAMSEYER. That is what I said. That is merely jurisdictional, and does not confer, so the courts have held, at least, the power to determine those cases.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. McKEOWN rose.

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. McKEOWN. On this amendment to reduce the amount from $5,000 to $3,000 I did not get the exact wording of the amendment; but on the question of amount I want to call the attention of the House to the fact that $3,000 is a jurisdictional amount that makes a case removable from a State court to a Federal court on account of diverse citizenship. It would appear to me to be fair in this legislation to take that amount to determine the jurisdiction in the settlement of claims. If we require our cases to be removed from State courts to Federal courts when the amount exceeds $3,000, then it does look to me as though $3,000 ought to be the amount to be fixed in this particular instance.

Mr. UNDERHILL. The gentleman is in error. It does not require up to $5,000.

Mr. McKEOWN. I am trying to get the amount fixed. I understood this amendment was on the amount which the department can settle.

Mr. UNDERHILL. It does.

Mr. McKEOWN. Well, I want to limit the amount at which a department may settle to $3,000, because in a lawsuit in a State court between men of different citizenships, $3,000 is the jurisdictional point, and if you go over $3,000 they can transfer the suit to a Federal court. That amount seems to me to be the reasonable amount to fix here.

Mr. UNDERHILL. That is as to cases on contract but not as to cases in tort. I am afraid the gentleman did not hear my explanation as to why the amount is fixed as it is in the bill. It is solely in the interest of the poor man that we have fixed the amount at $5,000.

Mr. McKEOWN. But there are two sides to the proposition. If $3,000 is the amount to be sued for in a State court, where there is a diversity of citizenship, either in tort or on contract, then $3,000 ought to be the amount at which a department may settle a claim. You ought not to make a discrimination in favor of a department of the Government as against the jurisdiction given to State courts. That is the point I am trying to stress. If you can not risk State courts having jurisdiction of cases involving more than $3,000, where there is a diversity of citizenship, then it seems to me $3,000 is the proper amount at which a department may settle.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. PEERY) there were—ayes 21, noes 47.

So the amendment was rejected.

Mr. UNDERHILL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. UNDERHILL: On page 2, in lines 12, 13, and 14, strike out the following: "For payment out of appropriations that may be authorized by Congress therefor."

And in line 17, after the word "made," insert the following: "Appropriations for the payment of such claims are hereby authorized and payment thereof may be made to the extent Congress may approve such claims by the granting of appropriations therefor."

Mr. UNDERHILL. Mr. Chairman, this is to correct a mistake which was made when this bill was up before. I accepted an amendment which struck out the word "made" and inserted the word "authorized." I thought it was just a change of a word which did not amount to anything, and this amendment takes care of the situation. I will say for the information of the Members that it was drawn by the chairman of the Committee on Appropriations [Mr. MADDEN] and has his approval and support.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

Mr. RAMSEYER. Mr. Chairman, I offer an amendment. On page 2, line 10, strike out "$5,000" and insert "$3,000."

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

Mr. UNDERHILL. Mr. Chairman, may I ask whether this is not subject to a point of order, a similar amendment having just been voted on.

The CHAIRMAN. Does the gentleman from Massachusetts make a point of order?

Mr. UNDERHILL. I do.

Mr. RAMSEYER. Mr. Chairman, I ask to be heard on that. The gentleman from Virginia offered an amendment which changed the text of lines 8, 9, and 10, while the amendment I am offering simply changes the figures at the end of line 10.

The CHAIRMAN. The Chair is ready to rule. The Chair overrules the point of order, and the Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RAMSEYER: On page 2, in line 10, strike out the sign and figures "$5,000" and insert in lieu thereof the sign and figures "$3,000."

Mr. RAMSEYER. Mr. Chairman, the amendment offered by the gentleman from Virginia not only changed the figures but changed the text of lines 8, 9, and 10. My amendment simply limits the jurisdiction of the heads of departments to $3,000 instead of $5,000.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

Mr. MONTAGUE. Mr. Chairman, I was necessarily detained from the House, and I did not hear all of the debate in relation to this subject. May I ask the chairman of the committee whether the words "exclusive jurisdiction" are now in the text or not?

Mr. UNDERHILL. They are not in the text.

Mr. MONTAGUE. They are left out?

Mr. UNDERHILL. Yes.

Mr. MONTAGUE. I desire to concur in the motion made by the gentleman from Iowa. It is a very wholesome amendment. I think to give authority to the heads of departments the power to adjust claims of $5,000 and less is too much.

Mr. UNDERHILL. Has the gentleman taken into consideration the amendment which was just adopted providing that payment of claims adjusted by heads of departments may be made to the extent that Congress may approve such claims by granting appropriations therefor?

Mr. MONTAGUE. Yes; I have caught that in a way. The point I desire to make is this: I would like very much to see something done that would remedy the condition which now confronts claimants of the country. However, I doubt if this bill will do it. Of course, I do not mean to say anything against the honest and indefatigable effort on the part of the committee reporting this bill to bring that about.

In the first place, you will never get, except in most isolated cases, a department to give a judgment for $5,000.

Mr. UNDERHILL. Will the gentleman allow a correction there?

Mr. MONTAGUE. Of course, that is an expression of opinion of mine.

Mr. UNDERHILL. Will the gentleman allow me to present him with the facts? Out of 1,000 reports from the department, while a department never recommends any particular amount, it never opposes the recommendation of $5,000.

Mr. MONTAGUE. But you leave this to the determination of the department, up to $5,000.

Mr. UNDERHILL. We leave the determination of a claim with them up to $5,000. They may hear the evidence and they may present the facts later to the Committee on Appropriations.

Mr. MONTAGUE. I repeat my assertion that in very rare instances will a department head certify in favor of the claimant. The inertia of the Government is against the claim when you start. You have to fight your way at the beginning. You are not before a judicial tribunal. You are not meeting an open-minded agent who is to dispose of the matter. I mean no reflection whatever. They represent the Government and they understand that their duty is to be one of saving the Government, rather than to render justice to the claimant.

Mr. SCHAFER. Will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. SCHAFER. Would not the same argument apply to the Members of the Congress? They represent the Government also.

Mr. MONTAGUE. Well, when they are seeking claims it may not apply. [Laughter and applause.]

Mr. SCHAFER. I do not mean the Members of the Congress who are seeking to have claim bills allowed; I mean the members of the Committee on Claims and the Members of Congress generally in the Committee of the Whole, and the question is whether or not they will allow a claim presented by one of their colleagues acting in the same capacity.

Mr. MONTAGUE. It is a very interesting question the gentleman puts, and it involves a field of psychology that I do not wish to enter [laughter], save to observe that Congress will lend a more willing ear to these claims than the head of a department or a subordinate under the head of a department.

I want to see some action, so there can be some remedy, up to an amount of $3,000 or $5,000, or whatever the amount may be, but if you make the amount large, greater will be the preoccupation of the mind of the particular agent to refuse the claim. For this reason I hope it will be made somewhat reasonable, so that his reaction will be more favorable to a just claim.

Mr. UNDERHILL. Mr. Chairman, I would like to say just a word along this line. Under the provisions of this bill if I, personally—and I do not know of a man in Congress who has a better knowledge of the proceedings of the departments—if I had a claim of $7,000 against the Government, I would go to the department and take my chances on the department giving me an award of $5,000 and give up the other $2,000, rather than to take any other action.

I will ask the ranking minority member of the committee to bear me out in the statement that in 90 per cent of the cases where we refer them to the departments for reports, the reports come back, as a rule, favorable and with this statement, "The department does not think the amount requested excessive." Further than this, the department has no real right to go.

Now, do not be misled. The departments have used some of our Members roughly at times, according to their own feelings, but as a rule the Members of the House have had equitable and just and fair treatment by the departments, and I trust the amendment will not be adopted.

The question was taken; and on a division (demanded by Mr. RAMSEYER) there were—ayes 16, noes 48.

So the amendment was rejected.

Mr. NEWTON. Mr. Chairman, the committee will recall that in the debate on this bill 10 days ago that I offered an amendment, which was accepted by the chairman of the Committee on Claims, the gentleman from Massachusetts [Mr. UNDERHILL], and which was then adopted by the committee. It was, on line 1, of page 2, and inserted the word "negligent" before the word "omission."

Upon reflection I am of the opinion that the amendment should not have been adopted. The original language was "wrongful act or omission." I am satisfied that the word "wrongful" modifies "omission" and therefore the word "negligent" should not be used. Changed, as I have indicated, the liability is for a negligent or wrongful act or wrongful omission.

I therefore ask unanimous consent that the previous action of the committee on adopting this amendment be vacated.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to vacate the action taken by the committee, when the bill was previously before the committee, in agreeing to an amendment at page 2, line 1, inserting the word "negligent" before the word "omission." Is there objection?

There was no objection.

Mr. BULWINKLE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 3, line 1, strike out "(10 Statutes at Large, page 481)" and insert in lieu thereof "section 227, title 31, United States Code."

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

Mr. BULWINKLE. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Page 3, strike out lines 12, 13, and 14 and insert in lieu thereof the following: "Section 3. Section 250, title 28, United States Code (sec. 145 of the Judicial Code as amended) is amended by adding after the third subsection thereof a new subsection 4, to read as follows."

The amendment was agreed to.

Mr. BULWINKLE. I offer another amendment, Mr. Chairman.

The Clerk read as follows:

Page 3, line 17, after the word "claim," strike out "exceed $5,000" and insert in lieu thereof "is in excess of $5,000 but does not exceed $25,000."

Mr. BULWINKLE. Mr. Chairman, I offer that for the purpose of limiting the amount under section 3 of this bill. Under the bill suit may be brought in excess of $5,000 up to any amount. We in the committee have had claims of a million dollars or more. I think as this is an experiment that it would be possibly better to go a little slow and limit the amount to $25,000 and consider all property claims in Congress that are over $25,000, and for that reason I have offered the amendment.

Mr. UNDERHILL. Mr. Chairman, in reference to this amendment I can see the drift of the gentleman's contention, but the facts are as follows: Most of these matters which come before the Committee on Claims involve comparatively small amounts of money and give us very little trouble excepting the time it takes to look them up and adjudicate them, but when it comes to large amounts in the Claims Committee the committee has no machinery nor has it the general atmosphere of the court to guide it.

Now, you never have limited the amount in contract cases. We passed that law many years ago and the sky is the limit there up to any amount in contract. In other words, a big manufacturer with plenty of money and a legal firm to look after its interest can come before the court and sue for an unlimited amount of money on a disputed contract. Then we passed a law known as the admiralty bill and you did not limit the amount.

I suppose the new *California* cost several million dollars. I do not anticipate that the *California* is going to be damaged by United States vessels or in its trips east and west and west and east it is going to be damaged in the Panama Canal, but suppose she was totally destroyed. There is no limit to the amount

they can sue for in court. Now, the difficulty is you are going to throw into the Committee on Claims and into Congress the adjudication of matters involving tremendous amounts of money when you do not provide the proper machinery nor the proper atmosphere with which to safeguard the interests of the claimants as well as the Nation. If you are going to reduce the amount, I trust you will not go as low as $25,000, but make a reasonable sum, but I personally object to any limitation.

Time and time again I have been asked by Members of Congress, my colleagues, who have come before the committee asking that their case be referred to the Court of Claims or to the Admiralty Court, and saying, "Can't you trust your courts?" Every time I have offered an objection my good friends of the legal fraternity will hold up to me the integrity, the honesty, the ability, and the efficiency of the courts. This afternoon it has been asked, "Can not we trust the departments?" I say that if you can trust the courts up to $25,000 you can trust them in any amount that may come before them. [Applause.]

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BULWINKLE. How many bills are now before the committee involving a property loss of more than $35,000?

Mr. UNDERHILL. Very few.

Mr. BULWINKLE. Can the gentleman tell the number? Leaving aside post-office claims.

Mr. UNDERHILL. In 1922 we had claims which were over $15,000,000, and out of that amount I can remember but six that were for more than a million or a million and a half or two million dollars.

Mr. LUCE. Is it not true that in the case of a decision by the Court of Claims, if there be any suspicion of a miscarriage of justice, Congress has always the whip hand through the Committee on Appropriations?

Mr. UNDERHILL. The Committee on Appropriations of course can exercise its power, and I am going to differentiate between the word "power" and the word "right." As a layman I have enough respect for courts to believe that their decisions should be followed, but they have not always been followed in the past, and the Committee on Appropriations can refuse absolutely to make an appropriation.

Mr. MOORE of Virginia. Mr. Chairman, I understand very fully the difficulties that attach to the present situation, and also the trouble that the Committee on Claims has had in performing its duties. I have thought that a very good disposition of the problem would be to create a commission which would have jurisdiction of all such claims as are described in the bill, with authority to report to Congress. That would relieve the necessity of Congress taking any preliminary action. However, I have no sort of objection to allowing the department heads to pass on such claims as we have talked about in the last few minutes, although I would have preferred to see the amount restricted to $3,000.

I rose to say just a few words to the committee on what we are proposing to do, so far as tort claims are concerned. I may preface my observations by the statement that ordinarily no sovereign anywhere on either side of the water, either the Government of England or the Government of the United States, or the government of any state, submits to being sued indiscriminately in actions of tort for damages. I say this without having made any extensive examination. It is proposed by this bill to expose our Government to proceedings of that character. The courts are to be given jurisdiction to consider actions of tort where the amounts involved are without limit, and as suggested a moment ago by the gentleman from North Carolina. That is what is proposed. Let us see how the claims are to arise. Let us see how very broad is the scope of the proposition. Whenever any official or employee of the Government is guilty of negligence or of any wrongful act or omission, consequent upon which there is damage to any property, the person injured may bring his suit and effect a recovery, and he can do it, whether the amount be $5,000 or $5,000,000, or any amount.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. In a moment. Let us think of the position in which that places the Government. The Government has something like half a million officials and employees, and whenever one single one of those people is negligent or is in default because of some wrongful act, then the claimant who is injured or who charges that he is injured can look beyond the employee and bring suit against the Government. Is that a safe thing to do as broadly as that?

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. UNDERHILL. I would like to ask the gentleman two questions. In the first place, is not that the practice in private as between one citizen and another, and is it not the practice of the Government as against the citizen; and second, why differentiate between actions of tort and actions on contract or in admiralty against the Government?

Mr. MOORE of Virginia. So far as the last branch of the question is concerned, there is a definiteness about contracts that does not exist in effect to the other claims.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MOORE of Virginia. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Virginia. Answering the first branch of the question, there is this to be said, that the practice of governments from the very start, which is pretty universal, is due to knowledge that there is an inclination to find against a government, which is better able to pay, than against an individual.

Mr. UNDERHILL. That may be general as far as juries are concerned, but does that inclination to which the gentleman refers prevail in the case of a trained judge?

Mr. MOORE of Virginia. That is the premise on which the world has generally proceeded up to this time. So far as I know, the Government of Great Britain does not submit to be sued by anybody who chooses to bring an action of tort against it; and that is the attitude of nearly all of the States of the Union, conservative States and progressive States. Take my own State as an illustration. This sort of thing would not be permitted.

Mr. UNDERHILL. Will the gentleman stand for a correction?

Mr. MOORE of Virginia. Yes.

Mr. UNDERHILL. Then I would say to him that in England, if any person has in point of property a just demand upon the King, he may petition him in his court of chancery, by what is called a petition of right. There the chancellor will administer right theoretically as a matter of grace and not compulsorily. In fact, right is administered as a matter of constitutional duty.

The gentleman spoke of his own State of Virginia. Is it not true that the Old Dominion has remained pretty well within the limits of the Constitution and has not engaged in all lines of business as the Government of the United States has?

Mr. MOORE of Virginia. My State is now diversifying its business to an enormous extent. We have a great many road officials in Virginia. We are not willing when a road official is guilty of some negligence in a county or has been guilty of some default, not negligent in character, to permit a person who claims injury occasioned thereby to his property to go into court and assert his claim against the State.

I have not got time to illustrate fully, but let me give one or two illustrations so as to show what is proposed to be done. The Government has thousands and increasing thousands of prohibition officers. If any one of those officials is guilty of any sort of negligence, or if he is guilty of an affirmative or wrongful act, without a warrant, if you pass this bill, a claim can be set up against the Government and asserted by judicial proceedings.

Mr. UNDERHILL. Providing it is in property damage.

Mr. MOORE of Virginia. The language of the act is clear, that if the loss or damage was occasioned by a wrongful act or omission of any officer or employee of the United States, then no plea can be offered to the institution and the maintenance of the action.

Take another illustration: We have now thousands of people engaged in carrying the mail, either on rural routes or on star routes. If this bill becomes a law and it appears that any one of those people has by some act of negligence or some wrongful act which you would not perhaps thus describe, it will permit a person alleging that he has suffered injury to go into court and recover if he can.

Mr. UNDERHILL. If the gentleman will read the bill he will find that it does not do that. There is an exemption to that extent.

Mr. MOORE of Virginia. No. There is no exemption that contradicts what I have stated. I will read the language here to show to what the exemption applies:

Mr. UNDERHILL. Will the gentleman also read the very first section of the bill, where it says:

Subject to the limitations of this act, the Government of the United States authorizes the payment of claims on account of damage to or loss of privately owned property.

It is distinctly set forth, "property." It does not allow damages in other directions.

Mr. MOORE of Virginia. Well, there are hardly any bounds to the interpretation of that provision. What I say stands. You are proposing here to allow actions against the Government in such a variety of cases that nobody can imagine what will occur. And incidentally we are doing what? Encouraging all sorts of people who are interested more now in doing that kind of thing than ever in the history of the Government, to corral such claims for the purpose of urging them and earning fees. I am not going to offer an amendment, but I think this subject is entitled to much consideration by gentlemen who have given more attention to it than I have, including the gentleman from Massachusetts [Mr. UNDERHILL], for whom I have high respect. I would like to invite the opinion of the gentleman from Massachusetts and the gentleman from Texas [Mr. Box], whom I equally respect. To repeat what I said at the outset, it is my belief we could effectively rid Congress of all the harassing labor now involved, and enable deserving people to secure swift and satisfactory determination of their claims by constituting an impartial commission to consider claims and report to Congress its findings. [Applause.]

Mr. BOX. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BOX. Mr. Chairman and gentlemen of the committee, if the membership of the House now engaged in the study of this very important bill will do me the honor to recall what I said in opening my remarks on a previous occasion, they will recall that I said it was going much further than Congress had ever before manifested a willingness to go. I still think so. I approached its consideration with grave concern. I am glad that the thoughtful men of this House are giving it their best attention. I believe the legislation ought to be enacted. I am not convinced that it is free from difficulty, but I believe that a situation as serious as we have must be dealt with. Much of the discussion we have had to-day by those thoughtful gentlemen whose remarks have contributed so much to the understanding of what is in the bill here has been from the standpoint of government. I believe my colleagues on the committee—and I think those Members of the House who pay any attention to my work on the committee—know that I do not overlook the Government's side of these questions. Perhaps I am a little bit too conservative in that direction; but while that may be true, I want the membership to remember that there is a very high and important sense in which we are obligated to look at the other side of this question. There are literally hundreds—I may say thousands—of claims that I verily believe to be just but which get no consideration. Men can not do things without making mistakes, and you can not confer responsibility without sometimes inflicting wrong, and sometimes wrong results from trusting men. But you can not refuse to grant any relief because there is danger of mistake. There is not a court in the land that does not commit error. None of us is free from error. Therefore we must recognize that we have to use faulty human instrumentalities in our efforts to do right by the claimants—thousands of claimants—as well as by our Government.

This is new legislation in principle in the main. We have some minor bills, but this is the big affair. The Government of the United States is now maintaining contact with its people in a great many ways in which it did not have contact heretofore. It has thousands of trucks carrying mail; it has like numbers of Army and Navy trucks, and hundreds of airplanes.

It has many business contacts not covered by routine law, and it is constantly creating obligations of payment not provided for by law. We have, I think, 500,000 or 600,000 employees using these agencies and distributed and working among the 115,000,000 or 120,000,000 of our people, many of whom are very weak, indeed, when they come to match strength with their Government.

Gentlemen, when we sit on your Committee on Claims we try to protect the Government. Some of us try very hard and, perhaps, lean over a little bit too far that way; but at the same time we want to exercise whatever discretion we have in doing justice by everybody.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BOX. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. PEERY. Will the gentleman yield?

Mr. BOX. Yes.

Mr. PEERY. Is it not true that under this bill damages for personal injury or death are limited to $7,500, while there is no limit for damages to property?

Mr. BOX. That is true. I want to call your attention, gentlemen, to this, and I want you to keep it in mind in whatever you conclude to do with the legislation we have presented to you, that the Congress retains control of these claims completely. I am sure there is nobody on the committee who has any such pride in the work he has done in the committee as to want that to influence anybody to pass legislation that ought not to be passed. After your departments and after your compensation commission have passed on claims we do not tell the Treasury to pay them. We say send it back to Congress with a summary of the evidence, and with the reasons for its allowance. If you think your Appropriations Committee is overburdened, you can, I suggest to my highly esteemed friend from Virginia, have a joint committee of the two Houses, or you could enlarge your House Committee on Claims and through it do the work of reviewing these claims and the action taken upon them. You can do that if you want to relieve the Appropriations Committee of the work of reviewing what these departments have done. If you want to provide an agency of your own, wholly within your own control, you could do that under this bill by the organization of a new committee or the extension of the powers of one of your present committees.

Your Committee on Claims has the right to report appropriations for claims. If you pass this legislation you would still have the power to control this business according to your judgment. If you believe that the legislation is not adequate, that it is unsafe or unjust to the Government or unjust to the claimants, we are still retaining in Congress the power to dispose of them. The Committee on Claims, or a division of it, could pass on these reports of the hearing and tentative allowance or disallowance and report back to this House in order that it may exercise its discretion concerning the claims.

This question is very serious. It weighs on the conscience of lawyers or Members of this House who see what goes on in that committee and how many people are without redress.

I say to you in all candor that I believe this will multiply the number of claims. I think I am under obligation to say that, because the question is probably in the minds of my colleagues.

Mr. BANKHEAD. Will the gentleman yield?

Mr. BOX. Yes.

Mr. BANKHEAD. I have great respect, as all of us have, for the opinion of the gentleman from Texas. One of the things that has been bothering me about this bill is the provision which gives exclusive authority to the head of a department to——

Mr. BOX (interposing). I think the word "exclusive" has been eliminated.

Mr. BANKHEAD. Well, whether that is stricken out or not, it does not change the proposition. You give authority under this bill to the heads of departments to try absolutely and determine the issues of claims up to the sum of $5,000, without any right of appeal anywhere. That is final, conclusive, and res adjudicata.

Mr. BOX. I think not. I think the gentleman is in error as to that.

Mr. BANKHEAD. In effect, it seems to me, that is it, and that is the reason why I ask for the candid judgment of the gentleman from Texas. In the bill you provide:

> No claim that, prior to the time of the passage of this act, has been rejected or reported on adversely by any court or department or establishment authorized to hear and determine the same, shall be considered under this title.

Of course, the gentleman's answer to that is that the Committee on Claims would probably still have jurisdiction of that matter, that they are not divested of jurisdiction to hear it; but is it not the opinion of the gentleman from Texas that it would greatly handicap the possibilities of a claimant ever securing any consideration whatever from the Claims Committee if one of these heads of departments had turned down the claim, although the head of a department might be in error on the law and the facts as to the righteousness of the claim?

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BANKHEAD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five additional minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the gentleman from Texas may proceed for five additional minutes. Is there objection?

There was no objection.

Mr. BOX. I think there are two or three things involved in the gentleman's intelligent question. I think, first, that the

limitation imposed upon the power of a department is not in any sense a limitation upon the power of Congress to deal with the question after it has been before a department. Next I do believe that when a department has passed on one of these claims it will be more difficult to get it reopened and gone into carefully and thoroughly than if it were being done at first instance, where a department had never passed on it, otherwise this bill would serve no purpose. I think, however, that if it were apparent that any of the parties had not received justice that the Committee on Claims, if it properly performed its duty, would reopen the claim and that no party would be left without redress. It would make it more difficult. It would add weight to the side in favor of which the department ruled, the view on which they had decided the case. I think it would not bar your action, but would simply make it more difficult.

Mr. NEWTON. Will the gentleman yield for a question along that line?

Mr. BOX. Yes.

Mr. NEWTON. Is it not the present rule of the committee on a tort claim arising out of the negligence of one of the Government's employees not to consider the claim if the department reports adversely upon it?

Mr. BOX. I do not think it is true that we refuse to consider such a claim. I think we give great weight to such a report.

Mr. NEWTON. I want to say to the gentleman, that has been my experience before the Claims Committee of the House in the last Congress. They would take the judgment of an assistant solicitor or a solicitor of one of the departments as being absolutely final and conclusive on all questions of law and fact, and a Member was absolutely powerless before the committee to get a hearing upon such a claim. That is the experience I have had before the gentleman's committee.

Mr. BOX. I am sorry the gentleman has had that experience. I want to say for myself, and I think I speak for a number of my colleagues, that what a department says is not conclusive upon me, and I think it is not usually conclusive upon the committee, though it makes it harder.

Mr. NEWTON. Then is the rule being applied to one Member in one way and to another Member in another way?

Mr. BOX. I can not go into all of those things. I do not know what claims the gentleman has. I know for one thing that the committee can not do one-tenth of the business it ought to do and do it right.

Mr. NEWTON. That is the reason I am for this bill. I want to take part of the work away from the committee.

Mr. BOX. If I may take the House into my confidence for just a moment concerning some claims that have been referred to the subcommittee of which I have the honor to be chairman, and I have had other experiences like it, involving several hundred thousand dollars and involving a lot of mixed-up and disputed transactions, my colleagues and I get together for a few hours whenever we find time and have some hearings and do our best to ferret out the rights involved in these claims, realizing all the time that we are not able to go to the bottom of them and do justice either by the claimants or by the Government. I remember yet another case that came before this House where the claim involved about $1,400,000. The gentleman from Texas reached one conclusion and a majority of the committee reached another. After spending many hours in going through them, I stated to the House that if I, as a responsible lawyer, were undertaking to adjudicate these claims I would want several months probably to ferret out all of the controverted facts and learn the truth in order to do right concerning them.

Now, gentlemen, this legislation is difficult. I am not going to tell this House that there are not going to be more claims. I believe there will be more claims.

Mr. McSWAIN. Will the gentleman yield?

Mr. BOX. Yes.

Mr. McSWAIN. But in spite of the gentleman's misgivings, I understand the gentleman is for this bill?

Mr. BOX. I am, because I would rather make an honest effort to deal with a bad situation than to throw it down and run off and say that because there is some danger I will not have anything to do with it. [Applause.]

Mr. McSWAIN. I have so much confidence in the gentleman from Texas that I am going to vote with him.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. NEWTON. Mr. Chairman, I believe in the general principles embodied in this legislation and want to support it and see it passed. I believe that in the interest of the bill generally the amendment of the gentleman from North Carolina should be adopted.

This is a new proposition, but because it is new we ought not to turn it aside. We ought to take it up, but at the same time there is no reason at all why in taking it up we should not safeguard it against possible abuse. Why it is that on both sides of the aisle there are a large number of Members who are in favor of the general proposition? This was clearly stated by the gentleman from Texas [Mr. Box] a moment ago, when he said that it is a physical impossibility for the Committee on Claims to really handle the number of bills presented to it, and to handle them well and conscientiously.

The great majority of these claims, of course, run in amounts from a few dollars up to $5,000 or $10,000. Bills embodying claims in excess of $10,000 are in the great minority. If this is the case, by the passing of this legislation, limited in its effect to claims in small amounts, we are really accomplishing the major portion of our purpose. We are then leaving to the committee plenty of time to take care of the larger claims, above $25,000, and the committee is going to have ample opportunity and ample time to take care of such claims.

Then, after the law has been in effect for a period of years and we have had an opportunity to judge whether it is being abused by an excess of claims or whether the courts are too lenient in rendering judgments under the bill, then we can remove the limit if that is then necessary.

Therefore it seems to me that in order to properly start this bill out and remove some of the objections to it we ought to adopt the amendment of the gentleman from North Carolina and limit these tort claims to $25,000.

I think the committee will not be overburdened by claims of above this figure.

Mr. UNDERHILL. Will the gentleman yield?

Mr. NEWTON. I will.

Mr. UNDERHILL. I will ask the gentleman the same question I have asked others: How do you differentiate between contract claims, property claims, and admiralty claims that are limitless?

Mr. NEWTON. As far as contract claims are concerned they seem to me to stand on an entirely different basis. You have the Government and the citizen entering into contractual relations. There is something certain about what the damages will be. As to admiralty I do not know anything about admiralty law and I am not going to say anything about it, but I do say that when you open up the field of torts and destroy the custom of ages and make the sovereign subject to lawsuits for wrongful acts of its employees or for the negligence of its employees, then you are entering into a very wide field. I do not believe that we ought to say "No; the Government is not going to be responsible for the negligent acts or omissions of its servants or the wrongful acts of its servants," but I do not think we ought to say we are going to be responsible without limit. I hope the gentleman and other members of the committee will yield on this question and let us get started where we will not be opening up the door to possibly a large number of lawsuits against the Government. Anyone who has been in large cities knows the efforts made by the claims gatherer to get claims to bring action upon them. We are inviting that very practice here, and if it is necessary to do it let us limit the amount.

Mr. LUCE. In view of what was said about discarding the "custom of ages," I would comment on the antiquity of this doctrine.

Under the Roman law judicial attitude varied at different periods. In the latter part of the Middle Ages came revolt against tyranny. In this particular the cities and towns and people successfully opposed kings and nobles, with the result that up to about the sixteenth century, speaking broadly, it was the doctrine of most of the world that corporations, whether municipal or otherwise, including governments in their corporate capacity, might be held responsible in court for either their own acts or those of their agents.

Then this doctrine was upset. By whom? By the tyrants, the absolute monarchs who came to dominate Europe. With absolutism in England under the Tudors and as long as the Stuarts could prevail, and with absolutism under such monarchs as Louis XIV, there was established the opposite doctrine, enforced for the first time with general acceptance, that the king could do no wrong.

Gentlemen have declared that the doctrine now prevails generally. On the contrary, England and the United States are the only countries in the civilized world where it prevails. It has been overturned in Germany, it has been overturned in France, it has been overturned on all the Continent of Europe, and it is a strange thing, sir, that these two countries—England and the United States, democratic in the essence of their government—still persist in adhering to this doctrine of the absolute monarchist that the rest of the world has rejected.

Ah, but we do not wholly hold to it. I wish the gentleman from Virginia was still in the room that I might tell him, it was his Commonwealth that led the way only two years after the Declaration of Independence in a revolt against this doctrine.

Said Justice Bouldin in 1874:

It has been the cherished policy of Virginia to allow to her citizens and others the largest liberty of suit against herself; and there has never been a moment since before October, 1778, that all persons have not enjoyed this right by express statute.

Authority to this end has been placed in 17 State constitutions, authority for the legislature to permit the States to be sued in the courts.

The other day, without warning that this subject was to be taken up, relying on my memory, without refreshing it by reference to notes, I erred as to what had taken place in my own State. I beg the indulgence of the House that I may correct the impression then given. I find that the Massachusetts Legislature in 1879 gave the courts the power to consider cases in contract and that in 1887 it intended to give the courts power to handle cases in tort, for it used these words, "All claims against the Commonwealth whether at law or in equity."

There come times when the courts make decisions that laymen can not fathom. With all due regard for the highest court in my own Commonwealth, I express my deep regret that in this matter, in one of the very few instances in its record, it saw fit to declare that the legislature did not mean what it said.

The court held it was not to be conceived that the legislature meant what its words would commonly mean. It held that the plain, simple purport of the language of the Massachusetts Legislature was not to be accepted, but that the words were to be taken in a juridical sense. So, by judicial legislation, the purpose of the legislature has been overthrown.

The gentleman from Virginia [Mr. MOORE] expostulated at the idea that a government might hold itself responsible for defects in highways or injuries caused by negligence of the servants of the State in connection with highways. In reply I may point out that my State has by specific legislation empowered the courts to handle cases growing out of defects in the State highways.

It was my province at one time to be at the head of the committee in our State legislature which would have handled these matters. My colleague [Mr. GIFFORD] served in the State senate, as I recall it, on the corresponding committee. Neither he nor I can remember any claim referred to those committees, save possibly in one instance in my own case, where there was more of equity than of law involved. We have turned these claims cases out of the legislature, and Massachusetts still survives. Her treasury has not been wrecked. Her people have not been wronged.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Yes.

Mr. RAMSEYER. What was the object, then, of the statute passed by the Legislature of Massachusetts not later than 1924 conferring jurisdiction on the attorney general to consider claims up to a thousand dollars, and over $1,000 to investigate them and make recommendations to the legislature?

Mr. LUCE. By such legislation we have so reduced the number of claims that our general court is no longer disturbed by their volume or by their importance.

Mr. RAMSEYER. And by "general court" the gentleman means the Legislature of the State of Massachusetts?

Mr. LUCE. That is what I mean.

Mr. RAMSEYER. I asked the question so that these western fellows around here would understand what the gentleman is talking about. [Laughter.] The gentleman admits that when the bill was under consideration before he was incorrect in his statement as to what they do in Massachusetts. I have not had time to look up the procedure in England or in the continental countries of Europe.

The gentleman evidently disagrees with his colleague [Mr. UNDERHILL], and I think I know that the gentleman is wrong in regard to what is possible over in England. At least, the gentleman from Massachusetts now having the floor puts England in the same class with us and places the continental countries of Europe in a different class. I am wondering whether, in referring to the procedure in Germany and France and in other countries in continental Europe, the gentleman is any more correct now than he was the other day when the bill was under consideration when he told us to what extent you could go in the courts of Massachusetts.

Mr. LUCE. No fellow Member has done me a greater favor when I have been on my feet than has my friend from Iowa [Mr. RAMSEYER] in expressing doubt, because in so doing he reminds me of what I came very nearly forgetting. It happens that Prof. Edward N. Borchard, of Yale, has printed in the issues of the Yale Law Journal in the course of the past two years a series of six remarkable articles on "Governmental responsibility in tort." These articles are scholarly in the extreme. The writer has ransacked history, has furnished a multitude of citations, and has shown himself a complete master of the subject. My statements of fact in relation to the earlier history of the matter and the present situation abroad are to be credited to Prof. Edward N. Borchard, of Yale. If his accuracy should be questioned, I believe he would find ample reply.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. The question is on the amendment offered by the gentleman from North Carolina [Mr. BULWINKLE].

Mr. FORT. Mr. Chairman, may we have the amendment again reported?

There being no objection, the amendment was again reported.

The question was taken; and on a division (demanded by Mr. BULWINKLE) there were—ayes 38, noes 46.

So the amendment was rejected.

Mr. BULWINKLE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BULWINKLE: Page 3, line 17, after the word "claim," strike out "exceed $5,000" and insert in lieu thereof "is in excess of $5,000 but does not exceed $50,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The question was taken; and on a division (demanded by Mr. BULWINKLE) there were—ayes 41, noes 51.

So the amendment was rejected.

Mr. BULWINKLE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BULWINKLE: Page 3, line 16, after the word "of" in line 16, strike out "the Federal tort claims" and insert in lieu thereof the word "this."

Mr. BULWINKLE. Mr. Chairman, that amendment is introduced to clarify the unusual procedure of citing the act in the act creating the act. Under this a great many Members did not know what the Federal tort claims act was. That is the bill that we are now considering.

Mr. UNDERHILL. Mr. Chairman, I bow to the superior judgment of my colleague.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. Paragraph 20 of section 24 of the Judicial Code, as amended, is amended by adding after the first subdivision thereof a new subdivision to read as follows:

"Concurrent with the Court of Claims, of all claims liability for which is recognized under Title I of the Federal tort claims act, if the amount claimed is in excess of $5,000 but does not exceed $10,000. All suits brought and tried under the provisions of this paragraph shall be tried by the court without a jury."

Mr. BULWINKLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BULWINKLE: Page 3, beginning with line 18, strike out section 4, commencing with line 18, on page 3, and ending with line 2, on page 4, and insert in lieu thereof the following:

"SEC. 4. Subsection 20. Section 24, Judicial Code, as amended (subsection 20, section 41, title 28, United States Code), is amended as follows:

"'(20) Suits against United States. Twentieth. Concurrent with the Court of Claims, of all claims not exceeding $10,000, founded upon the Constitution of the United States or any law of Congress, or upon any regulation of an executive department, or upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect to which claims the party would be entitled to redress against the United States, either in a court of law, equity, or admiralty, if the United States were suable, and of all set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court; and of any suit or proceeding commenced after the passage of the revenue act of 1921, for the recovery of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority or sum alleged to have been excessive or in any manner wrongfully collected under the internal revenue laws, even if the claim exceeds $10,000, if the collector of

internal revenue by whom such tax, penalty, or sum was collected is dead or is not in office as collector of internal revenue at the time such suit or proceeding is commenced. Nothing in this paragraph shall be construed as giving to either the district courts or the Court of Claims jurisdiction to hear and determine claims growing out of the Civil War, and commonly known as "war claims," or to hear and determine other claims which had been rejected or reported on adversely prior to the 3d day of March, 1887, by any court, department, or commission authorized to hear and determine the same, or to hear and determine claims for pensions; or as giving to the district courts jurisdiction of cases brought to recover fees, salary, or compensation for official services of officers of the United States or brought for such purpose by persons claiming as such officers or as assignees or legal representatives thereof; but no suit pending on the 27th day of June, 1898, shall abate or be affected by this provision. No suit against the Government of the United States shall be allowed under this paragraph unless the same shall have been brought within six years after the right accrued for which the claim is made. The claims of married women, first accrued during marriage, of persons under the age of 21 years, first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim, shall not be barred if the suit be brought within three years after the disability has ceased; but no other disability than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively. Concurrent with the Court of Claims, of all claims liability for which is recognized under Title I of the Federal tort claims act, if the amount claimed is in excess of $5,000 but does not exceed $10,000. All suits brought and tried under the provisions of this paragraph shall be tried by the court without a jury.'"

Mr. UNDERHILL. Mr. Chairman, as I followed the reading of the amendment, this is merely the quoting of the law as it now reads, instead of referring to it, in lines 18 and 19, on page 3. Am I right in reference to that?

Mr. BULWINKLE. Mr. Chairman and gentlemen of the committee, merely this: On page 3 of the bill, line 18, you will notice that it cites paragraph twentieth. It should be "paragraph 20 of section 24 thereof, a new section." Under this section of the Judicial Code there is only one section, and the amendment here proposed goes into what you might call the body of that section in making a new subdivision. But this just reenacts the provision of the Judicial Code affecting this section, plus the words beginning on line 22 of section 3.

Mr. UNDERHILL. And ending on page 4 in line 2?

Mr. BULWINKLE. Yes. While I am here I may state that through inadvertence I overlooked this just now, and probably we will have to have an amendment to this amendment striking out and inserting "Title I of the Federal tort claims act."

The CHAIRMAN. The gentleman asks unanimous consent to modify his amendment in the manner indicated. The Clerk will report the amendment for information.

Mr. BULWINKLE. The latter part of it.

The Clerk read as follows:

Concurrent with the Court of Claims of all claims liability for which is recognized under Title I of the Federal tort claims act if the amount claimed is in excess of $5,000 but does not exceed $10,000. All suits brought and tried under the provisions of this paragraph shall be tried by the court without a jury.

Mr. HUDSPETH. Mr. Chairman and gentlemen of the House, if I caught correctly the gentleman's amendment it prohibits the bringing of any suit in the Federal court where the cause of action arose on a claim six years prior to bringing the suit?

Mr. BULWINKLE. No. If the gentleman will read, beginning on line 22, page 3, he will notice it gives concurrent jurisdiction between the court of the districts and the Court of Claims.

Mr. HUDSPETH. Something is stricken out here.

Mr. BULWINKLE. I know; but the gentleman is reading the original law as it is at present.

Mr. HUDSPETH. Then is the gentleman amending the present law?

Mr. BULWINKLE. Yes; so as to get it in proper form. That is all.

Mr. HUDSPETH. It is such a long amendment——

Mr. BULWINKLE. That is true, but as I stated before, you have the words repeated there. That would be the case if this were added to the existing law.

Mr. HUDSPETH. I just caught the reading of the latter part. I was absent for a moment from the Chamber attending a hearing in the Committee on Appropriations. What is the gentleman seeking to do with the bill that we passed out of the committee, reported by the gentleman from Massachusetts [Mr. UNDERHILL], as I understood, by unanimous vote? What are you seeking to amend here?

Mr. BULWINKLE. It is to clarify it. That is all.

Mr. HAWLEY. The first part of that amendment, as I understand it, is just a reenactment of existing law. We will have it all in one place.

Mr. UNDERHILL. Yes; in one paragraph. The error in the bill was in referring to two subdivisions.

Mr. BULWINKLE. There was no subdivision.

Mr. HUDSPETH. It says:

Concurrent with the Court of Claims of all claims liability for which is recognized under Title I of the Federal tort claims act, if the amount claimed is in excess of $5,000 but does not exceed $10,000. All suits brought and tried under the provisions of this paragraph shall be tried by the court without a jury.

Now, if that is in the bill, why is the gentleman seeking again to reinsert it?

Mr. BULWINKLE. If that were left out, then you would have under section 41 of the act——

Mr. HUDSPETH. Are you speaking of the bill or of the present law?

Mr. BULWINKLE. I am talking about the bill as it will be if reenacted. There is only one subdivision of section 20 under the existing law. Then you have this:

All suits brought and tried under the provisions of this paragraph shall be tried by the court without a jury.

Mr. HUDSPETH. Where are you going to place the provision amending the bond?

Mr. BULWINKLE. It is incorporated right here in the existing law.

Mr. HUDSPETH. When you go to placing it in the code what are you going to do with it? You mean in the code that has just been enacted?

Mr. BULWINKLE. Either the judicial act or the code just enacted. It does not change existing law.

Mr. HUDSPETH. I understood the gentleman was limiting the suits that can be brought within six years from the time the cause of action arose up to the time the suit was instituted.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. HUDSPETH. The gentleman assures me it does not alter that situation.

Mr. BULWINKLE. The only thing I am doing here is to show the House what section of the Judicial Code is amended by this provision in the bill.

Mr. HUDSPETH. The gentleman is not injecting any new matter into the bill?

Mr. BULWINKLE. It is the same matter which is in the bill, commencing in line 22, on page 3, and ending in line 2, on page 4. It is the same matter in the bill placed as an amendment showing what the existing law is. That is all.

Mr. HUDSPETH. If that is what the gentleman intends, I have no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

The Clerk read as follows:

SEC. 5. Suit under section 24 or 145 of the Judicial Code, as amended by this act, upon a claim accruing on or after April 6, 1920, and prior to the passage of this act, shall be brought within one year after the passage of this act or within six years after the accrual of the claim.

Mr. UNDERHILL. Mr. Chairman, I offer an amendment. I move to strike out, in line 5, page 4, "1920," and insert in lieu thereof "1925."

In line 6, strike out the words "one year" and insert in lieu thereof the words "six months."

In line 7, strike out the word "six" and insert in lieu thereof the word "three."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. UNDERHILL: On page 4, in line 5, strike out the figures "1920" and insert in lieu thereof the figures "1925."

In line 6, strike out the words "one year" and insert in lieu thereof the words "six months."

In line 7, strike out the word "six" and insert in lieu thereof the word "three."

Mr. BOX. I want to ask the chairman if he does not understand that this insertion of 1925 has the effect of simply limiting the operation of this bill to causes of action arising after

that date and that it has no effect at all on such causes of action which arose prior to 1925, such as my colleague from Texas [Mr. HUDSPETH] has in mind?

Mr. UNDERHILL. The gentleman is absolutely correct. We had to set a limit. This bill was drawn at least four or five years ago, and in redrawing the bill from year to year those dates were left in. It is perfectly apparent to the Members that it would not be wise to set such a long limit as is now contained in the bill. Consequently, we have suggested the change of date to 1925, and it does not act as a retroactive feature at all.

Mr. BOX. And leaves the holders of those claims with all the rights and advantages they now have?

Mr. UNDERHILL. Yes.

Mr. RAMSEYER. Will the gentleman yield for a question?

Mr. UNDERHILL. Yes.

Mr. RAMSEYER. Does not the gentleman think to reduce the time from one year to six months after the passage of this act is an unnecessary limitation? Just why does the gentleman *think* one year after the passage of this act is too long?

Mr. UNDERHILL. I frankly stated to the House on a previous occasion that I had accepted this suggestion as strengthening the bill in another body, and that the reason for it was a reason which appealed strongly to me, and that was that in these Government suits it would be well to reduce the time as far as was possible to do so in order to protect the Government against suits which might be brought and the witnesses might have disappeared in the meantime. It is a protective measure for the Government.

Mr. RAMSEYER. Three months would be still more protective, but that is not the question. It is a question of reasonableness.

Mr. UNDERHILL. I think six months is long enough. If a fellow has a suit to bring against the Government or anyone else, he ought to bring it within a short time. In the original bill the limitation was 60 days. That was increased to one year later on in order to conform to the general practice in the courts. However, it was thought very unwise to leave it one year, but that we should reduce it to six months, which is considered a reasonable time.

Mr. RAMSEYER. I do not want to oppose the committee's action, but I simply want to state that one year would not be an unreasonable time after the enactment of the law. A lot of people do not learn what Congress does even within that length of time. Even some Members of Congress a year after a law is passed wake up to a realization that they did not know such a law ever passed.

Mr. UNDERHILL. It will take care of most cases.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

SEC. 7. No suit upon any claim shall be brought under section 4 or 5 if the claim has been determined by the head of any department or establishment under section 1; and no claim shall be presented for consideration to the head of any department or establishment under section 1 if final judgment thereon has been rendered in a suit upon such claim brought under section 4 or 5.

Mr. NEWTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. NEWTON: On page 4, line 13, strike out lines 13, 14, and 15 to and including the semicolon.

Mr. NEWTON. Mr. Chairman, the committee will note that I have stricken out the language which constitutes words of limitation; that is, "no suit upon any claim shall be brought under section 4 or 5 if the claim has been determined by the head of any department or establishment under section 1."

Under the plan or scheme provided in the bill you can take a claim and go to the department and have it determined there. If the claim is over $5,000, you then have recourse to the courts. This provision makes a determination—now mark this—this provision makes a determination by a department head absolute and final.

If there is anything I do not like and that the average Member of Congress does not like it is the granting of arbitrary power to anyone, and this applies to any member of the executive branch of the government. I abhor the exercise of arbitrary power by anyone.

Mr. HUDSPETH. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. HUDSPETH. As I understand, it is the gentleman's contention that under the bill the language makes the finding of a department head final.

Mr. NEWTON. Exactly.

Mr. HUDSPETH. And you have no right to go into court.

Mr. UNDERHILL. No; the gentleman is mistaken.

Mr. NEWTON. You have no recourse.

Mr. UNDERHILL. The gentleman is absolutely mistaken.

Mr. NEWTON. I yield to the gentleman from Massachusetts [Mr. UNDERHILL], if there is any question about it.

Mr. HUDSPETH. I had understood just the reverse, I will state to the gentleman from Minnesota.

Mr. UNDERHILL. If the gentleman will yield——

Mr. NEWTON. Yes.

Mr. UNDERHILL. I stand firm for the right of the citizen to have his day in court, but I do not declare for a policy of giving him three or four chances at it. This paragraph determines that if the department head decides against him he can not carry it to court; and it also determines that if the court decides against him he can not carry it to the department; but it does not prevent him from coming to Congress at any time he wants to.

Mr. NEWTON. He has that right to-day. The citizen can come to Congress, but, as I said a few moments ago, under a rule which has been established by the gentleman's committee, if a department head says that a tort claim is not just, under the rule of the gentleman's committee a Member of Congress is precluded now from having the committee pass judgment upon it.

Mr. UNDERHILL. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. UNDERHILL. There is no such rule in the committee, and there has never been such a rule in the committee. If the gentleman must force me to a confession, I will say that I have exercised arbitrary powers in the committee which I had no right to exercise and from which I want to be relieved. I adopted this procedure in order that we might get action on some matters and do some justices rather than take up a case that has not a snowball's chance either in the committee or on the floor of the House and spend weeks on that case to the exclusion of a score or more cases with real merit. This is in the interest of most of my colleagues, and if there is anybody to blame I will accept the responsibility.

Mr. NEWTON. I am not seeking to place the blame upon anybody. I am stating a fact.

Mr. DEMPSEY. Will the gentleman yield?

Mr. NEWTON. In just a moment. What I am seeking to do is to get away from the present situation that we are in.

Mr. UNDERHILL. And let us get through it by this bill.

Mr. NEWTON. We want to get through it in the right way, and the way the bill is now drawn you can not get through it because if it is a small claim you can not get into court. If it is a small claim, you can get the department head to pass upon it up to $5,000; but if the department head rules against it, you are foreclosed now, under the gentleman's idea of the way the procedure should be conducted in his committee, and we will be foreclosed if we pass this bill. This takes in a great majority of the claimants. Wherein are we benefiting ourselves by any such legislation if we so restrict it?

I now yield to the gentleman from New York.

Mr. DEMPSEY. Is not this the scope of the bill, and I would like to have also the attention of the chairman of the committee? Under subdivision (b) on page 2, authority is conferred upon department heads to settle and adjust claims up to $5,000.

Mr. NEWTON. That is right.

Mr. DEMPSEY. Now, nowhere else is there any jurisdiction conferred upon a department head except under that subdivision.

Mr. NEWTON. That is correct.

Mr. DEMPSEY. Then we come to page 3, and under section 3 jurisdiction is conferred upon the courts to consider claims in excess of $5,000, and no jurisdiction is conferred upon the court except in respect of claims in excess of $5,000.

Mr. NEWTON. That is my understanding of it.

Mr. DEMPSEY. Then we come to page 4, and under this provision which the gentleman proposes to strike out, the conclusion or decision of a department head as to a claim of less than $5,000 is made conclusive and final.

Mr. NEWTON. That is right.

Mr. DEMPSEY. Now, if we are going to make the bill so that the department shall have final and exclusive jurisdiction, would not we have to go back to section 3 and strike out the words in lines 16 and 17, "If the amount of the claim exceeds $5,000"—and this would confer jurisdiction on the court in all claims?

Mr. NEWTON. That is correct.

Mr. DEMPSEY. Would it not be an advantage to give the claimant the choice or opportunity if he is poor and has a small claim to go to the department head first, which would be accomplished by the second amendment, the one the gentleman

has suggested, and the one I have outlined on page 3, and enable him to present his claim to the department, and then the department represents the Government as if the district attorney is conferring with a criminal or the counsel of a city is conferring with a man who has a claim against the city—the situation is precisely the same.

Mr. NEWTON. The gentleman is correct.

Mr. DEMPSEY. The man should not be bound by the determination of the officer who represents the other side, but should have his day in court. The man with a small claim can not have his day in court except by the two amendments.

Mr. NEWTON. The gentleman is correct.

Mr. DEMPSEY. Ninety per cent of these claims will be claims of poor, practically helpless people ranging in amount from $1,000 to $5,000. By passing the bill as drawn without the two amendments you are not affording any relief to this large number of claimants, but only relief to the big fellow who has a claim beyond the $5,000, reaching up in amount however great it may be; is not that the truth?

Mr. NEWTON. That is correct.

Mr. DEMPSEY. So that we are extending relief to the man who does not need it, and giving such limited relief to the poor man that, according to my experience and the experience of all of us, is no relief at all.

Mr. NEWTON. Yes; the claimant under these conditions, if he knows about the law and the officers who handle the claims, would base his claim on a sum over $5,000 in order to get into the court. That is what we are inviting.

Mr. DEMPSEY. We are not criticizing the Government, but we say it is a prejudiced judgment and would inevitably be a prejudiced judgment, and the claimant ought not to be bound by a judgment of that kind.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. NEWTON. I will.

Mr. GREEN of Iowa. My experience induces me to agree with the gentleman from Minnesota. When I first came to the House I was on the Committee on Claims, and I know how the departments acted then, and I know how the departments act recently. I knew about a claim that would not take a jury 15 minutes to decide, but which an officer of the department promptly rejected on the statement of a colored driver of an Army truck. That claimant would be entirely remediless if his claim was left at $5,000.

Mr. NEWTON. He would, save for the somewhat theoretical remedy which he now has to come to Congress.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. NEWTON. In view of the interruptions, I ask for three minutes more.

The CHAIRMAN. Is there objection

There was no objection.

Mr. BOX. Will the gentleman yield?

Mr. NEWTON. I will.

Mr. BOX. I want to call attention to the language "claims up to $5,000." There is no such thing as appealing from one of these cases tried by the department under this act, because this act places the jurisdiction of the court above that sum. Would the gentleman have an overlapping there?

Mr. NEWTON. Yes; I am glad the gentleman has asked the question. We know what it is to present a claim to the department. For example, they have a report of the post-office inspector on the alleged negligence or conduct of the post-office truck driver. The evidence that comes before the departmental officer is in some instances meager. There is no opportunity for cross-examination. They rely in a large measure on the judgment of the post-office inspector. It is not like a lawsuit; it is not handled like a lawsuit. After you have presented a claim of that kind the law officer says, "No; you are not entitled to it."

I do not see any reason at all why a claimant should then be barred from proceeding in the courts. I can see why, by electing to go into the courts, the departments should then be barred from handling it, because you have then determined the question judicially in a judicial procedure, with the opportunity to have witnesses and to examine and cross-examine; but I can not figure out why a man who feels he has a just claim against the Government should be precluded from going into court if his claim has been before a departmental officer.

Mr. McREYNOLDS. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. McREYNOLDS. Is there any reason why he could not go into court without going to a department?

Mr. UNDERHILL. Yes; because under this bill as it is now drawn, if the claim is under $5,000, he is precluded from going to the courts.

Mr. McREYNOLDS. I understand that, but in damage suits of this character is there any reason why a lawyer can not bring suit for $10,000, as they generally do?

Mr. UNDERHILL. I just stated to the gentleman from New York that if we did not do this we will be writing an invitation to increase the amount and to bring the action.

Once more, I want to emphasize the fact that because of the unfortunate and unhappy experience of one or two or three of our Members in going before departments and having their claims turned down, we ought not therefore to amend this bill. The purpose of this bill is to give everybody a chance. We can not cover every remote contingency. I can imagine several things that might come up under this bill if my imagination were elastic enough, that would ruin the bill. What we are trying to do is to do justice and equity to the greatest number. We provide the departmental service for those who can not afford the courts, and we provide courts for those who have larger claims and who can afford the courts. There is no reason in the world why a man who has been before a court and has been refused judgment should then be allowed to come before a department for a smaller sum with the expectation that he might touch their hearts and get something. We have been all through this. We gave plenty of time to the discussion of it. It is just a repetition of what we went through before, and it was defeated overwhelmingly when it came to a vote.

Mr. WHITEHEAD. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. WHITEHEAD. This provision that is sought to be stricken out by the gentleman from Minnesota [Mr. NEWTON], the first clause of section 7, which prevents the claimant from going to court after he has been to the department, but does it prevent a claimant from coming to Congress?

Mr. UNDERHILL. No. He can not go to court now. One would think to hear some of these people talk that every claimant there is in the United States has an opportunity now to go to the courts, whereas no mother's son can go to court now. We are providing here so that scores or hundreds may go to the courts, and relieve the Congress, and then perhaps Congress might have some time to take up some of these disputed questions with the department.

Mr. NEWTON. I judge from the gentleman's remarks that he has the idea that my amendment would permit a claimant after having gone to the courts to then go to the departments. My amendment does not affect that provision at all.

Mr. UNDERHILL. I know that.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. STEVENSON. This language seems to contemplate stopping people from bringing suit upon claims which have been passed on by the departments, where they are given exclusive jurisdiction under subsection (b) of section 1.

Mr. UNDERHILL. Yes.

Mr. STEVENSON. Is the word "exclusively" still in there?

Mr. UNDERHILL. It is not in there.

Mr. STEVENSON. You have struck that out?

Mr. UNDERHILL. Yes.

Mr. BOX. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BOX. Suppose the amendment of the gentleman from Minnesota [Mr. NEWTON] is agreed to, under this act, will a man who has a claim for $5,000 or less then have a right to go into court?

Mr. UNDERHILL. No; positively no. He has no more right than he has now.

Mr. NEWTON. But by returning to section 3 and passing the amendment suggested by the gentleman from New York, he would have that right.

Mr. UNDERHILL. But we are not going to return.

Mr. NEWTON. Of course, the gentleman can prevent our returning, but I want to adopt a measure that will meet some of the problems that Members have. I am not merely trying to get through a bill.

Mr. UNDERHILL. And neither am I.

Mr. NEWTON. The bill as it is now drawn does not meet our situation.

Mr. UNDERHILL. Gentlemen, I am not trying merely to get through this bill. It does not matter to me whether the bill passes or not. I do not believe there is a Member in Congress, however, that it will not affect sooner or later. One of our Members who never had a claim before this committee and never expected to have a claim all at once had to come before the committee with a claim that involved over 2,000 of his constituents only within a year. You do not know what the Government's activities are going to bring about, and if you let the present situation go on as it is the gentleman from Minne-

sota [Mr. NEWTON] and the gentleman from Texas [Mr. BOX] and the gentleman from Massachusetts will not have a chance before Congress to get their claims even printed. We will have to run overtime to print them.

Mr. NEWTON. As far as the gentleman from Minnesota is concerned, he has no chance now.

Mr. BOX. Mr. Chairman, I crave the indulgence of the House. Much has been said here about the manner in which claims get consideration or fail to get consideration after they have been adversely reported on by the departments.

The chairman has within the hearing of the House said that he takes some responsibility for some arbitrary action. He is probably not quite fair to himself in saying that. I want to say to the Members of the House that I can from my place now cite a great many claims, or at least several that come at once to my mind, where the departments have made adverse reports, where they were referred to the subcommittee of which I am a member, reported favorably, and passed by this House.

Mr. NEWTON. If the gentleman has any influence on his committee, will he kindly have some of my bills referred to his subcommittee? [Laughter.]

Mr. BOX. I fear I am inviting too much work.

Mr. McDUFFIE. If that will be done without the passage of this bill, we do not want to stop the good work.

Mr. BOX. Whatever mistakes we may make, I am quite sure that it is not the rule of the committee to consider the finding of a department as final. I myself, with the support of my colleagues on both sides of the table, and with the support of the chairman of this committee, have caused a number of those departmental reports to be overruled and the bills have been ordered paid by this House.

Mr. DEMPSEY. Is not the gentleman's argument the strongest kind of an argument for passing the amendment proposed by the gentleman from Minnesota? What the gentleman from Texas says is true, that his experience with the department is just what you would expect; that they as a rule determine in favor of the Government, just as you would naturally expect them to do. Now, in all these cases where you say the department has ruled one way and your committee has found that the ruling, justly and fairly and equitably and properly, should be the other way, the poor claimant, if this bill is passed, will have no remedy at all unless you adopt the amendment proposed by the gentleman from Minnesota, and say that after the claim has been rejected by the department the claimant can still go to court.

Mr. BOX. With all respect to the gentleman from New York [Mr. DEMPSEY] and the gentleman from Minnesota [Mr. NEWTON], both able gentlemen, the amendment offered by the gentleman from Minnesota does not touch the question he is aiming at.

Mr. DEMPSEY. Why not?

Mr. BOX. If the gentleman will hear me, I think he will see the reason when I state it. The department under this act settles claims under $5,000.

Mr. DEMPSEY. Wait a minute. When I questioned the gentleman from Minnesota I suggested that we go back to page 3 and strike out, in lines 16 and 17, the words "if the amount exceeds $5,000."

Mr. BOX. If it is proposed to put that in by another amendment, it may accomplish the purpose he has in mind; but by itself it will not avail.

Mr. DEMPSEY. The two things have to coincide, and we expect the committee will make the two things coincide.

Mr. O'CONNOR of Louisiana. Mr. Chairman, will the gentleman yield there?

Mr. BOX. I yield to the gentleman from Louisiana.

Mr. O'CONNOR of Louisiana. I want to ask the gentleman from Texas, does the committee always follow the reports of the departments?

Mr. BOX. I do not always follow the departments for they make mistakes both ways.

Mr. O'CONNOR of Louisiana. Do you follow the department's recommendations where they are favorable?

Mr. BOX. Not in every case, notwithstanding the statement of the chairman, which he makes courageously here. I believe that most members of that committee believe—and there are other gentlemen here who have served on it before—that if a claim comes in with an adverse departmental report and we think it is wrong, it is our duty to do what is right, and we try to do it. If the department recommends an amount that we think ought not to be paid, we do not do it.

Mr. DEMPSEY. There is a question I want to ask with reference to the gentleman's statement. Will the gentleman yield?

Mr. BOX. Yes.

Mr. DEMPSEY. You say that under the present practice when a claim comes in you send it to the department for its recommendation and then when it comes back to the committee you investigate the correctness of their determination. But under this bill you send it down to the department and it makes its determination finally. You do not reserve the right to rectify mistakes or errors of decisions based upon facts which the department puts forth representing the Government.

Mr. BOX. We retain every right that Congress now has.

Mr. DEMPSEY. If it is sent to a department for full investigation and determination, that determination will be final, and you could do nothing.

Mr. BOX. Well, that would be that much relief granted. The remedy is not perfect. But you would have all you have now and more.

Mr. DEMPSEY. You can still go to court?

Mr. BOX. You can go to court.

Mr. DEMPSEY. This opportunity for obtaining relief should be given to the small claimant as well as to the large claimant.

Mr. O'CONNOR of Louisiana. I have a bill for the relief of three men who are employed in the Treasury Department. The Treasury Department has reported favorably upon that bill, and although nothing contrary to that recommendation has been presented to the committee, the committee has never reported out my bill for the relief of those three men.

Mr. BOX. Has the gentleman ever been before the subcommittee or appealed to the chairman for a hearing?

Mr. O'CONNOR of Louisiana. The chairman of the committee [Mr. UNDERHILL] is sitting at the desk and is listening to me. He knows that I have badgered and plagued him for a report, but he is hard-boiled. I do not know why he has not given the relief that I have sought and prayed for without success. [Laughter.]

Mr. BOX. I want to say a word about the work of that committee. The chairman and I are friends, and we try to be coworkers for the Government. Sometimes we put a little different construction on the rules of the committee. I believe that under the rules of the committee when a member requests in writing the reference of a claim to a subcommittee he has a right to have it referred. Sometimes when a man gets an adverse report from the department that ends it with the chairman. Am I right, Mr. Chairman?

Mr. UNDERHILL. If the gentleman will realize that the number of members of the committee is limited, he will understand that if all these requests for reference were granted we would not know how to take care of them.

Mr. BOX. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. McREYNOLDS].

Mr. McREYNOLDS. Mr. Chairman, this bill gives authority to the head of each department to settle claims under $5,000, and according to this bill that is a bar to any suit. What is there in this bill to prohibit the head of any department, after any claim has arisen in that department, from deciding it ex parte?

Mr. BOX. It is on the judgment and responsibility of the branch of the Government that is helping to carry on the Government. They may be wrong sometimes, but there are not many up there, I think, who would just say, "Here is a fellow with a claim and we will just cut him off with no chance to present his facts." There are very few such men in the departments.

Mr. McREYNOLDS. I do not mean to say that men of that character would go that far, but men are prone to believe their own witnesses or those in their own departments, and that might bar a man who had a just claim from having his proofs properly presented.

Mr. BOX. You mean in court?

Mr. McREYNOLDS. No; I mean before the head of a department.

Mr. BOX. The department would be the judge of the sufficiency of the evidence and of the measure of justice which it administers, and then they can come back to the Committee on Claims.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BOX. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. O'BRIEN. Will the gentleman yield?

Mr. BOX. Yes.

Mr. O'BRIEN. It has been stated that Congress retains jurisdiction. Suppose a claim has not been allowed and it comes back to the House for action, what then will be the

procedure? Would it not then be referred to another committee and the party have two days in court or another day in court?

Mr. BOX. If it is a claim which the Speaker would refer to the Claims Committee it will go to the Claims Committee and receive such consideration as they think it ought to have. I have stated two or three times, and I do not think I am in error about it, that ordinarily where a department has gone over it and made an ascertainment about it that that will create a stronger feeling on the part of the committee that the department has probably settled it and settled it right.

Mr. O'BRIEN. In other words, it would give the party two days in court?

Mr. BOX. He would have two days.

Mr. HUDSPETH. Will the gentleman yield?

Mr. BOX. Yes.

Mr. HUDSPETH. I want to see whether or not the gentleman from east Texas and the gentleman from west Texas understand this bill the same. Under the present law department heads are permitted—and I would like the gentleman from New York to follow me in this—to settle claims up to $1,000.

Mr. BOX. I think that is right.

Mr. HUDSPETH. If this bill is passed, as I understand it, it will permit department heads to settle claims up to $5,000?

Mr. BOX. That is right.

Mr. HUDSPETH. Is not that the only change made in the law?

Mr. BOX. As to amount and jurisdiction; yes.

Mr. HUDSPETH. If I understand the idea of the gentleman from New York he desires to confer jurisdiction upon the court, and if that is so he should offer an amendment providing that the court shall have jurisdiction of claims from $1,000 to $10,000. That is the way I follow the gentleman, and I would support this kind of amendment. I want just claims to have a day in court.

Mr. DEMPSEY. If the gentleman will yield, it is suggested, if the present amendment prevails, that then leave will be asked to return to page 3 and strike out the words in lines 16 and 17:

If the amount claimed exceeds $5,000.

Which would give the court jurisdiction of all claims of the nature covered by this bill.

Mr. HUDSPETH. The Federal courts now have jurisdiction of suits where the amount is greater than $3,000.

Mr. BULWINKLE. Arising out of contract.

Mr. HUDSPETH. Yes. Of course, as to cases in tort it would be a different proposition.

Mr. DEMPSEY. I think there is this difference in the law also: I do not think the present jurisdiction of $1,000 claims is exclusive. If a man who has submitted his claim in that way has accepted his remedy, of course, he has no resort to the court; but it will put him in a different attitude if we pass this bill and a great deal worse attitude toward Congress.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

Mr. NEWTON. Mr. Chairman, I would like to have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. NEWTON) there were—ayes 24, noes 39.

So the amendment was rejected.

The CHAIRMAN. The gentleman from North Carolina [Mr. BULWINKLE] asks unanimous consent to return to section 5 for the purpose of offering an amendment giving the United States Code citation. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BULWINKLE: On page 4, line 4, after the word "Code," insert "(United States Code, Title 28, secs. 41 and 250.)"

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. (a) The provisions of this title shall not apply to—

(1) Any claim arising out of the loss or miscarriage or negligent transmission of letters or postal matter.

(2) Any claim arising in respect of the assessment or collection of any tax or customs duty.

(3) Any claim for which liability of the Government is recognized by the act of October 6, 1917 (40 Stat. 389), relating to loss or destruction of or damage to personal property and effects of officers and enlisted men and others in the naval service or the Coast Guard; by the act of March 3, 1885 (23 Stat. 350), as amended, relating to loss, damage, or destruction in the military service of private property belonging to officers, enlisted men, and members of the Nurse Corps (female) of the Army; or by the act of March 9, 1920 (41 Stat. 525), or the act of March 3, 1925 (43 Stat. 1112), relating to claims against merchant and public vessels of the United States or of corporations the entire stock of which is owned by the United States.

(4) Any claim arising out of the conveyance, transfer, assignment, or delivery of money or other property or out of the payment to or seizure by the President or Alien Property Custodian of any money or other property in administering the provisions of the trading with the enemy act, as amended.

(5) Any claim arising out of the administration of the quarantine law.

(b) The act entitled "An act to provide for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922, is hereby repealed, except that any claim accruing prior to such repeal may be considered, ascertained, adjusted, determined, and certified in the same manner and to the same extent as if this act were not law.

(c) The provisions of any act, in so far as inconsistent with the provisions of this title, are hereby repealed to the extent of such inconsistency.

Mr. BULWINKLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BULWINKLE: On page 5 strike out subsection 3, lines 1 to 15, inclusive, and insert in lieu thereof the following: "(3) Any claim for which settlement is provided by the act of October 6, 1917 (secs. 981–982, inclusive, title 34, United States Code), relating to the loss, damage, or destruction of the property of officers and enlisted men in the naval service, in the Marine Corps, and in the Coast Guard; by the act of March 3, 1885 (secs. 218–222, inclusive, title 31, United States Code), as amended, relating to the loss, damage, or destruction of the property of officers, enlisted men, and members of the Nurse Corps (female) of the Army; or by the act of March 9, 1920 (secs. 741–752, inclusive, title 46, United States Code); or the act of March 3, 1925 (secs. 781–790, inclusive, title 46, United States Code), relating to claims or suits in admiralty against the United States."

Mr. BULWINKLE. Mr. Chairman, there are two purposes to be served by this amendment, first to give the citation to the United States Code and, second, to change the wording of the section in the bill somewhat.

The members of the committee will notice, in line 1, on page 5, the language is "any claim for which liability of the Government is recognized." I do not think this is a good expression to use, and the statement in the amendment is "any claim for which settlement is provided" by the various acts, and so forth. I think this clarifies the language, in this particular as well as in some others.

Mr. UNDERHILL. I think also, Mr. Chairman, that is an improvement.

The amendment was agreed to.

Mr. UNDERHILL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. UNDERHILL: On page 6, in line 6, strike out the period, add a comma, and the following: "And nothing contained in the exceptions in section 8 of this act shall be considered as precluding the Congress from considering claims for injuries or damages arising under said exceptions."

Mr. UNDERHILL. This is merely to clarify the situation, Mr. Chairman.

The amendment was agreed to.

Mr. BULWINKLE. Mr. Chairman, I offer an amendment: On page 6, line 2, after the figures "1922," insert "(United States Code, title 31, secs. 215 to 217)."

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BULWINKLE: On page 6, line 2, after the figures "1922," insert "(United States Code, title 31, secs. 215 to 217)."

The amendment was agreed to.

The Clerk read as follows:

TITLE II.—PERSONAL INJURY AND DEATH CLAIMS

SEC. 201. (a) Subject to the limitations of this act the Government of the United States authorizes the payment of claims on account of personal injury or death, if the claim accrued after April 6, 1920, and if the injury or death was either (1) caused by the negligence or wrongful act or omission of any officer or employee of the Government acting within the scope of his office or employment, or (2) attributable to any defect or insufficiency in any machinery, vehicle, appliance, or other materials and such defect or insufficiency was due to the negligence or wrongful omission of an officer or employee of the Government.

(b) No compensation shall be allowed for any such injury or death if the injury or death results from the fact that the person injured or the decedent was intoxicated or under the influence of drugs, or if the injury or death is caused by the willful misconduct of the person injured or the deceased, or by the intention of the person injured or the deceased to bring about injury or death to himself or another. Contributory negligence shall operate to diminish the damages recoverable in proportion to the amount of negligence attributable to the person injured or to the deceased.

(c) No compensation shall be allowed for any such injury or death to the extent that the injury is continued or aggravated, or that the death is caused by an unreasonable refusal or negligent failure to submit to or procure medical or surgical treatment, the risk of which is, in the judgment of the United States Employees' Compensation Commission (hereinafter referred to as the commission), based upon expert medical or surgical advice, inconsiderable in view of the seriousness of the injury.

Mr. UNDERHILL. Mr. Chairman, I offer the usual amendment, changing the date from 1920 to 1925.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. UNDERHILL: Page 6, line 14, strike out the figures "1920" and insert in lieu thereof the figures "1925."

The amendment was agreed to.

The Clerk read as follows:

SEC. 202. (a) Exclusive authority is hereby conferred upon the commission, acting on behalf of the Government, to consider, ascertain, adjust, and determine any claim liability for which is recognized under section 201, if the amount of the claim does not exceed $7,500. Such amount as may be found to be due to any claimant shall be certified to the Congress as a just claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed: *Provided*, That no claim shall be considered by the commission unless filed within six months after the injury or one year after death caused by the injury, except that for reasonable cause shown the commission may allow claims for compensation for such injury to be filed any time within one year after the injury, and except that any claim accrued after April 6, 1920, but prior to the passage of this act, may be filed within one year after the passage of this act.

(b) Acceptance by any claimant of the amount determined under this title shall be deemed to be in full settlement of the claim against the Government of the United States and the officer or employee.

(c) The commission shall by regulation provide for the form and manner in which claims under this title shall be presented before the commission.

Mr. UNDERHILL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. UNDERHILL: On page 8, in line 6, strike out the figures "1920" and insert in lieu thereof the figures "1925."

The amendment was agreed to.

Mr. BOX. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BOX: On page 7, line 25, after the word "allowed," strike out the colon and insert the words "with a summary of the evidence upon which the allowance was made."

Mr. BOX. Mr. Chairman, this simply makes the clause that deals with settlements made by the Compensation Commission subject to the same regulations that govern a department; that is, when they submit their report they must submit a summary of the evidence upon which they acted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. Box].

The amendment was agreed to.

The Clerk read as follows:

SEC. 204. (a) The compensation for personal injury shall be paid to the injured individual, except that if the individual dies before compensation has been paid, the compensation shall be allowed and paid as in the case of compensation for death.

(b) Compensation for death shall be allowed and paid as follows:

(1) Compensation shall be allowed only for death caused by injury and occurring within three years after the injury; except that no compensation shall be awarded where the death takes place more than one year after the cessation of disability resulting from such injury, or (in the absence of any such disability preceding death) more than one year after the injury.

(2) The compensation shall be allowed and paid to the following beneficiaries:

(A) To the widow or widower, or if there is no widow or widower, then to the children, share and share alike. Compensation to a child shall not be allowed unless the child is unmarried and is either under 18 years of age or, having reached the age of 18, is physically or mentally incapable of self-support. Compensation for a child under 18 years of age shall be paid to the legal guardian.

(B) To any parent or grandparent who was totally or partially dependent for support upon the deceased at the time of his death, having due regard for the extent of the dependency in cases of partial dependency under this paragraph.

(3) The total compensation which may be allowed on account of any one injury, or injury and death caused thereby, shall not exceed $7,500.

(4) The right of a beneficiary to compensation for death shall not survive the death of such beneficiary.

(c) In addition to the money compensation provided under this title—

(1) In the case of personal injury, the injured individual shall be allowed such expenses for any medical, surgical, and hospital services and supplies (including artificial members and other prosthetic appliances) as the commission adjudges necessary and reasonable for care of or relief from the results of an injury, subject to such regulations as the commission may prescribe with respect to the procurement of such services and supplies.

(2) In the case of death, the personal representatives of the decedent shall be allowed such funeral and burial expenses of the decedent as the commission adjudges to be necessary and reasonable, in an amount not to exceed $200.

Mr. McDUFFIE. Mr. Chairman, I move to strike out the last word in order to ask the gentleman from Massachusetts a question. On page 9 provision is made for the payment of compensation to a child under 18 years of age or to his legal guardian. In some instances the compensation might be in an amount so small that the expense of having issued letters of guardianship might work a hardship, and I suggest to the chairman the possibility of providing that if the amount is under $500 the money may be paid to the parent or to one standing in place of the parent. What would be the objection to that?

Mr. UNDERHILL. I can not see any particular objection, except that all of this was taken verbatim from the compensation act that governs Federal employees. And I would prefer to leave it as it is.

Mr. McDUFFIE. I have known cases where the amount to be paid was so small that the expense of procuring letters of guardianship worked a hardship on the person who was to be benefited.

Mr. UNDERHILL. But those cases are very small in number.

Mr. HARE. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. HARE. On page 10, section 3, the total compensation which may be allowed in a case of injury is $7,500. Suppose in the case of the death of a husband it was found to be due to the negligence of some officer or agent of the Government. Do I understand that the extent of liability would be $7,500?

Mr. UNDERHILL. Yes. That is an increase of $2,500 over anything that is allowed heretofore in the last five years. The practice up to that time was to allow $2,000 or $3,000.

Mr. HARE. Does that take precedence over the provision that would enable the widow to go into court and ask for payment of the claim?

Mr. UNDERHILL. The widow can not go into court now.

Mr. WHITEHEAD. I move to strike out the last word. Did the gentleman's committee consider the question of flood control and damages caused thereby?

Mr. UNDERHILL. The committee did not, but the chairman of the committee went into that very extensively, and on the best advice he could get found that there is no question that suits could not be brought under this bill.

Mr. WHITEHEAD. What provision in the bill prevents it?

Mr. UNDERHILL. No provision in the bill.

Mr. WHITEHEAD. It is damage to property. In the construction of a levee by an engineer of the Government suppose

there was a faulty levee constructed—and there was negligence or some wrongful omission on the part of the engineers of the Government in constructing the levee which should happen to break and overflow the lands of a large part of the country. Would not a case of that sort come under this bill?

Mr. UNDERHILL. I have advice that it would not.

Mr. WHITEHEAD. I would like to know why it would not come under this bill. It would be negligence on the part of the agents and employees of the Government, and the bill specifically provides that the Government shall be liable for damages resulting from the negligence of its officers, agents, or employees.

Mr. UNDERHILL. I will ask the gentleman if he considers that a matter of tort.

Mr. WHITEHEAD. Certainly. It is damage to property, and it would come under the first title of the bill treating of damage to property and damage to property is a tort, as well as injury to the person.

Mr. UNDERHILL. I can not say of my own knowledge. I simply say that I have considered the matter and have consulted with several in reference to it, and they assured me that flood damage would not come under the provisions of this bill.

Mr. WHITEHEAD. It seems to me that it clearly comes under the first title. I would like to have the chairman of the committee or some member of the committee offer an amendment to make that clear, because the chairman of the committee says it was not the intention of the committee that flood-control suits should be brought under this act. I would suggest that at the end of Title I, where cases in which the Government shall not be liable are stated, you add a new section and say something like this—this bill shall not be applicable to cases arising out of the activity of the Government, its agents, or employees relating to flood control.

Mr. GREEN of Iowa. I think I can answer the question of the gentleman from Virginia. I do not understand ordinarily—of course, a case might arise—but ordinarily there is no duty that devolves on the Government to build a levee. If the Government builds a levee, or provides by law for the building of a levee, and it is not sufficient, it would be no cause of action whatever for the party who suffered damage.

Mr. WHITEHEAD. Suppose there is negligence on the part of the engineers of the Government, would not that come under this title?

Mr. GREEN of Iowa. Not unless there is a duty on the part of the Government to build the levee in the first instance.

Mr. WHITEHEAD. But the law provides for that.

Mr. GREEN of Iowa. Oh, no; the law provides that a levee shall be constructed. The Government does that voluntarily.

Mr. WHITEHEAD. I do not see it that way.

Mr. UNDERHILL. I would say to the gentleman that if it is his belief, and that belief is generally accepted by the Members, I would be very glad, indeed, to have him offer an amendment covering that feature, and consider it at the end of the bill.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last word. I suggest to my friend from Massachusetts [Mr. UNDERHILL] that a naked amendment of that sort would not reach the cases that are in the mind of my colleague from Virginia [Mr. WHITEHEAD]. Those cases are not to be confined to the construction of levees, but include all river and harbor work; and if the agents of the Government, any or all of them, in conducting river and harbor work should by negligence or otherwise fail to do the proper thing and cause injury to private property, then under this bill unquestionably there would be liability, and I do not think there can be any doubt that a court would so hold.

Mr. UNDERHILL. Then I would change my suggestion and include the three gentlemen from Virginia—the gentleman from Virginia, Mr. MOORE, and the gentleman from Virginia, Mr. WHITEHEAD, and also the gentleman from Virginia, Mr. MONTAGUE. I suggest that the three of them get together and formulate such an amendment.

Mr. GREEN of Iowa. Let us suppose that a government builds a levee. The levee is built to protect certain lands. Then if that levee is insufficient, I do not see how the government is liable.

Mr. MOORE of Virginia. But the bill provides that when damage is caused by the Government or any agent of the Government there shall be liability. It does not undertake to say how the agent shall be appointed. He is the agent of the Government, and here is a bill explicitly providing that if the agent of the Government does something from which damage results, the Government can be sued and recovery can be had.

Mr. GREEN of Iowa. I fear that I have not paid sufficient attention to the particular form of the bill.

Mr. MOORE of Virginia. My friend is such an able lawyer and has had so much judicial experience that I would be perfectly willing to leave to him the interpretation of the language to which my colleague from Virginia has referred.

Mr. GREEN of Iowa. As the gentleman states the language of the bill, to which my attention had not been called particularly, I am inclined to think that very likely there is something that should be guarded against.

Mr. WHITEHEAD. This bill would place the Government in the situation of an individual, and we all know that if an individual builds a dam across a river and backs up water, and that water injures the property of the riparian owners, he is liable for damages, or if the dam breaks by reason of negligence of the owner and overflows land below, then the owner of the dam or the man who built it is liable.

Mr. GREEN of Iowa. I am very glad that my attention has been called to that. I think we better do that.

The Clerk read as follows:

SEC. 205. As used in this title—

(a) The term "child" means (1) a legitimate child, (2) a child legally adopted prior to the death of the deceased, (3) a stepchild, if a member of the deceased's household at the time of his death, (4) a posthumous child, and (5) an illegitimate child, but as to the father only, if acknowledged in writing by him, or if he has been judicially ordered or decreed to contribute to such child's support or has been judicially decreed to be the putative father of such child.

(b) The term "widow" means the deceased's wife living with or dependent for support upon him at the time of his death, or living apart from him at such time because of his desertion.

(c) The term "widower" means the deceased's husband, but only if dependent in whole or in part for support upon the deceased at the time of her death.

(d) The term "parent" means a father, mother, father or mother through adoption, stepfather, stepmother, and persons who have stood in loco parentis to the deceased for a period of not less than two years just prior to his death.

(e) The term "grandparent" means a grandfather or grandmother.

Mr. COCHRAN of Missouri. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN of Missouri: Page 11, subdivision (c), strike out lines 10, 11, and 12 and substitute the following: "(c) The term 'widower' means the deceased's husband living with her at the time of her death."

Mr. COCHRAN of Missouri. Mr. Chairman, the necessity for securing legislation of some kind to reimburse those who are to be provided for in this bill is so great I propose to vote for this measure rather than postpone the day of getting relief in these cases, although I want to say there are certain provisions in the bill which do not have my approval.

We are conferring a judicial power upon the Compensation Commission, as it differs from the workmen's compensation act in this, that under the workmen's compensation act compensation is granted to any employee who is injured in the performance of his duty, and very little is left to the commission except the determination of the nature and extent of the injury.

The amendment I offer provides that the term "widower" means the deceased's husband living with her at the time of her death.

Under the wording of subdivision (c) a husband can not recover unless it could be shown he was financially dependent upon his wife.

By the death of a wife the husband suffers not only the loss of companionship but very grievous financial loss. It might be necessary for him to employ some one to take care of his home, or to place his children with some relative or in some boarding school or home at a very considerable expense, and to deprive him of recovery under such circumstances simply because he was not financially dependent for support upon his wife would be a very great injustice.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. UNDERHILL) there were—ayes 10, noes 30.

So the amendment was rejected.

Mr. WELSH of Pennsylvania. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee what provision is made for an illegitimate child where the father has not been determined by a judicial inquiry?

Mr. UNDERHILL. This whole matter pertaining to these claims is taken verbatim from the Federal workmen's compensation act. I did not feel justified in changing the provisions

of that act or placing the citizens in a different class from the employees of the Government.

Mr. WELSH of Pennsylvania. Does not the gentleman think that an illegitimate child of a woman who has been injured as a result of negligence on the part of the Government stands in a more deserving position, from the standpoint of equity, than the employee of the Government?

Mr. UNDERHILL. It might be, but I did not feel that I was the one to adjudicate that question when it had been gone over by those who are wiser than I.

Mr. WELSH of Pennsylvania. I would like to have an opportunity to offer an amendment under this section, Mr. Chairman. I have not the amendment written out.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

Mr. WELSH of Pennsylvania. I have not written it out. It is in line 5, of page 11, after the word "child," to amend by inserting the words "*Provided*, That an illegitimate child, whose father has not been judicially determined by a competent court, shall have the same rights as a legitimate child under this act." I may ask leave to change the exact wording a little later on.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment offered by Mr. WELSH of Pennsylvania: Page 11, line 5, after the word "child," insert "*Provided*, That an illegitimate child whose father has not been determined by a competent court shall have the same rights as a legitimate child under this act."

Mr. WELSH of Pennsylvania. Mr. Chairman and gentlemen of the House, I offer this amendment for this reason: The illegitimate child has a definite status under the laws of most of the States of the Union. Under the laws of many of the States an illegitimate child whose father has not been determined by a competent court and his right of support fixed by such court inherits from the mother. Unless this bill is amended in such a way as has been proposed, if the mother of an illegitimate child is killed as the result of negligence on the part of the Government of the United States and that child's father has not been determined by a competent court, that illegitimate child, notwithstanding the fact that the death of the mother has resulted from the negligence of the United States Government, has no redress.

I ask Members of the House if that is a fair method of dealing with a child whose rights and chances are hard enough anyhow?

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WELSH of Pennsylvania. Yes.

Mr. MOORE of Virginia. If the bill should pass as it stands and there were a failure to adopt the gentleman's amendment, the provision would be at variance with the laws in effect in all the States?

Mr. WELSH of Pennsylvania. Yes.

Mr. HUDSPETH. Does the gentleman's amendment cover children who are the issue of a common-law marriage? A common-law marriage in my State is recognized.

Mr. WELSH of Pennsylvania. It is so in Pennsylvania, my State. In such a case no question would arise in my State.

For many years I have had occasion to deal with illegitimates in the great city of Philadelphia, and the hardship is plain. I think if you could see this question in all its fullness you would say that this is only common justice and equity. I do not think the Members of the House will want to withhold fair play to an illegitimate child who is born into the world without any fault of its own and whose lot in life is hard enough anyhow. I do not care whether the law with reference to the Federal compensation is in accordance with this amendment or not. We are here to do justice as we see it under the circumstances, and, gentlemen of the House, I hope you will pass this amendment. [Applause.]

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the following title:

H. R. 8216. An act to confer authority on the United States District Court for the Western District of Virginia to permit J. L. Sink, a bankrupt, to file his application for discharge and to authorize and empower the judge of said court to hear and determine the same.

The committee resumed its session.

GENERAL CLAIMS BILL

Mr. UNDERHILL. Mr. Chairman, as I have said before several times, the bill is not intended to cover every individual case or remote cases of imagination which might be conjured up. It is supposed to be general in its character. The phraseology of this section of the bill is taken literally, verbatim, word for word, and punctuatam from the regular Federal compensation law. I do not think I am justified in passing judgment upon the wisdom of that law or attempting to amend it and give to the general citizenship of the country a status different from that given to any other class; that is, Federal employees. We might possibly be touched in our hearts and feel a great sympathy with the amendment offered by the gentleman, but I think it would be very unwise to change the compensation law in this particular respect.

Mr. BULWINKLE. That is the thing we are trying to get away from, as in the case of the amendment offered by the gentleman from Missouri [Mr. COCHRAN]. Without the amendment of the gentleman from Missouri if any Member of this House is not dependent on his wife for support and his wife is killed he could not recover one cent from the Government. He could not recover unless he could show dependency. We are not trying to enact a compensation law as to all classes in the United States. I think careful consideration should be given to some of these amendments.

Mr. McDUFFIE. If this law is put on the statute books it is going to be regarded by many people as something that ought not to be changed. I think, regardless of what the committee is going to do, the suggestion made by the gentleman bears out other suggestions that have been made here. When once we write this into law it will become more and more difficult to get relief for claimants.

Mr. BULWINKLE. I do not think that was understood when we voted on the Cochran amendment.

Mr. HUDSPETH. Is the gentleman opposed to the amendment offered by the gentleman from Pennsylvania, under which many cases might be included?

Mr. BULWINKLE. Oh, no.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. WELSH].

The question was taken, and the Chairman announced that the "ayes" seemed to have it.

Mr. UNDERHILL. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is asked for. The question is on agreeing to the amendment.

The committee divided; and there were—ayes 31, noes 23.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 208. The provisions of this title shall not apply to—

(a) Any claim for which compensation is provided by the Federal employees' compensation act, as amended, or by the World War veterans' act of 1924, as amended.

(b) Any claim for injury or death incurred in line of duty by any member of the military or naval forces of the United States in cases where relief is provided by other law.

Mr. BULWINKLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BULWINKLE: Page 14, line 19, after the word "amended," insert "(United States Code, title 5, ch. 15)."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BULWINKLE. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BULWINKLE: Page 14, line 20, after the word "amended," strike out the period, insert a comma and "(United States Code, title 38, ch. 10, as amended)."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 209. The act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, is amended by adding at the end thereof a new section to read as follows:

"SEC. 43. That this act may be cited as the Federal employees' compensation act."

Mr. BULWINKLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BULWINKLE: Page 15, line 4, after the word "amended," insert "(United States Code, title 5, ch. 15)."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 301. When used in this act—

(a) The term "department or establishment" means any executive department or independent establishment not in the legislative or judicial branches of the Government, or any corporation acting as a governmental instrumentality or agency in which the United States owns or controls 51 per cent or more of the voting shares and securities;

(b) The term "officer or employee of the Government" means any officer or employee of any department or establishment as above defined, any member of the military or naval forces of the United States, or any other person acting on behalf of the United States in any official capacity under or by authority of any such department or establishment; and

(c) The term "acting in the scope of his office or employment," in the case of any member of the military or naval forces of the United States, means acting in line of duty and, in the case of an officer or employee of any corporation acting as a governmental instrumentality or agency, means acting in the execution of a governmental activity.

Mr. UNDERHILL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. UNDERHILL: Page 15, line 16, strike out the semicolon, add a comma, and the following: "but shall not include the Panama Railroad."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 302. In any claim brought under this act the head of the executive department or other independent establishment or governmental instrumentality shall, as a part of the determination or decision, determine and allow reasonable attorney's fees, not to exceed 15 per cent of the amount recovered, if recovery be had, to be paid out of the amount recovered to the attorneys of the claimant. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount other than that allowed under this section, if recovery be had, shall upon conviction thereof be subject to a fine of not more than $2,000 or imprisonment for not more than one year, or both.

Mr. UNDERHILL. Mr. Chairman, I offer an amendment. On page 16, line 7, after the word "establishment," insert a comma and the word "court," so as to read: "establishment, court, or governmental instrumentality."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. UNDERHILL: Page 16, line 7, after the word "establishment," insert a comma and the word "court."

Mr. BLANTON. So that the limitation as to the fees an attorney may lawfully charge will apply to a judgment in court as well as to an adjudication by the department. That is the purpose of the amendment?

Mr. UNDERHILL. Yes. That was inadvertently left out.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HUDSPETH. Mr. Chairman, I offer an amendment. In line 9, page 16, strike out the figures "15" and insert the figures "10."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: Page 16, line 9, strike out the figures "15" and insert in lieu thereof the figures "10."

Mr. UNDERHILL. Mr. Chairman, I am not going to offer any strenuous objection to this except to say it has been the practice of the committee in the past to make this a 15 per cent limitation. I have never tried a case in my life and therefore, as I say, I shall not make any strenuous objection to this amendment.

Mr. HUDSPETH. I want to say, Mr. Chairman, that when they go before a department a Congressman will do the work, so that if an attorney receives 10 per cent that is sufficient.

Mr. RAMSEYER. Mr. Chairman, just a word before we rush over this hastily. This includes an action in court, and there is not a lawyer here who has taken a case in court on a contingent basis that has ever charged as little as 10 per cent where his entire fee depended upon the success of his efforts.

Mr. HUDSPETH. Does the gentleman contend that when an attorney presents a case to the department through his Congressman he ought to have as much as 15 per cent?

Mr. RAMSEYER. But this includes cases in court.

Mr. HUDSPETH. Since the gentleman has stated that this includes cases in court, I think the lawyers ought to receive more than 10 per cent, and I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, I offer an amendment to strike out the enacting clause.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLANTON: On page 1, lines 1 and 2, strike out the enacting clause.

Mr. BLANTON. Mr. Chairman, I do this, knowing there is no chance in the world of accomplishing my purpose, but I do it to expedite the time of the House. There ought to be a roll call on this bill, but it is so late I hesitate to ask the Members to come over when so few would register their votes against this bill.

This is one of the wildest pieces of legislation that has been sought to be passed since I have been here, and it is going to come home to plague some of you as sure as you live. We can get at least a rising vote here, and I take it there will be half a dozen here who will vote against the bill, and there ought to be a record here that at least half a dozen Members of this House do not believe in this kind of legislation, and do not believe in passing the responsibility which the Constitution places upon our shoulders to some bureau chief.

Mr. TILSON. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. TILSON. The gentleman can get a roll call on this bill if he will allow it to go to the previous-question stage. We shall not have the roll call to-night, but will have it to-morrow.

Mr. BLANTON. With that understanding, Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

SEC. 303. Section 173 of the Judicial Code is amended to read as follows:

"SEC. 173. No claim shall be allowed by the accounting officers or the head of any executive department or other independent establishment or governmental instrumentality or by any court of the United States, or by the Congress to any person where such claimant or those under whom he claims shall willfully, knowingly, and with intent to defraud the United States have claimed more than was justly due in respect of such claim or presented any false evidence to Congress or to any department, establishment, instrumentality, or court in support thereof."

Mr. BULWINKLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BULWINKLE: Page 16, line 18, after the word "Code," insert a comma and the following: "(United States Code, title 28, sec. 280)."

The amendment was agreed to.

Mr. McDUFFIE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McDUFFIE: Page 17, line 1, strike out line 1 after the word "have" down to and including the word "or," in line 2.

Mr. McDUFFIE. Mr. Chairman and gentlemen, this amendment strikes out the language, "claimed more than was justly due in respect of such claim." Who is going to be the judge of whether they have claimed more than was justly due? I submit to the chairman of the committee that it is perfectly proper to bar a claim and the man who makes a false affidavit in an effort to establish a spurious claim. This is proper and should be done, but when you go so far as to say that a man must be barred because he has claimed more than is justly

due, then you are entering a field where it is almost impossible for anybody to pass judgment on the merits of a case.

Mr. UNDERHILL. Will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. UNDERHILL. This is the exact wording of the law which has worked so efficiently and so delightfully that I do not know but what it may be followed here.

Mr. McDUFFIE. The gentleman repeatedly, this afternoon, has referred to a law that is already upon the statute books. We are trying to improve the law, as I take it. Just because it is now the law does not make it a sacred thing. Again I say, the very reason I am fearful about the results of this legislation is that when we come to Congress hereafter with a bill for the relief of some claimant, some one on the floor will refer to this statute and say, "By express act of Congress you have had your day in court, and the department has said you are not entitled to relief; therefore I object to the consideration of the bill."

The laws that are already on the statute books are subject to change. Are our laws to be like the laws of the Medes and Persians? If necessary, any statute should be changed to meet new conditions. Who is going to pass judgment on the question of whether a man is claiming more than is justly due? It looks to me as if it were a foolish provision.

Mr. BEEDY. Will the gentleman yield?

Mr. McDUFFIE. I yield with pleasure to the gentleman from Maine.

Mr. BEEDY. I would like to ask the chairman a question. The gentleman states this law has long been on the statute books. How in the world has any claim ever been passed upon that involved this broad question as to what was justly due or that the amount claimed was more than was justly due?

Mr. UNDERHILL. Well, I suppose some man with a mind that was trained in some law school thought this was necessary. I do not know.

Mr. McDUFFIE. I doubt that very much.

Mr. UNDERHILL. I am not the author of it, and would never have written it except you will notice on the same page the language, "shall willfully, knowingly, and with intent to defraud," and so forth.

Mr. RAMSEYER. The chairman has the correct idea about that. It is not the presenting of claims for more than is justly due, but the presentation of such a claim, willfully, knowingly, and with intent to defraud. That is what is intended to be covered in this section.

Mr. BEEDY. If the gentleman please, if a man has presented a claim which has been proven to have been willfully and knowingly presented with intent to defraud, then the rest of it is mere surplusage.

Mr. RAMSEYER. No; if he presents a claim for more than is justly due or presents any false evidence, willfully, knowingly, and with intent to defraud. It is not the mere presentation. Some witness might give false evidence. The mere filing of false evidence alone would not be sufficient to bar his claim. The claimant must do this willfully, knowingly, and with intent to defraud.

Mr. McDUFFIE. Then is not the language with respect to claiming more than is justly due mere surplusage? Of course, if the claimant is willfully and knowingly trying to defraud the Government that is as far as we need go.

Mr. RAMSEYER. If a person presented a claim for $10,000 and honestly thought he was entitled to that amount, when in truth and in fact he was only entitled to $3,000——

Mr. McDUFFIE. Who is going to say whether or not he was honest in doing that?

Mr. RAMSEYER. Of course, the question of fraud and of willfulness and whether it was knowingly done has to be determined by somebody. As to claims up to $5,000 this will be decided by the department head and from $5,000 up it will be decided by the courts.

Mr. McDUFFIE. Suppose a claim was filed for many times as much as ordinarily would seem to be just and right?

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. RAMSEYER. Mr. Chairman, I move to strike out the last two words, in order to give the gentleman from Alabama an opportunity to finish his statement.

Mr. McDUFFIE. Suppose the department head were to decide that the claim was for so much more than seemed proper it was willfully done with a view to defraud the Government. I dislike to find myself differing with many here whose judgment I respect so much, but I am very fearful as to the results of this legislation. It occurs to me that we should provide some machinery in this House to deal with this problem and not surrender the legislative prerogatives of the Congress to the bureaus of this Government. I am not unmindful of the apparent difficulties confronting the Claims Committee, but it does seem that we are here proposing to shift our responsibilities to those bureaus. Surely we already have enough bureaucratic control in our Government. These bureau chiefs and department heads already have just as much as they can do. I do not believe they want any such further responsibilities placed upon them. To make them judges of the law and the facts and give them the power to determine in ex parte proceedings the rights of citizens having claims against the Government, is carrying this thing too far. If the Congress is incapacitated to deal with this problem of claims against the Government then I am mistaken in my judgment of the ability of its Members. If the Claims Committee, composed as it is of most estimable and hardworking Members, can not cope with the problem, let us enlarge the membership of the committee, or create within the membership of the Congress an additional committee or commission to aid in the adjudication of these claims.

The language of this section was written in another law, wherein a commission passed judgment upon claimants' rights; but here one man, a bureau chief, can, if he is so disposed, arbitrarily decide that the claim filed, because of the amount asked, is filed with the willful intent to defraud, and where on earth is there any right to appeal from his decision in so far as this bill is concerned? With all due deference and respect for those who have sponsored this bill, I believe the day will come when they themselves will regret writing into the law of our land the provisions of this bill. I realize my protest against this bill will not prevent its passage, but I can not remain silent nor can I approve this venture into a new, unknown, and uncharted sea. I fear for those citizens who may come in the future to their Government praying for relief in small amounts. Why should Members of Congress remain here if our bureaus are to legislate? We surrender more and more every year to bureaucracy. What will the harvest be?

Mr. RAMSEYER. I will say to the gentleman that, so far as this language is concerned, I think it is all right. I am opposed to the first title of the bill, and I am going to vote against it.

Mr. McDUFFIE. I think we will all rue the day we vote for it.

Mr. RAMSEYER. If the first part of the bill were properly guarded and provided for judicial review in claims up to $5,000, where the chief or head of the department has passed upon it and decided against it, and a proper limitation placed on the amount the Government could be sued in tort cases, I might vote for it. However, this particular provision is all right, and I think is a proper provision in the law. The vicious part of the bill is Title I as it now is before us.

Mr. UNDERHILL. This very language has been used in the law ever since 1874, and I do not know that anyone has ever questioned it.

Mr. BEEDY. May I now ask the gentleman a question?

Mr. RAMSEYER. I yield.

Mr. BEEDY. I ask this question of the gentleman as a lawyer. If after one proves a case of fraud, does not this language add an additional burden?

Mr. RAMSEYER. The claimant is not in there to prove fraud.

Mr. BEEDY. Suppose we attempt to punish a man under this provision, and having proved that he is guilty because he presented a fraudulent claim, why go further and necessitate proof that he has asked for more than was justly due? Who knows what is justly due?

Mr. RAMSEYER. If he seeks more than is justly due with intent to defraud, his claim must be disallowed under this section. If it was without such intent, it does not bar him.

Mr. McDUFFIE. Would not he be shut out absolutely if the officer or department head passing upon his claim decided his claim was fraudulent and that he was not entitled to anything? Remember, too, from that decision he has no appeal.

Mr. RAMSEYER. The trouble is not with this section; the trouble lies in the first title of the bill.

Mr. McDUFFIE. We may have to take the bill whether we like it or not.

Mr. RAMSEYER. Then vote to defeat it, as I intend to do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was rejected.

The Clerk proceeded with and concluded the reading of the bill.

Mr. MONTAGUE. Mr. Chairman, I move to strike out the last word. My own views on the bill are so firmly fixed that I will not have relieved myself of my duty unless I express my opposition to the measure. I am opposed to the bill for many reasons. There is no time now for me to express them in any systematic way. In the first place, looking at it as a

protection to the Government, claims for injuries and damages will be determined by the clerical force of the departments—and that is the danger of the measure—we leave it to this clerical force, without qualification or training, to decide claims for negligence up to $5,000.

Are we, the representatives of the Government, to turn over this great duty to pass upon claims amounting to millions and millions of dollars to officials without qualifications and wholly unjudicial by reason of the very nature of this work? I should hope not.

Second, the bill denies to all claimants of damages up to $5,000 and under the right of suit or the right of review. I repeat this, because in claims exceeding this amount, on the other hand, there is given the right of suit in court to those whose claims exceed this amount. Therefore we make a marked discrimination between the poor people and the well to do, between claims of $5,000 and those of larger sums, giving one remedy to one and two remedies to the other. I for one am not willing to subscribe to such arbitrary inconsistency, to such cruel injustice.

Coming now to the practical working of the bill, whenever the certification by these clerks is against the payment of the claim, I submit that will end it. The reply is made that there will be as much right then to introduce a bill into the House as now. Technically that is true, but practically that is not true, because as soon as the bill is rejected by the department you will not be able to bring it up in this House again, no matter how meritorious it may be. Why? Because the bill has been rejected in pursuance of the law that gave the specific power to the department to do that very thing.

Those are some of the reasons why I suggest that we are not improving our present unhappy condition and why I think we will suffer less from the injustices we bear than those to which we would fly. [Applause.]

Mr. BULWINKLE. Mr. Chairman, I ask unanimous consent to return to page 11, line 10, for the purpose of reoffering the amendment offered by the gentleman from Missouri [Mr. COCHRAN], which I know the Members of the House did not understand when they voted it down.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to return to page 11 for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. BULWINKLE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BULWINKLE: Page 11, subsection (c), strike out the subsection and substitute the following:

"(c) The term 'widower' means the deceased's husband living with her at the time of her death."

Mr. BULWINKLE. Mr. Chairman, under the provisions of this section of the bill no man could recover for the wrongful death of his wife unless he were dependent upon her for his support. In the Committee on Claims we have had claims in which constituents of ours have been given certain amounts, usually $5,000, on account of the wrongful death of a wife. It would not make a particle of difference who the man was, whether it be you or one of your constituents, who lost his wife through any kind of negligence on the part of any Government employee acting within the scope of his authority, under the language of the bill you could not recover one cent, because you are not dependent upon her. I think this amendment clearly should be agreed to if the bill is to become a law.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

Mr. WHITEHEAD. Mr. Chairman, I ask unanimous consent to return to page 5 for the purpose of offering an amendment.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WHITEHEAD. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. WHITEHEAD: Page 5, after subsection (5), add two new subsections, as follows:

"(6) Any claim arising out of the activities or work of the Government, its agents or employees, relating to flood control.

"(7) Any claim arising out of the activities of the Government, its agents or employees relating to river and harbor work."

Mr. GREEN of Iowa. Mr. Chairman, just one word. I entirely agree with the amendment offered by the gentleman so far as it goes, but think we ought to have a very much broader provision. However, I agree that the bill will be improved with this provision, but I hope when it goes to the other House it will be broadened.

Mr. WHITEHEAD. I think that covers those propositions about as broadly as you can make it. There may be other things that should be included as well. In the event there is a committee on conference on this bill, that committee might work out a much broader amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. UNDERHILL. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LAGUARDIA, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9285) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. UNDERHILL. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

EXECUTION OF CERTAIN AGREEMENTS OF INDEMNITY

Mr. GREEN of Iowa. Mr. Speaker, I present a privileged report by direction of the Committee on Ways and Means.

The SPEAKER. The gentleman from Iowa presents a privileged report, which the Clerk will report.

The Clerk read as follows:

Report on the bill (H. R. 10954) to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa.

The SPEAKER. Ordered printed.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON, from the Committee on Appropriations, submitted for printing under the rule a conference report and accompanying statement on the bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes.

AN UNDESIRABLE LOBBYIST

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for three minutes in reference to a matter involved in the conference report on the Interior Department appropriation bill; and I also ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. Mr. Speaker, a circular of scandalous character has been distributed among many Members. None was sent to me by its author, though it is directed against me, but a copy was handed to me. It contains a number of elaborate misrepresentations and falsehoods, as I myself would know to expect from the signatures, but the House should understand it as well.

The circular reads as follows:

FEBRUARY 15, 1928.

ONE MAN DOMINATING THE SENATE AND HOUSE—THE SHAME OF THE FLATHEAD INDIAN SPOLIATION

An unconscionable situation has come about.

Against a unanimous Senate and the unanimous action of the Senate conferees, the spoliation of the Flathead Indian Tribe is about to be insured, and the biggest water power in the Northwest is about to be given to the lowest corporate bidder for a sum more than $11,000,000 below the proper commercial rental.

The House, totally uninformed, is being used as a battering ram by one man—Mr. LOUIS C. CRAMTON, chairman of Appropriations for the Interior Department.

Mr. CRAMTON closed his appropriations hearings to those who would have exposed his scheme.

He and his House conferees refused to sit with the Senate conferees to hear the realities presented. Even Senators WALSH, WHEELER, and LA FOLLETTE could not be heard by Mr. CRAMTON.

No word of debate on this outrageous scheme has passed on the House floor.

Because Mr. CRAMTON tied this scheme into the general appropriation bill, he apparently will triumph in it. The Senate can not permanently hold up the general appropriation bill.

House Members might yet redeem the situation if they would rise on the floor and insist on the light being shed.

What a spectacle of parliamentary government!

THE AMERICAN INDIAN DEFENSE ASSOCIATION (INC.).
THE NATIONAL COUNCIL OF AMERICAN INDIANS (INC.).
THE FLATHEAD TRIBE,
By A. A. GRORUD, *General Attorney for the Tribe.*

No spoliation of the Flathead Tribe is about to be "insured." No water power is about to be given to the lowest corporate bidder. The Interior bill gives no water power to anyone, it only authorizes the Federal Water Power Commission "in accordance with the Federal water power act and upon terms satisfactory to the Secretary of the Interior to issue a permit," and so forth. The House is not totally uninformed, but on the contrary many of its Members have for three years made a study of the Flathead problem, long hearings of reputable witnesses have been held, and the question has been several times before this House; and the proposition now in the bill is substantially as sent to Congress by the President in his budget. I did not close our hearings to anyone who could give our committee information, but we did not, for obvious reasons, hear John Collier or this Grorud person.

From whom, then, can come such effrontery, such scandalous mess of falsehoods?

It is signed by the American Indian Defense Association (Inc.), which is run by John Collier, whom I discussed on this floor. Also signed by the National Council of American Indians (Inc.), a subsidiary of the other corporation.

Also it is signed "The Flathead Tribe, by A. A. Grorud, general attorney for the tribe," who no doubt wrote it.

He is not their attorney, general or special. What he really is is set forth in a letter addressed to Mr. Richard A. McLeod, an Indian of Ronan, Mont., from Mr. R. Lee Word, who is an ex-judge of the Supreme Court of Montana, which reads as follows:

HELENA, MONT., *December 24, 1927.*

MR. RICHARD A. MCLEOD,
Ronan, Mont.

DEAR SIR: I answer your letter of the 16th, but mailed the 19th, as follows:

In June of last year was employed to look into the estate of H. H. Potting, deceased, and find why it was that with no claims of any consequence and no debts there was no money for the heirs who lived in St. Louis.

Looked into the matter, examined the records of the court in the case, talked with the judges, the county attorney, and others, and learned:

That Grorud had been both the attorney for the purchaser of the property belonging to the estate and attorney for the estate at one and the same time, without the knowledge or consent of the judges of the court of this county.

That Grorud had been given a check for $250 by his client, the purchaser of the property, to buy of the estate he represented its property. This check Grorud deposited to his own credit in the bank.

Grorud made a bid of $250 for the property of the estate and the return of sale and the order confirming sale as originally made and filed recited that the property of the said estate had been sold for $250; but

After said papers and orders had been filed in and become a part of the records in said case Grorud erased said figures $250 or attempted to do so, and wrote over them the figures $131.15 as the amount bid by his client for the property of said estate.

To put it succinctly, I charged Grorud with having committed in the Potting case a fraud upon the court; with having altered and mutilated the records of said court; with having embezzled $118.85 of the moneys of said estate; with having filed false vouchers in said estate; and I am informed that the attorney selected by the supreme court of the State to make a preliminary survey of the charges contained in the complaint filed by me was reported to the court that each and all of said charges are sustained by the record and evidence.

Does the above answer your letter?

Yours very truly,

R. LEE WORD,
Attorney at Law.

Guilty of fraud upon the court, altering and mutilating records of the court, embezzling small sums from his Indian clients, for whom he pretends to be so zealous, he is now trying to show cause why he should not be disbarred.

I also desire to put into the RECORD a statement from the Commissioner of Indian Affairs, Hon. Charles H. Burke, in which he charges Mr. Grorud with falsehoods, and says he is not now attorney for the Indians, but when he was their attorney he was so negligent that the Flatheads lost important rights:

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 30, 1928.

HON. REED SMOOT,
Chairman Interior Department Subcommittee,
Appropriations Committee, United States Senate.

MY DEAR SENATOR SMOOT: Referring to the statement of A. A. Grorud before the Appropriations Committee this morning that there was an understanding that he would not be expected to file a petition in behalf of the Flathead Tribe under the Flathead jurisdictional act of March 13, 1924 (43 Stat. L. 21), and also his statement about splitting attorney fees; you are advised that both of these statements made by Mr. Grorud are without any basis of fact and are absolutely false in their entirety.

Mr. Grorud had a contract to represent the Flathead Indians under the jurisdictional act, but he failed to file the petition in the Court of Claims within the time limit in that act, and therefore the Flathead Indians have lost their opportunity to prosecute their claims under the jurisdictional act because of the neglect and failure of Mr. Grorud to perform his duties under the contract.

It is contended by Mr. Grorud that he has authority to represent the Flathead Tribe on other tribal matters. This also is an incorrect statement. The law—section 2103 of the Revised Statutes—requires such contracts to be approved by the Commissioner of Indian Affairs and the Secretary of the Interior, but no such contract with Mr. Grorud has ever been approved.

Mr. Grorud has attempted to collect considerable money amounting to approximately $10,000 from the Flathead tribal funds for alleged services rendered to the tribe as their alleged attorney. This claim has not and will not be paid because he has no such contract and no authority under existing law to represent those Indians in tribal matters other than as referred to in the contract under the jurisdictional act.

The statements of Mr. Grorud before the committee, both on Saturday and this morning, in regard to Indian matters generally, are equally as untrue as are his other statements referred to herein.

The five-year program criticized by Mr. Grorud is one of the outstanding efforts of the Indian Bureau to make Indians industrious and self-supporting citizens, so that they may live in good homes, cultivate their lands, raise stock, and have an income of their own.

Mr. Grorud has repeatedly tried to create the impression, both in the minds of the Flathead Indians and in the minds of the public at large, that the Indian Bureau is endeavoring to deprive the Flathead Indians of their rights to the proceeds from the Flathead power sites. No such action is contemplated by the Indian Bureau. Our contention is that the net proceeds from the power development on the Flathead Reservation should go to the Flathead Indians. However, no contract of any kind has been made in regard to the development of the power sites on the Flathead Indian Reservation.

Cordially yours,

CHAS. H. BURKE, *Commissioner.*

I call attention to this letter so that the House may understand what kind of an irresponsible and undesirable mind could originate such a circular as is put before you. The courts of Montana can disbar him from practicing before them. Congress should be able to exile such an undesirable lobbyist from its corridors.

As to the matter referred to therein, the claim that the Flathead Indians are being despoiled of what belongs to them, and that the water power is being given to a great corporate bidder, that will be brought up for discussion in the consideration of the conference report hereafter.

REPLY OF PUBLIC PRINTER GEORGE H. CARTER TO THOMAS L. BLANTON

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. In connection with my report on the Government Printing Office, which was printed in the RECORD of December 7, 1927, the Public Printer desires to have his defense of his office go in the permanent RECORD in connection with that report at the end of my speech. I have submitted the matter to the Speaker, and it is satisfactory to the Speaker. The personal allusions in his letter have been shown to the Speaker and they will be eliminated. I ask unanimous consent that that be inserted in the permanent RECORD at the end of my speech December 7, 1927, in accordance with the arrangement with the Speaker.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SNELL. I understand nothing is to be inserted but that letter?

Mr. BLANTON. Nothing else. Some personal allusions in the letter are to be eliminated, which the Speaker understands.

Mr. SNELL. He approves of it?

Mr. BLANTON. Yes.

Mr. TILSON. This is in relation to the letter received from the Public Printer some time ago?

Mr. BLANTON. Yes. That letter, with the personal allusions eliminated, goes into the permanent RECORD at the end of my report of December 7, 1927.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, Mr. THOMPSON was granted leave of absence, from Monday, February 13, to Saturday, February 18, inclusive, on account of business.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2348. An act granting the consent of Congress to the Norfolk & Western Railway Co. and Knox Creek Railway Co. to construct, maintain, and operate two bridges across the Tug Fork of Big Sandy River near Devon, Mingo County, W. Va.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Friday, February 17, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, February 17, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON LABOR

(10 a. m.)

To divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases (H. R. 7729).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Providing for the garnishment of and levy of execution on wages and salary of civil employees of the United States (H. R. 8322).

COMMITTEE ON THE LIBRARY

(10.30 a. m.)

To consider proposals to erect monuments and tablets.

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

To consider proposed legislation on Army construction.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce (H. R. 7940).

COMMITTEE ON ROADS

(10 a. m.)

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented (H. R. 358, 383, 5518, 7343, and 8832).

To amend the act entitled "An act to provide that the United States shall aid the States in the consrtuction of rural post roads," approved July 11, 1916, as amended and supplemented, and authorizing appropriation of $150,000,000 per annum for two years (H. R. 7019).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To provide for the increase of the Naval Establishment (H. R. 7359).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WASON: Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the War Department (Rept. No. 692). Ordered printed.

Mr. McSWAIN: Committee on Military Affairs. H. R. 6492. A bill to authorize the Secretary of War to donate to the city of Charleston, S. C., a certain bronze cannon; without amendment (Rept. No. 695). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN. Committee on Military Affairs. S. 1665. An act to authorize the board of park commissioners of the city and county of San Francisco to construct a recreation pier at the foot of Van Ness Avenue, San Francisco, Calif.; with amendment (Rept. No. 696). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. H. R. 68. A bill to provide for the disposition of asphalt, gilsonite, elaterite, and other like substances on the public domain; with amendment (Rept. No. 697). Referred to the Committee of the Whole House on the state of the Union.

Mr. W. T. FITZGERALD: Committee on Invalid Pensions. H. R. 10159. A bill granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes; with amendment (Rept. No. 698). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREEN of Iowa: Committee on Ways and Means. H. R. 10954. A bill to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa.; without amendment (Rept. No. 700). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WRIGHT: Committee on Military Affairs. H. R. 2525. A bill for the relief of William Henry Judson; without amendment (Rept. No. 690). Referred to the Committee of the Whole House.

Mr. WRIGHT: Committee on Military Affairs. H. R. 6152. A bill to correct the military record of Cromwell L. Barsley; with amendment (Rept. No. 691). Referred to the Committee of the Whole House.

Mrs. KAHN: Committee on War Claims. H. R. 1625. A bill to carry into effect the findings of the Court of Claims in favor of Myron C. Bond, Guy M. Claflin, and Edwin A. Wells; without amendment (Rept. No. 693). Referred to the Committee of the Whole House.

Mr. WRIGHT: Committee on Military Affairs. H. R. 2530. A bill for the relief of William H. Nightingale; without amendment (Rept. No. 694). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 9368. A bill to authorize the Secretary of War to exchange with the Pennsylvania Railroad Co. certain tracts of land situate in the city of Philadelphia and State of Pennsylvania; with amendment (Rept. No. 699). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10815) for the relief of the parents of Garnet Murphy; Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 11001) for the relief of Maj. O. S. McCleary, United States Army, retired; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 10813) for the relief of the parents of Donard Murphy; Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 10814) for the relief of the parents of Emmett Murphy, deceased; Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 10924) granting a pension to Jennie B. Hanks; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HASTINGS: A bill (H. R. 11066) to provide for the furnishing of bonds by national and State banks and trust companies which are members of the Federal reserve system for the protection of depositors; to the Committee on Banking and Currency.

By Mr. HAWLEY: A bill (H. R. 11067) to amend section 5 of chapter 897, Forty-fourth United States Statutes at Large, Part II; to the Committee on the Public Lands.

Also (by request), a bill (H. R. 11068) to amend section 5 of chapter 897, Forty-fourth Statutes at Large, Part II; to the Committee on the Public Lands.

Also, a bill (H. R. 11069) to enlarge the boundaries of the Crater National Forest; to the Committee on the Public Lands.

Also, a bill (H. R. 11070) authorizing the adjustment of the boundaries of the Crater National Forest, in the State of Oregon, and for other purposes; to the Committee on the Public Lands.

By Mr. WURZBACH: A bill (H. R. 11071) providing for the purchase of 1,124 acres of land, more or less, in the vicinity of Camp Bullis, Tex., and authorizing an appropriation therefor; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 11072) to transfer the office of the recorder of deeds to the government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. BROWNING: A bill (H. R. 11073) to amend the World War veterans' act of 1924 to allow compensation to certain dependents; to the Committee on World War Veterans' Legislation.

By Mr. KETCHAM: A bill (H. R. 11074) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. SOMERS of New York: A bill (H. R. 11075) to amend section 5, subsection C, of the act of March 3, 1923, entitled "An act establishing standard grades of naval stores, preventing deception in transactions in naval stores, regulating traffic therein, and for other purposes"; to the Committee on Agriculture.

By Mr. BACON: A bill (H. R. 11076) authorizing the sale of certain lands on Petit Jean Mountain, near Morrilton, Ark., to the Y. M. C. A. of Arkansas; to the Committee on the Public Lands.

By Mr. EVANS of California: A bill (H. R. 11077) for the erection of a public building at the city of Huntington Park, State of California, and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. KVALE: A bill (H. R. 11078) to provide for the coinage of medals in commemoration of the achievements of Col. Charles A. Lindbergh, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. GRIFFIN: A bill (H. R. 11079) relating to certain war veterans and widows in classified civil service of the United States, and for other purposes; to the Committee on the Civil Service.

By Mr. MEAD: A bill (H. R. 11080) to amend section 24 of the immigration act of 1917; to the Committee on Immigration and Naturalization.

By Mr. ASWELL: A bill (H. R. 11081) to amend the act entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 7, 1924, as amended; to the Committee on Agriculture.

By Mr. ACKERMAN: Joint resolution (H. J. Res. 205) authorizing the Postmaster General to issue a set of stamps relative to the good-will flight of Colonel Lindbergh; to the Committee on the Post Office and Post Roads.

By Mr. DRANE: Joint resolution (H. J. Res. 206) authorizing the Secretary of Agriculture to dispose of real property located in Hernando County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant-introduction purposes; to the Committee on Agriculture.

By Mr. BRAND of Georgia: Resolution (H. Res. 115) to remove the statue or portrait monument to Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony, now located in the crypt of the Capitol, to a better position on the second floor of the Capitol; to the Committee on the Library.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. ARENTZ: Memorial of the Senate of the State of Nevada, Assembly Joint Resolution 2, memorializing the Secretary of Agriculture of the United States to continue in effect his Federal quarantine against importation into the United States of livestock and livestock products from foreign countries where foot-and-mouth disease is known to exist; to the Committee on Agriculture.

Also, memorial of the Senate of the State of Nevada, memorializing Congress relative to Federal aid for highway maintenance, Assembly Joint Resolution 1; to the Committee on Roads.

Also, memorial of Senate of Nevada, Senate Joint Resolution 2, memorializing Congress relative to reimbursement by the Government of the United States for moneys paid by the State for military purposes; to the Committee on the Judiciary.

By Mr. O'CONNELL: Memorial of the Legislature of the State of New York, memorializing Congress relative to Federal aid for highway maintenance; to the Committee on Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 11082) granting an increase of pension to Maria Burley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11083) granting an increase of pension to Lorena Hickman; to the Committee on Invalid Pensions.

By Mr. BUSHONG: A bill (H. R. 11084) granting a pension to Nora K. Endy; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 11085) for the relief of Laura A. Scott; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 11086) for the relief of Richard T. Butler; to the Committee on Military Affairs.

Also, a bill (H. R. 11087) granting a pension to Stella Mae Pierce; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 11088) for the relief of John Dzikowicz; to the Committee on Claims.

By Mr. DEMPSEY: A bill (H. R. 11089) for the relief of the Lockport Felt Co., of Newfane, N. Y.; to the Committee on Ways and Means.

By Mr. DREWRY: A bill (H. R. 11090) for the relief of the Harrison Construction Co.; to the Committee on War Claims.

By Mr. DRIVER: A bill (H. R. 11091) granting an increase of pension to Nancy Ross; to the Committee on Invalid Pensions.

By Mr. ENGLAND: A bill (H. R. 11092) for the relief of Leon Lawrence Hamb; to the Committee on Naval Affairs.

Also, a bill (H. R. 11093) for the relief of James F. Wootton; to the Committee on Military Affairs.

By Mr. ENGLEBRIGHT: A bill (H. R. 11094) to correct the military record of William Estes; to the Committee on Military Affairs.

By Mr. ROY G. FITZGERALD: A bill (H. R. 11095) granting an increase of pension to Minerva J. Buck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11096) granting a pension to William C. Apgar; to the Committee on Pensions.

Also, a bill (H. R. 11097) granting a pension to Julia Little; to the Committee on Pensions.

By Mr. HUGHES: A bill (H. R. 11098) granting an increase of pension to Margaret E. Newcomb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11099) granting an increase of pension to Belle Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11100) granting a pension to John D. Keister; to the Committee on Invalid Pensions.

By Mr. WILLIAM E. HULL: A bill (H. R. 11101) granting an increase of pension to Sophia J. Hyler; to the Committee on Invalid Pensions.

By Mr. HALL of Indiana: A bill (H. R. 11102) granting a pension to Anna Baker; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 11103) for the relief of Ray Wilson; to the Committee on Claims.

By Mr. JOHNSON of Indiana: A bill (H. R. 11104) granting a pension to Alonzo V. Kennedy; to the Committee on Pensions.

By Mrs. KAHN: A bill (H. R. 11105) to provide for appointing Robert J. Burton, a former field clerk, Quartermaster Corps, a warrant officer, United States Army; to the Committee on Military Affairs.

By Mr. LINDSAY: A bill (H. R. 11106) for the relief of Lieut. Francis H. A. McKeon; to the Committee on Claims.

By Mr. MAPES: A bill (H. R. 11107) for the relief of William H. Estabrook; to the Committee on Military Affairs.

By Mr. MAJOR of Missouri: A bill (H. R. 11108) for the relief of De Witt & Shobe; to the Committee on Claims.

Also, a bill (H. R. 11109) granting an increase of pension to Mollie F. Shockley; to the Committee on Pensions.

By Mr. MOONEY: A bill (H. R. 11110) granting an increase of pension to Sigmund Shlesinger; to the Committee on Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 11111) granting an increase of pension to Martha J. Haire; to the Committee on Invalid Pensions.

By Mr. MORIN: A bill (H. R. 11112) granting an increase of pension to Mary F. Johnston; to the Committee on Invalid Pensions.

By Mr. NIEDRINGHAUS: A bill (H. R. 11113) for the relief of Gertrude Becherer; to the Committee on Claims.

By Mr. OLDFIELD: A bill (H. R. 11114) granting a pension to Edgar Wilkerson; to the Committee on Pensions.

By Mr. PRALL: A bill (H. R. 11115) for the relief of Mary F. Tranter, administratrix of the estate of George C. Tranter, deceased; to the Committee on Claims.

By Mr. ROBINSON of Iowa: A bill (H. R. 11116) for the relief of the legal representatives of Henry Ohlekopf, deceased; to the Committee on Claims.

By Mr. RATHBONE: A bill (H. R. 11117) for the relief of Ida L. Funston; to the Committee on Claims.

By Mr. SNELL: A bill (H. R. 11118) granting an increase of pension to Mary Constine; to the Committee on Invalid Pensions.

By Mr. SPROUL of Illinois: A bill (H. R. 11119) for the relief of Joseph H. Patenaude; to the Committee on Naval Affairs.

By Mr. STROTHER: A bill (H. R. 11120) granting an increase of pension to Josephine Roy; to the Committee on Pensions.

Also, a bill (H. R. 11121) granting an increase of pension to Polly Crum; to the Committee on Invalid Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 11122) granting an increase of pension to Charlotte A. Smith; to the Committee on Invalid Pensions.

By Mr. THURSTON: A bill (H. R. 11123) granting a pension to Ida Beadle; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 11124) granting an increase of pension to Hannah Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11125) granting an increase of pension to Philena Bagley; to the Committee on Invalid Pensions.

By Mr. WELLER: A bill (H. R. 11126) granting an increase of pension to Kate A. Mann; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 11127) granting a pension to Sarah E. Little; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 11128) granting a pension to Helene Pfeiffer; to the Committee on Pensions.

Also, a bill (H. R. 11129) granting a pension to Gottlieb Schwope; to the Committee on Pensions.

Also, a bill (H. R 11130) granting a pension to Gottlieb Stephen; to the Committee on Pensions.

Also, a bill (H. R. 11131) granting a pension to William P. Stendebach; to the Committee on Pensions.

Also, a bill (H. R. 11132) granting a pension to Anton Phillip; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3995. Petition of city council of the city of Medford, Oreg., transmitting a draft of a bill "Authorizing the adjustment of the boundaries of the Crater National Forest, in the State of Oregon, and for other purposes"; to the Committee on the Public Lands.

3996. Petition of city council of the city of Medford, Oreg., transmitting a draft of a bill "To enlarge the boundaries of the Crater National Forest"; to the Committee on the Public Lands.

3997. By Mr. AYRES: Petition from citizens of Wichita, Kans., for legislation in behalf of Civil War veterans and their widows, and petition from citizens of Colwich, Kans., for legislation in behalf of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3998. By Mr. BACHMANN: Petition of Mrs. H. C. Newberger and 35 other citizens of Wheeling, Ohio County, W. Va., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3999. Also, petition of E. F. Phillips Lumber Co. and West Virginia Title & Trust Co., of New Martinsville, W. Va., protesting against the passage of the Oddie bill, which proposes that the Government stop printing stamped envelopes for the general public; to the Committee on the Post Office and Post Roads.

4000. By Mr. BARBOUR: Petition of residents of the seventh congressional district of California, protesting against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

4001. Also, resolutions adopted by Machinists' Local, No. 653, and Hod Carriers, Building and Common Laborers Local, No. 135, of Fresno, Calif., urging support of the Box bill placing immigration from Mexico under the quota; to the Committee on Immigration and Naturalization.

4002. By Mr. CELLER: Petition of Engraved Steel Plate Finishers Association, Washington, D. C.; to the Committee on the Civil Service.

4003. Also, petition of the Steuben Society of America, Carl Shurz Unit, No. 28, St. Louis, Mo.; to the Committee on Immigration and Naturalization.

4004. Also, petition of Dixie Post, No. 64, Veterans of Foreign Wars of the United States, National Sanatorium, Tenn.; to the Committee on World War Veterans' Legislation.

4005. By Mr. CHALMERS: Petition protesting against a competitive Navy, signed by residents of Sylvania, Ohio; to the Committee on Naval Affairs.

4006. By Mr. CRAIL: Petition of approximately seven citizens of Los Angeles County, Calif., protesting against the passage of the Brookhart bill relative to the motion-picture industry (S. 1667); to the Committee on Interstate and Foreign Commerce.

4007. Also, petition of approximately 10 citizens of Los Angeles County, Calif., against the naval armament bill; to the Committee on Naval Affairs.

4008. Also, petition of approximately 21 citizens of Los Angeles County, Calif., protesting against the passage of the Brookhart bill (S. 1667); to the Committee on Interstate and Foreign Commerce.

4009. Also, petition of approximately 22 citizens of Los Angeles County, Calif., against the passage of House bill 78 or any other similar legislation; to the Committee on the District of Columbia.

4010. By Mr. CRAMTON: Petition signed by Harry J. Lefingey and 15 other residents of New Haven, Mich., protesting against the large Navy program now under consideration; to the Committee on Naval Affairs.

4011. By Mr. CROWTHER: Petition of residents of Gloversville, N. Y., advocating increase of pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

4012. By Mr. CULLEN: Letter from Maritime Exchange, 78 Broad Street, New York City, in re House bill 9481; to the Committee on Appropriations.

4013. Also, letter from the Steuben Society of America in regard to the immigration law; to the Committee on Immigration and Naturalization.

4014. By Mr. DRANE: Petition of citizens of the first congressional district of Florida, against compulsory Sunday observance legislation (H. R. 78); to the Committee on the District of Columbia.

4015. By Mr. DREWRY: Petition of citizens of Amelia County, Va., requesting a vote on a Civil War pension bill in order that relief may be acocrded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

4016. By Mr. EATON: Petition of Peter J. Westervelt and 24 other residents of Blawenburg, N. J., upholding the national origins clause of the immigration act of 1924; to the Committee on Immigration and Naturalization.

4017. By Mr. ESTEP: Petition protesting against the building program of the naval bill by Pennsylvania Council of Churches, Rev. William L. Mudge, executive secretary; to the Committee on Naval Affairs.

4018. By Mr. GARNER of Texas: Memorial of chamber of commerce, Mercedes, Tex., in opposition to restriction of Mexican immigration; to the Committee on Immigration and Naturalization.

4019. By Mr. HARDY: Petition of 20 residents of Colorado Springs, Colo., urging the enactment of legislation for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

4020. By Mr. JOHNSON of Texas: Petition of citizens residing in Navarro County, Tex., opposing repeal or modification of immigration law of 1924; to the Committee on Immigration and Naturalization.

4021. By Mrs. KAHN: Petition of numerous citizens of California, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4022. By Mr. KEARNS: Petition of citizens of Adams County, Ohio, urging a vote on the Civil War pension bill; to the Committee on Invalid Pensions.

4023. By Mr. KVALE: Petition of American Legion Auxiliary of Willmar, Minn., urging enactment of the Tyson-Fitzgerald bill and the universal draft bill; to the Committee on World War Veterans' Legislation.

4024. Also, petition of George F. Holden Post No. 253, American Legion, Lowry, Minn., and its auxiliary, urging enactment

of the Tyson-Fitzgerald bill and the universal draft bill; to the Committee on World War Veterans' Legislation.

4025. Also, petition of county board of commissioners of Mahnomen County, Minn., favoring a per capita payment for the Indians of the White Earth Reservation; to the Committee on Indian Affairs.

4026. Also, petition of Women's International League for Peace and Freedom, Minnesota section, protesting against the big Navy program; to the Committee on Naval Affairs.

4027. Also, petition of Minnesota District of International Federation of Cosmopolitan Clubs, favoring construction of the St. Lawrence waterway and the upper Mississippi River development project; to the Committee on Rivers and Harbors.

4028. Also, petition of the Lee-Osbourn Post, No. 59, of Montevideo, Minn., urging passage of the legislative program indorsed at the national convention in Paris; to the Committee on World War Veterans' Legislation.

4029. Also, petition of members of the Hamlin Local, No. 103, of the Farmers' Educational and Cooperative Union, urging passage of the McNary-Haugen bill; to the Committee on Agriculture.

4030. Also, petition of the Eighth District (Minnesota) Congress of Parents and Teachers, favoring the Curtis-Reed education bill; to the Committee on Education.

4031. Also, petition of Montevideo A. S. of E. Cooperative Elevator & Trading Co., indorsing Senate Joint Resolution 59; to the Committee on Agriculture.

4032. Also, petition of Holloway Farmers Cooperative Elevator Co., indorsing Senate Joint Resolution 59; to the Committee on Agriculture.

4033. By Mr. MAPES: Petition of 16 residents of Grand Rapids, Mich., against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4034. By Mr. MEAD: Petition of residents of Buffalo, N. Y., in opposition to Senate bill 1667; to the Committee on Interstate and Foreign Commerce.

4035. By Mr. MOONEY: Petition of mission study class, Bethany English Lutheran Church, Cleveland, protesting the large naval building program; to the Committee on Naval Affairs.

4036. By Mr. MORROW: Petition of chamber of commerce, Grant County, Silver City, N. Mex., opposing Box bill, restricting Mexican immigration; to the Committee on Immigration and Naturalization.

4037. By Mr. NELSON of Missouri: Petition signed by Dr. Lashley M. Gray and other citizens of Prairie Home, Mo., in behalf of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

4038. By Mr. O'CONNELL: Petition of the R. H. Comey Brooklyn Co., Brooklyn, N. Y., opposing the passage of the LaGuardia bill (H. R. 7759), amending the Judicial Code; to the Committee on the Judiciary.

4039. Also, petition of Harmonia Council, No. 99, Sons and Daughters of Liberty, favoring the passage of the Aswell bill (H. R. 5473); to the Committee on Immigration and Naturalization.

4040. Also, petition of the National Association of Book Publishers, New York City, favoring the passage of House bill 8304 and Senate bill 2040, relative to postal rates; to the Committee on the Post Office and Post Roads.

4041. Also, petition of 20 citizens of the State of New York, employed in the War Department, favoring the passage of the Federal employees retirement bill and the Welch bill (H. R. 6518); to the Committee on the Civil Service.

4042. Also, petition of the United States Cedar Industry Tariff Committee, demanding an adequate cedar tariff to remove existing discriminations and handicaps against American labor, business, and industry, and to properly and fairly protect American labor, business, and industry; to the Committee on Ways and Means.

4043. By Mr. SPEARING: Petition of numerous citizens, protesting against the passage of the Brookhart bill affecting the distribution of moving-picture films; to the Committee on Interstate and Foreign Commerce.

4044. By Mr. ROBINSON of Iowa: Petition urging immediate passage of the Civil War widow's pension bill, signed by about 45 adult citizens of Dundee, Delaware County, Iowa; to the Committee on Invalid Pensions.

4045. By Mr. SWICK: Petition of Mrs. H. A. Wilder and 39 other residents of New Castle, Lawrence County, Pa., protesting against the passage of the Lankford bill, or other compulsory Sunday observance measure for the District of Columbia; to the Committee on the District of Columbia.

4046. By Mr. SWING: Petition of citizens of Inyo County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4047. Also, petition of citizens of Arlington, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4048. Also, petition of citizens of Fullerton, Calif., and vicinity, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4049. Also, petition of citizens of Beaumont, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4050. Also, petition of citizens of Little Lake, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4051. Also, petition of citizens of Brawley, Calif., and other communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4052. By Mr. THURSTON: Petition of 56 citizens of Page County, Iowa, protesting against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4053. By Mr. TILLMAN: Petition of H. G. Wallis and sundry other citizens of Arkansas, asking for speedy passage of bill to increase pensions for Union veterans and widows of same; to the Committee on Invalid Pensions.

4054. By Mr. TILSON: Petition of N. I. Wemstein and other residents of New Haven, Conn., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

4055. By Mr. VINSON of Kentucky: Petition of the residents of Ashland, Ky., against compulsory Sunday observance; to the Committee on the District of Columbia.

4056. Also, petition of the residents of the counties of Menefee, Boyd, and Carter, Ky., to increase the pension of all Civil War veterans and their widows; to the Committee on Invalid Pensions.

4057. By Mr. WHITE of Kansas: Petition of H. Coover and others, of Bickerdyke Home for Civil War Veterans, and their wives and widows, at Ellsworth, Kans.; to the Committee on Invalid Pensions.

4058. By Mr. WINTER: Petition against compulsory Sunday observance, by citizens of Weston County, Wyo., and George S. and Mary E. Stanton, Buckhorn, Wyo.; to the Committee on the District of Columbia.

4059. By Mr. WYANT: Petition of 2,175 members of churches in Mount Pleasant, Pa., and vicinity, favoring passage of Lankford Sunday rest bill (H. R. 78); to the Committee on the District of Columbia.

4060. Also, petition of Soroptimist Club, of the District of Columbia, favoring passage of Senate bill 1907 and House bill 6664; to the Committee on the Civil Service.

4061. Also, petition of C. L. Goodwin, of Greensburg, Pa., favoring Senate Joint Resolution 23 and House Joint Resolution 62; to the Committee on Rules.

SENATE

FRIDAY, *February 17, 1928*

(Legislative day of Thursday, February 16, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2348. An act granting the consent of Congress to the Norfolk & Western Railway Co. and Knox Creek Railway Co. to construct, maintain, and operate two bridges across the Tug Fork of Big Sandy River near Devon, Mingo County, W. Va.; and

H. R. 9660. An act authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city.

SUPPLEMENTAL ESTIMATE OF APPROPRIATION—MESS HALL AT SOLDIERS' HOME, SANTA MONICA, CALIF. (S. DOC. NO. 57)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, fiscal year 1929, for the National Home for Disabled Volunteer Soldiers, for construc-

tion of a mess hall at the Pacific Branch, Santa Monica, Calif., in the amount of $200,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	King	Sackett
Barkley	Fess	McKellar	Schall
Bayard	Fletcher	McLean	Sheppard
Bingham	Frazier	McMaster	Shipstead
Black	Gerry	McNary	Shortridge
Blaine	Gillett	Mayfield	Simmons
Borah	Glass	Metcalf	Smoot
Bratton	Gooding	Moses	Steck
Brookhart	Gould	Neely	Steiwer
Broussard	Greene	Norbeck	Stephens
Bruce	Hale	Norris	Swanson
Capper	Harris	Nye	Thomas
Copeland	Harrison	Oddie	Trammell
Couzens	Hawes	Overman	Tydings
Curtis	Hayden	Phipps	Tyson
Cutting	Heflin	Pine	Wagner
Dale	Howell	Ransdell	Warren
Deneen	Johnson	Reed, Mo.	Waterman
Dill	Jones	Reed, Pa.	Watson
Edge	Kendrick	Robinson, Ark.	Wheeler
Edwards	Keyes	Robinson, Ind.	Willis

Mr. CURTIS. I was requested to announce that the Senator from Montana [Mr. WALSH] is engaged in the Committee on the Judiciary.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

Mr. EDGE. Mr. President, I send to the desk numerously signed petitions, in fact signed by approximately 17,000 men and women in New Jersey, in the interest of arbitration to take the place of war. I would ask the Secretary to make an extract from the petitions, together with the names of the women's clubs and other organizations represented in preparing the petitions and securing the signatures, and that that much be noted in the RECORD, and that the petitions be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Without objection, it is so ordered.

The petitions presented by Mr. EDGE pray for the adoption of any effective resolutions in Congress or the negotiation of treaties with France or other nations which clearly provide for the arbitration of disputes in such manner as to consist of a real forward step in the use of arbitration as the means to prevent war, and are sponsored and indorsed by the following organizations in the State of New Jersey:

New Jersey State Federation of Women's Clubs;
New Jersey League of Women Voters;
American Association of University Women;
Daughters of the Revolution;
New Jersey branches of the League of Nations Nonpartisan Association;
Consumers' League of New Jersey;
New Jersey sections of the National Council of Jewish Women;
Woman's Christian Temperance Union;
Young Women's Christian Association;
Various churches and parent-teachers' associations;
Town councils;
Sons of the American Revolution;
Posts of the American Legion; and
Men's service clubs, such as Rotary, Kiwanis, and Lions Clubs.

The petitions are also indorsed and signed by local boards of federated clubs and sundry citizens in over 100 communities, all in the State of New Jersey, as follows:

Arlington, Asbury Park, Atlantic City, Avenel, Bayonne, Belleville, Bergenfield, Bernardsville, Bloomfield, Bogota, Boonton, Boundbrook, Caldwell, Cape May, Chatham, Chester, Cranford, Crawford, Dover, Dennisville, Edgewater, Elizabeth, Englewood, Ephraim, Essex Fells, Farmingdale, Flemington, Gibbstown, Glassboro, Glenridge, Grantwood, Hackettstown, Haddenfield, Hartford, Haworth, Hawthorne, Highland Park, Hillside, Hoboken, Hopewell, Irvington, Jersey City, Kearney, Keyport, Lambertville, Lawrenceville, Leonia, Lindenwold, Livingston, Madison, Mahwah, Manasquan, Magnolia, Matawan, Maplewood, Medford, Metuchen, Montclair, Montville, Mount Holly, Mount Lakes, Mossmere, Morristown, Merchantville, New Brunswick, Newark, North Bergen, Nutley, Oradell, Orange, Paterson, Passaic, Paulsboro, Pedricktown, Pennington, Penns Grove, Perth Amboy, Plainfield, Princeton, Rahway, Raritan Post, Ridgewood, Riverton, Roseland, Roselle, Salem, South Amboy, Seagirt, Sewaren, Summit, Stockton, Spring Lake, Tenafly, Towaco, Trenton, Vincentown, Vineland, Washington, Woodbridge, Woodbury, and Woodstown.

Mr. JONES. I have a number of letters in my office in the nature of petitions which were sent to me with reference to the tariff on shingles. I have not brought them to the Senate, but I wanted to make a statement regarding them. I have a letter here from the cedar industry, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the letter was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

UNITED STATES CEDAR INDUSTRY TARIFF COMMITTEE,
Everett, Wash., February 9, 1928.

Hon. WESLEY L. JONES,
United States Senator, Washington, D. C.

MY DEAR SENATOR: Our industry recently mailed you some red-cedar shingles, and inclosed is an industry statement.

We are only asking the right to be permitted to live in the United States and continue a legitimate business.

Existing tariff laws have already exterminated over half of our industry and fully half of what remains is actually bankrupt. This is the positive and indisputable result of congressional discrimination against our industry, its American labor, and incident business.

The United States charges an import tax on logs if shipped to American mills for manufacture by American workmen, grants unrestricted exportation of American logs, and permits free and unlimited importation of shingles and cedar lumber to American markets.

Canada charges an export tax on logs, rigidly restricts log exportations, and even prohibits log exportations to American mills. Sales and import taxes bar American cedar products from Canadian markets.

The operative effect is: United States tariff protection to foreign productive and Canadian oriental labor, preference of oriental labor over American labor, idleness of American labor, causing an annual $10,000,000 wage loss, forcing hunger and insufficient clothing to thousands of American workmen, their wives and children, stagnation to American business, and extermination to an important American industry.

This is not a mere incident in business; it is actual industry crucifixion by an act of our own Congress.

We are only asking for fairness and justice.

Yours very truly,

A. C. EDWARDS,
Tariff Committee Chairman.

Mr. JONES also presented a resolution adopted by the Yakima County (Wash.) Grange Committee, protesting against the passage of the so-called Crisp bill proposing to appropriate $10,000,000 for the purpose of buying waste lands and abandoned farms, securing settlers and developing waste lands, etc., which was referred to the Committee on Irrigation and Reclamation.

He also presented a resolution adopted by the water users of the Sunnyside Valley (Wash.) irrigation district, protesting against the reclamation of any more arid or swamp land until there is sufficient demand for the products from such lands which will at least assure the cost of production, which was referred to the Committee on Irrigation and Reclamation.

Mr. SHORTRIDGE presented sundry memorials numerously signed by citizens employed in the motion-picture industry in the State of California, remonstrating against the passage of Senate bill 1667, the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

Mr. TYDINGS presented a petition of members of Wilson Post, No. 1, Grand Army of the Republic, at Baltimore, Md., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. FESS presented a resolution adopted by the Dayton (Ohio) section, American Society of Civil Engineers, favoring the passage of the bill (H. R. 8111) to provide for the inventory of the water resources of the United States, which was referred to the Committee on Commerce.

Mr. COPELAND presented a resolution adopted by Colonel Gansevoort Council, No. 64, Daughters of America, at Rome, N. Y., favoring the maintenance of the basic provisions of the immigration act of 1924, the prompt execution of the national origins provision of the act, the extension of the quota limitations for immigration from Mexico, the West Indies, and countries of Central and South America, and limiting the total annual immigration to 150,000, which was referred to the Committee on Immigration.

He also presented a resolution adopted by Colonel Gansevoort Council, No. 64, Daughters of America, at Rome, N. Y., favoring the passage of legislation requiring the registration of all

aliens in the United States, which was referred to the Committee on Immigration.

He also presented a resolution adopted by Colonel Willett Council, No. 58, Junior Order United American Mechanics, at Rome, N. Y., favoring the passage of legislation to ascertain the number of aliens illegally and unlawfully in the United States; the deportation of aliens, and the prompt execution of the national origins provision of the existing immigration law, which was referred to the Committee on Immigration.

Mr. WILLIS presented a memorial of sundry citizens of the State of Ohio, remonstrating against the passage of the bill (S. 2506) to amend the packers and stockyards act, 1921, which was referred to the Committee on Agriculture and Forestry.

Mr. CUTTING presented a letter in the nature of a petition from Edgar F. Craighead, adjutant New Mexico Casual Post, No. 614, Veterans of Foreign Wars, Fort Bayard, N. Mex., with an accompanying resolution, relative to the establishment of a national cemetery at Fort Bayard, N. Mex., which was referred to the Committee on Public Buildings and Grounds and ordered to be printed in the RECORD, as follows:

VETERANS OF FOREIGN WARS,
Fort Bayard, N. Mex., February 1, 1928.

Hon. BRONSON CUTTING,
United States Senator, Washington, D. C.

MY DEAR SENATOR: I am attaching hereto a resolution adopted at a recent meeting held by the above-captioned post, and we are of the opinion that we are entitled to a national cemetery here. At present we have 1,185 filled graves and some 2,000 plotted empty graves, and I am sure that you will agree with us that when a man has given his life for his country he is surely entitled to have his last resting place taken the proper care of. The graves here date back to the Indian wars, and no doubt in some cases there is no living relative of the man buried here. We have no funds or appropriations to disburse in this manner; the Veterans' Bureau have taken the attitude of hands off. The patients here are certainly not able to take care of it.

I would suggest that you take this matter up with Hons. BRATTON and MORROW, and advise me as to what the possibility is of getting a national cemetery here at Fort Bayard, N. Mex. Also I request that you read or have read the attached resolution on the floor of the House, and have same entered in the CONGRESSIONAL RECORD.

Trusting that you will give the above-mentioned matter your usual prompt attention and consideration, and assuring you that we stand ready at all times to assist in whatever way we can. I am, believe me,

Sincerely,

EDGAR F. CRAIGHEAD,
Adjutant New Mexico Casual Post, No. 614,
Veterans of Foreign Wars, Fort Bayard, N. Mex.

VETERANS OF FOREIGN WARS,
Fort Bayard, N. Mex.

Resolution adopted by New Mexico Casual Post, No. 614, Veterans of Foreign Wars, at regular meeting held January 17, 1928, at Fort Bayard, N. Mex.:

Whereas there are 1,185 filled graves in the cemetery at Fort Bayard, N. Mex., some of them dating back to the Indian wars, and the United States Veterans' Bureau recently plotted 2,000 or more empty graves; and

Whereas there are no funds or appropriations available to give the cemetery the proper care and the United States Veterans' Bureau does not take the proper care of same, as they term it special work: Now therefore be it

Resolved, That the New Mexico Casual Post, No. 614, Veterans of Foreign Wars, at Fort Bayard, N. Mex., go on record expressing their desire to have the cemetery here converted into a national cemetery, whereby the graves of our departed comrades will have the proper care through Federal aid; and be it further

Resolved, That we request you, Hon. BRONSON M. CUTTING, to introduce a bill in Congress making the cemetery here a national cemetery.

EDD. ZINGG, *Commander.*
EDGAR F. CRAIGHEAD, *Adjutant.*

[See the bill (S. 3262) to establish a national cemetery at Fort Bayard, N. Mex., introduced to-day by Mr. CUTTING.]

REPORTS OF COMMITTEES

Mr. MAYFIELD, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, reported it with amendments and submitted a report (No. 317) thereon.

Mr. BROOKHART, from the Committee on Civil Service, to which was referred the bill (S. 1728) placing service postmasters in the classified service, reported it without amendment.

Mr. HAYDEN, from the Committee on Territories and Insular Possessions, to which was referred the bill (H. R. 6989) to amend the Hawaiian Homes Commission act, 1920, approved July 9, 1921, as amended by act of February 3, 1923, reported it without amendment and submitted a report (No. 318) thereon.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on February 13, 1928, that committee presented to the President of the United States the enrolled bill (S. 2656) to establish a minimum area for the Shenandoah National Park, for administration, protection, and general development by the National Park Service, and for other purposes.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TYSON:

A bill (S. 3257) to establish a national military park at Fort Negley, on the battle field of Nashville, Tenn.; to the Committee on Military Affairs.

By Mr. SHORTRIDGE:

A bill (S. 3258) to amend section 300 of the World War veterans' act, 1924, as amended; to the Committee on Finance.

By Mr. TYDINGS:

A bill (S. 3259) granting a pension to F. A. Naille; to the Committee on Pensions.

A bill (S. 3260) to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of R. H. Lansdale; to the Committee on Claims.

By Mr. WHEELER:

A bill (S. 3261) for the relief of William B. Walker; to the Committee on Claims.

By Mr. CUTTING:

A bill (S. 3262) to establish a national cemetery at Fort Bayard, N. Mex.; to the Committee on Public Buildings and Grounds.

By Mr. SACKETT (for Mr. GOFF):

A bill (S. 3263) granting a pension to Nancy Detrick (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 3264) granting a pension to Annie Shirley (with accompanying papers); and

A bill (S. 3265) granting a pension to Jemima E. Johnson (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 3266) granting a pension to Nellie Dorchester (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 3267) granting an increase of pension to Clara Huffman; to the Committee on Pensions.

A bill (S. 3268) authorizing the Secretary of War to issue a certificate of honorable discharge to Carl J. Canada; and

A bill (S. 3269) providing for the advancement on the retired list of the Army of Hunter Liggett, major general, United States Army, retired; to the Committee on Military Affairs.

By Mr. BORAH:

A bill (S. 3270) for the relief of Chester A. Boswell; to the Committee on Military Affairs.

By Mr. HARRIS:

A bill (S. 3271) for the relief of Molna Michael; to the Committee on Claims.

A bill (S. 3272) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920; to the Committee on Public Buildings and Grounds.

By Mr. NORBECK:

A bill (S. 3273) to permit taxation of lands of homestead and desert-land entrymen under the reclamation act; to the Committee on Public Lands and Surveys.

By Mr. BINGHAM:

A joint resolution (S. J. Res. 94) to authorize the President to invite the Government of Great Britain to participate in the celebration of the sesquicentennial of the discovery of the Hawaiian Islands, and to provide for the participation of the Government of the United States therein; to the Committee on Foreign Relations.

CHANGE OF REFERENCE

On motion of Mr. HOWELL, the Committee on Claims was discharged from the further consideration of the bill (S. 1978) for the relief of Agfa Raw Film Corporation, and it was referred to the Committee on Finance.

AMENDMENTS TO TENNESSEE BRIDGE BILLS

Mr. TYSON submitted an amendment intended to be proposed by him to the bills (H. R. 9147) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River, on the Jasper-Chattanooga Road in Marion County, Tenn., and also an amendment intended to be proposed by him to the bill (H. R. 9197) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryville Road in Knox County, Tenn., which were referred to the Committee on Commerce and ordered to be printed.

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (H. R. 9199) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Dover-Clarksville Road in Stewart County, Tenn., which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENT TO EMERGENCY OFFICERS' RETIREMENT BILL

Mr. MOSES submitted an amendment intended to be proposed by him to the bill (S. 777) making eligible for retirement under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, which was ordered to lie on the table and to be printed.

AMENDMENTS TO ALIEN PROPERTY BILL

Mr. HOWELL submitted two amendments intended to be proposed by him to House bill 7201, the so-called alien property claims bill, which were ordered to lie on the table and to be printed.

ELIZABETH A. MANION

Mr. BAYARD submitted the following resolution (S. Res. 149), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate to Elizabeth A. Manion, sister of Mary Kenny, who was an attendant in charge of the ladies' retiring room in the Senate Office Building, six months' compensation at the rate she was receiving by law at the time of her death, the said sum to be considered inclusive of funeral expenses and all other allowances.

INVESTIGATION OF RATES ON BITUMINOUS COAL

Mr. SACKETT. Mr. President, during the debate yesterday mention was made of the advisability of an investigation with reference to coal rates. I ask unanimous consent at this time to introduce a resolution concerning that subject and ask that it be read.

The VICE PRESIDENT. The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 150), as follows:

Resolved, That the Senate Committee on Interstate Commerce, or a subcommittee thereof, be, and it is hereby, authorized and directed to make an investigation of the existing rate structures of freight rates on bituminous coal moving in interstate commerce to determine whether there exist injustices and unfairness therein and whether any mining districts are being unfairly or abnormally stimulated and overdeveloped or are being depressed thereby.

Also, to investigate and ascertain the power, authority, and practices of the Interstate Commerce Commission under existing law to control the minimum freight rates to be charged by railroads for the purpose or with the effect of increasing or preventing competition between mining districts located in different States by equalizing the costs of production and distribution in industry through the requirement of transportation charges upon bituminous coal that are more than compensatory to the carriers performing the services of distribution.

And particularly to investigate and ascertain the effect on the bituminous-coal industry and coal-mining districts of the States of Pennsylvania, Ohio, West Virginia, Virginia, Kentucky, and Tennessee of the orders of the Interstate Commerce Commission for the reduction of and/or the refusal to permit the reduction of freight rates on bituminous coal by the carriers serving said States.

Upon the conclusion of the investigation the committee shall forthwith report to the Senate.

The expenses of said committee or any subcommittee thereof hereunder shall be paid out of the contingent fund of the Senate.

Said committee is empowered to sit and act at such time or times and at such place or places as it may be deemed necessary and to require by subpœna or otherwise the attendance of witnesses and the production of books, papers, and documents, and to do such other acts as may be necessary in the matter of said investigation.

The chairman of the committee or any member thereof may administer oaths to witnesses. Any person who, having been summoned as a witness, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation hereby authorized, shall be held to the penalties provided by section 102, Revised Statutes of the United States.

Mr. SACKETT. I suggest that the resolution be referred to the Interstate Commerce Committee.

The VICE PRESIDENT. Without objection, it will be so referred.

CONSIDERATION OF BRIDGE BILLS

Mr. BARKLEY. Mr. President, I have in charge five bridge bills which are now in the hands of the Committee on Commerce and not yet on the calendar. They are House bills Nos. 7032 to 7036, inclusive. I ask unanimous consent that the Committee on Commerce may be discharged from the further consideration of the bills and that they be passed.

The VICE PRESIDENT. The Senator from Kentucky asks unanimous consent that the Committee on Commerce be discharged from the further consideration of the five bridge bills indicated by him, and that the bills be put on their passage. Is there objection?

By unanimous consent, the Committee on Commerce was discharged from the further consideration of the bills; and there being no objection, the Senate, as in Committee of the Whole, proceeded to consider them in their order. The bills were severally reported to the Senate without amendment, ordered to a third reading, read the third time, and passed, as follows:

H. R. 7032. An act authorizing the Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Canton, Ky.;

H. R. 7033. An act authorizing the Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Iuka, Ky.;

H. R. 7034. An act authorizing the Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Smithland, Ky.;

H. R. 7035. An act authorizing the Midland Bridge Co. (Inc.), Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near the mouth of Clarks River; and

H. R. 7036. An act authorizing the Valley Bridge Co. (Inc.), Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Eggners Ferry, Ky.

ADDRESS BY HON. CHARLES EVANS HUGHES

Mr. EDGE. Mr. President, I ask unanimous consent to have printed in the RECORD a speech made by former Secretary Hughes at the Pan American Conference in Habana.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

TEXT OF MR. HUGHES'S ADDRESS

Mr. President, I have listened with deep interest to the admirable statement of Doctor Alfaro in reviewing the history of the conferences to promote the peaceful settlement of controversies in this hemisphere.

I wish to join in the expression uttered by others in appreciation of the care with which Doctor Alfaro has prepared his report, but more especially in recognition of the admirable spirit, the fine generous vision which has animated all that he has said. Permit me also to take this opportunity of expressing entire accord with the proposal of Doctor Gonzales, of Mexico, with respect to the resolution which might be properly adopted by this conference.

It is my happy privilege to say for the United States of America that we would join most heartily in a declaration that there shall be no war of aggression in America. I am in entire accord with the proposal that we should show that this hemisphere is dedicated to the interests of peace, and that we should endeavor to find pacific solutions for all the controversies that may arise.

Without suggesting any superiority for ourselves, we have very happy traditions in this hemisphere. Most of the controversies that have vexed us have already been settled. Very few remain. They can be adjusted peaceably.

THREE WAYS OF SETTLEMENT

If we have this high aim of securing pacific adjustment of our difficulties, we shall not fail to attain it. And I am happy to join in that effort to which, not simply speaking from the position as chairman of the American delegation—important as that is—but speaking out of my own heart, I would wish to give all the strength and energy that I possess.

How shall we promote peaceful settlement? I think there are three ways:

First. By conferences. By those important periodical meetings at which we can promote a better acquaintance and have a candid interchange of views.

Second. By means of conciliation. That is to say, the provision of some practical means by which when difficult situations arise reason may have its play before force takes the field.

Third. In the judicial settlement of controversies. Reason and justice must have their institutions. They can not exist merely as abstract concepts to which we pay our verbal devotion. We must have institutions of peace. The great problem is how to establish them; how to secure agreement upon them.

What Doctor Maurtua has just said, it seems to me, is full of wisdom. He desires that we shall go as far as we can and that then we shall endeavor, step by step, to make a progressive approach to our ideals. Those are the words not only of a jurist but of a statesman.

EXCEPTIONS TO ARBITRATION

The important question before us is with respect to the project which Doctor Alfaro has presented. It has been subjected to an analysis in a very clear, illuminating, and forceful manner by Doctor Lira, president of the Chilean delegation. That analysis makes it unnecessary for me to dwell at length upon some of the questions involved.

Article 19 of the project provides that questions of whatever nature which may arise between two or more states which have not been settled through diplomatic channels shall be submitted to arbitration. But it is at once recognized in the following article, Article 20, that this generality must have some limitation.

While it is true that under article 21 it is provided that the question whether a controversy is included in the exceptions shall be submitted to arbitration, nevertheless that is not intended to destroy the exceptions. The provision may be open to the criticism which Doctor Lira has stated, but it must be supposed that, from the standpoint of the reporter, it was intended that the exceptions should be effective.

When the exception is set forth in article 20, the first exception, it is found that it eliminates controversies which involve constitutional provisions. I agree with Doctor Lira that this is extremely broad and vague. What are constitutional questions? Our genial Chief Justice of the Supreme Court of the United States once said that a constitutional lawyer was one who had given up the practice of law and gone into politics. [Laughter.]

From the standpoint of the United States there are few questions that could not be claimed to involve constitutional provisions—if you say that all the powers and functions for which the Constitution provides are the subject of exception.

CATEGORIES OF CONTROVERSIES

Then in the second provision of article 20 reference is made to controversies which may place in jeopardy the independence of a State. I do not object to that, although I agree that it is very vague. I think, if I understand Doctor Maurtua aright, he thought "sovereignty and independence" would be a better expression. I agree to that.

The point I desire to make, however, is that these two classes of exceptions in article 20 reveal the consciousness of the necessity of some limitation. The question, then, is practically one which it is necessary for us to decide in approaching a convention. What will give appropriate expression to the limitations that are deemed to be essential?

Now, we have certain categories of controversies. We have controversies to which there are principles of law and of equity that are applicable. We call those justiciable questions. We could probably find a basis for agreement with regard to questions of that class.

I quite understand that questions of that class might sometimes involve sovereignty and independence. We can not make progress by putting our heads in the sand. No nation will knowingly submit to arbitration its sovereignty, whether it is called a justiciable question or has some other legal nomenclature to describe it. But we do have certain classes of cases which we call justiciable, which, with limited exceptions, we can agree upon.

POLITICAL AND INTERNAL AFFAIRS

Then there are controversies which are relating solely to political expediency and to which no principles of law or of equity apply. These give us the greatest difficulty. It is not that we object—or any of us here would object—to the impartial decision of the most enlightened mind representing the justice of the Deity even in such questions.

But we fail to find an assurance of that orderly and wise disposition in ordinary arbitral decisions. It is not the lack of a desire to have a pacific settlement, but the difficulty in the nature of the question, because you submit to the arbitrator something as to the decision of which he has no principle to guide him.

Then there is a third class of cases of controversies which should not be strictly regarded as international controversies at all. One state objects to the internal legislation of another state in a matter entirely within the province of that state. The objecting state should recognize that that is a matter of internal government. But internal government projects, in these days of intimate relations, in the actual force of its decisions, into areas where other governments seek to found a freer play.

So, about internal questions, some controversies may arise. We all have questions in each of our countries which we think are within our competency because they relate to internal administration. I could name some, and I could go around this room and enumerate questions of that sort which I am sure many of you would never submit to arbitration.

FEASIBILITY OF CLAIMS CONVENTIONS

Now, we must face the facts in this matter fairly. My conception of amity among the nations is a sort of friendship which will enable us to deal with these difficult questions in our negotiations with each other without the effort to compel nations to relinquish rights or to change their internal organization or to submit to the decrees of others in matters which affect internal regulations according to their conceptions of their interests. So our problem is what progress can we make?

There is one class of controversies about which we can make a convention without great difficulty. Those are controversies relating to questions involving the interpretation of treaties or the principles of international law, where the claims are for loss of life or personal injuries, or injuries to property, and where the reparation sought is entirely pecuniary.

We could have a claims convention without going into some of the difficulties which would arise in dealing with a broader convention. I do not mean to exclude the broader convention; I am simply thinking of making practical progress by having something on which we can start with a maximum of agreement. We can have two classes of convention, a convention relating to pecuniary claims and another convention relating to broader matters.

STANDING JOINT COMMISSIONS

When we come to the broader convention we would then consider the various categories of the controversies to which I have referred and endeavor to see how closely we can come to an agreement in sympathy with the principle Doctor Maurua has proposed of making all the progress possible.

I do not wish to detain the committee with a long statement, but I can not forbear to say that I think the project presented fails to exhaust the possibilities. While states might not be willing to submit to arbitration various delicate questions which they thought impinged upon the free exercise of their internal authority, still it might be possible to have joint commissions whose reports advising the different governments and legislatures would be of great value.

In 1909 the United States made its treaty with Great Britain with respect to Canada, establishing a joint commission in which each Government has an equal number of members, and to which all sorts of questions arising on our boundary can be referred for examination, the taking of testimony, and report to the respective Governments.

A nation may be willing, entirely willing, to have a permanent joint commission with its neighbor or neighbors, so that in any question that arises there may be an explication of the questions not for the purpose of decision but so that each government may be advised of the views and findings of a commission on which they have an equal representation, and then its legislature, supreme in its sphere, can act with that knowledge.

This plan has worked very well, and questions which might not perhaps have been submitted to arbitration—some of difficulty, some of delicacy—have been considered by the permanent joint commission and reports have been made which led to satisfactory adjustments.

Let us be astute to find means suited to the different exigencies which we can not escape.

PICKING THE THIRD ARBITRATOR

A final word: The test of arbitration and the weakness of plans for arbitration lie in the selection of the third arbitrator, as the case may be, who actually decides the controversy. Arbitrators are selected for the respective nations, and in some historic cases the arbitrator selected by one power has not supported that power, but those cases are extremely rare.

We know in advance the pivotal man, the third man, is the man who will decide. I have been in negotiations for arbitration where the names of the most distinguished jurists in the world have been submitted and eliminated. No agreement could be had.

The test of the arbitration agreement is in your plan for the selection of the third arbitrator. Reference was made to the apprehension of states in regard to arbitration. They center about this selection. Now, this project, when it comes to the final test where the parties do not agree, leaves the selection to chance.

That is to say, if there is no agreement, two chiefs of state are to be designated, one by each party, who maintain friendly relations with both parties; but in the language of treaties and diplomacy, friendship is not the same as it is in the language of social intercourse. There are chiefs of state at times whom we would not desire to select,

although we would be far from suggesting that our relations in a diplomatic sense were not entirely friendly.

These two chiefs of state, one selected by each party, are designated, and one of these is to be selected by lot—for example, the flip of a coin!

SELECTION BY NONAMERICAN JURISTS

There are two objections: The first it is by chance, and the whole arbitration rests upon that. The broader you make the arbitration, the more important is this point. The second objection to such a method of choice is that it is essentially political.

I think we should endeavor to get away from a final selection in case we could not agree upon a third arbitrator, which would be in any manner influenced by political considerations. It might be impossible entirely to eliminate that feature, but we should strive in that direction in order to have an impartial, juridical settlement.

My suggestion would be that instead of providing for two chiefs of state, one to be selected by lot, that we should select three outstanding non-American jurists who should select with a sense of responsibility of their reputation and juridical standing, the third arbitrator, who, in that case might more closely approach to our ideal of an impartial judge. Such jurists would be more likely to give us the selection of some one on whom we could rely as not influenced by political considerations.

We often in our experience have had important interests come to us and say: "We would like to arbitrate our controversy. Can you suggest some one as an arbitrator?" And when that is stated to a judge, to a lawyer of eminence, to a man who has a reputation to sustain as an exponent of law and justice, he feels the greatest obligation to assist the parties to obtain an absolute, impartial, and just determination of their controversy.

PLEDGES OUR COOPERATION

Now, it is very late in our conference. We have been unable to reach this matter before. I do not wish to detain you with observations. I wish to join with you in this effort to the full extent of my ability. If we can not complete it now, let us prepare for a future day when we can accomplish our purpose with full consideration of all the questions which necessarily arise.

I desire to show to you the sincere cooperation of the United States, which is opposed to any act of aggression; which desires to see force eliminated from the hemisphere; which is seeking nothing but the good order, the independence, and the prosperity of all the American states. [Prolonged applause.]

SPEECH OF SENATOR RANSDELL AT RICHMOND, VA.

Mr. SWANSON. Mr. President, I ask unanimous consent to have printed in the RECORD a speech by the senior Senator from Louisiana [Mr. RANSDELL] in Richmond on the 16th instant.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

Mr. Chairman, ladies, and gentlemen, this is an unusual assemblage. In a long public career of forty-odd years I do not recall having attended a meeting such as this, where the promotion of good will among members of different creeds was the spirit of the occasion. I approve the idea heartily and am glad to contribute my mite toward its success. I hope the example you are setting will be emulated in many places throughout the Nation.

There is more good will on earth to-day than at any period of its history. Two thousand years ago war was universal and all prisoners taken in war were enslaved. Women had no rights men were bound to respect. There were no asylums or hospitals for the helpless and sick. Now, wars are the exception, not the rule; slavery has ceased in all civilized lands; women are equal to men in all respects; and every form of human suffering is relieved in asylums, homes, hospitals, and institutions of every kind conducted by all churches or the public. Even dumb animals are the recipients of human care and kindness. The golden rule, "Do unto others as you would have them do unto you," is practiced by a great many persons, and there is infinitely more good than bad among men. We expect good and it makes no impression on us, whereas grave crimes being abnormal are widely published and the thoughtless imagine that wickedness predominates. There is still much intolerance and hard feeling, due mainly to ignorance of the other party's viewpoint.

Good-will meetings such as this will help to sweep away the mists, to broaden our outlook on life, to make us more charitable, to realize that our neighbors are just as worthy people as ourselves, and to understand there is no genuine religion in hating those whose religious views differ from our own. In his farewell address to his countrymen the immortal Virginian, George Washington, said:

"The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess are the work of joint counsels and joint efforts of common dangers, sufferings, and successes."

There are present at this banquet 150 Protestants and a like number of Jews and of Catholics. That independence and liberty we continue to possess, which was first secured by Washington and his compatriots, has been preserved by the joint efforts of all Americans, in common dangers, sufferings, and successes. We have differences of interest, race, and religion, but all work together for the good of our great country. There is a multitude of problems common to all of us. One part of the country may prosper, another suffer. To-morrow the case may be reversed. Respecting that liberty which belongs to the conscience of every man, we can and will, with good will to one another, help America to fulfill her destiny.

Bigotry, prejudice, petty jealousy, and kindred emotions are inimical to the welfare of the Nation. They are the products of deficient information and set brother against brother, banish the more kindly feelings of human nature, and falsify the expectations of the framers of the Constitution. It was the hope of our forefathers that this country would be and remain a united Nation, that unity would be the main pillar in the edifice of our independence, the support of our tranquillity at home, our peace abroad, our national safety, and prosperity.

It is my firm belief that the heart of America is tolerant and sincerely religious. The first settlers on our shores were men and women dominated by firm religious principles. What were they seeking? Merely the right to live their own lives in their own way, inspired by fervent zeal to be free in politics and religion. The Constitution guaranteed those rights, and they have been sanctioned and upheld for 140 years. Those who promote ill will and strife are enemies of that liberty and independence so dear to all our hearts, while they who assist in fostering good will are patriots who love their neighbors and their country.

GOOD WILL DISPLAYED DURING MISSISSIPPI RIVER FLOOD OF 1927

In agreeing to speak here to-night I realized my opportunity to bring before this fine audience the most remarkable exhibition of national good will in America since the World War. I allude to the terrible flood in the Mississippi Valley last year, which has been well described as the greatest peace-time disaster in our history. It is not my purpose to discuss the intricate economic and engineering questions connected with this flood, nor the difficult problem of preventing its repetition which Congress is now trying hard to solve. I merely wish to show how true and good were the people of the whole country when put to the test; how they proved by actions that they are their brothers' keepers; how genuine good will was displayed in a marked degree without regard to creed, race, or color.

I preface my remarks by recalling that about three years ago a Kentucky lad was wedged in a cavern. The Nation thrilled at every detail of the heroic efforts to release him from his underground prison. Men labored frantically and millions awaited news of his escape. At last he was reached, but death had already visited his prison. Several times since then the press has related the imprisonment of many men in mines. People read of their distress and hoped for their release. However, the anxiety was less than that for the lone country lad prisoned in the earth. A mass loses individuality; it merges into a general effect. Because of this psychology, perhaps, the magnitude of the miners' predicament tended to dull the ready sympathy which flows to a single fellow-being in distress. Multiply the case of the Kentucky lad by 600,000—more than half a million people in distress—and you will realize the magnitude of the Mississippi River flood of 1927.

THE RED CROSS BEGINS RELIEF WORK

Nature began setting the stage for the flood in August, 1926. All the land in the valley became saturated with water and was unable to soak up more. Rivers and streams in 31 States began to swell with rain water. They ultimately found their way to the mighty Mississippi, the Nation's drainage ditch, which became a turbulent, swirling, raging torrent early in the year. The waters poured through its channel, winding and rushing to the Gulf. Levees began to break in April. Homes were swept away, crops ruined, about 200 human beings and many thousands of livestock were drowned, farm implements destroyed, labor disorganized, people were driven from their homes, and vast numbers were marooned. The immense watery desert covered 20,000 square miles in the valley, which was damaged to the extent of approximately $300,000,000. From Cairo to the Gulf, a distance of a thousand miles, most of the land was under water, the width of the flood area reaching 80 miles in some places.

Governors and other officials in the valley States pleaded for boats, food, and clothing. Quick relief was needed. All eyes turned to the Red Cross, an international good-will organization which assists all human being who are in distress. Its past achievements have proved that it raises no barriers of wealth, occupation, religion, or race; that it has no political beliefs and recognizes no creed save that of service to suffering humanity. It immediately went into action and to its wonderful work in the stricken valley, I wish to pay just tribute. It

opened headquarters in Memphis, Tenn., and sent trained workers to all critical points—to concentration centers, supply stations, and communities where levee breaks were expected. In that office the rescue work centered. A network of communication was established with all segments of the organization and all parts of the danger zone. The telegraph, telephone, and radio were brought to bear on the problem. A radio station was set up in the headquarters and 12 field radio units of the Signal Corps of the Army were scattered over the area at points where communication had already been washed out or where expected breaks would effect this in a few days. Supplementing these were river boats equipped with wireless, which formed part of the Red Cross fleet.

THOUSANDS ARE RESCUED BY RED CROSS

A rescue fleet was mobilized. Barges, side-wheel steamers, Mississippi River Commission boats, and every craft on the water was conscripted. Graceful pleasure yachts and odiferous fishing boats worked side by side. Patrol boats of the United States Coast Guard came at full speed to the scene of distress. Small power boats poured into Memphis by the carload. This great fleet sprang into existence almost overnight.

In the meantime the waters were rising and spreading in all directions. Quick action was necessary, for when a levee broke boats had to be there to save people in the path of the water. On a huge map in the Memphis office the location of every "mother ship" and her little fleet of small boats was recorded hourly. A plea for help would come to headquarters and immediately the boats nearest the new break would be directed to rush to the rescue. A few hours later hundreds of half-clothed, starving, weary refugees would joyfully sight the rescue ship fighting the torrential currents to get to them. Many acts of heroism by Red Cross workers and others went unnoticed which in normal times would have won the applause of the Nation.

One dark night a lone little woman was seen braving the raging Mississippi in an open launch. Her destination was Red Fork landing, in Arkansas, where a thousand refugees were marooned on a levee. Her small boat was loaded with food. Alone she crossed the river from the Mississippi side and gave provisions to the sufferers sufficient to keep them alive until a steamer could fight its way up the river and rescue them. She did this after one steamer had already tried unsuccessfully to brave the current earlier in the day.

Clinging to a levee in an almost inaccessible place stood 500 persons, half clothed, some of them sick, and one dying from a snake bite. Boats had tried and failed to rescue them. An old river captain turned a deaf ear to advice that the place was inaccessible. He knew a short cut to the levee; he turned his boat into a narrow bayou that was roaring like a miniature Niagara Falls. He plunged in, full steam ahead; great cypress trees were on either side of the boat, allowing just room enough for the vessel to pass. Slowly he moved on with the cumbersome river packet. A few hours later he returned to a Red Cross landing with the lone comment: "Dar's your folks."

For hours and hours a man had been maneuvering a small boat in and out among trees, over miles of yellow, muddy flood waters. He had naturally supposed that he was alone on this vast area of water. Suddenly he heard a plane overhead. The pilot swooped down with motor silenced. "Follow me!" he shouted to the boatman. The latter, startled and bewildered, gazed skyward whence this strange command had come. A moment of doubt, hesitation, indecision; then he swerved his little boat around and went at full speed in the plane's direction. Finally the plane seemed to pause in midair over a lone tree. The pilot circled it three times. The boatman steered ahead. Clinging desperately with one arm to a limb he found an exhausted, frightened woman and brought her to safety.

GOVERNMENT DEPARTMENTS RESPOND

It is impossible to estimate how many lives were saved by the fearless aviators. For several weeks they flew over the flooded area spotting stranded refugees, reported to the Red Cross where levees were "going out," and gave a daily picture of the entire situation. Dispatching emergency supplies of medicine and food, and transporting nurses, doctors, and other personnel were other functions of this squadron.

The relief organization of the Red Cross had the entire facilities of the Government at its disposal, without which the effective work to its credit would not have been possible. Airplanes, seaplanes, radio units, tents, cots, blankets, field kitchens, health officers, sanitary engineers, boats, and other equipment were procured from various governmental departments. The railroads throughout the valley rendered invaluable service during the disaster. Supplies were sent to concentration centers by the speediest routes. Passenger and freight trains speeded to the rescue of thousands when new breaks in the levees occurred, etc.

People outside the valley grew anxious for their fathers and mothers, sons and daughters, sweethearts and friends, living in the flooded areas. The bond of union always maintained by the Post Office Department was disrupted, but not discontinued. Through the tireless efforts of its agents, the mails moved and thereby kept those separated from home posted on the safety of relatives and friends.

SIX HUNDRED THOUSAND PEOPLE UNDER RED CROSS CARE

With the rescue work completed, the Red Cross turned its attention to the next phase of the giant task it had undertaken—caring for the refugees. On April 15 it had 25,000 flood sufferers in its charge. A week later this number had grown to 75,000 and rapidly increased, until finally 607,000 persons were being fed and cared for by this great altruistic organization. Twice it appealed to the country for $5,000,000 and in each instance the amount was oversubscribed within a week or 10 days after the issuance of each call. Big-hearted Americans gave more than $17,000,000 to the cause. Besides this relief fund from hundreds of sources, too numerous to mention, donations of supplies and services poured in. Carloads of food and clothing streamed in from Maine, Florida, California, Texas, Washington, and from practically every State in the Union. Never has this country seen such a spontaneous outburst of generosity and good will.

Approximately 150 refugee camps were established and the homeless were supplied with clothing, food, medical attention, and shelter. As is customary in all disasters, the responsibility for health work lies with State boards of health and the United States Public Health Service. In a supplemental way, however, the Red Cross expended huge sums in disease-prevention work. The magnitude of the health program surpassed anything of its kind ever attempted in America.

RECONSTRUCTION WORK

For weeks and weeks the camps were meccas for the refugees. Finally the waters receded. The empire had to be rebuilt and to that end the Red Cross worked hard. As the refugees returned to their homes, their quarters were screened and protected from mosquitoes, flies, and other germ-carrying insects. Tons of lime and other materials were used to combat the insanitary conditions, due to the presence on the land of dead animals and other débris. As a result, there was no serious outbreak of disease, and, as a matter of fact, health conditions have actually been better in the valley than they have been for several years.

While reconstruction needs of families differed in various localities, the main items supplied by the Red Cross were food, feed for livestock and poultry, clothing, medical aid, seed, household furnishings, building and repairs, livestock and poultry, and farm implements.

Nearly a year has passed since this great disaster, and I am sure the consensus of opinion throughout the Nation is that this chapter in American history has been closed, but it has not. Although the huge reconstruction program of the Red Cross draws nearer to completion, on January 9, 1928—just last month—the relief organization was still feeding 20,374 persons. However, economic, agricultural, and social conditions in the valley are progressing rapidly toward normalcy. It is rising from its ashes and has resumed its march of progress.

THE HEART OF AMERICA IS GENEROUS

The flood is now a thing of the past, but the outburst of good will displayed during the disaster will always be remembered by the grateful people of the valley. The heart of America is generous. Our shores have attracted the sons and daughters of all the races of the world and enjoys more than any other nation the unique mission of a broadcasting station for world brotherhood and good will.

If America is to rise to the sublime heights for which we believe she is destined, it is because we have striven to substitute justice and understanding for rivalry, jealousy, and prejudice.

THE STORY OF AL SMITH

Mr. COPELAND. I ask unanimous consent to have an article written by Ray Tucker, one of the newspaper men in the press gallery of the Senate, published in the American Review of Reviews for February, inserted in the RECORD. It is entitled "The story of Al Smith."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Were it not that politicians are flighty fellows and soon stampeded, Alfred E. Smith's followers would have seen no cause for concern in the battle which Theodore Roosevelt was giving their idol for the governorship of New York in 1924. But at the moment the Smith people were highly apprehensive and emotional from the setback their hero's national ambitions had suffered at Madison Square Garden, and they took alarm at shadows. The governor's advisers came to regard Teddy as the toughest foe the happy warrior had faced since he first toed the mark for his long string of political victories back in the freebooting Tammany days of 1903.

By the time that Smith rode into Buffalo in the waning weeks of campaign the so-called insiders of Tammany Hall were frankly worried, and none more so than the board of strategists touring the State with "the guv'nor." They grew critical of the perfunctory fight he was waging. Thoughtful speeches on the problems of State government, they cautioned him, would never, never do. He must hit harder, demolish his young opponent with outright blows, and crush his pretensions to the executive mansion of the Empire State.

"Nope," replied Al, "you're all wrong. I'll win sympathy for him if I go after him too hard. I'll put myself in the position of a hard-boiled, elderly prosecutor demanding the death sentence for a boy in his teens. I'm going to let him hang himself, and all he needs is a little more rope. I was young myself once, and I know how they act."

Al was grinning now—a golden grin of pleasurable reminiscence and Gothic dentistry. His small eyes narrowed to slits of mischievous gray, his sharp chin stuck out, a sly smile played about his thin lips. He was not attempting to expound reactionism, individual complexes, or political strategy; without conscious effort he was dissecting human nature as he had found it in brushing both rough and polished elbows with it in a life bare of book knowledge, but brimful of living and Tammany teaching—an amazing and vicissitudinous career during which, in much the same manner as Fra Filippo Lippi, he has acquired a photographic understanding of the public temper that makes him one of the wariest and most dangerous foes in American public life.

"This young man," he mused, "is having a wonderful time. The big bosses are telling him he's a wonder; that he's in already. They always do; that's part of the game. Pretty soon the red fire will dazzle his eyes, the bands and the cheering will pound in his ears, and his head will swell. It happens to all of us when we're young. He'll begin to believe what they tell him and try to live up to it. He'll talk big and carelesslike—and then I'll smash him."

There was no kindliness in Smith's voice now, and before the harsh realities of practical campaigning which he pictured his counselors remained silent. Meanwhile his opponent continued his whirl about the State, and soon furnished the opportunity which Smith had predicted. Addressing the students of Hamilton University, Roosevelt congratulated them on their football conquest of Colgate. When collegiate mutterings warned him that he had fumbled the ball he begged them to assure him he was correct in his assumption that they had defeated their historic rivals.

"We lost," roared the misunderstood young men; whereupon Teddy turned to a group on his train platform and demanded, "Who told me that?"

The campaign might as well have ended there. It was the break for which Smith had been waiting. Thereafter, whenever Roosevelt discoursed on State finances, water power, education, the direct primary, or industrial legislation, Smith had but to ask: "I wonder who told him that!" With his almost perfect mimicry—in his youth Frohman tried to lure him onto the stage—Smith soon had the whole State laughing, and on great gales of merrymaking at his opponent's expense he was swept into office by a plurality of 107,000. That President Coolidge carried New York by 850,000 rendered the triumph all the more notable and significant.

Smith's whole career, in fact, has been one of waiting for the breaks, although there were years in which he dared not move to make them, and when he was the servant rather than the master of Tammany Hall.

THE SIDEWALKS OF NEW YORK

Smith was 30 years old when he entered the legislature, and he had revealed nothing of the ability which at 30 often marks men of final accomplishment. Nor was he, when "Big Tom" Foley nominated him for the assembly in the autumn of 1903, making much effort to prepare himself for the day which would bring opportunity or Tammany Hall knocking at the door of the shabby tenement in South Street, in which he had been born. At 30 he was wholly absorbed in the work and play of a young man on the lower East Side, where he had gained a local reputation as a cyclist, an amateur actor, a youngster of flashing Irish wit, and a son who was devoted to his mother.

The East Side of the eighties and nineties, in which Smith spent his boyhood and came to manhood, was vastly different from the East Side of to-day. Then it was rich in the humanities of companionship and conversation, knowing and yearning not for such manifestations of modernity as darkened and silent movie houses, motor cars, and jazz for two. Church sociables, picnics, and square dances, reached by travel in such gregarious vehicles as sleighs, buggies, and horse cars, tended to exalt forms of contact which were more lasting, though mayhap less stimulating, than modern society's mad dance of pleasure. Into this friendly and fertile soil Smith's roots go deep.

Although the death of his father interrupted his formal schooling at 13, it did not seriously alter the general trend of Smith's life. After a few years in an oil store, he obtained employment as checker in a Fulton fish market stall, and his years among the fish loom as large in his public career as the cherry tree in Washington's, the log cabin in Lincoln's, and the sap bucket in Coolidge's. With the brown derby which sits astride his pear-shaped head, his tilted cigar, his ageless grin, and his throaty voice booming out "The Bowery" or "The Sidewalks of New York," that fish market has always been good for headlines and votes.

As he approached manhood he left the market. He was working as a laborer in a Brooklyn pump factory when Foley picked him out from the gang that loitered around the Tammany clubhouse of the district, and nominated him as an assembly candidate in place of a man who had refused to do the bidding of the boss. It was hardly an auspicious beginning for the Smith who was, years later, to free Tammany of much of the odium born of its arbitrary attitude toward the individual and society. But such thoughts were apparently farthest from his mind at the moment; he was, it would appear, quite content to enter public life as the embodiment of the punishment which Tammany Hall summarily meted out to mutineers.

EARLY DAYS AS AN ASSEMBLYMAN

Few men have entered the Legislature of New York State with less visible equipment for political recognition and advancement than this assemblyman from the first Manhattan district. Neither he nor his associates sensed then how far his East Side training, his personal charm, his natural ability, and his fierce determination to succeed would carry him.

It was not until years later that Tammany, as well as the people of the State, were to recognize that he possessed that elusive, indefinable quality of character and personality which in some men flames into a genius for leadership in a country like the United States. For his present-day power over men and measures—and over himself—was slow to develop.

In those early legislative days his limitations appeared almost insuperable, and he was about ready to return to the fish stall or the pump factory.

"I was pretty discouraged," he explained many years later. "Tommy Cosgrave, another first-termer, was with me the night we took a pile of bills to our small hotel room. We spent an hour looking over those things beginning 'be it resolved,' and then we went for a walk along the river.

"'Tommy,' said I after a bit, 'we're in the wrong place. Whoever thought we were assemblymen?'

"'You're right,' said Tommy.

"'Yes,' said I, 'we can tell a hake from a haddock by the color of his eye, but we can't tell a bill from a bale of hay.'"

Smith stuck, although for two years his only legislative contribution was the introduction of six local and unimportant measures. But he was all ears and eyes. He gave close heed to the orators and parliamentarians of the day, and, later events were to show, he missed not a maneuver of Boss Barnes's Republican black cavalry as it rode roughshod over the Democratic minority.

Meanwhile he studied both the form and substance of resolutions, reports, appropriation bills, ancient and modern statutes, and legislative history, further enriching his political background through talks with veteran members. For literature, philosophy, and the elusive arts he had no time; it was practical information he was seeking. Most of his knowledge, in fact, has been acquired in the Socratic manner, and to this day he bases his most important decisions on data submitted orally by experts on any given subject..

His maiden speech, in retrospect at least, was not a happy one. It was delivered, apparently, because he felt that his support of such a measure as an election-recount proposal required an explanation, and for the further reason that the whole Tammany delegation had voted against the bill at the previous session.

"Mr. Speaker," said Smith, "I want to tell a story about two Scotchmen in explaining my vote. Said Sandy to Andy: 'Andy, why do you drink whuskey?' Answered Andy: 'For medicinal reasons; but, Sandy, why do you drink whuskey?' 'Because I like it,' replied Sandy. That's why I'm voting for this bill, Mr. Speaker—because I like it."

Smith was not quite candid with the Speaker, however, for it appears that he supported the measure because Mr. Murphy liked it. And for a dozen years the young legislator's conception of the obligations imposed on him by his oath of office was not different from that faintly expressed in his Sandy-Andy speech. As an inconspicuous member of the legislature, he always voted with the organization. Increasing influence meant little more to him than greater capacity for executing the orders of the boss.

His test of most measures, it appears, was their effect on the fortunes of the organization. During those years when the first flashes of liberalism were casting their radiance across other States, notably New Jersey under Woodrow Wilson and California under HIRAM JOHNSON, the Tammany group at Albany, under Smith's delegated domination, was killing most measures designed to strip the State of bossism and corporation control. To a friend who tried to interest him in the Johnsonian reform movement in California, Smith retorted: "I'd rather be a lamp-post on Park Row than Governor of California."

Despite these barren years, there were frequent and vivid flashes revealing deep springs of humanity and sincerity and conviction in the man, as well as a critical faculty which sometimes subjected the sham and shallowness of the organization's motives and pretensions to severe scrutiny. Moreover, in caviling at Smith's subservience to the boss, it is quite possible to overlook the fact that both Republicans and Democrats gave the people of New York about as good a brand of government as they voted for or deserved. The great body of public opinion and the voters furnished the bosses and their henchmen with little incentive for adopting the ideas advanced by sane and honest liberals. But even had Smith been conscious of a political universe

which did not revolve around Tammany Hall, he would not have attempted to upset Murphy's interplanetary arrangements.

"The leader of a parade," Smith once remarked regarding the regimentals of politics, "should never get too far out in front. He might lose his gang."

Tammany, in truth, was in sore need of a leader of the parade at the moment. The golden age heralded by Murphy's 10-year record of local and State successes had shown signs of tarnishing, and there was muttering within the wigwam on Fourteenth Street. As a result of a remarkable series of disasters, there was a growing fear in Tammany that the historic institution could not long survive.

In the fall of 1914, for instance, the Democrats had lost their four-year grip on the State government through the election as governor of Charles S. Whitman, who had lost no time in capitalizing the notoriety he received as prosecutor of Police Lieutenant Becker and his gunmen pals. At Washington, where William Gibbs McAdoo was dispensing New York patronage to anti-Tammany men, the New York machine was in high disfavor.

THE BIRTH OF A NEW TAMMANY

In retrospect, it seems that from that blazing hot day at Baltimore, when impartial sunshafts shone on Bryan's bald pate, Murphy's graven visage, and Smith's flushed face, Tammany had steadily assumed the ugly aspect of a political outlaw whom anybody could shoot or slander on sight. Smith, incidentally, played a minor rôle in these organization tragedies. He was forced to sit, silent and resentful, while Bryan heaped contumely upon the man who had elevated him from a fish stall to the diamond horseshoe of politics. And though it was Murphy who cut off Sulzer's head, Smith, as majority leader of the assembly at the time, helped to give the weapon its keen edge.

It was from such travail that the modern, much-improved Tammany and the new Al Smith were born. Even Murphy could not remain unmoved by these flings of an outraged public opinion, and certain it is that the younger group in Tammany sensed the new tempora and mores. Such far-sighted leaders as Smith, Senator ROBERT F. WAGNER, and Surrogate James A. Foley, who had hitherto acted merely as Murphy's agents, now became indispensable in the more important and independent rôle of advisers; and at the time of his death in 1923 the grizzled old warrior had been borne far from his ancient moorings by the tide of reform.

It is not to be supposed, however, that Smith was immediately responsive to the chastening influence of political adversity, or that these organization fatalities at once gave a new direction to his life. There was no hound of heaven chasing Al into the fold of the politically pure in heart, although there did seem to live in him some spark that stirred and glowed at the releasing of fresh social, economic, and political forces in the years following the outbreak of the World War. But a great deal more than the slaying of an underworld squealer, the impeachment of a Sulzer, and the loss of a few elections went into the shaping of the present-day Al Smith.

RESULTS OF THE TRIANGLE FIRE

Against this sinister but stimulating panorama of politics was to be projected his service as vice chairman of the legislative committee which investigated one of the most shocking holocausts that ever appalled Manhattan—the Triangle fire. Upon the individual tragedies of 146 girls, whose bodies fell in flames from the lofty stories of a factory fire trap, did the new Al Smith, phoenixlike, arise.

Smith was one of the most active members of the committee, whose methods are still a model. The group held hearings in many cities of the State, exposing to public view the dark and loathsome depths of an organized system of industrial slavery erected upon the degeneracy and degradation of the sweatshop, the employment of women and children in unhealthful surroundings, underground bakeries, canneries, and human incinerators. New York for once had a look at the raw.

From the two-year inquiry the investigators emerged with a different scale of human and political values. Smith, for one, sensed that "a State's resources are not its factories, its mountains, and its streams, but its men and women and children." Smith, moreover, came to look with new eyes upon the group of men and women who for years had cried out in vain against just such a feudal organism. These were, for the most part, men and women of the Hebrew race—men and women of ideals and intelligence. Although it had required a Triangle fire to gain them a hearing at Albany, the delay was, perhaps, worth while, for the committee prepared and had adopted a labor code which became the model for a score of States and several foreign countries.

There was, indeed, an enduring influence entering Smith's life as a result of this contact with Hebrew idealists of East Side settlement houses. It was this meeting of the representatives of two down-trodden races, both gifted with a certain genius for government, however, which has contributed most to the Smith of the last decade. The man who had formerly looked upon government as a game of politics was now brought into association with a race which has always regarded government as one of the social sciences.

During this same fruitful period Smith came under the influence of another strange brood of legendary folk, for such they must have appeared to our political realist—men who gave no ear to the boss and gazed with suspicion upon all proposals bearing the organization stamp. These were the young assemblymen and senators, captained by Franklin D. Roosevelt, who successfully resisted Murphy's efforts to impose a hand-picked candidate for the United States Senate on the legislature. They had been elected from Republican strongholds in the Democratic landslide of 1910; they had neither hope of reelection nor hostages to ransom.

So they snapped their fingers at the boss and hurled some plain truths at his legislative representative. They taunted Smith for his subservience and flung his oath of office in his face. Smith, no doubt, suffered emotions akin to those of a sophomore who learns, some starry night in a campus talk, that there are men who do not believe in God—or in his God. Smith's orderly universe was becoming chaos. Most enlightening and disillusioning of all, these young rebels won their fight on the boss.

A FIGURE OF RENOWN AND INFLUENCE

Fortunately for Smith, this period of awakening was closely followed by one of incubation. In 1915 the organization permitted him to quit Albany, and he was elected sheriff of New York County. Had he returned to the legislature, he might have remained a victim of treadmill politics; the machine's burdensome and blighting demands might have continued to fetter him. But as sheriff, and later as president of the board of aldermen, he found himself in a position to slough off some of his personal responsibility to the organization and to possess his soul. He remained a Tammany man in good standing—he always will—but with some reservations, perhaps.

The public caught its first glimpse of the changing Smith when, as a delegate to the constitutional convention of 1915, he astounded such Republican veterans and former Cabinet members as Elihu Root, George W. Wickersham, and Henry L. Stimson by his knowledge of the theory and practice of State government.

There was hardly a subject of which he was not the master, and he moved easily through the scene as a dominant figure. His Irish humor and racy anecdotes drawn from his Albany experiences illumine many of the pages which record the three months' debates and discussions. He proved a veritable child in the temple, and the sages gave him ear. Root called him "the brainiest member of the convention, remarkable and brilliant," and Wickersham said he was "the most useful." Thenceforth he was a figure of state-wide renown and influence, and he proved it almost immediately when his speaking tour about the State sent to defeat the charter he had helped to frame.

He was quickly accorded recognition for his performances on the convention floor. Republican leader writers, preachers of reform, and anti-Tammany Democrats hailed him as "a candle in a naughty Tammany world." Even Woodrow Wilson, despite his coolness to the New York organization, gave his benediction when Smith was elected governor in 1918. Writing to a friend who had expressed a fear that the new governor might not cooperate with the national administration, Wilson made this statement:

"I do not think you need have any fears for Governor Smith. He seems to me to be a man who has responded in an extraordinary manner to the awakening forces of a new day and the compulsion of changing circumstances."

A GOVERNOR FOR THE PEOPLE

Governor Smith's first message to the legislature was characterized as "bolshevik and socialistic" by Republican leaders at Albany, and so it must have seemed to them. In Smith they were to encounter a man whose legislative program was compounded of his experiences and observations on the East Side, which had become a slum district before he moved from Oliver Street to the Biltmore Hotel, of his association with idealistic social workers of the metropolis and of his Tammany instinct that "the human stuff" was good politics. All these made for a liberalism directed more to bodily betterment than to building more stately mansions for the spirit. His most radical social theory has been health and maternity insurance; his most advanced economic proposal has been that the State should delegate its right of eminent domain—the right to control private property for public purposes—and assist corporations engaged in building homes for low rentals.

In late years he has shown a great interest in political reform; his demands for modernization of the State government have antagonized such diverse elements as the Republican Old Guard and Tammany Hall ancients. For the direct primary and similar advances he is as keen as he was apathetic in his early days. Likewise, his appointments have had a nonpartisan cast—his executive secretary is a staunch Republican—and he has recognized ability and the merit system to a greater extent than his predecessors. It is, indeed, a changed Al Smith who now boasts of his success in urging the electorate to adopt constitutional amendments providing for the short ballot and consolidation of 165 departments into 18. The Smith of 1903–1915 would have bemoaned the loss of so many fat jobs for the boys; but age, ambition, and responsibility have sobered him to such a degree that he is now acclaimed as the State's foremost exponent of economy and efficiency.

Politically, his achievements are worthy of note in that he has wrested most of his program from hostile legislatures.

His appeals to the people over his opponents' heads have almost invariably resulted in their complete capitulation. His enemies, in fact, have been the architects of much of his popularity; they have frequently challenged him to battle on his most attractive proposals and provided a battle field whereon he has indeed shone as a happy warrior. His particular Goliath has been William Randolph Hearst, the millionaire publisher-politician. For more than a decade the two have been sworn foes, but the erstwhile fish boy has always emerged triumphant from their clashes. In 1922, when Hearst sought the Democratic nomination for United States Senator, Smith braved the wrath of half his party to stand astride his rival's path. Again in 1925 Smith proved the better man when he drove from the City Hall John F. Hylan, Hearst's burgomaster, only four years after "the pee-pul" had elected him by a plurality of 417,000.

BRANDED AS A "WET"

Unfortunately for Smith, his achievements as an executive and administrator have been overshadowed by the leading rôle he has occupied in the assault upon prohibition. For every voter who knows of his actual accomplishments as chief executive of the greatest State of the Union, there are probably five who know of him as the aggressive champion of the wets.

For such an attitude Smith has none but himself to blame. It was he who induced the legislature to adopt a 2.75 per cent beer bill as a test of the Volstead Act's limitation of alcoholic content to one-half of 1 per cent. Though the United States Supreme Court held this measure to be unconstitutional, Governor Smith continued to win votes on platforms favoring the return of light wines and beer. His other overt acts on behalf of the wet movement were his sponsorship of repeal of the State enforcement law and of the modification referendum that won in the 1926 election. For these things the drys will never forgive him, nor will he ask forgiveness.

Despite the dry's conception of him as a "nullificationist," he is not the extremist painted by inhabitants of the Bible belt. Never has he advocated repeal of the dry laws; he has merely urged modification of the Volstead Act within the limits of the eighteenth amendment.

In fact, his delay in signing the bill repealing the State enforcement act caused considerable concern in Tammany Hall. For one who first discerned the working man's need of a drink while lawful pails of suds swished through the East Side at the vesper hour, Al certainly gave a bad 30 days to the boys. Adopting his best judicial manner, he took the whole month allowed by law to consider his decision, gave the drys their day in his court, and then found that, "though the saloon is and ought to be a defunct institution, the definition of an intoxicating beverage in the Volstead Act is not an honest or a commonsense one." This was fairly strong stuff in 1923, when most elective officials were disposed to regard the Volstead Act as a dispensation from on high, but it was hardly the battle cry of a "nullificationist."

Of late years, it would seem, Governor Smith has placed equal stress on the necessity for enforcement. He has fathered frequent admonitions to the effect that peace officers must not consider themselves relieved of enforcement obligations because of the repeal of the State dry act. His 1927 message to the legislature was especially forceful on this point. In fact, so eloquently did Senator COPELAND elaborate on Smith's enforcement record during a Senate debate that Senator BORAH, apparently scenting some kind of tergiversation, arose to inquire if "we are now to understand that Governor Smith is in favor of prohibition."

Though Governor Smith's religion may prevent him from winning the Democratic nomination for President, as it did in 1924, those who attribute to him any of the qualities of the professional religionist misunderstand the man completely. His knowledge and acceptance of Scriptures, for instance, are almost as literal as were Bryan's, and the finely spun niceties so dear to formalists and theologians are entirely foreign to his direct and realistic nature.

It was not Smith's religion, however, so much as what he epitomized that raised up the forces of prejudice against him at Madison Square Garden. To the delegates from the South and West this easterner in the brown derby appeared as the spokesman of the masses—of tenements, of municipal machines, invading foreigners, insolent wets, liberals, clubs, and New York—all the forces deemed wicked and unholy. In their mind's eye the simple folk who burned incense and fiery crosses to Saint McAdoo saw massed behind Smith the host of visionary destroyers of all that is pure and lofty in lives led beneath fundamentalist steeples. Unfortunately for Smith and Nation, his worshipers gave substance and color to this Dantesque delusion. The Tammany camp followers, in their simple and stupid way, did irreparable damage to Smith's cause by proselyting methods which grated on the sensibilities.

THE HERO OF THE MASSES

But the wistful picture of Smith's idolaters striving so pathetically to gain an empty crown for their hero was typical of the man and his amazing appeal. He could have silenced the claque by a word, for Tammany functions like a well-drilled army, including the children of the tenements. For want of any other explanation for his failure to do so we may accept that given by his close friends. They say that he did not have the heart to stay the mob, recognizing his many debts to them, and the further fact that their affection for him is the most joyous thing in many a life otherwise drab and inarticulate.

Maybe so. In any event Smith's appeal to the masses is almost unbelievable and unexplainable. The hypothesis that they see in him the first outstanding representative of the immigrant group is interesting, but it falls far short of explaining a man who can command larger votes in many up-State communities than local candidates. It does not account for his strength among hard-headed and conservative Republican business men whose ancestors were petty officers aboard the *Mayflower*—a strength reckoned at 100,000 votes in New York City alone. Nor does it explain why the citizens who vote for the Hardings and Coolidges split their ballots Smithward. Originally, it would appear, his appeal was almost wholly personal and primitive, fiercely so. He came at a time when the great ones of State and Nation were aloof personalities, and there were surprise and drama in his coming. But he would have disappeared as quickly had it not been for the experience, knowledge, and skill in government he had amassed.

His staying power lies in the political characteristics which he has acquired—and used. No man in public life to-day possesses more personal charm—his enemies admit it—and his is a personality that would prove as effective in Iowa as in cosmopolitan New York.

His grin framed in the door of a hall transforms and transfigures an audience. The throng smiles, shouts madly, glows, yells, calls him by name and nickname, tries to touch him, to shake hands with him, to gain some special attention, and a large portion of it weeps from the sheer thrill of sharing in such a close-ordered demonstration of human emotion. An incident at Elmira during the 1926 campaign was typical. As "Al" came striding along the railroad platform to his car, a gray-haired brakeman in greasy clothes caught sight of his excellency in the brown derby. The railroader stopped short and his lips parted as he started to accost the guv'nor. For a moment he seemed to waver, but at last he ventured a timid and low "H'lo, Gov'nor." Smith, who was mounting the steps of his car by this time, turned, swung to the platform, and advanced, his arm outstretched and that golden grin on his lips.

"Hullo, pop," was the governor's husky-voiced greeting, "How the hell are yuh?"

As the gubernatorial train drew out some minutes later, the brakey stood there immobile, seemingly transfigured, his left hand caressing the one that had reposed in the good right hand of Al Smith.

Smith's friends insist that if he could meet and grin at every member of the electorate as he grinned at that brakey on the Elmira Railroad platform, he could be elected President—and he probably could.

FLOOD CONTROL

Mr. McKELLAR. Mr. President, there is a very excellent editorial in this morning's Washington Post on the flood control bill. I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE FLOOD CONTROL BILL

The House Committee on Flood Control has reported out a bill drafted by its chairman, Mr. REID of Illinois, providing for control of the Mississippi River. The bill authorizes the Government to assume the entire expense of flood control and creates a commission to take charge of the work to consist of seven members, four of whom shall be engineers or scientists appointed by the President. The remaining three, presumably, are to be members of the Corps of Engineers, United States Army. Supervision of the work would be taken from the Chief of Engineers and placed in the commission. No specific plan is outlined by the bill. The commission to be created would be at liberty to adopt the Jadwin plan in whole or in part.

This bill meets the public demand that the Nation shall take control of this undertaking and pay the entire cost of the work. Possibly the proposed commission should be larger in order to provide representation for various necessary engineering specialties. But whether large or small the commission should be composed of civilian as well as Army engineers, and harmony between them would be promoted if a business executive of commanding ability were made chairman of the commission.

That the United States must undertake this gigantic work and pay for it is a foregone conclusion. The difficulties in the way of apportioning part of the cost to the lower Mississippi States are insuperable. No method can be found for justly apportioning their share of the cost. No State has the right to expend money for enterprises outside of its boundaries. But beyond these difficulties arises the outstanding fact that the lower Mississippi States are not responsible for the floods and should not be taxed to control them.

The Mississippi River is a national stream, draining many States and benefiting or damaging the American people, as the case may be, without regard to State lines. The lower States have already taxed themselves for scores of millions for local protection, only to be overwhelmed last year as if they had not spent a dollar. They can not control the river If the Nation is in duty bound to pay for any part

of flood-control work, it is bound to pay for all of it. The river is not the property of any State or group of States. It is the property of the United States, and the owner is responsible for the damage done by his property.

General Jadwin has evolved a plan for controlling the Mississippi. Some parts of his plan are feasible and doubtless will be adopted. But he has not had time to make a survey complete enough to make it absolutely certain that his plan takes care of all the essential factors of the problem. His plan must be scrutinized and amplified by the best engineering ability at the command of the United States. In particular, the financial features of his plan must be revised if the work of controlling the Mississippi is to be finished in reasonable time. If his plan to compel States and localities to pay part of the cost should be adopted, legal and other delays will prolong the undertaking into the far future.

What the country wants is to see Uncle Sam take off his coat, roll up his sleeves, and build works to endure for all time, so that the Mississippi River shall never again inundate the valley. This is a job three times as difficult as the building of the Panama Canal, and it will cost at least twice as much.

NATIONAL PARK IN FLORIDA

Mr. TRAMMELL. Mr. President, I have pending in the Senate a bill providing for an investigation to determine the advisability of the location of a national park in the State of Florida. I have here expressions upon this subject from ex-Congressman Slemp and from the senior Senator from Massachusetts [Mr. GILLETT] expressions recently uttered by them in my State. I desire to have them printed in the RECORD, if I may have unanimous consent.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the St. Petersburg (Fla.) Times, December 21, 1927]

SLEMP PREDICTS GREAT TOURIST PARK FOR STATE—VISITOR TO CITY ADVOCATES PROJECT TO BENEFIT ALL FLORIDA

Establishment of a national park of 200,000 acres or more in the southern part of the State, as Florida's best means of drawing tourists, was advocated Tuesday night by C. Bascom Slemp, former Congressman and secretary to President Coolidge, who arrived here during the day for a visit of two weeks as guest of Frank Dodge, manager of the Soreno Hotel.

Mr. Slemp held that the establishment of such a park would be of greater benefit to Florida than overdevelopment of the State's agricultural resources. He explained that this park could be set aside for the protection and propagation of animals and game native to the subtropical climate, which he declared was the only such tropical area in the United States.

"Congress has just established two great national parks," Mr. Slemp said, "one in the Great Smoky Mountains of Tennessee and the other in the Shenandoah Valley. There is no reason why such a park should not be established in Florida and I believe you will find favorable reaction in Congress to such a project.

"Every hotel and business man in the State would be interested, and it is something for the public-spirited men of Florida to work for.

"I would suggest the lower part of Florida far enough south to find the royal palm in its native state. Here the animal and bird life, flowers, trees, and plants could be grown. Tropical plants could be imported and propagated under natural conditions, making an attraction which would draw tourists from all sections of the world.

"The project would probably involve the National Government draining a section of the Everglades, building lodges, refuges for the animals and birds, and constructing good roads to all parts of the park, similar to the great parks of the West.

* * * * * * *

Senator GILLETT was asked for an expression on the proposition of J. Bascom Slemp, made two days ago, advocating the establishment in Florida of a large national park, the 200,000 acres of which would provide a great winter contrast in palms, flowers, birds of gay plumage, and many rare animals of the sub-Tropics. The visiting Senator said:

"That would be a fine thing indeed. It would supply in the only semitropic State of the country a great resort and preserve to match the beauties and grandeur of Yellowstone Park. Here in Florida it would be within short motor-car distance of the big population in the Eastern and Central States."

Senator GILLETT asked if the proposition had gone far enough to suggest in what part of Florida the proposed park might be located.

During the day Senator GILLETT played on the Lakewood estate golf links. He is stopping at the Soreno Hotel.

PRINTING OF SURVEY OF DISTRICT PUBLIC SCHOOLS

Mr. BINGHAM. Mr. President, from the Committee on Printing I report back favorably Senate Resolution 144, and ask unanimous consent for its immediate consideration, as there is considerable necessity for haste. I ask that the clerk may read the resolution.

The VICE PRESIDENT. The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 144) submitted by Mr. PHIPPS on the 13th instant, as follows:

Resolved, That the manuscript of the report of a survey of the public schools of the District of Columbia, transmitted by the United States Bureau of Efficiency to Senator LAWRENCE C. PHIPPS, chairman of the Senate Subcommittee on Appropriations for the consideration of the District of Columbia appropriation bill, be printed with illustrations as a Senate document.

Mr. PHIPPS. Mr. President, I hope that unanimous consent will be given for the present consideration of the resolution.

There being no objection, the resolution was considered and agreed to.

RECENT DECISIONS OF INTERSTATE COMMERCE COMMISSION

Mr. NEELY. I ask unanimous consent to have read from the Secretary's desk about three paragraphs from Cushing's Survey, entitled "Setting them straight."

The VICE PRESIDENT. Is there objection? Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

SETTING THEM STRAIGHT

The Interstate Commerce Committee of the Senate will begin on Friday a hearing on coal-mine labor. It will spend a day in an effort to decide whether later it will conduct a thorough investigation. The committee expects to report in favor of such a hearing.

On February 23 the same committee expects to hold a hearing on the confirmation of the appointment of John J. Esch to a membership on the Interstate Commerce Commission. The two matters are sure to be tied together, because Senator REED of Pennsylvania has amended the labor resolution by demanding an inquiry as to whether rates are fair and whether any coal field has been developed prematurely under them.

The Government hired Mr. Esch to do a job—to decide when and what rates are reasonable. Mr. Esch and the whole commission decided to do another job—to modify competition among shippers. The shipping public and the carriers object to such action and either want the whole commission "fired" or put back "in their places."

The biggest subject before the Senate committee is whether Mr. Esch is to get his job. He will not be tried on his record. That is good enough. No one questions it. That is, Mr. Esch's brilliancy would never set the world afire; still, he is no dullard. He is patient, plodding, honest, and straightforward—a first-rate example of that average ability which makes up the rank and file of those who live by politics. Therefore the objection to Mr. Esch has nothing whatever to do with Mr. Esch in person; it concerns itself almost solely with the commission's attitude toward business as a whole. What the Senate committee is about to investigate is not the personal record of the President's appointee but the mental twist of the commission to which he has been appointed. This is an investigation of the Commerce Commission over the unoffending and unimportant shoulders of Mr. Esch. And if you want to know what that is all about, you might read—or try to read—a recent editorial in the Saturday Evening Post.

In a recent issue it prints a two-column editorial on the subject. As is its custom, it starts this editorial off with a brief history of the world, followed by a succinct résumé of ancient and modern philosophy. At the end of a tedious prelude, it gets to the point, namely: The commission was appointed to say when rates are reasonable, to the end that commerce may move and the railroads remain prosperous. Lately the commission has assumed that its mission is to equalize prosperity among the shippers. The Saturday Evening Post holds that the commission is not and never was designed to be the guardian of sectional prosperity. That is outside its line—is none of its business.

The Virginia Legislature passed, on February 3, a resolution which goes much further. It says that whereas the Constitution declares positively against impost duties—that is, against any tax upon commerce moving from one State to another—the commission has gone infinitely further, and has, by rate regulation, embargoed the commerce of Virginia and near-by States in certain markets for the purpose of favoring shippers in others States. The Saturday Evening Post makes the same point. It says that the commission has tried by rate regulation to tear down the fruit business of one section and to build up the fruit business of another section.

It happens that Mr. Esch, when a member of the commission, voted that policy into effect. He has now been renominated. The Senate is holding up his confirmation until it can determine whether the commission is doing its real job and what sort of notions that body has adopted. One man expressed the whole situation here recently when he said:

"Association secretaries frequently forget who they are working for and want to run the business of their employers; they must be set straight. The commission is now in the same frame of mind and must be told where it gets off."

Mr. REED of Missouri. Mr. President, the article just read I had not seen, but it is an appropriate prelude to the remarks I intend to make.

A few days ago the Senator from Arkansas [Mr. ROBINSON] introduced, and the Senate adopted, a resolution touching this same subject matter. I assure the Senate that I would not take the time to discuss at length this subject if I did not believe it to be one of the most important now before the American people; and I venture the opinion in the outset that when Congress comes fully to apprehend what has been done and what is being done, not only a resolution will be found necessary but positive legislation. If I may have the patience of the Senate, I shall try, in a condensed form, to lay the facts before the Senate, not claiming the right of any original discoverer, for the question has been discussed in many places, has been acted upon by the Legislature of Virginia, and is known to many people; and yet I do not think there has been a concise statement covering the entire question made on the floor of the Senate.

Mr. President, in the inception of what I am about to say, I want it understood that I am not making a general assault upon the Interstate Commerce Commission. It has numbered among its members many men of distinction, of the highest rectitude, and of a splendid order of integrity. However, a recent decision of the commission is, in my judgment, so revolutionary as to demand the attention of Congress. To that decision I respectfully invite your consideration.

The interstate commerce act, passed originally in 1887, was enacted to meet conditions which had then developed. At that time railroads arbitrarily fixed their charges without much regard to the cost of transportation. A rule commonly enforced was "to charge all the traffic will bear." Very frequently rate wars occurred, with disastrous results to the carriers and, generally, with injury to the shipping public.

One of the evils against which there was persistent protest was the adjustment of freight rates so as to destroy the natural advantages of a city or territory in order to benefit a community not so favorably situated. It frequently happened that enterprises having an established trade within the region naturally tributary found themselves bankrupt or compelled to move elsewhere by an arbitrary and unjust change in freight rates. Likewise, there was discrimination between companies and individuals of the same locality. Secret rebates were allowed so that favored shippers were able to destroy their business rivals. Congressional investigations demonstrated that certain great organizations, notably the Steel Trust and the Standard Oil Co., owed a large measure of their success to rebates and concessions either secretly or openly granted.

To remedy these evils the interstate commerce act was passed and the Interstate Commerce Commission was created. I desire to emphasize the fact that one of the chief evils intended to be prevented was the manipulation of rates so as to destroy the natural advantages of a community or to wreck an established business.

The Interstate Commerce Commission was to be a semijudicial body to guard against all of the evils to which I have adverted. The singular and startling irony of fate is that after 40 years of effort and litigation the commission has not only solemnly approved but has directly ordered and is directly responsible for the return of the chief of these evils, namely, it has rendered a decision the effect of which is to place a burden upon the producers of one section of the country for the express purpose of aiding the producers of another section. The action taken is the negation of the very purpose of the law. Moreover, if it is permitted to stand, then the commission possesses the authority to annul natural advantages of a State, city, or community; take away from them their trade territory; destroy investments honestly and prudently made upon the strength of natural conditions, and substitute for these advantages its arbitrary mandate.

If the power thus asserted can be maintained, it is greater than that possessed by any legislative body or any court, for no legislative body or court can deprive a citizen of his property without due process of law, whilst the commission may by a simple order destroy the property of many great enterprises and ruin the prospects of great cities and vast communities.

Mr. WATSON. Mr. President, will the Senator yield for a moment? Will it interrupt the thread of his argument?

Mr. REED of Missouri. I would prefer, if the Senator please, if he would withhold any interrogation, because I may answer in a moment what he is going to say.

Mr. WATSON. Certainly; I shall be glad to do so.

Mr. REED of Missouri. The fact that this destruction operates indirectly and may, therefore, not be strictly violative of the provisions of the Constitution, in no manner militates against the wrongful character of the act.

The decision rendered, in my judgment, is violative of the spirit of the interstate commerce act itself.

That act was intended to establish just and reasonable rates between all points; and the term "just and reasonable rates" as applied to railroads has always been held to mean rates which will produce for the carrier only a fair return upon the capital invested.

The Interstate Commerce Commission in the case I am considering has ordered certain railroads not to reduce their rates, although the roads contend that the reduced rate would be fully compensatory. Thus the Interstate Commerce Commission orders the carriers to do the very thing which the law was intended to prevent.

It is my purpose to employ the language of moderation. Yet I feel compelled to say that the decision rendered was not only revolutionary and unjust, but that it is probably the most arbitrary yet handed down by any Federal board or tribunal.

With all due respect to the commission, it seems to me that the decision is a distinct and unwarranted usurpation of power.

Besides, the decision was rendered under such conditions as to cast a cloud upon it and upon those who are chiefly responsible for it.

To understand the decision, a brief word of explanation is necessary.

There are two deposits of bituminous coal in the United States which by reason of the superiority of the coal and the facility with which it may be mined and marketed possess a great advantage in the market, and are in distinct rivalry:

First. The Ohio No. 8, Pittsburgh, and Cambridge districts, located in the State of Pennsylvania and in eastern Ohio. For convenience I shall hereafter refer to this district as the Pittsburgh district.

Second. The Kentucky, Tennessee, West Virginia, and Virginia coal fields.

These coal fields, for the purpose of rate making, are divided into (a) the Kanawha and Thacker districts of West Virginia, and (b) the other coal fields of West Virginia and the coal fields of Kentucky, Tennessee, and Virginia, hereafter called the Kentucky-West Virginia district.

A glance at the map will show that the Pittsburgh district has its natural trade territory and certain natural advantages:

First. It is not far removed from Lake Erie, which, in turn, gives it water transportation through all the Great Lakes and throughout that country which is tributary thereto. It enjoys a distinct advantage throughout all of the New England States, including New York and the eastern seaboard States, and as far south as Maryland. It also enjoys the advantage of a westward haul so far as natural proximity makes that haul feasible. That is its natural trade territory, and such are its natural advantages.

Second. The Kentucky-West Virginia district is farther removed from Lake Erie than the Pittsburgh district. Nevertheless, it is so located as to enjoy the benefit of rail connection with the Great Lakes, with whatever advantages accrue through that outlet. In addition to this, it is farther west and south than the Pittsburgh district, and has a natural territory to the west and southwest. But these latter advantages are limited because of the great deposits of coal in Illinois and in other States to the west. Hence, its chief outlets for distribution are to points upon the Atlantic coast and to points reached by the joint rail-and-water haul through the Great Lakes.

If I may pause here, if you will imagine this country with Pennsylvania lying well to the east and northeast and in close proximity to the Lakes, and then imagine the Tennessee, Kentucky, West Virginia, and Virginia districts lying farther from the Lakes, yet each of these fields finding it necessary to reach the Lakes in order that they may market their coals through all the vast territory tributary to the Lakes—if you will get that in your minds, you will have the outlines of the picture.

Mr. President, it would seem too plain for argument (a) that as a matter of justice between these two coal fields each should be allowed to enjoy the natural advantages of its location, and should be permitted to engage in fair and free competition for business wheresoever that competition would naturally spring up.

(b) That the consuming public is entitled to purchase its coals in the open market as cheaply as the coals may be produced and shipped; and that this right should not be lessened by combinations between the coal fields or their companies. Neither should it be lessened by any act of any public board, the effect of which is to increase the price paid by the ultimate consumer.

It is not open to dispute that if the operators of these rival coal fields were to combine so that one of them were permitted

to enjoy a monopoly in a certain district, and the other to enjoy a corresponding monopoly in some other district, and the consumers were thus by combination to be deprived of the benefits of competition, protest would at once be made, and it would be demanded that those engaging in such combinations should be punished for a conspiracy in restraint of trade.

Nevertheless, as I shall attempt to show, the Interstate Commerce Commission by its order has accomplished exactly the same result as might have been produced by a criminal conspiracy in restraint of trade.

Further, I shall show that the result of the order of the commission is to place an artificial burden upon the people of a vast portion of the United States, and that this result was accomplished by the order of the commission refusing to permit the carriers from the West Virginia-Kentucky district to reduce the rates on coal hauled from these fields to the Great Lakes.

The order of the commission refusing to allow the railroads to reduce their rates was made against the earnest protest of the carrier companies, which not only stood ready to reduce their rates but insisted that the rates were fully compensatory.

This startling decision demands the attention of Congress.

In order to understand the effect of the last decision it is necessary to give the historical background.

Prior to 1912 the railway companies operating from these two respective fields established their rates with a view to the promotion of the interests of the railroads and the gaining of a reasonable compensation for the service rendered.

There never was a time when the railroads were in competition for the same coal. The lines were hundreds of miles apart. Each was engaged in the business of hauling the coal from the fields reached by the respective lines.

The carrier companies, therefore, had only their own interests to conserve, and naturally fixed their rates so that the producers could afford to mine and market their coals, for otherwise the railroads would have had no coal to transport.

At the time referred to, when there was unrestricted competition, when there was no interference by the Interstate Commerce Commission, when the railroads were conducting their own business and fixing their own charges according to the service rendered, these were the facts:

The rate from the Pennsylvania district to the Great Lakes was 9 cents a ton less than the rate from the Kanawha and Thacker districts of West Virginia and 24 cents a ton less than from the West Virginia-Kentucky districts on lake cargo coal. That is, because of their proximity to the Lakes, because of their natural advantages, the coal producers of those regions could get their coal to market at from 9 to 24 cents a ton less than the West Virginia-Kentucky producers could.

To state that again, that is to say, the coal producers of the Kanawha and Thacker districts were compelled to pay 9 cents more to haul their coal to the Great Lakes than were the producers of the Pennsylvania districts, and the coal producers of the West Virginia-Kentucky districts were compelled to pay for the same haul 24 cents a ton more than was paid by the producers of the Pittsburgh district. That was the situation when business principles regulated the rates.

It is a matter of history and general knowledge that the coal fields of Pennsylvania were first developed and had every advantage incident to primary occupancy of the coal market. About 1912, however, the West Virginia-Kentucky fields had become an active rival for the lake trade. This had been largely accomplished by the introduction of modern machinery, modern economies, and improved business methods.

The Pittsburgh operators were unwilling to meet their new rival in the open market and compete for business. They desired the aid of a Federal tribunal.

Accordingly in 1912 they came before the Interstate Commerce Commission asking for readjustment of rates.

They were successful. The 9-cent differential was increased to 19 cents and the 24-cent differential was increased to 34 cents.

In plain language, they were given by the decision of the commission an additional advantage of 10 cents a ton in freight rates.

They hoped by this means to cripple their rivals. But it is to be noted that this increase in the differential was accomplished by ordering the railroads to lower their rates from the Pittsburgh district to the Great Lakes. There was no increase of rates anywhere. Consequently, the order of the commission was at least in the interest of the public consumer, and I do not claim that it was not justly made, because it must be presumed that the rates which were being charged from the Pittsburgh district were too high.

It is to be noted, however, when the Interstate Commerce Commission made the order reducing the rates from the Pittsburgh district it evidently did not concern itself with the consideration that such reduction might be to the disadvantage of the West Virginia-Kentucky mines. That, I think, was the sound view.

So stood the case until 1917. We were then in the war. Prices of all kinds were advancing. The Interstate Commerce Commission on this occasion advanced the rates from both fields, but it is to be noticed that at the same time it increased the differential against the Kanawha and Thacker districts from 19 to 25 cents, and against the other southern West Virginia-Kentucky and Tennessee and Virginia districts from 34 to 40 cents.

Again, I do not pause to discuss the merits of this action other than to say that it was again to the disadvantage of the West Virginia-Kentucky fields. What influences were then at work I do not undertake to say, but recent events warrant the suspicion that the Pennsylvania producers were not "asleep at the switch."

Notwithstanding this enormous differential, the West Virginia-Kentucky districts continued to do business. They met adverse railroad rates by further economies; by the introduction of more improved machinery and by good business management, so that in the face of the adverse action of the Government their business continued to expand and progressively attained a greater proportion of the lake cargo trade, which, being translated into other language, means that they were better supplying the vast army of customers who were tributary to the Great Lakes region.

The fact is they cleaned and screened their coal better; shipped it in more merchantable sizes, free from slate and other impurities, and by sheer business ability gained an increased patronage. This is shown by the fact that under the 9-cent differential Pittsburgh had 70.25 per cent of all the lake cargo trade. Under the 19-cent minimum differential its business had dropped to 58.94 per cent, and under the 25-cent differential it had dropped to 28.41 per cent. Evidently something had to be done. Arbitrary action was demanded.

Accordingly the Pittsburgh producers came before the Interstate Commerce Commission and demanded the establishment of a higher differential. In plain language the demand amounted to this: That the Interstate Commerce Commission should relieve them from competition with the West Virginia-Kentucky coals by increasing the railroad differential so as to hamper, limit, and exclude the West Virginia-Kentucky mines from all or a large part of the market. Such was the plain and, indeed, the avowed purpose of the Pittsburgh operators.

It is to be noted that the railroads did not appear and ask for any change in their rates. Also, it is to be noted that the producers of Pennsylvania were not there demanding that an order be made lowering the rates from their fields.

What they were demanding was a readjustment of rates so that they would have the advantage of a differential of over 50 cents per ton. That is to say, they insisted that the differential against the Kanawha and Thacker district should be put above 50 cents and the differential from the other West Virginia-Kentucky districts should be increased accordingly.

Their purpose is not a matter of doubt. It was to exclude the West Virginia-Kentucky coals from the lake cargo trade.

The principal witness for the Pittsburgh operators testified:

> We will be benefited to the extent we can keep them—that is, the West Virginia-Kentucky coals—out. If we can get these differentials, we can undoubtedly keep them out to an extent. It will be merely a question of confining their growth as closely as we can.

Thus it appears that these Pennsylvania operators demanded that the Government of the United States should destroy a legitimate competition; should enable them to exercise a partial or complete monopoly within a great portion of the United States; and that this should be done at the expense of the consuming public.

A proposition more unjustifiable, more at war with the theory of the antitrust acts, has not to my knowledge been heretofore advanced.

The case came before the Interstate Commerce Commission, then composed of Campbell, Hall, Meyer, Esch, Aitchison, Woodlock, Cox, Eastman, McManamy, Lewis, and McChord. It was fought out for weeks and months. It was argued from every angle and presented in every aspect.

It will be noted and can not be too much emphasized that the Pittsburgh operators were not stressing the claim that the rates from their mines to the Lakes were too high. What they were interested in was that the differential should be expanded so that they would have the advantage over their competitors.

The case was taken under consideration for months, and on the 16th day of July, 1925, the Interstate Commerce Commission handed down its decision. The majority of the commission decided that upon the entire record the then existing rates

from the Pittsburgh, Kentucky, and West Virginia districts were not unduly prejudicial, unduly preferential, or otherwise unlawful. The opinion, delivered by Commissioner Hall, discusses the entire controversy in a learned and logical manner, and that opinion was concurred in by Commissioner Esch.

Commissioner Eastman dissented upon the ground, not that the rates from the West Virginia-Kentucky district should be raised, but that the rates from the Pittsburgh district should be lowered; and he took pains to say that this did not prevent the railroads from transporting coal from the West Virginia-Kentucky regions making a corresponding reduction. That is to say, this commissioner at this time was in favor of allowing a reduction in rates by all carriers. But he does not hint at raising of rates and increasing the burden upon the people, but rather in advance protests against such action. In that opinion Commissioner McManamy concurred.

It thus appears that 6 of the 11 commissioners held absolutely that there should be no change in the situation, incontinently turned their backs upon the application of the Pittsburgh operators, and refused to become parties to their scheme to throttle the commerce of their rivals.

Such was the situation when this semijudicial body proceeded upon the law and the evidence of the case. Then it was the political battalion was called into action. The old guard was summoned to battle. The Senator from Pennsylvania, being in command, possessed the advantage of long experience and intimate association with the Secretary of the Treasury. The decision was rendered July 16, 1925. Petitions for rehearing were filed and were pending.

On March 6, 1926, the able Senator from Pennsylvania addressed his cohorts at a banquet at the Fayette-Green County Coal Producers' Association held at the White Swan Hotel, Uniontown, Pa. He declared:

> Now, what are we going to do about it? Of course, we are going to demand our rights, but we are not going to stop at that. We are not only going to demand them but we are going to fight for them, and fighting for them means that we are going to keep at it until we have fair representation and until that fair representation has yielded a correction of these conditions of which we complain.

Fair representation where? Upon the Interstate Commerce Commission. Fair representation in the sense that they proposed to put upon the Interstate Commerce Commission men who will reverse the decision rendered and decide the case in favor of Pennsylvania. Fair representation in the same sense that a doctrine established by the Supreme Court of the United States might be reversed by packing the Supreme Court with men who would not decide according to the law and the fact but according to the interest of a particular litigant. Fair representation in the sense that by changing the personnel of the commission or by coercing the commission the kind of decision could be obtained that the coal operators of Pennsylvania wanted. It is a pitiable example of the submergence of ethics by financial interest.

What was the first step taken? Having lost the case upon its merits before the court, it was now determined to change the personnel of the court. The Senator from Pennsylvania suddenly appeared in the light of an insurgent. A vacancy had occurred on the commission through the expiration of the term of Commissioner Potter, and the President had appointed to fill this vacancy Thomas F. Woodlock. Senator REED opposed the confirmation of Woodlock. The reasons for that opposition appear in an interview of December 1, 1926, in the Pittsburgh Gazette-Times. From the interview it appears that the Senator from Pennsylvania visited the President and discussed the Woodlock appointment, and that he was then given to understand that if he would support Woodlock or withdraw his opposition the next appointment would go to Pennsylvania.

The article is as follows:

> Senator REED declared that he would not vote for the confirmation of Woodlock until given assurance that the claim of Pennsylvania would be considered in filling future vacancies on the commission. White House intentions to consider for future appointment a member familiar with Pennsylvania industry and transportation were satisfactory to Senator REED and he voted for the confirmation of Commissioner Woodlock. The approaching vacancy is the first to occur since.
>
> Senator REED conferred with President Coolidge at the White House last Wednesday, and it is understood that the main subject of discussion was the prospective appointment to the vacancy. Senator REED has declined to discuss the matter and has in no way indicated whom he will recommend for the appointment.
>
> Regardless of whether a new commissioner would have a vote on the case, the failure to reappoint Commissioner Cox would remove from the commission a member who cast his vote against the claims of the Pittsburgh district at the former hearing of the case, when 6 negative votes of the 11 members of the commission decided the case against Pittsburgh's demand for a fair readjustment of the rates.

Time ran on, but it did not run very long until the articles of the treaty of peace between the Senator from Pennsylvania and the President were put in force.

The term of Commissioner Cox, one of the commissioners who had concurred in the majority opinion, was about to expire. He had been a good commissioner. So far as I know, neither his ability nor fidelity had ever been questioned.

But Pennsylvania had to be taken care of. Accordingly the Senator from Pennsylvania recommended Cyrus E. Woods, who was certainly "familiar with Pennsylvania industry and transportation." Likewise he will be remembered as the gentleman who was brought in to compose the discordant elements of Pennsylvania who were then organizing for action in the great slush-fund campaign. He had also been connected with the coal industry both as attorney and stockholder.

Everything was progressing smoothly, and Pennsylvania was about to get a man on the commission in place of Cox, who had voted against the raising of the differential. But Senator PITTMAN exposed the scheme and put in the RECORD the interview I have just presented. The hurdle thus erected was a little bit too high for the Pennsylvania horse to take. Wood was rejected.

Under the circumstances, it would not have been wise to have just then and there appointed another man like Wood, so Mr. Brainerd was appointed to fill the seat made vacant by Cox. And be it said to Brainerd's credit, he did not undertake to participate in the decision on rehearing. But, nevertheless, the removal of Cox had removed one of the obstacles to the reversal of the case.

The term of Commissioner Esch was about to expire. His emoluments and honors were, of course, dependent upon reappointment. He must have known of the threat of Senator REED that Pennsylvania proposed to be represented. He had doubtless observed that the Senator from Pennsylvania had climbed to the very apex of political power and influence. I doubt not that the commissioner often viewed with disconsolate eyes Cox's scalp already suspended from the pole of the Reed tepee. He naturally desired to avoid a similar fate.

The 1925 decision was concurred in by Commissioners Hall, Esch, Aitchison, Meyer, Cox, and Woodlock. Cox had been removed. And upon rehearing, although the case had been fully tried in the first instance and there had been no change in the conditions, Esch and Aitchison changed their votes and rendered a decision fixing the differential at the point demanded by the Pennsylvania interests.

The decision on rehearing is exactly the opposite of the decision first rendered, except in one respect. In the original decision the commission held the railroad rates from both fields to be reasonable and refused to change them by raising the rate from the West Virginia-Kentucky district. In the second opinion they held the rate from Pennsylvania district to be excessive and lowered that rate, thus giving to the Pennsylvania fields the full advantage they had originally demanded.

If the decision had stopped at that point it might be said that even if it established a differential which was unfair to the Kentucky-West Virginia fields, still it would give cheaper coal to the consumers because of the cheaper railroad rate from the Pennsylvania fields, and the carriers from the West Virginia-Kentucky fields could, if they saw fit, reduce their rates and thus all the coal consumers would retain the benefit of competition between the two coal fields and receive their coal cheaper because of lowered railroad charges.

But the commission did not propose to permit anything of the kind. It manifestly was determined to give an advantage to the Pennsylvania fields by granting a differential so great as to deprive the Kentucky-West Virginia fields of the opportunity theretofore existing of marketing their coals.

Having lowered the rate from the Pennsylvania fields, the commission now did the extraordinary thing of warning the carriers of the West Virginia-Kentucky fields that they must not lower their rates to correspond with the reduced rates of the Pennsylvania fields.

It should be borne in mind that that question was not before the commission. The question there was the establishment of a differential. The commission, therefore, was without power, right, or authority to make a decision commanding the carriers from the West Virginia-Kentucky districts not to lower their rates. Nevertheless it had the temerity to warn these carriers that they must not reduce their rates. It was an arrogant and unwarranted command issued by a board, such a command as might have been issued by a despot who is the sole source of all law and can promulgate it whenever he sees fit.

The commission had the temerity to warn these carriers, I say, that they must not reduce their rates. This is what the commission said:

Under the issues now presented, it is unnecessary for us to consider whether the rates from the southern districts are lower than reasonable minima, but we are of the opinion that the carriers would not be justified in reducing the present rates from those districts (p. 365).

That was a question not before them and not considered by them, according to their own language, yet they issued this edict in advance, commanding or warning those roads not to dare to reduce their rates. This wholly unjustifiable and outrageous warning was issued with reference to a matter not before the court.

It is properly characterized by Commissioner Hall in his dissenting opinion. He said:

As to the other districts, which chance to be for the most part south of the Ohio River, no finding is made, but the opinion is expressed that the carriers serving them would not be justified in reducing the present rates from those districts. Whether this be monitory or minatory it goes outside the findings and prejudges issues which may hereafter come before us for determination in the manner contemplated by law. The query must follow: What right have we to invade the domain which the law has allotted to carrier management and to seek by hint, suggestion, warning, or threat to coerce carriers into a course of action other than that which they have chosen or may choose to take? The essence of the transportation act is regulation and not management. That act was not a general reform act, giving us powers to redistribute the business or the wealth of individuals or of producing regions in accordance with whatever social, economic, or sectional views might at a given time command a majority of votes in this commission. These admonitions, or foreshadowings, or requirements, whatever they may be called, would seem to be prompted by a desire to afford a relief which can not be afforded upon the record made and to result from the impulse which prompted the majority "in considering whether the rates (from the complaining districts) may be reduced to relate them more fairly to those from the southern districts" (p. 390).

At another place, in a terse sentence, Commissioner Hall sums the whole case up as follows:

Congress has not made of us a special providence (p. 386).

Now, what followed? The carriers from the Kentucky-West Virginia districts saw fit to disregard this peremptory warning of the commission, doubtless regarding it as made without authority of law, as contrary to sound reason, and as in direct opposition to the purpose of the interstate commerce act.

These carriers undoubtedly knew that if the rates were not reduced from these districts the producers would be unable to market their coal and the business of the railroads would correspondingly suffer. Accordingly, these carriers reduced the rates so as to correspond to the lowering of the Pennsylvania rates. And thereupon the commission issued an order suspending the reduced rates. This was in effect an injunction issued against the railroads reducing the rates.

The railroads are now before the commission insisting that they had the right to make the reduced rates; insisting that it was satisfactory to the railroads; insisting it was fully compensatory, and the commission is in the position of suspending the rate and enjoining the railroads from making a reduction which would be highly beneficial to all of the consumers of lake cargo coal.

So that I return to the statement originally made, that whereas the purpose of the interstate commerce act was to produce lower and more equitable rates to the shippers of the United States and to all of the people, and to prevent combinations and conspiracies between the railroads for the purpose of advancing rates, the effect of the decision thus rendered is to produce the same result which might be brought about by an unlawful conspiracy between the railroads.

But there is another view which to my mind is even more appalling. We find that a commission set up for one purpose is now exercising its powers for a different purpose. It is assuming the right to fix railroad rates, not upon the basis of the cost of transportation, but it proposes to lower or raise rates for the benefit of a particular locality to the detriment of an established business and the rights of another locality.

If that power exists in the Interstate Commerce Commission, then I repeat it is a power greater than is possessed by any other department of the Government. Congress would not be justified in passing a rate bill which had for its avowed purpose the building up of one city and the tearing down of another; and if such purpose were written on the face of the law, courts would be certain to overturn the statute as unreasonable.

The power now usurped by the Interstate Commerce Commission is a greater and more destructive power than has ever been undertaken under any constitutional government to my knowledge.

If the power exists the commission can, for the express purpose of building up Chicago, command the railroads to raise the St. Louis rates, or for the purpose of building up St. Louis, command the railroads so to fix their rates that St. Louis can ship into Chicago's natural territory and take from Chicago her natural advantages of position. And what is true of those two cities, of course, is true of all other cities of the United States, and is true of all sections.

The arbitrary power could be employed so as to destroy the industries of vast sections of the United States. If this power exists, then six men sitting as commissioners might build up the eastern and western sections of the country at the expense of the great interior. Or they might build up the great interior at the expense of the coast States. Such a power is too great and too dangerous to be held by any body of men in a free country. But if such a power exists, or is asserted, then it becomes perfectly manifest that this great semijudicial board will speedily degenerate into a mere political organization for the control of which various sections of the country will be in active contest; other States will be heard saying, "We have got a right to be represented by somebody who is going to vote the way we want him to vote"; so that in the end we shall have a political body; the section that can muster the most votes will control that body, and the powers of the Government will be employed to destroy one part of the country and to build up another part.

The example of Pennsylvania in endeavoring to pack the board and then insisting upon a direct representation thereon in order that Pennsylvania's interest may be especially looked after will be followed in other parts of the country. Such a condition means the destruction of the usefulness of the Interstate Commerce Commission, and such a policy can no more be justified when applied to the commission than a similar policy could be justified if applied to the Supreme Court itself. Although, of course, the latter body is much the greater and more important, nevertheless the principle is the same.

Mr. President, it is indeed regrettable that it is hard to escape the conclusion that the Interstate Commerce Commission reversed itself because it sat under the shadow of the suspended sword of Pennsylvania.

Mr. REED of Pennsylvania. Mr. President, my task is somewhat difficult, because I am not permitted by the Senate to have a colleague, and I have to try alone to answer the arguments of eight Senators from the four Southern States which compete with us and with their new ally in this warfare, who has just finished speaking. Of the skill and eloquence of that ally whom they have acquired no one can complain; he is matchless in the Senate; but unhappily in this case the alliance is so new that he has not yet learned some of the facts that always turn up to embarrass those who try to denounce Pennsylvania on this ground as on so many others.

For one thing, the decision of which the Senator from Missouri complains did not give Pennsylvania all that she demanded, as he so forcefully said. It gave Pennsylvania 20 cents reduction in the rate from Pittsburgh to the Lakes, whereas she had asked, and to us it seemed that she had proved the propriety of, a 42-cent reduction. Pennsylvania in that decision got less than half what she asked.

Furthermore, if that decision is unjust or if the later refusal to permit a reduction by the southern roads is unjust, an appeal lies to the court, where it can be considered more temperately than it can be considered here in the Senate. Their right to an appeal is obvious. No doubt they have already taken it; I am not familiar with that. If they have, the question will be determined judicially and not politically.

Mr. REED of Missouri. Mr. President, will the Senator from Pennsylvania pardon an interruption?

Mr. REED of Pennsylvania. Yes.

Mr. REED of Missouri. I do not intend again to interrupt.

Mr. REED of Pennsylvania. I do not mind the Senator from Missouri interrupting me.

Mr. REED of Missouri. If such an appeal is taken, about how long does the Senator think it would take to have it decided?

Mr. REED of Pennsylvania. I am sure I do not know.

Mr. REED of Missouri. A couple of years would be a short time, would it not?

Mr. REED of Pennsylvania. It would take about as long as it has taken us to have decided the other cases against us where we took appeals.

Mr. REED of Missouri. Yes; and during those two years or more these rates would remain in effect and the mandate of the commission against the reduction of rates from the West Virginia field would remain unchanged.

Mr. REED of Pennsylvania. I did not hear the Senator; I am sorry.

Mr. REED of Missouri. I say, during all that period these rates would remain in effect.

Mr. REED of Pennsylvania. They would unless they were suspended pending the appeal.

The Senator from Missouri also, perhaps, has not had called to his attention just what are these rates and what is this question about which there is so much excitement in two of the States. I wonder if the Senator realizes what is the situation, or what was the situation until that last order of the commission. I am not going to quote many figures, but I beg the Senate to listen to these:

It is 163 miles from Pittsburgh to the nearest lake port; it is 463 miles from Harlan, Ky., to the Lake ports. The rate on Pittsburgh coal for 163 miles was $1.66, more than 1 cent a mile, per ton; the rate from Harlan, Ky., was $1.91 for 463 miles. Now, let us see what that means. That means that if each shipping point pays $1.66 for the first 163 miles of carriage, then the shippers in Harlan, Ky., are getting 300 miles of transportation for 25 cents. Does that call for correction or not? Is Pennsylvania corrupt because she objects to that situation?

Now, let us turn in the other direction and face eastward. It is 415 miles from Pittsburgh to Philadelphia. Eastbound coal from Pittsburgh to Philadelphia pays $2.72 a ton. It is 612 miles from the Kentucky mines to Hampton Roads, the competing point. They get the first 415 miles of that trip for $2.72, just what Pittsburgh pays, and they get the last 196 miles for nothing whatsoever. Their coal is hauled 196 miles for nothing in order that they may compete with us.

Let us take another case: If we ship to New York Harbor to sell our coal for bunker coal in the steamers there or for export or for coastwise shipment from New York, we pay $3.19 for 500 miles, less one-fifth of a mile—to be exact, the distance is 499.8 miles—but if coal from Kentucky is shipped to Hampton Roads it is carried 612 miles for $2.72; in other words, the Kentucky coal gets a haul 120 miles longer than ours for 47 cents less than we pay. Is Pennsylvania corrupt because she protests such unfairness as that; and if I rise in the Senate, as I have done, and say that any such system is indefensible from any standpoint, is that because Mr. Mellon is a friend of mine, which the Senator from Missouri thinks to be such a critical circumstance in this matter? Does not the Senator realize that the speech he has just made is in defense of such injustices as that because of which Kentucky coal gets a long haul for less money than Pittsburgh has to pay for the shorter haul?

I do not mean to intimate that we are competent here to pass judgment on these rates; I am merely giving these as instances to show that the producers in Pennsylvania have some justice on their side and that they are not reeking with a corrupt desire to steal the business that belongs to some one else. We may be Republicans, it is true—most of us are—but we still have a few rights, although we have no right to be represented in the Senate by our constitutional quota of Senators, and we have no right to be represented on the Interstate Commerce Commission.

I wonder if Senators realize what the situation is there. That commission was created in 1887, 41 years ago, and it has 11 members. Pennsylvania originates one-sixth of all the freight traffic of this Nation of ours and it has almost one-tenth of the population—more than one-eleventh—but, although it has that great proportion of the population, although it originates one-sixth of all the railway traffic of this Nation, it has never in the 41 years of that commission's existence for one moment had a single member among the 11 members of the commission. Is that justice?

Mr. GLASS. Mr. President, does not the Senator know that 14 States of this Union, constituting in area at least one-third of the Nation, have had no representative on the Interstate Commerce Commission until very recently?

Mr. REED of Pennsylvania. Until very recently!

Mr. GLASS. Until Colonel Taylor, of Alabama, was made a member of the commission.

Mr. REED of Pennsylvania. And Pennsylvania has never had any member on it, not even recently.

Mr. GLASS. Colonel Taylor, by the way, concurred in the opinion which the Senator now so highly commends.

Mr. SWANSON. Mr. President, if the Senator will permit me, it does seem to me that a State of one-tenth the population that can develop its industries until it produces one-sixth of all the products of this country has been treated very graciously and generously, and has no right to complain of the commission.

Mr. REED of Pennsylvania. That is the way the Senator looks at it.

Mr. SWANSON. Is not that true? The Senator's own statement shows that his State seems to have prospered a great deal under the commission's system of rates.

Mr. REED of Pennsylvania. Pennsylvania has prospered because of its industry; that is true; but the fact that the conditions in the coal business are what they are to-day is sufficient answer to the Senator's question.

Let me give you another illustration: The people of Washington, D. C., would like to get their coal cheaply. Does the Senator from Missouri know that the rate from Meyersdale, Pa., which mines smokeless coal as good as any in the country, is kept up to the same level as the rate from Kentucky, although the distance from Kentucky and from the Pocahontas region is more than twice what it is from Meyersdale, and the people of Washington to-day are paying tribute to the railroads in an unnecessarily high freight rate, kept up in order that the competition between those two points may be on an exact equality?

In other words, the Interstate Commerce Commission has undertaken to revise the geography of the country so as to equalize geographic advantages that ought to belong to the nearest point, and ought to be reflected in the price to the consumer.

Does the Senator know also, when he talks about the gradual disappearance of the Pittsburgh business in coal to the Lakes, and the gradual assumption of that business by the southern fields, that these so-called advantages in modern methods of mining and cleaning coal and all that do not make one penny's worth of difference to the consumer; that the price of the coal is the same at the point of sale; that both of them must ship clean coal, or they can not sell it; that those advantages that he speaks of are not reflected in the market price in the least? Does the Senator know that the principal advantage that these southern fields have that he defends so eloquently is that they are operated by nonunion labor, in towns privately owned, where there is not so much as a public street, and that a union man is not permitted to get off a railroad train in those towns, whereas in Pennsylvania the mines are either unionized or they have been trying to maintain the union scale for labor?

Mr. GLASS. Mr. President, are we to understand that the Senator from Pennsylvania thinks that that is any of the business of the Interstate Commerce Commission, under the law?

Mr. REED of Pennsylvania. The Senator is to understand, if he will, that I think it is one reason for the great advantage of these Southern States, and that the reasons ascribed by the Senator from Missouri do not tell the whole story.

Mr. GLASS. But I am asking the Senator if he thinks the statute confers upon the Interstate Commerce Commission the power to determine and to manage and to regulate these conditions?

Mr. REED of Pennsylvania. Of course, I do not.

Mr. GLASS. Then, why is the Senator reciting them?

Mr. REED of Pennsylvania. I am reciting them because the Senator from Missouri recited these other matters that are none of their business, such as methods of mining and methods of cleaning coal, as being the reasons for their superiority.

Mr. GLASS. But that is just exactly what they have made their business, and that is the explanation given in private letters of commissioners in pointing out the reasons for the decision.

Mr. REED of Pennsylvania. I am not familiar with the private letters of the commissioners.

Mr. GLASS. I mean private in the sense that they were not made public. I have one of them on my desk, and I am going to present it to the Senate at the proper time.

Mr. EDGE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. WATERMAN in the chair). Does the Senator from Pennsylvania yield to the Senator from New Jersey?

Mr. REED of Pennsylvania. I yield.

Mr. EDGE. Referring to the reflection in the price to the consumer, if the freight rate were reduced pro rata with the freight rate now charged to Kentucky, as quoted by the Senator, would not the difference in the price of coal per ton be reflected to the consumer?

Mr. REED of Pennsylvania. Absolutely. If we were given a comparable rate, we could sell that coal so much more cheaply that they would never be able to sell here at all.

Mr. SACKETT. Mr. President——

Mr. REED of Pennsylvania. I yield to the Senator from Kentucky.

Mr. SACKETT. Is it not a fact that if the railroads that are carrying the coals from the southern fields were permitted by the Interstate Commerce Commission to put into effect the rate which they say is compensatory, and that rate were applied to the coal that has gone over the Great Lakes from those fields in the last two or three years, it would afford an economy to the purchasers in the Northwest of more than

$5,000,000 a year, and without any loss to any carrier that took care of that coal?

Mr. REED of Pennsylvania. Absolutely; and the next thing would be a reduction of the same amount by the northern roads, and that would mean a gain to the consumer.

Mr. SACKETT. And that is the very thing that should be opened to competition in this country. The fact of the case is that the southern carriers are so developed that they can carry coal cheaper over these long distances. They have not the expensive terminals, they have not the charges that the northern carriers must meet; and for that reason the people of this country, both as producers and as consumers, are entitled to the free flow of railroad rates as long as they are compensatory and nothing else.

Mr. REED of Pennsylvania. Personally, I should be very glad to see such a system adopted; but if that is adopted, the differential will be maintained between the southern and the northern fields, and it ought to be. Geography determines that. It ought not to be determined by the Interstate Commerce Commission or by the Senate.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the junior Senator from Kentucky?

Mr. REED of Pennsylvania. I yield.

Mr. BARKLEY. A moment ago the Senator stated that the coal produced in Kentucky that comes in competition with this Pennsylvania coal was produced in localities where the operating companies own the towns. In reply to that, I desire to say that there are only two important centers in Kentucky where the companies own the towns, and one of them is owned by the United States Coal & Coke Co., a subsidiary of the United States Steel Corporation, which is largely identified with Pennsylvania industry and politics.

Mr. REED of Pennsylvania. I do not agree with the last sentence, but I did not know about that. I believe also that the same company owns a considerable amount of coal in the Pocahontas region of West Virginia; and if it so happens that that company is displeased with what I am saying, I suppose I will have to take the consequences. Is that what the Senator means?

Mr. BARKLEY. No. I am not interested in whether what the Senator says is pleasing to the owners of these coal corporations or not; but he made a statement a moment ago that I am sure, unintentionally, did not accurately state the situation.

Mr. REED of Pennsylvania. I did not single out Kentucky, but I do say that in southern West Virginia and in Virginia there is town after town in which no union man dares dismount from a train.

Mr. BARKLEY. I know of no section in Kentucky where any such condition exists.

Mr. GLASS. Mr. President, the Senator may appeal in that way for the votes of laboring men in Pennsylvania, but I bring him back to the original proposition: Does he contend that the Interstate Commerce Commission have anything whatsoever to do with that—that they are vested with authority to say what enterprise may be operated by union men and what enterprise shall or shall not be operated under open-shop conditions?

Mr. REED of Pennsylvania. Of course, I do not; and——

Mr. GLASS. Then, what is the pertinence of that sort of recital here?

Mr. REED of Pennsylvania. I do not see why the Senator restrained himself so well when the Senator from Missouri was narrating points of superiority that he thought the southern fields had, if he gets so excited when I try to carry the narration to a conclusion.

Mr. GLASS. I am not in the least excited. There are so many people here who misinterpret earnestness for intemperateness. I am not at all excited about the matter. I retort, however, that I did not hear the Senator from Missouri cite a single, solitary fact that was not actually pertinent to this discussion—not one.

Mr. REED of Pennsylvania. I dare say it seemed so to the Senator when he was talking about the relative efficiency of their methods of cleaning coal; but perhaps the Senator can tell me what the Interstate Commerce Commission has to do with that.

Mr. GLASS. It has not anything to do with it; and my protest is that it has undertaken to have something to do with it, and has asserted that as a reason for its decision, not based upon a scientific adjustment of railroad rates or transportation charges with a view to their compensatory nature, but basing its decision upon operating conditions with which it has nothing on earth to do, and which, if it should have anything to do with, would be a menace to the industry and to the commerce of this country.

Mr. McKELLAR. Mr. President, may I ask the Senator a question?

Mr. REED of Pennsylvania. Now I yield to the Senator from Tennessee.

Mr. McKELLAR. Does the Senator take the position that it is the duty of the Interstate Commerce Commission under the law so to arrange railroad rates that the coal operators of one State or district shall be preferred over the coal operators and the coal business in another district?

Mr. REED of Pennsylvania. Mr. President, I take the position that they ought not to be. I say that they have been, that we have protested against it; but up to date the process has not been effective.

Mr. McKELLAR. The differential is all in favor of the Pennsylvania and Ohio fields, and not in favor of the southern districts at all.

Mr. REED of Pennsylvania. O Mr. President, the Senator could not have been here when I stated some of the instances of the application of that schedule that show that in many cases the longer haul is made for a lower freight rate than the shorter haul is made. That is the way that works out.

Mr. SACKETT. Should it not be, if it costs less to make it?

Mr. REED of Pennsylvania. Does the Senator mean to contend that the coal should be carried for a greater mileage at a lower rate than for the lower mileage, provided that railroad can show it is making money at it?

Mr. SACKETT. If it is making more than a compensatory rate, yes. I do not think anybody would doubt it; and that is one of the advantages that the different fields of activity in all industry have in this country. It is the only way in which you can develop the country as a whole and not develop it in local foci which happen to be near to markets. The other industries farther away must find a method of transportation, find methods of getting their products shipped more cheaply, or else you will have the country developed in spots and not as a whole.

Mr. REED of Pennsylvania. I am afraid, if the Senator's theory were applied——

Mr. SACKETT. It has been applied in agriculture, in lumber, in every kind of commodity in this country; and that is the way in which industries have been built up over the country.

Mr. REED of Pennsylvania. And that is the way in which certain industries are smothered, just as ours have been, and that is what is the matter with the Mountain States to-day; and the Senator knows it.

Mr. SACKETT. The Senator knows that the industry in Pittsburgh has been paying a higher cost of production; that the industry in Pittsburgh has been fighting for a larger differential; that, having accomplished a differential, the industry in Pittsburgh is now turning around under a nonunion basis to get a lower cost of production in addition to the railroad differential; and not only will the other parts of the country be shut out of this lake trade but they will be unduly developed in the Pittsburgh district.

Mr. REED of Pennsylvania. We need not waste any time in the assertion of opinions on that subject. If we will simply look at the picture that is presented to-day, we will see the result of it.

In Pittsburgh and in the Pennsylvania districts there exists to-day a most desperate condition of unemployment and distress. It has been pictured to the Senate eloquently by the Senator from California [Mr. JOHNSON]. Why is that so? Simply because the differential established by the Interstate Commerce Commission is not yet adequate. Simply because the Pittsburgh and the Pennsylvania region is being driven, by that unfair competition, away from the union scale that it has maintained to a similarly low scale if it is going to stay in business. We will get down to it, I suppose, if the commission and the Senate and the Government of the United States persist in this theory; they will drive us down to the same low scale, and they will drive all union labor out of the mining industry; and I suppose that is what is desired. But the process is one of agony, I tell the Senate, and we are going through that agony in Pennsylvania to-day.

It is all very well to stand here and denounce me and the Republican officials of Pennsylvania. That is begging the question. That is no help to the people who are suffering up there in those coal fields to-day. That is no help to the union men who are being driven out of those fields. It is begging the question, I say, to get up and denounce the Interstate Commerce Commission or to say that I tried to pack the commission when I recommended the appointment of 1 man out of 11, who distinctly stated that he would not vote in this case, anyway. It is nice politics to say that I am packing the Interstate Commerce Commission. The facts, I think, answer that suffi-

ciently. To-day in Pennsylvania and in eastern Ohio there are many thousands of people in want, and it is not helping them to turn this into a political discussion.

Mr. NEELY. Mr. President, the distress to which the Senator has referred, which is the inevitable result of enforced idleness, is one thing of which even Pennsylvania coal operators neither claim nor seek a monopoly. Despite the boasted prosperity of this administration, unemployment to an alarming extent—and all the suffering that it entails—exists not only in Pennsylvania but in practically every State of the Union. But no amount of unemployment, no extent of industrial depression, and no severity of competition can justify an attempt to pack the Interstate Commerce Commission.

Let me dispel any erroneous impression that the Senator from Pennsylvania may have created to the effect that the bituminous coal mines of Pennsylvania are being operated by union labor, and that those of West Virginia, Virginia, Kentucky, and Tennessee are being operated nonunion. As a matter of fact, every great soft-coal mine in the State of Pennsylvania that is now in operation is manned by nonunion labor. Furthermore, the operators of West Virginia are paying their miners wages similar to those paid by the operators of Pennsylvania.

The Senator from Pennsylvania very becomingly complains that the Senator from Missouri [Mr. REED] erred in stating that the Pennsylvania coal operators obtained all that they asked from the Interstate Commerce Commission, when, in fact, these Pennsylvania captains of industry have received only half as much as they want, and are, accordingly, thoroughly dissatisfied. But why does the Senator not make a complete confession and proclaim the fact that nothing less than the whole "earth and the fullness thereof" will ever satisfy those for whom he so ably and successfully speaks. Let us admit the hideous truth once for all that the Pennsylvania coal operators do not want a square deal in the matter of freight rates at the hands of an honest commission. What they do want is an exclusive monopoly of the coal business of the country created and perpetuated for them by a packed commission.

We admit the validity of the Senator's contention that the people of Pennsylvania are entitled to two Senators. But they are no more entitled to have one whose election is tainted with fraud seated in this Chamber than they are to enjoy the benefits of a decision of the Interstate Commerce Commission that was obtained by political intimidation and coercion.

Mr. GOODING and Mr. SMOOT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from West Virginia yield, and if so, to whom?

Mr. NEELY. I yield first to the Senator from Idaho.

Mr. GOODING. I would like to ask the Senator from West Virginia when he expects this political influence, which he says is controlling the commission, to cease? Will it not continue until Congress lays down a policy to guide the Interstate Commerce Commission in the making of rates? The Senator's section is not the only one which has suffered through discrimination. The West has suffered through discrimination in freight rates for half a century, and is suffering to-day, and it will continue to suffer just as long as Congress permits the Interstate Commerce Commission to fix rates without a policy laid down by Congress.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit me to ask a question?

Mr. NEELY. Judging from present indications, political control of the Interstate Commerce Commission will never end. Therefore I am ready and eager to join the Senator from Idaho in passing a law to restrain this commission, which "doth bestride the narrow world like a Colossus" and which destroys the great industries of one State and on their ashes creates monopolies for some other State.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

Mr. NEELY. Yes.

Mr. REED of Pennsylvania. When I offered an amendment to the resolution yesterday calling for an Interstate Commerce Committee investigation of the action of the Interstate Commerce Commission in this regard the Senator voted against it, did he not?

Mr. NEELY. Yes; because I believed that the adoption of the amendment would delay the investigation of the conditions now prevailing in the mining regions of the Senator's State, which, according to the recent narration of the eloquent Senator from California, are the most disgraceful that have ever existed in any coal-mining region in the United States.

Mr. REED of Pennsylvania. And the Senator was not even willing to have an impartial committee find out whether our complaints or his are true with regard to these rates.

Mr. NEELY. I certainly was, still am, and ever shall be willing to have such a committee investigate the Interstate Commerce Commission and also to ascertain, if the committee live long enough to accomplish the task, just how many highly discriminatory freight rates the commission has benevolently ordained and established for the exclusive benefit of the coal operators of Pennsylvania.

Mr. REED of Pennsylvania. Then, if I understand the Senator correctly, he prefers that the facts should be dealt with by assertion rather than investigation.

Mr. NEELY. The Senator's perceptive faculties are evidently not functioning with their usual accuracy.

I shall gladly support any resolution that proposes a proper investigation of the matter we are discussing.

Mr. SACKETT. Mr. President, will the Senator yield?

Mr. NEELY. I yield.

Mr. SACKETT. I do not know whether the Senator from West Virginia knows that I introduced a resolution for this very purpose this morning in the Senate, which has been referred to the Committee on Interstate Commerce. It contains the identical language in one of its paragraphs that was proposed yesterday to be attached to the Johnson resolution by the Senator from Pennsylvania. I hope the Senator from West Virginia will support it.

Mr. REED of Pennsylvania. In other words, the resolution is no good when I offer it, but it is all right for the Senator to support it if it is offered from Kentucky.

Mr. SACKETT. The resolution is put in the proper place, where it belongs, and not hitched to something to which it does not belong.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. NEELY. I yield.

Mr. SMOOT. I think the Senator from West Virginia has heard the Senators from the West plead for some kind of legislation in relation to the long-and-short-haul clause. Has not the Senator from West Virginia voted against it every time?

Mr. NEELY. Only once. But the question of the "long and short haul" is not in issue now. It was disposed of in the distant past. Let me remind the Senator from Utah, as Pompey reminded Sylla, "that more worship the rising than the setting sun." Let the Senator now propose legislation that will curb the Interstate Commerce Commission, and I shall aid him in passing it through the Senate, but the Senator should also provide that the Interstate Commerce Commission shall never again succumb to the political threats nor yield to the political coercion of the coal operators of Pennsylvania.

Mr. SMOOT. I am not talking about Pennsylvania. For 16 years, at least, the Western States have suffered on account of freight rates as no other States in this Union have suffered, and the only excuse given for not affording relief was that an amendment of the long-and-short-haul clause was not the proper thing to do, and we suffered in the West on that account. We have tried here for 16 years to get some kind of favorable action, but up to the present time we have not gotten any.

Mr. NEELY. The people of Pennsylvania are the only ones who get what they want in the matter of freight rates.

Mr. SMOOT. This discussion, in my opinion, will draw the matter to the attention of the country, and we have hopes that the next time the question comes up we shall get some support from the other side of the Chamber.

Mr. GLASS. Mr. President, if the Senator from West Virginia will allow me, I am going to ask leave to express regret that he has fallen a victim to the craft of the distinguished Senator from Pennsylvania, who is undertaking to convert this question into a sectional question and actually undertaking to convert it into a political question. Until the Senator from Pennsylvania spoke, nobody, as I recall, had thought of introducing politics into a matter of this sort, and I want to say for myself that what concerns me fundamentally and most of all is not how the Interstate Commerce Commission has exercised power, but whether or not the Interstate Commerce Commission has actually usurped authority and appropriated to itself a power that is a positive menace to the entire country.

That is the question involved here. It is not one of Republicanism or Democracy, or of the North or of the South, as the Senator from Pennsylvania so adroitly undertakes to make it.

Mr. REED of Pennsylvania. And yet the Senator voted yesterday against my amendment, which had the sole object of finding out whether the commission had usurped such a power.

Mr. GLASS. Oh, no. The Senator knows perfectly well why I voted against his amendment. He knows that just as well as he knows why he offered the amendment to the particular resolution at that particular time. Now, the Senator from Kentucky [Mr. SACKETT] has here to-day offered a reso-

lution not only covering the ground proposed by the Senator from Pennsylvania but even more comprehensively. The resolution is one which, I understand, the Senator from Pennsylvania approves, and I shall vote for it.

Mr. REED of Pennsylvania. Of course, the Senator will vote for it, because he voted against a similar resolution yesterday when I introduced it.

Mr. GLASS. Of course, I am always inconsistent and I have some personal animus toward the Senator from Pennsylvania! The Senator from Pennsylvania is brutally frank, and now, if he will excuse me for being brutally frank right on this point, I will say that I suspect that the Senator offered his resolution in order to divert attention from the strike and the consequent conditions of that strike in Pennsylvania to another subject entirely.

Mr. REED of Pennsylvania. I am glad the Senator is brutally frank, because that gives me a chance to disillusion him. If the Senator had bothered to read my amendment——

Mr. GLASS. I did.

Mr. REED of Pennsylvania. Or had listened to it when read, he would have noticed that it provided for an investigation into the rate phases of the case only after the completion of the report on the strike and the conditions there.

Mr. GLASS. But that was to be the outstanding feature of the investigation in the mind of the Senator from Pennsylvania, as I suspect it.

Mr. REED of Pennsylvania. Perhaps the Senator may suspect it, but the Senator who proposed the resolution, the Senator from California [Mr. JOHNSON], evidently did not suspect anything of the sort. The language of the amendment made it very clear that it could not postpone an investigation into the strike, so that it seems to me——

Mr. GLASS. The Senator will agree with me that that water is over the wheel, and I tell him now that it is my purpose to vote for the resolution presented here to-day by the Senator from Kentucky, because I have no desire in the world to conceal any of the pertinent facts which relate to this problem.

Mr. REED of Pennsylvania. It would be pleasant for most of us if inconsistency could be disposed of by saying it is water over the wheel.

Mr. GLASS. The Senator knows perfectly well that properly no politics are involved in the determination of this problem, that properly no sectionalism is involved in the determination of this problem, and it is unworthy of the Senator to undertake to muster his forces upon the plea of politics or upon the plea of the northern mine against the southern mine.

I say that if the Interstate Commerce Commission have undertaken to appropriate and exercise power with respect to northern mines that they have undertaken to exercise with respect to southern industries, I would feel just about like I feel now. It is a usurpation of power. It is a dangerous usurpation of power, and an end should be made of it.

Mr. REED of Pennsylvania. The Senator's suspicions are rather alert to-day. Will the Senator tell me whether he suspected any political purpose in the address of the Senator from Missouri?

Mr. GLASS. I did not discover any.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. NEELY. Mr. President, I hope that the Senator from Virginia is not justified in believing or even fearing that the Senator from Pennsylvania has succeeded in diverting the attention of the Senate from the merits of the question which the Senator from Missouri has so ably discussed to the irrelevant subjects of politics and localities.

But, regardless of what the Senator from Pennsylvania has or has not accomplished, I implore the Senate to exercise its power to the limit to prevent further usurpations on the part of the Interstate Commerce Commission, and to restrain the commission from pursuing its present policy of ruthlessly destroying prosperity in one section of the country in order to create it in another.

Mr. REED of Missouri. Mr. President, the Senator from Pennsylvania [Mr. REED] in replying to my remarks spoke of me as a new recruit to the southern group. That is a singular notion for the Senator to entertain. I do not know why he made the statement. I have been disturbed over this decision of the Interstate Commerce Commission since it was rendered. I have been disturbed over every assumption by the Interstate Commerce Commission which apparently looks toward an attempt of that body to equalize the natural advantage one place might have by fixing a freight rate to remove that natural advantage. I have regarded this recent decision as revolutionary.

Mr. MAYFIELD. Mr. President, has not the Supreme Court held time and again that that could not be done?

Mr. REED of Missouri. That is my understanding.

I have no antipathy toward Pennsylvania, not the least. I regard Pennsylvania as one of the great States of the Union. I know that within her borders are to be found some of the best people of the United States. I know that she has a wonderful history. I know that she is entitled to fair and just treatment, as, indeed, are all the other States. If I have had the unfortunate task of helping to develop the fact that the great people of Pennsylvania are not permitted to register their will, and to bring out the fact that this grand old State has fallen upon evil times, I trust it will be understood that if it had happened to have been some other State where similar conditions existed I would have tried to perform my duty there as I have in this instance. Indeed, it so happened that when Michigan went straying after strange gods, and set up a golden calf in the temple of her politics, I helped in the movement to repudiate that action. I have done the same thing in the case of Illinois and will be glad to do it in any other State if unfortunately similar conditions exist. I do not possess that kind of pliable conscience which will cause me to stand upon the platform one day and denounce a political opponent as every kind of rogue and scoundrel and to declare that his presence in public office would be a debasement of the office and an insult to decency and then, when he triumphs, to join at once with him to consummate the iniquity and complete the insult by putting him in public office.

Mr. REED of Pennsylvania. Is the Senator implying that I did that?

Mr. REED of Missouri. I am implying that it has been stated time and time again in the public press that the Senator from Pennsylvania and the gentlemen who operated with him denounced Mr. VARE as a wholly unfit man to occupy a seat in this body. If that is to be denied, it will be denied now for the first time to my knowledge.

Mr. REED of Pennsylvania. The Senator shifts his ground. That is not the statement that he made before I asked the question. I want to say now that——

Mr. REED of Missouri. I have not shifted my ground.

Mr. REED of Pennsylvania. Will the Senator permit me to answer?

Mr. REED of Missouri. Certainly.

Mr. REED of Pennsylvania. I want to say that I opposed Mr. VARE in the primary with all my power; I did my best to prevent his being nominated; I argued that his opponent, Senator Pepper, was, in my judgment, a better candidate. So far so true. That I ever made any such statement as the Senator indicated just before I interrupted him I deny. I never heard such an accusation made before, and I want most emphatically to say that nothing of the kind ever happened.

Mr. REED of Missouri. Did not the Senator say in substance and effect, and was he not quoted by the press as saying in substance and effect, that Mr. VARE was wholly unfit for this position?

Mr. REED of Pennsylvania. I said I thought he was less qualified than Mr. Pepper.

Mr. REED of Missouri. Very well.

Mr. REED of Pennsylvania. The party thought differently and nominated him, and I supported their choice.

Mr. REED of Missouri. And the Senator said some other things. I shall be glad to file some of those statements in the RECORD.

Mr. REED of Pennsylvania. I wish the Senator would do so.

Mr. REED of Missouri. I shall send for them. That, however, I am only mentioning because the intimation is made that in denouncing this revolutionary decision I have some ulterior purpose. I opposed Mr. Wood's confirmation long ago, and I intend to oppose the confirmation of any man who is nominated to a judicial position or a semijudicial position in order that he may represent a particular district unless he lives in that district and his jurisdiction is confined to that district.

We have heard a curious argument here to-day. Pennsylvania has 11,000,000 of people, I believe it was stated, and she originates one-sixth of the tonnage that is shipped. Therefore, because she originates one-sixth of the tonnage that is shipped, she is entitled to direct representation upon a judicial body that decides what is fair to all of the people of the United States. That is a fine kind of logic! When did it happen that the Interstate Commerce Commission was a body created to represent shippers alone; that shippers only were to be considered? The Interstate Commerce Commission was created by the people of the United States to see that just rates were fixed to every part of the United States for the benefit of every human being and every industry in the United States. It was not set up to equalize differences in the cost of manufacture; it was not created for the benefit of shippers; it was created for the benefit of all of the people.

We had some argument that, upon its face, while entirely aside from this question, was calculated to give the impression that the Interstate Commerce Commission in the past had dealt very unjustly with Pennsylvania in the matter of rates. That is based upon the fact that the haul is longer in some instances than in others; it is longer in some instances from the southern fields than it is from the Pennsylvania fields; but anybody who knows anything about freight hauls knows that mileage is not the only element to be considered. A haul of 10 miles involves all the expense and all the labor of the loading and unloading of cars and the furnishing of cars just as much as is involved in a haul of a thousand miles. However, I am not going to waste time arguing details of that kind.

The fact is there is but one rule that can be justly established; there is but one task the Interstate Commerce Commission has a right to perform with reference to rates. It has the right to insist that no railroad shall charge a rate which is more than compensatory. It has no just right to say to any railroad if it is charging rates that are fairly compensatory, "You shall not reduce your rates." The point at issue here is that the carriers operating from the southern fields say that they can afford to haul coal to Washington at a certain rate; that they can afford to haul lake cargo coal at a certain rate; that they want to haul it at that rate; and the Interstate Commerce Commission says, "You have got to charge more than that rate for the purpose of helping the Pennsylvania mines."

They do not propose further to reduce the rates from Pennsylvania. If they did, we would have no complaint. Let them fix them wherever they please. Let the railroads of Pennsylvania reduce their rates as low as they please; there will be no protest from Missouri against that. That will help all the consumers of the United States; but when the Interstate Commerce Commission says, "We propose to equalize natural conditions of advantage by forcing railroads to raise rates beyond the point they want to charge, beyond the point that is compensatory," then the Interstate Commerce Commission is asserting a power to override natural conditions, to destroy the enterprise of men, to set its arbitrary mandate up against the business judgment of men.

Let us see where we will end. A man goes into a given territory and finds there within a given radius a certain population; he finds there a market for the thing which he sees fit to produce, and settling down there, he proceeds to invest his capital. After he has invested it and the railroads are willing to haul his product at a rate that will enable him to live and make a profit, the Interstate Commerce Commission can come in under this new rule and say, "We will destroy your business; we will set aside your judgment; we will ruin your life's work; we will change the railroad rate; we will drive you out of business, because there is somebody in some other town and some other place who did not locate as wisely as you and we want to enrich him at your disadvantage." That is the proposition that is here and that is the whole proposition that is here.

So far as I am concerned, men like Esch who hold that doctrine are usurpers of power, and an usurper of power is not fit to hold any office within the gift of a free people.

Mr. COPELAND. Mr. President, I rose a few moments ago to speak, and what I have to say is not so appropriate now as it would have been before the distinguished Senator from Missouri [Mr. REED] spoke.

However, I do wish to say that it is very amusing to me to see Senators from the coal States in a fight. I am glad they are having it, because this rumpus will call the attention of the country to an industrial and economic situation which must be taken care of in some wise way.

What I have to say has no bearing at all upon the address of the Senator from Missouri, because I did not have the pleasure of hearing it, but the doctors from the coal States who are proposing treatment for the symptoms which they have observed, and are observing, at the present time in the coal industry are merely proposing to treat symptoms. What they are recommending has nothing whatever to do with the cure of the real disease. Their diagnosis is wrong, as the Senator from Texas suggests.

I see upon the floor an able Member of the House of Representative from my State, Major LAGUARDIA. He has reported regarding the suffering and the misery in the State of Pennsylvania; there can be no doubt of the suffering that has taken place there, but, Mr. President, the real trouble with the coal industry is overproduction.

We may find fault with the Interstate Commerce Commission from now until kingdom come, but that commission has no power at present, as I see it, to correct the real trouble. How can they deal with the problem of overproduction? How can they deal with the situation that there are three or four thousand more mines than there should be? How can they deal with the fact that there are a quarter of a million miners in excess of the number we need?

As I view it, Senators, we must relax the antitrust laws so as to permit the bituminous coal operators to consolidate their mines, to deal with this problem collectively, to have collective sales agencies in order that the problem may be solved. Of course, if they are to have the privilege of consolidation, they must submit to a certain amount of regulation; otherwise, there will be a monopoly created which will mean high prices and increased suffering everywhere. That, however, is the way it must be dealt with, as I view it. There is not any use talking about modifying the rates on coal; there is not any use talking about trying to send abroad the surplus coal. The surplus is too great.

The problem can not be dealt with in that way, and, as a matter of fact, why should we seek to find means of exporting coal and sending coal abroad when posterity will need this coal? Why not reserve it here for the citizens who are to come after us? There can be, in my judgment, consolidations, cooperative selling, and other means of dealing with the problem, so that the mines which should be operated—the cheaply operated mines can be operated and the high-priced mines can be closed for the time being.

Let us face the situation as it is. All this row between the Senators from one section and the Senators from another section is only throwing dust—coal dust—into the air. They are not reaching at all the fundamental trouble; and that is the thing which must be dealt with if we are to solve this problem in any permanent way.

The other day a man wrote to me with a plan by which he proposes to collect a fee from every ton of coal mined—a McNary-Haugen bill for the coal business—in order that we might ship the coal abroad and sell it.

Senators, let us find some way to solve this problem by consolidations of mines and by directing the surplus miners into other channels of activity and then preserve the surplus of coal for citizens who come after us. It is all nonsense, as I view it, to spend our time here discussing about whether a preferential rate given one section of the country is detrimental or beneficial.

So far as the great industry is concerned, and so far as the present and future needs of the country are concerned, they are not involved in this question of rates; and we never can solve the problem by any such absurd method or any such attempt at remedy.

Mr. BROOKHART. Mr. President, I am very much delighted at this discussion here to-day. I agree that this is stirring up a row between certain States, but I am glad the row is stirred up. This question of discriminations, I hope, will turn out to be of enough importance to the whole country to lead the Congress to action upon the transportation question.

This discrimination between the coal States is a tempest in a teapot compared to the discrimination that has existed for years and years as against the whole agricultural industry in the United States.

Class I railroads derived a total of $915,000,000 from freight on agricultural products in the year 1923. This does not include forest products. It represented 12½ per cent of the total cash income from sales of agricultural products, and 18.7 per cent of the estimated net farm income for the years 1923 and 1924.

The products of the farm have contributed 19.8 per cent to the revenues of the railroads, and they furnished only 11 per cent of the tonnage.

The mere statement of that fact shows a discrimination in volume several times bigger than this coal question.

The Senator from Pennsylvania [Mr. REED] points out that his haul is shorter for coal than it is in West Virginia and Kentucky, and therefore he is entitled to a lower rate. Of course, that haul is not over the same road and at the same expense. We have had the proposition of the long-and-short haul up over the same road between points included in the same haul, and I do not think the Senator from Pennsylvania supported us.

Mr. FESS. Yes; he did.

Mr. BROOKHART. Did he? Well, I am glad he did. I think some of the Senators representing West Virginia and Kentucky were afraid to support us, fearing it would prejudice their case in reference to the haul of coal. It would do no such thing if the facts as they state them are true, that the expense of their long haul is less than the expense of the short haul from Pennsylvania. But the fact remains that this gigantic discrimination against agriculture in the whole country as to railroad transportation exists everywhere.

The Senator from Missouri [Mr. REED] blames the Interstate Commerce Commission. I am not inclined to do that, because I think the Esch-Cummins railroad law itself fixed this matter so as to invite and to promote these discriminations. The com-

mission can no longer consider individual rates upon their cost or their individual reasonableness. Under this law it is now compelled to take the average of the whole thing, and average it up and work out a 5¾ per cent return on the capital investment, and that capital investment watered by $7,000,000,000 above its market value at the time the tentative value was fixed by the commission.

I do not claim that they violated the law in putting that value in there. They followed the law. It was the law itself that was wrong.

Oh, yes; I remember, but a few years ago, when these same discriminations existed in our neighbor, in Canada. Canada has been wise, and has solved this problem and they no longer exist there. Canada consolidated some of her railroads, and did it by the power of the Government and under the control of the Government. The watered capital ceased, and these discriminations ceased, and the one remaining system privately operated is compelled to meet the competition of an honest government.

You can talk about solving this problem by appointing somebody on a commission that may change a particular case or a particular situation, but I have been fighting rate discriminations against my State for 20 years. I remember when the whole rate system was built upon the basing-point idea in the United States. I remember when you could ship products from Chicago to Omaha and then back to Des Moines cheaper than you could put them off at Des Moines on the way through, because Omaha was the basing point. On the north it was St. Paul, and on the south it was St. Louis.

Following that idea of building up these big centers at the expense of the little places, these great systems of rate discrimination were put in. It was after years of fight that we removed some of them, and now a good many of them have crept back in again under this new law.

So the law and the system itself must be changed. It is a fundamental proposition, and it will not be fought out by simply defeating this commissioner or that commissioner, although I myself am heartily in favor of defeating some of those commissioners who misrepresent us.

ALIEN PROPERTY AND OTHER CLAIMS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7201) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds, which had been reported from the Committee on Finance with an amendment, to strike out all after the enacting clause and to insert:

That this act may be cited as the "Settlement of war claims act of 1928."

CLAIMS OF NATIONALS OF THE UNITED STATES AGAINST GERMANY

SEC. 2. (a) The Secretary of State shall, from time to time, certify to the Secretary of the Treasury the awards of the Mixed Claims Commission, United States and Germany, established in pursuance of the agreement of August 10, 1922, between the United States and Germany (referred to in this act as the "Mixed Claims Commission").

(b) The Secretary of the Treasury is authorized and directed to pay an amount equal to the principal of each award so certified, plus the interest thereon, at the rate fixed in the award, accruing before January 1, 1928.

(c) The Secretary of the Treasury is authorized and directed to pay annually (as nearly as may be) simple interest, at the rate of 5 per cent per annum, upon the amounts payable under subsection (b) and remaining unpaid, beginning January 1, 1928, until paid.

(d) The payments authorized by subsection (b) or (c) shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe, but only out of the German special deposit account created by section 4, within the limitations hereinafter prescribed, and in the order of priority provided in subsection (c) of section 4.

(e) There shall be deducted from the amount of each payment, as reimbursement for the expenses incurred by the United States in respect thereof, an amount equal to one-half of 1 per cent thereof. The amount so deducted shall be deposited in the Treasury as miscellaneous receipts. In computing the amounts payable under subsection (c) of section 4 (establishing the priority of payments) the fact that such deduction is required to be made from the payment when computed or that such deduction has been made from prior payments, shall be disregarded.

(f) The amounts awarded to the United States in respect of claims of the United States on its own behalf shall not be payable under this section.

(g) No payment shall be made under this section unless application therefor is made, within two years after the date of the enactment of this act, in accordance with such regulations as the Secretary of the Treasury may prescribe. Payment shall be made only to the person on behalf of whom the award was made, except that—

(1) If such person is deceased or is under a legal disability, payment shall be made to his legal representative, except that if the payment is not over $500 it may be made to the persons found by the Secretary of the Treasury to be entitled thereto, without the necessity of compliance with the requirements of law in respect of the administration of estates;

(2) In the case of a partnership, association, or corporation, the existence of which has been terminated, payment shall be made, except as provided in paragraphs (3) and (4), to the persons found by the Secretary of the Treasury to be entitled thereto;

(3) If a receiver or trustee for the person on behalf of whom the award was made has been duly appointed by a court in the United States and has not been discharged prior to the date of payment, payment shall be made to the receiver or trustee or in accordance with the order of the court; and

(4) In the case of an assignment of an award, or an assignment (prior to the making of the award) of the claim in respect of which the award was made, by a receiver or trustee for any such person, duly appointed by a court in the United States, such payment shall be made to the assignee.

(h) Nothing in this section shall be construed as the assumption of a liability by the United States for the payment of the awards of the Mixed Claims Commission, nor shall any payment under this section be construed as the satisfaction, in whole or in part, of any of such awards, or as extinguishing or diminishing the liability of Germany for the satisfaction in full of such awards, but shall be considered only as an advance by the United States until all the payments from Germany in satisfaction of the awards have been received. Upon any payment under this section of an amount in respect of an award, the rights in respect of the award and of the claim in respect of which the award was made shall be held to have been assigned pro tanto to the United States, to be enforced by and on behalf of the United States against Germany, in the same manner and to the same extent as such rights would be enforced on behalf of the American national.

(i) Any person who makes application for payment under this section shall be held to have consented to all the provisions of this act.

(j) The President is requested to enter into an agreement with the German Government by which the Mixed Claims Commission will be given jurisdiction of and authorized to decide claims of the same character as those of which the commission now has jurisdiction, presented to the commission before July 1, 1928. If such agreement is entered into before January 1, 1929, awards in respect of such claims shall be certified under subsection (a) and shall be in all other respects subject to the provisions of this section.

CLAIMS OF GERMAN NATIONALS AGAINST THE UNITED STATES

SEC. 3. (a) There shall be a War Claims Arbiter (hereinafter referred to as the "arbiter"), who shall be appointed by the President, at a salary to be fixed by the President not in excess of $15,000 a year; or any officer or agent of the United States may be designated by the President as arbiter. Any officer or agent so designated shall receive as arbiter, notwithstanding any other provision of law, a salary to be fixed by the President in an amount, if any, which when added to any other salary will make his total salary from the United States not in excess of $15,000 a year.

(b) It shall be the duty of the arbiter, within the limitations hereinafter prescribed, to hear the claims of any German national (as hereinafter defined), and to determine the fair compensation to be paid by the United States, in respect of—

(1) Any merchant vessel (including any equipment, appurtenances, and property contained therein), title to which was taken by or on behalf of the United States under the authority of the joint resolution of May 12, 1917 (40 Stat. 75). Such compensation shall be the fair value, as nearly as may be determined, of such vessel to the owner immediately prior to the time exclusive possession was taken under the authority of such joint resolution, and in its condition at such time, taking into consideration the fact that such owner could not use or permit the use of such vessel, or charter or sell or otherwise dispose of such vessel for use or delivery, prior to the termination of the war, and that the war was not terminated until July 2, 1921, except that there shall be deducted from such value any consideration paid for such vessel by the United States. The findings of the board of survey appointed under the authority of such joint resolution shall be competent evidence in any proceeding before the arbiter to determine the amount of such compensation.

(2) Any radio station (including any equipment, appurtenances, and property contained therein) which was sold to the United States by or under the direction of the Alien Property Custodian under authority of the trading with the enemy act, or any amendment thereto. Such compensation shall be the fair value, as nearly as may be determined, which such radio station would have had on July 2, 1921, if returned to the owner on such date in the same condition as on the date on which it was seized by or on behalf of the United States, or on which

it was conveyed or delivered to, or seized by, the Alien Property Custodian, whichever date is earlier, except that there shall be deducted from such value any consideration paid for such radio station by the United States.

(3) Any patent (or any right therein or claim thereto, and including an application therefor, and any patent issued pursuant to any such application) which was licensed, assigned, or sold by the Alien Property Custodian to the United States. Such compensation shall be the amount, as nearly as may be determined, which would have been paid if such patent, right, claim, or application had been licensed, assigned, or sold to the United States by a citizen of the United States, except that there shall be deducted from such amount any consideration paid therefor by the United States (other than consideration which is returned to the United States under section 27 of the trading with the enemy act, as amended).

(4) The use by or for the United States of any invention described in and covered by any patent (including an application therefor and any patent issued pursuant to any such application) which was conveyed, transferred, or assigned to, or seized by, the Alien Property Custodian, but not including any use during any period between April 6, 1917, and November 11, 1918, both dates inclusive, or on or after the date on which such patent was licensed, assigned, or sold by the Alien Property Custodian. In determining such compensation, any defense, general or special, available to a defendant in an action for infringement or in any suit in equity for relief against an alleged infringement, shall be available to the United States.

(c) The proceedings of the arbiter under this section shall be conducted in accordance with such rules of procedure as he may prescribe. The arbiter, or any referee designated by him, is authorized to administer oaths, to hold hearings at such places within or without the United States as the arbiter deems necessary, and to contract for the reporting of such hearings. Any witness appearing for the United States before the arbiter or any such referee at any place within or without the United States may be paid the same fees and mileage as witnesses in courts of the United States. Such payments shall be made out of any funds in the German special deposit account hereinafter provided for, and may be made in advance.

(d) The arbiter may, from time to time, and shall, upon the determination by him of the fair compensation in respect of all such vessels, radio stations, and patents, make a tentative award to each claimant of the fair compensation to be paid in respect of his claim, including simple interest, at the rate of 5 per cent per annum, on the amount of such compensation from July 2, 1921, to December 31, 1928, both dates inclusive. If a German national filing a claim in respect of any such vessel fails to establish to the satisfaction of the arbiter that neither the German Government nor any member of the former ruling family had at the time of the taking any interest in such vessel, either directly or indirectly, through stock ownership or control or otherwise, then (whether or not claim has been filed by or on behalf of such Government or individual) no award shall be made to such German national unless and until the extent of such interest of the German Government and of the members of the former ruling family has been determined by the arbiter. Upon such determination the arbiter shall make a tentative award in favor of such Government or individual in such amount as the arbiter determines to be in justice and equity representative of such interest, and reduce accordingly the amount available for tentative awards to German nationals filing claims in respect of the vessel, so that the aggregate of the tentative awards (including awards on behalf of the German Government and members of the former ruling family) in respect of the vessel will be within the amount of fair compensation determined under subsection (b) of this section.

(e) The total amount to be awarded under this section shall not exceed $100,000,000, minus the sum of (1) the expenditures in carrying out the provisions of this section (including a reasonable estimate for such expenditures to be incurred prior to the expiration of the term of office of the arbiter) and (2) the aggregate consideration paid by the United States in respect of the acquisition of such vessels and radio stations, and the use, license, assignment, and sale of such patents (other than consideration which is returned to the United States under section 27 of the trading with the enemy act, as amended).

(f) If the aggregate amount of the tentative awards exceeds the amount which may be awarded under subsection (e), the arbiter shall reduce pro rata the amount of each tentative award. The arbiter shall enter an award of the amount to be paid each claimant, and thereupon shall certify such awards to the Secretary of the Treasury.

(g) The Secretary of the Treasury is authorized and directed to pay the amount of the awards certified under subsection (f).

(h) The Secretary of the Treasury is authorized and directed to pay annually (as nearly as may be) simple interest, at the rate of 5 per cent per annum, upon the amount of any such award remaining unpaid, beginning January 1, 1929, until paid.

(i) The payments in respect of awards under this section shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe, but only out of the German special deposit account created by section 4, within the limitations hereinafter prescribed, and in the order of priority provided in subsections (c) and (d) of section 4.

(j) The Secretary of the Treasury shall not pay any amount in respect of any award made to or on behalf of the German Government or any member of the former ruling family, but the amount of any such award shall be credited upon the final payment due the United States from the German Government for the purpose of satisfying the awards of the Mixed Claims Commission.

(k) No payment shall be made under this section unless application therefor is made, within two years after the date the award is certified, in accordance with such regulations as the Secretary of the Treasury may prescribe. Payment of any amount in respect of any award may be made, in the discretion of the Secretary of the Treasury, either in the United States or in Germany, and either in money of the United States or in lawful German money, and shall be made only to the person on behalf of whom the award was made, except that—

(1) If such person is deceased or is under a legal disability, payment shall be made to his legal representative, except that if the payment is not over $500 it may be made to the persons found by the Secretary of the Treasury to be entitled thereto, without the necessity of compliance with the requirements of law in respect of the administration of estates;

(2) In the case of a partnership, association, or corporation, the existence of which has been terminated, payment shall be made, except as provided in paragraphs (3) and (4), to the persons found by the Secretary of the Treasury to be entitled thereto;

(3) If a receiver or trustee for the person on behalf of whom the award was made has been duly appointed by a court of competent jurisdiction and has not been discharged prior to the date of payment, payment shall be made to the receiver or trustee or in accordance with the order of the court; and

(4) In the case of an assignment of an award, or of an assignment (prior to the making of the award) of the claim in respect of which such award was made, by a receiver or trustee for any such person, duly appointed by a court of competent jurisdiction, payment shall be made to the assignee.

(l) The head of any executive department, independent establishment, or agency in the executive branch of the Government, including the Alien Property Custodian and the Comptroller General, shall, upon request of the arbiter, furnish such records, documents, papers, correspondence, and information in the possession of such department, independent establishment, or agency as may assist the arbiter, furnish him statements and assistance of the same character as is described in section 188 of the Revised Statutes, and may temporarily detail any officers or employees of such department, independent establishment, or agency to assist the arbiter, or to act as a referee, in carrying out the provisions of this section. The Attorney General shall assign such officers and employees of the Department of Justice as may be necessary to represent the United States in the proceedings under this section.

(m) The arbiter, with the approval of the Secretary of the Treasury, is authorized to (1) appoint and fix the salaries of such officers, referees, and employees, without regard to the civil service laws and regulations or to the classification act of 1923, and (2) make such expenditures (including the salary of the arbiter, expenditures for rent and personal services at the seat of government and elsewhere, law books, periodicals, books of reference, and printing and binding), as may be necessary for carrying out the provisions of this section and within the funds available therefor. Any officer or employee detailed or assigned under subsection (l) shall be entitled to receive (notwithstanding any provision of law to the contrary) such additional compensation as the arbiter, with the approval of the Secretary of the Treasury, may prescribe. The arbiter and officers and employees appointed, detailed, or assigned shall be entitled to receive their necessary traveling expenses and actual expenses incurred for subsistence (without regard to any limitations imposed by law) while away from the District of Columbia on business required by this section.

(n) On the date on which the awards are certified to the Secretary of the Treasury under subsection (f) or the date on which the awards are certified to the Secretary of the Treasury under subsection (e) of section 6 (patent claims of Austrian and Hungarian nationals), whichever date is the later, the terms of office of the arbiter, and of the officers and employees appointed by the arbiter, shall expire, and the books, papers, records, correspondence, property, and equipment of the office shall be transferred to the Department of the Treasury.

(o) No award or tentative award shall be made by the arbiter in respect of any claim if (1) such claim is filed after the expiration of four months from the date on which the arbiter takes office, or (2) any judgment or decree awarding compensation or damages in respect thereof has been rendered against the United States, and if such judgment or decree has become final (whether before or after the enactment of this act), or (3) any suit or proceeding against the United States, or any agency thereof, is commenced or is pending in respect thereof and is not dismissed upon motion of the person by or on behalf of whom it was commenced, made before the expiration of six months from the

date on which the arbiter takes office and before any judgment or decree awarding compensation or damages becomes final.

(p) There is hereby authorized to be appropriated, to be immediately available and to remain available until expended, the sum of $50,000,000, and, after the date on which the awards of the arbiter under this section are certified to the Secretary of the Treasury, such additional amounts as, when added to the amounts previously appropriated, will be equivalent to the aggregate amount of such awards plus the amounts necessary for the expenditures authorized by subsections (c) and (m) of this section (expenses of administration), except that the aggregate of such appropriations shall not exceed $100,000,000.

(q) The provisions of this section shall constitute the exclusive method for the presentation and payment of claims arising out of any of the acts by or on behalf of the United States for which this section provides a remedy. Any person who files any claim or makes application for any payment under this section shall be held to have consented to all the provisions of this act. This subsection shall not bar the presentation of a claim under section 19 (relating to the claims of certain former German nationals in respect of the taking of the vessels *Carl Diederichsen* and *Johanne*); but no award shall be made under section 19 in respect of either of such vessels to or on behalf of any person to whom or on whose behalf an award is made under this section in respect of such vessel.

(r) If the aggregate amount to be awarded in respect of any vessel, radio station, or patent is awarded in respect of two or more claims, such amount shall be apportioned among such claims by the arbiter as he determines to be just and equitable and as the interests of the claimants may appear.

(s) The Secretary of the Treasury, upon the certification of any of the tentative awards made under subsection (d) of this section and the recommendation of the arbiter, may make such pro rata payments in respect of such tentative awards as he deems advisable, but the aggregate of such payments shall not exceed $25,000,000.

GERMAN SPECIAL DEPOSIT ACCOUNT

SEC. 4. (a) There is hereby created in the Treasury a German special deposit account, into which shall be deposited all funds hereinafter specified and from which shall be disbursed all payments authorized by section 2 or 3, including the expenses of administration authorized under subsections (c) and (m) of section 3 and subsection (e) of this section.

(b) The Secretary of the Treasury is authorized and directed to deposit in such special deposit account—

(1) All sums invested or transferred by the Alien Property Custodian, under the provisions of section 25 of the trading with the enemy act, as amended;

(2) The amounts appropriated under the authority of section 3 (relating to claims of German nationals); and

(3) All money (including the proceeds of any property, rights, or benefits which may be sold or otherwise disposed of, upon such terms as he may prescribe) received, whether before or after the enactment of this act, by the United States in respect of claims of the United States against Germany on account of the awards of the Mixed Claims Commission.

(c) The Secretary of the Treasury is authorized and directed, out of the funds in such special deposit account, subject to the provisions of subsection (d), and in the following order of priority—

(1) To make the payments of expenses of administration authorized by subsections (c) and (m) of section 3 or subsection (e) of this section;

(2) To make so much of each payment authorized by subsection (b) of section 2 (relating to awards of the Mixed Claims Commission), as is attributable to an award on account of death or personal injury, together with interest thereon as provided in subsection (c) of section 2;

(3) To make each payment authorized by subsection (b) of section 2 (relating to awards of the Mixed Claims Commission), if the amount thereof is not payable under paragraph (2) of this subsection and does not exceed $100,000, and to pay interest thereon as provided in subsection (c) of section 2;

(4) To pay the amount of $100,000 in respect of each payment authorized by subsection (b) of section 2 (relating to awards of the Mixed Claims Commission), if the amount of such authorized payment is in excess of $100,000 and is not payable in full under paragraph (2) of this subsection. No person shall be paid under this paragraph and paragraph (3) an amount in excess of $100,000 (exclusive of interest beginning January 1, 1928), irrespective of the number of awards made on behalf of such person;

(5) To make additional payments authorized by subsection (b) of section 2 (relating to awards of the Mixed Claims Commission), in such amounts as will make the aggregate payments (authorized by such subsection) under this paragraph and paragraphs (2), (3), and (4) of this subsection equal to 80 per cent of the aggregate amount of all payments authorized by subsection (b) of section 2. Payments under this paragraph shall be prorated on the basis of the amount of the respective payments authorized by subsection (b) of section 2 and remaining unpaid. Pending the completion of the work of the Mixed Claims Commission, the Secretary of the Treasury is authorized to pay such installments of the payments authorized by this paragraph as he determines to be consistent with prompt payment under this paragraph to all persons on behalf of whom claims have been presented to the commission;

(6) To pay amounts determined by the Secretary of the Treasury to be payable in respect of the tentative awards of the arbiter, in accordance with the provisions of subsection (s) of section 3 (relating to awards for ships, patents, and radio stations);

(7) To pay to German nationals such amounts as will make the aggregate payments equal to 50 per cent of the amounts awarded under section 3 (on account of ships, patents, and radio stations). Payments authorized by this paragraph or paragraph (6) may, to the extent of funds available under the provisions of subsection (d) of this section, be made whether or not the payments under paragraphs (1) to (5), inclusive, of this subsection have been completed;

(8) To pay accrued interest upon the participating certificates evidencing the amounts invested by the Alien Property Custodian under subsection (a) of section 25 of the trading with the enemy act, as amended (relating to the investment of 20 per cent of German property temporarily withheld);

(9) To pay the accrued interest payable under subsection (c) of section 2 (in respect of awards of the Mixed Claims Commission) and subsection (h) of section 3 (in respect of awards to German nationals);

(10) To make such payments as are necessary (A) to repay the amounts invested by the Alien Property Custodian under subsection (a) of section 25 of the trading with the enemy act, as amended (relating to the investment of 20 per cent of German property temporarily withheld), (B) to pay amounts equal to the difference between the aggregate payments (in respect of claims of German nationals) authorized by subsections (g) and (h) of section 3 and the amounts previously paid in respect thereof, and (C) to pay amounts equal to the difference between the aggregate payments (in respect of awards of the Mixed Claims Commission) authorized by subsections (b) and (c) of section 2, and the amounts previously paid in respect thereof. If funds available are not sufficient to make the total payments authorized by this paragraph, the amount of payments made from time to time shall be apportioned among the payments authorized under clauses (A), (B), and (C) according to the aggregate amount remaining unpaid under each clause;

(11) To make such payments as are necessary to repay the amounts invested by the Alien Property Custodian under subsection (b) of section 25 of the trading with the enemy act, as amended (relating to the investment of the unallocated interest fund); but the amount payable under this paragraph shall not exceed the aggregate amount allocated to the trusts described in subsection (c) of section 26 of such act;

(12) To pay into the Treasury as miscellaneous receipts the amount of the awards of the Mixed Claims Commission to the United States, on its own behalf, on account of claims of the United States against Germany; and

(13) To pay into the Treasury as miscellaneous receipts any funds remaining in the German special deposit account after the payments authorized by paragraphs (1) to (12) have been completed.

(d) Fifty per cent of the amounts appropriated under the authority of section 3 (relating to claims of German nationals) shall be available for payments under paragraphs (6) and (7) of subsection (c) of this section (relating to such claims) and shall be available only for such payments until such time as the payments authorized by such paragraphs have been completed.

(e) The Secretary of the Treasury is authorized to pay, from funds in the German special deposit account, such amounts, not in excess of $25,000 per annum, as may be necessary for the payment of the expenses in carrying out the provisions of this section and section 25 of the trading with the enemy act, as amended (relating to the investment of funds by the Alien Property Custodian), including personal services at the seat of government.

(f) The Secretary of the Treasury is authorized to invest and reinvest, from time to time, in bonds, notes, or certificates of indebtedness of the United States any of the funds in the German special deposit account, and to deposit to the credit of such account the interest or other earnings thereon.

(g) There shall be deducted from the amounts first payable under this section to any American national in respect of any debt the amount, if any, paid by the Alien Property Custodian in respect of such debt which was not credited by the Mixed Claims Commission in making its award.

CLAIMS OF UNITED STATES AND ITS NATIONALS AGAINST AUSTRIA AND HUNGARY

SEC. 5. (a) The commissioner of the Tripartite Claims Commission (hereinafter referred to as the "commissioner"), selected in pursuance of the agreement of November 26, 1924, between the United States and Austria and Hungary shall, from time to time, certify to the Secretary of the Treasury the judgments and interlocutory judgments (hereinafter referred to as "awards") of the commissioner.

(b) The Secretary of the Treasury is authorized and directed to pay (1) in the case of any such judgment, an amount equal to the principal thereof, plus the interest thereon in accordance with such judg-

ment, and (2) in the case of any such interlocutory judgment, an amount equal to the principal thereof (converted at the rate of exchange specified in the certificate of the commissioner provided for in section 7), plus the interest thereon in accordance with such certificate.

(c) The payments authorized by subsection (b) shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe, but only out of the special deposit account (Austrian or Hungarian, as the case may be), created by section 7, and within the limitations hereinafter prescribed.

(d) There shall be deducted from the amount of each payment, as reimbursement for expenses incurred by the United States in respect thereof, an amount equal to one-half of 1 per cent thereof. The amount so deducted shall be deposited in the Treasury as miscellaneous receipts.

(e) The amounts awarded to the United States in respect of claims of the United States on its own behalf shall be payable under this section.

(f) No payment shall be made under this section (other than payments to the United States in respect of claims of the United States on its own behalf) unless application therefor is made within two years after the date of the enactment of this act in accordance with such regulations as the Secretary of the Treasury may prescribe. Payment shall be made only to the person on behalf of whom the award was made except in the cases specified in paragraphs (1) to (4) of subsection (g) of section 2.

(g) Any person who makes application for payment under this section shall be held to have consented to all the provisions of this act.

CLAIMS OF AUSTRIAN AND HUNGARIAN NATIONALS AGAINST THE UNITED STATES

SEC. 6. (a) It shall be the duty of the arbiter, within the limitations hereinafter prescribed, to hear the claims of any Austrian or Hungarian national (as hereinafter defined) and to determine the compensation to be paid by the United States, in respect of—

(1) Any patent (or any right therein or claim thereto, and including an application therefor and any patent issued pursuant to any such application) which was licensed, assigned, or sold by the Alien Property Custodian to the United States. Such compensation shall be the amount, as nearly as may be determined, which would have been paid if such patent, right, claim, or application had been licensed, assigned, or sold to the United States by a citizen of the United States, except that there shall be deducted from such amount any consideration paid therefor by the United States (other than consideration which is returned to the United States under section 27 of the trading with the enemy act, as amended).

(2) The use by or for the United States of any invention described in and covered by any patent (including an application therefor and any patent issued pursuant to any such application) which was conveyed, transferred, or assigned to, or seized by, the Alien Property Custodian, but not including any use during any period between December 7, 1917, and November 3, 1918, both dates inclusive, or on or after the date on which such patent was licensed, assigned, or sold by the Alien Property Custodian. In determining such compensation, any defense, general or special, available to a defendant in an action for infringement or in any suit in equity for relief against an alleged infringement, shall be available to the United States.

(b) The proceedings of the arbiter under this section shall be conducted in accordance with such rules of procedure as he may prescribe. The arbiter, or any referee designated by him, is authorized to administer oaths, to hold hearings at such places within or without the United States as the arbiter deems necessary, and to contract for the reporting of such hearings. Any witness appearing for the United States before the arbiter or any such referee at any place within or without the United States may be paid the same fees and mileage as witnesses in courts of the United States. Such payments may be made in advance, and may be made in the first instance out of the German special deposit account, subject to reimbursement from the special deposit account (Austrian or Hungarian, as the case may be) hereinafter provided for.

(c) The arbiter shall, upon the determination by him of the fair compensation in respect of all such patents, make a tentative award to each claimant of the fair compensation to be paid in respect of his claim, including simple interest at the rate of 5 per cent per annum, on the amount of such compensation from July 2, 1921, to December 31, 1928, both dates inclusive.

(d) The total amount to be awarded under this section shall not exceed $1,000,000, minus the sum of (1) the expenditures in carrying out the provisions of this section (including a reasonable estimate for such expenditures to be incurred prior to the expiration of the term of office of the arbiter), and (2) the aggregate consideration paid by the United States in respect of the use, license, assignment, and sale of such patents (other than consideration which is returned to the United States under section 27 of the trading with the enemy act, as amended).

(e) If the aggregate amount of the tentative awards exceeds the amount which may be awarded under subsection (d), the arbiter shall reduce pro rata the amount of each tentative award. The arbiter shall enter an award of the amount to be paid each claimant, and thereupon shall certify such awards to the Secretary of the Treasury.

(f) The Secretary of the Treasury is authorized and directed to pay the amount of the awards certified under subsection (e), together with simple interest thereon, at the rate of 5 per cent per annum, beginning January 1, 1929, until paid.

(g) The payments authorized by subsection (f) shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe, but only out of the Hungarian special deposit account (Austrian or Hungarian, as the case may be), created by section 7, and within the limitations hereinafter prescribed.

(h) No payment shall be made under this section unless application therefor is made, within two years after the date the award is certified, in accordance with such regulations as the Secretary of the Treasury may prescribe. Payment of any amount in respect of any award may be made, in the discretion of the Secretary of the Treasury, either in the United States or in Austria or in Hungary, and either in money of the United States or in lawful Austrian or Hungarian money (as the case may be), and shall be made only to the person on behalf of whom the award was made, except in the cases specified in paragraphs (1) to (4) of subsection (k) of section 3.

(i) The provisions of subsections (l), (m), and (o) of section 3 shall be applicable in carrying out the provisions of this section, except that the expenditures in carrying out the provisions of section 3 and this section shall be allocated (as nearly as may be) by the arbiter and paid, in accordance with such allocation, out of the German special deposit account created by section 4 or the special deposit account (Austrian or Hungarian, as the case may be) created by section 7. Such payments may be made in the first instance out of the German special deposit account, subject to reimbursement from the Austrian or the Hungarian special deposit account in appropriate cases.

(j) There is hereby authorized to be appropriated, to remain available until expended, such amount, not in excess of $1,000,000, as may be necessary for carrying out the provisions of this section.

(k) The provisions of this section shall constitute the exclusive method for the presentation and payment of claims arising out of any of the acts by or on behalf of the United States for which this section provides a remedy. Any person who files any claim or makes application for any payment under this section shall be held to have consented to all the provisions of this act.

(l) If the aggregate amount to be awarded in respect of any patent is awarded in respect of two or more claims, such amount shall be apportioned among such claims by the arbiter as he determines to be just and equitable and as the interests of the claimants may appear.

AUSTRIAN AND HUNGARIAN SPECIAL DEPOSIT ACCOUNTS

SEC. 7. (a) There is hereby created in the Treasury an Austrian special deposit account and an Hungarian special deposit account, into which, respectively, shall be deposited all funds hereinafter specified and from which, respectively, shall be disbursed all payments and expenditures authorized by section 5 or 6 or this section.

(b) The Secretary of the Treasury is authorized and directed to deposit in the Austrian or the Hungarian special deposit account, as the case may be—

(1) The respective amounts appropriated under the authority of section 6 (patent claims of Austrian and Hungarian nationals);

(2) The respective sums transferred by the Alien Property Custodian, under the provisions of subsection (g) of section 25 of the trading with the enemy act, as amended (property of Austrian and Hungarian Governments);

(3) All money (including the proceeds of any property, rights, or benefits which may be sold or otherwise disposed of, upon such terms as he may prescribe) received, whether before or after the enactment of this act, by the United States in respect of claims of the United States against Austria or Hungary, as the case may be, on account of awards of the commissioner.

(c) The Secretary of the Treasury is authorized and directed, out of the funds in the Austrian or the Hungarian special deposit account, as the case may be, subject to the provisions of subsections (d) and (e)—

(1) To make the payments of expenses of administration authorized by section 6 or this section;

(2) To make the payments authorized by subsection (b) of section 5 (relating to awards of the Tripartite Claims Commission); and

(3) To make the payments of the awards of the arbiter, together with interest thereon, as provided by section 6 (relating to claims of Austrian and Hungarian nationals).

(d) No payment shall be made in respect of any award of the commissioner against Austria or of the arbiter on behalf of an Austrian national, nor shall any money or other property be returned under paragraph (15), (17), (18), or (19) of subsection (b) of section 9 of the trading with the enemy act, as amended (relating to the return of money and other property by the Alien Property Custodian to Austrian nationals), prior to the date upon which the commissioner certifies to the Secretary of the Treasury—

(1) That the amounts deposited in the Austrian special deposit account under paragraph (2) of subsection (b) of this section (in respect of property of the Austrian Government or property of a corporation all the stock of which was owned by the Austrian Government) and under paragraph (3) of subsection (b) of this section (in respect of money received by the United States in respect of claims of the United States against Austria on account of awards of the commissioner) are sufficient to make the payments authorized by subsection (b) of section 5 in respect of awards against Austria; and

(2) In respect of interlocutory judgments entered by the commissioner the rate of exchange at which such interlocutory judgments shall be converted into money of the United States, and the rate of interest applicable to such judgments and the period during which such interest shall run. The commissioner is authorized and requested to fix such rate of exchange and interest as he may determine to be fair and equitable, and to give notice thereof, within 30 days after the enactment of this act.

(e) No payment shall be made in respect of any award of the commissioner against Hungary or of the arbiter on behalf of an Hungarian national, nor shall any money or other property be returned under paragraph (15), (20), (21), or (22) of subsection (b) of section 9 of the trading with the enemy act, as amended by this act (relating to the return of money and other property by the Alien Property Custodian to Hungarian nationals), prior to the date upon which the commissioner certifies to the Secretary of the Treasury—

(1) That the amounts deposited in the Hungarian special deposit account under paragraph (2) of subsection (b) of this section (in respect of property of the Hungarian Government or property of a corporation all the stock of which was owned by the Hungarian Government) and under paragraph (3) of subsection (b) of this section (in respect of money received by the United States in respect of claims of the United States against Hungary on account of awards of the commissioner), are sufficient to make the payments authorized by subsection (b) of section 5 in respect of awards against Hungary; and

(2) In respect of interlocutory judgments entered by the commissioner, the rate of exchange at which such interlocutory judgments shall be converted into money of the United States and the rate of interest applicable to such judgments and the period during which such interest shall run. The commissioner is authorized and requested to fix such rate of exchange and interest as he may determine to be fair and equitable, and to give notice thereof, within 30 days after the enactment of this act.

(f) Amounts available under subsection (e) of section 4 (relating to payment of expenses of administration) shall be available for the payment of expenses in carrying out the provisions of this section, including personal services at the seat of government.

(g) The Secretary of the Treasury is authorized to invest and reinvest, from time to time, in bonds, notes, or certificates of indebtedness of the United States, any of the funds in the Austrian or the Hungarian special deposit account, and to deposit to the credit of such account the interest or other earnings thereon.

(h) There shall be deducted from the amounts first payable under this section to any American national in respect of any debt, the amount, if any, paid by the Alien Property Custodian in respect of such debt which was not credited by the commissioner in making his award.

(i) The payments of the awards of the commissioner to the United States, on its own behalf, on account of claims of the United States against Austria or Hungary, shall be paid into the Treasury as miscellaneous receipts.

(j) Any amount remaining in the Austrian or the Hungarian special deposit account after all the payments authorized to be made therefrom have been completed, shall be disposed of as follows:

(1) There shall first be paid into the Treasury as miscellaneous receipts the respective amount, if any, by which the appropriations made under the authority of section 6 and deposited in such special deposit account exceed the payments authorized by such section; and

(2) The remainder shall be refunded to Austria or Hungary, as their respective interests may appear.

FINALITY OF DECISIONS

SEC. 8. (a) Notwithstanding the provisions of section 236 of the Revised Statutes, as amended, the decisions of the Secretary of the Treasury in respect of the funds to be paid into the German, the Austrian, or the Hungarian special deposit account and of the payments therefrom, shall be final and conclusive, and shall not be subject to review by any other officer of the United States, except that payments made under authority of subsection (c) or (m) of section 3 or subsection (e) of section 4 or subsection (f) of section 7 (relating to expenses of administration) shall be accounted for and settled without regard to the provisions of this subsection.

(b) The Secretary of the Treasury, in his annual report to the Congress, shall include a detailed statement of all expenditures made in carrying out the provisions of this act.

EXCESSIVE FEES PROHIBITED

SEC. 9. (a) The arbiter and the commissioner of the Mixed Claims Commission appointed by the United States and the commissioner of the Tripartite Claims Commission, respectively, are authorized and requested to fix reasonable fees in every case (whether or not fixed under any contract or agreement and whether or not there is any dispute in respect of the amount thereof) for services in connection with the proceedings before the arbiter and the Mixed Claims Commission and the Tripartite Claims Commission, respectively, and with the preparations therefor, and the application for payment, and the payment, of any amount under section 2, 3, 5, or 6.

(b) Any person accepting any consideration (whether or not under a contract or agreement entered into prior to the enactment of this act) prior to the date on which the fee is fixed under subsection (a) or the aggregate value of which is in excess of the amount so fixed, for services in connection with the proceedings before the arbiter or Mixed Claims Commission or Tripartite Claims Commission, or any preparations therefor, or with the application for payment, or the payment of, any amount under section 2, 3, 5, or 6 shall, upon conviction thereof, be punished by a fine equal to four times the aggregate value of the consideration accepted by such person therefor.

(c) Section 20 of the trading with the enemy act, as amended, is amended by inserting after the word "attorney" wherever it appears in such section the words "at law or in fact."

(d) Any person who violates subsection (b) of this section or section 20 of the trading with the enemy act, as amended, whether or not convicted of such violation in any court of the United States, shall be ineligible to appear as an attorney at law before any department, agency, or officer of the United States in the executive branch of the Government. Such ineligibility shall be determined under rules and regulations prescribed by the person or persons having authority to prescribe the qualifications for practice before such department, agency, or officer.

INVESTMENT OF FUNDS BY ALIEN PROPERTY CUSTODIAN

SEC. 10. The trading with the enemy act, as amended, is amended by adding thereto the following new section:

"SEC. 25. (a) (1) The Alien Property Custodian is authorized and directed to invest, from time to time upon the request of the Secretary of the Treasury, out of the funds held by the Alien Property Custodian or by the Treasurer of the United States for the Alien Property Custodian, an amount not to exceed $40,000,000 in the aggregate, in one or more participating certificates issued by the Secretary of the Treasury in accordance with the provisions of this section.

"(2) When in the case of any trust written consent under subsection (m) of section 9 has been filed, an amount equal to the portion of such trust the return of which is temporarily postponed under such subsection shall be credited against the investment made under paragraph (1) of this subsection. If the total amount so credited is in excess of the amount invested under paragraph (1) of this subsection, the excess shall be invested by the Alien Property Custodian in accordance with the provisions of this subsection, without regard to the $40,000,000 limitation in paragraph (1). If the amount invested under paragraph (1) of this subsection is in excess of the total amount so credited, such excess shall, from time to time on request of the Alien Property Custodian, be paid to him out of the funds in the German special deposit account created by section 4 of the settlement of war claims act of 1928, and such payments shall have priority over any payments therefrom other than the payments under paragraph (1) of subsection (c) of such section (relating to expenses of administration).

"(b) The Alien Property Custodian is authorized and directed to invest, in one or more participating certificates issued by the Secretary of the Treasury, out of the unallocated interest fund, as defined in section 28—

"(1) The sum of $25,000,000. If, after the allocation under section 26 has been made, the amount of the unallocated interest fund allocated to the trusts described in subsection (c) of such section is found to be in excess of $25,000,000, such excess shall be invested by the Alien Property Custodian in accordance with the provisions of this subsection. If the amount so allocated is found to be less than $25,000,000 any participating certificate or certificates that have been issued shall be corrected accordingly; and

"(2) The balance of such unallocated interest fund remaining after the investment provided for in paragraph (1) and the payment of allocated earnings in accordance with the provisions of subsection (b) of section 26 have been made.

"(c) If the amount of such unallocated interest fund, remaining after the investment required by paragraph (1) of subsection (b) of this section has been made, is insufficient to pay the allocated earnings in accordance with subsection (b) of section 26, then the amount necessary to make up the deficiency shall be paid out of the funds in the German special deposit account created by section 4 of the settlement of war claims act of 1928, and such payment shall have priority over any payments therefrom other than the payments under paragraph (1) of subsection (c) of such section (relating to expenses of administration) and the payments under paragraph (2) of subsection (a) of this section.

"(d) The Alien Property Custodian is authorized and directed (after the payment of debts under section 9) to transfer to the Secretary of the Treasury, for deposit in such special deposit account, all money

and the proceeds of all property, including all income, dividends, interest, annuities, and earnings accumulated in respect thereof, owned by the German Government or any member of the former ruling family. All money and other property shall be held to be owned by the German Government (1) if no claim thereto has been filed with the Alien Property Custodian prior to the expiration of six months from the date of the enactment of the settlement of war claims act of 1928, or (2) if any such claim has been filed within such period, then if the ownership thereof under any such claim is not established. The amounts so transferred under this subsection shall be credited upon the final payment due the United States from the German Government on account of the awards of the Mixed Claims Commission.

"(e) The Secretary of the Treasury is authorized and directed to issue to the Alien Property Custodian, upon such terms and conditions and under such regulations as the Secretary of the Treasury may prescribe, one or more participating certificates, bearing interest payable annually (as nearly as may be) at the rate of 5 per cent per annum, as evidence of the investment by the Alien Property Custodian under subsection (a), and one or more noninterest-bearing participating certificates as evidence of the investment by the Alien Property Custodian under subsection (b). All such certificates shall evidence a participating interest, in accordance with, and subject to the priorities of, the provisions of section 4 of the settlement of war claims act of 1928, in the funds in the German special deposit account created by such section, except that—

"(1) The United States shall assume no liability, directly or indirectly, for the payment of any such certificates, or of the interest thereon, except out of funds in such special deposit account available therefor, and all such certificates shall so state on their face; and

"(2) Such certificates shall not be transferable, except that the Alien Property Custodian may transfer any such participating certificate evidencing the interest of a substantial number of the owners of the money invested, to a trustee duly appointed by such owners.

"(f) Any amount of principal or interest paid to the Alien Property Custodian in accordance with the provisions of subsection (c) of section 4 of the settlement of war claims act of 1928 shall be allocated pro rata among the persons filing written consents under subsection (m) of section 9 of this act, and the amounts so allocated shall be paid to such persons. If any person to whom any amount is payable under this subsection has died (or if, in the case of a partnership, association, or other unincorporated body of individuals, or a corporation, its existence has terminated), payment shall be made to the persons determined by the Alien Property Custodian to be entitled thereto.

"(g) The Alien Property Custodian is authorized and directed (after the payment of debts under section 9) to transfer to the Secretary of the Treasury, for deposit in the special deposit account (Austrian or Hungarian, as the case may be), created by section 7 of the settlement of war claims act of 1928, all money and the proceeds of all property, including all income, dividends, interest, annuities, and earnings accumulated in respect thereof, owned by the Austrian Government or any corporation all the stock of which was owned by or on behalf of the Austrian Government (including the property of the Imperial Royal Tobacco Monopoly, also known under the name of K. K. Oesterreichische Tabak Regie), or owned by the Hungarian Government or by any corporation all the stock of which was owned by or on behalf of the Hungarian Government."

RETURN TO NATIONALS OF GERMANY, AUSTRIA, AND HUNGARY OF PROPERTY HELD BY ALIEN PROPERTY CUSTODIAN

SEC. 11. Subsection (b) of section 9 of the trading with the enemy act, as amended, is amended by striking out the punctuation at the end of paragraph (11) and inserting in lieu thereof a semicolon and the word "or" and inserting after paragraph (11) the following new paragraphs:

"(12) A partnership, association, or other unincorporated body of individuals, or a corporation, and was entirely owned at such time by subjects or citizens of nations, states, or free cities other than Austria or Hungary or Austria-Hungary and is so owned at the time of the return of its money or other property, and has filed the written consent provided for in subsection (m); or

"(13) A partnership, association, or other unincorporated body of individuals, having its principal place of business at such time within any country other than Austria, Hungary, or Austria-Hungary, or a corporation organized or incorporated within any country other than Austria, Hungary, or Austria-Hungary, and that the written consent provided for in subsection (m) has been filed; or

"(14) An individual who at such time was a citizen or subject of Germany or who, at the time of the return of any money or other property, is a citizen or subject of Germany or is not a citizen or subject of any nation, state, or free city, and that the written consent provided for in subsection (m) has been filed; or

"(15) The Austro-Hungarian Bank, except that the money or other property thereof shall be returned only to the liquidators thereof; or

"(16) An individual, partnership, association, or other unincorporated body of individuals, or a corporation, and that the written consent provided for in subsection (m) has been filed, and that no suit or proceeding against the United States or any agency thereof is pending in respect of such return, and that such individual has filed a written waiver renouncing on behalf of himself, his heirs, successors, and assigns any claim based upon the fact that at the time of such return he was in fact entitled to such return under any other provision of this act; or

"(17) A partnership, association, or other unincorporated body of individuals, or a corporation, and was entirely owned at such time by citizens of Austria and is so owned at the time of the return of its money or other property; or

"(18) A partnership, association, or other unincorporated body of individuals, having its principal place of business at such time within Austria, or a corporation organized or incorporated within Austria; or

"(19) An individual who at such time was a citizen of Austria or who, at the time of the return of any money or other property, is a citizen of Austria; or

"(20) A partnership, association, or other unincorporated body of individuals, or a corporation, and was entirely owned at such time by citizens of Hungary and is so owned at the time of the return of its money or other property; or

"(21) A partnership, association, or other unincorporated body of individuals, having its principal place of business at such time within Hungary, or a corporation organized or incorporated within Hungary; or

"(22) An individual who at such time was a citizen of Hungary or who, at the time of the return of any money or other property, is a citizen of Hungary;—"

SEC. 12. (a) Subsection (d) of section 9 of the trading with the enemy act, as amended, is amended to read as follows:

"(d) Whenever an individual, deceased, would have been entitled, if living, to the return of any money or other property without filing the written consent provided for in subsection (m), then his legal representative may proceed for the return of such money or other property in the same manner as such individual might proceed if living, and such money or other property may be returned to such legal representative without requiring the appointment of an administrator, or an ancillary administrator, by a court in the United States, or to any such ancillary administrator, for distribution directly to the persons entitled thereto. Return in accordance with the provisions of this subsection may be made in any case where an application or court proceeding by any legal representative, under the provisions of this subsection before its amendment by the settlement of war claims act of 1928, is pending and undetermined at the time of the enactment of such act. All bonds or other security given under the provisions of this subsection before such amendment shall be canceled or released and all sureties thereon discharged."

(b) Subsection (e) of section 9 of the trading with the enemy act, as amended, is amended by striking out the period at the end thereof and inserting a semicolon and the following: "nor shall a debt be allowed under this section unless notice of the claim has been filed, or application therefor has been made, prior to the date of the enactment of the settlement of war claims act of 1928."

(c) Subsection (g) of section 9 of the trading with the enemy act, as amended, is amended to read as follows:

"(g) Whenever an individual, deceased, would have been entitled, if living, to the return of any money or other property upon filing the written consent provided for in subsection (m), then his legal representative may proceed for the return of such money or other property in the same manner as such individual might proceed if living, and such money or other property may be returned, upon filing the written consent provided for in subsection (m), to such legal representative without requiring the appointment of an administrator, or an ancillary administrator, by a court in the United States, or to any such ancillary administrator, for distribution to the persons entitled thereto. This subsection shall not be construed as extinguishing or diminishing any right which any citizen of the United States may have had under this subsection prior to its amendment by the settlement of war claims act of 1928 to receive in full his interest in the property of any individual dying before such amendment."

SEC. 13. Subsections (j) and (k) of section 9 of the trading with the enemy act, as amended, are amended so as to compare three subsections, to read as follows:

"(j) The Alien Property Custodian is authorized and directed to return to the person entitled thereto, whether or not an enemy or ally of enemy and regardless of the value, any patent, trade-mark, print, label, copyright, or right therein or claim thereto, which was conveyed, transferred, assigned, or delivered to the Alien Property Custodian, or seized by him, and which has not been sold, licensed, or otherwise disposed of under the provisions of this act, and to return any such patent, trade-mark, print, label, copyright, or right therein or claim thereto, which has been licensed, except that any patent, trade-mark, print, label, copyright, or right therein or claim thereto, which is returned by the Alien Property Custodian and which has been licensed, or in respect of which any contract has been entered into, or which is subject to any lien or encumbrance, shall be returned subject to the license, contract, lien, or encumbrance.

"(k) Except as provided in section 27, paragraphs (12) to (22), both inclusive, of subsection (b) of this section shall apply to the

proceeds received from the sale, license, or other disposition of any patent, trade-mark, print, label, copyright, or right therein or claim thereto, conveyed, transferred, assigned, or delivered to the Alien Property Custodian, or seized by him.

"(l) This section shall apply to royalties paid to the Alien Property Custodian, in accordance with a judgment or decree in a suit brought under subsection (f) of section 10; but shall not apply to any other money paid to the Alien Property Custodian under section 10."

SEC. 14. Section 9 of the trading with the enemy act, as amended, is amended by adding at the end thereof the following new subsections:

"(m) No money or other property shall be returned under paragraph (12), (13), (14), or (16) of subsection (b) or under subsection (g) or (n), unless the person entitled thereto files a written consent to a postponement of the return of an amount equal to 20 per cent of the aggregate value of such money or other property (at the time, as nearly as may be, of the return), as determined by the Alien Property Custodian, and the investment of such amount in accordance with the provisions of section 25. Such amount shall be deducted from the money to be returned to such person, so far as possible, and the balance shall be deducted from the proceeds of the sale of so much of the property as may be necessary, unless such person pays the balance to the Alien Property Custodian, except that no property shall be so sold prior to the expiration of six years from the date of the enactment of the settlement of war claims act of 1928 without the consent of the person entitled thereto. The amounts so deducted shall be returned to the persons entitled thereto as provided in subsection (f) of section 25. The sale of any such property shall be made in accordance with the provisions of section 12, except that the provisions of such section relating to sales or resales to, or for the benefit of, citizens of the United States shall not be applicable.

"(n) In the case of property consisting of stock or other interest in any corporation, association, company, or trust, or of bonded or other indebtedness thereof, evidenced by certificates of stock or by bonds or by other certificates of interest therein or indebtedness thereof, or consisting of dividends or interest or other accruals thereon, where the right, title, and interest in the property (but not the actual certificate or bond or other certificate of interest or indebtedness) was conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian, or seized by him, if the President determines that the owner thereof or of any interest therein has acquired such ownership by assignment, transfer, or sale of such certificate or bond or other certificate of interest or indebtedness (it being the intent of this subsection that such assignment, transfer, or sale shall not be deemed invalid hereunder by reason of such conveyance, transfer, assignment, delivery, or payment to the Alien Property Custodian or seizure by him), and that the written consent provided for in subsection (m) has been filed, then the President may make in respect of such property an order of the same character, upon the same conditions, and with the same effect, as in cases provided for in subsection (b), including the benefits of subsection (c).

"(o) The provisions of paragraph (12), (13), (14), (17), (18), (19), (20), (21), or (22) of subsection (b), or of subsection (m) or (n) of this section, and (except to the extent therein provided) the provisions of paragraph (16) of subsection (b), shall not be construed as diminishing or extinguishing any right under any other provision of this act in force immediately prior to the enactment of the settlement of war claims act of 1928.

"(p) The Alien Property Custodian shall transfer the money or other property in the trust of any partnership, association, or other unincorporated body of individuals, or corporation, the existence of which has terminated, to trusts in the names of the persons (including the German Government and members of the former ruling family) who have succeeded to its claim or interest; and the provisions of subsection (a) of this section relating to the collection of a debt (by order of the President or of a court) out of money or other property held by the Alien Property Custodian or the Treasurer of the United States shall be applicable to the debts of such successor and any such debt may be collected out of the money or other property in any of such trusts if not returnable under subsection (a) of this section.

"(q) The return of money or other property under paragraph (15), (17), (18), (19), (20), (21), or (22) of subsection (b) (relating to the return to Austrian and Hungarian nationals) shall be subject to the limitations imposed by subsections (d) and (e) of section 7 of the settlement of war claims act of 1928."

SEC. 15. The trading with the enemy act, as amended, is amended by adding thereto the following new sections:

"SEC. 26. (a) The Alien Property Custodian shall allocate among the various trusts the funds in the 'unallocated interest fund' (as defined in section 28). Such allocation shall be made by the Alien Property Custodian and shall be based upon the average rate of earnings (determined by the Secretary of the Treasury) on the total amounts deposited under section 12.

"(b) The Alien Property Custodian, when the allocation has been made, is authorized and directed to pay to persons entitled, in accordance with a final decision of a court of the United States or of the District of Columbia, or of an opinion of the Attorney General, to the distribution of any portion of such unallocated interest fund, the amount allocated to his trust, except as provided in subsection (c) of this section.

"(c) In the case of persons entitled, under paragraph (12), (13), (14), or (16) of subsection (b) of section 9, to such return, and in the case of persons who would be entitled to such return thereunder if all such money or property had not been returned under paragraph (9) or (10) of such subsection, and in the case of persons entitled to such return under subsection (n) of section 9, an amount equal to the aggregate amount allocated to their trusts shall be credited against the sum of $25,000,000 invested in participating certificates under paragraph (1) of subsection (b) of section 25. If the aggregate amount so allocated is in excess of $25,000,000, an amount equal to the excess shall be invested in the same manner. Upon the repayment of any of the amounts so invested, under the provisions of section 4 of the settlement of war claims act of 1928, the amount so repaid shall be distributed pro rata among such persons, notwithstanding any receipts or releases given by them.

"(d) The unallocated interest fund shall be available for carrying out the provisions of this section, including the expenses of making the allocation.

"SEC. 27. The Alien Property Custodian is authorized and directed to return to the United States any consideration paid to him by the United States under any license, assignment, or sale by the Alien Property Custodian to the United States of any patent (or any right therein or claim thereto, and including an application therefor and any patent issued pursuant to any such application).

"SEC. 28. As used in this act, the term 'unallocated interest fund' means the sum of (1) the earnings and profits accumulated prior to March 4, 1923, and attributable to investments and reinvestments under section 12 by the Secretary of the Treasury, plus (2) the earnings and profits accumulated on or after March 4, 1923, in respect of the earnings and profits referred to in clause (1) of this section.

"SEC. 29. (a) Where the Alien Property Custodian has made demand or requirement for the conveyance, transfer, assignment, delivery, or payment to him of any money or other property of any enemy or ally of enemy (whether or not suit or proceeding for the enforcement thereof has been begun and whether or not any judgment or decree in respect thereof has been made or entered) and where the whole or any part of such money or other property would, if conveyed, transferred, assigned, delivered, or paid to him, be returnable under paragraph (12), (13), (14), or (16) of subsection (b) of section 9, the Alien Property Custodian may, in his discretion, and on such terms and conditions as he may prescribe, waive such demand or requirement, or accept in full satisfaction of such demand, requirement, judgment, or decree, a less amount than that demanded or required by him.

"(b) The Alien Property Custodian shall make any such waiver or compromise only with the approval of the Attorney General; and then only if, after compliance with the terms and conditions of such waiver or compromise, the Alien Property Custodian or the Treasurer of the United States will hold (in respect of such enemy or ally of enemy) for investment as provided in section 25 an amount equal to 20 per cent of the sum of (1) the value of the money or other property held by the Alien Property Custodian or the Treasurer of the United States at the time of such waiver or compromise, plus (2) the value of the money or other property to which the Alien Property Custodian would be entitled under such demand or requirement if the waiver or compromise had not been made.

"(c) Where the Alien Property Custodian has made demand or requirement for the conveyance, transfer, assignment, delivery, or payment to him of any money or other property of any enemy or ally of enemy (whether or not suit or proceeding for the enforcement thereof has been begun and whether or not any judgment or decree in respect thereof has been made or entered) and where the whole or any part of such money or other property would, if conveyed, transferred, assigned, delivered, or paid to him, be returnable under paragraph (15), (17), (18), (19), (20), (21), or (22) of subsection (b) of section 9, the Alien Property Custodian may, in his discretion, and on such terms and conditions as he may prescribe, waive such demand and requirement, but only with the approval of the Attorney General.

"(d) Nothing in this section shall be construed as requiring the Alien Property Custodian to make any waiver or compromise authorized by this section, and the Alien Property Custodian may proceed in respect of any demand or requirement referred to in subsection (a) or (c) as if this section had not been enacted.

"SEC. 30. Any money or other property returnable under subsection (b) or (n) of section 9 shall, at any time prior to such return, be subject to attachment in accordance with the provisions of the code of law for the District of Columbia, as amended, relating to attachments in suits at law, but any writ of attachment or garnishment issuing in any such suit shall be served only upon the Alien Property Custodian, who shall for the purposes of such suit be considered as holding credits in favor of the person entitled to such return to the extent of the value of the money or other property so returnable.

"SEC. 31. As used in this act, the term 'member of the former ruling family' means (1) any person who was at any time between April 6,

1917, and July 2, 1921, the German Emperor or the ruler of any constituent State of the German Empire, or (2) the wife or any child of such person."

SEC. 16. Section 22 of the trading with the enemy act, as amended, is amended to read as follows:

"SEC. 22. No person shall be entitled to the return of any property or money under any provision of this act, or any amendment of this act, who is a fugitive from justice of the United States or any State or Territory thereof, or the District of Columbia."

RETURN OF INCOME

SEC. 17. Section 23 of the trading with the enemy act, as amended, is amended to read as follows:

"SEC. 23. The Alien Property Custodian is directed to pay to the person entitled thereto, from and after March 4, 1923, the net income (including dividends, interest, annuities, and other earnings), accruing and collected thereafter, in respect of any money or property held in trust for such person by the Alien Property Custodian or by the Treasurer of the United States for the account of the Alien Property Custodian, under such rules and regulations as the President may prescribe."

TAXES

SEC. 18. Section 24 of the trading with the enemy act, as amended, is amended by inserting "(a)" after the section number and by adding at the end of such section new subsections to read as follows:

"(b) In the case of income, war-profits, excess-profits, or estate taxes imposed by any act of Congress, the amount thereof shall, under regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, be computed in the same manner (except as hereinafter in this section provided) as though the money or other property had not been seized by or paid to the Alien Property Custodian, and shall be paid, as far as practicable, in accordance with subsection (a) of this section.

"(c) So much of the net income of a taxpayer for the taxable year 1917, or any succeeding taxable year, as represents the gain derived from the sale or exchange by the Alien Property Custodian of any property conveyed, transferred, assigned, delivered, or paid to him, or seized by him, may at the option of the taxpayer be segregated from the net income and separately taxed at the rate of 12½ per cent. This subsection shall be applied and the amount of net income to be so segregated shall be determined, under regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, as nearly as may be in the same manner as provided in section 208 of the revenue act of 1926 (relating to capital net gains), but without regard to the period for which the property was held by the Alien Property Custodian before its sale or exchange.

"(d) Any property sold or exchanged by the Alien Property Custodian (whether before or after the date of the enactment of the settlement of war claims act of 1928) shall be considered as having been compulsorily or involuntarily converted, within the meaning of the income, excess-profits, and war-profits tax laws and regulations; and the provisions of such laws and regulations relating to such a conversion shall (under regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury) apply in the case of the proceeds of such sale or exchange. For such purpose the date of the return of the proceeds to the person entitled thereto shall be considered as the date of the conversion.

"(e) In case of any internal-revenue tax imposed in respect of property conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian, or seized by him, and imposed in respect of any period (in the taxable year 1917 or any succeeding taxable year) during which such property was held by him or by the Treasurer of the United States, no interest or civil penalty shall be assessed upon, collected from, or paid by or on behalf of the taxpayer; nor shall any interest be credited or paid to the taxpayer in respect of any credit or refund allowed or made in respect of such tax.

"(f) Any period of limitation for the making of a claim for credit or refund, for the making of an assessment, or for the beginning of distraint or proceeding in court for the collection or any internal-revenue tax (imposed in respect of property conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian, or seized by him, and imposed in respect of any period, in the taxable year 1917 or any succeeding taxable year, during which such property was held by him or by the Treasurer of the United States) which has expired or which may expire before the expiration of six months from the date of the enactment of the settlement of war claims act of 1928, is extended until the expiration of such six months' period."

SHIP CLAIMS OF FORMER GERMAN NATIONALS

SEC. 19. (a) It shall be the duty of the arbiter to hear the claims of any partnership, association, joint-stock company, or corporation, and to determine the amount of compensation to be paid to it by the United States, in respect of the merchant vessels *Carl Diederichsen* and *Johanne* (including any equipment, appurtenances, and property contained therein), title to which was taken by or on behalf of the United States under the authority of the joint resolution of May 12, 1917, and which were subsequently sold by or on behalf of the United States. Such compensation shall be determined as provided in paragraph (1) of subsection (b) of section 3 of this act, but the aggregate compensation shall not exceed, in the case of the *Carl Diederichsen*, $166,787.78, and in the case of the *Johanne* $174,600, such amounts being the price for which the vessels were sold, less, in the case of the *Carl Diederichsen*, the cost of reconditioning. The arbiter shall not make any award under this section in respect of the claim of any partnership, association, joint-stock company, or corporation unless it appears to his satisfaction that all its members and stockholders who were, on April 6, 1917, citizens or subjects of Germany, became, by virtue of any treaty of peace or plebiscite held or further treaty concluded under such treaty of peace, and are on the date of the enactment of this act citizens or subjects of any nation other than Germany.

(b) Upon the determination by him of such compensation the arbiter shall enter an award in favor of such person of the amount of such compensation and shall certify such award to the Secretary of the Treasury. The amount of such award, together with interest thereon at the rate of 5 per cent per annum from July 2, 1921, until the date of such payment, shall be paid by the Secretary of the Treasury in accordance with such regulations as he may prescribe. There is authorized to be appropriated such amount as may be necessary to make such payment.

(c) No payment shall be made in respect of any award under this section unless application therefor is made within two years after the date such award is certified, in accordance with such regulations as the Secretary of the Treasury may prescribe, and payment shall be made only to the person on behalf of whom the award was made, except in the cases specified in paragraphs (1) to (4) of subsection (k) of section 3. The provisions of subsections (c), (l), (m), (o), and (r) of section 3 shall be applicable in carrying out the provisions of this section.

(d) The provisions of this section shall constitute the exclusive method for the presentation and payment of claims arising out of any of the acts by or on behalf of the United States for which this section provides a remedy. Any person who files any claim or makes application for any payment under this section shall be held to have consented to all the provisions of this act. This subsection shall not bar the presentation of a claim under section 3 (relating to the ship claims of German nationals) in respect of the taking of the vessel *Carl Diederichsen* or the vessel *Johanne;* but no award shall be made under section 3 in respect of either of such vessels to or on behalf of any person to whom or on whose behalf an award is made under this section in respect of such vessel.

DEFINITIONS

SEC. 20. As used in this act—

(a) The term "person" means an individual, partnership, association, or corporation.

(b) The term "German national" means—

(1) An individual who, on April 6, 1917, was a citizen or subject of Germany, or who, on the date of the enactment of this act, is a citizen or subject of Germany.

(2) A partnership, association, or corporation which on April 6, 1917, was organized or created under the law of Germany.

(3) The Government of Germany.

(c) The term "member of the former ruling family" means (1) any person who was at any time between April 6, 1917, and July 2, 1921, the German Emperor or the ruler of any constituent State of the German Empire, or (2) the wife or any child of such person.

(d) The term "Austrian national" means—

(1) An individual who on December 7, 1917, was a citizen of Austria, or who on the date of the enactment of this act is a citizen of Austria.

(2) A partnership, association, or corporation which, on December 7, 1917, was organized or created under the law of Austria.

(3) The Government of Austria.

(e) The term "Hungarian national" means—

(1) An individual who, on December 7, 1917, was a citizen of Hungary, or who on the date of the enactment of this act is a citizen of Hungary.

(2) A partnership, association, or corporation which, on December 7, 1917, was organized or created under the law of Hungary.

(3) The Government of Hungary.

(f) The term "United States" when used in a geographical sense includes the Territories and possessions of the United States and the District of Columbia.

Mr. SMOOT. Mr. President——

Mr. FLETCHER. Will the Senator yield to me?

Mr. SMOOT. I yield to the Senator from Florida.

Mr. FLETCHER. Mr. President, with reference to the pending bill, I wish to have inserted in the RECORD a letter from Mr. Carl Buche, of Glenwood, Fla.

The PRESIDING OFFICER (Mr. STEIWER in the chair). Without objection, it will be so ordered.

The letter is as follows:

GLENWOOD, FLA., *February 14, 1928.*

Hon. DUNCAN U. FLETCHER,

Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I have filed claims with the Department of State and the Alien Property Custodian under the treaties between the United States and Germany, as well as our Federal laws.

Before the outbreak of the World War, American citizens acquired German securities, payable in gold marks, to the equivalent of at least $67,000,000, which were left in Germany by the owners thereof so that they could be readily disposed of in case of need. See Senate Document 419, Sixty-sixth Congress, pages 8 and 9, transmitted by President Harding to the Senate, which verifies the fact regarding the amount of American-owned securities in Germany during the war period.

Soon after we declared war against Germany it seized American-owned securities and prevented their sale or removal. Laws enacted by Germany were known as "Measures of economic retaliation against the United States," and they were not repealed until January 10, 1920. See report of German Alien Property Custodian published February 21, 1921, in the Congressional Library, which confirms the fact about the seizure of the bonds.

When these bonds were bought marks were valued at about 24 cents and when they were released marks were valued at 2 cents. Those who issued the bonds got full value and converted the proceeds to their benefit and use.

When the Foreign Relations Committee considered and reported the Knox-Porter resolution in 1921 terminating the state of war, it gave American citizens the right to recover their losses from Germany. Section 5 of that resolution referred to securities issued by German corporations, and Senator Lodge stated on the floor of the Senate, "The resolution was general in terms, elaborate in regard to the protection of claims of citizens of the United States."

Section 5 of the Knox-Porter resolution was incorporated in the treaty of Berlin, and again Senator Lodge referred to the protection accorded the claims of American citizens when he stated on the floor of the Senate September 24, 1921, "We are not limited by the Versailles treaty as to the character of claims for damages; we can make any claims we like."

A short time before the Knox-Porter resolution was enacted, President Harding transmitted to the Senate information about the character and total amount of claims filed against Germany. The total was $191,000,000, of which $67,000,000 represented claims based upon the seizure of securities.

In 1923 the Mixed Claims Commission commenced to function, and in 1925 it ruled that unless the securities fell due during the war period or the American owner during the war made an effort to sell or exchange them no recovery could be had. The ruling of the commission conflicts with the report made by Senator Lodge to the Senate, because, as Senator Lodge stated: "The resolution was general in terms, elaborate in regard to the protection of claims of citizens of the United States." The commission has made it impossible by its decisions for American citizens whose claims made up the largest single category of losses to recover the same.

One of the categories of damages that made up the $191,000,000 of claims was $30,000,000 representing American-owned deposits of marks in German banks, which had also been seized by Germany exactly as the securities had. These bank deposits were credited chiefly to certain big New York banking interests.

The bank deposits never fell due, and for the purpose of recovering the losses for these New York bankers the American agent and the German agent associated with the Mixed Claims Commission entered into a stipulation in which the representatives of the bankers participated whereby they were to receive 16 cents per mark even though, as stated, the mark bank deposits did not mature during the war period.

According to page 136 of the hearings held by the Committee on Finance on January 13, 1927, relative to the alien property bill, Mr. Bonynge, the American agent, said:

"It was a very important settlement, particularly for our bank deposits, because, as you notice from reading the character of debts specified in the treaty, it would have been necessary to establish that the debt matured during the war. Now, a bank deposit ordinarily does not mature until a demand is made for the bank deposit. We would have great difficulty in establishing as a debt that the bank deposit has matured during the war. But under this agreement all bank balances were to be valorized at this same rate of 16 cents to the mark. And all that we had to establish was the amount of the bank balance as it existed on April 6, 1917."

Here we have one politically intrenched and favored class of claimants getting their claims allowed when their debts had not matured, compared to another class of claimants without political power being ruled out because their bonds had not matured.

These very same New York banking interests were keenly interested in the sale of German dollar bonds since the signing of the armistice because of the handsome commissions involved, and they were undoubtedly desirous of freeing Germany and its nationals from prior liens existing by reason of the old gold-mark bonds.

In 1926 ex-Secretary of State Hughes was retained by Zimmermann & Forshay Assets Corporation. They were the largest pre-war dealers in German securities, and their particular interests in the matter is caused by virtue of the fact that the equivalent of about $5,000,000 of their customers' bonds in Germany had been seized and withheld until the mark became worthless.

Mr. Hughes argued his client's case before the United States Supreme Court, and it was predicated upon the provisions of the treaty of Berlin as well as the provisions of subsection E of section 9 of the trading with the enemy act, which specifically provided that any debt owing before October 6, 1917, to American citizens should be paid out of his particular German debtor's property in the possession of the Alien Property Custodian. For instance, if A, a German national, had property which had been taken over by the Alien Property Custodian and owed B a debt which was contracted prior to October 6, 1917, then B was entitled to repayment of the loan out of A's property in the possession of the Alien Property Custodian.

The Supreme Court held by a decision of 5 to 4 that the date the debt fell due should determine the rate of exchange. This permitted practically all German debtors to escape the repayment of their bonds.

I submit that it is most unusual for a former Secretary of State to go before the United States Supreme Court and interpret a treaty which he negotiated. Mr. Hughes contended that the debt had to be merely owing and contracted prior to October 6, 1917, the date our trading with the enemy act became effective, and that we were entitled to the dollar rate of exchange existing just before we declared war against Germany, and all that the American citizen had to prove was that the debt was owing to him before that date.

Here we have a situation where the Secretary of State who negotiated a treaty and four Justices of the United States Supreme Court agreeing with him that the treaty of Berlin, taken together with certain provisions of the trading with the enemy act, does not permit of a German debtor to repay his loans owing to American citizens after the currency had become absolutely worthless.

The remedy that these American creditors seek is that Germany and its nationals be compelled to observe their treaty obligations and that the American agent and the German agent of the Mixed Claims Commission not be permitted to formulate the foreign policy of the United States in the matter of discriminating between one class of citizens who can recover debts that are not due and another class who can not recover their loans because they are not due.

As a solution of this matter, I believe that an amendment should be put in the alien property bill. That bill now carries a provision, passed by the House, which allows the proceeds of repudiated German bonds sold by the German Government to American citizens to be used to pay the awards of the Mixed Claims Commission. This results in taking the property of American citizens and handing it over to Germany because it is credited to that Government in the matter of payment of reparations. Here we have a case where money loaned by an American citizen before the war is not returned to the lender but is by express act of the House of Representatives handed over to Germany unconditionally for use in discharging its obligations.

On April 1, 1923, the Hamburg-American Line and the North German Lloyd Line called for payment their entire funded debt, aggregating 93,000,000 marks. See New York Times May 10, 1923. The proceeds of the sale of the bonds issued before the war were used for the building of vessels. American citizens owned some of these bonds which were seized by the German Government. When these bonds were called in shortly after Germany released American-owned bonds, $5 would buy more than a million marks compared to $238,000 being required to buy a million marks before the war.

So we have the case of these two steamship lines paying their bondholders less than $500 for property which represented a material value of about $23,000,000. In order to disclose to you the outrageous treatment accorded American citizens compared to the generous provisions of the alien property bill in behalf of compensating German shipowners, there is to be inflicted upon the American taxpayer $100,000,000 as representing the fair value of German ships as of the date we took them over, but the American owner of steamship bonds bought before the war is robbed of his investment and can not obtain the fair value of his bonds as of the date Germany seized them.

Respectfully yours,

CARL BUCHE.

Mr. HARRIS. Mr. President, will the Senator from Utah yield to me for just a moment?

Mr. SMOOT. Mr. President, I will say to the Senator that we have spent three hours to-day in the discussion of other matters, and the bill has not been considered at all. If I were to yield further, I do not know how many other requests of the kind would be made. I should like to have the bill passed to-night, if possible.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute; but amendments to the House text which is proposed to be stricken out, as well as amendments to the new language, are in order.

those to the House text taking precedence. The parliamentarian suggests that detail amendments should be offered first, because taking a vote upon the committee amendment will foreclose amendments to the proposed substitute.

The Chair merely calls the attention of the Senate to the parliamentary situation.

Mr. SMOOT. I shall offer whatever amendments I offer to the Senate committee amendment, and I think all of the amendments will be offered in that way.

The PRESIDING OFFICER. They are all in order, the Chair thinks.

Mr. SMOOT. Mr. President, the bill as I reported it to the Senate was prepared hurriedly, and the committee understood that certain language and certain amendments would be left to the members of the drafting board. There are four amendments by way of perfection of provisions of the bill as reported by the Senate that I desire to offer now to the Senate provision of the bill. I send the first one to the desk, and ask to have it stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 88, line 14, at the end of the line, it is proposed to insert a new sentence to read as follows:

If such aggregate value of the money or other property to be returned under paragraphs (12), (13), (14), or (16) of subsection (b) or under subsection (g) is less than $2,000, then the written consent shall not be required and the money or other property shall be returned in full without the temporary retention and investment of 20 per cent thereof.

Mr. ROBINSON of Arkansas. Mr. President, I take it that that amendment merely relates to minor claims.

Mr. SMOOT. Minor claims; to wind them up so that there will be no delay; and it will save a great deal of expense to the Alien Property Custodian.

Mr. KING. The amount involved is only a few thousand dollars, I understand.

Mr. SMOOT. Forty-two thousand dollars.

Mr. KING. And the cost of administration would exceed, or at least approximate, the amount involved?

Mr. SMOOT. That is true.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. SMOOT. I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 90, at the end of line 9, it is proposed to insert the following:

Subject to the above provisions as to the collection of debts, each such successor (except the German Government and members of the former ruling family) may proceed for the return of the amount so transferred to his trust, in the same manner as such partnership, association, or other unincorporated body of individuals, or corporation might proceed if still in existence. If such partnership, association, or other unincorporated body of individuals, or corporation would have been entitled to the return of its money or other property only upon filing the written consent provided for in subsection (m), then the successor shall be entitled to the return under this subsection only upon filing such written consent.

Mr. ROBINSON of Arkansas. Mr. President, what is the purpose of the amendment?

Mr. SMOOT. The bill as reported directs the Alien Property Custodian to split up the property of any partnership, association, or corporation which has ceased to exist and to transfer such property to trusts in the names of the successors. In order that there may be no doubt as to the right of these successors to obtain the return of property to which they have thus become entitled, the amendment offered adds to subsection (p), on page 90, express provisions covering such return.

Mr. ROBINSON of Arkansas. Very well. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. SMOOT. I offer a further amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. Also, on page 87, line 18, before the comma, it is proposed to insert:

or (to the extent therein provided) under subsection (p).

Mr. KING. I ask to have the context read. It is to carry out the former amendment, I know, but I want it to appear in the RECORD in proper chronological order.

The PRESIDING OFFICER. The clerk will read the text of the bill as it will read if amended.

The legislative clerk read as follows:

No money or other property shall be returned under paragraph (12), (13), (14), or (16) of subsection (b) or under subsection (g) or (n), or (to the extent therein provided) under subsection (p), unless the person entitled—

And so forth.

The amendment to the amendment was agreed to.

Mr. SMOOT. I offer the following amendment, which is merely to correct a clerical error.

The PRESIDING OFFICER. The clerk will read.

The LEGISLATIVE CLERK. On page 91, line 3, strike out the word "persons" and insert the words "each person."

The amendment to the amendment was agreed to.

Mr. SMOOT. I offer the following amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 93, line 4, strike out all after the word "under," through the figure "9," in line 5, and insert in lieu thereof the words "any provision of this act"; strike out lines 11 and 12 and on line 13, through the word "if," and insert in lieu thereof the following:

(b) The Alien Property Custodian shall not make any such waiver or compromise except with the approval of the Attorney General; nor (if any part of such money or property would be returnable only upon the filing of the written consent required by subsection (m) of section 9) unless.

The amendment to the amendment was agreed to.

Mr. SMOOT. I move the following amendment.

The LEGISLATIVE CLERK. On page 94, strike out lines 1 to 15, inclusive, as follows:

(c) Where the Alien Property Custodian has made demand or requirement for the conveyance, transfer, assignment, delivery, or payment to him of any money or other property of any enemy or ally of enemy (whether or not suit or proceeding for the enforcement thereof has been begun and whether or not any judgment or decree in respect thereof has been made or entered) and where the whole or any part of such money or other property would, if conveyed, transferred, assigned, delivered, or paid to him, be returnable under paragraph (15), (17), (18), (19), (20), (21), or (22) of subsection (b) of section 9, the Alien Property Custodian may, in his discretion, and on such terms and conditions as he may prescribe, waive such demand and requirement, but only with the approval of the Attorney General.

Mr. ROBINSON of Arkansas. What would be the effect of that?

Mr. SMOOT. Mr. President, the bill as reported by the committee authorizes waiver or compromise by the Alien Property Custodian, with the approval of the Attorney General, of all demands for delivery of enemy property, if such property would be returnable subject to the retention of 20 per cent. This power can not be exercised unless as a result of its exercise the Alien Property Custodian will have in his hands 20 per cent of the German's property for investment in the special deposit account. Neither the present law nor the bill expressly authorizes waivers or compromises in cases where the property, if obtained under the demand, would be returnable in full to the owner, except in the case of the property of Austrians and Hungarians. There seems no reason why the Alien Property Custodian should obtain possession of the property only to return it immediately to the owner. The amendment suggested, therefore, authorizes the Alien Property Custodian, with the approval of the Attorney General, to make waiver and compromise in all cases, but retains the provision of the bill as reported whereby the waiver or compromise can not be made in the case of German property, unless as a result 20 per cent of the property will be retained for investment in the special deposit account.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment to the amendment was agreed to.

Mr. SMOOT. I offer the following amendment.

The PRESIDING OFFICER. The clerk will read.

The LEGISLATIVE CLERK. On page 94, after line 21, insert a new subsection, as follows:

(e) All money or other property received by the Alien Property Custodian as a result of any action or proceeding (whether begun before or after the enactment of the settlement of war claims act of 1928, and whether or not for the enforcement of a demand or requirement as above specified) shall for the purposes of this act be considered as forming a part of the trust in respect of which such action or proceeding

was brought, and shall be subject to return in the same manner and upon the same conditions as any other money or property in such trust, except as otherwise provided in subsection (b) of this section.

Mr. SMOOT. Mr. President, in explanation of the amendment, I will say that a number of suits have been brought, and others are in contemplation, by the Alien Property Custodian on claims arising out of the disposition of property seized, the conduct of seized businesses, and so forth. These suits are to be distinguished from suits for the enforcement of a demand by the Alien Property Custodian for the transfer of property to him in the first instance and are not covered under section 29, added by the bill to the trading with the enemy act. There is in the existing law no specific direction to the Alien Property Custodian covering the disposition of sums received as a result of proceedings of this kind. This amendment provides that all money so recovered shall be turned into the trust of the person from whom was seized the property which formed the subject of the transaction out of which the suit arose.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment to the amendment was agreed to.

Mr. SMOOT. I offer the following amendment.

The PRESIDING OFFICER. The clerk will read.

The LEGISLATIVE CLERK. On page 97, line 22, strike out all after the period and through line 24 and insert:

For the purpose of determining whether the proceeds of such conversion have been expended within such time as will entitle the taxpayer to the benefits of such laws and regulations relating to such conversion, the date of the return of the proceeds to the person entitled thereto shall be considered as the date of the conversion.

Mr. SMOOT. The explanation of the amendment is as follows: Subsection (d), to which this amendment relates, extends to persons whose property is held by the Alien Property Custodian the benefits of the "involuntary conversion" features of the tax laws, under which gain is not recognized if the proceeds of the property involuntarily converted into cash are immediately invested in similar property or in a replacement fund. The last sentence on page 97, for which the proposed amendment is a substitute, provides that the date of the return of the proceeds shall be considered as the date of the conversion. The sentence was not intended to do more than fix this date for the purpose of determining the promptness of making the investment required to obtain the benefits of the provision. The amendment is to make clear this purpose.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment to the amendment was agreed to.

Mr. SMOOT. I send to the desk the following amendment.

The PRESIDING OFFICER. The clerk will read.

The LEGISLATIVE CLERK. On page 102, after line 22, insert:

SEC. 21. (a) Section 1303 (d) of the revenue act of 1918, as amended by section 1101 of the revenue act of 1924, is amended by adding at the end thereof a sentence to read as follows: "Notwithstanding the foregoing provisions, the compensation of each of the two legislative counsel in office upon the date of the enactment of the settlement of war claims act of 1928 shall, after such date, be at the rate of $10,000 a year."

(b) The salary of the Special Assistant to the Secretary of the Treasury in matters of legislation, so long as the position is held by the present incumbent, shall be at the rate of $10,000 a year.

Mr. ROBINSON of Arkansas. What is the purpose of fixing salaries in the bill?

Mr. SMOOT. I do not think there is anyone in the Government service who gives so much time to such difficult questions and is called upon for so many hours work as the parties involved in this.

Mr. ROBINSON of Arkansas. Who are the parties involved?

Mr. SMOOT. Mr. Beaman, Mr. Alvord, and Mr. Lee. They are of the drafting board.

Mr. ROBINSON of Arkansas. Very well.

The amendment to the amendment was agreed to.

Mr. SMOOT. Those are all the amendments I have to offer.

Mr. KING. I offer the following amendment.

The PRESIDING OFFICER. The clerk will read.

The LEGISLATIVE CLERK. On page 44, strike out lines 14 to 24, inclusive, and insert:

SEC. 3. (a) There shall be a war claims arbiter (hereinafter referred to as the "arbiter") who shall be appointed by the President by and with the advice and consent of the Senate, without regard to any provision of law prohibiting the holding of more than one office. The arbiter, notwithstanding any other provision of law, shall receive a salary to be fixed by the President in an amount, if any, which if added to any other salary will make his total salary from the United States not in excess of $15,000 a year.

Mr. SMOOT. I have no objection to the amendment.

Mr. ROBINSON of Arkansas. I think we ought to have an explanation of the amendment.

Mr. HEFLIN. Mr. President, before the Senator starts on his explanation, I want to introduce a resolution touching the subject matter under consideration now.

The PRESIDING OFFICER. Is there objection to the presentation of the resolution?

Mr. ROBINSON of Arkansas. Does the resolution of the Senator from Alabama relate to this amendment?

Mr. HEFLIN. It is a resolution relating to the bill now pending.

Mr. ROBINSON of Arkansas. It has no relation to the amendment?

Mr. HEFLIN. It relates to the subject matter of the bill now being considered.

The PRESIDING OFFICER. What disposition does the Senator from Alabama desire to have made of the resolution?

Mr. HEFLIN. I ask that it be printed and lie on the table.

The resolution (S. Res. 151) was ordered to be printed and to lie on the table, as follows:

Resolved, That the Alien Property Custodian be, and he is hereby, directed to send to the Senate at the earliest date consistent with the best interests of the public service the following information for the benefit of the Senate in the consideration of H. R. 7201, first session, Seventieth Congress:

1. The names of any former officer, employee, or attorney, either regularly employed or special, of the Alien Property Custodian's bureau who, after such service, resigned or was dropped and who has later appeared as attorney before said Alien Property Custodian or the Department of Justice in the prosecution of claims for the release of property or for any other person claiming from the United States.

2. The dates of the separation of such persons aforenamed from the service and dates of the appearances as attorney for claimants and the titles of the claims for which they appeared.

3. Whether such former officers, employees, or attorneys were required on receiving releases for clients to execute the required affidavits, under the Winslow Act, as to fees contracted for or to be received.

4. A complete list of claims for property which was released in which the claimants were represented as attorneys by former officers, employees, or attorneys of the Alien Property Custodian.

5. State whether there is any rule or rules regulating practice of attorneys before the Alien Property Custodian's office which forbids the appearance before that bureau of former officers, attorneys, or employees of said bureau within a given date after their separation from the service.

6. Inform the Senate whether it is within the knowledge of the custodian that former officers, attorneys, or employees of that bureau have entered into contracts with former alien enemies upon contingent-fee contracts or otherwise, to obtain through legislation the release of all such property, and also whether any officers, attorneys, or employees of the Alien Property Custodian's office have resigned from office to associate themselves with holders of such contracts in the prosecution of such claims.

7. Also whether any present officer of the Federal Government or former officer of the Federal Government is or has been actively engaged in promoting the passage of H. R. 7201.

Mr. KING. Mr. President, the important change in the phraseology involved in the amendment which I have just offered relates to the question of the approval by the Senate of the appointee of the President. I have no doubt the President will appoint a suitable arbiter, and yet the position is a very important one. Upon that official will devolve the responsibility of passing upon claims or controversies involving millions and millions of dollars, and it occurred to me that the appointee of the President should be confirmed by the Senate. The change is to make the appointment of the arbiter subject to the approval of the Senate. I think there can be no objection to the amendment.

Mr. ROBINSON of Arkansas. I see no reason why the amendment should not be agreed to.

The PRESIDING OFFICER (Mr. WATERMAN in the chair). The question is on agreeing to the amendment offered by the junior Senator from Utah.

The amendment to the amendment was agreed to.

Mr. KING. I submit the following amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 52, strike out lines 7 to 22, inclusive, and insert:

(1) There shall be a war claims counsel (hereinafter referred to as the "counsel"), who shall represent the United States in all pro-

ceedings before the arbiter. Such counsel shall be appointed by the President, by and with the advice and consent of the Senate, at a salary to be fixed by the President not in excess of $10,000 a year. The head of any executive department, independent establishment, or agency in the executive branch of the Government, including the Alien Property Custodian and the Comptroller General, shall, upon request of the arbiter or of the counsel, furnish such records, documents, papers, correspondence, and information in the possession of such department, independent establishment, or agency as may assist the arbiter or the counsel, furnish them statements and assistance of the same character as is described in section 188 of the Revised Statutes, and may temporarily detail any officers or employees of such department, independent establishment, or agency to assist the arbiter or the counsel, or to act as a referee, in carrying out the provisions of this section. The Attorney General shall assign such officers and employees of the Department of Justice as may be necessary to assist the counsel in representing the United States in the proceedings under this section.

On page 53, line 3, strike out the words "salary of the arbiter" and insert the words "salaries of the arbiter and of the war claims counsel"; on page 53, line 12, after the word "arbiter," insert a comma and the words "the counsel," and a comma, and on page 53, line 23, after the second comma, insert the words "of the counsel" and a comma.

The amendments to the amendment were agreed to.

Mr. KING. Mr. President, I send to the desk another amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 79, lines 24 and 25, strike out the words "noninterest-bearing participating certificates" and insert in lieu thereof "participating certificates bearing simple interest at the rate of 5 per cent per annum."

Mr. KING. Mr. President, the amendment is one of considerable importance. However, the apparent lack of interest upon the part of Senators manifested in this important bill indicates that no amendment which will be offered will command much attention.

Briefly explaining the amendment and its relation to the bill before us, let me say that there has been accumulated in the Treasury of the United States, interest derived from the funds which were sequestered and are in the hands of the Alien Property Custodian, a sum of approximately $25,000,000. Much of the property which has been sequestered has been converted into Government bonds, upon which of course interest is paid. This accumulated interest aggregates the amount which I have just indicated. Under the provisions of the House bill, the entire amount goes into a fund out of which payments are to be made to American claimants. It is to constitute a part of the funds. The bill as passed by the House—and that view has been taken by the Senate Committee on Finance—does not permit interest upon this interest which is to be paid ultimately to the German nationals when it shall be returned to them at the end of perhaps 20 or 25 years. There is an element of confiscation in the bill, if no provision is made for the payment of interest, even though it be interest upon interest, at the expiration of the period to which I have referred.

It is argued that there was no obligation upon the part of the Government to take the funds which were sequestered and invest them so that there would be an accumulation of profits or interest; but it seems to me there was a moral obligation, if not a legal one, upon the United States to care for the funds sequestered by it, and to conserve them and handle them as a reasonably prudent man and as a trustee would handle funds coming into his possession.

I make no comment upon the conduct of the Alien Property Custodian in caring for the funds. Suffice it to say that there has been accumulated the $25,000,000 to which I have adverted. In order to raise a sufficient fund by which the plan or the set-up, as it has been characterized, shall be carried into effect, it becomes necessary to resort to the $25,000,000 of interest and place it in a fund which, with other contributions to the fund, will enable the United States to pay to American nationals a certain percentage of the awards made.

The Finance Committee felt that the Government ought not to pay interest upon the interest. They have placed the $25,000,000, which has been secured or which has resulted from interest, in the tenth category, as I recall; that is to say, priorities are allowed in payments, and this $25,000,000 is to be paid to those from whose property it was derived, after nine priorities have been liquidated. At the end of that time or at the expiration of the period of the liquidation of the priorities antecedent to this, perhaps 25 years will have elapsed, so that at the end of that period those persons who have an interest in the $25,000,000 fund will receive their pro rata share. In the meantime they obtain certificates indicating their interest in the fund, but the certificates bear no interest. They are nonnegotiable. As a matter of fact, they will have but little value.

I have believed that if the owners of this interest fund are to wait for 25 years before receiving it they should receive interest upon the fund, though it be called interest upon interest. My amendment will accomplish that purpose. Of course, the accumulated interest, through it is simple interest and not compound, would make the amount to be paid considerably more than the $25,000,000.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator a question?

Mr. KING. Certainly.

Mr. ROBINSON of Arkansas. What effect, if any, has the Senator's amendment on the general scheme of the bill for the payment of the various sums contemplated?

Mr. KING. As I interpret the amendment it would have no appreciable effect upon the "set-up," as it is called, in the bill. It would, however, have some effect upon the time when the Government of the United States would receive payment from Germany. Mr. President, the measure before us has many imperfections. It is not satisfactory to me and does not command my entire assent. It is essentially a compromise measure; sacrifices were made both by the Government of the United States and American nationals, as well as by German nationals in order to reach an agreement. While the measure before us is a legislative declaration, it is not inaccurate to say that it is a ratification of understandings and agreements entered into between German nationals who have property in the hands of the Alien Property Custodian, and the United States, and American citizens who have claims against Germany and German nationals. The measure can not be defended upon academic grounds or upon strict principles of municipal or international law. However, after years of negotiation and consideration, the bill before us substantially represents the views and desires of those primarily interested in the matters covered by the pending measure.

After the United States entered the war an act was passed calling for the sequestration of all property found in the United State belonging to the German Government and German nationals. Property of the value of approximately $700,000,000 was seized by the American Alien Property Custodian. Much of it has been returned, but there still remains under the control of the Alien Property Custodian property of the value of several hundred million dollars. This is held not only under the trading with the enemy act and supplementary legislation enacted by Congress, but under the terms of the Versailles treaty and the Knox-Porter resolution, which was incorporated into the Berlin treaty, as well as the latter treaty itself.

As Senators will recall, under the treaties just mentioned, the United States was authorized to retain possession of the property owned by German nationals and in the hands of the Alien Property Custodian until Germany made suitable provisions for the satisfaction of all claims against the German Government by all persons owing permanent allegiance to the United States, who suffered, through the acts of Germany or its agents since July 1, 1914, loss, damage, or injury to their person or property, directly or indirectly, or in consequence of hostilities or any operations of war or otherwise.

It has been contended that when the trading with the enemy act was passed, authorizing the sequestration of enemy property, it was intended that the United States should hold the same as a trustee until the war was over, and then return the property to its owners. Certainly there was no intention of confiscating German property. The United States has always opposed the confiscation of property, even though owned by alien enemies. May I say that I am not entirely satisfied with the bill before us, but, as I have indicated, it is a compromise measure and being agreed to by the German Government and the German nationals, as well as by the American nationals who have claims against the German Government and German nationals, I have not felt disposed to interpose obstacles to its passage.

Immediately after the Versailles treaty, notwithstanding the provisions therein found which authorized the retention of the property in question, until satisfactory arrangements were made to liquidate the claims of American nationals, I offered bills in the Senate for the return of this property to the German owners. I took the position that it would be for the best interests of the American people to immediately restore to the German owners their sequestered property.

We were a creditor Nation, and it was apparent that the people of the United States would soon have investments in foreign countries totaling billions of dollars. I believed that it was a proper time to reaffirm the doctrine of the sanctity of private property, even though enemy owned, and I believed

that the United States should adhere to its traditional policy and not confiscate property of persons who but a short time before had been enemies. Moreover, I felt that a liberal interpretation of the treaty existing between the United States and Germany at the outbreak of the war was favorable to a policy of restoration. It was my view that our Government should demand of Germany payment of all just claims of American citizens, as well as all just claims of the Government of the United States, and require Germany to make satisfaction. One of the bills which I offered provided for the appointment of a commission to pass upon the claims of American nationals and the United States.

This course was pursued under the treaty of Paris following the Spanish-American War, and the commission made awards to American citizens. My views were not accepted by the Senate, and we have held the property since its seizure in 1917 and 1918.

American citizens had claims against Germany amounting in the aggregate to a very large sum. The years passed and they were not paid. The property of German nationals was locked up in the keeping of the Alien Property Custodian.

Apparently an impasse had been reached and it was imperatively required that something be done to unlock the door so that German nationals might receive at least a portion of their property and that American nationals and the United States might receive compensation. This bill seeks to accomplish that result.

Those who believe, as I believe, that the United States should avoid confiscation and who favored the return of the German property are confronted with a situation that perhaps warrants them and myself in yielding assent to the pending measure.

All nations have at times exercised the right of eminent domain and have expropriated the property of their nationals. The Federal Government can take the property of its nationals for public use but, of course, compensation must be made. Nations in time of war seize the property of their nationals, as well as the property of foreigners within their jurisdiction, expecting, of course, if they are civilized, to compensate the owners for the same. Germany had the right to expropriate the property of her nationals pursuant to the provisions of her constitution. Expropriation may be made by legislation or by treaty but usually by judicial process pursuant to law.

The Versailles treaty provided for the expropriation by Germany of the property of its nationals which had been seized by the Allied and Associated Powers. The property in the hands of the American Alien Property Custodian, by the terms of the Versailles treaty, became subject to another foreign authority, namely, the German Government. That is to say, the German Government, in effect, declared that it seized the property or the use of the property which was in the hands of the Alien Property Custodian and authorized the United States to hold the same until Germany made suitable provisions to pay the claims of the United States and its nationals. The Berlin treaty was the assertion of the sovereign power of Germany, and the latter can by that treaty expropriate the use, if not the corpus, of the property owned by German nationals and in the possession of the Alien Property Custodian.

Mr. HOWELL. But there was set aside 2¼ per cent, and we accepted it. Is it not a fact that the Government accepted it and is now a party to that agreement?

Mr. KING. Mr. President, the Senator's question can not be answered in a few words, and in attempting to do so I shall detain the Senate much longer than I intended when I arose. I expected to say a few words only in respect to the amendment which I offered. However, I shall submit a few observations in reply to the Senator's question.

Under the treaty of Versailles the United States was associated with the allied governments, and that treaty provided in a comprehensive way for determining reparations which were to be paid by Germany. A reparations commission was to be set up and machinery was provided for the purpose of ascertaining what Germany should pay to the allied and associated powers and their nationals. We refused to ratify the treaty, and when the Republican Party came into power, following the war, its leaders denounced the treaty and refused to accept its provisions or to participate in the organizations the commissions and agencies set up to carry out the provisions of the treaty. A bitter fight was waged in our country against the League of Nations, and the treaty was repudiated so far as it affected the United States. Our Government took no steps to protect American nationals or the United States or to secure reparations to which they and it were entitled. When conferences were being held by representatives of the allied nations to determine what Germany should pay to the various governments and their nationals, the representatives of our Government refused to participate or to take any steps to protect the rights of American citizens.

I submit that the executive department of our Government failed in its duty to the United States and to American citizens who had suffered at the hands of Germany. It is incomprehensible to me that our Government should have neglected its own citizens and failed in its duty to them and to itself, because those temporarily in power were bitter against the League of Nations.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. KING. Certainly.

Mr. ROBINSON of Arkansas. Has the Senator inquired into the subject, and does he know why, when the Mixed Claims Commission was created, no arrangement was made or apparently attempted for the payment of claims when adjudicated by the commission?

Mr. HOWELL. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. HOWELL. But it is a fact that it was recognized that under the treaty of Versailles——

Mr. KING. Does the Senator want to ask a question or make a statement?

Mr. HOWELL. I wanted to answer the distinguished Senator from Utah.

Mr. KING. Very well, I yield.

Mr. HOWELL. It is a fact that under the treaty of Versailles Germany was required to pay more than she could pay. Thereafter we could not expect to get anything for American claimants who received awards through the action of the Mixed Claims Commission unless we became a party to the agreement of Paris. By becoming a party to that agreement, we received two and a quarter per cent for our American nationals who had received awards. The question is, did we not regard that as adequate at that time? If not, what action did we take, what protests were made? If it were an adequate amount, can we now urge that we are not carrying out the provisions of the Berlin treaty and go back of our acceptance of the two and a quarter per cent?

Mr. KING. Mr. President, it was not my purpose to discuss the conduct of our Government or the State Department in connection with the amendment which I offered, but the questions which have been propounded and the statements made by my friend from Nebraska call for some observations upon my part. First, let me briefly reply to my friend from Arkansas. In my opinion the treaty of Berlin did not sufficiently protect the United States or its nationals. It did not properly and effectually deal with the claims of the United States and American nationals against Germany and her nationals or make adequate provision for the payment of the claims of our Government and American citizens against Germany and her nationals. The treaty seemed to content itself with the adoption of certain provisions of the Versailles treaty which had been denounced by the administration which negotiated the Berlin treaty, and which the administration referred to had not attempted to avail itself of or to obtain any of the benefits secured in the Versailles treaty for American nationals or the United States.

The administration had a clear field to negotiate a treaty which would have in a comprehensive way dealt with the claims of American citizens against Germany and her nationals; but as I have stated, the Berlin treaty in dealing with the questions of reparations to American citizens merely adopted the Knox-Porter resolution and a few provisions of the Versailles treaty. Then, when an agreement was entered into by the United States and Germany under which the Mixed Claims Commission was set up, no further provisions were made for the payment of any awards that might be made to the United States or her citizens. The Mixed Claims Commission were merely to hear the claims of American citizens and the Government of the United States and then make awards. How and when they were to be paid was not stated; nor in the Berlin treaty was there any provision for the payment of claims of American nationals or the United States.

One would have supposed that either in the Berlin treaty or in some subsequent treaty or agreement provisions would have been made for the settlement of the claims of American citizens. It is passing strange that the executive department of our Government, knowing that the allied nations had set up a commission as provided by the Versailles treaty for the purpose of determining what reparations should be paid by Germany, should have refused to take cognizance of the work of the Commission on Reparations or to appear before the commission for the purpose of protecting the rights of the United

States and American nationals. It was common knowledge that the Allies were anxious to have the United States take part in the various commissions and organizations brought into existence for the purpose of carrying out the treaty of Versailles for fixing reparations of Germany and making proper allocation to allied and associated powers of all amounts paid by Germany by way of reparations.

When representatives of our Government refused to take part in these conferences and commissions then the obligation rested upon it to take all proper steps to protect American rights and to secure reparations to American citizens for wrongs done them by Germany. But it was singularly silent and let the years go by without making adequate efforts to have the claims of American nationals against Germany and her nationals provided for.

I am sanguine that there has been no disposition upon the part of the American people to confiscate the property in the hands of the Alien Property Custodian for the purpose of paying to American citizens and the United States their claims against Germany and her nationals. Our Government must have known that if the allied nations fixed reparations and obtained reparations, they would not be inclined to surrender any portion thereof to the United States after it had repudiated the Versailles treaty and refused to associate itself with the Allies in working out a plan to obtain satisfaction of their claims for damages and reparations growing out of the war.

I repeat when I say that our Government was not justified because of the hatred of some Americans of the League of Nations and the Versailles treaty in refusing to join with our former allies in securing protection for American citizens and a just share of any reparations exacted from Germany.

I have no doubt that if the United States had associated itself with the allied nations the Reparation Commission would have made satisfactory provisions for the settlement of American claims against Germany and her nationals. The United States, for the purpose mentioned, would have been one of the beneficiaries named in the reparation awards and would have received a just proportion of all reparations paid by Germany.

It must have been apparent to the dullest American statesman and officials in authority that when the United States refused to join with Great Britain, Italy, France, and Belgium in making a treaty with Germany and in carrying out the treaty and when it turned its back upon the Allies, with whom it had fought during the war, and said in effect that it would have no association with them in their dealing with Germany and in settling postwar problems, that they would feel constrained to proceed without our cooperation and make and enter into the best terms possible with Germany for their own protection and the protection of their nationals. The allied nations fixed reparations at 132,000,000,000 gold marks. We, the United States, took no part in the proceedings and made no claim to any share of this amount. When it became apparent that Germany was unable to meet this sum the Dawes Commission was set up, not by the United States but by the allied nations, and that commission fixed reparations to be paid by Germany at slightly over $600,000,000 per annum.

The Dawes Commission did not attempt to fix the entire amount to be paid by Germany, but only the annual payments until further arrangements were made. The allied nations assumed (and who shall say they were not entitled to assume?) that the United States having repudiated the Versailles treaty and having refused to associate itself with the allied nations in carrying out the terms of the treaty in fixing reparations that they were entitled to be paid the entire amount fixed by the Dawes Commission.

After Germany began making payments to the allied nations, and their nationals were receiving partial payments upon their claims against Germany, American citizens who had sustained losses and damages at the hands of Germany during the war, demanded that the United States take steps to secure compensation from Germany. The representatives of men and women who had met their death upon the seas by reason of German submarine activities, and American nationals who had valid claims against Germany and her nationals, again and again insisted that Congress or the executive department of our Government, take immediate steps to obtain reparations from Germany and her nationals. Then our Government manifested some activity. It still refused to associate itself with former allies, but in an indirect manner and as some have said through a "keyhole process," began to investigate as to what should or could be done to protect the United States and its nationals. May I say in passing that our Government maintained such an attitude of aloofness toward the allied nations that it did not receive payments made by Germany to the allied nations to meet the costs of the armies of occupation. Senators will recall that under the Versailles treaty Germany was to pay the allied and associated powers all costs incurred in maintaining troops in Germany.

The United States was entitled to more than $225,000,000 incurred in maintaining its army of occupation, but we were so afraid of our former allies, and we were so determined not to have any contacts with them, that we sat by silently while Germany paid the allied nations' costs of the various armies of occupation, including the sum which I have just mentioned and to which the United States was entitled. Finally we began to be awakened from our slumber, and had Mr. Elliot Wadsworth confer with representatives of the allied nations with a view to obtaining this amount which had been paid to cover our costs in maintaining military forces in Germany. An agreement was entered into which, in my opinion, did not meet the situation or fully protect the United States; but it was soon after superseded by an agreement entered into at Paris, by the terms of which the United States was to receive approximately $12,000,000 a year out of future reparations to be paid by Germany, until the sum due the United States, then amounting to $255,000,000, was paid. As a result of the failure of our Government to properly present and properly push its rightful claims, we were deprived of the amount due as costs of the army of occupation, and will only be paid out of future reparations, the payments being extended over a considerable period of years. The Paris agreement has some humiliating aspects so far as the United States is concerned.

As I have stated, we refused to associate ourselves with the allied nations in fixing reparations and made no claims to the reparations fixed when the commission determined the same. But later, when the American claimants against Germany were aroused to the fact that their rights were not being protected and demands were made upon our Government that something should be done for their protection, our Government instructed our ambassador in London to take up the matter with representatives of the allied nations with a view to obtaining some portion of the payments made by Germany under the Dawes plan.

I call the Senate's attention to the Berlin treaty, which was signed at Berlin August 25, 1921, under the terms of which the United States—

> is privileged to participate in the Reparations Commission according to the terms of part 8 of that treaty and in any other commission established under the treaty or under any agreement supplemental thereto; but the United States is not bound to participate in any such commission unless it should elect to do so.

Having made this reservation to participate in the Reparations Commission, we refused to avail ourselves of that privilege and threw away the opportunity to protect the rights of the United States and of American citizens. As the demands made by American citizens that their claims against Germany be paid became more importunate, our Government felt compelled to take some steps to bring about that result.

An examination of the Dawes plan seemed to indicate that Germany could not pay reparations in excess of those fixed by the Dawes Commission, and that there were prohibitions against Germany diverting her resources or revenues to the payment of other claims in advance of a full settlement of the claims of the Allies as fixed by the Reparations Commission. Thereupon our Government, it appears, concluded that the claims of Americans could only be paid out of the property of German nationals in the possession of the Alien Property Custodian or out of the reparations fixed by the Dawes Commission. The American people were opposed to confiscation, and thereupon our Government concluded, as I think the facts prove, that the only other source from which payments could be obtained was the Dawes reparation fund. But to obtain a part of that was a question presenting no little difficulty. Appeals were made by our ambassador at London to representatives of the allied nations for a share of the Dawes reparation fund.

The correspondence between our ambassador and Mr. Austen Chamberlain is quite illuminating upon this point. In a communication dated December 4, 1924, addressed to Ambassador Kellogg by Mr. Chamberlain, the latter states that—

> At no time, so far as His Majesty's Government are aware, did the American Government during the discussions that then took place, either within the commission or outside it, make any intimation that they wished to put forward a claim for inclusion in the total to be demanded from Germany.

He states that there was no record of any attempt having been made at the various conferences on the part of the American representatives to claim a percentage in the allotment then being laid down amongst themselves by the Allies for the distribution of the German reparation payments when received.

He further states:

Nor did this create any surprise among the allied governments since it had become generally understood that the United States Government made a special point of not demanding reparation from the powers defeated in the war. In that belief His Majesty's Government were strongly confirmed when, in a speech at New Haven on December 29, 1922, of which the American Secretary of State caused the text most courteously, though informally, to be communicated to His Majesty's ambassador at Washington, the American Secretary of State used the following words: "The crux on the European situation lies in the settlement of reparations. There will be no adjustment of other needs, however pressing, until a definite and accepted basis for the discharge of reparation claims has been fixed. It is futile to attempt to erect any economic structure in Europe until the foundation is laid. How can the United States help in this matter?

We are not seeking reparations. We are, indeed, asking for the reimbursement of the costs of our army of occupation, and with good reason, for we have maintained our Army in Europe at the request of the Allies and of Germany, and consider an agreement that its costs with like Army costs should be a first charge upon the amounts paid by Germany. Others have been paid and we have not been paid. But we are not seeking general reparations. We are bearing our own burden, and, through our loans, a large part of Europe's burden in addition. No demands of ours stand in the way of a proper settlement of the reparation question. It was in these circumstances, as I had the honor verbally to explain to your excellency, that not having hitherto doubted that these words still correctly describe the policy of the American Government, the intimation that they now claimed a share in the Dawes annuities in respect of reparations, and apart from the cost of the army of occupation, came upon His Majesty's Government as a complete surprise.

In a subsequent communication written by Mr. Chamberlain to Ambassador Kellogg, the former states that—

If, therefore, the United States Government is to be admitted to a share in the Dawes annuities, it will doubtless accept the view that such of its claims as may fall within Annex II to Part VIII of the treaty of Versailles should, in equity, be fixed by the Reparation Commission in accordance with the rules on which all other reparation claims have been assessed. His Majesty's Government does not suppose that the United States Government wishes to claim the benefit of the treaty of Versailles without its obligations, or to deprive the allied powers of a guaranty that the American reparation claims against Germany possess the same measure of validity and have been adjusted on the same principles as the allied claims already admitted or to be admitted.

May I say that the letters written by Ambassador Kellogg are very able and present in as strong a light as possible the arguments in favor of the United States participating in the Dawes reparation payments. He is entitled to credit for the efforts put forth in behalf of the United States and her citizens. As a result of these negotiations the representatives of the allied nations finally consented to permit the United States to be paid approximately $12,000,000 annually to be applied in settlement of the claim of the United States for the cost of the army of occupation and 2¼ per cent of about $11,000,000 annually to be applied in liquidation of the claims of the United States and its nationals against Germany and its nationals.

This latter amount was not intended by the State Department, and I am sure it was not intended by the Allies when they conceded that it should be paid to the United States from the Dawes annuities to be a release of Germany from its obligations to the United States and its nationals under the Berlin treaty. Germany was not a party to the arrangement under which the 2¼ per cent of the Dawes annuities were to be paid to the United States. In a sense it was a concession by the allied nations to the United States and it was not intended to relieve Germany of its responsibilities to the United States under the Berlin treaty.

Mr. HOWELL. But, Mr. President——

Mr. KING. I yield.

Mr. HOWELL. Is it not a fact that the Secretary of the Treasury has stated that 2¼ per cent is our fair share of the Dawes annuities?

Mr. KING. I do not recall, although I have read the correspondence.

Mr. HOWELL. I am referring to the Secretary of the Treasury.

Mr. KING. If the Secretary of the Treasury has made that statement, I confess that I have less confidence in his judgment than I have heretofore had.

Mr. HOWELL. I will state that the Acting Secretary of the Treasury, Mr. Winston, as I recall, before the House Committee on Ways and Means made the statement that 2¼ per cent was our fair share of all that Germany could pay.

Mr. KING. Mr. President, I do not desire to criticize Mr. Winston, but the Senator will recall that Mr. Winston became an active protagonist of the plan by which we were to issue Government bonds in order to pay the claims of American nationals against Germany and her nationals. Apparently he was willing to absolve Germany from the payment of any obligation, except for an indefinite period, and to have the Treasury of the United States pay the American claims. I regarded the plan as unjust and entirely unacceptable. It contemplated taxing the American people—that was the effect of the proposition—to pay Germany for sinking the Lusitania and killing Americans. It did not commend itself to my judgment. And the opposition to the plan, which was included in the Mills bill, was so great that it was hastily abandoned when its injustices were exposed.

Mr. HOWELL. Is it not a fact that this bill means placing a burden upon the United States Treasury?

Mr. KING. Yes. It will postpone for many years the payment of the award in favor of the United States against Germany. And, of course, it calls for a direct appropriation of $50,000,000; but this is to pay for the German ships taken by the United States.

Mr. HOWELL. Is it not a fact that the 2¼ per cent, if applied in an orderly way to the payment of American awards, would require 80 years, according to Acting Secretary Winston in his statement before the committee?

Mr. KING. And that would be a denial of payment to American claimants, because they will not live 80 years more.

Mr. REED of Pennsylvania. Mr. President, if the interest on the American claims be figured at 5 per cent, as is done in this bill, they would never be paid.

Mr. KING. I am of opinion that the amount of interest would absorb the 2¼ per cent.

Mr. REED of Pennsylvania. Absolutely.

Mr. HOWELL. Mr. President, I wish to call the Senator's attention to the fact that, although it will pay out in 80 years——

Mr. KING. With 5 per cent interest?

Mr. HOWELL. Yes; with 5 per cent interest, according to Mr. Winston when Acting Secretary of the Treasury.

Mr. SMOOT. It will pay out in 80 years with the 5 per cent interest.

Mr. HOWELL. There is no question about that.

Mr. REED of Pennsylvania. Not when the subsequent awards are considered..

Mr. HOWELL. Mr. President, allow me to read what Acting Secretary Winston stated.

Mr. KING. Does the Senator have in mind the fact that since Mr. Winston made that statement awards have been made and still other awards will be made, perhaps aggregating from fifteen to twenty million dollars?

Mr. HOWELL. Mr. Winston stated that the total of the awards with interest would be about $250,000,000. The amount is now, I think, in the neighborhood of $256,000,000; so that Secretary Winston was not far out of the way so far as his primary premises were concerned. He stated:

It is admitted that all the awards of the Mixed Claims Commission, which Germany is obliged to pay, will aggregate $190,000,000 of principal and $60,000,000 of accrued interest to January 1, 1926, or a total of $250,000,000. The awards bear 5 per cent interest. If no interest is to be paid upon accumulated interest—

That is interest upon interest that has accumulated—

an annuity of $11,000,000—

The annuity is really $10,700,000 as a maximum—

would pay current interest and pay the $60,000,000 accumulated interest in 40 years, and thereafter in 40 years more would amortize the principal of the awards; a total of 80 years.

Mr. President, under this bill by some necromancy these awards are apparently to be paid in 39 years.

Mr. KING. Does the Senator mean the awards of American nationals?

Mr. HOWELL. Every award. Unless there is some magic at the disposition of those who have handled this bill it must be recognized as a fact that, if 39 years is to be the period, somebody is going to contribute toward the payment of these awards and, of course, that somebody is the United States Treasury.

Mr. KING. And the German nationals.

Mr. HOWELL. And the German nationals who are now entitled to their money.

Mr. KING. The German nationals who contribute, as I have indicated, $25,000,000 accumulated interest and the reservation of 20 per cent which goes into the fund out of which the payments are to be made.

Mr. HOWELL. Mr. President, the fund to which the Senator has referred, $25,000,000, will not be paid until after 24 years, and by the end of 26⅓ years. The present worth of that $25,000,000 indicates a confiscation of about $17,600,000. The Senator's amendment, as proposed, largely avoids that confiscation; and I believe it ought to be adopted, because I insist we ought not to confiscate one dollar of this alien property fund.

Mr. SMOOT. Mr. President, I will say to the Senator that we have no intention of confiscating anything, nor does the bill do it.

Is my colleague through?

Mr. KING. No; I am not through, but I will yield.

Mr. SMOOT. When he is through I want to make a statement covering the whole question. It will not be very long.

Mr. KING. Mr. President, I do not agree with my friend from Nebraska in one of his statements, that the 2¼ per cent was intended—that is the way I interpreted his remarks—to absolve Germany from any further payments. I know that that was the view taken by Ambassador von Maltzen in the letter which he wrote to the Secretary of State; but Secretary Kellogg in a powerful statement successfully met the arguments of the ambassador, and demonstrated that it was not intended to release, nor did it accomplish the result of discharging, Germany from the obligation of paying the United States and its nationals the awards made in their behalf by the Mixed Claims Commission.

I repeat, Germany had agreed in the Berlin treaty that we should hold the property in the hands of the Alien Property Custodian until satisfactory arrangements had been made by Germany to pay the claims of American nationals. Germany made no satisfactory arrangements to pay American nationals. She has made no satisfactory arrangements up until the present moment.

The allied nations secured reparations; and the Dawes plan provided, as I stated, for the payment of $600,000,000 plus annually. We were getting no part of that. We had not interposed. General Dawes was not sent there by the United States, nor did he represent the United States, nor were we represented upon the Reparation Commission as a Government.

While Germany was concerned in the provisions incorporated in the Dawes plan, she could not properly or fairly claim that by its terms she was absolved from meeting her obligations to the United States and its citizens. And any arrangements made by Secretary Kellogg and representatives of the Allied Governments—by which a small portion of the Dawes annuities were to be paid to the United States—did not and could not extinguish her liabilities to the United States and American nationals. Therefore it can be argued that the United States is under no legal obligation to return the property held by the custodian, until suitable arrangements are made to settle American claims against Germany and her nationals.

I confess, however, that this bill does not entirely meet my views. I should have preferred, as I have indicated, to have returned the property in the hands of the Alien Property Custodian to the German nationals in 1919 and 1920, when I first offered my bill, and required Germany to compensate American nationals for the wrongs which had been done them. I was unwilling to have any sort of taint of confiscation attach to the United States. But the Ebert constitution, as well as the old constitution of Germany under the monarchy, gave the right to the German Government, either the monarchy or the republic, to exercise the right of eminent domain against the property of her nationals, whether the property was in Germany or in any part of the world.

The negotiation of a treaty may constitute the exercise of that power; and the Berlin treaty and the Versailles treaty were the exercise of the power of eminent domain by Germany against the property of her nationals in the hands of the Alien Property Custodian. Germany in effect directed the United States to retain the property of her nationals until she made suitable arrangements to pay the claims of American nationals.

If we had turned back or if we should turn back now the property that is in the hands of the Alien Property Custodian without the consent of the German Government, Germany could then wash her hands of any obligation, and say, "You were a bailee. We put into your hands $300,000,000 of property or more, and told you to hold it until we made arrangements to satisfy the claims of your nationals. You have dissipated the fund and returned it, it is true, to our nationals, but you did it without our consent, and therefore we refuse to pay the claims of American nationals."

Mr. SMOOT. Mr. President, I want to say to my colleague that the representatives of 97 per cent of the German claimants agreed to this bill.

Mr. KING. Yes; I intended mentioning that in a moment.

Mr. SMOOT. He claims, and I think justly claims, that he has the authority to speak for them; and this is an agreement with 97 per cent of the German claimants.

Mr. FLETCHER. Mr. President, what I am chiefly interested in is, What about the American claimants?

Mr. SMOOT. They have all agreed to the same thing. This bill satisfies them; and the representatives of over 85 per cent of the German claimants have agreed that this bill is the proper and best way to settle this matter.

Mr. KING. Mr. President, I yield academic principles to a concrete understanding reached between the German nationals and the American claimants who have claims for damages against Germany.

They have agreed, as my colleague has said, upon the terms of this bill. I confess that I have been surprised at the unanimity with which the German nationals whose property we hold, and the American claimants who have claims against Germany, have acted in the consideration of this bill.

Mr. NORRIS and Mr. HOWELL addressed the Chair.

Mr. KING. I yield first to the senior Senator from Nebraska.

Mr. NORRIS. There are two questions I want to ask the Senator; and I will say to the Senator that I am asking for information. I want to be enlightened on this matter.

The first question is, When the Senator says that the German Government had notified our Government that we should not return property of the German nationals which we had taken during the war—did the Senator say that?

Mr. KING. No; the Senator misunderstood me.

Mr. NORRIS. I was wondering about that statement.

Mr. KING. I said that if we had returned the property in the hands of the Alien Property Custodian without the consent of the German Government when she directed us, in the Berlin treaty, to hold it until suitable arrangements were made to compensate our nationals, she could have said, "You were an unfaithful bailee. You have dissipated the funds which we left with you, and therefore there is no further obligation resting upon us."

Mr. NORRIS. But that provision was put in the Berlin treaty for the benefit not of Germany but of America.

Mr. KING. It was for the benefit of both.

Mr. NORRIS. I have agreed with the Senator all the time that I did not think it was right for us to take the property of German nationals, when they were themselves innocent of any wrong, just because it happened to be in our jurisdiction, and then use the property for the payment of anybody's debts, government or private; but I could not understand why it would require the consent of the German Government, or why it would make any difference what the German Government thought about it, if we returned to a German national the property we took away from him.

Mr. KING. May I give the Senator an illustration? Prior to the war with Spain there were Americans residing in Cuba, and others who had property there. Some had valid claims, which were recognized, against Spain for damages and for property taken by Spain in the prosecution of the war against the revolutionists. In the treaty of Paris a provision was inserted, under which the United States laid its hands upon the property—part of which were choses in action—of American nationals who had lived in Cuba or had property there, and told Spain that the United States would settle with its own nationals for the claims which they had against Spain. This was done, and the United States got credit for millions of dollars, which under the treaty it was obligated to pay to Spain.

The Senator knows that we "paid for the Filipinos at $2 a head" by seizing American property and applying it in the extinguishment of the obligations of Spain to American nationals, which obligations she recognized. The United States then set up a tribunal, and American nationals came before it and proved their claims, which were finally paid out of the Treasury of the United States. In other words, the United States exercised its sovereign right to expropriate the property of its nationals, and applied the same in payment of its obligations to Spain.

Germany did the same thing. It is true Germany was forced to do it, perhaps, as one of the results of the war; but Germany, as the result of the war, became indebted to the United States, as she was indebted to American nationals; and she was quite satisfied, I have no doubt, when the Berlin treaty was entered into, to agree that the property in the hands of the Alien Property Custodian, of which she had expropriated at least the usufruct if not the corpus, should be held until she made satisfactory arrangements to pay American nationals. So we could not repudiate the act of a sovereign state in expropriating the property, the corpus or the usufruct of

property, of her own nationals. We had to take it as a fait accompli, and we took the property in the hands of the Alien Property Custodian impressed with the sovereign power of Germany when she took the property and told us to hold it until she satisfied American nationals and the United States.

We have held that property for a number of years. The German nationals have been appealing to Germany to do something to pay the claims of American nationals so that the property could be released. American nationals have been appealing to our Government to do something to require Germany to pay in order that they might be compensated before they die for the claims for damages which they had against Germany; and, as a result of many negotiations between representatives of the American claimants and the German nationals, an agreement has been reached with practical unanimity, an agreement which does not meet my views, an agreement which I think does not recognize well-founded principles of international law which I should like to see obtain, but an agreement which meets the wishes of the German nationals and the American claimants, provides for the final payment of the claims which we have against Germany, in part at least, satisfies all parties, and gets rid of a vexed and complicated question which has been here before us since the war, and which, if we do not pass this bill or some suitable measure, may be here for an indefinite time. Of course, the plan agreed upon assumes that Germany will meet the Dawes annuities or make adequate arrangements to satisfy the awards made in favor of the United States and its nationals.

Mr. NORRIS. Mr. President, the Senator stated that there was unanimity among German claimants and American claimants.

Mr. KING. Substantial unanimity.

Mr. NORRIS. We have on our desks here a brief prepared by ex-Congressman Lafferty, and in glancing through it I see a great many objections coming from claimants he represents.

Mr. KING. May I say something to my friend?

Mr. NORRIS. Certainly.

Mr. KING. Mr. Lafferty has been faithful to his clients, as he understood his duty, for which he is to be commended. He appeared before the committee and made a statement in regard to his position on a number of controversial matters, and since the committee reported the bill he has prepared a brief, a copy of which I think the Senator has.

The amendment which is now under consideration is to cover one of the points made in his brief. I have not read it, but I am told it covers this point, and I hope the Senate will pardon me for repeating, because the Senator from Nebraska was not in the Chamber when I spoke before.

Mr. Lafferty claims that it is confiscation to take the $25,000,000 of interest arising from the funds of German nationals in the hands of the Alien Property Custodian, and return it at the end of 25 years without interest. As I understand him, he makes no particular objection to the diversion of this fund from distribution now.

Mr. NORRIS. Why is the payment of this money deferred for 25 years? Is that necessary?

Mr. KING. That is necessary under this settlement.

Mr. NORRIS. How are we going to get the money to pay it in 25 years?

Mr. KING. It will be paid out of the 2¼ per cent of reparations which, under the Dawes plan, is to be paid to the allied nations.

Mr. HOWELL. Suppose Germany stops paying?

Mr. KING. I was about to say, if Germany does not pay, then the United States will lose the sixty-odd million which is to come to it, because the United States is placed at the end of these so-called priorities, and this $25,000,000 may not be paid, probably will not be paid——

Mr. HOWELL. But is it not a fact that some $52,000,000 will be paid to insurance companies as profit in the meantime?

Mr. SMOOT. Not as profit.

Mr. HOWELL. As profit.

Mr. KING. Something will be paid.

Mr. SMOOT. We will discuss that when we get to it.

Mr. HOWELL. Mr. President——

Mr. KING. Mr. President, there is no doubt, may I say to my friend from Nebraska, that there is an element of, shall we say, injustice in taking $25,000,000 interest, which has occumulated upon the funds of the German nationals in the hands of the Alien Property Custodian, and applying it to the settlement which is here made?

First let me say—and I am repeating—that the United States acted as a faithful bailee; it put these funds out at interest.

It was felt by the German nationals themselves that, in order to have an immediate settlement, instead of waiting 5, 10, 15, or 20 years, they would rather make some sacrifices, including the retention of 20 per cent which goes into the fund, and get the matter disposed of. They will receive certificates calling for the payment of the entire amount, with interest, all certificates to bear interest except those issued for the $25,000,000 of interest.

There is, though, with respect to the $25,000,000, an apparent, and as I believe, a real discrimination, and I have offered the amendment to meet that situation.

Mr. HOWELL. Mr. President——

Mr. KING. Let me complete the Lafferty matter first, and then I will be glad to yield.

Mr. Lafferty made another contention, which I think possessed merit and the committee responded to his contention.

It was represented to the committee that German nationals left money with German banks for the purchase of American securities. Those securities were purchased, and some of them held in the vaults of a branch bank in London, and were seized by the London trustee appointed under war legislation, who sold the securities, and who, according to Mr. Lafferty's view, applied the proceeds derived therefrom in liquidating the debts of German banks to British creditors. In this manner German banks obtained a direct benefit by the application of the funds derived from the sale of securities which they had purchased for their own nationals, by having their own debts extinguished.

It was thought that a provision should be inserted in the bill under which those persons whose property had thus been disposed of for the benefit of the bank should have the right to litigate in the American courts their claims, and attach the property in the hands of the Treasury or of the Alien Property Custodian, and have it held until they could establish their claims against the bank.

The provision in the bill fairly protects claimants of this character, and also goes further and protects American nationals who may have claims of like character against German banks, which have money in the hands of the custodian. They may bring suit in the District of Columbia and attach in the hands of the Alien Property Custodian sufficient funds to meet any judgment they may obtain.

Mr. NORRIS. Is that to be an action by an American citizen against a German bank in Germany?

Mr. KING. Yes.

Mr. NORRIS. Suit commenced in the District of Columbia?

Mr. KING. Commenced in the District of Columbia. Of course, it is an action in rem, and under attachment, as the Senator knows, under the great case of Pennoyer *v.* Neff, in the Supreme Court, the court may obtain jurisdiction by constructive service, though the defendant may be an alien, or beyond the jurisdiction of the court.

Mr. NORRIS. The thing that would give them jurisdiction would be the attachment of the money.

Mr. KING. Exactly; it is an action in rem. The same remedy we give to the German nationals we give to the American nationals.

Now I yield to my friend from Nebraska.

Mr. HOWELL. Mr. President, is it not a fact that this agreement and accord, to which the Senator has referred——

Mr. KING. What does the Senator mean by "agreement and accord"?

Mr. HOWELL. As between those Americans entitled to awards of the Mixed Claims Commission, and the German nationals who are interested in the fund in the hands of the Alien Property Custodian.

Mr. KING. I beg the Senator's pardon. There is a great deal of difference between an agreement and an accord, if he uses the word "accord" in the legal or juridical sense, and I do not want to misunderstand my friend. I beg him to reframe his question so that I may not misunderstand him.

Mr. HOWELL. The senior Senator from Utah stated that there seemed to be an accord between the claimants on both sides and that they had come to an agreement.

Is it not a fact that American claimants have been holding up, by their influence, the payment of these funds in the hands of the Alien Property Custodian, insisting that the German nationals should not get their money until provision was made for them to have their awards paid?

Mr. KING. Mr. President, I do not know as to that; but I can readily understand that if I were an American claimant, and I had discovered that the German Government had left in the hands of my Government two or three hundred million dollars, with instructions to my Government to hold the same until the German Government made satisfactory arrangements to pay me, as well as all others in like condition, I would say to my Government, "I do not want you to release this fund until I am paid or until assurances are made satisfactory to me that I shall be paid."

There is one thing I do not quite approve. I have felt that some American nationals were too eager to have the American Government assume the payment of their claims and relieve Germany absolutely; and many American claimants were backing the original Treasury scheme, which I think was indefensible, to have the American Treasury pay all of the American claims.

Mr. HOWELL. I acknowledge that the attitude of the American claimants is quite natural, but in view of our history and our position respecting confiscation of private property in time of war over all the 125 or more years of our existence, I ask the Senator if he believes that Congress has been justified in withholding this money belonging to German nationals here for the last nine years?

Mr. KING. My friend must understand my position. I took the position in 1920 that the property should be restored. Senator Knox, now deceased, supported the view which I expressed. But we are confronted now with a different situation. It is more than an academic question before us. It is a practical situation, and even idealists must at times become realists and deal with realities.

Indeed, I sometimes think that the highest form of idealism may call for the working out of proper principles for the recognition and application of realities.

Now, we have this fund here. Germany can not pay American nationals. German nationals say, "We will be glad to have this matter settled now, so that we may obtain 80 per cent of the amount due at the earliest possible moment. The remaining 20 per cent may be deferred and paid with 5 per cent interest at a later date."

Mr. HOWELL. Simple interest.

Mr. KING. Yes; simple interest.

Mr. HOWELL. Just recently the distinguished Senator stated that they might not be able to get any such rate of interest upon their investment, but he knows that simple interest over that period of something like 26 years——

Mr. KING. Oh, no; not so long.

Mr. HOWELL. About 24 years.

Mr. KING. I do not think the Senator is right.

Mr. HOWELL. It certainly does not at all equal 3½ per cent.

Mr. KING. At any rate, it gives them a settlement of which they approve. They are satisfied with it.

Mr. HOWELL. But they have had a gun held to their heads and have been told, "You will agree to this or you will not get anything."

Mr. KING. I do not think the Senator is right. I do not think the United States has taken that position.

Mr. HOWELL. I do not say the United States has taken that position, but the Congress has been a party to such an attitude. What I say is that American claimants have stood in the way of German claimants receiving the funds to which they are entitled, in accord with the policy of this Government for the last 125 years. I feel that the American people ought to be ashamed of the attitude that has been taken in the premises.

Furthermore, I wish to say that, in my opinion, we will bitterly regret it some day, because now we are the great creditor nation. Our property and credits are strewn all over the world, and if we confiscate German property or any other property we will regret it. That is exactly what we are doing if we take this $25,000,000 and do not pay interest thereon. The present worth of $25,000,000 for the average time, 25 years, is only $7,400,000. We would be confiscating nearly $18,000,000 right in this one act.

Mr. KING. I do not want to assent to the view that this is confiscation.

Mr. HOWELL. Then what is it?

Mr. KING. I have stated that the German Government, exercising her undoubted power, has placed that property in our hands and told us to hold it. Now, the German nationals may quarrel with their own Government; perhaps they will. I have no doubt that Germany, when she arises from her postwar condition and becomes the dominating industrial and economic, if not political, factor in Europe, will compensate her nationals, as she is already compensating some of them for property which was taken by the allied nations when found within their dominions during the war. Moreover, if Germany meets the Dawes annuities or makes some settlement with the allied nations and the United States by the terms of which the claims of the United States and its nationals are paid, then German nationals will be fully paid except that the holders of interest certificates will be denied interest on such certificates unless we make provision for the same in this bill.

The Senator knows that in the last report which was submitted by Mr. Parker Gilbert or by the Reichstag attention was called to the fact that it was proposed by the German Government to levy a tax of 1,200,000,000 gold marks for the coming year, as I recall, in order to partially compensate German nationals for property which had been applied by the allied nations in liquidating claims of their nationals against the German Government or German nationals. I think that Germany, as she mounts the steps toward the uplands of prosperity and complete financial rehabilitation, will compensate her nationals for any losses which they have sustained by reason of a portion or all of their property which was seized by the allied nations and applied to liquidate her indebtedness, and they in time will be fully compensated for the sacrifices which they made in behalf of their mother country. Their Government has told us to hold the property.

Now, the German nationals come to us and say, "We want you to release the property," the German Government says, "We want you to release the property," and American claimants say, "We want you to release the property. Concessions have been made in order to reach an agreement between the interested parties."

Shall we stand here and say we will ignore the German Government, we will ignore the German nationals, we will ignore the American nationals, and refuse to accept the settlement which has been agreed to by substantially all of the parties concerned in this matter?

Mr. HOWELL. Mr. President, the distinguished Senator has pointed out that his attitude in 1923 is exactly my attitude now. The ratification of the Berlin treaty was prior to 1923. Therefore he has changed his position.

Mr. KING. Oh, no.

Mr. HOWELL. Otherwise he would stand here as I stand now—and shall stand—and urge the return of every dollar of German property at the earliest possible moment. It can be done if we will refuse to pay now the insurance companies' profits, amounting to $52,000,000, which are to be paid them under the terms of this bill—80 per cent within three years and the remaining 20 per cent at the end of 21 years thereafter.

I ask the distinguished Senator from Utah if he approves of paying the insurance companies $52,000,000 and taking $40,000,000, or 20 per cent, from the funds of German nationals in the hands of the Alien Property Custodian to do so, because that is what we are doing? We are taking from the Germans that money to which they are entitled that we may pay these insurance companies $52,000,000. We recognize, so far as the Government is concerned, that it has awards which are profits on insurance written, but those profits are to be paid last, and, of course, if Germany does not pay we will not get those profits. Why should we pay profits otherwise to these 45 insurance companies because they are here in the persons of a tremendous lobby to put this bill over?

Mr. SMOOT. Mr. President, before my colleague answers will he yield to me

Mr. KING. Certainly .

Mr. SMOOT. I would like to say that when the time comes I shall desire to make a statement to the Senate as to just what the profits have been to the insurance companies. I will have the information in detail, and I assure the Senator from Nebraska that the statement he has made now, according to facts which I am told by people who know are facts, is not justified.

Mr. KING. Mr. President, the Senator has asked me a question. Let me answer it. This matter came before the committee and I took the view then that we ought to differentiate between the actual losses of the insurance companies and the profits. That is to say, if they insured a vessel and the vessel was lost, they ought to receive an award for the loss and they ought to be put in the same category as substantially all the other American claimants. I did feel, however, as to their profits the same as I feel with respect to the profits which the Government made upon its insurance business, that they ought to be put in the last category.

But arguments were made by Senators before the committee—and I am not betraying any confidence, I hope, in making that statement. For instance, it was said that American citizens were engaged in the insurance business. The proceeds and profits of the insurance business were distributed among a large number of people as stockholders. There were great risks during the war. Some insurance companies lost and others made profits. Why should an insurance company—I am repeating substantially the argument of some of the Senators before the committee—engaged in a legitimate business, because it made a profit during the war be denied payment pro rata with other

American claimants making claims against Germany? It might have sustained losses. Fortunately for it, it did not.

Some German submarines missing the ships at which they fired saved them a loss and thus permitted profits. So the argument was, Why should we penalize them while they are engaged in a legitimate business and put them in the last category?

Mr. REED of Pennsylvania. Mr. President, may I ask the Senator if it is not a fact that all accumulated capital is profit for somebody at some time?

Mr. KING. Exactly. I have stated my position. I voted in the committee for the amendment which the Senator offered.

Mr. HOWELL. I am glad to know it.

Mr. KING. But I think he and I will perhaps stand alone or in the minority in supporting the amendment here. I shall vote for it here, but the arguments against it possessed merit.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. KING. Certainly.

Mr. HARRISON. The Senator has told the Senate that he voted in committee for the amendment of the Senator from Nebraska.

Mr. KING. Yes.

Mr. HARRISON. He might well have told the Senate that he was the only member of the committee who did vote for the amendment.

Mr. KING. That is true. I have the good fortune or misfortune frequently to be alone. That does not convince me that I am wrong, though perhaps in this matter I may have been wrong.

Mr. HOWELL. Mr. President, I want to call the attention of the distinguished Senator from Utah to the fact that in voting as he did in the committee he was voting in accord with the traditions of the United States Congress. In 1874 in connection with the *Alabama* claims this provision was inserted in the law:

> And no claim shall be admissible or allowed by said court—
>
> The court of commissioners of *Alabama* claims—
>
> by or in behalf of any insurance company or insurer, either in its own right, or assignee, or otherwise, in the right of a person or party insured as aforesaid, unless such claimant shall show, to the satisfaction of said court, that during the late rebellion the sum of its or his losses, in respect to his or its war risks, exceeded the sum of its or his premiums or other gains upon or in respect to such war risks; and in case of any such allowance, the same shall not be greater than such excess of loss.

That is the position that has already been taken by the United States Congress. In this bill are awards which, with interest, amount to $52,000,000 for insurance companies which, in their testimony before the Committee on Ways and Means of the House of Representatives, admitted that their aggregate losses during the war, over and above their premiums and expenses, were but $60,000, the premiums amounting to $247,000,000.

Mr. President, in order that we may understand the nature of these claims let me say that when an insurance company insures a risk and has a loss it takes from the premiums collected enough to pay that loss. That is a part of its business; that is its method of doing business. If it did not do that, it would not be in business.

These insurance companies did just exactly that; and they often charged as much as ninety-six times the premiums they had been charging in peace times for voyages across the Atlantic Ocean. Out of the premiums collected they paid their losses and were in the clear; but since then they have gone before the Mixed Claims Commission and said, "Here, my insured had a loss; of course, we paid him for his loss; if we had not paid him you would have to pay him; now, you pay us in his place; we are subrogated to his rights." On that basis the Mixed Claims Commission handed down awards for insurance companies to the amount of $35,000,000. Were they losses in the sense that they had caused misery and misfortune to the insurance companies? No. They were losses that they could expect in the course of their business. Interest at 5 per cent allowed upon those losses brings the total award to these insurance companies up to $52,000,000. As they did not lose anything this $52,000,000 is merely profit, but we are including it in this bill and providing for the payment of 80 per cent thereof within three years, just as we are providing in the case of losses to American citizens who were unfortunate.

Mr. SHORTRIDGE. Who incurred losses in fact.

Mr. HOWELL. They were losses in fact, which meant misfortune and possibly misery and failure. In this case, however, it was merely what the insurance companies anticipated when they took the risks. Their representative testified before the Ways and Means Committee that in peace times on voyages to Europe ships and cargoes were often insured on the basis of one-twentieth of 1 per cent, but that on all of their war-period losses together the average premium had been 4.5 per cent, which, if Senators will figure it out, is ninety-six times what the normal premium often was in time of peace. We should say to these insurance companies, "We are perfectly willing you should have your profit if Germany ever pays." Understand, Germany is paying $10,700,000 a year. That is the maximum we can get.

Germany may not continue to pay it; Germany may pay for only 3, 4, 5, or 10 years longer; we do not know; but these companies say, "We do not want to be put off because we may not get our money; we want it now." And they have been here in the persons of their lobby insisting that Congress provide for the payment of this profit. In order to do so, they have asked Congress, which has respected private property in time of war from almost the beginning of our history, to deduct for them from the Alien Property Custodian funds $40,000,000 so that they may be paid. I am perfectly willing that the insurance companies should be paid if they will wait until Germany pays.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator from Nebraska a question?

Mr. HOWELL. Certainly.

Mr. SHORTRIDGE. What, then, is the precise form of the Senator's amendment? What does he wish to have done? I ask the question so that I may fully understand the force of what the Senator is stating.

Mr. HOWELL. Mr. President, in the United States the rate for marine insurance became so high during the World War that the Congress authorized the Veterans' Bureau to write such insurance. It did so at a profit. It also has gone before the Mixed Claims Commission and made claim upon the same ground of subrogation for its losses, and awards have been made. They, together with interest, amount to about 14 per cent of all the awards of that commission. But, Mr. President, the House committee, the House, and the Senate committee have said, "Of course, those awards represent profits and they ought not to be paid until the last; therefore we will put off their payment until the last 13 years"—the 13 years extending from 26 years hence to 39 years hence—"we will put this character of awards in that class." What my amendment seeks to accomplish is to put the insurance companies' awards in the same class with the Government's awards of the identical character.

Why should we treat them better than we do the people of the United States? There seems to be, apparently, some reason, strong enough, in the minds of some Senators, to lead them to believe that we should not cerebrate in this manner; that the American Treasury, in preference, should be drawn upon whenever an individual might lose, that it should step aside for these insurance companies and their claims for profits.

Mr. President, I hope to discuss this matter further, and I shall offer two amendments. One will provide that we shall not deduct $40,000,000 from the Alien Property Custodian's fund to pay these insurance companies; that we shall pay the German claimants their $40,000,000, and that we shall put the insurance companies with awards of an identical character in the same class in which the committee has placed the United States Government's insurance awards.

Mr. SHORTRIDGE. That is the scope of the Senator's amendment?

Mr. HOWELL. Yes.

Mr. HARRISON. Let me ask the Senator if he can not offer his amendments to-night, so that we may vote upon them and hasten the passage of the bill?

Mr. HOWELL. No; it is late now, and I desire to speak upon them.

Mr. HARRISON. We have sat here and listened to the Senator for quite a while in the discussion of this matter; it is fresh in our minds now, and why can we not vote?

Mr. HOWELL. I hope that this bill will not be voted on to-night.

Mr. SMOOT. I should like to have the bill passed to-night, I will say to the Senator.

Mr. HOWELL. It is now half past 4 o'clock.

Mr. ROBINSON of Arkansas. Let me say to the Senator from Nebraska that I understand if the bill can be disposed of this evening there is a purpose to adjourn over until Monday, so as to give Senators the opportunity to attend to office and committee work.

Mr. HOWELL. I suggest that we adjourn until Monday, and take up the bill on that day. I should prefer that course.

Mr. SMOOT. An hour and a half remains before 6 o'clock.

Mr. HOWELL. Debate has been proceeding during the afternoon; this is one of the most important bills that will be before the Senate this session, and we certainly ought not to

cut off discussion after so short a time. I have certain other proposals which I wish to offer.

Mr. SMOOT. Can not the Senator do so within an hour and a half?

Mr. HOWELL. I am not prepared to do so this evening. I understood we would adjourn about half past 4.

Mr. SMOOT. I did not give any intimation of that kind to anybody, so far as I recall. I know the feeling of the Senate; from what Senators have told me, they would like to get through with the bill to-night and adjourn over until Monday.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Utah, which will be stated.

The CHIEF CLERK. On page 79, line 23, after the word "more," it is proposed to strike out "noninterest-bearing participating certificates," and insert "participating certificates bearing simple interest at the rate of 5 per cent per annum.

The PRESIDING OFFICER. The question is on the amendment to the amendment of the committee. [Putting the question.] The amendment to the amendment is rejected.

Mr. HOWELL. I ask for the yeas and nays on the amendment.

Mr. SMOOT. The vote has been announced.

Mr. HARRISON. Mr. President, the vote has been announced and the question is settled.

Mr. KING. Mr. President, in order, if the bill shall not be passed tonight, that we may have an opportunity to vote on the amendment to the amendment in the Senate, I reserve the right to ask for a separate vote on it when the bill reaches the Senate.

Mr. COPELAND. Mr. President, I have two or three amendments which I desire to suggest.

Mr. KING. Will the Senator allow me to present some additional amendments which I desire to offer? Will he yield to me for that purpose?

Mr. COPELAND. Yes.

Mr. KING. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 98, after line 24, it is proposed to insert the following as a new section:

SEC. 19. Subsection (f) of section 10 of the trading with the enemy act, as amended, is amended by adding at the end thereof the following new paragraph:

"In the case of any such patent, trade-mark, print, label, or copyright, conveyed, assigned, transferred, or delivered to the Alien Property Custodian or seized by him, any suit brought under this subsection, within the time limited therein, shall be considered as having been brought by the owner within the meaning of this subsection, in so far as such suit relates to royalties for the period prior to the sale by the Alien Property Custodian of such patent, trade-mark, print, label, or copyright, if brought either by the Alien Property Custodian or by the person who was the owner thereof immediately prior to the date such patent, trade-mark, print, label, or copyright was seized or otherwise acquired by the Alien Property Custodian."

Mr. SMOOT. I will be glad to accept that amendment.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

Mr. KING. I offer another amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 102, after line 22, it is proposed to insert as a new section the following:

OFFICE OF ALIEN PROPERTY CUSTODIAN

SEC. 21. (a) The office of Alien Property Custodian is abolished, and all the authority, powers, and duties of the Alien Property Custodian are transferred to the Secretary of the Treasury, to be held, exercised, and performed by him. All money or other property held by the Alien Property Custodian is transferred to the Secretary of the Treasury, to be held, administered, and accounted for in the same manner as though the office of Alien Property Custodian had not been abolished.

(b) No suit, action, or other proceeding lawfully commenced by or against the Alien Property Custodian in his official capacity, or in relation to the discharge of his official duties, shall abate by reason of the transfer of authority, powers, and duties to the Secretary of the Treasury, but the court, on motion or a supplemental petition filed at any time within 12 months after this section takes effect, showing a necessity for a survival thereof to obtain a settlement of the questions involved, may allow the same to be maintained by or against the Secretary of the Treasury.

(c) All proceedings, hearings, investigations, and other matters pending before the Alien Property Custodian in respect of the authority, powers, and duties transferred to the Secretary of the Treasury, shall be continued and brought to final determination before the Secretary of the Treasury in the same manner as though such transfer had not been made.

(d) All officers and employees (except the Alien Property Custodian) appointed under the provisions of section 6 of the trading with the enemy act, as amended, who, in the opinion of the Secretary of the Treasury, have satisfactory records of efficiency and are qualified to perform the duties assigned to them, shall, after the effective date of this section, be retained at rates of compensation fixed by the Secretary of the Treasury, as nearly as may be, in accordance with the classification act of 1923. The Secretary of the Treasury is authorized, without regard to the civil service laws, to appoint and, in accordance with the classification act of 1923, fix the compensation of such additional officers and employees as may be necessary for the administration of the functions hereby transferred to him.

(e) This section shall take effect upon the expiration of 18 months after the date of the enactment of this act.

Mr. SMOOT. Mr. President, that gives 18 months for the Alien Property Custodian to wind up the affairs of his office. I will accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the junior Senator from Utah to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. KING. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 98, after line 24, it is proposed to insert a new section, as follows:

SEC. 19. The proviso of paragraph 10 of subsection (b) of section 9 of the trading with the enemy act, as amended, relating to return to certain insurance companies, is repealed.

Mr. SHORTRIDGE. Mr. President, may I ask that that amendment be read again?

The PRESIDING OFFICER. The Secretary will restate the amendment.

The amendment was restated.

Mr. SHORTRIDGE. I desire to be heard upon the amendment. Is it the purpose or intent to get this bill through this afternoon?

Mr. SMOOT. I will say to the Senator that I should like to clean up every question that I can.

Mr. SHORTRIDGE. We should all like to clean it up; but I have an amendment to propose which I hope will not provoke argument.

Mr. SMOOT. I do not think the Senator's amendment will provoke very much argument to-night. I know what it is.

Mr. SHORTRIDGE. I do not know as to that.

Mr. KING. Mr. President, will the Senator from California yield?

Mr. SHORTRIDGE. Certainly.

Mr. KING. I will withhold my amendment, if the Senator has one which is cognate to this, until his amendment is disposed of, and then offer mine, if the Senator desires.

Mr. SHORTRIDGE. Very well.

Mr. KING. I withhold my amendment for the moment, and with the permission of the Senator—because his amendment relates to the same subject—yield to the Senator from California.

Mr. SHORTRIDGE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 101, between lines 11 and 12, it is proposed to insert:

That section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, be, and hereby is, amended to read as follows:

Amend subdivision (a) of section 9 by adding thereto the following words:

"That as to any claim or claims filed with the Alien Property Custodian under the provisions of this act against any insurance partnership, association, or corporation for unpaid amounts for losses or damages caused directly or indirectly by the great San Francisco conflagration of April 18, 1906, the right to plead the statute of limitations and/or laches as a defense is hereby suspended. Any number of claimants against any such insurance partnership, association, or corporation for unpaid amounts for losses or damages caused directly or indirectly by the great San Francisco conflagration of April, 1906, may join in the same action.

"*Provided*, That no insurance partnership, association, or corporation, against which any suit or suits may be filed by any citizen of the United States in any court having jurisdiction thereof within 90 days after the passage of this act shall be entitled to avail itself of the provisions of this act until such suit or suits have been satisfied.

Mr. SMOOT. Mr. President, that is the identical amendment that was in the bill as it passed the Senate last year.

I will say to the Senator that I am perfectly willing that it shall be adopted now and go to conference.

Mr. KING. Mr. President, I am very much opposed to this amendment for very, very many reasons. I do not want to detain the Senate now. I regret, of course, that the chairman of the committee has seen fit to accept the amendment. I do not believe in the wisdom or the propriety of the Federal Government interfering with State statutes in regard to the matter of limitations of actions. I think the legislation is improper and unwise. I shall not detain the Senate, though, in a discussion of it, because I feel quite sure that the conferees, in the consideration of this revolutionary proposition, so manifestly unfair, will very promptly repudiate it.

Mr. SHORTRIDGE. Mr. President, in the first place, the proposition is not revolutionary.

In the second place, it is not unwise.

In the third place, there are authorities of our Supreme Court for practically three-quarters of a century approving legislation in respect to the statute of limitations.

In the fourth, fifth, and hundredth places, there is justice and right supporting this amendment.

I did say, however, and I now say in the interest of time and peace and harmony, that certainly it would be agreeable to have the amendment go into conference. I shall not be a conferee; I shall not be there to defend the amendment; but I shall hope that Members of the Senate will give heed to the reasons which may appear in the RECORD of the House, and particularly an address made some years ago by a former Congressman, now deceased, Mr. Julius Kahn, of California, and to other facts and arguments which will appear in the RECORD; and I will abide by the decision of the conferees. I will ask that that be done in the interest of time, rather than to take up the attention of the Senate in argument which, to cover the case, would necessarily consume a very considerable amount of the time of the Senate.

Mr. KING. Mr. President, of course, if this amendment goes to conference I shall ask the same consideration for mine.

Mr. SHORTRIDGE. Certainly.

Mr. HARRISON. Mr. President, I know there are just a few Senators here; but after this amendment is adopted I want to reserve the right to have a vote in the Senate if I choose.

Mr. SMOOT. I think if one amendment goes in the other should go in.

The PRESIDING OFFICER. The question is upon agreeing to the amendment proposed by the Senator from California [Mr. SHORTRIDGE] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. KING. Now, I reoffer my amendment.

The PRESIDING OFFICER. The Senator from Utah reoffers his amendment, which will be stated.

The CHIEF CLERK. On page 98, after line 24, it is proposed to insert a new section, as follows:

SEC. 19. The proviso of paragraph 10 of subsection (b) of section 9 of the trading with the enemy act, as amended, relating to return to certain insurance companies, is repealed.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. SMOOT. Mr. President, on page 99, line 15, I move to strike out the parenthesis, and in line 16 to strike out the comma before the word "such" and insert in lieu thereof a parenthesis. It is simply a mistake in printing; that is all.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. KING. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 94, line 15, it is proposed to insert a new subsection, as follows:

(c) Where the Alien Property Custodian has made demand or requirement for the conveyance, transfer, assignment, delivery, or payment to him of any money or other property of any enemy or ally of enemy (whether or not suit or proceedings for the enforcement thereof has been begun, and whether or not any judgment or decree in respect thereof has been made or entered), and where the interest or right of such enemy or ally of enemy in such money or property has not, prior to the enactment of the settlement of war claims act of 1928, vested in enjoyment, the Alien Property Custodian may, in his discretion and on such terms and conditions as he may prescribe, waive such demand and requirement, without compliance with the requirements of subsection (b) of this section, but only with the approval of the Attorney General.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, I ask the attention of the Senator from Utah to page 46, the top of the page, about the radio stations.

There were two wireless stations in America at the beginning of the war—one at Sayville and the other known as the Tuckerton station. I want to ask the Senator from Utah why we should not place both upon the same plane.

Mr. SMOOT. I will say frankly that the Tuckerton station was sold to private citizens, whereas the Sayville radio station was taken over by the Government; and this bill does not attempt to deal with the claims of individuals or any dealings between individuals. That is why it is out of the bill.

Mr. COPELAND. Mr. President, of course I dislike detaining the Senate even for a moment at this late hour, but as a matter of fact one station was sold to the United States, was it not?

Mr. SMOOT. Yes.

Mr. COPELAND. And the other one was taken over by the Navy Department under the proclamation of the President.

Mr. SMOOT. They were both taken over by the Navy Department under the proclamation of the President.

Mr. COPELAND. But the Navy Department operated the second station, and then afterwards it was sold and a certain amount was paid to the Alien Property Custodian, but the original owners have never received this money and other receipts.

Mr. SMOOT. One was sold to the United States and one was sold to private parties, and this bill has not undertaken to cover dealings with private parties. The Tuckerton station fell within that class.

Mr. COPELAND. Would the Senator, in order to save time, be willing to accept an amendment to add after the word "station" the words "or rights therein," and then leave out the words "to the United States," in order that the referee when appointed might consider whether they have any rights or not?

Mr. SMOOT. I want to say frankly to the Senator that it would do no good. That matter was turned down by the House a year ago, and it was turned down again this year. I do not want to hold out any hope at all to the Senator as to the House yielding. I would not want to be held responsible for having this go in, and have the Senator say, "Oh, well, you did not try to keep it in."

Mr. COPELAND. My responsibility ceases, and so does that of the Senator from Utah, with what we do here. I am sure the conferees will be fair. So I ask that on page 46, after the word "station," in the first line, there be inserted the words "or rights therein," and then in the third line that the words "to the United States" be stricken out.

Mr. SMOOT. Really, that has no right in the bill, and I wish that the Senator would not offer it.

Mr. COPELAND. I do not like to have the Senator force me to make an argument.

Mr. SMOOT. So far as I am concerned, it may go into the bill, but I want to say to the Senator now that I have no idea whatever that the House will yield.

Mr. COPELAND. I hope the House will yield. Anyhow I am very much obliged to the Senator, and I think this is the better way to handle it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment offered by the junior Senator from Utah [Mr. KING].

The CHIEF CLERK. On page 95, line 7, add a new paragraph to section 30, to read as follows:

The remedy by attachment provided for by this section shall extend to any person who may institute any suit at law or in equity in the Supreme Court of the District of Columbia, against any person to whom any money or property is returnable under this act, and who shall give such bond as may be required by the court, and in any such action or suit where the facts upon which a recovery is sought shall involve the purchase of shares in an American corporation the Supreme Court of the District of Columbia is hereby authorized to hear and determine such suit or action in accordance with the principles of law and equity as the same was in force in the District of Columbia.

Mr. SMOOT. I do not think that is necessary, but I am perfectly willing to have it go in the bill. I think the bill provides for it anyhow.

Mr. KING. There is some controversy as to the proper interpretation to be placed upon the provision of the bill, and this

makes the matter clear. If the bill, upon careful examination, shows that it is broad enough to take care of this matter, then this may be discarded, but I think this is better, and clarifies what obviously is an uncertainty.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, if a German woman marries an American citizen and becomes an American citizen, why should she not be released from the adverse operation of this measure? The trading with the enemy act, as it now exists, directs the return of the property of American women who have married Germans, and thereby become German citizens, quite regardless of the fact that their husbands may have taken an active part in the recent war against the United States. It seems to me that German women who by marriage have become American citizens are certainly in a far better position to request that the rights in their property be respected.

Mr. SMOOT. The Senator refers to a woman who was a German citizen. If we began to return property to German women who had become American citizens, though they were the most wonderful women in the world, there would be no end to it. We can not do that.

Mr. COPELAND. Have many German women married American citizens?

Mr. SMOOT. Quite a number of them; I can not tell how many. But the Senator refers to one who was a German citizen; and this bill does not provide, and I know the Senator does not want it to provide, that we should return property to German citizens.

Mr. COPELAND. The judgment of the Senator is that this would be an unwise and improper procedure?

Mr. SMOOT. Absolutely.

Mr. COPELAND. I wonder if any other Senator has an opinion on that subject. Is the opinion of the Senator from Utah the general opinion?

Mr. SMOOT. It is the unanimous opinion of the committee.

Mr. COPELAND. I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The clerk will read.

The CHIEF CLERK. Amend section 18 of the Finance Committee's report on H. R. 7201 by changing the period at the end of subsection (b) of section 18 to a comma and adding the following words:

Provided, however, That within six months after this act takes effect the Alien Property Custodian shall have filed tentative returns of all such taxes, or the Commissioner of Internal Revenue shall have made tentative assessment of all such taxes, in which case the amount so tentatively returned or assessed shall be paid for taxes by the Alien Property Custodian subject to refund to, or additional payment by, the taxpayer upon the final determination of such taxes after such court review, if any, to which the taxpayer may be entitled. In default of such return or assessment within said six months, no property of any enemy as to which said default occurs shall be retained for taxes, but the liability of the taxpayer to pay 80 per cent of any proper taxes after any court review to which he may be entitled shall nevertheless continue, and any sums repayable to the taxpayer on account of the 20 per cent retained under subsection (m) of section 9 of the trading with the enemy act shall, for a period of two years after this act takes effect, be retained by the Alien Property Custodian as security for the payment thereof.

Mr. SMOOT. Mr. President, I wish to say to the Senator that this subject was presented to the committee, and it was defeated unanimously by the committee. It was presented to the House, and the House refused to take it into consideration. The matter ought to be covered by legislation outside of this bill, if at all. It is foreign to this bill.

Mr. COPELAND. I may say to the Senator that our late enemies are not responsible for the nonpayment of these taxes.

Mr. SMOOT. Of course, they are not responsible in one way; but this would open up the whole question of taxation.

Mr. COPELAND. Mr. President, the sole purpose of this amendment is to prevent the retention for years, perhaps, of enemy property, until the taxes thereon, while it was in the Alien Property Custodian's hands, shall have been determined. For, under the tax laws, the Commissioner of Internal Revenue has five years to assess a tax. Therefore, until 1932 he need not assess taxes for 1927. Hence, in view of the requirement of section 24 of the trading with the enemy act, which compels the custodian to pay taxes out of enemy property, it is conceivable that such property may be retained for five years, until the taxes are determined and paid. This will not only delay the determination of the 80 per cent to be returned to the enemies, but also the fixing of the 20 per cent to be applied to pay American creditors.

The enemies are certainly not responsible for the nonpayment of such taxes, in so far as they have not been paid or assessed. Their property has been in the possession of the custodian for almost 10 years, without any control by them, and the custodian has had and still has power to pay such taxes. The delay, therefore, if in any respect it has been too protracted, whether chargeable to the Commissioner of Internal Revenue for not assessing the taxes or otherwise, is certainly not chargeable to the enemies. They should not be made to suffer unduly for something which can not possibly be their fault.

Information from the custodian's office shows that while most taxes, inclusive of 1925, have been paid, no taxes of insurance companies have been paid beyond 1919, and that neither returns nor assessments for any later year have been made.

The proposed amendment, therefore, would require such returns or assessments to be made within six months after the act takes effect, and that no enemy property be retained for taxes except where such return is filed or assessment made within that time, though the liability of the enemy to pay would still continue; and it suggests that any repayment of the 20 per cent retained be kept for two years after the act takes effect as security for the payment of such taxes. As in most cases 20 per cent of the entire property, principal and accrued income, will represent more than the total tax on income, it is believed that ample security is thus afforded where no tax is returned or assessed within the six months.

To permit the custodian to retain enemy property indefinitely because of delay in fixing the tax, not chargeable to the enemy, would seem neither wise nor proper in a bill which purports to make an immediate return of 80 per cent of enemy property.

Mr. SMOOT. Mr. President, I do not like to take a thing to conference which I know we could not agree to. We can not agree to this, and if I am one of the conferees I say frankly to the Senator now I could not agree to it.

Mr. COPELAND. Will the Senator accept it and take it to conference, regardless of its fate?

Mr. SMOOT. If the Senator wants to have it go in after that statement, I will let it go into the bill, but I want to say that it will never stay in.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment as amended.

Mr. HOWELL obtained the floor.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. SMOOT. I understand that all amendments to be offered have now been offered, with the exception of the amendments to be offered by the junior Senator from Nebraska [Mr. HOWELL]. If I could get unanimous consent for a time to vote on the bill without calling for a quorum, I would do so, but I intend now to ask that when the Senate concludes its business to-day it take a recess until 12 o'clock on Monday.

Mr. HARRISON. May I ask the Senator whether we can not agree that after a certain hour on Monday no speech shall be longer than five minutes? Such an agreement will obviate the necessity of calling for a quorum.

Mr. SMOOT. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until Monday, and that after 2 o'clock on Monday no speech on the bill or on any amendment thereto shall be for longer than five minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMOOT. The junior Senator from Nebraska has been recognized and will have the floor on the expiration of the recess.

The agreement limiting debate was reduced to writing, as follows:

UNANIMOUS CONSENT

Ordered (by unanimous consent), That after the hour of 2 o'clock p. m. on the calendar day of Monday, February 20, 1928, no Senator shall speak more than once or more than five minutes upon House bill 7201, to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, etc., or more than five minutes upon any amendment that may be pending or any amendment that may be offered thereto.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent

in executive session, the doors were reopened, and the Senate (at 5 o'clock p. m.), under the order previously entered, took a recess until Monday, February 20, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 17 (legislative day of February 16), 1928

PROMOTIONS IN THE NAVY

To be lieutenant commander

Hugh St. Clare Sease.

To be lieutenant

Charles P. Woodson.

To be lieutenants (junior grade)

Thomas U. Sisson.
Homer B. Wheeler.
Walter W. Siegrist.
Walter D. Leach, jr.
William E. Verge.
Joseph F. Dahlgren.

To be surgeon

Norman J. Haverly.

To be passed assistant surgeons

Clifton A. Young.
Walter G. Kilbury.

To be assistant dental surgeon

Walter P. Caruthers.

To be chief boatswain

Harold L. Arnold.

MARINE CORPS

To be chief marine gunner

Michael Wodarzcyk.

To be chief quartermaster clerks

Harry Halladay.
Walter E. Yaecker.
Charles Wiedemann.
Amos E. Potts.
William J. Cahill.
Joseph R. Morris.

To be chief pay clerks

Frealigh R. Powers.
Edward J. Donnelly, jr.
Allen A. Zarracina.
John D. Erwin.
Frank H. O'Neil.

POSTMASTERS

ARKANSAS

William H. Hogg, Stephens.

CONNECTICUT

William B. Simon, New Canaan.

ILLINOIS

James G. Baker, Waltonville.
Arthur P. Welborn, Woodlawn.

KANSAS

Gilbert W. Budge, St. John.

MASSACHUSETTS

Thomas Carroll, Bridgewater.
J. Francis Megley, Holbrook.
Carroll L. Bessom, Mansfield.

NORTH DAKOTA

Selmer Erfjord, Buxton.
Olaf A. Bjella, Epping.
Gusta A. Hongslo, Galesburg.
James F. McQueen, Pembina.

OHIO

Franklin Fasig, Arlington.
Charles A. Bower, Bowerston.
Ella L. Alstadt, Laurelville.
Egbert H. Mack, Sandusky.
Edna M. Gilson, Steubenville.
Mattie M. Beeson, Vandalia.

OKLAHOMA

Greenberry Peters, Texhoma.

PENNSYLVANIA

William McCandless, Catasauqua.
Lewis M. Krebs, Port Carbon.
Carl H. Borgeson, Wilcox.

TEXAS

Ethyl H. Williams, Angleton.
Gertrude N. Merrill, Buffalo.
David A. Young, Commerce.
Bradley Miller, Cooledge.
William R. Dotson, Jewett.
William H. Dodd, Langtry.
Charles A. Duff, Legion.
John M. Cape, San Marcos.

VIRGINIA

John J. Carper, Pearisburg.
John L. Jeffries, Vienna.

WEST VIRGINIA

Everett B. Wray, Glen White.
Charlie F. Baldwin, Madison.
Claude Pepper, Salem.

HOUSE OF REPRESENTATIVES

FRIDAY, *February 17, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

"Thy will be done." It sometimes may be very difficult, our Heavenly Father. It may summon us to surrender personal ease; it may cost us the disdain of the world; it may demand of us to give up friendship. Help us to brave all entreaties and commands and be a force that nothing can retard nor withstand. "Love never faileth." Oh, what a radiant flower, whose perfume is always refreshingly fragrant. In it there is no bitterness and no acid in its fruit. It is a freedom from all impurity and an absence from all despair. It is so sweet, healthy, and sane. Teach us, O God, as we are passing on, that "Now abideth faith, hope, love—these three, but the greatest of these is love." Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 7032. An act authorizing the Valley Bridge Co. (Inc.) of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Canton, Ky.;

H. R. 7033. An act authorizing the Valley Bridge Co. (Inc.) of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Iuka, Ky.;

H. R. 7034. An act authorizing the Midland Bridge Co. (Inc.) of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Smithland, Ky.;

H. R. 7035. An act authorizing the Midland Bridge Co. (Inc.) of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near the mouth of Clarks River; and

H. R. 7036. An act authorizing the Valley Bridge Co. (Inc.) of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Eggners Ferry, Ky.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same:

H. R. 9660. An act authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. SIMMONS, by direction of the Committee on Appropriations, reported the bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes, which was read a first and second time and, with the accompanying papers, ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. GRIFFIN. Mr. Speaker, I reserve all points of order.

THE LATE LAIRD HOWARD BARBER

Mr. KENT. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. KENT. Mr. Speaker, it is my sad duty to announce to the House of Representatives the death of Hon. Laird Howard Barber, of East Mauch Chunk, Carbon County, Pa. He died yesterday morning at 7 o'clock at his home, surrounded by his family and many intimate friends, at the age of 79 years.

He was born near Mifflinburg, Union County, Pa., October 25, 1848, and prepared for college in the Mifflinburg Academy. He graduated from Lafayette College, Easton, Pa., in 1871. For several years he was principal of the Mauch Chunk public schools, then studied law, and was admitted to the bar of Carbon County June 20, 1881. He was elected as a Democrat to the Fifty-sixth Congress and served with distinction and to the entire satisfaction of his constituents in that Congress from March 4, 1899, to March 3, 1901. He was not a candidate for reelection and resumed the practice of law in Mauch Chunk, Pa.

In 1913 he was elected president judge of the judicial district of Carbon County, was reelected in 1923, and was active as a jurist until a few days before his death.

He was careful and conscientious as a lawyer and statesman, thorough and profound as a jurist, and dignified always. He will be missed by all who knew him.

My State has lost a great and good citizen, a valuable public servant, and a fine Christian gentleman.

I want personally to attest to the fine character and sterling worth of my departed constituent.

Mr. Speaker, I ask for leave of absence for one legislative day to attend the funeral of Judge Barber to-morrow.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

GENERAL CLAIMS BILL

The SPEAKER. When the House adjourned yesterday the previous question had been ordered on the bill H. R. 9285 and all amendments thereto. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is now on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 65, noes 12.

Mr. BLANTON and Mr. RAMSEYER objected to the vote and made the point of order that there was no quorum present.

The SPEAKER. It is evident there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 280, nays 65, not voting 88, as follows:

[Roll No. 35]

YEAS—280

Abernethy	Colton	Gibson	Kvale
Ackerman	Combs	Gifford	LaGuardia
Adkins	Connally, Tex.	Gilbert	Langley
Aldrich	Cooper, Ohio	Glynn	Lankford
Allen	Corning	Goodwin	Lea
Allgood	Cox	Gregory	Leavitt
Andresen	Crail	Green, Fla.	Leech
Andrew	Cramton	Green, Iowa	Lehlbach
Arentz	Crisp	Greenwood	Letts
Arnold	Crosser	Griest	Lindsay
Auf der Heide	Cullen	Griffin	Linthicum
Bacharach	Dallinger	Guyer	Lowrey
Bachmann	Darrow	Hadley	Lozier
Bacon	Davenport	Hale	Luce
Barbour	Dempsey	Hall, Ill.	McClintic
Beck, Wis.	Denison	Hall, Ind.	McFadden
Beers	De Rouen	Hall, N. Dak.	McKeown
Begg	Dickinson, Iowa	Hammer	McLaughlin
Bell	Dickinson, Mo.	Hancock	McLeod
Berger	Doughton	Hardy	McReynolds
Black, N. Y.	Douglass, Mass.	Hastings	McSweeney
Black, Tex.	Drane	Hawley	Madden
Bland	Driver	Hersey	Magrady
Bloom	Eaton	Hickey	Major, Ill.
Bowles	Edwards	Hill, Wash.	Major, Mo.
Bowman	Elliott	Hoch	Mapes
Box	England	Hoffman	Martin, La.
Brand, Ga.	Englebright	Hogg	Martin, Mass.
Brand, Ohio	Evans, Calif.	Holaday	Mead
Brigham	Fenn	Hooper	Menges
Browne	Fish	Hope	Merritt
Buckbee	Evans, Mont.	Howard, Okla.	Michener
Bulwinkle	Faust	Hudson	Miller
Burdick	Fisher	Hudspeth	Monast
Burtness	Fitzgerald, Roy G.	Hughes	Moore, Ky.
Burton	Fitzgerald, W. T.	Hull, Morton D.	Morin
Butler	Fletcher	Hull, Wm. E.	Morrow
Campbell	Fort	Irwin	Murphy
Carew	Frear	Jacobstein	Nelson, Me.
Chalmers	Free	Johnson, Ind.	Nelson, Mo.
Chapman	Freeman	Johnson, Okla.	Nelson, Wis.
Chase	French	Kading	Newton
Chindblom	Frothingham	Kahn	Niedringhaus
Clancy	Fulmer	Kearns	Norton, N. J.
Clarke	Furlow	Kemp	O'Brien
Cochran, Mo.	Gambrill	Kerr	O'Connell
Cochran, Pa.	Garber	Ketcham	O'Connor, La.
Cohen	Gardner, Ind.	Kiess	Oliver, N. Y.
Cole, Iowa	Garrett, Tex.	Kopp	Palmisano
Colller	Gasque	Korell	Parker
Parks	Selvig	Swing	Ware
Peavey	Shreve	Taber	Warren
Porter	Simmons	Tarver	Wason
Pou	Sinclair	Tatgenhorst	Watres
Pratt	Sinnott	Taylor, Tenn.	Watson
Ragon	Sirovich	Temple	Weaver
Rainey	Smith	Thatcher	Welch, Calif.
Ransley	Snell	Thurston	White, Kans.
Reed, Ark.	Somers, N. Y.	Tillman	White, Me.
Reed, N. Y.	Spearing	Tilson	Whitehead
Reid, Ill.	Sproul, Ill.	Timberlake	Whittington
Robinson, Iowa	Sproul, Kans.	Tinkham	Williams, Ill.
Robsion, Ky.	Stalker	Treadway	Winter
Rogers	Stedman	Underhill	Wolverton
Rowbottom	Steele	Underwood	Woodruff
Rutherford	Strong, Kans.	Vestal	Wright
Sabath	Summers, Wash.	Vincent, Mich.	Wurzbach
Schafer	Sumners, Tex.	Vinson, Ga.	Wyant
Sears, Nebr.	Swank	Vinson, Ky.	Yates
Seger	Swick	Wainwright	Zihlman

NAYS—65

Almon	Collins	Jones	Rankin
Aswell	Cooper, Wis.	Kent	Rayburn
Ayres	Crowther	Kincheloe	Romjue
Bankhead	Davis	King	Rubey
Beedy	Dyer	Lanham	Sanders, Tex.
Blanton	Eslick	McDuffie	Sandlin
Bowling	Fulbright	Mansfield	Speaks
Briggs	Garner, Tex.	Milligan	Stevenson
Browning	Hare	Montague	Taylor, Colo.
Buchanan	Harrison	Morehead	Welsh, Pa.
Busby	Howard, Nebr.	Morgan	Williams, Mo.
Byrns	Huddleston	Norton, Nebr.	Williams, Tex.
Cannon	Hull, Tenn.	Oldfield	Wilson, La.
Carss	Jeffers	Oliver, Ala.	Wilson, Miss.
Cartwright	Jenkins	Peery	
Christopherson	Johnson, Tex.	Quin	
Clague	Johnson, Wash.	Ramseyer	

NOT VOTING—88

Anthony	Doyle	Kurtz	Rathbone
Beck, Pa.	Drewry	Lampert	Reece
Bohn	Estep	Larsen	Sanders, N. Y.
Boies	Fitzpatrick.	Leatherwood	Schneider
Boylan	Foss	Lyon	Sears, Fla.
Britten	Gallivan	McMillan	Shallenberger
Bushong	Garrett, Tenn.	McSwain	Steagall
Canfield	Golder	MacGregor	Stobbs
Carley	Goldsborough	Maas	Strong, Pa.
Carter	Graham	Manlove	Strother
Casey	Haugen	Michaelson	Sullivan
Celler	Hill, Ala.	Mooney	Sweet
Connery	Houston, Del.	Moore, N. J.	Thompson
Connolly, Pa.	Igoe	Moore, Ohio	Tucker
Curry	James	Moore, Va.	Updike
Davey	Johnson, Ill.	Moorman	Weller
Deal	Johnson, S. Dak.	O'Connor, N. Y.	White, Colo.
Dickstein	Kelly	Palmer	Williamson
Dominick	Kendall	Perkins	Wingo
Douglas, Ariz.	Kindred	Prall	Wood
Doutrich	Knutson	Purnell	Woodrum
Dowell	Kunz	Quayle	Yon

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. Purnell with Mr. Canfield.
Mr. Connolly of Pennsylvania with Mr. Deal.
Mr. Manlove with Mr. Garrett of Tennessee.
Mr. Britten with Mr. Dominick.
Mr. Dowell with Mr. Gallivan.
Mr. Sweet with Mr. Boylan.
Mr. Graham with Mr. Tucker.
Mr. Wood with Mr. Steagall.
Mr. Johnson of Illinois with Mr. Davey.
Mr. Kendall with Mr. Prall.
Mr. MacGregor with Mr. Woodrum.
Mr. Thompson with Mr. Sears of Florida.
Mr. Stobbs with Mr. Quayle.
Mr. Perkins with Mr. Casey.
Mr. Anthony with Mr. Igoe.
Mr. Bohn with Mr. Celler.
Mr. Moore of Ohio with Mr. Kunz.
Mr. Reece with Mr. Hill of Alabama.
Mr. Foss with Mr. Kindred.
Mr. Kurtz with Mr. White of Colorado.
Mr. Lampert with Mr. Moorman.
Mr. Maas with Mr. Carley.
Mr. Strother with Mr. Douglas of Arizona.
Mr. Rathbone with Mr. Wingo.
Mr. Curry with Mr. Drewry.
Mr. Beck of Pennsylvania with Mr. Yon.
Mr. Palmer with Mr. O'Connor of New York.
Mr. Golder with Mr. Larsen.
Mr. Houston of Delaware with Mr. McSwain.
Mr. Michaelson with Mr. Sullivan.
Mr. Sanders of New York with Mr. Moore of New Jersey.
Mr. Doutrich with Mr. Lyon.
Mr. Estep with Mr. Dickstein.
Mr. Johnson of South Dakota with Mr. Mooney.
Mr. Kelly with Mr. Goldsborough.
Mr. Leatherwood with Mr. Moore of Virginia.
Mr. Williamson with Mr. Weller.
Mr. James with Mr. Doyle.
Mr. Knutson with Mr. Fitzpatrick.
Mr. Bushong with Mr. Connery.
Mr. Updike with Mr. McMillan.
Mr. Carter with Mr. Shallenberger.

The result of the vote was announced as above recorded.

On motion of Mr. UNDERHILL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SETTLEMENT OF THE INDEBTEDNESS OF THE KINGDOM OF THE SERBS, CROATS, AND SLOVENES

Mr. GREEN of Iowa. Mr. Speaker, I call up the bill (H. R. 367) to authorize the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes.

The SPEAKER. The gentleman from Iowa calls up a bill, which the Clerk will report.

The Clerk read the title of the bill.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Iowa asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection? (After a pause.) The Chair hears none. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes to the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document No. 106, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

SEC. 2. The amount of the indebtedness to be funded after allowing for certain cash payments made by the Kingdom of the Serbs, Croats, and Slovenes is $62,850,000, which has been computed as follows:

Principal of obligations acquired for cash advanced under Liberty bond acts	$26,126,574.59	
Accrued and unpaid interest at 4¼ per cent per annum to Dec. 15, 1922	4,703,423.14	
		$30,199,997.73
Principal of obligations acquired by Secretary of War for surplus war supplies sold on credit	24,978,020.99	
Accrued and unpaid interest at 4¼ per cent per annum to Dec. 15, 1922	3,358,790.45	
		28,336,811.44
		58,536,809.17
Accrued interest at 3 per cent per annum from Dec. 15, 1922, to June 15, 1925		4,390,260.69
		62,927,069.86
Credits:		
Payments on account of principal since Dec. 15, 1922	66,709.19	
Interest thereon at 3 per cent to June 15, 1925	3,248.28	
		69,957.47
Total net indebtedness as of June 15, 1925		62,857,112.39
To be paid in cash upon execution of agreement		7,112.39
Total indebtedness to be funded into bonds		62,850,000.00

SEC. 3. The principal of the bonds shall be paid in annual installments on June 15 of each year up to and including June 15, 1987, on a fixed schedule subject to the right of the Kingdom of the Serbs, Croats, and Slovenes to postpone such payments falling due after June 15, 1937, for two years, such postponed payment to bear interest at the rate of 4¼ per cent per annum. The amount of the annual principal installments during the first five years shall be $200,000. Commencing with the sixth year the annual principal installment shall increase $25,000 a year for the succeeding seven years. Commencing with the thirteenth year the annual principal installment will be $400,000, the subsequent annual principal installments increasing until in the sixty-second year of the debt funding period the final principal installments shall be $2,406,000, the aggregate principal installments being equal to the total principal of the indebtedness to be funded into bonds.

SEC. 4. The Kingdom of the Serbs, Croats, and Slovenes shall have the right to pay off additional amounts of principal of the bonds on June 15 and December 15 in any year.

SEC. 5. The bonds to be issued shall bear no interest until June 15, 1937, and thereafter shall bear interest at the rate of one-eighth of 1 per cent per annum from June 15, 1937, to June 15, 1940; at the rate of one-half of 1 per cent per annum from June 15, 1940, to June 15, 1954; at the rate of 1 per cent per annum from June 15, 1954, to June 15, 1957; at the rate of 2 per cent per annum from June 15, 1957, to June 15, 1960, and at the rate of 3½ per cent per annum after June 15, 1960, all payable semiannually on June 15 and December 15 of each year, until the principal thereof shall have been paid.

SEC. 6. Any payment of interest or principal may be made at the option of the Kingdom of the Serbs, Croats, and Slovenes in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

Mr. GREEN of Iowa. Mr. Speaker, this bill was unanimously reported by the Committee on Ways and Means. It was favorably reported at the last session and passed the House at the last session, and, so far as I know, there is no particular opposition to it. It was also favorably reported by the Senate Finance Committee, but was lost in the Senate filibuster, otherwise it would be a law by this time.

I can not explain the provisions of the bill any more particularly than they are explained by the bill itself. The amount of the indebtedness as funded is fixed at $62,850,000, of which fifty-one million and odd dollars represents principal and eleven million and odd dollars represents interest. The total payments to be made to us are $95,177,635. On a 4¼ per cent basis the present value of these payments is $20,236,000, or about 32 per cent of the debt funded. On a 3 per cent basis the value is $30,286,000, or about 59 per cent.

This Kingdom is one of the poorest countries we have had anything to do with. The gentleman from Georgia [Mr. CRISP], who is a member of the Debt Commission and is very familiar with this, I think, can explain the details possibly a little better than I can.

Mr. BLANTON. Would the gentleman mind answering a question?

Mr. GREEN of Iowa. Not at all, but I think possibly the gentleman should ask his question of the gentleman from Georgia.

Mr. BLANTON. I should like to ask it of the chairman of the committee. This Congress gave the Government of France one of the most liberal and generous settlements that one country could be expected to give another. Does the gentleman know of one single act the French Government has ever taken toward ratifying that debt settlement?

Mr. GREEN of Iowa. No; I do not.

Mr. BLANTON. What are we going to do about it? Are we going to continue to let her float her loans in this country and continue taking good American money over to France or are we going to stop such transactions?

Mr. GREEN of Iowa. I can not answer that question, because I do not control those matters.

Mr. BLANTON. But the gentleman could do this: The gentleman could pass the resolution that I have had pending before his committee for a long time, to stop the cashing of French bonds or the flotation of such loans in this country until France does ratify the debt settlement we made with her.

Mr. GREEN of Iowa. I could if I had sufficient votes, but I have some doubt about that.

Mr. BLANTON. If the gentleman would pass that resolution and stop France from getting new money in this country, I think she would then do something quickly about this settlement.

Mr. GREEN of Iowa. Possibly, but that is not before the House.

The country involved in this bill is a very poor country and is ready to settle.

I now yield to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Speaker and gentlemen of the House, as a member of the Debt Commission before it went out of existence, I agreed to this settlement. It is a very generous settlement on the part of the United States, but in my opinion the settlement represents the full capacity of Yugoslavia to pay its indebtedness to the United States.

As you know, the Yugoslavian Kingdom was set up as a result of the war. It is the old Kingdom of Serbia with new territory added to it. During the war we advanced to Serbia approximately $25,000,000 in cash and about $30,000,000 in war supplies. Serbia was fighting with the Allies. Serbia was overrun by the armies of Germany three times, and there was greater devastation in Serbia and the territory now embracing Yugoslavia than any of the European countries.

It has about 50,000,000 acres of land and 30 per cent of it is in forest. A very small part of the land, owing to the mountainous character of the kingdom, is arable. Yugoslavia has practically no industries. Only 5 per cent of her population are engaged in industrial activities, the rest being engaged in agricultural pursuits. They barely make enough crops to feed themselves, and Yugoslavia has to import a great part of her food supplies consumed by her citizens residing in the cities.

The railroads were practically all destroyed during the war, with the bridges and culverts destroyed, and up until now they have not been permanently repaired, although there have been some temporary repairs. About the only fund Serbia has had for this purpose is from reparations from Germany, and the reparations were principally property in kind, railroad iron, cars, and things of that kind. Yugoslavia has received very little cash on account of the German reparations.

It was shown to the Debt Commission without doubt that Yugoslavia financially was the poorest off of any of our debtors; that the standard of living in Yugoslavia is lower than the standard of living of any other of our debtor class, and, of

course, this standard of living is not from choice but is from necessity.

Mr. LOWREY. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. LOWREY. What is the population of this country?

Mr. CRISP. The population is between 12,000,000 and 13,000,000 people.

Mr. GARNER of Texas. May I ask the gentleman a question?

Mr. CRISP. Yes.

Mr. GARNER of Texas. Does the report show what percentage of the total amount due this settlement represents?

Mr. CRISP. Reduced to present cash value?

Mr. GARNER of Texas. Yes; does the report show that?

Mr. CRISP. I think it does; but if it does not, I will answer the question.

Mr. GARNER of Texas. I wish the gentleman would do that.

Mr. CRISP. The total amount of the indebtedness funded, including the cash advanced and the war supplies furnished with interest up to the date of settlement, is $62,850,000. If this settlement is complied with, the United States will receive back $95,177,635.

Mr. MORTON D. HULL. How much of that is principal and how much is interest?

Mr. CRISP. We advanced in cash $26,000,000 and the interest on that at 4¼ per cent, to December, 1922, the date of settlement, was $4,000,000, making the principal and interest under that item amount to approximately $30,000,000. We advanced war supplies amounting to $24,978,020 and the interest on that was $3,358,000, making a total of $28,336,811, including the principal and interest. The total amount of the debt, including principal and interest to date of settlement is $62,850,000.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. CRISP. Mr. Speaker, I ask unanimous consent that I may proceed for 10 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GARNER of Texas. I just want to get into the RECORD——

Mr. CRISP. I will answer the gentleman's question right now. These payments are to be made over a period of 62 years. Reducing them to the present cash value, such value will, of course, depend on the rate of interest upon which the calculation is made, but if you put it on a rate of interest of 4¼ per cent, the present cash value would amount to $20,000,000, or 32 per cent of the debt funded. On a 3 per cent basis the present cash value would be $30,000,000, or 59 per cent of the principal.

Mr. SCHAFER. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. SCHAFER. Were these amounts advanced for war supplies advanced prior to the end of the World War or were some of the advances made subsequent to the end of the World War?

Mr. CRISP. I am not absolutely sure, but I think some of them were made after the World War.

Mr. BURTON. If the gentleman will excuse me, I think I can answer that question. The advances in cash, prearmistice, were $10,605,000; postarmistice $15,454,000, just about in the proportion of three after the armistice and two before.

Mr. ARENTZ. Will the gentleman yield?

Mr. CRISP. Certainly.

Mr. ARENTZ. If I remember correctly, during the time of the discussion on the Italian debt settlement either the gentleman from Georgia or the gentleman from Ohio [Mr. BURTON] made the statement that the average wage in Italy was $100 a year, the lowest living wage in the world with the exception of the Asiatic countries. Now the gentleman says that Yugoslavia is still lower in the standard of living than Italy. Is this true?

Mr. CRISP. Yes; when the Italian settlement was presented to the House, which was prior to this settlement, all the data and information obtained by the Debt Commission showed that the standard of living in Italy was the lowest of any country in Europe that we had dealt with, and I think that is true. This settlement came later, and while I personally have no first-hand information as to the standard of living, for I have never visited there, but when this settlement came up it was represented to the commission and conclusively proved that the standard of living of these people was lower than any other country in Europe. I am not speaking from first-hand information.

Mr. ARENTZ. Does the gentleman know what the average wage is in Yugoslavia?

Mr. CRISP. I did know, but I can not recall. I did not know this matter was coming up until a few moments ago. The settlement was made in January, 1926, and passed the House in May, 1926. I have not had time to refer to my files or to any documents connected with the settlement to refresh my memory at all. I have had many other matters on my mind since 1926, and I did not know until 12 o'clock to-day that this case was coming up.

As I stated, this is a very generous settlement on the part of the United States.

For the first 12 years no interest is to be paid. For the first five years Yugoslavia is to pay $200,000 a year to the United States. For the seven succeeding years that $200,000 is to be increased $25,000 a year. Beginning in 1937, interest is to be paid at a nominal rate of one-eighth of 1 per cent, which is practically no interest. Then we increase from one-half to 1 per cent, and the last 27 years it is to bear 3 per cent interest. But when this settlement is carried out by Yugoslavia, I, as an American Congressman, will be indeed proud and delighted. If it is carried out the United States Government will get back all the principal for cash, war supplies, and about $11,000,000 interest in addition.

This settlement was based on the same basis as all the other settlements made by the Debt Commission on the capacity of the nation to pay.

Now I believe that every individual and every nation should meet by paying 100 cents on the dollar and interest, every moral and legal obligation if it is able to do so.

The only excuse for compromising a moral or legal obligation is the incapacity or inability to pay in full. Many honorable people owing just legal debts are unable to pay in full; they do the best they can to make a compromise, and any business house, whether individual or corporate, if they have an insolvent debt where they can not collect 100 cents they collect what they can. A half a loaf is better than no loaf. This common sense, hard-headed business rule was followed by the Debt Commission. In my opinion, the validity of the international contracts and international obligations should remain sacred and settlement had on the capacity of the debtor nation to pay. The commission was of the opinion that this settlement represented the full maximum capacity of Yugoslavia to pay, and as a member of the commission I agreed to it, and as a Member of this House I am supporting it, for I think the settlement considering all the facts and equities—the loans were not made for commercial purposes but to aid in carrying on a mutual war—reflect credit on the United States and Yugoslavia.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. CRISP. Yes.

Mr. GREEN of Iowa. In view of the poverty of this country, in view of the fact that it was so completely ravaged, being almost from one end to the other a battle ground during the war, with very little resources, and those largely taken away from it, and in view of the further fact that we all know its recovery is necessarily very slow, because it has practically no industrial concerns, does not the gentleman think that we would be very fortunate if we get this sum in full?

Mr. CRISP. Unquestionably. I expressed the thought that I would be delighted if we collected from Yugoslavia the amounts provided for in this settlement.

Mr. GARNER of Texas. Mr. Speaker, will the gentleman yield?

Mr. CRISP. Yes.

Mr. GARNER of Texas. In view of all of the circumstances I am surprised that you got as advantageous a settlement out of Yugoslavia as you have related. As I understand it, the percentage they pay is a higher percentage of what they owe the United States than Italy pays.

Mr. CRISP. On the percentage based on similar rates of interest, I think the Italian settlement was about 30 per cent and this is 59 per cent, that is, on a 4¼ per cent basis, and on a 3 per cent basis it is 32 per cent higher than the Italian settlement.

Mr. BURTON. Mr. Speaker, I am somewhat in the position of the theological professor who was asked some questions about the atonement. He said, "In the sixth volume of my works, on page 450, you will find out all about that." The student replied that he had examined that statement, and that it was not entirely clear. The professor then said, "Well, those are the best views that I have on the subject."

If anyone wishes to refer to this subject more fully, I refer him to page 10737 of the CONGRESSIONAL RECORD for the last Congress, in a discussion had at that time on June 4, 1926.

There is very little to add to what Mr. CRISP and Mr. GREEN of Iowa have so excellently said. Some of the figures I shall

try to make a little more clear, but I do wish to review very briefly the policy of the Debt Commission.

The first rule was that the principal of the debts should be paid in full. Second, that in the payment of that principal, the utmost leniency, compatible with that which is right as between the parties, should be exercised in the rates of interest and the time for payment. The time for payment was fixed at 62 years in the settlements made. The third point was that the capacity of the country to pay should be taken into account. The question has been raised here as to why the Kingdom of the Serbs, Croats, and Slovenes—Yugoslavia—should not have been treated quite so favorably as Italy. If you figure on the basis of four and a quarter per cent, Italy pays 26 per cent in her payments, while Yugoslavia pays 32. For that discrimination, if you may call it such, there are two reasons. In the first place, the debt of Yugoslavia is very much smaller than that of Italy. The principal sum of the debt of Yugoslavia, prior to funding, was figured at $66,164,000, while that of Italy was $2,150,000,000—thirty-two times as great. The per capita debt of Italy is very much larger than the per capita debt of Yugoslavia; but there is another reason more compelling, and that is a very large share of the loans and advances made to Yugoslavia was after the armistice. Whenever anyone criticizes our settlements with foreign countries I wish that he who answers would emphasize the fact that a large share of the loans and advances were made after the armistice, when threat of war was very remote. The amount in money advanced to Yugoslavia, or the Kingdom of the Serbs, Croats, and Slovenes, was $10,605,000 before the armistice, which was the virtual close of the war. After that the advances amounted to $15,454,000, so that the proportion of advances after the war was as one and one-half to one. Then, again, the value of surplus supplies, largely for food and clothing—it was not so largely for military supplies—and that mostly after the armistice, amounted to about $25,000,000, making in all approximately $51,000,000 of principal, and the interest up to June 15, 1925, makes in all $62,850,000.

Before leaving this subject I desire to answer the argument that is made in Europe and is made perhaps even with a louder note in our own country, about the manner in which we have treated our foreign debtors. I say here, and I have said everywhere, that any accusation of severity against the United States is entirely unwarranted. We were actuated by the principles of generosity in the settlements of our debts with all of these countries. Let us look at the settlement of Yugoslavia for a minute. The principal sum, computed as of June 15, 1925, after the payment of the trivial amount of $7,000 and a little over, is, as I said, $62,850,000. The payment begins at only $200,000 a year, without any charge for interest whatever. At the end of five years there is an increase to $225,000, then to $250,000, then to $275,000, and then to $300,000, and the final payment of principal in 1987 is $2,406,000. No interest is charged until June 15, 1937. Thereafter it is one-eighth of 1 per cent from 1937 to 1940. Then one-half of 1 per cent, rising by gradation through 1 per cent and 2 per cent, finally to 3½ per cent from 1960 to 1987.

Let me call your attention to the total expenditures of the Kingdom of the Serbs, Croats, and Slovenes, and how large a burden it is on them. The total annual expenditures, according to the last available statement, amount to about 10,000,000,000 dinars, as they are called. The nominal par value of the dinar is the same as that of the French franc, 19.3 cents, but the present gold value is less than one-tenth of that.

At the depreciated rate of exchange the total annual expenses amount in gold value to approximately $180,000,000, and of that we are asking them for the first five years an annual payment of only $200,000, and the last and largest payment, without the computation of interest, is $2,406,000. Interest will be $84,210. Is that unduly severe? Note how very small a percentage of their total expenses must be paid to us.

Now, I want to make another comparison. They are expending to-day in the way of military expenses $36,000,000 a year for the maintenance of their military establishment, gold value. The amount computed in dinars is 1,956,000,000, or close to 2,000,000,000 dinars, of the gold value of $36,000,000, as against this payment of $200,000.

Now, when a careful survey is made of the situation, it is apparent that the accusations made here and abroad against the United States are utterly incorrect and should fall to the ground.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield there?

Mr. BURTON. Yes.

Mr. ABERNETHY. Would the gentleman care to give us his views as to the status or prospect of getting anything out of the French Government on account of our loans to it?

Mr. BURTON. I would not want to go into that. I think their feeling is that they must first stabilize the franc. Of course, there is a very strong sentiment in France opposed to the settlement on the basis adopted here in the House and approved by the French ambassador and their cabinet. But I am hopeful of a settlement and the acceptance of the terms we made.

Mr. BRAND of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BURTON. Yes.

Mr. BRAND of Georgia. Does this settlement include loans made subsequent to the armistice?

Mr. BURTON. Yes.

Mr. BRAND of Georgia. Did the settlements heretofore made with creditor nations include the loans made to them since the armistice?

Mr. BURTON. In the case of this country, yes. All these claims are included.

Mr. BRAND of Georgia. All of them?

Mr. BURTON. Yes; all of them.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. BURTON. Yes.

Mr. GIFFORD. Some of us under the questioning of our constituents find it easy to say that we had a splendid commission, and that they regarded the capacity of the debtor country to pay. I hope the gentleman will tell us this morning how we can explain the application of a 62-year yardstick to every country, whether it is small or large. I sometimes find myself asking myself in a spirit of ridicule questions in relation to this 62 years.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for three minutes more.

Mr. LAGUARDIA. Make it five minutes.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman is recognized for five minutes more.

Mr. BURTON. The first settlement that was discussed elaborately was that with England. On the marshaling of figures so that the payments would have some degree of equality in the aggregate or total of principal and interest each year, as, for example, 3 per cent in the first 10 years and then 3½ per cent, it was found that if you make the aggregate of principal and interest equal, 62 years' time would be required.

That was the reason; also with the thought of giving plenty of time for payment, 62 years was fixed upon in the settlement with England. It was thought that in the settlement with other countries the same time should be adopted. Of course, the gentleman from Massachusetts will recognize that the interest is diminished each year by the payment of principal, though there is an increase by the change from 3 per cent to 3½ per cent. On the other hand, payments of principal increase. I believe that the settlement with Finland was the next settlement after that made with Great Britain.

Mr. GIFFORD. In determining the capacity of the country to pay, it seems hard for people to understand that the capacity to pay should be measured exactly by the 62-year limit.

Mr. BURTON. I do not think the period was fixed with the idea entirely of the capacity to pay; but the capacity of the debtor country to pay was carefully taken into consideration. The long period is in part explained under the other fact I mentioned, namely, that this country should show the greatest possible degree of leniency consistent with what was right and fair to the country with which we are dealing.

Mr. SHALLENBERGER. Mr. Speaker, will the gentleman yield there?

Mr. BURTON. Yes.

Mr. SHALLENBERGER. Will the gentleman include in his remarks a statement of just how much of the money and property we advanced to the people of Europe before the armistice, and how much was advanced after the armistice?

Mr. BURTON. Yes. I am exceedingly reluctant ever to ask to insert any remarks of my own in the RECORD, and I think I have never made a request on the floor of the House to that effect. But there is an address that I delivered in joint discussions with divers persons that is contained in the Kiwanis Magazine, giving the figures requested. Although it is contrary to my practice heretofore, I will ask unanimous consent to have that printed in the RECORD.

The SPEAKER. The gentleman from Ohio asks unanimous consent to insert in his remarks an article written or an address delivered by himself. Is there objection?

There was no objection.

Mr. BURTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following article written by myself:

INTERNATIONAL WAR DEBTS

From a moral standpoint, the action of a country which asks that loans made by it to other countries shall be repaid can not as a general proposition be criticized. It is a general rule not only in public but private transactions that obligations incurred must be met.

During the war there were numerous discussions and communications between the United States and the other governments in regard to the advances made. It is true that there were individual expressions in Congress when the subject of making loans to those nations who were termed "at war with the enemies of the United States" was under consideration to the effect that the question of payment was not material. We had entered the war; it was regarded as a life and death struggle between the United States and her allies on the one side and the Central Powers on the other. Nevertheless, responsible expressions of officials were all against cancellation; propositions made at Versailles that the expenses of the war be pooled were not received with favor; suggestions to the Treasury Department coming from foreign officials advocating a revision or cancellation were promptly rejected. Secretary of the Treasury Houston on March 1, 1920, and President Wilson, in his reply to a letter from Premier Lloyd-George, on November 3, 1920, unequivocally stated their opposition to any suggestion of cancellation, and the same reply was communicated by other officials of the United States Government. Action in Congress was all to the same effect.

At the very beginning of our participation in the war Premier Ribot, of France, when he heard it was proposed that we make an advance as a contribution, expressed the hope to our ambassador that no resolution would be introduced or debated in Congress tending to make a gift to the Government of France from the United States, however much the sentiment of good will prompting it might be appreciated by the French people. The French Minister of Finance suggested that 30 years should be the period for amortization or payment. Premier Poincaire also has frequently stated that France recognized the validity of their debt and intends to pay it. In the confusion following the war, and in view of the very serious financial embarrassment of our allies, no active measures were taken for collection, but it should be said that partial payments were made by certain nations.

WHY SHOULD THE UNITED STATES REQUIRE PAYMENT?

What are some of the reasons why the United States should require payment, at least to the extent of the capacity of her debtors? In the first place, there is the sanctity of international obligations, especially between governments. Distinct promises to pay were made by our debtors; the legislation authorizing advances to other countries contained provisions relating to rates of interest and relating to the disposition of the money when repaid. There is no argument that can be derived from the contemporaneous transactions which would lead to the belief that release or cancellation was contemplated. There is not only the sanctity of these obligations but the question may well be asked: Would it be best for the borrowing countries themselves if these debts should be repudiated? If later a great emergency should arise, it would be impossible for them to obtain the needed credit, either from the Government of the United States or from private individuals.

The second reason for repayment is that these loans to foreign governments were not made from current funds or from an overflowing Treasury but the amounts were obtained by borrowing from our own people. An intensive campaign was conducted to obtain money for our own participation in the war and for these loans to our allies, with certainly a general understanding that the amounts would be repaid. Thus there is this very important phase of the situation—the Government of the United States is a trustee for the American people. Anyone who advocates the cancellation of these debts, and is thoroughly sincere, should bring his bonds to the Treasury and give them up for the benefit of the persons who subscribed these vast sums for loans to our allies. In the next place, rich as we are and enjoying as we do now the most favorable conditions, our sacrifices proportionately were as great as those of any European country or any of our allies. If we are a fortunate nation now and the wonder of the world, we were fortunate before the war. Our debt then was less than a billion of dollars. We expended $35,000,000,000 in the prosecution of the war. We incurred a debt which at one time amounted to $25,500,000,000. We have been paying $800,000,000 of annual interest, and however much this burden may be diminished it will rest upon the American people with heavy weight for many years to come. As a direct result of the war, we expended $492,000,000 in the fiscal year ended June 30, 1927, for the Veterans' Bureau, and propositions are now pending to increase that amount.

We were by no means in the same dangerous position as our allies. When we entered the war it was not as the result of a threat to our safety or of long-standing animosities with any country. We were detached in the New World. We were profiting by the furnishing of supplies to the combatants. We were not compelled to send our young men across the sea to be shot to death in the trenches. While our entrance into the war was precipitated by insults and by interference with our rights, which we could not tolerate, there was, nevertheless, a large element of altruism in our action, a desire for the perpetuation of popular institutions, and a feeling that our allies were in the right. On the other hand, if we consider the countries with which we joined in the contest, their very life was at stake. At one time the armies of the Central Powers advanced within 15 miles of Paris. If the Allies' armies had been defeated, the indemnities imposed upon them would no doubt have been far and away greater than the $10,000,000,000 debt which they owe to us.

Again, let us take the results of the war. We have claimed no large reparations, no accessions of territory. Some of our allies have even multiplied their areas, and every one of them has been benefited by additional territory, which must mean in the future a position of greater power, as well as an enlargement of their trade and a very substantial source of wealth.

Last of all, let me say that if we forgive these debts the inevitable result will be an addition to the military equipment of Europe constituting a threat to the peace of the world, and if there is one thing in which we hope for leadership among the nations, it is for an abatement of military armament and the promise of cooperation and peace in the world. The efforts which have been made for a reduction or limitation of naval equipment and of armed forces have unfortunately disappointed expectations. Really the only practical success in diminishing armament was at the Washington conference of 1921–22. At this writing in August, 1927, it seems almost certain that the Conference for Limitation of Naval Armament now pending between the United States, Great Britain, and Japan will result in failure. Is it not worthy of our consideration that the countries which are indebted to us are spending sums far greater for military purposes than they must devote to payments on their war debts? Of this, however, I will speak later.

THE HISTORY OF THE DEBTS

The facts relating to the settlements with Europe should by this time be familiar to all, though it is surprising to note how widespread is the ignorance upon this subject. It will be profitable to survey the history of these debts. They were authorized by legislation in April, 1917, the month in which we entered the war, and by later statutes. The Secretary of the Treasury, with the approval of the President, was authorized to make loans or advances to countries "at war with the enemies of the United States." There were later statutes increasing the amount authorized to be loaned; also for the sale of surplus supplies and for assistance in supplying food and other necessaries. Approximately $10,340,000,000 was loaned or advanced to our debtors—20 in number. Two of these—Armenia, to which $12,000,000 was advanced, has no government with which we can deal; Russia, to which an advance of $192,000,000 was made, repudiates the debt. In view of the poverty of Austria, payment of the $24,000,000 which was advanced to her has been postponed until 1943. Liberia, to which a trivial sum was advanced, has paid, and so has Cuba.

DEBT COMMISSION APPOINTED TO STUDY FACTS

In February, 1922, a debt commission of five members was organized by act of Congress, to which three members were added in the following year, with a view to making it nonpartisan. I do not desire to enter into any elaborate defense of the Debt Commission, officially designated as the World War Foreign Debt Commission, which originally included the Secretary of the Treasury, Mr. Mellon, chairman; Mr. Hughes, then Secretary of State; afterwards his successor, Mr. Kellogg; Mr. Hoover, Secretary of Commerce; Senator Smoot; and the writer of this article, to which were later added another Member of the House, Mr. Crisp, of Georgia; former Representative Olney, of Massachusetts; and Mr. Edward N. Hurley, of Chicago. It must be said, however, that the commission gave the most careful study to this subject for four years. They held long consultations with leading experts of Europe, including the present Prime Minister of England and the governor of the Bank of England, financial ministers, and prominent representatives of other foreign countries, and our own diplomatic officials and the representatives of the Treasury and Commerce Departments. The financial status of each country with which we dealt was considered. It would be quite impossible for another commfssion or for any private organization, however competent the members might be, to give the careful consideration to the capacity for payment of foreign countries that was given by the commission during the more than four years in which it functioned.

FUNDAMENTAL PRINCIPLES OF COMMISSION

That commission at a very early date laid down three fundamental principles: First, that the principal sum of the debts should be paid; second, that the greatest possible leniency should be shown in rates of interest and time for payment (62 years was the period fixed); third, that in determining terms as to time for payment of the principal and rates of interest "capacity to pay" should be taken into account. The legislation at first provided that the interest on all loans should be not less than 4¼ per cent and that payment should be made in 25 years. The commission very substantially departed from this first mandate of Congress by more lenient treatment to all the debtors. It was made necessary that the settlements made by the commission should be first approved by the President and next by both Houses of

Congress. Settlements have been negotiated by the commission with all countries, excepting with Greece and with Armenia and Russia mentioned above, and all these settlements have been ratified except that the Senate has not approved the agreement with Yugoslavia, though it is evident approval will be given at an early date, and neither the Senate nor France has approved the settlement with that country negotiated by her ambassador and approved by the French cabinet.

The criterion of "capacity to pay" adopted by the commission has been criticized. Can anyone suggest a more just or better standard? What other rule is adopted in transactions between private creditors and debtors? Would it be reasonable to seek to enforce a uniform rule under which, for example, Austria, one of the poorest countries in Europe, should be subject to the same terms as Great Britain, with an income of a billion dollars a year or more from foreign investments?

COMMISSION WAS LENIENT IN SETTLEMENTS

The commission was most lenient in its settlement with foreign countries, and taking as a basis the rate of interest which we have been paying upon our own obligations, 4¼ per cent, we canceled or abated 75 per cent of the debt of Italy, 53 per cent of the debt of France, an average of 58 per cent of the debts of all the countries on the Continent of Europe, and 20 per cent of the debt of Great Britain. Among those who favor revision there has been an almost universal note. They have said, "We do not favor the entire cancellation of the debts, but we do favor a reconsideration and a revision." What proportion would they cancel, and would they make the percentage of cancellation equal for all countries? A very singular feature of the situation is that payments approaching a billion of dollars have been made by our foreign debtors in accordance with settlements made by the Debt Commission; that no demand has been made by any prime minister, finance minister, or responsible official for a revision of the settlements made; payments have been made as they have fallen due and there is every indication that those who owe us regard these settlements as final. But in our own country there is an agitation, not so much for cancellation but, it is alleged, for revision. The exact terms of the revision are not specified, but like many movements which have as their basis mere generalities, this demand has gained considerable following. If it were not for the agitation in the United States there is every probability that France would have agreed upon the settlement proposed long before this.

BURDEN CAN HARDLY BE CALLED CRUSHING

It is said that the burden is a crushing one for the countries involved. If we consider this question from the standpoint of the share of the revenues which must be applied in payment of these debts, several countries show startling results. For the first five years six-tenths of 1 per cent, or about one one-hundred sixtieth part of the total revenue of Italy is applied in payments to us; in Czechoslovakia, for a long period it is almost exactly 1 per cent, or one one-hundredth part of their total revenue. It is true that France, if the settlement with that country is ratified, and Great Britain pay a substantially larger proportion of their revenues. The greatest credit is due to Great Britain, for with a desire to maintain their credit unimpaired the British have sought to pay their obligations to us and have taken advantage of none of the options they have for making the burden lighter.

The payments of most countries under the settlements made increase in the passing years, and this is based upon confidence that conditions in Europe will improve. Nearly three-fourths of the earlier payments are made by Great Britain. The aggregate amount of principal and interest to be paid by all countries is $210,000,000 in 1927, increasing to $217,000,000 in 1930, and to $300,000,000 in 1935.

COMPARISON OF INDEBTEDNESS AND FOREIGN MILITARY EXPENSES

Let us make another comparison—the amount of indebtedness to us as compared with the military expenses of the various countries of Europe. In France in the last year for which figures are available, appropriations for military purposes (and there are no doubt extras) were 5,169,000,000 francs; according to the present rates of exchange, say about $200,000,000. As against this amount it is proposed that France pay $30,000,000 to us in the first year, increasing to $35,000,000 in the fifth year, these amounts to apply on principal and no interest to be charged until the beginning of the sixth year. Great Britain has military expenses aggregating $582,000,000 per year, or about three and one-half times what they are paying to us, although her payments are by far the largest. Her increase in military expenses over pre-war times in 1914 is about $200,000,000 annually, or $40,000,000 more than they are paying to us. Czechoslovakia, a country of about 12,000,000 people, maintains a standing army of 150,000 men. The appropriation for national defense for 1926 was approximately $50,000,000. All that country is paying to us for 18 years is $3,000,000 per annum; that is, in 18 years she will be paying to us on debts but $4,000,000 more than her military expenses for one year. The annual military expense of Rumania is $27,000,000. Their total debt to us is about $44,590,000, so that in less than two years their military expenses would enable them to have a "clean slate" as to their indebtedness to the United States.

INVISIBLE BALANCES BETWEEN COUNTRIES

It has been said that the only manner in which the debts can be paid is by an excess of merchandise exports to this country. This statement, which is less than a half truth, overlooks the so-called invisible balances between countries. In the year 1925 American tourists spent in Europe at least $370,000,000, of which $225,000,000 was spent in France alone. This amount expended in France is seven and one-half times as much as the first payment that she must make to us according to the proposed settlement. The estimated expenses of tourists in 1926 were even larger than in 1925. A very considerable amount is being sent abroad also by immigrants each year; the estimate is about $200,000,000. The amount received in England from gold mines of South Africa is another illustration of the ability of countries to pay otherwise than by excess of exports of goods. The total of bullion and coin received in England from South Africa in 1926 was $153,240,012, and in 1927, $124,347,597.

TARIFF BARRIERS NO ARGUMENT

It is said that tariff barriers against Europe increase the difficulty of their payment. Have we failed to increase our purchases from foreign countries since the commission commenced its work? If you compare the year 1926 with the year 1922, the date of the passage of the present tariff law, we imported in the later year (1926) from European countries and their dependencies $1,308,000,000 more than in the earlier year (1922), an increase of 92 per cent. On the other hand, our exports in the same period to those countries only increased by 22 per cent.

GOOD SHARE OF DEBTS INCURRED AFTER THE ARMISTICE

One very important fact is overlooked, and that is that a good share of these debts, three-tenths at least, was incurred after the armistice, and thus after the threat of war was removed. Indeed, out of the 13 nations with which the Debt Commission has made settlements only 5—Great Britain, France, Italy, Belgium, and Yugoslavia—borrowed from us before the armistice. The amounts advanced after the armistice were largely for rehabilitation and for improvement. Certainly no one can fairly claim that this postarmistice debt should be placed on the same footing with the rest or that it should be repudiated. Let us cite an illustration of the condition created by this fact: France, which is hesitating to ratify the agreement made by her ambassador and approved by her cabinet, received $1,970,000,000 before the armistice of November 11, 1918, a good share of which was not for munitions or for the prosecution of the war. She received $1,370,000,000 after the armistice. The proportion between the two is about that of 3 : 2. If interest were to be computed on the postarmistice advances of $1,370,000,000 at 5 per cent, which is a low rate in Europe at this time, the present worth would almost exactly equal the amount that it is proposed France shall pay. In addition, it must be stated that part of this postarmistice amount was for supplies sold to France, and, presumably, part of these supplies at least were resold at a profit. The amount to be paid for such supplies was $407,000,000, on which they are now paying 5 per cent interest, with a promise to pay the principal in 1929. The amount that they must pay in 1929 is greater than their total payments for nine years under the debt settlement.

REPUDIATION WILL NOT BRING RESTORATION

I have thus given many facts and figures, because they are necessary for an adequate understanding of the situation. The road to rejuvenation of Europe is not by the releasing of these debts. It depends upon the burying of their hatreds, removing asperities, the creation of a spirit of peace and good will, more favorable trade arrangements. Such is the path to prosperity and a better Europe. The future is within their own control; restoration will not result from the repudiation of their obligations.

SUPPLEMENT NO.

Statement showing principal amount of prearmistice and postarmistice indebtedness of foreign governments to the United States

Country	Prearmistice cash loans	Postarmistice			Total indebtedness
		Cash loans	War supplies and relief supplies	Total	
Armenia			$11,959,917.49	$11,959,917.49	$11,959,917.49
Austria			24,055,708.92	24,055,708.92	24,055,708.92
Belgium	$171,780,000.00	$177,434,467.89	29,872,732.54	207,307,200.43	379,087,200.43
Cuba	10,000,000.00				10,000,000.00
Czechoslovakia		61,974,041.10	29,905,629.93	91,879,671.03	91,879,671.03
Estonia			13,999,145.60	13,999,145.60	13,999,145.60

Statement showing principal amount of prearmistice and postarmistice indebtedness of foreign governments to the United States—Continued

Country	Prearmistice cash loans	Postarmistice			Total indebtedness
		Cash loans	War supplies and relief supplies	Total	
Finland			$8,281,926.17	$8,281,926.17	$8,281,926.17
France	$1,970,000,000.00	$1,027,477,800.00	407,341,145.01	1,434,818,945.01	3,404,818,945.01
Great Britain	3,696,000,000.00	581,000,000.00		581,000,000.00	4,277,000,000.00
Greece		15,000,000.00		15,000,000.00	15,000,000.00
Hungary			1,685,835.61	1,685,835.61	1,685,835.61
Italy	1,031,000,000.00	617,034,050.90		617,034,050.90	1,648,034,050.90
Latvia			5,132,287.14	5,132,287.14	5,132,287.14
Liberia		26,000.00		26,000.00	26,000.00
Lithuania			4,981,628.03	4,981,628.03	4,981,628.03
Nicaragua			431,849.14	431,849.14	431,849.14
Poland			159,666,972.39	159,666,972.39	159,666,972.39
Rumania		25,000,000.00	12,922,675.42	37,922,675.42	37,922,675.42
Russia	187,729,750.00		4,871,547.37	4,871,547.37	192,601,297.37
Yugoslavia	10,605,000.00	16,175,465.56	24,978,020.99	41,153,486.55	51,758,486.55
Total	7,077,114,750.00	2,521,121,825.45	740,087,021.75	3,261,208,847.20	10,338,323,597.20

SUPPLEMENT NO. 2

Statement showing principal amount of indebtedness of foreign governments to the United States, interest accrued and unpaid thereon up to and including the last interest period prior to February 1, 1928, and payments received to date on account of principal and interest

[The first division shows total payments made, including those under settlements made by the World War Foreign Debt Commission; the second division shows only payments under settlements made by the World War Foreign Debt Commission]

Country	Principal (net)	Accrued interest	Total indebtedness	Principal payments	Interest payments
Armenia	$11,959,917.49	$4,760,523.86	$16,720,441.35		
Austria	24,055,708.92	10,103,397.78	[1] 34,159,106.70		
Belgium	413,580,000.00		413,580,000.00	$6,257,630.37	$23,408,642.87
Cuba				10,000,000.00	2,286,751.58
Czechoslovakia	177,571,023.07		[2] 177,571,023.07	7,500,000.00	304,178.09
Estonia	13,830,000.00	[3] 1,805,822.13	15,635,822.13		251,441.88
Finland	8,764,000.00		8,764,000.00	236,000.00	1,645,575.27
France	[4] 4,025,000,000.00		4,025,000,000.00	[5] 74,333,209.02	[6] 272,303,945.94
Great Britain	4,480,000,000.00		4,480,000,000.00	322,181,641.56	1,040,876,657.11
Greece	15,000,000.00	4,500,000.00	19,500,000.00		1,159,153.34
Hungary	1,942,200.00		[7] 1,942,200.00	40,355.50	192,020.14
Italy	2,032,000,000.00		2,032,000,000.00	10,364,319.28	57,598,852.62
Latvia	5,775,000.00	[8] 729,103.10	6,504,103.10		260,828.95
Liberia				26,000.00	10,471.56
Lithuania	6,207,132.50		[7] 6,207,132.50	92,185.00	371,421.71
Nicaragua	290,627.99	8,500.00	299,127.99	141,221.15	27,561.98
Poland	178,560,000.00	[3] 22,014,461.25	200,574,461.25		6,548,224.28
Rumania	66,060,560.43		[3] 66,060,560.43	2,298,632.02	263,313.74
Russia	192,601,297.37	87,596,004.57	280,197,301.94		[8] 8,734,323.98
Yugoslavia	62,450,000.00		62,450,000.00	1,120,600.16	636,059.14
	11,715,647,467.77	131,517,812.69	11,847,165,280.46	434,591,794.06	1,416,879,424.18
FUNDED INDEBTEDNESS INCLUDED IN ABOVE					
Belgium	$413,580,000.00		$413,580,000.00	$4,200,000.00	$4,865,000.00
Czechoslovakia	177,571,023.07		177,571,023.07	7,500,000.00	
Estonia	13,830,000.00	[3] $1,805,822.13	15,635,822.13		250,000.00
Finland	8,764,000.00		8,764,000.00	236,000.00	1,336,260.00
France	[4] 4,025,000,000.00		4,025,000,000.00		
Great Britain	4,480,000,000.00		4,480,000,000.00	120,000,000.00	682,980,000.00
Hungary	1,942,200.00		1,942,200.00	40,355.50	191,267.10
Italy	2,032,000,000.00		2,032,000,000.00	10,000,000.00	
Latvia	5,775,000.00	[8] 729,103.10	6,504,103.10		130,000.00
Lithuania	6,207,132.50		6,207,132.50	92,185.00	369,874.74
Poland	178,560,000.00	[3] 22,014,461.25	200,574,461.25		4,500,000.00
Rumania	66,060,560.43		66,060,560.43	500,000.00	
Yugoslavia	62,450,000.00		62,450,000.00	400,000.00	
	11,471,739,916.00	24,549,386.48	11,496,289,302.48	142,968,540.50	694,622,401.84

[1] Time of payment of principal and interest extended to June 1, 1943, by authority of joint resolution of Congress approved Apr. 6, 1922.

[2] Difference between principal of funded debt and amount here stated represents deferred payments provided for in the funding agreements, for which old bonds of the respective debtor governments have been or will be delivered to the Treasury.

[3] Accrued and unpaid interest on funded debts due to exercise of options to pay specified amounts over first 5 years in lieu of total amounts due for which bonds similar to those originally issued under funding agreement will be given upon expiration of the option for the full amount then due.

[4] Funding agreement not yet ratified by either France or the United States.

[5] Upon ratification of the funding agreement, $10,030,307.73 of this sum will be applied toward payment of the first annuities due thereunder.

[6] Upon ratification of the debt agreement $60,772,833.63 of this sum will be applied toward payment of the first annuities due thereunder.

[7] Increase over amount funded due to exercise of options to pay one-half of interest due on original issue of bonds in bonds of debtor government.

[8] Represents proceeds of liquidation of financial affairs of Russian Government in this country (copies of letter dated May 23, 1922, from the Secretary of State and of reply of the Secretary of the Treasury dated June 2, 1922, in regard to loans to Russian Government and liquidation of affairs of the latter in this country appear in the annual report of the Secretary of the Treasury for the fiscal year ended June 30, 1922, as Exhibit 79, p. 283, and in the Combined Annual Reports of the World War Foreign Debt Commission as Exhibit 2, p. 84).

Mr. SABATH. Mr. Speaker and gentlemen, as I have previously stated, this settlement with Yugoslavia has been recommended by the World War Foreign Debt Commission and favorably acted upon in the House, in the last session. But in view of the filibuster in the last session it failed of action in the Senate.

I wish the House to understand that it is not the most unfavorable settlement that we have made. In fact, this settlement is 6 per cent higher than the settlement with Italy.

And this, notwithstanding that Yugoslavia is one of the poorest nations in Europe.

The gentleman from New York in a measure explained how Yugoslavia was created. Yugoslavia has been created to bring about tranquillity and peace in the Balkans. It is composed of the Provinces of North and South Serbia, Montenegro, Bosnia, Herzogovina, Dalmatia, Croatia, Slavonia, Medjemura, Slovenia, Voyvodina, and the islands of Krk (Veglia) and Kostave. Its area is equal to the States of Pennsylvania and New York combined. Most of these little States or countries were part and parcel of Austria-Hungary.

It is a purely agricultural country, and although rich in mineral resources, due to the unfortunate conditions under which these people lived for centuries past, they have been deprived of developing them.

Yugoslavia has been many times invaded and subjected to attacks from each and every side as no other nation and peoples

have been, and during the World War had suffered more than even poor Belgium.

These unfortunate people have striven hard to rehabilitate themselves and their lands, their little homes. I am obliged to concede that the living conditions of the people, as has been stated, are very low, but not through any fault of theirs, but due to the oppressive conditions under which they have lived. These people are all of the Slavic race, hard working, honest, and peaceful, and I am satisfied, notwithstanding what some gentleman has stated, that they will strive in every way possible to comply with the settlement.

These peoples, if left alone by the neighboring nations, within a few short years will greatly improve their condition, not only agriculturally but also industrially. It possesses tremendous deposits of valuable minerals, and as soon as they find a way for development they will become a prosperous nation.

It has been stated on the floor that a great deal of money has been actually advanced to these people, and some Members seem to believe that we actually advanced so much cash. I have been a member of the Foreign Affairs Committee during the World War, and I know they did not receive these sums in cash. Nearly the entire debt is for war supplies and food purchased in the United States, and most of it after the war when they purchased some of the surplus supplies and food that we could not sell to any one else for cash or to better advantage.

Mr. CRISP. Will the gentleman yield?

Mr. SABATH. I will.

Mr. CRISP. To keep the record straight, there was a credit of $26,000,000 which they could draw as they saw fit. I think, as a matter of fact, it was spent in the United States, but the cash was available to them.

Mr. SABATH. I understand it was first credited to their account, but was used to pay for war supplies, shipped or purchased for them, by the then various purchasing divisions in the War Department. Personally, I regret that, due to conditions, we were obliged to accept the settlements that we have with our former allies. But I feel, after all, even a poor settlement is better than a rich suit; in these cases war.

It has always been my aim that we should retain the friendliest feeling with all the nations; therefore, I have advocated favorable settlements with our former allies, but, unfortunately, it seems that those who received the most advantageous and the greatest help appreciate it the least; but I repeat, such will not be the case with Yugoslavia.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GREEN of Iowa, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AUTHORIZING THE EXECUTION OF CERTAIN INDEMNITY AGREEMENTS TO ENABLE THE COLLECTION OF CERTAIN MONEYS DUE THE TREASURY DEPARTMENT

Mr. GREEN of Iowa. Mr. Speaker, I call up the bill (H. R. 10954) to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa., and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read the title, as follows:

A bill (H. R. 10954) to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized to execute, in the name of the United States, and deliver to (1) the Union Trust Co., Providence, R. I., upon receipt from such trust company of $1,806, and (2) the National Bank of Commerce, Philadelphia, Pa., upon receipt from such bank of $16,676.71, an agreement of indemnity binding the United States to make reimbursement to such banking institutions upon condition that such banking institutions are required to make payment to bona fide holders upon presentation of check No. 358, in the amount of $1,806, drawn by Evarista Larravee, 50 Seymour Street, Providence, R. I., on the Union Trust Co., Providence, R. I., certified by such trust company, payee believed to be Bureau of Supplies and Accounts, Navy Department, dated between June 1 and August 29, 1922; and check No. 1000 in the amount of $16,676.71 drawn by Levin, Deluge & Kerschbaum, 35 South Third Street, Philadelphia, Pa., on the National Bank of Commerce, Philadelphia, Pa., certified by such bank, name of payee not ascertainable, date believed to be in calendar year 1921 or 1922.

Mr. GREEN of Iowa. Mr. Speaker and gentlemen, this bill involves a very simple matter. In 1921 and 1922 the Government sold merchandise (surplus property) for $18,000 to the parties named in the bill. They issued certified checks for the amount due the Government, and they were duly delivered to the proper official of the Government; but in some manner, through some one's fault—I do not know who—the checks were lost. Now the Government can not collect them, because the banks say that unless they are given an indemnifying contract against the checks falling into the hands of innocent parties they will not make payment. The legal advisers have advised the Treasurer that it is doubtful whether they can compel payment without the indemnifying bonds. The whole purpose of the bill is to enable the Government to collect the $18,000.

Mr. GARNER of Texas. This is the same bill that passed at the last session of Congress, is it not?

Mr. GREEN of Iowa. The same bill that was passed without deviation at the last session.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO ADDRESS THE HOUSE

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that after the reading of the Journal on Monday, and the disposition of business on the Speaker's table, the gentleman from Virginia [Mr. MOORE] may be permitted to speak for 15 minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that after the reading of the Journal and the disposition of business on the Speaker's table on Monday next, the gentleman from Virginia [Mr. MOORE] be permitted to speak for 15 minutes. Is there objection?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. SIMMONS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes. Pending that I ask unanimous consent that the time for general debate be controlled equally by myself and the gentleman from New York [Mr. GRIFFIN].

The SPEAKER. The gentleman from Nebraska moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the District of Columbia appropriation bill, and pending that, asks unanimous consent that the time for general debate be controlled equally between himself and the gentleman from New York [Mr. GRIFFIN]. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Nebraska that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the District of Columbia appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the District of Columbia appropriation bill, with Mr. HOOPER in the chair.

The Clerk read the title of the bill.

Mr. SIMMONS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SIMMONS. Mr. Chairman, I yield 30 minutes to the gentleman from Illinois [Mr. HOLADAY].

Mr. HOLADAY. Mr. Chairman and gentlemen, it is not my purpose to discuss the items of this bill from the standpoint of dollars and cents, as the money is appropriated to the various departments, but rather to speak to you about the general conditions existing in the District of Columbia. Under the arrangement that now exists Congress is, in the final analysis, responsible for the functioning of the municipal government in the District of Columbia. The municipal affairs are administered by the commissioners and through the various heads of departments appointed by the commissioners, but as Congress passes final judgment upon the appropriations, we, therefore, in the final analysis, have the responsibility.

I am glad to be able to report to you that, in my opinion, as a member of the subcommittee, we are warranted in saying as a general proposition that the public affairs of the District of Columbia are being efficiently and economically administered. There are two or three exceptions to that report, which I purpose to call to your attention. In the remarks that I shall make criticizing some of the departments I do not want it understood that I am offering this criticism for any purpose save that some arrangement can be made and some steps may be taken to correct the evils or the mismanagement that may exist in certain departments. If we are responsible for those departments that are not functioning as they should, we are also entitled to credit for the departments that are satisfactorily functioning.

At the outset I call attention to a few of the departments where I believe the heads of those departments are entitled to public commendation for their good work. The fire department under Chief Watson is being efficiently and economically administered, so that the city of Washington is receiving adequate protection. The same may be said of the health department under Doctor Fowler, and I would especially call to your attention the position of District auditor. The present auditor, Mr. Donovan, appeals to me as an exceptionally faithful and competent public official. Recently there has been a change in the office of the corporation counsel. Some changes in the management and administration of that office have been made. While Mr. Bride, the present corporation counsel, has been in office only a short time, from the record that he has made during his term, I believe we are warranted in expecting better service from the office of corporation counsel than we have received in previous administrations. In the office of the assessor we have a man who is entitled to considerable credit, and a little further along in my remarks I shall call to your attention certain difficulties that the assessor of property in the District of Columbia encounters, certain influences that are brought to bear upon him, undertaken to cause him to deviate from the course of his duty. The various penal institutions under the direction of Doctor Barnard are operating in a capable manner. Captain Whitehurst, who is an aide to the engineer commission, in charge of highway improvement, has mapped out a plan that I believe is logical and feasible, and is pursuing the work in good faith. Major Atkins is also an assistant to the engineer commissioner, and he is in charge of the purchase of land. The same remarks that I make with reference to the assessor's office may be said with reference to Major Atkins and his office. Perhaps I might as well go into that now.

It appears to me that the great indoor sport in the city of Washington is selling property to the Government and to the District of Columbia at an exorbitant price. That system and policy has continued for a great many years, and it seems to be so well founded and has existed over such a great length of time that the public generally and the press of the city of Washington are never heard to object. At a previous session Congress placed a provision in the law that in the purchase of land for public use the purchase price could not exceed the assessed value by more than 25 per cent. The assessed value in the District of Columbia, according to the report of the board of trade and other agencies, is 100 cents on the dollar.

Major Atkins experiences great difficulty in purchasing land for public use, although he is succeeding and through his efforts and the provisions of the amendment thousands upon thousands of dollars have been saved to the District.

Now, what happens to the assessor? Here is a man or a company of men who, looking ahead and finding a location that may possibly be in demand by the Government, have secured options, or perhaps they have purchased it outright. They go to Mr. Richards, who is the assessor, and ask him to increase the assessment; and if you care to read the records you will find there the names of the men and the tracts of land involved where the owners have gone to the assessor's office and have asked to have their assessments increased; and one man went so far as to say to the assessor, "If you do not increase the assessment I will bring a Congressman down with me and we will see about it." Let it be said to the credit of the Congress that he never appeared with the Congressman. When Major Atkins goes out to buy land through some agent with whom he has agreed upon the price and the agent says to the owner, "I have a buyer; we are ready to close the deal; you can make the transfer to the Government or the District"—the owner says, "No; if you are selling to the Government, I am entitled to more money"; and the owner absolutely refuses to go through with his agreement, even though he may be liable for the commission to the real estate man.

These are the conditions that exist to-day and have existed for many years. But under the wise influence of the 25 per cent limitation the people are gradually being weaned away from the idea that the Government and the District are legitimate public prey in the sale of land for public purposes.

The sewer division under Mr. Gordon is being well operated. I would not have you understand that in mentioning only a few of these public officials I am casting any reflections on those officials whom I have not mentioned. I believe, as I stated a moment ago, that with a very few exceptions the public officers and employees of the District government are faithfully discharging their duties. I am sorry to say that there are a few exceptions, and I want to call your attention to those exceptions.

The first department with which I have not been satisfied is the office of the municipal architect. It is not my purpose to go into details with reference to that office, as there is another committee of this House that is now investigating his office. I do not want to prejudge their work, and I presume that in due time they will report to this House, with recommendations as to what Congress should do, and as to what other agencies of the Government should do, should the facts warrant action by other agencies.

Let me call your attention to this specific instance: The District of Columbia is manufacturing brick at the Occoquan Workhouse. The evidence shows that brick can be delivered by the workhouse on the wharf at Washington for $11 per thousand, or perhaps less. The evidence shows that with 2,000,000 brick on the yards at the workhouse the architect went to a private individual and purchased brick and paid $18 per thousand; and when he was asked about that the only explanation he had was that he did not know those brick were there. But he is the municipal architect, responsible for this work, using from time to time brick from that yard. Even if he did not know that 2,000,000 brick were on the yard, it was possible for him to find out. That is his only excuse. Gentlemen, I am frank to say to you that I am not satisfied with that excuse.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield there?

Mr. HOLADAY. Yes.

Mr. EDWARDS. Those brick the gentleman is referring to cost $11 per thousand. Is that a prison-made brick?

Mr. HOLADAY. Yes; it is a prison-made brick. It is not sold on the public market, but it is used on the public buildings and for public use here in the District of Columbia, and they have been using it for some time.

Mr. RANKIN. Mr. Chairman, will the gentleman yield right there?

Mr. HOLADAY. Yes.

Mr. RANKIN. An article appeared in the Washington Star a few days ago which presented a situation which in my opinion ought to have the attention of Congress, and that is this: Right on the edge of the Capitol Grounds, where this new building has been erected, my information is that the District of Columbia has purchased that building for the purpose of making it a house of detention. Is the gentleman familar with that situation?

Mr. HOLADAY. I am.

Mr. RANKIN. Please let us know what the District Committee has in mind to do with that?

Mr. HOLADAY. Leaving for a moment the discussion of the municipal architect, and answering the question of the gentleman from Mississippi, I will say that the present house of detention must be vacated by reason of the improvements to be made on the Mall. The commissioners are confronted with the proposition of securing a new location. They made some tentative arrangements with reference to the leasing for a year the new building that is about completed at the southwest corner of the Capitol Grounds. That lease has not been entirely consummated. The matter was presented to the committee after the bill was prepared by the subcommittee; and the chairman of the subcommittee, acting under the direction of the whole committee, was instructed to introduce from the floor an amendment expressly prohibiting the commissioners from leasing this building and using it for that purpose.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. HOLADAY. Certainly.

Mr. SIMMONS. The bill as reported carries a proviso to the effect that the building shall not be used as a house of detention, or any building adjoining or close to the Capitol Grounds.

Mr. EDWARDS. That will not be located there?

Mr. HOLADAY. No; that will not be located there.

Now, gentlemen, coming back to the office of the municipal architect, if the only thing that was objectionable or that was suspicious about the conduct of that office was the mere fact of the purchase for $18 per thousand of 2,000,000 brick, when $11 brick were on the yard, we might accept his explanation

and say that it was an oversight or a matter of neglect. But, unfortunately, there are other charges that are being investigated by another committee which seem to indicate that in the buying of other brick the bid of the low bidder has not been accepted.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. HOLADAY. I yield.

Mr. HOWARD of Oklahoma. Were the brick to which the gentleman refers face brick or common building brick?

Mr. HOLADAY. I think the bricks to which I refer, the 2,000,000 bricks, are common building bricks used for backing-up purposes.

Mr. SIMMONS. Will the gentleman yield?

Mr. HOLADAY. Yes.

Mr. SIMMONS. The bricks we are making at the jail are the bricks that are being used for school buildings. They are face brick.

Mr. HOLADAY. They are making both kinds down there *and in these* 2,000,000 bricks there are probably two kinds—face brick and common building brick. I am under the impression, although I do not have the exact figures, that a large part of the 2,000,000 in question were common bricks, but I do not have the exact figures.

Mr. HOWARD of Oklahoma. Does the gentleman know the mode of manufacture used in making the two different kinds of brick—that is, are they making dry pressed brick at Occoquan or are there two kinds of bricks being furnished, dry-pressed brick and what is known as stiff-mud brick, because there is a difference in price between stiff-mud brick and dry-pressed brick?

Mr. SIMMONS. Of course, I am not familiar with the technical terms, but these bricks, I should say, are dry-pressed bricks. These bricks are what are known as face bricks, but they are not glazed-face bricks or anything of that kind.

Mr. HOWARD of Oklahoma. Let me say to the gentleman that for about five or six years I was engaged in the manufacture of brick. As to common brick there should not be anything like the difference in price the gentleman has mentioned; but there is a material difference in the price of different kinds of face brick both in the mode of manufacture, colors, and so forth.

Mr. SIMMONS. The brick the District is making at Occoquan is brick you will find in practically all of the District's buildings that are being built with dark red brick, and this brick is used as face brick.

Mr. HOLADAY. Let me say to the gentleman, by way of explanation, that in the matter now being investigated with reference to the turning down of the low bidder the brick involved were not from the workhouse. The committee has made some changes in the office of the municipal architect which we think will better the service, and we are awaiting the report of this investigation, which goes into matters that are beyond the matters we were investigating.

There is another office in the District with which I am not satisfied, and I am not satisfied with the manner in which it is being operated. That is the office of the recorder of deeds. There the committee has made certain changes and we have had certain understandings with the present recorder which I hope will bring about more efficient and satisfactory service. If in another year it is found that conditions have not been changed or remedied, then it will be necessary to consider further steps with reference to the conduct of that office.

The third department to which I find objections is the public-school system of this District. We are spending annually for the public-school system in the District some $12,500,000. I believe that on the whole we have a fairly efficient school system in the District. It, perhaps, will compare fairly favorably with the schools of other cities, but we are paying more in the District for our schools than other cities are paying. The statement is frequently made that we have the most expensive school system in the United States. As to whether that statement is warranted or not I am not in a position to say because no careful study has been made, but I am in a position to say that we are expending more for schools in the District of Columbia than is being spent in the average city.

Mr. MERRITT. Will the gentleman yield?

Mr. HOLADAY. Yes.

Mr. MERRITT. Are your figures based on the per capita cost?

Mr. HOLADAY. Yes; I refer to the per capita cost. Of course, the sum total would depend on the population of the various cities, but I am speaking of the per capita cost.

Mr. WHITEHEAD. Is the gentleman referring to the per capita cost of the school children, or what?

Mr. HOLADAY. Of the population or of the school population.

Mr. WHITEHEAD. The school population?

Mr. HOLADAY. Yes. In the long run it would be about the same thing. The only reason there can be for the condition that exists is inefficient management in our public schools. Let it be understood at the outset that what I may say with reference to the officials responsible for the administration of our school affairs that I except from that criticism Mr. Wilkinson, who is the head of the colored schools of this District. Mr. Wilkinson impressed me as a man who was absolutely fair and open with the committees; that he did not have anything to conceal; that he was making his recommendations fairly and openly and willing to stand by his judgment, but willing, if overruled, to adapt himself to the circumstances. Let me remark here that the District Commissioners are not responsible for the schools or for the recorder of deeds.

They are responsible for the conduct of the municipal architect's office, but they are not responsible for the other two departments about which objections are offered.

The schools are operated by a board of education appointed by the judges of the Supreme Court of the District. The members of this board, I believe, without exception, are high-class and responsible citizens. It is an honorary position without compensation, and I fear the condition exists here that frequently exists under an arrangement of this kind. The individual members of the board have not devoted as much time to the proposition as they should, and I do not say this by way of criticism, because they are devoting their time free of charge. And I also wonder if the board of education knows all of the details of the operation of the schools. I experienced great difficulty in securing accurate and complete information from Doctor Ballou, the superintendent of the schools.

Mr. CASEY. Will the gentleman yield?

Mr. HOLADAY. I yield to the gentleman.

Mr. CASEY. My colleague on the subcommittee has referred to the committee in these matters, and I would like to keep the record straight so that the Members of the House may understand that any expression he may make on these matters this afternoon is purely his own expression of opinion and that the gentleman does not speak for the committee.

Mr. HOLADAY. Yes. I want that understood. I want it understood that what I may say here with reference to these various departments is my individual opinion as a member of the committee. I believe it is my duty as a Representative of this House on the committee to report back to the House what I believe to be the conditions, and that is what I propose to do.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SIMMONS. Mr. Chairman, I yield 10 additional minutes to the gentleman from Illinois.

Mr. HOLADAY. I am not going into the details of the objectionable points in the administration of our schools, except to say that the Bureau of Efficiency has made an exhaustive study of the school system. They have reported the facts and they have reported their conclusions and recommendations. Doctor Ballou, the superintendent of schools, did not, as I understand the situation, seriously object to their finding of facts. He did object to some of their conclusions and to some of their recommendations, although his objections to their recommendations were more largely concerned with the period within which their recommendations could be put into operation rather than to the objections themselves. This report is now in the hands of the board of education.

Let it be understood that in the report of the Bureau of Efficiency and in our investigation, and in my opinion, no evidence has been found of any dishonesty or any misuse of public funds except inefficient management, and the inefficient management goes largely to the business end of the administration.

They do not have a competent and a satisfactory business organization or business director, and as a result of this, public money has been wasted and we have not received as nearly 100 cents on the dollar for every dollar of public money expended as we should have received or as we will receive if there is a competent business organization of school affairs. This is being gone into by the board of education, and it is hoped that a competent business management, receiving a proper salary with a proper organization, may be effected at some date in the not far-distant future, and a considerable improvement made.

I have not been satisfied with the administration of school affairs from an educational standpoint, and yet I realize that it is a difficult matter for one who is not an educator to undertake to criticize the methods of the teaching administration. I can only do this from the standpoint of comparing the results here with the results in other cities.

The Bureau of Efficiency points out certain criticisms along this line. Doctor Ballou admits there is some merit in these

criticisms and that he is making efforts to remedy such conditions. Some changes will be made in the coming year, and he expects to make further changes in the years to come.

Gentlemen, on the whole I am happy to be able to say to you that I believe the affairs of the District of Columbia are being as efficiently and as economically administered as are the public affairs in other American cities. In making this statement I take considerable pride in the belief that Congress is entitled to view this record with some degree of satisfaction.

I am glad to have had this opportunity to utter a word of public praise for the officials who are so well doing their duty, and I hope that my words of criticism have been of a constructive nature and will lead to an improvement of service in all of the departments and branches to which I may have offered objections. [Applause.]

Mr. GRIFFIN. Mr. Chairman, I yield myself one minute in order to say on behalf of my colleague [Mr. CASEY] and myself that the gentleman who has just spoken merely expresses his own views. I want to say that in my opinion the school system of the city of Washington is one of the best in the country—economically and capably managed.

Mr. GRIFFIN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, it is a heroic fate to die that others may live, and the noblest epitaph is that which says, "These honored dead shall not have died in vain." The sons of America have never hesitated to lay down their lives in the service of their country, and peace has its heroes as well as war.

A few weeks ago the Nation mourned the loss of the entire crew of the submarine *S–4*. Other submarines have been lost heretofore, but the circumstances of these men, entombed a scant 100 feet below the surface, hoping against their own knowledge of hopelessness, and perishing while speaking from their tomb, somehow made a strong impression on the mind of the Nation. The demand to know where the blame lay could not be ignored. Was there negligence? Are there any safety devices which should be utilized? These questions will be considered by a board to be convened soon. Their findings will have no effect on the crew of the *S–4*, and their contribution toward the prevention of future catastrophes remains to be demonstrated.

Last week my colleague Mr. FROTHINGHAM spoke in behalf of a resolution he has introduced and which he hopes to have approved, providing for the elimination of submarines by agreement among the nations. He cited the record of submarine disasters with which we are familiar and which therefore need no repetition by me. I think it can be conceded that no rescue apparatus can save a submarine if it lies submerged beyond the limit of depth to which divers may descend. Let us assume that this is even 150 feet, and considering the great depth of the sea, we can readily understand the hazard of submerging in any but shallow waters. Our naval officers concede the discomfort and danger of service aboard submarines in the request for increase in monthly bonus to men serving on such vessels, which is soon to come up for approval by Congress. I think we will all admit the increased risk of such service. But what then? Risk and danger have never daunted our men; indeed, many are attracted by these very hazards.

But Congress is responsible for the appropriations for the Navy, and therefore if we permit men to assume special risk we should be sure it is justified. If a submarine is a necessary part of a well-balanced navy, if these craft are indispensable, then these risks must be taken, for war is cruel, and until men outlaw war everywhere the price of preparation and security must be paid.

I am wholly in sympathy with the purpose of my colleague's resolution, and I concur in all that he has said regarding the ill repute which attached to the use of the submarine in attacks on noncombatants during the World War. If chivalry and humanity were the test of weapons, the use of gas and liquid fire, submarines and floating mines would be no more countenanced by civilized nations than sabotage or the holding of noncombatants as hostages. I am sorry to say it does not appear that the international agreement hoped for by my colleague will be brought about simply because the submarine is an unsafe, cruel weapon.

Let me make it clear again that I am in sympathy with the purpose of the resolution, but I want to submit my conclusion as to the only way by which such purpose may be achieved. Mr. Arthur Brisbane says that one submarine in war is more useful than a hundred battleships. If that is so, he is correct in saying that abolition of the submarine awaits the millennium. Usefulness in war is the test. If the submarine is useless, and such uselessness can be realized, the great powers will discard submarines to-morrow. Sir Guy Standing says the sea battles of the future will be fought with motor boats and high explosives, due to the use of airplanes, which can destroy larger vessels and submarines by bombing. Rear Admiral Moffett, of the United States Navy, says that the airplane in naval operations is at once a vehicle, a high observation post, a torpedo tube, a depth-charge projector, a mine layer, and a smoke-screen layer. Then it has been said the submarine is the arm of weak nations which can not afford a real fleet because of the greater cost of capital ships. I should like to have light on the question of the effectiveness of submarines in combat, either offensive or defensive. Between the assertion that it is indispensable and the charge that it is worthless in real combat, where does the true value lie?

Of course, we remember how the *Lusitania* was sunk by a submarine, but after that we ran a regular ferry of transports across the Atlantic and not one convoy-protected ship went down. Are submarines the bullies of the sea, effective only against defenseless merchant vessels? May we not determine these questions now?

We all do know the position Germany had attained in submarine design before the war. The great claims of Von Tirpitz for his undersea boats is still a matter of recollection. One great German submarine crossed the Atlantic and docked at Hoboken in the early days of the World War and long before our entry. We recall the trip of the *Deutschland* and how it brought to America many millions of dollars of valuable chemicals and dyestuffs. This was a widely heralded achievement, and much was prophesied of their future commercial value. All such claims have been disproven and oversize submarines are now not desired in the Navy. Might it be that submarines are also of little consequence in naval operations in war time—or are they extremely important?

During the war we heard daily reports of German submarines here, there, and everywhere. Thousands of tons of defenseless merchant ships were sunk by these craft.

Then later came the Battle of Jutland, and I am not aware of any great havoc being wrought by the submarines of either side against the great fleets of capital ships there engaged. Just think! With the fleets of the world to choose from—United States, England, France, Italy, Japan, the greatest battle armada in history—and Germany armed with so many submarines of long-cruising radius. Picture that situation and try to recall any regular naval vessels being sunk by submarines.

I am convinced that we should determine if submarines are useful as ships of war in any sense or merely piratical craft, to be used against noncombatants. If this latter case be true, they must be outlawed, and Congress must proceed to determine if it be true. I do not pose as an authority on the subject. I merely seek information.

On the 13th of January I addressed 12 questions to the Secretary of the Navy, and I am pleased to say that on the 26th of January I received a carefully prepared reply from Secretary Wilbur. These questions and the Navy's replies will be of interest to my colleagues, I am sure.

It appears that we lead the world in submarines to-day. However, as the useful life of a submarine is only 13 years, 10 of our vessels are now rated as obsolete, and every year more will become so; 4 in 1929, 3 in 1930, 28 in 1931, and so on through the years. We are asked to provide 32 submarines in the naval bill now being considered in committee, but each year we must replace those which become obsolete.

The annual expenditure for maintenance and repair of submarines alone was almost ten and one-half million dollars last year. Every dollar so spent is justified if submarines are necessary, but if they are foolish toys, then it is a terrible waste of money.

The Navy Department informs me that during the World War five battleships were sunk by submarines. In every case, however, these were old types, presumably lacking the modern ship's protective features. A complete list of vessels sunk is given, but these comprised monitors, sloops, mine layers, torpedo boats, and other lesser vessels—38 semicombat ships all told—as compared to thousands of noncombatant merchant ships, and not one single first-class man-of-war!

For the sake of conciseness I ask permission at this time to insert a letter from the Secretary of the Navy containing my 12 questions and the answers thereto.

The CHAIRMAN. Without objection, it is so ordered.

The letter is as follows:

NAVY DEPARTMENT,
Washington, January 26, 1928.

MY DEAR CONGRESSMAN LINDSAY: I have received your letter of January 13, and take pleasure in forwarding the answers to the questions you have asked me regarding submarines.

(1) What is the comparative tonnage or number of vessels of the various nations with respect to submarines only?

The table shown below gives the submarine tonnage of various powers as of October 1, 1927:

Submarine tonnage as of October 1, 1927

	Built	Building	Appropriated for	Total
United States	84,722	9,000	0	93,722
British Empire	46,888	11,800	9,000	67,688
Japan	52,266	16,170	9,720	78,156
France	45,069	15,319	16,421	76,809
Italy	17,252	13,528	4,752	35,532

It should be noted that existing tonnages of United States submarines will become obsolete at a rapid rate in the near future. Thirteen years is the estimated useful life of a submarine. United States submarines at present carried on the Navy list will become 13 years of age as follows:

Date	Number	Tonnage
Now	10	3,852
1929	4	1,800
1930	3	1,044
1931	28	13,730
1932	22	12,614
1933	9	8,224
1934	4	3,504
1935	8	7,662
1936	19	16,292
1937	8	8,278
1938	5	5,820
1939	1	2,196

(2) What is the annual expenditure for maintenance and repair, etc., of the submarine class of United States Navy?

During the fiscal year ending June 30, 1927, $10,272,469 was spent in the maintenance, repair, alteration, and operation of submarines.

(3) Are submarines effective against warships and cruisers, or are these vessels protected by armor plate which is not penetrated by the torpedoes of submarines?

The torpedo from a submarine is effective against all types of men-of-war. The armor belt in the case of battleships does not extend much below the water line. For protection against torpedoes dependence is placed on two methods:

(a) Compartmentation in all vessels.

(b) Blisters in addition in the case of battleships.

Compartmentation consists, in brief, of dividing the hull into as small as practicable water-tight subdivisions in order to localize the effect of underwater damage. Blisters consist in a series of compartments placed exterior to the hull proper to limit the damage of an exploding torpedo. Battleships with the foregoing elements of design can probably withstand as high as four torpedo hits without sinking, whereas formerly, without this protection, two hits might cause sinking.

(4) Are there any instances available of fighting ships of any Navy having been sunk by submarines? Or any tests made on condemned hulls?

In the late war Great Britain suffered the following combatant-ship losses from submarines: 5 battleships, 5 cruisers, 3 light cruisers, 1 monitor, 13 sloops, 1 flotilla leader, 6 destroyers, 2 torpedo boats, 1 aircraft carrier, and 1 mine layer. In every case the battleship was of an obsolete type.

Tests have been made against condemned hulls, notably the *Washington* prior to her being sunk in accordance with the limitation of armaments treaty. Special tests were also conducted on the *South Carolina*.

(5) How many torpedoes are carried by a submarine, and may these be fired while submerged with any effectiveness?

Submarines are built with from four to six tubes from which torpedoes can be fired. The number of torpedoes carried varies from two to three times the number of tubes.

The most effective method of fire is with the hull of the submarine submerged but with the top of the periscope showing. This reduces the visibility of the submarine to a minimum while allowing the directing officer to see his target. A submarine in this position is said to be at periscope depth. A submarine may also fire its torpedoes when completely submerged by using special methods of firing.

(6) What is average cost of discharge of a torpedo in actual combat with the enemy?

The average cost at present of a torpedo with its war head is $14,000.

(7) What is effective range of torpedo discharge?

A torpedo is effective almost immediately after leaving the point of discharge up to the extreme limit of run, which limit varies with different types of torpedoes.

(8) Has the submarine any offensive status, or is it a weapon primarily of defense, considering the reduction in submarine attacks following the use of convoys of destroyers, submarine torpedo nets, etc.?

The submarine has an offensive as well as a defensive status, but no matter whether it be operating offensively or defensively it derives its importance from its ability to take offensive action against enemy ships. Submarines that operate locally—for instance, in the vicinity of the Canal Zone, the Hawaiian Islands, the ports of our Atlantic and Pacific coasts—would in general be said to be operating defensively, but the efficiency of their operation in these areas would depend upon their ability to attack vessels or fleets that were attempting to interfere with commerce or to bombard our shore positions. This kind of operation constitutes the defensive operations of submarines. Offensive operations are those that pertain to operations on the high seas or in enemy waters, where the submarine seeks to place itself in a position for attacking enemy combatant vessels. It is not possible to lay down any general rule as to which is the more important employment of submarines. Importance of the employment will depend upon the circumstances of the war at the time. Submarines of all classes can be employed in the purely defensive operations above indicated, but only the larger submarines have sufficient seagoing qualities to enable them to operate offensively in distant enemy waters.

(9) What is the average rating of effective fire or "marksmanship" for submarines of the United States Navy?

Submarines are not generally very efficient in their gunfire unless the sea is smooth. They can not fire their guns as effectively as surface vessels, except at very short range. Their marksmanship, so far as torpedoes are concerned, compares very favorably with torpedo marksmanship from surface vessels.

(10) Briefly, what is the value of a submarine as an integral part of a well-balanced navy?

The submarine is a very valuable element of naval strength, particularly valuable for operation in enemy waters since it can go to those waters and remain for considerable periods of time awaiting its opportunity for its successful attack of enemy combatant ships and to observe and report their movements. No other type of naval vessel can maintain itself in enemy waters unsupported for any considerable period of time, because it would be discovered and driven off by superior naval strength of the enemy. The submarine, instead of being driven off, can submerge at appropriate times and thus escape observation. There is no way for a surface vessel similarly to escape observation. You can very well see how disturbing it would be to the naval operations of the enemy if submarines were known to be operating in the vicinity of its naval bases threatening every ship that issued from or returned to such bases.

The submarine has a special value to a fleet in its ability to scout long distances ahead of the fleet without being chased off its station by superior strength of the enemy. When it comes to fleet action, the submarine is a weapon of opportunity. There is no assurance that the submarine in fleet action will be as useful as surface vessels, but in all the steps leading up to fleet action, the submarine may play a very important rôle.

The mine-laying submarine is of value in that, unobserved, it may lay mines in or near the entrances to enemy naval bases and in localities of enemy naval activities. This form of attack may prove very effective in damaging or sinking combatant ships; in addition the constant threat of such mine laying makes necessary considerable sweeping operations which serve to delay or occupy enemy forces.

(11) In a hypothetical case of having to choose between submarines and fighting vessels of a nonsubmarine type, would not the choice be for the regular ship? Why?

This question can not be answered directly. There are so many factors that enter into the decision that with one set of factors it might occur that the need for submarines would predominate, while with another the need for submarines would not predominate. It is impossible to foresee with any degree of precision all of the factors and evaluate them sufficiently to make a decision in the case. It will oftentimes occur in certain phases of naval war that the submarine will be the sole type of naval vessel that can operate effectively in the execution of the particular task in hand. In other cases the usefulness of the submarine may be distinctly less than the usefulness of surface vessels. In general, a fleet must be built up and organized for the general exercise of sea power. It must be composed of vessels that are indicated by long study of the general world situation, of naval aims, and naval dangers. Such studies and estimates have led the Navy Department to submit for the consideration of the President and Congress a building program that represents the best professional opinion of the Navy. This program includes both surface and submarine vessels.

(12) What is the advantage of a large submarine of possibly 300 feet over all, as compared with one only 150 feet over all?

The advantage of a large submarine as compared with a small one is that the area of its operations is not limited to local areas. The small submarine is by its very nature restricted to operations in the vicinity of bases and ports of the United States. It can not go long distances at sea and remain in strategic positions for considerable periods of time. Its cruising radius is so restricted that it must remain

near sources from which it may replenish its fuel, its provisions, and where it may rest its personnel. The small submarine is, of course, much more uncomfortable for the personnel and wears them out quicker than the larger and more comfortable submarines.

The special situation of the United States in the matter of bases makes it necessary for us to build vessels that can cruise long distances at sea. This necessity applies with as much force to submarines as to surface vessels. Notwithstanding the necessity we are under, all nations building what might be called the larger class of submarines, we recognize that the larger the submarine the more it costs and consequently the fewer vessels we can get for a given expenditure. Our effort, therefore, in design is to keep the displacement of individual vessels as low as possible while still incorporating in them the necessary strategic and tactical qualities. This effort has resulted in a design of a vessel well below 2,000 tons.

Sincerely yours,

CURTIS D. WILBUR.

Hon. GEORGE W. LINDSAY,
House of Representatives.

Mr. LINDSAY. Now, gentlemen, I would be presumptious if I stated categorically that submarines are ineffective in combat and useless in offensive or defensive operations. I am not an authority on fleet maneuvers or naval strategy. Our people will support any plan that seeks to lessen the horrors of war on land or sea, so long as that plan does not imperil our national defense. Military and naval warfare is changing. The battle of the *Merrimac* and the *Monitor* marked the end of wooden warships of all classes. The development of the naval aircraft carriers may mark the end of the submarine.

I am in favor of preparedness. I want our Navy always efficient as to complement of men and classification of types of ships. I want our navy yards ready with equipment and trained mechanics. But I would not want to maintain a type of ship which is of doubtful effectiveness in service, especially when such ships so often become coffins for their brave crews.

My point is that since capital ships with low gun elevation have become obsolete largely because "spotting" airplanes permit them to be outranged, so, perhaps, airplanes make certain the passing of the submarine. If I am correctly informed, every American cruiser and battleship carries three planes. Only one British ship carries planes, the *Vindictive*, which carries six. Of course, this does not apply to additional planes carried by airplane carriers in much greater number. Ships like the U. S. S. *Langley* and the U. S. S. *Saratoga* carry a veritable fleet of airplanes. But battleships and carriers are already limited to agreed ratio under the naval limitation treaty. It is, therefore, in the submarine and cruiser class that the possibility of a race in naval armament lies. It is difficult to give any comparison of the submarine strength of nations because of the obsolescence element previously mentioned. Any such comparison would depend largely on the age of vessels included.

An idea of what each nation would relinquish in an agreement to eliminate submarines is roughly indicated in the following table, as of October, 1927:

Submarines of all classes

1. United States	56
2. Japan	49
3. Great Britain	35
4. France	22
5. Italy	9

Since the size and importance of these boats vary, let us examine the table of total tonnages:

	Tons
1. United States	84,722
2. Japan	52,266
3. Great Britain	46,888
4. France	45,069
5. Italy	17,252

If present plans for additional building are carried out, these totals will again change:

	Tons
1. United States	93,722
2. Japan	78,156
3. France	76,809
4. Great Britain	67,688
5. Italy	35,532

It might be of interest in passing to refer to Germany's position. Her once mighty fleet of submarines is now reduced to eight old obsolete boats, six of which are kept in commission under the treaty limiting her arms. But it may be that the money that would have been spent on submarines will be used to advantage in restoring her merchant marine, so Germany may console herself with the thought that Providence moves in a mysterious way its wonders to perform.

Gentlemen, I am not one of those who lack confidence in our naval officers. I can not forget their many acts of skill and heroism. Paul Jones, Farragut, Perry, Dewey, and Hobson, and Gridley of "You may fire when ready" fame; and those many competent men in our World War whose names I shall not mention now because I would have difficulty in limiting myself to any select list—all carried on the traditions of the Navy. Officers and men, they go wherever duty requires. They obey orders. They will fight in tin tubs if necessary, but if that be not necessary, let us find out.

If we ask men to risk their lives in service aboard submarines, let us be sure the submarine is a legitimate member of the fleet and not a false pretender, unfit to ride at anchor beside the proud and honest man-of-war. I know the officers and men will give all that is in them, but has the submarine anything to give in combat from which unarmed noncombatants are removed?

Its little guns are pea shooters against the armored sides of ships of the line. Their marksmanship is uncertain in any seaway. On the surface they are doomed by the swift destroyer and submerged they are shattered by the depth bomb. Their vulnerability is their weakness, but in what is their strength?

They carry a limited number of torpedoes—a maximum of 18 and a minimum of 8 perhaps. When these are fired the submarine is out of action. They must get close to their target to insure a hit, because of limited number of torpedoes carried. Destroyers or watchful airplanes prevent them from showing their periscopes. So the difficulty of sighting the target is increased. Because of compartmentation of warships, many direct hits must be made before the ship sinks. Can it be done? I would like to know if a submarine could risk an attack on any modern naval vessel of fighting rank.

If the submarine is used principally to attack noncombatants—and such appears to have been the case in the great test of the World War—then it must be outlawed for such warfare is reprehensible and wholly violates the guaranteed rights of noncombatants. If it is obsolete as a type because of development of bombing and scouting planes, then it must go for less humane, but perhaps more persuasive reasons.

In any case, the submarine is prominently before us. Let us determine the facts fairly and conclusively and act with the courage of our convictions, so they who perished off Provincetown shall not have died in vain. [Applause.]

Mr. GRIFFIN. Mr. Chairman, I yield 30 minutes to the gentleman from Tennessee [Mr. ESLICK].

Mr. ESLICK. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD and to insert therein a number of documents, tables, and compilations of figures that are incident to and really a part of what I have to say.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. ESLICK. Mr. Chairman, ladies and gentlemen of the committee, in the time allotted me I shall discuss the much-heralded and talked-of prosperity throughout the country. I am going to measure prosperity as reflected in the business conditions of the country. I shall apply the business yardstick to Harding normalcy and Coolidge prosperity. The President in his message says—

> that the country as a whole has had a prosperity never exceeded.

The Secretary of the Treasury speaks of the steady employment of labor, that the country has been prosperous, and business and industry are stable. The press of the country tells us that we have had a great prosperity in 1927. It is proclaimed from the floor of this House by many of the administration followers. Stocks on the exchanges have gone up by leaps and bounds. My contention is that the claim of general prosperity is not sustained by the record. Speculative and inflated values in the gambling of stocks is an artificial prosperity and does not represent prosperity among the various classes of the people.

What is prosperity anyway? The Standard Dictionary defines prosperous as—

> successful; flourishing; favoring; auspicious; fortunate; happy; well.

I am going to take the saying of the homely philosopher, Abe Martin, as a measure in summing up the question of real and practical prosperity. This quaint philosopher says:

> Don't believe everything you read about prosperity. You kin tell when it hits you by feeling in your pockets.

I am going to talk about this kind of prosperity which affects the general public, the everyday man. This is the yardstick to measure our prosperity, because it affects 95 per cent of our population.

The President, the Secretary of the Treasury, and the leadership of the majority party throughout the country talk prosperity. Yet when we come to the question of tax reduction it

causes the President and the Secretary of the Treasury to find out whether we have, and will continue to have, this prosperity in the Treasury in 1928. When they come to feel in the Public Treasury "pocket" immediately the President warns the country that there must not be too great a reduction in taxation because the revenue will not be so great this year. The Secretary of the Treasury in substance says the same thing. Mr. Mills, the Undersecretary of the Treasury, warns against tax reduction because there will be less revenues this year.

Chairman GREEN, of the Ways and Means Committee, and the gentleman from Oregon [Mr. HAWLEY], a member of the Ways and Means Committee, each sounds the note of warning. Mr. HAWLEY says the automobile business has fallen off, railroad revenues are lower, and the steel business has fallen off. Chairman GREEN utters almost identically the same language. These gentlemen express the view that there should be small tax reduction this year, and the reason evidently is that there will be smaller revenues gathered from taxation, and, of course, smaller or less taxes means a deflation or smaller volume in business throughout the country.

In this discussion I have an authority for every statement made as to our business conditions, except as to idleness in the cities; and these statements are based on the best obtainable information, and which I believe reliable. Some of the statistics I have gathered through bureaus and departments of the Government and agencies of a statistical nature throughout the country, and through the financial journals and daily papers of the city. I have tried to fairly gather this information as to business conditions of the country, and especially with a view of comparing 1927 and January, 1928, with the calendar year of 1926. Of course, I have not been able to go into detail in each and every business and industry. The undertaking is too great. But I have tried and think that I have succeeded in gathering enough information as to the business and industries of the country that the condition, as compared in these two years, may be fairly reflected, and our present-day prosperity fairly measured.

I would not undertake to say that there has not been prosperity in some lines of business. If there were no incomes in the country, the revenues of the Government would be paralyzed. The Government had large revenues last year, but these revenues have been gathered from the few and not the many. A very, very small per cent of the people individually and in firms and corporations pay 90 to 95 per cent of the income taxes.

The prosperity of 1927 was confined largely and almost exclusively to a few units of big business. The greatest prosperity was in the stock exchanges. That was not a real prosperity, but speculative values in the exchange went far beyond values measured by earning capacity. Banks and insurance companies were prosperous. Chain stores did well. Automobiles and the steel companies made money, but were not nearly as prosperous as in 1926. Only to-day steel and motor stocks on the New York Exchange got $1,000,000,000 squeezed out of them—paper values, of course. For these stocks are worth just as much as they ever were. But this is a sample of exchange prosperity. A few weeks ago there was another tumble on the New York Exchange, and the papers said then there was a loss of from one to three billion dollars; a sudden and severe shock to prosperity—shadowy prosperity, not substantial prosperity!

In the mercantile world mail-order houses, like Montgomery Ward, Sears-Roebuck, and similar houses, made great earnings; but to my mind, this is an evidence of adversity rather than prosperity, because when times begin to grow hard and money scarce, the average purchaser with small means tries to make his money buy as much and go as far as possible. They forget the home merchant. They deal with the mail-order houses where they may get the needed articles for a little less money. The business of the home-town merchant declines, while the business of the mail-order or foreign merchant grows. Thus the prosperity of this class of business was built up or enriched in 1927.

THE FARMER'S PROSPERITY

Mr. Chairman, in the discussion of our prosperity, or lack of prosperity, I am going to first discuss the basic business interest of the United States. I am going to talk about the class of American citizens having the greatest number of any one class—the American farmer, who produces the real wealth of the country. He produces the things the people absolutely need. Then I am going to talk about another great class of our people and our citizens—American labor. I shall first inquire as to the prosperity of these two classes of business.

What has the farmer to show for his labor for the last seven years? What gain in that period of time represents his prosperity? Mr. Chairman, all wealth, all property in whatever form, save land itself, represents the savings from the labor of human hands in and upon the bosom of the earth. The farmer produces food and clothing for the teeming millions of the world. You may close down every factory, mill, forge; you may stop every railroad train; wreck every bank and insurance company; stop every spindle; close every furnace and factory in the land; and while the hand of progress would be turned back a full century the world would go on. It would live. He is the one man absolutely indispensable to the life of the people of the world. Destroy the farmer and you destroy mankind. If he should withdraw the products of his labor from the markets a single week the people engaged in industry and in the congested centers would be upon their knees hungry, and in six months the world would be naked.

The first of 1920 saw the farmer in better condition, with fewer mortgages and less debts, than at any time in our history. He was prosperous because the war had produced an unlimited demand for his products at high prices and good profits. What is the story of the farmer of to-day? Of the nearly 3,300 bank failures in the last seven years 94 per cent of these failures are in either agricultural States or parts of States supported by agriculture. His invested capital in lands in 1920 amounted to $73,000,000,000, yet the first of 1927 it had diminished to $58,000,000,000. His earnings upon this diminished capital have been only about 3 per cent. Corporate wealth has grown from $99,000,000,000 to $134,000,000,000, a gain of $35,000,000,000, and it has earned nearly 13 per cent annually on its increased capital up to January 1, 1927. Not only are the farmers in the poor agricultural sections of the land bankrupt, but many of the very best farming sections, with the richest lands, are in a hopeless condition. May I point to one section? The Mississippi Valley and lower Mississippi Delta are probably the richest and most productive lands in the world. In discussing the flood situation recently Representative JAMES W. COLLIER, one of the ablest and most conservative of southern Representatives in this House, made this statement, that not only was that immediate section of the country affected by the flood but that over 3,000 miles of railroad transportation had been interrupted; that the water had covered over 12,000,000 acres of land in 174 counties in 7 States. Let me quote his language:

> There are $770,000,000 invested in mortgages on land and in bonds and $45,000,000 are still outstanding of levee bonds. Now, its assessed value, so bonded and so mortgaged, aggregates $815,000,000.

This 12,000,000 acres of land, as rich as any under the American flag, mortgaged and encumbered for one hundred cents on the dollar of its assessed valuation. Is the farmer prosperous? Is he flourishing? I give you these figures from the Department of Commerce—forced sales of farms for the year ending March 15, 1926—delinquent tax sales, 24,000; foreclosure of mortgages, bankruptcies, and so forth, 99,000; total, 123,000. In 1927 delinquent tax sales, 29,000; foreclosure of mortgage and bankruptcies, 102,000; total, 131,000; an increase in 1927 of 8,000 bankrupt or foreclosure farm sales. Each farm on the average has a family of four persons, and each year it was the loss of home to at least 500,000 people. In these two so-called prosperous years 253,000 landowners lost their farms through forced sales, not to mention the very large numbers who deeded their lands to mortgagees or through judgment and execution sales. In two years 253,000 American farm owners lost their homes. In these two years more men were sold out of house and home than faced each other in the Union and Confederate Armies on the bloody field of Gettysburg. I do not know the value of these lands, nor the liability of the landowners. I have no way of getting this, but I do know that, generally speaking, the larger farmers of the South and Southwest were hit hardest and they suffered most from the low-priced farm products. It is safe to say that these 253,000 farm owners were probably the losers of more money than any other class of business men. At $5,000 a farm, their losses would be $1,250,000,000. At $2,500 a farm, which is a low estimate, it would be $625,000,000, or nearly double the bank failures for the same two years.

Des Moines is in Polk County, Iowa. I have before me a copy of "The Des Moines Register, Saturday morning, November 12, 1927. The newspaper Iowa depends upon." This paper carries the advertisement of sale for delinquent taxes, with the time of sale fixed for the first Monday in December, 1927. It is signed by Allen Munn, treasurer of Polk County, Iowa. The first paragraph reads:

> The following is a true and correct list of all lands and town lots in Polk County, Iowa, on which taxes for the year 1926 and previous years are due and unpaid, as appears from the several tax lists in my office.

This paper has 33½ pages, with five columns to the page, set in 6-point or small type, describing both city and farm lands for sale. It is too big a job to count the number of farms and town

lots and to add up the amount of taxes. In the statement accompanying the paper it is stated that—

> There are about 32,000 pieces of land upon which taxes are delinquent, and, if you could get some one to total them all up, you will find it will run into the neighborhood of $2,000,000 delinquent taxes in this county alone.

I have counted the number of pieces of land in one average column and added up the delinquent taxes in this column, and taking this as an average it will run about 30,000 parcels of land and about $1,400,000 in delinquent taxes. This is from the capital city and county in the greatest corn-growing State in the Union. Certainly, the people of the capital city and county of this great agricultural Republican State must be firm in the faith of their fathers if they continue to vote for Republican success, and at the same time pray for deliverance from Coolidge prosperity and bankruptcy.

Not one farmer out of twenty in the last six years has made a clear dollar on his investment. Let us come to the concrete proposition of to-day. Step by step the farmer is slipping. Hogs in the early part of 1926 brought 12½ to 13½ cents a pound. The same class hogs to-day bring from 6 cents to 8½ cents a pound. The price of corn now is below the cost of production. The producer gets from 55 cents to 80 cents a bushel. The price of middling cotton is around 17½ cents a pound, and is below the cost of production; wheat may yield a slight profit at $1.16 to $1.28 per bushel. Oats are cheap, without profit. The rice farmers are all "broke," with rice at 85 cents a bushel when it costs more than $1 to produce it. The various hays sell from $6 to $15 a ton, none of it at a profit, and much of it at an actual loss. Cattle are bringing a profit, and for the first time since 1920. This is due to scarcity. The farmer is involved in debt, with taxes increasing, and the price of the fruits of his labor fluctuating from production cost to a severe loss. The future does not hold out the hand of hope to him. He sells in the open markets of the world. He buys in the most restricted markets of any nation. He sells in a cheap market. He buys in a high market. His sale represents the extreme low price, his purchase the high price.

A Tennessee humorist once said:

> The unpleasantness of the sixties put "Yankee Doodle" on the pension rolls and "Dixie" on her crutches.

Unfair, unjust, and discriminatory legislation has put big business on "Easy Street" and the farmer flat of his back in the bottom of the "ditch," helpless and hopeless. There may be a single ray of hope. The Agriculture Department on February 3, so the newspapers report, says that farm labor this year will be plentiful and at lower wages. The reason of this "back to the farm movement" is the collapse of business in the cities, and the manufacturing centers of the country have discharged a large amount of their labor. It is go back to the country and the farm for existence or join the idle army and the bread line.

In my own district, the seventh congressional district of Tennessee, in the very heart of the bluegrass section, in the basin of the middle division of the State, the assessed value of the land in the 11 counties has shrunk from 1920 to 1928, $42,000,000, or approximately one-third. Eleven counties lying adjacent can not be found in any State surpassing these in fertility and diversity—in production and diversity of production.

LABOR CONDITIONS

I shall discuss the labor situation at length, for in point of wages and income it is the greatest business in the United States. We all know that the "party of high ideals" and "normalcy" claims great credit for the preservation of the rights and dignity of labor. What is the condition of labor to-day? Probably not since General Coxey's army marched on Washington has labor been in so deplorable a condition. In great sections of the country labor is hungry and starvation faces it. In other places, unhappy, underfed, and homeless, large parts of the labor population face the world.

The coal miners of central and western Pennsylvania, Ohio, and the northwestern section of West Virginia are in greatest distress. I have drawn you a pretty dark picture of agriculture. But it remained for the able and distinguished Republican leader from Kentucky [Mr. ROBSION] to draw a still blacker one for the coal people. In this House a few days ago, referring to agriculture, he said:

> While one of our great basic industries has been in deep distress, yet the soft-coal industry of this country is in even greater distress.

And the gentleman knew what he was talking about. This is good Republican authority and undisputed. A great description of the condition of the coal miners of Pennsylvania was given to this House a few days ago by the gentleman from that State [Mr. CASEY]. It is admitted that the mine owners are neither prosperous nor happy. The coal operators at the present wage scale say they are threatened with bankruptcy and that a reduction in labor charges must be made if the soft-coal industry is to survive. The miner's wage is now so low that he can not reduce it and decently support his family. Inquiry at the Department of Labor as to the coal situation shows it to be "very, very bad." Of the large number of miners engaged in the soft-coal fields, probably 250,000 of them are union miners. Soft-coal miners, union and nonunion, number about 625,000. A very large percentage of these are idle and unemployed. We have no export market for our soft coal. It is hemmed in at home. The result is financial distress, both to the operators and the miners. Oh, Mr. Chairman, the Secretary of the Treasury, who talks of marvelous prosperity and stability of business conditions throughout the country, this financial genius who has ascended the heights until he is probably the third richest man in the world, should turn his face to the outskirts of his home city, Pittsburgh.

The picture of prosperity greeting him is a gaunt famine's spectral brood in the shape of half a million miners, discontented, half of them hungry, shabbily clad, and homeless. And as Nathan said unto David, "Thou art the man," they point "the accusing finger" and ask, "Where is your prosperity? We are out of work; our families are hungry. The coal corporations have turned us out of doors to freeze and to die." No answer is made to them, and they look into the mysterious future without promise and without hope. "Man's inhumanity to man hath made countless thousands mourn."

This condition is not confined to any one trade or business or any one section, but it is throughout the country. When you tell the coal miner that he is having a hard time, the people who are boosting prosperity say to him, "This is local. This is only with you." If you tell the textile men of New England and the President's home State of Massachusetts that business is depressed they say, "This is local with the textile people." When the farmer complains—and knows—that he has had the hardest time of anybody they tell him, "It is only agriculture that is badly depressed." And when the sawmills are closing down by the wholesale they say, "Hard times are confined to the lumber and timber trade." In other words, they are trying to hold up and boost prosperity until after the presidential election. Communicable and pestiferous diseases are generally quarantined by the medical world to prevent the spread of the disease. The prosperity people right now are trying to quarantine "hard times" in each of the many classes hit so hard—trying to withhold it from the world until they can get by this fall's elections.

Mr. ROMJUE. Mr. Chairman, will the gentleman yield there for a question?

Mr. ESLICK. Yes, sir.

Mr. ROMJUE. You have spoken of unemployment in the different sections of the country. I was wondering if the gentleman had observed that even here, within the shadow of the Capital, we are having bread lines. Three weeks ago, I think, this last Sunday morning as I came out of church on my way home, in passing the Gospel Mission House down here I saw a large number of men standing in the bread line waiting for something to eat. I went in and contributed my little mite, and as I walked home I was wondering how the people of this country could longer refuse to believe that there were bread lines standing in the shadow of the Capitol.

Mr. ESLICK. I thank the gentleman from Missouri for his suggestion. The scene he describes is right here with us, and he that hath eyes to see can behold it.

This is the Capital City of the Nation, where the Government pours out its millions in salaries every month, and yet we see the real-estate business with creeping paralysis; the general line of mercantile business is at a standstill. There is no prosperity here!

I am reliably informed that save for a few large and costly projects the building business is almost paralyzed. In the still trades, consisting of bricklayers, carpenters, blacksmiths, tinsmiths, painters, paper hangers, plumbers, concrete men, and allied classes of workmen there are 35,000 idle workmen in Washington City.

Mr. SPROUL of Illinois. Mr. Chairman, will the gentleman yield there?

Mr. ESLICK. I do.

Mr. SPROUL of Illinois. As a matter of fact, we have the same conditions of bricklayers and carpenters and other building trades and mechanics out of employment every winter, no matter how good the times may be. Is not that a fact?

Mr. ESLICK. From the day Woodrow Wilson became President until he went out of office we did not have them in the United States. [Applause.]

Mr. SPROUL of Illinois. My dear sir, that is absolutely right; but we had a war on at that time. Four million of our

men were enlisted, and if they were not out fighting for their country they were located in the camps here preparing to go, and there was work for every man you could get in those times. But it is not so during every winter in peace times.

Mr. ESLICK. I must object to the gentleman from Illinois taking more of my time, because I have a big subject to cover. I am glad the gentleman from Illinois concedes that I am absolutely right, that from the day President Wilson went into office until he went out, we had no idle men. But he assigns the reason that we had a war at that time. Wilson's first four years was a peace-time administration. We had the depression to contend with that was brought on by the war in Europe. The battle cry of 1916 was, "Wilson kept up out of war." If I am right, and the gentleman admits it, we had no idle men under Democratic administration either in war or in peace. [Applause.]

But as to the unemployed: Forty miles from here is the rich city of Baltimore. I am informed 75,000 people are out of employment there. St. Louis has 100,000 men jobless—they belong to the vast army of the unemployed.

But this is not the end of the story. New York is the richest city in the richest State in the Union. Unemployment is so great there that the governor has recently taken official cognizance of it, and has taken this matter up with the State and city authorities with the view of aiding the unemployed, both in the city and State. Remember this lack of employment and great suffering comes from the two most populous and the two richest States in the Union—New York and Pennsylvania.

But I am not through with the picture. If the newspaper reports are correct, factories and business operations are closing down, hundreds and thousands in every great city are without work, and especially east of the Mississippi River is this true. I wrote the Department of Labor for information that I might have it at first hand. But not a figure came to me. I am going to discuss this department a little later.

But through the Labor Bureau (Inc.), of New York, specialists in economic research for labor unions, we get a report as late as February 9. This report necessarily must relate to union men. There are 4,000,000 workers out of employment in the United States. Is this prosperity, when prosperity means to be successful and fortunate?

Four million men without employment necessarily go beyond any one line of business. It embraces many classes of employment. As early as September and October, 1927, many of the industrial plants were operating only from two to four days a week. The record is silent as to those working only part of the time. It is safe to say that half as many laborers are employed only part of the time as those completely out of work.

LABOR OF BIG BUSINESS

The Business Condition Weekly in its issue of January 14, 1928, contained a table of the 24 most important and greatest industries of the country. It compares the pay rolls of each for the month of November, 1927, with the same month of 1926. This table embraces other industries, but I have used only the 24 specific pay rolls of big business.

The table is as follows:

Weekly factory pay rolls

	November, 1927	Change from November, 1926 (increase (+) or decrease (−))
		Per cent
Automobiles	$8,691,000	−10.5
Iron and steel	7,345,000	−16.4
Foundry and machine shop products	6,267,000	−14.1
Car building and repair	4,968,000	−8.9
Cotton goods	3,849,000	+4.9
Printing	3,790,000	+1.5
Electrical products	3,496,000	−9.1
Lumber and millwork	3,239,000	−8.8
Slaughtering	2,185,000	−3.4
Baking	1,830,000	+2.6
Boots and shoes	1,823,000	−17.7
Furniture	1,676,000	−6.1
Hosiery and knit goods	1,583,000	+2.1
Pulp and paper	1,555,000	−4.3
Woolen goods	1,485,000	−6.7
Petroleum refining	1,445,000	−14.9
Tires	1,402,000	−9.8
Men's clothing	1,397,000	−5.4
Silk goods	1,132,000	−5.0
Steam-heat apparatus	1,005,000	−12.0
Glass	950,000	−9.8
Machine tools	845,000	−14.8
Hardware	784,000	−12.8
Agricultural implements	690,000	−3.1
Other industries	13,381,000	
Total	76,723,000	−8.0

I also have before me Business Conditions Weekly issued on February 11. It contains four tables. The first relates to building in 37 eastern States in 1927 as compared with 1926. The first table shows the building conditions by sections of the country and measured in square feet.

The second table shows the classes of construction, measured in square feet; 883,700,000 of building contracts in these 37 States were made in 1926 and 850,000,000 in 1927, or a loss of 33,700,000 square feet or 3.7 per cent.

The third table under weekly "factory pay rolls" shows a comparison of December, 1926, and December, 1927, on the same 24 most important industries in the country, comparing for the month of November, 1926 and 1927. It shows a gain in 1927 of 6 industries over December, 1926, and a loss in wages in 18 of the industries covering the same period, or a net loss to labor of 6.6 per cent in the month of December, 1927, as compared with December, 1926, and figured on this basis, labor had a net loss in 1927 during the month of December of $4,247,694.

The fourth table shows a change in 1927 pay rolls as compared with 1926 in five of the most important industries. This is shown monthly. Automobiles gained in 3 months of 1927 and lost in 9, as compared with 1926. Iron and steel lost in each of the 12 months, and consistently. Its loss was 7½ per cent in January and 14.2 per cent in December. Foundries lost in 11 months and gained in 1. January it lost only one-half of 1 per cent, and in December it lost 14.7 per cent. Cotton goods gained in 11 months and lost in 1. The first month's gain—January—was six-tenths of 1 per cent and December was a loss of seven-tenths of 1 per cent. Its greatest gain was in July, 24.8 per cent. Lumber lost in all of the 12 months, beginning in January, 1927, with 5.6 per cent and ending in December with 9.3 per cent. These four tables are:

Building contracts by districts in 37 Eastern States

District	Year 1927	Year 1926	Per cent change
	Square feet	*Square feet*	
New England	63,200,000	71,200,000	−11.2
New York	226,000,000	252,600,000	−10.5
Middle Atlantic	97,000,000	97,400,000	−.4
Pittsburgh	87,200,000	87,100,000	+.1
Central West	245,300,000	221,500,000	+10.7
Northwest	12,800,000	16,000,000	−20.0
Southeast	81,000,000	98,500,000	−17.8
Texas	38,100,000	39,400,000	−3.3
Total, 37 States	850,600,000	883,700,000	−3.7

In these 37 States residential building declined 5.1 per cent.

Building contracts by classes of construction in 37 Eastern States

Class	Year 1927	Year 1926	Per cent change
	Square feet	*Square feet*	
Residential	494,600,000	521,100,000	−5.1
Commercial	141,800,000	152,400,000	−7.0
Industrial	70,900,000	80,800,000	−12.3
Other	143,300,000	129,400,000	+10.7
Total, 37 States	850,600,000	883,700,000	−3.7

Weekly factory pay rolls

	December, 1927	Per cent change from December, 1926
Automobiles	$9,447,000	+14.7
Iron and steel	7,414,000	−14.2
Foundry and machine-shop products	6,435,000	−14.7
Car building and repair	4,658,000	−10.3
Printing	3,962,000	+2.2
Cotton goods	3,740,000	−.7
Electrical products	3,473,000	−6.8
Lumber and millwork	3,088,000	−9.3
Slaughtering	2,266,000	−2.4
Boots and shoes	1,802,000	−14.4
Baking	1,800,000	+.8
Hosiery and knit goods	1,622,000	+2.0
Furniture	1,610,000	−7.3
Tires	1,573,000	−1.1
Pulp and paper	1,535,000	−2.8
Woolen goods	1,475,000	−7.6
Men's clothing	1,470,000	−9.4
Petroleum refining	1,465,000	−16.1
Silk goods	1,214,000	+1.5
Steam-heat apparatus	960,600	−10.5
Glass	935,000	−9.9
Machine tools	870,000	−13.9
Hardware	786,000	−9.3
Agricultural implements	759,000	+1.8
Other industries	13,617,000	
Total	77,976,000	−6.6

Loss in wages, December, 1927, over December, 1926, $4,247,964.

The trend of pay rolls in five important industries during the past 12 months is shown in the following table:

Per cent change in 1927 pay rolls, as compared with 1926

	Automobiles	Iron and steel	Foundries	Cotton goods	Lumber
January	−30.9	−7.5	−0.5	+0.6	−5.6
February	−15.7	−4.5	+.5	+1.5	−8.5
March	−10.2	−3.1	−1.7	+3.3	−7.7
April	−4.7	−1.3	−4.0	+3.5	−9.7
May	+.9	−3.8	−5.3	+11.3	−7.5
June	−11.2	−4.9	−8.8	+14.3	−8.9
July	−8.5	−10.0	−8.2	+24.8	−8.3
August	−10.7	−7.5	−9.0	+21.6	−8.7
September	−13.5	−13.5	−11.1	+12.6	−7.8
October	−11.6	−17.2	−14.3	+9.2	−8.6
November	−10.5	−16.4	−16.4	+4.9	−8.8
December	+14.7	−14.2	−14.7	−.7	−9.3

Twenty of the twenty-four industries in November, 1927, paid less wages than in November, 1926. The greatest loss was in the industry of boots and shoes—17.7 per cent. The highest of the four making a gain was in cotton goods—4.9 per cent. There was a net loss to labor of 8 per cent in November, 1927, compared with November, 1926. The combined pay rolls of these 24 industries for the month of November, 1927, was $63,342,000. Figuring the 8 per cent loss on the smaller sum for this one month, labor had a net loss of $5,067,000.

I have been unable to get any correct data on the pay roll of the entire country in 1926 and 1927. I understand it is not obtainable. The last report of the Bureau of the Census was in 1925. From the census of manufactures I find that the total labor wages of 187,390 establishments amounted to $10,729,968,927; 8,384,261 people or wage earners were employed in these establishments. The Alexander Hamilton Institute places the national income of 1927 at $103,400,000,000, and estimates that labor received from 54 per cent to 59 per cent of this great sum. It takes the figures 57 as the basis for the 1928 labor pay rolls, which is fixed at $58,398,000,000.

If this is a fair and correct estimate of labor wages, applying the 8 per cent average decline in November, 1927, measured by the pay rolls of the 24 most important industries, it results in a shrinkage or loss to labor of $4,715,040,000 from December, 1926, to December, 1927. It is a stupendous loss to labor in one year, and a great leakage from the prosperity gas balloon.

But this is not a fair average to labor losses. The 8 per cent and 6.6 per cent losses are an unfair yardstick. The 24 most important industries of the Nation did not feel depression like the smaller concerns of the country. The little fellow always gets hit first and hardest. His labor suffers most. If we knew the real facts, labor's loss was nearer $10,000,000,000 during the comparative time than is shown in the record of the big operators.

THE BREAD LINE

But back to my subject. I read this newspaper item:

HUNGER STAGES A COMEBACK

NEW YORK, February 9.—For the first time since the winter of 1920 and 1921, a bread line has been established in the Bowery. Thousands of men are out of work, and the numbers are being constantly augmented. Last week the Bowery Mission fed 7,202 men, the Rev. John R. Henry said to-day. Other and similar organizations are active, and some of the social workers insist that a crisis is at hand. If severe winter sets in, suffering will be intense.

It has been handed down to us that—

the birds of the air have nests; the foxes of the earth have holes; but the Son of Man hath no place to lay his head.

New York City is composed of the sons of man, and verily they have no place to lay their heads.

Mr. Chairman, I am aware that things have not always been well under Democratic administrations. Yet, sir, this country has never witnessed a real panic except within or as inherited from a Republican administration. The panics of 1873 and 1907 were during Republican administrations, and the panic of 1893 came in a Democratic administration, but that panic dropped into the lap of the Cleveland administration from the Harrison Republican administration, just as darkness falls from the storm clouds to the face of the earth. I have heard from the stump and in this House the story of the panic of 1893. We have been chided with the soup houses and the bread line and "over the hill to the poorhouses."

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. ESLICK. Not now. Let me proceed. Let me say we had a hard condition then.

Hard times came to us in a Democratic administration. This unwelcome visitor was knocking at the door when the Democratic administration came into power March 4, 1893. That was a serious time indeed. Democrats marched from the bread line "over the hill to the poorhouse." But they did it with brave hearts and unfaltering faith. They looked the world in the face, poor but honest, conscious of no wrong, and with the greatness of self-respect. [Applause.]

Democratic administrations gave to the United States the most constructive legislation our history records. It gave to the world its greatest banking system—the Federal reserve bank, the Federal land bank, the intermediate credit bank—a great system. And had it not been for these—children of progressive democracy—business would have been wiped from the face of the earth in 1920 and 1921.

Yet with this great Democratic inheritance, nearly seven years after our return to normalcy by the Republican route, the bread lines are here; the soup kettle is on. This administration must put the salt and pepper in the broth, for it bears the Harding-Coolidge label. [Applause.]

Mr. UNDERWOOD. Will the gentleman yield?

Mr. ESLICK. Yes.

Mr. UNDERWOOD. While the gentleman is touching upon the subject of soup houses, I desire to say that a few days ago I received a telegram from the treasurer of the Perry County Chapter of the American Red Cross at New Lexington, Ohio, stating that hundreds of children in that county were without food and clothing. I might add that in our State thousands of women and little children are facing actual want and starvation. Something like 75 soup houses have recently been established by the Governor of Ohio under the supervision of the National Guard, and they are giving approximately 5,000 little children one meal a day in order to prevent them from starving.

Mr. ESLICK. I thank the gentleman from Ohio for this statement. Let me say that when our brethren of the opposite party start over the hill to the poorhouse, they will find the present path hard to travel. They will find it slick and slimy, bespattered with the oil taken from the public lands. It was put there by and through the corruption, bribery, and prostitution of men high in public places. [Applause.] That pathway will have some markers on the mile posts. The names of one-time great officials, Cabinet officers, and of oily multimillionaires will point the way. One of them will have written on it the name of Fall, another Doheny, another Daugherty, and still another Sinclair. A great Senator, a great Democrat, a great American citizen, has caused the latter-day eleventh commandment, "Thou shalt not get caught," to be violated. It has been broken. It is shattered. Foul odors still linger. The private buccaneers and public plunderers have been caught.

Mr. SIMMONS. Will the gentleman yield?

Mr. ESLICK. Yes.

Mr. SIMMONS. How many unemployed did the gentleman state there were in the city of Washington?

Mr. ESLICK. I have heard it stated as high as 65,000, but the best information I can get is 35,000.

Mr. SIMMONS. Is the gentleman's other information as reliable as that?

Mr. ESLICK. Well, sir, I have gotten it from the best news-gathering agencies of the country, a part of it from your own departments here in Washington.

The gentleman from Nebraska [Mr. SIMMONS] offered to read a newspaper report. I know what the gentleman is going to read. He is going to read from the Washington Post of this morning, and that bears out what Abe Martin says, "Do not believe what you read in the newspapers"; but you "kin" stick your hands down in your pocket. [Applause.]

Mr. SIMMONS. May I read to the rest of the membership of the House the thing that the gentleman does not want me to read?

Mr. ESLICK. No; I can not let the gentleman read that in my time, because I have too many brickbats on hand to throw at you. [Applause.]

Mr. CONNALLY of Texas. That paper is owned by a gentleman who was also involved in this slippery oil transaction to which the gentleman referred a moment ago. [Applause.]

Mr. ESLICK. I thank the gentleman from Texas. This is true.

I want to say a word about the United States Department of Labor and its Bureau of Statistics. In to-day's paper I see an article headed "Davis sees gain in unemployment." He says:

We have unemployment in the country. Everyone knows it. Why not admit it? As to the total number of people now unemployed, a number of estimates are going the rounds. My own guess is that these are somewhat exaggerated. The Department of Labor is now gathering figures to show what the unemployment total is, and as soon as these figures are ready the public shall have them.

Has it not always been the duty of the Department of Labor, and especially the Bureau of Labor Statistis of that department, to gather these statistics? Why have they not been gathered year by year? I have made faithful effort with the Department of Labor to get figures as to the unemployment in the country that I might be able to make statements at first hand and with the best—and what should be the most correct—available information. Certainly it is a very late hour that the department is gathering figures as to unemployment. The unemployed have grown in numbers for some time. Everybody knows this. I wrote the Department of Labor, Bureau of Statistics, asking for information of the unemployed in the country as of January 1 and February 1, 1926 and 1927, and in several cities. As late as February 7, 1928, the Commissioner of Labor Statistics writes me:

I have your letter of February 6, and in reply to same will state that this bureau has no record of idle or partially unemployed men for the dates you mention or for any other date.

This bureau, which should have gathered correct information is prolific for what it does not know or fails to let the country generally know. This bureau is being maintained with the public money, to gather information of this kind, and if it can not be obtained and will not be given to the Representatives of the people, then this bureau should be abolished or the appropriation withheld from it.

TEXTILE BUSINESS

I take it that it is unnecessary to make the statement that the textile mills were not as prosperous in 1927 as in the preceding year. The President, in his message, spoke of the great prosperity of the country, with only a few unfavorable spots. For a few moments let us visit his home State. From one of the newspapers I took a clipping headed "Mills to cut wages." It came from the great textile center of Fall River, Mass., and was dated January 20. It reads:

The Fall River Cotton Manufacturers' Association last night notified the textile council that a 10 per cent wage reduction would be put into effect January 30 at all mills operated by members of the association.

The 3d day of this month I picked up the morning paper and saw a headline:

Fire ravages Fall River—Flames start in idle textile plant.

And further down in the article I read of the great losses of the fire, adding this significant sentence:

On top of the industrial depression which was already being felt here, the blow was the most disastrous in the history of Fall River.

The President's own State is heard from at Salem, where the Naumkeg Mills, cotton manufacturers, and its subsidiary, the Danvers Bleachers, in Peabody, suspended operations on February 6. In Rhode Island, on February 2, it was reported that the Lonsdale Co., of Pawtucket, one of the oldest cotton-manufacturing firms in Rhode Island, announced the shutdown of the Ann and Hope Mills, due to poor business. The No. 4 mill of the same company closed the week before—suspension indefinite. In normal times nearly 1,000 operatives are employed in the two mills.

Passing from the closing down of specific mills, I want to quote from a man who knows the New England situation, and is familiar with the conditions of the textile industry in the President's home State. I quote from a speech of the junior Senator from Massachusetts, DAVID I. WALSH, delivered in the Senate February 3, 1928:

Mr. President, I will say to the Senator from Utah that it is impossible for me to give an accurate statement of the number of factories that have been closed in the immediate past. I am frank to state, however, that if the figures were available they would be startling. A very large number of factories have been closed, and an exceedingly large number are running on reduced time. I have seen statements to the effect that the textile industry is running at a production for more than a year of about 40 to 60 per cent of normal conditions. Unemployment, I regret to say, is widespread, and the situation in the textile communities throughout New England and northern New York is very bad, indeed.

Again, he says:

I can not find words to impress upon the Senate that very many of the textile industries, a large percentage of them, particularly cotton, although it includes the woolen also, are passing through a grave financial depression. The situation is most deplorable. I know not the precise words that would indicate the real condition. It is a regrettable situation—unemployment widespread, wages reduced, and the future outlook far from encouraging.

STEEL AND IRON

I have succeeded in getting reports on only six of the steel and iron corporations of the country; that is, as to the income before fixed charges. But I have been unable to get the total earnings or revenues for the year 1927. However, I think these are fairly representative. The United States Steel Corporation, the biggest of them all, the steel octopus, had a total revenue of $1,508,076,000 in 1926; I have no information as to its total revenue for 1927. It had a net revenue or earning in 1926 of $199,005,000; for 1927 its net earnings were $164,247,000, or a loss in net revenue in 1927 of $34,758,000.

Jones & Laughlin Steel Corporation, the third largest in the United States, had $15,149,994 net income in 1926, with $11,238,939 income for 1927, or a net decline of $3,910,985 last year.

The Bethlehem Steel Corporation, and a very large organization, had $304,362,000 gross sales and earnings in 1926. No report has been made of gross earnings for 1927. Its net revenues or earnings for 1926 were $45,405,000, and in 1927, $40,379,000, or a loss last year of $5,159,000.

The Republic Iron & Steel Co. for 1927 had a net income of $3,018,282, with $5,065,022 return in 1926, or loss in income of $2,046,940, or approximately 40 per cent decline in revenues.

Two companies reporting income before fixed charges show a loss. The A. M. Byers Co. in 1926 had $1,466,000 income and in 1927, $1,377,000, or a loss of $89,000. The Pittsburgh Steel Co. in 1926 had an income of $2,909,000 and only $2,438,000 in 1927, or a loss of $461,000. The loss in net revenues in the steel industry runs from a small percentage to 40 per cent, in round numbers, during the year 1927. The largest and strongest steel company in the world sustained the enormous loss in net revenues of $34,758,000. Yet despite this large reduction in profits for the year 1927, United Steel common on the New York Stock Exchange went to the highest values in its history. Its earnings were down 20 per cent; its speculative value advanced greatly. It simply shows that prosperity on the exchange is not measured by earnings. It is not a real but a fictitious or speculative value.

AUTOMOBILES AND ACCESSORIES

The automobile is playing a conspicuous part in the business life of the Nation. If any line of industry should make money, this line of trade should make it—and its allied interests, trucks and the manufacturers of automobile parts and accessories. But few of the manufacturers of automobile trucks and parts have submitted reports for 1927 now available. Of course, it is not fair to charge the failure of the Ford people to make the same dividends last year as in preceding years, because his cars were in the formative stages from the old tin Lizzie to the new car. The report of Dodge Bros. shows that the net sales of this company in 1927 were $173,581,526, as against $252,997,434 for 1926, or a net loss of $79,415,910 in volume of sales.

Of five companies showing the income before fixed charges and reporting, two of the five show profit. The Hudson Motor Car Co. for 13 months ending December 31, 1926, shows $5,373,000, as against the 1927 earning of $14,431,000. The Indian Motorcycle Co. shows an earning for 1926 of $212,000, as against $256,000 for 1927. The Marmon Motor Co. shows an earning for 1926 of $1,670,000, as against $1,240,000 in 1927.

The Nash Motor Co. shows for 1926 $23,346,000 as against $22,671,000 in 1927. The Packard Co. shows $15,844,000 in 1926 and $11,743,000 in 1927. The reports on automobile parts and accessories show incomes before fixed charges of C. G. Spring & Bumper Co. for 1926 $548,000 and for 1927 $319,000. The Continental Motor Corporation shows the earnings of 1926 to be $2,569,000 as against $1,756,000 for 1927. The Martin-Parry Corporation's earnings of 1926 was $518,000 and a deficit of $5,000 for 1927. The A. O. Smith Co. shows a profit in 1927, its earnings being $3,946,000 as against $2,029,000 for 1926.

OIL COMPANIES—COAL AND COKE

I have tried to get the correct information to make comparisons of the volume of business and earnings of a number of the big oil companies like the Standard Oil Co. of New Jersey, the Standard Oil of Louisiana, Gulf Refining, and others. I have been able to get only one really large and two fairly large companies—the Standard Oil Co. of New York, Marland Oil Co., and the Prairie Oil & Gas Co. The Standard Oil Co. of New York had a net income of slightly over $16,000,000 in 1927. It had $32,776,502 income in 1926, or twice as much as last year's returns. The Marland Oil Co.'s gross earnings for 1926 were $77,608,000 as against gross earnings in 1927 of $56,322,000, and

after giving effect to reduction in its crude oil inventories it showed a net deficit of $2,794,928. The Prairie Oil & Gas Co. will show net earnings of $2,500,000—slightly over $1 per share—for 1927, as against $15,968,000, or $6.62 a share, for 1926.

I have also tried to get figures on the big coal and coke companies like the Consolidation Coal Co., the Glen Alton Co., and others. The only information that I am able to get is on the Leigh High Coal & Navigation Co. And this is a pretty sad commentary. The net income of this company after the payment of all taxes and charges against it in 1926 was $4,177,446. Its net income for the year 1927 was $2,932,000, or a falling off of $1,245,446.

Probably in summing up the returns of the various lines of business and industry throughout the country to ascertain whether there is a genuine prosperity it would not be fair to charge the losses arising in the coal industry against a general prosperity, because this line of business has had serious and unfortunate troubles with labor.

TELEGRAPH COMPANIES

The Western Union Telegraph Co.'s operating revenue for 1927 was about $250,000 less than in 1926. The Pacific Telegraph & Telephone Co. had about the same reduction in operating revenues in 1927 as against 1926.

RAILROAD EARNINGS

The greatest prosperity of the country has been with the stock exchange. Then it has been claimed that the railroads were extremely prosperous in 1927. But 1927 compared to 1926 shows the railroads did not measure up and have received less gross as well as net operating income. I am able to get the reports of but a few of the larger railroad systems of the country, but I am inserting a table showing both the gross operating revenue and the net operating income of seven of the big railroad systems of the country. These are scattered in the East, the West, and the South. This table was compiled for me by the Standard Statistics Co., of 200 Varick Street, New York City. It omits the three last naughts in each instance, showing millions and thousands, omitting the hundreds:

Railroads

[Compiled from monthly reports January 1–December 31, as reported to the Interstate Commerce Commission]

(Dollars in hundreds omitted)

Railroad	Gross operating revenue		Net operating income		Gross income (including income from other sources)		Net income	
	1926	1927	1926	1927	1926	1927	1926	1927
New York Central	$399,538	$385,047	$72,158	$62,228	(1)	(1)	(1)	(1)
Pennsylvania	709,817	664,851	106,433	103,977	(1)	(1)	(1)	(1)
Union Pacific	205,416	203,892	42,100	39,483	(1)	(1)	(1)	(1)
Missouri Pacific	133,990	125,728	20,334	16,899	$23,955	----------	$8,632	$4,401
Atlantic Coast Line	97,158	80,453	17,559	10,274	(1)	(1)	(1)	(1)
Southern Railway	155,468	147,639	35,529	32,765	41,386	$39,588	23,597	21,709
Louisville & Nashville	147,313	144,605	27,073	23,877	(1)	(1)	(1)	(1)

[1] Estimated gross and net income only are available at present for these railroads.

The Illinois Central runs for a thousand miles through the rich Mississippi Valley. At the close of the year 1927 it had only $12,131,871 available for dividends, a decrease of $5,018,527 compared with funds available for dividends in 1926.

W. B. Story, president of the Atchison, Topeka & Santa Fé, says that he does not expect earnings for the first half of 1928 to be as large as a year ago.

Robert L. Nutt, chairman of the Seaboard Air Line Co., declares that the outlook for the current year is favorable, and predicts larger earnings, but he said the Seaboard Air Line's earnings, along with the earnings of other railroads of the country, showed a decline in 1927. He predicted future earnings upon the heavy movement of vegetables, citrus fruits, and phosphates. The vegetable and fruit crops of the South were destroyed in part, or as a whole, by the heavy freezes. His hope of greater revenue is doubtless blasted. Freight traffic on this line was 14.5 per cent lower in January, 1928, than in January, 1927—176,012 cars January, 1928, as against 205,806 last year.

The total car loadings of class 1 railroads in 1926 were 53,098,819 cars. In 1927 the same roads carried 51,714,302 cars. This shows a decline of 1,384,517 cars. And a further decline in railroad haulings, the week of December 31, 1927, revenue freight amounted to 679,600 cars, or a drop of 149,406 cars compared with the preceding week, and 54,631 cars against the same week in 1926. Miscellaneous freight loads for the week total 237,000, a decrease of 10,036 cars compared to the corresponding week of 1926. Showing the various items, there was a loss in shipments of coal of 29,885 cars; grain and grain products, an increase of 743; in livestock a decrease of 614; in merchandise and less than carload lots a decrease of 6,140; a decrease in forest products of 3,132 cars; a decrease in ore of 2,886; coke, a decrease of 1,761, as stated by the American Railway Association. It also makes the statement that the loading of revenue freight on the railroads for the week ending January 28, 1928, aggregated 902,832 cars, an increase of 18,737 over the preceding week, but a decrease of 4,147 cars as compared with the corresponding week in 1927.

Class 1 railroads for the first 11 months of 1927 had gross earnings of 3.3 per cent less than in the corresponding months of 1926. Operating expenses declined 1.6 per cent, and the net operating income of these roads was down 10.8 per cent. In plain English, the operating income of class 1 railroads for the first 11 months of 1927 was off one-tenth of the operating income for the preceding year.

LUMBER

Building throughout the country is at a standstill compared to the active and vigorous years behind us. Take the timber industry and lumber market—it is practically dead. I know by a limited personal experience in this business and after talking to lumber and timber men that lumber and timber are badly off. The better grades of hardwood lumber in the rough which a year ago were selling from $40 to $60 a thousand are now bringing from $22.50 to $35 per thousand. Bill lumber, or "bill stuff," as it is called by the lumber people—the rougher and cheaper lumber cut to order for railroad purposes—which brought $28 to $30 a thousand in the early part of 1926, is a drag on the market at $18 to $20 per thousand now. Crossties, first-class oak ties, were bringing $1.25 to $1.40 a year ago, and are now worth from 70 cents to 85 cents.

MISCELLANEOUS BUSINESS

I can not go into detail in the various lines of business nor handle all the lines of industry, but only to mark out enough in the different classes, the pointers, to show the real conditions. "Charity begins at home." The income of the Washington Gas Light Co. for the year 1927 was $142,955.43 less than in 1926.

Going to the West, the Butte Copper & Zinc Co. for 1927 fell to $58,309 as against an earning of $194,524 for the year of 1926.

In our neighboring city of Baltimore the directors of the United States Railway & Electric Co. failed to pay the quarterly dividend of 1 per cent, or 50 cents a share, which in the orderly course would have been declared on February 15. The reason assigned by the president was that the dividend was not fully earned. The surplus for 1927 was only $1.17 a share, when the dividend disbursement calls for $2 per share. In 1926 the company earned its dividend plus $196,606. In 1927 it lacked $136,448 of earning its dividend, a difference of $332,054 in favor of the 1926 earnings.

Showing the lack of business and business activity, a Baltimore news item of February 4 says that business on the stock exchange at Baltimore—

since the first of the year has dropped to comparatively unimportant proportions. Individual transactions are for the most part small, and few issues figure in the sales. There is an absence of that aggressive buying which marked deals a few months ago and which carried prices up to the highest levels ever attained. Even the surety companies have failed to respond to the excellent statements of earnings put out.

The Gould Coupler Co. had net profits of $52,118 for 1927, or equal to 30 cents a share on class A of its stock, which in 1926 it had $191,669 in earnings, or $1.09 a share. The earnings of 1927 were $147,551 less than the preceding year. The last, or fourth quarter of 1927, showed a net loss of $101,102 to this company.

As of February 10, the Sharon Steel Hoop Co.'s statement shows for 1927 nearly a 60 per cent loss compared with 1926. Its net profit for 1927 was $555,518, or $1.65 a share, as against $1,381,715, or $4.54 a share, in 1926.

The Canada Dry Ginger Ale (Inc.) had an income of $2,350,000 in 1926 and $1,736,298 in 1927, or loss of $613,702 for last year—approximately 25 per cent.

La Coty (Inc.) (powder and perfume) in 1926 had $3,341,189 income, and in 1927 had the smaller income of $2,043,484, or a loss of $297,705.

Under miscellaneous manufacturing I find in the group given by Standard Statistics (Inc.) a list of corporations giving income before fixed charges:

	1926	1927	Loss in 1927
Glidden & Co	$2,378,000	$2,205,000	$173,000
Morgan Lithograph Co	562,000	461,000	101,000
Liquid Carbonic Co	1,416,000	1,075,000	341,000
Pullman (Inc.) [1]	16,297,000	9,675,000	6,604,000

[1] The Pullman report for 1927 is for 11 months only.

This same company, under machinery and machine equipments for 1926 and 1927, and on the same basis of income gives these results:

	1926	1927	Loss in 1927
Torrington & Co	$1,545,000	$1,537,000	$8,000
American Type Founders Co	1,309,000	1,118,000	291,000
Mergenthaler Linotype Co	2,625,000	1,803,000	822,000

The Baldwin Locomotive Works, the largest of its kind, had an income of $5,883,907 net income in 1926, and $2,442,199 in 1927—a net decline in revenues in 1927 of nearly 60 per cent, or $3,441,708.

BANK FAILURES

I shall discuss one more line of business and then I am through. I want to talk about the banking condition and situation from the beginning of 1914 to the first of 1928. The bank is to business, trade, and commerce what the heart is to the human body. As the human heart takes in and pulses through the body the blood of life, so do the banks take in money, the liquid assets, and dispense credit throughout the Nation, through its different arteries and channels of trade.

Nineteen hundred and fourteen saw the beginning of the World War, the bloodiest tragedy in human history. Depression hit the country in the summer of 1914 and the early part of 1915. Yet the bank failures or disasters of the period from 1914 to 1920, both inclusive, are not comparable to the disasters of the seven years beginning with 1921. From 1914 to 1920, both inclusive, 227 State commercial banks failed or suspended with liabilities of $43,537,000. During the same period of time 19 State savings banks, with liabilities of $17,254,000 suspended. There were 34 State loan and trust companies to go to the wall with $20,248,000 liabilities. Private banks to the number of 113, with liabilities of $45,069,000, also failed. Sixty-three national banks, with $35,608,000 liabilities, failed. So during the years of 1914 to 1920, both inclusive, of all kinds and character of banks in the United States, there were 456 failures or suspensions, with liabilities of $161,716,000. This was the low-water mark for seven years, considering the fact that one heavy depression, due to the World War, hit us in the latter part of 1914 and the early part of 1915. This was due solely to the World War situation.

Permit me to turn now to the most appalling condition and the unequaled record of bank failures, not only in the history of our country, but in the history of the world. I speak from the record of the bank suspensions and failures for the years 1921 to 1927, both inclusive; I have before me a table of the number of bank suspensions and liabilities involved in the United States from 1920 to 1927, inclusive, the source being Dun's Review. This table of cases is not only by years, with the number of bank failures or suspensions and the liabilities, but I have had it prepared for the several sections of the country in the grouping of the States.

I am omitting from this argument the year 1920. This was included in the seven years just referred to and was under the Wilson administration. It is true that the Wilson, or Democratic, administration extended two months into 1921, but we take up the thread of the story in the first year of the Harding administration and bring it down to the first of the present year.

I ask permission to insert this table in the RECORD as a part of my remarks:

Number of bank suspensions and liabilities involved in the United States from 1920 to 1927, inclusive

[Source, Dun's Review]

States	Number, 1920	Liabilities, 1920	Number, 1921	Liabilities, 1921	Number, 1922	Liabilities, 1922	Number, 1923	Liabilities, 1923
NEW ENGLAND								
Maine							1	$510,000
Vermont	1	$200,000						
Massachusetts	6	26,826,000	2	$15,100,000			1	292,295
Connecticut			1	1,522,245	1	$263,787		
Rhode Island							1	1,150,000
Total	7	27,026,000	3	16,622,245	1	263,787	3	1,952,295
MIDDLE ATLANTIC								
New York	3	109,000	2	12,416,471			4	16,629,000
New Jersey					2	150,000		
Pennsylvania			3	1,687,000	4	1,444,883	5	5,620,000
Total	3	109,000	5	14,103,471	6	1,594,883	9	22,249,000
SOUTH ATLANTIC								
Maryland	1	50,000	5	898,826	3	390,000	3	296,000
Virginia	1	300,000	4	620,000	4	181,200	3	710,000
West Virginia			1	450,000	1	500,000		
North Carolina	1	50,000	11	1,065,885	3	685,000	16	5,242,415
South Carolina	3	889,400	5	3,753,905	10	5,502,753	8	3,775,238
Georgia	15	1,410,000	40	10,478,937	12	2,710,000	6	1,066,000
Florida	1	300,000	6	3,226,000	5	822,000	3	1,895,612
Total	22	2,999,400	72	20,493,553	38	10,790,953	39	12,985,265
SOUTH CENTRAL								
Kentucky			3	315,000	2	510,000	4	712,660
Tennessee			3	1,600,000	1	275,000	3	1,570,123
Alabama			1	1,400,000			2	245,000
Mississippi			3	4,792,119	9	1,369,221	2	200,000
Arkansas	5	2,070,000	2	100,000	5	1,442,789	3	605,400
Oklahoma	3	400,000	13	4,588,339	26	9,680,255	34	9,454,521
Louisiana			5	417,960	5	1,152,694	3	590,000
Texas	10	1,527,000	48	24,724,168	17	2,923,509	13	4,321,525
Total	18	3,997,900	78	37,937,586	65	17,353,468	64	17,699,229

Number of bank suspensions and liabilities involved in the United States from 1920 to 1927, inclusive—Continued

States	Number, 1920	Liabilities, 1920	Number, 1921	Liabilities, 1921	Number, 1922	Liabilities, 1922	Number, 1923	Liabilities, 1923
CENTRAL EAST								
Ohio	1	$2,200,000	1	$223,237			6	$1,951,623
Indiana	2	800,000	4	511,391	5	$652,000	5	1,970,117
Illinois	5	335,000	9	6,006,673	2	120,129	3	1,165,212
Michigan	1	103,000	5	1,256,413	1	50,000	3	1,323,100
Wisconsin							9	1,572,616
Total	9	3,438,000	19	7,997,714	8	822,129	26	7,982,668
CENTRAL WEST								
Minnesota	3	570,000	13	3,669,413	14	3,334,613	34	13,481,570
Iowa	4	1,038,000	17	3,075,230	7	1,746,496	30	11,550,212
Missouri	3	250,000	15	2,390,183	13	4,557,796	25	6,211,618
North Dakota	30	5,681,000	35	8,456,159	6	1,521,445	130	32,025,284
South Dakota	1	100,000	1	316,373	6	1,752,622	33	8,990,540
Nebraska	3	390,000	27	8,280,863	21	5,409,000	11	3,095,617
Kansas	2	725,000	11	3,246,025	18	5,405,445	28	6,956,800
Total	46	8,754,000	119	29,434,246	85	23,727,417	291	82,311,641
WESTERN								
Montana	1	100,000	12	5,319,954	31	9,149,000	76	33,364,750
Idaho	1	75,000	22	12,698,048	8	2,085,000	11	5,165,217
Wyoming	1	350,000	6	857,000	2	450,000	8	2,027,300
Colorado	5	2,709,000	10	1,348,593	7	2,199,448	18	6,245,410
New Mexico			5	1,185,085	3	241,382	12	6,355,781
Arizona	2	75,000	8	4,976,614	4	2,124,931	8	2,961,550
Utah			6	1,716,496	2	216,147	2	926,000
Nevada					1	138,305		
Total	10	3,309,000	69	28,101,790	58	16,604,213	135	557,046,008
PACIFIC								
Washington			10	8,423,177	5	906,622	4	616,212
Oregon	2	600,000	6	3,167,857	5	4,897,079	7	895,720
California	2	475,000	2	1,567,916	5	775,000		
Total	4	1,075,000	18	13,158,950	15	6,578,701	11	1,511,932
Total, United States	119	50,708,300	383	167,849,555	276	77,735,551	578	203,738,038

States	Number, 1924	Liabilities, 1924	Number, 1925	Liabilities, 1925	Number, 1926	Liabilities, 1926	Number, 1927	Liabilities, 1927
NEW ENGLAND								
New Hampshire			1	$1,075,000				
Connecticut	1	$2,700,000	1	180,904				
Rhode Island			1	143,800				
Total	1	2,700,000	3	1,399,704				
MIDDLE ATLANTIC								
New York	4	640,000						
Pennsylvania	2	600,000	8	12,106,238	3	$925,000	3	$1,887,759
Total	6	1,240,000	8	12,106,238	3	925,000	3	1,887,759
SOUTH ATLANTIC								
Maryland	1	5,000	3	630,500			2	3,735,400
District of Columbia	3	103,000						
Virginia	4	306,500			3	$912,100	5	2,079,200
West Virginia	1	175,000	3	315,000			10	4,010,770
North Carolina	7	2,326,000	13	3,150,581	5	2,206,100	11	2,260,350
South Carolina	19	2,079,555	33	8,936,946	11	2,200,500	5	480,600
Georgia	20	2,361,990	22	5,499,897	88	21,093,510	13	29,809,150
Florida	3	48,900			43	44,647,261		
Total	58	7,405,945	74	18,532,924	150	71,059,471	46	42,375,470
SOUTH CENTRAL								
Kentucky	7	1,259,016	3	287,000	5	1,087,800	5	1,385,300
Tennessee	7	3,111,258	3	2,302,829	5	1,565,760	6	1,617,700
Alabama	7	1,025,000	1	20,757			2	3,084,887
Mississippi					4	1,489,850	5	105,000
Arkansas	9	2,204,191	4	3,319,700	14	4,390,918	11	4,049,970
Oklahoma	41	8,086,455	14	6,597,084	14	9,391,675	12	1,689,330
Louisiana	2	53,269	1	100,000				
Texas	21	7,189,433	35	10,496,975	21	4,678,930	23	7,470,550
Total	94	22,928,622	61	23,124,345	63	22,604,933	64	19,402,737
CENTRAL EAST								
Ohio	6	222,426			2	1,900,000	9	2,177,600
Indiana	1	423,200	6	1,310,072	4	1,100,000	17	11,580,920
Illinois	4	975,000	1	180,000	5	3,650,600	11	4,365,700
Michigan	4	120,178	1	191,000	3	395,000	1	250,000
Wisconsin	2	575,934	3	646,270	5	1,525,800	5	1,310,660
Total	17	2,316,738	11	2,327,342	19	8,571,400	43	19,684,880
CENTRAL WEST								
Minnesota	42	21,974,235	39	16,396,572	66	21,044,650	46	9,895,260
Iowa	54	23,456,034	63	22,979,870	84	35,405,190	34	14,164,010
Missouri	29	7,994,780	22	2,933,487	36	9,988,210	27	5,125,300
North Dakota	50	10,015,361	31	5,150,000	32	6,485,756	24	4,758,660
South Dakota	99	40,869,257	62	18,705,384	86	23,059,244	21	4,542,350
Nebraska	14	4,749,548	8	1,410,000	5	950,000	14	3,640,700
Kansas	16	3,596,412	14	2,426,974	33	5,415,725	30	5,035,230
Total	304	112,655,627	239	70,022,287	342	102,348,775	196	47,161,510

Number of bank suspensions and liabilities involved in the United States from 1920 to 1927, inclusive—Continued.

States	Number, 1924	Liabilities, 1924	Number, 1925	Liabilities, 1925	Number, 1926	Liabilities, 1926	Number, 1927	Liabilities, 1927
WESTERN								
Montana	45	$18,397,371	16	$3,677,000	6	$535,000	2	$284,000
Idaho	6	3,713,843	8	4,885,000	3	760,000	6	2,275,300
Wyoming	28	13,047,334	4	600,000	1	15,000	1	235,000
Colorado	10	716,482	15	17,504,006	8	1,282,420	5	555,200
New Mexico	24	13,510,586	10	4,325,728	1	150,000	1	125,000
Arizona	2	1,131,822	3	3,371,897	1	175,000		
Utah	1	321,061	2	295,000	1	321,000	2	375,000
Total	116	50,838,499	58	34,658,631	21	3,238,420	17	3,850,100
PACIFIC								
Washington	12	2,253,775	6	1,992,045	1	200,000	8	4,288,600
Oregon	3	457,000	3	435,000	6	1,492,000	12	3,242,490
California	2	130,000	1	100,000	3	1,635,000	5	1,455,300
Total	17	2,840,775	10	2,527,045	10	3,327,000	25	8,986,390
Total, United States	613	202,926,206	464	164,698,516	608	212,074,999	394	143,348,846

This is a staggering and an appalling record of bankruptcies and ruin in the banking world. The record by years as to the number of failures and liabilities is as follows:

Year	Number of failures	Liabilities
1921	383	$167,849,555
1922	276	77,735,551
1923	578	203,738,038
1924	613	202,926,208
1925	464	164,698,516
1926	608	212,074,999
1927	394	143,348,868

A total liability during these seven years of $1,164,840,621, with 3,296 the total number of bank failures. I challenge world history for a comparison with this picture of wreck and ruin and disaster in the finances of this or any other nation. I fail to find it, for there is no other period of time which has brought so much grief and sorrow to the banking world.

Let us take this record in another way. Let us group the States in the several sections of the country and see what the result is for the same seven years.

Group of States	Number of failures	Liabilities
New England	11	$22,938,031
Middle Atlantic	40	54,106,351
South Atlantic	477	183,643,581
South Central	489	161,050,920
Central Eastern	143	49,702,861
Central Western	1,576	467,661,503
Western	474	194,337,661
Pacific	86	31,399,703

Let us make another comparison. The seven years of 1914 to 1921 had 456 failures of all kinds, with liabilities of $162,000,000 in round numbers, and I shall give only the even figures. Four of the seven years from 1920 to 1928 each had a larger number of bank failures than the period of 1914 to 1921. The year 1921 fell short only 73 failures of equaling this whole period; 1922 had more than half as many failures; 1927 lacked only 62 of having as many failures as the first seven years' period given. In liabilities, the years 1921, 1923, 1924, 1925, and 1926 each had greater liabilities in its bank failures than the whole seven years under the Wilson administration; 1922 had nearly half as much liabilities; and 1827 lacked only $28,000,000 of having as great liabilities as the seven-year period under Democratic administration; 1926 had nearly one and a half times as many failures and nearly one and one-half times as great liabilities as the whole seven years of the first seven-year period. We hit the trail of normalcy March 4, 1921, and it has not been an even record in the last seven years. Consistently throughout this period the number of bank failures and bank liabilities have grown in numbers and in amounts until it was climaxed in 1926 with 608 failures and $212,074,999 in liabilities.

The burden of these unprecedented failures has fallen heaviest upon the people, or, rather, the class of people, least able to bear it; 94 per cent of the bank failures during these seven years were in agricultural States or parts of States supported by agriculture. If you will examine the map that constitutes a part of this record you will find that the agricultural and stock-raising States are those which have borne the burden of this misfortune. If you will go further into an investigation and go to the States that are part industrial and part agricultural, you will find that the bank failures have largely been—and I may say almost wholly—in that part of the State where agriculture exists and is the support of the local bank. You may take the great agricultural States grouped as the Central West, and take it year by year, and the number of bank failures and liabilities total enormous losses. In 1921, from this group of States there were 119 failures with more than $29,000,000 liabilities. In 1923 there were 291 failures with liabilities of more than $82,000,000, more than half the amount of the whole Union during the seven years 1914 to 1921. And in 1924 these same States had 304 failures with $112,000,000 losses, approximately three-fourths the record of the seven years just referred to. And in 1927 the failures were nearly half as great, with 239 failures and $70,000,000 liabilities. In 1926 the climax was reached, with 342 failures and $102,348,775 liabilities. These States alone in single years sustained losses from one-half to approaching three-fourths the loss of all the States of the Union from 1914 to 1921.

Let us now make a little further analysis or comparison. I have gone to the agricultural parts of the country for this comparison. I have taken one State from the West—Montana; one from the central West—Iowa; one from the south central group—Oklahoma; and another from the south Atlantic division of the country—Georgia. Georgia is the second largest cotton-producing State in the Union. From 1920 to 1928 these seven years in this great agricultural State show 201 bank failures, with liabilities of $73,019,484. Forty per cent in numbers and about 45 per cent in liabilities in one State of the 48 States of the Union compared with the seven years of 1914 to 1921. Oklahoma is a great agricultural State in the south central group. It had in these last seven years 154 failures with $49,487,659 in liabilities, one-third as many failures as the whole Union in the first seven-year period of time. Iowa in the central west group, the greatest corn State in the Union, had 289 bank failures with $112,377,042 of liabilities. This great agricultural State had nearly 60 per cent as many failures with about 60 per cent the liabilities of the whole Union in the period of the preceding seven years before 1921. Montana is a great livestock and agricultural State. It is taken from the Western group. One hundred and eighty-eight failures, or in round numbers 40 per cent as many failures with liabilities of $70,727,075, a little more than 40 per cent of the liabilities measured in dollars of all the States of the Union in the seven years, inclusive, of 1914 to 1920. Kansas, the greatest wheat State, had 150 bank failures with $34,442,609 liabilities.

These five agricultural States in seven years had 984 bank failures, with $340,053,869 liabilities, or more than double the number of failures and liabilities of the 48 States from 1913 to 1921.

In the face of this record in the last period of time, can it be said that there has been bank prosperity, and especially in the great agricultural sections of the land, which in point of territory measure from 65 per cent to 70 per cent of the area of this country? These are the facts, the undisputed record from Dun's Review, the greatest commercial agency in the United States. It would seem that any man crying a general prosperity would be ashamed to look a banker from the agricultural sections of the country in the face, and mention prosperity.

But to carry out Abe Martin's homely saying—

the banker is not going to believe in the prosperity he reads about.

He has measured his own prosperity by putting his hand into the till of his own country bank in the agricultural section, and he finds that the money is not there, and that the much heralded prosperity for these seven years has not visited nor associated with the great agricultural people of the land.

BANKRUPTCY AND FAILURES

Let us go to the general business conditions of the country, as reflected by failures and the bankruptcy courts. I have before me Circular No. 15 by the United States Department of Agriculture, issued October, 1927, showing that 7,872 farmers bankrupted in 1925 and 7,769 in 1926.

I also have before me a statement from the Department of Commerce of date February 8, giving these tables:

First table

Business failures	Calendar years	
	1926	1927
Commercial failures	21,773	23,156
Bank failures	608	393

Second table

Forced sales of farms, years ended Mar. 15 (approximate figure)	1926	1927
Delinquent taxes	24,000	29,000
Foreclosure of mortgages, bankruptcy, etc	99,000	102,000
Total	123,000	131,000

Third table

Bankruptcies as reported by the Department of Justice, years ended June 30	1926	1927
New cases instituted	46,374	48,758
Number of cases concluded	47,777	48,269

The third table also shows that 7,777 farmer bankruptcy cases were concluded in 1926 and 6,314 in 1927.

I also have two other tables prepared by the Standard Statistics (Inc.). The first one is based on Dun's Review of January 14, 1928. It shows the number of business failures in the United States for the years of 1926 and 1927, with the liabilities for each, and the failures are classified.

The other table shows the bankruptcies, both voluntary and involuntary, in the United States, with the amounts of liabilities for the years 1926 and 1927, and the classification of the bankruptcies.

I ask permission to insert these tables as a part of my remarks. I am sure they will be instructive:

For the United States

[Source: Dun's Review, January 14, 1928]

	Number of failures		Liabilities	
	Year ending Dec. 30, 1926	Year ending Dec. 30, 1927	1926	1927
Business failures classified as below	21,773	23,146	$409,232,278	$520,104,268
(1) Manufacturing	5,395	5,682	158,042,016	211,504,826
(2) Trading	15,268	16,082	201,333,973	228,194,421
(3) Agents, brokers, etc	1,110	1,382	49,856,289	80,405,021

[Source: Report of the Attorney General, "Statistics of bankruptcy"]

Bankruptcies in the United States	Fiscal year ended June 30, 1927		
	Voluntary	Involuntary	Total
Class:			
Farmer	7,756	21	7,777
Wage earner	16,770	82	16,852
Merchant	8,232	3,675	11,907
Manufacturer	677	762	1,439
Professional	980	48	1,028
Other classes	6,693	1,611	8,304
Total	41,108	6,199	47,307
Total liabilities	$505,894,188	$300,418,805	$806,312,992

For the United States—Continued

Bankruptcies in the United States	Fiscal year ended June 30, 1927		
	Voluntary	Involuntary	Total
Class:			
Farmer	6,297	17	6,314
Wage earner	18,494	74	18,568
Merchant	8,441	3,700	12,141
Manufacturer	721	678	1,399
Professional	1,167	54	1,221
Other classes	7,175	1,451	8,626
Total	42,295	5,974	48,269
Total liabilities	$528,585,233	$356,972,102	$885,557,335

During the calendar year 1926 there were 21,773 commercial failures and 608 bank failures. In 1927 there were 23,146 commercial failures and 393 bank failures. The 48,758 bankruptcies instituted in 1927 carried with them liabilities of $885,557,006, or $80,000,000 more than the liabilities of 1926 bankruptcies. The bankruptcies of 1927 in liabilities were approximately $505,000,000 more than all classes of failures and bankruptcies in 1917.

The 23,146 commercial failures in 1927 represented $520,104,000 in liabilities; 1,373 more people failed in 1927 than in 1926, and represented $111,000,000 more in liabilities as compared with 1926, an already bad year of Coolidge prosperity. This is the record, whether it be business fortune or misfortune, happiness or unhappiness, prosperity or failure.

Turn to the other side of the account, and while the hundreds of thousands have been losing their homes and going through the bankrupt mill, while tax sales and mortgage sales are being made, another class in America—the few of the millions, segregated in the great industrial and banking and insurance centers have been growing in wealth all the while. Frank H. Sisson, vice president of the Guaranty Trust Co. of New York, as to the number of millionaire estates his company has administered in the last five years, gives—

1923	48
1924	69
1925	107
1926	151
1927	169

One list is the antithesis of the other. As we have gone down the line from 1920, more people in numbers, with greater liabilities measured in money, have met their business fate in disaster and bankruptcy, while on the other hand, as represented in the administration of estates, the small class, representing the favored interests of the land—known as the millionaire colony—has had a large percentage increase, but insignificantly small in numbers compared to their less fortunate brothers in adversity and misfortune.

CONCLUSION

In conclusion, the President says, "We are at peace." Yes, abroad, except in Nicaragua, where we are teaching the natives the freedom of the ballot with bombs from the bombing planes. Where we are teaching the Nicaraguan the governmental lesson in the gunpowder doctrine that "Might makes right." [Applause.] Where we are shooting religion and morality into them with the machine gun. [Applause.]

Again the President says:

> Wages are at the highest rate; employment is plentiful.

I wonder whether the President would look a coal miner in the face, and himself keep a straight face, and make this statement. I wonder if he would go among the factory workers in New England, especially in Massachusetts, and begin an address to the textile workers:

> Fellow citizens of my home State, I congratulate you on your employment, the scale of wages you receive, and the great prosperity you are enjoying from your labors.

[Applause.]

Again he says:

> Some parts of agriculture and industry have lagged.

Will the President, or the White House spokesman, point out that part of the great agricultural field where agriculture has not lagged? Where bankruptcy has not stood like a black ghost among the great producers of the real wealth of our country?

I quote again:

> Some localities have suffered from storm and flood.

Yes, Mr. President, suffered as no people have heretofore suffered; and what has your administration offered to the flood sufferers in rehabilitation, except to try to put an additional

unbearable burden upon those already weighted down and hopelessly in debt?

Again he says:

> But such losses have been absorbed without serious detriment to our great economic structure.

This was not the absorption of our bankruptcies and failures in 1927 aggregating $885,000,000.

The climax of the last sentence of the first paragraph of the President's message to this Congress is:

> If the people maintain that confidence which they are entitled to have in themselves, in each other, and in America, a comfortable prosperity will continue.

The people—the American people—do have an abiding confidence in themselves, in each other, and in America, because they are the king makers; the people are the Nation; they make and unmake Presidents and administrations. They have an abiding confidence in themselves, but not that comfortable prosperity will continue, because present-day prosperity is a special prosperity, blessing the few at the expense of the many. If this one-sided prosperity is to continue, the few are to become richer and the many still poorer. The country at large has had neither a comfortable nor a general prosperity.

There is more money in the United States to-day than ever before. It is not equitably distributed. Ninety per cent of it is owned by the smallest number of people and corporations than at any time in our history.

As a last word:

> I have told you in mournful numbers
> Republican prosperity is an empty dream,
> For business is dead—it slumbers,
> And Coolidge economy is not what it seems.

[Applause.]

Mr. SIMMONS. Mr. Chairman, I yield myself one-half minute just to call the attention of the committee to the article on page 18 of this morning's Washington Post, in which a survey of the police department shows there are 6,518 unemployed in the city of Washington as against the estimate of the gentleman from Tennessee [Mr. ESLICK] of 35,000 to 65,000, picked out of the air somewhere.

Mr. Chairman, I yield 20 minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting certain quotations from the trades and from officials.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

THE WET ASSAULT ON INDUSTRIAL ALCOHOL

Mr. CRAMTON. Mr. Chairman, there was a time when the trade using industrial alcohol in constantly increasing quantities looked upon prohibitionists as the natural foes of their industry. I encountered that feeling when a few years ago I undertook to secure the passage of legislation for the reorganization of the Prohibition Unit. That effort finally eventuated in the passage of the bill in the last Congress reorganizing the Prohibition Unit and customs service, a change that is to-day—although it was opposed in some quarters under a mistaken idea that it might present difficulties for industries—a change that is to-day most heartily approved by every representative of industry that then opposed it, and so far as those are concerned in the enforcement phase of the liquor problem it is likewise indorsed.

But at that time, speaking before the Committee on the Judiciary, I said:

> Legitimate business does not need to fear effective enforcement of the eighteenth amendment. As Charles Edward Russell has recently pointed out, it was not fanaticism and sentimentalism that put over the eighteenth amendment, but sound, economic reasons. Prohibition aims to promote the interests of all legitimate industry, not to destroy. The idea of enforcement of the law must be made the first consideration and all lines of legitimate industry will benefit therefrom.

But the other day we had an example, a demonstration, of the real foes of legitimate industry that uses industrial alcohol, and from now on I think it will be clear to those who have their money invested in these great industries, those who have a responsibility for the proper conduct of those great industries, that their peril is not among the believers in prohibition—their peril is among those who are so fanatically opposed to the enforcement of the eighteenth amendment that they are willing to embarrass and imperil any industry in order to hamper the enforcement of the law. That blindfold leadership, we might call it, that characterized the great wet assault the other day on the enforcement of the eighteenth amendment—this blindfold leadership that succeeded for the first time in several years in getting a roll call on the question of prohibition—succeeded in getting that roll call after they had personally invited and urged each and every one of their adherents to be here and vote with them.

Mr. BLANTON. Will the gentleman yield?

Mr. CRAMTON. I prefer not to yield just now.

Mr. BLANTON. The gentleman ought not to talk about them when they are not here.

Mr. CRAMTON. I see a few of them here.

Mr. BLANTON. The gentleman from New York [Mr. GRIFFIN] is here, but the others are gone.

Mr. CRAMTON. Well, I may be under a delusion, but they may read my remarks.

Mr. SPROUL of Illinois. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. SPROUL of Illinois. Was it not a fact that many dry Members of this House helped to get that roll call in order to put the wets on record?

Mr. CRAMTON. I assume that is the fact. I was not here at just that moment, or I would have been glad to help if I had been here, because I have welcomed for the last several years, as a dry, any opportunity for a real showdown as to the sentiment in Congress. My observation has been that Congress, since the eighteenth amendment became a law and the Volstead Act went on the book—each succeeding Congress is a little dryer in sentiment than the one before, and a little more devoted to the law and its enforcement.

Mr. BLANTON. Will the gentleman yield

Mr. CRAMTON. As I say, I would prefer not to yield now.

Mr. BLANTON. I agree with the gentleman that we are now dryer than the Congress before, but the gentleman ought not to talk about his "wet" colleagues when they helped him in the last Congress in passing the Hawley bill, which could not have passed at all in a dry Congress.

THE WET LINE-UP AGAINST INDUSTRIAL ALCOHOL

Mr. CRAMTON. Mr. Chairman, I will ask not to be interrupted until I have finished my remarks. I am not making a prohibition speech; I am not making a controversial speech; and the gentleman from Texas is apt to lead me into a controversy. I wish to finish the sentence that I started: This blindfold leadership selected the point of attack that they thought would be most effective—"the poisoning of liquor, the murder of drinkers"—and they succeeded in getting a roll call that showed that they had a total of 61 out of 435 Members in the House. The vote was 283 against 61 on the roll call. Here are the 61 who supported the Linthicum amendment, the text of which I will give a little later:

Yeas, 61: Auf der Heide, Beck of Wisconsin, Berger, Black of New York, Bloom, Boylan, Britten, Carew, Carley, Clancy, Cochran of Missouri, Cohen, Combs, Connolly of Pennsylvania, Corning, Cullen, Deal, De Rouen, Dickstein, Douglass of Massachusetts, Doyle, Drewry, Englebright, Fitzpatrick, Gallivan, Gambrill, Glynn, Griffin, Hancock, Irwin, Kading, Kahn, Lehlbach, Lindsay, Linthicum, McLeod, Martin of Louisiana, Mead, Merritt, Mooney, Moore of New Jersey, Niedringhaus, O'Connell, O'Connor of Louisiana, Oliver of New York, Palmisano, Peavey, Porter, Prall, Ransley, Sabath, Schafer, Schneider, Sirovich, Somers of New York, Spearing, Tatgenhorst, Tinkham, Ware, Welch of California, and Weller.

To realize how slim a showing was made by the wet bloc on the issue which they chose in their desire to show what strength they could muster on a roll call, it is to be noted that the 61 is less than one-seventh of the total House membership and less than one-sixth of those voting. The vote was almost 5 to 1 against the program of the organized wet bloc.

VOTE AGAINST INDUSTRIAL ALCOHOL FROM INDUSTRIAL CENTERS

How greatly the vote for a program that would have hampered, if not destroyed, industries came from the greatest industrial centers is shown by the following analysis of the vote, listing only those from cities of 300,000 population or more in the 1920 census:

New York City and Brooklyn, adjacent New York State, and adjacent New Jersey: Auf der Heide, Black, Bloom, Boylan, Carew, Carley, Cohen, Cullen, Dickstein, Fitzpatrick, Griffin, Lehlbach, Lindsay, Moore, O'Connell, Oliver, Prall, Sirovich, Somers, Weller—20.

Chicago: Britten, Doyle, Sabath—3.

Boston: Douglass, Gallivan, Tinkham—3.

Detroit: Clancy, McLeod—2.

Philadelphia: Connolly, Ransley—2.

Milwaukee: Berger, Schafer—2.

New Orleans: O'Connor, Spearing—2.

Baltimore: Linthicum, Palmisano—2.

St. Louis: Cochran, Niedringhaus—2.
San Francisco: Kahn, Welch—2.
Pittsburgh: Porter—1.
Kansas City: Combs—1.
Cincinnati: Tatgenhorst—1.
Buffalo: Mead—1.
Cleveland: Mooney—1.

Industry, take notice, such is the fanaticism of the wet bloc in their opposition to enforcement of prohibition, that of the 61 votes for their anti-industrial alcohol program, that would, if enacted into law, endanger many established businesses of magnitude in the great cities, such is the fanaticism of the radical wets that 45 of the 61 votes for that program came from our greatest industrial centers, cities over 300,000 population!

The other votes were distributed as follows:

Beck, Wisconsin; Corning, New York; Deal, Virginia; De Rouen, Louisiana; Drewry, Virginia; Englebright, California; Gambrill, Maryland; Glynn, Connecticut; Hancock, New York; Irwin, Illinois; Kading, Wisconsin; Martin, Louisiana; Merritt, Connecticut; Peavey, Wisconsin; Schneider, Wisconsin; and Ware, Kentucky—16.

In all, including these 16, only 15 States had any representation in that anti-industrial alcohol vote of 61. In no case was there the majority of the vote of the representation of a State cast for the Linthicum amendment. The vote may well be taken as reassuring to the industry, as well as demonstrating that the votes that menace them are right on industry's own doorstep.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LAGUARDIA. That was not really a test on the dry sentiment of the House, was it?

Mr. CRAMTON. I am afraid the gentleman from New York is going to get me into a controversial argument.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. No; I can not yield further, because I know that I would get into a controversy with my friend from Wisconsin. I can not even yield to my friend from Maryland, formerly a Member of this House, Mr. Hill, who happens to be present in the Chamber to-day, who, with all of his faults, never led the wets into any such quagmire as that roll call. Seriously, I want to speak about the interest of industry in what happened the other day, and what may be attempted again; and I have noted that most of the votes that were cast the other day in a way that would have crippled industry came from the cities where those industries are largely located.

Mr. GRIFFIN rose.

Mr. CRAMTON. I shall finish what I have in mind, and then yield, and I hope that the others who voted as did the gentleman from New York [Mr. GRIFFIN] may read what I have to say as to the effect on industry of their votes. Nothing would have embarrassed the gentleman from Maryland [Mr. LINTHICUM] and the gentleman from New York [Mr. GRIFFIN], or any of the others who voted for the industrial alcohol amendment more than to have had that written into the law. I yield to the gentleman from New York.

INTRODUCTION OF POISON INTO INDUSTRIAL ALCOHOL

Mr. GRIFFIN. I do not want to indulge in anything controversial, but I do want to ask the gentleman in all fairness whether he considers that the introduction of poison into industrial alcohol is necessary for the carrying on of these industries?

Mr. CRAMTON. That is exactly the text of my speech, and that will emphasize the noncontroversial character of these remarks of mine, that I permit the gentleman from New York [Mr. GRIFFIN] to supply the text from which I am to speak.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. I yield this one time, and then not any more.

Mr. SCHAFER. The gentleman from Wisconsin voted to recommit to stop this poisoning.

Mr. CRAMTON. I am glad the gentleman from Wisconsin is here.

Mr. SCHAFER. Does the gentleman from Michigan think that industry has more right than human life?

Mr. CRAMTON. That is a question that I do not see is now before the House at all.

Mr. SCHAFER. It certainly is before the House.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LAGUARDIA. As a matter of fact, to clarify the situation, the amendment that was before the House in the motion to recommit would merely have prevented supervision of denatured alcohol. There was nothing in that amendment that would have stopped the denaturing of alcohol, but it merely prevented supervision, and would have flooded the market with more poison instead of less poison.

Mr. CRAMTON. Mr. Chairman, I shall insert at this time in my remarks the amendment offered by the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM moves to recommit the bill to the Committee on Appropriations with instructions to forthwith report the same back to the House with the following amendment: Add to the end of the bill the following as a new section:

"That no money herein appropriated for the enforcement of the national prohibition act shall be used in the preparation or issue of any permit for the removal or use of any industrial alcohol known to be denatured by any deadly poisonous drug."

The effect of the adoption of that and its enactment into law would have been to indicate a policy on the part of Congress that would have been far-reaching.

DOCTOR DORAN AND LEGITIMATE INDUSTRY

The selection of suitable formulas for denatured alcohol is of paramount interest to trades whose industrial life depends on a treatment of this question that is scientifically correct. For this reason all of these interests hailed with joy the announcement last year of the appointment of Dr. James M. Doran as Commissioner of Prohibition. For many years they had worked in cooperation with the doctor when he was head of the industrial alcohol and chemical division of the Prohibition Unit. In the course of this collaboration they had learned to respect his integrity, which did not once permit him to deviate from his duties as an enforcement officer; they also were compelled to admire his thorough chemical knowledge and his understanding of the problems of the manufacturer who must have an adequate supply of alcohol for his factory processes. That Doctor Doran fully recognizes his responsibility toward science and industry is further evidenced by the fact that shortly after assuming the duties of his high office he appointed an industrial advisory council, to which are submitted all pertinent questions, not the least of which is the selection of suitable denaturants. A study of the membership of the council is illuminating, in that it reveals the wide range of scientific and industrial talent that is at the disposal of the commissioner. The names and official connections follow:

Dr. Martin H. Ittner, 105 Hudson Street, Jersey City, N. J., chairman of the industrial alcohol committee of the American Chemical Society and American Institute of Chemical Engineers, chief chemist for Colgate & Co., manufacturers of soaps and toilet articles.

Dr. Harrison E. Howe, Mills Building, Washington, D. C., editor Journal of Industrial and Engineering Chemistry, the official organ of the American Chemical Society.

Mr. H. S. Chatfield, 7 Cedar Street, New York City, chairman industrial alcohol committee, National Paint, Oil, and Varnish Association, vice president Kasebier-Chatfield Shellac Co.

Mr. A. Homer Smith, representing the American Drug Manufacturers' Association, vice president and general manager of Sharp & Dohme, pharmaceutical manufacturers, Baltimore, Md.

Mr. Frank A. Blair, of Household Remedies Co., 80 Varick Street, New York City, president the Proprietary Association.

Mr. Samuel C. Henry, secretary of the National Association of Retail Druggists, 168 North Michigan Boulevard, Chicago, Ill.

Mr. Frank J. Noonan, of Noonan & Sons, Boston, Mass., representing Barbers' Supply Dealers' Association of America.

Mr. Russell R. Brown, 110 East Forty-second Street, New York City, president of the United States Industrial Alcohol Co. and president of the Industrial Alcohol Manufacturers' Association.

Mr. George F. Dieterle, president of the Federal Products Co., Cincinnati, Ohio.

Mr. C. Mahlon Kline, of Smith, Kline & French, manufacturing chemists, Philadelphia, Pa., representing the National Wholesale Druggists' Association.

Mr. Fred S. Rogers, Middletown, N. Y., president Flavoring Extract Manufacturers' Association.

Dr. Charles L. Reese, chemical director E. I. du Pont de Nemours & Co., Wilmington, Del., representing Manufacturing Chemists' Association.

We have represented here the American Chemical Society, with its 15,000 members; the Journal of Industrial and Engineering Chemistry; the National Paint, Oil, and Varnish Association; the Proprietary Association; the American Drug Manufacturers' Association; the National Association of Retail Druggists; the Barbers' Supply Dealers' Association of America; the National Wholesale Druggists' Association; the Flavoring Extract Manufacturers' Association; the Manufacturing Chemists' Association; the Industrial Alcohol Manufacturers' Association. Incidentally, also, the following internationally known business concerns: Colgate & Co., the Kasebier-Chatfield Shellac Co., Sharp & Dohme, Household Remedies Co., Noonan & Sons,

United States Industrial Alcohol Co., Federal Products Co., Smith, Kline & French, E. I. du Pont de Nemours & Co.

All of these men are familiar with and approve the denaturants used at present. Is it reasonable to accuse them of a fanatical devotion to prohibition that would cause them to take pleasure in "poisoning" their fellow man?

WOOD ALCOHOL A DENATURANT SINCE 1856

Ethyl alcohol has been denatured with wood alcohol, or as the chemist prefers to call it, methanol, since 1856 in England, since 1906 in this country. Mr. LINTHICUM is wrong when he states that this "custom has grown up in the Prohibition Unit." Every denaturant that is prescribed to-day by the Bureau of Prohibition has been carefully selected as the one chemical known to science that will fulfill the specific purpose for which it is prescribed. Mr. LINTHICUM states:

Some other denaturant can be used which does not poison the human system, causing death or ill health.

What other denaturant? Why is the gentleman not specific so that the advisory council listed above can have the benefit of his knowledge of chemistry?

What I am trying to do now is to emphasize not the prohibition aspect but the industrial aspect of the Linthicum amendment.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LINTHICUM. I want to ask the same question that I asked the gentleman the other day. Is he in favor of the use of these deadly drugs in denaturing industrial alcohol?

Mr. CRAMTON. And I say to the gentleman from Maryland that if my answer the other day could not give him a correct understanding of my attitude, and my speech to-day does not, then I fear that he will not understand my position any more than he now understands probably the most lamentable exhibition of weakness into which he led his forces the other day.

Mr. LINTHICUM. I think I shall understand by the gentleman's vote how he stands on that question.

WHERE IS THE DENATURANT THAT IS HARMLESS BUT EFFECTIVE?

Mr. CRAMTON. Very well. Fifteen thousand members of the American Chemical Society would be grateful for this information as to the harmless but effective denaturant. May I call his attention to the fact that the manufacturer of varnish, lacquer, solutions can not base his processes on the use of "some" chemical? He must know definitely what chemical and how much.

As it happens, practically every one of the 50 or 60 substances used as denaturants would be injurious to the human system if taken internally in sufficient quantities. What substance can not be abused? Gasoline has caused the death of many a housewife who used it as a cleaning material; but we do not forbid its use as a motor fuel. Illuminating gas has asphyxiated many a careless person; we do not exclude it from the home. Carbolic acid has been taken from the medicine closet in the dark with fatal results, but we do not prevent its sale. The most we can do with such substances is to label and warn; the careless and the criminal have always paid the penalty for their ill-advised or illegal acts.

During the debate the suggestion was made that manufacturers could use pure ethyl alcohol without the admixture of denaturants. The manufacturers themselves would be the first to protest any such arrangement for two reasons. Can one imagine the policing problem that would be created if pure ethyl alcohol capable of being diverted to beverage purposes were to be used freely around a factory? It would be necessary to assign a guard to every mixing tank on the premises. Even then it would be impossible to prevent theft of this seductive material. The expense would be prohibitive, while the morale of the working force would be shattered. Moreover, most of the denaturants are themselves necessary ingredients in their processes. For example, methanol.

There are two formulas of completely denatured alcohol, one of which contains 10 parts of methanol and the other 4. For purposes of shellac cutting, the formula containing 10 parts is preferred for the reason that the process requires the peculiar qualities of methanol. Pure ethyl alcohol would not serve the purpose. The same is true in numerous other cases.

NOT SO MANY "POISON" CASES AFTER ALL

As a matter of fact, the evil results of the "poison" denaturants have been enormously exaggerated. The statement was made in the debate that in New York City in 1926, 755 deaths were due to "alcoholic poison." The official figures are 759 due to acute and chronic alcoholism—quite different from "poisoning"—10 to wood alcohol, and 4 to alcohol poisoning. The 1927 figures are 770 deaths due to alcoholism with 14 wood-alcohol deaths in the first 11 months—the figures for the December wood-alcohol deaths are not available at the moment. Doctor Harris, health commissioner of New York City, stated January 4, 1928:

It is true that 770 is the highest death rate in the last 10 years, but it should be made plain that the deaths this year were not due to poisoned liquor but to the abuse of the use of liquor. In other words, the deaths reported were due to long-continued or chronic drinking.

Dr. Haven Emerson, Columbia University Medical School, sometime New York City health commissioner, expressed himself as follows before the American Public Health Association in Cincinnati last fall:

It has been suggested that the deaths from alcohol have been largely due, some people say even wholly due, to extraneous poisons included in the alcohol. If I am not mistaken, it was given to us by the authority of the Surgeon General's Office, or, if not by others equally qualified, that in the main, since prohibition, deaths and sickness from alcoholic drinks were due to the ethyl alcohol therein contained, for which the drinks were drunk, and not due to those occasional slight, moderate, or other additional poisons added to alcohol to make them undrinkable or coming in alcohol which has not been properly prepared to be served for beverage purposes.

Chemicals, a trade journal, investigated this situation very carefully last year; a compilation of the results is given. The information is comprehensive and authoritative. The investigator, with his technical training, calls attention to the difference between deaths from alcoholism, which were common long before prohibition, and deaths from "poisoning," which were likewise not unknown in this country before prohibition, and which are to-day reported even from Canada, a license country. No intelligent discussion of the question is conceivable without this elementary distinction.

[Reprinted from Chemicals, New York, May 9, 1927]

"DEATHS FROM ALCOHOLISM" IN REPORTS OF MEDICAL EXAMINERS DO NOT NECESSARILY MEAN DEATHS FROM METHANOL—A NATION-WIDE SURVEY SHOWS METHANOL TO BE MINOR FACTOR IN BEVERAGE DEATHS

Beginning on page 17 of this issue of Chemicals will be found some "inside stuff" in regard to denatured alcohol, and particularly in regard to deaths attributed to this official Federal denaturant. Industrial chemists and buyers for the highly important industries using denatured alcohol in the production of lacquers, varnishes, explosives, etc., have held for months that reports of diversion of industrial alcohol into bootleggers' channels have been exaggerated, and that the many attempts on the part of alleged "statesmen" to shut off supplies of denatured alcohol from legitimate users have been little more or less than political "eyewash," since it has yet to be proved that the deaths from so-called methanol-denatured alcohol have reached any such total as has been claimed in the public press.

No less an authority than Dr. C. W. Muehlberger, State toxicologist of Wisconsin—he is connected with the University of Wisconsin at Madison—states in this connection: "It is my opinion that the addition of 5 parts wood to 100 parts of grain alcohol would not increase the acute toxicity for man above that which would be shown by pure grain alcohol in corresponding amounts. * * * In other words, I do not believe the addition of this amount of methyl alcohol would be a factor in causing death in man within a period of three days following the taking of large quantities of such alcohol. Such deaths, in my opinion, would be due to the grain alcohol. This opinion is based on the fact that it takes a larger dose of wood alcohol to kill than grain, according to the literature."

Chemicals has sought to get to the bedrock of fact, and herewith devotes approximately four pages to a presentation of the data relating to deaths from alcoholism, and, incidentally, from methanol-denatured alcohol, as collated by the heads of many State departments of health.

The showing is an amazing one when we remember the figures published in the daily press as to such deaths and the loud outcries from politicians seeking a little publicity by advocating the suspension of denatured-alcohol distribution licenses on the ground that the "Federal Government has entered upon a systematic distribution of poison to stop the diversion of alcohol from industrial channels into the hands of the bootleggers."

The facts as we gather them—and they will be found in this issue beginning on page 17—do not show any such outrageous preponderance of deaths from methanol—wood alcohol—as has been claimed by the congressional advocates of, let us say, "aldehol" or some other denaturant, that may "smell to high heaven" but which would have no mortal effects should it be used to prevent the illegal consumption of the alcohol which it "doctors" as a component of Gordon water or some brand of alleged "Scotch" whisky.

There are several facts which must always be borne in mind in the consideration of this newspaper-made problem:

And the first is this: That methanol or wood alcohol has been accepted as a denaturant for ethyl alcohol in the United States for the past 20 years, and for more than 70 years in Europe, and that there were no real protests until its use by the United States became a semi-political issue.

That in New York City—credited, unjustly or not, with being the wettest municipality in the United States—there were 29 deaths from wood alcohol out of 98 deaths from "alcoholism" in the year 1920, according to Doctor Guilfoy, register of the department of health; 6 deaths from methanol or wood alcohol in 1925 out of a total of 682 "alcoholic" deaths; and 10 deaths in 1926 of a total of 759 deaths from "alcoholism." This is not such a damning total as the politicians would strive to make out, particularly when it is remembered that there is no proof as to what number of "wood-alcohol" deaths could be credited to denatured alcohol.

There is still another interesting sidelight—or spotlight, as you will—thrown upon the wood-alcohol mortality statistics by the records of the Census Bureau at Washington for the years 1921 to 1925, inclusive. Here we find the amazing fact that the death rate per 100,000 actually credited to wood alcohol has not exceeded 0.2 per cent during any one of the five years, and that in 1923 the percentage was 0.1 per cent.

Similar data is presented from one of the largest life insurance companies, which seem to show that deaths from acute poisoning from wood or denatured alcohol in 1926 were less than one-third the number in 1920, which seems to bear out the contention of the chemical industry that the present outcry against wood alcohol or methanol as a denaturant would have been more firmly founded in fact had it been made five years ago, when there wasn't a peep from the politicians.

Chemicals holds no brief for the fraternity of bootleggers or the doctorers of denatured alcohol to be used as a beverage. It is and has been convinced since the Prohibition Department first began to shut off supplies of denatured alcohol from the legitimate consumer that industry was being hampered illegally and in direct contradistinction to the second section of the Volstead Act, which not only vouchsafed ample supplies of such denatured alcohol to legitimate users but sought to increase such use.

Chemicals has urged for years the distribution of such denatured alcohol under strict supervision, but under the supervision of chemically trained men and not the appointees of a national organization of booze haters, who may be honest but who are generally recognized to be ignorant.

Chemicals has always believed that brains and not bigotry would find an adequate solution of the alcohol problem in the United States—and still thinks so—and has collated the data presented in this issue for the man who thinks and not the man who "believes"—what some one else tells him.

We have gone to the fountain head—the data presented in this issue are authentic. We believe the industry is being hampered without rhyme or reason in securing a chemical of vital importance in the manufacture of scores of necessary commodities, and since the latest and most vicious attack upon the distribution of denatured alcohol has taken the form of attacks upon the Government and Government formula for denaturing ethyl alcohol because of "paternalistic murders" of innocent consumers, we have sought to present the actual facts as to deaths from wood alcohol from the only sources to be recognized—the official reports of the State and city officials having to do with the public health.

The facts are presented as given to us—we think they tell their own story!

MEDDLING WITH INDUSTRIAL WELFARE

Since my friend from Maryland [Mr. LINTHICUM] has come into the Chamber, I may be pardoned for reading the following editorial. I would not have wanted to read it in his absence. It is a little editorial from the Oil, Paint, and Drug Reporter, under date of January 16, 1928, and is headed "Alcohol opponents again display meddling ignorance":

In spite of the fact that the denaturants in industrial alcohol were not blamed by health authorities this year for the fatal results which followed overindulgence in holiday liquor, the fight against adequate denaturing has again been opened in Congress. In spite of the fact that he declared a year ago that he had no intention, in pressing his bill against so-called poison alcohol, of interfering with the rights of industries which need alcohol, Senator EDWARDS is again the leader in the congressional campaign to interfere with these industries. He has reintroduced his bill for potable denaturants.

Mr. LINTHICUM. If there are no deaths from this poisoned alcohol, the deadly poison that I had in my amendment, why did the gentleman object to such an amendment, so that the country might feel that it is free from a thing of that kind?

Mr. CRAMTON. I shall answer that question, and I think it will not be necessary to answer any more.

Mr. LINTHICUM. The gentleman thinks that he can complete it with that.

Mr. CRAMTON. Yes; I think I shall.

The gentleman, with the same lack of ability to see, which characterized his leadership the other day, is assuming that my only desire is to kill folks. That is so far from the truth that I do not need to take time to answer it. I can not yield further. I want to give you what the chemists say who represent the industries who would have been put out of business if the amendment of the gentleman from Maryland had prevailed. I would not expect the gentleman to give much weight to what I might say, because he and I do not agree on these matters, but I think he ought to give heed to what is said by the chemists and leaders of the great industries that use 95,000,000 gallons of industrial alcohol a year and that would be put out of business if the gentleman's amendment had prevailed. I read further from the editorial:

* * * * * * *

It seems useless to attempt to point out to certain folk the absurdity of an alcohol denaturant which would be nothing but an addition. But, not all Members of Congress, we believe, are in this class of voluntarily blind. Doubtless, enough can see that a denaturant must denature to prevent favorable consideration of the Edwards bill.

There is evidence in this bill that its author is meddling with something of which he has little, if any, knowledge. He purposes to exempt from the provisions which he proposes the use of noxious denaturants in alcohol to be employed in scientific research. He shows that he knows nothing about the purpose of such research when he sets about denying the right to continue the use of really denatured alcohol in industrial processes which might result from the research. Such manifest ignorance does not rid the bill of its possibilities of putting industry to the unnecessary trouble of opposing it, but it does present another weak point in the defense of the measure. The bill, in truth, is so weak that it could not stand were it not for the support which the fanatical opponents of alcohol will give any "man of straw."

IRRELEVANT INTRUSION OF POLITICAL ACTION INTO THE FIELD OF CHEMISTRY

Now, in order to show the feeling of irritated resentment of the chemists at the unwarrantable intrusion of the entirely irrelevant prohibition question in the field of scientific and technical chemistry, I also append extracts of editorials from the Oil, Paint, and Drug Reporter, the oldest and perhaps most widely read chemical trade journal in this country.

For a long time unthinking strictures on adequate and suitable denaturization have been broadcast by individuals totally devoid of knowledge of an intricate chemical problem. Can one blame the chemist for growing impatient? In the editorial they say this:

INDUSTRIAL ALCOHOL IS NOT A FAULT OF THE PROHIBITION LAW

Tax freedom in the industrial use of alcohol was secured 20 years ago after a long and bitter struggle against the fanatics who will not admit that this useful ethyl compound is anything but a beverage. The act of Congress which exempted industrial alcohol from the revenue tax did more than perhaps any other one influence to make possible the progress in chemistry that has been made in the United States since 1906. The leadership which other countries previously had held in organic chemical production and in the application of chemistry to a number of major industries was in no small part due to their earlier realization of the unwisdom of taxing an industrial raw material. Slow to learn, because not industrially minded (no matter what names may be called in international reference to the United States and its people), this country, once the opportunity offered, was quick to take advantage of it. To-day it has the leadership which, handicapped by a tax on industrial alcohol, it never would have gained, not even under the peculiar advantages of the period of the recent World War.

To get tax freedom in the industrial use of alcohol it is considered necessary, in all countries, to require that alcohol, to be exempt, must be combined with other substances which, while not impairing its usefulness, will render it unfit for consumption as a beverage. This requirement is fundamentally a matter of revenue assurance. Its purpose is to prevent the curtailment of governmental income through the operations of crooks. It has no purpose relative to protecting fools from the penalty of their folly. Such a purpose is not the basis of law or regulation. It is in an asinine lack of reason, therefore, that a campaign has recently been launched, attacking the industrial alcohol law as governmental connivance in the slaughter of those who are so foolish as to drink denatured alcohol.

In view of the fact that the fight against industrial alcohol twenty-odd years ago was waged chiefly by the opponents of the beverage use of alcohol, it might be considered peculiar that the present attack has been launched by the opponents of prohibition. That is, it might seem peculiar, were it not for the fact that for unreason, illogical argument, and utter disregard of all rights and beliefs other than their own,

fanatical prohibitionists are equaled by none but fanatical antiprohibitionists. Those who are behind the present movement to scare away the prohibition law, know that they do not tell the truth when they say that the Government (which does not do the denaturing) puts poison in alcohol to kill those who drink it; that the addition of gasoline to a denaturing formula places therein a more deadly poison. But what is such an immaterial thing as fact?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. I will ask for 15 additional minutes.

Mr. SIMMONS. I yield to the gentleman 15 additional minutes.

The CHAIRMAN. The gentleman from Michigan is recognized for 15 additional minutes.

Mr. CRAMTON. I read further:

Toadstools are eaten by the unwary. Foolhardy motorists try to beat express trains to a crossing. Thin ice and deep water take their toll of the careless. Clotheslines are used by would-be suicides. *Methanol* was drunk 20 years ago as much as it is to-day. Freeze-proof liquid for hydraulic jacks, embalming fluid, horse liniment, and hundreds of other poisonous compounds were used as beverages long before the idea of prohibition had 10,000 adherents. Industrial alcohol is no more intended for internal human consumption than were any of these "emergency liquors." Its manufacture is no more contributory to suicide than is the manufacture of rope. Industrial alcohol is no more at fault when a crook sells it as a beverage than are axes to be blamed because somebody uses one to commit murder. Law is for persons, not for inanimate things.

Industrial alcohol is a necessity. It must be denatured with such unpotable substances as will not interfere with its employment in the arts. If the prohibition law has prostituted industrial alcohol, the fault lies with the law, and the fight should be waged against the law directly.

The same organ is also authority for the following statement. The wet bloc of 61, chiefly from the industrial centers where these industrial plants are located, should note especially the cluding sentence: "To prohibit its use [that of methanol] in such manner before a suitable substitute is offered would be tantamount, from an industrial standpoint, to repeal of the industrial alcohol law."

METHANOL APPROACHES THE IDEAL AS A DENATURANT FOR ALCOHOL

Methanol, which, as a denaturant for industrial alcohol, has especially been visited with the righteously assumed wrath of those who would involve the Government of the United States in "the greatest poisoning plot in the world's history," approaches the ideal as an agent for destroying the character of alcohol as a beverage. For this reason the act of June 7, 1906, which authorized tax freedom in the industrial use of alcohol, specifically mentions methyl alcohol (now called methanol more effectively to differentiate it from ethyl alcohol) alone as a denaturing agent.

This designation of methanol as an authorized denaturant is supportable from every point of view tenable in the reasonable consideration of the case of industrial alcohol. Physically, methanol is so closely similar to ethyl alcohol that it does not impair the usefulness of the latter as a solvent, a fuel, an antifreeze agent, or a preservative, when mixed therewith. A mixture of methanol and ethyl alcohol is so homogenous as to be inseparable without the most exacting and skillful manipulation in expensive, elaborate, and intricate apparatus. It is a constant-boiling mixture which can not be broken up into its constituents by ordinary fractionating distillation. Methanol is poisonous, of course, but in the proportion in which it is present in even the most heavily methylated completely denatured alcohol, its poisonous properties are not a bar to the legitimate use of the mixture under proper conditions. This mixture contains about 9 per cent of methanol. Canada requires 30 per cent of methanol in its standard completely denatured alcohol. Ten parts of methanol to 100 parts of ethyl alcohol is the customary requirement in European countries.

The hazard of foolhardy, promiscuous drinking was recognized in the authorization of formulas for completely denatured alcohol long before conditions arose to aggravate it. No simple mixture of methanol and ethyl alcohol is authorized for general use in this country. All must contain at least one other ingredient which will facilitate the recognition of the unpotable nature of the liquid. In addition, it is required that the methanol used for denaturing purposes must be an unrefined grade with readily perceptible physical characteristics which differentiate it from ethyl alcohol. Even when disguised with colors, odors, and flavors, the presence of methanol in an alcoholic mixture can be readily detected by a simple chemical test.

Methanol, in the proportions required in denaturing, unquestionably destroys the character of ethyl alcohol as a beverage. It is, therefore, satisfactory in that respect. An idea of its suitability from the industrial standpoint may be got from the fact that specially denatured alcohol, formula No. 1, which is a mixture of 5 parts of methanol and 100 parts of ethyl alcohol, has been authorized for use for more than 230 industrial purposes, and special denatured alcohol, formula No. 3A, which contains a similar proportion of a more refined methanol, has been authorized in about 50 processes. But few of the other sixty-odd specially denatured formulas, with the exception of those which contain methanol along with other agents, have been authorized for more than half a dozen purposes each; none for as many as 30.

Efforts have been made in several countries to find a better denaturant than methanol for wide application in the industrial use of alcohol. In so far as we are informed, none of these has been successful, and methanol remains the most favored denaturing agent in all countries. Neither industry nor the Government in this country has found any reason to replace methanol as a general denaturant, and no reason has been presented in the recent ado about the horror of exposing drinkers to the risk of poisoning. It is, therefore, not likely that the authorization to use methanol as a denaturant will be revoked. To prohibit its use in such manner, before a suitable substitute is offered, would be tantamount, from an industrial standpoint, to repeal of the industrial alcohol law.

And further:

ADEQUATE DENATURING OF ALCOHOL IS INDUSTRY'S NEED AND RIGHT

It would seem, in the light of recent developments, that industry and economists have had an erroneous conception of the purpose of the law enacted June 7, 1906, permitting the tax-free withdrawal of alcohol. These misguided folk have had faith in their ability to interpret the requirements of the law, that alcohol so withdrawn "shall have been mixed" with material which "destroys its character as a beverage and renders it unfit for liquid medicinal purposes." They have assumed that these words meant just what they say. But, if one may judge from the solemn pronouncements of substantial members of the public press and from the earnest utterances of Members of the Congress of the United States, this assumption has been all wrong, and the purpose of the statutory provisions for the denaturing of alcohol is the convenience of the bootlegger and of those who disbelieve in the Volstead Act in its application to their individual practices. The enactment of the latter statute was in reality, as these present-day commentarians see it, an amending of the act of 1906 to make available for beverage purposes alcoholic mixtures of a pleasant, innocuous nature, to replace the compounds previously known and used as whisky, brandy, and the like. One lives to learn in these days of a new and convenient logic.

There is a deal of ingenuity in the arguments now being presented against the use of noxious denaturants in industrial alcohol. The plausibility of suggestions for the use of harmless materials to comply with the act of 1906 and for the elimination of all denaturants, so as to permit industry to get pure alcohol free of tax, is quite convincing, as long as the suggestions are taken at their face value. But when one considers the purpose with which this gratuitous advice is offered and asks whether in all instances it comes from sources which would be wholly displeased to see industry in the United States again placed under the handicap of having to pay a heavy tax on a necessary raw material, doubt at least arises as to whether these suggestions do not in fact as well as potentially purpose the destruction of the industrial use of alcohol.

If there be no such purpose behind these suggestions, they must arise from stupidity of a degree inconceivable in the face of the facility with which accurate and adequate information with respect to the industrial alcohol act and its operation may be acquired. The additional supervision and inspection which would be necessary—and of doubtful efficacy—in connection with the use of potable alcohol in industry is not difficult to foresee. A materially greater inconvenience would arise than now arises in connection with the use of specially denatured alcohol from the insistence of a Government inspector that he be shown that the alcohol is actually going into the product which is in course of manufacture and is not being diverted through a hidden pipe line. It would be necessary to stop a process at demand, and the disastrousness of such action in certain processes (say, varnish making) where the maintenance of definite thermal conditions and the prevention of evaporation are absolute necessities can not be questioned.

It is only to stupidity or to political expediency that one can attribute the nature of the manifestation of interest on the part of certain Members of Congress in the agitation against the adequate denaturing of alcohol for industrial uses. Surely these Federal lawmakers should have been expected to know the provisions of the act of 1906. And yet in a joint resolution introduced into the House of Representatives it is gravely stated that "there is no law of Congress that requires poison to be introduced into denatured alcohol." The act of June 7, 1906, specifically requires that alcohol, to be exempted from the revenue tax, after withdrawal "shall have been mixed * * * with methyl alcohol (methanol) or other denaturing material * * * which destroys its character as a beverage and renders it unfit for liquid medicinal purposes. * * * It is conceivable that, in so far as the majority of tastes is concerned, an obnoxious denaturant would be sufficient to destroy the beverage character of alcohol. But such a denaturant, it is quite clear, would not wholly prevent the drinking of alcohol to which it had been added. And it is difficult to conceive of any denaturant

obnoxious but not noxious which would meet the further requirement of the law (additional, not merely optional) that it render the alcohol "unfit for liquid medicinal purposes." The industrial alcohol law is clear in its requirements, and it has not been amended by the enactment of the Volstead Act.

* * * * * * *

And I commend to the Members from Baltimore and New York and other industrial centers:

There is no right in the destruction, or in the agitation of destruction, of property legitimately acquired and legitimately held. There is no equity in a movement toward that end which does not offer adequate reimbursement. The existing formulas for denaturing alcohol are the legitimate property of the many industries which have adapted their productive processes to the utilization of these formulas. These industries have, therefore, rights in this property that are as inviolable as are similar rights in whatsoever they may lie. Until there can be offered in replacement substitute formulas of equal satisfactoriness these rights are deserving of all the respect that attaches to any property.

And this other statement from the editorial from this same trade journal, headed, "Will Congress stop at the fork in the prohibition road?" I read:

Critical discussion in Congress of the fitness and efficacy of the Volstead law has come to a point where further progress in the line heretofore followed is impossible. A sign, "This is the law," has been met in the road, and beyond it the way lies in divergent paths. To follow one of these paths Congress must repudiate the pledge given to industry more than 20 years ago and repeated in Title III of the Volstead Act; for this path leads to the abolition of alcohol as an industrial raw material in order that the ends of prohibition may be served. To follow the other path Congress must abandon the purpose of the eighteenth amendment, for that path leads to the destruction of all the effectiveness of the denaturing of alcohol. Whither will Congress go?

Evidently Congress will not join the wet bloc in either of these alternatives that the Linthicum amendment would force upon us; we will neither paralyze industry by outlawing industrial alcohol nor will we abandon enforcement of the eighteenth amendment.

A WORD FROM THE INDUSTRIES

Just a word from another representative of industry—and I have an idea that Capt. James P. McGovern would resent very much being called a fanatical prohibitionist. Captain McGovern, of Washington, is general counsel of the Industrial Alcohol Manufacturers' Association and Washington attorney for the National Paint, Oil, and Varnish Association and other alcohol-using trade bodies. In an address by him he says, in part, to make a short extract.

In his preliminary he emphasizes that—

there can be no development of chemical industry without alcohol any more than there could be a steel industry without pig iron, an electric industry without copper, or a fertilizer industry without potash and fixed nitrogen.

He points out that 3,000,0000 gallons annually are used in the protection of artificial silk and that alcohol may come to provide the answer to the motor-fuel problem.

He goes on to say:

Under existing law our Government has established many formulas of denatured alcohol to meet the everyday demands of the arts and industries, but there are only two allowed in the production of what is known as completely denatured alcohol—the kind that goes directly to the public. All other formulas are restricted to manufacturers who file bond, secure permits, keep records, and otherwise comply with stringent regulations.

It is of interest to note that Congress in framing the original denatured alcohol act—now over 20 years old—felt it necessary to impose a heavy penalty for the diversion of industrial alcohol to beverage purposes. This penalty is a fine of not more than $5,000 or imprisonment for not more than five years, or both, and the forfeiture to the Government of all property used in connection with unlawful acts. Prohibition had nothing to do with these stern provisions, which are dictated by the necessities of control of industrially used alcohol, not only in this but in all civilized countries.

We have heard a lot about so-called "poison liquor" and those engaged in that sort of propaganda attempt to charge the Government with using poisons to enforce prohibition. Nothing could be further from the truth. As I have heretofore shown, alcohol is denatured under a law passed nearly 13 years before the adoption of the eighteenth amendment for the sole purpose of furnishing at the lowest possible price an essential raw material alcohol which had proven to be the backbone of the chemical supremacy then enjoyed by foreign competitors. It goes without saying that efficient denaturants are more necessary to-day than ever before. As a general rule, every formula of denatured alcohol can be considered as toxic if used for beverage purposes; but, by the same token, so is ethyl or grain alcohol. All completely denatured alcohol, however, is required by the Federal Government to bear the awe-inspiring "poison" label, so there is no excuse whatever for any innocent person being injured from its misuse. Why, therefore, should there be a hue and cry against the use of any denaturant which has been prescribed by the Government for lawful purposes? There are innumerable articles on the market that serve a useful end, but are detrimental to human life and health when carelessly or criminally handled. Many of us remember the excitement when the baby took hold of the kerosene can. More than one motorist has investigated the status of his gasoline tank with the aid of a lighted match and departed for regions where he no longer worried about the lack of an adequate fuel supply.

Instead of cough medicine the carbolic-acid bottle has been taken out of a dark medicine closet. No one thinks of blaming the inanimate commodity in those cases. Why, then, attack an efficient industrial alcohol product when it is wrongfully used? Any change in formulas of industrial alcohol for the benefit of the lawless drinker would be in direct violation of the spirit of the law under which the Bureau of Prohibition was created and operates. "Sop" to the opponents of prohibition might appeal to the political sagacity of weak-kneed executives, but in the case of the present Commissioner of Prohibition, himself a chemist, we need not have any fear in that regard. His professional standing and the ethics of the American Chemical Society, of which he is a member, constitute sufficient guaranty in that respect.

As a striking illustration of the difficulties under which reputable merchants are compelled to market their products under prohibition-enforcement conditions, let us take the case of the 40-year-old solidified fuel known as "sterno canned heat." We are all familiar with that commodity in its self-contained tins ready for burning in the home, camp, nursery, hospital, sick room, laboratory, and other places where an emergency fuel is required. It proved of inestimable value in the districts devastated by the Florida hurricane, your own Mississippi flood, and other disasters where an emergency fuel was sorely needed. It is manufactured under a formula approved pursuant to the provisions of the Volstead Act calling for five parts of wood alcohol and a percentage of pyridine, kerosene, and solidifying chemicals which make the finished commodity—in the opinion of Commissioner Doran, the most unfit substance for beverage purposes that could possibly be conceived; and yet we find intelligent people demanding that the sale of such an essential article of everyday life be stopped or subjected to prohibitive conditions because there are degenerates who unlawfully manipulate the product and extract therefrom a liquid which they take into their stomachs, with what results only hospital and morgue records can tell! Isn't that actually glorifying degeneracy, and does not the whole situation merely call for better enforcement of the adequate United States laws on the subject, which provide severe punishment for any person who sells or uses alcoholic preparations for illegal purposes? Surely law-abiding business men are entitled to your sympathetic support instead of being harrassed on all sides in their lawful pursuits. * * *

* * * * * * *

THE WET BLOC SHOULD HEED THE VOICE OF INDUSTRY

Mr. Chairman, I am not going to take more of your time. I may add some under the permission to revise and extend my remarks. I did say to the Committee on the Judiciary a few years ago, when there was a bill pending before it for the constitution of a Prohibition Unit, that prohibition had no desire to impede a legitimate industry; that prohibition had enough enemies without making any unnecessarily. A new leadership has arisen here in the wet bloc, which came in the other day with flying banners minus the milk-white charger that was brought over from Baltimore to lead the wet parade in the House in the days of John Philip Hill, but still led by Baltimore. The wet bloc from New York and Brooklyn and Detroit and Cincinnati beat the tom-toms and sought to do away with industrial alcohol on the ground that some one sometimes disregards the poison label. The wet bloc by their proposal menaced great industries. I want to commend to them these expressions from the men speaking for those industries. [Applause.]

The CHAIRMAN. The gentleman yields back five minutes.

Mr. GRIFFIN. Mr. Chairman, I yield 30 minutes to the gentleman from Oklahoma [Mr. HOWARD].

The CHAIRMAN. The gentleman from Oklahoma is recognized for 30 minutes.

Mr. HOWARD of Oklahoma. Mr. Chairman and Members of the House, the word "oil" has become a magic one. It seems to enter into political campaigns, political conferences, commercial advances, and almost every branch of life at this time. I am going to talk to you for a few minutes on the question of oil.

I represent in the Congress more men and women engaged in the production of oil and natural gas than any other Member. The oil industry is comparatively a new one. Many people look upon it as a kind of a closed corporation, participated in

by a very few people. That is an erroneous idea. There are thousands of men and women in the United States engaged in this industry, Mr. Chairman, neither condoning or defending any wrongdoer. It is the men and women I am going to tell you of in the time just allotted me.

It is a sordid story of oil, politics, and public service that an investigating committee of another branch of the Congress has been bringing to light in the last few months, and especially the last few days.

If the final facts justify the conclusion, most people at this time have reached a few oilmen, a few public servants, and a few politicians have, in the Teapot Dome case, written the blackest page in the history of our Nation and deserve the condemnation of the people.

But, Mr. Chairman, it is not of their guilt that I desire to speak. It is to be hoped and believed that finally, through the established channels of justice, their guilt or innocence will be established. It is entirely of another phase of the situation I desire to address myself.

Already throughout the Nation public sentiment is beginning to hold up to derision and criticism the great oil industry by reason of the participation in this sordid story of a very few men connected with that great industry. Already those not given to an analysis, but prone to hasty decisions are glad to use this case as further evidence that public officials are not to be trusted, and on thousands of tongues and in the minds of thousands of others has and is this regrettable episode being hailed as additional proof that all men who actively participate in American politics are crooked and only waiting to take advantage of opportunity, as seems to have been done by a few crooked politicians in this case.

But, Mr. Chairman, I point out that even in this case, which shakes the Nation, a very few public servants, a very few politicians, and a very few men of the oil industry participated, and that these few do not in any way represent the hopes, ambitions, the policy, the patriotism of the millions of men and women of this country who are public servants, who take part in political questions or are engaged in the great industry of producing oil. It is of this latter class, the oil and gas producers, that I want to speak.

It has been too true now, and has been too true in the past, that whenever the oil industry is mentioned that immediately the average and uninformed mind turns to thoughts of the few oilmen involved in the most deplorable Teapot Dome scandal or think of it, as it has been too often pictured in the past, as some cloven-footed monster ready, waiting, and anxious to take advantage and devour anything and all things that may cross its path.

Mr. Chairman, that is not the true story of the oil industry at all. The few men involved in this scandal represent only that part of the oil industry represented by their numbers, which at the most is only about a dozen of the thousands engaged in the great industry, and that part that has in the past been pictured as the destroying monster in no way represents the true sentiment, policies, actions, and accomplishments of the industry as a whole. Besides them there are thousands of the best citizens of this country interested and a part of this industry—and I make the assertion that no industry in the world can boast of a larger percentage of honest, industrious, patriotic members than can the oil industry of the United States.

Mr. Chairman, I have lived and worked among and with these people for over 20 years. I know them, and when I speak of them I speak with knowledge and authority.

I hold here in my hand a telephone directory of the city of Tulsa, Okla. Hundreds of companies and individuals who produce oil have their headquarters there. Tulsa is my home city. It is the oil capital of the world. From Tulsa is directed the production of oil in every oil field of the United States and in practically every foreign country where oil is produced. This directory contains the name and address of hundreds of oil companies and individual oil producers that are of the honest, industrious, and patriotic type that I have just spoken of.

Mr. Chairman, I wish I had time to tell you the story of each of these individuals. I know most of them personally. All of them have made good in the industry. They have taken a chance with their brains and their money—the oil business is a hazardous one—and through honest dealing, upright, and patriotic policies they have been successful; and, Mr. Chairman, when success has come to them they have not ceased to be honest, patriotic, charitable, and Christian citizens; but it has been the history of practically everyone of them that when success and riches have come they have taken their success and money with them into additional fields of activity. They have become city builders; they have become the leaders in civic enterprises; they have become the greatest donators to charity; they have become the pillars of the church, both spiritually and financially; they have become the builders of hospitals. On the subscription lists for building of both churches and hospitals their names are always found written in bold letters and followed by substantial contributions. They have become the sponsors of music, of art, of education, and morality. Especially is this true of education, for I have observed that they are leaders in educational matters; they educate their children; and in addition to this an examination of the rosters of the universities and colleges of this country will reveal that hundreds of other deserving boys and girls are being educated at the expense of liberal and patriotic oilmen. In fact, if I had time I could, without doubt, relate to you of each of them some act of charity, of civic enterprise, of religious interest, and of educational and moral nature that is outstanding and commendable.

With their own private funds—and in many cases individually—they have created endowments of universities and colleges for loaning to poor and deserving students; built monuments commemorating events and persons; given large amounts to the endowment of universities; built, maintained, and endowed a home to care for orphans; built costly and magnificent churches out of their own resources; provided parks and improved them with wading pools and playgrounds for the children; established game preserves for the protection of wild life; built and furnished homes for American Legions; subscribed liberally for maintenance of the Y. M. C. A. and Y. W. C. A.; established and maintained camps for boy scouts.

Mr. Chairman, these are but a few of the incidents and illustrations which I call to mind, and are typical of the spirit of the oil fraternity as a whole.

However, not all, by any means, of the activities of these people are confined to the men of this industry, but in each and every instance where the interests of religion, charity, education, music, art, and other uplifting activities are carried on will be found the mothers, wives, and daughters of these men just as liberal and active as they have been.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. O'CONNOR of Louisiana. I desire to say that I am in accord with the gentleman in respect to his observations upon the patriotism and the public spirit of many prominent oilmen throughout this country. It would be ridiculous to obliterate an industry because of the frailties of a few men who happen to be engaged in that business, but in view of the fact that the newspapers carried a statement recently to the effect that Colonel Stewart had received a great number of telegrams congratulating him upon his attitude with respect to another body in refusing to answer questions propounded to him, I want to ask the gentleman if he does not think that inasmuch as those telegrams were apparently indorsements of his course that it would be diplomatic for Colonel Stewart to give to the public the names of the senders of those telegrams?

Mr. HOWARD of Oklahoma. Well, I will suggest to the gentleman that William Edward Hickman, out in Los Angeles, received a great many telegrams from people, but there is no evidence that any telegram received by Colonel Stewart was sent to him by the people of whom I am speaking.

Mr. O'CONNOR of Louisiana. I did not mean to intimate that they sent them, but I mean the inference is to be carried from that newspaper statement that Colonel Stewart did receive a great many telegrams which were considered by him in the nature of congratulations, and knowing the interest of the gentleman from Oklahoma [Mr. HOWARD] in the proper advancement of every industry, I felt he might think it would be becomingly frank and sagacious for Colonel Stewart to publish these telegrams so the public might know who are in accord with him in regard to his attitude with respect to the inquiries propounded by the Senate.

Mr. HOWARD of Oklahoma. No doubt the colonel will take cognizance of the gentleman's request, and, perhaps, he will give that information. I do not know.

But, Mr. Chairman, not only should the men of an industry like this be judged by their activities in the lines I have discussed, but another yardstick that should be applied is their treatment of those who labor for them.

A few days ago we listened to the story of conditions in the coal fields of western Pennsylvania. We shuddered as we were told of the treatment accorded the miners and their families by the operators in these coal fields, and our blood boiled with indignation as we had recited to us stories of the ejectment of innocent women and children from their homes in the dead of winter.

No such scenes as these were ever enacted in the oil fields of America. Contrary to this the oilman has always looked after the welfare of his employee and family. He has realized that labor is worthy of its hire and he has practiced that policy.

He pays good wages, takes the employee into his confidence, and profits thereby. Never in the history of the oil industry, so far as I know or can learn, has there been a serious or protracted dispute between employer and employee, and I am sure that there is no more loyal employee in any industry than those of the oil industry from the roustabout, the pumper, the driller, the tool dresser, to and including the farm boss and superintendent, clerk, and stenographer.

In the story of the coal fields we were told of the stockades, shacks used for residences, the company stores that impose upon the employees, and the generally bad, even to insanitary, conditions surrounding these wage earners.

No such system as this has ever been practiced by the oilmen. Instead of stockades in every large oil field will be found community houses maintained by employer for the benefit of the employees. Instead of shacks for the homes of the employees you will find on practically every lease and in every camp modern homes built by the employer, and around these well-built and painted homes you will find flower beds, garden spots, and all other things that go to make up the conveniences of a well-regulated home. Instead of the company store you will find that the employee is treated as a free American citizen, paid his wages promptly on pay day, and allowed to spend it where and for whatever he sees fit. Instead of the insanitary conditions that seem to exist in the coal fields you will find in each and every one of these camps that steps are taken immediately by the oilmen to protect in every way the health and comfort of his employee. In every camp of any material size you will find the company physician, there without expense to the employee, to minister to his wants; you will find the trained nurse on the pay roll of the company and, in most instances, a company drug store ready to furnish such medicines and materials as are needed to relieve and prevent the suffering of the employee.

Financial honesty is the outstanding plank of the code of ethics of the real and true oilman. He is known to consider a financial obligation as sacred and binding, whether given by word of mouth or recorded in an instrument of writing.

His reputation and record in dealing with his city, his county, his State, and Government is one that will bear the closest scrutiny. Hundreds of them yearly have business dealings with the Department of the Interior of the Government, and their dealings with the State in which they are located are voluminous, and I am sure that a search of the records of any of these departments would disclose that in these dealings he has always been fair, honest, and patriotic. Illustrating, may I not call attention to the fact that for four years I was State auditor of the State of Oklahoma. Under the laws of that State the State auditor collects on behalf of the people the tax on oil and gas produced within the State. During my four years as State auditor I collected from these people in round numbers $16,000,000. In making these collections I accepted in payment thereof the personal checks of the companies or individuals, whether executed in the accounting room or written on the floor of the derrick with a lead pencil. Remarkable as it may seem, in all this great transaction never was there one of these checks returned to me as unpaid by the bank on which it was drawn.

Permit me in closing to say that there are no more patriotic body of men and women than those connected with this industry. Illustrating, I call attention to the fact that during the Great War these men, their sons, their employees, were found in every patriotic activity from actual and effective service in the front-line trenches to the rendering of each and every duty exacted of them as citizens by their Government. They bought Liberty bonds and Government securities by the millions of dollars worth, and in all of these activities where the women participated could be found the wives, mothers, and daughters of the men of this fraternity. Not only this, but when the clouds of the war were darkest, when one of the greatest essentials of success was found to be petroleum and its products, the oil producer did not hesitate but said to his Government, "Fix the price of oil, tell us where you want it delivered, and we will furnish it." This they did, spending millions of their own money in exploiting new territory and bringing to the surface all the oil needed in that great conflict, much of this oil having been produced, refined, and crossed the ocean before the producer and refiner knew what he was to receive for it. So decisive and beneficial was this patriotic action that it has been said that in that great conflict we floated to victory on a sea of oil.

Mr. Chairman, this is but a brief résumé of some of the things which I personally know of the oil industry and the great body of citizens who go to make it up, and representing more of them in the United States Congress than any other Member, it is with the greatest degree of pride that I speak of them to-day.

In conclusion let me suggest to you that in the future when some individual in the oil industry goes wrong, you remember that he is the exception and that in no circle is he more generally condemned than by the members of the oil fraternity. And remember also, that in no industry in America is the percentage of honor, integrity, character, and patriotism higher or more jealously guarded than in the oil industry. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing an article entitled "Government poisoned alcohol," by Hugh B. Rossell.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

GOVERNMENT-POISONED ALCOHOL

By Hugh B. Rossell

Among the many evil consequences of prohibition, there is one in which there is no question of intoxication nor even of drinking.

Alcohol is absolutely indispensable to many useful arts and is a very useful drug in every home and workshop. We use it as the fuel for chafing dishes, spirit lamps, blowpipes, etc.; as the solvent for gums and dyes in making varnish, wood filler, or stain; as a general cleansing agent; and to prevent the freezing of water-cooled motors. It is ideal for all these purposes. It has the further advantage of being nonpoisonous. No harm would result from the accidental swallowing of a small quantity, nor are the products of its combustion nor the fumes of its evaporation in any way poisonous. In all of these uses there is no question of "drinking the stuff."

The framers of the Wheeler-Volstead law evidently appreciated these facts and made, according to their notions, provision for the people to obtain alcohol for technical purposes, but their plan, to say the least, does not work out well in practice. You can buy alcohol at any paint store or large drug store, but you do not get pure, clean alcohol. You get the Government-poisoned kind; that is, alcohol that has been heavily charged with a fearful poison, and also befouled with heavy hydrocarbons, or, in plain language, dirt. And the poison and the dirt have been added by order of the prohibition laws and regulations.

Now consider the properties of this "Government-poisoned alcohol." If swallowed, a deadly poison, identical with the venom of ants, hornets, and other insects, will be formed in the digestive organs, and death is almost certain to result. If burned, the same poison may be generated as a product of combustion. The fumes of evaporation are deadly, causing blindness, coma, and death. Many fatalities have resulted from inhaling the vapor, prohibition propagandists to the contrary notwithstanding. By contact with the skin the poisoned alcohol will cause neuritis. The person whose business requires him to handle this horrible mixture, if he values his life, should protect himself with rubber gloves and a gas mask.

Nor is this all. The "Government-poisoned alcohol" is so dirty as to be wholly unfit for many technical purposes. It will not dissolve sandarach (a fine varnish gum used like shellac, but far superior to it) with any degree of satisfaction. Its flame is more or less smutty. If used as a cleanser, it will leave a film of dirt upon the object cleaned.

There are other varieties of "Government-poisoned alcohol" besides the paint-store kind. There is the so-called medicated alcohol, which is alcohol adulterated with a powerful, evil-smelling, poisonous drug. It is almost worthless for technical purposes. Bay rum, hair tonic, "body rub," and other lotions are poisoned with "tartar emetic" or other dangerous drugs. The result is that these lotions sometimes cause illness when used and are so corrosive as to be destructive to the atomizers in which they are used. All kinds of perfumes are adulterated with "brucine," a poisonous vegetable alkaloid, almost identical with strychnine.

To sum up: The manufacturers of alcohol and alcoholic fluids are compelled by law to adulterate their products with poisons and unclean substances before they can sell them in open market. This compulsory adulteration has cost many human lives. Is there no relief?

Mr. SIMMONS. Mr. Chairman, I yield three minutes to the gentleman from Nebraska [Mr. MOREHEAD].

Mr. MOREHEAD. Mr. Chairman, I desire to present a petition from some of my constituents in Nebraska. The petition is more than 50 feet long and has some 2,000 names attached to it. I only mention this, Mr. Chairman, to show that the people are in earnest about the proposition of mixing the church and the State. This is not the only petition I have received protesting against House bill 78, or any other measure which is intended to abridge the religious ideas of the people.

Mr. SNELL. Will the gentleman yield?

Mr. MOREHEAD. Yes.

Mr. SNELL. Does the gentleman have reference to the Lankford bill?

Mr. MOREHEAD. Yes.

Mr. SNELL. Which applies to the District of Columbia?

Mr. MOREHEAD. To the District of Columbia; yes.

Mr. SNELL. I have received several petitions in regard to that bill, and it appears that a lot of people in my State are terribly disturbed about it.

Mr. MOREHEAD. Those who have signed this petition represent all the professions in which people engage in an agricultural section, and the heading of the petition is brief, so I would like to have the privilege of printing it in the RECORD. I do not ask to have the names printed, but just the heading, so that the people who have signed the petition may know I have given attention to their protest.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to revise and extend his remarks in the manner indicated. Is there objection?

There was no objection.

The matter referred to follows:

Petition against compulsory Sunday observance

To the honorable the Senate and House of Representatives, greetings:

Believing—

(1) In the American principle of a complete separation of church and state;

(2) That Congress is prohibited by the first amendment to the Constitution from enacting any law "enforcing the proper observance" of any religious institution, or looking toward a union of church and state, or of religion in civil government;

(3) That the observance of a religious institution is a form of worship, and that all "labor, worldly business, and legitimate recreation" can only be forbidden for religious reasons;

(4) That all such legislation is opposed to the best interests of both the church and the state;

(5) That any such legislation either by Congress or the State legislatures is dangerous, and should be opposed by every lover of liberty of conscience and the voluntary exercise of religion:

Therefore we, the undersigned adult residents of Lancaster County, of the State of Nebraska, earnestly petition your honorable body not to pass H. R. 78, or any compulsory Sunday bills that have been introduced.

Mr. GRIFFIN. Mr. Chairman, I yield one minute to the gentleman from Georgia [Mr. BRAND].

Mr. BRAND of Georgia. Mr. Chairman and gentlemen of the committee, my purpose in obtaining this leave is to ask the privilege of extending my remarks on farm-relief legislation and to include a copy of a resolution which I introduced to investigate the Department of Agriculture and the activities of the New York Cotton Exchange.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to revise and extend his remarks in the manner indicated. Is there objection?

There was no objection.

The resolution referred to follows:

Whereas the Department of Agriculture, on or about September 1, 1927, made public a report on boll-weevil conditions throughout the Cotton Belt which contained statements that were inaccurate; and

Whereas the Department of Agriculture, on or about September 15, 1927, made public a report purporting to give a reliable estimate of the world carry-over of cotton as of July 31, 1927, which contained statements that were inaccurate and based upon information received from nonofficial sources; and

Whereas the Department of Agriculture, on or about September 15, 1927, made public a report relating to the probable farm price situation during the balance of the year which contained predictions that the future trend of cotton prices would be lower; and

Whereas these reports were unauthorized and resulted in a decline of cotton prices with a loss to the farmers of the country of many millions of dollars; and

Whereas it is reported that the New Orleans, New York, and Chicago Cotton Exchanges were concerned with the issuance or publication of such reports: Therefore be it

Resolved, That the Committee on Agriculture or a duly authorized subcommittee thereof is hereby authorized and directed to make a full and complete investigation of the accuracy of such reports, to ascertain the sources of information upon which such reports were based, to investigate the activities of the New Orleans, New York, and Chicago Cotton Exchanges in connection with the issuance or publication of such reports, to investigate such other matters relating to the cotton situation since January 1, 1926, as the committee or subcommittee deems advisable, and to report thereon to the House as soon as practicable. For the purposes of this resolution such committee or subcommittee is authorized to hold hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic, and other assistance, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee or subcommittees, which shall not be in excess of $, shall be paid from the contingent fund of the House.

Mr. SIMMONS. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. BACON].

Mr. BACON. Mr. Chairman, yesterday, in Habana, former Secretary of State Hughes, the head of our delegation at the Pan American Union Conference, made a speech which, I think, marks a milestone along the path of permanent peace, and I ask unanimous consent to extend my remarks by inserting that speech in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. BACON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

MR. HUGHES'S ADDRESS

HABANA, February 16.—Associated Press.—The United States was placed heartily behind the proposal to outlaw all aggressive warfare in this hemisphere and in favor of full arbitration by the speech of Charles Evans Hughes, head of the American delegation, before the session to-day of the Pan American Conference committee on public international law. Mr. Hughes's speech, in part, follows:

"It is my happy privilege to say for the United States of America that we would join most heartily in a declaration that there shall be no war of aggression in America. I am in entire accord with the proposal that we should show that this hemisphere is dedicated to the interests of peace, and that we should endeavor to find pacific solutions for all the controversies that may arise. Without suggesting any superiority for ourselves, we have very happy traditions in this hemisphere.

"Most of the controversies that have vexed us have already been settled. Very few remain. They can be adjusted peacefully. If we have this high aim of securing pacific adjustment of our difficulties, we shall not fail to attain it. I am happy to join in that effort to which, not simply speaking from the position as chairman of the American delegation—important as that is—but speaking out of my own heart I would wish to give all the strength and energy that I possess.

THREE WAYS FOR SETTLEMENT

"How shall we promote peaceful settlement? I think there are three ways:

"First. By conferences; by those important periodical meetings at which we can promote a better acquaintance and have a candid intercourse of views.

"Second. By means of conciliation—that is to say, the provision of some practical means by which when difficult situations arise reason may have its play before force takes the field.

"Third. In the judicial settlement of controversies. Reason and justice must have their institutions. They can not exist merely as abstract concepts to which we pay our verbal devotion. We must have institutions of peace. The great problem is how to establish them; how to secure agreement upon them. It is desired that we shall go as far as we can, and that then we shall endeavor, step by step, to make a progressive approach to our ideals.

"The important question before us is with respect to the project which Doctor Alfaro, of Panama, has presented. It has been subjected to an analysis in a very clear, illuminating, and forceful manner by Doctor Kira, president of the Chilean delegation. That analysis makes it unnecessary for me to dwell at length upon some of the questions involved.

INTERNATIONAL CONTROVERSIES

"Then there is a class of cases of controversies which should not be strictly regarded as international controversies at all. One State objects to the internal legislation of another State in a matter entirely within the province of that State. The objecting State should recognize that is a matter of internal government. But internal government projects in these days of intimate relations, in the actual force of its decisions into areas where other governments seek to find a freer play. So about internal questions some controversies may arise.

"All have questions in each of our countries which we think are within our competency because they relate to internal administration. I could name some, and I could go around this room and enumerate questions of that sort which I am sure many of you would never submit to arbitration.

"Now we must face the facts in this matter fairly. My conception of amity among the nations is a sort of friendship which will enable us to deal with these difficult questions in our negotiations with each

other without the effort to compel nations to relinquish rights or to change their internal organization, or to submit to the decrees of others in matters which affect internal regulations according to their conceptions of their interests. So our problem is, What progress can we make?

TREATY AND LAW CONFERENCES

"There is one class of controversies about which we can make a convention without great difficulty. Those are controversies relating to questions involving the interpretation of treaties or the principles of international law where the claims are for loss of life or personal injuries, or injuries to property and where the reparation sought is entirely pecuniary. We could have a claims convention without going into some of the difficulties which would arise in dealing with a broader convention. I do not mean to exclude the broader convention. I am simply thinking of making practical progress by having something on which we can start with a maximum of agreement. We can have two classes of convention, a convention relating to pecuniary claims and another convention relating to broader matters.

"I do not wish to detain the committee with a long statement, but I can not forbear to say that I think the project presented fails to exhaust the possibilities. While states might not be willing to submit to arbitration various delicate questions which they thought impending on the free exercise of their internal authority, still it might be possible to have joint commissions whose reports advising the different governments and legislatures would be of great value.

"In 1909 the United States made its treaty with Great Britain with respect to Canada, and established a joint commission in which each Government has an equal number of members and to which all sorts of question arising on our boundary can be referred for examination, the taking of testimony, and report to the respective Governments.

PERMANENT JOINT COMMISSION

"A nation may be willing, entirely willing, to have a permanent joint commission with its neighbor or neighbors, so that in any question that arises there may be an explanation of the questions not for the purpose of decision but so that each government may be advised of the views and findings of a commission on which they have an equal representation, and then its legislature, supreme in its sphere, can act with that knowledge. This plan has worked very well, and questions which might not perhaps have been submitted to arbitration—some of difficulty, some of delicacy—have been considered by the permanent joint commission and reports have been made which led to satisfactory adjustments.

"Let us be astute to find means suited to the different exigencies which we can not escape.

"A final word: The test of arbitration and the weakness of plans for arbitration lie in the selection of the third or fifth arbitrator, as the case may be, who actually decides the controversy. Arbitrators are selected for the respective nations, and in some historic cases the arbitrator selected by one power has not supported that power, but those cases are extremely rare. We know in advance the pivotal man, the third man, is the man who will decide. I have been in negotiations for arbitration where the names of the most distinguished jurors in the world have been submitted and eliminated.

PROJECT OF ARBITRATION

"Reference was made to the apprehension of States in regard to arbitration. They center about this selection. Now this project, when it comes to the final test where the parties do not agree, leaves the selection to chance. That is to say, if there is no agreement, two chiefs of state are to be designated, one by each party, who maintain friendly relations with both parties, but in the language of treaties and diplomacy, friendship is not the same as it is in the language of social intercourse. There are chiefs of state at times which we would not desire to select, although he would be far from suggesting that our relations in a diplomatic sense were not entirely friendly.

"These two chiefs of state, one selected by each party, are designated, and one of these is to be selected by lot, for example, the flip of a coin.

"There are two objections: The first is that it is by chance, and the whole arbitration rests upon that. The broader you make the arbitration the more important is this point. The second objection to such a method of choice is that it is essentially political. I think we should endeavor to get away from a final selection in case we could not agree upon a third arbitrator which would be in any manner influenced by political considerations. It might be impossible entirely to eliminate that feature, but we should strive in that direction in order to have an impartial, juridical settlement.

THREE CHIEFS OF STATE

"My suggestion would be that instead of providing for two chiefs of state, one to be selected by lot, that we should select three outstanding non-American jurists, who should select with a sense of responsibility of their reputation and juridical standing the third arbitrator, who in that case might more closely approach to our ideal of an impartial judge. Such jurists would be more likely to give us the selection of some one on whom we could rely as not influenced by political considerations.

"I do not wish to detain you with observations. I wish to join with you in this effort to the full extent of my ability. If we can not complete it now, let us prepare for a future day, when we can accomplish our purpose with full consideration of all the questions which necessarily arise. I desire to show to you the sincere cooperation of the United States, which is opposed to any act of aggression, which desires to see force eliminated from this hemisphere; which is seeking nothing but the good order, the importance, and the prosperity of all the American States."

The speech was received by delegates as an utterance of historical importance.

Mr. SIMMONS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes, and had come to no resolution thereon.

CARILLON FOR CHURCH OF GOOD COUNSEL

Mr. GRIFFIN. Mr. Speaker, I desire to ask unanimous consent on behalf of my colleague, the gentleman from New York [Mr. CELLER], to extend his remarks in the RECORD on the subject of carillons, and also on the subject of punishment of crime.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, I have introduced a bill to remit the duty paid by the Church of Good Counsel, Borough of Brooklyn, State of New York, on the importation of a carillon of bells which it is now using in church services. A number of similar bills have been passed by previous Congresses for Catholic churches and other denominations, and these bring up the necessity for amending the tariff law to exempt the 40 per cent duty now imposed upon the importation of bells in carillon.

The law is just only in so far as it is applicable to such bells as would involve competition with bells of American founders, but is unjust where it applies to such bells as are imported for use as a carillon, particularly in church services.

Our American bell founders can not supply bells for carillon purposes and consequently no protection of an industry is involved. The highest form of bell music, and in fact, the only form that can be defined as an art is that of carillon. There are five well-defined kinds of bells:

1. Individual bells, such as locomotive, fire, church, clock-striking bells. They usually give a signal of some sort. Little attention is paid to their musical quality.

2. Small peals: This is the collective use of bells when three or four are grouped together for sounding "bugle calls" or the gongs of "Big Ben" on the British House of Commons.

3. Ringing peals: This is the higher class of collective bells. They are found in sets of 8, 10, or 12 bells. Here the bells are swung, and they are thus called ringing peals. Their control is by means of ropes.

4. Chimes: This is a still higher class of music derived from the collective use of bells. A chime also contains 8, 10, or 12 bells, but the bells are stationary and not swung. They are sounded by means of clappers, which are connected with a console or keyboard. The notes of a chime are usually that of a major scale.

5. Carillons: The carillon differs from a chime in that it is more extensive in range of notes. It contains all the semitones of the chromatic scale. It requires bells of the finest musical quality and tone. It usually has three octaves or about 35 bells. Its maximum compass of range is 53 bells or four and one-half octaves. The action and console of a carillon is similar to the keyboard of a piano or organ. There are usually two rows for the hands and two rows for the feet. The player, who sits on a bench and plays like an organist, is called a carillonneur.

In carillon music there is a great variety of melodies, with harmonies and chords like on an organ or piano.

Frederick C. Mayer, organist and choirmaster of the United States Military Academy, says:

The art of casting and tuning bells of the highest musical quality was known and extensively practiced in Flanders several hundred years ago. But this art (of carillon), like that of the old Italian makers of master violins, soon became lost; in the case of bells the art has been rediscovered only within the present generation. This rediscovery has occurred in England, and to-day it is from this country alone that such high-quality bells, suitable for carillons, can be obtained. Thus it is

that an entirely new problem is created and a revival in the old carillon art is in full swing in England, Holland, and Belgium.

Any boy can learn to play a chime, providing he has a simple knowledge of music, within a month. But in Belgium there is a national school of carillon playing maintained by the Belgian Government, where the art of a carillonneur is taught with as great artistic thoroughness, pursued through years of serious devotion, as that connected with other branches of the art of music. The comparison of the 12-note console of what is often spoken of as our best native chime, that in the tower of the Cadet Chapel, West Point, N. Y., with the 45-note console of the finest carillon now in the world, that in the tower of the cathedral of Malines, Belgium, would be like comparing a child's toy piano keyboard of one octave of white keys only with a standard piano keyboard of full and complete compass. And the difference in the music possible from these two sets of bells is like comparing the playing of a child with that of a mature artist.

Walter Damrosch has expressed himself similarly.

Our native bell founders can not manufacture carillon. They have never tried. They probably do not know the secret underlying the beautiful tonal quality and timbre of huge bells. It has been said:

A good bell is not made by chance but is the result of a wise combination of qualities and though, a fine carillon is as precious as a violin by Stradivarius.

Most of the carillons imported in this country have been used in churches for religious purposes. Statuary, altars, hyssops, baptismal founts, shrines, relics, and so forth, used in religious services are permitted to come into this country free of duty. Why not carillons?

From a religious, cultural, and artistic standpoint any carillon set up in a church tower has a tremendous potency in any community. I would like to see encouraged in this country the art of carillon music, so that in every city, town, or hamlet they would have carillons with their bells hung in an open tower—the carillon to be the property of the community, just as a museum or the city hall are of public concern.

The sweet and tender music of the carillon would be heard miles around. In Europe, this summer, I had the exquisite pleasure of hearing carillon music. The programs included the simplest folk songs as well as compositions by Bach, Handel, Mendelssohn, and Chopin. The music afforded splendid recreation for many thousands.

It is obvious, therefore, that the present tariff on bells in carillon is unjust in that it hinders a development of an art and places handicaps upon the creation of religious music.

LET THE PUNISHMENT FIT THE CRIME

Mr. CELLER. Mr. Speaker, the Judiciary Committee of the House of Representatives will soon vote on one or two bills now before it. One bill seeks to make compulsory a jail sentence for prohibition violations, and the other would make of such violation a felony, carrying punishment of five years' imprisonment. There are many "drys" who believe that such penalties are not half severe enough, and that they should be made more barbarous—more in keeping with the "dry" credo.

In order, therefore, that they might procure the most cruel, the most refined, and most hideous forms of punishment I propose a "ferocity contest." Only "drys" shall be eligible, particularly the fanatical ones. I offer a $100 prize to the person who shall submit the most savage and ferocious type of pain or penalty.

The following forms shall be deemed too mild and temperate for any consideration whatsoever, to wit:

Breaking at the wheel; impalement; thumbscrew, as used in the Spanish Inquisition; the "water cure" of the Philippines; the pillory; the ducking stool; banishment to Devils Island; the iron coffin; scalping; burning at the stake; burning in oil.

In England, formerly, as punishment for the crime of treason, the accused was hanged; his body was cut down while alive, then he was disemboweled, his head cut off, and his body quartered. That is what I would call a prize winner.

Another good sample would be to cut the limbs off if too long, and to stretch them if too short, to fit the Procrustean prohibition bed.

Somebody has suggested that the victims become galley slaves for the Shipping Board.

However, in order that the contestants be placed in the proper frame of mind, I suggest that in all "dry" communities a few prohibition violators be blindfolded, hands tied behind them, set up against a wall, and then all the "drys" shall be permitted to hurl knives and hatchets at them.

Address all communications to the judges of the "ferocity contest."

MACK E. VELLIE,
DRAKE KOHNIAN,
BOB R. RUSS,
Room 466a, House Office Building, Washington, D. C.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. WURZBACH, for 10 days, on account of important business.

ADJOURNMENT OVER

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday.

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, may I ask the gentleman from Connecticut whether he expects to have any more Private Calendar days now that a general claims bill has been passed? What is going to be the policy from now until the end of the session with reference to the consideration of claim bills on the Private Calendar?

Mr. TILSON. The bill referred to has not been passed by the Senate and probably will not become a law for some time. I assume that we should go forward with our Private Calendar just the same as if the bill had not been passed by the House.

Mr. GARNER of Texas. It has occurred to me that if the gentleman wants the Private Calendar considered, it would not interfere usually with the membership to work on Saturday if it is generally understood there would only be considered bills on the calendar unobjected to. There is getting to be quite a long list of bills on the calendar as the gentleman no doubt has noticed.

Mr. TILSON. I have found that there are more Members interested in private bills than in any other kind, and, as many Members wish to leave the city on Saturdays, it is an inconvenience to them to stay over to watch their bills if the calendar is to be called.

Mr. GARNER of Texas. The gentleman does expect to have a Private Calendar day at an early time?

Mr. TILSON. Yes; I think there will be plenty of time after the appropriation bills are passed to consider all the bills on the Private Calendar just as we did in the last Congress. I hope to be able to do this again before adjournment.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

ADJOURNMENT

Mr. SIMMONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 25 minutes p. m.) the House, under the order previously made, adjourned to meet on Monday, February 20, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, February 18, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON LABOR

(10 a. m.)

To divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases (H. R. 7729).

For Monday, February 20, 1928

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce (H. R. 7940).

COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES

(10 a. m.)

A meeting to consider the various bills on the committee calendar.

COMMITTEE ON THE CENSUS

(10.30 a. m.)

For the apportionment of Representatives in Congress among the several States under the Fourteenth Census (H. R. 27).

For the apportionment of Representatives in Congress (H. R. 130).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SIMMONS: Committee on Appropriations. H. R. 11133. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes; without amendment (Rept. No. 702). Referred to the Committee of the Whole House on the state of the Union.

Mr. McLEOD: Committee on the District of Columbia. H. R. 6685. A bill to regulate the employment of minors within the District of Columbia; with amendment (Rept. No. 703). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEMPLE: Committee on Foreign Affairs. H. R. 8128. A bill to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory; with amendment (Rept. No. 706). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 5897. A bill for the relief of Mary McCormick; without amendment (Rept. No. 704). Referred to the Committee of the Whole House.

Mr. WRIGHT: Committee on Military Affairs. H. R. 11107. A bill for the relief of William H. Estabrook; without amendment (Rept. No. 705). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 4934) granting a pension to Charles Henry Mosher, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SIMMONS: A bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. JAMES: A bill (H. R. 11134) to authorize appropriations for construction at military posts, and for other purposes; to the Committee on Military Affairs.

By Mr. JOHNSON of South Dakota: A bill (H. R. 11135) to amend paragraph 12 of section 202 of the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. BRAND of Georgia: A bill (H. R. 11136) to amend the World War adjusted compensation act; to the Committee on Ways and Means.

By Mr. BACON: A bill (H. R. 11137) to extend the powers of pilots holding Federal licenses; to the Committee on the Merchant Marine and Fisheries.

By Mr. HUGHES: A bill (H. R. 11138) authorizing the Point Pleasant-Henderson Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Point Pleasant, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. TILSON: A bill (H. R. 11139) for the appointment of an additional circuit judge for the second judicial circuit; to the Committee on the Judiciary.

By Mr. BULWINKLE: A bill (H. R. 11140) to provide for the inspection of the battle field of Kings Mountain, S. C.; to the Committee on Military Affairs.

By Mr. BACON: A bill (H. R. 11141) to require contractors and subcontractors engaged on public works of the United States to give certain preferences in the employment of labor; to the Committee on Labor.

By Mr. TEMPLE: A bill (H. R. 11142) to provide for the topographic mapping and the measurement of river discharge of the alluvial valley of the lower Mississippi River and in such other areas as have an immediate bearing on the solution of flood problems of the Mississippi River Basin; to the Committee on Flood Control.

By Mr. MacGREGOR: Resolution (H. Res. 116) relating to officers and employees and services of the House of Representatives; to the Committee on Accounts.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of South Carolina urging Congress to enact favorable legislation for disabled emergency Army officers of the World War; to the Committee on World War Veterans' Legislation.

By Mr. BERGER: Memorial of the Legislature of the State of Wisconsin, memorializing the Congress of the United States to create a special committee to thoroughly investigate the coal strike in all its phases; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Wisconsin, in favor of the passage of the Norris resolution for the earlier seating of Congress; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, memorial of the Legislature of the State of Wisconsin, memorializing the Congress of the United States to authorize and direct a full survey of the Wisconsin-Fox Rivers waterway and to enact such legislation as will result in the completion of such waterway; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of Wisconsin, opposing the leasing of the water powers on the Menominee Indian Reservation to private interests; to the Committee on Indian Affairs.

Also, memorial of the Legislature of the State of Wisconsin, in favor of the early completion of the St. Lawrence seaway; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 11143) granting a pension to Jane Noe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11144) granting an increase of pension to Mary M. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11145) granting an increase of pension to Matilda E. Rider; to the Committee on Invalid Pensions.

By Mr. BRITTEN: A bill (H. R. 11146) to pension Baury Bradford Richerson, formerly a cadet at the United States Military Academy at West Point, N. Y.; to the Committee on Pensions.

Also, a bill (H. R. 11147) for the relief of Medical Inspector Royall Roller Richardson, United States Navy; to the Committee on Naval Affairs.

By Mr. CAMPBELL: A bill (H. R. 11148) for the relief of Emma Hannan; to the Committee on Claims.

By Mr. CARTWRIGHT: A bill (H. R. 11149) for the relief of Albert D. Castleberry; to the Committee on Military Affairs.

Also, a bill (H. R. 11150) granting a pension to Mary A. Raglin; to the Committee on Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 11151) for the relief of Louis Wohlfahrt; to the Committee on Naval Affairs.

By Mr. COLTON: A bill (H. R. 11152) for the relief of David Thygerson; to the Committee on Claims.

Also, a bill (H. R. 11153) for the relief of Harry C. Tasker; to the Committee on Claims.

By Mr. DYER: A bill (H. R. 11154) for the relief of the Reliance Realty & Investment Co., a corporation, owners of the Republic Building, at the southwest corner of Seventh and Olive Streets, city of St. Louis, State of Missouri; to the Committee on Claims.

Also, a bill (H. R. 11155) granting an increase of pension to August Hoecker; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 11156) granting a pension to James Conley; to the Committee on Pensions.

By Mr. GREGORY: A bill (H. R. 11157) to authorize a preliminary survey of Mayfield Creek in Kentucky with a view to the control of its floods; to the Committee on Flood Control.

By Mrs. KAHN; A bill (H. R. 11158) providing for the advancement on the retired list of the Army of Hunter Liggett, major general, United States Army, retired; to the Committee on Military Affairs.

By Mr. KEARNS: A bill (H. R. 11159) granting an increase of pension to Eliza J. Hoop; to the Committee on Invalid Pensions.

By Mr. KENT: A bill (H. R. 11160) granting a pension to Eliza Hagenbach; to the Committee on Pensions.

Also, a bill (H. R. 11161) granting a pension to Ellen Howey Detrick; to the Committee on Pensions.

Also, a bill (H. R. 11162) granting a pension to Abel T. Rohback; to the Committee on Pensions.

Also, a bill (H. R. 11163) granting an honorable discharge to John Auge; to the Committee on Military Affairs.

Also, a bill (H. R. 11164) granting an increase of pension to Emma L. Nagle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11165) granting an increase of pension to Mary J. Morrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11166) granting an increase of pension to Diana Koch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11167) to reimburse Arthur Bennett for funeral expenses of Furman Anness; to the Committee on Pensions.

By Mr. MACGREGOR: A bill (H. R. 11168) granting an increase of pension to Raymond E. Daniels; to the Committee on Pensions.

By Mr. MILLIGAN: A bill (H. R. 11169) granting a pension to Eliza Buist; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 11170) granting an increase of pension to Sarah C. Lutgen; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 11171) granting an increase of pension to Sarah J. Penn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11172) granting a pension to Charles R. Fischer; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 11173) granting an increase of pension to Jennie H. Burford; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 11174) granting an increase of pension to Anna Oldfield; to the Committee on Invalid Pensions.

By Mr. SINCLAIR: A bill (H. R. 11175) granting an increase of pension to George E. Wykoff; to the Committee on Pensions.

By Mr. SIROVICH: A bill (H. R. 11176) authorizing the Secretary of War to award a congressional medal of honor to Abraham Krotoshinsky; to the Committee on Military Affairs.

By Mr. SNELL: A bill (H. R. 11177) for the relief of Elizabeth Lizette; to the Committee on Military Affairs.

By Mr. STALKER: A bill (H. R. 11178) granting an increase of pension to Mary Keeler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11179) granting an increase of pension to Ellen A. Searles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11180) granting an increase of pension to Emma L. Perry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11181) for the relief of William Parish; to the Committee on Military Affairs.

Also, a bill (H. R. 11182) for the relief of Levi Waters; to the Committee on Military Affairs.

Also, a bill (H. R. 11183) granting an increase of pension to Katherine Tipple; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11184) granting an increase of pension to Adelaide W. Pumpelly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11185) for the relief of Ella M. Walker; to the Committee on Claims.

By Mr. TEMPLE: A bill (H. R. 11186) granting an increase of pension to Ada P. Barnhart; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 11187) granting a pension to Benjamin Simmons; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4062. By Mr. BACHMANN: Petition of C. E. Will and 130 other citizens of Triadelphia, W. Va., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4063. By Mr. BARBOUR: Petition of residents of the seventh congressional district of California, protesting against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

4064. Also, letter of Rev. Hubert F. Doran, Methodist Episcopal Church, Hughson, Calif., and telegram of Rev. L. E. Warren, Methodist Episcopal Church, Selma, Calif., protesting against naval construction program; to the Committee on Naval Affairs.

4065. By Mr. BERGER: Petition of 945 residents of Milwaukee, against House bill 78, the Sunday compulsory observance bill for the District of Columbia, on the ground that such legislation tends to unite church and state and is therefore violative of the Federal Constitution; to the Committee on the District of Columbia.

4066. By Mr. BOWMAN: Petition from citizens of West Virginia, urging further relief to Civil War veterans and their dependents; to the Committee on Invalid Pensions.

4067. By Mr. CARSS: Petition of Mrs. Frank Somers and 96 other residents of International Falls, Minn., protesting against enactment of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

4068. By Mr. CARTER: Petition of Charles Carroll, manager, and seven others, of Oakland, Calif., protesting against the passage of the Brookhart bill relating to the distribution of motion pictures; to the Committee on Interstate and Foreign Commerce.

4069. By Mr. CHINDBLOM: Petition of the Ravenswood Woman's Club, of Chicago, Ill., by Emma B. Werden, chairman of legislation, urging the enactment of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

4070. By Mr. DEMPSEY: Petition of citizens of Buffalo, N. Y., protesting against the Brookhart bill, affecting the motion-picture industry; to the Committee on Interstate and Foreign Commerce.

4071. Also, petition of citizens of Niagara County, N. Y., against the bill providing for increased naval armament; to the Committee on Naval Affairs.

4072. By Mr. DRIVER: Petition signed by citizens of Paragould, Greene County, Ark., protesting against the passage of the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4073. By Mr. ESLICK: Petition of B. F. Capps, J. C. Parks, B. P. Murphree, and others, of McEwen, Tenn.; to the Committee on the District of Columbia.

4074. By Mr. FROTHINGHAM: Petition of citizens of Easton, Mass., of Swedish birth or parentage, protesting against the national-origin clause of the present immigration law; to the Committee on Immigration and Naturalization.

4075. By Mr. GALLIVAN: Petition of Paragon Park Co., Joseph Stone, president, 53 State Street, Boston, Mass., protesting against the passage of the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

4076. By Mr. GARBER: Letter of A. C. Edwards, tariff committee chairman of the United States cedar industry, protesting against the existing tariff laws on lumber; to the Committee on Ways and Means.

4077. Also, letter of Mrs. Charles A. Cruse, secretary of Washington Parent-Teacher Association, of Norman, Okla., urging the reenactment of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4078. Also, resolution of the Carl Schurz Unit, No. 28, of the Steuben Society of America, in protest against the national-origins method of determining quotas and urge Congress to eliminate this clause from the immigration act of 1924; to the Committee on Immigration and Naturalization.

4079. By Mr. HADLEY: Petition of a number of residents of King County, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4080. By Mr. HALL of North Dakota: Petition of 69 citizens living at Dickey and La Moure Counties, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4081. Also, petition of 12 citizens living at Hurdsfield, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4082. Also, petition of eight citizens living in Dickey County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4083. Also, petition of 10 citizens living in Wells County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4084. Also, petition of 12 citizens living in Dickey County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4085. Also, petition of two citizens living at Velva, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4086. Also, petition of nine citizens living at Pollock, S. Dak., against House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4087. Also, petition of 55 citizens living at Dawson, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4088. Also, petition of 14 citizens living in Wells County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4089. By Mr. HOCH: Petition of Mrs. C. B. Shultz and 70 other voters of Severy, Kans., urging that immediate steps be taken to bring to a vote the bill liberalizing pension laws for Civil War veterans and widows; to the Committee on Invalid Pensions.

4090. Also, petition of J. O. Wilson and 55 adult residents of Emporia, Kans., protesting against passage of House bill 78, or any compulsory Sunday bills that have been introduced; to the Committee on the District of Columbia.

4091. By Mr. HOPE: Petition signed by citizens of the seventh Kansas district, protesting against the Lankford bill, or other compulsory legislation; to the Committee on the District of Columbia.

4092. Also, petition signed by citizens of Hutchinson, Kans., protesting against the passage of the Lankford bill, or any compulsory Sunday legislation; to the Committee on the District of Columbia.

4093. Also, petition signed by citizens of the seventh Kansas district, protesting against the passage of the Lankford bill, or any compulsory Sunday legislation; to the Committee on the District of Columbia.

4094. By Mr. JOHNSON of Oklahoma: Petition of C. A. Cox and nine other citizens of Comanche, Okla., asking the enactment of a bill to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

4095. Also, petition of Elizabeth Burriss and 115 other citizens of Caddo County, Okla., for a bill to increase the pension of Civil War veterans and their widows; to the Committee on Invalid Pensions.

4096. By Mr. JOHNSON of South Dakota: Petition of 192 citizens of Spink County, S. Dak., protesting against the passage of the Lankford bill (H. R. 78), or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4097. By Mr. LEA: Petition of 25 residents of Ferndale, Calif., protesting against compulsory Sunday legislation, and especially House bill 78; to the Committee on the District of Columbia.

4098. Also, petition of 54 citizens of Orland, Hamilton City, and Corning, Calif., protesting against Sunday observance legislation, and particularly House bill 78; to the Committee on the District of Columbia.

4099. Also, petition of 43 residents of Humboldt County, Calif., protesting against the Lankford bill (H. R. 78), and other compulsory Sunday legislation; to the Committee on the District of Columbia.

4100. By Mr. McFADDEN: Petition of residents of Hallstead, Pa., to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

4101. Also, petition of residents of Towanda, Pa., to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

4102. By Mr. MANLOVE: Petition signed by 43 citizens of Carthage, Mo., including Ezra Baker, Mrs. F. D. Garretson, and Mrs. W. A. Shank, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4103. Also, petition signed by 22 citizens of Joplin, Mo., including C. F. Cohen and M. Bormaster, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4104. Also, petition of 32 citizens of Neosho, Mo., including F. S. Hardiman and J. A. Oliver, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4105. Also, petition of 53 citizens of Lawrence and Barry Counties, Mo., including W. G. Coffin, of Verona, Mo., and E. H. Melton, of Jenkins, Mo., protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4106. By Mr. MAPES: Petition of Rev. Robert E. Brown, pastor of Trinity Community Church, and 70 other citizens of Grand Rapids, Mich., indorsing the negotiation of treaties which will secure the abolition of war by the nations and assure the peaceful settlement of all international disputes and protesting the advancement of a great naval building program; to the Committee on Foreign Affairs.

4107. By Mr. MONAST: Petition of citizens of Pawtucket, R. I., protesting against the compulsory Sunday law; to the Committee on the District of Columbia.

4108. By Mr. MOREHEAD: Petition of voters of the first congressional district of the State of Nebraska, asking that the Lankford compulsory Sunday observance bill (H. R. 78) be not passed; to the Committee on the District of Columbia.

4109. Also, petition of voters of the first congressional district of the State of Nebraska, asking that a vote be taken on the increase of pensions of the Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

4110. By Mr. MORROW: Petition of Burton C. Mossman, Roswell, N. Mex., opposing Box bill, which tends to restrict Mexican immigration; to the Committee on Immigration and Naturalization.

4111. By Mrs. NORTON of New Jersey: Petition of Mrs. J. Hoeschele, 53 Hancock Avenue, Jersey City, N. J., against House bill 78; to the Committee on the District of Columbia.

4112. By Mr. O'CONNELL: Petition of the Association for the Protection of the Adirondacks, opposing the passage of the so-called McNary-Woodruff bill (S. 1181); to the Committee on Agriculture.

4113. Also, petition of the Industrial Club, Covington, Ky., favoring the repeal of the present Federal inheritance tax law; to the Committee on Ways and Means.

4114. Also, petition of the Steuben Society of America, Carl Schurz Unit, No. 28, St. Louis, Mo., protesting against the national-origin method of determining quotas, and urging Congress to eliminate this clause from the immigration act of 1924; to the Committee on Immigration and Naturalization.

4115. By Mr. ROBINSON of Iowa: Petition signed by Rev. Emil P. Frye, secretary, for the ministers of the Dubuque and Waterloo district of the Upper Iowa Conference of the Methodist Episcopal Church, against the large Navy program now under consideration; to the Committee on Naval Affairs.

4116. Also, petition protesting against the large Navy program now under consideration, from the joint district conference of the Cedar Rapids and Davenport districts of the Methodist Episcopal Church, and signed by S. C. Bretnall as secretary; to the Committee on Naval Affairs.

4117. Also, petition in opposition to the large increase in the naval-building program, signed by Rev. T. M. Nielson, pastor; F. R. Krebs, president of official board; Ray E. Ashur, secretary of official board, in behalf of the congregation of the Methodist Episcopal Church at La Porte City, Iowa; to the Committee on Naval Affairs.

4118. By Mr. SANDERS of Texas: Petition of C. H. Reese and numerous citizens of Kleberg County, Tex., in favor of a bill to prohibit gambling in cotton futures; to the Committee on Agriculture.

4119. By Mr. SELVIG: Petition of John Halvorson, of Viking, and 80 adult residents of Marshall County, Minn., in favor of the repeal of the "national origins" clause from the immigration act; to the Committee on Immigration and Naturalization.

4120. Also, petition of H. R. Klinger and three adult residents of Clair River, Minn., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

4121. Also, petition of A. Svanajord and nine other residents of Goodridge, Minn., and vicinity, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

4122. Also, petition of James A. Webb and 17 adult residents of Fergus Falls, Minn., protesting against a large appropriation for the United States Navy for the purpose of building battleships and other war craft; to the Committee on Appropriations.

4123. Also, petition of Benjamin A. Cram and 36 residents of Fergus Falls, Minn., protesting against the enactment of a large appropriation for the United States Navy for the purpose of building battleships and other war craft; to the Committee on Appropriations.

4124. By Mr. SHALLENBERGER: Petition of citizens of the State of Nebraska, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

4125. By Mr. SHREVE: Petition of Edward Cross and other citizens of Erie, Pa., protesting against the passage of the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4126. By Mr. SUMMERS of Washington: Petition signed by Dora B. Sperry and 151 others, of Pasco, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4127. Also, petition signed by Cora Bliss and 10 others, of Granger, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4128. Also, petition signed by Walter Colgan and 64 others, of Wapato, Wash., urging increase in pensions of Civil War veterans

and widows of Civil War veterans; to the Committee on Invalid Pensions.

4129. By Mr. STALKER: Petition of Dr. Howard A. Catlin, of Painted Post, N. Y., and other citizens of that vicinity, protesting against the enactment of House bill 78, or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4130. By Mr. WYANT: Petition of Milton Campbell, president of H. K. Mulford Co., Philadelphia, Pa., favoring passage of House bill 9195, Cuban parcel post bill; to the Committee on Ways and Means.

4131. Also, petition of 160 members of Camp 191, Patriotic Order Sons of America, of Salina, Pa., favoring passage of House bill 10078; to the Committee on Immigration and Naturalization.

4132. Also, petition of W. J. Pierce, of Washington Camp, No. 627, Patriotic Order Sons of America, of Salina, Pa., favoring passage of House bill 10078; to the Committee on Immigration and Naturalization.

4133. Also, petition of Earl Stewart, of New Kensington Taxicab Co., favoring passage of Senate bill 2312, relating to rubber legislation; to the Committee on Interstate and Foreign Commerce.

4134. Also, petition of Mrs. Timothy J. Campbell, favoring passage of Welch bill (H. R. 6518) and Lehlbach bill (H. R. 492); to the Committee on the Civil Service.

4135. Also, petition of Washington Camp, No. 627, Patriotic Order Sons of America, favoring passage of House bill 10078; to the Committee on Immigration and Naturalization.

4136. Also, petition of Monongahela Valley Chapter, Daughters American Revolution, indorsing Navy program; to the Committee on Naval Affairs.

4137. Also, petition of 1,010 members of the Methodist Episcopal Church, of Irwin, Pa., favoring passage of Lankford Sunday rest bill for the District of Columbia; to the Committee on the District of Columbia.

SENATE

MONDAY, *February 20, 1928*

(Legislative day of Thursday, February 16, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 367. An act to authorize the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes;

H. R. 9285. An act to provide for the settlement of claims against the United States on account of property damage, personal injury, or death; and

H. R. 10954. An act to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 7032. An act authorizing the Valley Bridge Co. (Inc.) of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Canton, Ky.;

H. R. 7033. An act authorizing the Valley Bridge Co. (Inc.) of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Iuka, Ky.;

H. R. 7034. An act authorizing the Midland Bridge Co. (Inc.) of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Smithland, Ky.;

H. R. 7035. An act authorizing the Midland Bridge Co. (Inc.) of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near the mouth of Clarks River;

H. R. 7036. An act authorizing the Valley Bridge Co. (Inc.) of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Eggners Ferry, Ky.; and

H. R. 8216. An act to confer authority on the United States District Court for the Western District of Virginia to permit J. L. Sink, a bankrupt, to file his application for discharge and to authorize and empower the judge of said court to hear and determine the same.

CALL OF THE ROLL

The VICE PRESIDENT. The Senate resumes the consideration of House bill 7201, and the Senator from Nebraska [Mr. HOWELL] is entitled to the floor.

Mr. WATERMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	King	Sackett
Barkley	Ferris	La Follette	Schall
Bayard	Fess	McKellar	Sheppard
Bingham	Fletcher	McLean	Shipstead
Black	Frazier	McMaster	Shortridge
Blaine	George	McNary	Smoot
Blease	Gerry	Mayfield	Steiwer
Borah	Glass	Metcalf	Stephens
Bratton	Gooding	Moses	Swanson
Brookhart	Greene	Neely	Thomas
Broussard	Hale	Norbeck	Tydings
Bruce	Harris	Norris	Tyson
Capper	Harrison	Nye	Wagner
Caraway	Hawes	Oddie	Walsh, Mass.
Copeland	Hayden	Phipps	Walsh, Mont.
Couzens	Heflin	Pine	Warren
Curtis	Howell	Pittman	Waterman
Cutting	Johnson	Ransdell	Watson
Dale	Jones	Reed, Pa.	Wheeler
Deneen	Kendrick	Robinson, Ark.	Willis
Dill	Keyes	Robinson, Ind.	

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

Mr. ODDIE presented memorials of sundry citizens of the State of Nevada, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. JONES presented a resolution adopted by members of the Wenatchee Valley Church of the Brethren, of Wenatchee, Wash., favoring the adoption of arbitration treaties and treaties outlawing war between the nations, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by members of the Wenatchee Valley Church of the Brethren, of Wenatchee, Wash., favoring the withdrawal of American marines from Nicaragua, which was referred to the Committee on Naval Affairs.

He also presented a resolution adopted by members of the Wenatchee Valley Church of the Brethren, of Wenatchee, Wash., protesting against the adoption of the proposed enlarged naval building program, which was referred to the Committee on Naval Affairs.

Mr. WILLIS presented a petition of sundry citizens of Bethel, Ohio, praying for the adoption of measures to bring about more satisfactory conditions of radio broadcasting, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Cincinnati, Ohio, praying for the passage of legislation granting increased pensions to Civil War Veterans and their widows, which was referred to the Committee on Pensions.

Mr. LA FOLLETTE presented a memorial numerously signed by sundry citizens of Milwaukee and vicinity, in the State of Wisconsin, remonstrating against the passage of Senate bill 1667, the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

Mr. FRAZIER presented a memorial signed by O. A. Moe and 56 other citizens of Ross, N. Dak., remonstrating against adoption of the proposed enlarged naval building program, which was referred to the Committee on Naval Affairs.

Mr. BLAINE presented a petition of 10 members of the Pottawatomie Tribe of Indians residing in Wisconsin and Michigan, favoring the passage of House bill 7207, to appropriate treaty funds due the Wisconsin Pottawatomie Indians, which was referred to the Committee on Indian Affairs.

He also presented a petition of 25 citizen of Barron County, Wis., praying for the passage of the so-called Shipstead bill, being the bill (S. 1481) to amend sections 11 and 12 of an act to limit the immigration of aliens into the United States, and

for other purposes, approved May 26, 1924, which was referred to the Committee on Immigration.

He also presented a memorial signed by 62 members of the faculty of the State Teachers College, Milwaukee, Wis., remonstrating against the adoption of the proposed enlarged naval building program, which was referred to the Committee on Naval Affairs.

Mr. COPELAND presented a memorial signed by the executive staff of the Greater New York Federation of Churches, remonstrating against the adoption of the proposed enlarged naval building program, which was referred to the Committee on Naval Affairs.

He also presented a resolution adopted by William Clinton Story Post, No. 342, American Legion, of Freeport, Long Island, protesting against "the use of secondhand, dilapidated coffins that have been exposed to the elements for five years" to rebury the bodies of veterans in the cemetery at Bony, France, which was referred to the Committee on Military Affairs.

He also presented a resolution adopted by Charles E. Wescott Post, No. 173, American Legion, of Bath, N. Y., favoring the transfer of the soldiers and sailors' home at Bath, N. Y., from the jurisdiction of the State of New York to the United States Veterans' Bureau, which was referred to the Committee on Finance.

Mr. McLEAN presented a resolution adopted by the New London (Conn.) County Dental Association, favoring the passage of the so-called Parker bill, being the bill (H. R. 5766) to provide for the coordination of public-health activities, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Waterbury, Conn., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented a resolution adopted by Buckingham Council, No. 14, Junior Order United American Mechanics, of Norwich, Conn., opposing repeal of the national-origins quota basis of immigration and favoring the carrying into execution of the national-origins quota provision of the existing law, which was referred to the Committee on Immigration.

He also presented telegrams in the nature of petitions from members of the Daughters of the American Revolution, of New Haven, Derby, and Southington, and the National Society Daughters of Founders and Patriots of America, at Litchfield, all in the State of Connecticut, praying for adoption of the administration's naval program, which were referred to the Committee on Naval Affairs.

He also presented a memorial of members of the Men's Club of Northford and vicinity, in the State of Connecticut, remonstrating against the adoption of an enlarged naval building program, which was referred to the Committee on Naval Affairs.

FLOOD CONTROL

Mr. HAWES. Mr. President, I present and ask to have inserted in the RECORD and referred to the Committee on Commerce a memorial of the National Chamber of Commerce in relation to flood control, and a communication from the American Federation of Labor on the same subject.

There being no objection, the memorial was referred, with the accompanying letter, to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., February 18, 1928.

Hon. HARRY B. HAWES,
Member Committee on Commerce,
Senate Office Building, Washington, D. C.

DEAR SIR: The membership of the American Federation of Labor is deeply interested in legislation providing for the control of flood waters in the Mississippi Valley. We firmly believe this is a problem that ought to be met and solved at this session of Congress. For this reason I am communicating with you in the name of and in behalf of the membership of the American Federation of Labor asking you to support legislation designed for the purpose of preventing a recurrence of the awful flood which caused so much devastation, destruction, and human suffering last spring.

The officers and members of the American Federation of Labor believe that the cost of flood control in the Mississippi Valley should be borne by the Federal Government. The task is so great and the problem so complicated and difficult that it seems that the Federal Government is the proper agency to undertake and complete this great enterprise. Besides all the people will be benefited, either directly of indirectly, by the conservation of property, health, and life in the vast section of our country included within the flood district. The character of the work, its permanency, and the fact that the situation requires that the flood-control work must be performed in a number of States lend force and effect to the argument that the work should be undertaken and completed by the Federal Government.

It may be that there is some merit in the proposal that the different States directly benefited should contribute equitably and proportionately toward the maintenance and upkeep of the flood-control devices after the original work has been completed.

Yours respectfully,

WM. GREEN,
President American Federation of Labor.

PERSONNEL OF NATIONAL CHAMBER'S COMMITTEE ON FLOOD CONTROL OF THE MISSISSIPPI

Frederic A. Delano, chairman, Hibbs Building, Washington, D. C.: Formerly a railroad executive and president of the Wabash Railroad; appointed a member of the Federal Reserve Board upon establishment of the Federal reserve system, resigning in 1918 to enter Army; on staff of the director general of transportation in France; member National War Savings Committee, Treasury Department, during war; recently receiver for the United States Supreme Court in Red River boundary case; member national chamber's committee on inland waterways, 1922–23; ex-member board of overseers of Harvard; ex-trustee University of Chicago; member American Society Civil Engineers, American Institute Mining Engineers, Western Society Engineers, A. A. A. S., American Railway Association, Franklin Institute, International Railway Congress; Western Railway Club, Chicago.

Robert P. Lamont, vice chairman, 410 North Michigan Avenue, Chicago, Ill.: Manufacturer, of Chicago; president American Steel Foundries; director First National Bank of Chicago, Armour & Co., etc.; during war chief procurement division, Ordnance Department; honorary vice president National Foreign Trade Council Convention, 1919; member Chicago Association of Commerce and formerly vice president Illinois Manufacturers' Association; director Chamber of Commerce of the United States.

Arthur S. Bent, 418 South Pecan Street, Los Angeles, Calif.: Engineering contractor, of Los Angeles, Calif.; senior partner Bent Bros. and president California Glazed Cement Pipe Co.; formerly president Associated General Contractors of America; director Chamber of Commerce of the United States; trustee Pomona College (Claremont, Calif.); director, 1923, Merchants and Manufacturers' Association; American Concrete Institute, affiliated American Society of Civil Engineers.

William Butterworth, Deere & Co., Moline, Ill.: Manufacturer, of Moline, Ill.; president Deere & Co.; formerly president National Implement and Vehicle Association; chairman Army vehicles, General Munitions Board, Council National Defense; chairman subcommittee on Army vehicles, General Munitions Board, Council National Defense; member American Committee of the International Chamber; vice president of the Chamber of Commerce of the United States for the Northern Central States.

H. C. Couch: Engineer, of Pine Bluff, Ark.; president Arkansas Light & Power Co.; vice president Bankers Trust Co., Little Rock, Ark.; chairman Arkansas Farm Credit Co.; national counselor for Pine Bluff Chamber of Commerce in United States Chamber of Commerce.

Jacob M. Dickinson: Lawyer, of Chicago; formerly Secretary of War; president of the American Bar Association; receiver for Rock Island lines, etc.; vice president American Society of International Law; president Isaak Walton League.

Robert R. Ellis, 155 South Front Street, Memphis, Tenn.: Wholesale merchant, of Memphis, Tenn.; president the Hessig-Ellis Drug Co.; formerly president Memphis Chamber of Commerce; vice president of the Chamber of Commerce of the United States; director Central-State National Bank, of Memphis.

Walker D. Hines, 320 Broadway, New York, N. Y.: Lawyer, of New York City; president Cotton Textile Institute; formerly chairman board of directors Atchison, Topeka & Santa Fe Railroad; formerly Director General of Railroads; author of numerous pamphlets and articles governing railroad problems, especially those connected with Government regulation and railway and international affairs since the war; recently arbitrator under peace treaties of questions relating to river shipping and investigator under League of Nations respecting navigation on Rhine and Danube.

John G. Lonsdale, National Bank of Commerce, St. Louis, Mo.: Banker, of St. Louis, Mo.; president the National Bank of Commerce, St. Louis; director St. Louis Reserve Bank; member commerce and marine committee of the American Bankers' Association; chairman production bureau committee St. Louis Chamber (committee interested, among other things in rural educational facilities; secured cooperation of school superintendents throughout the State in making a survey of rural educational facilities, which committee used in industry and educational campaign for their improvement, etc.), 1920–21; member of national chamber's committee on education, 1921, 1922, and 1923; member of board of directors St. Louis Chamber of Commerce, 1921; member of Business Men's Agricultural Commission, 1926 (Chamber of Commerce, United States of America, and

National Industrial Conference Board); chairman national chamber's committee on aeronautics, 1926–27, 1927–28; member committee on banking and currency study, 1927–28; director representing finance department Chamber of Commerce of the United States.

Daniel W. Mead, 115 South Carroll Street, Madison, Wis.: Engineer, of Madison, Wis.; professor of hydraulic and sanitary engineering, University of Wisconsin, and consulting engineer in these fields; built waterworks for Rockford, Fort Worth, Tex., Danville, Ill., Moline, Ill.; filter, Kilbourn, Wis., hydraulic-electric plant (10,000 horsepower); Prairie du Sac, Wis., hydraulic-electric plant (20,000 horsepower); author, "Notes on hydrology," 1904; "Water-power engineering," 1908; "Contracts, specifications, and engineering relations," 1916; also numerous papers read before scientific societies and bulletins of University of Wisconsin; member of the former Red Cross commission to China on flood protection; and formerly consulting engineer Miami conservancy district.

John M. Parker: Cotton planter and cotton merchant, of New Orleans; former Governor of Louisiana; formerly president New Orleans Board of Trade, Mississippi Valley Association.

Le Roy Percy, Weinberg Building, Greenville, Miss.: Lawyer and cotton planter, of Greenville, Miss.; former Senator of the United States; director St. Louis Federal Reserve Bank; attorney for First National Bank, Yazoo & Mississippi Railroad; director, First National Bank of Greenville, Miss.

Matthew S. Sloan, 380 Pearl Street, New York, N. Y.: Engineer, of Brooklyn, N. Y.; president Brooklyn Edison Co.; member American Institute of Electrical Engineers; treasurer and trustee Polytechnic Institute of Brooklyn; trustee Brooklyn Hospital; member Amercian Institute for Electrical Engineers, New York; Electrical Society, Academy of Political Science; director Brooklyn Chamber of Commerce; director representing natural resources department, Chamber of Commerce of the United States.

Alfred H. Stone, Dunleith Plantations, Dunleith, Miss.: Cotton planter, of Dunleith, Miss.; vice president Staple Cotton Cooperative Association; member Mississippi Legislature, 1916–1923; American Political Science Association; American Sociological Society; American Historical Association; American Economic Association; African Society of London; president Mississippi Historical Society, 1912–13; author, Studies in the American Race Problem, 1906; editor, the Staple Cotton Review.

(Special bulletin January 6, 1928, Chamber of Commerce of the United States of America, Washington, D. C. Referendum No. 51, Mississippi flood control, 1927)

The chamber's committee on Mississippi flood control presented a report to the board of directors. The propositions set forth in this report were submitted to referendum vote on October 31, 1927, and the balloting closed on December 15, 1927. The present bulletin sets out the details of the votes which were cast in the referendum.

In the balloting each organization cast as many votes as it may have delegates at an annual meeting of the chamber. The number of delegates an organization may have depends upon the number of its members, but in no case falls below 1 or exceeds 10.

The propositions submitted, and the results of the balloting on each proposition, were as follows:

I. The committee recommends that the Federal Government should hereafter pay the entire cost of constructing and maintaining works necessary to control floods of the lower Mississippi River.

Votes in favor 2,131
Votes opposed 512

In addition to the votes counted in the above totals there were 15 votes actually cast in favor, but with the qualifications appearing in each case in the notes at the end of this pamphlet, and 170 votes cast in opposition with qualifications and explanations as shown in each instance at the end of this pamphlet.

II. The committee recommends that the Federal Government should assume the sole responsibility for locating, constructing, and maintaining such works.

Votes in favor 2,581
Votes opposed 240

In addition to the votes counted in the above totals there were 14 votes actually cast in favor, but with the qualifications appearing in each case in the notes at the end of this pamphlet, and 34 votes cast in opposition with qualifications and explanations as shown in each instance at the end of this pamphlet.

Under the by-laws the chamber is committed on a proposition submitted to referendum by a two-thirds vote representing at least 20 States, provided at least one-third of the voting strength of the chamber has been polled.

The detailed vote is tabulated on the pages which follow. Notes are added to indicate such definite action as members took in connection with the votes which they cast.

Name of organization	Questions submitted			
	I		II	
	For	Against	For	Against
ALABAMA				
Bessemer, Chamber of Commerce	2		2	
Birmingham, Chamber of Commerce	6		6	
Mobile, Chamber of Commerce	9		9	
Montgomery, Chamber of Commerce	4		4	
Tuscaloosa, Chamber of Commerce	3		3	
ALASKA				
Petersburg, Commercial Club			1	
ARIZONA				
Bisbee, Chamber of Commerce	1		1	
Douglas, Chamber of Commerce and Mines	1		1	
Glendale, Glendale District Chamber of Commerce	1		1	
Globe, Chamber of Commerce	1			
Prescott, Arizona Bankers Association	1		1	
Tempe, Civic Club		1		1
Tucson, Chamber of Commerce	3		3	
Williams, Williams-Grand Canyon Chamber of Commerce	1		1	
ARKANSAS				
Clarendon, Chamber of Commerce	1		1	
El Dorado, Chamber of Commerce	2		2	
Fayetteville, Chamber of Commerce	2		2	
Fort Smith, Chamber of Commerce	3		3	
Little Rock:				
Chamber of Commerce	10		10	
Little Rock Cotton Exchange	1		1	
Paragould, Greene County Commercial Club	1		1	
Pine Bluff, Chamber of Commerce (1)	4		4	
Wynne, Arkansas Association of Insurance Agents	1		1	
CALIFORNIA				
Alameda, Chamber of Commerce		3		3
Anaheim, Chamber of Commerce	2		2	
Arcata, Chamber of Commerce				
Atascadero, Business Men's Association	1		1	
Bakersfield, Civic Commercial Association	4		4	
Balboa, Newport Harbor Chamber of Commerce		1		1
Berkeley, Chamber of Commerce	4		4	
Brentwood, East Contra Costa Chamber of Commerce	2		2	
Burlingame, Chamber of Commerce		1	1	
Calexico, Chamber of Commerce	2		2	
Calipatria, Associated Chambers of Commerce of Imperial County	1		1	
Chico, Chamber of Commerce	1		1	
Claremont, Chamber of Commerce	1		1	
Colusa, Chamber of Commerce	1		1	
Compton, Chamber of Commerce (2)		1	1	
Corning, Chamber of Commerce	1		1	
El Centro, Chamber of Commerce	1		1	
El Segundo, Chamber of Commerce	1		1	
Fresno, Fresno County Chamber of Commerce	8		8	
Fullerton, Chamber of Commerce	2		2	
Gilroy, Chamber of Commerce	1		1	
Long Beach, Chamber of Commerce	8		8	
Los Angeles:				
Commercial Board of Los Angeles	2		2	
Los Angeles Chamber of Commerce	10		10	
San Gabriel Valley Associated Chambers of Commerce	1		1	
Los Gatos, Chamber of Commerce	1		1	
Manteca, Chamber of Commerce		1	1	
Merced, Merced County Chamber of Commerce	1		1	
Modesto, Chamber of Commerce	2		2	
Monrovia, Chamber of Commerce	2		2	
Montebello, Chamber of Commerce	1		1	
Oceanside, Chamber of Commerce	1		1	
Ontario, Chamber of Commerce	2		2	
Orange, Orange Community Chamber of Commerce (3)		2		2
Palo Alto, Chamber of Commerce		3	3	
Pomona, Chamber of Commerce	3		3	
Porterville, Chamber of Commerce	2		2	
Redding, Chamber of Commerce	1		1	
Redlands, Chamber of Commerce	2		2	
Redondo Beach, Chamber of Commerce	2		2	
Richmond, Chamber of Commerce	2		2	
Riverside, Chamber of Commerce				
Sacramento, Chamber of Commerce	7		7	
San Diego, Chamber of Commerce	10		10	
San Francisco:				
Chamber of Commerce	10		10	
Foreign Trade Club of California	3		3	
Holland-American Chamber of Commerce	1		1	
Shipowners Association of the Pacific Coast	1		1	
San Mateo, Chamber of Commerce	1		1	
Santa Ana, Chamber of Commerce	4		4	
Santa Barbara, Santa Barbara Chamber of Commerce (4)		2		2
Santa Cruz, Chamber of Commerce	2		2	
Santa Paula, Chamber of Commerce		4	4	
Santa Rosa, Chamber of Commerce	2		2	
Stockton, Chamber of Commerce	5		5	
Torrance, Chamber of Commerce	2		2	

Name of organization	Questions submitted			
	I		II	
	For	Against	For	Against
CALIFORNIA—continued				
Ukiah, Chamber of Commerce	1		1	
Watsonville, Chamber of Commerce of the Pajaro Valley		2	2	
Whittier, Chamber of Commerce		2		2
COLORADO				
Brighton, Commercial Club	1		1	
Colorado Springs, Chamber of Commerce	6		6	
Delta, Delta County Chamber of Commerce	1		1	
Denver:				
Colorado Manufacturers and Merchants Association	2		2	
Denver Chamber of Commerce		10	10	
Estes Park, Chamber of Commerce		1	1	
Fort Collins, Chamber of Commerce	2		2	
Longmont, Chamber of Commerce	1		1	
Pueblo, Commerce Club	4		4	
Sterling, Chamber of Commerce (5)		2	2	
Trinidad, Trinidad-Las Animas County Chamber of Commerce	2		2	
CONNECTICUT				
Ansonia, Chamber of Commerce (6)	1		1	
Bridgeport:				
Chamber of Commerce	5		5	
Manufacturers' Association	1		1	
Bristol, Chamber of Commerce	2		2	
Greenwich, Chamber of Commerce (7)		3	3	
Meriden, Chamber of Commerce		2	2	
Middletown, Chamber of Commerce	2		2	
New Britain, Chamber of Commerce			4	
New Haven, Chamber of Commerce		8	8	
Norwich, Chamber of Commerce		2	2	
South Manchester, Manchester Chamber of Commerce	2		2	
South Norwalk, Norwalk Board of Trade	2		2	
Stamford, Chamber of Commerce (8)		3		3
Waterbury, Lumber Dealers' Association of Connecticut	1		1	
Woodbury, Connecticut Hardware Association	1		1	
DELAWARE				
Wilmington, Chamber of Commerce		8	8	
DISTRICT OF COLUMBIA				
Washington:				
American Bottlers of Carbonated Beverages	10		10	
American Society of Certified Public Accountants	8	2	8	2
Associated General Contractors of America	10		10	
Association of Manufacturing Bank and Commercial Stationers	1		1	
Board of Trade		10	10	
Chamber of Commerce	7		7	
Manufacturing Chemists' Association	1		1	
Merchants and Manufacturers' Association	2		2	
National Association of Builders' Exchanges (9)	10		10	
National Coal Association	5		5	
National Fertilizer Association	1		1	
National League of Commission Merchants (10)		4		4
National Lumber Manufacturers' Association	8		8	
National Retail Coal Merchants' Association	10		10	
Smokeless Coal Operators' Association of West Virginia	1		1	
FLORIDA				
Apopka, Chamber of Commerce	1		1	
Bartow, Chamber of Commerce	3		3	
Clearwater, Chamber of Commerce	3		3	
Coral Gables, Chamber of Commerce	1		1	
Dade City, Chamber of Commerce	1		1	
De Funiak Springs, Walton County Chamber of Commerce	1		1	
Dunedin, Chamber of Commerce	1		1	
Fort Lauderdale, Chamber of Commerce	2		2	
Fort Myers, Chamber of Commerce	2		2	
Haines City, Chamber of Commerce	1		1	
Hialeah, Chamber of Commerce	1		1	
Hollywood, Chamber of Commerce	1		1	
Jacksonville:				
Florida Bankers Association	2		2	
Florida State Chamber of Commerce	3		3	
Standard Container Manufacturers	1		1	
Key West, Chamber of Commerce	1		1	
Lake Wales, Chamber of Commerce (11)		2	2	
Miami Beach, Chamber of Commerce	2		2	
Mount Dora, Chamber of Commerce	1		1	
Ocala, Marion County Chamber of Commerce	3		3	
Orlando, Orange County Chamber of Commerce	10		10	
Punta Gorda, Chamber of Commerce	1		1	
St. Petersburg, Chamber of Commerce	8		8	
Sebring, Chamber of Commerce	2		2	
Tallahassee, Chamber of Commerce	3		3	
Tampa, Board of Trade	8		8	
Tavares, Chamber of Commerce	1		1	
Winter Garden, Chamber of Commerce	1		1	
Winter Haven, Chamber of Commerce (12)		3		3

Name of organization	Questions submitted			
	I		II	
	For	Against	For	Against
GEORGIA				
Albany, Chamber of Commerce	2		2	
Atlanta, Chamber of Commerce	10		10	
Bainbridge, Chamber of Commerce	1		1	
Columbus, Chamber of Commerce	4		4	
Dahlonega, Chamber of Commerce		1	1	
La Grange, Chamber of Commerce	2		2	
Savannah, Board of Trade	8		8	
Valdosta, Chamber of Commerce	2		2	
HAWAII				
Honolulu, Chamber of Commerce	3		3	
Wailuku, Maui Chamber of Commerce	1		1	
IDAHO				
Boise:				
Chamber of Commerce	2		2	
Idaho State Chamber of Commerce	1		1	
Lewiston, Commercial Club	4		4	
Moscow, Chamber of Commerce		1		1
Pocatello, Chamber of Commerce		2	2	
Twin Falls, Chamber of Commerce	1		1	
ILLINOIS				
Aurora:				
Chamber of Commerce	4		4	
Fox River Valley Manufacturers Association	1		1	
Belleville, Chamber of Commerce	2		2	
Belvidere, Chamber of Commerce	1		1	
Bloomington, Association of Commerce (13)		5		5
Braidwood, National Macaroni Manufacturers Association	1		1	
Cairo, Association of Commerce	3		3	
Carlinville, Chamber of Commerce	1		1	
Centralia, Chamber of Commerce	2		2	
Champaign, Chamber of Commerce	2		2	
Chicago:				
American Bakers Association	4		4	
American Face Brick Association	1		1	
American Feed Manufacturers Association	1		1	
American Fruit and Vegetable Shippers Association	3		3	
American Institute of Refrigeration	1		1	
American Photo-Engravers Association	2		2	
American Warehousemen's Association	3		3	
American Washing Machine Manufacturers Association	1		1	
American Wholesale Coal Association	1		1	
Autographic Register Manufacturers Association	1		1	
Automotive Equipment Association	2		2	
Better Bedding Alliance of America	1		1	
Board of Trade of the City of Chicago	8		8	
Cast Iron Pipe Research Association	1		1	
Central Supply Association	2		2	
Chicago Association of Commerce	10		10	
Electrical Supply Jobbers Association	1		1	
Federation of Mutual Fire Insurance Companies	1		1	
Flavoring Extract Manufacturers Association of the United States	1		1	
Gas Products Association	1		1	
Health and Accident Underwriters Conference	1		1	
Illinois Association of Ice Cream Manufacturers	1		1	
Illinois Chamber of Commerce	10		10	
Illinois Lumber and Material Dealers Association	4		4	
Illinois Manufacturers Association	10		10	
Industrial Club	1		1	
Institute of American Meat Packers	2		2	
International Association of Milk Dealers	2		2	
Millinery Association of America	1		1	
Mortgage Bankers Association of America	2		2	
National Association of Automotive Mutual Insurance Companies	1		1	
National Association of Casualty and Surety Agents	4		4	
National Association of Direct Selling Companies	1		1	
National Association of Farm Equipment Manufacturers (14)	2		2	
National Association of Finance Companies	2		2	
National Association of Ice Industries	5	2	6	1
National Association of Mirror Manufacturers	1		1	
National Association of Mutual Casualty Companies	1		1	
National Association of Piano Bench and Stool Manufacturers	1		1	
National Association of Retail Druggists	10		10	
National Association of Stationers, Office Outfitters, and Manufacturers			7	
National Association of Taxicab Owners	1		1	
National Association of Upholstered Furniture Manufacturers	1		1	
National Association of Window Shade Manufacturers of America	1		1	
National Association of Wooden Box Manufacturers	2		2	
National Confectioners Association of the United States	4		4	
National Furniture Warehousemen's Association	4		4	

Name of organization	Questions submitted			
	I		II	
	For	Against	For	Against
ILLINOIS—continued				
Chicago—Continued.				
National Glass Distributors Association	1		1	
National Manufacturers of Soda Water Flavors	1		1	
National Paving Brick Manufacturers Association	1		1	
National Pickle Packers Association	1		1	
National Refrigerator Manufacturers Association	1		1	
National Retail Lumber Dealers Association	4		4	
National School Supply Association	1		1	
National Shoe Retailers Association	7		7	
Oak Flooring Manufacturers Association	1		1	
Paperboard Industries Association	1		1	
Plywood Manufacturers Association		1	1	
Radio Manufacturers Association	1		1	
Salesbook Manufacturers Association	1		1	
Stained Glass Association of America	1		1	
Western Canners Association	2		2	
Western Fruit Jobbers Association of America	4		4	
Western Paper Merchants Association	1		1	
Wholesale Saddlery Association of the United States	1		1	
Wirebound Box Manufacturers Association	1		1	
Wire Cloth Manufacturers Association	1		1	
Woman's Association of Commerce	1		1	
Chicago Heights, Chamber of Commerce	2		2	
Clinton, Illinois Association of Ice Industries	1		1	
Decatur, Association of Commerce	6		6	
De Kalb, Chamber of Commerce	2		2	
Dixon, Chamber of Commerce	1		1	
Evanston, Chamber of Commerce	2		2	
Galesburg, Chamber of Commerce	2		2	
Granite City, Commercial Club	1		1	
Joliet, The Greater Joliet Chamber of Commerce	4		4	
Kankakee, Chamber of Commerce	2		2	
Kewanee, Chamber of Commerce (15)	2		2	
La Salle:				
Chamber of Commerce	2		2	
Illinois Valley Manufacturers Club		1		1
Laundryowners National Association	10		10	
Moline:				
Association of Commerce	2		2	
Tri-City Manufacturers Association	1		1	
Monmouth, Chamber of Commerce	1		1	
Morris, Chamber of Commerce	1		1	
Mount Vernon, Chamber of Commerce	1		1	
Ottawa, Chamber of Commerce		2		2
Pekin, Association of Commerce	2		2	
Peoria, Association of Commerce (16)		9		9
Pontiac, Chamber of Commerce	1		1	
Quincy, Chamber of Commerce	2		2	
Rockford, Chamber of Commerce	5		5	
Rock Island, Chamber of Commerce	3		3	
Springfield, Chamber of Commerce	8		8	
Streator, Chamber of Commerce	2		2	
Sycamore, Chamber of Commerce	2		2	
Urbana, Association of Commerce	2		2	
Venice, Chamber of Commerce	1		1	
Watseka, Chamber of Commerce	1		1	
Waukegan, Chamber of Commerce of Waukegan and North Chicago	4		4	
INDIANA				
Anderson, Chamber of Commerce	3		3	
Bluffton, Chamber of Commerce	2		2	
Columbus, Chamber of Commerce	1		1	
Crawfordsville, National Association of Mutual Insurance Companies	4		4	
Crown Point:				
Chamber of Commerce	1		1	
Retail Lumber Dealers Association of Indiana	2		2	
East Chicago, Chamber of Commerce	4		4	
Elkhart, Chamber of Commerce	2		2	
Evansville, Chamber of Commerce (17)	7		7	
Fort Wayne, Chamber of Commerce		6	6	
Franklin, Chamber of Commerce	1		1	
Gary:				
Chamber of Commerce (18)		4	4	
Commercial Club	2		2	
Greencastle, Chamber of Commerce	1		1	
Greensburg, Chamber of Commerce	1		1	
Hammond, Chamber of Commerce	4		4	
Huntingburg, Chamber of Commerce	1		1	
Huntington, Chamber of Commerce	2		2	
Indianapolis:				
Board of Trade (19)	3		3	
Central States Paper Trade Association	1		1	
Chamber of Commerce	10		10	
Indiana State Chamber of Commerce	3		3	
Insurance Federation of Indiana	2		2	
National Food Brokers Association	4		4	
National Retail Hardware Association	7	3	8	2
Kokomo, Chamber of Commerce	2		2	
La Porte, Chamber of Commerce	1		1	
Lebanon, Chamber of Commerce	1		1	
Michigan City, Chamber of Commerce	3		3	
Mishawaka, Chamber of Commerce		2	2	
Muncie, Chamber of Commerce	5		5	
New Albany, Chamber of Commerce	2		2	
Peru, Chamber of Commerce	2		2	
Shelbyville, Manufacturers Association	1		1	

Name of organization	Questions submitted			
	I		II	
	For	Against	For	Against
INDIANA—continued				
South Bend, Chamber of Commerce		10	10	
Terre Haute, Chamber of Commerce		5		5
Valparaiso, Chamber of Commerce	1		1	
Vincennes, Chamber of Commerce	1		1	
IOWA				
Burlington, Greater Burlington Association	2		2	
Cedar Rapids, Chamber of Commerce		4	4	
Clarinda, Community Club	2		2	
Clinton, Chamber of Commerce		2		2
Davenport, Chamber of Commerce (20)	6		6	
Des Moines:				
Chamber of Commerce (21)		8	8	
Greater Des Moines Committee	1		1	
Dubuque, Chamber of Commerce (22)	4		4	
Fort Dodge, Chamber of Commerce	2		2	
Iowa City, Chamber of Commerce		2	2	
Maquoketo, Chamber of Commerce	1		1	
Marshalltown, Chamber of Commerce	3		3	
Mason City, Chamber of Commerce	3		3	
Newton, Chamber of Commerce		1	1	
Oskaloosa, Chamber of Commerce	2		2	
Ottumwa, Chamber of Commerce	2		2	
Sioux City, Chamber of Commerce	2		2	
Waterloo, Greater Waterloo Association of Commerce (23)		1	1	
KANSAS				
Arkansas City, Chamber of Commerce		2	2	
Atchison, Chamber of Commerce (24)	3		3	
El Dorado, Chamber of Commerce	2		2	
Emporia, Chamber of Commerce	2		2	
Hutchinson, Chamber of Commerce	4		4	
Iola, Chamber of Commerce (25)	2		2	
Kansas City, Chamber of Commerce (26)	4		4	
Lawrence, Chamber of Commerce		2	2	
Leavenworth, Chamber of Commerce	2		2	
Manhattan, Chamber of Commerce	2		2	
Newton, Chamber of Commerce		2		2
Olathe, Chamber of Commerce		1		1
Ottawa, Chamber of Commerce (27)			2	
Pratt, Chamber of Commerce	1		1	
Topeka, Chamber of Commerce		4		4
Wellington, Chamber of Commerce			2	
Wichita, Chamber of Commerce	9		9	
Winfield, Chamber of Commerce	2		2	
KENTUCKY				
Danville, Chamber of Commerce	1		1	
Frankfort, Chamber of Commerce	2		2	
Glasgow, Chamber of Commerce	1		1	
Lexington, Board of Commerce	4		4	
Louisville, Associated Industries of Kentucky	2		2	
Middlesboro, Chamber of Commerce	2		2	
Owensboro, Chamber of Commerce	3		3	
LOUISIANA				
Abbeville, Vermilion Chamber of Commerce	1		1	
Alexandria, Chamber of Commerce (28)	3		3	
Bastrop, Chamber of Commerce	1		1	
Baton Rouge, Chamber of Commerce	4		4	
Crowley, Association of Commerce	1		1	
De Ridder, Chamber of Commerce	1		1	
Jennings, Chamber of Commerce	1		1	
Lafayette, Chamber of Commerce	1		1	
Lake Charles, Association of Commerce	3		3	
Monroe, Chamber of Commerce	2		2	
Natchitoches, Chamber of Commerce	1		1	
New Orleans:				
Association of Commerce	10		10	
Board of Trade	2		2	
Cotton Exchange	2		2	
Southern Pine Association	1		1	
Shreveport, Chamber of Commerce (29)	10		10	
MAINE				
Bangor, Chamber of Commerce	3		3	
Lewiston, Chamber of Commerce		1	1	
Pittsfield, Chamber of Commerce	1		1	
Portland:				
Chamber of Commerce		6	6	
State Chamber of Commerce and Agricultural League	1		1	
Rockland, Chamber of Commerce		1		1
MARYLAND				
Annapolis, Chamber of Commerce	1		1	
Baltimore:				
Association of Commerce	10		10	
Chamber of Commerce	2		2	
Canned Food Exchange of Baltimore	1		1	
Farm Seed Association of North America	1		1	
Lumber Exchange of Baltimore	1		1	
Maryland Bankers Association		2		2
National Drug Trade Conference	1		1	
National Lumber Exporters Association	1		1	

Name of organization	Questions submitted			
	I		II	
	For	Against	For	Against
MARYLAND—continued				
Berlin, Chamber of Commerce	1		1	
Chestertown, Kent County Chamber of Commerce	1		1	
Cumberland, Chamber of Commerce		4		4
Frederick, Chamber of Commerce	1		1	
Hagerstown, Chamber of Commerce	1		1	
Hyattsville, Chamber of Commerce	2		2	
Salisbury, Salisbury-Wicomico Chamber of Commerce	1	1	2	
Sandy Spring, Maryland State Association of Mutual Fire Insurance Companies	1		1	
Silver Spring, National Association of Dyers and Cleaners	8		8	
Snow Hill, Snow Hill-Worcester Chamber of Commerce		1	1	
MASSACHUSETTS				
Amesbury, Chamber of Commerce	2		2	
Beverly, Chamber of Commerce	2		2	
Boston:				
American Dental Trade Association	1		1	
Chamber of Commerce	10		10	
Massachusetts Wholesale Lumber Association	1		1	
Mutual Fire Insurance Association of New England	1		1	
National Employment Board	1		1	
New England Coal Dealers Association	4		4	
New England Hardware Dealers Association	4		4	
Sausage Manufacturers Association of New England	1		1	
Brockton, Chamber of Commerce		3	3	
Fall River, Chamber of Commerce (30)		4	4	
Fitchburg, Associated Woodenware Manufacturers	1		1	
Gardner, Chamber of Commerce	2		2	
Holyoke, Chamber of Commerce	3		3	
Hyannis, Cape Cod Chamber of Commerce		3	3	
Lawrence, Chamber of Commerce		3	3	
Lynn, Chamber of Commerce (31)		5	5	
Malden, Chamber of Commerce		4		4
New Bedford, Board of Commerce	6		6	
North Adams, Chamber of Commerce		3	3	
Salem, Chamber of Commerce		6		6
Springfield, Chamber of Commerce	9		9	
Taunton, Chamber of Commerce	1		1	
Waltham, Chamber of Commerce		2		2
MICHIGAN				
Albion, Chamber of Commerce	2		2	
Ann Arbor, Chamber of Commerce	4		4	
Battle Creek, Chamber of Commerce (32)	5		5	
Bay City, Chamber of Commerce (33)	4		4	
Belding, Board of Commerce	2		2	
Benton Harbor, Chamber of Commerce	2		2	
Buchanan, Chamber of Commerce		1		1
Cadillac, Chamber of Commerce	3		3	
Detroit:				
Associated Stock Exchanges	1		1	
Board of Commerce	5	5	10	
Face Brick Dealers Association of America	1		1	
Insurance Federation of Michigan			2	
Michigan Bankers Association	4		4	
Michigan Laundry Owners' Association	1		1	
Michigan Manufacturers Association	6		6	
National Standard Parts Association	2		2	
Dowagiac, Chamber of Commerce	1		1	
Fenton, Chamber of Commerce	1		1	
Flint, Chamber of Commerce	6		6	
Fremont, Chamber of Commerce	1		1	
Grand Haven, Tri-Cities Chamber of Commerce	1		1	
Grand Rapids, Association of Commerce	10		10	
Hastings, Commercial Club	½	½	1	
Holland, Chamber of Commerce	2		2	
Houghton, Association of Commerce	1		1	
Iron Mountain, Chamber of Commerce (34)		1	1	
Jackson, Chamber of Commerce	4		4	
Lansing:				
Chamber of Commerce	3		3	
Michigan Retail Lumber Dealers Association	3		3	
Lapeer, Commercial Club	1		1	
Manistee, Board of Commerce	1	1	2	
Menominee, Chamber of Commerce	1		1	
Mount Clemens, Board of Commerce	2		2	
Muskegon, Greater Muskegon Chamber of Commerce	5½	1½	6½	½
Nashville, Chamber of Commerce		1		1
Niles, Chamber of Commerce	1		1	
Otsego, Chamber of Commerce	1		1	
Owosso, Chamber of Commerce (35)	4		4	
Pontiac, Board of Commerce	4		4	
Rogers City, Chamber of Commerce	1		1	
Saginaw:				
Board of Commerce	4		4	
Saginaw Manufacturers Association	1		1	
Saint Joseph, Chamber of Commerce	2		2	
Sebewaing, Chamber of Commerce	1		1	
South Haven, Chamber of Commerce (36)	2		2	
Traverse City, Chamber of Commerce	2		2	
Ypsilanti, Board of Commerce	3		3	

Name of organization	Questions submitted			
	I		II	
	For	Against	For	Against
MINNESOTA				
Albert Lea, Business Men's League	1		1	
Duluth, Chamber of Commerce	6		6	
Eveleth, Chamber of Commerce	1		1	
Faribault, Chamber of Commerce	2		2	
Hibbing, Commercial Club		2	2	
Mankato, Chamber of Commerce		2	2	
Minneapolis:				
Chamber of Commerce	3		3	
Northern White Cedar Association		1	1	
Moorhead, Chamber of Commerce		1		1
St. Cloud, Chamber of Commerce		1	1	
St. Paul:				
Minnesota Employers Association		3	3	
National Association of Retail Grocers	10		10	
National Tent and Awning Manufacturers Association	2		2	
St. Paul Association	2	8	10	
Stillwater, Association of Public and Business Affairs	2		2	
Virginia, Chamber of Commerce	2		2	
Winona, Association of Commerce	3		3	
MISSISSIPPI				
Bay St. Louis, Chamber of Commerce	1		1	
Biloxi, Chamber of Commerce	2		2	
Corinth, Chamber of Commerce		1		1
Greenville, Chamber of Commerce	1		1	
Greenwood, Chamber of Commerce	2		2	
Hattiesburg, Chamber of Commerce	2		2	
Jackson:				
Chamber of Commerce	7		7	
Mississippi State Board of Development	5		5	
Laurel, Chamber of Commerce	4		4	
Vicksburg, Board of Trade and Chamber of Commerce	2		2	
MISSOURI				
Boonville, Chamber of Commerce	1		1	
Cape Girardeau, Chamber of Commerce (37)	4		4	
Carrollton, Chamber of Commerce	1		1	
Chillicothe, Chamber of Commerce	2		2	
Columbia, Chamber of Commerce	2		2	
De Soto, Chamber of Commerce	1		1	
Fulton, American Association of Wholesale Hatters	1		1	
Hannibal, Chamber of Commerce	2		2	
Higginsville, Chamber of Commerce		1		1
Independence, Chamber of Commerce	1		1	
Jefferson City, Chamber of Commerce	2		2	
Joplin, Chamber of Commerce	1½	1½	1½	1½
Kansas City:				
Board of Trade	1		1	
Chamber of Commerce (38)	10		10	
Merchants Association	1		1	
Woman's Chamber of Commerce	1		1	
Kirksville, Chamber of Commerce	1		1	
Marshall, Chamber of Commerce	2		2	
Maryville, Chamber of Commerce	1		1	
St. Charles, Community Chamber of Commerce	1		1	
St. Joseph:				
Chamber of Commerce (39)	5		5	
Grain Exchange	1		1	
St. Louis:				
Associated Cooperage Industries of America	1		1	
Merchants Exchange (40)	3		3	
National Leather and Shoe Finders Association	2		2	
North St. Louis Business Men's Association	7		7	
St. Louis Chamber of Commerce	10		10	
Woman's Chamber of Commerce	4		4	
Sedalia, Chamber of Commerce	2		2	
Springfield, Chamber of Commerce (41)	3		3	
Trenton, Commercial Club	1		1	
Wellston, Chamber of Commerce	1		1	
MONTANA				
Glasgow, Chamber of Commerce and Agriculture		1	1	
Helena, Commercial Club		2		2
Lewiston, Central Montana Chamber of Commerce	2		2	
NEBRASKA				
Beatrice, Chamber of Commerce		2		2
Columbus, Chamber of Commerce		1		1
Fremont, Chamber of Commerce	2		2	
Hastings, Chamber of Commerce	2		2	
Lincoln:				
Chamber of Commerce (42)		9		9
Federation of Nebraska Retailers	6		6	
Nebraska City, Chamber of Commerce	1		1	
Omaha:				
Chamber of Commerce	10		10	
Grain Exchange	1		1	
Manufacturers Association	1		1	
York, York County Commerical Club		2		2
NEVADA				
Las Vegas, Chamber of Commerce	1		1	
Reno, Chamber of Commerce	2		2	

Name of organization	Questions submitted			
	I		II	
	For	Against	For	Against
NEW HAMPSHIRE				
Claremont, Chamber of Commerce		1		1
Concord, Chamber of Commerce	3		3	
Franklin, Chamber of Commerce	1		1	
Keene, Chamber of Commerce	2		2	
Manchester, Chamber of Commerce	2		2	
NEW JERSEY				
Atlantic City, Chamber of Commerce (43)		10	10	
Bayonne:				
Chamber of Commerce	1		1	
Manufacturers Council of the State of New Jersey		1		1
Bridgeton, Chamber of Commerce	2		2	
Burlington, Chamber of Commerce	1		1	
Caldwell, Chamber of Commerce of Caldwell and Western Essex	1		1	
Camden, Chamber of Commerce (44)		6	6	
Closter, Chamber of Commerce	1		1	
East Orange, Chamber of Commerce of the Oranges and Maplewood		4		4
Elizabeth, Chamber of Commerce	3		3	
High Bridge, Chamber of Commerce	1		1	
Hoboken, Chamber of Commerce	3		3	
Irvington, Chamber of Commerce	1		1	
Jersey City, Chamber of Commerce	7		7	
Lambertville, Chamber of Commerce	1		1	
Long Branch, Chamber of Commerce		3	3	
Montclair, Chamber of Commerce	1		1	
Morristown, Chamber of Commerce	1		1	
Newark, New Jersey State Chamber of Commerce		3		
New Brunswick, Chamber of Commerce	1		1	
Passaic, Chamber of Commerce	3		3	
Paterson, Chamber of Commerce		6		6
Perth Amboy, Chamber of Commerce	3		3	
Princeton, Chamber of Commerce	1		1	
Ridgewood, Chamber of Commerce	1		1	
Salem, Chamber of Commerce	1		1	
Somerville, Chamber of Commerce	1		1	
Trenton, Chamber of Commerce	10		10	
Union City, Chamber of Commerce	3		3	
Vineland, Chamber of Commerce		1		1
West New York, Board of Trade	1		1	
Westwood, Chamber of Commerce	1		1	
NEW MEXICO				
Artesia, Chamber of Commerce	1		1	
Carlsbad, Chamber of Commerce (45)		1	1	
Clayton, Chamber of Commerce	1		1	
Clovis, Chamber of Commerce	1		1	
Deming, Chamber of Commerce (46)	1		1	
Las Cruces, Chamber of Commerce		1		1
Roswell, Chamber of Commerce (47)	1	1	1	1
Silver City, Grant County Chamber of Commerce	1		1	
NEW YORK				
Albany, Insurance Federation of the State of New York	10		10	
Auburn, Chamber of Commerce (48)		3		3
Ballston-Spa, Chamber of Commerce	1		1	
Bath, Chamber of Commerce		1		1
Bay Shore, Chamber of Commerce	1		1	
Bellport, Chamber of Commerce	1		1	
Binghamton, Chamber of Commerce		4	4	
Brooklyn:				
Flatbush Chamber of Commerce (49)			5	
Wholesale Stationers' Association of the United States of America	2		2	
Buffalo, National Association Bakers Supply Houses	1		1	
Carthage, Chamber of Commerce	2		2	
Cohoes, Chamber of Commerce	1		1	
Dobbs Ferry, Chamber of Commerce	1		1	
Elmira, Association of Commerce		4	4	
Fulton, Chamber of Commerce		2		2
Glen Cove, Chamber of Commerce	1		1	
Glens Falls, Chamber of Commerce		3	3	
Huntington, Chamber of Commerce	2		2	
Ithaca, Chamber of Commerce		3	3	
Jamestown, Chamber of Commerce (50)		3	3	
Lockport, Board of Commerce	3		3	
Moravia, Chamber of Commerce	1		1	
Newburgh, Chamber of Commerce	2		2	
New Rochelle, Chamber of Commerce (51)			3	
New York:				
American Association of Wholesale Opticians	1		1	
American Electric Railway Association	10		10	
American Envelope Manufacturers Association	1		1	
American Exporters and Importers' Association		1	1	
American Gas Association	6	3	6	3
American Grocery Specialty Manufacturers Association	1		1	
American Hardware Manufacturers Association	2		2	
American Institute of Consulting Engineers		1	1	
American Lace Manufacturers Association	1		1	
American Oil Burner Association	1		1	
American Paper and Pulp Association	1	1	2	

Name of organization	Questions submitted			
	I		II	
	For	Against	For	Against
NEW YORK—continued				
New York—Continued.				
American Pharmaceutical Manufacturers Association	1		1	
American Steamship Owners' Association	1		1	
Asbestos Brake Lining Association	1		1	
Associated Tile Manufacturers	1		1	
Association of Electragists International (52)	6	4	10	
Biscuit and Cracker Manufacturers Association of America	1		1	
Bronx Board of Trade	5		5	
Bronx Chamber of Commerce	5		5	
Chamber of Commerce of the Borough of Queens	8		8	
Chambre de Commerce Francaise de New York	1		1	
Dairy and Ice Cream Machinery and Supplies Association	1		1	
Eastern Ice Association	1		1	
Eastern Supply Association	2		2	
Empire State Gas and Electric Association (53)		1	1	
Engravographia		1	1	
Furniture Manufacturers Association of New York	1		1	
General Contractors Association	1		1	
Glass Container Association of America	1		1	
Greeting Card Association	1		1	
Harlem Board of Commerce	2		2	
Hatters' Fur Cutters Association of the United States of America	1		1	
Heating and Piping Contractors National Association (54)		5	5	
Industrial Alcohol Manufacturers Association	1		1	
Italian Chamber of Commerce in New York	4		4	
Label Manufacturers National Association	1		1	
Merchants Association of New York	10		10	
Music Industries Chamber of Commerce	10		10	
National Association of Finishers of Cotton Fabrics	1		1	
National Association of Hat Manufacturers		1	1	
National Association of Insurance Agents	10		10	
National Association of Merchant Tailors of America	3		3	
National Association of Mutual Savings Banks		3		3
National Association of Printing Ink Makers	1		1	
National Association of Waste Material Dealers	2		2	
National Automatic Sprinkler Association		1		1
National Automobile Chamber of Commerce	1		1	
National Automobile Underwriters Conference	1		1	
National Battery Manufacturers Association	1		1	
National Beauty and Barbers' Supply Dealers Association	2		2	
National Board of Fire Underwriters	1		1	
National Board of Steam Navigation	2		2	
National Boot and Shoe Manufacturers Association of the United States	2		2	
National Council of American Importers and Traders	2		2	
National Electric Light Association	10		10	
National Notion Association	1		1	
National Paint, Oil and Varnish Association	6		6	
National Paper Trade Association of the United States	2		2	
National Publishers Association	1		1	
National Wholesale Druggists Association	4		4	
National Wholesale Grocers Association of the U. S. A	4		4	
New York Boat Owners Association (Inc.)		1	1	
New York Cotton Exchange	3		3	
New York Lumber Trade Association	1		1	
New York Tow Boat Exchange (Inc.)	1		1	
Office Equipment Institute	1		1	
Plate Glass Insurance Exchange of New York	1		1	
Pyroxylin Plastic Manufacturers Association		1		1
Retail Millinery Association of America	1		1	
Rubber Association of America	2			2
Sheet Metal Ware Association	1		1	
Silk Association of America (55)		3	3	
Society of American Florists and Ornamental Horticulturists	10		10	
Staten Island Chamber of Commerce	3		3	
Toy Manufacturers of the United States of America	1		1	
United States Trade Mark Association	2		2	
United Waist League of America	1		1	
Valve and Fittings Institute		1		1
Yorkville Chamber of Commerce	2		2	
Niagara Falls, Chamber of Commerce	3	3	4	2
North Tonawanda, Chamber of Commerce of the Tonawandas			1	
Norwich, Chamber of Commerce	2		2	
Olean, Chamber of Commerce	3		3	
Oneida, Chamber of Commerce	2		2	
Owego, Chamber of Commerce	2		2	
Poughkeepsie, Chamber of Commerce		2		2
Pulaski, Chamber of Commerce	1		1	
Rochester:				
Association of Limb Manufacturers of America	1		1	
Chamber of Commerce	10		10	
Northeastern Retail Lumbermen's Association	4		4	

Name of organization	Questions submitted			
	I		II	
	For	Against	For	Against
NEW YORK—continued				
Rome, Chamber of Commerce	3		3	
Schenectady, Chamber of Commerce		5	5	
Syracuse, Manufacturers Association of Syracuse	1		1	
Tarrytown, Chamber of Commerce of Irvington, Tarrytown, and North Tarrytown	3		3	
Troy:				
Association of Collar Manufacturers of Troy	1		1	
Chamber of Commerce		4		4
Utica, Chamber of Commerce	1½	1½	3	
Watertown, Chamber of Commerce		4		4
Watkins Glen, Chamber of Commerce	1		1	
NORTH CAROLINA				
Asheville, Chamber of Commerce	10		10	
Black Mountain, Chamber of Commerce	2		2	
Burlington, Chamber of Commerce		1		1
Charlotte:				
Chamber of Commerce	5		5	
Hardware Association of the Carolinas	3		3	
Concord, Chamber of Commerce	1		1	
Durham, Chamber of Commerce (56)		4	4	
Fayetteville, The North Carolina Ice Cream Manufacturers Association (57)	1		1	
Greensboro, Chamber of Commerce		5	5	
High Point, Southern Furniture Manufacturers Association	1		1	
Kinston, Chamber of Commerce	2		2	
Lenoir, Chamber of Commerce (58)	1		1	
Raleigh, Chamber of Commerce	3		3	
Rocky Mount, Chamber of Commerce	2		2	
Statesville, Chamber of Commerce	2		2	
Sylva, Chamber of Commerce	1		1	
Washington, Chamber of Commerce				
Waynesville, Chamber of Commerce	1		1	
Winston-Salem, Chamber of Commerce (59)		3	3	
NORTH DAKOTA				
Bismarck, Association of Commerce (60)		2	2	
Devils Lake, Civic and Commerce Association	2		2	
Fargo:				
Commercial Club	2		2	
North Dakota Retail Merchants Association	3		3	
Grand Forks, Commercial Club (61)		2	2	
Minot, Association of Commerce (62)	2		2	
Valley City, Commercial Club	1		1	
OHIO				
Akron, Chamber of Commerce	5		5	
Andover, Chamber of Commerce	1		1	
Ashtabula, Chamber of Commerce	2		2	
Barberton, Chamber of Commerce (63)		2	2	
Bellefontaine, Chamber of Commerce	2		2	
Blanchester, Chamber of Commerce	1		1	
Canton, Chamber of Commerce		7	7	
Cincinnati:				
Casket Manufacturers Association of America	1		1	
Chamber of Commerce	10		10	
Circleville, Chamber of Commerce (64)		1	1	
Cleveland:				
American Boiler Manufacturers Association	1		1	
American Gear Manufacturers Association	1		1	
Chamber of Commerce (65)		10	10	
Common Brick Manufacturers Association of America	2		2	
Insurance Board of Cleveland	2		2	
International Association of Electrotypers				
Malleable Iron Research Institute			1	
National Association of Marble Dealers	1		1	
National Association of Steel Furniture Manufacturers		1		1
National Builders Supply Association of the United States of America	5			
Columbus:			5	
Chamber of Commerce	10		10	
National Association of Heating and Cooking Appliances	1		1	
Ohio Association of Insurance Agents	4		4	
Ohio Chamber of Commerce	10		10	
Ohio Gas and Oil Men's Association	2	6	8	
Ohio Manufacturers' Association (66)	3		8	
Conneaut, Chamber of Commerce		1	1	
Coshocton, Business Men's Association	1		1	
Cuyahoga Falls, Chamber of Commerce	1		1	
Dayton:				
Chamber of Commerce (67)		10	10	
Grinding Wheel Manufacturers Association of the United States and Canada	1		1	
Ohio Hardware Association (68)		8	8	
Delaware, Chamber of Commerce	2		2	
Dover, Chamber of Commerce	2		2	
East Liverpool:				
Chamber of Commerce		1		1
United States Potters Association		1		1
Elyria, Board of Trade		2	2	
Findlay, Chamber of Commerce		2		2
Geneva, Chamber of Commerce	1		1	
Hamilton, Chamber of Commerce	4		4	
Kenton, Chamber of Commerce	1		1	

Name of organization	Questions submitted			
	I		II	
	For	Against	For	Against
OHIO—continued				
Lancaster, Chamber of Commerce		2	2	
Lebanon, Chamber of Commerce	1		1	
Lima, Board of Commerce	3		3	
Logan, Chamber of Commerce		1	1	
Mansfield, Chamber of Commerce		2		2
Marietta, Chamber of Commerce	2		2	
Marion, Chamber of Commerce	2		2	
Martins Ferry, Board of Trade	1		1	
Mount Vernon, Chamber of Commerce	2		2	
Nelsonville, Chamber of Commerce	1		1	
Newark, Chamber of Commerce	2		2	
New Philadelphia, Chamber of Commerce	1		1	
Painesville, Chamber of Commerce	1		1	
Portsmouth, Chamber of Commerce	3		3	
St. Marys, Chamber of Commerce	1		1	
Sidney, Chamber of Commerce	1		1	
Springfield, Chamber of Commerce	4		4	
Steubenville, Chamber of Commerce	5		5	
Toledo, Chamber of Commerce		10	10	
Urichsville, Board of Trade (69)	1		1	
Van Wert, Community Clearing House	3		3	
Washington Court House, Chamber of Commerce	1		1	
Youngstown, Chamber of Commerce	4		4	
Zanesville, Chamber of Commerce (70)		3		3
OKLAHOMA				
Ardmore, Chamber of Commerce	2		2	
Bartlesville, Chamber of Commerce	2		2	
Chickasha, Chamber of Commerce		2		2
Cleveland, Chamber of Commerce	1		1	
Clinton, Chamber of Commerce		2	2	
Duncan, Chamber of Commerce	2		2	
Durant, Chamber of Commerce		2		2
El Reno, Chamber of Commerce		1	1	
Enid, Chamber of Commerce	2		2	
Lawton, Chamber of Commerce	2		2	
McAlester, Chamber of Commerce	2		2	
Mangum, Chamber of Commerce	1		1	
Miami, Chamber of Commerce		2	2	
Muskogee, Chamber of Commerce	2		2	
Oklahoma City:				
Chamber of Commerce (71)		10		10
Chamber of Commerce of the State of Oklahoma		1		1
Okmulgee, Chamber of Commerce (72)		3		3
Picher, Chamber of Commerce (73)		1	1	
Ponca City, Chamber of Commerce	2		2	
Pryor, Chamber of Commerce	1		1	
Sapulpa, Chamber of Commerce		2	2	
Shawnee, Chamber of Commerce		1		1
Sulphur, Chamber of Commerce		1	1	
Tulsa, Chamber of Commerce (74)		10	10	
OREGON				
Ashland, Chamber of Commerce	2		2	
Baker, Baker County Chamber of Commerce	2		2	
Bend, Chamber of Commerce	1		1	
Dallas, Chamber of Commerce (75)		1	1	
Eugene, Chamber of Commerce		3	3	
Klamath Falls, Klamath County Chamber of Commerce (76)		2		2
Marshfield, Chamber of Commerce		2		2
Medford, Chamber of Commerce	2		2	
Portland:				
Oregon State Chamber of Commerce	1		1	
Pacific Northwest Branch Associated General Contractors of America	1		1	
PENNSYLVANIA				
Allentown, Chamber of Commerce	3		3	
Altoona, Chamber of Commerce (77)		3		3
Bethlehem, Chamber of Commerce	3		3	
Blairsville, Chamber of Commerce	1		1	
Butler, Board of Commerce	3		3	
Carlisle, Chamber of Commerce	1		1	
Chambersburg, Chamber of Commerce		2		2
Downingtown, Business Club	1		1	
Duquesne, Business Men's Association	1		1	
Ellwood City, Chamber of Commerce	2		2	
Erie, Chamber of Commerce	5		5	
Franklin, Chamber of Commerce	1		1	
Greensboro, Chamber of Commerce	1		1	
Greensburg, Chamber of Commerce (78)		2		2
Grove City, Commercial Club	2		2	
Hanover, Chamber of Commerce	1		1	
Harrisburg:				
American Industrial Lenders Association	4		4	
Associated Pennsylvania Constructors		1		1
Chamber of Commerce	7		7	
National Association of Ice Cream Manufacturers			3	
Pennsylvania State Chamber of Commerce	10		10	
Homestead, Homestead District Chamber of Commerce	2		2	
Indiana, Chamber of Commerce		1	1	
Jeannette, Chamber of Commerce	1		1	
Johnstown, Chamber of Commerce	3		3	
Lebanon, Chamber of Commerce	3		3	

Name of organization	Questions submitted			
	I		II	
	For	Against	For	Against
PENNSYLVANIA—continued				
Lehighton, Chamber of Commerce	1		1	
Meadville, Chamber of Commerce	2		2	
New Castle, Chamber of Commerce		3		3
Norristown, Chamber of Commerce (79)			3	
Oil City, Chamber of Commerce		5	5	
Philadelphia:				
American Paint and Varnish Manufacturers Association	1		1	
Board of Trade		10		10
Chamber of Commerce	10		10	
Clock Manufacturers Association of America	1		1	
Commercial Exchange of Philadelphia		2		2
Cotton Yarn Merchants Association		1	1	
Insurance Federation of Pennsylvania	10		10	
Lumbermen's Exchange	1		1	
Middle Atlantic Shoe Retailers Association	8		8	
National Cigar Box Manufacturers Association	1		1	
National Gift and Art Association	1		1	
National Paper Box Manufacturers Association	1	1	2	
National Slate Association	1		1	
Northeast Philadelphia Chamber of Commerce (80)		4	4	
Pennsylvania and Atlantic Seaboard Hardware Association	7	3	7	3
Pennsylvania Lumbermen's Association	2		2	
Pennsylvania State Warehousemen's Association	1		1	
Philadelphia Bourse (81)		10	10	
Philadelphia Commercial Museum	4		4	
Railway Business Association				
Refrigerating Machinery Association	1		1	
Pittsburgh:				
American Association of Flint and Lime Glass Manufacturers	1		1	
Chamber of Commerce (82)		10	10	
East Liberty Trade Association	4		4	
International Stamp Manufacturers Association	2		2	
National Association of Sheet Metal Contractors of the United States	8		8	
National Pipe and Supplies Association	2		2	
Retail Lumber Dealers Association of Pennsylvania	2		2	
Plymouth, Greater Plymouth Chamber of Commerce	1		1	
Reading, Chamber of Commerce		7		7
Ridgeway, Elk County Manufacturers' Association	1		1	
Scranton, Chamber of Commerce	10		10	
Sharon, Chamber of Commerce		2		2
Swissvale, Chamber of Commerce	1		1	
Uniontown, Chamber of Commerce	2		2	
Washington, Chamber of Commerce		2		2
Waynesboro, Chamber of Commerce		2	2	
Waynesburg, Waynesburg Chamber of Commerce and Greene County Publicity Bureau	2		2	
West Point, Pennsylvania State Association of Mutual Fire Insurance Companies	1		1	
Wilkes-Barre, Greater Wilkes-Barre Chamber of Commerce	5		5	
York, Chamber of Commerce	2	2	4	
RHODE ISLAND				
Pawtucket, Chamber of Commerce (83)		3	3	
Providence, Chamber of Commerce		10		10
Woonsocket, Chamber of Commerce	2		2	
SOUTH CAROLINA				
Charleston, Chamber of Commerce	4		4	
Columbia, Chamber of Commerce	3		3	
Florence, Chamber of Commerce	2		2	
Greenville, Chamber of Commerce	3		3	
Spartanburg, Chamber of Commerce (84)		4	4	
SOUTH DAKOTA				
Aberdeen, Chamber of Commerce		2		2
Canton, Chamber of Commerce		1		1
Huron, Chamber of Commerce (85)		2		2
Mitchell, Chamber of Commerce	2		2	
Sioux Falls, Chamber of Commerce		4	4	
Vermilion, Chamber of Commerce		1		1
Yankton, Chamber of Commerce	1		1	
TENNESSEE				
Chattanooga:				
Chamber of Commerce	4		4	
Manufacturers Association		2	2	
Cleveland, Chamber of Commerce	1		1	
Columbia, Chamber of Commerce	1		1	
Elizabethton, Chamber of Commerce	1		1	
Jackson, Chamber of Commerce	2		2	
Johnson City, Chamber of Commerce	2		2	
Knoxville:				
Chamber of Commerce	5		5	
Southern Appalachian Coal Operators' Association	1		1	

Name of organization	Questions submitted			
	I		II	
	For	Against	For	Against
TENNESSEE—continued				
Memphis:				
Chamber of Commerce	4		4	
Lithographers Cooperative Association	1		1	
National Association of Egg Case and Egg Case Filler Manufacturers	1		1	
National Dairy Association	3		3	
Morristown, Chamber of Commerce	1		1	
Nashville:				
Chamber of Commerce	7		7	
Tennessee Manufacturers Association	5		5	
Tullahoma, Chamber of Commerce	1		1	
TEXAS				
Austin, Chamber of Commerce	4		4	
Beaumont, Chamber of Commerce	3		3	
Dallas:				
Chamber of Commerce	10		10	
Cotton Exchange	1		1	
Denison, Chamber of Commerce	3		3	
Edinburgh, Chamber of Commerce	1		1	
Electra, Chamber of Commerce and Agriculture	1		1	
El Paso, Chamber of Commerce	5		5	
Fort Worth, Chamber of Commerce	4		4	
Galveston:				
Chamber of Commerce		4		4
Cotton Exchange and Board of Trade	1		1	
Jefferson, Chamber of Commerce of Marion County	1		1	
Laredo, Chamber of Commerce	2		2	
Longview:				
East Texas Chamber of Commerce	10		10	
Longview Chamber of Commerce	1		1	
Lubbock, Chamber of Commerce	2		2	
Mexia, Chamber of Commerce	1		1	
Perryton, Chamber of Commerce	1		1	
Plainview, Chamber of Commerce and Agriculture		3		3
Port Arthur, Chamber of Commerce and Shipping	1		1	
Sherman, Chamber of Commerce	5		5	
Texarkana, Chamber of Commerce (86)	5		5	
Tyler, Chamber of Commerce	3		3	
Waco, Chamber of Commerce (87)		2		2
Wichita Falls, Chamber of Commerce	6		6	
UTAH				
Brigham City, Box Elder Commercial Club and Chamber of Commerce		1		1
Cedar City, Chamber of Commerce	2		2	
Logan, Chamber of Commerce	1		1	
Ogden:				
Chamber of Commerce-Weber Club	3		3	
Grain Exchange	1		1	
Provo, Chamber of Commerce		2		2
VERMONT				
Barton, Vermont Bankers Association	1		1	
Bennington, Chamber of Commerce		1		1
Burlington, Chamber of Commerce (88)	6		6	
Springfield, Chamber of Commerce		1	1	
VIRGINIA				
Alexandria:				
Chamber of Commerce	2		2	
Virginia Ice Manufacturers Association	1		1	
Bedford, Chamber of Commerce	1		1	
Clarendon, Arlington County Chamber of Commerce	1		1	
Danville, Chamber of Commerce	3		3	
Fredericksburg, Chamber of Commerce		1		1
Harrisonburg, Chamber of Commerce	2		2	
Hopewell, Chamber of Commerce	1		1	
Newport News, Chamber of Commerce (89)		3	3	
Norton Virginia Coal Operators Association		1	1	
Petersburg, Chamber of Commerce	2		2	
Portsmouth, Chamber of Commerce	1		1	
Richmond:				
Chamber of Commerce	8		8	
Southern Hardware Jobbers Association	1		1	
Roanoke, Chamber of Commerce	4		4	
Suffolk, Chamber of Commerce	2		2	
Warrenton, Chamber of Commerce	1		1	
Wytheville, Southwestern Virginia (Inc.)	10		10	
WASHINGTON				
Aberdeen, Chamber of Commerce	3		3	
Bellingham, Chamber of Commerce	3		3	
Ellensburg, Chamber of Commerce		1	1	
Everett, Chamber of Commerce		3		3
Hoquiam, Chamber of Commerce (90)		2		2
Longview, Chamber of Commerce		2		2
Olympia, Chamber of Commerce	2		2	
Puyallup, Chamber of Commerce	1		1	
Seattle, Chamber of Commerce		10		10
Spokane, Chamber of Commerce (91)			6	
Tacoma, Chamber of Commerce	7		7	
Walla Walla, Chamber of Commerce		3		3
Yakima, Chamber of Commerce (92)		5	5	

Name of organization	Questions submitted			
	I		II	
	For	Against	For	Against
WEST VIRGINIA				
Beckley, Chamber of Commerce	2		2	
Buckhannon, Chamber of Commerce	2		2	
Charleston, Chamber of Commerce	4		4	
Huntington, Chamber of Commerce		9	9	
Martinsburg, Chamber of Commerce			2	
Parkersburg, Board of Commerce	5		5	
Princeton, Chamber of Commerce	2		2	
Weston, Chamber of Commerce	2		2	
Wheeling, Chamber of Commerce		4		4
WISCONSIN				
Appleton, Chamber of Commerce	3		3	
Beaver Dam, Chamber of Commerce	2		2	
Berlin, Chamber of Commerce	1		1	
Chippewa Falls, Chamber of Commerce	2		2	
Durand, Commercial Club		1	1	
Eau Claire, Chamber of Commerce	2	1	2	1
Fond du Lac, Association of Commerce (93)			2	
Madison:				
Association of Commerce		4	4	
Wisconsin Manufacturers' Association	3		3	
Milwaukee:				
Association of Commerce	10		10	
National Retail Tea and Coffee Merchants' Association	1		1	
Neenah, American National Retail Jewelers' Association	10		10	
Nekoosa, Chamber of Commerce	1		1	
Oconomowoc, Chamber of Commerce	1		1	
Oshkosh, Chamber of Commerce	4		4	
Racine, Association of Commerce (94)		4	4	
Sheboygan, Association of Commerce	3		3	
Waukesha, Association of Commerce	2		2	
Waupun, Association of Commerce	1		1	
Wausau, Chamber of Commerce	2		2	
Wisconsin Rapids, Chamber of Commerce	1		1	
WYOMING				
Casper, Chamber of Commerce (95)		3		3
Cheyenne, Chamber of Commerce (96)		2	2	
Green River, Community Club	1		1	
Laramie, Laramie Council of Industry	2		2	
Rawlins, Chamber of Commerce		1		1
BALLOTS RECEIVED TOO LATE				
CALIFORNIA				
Petaluma, Chamber of Commerce	2		2	
FLORIDA				
Sarasota, Sarasota County Chamber of Commerce	3		3	
IDAHO				
Idaho Falls, Chamber of Commerce		2	2	
Wallace, Chamber of Commerce	1		1	
ILLINOIS				
Chicago:				
Elevator Manufacturers' Association of the United States	½	½	½	½
National Association of Loose Leaf Manufacturers	1		1	
Outdoor Advertising Association of America	10		10	
East St. Louis, Chamber of Commerce	2		2	
Peru, Chamber of Commerce	1		1	
IOWA				
Keokuk, Chamber of Commerce (a)		2		2
MONTANA				
Butte, Chamber of Commerce (b)		4		4
NEW YORK				
Little Falls, Cycle Trades of America	1		1	
OHIO				
Cincinnati, National Machine Tool Builders' Association	1		1	
Warren, Chamber of Commerce		2		2
UTAH				
Salt Lake City, Chamber of Commerce and Commercial Club		6		6
VIRGINIA				
Richmond, Southern Supply & Machinery Dealers' Association	1		1	

APPROPRIATIONS FOR TREASURY AND POST OFFICE DEPARTMENTS

Mr. WARREN. From the Committee on Appropriations I report back favorably with an amendment the bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes, and I submit a report (No. 319) thereon.

I desire to give notice that I expect to call the bill up for consideration at a very early hour, possibly this afternoon or to-morrow, but as early as I am able to do so.

REPORTS OF COMMITTEES

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (S. 1691) for the relief of William A. Light, reported it without amendment and submitted a report (No. 320) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 2820) authorizing the Secretary of War to donate certain field guns to the city of Dallas, Tex., reported it with amendments and submitted a report (No. 321) thereon.

Mr. CAPPER, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 61) to provide for an agricultural day, reported it without amendment and submitted a report (No. 322) thereon.

Mr. McNARY, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 1186) to provide for the construction of the Deschutes project in Oregon, and for other purposes, reported it with amendments and submitted a report (No. 323) thereon.

Mr. BINGHAM, from the Committee on Military Affairs, to which were referred the following bills, reported adversely thereon:

A bill (H. R. 5380) to correct the military record of G. W. Gilkison; and

A bill (H. R. 9151) for the relief of Joseph M. Black.

Mr. ROBINSON of Indiana, from the Committee on Pensions, to which was referred the bill (S. 3198) to amend the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, by inserting the word "Army," so as to read: "Army, Navy, and Marine Corps," reported it without amendment and submitted a report (No. 324) thereon.

He also, from the Committee on Military Affairs, to which was referred the bill (H. R. 204) to authorize an additional appropriation for Fort McHenry, Md., reported it without amendment and submitted a report (No. 325) thereon.

Mr. BLACK (for Mr. TRAMMELL), from the Committee on Claims, to which was referred the bill (S. 3201) for the relief of Paul D. Carlisle, reported it without amendment and submitted a report (No. 326) thereon.

Mr. BLACK, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 2061) for the relief of W. H. Kaufman (Rept. No. 327); and

A bill (S. 2926) for the relief of the Old Dominion Land Co. (Rept. No. 328).

Mr. BLACK also, from the Committee on Claims, to which was referred the bill (S. 2657) for the relief of George W. Boyer, reported it without amendment and submitted a report (No. 329) thereon.

Mr. SCHALL, from the Committee on Indians Affairs, to which was referred the bill (S. 2342) providing for a per capita payment of $100 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States, reported it with amendments and submitted a report (No. 330) thereon.

Mr. NYE, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 484) for the relief of Joe W. Williams (Rept. No. 331);

A bill (S. 2545) to authorize the sale of certain lands near Garden City, Kans. (Rept. No. 332);

A bill (S. 2725) to extend the provisions of section 2455, United States Revised Statutes, to certain public lands in the State of Oklahoma (Rept. No. 333); and

A bill (H. R. 5686) granting a right of way to the county of Imperial, State of California, over certain public lands for highway purposes (Rept. No. 334).

Mr. EDWARDS, from the Committee on Banking and Currency, to which was referred the bill (S. 1989) to amend the third paragraph of section 13 of the Federal reserve act, re-

ported it with amendments and submitted a report (No. 335) thereon.

Mr. BRATTON, from the Committee on Indian Affairs, to which was referred the bill (S. 1456) to authorize an appropriation for a road on the Zuni Indian Reservation, N. Mex., reported it with an amendment and submitted a report (No. 336) thereon.

He also, from the same committee, to which was referred the amendment of the House of Representatives to the bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with the middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes, reported it with the recommendation that the Senate agree to the House amendment to the bill with an amendment thereto as follows: On page 3, line 19, strike out the words "leases or proceeds" and insert in lieu thereof the words "proceeds of leases."

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ODDIE:

A bill (S. 3274) providing for the exchange of lands within the limits of railroad grants and within the exterior limits of stock driveways; to the Committee on Public Lands and Surveys.

By Mr. BAYARD:

A bill (S. 3275) granting an increase of pension to Delfina A. Simmons (with accompanying papers); and

A bill (S. 3276) granting an increase of pension to Ella Miller (with accompanying papers); to the Committee on pensions.

By Mr. McLEAN:

A bill (S. 3277) granting a pension to Susan P. Hale (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 3278) granting a pension to Neils Sandberg; to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 3279) granting an increase of pension to Anna Louise Faulkner; to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 3280) for the relief of Margaret Diederich; to the Committee on Foreign Relations.

A bill (S. 3281) to provide a shorter workday on Saturday for postal employees; and

A bill (S. 3282) to establish a system of longevity pay for postal employees; to the Committee on Post Offices and Post Roads.

By Mr. MOSES:

A bill (S. 3283) granting an increase of pension to Annie T. Clark (with accompanying papers); and

A bill (S. 3284) granting a pension to Delia H. Holmes (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 3285) granting a pension to Edith P. Lamson (with accompanying papers); and

A bill (S. 3286) granting an increase of pension to Adalaide L. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 3287) granting a pension to Charles Steele, alias Charles Stehele; to the Committee on Pensions.

A bill (S. 3288) to amend the act entitled "An act to fix the salaries of certain judges of the United States," approved December 13, 1926; to the Committee on the Judiciary.

By Mr. FLETCHER:

A bill (S. 3289) for the relief of Carrie S. Abbe (with accompanying papers); to the Committee on Claims.

By Mr. FLETCHER (for Mr. TRAMMELL):

A bill (S. 3290) granting an annuity to John Stokes; to the Committee on Civil Service.

By Mr. THOMAS:

A bill (S. 3291) to provide for the erection at a point to be selected by the Secretary of War of a monument to soldiers who have died in the military service of the United States and who have been buried in territory now comprising the State of Oklahoma; to the Committee on the Library.

By Mr. FESS:

A bill (S. 3292) providing for turning over to the Ohio State Archæological and Historical Society two dedication stones formerly a part of one of the locks of the Ohio and Erie Canal; to the Committee on the Library.

By Mr. HOWELL:

A bill (S. 3293) for the relief of Ella Mae Rinks (with accompanying papers);

A bill (S. 3294) for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department (with accompanying papers); and

A bill (S. 3295) to reimburse officers, nurses, and civilian employees of the United States Public Health Service and inmates of the United States Public Health Service Hospital at Corpus Christi, Tex., for losses sustained as the result of a storm which occurred in Texas upon September 14, 1919; to the Committee on Claims.

By Mr. SCHALL:

A bill (S. 3296) for the relief of Austin G. Tainter; to the Committee on Claims.

By Mr. RANSDELL:

A bill (S. 3297) to amend the act entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 7, 1924, as amended; to the Committee on Agriculture and Forestry.

By Mr. NEELY:

A bill (S. 3298) granting a pension to Elizabeth Jane Ross; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3299) granting a pension to Cornelius A. Blauvelt; and

A bill (S. 3300) granting an increase of pension to Clara Louise Dowling; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3301) to amend the World War veterans' act, 1924; to the Committee on Finance.

A bill (S. 3302) to provide for the erection of a monument on the Kennesaw Mountain battle field; to the Committee on Military Affairs.

By Mr. McNARY:

A bill (S. 3303) to amend the act entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 7, 1924, as amended; to the Committee on Agriculture and Forestry.

By Mr. CURTIS:

A bill (S. 3304) authorizing acquisition of a site for the farmers' produce market, and for other purposes; to the Committee on the District of Columbia.

By Mr. BLEASE:

A bill (S. 3305) for the relief of the Washington Street Methodist Episcopal Church South, of Columbia, S. C.; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 3306) for the relief of B. W. Stephens (with accompanying papers); to the Committee on Claims.

By Mr. TYDINGS:

A bill (S. 3307) for the relief of John L. Alcock; and

A bill (S. 3308) to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of John L. Alcock; to the Committee on Claims.

By Mr. NYE (by request):

A bill (S. 3309) validating certain applications for and entries of public lands; to the Committee on Public Lands and Surveys.

By Mr. GLASS:

A bill (S. 3310) to provide for the appointment of Ensign Preston G. Locke (Supply Corps), United States Navy, as an officer of the line of the Navy; to the Committee on Naval Affairs.

By Mr. FLETCHER:

A joint resolution (S. J. Res. 95) authorizing the Secretary of Agriculture to dispose of real property, located in Hernando County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant introduction purposes; to the Committee on Agriculture and Forestry.

THE SHINGLE INDUSTRY—AMENDMENT TO TAX REDUCTION BILL

Mr. JONES. Mr. President, one of the leading industries in our State is the shingle industry. When the tariff act of 1922 was passed it put shingles on the free list. That industry is now threatened with bankruptcy. I desire to offer an amendment and ask that it be printed, intended to be proposed by me to the tax bill, House bill 1, the tax reduction bill, when it shall come before the Senate for consideration.

The VICE PRESIDENT. The amendment will be printed and referred to the Committee on Finance.

MUSCLE SHOALS

Mr. SACKETT and Mr. TYSON each submitted an amendment in the nature of a substitute intended to be proposed to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, which were separately ordered to lie on the table and to be printed.

AMENDMENT TO WAR DEPARTMENT APPROPRIATION BILL

Mr. ROBINSON of Arkansas submitted an amendment proposing to appropriate not to exceed $1,500,000 for the reimbursement of funds contributed by local interests to the Mississippi River Commission, and used for emergency levee construction and repair work on the lower Mississippi River on account of the flood of 1927, etc., intended to be proposed by him to House bill 10286, the War Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

ADMINISTRATION OF DALLAS FEDERAL RESERVE BANK

Mr. MAYFIELD. Mr. President——

Mr. HOWELL. I desire to be courteous, but time is limited until 2 o'clock, and debate thereafter is to be under the five-minute rule.

Mr. MAYFIELD. I will give the Senator from Nebraska my five minutes. I desire to present a resolution.

Mr. HOWELL. If the Senator desires me to yield merely for the presentation of a resolution, I will yield to him for that purpose.

Mr. MAYFIELD. A few days ago I received a communication from Hon. Homer D. Wade, secretary of the West Texas Chamber of Commerce, in which he complains about the management of the Federal reserve bank of the eleventh district, which is located at Dallas, Tex. I send the communication to the Secretary's desk, with the request that it be printed in the RECORD.

There being no objection, the paper was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

WEST TEXAS CHAMBER OF COMMERCE,
Stamford, Tex., February 10, 1928.

DEAR FRIEND: The West Texas Chamber of Commerce, representing 305 cities and towns in the western half of Texas, with an affiliated membership of 9,150 business and professional men, has for its primary object the constructive development of an area larger than the New England States by 10,000 square miles, also larger in area than the States of Ohio, Indiana, and Illinois by 10,000 square miles. This section has a population of more than 2,000,000 persons, as patriotic and progressive as any people on earth.

This great region is essentially a stock-raising and agricultural country. In the entire Union the census reports disclose that between 1920 and 1925 there was a decrease of 75,735 farms. But in this western half of Texas there was an increase of 21,099 farms, the largest increase of any one State in the Union and two-thirds of the new farms of Texas were in this section.

These figures are given to show the importance of agriculture in west Texas and as a prelude to the matters to which your attention is directed.

The West Texas Chamber of Commerce is the heart and voice of these 2,000,000 people in west Texas. Its policies are fixed by an executive board, consisting of the leading business and professional men from all sections of west Texas, who hold quarterly meetings. Its activities are directed by a general manager, who has the constant advice of the president. This great organization regards agriculture as the basis of wealth. It, however, concerns itself in every phase of human endeavor that is for the upbuilding of the section it serves in particular, and the entire country in general.

Consistent with these ambitions the executive board at a meeting held in Cisco, Tex., June 13, 1927, at which 65 members were present, passed the following resolution:

"Whereas the Federal Reserve Board was organized for the purpose of real financial assistance to banking interests in times of financial stress; and

"Whereas the Federal reserve act has proved and is proving of great benefit to the member banks of each section, but the rules invoked in some cases have worked hardships on account of the fact that they are interpreted as in accordance with strict banking rules and seem inflexible: Therefore be it

"*Resolved*, That this West Texas Chamber of Commerce urges the Federal Reserve Board of the eleventh district to adopt a more sympathetic attitude and secure a better understanding of the needs of member banks located in sections of the country where the local conditions are unfavorable from climatic or other conditions, thus carrying out the purposes for which the Federal reserve act was created."

This resolution was called to the attention of the officers of the Federal reserve bank of the eleventh district located in Dallas, Tex. Latterly the matters mentioned in this resolution, besides others relative to the administration of the affairs of the bank, were presented in amplified form and at various sittings of the board of directors of the Federal reserve bank in Dallas. Protests came from various sections of the eleventh Federal reserve district.

The board of directors of the bank by a divided vote at a meeting January 13, 1928, decided to continue the policies, of which complaints have been made, as evidenced in the reelection of the executive officers who administer the affairs of this special institution.

At a meeting of the executive board of the West Texas Chamber of Commerce, held in Fort Worth, Tex., January 19, 1928, the general manager of the organization submitted his report, in which the information of the unyielding attitude of the board of directors of the eleventh district was given.

Upon motion the president was instructed to appoint a special committee to consider this situation. This motion was adopted by a unanimous vote, and the following well-known west Texans were named:

C. B. Jones, Spur; W. M. Massie, Fort Worth; O. P. Thrane, Snyder; P. B. Ralls, Ralls; V. A. Robinson, Post.

After due consideration the committee submitted the following resolution, which was adopted by a unanimous vote:

Whereas at a meeting of the executive board of the West Texas Chamber of Commerce, held at Cisco, Tex., June 13, 1927, a resolution was passed requesting the Federal Reserve Board to adopt permissible flexible rules in dealing with member banks located in agricultural sections of the country; and

Whereas the management of the Federal Reserve Bank of Dallas in the administration of the affairs of said bank has shown itself to be completely out of harmony with and entirely unsympathetic toward smaller banking institutions, which attitude is inimical to the agricultural and livestock interests of the territory served by said Federal reserve bank; and

Whereas such policies and practices in the administration of the affairs of said bank have worked many hardships on the farming and livestock interests of the Southwest and have seriously hampered the development of the most rapidly developing section of this country, and a continuation thereof will work further hardships and will seriously retard the development of such sections of this country and may force a return by the farming and livestock interests to the old system with its burdensome rates of interest to the almost irreparable injury of the agricultural and livestock interests in the territory included in the eleventh Federal reserve district; and

Whereas such policies and practices are wholly inimical to the letter and spirit of the Federal reserve bank act and the purpose to be attained in the establishment of the Federal reserve system; and

Whereas the board of directors of said bank by its recent action has publicly stated that in the administration of the affairs of said bank they will follow the same policies in the future that they have followed in the past: Now therefore be it

Resolved, by the board of directors of the West Texas Chamber of Commerce this day in proper meeting assembled, That we deplore such action and declare ourselves to be in full and complete sympathy and accord with the protesting bankers in their opposition to such policies; and be it further

Resolved, That we feel that the only source of relief that can now be looked to from the ills attendant upon the policies pursued in the future by the management of the Federal Reserve Bank of Dallas must of necessity come from the Congress of the United States; and be it further

Resolved, That this board will look with favor upon any resolution which might be introduced in Congress with its purpose being a congressional investigation of the affairs of the Federal reserve bank of the eleventh district and the administration of its officers in the control of such institution; and be it further

Resolved, That we here and now declare ourselves to be in full favor and accord with what is known as the Federal reserve bank act in letter as well as in spirit, but only complain of the method and manner in which the Federal Reserve Bank of Dallas has been managed and its affairs administered; and be it further

Resolved, That the manager of this body be instructed to furnish each and every Member of Congress, whose district or a part thereof is located in the eleventh Federal reserve district, with a copy of this resolution, and that a copy be furnished to the public press and that the same be spread on the minutes of this organization.

* * * * * * *

These facts and resolutions are submitted to you with the earnest hope that you will give them the consideration they deserve, and join in this effort to bring the Federal reserve act into the practical and constructive use for which it was created.

Respectfully submitted.

WEST TEXAS CHAMBER OF COMMERCE,
HOMER D. WADE, *Manager.*

Mr. MAYFIELD. I submit a resolution calling for an investigation of the matters complained of in the communication from Mr. Wade.

The VICE PRESIDENT. The resolution submitted by the Senator from Texas will be read.

The resolution (S. Res. 152) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Whereas it is alleged that the affairs of the Federal Reserve Bank of Dallas, Tex., have been administered in a manner which has worked many hardships on the farming and livestock interests in the territory included in the eleventh Federal reserve district; and

Whereas it is alleged that there is a lack of cooperation on the part of the governor of such bank with member banks in the rural communities; and

Whereas it is desirable to bring about a conclusion of the controversy in order to do justice to all concerned: Therefore be it

Resolved, That the Committee on Banking and Currency of the Senate, or a duly authorized subcommittee thereof, is hereby authorized and directed to make a full and complete investigation of the administration of the affairs of the Federal Reserve Bank of Dallas, Tex., and to report thereon to the Senate as soon as practicable. For the purposes of this resolution such committee or subcommittee is authorized to hold hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic, and other assistance, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee or subcommittee, which shall not be in excess of $———, shall be paid from the contingent fund of the Senate.

INVESTIGATION OF ST. ELIZABETHS HOSPITAL

Mr. HEFLIN submitted the following resolution (S. Res. 153), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas in the memorandum opinion of Mr. Justice Hoehling in the case of Hanna J. Cook in the Supreme Court of the District of Columbia there was suggested the possibility that over 5,000 persons, since July, 1913, have been illegally committed to the Government hospital for the insane, located in the District of Columbia and known as St. Elizabeths Hospital; and

Whereas in the report of J. R. McCarl, Comptroller General of the United States, made in pursuance of House Concurrent Resolution 26, Sixty-ninth Congress, it was set forth (1) that since July 1, 1916, 20 patients in such hospital have been killed by attendants and that no convictions were had in respect of any such cases, (2) that since such date 30 patients in such hospital have committed suicide, and (3) that the expenses of such hospital increased from $1,194,476.28 for the year 1919 to $2,237,093.71 for the year 1921, an increase of nearly 100 per cent in two years, during which period there was an increase of less than 3 per cent in the number of patients under treatment in such hospital; and

Whereas the activities of Dr. W. A. White, superintendent of such hospital, Dr. D. Percy Hickling, physician in charge of the psychopathic department of Gallinger Municipal Hospital, and W. H. Wahly, assistant corporation counsel for the District of Columbia, in the case of Margaret M. Roche, a former war nurse, as set forth in an article entitled, "Strange insanity in Washington" in the magazine Plain Talk for February, 1928, constituted conspiracy falsely to imprison Margaret M. Roche in St. Elizabeths Hospital; and

Whereas several hundred World War veterans in such hospital were transferred to other institutions following the resignation of F. A. Fenning as Commissioner of the District of Columbia; and

Whereas F. A. Fenning, on or about October 23, 1926, made a request in writing of Maj. Gen. Frank T. Hines, Director of the United States Veterans' Bureau, that certain veterans who were inmates of St. Elizabeths Hospital be removed to other institutions for the convenience of the said Fenning; and

Whereas William J. O'Brien, veteran of the Indian wars, has been confined in St. Elizabeths Hospital for over 30 years, 23 of such years in Howard Hall, the ward for the criminally insane, although he has never been convicted of any crime and there is doubt that he is insane; and

Whereas the courts of the District of Columbia adjudicate nonresidents of the District of Columbia to be insane, incarcerate them in St. Elizabeths indefinitely, appoint trustees for their estates, and charge such estates for maintenance and alleged treatment of such nonresidents: Therefore be it

Resolved, That a special committee of the Senate, composed of five members appointed by the President of the Senate, three of whom shall be from the majority party (including one Progressive Republican) and two of whom shall be from the minority party, is authorized and directed to inquire into and investigate the administration of St. Elizabeths Hospital, particularly with respect to alleged mistreatment of patients in such hospital and illegal commitments thereto.

For the purposes of this resolution the committee is authorized to hold such hearings, to sit and act at such times and places, to employ such experts and such clerical, stenographic, and other assistants, to require by subpœna or otherwise the attendance of such witnesses, and the production of such books, papers, and documents, to administer such oaths and to take such testimony and to make such expenditures as it deems advisable. The expenses of the committee shall not exceed $——— and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee. The committee shall, as soon as practicable, report its findings to the Senate with such recommendations as it deems proper.

APPOINTMENTS AND DISMISSALS IN THE CIVIL SERVICE

Mr. HEFLIN submitted the following resolution (S. Res. 154), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas William C. Deming, president of the Civil Service Commission, admitted in an article published in the Washington Post of March 6, 1927, that the Civil Service Commission had appointed in excess of quotas over 10,000 persons from the District of Columbia, Maryland, Virginia, and other States; and

Whereas many legally appointed civil-service employees from States whose quotas are in arrears, and many ex-service men and women, have been illegally separated from the service, and much suffering and hardship caused thereby, terminating in some cases in commitments to St. Elizabeths Hospital, and in other cases in suicide; and

Whereas the morale and efficiency of many of the executive departments and independent establishments of the Government have been completely broken down by the injustice, discrimination, intimidation, and illegal dismissals in the civil service and much loss to the Government caused by the resulting maladministration of the laws: Therefore be it

Resolved, That there is hereby created a special committee of the Senate, to consist of five Members appointed by the President of the Senate, three of whom shall be from the majority party (including one Progressive Republican), and two of whom shall be from the minority party. The committee is authorized and directed to investigate illegal appointments and dismissals in the civil service since July 1, 1919. The committee shall meet and organize within five days from the date of appointment, and immediately thereafter shall begin hearings upon this resolution. Within 60 days after the adoption of this resolution the committee shall report to the Senate concerning such illegal appointments and dismissals in the civil service, and shall include in its report such recommendation for legislation and suggested action for the removal from office of any parties to such illegality as it deems advisable to correct abuses in appointments and dismissals in the civil service.

For the purposes of this resolution the committee is authorized to hold such hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic, and other assistants, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, including the records of the Civil Service Commission, the Bureau of the Budget, the Bureau of Efficiency, the Personnel Classification Board, and the several executive departments and independent establishments, to administer such oaths and to take such testimony and to make such expenditures as it deems advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee shall not exceed $———, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

PAN AMERICAN CONFERENCE AT HABANA

Mr. PHIPPS. Mr. President, the Washington Post on yesterday contained a short editorial relating to the Habana conference. I think it is of interest. I therefore ask that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The editorial is as follows:

THE HABANA CONFERENCE

The Pan American conference at Habana was unable to make itself useful until the intractable Argentinian delegate, Doctor Pueyrredon, had eliminated himself. It then dropped the nonsensical attempt to modify international law in respect to "intervention," shelved the Pueyrredon scheme for transferring tariff powers to the Pan American Union, and agreed upon a program of arbitration of the most advanced kind. The conference, instead of attempting to draw up arbitration compacts, referred the subject to a special conference to be held in Washington within a year. In the meantime drafts of the proposed treaties will be drawn up.

It is proposed by the Habana conference that the republics of America adopt obligatory arbitration; and that treaties be drawn up with minimum exceptions which may be considered indispensable to safeguard the

independence and domestic interests of the states concerned, as well as excluding matters affecting states not parties to the treaty.

This is a program that is gladly accepted by the United States. This Government is willing to make treaties with all American Republics similar to that now pending between the United States and France. By means of such treaties, all questions properly susceptible of adjustment by arbitration can and will be submitted to arbitration; and at the same time the independence of each nation will be safe, and its jurisdiction over purely domestic questions, such as tariffs, immigration, etc., will remain unimpaired.

The Pan American Conference is about to adjourn. The discussions have been useful in exposing the falsity of the charge that the United States is aggressive and imperialistic in its attitude toward its neighbors. When the Argentine delegate stubbornly blocked all agreements in an attempt to place the United States in a false position his own Government called him to account. He chose to resign as delegate and as ambassador to Washington rather than abandon his effort to make it appear that the United States pursues a policy of deliberate and unprovoked intervention in the affairs of other nations. No doubt he has a small following in Latin-American countries, but the Governments of those Republics have no sympathy with his attitude, and the Habana conference was glad to get rid of him.

The United States comes from Habana with the unimpaired friendship of its neighbors. The delegates with very few exceptions recognized the fact that this is a workaday world and that the United States can not avoid carrying the heavier portion of the burden of maintaining the principle of popular government in this hemisphere. When governments break down by interior corruption and bankruptcy, or by exterior aggression from neighbors or overseas powers, the United States stands ready to befriend them, to lift them up again, and restore to their peoples the power to govern themselves.

In making these matters clear the delegates of Cuba, Santo Domingo, Haiti, and Nicaragua were very influential with their colleagues. Dr. Orestes Ferrara spoke with great force and timeliness at one stage of the proceedings, dissuading the conference from making an unwise commitment on the question of revolutions and interventions. He pointed out that Cuba would not have come into existence but for revolution, as, indeed, was the case with most of the Republics, including the United States; and that the intervention of the United States had been the salvation of Cuba. This historic truth, uttered in the capital of Cuba, with the self-governing Republic of Cuba as an exhibit in verification of the disinterested friendship of the United States, was an overwhelming refutation of the charge that the United States is bent upon aggression and imperialism.

Cuba, Santo Domingo, Haiti, and Nicaragua stand as living proof that the United States is their unselfish friend. Two of these Republics have regained stability and complete independence with the help of the United States. The third is well on its way to stabilized independence; and Nicaragua is soon to choose its own government, after having been relieved of foreign intrigue and aggression. The United States has performed these services without thought of aggression or interference in the domestic affairs of those countries. When it has performed its duty it will withdraw from Haiti and Nicaragua, as it has done from Cuba and Santo Domingo. The world has rarely witnessed such proof of unselfish friendship on the part of one nation toward others. The Habana conference has recognized the true situation, and its action demonstrates that the American Republics have faith in the friendly and disinterested intentions of the United States.

FORMER SENATOR ASBURY C. LATIMER, OF SOUTH CAROLINA

Mr. BLEASE. Mr. President, 20 years ago to-day former Senator Asbury Churchwell Latimer passed away. I have an editorial and article relating to him from his home paper, the Belton News, Belton, S. C., February 16, 1928, which I ask may be printed in the RECORD.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

ASBURY CHURCHWELL LATIMER

Twenty years ago next Monday, Belton, S. C., and the United States lost a great citizen and one of its truly great men. Elsewhere in this issue we have tried to crowd into several columns a brief summary and appreciation of his useful life, services to the public, and remarkable achievements.

Asbury Churchwell Latimer was one of America's and the people's noblest champions. He was modest, tireless, cheerful worker for his fellow men. His was a fruitful life of honorable service and usefulness for mankind, the South, and the Nation. For almost 16 years he was a Member of the Congress of the United States, and many are the splendid legislative proposals he started or helped start on their way to enactment that mean so much to us of this generation and that will mean so very much to our children and our children's children and their children.

The welfare of the farmers was especially close to his heart. In Congress he showed exceptional foresight. Among many other things he was a pioneer in the good-roads movement, blazing the way for the very plan now law, and as result of which we now have better roads and better streets, and are destined to enjoy still better; and as a result of which we can not help most respectfully and most earnestly suggesting that one of the most important of these wonderful highways bear his name and be a monument to his memory.

SHORT SKETCH OF THE LIFE OF FORMER UNITED STATES SENATOR A. C. LATIMER

Among the successful men who have gone before stands the life, achievements, and character of the Hon. Asbury Churchwell Latimer, of Belton, S. C.

His name was well known, not only in upper South Carolina but throughout the State and Nation a little more than one-third of a century ago. Space permits only to recall some of the constructive work he placed ineffaceably upon the pages of his country's history. It is well to remind those who are now living of the debt this generation owes to the past, so that it may profit by the worthy example of such good and useful citizens and statesmen as was A. C. Latimer. His entire life illustrates America's equal opportunities and ought to be an inspiration to every earnest, ambitious youth of the land.

He was born July 31, 1851, near Lowndesville, Abbeville County, S. C., and died on Thursday, 9.15 a. m., February 20, 1908, in Providence Hospital, Washington, D. C., leaving to mourn his loss a wife, one son, William Carroll Latimer, and four daughters, Mamie, Anna, Olive, and Sara, all of whom have been a credit to their parents. The son died last March in Atlanta.

Asbury Churchwell Latimer was a son of Clement T. and Beulah Young Latimer, being one of seven children; four boys and three girls. Brought up on his father's farm, he devoted most of his life to agricultural pursuits and the welfare of the farmers and the people generally. His education was limited to the common schools of that day, when farmer boys rode or walked sometimes as far as 5 miles morning and afternoon and were glad to have such a privilege.

At an early age we find him actively engaged in public affairs, taking a prominent part in the memorable campaign of 1876 as an ardent supporter of Gen. Wade Hampton for governor. Hampton appointed him on his gubernatorial staff, but he declined to serve for business and for personal reasons.

On June 26, 1877, he was happily married to Miss Sara Alice Brown, a daughter of Dr. W. Carroll Brown, of Belton, who was prominent and a leader in all affairs for the good of the town, country, and State. Doctor Brown was a brother of Joseph E. Brown, Georgia's famous war governor and postwar United States Senator.

His wife brought to her husband beauty, refinement, inspiration, counsel, and culture. She still survives him and lives at the old homestead at Belton, doing good and enjoying the fruits of a well-spent life, within the shadows of her father's and mother's home, where she recalls the happy days of her girlhood and sees, with pride and satisfaction, her children and grandchildren take their places in busy walks of life, without fear of the future. Such is the useful life, and one worthy of emulation by those who must take on the work of our churches, schools, and civic affairs.

A. C. Latimer moved from Abbeville County to Anderson County in 1880, where he built at Belton a splendid home, which is still maintained by his widow, and where she continues the generous hospitality he dispensed while devoted to farming and public affairs.

He was considered by his friends and neighbors a safe and sane advisor on public problems and a prudent, thrifty farmer, with practical ideas, and plenty of energy, all of which brought to him success in his agricultural and other undertakings.

Renewing his interest in public affairs in 1888, he opposed the third party movement, urged getting control of existing party machinery, and was elected county chairman of the Democratic Party of Anderson County in 1890, and was reelected in 1892. He declined candidacy for lieutenant governor in 1890, when the reform movement swept the State from center to circumference, but in 1892 was forced to become a candidate for Congress against the Hon. George Johnstone, of Newberry, one of the ablest lawyers and best speakers in the State, and whose reelection was conceded. Mr. Latimer's appeal was forceful and direct to the voters themselves. Even in that campaign Mr. Latimer outstripped Mr. Johnstone and proved to be one of the best campaigners this State has produced, and was elected to the Fifty-third Congress and reelected four successive times, and in 1902 he offered for the Senate and was successful in a hotly contested race with Senator John L. McLaurin, Gov. John Gary Evans, and others, and began his term of service as United States Senator on March 4, 1903.

His work in the House of Representatives at Washington was noted for his perseverance and aggressiveness in the interest of the farmers and the people.

Among other things, he worked for the advancement of the Free Rural Delivery Service, and extended it in every way possible. In fact, he may be considered the father of this enterprise.

At the same time he advocated parcel post, direct election of United States Senators, the direct primary, and many other Democratic measures which are now law.

* * * * * * *

In the Senate he continued his efforts directing his attention, among other things, more particularly, to good roads. He was such a strong advocate of good roads that he was sometimes called "Good Roads Latimer." The country now enjoys the fruit of his labors, far and wide. When he was sent on the immigration commission to Europe he gathered information and made a study of European roads, with a view to arousing further interest here in the good-roads movement. While traveling out there he also observed the various qualities of soil and their adaptability to the growth of certain crops.

The remarkable thing about A. C. Latimer was that he had no legislative experience when he went to Congress, but succeeded in all his legislative activities remarkably and to a degree almost without any parallel. One of his neighbors once told me he doubted whether Mr. Latimer had ever spoken publicly except at a Sunday school or religious meeting when he offered for Congress.

Many nice things have always been said about him by his neighbors. All agree he was a man of splendid habits; that he always exercised deference and consideration for others; that he was a good man; a practical man; an ideal husband and most thoughtful father.

Some with whom I have talked felt he must have had more of an education in his early days than he let on or has been credited with, arguing that he always expressed himself so well and forcefully and correctly; and always showed all the niceties of an educated gentleman. But I doubt his having more of the meager education than practically all boys of his particular time had. Coming along into manhood just at the close of the great war, with slave property swept away, his father was almost ruined, and he, like all other boys had to buckle down to the day's work. The fact that he did not have literary training only attests the fact of his wonderful native or mother endowment. His son told me on one occasion that his father seemed to see through a proposition quicker than any man he knew. We remember once when going out west of Belton to make a survey for him that we came to a huge pile of wood of various lengths on one of his farms that had been hauled out. He jumped out of the buggy and with a short tape line began to measure to ascertain the number of cords in it. We saw his intentions and got out our surveyor's chain, and he immediately turned the job over to us and went about something else.

His pastor, after his death had this to say of him: "In the death of Senator Latimer, South Carolina Methodism has lost one of her most prominent members and staunchest friends. The Belton Church has lost a tower of strength. Brother Latimer was not only a liberal contributor to the church, both at home and abroad, but he was its wise counselor and sincere friend. The people had confidence in his religious life. His public prayers were very earnest and touching. Often have I seen him and many of the congregation bathed in tears after what might be called one of his face-to-face talks with God. He loved to talk with his friends on religious subjects. His conversion was clear-cut and unquestioned. He never lost his hold on God."

One of his distinguished congressional colleagues in paying tribute to his memory said on the floor of Congress: "In the beginning of his career in Congress Senator Latimer was far more familiar with Clark's Commentaries on the Bible and the rules of the Methodist Episcopal Church, than he was with the Constitution of the United States and the rules of the House of Representatives."

The late Hugh Wilson, editor of the Press and Banner, of Abbeville, S. C., who knew him from his birth to his death, wrote, editorially: "Senator Latimer's biography would read like a romance. Left, as a result of the war, with little means, he did not have the advantages of a collegiate or even a good high-school education, yet with this handicap he attained the highest position within the gift of the people of his State. He knew the channel of his adaptability, and he broadened the scope year by year. Heedless of the small talk of his unfitness that was indulged in by many in the early part of his political career, he bent himself to the task of improving himself, and how well he has done it, the record shows."

His neighbors loved him, as was evidenced by the great number who gathered at the depot at Belton and awaited in silence the arrival of the special congressional train that bore his body from Washington, and then through the intervening hours viewing his body as it lay in the church so quietly and so much like his former self; and through the ceremony as provided in the book of discipline and at the grave until the last word was said committing his body to the grave, "Earth to earth, ashes to ashes, dust to dust." Another touching scene was the more than 50 negroes at the church, who were permitted to take a last look at his remains.

This is but a brief history of the life of one whose activities were so great and numerous. His father, Clement T. Latimer, was born on Hogskin Creek, not far west of the town of Due West, Abbeville County, in 1818, and was one of 11 children, whose dscendants are scattered far and wide, many of whom rose to high positions of trust and honor. Doctor Latimer, who was president of Davidson College; Doctor Burts, of the Baptist Church; Dr. C. E. Burts, who was born and reared near Honea Path; and many others too numerous to mention all had a common Latimer origin.

To those of us who remain to look back down the dim vista of time it is pleasing to remember men who have overcome such handicaps and have climbed the ladder of distinction, fame, honor, and public services, as did A. C. Latimer, and all of whose family have done so much in maintaining his high ideals in all matters pertaining to the common good of the country. His name will long be remembered by people of this section and the Nation.

W. L. MITCHELL.

HONEA PATH, S. C., *December 28, 1927.*

The above appeared in the Anderson Daily Mail, December 30, 1927, except for a few verbal changes we have made. The author is one of our oldest and most respected citizens. He knew Senator Latimer personally and intimately, and has given us of the younger generation a well worth-while picture of this one of South Carolina's and Anderson County's most distinguished citizens.

While we did not have the pleasure and privilege of knowing the Senator personally and intimately, as Mr. W. L. Mitchell did, we do know something of him as a public man and of his great public service to the State and Nation, and that he was a statesman of the first magnitude, beyond the reach of any group, interest, or "influence." We merely wish to mention a few things the printed record of his time show.

The CONGRESSIONAL RECORD shows that on January 8, 1904, he was the first to introduce a resolution in the Senate calling on the Secretary of Agriculture to obtain and furnish the Senate with road-building data with reference to the comparative cost of constructing public highways in the United States and in foreign countries. Among many speeches he made on January 14, 1904, a forceful, carefully prepared argument in favor of generous appropriations for road improvement, concluding with the following:

"Having dealt with this subject at greater length than I expected and having given many of my reasons for advocating this measure, it only remains to add in behalf of the rural people of the State which I in part represent and of the country at large, whose interest and prosperity are the mainspring of my public life and ambition, that we are expecting the best at the hands of Congress. With each succeeding day the sentiment for national aid is growing stronger.

"It is a reform that is bound to take place in time and, in my opinion, within the near future. Should it be defeated now it must be the hope of the people until it is accomplished. The call is from every farmhouse and country home in this broad land of ours. It is 'the cry from Macedonia.' Will we fail to heed it when nothing prevents? With all other good citizens of this great Republic, I have an abiding faith in the justice and patriotism of the Congress of the United States; and from its exalted character the best wisdom of the Nation may be confidently expected."

What a wonderful prophecy made on the floor of the Senate 23 years ago! And for it too he was severely criticized then, only to be as highly praised now. Since that time millions upon millions of dollars have been spent by the Federal Government for the construction of national and State public highways, until to-day it would be impossible for the day's work to be done or public business to proceed but for Federal aid in the construction of national and State public highways, the consummation of the very thing Latimer then proposed.

All this looks easy as we look back upon it, but it must be remembered that he was most roundly criticized then and even grossly belittled and ridiculed by the Columbia State, the News and Courier, and other South Carolina papers for his advanced and wise views not only on good roads but also for his sound attitude on foreign immigration, and on other important questions, just emerging for solution and epochal national and State action.

At the very time he began urging Federal aid for roads and for swamp drainage certain South Carolina metropolitan newspapers, with a unanimity that was not accidental and that aroused suspicion of a common purpose and common selfish origin went so far as to say:

"As an appeal to farmers not well posted the good-roads stunt may go some distance, but the practical man in Washington knows Senator Latimer is wasting his time trying to advance a measure of its kind. He probably knows it. His good-roads proposition would require millions of Government money. The chances are the northern and western farmers would get nearly all the money—at least, so long as the Republican Party controls the Government," etc., etc.

Equally studied and equally subtle was the attitude of the State, the News and Courier, and certain other city newspapers to his courageous opposition to the State bureau of immigration, the head of which had even gone abroad and brought here two shiploads of immigrants. Senator Latimer strenuously objected at once to the expenditure of large sums of money for inducing and bringing foreign immigrants into South Carolina.

To their arguments in favor of white foreigners "to insure white supremacy" here, and "in order to develop our resources and plant our untilled acres," he promptly pointed out that our own natural increase in population had better be relied on; that we already had one race problem, which ought not be added to; that he was unalterably opposed to paying the steamship fares of foreigners here to produce more cotton and further reduce the price; and that immigration restriction would bring about (as it has done) a better balance in the proportion of whites

and blacks by causing a migration of the negroes North, where a taste of the negro problem would bring about a better understanding of and a more sympathetic attitude toward us and our race problem.

And so we find him on this important immigration problem that Congress has just now taken most drastic action on, in advance of his colleagues and opposed by certain leading papers of our State which had been, up to his and Tillman's day, charged with trying to run our State government in the interest of the few instead of the many. In 1906–7 in the face of the concentrated criticism of the Columbia State, the Charleston News and Courier, and certain other papers, and on the eve of his candidacy for reelection we find him the first and about the only public man in the State for a while opposing the State bureau of immigration with whose abolition his opposition is credited, the repealing act even forbidding any State official to bring an alien into our midst.

In the Senate he did not hesitate to serve on the Senate Committee on Immigration, a committee most Senators sought to avoid because of the "political dynamite" involved, owing to the large racial, religious, cheap labor, transportation, real estate, and other selfish interests affected.

Although a minority member of that committee—the Republicans being in control—he was very active in trying to perfect and put real teeth in the lengthy and pretentious bill (S. 4403) his committee reported in 1906 to the Senate. The CONGRESSIONAL RECORD of May 23, 1906, discloses his efforts in committee and also shows that he renewed his activities on the floor of the Senate to perfect and make effective that restriction law.

Among other amendments, we find him pressing one in the Senate debates, when the bill was considered, which it is difficult to understand was not at the time adopted. The Senator concluded that the chief and controlling reason for the large number of alien and foreign-born paupers, insane, criminals, and the like filling northern institutions was due to the profit-making choice of the foreign steamship companies and so told the Senate. He offered an amendment fining the steamships for bringing here such objectionables so heavily (when their undesirability could have been ascertained by a competent inquiry on the part of the steamship agents who sold the tickets) that the fines would take all the profit out of that particular kind of nefarious business on their part. In pressing his steamship-fines amendment, which, although not then adopted, is substantially the law now, Senator Latimer repeatedly spoke, drawing the fire of practically all of the old-line conservatives, and, among other things, said:

"I think every Senator present will admit that the evil [of dumping on us alien paupers, alien insane, aliens dangerously and contageously diseased, alien criminals, and the like] is due to the profit in it to the foreign steamship companies. If you take out the profit of bringing the excluded classes here, you will take away the incentive," and thus easily destroy one of the greatest of our immigration evils.

As a result of his good work and active interest in the question, Vice President Fairbanks, who was one of the few real restrictionist Republicans in the Senate, appointed him as the only Democratic Senator on the United States Immigration Commission in 1907. The commission made a most thorough and searching investigation into conditions at home and abroad, the Senator immediately plunging into the work, spending the entire summer of 1907 in Europe, looking into conditions and getting first-hand data. The 42-volume report of the commission contains the findings and recommendations upon which our present laws and restriction policy are based, and it is interesting to note that his fellow members were of the opinion that his duties on that important commission, and the extra work it entailed, unquestionably shortened his life and hastened his untimely death, February 20, 1908, and that the "Latimer" legislative proposals on immigration, as well as on good roads, parcel-post, and other great matters, are now substantially the "law of the land," and constitute a monument to his statesmanship and vision that place him in the front ranks of the distinguished men of this State and Nation.

PUBLIC UTILITY CORPORATIONS

Mr. WALSH of Montana. Mr. President, in the course of the debate which occupied some considerable time during the past week the statement was made that no public utility company had ever defaulted on its bonds. I send to the desk and ask to have incorporated in the RECORD an editorial from a paper printed in Portland, Oreg., speaking of the foreclosure of the bonds of a public utility company with attendant circumstances, reported to be somewhat scandalous in character.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

HIGH TIME TO CLEAN HOUSE

"How much longer must the bondholders bear the heavy burden of this receivership?"

In pleading the cause of the bondholders of the Vernonia Light & Power Co. in the circuit court the other day B. E. Haney, attorney for the bondholders, addressed this question to the court.

When he asked the question the company had been in receivership a year and a half.

During that period the company had had three different receivers.

During that period the company had been subjected to suits for accounting, suits to remove the receivers, and a suit to foreclose the bonds on its property.

And the end is not yet.

To be exact, Vernonia Light & Power Co. went into receivership in May, 1926.

The Northwest Trust Co., which had organized and financed the light and power company and which owned all of its stock, went into receivership with it on the same date.

BOND ISSUE FLOATED

In financing the light and power company the trust company had floated a bond issue of $125,000 on the light and power company's property.

The trust company named itself as trustee for the bonds, thereby placing itself in the novel position of becoming a trustee for bonds constituting a lien on its own property.

A single receiver was appointed by Judge Stevenson to administer the affairs of both companies.

Scarcely had he assumed office before a group of stockholders and bondholders attacked his appointment on the ground that he could not legally administer the affairs of two companies, one of which was a debtor and the other a creditor. They also alleged that the company's assets and income were being dissipated.

Then a curious thing happened.

The court removed the trust company as trustee for the bonds and made the largest individual bondholders their trustee.

The court also removed the receiver, but appointed another in his stead.

The bondholders again protested the receivership on the same ground, but the court continued the second receiver until he resigned.

Then the court appointed a third receiver to succeed him.

The bondholders resumed their fight against this third receiver and they are still battling.

BRING FORECLOSURE SUIT

The bondholders also brought a foreclosure suit and it is still pending.

Next a petition was filed for an order for an examination of the books, and following a fistic encounter between opposing counsel, it was finally granted by the court.

Meanwhile the salaries of the receiver and his staff of financial and legal parasites have been consuming the revenue of the light and power company.

It was brought out in the argument on the petition for the removal of the receiver the other day that the company has a gross monthly revenue of $2,200, an operating expense of $700, leaving a net income of $1,500.

But instead of this income being applied to the indebtedness of the company, it is being consumed by the receiver and his corps of financial and legal sharks.

BLAME POLITICAL GANG

In other words, with the sanction of the court the light and power company has been and is being milked dry for the benefit of a political gang that avails itself of every opportunity presented to prey on litigants and business.

The whole affair is a travesty on justice and a disgrace to the Multnomah County circuit bench.

It ought not to be the question of how much longer the light and power company bondholders shall continue to be a victim of this legal farce, but how much longer the people of Multnomah County will stand for the administration of their legal affairs in this shameful and disgraceful manner.

It would seem to be high time to begin cleaning house on the Multnomah County circuit bench.

Mr. WALSH of Montana. In the same connection I send to the desk a brief letter, sent to me by one of the judges of the district court of the State of Montana, on a related subject, and ask that it be read.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read as follows:

DISTRICT COURT, EIGHTH JUDICIAL DISTRICT,
Great Falls, Mont., February 12, 1928.

DEAR TOM: I notice by the press that you are going to conduct an inquiry into the public-utility business. In this connection I want to tell you that I bought 240 shares of Arcadia Utility Co. stock at $12.50 per share last June through Eddie Hardin, of the Financial Mirror, Wall Street, New York, and the stock proved worthless. It is now in the hands of Cameron Michel Co., 8 West Fortieth Street, New York. I thought this news might help you in your investigation.

Sincerely,

STEVE COWLEY, *Judge.*

Mr. WALSH of Montana. Mr. President, the general subject seems to be agitating the State of Massachusetts at the present time. I send to the desk and ask to have incorporated in the RECORD an editorial from the Boston Evening American and another editorial from the Boston Post.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorials are as follows:

[From the Boston Evening American, February 15, 1928]

ATTWILL ON "HOGS"—PLAIN TALK OF ELECTRIC-LIGHT COMPANIES

Chairman Henry C. Attwill's plain talk to the "hogs" among the electric lighting companies of Massachusetts will have the good effect of focusing public attention upon one of the major issues which are to be fought out before the present legislature.

The Worcester Electric Light Co., which last year paid its shareholders 24 per cent on the par value of their stock, was ordered by the public-utilities board to reduce its rate from 7 cents to 5 cents per kilowatt-hour, effective on July 15 last.

This reduction the Worcester Co. refused and refuses to make. It continues to charge 40 per cent more, or 7 cents per kilowatt-hour. Having obtained a district court injunction, restraining the commission from enforcing its order, an appeal now is on its way to the highest court in the land.

Confronted by this bold attempt to override the regulatory powers of the Commonwealth, the public-utilities board, with the support of Governor Fuller, is asking for legislation under which gas and electric companies are to enter into contract with the State and agree to become subject to regulation and supervision.

Gas and electric companies can not be "compelled" to enter into such a contract, but what if they refuse?

They will find themselves blocked at every turn. Further issues of their shares will not be approved. They will lose the power to take private property by right of eminent domain. They no longer will be protected from plants owned and operated by the public.

In the past two or three years a great many electric companies, formerly owned locally, have passed to the control of absentees.

With the stock of other similar organizations, the shares of these companies have found their way into the treasuries of holding companies.

Bonds, preferred stock, and various other kinds of shares have been issued by the holding companies and sold to the public, those who dominate the holding companies retaining the common or voting shares.

In many instances control has in this way passed to holding companies outside the State. It is these companies in particular which are fighting (1) the regulatory power of Massachusetss, and (2) the effort of the governor and his public-utility commissioners to bring the "hogs" into line.

No one except a man of the Attwill type could have talked as plainly of the porcine gentlemen who are running the holding-company game as he did and escaped without the instant cry of "demagogue."

Attwill is a distinguished attorney, respected for his "law" as well as his courage. He is a former attorney general of the Commonwealth, a member of one of the oldest families in Essex County.

He knows the public-utilities industry inside and out. Hear what he says, not of all electric lighting companies, but of the "hogs" among them!

"We have given these utilities a monopoly. We have given to their care the sovereign power of eminent domain and have protected them against competition.

"We have now come to the place where some of these monopolies resent the idea that the rates should be made reasonable and that the public should share in their prosperity.

"These utilities can not continue to boast and brag of their ability to serve the public better and do it more efficiently than the public can do for themselves, unless some of them can approach somewhere near the efficiency of the municipal companies and give the public somewhere near as low rates as the municipal companies of Massachusetts have demonstrated that they can furnish.

"Certainly the private companies have nothing to boast about on their rates when we contrast the rate of one publicly owned company at Holyoke with that of any private company in the State.

"If there are no privately operated companies that can approximate the rates that the Holyoke Municipal Co. is now giving—5 cents a kilowatt-hour, and making a handsome return upon its investment at this rate—then it seems to me that the field of the private utility is gone in this State, or else I mistake very much the temper and character of the people.

"We have got to a place where, if what these companies say is true, regulation in Massachusetts, as far as rates are concerned, is ineffective."

And what was said on behalf of the "hogs"?

Able attorneys called the public utilities bill "an attempt to forestall an adverse decision by the Supreme Court of the United States." Companies were going to be "forced at the point of a pistol" to give up their "constitutional rights." It was "an attempt to nullify the Constitution of the United States by indirection," an "attempt to evade and destroy."

To which the Commonwealth, through the chairman of its public-utilities board, made reply as follows:

"The constitutional law that these gentlemen like to prattle about is in the last analysis determined by public sentiment. A true economic principle will never be overthrown by a decision of the Supreme Court. The battle for the freedom of the slaves was not stopped by the Dred Scott decision.

"One of the saddest things that we can conceive is that the fourteenth amendment, passed to abolish human slavery, has been turned into machinery to guarantee economic slavery.

"You must pass this bill or the people of Massachusetts must realize that they have no protection from corporate greed. Else they must depend on the kindness, the generosity, the philanthropy of these gentlemen." (Indicating public-utility executives and their attorneys.)

"We are not asking for charity from these gentlemen who want to make 40 per cent, or 50, or possibly even 60 per cent.

"Think of it! Here is a company, amply able to meet the 5-cent rate of the Holyoke Municipal Co., taking the position that they ought to receive in the market, if they sell, nine times the par value of their stock, which means that to make it worth that they have to charge rates to yield 54 per cent on the par value of the stock.

"Do you think the public is going to stand for it? This bill is an attempt to preserve to the decent public utilities the privileges that they are likely to lose through the activities of the hogs."

From time to time the Boston Evening American has been pointing to the example of the Holyoke Electric Co., owned by the people, and asking why no private system has matched its 5-cent rate.

We are glad to have the public-utilities board join in that query. We are even more encouraged by the implication behind Mr. Attwill's declaration that "in the public-utilities department we are unanimous in agreeing that the public will be forced into public operation, by which the greed of some of the electric companies can be curbed."

With the people fully informed as to the significance of this battle there can be but one result. If there is anyone in the State big enough to act for the power people our advice would be to cut the Worcester rate without delay, refund the Worcester overcharge, and promise to be good.

[From the Boston Post, February 15, 1928]

QUARRELING WITH THE STATE

It seems strange that after years of successful regulation of public utilities in Massachusetts we should be faced with a situation which, according to Chairman Attwill, of the public-utilities commission, renders the State helpless to enforce its commands.

Mr. Attwill declares the lighting rates throughout the State are, in many cases, exorbitant and some companies are bleeding the public, piling up extortionate profits.

If this state of affairs can be remedied by legislation, it should be done promptly.

The unfortunate part of the whole business seems to be that, owing to certain United States Supreme Court decisions, we are in for a prolonged series of law suits. The public utilities have recently obtained decided legal advantages which conflict sharply with our long-established Massachusetts doctrines.

Our local utilities have prospered greatly under our State laws and regulations. No utilities of the kind in the country are in a stronger financial condition than the Massachusetts companies. Common sense ought to show the stockholders of these companies the necessity of remaining on good terms with the State instead of challenging the authorities to legal battle.

Whether it is possible, indirectly, to deprive the utilities of their legal right to appeal to the United States courts we do not know. That will be a matter for the lawyers. But it seems foolish tactics on the part of the utility stockholders to engage in a quarrel with the State.

Meanwhile the position of the public-utilities commission ought to be strengthened by legislation in order that no possible advantage to the power of the State shall be missed.

Mr. GEORGE. Mr. President, I merely wish to say that I suppose the Senator from Montana has reference to a statement made by me in the course of my remarks in the Senate last week. My statement was that the record made before the Interstate Commerce Committee showed that there had been no default on any of the preferred stock or any of the securities issued by the utility companies. I did not state it as a fact. I said that it so appeared on the record of the hearings before the Interstate Commerce Committee and without dispute in that hearing. I said nothing, as I recollect, about stocks except the preferred stocks and the bonds and other obligations to pay, and the record before the Interstate Commerce Committee, in which I did not participate, not being a member of that committee, does show that no default had been made in any of the preferred stocks or bonds or obligations to pay, and there was no contradiction of that showing.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On February 16, 1928:

S. 2656. An act to establish a minimum area for a Shenandoah National Park, for administration, protection, and general development by the National Park Service, and for other purposes.

On February 20, 1928:

S. 2348. An act granting the consent of Congress to the Norfolk & Western Railway Co. and Knox Creek Railway Co. to construct, maintain, and operate two bridges across the Tug Fork of Big Sandy River near Devon, Mingo County, W. Va.

INTERNATIONAL EXPOSITION AT SEVILLE, SPAIN (S. DOC. NO. 59)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

In accordance with the accompanying recommendation of the Secretary of State, I request of the Congress legislation that will authorize the appropriations heretofore made or hereafter to be made under the authority of Public Resolution No. 65, approved March 3, 1925, providing for the participation of the United States in an international exposition to be held at Seville, Spain, to be expended, for the purposes enumerated in the resolution, without regard to the provisions of any other act relating to the expenditure of public moneys, on the certificate of the Secretary of State that the materials or services were necessary to enable the Government of the United States to participate in the exposition.

The attention of Congress is invited to the accompanying report of the Secretary of State and the memorandum of the Commission of the United States to the International Exposition at Seville, in which the details with regard to the necessity of the proposed amendment are set forth.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, February 20, 1928.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated below:

H. R. 9285. An act to provide for the settlement of claims against the United States on account of property damage, personal injury, or death; to the Committee on Claims.

H. R. 367. An act to authorize the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes; and

H. R. 10954. An act to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa.; to the Committee on Finance.

OHIO RIVER BRIDGE BETWEEN OWENSBORO, KY., AND ROCKPORT, IND.

Mr. WATSON. Mr. President, the bill (S. 2589) authorizing the extension of time for the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind., is before the Committee on Commerce.

The House of Representatives passed a bill in almost identical language, being the bill (H. R. 9280) to extend the times for commencing and completing the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind., which bill was referred to the Committee on Commerce.

I move that the Committee on Commerce be discharged from the further consideration of the House bill with a view to its immediate consideration.

The motion was agreed to.

Mr. WATSON. I ask unanimous consent for the present consideration of House bill 9280.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9280) to extend the times for commencing and completing the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WATSON. I move that the Committee on Commerce be discharged from the further consideration of Senate bill 2589 and that the bill be indefinitely postponed.

The motion was agreed to.

ALIEN PROPERTY AND OTHER CLAIMS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7201) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole. The question is on agreeing to the committee amendment as amended, which is open to further amendment. The Senator from Nebraska [Mr. HOWELL] is entitled to the floor.

Mr. HOWELL. Mr. President, there is in the hands of the Alien Property Custodian belonging to German nationals property that was sequestered during the World War to prevent it from becoming an asset of Germany. The value of that property totals $270,000,000. The Government during the war took over certain German vessels, certain German patents, and a radio station, the appraised value of which, together with interest at 5 per cent down to the present time, amounts to another $60,000,000 in round numbers. Thus it is evident that there is held German property, and in addition thereto there are credits due German nationals, amounting to a total of $330,000,000.

As a result of the World War a Mixed Claims Commission was appointed to pass upon the claims of American nationals against Germany. Awards have been handed down, and there are others in process, making a total of some $260,000,000. Of this amount $175,000,000 is principal and $85,000,000 interest. Germany has made provision, or rather we became a party to the Paris agreement and are to receive, as a consequence, an allowance of 2¼ per cent of the Dawes annuities for the payment of these awards, and the Government of the United States accepted this 2¼ per cent, which was held to be our fair share of the Dawes annuities.

The pending bill provides for the return, now and later, of this German property; that is, the bill apparently provides for its return. The bill also provides a fund from which all American claims are to be paid, if ever paid.

Of course, there is no other provision made for payment so far as Germany is concerned except the 2¼ per cent of the Dawes annuities; and that 2¼ per cent is limited in any year to $10,700,000. That being the case, how long and when can we expect that the 2¼ per cent will pay the awards made on account of American claims?

Mr. President, on April 5, 1926, before the House Committee on Ways and Means, Acting Secretary of the Treasury Winston made a statement which, in part, is as follows:

> * * * the United States on account of the mixed claims awards (to American citizens and the United States Government) were fixed at 2¼ per cent of all the receipts from Germany on account of the Dawes annuities available for distribution as reparations, provided that the annuities resulting from this percentage shall not in any year exceed 45,000,000 gold marks.

Or about $10,700,000. Mr. Winston continued:

> It is estimated that all the awards of the Mixed Claims Commission, which Germany is obliged to pay, will aggregate $190,000,000 of principal and $60,000,000 of accrued interest to January 1, 1926, or a total of $250,000,000.

Up to September, 1928, the total will be about $260,000,000.

> If no interest is to be paid upon accumulated interest—

And that accumulated interest, I might add, is about $85,000,000—

> If no interest is paid upon accumulated interest, an annuity of $11,000,000—

He estimates $11,000,000, whereas the maximum amount is actually $10,700,000—

> would pay current interest and pay the $60,000,000 of accumulated interest in 40 years, and thereafter in 40 years more would amortize the principal of the awards, a total of 80 years.

In other words, it was the view of the Treasury Department in 1926 that it would take 80 years for $11,000,000 to pay off $250,000,000 of awards, whereas we have, as a matter of fact, only $10,700,000 to pay off $260,000,000 of awards. But, Mr. President, the pending bill apparently provides for the payment of these awards within 39 years.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

Mr. HOWELL. Certainly.

Mr. FLETCHER. Is it not proposed to pay 80 per cent of the awards now?

Mr. HOWELL. It is proposed to pay 80 per cent of the awards within the next three years, all the accumulated interest on 80 per cent of the awards within the following three years thereafter, or a total of six years, and the remaining 20 per cent of awards and interest will be paid in full by the end of 24 years from September 1, 1928.

So, Mr. President, we have this remarkable achievement, whereas in the orderly way of payment the German annuity of $10,700,000 will require 80 years to pay the American awards, a plan has been devised, although Germany is not to pay another cent additional, to complete the payment of all awards within 39 years.

Mr. President, what financial wizardry is involved in this remarkable result? Why, the German nationals are not to receive the money to which they are entitled. Part of their funds are to be confiscated and used to pay these American awards. Second, the United States Government is to sacrifice tens of millions of dollars. The American taxpayer is to help pay these awards. That is what this bill provides.

For instance, among the assets of the German nationals in the hands of the Alien Property Custodian is $25,000,000 in cash, unallocated interest. To consummate this remarkable result, this $25,000,000 is to be taken to pay American claims, and German nationals are not to begin to receive any part thereof until the end of 24 years, and then it is to be paid back to them during the next two and one-third years without interest.

What does this mean? Payment is to begin at the end of 24 years and is to be finished at the end of two and a third years later. So let us assume the average time 25 years; $25,000,000 payable 25 years hence is worth to-day only about $7,500,000. The difference between $7,500,000 and $25,000,000 is $17,500,000; so in connection with this item alone it is proposed to confiscate, and Congress is asked to approve the confiscation, of $17,500,000 for the benefit of American claimants.

Again, it is provided that in order to pay these American awards immediately we are to deduct $40,000,000 from the Alien Property Custodian fund and turn it into the fund created out of which these American awards are to be paid, the German owners to receive no interest upon this $40,000,000 during the first three years of the payment period. This is another confiscation in the way of interest, amounting to $6,000,000, and there is proposed a further confiscation of interest in connection with credits due German nationals on account of ships, patents, and radio station.

Mr. KING. Mr. President, will the Senator yield?

Mr. HOWELL. Certainly.

Mr. KING. I am not quite clear as to what the Senator means by his statement that there is a confiscation in regard to ships, radio station, and patents. The Senator recalls that an umpire is created for the purpose of determining the value of the ships and of the patents and of the radio station.

Mr. HOWELL. What I meant by that was, that of whatever is allowed on account of ships, patents, and the radio station ultimately, one-half is to be used to pay American awards, and only at the end of 24 years are the German owners to begin receiving the principal, and then only with simple interest thereon. There is an element of confiscation in this proposed transaction which I have not calculated definitely.

Mr. KING. Mr. President, if the Senator will still pardon me, the Senator knows my views with respect to this matter if it were a proposition de novo; but, as I stated the other day, we are presented with an accomplished fact, with a situation quite unique. We are presented with a further set of circumstances growing out of the practical unanimity upon the part of the claimants, American nationals and German nationals, in regard to this plan.

May I ask the Senator what he would do if the responsibility devolved upon him of settling this matter? We have this property in our possession. The German nationals are demanding that they get as much of it as they possibly can at as early a date as possible. A dollar now may be worth a great deal more to them than a dollar and a half in two or three or four years from now. They are willing to make some concessions in order to release this property. American nationals have claims against Germany. They see that they may not be able to get payment of their claims except in 20, 30, 40, 50, or 80 years unless some concessions are made by them; so, by mutual concessions, this plan is presented. Shall we turn back the property to Germany, and say to the American nationals, "You get nothing unless we take the 2¼ per cent"? Obviously they could not be paid within 80 years. Shall we then declare war upon Germany, and say to Germany, "We are going to blockade your ports; we are going to fly in the face of the Dawes commission annuities, and we demand that you pay to the American nationals now that two or three hundred million dollars that has been awarded by the Mixed Claims Commission"?

What would the Senator do? It is a situation, as the Senator can see, that has many complications; and I have been compelled reluctantly to assent to this bill, with all of its incongruities and all of its objectionable features, because, first, the parties interested—more interested than the Senator and myself—say that this is the best settlement that can be made all around.

Mr. HOWELL. Mr. President, my purpose in addressing the Senate to-day upon this subject is to suggest and prevail upon the Senate to adopt a modification of this plan, which to me seems but proper; and in order to make my argument as effective as possible it is necessary for me to go into the details of this measure and show the incongruities that exist therein, so that the Senate may judge as to whether my suggestions are rational, logical, and would be just, not only to American claimants but also to German nationals.

The distinguished Senator from Utah long ago took the position upon the floor of the Senate that German nationals should receive their property, that has been held for the last nine years by the Alien Property Custodian. He has taken such a position here upon the floor because he was aware of the past attitude of the United States respecting the inviolability of private property in time of war. He knew that for the last 140 years we have been foremost among the nations of the world in insisting that nations made war upon nations, not against individuals, and that private property should not be confiscated, even in time of war.

I recall an instance that illustrates this point—the impression made upon even the boyish mind of Admiral Farragut when he was a midshipman aged 14. He was on board the U. S. S. *Ranger* when the British warships *Phoebe* and *Cherub* attacked that vessel in the harbor of Valparaiso in violation of the laws of neutrality. He held his station beside his commander, Captain Porter, the father of Admiral Porter, of Civil War fame, during that action, as his aide de camp, and he performed his duty in a manner worthy of a man. Though but a lad, the captain sent him, pistol in hand, to drive back a gunner skulking from his post. Later, when this boy of 14 was taken as a prisoner on board the flagship of the British squadron, he discovered in the arms of a British midshipman his pet pig, "Murphy," and attempted to wrest it from its captor. The Briton insisted the pig was a prisoner of war also, but little Farragut held his ground, stoutly maintaining the pig was his property and that private property was not subject to confiscation, even in time of war. His argument evidently was not conclusive, as another battle took place right then, little Farragut whipping his antagonist and walking away with that pig. Even upon his immature mind, at 14 years of age, there had been impressed this American idea of the inviolability of private property; and yet, Mr. President, although for more than a century this Nation has stood before the world advocating this principle, for the last nine years we have held $245,000,000 or more of property belonging to German nationals, refusing to return it. Why? Have we changed our views respecting the inviolability of private property in time of war?

No, Mr. President. American nationals, with some $260,000,000 of awards at stake, have been able, through the organization of a claimants' association, to so influence Congress that Congress has failed to return this property until, as the distinguished Senator from Utah has stated, the German nationals have come to their senses, as American claimants say, and agreed that part of their property shall be confiscated in order that they may get a major portion thereof.

Mr. KING. Mr. President, I apologize for intruding again, but before the Senator concludes I hope he will make some suggestion as to how we can meet the situation and pay both the American nationals and German nationals and pay the American Government out of the small 2¼ per cent of the reparations. Of course, if our Government had done its duty in the beginning, had taken part in the conferences of the allied nations, and demanded its share of the reparations at the outset, a different situation would have been presented. But their negligence has in part contributed to the dilemma in which the American claimants are placed, and, as I stated, this bill seems to have been worked out for the purpose of reconciling the differences and accepting a situation with all of its complications and its former mistakes.

Mr. HOWELL. Mr. President, as I have already stated, this bill provides a fund out of which the American awards shall be paid, and I have merely begun to indicate how this fund is to be formed. It is true that German nationals have finally consented that if they can get 80 per cent of their

property they are willing that 20 per cent shall go into this fund. They have also agreed that if they can get this 80 per cent they are willing that $25,000,000 of unallocated interest accruing from this property shall go into this fund also.

Then they have made another concession, and I want to call the Senator's attention, especially to this arrangement: We took over, as the result of an act of Congress, certain German vessels, and in the same act it was provided that when they were taken over the President of the United States should appoint a board to appraise them, determine their worth, and report the facts. We also took over certain German patents, which have also been evaluated. In addition we took over a radio station, which has been appraised at $460,000. The total of the appraisal of these vessels, the patents, and the radio station, together with interest, amounts now to about $60,000,000.

As a result of this entente between American claimants and interested German nationals the Germans have agreed that if they can get one-half of the value of the vessels, patents, and radio station now, they are willing that the other half shall be placed in this fund likewise.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. WATERMAN in the chair). Does the Senator from Nebraska yield to the Senator from Florida?

Mr. HOWELL. I yield.

Mr. FLETCHER. This bill, in paragraph (e), on page 49, provides that "The total amount to be awarded under this section shall not exceed $100,000,000, minus the sum of" so and so. These vessels were appraised, under the board to which reference has been made, at $34,000,000. They were all vessels that had been tampered with, attempted to be ruined; their machinery had been purposely injured. In Mr. Bernstorff's book he says:

> Consequently, on the morning of the 31st of January (1917), I had already given the order that the engines of all ships lying in American harbors were to be destroyed. I had already been given instructions to this effect at the time of the *Sussex* crisis, and these instructions had now been repeated from Berlin. As a matter of fact, it was dangerous to allow of any delay, for on the evening of January 31 our ships were already seized by the American police. As far as I know, however, all of them, without exception, were made unfit for use before this occurred.

Those were the ships that came into our hands, and they were appraised at $34,000,000. It is provided in this bill that the claims for the ships and the radio station and the patents shall be adjusted on a basis not to exceed $100,000,000. I understand that perhaps the patents and the radio station would be worth about $15,000,000, which would leave $85,000,000 for the ships. I propose to offer an amendment to this bill to strike out $100,000,000 and to make it $75,000,000. I do not think these ships ought to be valued at more than $50,000,000, at the outside, and that would include interest on the $34,000,000.

It seems to me the bill is too liberal, in these circumstances. These German ships were all damaged, all purposely injured, according to Mr. Bernstorff's own statement, and according to our own information, and now to give them $100,000,000, $15,000,000 for the radio station and patents and $85,000,000 for the ships, seems to me perfectly absurd.

Mr. KING. Mr. President, will the Senator from Nebraska permit me, as a member of the committee, to reply briefly to the Senator from Florida?

Mr. HOWELL. Certainly.

Mr. KING. May I say to the Senator from Florida that in my opinion, in view of the limitations placed in the bill in connection with ascertaining the value of the ships, taking into account the sabotage, taking into account the fact that immediately before there was no prospect of their being used, or being competent to be used, until the termination of the war, taking into account all of those factors, in my opinion no umpire will give an award to exceed $50,000,000 for those ships.

I feel sure that the shipowners would fare far better to accept the award made by the naval officers, plus the interest, than by referring the matter to an umpire. However, may I say that I think the United States made a mistake in not putting those ships through the prize courts at the time of their sequestration. I know the Senator from Montana and myself, on the Judiciary Committee, insisted that the ships should go through the prize courts, and I feel sure that if they had gone through the prize courts at that time the value, in view of the sabotage, would not have been more than twenty-five or thirty million dollars. So that, in my opinion, the shipowners are profiting more by this measure than they would have profited if the ships had gone through the prize courts, and if they had gone through the prize courts, then there could have been no question raised with respect to the legality of the procedure or any taint of confiscation.

Mr. FLETCHER. Mr. President, I am inclined to think the Senator's position is correct about that. If the Senator thinks the arbiter will not allow more than $50,000,000 for them, why not say so in the bill? We give them a leeway of $100,000,000, and there may be apportioned out of that $85,000,000 or $90,000,000 for ships, the radio station, and the patents. But $100,000,000 seems to me a very extravagant allowance for the arbiter to make, and $50,000,000 ought to be the limit allowed for these ships. They were appraised at $34,000,000. They were purposely damaged, and it was supposed they were put entirely out of business, but we managed in some way to overcome those difficulties, and used them. But the German owners could not use the ships. They were tied up. They were out of commission, and they could not have been used at the time when freight rates were high and ships made money. These ships would have been entirely tied up at the docks, and could not have been used.

Not only that, but I have a statement here which I think is correct. It is as follows:

> In 1922 or 1923 certain bonds of the Hamburg-American Line and the North German Lloyd Line became due. If my memory is correct these bonds totaled about 50,000,000 German marks, and these two companies paid off these bonds in the depreciated currency of that day. When they sold these bonds they received the equivalent of approximately $12,500,000. When they redeemed the bonds they paid the holders the equivalent of approximately $10,000. The injustice of this is glaring, because these two companies charged either American or English money for all their services after 1920. If my memory is correct, immediately after redeeming these bonds, the property so released from mortgage was used to float a new bond issue in the United States, the proceeds of which were voted to build new ships.
>
> I think you will agree with me that in equity these two companies had no right to redeem bonds for less than 1 per cent of the value received, and then claim an exorbitant value on the ships which we seized.

I propose, when the proper time comes and it is in order, to offer an amendment to strike out $100,000,000, in line 10, page 49, of the bill, and insert in lieu thereof $75,000,000. It seems to me that would allow more than $50,000,000 for the ships, and then it would allow a margin up to $25,000,000 for the radio stations and patents.

Mr. SHIPSTEAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	King	Sackett
Barkley	Ferris	La Follette	Schall
Bayard	Fess	McKellar	Sheppard
Bingham	Fletcher	McLean	Shipstead
Black	Frazier	McMaster	Shortridge
Blaine	George	McNary	Smoot
Blease	Gerry	Mayfield	Steiwer
Borah	Glass	Metcalf	Stephens
Bratton	Gooding	Moses	Swanson
Brookhart	Greene	Neely	Thomas
Broussard	Hale	Norbeck	Tydings
Bruce	Harris	Norris	Tyson
Capper	Harrison	Nye	Wagner
Caraway	Hawes	Oddie	Walsh, Mass.
Copeland	Hayden	Phipps	Walsh, Mont.
Couzens	Heflin	Pine	Warren
Curtis	Howell	Pittman	Waterman
Cutting	Johnson	Ransdell	Watson
Dale	Jones	Reed, Pa.	Wheeler
Deneen	Kendrick	Robinson, Ark.	Willis
Dill	Keyes	Robinson, Ind.	

The PRESIDING OFFICER. Eighty-three Senators having answered to their names, a quorum is present.

Mr. HOWELL. Mr. President, I thank the Senator from Florida for calling my attention and the attention of the Senate to the provision in the pending bill providing for the revaluation of ships, patents, and the radio station. As I have previously stated, by virtue of an act of Congress the President appointed a board to appraise these ships. The board proceeded to do so and reported them worth about $34,000,000. There were also certain patents valued at $7,500,000 and the radio station at $460,000, altogether, with interest, totaling about $60,000,000. The claimants' association not only insisted that German nationals should consent to the taking of 20 per cent of their property in the hands of the Alien Property Custodian, not to exceed $40,000,000, to pay American awards, but also that $25,000,000 of unallocated interest. They did not stop there, however. They said, "You ship, patent, and radio station owners must also contribute 50 per cent of the $60,000,000 now due you, for our fund, and you must wait until a distant date for repayment." When the owners demurred they were told, "If you

will consent to this, we will have another appraisement of the ships and fix the limit at not $60,000,000 but $100,000,000. If the new appraisement is finally secured and comes out as we expect, you will get $50,000,000 right away, which is only $10,000,000 less than your total claim now. Then we will get an additional $25,000,000 for the fund which we are providing for the payment of our claims. It will not come out of you eventually; it comes out of the American Treasury and the American taxpayers will pay it. You should agree to this. It is a good deal for you. You may get $100,000,000 instead of $60,000,000, and of course we, instead of getting $25,000,000 for the fund that is to immediately pay our awards, will get $50,000,000." They agreed.

If the German nationals could get the $60,000,000 for their ships, radio station, and patents right now, they would be satisfied. That is my opinion. This is not their plan. This is the American claimants' plan to further raid the United States Treasury and make the American taxpayer pay these American awards, because they are afraid Germany may not ultimately do so.

As I have previously stated, by an act of Congress the ships were appraised by a board appointed by the President of the United States, President Wilson. The board reported the ships worth $34,000,000. What has become of the ships? Let me give you some examples.

It will be recalled that the other day the Senator from Utah [Mr. SMOOT] stated that some of the ships had been sold for more money than we paid for them. That is true. It is well known that a very ordinary cargo vessel has recently cost in this country from $50 to $60 a ton. Such vessels as that were sold in the midst of the war, or during 1918, for in the neighborhood of $200 a ton. Several of these German vessels were sold at that price, not because they were worth it when they were taken over, when they were in our harbors and could not leave, not then, but subsequently, and because of this I will indicate now what has happened to some of those ships.

Mr. REED of Pennsylvania. Mr. President, before the Senator does that, will he permit a question?

Mr. HOWELL. Certainly.

Mr. REED of Pennsylvania. I have been listening to the Senator with great interest and with as much continuity as one is permitted to listen in the Senate. I am curious to know how, if the Senator were writing the bill now, he would find the funds from which the American claims would be paid. The Senator from Utah asked him that a while ago, and I was not able to hear all of the Senator's answer. I understand that he does not approve of the proceeding for appraisal of the ships and the putting of $50,000,000 into the fund against that item. I understand the Senator does not approve of our use of the unallocated interest fund and the use of $25,000,000 from that source. I understand he does not approve of the retention of 20 per cent of the property of the German nationals, although they have agreed to its retention. I understand he does not approve of the contribution we get from that source. Obviously, the 2¼ per cent is not going to be more than enough to pay off the American claims in the next 80 years or so. Where would the Senator get the money with which to pay the American claimants?

Mr. HOWELL. Mr. President, I shall not answer in detail the distinguished Senator from Pennsylvania at this time. I will merely say that there are certain American awards which are on account of profits only, and these American awards I would not pay out of funds taken from German nationals or from the Treasury of the United States Government. But until I come to that matter in the order of my remarks, I shall desist from further answering the Senator's question and will proceed now with a further statement respecting the vessels in question, if the Senator will permit me to do so.

Mr. WATERMAN. Mr. President——

The PRESIDING OFFICER (Mr. CUTTING in the chair.) Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. HOWELL. I yield.

Mr. WATERMAN. If the bill is passed and becomes a law and the German Government does not pay as we now anticipate, then those American claimants must necessarily be paid out of the Public Treasury of the United States, must they not?

Mr. HOWELL. Unless we ultimately confiscate the property of private German nationals.

Mr. REED of Pennsylvania. But has not the German Government already confiscated it and pledged it to us in order to secure the American claims?

Mr. HOWELL. The German Government has taken such action, but it has been the attitude in the Senate, and I am sure it is the attitude of the average American citizen, that even if the Government of Germany would confiscate these properties, and thereby allow us to confiscate them, we are not willing to be a party to the transaction, if not because of morals, because of policy alone. We have our property scattered all over the world. We are to-day the great creditor Nation. It is our duty to our neighbor and to ourselves to uphold the principle of the inviolability of private property in time of war.

Mr. REED of Pennsylvania. Does the Senator think that it will help our nationals in the next war if we take an extra liberal attitude on this question at this time when we remember that Great Britain, France, and Italy have each absolutely confiscated every penny of German property that they could lay their hands on? Does not the Senator rather think that Europe at least will follow that policy against us in the next war regardless of what we do in this bill, and that the generous treatment that we are giving German nationals now—for we are treating them better than their own Government treats them—is in order that we may live up to our own conception of right and duty and not to lay by a store of gratitude for the future? I myself have not any faith that the American nationals in the next war will be treated in this way by enemy powers unless we win that war.

Mr. HOWELL. I am sure that the distinguished Senator from Pennsylvania will agree with me that there was, during the last century, a great change of sentiment throughout the world, resulting in practically a change in international law respecting the inviolability of private property in time of war.

Mr. REED of Pennsylvania. But it all went into the discard when the war came.

Mr. HOWELL. Yes, Mr. President, I realize that it did, but it had prevailed; it had come to be regarded as a tenet of international law; and the United States of America was as much or more responsible than any other one nation probably in developing that view, and engrafting that principle upon the body of international law.

Mr. President, if we had not taken that position, if other nations had not conceded it from time to time, we would never have made any progress respecting the confiscation of private property and our opposition thereto, but we did, and great advances were made. Now, because some European nations forgot the principle during the last Great War, should we forget it now? Should we return to old practices? I believe we ought to stand where we have always stood. The matter of doing so involves only a few million dollars.

Why! Mr. President, on the floor here, much like good fellows, we have voted to cancel Italy's debt if she will pay us but 1.1 per cent per annum upon the face thereof—$2,150,000,000—for 62 years.

But to return, Mr. President, to the ships. These German ships were valued at $34,000,000. It is now proposed that the ships, the patents, and the radio stations be revalued, and we fix a limit of $100,000,000 as the top price we will pay.

Mr. REED of Pennsylvania. That includes accumulated interest, as the Senator from Nebraska will remember.

Mr. HOWELL. Yes, as I have before stated, the value of these ships, patents, and the radio station, plus accumulated interest, amounts now to about $60,000,000. It is proposed we provide for a possible increase of $40,000,000. What does this mean? Let us consider some of these ships.

Here, Mr. President, was the *Andalusia*, one of the vessels turned over. It was appraised at $100,360. We expended thereon in capital charges $323,000, in round figures. We have sold that ship for $17,000. Under this bill we may be taxed $200,000 for a ship that we have sold for $16,000 after paying $322,000 in capital charges thereon.

Let us take, for instance, another ship—the *Arcadia*. That case is not quite so glaring. We paid $86,940 for that ship; we expended thereon $102,000, and we have sold it for $54,000.

Mr. REED of Pennsylvania. Mr. President, will not the Senator from Nebraska, as he gives these figures, tell us when we made the sales?

Mr. HOWELL. I have not the dates.

Mr. REED of Pennsylvania. Is it not obvious that the whole amount appraised for the vessels and the whole amount of the reconditioning them might well have been repaid to us in a single voyage during war time?

Mr. HOWELL. Mr. President, it is a well-known fact that a ship has a very long life if it is properly maintained. I might say, for the information of the distinguished Senator from Pennsylvania, that the first ship on which I sailed as a midshipman—that was in 1882—had fought an engagement with and captured a French war vessel in 1799. Of course, what the Senator has stated respecting single voyages was possible during the war. However, I do not think that the suggestion is really a valid argument against the thought suggested by a comparison of these figures.

Mr. REED of Pennsylvania. No; I meant it to be in answer only to a part of that thought. The reconditioning expense was incurred during war time at a period of very high prices, in a very great emergency, when there was necessity for very great speed. When the work had been done the vessels were put into war service. The appraisal, on the other hand, was made by five naval officers without hearing any evidence on the side of the shipowners during war time when they were not giving the Germans the benefit of the doubt by any means, and the average appraisal of those ships was only $34 per gross ton, whereas the cost of building such ships was upward of $60 per gross ton in German shipyards before war was declared.

Mr. HOWELL. Mr. President, there was a board of naval officers appointed by the President of the United States to appraise these vessels. In my opinion, that board, appointed as it was, made as fair and just appraisement at the time these ships were seized, as possible for any body of men. I will read in this connection from a letter which I recently received from the Secretary of the Navy:

By Public Resolution No. 2, Sixty-fifth Congress (S. J. Res. 42), approved May 12, 1917, a board of survey, known as the Board to Appraise Enemy Vessels, was appointed by the President, May 19, 1917, to carry out the purpose of the resolution.

This board proceeded at once with the physical examination and appraisal of each vessel and forwarded its findings to the Secretary of the Navy under date of June 10, 1918. The report was in the nature of a letter of transmittal accompanied by the statement of valuation in each case.

In general, the method followed by the board in each case was to ascertain from the available sources the first cost of each vessel and then, from carefully worked curves of depreciation, to ascertain her value per se at the time of the seizure, due account being made for damage to machinery.

That was the method followed, Mr. President, in the appraisement of these vessels, and remember the engines on practically every one had been destroyed.

Mr. REED of Pennsylvania. I do not think the Senator means quite that.

Mr. HOWELL. Not entirely destroyed, but they had been seriously damaged.

Mr. REED of Pennsylvania. The *Vaterland*, which is now the *Leviathan*, had not been injured in her power plant at all. Many of them were not injured.

Mr. HOWELL. Is it not a fact that there has been expended on the reconditioning of the *Vaterland* over $6,000,000?

Mr. REED of Pennsylvania. It is a fact, and we made it necessary very largely by tearing the whole insides out of her to equip her for carrying troops.

Mr. HOWELL. But these were capital charges, Mr. President. If her insides were torn out and then replaced, that was not properly a capital charge. I am merely referring to capital charges.

Mr. REED of Pennsylvania. It is certainly a capital charge to recondition a ship for passenger service.

Mr. HOWELL. The item was for reconditioning the *Vaterland*. If a ship is transformed, its insides torn out as suggested and then replaced, that is repair work and chargeable to operation and maintenance; but if you make additions, improve the ship, then the expense is chargeable to capital. However, the charges to which I am referring were capital charges and not charges on account of maintenance.

Mr. President, here is another ship, the *Arnoldus Vinnen*. It was appraised at $23,500; we spent $83,703 in capital charges, and then sold it for $48,000.

Here is the case of the *Armenia*, appraised at $86,150; spent $114,000 on it and sold it for $22,500.

Again the *Barbarrossa*. Appraised at $463,000; we spent $68,000 on it and sold it for $34,500.

Here is the *Bochum*. Appraised at $781,000; we spent $143,000 on it and then sold it for $478,000.

Here is the *Bulgaria*. Appraised at $215,000; we spent in capital charges thereon $284,000 and sold it for less than $20,000.

Here is the case of the *Clara Mennig*. Appraised at $99,000, spent $119,000 thereon, and we sold that ship for more than it cost—$280,000.

Here is the *Dalbek*. Appraised at $32,000, we spent $45,000 on it, and sold it for $57,000.

Here is the *Elmshorn*. Appraised at $211,000, spent $149,000 on the ship, and then sold it for $64,000.

Here is the *Grosser Kurfurst*. Appraised at $606,000, we spent $533,000 thereon, and sold it for $100,000. Why, that ship had cost us over a million dollars, and we sold it for $100,000!

Here is the *Grunewald*. Appraised at $239,000 and sold it for $188,000.

Here is the *Hamburg*. Appraised at $449,000, spent $142,000 thereon, and then sold it for $65,000.

Here is the *Harburg*. Appraised at $106,000, spent $220,000, capital charges, and then sold it for $54,000,

Here is the *Koln*. Appraised at $284,000, spent $348,000 on it, and sold it for $19,000.

It is proposed to reappraise every one of these ships, and pay their owners possibly twice what they were appraised at, at the time they were taken over!

Here is the *Magdeburg*. Appraised at $112,000, spent $189,000 on it, and sold it for $43,000.

Mr. President, I will give you another case—the *Pennsylvania*. Appraised it at $409,000; spent $538,000 on it, and sold it for $8,000; and now it is proposed to go on and appraise these ships so as to give them as much more as they were appraised for at that time!

Here is the case of the *Portonia*. We appraised it at $89,000, spent $98,000 on it, and sold it for $9,000.

Here is the *Princess Alice*. Appraised at $507,000, we spent thereon $372,000, and sold it for $60,000.

The *Princess Irene*. Appraised at $503,000 and sold it for $100,000.

The *Rhaetia*. Appraised value was $254,000, we spent a quarter of a million dollars on it, and sold it for $15,000.

Here is the *Sambia*, appraised at $103,000. We spent $293,000 thereon, and sold it for $40,000.

I will not read this entire list, Mr. President, but to me it will be a remarkable fact if the American claimants' association, whose headquarters are in Chicago, can prevail upon Congress to provide for the reappraisement of these vessels—ships sold for little, relatively nothing, upon which tremendous sums were spent in the way of capital expenditures to the end that there might be $50,000,000, instead of $25,000,000 put in this fund for the payment of awards to American nationals.

Mr. JONES. Mr. President, may I ask the Senator what branch of the Government sold the vessels that the Senator has described?

Mr. HOWELL. The Shipping Board, as I understand. At least I obtained the information from the Shipping Board; and I assume that the Shipping Board handled these vessels, because there were certain vessels on my list for which they had no data.

Mr. JONES. They expended these amounts of money for repairs and capital expenditures?

Mr. HOWELL. No; these were capital expenditures. I am not talking about repairs at all, nor have any of the figures I have read included repairs.

Mr. JONES. These were capital expenditures, then, that the Senator has referred to?

Mr. HOWELL. Yes.

Mr. JONES. Did the Shipping Board spend that money?

Mr. HOWELL. That is my understanding, because I obtained the information therefrom.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. HOWELL. Yes.

Mr. SMOOT. I wish to say to the Senator from Washington that the ships that were sold were sold all the way from three times the amount of the valuation down to almost a sacrifice price on account of the condition of the ships.

Mr. HOWELL. But whenever you find that a ship was sold for more, in every case, or nearly every case, you will find that the Government had spent tremendous amounts of money theron in the way of capital investment.

Mr. SMOOT. More than the appraised value of the ship and more than the capital expenditure on the ships.

Mr. HOWELL. But if they were sold for that it was during the war. We all know it is a fact that tramp steamers of the most ordinary specifications were bringing $200 a ton in 1918 that to-day can be bought in English markets for from $36 to $40 a ton.

Possibly it will be argued by the distinguished Senator from Utah that as the Germans became more active in 1918 and destroyed more ships, we should now pay more to German nationals for these ships because of the resulting increase in price. If that is the distinguished Senator's position——

Mr. SMOOT. No; I want to say to the Senator that my position is this: The bill does not take into consideration any increase in valuation after the year 1917, when the United States became involved in the war. I recognize that what the Senator says is true—that in 1918, until after the armistice of November 11, 1918, there was hardly any limit to the price that was put upon ships. They meant everything, not only to the

conduct of the war but to the commerce of the world; and I know of ships selling for more per ton than the prices that have just been mentioned by the Senator. I know of ships that brought at that time over $325 a ton, and, as the Senator says, if those very ships were to be appraised to-day they would be appraised at about $60 or $70 a ton; and I will say to the Senator that those were the best ships, too.

Mr. HOWELL. Mr. President, in reply to a question by the distinguished Senator from Pennsylvania [Mr. REED], I stated that I would later address myself to the matter of a possible reformation of this bill.

Mr. FESS. Mr. President, will the Senator answer a question before he enters upon that?

Mr. HOWELL. Certainly.

Mr. FESS. The figures that the Senator has given are interesting to me. I recall some of the low prices that were paid for the ships when we sold them, and without some explanation it would appear that the Government was wickedly wasteful in permitting almost an entire loss of some of these ships. I was under the impression that the ships on which we expended a good deal of money were ships that we needed during the war, when there was no limit as to what we would expend. Then, when the war was over, we had them, and had no use for them; and the question was, what to do with them, or how to get rid of them, and what would we take in exchange for them.

That was my impression. It appeared to me that there was a wasteful loss; but, on the other hand, is it a basis of criticism of the Government in disposing of them?

I am asking the question specifically for information.

Mr. HOWELL. Mr. President, my purpose in reading this list of ships and their appraised value and their sale price was to point out that the Government did not necessarily make money out of these ships, as might have been inferred from remarks by the distinguished Senator from Utah the other day. I do not mean to say that he made any such positive statement, but he did imply in a general way that we had sold a number of these ships at high prices. I wished to make it clear that these ships were not a source of great revenue to the Government, and that we were, in this bill, confronted again with another recurrent proposition, quite common in recent years, as follows: That the Government of the United States should take its loss and not whimper, but when it comes to harvesting a profit that should be relinquished to the advantage of individuals. That is what I wanted to develop. Further, that we are here representing the taxpayers of the United States, and we should think of the taxpayers and their claims in the same terms we think of individuals making claims; and that the Government should not step aside on every occasion and say, "Take everything; the taxpayer needs nothing."

Mr. FESS. I think the Senator has given the explanation; that is, that we should take our losses and get out of it as best we can.

Mr. HOWELL. Mr. President, I have offered two amendments, which I will now submit. But as the two amendments are supplemental to each other, I will now present my reasons therefor.

There were two classes of awards made by the Mixed Claims Commission. One class of awards was made to American nationals, who were presumed to have suffered losses that meant misfortune. There was another class of losses quite different. Sixty-six per cent of these awards, and the interest thereon, are for American nationals who were presumed to have had actual losses involving misfortunes. Thirty-four per cent of these awards, together with interest, are for profits, pure and simple, enjoyed by insurance interests.

Insurance companies writing marine insurance collected during the war period of seven years two hundred and forty-seven millions in premiums. Their losses were 69 per cent, in round numbers. They had left 31 per cent for expenses, and they determined their own expenses, of course.

When they got through with the business, they reported a net loss of $60,000 on the $247,000,000 of business; that is, 45 insurance companies that wrote 90 per cent of the business.

During the same period of time the United States Government wrote marine insurance. The Government wrote it, not that it wanted to, because we are all opposed to the Government in business apparently, but they wrote it because the shipowners could not get insurance elsewhere. The Government wrote that business and administered it at an expense of less than one-tenth of 1 per cent, as against 31 per cent reported by these insurance companies. The result was that because of their saving in expenses they made about $17,000,000 on the premiums written.

When the ordinary insurance company writes a risk, and collects a premium adequate therefor, and has a loss, it takes the money out of its premiums, pays the loss, and that is the end of it. That is its business. A loss does not mean a misfortune. A loss is necessary to its business. It is in business to pay losses, for if there were no losses, insurance companies would not be doing business.

Mr. SMOOT. Mr. President, I want to take just a few moments now to explain briefly the question of insurance.

Mr. HARRISON. Mr. President, it seems to me that we ought to have a fuller attendance of Senators. Therefore I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Barkley	Edwards	King	Schall
Bayard	Ferris	La Follette	Sheppard
Bingham	Fess	McKellar	Shipstead
Black	Fletcher	McLean	Shortridge
Blaine	Frazier	McMaster	Simmons
Blease	George	McNary	Smoot
Borah	Gerry	Mayfield	Steiwer
Bratton	Glass	Metcalf	Stephens
Brookhart	Gooding	Moses	Swanson
Broussard	Greene	Neely	Thomas
Bruce	Hale	Norbeck	Tydings
Capper	Harris	Norris	Tyson
Caraway	Harrison	Nye	Wagner
Copeland	Hawes	Oddie	Walsh, Mass.
Couzens	Heflin	Phipps	Walsh, Mont.
Curtis	Howell	Pittman	Warren
Cutting	Johnson	Ransdell	Waterman
Dale	Jones	Reed, Pa.	Watson
Deneen	Kendrick	Robinson, Ind.	Wheeler
Dill	Keyes	Sackett	Willis

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present.

Mr. SMOOT. Mr. President, practically the only argument made in favor of postponing the payment of the awards to insurance companies is that these companies made tremendous profits. As I shall show, no such tremendous profits were made and, furthermore, the companies were subject to the war-profits and excess-profits taxes.

However, in my opinion the question of profits has nothing to do with the matter. All other awards are paid wholly without regard to profits. Other American nationals undoubtedly made profits. Their prices reflected war hazards. For example, a vessel would pay for itself if it successfully completed two or three trips. And, yet, if sunk on the fourth trip the owner is entitled to payment of the amount of the value of vessel.

Again, the insurance companies writing war-risk insurance made a very substantial contribution to the public good. Were it not for the ability of American exporters to obtain insurance, the export business would not have been carried on. For example, in November, 1914, cotton was selling at 6.3 cents, a ridiculously low price, primarily because insurance was not available. After war-risk insurance was available the price of cotton rose markedly, until it reached 19.6 cents in December, 1916.

However, the following is a complete answer to the "tremendous profits" argument.

The following data were prepared and presented to the Committee on Ways and Means in November, 1926, by Alfred M. Best, who stated that he was a publisher of annual reports upon insurance companies of all classes, that he conducted an independent bureau, and was not connected with any insurance company. The figures cover 45 American insurance companies handling about 90 per cent of all marine business and include the years from 1914 to 1921. The figures are here given to the nearest $100,000.

Premiums collected	$248,400,000
Losses paid (less reinsurance and salvage)	169,100,000
Estimated losses not yet finally settled	2,600,000
Total losses	171,700,000
Expenses attributable to this business	76,700,000

The losses amounted to 69.12 per cent of the premiums collected and expenses to 30.89 per cent of the premiums, making a net loss on the business of 0.01 per cent of the premiums received.

The figures given cover all marine insurance business of these companies, including coastwise shipping. Prior to the war the profit of these companies ran in the neighborhood of 20 per cent of the premiums received.

The following figures show the marine insurance business written by the Government during the war period:

Premiums received	$47,000,000
Losses	30,000,000
Expenses	175,000
Profit a little less than	17,000,000

The Government's expenses for this business were extremely low. If I had time I could go into the details and show why the Government in conducting this business charged practically nothing because of expenses. Had the expenses of the Govern-

ment amounted to the same percentage of premiums received as in the case of the private insurance companies the expenses would have been $14,000,000, and the Government would then show a profit of nearly $3,000,000 on the business.

Claims were presented by the marine insurance companies to the Mixed Claims Commission in the amount in each case of the actual loss paid on the policy to the insured. Any uninsured value of the vessel or cargo was not included, but a claim for such amount was presented by the owner or shipper. Thus if a cargo of the value of $10,000 which had been insured in the amount of $5,000 was lost the shipper claimed $5,000 and the insurance company $5,000.

Under the treaty provisions Germany was made liable only for loss suffered by American nationals. The question then arose whether the premium received by the company should not be deducted from the amount of the claims in each case. As a result of this and certain other technical objections raised by the German agent a rule was arrived at fixing the measure of recovery in these cases at 83 per cent of the amount paid by the company under the policy, less, of course, any salvage or reinsurance.

Now, I wish briefly, as I only have a minute or so left, to call particular attention to the fact that the essential difference between the awards made to the United States Government on account of losses paid by the Bureau of War Risk Insurance and awards made to private insurance underwriters on account of losses paid under their policies is that under the treaty of Berlin the property belonging to German nationals in the hands of the Alien Property Custodian is held as security for the payment of awards to American nationals, but not for payment of awards to the Government.

The PRESIDING OFFICER (Mr. CUTTING in the chair). The time of the Senator from Utah has expired.

Mr. SMOOT. I will speak now for five minutes on the bill, and will discuss the question of the ships.

Mr. President, the provisions of the bill provide for a new determination of the value of the ships. The ships were appraised by a naval board of survey shortly after the ships were taken over by the United States. This board was appointed by the President pursuant to the provisions of the joint resolution of May 12, 1917, under the authority of which the title and the possession of the ships were taken by the United States.

The question has been raised as to why there should be a new appraisal. The committee gave very careful consideration to this question and decided upon the provisions of the bill providing for the new appraisal for the following reasons:

First. The provisions of the joint resolution itself did not contemplate a final and conclusive valuation by the naval board of survey. The resolution provided merely that the findings of the board should be competent evidence. We carry this rule into the bill. But this does not mean that the findings are conclusive.

Second. The rule of value adopted by the board did not seem to the committee to comply with the joint resolution. The testimony of Captain Roberts, of the Navy Department, who was a member of the board of survey, was to the effect that the board adopted a pre-1914 value of a tramp steamer as the basic measure of value to be applied. They then adopted a curve of depreciation, to be applied to these ships according to their age. The committee believes that the owners of the ships are entitled to the value of the ships at the time they were taken by the United Sates. That is, a 1917 value should first be determined, and then the necessary adjustments to that value, necessitated by reason of the actual physical conditions of these ships, and also by reason of the fact that they were not "free" ships—that is, the ships, immediately prior to the date the United States took them over, could not, as a practical matter, venture forth from our harbors. The naval board determined upon a valuation of approximately $34 a gross ton as the pre-1914 value of a tramp steamer. Many of the vessels, of course, were not of the tramp-steamer type. Many of them were of the fastest passenger and freighter class. It would seem obviously improper to apply this measure to vessels of these classes. The Mixed Claims Commission, in a large number of cases involving free ships, gave awards to American citizens. These awards show an average value of the ships involved of $304 per gross ton. It is by no means contended that this is the proper value, for this represents the value to American citizens of their ships during the high war prices, ships which could be sold or chartered without limitation for any voyage, and to earn rates under which the entire value of the ship would be returned upon one or two successful voyages. But it did seem to the committee that the arbiter should start out with a 1917 value of a free ship, and then make such deductions as are proper in order to reach the value of the ships involved at the time they were taken over.

Third. The proceedings of the naval board of survey were entirely ex parte. Neither the United States nor the owners were represented or had an opportunity to appear and present evidence as to what should be paid for the ships. Even though the awards of the arbiter should prove no greater than the valuation placed upon the ships by the naval board of survey, it seemed to your committee that fairness demands that the owners of the ships be given an opportunity to present whatever evidence they desire and attempt to prove the compensation which should be paid, and that likewise the United States should have an opportunity to appear and protect the interests of the United States.

Fourth. The rule of value prescribed by the bill will not permit of excessive valuations. It will be noted, on page 45, beginning with line 10, that a rule is prescribed for reaching the proper value, to the effect that it is the value to the owner of the vessel in its condition at the time of taking—that is, after whatever acts of sabotage there were had been committed—taking into consideration the fact that the vessel could not be sold or chartered by the owner until after the termination of the war, and in addition to that the fact that the war did not end until July 2, 1921. It is my opinion that the application of this rule will keep the aggregate values of the vessels within the $100,000,000 limitation, although it may probably permit of a value greater than that found by the naval board of survey.

Fifth. Although the amounts received by the United States upon the sale of the vessel is not particularly material, by reason of the fact that extensive additions had frequently been made, the fact that they were sold at high war price and the fact that the United States was perfectly free to sell them.

I may state that, generally, wherever the vessel was sold during or shortly after the war period it was sold at a price substantially greater than the naval board of appraisal plus the capitalized expenditures. Sales after this period, of course, were at a time when the price of vessels had fallen considerably, and in many cases the sales were made at less than the appraised value.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COPELAND. I ask unanimous consent that the time of the Senator from Utah may be extended.

Mr. SMOOT. I do not ask for further time.

Mr. HARRISON. I object to any extensions of time.

Mr. FLETCHER. Mr. President, I am prepared to offer an amendment and the Senator can discuss that amendment, I take it. If the amendment is in order I move to strike out——

Mr. HARRISON. There is an amendment pending.

Mr. HOWELL. There is a pending amendment. The Senator from Florida will have an opportunity to offer his amendment later.

Mr. FLETCHER. I did not know that there was an amendment pending.

Mr. HOWELL. Mr. President, I think, it being after 2 o'clock, I still have five minutes on the bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. HOWELL. Mr. President, let us keep clearly in mind what the situation is. This bill provides that, whereas there are $62,000,000 due the Treasury of the United States on account of awards by the Mixed Claims Commission, not one dollar will be paid into our Treasury on account thereof until the beginning of the 13-year period, which will commence 26⅓ years hence, and that then for 13 years we shall receive annually $10,700,000. What is the worth of that $10,700,000 for 13 years now? The $62,000,000 is due now. The present worth of that sum is but $7,832,175. Subtract that from $62,800,000 and we have a raid upon the National Treasury to the extent of $55,000,000 to pay these insurance claims. What insurance awards? Awards representing $52,000,000 of losses, together with the interest, sustained by 45 insurance companies who broke even on their insurance business during the war. Allowing them 31 per cent for expenses—and the expense of doing the business, so far as the Government was concerned, was less than one-tenth of 1 per cent, but they claim 31 per cent of the $247,000,000 of premiums written—their losses were 69 per cent, and just a little more in addition, about $60,000. In short, they practically broke even, according to their own testimony.

Mr. President, I have worked out the profit and loss of every one of these insurance companies, using 31 per cent of premiums as the cost of doing business during that period. Here is the Boston Insurance Co.: Upon marine-insurance business alone during the war that company made 52.7 per cent upon

its stock. It has awards allowed to the amount of $2,194,000. If it receives that money the profits on its stock for the war period will be boosted to 84 per cent. Mr. President, it is proposed to take $55,000,000 away from the American taxpayer so that this and other companies may get an additional profit, although they have made, as I have stated in this case, on their capital stock 52 per cent; and when they get this additional profit they will have made for the war period 84 per cent. Can we defend such a raid on our Treasury in view of the facts?

Mr. President, what happened to this insurance company after the war? Instead of making money upon its marine business, including its inland marine business, it lost money for the next five and a half years. The war was a godsend to these insurance companies.

Again, take the case of the Federal Insurance Co. During the war it made 73.7 per cent profit on its capital stock from this line of business alone. Now, suppose we arrange to pay the Federal Insurance Co. its $2,379,000 in awards. How much will we add to its average profits for that period—33.9 per cent on its capital stock, making the total 107.6 per cent from marine business alone for the war period; and to do so, we will take it out of American taxpayers and German nationals.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARRISON. Mr. President, the Senator from Nebraska talks about withholding these funds in the hands of the Alien Property Custodian in order to pay the debt due to America. I want to read again, for the Senator's edification, a part of the Porter-Knox resolution, reincorporated in the treaty of Berlin, which says that—

> All property of the Imperial German Government * * * and of all German nationals * * * shall be retained * * * until such time as the Imperial German Government and the Imperial and Royal Austro-Hungarian Government * * * shall have, respectively, made suitable provision for the satisfaction of all claims against said Governments, respectively, of all persons * * * who owe permanent allegiance to the United States of America.

That is, of all persons who are citizens of the United States, not of the American Government; and the Senator talks about the claim of the American Government and the profit of these big marine insurance agencies. He forgets that the two items carried by the Government are for ships that were sunk upon which the Government carried its own insurance, and for insurance that the Government paid, one amounting to twenty-odd million dollars and the other amounting to some seventeen million dollars; and on the insurance feature the Senator forgets that our own War Risk Insurance Bureau made during the war in profits over $17,000,000.

Suppose, for instance, that the United States Government had appeared before the Mixed Claims Commission and had presented its claims instead of the insurance companies: The awards would have been made to them, and in those awards profits would have been included just the same; and yet the Senator would then have said, "The profits should not have been allowed."

I submit, Mr. President, that no one in this Chamber should be misled because these are insurance companies. Indeed, the fact that they are insurance companies and were writing policies during the war elicits my sympathy, because I can remember and the Senator from South Carolina [Mr. BLEASE] will remember, back in 1914, that while cotton was away down and other agricultural products were away down, as soon as they could procure a means of insuring the cargoes, the prices for those products began to go up.

Of course they made profits. It was a hazardous business. They had to make profits in order to engage in that kind of business. They presented their claims to the Mixed Claims Commission. They were given a credit of the premiums that were paid, and in the instance of awards to the insurance companies they did not receive over 83 per cent of the amount of their claims. In many other cases the claimants were receiving 100 per cent of their claims.

Let me illustrate, if you please.

Suppose there was going across the water during those war days a cargo of $10,000,000, owned by the Standard Oil Co. or the International Harvester Co., as is the case here. Suppose $5,000,000 worth of that cargo was insured by one of these insurance companies and $5,000,000 worth was carried by the International Harvester Co. itself, or as the case might be, the Standard Oil Co. The ship was sunk. They go before the Mixed Claims Commission, both the insurance company that paid its insurance of $5,000,000 when the cargo was sunk and the other company.

The insurance company asks the Mixed Claims Commission to give them an award for the $5,000,000, less the premium that had been paid. They get their award for that amount. The International Harvester Co. or the Standard Oil Co. gets its award for its $5,000,000. If they had not had half of it insured, they would have received an award for the whole $10,000,000. There is no difference at all in the proposition; and I submit that it would be unfair to the insurance companies to single them out and say to them, "You must wait while the others shall be paid."

Why, in this list of awards here there are innumerable cases of the Swift Co., which lost cargoes. Part of the cargoes was insured, part was not insured. They got their part where it was not insured, and the insurance company is entitled to theirs where it was insured. The same thing is true of the Singer Sewing Machine Co., of the Remington Typewriter Co., of the International Harvester Co., of the Standard Oil Co., and innumerable other cases. They are all listed in the awards of the Mixed Claims Commission.

The Senator presented this matter to the Senate committee, and, with the exception of one member of the committee, they voted him down. We certainly gave the matter full consideration, and I submit that the action of the committee is fair and just.

Mr. KING obtained the floor.

Mr. COPELAND. Mr. President——

Mr. KING. I yield to the Senator from New York.

Mr. COPELAND. I desire to ask a question regarding the parliamentary situation. Are amendments in order now?

Mr. KING. No; not yet, until we vote on the pending one.

Mr. COPELAND. Then I will wait.

Mr. KING. Mr. President, reference has been made during the debate to claims of American nationals against Germany, German municipalities, and German corporations growing out of the purchase of securities by American nationals which were issued by the German Government or German municipalities or German corporations. Some of these claims were presented to the Mixed Claims Commission and disallowed. Securities were issued by the German Government, German municipalities, and German corporations payable prior to, during, and subsequent to the war. Some of the securities issued by the Government had no date of maturity, the option resting with the Government to declare when they should become due.

Some of the securities were purchased by American citizens. The Mixed Claims Commission has made awards upon the claims of some citizens who hold securities. Under the rulings of the Mixed Claims Commission, however, many Americans have been denied relief. Most of the securities referred to were payable in marks and those that were issued after and matured since the war suffered by reason of the fall in the value of the mark. A different situation would have been presented if they had been payable in gold marks.

Certain of the securities maturing before and during the war were the basis of awards made by the Mixed Claims Commission, the mark being valuized at approximately 16 cents. I am told that securities including marks within the categories above referred to were sold in the United States for between $500,000,000 and $1,000,000,000 during and since the war, and that the greater part of these securities are valueless, thus entailing enormous losses to American purchasers.

No provisions were made in the Berlin treaty or the agreement creating the Mixed Claims Commission for the payment to American citizens for any damages or losses sustained by them growing out of these depreciated securities.

I have received hundreds of communications from American citizens calling attention to the losses which they have sustained and protesting against any settlement with Germany that does not afford them ample protection. A communication received but a day or two ago from a resident of New York shows that he purchased bonds issued by the city of Hamburg, guaranteed by the German Government, paying therefor approximately $2,500. He has received an offer from the representative of the municipality and the Government of $125 for securities costing him $2,500. He is not protected by the Berlin treaty, nor by the instrument creating the Mixed Claims Commission, and can obtain no relief from Congress, or at least can obtain no relief under the provisions of this bill.

It is unfortunate that American citizens can not obtain compensation for the losses sustained by reason of the lack of value of the German securities acquired by them. Of course, those who purchased marks payable in German currency, not in gold, did so at their peril, and are left in the same situation as German citizens found themselves in when they had acquired the currency of their own country. But there are other securities, purchased by American citizens, which, in my opinion, Germany should pay, and I hope that the day will come when fair compensation will be paid to American nationals growing out of the losses arising from the depreciation of these securities.

A word in regard to the matter referred to in the discussion. It has been said that the Berlin treaty contains no provision for the payment to the United States of losses sustained by it during the war. The Versailles treaty did provide that the United States should be compensated for its losses; but the American administration that negotiated the Berlin treaty failed and neglected to incorporate therein all of the provisions of the Versailles treaty which were for the benefit of our Government.

I have heard no reason offered for this neglect. And the State Department went further and declared that no reparations within certain categories would be claimed. I make no criticism of this last declaration by representatives of the State Department, although some have thought that the executive department assumed too much in waiving certain reparations and in making agreements that affect the rights of the United States and its citizens.

Because of the failure of the administration to fully protect the United States it has been relegated to the last priority in the bill; and if Germany should default in meeting the Dawes annuities, it may be that the United States will receive nothing. If the allied nations should refuse to pay over to the United States the 2¼ per cent provided for in the Dawes agreement, then not only the United States but American citizens would not receive the full amount of the awards in their behalf entered by the mixed claims tribunal. The failure of the executive department of the Government to push the claims of the United States and her citizens against Germany has been of great disadvantage, both to the Government and to its nationals. The Government has not received the costs of the American Army of Occupation, aggregating more than two hundred and fifty-five millions of dollars; and the bill before us has been placed at the foot of the list of American creditors, so that it will not be paid for many years the sixty-odd millions of dollars due it for loss of ships and property; and if Germany should default there would be uncertainty as to when, if at all, it would receive compensation.

Mr. FLETCHER. Mr. President, may we have the amendment stated?

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 87, the Senator from Nebraska [Mr. HOWELL] proposes to strike out lines 16 to 25, and on page 88, lines 1 to 14, inclusive.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Nebraska to the amendment of the committee.

Mr. HOWELL. I call for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT], which I transfer to my colleague [Mr. TRAMMELL] and vote "yea."

Mr. KING (when his name was called). I have a pair with the junior Senator from Maryland [Mr. TYDINGS], but I am not quite sure whether the understanding I had with him contemplated a vote upon this matter. Therefore I feel at liberty to vote and vote "yea."

Mr. TYSON (when his name was called). I have a pair with the Senator from West Virginia [Mr. GOFF], who is absent. Not knowing how he would vote if he were present, I withhold my vote.

Mr. WARREN (when his name was called). Has the junior Senator from North Carolina [Mr. OVERMAN] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. WARREN. I have a general pair with the junior Senator from North Carolina, and not being informed as to how he would vote, I withhold my vote.

The roll call was concluded.

Mr. JONES. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Virginia [Mr. SWANSON];

The Senator from New Jersey [Mr. EDGE] with the Senator from South Carolina [Mr. SMITH];

The Senator from Maine [Mr. GOULD] with the Senator from Missouri [Mr. REED]; and

The Senator from Oklahoma [Mr. PINE] with the Senator from Iowa [Mr. STECK].

Mr. GERRY. I desire to announce that the Senator from Arkansas [Mr. ROBINSON], the Senator from Virginia [Mr. SWANSON], the Senator from Georgia [Mr. GEORGE], and the Senator from Arizona [Mr. ASHURST] are necessarily detained from the Senate on official business.

Mr. HARRISON. I wish to announce that the Senator from Arizona [Mr. HAYDEN] is detained on official business.

The result was announced—yeas 21, nays 51, as follows:

YEAS—21

Black	Frazier	Norbeck	Walsh, Mont.
Blaine	Heflin	Norris	Waterman
Borah	Howell	Nye	Wheeler
Brookhart	King	Pittman	
Copeland	La Follette	Shipstead	
Fletcher	McMaster	Steiwer	

NAYS—51

Barkley	Deneen	Kendrick	Robinson, Ind.
Bayard	Dill	Keyes	Sackett
Bingham	Edwards	McKellar	Schall
Blease	Ferris	McLean	Sheppard
Bratton	Fess	McNary	Shortridge
Broussard	Gerry	Mayfield	Simmons
Bruce	Gooding	Metcalf	Smoot
Capper	Greene	Moses	Stephens
Caraway	Hale	Neely	Wagner
Couzens	Harris	Oddie	Walsh, Mass.
Curtis	Harrison	Phipps	Watson
Cutting	Hawes	Ransdell	Willis
Dale	Jones	Reed, Pa.	

NOT VOTING—22

Ashurst	Goff	Reed, Mo.	Trammell
du Pont	Gould	Robinson, Ark.	Tydings
Edge	Hayden	Smith	Tyson
George	Johnson	Steck	Warren
Gillett	Overman	Swanson	
Glass	Pine	Thomas	

So Mr. HOWELL'S amendment to the amendment was rejected.

Mr. FLETCHER. Mr. President, I move to amend, on line 10, page 49, by striking out "$100,000,000" and inserting in lieu thereof "$75,000,000."

There has come to my attention since I made some observations on this subject this morning a discussion which took place in the House, particularly the remarks of Judge EWIN L. DAVIS, as appears on page 894 of the CONGRESSIONAL RECORD of December 20 last, in which he gives many details regarding these ships.

It appears that most of these ships are very old, some of them 30 years old, some of them 40 years old. Very few of them were new ships, and they were all put out of commission by reason of the damage done their machinery, purposely done, and the sabotage was something enormous. I read from the RECORD:

> Now, the only other evidence on the value of these ships furnished to us by the committee is a statement made by the chairman of the committee that it was shown that the United States had sold 44 of these ships, as he said, for $14,000,000; and that is a mistake. This statement of the chairman was based solely on the fact that the attorney for these former German shipowners presented to the committee a statement of 44 ships which he claimed had been sold by the Shipping Board for $14,976,520.

Mr. REED of Pennsylvania. Will the Senator state from what page he is reading?

Mr. FLETCHER. From page 894 of the CONGRESSIONAL RECORD of December 20:

> In January, 1920, the International Mercantile Marine Corporation submitted to the Shipping Board a bid of $27,400,000 for the cream of all of these German seized ships, including the *Leviathan, George Washington, America, Republic,* and all of the ships they thought were worth purchasing. They proposed to pay for the ships in 16 years' time and agreed to operate them under the American flag.

And the Shipping Board was in favor of making that sale.

It is further stated in these remarks:

> As a matter of fact, after the war the Shipping Board expended over $30,000,000 in reconditioning only a small number of these former German ships before they were fit for commercial usage. Practically all of such ships which were thus reconditioned and have since been sold were sold for much less than the cost of reconditioning them; in some cases the ships being sold for a small percentage of the cost of reconditioning.

For instance, there was the *Los Angeles.* They spent $2,000,000 reconditioning the *Los Angeles,* and sold her for $100,000. She was appraised by this board at $906,350.

I quite agree with the committee as to the basis of the valuation. I believe that is right. But I say again that the naval board appraised these ships at some $33,000,000 or $34,000,000, and under this bill the arbiter can allow up to $90,000,000 for them.

I think the radio station has already been settled for, and there is very little due for the patents. One or the other has already been paid for. Suppose $15,000,000 is included in this hundred million dollars to cover the patents and the radio station. That leaves $85,000,000 as a possible allowance for these ships. They are not worth that, and never were worth it.

I insist that $50,000,000 would be a liberal allowance for the ships. I think we ought to provide in this bill that not exceeding $75,000,000 shall be allowed for the ships, the radio station, and the patents. Therefore I am offering this amendment. I think it is a liberal leeway to allow the arbiter in finding what allowance shall be made for the ships. They were old ships, they were damaged ships, the machinery in most of them had been practically destroyed, and they were appraised by the naval board at $34,000,000. If we put $75,000,000 in this bill to cover the patents, the radio station, and the ships, we will provide for $60,000,000 as a limit of allowance for the ships.

Mr. JONES. Mr. President, I have to leave the floor in just a moment, and I want to take this opportunity of asking a question of the chairman of the Committee on Finance. I read from a letter by a constituent of mine, and I would like to have a statement of the chairman of the committee with reference to it. This correspondent says:

In view of our Government's intention to restore seized German property, it seems that we should insist upon the Government of Germany accounting in full for the evidences of indebtedness it sequestrated during the war period belonging to American citizens.

As the situation now stands, Germany is in the position of being able to escape payment of debts owing to American citizens covering securities, bonds, stocks, promissory notes, mortgages, and other negotiable instruments under that Government's control during the war, acquired by our people before the war, unless the Senate enacts remedial legislation to the alien property bill.

* * * * * * *

When Germany occupied Belgium and later other foreign countries, it started out to debase its currency and then shortly after the signing of the armistice issued tons of paper currency bearing a pre-war date, exchanging it for gold. This all occurred while American-owned evidences of indebtedness were in Germany, having been sequestrated by that Government. Now, after Germany had tied up our citizens' negotiable instruments so that they could not get rid of them until after the currency in which they were payable had become practically worthless, that Government claims that our people are not entitled to recover their loans on the basis of the rate of exchange existing at the time they were made, but, on the other hand, insist that German nationals should recover the value of their property which we took over according to its worth at the time it was seized by us. I submit that this is not justice.

I would like to have the chairman of the committee give such explanation as he may and state whether or not it is covered by the pending bill.

Mr. SMOOT. Mr. President, I will say that I have answered the same question two or three times on the floor of the Senate and it will only take a moment to answer it again.

If the mortgages of which he speaks matured before the end of the war, which was in 1921, then the Mixed Claims Commission will give an award; but if it were after that time the Government of the United States can not pay all the losses on marks. All of the marks were nothing but paper marks. It would be impossible for the Government to do such a thing. The Senator knows that the mark dropped down so it was not worth anything at all. If an American national invested in Germany he was unfortunate. If the German national invested in the United States he was fortunate, because we had dollars and they are still dollars and they are worth 100 cents apiece, whereas the German mark that was issued before the war was nothing but a piece of paper. It would be impossible for us to take those items into consideration.

Mr. HOWELL. Mr. President, in my opinion the amendment of the Senator from Florida should prevail. Under an act of Congress the President was directed to appoint a board to appraise the vessels taken over from German citizens. That board was appointed, appraisal was made, and the value fixed at about $34,000,000. As the Senator from Florida has stated, many of those ships were old and were sold subsequently for less than their appraised value after the expenditure of large sums of money thereon. As many Senators were not present when I presented certain relevant statistics I shall take the liberty of now repeating them.

I will state, first, the appraised value of each ship; second, the capital expenditure made thereon, not including repairs; and, last, the price at which the vessels were sold.

The *Andalusia*, appraised at $100,000, capital expended thereon $322,000, sold for $17,000.

The *Armenia*, appraised at $86,000, expended thereon $113,000, sold for $22,500.

The *Barbarossa*, appraised at $464,000, expended thereon $68,000, sold for $34,000.

The *Bulgaria*, appraised at $215,000, expended thereon $284,000, sold for $20,000.

The *Elmshorn*, appraised at $210,000, expended thereon $149,000, sold for $64,000.

The *Grosser Kurfurst*, appraised at $606,000, expended thereon $533,000, sold for $100,000.

The *Hamburg*, appraised at $449,000, expended thereon $142,000, sold for $65,000.

The *Harburg*, appraised at $106,000, expended thereon $220,000, sold for $54,000.

The *Koln* appraised at $184,000, expended thereon $348,000, sold for $19,000.

The *Magdeburg*, appraised at $112,000, expended thereon $189,000, sold for $43,000.

The *Nassovia*, appraised at $94,970, expended thereon $114,000, sold for $54,000.

The *Pennsylvania*, appraised $408,000, expended thereon $538,000, and sold for $8,000.

Mr. President, such is the record in connection with these ships, and now it is proposed, although they have been appraised, together with patents and a radio station, including interest, at about $60,000,000, that we are now to provide for reappraisement and raise the possible limit the Government may pay from $60,000,000 to $100,000,000. The amendment of the Senator from Florida should prevail.

Mr. SMOOT. Mr. President, I hope Senators have read the provisions of the bill in relation to ships. We do not propose to give $100,000,000 for the ships, the patents, and the radio station. Let me read the provision of the bill so that Senators will understand it:

Such compensation shall be the fair value, as nearly as may be determined, of such vessel to the owner immediately prior to the time exclusive possession was taken under the authority of such joint resolution, and in its condition at such time, taking into consideration the fact that such owner could not use or permit the use of such vessel, or charter or sell or otherwise dispose of such vessel for use or delivery, prior to the termination of the war, and that the war was not terminated until July 2, 1921, except that there shall be deducted from such value any consideration paid for such vessel by the United States. The findings of the board of survey appointed under the authority of such joint resolution shall be competent evidence in any proceeding before the arbiter to determine the amount of such compensation.

What the Committee on Finance and the House had in mind was to say that these things shall not exceed $100,000,000 at most. The awards are to be made on the ships that are left. I want to say in passing that the ships the Senator has referred to are ships that could not be used. We did almost anything during the war to get ships so we could transport to Europe the necessary foodstuffs for our Army and for the allied armies, and munitions of war. It did not make a particle of difference what it was, if it would float it was used.

Mr. FLETCHER. How much of this amount is supposed to include radio and patents?

Mr. SMOOT. The estimated value of the patents is $15,000,000.

Mr. FLETCHER. Has not some of that been paid?

Mr. SMOOT. Oh, no; none at all. One radio station is all.

Mr. HARRISON. There are two now.

Mr. SMOOT. Yes; under the amendment which we adopted there will be two. Nobody can say what that will amount to. I do not know. All the committee of the House did and all the Senate is asked to do now is to make provision, to lay down the strictest rule that language could be framed to state, in relation to the values that shall be put upon the ships. I have not any doubt in my mind that when the ships are taken into consideration, the value of them will be measured just as the amendment provides, and in no other way. There will have to be taken into consideration whether the boat was tied up and could not be used, what was its condition, what sabotage occurred. All those things have to be taken into consideration. If the $100,000,000 is too much and the findings are only $75,000,000, or if they shall be $60,000,000, or whatever they may be, we only provide for that amount to be paid, and that is all that can be paid under the provisions of the bill.

Mr. COPELAND. Mr. President, I am thrown into utter confusion by the speech of the Senator from Florida [Mr. FLETCHER]. Within a couple weeks he was contending bitterly that the Shipping Board had sold ships at far below their worth. He said they were very much more valuable and that the Shipping Board was to be blamed for selling those valuable ships so cheaply.

Mr. FLETCHER. I stand by that statement.

Mr. COPELAND. Now he is demanding that the appraised value shall be materially reduced and that the ships are not worth as much as intimated by the bill.

Mr. FLETCHER. No; the Senator is wrong. I am willing to stand by the appraised value, which is $34,000,000, but I do not want to give them a chance to make it $100,000,000.

Mr. COPELAND. I wanted to be sure what the attitude of the Senator from Florida is, because he has quite confused me by his speech here to-day.

Mr. REED of Pennsylvania. Mr. President, in considering the amendment, I hope that the Senate will give some attention to the time schedule which was followed by the figures which the Senator from Nebraska [Mr. HOWELL] has recited. In the spring of 1917 the ships were seized, and the joint resolution was adopted which directed that a survey be made to fix their value. Those ships had no market at that time because they were incapable of use. The German owner could not use them and could not sell them to anyone who could use them. They were tied up at the dock. They were not to be appraised according to the very much enhanced value of free ships. The board of naval officers who made the appraisal, having no market value to guide them, took the market value in 1914 and from that deducted three years of depreciation, and from that total deducted the cost of repairing all the sabotage; and the amount of their appraisal was the product of that series of subtractions.

Senators will instantly see that the appraisal took no account of the increasing scarcity of ships due to three years of submarine warfare. Senators will also remember that the committee, working in a hurry in war time, was not only unable to hear any evidence from the German owner of the ship as to what it was worth, but was physically unable to examine a large number of ships which lay in distant harbors. There were a number of them in harbor at Honolulu, one very big one that I remember seeing there. There were a number of them in harbor at Manila. The committee was utterly unable to see those and did not try to do so. It set an arbitrary value per gross ton for cargo ships and an arbitrary value per gross ton for passenger ships, and it applied that value to the ships that it could not see. In substance, the only thing that was expressed by the naval experts was the cost of repairing damage that was done to the machinery.

Mr. KING. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. Certainly.

Mr. KING. I think the Senator will recall that as to the few vessels which they did not see, they had naval officers who were competent to make appraisals, examine them, and report to the naval board; and the latter availed itself of the observations made plus other factors employed in determining the value of the ships.

Mr. REED of Pennsylvania. But primarily what they looked for was the extent of sabotage to the engine, and in some cases, as in the case of the *Leviathan*, we were able to discover no evidence whatever that there had been any sabotage. The *Leviathan's* engines came to us undamaged. It would have made a difference of tens of thousands of troops had that ship been damaged in the way some of the smaller ones were.

The trouble with that appraisal is that the value per gross ton which was used as its basis took no account of the change in world conditions and in the shipping industry in the three years that preceded their seizure by the United States. Nevertheless, fixing a very low rate per gross ton, as low as $33 per ton in some cases, much less than the cost of reproduction in Germany in 1914, using that very low value, they still obtained an appraisal of $34,000,000.

Remember also, Mr. President, that on top of that has accumulated 11 years' interest. We allow 5 per cent in the bill, and 11 years' interest at 5 per cent is 55 per cent on the original estimate. That brings it up to about $53,000,000, even if the arbiter did not increase the appraisal one cent.

The German owners, it is true, put in excessive claims. They claim that these ships are worth about $230,000,000, but the Finance Committee thought that was grossly excessive. However, in all fairness, after hearing from the men who made that appraisal in 1917, the committee could not but say that they thought that the estimate ought to be revised impartially. Therefore I hope the amendment will not prevail.

The VICE PRESIDENT. The Senator from Pennsylvania has five minutes on the bill, if he desires.

Mr. COUZENS. Mr. President, let me ask a question before the Senator from Pennsylvania takes his seat. I should like to ask what happened between the time the report was made last year with $50,000,000 as the maximum and the report of the committee this year with $100,000,000 as the maximum?

Mr. REED of Pennsylvania. What happened was further consideration of the matter, in which the distinguished Senator from Michigan participated.

Mr. COUZENS. No; I did not participate in the determination of the $50,000,000 valuation. That is the point I am trying to get at. What happened between the time when the committee reported the bill a year ago with a maximum of $50,000,000 and reported it this year with a maximum of $100,000,000?

Mr. REED of Pennsylvania. That is what I am answering. What happened was further consideration, further reflection, and a conviction that we were not doing justice to the owners, which was the thing we set about in the preparation of this bill, so far as it was possible to do. Last year we proceeded on the theory that we must do everything to favor the American claimants and must not extend any favors to the Germans, and that we should stand by the 1917 appraisal. I myself started in this year with that in mind, with the idea that we would rest on the appraisal of 1917, and would not increase it one penny, but I had to admit, after I had heard the evidence particularly of Captain Roberts, who participated in making the appraisal, that it would not be an honest thing to claim that that was a judicial finding of the value of those ships. It seemed to me that the only honest way to treat it was to open up the question and to let the arbiter hear evidence on both sides.

Mr. COUZENS. Mr. President, I wish to say to the Senator in reply to his statement that I was on the committee that considered the recommendation of a maximum of $100,000,000, that I was not impressed as the Senator was, and I voted against the report in favor of the $100,000,000 maximum in the bill. So the Senator may not with good grace say that I participated in the action of the committee that fixed the $100,000,000 limit, because in no manner did I agree to that maximum, and I do not now agree to it.

Mr. REED of Pennsylvania. I did not remember that the Senator voted against it; otherwise I should not have referred to his participation in that facetious way.

Mr. KING. Mr. President, I was not in accord with the action of the committee in placing the maximum allowance at $100,000,000. In my opinion, the facts brought to the attention of Congress in connection with the German ships and their value would not warrant the fixing of a value upon the same in excess of the figures submitted by the special award board. When the resolution authorizing the seizure of the ships was under consideration I realized that the question of their value would have to be determined sooner or later, and that the prudent and wise course—indeed, the strictly legal course—called for a judicial determination of the value of the ships. That course was suggested by a few Senators, but was not followed by Congress. If we had put the ships through a prize court, the value would have been fixed by judicial determination and that would have been a finality, but our own negligence, if not stupidity, has led to this complicated situation.

Mr. President, I do not want it to appear in the RECORD that the Senate or any Member of the Senate conceded that these ships and the patents and radio stations were worth $100,000,000 or $85,000,000. I think that the values fixed by the naval board were fair; that its members took into account all pertinent factors. I desire the RECORD to show that in valuing the ships they considered all the factors that were relevant or material.

The board considered the fair market value not after the seizure but before the United States took possession of it. Of course, when the United States took the ships after the declaration of war they attached to them a value not theretofore possessed. While interned their value was greatly below their pre-war value or their value after the United States became the possessor of the same. The Finance Committee, I feel sure, understand that in determining the value it should be based not as of the moment of seizure but prior to that time, when the ships were interned, or at least in ports of refuge unable to depart or to be of any service to their owners. They were in an inert position or condition in the harbors of the United States unsalable, unusable, with no market, neither the owners nor the German Government daring to have them go out upon the high seas, realizing that if they did the vessels would be sunk by the ships of the Allies. The ships just before the United States seized them were locked in our harbors, without being in a position for use—and of an uncertain and limited value. The umpire, of course, will take these facts into account and not the fact that immediately after the seizure there was developed a factor of value not possessed by the ships prior to that time.

I repeat what I said this morning that, in my opinion, $34,000,000, the appraised value, was a fair and just appraisal of the ships, and that an award for that amount, with interest, is all that should be made. I shall vote for the $75,000,000 limitation, but with the understanding that in so voting I am not conceding that the ships were worth $75,000,000. Having committed the folly of not employing the prize courts to fix

their value, I think we are in honor bound, even at this late date, to have a judicial determination of their value.

Mr. SHORTRIDGE. Mr. President, the appraisement made by our Government was after an ex parte proceeding. Heretofore, when the bill was before the committee during the last session, I was persuaded, indeed convinced, that the value fixed by the ex parte appraisement was approximately just, and assuredly just, when we contemplated allowing interest at 5 per cent on that valuation. Now, however, upon further hearing, it having been pointed out and insisted that the original owners, the claimants, were not permitted to be heard and were not heard, that the proceeding was ex parte and that they desired to be heard and were willing to submit the matter to arbitration or to an arbiter to be appointed by the President, I see no danger in the bill as framed. In other words, the valuation remains to be determined; that is to say, the ultimate conclusion remains to be reached by the arbiter, having regard and taking into consideration the various elements of the problem as they appear in the bill.

The question is, What is a fair valuation and are we willing to leave it to the evidence to be produced? I rose, however, for no other purpose than this: I do not want the action of the Senate to have any persuasive or evidenciary force with the tribunal set up to determine this question. I do not wish it to be understood that because I once thought that the original figure, plus interest, was sufficient, that I adhere to that position now or that it shall be taken into account at all; nor am I to be understood, nor should the committee or the Senate be understood, as thinking that the ultimate value should be up to the full $100,000,000. I am willing, however, to leave that matter for decision by the arbiter, as provided in the bill. Therefore I see no danger to our Government in the bill as reported by the committee.

The VICE PRESIDENT. The question is on the amendment of the Senator from Florida to the amendment reported by the committee.

Mr. HARRISON. Mr. President, I am not unlike some other members of the committee who last year in the drafting of this bill favored the provision of a maximum of $50,000,000 for the ships in question. Our action at that time, I am quite sure, was taken upon the testimony of Captain Roberts, a member of the naval board, whose testimony had more influence with us than did the testimony of any other person before the committee. Captain Roberts appeared this year and he said that the value was fixed at the time when the ships were interned, subject to some other considerations. The resolution which was passed by the Congress directed the naval board to fix the value at the time of the taking. The time of the taking was in 1917; the time that the ships were interned was in 1914. I think the whole committee was impressed with the idea that the value was inadequate according to the appraisal of the naval board; I am quite sure I was convinced that it was an inadequate award.

The $100,000,000 maximum includes patents; it includes a radio station; it includes the ships; but the bill leaves it to the judgment of the arbiter to say how much the award shall be within that limitation.

The Senator from Nebraska [Mr. HOWELL] a few moments ago in discussing this question pointed out that many of the ships that had been taken over had been sold by the Government at a price which was much less than the appraised value at the time they were taken over or than the value that was fixed by the naval board. He did not tell you that in every instance they were ships that had been sold by the Government in 1921 or 1922 or 1923, away after the war, when, as we all know, the value of ships had gone down, and an adequate price could not be obtained for them. He failed to cite to the Senate the forty-odd ships or more that had been sold during the war that brought much more than the naval board's award.

So I submit that the fair thing to do is to leave the matter to this arbiter. My hope is that he will be Judge Parker, who was our representative upon the Mixed Claims Commission, who is a man of great ability and fairness, and has studied this question as to ships and other questions. I hope he will be allowed to render his judgment upon each ship as to what is the fair amount, according to the conditions laid down in the bill. The Government then will not lose anything; we will be doing the fair thing by these people, and I sumbit that since the judgment of the House is a maximum of $100,000,000, we ought to have a meeting of minds with reference to that and eliminate that one provision. It might also be said that while all other American claimants and German claimants are to receive under this bill 80 per cent at first, the ship claimants are to receive at first only 50 per cent.

Mr. SHORTRIDGE. Mr. President, inviting attention to the bill itself, this arbiter is to be appointed by the President, and in a sense is to be our arbiter?

Mr. HARRISON. Yes.

Mr. SHORTRIDGE. I just want to add that the thought of the Senator from Mississippi seems to me to be conclusive that we may trust our own agent to be at least just to us. We do not want him to be unjust to anybody.

Mr. HARRISON. I agree with the Senator.

Mr. ROBINSON of Arkansas. Mr. President, upon what principle is the maximum that may be awarded under this section prescribed in the bill? Is not the true rule of law the value of the property taken? And, if that is the case, if we are willing to pay the true value of the property, why do we say "provided the aggregate amount shall not exceed $100,000,000"? Why do we not say "the actual value of the property," and leave the arbiter to find what is the value of the property?

The point about that is this: One board that made an investigation found the value to be $35,000,000. The Senator from Mississippi has said that that was probably less than the actual value, and I believe it is true. Now, we say that the maximum amount awarded shall not exceed $100,000,000. Probably that is excessive. Whether it is or not I do not know; but it would seem that if we are paying for this property and appointing an arbiter to say what it is worth, we ought to pay what he finds it to be worth. Suppose he finds it to be in excess of $100,000,000. We have then undertaken by law to confiscate the property to that extent.

I just want to understand the theory upon which we say here in one breath that we are not proposing to confiscate anything and in the other breath we say that we will pay for it provided our own arbiter does not find it to be worth more than a fixed amount.

Mr. SMOOT. Mr. President, will the Senator yield just a moment?

Mr. ROBINSON of Arkansas. I have finished all that I have to say.

Mr. SMOOT. I have used my five minutes. Will the Senator let me ask him a question or make a statement?

Mr. ROBINSON of Arkansas. Certainly; I yield to the Senator.

Mr. SMOOT. If the Senator will read the House provisions he will find that when the bill was before them they insisted upon a limitation, and that is why it was put in in the House. It was not for fear that it was going to be less, but they wanted a limitation, and I am informed that it would have been almost impossible to pass the provision in the House unless there had been a limitation.

Mr. ROBINSON of Arkansas. Of course, we can fix any limitation we desire. We can say "$25,000,000," or we can say "$10,000,000," or we can say "$35,000,000." There would be a basis for that; but what is the basis for fixing the limitation at $100,000,000?

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. ROBINSON of Arkansas. Certainly.

Mr. HARRISON. May I say to the Senator that the representative of the German claimants and the representatives of the American claimants tried to get some basis of settlement, and in that basis they all agreed that $100,000,000 might be the maximum of the ships. The ship-owning claimants, as I understood, agreed to it; everybody agreed to it; and that is why the maximum was fixed in that way.

Mr. SMOOT. The German valuation was over $200,000,000.

Mr. HARRISON. Yes.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. HARRISON. I have not the floor.

Mr. ROBINSON of Arkansas. I think I have the floor constructively, and if any part of my five minutes is still remaining, I will gladly yield.

The VICE PRESIDENT. The Senator still has two minutes.

Mr. REED of Pennsylvania. If the Senator will yield to me a part of his five minutes I should like to suggest that one of the strongest reasons for putting in that limiting figure seemed to arise on account of the very extravagant claims made by the Germans who owned these ships; and as a practical matter it seemed unlikely that we could get the bill through conference unless such a limiting figure were placed in the bill.

Mr. ROBINSON of Arkansas. Why not make the limitation $75,000,000, for instance?

Mr. REED of Pennsylvania. Because that is not enough.

Mr. ROBINSON of Arkansas. Has the Senator investigated the matter and reached the conclusion that the true value is $100,000,000?

Mr. REED of Pennsylvania. No, Mr. President; but I have listened to a good deal of testimony on the subject; and where the Navy appraisement with interest comes to-day to $53,000,000, and where the patents are estimated in testimony submitted to us to be worth $15,000,000 more, it is perfectly obvious that if any account is to be taken of the condition of the shipping of the world in 1917 about $100,000,000 will have to be authorized.

Mr. ROBINSON of Arkansas. The figures that the Senator has stated approximate only $69,000,000.

Mr. REED of Pennsylvania. That is quite true; but that does not take account of the conditions in world shipping between 1914 and 1917; and the time of the seizure was 1917, although the ships were not then free and are not entitled to get the market price of free ships at that time.

The VICE PRESIDENT. The question is on the amendment of the Senator from Florida [Mr. FLETCHER] to the amendment of the committee.

Mr. FLETCHER. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). Making the same announcement as on the last vote with regard to my pair and its transfer, I vote "yea."

Mr. SIMMONS (when Mr. OVERMAN's name was called). I desire to announce that my colleague [Mr. OVERMAN] is detained by illness. He has a pair with the senior Senator from Wyoming [Mr. WARREN].

Mr. TYSON (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote on this question, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. WARREN (when his name was called). I announce my pair with the junior Senator from North Carolina [Mr. OVERMAN]. Not knowing how he would vote on this question, I withhold my vote. I will let this announcement stand for the day.

The roll call was concluded.

Mr. JONES. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Virginia [Mr. SWANSON];

The Senator from New Jersey [Mr. EDGE] with the Senator from South Carolina [Mr. SMITH];

The Senator from Maine [Mr. GOULD] with the Senator from Missouri [Mr. REED]; and

The Senator from Oklahoma [Mr. PINE] with the Senator from Iowa [Mr. STECK].

Mr. GERRY. I desire to announce that the Senator from Arizona [Mr. ASHURST], the Senator from Maryland [Mr. TYDINGS], and the Senator from Virginia [Mr. SWANSON] are necessarily detained on official business.

The result was announced—yeas 21, nays 54, as follows:

YEAS—21

Black	Harris	Norris	Walsh, Mont.
Brookhart	Heflin	Nye	Waterman
Caraway	Howell	Pittman	Wheeler
Couzens	King	Ransdell	
Fletcher	McKellar	Sheppard	
Frazier	Mayfield	Steiwer	

NAYS—54

Barkley	Deneen	Kendrick	Robinson, Ind.
Bayard	Dill	Keyes	Sackett
Bingham	Edwards	La Follette	Schall
Blaine	Ferris	McLean	Shipstead
Blease	Fess	McMaster	Shortridge
Borah	George	McNary	Simmons
Bratton	Gerry	Metcalf	Smoot
Broussard	Gooding	Moses	Thomas
Bruce	Greene	Neely	Wagner
Capper	Hale	Norbeck	Walsh, Mass.
Copeland	Harrison	Oddie	Watson
Curtis	Hawes	Phipps	Willis
Cutting	Hayden	Reed, Pa.	
Dale	Jones	Robinson, Ark.	

NOT VOTING—19

Ashurst	Goff	Reed, Mo.	Trammell
du Pont	Gould	Smith	Tydings
Edge	Johnson	Steck	Tyson
Gillett	Overman	Stephens	Warren
Glass	Pine	Swanson	

So Mr. FLETCHER'S amendment to the amendment of the committee was rejected.

Mr. KING. Mr. President, I offer the following amendment.

The VICE PRESIDENT. The clerk will read the amendment to the amendment.

The CHIEF CLERK. On page 79, lines 24 and 25, strike out the words "noninterest-bearing participating certificates" and insert in lieu thereof the words "participating certificates bearing interest at the rate of 5 per cent per annum" and a comma.

Mr. SMOOT. I understand that this is the modified amendment the Senator showed me?

Mr. KING. It is.

Mr. SMOOT. I have no objection, if it has been modified.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment offered by the junior Senator from Utah.

The CHIEF CLERK. On page 60, line 17, after the word "repay," insert the words "the principal of"; on page 61, line 2, strike out the word "and"; on page 61, after line 2, insert a new paragraph, as follows:

(13) To pay the interest provided in subsection (e) of section 25 of the trading with the enemy act, as amended (relating to the investment of the unallocated interest fund), on the amounts repaid under paragraph (11) of this subsection.

And on page 61, line 3, strike out "(13)" and insert "(14)"; on page 61, line 6, strike out "(12)" and insert "(13)."

The amendments to the amendment were agreed to.

Mr. COPELAND. Mr. President, I send an amendment to the desk and ask that it be reported.

The VICE PRESIDENT. The clerk will read the amendment to the amendment.

The CHIEF CLERK. On page 87, line 24, strike out the period and in lieu thereof insert a comma, and after the comma add the following:

Provided, however, That all Liberty bonds or other obligations of the United States owned by such person as part of his property seized by or delivered to the Alien Property Custodian, or their proceeds if they have since been sold or otherwise disposed of, together with all income from such bonds, obligations, or proceeds, shall be returned in full to such person, and shall not be included in the property to be valued by the Alien Property Custodian as above provided in this paragraph, and no part thereof shall be invested as provided in section 25.

Mr. COPELAND. Mr. President, the purpose of this amendment is that any Liberty bonds or other obligations of the United States held by an enemy at the time his property was seized should be returned in full without deducting or investing 20 per cent thereof in certificates. This is probably the law without such amendment; but it is suggested in order to remove all doubt and at the same time preserve the honor and dignity of the United States with reference to its own bonds.

These bonds represent its solemn promise to pay them to the bearer, whoever he may be; and the failure to return them in full is something far more serious than confiscation. It means repudiation. While there is no doubt of the power of the Government to repudiate, the general objection to such a practice has led to the rule, I understand, that even a law of confiscation will not be deemed to apply to a government's own obligations, unless expressly so stated. Indeed, in the War of 1812, this Government sent money to Great Britain during the war to pay interest on its bonds then held by enemies.

In the case of Liberty bonds, the appeal to national honor and patriotism is even stronger. For those bonds were bought by citizens of Germany after we had entered the war. They thus aided the United States against their own sovereign.

The amendment is carefully worded so as to exclude Liberty bonds purchased by the custodian or Treasurer out of money seized from the enemy.

Mr. SMOOT. Mr. President, I hope the Senate will not agree to the amendment. We should not now take the position that because a German national held a bond, and it was seized, it should be treated differently from any other property seized by the Government of the United States. The bonds were seized just as all other property belonging to German nationals was seized, and I hope the Senate will not make any distinction between the bonds and other property of German nationals, as to which we are to pay back 80 per cent of the value. If these bonds had been seized by some other country, the owners would not have gotten anything, but we are going to repay every dollar of their value within three years.

Mr. COPELAND. Mr. President, does not the Senator see any difference between other kinds of property and an obligation of the United States?

Mr. SMOOT. No; not if the property was seized under the conditions under which all other property was seized, and they were the owners, just the same as any other national was the owner of any kind of stocks or bonds they held in this country which we have taken.

Mr. COPELAND. I think I see a distinction.

Mr. SMOOT. I hope the Senate will not agree to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment to the amendment was rejected.

Mr. BRUCE. Mr. President, I would like to call up an amendment proposed by me to the Finance Committee amendment, which is on the table.

The VICE PRESIDENT. The clerk will state the amendment to the amendment.

The CHIEF CLERK. The Senator from Maryland proposes an amendment, on page 52, line 24, to strike out the words "without regard" and to insert the word "subject," and on line 1, page 53, to strike out "or" and insert the word "and."

Mr. SMOOT. Mr. President, if this were for the employment of Government servants for a number of years, or if it was to be in operation for a number of years, it would be quite different, but the arbiter will have to build up hurriedly an organization of experts, and if he has to wait until they pass civil-service examinations it will upset everything. I have a great deal of sympathy with the Senator when it comes to regular employees, but those who will be under the arbiter will not be regular employees. I think it would be a great mistake if we should attempt to put the men we want to get under the civil service.

Mr. BRUCE. Mr. President, the Civil Service Commission does not agree with the chairman of the Senate Committee on Finance. The commission thinks that these positions should all fall within the classified civil service, and be dealt with as other positions which fall within that service are.

I was a little surprised to hear the Senator from Utah say that he was substantially in sympathy with me, because since I have been a Member of the Senate I have never known any proposition of this kind to come up that did not incur—I do not like to use the word "enmity," for that word indicates a settled animosity—but that did not incur the opposition of the Senator from Utah.

Mr. SMOOT. The only case in which I objected was in the case of the prohibition administrator, and I think the Senator will admit that the result of the examination did not prove to be what he anticipated.

Mr. BRUCE. I admit nothing of the sort.

Mr. SMOOT. I think every other Senator does.

Mr. BRUCE. We all knew that a large percentage of the members of the existing Prohibition Unit were poor material. In other words, many of the force were unfit for the posts they held, and that was the very reason why they were not covered in, and were subjected to examination. The members of that force—and I say this with respect, because there were many brave and honorable men among them—had, as a rule, been appointed at the instance of agencies utterly untrustworthy for ascertaining fitness for public office. All that was testified to by General Andrews, the head of the Prohibition Unit. Some of them were suggested by the Anti-Saloon League, which, in my judgment, is absolutely the most unreliable agency that could be resorted to for the selection of appointees for the prohibition field force. Others were recommended by other than Anti-Saloon League politicians. So the Senator will recollect that when the proposal to bring the field force of the Prohibition Unit within the classified service was made I opposed it, notwithstanding the fact that all my life long I had been most earnestly wedded to the Federal merit system of appointment. My judgment was verified by subsequent events. Of the whole number of members of the Prohibition Unit who were subjected to the simple, practical examination devised by the Civil Service Commission no less than 75 per cent failed.

Mr. SMOOT. Eighty-five per cent.

Mr. BRUCE. I am not surprised at the statement of any percentage. If the Senator had said 100 per cent, I would not have been surprised. Eighty-five per cent "flunked," to use the expressive language of the newspaper press. Then, to make things worse, even the applicants for positions in the prohibition field force who had never been members of that force in many instances, after standing the examination, proved unfit for appointment. Indeed, Prohibition Commissioner Doran has stated that a considerable number of them had criminal records, a condition which, so far as I know, has been absolutely unknown in the history of applicants for positions in the Federal classified service. In other words, a certain number of criminals applied for those positions because of the graft they hoped to get out of them.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. BRUCE. I did not know there was a time limit. I am very sorry, because there was a good deal more that I could have said on that subject.

The VICE PRESIDENT. The Senator has five minutes on the bill.

Mr. BRUCE. It would take me an hour to complete what I was saying. These men were seeking those positions in the prohibition service for the graft, for the opportunities for illicit gain in one form or another, that they held out.

Mr. FESS. Mr. President, will the Senator yield?

Mr. BRUCE. So much for that. I will have to ask the Senator from Ohio to excuse me, because my time is so short.

Mr. FESS. I wanted to ask the Senator a question.

Mr. BRUCE. The Senator will have his time. I have but five minutes. So far as some of these provisions calling for expert qualifications is concerned, the Senator from Utah [Mr. SMOOT] knows that experts of every kind, expert lawyers, expert doctors, expert engineers, even expert biologists and chemists, are selected under the Federal civil-service system. Why, then, is not the system suitable enough in every respect for the selection under it of the public servants who would be employed by this arbiter, even of a technical nature? No substantial reason can be given against it, in my humble judgment, and that is the judgment of the Civil Service Commission. They think that these employees should all be embraced within the Federal classified service. The eligible lists are full of the names of men at this very moment who would be entirely competent to fill the positions.

I most sincerely trust that, just as the other day the Senate by an overwhelming majority decided to bring the subordinate positions under the Shipping Board and the Fleet Corporation under the civil-service system, the Senate will to-day decide to bring the appointees of the arbiter called for by the pending bill under that system, too. There is no good reason, I respectfully submit, that can be argued to the contrary unless we propose, whenever we have a chance, by nibbling encroachments of one sort or another, to destroy essentially the value of the Federal civil service laws.

I hope there will be a yea-and-nay vote on the amendment. The other day, when I made the suggestion that all employees of the Shipping Board be brought under the civil service law, apparently there was a lot of angry opposition. I heard mutterings on every side of me; but when the matter came to a vote there were just two votes in opposition to the proposition, and they were scarcely audible. It is one thing to make an appeal to buncombe and another thing to put one's self on record against the Federal merit system of appointment. That fact has been illustrated in the history of this body and of the House over and over again in recent years.

Now, if I have any time left, I shall be glad to yield to the Senator from Ohio.

Mr. FESS. I wanted to ask the Senator a question. I did not want to divert him from his thought at all. I wanted to ask, this being a temporary matter and one which will not last very long, whether it would not be better not to place the employees under the civil service, for the reason that when placed under the civil service then we have added them to the list and immediately upon the approach of a discontinuance of this line of work they will ask to be transferred to other departments of the Government.

The VICE PRESIDENT. The time of the Senator from Maryland has expired.

Mr. FESS. Very well; I will take five minutes on the amendment.

Mr. ROBINSON of Arkansas. May I ask how long it is expected the work of administering this law will continue?

Mr. FESS. It is rather indefinite.

Mr. SMOOT. It will probably not exceed 18 months and could not possibly be longer than 2 years.

Mr. FESS. I had assumed that it would be longer than that. Nevertheless, it is temporary, and it would seem to be inadvisable to place these people in the classified service, because when we come to discontinue their positions, then we have all of these people making application to be transferred from this department into some other Government department. I think it would be quite unwise, notwithstanding I agree with the Senator from Maryland generally on the application of the civil-service theory.

Mr. BRUCE. I am sure the Senator has had called to his attention again and again cases in which temporary positions have been filled from the civil-service lists. Only within the last week or so such cases have been brought to my attention.

Mr. FESS. But not under a bill like this, where we have a great number of positions to fill. It occurred to me that those of us who believe in the civil-service reform should not seriously urge that temporary employees be placed in such positions.

Mr. ROBINSON of Arkansas. May I ask the Senator how many persons it will be necessary to employ to administer the act?

Mr. FESS. I am not informed as to the number. I notice that the corridors of the House Office Building and the Senate Office Building are filled with employees conducting some sort of a campaign for clerical work of this nature.

Mr. SMOOT. Mr. President, may I answer the Senator? We can not possibly have more than 20 or 25.

Mr. ROBINSON of Arkansas. Could we not take them from the established eligible list?

Mr. SMOOT. We ought to be at work long before such a list would be established.

Mr. ROBINSON of Arkansas. I know, but how long does it usually take to establish an eligible list?

Mr. SMOOT. Several months elapse after the papers are in before they are marked.

Mr. FESS. How long would it take to disestablish it if it were once established?

Mr. SMOOT. It never would be.

Mr. BRUCE. But we have a list already. The Senator from Virginia [Mr. SWANSON] was complaining the other day because Virginia's quota was entirely filled and because Maryland's quota was entirely filled and because those facts were given as reasons why no more appointments should be made from Virginia and Maryland at the present time. There is no lack at all of available clerks and the like whose names could be handed down by the Civil Service Commission to the arbiter mentioned in the pending bill, if it would take too long to hold special civil-service examinations.

Mr. GLASS. Mr. President, I have just come into the Chamber and I would like to inquire what all this debate is about. Has some one proposed to keep these vessels in "dry" dock, against which the Senator from Maryland is protesting so vigorously? [Laughter.]

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Maryland.

Mr. BRUCE. I demand the yeas and nays.

The yeas and nays were not ordered.

Mr. BRUCE. I consider that downright mean! [Laughter in which the Senator from Maryland [Mr. BRUCE] joined.]

The amendment to the amendment was rejected.

Mr. HOWELL. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 100, line 22, add after the word "section" the following:

Provided further, And notwithstanding anything to the contrary in this act contained, that until all other awards by the Mixed Claims Commission shall have been paid, no payment shall be made on account of any such awards in behalf of any insurance company or insured, either in its or his own right, or assignee, or otherwise, in the right of a person or party insured as aforesaid, unless such claimant shall show to the satisfaction of the Secretary of the Treasury that during the period of the recent Great War, the sum of its or his losses, in respect to his or its war risk, exceeded the sum of its or his premiums or other gains upon or in respect to such war risks; and in the case of any such allowance, the same shall not be greater than such excess of loss.

Mr. HOWELL. Mr. President, this amendment is couched in the identical terms of the act which governed the distribution of the Alabama awards. The language is almost the same. It directs that the insurance awards shall be treated as similar claims were treated at that time except that after all other awards are paid then the insurance companies will receive the 2¼ per cent annuity until theirs are paid also. In the case of the Alabama claims there was no such provision for ultimate payment. No insurance companies or underwriters are to receive anything unless their losses exceeded their premiums during the war.

Mr. President, the United States Government has received awards amounting to $62,000,000. Of that amount, $26,400,000 was because of losses of vessels and losses sustained by the Railroad Administration of the Government. In the pending bill every other award is given a preference over the Government's awards. The awards of the insurance companies, which are largely profit, have immediate preference, but not a dollar of the awards to the Government for actual losses—that is, other than insurance losses—is to be received by the Treasury until after the lapse of 26⅔ years, and then they are to be paid over a period of 13 years. Under such circumstances the present worth of these awards of $26,400,000 is but $3,525,000. They were for actual losses by the taxpayers of the country.

Are we to defer the rights of American taxpayers and give preference to profits of insurance companies? Are we to give immediate preference to $52,000,000 of insurance companies' profits and defer the beginning of payment of the actual losses of American taxpayers for 26 years? In other words, are we to make the deference such that the present value of the $26,400,000 of awards to our taxpayers for actual losses will be but $3,525,000, when the bill is passed? Ought we to treat our taxpayers in this manner? Let us be fair. Let us adopt the same principle in reference to the distribution of these annuities that was adopted by the Congress in connection with the Alabama claims. We would then be acting in accord with our traditions. Merely doing justice to our taxpayers by thus advancing the time of payment of Government awards.

Mr. President, the amendment certainly should be adopted.

The VICE PRESIDENT. The time of the Senator from Nebraska has expired.

Mr. KING. Mr. President, I desire to make an observation, though it is not quite germane to the amendment. On page 43, paragraph (h), of the bill this provision appears:

(h) Nothing in this section shall be construed as the assumption of a liability by the United States for the payment of the awards of the Mixed Claims Commission, nor shall any payment under this section be construed as the satisfaction, in whole or in part, of any of such awards, or as extinguishing or diminishing the liability of Germany for the satisfaction in full of such awards, but shall be considered only as an advance by the United States until all the payments from Germany in satisfaction of the awards have been received.

A casual examination of the section might lead to the conclusion that it did not sufficiently emphasize the fact that even if the awards made by the Mixed Claims Commission were paid in the manner and extent provided in the bill, Germany would not be exonerated from all other liabilities and obligations arising in behalf of the United States or her nationals either under the Versailles treaty or the Berlin treaty. I believe that a careful examination of this section and the proper interpretation of the same will lead to the conclusion that the bill before us deals only with the obligations upon the part of Germany to the United States and its nationals as those rights are set forth and determined by the Mixed Claims Commission.

It does not cover all of the obligations and liabilities of Germany as defined in the Versailles treaty. If Germany complies with all of the provisions of this bill she will not be exonerated from her obligations to the United States and her nationals growing out of the Versailles treaty and the Berlin treaty or the terms of the armistice. This bill deals only with the Mixed Claims Commission awards and the return of property in the hands of the Alien Property Custodian to certain German nationals. I repeat when I say it is not intended by this bill to extinguish Germany's liabilities and obligations to the United States or to her nationals or to free her from the discharge of her duties and liabilities under the treaties referred to.

If the awards herein made should not be paid, if the allied Governments should fail to pay to the United States the 2¼ per cent of the Dawes annuities which under the Paris agreement the allied nations promised to the United States, or if there should be default in any particular in meeting the provisions set forth in the pending measure, Germany would still be liable and under obligation to discharge the terms of the Versailles treaty and the Berlin treaty in so far as those promises related to the United States and its nationals.

This bill does not deal with the obligations of Germany with respect to the cost of the army of occupation. She is liable, notwitnstanding the provisions of this bill and even though its terms are fuily complied with. I want it to be made clear that the understanding of the Senate is that this bill deals with a specific matter and not all of the matters in which Germany and the United States are concerned. It is not a comprehensive bill in the sense that it covers all questions arising out of the war and relating to the two countries. Germany has obligations to the United States and to her nationals not provided for in the measure before us, and if no part of the Dawes annuities should come to the United States, Germany would not be relieved of her liabilities to the United States and to American citizens to whom awards have been made by the Mixed Claims Commission.

Mr. SMOOT. Mr. President, I wish to say to my colleague that if he will read the report and also the hearings which were had in the House of Representatives, as well as the speeches made there on this subject, he will find that the bill provides for just what he has made clear he desires it to provide. I do not think there will be any question about the proposed legislation in that respect.

Mr. KING. I believe that is correct. I desire, however, to emphasize the point that Germany must understand that if there is any default in the payment of these awards, she is not freed because of the provisions of this bill from her obligations, nor is she to be discharged from further liabilities to the United States and her citizens as those rights are set forth and determined in the Versailles and Berlin treaties.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. HOWELL] to the committee amendment.

The amendment to the amendment was rejected.

Mr. HEFLIN. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Alabama to the committee amendment will be stated.

The CHIEF CLERK. At the proper place in the committee amendment it is proposed to insert the following proviso:

Provided, That no part of the funds hereby appropriated or authorized to be released or expended shall be paid to any person, or the associate of any person who at any time within five years last past shall have been employed in any bureau, commission, department, or branch or office of any executive, judicial, or legislative branch of the United States Government, or a member of a national Democratic or Republican committee; and any person thus disqualified to receive such money, who shall accept same, directly or indirectly, in violation of this clause shall be deemed guilty of a misdemeanor and on conviction thereof be fined not to exceed $5,000 and imprisonment not exceeding one year in a common jail, or both, in the discretion of the court.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Alabama to the committee amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. If there be no further amendments to be proposed to the committee amendment, the question is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

Mr. SMOOT. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make the necessary corrections in numbers of sections and subsections and in the lettering of paragraphs in the bill and references thereto. A number of amendments have been adopted, which may make necessary changes in numbers and letters.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendment was ordered to be engrossed, and the bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

The title was amended so as to read: "An act to provide for the settlement of certain claims of American nationals against Germany, Austria, and Hungary, and of nationals of Germany, Austria, and Hungary against the United States, and for the ultimate return of all property held by the Alien Property Custodian."

MUSCLE SHOALS

Mr. NORRIS. Mr. President, I move that the Senate proceed to the consideration of Senate Joint Resolution No. 46, referring to the disposition of property which is owned by the Government at Muscle Shoals, Ala.

Mr. CURTIS. Mr. President, if this joint resolution shall be made the unfinished business, will the Senator from Nebraska permit it to be laid over to-night so that we may consider a conference report and then have an executive session?

Mr. NORRIS. I am perfectly willing to have the joint resolution laid aside for the consideration of conference reports or on to-morrow for the consideration of appropriation bill. Several Senators have spoken to me in anticipation of the fact that I would make the motion which I have made, and I wish to assure them and to assure the Senate that there will be no attempt to take snap judgment or to rush this measure. I shall want every Senator to have a fair opportunity to be heard, and, if my motion prevails, I expect to lay the measure aside for the consideration of conference reports and appropriation bills.

The VICE PRESIDENT. The question is on the motion of the Senator from Nebraska to proceed to the consideration of Senate Joint Resolution No. 46.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, which had been reported from the Committee on Agriculture and Forestry without amendment.

Mr. NORRIS. I now ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Without objection, the unfinished business will be temporarily laid aside.

APPOINTMENT OF POSTMASTERS

Mr. BLEASE. Mr. President, I ask unanimous consent to submit a resolution, which I ask to have printed in the RECORD. I also ask leave to have printed in the RECORD with it a letter from Mr. W. C. Deming, president of the United States Civil Service Commission; a letter from M. C. B. Robbins, Acting Secretary of War; and two affidavits signed by Mr. J. R. Cochran.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolution (S. Res. 155) is as follows:

Resolved, That it is the sense of the Members of the Senate of the United States that no person should be appointed acting postmaster or regular postmaster unless he be a resident of the county and State in which the appointment is to be made.

Resolved further, That it is the sense of the Senate that the law and regulations requiring that a person shall be a citizen of the locality and a patron of the post office for not less than two years, and shall have received his mail at said place and shall be of the age of 30 years are proper regulations and should be adhered to in the appointment of acting postmasters as well as regular postmasters.

Resolved further, That it is the sense of the Senate that any appointment heretofore made or made hereafter in violation of the above-quoted law and regulations does not meet with the approval of the Senate.

The VICE PRESIDENT. Does the Senator desire the resolution to be referred to a committee?

Mr. BLEASE. I merely ask that it be printed in the RECORD, along with the documents I have mentioned, and lie on the table.

The VICE PRESIDENT. The resolution will lie on the table.

The letters and affidavits are as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 14, 1928.

Hon. COLE L. BLEASE,
United States Senate, Washington, D. C.

MY DEAR SENATOR BLEASE: Your letter to each of the three civil service commissioners with respect to the forthcoming examination at Anderson, S. C., has been received.

The closing date for the examination at Anderson is February 7, 1928. This is a first-class post office, paying a salary of $3,400 per annum. No applications have as yet been filed with the Civil Service Commission.

Applicants for this position are required to be 30 years of age, except that all age limits are waived for ex-service men who served in the World War or Spanish-American War and were honorably discharged. Applicants must have actually resided within the delivery of the office for two years next preceding the date of examination.

Your letter will be filed with the application division and the question concerning Mr. Cochran will be carefully scrutinized if he files an application.

Very truly yours,

W. C. DEMING, *President.*

South Carolina: Anderson, $3,400; December 27, 1927.

No person who has passed his sixty-fifth birthday or who has not actually resided within the delivery of such office for two years next preceding the date of examination shall be given the examination herein provided for. The Postmaster General shall determine before sending a name to the President that the candidate so selected has continued to reside within the delivery of the post office since the examination and up to the time of such selection.

WAR DEPARTMENT,
Washington, February 13, 1928.

Hon. COLE L. BLEASE,
United States Senate.

DEAR SENATOR BLEASE: Reference is made to your letter of January 20 in regard to J. R. Cochran.

Records of the North Georgia Agricultural College show John Robert Cochran to have been a member of the R. O. T. C. and S. A. T. C. at that institution from September, 1917, to June, 1919; that he completed 490 hours' work for military credit to June 9, 1919, and completed 2 years of military training, attended the R. O. T. C. Camp at Camp Lee, Va., June 21 to August 2, 1919, and successfully completed the camp course.

In spite of this, there is no record in the War Department that he was ever inducted into the service. War Department records do show a John Robert Cochran, 2d, who registered with local board, division 1, Anderson, S. C., on September 9, 1918. He gave his age as 43 and stated he had a son in Savannah, Ga., 16 years of age. In view of the similarity in names it is believed that the man concerning whom you wrote is the son referred to. If this be true, his age would have prevented his induction, the minimum for which is 18.

I am sorry that I am unable to give you more definite information.

Sincerely yours,

C. B. ROBBINS,
Acting Secretary of War.

OATH OF VOTER

On file in tax collector's office.
Jack R. Cochran, born December 20, 1902.

TRUE COPY OF REGISTRATION

Georgia, Chatham County:

I do swear, or affirm, that I am a citizen of the United States; that I am 21 years of age, or will be on the —— of ——— of this calendar year; that I have resided in this State for one year and in this county for six months immediately preceding the date of this oath, or will have so resided on January 16, 1928, of this calendar year; that I have paid all taxes which, since the adoption of the constitution of 1877, have been required of me, except taxes for this year; that I possess the qualifications of an elector required by the constitutional amendment adopted in 1908; and that I am not disfranchised from voting by reason of any offense committed against the laws of the State. I further swear, or affirm, that I reside in the city of Savannah, at No. 220 East Forty-fifth Street, or in the fourth district, G. M.; my age is 21; my occupation is clerk.

(Signed) J. R. COCHRAN.

Sworn to and subscribed before me this January 25, 1924.

———— ————, *Registrar.*

[SEAL.] J. A. JOHNSON,
Deputy Tax Collector Chatham County, Ga.

(Copy)

Qualifications claimed:
1. Soldier.
2. Descendant of soldier.
3. Good character and knowledge of duties of citizenship.
4. Educational.
5. Property.

OATH OF VOTER

New registration.
On file in tax collector's office.
Jack R. Cochran, to Florida in 1924; back to Georgia in 1926.

TRUE COPY OF REGISTRATION

Georgia, Chatham County:

I do swear, or affirm, that I am a citizen of the United States; that I am 21 years of age, or will be on the —— of ——— of this calendar year; that I have resided in this State for one year and in this county for six months immediately preceding the date of this oath, or will have so resided on January 16, 1928, of this calendar year; that I have paid all taxes which, since the adoption of the constitution of 1877, have been required of me, except taxes for this year; that I possess the qualifications of an elector required by the constitutional amendment adopted in 1908; and that I am not disfranchised from voting by reason of any offense committed against the laws of the State. I further swear, or affirm, that I reside in the city of Savannah, at No. 220 East Forty-fifth Street, or in the fourth district, G. M.; my age is 26; my occupation is none.

(Signed) JACK R. COCHRAN.

Sworn to and subscribed before me this April 1, 1927.

———— ————, *Registrar.*

[SEAL.] J. A. JOHNSON,
Deputy Tax Collector Chatham County, Ga.

(Copy)

Qualifications claimed:
1. Soldier.
2. Descendant of soldier.
3. Good character and knowledge of duties of citizenship.
4. Educational.
5. Property.

ALLEGED MEXICAN PROPAGANDA

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD certain letters indorsing my speeches on the Hearst-Catholic-Mexican scandal.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NIAGARA FIRE INSURANCE CO.,
Florence, Ala., January 25, 1928.

Senator J. THOMAS HEFLIN,
Washington, D. C.

DEAR SIR: I have been reading with interest your fight in the Senate in regard to the prospective nominee in the next Democratic convention. I think you hit the keynote when you said that you did not favor our Government furnishing its Army and Navy to fight the religious battles for the Roman Catholic Church in foreign fields.

I am glad we have a man to represent us in the Senate who will fearlessly stand for the enforcement of our prohibition law, as shown by your recent action. It has always been my pleasure to cast my ballot for you. I expect to continue to do so.

Yours very truly,

H. F. KOONCE,

PINE BLUFF, ARK., *January 30, 1928.*

Senator J. THOMAS HEFLIN,
Washington, D. C.

DEAR SENATOR: I take this method of indorsing your stand and your courage in the United States Senate on the two questions that are the most destructive and most deadly to our form of government and to our free American institutions—the liquor traffic and Catholicism.

When I say this I believe that I voice the sentiment of a large majority of the citizenship of the State of Arkansas.

* * * * * * *

I have also followed your career, in the House and in the Senate, through the press and the CONGRESSIONAL RECORD, for many years with interest and satisfaction and regret that there are not more men in the Senate with the courage of your conviction.

If it should be possible for you to come to Pine Bluff in the near future or later in the year during the summer months, I am sure that the citizenship of Pine Bluff and Jefferson County and all Arkansas will join me in that invitation to come to Pine Bluff, in the county of Jefferson, which joins the county of Lonoke, the native county of our Senator JOE T. ROBINSON, and speak to us on a subject of your own choosing.

If you could do this any time it may suit your arrangements and convenience, and will so advise me, I will take on myself to take the matter up with officials and with religious, fraternal, and civic organizations to make the proper arrangements here. We will be delighted to have you come, and you will be at liberty and perfectly safe in "hitting them" as hard as you may.

I am,
Respectfully,

A. D. CHAVIS.

2730 DERBY STREET, BERKELEY, CALIF.,
January 24, 1928.

Senator HEFLIN,
Washington, D. C.

MY DEAR SENATOR HEFLIN: The Roman Catholic newspapers may distort their reports of what you are saying, for us in the West, but we know how to make allowances and to read between the lines. This is just to tell you so and to tell you that there are thousands here who are rejoicing at your courageous carrying out of your mission—the enlightening of the American people as to the greatest evil our country has ever known.

God will give you the strength of spirit and the peace that passeth understanding, which is born of love—for you love His law and His people. "There shall no evil befall thee, neither shall any plague come nigh thy dwelling. For He shall give His angels charge over thee, to keep thee in all thy ways." (Ninety-first Psalm.)

Respectfully,

Miss ANNIE H. ALLEN.

BOULDER, COLO., *January 22, 1928.*

Senator HEFLIN,
United States Senate Chamber.

DEAR SIR: The reports of both your recent speech and course have not only interested me but have pleased me far beyond language to express. Reporters may represent you as in a small minority, however, they know only too well that such is not, by any means, the case. For not only are the great hosts of Protestant Democrats, but hosts of Protestant Republicans as well are with you in the fight. Stand to your colors. Those of us who have taken the trouble to inform ourselves are thoroughly convinced that Romanism is the greatest curse in the modern world. Mexico is a fair sample in flower and fruitage. The United States is the most coveted prize of the Roman hierarchy to-day. It seems entirely impossible for any man to be a true Romanist and a loyal American citizen at one and the same time. For four years I have made a careful study of Romanism from every angle. The Dark Ages were the fruits and shadow of Romanism.

I am exceedingly anxious to take the field and speak on Protestantism versus Romanism and the Pope's candidate for the Presidency, from now until the convention meets in Houston. But whether or not I could get enough along the way to enable me to do it, I don't know of course, but was never more anxious to do anything. I am a North Carolinian and a Democrat, a Baptist by religious affiliation. So far as I am able to tell practically all the Protestants of all this section of the United States are opposed to Al Smith, for two outstanding reasons and would hardly support him under any circumstances. The Protestants of the entire country are exceedingly fortunate in having you in the Senate at this time. The local action taken by two or three

small groups in your own State are due evidently to entirely local conditions and doubtless local prejudices. Don't be disturbed in the least by them. Yield not an inch, it is the hour of opportunity, the more discussions in the newspapers the better. The people need arousing from their long lethargy. You are the representative of true Americanism, civil, and religious liberty, Protestantism and Democracy.

Respectfully.

CHAS. H. UTLEY.

---

80 MYRTLE AVENUE,
Stamford, Conn., January 26, 1928.

Hon. J. THOMAS HEFLIN,
United States Senate, Washington, D. C.

DEAR MR. HEFLIN: I wish to take this opportunity to congratulate you for the great, unflinching, manly courage which you have at all times displayed as a Senator, but especially that which you have shown in the last few day's in spite of the many threats and ridicule which I know you have received from the enemies of all Protestant Americans, the Roman Catholic hierarchy and the Roman-controlled scurrilous press.

Brother, I feel that you are fighting this great fight for liberty for all of us, and may the protesting Protestants of America uphold your arms as did Aaron and Hur hold the hands of Moses in the wilderness. This, remember, Mr. HEFLIN, that one shall chase a thousand and two shall put ten thousand to flight.

My prayer is that God of our fathers shall strengthen you in this great hour of need and send forth more manly men like you who is willing at all times to tell the truth. "The lip of truth shall be established forever, but a lying tongue is but for a moment." I am,

Yours truly for Protestant America,

GARDNIER T. ROBINSON.

THE FRANKLIN FIRE INSURACE CO., OF PHILADELPHIA,
Claymont, Del., January 24, 1928.

Hon. SENATOR HEFLIN,
Alabama Senator, Washington, D. C.

DEAR SIR: I congratulate you on your stand in reference to Gov. Al Smith, of New York.

As an old Virginia Democrat I again congratulate you.

Very truly yours,

DANIEL KNIGHT, Jr.

JACKSONVILLE, FLA., *January 25, 1928.*

Senator THOMAS J. HEFLIN,
Senator from Alabama, Washington, D. C.

MY DEAR SENATOR: I have read very carefully your reported speeches in connection with the political machine which is at work in the United States with the avowed purpose of breaking down the American principles that are inculcated in the Constitution of these United States. Thank God that we have a man of your caliber who is strong and brave enough to come out into the open and say what he believes to be true. It is high time that the American people awaken from their sleep to the danger that is threatening this land of freedom.

I was born and reared in Alabama. Permit me to say to you that I believe that you are one of the outstanding big men of the country, and that I, as a native of Alabama, am proud of the record that you are making in the Senate.

With kind personal regards, believe me,

Yours respectfully,

WILLIAM C. GUTHRIE,
Ex-Judge Juvenile Court of Duval County, Fla.
(Being judge of said court for eight consecutive years.)

COMER HIGH SCHOOL,
Comer, Ga., January 20, 1928.

Hon. J. THOMAS HEFLIN,
Washington, D. C.

DEAR MR. HEFLIN: This is to assure you that I thoroughly indorse your position in regard to the Robinson-Smith affair. I am sure that the Democratic Party is not ready to elect any wet candidate, Catholic or otherwise. We need more men of your type and conviction in the Senate.

Yours very truly,

O. G. LANCASTER.

LEWISTON BUSINESS COLLEGE (INC.),
Lewiston, Idaho, January 26, 1928.

Hon. J. THOMAS HEFLIN,
Member of Congress, Washington, D. C.

DEAR MR. HEFLIN: Congratulations upon the splendid work you are doing in Congress for this Nation. I do wish that we had some more Senators like you. Will you kindly place our name on the mailing list so that we may receive copies of your speeches in order that we pass them along to several hundred people?

Keep up the good work for you are admired and appreciated by every loyal American.

Yours cordially,

FRED L. ULEN, *President.*

CHICAGO, ILL., *January 27, 1928.*

Senator J. THOMAS HEFLIN,
United States Senate, Washington, D. C.

DEAR SENATOR: I wish to commend you for the wonderful stand you are taking in the Senate for those truly American principles.

Do not worry or do not despair, because there are millions of good, red-blooded Americans, who are working and praying for you.

The real Americans realize what you are doing for them and I can assure you that we can truthfully say, thank God for HEFLIN. May God bless you and guide you, Senator.

I am.

Yours very truly,

GEORGE D. ARNOLD,
4736 North Kilpatrick Avenue, Chicago, Ill.

SHELBYVILLE, IND., *January 18, 1928.*

Hon. J. THOMAS HEFLIN,
Senator from Alabama.

DEAR SIR: I desire to voice the sentiments of several thousand people in Rush and Shelby Counties of Indiana, and commend you upon the stand you took and the sentiments you uttered, in your tilt with Senator ROBINSON of Arkansas, in regard to the political machine of papistry.

May the same dauntless courage, which has led you so fearlessly in the past in your defense of American ideals, be your guide for the future. Remember always that thousand upon thousand of true American citizens are watching and depending upon you to hold the country to American ideals and hold the enemy in check.

May God keep and bless you and your efforts.

Very sincerely.

S. T. KNEISLY,
Reclamation Officer for the Klan.

WATERLOO, IOWA, *January 18, 1928.*

Senator HEFLIN.

DEAR SIR: Keep the good work up. We are standing right behind you, and last year, where our papers barely made mention of your speech, we had a whole column to-day.

Remember the Hippodrome? I'll say we do.

Y. I. T. S. U. B.,

Dr. and Mrs. M. A. TAYLOR,
1003 Mulberry, Waterloo, Iowa.

UNION PACIFIC SYSTEM,
Kansas City, Kans., January 24, 1928.

Hon. THOMAS HEFLIN,
Senator, Washington, D. C.

DEAR SIR: I wish to extend my congratulations to you for your courageous speech yesterday. I heartily indorse all of it.

A poll of the employees here show seven to one for you.

As the local newspapers carry very little American news, I wonder if you would be so kind as to have a copy of the CONGRESSIONAL RECORD, with your speech of January 23, sent to me.

I am, your sincere admirer,

R. L. CONNER,
1943 North Valley Street.

CLINTON, KY., *January 21, 1928.*

Senator TOM HEFLIN,
Washington, D. C.

MY DEAR SIR: Wish to heartily approve and commend your attitude on the Al Smith and Roman Catholicism proposition. If your Democratic colleagues think this country will support Al Smith for the Presidency of the United States, they are pitiably ignorant of the situation.

Of course, the rum crowd, the Catholics, and the criminals will criticize and condemn you, but the great, sober, right-thinking element of this Nation will approve and indorse your courageous arraignment of this thinly veiled effort on the part of certain politicians to nullify the eighteenth amendment and deify the Pope of Rome and incidentally lead the Democratic Party to suicide and oblivion.

With sincerest appreciation of your attitude and the noble fight you are making for civic righteousness, religious freedom, and the perpetuity of a government of the people, by the people, and for the people, I beg to remain,

Yours very truly,

J. KELLY SMITH.

125 SOUTH HENNESSEY STREET,
New Orleans, La., January 18, 1928.

The Hon. J. THOS. HEFLIN,
Senate Office Building, Washington, D. C.

DEAR MR. HEFLIN: I have just read with much glee the account in this morning's Times-Picayune about the latest fracas in the Senate. May I take this opportunity of expressing to you my admiration for your unbounded physical and moral courage exhibited in combatting at every turn the increasing encroachments of Roman Catholicism. It will be a sad day for this country when the breed of men like yourself is stamped out. Personally, with very slender means, I am trying to help the class of conservative, constructive Protestants that built this country—of which my ancestors were a part—retain it, and I am most grateful that men like yourself are putting their shoulders to the wheel.

Very respectfully, SYLVIA F. METCALF.

KINGFIELD, ME., *January 24, 1928.*

Senator HEFLIN.

DEAR SIR: The people of Maine stand back of you in your magnificent fight for Protestant Americanism.

Sincerely yours,

(Rev.) JUDSON P. MARVIN.

SOMERVILLE, MASS., *January 23, 1928.*

Senator J. THOMAS HEFLIN,
United States Senate, Washington, D. C.

SENATOR: Whereas United States Senator THOMAS HEFLIN, of Alabama, has shown such splendid courage in his fight for our institutions and the maintenance of peace: Therefore be it

Resolved, That this meeting of the Good Will Club, of Somerville, Mass., comprising 1,800 men and women, in meeting assembled extend him our earnest support and sincere appreciation in this patriotic stand; therefore be it further

Resolved, That a copy of these resolutions be sent to Senator HEFLIN, a copy sent to the Fellowship Forum, and one be spread upon the records of this meeting.

Yours respectfully,

THE GOOD WILL CLUB,
Somerville, Mass.

DETROIT, MICH., *January 19, 1928.*

Hon. J. THOMAS HEFLIN,
United States Senator, Washington, D. C.

DEAR SENATOR HEFLIN: I wish to commend and thank you for the stand you took on the floor of the Senate yesterday.

* * * * * * *

And may you be successful in defeating the nomination of Al Smith, as it would be a calamity to the Democratic Party.

We are interested in our representatives, and thank God you have had the nerve to make this stand.

Yours very truly,

J. L. RISK.

SOUTH ST. PAUL, MINN., *January 20, 1928.*

Senator THOMAS HEFLIN,
United States Senate, Washington, D. C.

DEAR SIR: Just a word of encouragement from a northerner, or rather a northwesterner.

I admire your courage, and it is indeed queer that in this land of ours any conversation or treatment of Roman Catholic matters should be such a taboo. This foreign organization is discussed openly in England, Germany, and other European countries frankly, but any reference to it here is met with the cry of "intolerance."

This cry from one of the most intolerant systems ever organized, the Roman Catholic Church, which organization by its bold methods commands the fear of even some of our Protestant-affiliated politicians.

You are fighting a winning battle for the open recognition of what the Roman Catholic Church is, i. e., an intolerant, scheming, political organization of Jesuitical and international mind. It can not have a national mind until it leaves the leadership of its foreign ruler who even now seeks temporal power once more from the Italian Government.

You have the support of millions in the North and West * * *.

Assuring you of my admiration and being confident of your success, I am,

Yours very truly,

H. A. HOLMGREN,
129 Fifth Avenue North, South St. Paul, Minn.

METHODIST EPISCOPAL CHURCH, SOUTH,
Iuka, Miss., January 26, 1928.

HON. J. THOMAS HEFLIN,
United States Senator, Washington, D. C.

MY DEAR SIR: I have just finished the CONGRESSIONAL RECORD for January 18 and write to praise, commend, yes bless you, for the noble rôle that you played recently on the floor of the United States Senate.

Continue this noble work, remembering that you are doing God's work in a mighty dark hour. Let nothing deter you from this crusade of righteousness. Stand forth as God's annointed and rebuke this dangerous dragon of Romanism, which has destroyed so many fair civilizations and reduced others to impotency.

The writer is a disabled chaplain of the World War, a 100 per cent American, whose ancestors came to this country in 1805.

I pray daily that our party will not nominate Al Smith, but if our leaders do that suicidal act they must not expect the common people to vote for him, for we will not do it. I am close to the heart of the man in the street, and I say to you that there will be a revolt among Mississippi Democrats if our party gives them that wringing wet Tammany Romanist from New York.

It would be better for us to go down in honor with a clean, true American than to go into the White House with such a hybrid American as Al Smith.

I feel this impulse; the next time you come up for election I would like to steal across the Alabama line and cast a vote for you, but being a Methodist minister, I am, of course, above those tactics which have been carried out by Tammany for years in New York City.

Remember this, thousands of true Americans do not retire at night without carrying your name to the throne of Divine Grace.

Go forward with God and remember that "no weapon formed against thee shall prosper."

May God bless you, give strength to your good right arm, and make you invincible in this holy war.

Your friend and brother in Christ,

G. C. SCHWARTZ.

P. S.—My good wife and my little girl, Virginia, send their love and assure you of their prayers.

HELENA, MONT., *January 20, 1928.*

Hon. THOMAS HEFLIN,
Washington, D. C.

MY DEAR SENATOR: Reading your fearless speech delivered on the floor of the Senate, I write to let you know you have thousands—yes, ten thousands of followers, silent though we remain, waiting for election day to register our good old-fashioned Americanism.

Not wishing you or your party any bad luck, I am hoping Al Smith gets the nomination; the Catholic Church's political machine might just as well find out how they stand now as 100 years from now.

We have paid propagandists right here in the State of Montana plainly out in the interests of Al Smith.

Only yesterday a stranger came into my office trying to draw out my opinion of Al Smith and the Catholic Church. I gave him no opinion.

This fellow was about 25 years of age, and claimed to be from Georgia. I say again, Senator, "Stay with it."

Yours very truly,

FRANK H. COY,
36 North Park Avenue.

DAILY DROVERS TELEGRAM,
Kansas City, Mo., January 24, 1928.

Senator J. T. HEFLIN,
Washington, D. C.

DEAR SIR: Just want to assure you that the hard blows you are administering to whisky and the Pope are causing no little comment in this far-off section of the country. And these comments are of the most complimentary kind, from Democrats as well as others. Everybody, outside of Catholics, commend you for your bravery in facing such a gang.

Rest assured, therefore, that they are taking notice, and when it comes to a show-down you will find you have a much larger following than you anticipated, believe me. I am

Yours,

A. L. PIZER.

CENTRAL CITY NONPAREIL,
Central City, Nebr., January 21, 1928.

Senator THOMAS J. HEFLIN,
United States Senate, Washington, D. C.

DEAR SIR: Here is a sincere expression of the admiration felt by a small-town editor for the first man within his knowledge with "intestinal stamina" sufficient to throw down the gage of battle to the Roman hierarchy, publicly and fearlessly, in the United States Senate Chamber.

While you have extreme difficulty in getting your side of every incident before the citizenry as a whole, never lose heart. You are gaining ground. The cause is advancing. The great army of "tolerant-at-any-price" Protestants is undergoing a change. Many are beginning to wonder why honest, God-fearing, fair-minded Americans can not raise their voices in criticism of the Church of Rome without incurring the instant wrath of every Catholic of their circle of acquaintance. Many, too, are asking themselves why Catholics generally get so wrought up

over these affairs if there is nothing to keep from the searching glare of common discussion and knowledge.

There is a day coming, God grant, when men who have the welfare of the American Nation truly at heart will be recognized for their real worth. It will be a day when men prize principle more highly than they now do tainted dollars; a day when Sinclairs and Dohenys will be as abhorrent to society as are Hickmans and Hotellings to-day. This is indeed a beautiful picture, a distant ideal, but it can be realized if enough men can be found who, like yourself, are not afraid but eager to expose political ulcers—whether aggravated with religious intrigue or not—when and where they find them.

Keep up the good work; there are countless men and women who are figuratively patting you on the back, even though comparatively few take the trouble to send a concrete word of encouragement.

Sincerely,

EDWIN M. BURR.

RIDGEFIELD PARK, N. J., *January 25, 1928.*

Hon. J. THOMAS HEFLIN,
Senator from Alabama, Senate Chamber,
Washington, D. C.

MY DEAR MR. HEFLIN: I desire to commend you on your public attitude with respect to the political machine known as the Roman Catholic hierarchy, and sincerely trust you will continue to "carry on" along the same lines you have been doing, as to the best of my knowledge and belief, your attitude is meeting with much public approval.

It is to be hoped that you will become a candidate for the Democratic nomination against Smith of New York, as I earnestly believe, were you to enter the convention as a candidate, you could muster a sufficient number of delegates to prevent the nomination of Smith, which of itself, would be a great public service, and, in fact, from what I can hear and read in the newspapers, it is possible that you might be able to secure the nomination.

You may rest assured that your efforts are being appreciated by the great body of real American citizens in this country.

Yours respectfully,

W. R. PADEN.

NEW YORK, *September 21, 1928.*

DEAR SENATOR HEFLIN: We of New York who see Smith and his Catholic cohorts at close range and their continual attempt to undermine the religious liberty of our fair land, thank you from the bottom of our hearts for your fearless work in the Senate.

Yours truly,

GROVER C. MILES.

WILMINGTON, N. C., *January 20, 1928.*

Hon. J. THOMAS HEFLIN,
United States Senator,
Washington, D. C.

MY DEAR SENATOR: I have read the press reports of your courageous and masterful speech in the Senate Chamber on Wednesday last, prompted by the unjust, malicious, and slanderous attack made on yourself and three other honorable Senators by the yellow effusions of the Hearst combine. Also, have received this morning my copy of the CONGRESSIONAL RECORD, carrying only a portion of your speech, balance to appear in the Appendix Saturday, 21st instant, and am now writing to assure you, as I had the pleasure of doing during the last Congress when you were the lone defender of American interests against the insidious and underhanded attempt to involve our country in war with Mexico, that I most heartily agree with you in the position you have taken and what you said.

Please do not get discouraged in your wonderful fight for America against the most heartless, subtle, and unscrupulous enemy of our liberties that ever pressed their unholy feet upon the soil of God's footstool.

The people are with you, Senator, in this neck of the woods and are not inadvertant to the fact that the noise made by the opposition is only for the purpose of sustaining their courage sufficiently so that they can look into the face of oncoming events whose foreboding shadows spell only disaster for all those who, by their words and conduct, give aid and comfort to the enemy.

Strength to your arm, Senator, and may the God of battles sustain, protect, and preserve you in your efforts in this high and holy hour in our Nation's history.

I am, with great respect,
Your friend,

J. A. MCNORTON.

(Copy to Hon. JOSEPH T. ROBINSON, Washington, D. C.)

NORTHWOOD, N. DAK., *January 21, 1928.*

Hon. J. THOMAS HEFLIN,
United States Senator, Washington, D. C.

DEAR SIR: I wish to extend you my congratulations for the fight that you have made on the floor of the United States Senate against the political activities of the Roman Catholic Church. Everyone who has watched the newspapers and knows what is going on in their own local communities, their own State, and the Nation as a whole knows that this is the greatest propaganda machine that was ever built up in this country.

I admire you for the courage of standing for your convictions when there are so many in Washington who know what is going on and who are afraid to speak because "they are afraid of the cars."

Very truly yours,

HORACE G. WEBSTER.

DAYTON, OHIO, *January 24, 1928.*

Senator J. THOMAS HEFLIN,
Washington, D. C.

HONORABLE SIR: I have been following up your fight for American principles with great interest. You have done your country a great service in bringing these vital matters to the attention of its citizens.

Red-blooded Americans are with you heart and soul. Only our country's foes and a bunch of weak-kneed politicians and yellow-sheet publishers are fighting you. Knowing what I do of the tactics of your enemies, I fear for the safety of your life. Be on your guard.

I am a Republican, but I am an American first and wish we had more Senators like you in both parties. Keep up the good fight. Millions of American citizens are praying for you.

Very respectfully yours,

W. HENRY GRAHAM.

OKLAHOMA CITY, OKLA.,
1529 West First Street, January 19, 1928.

Hon. J. THOMAS HEFLIN,
United States Senate, Washington, D. C.

DEAR SENATOR: Allow me to praise you from the depth of my heart for your firm and courageous stand taken in defense of our country against the nefarious Roman influence. There is no use of our trying to dodge the issue, nor to lull ourselves into a false security. We may not know all that is taking place, but enough straws are being blown by the wind to inform the observant that all will not go well with religious liberty in this country unless the guardians of it remain ever vigilant, active, and true.

So remember, we are for you old boy; just keep after 'em and let 'em know that we are not asleep, nor are we being fooled by their sly work.

With highest regards for your integrity, fidelity, and probity, I beg to remain,

Very sincerely yours,

GEO. R. CLEMENTS.

OREGON CITY, OREG., *January 28, 1928.*

Hon. J. T. HEFLIN,
Washington, D. C.

MY DEAR SIR: On behalf of the State Grand Lodge of Oregon, International Orange Association of the United States of America, affiliated with the Imperial Grand Orange Council of the World, it is a pleasure for me to extend to you greetings from the Orangemen of Oregon, and to assure you that this organization is back of you in your fight for Americanism and Protestantism.

* * * * * * *

If your speeches in Congress are printed for distribution, I would be pleased to receive a number of them in order that they might be sent to the different lodges of the State.

With best wishes to you for complete success, I am

Fraternally yours,

JOHN K. MORRIS,
State Grand Master of Oregon.

BEDFORD VALLE, PA., *January 23, 1928.*

Hon. J. THOMAS HEFLIN,
United States Senate, Washington, D. C.

DEAR SENATOR: Just a few words to let you know how we, The Bethel M. E. Sunday School, feel about the noble and courageous stand you have taken the last year in national affairs.

You certainly have our sincere congratulations, and hope you may continue in the noble work. Our little Sunday school voted unanimously in favor of congratulating you on all the good work you have done.

We feel it our duty to inform you that you do not stand alone.

We hope and pray God will raise up more men like you in our dear old United States of America; men with backbone.

T. J. GROUDEN,
W. R. HITE,
Committee.

SACRED SOCIAL SERVICE,
Philadelphia, January 24, 1928.

Senator JAMES THOMAS HEFLIN,
Senate Office Building, Washington, D. C.

DEAR SENATOR: Please permit me to thank you in the name of truth for your fearless utterance in the United States Senate. You are rendering a distinctive service to this Nation and to all the world, as great as any since the days of Luther and Lincoln.

If the time should ever come, which God forbid, when anyone anywhere dare not tell the truth about anything affecting the life of America, the Republic is doomed, and that agency which can bring that to pass has in pledge our blood-bought heritage, and we are no longer trustees in fact of liberty and justice, but a Nation of cowardly slaves.

May the Lord Jesus Christ Himself bless you as He blessed the Apostle Paul, and may He give you perfect holiness, perfect health, perfect wisdom, perfect safety, and perfect success.

Yours truly,

ZED H. COPP.

---

121 PINE STREET,
Chester, S. C., January 21, 1928.

Hon. J. THOMAS HEFLIN,
Washington, D. C.

DEAR SIR: Please accept my congratulations on the magnificent fight you are making in the Senate against the powers of evil that would debauch and ruin our glorious country. In my opinion it is far better for the Democrats to never elect a President than to make a compromise with the wets, the Catholics, and the Al Smiths; and I am glad there is one man in the Senate with the backbone to call a spade nothing but a spade. May the Lord give you health and strength to keep up the fight until the victory for right living and right thinking is won. I feel sure that all the better element of the people, especially in the South, are behind you in this fight. I get full and complete information on the doings of Congress and the party leaders by reading the Atlanta Journal. The majority of the other papers that circulate in this vicinity publish only garbled reports of such things as the recent events in the Senate and suppress that which is not favorable to the wets, Catholics, and Al Smiths.

Yours very truly,

FRANK D. MILLER.

SPEARFISH, S. DAK., *January 23, 1928.*

Senator HEFLIN,
Washington, D. C.

HONORABLE SIR: We take this opportunity to congratulate you upon your complete exoneration from any taint of character brought against you by the Hearst publications in connection with the mythical Mexican slush fund, and to assure you that we have kept in touch with your activities in behalf of Protestant America and international peace. We heartily commend your courage in carrying on this fight against the enemies of our Nation, and believe that you will go down in history as an honored pioneer in this movement against a world-wide international effort to Romanize America.

With best wishes we are,

Faithfully yours,

THE VOTERS' LEAGUE OF SPEARFISH IN THE BLACK HILLS OF SOUTH DAKOTA.

COLUMBIAN MUTUAL LIFE ASSURANCE SOCIETY,
Memphis, Tenn., February 6, 1928.

Senator TOM HEFLIN,
Washington, D. C.

MY DEAR SENATOR: I am living in Memphis, Tenn., but I travel Alabama and Mississippi constantly. Of course the Catholic-bought papers are against your course, but the people of Alabama and the entire South are with you. They will find that in your next election in Alabama you will sweep the State as you have never done.

* * * * * * *

You are making the greatest fight for Americanism of any man in America to-day. Keep up the fight. The people are with you, and you will win out.

Wishing you the very best success.

Your true friend,

C. S. JOINER.

S. F. BOWERS & CO. (INC.),
San Antonio, Tex., February 4, 1928.

Senator HEFLIN (*Democrat*), *from the State of Alabama*,
Washington, D. C.

DEAR SIR: I have been reading a great deal about you in the newspapers, and as a native Texan wish to congratulate you on the position you have taken. I believe it would be an outrage for the Democratic Party to nominate Al Smith, from New York, as a Democratic nominee for President. I am against him in every way. Thousands upon top of thousands of Democrats would vote the Republican ticket to defeat Al Smith for President. Thousands of Democrats would not vote at all. No Roman Catholic should be allowed to sit in the President's chair. He may be ever so good a man, but we know he owes allegiance to the Pope above all others, and there is no argument to put up against this.

Just as sure as the sun rises and sets, we are bound to have a Republican President again if Al Smith is nominated by the Democratic Party. Nothing would please the Republican Party more than to see Al Smith nominated by the Democratic Party, because they know thousands would vote the Republican ticket in order to defeat Al Smith.

You are to be congratulated on the position you have taken. You certainly are a nervy man. The State of Alabama should be indeed proud of you, and I again congratulate you upon the stand you have taken.

Yours very truly,

W. N. JOHNSON.

CARBON LODGE NO. 16, F. & A. M.,
Price, Utah, January 25, 1928.

Hon. THOMAS HEFLIN,
Washington, D. C.

DEAR SENATOR: I have just read with much pleasure your speech which appears in the CONGRESSIONAL RECORD of January 20. It is a wonderful argument and unanswerable. Would it be possible to have, without cost to you, a copy of your speech sent to each of our members? Kindly let me hear from you and keep the good work up. You are rendering the country a real service.

Yours very truly,

J. W. HAMMOND, *Secretary.*

WASHINGTON CAMP NO. 31, VIRGINIA,
PATRIOTIC ORDER SONS OF AMERICA,
OFFICE OF THE SECRETARY,
Richmond, Va., January 25, 1928.

Hon. J. THOMAS HEFLIN,
Senator State of Alabama, Washington, D. C.

DEAR SIR: Washington Camp No. 31, Patriotic Order Sons of America, located in the city of Richmond, Va., with a membership of 200, commends and congratulates you on your stand against Al Smith and Romanism.

We concede to every man the inalienable right to worship God according to the dictates of his conscience, but no man has a right to be President of this country unless his allegiance is first to this country.

God forbid that this dear old country of ours should ever be ruled by a man whose allegiance is first to a foreign potentate, whose very acts are contrary to the laws and the Constitution of our country, and who is opposed to public schools and free speech.

We want America for Americans, and we urge you to "carry on," and may God shield and protect you and give you strength to continue the "battle of right" for a purer, nobler, and more genuine America, which our forefathers fought and died for, and we wish to assure you that we ever stand ready to follow in their historic footsteps.

By order of the camp in session, Tuesday, January 24, 1928. I am

Yours very truly,

JNO. G. LUCE,
Recording Secretary, 2018 Monument Avenue.

BAPTIST CHURCH,
Hardwick, Vt., January 21, 1928.

Hon. THOMAS HEFLIN,
Washington, D. C.

MY DEAR MR. HEFLIN: Permit me to say I admire your courage in the stand you have taken in the Senate against the Roman Catholic political machine. Have wondered why more of our Protestant officials in Washington do not do likewise. Certainly it must be evident to thoughtful people that Catholitic political power in America has come to be a real menace. Any well-informed man knows that wherever a Catholic has power he fills positions with Catholics. It is true in factories, big stores, and in city administration, and Governor Smith deliberately tells an untruth when he says otherwise. I have been employed in factories and big stores and I know.

Yours truly,

A. J. BOWSER.

KENNEWICK, WASH.

To: J. THOMAS HEFLIN,
United States Senator.
From: B. F. Patheal, Kligrapp.
Subject: Americanism.

We wish to commend you on your stand for Americanism in the Senate; your work is sure to do inestimable good.

We are proud of a man who has the courage of his convictions and the ability to put it before the public.

You are undoubtedly making thousands of enemies among the Romans, but every red-blooded American is with you.

May your work go forward so that America may be safe for Americans. Columbia Valley Klan is with you 100 per cent.

Yours in the sacred unfailing bond,

COLUMBIA VALLEY KLAN No. 57.
B. F. PATHEAL, *Kligrapp.*

Address: Route 1, Kennewick, Wash.

WASHINGTON, D. C., *January 19, 1928.*

Senator HEFLIN,
United States Senate Building, Washington, D. C.

DEAR SENATOR HEFLIN: I am sorry that I am not rich and powerful, so that I could be of some very real assistance to you in connection with your stand against Catholicism.

At least, I can write you this letter to say, "God bless you" and "God keep you."

I am just wondering if you are aware that some years ago the Pope issued a general call upon all Catholics, in all stations of life, from the humblest to the highest, to so conduct themselves that they would win promotion and become subchiefs, and chiefs, and chieftains, etc. * * * and then, having won places of authority * * * see to it that Catholics are promoted and retained in service at the expense of other religious denominations * * * and in this way advance the power of the Catholic Church in a bloodless revolution.

I understand that the Bureau of Printing and Engraving is a good example of the fruits of this plan; the Government Printing Office is said to be a better example; and the Veterans' Bureau seems to have more than its share of Catholics in authoritative positions. I am sure that civil-service figures would show a very high percentage of Catholics holding key positions, and I do not think this situation is in the best interests of humanity at large or of the Government.

I am writing to Mr. John Quinn, a Seventh Day Adventist, of Takoma Park, Md., asking him for a copy of the Seventh Day Adventist pamphlet which gives a copy of the above-mentioned Pope's order, and immediately upon receipt I shall forward it to you, for if you don't know about it I think you are the one man in America who should know about it.

Yours sincerely,

——— ———.

Senator J. THOMAS HEFLIN,
Washington, D. C.

DEAR SIR: We want to thank you for your wonderful and inspiring speeches we are reading in the Fellowship Forum.

We are ordering a bundle of 50 papers containing your last two speeches, to distribute among our friends.

Sincerely,

THE LADIES OF THE K. K. K OF ASHLAND, N. H

BELINGTON, W. VA., *January 26, 1928.*

Hon. J. THOMAS HEFLIN,
Washington, D. C.

DEAR SENATOR: God bless you. I am with you. The right-minded Protestants are all with you.

It has to come. In fact, it has already come, and thank God we have a fearless leader like yourself.

I am an old-time southern Democrat and will never swallow Al Smith. * * *

Very truly yours,

T. E. MARKWOOD,
(A. F. & A. M.) Coffman Fisher Co.

OSHKOSH, WIS., *January 19, 1928.*

Hon. J. THOMAS HEFLIN,
United States Senate, Washington, D. C.

MY DEAR SIR: I have just finished reading "Speeches of Hon. J. THOMAS HEFLIN, of Alabama, in the Senate of the United States, January 14, 15, 18, 21, 25, 28, and 31, February 17 and 18, March 2 and 3, 1927."

In last night's paper I read a United Press article headed "Senator HEFLIN scores Hearst for publication of Mexican 'documents.'"

Congratulations! I am very glad to see that you are going on with this fight. We certainly do not want war with Mexico whatever the Roman Church may want.

You are also fighting a greater battle than that. I believe that the very foundations of our Government are threatened.

I am very glad to have your former speeches and should like to have all that you make. You wish to let the public know facts instead of reading the fiction of our newspapers. It is just what is needed to awaken them to their political responsibility. The speeches which I now have and any that you might care to send me will be kept in circulation as long as I can find a reader.

Hoping that you may have more material support than you have had, I am

Very truly yours,

L. S. VEEDER,
Box 250, Oshkosh, Wis.

---

316 WEST TWENTY-SECOND STREET,
CHEYENNE, WYO., *January 25, 1928.*

Hon. J. THOMAS HEFLIN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I would appreciate it very much if you would kindly send me a few copies of your very able speech of Wednesday, January 18, in the United States Senate, which appears in CONGRESSIONAL RECORD Appendix, under heading, "Personal explanations—alleged Mexican propaganda," and printed in CONGRESSIONAL RECORD of Friday, January 20, 1928.

I greatly sympathize with the sentiments so ably expressed by you, and would like a few copies for distribution where they will do the most good.

Yours very truly,

I. W. DAVIS.

TUCSON, ARIZ., *February 3, 1928.*

Senator J. THOMAS HEFLIN,
Washington, D. C.

MY DEAR MR. HEFLIN: I want the pleasure of saying that I have written a letter to one real American. You are one of our greatest Americans of to-day. Any man who has the intestines to get up in our United States Senate and speak the truth about the Pope from the shoulder as you have done, is a real American and will go down in history as one of the greatest of the great.

No doubt, when you were a boy, you have tossed a stone in a pond and watched the ripples follow each other until they covered the pond. That is your example in the Senate, and the ripples from those speeches have covered the whole United States. Yes, the world! And other ripples will follow. * * *

Stick to your fight. There are millions of Americans praising, and admiring you for your glorious stand on "Americanism." I have lived in Mexico and I know those ignorant peons have been robbed, up and down by the Pope.

May God let Calles and Obregon live until they have freed their country of the Pope's yoke. My father was raised a Catholic, and they were going to make a "holy" father out of him, so he ran away. He died a member of the Methodist Church.

May God give you strength and let you live long to wage the fight for this cause, and the fight for "Americanism."

An American,

ROY A. WHEELER,
P. O. Box 1183, Tucson, Ariz.

BALTIMORE, MD., *January 19, 1928.*

Senator HEFLIN,
Washington, D. C.

MY DEAR SENATOR: Will you be so kind as to let me have a copy of the CONGRESSIONAL RECORD of the 18th that I might have the truth of your speech of that date? We do not expect the press to do anything, but at best get your remarks mixed up that the public might believe different if possible.

May God bless you, Senator, and remember the real blood of America is with you.

Sincerely, CHARLES H. TREAKLE, Jr.

RENO, NEV., *January 23, 1928.*

Senator HEFLIN,
Washington, D. C.

DEAR SENATOR: As an American, please allow me to thank you for your stand against Al Smith. You are right that the American Army should not protect the Pope's interests in foreign countries.

* * * * * * *

Sincerely,

J. A. BLALOCK.

CRANSTON, R. I.

Mr. HEFLIN.

DEAR SENATOR: I send you my congratulations for the good work you are doing down in Washington.

There are millions of people back of you in your way of thinking; this country needs badly more men like the Senator from Alabama. * * * We don't want the Pope, Smith, and the saloon to run this country.

Yours truly, GEORGE LINGO.

WORK ON PUBLIC BUILDINGS—RELIEF OF UNEMPLOYMENT

Mr. COPELAND. Mr. President, I ask the attention of the Senator from Utah [Mr. SMOOT], the chairman of the Finance Committee. I hold in my hand this morning's New York Times, which contains an article on unemployment, that I ask unanimous consent to have printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The article referred to is as follows:

[From the New York Times, February 20, 1928]

SMITH SPEEDS AID FOR HOSTS OF IDLE, LARGEST SINCE 1921—SENDS TO MAYORS AND COUNTY OFFICIALS HAMILTON'S REPORT ON SERIOUS CONDITION IN STATE—ASKS THEM TO FIND WORK—"SERIOUS DISTRESS" IS CERTAIN UNLESS MEASURES ARE TAKEN, SAYS INDUSTRIAL COMMISSIONER—SITUATION IS DISSECTED—LARGE NUMBERS FOUND OUT OF WORK HERE AND MORE THOUSANDS IN UP-STATE CITIES

(Special to the New York Times)

ALBANY, N. Y., February 19.—Extensive unemployment in many parts of the State has been found by State Industrial Commissioner Hamilton in the course of a survey made at the request of Governor Smith. A report by Mr. Hamilton indicating a condition of unemployment that has not been experienced in the State since 1921 was made public to-day by Governor Smith, who transmitted copies of it to mayors of cities and to chairmen of county boards of supervisors.

In a covering letter the governor said:

"On February 4 I requested the industrial commissioner, through the division of employment, to make a rapid survey of the conditions of unemployment affecting New York City and as many cities of the State as possible. He presented his report February 15.

"I immediately called a meeting of the governor's cabinet, made up of the department heads, and submitted the report to them with a request that all public works undertaken by the State be speeded up in an effort to relieve the situation.

"I inclose herewith a copy of the report, with the respectful suggestion that proper steps with respect to your local improvements be taken in order that you may be able to help relieve the present unemployment situation."

Commissioner Hamilton, who made his survey with the aid of the welfare council of New York City, representing about 1,200 social welfare agencies, and used department agencies for inquiry as to conditions in the State outside of New York City, points out that since no census of unemployment has ever been made, it is impossible to give authoritative figures on the present extent.

"In the beginning, it may be pointed out that the evidence at hand indicates an extensive amount of unemployment, and that serious distress has been caused," says the report.

"No man can safely predict the future, but it is certainly true that if the present condition is not relieved distress will increase. If industrial conditions grow worse, growing unemployment, with its attendants of want and illness, will become an inevitable result. One has to go back to 1921 to find an employment situation rivaling the present."

DECREASE IN EMPLOYMENT INDEX

Commissioner Hamilton says that, on the basis of reports received regularly by the State department of labor from 1,650 manufacturers employing 500,000 workers, the index of employment has been dropping since the spring of 1926. His report says:

"In December, 1927, the index of such employment was below that of December, 1921. In January, 1928, there was a further decline of 2 per cent, bringing the index below that of January, 1921."

Commissioner Hamilton is referring to the index figure of 91 for January, as compared with 93 for December, 1927. He says that, though the department of labor does not receive returns from building employers comparable to those from manufacturers, it does receive returns showing "markedly less building in 1927 than in the preceding year."

"The returns received each month from the building departments of 23 cities of New York State as to building permits issued indicate a decrease in the estimated cost of such building work of 13 per cent in 1927, as compared with 1926," he reports.

Commissioner Hamilton attaches to his report a transcript of the hearing on unemployment held recently in New York City, including the memorandum submitted by the welfare council, the essentials of which have been published.

SITUATION IN NEW YORK CITY

Commissioner Hamilton also includes in his report figures collected by agents of the department of labor throughout the State. The situation in New York City, with a population of 5,873,356, is described as follows:

"A serious unemployment condition exists for the colored population. The Urban League reports that while in January, 1927, they had 365 applicants for every 100 jobs, in January, 1928, there were 1,075 applicants for every 100 jobs.

"The Bronx Young Men's Christian Association reports in January, 1927, 568 applicants for every 100 jobs; in January, 1928, there were 776 applicants for every 100 jobs.

"The Vocational Service for Juniors reports that in January, 1927, for minors between 14 and 18 years there were more than enough jobs to go around; in January, 1928, there were no jobs for at least one-third of the children.

"The American Legion of Bronx County reports on an average of 100 veterans a week seeking employment and 90 per cent of these married men with families.

"Two large commercial employment agencies placing office and clerical help report 100 per cent increase in the number of applicants for jobs; that these represent no more high-type people than are usually looking for positions, but many more so-called second-rate workers.

TAKING JOBS "AT ANY WAGES"

"The Sixth Avenue agencies for hotels and restaurant workers report a stream of applicants in and out all day long with no available jobs. A great many of them are from outside of New York City. Men will take jobs at any wages.

"The commissioner of licenses reports that in the commercial employment bureaus in this city the demand for workers is 10 per cent less than last winter, whereas the number seeking work is 10 per cent greater.

"Of the skilled workers the Employing Printers' Association reports more applicants for work in January, 1928, than any month during the last six years.

"The Amalgamated Clothing Workers, with a membership of 45,000, report 15,000 out of work, with the year 1927 a 'very bad year.'

"The president of the State Federation of Labor reports an acute employment situation among their members, excepting the United Hat Workers, who are better off than they ever were."

CONDITIONS IN UP-STATE CITIES

Six up-State cities, with a total population of 1,258,683, are declared to have between 65,000 and 70,000 persons out of work and evidence of further decline in employment is indicated.

Buffalo, with a population of 538,016, has about 35,000 to 40,000 unemployed. Conditions in the chemical industry, metal and machine groups, foundries, steel mills, and building trades are below normal. Automotive operations and flour milling are in fairly good shape, according to the report, while 40 per cent of the leading building trades' workers are idle, with about 8,000 unemployed.

"Relief agencies' figures show that for the first time since 1921 the city mission has organized a bread line feeding 200 daily," continues the report. "The Erie County lodging house for the first time since 1921 has opened an emergency annex."

In Rochester, with a population of 316,786, the chamber of commerce reports 10,000 out of work. In the men's clothing industry, the fourth largest in the country, about 50 per cent of the workers are idle, with a similar percentage of unemployed reported by bricklayers, masons, and carpenters.

"The chief of police reports that not since 1922 has there been so many applicants for relief as within the last three months," the report adds.

In Syracuse, with a population of 182,003, the employers' associations estimate the unemployed as between 5,000 and 7,000, about one-third in the building trades.

FOUR PER CENT DECLINE IN ALBANY

Regarding Albany, with a population of 117,820, the Hamilton report says:

"The State employment bureau reports a decrease in employment of 4 per cent since January, 1927.

"Printing and paper products report an improvement in conditions in the last few months. Textiles report some part-time work. Shirts and collars, tobacco, the chemical industry, and cement are normal.

"The metal and machinery industry reports a decrease in employment of about 15 per cent, while the railroad-equipment shops report a short work week and a lay-off of almost a week each month for each employee.

"In the electrical-equipment industry, while practically all workers have been retained on the pay roll, a great many are experiencing short-time employment.

"In the building trades about one-third are out of work."

Newburgh and Kingston report that employment of women is normal, but that there is scarcity of work for men. Poughkeepsie reports between 200 and 300 unemployed out of a population of 35,000.

NORMALITY IN THE "ALBANY DISTRICT"

In the Albany district Glens Falls, Middletown, Fort Edward, Johnstown, and Amsterdam report conditions about normal. Plattsburg and Malone also report normal conditions.

"Of two large firms in Schenectady canvassed," says the report, "one reports worse conditions than in 1921, and another firm which in October, 1927, employed 19,600 workers, now employs 1,200 fewer, some of whom are on part time."

Trades-unions in Elmira, with a population of 48,359, report 300 men out of work, while in Binghamton, with a population of 71,915, the chamber of commerce estimates that almost 3,000 men and 500 women are out of work. In Dunkirk one company reports 2,000 men out of work, with two other concerns operating at 75 per cent of normal.

The secretary of the Industrial Employment Association in Utica, with a population of 101,604, reports that about 4,500 are unemployed, as against 2,500 at the same time last year and 6,500 in 1921.

Unemployment exists also in Albion, Batavia, East Rochester, Fairport, Medina, and Geneva. At the last-named town, with a population of 15,908, 70 per cent of the unskilled and 10 per cent of the skilled workers are out of work.

Mr. COPELAND. Mr. President, I wish to ask the Senator from Utah what the situation is regarding the public-building program. What prospect is there that work on public buildings which have been authorized may be inaugurated so that to some degree unemployment may be relieved?

Mr. SMOOT. I will say to the Senator that within a month or a month and a half the Treasury Department expects to ask for bids upon the buildings of the Department of Commerce between D and E Streets on Fifteenth Street and also to ask for bids for the Internal Revenue Building, those being two of the largest buildings that will be erected within the triangle. The Government owns the land and, I presume, the Senator has already noticed that quite a number of temporary buildings have been demolished and the work of excavation has proceeded to a considerable extent. I presume he also knows that the employees of the Internal Revenue Bureau have been moved into the Press Club Building, which will permit of the demolition of the remainder of the temporary buildings and enable the work on the erection of the two buildings I have named to be undertaken.

I will also say to the Senator that money has been appropriated to proceed with the work on the buildings, and we hope that the bids will shortly be received, after which the actual construction may begin.

Mr. COPELAND. I thank the Senator for that information; it is very cheering.

Now let me ask about the public buildings around the country. How much is that appropriation—$100,000,000?

Mr. SMOOT. The first appropriation for post office and other public buildings throughout the United States was for $100,000,000. There was a provision in that bill limiting the amount that might be expended in any one State to $5,000,000. At this session of Congress we have already passed an additional bill authorizing $100,000,000 more——

Mr. COPELAND. In addition to the first $100,000,000?

Mr. SMOOT. Yes; and increasing the amount that may be expended in any one State to $10,000,000. That will take care of buildings in New York and Pennsylvania and one or two other States which could not be proceeded with under the $5,000,000 limitation; in fact, bids could not even be asked for. So I think that the legislation which has been enacted will take care of the public-buildings situation in New York and Philadelphia and some other cities, including, I think, Detroit, where additional accommodations are urgently needed.

Mr. COPELAND. There can be no doubt, in view of the report made by the industrial commission to the governor of my State that there is a tremendous amount of unemployment in the State of New York, and also, I judge from the newspapers, in other States. I hold in my hand a letter from the Henry Street Settlement District Nurses, where there are 200 nurses making a thousand calls a day, in which reference is made to the serious effects of unemployment among the wage earners and their families in New York City.

Governor Smith has recommended to the mayors of the cities of my State and all along the line down through the various subdivisions of government that, so far as possible, public work contemplated be carried on at this time. I think that we ought to remove whatever restrictions are upon the Federal buildings appropriations. This should be done in order that we may proceed at once wherever we contemplate within the next year or two doing any building.

Mr. SMOOT. Mr. President, under the provisions of existing law $20,000,000 are provided every year for Government post offices and buildings outside of the District of Columbia, and in the District of Columbia, I will say to the Senator, that of the appropriation of $50,000,000 there has already been provided for the buildings that we really need and must have within the triangle $20,000,000, which was made available this year, and before it will be possible to complete the two mammoth buildings which are going up it will be necessary to have another $10,000,000.

As to the appropriations for buildings outside of the District of Columbia, there has been provided $25,000,000, together with an additional $25,000,000, making $50,000,000 in all. So, taking it all in all, there are $70,000,000 a year that ought to be expended and that will be expended as rapidly as the expenditure can prudently be made.

Mr. COPELAND. May I ask the Senator, Would it upset the program if we made more money available for immediate use? For instance, in my State, where we have a tremendous population—12,000,000 people—would it not be possible to make available a larger amount of money for public buildings which are already planned for?

Mr. SMOOT. If we did that, it would require an authorization for more than the $20,000,000. The $10,000,000 specifically provided for New York State will be allocated among the larger cities, and there is another $10,000,000 available, making $20,000,000 now for that purpose.

I doubt whether there could be any further appropriations made profitably to the Government for the erection of buildings all over the country at this time. Perhaps next year we can add to the appropriation, but not now, because the amount now appropriated is all the money that can possibly be spent here within the next year.

Mr. COPELAND. I understand that my colleague [Mr. WAGNER] has made a request of the Labor Department for a report on labor conditions. As I view it, we should get that report at the earliest moment. That will help us to plan some of our public-building activities. To carry on with them now might bridge over a very serious labor situation.

Mr. SMOOT. I might add to what the Senator has said that it would be a very good thing, too, if the counties and cities that contemplate the erection of public buildings should erect them now if there is labor that is unemployed.

Mr. COPELAND. That is exactly what the governor of my State has done, as the Senator will see when he reads the article from the New York Times, which I have inserted in the RECORD. He has called upon mayors and supervisors and all those in authority to see to it that these public works are carried on.

Mr. President, this is a matter which every Senator should be thinking of now, because we are facing a very serious situation in the labor field. Some means of correcting it must be found. We must not permit any other consideration in this particular year to interfere with doing the things which will give employment, so far as may be, to relieve distress.

INTERIOR DEPARTMENT APPROPRIATIONS

Mr. SMOOT. Mr. President, I send to the desk the conference report on H. R. 9136, making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and ask for its immediate consideration.

The VICE PRESIDENT. Is there objection to the immediate consideration of the conference report?

Mr. LA FOLLETTE. Mr. President, I was about to ask if the senior Senator from Montana [Mr. WALSH] was here. I did not like to have this matter taken up in his absence. I see that he is present, however.

Mr. SMOOT. I will say to the Senator from Montana that I have just made the conference report on the Interior Department bill, and have asked unanimous consent for its consideration.

Mr. CURTIS. I understand, Mr. President, that the matter is going over until to-morrow.

Mr. SMOOT. At the request of some of the Senators interested in the report, I shall ask that it go over until to-morrow.

DUTY ON SHINGLES

Mr. DILL. Mr. President, out of order, I beg leave to offer an amendment to H. R. 1. I ask to have it printed and referred to the Committee on Finance; and I should like to make just a few remarks at this time on the amendment.

This proposal is for a 25 per cent ad valorem tariff on shingles and cedar lumber. I desire to state briefly my reasons for offering it for adoption when the revenue bill shall come before the Senate.

MUST HAVE TARIFF NOW

Unless we protect the shingle and cedar industry of the Northwest at this session of Congress, it will probably be destroyed before any tariff can be provided. The next session of Congress will be the short session. It will be impossible to get tariff legislation. This means that two more years must elapse before the Congress can consider legislation to save an industry that has been producing more than 5,000,000,000 shingles annually in the United States.

The tariff act of 1922, which provided an American tariff on logs, and free shingles, and the Canadian export tariff on logs have already destroyed one-half of the shingle production in the Northwest, and brought an increase of 317 per cent in the impor-

tation of Canadian shingles. Canadian mills use 54 per cent oriental labor to produce their shingles. Thus the present tariff law passed by the American Congress actually protects foreign production and oriental labor, and handicaps and discriminates against American production and American labor in the shingle and cedar lumber industries. This American tariff law in practice subsidizes oriental labor, and penalizes American labor in the United States, when that American labor is attempting to produce American products for American consumption.

An American tariff act has already destroyed one-half of the shingle industry that existed in 1922 and forced one-half of the remaining shingle mills into bankruptcy. This industry represents a $50,000,000 investment, with an annual production of $30,000,000 in value, and employs 30,000 men at good wages.

ORIENTAL EXCLUSION A JOKE

The operation of this part of the 1922 tariff law has made oriental exclusion in the Northwest a joke. It forces the mills that are operating to close one-third of the year. This means a loss of $10,000,000 in wages to our workingmen. It compels American workmen to walk the streets in idleness while orientals in British Columbia are working double shifts to make shingles and cedar lumber for American consumption.

Think of it! A tariff law passed by the American Congress is exterminating a great industry, pauperizing American workingmen, and bringing stagnation to American commerce.

The West is a great and growing section. When Congress stunts or handicaps its development the whole country suffers as well. The people must necessarily buy less food and clothing, fewer automobiles, and less merchandise of every kind produced in the East.

WHY CONGRESS DOES NOT ACT

Why does Congress not act? In reply, let me read from a letter from Mr. A. C. Edwards, of Everett, Wash., chairman of the tariff committee on the shingle and cedar lumber industries, who came to Washington to learn why Congress refuses to act. In a letter explaining the situation, he says:

Administration circles oppose tariff consideration. This, properly analyzed, means that Secretary Kellogg, representing American owners of Canadian mills and timber, with the assistance of Secretary Mellon, representing highly protected interests, are controlling administrative policies.

Commenting on this statement, the Seattle Star says:

There you have it, in black and white. Kellogg, instead of attending to his business as Secretary of State, helps juggle things in favor of his friends who send their speculative dollar out of America. This is precisely his course in Nicaragua, too.

And Mr. Mellon, booned with an aluminum tariff that has increased his trust capital from $1,500,000 to $200,000,000 in seven years, helps to benefit eastern industries at the expense of western manufacturing.

And above them sits Calvin Coolidge, obeying orders.

This is an amazing situation. It is a disgrace, this subversion of popular government to the needs of a few pet industries.

What the Northwest should do about it is get fighting mad. We should demonstrate, plainly, that we are never going to let up in the battle until we get justice.

Mr. President, I shall not take the time of the Senate further now to discuss this amendment, but will enlarge upon my views when the revenue bill comes before the Senate.

I ask unanimous consent to have another editorial on this subject printed at the conclusion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Seattle Star]

TWO CITIZENS; OR, MR. CARLSON'S ERROR

A few years ago a couple of American citizens got new jobs. The President had just made one of his numerous speeches predicting prosperity for everybody, and both citizens went heartily to work. Both hoped to share in the promised prosperity.

One of the citizens was a Pittsburgh banker, Andrew Mellon by name. He got a job as Secretary of the American Treasury. Mr. Mellon also was guiding spirit in the American Aluminum Trust. It was just a little trust, capitalized at a paltry $1,500,000, in those days.

The other citizen was Andrew Carlson, of Everett. He got a job with a cedar mill at Everett, turning out shingles. Mr. Carlson was the guiding spirit in one American home. It was just a little home, worth about $1,500; but a wife and two happy children made it worth more—to Mr. Carlson.

The prosperity the President had promised soon began to work. Mr. Mellon's struggling little aluminum industry got a fine new tariff. Practically all the bauxite, from which aluminum is made, is mined in the South, so it was difficult to see how foreign manufacturers could compete very strongly—but Mr. Mellon got his tariff just the same.

That was in 1922. And just to show you how true was the President's prediction, the struggling little aluminum industry to-day is capitalized at a beggarly $200,000,000. When you bought that new aluminum kettle for the wife—well, that helped. You did your bit for Mr. Mellon.

Mr. Carlson, of Everett, however, had tougher going. You see, he lives in the wild and untamed Northwest where, as everyone back East knows, horrid cowboys fight Indians and men have hair in their ears—something never permitted in Pittsburgh.

The wild and uncivilized nor'westerners—Mr. Carlson and his boss and a few thousand others—wanted a moderate tariff on shingles. Canada was producing shingles with Jap, Chinese, and Hindu labor far more cheaply than Mr. Carlson's boss could and still help Mr. Carlson maintain his family in decency.

But the Northwest couldn't be heard above the racket made by the dollars falling into the aluminum pan. There was some disturbance, too, due to the fact that the President was firing off nine prosperity speeches a week.

Because of all this racket shingles stayed on the free list; Canada shipped in more than Washington made to supply American demand. Mills closed down and finally, some weeks ago, Mr. Carlson found himself out of a job. He has been that way ever since, and he wonders. * * *

This is just the simple tale of two American citizens and their courses through life during a few years. We might go on and point a moral, but our moral pointer has gone home for the day, and this editorial is too long, anyway.

Mr. Carlson's error, of course, was not in investing in aluminum stock. * * *

The VICE PRESIDENT. The amendment of the Senator from Washington will be printed and referred to the Committee on Finance.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 4 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 21, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 20 (legislative day of February 17), 1928

JUDGE OF THE COURT OF CLAIMS

William Raymond Green, of Iowa, to be judge of the Court of Claims of the United States, vice James Hay, resigned.

FOREIGN SERVICE

To be secretary in Diplomatic Service

Royal R. Jordan, of Massachusetts, now a Foreign Service officer, unclassified, and a vice consul of career, to be also a secretary in the Diplomatic Service of the United States of America.

COLLECTOR OF INTERNAL REVENUE

George L. Foote, of Indianapolis, Ind., to be collector of internal revenue for the district of Indiana in place of M. Bert Thurman, resigned.

UNITED STATES MARSHAL

Douglas Smith, of Alabama, to be United States marshal, middle district of Alabama. A reappointment, his term having expired.

PROMOTIONS IN THE NAVY

Commander William R. Furlong to be a captain in the Navy from the 11th day of September, 1927.

Lieut. Commander Lemuel E. Lindsay to be a commander in the Navy from the 1st day of July, 1927.

Lieut. Commander Augustine W. Rieger to be a commander in the Navy from the 15th day of February, 1928.

Lieut. John J. Twomey to be a lieutenant commander in the Navy from the 2d day of October, 1927.

Lieut. Samuel B. Brewer to be a lieutenant commander in the Navy from the 16th day of November, 1927.

Lieut. Franklin S. Irby to be a lieutenant commander in the Navy from the 15th day of February, 1928.

Ensign George W. Allen to be a lieutenant (junior grade) in the Navy from the 9th day of February, 1927.

Asst. Surg. Walter F. J. Karbach to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 1st day of July, 1927.

Asst. Dental Surg. Gunnar N. Wennerberg to be a passed assistant dental surgeon in the Navy, with the rank of lieutenant, from the 1st day of July, 1927.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 20 (legislative day of February 17), 1928

UNITED STATES ATTORNEY

Norman A. Dodge to be United States attorney, northern district of Texas.

UNITED STATES MARSHAL

George A. Mauk to be United States marshal, district of Arizona.

POSTMASTERS

CALIFORNIA

Anna L. Monroe, Ferndale.
Dwight E. Knapp, Garberville.
Herma L. McBain, Hamilton City.
May C. Baker, Paradise.

FLORIDA

Thomas J. Bulford, Hilliard.

IOWA

Wilbur F. Busby, Creston.
Alvah S. Dukes, Unionville.

NEBRASKA

Edgar W. Meth, Arthur.

NORTH CAROLINA

William H. Manning, Bethel.
Abner W. Smith, Boone.
George E. Kestler, Concord.
May C. Campbell, Norwood.

HOUSE OF REPRESENTATIVES

MONDAY, *February 20, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou Spirit divine, do Thou come to us that we may dwell together. There shall be a union of infinite might and human frailty. Thy holy word is with us: "Forgive us our trespasses as we forgive those who trespass against us." Oh, it is a mighty soul that can pity and forgive! He feels their appeal and tries to give them relief. We would pass by genius, wealth, and victory over enemies and ask Thee for the blessing of forgiving hearts and strong, decisive minds. This should be the underlying purpose of our beings. Magnify Thyself and enable us to carry serviceableness, cheer, and faithfulness into every duty of this day. Help the dark places of the world and bless them with heavenly light. In the name of Jesus, our Savior. Amen.

The Journal of the proceedings of Friday last was read and approved.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that on February 18, 1928, they presented to the President of the United States for his approval a bill of the House of the following title:

H. R. 9660. An act authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was presented to the House of Representatives by Mr. Latta, one of his secretaries, who also announced that the President did on the following dates approve and sign bills of the House of the following titles:

On January 30, 1928:

H. R. 9022. An act to authorize the town of Alderson, W. Va., to maintain a public highway upon the premises occupied by the Federal Industrial Institution of Women at Alderson, W. Va.; and

H. R. 6053. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River on the Linden-Lexington Road, in Perry and Decatur Counties, Tenn.

On February 3, 1928:

H. R. 5547. An act granting the consent of Congress to the city of St. Joseph in the State of Missouri, or its assigns, to construct a bridge and approaches thereto across the Missouri River between the States of Missouri and Kansas;

H. R. 280. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Red River at or near Coushatta, La.;

H. R. 5642. An act to extend the time for the construction of a bridge across Red River at Fulton, Ark.;

H. R. 5582. An act to extend the times for commencing and completing the construction of a bridge across the Rio Grande at or near the point where South Santa Fe Street in the city of El Paso crosses the Rio Grande, in the county of El Paso, State of Texas; and

H. R. 7218. An act to legalize a bridge across Hillsborough Bay at Twenty-second Street, Tampa, Fla.

On February 4, 1928:

H. J. Res. 81. Joint resolution for the amendment of the act of March 3, 1927, by authorizing an annual appropriation to carry out the cooperative experiments contemplated by the act; and

H. J. Res. 93. Joint resolution for the appointment of Paul E. Divine, of Tennessee, as member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

On February 6, 1928:

H. R. 5725. An act to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Monroe, La.;

H. R. 5726. An act to extend the times for commencing and completing the construction of a bridge across the Black River at or near Jonesville, La.; and

H. R. 5728. An act granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana, to construct, maintain, and operate a bridge across the Bayou Bartholomew at or near Point Pleasant, La.

On February 7, 1928:

H. R. 9142. An act to amend section 71 of the Judicial Code, as amended, by changing time of holding court at El Dorado and Harrison, Ark.; and

H. J. Res. 112. Joint resolution to amend the act of May 29, 1884, as amended, the act of February 2, 1903, and the act of March 3, 1905, as amended, to include poultry within their provisions.

On February 8, 1928:

H. R. 5657. An act granting the consent of Congress to the board of supervisors of Monroe County, Miss., to construct, maintain, and operate a bridge across Tombigbee River at or near Aberdeen, Monroe County, Miss.

On February 10, 1928:

H. R. 10636. An act to make an additional appropriation for the water boundary, United States and Mexico.

On February 11, 1928:

H. R. 3400. An act to correct the military record of Andrew B. Ritter;

H. R. 5228. An act for the relief of Finas M. Williams;

H. R. 5994. An act for the relief of George C. Hussey;

H. R. 6162. An act for the relief of Thomas M. Ross;

H. R. 2138. An act for the relief of the owner of the schooner *Sentinel;*

H. R. 2145. An act for the relief of Albert J. Zyvolski;

H. R. 4393. An act for the relief of Howard V. Sloan; and

H. R. 6466. An act granting a part of the Federal building site at Phoenix, Ariz., to the city of Phoenix for street purposes.

On February 13, 1928:

H. R. 172. An act to authorize the Secretary of War to grant and convey to the city of Vancouver a perpetual easement for public highway purposes over and upon a portion of the Vancouver Barracks Military Reservation in the State of Washington;

H. R. 164. An act to authorize appropriations for construction at the Pacific Branch Soldiers' Home, Los Angeles County, Calif., and for other purposes;

H. R. 8092. An act for the relief of Randolph Sias;

H. R. 766. An act for the relief of Ida F. Baum;

H. R. 1405. An act granting six months' pay to Maria J. McShane;

H. R. 4127. An act for the relief of Joel T. Smith;

H. R. 4707. An act for the relief of Calvin H. Burkhead; and

H. R. 4777. An act to compensate Robert F. Yeaman for the loss of certain carpenter tools which was incurred by reason of a fire in the Government area at Old Hickory Ordnance Depot.

H. R. 4995. An act for the relief of Sabino Apodaca;

H. R. 5300. An act for the relief of Lewis H. Francke and Blanche F. Shelley, sole legal heirs of Ralph K. Warrington; and

H. R. 8889. An act for the relief of Adriano Cruceta, a citizen of the Dominican Republic.

On February 14, 1928:

H. R. 7013. An act authorizing and directing the Secretary of War to lend to the Governor of Arkansas 5,000 canvas cots, 10,000 blankets, 10,000 bed sheets, 5,000 pillows, 5,000 pillowcases, and 5,000 mattresses or bed sacks, to be used at the encampment of the United Confederate Veterans to be held at Little Rock, Ark., in May, 1928.

On February 15, 1928:

H. R. 6045. An act granting the consent of Congress to the commissioners of Mahoning County, Ohio, to reconstruct, maintain, and operate the existing bridge across the Mahoning River at South Avenue, Youngstown, Mahoning County, Ohio;

H. R. 6099. An act granting the consent of Congress to the States of New York and Vermont to construct, maintain, and operate a bridge across Lake Champlain between Crown Point, N. Y., and Chimney Point, Vt.;

H. R. 6483. An act granting the consent of Congress to the State of Illinois, the county of Lee, and the city of Dixon, or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Rock River at Dixon, Ill.;

H. R. 6958. An act granting the consent of Congress to the city of Youngstown to construct a bridge across the Mahoning River at Youngstown, Mahoning County, Ohio;

H. R. 8269. An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes; and

H. R. 8369. An act for the relief of Josephine Thibodeaux.

On February 16, 1928:

H. J. Res. 104. Joint resolution granting consent of Congress to an agreement or compact entered into between the State of New York and the State of Vermont for the creation of the Lake Champlain Bridge Commission and to construct, maintain, and operate a highway bridge across Lake Champlain;

H. R. 108. An act granting the consent of Congress to the States of North Dakota and Minnesota to construct, maintain, and operate a bridge across the Red River of the North;

H. R. 193. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.;

H. R. 194. An act granting the consent of Congress to the county of Morrison, State of Minnesota, to construct, maintain, and operate a bridge across the Mississippi River at or near Little Falls, Minn.;

H. R. 199. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a bridge across the Mississippi River at or near Monticello, Wright County, Minn.;

H. R. 319. An act to legalize a bridge across the Snake River at Idaho Falls, Idaho;

H. R. 444. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Wolf Point, Mont.;

H. R. 495. An act granting the consent of Congress to the county of Armstrong, a county of the State of Pennsylvania, to construct, maintain, and operate a bridge across the Allegheny River, at Kittanning, in the county of Armstrong, in the State of Pennsylvania;

H. R. 5510. An act granting the consent of Congress to the city of Duluth, Minn., to construct, maintain, and operate a bridge across the Duluth Ship Canal;

H. R. 5583. An act granting the consent of Congress to the Kansas City, Mexico & Orient Railway Co. of Texas and the Kansas City, Mexico & Orient Railway Co. to construct, maintain, and operate a railroad bridge across the Rio Grande River, at or near Presidio, Tex.;

H. R. 5628. An act to extend the time for commencing and the time for completing the construction of a bridge across the Potomac River;

H. R. 5638. An act granting the consent of Congress to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Tombigbee River, at Epes, in the State of Alabama;

H. R. 5744. An act granting the consent of Congress for the reconstruction of a bridge across the Grand Calumet River at East Chicago, Ind.;

H. R. 6041. An act granting the consent of Congress to the Pennsylvania Railroad Co. to construct, maintain, and operate a railroad bridge across the Allegheny River;

H. R. 6046. An act granting the consent of Congress to the city of Youngstown, Ohio, to construct a bridge across the Mahoning River at or near West Avenue, Youngstown, Mahoning County, Ohio;

H. R. 6479. An act to extend the times for commencing and completing the construction of a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa.;

H. R. 6512. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Wentworth Avenue, in Cook County, State of Illinois;

H. R. 6513. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois;

H. R. 6514. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Indiana Avenue, in Cook County, State of Illinois;

H. R. 6959. An act to legalize a bridge across the Caney Fork River in De Kalb County, Tenn.;

H. R. 7192. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River between the municipalities of Rochester and Monaca, Beaver County, Pa.;

H. R. 7370. An act granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River near Indian Cove, Idaho;

H. R. 7374. An act granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River near Swan Valley, Idaho;

H. R. 7466. An act granting the consent of Congress to the State of Montana, Valley County, Mont., and McCone County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont.;

H. R. 7745. An act granting the consent of Congress to the Chicago & North Western Railway Co., a corporation, its successors and assigns, to construct, maintain, and operate a railroad bridge across the Rock River;

H. R. 7902. An act granting the consent of Congress to the State Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Wetumpka, Elmore County, Ala.;

H. R. 7913. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct a bridge across Elk River on the Athens-Florence road between Lauderdale and Limestone Counties, Ala.; and

H. R. 473. An act authorizing the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky.

On February 18, 1928:

H. R. 3926. An act for the relief of Joseph Jameson; and

H. R. 7009. An act to authorize appropriations for construction at military posts, and for other purposes.

On February 20, 1928:

H. R. 6487. An act authorizing the Baton Rouge-Mississippi River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Baton Rouge, La.;

H. R. 7916. An act authorizing the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Madison, Jefferson County, Ind.; and

H. R. 9186. An act authorizing the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, to construct, maintain, and operate a toll bridge across the Ohio River at or near Sistersville, Tyler County, W. Va.

REPORT ON RESERVOIR CONTROL OF FLOOD WATERS

Mr. SEARS of Nebraska. Mr. Speaker, I ask unanimous consent that I may have two minutes.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. SEARS of Nebraska. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a report on reservoir control of flood waters. I know the subject is of vital importance at this session. I want you all to read the report of Judge DRIVER, chairman of subcommittee on reservoirs for flood control. It is well worthy of being read by every citizen and by every Member of the House.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. SEARS of Nebraska. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following report

of Judge DRIVER, of Arkansas, made to the Flood Control Committee of the House while it was considering the subject of flood control.

The engineering profession, including civil and Army, are in accord on the theory that the ideal method of controlling floods is through the use of reservoirs by means of which waters are impounded and controlled in the source streams.

Recognition of the importance of reservoir control was given by the Chief of Engineers in the appointment of a special board of six members from the Corps of Engineers on the 11th day of June, 1927, and directions for an investigation into their feasibility. The Mississippi River Commission also directed one of its members, Col. C. W. Kutz, to cover the same subject, resulting in a comprehensive report by the reservoir board selected by the Chief of Engineers and headed by Col. William Kelly, and an abbreviated statement by the member selected by the Mississippi River Commission contained in the Mississippi River Commission report.

It appears from the report and hearings that within the period from June 11 to about November 1, 1927, some 500 reservoir sites were investigated from reports and studies, with practically all of the information used furnished by less than a dozen district engineers.

Both reports indorsed the theory of reservoir control, but rejected the same because of the economies involved, compared with the expense of other methods of control.

The question, therefore, occurs whether or not the investigations were sufficient to offer a basis of comparison and whether or not the hearings were sufficient to enable the committee to make a comparison of the costs of reservoir control with the plans of control advocated by the Chief of Engineers and by the Mississippi River Commission.

It is reasonable to assume that an ideal method of dealing with the problem would suggest the necessity for the exercise of the highest degree of care and thoroughness in an investigation touching the feasibility of its use and the element of expense involved. Therefore, the character of the investigation made is a proper subject of inquiry.

One of the first commissions created to deal with headwater improvement was the flood commission of Pittsburgh, composed of men of experience and assisted by engineers of eminence. Many months were spent by this commission in the study of their problem in the limited territory at the headwater areas and along the Allegheny and Monongahela Rivers, which formed the Ohio River.

Another board dealing with a similar subject was the interstate commission created to deal with the Arkansas, Red, and White River areas, which board devoted many months to the study of the headwater areas, tributary streams, and the main channels within their sphere of duty. Both commissions have filed elaborate reports covering their investigations, with recommendations governing particular sites, capacities, and elements of costs, and which are part of the records of the hearings before this committee. The duties charged to the commissions mentioned involved only investigations of limited areas, and received the undivided attention of the engineers performing the technical work required.

It appears that the investigation made by the member of the Mississippi River Commission was not a personal one, but made entirely from the reports of district engineers, while the reservoir board, in addition to the reports of such district engineers, availed itself of such information as could be procured from reports touching reservoir location and construction made to the various departments of the Government, but in no instance did any one site have the benefit of an observation by a single member of the board. At the same time, from the nature of the duties of the district engineers, it must be assumed that but little time was devoted to the study of the subject of their report. In fact, an examination of the reports of the Pittsburgh and interstate boards, containing an elaborate report of study of surveys and estimates of costs based on a personal investigation of each site, and with data secured by a thorough investigation and knowledge of the precipitation and stream flow, which required many months to collect, is the strongest evidence of the insufficiency of the investigations of the Mississippi River Commission and the reservoir board.

RELATIVE COSTS

The Chief of Engineers estimates the costs of necessary flood works under the plan advocated by him at $184,000,000, excluding revetment and rights of way (which amounts to 2,000,000 acres of land in flood ways and the enlarged diversion channels through the Atchafalaya Basin), the value of which land, according to the estimate of the Mississippi River Commission, is $91,000,000, to which must be added the Birds Point flood way area estimated by L. T. Berthe, consulting engineer for the district in which same is located, at $18,500,000, aggregating $294,500,000.

The Mississippi River Commission comprehensive plan is estimated to cost $625,000,000 for flood-control works, with an interim plan designed to protect against a flood equal to that of 1927, at an estimated expense of $332,500,000, both of which last-mentioned estimates include the value of required rights of way.

It is therefore difficult to find a basis for comparison in the real costs under the methods suggested in the Chief of Engineers and the Mississippi River Commission plans, with the record evidence in the hearings of the cost of reservoir control.

The data and comments of Mr. E. E. Blake, of the interstate commission, on the general problem of reservoirs and estimate of cost, is worthy of serious consideration and is inserted here:

Characteristics of the Arkansas, Red, Missouri, Ohio, and upper Mississippi Basins for comparative approximation of cost of control

	Drainage area in square miles	Relative size	Average precipitation per annum
Arkansas-White	186,000	1	29
Missouri	528,850	3	23
Ohio	203,000	1.1	45
Upper Mississippi	187,850	1	31
Red	90,000	.5	40

Assuming the work of the interstate commission for the control of the Arkansas to be approximately correct, it could be completed at a cost of $75,000,000, and addition of the White at an estimated cost of $25,000,000, and the total Arkansas-White, $100,000,000.

The Missouri, with three times the area, would be, roughly approximated, $300,000,000, but this does not follow, as the rainfall is 25 per cent less, and, therefore the quantity of water to be controlled would mathematically be only 75 per cent of $300,000,000, or $225,000,000, figured on a geographical basis. However, the major part of the control of the Missouri would be above Kansas City, as the river is amply able to carry its run-off below Kansas City. The average precipitation above is only 18.9 inches, which as compared to the Arkansas would, on ratio of precipitation, bring the approximate cost of control relative to Arkansas as double, or $200,000,000.

Considering the relative length of the Arkansas and the Missouri, and the relative length of their tributaries, and considering the longer period of discharge and the greater regularity of flow, the relative gradients, the relative precipitation by snow and water separately, and the seasonal differences, as reflected by the Mississippi River Commission's report of observations for the past 87 years, the ratio of cost of control again changes and the estimated cost of control's relation to the Arkansas would fix the Missouri at $180,000,000.

Considering the eastermost area of each basin and the normal precipitation thereon and the necessity for control therein and the comparative approximate estimates of control therein, a marked difference of about 90 per cent is disclosed which, reflected in cost of control as to the eastern area, reduces the ratio of the Missouri which, calculated in dollars, represents about $23,000,000. We are thus safe in estimating a control of the Missouri Basin at relatively 50 per cent more than the Arkansas and White Basin.

This is a great variance from the purely geographic area estimate heretofore, but is justified when the individual elements are considered. We therefore feel safe in asserting that the Missouri River could be adequately controlled and kept in the undestructive limit at its high stages and above an unusable limit at its low stages for approximately $150,000,000.

Comparative study of the upper Mississippi Basin with relation to the interstate work out of the Arkansas.

Geographically considered they are almost parallel; they are almost the same in size. In annual precipitation they are almost the same. In character of precipitation they are vastly different, a large part being snow, from which the run-off is materially less than from an equal amount of rain.

Considering that portion of the upper Mississippi Basin of low precipitation and that part having the greatest precipitation, we find that both are materially below the Arkansas areas of similar characteristics.

Considering the character of flow and the character of the country for inexpensive control, the length of the stream and its gradient, and the periodicity of discharge, the dissimilarity of the characteristics in the two streams is still marked.

Without repeating the details recited as to the Missouri, we find that, to be perfectly safe, we figure an adequate control of the upper Mississippi at not exceeding $40,000,000 to keep it below a destructive limit and above an interruption of commerce limit.

Considering the Ohio Subbasin with relation to the Arkansas Subbasin:

In geographic area the Ohio is 10 per cent greater, and on a strictly geographical basis the cost would be estimated $110,000,000.

Considering the rainfall, we discover a relative increase of substantially 50 per cent, which would indicate a cost of control of $150,000,000. However, considering the distribution of this rainfall through the year, we find much greater evenness of distribution which, carefully figured, reduces the ratio very materially.

Considering the areas of high precipitation on the Ohio Subbasin, to wit, Maryland, New York, Virginia, West Virginia, North Carolina, Alabama, and Georgia, the areas are very small, the run-off undestructive locally and too small to be destructive in the longer streams and may be dropped from the equation as a discharge factor. However,

should control in those areas be deemed expedient, economical opportunities therefor are abundant.

This leaves only the areas of Pennsylvania, Ohio, Indiana, Illinois, Kentucky, and Tennessee as material contributing elements, aggregating less than the Arkansas Basin, so that, considering the essential area of the Ohio Basin with relation to its annual precipitation, and with relation to the seasonal distribution of precipitation and the ratio of estimated cost of control is materially reduced.

Considering now the relative gradients of the streams as affecting the quickness of discharge, we find that this element obtains on the Arkansas from source to mouth, while on the Ohio Subbasin it ceases at the approach and in the main stream. We find also a stream of tremendously greater capacity for storage and discharge, and, on account of the difference in the gradient, which for this purpose we take Cincinnati as an average, we find that about 13,000 cubic feet of water per second adds 1 foot to the high flow at Cincinnati as compared to 100,000 second-feet required for 1 foot additional rise in the Arkansas at Little Rock at high flow. So that a storage of 1 acre-foot on the Ohio affects the elevation of the peak of the flood about eight times as much as an equal storage on the Arkansas at Little Rock, and about five times as much as an equal amount of storage affects the peak of the floods on the Missouri at Kansas City.

Thus, the aggregate, complete, and comprehensive control of the Mississippi Basin, considered by its individual integers, aggregates $440,000,000.

We tender the suggestion, however, that, if the entire basin were treated as a unit and all the individual subbasins correlated by a comprehensive genius, a complete and adequate control could be brought within the limit of $500,000,000, assuring complete protection to the properties of the valleys from the source to sea, and assuring a permanent, stabilized, connecting system of streams for public convenience and welfare, the promotion and regulation of interstate commerce.

The economic benefit to the Nation from such a development would be tremendously important.

Agreement, however, is reached on the maximum flood heights to be protected against.

The predicted "maximum possible" gauge at Cairo is 66 feet, equivalent to the passing of 2,250,000 second-feet; Arkansas City, 74 feet, or 2,850,000 second-feet; and at Angola or the mouth of Old River, 71.5 feet or 3,000,000 second-feet.

The places mentioned are used because they are—

First. The point where the waters of the Missouri, upper Mississippi, and Ohio converge;

Second. Where the waters passing down the main channel of the Mississippi River from Cairo south converge with the waters of the White and Arkansas Rivers; and

Third. Where the waters coming from the stated sources combine with the waters from the Red River and its tributaries.

It is conceded that a reduction of 6 feet on the gauge at Cairo, equivalent to 420,000 second-feet in volume of water, would create a state of perfect security for that city and the alluvial section from Cairo to the mouth of the Arkansas River, there being no streams of any consequence flowing into the main channel between said points. Therefore, we will look to the conditions in the Missouri, upper Mississippi, and Ohio watersheds.

First. The report of the reservoir board mentions 153 favorable sites, with a capacity of 64,100,000 acre-feet at an estimated cost of $1,046,000,000, or an average cost of $16.30 per acre-foot.

The Pittsburgh flood commission has selected 17 reservoir sites, estimated at a cost of $21,672,000, through which the flood stage at Pittsburgh on the Ohio River can be reduced from 10 to 12 feet, and which would influence a reduction in the flow of the Ohio of 150,000 second-feet at that point. Without the data on which to base any calculation, it is but reasonable to assume that a like expenditure in the same character of country, would afford an equivalent reduction in the flow of the Tennessee and Cumberland Rivers and principal tributaries of the Ohio River, which would amount to 300,000 additional second-feet of storage, or an aggregate of 450,000 second-feet reduction at a cost of approximately $65,000,000.

It is asserted that the most pronounced reservoir effect on flood heights is given by those nearest the main stream, because of the diminution of the flow through absorption by the alluvial soil affecting the force of reservoirs on the headwater streams.

The extent of such influence is left in much doubt by the testimony in the record of the hearings, but the Army engineers have furnished a yardstick by which such effect should be estimated with reasonable accuracy and calculation. They state that the reduction in the flood flow of 1,850,000 second-feet from Cairo to the mouth of the Arkansas River, a distance of approximately 600 miles, would amount to 100,000 second-feet, or one-eighteenth of the entire volume. On the same basis of calculation, the reduction in the flood flow from Pittsburgh to Cairo, and an equivalent distance on the Tennessee and Cumberland Rivers of 800 miles, would be 81,000 second-feet, or an influence at Cairo of 350,000 second-feet, which is equivalent to 5½ foot reduction in the gauge at Cairo.

Mr. Clark E. Mickey, professor of civil engineering in the University of Nebraska, is an engineer of wide experience, thoroughly qualified and intimately acquainted with the streams and conditions in the Missouri watershed.

After an investigation into the drainage, precipitation, and run-off therein, he offers a concrete example of the reservoir possibilities of that region. He states that by means of a large dam located on the Missouri River near Fort Clark, N. Dak., the run-off from 40 per cent of the Missouri River drainage basin can be stored, amounting to 15,000,000 acre-feet, at an estimated cost of $45,000,000. He further states that additional storage of 15,000,000 acre-feet may be obtained in the Great Plains region at an estimated cost of $10 per acre-foot. On the basis of the estimate of reduction in flow, the impounding of 30,000,000 acre-feet in the Missouri River watershed at an expense of $195,000,000 would be equivalent to the reduction in the discharge of 350,000 second-feet measured by the yardstick of the Army engineers. This would mean a reduced flood height at Cairo of slightly more than 250,000 second-feet, equivalent to a reduction in the gauge of 3½ feet. But little information is furnished by other than the Army engineers on the upper Mississippi possibilities.

The district engineer at St. Paul mentioned six reservoir sites, with an aggregate capacity of 2,152,000 acre-feet, at a cost of $1,322,000, or a per acre-foot cost of 61 cents. The estimate of effect on the gauge at Cairo was a reduction of 1,200 second-feet.

This is the cheapest storage mentioned by either Army or civilian engineers, and if reservoir sites are available in number sufficient at the same cost, the greatest possible effect may be found here at the least expense.

The flood at Cairo may not be from the combined Mississippi and Ohio Rivers. Therefore, dependence can not be placed on a reduction made in one of the streams, and it becomes necessary to sufficiently control each of the streams to obtain the necessary influence on the flood heights at Cairo. Under the estimates made the necessary security is obtained.

The "maximum possible" flood flow is based on the combined effect of the Mississippi and Ohio Rivers. Therefore, should the flood be from the combined flow, with a predicted maximum of 2,250,000 second-feet, we have a reduction on the Ohio of 350,000 second-feet, and 250,000 second-feet from the Mississippi, aggregating 600,000 second-feet, which diminishes the maximum flood flow to 1,650,000 second-feet. The existing levees at Cairo are sufficient to pass such flood in perfect security.

As the situation developed in the flood of 1922, the effect of the reservoir reduction on the Ohio, Tennessee, and Cumberland Rivers, would amount to 5½ feet, or a reduction in the gauge to 48.1 feet. Reversing the flows as same occurred in the flood of 1927 where the flood height was in the Mississippi, with an ordinary high-water stage in the Ohio, and the reduction would be 250,000 second-feet, or equivalent to a reduction of 3½ feet, or a gauge reduction from 58.5 feet to 55 feet.

The reductions calculated are based on the reservoir effect on the Ohio and Mississippi River stages at Cairo, and does not take into consideration any effect from such reservoir construction on the upper Mississippi, where no data is available on which to base calculation. The estimated expense of the necessary reservoir construction to obtain the diminished flow at Cairo would be $340,000,000, and would relieve against the necessity of constructing the spillway from Birds Point to New Madrid, reducing the flood heights in the unleveed basins on the east side of the Mississippi between Tiptonville and Memphis, Tenn., at least one-half, reduce the back water area at the mouth of the St. Francis 75 per cent and would reach the mouth of the Arkansas River with 1,550,000 second-feet, which is the amount leaving Cairo, minus 100,000 second-feet lost by absorption.

This would relieve against any additional levee construction between said points, estimated by the Chief of Engineers at $53,900,000, or $101,000,000 under the comprehensive plan of the Mississippi River Commission.

The most thorough investigation made by an agency in the watersheds of the Mississippi River is that of the interstate commission created in Oklahoma, Texas, New Mexico, Arkansas, Louisiana, Colorado, and Kansas, with the object of conserving the waters, controlling floods, and improving the Arkansas, Red, and White Rivers and their tributary streams. This commission was headed by an able and enthusiastic conservationist, who secured the services of the most expert engineers. After an exhaustive study this board reports the complete control of the three rivers mentioned at an expense of $105,000,000.

The construction of two reservoirs on the Arkansas River, considered by the reservoir board and indorsed by the member of the Mississippi River Commission and which all of the engineers testifying in this case have admitted to be feasible, would lower the gauge in the flood flow of 1927 at Arkansas City about 7 feet. The reservoir board also reports that with 11 reservoirs constructed on the Arkansas and White Rivers a reduction of 8.4 feet would be had on the gauge at Arkansas City. An equivalent reduction in flood flow of 590,000 second-feet.

The interstate commission proposed under its estimate of expense to give effect to such control and by so doing, at a cost of $100,000,000, would effect a reduction to the ordinary mean flow of such rivers. Such flow would not exceed 350,000 second-feet. Such addition to the

flood flow of 1,550,000 second-feet would produce 1,900,000 second-feet at the mouth of the Arkansas River and would carry to the Old River not exceeding that volume when Yazoo River contribution is added and absorption considered.

With the control of the Red River at an expense of $5,000,000, the flow of that stream would be reduced to less than 100,000 second-feet, with a capacity in the Atchafalaya, without additional flood-control works, of 450,000 second-feet, which would care for the waters from Red River and its tributaries, and also draw 350,000 second-feet out of the Mississippi, or reduce the flow from Old River down the main channel to 1,550,000 second-feet, with 250,000 drawn through the Bonnet Carre spillway, which would leave 1,300,000 second-feet to pass by New Orleans. This volume of water can be passed there without increase in grade or section of existing levees, and render unnecessary the construction of Cypress Creek and Atchafalaya diversions, at an estimated expense of $37,000,000 and levee enlargement cost of $89,700,000, aggregating $126,700,000, according to the Chief of Engineers and an estimate covering such diversions of $159,500,000 and enlarged levees between the mouth of the Arkansas River to the Passes estimated to cost $216,500,000, a total of $376,000,000, by the Mississippi River Commission.

The plan of the Chief of Engineers omits cost of land in flood ways, estimated by the Mississippi River Commission at $91,000,000, which must be added to his aggregate cost without regard to who may pay for it, which would increase his estimate to $217,000,000.

Therefore we have the plan of the Chief of Engineers with estimate of $318,400,000, and the comprehensive plan of the Mississippi River Commission at an estimated cost of $577,200,000.

The total estimated cost of a comprehensive reservoir control is placed at $445,000,000. E. E. Blake, the chairman of the interstate commission, asserts that contract with responsible parties can be entered into at any time for the amount of his estimate on reservoirs for the Red, Arkansas, and White River areas. If so, the estimates made on the other areas should be approximately accurate.

Certainly his estimates could not be more inaccurate than is offered by the Army engineers on the Cape Girardeau diversion, 300,000 second-feet, at the cost of $337,600,000, compared with the estimate made by the Morgan Engineering Co., the outstanding engineering organization of the country, and with an experience in and intimate knowledge of streams, topography, etc., in the affected area, which furnishes an estimate at a cost of $129,000,000 to afford the same amount of diversion, and through the same country.

The estimate referred to must of necessity depend upon a thorough study, with proper surveys, and by talent familiar with the subject, costs, etc., but the figures quoted are from the very best source of information available at this time, and when the other valuable uses to which the reservoirs may serve is considered, the promise is offered of an ideal method of control within the limit of the lowest estimated cost of levees and diversion, and much less than the maximum of cost of the more comprehensive plan embracing the same elements of control works. The latter carries no return beyond the protection afforded, with continued burden of maintenance.

Reservoir control will yield a return, increasing from year to year as the local developments within the sphere of their influence expand, saving to fruitful service the millions of acres of land proposed under levee and diversion control for flood ways and backwater areas and forever remove the dread fear of the valley from recurring floods. It will contribute the needed volume of water to the stream flows in periods of limited precipitation to guarantee navigation to our waterways and furnish to the areas where high freight rates prevail adequate transportation facilities at the cheapest possible cost.

INVITATION TO LUNCH

Mr. ABERNETHY. Mr. Speaker, I desire to invite you and the membership of the House and members of the press at 1 o'clock to eat oysters in the basement of the Capitol. They are the famous Smyrna Bay oysters of North Carolina. These oysters were furnished through the courtesy of Mr. J. E. Woodland, of Morehead City, N. C., now in the gallery. [Applause.]

HOUR OF MEETING ON WEDNESDAY

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-morrow, Tuesday, it adjourn to meet on Wednesday at 11 o'clock a. m., with the understanding that if this is done the Farewell Address of George Washington will be read and the House will immediately thereafter adjourn in order to attend the celebration at Alexandria. I understand that similar action will probably be taken in the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

ADDRESS OF HON. FINIS J. GARRETT

Mr. CANFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD including in them a very interesting and instructive address made at the Democratic editorial meeting at Indianapolis, Ind., February 16, by our minority leader, the Hon. FINIS J. GARRETT. It is a very able address, and I am sure will be read with much pleasure by everyone.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD by printing an address by the gentleman from Tennessee [Mr. GARRETT]. Is there objection?

There was no objection.

Mr. CANFIELD. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address, delivered by Hon. FINIS J. GARRETT, of Tennessee, at the meeting of the Indiana Democratic Editorial Association at Indianapolis on the night of February 16:

PARTY GOVERNMENT

Gentlemen of the Indiana Democratic Editorial Association, I am deeply appreciative of the honor done me by the invitation to address your organization, and I thank you for it.

It is always a pleasure to come to Indiana, and no occasion could be more highly appreciated by me than is this.

I may say that no experience of my life has been more interesting to me than a few years during my young manhood when I was engaged in editing and publishing a small weekly newspaper. It was not a very pretentious organ but the experience was invaluable and I think it has always enabled me to get something of the editor's viewpoint and feeling.

I wish at the outset to express to you the genuine appreciation which is had by their associates in Washington of the three Democratic Representatives in Congress from Indiana, Messrs. CANFIELD, GARDNER, and GREENWOOD, the latter of whom is the chairman of our House caucus. These gentlemen are among the hard workers of the House, attentive to every duty, and loyal to every interest of our party and country. By reason of ability and industry they have taken high rank worthy the fine traditions of the State, and it gives me pleasure to say this here among the people of their homes.

In casting about for a theme none occurred to me which appeared more suited to the occasion than that of party government.

I trust I shall be able to discuss this in a somewhat educational way and without undue partisanism.

Why do political parties exist? What is their significance? Why do they bear the names they do? What is their history? And, above all, what are their purposes and missions?

At the outset it may be stated as a well-known fact that popular government—the rule of the people by themselves—practically always works out its major problems through the instrumentality of party. In some instances it is rather the custom for parties to form about issues as they arise. In many countries there are group systems, bloc organizations so numerous as that party responsibility is an unknown thing and legislative results are obtained only by temporary and usually ephemeral coalitions. This results in a situation where men who to-day are standing shoulder to shoulder, seeing eye to eye upon a question, may to-morrow be bitter antagonists. It is scarcely necessary to say that such governments are unable to have that fixity of purpose and stability of program essential to the highest degree of peace, public happiness, and national security.

I have read that the little Nation of Latvia, not as large territorially as the State of Indiana, has 26 political parties or groups. There are racial groups, religious blocs, economic blocs, all sorts and kinds of political divisions. This is an extreme case, to be sure, but even in France there are so many different political organizations in her parliament as that no ministry is secure overnight. In Germany there is no party with a clear majority in her Reichstag and only the powerful personality of President Von Hindenburg, coupled with a popular realization of Germany's dire necessity for harmony, makes any ministry there temporarily secure. Even in England, with all her background of ministerial tradition and conservatism, we witnessed within very recent years a coalition government with no party in power to be responsible at the bar of public opinion.

Here in our own land—and, I believe, most fortunately—we have the two-party system. To be sure the problems of government are diverse and arise in different forms. Sometimes they are constitutional, involving the interpretation and application of organic law; sometimes they are economic and fiscal; sometimes they are social and moral, and quite naturally history teems with occasions when upon many questions parties have overlapped, and almost every national campaign witnesses outbursts of dissatisfaction with the two large organizations manifesting itself in third and fourth party movements. Some of these latter two have at times reached considerable temporary proportions, but eventually all have proven sporadic and our political system continues grounded to-day, as it has been almost from the beginning, upon the two-party basis.

It must not be overlooked that neither of these two organizations has been at all times upon all questions consistent. In a recent very interesting work on "Origins of the Whig Party," Mr. Carroll, its author, says in the opening chapter:

"The names of American political parties give a superficial impression of unity that rarely exists in fact. Individual differences of opinion, sectional interests, and conflicting personal ambitions combine to make complete harmony an ideal that can only be approximated by a free use of compromises and adjustments."

We have numerous instances in Congress of Members elected as members of the one party or the other who really feel very little party responsibility. This makes life there a bit more interesting, perhaps, for those who do feel that responsibility and are trying to serve it, but if ever a majority of its members become of that mind there will be at least temporary chaos.

In California and Pennsylvania, both by custom and law, persons may seek nomination by all parties in the primaries, and many of them do and obtain them. I recall one very strong man from California who was a bitter opponent of prohibition who came to Congress, elected as the nominee of all the parties, including the primary nomination of the prohibition party itself.

It is a bit difficult for us in Tennessee to understand such a practice, and I may say in passing that such a system is almost destructive of the minority party in a State, so far as representation in Congress is concerned.

But notwithstanding the fact that there have been variations from decade to decade in the application of party principles, notwithstanding the defections and deflections occasioned by conceptions of expediency, the lure of personal ambitions to hold place and power and the yielding to gusts of apparent popular psychology, the principles themselves have been perpetual and throughout all our national existence, under the Constitution, save the major portion of Washington's two administrations, we may trace with reasonable clearness the line of party cleavage.

Another fact to be borne in mind is that it was the coming into being of the National or Federal Government which caused the formation of the parties as we have them. They did not grow primarily out of State or local problems; and I think the reason these parties have been, generally speaking, permanent in character, although changing in name, is because we have written constitutions wherein the founders sought to and did set outposts for even governmental authority and fix limitations upon the power of government itself.

One of the struggles all down the 140 years of national growth and social evolution has been to preserve the "Thou shalt nots" imbedded in the Constitution by the wise men who came out of the wilderness and laid the beams of the chambers of a Nation in which democracy—government by the governed—found its finest written plan; negations, if you please, intended to protect the individual, the single being, the sole person, in life, liberty, and the pursuit of happiness, from even the selfishness or the caprice or the injustice of a temporarily devastating majority, to say nothing of a temporarily triumphant minority. The judicial department of the Federal Government was erected fundamentally for that specific purpose.

General Washington was not until after his retirement from the Presidency in any sense a party man. There were no definitely organized entities as political agencies whose forces were applied to or for him or which he sought to apply at either of his elections, and both of them were unanimous in the Electoral College. Whatever his dispositions may have been, they were curbed and nothing of a party nature attaches to his official life.

That this inured to the Nation's fortune we can see quite clearly, and, recognizing his virtue and wisdom, it causes no wonderment.

The new and novel experiment in government would inevitably have failed had he pursued a different course and placed himself at the head—for unavoidably this man of whom BECK says "He was always Cæsar" would have been the head—of a party organization.

That was the legislative formative period of the United States. The Constitution had been adopted, and by the third year of his first administration all the 13 original States had accepted the terms and become affiliated with the Union, while by the close of his second the three new States of Vermont, Kentucky, and Tennessee had been admitted upon equal terms with the older Commonwealths, but few indeed were the provisions of that Constitution that were self-executing. It was a dormant organism, which could be brought to function only by legislative and administrative action.

No President applying partisanism could have successfully met the challenge of that era or guided the new Republic out from its vicissitudes into the security in which Washington left it.

But while Washington held aloof from party movement and Vice President Adams in considerable degree emulated his example, there was no such restraint upon the two outstanding figures of his first Cabinet, and out of it there flashed—or, perhaps, it would be better to say there flamed—with steady glow the brilliancy and genius of Thomas Jefferson, the Secretary of State, and Alexander Hamilton, the Secretary of the Treasury.

The responsibilities of these men did not demand the restrictions which duty imposed upon Washington. Jefferson had, of necessity, as one dealing with foreign nations, to exercise a greater degree of self-control and caution than Hamilton, whose official duties were primarily domestic, but in the main neither of them suffered in their political activities very much restraint, aside from that imposed by the dictates of politeness, and at times even this was rather thinly veiled.

It was an evidence of Washington's impartial political attitude that both were invited into his official family, and both remained until, with regret in each case, he accepted their resignations because he knew them well, and he was a master at judging men. They were little alike except in genius, vision, industry, and impeccable integrity. Temperamentally they were wholly at variance—Hamilton impetuous, incisive, impatient of restraint, domineering in intellect and will; Jefferson cautious, slow to reach conclusions, apparently reluctant to make decisions, but with a subtle intellect capable of sounding the depths as well as reaching the heights of human nature and of life.

They had some interests in common, but Jefferson's were the broader in scope; Hamilton had some taste for art, sculpture, paintings, but his life's passions were politics and law. At the shrine of these he worshipped with unstinted and almost undivided devotion. He had, too, a love for and might, had opportunity offered, have displayed a genuine genius for things military—the maneuver of armed troops, the strategy and tactics of war. For this latter Jefferson had no stomach or predilection. His was a philosophy of peace—some of his critics say of timorousness.

But aside from military art, Mr. Jefferson's trained and seasoned intellect traversed the whole realm of men's activities and accomplishments and ambitions. He loved music and was a skilled violinist; agriculture interested him, and he was a constant student of plant life, of flora, and of fauna; science engaged his love, and every mechanical invention coming within his reach appealed to his attention; he cultivated refined arts, and the tobacco leaf and the corn blade designed by him for the capitals of the columns at Monticello and copied upon certain of those in the National Capitol Building at Washington are an evidence of his artistic taste and love of the beautiful.

Public education and religious freedom were controlling principles with him, and when he dictated what his epitaph should be he passed over all references to having occupied exalted official positions and directed that there be carved upon his tomb:

"Here was buried Thomas Jefferson, author of the Declaration of Independence, of the statute of Virginia for religious freedom, and father of the University of Virginia."

It is one of the singular events of history that Hamilton, born of obscure parentage in a little island of the West Indies, became the leader of a class and aristocratic movement, while Jefferson, born to the purple of luxury, became the greatest democratic philosopher of the ages and the undisputed leader of the great American democratic movement.

Such, however, was true, and to these two geniuses of their day may be traced, not exactly the origin perhaps, but at least the organization into cohesive entities of those schools of thought which, under different party names, for a century and a quarter have struggled for domination in the affairs of these United States.

The late Senator Henry Cabot Lodge was a devoted and intellectual disciple of Alexander Hamilton, and no one will probably be found to dispute either his right or his power to state tersely and succinctly the fundamentals of the Hamiltonian faith.

In his Alexander Hamilton, written as one of the American statesmen's series, the late Senator, after quoting from one of Hamilton's reports to Congress and declaring "the cardinal doctrines of Hamilton in questions of politics and government were strength and order," and after elaborating upon this to some extent, says:

"Hamilton's scheme went further, seeking to create a strong, and, so far as was possible and judicious, a permanent class all over the country, without regard to existing political affiliations, but bound to the Government as a government, by the strongest of all ties, immediate and personal pecuniary interest. The wisdom of this was obvious, when the object was to sustain a great experiment; yet at the same time Hamilton's purpose was not simply by the spread of a popular loan to unite a body of men in the support of the Government, but chiefly and mainly to bring to his side a class already in existence, that which controlled the capital of the country. The full intent of the policy was to array property on the side of the Government. That once done, the experiment, Hamilton felt, would succeed, and its powers moreover might then be much extended. He had been unable to introduce a class influence into the Constitution by limiting the suffrage for the President and Senate with a property qualification, but by his financial policy he could bind the existing class of wealthy men, comprising at that day the aristocracy bequeathed by provincial times to the new system, and thus, if at all, assure to the property of the country a powerful influence upon the Government."

The creed of Mr. Jefferson as stated by himself has never been improved upon for style, compactness, or lucidity, nor can it be. In his first inaugural address he condensed it within the briefest possible limit, saying:

"About to enter, fellow citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper that you should understand what I deem the essential principles of our Government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear,

stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations—entangling alliances with none; the support of State governments in all their rights as the most competent administrations for our domestic concerns and the surest bulwark against antirepublican tendencies; the preservation of the general Government in its whole constitutional vigor as the sheet anchor of our peace at home and safety abroad; a jealous care of the right of election by the people, a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority, the vital principles of republics from which there is no appeal but to force, the vital principle and immediate parent of despotism; a well-disciplined militia, our best reliance in peace and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority, economy in the public expense, that labor may be lightly burdened; the honest payment of our debts and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information and the arraignments of all abuses at the bar of public reason; freedom of religion; freedom of the press; freedom of person under the protection of the habeas corpus; and trial by juries impartially selected—these principles form the bright constellation which has gone before us and guided our steps through an age of revolution and reformation. The wisdom of our sages and the blood of our heroes have been devoted to their attainment. They should be the creed of our political faith, the text of civil instruction, the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety."

In these two statements we have the elemental germs of all the political principles over which men in these United States have since divided. Their vitality has never diminished, and all the issues of to-day are comprehended within their terms.

The history of the parties that have embraced these principles is most interesting and their names significant. The Hamilton organization in its very beginning was designated as the Federalist Party. It was proper nomenclature; it expressed the central thought of its leader's policy—a strongly centralized National Government, with a gradual but steady diminution of the power and prestige of the several States until local government should be reduced to a minimum and all governmental activities, whether social or economic, concentrated in the Federal organism. The complete realization of Mr. Hamilton's dearest dreams would have eventually destroyed every vestige of State sovereignty. "Federalist" was, therefore, the logical and proper name for the organization sponsoring such principles.

Jefferson gave to the organization which, with the aid of Madison, Gallatin, McClay, and others, he had by 1800 succeeded in welding into a unified and overwhelming mass the name "Republican." This, too, was in accord with the proprieties. The word married the system to the methods and machinery through which it was proposed to operate; that is, in the main through agents chosen from time to time by the electorate to legislate and execute. Its basis was representative government, with frequent opportunities for popular expression.

The Federalists, however, were unwilling to permit the opposition party to name itself, and quite early they began to designate its members as "Democrats," alleging that Mr. Jefferson and his followers drew their principles and inspiration from the promoters of the French Revolution.

Mr. Lodge, whether he intends it as a contemptuous criticism or a fair historical statement, refutes this as to Jefferson, however, when he declares that the latter did not get his ideas from France, but that he carried them with him to France. At any rate, the name "Democrat," which was at first applied in derision but which later was to be adopted and worn with pride for a century, did not gain immediate recognition and the party was for a quarter of a century officially known as "Republican."

The first victories went to Hamilton. In the formulation of domestic economic policies before parties began he had generally the sympathy and support of President Washington. The Congress during the earlier days was sitting in New York. It was then the third city in point of commercial importance, Philadelphia and Boston being, respectively, first and second. During the second Washington administration it sat at Philadelphia. Thus the Congress throughout the formative period was surrounded closely by the influences whose natural interests made them partisans of the Hamilton policy. Those were days when communication between the people and the Nation's Capital was difficult and slow of passage. Hamilton carried his proposals for debt assumption by the Federal Government at the full face value, notwithstanding the major part of the paper was in the hands of speculators who had bought it for practically nothing; his tariff policy for the stimulation of manufactures and his measure for the establishment of a national bank.

All these provoked a struggle, but they were carried, and by the time the program had been completed Hamilton had a party already organized and trained beneath his iron hand to follow with little question the suggestion of his genius—a party to his liking, "bound to the Government by the strongest of all ties—immediate and personal pecuniary interest." He never relied upon nor, except in cases of absolute necessity, appealed for popular support. Of this he was contemptuous. More than any leading man of his time he distrusted the intelligence and ability of the populace. Jefferson, on the other hand, more strongly than any leader reposed confidence in the ability of the masses to govern themselves and render popular government secure; and so, while Hamilton was going forward to victory after victory, he, more through the pens of his great lieutenants than through his own (for he wrote but little for the public until after his retirement from Washington's Cabinet), was putting into operation the forces of popular organization and democratic expression.

Hamilton never admired John Adams nor thought him properly equipped for the Presidency. In both of the latter's presidential campaigns the former preferred Pinckney and desired his selection; but even he, master of his party though he was, lacked sufficient political finesse (he was one statesman who was not a politician) to control the forces that were playing about him, and in the first, Adams triumphed, while in the second he went down to defeat before the popular onslaught which Jefferson organized and launched, and so insecure was the foundation upon which Hamilton had builded that his structure fell with the defeat of Adams and never again achieved a national success.

Jefferson and his party triumphed and the Federalist Party passed off the scene.

There followed him Madison and Monroe, faithful to his policies, and supported by Congresses in which the majorities were composed of his followers.

So intrenched had the principles of Democracy become as that by the expiration of Mr. Monroe's first term there had arisen what is known in history as the "era of good feeling," and he was reelected by unanimous vote in the electoral college, lacking one, which was withheld from him, not out of antagonism, but because the elector felt that to General Washington only should go the distinction of a unanimous election to the Presidency.

This brings us to 1824 and the contest which finally culminated in the election by the House of Representatives in 1825 of John Quincy Adams, son of the second President, and himself eminent as a scholar, diplomat, and statesman.

The party status of Mr. Adams is somewhat anomalous. He was most of the time in foreign lands, serving in diplomatic positions, while the parties were being formulated. In 1803 he was elected to the United States Senate by the Legislature of Massachusetts, the majority of whose members were Federalists, but he was not elected by a party vote and in the Senate gave support to many of President Jefferson's policies.

The support of one of these—the embargo act—led in 1808 to resolutions of criticism by the legislature, which caused him to resign. He was again returned to the Foreign Service by President Madison, and by President Monroe was made Secretary of State.

The Republican Party, which by this time was beginning to be called the Democratic-Republican, was in reality the only national organization in existence, and all the candidates of 1824, including Mr. Adams, were regarded as being of it; but here and there certain congressional districts still elected Representatives who called themselves Federalists. All the remaining Federalist strength came to Mr. Adams's support, and this, plus what he drew from the Republicans, gave him the vote of 13 States in the House of Representatives, and thus elected him, although he had received but 84 out of a total of 261 votes in the Electoral College.

ANDREW JACKSON ENTERS

It was in the good year of 1824 that a lank and angular horseman rode out of the 28-year-old Commonwealth of Tennessee, to which theretofore his political activity had been almost wholly confined, and stationed himself upon the field of national politics, which he was soon to dominate as never before or since has that field been dominated by mortal man.

His name was Andrew Jackson.

He was by no means an unknown, nor was his fame confined to any State or section or even to the wide Nation, which in 1824 had become a Union of five and twenty sovereign States.

His name was known, particularly in military circle, in all the civilized lands beyond the seas.

Madison and Monroe were placed before the people as presidential candidates by joint caucuses of the Republican (Democratic) Members of Congress held in the Hall of the House of Representatives at Washington. That was before the day of national political conventions. Gradually there grew up a popular resentment against such action. It was voiced by Henry Clay when Monroe was first nominated in 1816 in a resolution declaring it inexpedient for the caucus to make any recommendation upon the subject "to the good people of the United States." His resolution failed, however, and Monroe was recommended then, as he again was in 1820.

By 1824, however, public sentiment had so crystalized in opposition to that system as that when the caucus for that purpose was held in February of that year only about 70 out of the 216 Republican

(Democratic) members attended it. William H. Crawford, of Georgia, received the indorsement, but it had ceased to be of value, and he received but 41 of the 261 electoral votes.

Jackson, from the time that he began to take any interest in the question at all, was vigorously opposed to the caucus plan, and he showed no regard or respect for its action in 1824.

In July, 1822, the Legislature of Tennessee had nominated him for President for the elections of 1824, and in 1823 he was again elected to the Senate of the United States.

Most historians seem to agree that General Jackson evinced no great interest in his candidacy of 1824; certainly there were none of those terrific efforts which attended his subsequent campaign, but he received the plurality of the popular vote and also of the Electoral College, having 99 of the 261 votes cast in the latter. His popularity had been demonstrated. He had surpassed that trio of seasoned statesmen—Adams, Crawford, and Clay—in popular appeal. It was not unnatural that a master politician such as he, though differing in type from all that had preceded him or who were his contemporaries, should have been stirred by the evident opportunity which laid before him to become the Nation's Chief Magistrate, but this might have passed, particularly in view of his enfeebled health, had it not been for an occurrence shortly after the general elections which shook the country to its uttermost bounds and made him inevitably a candidate for 1828.

No person having received a majority of the entire electoral vote, under the Constitution the decision passed to the House of Representatives, which had to choose from among the three highest, each State having one vote. Adams was elected, and a few days thereafter was inaugurated, and appointed Henry Clay as Secretary of State. The charge was immediately made that this was the result of a bargain; that Clay had thrown his influence to Adams as the result of an agreement whereby the former was to become his premier, with a view, of course, to being his successor as President, as had been the case of the former Secretaries of State.

There is no time to review that controversy thus precipitated a hundred years ago. It was one of the most momentous single incidents of American political history; it lay at the basis of a new line of political and party cleavage; it led to the duel between Clay and Randolph, of Roanoke. Clay denied the allegation and offered by his challenge to Randolph to defend this denial with his life. It changed history, and it was by no means the last quarrel of Jackson which was to have such an effect.

Jackson accepted the allegation as true and went to his grave in the unalterable belief of its truth. Most historians have acquitted Clay of the charge, but Jackson never did. Suspicion with him petrified into immediate obsession and his conviction was never shaken.

The first effect was to make him at once a candidate for 1828. He had carried the popular plurality; he was the people's choice; and they had been denied their choice, so he and his friends maintained, "by a corrupt and shameful bargain."

The Legislature of Tennessee—doubtless this time with his earnest approval and desire—in 1825 nominated him again for the election of 1828, then nearly four years in the future. He resigned from the Senate at once and entered with all the vigor of his vehement nature upon the four-year struggle.

That contest threw its shadow over the whole of John Quincy Adams's administration, it affected the attitude of Members of Congress upon every legislative movement of the time, for when Jackson fought he used every legitimate weapon upon which he could lay his hands and enlisted every man whom he could bend to his iron will. His whole appeal was to the people; he sought, as perhaps not even Jefferson ever sought, to ramify the popular thought with his cause and saturate it with a desire for vengeance and vindication. It was a titanic struggle, the forerunner of many to come. There belonged to him, as Thackeray says of Swift:

"As fierce a beak and talon as ever struck—as strong a wing as ever beat."

And the people responded; heaven bless us, how they did respond! Do not for one moment become obsessed with the idea that this was a mere uprising, as of a mob. Under the banner of this mighty militant there had enlisted as fine intelligence and as excellent probity as ever lent themselves to a cause—men who were themselves leaders of men, all thrilling with the impulse of their chieftain, all inspired by the flash of those penetrating eyes, whose sparks flew out for the pale, lean, classic face which was as if chiseled from granite.

He became the embodiment of democracy; its "cloud by day and its pillar of fire by night." His lieutenants in every section of the Republic organized popular sentiment and gave it intelligent direction. They marched with pride behind a leader who knew how to lead and had the purpose and the will. The name "Republican" was dropped by his followers and proudly they called themselves "Democrats," as their predecessors in the days of Jefferson had been designated in derision and in scorn.

His triumph was complete, overwhelming; and a few days before his sixty-second birthday he was sworn in as President of the United States by the venerable Chief Justice John Marshall, the last great link connecting the long-dead Federalist organization with the eager and victorious Democracy.

I must not, out of deference to your patience, attempt now any detailed résumé of his administrations and their achievements. Almost all that was accomplished was the product of ceaseless struggle and embittered contest.

The history of the break with Calhoun and its effects is important enough briefly to sketch it. It was politics—great politics—in the raw. It was a mighty drama in which we see the play of human passion, sometimes at its best, sometimes at lower levels.

Toward the latter part of his first administration Jackson was placed in possession of a letter stating that while he was engaged in the Seminole military campaign, Mr. Calhoun, then Secretary of War in the Cabinet of Monroe, had, in a Cabinet meeting, urged censure upon Jackson for his conduct, alleging that he had exceeded his authority. Jackson had had some intimation years before that such a proposition had been made, but he believed it came from Crawford, Monroe's Secretary of the Treasury. He was strengthened in this belief by criticisms which Crawford, joining Clay, had made in the open Senate. The information that it was Calhoun, who, up to then, notwithstanding Jackson's love for Van Buren, had been his political favorite, came as a terrible blow. It aroused all the fire and fury of his well-nigh unrestrainable nature. He sent the letter to Calhoun, without any publicity being given it, and asked a direct response.

Calhoun admitted it and attempted to explain, but no explanation could satisfy the enraged man, who felt that his honor was deeply touched. After many months the correspondence was made public, and all relations between them ceased. Jackson had added to Clay and other enemies another of the most brilliant and incisive intellects of that or any other age.

It destroyed all hope of Calhoun succeeding him in the Presidency; it brought about the rejection of Van Buren by the Senate—the Vice President casting the deciding vote against him—as minister to England, to which he had been given a recess appointment, and he had to return in semidisgrace, only to be nominated, under Jackson's compulsion, in 1832 for Vice President and elected to preside over the body which had so recently humiliated him. It doubtless had something to do with Calhoun's resignation from the Vice Presidency in December, 1832, to enter the Senate from South Carolina, where he took upon himself the defense of nullification by a State of Federal law, a challenge which Jackson first answered with the famous toast at the noted banquet, "The Federal Union—it must be preserved," and later by lengthy proclamation and the actual assembling of armed forces of the Government.

Clay in the meantime had reentered the Senate. Webster had been there during all of Jackson's administration and before, and then occurred one of those strange incidents of history. The three of them, moved in part by impulses of personal feeling and in part by points of difference with the President, although themselves disagreed upon many matters and at times maintaining no personal relations, formed a coalition against Jackson and stood forth as the great triumvirate. There is no evidence that Webster hated Jackson. He supported him most vigorously in his fight upon nullification, but he loved the bank and was prepared to go the limit in traffic and sacrifice to assure the continuance of its life. The two others not only disagreed with Jackson upon many public questions but they hated him personally. If they did not hate him as much as he despised them, it was simply because of a lack of capacity for hating. The will was there.

No stronger intellectual combination was ever formed against a man or a cause in the world, but he triumphed.

It was with complete content and entire satisfaction that he turned from the White House on March 4, 1837, after witnessing the installation of his successor, whom he himself had named, and, leaving his enemies crushed behind him, made his triumphant journey to the Hermitage, and sat himself down by his window, which looked out over the garden where Rachel slept under the springtime flowers.

If one may be called upon to sum up Jackson in a few words and interpret him to mankind, I think it may be done by saying that he was democracy incarnate, plus the purpose, the will, and the power to enforce its decrees. He could not have been a Jefferson any more than Jefferson could have been a Jackson, but he would have been Jackson had Jefferson never lived. Democracy was not to him an abstract art or an abstruse science. It was a virile system to be applied to the needs, the evolution, and the developments of society. He grasped by intuition what so many have not learned at all, or only learned by painful processes of study and labor; and what he believed he put into action; his faith was made to function in living law.

Great as the party system which he had builded, or perhaps it would be more accurate to say rebuilded, and compactly as he had welded it together, with his personality removed it began to weaken. He was followed in the Presidency and leadership of his party during the pre-Civil War period by men who are entitled to the designation of great, but somehow no one of them could quite "bend the bow of Ulysses."

Within four years after his retirement he witnessed, with what mingled disgust and humiliation we can well imagine, the defeat of the great party which he had left so strong.

It is rather difficult to account for the triumph of Harrison in 1840. He was the first of two Whig Presidents, Zachary Taylor being the other, both of whom died in office, to be elected. Both had achieved military distinction and this may have tipped the scales in their favor.

The Whig Party sprang up during Jackson's day and took its name from the English organization which had been formed in opposition to the crown. It was a misnomer so far as America was concerned, and it would seem as if Clay and Webster, with all their talents, might have thought of a better. They were unwilling, it seems, to revive the name "Republican," so closely associated with Jefferson, as was done in 1854, when slavery was becoming the one great issue, and so they took the name of Whig because, as they said, they opposed the tyranny of Jackson as the English party opposed the tyranny of the King.

The unconscious irony was clearly to be seen when it is remembered that Jackson relied always and absolutely upon popular support, not only for election, but for the indorsements and sustaining of his policies.

This was no demagogy with him; it was sacred to him as an article of faith.

The Whig Party embraced the principles of Hamilton and thus became the lineal descendant of the Federalist organization, but notwithstanding their successes of 1840 and 1848 they were never able to apply their principles. Tyler, who succeeded Harrison upon his death, disappointed them upon the bank question, and no serious effort was ever thereafter made to revive this institution in the Hamiltonian form. As a matter of fact, but little of Jackson's work was undone until after the war of secession.

In 1844 his party retrieved its prestige in part, and his friend and protégé, James K. Polk, was elected President.

The old warrior saw no other presidential contest, for on the 8th of June, 1845, his spirit joined the spirit of Rachel, and his body was laid beside her in the garden where the flowers were abloom.

Following the defeat of 1852 and with the passing of Webster and Clay the Whig Party almost immediately died. The Federalist Party had just one term of the Presidency and died after one defeat; its first successor had two terms and died after two defeats.

Following its death there was organized as the opposition party the one which exists to-day under the name of Republican. This was taken for a number of reasons. Many then survived who had followed the old party of Jefferson to victory under that name, and, above all, Jefferson had been the sworn and earnest foe of slavery, and this was the sole question about which the founders proposed to build the new movement.

The national platforms of that party in 1856 and 1860 contain reference to little save this. Lincoln was not one of the founders of the Republican Party. He joined it after it had been thoroughly organized and was a "going concern" in 1856, and became its infinitely greatest leader, but that leadership was along the lines and within the limitations of the platform which dealt only with slavery.

We know but little of Lincoln's economic ideas. There are fugitive utterances to be found here and there, to be sure, but these are not sufficiently comprehensive to enable us to reconstruct any general system to which he adhered. His public life was comparatively brief, so far as holding office was concerned. He was in national position for little more than six years, one term as a Representative in Congress and four years and a month as President. He was a member of the Whig Party, to be sure, and an admirer of Henry Clay; but, so far as his own utterances were concerned, we have little from which to deduce the bent of his mind upon economics.

That party was founded upon an idealism of which Lincoln was the incarnation. It was inevitable that the results of the war of secession should give to it a long lease of power. The Democratic Party became associated in public thought almost exclusively with the doctrine of State rights, and the expression "State rights" for a generation, almost, brought to millions of persons, as the initial thought, secession, war, a land billowed with graves, and a country filled with homes wherein sat mothers who were "weeping for their children and would not be comforted." The popular psychology produced by such a situation was inevitable. In the platform of 1864 the same "Republican" was not used by the convention which nominated Lincoln and Johnson, but the body was composed principally of that party's members, and the organization, the party machinery, was in their hands. It was in existence, and there needed only to be fused into it the elements for which the war success opened the way to render it for a long time practically invincible. Wise and far-seeing interests grasped this fact and, seizing upon the party of Abraham Lincoln, they engrafted upon it, in so far as they could, the old policies of Federalism, which have been with us from the beginning, and made it the party of Alexander Hamilton.

Such is an outline of party history—rather imperfect, perhaps, but believed to be essentially correct and fairly stated. In the conditions of to-day are to be found, in principle, all the issues that marked the early years of the Republic.

Honest convictions continue to flourish devoted to each school of thought, and upon careful analysis I believe that every major question can be resolved into one or the other classes. In other words, I believe there are just two great schools of political thought between which most of our people are normally divided, and I further adhere to the belief that two parties are all that we need. After all, the party is not the end; it is the instrumentality for working the end. We are sure to have party government of some type. I prefer the system with which we are familiar rather than one of groups and blocs. Party government means party responsibility; government by a coalition of divergent groups formed about some especial conviction or temporary prejudice, each with its own pet hobby, means there is no one organization responsible to public opinion; no majority to be used as an agency for working the public will. What we need most is to get away from so much political expediency and plant ourselves upon the principles which underlie our respective party faiths.

In conclusion, I shall venture to speak just a bit more particularly of our own party and with special reference to present conditions.

Democracy is not a state of mind nor a psychological manifestation. It is a fundamental thing which lies deep in the human heart, and in its essence is of the profoundest philosophy of human life.

It does not spring from government; it underlies government, at least our Government.

Simply because man exists he is possessed of certain rights. They are coexistent with his birth and coextensive with his being. Government is merely to assure these rights, and the highest functioning of government is that activity, or lack of activity, as necessity dictates, which preserves them.

Democracy is the antithesis of selfishness, and its constant danger is that it become the victim of greed. Because of its very nature it is surrounded always with enemies, enemies that are astute, alert, constantly organized, and ever watchful.

Because its character renders it unable to offer favors of law and enable one individual through legislative manipulation to profit at the expense of another, it does not, as an instrument of government, command the influence or elicit the support of special interests. It has to rely upon reason, upon justice, and make its appeal to the higher motives and the broader sympathies of mankind, and, unfortunately, these are not always in the ascendancy.

These enemies, watchful and adroit, are masters of political warfare. Tactics, strategics, logistics—they possess them all, and never yet have they been found lacking in munitions.

They understand frontal attack and flank movement; when to strike and when to give the counterstroke. The value of espionage they recognized long ago, and above all things they appreciate the importance of creating dissentions and divisions in Democracy's forces, and we are all too prone to divide.

In 1924, although they had no heavy artillery with which to bombard us, we nevertheless broke ranks before we had gotten close enough for them to see the whites of our eyes.

Is it possible, I wonder, that a great party, grounded in traditions of glory, a great party which has written nearly every permanent chapter of American law, is again to fall a victim to its own folly and blither about nonessentials, fight with passionate abandon over imaginary goblins and academic abstractions, and forget the substance which challenges our bravest and our best? Heaven forbid!

Surely in the conditions which surround us and which are observable upon the very surface, without even probing to the depths, we have glaring issues upon which to make successful appeal to the intelligence and virtue of America. In the favoritism which within seven short years has been wrought into law; in the tangled confusion following in the wake of corruption and shame; in the foreign policy, or lack of foreign policy, which has left us without a friend among the nations of the world; in the domestic distresses which all their cunning has not enabled them to cure because avarice forbade alleviation—surely these things summon us to find a firm and common ground upon which the legions of Democracy can stand and give lusty battle as in the victorious days of yore.

Democracy will not win grouped about a jumble of policies asserted as meeting the expediency of a fleeting hour. Democracy has won its fights when it had a battle flag which symbolized a system of principles fitted for the government of a free people in a republic (which is a democracy made practical) grounded upon a written constitution.

Democracy will never be destroyed; its philosophy too thoroughly permeates the world. And the party which espouses it stands in no danger of death from external forces. Its only danger lies within its own organism. It will not be killed, but it could commit suicide.

Democracy means respect for law and the implications of law; regard for the Constitution and the limitations of the Constitution; antagonism to governmental favoritism and the corrupting force of favoritism; enmity to privilege and the withering blight of privilege upon our institutions.

It means justice to the individual and, therefore, peace among the masses.

The application of its principles by some party constitutes the sole hope for the permanency of this democratic Republic.

Surely the Democratc Party—our Democratic Party—ought to be the one to apply democratic principles.

Its founder made it the instrumentality which rendered the Republic a democratic one.

Andrew Jackson revived it as it was about to become moribund and expanded it even beyond the hopes of its founder.

A long line of leaders, whose names are on the roll of immortals, have followed these and carried on, applying the principles of democracy to the solution of the Nation's vital questions.

Surely we of this demanding day will also carry on.

W. L. CLAYTON

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, the Associated Press of February 16 carries a statement to the effect that W. L. Clayton, of the firm of Anderson, Clayton & Co., has charged me with abusing my congressional privileges by making statements on the floor of the House which he says are untrue. I have not made a statement with reference to this matter that can not be amply substantiated by proof.

The principal charge which he denounces as false was to the effect that he said in a speech before members of the New York Cotton Exchange that firms other than his own could not hope to avoid loss in the cotton business unless they could successfully guess his mind. I said in my speech to which he refers that Mr. Clayton was quoted as having made this statement, and he comes out and not only denies it but takes occasion to denounce me for calling the country's attention to it. Let us see whether he made that statement or not.

I am in receipt of a letter from Mr. S. T. Hubbard, sr., dean of the cotton industry in New York and former president of the New York Cotton Exchange, whose son is president of the exchange now, in which he says:

268 PALISADE AVENUE, YONKERS-ON-HUDSON, N. Y.

Hon. JOHN E. RANKIN,

House of Representatives, Washington, D. C.

MY DEAR SIR: I have not seen your speech in the House on Monday, though I have heard of it. To-day my eye was attracted to the inclosed statement given in the New York Times. I have known Mr. Clayton for many years. I have a very high opinion of him as a man and his ability as a cotton merchant. We do not always agree in our opinions, but when we differ it is without any feeling.

Cotton merchants soon learn that their opinions may be right or they may be wrong, so when they disagree their opinions are subject to the course of events and are not decided on any personal weight of opinion.

Mr. Clayton, however, has had a lapse of memory. He did make that statement. I heard it. I took it for part of my text, as I followed him in a speech to the assembled members of the exchange. I repeated it several times in my speech and he heard me repeat it. Mine was the last speech. I believe what I said and what he said turned the opinion of the members against him.

When the ballots on the amendments we were discussing were counted at the date set for voting we came within a very few votes of carrying by a two-thirds vote, as required by the by-laws. Mr. Clayton's statement has been quoted many, many times by the members who heard it. No stenographic notes were taken of any of the speeches—by direction of Mr. Harris, then presiding as president—although the exchange stenographer, Miss Wilson, was present.

After the meeting I said to many members that Mr. Clayton's remarks had defeated him, and I went so far as to say I thought in time that he would give a million dollars not to have made them.

I am also reliably informed that possibly 200 men will make affidavit that they heard Mr. Clayton make that statement.

I am not interested personally in Mr. Clayton, but I am interested in breaking up this gigantic monopoly in which certain large cotton firms have successfully conspired to control the cotton market, ruining the cotton farmers, and wrecking the fortunes of hundreds of men legitimately engaged in the cotton trade. [Applause.]

An investigation has been ordered by a Senate committee in which Anderson, Clayton & Co., George H. McFadden & Co., Pennefather & Co., and all other persons, firms, or corporations charged with complicity in this gigantic conspiracy may be required to give a full and thorough account of their transactions with reference to this unfortunate affair.

I stated in my speech a few days ago that under the Sherman Antitrust Act those who have lost money as the result of these unlawful manipulations of the cotton market may bring suit and recover their losses. My attention has been called to the fact that they may not only sue for the amount lost but may recover three times the amount of the actual damages.

But, Mr. Speaker, I shall not take up further time of the House on this proposition. The indications are now that new charges and new evidence may be brought to light within the next few days that will far overshadow the revelations already made and the charges already preferred. [Applause.]

CORRECTIONS

Mr. CRAMTON. Mr. Speaker, I have some corrections to make in the RECORD, only two of which I want to make from the floor. One, where in speaking of the Flathead Tribe of Indians, I am quoted as saying "the House is not totally informed," I should have said "the House is not totally uninformed."

Then, a subhead that I wrote, "Where is the denaturant that is harmless but effective," appears in the speech of the gentleman from Maryland.

The SPEAKER. Without objection, the corrections will be made.

There was no objection.

Mr. GARNER of Texas. Mr. Speaker, I would like to call the attention of the gentleman from Michigan and the gentleman from Iowa [Mr. RAMSEYER] that the gentleman from Iowa may again suggest a method in which the RECORD can be corrected in a simpler way.

Mr. CRAMTON. Let me say to the gentleman that my custom is to follow the course suggested by the gentleman from Iowa as to the bulk of the corrections, but there are times when it is only fair to other Members and to the Member himself to have the correction made in this public way. One of these corrections covers an error that might have caused embarrassment to the gentleman from Maryland without it appearing in the RECORD.

Mr. GARNER of Texas. I have no objection to the correction, but I do not like to have one Member's attention called to the matter and another Member make corrections without having his attention called to it.

Mr. TILSON. Does not the gentleman think that the dividing line should be whether or not the correction if made would place the other Member engaged in the colloquy in an unfavorable light?

Mr. GARNER of Texas. One of these corrections was merely adding a syllable to a word, "uninformed" for "informed."

Mr. CRAMTON. Yes; but it so happens that that little syllable was of importance. It was in an answer I was making in response to an attack that claimed that the House was uninformed. It was possibly through my own error.

Mr. RAMSEYER. Mr. Speaker, I was engaged on another important matter and did not hear the request, but the practice of the House is very well known, that minor corrections can be made and are made every day without taking up the time of the House by unanimous-consent requests.

Mr. CANFIELD. Mr. Speaker, in my remarks on February 10 the words "Department of Labor" are used and they should be "Labor Bureau, Incorporated." I ask unanimous consent that this may be changed in the RECORD.

The SPEAKER. Is there objection?

Mr. RAMSEYER. Reserving the right to object, and I am not going to object, this is another very clear example where the correction could be made by handing it to any one of the reporters, and it would appear corrected in the permanent RECORD.

Mr. CANFIELD. For the information of the gentleman I will say that I have been misquoted on this, and I ask that this correction be made to keep the RECORD straight, as it was the "Labor Bureau, Incorporated," that gave out the information referred to.

Mr. RAMSEYER. Does the gentleman mean to say that he has been misquoted by the press?

Mr. CANFIELD. I do not think the press misquoted me, but I have heard of it from other channels.

Mr. RAMSEYER. I am not here to object to these requests. The only object I have in reserving the right to object was to call to the attention of the Members the rule that govern corrections of this kind, and to impress upon them the fact that they can be corrected with the RECORD clerk, or that the correction can be made by calling it to the attention of any one of the reporters.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

COMMITTEE ON NORTHERN PACIFIC LAND GRANTS

The SPEAKER. To fill the vacancy caused by the death of the late Representative William N. Vaile, of Colorado, the Chair appoints on the Joint Committee on Northern Pacific Land Grants the gentleman from Utah, Hon. DON B. COLTON.

SUSPENSIONS

Mr. BLANTON. Mr. Speaker, would it be agreeable to the Speaker to inform the House whether there will be any suspensions to-day, and what they will be, so that we may be prepared for them?

The SPEAKER. The Chair is always glad to inform any gentleman with respect to that. So far as the Chair is at present advised, he will recognize two motions to suspend the rules to-day, one in respect to the pension bill and the other for the extension of time with respect to soldiers' bonus. So far as the Chair is informed, that will be all.

Under the order of the House the Chair recognizes the gentleman from Virginia [Mr. MOORE] for 15 minutes.

PROHIBITING THE EXPORTATION OF ARMS, ETC., TO BELLIGERENT NATIONS

Mr. MOORE of Virginia. Mr. Speaker, my purpose is to draw attention to a measure soon to be taken up for consideration by the House. It is a joint resolution, unanimously reported by the Committee on Foreign Affairs, and as it is brief, I ask permission to append it to my remarks. The resolution declares in favor of the general policy of prohibiting the exportation to any nation at war with another nation of arms, munitions, or implements of war. The policy as declared is not applicable to a condition of civil war within a nation, but to a war between or among nations.

As the intention is to prevent any American citizen or interest from aiding or abetting a belligerent by directly or indirectly supplying it the articles in question, I can see that it would be wise to amend the resolution by going beyond the use of the mere term "exportation," so as to set forth the intent more definitely and deal more effectively with the evil which is designed to be remedied. I feel confident that to this end the committee will offer a perfecting amendment.

Whenever foreign nations embark in war the President issues a proclamation announcing that our Government will stand neutral. There is no statute requiring this, but it is done in accordance with the practice initiated at the beginning and which no President would now think of disregarding. The resolution provides that upon such a proclamation being made it shall forthwith be unlawful to export or attempt to export from this country to any belligerent the materials or implements of war specified in the resolution. A violation of the prohibition is made punishable by both fine and imprisonment in the penitentiary.

Of course, Congress would retain authority to remove the ban generally or in any particular instance, without any expression to that effect, but it was thought wise to advertise to the world, in some quarters of which our system is not understood, that Congress possesses such authority, and conceivably might exercise it in some appropriate case.

The committee spared no effort to enumerate carefully and exhaustively the things which are forbidden to be exported. In the enumeration is the list of articles some time ago formulated at Geneva, and to that list are added tanks and armored cars, aircraft meant for warfare, poisonous gases and acids, and there is an inclusive reference to any other articles or inventions prepared for use in warfare.

Our Government and people earnestly wish to do whatever is possible to make an end of war and, short of that, to minimize its scope and activities. Nevertheless, we regretfully confess that since the armistice was signed much less of a practical nature has been accomplished in that direction than is universally desired. The resolution proceeds on the theory that whatever may be the attitude of other nations in respect to the desirability of a more peaceful world, a plain duty attaches to our own undeniable attitude. In its spirit it is antagonistic to war as a legitimate method of setting international disputes, and on the contrary it breathes the very spirit of peace. It does not stop with the employment of words voicing a belief and hope, but in at least one broad field of opportunity it concretely substitutes the obligation to discourage war in the place of continuing a right of traffic which inevitably encourages and supports war. To that extent, it really outlaws war. It construes the commandment "Thou shalt not kill" so as to pledge ourselves not to assist the inhabitants of one nation in the business of killing the inhabitants of another nation. It is not designed to make any American his brother's keeper, but it is designed to prevent him from being an accessory to his brother's injury or murder.

I should not omit to say that the principle of the resolution had its origin with the distinguished gentleman from Ohio [Mr. BURTON]. On the first day of the present session Mr. BURTON offered a resolution providing against the exportation of the instrumentalities of war to any aggressor nation making war on another nation in violation of its treaty obligations. To this there were two objections: First, that it is often difficult to determine which of two nations is really the aggressor; and, second, that it is sometimes difficult to determine whether treaty obligations have been violated. Furthermore, the committee, after much deliberation, were convinced that a full step should be taken instead of a partial and uncertain step, and so the resolution was framed free of the limitation originally attached.

There is a powerful argument in favor of the proposal deducible from our own history and the provisions of existing statutes. Neutrality is the most progressive branch of international law, but the progress was not swift or sure until this Government was founded. It was the action of our Government in its earliest days which established, or, if not that, courageously defined and enforced the doctrine that a nation should remain neutral toward nations at war with each other. The service rendered the world by Washington in applying that doctrine is one of his many great contributions to the welfare of mankind and throughout the subsequent period there has been steady adherence by this Nation to the principle of neutrality. That principle will be logically and wisely extended by the enactment of this resolution. But there is something else: During that period statutes have been passed and are now in effect extending the doctrine of Government neutrality to our citizens within a certain sphere of action. These statutes, which need not be detailed, forbid citizens under heavy penalties to enter the war service of a foreign nation with which we are at peace; to fit out expeditions in this country for participation or assisting in carrying on war against a nation with which we are at peace, and from furnishing equipment to the naval vessels of a belligerent nation entering any of our ports. These statutes command our citizens to observe a measure of neutrality. What we are now asking is that their complete neutrality shall be insured. We ask for a statute to penalize the exportation from this country and the intention is to penalize the sale in this country for the direct and indirect use of a belligerent of the primary means of warfare. Under the operation of the law whose enactment is asked, the United States would hereafter cease to be a reservoir from which belligerent nations might obtain a supply of the agencies of bloodshed and destruction. No one disapproves the Government itself standing neutral. No one disapproves compelling the citizens to be neutral to the extent provided by the statutes mentioned. That being the situation, how can anyone reasonably combat the proposition that neutrality to the extent contemplated by this resolution, should be enjoined on the citizen?

Should it be argued that the proposal is a radical departure from the prevailing practice in the Old World, as well as here, the reply is that war has taken on a more serious aspect because of its increasingly destructive character and that any expedient is justified, even though it may be considered radical, which gives any promise of preventing or diminishing the evils of war.

Should it be argued that to stop the traffic in the manner proposed might lead the nations of the Old World, recognizing their inability to obtain war supplies here, to incur more expense in accumulating them for use in case of need, the reply is that what they may do in that direction is their own business, and an additional reply is that it is more probable, since no belligerent will be able to look to this country for assistance in carrying on war, that the law would result in greater exertion being made by the nations across the sea to reduce expenditures in preparing for war by the limitation of armaments and otherwise.

Should it be argued that to stop the traffic in the manner proposed might slow down the manufacture of war material necessary for our own use in the event of being brought into war, the reply is that the most competent and wealthy nation on earth is not entitled to depend on keeping itself prepared by facilitating in times of peace the destruction of people who for some reason have been doomed to suffer the horrors of armed conflict. The manufacture of war supplies in the United States is not an infant industry requiring protection at the expense of unfortunate people of other nations. And it certainly does not deserve protection for the purpose of any person or group being enabled to profit from a traffic which can not be thought of otherwise than as the most sordid species of homicide—homicide for a money consideration.

Should it be argued that if the law is enacted and then in some instance Congress, in order to save a weak nation from cruel injustice, or possibly in order to safeguard the interests of this country, should lift the embargo in its application to some belligerent, our Government might be charged with practically waging war against the adversary belligerent, the reply is that we are strong enough to risk any such possibility, and that we must not forever take counsel of our apprehension and fears

if we are to exert ourselves effectively for the promotion of peace.

Long ago a question was asked about priority in the matter of individual greatness, and the answer was: "Whosoever will be the chief among you, let him be the servant of all." This conception is as true of nations as of individuals. It is the ability and willingness of our Nation to serve which marks its greatness. The measure which I have discussed can work no detriment to our own interests, but by its enactment we can perform our duty of rendering some service to humanity. [Applause.]

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. DENISON. Does this resolution referred to by the gentleman from Virginia prohibit the importation of these same articles into this country by neutrals?

Mr. MOORE of Virginia. No; it does not.

Mr. DENISON. Does not the gentleman think it ought to, in order to be consistent.

Mr. MOORE of Virginia. Personally I would have no objection to that at all, though I do not think it of practical consequences because it would be very rarely the case that any importations would be desired.

Mr. DENISON. If our country should get into war with some other nation, the tendency would be for neutrals to want to send their war supplies to our country. If by law we are going to prohibit our citizens from selling war supplies in other countries, ought we not also to prohibit the citizens of other countries from selling war supplies in our country?

Mr. MOORE of Virginia. I think the gentleman's suggestion is well worth consideration. I think we should put the bars up just as far as possible against traffic that makes for the promotion of war.

Mr. DENISON. We at least ought to impose the same prohibition on the citizens of other countries that we seek to impose upon the citizens of our own country.

Mr. MOORE of Virginia. So far as we can reach the citizens of other countries, or reach the citizens of this country.

Mr. DENISON. We can reach the citizens of other countries by prohibiting the import as well as the export.

Mr. MOORE of Virginia. We can. It is a point which deserves to be thought about.

The resolution referred to is as follows:

H. J. Res. 183, Seventieth Congress, first session, Report No. 492

IN THE HOUSE OF REPRESENTATIVES,

January 25, 1928.

Mr. BURTON introduced the following joint resolution; which was referred to the Committee on Foreign Affairs and ordered to be printed. January 30, 1928, referred to the House Calendar and ordered to be printed.

Joint resolution to prohibit the exportation of arms, munitions, or implements of war to belligerent nations

Resolved, etc., That it is hereby declared to be the policy of the United States of America to prohibit the exportation of arms, munitions, or implements of war to any nation which is engaged in war with another.

SEC. 2. Whenever the President recognizes the existence of war between foreign nations by making proclamation of the neutrality of the United States, it shall be unlawful, except by the consent of the Congress, to export or attempt to export any arms, munitions, or implements of war from any place in the United States or any possession thereof, to the territory of either belligerent or to any place if the ultimate destination of such arms, munitions, or implements of war is within the territory of either belligerent or any military or naval force of either belligerent.

SEC. 3. As used in this joint resolution the term "arms, munitions, or implements of war" means—

1. Rifles, muskets, carbines.

2. (a) Machine guns, automatic rifles, and machine pistols of all calibers; (b) mountings for machine guns; (c) interrupter gears.

3. Projectiles and ammunition for the arms enumerated in Nos. 1 and 2 above.

4. Gun-sighting apparatus, including aerial gun sights and bomb sights, and fire-control apparatus.

5. (a) Cannon, long or short, and howitzers, of a caliber less than 5⅞ inches (15 centimeters); (b) cannon, long or short, and howitzers, of a caliber of 5⅞ inches (15 centimeters) or above; (c) mortars of all kinds; (d) gun carriages, mountings, recuperators, accessories for mountings.

6. Projectiles and ammunition for the arms enumerated in No. 5 above.

7. Apparatus for the discharge of bombs, torpedoes, depth charges, and other kinds of projectiles.

8. (a) Grenades; (b) bombs; (c) land mines, submarine mines, fixed or floating; depth charges; (d) torpedoes.

9. Appliances for use with the above arms and apparatus.

10. Bayonets.

11. Tanks and armored cars; aircraft designed for purposes of warfare.

12. Arms and ammunition not specified in the above enumeration prepared for use in warfare.

13. Poisonous gases, acids, or any other articles or inventions prepared for use in warfare.

14. Component parts of the articles enumerated above if capable of being used in the assembly or repair of the said articles or as spare parts.

SEC. 4. Whoever exports or attempts to export any arms, munitions, or implements of war in violation of the provisions of this resolution shall, upon conviction thereof, be punished by a fine not exceeding $10,000, and by imprisonment not exceeding two years. It shall be the duty of the Secretary of the Treasury to report any such violation of the provisions of this resolution to the United States district attorney for the district wherein the violation is alleged to have been committed.

CONSENT CALENDAR

The SPEAKER. The Clerk will report the first bill on the Consent Calendar.

MILITARY RESERVATIONS IN ALASKA

The first business on the Consent Calendar was the bill (H. R. 9031) to provide further for the disposal of abandoned military reservations in the Territory of Alaska, including Signal Corps stations and rights of way.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That when any lands included within the limits of abandoned or useless military reservations, including Signal Corps stations or rights of way, and not otherwise withdrawn or used for a public purpose, in the Territory of Alaska, have been or may be placed hereafter by order of the President under the jurisdiction of the Secretary of the Interior for disposition, the Secretary may proceed to cause the survey, appraisal, and disposition of such lands or any portions thereof in the manner provided by the act of July 5, 1884 (23 Stat. L. 103), or the Secretary may, in his discretion, direct the restoration of such lands or any portions thereof to disposition under the public land laws applicable to the Territory of Alaska: *Provided*, That any person locating, entering, or acquiring title to any such lands shall, in addition to the regular fees, commissions, and purchase price of the land, pay the appraised price of any improvements placed thereon by the Government.

SEC. 2. That the Secretary of the Interior is hereby authorized to prescribe all necessary rules and regulations for administering the provisions of this act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

HOSPITAL AT DAYTON SOLDIERS' HOME

The next business on the Consent Calendar was the bill (H. R. 132) authorizing the erection of a sanitary fireproof hospital at the National Home for Disabled Volunteer Soldiers at Dayton, Ohio.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I understand at the last time this calendar was called gentlemen in charge of this bill were waiting to get some statement from the authorities. Until that information is received I shall be obliged to object.

Mr. SPEAKS. Mr. Speaker, will the gentleman withhold his objection until the author of the bill has opportunity to make a statement later in the day?

Mr. CRAMTON. I will.

Mr. SPEAKS. I ask unanimous consent, Mr. Speaker, that further consideration of this bill go over until a little later in the day, when the author of the bill is present.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the bill be passed over until later. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

CLAIMS OF POSTMASTERS

The next business on the Consent Calendar was the bill (H. R. 325) repealing existing law requiring the Postmaster General to report action taken on claims of postmasters.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object.

The SPEAKER. Objection is heard.

ADDITIONAL JUDGES, SOUTHERN DISTRICT OF NEW YORK

The next business on the Consent Calendar was the bill (H. R. 9200) to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object.

The SPEAKER. Objection is heard.

Mr. DYER. I ask unanimous consent, Mr. Speaker, that this bill, with the one following, namely, H. R. 5774, may go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. BLANTON. Then just one objection will take them off, but if it is objected to now it will require three.

Mr. DYER. I suggest to the gentleman from Texas that there has been some arrangement between the gentleman from New York [Mr. LAGUARDIA] and one of his colleagues in New York.

Mr. BLANTON. It can be put back on the calendar under the general rule.

Mr. DYER. I hope the gentleman will not object.

Mr. BLANTON. I shall not object.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

PAY TO DEPENDENT RELATIVES OF NURSES OF THE REGULAR ARMY

The next business on the Consent Calendar was the bill (H. R. 238) to amend an act entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relatives of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," approved December 17, 1919, so as to include nurses of the Regular Army.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act of Congress approved December 17, 1919 (41 Stat. L. 367), entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," shall apply to nurses of the Regular Army to the same extent and under the same conditions as to officers and enlisted men of the Regular Army.

The SPEAKER. Without objection, the bill will be ordered engrossed and read a third time and passed.

Mr. RAMSEYER. Mr. Speaker, reserving the right to object, I thought it was generally understood that gentlemen who had bills involving citations of statutes would offer amendments to show in parenthesis in what part of the code such act proposed to be amended could be found.

Mr. McSWAIN. Mr. Speaker, I will say in reply to the gentleman that I did not hear of any such suggestion or understanding. The report has been filed for some time on this bill, and I am not prepared to give the code reference.

Mr. RAMSEYER. I do not intend to object, although I am trying to impress gentlemen here, as I did the other day, with the importance of having that reference made in order that people who read these amendments will know in what section of the code they will fall.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. CHINDBLOM. I want to suggest that it is very desirable to have these references, but it seems to me the only way we can get them is to devise some method by which some clerk can be employed to go through these bills and have these references ready, so that they may be proposed as amendments, when bills come up. Members of the House have told me that they have a great deal of difficulty in finding statutes in the code. There is no available index, as I am informed, through which cross references can be made.

Mr. RAMSEYER. The gentleman was not present, I think, a few days ago when I called attention of Members to a very complete index.

I then called attention to the fact that we have a very complete index in the legislative service of the Library of Congress, which was prepared by and is in charge of Mr. W. H. McLennan, who rendered valuable service in codifying the laws as they appear in the United States code. He tells me that he has card indexes showing where every act of Congress in existence prior to December 7, 1925, can be found in the United States Code of Laws, and if gentlemen want to know where the acts they are seeking to amend can be found, all they have to do is to call up Mr. McLennan and he will be glad to give them references to the code.

Mr. CHINDBLOM. Let me say this: I heard the gentleman's remarks upon that subject and I find that there is only one copy of that index in existence, the one that is held by the legislative service. Of course, it is quite inconvenient for Members to go there to obtain their information. What the gentleman suggests should be done, and I am trying to suggest a way in which it might be done. However, instead of expecting Members of the House to secure that information themselves, I think it would be well if some one could arrange to have the information here when the Consent Calendar is called.

Mr. RAMSEYER. Just this further suggestion: I have not objected to a single bill on this ground, and I am not going to object now, but the observation made by the gentleman from Illinois, that we should have a clerk look after this, suggests the idea that possibly we should have additional help in our legislative drafting service to assist Members in finding these references.

Mr. CHINDBLOM. That would be the place to have it done.

Mr. BLANTON. Will the gentleman yield?

Mr. RAMSEYER. I yield.

Mr. BLANTON. The gentleman has suggested two means of getting this information. Both of them are good, so why go further. The office of our legislative counsel has been extended and enlarged time and again and they are the most accommodating men you ever saw. If any Member will take his bill there they will tell him in a short time what the reference should be, so why discuss this question on the floor every time the Consent Calendar comes up?

Mr. RAMSEYER. The reason for it is that there still appear to be some Members who do not know that we are trying to have references to the code inserted in these bills which amend statutes.

Mr. BLANTON. The gentleman has suggested two means whereby we can get the information.

Mr. McSWAIN. This report was prepared some time ago and before the gentleman's suggestion had been made. I thank the gentleman for his suggestion and I commend him for it. However, we did not think it would be well to reprint the report and as far as I am concerned I have my hands full of other things.

Mr. SINNOTT. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. SINNOTT. I would like to have the gentleman's advice on this proposition: A bill has just been passed which I introduced at the request of the Secretary of the Interior, the first bill on to-day's calendar. It refers to the act of July 5, 1884. I endeavored to locate that in the code and I found it was in title 43, chapter 26. In referring to that act I would have to say title 43, chapter 26, sections 1071, 1072, 1073, and 1074, because there are acts of a later date in that same chapter, and I thought I would be safe in doing that; but I looked toward the end of that title and I was perplexed, because I found a later section that in some way tied in three preceeding sections passed at a later date than the act of 1884. Therefore I am at a loss to know how to refer to them.

Mr. RAMSEYER. I realize there are some diffifficulties; but if the gentleman had followed the remarks I made the other day, he would know that I tried to point out a way making it perfectly safe to refer only to the code in amending statutes. When you can not find a reference to the code or where there is a situation such as the gentleman calls attention to, present-

ing insurmountable difficulties, of course, you may have to stick to the old method.

Mr. SINNOTT. I thought it might be solved in this way: Not referring to the section at all but referring to the title and chapter, although there are other laws in that same title.

Mr. RAMSEYER. That would help and I admit would be better than nothing. Mr. Speaker, I withdraw my reservation of objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CARLISLE BARRACKS RESERVATION

The next business on the Consent Calendar was the bill (H. R. 5635) to amend the act approved June 7, 1924, authorizing the Secretary of War to sell a portion of the Carlisle Barracks Reservation.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, the bill is drawn in such a way as to make me a little uncertain.

Mr. McSWAIN. It is really to authorize a purchase.

Mr. CRAMTON. Have they that authority now, or does this constitute an appropriation? The report is not full enough to let one know what the present authority is.

Mr. McSWAIN. The original act which is referred to here—the act of June 7, 1924—authorized the sale of two parcels of land it was intended to purchase.

Mr. CRAMTON. Let me ask this: They are now authorized to sell certain land. Are they authorized to use the proceeds of that sale in buying any other land?

Mr. McSWAIN. Exactly.

Mr. CRAMTON. They are authorized to use those proceeds?

Mr. McSWAIN. Exactly.

Mr. CRAMTON. If they are already authorized to use those proceeds, I am not going to object to this authority.

Mr. McSWAIN. This act is necessary because the original authorization provided for the purchase of two tracts. When they went to buy and proceeded to condemn they found that the price fixed by the condemnation jury for one tract was more than double the sum available, so they abandoned the purchase of one tract and are now purchasing the other tract, which is the more desirable at this time.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act approved June 7, 1924, entitled "An act authorizing the Secretary of War to sell a portion of Carlisle Barracks Reservation" (43 Stat. L. 657), is hereby amended by revoking the authority in that act to purchase the Henderson tract of land and to authorize the proceeds derived from the sale of part of the tract known as farm No. 2, authorized to be sold by said act, to be applied to the purchase of the so-called Alexander tract of land adjacent to Carlisle Barracks Reservation and authorized to be purchased by said act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FORT BELKNAP RESERVATION

The next business on the Consent Calendar was the bill (H. R. 9994) to reimburse certain Indians of the Fort Belknap Reservation, Mont., for part or full value of an allotment of land to which they were individually entitled.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, from any funds in the Treasury of the United States not otherwise appropriated, the sum of $45,716.80 to reimburse the following-named Indians or their heirs, if deceased, in the amounts following their respective names as full compensation for the value of an allotment of land on the Fort Belknap Indian Reservation, Mont., to which they were individually entitled under the provisions of the act of March 3, 1921 (41 Stat. p. 1355): Richard O'Bryan, $1,516.80; Bessie O'Bryan Dohmeyer, $3,400; Eva O'Bryan, $3,400; Kate O'Bryan Wernicke, $3,400; Gerald O'Bryan, $200; Barbara E. O'Bryan, $200; John F. O'Bryan, $3,400; Rose Ellen O'Bryan, $3,400; Archie DuBoise, $1,600; Henry Bradley, $1,000; George Bradley, $1,600; William Bradley, $1,600; Josephine First Raised, $1,600; Mary First Raised, $1,600; Bryan First Raised, $800; Elizabeth Parker, $3,400; Charles W. Parker, $3,400; Ambrose Parker, $3,400; Darlene E. Parker, $3,400; Adell Strike, $200; Rosella O'Bryan, $1,600; Daisy Adams, $1,600: *Provided*, That the funds authorized to be appropriated hereby shall remain under the control of the Secretary of the Interior and may be paid to the Indians in cash or expended, in his discretion, in the purchase of inherited or other trust lands within the Fort Belknap Reservation for which patents shall be issued of the same form as those held by other Indians of the reservation.

Mr. CRAMTON. Mr. Speaker, I offer an amendment to strike out certain language. I understand the amendment is agreeable to the committee.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 2, in line 14, after the word "hereby," strike out "shall remain under the control of the Secretary of the Interior and," and in line 16 strike out "in his discretion."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time. was read the third time, and passed.

A motion to reconsider was laid on the table.

ROYALTIES ON MINERALS FROM LEASED INDIAN LANDS

The next business on the Consent Calendar was the bill (H. R. 8831) to provide for the collection of fees from royalties on production of minerals from leased Indian lands.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, under such rules and regulations as he may prescribe, to collect a reasonable fee, not exceeding 3 per cent, from Indian lessors for moneys collected as royalties on production from the leasing of restricted Indian lands for mining purposes, the amounts collected to be covered into the Treasury subject to appropriation by Congress for necessary supervision in connection with the execution, development, and operation of leases: *Provided*, That no collection shall be made from Indian lessors where agency expenses are paid entirely from tribal funds.

Mr. CRAMTON. Mr. Speaker, I offer an amendment, which I send to the desk.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 1, in line 9, after the word "Treasury," strike out "subject to appropriation by Congress for" and insert "as reimbursement for expenditures for"; and on page 2, in line 2, after the word "of," insert the word "such"; and in line 3 strike out "no collection shall be made from Indian lessors"; and in line 4, after the word "funds," insert a comma and the following language: "such amounts shall be covered into the Treasury and credited to the tribal funds from which such expenses were paid."

Mr. CRAMTON. Mr. Speaker, the principal effect of this amendment, outside of some change of form, will be to permit a tribe to be reimbursed for expenses of supervision of a lease belonging to an individual of the tribe. The change I have suggested is agreeable to the bureau, and I think to the committee.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time. was read the third time, and passed.

A motion to reconsider was laid on the table.

RELIEF OF INDIANS OCCUPYING RAILROAD LANDS IN ARIZONA, NEW MEXICO, OR CALIFORNIA

The next business on the Consent Calendar was the bill (H. R. 8293) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That all of the provisions of an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, and amended by

the act of April 11, 1916, and the act of June 30, 1919, be, and the same are hereby, extended to March 4, 1929: *Provided*, That the provisions of this act shall apply only in cases where it is shown that the lands were actually occupied in good faith by Indians prior to March 4, 1913, and the applicants are otherwise entitled to receive such tracts in allotment under existing law but for the grant to the railroad company.

With the following committee amendment:

On page 1, in line 8, strike out the figures "1929" and insert in lieu thereof the figures "1931."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RESERVE SUPPLIES OR EQUIPMENT HELD BY THE WAR DEPARTMENT

The next business on the Consent Calendar was the bill (H. R. 7752) to limit the issue of reserve supplies or equipment held by the War Department.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object, Mr. Speaker.

DEFERRED-PAYMENT SALES OF INDIAN ALLOTTED LANDS

The next business on the Consent Calendar was the bill (H. R. 8291) to amend section 1 of the act of June 25, 1910 (36 Stat. L. 855), "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That when any Indian to whom an allotment of land has been made, or may hereafter be made, dies before the expiration of the trust period and before the issuance of a fee-simple patent, without having made a will disposing of said allotment as hereinafter provided, the Secretary of the Interior, upon notice and hearing, under such rules as he may prescribe, shall ascertain the legal heirs of such decedent, and his decision thereon shall be final and conclusive. If the Secretary of the Interior decides the heir or heirs of such decedent competent to manage their own affairs, he shall issue to such heir or heirs a patent in fee for the allotment of such decedent; if he shall decide one or more of the heirs to be incompetent, he may, in his discretion, cause such lands to be sold: *Provided*, That if the Secretary of the Interior shall find that the lands of the decedent are capable of partition to the advantage of the heirs, he may cause the shares of such as are competent, upon their petition, to be set aside and patents in fee to be issued to them therefor. All sales of lands allotted to Indians authorized by this or any other act shall be made under such rules and regulations and upon such terms as the Secretary of the Interior may prescribe, and he shall require a deposit of 10 per cent of the purchase price at the time of the sale. Should the purchaser fail to comply with the terms of sale prescribed by the Secretary of the Interior, the amount so paid shall be forfeited; in case the balance of the purchase price is to be paid on such deferred payments, a further amount, not exceeding 15 per cent of the purchase price, together with all interest paid on such deferred installments, may be so forfeited for failure to comply with the terms of the sale. All forfeitures shall inure to the benefit of the heirs. Upon payment of the purchase price in full, the Secretary of the Interior shall cause to be issued to the purchaser patent in fee for such land: *Provided*, That the proceeds of the sale of inherited lands shall be paid to such heir or heirs as may be competent and held in trust subject to use and expenditure during the trust period for such heir or heirs as may be incompetent as their respective interests shall appear: *Provided further*, That the Secretary of the Interior is hereby authorized, in his discretion, to issue a certificate of competency, upon application therefor, to any Indian, or in case of his death to his heirs, to whom a patent in fee containing restrictions on alienation has been or may hereafter be issued, and such certificate shall have the effect of removing the restrictions on alienation contained in such patent: *Provided further*, That hereafter any United States Indian agent, superintendent, or other disbursing agent of the Indian Service may deposit Indian moneys, individual or tribal, coming into his hands as custodian, in such bank or banks as he may select: *Provided*, That the bank or banks so selected by him shall first execute to the said disbursing agent a bond, with approved surety, in such amount as will properly safeguard the funds to be deposited. Such bonds shall be subject to the approval of the Secretary of the Interior.

Mr. CRAMTON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, at the end of line 2, insert the following: "be and the same is amended so as to read as follows."

Then, in the first line, strike out the words "to amend" and insert the word "that."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE AND ROAD ON THE HOOPA VALLEY RESERVATION, CALIF.

The next business on the Consent Calendar was the bill (H. R. 441) to authorize an appropriation to pay half of the cost of a bridge and road on the Hoopa Valley Reservation, Calif.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, this bill and another on the Consent Calendar for the construction of a bridge and road on Indian reservations is entirely unnecessary from a legislative point of view. There is ample authority for appropriations for this purpose. If this bill passes, there will still need to be an appropriation to make it effective. The question as to the construction of roads across Indian reservations out of public funds is one very embarrassing to our committee, because we realize the needs that frequently exist. On the other hand, we do not desire to see the Indian Bureau appropriation loaded down, charged with appropriations for roads for the public. The appropriations for the Indian Bureau ought to be used for service for the Indians.

This road and that in another bill on the calendar would serve as precedents that would encourage many other projects to come in. I personally believe that provision should be made elsewhere for such projects. The other day I went before the Committee on Roads in favor of a bill introduced by the gentleman from Utah [Mr. COLTON] proposing that provision be made for building roads on the public domain where it is necessary to connect up important highways.

It seems to me that this project should wait legislation of that kind and be taken care of when they would not be charged to the Indian Bureau, because as I say there is ample law now. I would feel obliged to object to the bill much as I regret it.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. CHINDBLOM. Is the effect of the proviso in this bill "That before any money is spent hereunder said State or county shall agree in writing to maintain the bridge and road without expense to the United States or Indians," in the present law?

Mr. CRAMTON. I have no doubt it could be arranged by limitation—that none of the money should be spent until the State or county should agree to the maintenance of the bridge and road without expense to the United States or the Indians.

Mr. LEA. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. LEA. With reference to the present authority, I have been under the impression which I got from the department that it is without legal authority. A similar road was denied by the department, although it was in favor of it, until a law was passed authorizing it. If it is conceded that the road is needed, of course, there is no injury done by passing the law. My information from the department is that authorization by such a law is necessary.

Mr. CRAMTON. The road is on an Indian reservation, and under the Snyder Act there is authority to make this appropriation. How keen the need is I am not informed. If there is need of it, it seems to me that the proper course is for the Indian Bureau to submit the item to the Bureau of the Budget and let the Bureau of the Budget submit it to the Appropriations Committee and let it be handled in that way. In the meantime I have sought this opportunity to emphasize the need for legislation of different character that will permit the Bureau of Public Roads to use funds not charged to the Indian Bureau for the construction of roads across Indian reservations where they are not needed by the Indians.

Mr. LEA. I think the gentleman will recognize how uncertain is the hope of taking the course he suggests by depending on general legislation, for there is no bill before Congress——

Mr. CRAMTON. There is a bill, and it is under hearing, and I am hopeful it will become a law.

Mr. LEA. I would like the gentleman's attention on the merits of this bill. If you will read the letter of the department, I think the gentleman will see the need of it.

This road is not part of the State highway system. The State highway system runs entirely to the south. Half of the pro-

ductive lands on this reservation are on the opposite side of the river from the highway connection, and during a large portion of the year there is no way of crossing the river. It is a torrential mountain stream. Even the ferry can not be used during quite a portion of the year. During a large part of the year they are dependent upon the ferry, which is a material item of expense. The report indicates the income of these Indians would probably be increased even up to 50 per cent if the bridge were provided.

Mr. CRAMTON. There is already authority of law for the appropriation, and that is all that this bill will do. The gentleman will still have to get his appropriation. I suggest that he proceed directly to get his appropriation.

I suggest that he get his estimate up for consideration in the deficiency appropriation bill that will be passed next June.

Mr. LEA. Mr. Speaker, I ask unanimous consent to pass over the bill temporarily. I want to look into the question of the legal authority.

The SPEAKER. The gentleman from California asks unanimous consent that the bill may be passed over without prejudice. Is there objection?

There was no objection.

SALE OF TIMBER ON OREGON & CALIFORNIA RAILROAD

The next business on the Consent Calendar was the bill (H. R. 8307) amending section 5 of the act approved June 9, 1916 (39 Stat. L. 218), so as to authorize the sale of timber on class 3 of the Oregon & California Railroad and Coos Bay wagon-road grant lands.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 5 of the act of June 9, 1916 (39 Stat. L. 218), and as amended and extended by section 3 of the act of February 26, 1919 (40 Stat. L. 1779), be, and the same is hereby, amended by adding thereto the following paragraph:

"And provided further, That the Secretary of the Interior may, in his discretion and in the manner now provided for the sale of timber on lands of class 2, sell the timber on any of the lands of class 3 which at the time application to purchase the timber is filed have been subject to entry for a period of at least two years and are not embraced in an application or entry, such sale of the timber not to preclude the disposal of the land under laws applicable thereto, subject to the right of the purchaser of the timber to cut and remove the same."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CARSON NATIONAL FOREST

The next business on the Consent Calendar was the bill (H. R. 8824) to provide for the protection of the watershed within the Carson National Forest from which water is obtained for the Taos Pueblo, N. Mex.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon recommendation of the Secretary of the Interior, the President of the United States be, and he is hereby, authorized to withdraw by Executive order or proclamation, from any or all forms of entry or appropriation under the land laws of the United States, any lands of the United States within the watershed of the Rio Pueblo de Taos, Carson National Forest, N. Mex., from which the Indians of the Taos Pueblo obtain water for irrigation and domestic purposes: *Provided,* That the Secretary of Agriculture may, in his discretion, promulgate regulations to govern the use and occupancy of lands withdrawn under the provisions hereof, and to protect said lands from any act or condition which would impair the purity or volume of the water flowing therefrom.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FORT HALL INDIAN RESERVATION

The next business on the Consent Calendar was the bill (H. R. 308) authorizing an appropriation for the survey and investigation of the placing of water on the Michaud division and other lands in the Fort Hall Indian Reservation.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25,000 for surveys and investigation to determine the feasibility and cost of irrigating the Michaud division and other lands on the Fort Hall Indian Reservation: *Provided,* That said sum, or any part thereof that may be expended for this work, shall be reimbursable when this or any other division of the project for which surveys shall be made hereunder is adopted for construction under such rules and regulations as may be prescribed by the Secretary of the Interior, and there is hereby created a first lien against all such lands that may be brought within said division or divisions of the Fort Hall project, which lien shall attach to all lands benefited from the date of the adoption of the particular unit of the project under which such lands lie for construction, and said lien shall include all expenditures made therefor and shall be recited in any patent issued after the adoption of any such unit of the project for construction.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TIMBER CUT ON COOS BAY WAGON ROAD GRANT LAND

The next business on the Consent Calendar was the bill (H. R. 158) to amend chapter 137 of volume 39 of the United States Statutes at Large, Sixty-fourth Congress, first session.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sentence in lines 17 to 20, page 220 of volume 39, United States Statutes at Large, chapter 137, Sixty-fourth Congress, first session, reading as follows: "The timber thus purchased may be cut and removed by the purchaser, his heirs or assigns, within such period as may be fixed by the Secretary of the Interior, which period shall be designated in the patent," be amended to read as follows: "The timber thus purchased may be cut and removed by the purchaser, his heirs or assigns, within such period and under such rules, regulations, and conditions as may be prescribed by the Secretary of the Interior, which period and conditions shall be designated in the patent."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LASSEN VOLCANIC NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 8311) to provide for the naming of a mountain or peak within the boundaries of the Lassen Volcanic National Park, Calif., in honor of Hon. John E. Raker, deceased.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, has this peak a name at the present time?

Mr. ENGLEBRIGHT. No; it is an unnamed peak.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States Geographic Board is hereby authorized and directed to name a prominent mountain or peak within the boundaries of the Lassen Volcanic National Park, Calif., in honor of the late John E. Raker, deceased, a former Member of Congress of the United States.

With the following committee amendments:

Line 4, strike out the words "and directed," and in the same line, after the word "name," insert the word "permanently."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

POSTMASTER GENERAL NEW

Mr. SEARS of Florida. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. SEARS of Florida. Mr. Speaker, as we all know, unfortunately the Postmaster General, Mr. Harry S. New, has not been in very good health. When I found that he was going to Florida I immediately wrote him and congratulated him upon selecting Florida and gave him the name of many of my friends down there. I know that my colleagues will be interested in a letter that I have just received from Mr. New, which reads as follows:

KEY WEST, FLA., *February 17, 1928.*

Hon. W. J. SEARS,
House of Representatives, Washington, D. C.

MY DEAR SEARS: I very much appreciate your note of the 15th, which is before me this morning. I am sure I have made no mistake in selecting Key West as the place to come for relief from the temporary illness by which I have been incapacitated. The skies are bright, the temperature delightful, the people congenial, and everything that could have been done to speed my recovery has been done for me. At present my social activities are limited, but I hope to be able to see and meet your friends before I get away from Key West.

With many thanks for your kindly expressions and with best wishes,

Sincerely yours,

HARRY S. NEW.

This morning I wired Mr. New, stating that I hoped and believed his health would continue to rapidly improve, and that I was glad that he has found I had not overdrawn the picture of Florida's wonderful climate and the hospitality of our people. I added that I also hoped before he returned to Washington he would have a chance to make an investigation and also find that I had not overdrawn the congested postal conditions down there. I know that the Members of the House join me in the expression of the hope for a speedy recovery on the part of Mr. New. [Applause.]

GRANT OF ISLANDS TO OREGON FOR PARK PURPOSES

The next business on the Consent Calendar was the bill (S. 1193) granting certain rocks or islands to the State of Oregon for park purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby granted to the State of Oregon for use and maintenance for public park purposes those certain rocks or islands locally known as Castle, Tourist, and Elephant Rocks, situated in the Pacific Ocean near the town of Seal Rock and located approximately in fractional section 25, township 12 south, range 12 west, Willamette meridian, Oregon, on condition that same be maintained in their present condition as natural monuments or objects of scenic interest. In the event of failure on the part of the State to comply with the conditions imposed in this act title shall revert to the United States, and the Secretary of the Interior is hereby authorized and empowered to determine the facts and declare such forfeiture and such revision and restore said lands to the public domain, such order of the Secretary to be final and conclusive.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

TESTING PLANT OF AIR CORPS

The next business on the Consent Calendar was the bill (H. R. 7008) to authorize appropriations for the completion of the transfer of the experimental and testing plant of the Air Corps to a permanent site at Wright Field, Dayton, Ohio, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, my colleague, the gentleman from Michigan [Mr. JAMES], is now in a hospital, and he asked me to give some attention to this bill; and I have here a memorandum from him and a letter to the chairman of the Committee on Military Affairs from the Secretary of War in relation to the matter. I will ask to have the memorandum of Mr. JAMES read, and ask unanimous consent to extend my remarks by inserting the letter from the Secretary of War. If consent is given to the consideration of the bill, I desire to offer an amendment.

Mr. BLANTON. If it is going to take all that reading and the consideration of an amendment, I shall have to object. We have 123 bills on the calendar waiting to be disposed of.

The SPEAKER. It will require three objections.

Mr. CRAMTON. I hope the gentleman will not embarrass me in my effort to help my colleague. The amendments are very brief. I ask unanimous consent to insert both the memorandum and the letter without reading.

Mr. LINTHICUM. I should like to hear the reading of it. It is a removal to some place in Ohio. Why remove it?

Mr. CRAMTON. The removal is under way. Something like $2,000,000 is either already appropriated or nearly expended, and this is to complete the transaction.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD by printing the document referred to. Is there objection?

There was no objection.

Following are the documents referred to:

MEMORANDUM

H. R. 7008, Wright Field bill, calls for $1,200,000. The Director of the Budget was willing to approve for this amount, but as there was $300,000 in the Army appropriation bill which passed the House, I suggested he make it $900,000, the amount needed to complete.

To move from McCook Field to Wright Field involved an expenditure of $3,000,000. Congress gave a substantial sum the first year, but since that time Congress has been giving them $300,000 a year in the Army appropriation bill.

I have been out to Wright Field myself and think thousands of dollars can be saved if all money could be spent now.

Budget has had two representatives out there and they also agree to this.

WAR DEPARTMENT,
Washington, D. C., February 17, 1928.

Hon. JOHN M. MORIN,
Chairman Committee on Military Affairs,
House of Representatives.

DEAR MR. MORIN: In compliance with your request of February 8, 1928, I am pleased to submit the following report on H. R. 7008.

The subject of the proposed legislation is "To authorize appropriations for the completion of the transfer of the experimental and testing plant of the Air Corps to a permanent site at Wright Field, Dayton, Ohio, and for other purposes."

The removal from McCook Field and reestablishment at Wright Field of the matériel division of the Air Corps is being carried out in annual increments under the general provisions of the five-year program. The estimated cost of completing this project is $3,000,000, and the present status may be briefly stated as follows:

(a) A total of $1,500,000 was appropriated and obligated prior to the end of the fiscal year 1927.

(b) The sum of $300,000 was appropriated for the fiscal year 1928 and these funds already have been obligated for work to be completed during the current fiscal year.

(c) The Air Corps estimates for the fiscal year 1929 provide for an additional amount of $300,000 for this project during that year.

(d) The total expenditure on this project to date is $1,800,000, which leaves a balance of $1,200,000 required for completion of the project—$300,000 in 1929 and $900,000 to be provided in subsequent years.

The authorization contained in H. R. 7008 is to cover all of the construction which now remains to be completed. This work is now being carried on by annual increments of $300,000, as part of the five-year program, and as successive increments of funds become available the construction most urgently needed is undertaken during that year.

The proposed legislation has been submitted to the Director of the Bureau of the Budget, who advises that if H. R. 7008 be amended by reducing the total amount and the items specified therein, so as to bring the authorization down to $900,000, it would not be in conflict with the financial program of the President.

I therefore recommend that the bill be amended so as to authorize an appropriation of $900,000. In view of the limited time in which this report is to be made, I am unable to make any recommendation as to breakdown of items.

A supplementary report in which this is done will be prepared and submitted within the next few days.

If any additional information from the War Department is desired, I shall be pleased to furnish it.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $1,200,000 to be expended for the completion of the transfer of the experimental and testing plant of the Air Corps to a permanent site at Wright Field, Dayton, Ohio, and the construction and installation thereon of the following technical buildings and utilities and appurtenances as may, in the judgment of the Secretary of War, be necessary:

Hangars, $220,000; head house, $40,000; fire-engine house, $20,000; oil house, $5,000; boiler house, $320,000; shop extensions, $40,000; roofs and walls on garage, foundry, radio laboratory, maintenance building, wind tunnels, oil house, and armament laboratory, $210,000; utilidor extensions and pipe, $44,000; heating equipment in shops, hangars, and miscellaneous buildings, $36,000; electrical installations in shops and hangars, $45,000; grading in building area, $32,000; grading in flying field, $60,000; completion of roads and paving, $75,000; sidewalks, $20,000; street lighting, $20,000; completion of underground electrical distribution system, $13,000.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 1, line 4, strike out "$1,200,000" and insert "$900,000," and on page 2, line 1, strike out the word "following," and on page 2, line 3, strike out the words "in the judgment of the Secretary of War," and on page 2, line 4, strike out the remainder of the bill, so that as amended the language will read:

"Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $900,000 to be expended for the completion of the transfer of the experimental and testing plant of the Air Corps to a permanent site at Wright Field, Dayton, Ohio, and the construction and installation thereon of the technical buildings and utilities and appurtenances as may be necessary."

Mr. LINTHICUM. Mr. Speaker, I would like to ask the gentleman from Michigan what the purpose was in removing this plant, and where it was removed from? We are very much interested in the Air Corps now. We are spending $4,000,000 on it.

Mr. CRAMTON. It is not a subject that I have studied at any length. To-day I am simply acting for my colleague Mr. JAMES. If the gentleman desires, the letter of the Secretary of War can be read, giving the statement of the Department. I do happen to know that $1,500,000 has already been expended, and the appropriation just going through carries $300,000 more. Nine hundred thousand dollars is needed to complete it. That is what this bill carries. Frankly, I will say to the gentleman that I do not see any necessity of passing this bill. I think there is already authority sufficient.

Mr. LINTHICUM. The Appropriations Committee has already made $300,000 available?

Mr. CRAMTON. One million five hundred thousand dollars is already expended, and the bill going through carries $300,000, and this $900,000 is to complete it.

Mr. LINTHICUM. That is your reason for the reduction of the amount in the bill?

Mr. CRAMTON. That is my reason for the reduction in the bill.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

UNITED STATES MILITARY ACADEMY

The next business on the Consent Calendar was the resolution (H. J. Res. 39) authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Chinese subjects, to be designated hereafter by the Government of China.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, I ask leave to speak out of order for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. Mr. Speaker, we are maintaining the Military Academy for the purpose of training officers for our Army. We want to give them the very best and most modern military instruction possible. We want them to be the best military geniuses in the world in case of a war. Likewise we are maintaining the Naval Academy for the purpose of training naval officers, and I have never, in my 11 years in Congress, seen the wisdom of taking in foreign subjects and giving them the same training in the Naval Academy that we give our naval officers and of giving them the same training in our Military Academy that we give our own military officers, and let them know everything about our military training that our military men know and let them take back to their countries all of the knowledge about our naval training that our naval officers know. I think it ought to be stopped. But I realize it is hard to stop these bills.

I have incurred many times the hostile feeling of many of my colleagues by objecting to these bills on consent day, but I felt somebody ought to do it. I felt somebody ought to look into these bills carefully. We have on this floor now approximately 50 Members with a Consent Calendar of 123 bills to be called up. How many men have we here to object to them? I see my friend from Texas [Mr. BLACK]. He does good work on this calendar. We can depend on him in an emergency to object to real bad bills when they involve great big sums of money that affect the taxpayers. I see just one other man here, our friend from Michigan [Mr. HOOPER]. He objects to one now and then. Our friend from Michigan [Mr. CRAMTON] will object to them occasionally when they affect irrigation or Indians, but when you get away from irrigation and Indians he is as silent as the grave as to the rest of them.

Mr. LINTHICUM. No; the gentleman is mistaken. He will object when they affect prohibition.

Mr. BLANTON. Except as to the Members I have mentioned you can not find any other men on this floor who will get up and object to a bill. If you ask them why, they will say, "I have bills on the calendar myself; if I object to other bills I will make somebody mad and they will object to my bills." So you see it is necessary for somebody who is not afraid to incur the displeasure of his colleagues, to look into these bills and be willing to stand up here in the interest of the people and object when they are improper bills of bad policy.

It takes three objections to stop this bill. We have already educated seven Chinese subjects in the Military Academy. Is not that enough? We have educated them there and given them the same training given the officers in the United States Army and sent them back to China. Is not that enough? We have educated a number of them in the Naval Academy. We have educated subjects of Japan in both academies. We have educated subjects of other countries in both academies. It ought to stop. I wonder whether we can get three objections against this bill? And we must get three objections to the next bill also. What is the use of carrying it on further? I do not believe the American people want it done. If we do this for the Chinese minister and for Siam, how are we going to turn down the Japanese minister if he comes and asks the same favor? How are we going to turn down the other ministers of all other foreign countries when we continue the precedent? If we are not going to treat all the countries alike we ought not to grant this permission in this bill, or in the next bill, and I hope we can get three objections to each and stop it. I object for one, Mr. Speaker.

Mr. SCHNEIDER. Mr. Speaker, I object.

Mr. McMILLAN. Mr. Speaker, I object.

INSTRUCTION AT UNITED STATES MILITARY ACADEMY OF TWO SIAMESE SUBJECTS

The next business on the Consent Calendar was House Joint Resolution 40, authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point two Siamese subjects, to be designated hereafter by the Government of Siam.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. BLANTON, Mr. SCHNEIDER, and Mr. McMILLAN objected.

INTERNATIONAL BOUNDARY COMMISSION

The next business on the Consent Calendar was the bill (H. R. 9286) authorizing the appropriation of $65,000 to be expended by the American section, International Boundary Commission, United States and Mexico, for the purpose of making a survey to fix the boundary between the United States and Mexico, between El Paso, Tex., and Fort Quitman, Tex., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDSPETH. Mr. Speaker, desiring, of course, at all times to save all the money possible for the Treasury and the further fact that this matter has already been appropriated for by the Appropriations Committee when I presented same to them some two weeks ago—and also prevailed upon the President and the Secretary of State to make an urgent request that this sum be appropriated for at the earliest possible moment in order to carry out a treaty, which means much to my home city of El Paso—El Paso and Hudspeth Counties and the entire United States, I ask that the bill lie on the table. [Laughter and applause.]

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

IDAHO NATIONAL FOREST

The next business on the Consent Calendar was the bill (H. R. 142) to add certain lands to the Idaho National Forest, Idaho.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following-described areas be, and the same are hereby, included in and made a part of the Idaho National Forest, subject to all prior adverse rights; and the said lands shall hereafter be subject to all laws affecting national forests: All of the eastern two-thirds of townships 24 and 25 north, range 4 east, and all of townships 24 and 25 north, ranges 5 and 6 east, as are not already embraced in the Nezperce National Forest; all Boise meridian.

With the following committee amendment:

Page 1, line 7, after the word "forests," strike out the remainder of the paragraph and insert: "All of the eastern two-thirds of townships 24 and 25 north, range 4 east, all of townships 24 north, ranges 5 and 6 east, except sections 7 to 10, inclusive, 15 to 22, inclusive, and 27 to 34, inclusive, of township 24 north, range 5 east, and all of townships 25 north, ranges 5 and 6 east, which are not already embraced in the Nezperce National Forest; all Boise meridian."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHALLIS AND SAWTOOTH NATIONAL FORESTS, IDAHO

The next business on the Consent Calendar was the bill (H. R. 144) to add certain lands to the Challis and Sawtooth National Forests, Idaho.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That subject to any valid existing claim or entry, all lands of the United States within the areas hereafter described be, and the same are hereby, added to and made parts of the Challis and Sawtooth National Forests, Idaho, to be hereafter administered under the laws and regulations relating to the national forests; and the provisions of the act approved March 20, 1922 (42 Stat. 465), as amended, are hereby extended and made applicable to all other lands within said described areas:

West half section 6, west half section 8, west half section 17, west half section 20, township 8 north, range 14 east, Boise meridian; sections 1, 12, 13, 24, and 25, township 9 north, range 13 east, Boise meridian; west half section 7, west half section 18, west half section 19, west half section 30, west half section 31, township 9 north, range 14 east, Boise meridian; sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 23, and 24, township 10 north, range 12 east (unsurveyed), Boise meridian; section 1, east half section 2, west half section 6, section 7, east half section 11, sections 12, 13, 14, 18, and 19, west half northwest quarter, and south half section 20, south half southwest quarter, south half southeast quarter section 21, sections 23, 24, 25, and 26, south half northeast quarter, northwest quarter, south half section 27, sections 28, 29, 35, and 36, township 10 north, range 13 east. Boise meridian; lot 2 section 25, lots 4 and 5, northeast quarter southeast quarter, south half southeast quarter section 35, lots 1, 4, and 5, northeast quarter northeast quarter, south half northeast quarter, south half section 36, township 11 north, range 13 east, Boise meridian; lots 5, 6, 8, 12, and 13, south half southeast quarter section 30, lots 1, 2, 3, and 4, east half northwest quarter, east half southwest quarter, east half section 31, township 11 north, range 14 east, Boise meridian.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CHALLIS NATIONAL FOREST

The next business on the Consent Calendar was the bill (H. R. 6056) to provide for addition of certain land for the Challis National Forest.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following-described lands are hereby added to the Challis National Forest, Idaho, and made subject to all laws made applicable to national forests:

All unreserved lands lying south of Salmon River in townships 10 and 11 north, range 16 east, Boise meridian.

Township 10 north, range 17 east, Boise meridian: Sections 1, 2, 3, 4, 5, 6, 10, 11, 12, 15, and 22; west half section 23; sections 26, 27, and 34; west half section 35.

Township 10 north, range 18 east, Boise meridian: South half section 4; sections 5, 6, 7, 8, 9, and 10; west half section 15; sections 16, 17, 18, 20, and 21.

Township 9 north, range 17 east, Boise meridian: Sections 3, 17, 20; south half section 23; sections 24, 25, and 26; east half section 27; sections 29, 32, 33, 34, 35, and 36.

Township 9 north, range 18 east, Boise meridian: Sections 17 to 36, inclusive.

Township 9 north, range 19 east, Boise meridian: Sections 21 and 28 to 33, inclusive.

Township 8 north, range 17 east, Boise meridian: Sections 4, 5, 8, and 9.

Township 8 north, range 18 east, Boise meridian: Sections 1 to 5, inclusive.

Township 8 north, range 19 east, Boise meridian: Section 6.

With the following committee amendment:

Page 1, line 4, after the word "Idaho," insert the words "subject to any valid existing claim or entry."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WITHDRAWING FROM ENTRY CERTAIN PUBLIC LAND IN MONTANA FOR A NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 8110) withdrawing from entry the northwest quarter section 12, township 30 north, range 19 east, Montana meridian.

The Clerk read the title of the bill.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that this bill may be passed now and taken up in about half an hour. One of the Members has asked for information from one of the departments on an amendment.

The SPEAKER pro tempore. Without objection, the request will be granted.

There was no objection.

SESQUICENTENNIAL OF HAWAIIAN ISLANDS

The next business on the Consent Calendar was House joint resolution (H. J. Res. 141) to authorize the President to invite the Government of Great Britain to participate in the celebration of the Sesquicentennial of the Discovery of the Hawaiian Islands, and to provide for the participation of the Government of the United States therein.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

Whereas the Territory of Hawaii will celebrate, from August 15 to August 19, 1928, the Sesquicentennial of the Discovery of the Hawaiian Islands by Capt. James Cook; and

Whereas the Legislature of the Territory of Hawaii has appropriated the sum of $20,000 to meet the cost of conducting such ceremonies, and for the purpose of providing entertainment of delegates; and

Whereas in pursuance of a concurrent resolution of the Legislature of the Territory of Hawaii, adopted by the senate thereof on April 14, 1927, and by the house of representatives thereof on April 16, 1927, the Governor of the Territory of Hawaii has requested the President "to extend a formal invitation to the Government of Great Britain, asking their participation by sending a man-of-war with delegates representing the Dominions most interested," and has asked that "the Federal Government send representatives for the occasion, with the presence of such units of the United States Fleet as may be spared": Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized and requested to extend a formal invitation

to the Government of Great Britain to participate in the said celebration by sending a man-of-war with delegates representing the Dominions most interested.

SEC. 2. That for the purpose of defraying the expense of participation by the Government of the United States in the said celebration, an appropriation of the sum of $5,000, or so much thereof as may be necessary, is hereby authorized, to include transportation, subsistence, or per diem in lieu of subsistence (notwithstanding the provisions of any previous act), and such other expenses as the President shall deem proper.

By unanimous consent the whereases were stricken out.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CALAVERAS BIG TREES, CALIFORNIA

The next business on the Consent Calendar was the bill (H. R. 5545) granting certain lands to the State of California.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon conveyance to and acceptance by the State of California of either the North Calaveras Big Tree Grove, described as the west half of the southwest quarter of section 14; the east half of the southeast quarter; the southwest quarter of the southeast quarter; the southeast quarter of the southwest quarter of section 15; the north half of the northeast quarter; the southwest quarter of the northeast quarter; the east half of the northwest quarter of section 22, township 5 north, range 15 east, Mount Diablo base and meridian; or, the South Calaveras Big Tree Grove, described as the south half of the northwest quarter; the north half of the southwest quarter; the southwest quarter of the southwest quarter of section 28; the southeast quarter; the south half of the southwest quarter of section 29; the north half of the northeast quarter; the southwest quarter of the northeast quarter; the northwest quarter; the north half of the southwest quarter of section 32; the east half of the northeast quarter; the southwest quarter of the northeast quarter; the north half of the southeast quarter; the southwest quarter of the southeast quarter; the southwest quarter of section 31, township 5 north, range 16 east, Mount Diablo base and meridian; or, both of the aforesaid groves, and the dedication as a State park of the lands so conveyed and accepted by the State of California, within six years from the passage of this act, then the Secretary of the Interior shall, upon request of the Governor of California, and with the concurrence of the Secretary of Agriculture issue a patent to the State of California for the following-described lands: The southeast quarter of the southeast quarter of section 22; the north half of the southeast quarter of section 24; the north half; the southwest quarter; the west half of the southeast quarter of section 25; the east half of the west half, the southeast quarter, the south half of the northeast quarter of section 26; the north half of the northeast quarter of section 35, township 5 north, range 15 east, Mount Diablo base and meridian; the southeast quarter of the southeast quarter of section 31, township 5 north, range 16 east, Mount Diablo base and meridian.

SEC. 2. That the conveyance hereby authorized shall be subject to the right of the United States to occupy or to authorize the occupancy of so much of the conveyed lands as may be required for rights of way for roads, trails, railroads, transmission lines, or conduits constructed and maintained by or under the United States: *Provided*, That the said State of California shall not have the right to sell or convey the land acquired under the provisions of this act, or any part thereof, or to devote said land to other than State park purposes, and if the said land is sold or conveyed or is used for other than State park purposes, contrary to the provisions of this act, the part so conveyed or used shall revert to the United States; the conditions and reservation herein provided for to be expressed in the patent.

With the following committee amendment:

Page 3, line 9, after the word "lines" strike out the word "or"; after the word "conduits" on page 3, line 9, insert the words "or other works"; on page 3, line 10, after the word "under" insert the words "the authority of"; and on page 3, line 19, insert the following: "*Provided further*, That there shall be reserved to the United States all oil, gas, coal, or other mineral deposits found at any time in the land, and the right to prospect for, mine, and remove the same, under such regulations as the Secretary of the Interior shall prescribe."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

UTAH NATIONAL PARK

The next business on the Consent Calendar was the bill (S. 1312) to change the name of Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat., p. 593), to the "Bryce Canyon National Park," and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of New York. Mr. Speaker, reserving the right to object, I want to know the reason for the change, that is all.

Mr. COLTON. This national park has always been known as Bryce Canyon. A bill was passed a year or so ago changing it to the Utah National Park.

Mr. BLACK of New York. Why Bryce Canyon?

Mr. COLTON. It is simply a local name. It is named after the man who first settled in that section, and everybody in that country knows it as Bryce Canyon.

Mr. BLACK of New York. I was simply looking after the interests of Bill Thompson. I was afraid it was another Bryce.

Mr. COLTON. No.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the area within the State of Utah described in the act of Congress approved June 7, 1924 (43 Stat. 593), providing for the establishment of the Utah National Park, shall be, when established as a national park, known as the Bryce Canyon National Park.

SEC. 2. That the east half section 25, township 36 south, range 4 west; the east half southwest quarter section 20, and all of sections 21, 29, and 30, township 36 south, range 3 west; all of sections 24 and 25, township 37 south, range 4 west; and all of sections 19 and 30, township 37 south, range 3 west, Salt Lake meridian, be, and the same are hereby, excluded from the Powell National Forest and made a part of the Bryce Canyon National Park, subject to the provisions of the aforesaid act of Congress, approved June 7, 1924.

SEC. 3. That unsurveyed sections 28 and 33, township 36 south, range 3 west, and section 20, township 37 south, range 3 west, Salt Lake meridian, public lands of the United States, be, and the same are hereby, added to and made a part of the Bryce Canyon National Park, subject to the provisions of the aforesaid act of Congress, approved June 7, 1924.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ALLOWANCES OF CHAPLAIN AT UNITED STATES MILITARY ACADEMY

The next business on the Consent Calendar was the bill (H. R. 6652) to fix the pay and allowances of chaplain at the United States Military Academy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LINTHICUM. Reserving the right to object, I would like to know something about the bill.

Mr. CRAMTON. I can not recommend myself as being the best authority——

Mr. LINTHICUM. The gentleman is the best authority on some things.

Mr. CRAMTON. I think I am, on what the gentleman refers to, if the gentleman will permit me, but this is not one of them.

Mr. LINTHICUM. Is this for the purpose of furnishing quarters, or does it increase the salary?

Mr. CRAMTON. The report from the department, the gentleman will note, says:

The chaplain at the United States Military Academy shall, while so serving, receive a salary of $4,000 per annum and be entitled to the same allowances with respect to public quarters, fuel, and light as those allowed to a captain.

I am in favor of the passage of the bill for the following reasons:

The office of chaplain at the United States Military Academy was established by the act of April 4, 1818. Importance, honor, and dignity are attached to the position. The responsibilities of the office have increased in proportion to the expansion of the Corps of Cadets, which has more than trebled in strength since the date (1896) of the last permanent legislation upon the subject.

The remuneration for the chaplain provided in the present law, act of February 18, 1896 (29 Stat. 8), is inadequate to the importance of the position and not commensurate with the work performed. Congress has recognized this fact by fixing the chaplain's pay at $4,000 per annum in recent appropriation acts. The proposed legislation involves no change in the compensation now allowed; it is simply for the purpose of enacting into the permanent law a rate of pay for the chaplain equal to the amount prescribed in recent annual appropriation acts.

Mr. LINTHICUM. Does the gentleman know how the salary compares with the salary of the chaplain at the Naval Academy?

Mr. CRAMTON. I do not.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That so much of the act of February 18, 1896, as provides that the chaplain at the United States Military Academy shall, while so serving, receive the same pay and allowances as a captain, mounted, is hereby amended to read as follows: "The chaplain at the United States Military Academy shall, while so serving, receive a salary of $4,000 per annum and be entitled to public quarters and the same allowances with respect to fuel and light as those allowed to a captain."

With the following committee amendments:

Line 9, strike out the words "public quarters and." Line 10, after the words "respect to," insert the words "public quarters."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

REMOVING A CLOUD ON TITLE

The next business on the Consent Calendar was the bill (S. 1425) an act to remove a cloud on title.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States hereby relinquishes all the right, title, and interest of the United States acquired by virtue of a marshal's deed dated August 21, 1848, in the following-described property situated in Harrison County, Miss., to wit: The west half southwest quarter section 30, township 7 south, range 10 west, and east half southeast quarter section 25, township 7 south, range 1 west, lying south of Bernards Bayou and containing about 150 acres.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ADJUSTING DISPUTES OF CLAIMS ON FAULTY SURVEYS, LAKE COUNTY, STATE OF FLORIDA

The next business on the Consent Calendar was the bill (H. R. 5695) authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty surveys in township 19 south, range 26 east, Tallahassee meridian, Lake County, in the State of Florida.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to equitably adjust disputes and claims of settlers, entrymen, selectors, grantees, and patentees of the United States, their heirs or assigns, against the United States and between each other arising from incomplete or faulty surveys in township 19 south, range 26 east, and in sections 7, 8, 17, 18, 19, 30, 31, township 19 south, range 27 east, Tallahassee meridian, Lake County, in the State of Florida, and to issue directly or in trust, as may be found necessary or advisable, patent to such settlers, entrymen, selectors, grantees, and patentees, their heirs or assigns, for land claimed through settlement, occupation, purchase, or otherwise in said described area, preserving, as far as he may deem equitable, to those claimants now in possession of public land the right to have patented to them the areas so occupied: *Provided*, That a charge of not less than the appraised value of the land, exclusive of any improvements placed thereon, be made for each acre or fraction thereof of Government land patented under the provisions of this act, except that adjustment may be effected by exchange of lands patented for lands substantially equal in area, in which event payment shall be required of the difference in appraised values where the value of the land owned by the Government exceeds that of the land offered in exchange: *Provided further*, That rights acquired subsequent to the withdrawal of December 23, 1925, shall not be recognized or be subject to adjustment hereunder.

SEC. 2. That the Secretary of the Interior is authorized to accept any and all conveyances of land and to cause all necessary surveys to be made to effect the purposes of this act. All adjustments hereunder shall conform to the approved plats of such survey or resurvey, and no other survey will be recognized.

SEC. 3. That in fixing the appraised price of such lands the Secretary of the Interior shall consider and give effect to the good faith and equities of the occupants of any of the areas found to be public land; and if the whole or any part of such land be within the corporate limits of the town of Tavares, the survey of the lots, blocks, streets, and alleys shall be considered as executed under the provisions of section 2384, Revised Statutes, but as far as practicable shall conform to the existing surveys and plats of the lots in such town: *Provided*, That the Secretary may, in his discretion, issue a patent to Lake County, Fla., to not exceeding 1 acre upon which the county courthouse is located, such patent to provide that the land shall revert to the Government of the United States if the county sells any part thereof or devotes it to any use other than as a site for a courthouse and grounds.

SEC. 4. That the provisions of section 2382, Revised Statutes, as modified by sections 2384 and 2385, Revised Statutes, shall extend to all areas surveyed as within and a part of the town of Tavares, but any applicant may elect to proceed under section 1 of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider was laid on the table.

SALE OF PUBLIC LANDS TO THE CABAZON WATER CO.

The next business on the Consent Calendar was the bill (H. R. 5687) authorizing and directing the Secretary of the Interior to sell certain public lands to the Cabazon Water Co., issue patent therefor, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent to the Cabazon Water Co., a nonprofit corporation incorporated under the laws of the State of California and mutually owned by the citizens of the community of Cabazon, Riverside County, Calif., for the following tract of public land situated in the county of Riverside, State of California, to wit:

The north half of the southwest quarter of section 29 and the south half of the southeast quarter of section 20, township 2 south, range 2 east, San Bernardino base and meridian, for water-supply and water-protection purposes, upon payment therefor of the sum of $1.25 per acre: *Provided*, That whenever said lands cease to be used for said purposes, then in that event title to said lands shall revert to the United States upon a finding of such failure by the Secretary of the Interior: *Provided further*, That said patent shall contain a reservation to the United States of all gas, oil, coal, and other mineral deposits that may be found in such land and the right to the use of the land for extracting same under such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That such patent shall contain a reservation of a right of way over and across said tract for a public road following substantially the location of the present roadway through Millard Canyon, said right of way to be determined by the Secretary of the Interior.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CAPT. JAMES COOK MEMORIAL COLLECTION

The next business on the Consent Calendar was the bill (H. R. 81) to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook and for the purpose of aiding in establishing a Capt. James Cook memorial collection in the archives of the Territory of Hawaii.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook, and for the purpose of aiding in establishing a Capt. James Cook memorial collection in the archives of the Territory of Hawaii, there shall be coined in the mints of the United States silver 50-cent pieces to the number of 10,000, such 50-cent pieces to be of a standard troy weight, composition, diameter, and design as shall be fixed by the director of the mint and approved by the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment of their face value.

SEC. 2. The coins herein authorized shall be issued only upon the request of the Cook Sesquicentennial Commission of Hawaii and in such numbers and at such times as they shall request upon payment by such commission to the United States of the par value of such coins.

SEC. 3. All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material, and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin or for any other purpose, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein author-

ized: *Provided,* That the United States shall not be subject to the expense of making the necessary dies and other preparation of this coinage.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WOMEN IN THE WORLD WAR

The next business on the Consent Calendar was Senate joint resolution (S. J. Res. 66) authorizing an additional appropriation to be used for the memorial building provided for by a joint resolution entitled "Joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War," approved June 7, 1924.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this is proposing a gift of $50,000 to supplement the former gift of $150,000. There is nothing in the report to show that this has been submitted to the Budget, whether or not it is in accordance with the President's financial program, and I am obliged to object.

Mr. LUCE. Mr. Speaker, will the gentleman withhold the objection for a moment?

Mr. CRAMTON. Yes.

Mr. LUCE. My understanding is that it has been submitted to the Director of the Budget.

Mr. CRAMTON. If there is anything in the report to that effect I have overlooked it.

Mr. LUCE. If it is not in the report I overlooked putting it there.

Mr. CRAMTON. I have the report before me and I do not see anything in it stating that fact.

Mr. LUCE. It is quite true. It is my own oversight.

Mr. CRAMTON. Do I understand the gentleman to say that it has been submitted to the Budget?

Mr. LUCE. My recollection is to that effect.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the joint resolution be passed over without prejudice. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LINTHICUM. When a bill is passed over without prejudice, does it retain the same status on the calendar, or does it require three to object to it in order to put it off the calendar the next time it is called?

The SPEAKER pro tempore. It retains its status on the calendar.

Mr. CRAMTON. In this case no objection has been made.

LIBRARIAN OF CONGRESS

The next business on the Consent Calendar was the bill (H. R. 9036) to increase the salary of the Librarian of Congress.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Librarian of Congress on and after July 1, 1928, shall receive salary at the rate of $10,000 per annum.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word. I want to commend the distinguished gentleman from Massachusetts [Mr. LUCE] on the splendid work that he has done and is still doing for the Library. I think it is worth special mention.

The bill that he had passed in Congress some time ago, which permits the Library to accept bequests, has brought some very valuable gifts to that institution. It has been worth a great deal to the people of the United States. I am glad to see that he recognizes the splendid service that is being given by the librarian. If there is any man here in Washington who deserves a salary of $10,000 a year it is Mr. Herbert Putnam. As stated by the gentleman from Massachusetts, he has charge of 757 people. He has $9,000,000 worth of real-estate property in his custody. He has 3,500,000 books under his control, besides about 7,000,000 manuscripts and periodicals. He and his force are most valuable adjuncts to any Member of Congress. He is the one whose force looks up for you every item of research that your women's clubs send you, and everything that any of your constituents seek knowledge upon here in Washington. He is a valuable help to every Member of Congress.

While on my feet I want to say that he has one of the most efficient and well-qualified assistants—Mr. Frederick W. Ashley. And his executive assistant, Mr. Allen R. Boyd, is very efficient and accommodating. They are as valuable men as I ever saw in charge of a Government office. I wish it were so that the gentleman from Massachusetts had gone further and given these gentlemen a substantial increase in salary, because they deserve it. And both Mr. Hugh A. Morrison and Mr. George H. Milne deserve like raises. I hope before he stops his good work that the gentleman from Massachusetts [Mr. LUCE] will bring in a proper bill and give all of these men a salary commensurate with the splendid work that they all perform.

Mr. SEARS of Florida. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SEARS of Florida. I indorse everything that the gentleman has said. If my information is correct, the young men and young ladies who are working over there receive the poorest salaries of any force in the Government.

Mr. BLANTON. They are the poorest paid employees in the Government.

Mr. SEARS of Florida. And yet the most valuable?

Mr. BLANTON. Yes.

Mr. SEARS of Florida. I hope as the gentleman stated that they may receive some consideration at the hands of this committee.

Mr. BLANTON. That was going to be my last comment on the subject. All of the employees there are the poorest paid in the Government. And they should have substantial raises. Many are working for salaries of $1,200 to $1,500 per year and have families to support.

Mr. BURTON. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes; I yield.

Mr. BURTON. The gentleman has said that Mr. Putnam has in his charge $9,000,000 worth of property. That is merely the value of the real estate.

Mr. BLANTON. Yes; of the real estate alone.

Mr. BURTON. But he has 3,500,000 books under his control.

Mr. BLANTON. Oh, you can not estimate the value of the books and periodicals. I refer to the actual real estate value of the Library when I said $9,000,000.

Mr. BURTON. I have been familiar with the Library for more than 30 years, and I approve everything that has been said in favor of increasing the salary of the librarian.

Mr. BLANTON. And the gentleman from Ohio knows, of course, that there are books over there whose value you can not estimate. You can not estimate the value in money of these 3,500,000 volumes.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. DENISON. What is the present salary of the librarian?

Mr. BLANTON. Seven thousand five hundred dollars a year.

Mr. DENISON. And this bill increases this to $10,000?

Mr. BLANTON. Yes.

Mr. LINTHICUM. While we are increasing the salary of the librarian from $7,500 to $10,000 a year, why not increase the salaries of the employees who the gentleman says are so poorly paid? Why did not the bill consider them also?

Mr. BLANTON. I presume the gentleman from Massachusetts did not want to bite off more than he could properly masticate at this time. I believe we will yet bring in a bill that will do justice to the assistants and to the other employees in that institution.

Mr. LINTHICUM. It seems singular that we increase salaries from $7,500 a year to $10,000 a year but yet ignore the employees that the gentleman himself says are underpaid.

Mr. BLANTON. I am sure that they are underpaid, and I am sure that the gentleman from Massachusetts will tell you he realizes that and that he will soon bring in a bill to take care of them.

Mr. LINTHICUM. But the gentleman from Massachusetts does not tell us anything.

Mr. HUDSPETH. Mr. Speaker, I move to strike out the last two words.

I am in hearty accord with the bill to raise the salary of the efficient Librarian of Congress. I ask the gentleman from Massachusetts why he did not bring in a bill as has been suggested by several gentlemen here, to me privately, increasing the salaries of other efficient employees. For instance, there

is Mr. Morrison in the congressional reading room. You can not place a value upon his services to Congressmen who go there looking up data. I think he told me that he has been there for 45 years.

Mr. COLTON. And he has a very able assistant in Mr. Mills.

Mr. HUDSPETH. Yes; Mr. Milne, and also a splendid lady in the congressional reading room, very efficient and intelligent. I can not call her name at the present, but she is splendid; and he is getting the same salary that he got 25 years ago—I mean Mr. Morrison. If I am in error about that, the gentleman from Massachusetts will correct me. Why not bring a bill in here as suggested, which seems to be the sentiment of the House, increasing the salary of the faithful employees there, all through the Congressional Library, and especially the men like Mr. Morrison and Mr. Milne, and the handsome and intelligent lady with the Martha Washington hair?

You can go there, I will state to my friend, and ask Mr. Morrison, Mr. Milne, and the lady to get you any statement made by a Senator or Representative 30 or 40 years ago. It may only be a sentence, and yet they will get that for you in 10 minutes' time. People like that ought not to be paid to-day, considering the excessive cost of living, just what they were paid 25 years ago. I am in favor of raising the salaries of those in the Library who do the work in the Library. I was wondering why they could not get their compensation increased to a figure commensurate to their service. I was just asking a question.

Mr. TAYLOR of Colorado. Let me suggest to the gentleman from Texas that all of these employees have been classified under the classification act, and they ought not to be raised outside of the general classification. Otherwise we would have to raise the salaries of all of the employees of the Government in Washington. They have already had their raise under the classification act.

Mr. HUDSPETH. It must be a very small raise, considering the small salaries many of these employees tell me they are getting.

Mr. BLANTON. Lots of Library employees are getting less than $1,200 a year.

Mr. HUDSPETH. Well, that is a reflection upon this Government.

Mr. TAYLOR of Colorado. There are 65,000 employees of the Government. We do not want to get into trouble by raising one bunch without raising the rest.

Mr. HUDSPETH. Let us raise all the bunches if they are as poorly paid as the Library employees. We raised our own, I recall, about two years ago.

Mr. LUCE. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. LUCE. The gentleman from Colorado [Mr. TAYLOR] has explained the situation. These employees are under the classified schedule, and much as I would like to see the employees of the Library receive more pay, it would be bold, indeed, for me to urge an invasion of the classification scheme so recently put into effect, although my sympathies are wholly in harmony with the suggestion that the employees of the Library deserve a higher wage.

While I am on my feet I would express my appreciation of the generous words of the gentleman from Texas, not only those concerning myself but also and of more importance those concerning the Library and the librarian. Few privileges have I more valued than that of having share, however small, in the conduct of this great institution, which does so much credit to the country, and I am glad of every opportunity to advance its interests.

Mr. DENISON. Mr. Speaker, will the gentleman yield there?

Mr. LUCE. Yes.

Mr. DENISON. Are all the employees of the Library, except those the gentleman named, under the classified service?

Mr. LUCE. As I understand, the librarian himself is not exempted. A group of men who deserved more salary received consideration last year from the Board of Classification. The first step was to transfer these men from the second grade to the first grade, which specifies a salary of $7,500, evidently contemplating that Congress could go above that amount if it so desired. It would have been an invasion of the classification system if they had attempted to take anybody from the second grade and give him an increase beyond the minimum of the first grade.

Now that the Classification Board has made the change, it becomes practicable for the first time to recognize the exceptional circumstances of Mr. Putnam's employment, the long duration of his term of service, the efficiency of his work, and his value to the Nation; but, if I understand it rightly, he still remains nominally as classified in the first grade of the classification act.

Mr. CHINDBLOM. I think my colleague [Mr. DENISON] inadvertently referred to the civil service act. These employees are not under the civil service, as I understand.

Mr. LUCE. They are in the classified service.

Mr. HUDSPETH. Will the gentleman from Massachusetts state whether or not these men, like Morrison and Milne and others, are now properly classified? They might be put in a class where they could not be given a raise even under the reclassification law. I am reliably informed this has been done by the Reclassification Board many times in other departments here.

Mr. LUCE. It seems to me that their service in the Library would warrant a higher classification than they have received.

Mr. LINTHICUM. Is the librarian under the classified service?

Mr. LUCE. He is in the classified service.

Mr. LINTHICUM. What does that provide?

Mr. LUCE. The first grade specifies $7,500, leaving any increase over that to the action of Congress. The second grade in the classified service ranges from $6,000 to $7,500.

Mr. LINTHICUM. Is not the gentleman invading the classified service when he proposes to increase the salary of the librarian, just as much as if he were proposing the increase of salaries of these other men? Congress could increase the salaries of any of them, so far as that is concerned, regardless of the classified service.

Mr. LUCE. I could not have brought out clearly the fact that the framers of the classified system evidently intended that any increase over the figures appearing there—$7,500—should be by the action of Congress. They hoped that the Congress would not interfere with the second and lower grades, but left it to us to act as we saw fit in the matter of the first grade.

Mr. LINTHICUM. I do not oppose the increase of salary. I think the present librarian ought to have an increase, but I think some of these other men ought either to be increased to a higher grade so that they could get an increase or Congress should grant them a favor. They grant us favors. They do everything they can possibly for us. If we can not increase the salary by act of Congress of those who are included in the classified service, then I would like to have these gentlemen raised in their grades of the classified service.

Mr. LUCE. While the gentlemen and I are in accord in this matter, in case action is to be taken our first step should be to go before the Classification Board and present our arguments, and if they were futile then we would be justified in coming on the floor of the House.

Mr. LINTHICUM. We would have to depend on the gentleman to do that because he knows more about it than we do.

Mr. TAYLOR of Colorado. Let me say to the gentleman that this matter comes up every year. It comes before our legislative subcommittee of the Appropriations Committee, of which I have had the honor to be a member for a number of years. I think some of these men earn more money than they are getting, and we all appreciate their splendid service. Our subcommittee looks into it every year. But we realize that if we start to raise a few men here and there, you have got to think about the 60,000 or 75,000 other employees in this city.

We have delegated this matter to the Classification Board and they have gone over it in a systematic way and Congress should not tear up what they have done. If we start to doing that we will soon have to do the whole classification work all over again, and for that reason we have felt it ought to be left to some general reclassification or some systematic action by Congress rather than to arbitrarily pick up a few men here and there and raise them every year.

Mr. LINTHICUM. The gentleman will find that the librarian is in the classification service at $7,500, and because you can do it you pick him out and increase his salary but do not increase the salaries of others.

Mr. TAYLOR of Colorado. I may say that we have raised the salaries of a few of the heads of other bureaus. We have taken them out of the classified service and given a number of them $10,000. That is the excuse and the only excuse for picking out this one man at this time. But he is a splendid high-class man.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EXPORTATION OF ARMS, MUNITIONS, OR IMPLEMENTS OF WAR TO BELLIGERENT NATIONS

The next business on the Consent Calendar was House joint resolution (H. J. Res. 183) to prohibit the exportation of arms, ammunitions, or implements of war to belligerent nations.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. HOOPER. Mr. Speaker, this resolution is a declaration of national policy upon a tremendously important question. Whether the policy expressed in the resolution is right or wrong is in no sense at issue at this time, but the question which is involved is whether a bill of this sweeping and far-reaching character should have a place upon the Consent Calendar, with just a few dozen of us gathered here. I do not think it should, and with all deference to the author of the resolution, and I have no more admiration and esteem for any person in this House than I have for the gentleman from Ohio [Mr. BURTON], I feel obliged at this time to object, with the thought that it should come up when the House as a whole may consider it and pass upon it. Therefore I object to its present consideration.

Mr. BURTON. Will the gentleman withhold his objection for a moment?

Mr. HOOPER. Yes.

Mr. BURTON. I concede that this is a measure of far-reaching importance but it would be a most impressive manifestation of the interest of this House of Representatives in the cause of peace if this could be passed here without objection. For that reason I placed it on the Consent Calendar. If, however, the gentleman thinks it should have further discussion or that there may possibly be objection to it, I shall be compelled to acquiesce.

Mr. HOOPER. There will be ample opportunity for bringing it up in such a way as to have it considered by the whole House. The whole membership will be greatly interested in hearing it discussed by the gentleman from Ohio.

The SPEAKER pro tempore. Objection is heard.

OIL AND GAS PROSPECTING PERMITS AND LEASES

The next business on the Consent Calendar was the bill (H. R. 479) to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, but not intending to object, the gentleman from Wyoming [Mr. WINTER] asked me if he were not here—and I do not see him here at this time—to ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

MONUMENT IN COMMEMORATION OF WILLIAM RUFUS KING

The next business on the Consent Calendar was the bill (H. R. 7903) to authorize the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, it is extremely difficult to object to anything that the gentleman from North Carolina [Mr. ABERNETHY] might want, but this bill proposes an expenditure of public funds with which to build a monument in North Carolina to a gentleman of limited fame. He happened to have been Vice President in a very unimportant period of our history. I do not believe we can afford now to start in on a monument-building program generally around the country and therefore I am obliged to object.

Mr. LUCE. Will the gentleman withhold his objection?

Mr. CRAMTON. I withhold the objection.

Mr. LUCE. The Committee on the Library for several years has shared the views of the gentleman from Michigan and we have looked adversely on proposals to erect monuments, but we have thought that a comparatively small expenditure for markers commemorating the birthplaces of distinguished men was not a great burden on the Treasury; and where expended in places of comparatively small size, at a distance from populous centers, where there could be no considerable historical society to attend to the need, it was not inappropriate to provide for it from the Federal Treasury.

This is a case of commemorating the birthplace of one of the Vice Presidents of the United States with an expenditure of $2,500 for a marker. I trust the gentleman will not consider this so serious a matter as to require further consideration in the House.

Mr. CRAMTON. I may say, first, the appropriation goes beyond what might be called a marker, and if there were any real justification for it in the fame of the person honored, there would be a willingness to contribute that would be somewhat removed even from the place where it is to be erected.

Mr. LUCE. Will the gentleman point out where it goes beyond the purpose I have designated? It was our intention by the amendments as printed to erect a tablet or marker.

Mr. CRAMTON. I judged by the sum involved that it went beyond the marker stage.

Mr. LUCE. These markers are usually boulders with a bronze plate on them, or else a cement structure, very simple, and, of course, at a cost of $2,500 nothing very elaborate could be erected.

Mr. CRAMTON. Does this include the expenses of the celebration when the monument is unveiled?

Mr. LUCE. The Federal Government has rarely taken part in the dedication of markers. The matter is not of such consequence as to warrant that.

Mr. CRAMTON. I think there are very few districts but what could think of someone who has lived in that district at some time who had rendered services somewhat commensurate with those to be celebrated by this so-called marker, and if we are to have $2,500 markers scattered in every Member's district, it will run into money.

Mr. LUCE. We report, perhaps, four or five a year only.

Mr. CRAMTON. And in most cases, as the gentleman knows, "without cost to the Government."

Mr. LUCE. Not in the case of these markers. The gentleman is in error in that respect. The provision for markers so far as I know has always been made in precisely this way.

Mr. CRAMTON. I shall feel obliged to-day to object.

Mr. ABERNETHY. Will the gentleman from Michigan [Mr. CRAMTON] withhold his objection?

Mr. CRAMTON. I withhold it.

Mr. ABERNETHY. I want the gentleman to hear me a moment if he will. I agree in large measure with what the gentleman has said about putting up monuments or markers to inconsequential people, and I would say to the gentleman that if this was just an ordinary man whose birthplace I am undertaking to have marked, there would be merit in what the gentleman has said. However, I want to call the gentleman's attention to this man, William Rufus King, who was the Congressman from my district from 1810 until 1816. He then went to Alabama and was a member of the Constitutional Convention of Alabama. He was elected to the Senate from Alabama. He went to St. Petersburg, representing the American Government as a member of the American Embassy there. He came back to this country and was again elected to the Senate from Alabama. Then he was made minister to France. He came back and was again elected Senator from Alabama and elected president pro tempore of the Senate and then was nominated and elected Vice President, being on the ticket with Franklin Pierce. He died while he was Vice President of the United States. I want to call the gentleman's attention to the fact that men like Edward Everett, Douglas, Benton, and Pierce, and Franklin Pierce the President, all spoke of him as being one of the great men of the country.

I introduced a bill having for its purpose the erection of a monument to this man, but meeting the very idea that has been advanced by the gentleman from the Michigan, the chairman of the committee told me very frankly he would not recommend a monument but would recommend a marker or tablet.

We are furnishing the land down there and it does seem to me the gentleman should not object. I do not think the matter of $2,500 will break the Government or be in conflict with the President's policy of economy. I hope the gentleman will forego his objection at this time and withdraw it and let this bill go through. It would be very pleasing to me if the gentleman would do so, and I hope he will. [Applause.]

Mr. CRAMTON. I appreciate, of course, the adverse circumstances prevailing here to-day——

Mr. ABERNETHY. Oh, no; I am not considering that at all.

Mr. CRAMTON. But I do not eat oysters, so I am not involved. I do not understand why $2,500 is needed for a marker unless there is to be a joy ride and a celebration, an oyster roast, or something of that kind.

Mr. ABERNETHY. I want to call the gentleman's attention to the fact that the language is not to exceed $2,500.

Mr. CRAMTON. Well, they always spend the full amount. I will say to the gentleman, yielding to the sentiment that grows

out of the hospitality of the gentleman, that if the gentleman would accept an amendment providing $1,000, they could then put in a marker as big as the circumstances justify.

Mr. ABERNETHY. Split the difference and make it $1,500.

Mr. CRAMTON. Mr. Speaker, I object.

Mr. ABERNETHY. I will accept the $1,000.

Mr. CRAMTON. No; it is too late now.

Mr. LUCE. Mr. Speaker, I object.

FOREIGN LANGUAGE PRESS

Mr. BELL. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a speech made by Judge CHARLES H. BRAND, Congressman from the eighth district of Georgia, in regard to H. R. 7912, which deals with foreign language press. This speech was made over the Fellowship Forum Radio Station, WTFF, on Friday evening, February 3.

There was no objection.

The speech, with the prefatory statement of the editor of the Fellowship Forum thereon, is as follows:

Declaring that the foreign-language newspapers published in America constitute a national peril and an uninterrupted menace to our form of government, Congressman CHARLES H. BRAND, of Georgia, proceeded to explain the dangers and set up the remedy for them, in an eloquent address over the Fellowship Forum Radio Station, WTFF, on Friday evening, February 3. Mr. BRAND has a bill now before Congress to curb the publishing of literature in other than the English language in this country, and is an authority on this important subject. His address follows:

"The bill which I have been invited to discuss, which was introduced in the House of Representatives by me on December 19, 1927, proposes: 'To exclude from the mails certain newspapers containing matter printed in foreign language.' The bill provides:

"That any newspaper containing matter, printed in a foreign language, advising, advocating, or teaching opposition to all organized government; the overthrow by force or violence of the Government of the United States, or of any State of the United States, or any political subdivision thereof; the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any State of the United States or any political subdivision thereof, or the unlawful damage, injury, or destruction of property, is hereby declared to be nonmailable; except that any copy of such newspaper containing a true and complete English translation of the text of all such matter contained therein shall not be excluded from the mails as nonmailable matter under the provisions of this act.

"The second provision of the bill makes it a criminal offense if an attempt is made to distribute foreign-language newspapers through the mails without an English translation thereof.

"Such legislation as this is a matter of grave importance, particularly for the following reasons:

"Because in 1921 there were 916, and in 1927 there were 1,231, foreign-language newspapers printed and circulated in 38 States of this country, and in some of the territories and insular possessions of the United States. In addition to this, there are foreign-language newspapers printed in 47 different countries of the Old World which are mailed here and circulated in this country.

"Because of the present trouble and the policy of the present administration in regard to Nicaragua, Mexico, and China, all of which countries for over 12 months have been in strife, turmoil, and at times in actual war.

"Because of the infirmities of the present immigration law, and the failure and inability on the part of the Government to effectively enforce the same.

"Because of the constant friction and animosity and the greed and jealousy existing among European countries.

"Because of the unfriendly attitude on the part of practically all the nations of the world toward the United States.

AMERICA FOR AMERICANS

"However, there is another and more powerful reason for the necessity of this legislation in which the people of the United States, over and above all other things, are interested and that is preserving America for Americans, and holding in perpetuity our form of government and preserving inviolate American ideals and American institutions. It is the duty of the American Congress, and of the editors of the English press of the United States, and of the rank and file of the native-born Americans, and of all foreign citizens who are loyal to our country and its traditions, to let the world know that we will not tolerate and that there is no place in this country for any foreign-language newspaper or any foreign-language newspaper editors if they print and circulate treasonable publications such as covered in the proposed bill.

"According to figures compiled in 1924 by the Manufacturers' Record from the census of 1921, there was a total of 916 daily and weekly newspapers and periodicals printed in foreign languages in this country and having an aggregate circulation per issue of 9,896,371.

"There were 146 daily newspapers published in foreign languages having an aggregate daily circulation of 2,418,823; 400 weekly newspapers and periodicals published in foreign languages with an aggregate circulation per issue of 3,489,648; and 370 publications in foreign languages other than daily, Sunday, or weekly with an aggregate circulation per issue of 3,987,900.

IN 30 LANGUAGES

"These foreign-language publications include about 30 of the principal languages represented among the foreign population of the United States.

"With the exception of the readers of these foreign-language publications, the public knows nothing about the doctrines these papers are preaching and whether they are patriotic or unpatriotic, American or bolshevistic, in their teachings.

"American citizens who are inclined to ignore the menace of radical and subversive propaganda in the United States should remember that our country faces a problem found in no other country. We have not only the pink and red radicals among our native stock but we have 14,000,000 aliens and 24,000,000 persons of foreign parentage who are subjected to pernicious anti-American propaganda.

"In New York City, the headquarters of the socialist-communist forces in this country, there are printed 34 foreign-language daily newspapers with an estimated daily circulation of 947,000, which exceeds the combined daily circulation of the New York Times, Herald-Tribune, and American by 79,000.

DANGEROUS TO AMERICA

"According to a publication entitled 'Better America Federation of California,' a magazine printed in Los Angeles, there is an average of 275 papers printed in foreign languages in other countries and circulated in the United States that are openly preaching the overthrow of the Government of the United States by force and violence.

"It also says that editors and publishers of the foreign-language newspapers in America may contend that they are not engaged in activities subversive to our form of government and we are not so charging all of them, but we are pointing out that in a country where the common language is English, the circulation of so many papers in other languages is dangerous to Americanism. As long as millions of peoples of foreign birth or descent in America get information on American affairs through the eye of those of their own nationality, such persons can not become truly Americanized.

"There are circulated in the United States newspapers, magazines, and periodicals printed in foreign languages from the following countries of the world: Argentine Republic, Australia, Austria, Belgium, Brazil, British Guiana, Bulgaria, Canada, Cape Colony, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Denmark, Egypt, France, Germany, England, Scotland, Wales, Greece, Honduras, Hungary, India, Ireland, Italy, Jamaica, Japan, Korea, Mesopotamia, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Poland, Portugal, San Salvador, Spain, Sweden, Switzerland, Venezuela.

"I have received, since the introduction of the present bill, letters from private citizens, American newspapers, periodicals, and magazines from nine different States indorsing the bill. There have been dissenters from two sources only, one from the Jewish Tribune published in New York, and the other from A. Joseph Di Silvestro, owner and editor of the La Libera Parola, of New York.

"In the issue of The Fellowship Forum of April 20, 1927, there appeared an article written by A. Di Domenica, who is the pastor of an Italian Baptist church in Philadelphia, in which he asserted that the Italian press, printed in foreign language, circulating in this country had, with a few exceptions, conducted a campaign in this country detrimental to America, and for this reason he strongly advocated the passage of this legislation as being imperative for the welfare of America.

IMPUDENT AND INDECENT

"This man Silvestro replied to the editorial in his paper in a very ugly, impudent, and un-American manner, his editorial containing severe criticisms of the Italians of this country whose conduct and lives were loyal to America. The Italian Baptist preacher also stated that the Silvestro editorial contained many vile things which were so indecent they could not be published in English.

"I want to say here and now, and without any suggestion from any person to do so, that there is no newspaper printed in the United States which is more loyal to America, the American Government, the American people, and American institutions than The Fellowship Forum.

"The Manufacturers' Record not only has taken notice of this perilous situation in its editorial columns in 1924 but is still in favor of this character of legislation. Its latest editorial utterance upon the subject appears in yesterday's issue, entitled 'Treasonable publications should be suppressed,' which is as follows:

"'Somewhat on the line of the editorial, "Be on guard," which appeared on the cover page of the Manufacturers' Record, December 15, Representative C. H. BRAND, of the eighth district of Georgia, introduced a bill in Congress to exclude from the mails certain newspapers containing matter printed in foreign languages.

"'Not only should this bill be enacted into law, but also that law should be enforced to the very limit. Opposition may be expected not only from the lawless element of the country—the anarchists, soviets, communists, and other reds—but also, in some measure, from so-called

"liberals," among both the people and the press, particularly the demagogues in both those circles. Such opposition makes enactment and enforcement only the more imperative.

"'The length to which such published instigations to communistic insurrection now go, unchecked by the Federal or local authorities, is an actual menace to the Republic—in no other civilized country would such preachments be permitted. It is not at all improbable that such publications could be suppressed right now by proper enforcement of existing laws; but whether or not such be the case the fact remains that sedition is openly preached and urged by foreign language, and some English language papers in the United States at this moment.

"'Mr. BRAND has done a patriotic service in the introduction of this measure, and it is to be hoped that the interest of Congress will not cease with its enactment, but will compel the responsible executive departments to protect the Nation and its Government more effectually than is done at present.'

"Let me say in conclusion that the present immigration law declares that persons who believe in and do any of the things inhibited by this bill shall be excluded from admission into the United States, and yet there is no existing law preventing these foreign-language newspapers, published in all portions of the earth, from being sent here and circulated in this country, whether the papers are friendly or unfriendly to America, and without 1 in 10,000, outside of their subscribers, knowing what they are advising and teaching.

NATIONAL PERIL

"This sort of situation involves the destiny of this Republic. It is a national peril and constitutes an uninterrupted menace to our form of government. The influence of these foreign-language papers reaches the islands of the seas and covers the inland possessions of the United States.

"Their influence, like the waves of the ocean, is ever moving and active, and flourishes in the blackness of night as well as in the sunlight of day.

"Silently, ceaselessly, and to some extent secretly and with unknown and unmeasured effect it does its work with uncurbed and relentless power. Such a situation is intolerable, and it is the imperative duty of Congress to remedy this evil."

ADDRESS OF HON. HAMILTON FISH, JR.

Mr. MAAS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by the gentleman from New York [Mr. FISH], at the Lincoln Club of St. Paul, on February 13 last.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MAAS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

THE REPUBLICAN PARTY KEEPS FAITH WITH LINCOLN

Fellow Republicans of the Lincoln Club of St. Paul, it is a great pleasure and privilege to come here from out of the East to do honor and pay tribute to Abraham Lincoln, the supremest character on the crowded canvas of the nineteenth century and the greatest Republican of all time.

At the outset of my remarks I want to congratulate the people of St. Paul for sending MELVIN MAAS, an ex-service man, to Congress. All things being equal, I believe that the voters should give preference to those who served in the armed forces of the United States during the World War, and particularly to those who risked their lives in the Air Service. It is my good fortune to serve on the Committee on Foreign Affairs with Mr. MAAS, and I can truthfully say that he has shown, for a new Member, not only a high degree of intelligence but sound common sense and good judgment on the questions that have come before us. Moreover, during my service of seven years on the committee, he is, I believe, the first newly elected Member to be appointed to that committee. His knowledge of airplanes and their development has been exceedingly useful to both the committee and to the Congress. He has already made good in his first term.

I do not know whether the people of St. Paul appreciate the fact, but there have been more appointments to high Federal positions of prominent citizens of St. Paul than in New York, Chicago, and Philadelphia combined. To begin with, there is the distinguished Secretary of State, Frank B. Kellogg. Of course, I understand that appointment, as he was born in New York State. Then there is a galaxy of able public servants—Justice Pierce Butler, of the United States Supreme Court; Solicitor General William Mitchell; Robert Olds, Undersecretary of State; and Carl Schuneman, Assistant Secretary of the Treasury. It is a political mystery in Washington how one city could secure so many important public offices, but all I can say to you is that appointments of men of such high caliber, regardless of party affiliations, is a service to the Republican Party that made them and a service to the people of this great Republic.

It is highly fitting that each year on the anniversary of his birth that Republican clubs all over this land should expound the life, career, and achievements of this immortal American who helped to found our party and with its aid preserved the Union and freed the slaves. Each year adds new laurels and renown to the name of Abraham Lincoln until to-day this humble, patient, kindly President personifies the spirit of our Republican form of government and what is best in the life and ideals of our country. The name of Lincoln signifies to every American schoolboy that the humblest in origin and wealth can rise to the heights of earthly power and renown through his own efforts.

Lincoln belongs to the country and to the world as one of its greatest characters, but we should not forget the indisputable fact that he was part and parcel of the Republican Party and the foremost expounder of its principles and doctrines. The early history of the Republican Party is synonymous with the political career of Abraham Lincoln. He received over a hundred votes for Vice President in 1856 when Fremont was nominated as President. As a Republican candidate he contested the senatorial election with Douglas, and although he lost, he added to the strength and growing prestige of the Republican Party by his inexorable logic in the celebrated joint debates with the "Little Giant." From 1860, when he was elected as the first Republican President, to 1865 when he was killed, Lincoln was the undisputed leader of the party as he is the soul of the Republican Party to-day.

My distinguished colleague, Representative HAROLD KNUTSON, the dean of the Minnesota delegation in Congress, has eloquently depicted to you one of the outstanding traits in Lincoln's character—that of simplicity, but there should be added to that these supplemental virtues, so strong in Lincoln, of honesty and truth. This triumvirate of virtues backed by natural intelligence and an indomitable will made success inevitable.

There was no more luck in Lincoln's political career than there was in the trans-Atlantic flight of Lindbergh, the adopted son of Minnesota. Both were prepared through the hard school of experience; both knew everything there was to know, even to the smallest details of their profession; and when obstacles suddenly confronted them they were able to steer the ship of state in one instance, and the airplane in the other, into a safe harbor where others less prepared would have failed. Lincoln and Lindbergh! What noble names for future Americans to conjure with and to inspire oncoming generations to do and dare. One the greatest character of the nineteenth century and the other the outstanding character so far of the twentieth century. Both pioneers from out of the West with the same dauntless courage and will to succeed. There is another remarkable comparison between these two great characters which I will state without attempting to draw a moral: Neither Lincoln nor Lindbergh ever smoked or took a drink. How many men do we know in good health who never smoked or drank?

I am informed that when Lincoln called for his first 75,000 volunteers the Governor of Minnesota was then in Washington and made the first offer to raise a regiment of infantry. It is certain that when further appeals for troops were made that Minnesota, the infant State of the Union at that time, sent more than her quota. From every village, hamlet, and town poured forth the pioneer blood of Minnesota to the famous tune of "We are coming, father Abraham, 300,000 strong from Mississippi's winding stream and from New England's shore."

The gallantry of the First Minnesota on the second day of Gettysburg is unsurpassed in our history. There should have been an American Tennyson to depict the heroic and forlorn charge when General Sickles was driven out of the peach orchard and his troops, almost surrounded, were striving to gain the Union lines on Cemetery Ridge; the First Minnesota was thrown against the flank of the onrushing and triumphant Confederates and saved the day by their heroic sacrifice, only 40 of the regiment coming out of the battle unwounded.

I am mindful of the fact that former Senator Knute Nelson, of Norwegian descent, served with the same loyalty in the Union forces as he did later in the Senate of the United States for many years. We in New York are still proud that a famous Swedish inventor, John Ericsson, made his home there and became one of our foremost citizens. When the war came, he, too, was prepared; he had already made many important inventions, improved steam engines, fire engines, and propellers for ships; but his greatest contribution was the ironclad *Monitor*, which defeated the *Merrimac*, saved the Union fleet, and revolutionized naval warfare. We Americans can never fully pay our debt of gratitude to that adopted son whose invention was an important factor in saving the Union. Lincoln himself was one of the first to realize the value of invention, and later to give Ericsson unstinted praise. Every man or woman of Swedish origin in America should read about the romantic life of Ericsson and feel pride in his contribution to the Union victory and the cause of Abraham Lincoln.

The freemen of the North, including the Scandinavians and Germans, were practically a unit for the Union and opposed to extension of the slave system. It was the Germans under Franz Sigel, of St. Louis, that saved Missouri for the Union, and we in the North should never forget their loyalty to their adopted flag when sedition was rife among native-born Americans and disunion facing the Government.

It is now almost a decade since the signing of the armistice that ended the World War. Is it not time that the passions and prejudices engendered in that conflict should be put definitely behind us? Is it not time that the spirit of hatred and hostility should cease and that all nations should strive together for international peace and good will?

The statute of limitations has long since run against enmity toward the German people. Our Government should welcome and befriend the German Republic which under wise leadership is becoming a potent force for international limitation of armament and world peace.

It is naturally true that many people of German ancestry in this country opposed our entrance into the World War; but once war was declared they were just as loyal as any other element of our population. The two outstanding American aces, Eddie Rickenbacker and Frank Luke, were of German origin, the parents of the former having been born in Switzerland and the latter in Germany.

Americans of German origin are among our most industrious and loyal citizens and have done much to build up our country. The greatness and prosperity of many of the western cities—Chicago, St. Louis, Milwaukee, and St. Paul—is due in a large measure to the German population for their thrift and honest industry. Americans of German descent wherever found are forces for good citizenship and a bulwark against bolshevism and communism.

I favor the immediate return of the property seized in this country from German citizens during the war. Retention of such property amounts to confiscation and is a violation of the traditional policies of the United States from Alexander Hamilton to the present time. I am also in favor of placing a definite time limit on the payment of German reparations under the Dawes plan.

The war-debt settlements with England, France, and Italy on the basis of carefully considered capacity to pay are not only fair but exceedingly generous. The Italian debt settlement represents a reduction of 75 per cent of the war debt, and the French settlement which has not yet been agreed to by the French Government amounts to a 52 per cent reduction. There has never been a more liberal or generous settlement among nations. We do not claim we won the war, but we must not forget that American troops helped turn the tide from defeat to victory; yet we asked for nothing and got just what we asked for—nothing at all—no conquered lands, no territories, no indemnities or reparations except to pay for our army of occupation. There is no possible excuse for calling us "Uncle Shylock." We spent thirty-five billions and loaned ten billions more; yet, when we seek a partial payment, we meet with reproach from our former allies. All I want to say is that the position of the Government of the United States is fair, just, and represents unparalleled generosity in the recorded dealings between nations.

The State of Minnesota should indeed be proud that one of her adopted sons is America's ambassador of international good will, who brings about cordial and friendly relations between us and other nations where diplomats have failed. And another of her adopted sons is the Hon. Frank B. Kellogg, the Secretary of State, born in New York State, and now a leading citizen of St. Paul, who is taking a prominent part in framing a treaty to outlaw war and doing away as far as is humanly possible with man's inhumanity to man.

The text for my speech calls for an answer to the question, Has the Republican Party kept faith with Lincoln, and in order to answer it properly, let me read you the platform of Abraham Lincoln when he first ran for member of the Illinois Legislature:

"Friends and fellow citizens, I am plain Abe Lincoln. I have consented to become a candidate for the legislature. My political principles are like the old woman's dance—short and sweet. I believe in a United States bank. I believe in a protective tariff. I believe in a system of internal improvements, and I am for freedom of every human creature. If, on that platform, you can give me your suffrage, I shall be much obliged. If not, no harm done, and I remain, respectfully yours, Abe Lincoln."

This appeal was written when Lincoln was a Whig, long before the birth of the Republican Party, but it shows his consistency of principles. The national bank act was passed in 1863 under Lincoln's administration and has always been upheld by the Republican Party together with a resumption of specie payment, sound money, safety in finances, and economy in governmental expenditures.

Lincoln inaugurated and carried the most drastic measures for the protection of American industries ever conceived of up to his time. The Republican Party is not for a hidebound tariff or a Chinese wall. Its position is to afford a living protection as between the difference in the cost of production abroad and in the United States.

The Democratic Party has recently again proclaimed its faith in a revision of the tariff downward, and has evidently put it forward as one of the main campaign issues for 1928: The prosperity of our country has been built upon the protective principle which has made possible the American standard of wages and of living. Our wage earners are the best paid, best housed, best clothed, and most contented in the world. Revise the tariff downward and permit competition from the underpaid labor of Europe or the Far East and the economic supremacy of the United States will crumble and the disastrous days of 1914 will be revived with its soup kitchens and millions of unemployed. Revision of the tariff downward would not merely mean depression of wages but a general business chaos. Instead of revising the tariff downward I believe that the time has come when agricultural products should be given the same amount of protection as other industries. The farmers of both the East and the West have to buy in a protective market and sell in competition with the rest of the world.

The remedy is not in a downward revision of the tariff but in affording adequate protection on what farmers produce. They are entitled to the same consideration as any other protected industries—no more or no less. I see no sound reason why various farm products which are suffering from foreign competition, such as dairy products, eggs, vegetables, poultry, etc., should not be afforded adequate protection. It seems to me to be fair and just that the rates on agricultural products should be on a level comparable to the rates that are effective in other industries. I would be glad to vote for any practical, constructive farm-relief measure that would help the farmer to help himself and establish agriculture on an economic parity with other American industries.

Lincoln was an advocate of the land-grant colleges and signed the Morrell bill in 1863, and was outspoken in favor of both educational and internal improvements.

The Republican Party has always stood for internal improvements, and I am hopeful that the Federal Government will bear the financial burden in solving the problem of flood control on the Mississippi River, which drains half the States of the Union. It is not a local but a national issue.

The last of the five points in Lincoln's original platform for the assembly—freedom of every human creature—was settled after the expenditure of much blood and treasure in a terrible civil war and was written into the thirteenth amendment to the Constitution. Lincoln repeatedly said that he had derived all his political sentiments from the Declaration of Independence. It was Lincoln, the emancipator, who by a stroke of his pen made effective that essential principle of the Declaration of Independence which reads: "All men are created equal and are endowed by their Creator with certain inalienable rights; namely, life, liberty, and the pursuit of happiness." He found the colored men and women chattels and he left them human souls. All men are created equal was no mere rhetoric to our first Republican President but a living, breathing, vibrant fact which must be safeguarded. Lincoln was the representative of the spirit of our democratic institutions and of that principle of equality of opportunity and of equal rights under the laws and the Constitution.

Born in a log cabin with only one room, a dirt floor, and no windows or doors, where summer rains and winter snows made life uncomfortable. He grew up amidst hardships helping his father to clear the forests or hiring out to neighbors. Until he studied law he never had six months of teaching all told. Abraham Lincoln was the embodiment and incarnation of the plain people. He knew and understood the thoughts and needs of the American people. He once said, "God must have loved the plain people because he made so many of them." One thing is sure, that Lincoln had faith in and loved the plain people, and they in turn had faith in and loved him. The Republican Party for 70 years or more has stood for equal opportunities to rich and poor, and agreed with Lincodn that no man should be discriminated against on account of race, creed, or color. There is not a principle in the Republican Party to-day that is out of harmony with or inconsistent with the teachings and character of Abraham Lincoln. The Republican Party could well afford when in doubt to go back to the people and learn from them. There you will always find abundant common sense and patriotism.

The people of America are weary of extremes; they have no use for the agitator or demagogue, and on the other hand they see through selfish interests, foreign or domestic, that would despoil the Government and undermine the confidence of the people in our free institutions. The common sense of the plain people, who in peace create the wealth and in war carry the muskets of the Republic, is an infallible guide. It was the source of Abraham Lincoln's wisdom.

It must be almost inconceivable to you virile Americans of the West, but even at this moment successful business men, heads of great industrial organizations, bankers, and intellectuals are returning from short visits to Italy, where they met Mussolini and come home extolling and praising that temporary dictatorship and belittling and minimizing our own form of government. Mussolini may have saved Italy from the horrors of communism. Fascism may be the kind of government needed in Italy, but it is scarcely any different from the dictatorship of Julius Cæsar 2,000 years ago. It is the negation and denial of our republican form of government. It is a repudiation of government by the consent of the governed and all popular government. It is the rule by force and the bayonet and the denial of all civil liberties, the right to vote, the liberty of the press, the freedom of speech, and of assembly.

Mussolini says our democratic form of government has been a failure. Wherein has it failed? Thanks to Abraham Lincoln and the Republican Party, we are a united and prosperous country of over one hundred millions of contented people who are free and equal and whose civil rights are guaranteed by the Constitution. In spite of Mussolini and fascism in Italy and Stalin and communism in Russia denying popular government, the spirit of Abraham Lincoln is marching on. When he first spoke those immortal lines at Gettysburg, "A government of the people, by the people, and for the people shall not perish from

the earth," there were only a few republics in the world. To-day there are only a few remaining monarchies, and they have yielded to popular government. The picture of Abraham Lincoln may be found by the traveler in the humblest abode in Japan or in the farthest outskirts of China, and underneath the words: "A government of the people, by the people, and for the people." It is the dream and the hope of the oppressed and the struggling masses the world over, and Lincoln is the incarnation of that sentiment.

Our friendly enemies, the Democrats, recently at their Jackson Day dinner vied with each other in denouncing, abusing, and vilifying the Republican Party as responsible for graft and corruption in the Federal Government. I take this opportunity to deny the charge as absurd and false and challenge them to specify a single act of graft or corruption under the Coolidge administration. Every thinking American knows that President Coolidge stands on the mountain tops for rugged honesty and incorruptibility, and that no man guilty of dishonesty or wrongdoing, whether he be Republican or Democrat, can hope for any favor or protection from the present administration. I deplore these wild charges and raising of hobgoblins of graft where none exists, because they undermine the faith of the American people in their form of government. On the other hand, I deplore the personal attacks made by Republicans upon Gov. Alfred E. Smith, who with the exception of waste and extravagance in his administration—saving at the spigot and letting out at the bunghole—has made a good record as Governor of New York State. Governor Smith, if nominated for the Presidency by the Democrats, will be beaten, but not through personal attacks or abuse, but by selling to the public the glorious record and achievements of the Republican Party for peace, progress, and prosperity ever since the days of Lincoln.

We must not forget that the Republican Party was originally composed of many different elements—Whigs, Union Democrats, Free Soilers, and Abolitionists. To-day we are the strongest national party and there is ample room for varying opinions arising on such controversial questions as prohibition, farm relief, or taxation. The Republican Party is big enough and broad enough to hold within its ranks every American who believes in the principles and doctrines enunciated by Abraham Lincoln. I trust I am not transgressing the bounds of political ethics when I say that I hope the great State of Minnesota will soon again take its proper place as a banner Republican stronghold by sending another Republican Senator to Washington to uphold the ideals and the party of Lincoln.

Let us unite for the common good, with charity for all and malice toward none. Let us welcome back the prodigal sons within our ranks. There rests upon all Republicans in this presidential year of 1928 a solemn duty to dedicate a portion of his or her time, talents, and energy to upholding Republican principles and electing Republican candidates. I have an abiding confidence in the future of the Republican Party. I have an abiding faith in the judgment and patriotism of the American people. They may be temporarily led astray by false leaders, but they will always return to true principles and belief in party responsibility. Let us highly resolve that Lincoln shall not have died in vain. His work is not finished, and it will not be finished until his conception of popular government and the rights of the people shall be accepted by every civilized country. Ours is the only national party of service, of constructive legislation, of sound money, of a protective tariff, of a square deal and a full dinner pail for labor, and of practical economy and wise statesmanship.

The Republican Party had its birth in the great West, and took its first three presidential candidates, Frémont, Lincoln, and Grant, from Western States. What could be fairer or more appropriate if the choice should again fall on a Republican of the West to lead our national ticket, like Lincoln and Grant, to overwhelming victory? We look upon a house no longer divided and upon a united and prosperous country which is only in the morning of its glorious destiny. Let us give thanks on this anniversary that we are American citizens and belong to the party that has kept faith with Abraham Lincoln. Let us rededicate ourselves to the proposition that a government of the people, by the people, for the people shall not perish from the earth, because it is the fairest, safest, soundest, most honorable, and best government devised by the mind of man.

AMENDING THE FOREIGN SERVICE BUILDINGS ACT

The next business on the Consent Calendar was the bill (H. R. 10166) to amend the Foreign Service buildings act, 1926.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLACK of Texas. Reserving the right to object, I think this bill is one of considerable importance. I understand the Committee on Foreign Service is to have an early Calendar Wednesday, and I prefer that it should go over until that time.

Mr. PORTER. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. PORTER. The bill is twofold. Under the Foreign Service buildings act the commission has authority to purchase sites and construct buildings, but it has no power to exchange properties. We are confronted with this situation: In Yokohama we own a site. The building was destroyed by the earthquake. It is situated adjacent to buildings owned by the Japanese Government, and they are anxious to secure it. They have offered us a site twice as large and much better located for our purposes for the one which we now own. We have the plans prepared for the building and are anxious to ask for bids. This amendment increases powers of the commission so that it can exchange property as well as purchase it.

Mr. BLACK of Texas. If the bill went no further than to authorize this particular exchange I would have no objection to it, but it is much broader than that, it authorizes the general authority to exchange, and I think to sell——

Mr. PORTER. No; not to sell. The reason that it gives general authority is because of the situation in Habana, Cuba. There we will probably have to exchange because the present embassy has turned out to be unsuitable.

Mr. BLACK of Texas. I confess I have not had time to study the bill very carefully, but it has another objectionable feature, and that is that while the expenditure mentioned in the bill is not large it authorizes that the expenditure shall be without regard to the civil service or without regard to the reclassification act. I think that is a mistake and is unnecessary. For the present I shall have to object to the bill.

SALE OF LAND IN PHILADELPHIA TO THE PENNSYLVANIA RAILROAD CO.

The next business on the Consent Calendar was the bill (H. R. 5476) to authorize the Secretary of War to sell to the Pennsylvania Railroad Co. a tract of land situated in the city of Philadelphia, in the State of Pennsylvania.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. ROMJUE. Reserving the right to object, I want to inquire something about the value of this property. Inasmuch as the bill sets out that this property is to be sold to a specific company, what information has the committee as to the amount of money they can get?

Mr. HUGHES. I will say to the gentleman that they will pay the regular price. This has the recommendation of the Secretary of War and has been gone into in detail. It is satisfactory to everybody and is absolutely necessary, because the road wants to make changes in its tracks.

Mr. ROMJUE. The bill says it is to be sold to this specific company. Inasmuch as you sell it to this company, the committee ought to make inquiry as to the amount of money they are going to receive. Can the gentleman tell us the amount that the purchasing company are willing to pay for it?

Mr. HUGHES. I can not; but it has been gone into and is perfectly satisfactory.

Mr. BLACK of Texas. I can give the gentleman some information about the bill. The bill provides that before the sale is made an appraisal shall be had under the direction of the Secretary of War and that the railroad company shall pay the cost of the appraisal and that the sale price shall not be less than the appraised value of the property.

Mr. ROMJUE. I do not see any particular merit——

Mr. BLACK of Texas. I am not interested in the passage of the bill. I am bringing to the attention of the gentleman the fact that there is a safeguard in the bill.

Mr. ROMJUE. And that means that the railroad company will appraise it and then buy it?

Mr. BLACK of Texas. No; the Secretary of War would cause an appraisal to be made under his direction.

Mr. ROMJUE. The bill does not say who shall appraise it?

Mr. BLACK of Texas. No; but it is to be done under the direction of the Secretary of War. He would select the appraisers.

Mr. ROMJUE. It seems to me the committee should make some inquiry as to the value of the property before selling it.

Mr. BLACK of Texas. I am not a member of the committee, or urging the passage of the bill. There is that safeguard in the bill, and it provides, as I have said, that it shall be appraised under the direction of the Secretary of War and the price paid shall not be less than the appraised value of the property.

Mr. ROMJUE. The gentleman from Texas usually makes a very careful investigation of matters, and I would like to know whether the bill meets with his approval?

Mr. BLACK of Texas. I have no objection to the bill with the safeguard. I am not criticizing the gentleman from Missouri, because he is within his rights in objecting to the bill, if he does object to it.

Mr. DENISON. It is the custom of the Secretary of War to appoint competent men to make appraisals of property.

Mr. GARRETT of Texas. Mr. Chairman, this bill received very careful investigation by the committee, and the gentleman from South Carolina [Mr. McSWAIN] put these safeguards in the bill. The gentleman from South Carolina [Mr. McSWAIN] is unable to be present this afternoon, as he is attending a hearing before the committee on Muscle Shoals.

Mr. ROMJUE. Does the gentleman know whether or not any member of the committee made any effort to find out the actual cash value of this property which is sought to be sold?

Mr. GARRETT of Texas. Oh, yes. The subcommittee did, and the gentleman from South Carolina [Mr. McSWAIN] had this amendment put in. It has to be appraised, as millions and millions of dollars worth have been appraised heretofore, under the direction of the War Department. They have appraisers that they appoint themselves, disinterested people.

Mr. ROMJUE. And the gentleman from Texas is satisfied?

Mr. GARRETT of Texas. I have no objection to this being reported, and I have no objection to its being passed.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to sell, upon such terms and conditions as he considers advisable, to the Pennsylvania Railroad Co., or its nominee, a tract of land containing 1.5512 acres, more or less, said tract now forming a part of War Department reservation at Twenty-first Street and Oregon Avenue, being the westerly end of the reservation, situate in the city of Philadelphia and State of Pennsylvania, which said tract is no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf, with and to the said the Pennsylvania Railroad Co., or its nominee, any and all contracts, conveyances, or other instruments necessary to effectuate such sale; the proceeds of the sale of the property hereinbefore designated to be deposited in the Treasury to the credit of the fund known as the military posts construction fund.

With the following committee amendment:

Page 2, line 11, after the word "fund" insert a colon and the following: "*Provided*, That the Secretary of War shall have the said tract appraised at the expense of the Pennsylvania Railroad Co.: *And provided further*, That the Secretary of War shall not sell said tract for a less consideration than the appraised value hereinbefore referred to."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NEZ PERCES INDIANS

Mr. LEAVITT. Mr. Speaker, some time ago unanimous consent was given to pass over Calendar No. 228 (H. R. 8110), withdrawing from entry the northwest quarter section 12, township 30 north, range 19 east, Montana meridian. I ask that we now return to that and take up the bill.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the northwest quarter section 12, township 30 north, range 19 east, Montana meridian, is hereby withdrawn from all forms of entry under the public land laws of the United States, for the purpose of preserving the site of the battle between Nez Perces Indians under Chief Joseph and the command of Nelson A. Miles.

With the following committee amendment:

Line 8, page 1, after the word "Miles," add the words "and the area is hereby created a national monument."

Page 2, add a new section, as follows:

"SEC. 2. That the Secretary of the Interior is hereby authorized to enter into an agreement with the State of Montana, or Blaine County, Mont., or citizens of Montana, or either or any of them, for the care and upkeep of the herein-described lands."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I understand that the department has no objection to the bill as introduced, but it does object to the amendment creating a national monument. Would it be agreeable to the gentleman from Montana to have that amendment disagreed to?

Mr. LEAVITT. Mr. Speaker, the bill was introduced by myself without that amendment. The amendment was put on by the committee. It is entirely agreeable to me to have the committee amendment disagreed to, because I know that it could be made a national park by presidential direction.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the first committee amendment.

The committee amendment was rejected.

The SPEAKER pro tempore. The question is now on the second committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ENABLING MOTHERS OF DECEASED SOLDIERS TO VISIT EUROPE

The next business on the Consent Calendar was the bill (H. R. 5494) to enable the mothers and unmarried widows of deceased soldiers, sailors, and marines of the American forces interred in the cemeteries of Europe to make a pilgrimage to these cemeteries.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized, in cooperation with the American National Red Cross, to arrange for pilgrimages to cemeteries in Europe wherein are interred the remains of persons in the military or naval forces of the United States who died during the World War. Such pilgrimages may be made at the expense of the United States under the following conditions:

First. Invitations to make such pilgrimages shall be extended in the name of the United States to the mothers and unmarried widows of the deceased.

Second. Invitations shall be for only one pilgrimage by each mother or unmarried widow.

Third. Such pilgrimage shall be made at any time during the period of three years from July 1, 1928, to June 30, 1931, inclusive.

Fourth. Pilgrimages shall be made in groups numbering approximately 500 each.

Fifth. Each group shall be permitted to remain in Europe for approximately two weeks, but in no case longer than three weeks, unless return transportation shall be unavailable in the meantime.

Sixth. The Government owned or chartered vessels shall be used for transportation at sea.

Seventh. First-class accommodations shall be furnished each mother or unmarried widow and to such Red Cross attendants as may be selected to accompany any pilgrimage for the entire distance traveled at sea or on land and while sojourning in Europe or awaiting transportation in the United States.

Eighth. The Interstate Commerce Commission shall grant permission to railroads and other carriers of passengers for hire under its jurisdiction to furnish transportation free or at reduced rates to each mother or unmarried widow and to such Red Cross attendants as may be selected to accompany any pilgrimage.

SEC. 2. For the purpose of carrying into effect the provisions of this act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sum as may be necessary to defray all expenses of the pilgrimage, as authorized by regulations approved by the President.

SEC. 3. The money herein authorized to be appropriated shall be disbursed by such disbursing officer or officers of the Army as may be designated by the Secretary of War. All disbursements shall be audited by the Secretary of War, whose certificate that any such disbursement is authorized by the act and/or by the regulations of the President shall be final and conclusive on the General Accounting Office and shall entitle the officer making the disbursement to credit therefor in his accounts without further evidence or vouchers.

SEC. 4. The Secretary of War shall certify to the General Accounting Office, for debiting on the proper account, any charge against any disbursing officer for any loss or deficiency arising in his accounts under this act. Said certificate shall set forth that it includes all changes made up to its date and not previously certified and that the officer has had a reasonable opportunity to be heard and has not been relieved of responsibility. The effect of such certificate when received shall be the same as if the facts therein set forth had been ascertained by the General Accounting Office in accounting.

With the following committee amendments:

Page 2, lines 9 and 10, strike out:

Fourth. Pilgrimages shall be made in groups numbering approximately 500 each: and insert:

"Fourth. (a) For the purpose of such pilgrimages passports shall be issued by the Department of State to such mothers, unmarried

widows, and Red Cross attendants as may be selected to accompany such pilgrimage, who are citizens of the United States, and travel documents to those who are aliens, without fee for either document.

"(b) Such alien mothers, unmarried widows, and Red Cross attendants shall be permitted to return and be granted admission to the United States without regard to any law, convention, or treaty relating to the immigration or exclusion of aliens."

Page 3, line 23, after the word "war," insert "under such regulations as may be prescribed by the President of the United States."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

Mr. CONNALLY of Texas. Mr. Speaker, I want to ask some one in respect to the committee amendments. The committee amendments provide that while these gold-star mothers shall go over, they shall go over in groups. I assume that that will not destroy the real purpose of the original bill, which is to provide a trip at Government expense for the mothers whose sons sleep in France, so that they may visit the cemeteries where loved ones lie buried. I think this is a meritorious measure, and I hope that it will pass the House without any objection. I have had opportunity to visit the battle fields of France and the cemeteries there. I know that these gold-star mothers ought to have the opportunity of paying a pilgrimage to where their loved ones sleep, and that they will be glad to embrace an opportunity which a grateful Government and a grateful people shall extend to them through this agency.

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SURVEY OF BATTLE FIELDS—TRAVELING EXPENSES

The next business on the Consent Calendar was the bill (H. R. 235) to authorize the payment of travel expenses from appropriations for investigations and surveys of battle fields.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That mileage of officers of the Army and actual expenses of civilian employees traveling on duty in connection with the studies, surveys, and field investigations of battle fields shall be paid from the appropriations made from time to time to meet the expenses for these purposes.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WIND RIVER INDIAN RESERVATION

The next business on the Consent Calendar was the bill (H. R. 356) to amend section 2 of the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of chapter 1452 of the Statutes of the Fifty-eighth Congress (33 Stat. L. 1021), being "An act to ratify and amend an agreement with the Indians on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect," as amended by Joint Resolution No. 12 of the Fifty-ninth Congress (34 Stat. 825) and chapter 197 of the Statutes of the Sixtieth Congress (35 Stat. L. 650), be, and the same is hereby, amended to read as follows:

"That the time for making entry and payment for mineral lands located under the act of March 3, 1905, shall be extended for the period of 10 years from July 1, 1927, and any right, title, or interest in any such mineral lands acquired heretofore under the provisions of the said act of March 3, 1905; and the mineral land and mining laws and regulations of the United States, and not perfected by entry and payment, but subsisting in full force and effect in so far as compliance with the requirements of the said mineral land and mining laws and regulations are concerned, shall, notwithstanding the fact that five years may have elapsed since the location of any claim, continue in full force and effect, without any diminution whatsoever of the right, title, or interest on account of failure to make entry and payment within five years from the date of the location of such claim: *Provided*, That the extension of time hereby granted shall not apply to mineral lands of coal, oil, and gas: *And provided further*, That this act shall not be construed as reviving any placer mineral location which has lost its validity because of failure to comply with the Federal and State laws."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MENOMINEE RIVER

The next business on the Consent Calendar was House Joint Resolution (H. J. Res. 176) granting consent of Congress to an agreement or compact entered into between the State of Wisconsin and the State of Michigan for the construction, maintenance, and operation of a highway bridge across the Menominee River.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the consent of Congress of the United States be, and it is hereby, given to the States of Wisconsin and Michigan to enter into the agreement or compact executed by the State highway commissioner of the State of Wisconsin and the Highway Commission of the State of Michigan pursuant to authority of chapter 87 of the Wisconsin statutes, and the authority of act 354 of the public acts of 1925 and special act 98 of the public acts of 1927 of the State of Michigan, and each and every part and article thereof be, and the same is hereby, ratified, approved, and confirmed: *Provided*, That nothing therein contained shall be constructed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of said agreement; which agreement is in words and figures as follows:

AGREEMENT—MENOMINEE-MARINETTE BRIDGE AT BRIDGE STREET RELOCATION WISCONSIN HIGHWAY COMMISSION WITH MICHIGAN STATE HIGHWAY COMMISSIONER

This agreement, executed this 14th day of January, 1927, by and between Frank F. Rogers, State highway commissioner of the State of Michigan, with offices at Lansing Mich., party of the first part; and the Wisconsin Highway Commission, with offices at Madison, Wis., party of the second part:

Witnesseth that:

Whereas the existing interstate bridge, crossing the Menominee River at Bridge Street and joining the municipalities of Marinette, Wis., and Menominee, Mich., is in an unsafe condition and requires early reconstruction; and

Whereas a proper plan for reconstruction involves a relocation and includes a grade separation and expensive approach fills and properly extends as a project from the center of Dunlap Square in the city of Marinette to the center line of Ogden Avenue in the city of Menominee; and

Whereas the State boundary line, as determined by the United States Supreme Court in a late decision, lies entirely north of the proposed actual structure spanning the Menominee River, and thereby complicates the respective responsibilities of the two parties hereto both as regards construction and maintenance obligations.

Now, therefore, it is hereby agreed:

1. That this project shall, subject to changes to be hereafter mutually agreed upon as signified by joint approval of all subsequent plans and estimates, be built in accord with the preliminary plans prepared by the first party and marked "Exhibit A" and approved by the second party and hereto attached and considered as an integral part of this agreement, and that the detailed plans and specifications for the project shall be prepared by the first party subject to the approval of the second party.

2. That each party shall either directly or through the respective cities, townships, and counties within which the work is situated, furnish and bear the full cost of all right of way and abutting and property damages arising from or necessary to the execution of the plans as they may be finally, mutually, and jointly approved by the said parties, as applying to property situated on the side of the existing interstate boundary line subject to the jurisdiction of the respective parties hereto or the respective cities, townships, and counties within the respective States.

3. That aside from the stipulations stated in item 2 above, the entire cost of fully executing the project shall be borne equally by the respective parties hereto, and that to this end any contribution or assessment, to be hereafter paid by the Chicago & North Western Railway Co. and/or by the Chicago, Milwaukee & St. Paul Railway Co. and/or by any other public utility company affected by the project, shall be credited equally to the shares of the parties hereto, and, further, that any contribution or assessment which may be arranged by either party to be paid by a county, township, or municipality within the respective States shall be guaranteed by the respective parties hereto, and that all payments and transactions in the handling of the construction of this project shall be directly between the parties hereto, each of whom

agrees to act as its own collecting agent in dealing with the other contributing parties in their respective States.

4. All contracts shall be let jointly by the first and second parties hereto, who shall jointly constitute the first party to all such contracts and no contracts shall be let until after formal approval of awards by each party. The work of construction shall be administered under the joint supervision of the first and second parties as first party of all of the aforesaid contracts to be let under the terms of this agreement, but the second party hereto agrees that its inspection and supervision shall be administered through the representatives of the first party and not through direct dealings with the contractors, and that any matters of dispute in regard to the administration of the contracts shall be adjusted jointly by the bridge engineers of the respective parties hereto. Each party may retain such engineering assistance in supervising the work as it may deem necessary and the cost of such engineering, including office work and administration as may become necessary, shall be considered a legitimate charge to the project. Estimates to the contractor shall be paid direct by each party hereto, each in the amount of 50 per cent of the total estimated amounts due under the provisions of the specifications of the first party and as approved by the second party, all estimates being prepared by the first party at two week intervals or thereabouts, approved by the first party and submitted to the second party for approval, the second party making payment direct to the contractor on approval of estimates and the first party likewise making payment to the contractor on receipt of copies of the estimates after being approved by the second party. Authorizations for extra work will be handled in the same manner as the original contracts. The engineering costs on this project will be considered as including expenditures made by each party prior to the date of the execution of this agreement as well as all such costs subsequent thereto.

5. The work to be covered by this agreement is further indicated in an approximate preliminary estimate of cost known as Exhibit B, based on Exhibit A, attached herewith and considered as an integral part of this agreement. This estimate is for preliminary budget purposes, it being agreed that the shares of the respective parties shall be based upon the actual cost of the work.

6. For the purpose of future maintenance it is hereby agreed that the first and second parties shall, upon completion of this project, each maintain that portion of the project (or bear the expense of doing so) which lies north and south respectively of the center of the third span measured from the north end of the river structure.

7. That the first and second parties shall, through their respective United States Senators and Congressmen from the districts within which the project is situated, take the necessary steps to secure the approval of the United States Congress at the 1928 session, authorizing the construction of said project, and also the necessary approval of the United States War Department.

In witness whereof the parties hereto have on the day first above written caused this agreement to be executed by their proper authorities.

FOR THE STATE OF MICHIGAN,
By FRANK F. ROGERS.
FOR THE STATE OF WISCONSIN,
By WISCONSIN HIGHWAY COMMISSION.
(Signed) C. R. WEYMOUTH.

[SEAL.]

Approved as to form,

LINCOLN E. BRADT.

Approved December 1, 1927.

(Signed) C. A. MELICK.

With the following committee amendments:

Page 2, lines 7 and 8, strike out the words "and each and every part and article thereof be, and the same is hereby, ratified, approved, and confirmed."

Page 8, line 6, after the word "Rogers," add "State highway commissioner"; and on line 10, after the word "Weymouth," add "secretary"; and on line 14, after the word "Bradt," add "legal adviser"; and on line 17, after the word "Melick," add "bridge engineer, Michigan State highway department."

Line 19 add:

"SEC. 2. That the right to alter, amend, or repeal this resolution is hereby expressly reserved."

The committee amendments were agreed to; and the joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

PUYALLUP INDIAN CEMETERY, TACOMA, WASH.

The next business on the Consent Calendar was the bill (H. R. 173) to provide funds for the upkeep of the Puyallup Indian Cemetery at Tacoma, Wash.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to set aside on the books of his office under an appropriate designation the sum of $25,000 from the tribal funds of the Puyallup Indians accruing under the act of March 3, 1893 (27 Stat. L. 633), as a permanent trust fund at 4 per cent interest, to be credited semiannually and used only for the upkeep of the Puyallup Indian Cemetery in the city of Tacoma, Wash., under the direction of and in conformity with rules and regulations prescribed by the Secretary of the Interior, who is hereby authorized to withdraw said interest from the Treasury of the United States for this purpose.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 2, after the word "Interior," strike out the remainder of lines 2, 3, and 4 and insert in lieu thereof the words "upon appropriation."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

WISCONSIN POTTAWATOMIE INDIANS

The next business on the Consent Calendar was the bill (H. R. 7207) to appropriate treaty funds due the Wisconsin Pottawotamie Indians.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. LEAVITT. I move to consider in lieu of the House bill the Senate bill, S. 1759. It is identical except that it reads "authorize to appropriate" instead of "appropriate."

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent to substitute S. 1759 for the House bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $6,839, being the unappropriated balance of the total amount of $447,339 due the Wisconsin Pottawatomie Indians of Wisconsin and Michigan under the treaty of September 27, 1833 (7 Stat. L. 442), and the act of June 25, 1864 (13 Stat. L. 172), as set out in House Document No. 830, Sixtieth Congress, first session: *Provided*, That the unexpended balances of $37,044.55 in the appropriations made for said Indians by the acts of May 18, 1916 (39 Stat. L. 156), May 25, 1918 (40 Stat. L. 589), and June 30, 1919 (41 Stat. L. 29), and which have reverted to the Treasury, are hereby reappropriated; and that said sums, together with the unexpended balance of $4,347.73 in the appropriation for the purchase of land for said Indians made by the act of June 30, 1913 (38 Stat. L. 102), shall be subject to expenditures for their benefit or payment to them, in the discretion of the Secretary of the Interior.

Mr. LEAVITT. I offer an amendment.

The SPEAKER pro tempore. The gentleman from Montana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page 1, line 3, after the word "hereby," insert the words "authorized to be."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 2, line 6, after the word "hereby," insert "authorized to be," and in line 11 strike out the word "expenditures" and insert in lieu thereof the word "expenditure," and amend the title.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. Without objection the House bill H. R. 7207 will be laid on the table.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

HOSPITAL AT FORT BIDWELL INDIAN SCHOOL, CALIFORNIA

The next business on the Consent Calendar was the bill (H. R. 8542) to provide for the construction of a hospital at the Fort Bidwell Indian School, California.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. I object.

Mr. ENGLEBRIGHT. I wish the gentleman would withhold his objection and allow the bill to be passed over without prejudice. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice, and also the following bill, Calendar No. 273, namely, the bill H. R. 8543.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that the bills he named be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

Mr. CRAMTON. Mr. Speaker, in view of the request of the gentleman from California [Mr. ENGLEBRIGHT], I want it understood that my objection was withdrawn.

CERTAIN LANDS IN CALIFORNIA

The next business on the Consent Calendar was the bill (H. R. 8898) to provide for restoration to the public domain of certain lands in the State of California which are now reserved for Indian allotment purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the public lands in townships 4 and 5 south, range 31 east, and townships 4, 5, and 6 south, range 32 east, Mount Diablo meridian, California, temporarily reserved from settlement, entry, sale, or other disposition by Executive order of May 9, 1912, for allotment to Paiute and other Indians, be, and they are hereby, restored to the public domain subject to the provisions of Public Resolution No. 29, approved February 14, 1920 (41 Stat. 434), as amended by Public Resolutions Nos. 36 and 79, approved January 21 and December 28, 1922 (42 Stat. 358, 1067), respectively, on dates to be fixed by the Secretary of the Interior.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

WITHDRAWAL OF LANDS IN INYO COUNTY, CALIF.

The next business on the Consent Calendar was the bill (H. R. 9037) to provide for the permanent withdrawal of certain lands in Inyo County, Calif., for Indian use.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the following-described lands in California be, and they are hereby, withdrawn from entry, sale, or other disposition and set aside for the Indians of Indian Ranch, Inyo County, Calif.: *Provided*, That the withdrawal hereby authorized shall be subject to any prior valid right of any persons to the lands described: Township 21 south, range 44 east, northwest quarter section 3 (surveyed), northwest quarter northeast quarter section 3 (unsurveyed); township 20 south, range 44 east, southeast quarter section 33 (unsurveyed); northwest quarter and northwest quarter southwest quarter section 34 (unsurveyed); of the Mount Diablo meridian in California, containing 560 acres, more or less.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

GOLD-STAR MOTHERS

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent that my colleague [Mr. O'CONNELL] may be permitted to extend his remarks on the bill, H. R. 5494, known as the gold star mothers' bill.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent that the gentleman from New York [Mr. O'CONNELL] be permitted to extend his remarks on the bill indicated. Is there objection.

There was no objection.

Mr. O'CONNELL. Mr. Speaker, in speaking and pleading for the passage of this bill, H. R. 5494, I find myself engaged in a work that has consistently occupied my attention for the past seven years. I rejoice with the Members of the House who I am sure are unanimously prepared to vote for its adoption; that the Committee on Military Affairs so promptly reported in its favor, thus placing it on the high road to easy passage. The evidence presented before the committee by Mrs. Burling, of the Gold Star Mothers' Association, by Mrs. NORTON, our distinguished colleague of New Jersey, as also by the other Members of the House so impressed the committee that it took the unusual methods of making a favorable report forthwith.

Our colleague, Mr. BUTLER, is to be commended for the energy he has shown in advocating the bill.

We should all rejoice that it will be our good fortune as Members of this body to have helped to pass this bill that will permit these glorious women to visit the sanctified resting places of their heroic dead in the cemeteries of the countries they redeemed and reclaimed by the supreme sacrifice upon the altar of devotion. The invasion of Europe by these splendid mothers shall be one of peace, concord, and good will, which will go far to cement our friendship with the allied nations across the sea with whom our boys fought the fight of victory. Let me quote the great plea made by Mrs. Mathilda A. Burling, national representative of the Gold Star Mothers' Association of America, Richmond Hill, N. Y., at the hearings before the committee:

At the outset I desire to express my great appreciation to Congressman BUTLER, of Pennsylvania, not only for his kindness in introducing this bill but for the spirited and generous manner in which he has pressed it for consideration. Also on behalf of my associates I desire to thank your chairman for his courtesy in affording us this hearing and to thank as well Congressman O'CONNELL and Congressman BOYLAN, of New York, for their help and cooperation.

You no doubt realize how anxious the gold-star mothers are to visit their sons' graves. Have you gentlemen stopped to think and consider what America would have done if it had not been for these mothers? Not alone the gold-star mothers, but the mothers who gave their sons to serve their country. It was the mothers who suffered to bring these boys into the world, who cared for them in sickness and health, and it was our flesh and blood that enriched the foreign soil.

Can you picture the anxiety of these mothers watching at the door for the postman every day for the little letter that was to come from her boy, and the agony and suspense when those letters stopped, and then only to be replaced with a telegram from Washington informing her that her boy was wounded or missing or dead?

Many of these boys were just in the bloom of life, just going into manhood. Some of these mothers lost one, some two, and some three, and some four.

I would like to take my case for example. On February 13 it will be the tenth anniversary of the death of my boy. He was my only child. To me he was only a child, only 17 years old when he went across. He was killed at the time when to me life was sweetest, only to have been turned to sorrow at the receipt of the dreadful telegram announcing his death.

There were many nurses who were with the boys when they died. They had informed mothers that the boys' lips were sealed with the words "Mother, my mother." Oh, what a death, to be calling for his mother!

Can a Government ever repay us for our loss? The cost of this pilgrimage would be very little for the Government to do for us. It would only be fitting to send us across this year, this being the tenth anniversary of our great sacrifice, and I am sure it would not be asking too much. May we not include the mothers of the unknown dead on this trip? There are so few. The Government has done such good work in identifying the bodies. I believe there are only about 300 left. What a comfort it would be to let these mothers kneel at one of the

graves marked with a marble cross with the words "Here lies an honored American soldier known but to God," and be comforted, thinking it might be her boy!

Gentlemen, think of those dear, sweet mothers now on in years. This might be granting their last wish. Many have died with a broken heart. Can those who remain not be given this comfort of going over? Does it not seem a shame that the mothers have to beg for that privilege which should have been offered them?

I, personally, do not believe there will be 30,000 mothers who will want to go. What a wonderful peace mission it would be if such a group of mothers could be sent abroad as is proposed in the bill. I believe it would bring the countries closer together than any act that could ever be suggested. This, I am sure, will be the wish of every gold-star mother. These women, the mothers of those dead, I am sure, are pleased at the idea proposed in the bill to have the arrangements under the auspices of the Red Cross. There is no doubt that the passage of this bill will have the support of the press and the public of the United States and the world in recognition of the sacrifices we have made for our country and the world.

And I would like to bring to the attention of the House the following splendid plea made to the committee in a letter to my colleague, the gentleman from New York [Mr. BOYLAN], from the distinguished junior Senator from my State [Mr. WAGNER], which brings the subject home to all our hearts:

Hon. JOHN J. BOYLAN,

House Office Building, Washington, D. C.

DEAR CONGRESSMAN: Some time ago I had occasion to express myself in reference to the proposal which is now embodied in S. 2681 and H. R. 5494.

I am sending you a copy of my statement:

"During the negotiations for the settlement of the various war loans we largely overlooked a great debt, long past-due and payable to our own kin. It is a debt of honor. We owe it to the widows and orphaned mothers whose loved ones lie in the war cemeteries of Europe to afford them the meager solace of a visit to these holy graves. These wearers of the gold star have been deprived of the assistance, companionship, and love of their sons and husbands. The national emergency required it. But no cause is served when we further deprive them of the consolation of paying their last tribute. Legislation should forthwith be framed for the conveyance of every war-bereaved mother and widow to the grave side of him who carried her love across the sea and sacrificed it for the safety of our Nation.

"The expense of transporting approximately 30,000 persons is comparatively trifling. Had the brave boys who lie in France, Belgium, and England survived the Great War, the Government would have brought them back home to their wives and mothers. Let not this Nation profit through the supreme sacrifice of its heroes. Such a holy pilgrimage to the American shrines in Europe would be a great living and moving monument to peace. The ranks of mothers and sweethearts would constitute a new expeditionary force and first line of defense for peace.

"Europe would see us in a new light, not as fighting doughboys, nor as gallant legionnaires, but as a nation of homes and families whose members are capable of the most pious sentiments.

"The transports of war must be turned into transports of consolation for those whom victory or reparation could never compensate. The soil of Verdun and Flanders now treasures their love; it should act promptly to give effect to this proposal, and I will do everything in my power to bring it about."

Yours very truly, ROBERT F. WAGNER.

Mr. Speaker, this bill will pass, it must pass, because it is just, because it is human. Its passage will have the approval and the applause of the American people and the world.

The SPEAKER pro tempore. The Clerk will report the next bill.

ANNUAL CONVENTION OF UNITED SPANISH WAR VETERANS

The next business on the Consent Calendar was the bill (H. R. 7908) to authorize the granting of leave to ex-service men and women to attend the annual convention of the United Spanish War Veterans and Auxiliary in Habana, Cuba, in 1928.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I object.

Mr. LEHLBACH. Will the gentleman from Michigan withhold his objection until I suggest an amendment which I would like to offer if the bill is permitted to be considered?

Mr. CRAMTON. Yes.

Mr. LEHLBACH. The bill is exactly like the bill which was passed for the ex-service men, but the intention of this bill is to allow this privilege of attending the convention only to the veterans of the Spanish-American War. Therefore if the bill is considered I expect to offer an amendment to strike out the words "to ex-service men and women" and insert "to veterans of the Spanish-American War." There is no reason why this privilege should be extended to any but those people and that limits the scope of the bill.

Mr. CRAMTON. Mr. Speaker, the bill is one to which it is difficult to object, as the gentleman knows. On the other hand, I have not been able to see any reason for it. The gentleman urges the meeting of the Legion in Paris as a precedent. Of course, this is a meeting of Spanish-American War veterans in Cuba. There is that similarity, but it lacks, however, the same travel requirements. This came from the gentleman's committee. Let me ask the gentleman: Does he contemplate or is it his theory that this precedent should ever obtain for any meeting held in this country?

Mr. LEHLBACH. No; nor do I conceive of any event in the immediate future that would give any justification for the following of any precedent that might possibly be deemed established by this bill.

Mr. CRAMTON. If meetings in this country are not to be held to benefit by this precedent, of course, there is not much danger in the future, because there will not be many meetings outside of the country. The undesirable feature of it is that while none of them will probably take over a month in attending this meeting, including the trip to Panama, they will, however, have two months' leave, and it is disorganizing to any organization or any business to have employees away for two months at a time. Furthermore, it allows them to take their leave in advance; but in view of the gentleman's statement restricting it to veterans of the Spanish-American War and his statement restricting such action to meetings abroad, I shall not object.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the heads of the executive departments and independent establishments of the Government and the municipal government of the District of Columbia be, and they hereby are, authorized to grant, in their discretion, extended leave not to exceed 60 days in the calendar year 1928 to ex-service men and women for the sole purpose of attending the annual convention of the United Spanish War Veterans and auxiliaries in Habana, Cuba: *Provided, however,* That this statute shall not be construed to modify the provisions of the act approved March 3, 1893, the act approved May 23, 1908, and the act approved February 28, 1925, limiting the annual leave which may be granted with pay to 15 or 30 days in any one year, except that any portion of the 15 or 30 days' leave not granted or used during the calendar year 1927, or the fiscal year 1928, may be allowed to accumulate and be pyramided for the purpose herein specified in addition to the 15 or 30 days' leave with pay in the calendar year 1928 or the fiscal year 1929.

Mr. LEHLBACH. Mr. Speaker, I offer an amendment to the bill under consideration.

The SPEAKER. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEHLBACH: On page 1, line 8, strike out the words "ex-service men and women" and insert in lieu thereof the words "veterans of the Spanish-American War."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. LEHLBACH. Mr. Speaker, I move to amend the title of the bill by striking out the words "ex-service men and women" and inserting in lieu thereof the words "veterans of the Spanish-American War."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PENSIONS FOR COMMISSIONED UNITED STATES DEPUTY MARSHALS FOR THE WESTERN DISTRICT OF ARKANSAS

The next business on the Consent Calendar was the bill (H. R. 5709) granting a pension to the regularly commissioned United States deputy marshals of the United States District Court for the Western District of Arkansas, including the Indian Territory, now the State of Oklahoma, and to their widows and dependent children.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON, Mr. HOOPER, and Mr. TILSON objected.

PUBLIC PRINTER

The next business on the Consent Calendar was the bill (H. R. 6669), fixing the salary of the Public Printer and the Deputy Public Printer.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LINTHICUM. Mr. Speaker, reserving the right to object, I should like to have the gentleman from Pennsylvania tell me something about this bill.

Mr. BLANTON. Mr. Speaker, in order to save time, I object.

Mr. KIESS. Mr. Speaker, I ask the gentleman from Texas to withhold his objection in order that I may make a very brief statement.

Mr. BLANTON. Mr. Speaker, I object for this reason: There are over 100 bureaus here the chiefs of which, by the classification act, get salaries of $7,500 a year. If you increase the salary of this bureau chief, you set a precedent for other bureau chiefs coming in here and demanding similar increases. It is in the protection of the Treasury, which the gentleman from Illinois [Mr. MADDEN] has to look after, that I object.

TRANSPORTATION OF MAILS BY AIR TO FOREIGN COUNTRIES AND INSULAR POSSESSIONS

The next business on the Consent Calendar was the bill (H. R. 7213), to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service from the appropriation for the transportation of foreign mails at fixed rates per pound or per mile, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOGG. Mr. Speaker, reserving the right to object, and I shall not object, I want to ask the gentleman from Pennsylvania [Mr. KELLY] if he has the amendment suggested by the gentleman from Illinois [Mr. MADDEN].

Mr. KELLY. Mr. Speaker, I will say to the gentleman from Indiana that several members of the committee, including the gentleman, had a talk with the chairman of the Appropriations Committee [Mr. MADDEN] with reference to the provision that the award, interpretation, and administration of the contract are entirely within the jurisdiction of the Postmaster General, the President, and the courts. We agreed to amend that provision by striking out the words "and administration," as suggested by the chairman of the Appropriations Committee, and I have an amendment for that purpose.

Mr. MADDEN. With the statement of the gentleman from Pennsylvania [Mr. KELLY] that he has remedied the difficulty which I thought existed. I would not object.

Mr. BLACK of Texas. Mr. Speaker, I think this matter should come up on a regular legislative day. It is a matter of much importance and I shall object,

Mr. KELLY. I hope the gentleman will not object.

Mr. BLACK of Texas. Yes; I do not think we should consider legislation of this particular character under unanimous consent.

Mr. KELLY. If the gentleman will withhold his objection a moment——

Mr. BLACK of Texas. Yes; I will certainly allow the gentleman to make any statement he cares to make about it.

Mr. KELLY. This is a very important measure, I admit. Time is the essence of the matter. The purpose is to give the Postmaster General authority to contract for the carrying of foreign mail by air at certain fixed rates per pound. It happens that in Central and South America companies financed by European capital are being organized at the present time and are asking concessions of those governments. The United States Government at the present time can secure permission to carry this mail, if it acts within a reasonable time; but if it delays too long we will lose the opportunity.

Mr. BLACK of Texas. Does the gentleman mean we lose the opportunity to secure contractors?

Mr. KELLY. I mean if we allow this matter to go for any considerable time, foreign companies will have concessions from South and Central American countries and it will embarrass us seriously.

Mr. MADDEN. Will the gentleman yield?

Mr. KELLY. I yield to the gentleman.

Mr. MADDEN. There is a good deal of effort being made by German aviation companies to get the right to control the aviation business between the United States and South American Republics. They wanted the right to cross the Panama Canal and a number of other things which, of course, would be very serious if they were allowed to have them. The Postmaster General and everybody connected with the service have appealed for early consideration of this problem and for a final disposition of it at an early date in order that they may be able to meet the demands on the part of the South American Republics, who are anxious to deal with the United States rather than with any other country.

Mr. BLACK of Texas. Let me say in reply, in view of the statement made by the gentleman from Illinois [Mr. MADDEN], I shall not press my objection, but I do reiterate that legislation of this kind and of this importance really ought not to be taken up on Consent Calendar day, but I am not going to press my objection. There seems to be a good reason why we should make an exception in this particular case.

Mr. MADDEN. That, I think, would be true under ordinary circumstances.

Mr. BLACK of Texas. Mr. Speaker, I withdraw by objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That when, in his judgment, the public interest will be promoted thereby, the Postmaster General is authorized to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service from the appropriation for the transportation of foreign mails at fixed rates per pound or per mile; and the Postmaster General is hereby authorized to award such contracts to the bidders that he shall find to be the lowest responsible bidders that can satisfactorily perform the service required to the best advantage of the Government: *Provided*, That the rate to be paid for such service shall not in any case exceed $2 per mile: *And provided further*, That in the award, interpretation, and administration of the contracts herein authorized, the decision of the Postmaster General shall be final and not subject to review by any officer or tribunal of the United States, except by the President and the Federal courts.

SEC. 2. The Postmaster General shall make and issue such rules and regulations as may be necessary to carry out the provisions of this act.

Mr. KELLY. Mr. Speaker, I offer the following amendment:

Page 2, line 1, after the word "service," strike out the following: "from the appropriation for the transportation of foreign mails," so that it shall read "pay for such service from the appropriation for the transportation of foreign mails at fixed rates per pound or per mile."

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KELLY: On page 2, line 1, after the word "service," strike out the words "from the appropriation for the transportation of foreign mails."

The amendment was agreed to.

Mr. KELLY. Mr. Speaker, I offer another amendment. In line 9, after the word "award," insert the word "and"; and after the word "interpretation" strike out the words "and administration."

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KELLY: Page 2, line 9, after the word "award," insert the word "and"; and after the word "interpretation" strike out the words "and administration," so that it will read: "*And provided further*, That in the award and interpretation of the contracts herein authorized."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PENSIONS FOR COMMISSIONED UNITED STATES DEPUTY MARSHALS FOR THE WESTERN DISTRICT OF ARKANSAS

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent that the bill (H. R. 5709) may be passed over without prejudice and retain its place on the calendar.

Mr. CRAMTON. Mr. Speaker, I would like to know its status after it remains on the calendar, there having been three objections. I shall not object, but I am wondering what would be the status of the bill.

Mr. HASTINGS. It will be in the same status it is now.

The SPEAKER. The Chair does not think the request is in order because the objections have stricken the bill from the calendar.

Mr. HASTINGS. I am asking unanimous consent that it be passed over and that it remain on the calendar just as it is at present.

Mr. TILSON. Mr. Speaker, I think the only way in which this could be done would be for the gentlemen who objected to temporarily withdraw their objections. It seems to me that

this is the way to restore the bill to its former status on the calendar.

Mr. TILLMAN. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. TILLMAN. I will ask the gentleman if he did not state when he made the third objection, after the Speaker hesitated a long while to find out whether there were three objections, "for the time being, I object."

Mr. TILSON. Let me say to the gentleman, frankly, that I came into the Chamber just at the moment the bill was being reported by the Clerk and was not acquainted with its contents. Two gentlemen who have studied the bill objected to its consideration, and I thought that at least a third person ought to study the bill. For this reason I objected temporarily until I could study the bill.

Mr. TILLMAN. That is what I understood.

Mr. CRAMTON. Mr. Speaker, if the gentleman will permit, no request has been made of me to withdraw my objection.

Mr. HASTINGS. I did not get an opportunity to ask the gentleman, but I did ask the other two gentlemen who objected.

Mr. CRAMTON. The only question I have in mind is what would be the result if the gentleman from Oklahoma did keep the bill on the calendar.

Mr. HASTINGS. It would be on the calendar and would be subject to be stricken off upon three objections.

Mr. CRAMTON. As the Speaker has ruled, it would not be anything but an ornament to the calendar without a withdrawal of the objections, I am willing for the present to withdraw my objection if the other gentlemen do.

Mr. TILSON. With the understanding that it go over?

Mr. HASTINGS. Oh, certainly.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the bill may be restored to the calendar. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the bill (H. R. 5709) may be passed over without prejudice. Is there objection?

There was no objection.

Mr. KIESS. Mr. Speaker, I ask unanimous consent to speak for two minutes on the bill H. R. 6669.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PUBLIC PRINTER

Mr. KIESS. Mr. Speaker, I want to call the attention of Members to the bill (H. R. 6669) objected to a few minutes ago. This is a bill from the Committee on Printing, and was also favorably reported to the House during the Sixty-ninth Congress. The committee is unanimous in its report and feels that this measure deserves favorable consideration. I realize that objection was made to its consideration to-day, but it will come up later for consideration. I merely want to call your attention to the bill, so that you can examine the report which the committee has made. For nearly 16 years I have served as a member of the Joint Committee on Printing. That is the longest service any Member of the House has had. I am, therefore, familiar with the excellent work that is being done by the Public Printer. The Government Printing Office employs over 4,000 men and women and transacts a business of $12,000,000 annually. The salary of the Public Printer is not commensurate with his responsibilities. A private establishment employing anything like that number of men and women and doing that amount of business would probably pay its manager $20,000 to $30,000 a year. During the last three or four years we have raised the pay of all the men and women in the Government Printing Office. Employees who were receiving 50 and 55 cents per hour when I came here are now paid $1, $1.10, and $1.15 per hour. The only officials whose salaries have not been raised are the Public Printer and the Deputy Public Printer. The Director of the Budget has twice recommended and approved an increase from $7,500 to $10,000. To-day the pay of the Librarian of Congress has been raised from $7,500 to $10,000, and the Public Printer is also deserving of a similar increase.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

SCOTT FIELD, ILL.

The next business on the Consent Calendar was the bill (H. R. 10146) to authorize appropriations for construction at Scott Field, Ill., and for other purposes.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, I have an amendment to that bill, and I assume the gentleman will not object to it. This is one of the bills coming from the Committee on Military Affairs which seems to me to be unnecessary legislation on a Consent Calendar. It authorizes an appropriation where there is already authority of law. But if the gentleman will strike out the words "as in the judgment of the Secretary of War it may be necessary," I will not object. I think something should be left to the Committee on Appropriations to pass on.

Mr. IRWIN. There was an appropriation of $100,000, but they say they can not put up a standard building with that amount of money.

Mr. CRAMTON. Was there a limit of cost, or was it simply an appropriation?

Mr. IRWIN. It was an authorization for $100,000, and it is under construction, but the War Department says it will take $30,000 more, and therefore they are not able to go on until they have this authorization.

Mr. CRAMTON. If the gentleman will consent to strike out this blanket authority to the Secretary of War, I will be glad to consent.

Mr. IRWIN. I will agree to that.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $32,000, to be expended for the completion of barracks at Scott Field, Ill., including such utilities and appurtenances thereto as in the judgment of the Secretary of War may be necessary.

Mr. CRAMTON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 5, strike out the word "such," and on page 1, line 6, after the word "thereto," strike out the remainder of the paragraph.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS AT DAYTON, OHIO

Mr. ROY FITZGERALD. Mr. Speaker, I ask unanimous consent that we return to H. R. 132, authorizing the erection of a sanitary fireproof hospital at the National Home for Disabled Volunteer Soldiers at Dayton, Ohio, which was passed over temporarily.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. CRAMTON. Reserving the right to object, this is a bill where the gentleman from Ohio has had considerable difficulty between the conflicting authority of committees. When it was up last time I urged that there should be a report from the Director of the Budget either one way or the other. It seems that although the gentleman has been diligent he has not been able to get such report, but has only been able to get a telephone statement of the attitude of the Budget.

By reason of the peculiar circumstances of this case, I shall not object to it to-day, but I say this: Members who are seeking large appropriations in the future ought not to expect to get them by unanimous consent, unless there is before the House a report from the Budget, either favorable or adverse, so that the House may know there has been a checking up upon the matter by the proper authorities. As I say, by reason of the peculiar circumstances of this matter, I shall not object to this particular bill.

Mr. BLACK of Texas. Mr. Speaker, if there is no report from the Director of the Budget I think we may as well have one. I think we ought to have one on a large bill of this kind. Therefore I object.

The SPEAKER. The gentleman from Texas objects. This bill requires three objections.

Mr. TILLMAN. Mr. Speaker, I object.

The SPEAKER. Are there any other objections? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Board of Managers of the National Home for Disabled Volunteer Soldiers be, and it is hereby, authorized and directed to cause to be erected at the Central Branch of said home at Dayton, Ohio, on land now owned by the United States, a sanitary fireproof hospital of a capacity for 500 beds. Such hospital shall include all the necessary buildings with the appropriate mechanical equipment, including roads and trackage facilities leading thereto, for the accommodation of patients, and storage, laundry, and necessary furniture equipment, and accessories, as may be approved by the Board of Managers of the National Home for Disabled Volunteer Soldiers.

SEC. 2. That in addition to the persons now by law entitled to the privileges of treatment in this hospital when constructed there shall

be admitted and treated honorably discharged nurses (female) who have served with the armed forces of the United States in any war and who are disabled by disease or wounds and by reason of such disability are either temporarily or permanently incapacitated from earning a living.

SEC. 3. That in carrying the foregoing authorization into effect the Board of Managers of the National Home for Disabled Volunteer Soldiers is hereby authorized to enter into contracts for the construction of the plant, or to purchase materials in the open market or otherwise, and to employ laborers and mechanics for the construction of the plant complete at a limit of cost not to exceed $1,500,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ADJUSTED COMPENSATION

Mr. GREEN of Iowa. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 10487) to amend the World War adjusted compensation act, as amended, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Iowa moves to suspend the rules and pass the bill H. R. 10487, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That subdivisions (b) and (c) of section 302 of the World War adjusted compensation act, as amended, are amended, to take effect as of December 31, 1927, to read as follows:

"(b) Such application shall be made and filed on or before January 2, 1930, (1) personally by the veteran, or (2) in case physical or mental incapacity prevents the making or filing of a personal application, then by such representative of the veteran and in such manner as may be by regulations prescribed. An application made by a person other than the representative authorized by any such regulation, or not filed on or before January 2, 1930, shall be held void. If the veteran dies after the application is made and before it is filed it may be filed by any person: *Provided, however,* That if the veteran died between May 19, 1924, and July 1, 1924, without making the application, leaving a widow surviving him, the application may be made by the widow and shall be valid with the same force and effect in every respect as if the application had been made by the veteran.

"(c) If the veteran dies after the application is made, it shall be valid if the Secretary of War or the Secretary of the Navy, as the case may be, finds that it bears the bona fide signature of the applicant, discloses an intention to claim the benefits of this act on behalf of the veteran, and is filed on or before January 2, 1930, whether or not the veteran is alive at the time it is filed. If the veteran dies and payments are made to his dependents under Title VI, and thereafter a valid application is filed under this section, then if the adjusted service credit of the veteran is more than $50, payment shall be made in accordance with Title V, less any amounts already paid under Title VI."

SEC. 2. Section 602 of the World War adjusted compensation act, as amended, is amended, to take effect as of December 31, 1927, to read as follows:

"SEC. 602. (a) No payment under section 601 shall be made to a widow if she has remarried before making application, or if at the time of the death of the veteran was living apart from him by reason of her own willful act; nor unless dependent at the time of the death of the veteran or at any time thereafter and before January 3, 1930. The widow shall be presumed to have been dependent at the time of the death of the veteran upon a showing of the marital cohabitation.

"(b) Payment under section 601 shall be made to a child if (1) under 18 years of age at the time of the death of the veteran, or (2) at any time thereafter and before January 3, 1930, incapable of self-support by reason of mental or physical defect.

"(c) No payment under section 601 shall be made to a mother or father unless dependent at the time of the death of the veteran or at any time thereafter and before January 3, 1930. If at the time of the death of the veteran or at any time thereafter and before January 3, 1930, the mother is unmarried or over 60 years of age, or the father is over 60 years of age, such mother or father, respectively, shall be presumed to be dependent."

SEC. 3. Subdivisions (b) and (c) of section 604 of such act, as amended, are amended, to take effect as of December 31, 1927, to read as follows:

"(b) Applications for such benefits, whether vested or contingent, shall be made and filed by the dependents of the veteran on or before January 2, 1930; except that in the case of the death of the veteran during the six months immediately preceding such date the application shall be made and filed at any time within six months after the death of the veteran. Payments under this title shall be made only to dependents who have made and filed application in accordance with the provisions of this subdivision.

"(c) An application shall be made and filed (1) personally by the dependent if 16 years of age or over, or (2) in case physical or mental incapacity or legal disability prevents the making or filing of a personal application, then by such representative of the dependent and in such manner as the Secretary of War and the Secretary of the Navy shall jointly by regulation prescribe. An application made or filed by a person other than the representative authorized by such regulation shall be held void."

SEC. 4. Title III of such act, as amended, is amended, to take effect as of May 19, 1924, by adding at the end thereof new sections to read as follows:

"SEC. 311. Where the records of the War Department or the Navy Department show that an application, disclosing an intention to claim the benefits of any provision of this act, has been filed on or before January 2, 1930, and the application can not be found, such application shall be presumed, in the absence of affirmative evidence to the contrary, to have been valid when originally filed. In such case the Secretary of War or the Secretary of the Navy, as the case may be, shall not be required to transmit to the director the application (as provided in sections 303 and 605) unless a new application is filed, in which case the new application shall be considered to have been filed on the date of filing of the lost application.

"SEC. 312. (a) If satisfactory evidence is produced establishing the fact of the continued and unexplained absence of any individual from his home and family for a period of seven years, during which period no intelligence of his existence has been received, the death of such individual as of the date of the expiration of such period shall, for the purposes of this act, be considered as sufficiently proved.

"(b) If in the case of any such individual who is a veteran it appears that his application was not made and filed prior to the beginning of such seven-year period, or that although entitled to receive adjusted service pay he did not receive it prior to the beginning of such seven-year period, then his dependents who have made and filed application before the date of the expiration of such seven-year period (if such period began before January 3, 1930) shall be entitled to receive the amount of his adjusted service credit in accordance with the provisions of Title VI.

"(c) For the purposes of subdivision (b) of this section—

"(1) The widow shall be considered to be dependent, within the meaning of section 602, if she was dependent at the beginning of such seven-year period or at any time thereafter and before the expiration of such period. The widow shall be presumed to have been dependent at the beginning of such seven-year period upon a showing of the marital cohabitation.

"(2) A child shall be considered incapable of self-support, within the meaning of section 602, if incapable of self-support by reason of mental or physical defect at the beginning of such seven-year period or at any time thereafter and before the expiration of such period.

"(3) The mother or father shall be considered to be dependent, within the meaning of section 602, if dependent at the beginning of such seven-year period or at any time thereafter and before the expiration of such period. If at the expiration of such seven-year period the mother is unmarried or over 60 years of age, or the father is over 60 years of age, such mother or father, respectively, shall be presumed to be dependent.

"(d) In the case of a veteran, if it appears that he is still living, payments to dependents in respect of his death shall cease, and, if he has filed a valid application under the provisions of section 302, any payments already made shall be deducted from the face value of his adjusted service certificate, or from the amount of his adjusted service credit if such credit is not more than $50. In the case of a dependent, if it appears that such dependent is still living, payments to dependents later in preference under this act shall cease, and, if such dependent has filed a valid application under the provisions of section 604, the remainder of the payments shall be made in accordance with the provisions of Title VI.

"SEC. 313. That where any payment under this act is to be made to a minor, other than a person in the military or naval forces of the United States, or to a person mentally incompetent, or under other legal disability adjudged by a court of competent jurisdiction, such payment may be made to the legally constituted guardian, curator, or conservator of the person entitled to payment, or to the person found by the director to be otherwise legally vested with the care of the person entitled to payment or of his estate. Prior to the receipt of notice by the bureau that any such person entitled to payment is under such legal disability, payment may be made to such person direct."

SEC. 5. Title V of such act, as amended, is amended by adding at the end thereof a new section to read as follows:

"SEC. 508. Notwithstanding any other provision of this act a veteran may, under regulations prescribed by the director, name more than one beneficiary, and may from time to time, with the approval of the director, change such beneficiaries. If the director is unable to ascertain the beneficiary named by the veteran, payment shall be made to the estate of the veteran."

SEC. 6. Section 702 of such act, as amended, is amended to read as follows:

"SEC. 702. Whoever knowingly makes any false or fraudulent statement of a material fact in any application, certificate, or document

made under the provisions of Title III, IV, V, VI, or VII, or of any regulation made under any such title, shall, upon conviction thereof, be fined not more than $1,000, or imprisoned not more than five years, or both."

SEC. 7. This act shall not invalidate any payments made or applications received, before the enactment of this act, under the World War adjusted compensation act, as amended. Payments under awards heretofore or hereafter made shall be made to the dependent entitled thereto regardless of change in status, unless another dependent establishes to the satisfaction of the director a priority of preference under such act, as amended. Upon the establishment of such preference the remaining installments shall be paid to such dependent, but in no case shall the total payments under Title VI of such act, as amended (except section 608), exceed the adjusted service credit of the veteran.

The SPEAKER. Is a second demanded?

Mr. TILLMAN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Arkansas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and seventy Members; not a quorum.

Mr. GREEN of Iowa. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 36]

Allen	Douglass, Mass.	King	Sproul, Kans.
Andresen	Doutrich	Knutson	Steagall
Anthony	Dowell	Kunz	Stobbs
Bacon	Doyle	LaGuardia	Strong, Pa.
Beck, Wis.	Fitzpatrick	Lampert	Strother
Bohn	Free	Larsen	Sullivan
Boles	Freeman	Lindsay	Sweet
Bowman	Frothingham	Lyon	Taylor, Tenn.
Boylan	Gallivan	Mead	Thompson
Brand, Ga.	Garrett, Tenn.	Michaelson	Tucker
Britten	Gibson	Mooney	Vestal
Busby	Gilbert	Moore, N. J.	Vinson, Ga.
Bushong	Golder	Moore, Ohio	Wainwright
Campbell	Goldsborough	Norton, N. J.	Weller
Carew	Graham	O'Connor, N. Y.	Welsh, Pa.
Carley	Hale, N. H.	Palmer	White, Colo.
Carter	Hall, Ill.	Purnell	Williams, Tex.
Celler	Harrison	Rathbone	Williamson
Chase	Hill, Ala.	Reece	Wingo
Connally, Tex.	Houston	Robinson, Iowa	Winter
Connolly, Pa.	Hudson	Rubey	Wolverton
Cooper, Ohio	Hull, William E.	Rutherford	Wood
Cullen	Hull, Tenn.	Sabath	Woodrum
Davey	Igoe	Sanders, N. Y.	Wright
De Rouen	Johnson, Ill.	Sears, Fla.	Wurzbach
Dickstein	Kendall	Sirovich	Yates
Dominick	Kerr	Somers	
Douglas, Ariz.	Kindred	Spearing	

The SPEAKER. Three hundred and twenty-three Members have answered to their names, a quorum.

Mr. GREEN of Iowa. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. Is a second demanded?

Mr. COLLIER. Mr. Speaker, I demand a second.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Iowa is entitled to 20 minutes and the gentleman from Mississippi to 20 minutes.

The Chair recognizes the gentleman from Iowa, Mr. GREEN. [Applause, the Members rising.]

Mr. GREEN of Iowa. Mr. Speaker, first of all I want to thank the House for the very complimentary reception just given me, which I suppose is in view of an anticipated event which in many ways is much to my regret. Yet, of course, the House understands that the present situation would not have developed had I not consented to it. At the proper time I hope to make further acknowledgment of the many kindnesses which I have received from the Members of this body. [Applause.]

Mr. Speaker, the bill before the House amending the adjusted compensation act has three distinct features. First, and probably the most important feature in the bill is that it extends for two years the time for filing applications for adjusted compensation. There are now in the office of the Veterans' Bureau some 30,000 applications on file which can not be granted under the present situation of the law, having been filed too late. My understanding is that about 27,000 defective applications were actually filed before the expiration of the time limit under the present law—that is, before January 1 last. The Secretary of War was trying to hold, and I think did hold, that these applications might be correct when they were not in proper form by a subsequent amendment thereto. The Comptroller General, however, seemed to think that he had jurisdiction over the matter, and held that unless there was a proper application before the Secretary at the time, while the act was in force, the application could not be granted. And in that, as I understand, the Director of the Veterans' Bureau concurred. As a result none of these applications were granted, although a large number had endeavored to obtain the benefits of the law within the time prescribed by it.

Now, there is no good reason why all of these parties should not have their applications reinstated or why they should not be permitted to file. In fact, the testimony before the committee showed that a number of applicants for many reasons had not understood the rights they had under the law, or the benefits of it, and some did not understand that they had any privileges whatever granted to them. So far as increased appropriations are concerned, it will make no difference, because the sinking fund created by the original law will be ample to take care of the applications that can be filed. About 4,350,000 veterans are eligible to receive awards under the adjusted compensation, and approximately 3,500,000 applications have been filed. We should give the remainder another opportunity to file.

Another important matter related to lost applications, where applications had been received and returned for some reason, but the veterans contend that they never got their applications back, and as a consequence never succeeded in getting their applications allowed. Provision is made in the bill with reference to lost applications.

Then there is another matter that seems to the committee necessary in order to carry out the purposes of the bill, and that relates to cases where the veteran has been absent from his home for seven years. These cases should be treated as under the laws generally; that is, as if they were deceased, and their beneficiaries should be permitted to apply for the benefits of the adjusted compensation. This is provided for in the bill.

Mr. ALMON. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. ALMON. Is there any provision of law for the certification of loss of certificates of discharge? That is, if a certificate is lost, is there any provision for securing a certified copy?

Mr. GREEN of Iowa. I think that is in the original law. It is not provided for by this amendment made by the bill.

The other changes made by the bill may not seem of very great importance in some ways, but they were made for the purpose of making it easier and simpler for applications to be filed and granted. They are largely clerical, and unless some one has further questions to ask I shall not proceed any further at this time.

Mr. GREEN of Florida. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. GREEN of Florida. I would like to say to the gentleman that the provision as reported by him is very reasonable. Today I had an application from a veteran who never qualified for adjusted compensation.

Mr. GREEN of Iowa. There are still many who have not applied. The committee thought they should be entitled to the benefits of the act. We finally concluded to extend the period for two years. [Applause.]

Mr. COLLIER. Mr. Speaker and gentlemen of the House, I simply want to say, without taking up much of the time of the House, that this is a unanimous report. The committee went into it very carefully. The purposes have been fully explained by the chairman. We have extended the time for filing claims for adjusted compensation, and in three or four instances we have made amendments and perfected the law, which should have been done at the time the law was passed. But experience showed the defects, and they have been smoothed out.

But before I take my seat, Mr. Speaker, I want personally to express my regret at severing relations on the committee with the chairman, who has been my friend. It was a pleasure to serve with him. He was courteous in every way, and while the Court of Claims has gained, yet I want to say that this House has suffered a loss. I wish for our chairman all the good things of life, and I want to say to the Members of the House that from my association with him, knowing his fairness and honesty and devotion to duty, I am convinced that the Court of Claims is going to be very fortunate to have a man like Mr. GREEN of Iowa as one of its members. [Applause.]

I yield five minutes to the gentleman from Massachusetts [Mr. CONNERY].

The SPEAKER. The gentleman from Massachusetts is recognized for five minutes.

Mr. CONNERY. Mr. Speaker and gentlemen of the House, not having served on the committee with the gentleman from Iowa [Mr. GREEN], but having had several interesting, good-natured battles on the floor with him during my membership in this House, I want to take this occasion before I speak on the bill to congratulate the gentleman from Iowa and to say that I have the highest respect and esteem for him, have always appreciated his fine character, and wish him every success and all the good luck in the world when he leaves this House. [Applause.]

I am glad to see the Committee on Ways and Means come in with a unanimous report on this bill. There are 500,000 men who are going to benefit by this bill being passed to-day, and I hope it will be passed unanimously.

I do not wish to take up much time, but I would like to make a suggestion to all my colleagues, and that is that they get in touch with the service organizations in their districts and let these organizations know what the House of Representatives has done in this bill to-day and ask them to notify the service men in every congressional district of the United States that there is such a thing as a soldier's bonus. I say this very seriously because many of the service men have been so busy trying to scrape a living for themselves and their little families since the war that they have had small opportunity to keep in touch with the doings of Congress.

There are 500,000 men who evidently have not known that Congress passed a soldiers' bonus and have not applied for it. I know that in my own district I have sent out thousands of letters to the boys asking them and begging them to apply for their bonus, and some of them have come in since the time for filing elapsed on January 1 last. I merely wish to make that suggestion to my colleagues in the House so that these men may know they are eligible for the benefits of the adjusted compensation act.

In conclusion all I can say is that I congratulate the committee on their unanimous report and I hope this bill will pass unanimously. [Applause.]

Mr. COLLIER. Mr. Speaker, I yield five minutes to the gentleman from Oklahoma [Mr. JOHNSON].

Mr. JOHNSON of Oklahoma. Mr. Speaker and Members of the House, I desire to speak briefly on the pending measure by the gentleman from Iowa [Mr. GREEN] to amend the adjusted compensation act. I was pleased with the enthusiasm Members of this body gave our distinguished colleague, author of the pending measure, when the announcement was made a few moments ago that he had been appointed to the Court of Claims. I know I voice the sentiment of each Member of this House, regardless of politics, when I say that we all regret to see him leave us, but rejoice in the fact that he has been so signally honored. May I say that during all of his public career he has never presented a more just measure than the one we now have before us.

Mr. Speaker, the measure now under consideration is of vital importance to more than 500,000 former service men, their wives, children, and dependents. The pending measure is of unusual interest to me for the reason that I have introduced a similar bill. In fact, I find that the committee has incorporated a part of my bill into this one, which proposes to extend for two years the time in which to file applications for adjusted compensation.

Permit me to say just here, Mr. Speaker, that I can not quite agree with the gentleman who preceded me in referring to this bill as a bonus. Oh, we have heard considerable talk concerning the so-called bonus for World War veterans, but I insist this is a misnomer. It is not a bonus. I submit that a bonus implies a gift.

Mr. CONNERY. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. CONNERY. I merely wish to say to the gentleman that the reason I used the word "bonus" is that I have found that ex-service men do not differentiate between adjusted compensation and the disabled compensation which they get from the Veterans' Bureau.

Mr. JOHNSON of Oklahoma. Yes; I understand that to be true, but nevertheless, this measure is not a bonus nor a gift, and it is a gross injustice to our boys to refer to this as a bonus. The so-called bonus bill merely attempts to adjust partially the compensation of those soldiers who left home and loved ones and faced German machine guns at $1 a day, suffering untold agonies during those terrible days of the war, while those who were employed at home drew their ten, fifteen, or twenty dollars per day.

It occurs to me that it is wrong to speak of this mere pittance as a bonus. They answered the call of our Government when we needed men as we have never needed them before and I hope and pray will never need them in the future. But now, Mr. Speaker, we find that even this bagatelle granted to our soldiers by Congress in the place of the measure they asked for can not be collected by over a half million ex-soldiers for the reason that the date of filing for same has expired.

In the sixth Oklahoma district, the one I have the honor to represent in Congress, I learned that dependents of more than 100 World War veterans had not applied for adjusted compensation a few days prior to January 1, 1928. I sent telegrams to the newspapers in my district urging that they advise the public of the date of the expiration of the time for filing for adjusted compensation. I also wired the commanders of every American Legion post in my district, as well as others interested, and due to the splendid cooperation of my people, the best people on earth, we were able to get about 50 dependents of deceased veterans, many of whom were in great need, to apply for this compensation. But as to those others whom we failed to get in touch with, the door is forever closed unless Congress extends the time for those boys and their dependents to apply.

So I would say to the Members of the House that to my mind the most important feature of this bill is the provision extending the time for two additional years for applying for the adjusted compensation by former World War soldiers or their dependents. This bill extends the date from January 1, 1928, to January 1, 1930.

Then, there are other important provisions in this bill. This measure, if passed, will forever settle the time in which a person may be said to be legally dead. Under the existing law this matter is not clear. Unfortunately, all of our States do not have uniform laws. In some States it takes seven years for a person to be legally dead, while in others it takes four or more. But this measure forever settles the question of when a person is legally dead, and will aid many deserving dependents to collect what is rightfully theirs.

It might be of interest to you gentlemen to say that the American Legion and other veterans' organizations are backing this measure as well as others to amend the veterans' adjusted compensation act. I had the honor and pleasure to be a member of the resolutions committee of the last annual American Legion Convention, which met in Paris, France, last year. If I remember correctly, the relief sought by this measure was presented by our committee to the convention in the resolutions adopted at the Paris convention. Then, too, our legionnaires of Oklahoma, at their last convention, demanded that the adjusted compensation law be extended and clarified, and the time extended as this measure proposes to do. No doubt other States did likewise.

Mr. Speaker, to be perfectly frank, this bill does not offer as much relief as I had hoped would come from our committee. There are many other defects in the present law that to my mind ought to be corrected. I sincerely hope many corrections will be made before the Seventieth Congress adjourns. I have introduced some bills to do that and many other gentlemen have also offered some splendid measures that I hope we will get a chance to vote on. But merely because this measure does not correct all the evils of the present law I certainly would not raise my voice against the passage of this bill, and I sincerely trust that none of you will do so.

Let the news go forth that this Congress has done its duty in the passage of the pending measure and a cry of joy will go up in every nook and corner of America. Not only will the 500,000 or 600,000 of those directly affected by the passage of this measure be pleased to know we have done the square thing by our boys but all good patriotic citizens will rejoice to know Members of Congress have not forgotten the men who unflinchingly did their duty during those awful, never-to-be-forgotten days of the most terrible war the world has ever known.

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their own remarks on this particular bill.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that all Members may have the privilege of extending their own remarks on this bill for five legislative days. Is there objection.

There was no objection.

Mr. COLLIER. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. BROWNING].

Mr. BROWNING. Mr. Speaker and gentlemen of the House, I asked for this time merely to bring to the attention of the House one thing which I feel very deeply should have been done in connection with this measure. None of us objects to the provisions of the bill, but the persistent policy of bringing in every veterans' bill under suspension of the rules calls for repeated consideration of worthy provisions which should have been included before.

I will mention one thing, and I venture the assertion that there are not a dozen men in the House who would not concede its justness and its advisability as a provision of law. If a man got killed on the 11th of November, 1918, who had served the maximum amount of time, his family gets only the basic pay of $625, whereas if a man served throughout the war without being killed and made his application and died the day after making his said application, his family gets the full amount of the adjusted service certificate, which is about three times as much as the other family received.

Now, this is unfair. If a man died the day before he could have made his application under the law, his family gets simply basic pay; whereas if a man died the day after making his application under the law, his family gets the full amount of the adjusted service certificate. This is a glaring discrimination and puts a penalty on a man because he either got killed in service or died before he had an opportunity under the law to make his application.

Mr. MANLOVE. Will the gentleman yield?

Mr. BROWNING. Yes.

Mr. MANLOVE. I quite agree with the gentleman as to the sentiment of the House, but was this matter presented to the commitee?

Mr. BROWNING. I will assure the gentleman the matter has been presented repeatedly.

Mr. BULWINKLE. Will the gentleman yield?

Mr. BROWNING. Yes.

Mr. BULWINKLE. I wish to remind the gentleman that when this adjusted compensation bill was first passed we on this side of the House who are ex-service men took the position that there was only one thing to do, and that was to pay the same amount of cash to all.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BROWNING. Yes.

Mr. GREEN of Iowa. The gentleman does not state the matter so the House will understand it. I know the gentleman wants to state it fairly.

Mr. BROWNING. I will be glad for the gentleman to correct any misstatement I have made.

Mr. GREEN of Iowa. In one case they get the cash in a lump sum and in the other case they get it in 20 years.

Mr. BROWNING. Oh, no. The bureau can pay it all in cash if they want to. When the man dies his certificate has matured.

Mr. GREEN of Iowa. Oh, yes; but he is not in the same position as the other man.

Mr. BROWNING. They usually pay it in 10 quarterly payments and settle it all in two and one-half years.

Mr. GREEN of Iowa. The gentleman would consider a beneficiary who gets the cash at once in the same position as one who may have to wait 20 years. Life insurance companies do not treat the matter in that way. If this is insurance, it should be treated as such.

Mr. BROWNING. Of course, if the gentleman wants to say that the Government can quibble over technicalities, that is all right. I admit these boys can not sue the Government and make them pay it, but I say that this House, in order to do justice, should have put a provision of that kind in this bill, and I venture the assertion further that had this bill come in with privilege of offering this one amendment there would not have been a dozen votes against it. This is one of the most glaring discriminations that are constantly being made with veterans' measures, and surely the gentleman who is the chairman of this committee, and whom we all love, is not afraid to defend his bill on the floor. Surely the Committee on World War Veterans' Legislation would not be afraid to defend its bill on the floor, and surely the House is not going to do something that is crazy.

If they would just give us the privilege of considering one adjusted compensation measure and one veterans' measure with open discussion on the floor, with privilege of amendment, where we could arrive at the accumulated wisdom of the Members of this House, then we would all be satisfied and we would not have to do it over every year. [Applause.]

I simply wanted to register my protest against this kind of procedure, wherein we are forever denied the privilege of amendment and discussion of any kind of veterans' legislation on this floor.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. BROWNING. Yes.

Mr. JACOBSTEIN. May I ask this question for the sake of bringing before the membership of the House an interesting bit of information? When the President vetoed the bonus bill he said: "The veterans as a whole do not want it"; but, according to the figures brought in to-day by the chairman of the Ways and Means Committee, it appears that 87 per cent have already wanted it.

Mr. BROWNING. Yes; I think the President was mistaken.

Mr. COLLIER. Mr. Speaker, I yield the remainder of my time to the gentleman from Mississippi [Mr. RANKIN].

The SPEAKER. The gentleman from Mississippi is recognized for two minutes.

Mr. RANKIN. Mr. Speaker, I did not take this time to throw bouquets at the Ways and Means Committee but to offer this criticism. This is not a bonus. This is adjusted compensation. It belongs to these men, and it seems to me that it is unnecessary to be passing these measures every two years and hedging them about with these limitations. Besides, there is a flagrant discrimination in this law which I have been trying to get corrected.

I agree with the gentleman from Tennessee [Mr. BROWNING] that we ought to have been permitted to amend this bill on the floor. If a veteran—listen to this—if a veteran dies and leaves a dependent brother or sister, I do not care if he is only 5 or 10 years old, under this bill he can not get his adjusted compensation.

This is property. It is a part of his wages as a soldier in the Army and it ought to go to his dependents or to his estate when he dies if he has not lived to make the application himself; and I should like to see the Ways and Means Committee bring in one of these bills, as the gentleman from Tennessee [Mr. BROWNING] has said, and let us amend it to take care of all these men. You are going to have to do it. You are not saving anything by this piecemeal legislation every two years. We are going to continue this drive until all these boys or their families or their estates have had an opportunity to secure the benefits coming to them under the adjusted compensation act. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Iowa [Mr. GREEN] to suspend the rules and pass the bill.

The question was taken.

The SPEAKER. In the opinion of the Chair the vote is unanimous.

So the bill was passed.

EXTENSION OF REMARKS—ADJUSTED COMPENSATION ACT

Mr. ARNOLD. Mr. Speaker, under the general leave granted to extend remarks on H. R. 10487, "An act to amend the World War adjusted compensation act, as amended," I take this opportunity to make some observations on this proposed legislation. It is unfortunate that bills of this kind are brought up for consideration on the floor of the House under suspension of the rules. This precludes amendments and limits debate to 40 minutes, 20 minutes to those who favor the proposed legislation and 20 minutes to those opposed. Members are thus precluded from discussing the merits of the bill on the floor as the limit of time will not permit, and amendments, however meritorious, can not be proposed or considered by the House membership.

The privilege of extending remarks in the RECORD is the only method by which a Member can voice his sentiments either for or against legislation when considered by the House under suspension of the rules as this bill is considered.

I am heartily in favor of the bill. It is a piece of meritorious legislation. There is an inequality in the law as it exists, however, that is not cured by this bill. If a soldier was killed prior to the signing of the armistice in November, 1918, his dependents get the basic pay only, whereas the dependents of a soldier surviving that date, where application has been made, get the full benefit of the adjusted service certificate in the event of the death of the soldier later. This is an inequality that should be remedied and I am confident would have been remedied by the House if an opportunity had been given to consider amendments.

Under existing law the time within which application might be made for adjusted compensation expired January 1, 1928. Some 500,000 veterans and dependents to whom compensation was available failed through neglect or ignorance of statutory limitation to make claim. Perhaps some of these do not care to claim the benefits of the act, but those who do desire to make claim and failed to do so through neglect or otherwise should not be denied that right. Under the proposed bill such applications may be filed on or before January 2, 1930. I am glad to see the time extended to January 2, 1930.

I understand some 30,000 applications have already been received by the War and Navy Departments since the time under existing law for filing expired.

Many thousand more will doubtless be filed when the veterans are advised of their rights. Some from my own district have written me that they failed to claim adjusted compensa-

tion before the time limit. This amendment will restore their right to claim their adjusted compensation.

Dependents likewise have the right to file within the time allowed veterans, and the Secretary of War and the Secretary of the Navy, under regulations to be prescribed by them, may designate some one to make the application without the necessity of a legal guardian being appointed by the courts. Provision is likewise made in the case of lost applications. In such case the application shall be considered as valid when originally filed.

Another wise provision of the bill is the provision in the case of veterans who have been missing for a period of seven years or more. In such cases there is a presumption of death and applications by dependents of such veterans after such time are authorized.

The bill will afford relief to many deserving veterans and their dependents, and I hope it will meet with favor in the body at the other end of the Capitol and receive Executive approval.

Mr. HASTINGS. Mr. Speaker, the bill under consideration is to amend the World War adjusted compensation act and has for its three main purposes, first, the extension for a period of two years the time within which application may be filed for the adjusted compensation. This time expired on January 1, 1928; and if this bill finally passes the Senate and is approved by the President it will extend the time to January 1, 1930.

It is estimated there were some 4,350,000 soldiers eligible to receive the benefits of the adjusted compensation act. The statement has been made during the discussion of this bill that 3,795,000 ex-service men have made application up to the present time, and that of the applications made 3,498,000 have been allowed. This leaves approximately 500,000 ex-service men who have not yet applied for this adjusted compensation.

The second important matter in the bill is an administrative one making the determination of the Secretary of War and the Secretary of the Navy concerning the validity of a lost application final.

The third purpose of the bill is to extend the benefits of the act to dependents of veterans who have been absent from home continuously and without explanation for a period of seven years. In other words, the act extends the presumption of death of ex-service men who have been absent and not heard from for more than seven years.

This bill should and will pass the House unanimously. I am glad to support it as I have supported all other legislation recommended for the ex-service men.

I was a Member of the House in 1917 during the World War, and the responsibility was in part mine to assist in the enactment of legislation to help win the war. We passed then all of the needed legislation not only to raise an Army and to strengthen the Navy but to clothe and equip them. We voted large sums of money and massed all of our resources in order that the war might be speedily terminated.

In the short period from April, 1917, to the date of the armistice, November 11, 1918, approximately 4,350,000 of the flower of our youth joined the Army. About half of them were thrown across the sea. They were given but little training, but they gave a splendid account of themselves. The fact that legislation was enacted to mass our men and resources enabled us to speedily terminate the war. Our allies had not won an important engagement before our soldiers reached France. They were dispirited and discouraged. In the preliminary or rather minor parts our soldiers took in the engagements after reaching France they gave a good account of themselves. They heartened the Allies and discouraged the enemy troops.

In the middle of July, 1918, we joined in the Battle of Chateau Thierry and relieved Paris and turned the tide of battle. In September we took the offensive in the St. Mihiel drive and won a glorious and sweeping victory. Immediately following we took an important part in the Argonne offensive, and our soldiers made it possible for us to win that victory and to bring to a close the bloodiest war in all history on November 11, 1918.

During the war I earnestly supported all measures for its prosecution. Since its conclusion I have voted for every generous consideration to be given to the ex-service men who enrolled under our colors and made it possible to carry our flag to a triumphant victory. During the war we appropriated money to make it possible to assist in caring for the dependents at home while our soldiers were away fighting for their country. Upon the termination of the war we voted for vocational education to rehabilitate the disabled. We built hospitals and we made provision for alleviating the pain and suffering and caring for the wounded. We voted for the adjusted compensation act and all amendments thereto. During the war we voted for the provision authorizing the men in arms to be insured at a reasonable rate. We have voted to continue the time within which application may be made for the adjusted compensation. We believe that this Government should be generous with those who enrolled under our colors and made it possible, in an incredibly short time, to bring to a successful close this great war. Our responsibility does not end here. We should continue to take care of the dependents of those who gave their lives for their country. We should hospitalize and care for those who are wounded and afflicted. We should be generous in the administration of our laws in passing upon claims for compensation.

Many of our soldiers were anxious to return home upon discharge, and did not know that the strain and hardship they had undergone would so soon wreck their health and disable them to an extent that they would not be able to support themselves. Many of them are called upon for proof they are unable to supply, as in many cases the best individual records were not kept. They know they entered the Government service strong and healthy and able to do an unlimited amount of work and to support themselves and those dependent upon them. Within a short time after their discharge their strength failed and they found themselves afflicted with disease and yet many of them do not have the connecting link of testimony which is sufficiently strong and convincing to prove that their disabilities were of service origin. My criticism is that this testimony should be more generously construed and I think all of the presumption should be indulged in favor of the ex-service men. Congress has enacted much favorable legislation and it should not be neutralized and made of no benefit because it is not sympathetically administered. We will continue to support hospitals with generous appropriations and, as I stated a moment ago, we will continue to take care of the disabled and their dependents who lost life and health in the service of their country.

Just one word more. I want to invite attention to the fact that this bill is brought up under suspension of the rules of the House. Now, the public does not understand what this means. It means this: That the leaders of the House are not, and have never been, willing to permit Congress to consider legislation for the benefit of the ex-service men at a time and in such a way that amendments may be offered and the whole subject opened up for consideration, discussion, and amendment. During the past five years we have not had an opportunity in the House to consider soldier legislation upon its merits with an opportunity for amendment. Under the rules under which this bill is being considered no amendment can be offered, and Members of the House must vote either for or against a motion to suspend the rules of the House and pass the bill. This requires a two-thirds vote. Of course, no Member of the House will vote against any bill for the relief of the ex-service men, however small. Many of us, however, would like an opportunity to have a bill brought before the House when the whole subject may be considered at length and when amendments expressive of the will of the House may be offered and considered and voted upon. I do not recall, during the past six years, any bill affecting soldiers that has been permitted to be brought before the House for a full consideration with an opportunity for amendment, and no bill of any consequence, as I now recall, since the final termination of the war.

Mr. COHEN. Mr. Speaker, under the leave to extend my remarks in the RECORD I wish to submit the following:

As is quite often the case when a law is enacted, after it has been in force for a while it is found that changes are necessary in order to cover the full intent of the law. I feel sure this was the case in the adjusted compensation law, and I am heartily in favor of the changes which have been made by the amendments to that act.

In my district in New York a great many of the veterans who are eligible to receive the benefits of this act have not taken advantage of it. In many instances it was through ignorance of the law, and when they did learn of it it was too late to file their applications. I am informed many thousands of applications were received by the Navy and War Departments which were of no value to the applicants until some new legislation was enacted. Now, upon the extension of the time they can receive the benefits to which they are so justly entitled. There is no question of asking for additional appropriations to carry out the law with the added amendments, as I am advised the sinking fund created by the original law will take care of any additional applications which will be made.

Then, too, the question of the dependents is a very vital one. I know in a great many cases the veterans did not return to their homes. In some instances they have been located and restored to their families, but in most cases this is not the rule and it is nothing but fair the dependents of those veterans should receive the benefits of the act, even if they are not able to produce evidence of the death of the veteran.

I think this measure as it now stands is thoroughly satisfying to the American Legion and other veterans' organizations and I feel the Ways and Means Committee were very just in their report on the bill and am most happy to know the law is so amended as to cover many needed points.

Mr. MORROW. Mr. Speaker, H. R. 10487 has for its purpose the extending of the period of time two years longer in order that the ex-service men who are entitled to the same may file for their adjusted service compensation. It is stated that some 850,000 veterans or their dependents failed to apply for the adjusted service compensation; that there are pending now before the United States Veterans' Bureau some 57,000 applications which were either filed too late or are defective.

This legislation, then, gives further time in which to file applications and gives opportunity for the correction of defective applications. A further feature is that lost applications can be properly accounted for and validated and permits the filing of new applications as of the date of the original filing.

If a veteran has continued an unexplained absence from his home and family for a period of seven years, and that fact is shown by evidence, by the enactment of this legislation the Veterans' Bureau is authorized to consider the death of the veteran to exist.

This will permit the disposition of what the ex-service man would be legally entitled to from the Government to go to his legal dependents.

Many other features of this amendment tend to more clearly solve some of the complications that have arisen before the bureau of the Government having in charge the interpretation of legislation for veterans of the World War.

The present amendments are intended directly to assist those who have neglected, or through lack of proper knowledge have failed, to avail themselves of the benefits conferred by legislation for their services to our country; and in case of the death of the veteran so that his dependents may receive the benefits to which the soldier is justly entitled.

The entire bonus insurance plan will cost the Government something like $2,000,000.

The World War cost the Nation the sum of $423,405,993 for the first three months of the war (April 6 to June 30, 1917); war expenditures for the fiscal year 1917–18 were $8,242,039,268; and those for the fiscal year 1918–19 are placed at $14,312,821,707. (Page 87, "War Costs and Their Financing" by E. L. Bogart, professor of economics, University of Illinois and sometimes assistant foreign trade adviser in the United States Department of State.)

That all men who served in that war should share in the bonus insurance was the purpose of the legislation first enacted by Congress. The purpose of this amended legislation is that in due time all of the ex-service men, or in case of their death then their legal dependents, will receive that which the original law intended.

The soldiers of the World War should be so treated by this Government that should there still remain nations who believe that the power of might should be the dominant spirit in affairs of government, a true patriotism may exist among those who served this country in its hour of need; that our now soldier citizen may keep alive in the people a spirit of love of country and patriotic duty for the protection of the principles of government.

It is to this end that a national defense day has been established and designated by the President each year. Not that a spirit of war may be created, but rather that a true spirit of patriotism and national pride may be fostered in the Nation.

Our four million and more World War veterans should be treated by a fair national policy to feel that our Government is a just Government. The Government has legislated in many ways since the close of the World War for the veterans; it has expended in care, hospitalization, etc., an enormous sum of money.

For the information of our citizens I desire to insert here the casualties of the various wars our Nation has figured in. Then let us carefully contemplate the grief and sorrow which have been caused in our own country and similarly in all the world.

CASUALTIES

(Information digested from sources cited)

REVOLUTIONARY WAR

From the Battle of Lexington to the surrender of Yorktown, in 24 engagements, the American losses in the field were about 8,000. (Collier's New Encyclopedia, v. 15, p. 6686.)

WAR OF 1812

The number killed in battle was about 1,500; the total killed and wounded in land battles not far from 5,000; and the grand total of losses, including prisoners, 9,700. (Kendric C. Babcock. The Rise of American Nationality, v. 13 of the American Nation, edited by A. B. Hart. Harper & Bros., 1906, p. 188.)

MEXICAN WAR

Total losses were 1,549 killed or died of wounds; 10,986 died of disease. The mortality from disease was 110 per 1,000 per annum; the battle losses, 15. (Capt. Louis C. Duncan, Medical Department of the United States Army in the Civil War. Informally issued by Surgeon General's Office. Seaman prize essay appended, pp. 24, 25.)

CIVIL WAR

For the Union armies the total number of deaths was 359,528. Of these, 67,058 were killed in battle and 43,012 died of wounds, giving a total of 110,070 deaths from battle casualties, equivalent to a rate of 33 per 100 per annum. For Confederate armies it is estimated that the battle losses were 94,000 and that twice as many died of disease. (Capt. Louis C. Duncan, Medical Department, etc., p. 28.)

SPANISH-AMERICAN WAR

Total deaths from all causes in the Army were 2,910, including 280 killed. The wounded numbered 1,577, of whom 65 died. Died of disease, 2,565. (U. S. War Dept. annual reports, 1898; v. 1, pt. 1, p. 272.)

PHILIPPINE INSURRECTION

Following were the losses sustained by United States troops: Killed, 777; died of wounds, 227; died of disease, 2,572; died of miscellaneous causes, 588; total deaths, 4,165; wounded, 2,911. (U. S. Dept. of War annual reports, 1902, v. 1, p. 291.)

WORLD WAR

United States:	
Mobilized	4,272,521
Dead	67,813
Wounded	192,483
Prisoners or missing	14,363
Total	274,659

(The new International Yearbook, 1918, p. 761.)

We note the above figures and are struck with awe at the horrors of war. Yet with all of this, the obligation is imposed upon each child born to the Nation, when that child reaches the age of accountability, to realize its duty of defending the honor, integrity, and stability of the country.

I believe nations can avoid war. The real principle in government is justice, and it should be the highest function of government to give the nation peace.

The words of the Father of His Country, George Washington, in his Farewell Address are brought to mind—

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Against the insidious wiles of foreign influence the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it.

The words of the great statesman should make us realize that the achievements of our powerful Nation in the World War must never be used in a selfish way to overawe other or weaker nations by subjecting them to anything in government intercourse which may be construed as an attempt by us as a Nation to overlord or dictate to them.

The principles of our Government should never be used to the extent of permitting or protecting unsound or selfish business interests of our citizens in foreign countries; a policy to which our country is consciously or unconsciously drifting. It behooves our Government as a Nation not to take offense at every whim of some of the minor republics. I feel the truth of the words of a prominent statesman when he recently referred to our attitude toward our sister Republic below the Rio Grande: "God made them our neighbor; let us pray that justice will make them our friend."

The thought I am presenting in these remarks is that we should instill in our youth that the horrors of war, destruction, and wanton waster of human life, together with the destruction of national property, ought to be by some intelligent method prevented in the future.

INTERNATIONAL EXPOSITION AT SEVILLE, SPAIN

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with accompanying papers, referred to the Committee on Foreign Affairs.

To the Congress of the United States:

In accordance with the accompanying recommendation of the Secretary of State, I request of the Congress legislation that

will authorize the appropriations heretofore made or hereafter to be made under the authority of Public Resolution No. 65, approved March 3, 1925, providing for the participation of the United States in an international exposition to be held in Seville, Spain, to be expended, for the purposes enumerated in the resolution, without regard to the provisions of any other act relating to the expenditure of public moneys, on the certificate of the Secretary of State that the materials or services were necessary to enable the Government of the United States to participate in the exposition.

The attention of Congress is invited to the accompanying report of the Secretary of State and the memorandum of the Commission of the United States to the International Exposition at Seville, in which the details with regard to the necessity of the proposed amendment are set forth.

CALVIN COOLIDGE.

THE WHITE HOUSE, *Washington.*

INCREASE OF CIVIL WAR WIDOWS' PENSIONS

Mr. W. T. FITZGERALD. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 10159) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War with an amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the widow or former widow of any person who served in the Army, Navy, or Marine Corps of the United States during the Civil War for 90 days or more, and was honorably discharged from all contracts of service, or regardless of the length of service was discharged for disability incurred in service and in the line of duty, such widow or former widow having been married to the soldier, sailor, or marine prior to the 27th day of June, 1905, and who is now or may hereafter attain the age of 75 years and is pensioned as such widow or former widow under the general pension law, or whose name may hereafter be placed on the pension roll under existing laws, shall be paid a pension at the rate of $40 a month, but nothing in this act shall be construed as decreasing the rate of pension granted by any other act.

SEC. 2. That the pension or increase of the rate of pension herein provided for, as to all persons whose names are now on the pension roll, or who are now in receipt of a pension under existing law, shall commence at the rate herein provided, on the fourth day of the next month after the approval of this act; and as to persons whose names are not now on the pension roll, or who are not now in receipt of a pension under existing law but who may be entitled to a pension under the general pension laws, such pensions shall commence from the date of filing application therefor in the Bureau of Pensions after the approval of this act in such form as may be prescribed by the Secretary of the Interior: *Provided*, That the issue of a check in payment of a pension for which the execution and submission of a voucher was not required shall constitute payment in the event of the death of the pensioner on or after the last day of the period covered by such check, and it shall not be canceled, but shall become an asset of the estate of the deceased pensioner.

SEC. 3. That no claim agent, attorney, or other person shall demand, receive, or accept fees or compensation for the presentation or preparation of any such claim for increase in pension under this act, or be recognized as agent or attorney in the prosecution or adjudication of a claim for increase under this act, and any such person who shall violate any of the provisions of this section, or wrongfully withholds from a pensioner the whole or any part of the pension allowed or due a pensioner under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not to exceed $500 or imprisonment not to exceed one year, or both, in the discretion of the court.

SEC. 4. That all acts and parts of acts in conflict with or inconsistent with the provisions of this act are hereby modified and amended only so far and to the extent herein specifically provided and stated.

The SPEAKER. Is a second demanded?

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent that the second be considered as ordered.

The SPEAKER. The gentleman from Ohio asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. W. T. FITZGERALD. Mr. Speaker, I think all the Members of the House are familiar with this bill. It is in the same form that it was when the bill passed the former House increasing the pension from $30 to $40. When the widow reaches the age of 75 it automatically advances the pension.

Mr. CHINDBLOM. This bill relates to widows of the Civil War?

Mr. W. T. FITZGERALD. Yes; and former widows.

Mr. CHINDBLOM. Is not there a mistake in the spelling on page 2, line 18? The word "commerce" should be "commence."

Mr. W. T. FITZGERALD. I think that is true.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent that the spelling on line 18, page 2, be corrected; that the spelling of the word "commence" be corrected.

The SPEAKER. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I yield myself five minutes.

Mr. Speaker, ladies, and gentlemen of the House, I demanded a second for the reason that I thought that there should be some discussion of the bill under consideration. This bill, as stated, was reported as a substitute by our committee for the many general pension bills which have been referred to the Committee on Invalid Pensions. The bill provides in part for pensions and increase of pensions to the amount of $40 per month for those widows and former widows who married subsequent to the discharge of their husbands from the Civil War, and prior to June 27, 1905, provided that they are now or may hereafter attain the age of 75 years. I believe the bill should have been amended to provide a monthly pension allowance of $50 for all widows of Civil War veterans who are now entitled to pensions under our general pension laws.

At a joint meeting of the Senate Committee on Pensions and the House Committee on Invalid Pensions held on January 18, 1928, hearings were had on the question of pension legislation. Representatives of the Grand Army of the Republic and allied organizations who appeared at this hearing unanimously stated that the present allowance to widows is grossly insufficient to decently support them; that most of the widows on the pension rolls are between 80 and 90 years of age, feeble, infirm, and unable to work or earn a livelihood, and many of them in destitute circumstances. The Grand Army of the Republic, Women's Relief Corps, Daughters of Union Veterans, Sons of Veterans, and Ladies of the Grand Army of the Republic, through their representatives, urgently supported and indorsed the proposition that a uniform allowance of $50 per month should be granted to widows of Civil War veterans who now have a pensionable status under the general pension laws. The evidence before the committee also disclosed that the widows are dying at about the rate of 11,000 annually. The names of 1,569 widows were dropped from the rolls during the month of December, 1927. The bill which has been reported and will pass this House does extend some relief, but not to the extent warranted by the emergency. The arbitrary age provision incorporated in this bill providing for an increase only to those who are now or may hereafter attain the age of 75 years is discriminatory for the reason that it leaves out in the cold thousands of deserving widows who have spent the best part of their lives in administering to the wants and needs of our veterans in their declining years.

In view of the high cost of living, it will not be seriously argued that the proposition of the majority of the committee to increase the present allowance $10 per month is adequate, just, or fairly meets the situation. The present bill is a makeshift and a refusal to squarely face the issue and grant a sufficient and reasonable allowance to these widows for their decent and necessary support in the few remaining years of their lives.

The Senate has already favorably reported at this session a bill carrying an allowance of $50 per month to widows of Civil War veterans who are now entitled to a pension under the general law. Why should the House hesitate to go along with the Senate? In the past our committee has reported favorably to the House a bill increasing the rate to $50 per month. On April 9, 1926, our committee favorably reported by unanimous vote the Elliott bill, which recommended an increase to $50 per month in pensions payable to those widows who were married prior to the 27th day of June, 1915. According to the report submitted in behalf of the bill to which I refer, H. R. 4023, I believe it was stated that such increase was not in conflict with the President's financial program. I refer the Members of the House to pages 1 and 2 of report No. 818, to accompany H. R. 4023. That report further stated—and the provisions therein were applicable to the widows as well as the veterans—that "the committee considered the bill as an emergency measure," further stating "that whatever more is to be done for these old soldiers and widows must be done soon. They are fast passing to their reward, where a grateful Nation can do no more to pay the debt it owes to them. To-day the average age of the widows is nearly 75

years." I call attention to the last paragraph of that report, which reads:

If this bill becomes a law, it will probably be the last expression of Congress in trying to discharge the debt of gratitude which the Nation owes to its saviors in its hour of darkest peril and to their dependents. In view of the rapid decrease in the number of these old veterans and widows, the increase granted by this bill will not be a burden on the Treasury for long, and your committee earnestly recommends the passage of H. R. 4023 at an early date.

In view of the attitude of the Committee on Invalid Pensions two years ago and that assumed by the Members of this Congress who have frequently and repeatedly expressed their views to the effect that they favored an adequate and substantial increase in pensions for these aged women, are we able to reconcile our views with the provisions of the bill under consideration? It was stated then that immediate action was needed; that they are rapidly passing to their final reward; that they originally received but meager pensions.

Does not a greater emergency exist to-day than existed some two years ago? We are advised that these widows are dying at the rate of about 11,000 annually. In a few years all will have passed into the silent land. Our Government is definitely committed to the policy of providing for their comfortable support and maintenance.

Mr. MANLOVE. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. MANLOVE. Can the gentleman tell the House offhand how much increased burden this will impose on the Treasury, this $10 increase? I refer to the increase carried in the bill.

Mr. UNDERWOOD. The cost of the bill for the first year will be approximately $10,800,000.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. UNDERWOOD. I yield myself five additional minutes.

Mr. LOZIER. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. LOZIER. Those figures are on the assumption that there are no deaths; but if the widows continue to die at the rate of 1,100 a month, as under present conditions, the additional sum carried by this bill will be negligible.

Mr. MANLOVE. Then at what rate are the widows dying?

Mr. UNDERWOOD. I may say in answer to the gentleman's inquiry, that according to the figures furnished our committee, during the month of December, 1927, 1,569 widows died or their names were dropped from the rolls of the Pension Bureau.

Mr. ELLIOTT. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. I am also informed that during the past year approximately 11,000 widows have died. I yield to the gentleman from Indiana.

Mr. ELLIOTT. I call attention to the fact that while a certain number of these widows will die every year, a certain other number will be coming on, arriving at the age of 75 years, so that they will take up all of this increase.

Mr. MANLOVE. And for what period of time does the gentleman think that these poor old widows will continue to come on?

Mr. JACOBSTEIN. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. JACOBSTEIN. But some of us are interested in finding out whether the President of the United States is going to veto this bill, as he did the soldiers' bonus bill.

Mr. GREEN of Florida. I do not think that would be very good politics at this time.

Mr. ARENTZ. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. ARENTZ. I think the gentleman has overlooked the most important feature of the bill, in the fact that a woman who has been married to a Civil War veteran since 1905, 23 years, deserves the extra $10 a month as much as if she had been married to the veteran a day previous to the 27th day of June, 1905. If it were possible, I think this bill should be rereferred to the committee, and we should strike out any reference whatever to 75 years of age. A woman certainly deserves the $10 a month extra regardless of whether she reaches the age of 75 years or not, if she was married to the veteran before 1905. [Applause.]

Mr. UNDERWOOD. I think what the gentleman says is true. I do not believe that we ought to fix an arbitrary date or age. If a widow has lived with a veteran for 15 or 20 years continuously and has cared for that veteran and ministered to his wants as a dutiful wife, certainly she is deserving, regardless of an arbitrary marriage date or age.

Mr. MANLOVE. But under the gentleman's own argument does he not fix a date when he says that if a widow has lived with a veteran for a period of 15 years? In his own mind he is fixing a date back to the beginning of the 15-year period.

Mr. UNDERWOOD. No. As it is now, only those who were married prior to June 27, 1905, have a pensionable status.

Mr. MANLOVE. That is all right, but the gentleman does not want himself understood as saying that he would eliminate the period of date. Some young women may have married old soldiers a few days ago, without limitation of date.

Mr. UNDERWOOD. Suppose a woman married a veteran.

Mr. MANLOVE. On what date?

Mr. UNDERWOOD. In June, 1905, and lived with him up to the present time. Then she has lived with him for approximately 23 years, and I say, regardless of the date, if she has lived with him for that time she certainly should be considered as having earned some consideration.

Mr. MANLOVE. But that is quite a different proposition. The gentleman said that he would eliminate both date and age.

Mr. UNDERWOOD. I would in this bill, but I would include an amendment to the effect that she must have lived with the veteran continuously for a reasonable period of time and have cohabited with him for, say, 15 or 20 years.

Mr. GREENWOOD. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. GREENWOOD. As I understand the gentleman, in referring to the arbitrary date of June 27, 1905, that law was passed about 1917. At that time the widow would have lived with the soldier about 12 years, in order to obtain a pension. Maintaining that arbitrary date down to this time, the widow would have lived with the soldier for 23 years. If it was right, when it was first passed as an arbitrary date, it is not equitable now, and the point I understood the gentleman to make is that instead of fixing an arbitrary date you should require a period of time that they should have lived with the soldier and at the time of his death have lived with him for 15 or 20 years. Then the time or the date will follow, as the time goes on, and they will all be treated on an equitable basis of time they have lived with the soldier, so that the arbitrary date fixed some years ago can not be right now.

Mr. MANLOVE. I agree with the gentleman, if that is the point he contends for.

Mr. GREENWOOD. The gentleman agrees with the gentleman from Ohio on that point.

Mr. UNDERWOOD. Yes; that was my contention. I do not care to take further time, but I do want to discuss the present system that has grown up in the House of granting increases of pension by special act.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. UNDERWOOD. I yield myself two additional minutes. The present system of increasing widows' pensions by private pension bills is discriminatory, unfair, and unjust. As a result of this system, a few widows, by the activity of their Representatives in Congress, secure a pension allowance of $50 per month, while the great majority of widows are denied this relief and compelled to get along on $30 per month. Manifestly, it is unfair, giving a few thousand widows $50 per month by private pension bills and denying that allowance to thousands of other widows who are equally aged, equally infirm, equally indigent, and equally deserving. All are practically on the same basis in reference to age, health, and financial condition. All should be treated alike. Thousands of widows are discriminated against unintentionally, thus favoring a few.

The action of Congress in this respect is unfair, unjust, and inequitable. We should correct these abuses and the favoritism that has grown up under our system of granting increases in pensions by private act. Thousands of special bills have been introduced at this session. The chances are that few of them will be acted upon. No doubt the most of them are meritorious claims. We can only relieve this intolerable condition by passing a fair and equitable general law which will provide for the payment of a pension of $50 monthly to those widows who have a pensionable status under our general pension laws.

We have pending before our committee to-day several thousand bills, special acts, introduced by Members of Congress, granting to widows an increase of pension from $30 to $50 a month. Practically all of us introduce such bills. I am informed we may not have an omnibus pension bill during this session. The investigator of our committee is unable to examine and give attention to all the special bills introduced.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. SCHAFER. Why can not the committee get a couple more investigators? Does the gentleman mean that Members of Congress are going to discriminate in favor of one widow as against another who is just as infirm?

Mr. MANLOVE. I want to say that the Committee on Invalid Pensions has less appropriations for it than it is entitled to.

Mr. UNDERWOOD. I would say to the gentleman from Wisconsin that I do not believe it is the intention of Members of Congress to discriminate, but our omnibus pension bills only include those meritorious cases which are brought to the attention of our committee by Members of the House or Senate. We all know that for every worthy case relieved there are hundreds of other cases equally meritorious that do not receive consideration because the claimants' condition has not been brought to the attention of some Member of the House or Senate. Relief by special act is unfair to a certain extent, unintentionally and without fault on the part of the membership of the House. We should either discontinue the practice of passing special acts or pass a general pension bill that is just and equitable to all. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Ohio [Mr. W. T. FITZGERALD] to suspend the rules and pass the bill with an amendment.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks on this bill.

The SPEAKER. The gentleman from Ohio asks unanimous consent that all Members may have five legislative days in which to extend their remarks on this bill. Is there objection?

There was no objection.

Mr. ARNOLD. Mr. Speaker, I am unable to understand why pension bills, and especially this bill, is brought up for consideration on the floor of the House under suspension of the rules. Such consideration limits debate to 20 minutes to those in favor of the bill and 20 minutes to those opposed to the proposed legislation, and amendments are not in order and can not be considered. Discussion of the bill by the House membership on the floor is out of the question owing to the limited time. A number of the Members of the House would like to discuss the merits and demerits of the bill and offer and discuss meritorious amendments.

The only way a Member can voice his approval or disapproval of the bill, or inequalities in the bill which should be cured by amendments, is to take advantage of the privilege of extending his remarks in the RECORD. I am taking advantage of that privilege as the only way I can register my views on the proposed legislation. It is necessary to vote the bill up or down, and we are required to support the bill, with all its defects, for the good there is in it, and at the same time take it with all its defects and inequalities.

That is bad practice. I do not think the House would go wild on legislation of this kind in their desire to do justice. I believe an opportunity should be afforded to propose and consider amendments that would add materially to the general benefits of the bill. This bill does not go as far as it should.

At the last session the Invalid Pensions Committee reported favorably to the House a bill recommending a uniform increase to $50 per month. Why the change of the committee's attitude at this session in reporting a bill to make the uniform allowance of but $40 per month is more than I can understand. I am pleased to see that eight members of that committee are in accord with my views and have joined in a minority report. It ought to be at least $50 per month and I am sure the membership here, if they had an opportunity to vote directly on the proposition, would make a uniform allowance of $50 a month.

The Government can afford to be liberal to its defenders and their widows and adequately provide for them in their declining years. Most of these widows are from 75 to 90 years of age, feeble and infirm, unable to work and earn a living, and many of them are practically destitute. They have ministered with love and kindly affection to our country's defenders and added to their peace and contentment in their declining years.

Reports show that the mortality rate is about 11,000 a year. But a few years more and all will have passed away. We should add to their comfort, peace, and happiness in their declining years. They have performed noble service in ministering to the wants and needs of those whose patriotism and sacrifices and hardships have insured the perpetuity of our Government.

Another most glaring defect in the bill is that which permits the pensionable status to remain as of June 27, 1905. Either the date of the pensionable status should be moved up to a later period or the status should be based upon the number of years the widow lived with her soldier husband, administering to his necessities and comforts. Thousands of widows throughout the country were married to their soldier husbands subsequent to June 27, 1905. No relief whatever is provided these widows. They should have been taken care of by amendment to the bill.

The law first fixing the pensionable status as June 27, 1905, was passed in 1916. The date of the pensionable status was then fixed 11 years prior to the enactment of the law, so that a designing woman would have no incentive in marrying a veteran primarily for the purpose of getting a pension for life upon his death. Twenty-three years have elapsed since the date fixed for determining a pensionable status. The reason for fixing this pensionable status at the arbitrary date of June 27, 1905, has ceased. Either that date should be fixed about 1920 or the pensionable status should be determined on the basis of marriage relation existing for some 10 or 15 years prior to the death of the soldier.

Special bills will continue to be filed to take care of these widows who have been married subsequent to June 27, 1905, and the congestion of private bills in the Invalid Pensions Committee will be relieved but very little. If I had my way about it, I would fix the pensionable status at 10 years existence of the marriage relation prior to the death of the soldier. The widow who lives with her soldier husband and administers to his wants and necessities for a period of 10 years is in justice entitled to a pensionable status. If widows who had been married and lived with their soldier husbands for a period of 10 years up to the time of the soldier's death were granted a uniform pension of $50 a month, a greater degree of justice would have been done to these surviving widows.

As the bill is it does not do justice to these widows who have so nobly and valiantly stood by their soldier husbands and ministered to them in their declining years. I believe such a bill would have passed the House by an overwhelming vote and I do not believe there would be just grounds for Executive disapproval, in view of the fact that these widows are so rapidly passing away. In the month of December, 1927, 1,569 widows died, or their names were dropped from the pension rolls in the Pension Bureau.

With this rapid increase in the mortality rate, it could not be much of a strain on the Federal Treasury, and those of us who are sincerely interested and the citizens of America generally who are interested in seeing that our old soldiers and their widows are adequately provided for would have the satisfaction of feeling at least that justice had been done.

Mr. MORROW. Mr. Speaker, House bill 10159 has passed the House. This bill provides an increase of pensions to widows of the soldiers of the Civil War when said widows have attained the age of 75 years.

This legislation will, no doubt, assist several thousand widows of veterans of the Civil War, and the increase will provide at least a means for securing the necessities of life during the remainder of their years upon earth.

In looking over a memoranda I notice a statement made by a former Senator from New Mexico five years ago, that at that time there were 488 widows of the veterans of the Civil War still living who were then 94 years of age or over; that there were 157,000 widows over the age of 74 years. Since that time the department states that many thousands of these widows have passed away, and that the widows are dying at the rate of 11,000 a year. During the month of December, 1927, 1,569 of these widows were stricken off the pension rolls.

The bill provides that widows who married the Civil War veterans before July 27, 1905, are entitled to the increase from $30 to $40 per month. So this legislation does not place on the pension rolls widows who married the veterans subsequent to July 27, 1905.

The mortality of these surviving widows is increasing rapidly at this time, and naturally must increase much more from this time on. The increase of $10 per month is provided for those who have passed the biblical period of threescore and fifteen, and who have heretofore been pensioned at the rate of $30 per month.

It is true that this legislation confers a great benefit upon some thousands of widows who do not at this time receive sufficient pension to subsist properly, or to receive the proper care necessarily required for their comfort at this age.

The committee report states that indications shows that many of these widows are helpless and sadly in need of this assistance. There are on the pension rolls of the Government 206,530 widows of Civil War veterans; these figures are of January, 1928.

The committee has conferred a real favor upon many thousands of these worthy widows in the passage of this bill. However, there remains this positive fact—that the age limit placed in this legislation is entirely too high, in requiring that the

widow be 75 years old before she receives the increase of $10 per month. It would be more equitable and just if this age limit were 65 or 70 years instead of 75 years. The other branch of Congress feels more generous toward the widows; they have seen fit to favorably report a bill allowing widows of Civil War veterans a pension of $50 per month.

It is stated that the Government, from July 1, 1926, to June 30, 1927, paid out $83,763,158.37 for pensions to Civil War widows.

These figures bring to the American people an idea of the enormous cost of war not only in the money spent but entailment in expenditures that must follow in its wake, and in the untold sorrow and suffering which humanity must endure. Is there no solution to this problem? Who has offered a better solution than the great American President and statesman, Woodrow Wilson, in his plan for outlawing war through the League of Nations?

The American people should ponder over the results of war—how our manhood is ravished and the people are saddled with a burden almost unbearable. And yet it is our duty to protect those who have fought for our country—theirs should be a fair and generous reward. And second only to our duty to the veterans themselves, is our duty to provide for the widows.

Mr. PRALL. Mr. Speaker, depending upon our action in the House to-day by passing or rejecting H. R. 10159, providing an increase in Civil War widows' pension allowances from $30 to $40 per month, will disclose to those dependents the feeling of gratitude or ingratitude of the citizens of our respective districts. By our attitude to-day we will convey to these dependents a message of appreciation of services well and nobly performed by Civil War veterans during the darkest hours of the Nation's peril. Should we reject this bill it will indicate our indifference, our ingratitude, and our unfriendliness.

By supporting this measure I believe I voice the sympathetic and humane attitude of the voters of my district, who may always be depended upon to give cheerfully and bountifully of their time and funds to espouse a worthy cause. If they could express their opinion, as I will do for them, the vote would be unanimous. They are grateful to all war veterans and not unmindful of the needs of their dependents, and I am sure they feel as I do, that while the Government is spending enormous sums for other purposes, it should provide an adequate pension for Civil War veterans' widows to the end that their declining years might be made as comfortable as possible.

If this bill passes fixing the pension at $40 per month, it would equal $1.33 per day. I am reminded that this sum must provide shelter, food, clothing, and medical attention. The question is, how can it be done?

Under the provisions of this bill, in order to receive the increase, these already aged women must have attained the age of 75 years. It would be interesting at this point to know how many of them ever reach that age—certainly not a large number. If the number is not large, by the same token the expense to the Government would be infinitesimal.

During this session the Senate reported a bill providing an increase to $50 per month. In view of this action taken by the gentlemen at the other end of the Hall it is hard to understand why this committee failed to report a similar bill. Can it be that we Members of the House place the purchasing power of the dollar at a higher point than the gentlemen of the Senate? Or do we fail to comprehend the urgent need of these dependents?

Physical infirmities and illness come to us with greater suffering and frequency at the age of 75 years, and if we are without the wherewithal to meet it, the toll is disastrous.

Mr. Speaker, in the Sixty-ninth Congress the committee reported H. R. 4023 providing an increase to $50 per month for Civil War widows. In the report submitted at the time it stated that—

> the committee considered the bill an emergency measure; that whatever more is to be done for these old soldiers and widows must be done soon. They are fast passing to their reward, where a grateful Nation can do no more to pay the debt it owes to them. To-day the average age of the widows is nearly 75 years.

The last paragraph of that report stated that if the bill became a law, it would probably be the last expression of Congress to pay the debt of gratitude which the Nation owed these old veterans and their dependents; that in view of the rapidly decreasing numbers, the increase granted them by H. R. 4023 would not be a burden on the Treasury for long.

But the case was more succinctly stated to-day by the gentleman from Ohio [Mr. UNDERWOOD] when he said:

> The present system of increasing widows' pensions by private pension bills is discriminatory, unfair, and unjust. As a result of this system a few widows, by the activities of their Representatives in Congress, secure a pension allowance of $50 per month, while the great majority of widows are denied this relief and are compelled to get along on $30 per month. Manifestly it is unfair giving a few thousand widows $50 per month by private pension bills and denying that allowance to thousands of other widows who are equally aged, equally infirm, equally indigent, and equally deserving. All are practically on the same basis in reference to age, health, and financial condition. All should be treated alike.

Congress should not disregard this state of affairs. There should not be two separate pension laws for war widows. There should be no discrimination, especially by legislative acts. These cases are practically identical and should be so considered. Congress should no longer withhold the increase to all dependents that is now enjoyed by a fortunate few. Fifty dollars per month would meet the requirements more adequately than $40 would.

Congress may, and I hope will, in the near future take cognizance of this inequality and end the discrimination by passing a general law equalizing pension allowances to all dependents as a result of all wars.

Huge sums are appropriated annually to meet the requirements of governmental activities. The people of the Nation are not always in complete agreement as to the wisdom of or the necessity for many of these vast expenditures. I am sure, however, by providing adequate pensions for the dependents of American veterans of all wars, who have passed into the great beyond, American citizens, whom we represent in this House, will not only be in accord with, but will applaud our action for passing this bill.

Mrs. NORTON of New Jersey. Mr. Speaker, I do not like the provisions in this bill, H. R. 10159. I think it is most unjust and unfair of this House to grant these aged, worthy widows of the Civil War a miserly increase of $10 a month.

I understand the Senate Pension Committee has reported out a bill to increase these pensions from $30 to $50 a month. I am disappointed in the House that it does not agree with the Senate, and it only means a conference and I hope a victory for the Senate.

In the last Congress a pension bill passed increasing the pensions of widows of the Civil War from $30 to $40 a month, and what happened to it? It was "pocket vetoed" by the President in the closing days of the Congress. Will this bill meet with the same fate? What assurance have you that the President will at this time approve this bill?

In the beginning of the Seventieth Congress I informed the widows of the Civil War veterans in the twelfth district of New Jersey, whom I have the honor to represent, that I would file special bills for each and every one, requesting an increase in their pension to $50 a month. I have already filed some 27 special pension bills. I did this because of the fact that last year I introduced four special bills and intended to introduce more, but was advised by the Committee on Invalid Pensions that they intended to have a general pension bill passed, and to go along with the "economy program" of this administration. I accepted the advice of the committee and refrained from giving any additional work to the clerks of this important committee. What was the result? The four special bills I introduced were passed by Congress and approved by the President, giving four widows in my district $50 a month pension. It was not my intention to be partial to these widows, no matter how worthy they may be. How very unfair to the other equally worthy widows of Jersey City and elsewhere? Even had the President approved the general bill—I believe it was known as the Elliot bill, H. R. 4023—those four widows, by special legislation, were even then receiving an increase of $10 a month more than the remaining widows.

To justify myself I introduced a special bill, as I have previously stated, in this Congress for every widow of the Civil War in my district whose case was called to my attention. I am told there are 6,500 special bills referred to the Committee on Invalid Pensions, and this bill to-day is the solution of the problem. I do not like the solution. It should have been $50 a month and not a dollar less.

Furthermore, I do not like the age limit, 75 years, before the widow may receive this increase in pension. Many of the bills I have introduced are for widows in the late sixties or early seventies and they would not come under this bill, yet are helpless and need almost constant care. I believe the age limit should be stricken out and let all those widows now on the pension roll be eligible for this increase as soon as the bill becomes a law.

Another unjust provision in this bill is the fixed date of marriage to the veteran, 1905. I think any widow who had been married previous to 1915 should come under this law. The

Elliot bill included this recommendation, I believe, and it was a far more liberal bill than the one now considered.

I do not believe that the Members of the House are rising to the emergency. This probably will be the last act we will be able to perform for these aged widows of the Civil War and why not be more generous?

My hope rests with the Senate, that this august body will not be blinded by economy, but will see the light of truth, justice, and reward.

Mr. COCHRAN of Missouri. Mr. Speaker, the pending bill provides for an increase in pension for widows of Civil War veterans now receiving $30 a month to $40 a month, provided they have attained the age of 75 years.

The bill can not be amended, a motion to recommit is not in order, and the debate is limited to a few minutes. It is another case of accept what is offered or vote against the bill. To defeat the bill would deprive a few widows of a $10 increase in pension, and nothing would be gained by such a vote.

If the opportunity was afforded for amendment, or even a motion to recommit, every Civil War widow would receive a pension of $50 a month, because there are not a handful of men in this House who would be willing to be recorded against such a provision.

The action of the chairman of the Committee on Invalid Pensions in calling up this bill under suspension of the rules convinces me the House will not have an opportunity to consider any measure at this session, and Members given the right to offer amendments, if the bill provides additional benefits to veterans of any war or their widows, or seeks in any way to amend the pension laws or veterans' act.

Just a few minutes ago under similar conditions we were required to vote for a bill as reported extending the time for filing applications for adjusted compensation, commonly called bonus.

I would estimate that not less than 50 Members of the House at this session have introduced bills which, if enacted, would make the adjusted compensation law more equitable and just, but under the procedure no one could offer an amendment to the bill just passed.

I introduced a bill providing that if the man died within the time allowed by law to file an application and failed to do so, his wife, children, or dependent father or mother could file an application and be paid upon the same basis as though the man had filed himself.

Another amendment suggested would have enabled the wife, child, dependent father or mother to have received, not one-third, as they did receive if their relative had been killed in action, but the full amount of the adjusted service certificate. As the gentleman from Tennessee [Mr. BROWNING] said, these glaring discriminations puts a penalty on a man because he was either killed in action or died before he had an opportunity under the law to make his application. There is not one man in the House who would have voted against this bill if the two amendments referred to had been offered and adopted.

While this is a glaring discrimination, the provision in the bill granting increases in pensions to widows of Civil War veterans, provided they have reached the age of 75 years, is likewise a glaring discrimination.

The law provides that any widow of a Civil War veteran who served 90 days or more and was honorably discharged is entitled to a pension, provided she married the veteran prior to June 27, 1905. Let me cite as an example of discrimination the case of a widow who at the age of 20 years married a Civil War veteran. She lived with him for over 50 years, nursed him in the closing days of his life. She has now reached the age of say, 71, 72, or 73 years. This widow, who lived with the veteran over 50 years, is not entitled to the increase. On the other hand, take a widow who married the soldier in 1904, when the average age of Civil War veterans was nearly 60 years, who was 52 or more years of age at the time of the marriage, she is entitled to an additional $10 a month.

The 75-year age limit discriminates against the young girl who married the soldier immediately after the war and who lived with him, raised the children, and cared for him in his declining years.

I sincerely hope the Senate will not only strike out this age limitation but will also raise the amount a Civil War widow shall receive in the future to $50 a month.

The country owes it to the veterans of the various wars, as well as to their widows, to assist them, if they were disabled or in their declining years, and I, for one, do not want to see economy at the expense of our veterans, no matter what war they might have served in.

Mr. HASTINGS. Mr. Speaker, this bill (H. R. 10159) provides for an increase of pensions at the rate of $40 per month for widows of honorably discharged soldiers of the Civil War who served 90 days or more or who incurred disability in the line of duty, without regard to length of service, who were married to the soldier prior to June 27, 1905, and who are now or who may attain the age of 75 years.

This bill comes up under a motion to suspend the rules, and no amendment can, therefore, be offered to it, and we are compelled to vote for it as a whole without amendment or to vote against it.

I am going to support the bill for two reasons. First, I favor this increase, because I believe it is just and because under existing law any widow who married and lived with an honorably discharged soldier during the time of his service now receives a minimum pension of $50 per month. I think there should be no discrimination against any of these widows and that all should receive $50 per month. I am not, under the rules, permitted to offer an amendment to that effect, and while this bill only gives $40 per month, it is $10 per month more than they are now receiving, and I am going to vote for it for that reason.

In the second place, this bill goes to the Senate for consideration, and it is my hope that the Senate will amend the bill, increasing the rate to $50 per month, so that no discrimination may be made against any of these widows, and in that event if the bill comes back to the House with such an amendment I will be glad to give it my support and we may then get an opportunity to vote for such an amendment.

The Interior Department appropriation bill, now pending in conference, as it passed the House appropriated $210,000,000 for pensions. On June 30, 1927, there were 489,942 pensioners and of these 236,300 were widows, 2,321 minor children, 899 helpless children, 4,211 dependent fathers and mothers. In addition, there were 17 widows of the War of 1812 and 6 survivors of the War with Mexico.

The following table shows the amount paid to pensioners from the beginning of the Government to the end of the fiscal year 1927:

War of the Revolution	$70,000,000.00
War of 1812	46,172,521.05
Indian wars	31,513,894.62
War with Mexico	58,056,020.69
Civil War	6,951,413,812.70
War with Spain	239,227,907.53
Regular Establishment	78,381,522.64
World War	219,966.55
Unclassified	16,513,425.54
Total	7,491,499,071.32

The soldiers of the Civil War and their widows are decreasing in number very rapidly through death. During the past year 16,958 Civil War soldiers and 20,828 Civil War widows died.

I would welcome legislation which would give all of these widows of honorably discharged soldiers the same compensation, $50 per month, and if an opportunity is afforded I will vote for any amendment that will give them that amount and make no discrimination against any of them.

Mr. McFADDEN. Mr. Speaker, I am very sorry that the majority of the Committee on Invalid Pensions felt constrained because of a possible false sense of economy to dissent from their more generous attitude of two years ago, when the committee reported, and the House passed, the general pension bill, carrying a pension of $50 a month to all Civil War widows who were married to the veterans prior to June 27, 1915. And since it was understood that this action on the part of the House was not in contravention of President Coolidge's economy plan, it is safe to assume that it is not out of harmony with the financial program to-day. Each month the number of these worthy, aged women, these soldiers of the home, these fireside nurses and comforters who have so faithfully stood by the soldiers of the war through all the vicissitudes of life, is becoming less and less, so that in no way can it be considered that allowing them even so small a pension as $50, much less $40, a month will the country suffer any great inroads on its exchequer. I am very loath to agree with this attitude on the part of the House, and sincerely trust that we shall be at least as generous as the Senate committee has been in reporting their bill with a $50 provision for these women who have reached the age where a little comfort and care are so much needed and so much appreciated. Surely we all know in these times of high prices for all the necessities of human existence that $40 will provide only the most humble and meager means. Let us give these wives and mothers of our country a livable pension; let it not be said that we are a forgetful people, a people who are so engrossed with our selfish accomplishments that we pass by on the other side and leave our neighbor to suffer for the want of the least human needs and comforts. Let us not "do

the many things we ought not to have done and leave undone the things we ought to have done."

Mr. UPDIKE. Mr. Speaker, to-day we have passed House bill 10159. This bill provides an increase of pension to widows and former widows of certain soldiers, sailors, and marines of the Civil War. The bill provides an increase from $30 a month to $40 a month. The widow must have been married to the soldier, sailor, or marine prior to the 27th day of June, 1905, and reached the age of 75 years. Of course this bill will benefit thousands of widows, but I am against the policy of bringing soldier legislation before the House under suspension of the rules. We are only allowed 20 minutes' debate for those in favor of the bill and 20 minutes for those opposed. No amendments can be offered, and could not be considered if offered.

In the Sixty-ninth Congress we increased certain widows of Civil War veterans. It applied, however, to those widows who were married prior or during the Civil War period. The Invalid Pension Committee of the House reported favorably a bill increasing all widows' pensions to $50, but the bill was amended in the Senate to apply only to those widows who were married prior or during the Civil War period. I am in favor of increasing all widows' pensions to $50, and if the Members of this House were given an opportunity to vote on such a measure it would pass the House by a large majority. I believe this great Government can and should provide for those widows who are old and feeble and unable to work and earn a living. It seems to me that we should not hesitate to provide for those who gave up the best part of their lives to care for those gallant soldiers who fought for their country.

According to the report of the Commissioner of Pensions, in January, 1928, there were 206,530 widows of Civil War veterans on the pension rolls of the Government. The report further discloses that from July 1, 1926, to June 30, 1927, the Government paid out $83,763,158.37 for pensions to Civil War widows. With the present mortality rate of 11,000 a year, it is reasonable to presume that the death rate will increase from year to year. I desire to provide for them while they are living and not wait until they are gone to raise their pension. We should provide for their peace and happiness now.

Mr. LOZIER. Mr. Speaker, I regret that the pending measure does not provide an allowance of $50 per month for all widows of Civil War veterans who are entitled to pensions. Only a few of these widows are still living and practically all of them are quite old, infirm, and without means of support. Many of them are blind, confined to their rooms or bed, or otherwise helpless. They are absolutely incapable of earning a livelihood, and many of them are destitute and require the constant care of a nurse or attendant. The long-established policy of our Government is to make provision for the comfortable maintenance of these aged women, and no one will contend that $30 per month will provide for the decent support of these widows.

As a member of the Committee on Invalid Pensions I supported an amendment to this bill to make the monthly allowance $50, and every other Democrat on the committee wholeheartedly supported this amendment. For reasons best known to themselves our Republican colleagues on the committee saw fit not to join with us in reporting out this bill increasing widows' pensions to $50 per month. Moreover, the majority of the committee went further and wrote into the bill a provision denying this $10 increase to all widows who have not attained the age of 75 years. I opposed this provision for reasons which are perfectly obvious to everyone familiar with the facts in relation to the needs of these widows, without regard to their ages.

At the time the House Committee on Invalid Pensions was engaged in the task of emasculating this bill the Senate Committee on Pensions reported out a bill granting an allowance of $50 per month to all widows of Civil War veterans who are entitled to pensions under the general law. This indicates that the Senate looks with favor on an allowance of $50 per month to these widows, and if the House and the President had only gone along with the Senate undoubtedly the $50 proposal would have become a law. The sentiment of the Members of the House is overwhelmingly in favor of this increase, and if this bill had been allowed to come before the House for consideration as bills are generally considered it could and would have been amended by substituting $50 for $40 as the monthly pension allowance to the widows of Civil War veterans.

But no, "the powers that be" brought this bill before the House on a motion to suspend the rules, which meant that the bill could not be amended and would have to be "voted up or voted down." In other words, those in charge of the bill, by calling up the bill on a motion to suspend the rules, in a parliamentary sense, "bound and gagged" those who favored a more liberal allowance and prevented the bill from being amended in any way whatsoever. In this manner the majority party worked its will, although there would have been practically no votes in the House against increasing this allowance to $50 per month.

Therefore the responsibility for this denial of justice to the aged and infirm widows of Civil War veterans must and does rest squarely on the Republican leaders in the House. Not one of them will say that $50 per month is too much for these aged women who are dying at the rate of more than 1,000 each month. The only excuse I have heard urged by my Republican friends is that the President would veto a bill increasing widows' pensions to $50 per month. If Congress had passed this bill granting the $50 allowance and put the proposition up to the President I do not think that he would have vetoed the bill. But if the bill met with a veto, the responsibility would have been on the President and not on Congress.

Under our form of government it is the duty of Congress to enact such legislation as the Members may consider just and proper. We should do our duty as we see it without regard to the views of the President. After Congress has enacted legislation, the President has the right and power to approve or disapprove such legislation.

I believe this increase from $30 to $50 should be granted for at least two reasons: In the first place $30 is not an adequate allowance under present conditions and high cost of living; in the second place, this increase should be granted and a uniform allowance established in order to prevent unjust, inexcusable, and unreasonable discrimination between widows who are equally deserving, equally aged, equally infirm, and equally destitute. We should not "make fish of one and fowl of another." We should not grant increases to some widows and deny that increase to other widows whose claims are just as meritorious.

The calendars of the House and Senate are crowded with private bills to increase the pension allowance of certain widows from $30 to $50 per month. I have introduced numerous bills of this character and endeavored to secure their enactment. I never secured the enactment of a private pension bill that was not meritorious. But I want to call your attention to the discrimination and social injustice that is being accomplished under the present system of granting increases of pensions to certain widows by private acts. Take a little township, say, 6 miles square—any one of the many thousand similar townships throughout the Nation. In this township live five or six widows, each of whom under the general law is drawing a pension of $30 per month. One of these widows has a friend at court—one of these widows learns that there is a method by which her Congressman or her Senator can secure an increase of her pension to $50 per month. She gets into communication with her Congressman or Senator and he introduces a bill to grant her a $20 increase in her monthly pension allowance. Under the advice of her Senator or Representative she submits affidavits in support of this private bill. A favorable committee report is secured and this private bill is included in an omnibus bill that is enacted by Congress and approved by the President. This omnibus bill increases the pension allowance of a few hundred widows but grants no similar allowance to the many thousand other widows who are equally aged, destitute, and deserving. This one widow is shown favoritism over the four or five other widows in her township who have just as strong claims on the bounty of the Government as the widow who is given an increase by a private act. Under this system one widow in a community gets $50 per month while four or five other widows in that community who are just as old, just as infirm, just as destitute, and just as deserving must be satisfied with only $30.

Now, I am opposed to this discrimination. The monthly allowance to widows of Civil War veterans should be increased to $50, because that amount is none too liberal and is necessary to furnish these old women a decent living; and this increase is necessary in order to prevent social injustice and discrimination between widows who are equally deserving and equally in need of the Nation's bounty.

By granting this increase and establishing a flat or uniform rate for each and every widow we will be treating them all alike, prevent discrimination, and at the same time relieve the calendars of the Senate and House of thousands of private pension bills, only a small portion of which can be considered at any one session of Congress. By granting this increase we will place all widows on an equality, relieve Congress of the burden of enacting private pension bills, and do justice to all widows of veterans without showing partiality or favoritism to any. If this is done, only in very exceptional cases would it be necessary to introduce a private pension bill.

I call your attention to the fact that the House Committee on Invalid Pensions as far back as April, 1926, unanimously

reported a bill increasing the pension allowance of widows of Civil War veterans to $50 per month, and that report urged that whatever is to be done for these widows "must be done soon." I assert that after the lapse of two years this emergency has been accentuated, and there is stronger reason than ever for this increase. If this increase was necessary two years ago, I would like to inquire by what process of reasoning the majority of the committee now recommends that the monthly allowance be limited to $40. I am also curious to learn why the Republican leadership in the House arbitrarily blocks this legislation, which is admittedly just and necessary.

But, Mr. Speaker, as we are denied the poor privilege of voting for an allowance of $50 per month to widows of Civil War veterans, and as we are, in effect, told that we must take $10 per month increase or nothing, I am voting for the $40 per month allowance, not because I think that amount sufficient but because our good Republican friends tell us frankly that if we do not accept the $40 allowance we will get no increase whatsoever at this session. I hope the Senate will correct this blunder and amend this bill so as to carry an allowance of $50 per month for these aged, infirm, and helpless widows.

Mr. CRAIL. Mr. Speaker, I want to go on record now, which is the first opportunity I have had in Congress, as being in favor of liberal pensions for veterans, their widows, and their dependents.

The widows of Civil War veterans have not been generously provided for by this most generous of all nations. Every widow of a Civil War veteran who is entitled to a pension should have not less than $50 per month.

The bill which is before the House at this time (H. R. 10159) is inadequate and is not a credit to the Congress or to the American people. It increases the pensions of widows of the Civil War from $30 to $40 per month, provided that they have reached the age of 75 years or more, and provided that they were married to their veteran husbands prior to June 27, 1905.

If I am correctly advised, this will benefit only an inconsiderable number of widows and the increased financial burden on the Government is almost negligible. The bill does not meet the situation at all. The emergency which exists is calling for immediate action and relief rather than a mere friendly gesture. This Government of ours can well afford to be just and generous, even liberal, toward the widows of those who bore the burden of the battle in the hour of our country's direst need.

With the high cost of living at the present time and the depreciated purchasing value of the dollar, $50 would not be the equivalent of $25, 15 years ago. Thirty dollars, which practically all of the widows of Civil War veterans are now receiving and which they will continue to receive if this bill is enacted into law, is wholly inadequate to live on. Surely an old woman can not live in any comfort or peace on $30 per month.

I understand, of course, that this bill is now before the House for consideration under a suspension of the rules, and that for that reason amendments to the bill are not in order and can not be considered. Therefore we must either vote for the bill as it is or vote against it. We can not change it.

I am not criticizing the Committee on Invalid Pensions which reported out this bill, nor would I presume to criticize or condemn any member of the committee or any Member of this Congress because of the bill. I know of the difficulties with which the committee has had to deal. I know that the committee is acting in good faith and with the thought that it is doing the very best thing possible under the circumstances, and that this small increase is the most that they can hope will become a law. I can not agree with the committee in this, and I claim the right of expressing my opinion as to what would be wise and as to what would be just in the matter.

If I am correctly informed this House has on two previous occasions passed bills granting a pension of $50 per month to widows of Civil War veterans. These bills, though passed by the House, were not enacted into law. Perhaps because of this fact the committee has brought in this bill in the hope that with this small increase it will become a law and that one-tenth of a loaf is better than no loaf. I firmly believe that the committee would like to report and have passed a bill increasing widows' pensions to $50 per month.

I understand that the Senate at this session has passed a bill providing a pension of $50 per month for widows of the Civil War. I would be very much in favor of this House concurring with the Senate in such action and trusting the fate of the bill to the generous impulses of the very able, the much-revered, and the high-minded patriot into whose hands it would then come. We would have done our duty, and if that bill did not become a law there would yet be time to pass this bill at this session.

Before a widow of a Civil War veteran can benefit by the passage of this bill she must be at least five years beyond the allotted three score years and ten. Many thousands of them will never live to enjoy any benefit from this bill and many more thousands of them who do live until they are 75 years of age will not live to enjoy for any length of time the increased pension granted by this bill. Seventy-five years is a ripe old age.

I call to mind a case where a young girl in her early twenties married a Civil War veteran more than 40 years ago. For almost 40 years she was a good wife to this old veteran of the Civil War and during the last 10 years of his life she nursed and cared for him as a loving mother would for her helpless child. The veteran has now passed on to his great reward but his widow, who has herself been stricken, largely because of her unselfish and loyal devotion to her veteran husband and is now practically helpless, will have to live another 15 years in comparative poverty under the terms of this bill, until her pension is increased $10 per month. Her pension should not be less than $50 per month right now. There are many such cases.

I call to mind another case within my personal knowledge where a good woman married a veteran of the Civil War in 1906 and actually lived with him as a good and devoted wife for more than 20 years. She is now a widow but can not draw a pension because she was not married to her veteran husband six months earlier than she was.

If amendments to this bill were in order I would like to offer an amendment to the effect that any widow who for 10 years has lived with and cared for a husband who was a veteran of the Civil War would be entitled to a pension of $50 per month.

As the bill now stands if a woman married a veteran of the Civil War prior to 1905 and lived with him one year or only two weeks she is entitled to a pension. I think this is discriminatory and inequitable; I think the pensionable status should not be fixed by date of marriage but by the length of service and the comradeship and the devotion she has rendered to her veteran husband. If an arbitrary date must be fixed, it should be moved back at least 10 years to 1915 instead of 1905.

It has been my observation that the wives of veterans of the Civil War are devoted to their husbands; that they take good care of them, and are worthy and deserving of the generosity of a Nation, which is grateful to the men, who risked their all for their country during its most critical hour.

The Bureau of Pensions has reported that 11,000 widows of Civil War veterans die each year, and that 1,569 of them died during the month of December, 1927. The vast majority of the surviving widows will soon have passed away, and the amount which it would take to increase their pensions to $50 per month, would never be felt by this great and almost unbelievably rich Nation. Many of them are helpless and in need of constant care and attention. Thirty dollars per month which most of them receive or $40 per month, which a few of them will receive under the terms of this bill, will not go far toward supporting an old woman, who is helpless or who needs the constant care and attention of another person.

To those who think that the cost to the Government of a pension of $50 per month to widows, would be considerable or would be felt by the Government, I say that it is not a matter of cost. It is a matter of obligation. It is an obligation which this Government assumed when the Civil War veterans were enlisted and sent to battle for their country. It is an obligation which this Government has never hesitated to acknowledge.

The people of this country expect their Congress to meet that obligation in the same generous and gallant spirit in which the dead husbands of these widows took up arms in defense of the Union.

To those who think that the cost is a matter of calculation, I would say, let the cost be considered when next an effort is made to plunge our country into war, for as surely as our country is plunged into war it becomes the duty of our country to care for and provide for the casualties of that war, the men who are disabled in that war, their widows, and their orphans.

I am going to vote for the bill because it does increase the pensions of some of these deserving widows, but I can not do so without giving clear expression to my thought that it is inadequate; that it does not meet the emergency that exists; that it is a mere excuse for a failure of more generous action.

It is my fond hope that before this session of Congress closes it will be my privilege, as it would be the privilege of a great majority of the Members of this House, to vote for a bill which will give to widows of veterans of the Civil War, a pension of not less than $50 per month. I now declare that I will cheer-

fully and heartily cooperate with other Members of this House of a similar mind to that end.

Mr. COHEN. Mr. Speaker, under the leave to extend my remarks in the RECORD I wish to include the following:

A few days ago a bill passed the House of Representatives to increase the pensions of the widows of the Civil War veterans from $30 to $40 a month. I know this small increase will be a great disappointment to the worthy women who ministered so faithfully to those loyal men who came to the rescue of their country in her time of need. Many of these veterans were sick and helpless for years before they passed away and these wives were faithful to the end and now, when they are aged and infirm, and their years are numbered, it seems to me the least we can do is to give them a pension large enough to provide at least the comforts, and perhaps a few luxuries, and an increase of $10 a month above what they are now receiving will not add much to their income.

I am in favor of at least $50 a month and with no age limit. Many of these widows married their soldier husbands when they were very young girls and have not attained the age of 75, yet they spent many years making a home, performing the duties of wife and mother, and in every way giving the best there was in them to carry on the partnership which they hoped would end in peace and comfort. Sickness, misfortune, and other unexpected things, prevented the saving for a rainy day and now, when these wives and mothers are too old to go out and make a living for themselves, they should not have to worry about where they are to secure a means to subsist the rest of their days. I am in favor of giving every Civil War widow now on the pension rolls $50 a month, without regard to age or date of marriage.

I understand the Senate has reported out a bill to increase these pensions from $30 to $50 a month and I trust, when it comes to conference, the House will agree to the increase to $50, as even that is small enough at best.

The SPEAKER. The Clerk will report the next bill on the Consent Calendar.

AMENDMENT OF THE FEDERAL RESERVE ACT

The next business on the Consent Calendar was the bill (H. R 10151) to amend section 9 of the Federal reserve act.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GARNER of Texas. What is this about?

Mr. BLACK of Texas. Mr. Speaker, I will say to my colleague that this is a bill which will permit State banks and trust companies to act as depositaries of public money provided they give the same bond as is required of national banks, and provided also they are members of the Federal reserve system.

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 9 of the Federal reserve act be amended by adding thereto a new paragraph as follows:

"All banks or trust companies incorporated by special law or organized under the general laws of any State which are members of the Federal reserve system, when designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government, as may be required of them. The Secretary of the Treasury shall require of the banks and trust companies thus designated satisfactory security, by the deposit of United States bonds or otherwise, for the safe keeping and prompt payment of the public money deposited with them and for the faithful performance of their duties as financial agents of the Government."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

JURISDICTION OVER LANDS IN NAVAL PETROLEUM RESERVES

The next business on the Consent Calendar was the bill (S. 1959) to transfer to the Secretary of the Navy jurisdiction over oil and gas leases issued by the Secretary of the Interior on lands in naval petroleum reserves.

The title of the bill was read.

The SPEAKER. Is there objection of the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That jurisdiction over and the administration and enforcement of all oil and gas leases on lands in naval petroleum reserves issued pursuant to the provisions of section 18 and section 18 (a) of the act approved February 25, 1920 (41 Stat. L. 437), entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," are hereby transferred to the Secretary of the Navy.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MUNICIPAL AVIATION FIELD, YUMA, ARIZ.

The next business on the Consent Calendar was the bill (S. 1154) to authorize the use by the county of Yuma, Ariz., of certain public lands for a municipal aviation field, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior, subject to valid existing rights, be, and he is hereby, authorized to lease to the county of Yuma, Ariz., for the establishment and maintenance of a municipal aviation field, the east half of section 10 and the west half of section 11 in township 9 south, of range 23 west, of the Gila and Salt River base and meridian, Yuma County, Ariz., containing 640 acres, more or less,

SEC. 2. That said lease shall be for a period of 20 years, and be subject to renewal for a like period, on condition that the county pay to the United States a rental of $1 per year for the use of the said land: *Provided*, That Government departments and agencies operating aircraft shall always have free and unrestricted use of said field and the right to erect and install upon said land such structures and improvements as the heads of such departments and agencies may deem advisable, including facilities for maintaining supplies of fuel, oil, and other materials for operating aircraft, and that in case of emergency, or in event it shall be deemed advisable, the Government of the United States may assume absolute control of the management and operation of said field for military purposes.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TERRITORY OF ALASKA

The next business on the Consent Calendar was the bill (H. R. 8284) to authorize the payment of amounts appropriated by the Legislature of Alaska on account of additional duties imposed upon Territorial officers.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. HOOPER. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. SCHAFER. I will withhold it; yes.

Mr. HOOPER. The gentleman from New York [Mr. LAGUARDIA] had to go to New York on some important business, and he asked me to have this bill passed over without prejudice. I am not asking this for myself, but I would like the gentleman, if he can accommodate the gentleman from New York to that extent, to withhold his objection and let the bill be passed over without prejudice until he returns.

Mr. CURRY. Mr. Speaker, as chairman of the Committee on Territories, which reported this bill, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

SALE OF UNDISPOSED LOTS, ST. MARKS, FLA.

The next business on the Consent Calendar was the bill (H. R. 9842) to provide for the survey, appraisal, and sale of the undisposed lots in the town site of St. Marks, Fla.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior may cause all public lands within the Government town site of St. Marks, situated in sections 2, 3, 10, and 11, township 4 south, range 1 east, Tallahassee meridian, Florida, established by the act of March 2, 1833 (4 Stat.

664), to be surveyed into lots, blocks, streets, and alleys as he may deem proper and when the survey is completed cause said lots to be appraised by three competent and disinterested persons appointed by him and report their proceedings to him for action thereon. If such appraisement be disapproved the Secretary of the Interior shall again cause the said lands to be appraised as before provided; and when the appraisal has been approved he shall cause the said lots to be sold at public sale to the highest bidder for cash at not less than the appraised value thereof, first having given 60 days' public notice of the time, place, and terms of the sale immediately prior thereto by publication in at least one newspaper having a general circulation in the vicinity of the land and in such other newspapers as he may deem advisable; and any lots remaining unsold may be reoffered for sale at any subsequent time in the same manner at the discretion of the Secretary of the Interior, and if not sold at such second offering for want of bidders, then the Secretary of the Interior may sell the same at private sale for cash at not less than the appraised value thereof: *Provided*, That the square embracing the lands now being used as a burying ground be set aside as a cemetery for the use of the town of St. Marks, Fla.: *Provided further*, That the municipality of St. Marks, Fla., shall have a right for 90 days subsequent to the acceptance of the plat of survey of said land to select and receive patent to any block desired for a public park, not exceeding 5 acres in area.

With the following committee amendment:

On page 2, beginning in line 21, after the word "Florida" strike out the proviso ending in line 25, and insert: "*Provided further*, That the municipality of St. Marks, Fla., shall have a right for 90 days subsequent to the filing of the plat of survey of said town site to select and receive patent to any two blocks desired for public-park purposes, not exceeding 5.5 acres in area.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SUBMARINE ACCIDENTS

The next business on the Consent Calendar was the bill (H. R. 10437), granting double pension in all cases where an officer or enlisted man of the Navy dies or is disabled in line of duty as the result of a submarine accident.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter in all cases when an officer or enlisted man of the United States Navy has died or shall die as the result of an accident to a submarine vessel, said officer or enlisted man having been employed in duty on or in handling the submarine at the time of such accident the amount of pension to be paid the widow or dependents of such officer or enlisted man shall be double the amount of that authorized to be paid under existing pension laws should death have occurred by reason of an injury received in service in line of duty, not the result of a submarine accident: *Provided, however*, That in any event the widow shall be paid a pension of not less than $30 per month and $6 per month additional for each child under 18 years of age of the officer or enlisted man, and in the event of death or remarriage of the widow or forfeiture of title by her, or if no widow survives the officer or enlisted man, the rate of pension herein provided for a widow shall be paid to the minor children under 18 years of age of such officer or enlisted man, from the date of such death or remarriage of the widow or forfeiture of her title and in other cases from the date of the death of the officer or enlisted man.

With the following committee amendment:

On page 2, in line 10, after the word "minor," insert the words "child or."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

GOLD-STAR MOTHERS

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent that the lady from New Jersey [Mrs. NORTON] may be allowed to extend her remarks on the subject of the gold-star mothers' bill passed to-day.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mrs. NORTON of New Jersey. Mr. Speaker, it does not need any words of mine to impress upon this Congress the one great duty to be performed, toward the heroic dead of the Nation who fell in the World War.

That duty is to provide transportation for American war mothers to visit the graves of their beloved sons, wherever they fell. By the passage of H. R. 5494 this sacred pilgrimage will be accomplished; and to fully realize what this means to such a mother, is only to read the letter of Mrs. Mathilda S. Burling, national representative of the Gold Star Mothers Association of America. This letter had such an effect on the Committee on Military Affairs that the bill was reported out unanimously at the first hearing on this bill. I feel sure it had the same effect on every Member of Congress, as they read the report of the committee.

Of the 77,771 who died in the American Expeditionary Forces, I am informed 30,812 bodies remain in Europe, buried in American cemeteries, which are maintained by the United States War Department.

The country which received such a sacrifice can not do less than send their mothers over the sea to pay their last tribute to the boys who never came back to them.

A pilgrimage to these hallowed shrines by 20,000 American gold-star mothers would be one of the most solemn and impressive events in our history. The expedition would be a mighty crusade for international peace.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, on these Consent Calendar days there should be some point at which every Member may be sure the House will stop. We could not finish this calendar to-day if we continued to an unreasonable hour. It seems to me that 5 o'clock is the proper point at which to stop in order to be fair to all. If we follow this plan every Member will know that when the hour of 5 o'clock is reached we are going to adjourn. If this is done no one will be specially favored or discriminated against.

Mr. CRISP. Will the gentleman permit me to ask him a question?

Mr. TILSON. Yes.

Mr. CRISP. There are a number of bridge bills on this calendar. They are all in the regular form prescribed by the Committee on Interstate and Foreign Commerce. Does the gentleman think it possible in a day or so to get permission to have those bridge bills considered, because we are very anxious to get them through and over to the Senate. There are no objections to those bridge bills.

Mr. TILSON. It has been the practice of the House in the past, when an emergency exists in regard to a bridge, to consider such bills on a day other than consent day, but to-day it seems to me that having reached the hour of 5 o'clock we ought to adjourn.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. HUDSON (at the request of Mr. MAPES), for two days, on account of death in family.

To Mr. DOUGLASS of Massachusetts, for three days, on account of important business.

To Mr. SOMERS of New York, for two weeks, on account of illness.

To Mr. WAINWRIGHT, indefinitely, on account of illness in his family.

To Mr. WRIGHT (at the request of Mr. CRISP), for four days, on account of death in his family.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 7032. An act authorizing the Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Canton, Ky.;

H. R. 7033. An act authorizing the Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Iuka, Ky.;

H. R. 7034. An act authorizing the Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Smithland, Ky.;

H. R. 7035. An act authorizing the Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near the mouth of Clarks River;

H. R. 7036. An act authorizing the Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, main-

tain, and operate a bridge across the Tennessee River at or near Eggners Ferry, Ky.; and

H. R. 8216. An act to confer authority on the United States District Court for the Western District of Virginia to permit J. L. Sink, a bankrupt, to file his application for discharge and to authorize and empower the judge of said court to hear and determine the same.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m) the House adjourned until to-morrow, Tuesday, February 21, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, February 21, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Navy Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce (H. R. 7940).

COMMITTEE ON THE CENSUS

(10.30 a. m.)

For the apportionment of Representatives in Congress among the several States under the Fourteenth Census (H. R. 27).

For the apportionment of Representatives in Congress (H. R. 130).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To amend the immigration act of 1924 by making the quota provisions thereof applicable to Mexico, Cuba, Canada, and the countries of continental America and adjacent islands (H. R. 6465).

COMMITTEE ON ROADS

(10 a. m.)

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented (H. R. 358, 383, 5518, 7343, and 8832).

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented, and authorizing appropriation of $150,000,000 per annum for two years (H. R. 7019).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

368. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Agriculture for the fiscal year 1929, amounting to $50,000, of which amount $10,000 shall be immediately available to enable the Secretary of Agriculture to complete an experiment in the grading of meats under standards fixed by the Department of Agriculture (H. Doc. No. 179); to the Committee on Appropriations and ordered to be printed.

369. A communication from the President of the United States, transmitting supplemental estimate of appropriation amounting to $50,000 for the fiscal year 1929, to enable the Secretary of Agriculture to conduct certain tests and experiments looking to the control of the cattle grub (H. Doc. No. 180); to the Committee on Appropriations and ordered to be printed.

370. A letter from the Secretary of the Navy, transmitting draft of a bill for the relief of Frans Jan Wouters, Antwerp, Belgium; to the Committee on Naval Affairs.

371. A communication from the President of the United States, transmitting supplemental estimate of appropriation under the legislative establishment for the fiscal year 1929, in the sum of $323,000 (H. Doc. No. 181); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. COCHRAN of Pennsylvania: Committtee on Claims. H. R. 10944. A bill for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department; without amendment (Rept. No. 710). Referred to the Committee of the Whole House on the state of the Union.

Mr. BULWINKLE: Committee on Claims. H. R. 9710. A bill for the relief of the State of South Carolina; without amendment (Rept. No. 711). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 11140. A bill to provide for the inspection of the battle field of Kings Mountain, S. C.; without amendment (Rept. No. 712). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WRIGHT: Committee on Military Affairs. H. R. 10714. A bill for the relief of T. Abraham Hetrick; without amendment (Rept. No. 707). Referred to the Committee of the Whole House.

Mr. HUDSPETH: Committee on Claims. H. R. 3029. A bill for the relief of Vern E. Townsend; with amendment (Rept. No. 708). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 1529. A bill for the relief of the heirs of John Eimer; with amendment (Rept. No. 709). Referred to the Committee of the Whole House.

Mr. FROTHINGHAM. Committee on Military Affairs. S. 43. An act for the relief of Frederick N. Carr; without amendment (Rept. No. 713). Referred to the Committee of the Whole House.

Mr. FROTHINGHAM. Committee on Military Affairs. S. 46. An act for the relief of Daniel F. Roberts; without amendment (Rept. No. 714). Referred to the Committee of the Whole House.

Mr. FROTHINGHAM: Committee on Military Affairs. S. 138. An act for the relief of Thomas Johnsen; without amendment (Rept. No. 715). Referred to the Committee of the Whole House.

Mr. FROTHINGHAM: Committee on Military Affairs. S. 1771. An act for the relief of Peter S. Kelly; without amendment (Rept. No. 716). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8508) granting a pension to Frances Jackson; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9465) granting a pension to Martha Hutson; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRIGHAM: A bill (H. R. 11188) to provide for the transfer to the Department of Labor of certain forfeited vessels and vehicles; to the Committee on Ways and Means.

By Mr. CRAIL: A bill (H. R. 11189) to add certain lands to the Sequoia National Park, Calif.; to the Committee on the Public Lands.

By Mr. FURLOW: A bill (H. R. 11190) to authorize the establishment of Lindbergh Field in the State of Minnesota; to the Committee on Military Affairs.

By Mr. OLIVER of New York: A bill (H. R. 11191) to amend an act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925; to the Committee on the Post Office and Post Roads.

By Mr. PORTER: A bill (H. R. 11192) to establish two United States narcotic farms for the confinement and treatment of persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. ROBINSON of Iowa: A bill (H. R. 11193) placing certain employees of the Bureau of Prohibition in the classified civil service, and for other purposes; to the Committee on the Civil Service.

By Mr. WEAVER: A bill (H. R. 11194) to establish a fish hatchery and fish cultural station in the State of North Carolina; to the Committee on the Merchant Marine and Fisheries.

By Mr. BERGER: A bill (H. R. 11195) to repeal the espionage act; to the Committee on the Judiciary.

By Mr. DAVIS: A bill (H. R. 11196) for the erection of tablets or markers at Camp Blount, Lincoln County, Tenn.; to the Committee on the Library.

By Mr. COLLIER: A bill (H. R. 11197) to authorize the Secretary of War to grant rights of way to the Vicksburg Bridge & Terminal Co., upon, over, and across the Vicksburg National Military Park at Vicksburg, Warren County, Miss.; to the Committee on Military Affairs.

By Mr. CLARKE: A bill (H. R. 11198) to amend the act entitled "An act to provide for the protection of forest lands, for the resforestation of denuded areas, for the extension of national forests, and for other purposes in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 7, 1924, as amended; to the Committee on Agriculture.

By Mr. HASTINGS: A bill (H. R. 11199) to provide for the furnishing of bonds by national and State banks and trust companies which are members of the Federal reserve system for the protection of depositors; to the Committee on Banking and Currency.

By Mr. LUCE: A bill (H. R. 11200) donating to the Ohio State Archaeological and Historical Society two dedication stones formerly a part of one of the locks of the Ohio & Erie Canal; to the Committee on the Library.

By Mr. McLEOD: A bill (H. R. 11201) to amend section 13 of the interstate commerce act to provide for cooperation between the Interstate Commerce Commission and the Board of Railway Commissioners for Canada, in respect of rates, charges, and practices affecting transportation between points in the United States and points in Canada; to the Committee on Interstate and Foreign Commerce.

By Mr. BRITTEN: A bill (H. R. 11202) to authorize the leasing of the floating dry dock at the naval station, New Orleans, La.; to the Committee on Naval Affairs.

By Mr. LANKFORD: A bill (H. R. 11203) granting the consent of Congress to the counties of Telfair and Coffee to construct, maintain, and operate a free highway bridge across the Ocmulgee River between a point at or near lands owned by Duncan McLean in Coffee County and a point at or near the northern terminus of the present Jacksonville Ferry in Telfair County, said bridge to be at or near said ferry on a public road to be constructed from McRae, in Telfair County, to Broxton and Douglas, in Coffee County; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER: A bill (H. R. 11204) to amend section 24 of the immigration act of 1917, being section 24 of the act of February 5, 1917; to the Committee on Immigration and Naturalization.

By Mr. RAGON: A bill (H. R. 11205) to quiet title and possession with respect to certain lands in Faulkner County, Ark.; to the Committee on the Public Lands.

By Mr. SEARS of Florida: A bill (H. R. 11206) providing for the establishment of a term of the District Court of the United States for the Southern District of Florida at Orlando, Fla.; to the Committee on the Judiciary.

By Mr. REED of Arkansas: A bill (H. R. 11207) to enlarge the Army and Navy General Hospital at Hot Springs National Park, Ark.; to the Committee on Military Affairs.

By Mr. TINKHAM: A bill (H. R. 11208) providing for engineering and landscape study, preparation of plans, and estimate of cost of improvement of the base and grounds of the Washington Monument in the District of Columbia; to the Committee on the Library.

By Mr. BURTNESS: A bill (H. R. 11209) to amend section 2 of the Federal highway act; to the Committee on Roads.

Also, a bill (H. R. 11210) amending the Federal highway act; to the Committee on Roads.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 11211) to authorize the Secretary of War to assume the care, custody, and control of the monument to the memory of the American soldiers who fell in the Battle of New Orleans at Chalmette, La., to maintain the grounds, and for other purposes; to the Committee on Military Affairs.

By Mr. SINCLAIR: A bill (H. R. 11212) authorizing Paul Leupp, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Stanton, N. Dak.; to the Committee on Interstate and Foreign Commerce.

By Mr. CHRISTOPHERSON: Joint resolution (H. J. Res. 207) authorizing an appropriation for bank protection for the control of floods and the prevention of erosion of the Missouri River at and near the town of Elk Point in the State of South Dakota; to the Committee on Flood Control.

By Mr. BEERS: Joint resolution (H. J. Res. 208) to provide for the printing with illustrations and bound in cloth 130,000 copies of the Special Report on the Diseases of Cattle; to the Committee on Printing.

Also, joint resolution (H. J. Res. 209) to provide for the printing with illustrations and bound in cloth 130,000 copies of the Special Report on the Diseases of Horse; to the Committee on Printing.

By Mr. HOFFMAN: Joint resolution (H. J. Res. 210) providing for the issuance of a special series of postage stamps commemorating the Battle of Monmouth; to the Committee on the Post Office and Post Roads.

By Mr. SEARS of Florida: Resolution (H. Res. 117) authorizing the United States Bureau of Public Roads to make a survey of the uncompleted bridges of the Oversea Highway from Key West to the mainland in the State of Florida with a view of obtaining the cost of the construction of said bridges and report their findings to Congress; to the Committee on Roads.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mrs. ROGERS: Memorial of the State Assembly of the State of Nevada, signed by the president of the senate, Morley Griswold, and the secretary of the senate, V. Merialdo, and certified by the secretary of state of Nevada, W. G. Greathouse, relative to Federal aid for highway maintenance; to the Committee on Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BECK of Wisconsin: A bill (H. R. 11213) to reimburse the Vernon County Guernsey Breeders' Association; to the Committee on Claims.

By Mr. BLACK of New York: A bill (H. R. 11214) granting a pension to Emma Hofstrand; to the Committee on Pensions.

Also, a bill (H. R. 11215) for the relief of Harry Hewston; to the Committee on Claims.

Also, a bill (H. R. 11216) to correct the military record of James Scott; to the Committee on Military Affairs.

By Mr. BLAND: A bill (H. R. 11217) granting a pension to Emile Lods; to the Committee on Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 11218) granting an increase of pension to Maggie Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11219) granting an increase of pension to Amanda J. Marshall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11220) granting an increase of pension to Mary E. Louck; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 11221) for the relief of Michael H. Lorden; to the Committee on Claims.

By Mr. CANFIELD: A bill (H. R. 11222) granting an increase of pension to Emma Schmolsmire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11223) granting an increase of pension to Eliza F. Dixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11224) granting an increase of pension to Lizzie Robinson; to the Committee on Invalid Pensions.

By Mr. CHRISTOPHERSON: A bill (H. R. 11225) for the relief of J. C. Levengood; to the Commitee on Indian Affairs.

By Mr. CLAGUE: A bill (H. R. 11226) granting a pension to James D. Price; to the Committee on Pensions.

Also, a bill (H. R. 11227) for the relief of Ora Padgett; to the Committee on Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 11228) granting an increase of pension to Lucy Chard Heritage; to the Committee on Invalid Pensions.

By Mr. CONNERY: A bill (H. R. 11229) granting a pension to George William Holbrook; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 11230) for the payment to certain citizens of damages because of loss of their property in the general mess building of the Pacific Branch of the National Home for Disabled Volunteer Soldiers when said building was destroyed by fire on March 24, 1927; to the Committee on Claims.

Also, a bill (H. R. 11231) for the relief of Bogustas De Kartowski; to the Committee on Military Affairs.

By Mr. DAVEY: A bill (H. R. 11232) granting an increase of pension to Nancy Lansinger; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 11233) granting a pension to Phoebe Pierce; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 11234) granting an increase of pension to Jane Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11235) granting an increase of pension to Lovina A. Cunningham; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 11236) granting an increase of pension to Catharine A. Smith; to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 11237) granting an increase of pension to Amanda J. Rapp; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 11238) for the relief of Catherine Panturis; to the Committee on Claims.

By Mr. HOCH: A bill (H. R. 11239) for the relief of H. W. Dickson and Mary L. Dickson; to the Committee on War Claims.

By Mr. HULL of Tennessee: A bill (H. R. 11240) to correct the military record of James Holder; to the Committee on Military Affairs.

Also, a bill (H. R. 11241) granting an increase of pension to Frances M. Russell; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 11242) granting an increase of pension to Olive Held; to the Committee on Invalid Pensions.

By Mr. KINCHELOE: A bill (H. R. 11243) granting a pension to Mary Lefler; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 11244) granting a pension to Laura V. Crocker; to the Committee on Pensions.

By Mr. MADDEN: A bill (H. R. 11245) to cancel certain notes of the Panama Railroad Co. held by the Treasurer of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. MAJOR of Missouri: A bill (H. R. 11246) granting a pension to Hannah C. Hunter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11247) granting a pension to Sallie A. Giboney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11248) granting a pension to Kinion Thornton; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 11249) granting an increase of pension to Julia H. Van Buren; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 11250) granting an increase of pension to Thomas G. Pardue; to the Committee on Pensions.

By Mr. REID of Illinois: A bill (H. R. 11251) granting a pension to William Russell; to the Committee on Pensions.

By Mr. ROMJUE: A bill (H. R. 11252) granting an increase of pension to Mary S. Roberts; to the Committee on Invalid Pensions.

By Mr. SELVIG: A bill (H. R. 11253) granting an increase of pension to Alvira J. Conner; to the Committee on Pensions.

By Mr. SWANK: A bill (H. R. 11254) granting a pension to Hulbert M. Jones; to the Committee on Pensions.

By Mr. SWICK: A bill (H. R. 11255) granting an increase of pension to Margaret Bruner; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 11256) granting an increase of pension to Jennie M. Bond; to the Committee on Invalid Pensions.

By Mr. WELCH of California: A bill (H. R. 11257) for the relief of J. K. Johansen; to the Committee on Naval Affairs.

Also, a bill (H. R. 11258) for the relief of David I. Brown; to the Committee on Military Affairs.

Also, a bill (H. R. 11259) to authorize the appointment of Staff Sergt. Stephen Miller, retired, United States Army, to master sergeant, retired, United States Army; to the Committee on Military Affairs.

By Mr. VINSON of Georgia: A bill (H. R. 11260) for the relief of Frans Jan Wouters, of Antwerp, Belgium; to the Committee on Naval Affairs.

By Mr. WILLIAMS of Missouri: A bill (H. R. 11261) for the relief of A. O. Gibbens; to the Committee on Claims.

By Mr. WINTER: A bill (H. R. 11262) to renew and extend certain letters patent to the Reistocrete Co.; to the Committee on Patents.

By Mr. ARNOLD: A bill (H. R. 11263) granting an increase of pension to Richard Howe; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4138. By Mr. ARNOLD: Petition from citizens of Crawford County, Ill., urging practical relief for the farmers of the country; to the Committee on Agriculture.

4139. By Mr. AYRES: Petition of citizens of Wichita, Kans., in behalf of legislation for Civil War veterans and their widows; to the Committee on Invalid Pensions.

4140. Also, petition of the Southern Kansas Mutual Insurance Co., Wellington, Kans., opposing bills proposing to regulate the manufacture and sale of stamped envelopes by the Government; to the Committee on the Post Office and Post Roads.

4141. By Mr. BACHMANN: Petition of Harry T. Murphy and 120 other citizens, of Cameron, W. Va., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4142. By Mr. BOIES: Petition signed by citizens of Sioux City, Woodbury County, Iowa, protesting against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4143. By Mr. BOWMAN: Petition submitted by voters of West Virginia, urging further relief legislation for Civil War veterans and dependents; to the Committee on Invalid Pensions.

4144. By Mr. BUCKBEE: Petition of B. B. Bayless, of River Grove, Ill., in favor of the passage of the Tyson-Fitzgerald bill for the retirement of the disabled emergency Army officers of the World War; to the Committee on World War Veterans' Legislation.

4145. Also, petition of Mr. and Mrs. Chas. B. Collier, of Sheridan, Ill., protesting against the passage of House bill 78, the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4146. Also, petition of Walter Ferguson and 23 other citizens of Sheridan, Ill., protesting against the passage of the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4147. By Mr. BURTNESS: Resolution passed by Board of County Commissioners of Walsh County, N. Dak., protesting against the passage of Senate bill 1752, a bill intending to prevent the Federal Government from selling stamped envelopes with a printed return card thereon; to the Committee on the Post Office and Post Roads.

4148. By Mr. CHAPMAN: Petition of W. R. Lea, W. B. Jordan, F. N. Satterwhite, J. H. Snelling, Homer Riddell, Thomas Maupin, and 31 other citizens of Franklin County, Ky., advocating passage of a bill increasing the pensions of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

4149. Also, petition of Lillian Johnson, Elbert Warner, Luther Harris, Sheridan Berryman, Alva Puckett, Ray Palmer, and 28 other citizens of Clark and Estill Counties, Ky., protesting against the passage of a compulsory Sunday observance bill, or any other national religious legislation; to the Committee on the District of Columbia.

4150. By Mr. CHINDBLOM: Petition of Rev. Raymond B. Bragg and members and friends of the Church of All Souls, Evanston, Ill., urging furtherance of peace and friendly relations in the adoption of a naval building program; to the Committee on Naval Affairs.

4151. By Mr. CLAGUE: Petition of Elmer Grice, Mankato, Minn., and 35 other citizens of Nicollet County, Minn., opposing House bill 78, compulsory Sunday observance bill; to the Committee on the District of Columbia.

4152. Also, petition of Martin L. F. Eyrich, New Ulm, Minn., and 25 others, supporting a Civil War pension bill; to the Committee on Invalid Pensions.

4153. Also, petition of H. G. Seifert, Sherburn, Martin County, Minn., and 16 other residents of Martin County, opposing House bill 6465, Box immigration bill; to the Committee on Immigration and Naturalization.

4154. Also, petition of R. P. Williams, Judson, Blue Earth County, Minn., and 50 other residents of Blue Earth County, opposing House bill 6465; to the Committee on Immigration and Naturalization.

4155. Also, petition of Howard P. Sanders, Redwood Falls, Redwood County, Minn., and 80 other citizens of Redwood County, opposing House bill 6465, Box immigration bill; to the Committee on Immigration and Naturalization.

4156. Also, petition of J. L. Cummins, Eagle Lake, Blue Earth County, Minn., and 30 other residents of Blue Earth County, opposing House bill 6465, Box immigration bill; to the Committee on Immigration and Naturalization.

4157. By Mr. CRAIL: Petition of West Coast Vegetable Association, Peppers Fruit Co., Peter M. Kahn, Valley Fruit & Produce Co., Charles Milnes, N. S. Rivers, American Fruit Growers (Inc.) of California, Rivers Bros. Co., Myers Darling & Hinton Co., Yaqui Fruit Co., Kingsbaker Bros. Co., Bryant

Phillips (Inc.), Morris Trubin, Randolph Marketing Co., protesting against the increasing tariff duties on fresh vegetables of high perishable nature; to the Committee on Ways and Means.

4158. Also, petition of approximately 5,784 citizens of Los Angeles County, Calif., against the passage of House bill 78, or similar legislation; to the Committee on the District of Columbia.

4159. Also, petition of sundry citizens of Los Angeles County, Calif., against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

4160. Also, petition of sundry citizens of Los Angeles County, Calif., for the relief of the permanently disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

4161. Also, petition of sundry citizens of Los Angeles County, Calif., against the passage of the Brookhart bill (S. 1667); to the Committee on Interstate and Foreign Commerce.

4162. Also, petition of sundry citizens of Los Angeles County, Calif., against the passage of House bill 78, or similar legislation; to the Committee on the District of Columbia.

4163. By Mr. CRAMTON: Petition signed by C. H. Schuckert and 19 other residents of Bad Axe, Mich., urging passage of Senate bill 1667 and a similar House bill, known as the Cannon bill, which provide for the prohibiting of blind and block booking in the motion-picture industry and the unfair attempt to monopolize this industry; to the Committee on Interstate and Foreign Commerce.

4164. Also, petition signed by Carl Borck, of Kingston, Mich., and seven other residents of the vicinity, protesting against the passage of any compulsory Sunday observance bills; to the Committee on the District of Columbia.

4165. Also, petition signed by Elizabeth E. Drouillard and 41 other residents of Fair Haven, Mich., urging increased pension for veterans and widows of the Civil War; to the Committee on Invalid Pensions.

4166. By Mr. CURRY: Petition of citizens of the third California district, against the Brookhart bill; to the Committee on Interstate and Foreign Commerce.

4167. Also, petitions of several thousand citizens of the third district of Calfornia, against the House bill 78; to the Committee on the District of Columbia.

4168. By Mr. DALLINGER: Petition of the Unitarian Intercollegiate Conference for New England and New York, against the big Navy bill; to the Committee on Appropriations.

4169. By Mr. DOUGLAS of Arizona: Petition of citizens of Flagstaff, Ariz., protesting against the passage of the Lankford bill, known as the compulsory Sunday observance law for the District of Columbia; to the Committee on the District of Columbia.

4170. By Mr. EVANS of California: Petition of R. L. Hines and approximately 5,000 others, against compulsory Sunday closing; to the Committee on the District of Columbia.

4171. Also, petition of Joseph J. Hilsdorf and approximately 5,026 others against compulsory Sunday observance; to the Committee on the District of Columbia.

4172. Also, petition of Mr. and Mrs. Ernest Marang, of route 4, Bozeman, Mont., and other residents of Bozeman protesting against the passage of House bill 78; to the Committee on the District of Columbia.

4173. Also, petition of Pearl K. Fey and other residents of Eureka, Mont., protesting against the passage of House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

4174. By Mr. FAUST: Petition signed by many citizens of St. Joseph, Mo., favoring increased pensions for Civil War veterans and their survivors; to the Committee on Invalid Pensions.

4175. By Mr. GALLIVAN: Petition of American Writing Paper Co., Holyoke, Mass., protesting against enactment of Senate bills 1752 and 1686 and House bill 7747, all relating to the regulation of the manufacture and sale of envelopes with postage stamps embossed thereon; to the Committee on the Post Office and Post Roads.

4176. By Mr. GARBER: Letter of Henry Lovell, of Mooreland, Okla., in regard to farm relief; to the Committee on Agriculture.

4177. Also, letter of San Juan Camp No. 2 of Enid, Okla., by J. O. Hocker, adjutant, in support of Senate bill 1199, in regard to the erection of a Roosevelt memorial; to the Committee on the Library.

4178. Also, letter of H. L. Hawood, secretary Post A, Virginia Division, Travelers' Protective Association of America, in Richmond, Va., in support of House bill 5588; to the Committee on Interstate and Foreign Commerce.

4179. Also, letter of J. W. Mann, president of Oklahoma Branch, Associated General Contractors, of Oklahoma City, Okla., in support of House bill 5772, in re day-labor method; to the Committee on the Judiciary.

4180. Also, resolution of Dixie Post, No. 64, Veterans of Foreign Wars of the United States, in support of Senate bill 2302 and House bill 8560; to the Committee on Pensions.

4181. Also, letter of A. G. Moore, 312 West Twenty-fourth Street, Oklahoma City, Okla., representing the members of the Railway Mail Association in Oklahoma, in support of House bill 25; to the Committee on the Civil Service.

4182. By Mr. HADLEY: Petition of residents of Bellingham, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4183. By Mr. HALL of North Dakota: Petition of 13 citizens and radio owners of North Dakota, against the present broadcasting chain of sending stations; also that any station which has been operating for one year previous to the passage of the 1927 law shall be construed as one serving public necessity and convenience; to the Committee on the Merchant Marine and Fisheries.

4184. Also, resolution by the Rugby Community Club, Rugby, N. Dak., protesting against the proposal to change the present standard of macaroni wheat and insisting that the definition of macaroni wheat products read as "farina, the purified middlings of winter and spring wheat (durum wheat excluded); semolina, the purified middlings of durum wheat"; to the Committee on Coinage, Weights, and Measures.

4185. By Mr. HARDY: Petition of 263 citizens of Rocky Ford, Colo., and La Junta, Colo., protesting against the passage of the compulsory Sunday observance bill; to the Committee on the District of Columbia.

4186. Also, petition of 24 citizens of Pueblo, Colo., protesting against the passage of the compulsory Sunday observance bill; to the Committee on the District of Columbia.

4187. By Mr. HOFFMAN: Petition of Robert E. Watkins and others of Monmouth County, N. J., urging increase of pension for Civil War widows and Civil War veterans; to the Committee on Invalid Pensions.

4188. Also, petition of James H. Johnson and others, of Seabright, N. J., urging increase of pension for Civil War widows and Civil War veterans; to the Committee on Invalid Pensions.

4189. Also, petition of Howard L. Smith and others, of Ocean Grove, N. J., urging increase of pension for Civil War widows and Civil War veterans; to the Committee on Invalid Pensions.

4190. Also, petition of Elizabeth Wiley and others, of Lakewood, N. J., urging increase of pension for Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

4191. By Mr. HUDDLESTON: Petition of T. E. Glenn and numerous other residents of Jefferson County, Ala., in opposition to House bill 78, the District of Columbia Sunday observance bill; to the Committee on the District of Columbia.

4192. By Mr. HUDSPETH: Petition of citizens of Mertens and Hillsboro, Tex., indorsing House bill 5581, to prevent the gambling in cotton futures; to the Committee on Agriculture.

4193. By Mr. IRWIN: Petition of B. B. Bayless, of River Grove, Ill., urging the early consideratiton in the House of Representatives of House bill 500; to the Committee on Rules.

4194. By Mr. JACOBSTEIN: Petition of citizens of Rochester, N. Y., protesting against pending legislation for increased naval armament; to the Committee on Foreign Affairs.

4195. By Mr. JENKINS: Petition signed by 47 voters of the tenth congressional district of Ohio, protesting against the construction of a big Navy; to the Committee on Appropriations.

4196. By Mr. JOHNSON of Texas: Petition of G. A. Chalupnik, of Trinity, Tex., favoring and urging passage of House bills 25, 55, 88, 89, 9058, 9059, 9585, and 9766, relative to Postal Service employees; to the Committee on the Post Office and Post Roads.

4197. Also, petition of C. V. Sitton, of Houston, Tex., favoring and urging passage of House bills 55, 88, 9502, and 9766, relative to Postal Service employees; to the Committee on the Post Office and Post Roads.

4198. By Mr. HOOPER: Petition of Mrs. E. U. Meier and 6 others, residents of Marshall, Mich., urging to bring to vote a Civil War pension bill; to the Committee on Invalid Pensions.

4199. Also, petition of F. E. Haif and 46 other residents of Vermontville, Mich., protesting against the naval program; to the Committee on Naval Affairs.

4200. By Mr. HOWARD of Nebraska: Petition signed by Mrs. C. W. Bisland and some twoscore other women of Fremont, Nebr., praying for a better understanding between our own United States Government and the peoples of sister republics to the south of us and in the Orient, asking for investigation

and revision of international law on more just and Christian principles; to the Committee on Foreign Affairs.

4201. By Mr. KEARNS: Petition of citizens of Portsmouth, Ohio, urging a vote on the Civil War pension bill; to the Committee on Invalid Pensions.

4202. Also, petitions signed by citizens of Scioto County, Ohio, protesting against the passage of any bill to regulate Sunday observance; to the Committee on the District of Columbia.

4203. By Mr. KETCHAM: Petition of Dr. W. N. Yeager and 29 other residents of Berrien Springs, Mich., and vicinity, protesting against the passage of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

4204. Also, petition of 146 residents of Allegan, Mich., and vicinity, protesting against House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

4205. By Mr. KINDRED: Resolution of the Republican Club of Astoria, indorsing House bill 6506, known as the O'Connell night work bill, and urging the United States Congress to secure immediate passage of this legislation; to the Committee on the Post Office and Post Roads.

4206. By Mr. KORELL: Petition of citizens of Portland, Oreg., protesting against the enactment of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

4207. By Mr. LEA: Petition of 150 residents of Mill Valley, Calif., protesting against House bill 78, or any other compulsory Sunday legislation; to the Committee on the District of Columbia.

4208. By Mr. LEAVITT: Petition of various Montana communities, in opposition to compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4209. By Mr. LEHLBACH: Petition of citizens of New York, urging the passage of the House bill 6518, known as the Welch bill, and House bill 492, introduced by Mr. LEHLBACH; to the Committee on the Civil Service.

4210. By Mr. LETTS: Petition of A. F. Nelson and other citizens of Davenport, Iowa, protesting against the passage of a Sunday observance bill; to the Committee on the District of Columbia.

4211. By Mr. LINDSAY: Petition of Admiral Schley Naval Squadron, No. 16, Brooklyn, N. Y., urging support of House bill 6523, providing certain allowances for retired enlisted men of the Army and Navy; to the Committee on Military Affairs.

4212. Also, petition of Messrs. Lester Krappen, Joseph Ruggilo, and Joseph Brennan, World War veterans suffering with tuberculosis, urging favorable action on House bill 8228, with particular reference to presumptive clause therein; to the Committee on World War Veterans' Legislation.

4213. By Mr. McREYNOLDS: Petition of the voters of Cleveland, Bradley County, Tenn., protesting against the passage of the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4214. By Mr. MADDEN: Petition of approximately 1,200 citizens of the county of Cook, State of Illinois, urging the passage of the Welch bill; to the Committee on the Civil Service.

4215. By Mr. MAPES: Petition of 30 residents of Grand Rapids, Mich., advocating the enactment of additional legislation for the benefit of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

4216. Also, petition of 181 residents of Grand Rapids, Mich., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4217. By Mr. MERRITT: Petition of sundry citizens of Bethel, Conn., urging the passage of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

4218. By Mr. MILLER: Petition of citizens of Seattle, Wash., in favor of increase in pensions for veterans and widows of Civil War; to the Committee on Invalid Pensions.

4219. Also, petition of citizens of Seattle, Wash., protesting passage of House bill 78; to the Committee on the District of Columbia.

4220. By Mr. MORROW: Petition of citizens of Dona Ana County, N. Mex., and M. L. Higgins and others, protesting against House bill 78, compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

4221. Also, petition of J. M. Penfield and other residents of Lincoln, N. Mex., indorsing the Welch bill (H. R. 6518); to the Committee on the Civil Service.

4222. By Mr. NELSON of Maine: Petition against compulsory Sunday observance, signed by some 32 residents of Norridgewock and Madison, Me.; to the Committee on the District of Columbia.

4223. Also, petition from sundry residents of Fairfield, Me., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

4224. Also, petition from sundry residents of Gardiner, Me., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

4225. Also, petition against compulsory Sunday observance from some 18 residents of Fairfield, Me.; to the Committee on the District of Columbia.

4226. Also, petition of sundry residents of Fairfield, Me., against compulsory Sunday observance; to the Committee on the District of Columbia.

4227. Also, petition of some 44 residents of Norridgewock, Me., against compulsory Sunday observance; to the Committee on the District of Columbia.

4228. Also, petition of sundry residents of Norridgewock, Me., against the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

4229. By Mr. O'BRIEN: Petition from the voters of Washington district, Upshur County, W. Va., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

4230. By Mr. O'CONNELL: Petition of Patriotic Council No. 70, Sons and Daughters of Liberty, Richmond Hill, N. Y., favoring the passage of House bill 5473; to the Committee on Immigration and Naturalization.

4231. Also, petition of the Upjohn Co., New York City, favoring the passage of House bill 9195, Cuban parcel post bill; to the Committee on Ways and Means.

4232. Also, petition of the New York Typographical Union No. 6, New York City, favoring the passage of House bill 9575; to the Committee on Printing.

4233. Also, petition of Seabury & Johnson, of New York City, favoring the passage of the Cuban parcel post bill (H. R. 9195); to the Committee on Ways and Means.

4234. Also, petition of the Dixie Post, No. 64, Veterans of Foreign Wars of the United States, favoring the passage of Senate bill 2302 and House bill 8560; to the Committee on Pensions.

4235. Also, petition of the Admiral Schley Naval Squadron, No. 16, United Spanish War Veterans, Brooklyn, N. Y., favoring the passage of House bill 6523, for an increase in the allowances granted retired enlisted men; to the Committee on Military Affairs.

4236. Also, petition of the Bausch & Lomb Optical Co., Rochester, N. Y., favoring the passage of the Cuban parcel post bill (H. R. 9195); to the Committee on Ways and Means.

4237. Also, petition of E. R. Squibb & Sons, New York, favoring the passage of the Cuban parcel post bill (H. R. 9195); to the Committee on Ways and Means.

4238. Also, petition of Charles Swanton, of Beacon, N. Y., favoring the passage of the Mead bill (H. R. 8228) extending the presumptive clause; to the Committee on World War Veterans' Legislation.

4239. By Mr. ROBINSON of Iowa: Petition against the compulsory Sunday observance bill (H. R. 78), signed by Alice G. Kinney and about 200 adult citizens of Waterloo, Black Hawk County, Iowa; to the Committee on the District of Columbia.

4240. By Mr. SANDERS of New York: Petition of Mrs. H. P. Monroe and 26 other citizens of Rochester, N. Y., protesting against the large Navy program now being considered; to the Committee on Naval Affairs.

4241. By Mr. SELVIG: Petition of A. Wickham and 32 residents of Richville, Minn., protesting against the passage of House bill 78, or any bill that will in any way give preference to one religion above another; to the Committee on the District of Columbia.

4242. Also, petition of Leo B. Hassler and 66 adult residents of Perham, Minn., and vicinity, protesting against the passage of House bill 78, or of any other compulsory Sunday observance bill; to the Committee on the District of Columbia.

4243. By Mr. STRONG of Kansas: Petition of A. C. Irvine and 67 other citizens of Enterprise, Kans., protesting against the passage of the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4244. By Mr. SWING: Petition of citizens of San Bernardino, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4245. Also, petition of citizens of Arlington, Calif., and other communities protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4246. Also, petition of citizens of Fullerton, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4247. Also, petition of citizens of La Habra, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4248. Also, petition of citizens of Hemet and San Jacinto, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4249. Also, petition of citizens of Mount Signal, Calif., and other communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4250. By Mr. THATCHER: Petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sabbath legislation; to the Committee on the District of Columbia.

4251. Also, petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sabbath legislation; to the Committee on the District of Columbia.

4252. By Mr. THURSTON: Petition of 20 citizens of Moulton, Iowa, protesting against the passage of House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

4253. By Mr. WATSON: Resolution passed by the Dixie Post, No. 64, Veterans of Foreign Wars of the United States, favoring House bill 8560; to the Committee on Pensions.

4254. By Mr. WELSH of Pennsylvania: Petition granting an increase of pension to Civil War veterans and their widows and dependents; to the Committee on Invalid Pensions.

4255. By Mr. WELCH of California: Petition by Harry L. Walker, of the Federal Custodian Service Association, San Francisco, Calif., containing 55 signatures, favoring the passage of the Welch bill (H. R. 6518), to reclassify and increase salaries of United States Federal employees; to the Committee on the Civil Service.

4256. By Mr. WILLIAMS of Missouri: Petition of Margaret Head, Zoa Bequette, and Ferdinand Boyer, who urge that a vote be taken on the Civil War pension bill carrying rates proposed by the National Tribune; to the Committee on Invalid Pensions.

4257. By Mr. YON: Petition of Laura Chason and 39 other citizens of Sopchoppy, Fla., urging that the pension of Civil War veterans be increased; to the Committee on Invalid Pensions.

4258. Also, petition of W. P. Moore and other citizens of Cantonment, Fla., protesting against the passage of the Lankford Sunday bill; to the Committee on the District of Columbia.

4259. By Mr. WOOD: Protest of C. J. Laurimore, of Lafayette, Ind., against the enactment into law of House bill 78, known as the Lankford bill; to the Committee on the District of Columbia.

SENATE

TUESDAY, *February 21, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Most merciful God, Who art the fountain of all grace, the source of all wisdom and goodness, give unto us Thy servants the increase of faith, hope, and love that led by Thy spirit we may find our work a joy, and count all labor light that is undertaken out of love toward Thee. Thou knowest our frame, Thou rememberest that we are but dust. Intensify, therefore, our faith in spite of our frailty, flash upon our inadequacy the sunbeam of hope, and set the bow of Thy love in the cloud of our life, a token of a covenant between heaven and earth, spirit and matter, the warrant of our divine sonship through Jesus Christ, our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday last, when, on request of Mr. CURTIS, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Blaine	Broussard	Couzens
Barkley	Blease	Bruce	Curtis
Bayard	Borah	Capper	Cutting
Bingham	Bratton	Caraway	Dale
Black	Brookhart	Copeland	Deneen
Dill	Heflin	Nye	Steiwer
Edwards	Howell	Oddie	Stephens
Ferris	Johnson	Phipps	Swanson
Fess	Jones	Pine	Thomas
Fletcher	Kendrick	Pittman	Tydings
Frazier	King	Ransdell	Tyson
Gerry	La Follette	Reed, Pa.	Wagner
Gillett	McKellar	Robinson, Ark.	Walsh, Mass.
Glass	McLean	Robinson, Ind.	Walsh, Mont.
Gooding	McMaster	Sackett	Warren
Greene	McNary	Schall	Waterman
Hale	Mayfield	Sheppard	Watson
Harris	Moses	Shipstead	Wheeler
Harrison	Neely	Shortridge	Willis
Hawes	Norbeck	Simmons	
Hayden	Norris	Smoot	

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present. Petitions and memorials are in order.

ORDER FOR TO-MORROW'S SESSION, ETC.

Mr. CURTIS. Mr. President, before we proceed with the morning business, I desire to submit a unanimous-consent request. I ask unanimous consent that at the conclusion of the business of the Senate to-day it shall adjourn to meet at 11 o'clock to-morrow morning, that at the conclusion of the reading of Washington's Farewell Address to-morrow the Senate shall adjourn to meet at 12 o'clock noon Thursday, and that immediately following the conclusion of the routine morning business on Thursday the Senate shall devote the remainder of the morning hour to the consideration of unobjected bills on the calendar.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

TAX REFUNDS (S. DOC. NO. 60)

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with Senate Resolution 110 (agreed to January 27, 1928; by Mr. HEFLIN), a list by States of the names of persons to whom taxes have been refunded, amounting in each case to $25,000 or more, during the fiscal year ended June 30, 1927, which was ordered to lie on the table and to be printed.

PETITIONS AND MEMORIALS

Mr. DENEEN presented a resolution adopted by the ninth annual convention of the American Legion, reaffirming its support of the immigration act of 1924 and of its fundamental national-origin provision that immigrant quotas should be based on the entire population and not on the foreign-born only, which was referred to the Committee on Immigration.

Mr. COPELAND presented a resolution adopted by the Broome County (N. Y.) Bar Association, favoring the passage of legislation to relieve congested calendars in the Federal courts, which was referred to the Committee on the Judiciary.

Mr. BINGHAM presented petitions of American Legion Auxiliaries, Unit No. 45, of Meriden; Unit No. 91, of Moosup; and Rau-Locke Post, No. 8, of Hartford, in the State of Connecticut, praying for adoption of the proposed enlarged naval building program, so as to insure an adequate national defense, which were referred to the Committee on Naval Affairs.

He also presented memorials of the Hartford (Conn.) Branch of the General Alliance of Unitarian and other liberal Christian women, and of 35 citizens of Cheshire, in the State of Connecticut, remonstrating against adoption of the proposed enlarged naval building program, which were referred to the Committee on Naval Affairs.

He also presented a resolution adopted by the Connecticut Forestry Association, indorsing pending legislation to facilitate research into methods of forest production and conservation, which was referred to the Committee on Agriculture and Forestry.

He also presented a letter from the Connecticut Nurserymen's Association, expressing the attitude of that organization relative to certain phases of House bill 9290, the so-called postal rate bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by Buckingham Council, No. 14, Junior Order of United American Mechanics, of Norwich, Conn., protesting against repeal of the national origins provision of the existing immigration law, which was referred to the Committee on Immigration.

He also presented a letter in the nature of a memorial from Lodge No. 37 of the Danish Brotherhood of America, at Bridgeport, Conn., remonstrating against retention of the national origins provision of the existing immigration law and favoring a quota distribution based on the census of 1890, which was referred to the Committee on Immigration.

PINK BOLLWORM INFESTATION

Mr. ROBINSON of Arkansas presented a telegram from the State Plant Board at Little Rock, Ark., which was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

LITTLE ROCK, ARK., *February 20, 1928—6.40 p. m.*

Senator JOE T. ROBINSON,
Senate, Washington, D. C.:

Pink bollworm infestation in west Texas of unprecedented proportions and entire South involved account possibility of seed shipments from areas not at present known to be infested. Understand from press reports that emergency bill before Appropriations Committee, but have heard of no further developments. In meantime, account rapid developments of season in Texas, it is imperative that action be pushed with utmost vigor, and because of Arkansas interest in matter, think everything possible should be done to expedite action.

STATE PLANT BOARD.

REPORTS OF COMMITTEES

Mr. BLACK, from the Committee on Military Affairs, to which was referred the bill (H. R. 972) for the relief of James C. Simmons, alias James C. Whitlock, reported adversely thereon.

He also, from the same committee, to which was referred the bill (H. R. 4536) for the relief of Fred R. Nugent, reported it without amendment and submitted a report (No. 337) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 2972) for the further protection of fish in the District of Columbia, and for other purposes, reported it without amendment and submitted a report (No. 338) thereon.

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1131) to encourage and promote the production of livestock in connection with irrigated lands in the State of Wyoming, reported it with amendments and submitted a report (No. 339) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1755) for the relief of Nellie Kildee (Rept. No. 340); and

A bill (S. 1756) for the relief of Lyn Lundquist (Rept. No. 341).

Mr. TYSON, from the Committee on Military Affairs, to which was referred the bill (S. 2258) to give war-time rank to certain officers on the retired list of the Army, reported it with amendments and submitted a report (No. 343) thereon.

Mr. HAWES, from the Committee on Interstate Commerce, to which was referred the bill (S. 1940) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, reported it with an amendment and submitted a report (No. 344) thereon.

Mr. BINGHAM, from the Committee on Military Affairs, to which was referred the bill (H. R. 519) for the relief of Joseph F. Ritcherdson, reported it without amendment and submitted a report (No. 346) thereon.

Mr. COUZENS, from the Committee on Education and Labor, to which was referred the bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety, reported it without amendment and submitted a report No. 347) thereon.

WELCOME TO COL. CHARLES A. LINDBERGH

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 146) submitted by Mr. SMOOT on the 14th instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate all expenses incurred by the Senate, including necessary expenses for travel for Senators appointed by the Vice President to attend the ceremonies incident to the welcome accorded Col. Charles A. Lindbergh at Washington, D. C., on June 11, 1927.

REGISTRATION OF LOBBYISTS

Mr. CARAWAY. Mr. President, I wish to call attention to a report I am filing to-day from the Committee on the Judiciary, reporting favorably Senate bill 1095, to require registration of lobbyists, and for other purposes.

I am not unmindful of the fact, as I had occasion to say once before, that there are a number of men and women in this city representing associations or groups, not seeking to make private profit but who are of a class who are very useful public servants. There are men and women of high character. They frequently furnish to Members of Congress and to committees information that is very helpful; indeed; and there is no desire on the part of anyone I know of to limit their activities.

On the other hand, there is a class of people here who have fattened off the credulity of people living away from Washington, and have sometimes brought into disrepute legislation, and we want to reach them.

One can take up the telephone directory here and find a list of between three and four hundred associations who seek to capitalize every activity of the human race, but particularly they want to capitalize those things which appeal to people's emotions. There are societies for the preservation of constitutional government, there are societies for the protection of pedestrians, though I have never known anything they did for the pedestrian except to relieve him of some of his money, so that he can run faster, I presume, being lighter than he was before they got hold of him.

There are societies for the purpose of promoting installment buying. There are societies to induce people to eat cane sugar to the exclusion of beet sugar. There is a national society to coordinate the activities of people who are hard of hearing. There is a society for the study of negro life. What its activity is I have no idea. Whenever there is anything to which somebody, by his ingenuity, can induce some one else to contribute, there is formed a corporation or association, and money is collected from the credulous. Doubtless $99 out of every $100 goes into the promoter's pockets. The entire activity of some of these associations is to find out what is likely to happen and notify people and to take credit for bringing it about.

This proposed legislation reported favorably would require all these uplifters for their own pockets to go on record and state who pays them, how much they pay them, and what they do with the money.

One bright fellow from a city came here during the last session of Congress, and it developed he had collected around $60,000 from business men, who ought to have had intelligence enough to know that he was a fake. He reported that he spent $58,000 of it. Of course, he spent it by taking it out of their pockets and putting it into his.

There is another activity here which this legislation will hit if it passes. There have been any number of men, Members of either the House or the Senate, who were utterly unable to affect legislation seriously as long as they were Members of one body or the other. As soon as they are out of a job they become perniciously active in promoting legislation, and the very people who turned them out of office because they were not useful all at once take up the notion that since they are out of office they are tremendously influential. That opinion of the people is capitalized by these men. They have found out what was going to happen, they have notified the people back in the States, and they have collected commissions for the passage of legislation with the enactment of which they had no more to do than the man in the moon.

If we can pass this legislation, it will make them go on record as to who hired them. We are going to make them spread their contracts of record. We are going to make them state how much money they get out of their activities, how much they expend in promoting legislation, and in what manner they expend it. We are going to stop their activities just as the frost kills green vegetation.

The time has come, in my judgment, when people who are not familiar with what happens here in Washington should cease to be left the prey of men and women who have capitalized their hopes and their aspirations, and have extorted money from them under false pretenses. There are people here who are living off the credulous in other communities, who pretend that they influence legislation, who have not even a speaking acquaintance with a single Member of either branch of Congress, who would not know them if they should meet them face to face. Yet, they capitalize the fact that they are here, under some high-sounding name, to handle anything those away from here want done or do not want passed, and they collect money from them.

We hope that this bill will be educational, that the people who are paying out money under these false beliefs that they have agencies here who are influencing legislation will keep their money, and that the agents will find honest occupation and go to work.

There are set out in the bill the names of several of these associations. There is the American Pedestrians' Protective Association. I would like to have somebody tell me what useful purpose that has. I wonder if it is going to open a school to teach people to dodge Ford cars or to outrun a Buick. What

kind of activity can it have? Yet, it rents quarters here, and has its literature; it has its people, and somebody pays the bills.

There is an American organization for the hard of hearing. What they do for the hard of hearing except taking their money I do not know. There is an American road-builders' association, an American sugar-cane league, an American taxpayers' league, an American veneer-package league. There is a tanners' association. There is a picklers' association, and there is a preservers' association. What they do, I presume, is quite well indicated by the names under which they associate themselves. There is a better-fabrics' league, a better-homes' league, a better understanding between industry and agriculture association, a national biographical society. The Lord knows what is not associated or incorporated or gotten together that will get money out of somebody's pocket here in the District of Columbia or in the States somewhere.

Mr. HEFLIN. Mr. President, I suggest to the Senator that the tanners' association may be organized for the purpose of dressing the Republicans' hides after the next election.

Mr. CARAWAY. They have been very active in the past, and we will look into it.

Mr. CARAWAY, from the Committee on the Judiciary, to which was referred the bill (S. 1095) to require registration of lobbyists, and for other purposes, reported it with amendments and submitted a report (No. 342) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHORTRIDGE:

A bill (S. 3311) to provide for advances of funds by special disbursing agents in connection with the enforcement of acts relating to narcotic drugs; to the Committee on Finance.

By Mr. ROBINSON of Indiana:

A bill (S. 3312) granting a pension to Lima E. W. Allen (with accompanying papers); to the Committee on Pensions.

By Mr. DENEEN:

A bill (S. 3313) granting an increase of pension to Elizabeth G. Griswold; to the Committee on Pensions.

A bill (S. 3314) for the relief of John J. Fitzgerald; and

A bill (S. 3315) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Olaf Nelson; to the Committee on Claims.

By Mr. SHIPSTEAD:

A bill (S. 3316) to provide for the coinage of medals in commemoration of the achievements of Col. Charles A. Lindbergh, and for other purposes; to the Committee on the Library.

By Mr. McKELLAR:

A bill (S. 3317) for the relief of Kennedy F. Foster; to the Committee on Military Affairs.

By Mr. KING:

A bill (S. 3318) conferring jurisdiction on the Court of Claims to hear and determine certain claims of persons to property rights as citizens of the Choctaw and Chickasaw Nations or Tribes;

A bill (S. 3319) conferring jurisdiction on the Court of Claims to hear and determine certain claims of persons to property rights as citizens of the Choctaw and Chickasaw Nations or Tribes;

A bill (S. 3320) conferring jurisdiction on the Court of Claims to hear and determine certain claims of persons to property rights as citizens of the Choctaw and Chickasaw Nations or Tribes;

A bill (S. 3321) conferring jurisdiction on the Court of Claims to hear and determine certain claims of persons to property rights as citizens of the Choctaw and Chickasaw Nations or Tribes;

A bill (S. 3322) conferring jurisdiction on the Court of Claims to hear and determine certain claims of persons to property rights as citizens of the Choctaw and Chickasaw Nations or Tribes; and

A bill (S. 3323) conferring jurisdiction on the Court of Claims to hear and determine certain claims of persons to property rights as citizens of the Choctaw and Chickasaw Nations or Tribes; to the Committee on Indian Affairs.

By Mr. LA FOLLETTE:

A bill (S. 3324) granting an increase of pension to Lucretia M. Hannan; to the Committee on Pensions.

By Mr. BAYARD:

A bill (S. 3325) for the relief of Horace G. Knowles; to the Committee on Claims.

By Mr. WALSH of Massachusetts:

A bill (S. 3326) granting an increase of pension to Rose Toward; to the Committee on Pensions.

A bill (S. 3327) for the relief of Robert B. Murphy; to the Committee on Naval Affairs.

By Mr. BLEASE:

A bill (S. 3328) to amend title 39, the Postal Service, Chapter II, section 32, the Code of Laws of the United States of America in force December 6, 1926, volume 44, Part I, United States Statutes at Large; to the Committee on Post Offices and Post Roads.

By Mr. WILLIS:

A bill (S. 3329) granting an increase of pension to Mary A. Sterling (with accompanying papers); to the Committee on Pensions.

By Mr. BLACK:

A bill (S. 3330) granting a pension to James L. Huston; to the Committee on Pensions.

AMENDMENTS TO WAR DEPARTMENT APPROPRIATION BILL

Mr. CURTIS submitted two amendments intended to be proposed by him to House bill 10286, the War Department appropriation bill, which were ordered to lie on the table, and to be printed, as follows:

On page 25, line 5, strike out the figures "$12,668,944" and insert in lieu thereof the figures "$12,981,775."

On page 25, line 13, after the word "Ferry," insert "*Provided further*, That not exceeding $286,831 shall be available immediately for the installation of a new heating plant at Fort Leavenworth, Kans., and that $26,000 shall be available immediately for the purpose of paving that portion of the road across the military reservation at Fort Leavenworth, Kans., connecting the State highways of Missouri and Kansas."

MUSCLE SHOALS

Mr. McKELLAR and Mr. HARRISON each submitted an amendment, and also Mr. McKELLAR and Mr. TYSON each submitted an amendment in the nature of a substitute, intended to be proposed by them, respectively, to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, which were severally ordered to lie on the table and to be printed.

AMENDMENT TO TENNESSEE RIVER BRIDGE BILL

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (H. R. 9198) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn., which was referred to the Committee on Commerce and ordered to be printed.

RECODIFICATION OF MARITIME LAW FOR WAR TIMES

Mr. BORAH. I submit a resolution, which I ask may be read and lie on the table.

The resolution (S. Res. 157) was read and ordered to lie on the table, as follows:

Whereas the rules of maritime law in time of war as codified at the Second Hague Conference and in the Declaration of London were in important respects departed from during the late war; and

Whereas it is important as a condition of the limitation of armaments and of the orderly conduct of international relations that the rules of law as developed in the course of centuries be not left in doubt or uncertainty; and

Whereas the present chaotic state of maritime law—leaving the seas subject to no definite rules save that of force and commerce to no ultimate protection save that of battle fleets—constitutes an incentive for great naval armaments: Therefore be it

Resolved, That the Senate of the United States believes:

First. That there should be a restatement and recodification of the rules of law governing the conduct of belligerents and neutrals in war at sea.

Second. That the leading maritime powers of the world owe it to the cause of the limitation of armaments and of peace to bring about such restatement and recodification of maritime law.

Third. That such restatement and recodification should be brought about if practically possible prior to the meeting of the conference on the limitation of armaments in 1931.

ADDRESS BY SENATOR LA FOLLETTE ON "DOMINANT ISSUES IN THE 1928 CAMPAIGN"

Mr. NYE. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by the senior Senator from Wisconsin, Mr. LA FOLLETTE, over the National Broadcasting Co. chain on the evening of Tuesday, February

14, 1928, under the auspices of the National League of Women Voters, entitled "Dominant Issues in the 1928 Campaign."

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

The progressive movement is constructive. It is the present-day phase of the age-long struggle to make government serve all the people.

Robert M. La Follette believed the principle of representative government sound; he believed that the people by intelligent exercise of the ballot can and will control their own Government. His purpose was not to destroy or even radically to change our institutions; it was to restore and preserve government as interpreted by Jefferson and defined by Lincoln.

Under his leadership the progressives achieved an impressive record of useful constructive legislation—State and National. Advanced measures, which in the beginning were denounced as "radical and dangerous," are now accepted as essential to the fulfillment of fundamental ideals of democracy.

It was on this basis that woman suffrage was attained. This weekly half hour on the air, given to the discussion of all sides of important public questions, sponsored by the League of Women Voters, is a striking example of the higher standards of citizenship being developed through women's equal share in government.

My father dated the beginning of our reform movement in Wisconsin back to the seventies, when the Granger organizations carried the question of railroad regulation to the courts.

Edward E. Ryan, chief justice of the Supreme Court of Wisconsin, rendered the opinion in the Granger cases, which laid the foundation for the final judicial decision upholding the right of the Government to control the railroads on the basis of common carriers.

Some 50 years ago, in an address to a Wisconsin University law class, after referring to the defiant attitude of a railroad corporation toward the State, Chief Justice Ryan said: "The question will arise in your day, though perhaps not fully in mine, which shall rule, wealth or man; which shall lead, money or intellect; who shall fill public station, educated free men or the feudal serfs of corporate capital."

Speaking as a progressive, I ask this radio audience to weigh that prophecy made by our great chief justice and to consider its application to the important problems pressing for solution in 1928.

Teapot Dome and Elk Hills naval oil reserves have been restored to the people of the United States by the final decision of the Supreme Court. This property of enormous value, stolen from the people by great oil magnates in collusion with members of the Cabinet, is now in your possession because of the courageous, determined fight made by progressives in the Senate.

The criminals have thus far escaped any legal punishment for the robbery and betrayal of the Government. The minions of Fall and Sinclair have been caught tampering with the jury impaneled to try them for conspiracy. This shocking development is being used to the advantage of the conspirators. It looks, as Senator NORRIS has said, as though the prosecutor might be found guilty and the defendant set free. He says further, "There has been such an abuse of power as must bring the blush of shame to every citizen of the United States who believes in the proper administration of the law and the proper trial of cases before the courts."

The power of the Senate to investigate transactions of the fraudulent Continental Trading Co. is defied by Robert W. Stewart, chairman of the board of directors of the Standard Oil Co. of Indiana. He is one of the guarantors of the contract by which the money was raised by this Continental Trading Co. to purchase the Liberty bonds that passed from Harry F. Sinclair to former Secretary of the Interior Albert B. Fall in the Teapot Dome deal. Stewart refuses to testify where the rest of the two million or more dollars went.

Saturday, February 11, the cold, hard fact was brought to the attention of the world that a part of that stock of Liberty bonds purchased by the Continental Trading Co. from which Fall had received his bribe had been contributed to payment of Republican National Committee campaign expenses of 1920! Which shall rule—wealth or man?

You have seen how special interests are attempting to purchase seats in the United States Senate. In Pennsylvania and Illinois $3,000,000 were expended to secure the election of VARE and SMITH.

Revelations before the Special Committee Investigating Campaign Expenses demonstrated that Samuel W. Insull, head of one of the greatest public-utility combinations, was contributing, contrary to the law of Illinois, large sums of money for political purposes.

The progressives have consistently resisted these brazen attempts to corrupt government through the excessive use of money in elections. It is a part of the progressive program to secure the passage of an effective corrupt practices act which shall restrict the amount and character of campaign expenses in both primary and general elections.

* * * * * * *

This is the electric age. The control of electric power is certain in the near future to dominate industry and transportation, and to vitally affect the comfort, convenience, and welfare of the home and the farm.

The attempt to monopolize electric light, heat, and power is the most alarming development of the last decade. Gigantic interlocking organizations are taking enormous toll from the consuming public. A complicated structure of holding companies, with countless subsidiaries, lends itself to the watering of stock and to the concealment of profit to an extent never before known. The investigation of the power trust proposed by Senator WALSH of Montana should have the active support of every user of electric current.

In 1924 5,000,000 progressive voters indorsed a platform pledge which declared: "We favor public ownership of the Nation's water power and the creation and development of a national superwater-power system, including Muscle Shoals, to supply at actual cost light and power for the people."

In compliance with that pledge the progressives have prevented the shockingly unfair lease or sale to the power monopoly of Muscle Shoals in which $150,000,000 of the people's money has been invested. They have supported the Boulder Dam bill for the development of power and the control of floods on the Colorado River.

We know that in Cleveland, Seattle, Los Angeles, and many other cities, the public operation of power plants has been a great success and of very great benefit to the people in reduced rates and improved service.

We have constantly before us the example of the Province of Ontario, in Canada. There one of the greatest power projects in the world, publicly owned, is furnishing electric energy to more than a million consumers at cost.

The average cost of electricity for the domestic consumer in Ontario was, in 1926, less than 2 cents per kilowatt-hour. In contrast to this, the average cost of electricity to the domestic consumer in the United States in 1926 was 7⅛ cents per kilowatt-hour. Our neighbors across the border pay less than one-third for domestic current from a publicly owned plant than consumers in this country pay to a privately owned monopoly, which gets its current from the same source.

* * * * * * *

Supremely significant, also, is the issue of farm relief. The basic industry, agriculture, struck down in 1920 by the deflation policy of the Federal Reserve Board and the enactment of the Esch-Cummins railroad law, has been denied relief by the great eastern industrial and financial interests exercising their control over the President of the United States to secure his veto of the McNary-Haugen bill last year.

Agriculture must be based on an equality with every other industry in this country. The McNary-Haugen bill should be enacted at this session of Congress, a reduction in railroad rates upon farm products secured, a downward revision of exorbitant tariff duties on manufactured products achieved at the earliest practicable moment.

* * * * * * *

The great power of national taxation is being used to shift the cost of government and the burden of the war debt to the backs of the people. Since 1921 Andrew W. Mellon, fourth richest man in the United States and Secretary of the Treasury, has succeeded in reducing the taxes on great wealth and the profiteering corporations by $3,000,000,000.

In spite of these enormous reductions, another drive is to be made to further distort the principle of graduated taxation by reductions upon the incomes of the rich.

The Federal inheritance tax is marked for slaughter because it is the only means by which at this late date those who profited so tremendously during the war can still be made to disgorge some of their ill-gotten gains and to bear a share of the cost of the war.

* * * * * * *

Most vital to the public welfare are the issues raised by our foreign policy. In China, Mexico, and Nicaragua the present administration has pursued a course which has carried the United States a long way on the road to imperialism. The policy is shaped by the international bankers and exploiters. This policy has been carried out in violation of the expressed will of Congress and the people.

In Nicaragua the President has gone so far as to create an actual state of warfare without the consent of Congress, which, under the Constitution, has sole power to make war. Unless this precedent is repudiated, then any President in the future may plunge this country into war by the mere scratch of the pen.

Progressives are opposed to the doctrine that the flag follows the dollar. They are against the use of the armed forces of the United States in exploitation of weaker nations or in the collection of speculative investments made abroad by international bankers. These foreign loans now amount to $14,000,000,000.

Carried to its logical conclusion, the Coolidge-Kellogg foreign policy means that we must have the largest Navy in the world, a standing Army of tremendous size, and universal conscription in order to look after these billions of dollars invested in all parts of the world.

The progressives in the Senate are asking an investigation of the foreign relations of the United States in Central and South America to the end that a constructive policy of noninterference in the domestic affairs of those countries may be formulated and agreed upon.

Progressives are fighting the $3,000,000,000 naval building program as a wasteful expenditure of the taxpayers' money and as creating

a spirit of rivalry in armaments endangering the peace of the world. As Senator BORAH has said: "This program, together with the wild and excited statements about war (by our naval admirals), is sheer madness." Those who agree with him should act promptly on his suggestion to make their protest heard if they would prevent this madness from becoming a fixed national policy.

I regret that time forbids me to speak of other most important issues on which the progressives have taken an independent stand—flood control; the Federal reserve system and speculation; railroad valuation; conservation; the packing of our Government commissions and courts with agents of special interests; the use of injunctions in labor disputes.

Before closing, I want to speak of Senator GEORGE W. NORRIS, of Nebraska, as the accepted leader of the progressives in the Senate.

For a quarter of a century in House and Senate, Senator GEORGE W. NORRIS has fought the good fight and kept the faith with the common people—the progressive, unprivileged masses of America. The Senator from Nebraska has won the abiding confidence of the people of his State and Nation, and of the progressive millions everywhere, because during 25 years of public service he has demonstrated that party bosses, their corporate masters, and all their lobbies at the National Capital can not deceive him, nor intimidate him, nor stop him in his patriotic service for the common good.

Able, fearless, and incorruptible—beloved by friend and respected by foe—veteran of a thousand battles for freedom, justice, and clean government, he stands to-day the acknowledged champion of the rights and interests of the American people.

"Who shall fill public station—educated free men or the feudal serfs of corporate capital?"

UNEMPLOYMENT CONDITIONS

Mr. WAGNER. Mr. President, I send to the desk and ask to have printed in the RECORD some communications and articles on the question of unemployment, concerning which I have heretofore introduced a resolution.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

NEW YORK, N. Y., *February 20, 1928.*

Senator ROBERT F. WAGNER,
Washington, D. C.:

Unemployment conditions abominable. Call for Senate investigation to face facts.

EAST SIDE UNEMPLOYMENT COMMITTEE.

[From the Survey Graphic for March, 1928]

SHADOWS OF PROSPERITY

By Leo Wolman

There is mounting evidence of unemployment—a situation so serious that were it true of the stock market, there would be grave public concern. We have felt it a special charge on Survey Graphic, and turned to an economist who has spent the last three years in study of the labor market with these questions: How much unemployment? What are its causes? Why do we hear so little of it?

First of all, this American prosperity which has confounded observers the world over, is at the most only 5 years old. It began somewhere in 1922. It has been characterized by keen competition, falling labor cost, and revolutions in industrial technic and management. The automobile industry has played a large part in it. Fifteen years ago that industry was new; it is now no longer new. It may not yet have reached its saturation point, but it is certainly much closer to it than it has ever been. Meanwhile the construction industry has by common consent passed the peak of its postwar boom. In the smaller cities, building labor has suffered and, even in New York, reliable witnesses report considerable unemployment. Presumably during the past two years, and more particularly during 1927, these two extraordinary factors, favorable to the continued absorption of displaced labor, had begun to peter out and unemployment on a scale and of a character not unlike that known to our industrial districts before the war appeared again in this country.

In gauging its extent and significance to-day, it should be understood at the outset that there is no direct and satisfactory measure of unemployment in the United States. Witness the astonishing discrepancies in the estimates considered by the President's unemployment conference in 1921, which varied from 3,500,000 to 5,500,000 persons. We have in this country no adequate administrative machinery for registering the unemployed or for recording their passage from one job to another, and until we do we shall continue in the dark regarding the magnitude and character of the most difficult of our modern industrial problems. Trade unions play so inconsiderable a rôle in the bulk of American manufacture that their records can not be expected to yield the information they supply in many countries. For the present, therefore, we are thrown back on data that leave the most puzzling questions unsolved.

What these questions are it is easy to see. Since the war—and in some cases before—various Federal and State labor departments have been publishing monthly the number of persons employed in manufacturing industries and the total wages received by them. Wherever collected and by whatever methods they are checked, these figures appear always to tell the same story of a steady decline both in the number employed and in total wages, although the decline in employment is greater than in wages. Thus the most recent figures of the United States Department of Labor show that the number employed in manufacturing industries was nearly 12 per cent lower in 1927 than in 1923, and the wages paid almost 8 per cent less. Independent investigations appear in general to confirm this trend. If there were no conflicting factors, it would be simple to draw the plain conclusion from these figures that something like 10 per cent of our factory population were unemployed in 1927.

Students of the matter concede this continuous and substantial decline, but point to the growth of new alternative employment which, in their judgment, has furnished work to those laid off by manufacturing industries. And there is the statistical rub. The employment statistics of the railroads reveal a steady decline in the employment of railroad labor. The mining industry appears to be in position to meet the needs of its market with a smaller and smaller labor force. There remain only two great occupational groups: Construction on the one hand, and on the other trade, commerce, and clerical work. The last includes conveniently clerks, stenographers, sales people, chauffeurs, attendants at filling stations and in garages. On the two important categories we have no statistical series in any measure as adequate or as reliable as those for manufacturing, railroading, and mining. Figures collected and published by the National Automobile Chamber of Commerce indicate an enormous growth in the operations auxiliary to automobile making. But, while they are indicative of an actual trend, they can lay no claim to accuracy nor can they be used to estimate the volume of absorption of factory labor afforded by these new occupations. The construction industry likewise grew during its boom period prior to 1927; but its growth, like that of manufacturing industries, was characterized by an increasing output per man, the effects of which on employment we have no present means for measuring at all.

What, then, are the probabilities? My cursory analysis of the present and immediate past has not considered crucial factors that have already exerted a considerable, and far from ameliorative, influence on the prevailing state of affairs. Along with the increase in efficiency of American industry there has been steady growth of our potential working population, and this in spite of immigration restriction. The progressive industrialization of negroes and of women and the discovery and utilization of a growing working population in the South have already done much to aggravate the problem of unemployment. They will, in all probability, make it even more difficult in the near future. For in a period of severe competition, which is so characteristic of the present phase of our business cycle, the drive for lower costs and cheaper labor is likely to continue.

Our contemporary unemployment, also, has already assumed peculiar characteristics. An efficient mechanized industry inevitably puts a premium on youth. Lay off, whether because of business slack or of improved technic, is more and more likely to affect the older workers. Such devices as old-age pensions and mass insurance, which in American industry have assumed amazing proportions, contribute to the same result, since all such life insurance and pension plans are cheap only as long as the average age of the insured is low. If these trends, already discernible, pursue their natural course, how to handle the problem of unemployment among the retired workers of industry will severely test our resourcefulness and ingenuity.

That a substantial volume of unemployment is prevalent at the present time is indisputable; equally so the existence of forces that may bring in their train waves of even more severe unemployment. All the more surprising, therefore, has it been that conditions such as have existed in this country for a year past have elicited so little public discussion and caused so little public concern. One common explanation is that the unemployed American worker has suffered little actual distress because he draws, while he is unemployed, upon his accumulated savings or investments. That the financial reserves of working men in this country are far in excess of those abroad is unquestionably true. But that they are sufficient to tide them over a substantial period of unemployment is highly doubtful and certainly not capable of statistical demonstration. We have only guesswork to go on when it comes to this central problem of the capacity of the American working man to meet the various risks and uncertainties to which he is exposed.

It is at the same time clear that much of the general apathy is due to another cause. The people who are "up against it" lack any effective machinery of expression. Social protest periodically falls into disuse in this country. The million or more unemployed are separate and isolated individuals, represented by no labor organization or another agency like it. Each goes his own way. Once such a workman drops off the pay roll, he is no longer even a member of a company union and that agency ceases to voice his grievances or to be concerned with his problems. The fact of the matter is that the vaunted efficiency and stabilization of American industry has not led to a stabilized labor

market. The worker who loses his job is thrown upon as disorganized and anarchic a labor market as ever existed in this country. The more advanced employment and personnel departments of private industry, products of the war and its lessons, do not find their social counterpart in an integrated chain of public employment offices, whose function it would be to serve the interests of that large number of workingmen who are from time to time on no employer's pay roll.

If it is sound industrial and business policy for an individual employer to organize his own labor market scientifically, it is clearly sound social policy for American industrial society as a whole to procure the most efficient organization of our labor market as a whole. The wastes of the old methods of employment, now largely discarded by the more enlightened of American employers, still inhere in the general labor market, where the unemployed often receive no service at all or become the prey of sharks.

Within a single industry, and more often a single factory, the stabilization or regularization of industry still seems largely illusory. Pay rolls, except for the all too short periods of the height of prosperity, fluctuate *with frequency* and with violence. Workers are added when business improves and are dropped when the tide of business turns, much as they seemed to be in the years before 1920. Establishments that have achieved regularization or that have made provisions for their unemployed workers do not appear to loom larger, with the passage of time, in the total industrial situation. American inventiveness, which has resulted in such outstanding contributions to the problems of management in its relation to production, has not been invoked to meet the far larger problem of stabilizing the incomes and regularizing the work of the industrial workers of the country. Industry is apparently still unprepared to define its obligations toward the men and women who constitute its working force and admit that hiring and firing involve profound social consequences.

This, it would seem, is the root of our present and our future unemployment problem in American industry. The evidence, difficult as it is to use it in the face of prevailing optimism, points unmistakably to the inability of industry to exercise effective control over its own fluctuations. Those who first and most seriously suffer the effects of business and industrial instability are the manual laborers. They become all too frequently the charges of an indifferent and unorganized community. This country is rich beyond all imagination in human and material resources. More than any other country in the world we are in a position to experiment intelligently with neglected social problems. In the matter of unemployment we have at our disposal the experience of the many countries of Europe which have for years devised their own peculiar methods of dealing with the problem. We are in a unique position both to organize the general labor market and to make provision for the unemployed. We have the resources and the talent to fashion administrative measures that should insure the benefits and avoid the weaknesses of earlier experiments. We will do so when our leaders are alive to their social responsibilities.

Is Unemployment Here?

By Beulah Amidon

For the first time in seven years unemployment is on the front page. It is not there as a local situation—a Ford lay-off, a coal strike, a textile mill cutting its work week. This is large scale unemployment, men idle in every industrial center because they can not find jobs. Wage earners the country over face the reverse of that rosy picture of "unprecedented prosperity" at which we have gazed so long and so enthusiastically.

For some time there have been warnings of a falling employment barometer—an increase in the ratio of applications to placements in the public employment agencies, many more applications for home-work permits in large industrial cities, a steadily mounting number of men seeking shelter in homes for the homeless—bad weather signs which few of us noted. With the beginning of 1928, distress signals, local, State, and National, began to go up rapidly. In New York, for example, the Charity Organization Society, through its vice president, Otto T. Bannard, president of the New York Trust Co., sent out a general appeal for "help in this crisis," stating that it is "probably the worst we have had since 1921. Long lines of men wait here every day in the hope of finding work. When even the young and able-bodied are being laid off, can you imagine how hopeless it is for men who are ill or no longer young?" Governor Smith asked the State industrial commissioner for an immediate report on unemployment "to determine whether the State of New York, with its large public-works program can do something toward relief of this situation." And at Washington, the Jones bill, providing for a program of emergency public works, at length becomes news. It embodies recommendations of the President's unemployment conference, which met in 1921, under Herbert Hoover's chairmanship, and which had gone unheeded for seven fat years.

A fortnight ago, a member of the Survey staff gathered up a sheaf of reports from unrelated groups in widely scattered cities in all of which there was mention of acute local unemployment. These were spread out before a labor economist, and the economist was asked: What does this mean? Is there general unemployment? How much is there? Where is it? Why?

"There is no crisis, not in the accepted sense," said the economist. "This has been coming for a long time, slowly, like a glacier. Nobody has paid any attention. We have no general system of labor exchanges or unemployment insurance, making it to our immediate interest as a nation to know how many men are out of work and why and where. If we want to get a picture of the situation, we have to pick up bits here and there and piece them together. Why don't you take your questions to the family welfare agencies? They get the first impact of unemployment."

The family welfare agencies of 22 cities outside New York replied to our request for facts about their unemployment situations. Differences in record keeping and in division of responsibility among the agencies of the several communities make it difficult to compare these reports. It is clear, however, that case loads in industrial communities are markedly heavier this winter than last, and that there is a sharp increase in the number of families forced to seek help because of involuntary unemployment.

In Buffalo, N. Y., where the heavier end of the unemployment load is carried by the city department of social welfare, the Charity Organization Society reports, "They are experiencing a worse situation to-day than in any year since 1921. For instance, in the week of January 6–12, 26 per cent of the applicants gave unemployment as the main cause of their difficulty. In the week from January 13–19, 29 per cent and in the week of the 20th to the 27th, 32 per cent * * * In the year July 1, 1926, to June 30, 1927, the department of social welfare spent about $310,050 in family welfare relief. They have increased their fund this year and have at their disposal $436,525. This increase has been sought on the basis of the pressure from an unemployment situation."

The general secretary of the Association for Community Welfare in Fall River, Mass., indicates more acute unemployment than her own organization's figures (see table) reveal: "When our income fell off, as our contributors were not drawing dividends, our policy was changed to put the entire burden of unemployment on the public welfare department. I happen to know that the department was giving relief to approximately 1,000 families the week of January 21, 1928. An ordinary case load for them is from 400 to 600 families. The head overseer of the department ascribed the increase to the local unemployment situation."

Based on the average number of wage-earners employed in the five years 1919–1923, the division of statistics, Massachusetts department of labor and industries, represents employment in manufacturing establishments in the State as 77.2 per cent, the lowest point since the depression of 1920–21. "Boots and shoes and cotton goods are the industries hardest hit," Stockton Raymond of the Family Welfare Society of Boston points out, "employment in the former being represented by 46.2 and in the latter by 62.5. At the public employment offices the ratio of applications to positions filled is higher than it has been for a number of years, reflecting the situation as described."

In Philadelphia, "there is considerably more unemployment this year than last, and the number of applications coming to us (Family Society of Philadelphia) is exceptionally heavy. * * * Last November we received 307 applications, which is a larger number than in any November since 1918, the November of the influenza epidemic. In December, 1927, we received 340 applications, but there have been two Decembers since 1918 when we have received more applications than this. * * * It is exceedingly difficult to obtain jobs, and there is no doubt that, except for the winter of 1921–22, this is the worst period through which we have gone in 10 years."

In Portland, Oreg., "there is a decided increase in unemployment. At present there are probably 38,000 unemployed people here, which is an increase of over 100 per cent in our usual unemployment population."

"The unemployment situation in Milwaukee this year has been the worst since 1922," the general secretary of the Family Welfare Association reports. "However, the situation has not been serious enough to term it a crisis and all indications point to a decided improvement from February on. The situation might have been worse had the winter been more serious."

In New York, the State labor department reports that in December employment touched its lowest point for the year 1927, and that in January approximately 20,000 wage-earners were laid off. This pulls the index of employment "lower than it has been at any time since the trough of the depression in the summer of 1921."

The Industrial Bulletin of the department gives the number of workers registered for each 100 places open as 165.4 for December, 1927, as compared with 137.2 for November, 1927, and 116.3 for December, 1926.

A voluntary employment agency in New York City reports that in January, 1927, it secured 207 jobs for 265 applicants through 960 contacts. This January it was able to get only 140 jobs for 489 applicants, and over 2,000 interviews were required.

When jobs are scarce industrial home work increases. Nelle Swartz, director of the bureau of women and children, New York labor department, states that while the applications for home-work permits usually average 10 a day at this season, they now average more than 20.

Men and women are out of work in industrial centers, according to the available evidence, not because we face a sudden crisis, but because

of slower and less dramatic influences—uncontrolled seasonality in many trades, gradual business recession, increased mechanization of industry.

"Among many causes responsible for the increase in unemployment is the substitution of machinery for hand labor," Richard A. Flinn, chief of the division of employment for the New York department of labor, states. "Steam shovels now excavate in building construction, subway construction, State road construction, which formerly gave employment to thousands of unskilled workers. Conveyors take the place of wheelbarrows in transporting building material to the building mechanic. In modern shops, conveying machinery carries the product in the process of manufacturing from the place where it enters as raw material to the place where it is placed by machinery on the freight car or motor truck. Many of these indoor jobs are not available.

"Electrical appliances, including the vacuum cleaner, washing machine, the electric iron, have curtailed the demand for casual women workers and the wet-wash laundry has lessened the demand for the casual laundry worker.

"Finally, the surplus of strong, able-bodied, unskilled workers has given the employer the opportunity to select more carefully and as a result the applicant who does not look strong and healthy or who is no longer young finds it exceedingly difficult to obtain employment."

Chicago has caught the backwash both from the Ford lay-off and the soft-coal strike. The city's widely heralded building and engineering program has brought an influx of men looking for jobs. At the same time, steel and iron, meat packing, and the clothing trades are "slowed up" and "freight tonnage has declined, throwing trainmen and dispatchers out of work."

Philadelphia and the New England communities suffer from the general depression in textiles. Fall River reports a 10 per cent wage cut in addition to a three-day work week.

In St. Louis "the increase in unemployment is probably due to a more complete shutdown in almost all types of factories employing both skilled and unskilled workers. * * * The industries in St. Louis are diversified, but we have noted that several of the large chemical companies producing patent medicines and drugs are not running full force, manufacturing plants making steel railroad cars are almost shut down, canning factories are employing only a portion of their usual force, and the clothing and shoe manufacturing companies, which represent the largest single industry in the city, are producing less than last year."

In Buffalo "the industrial situation as a whole has been bad this winter. The policy of retrenchment began as far back as July and has affected the whole economic situation. The building trades, steel and metal trades, the automobile and the auto-accessory manufacturers seem to have been our principal sufferers. * * * At the same time our local savings-bank deposits have increased quite remarkably. * * * Personally, I feel this is because of the quite general feeling that jobs are so scarce that those who are employed are putting away the maximum amount in savings accounts in order to meet the possible break in employment."

Portland, Oreg., reports that "all our local industries are involved, inasmuch as the principal industry which we have, lumber, is only at 50 per cent of its capacity, and you can see what the effect would be upon all the other local industries." A similar situation is reported from the United Charities of Dallas, Tex.: "The opinion of our staff is that there is more unemployment this winter than last winter. * * * There seems to be a general slowing down in all industries. The situation is not due to the closing down of any particular industry."

Three basic causes of widespread unemployment are set forth in this statement from Salt Lake City, Utah: "A great many of the mines in districts surrounding Salt Lake lay off men regularly each winter. These men pour into the city hoping to find work here. * * * In addition to the general business depression and the fact that we have so much seasonal work here, three of our largest concerns have laid off men, principally through the installation of improved machinery."

In the present situation there is little evidence that the country as a whole or that individual communities are adopting any sort of program for the relief of existing unemployment or for checking its spread. The survey's question, Is the community making any effort to alleviate the unemployment situation, such as a cooperative labor exchange or increased public work? is answered with an unqualified "no" by the family welfare agencies of Providence, Jacksonville, Little Rock, New Haven, Fall River, and Portland.

As 16 cities report it

	Total active cases				Cases where the unemployment was a factor			
	December, 1926	December, 1927	Jan. 1–15, 1927	Jan. 1–15, 1928	December, 1926	December, 1927	Jan. 1–15, 1927	Jan. 1–15, 1928
Salt Lake City, Utah	205	300	124	208	90	133	98	150
Baltimore, Md	1,639	1,866	1,528	1,797	217	534	372	877
Chicago, Ill	3,282	3,372	[1] 3,203	[1] [2] 3,390	----------	[1] 197	[1] 529	346
Milwaukee, Wis	2,060	2,209	----------	----------	----------	----------	----------	----------
Providence, R. I	624	525	[1] 603	[1] 530	----------	----------	----------	----------
Youngstown, Ohio	457	877	270	461	98	321	51	182
Cleveland, Ohio	2,980	3,255	3,065	----------	----------	1,367	----------	----------
Kansas City, Mo	1,218	1,357	[4] 419	[4] 338	----------	----------	----------	----------
St. Louis, Mo	1,990	2,159	1,422	1,812	[3] 396	928	546	792
Boston, Mass	467	534	----------	480	89	176	----------	106
New Haven, Conn	208	287	----------	----------	53	73	----------	----------
Little Rock, Ark	261	321	260	300	89	145	84	152
El Paso, Tex	367	364	205	173	157	112	110	67
Jacksonville, Fla	467	534	----------	480	89	176	----------	106
Portland, Oreg	1,220	1,078	552	630	472	392	270	350
Denver, Colo	690	615	[1] 613	[1] [2] 553	355	403	[1] 388	[1] [2] 380

[1] January 1–31. [2] Estimate. [3] Major cases, three-month period. [4] Intake only.

THE UNEMPLOYMENT SITUATION AS SHOWN BY THE RECORDS OF THE FAMILY WELFARE AGENCIES

In Salt Lake City there have been "tentative group discussions but no definite effort made." In St. Louis, "the community council is proposing an employment bureau, which will not go into operation in time to affect the situation this year."

Cleveland reports that "there have been no special steps taken to alleviate conditions. The general feeling along the line was that the opening up of the automobile industry would be the greatest step to reduce unemployment." Youngstown, Ohio, increased public work "after March." "The only definite effort in Kansas City is an attempt to induce the county court to appropriate larger amounts for outdoor relief." In Dallas, "The city has increased public work on the streets and allowed only residents of the city to have these jobs. They permit the men to work one week, then lay them off and take on another group."

"I do not need to state that charitable organizations can not begin to meet the problems of an unemployment crisis," writes Joel D. Hunter, general superintendent of the United Charities, Chicago. "They not only can not, but should not. I have been trying to get the Council of Social Agencies to appoint a committee of leading business men * * * [to confer with city officials] concerning emergency measures to take care of the homeless men who are now sleeping in police stations, on floors of mission houses, etc. Second, to increase the number of jobs available. This can be done in two ways: By speeding up some of the public works. My information is that about $12,000,000 will be spent in public works in and around Chicago in the present calendar year. Also, by increasing the number of jobs in private business. I think this can be done if the telephone company will continue the work that it has already begun in installing dials and railroads place equipment orders."

The welfare council in New York City has appointed a committee, at Governor Smith's request, to cooperate with the industrial commissioner in his survey of the unemployment situation in both city and State. This request was telephoned from Albany to a gathering of some 200 social workers, representing nearly a hundred agencies. Bailey B. Burritt, general director of the Association for Improving the Condition of the Poor, urged the following steps:

That Mayor Walker and the chamber of commerce be asked to consider active measures for increasing by 5 per cent the amount of employment in industry in New York.

That the city be asked to make $1,000,000 available for public improvements in such a way that the work can start at once.

That any city building program be advanced immediately and strenuously.

That the governor and the legislature be called upon to prepare plans for a more permanent remedy.

That the private citizens of New York be asked to increase by 10 per cent their donations to social-service organizations.

In spite of our experience in 1914–15 and 1921–22, American communities have paid little attention to similar "standard recommenda-

tions," our carefully set-up committees worked out to forestall or to alleviate just such a situation as now exists. The President's unemployment conference in 1921 not only mapped out such measures but instituted a searching study of business cycles and unemployment under the National Bureau of Economic Research. The conference's own committee on this latter phase of the subject brought out 10 major recommendations in 1923, covering not only such points as the collection of fundamental data, employment bureaus, and unemployment reserve funds, the responsibility of banks, the Federal reserve system, and public utilities, etc., but the control of private and public construction at their peaks. In line therewith the Jones bill has been before Congress for four years. As John B. Andrews, secretary of the American Association for Labor Legislation, summarizes it, it would "appropriate $150,000,000 for public works, including rural post roads, river and harbor improvements, flood control, and public buildings outside the District of Columbia. Work under this appropriation is to be undertaken only when it is apparent that a marked decrease of employment is under way in the construction industry of the United States. * * * Adoption of this 'prosperity reserve' by the Federal Government would be of further help by stimulating the creation of similar 'prosperity reserves' by States and cities."

As we read again of mass meetings and relief committees, of bread lines in the Bowery two blocks long, of evicted families, and hungry children we realize that we still have no means for measuring the degree or the extent of unemployment. We do not plan our public work to dovetail into the slack times in private industry. We do not know how to locate industry's stagnant pools and clear waters, and we have no way of shifting men from one to the other. With some 4,000,000 workers unwillingly idle, we ask one another dazedly, "Is unemployment here? How much is there? Where is it? Why?"

[From the New Republic, February 8, 1928]

THE PRICE OF INDUSTRIAL PROGRESS

"Business," says the December review of the National City Bank, "though no longer proceeding at the boom levels of a year ago, is by no means depressed." Building is continuing at an almost record-breaking rate, bank clearings, even where not affected by stock-market speculation, are running above last year; loadings of merchandise and less-than-carload freight are nearly as high as a year ago. "These," says the bank, "certainly are not symptoms of depression, but, on the contrary, indicate a volume of business distinctly above the average."

Nevertheless, the index of factory employment of the Bureau of Labor Statistics reveals a situation which must be regarded as disquieting. According to the index, factory employment has dropped nearly 15 per cent since 1923 and over 5 per cent since the fall of 1926. (The index of the bureau has a downward bias, but for periods as short as three or four years this bias is almost negligible.) The forces of class 1 railroads in October, 1927, were over 13 per cent below the average for 1923 and over 12 per cent below October, 1926. Since 1923 the population of the country has increased approximately 5 per cent. In addition, business depression and technical progress in agriculture have accentuated the flow of labor from farm to city. From January 1, 1923, to January 1, 1927, the net flow from farm to city was in excess of 3,100,000. Not all of these persons were employment seekers, but it is safe to assume that over 1,000,000 of them were. There has, of course, been a large absorption of labor by garages, filling stations, and building and road construction, and there is a tendency for children to spend more years in school. But even allowing for these things, it is evident that a 15 per cent drop in factory forces and a similar decrease in railroad employment, in conjunction with the 5 per cent increase in population and the large city-ward flow of farm labor, could not occur without producing severe unemployment. In a word, it is evident that there is ample justification for the widespread complaints now current in labor circles concerning the scarcity of jobs. The situation has been slow to attract attention, however, because it has come upon us gradually and stealthily, rather than as a result of a sudden and dramatic collapse of markets. This is shown by comparing the quarterly indexes of factory production and employment beginning with 1926—when the last peak of employment was reached. The figures (1923–1925=100) are as follows:

	Factory output	Factory employment
1926		
First quarter	108.3	99.3
Second quarter	107.0	98.0
Third quarter	110.0	96.9
Fourth quarter	103.3	97.6
1927		
First quarter	107.3	96.6
Second quarter	109.3	95.7
Third quarter	106.0	93.4
Fourth quarter		92.2

Until the middle of 1927 factory production remained substantially unchanged. Nevertheless, during the entire period there was going on an almost unbroken decrease in employment, a decrease which by the fall of 1927 amounted to 7 per cent.

The present unemployment appears to be due to two principal causes, one cyclical and the other technological. For the last half year, we have been in the trough of the business cycle. This is evidenced by the fact that during the three months ending last November the index of factory production was 9.2 per cent below the corresponding period of 1926. But far more important than the cyclical drop in production has been the steadily increasing efficiency of technique. Taking the period 1923–1925 as 100, manufacturing output in the first 10 months of 1927 was 107, but factory employment was only 95.1. In other words, with 5 per cent fewer employees our factories turned out 7 per cent more product. The figures by industrial groups are significant because they indicate what great increases in output have been accomplished in certain instances with fewer workers.

Production—Employment in October, 1927

All manufacturing industries	102	93
Iron and steel	93	91
Textiles	113	95
Food products	93	97
Lumber	95	88
Leather and shoes	109	95
Paper and printing	112	104
Cement, stone, clay, glass	108	95
Nonferrous metal products	106	91
Tobacco products	121	94
Automobiles	71	87

Most forecasters predict a business revival in the late winter or spring. Their expectation is based upon: (1) The temporary upward trend in wholesale prices; (2) the improvement in the agricultural situation (mail-order sales are running over 45 per cent above the 1923–1925 level); (3) the prospect that money will continue to be cheap; (4) improvements in the European situation as reflected in the recent stabilization of several currencies; and (5) the decrease in manufacturing late in 1927 which has checked the accumulation of inventories. But the revival may not come, and even if it does, it is likely to be mild. Business men tend to avoid commitments in a presidential year; it is extremely uncertain that building will continue on the large scale of the last two years; the necessity of taking definite steps to modify or abandon the Dawes plan will be a disquieting influence in international finance; and finally, the inventory situation is not entirely favorable because stocks of manufactured goods at the end of 1927 stood about 8 per cent above 1926.

But let us grant that a moderate revival of business is probable. Is it likely to relieve unemployment? Here it is important to bear in mind that the present situation is not primarily the product of cyclical causes. Consequently, we should not necessarily expect it to be greatly affected by a moderate business boom. On this point the experience subsequent to the depression in 1924 is instructive. During the six months following the low point in July, 1924, factory output went up 27 per cent, but factory forces increased only 6.2 per cent! In 1925, as a whole, manufacturing output was 12 per cent above 1924, but employment increased by less than 1 per cent. In 1926 factory production advanced 3 per cent above 1925, but again factory forces increased less than 1 per cent. Judging from this experience, a moderate business revival would afford very incomplete relief from the present unemployment situation. Although the employment index might advance to 90, it is unlikely to go much beyond this.

But if a business revival offers little hope of relief, what can and should we do? Clearly, we are confronted with what appears to be a new kind of unemployment problem—the problem of unemployment created by technical progress. This problem has always existed, but its presence has been obscured by the violent cyclical fluctuations of business which have made unemployment appear to be largely a product of the business cycle. Now, however, as business becomes somewhat stabilized, the unemployment caused by technical progress emerges clearly into view. If we succeed in our efforts to control the business cycle, the problem of "technological" unemployment will be with us permanently. We need, therefore, a permanent policy for dealing with it.

The essential question which confronts us is, Why is not the community's demand for goods large enough to create jobs for the men displaced by technical progress? Obviously, if the community had enough dollars to spend for goods, the services of the displaced men would be in demand. The heart of the difficulty seems to be that the community lacks enough dollars to purchase at prevailing prices both the output of the new labor-saving machines and the services of the displaced men. The problem might be solved by forcing down wages or prices until the displaced men could obtain work, but there are obvious objections to a policy that means falling prices or wages. The alternative procedure would be to increase the number of dollars in the possession of the community sufficiently to provide a demand both for the displaced labor and for the output of the new machines.

At the very outset, let it be observed that this can not be done merely by taking dollars away from one part of the community and transferring them to another part. Clear perception of this elemental fact

eliminates a number of possible proposals. Fortunately it is not necessary to dig down into the ground for gold in order to provide ourselves with more dollars. The typical dollar to-day is a credit dollar, created by a fountain pen, rather than stamped out of gold bullion by a machine. It lies within the power of the banks to create a large number of credit dollars upon short notice, and the Federal reserve system, by its rediscount and open-market policies, can influence the number of dollars which the banks create. The question therefore arises whether we should not give the Federal reserve system the duty of seeing that the community has enough dollars to provide a demand for the labor displaced by technical progress.

It is obvious that this would be no light responsibility, and possibly we need to know more concerning the detailed functioning of our financial institutions before imposing it upon the Federal reserve system. There are serious dangers to be guarded against. The record of 1927 illustrates one of them. Credit dollars come into existence when customers borrow from the banks. During the last year interest rates have been low and the community has increased its indebtedness to the banks. Nevertheless, the expansion of credit has not diminished unemployment, because the additional dollars have been largely used in stock-market and real-estate speculation where they do not set much labor in motion. Another danger is that the additional dollars would be used to pile up excessive inventories which eventually, of course, would have to be liquidated. This would accentuate the cyclical movement of business. Thus, in our efforts to relieve the unemployment caused by technical progress, we might accentuate the problem of the business cycle. Indeed, it seems quite probable that the Federal reserve system could not discharge the responsibility of providing the community with enough dollars to keep labor employed unless we can give it methods controlling more or less definitely how the dollars are used.

Regardless, however, of the specific procedure which is most desirable, it is evident that we are confronted with an extremely grave problem—the problem of reducing the cost of technical progress. We are obtaining more and better industrial equipment only at the price of a heavy investment in unemployment and human misery. We are not getting a bargain. We are purchasing progress at a high price, and the cost falls largely upon those least able to bear it. The greater our success in stabilizing the business cycle, the more plainly we shall find unemployment created by technical progress staring us in the face. Both justice and expediency demand that the community provide itself with sufficient dollar-purchasing power to give the victims of progress an opportunity to produce.

SUMNER H. SLICHTER.

EDITORIAL ROOMS, THE CINCINNATI POST,
Cincinnati, Ohio, February 17, 1928.

Senator ROBERT F. WAGNER,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR WAGNER: Your resolution seeking a Federal probe of the unemployment situation will, I think, inspire gratitude among members of the Unemployed Association of Cincinnati.

As a reporter for the Cincinnati Post, a Scripps-Howard newspaper, I have been close to the unemployed men since their organization recently and have learned that one of their chief grievances is against the persons who insist there is nothing but prosperity. In other words, the jobless men object to being ignored—to being compelled to suffer in silence.

The spokesmen for local business organizations, for instance, like to say that there is no abnormal condition of unemployment and that the men and women who are out of work are just chronic idlers. I personally have picked up at random the names of 13 large companies located within a radius of a mile on four streets which have "No help wanted" signs in their windows. A studied search, I am sure, would reveal many others. I know also that the Unemployed Association includes mostly respectable citizens. I have seen pitiful home conditions resulting from unemployment.

The number of unemployed in greater Cincinnati has been estimated as from 15,000 to 70,000. The latter figure probably is exaggerated. But granting a minimum of 15,000, the condition here still appears to be serious. For, computing on a basis of a family unit of three for each of the 15,000, this means that at least 45,000 persons are affected. In a city of 500,000 the problem therefore is great.

The leaders of the jobless men and women have demanded an official investigation of the unemployment situation, believing that the causes are deep rooted in economic conditions. That is why I believe they would welcome Federal action.

They feel that if official attention could be brought to their condition it would go far toward effecting action locally. May I expect a reply on what, if anything, will be done in this regard?

If there is any further information that I am able to furnish, I shall be ready to respond.

Very sincerely yours,

EUGENE SEGAL.

P. S.: I am inclosing several clippings from this paper giving a brief outline of the unemployment situation here.

[Editorial from Journal of Commerce, New York City, Saturday, February 4, 1928]

LABOR-MARKET CONDITIONS

Long before general attention was directed toward the unsatisfactory conditions prevailing in the labor market, economists and statisticians were pointing to the effect of industrial progress in diminishing the opportunities for employment in many lines of business. The number of workers in factories has indeed decreased nearly 15 per cent since 1923, and over 5 per cent since the fall of 1926, according to the Bureau of Labor Statistics. Meanwhile population has been rising and workers have been migrating from farm to city. What has become, meanwhile, of the excess number of workers?

Answers to this question have been provided from time to time and none of them is at all comforting. A recently published discussion of employment trends notes that the index for factory output (1923–1925=100) stood at 106 in the third quarter of 1927, compared with 108.3 at the beginning of 1926. Meanwhile the index for factory employment at the earlier date was 99.3, and only 92.2 in the later period. Recently the depressed conditions in certain important lines of industrial activity and seasonal slackness have raised the percentage of unemployment.

Unfortunately the figures quoted reflect for the most part a long-time trend. This country has upon its hands a problem of chronic unemployment, likely to grow worse rather than better. Business prosperity, far from curing it, may tend to aggravate it by stimulating invention and encouraging all sorts of industrial rationalization schemes.

[From the New York Times, February 20, 1928]

UNEMPLOYMENT PROBLEM

Governor Smith had a specific purpose in calling upon the State industrial commissioner for a survey of the unemployment situation. The governor wished to determine whether the State of New York, "with its large public-works program," can help to relieve the situation. Commissioner Hamilton's report, though necessarily based on a hasty examination of the facts, does go some way toward furnishing the governor with the required information. The report affirms the existence of serious and increasing unemployment. Conditions weigh most heavily, as usual, upon the unskilled workers, and to the extent that such labor may be utilized on public works a speeding up of the State's program should do good. In the field of skilled labor unemployment is heaviest in the building trades. There, too, it is conceivable that State undertakings might supply work for a considerable number of mechanics and craftsmen. On the other hand, it seems obvious that public works can do little to alleviate factory unemployment, which last December was greater than in December, 1921, and has been increasing.

For emergency purposes it is enough that unemployment prevails and is accompanied by an increase in social distress, as signalized by the family-relief agencies, the general charity organizations, and figures from the New York City Municipal Lodging House. That the great mass of unskilled labor, as recorded by the hotel and domestic service agencies and the figures for department-store and office-work employment, is not available for employment on public works is no reason for neglecting the labor that may be utilized. The moral effect of a direct attack on the unemployment problem is apt to be greater than the direct results. But while Governor Smith is formulating his plans it would be very much in order if the analysis of the situation as a whole could be carried further than it has been in Commissioner Hamilton's report.

[From the New York World, February 20, 1928]

UNEMPLOYMENT

On February 4 Governor Smith requested the industrial commissioner to report upon unemployment in the State, and especially in New York City. With the promptitude which the urgency of the situation demands, Mr. Hamilton's findings are this morning made public. He confirms the general impression that conditions are worse than they have been since 1921. State and private employment agencies report an increased number of applicants for work. The number of nonresidents admitted to the municipal lodging house has risen since last year by 80 per cent. In some lines of work, as in building, there are fewer jobs to divide among the number needing them.

Governor Smith has urged mayors of cities, chairmen of county boards of supervisors, and heads of State departments having to do with construction projects to expedite public works to meet this situation. But all State, city, and county work put together makes a small total in comparison with private undertakings. Capitalists and managing employers can relieve the situation sensibly and hasten permanent relief by pressing forward projects of useful work which can be done more cheaply now than in rush times. John D. Rockefeller, jr., who proposes to rush a million dollars' worth of constructive work about his Tarrytown lands, has a better idea of the matter than "General" Coxey, who would print bales of paper money to loan for public purposes. There is no lack of circulating medium. The money supply per capita is considerably larger than it was in 1914. What is needed is work.

[From the New York Times, February 20, 1928]

CHARTING THE COURSE OF TRADE

Charting the course of trade by voluminous statistics, believed to provide the key both for existing conditions and for future trend, has engaged the attention of business men and economists for decades, but has grown to almost bewildering complexity in recent years. The "indexes of business activity," collected and published every month by the Federal reserve bank, comprise more than 25 separate statistical items, including such once-neglected information as postal receipts, electric power used, real-estate transfers, sales by department stores, mail-order houses and "chain groceries," life insurance taken out, and newspaper advertising. Business men have been known to complain that this multiplicity of "trade barometers," not infrequently contradicting one another, confuses rather than enlightens them regarding the future.

It is possibly with a view to correcting such defects that the industrious Department of Commerce is preparing for what is somewhat vaguely described as "a study of economic currents." This new inquiry, to be conducted under the general auspices of a list of eminent business men, although immediately pursued by the National Bureau of Economic Research, will investigate such questions as changes in standard of living, new methods in production and distribution, variations of prices and profits, shifting of employment—all with a view to their influence on future as well as present and past industrial conditions. Its program also seems to contemplate fresh review of that much-controverted issue, "movements of the economic cycle."

The quest will be interesting. Up to a certain point it should be able to determine the causes underlying phenomena of the day, which are either insoluble mysteries to the man in the street or else are a focus of dispute between wholly antagonistic theories. It could not overlook, for instance, the phenomenon of falling prices for commodities after the spring of 1925, notwithstanding the country's hugely increased supply of gold, and notwithstanding, also, the extremely rapid rise of prices for stocks and real estate. It would have to examine the prevalent theory that the high demand for manufactured products in 1925 and 1926 reflected mainly the high wages paid to workingmen, and it would be compelled to ask how far that theory is compatible with the continuous decrease in the number of men employed by manufacturing industries. One of the questions which it might be expected to take up would be last year's apparent decrease of nearly a million cars in the American people's purchase of automobiles. In regard to this, it is still unsettled whether buying capacity had decreased or whether an army of potential buyers was only awaiting Ford's "new model." The vexed problem of the permanent influence on installment buying on aggregate sales could not be avoided.

Perhaps it may be doubted whether even the most highly qualified body of experts could be brought to agreement on half of these controverted questions. In most of them excellent authority is already aligned on opposite sides. When the investigation reaches the "cycle of prosperity" it will possibly find even greater obstacles. It will be well worth while to learn what is the real drift of expert opinion on these puzzling questions. But that the forces behind the recurrent variations of trade could be so charted as to insure absolute knowledge of the business future from the tendencies of the present would be expecting much. Any such inquiry would still leave open the problem of the consuming public's changing moods and whims; its alternation of lavish expenditure and cautious economy, often seemingly unconnected with any change of individual circumstances, and yet adopted with singular unanimity of action. How wide a field of conjecture is opened up in that direction may be judged by the recent report of the Massachusetts commission on the necessaries of life. Its conclusion was that the average consumer is nowadays so determined to possess what used to be classed as luxuries that "he can no longer be counted on to buy a commodity which has been considered absolutely essential."

[From the National City Bank of New York Monthly Letter, January, 1928]

Taking the year as a whole, decreases in rail traffic have been chiefly in the raw materials moved in bulk, such as coal, while factory employment undoubtedly has been affected by the increased use of labor-saving devices as well as by curtailed schedules in several important lines.

[From the National Industrial Conference Board, New York, Bulletin No. 13, January, 1928]

EMPLOYMENT

Though real earnings and thus the purchasing power of the industrial workers have been maintained at such high levels, the employment situation in manufacturing industries presents some puzzling and problematic features. In the past year employment and average hours worked per wage earner per week in 25 manufacturing industries covered by the conference board's investigations ran at somewhat lower levels, as shown in the chart on page 104, than in 1926. More striking is the fact that during 1927 total employment in these industries averaged about 20 per cent less than at the peak of employment in 1920. The index of the Bureau of Labor Statistics shows that employment in manufacturing industries has been slowly declining during recent years and in 1927 averaged somewhat more than 10 per cent less than in 1923. This is obviously a reflection of increased productive power per worker in manufacturing industries rather than of any falling off in industrial activity itself; *but lack of comprehensive data on employment outside of the manufacturing industries covered by the available statistics* makes it impossible to say to what extent the labor released from manufacturing industries by improved production methods has found place in collateral or other occupations, and whether, therefore, there has been a tendency toward increasing unemployment and a growing labor reserve in recent years. This problem has so impressed many observers that the Secretary of Labor has recently said that the United States will need labor-making devices as much as labor-saving devices in the future if unemployment is to be avoided and the purchasing power of the working population is to be maintained.

[From the Monthly Review—Federal Reserve Bank of New York, February 1, 1928]

EMPLOYMENT AND WAGES

Factory employment declined further in December; the decrease was nearly 2 per cent in New York State and about 1 per cent in the country as a whole, and this bank's index, which is adjusted for the usual seasonal variations, reached the lowest point since the spring of 1922. It is estimated that more than 20,000 workers in New York State and about 70,000 in the entire country were laid off during the month. There appears to have been recently a substantial amount of unemployment among unskilled laborers, who usually find employment at this time of the year in removing snow in cities, following the termination of seasonal work on farms and road construction. There is also some unemployment in the building trades. This unemployment is reflected in the ratio of orders for workers to applications for employment at New York State employment offices, which declined to a new low level in December and showed a further decline in the first three weeks of January.

Total factory pay rolls in New York State were higher in December, however, and average weekly earnings per employee showed a rather substantial increase, advancing to a level above that of a year ago and close to the high record of last March. It is likely that the increased pay rolls were largely accounted for by increased working time, but the higher per capita earnings may be due partly to the release of lower paid workers.

According to a semiannual calculation made by this bank from reports of about 20 large and varied employers of unskilled workers, the average hourly hiring rate for unskilled labor was the same on the 1st of January as on the 1st of last July; but because of the longer hours during the winter, the average weekly rate was slightly higher.

The reports indicated very low rates of labor turnover and a surplus of nearly all classes of labor, although a scarcity of railway trackmen and some types of skilled mechanics was noted in a few instances.

[From Evening Star, Washington, D. C., February 16, 1928]

FUNDS FOR RELIEF DECLARED URGENT

Facing the largest volume of family relief calls during the past month in its entire history, the board managers of the Associated Charities, at their regular meeting yesterday afternoon in the Social Service House, approved the plans of the joint finance committee, representing also the Citizens' Relief Association, for making a more vigorous campaign during the coming Easter season. The board fixed the two weeks beginning on March 26 and extending to Easter Sunday as the period for this city-wide appeal.

Reports of the relief work carried on during January by the visitors of the Associated Charities disclosed a total of $6,622.23 disbursed for rent, fuel, food, clothing, and other necessities for families, as compared with a total of $5,663.23 during January, 1927. There were 568 families receiving care from this society last month, as compared with 474 families the same month of last year.

Unemployment was found to be an increasing factor of dependence during this period, as this affected 224 families, as against 164 a year ago. This indicates that Washington is experiencing a similar problem of unemployment to that reported by social agencies in many other cities.

[From the New York World, February 17, 1928]

JOBS ARE FEWER, DAVIS CONCEDES—BUT LABOR SECRETARY THINKS FIGURES ON UNEMPLOYMENT ARE TOO BIG—42,000,000 WORK, HE SAYS—LONDON PRESS FEATURES SITUATION, PREDICTING A CRASH

WASHINGTON, February 16.—With a statement that unemployment has increased lately in the United States, Secretary of Labor Davis in an address to-night urged members of an association of marine engineers to resist wage or tariff reductions, which he said might aggravate conditions.

"We have unemployment in the country," the Secretary said. "Everyone knows it. Why not admit it? As to the total number of people now unemployed, a number of estimates are going the rounds. My own guess is that these are somewhat exaggerated.

"The Department of Labor is now gathering figures to show what the present unemployment total actually is. As soon as these figures are ready the public shall have them.

"In the meantime let us remember that 42,000,000 Americans are gainfully employed."

[From The World's Bureau]

LONDON PRESS SEES UNEMPLOYMENT AS OMINOUS SIGN

LONDON, February 16.—In the last few days London newspapers have been regaling their readers with accounts of American unemployment affecting, some articles say, 5,000,000 workers in the United States.

The New York correspondent of the Daily News hints American newspapers are concealing an approaching trade disaster. The Daily Herald, organ of the Labor Party, will comment editorially to-morrow:

"The gilt begins to peel from this much-advertised gingerbread. In America, as elsewhere, the boom is collapsing. A disastrous slump is succeeding it. The artificial stimulus of enormous gold accumulations has spent its force. Not all the devices of Babbitry can maintain the pretence of prosperity.

"Everywhere wages are being cut. The great riches of a few capitalists, propagandists have assured us, have brought prosperity for the masses. That myth is collapsing. The workers of the United States are suffering as their fellow-workers in Europe. In the richest cities in the richest country in the world hungry men are standing for hours in freezing weather waiting for a cup of coffee and a hunk of bread."

[From the New York Times, February 20, 1928]

GIVE DATA ON LABOR SURVEYS—ORGANIZATIONS LIST GROUPS WHICH ARE CHIEF SUFFERERS NOW

Widespread laying off of the least-fit workers has resulted in one of the most distressing factors in the present unemployment situation, according to reports by a number of organizations yesterday. The unfortunates most badly affected include those with physical disabilities, those who must combat racial prejudices, and those with least special training.

A bulletin of the National Urban League gives instances and statistics from all sections of the country showing that negro workers are being laid off in favor of white workers. The result has been to throw far more than their proportionate share of suffering upon negro groups, and the creation of a drifting population which circulates around the cities of a particular section, producing a particularly difficult social problem.

Clerical or white-collar workers, particularly among girls, have been hard hit, according to Mrs. Helen W. Eldredge of the central branch Y. W. C. A. employment bureau, because of the rapid introduction of office machinery during the last few years. The result of this, coupled with the present unemployment situation, has been to reduce the number of employees required and increase the requirements of skill on the part of each individual.

Robert W. DeForest, president of the Charity Organization Society, reported that that organization was finding the worst conditions among workers with slight physical handicaps and those who were no longer young. These classes, he said, have little chance of getting a job when competition with the able-bodied is so keen.

[From the New York Times, February 20, 1928]

UNEMPLOYMENT HIGH IN CHICAGO DISTRICT—STEEL INDUSTRY ACTIVE AND DRY-GOODS TRADE HOLDS UP WELL

(Special to the New York Times)

CHICAGO, February 19.—Business conditions in the Chicago territory show little change, and while somewhat spotted this is due in part to recent abnormal weather conditions.

Steel is active with about 93 per cent of the capacity of local mills in operation, the highest percentage so far. About 50,000 tons of structural material were let during the week, including 19,000 tons for the new civic opera building, work on which will start shortly.

Official reports show that unemployment is larger now than at this season in over six years, the increase during January being 2.6 per cent. The month of February, however, usually shows an increase in the number of men on pay rolls, and with building operations promising to start earlier than usual it is expected that the next report will be considerably more optimistic.

Wholesale dry-goods business was about in line with last year, while mail-order houses continue to report orders in excess of 1927, with the advance in grain prices of late having some effect on purchases by farmers.

The automobile business is fairly active, with no new change in prices. The slackening in employment is reflected in a slow turnover of used cars.

[From the Washington Star, February 17, 1928]

LABOR SLUMP IN ILLINOIS

CHICAGO, February 17 (Special).—Employment in Illinois is down to a lower level than at any time since the 1921 slump. There was a further drop of 2.1 per cent in January in the number of workers, but improvement is expected this month.

[From the Cincinnati Post, February 6, 1928]

JOBLESS RETURN TO BREAD LINE—200 CARED FOR AT CITY MISSION AT 1314 VINE STREET—RELIGIOUS SERVICE IS HELD—EIGHT MEN KNEEL IN TEARS AT ALTAR HERE

A bread line for jobless men will be resumed Monday at City Mission, 1314 Vine Street, headquarters of the newly organized Cincinnati Unemployed Association.

The line was started Sunday night following services attended by the unemployed.

A. F. Kinney, head of the mission and chairman of the committee of eighteen of the Unemployed Association, told members of the congregation who were hungry to form a line. All present, about 200 in all, including women and children, responded. They were served coffee and sandwiches. After they had finished they responded to a second call.

WEEPS AT ALTAR

McKinney then announced that persons needing spiritual comfort could come forward. Eight men kneeled weeping at the foot of the altar while McKinney whispered a prayer for help.

The food served was contributed by food-show sponsors and bought with other contributions.

McKinney asks the public for donations of food with which to feed needy jobless men and their families until their condition can be relieved permanently.

R. P. Farrell, secretary of the Unemployed Association, and Charles Cook, of the committee of eighteen, toured the city until a late hour Saturday night, bringing food to 23 families who were in immediate need.

WOMAN BUYS FOOD

The food was purchased with money donated by a woman member of the committee who is serving as a representative from the Woman's City Club.

The committee issued a public statement thanking C. O. Sherrill, city manager, for his proposal to relieve unemployment by rushing city improvements.

William Marqua, member of the committee, replied Monday to some of a group representing the city, organized labor, relief agencies, and the chamber of commerce, who intimated Saturday that the figures on jobless had been exaggerated and that unnecessary agitation was being carried on.

"The State-City Free Employment Bureau admits 15,000 are out of work," Marqua says. "We may reduce this to 10,000 and the problem still is serious, because with each of the 10,000 representing a family unit of three, 30,000 persons are affected.

BY ORDERLY PROCEDURE

"We are not trying to inflame the members of our organization. We emphasize that only by orderly procedure can we accomplish anything."

Unemployed men and women were being registered Monday at headquarters, 1314 Vine Street, to determine the exact number in Cincinnati. Thus far about 2,000 have been listed.

Brotherhood Welfare Hall, at 410 Clinton Street, is being used by the association as sleeping quarters for jobless men. Seventy-four men, said to have been evicted from their homes, slept on the floor of the hall Sunday night and were given breakfast Monday morning.

McKinney said he finds few drifting workers among those who apply for relief. Records, he says, show they are resident Cincinnatians, many of whom never before have been forced to seek charity. Some bring their families into the mission to get food.

DISARMAMENT BY EXAMPLE

Mr. FRAZIER. Mr. President, last Friday there appeared in the press a statement to the effect that the representatives of the United States Government at the Habana conference had recommended that the American nations agree to the outlawing of all aggressive warfare. The next day there appeared in the Brisbane editorial this little item:

American nations at Habana agree to "outlaw aggressive war on these American continents." What is aggressive war is the other nation's "war," of course. No modern nation ever fought without calling it "self-defense."

I think Mr. Brisbane is entirely correct in his statement about aggressive warfare.

I hold in my hand an article by Mr. Arthur Ponsonby, a member of the British Parliament, entitled "Disarmament by

example." I want to read just one sentence from it. Speaking of aggressive warfare, Mr. Ponsonby said:

No nation has ever admitted being an aggressor. No nation could get its people to support a war which was declared openly to be a war of aggression.

Mr. President, I ask to have printed in the RECORD this article by Arthur Ponsonby, M. P., from the Contemporary Review of December, 1927, which is as follows:

DISARMAMENT BY EXAMPLE

There is some advantage in attempting to do something in the wrong way. It narrows down the choice of wrong roads and brings the selection of the right road a little nearer. The advantage is all the greater when several wrong attempts are made. Nevertheless this process of the gradual elimination of the wrong roads is likely to be protracted and so to produce impatience.

In varying degrees the statesmen of Europe may all be given the credit of not wanting a recurrence of war in the form they experienced it in 1914–1918 or, as we know it will be, infinitely worse. They all want security for their countries, but none of them believe that security can be obtained without armed force. The coordination of a warless world with national security is the problem they find impossible to solve. Their first attempt in 1919, hot from the conflict, was for the victors to disarm the vanquished. This was the first wrong road. Unilateral disarmament imposed by force neither makes for peace nor is it a first step toward general disarmament. The controversies between France and Germany in the years after the war were of the acutest possible character, and during nearly 10 years the victors have never suggested carrying out the terms of the peace treaty by reducing their armaments to the standard imposed on Germany—a very simple proposition easy of execution and leading much further than any of the suggestions which have been discussed in the last seven or eight years.

In 1922 a scheme was brought forward for the reduction of armaments by each nation down to a fixed general standard. But without any specific guarantee of security this was considered impracticable. In 1923 the treaty of mutual assistance was evolved which projected the conclusion of treaties of defense against aggression. No satisfactory definition of aggression was forthcoming, and although the Fourth Assembly of the League of Nations supported this proposal it fell to the ground, being rejected by Great Britain.

In 1924 the protocol was produced. In this the principle of arbitration was emphasized and proposals for disarmament were to be the preliminary to a general guarantee of security against aggression. Aggression was defined as resorting to war after a refusal to submit a dispute to the Council of the League. This was an advance. But while confining, it more precisely defined the obligations under the covenant and still necessitated the retention of armaments for the possible eventuality of a breach of the peace by a recalcitrant nation. The British Conservative Government regarded the commitments as too extensive and the protocol was turned down before the end of the year.

The Locarno pact which followed two years later was a partial and regional treaty by which Great Britain guaranteed the Franco-German frontier against aggression from either side. Although restricted, this was a very serious commitment on our part. The rather artificially engineered enthusiasm with which the conclusion of this treaty was accompanied has since proved not to have been justified. There has been little or no improvement in the relations between heavily armed France and disarmed Germany.

While the politicians were thus occupied a conference dominated by experts was charged with the task of formulating disarmament proposals. No more unsuitable body of men could have been chosen. No worse method of procedure could have been devised. Instead of providing them with principles within which to work, the very formulation of the principles was left to men who not only believe in force but whose business it is to see that the composition of that force is adequate and effective. The barren results of the preparatory commission on disarmament need not be recited here. In spite of the well-meaning resolution of the last assembly urging the commission to get on with their job, nothing can be expected from this method of approach.

In 1922 the Washington conference succeeded in securing a certain measure of reduction in naval armaments, but the recent conference at Geneva, in which only three powers participated, has shown by its failures not only that no further advance is likely to be attained in this direction but that it is beyond the power of experts to discover binding principles of universal application for nations whose geographical position and general circumstances vary so widely.

Outside the official sphere the most significant movement toward the abolition of war has emanated from America. Proposals for the outlawry of war set out convincingly by Dr. C. C. Morrison, in a book recently published, are based on the simple proposition that the nations by common consent should place the waging of war outside international law. Considerable impetus to this movement has been given by a suggestion of M. Briand that war should be outlawed between France and the United States. Although sectional treaties for the outlawry of war would be a slower method of procedure and make a more precarious advance toward the ideal than a universally accepted resolution by a world conference, as is proposed, nevertheless outlawry has been brought into official prominence, and more is likely to be heard of it.

But so far as the League of Nations and the governments are concerned, the failure in the course of nine years not only to formulate any definite project for the abolition of war but to give any hope that such a project is attainable, has been in the highest degree disappointing. The attempts made have many of them done more harm than good. While the futile academic discussions have proceeded the governments have drifted back into the old diplomacy, defensive alliances have been formed, camps have been established, and the old pernicious doctrine of the balance of power has been kept in being. The most significant demonstration of the hopelessness of any prospect of official advance toward disarmament has been afforded by the resignation of Lord Cecil, a devoted supporter of the league and untiring advocate of peace. Moreover while these various avenues have been explored with little or no success armaments continue to be manufactured in considerable quantities and at great cost, the traffic in arms continues in order that the less developed and, so called, more bellicose states may be fully equipped and then pointed to as potential enemies or breakers of the peace, and the ingenuity of science has been enlisted for the further development of more deadly engines of destruction.

The truth is that the inherent belief of the leading governments in force as the ultimate sanction remains unaltered. So long as it remains armaments must continue to be prepared, and so long as armaments remain there must be competition, prospects of war, and absence of security. Thus it is that the nations find themselves revolving in a vicious circle, out of which there seems to be no escape.

It has been proposed that a nation, preferably ourselves, should come forward and make a bold and specific offer of a measure of disarmament, suggesting that if others will do likewise a general reduction can begin. But the fatal "if" stands in the way of such a proposal ever being regarded as a genuine offer. While the governments are thus hesitant, the same can not be said of the peoples. Disillusioned and far more determined than their governments that war is not only an inhuman, but an utterly futile method of attempting to settle international disputes, they are becoming exasperated at the failure of their statesmen to find means of abolishing this barbarous institution. In several countries thousands have pledged themselves to refuse participation in another orgy of massacre. This may not stop war, but it will undoubtedly have the effect of preventing governments from using the threat of the war card in their diplomatic negotiations. No government would care to take the risk of going to war with any considerable section of their people determinedly opposed to rendering any help or support in such a contingency.

What then can governments, what can the Government of Great Britain, be urged to do to lead world opinion and to give practical expression to what, after all, is the dominant sentiment of the people of the world, although the majority of them may be largely inarticulate?

Before elaborating the proposal through which alone, one is compelled to believe, success may be achieved, it is necessary to clear the ground of certain myths and delusions which have grown up round the institution of war. The nature and origin of wars have changed as the centuries pass, and it is idle, therefore, to quote precedents from the past and to dwell on the glories of past military achievements, which are misleadingly represented to us in our history books. It suffices for us to take war as it is to-day and as it may arise to-morrow. In nearly all the discussion on the subject carried on by the governments and the League of Nations the probable cause of war is misrepresented, and an elaborate mechanism is devised for an eventuality which will never take place. The existence of the League of Nations has made the statesmen believe that war will arise from an isolated and definable act of aggression. Wars in the past hundred years and more between European States have never arisen in this way. But the myth of the unprovoked aggressor has been kept alive by (a) the accusation of aggression which each nation has to bring against its enemy while war is being waged, and (b) the necessity of postulating an aggressor in peace time in order to make each nation prepare for the next war. Wars arise, and if the institution is maintained will arise in future, not from the breach of a treaty, the isolated refusal of a nation to submit a dispute to arbitration, the crossing of a frontier, or the capture of territory, but from a complex network of tendencies producing estrangement between nations and finding expression in the formation of groups and alliances. When the tension reaches a certain pitch, any act, however trivial, may become not the cause but the occasion of war. The whole concept of an aggressor, like the notion of "a criminal nation," must be dismissed if we are to clear the air of hampering misconceptions.

Another delusion is retained in the idea that you can abolish "private war" by organizing in a restricted degree "public war" under the guise of a collective guaranty of security for all nations. In this rests the whole fallacy of sanctions. It does not seem to have occurred to anyone that the idea of stopping war by war is farcical in the extreme. So long as governments agree that circumstances may arise in which the collective use of force is not only permissible, but essential, attention, and serious attention, must be given to the organization of war, armaments must be retained, and not only public but private war will continue to exist. The obligatory provision in any conceivable circumstance of armed assistance queers the whole pitch. The organization of war, in however restricted a sense it may be defined, must inevitably prevent the inauguration of peace.

Lastly let us dispose of another specious fallacy which has arisen out of all the discussions on disarmament.

It is that war can only be abolished by stages and by degrees. No more fatally mistaken idea could have possessed men's minds. Every effort by standards, ratios, expenditure, or parity to reduce armaments, and every plan to restrict the occasions on which force may be used, only serves to give legal and authoritative sanction to the use of force and the institution of war. Such steps and stages are definitely inimical to the attainment of the abolition of war. The construction of an institution can not be accomplished in one blow, the destruction of an institution can. The abolitionists of slavery as an institution in British territory soon found that to proceed by steps and stages was fatal to the attainment of their object. When they determined to leave no loophole and allow no qualifications, they succeeded.

The abolitionist must be convinced; he must follow the course which reason and expediency, not to mention morality and civilization, demand; he must not wait for or depend on the consent of others in order to take the step. Face-saving phrases inserted into declarations with a view to securing unanimity can be dropped. This means disarmament by example. Let us see how this would work out and let us meet the objections brought against an idea which appears to some who do not look beneath the surface purely quixotic idealism. It is difficult to foresee the reactions in other nations because we are presupposing an outlook and steadfastness of purpose on the part of the initiator of which there is no faint reflection in the mood of any of the present governments, and which by its implications will come as a call to the world of a very sensational character.

The government which has the courage to announce its repudiation of war as a method of settling international disputes in any circumstances whatever will make its announcement before the League of Nations, and declare its intention to turn its back on war and cast aside forever the war weapon. Those who oppose such a declaration being made base their opposition on the indispensable necessity of self-defense against an aggressor. As already shown, the aggressor is a war myth. But let us carry the matter a step further for the benefit of those who believe in him. No nation has ever admitted being an aggressor. No nation could get its people to support a war which was declared openly to be a war of aggression. An attack leveled against a nation which had repudiated the idea of ever resorting to force, and which, therefore, could not be suspected in the remotest degree of provocation, would ipso facto be a war of aggression and the nation who undertook it would be a self-confessed aggressor before the world. No nation, no government, no statesman would be a party to any such move. The fear, therefore, of a disarming or unarmed nation being attacked is chimerical and need not be taken into account.

The economic dislocation caused by the inauguration of complete disarmament (except for a police force) would be a matter which the Government in question would have to take into account, and for which careful provision would have to be made. So also the closing down of armament works and the prohibition of traffic in arms would have to come under Government control. Such plans of organization and readjustment would be nothing like as difficult or as extensive as the colossal task of mobilizing a whole nation for the waging of war. It would be a magnificent and inspiring effort for the real establishment of peace. To say that such an initiative taken by a government would not be met by an immediate response from other nations is to underestimate the detestation of war that exists among the peoples and the eagerness of many governments to make a bolder and more sincere step toward the ideal than any which has yet been forthcoming.

Neither danger nor difficulties of practical execution are the real obstacle. The existence of the former can be disproved, the latter are matters of carefully thought-out organization. But the dead weight of the influence of the services will be brought to bear against the inauguration of such a scheme and, indeed, against any advance which would be likely to relegate war to the category of an abandoned barbarity. The paramount influence of the members of the services, both in the political and social sphere, will operate, indeed does already operate, against the permanent establishment of peace. Formidable as this obstacle is with its undefined and yet far-reaching ramifications, it can be fought by a democracy which is fully informed and adequately represented. Disarmament must be treated as the preliminary to, not the consequence of, security. The only way to overcome the obstacles which seem to lurk in any disarmament conferences where unanimity is sought is by a bold but reasoned initiative. Arbitration will become a reality and court and council can function without the fatal misgiving that their efforts may lead to an authorized exercise of force.

Great Britain desires no more territory, and even veiled aggression to secure a further extension of empire is not contemplated by any single person. Great Britain has learned that no desirable object is achieved by war, and the people of Great Britain decline to believe that by the diabolical barbarity of modern warfare their prestige can be enhanced or their beneficent intentions extended. They are jealous of no nation and they suspect no nation of evil intentions against them. They are a genuinely peace-loving people, and no people is more anxious to devote its energy, its enterprise, and its wealth to mastering the crying social evils and economic injustices which at present hamper the development of its moral, cultural, and spiritual capacities. The people of Great Britain are prepared to give credit to other peoples for similar sentiments. They are exasperated at the interval of peace being used, as it always has been, to sort out gradually a possible enemy and by pointing to the danger of conflict create it.

Disarmament by example has the same effect as the scheme for the outlawry of war. The nation making the declaration thereby repudiates the legality of war. It does not contemplate any need for self-defense which implies belief in an aggressor. Moreover, it has the further advantage of being a practical step within the power of one government and easily understood, and not a scheme which has to await the consent of all the nations. It will force an amendment for the removal of sanctions from the covenant or from the protocol, and it makes disarmament a reality and no longer a hopeless bone of contention for the experts.

Disarmament by example breaks the vicious circle, disposes of the fatal "ifs" and "whens," and implies a trust in other nations which will be justified because of the effect on the nations of the world which a government speaking with this voice is bound to have.

Disarmament by example cuts away at one stroke the steps and stages which are at present leading the nations into a blind alley.

Disarmament by example removes the dilemma with which a government bent on the establishment of peace is confronted when by every other hitherto proposed scheme it is obliged to keep armaments in being, improve them so that they may not be out of date, and listen to experts as to their adequacy.

Credit must be given to the League of Nations for keeping to the front this vital question by continuous and repeated discussion of it. Nations are apt to be distracted by their own internal problems and to ignore this overmastering issue of peace and war which governs not only international but national policy. Little, however, can be expected from the international debates on their present lines. When a government has the courage to proceed by way of example instead of precept the whole scene will change and the seemingly unattainable will come within the reach of man.

ARTHUR PONSONBY.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. SMOOT. I submit a conference report and move that the Senate proceed to its consideration.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9136) "making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 23, 27, 28, 30, 31, 33, 34, 35, 36, 38, 39, and 52.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 37, 42, 43, 44, 45, 47, 48, 49, and 50; and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "; second, to reimbursing the United States for the cost of the San Carlos irrigation project; third, to payment of operation and maintenance charges and the making of repairs and improvements on said project: *Provided further*, That reimbursements to the United States from power revenues shall not reduce the annual payments from landowners on account of the principal sum constituting the cost of construction of the power plant or the project works until such sum shall have been paid in full: *Provided further*, That the Federal Power Commission is hereby directed, within 60 days after the approval of this act, to report to Congress what compensation, if any, in addi-

tion to that already provided for, should be paid to the Apache Indians of the San Carlos Reservation by reason of the generation of hydroelectric power at the Coolidge Dam, in the manner provided in section 10 (e) of the Federal water power act and section 5 of regulation 14 of the Federal Power Commission"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Restore the matter stricken out, and on page 35 of the bill, in lines 2 and 3, strike out the following: "not exceeding five years"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "Claremore Hospital, Okla., $50,000, on condition that the city of Claremore donate to the United States not less than 5 acres of land for such hospital and agree to deliver without charge medicinal water; in all, $155,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$165,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum of $330,000 proposed in such amendment, insert "$305,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided*, That not to exceed $50,000 from the power revenues shall be available during the fiscal year 1929 for the operation of the commercial system; in all, $1,104,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: ": *Provided further*, That not to exceed $20,000 from the power revenues shall be available during the fiscal year 1929 for the operation and maintenance of the commercial system"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$12,644,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 6, 12, 46, and 51.

REED SMOOT,
CHARLES CURTIS,
WM. J. HARRIS,
Managers on the part of the Senate.
LOUIS C. CRAMTON,
FRANK MURPHY,
EDWARD T. TAYLOR,
Managers on the part of the House.

Mr. SMOOT. Mr. President, I understand the senior Senator from Wisconsin [Mr. LA FOLLETTE] objects to one of the amendments on which there is agreement, the one relative to the Flathead irrigation project. He desires to speak upon the subject now, as does also the Senator from Montana [Mr. WALSH]. Therefore I wanted simply to state that the amendment was agreed to by the conferees, with a slight amendment.

The VICE PRESIDENT. The motion to proceed to the consideration of the conference report is not debatable. The question is upon the motion of the Senator from Utah to proceed to the consideration of the conference report.

The motion was agreed to.

MERGER OF DISTRICT STREET RAILWAY SYSTEMS

Mr. NORRIS. Mr. President, ever since I have been in Washington there have been attempts made from time to time to bring about a consolidation of the two street-car systems of this city, a condition very desirable, much to be hoped and wished for.

Recently the papers have announced that an agreement has been reached by which a consolidation would take place. An examination of the proposition of the two companies to consolidate will, I think, be startling to every citizen who has any interest it in and who desires that when such consolidation takes place it shall be on a fair capitalization basis. The proposition which will probably soon be presented to the Congress for its approval will, in my judgment, be one that will shock the conscience of all those who do not want to see an advantage taken of the desirability of a consolidation by putting into the consolidation a whole lot of useless capitalization and a whole lot of water.

I have here, and desire to read an editorial on the subject written by Mr. Judson C. Welliver. It seems to me it calls attention to the situation in such a way that it ought to attract the attention of all those who want to bring about the consolidation on a fair and honest capitalization basis.

The editorial reads as follows:

Senator HOWELL, of Nebraska, made some remarks in the Senate February 15, which might well be read by every street-car rider and every electricity user in Washington. They are highly illuminative of vital matters involved in the pending mergers of traction and electric interests in this town.

For it is now apparent that two gigantic mergers, instead of one, are proposed by Harley P. Wilson and his associates. If the plan goes through the Washington Transit Co. will control transportation, whether by street cars or by busses.

The Potomac Electric Power Co. will take over the electric plants of Capital Traction, and, holding these together with its present plants, will completely dominate the power situation.

It would, indeed, have one of the finest public-utility monopolies in the country, for its market would include both the traction system and the private users of electricity.

HIGH TOLL INEVITABLE SO LONG AS MIDDLE LINK EXISTS

These considerations give particular point to Senator HOWELL'S remarks on the cost of electricity in different cities, and under differing conditions. He wants the United States, which is already operating the Muscle Shoals plant but selling the current for distribution by private companies, to build its own transmission lines.

He says that so long as private distributing companies are allowed to interpose themselves between producer and consumer, they will take an unconscionably high toll for their services.

The Province of Ontario, Canada, is in this regard the model to which Senator HOWELL points. Ontario gets power from the Canadian side of Niagara Falls. Publicly owned plants there produce the current, and the publicly owned distributing system distributes it.

On the American side of Niagara Falls, privately owned plants produce the current, and privately owned distribution systems distribute it. How do the results compare?

Senator HOWELL finds that in 1926 the average bill for electricity in Niagara Falls, Canada, was for 208 kilowatt-hours per month. The charge therefor was $2.54. In Niagara Falls, N. Y., just across the river, the consumer paid for the same 208 kilowatt-hours $7.40.

That is, the Canadian consumer paid just about one-third as much as the American.

Both sides drew their power from the same Niagara Falls. So striking a difference compels conclusion that the difference between public and private operation is responsible.

Extending similar comparisons to places more distant from the energy-producing plants, Senator HOWELL finds that Birmingham, Ala., is furnished hydroelectric power by the Alabama Power Co. Toronto gets its power from Niagara Falls, about 100 miles away; Birmingham, from Muscle Shoals, also about 100 miles away. The Birmingham Distributing Co. buys its current at Muscle Shoals from the United States Government for 2 mills per kilowatt-hour. The Toronto distributing establishment pays 2.8 mills per kilowatt-hour, at Niagara Falls.

BIRMINGHAM PAYS $7 FOR SAME THING FOR WHICH TORONTO GIVESS $1.62

In 1926 the average bill for domestic consumption in Toronto was for 94 kilowatt-hours per month, for which the consumer paid $1.62.

But in Birmingham, Ala., the domestic consumer of 94 kilowatt-hours a month paid $7.

There you have it; $7 in Birmingham, $1.62 in Toronto. In each case the electricity is produced from water power at a Government plant. In each case it is transmitted just about 100 miles; the only difference is that at Toronto the distribution is by a publicly owned establishment; at Birmingham, by one privately owned. But the Birmingham consumer pays six times as much as the Toronto consumer.

Would the people of Washington prefer to be in the position of Birmingham or in that of Toronto? It is possible for them to be in a better position than either. For Washington has right at its door the great power potentiality of Great Falls. No other American city of the first importance has such a privilege of equipping itself with the cheapest power. That is what Washington ought to have, and is entitled to: The cheapest power in any first-class American city.

If it be asked, What does this have to do with a street-car merger in Washington? The answer is obvious. Right parallel with the street-car

merger, we are to get a merger of the electric facilities of the town. For it is proposed that when the street-car systems are consolidated, the new company will turn over the power plants now owned by the Capital Traction Co., to the Potomac Electric Power Co., thus giving it for the first time a complete monopoly. Then, Pepco will sell all the electricity that all the street cars in town use, and all the electricity that everybody else uses.

Why has there been, over 20 years or more, such persistent and determined opposition to developing and using the Great Falls power? Everybody knows the answer. It is the Potomac Electric Power Co.

On a former occasion, Mr. President, in this Chamber I said there were three reasons why Great Falls had never been developed: The first one was the Potomac Electric Power Co., the second one was the Potomac Electric Power Co., and the third one was the Potomac Electric Power Co.

The editorial continues:

If that company is given the complete monopoly of power which the merger proposes, it will have more reason than ever to exercise all of its possible influence to protect that particular good thing. Its zeal to preserve the scenic beauties that nobody in particular ever goes to see, will be instantly redoubled. It will be in position most liberally to endow all the nature lovers who will enlist under its banner.

Mr. President, let me digress here to say that there is now pending in the Committee on the District of Columbia of the Senate a bill the object of which is to preserve the so-called scenic beauty of the Potomac River. I remember some time ago there was considerable agitation about the alleged destruction of scenic beauty which would ensue if a bill that I had introduced should become a law. That bill, which, by the way, passed the Senate on three separate occasions, provided for the development by the Government of the United States of the power at Great Falls, almost within sight of the dome of this Capitol, power that would turn every wheel and light every home in the District of Columbia, with an abundance to spare; power that would save, if developed, more than 250,000 tons of coal every year in the production of electricity. While that bill was pending some one was offering the objection that now is being offered to the Government's development of Great Falls; the objection that "it would destroy the beauties of nature on the Potomac River." We went out there to see what "the beauties of nature" were. We had some difficulty in getting up and down on different sides of the river, and it was queer that in our entire trip, consuming nearly a day, we found only one person enjoying those beauties. So it will be found that just as soon as the "nature lovers" are able to defeat the development of that power by the Government of the United States, the "nature lovers" will disappear from the scene, and later on, as this editorial shows, the power companies will come, and with them will come the opportunity for monopoly that the proposed merger now before the people of the District of Columbia presents.

I might as well say here, Mr. President, that nothing would so enhance the beauty of the river in the vicinity of Washington as the carrying out of the plan of development outlined in the public document of which General Tyler is the author. The plan there proposed provides for the building of a dam near the District line and another dam above Great Falls, and a couple of storage dams. Thus there would be created just on the edge of the District a lake that would be, as I remember—and I am speaking only from memory—about 9 miles in length and several miles wide that would produce an immense amount of power; but upon the bosom of that lake the people of this city and of this country who come here to visit the Capital of the Nation, would be able to enjoy themselves in a way that is now absolutely impossible. Recreation would be afforded on that lake for thousands and thousands of people in a way that is now impossible. So, instead of destroying the beauties of nature, the plan if carried out would add to them. If we shall ever make the proper development at Great Falls we will add to the beauties and attractions there in such a way as to bring enjoyment and happiness to millions of visitors who come to visit this city from all over the world if they should care to go out and avail themselves of the advantages there offered.

Let me continue with this editorial:

HERE IS A GUESS; THE REAL PRIZE WILL BE FOUND IN A POWER MONOPOLY

This newspaper ventures to guess that the real capital prize in this whole merger business will ultimately be found to be this power monopoly. Let us look at this aspect for a moment:

The North American Co. of New York, of which Mr. Wilson is a director, owns, according to Mr. Wilson's statement, 75 per cent of the common stock of Washington Railway & Electric. Mr. Wilson adds that it does not own any of the preferred stock. Its 75 per cent of common stock is about one-third of the total voting stock.

As everybody knows, that is a practical, working control. The holder of so large a minority can always be confident of enlisting the support of enough more to control stockholders' meetings.

For practical purposes, then, Mr. Wilson's North American Co. controls Washington Railway & Electric Co. And Washington Railway & Electric Co. owns the voting stock of Pepco. Now, we are getting down to what Senator La Follette somewhat inelegantly used to refer to as the viscera of this proposition. When the thing is all over, the North American Co. will hold in one hand the entire traction facilities of the town; and in the other hand the entire power facilities. Thus will be established a lovely working harmony; thus will be powerfully maintained the high moral purpose of protecting the scenic beauties of the Great Falls region.

SUPPOSE THEY CHANGE THEIR MINDS; WHAT WILL NATURE LOVERS DO THEN?

But wait. Perhaps even the nature lovers will do well to look a little farther. The basic interest of the North American Co. is electric power. It is one of the small group of great hydroelectric concerns that, taken together, are commonly referred to as the Electric Power Trust. Of course, they are not a trust at all. They say they are not, and their word may be accepted. But it will not have escaped attention that when they pool their interests and influence in any common cause—such as emasculating the Walsh resolution—they manage to get what they want.

If, then, this double-barreled merger goes through, we shall have the North American Co. in control of a traction monopoly and a power monopoly in Washington. What would, naturally and inevitably, be the next ambition of this so comfortably intrenched double-breasted monopoly? Having use for so much power to run its street cars, and having in addition the whole market of Washington and vicinity for power, and being primarily in the electric-power business, anyhow—would the North American Co. long be content to leave Great Falls as a "premier beauty spot"? We opine not.

The next move, unless Mr. Wilson and the North American Co. are vastly less astute than they have shown themselves thus far, would be to get the privilege of developing the Great Falls power. That would put the finishing touch on the system; the capstone on a monumental monopoly of municipal facilities in this town.

Again, do the people of Washington prefer to be in the position of Birmingham or in that of Toronto?

I think, Mr. President, that Mr. Welliver might well have added that this fear that he has shown that they would be after Great Falls next is in fact a reality, because for many years a subsidiary of the Potomac Electric Power Co. has owned and now claims the ownership of a great many rights in connection with Great Falls—overflow rights and riparian rights. For years they have owned them in the name of a corporation the name of which I have forgotten just now, but which has no income whatever; and the only object of its existence, as far as I can see, is to enable this power monopoly to have a strangle hold and the inside track in case it is ever attempted by anybody to develop the power at Great Falls.

Mr. FLETCHER. Mr. President, may I ask the Senator as to the present status of his bill for the development of Great Falls?

Mr. NORRIS. My bill is in the Committee on the District of Columbia.

Mr. FLETCHER. That bill has passed the Senate three times?

Mr. NORRIS. Three different times; yes.

Mr. FLETCHER. But it never got very far in the House?

Mr. NORRIS. It never received favorable consideration at the hands of the House.

Mr. FLETCHER. The same bill is now in the District Committee?

Mr. NORRIS. Yes, sir.

Mr. FLETCHER. And they also have the bill with reference to conserving the scenic beauty of Great Falls?

Mr. NORRIS. Yes. I am not particular which one they report.

Mr. FLETCHER. But the Senator would like to get a report on one?

Mr. NORRIS. On one or the other of them.

Mr. FLETCHER. I hope the Senator will press that bill. If the Senator's bill becomes a law I think it will probably solve this whole problem.

EIGHTH INTERNATIONAL DAIRY CONGRESS

Mr. BORAH. Mr. President, I understand that the conference report on the appropriation bill is before the Senate. I desire to ask if those in charge of the bill will permit a little morning business to be transacted?

Mr. SMOOT. If it is not going to take any time.

Mr. BORAH. The matter I have in mind will not lead to any discussion, but I want to have it disposed of.

I have here a joint resolution authorizing the President to accept the invitation of the British Government to appoint delegates to the Eighth International Dairy Congress, to be held in Great Britain during June and July, 1928, and authorizing an appropriation of $10,000 to pay the expenses of the delegates. This joint resolution has passed the House, has the approval of the President and the Secretary of State, is tolerated by the Budget, and has the unanimous report of the Committee on Foreign Relations. I ask permission for its immediate consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 156) authorizing the President to accept the invitation of the British Government to appoint delegates to the Eighth International Dairy Congress, to be held in Great Britain during June-July, 1928, and providing for an appropriation of $10,000 for the payment of the expenses of the delegates, which was read, as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and requested to accept the invitation of the British Government to participate in the Eighth International Dairy Congress, to be held in Great Britain during June-July, 1928, as set forth in the message of the President of January 5, 1928, printed as Senate Document No. 36, Seventieth Congress, first session, and to appoint delegates to said dairy congress.

SEC. 2. That the sum of $10,000, or as much thereof as may be necessary, is hereby authorized to be appropriated for the payment of the expenses of the delegates in attending such congress, including the compensation of employees, transportation, subsistence, or per diem in lieu of subsistence (notwithstanding the provisions of any other act), and such other expenses as the President shall deem proper.

SEC. 3. That the delegates shall make a report to Congress of the results and conclusions of the said dairy congress.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLOOD CONTROL

Mr. HAWES. I ask unanimous consent to have inserted in the body of the RECORD and referred to the Committee on Commerce a statement of damage done by floods in the lower Mississippi Valley.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BINGHAM. Mr. President, I did not quite hear the Senator's request with regard to something being printed in the body of the RECORD.

Mr. HAWES. That was my request.

Mr. BINGHAM. The Senator will realize that there are certain rules of the Joint Committee on Printing which have the effect of law, and which can not be overcome by unanimous consent of this body.

Mr. HAWES. This statement will be of some interest to the Senate. It is a statement of the loss of $236,000,000 in one flood. It seems to me that it should go in the body of the RECORD, where it will be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and without objection the statement will be printed, as requested, and referred to the Committee on Commerce.

The matter referred to is as follows:

JANUARY 17, 1928.

Hon. HARRY B. HAWES,
United States Senate, Washington, D. C.

MY DEAR SENATOR: 1. Having further reference to your letter of December 31, 1927, relative to damage caused by floods in the Mississippi Valley for the years 1882, 1883, 1893, 1897, 1903, 1907, 1912, 1913, 1916, 1920, 1922, and 1927, permit me to advise you as follows:

2. For the years 1882, 1883, 1893, and 1897 no recorded estimates of flood loss and damages are available. The losses for those years were probably not very great, as the territory was not so densely populated and there was less land in cultivation and fewer industries than in later years. In 1907 the flood damage appears to have been small, but no actual figured estimate is available. Estimated damages for the remaining years listed in your letter for the Mississippi Valley are:

1903	$40,000,000
1912	78,188,000
1913	12,213,000
1916	5,533,000
1920	7,088,000
1922	17,088,000

1927, variously estimated at $236,334,000 to $284,118,000.

3. The estimates as given herein must be considered as quite tentative, as it has been almost impossible to arrive at any real, satisfactory, or conclusive estimates even of actual or direct flood damages without taking into consideration economic or indirect losses.

Very truly yours,

HERBERT DEAKYNE,
Brigadier General, Acting Chief of Engineers.

WASHINGTON, D. C., *February 21, 1928.*

Hon. HARRY HAWES,
United States Senator, Washington, D. C.

DEAR MR. HAWES: I note with approval that you placed in the CONGRESSIONAL RECORD where it will be read by all classes of our citizens the statement of the United States Chamber of Commerce and of Mr. William Green, president of the American Federation of Labor, as to the national responsibility in the matter of flood control.

Should you not add to this now a statement of the losses and damages caused by the flood of 1927 as prepared by the Mississippi River Flood Control Association, which is as follows:

Report of loss and damage by the 1927 floods in the Mississippi Valley in the States of Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi, and Louisiana

(Acres of crop land flooded in five States, 4,002,400. No report on number of acres flooded in Illinois and Kentucky.)

Crop losses:			
Baled cotton damaged		$2,828,850.00	
Loss on average crop expected		16,028,024.00	
Loss of rents on lands not cultivated by reason of overflow		12,190,300.00	
Damage to growing cotton crop		13,497,237.00	
Damage to sugar industry (report furnished by American Sugar Cane League)	$7,080,000.00		
Cost to replant 34,000 acres of cane	3,400,000.00		
		10,480,000.00	
Damage to growing crops other than cotton and sugar		15,679,950.00	
Damage to matured crops		2,083,260.00	
Damage to seed		753,419.00	
			$73,541,040.00
Cost of replanting			4,181,627.00
Livestock losses:			
12,626 horses and mules		1,269,150.00	
2 counties in Missouri report livestock losses without giving number		45,000.00	
25,716 cattle		633,075.00	
133,174 hogs		1,153,929.00	
2,560 sheep and goats		10,615.00	
719,647 poultry		388,723.30	
			3,500,492.30
Property damage:			
7,879 houses destroyed		3,341,650.00	
46,840 houses damaged	$6,724,625.00		
2,200 houses destroyed or damaged (Arkansas)	570,000.00		
9,904 houses, stores, gins, barns, and other buildings destroyed or damaged	1,535,750.00		
Houses destroyed or damaged, no number given (Louisiana)	50,000.00		
Houses, stores, gins, barns, and other buildings destroyed or damaged	3,601,562.00		
		12,481,937.00	
118 stores destroyed	87,600.00		
Stores destroyed or damaged, no number given (Illinois)	3,000.00		
		90,600.00	
2,138 stores damaged	625,150.00		
10 stores destroyed or damaged (Arkansas)	10,000.00		
Stores destroyed or damaged, no number given (Louisiana)	5,000.00		
		640,150.00	
17 gins destroyed		118,000.00	
235 gins damaged		197,650.00	
2,997 barns destroyed		791,650.00	

Report of loss and damage by the 1927 floods in the Mississippi Valley in the States of Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi, and Louisiana—Contd.

Property damage—Continued.			
11,594 barns damaged	$888,710.00		
400 barns destroyed or damaged (Arkansas)	100,000.00		
Barns destroyed or damaged, no number given	134,500.00		
		$1,183,210.00	
16,971 other buildings destroyed		1,570,800.00	
36,523 other buildings damaged	$941,220.00		
200 other buildings destroyed or damaged (Arkansas)	20,000.00		
Other buildings destroyed or damaged, no number given	96,500.00		
		1,057,720.00	
Damage to merchandise		1,628,711.00	
Damage to oil mills		528,000.00	
Damage to farm implements		1,317,515.00	
Damage to automobiles		1,003,650.00	
Damage to feed		3,054,544.50	
Damage to household goods		4,730,627.00	
Damage to land by washing and spreading of obnoxious grasses		4,736,750.00	
Damage to fences		964,625.00	
Damage to private roads and bridges		1,211,850.00	
Damage to private ditches and drains		840,350.00	
			$41,489,990.50
Business losses			18,655,515.00
Damage to school buildings and equipment			399,841.29
Damage to hardwood lumber industry			4,474,820.00
Damage to cooperage industry			258,952.00
Damage to highways and bridges			2,738,122.00
Damage to railroads			16,702,379.51
Damage to public utilities			718,835.00
Cost of high water fight:			
Mississippi River Commission		$6,000,000.00	
Levee boards		2,120,084.26	
Board of Engineers (Louisiana)		250,000.00	
			8,370,084.26
Closing crevasses (Mississippi River Commission)			3,578,000.00
Restoring levees to preflood condition			2,575,566.20
Damage, Caernarvon Crevasse			5,000,000.00
Damage, junior crevasse			350,000.00
War Department supplies furnished			7,000,000.00
Red Cross fund		$16,000,000.00	
Appropriated by the State of Illinois for relief		2,000,000.00	
			18,000,000.00
Loss of earnings of tenants and share croppers, average 137,773 people at $20 per month, on a basis of 9 months' working season			24,799,140.00
Total			236,334,414.06

Number of lives lost, 183.

Yours sincerely,

RENÉ R. CLERC, *Special Representative, Port of New Orleans.*

REGULATION OF IMMIGRATION

Mr. SHIPSTEAD. Mr. President——

Mr. SMOOT. Mr. President, I can not yield any longer for matters that are going to lead to debate. I want to have the conference report adopted.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. SMOOT. For what purpose?

Mr. SHIPSTEAD. To have a short resolution read, and ask unanimous consent for its consideration.

Mr. SMOOT. If it not going to lead to any debate, the Senator can have it read.

Mr. SHIPSTEAD. If it does, I shall withdraw it.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 156) was read, as follows:

Resolved, That the President be, and he is hereby, requested to inform the Senate whether the estimates of immigration quotas, prepared by the Secretaries of State, Commerce, and Labor under section 11 of the act approved May 26, 1924, which were transmitted to the Senate by the President, together with two letters of the said Secretaries, on January 3 and 10, 1927, are still unsupported by responsible documentary evidence, as admitted in the second letter in question or in process of revision or improvement, and when in the latter case new figures will reach the Congress, accompanied by adequate and detailed explanation of the method of computation, or otherwise.

Mr. CURTIS. Let the resolution go over under the rule, please.

The VICE PRESIDENT. The resolution will go over under the rule.

INTERIOR DEPARTMENT APPROPRIATIONS

Mr. SMOOT. Now, I hope we may proceed with the consideration of the conference report.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes.

Mr. LA FOLLETTE. Mr. President, it is not my purpose to discuss the conference report at length. I want to ask the senior Senator from Utah whether or not it is contemplated by this report that further conferences on the disagreeing vote of the two Houses will be held?

Mr. SMOOT. No. There are four amendments that had to be taken back to the House to be acted upon. If the House agrees to them, then the agreement will be complete. Those amendments were offered to the bill in the Senate, and the rules of the House require that they be returned to the House for action by the House before the conference report is finally agreed to. If the conference report is agreed to here now, however, and the House also agrees to the four amendments by the Senate that had to be returned to the House, then the agreement will be complete.

Mr. LA FOLLETTE. One more question, Mr. President. I want to ask the Senator from Utah whether or not the House conferees met on Senate amendment numbered 4, and whether or not the House conferees were willing to listen to the arguments which were made in behalf of the retention of that amendment.

The Senator will remember that at the time the bill was under consideration we reached an understanding that Senate amendment numbered 4 would go to conference, and the Senator suggested that those who desired to be heard would be heard by the conferees. Of course, I realize that the Senator could not speak for the House conferees; but it was the general understanding and the assumption at least which I made that the House conferees would sit with the Senate conferees when those hearings were held. The question which I ask the Senator is whether or not the House conferees did, as a matter of fact, sit while those who were interested in Senate amendment numbered 4 were being heard by the conferees?

Mr. SMOOT. The conferees on the part of the House would not sit with the conferees on the part of the Senate to hear discussion of the matter; but I will say to the Senator that the conferees on the part of the Senate gave every chance for anyone to come before the conferees, and I will say that both sides did appear before the conferees.

Mr. LA FOLLETTE. Before the Senate conferees?

Mr. SMOOT. Before the Senate conferees.

Mr. LA FOLLETTE. I thank the Senator for the information. So the fact is developed, Mr. President, that in spite of the assurances which were given by the senior Senator from Utah, in good faith, that this matter would be further heard by the conferees, the conferees on the part of the House took what seems to me an extraordinary and untenable position and refused to hear any further arguments on the matter, and when an effort was made to hold a hearing they withdrew.

Mr. President, as I stated when this proposition was under consideration by the Senate, the item involved in this question, as I see it, and the important phase of it, is contained in that portion of the language of the House text which indirectly provides for the delivery of power from this project owned by the Flathead Indians of Montana to the Government at a ridiculously low rental.

It has been admitted on this floor by all persons, and I am informed that it was admitted before the Senate conferees in the hearing upon this proposition, that to diminish the amount of power for which this corporation, the Montana Power Co., or any other corporation, would pay by 15,000 horsepower is to diminish the income derived therefrom by the Indians.

The Montana Power Co., one of the bidders for this tremendously important site, admitted that in making their computation as to the rental which they would offer in their bid to pay to these Indians they reduced that rental in consideration of the 15,000 horsepower which they were to furnish the Government at a very low rate. In their communication, which is to be found on page 209 of the House hearings in 1928, they described the horsepower to be delivered at a low rental as, to quote their exact language:

> This offer was intended to be one of the items of compensation to the United States.

They go on further to say:

> We have offered to supply the Government for the use of the water users of the reservation and others all the power that can be developed by the small development at a cost very materially lower than the cost of the same power produced by the small development, so that in the case of the initial development, 1,850 kilowatt units, the savings will amount to $49,700 per year. This saving, capitalized at 6 per cent, is equivalent to a cash bonus of $828,000.

Mr. President, at the time this letter was written it was proposed to deliver to the Government at this low rate only 1,850 kilowatt units. It is now proposed that approximately 11,250 kilowatt units are to be furnished at this low rental.

All parties in interest in this matter are concerned for the development of this project, but I submit that it is neither good business nor a prudent proposition, so far as the Indians are concerned, nor is it sound for the Congress to establish the precedent of diminishing the total raw power value of this site by 15,000 horsepower, or by any other amount.

There are other projects in this country, I am informed, and I believe reliably so, where the Indians are the owners of the raw power sites. These sites in some instances are contiguous to reclamation projects, as is this site in Montana. Therefore, if this precedent is established, we will find it used in subsequent similar cases as an argument for a diminution of the total raw power value of the site so far as the Indians are concerned.

Mr. President, I believe that the Senate conferees have endeavored in good faith to secure either a modification of the House text or the acceptance of the Senate amendment, but in view of the extraordinary attitude taken on the part of the House conferees, they were unable to accomplish their purpose. I do not agree with the conferees, however, in acceding to the House conferees in this matter, under the circumstances. I believe that the Senate conferees should have insisted upon this amendment, and should have insisted that it be taken to the House of Representatives by the House conferees, just as other amendments were taken, as the Senator has stated, upon which there could be no agreement, and which are now before the House in the form of the conference report.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I am glad to yield.

Mr. SMOOT. I want to explain to the Senator that there is a great difference between the items mentioned, the four items that had to go back to the House, and the Flathead project amendment. The House put into the bill the provision for the Flathead power development, but the other four items the House did not put into the bill, and those items being legislation, they had to go back to the House. I have no doubt but that the House will agree to them, but even if all the conferees could have agreed, they would have had no power to do so, because of the fact that those items were legislation, and the House had not passed upon them, and therefore the items had to be taken back to the House.

Mr. LA FOLLETTE. I understand that, and if I made any statement which gave the Senator the impression that I thought the amendments taken to the House were in the same position as Senate amendment No. 4, I am very glad that he corrected me. The point I am trying to make is that I believe that the Senate conferees should have insisted that this Senate amendment No. 4 be taken back to the House for instructions by that body to their conferees. This matter has never been at issue in the House upon its merits.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. LA FOLLETTE. I am glad to yield to the Senator.

Mr. COPELAND. Is there any parliamentary reason why this amendment could not be taken back to the House?

Mr. LA FOLLETTE. No; there was no parliamentary reason why Senate amendment No. 4 should not have been included with the other amendments which were returned to the House for consideration.

Mr. COPELAND. I am not clear why it was not.

Mr. SMOOT. Mr. President, I can tell the Senator why it was not. The House conferees would not yield. The House had passed upon this matter, and they would not yield, nor would they take it back to the House. That was the situation.

I will say further to the Senator that the rule is that wherever a House provision is in a bill, and the Senate strikes it out and the matter goes to conference, rather than have the bill fail, the Senate must yield. That has been the practice, that has been the rule, ever since I have been in the Senate of the United States, and I think the Senator understands that to be the fact.

Mr. LA FOLLETTE. Mr. President, it is a practice; it is not written into the rules.

Mr. SMOOT. It is the universal practice, I will say to the Senator, as far as I know.

Mr. LA FOLLETTE. Furthermore, let me say, unless the Senator from New York desires to say something further——

Mr. COPELAND. Just one observation, if the Senator will yield. I do think this: That if there is the slightest doubt about this matter, if these Indians are being imposed upon, if it is not right, we ought to stay here all spring, if need be, insisting that this correction be made.

Mr. SMOOT. I want to say to the Senator that the Senator from Montana will state the other side of the case. I know there is a difference of opinion in Montana. Many people believe that what is provided in the bill is the very best thing possible to be done for the Indians. I know that the Senator from Wisconsin does not think it is the best thing. He thinks there is a loss there each year. The Senator from Montana has the figures, and he will present them to the Senate now in detail.

Mr. COPELAND. I shall be glad to hear the other side of the matter, but if there is any chance at all of our doing an injustice to these Indians we can not afford to be in the position of permitting legislation which will impose upon them. I thank the Senator from Wisconsin.

Mr. WALSH of Montana. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LA FOLLETTE. I yield.

Mr. WALSH of Montana. I would like to say to the Senator from New York that I quite concur in the view expressed by him, that we ought not to have any doubt about this matter. The matter was fully discussed on the floor when the bill was before us, and I thought there could not be any doubt then. The junior Senator from Utah [Mr. KING] with his usual diligence interested himself in this matter, he gave it his usual careful attention and study, and participated in the discussion, and I tried to answer every question about it that anybody addressed to me, giving every item of information at my command. I supposed that the provisions were thoroughly well understood.

Mr. KING. Mr. President, will the Senator from Wisconsin yield?

Mr. LA FOLLETTE. I will be glad to yield to the Senator.

Mr. KING. As I understood the discussion, it resulted in the view upon the part of the Senate that the provision in the bill as it came from the House was not for the best, we did not assent to the position taken by the House, and the matter, of course, went to conference. I am sure the Senator does not mean by what he is stating now, speaking for myself, that I assented to the proposition as it now comes to us.

Mr. WALSH of Montana. What I mean to assert is that the Senator from Utah did not at that time, after the discussion, pretend to assert to this body that there was anything unfair to the Indians in this proposition. If he did, it has escaped my recollection.

Mr. KING. Mr. President, if by that the Senator means that I approved of the proposition that the Government of the United States should expend approximately $300,000 for the construction of a distribution plant, and distribute the power that was generated by the power company, whichever power company——

Mr. WALSH of Montana. I do not mean that at all. I understood perfectly well that the Senator was opposed to that provision; but that has absolutely nothing whatever to do with the question of what is due the Indians. I chal-

lenged that matter at the time, and called the attention of the Senate to the fact that we were then discussing not that question, not the question as to whether Congress should appropriate this money for a plant, but I was asking the Senate's attention to the question before us, as to whether any injustice was being done to the Indians, and the Senator certainly did not say that there was.

Mr. KING. Mr. President, I did not address myself, as I recall, so much to the proposition now being discussed by the Senator from Wisconsin, because he presented it in a much clearer way than I could have presented it; he was more familiar with the matter, and, aside from that, he has facility of expression which enabled him to present the matter with the utmost clarity. I assented, in my mind at least, to the position which he took. It did seem to me that depriving the Indians of the benefit of the royalties that might be obtained for the power which was to be furnished the district at a nominal cost would operate to some extent as an injustice to the Indians. But I did not address myself particularly to that.

Mr. WALSH of Montana. That is what I was endeavoring to express. If the matter was not fully discussed at that time, so that everybody understands just exactly what the provision would accomplish, and is unable to form any opinion from the discussion as to whether any injustice would be done to the Indians, I trust this discussion will go on until everybody here shall have an opportunity to form a perfectly fair opinion about the matter, being advised as to what the facts are. But the discussion now is as to why the conferees did not send this back to the House, so that the matter could be debated in the House. If we are advised about the matter we will either have to confirm the report or reject the report and let the House take care of itself.

Mr. KING. I agree entirely with the Senator. I am sure the Senator from Montana made a very fair and very frank exposition of his views in regard to the matter. I think I understood exactly the situation, although I do not say that with absolute certainty. I acquit the Senator of any failure to disclose all the information within his possession with respect to all questions relating to the matter. I was very appreciative of the very clear and illuminating statement made by the Senator from Montana.

Mr. LA FOLLETTE. Mr. President, the Senator from Montana by inference takes the position that discussion of how this matter was handled in conference is not pertinent to the subject now under discussion. I can not agree with the Senator. So far as I am personally concerned, and endeavoring to speak within the rule, it seems to me the House conferees, to put it mildly, took an extraordinary position with regard to the amendment. In order to confirm that, I would like to ask the Senator from Utah [Mr. SMOOT] whether he was not surprised when the House conferees took the position that they would not listen to any argument concerning the matter, in view of his assurance given to the Senate in good faith that it would be taken up in conference and those who desired to be heard would be heard?

Mr. SMOOT. Mr. President, I want the Senator to know that I requested the conferees to listen to both sides of the question. The House conferees took the position that they did not think the conferees of both Houses jointly had any right to go into a discussion of a matter which had passed the House one way and the Senate another way.

Mr. LA FOLLETTE. May I ask the Senator if that is not done continually in conferences?

Mr. SMOOT. No; it is not done continually.

Mr. LA FOLLETTE. But it has been done often.

Mr. SMOOT. I think it has been done.

Mr. NORRIS. Mr. President, is not that the way things get into conference? If the Senate acted the same as the House did on any proposition, it never would go to conference.

Mr. SMOOT. The Senator asked me if it was not very often the case that the conferees had hearings on items in dispute between the two Houses. I will say to the Senator that it is very, very seldom done, so far as conferences I have attended are concerned, but I see no reason why there should not be such hearings. I can not see why, if there were a question like this involved, and it should come to this body and we allowed it to go back to conference, the conferees should not hear the interested parties, but the House conferees decided otherwise and we could not do anything.

Mr. LA FOLLETTE. I understand that.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LA FOLLETTE. I yield.

Mr. WALSH of Montana. So far as I am concerned, I have not the slightest objection to this matter going back to conference to enable those who are of different views to my own to be heard in the matter. If the Senator can give any kind of assurance that the House conferees will change their minds about the matter, I shall not object as far as I am concerned. But I desire to say in that connection that the measure was before the House, and if there was no discussion of it before the House it was because no one in the House cared to present the matter to that body at all. It came here with this provision in it.

This is not a matter of surprise to anybody at all. The matter has been under discussion for several years at least, and the people associated with the Senator from Wisconsin in opposition to this provision of the bill were entirely apprised of the matter. Why did they not voice their opposition to the bill when it was in the House? They have had an opportuntiy in the House to consider the matter and to debate it there; just as we had in the Senate. Can the Senator advise us why it was not discussed there?

Mr. LA FOLLETTE. I have no information. I do know, however, that as matters of this kind are handled in the House there is often no opportunity offered to those who desire to discuss controversial items which members of the committee perhaps do not desire to have fully discussed to obtain the necessary time for the purpose. I do not know the facts about that, but I do know that the matter has been rather fully discussed in the Senate. So far as I am able to interpret the discussion which we had here at the time the bill was under consideration when reported from the Senate committee, there was a pretty general agreement that the provision for the furnishing of 15,000 horsepower to the Government at a reduced or nominal rate was tantamount to a reduction of the total revenues to be obtained by the Indians from this power site.

Mr. SMOOT. I will say to the Senator that in the House the committee having the bill in charge in making up the bill listened to every interested party. There is where most of the discussion takes place on the House side. It is in the preparation and consideration of the bill in committee. When it comes to the Senate all we discuss are questions about which there is some doubt. I can not see what good it would do to refer the matter back to the conferees. When the conferees met, it was clear that the House conferees would not yield on this item. We might as well give up consideration of the bill if that were done. I think it would be just a waste of time to do it.

Mr. FRAZIER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. LA FOLLETTE. I yield.

Mr. FRAZIER. I think the trouble was that the bill was not discussed before the subcommittee of the House which considered it. I have a copy of two letters which indicate that a request was made for a hearing and it was not granted. In fact, the letters were not replied to and there was apparently no discussion of the matter before the committee.

Mr. SMOOT. I can send to my committee room and obtain for the Senator a copy of the hearings on the bill in the House. I think it comprises a volume of between 400 and 500 pages. Every detail of this particular project was discussed in those hearings. I am perfectly willing to send to the committee room now for the hearings and show them to the Senator.

Mr. FRAZIER. I have here a copy of a letter signed by Mr. Grorud, general attorney for the Flathead tribal organization, who applied by letter on December 7, 1927, to the chairman of the subcommittee of the House having in charge the Interior Department appropriation bill, and asked that on the Flathead question he be heard. Mr. Grorud informs me that he received no reply to that letter.

Mr. SMOOT. What was the date of the letter?

Mr. FRAZIER. December 7. Under the same date here is another letter to the same chairman of the same subcommittee, signed by John Collier, executive secretary of the American Indian Defense Association (Inc.), asking that he be heard on this same Flathead question.

Mr. SMOOT. Mr. Grorud was heard before the Senate committee. I am very sorry that I really made a mistake in connection with that matter. He asked that certain statements be printed in the record. We were in a hurry and I consented that they should go in. I had to apologize to the members of the House conference committee for those letters and statements. They are untrue, many of them, and not only that but it was the first time, in a hearing before a Senate committee, that I ever knew of such language, the most abusive language and charges against Members of the House. I was very sorry that it happened. I am quite sure that when Mr. CRAMTON

and the House committee were out to the reservation, Mr. Grorud appeared before them at the time and had his hearing out there, as many other citizens had. I am told so by members of the conferees on the part of the House. I apologized to the conferees of the House and took the blame myself, because I did not have time to read all the letters that he asked to put in the record. If I had read them, I will say to the Senator frankly, they would not have gone into the record. Mr. CRAMTON said that was the second time the Senate has allowed things to go into the record that were absolutely untrue. I was very sorry that I was at fault in letting them go in, but I simply did not have the time to read them. There was page after page that he put in the record that I had no idea he was going to put in it.

Mr. WHEELER. Mr. President, let me correct one statement that has been made. I agree with the Senator with reference to putting things in the record which were abusive of any Congressman, but when the Senator states that a hearing was had on this particular matter on the reservation and that the Indians presented their side of it, I think he is entirely mistaken. As I recollect it, when Mr. CRAMTON was out there this question was not taken up, or at least none of the Indians presented their side of it at all.

Mr. SMOOT. I do not know whether the Indians were there or not. I could not say as to that, but I do know that Mr. CRAMTON was there, I know the matter was discussed, and I know that is the report we had.

Mr. WHEELER. But the opposition to it did not have a hearing on it, as I recall. I was there myself.

Mr. SMOOT. I judge from what Congressman CRAMTON said that he had met Mr. Grorud there and knew him very well.

Mr. WHEELER. He met him there.

Mr. SMOOT. I will say to the Senator that I now have the House hearings, and instead of the document being some four hundred-odd pages, as I first thought, it comprises 1,196 pages. There [indicating] are the hearings before the House committee.

Mr. LA FOLLETTE. But not on this subject.

Mr. SMOOT. On the Interior Department appropriation bill itself.

Mr. LA FOLLETTE. But the important matter, so far as those who desire to be heard is concerned, is whether their statement appears in the 1,196 pages which the Senator has mentioned.

Mr. SMOOT. I will state that on page 327 begin the hearings on the construction of an irrigation system on the Flathead irrigation projects of Montana. Mr. CRAMTON made a statement, which included a statement of what had happened upon the reservation in the past, together with a statement from the Department of the Interior. Then Mr. Reed appeared in behalf of the Commissioner of Indian Affairs. Following him was Mr. Meritt, the Assistant Commissioner of Indian Affairs. Following his statement was the statement of Walter L. Pope, representing the commissioners of the Flathead irrigation district. They all appeared before the committee.

Mr. FRAZIER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. LA FOLLETTE. I yield.

Mr. FRAZIER. I am not insinuating that some of the letters or statements Mr. Grorud made before the Senator's committee should not have gone into the record, but I do feel that, as general counsel for the Flathead Indians of Montana, he should have been heard before the House committee on this matter and should have had an opportunity to present the Indians' side of the question. Mr. Collier, in the same way, representing the American Indian Defense Association, should have been heard. They were both heard by the Senate committee, and I know that they appreciated that opportunity and I think the Indians they represent appreciated it very much. But I think they should have been heard by the House committee.

Mr. LA FOLLETTE. Mr. President, because of interruptions I have held the floor much longer than I intended. I merely want to sum up by saying that I trust the Senate will reject the conference report and ask for a further conference with the House. It seems to me that the Senate in this matter should exercise its right to ask for a further conference.

Let me say that Mr. Kerr, vice president and general manager of the Montana Power Co., stated that 1,850 kilowatt units, the figure under discussion at that time, capitalized at 6 per cent, amounted to $820,000. Taking that computation, his own computation, and applying it to the 15,000 horsepower, capitalized at 6 per cent, it amounts to approximately $5,000,000.

Mr. WHEELER. Mr. President, will the Senator from Wisconsin yield to me?

Mr. LA FOLLETTE. Yes.

Mr. WHEELER. Let me say to the Senator from Wisconsin that when I was recently in the city of Cleveland the other party who put in a bid—a man by the name of Wheeler—from St. Paul called to see me with reference to this power site. I told him about the bid that had been made by the Montana Power Co.; that they were proposing to furnish to the Reclamation Service 15,000 horsepower, 10,000 horsepower, I think it was, at 1 mill per kilowatt and 5,000 horsepower at 2½ mills per kilowatt. He informed me that if his bid was accepted he would be very glad to furnish power to the Government at that rate mentioned; that he would consider that a very good proposition for his concern, and that he could make money furnishing power to the Reclamation Service at that price. That being the case, it would rather seem to me that nothing should be deducted from the Indians by reason of the fact that the Reclamation Service would want to enter into a contract with the successful bidder at the above prices.

Mr. LA FOLLETTE. Exactly; but we now have the statement made by the vice president and general manager of the Montana Power Co. that his company did make a deduction when it fixed the rental which it would pay.

Mr. WHEELER. I understand that, but the point that I want to make with reference to this bill is that, notwithstanding the fact that there is some misapprehension in the minds of some persons concerning this bill, there is not a single thing in the bill that would warrant the power company to take one 5-cent piece away from the Indians, and there is not anything in the bill that would warrant the Government in making it a condition precedent to the letting of the contract that power would be furnished it at a specified price. I am assuming that when one or two or three bidders go before the Power Commission it will be the duty of the Power Commission to look into the proposed bids and see who is the best bidder for the power site and that the rentals under the terms of the bill will be turned over to the Indians. That is the only thing under this bill that the Power Commission can look into.

Mr. LA FOLLETTE. In answer to the Senator's suggestion I desire to say that, in the first place, one of the members of the Power Commission is the Secretary of the Interior.

Mr. WHEELER. Yes.

Mr. LA FOLLETTE. He naturally has charge of the matter so far as the Indians are concerned. We have provided in this bill for the expenditure of upward of $300,000 for the building of the distribution system and the other items that are included. I believe that the provision for the distribution system is being placed in the bill with the specific idea that 15,000 horsepower or some such amount of horsepower will be furnished from this project at a nominal or very low rental. Therefore, in so far as this provision can do so, by indirection it practically makes it necessary for the Power Commission in considering this matter to take into account the amount of money which Congress has appropriated and to secure a bid which will permit the use of the distributing system which is to be constructed.

Mr. WHEELER. I can not agree at all with the Senator in that contention for this reason: As I have stated, the bill provides for the appropriation of, we will say, two or three hundred thousand dollars, whatever the amount may be. Then it provides that that sum shall be used for the building of a distributing plant. There is nothing in the bill that would prevent the Power Commission saying to any bidder, "You must make a reasonable or a low bid on the power to be furnished to the Government before you will get this contract."

Mr. LA FOLLETTE. I am not arguing that the language is specifically in the bill.

Mr. WHEELER. Very well.

Mr. LA FOLLETTE. Or that it binds the Power Commission or that it is directory. What I am saying is that the language is in the bill, the money is being appropriated, and the commission, like any other commission, will take into account what Congress has done in the matter. It seems to me, therefore, that the Senator from Montana is splitting hairs when he says because we can not point to directory language in the House text that, therefore, there is nothing to the contention that power will be required to be furnished by the successful bidder at a low rental.

Mr. WHEELER. I am not splitting hairs about it at all. I am merely reading the plain, ordinary language of the proposed statute itself, and I submit that no power company would have any right under the terms of the bill to take into consideration the things that the Senator fears are going to be

taken into consideration. That is merely suspicion on the part of those who are taking that position.

Mr. LA FOLLETTE. It is not suspicion, Mr. President.

Mr. WHEELER. It is nothing more than a suspicion pure and simple. There is not anything in the language of the bill to warrant that kind of a suspicion.

Mr. President, so far as I am personally concerned, I would be delighted to see the Government of the United States undertake this development; but I have taken the position that the site belongs to the Indians; that the Indians have a right to lease it, and they want to lease it, and they have been here for two or three years seeking to lease this site. I have insisted that they should get everything out of it; I have stood here constantly and fought to see that they did get everything out of it; but when they come here and say and when the Senator from Wisconsin stands here on his feet and says that because of certain language in the bill that the Congress of the United States must assume that the Power Commission is going to do something that the language in the bill does not give them any right to do, I say that I can not go along with them on that suggestion at all. There is not anything in the bill to warrant such an assumption.

Mr. LA FOLLETTE. Mr. President, the language is in the bill. It provides for the building of the distributing system.

Mr. WHEELER. Of course.

Mr. LA FOLLETTE. And the commission when it comes to make the lease will not be unaware of the fact that Congress has put that provision in the bill and has appropriated for the construction.

Mr. WHEELER. Let me say to the Senator——

Mr. LA FOLLETTE. Let me finish the sentence, please. When that bid is before the commission they will of necessity take into consideration the action of Congress. The Senator from Montana, I believe, knows as well as does the Senator from Wisconsin, or better than he, the long negotiations that have gone forward in this matter.

The Senator from Montana participated in the consideration of this proposition last year before he went to China, and he knows that negotiations in connection with the bid of the Montana Power Co.'s were participated in, though perhaps unofficially, by officers of the Department of the Interior and by the secretary of the Power Commission, and that that bid, so far as can be without official action, has a quasi-judicial status. When the Senator from Montana now says in view of those facts that the incorporation of provision for this transmission system and the appropriation of this money will not be taken into consideration by the Power Commission, I can not follow his reasoning.

Mr. WHEELER. I am merely assuming that the Power Commission is going to do its duty. So far as I am concerned, as I said a moment ago, the Senator from Wisconsin knows that the Indians want the development to take place; they want to lease the site. I say there is not a thing in this bill that would warrant the commission doing anything else but giving the Indians every dollar that should go to them, and if the bill shall be passed and applications shall be made to the Power Commission, I shall insist as strongly as I can that the Indians shall receive every dollar to which they may be entitled and can get.

Mr. LA FOLLETTE. I have no doubt the Senator will try to protect the interests of the Indians, but it is one thing for the Senator from Montana to make an individual appeal to the Power Commission and it is another thing for Congress by indirection to fasten this proposition in an appropriation bill.

Mr. WHEELER. But suppose that the Congress of the United States, instead of appropriating $300,000, had appropriated sufficient money to build a transmission line all over the State of Montana in an independent bill—assume that it was not in this bill at all, but that Congress as an independent proposition had appropriated money for the reclamation project—would the Senator then contend that because the Congress of the United States had enacted legislation for the purpose of building a power transmission line over the State of Montana that the Power Commission should take that fact into consideration in leasing this power site, which belongs to the Indians, and insist that the power company should give power to the Reclamation Service at a lower cost than it otherwise would?

Mr. LA FOLLETTE. If the Senator will include one more assumption in his hypothetical case, my answer to his question will be yes. If the Senator will say that before this appropriation was made by Congress there was a bid before the Power Commission on which interested parties had conferred, at which conference the representatives of the State of Montana in the Senate were present, and at which the secretary of the Power Commission was present, and that bid was pending before the commission, I would say that undoubtedly the commission would take it into consideration.

Mr. WHEELER. Yes; but the Senator is assuming a state of facts that is not correct under the present status of the bill.

Mr. LA FOLLETTE. I will ask the Senator to correct me in so far as I am wrong, for I do not desire to make an inaccurate statement.

Mr. WHEELER. I will say that the Senator is assuming facts that are not correct. In the first place, when the bill came up a year ago the Representatives and Senators from the State of Montana got together with the Reclamation Service and with all of those interested in the projects, including the representative of the Indians.

Mr. LA FOLLETTE. And the secretary of the Power Commission. Was he not there also?

Mr. WHEELER. No; he was not present. The Reclamation Service, the Representatives and Senators from Montana, and the representative of the Indians were present. At that time I insisted, and so did my colleague from Montana, that the tentative agreement that was submitted by the power company and the bureau should not be permitted to be entered into because it did not protect the rights of the Indians. Yet, in view of that fact, in view of the fact that both my colleague and myself protested that the Indians should get every dollar that was coming to them out of the transaction, the Senator from Wisconsin stands here and says that we assume that the tentative agreement that was entered into at that time is going through. The truth of the matter is that we protested against that agreement going through, and by reason of our protestations that tentative agreement, I am assuming, ended, and because of our protestations and by reason of our protestations at that time the Indians, instead of getting 30 cents out of every dollar, are to get to-day every 5-cent piece of it; at least that is my understanding. I understand that is the position, because of that conference, that the Secretary of the Interior has taken to-day, and that, according to my understanding, is the position the Power Commission is going to take, and that everybody who has anything to do with this project is going to take in connection with the leasing of this site.

If these people are deceiving me, if I am not right about it, then, of course, there might be something in the Senator's contention. I am assuming, however, that when the Secretary of the Interior says that every dollar of this money is going to the Indians, he is saying what he intends to do. I am assuming that when the Commissioner of Indian Affairs says the same thing he is going to insist on it. I am assuming that when everybody connected with the matter says the same thing, that is what they are going to do. I can not assume that they are not going to do that; and I say to the Senator that as far as this provision is concerned in this bill it has not anything more to do with this contract than if it were a separate and distinct bill passed by the Congress of the United States authorizing an appropriation of $350,000 or $360,000 or $400,000 for the building of a transmission line.

I am sure the Senator from Wisconsin would not say that if the people out there in the Reclamation Service wanted to come here and have an appropriation made of $300,000 or $400,000 for the purpose of building a transmission line, and wanted to buy power from somebody, they should not be permitted to do it. I do not think the Senator would take that position; and I do not think he would say that if they could buy it for a cent per kilowatt-hour, or a mill per kilowatt-hour, of 2½ mills per kilowatt-hour, he would object to it.

Mr. LA FOLLETTE. I should object to it if it was to be deducted from the amount of revenue received by the Indian tribe who owned the site.

Mr. WHEELER. But it should not be, and I do not think it will be.

Mr. LA FOLLETTE. Does the Senator from Montana think that 15,000 horsepower or any such block of horsepower can be obtained from this site at a mill?

Mr. WHEELER. Yes.

Mr. LA FOLLETTE. And that that amount will not reduce the total received by the Indian tribe?

Mr. WHEELER. Exactly; because of the fact that Mr. Walter H. Wheeler, who is the other bidder, told me in the city of Cleveland the other day that he would be glad to have that contract. He has put in a bid. As I recollect, it amounts to about $1.12 per kilowatt-hour; and he told me that in the event his bid was accepted he would be glad to furnish the irrigation system or the Reclamation Service power at the price mentioned in the proposal of the Montana Power Co., and that if he could get that contract he could make money.

Under those circumstances, what excuse is there for the Power Commission to make it a condition precedent that they should have to furnish it; and what excuse would there be for the Power Commission to reduce the rates to any bidder by reason of the fact that they were getting this horsepower at these prices, when an engineer of the standing that I assume Mr. Wheeler has says that he would be delighted to furnish it to them at the amount of his bid, and that he could make money by so doing?

Mr. LA FOLLETTE. Mr. President, it follows as a matter of arithmetic that so far as the horsepower furnished to the Reclamation Service is concerned, in so far as that horsepower is furnished at a nominal rental it will reduce the total value of the horsepower of the raw power site.

Mr. WHEELER. Yes; but the Senator must take into consideration the fact that the market at the particular place where this power site is located is very limited. The power site will develop much more power than they can possibly sell in this district for a long time to come. Consequently, whoever gets the power I am sure will be delighted to sell the power at 1 mill per kilowatt-hour for 10,000 horsepower, and 2½ mills for 5,000 horsepower. Mr. Wheeler is an engineer of undoubted ability, and I think undoubted integrity, although I am not personally acquainted with him except that I have met him; but he tells me that that would be a good contract for him, and that he could make money on it, and that he would be very glad personally to do it if he got the contract; and he is willing, as I understand, to bid $1.12 and still furnish this power to the Government at 1 mill for 10,000 horsepower and 2½ mills for 5,000.

Mr. BLAINE. Mr. President, will my colleague yield to permit me to ask a question of the Senator from Montana?

Mr. LA FOLLETTE. I yield for that purpose.

Mr. BLAINE. Is there any stipulation about how much the Indians are to receive from this water-power site or this valuable asset?

Mr. WHEELER. Any stipulation where?

Mr. BLAINE. In the bill.

Mr. WHEELER. Not a thing.

Mr BLAINE. What guaranty, then, have they that they will receive anything?

Mr. WHEELER. The bill provides that it shall be leased in accordance with the water power act, according to my recollection; and the water power act provides that all of the revenues from this project shall go to the Indians.

Mr. BLAINE. Another question, if my colleague will continue to yield. If this power is sold to the Reclamation Service at cost, clearly the Indians will receive nothing for it.

Mr. WHEELER. Oh, no; the Senator is mistaken about that.

Mr. BLAINE. I say, if it is sold at cost to the Reclamation Service, the Indians will receive nothing.

Mr. WHEELER. No; the Senator is mistaken about that. No matter who buys this 15,000 horsepower, the Indians are going to get paid.

Mr. BLAINE. How much?

Mr. WHEELER. Whatever is bid on it; a dollar a horsepower, or $1.12, or $1.50, or whatever the bid is. That will depend upon who bids on it, and who the highest bidder is.

Mr. LA FOLLETTE. Yes; but the point is whether any bidder, considering that he has to furnish 15,000 horsepower at a low cost figure, will thereby diminish his bid upon the total amount of power produced.

Mr. WHEELER. But when they are giving it to them for 1 mill per kilowatt-hour, or 2½ mills per kilowatt-hour, while I am not an expert on it, I do not think that is furnishing it at cost; and Mr. Wheeler stated, as I said a moment ago, that he would be glad to furnish it and would be glad to get the contract, because he could make money by furnishing it at that price.

Mr. BLAINE. Is the Reclamation Service to receive it at cost?

Mr. WHEELER. They are to receive it at what they can buy it for. Let me say to the Senator from Wisconsin that there is not any condition precedent. There is nothing in this bill that makes it a condition precedent that they shall be entitled to it at cost, or at any other price.

Mr. BLAINE. If my colleague will yield, I might make this suggestion: This situation reminds me of the agreement entered into between the white man and the Indian on the game hunt. They went in cahoots, the white man got the game and the Indian got the cahoots.

Mr. WHEELER. The difference between that and this, let me say to the Senator from Wisconsin, is that if the Indians would say, as to this power site, which belongs to them, I think—I have always contended that it belonged to them—"We do not want to develop it, we want to hold it until such time as the Government of the United States will come out there and develop it and sell power to the people of the State of Montana at cost or anything else," I should be delighted to see them do it, and I should be delighted to see them hold it until such time. But here are several thousand Indians out there who are in a miserable condition, poor and poverty stricken, and they are anxious to lease it and get the revenues from it so that they can enjoy it in their lifetime. Under those circumstances, I do not think I have any right to stand up here in the Congress of the United States and say that they should not lease what I consider to be their own property.

Mr. LA FOLLETTE. Mr. President, that is the argument that is made for every proposition of this nature. When the Indians' consent is obtained to a proposition, it is always argued, in committee and on the floor of the Senate, that regardless of whether the proposition is a wise one or not, it should be accepted.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. Just one more word and then I will yield the floor because I have taken a great deal more time than I intended, largely because of the interruptions.

I merely want to say that I am convinced that if the House text is enacted, a provision will be contained in the lease given to the successful bidder providing for the furnishing of this amount of horsepower at a low or nominal sum, and in my judgment the successful bidder will no doubt be the Montana Power Co. I feel that an injustice is being done to these Indians, that a bad precedent is being established, and I have contended on this floor for what I believe to be the rights of the Indians in this matter.

I know that both Senators from Montana have stated that the Indians are very desirous of having this project leased.

Mr. WHEELER. Does not the Senator himself know that?

Mr. LA FOLLETTE. I was not implying by what I said that there was any question about the fact. I say that both Senators from Montana have stated, and if it will please the Senator I will say that so far as I know all parties admit, that the Indians desire to have this power project leased. It is very easy to understand that, because it is held out to the Indians that they are to receive $100,000 or more per year in revenue. Nevertheless, we can not get away from the fact that this is one of the largest power developments in the country. We can not get away from the further fact, in my judgment, that by the incorporation of the House text by implication we take a position which will be given consideration by the Power Commission in granting the lease upon this project. Therefore I hope that the conference report will be rejected and that a further conference will be asked on the part of the Senate.

Mr. WHEELER. Mr. President, let me say just a word, and that is that I have not the slightest objection to the bill going back to conference. So far as I am concerned, I should be perfectly willing to see that done if it would do any good. I do not know whether it would or whether it would not.

I do not like the implication that has been given out that the Indians themselves have been induced to lease this power site. That has been intimated on the floor of the Senate, and it has been intimated in some of the papers that the Government ought to operate this project, and that some of us were trying to "put something across" for the power company.

The truth about the matter is that the Indians themselves have wanted to lease this project for a number of years. The attorneys and the representatives and the Indian Defense Society and everybody else connected with the matter have wanted to lease it for the Indians. They have wanted to see it leased. The Indians themselves came down here opposing Government operation or the building by the Government of the plant that was authorized a few years ago.

It has been the Indians who have wanted to lease this and nobody else. So I say that any inference in the matter that anybody else is trying to get the Indians to lease it is an unfair inference.

I do not think I can add anything to what I said a moment ago with reference to this bill. There is not a thing in the record, there is not a thing in the bill that even intimates that the Power Commission shall have any right whatsoever to do other than to give the Indians every dollar of revenue that is derived from the leasing of this power site; and if there is anybody on this floor who can point out to me one thing in the bill which would give the slightest opportunity for the Power Commission to put that sort of a construction upon the measure, then I would vote against it. But I do not like to have the idea thrown out that everybody who has anything to do with this is going to violate the spirit or the letter of the law.

Mr. President, I ask to have included as a part of my remarks certain letters and telegrams and a petition which I have received from the State of Montana.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection?

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

MISSOULA, MONT., *February 7, 1928.*

Senator B. K. WHEELER,
Washington, D. C.:

The Jocko district commissioners oppose further new construction. Inadequate water supply. Majority proposed expenditures not desired.

H. H. FRANCIS,
J. C. RENTFRO,
Commissioners, Arlee, Mont.

ST. IGNATIUS, MONT., *February 8, 1928.*

Senator B. K. WHEELER,
Washington, D. C.:

Commissioner Dellevo, Flathead irrigation district, in Washington on Flathead project matter. His plan secret as far as mission irrigation district is concerned. Dellevo a farmer politician. Landowners not aware of his status of what contract portends. His argument is for power development regardless of reclamation reaction to farmers. The bait of power construction in connection of signing contract is used for coercion threat and bat. Missoulian and Pioneer print only what they know will assist Montana power development. Pope recited his professional interpretation of contract which, if valid, would change wording and sense of contract, but probably only his opinion, as it changes many features of construction program, concluding dissatisfied farmers can move. Pope's fee to Washington $50 per day and expenses. Please support S. 2863.

BOARD OF COMMISSIONERS MISSION IRRIGATION DISTRICT,
A. J. RIGGART, *Chairman,*
G. A. LENSMAN, *Commissioner,*
J. H. NEWTON, *Commissioner.*

RONAN, MONT., *February 7, 1928.*

Hon. B. K. WHEELER,
United States Senate, Washington, D. C.

DEAR SENATOR: At the request of a large number of farmers residing in the vicinity of Ronan and in what is known as the Ronan laterals, Pablo subdivision, and Pablo division supplement, formerly known as the Crow unit of the Flathead irrigation project, I am herewith mailing you a petition signed by 77 landowners in this unit who are opposed to appropriation for construction of laterals in this unit and to signing proposed repayment contract in hands of irrigation district commissioners, and they also ask that this unit, and particularly their lands, be excluded from the project entirely.

I am mailing copies of this petition to Senator WALSH, Congressmen EVANS and LEAVITT, also the Department of the Interior, and CRAMTON, and am also informing them that the original petition is in your hands.

These landowners respectfully ask that yourself and the other Montana Members of Congress use your best efforts to defeat the appropriation for Ronan laterals and secure the exclusion of this portion of the project from the Flathead irrigation project entirely.

About 90 per cent of the landowners living upon their land in this unit have signed this petition. The Kiwanis Club of Polson, Polson Chamber of Commerce, Lake County Bankers' Association, merchants' associations, and irrigation commissioners, and their representatives and their lawyers do not express the will of the actual landowners in this unit, and I am sure this is true as to the entire project. The people are waking up, and it looks as if the majority are going to refuse to sign the proposed repayment contract. The landowners are much interested in your bill fixing charge at $40 per acre; the principal objection to repayment contract is the fact that it fails to fix a definite amount to be charged.

Should there be anything further you desire in connection with this matter, let me know and the same will be supplied at once.

With kindest personal regards, I remain,

Most respectfully,

JOHN P. SWEE.

Petition to United States Indian Irrigation Service, Department of the Interior, Washington, D. C.

To Hon. B. K. WHEELER, United States Senate; Hon. T. J. WALSH, United States Senate; Hon. JOHN M. EVANS, House of Representatives; Hon. SCOTT LEAVITT, House of Representatives:

We, the undersigned, owners of land described opposite our respective names, said land being located in what is known as the Crow unit of the Flathead irrigation project in the State of Montana, and the said unit being located north of Crow Creek and east of Mud Creek and also a portion of land bordering on Mud Creek and west of Mud Creek.

I

That we are also opposed to the signing of the proposed repayment contract now in the hands of the Flathead irrigation district commissioners.

II

That we are also opposed to the building and construction of laterals and ditches in the said unit and adjacent to the town of Ronan, for the reason that the cost of the placing of the said land under irrigation is prohibitory and unwarranted, as there is a sufficient amount of moisture in the said territory to produce good crops without irrigation.

III

We, the undersigned, do also respectfully ask that all of the said land in the said Crow unit, and particularly the land owned by these petitioners, be excluded from the Flathead irrigation project.

John Bachman, W. ½ SE. ½ sec. 5, T. 20, R. 20.
Eva M. Sloon, N. ½ NE. ¼ sec. 24, T. 21, R. 20.
George Sloon, W. ⅜ SW. ¼ SE. ¼ E. ⅛ SW. ¼ SW. ¼; SE. ¼ SW. ¼ sec. 34, T. 21, R. 20.
Bowrdeau Mere Co. (by J. B. Bell), E. ½ NW. ¼ sec. 4, T. 20, R. 20.
L. E. Manning, N. ½ NE. ¼ sec. 5, T. 20, R. 20.
C. L. Petticrew, SW. ¼ NW. ¼ sec. 4, T. 20, R. 20.
Caroline Petticrew, E. ½ SE. ¼ sec. 4, T. 20, R. 20.
Julienne Laflemm Audett, E. ½ SE. ¼ sec. 9, T. 20, R. 20; SW. ¼ W. ½ SE. ¼ sec. 3, T. 20, R. 20.
Mary Madison, E. ½ NW. ¼ sec. 10, T. 20, R. 20.
Charley Groslanis, W. ½ NE. ¼ sec. 10, T. 20, R. 20.
C. G. Norberg, W. ½ NE. ¼ and E. ½ W. ½ NE. ¼ sec. 16, T. 20, R. 20.
Alex E. Sloan, NE. ¼ SW. ¼ W. 30 A. NWSE. sec. 34, T. 21, R. 20.
Guy Sherrell, S. ½ NE. ¼ sec. 5, T. 20, R. 20.
Fred Drowatzky, S. ½ NW. ¼ sec. 25, T. 21, R. 20.
Edwin Duprue, NENW. sec. 13, T. 21, R. 20; SE. SW. sec. 12, T. 21, R. 20.
Ernest Clairmont, E. ½ SW. ¼ sec. 5, T. 21, R. 19.
Peter O. Dupuis, N. ½ SE. ¼ sec. 13, T. 21, R. 20.
R. R. Dupuis, N. ½ NE. ¼ sec. 13, T. 21, R. 20.
E. H. Cranford, E. ½ SW. ¼ and W. ½ SE. ¼ sec. 12, T. 20, R. 20.
Wm. Dupuis, S. ½ SE. ¼ sec. 12, T. 21, R. 20.
John Lozott, SE. ¼ NE. ¼ sec. 7, T. 20, R. 20; SW. ¼ NW. ¼ sec. 8, T. 20, R. 20.
Mary D. Howlett, S. ½ SE. ¼ sec. 7, T. 20, R. 20.
Margaret Howlett-Burland, N. ½ SE. ¼ sec. 7, T. 20, R. 20; NW. ¼ SW. ¼ sec. 8, T. 20, R. 20.
Ruth Lemery, S. ½ NW. ¼ sec. 3, T. 20, R. 20.
Robert Dupuis, S. ½ NE. ¼ sec. 24, T. 21, R. 20.
C. W. Stewart, S. ½ NW. ¼ and NW. ¼ NW. ¼ sec. 22, T. 20, R. 20.
Henry Clairmont, SE. ¼ NE. ¼ sec. 7, T. 21, R. 19; SW. ¼ SW. ¼ sec. 5, T. 21, R. 19.
Henry Burland, N. ½ SW. ¼ sec. 31, T. 21, R. 19; NE. ¼ NW. ¼ and NW. ¼ NE. ¼ sec. 31, T. 21, R. 19.
Frank Raitor, Ronan, Mont., W. ½ SE. ¼ sec. 30, T. 21, R. 19.
C. A. Narnst, NE. ¼ NE. ¼ sec. 30, T. 21, R. 19.
Almen Hocker, Ronan, Mont., S. ½ SE. ¼ and S. ½ SW. ¼ and N. ½ NE. ¼ sec. 18, T. 21, R. 19; E. ½ NW. ¼ sec. 19, T. 21, R. 19.
Alphonse Clairmont, W. ½ NW. ¼ sec. 8, T. 21, R. 19.
E. D. Hendrick, Pablo, Mont., W. ½ SW. ¼ and NE. ¼ SW. ¼ sec. 8, T. 21, R. 19.
Dalice Vessey, W. ½ NW. ¼ sec. 17, T. 21, R. 19.
H. J. Vessey, SE. ¼ NW. ¼ and NE. ¼ SW. ¼ sec. 17, T. 21, R. 19.
John Narnst, Ronan, W. ½ NE. ¼ sec. 30, T. 21, R. 19.
C. A. Narnst and Frank Raitor, W. ½ SE. ¼ sec. 19, T. 21, R. 19.
Mary R. Clairmont, E. ½ SE. ¼ sec. 7, T. 21, R. 19.
Eugene Clairmont, E. ½ NW. ¼ sec. 7, T. 21, R. 19.
Arthur Schmidt, S. ½ NE. ¼ sec. 36, T. 21, R. 20; E. ½ NE. ¼ sec. 35, T. 21, R. 20.
Fred Newgard.
Josie Newgard, NE. ¼ NW. ¼ and NW. ¼ NE. ¼ sec. 8, T. 21, R. 19.
Mary P. Barnaby, Pablo, Mont., SE. ¼ NW. ¼ and NE. ¼ SW. ¼ sec. 13, T. 21, R. 20.
Ralph E. Rogers, E. ½ SE. ¼ sec. 24, T. 21, R. 20.
John B. Nahan, S. ½ NW. ¼ sec. 31, T. 21, R. 17.
F. G. Smutzler, W. ½ SW. ¼ sec. 5, T. 20, R. 20.
Jacob Haker.
John Clairmont.
Belle Larson, NE. ¼ SE. ¼ sec. 24, T. 21, R. 20.
W. S. Hollingswoltt, N. ½ NW. ¼ sec. 25, T. 21, R. 20.
Mrs. Myrtle Menter, E. ½ NW. ¼ sec. 35, T. 21, R. 20.
Mrs. Mase Delawa, N. ½ SE. ¼ sec. 36, T. 21, R. 20.
Julie Karste, W. ½ NW. ¼ sec. 32, T. 21, R. 19.
Bonno Teschel, N. ½ SE. ¼ sec. 2, T. 20, R. 20.
Mrs. Gus White, N. ½ SW. ¼ SE. ¼ and SE. ¼ SE. ¼ sec. 31, T. 21, R. 19.
Edward A. Piedaline, W. ½ NE. ¼ and E. ½ NW. ¼ sec. 1, T. 20, R. 20.

Lillian Thomas, SE. ¼ NW. ¼ and SW. ¼ NE. ¼ sec. 8, T. 21, R. 19.
Harold J. Clairmont, NE. ¼ NW. ¼ sec. 17, T. 21, R. 19.
Alfred D. Holman, lot 1, SE. ¼ NE. ¼ sec. 3, T. 20, R. 20.
J. K. Nash, SW. ¼ SE. ¼ sec. 27, T. 21, R. 20; SE. ¼ SW. ¼ sec. 27, T. 21, R. 20.
Andrew Eck, E. ½ SW. ¼ sec. 10, T. 20, R. 20.
Mrs. Maurice Hastings, NE. ¼ NW. ¼ sec. 34, T. 21, R. 20; E. ½ NW. ¼ sec. 34, T. 21, R. 20; W. ⅜ NW. ¼ NE. ¼ sec. 34, T. 21, R. 20.
Mrs. May V. Ulrich, W. ⅜ SW. ¼ NE. ¼ sec. 34, T. 21, R. 20; SE. ¼ NW. ¼ sec. 34, T. 21, R. 20; E. ⅛ SW. ¼ NW. ¼ sec. 34, T. 21, R. 20.
Mrs. Philemone Bauchord, SE. ¼ NW. ¼ sec. 23, T. 21, R. 20; NE. ¼ SW. ¼ sec. 23, T. 21, R. 20.
Mrs. Mary Mott, S. ½ SE. ¼ sec. 23, T. 21, R. 20.
Joanna Joyce Ronan, SE. ¼ SE. ¼ sec. 11, T. 20, R. 20.
Emma A. Johnson, NE. ¼ SE. ½ SE. ¼ sec. 14, T. 20, R. 20.
Joseph G. Piedalue, W. ½ SE. ¼ sec. 1, T. 20, R. 20.
John M. Joyce, SE. ¼ SW. ¼ sec. 11, T. 20, R. 20; SW. ¼ SE. ¼ sec. 11, T. 20, R. 20; NE. ¼ NW. ¼ sec. 14, T. 20, R. 20; NW. ¼ NE. ¼ sec. 14, T. 20, R. 20.
M. L. Denning, SW. ¼ SW. ¼, sec. 12, T. 20, R. 20; S. ½ S. ½ NW. ¼ SW. ¼ sec. 12, T. 20, R. 20.
Nora F. Owens, N. ½ SE. ¼ sec. 11, T. 20, R. 20; N. ¾ NW. ¼ SW. ¼ sec. 12, T. 20, R. 20.
George Drowatzky Ronan, S. ½ SE. ¼ sec. 24, T. 21, R. 20.
A. J. Songer, S. ½ SE. ¼ sec. 6, T. 20, R. 20.
Clara Songer, N. ½ NE. ¼ sec. 7, T. 20, R. 20.
Louise Ely, W. ½ NW. ¼ sec. 35, T. 21, R. 20.
Mary Louise Marigeau, W. ½ SW. ¼ sec. 35, T. 21, R. 20.

Petition to United States Indian Irrigation Service, Department of the Interior, Washington, D. C.

We, the undersigned, owners of land described opposite our respective names, said land being located in what is known as the Crow unit of the Flathead irrigation project in the State of Montana, and the said unit being located north of Crow Creek and east of Mud Creek, and also a portion of land bordering on Mud Creek and west of Mud Creek.

I

That we wish to state that we are opposed to the signing of the proposed repayment contract now in the hands of the Flathead irrigation district commissioners.

II

That we are also opposed to the building and construction of laterals and ditches in the said unit and adjacent to the town of Ronan, for the reason that the costs of the placing of the said land under irrigation is prohibitory and unwarranted, as there is a sufficient amount of moisture in the said territory to produce good crops without irrigation.

III

We, the undersigned, do also respectfully ask that all of the said land in the said Crow unit and particularly the land owned by these petitioners be excluded from the Flathead irrigation project.

Name: Charles Ferguson; address, Missoula, Mont.; description, south half southeast quarter, section 13, township 21, range 20.

Mr. HEFLIN. Mr. President, it seems to me that there is a great deal in the contention of the Senator from Wisconsin [Mr. LA FOLLETTE]. I do not see that any harm could come from asking the House to consider this provision. That is frequently done. The Senate adopted this amendment, it went over to the House, and has been rejected in conference. The House conferees have so far, I understand, declined to let the House take any action on it. I do not see that any harm could come from sending it back.

I am reminded of what one of the Indian chiefs who is now in Washington said the other day, illustrating how the Indians were imposed upon by a great deal of such legislation as this. He said a white man found a cow with a calf, and he tied the calf and milked the cow. He got a great big pan full of milk; he set the pan upon the shelf and after a while the cream rose on it. The white man skimmed the cream off and took it for himself and carried the skimmed milk out and gave it to the calf. [Laughter.]

I suggest that we stop that sort of legislation, and do justice to these Indians. I am in favor of the motion of the Senator from Wisconsin for a further conference on the subject.

Mr. WALSH of Montana obtained the floor.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant and nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

Mr. NORRIS. I ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. KING. That is for the purpose of the further consideration of the conference report?

Mr. SMOOT. Oh, yes.

The PRESIDING OFFICER. Is there objection to laying aside the unfinished business temporarily? The Chair hears none, and it is so ordered.

Mr. WALSH of Montana. Mr. President, I dare say I shall be acquitted of any undue favoritism toward the power interests in general or the Montana Power Co. in particular. When the matter was before the Senate upon the consideration of the bill I said whatever I thought was necessary to apprise the Senate of the conditions.

This, as has been very properly said, is one of the great power sites of the country. At the time the Flathead Reservation was opened up for settlement in the year 1909 the power sites were reserved, along with certain timberlands and villa sites about Flathead Lake. The act provided that lands should be allotted to the Indians within the reservation, and the allotments were made. It was then provided that the surplus lands should be classified and that they might be entered by homesteaders paying the appraised price of the land, provision having been made in the act for the irrigation of a part of them, so that the settlers taking up the surplus land had an election either to take lands which lay under the ditches and canals to be constructed and capable of irrigation thereby or to take lands at a lesser price above the ditches and canals and not capable of irrigation.

The lands below the ditch generally were appraised at $7 per acre, and the homesteader was obliged not only to comply with the homestead law in all its particulars as applied to the general domain but to pay into the Treasury of the United States for the benefit of the Indians the appraised price of $7, while above the canal and ditch he was obliged to pay only about $2.50 per acre. That money went into the Treasury of the United States for the benefit of the Flathead Indians and is there held, except so far as it has been disbursed, as a fund for those Indians.

At the same time it was contemplated that there should be power developed as a part of the irrigation project and for the purpose of elevating water from the river through this power to help out in the irrigation project. Work was inaugurated to that end. In other words, the power site to a certain extent was to be made available to the settlers upon the project for the purpose of pumping water to carry on the work of irrigation, and something like $101,000 was spent in the development of the power site for the sole and exclusive purpose of pumping water for the irrigation project. That is what was known as the Newell tunnel development. It was proposed to cut a tunnel through the adjacent rocks, making a straight shoot for the river instead of the natural curved course. That proposition, however, was abandoned. That is to say, the project for pumping water was abandoned and there was substituted for it a gravity system by which the water was carried along at the face of the Lovely Mission Range, the supply being furnished by various streams coming down from that range. However, for the purposes contemplated by the act of Congress opening the reservation, the Government of the United States appropriated the water of the Flathead River for irrigation as well as power in connection with the project, pursuant to a law of the State of Montana which authorized the Government of the United States to make the appropriation in aid of the irrigation project. The settlers upon the reservation accordingly have always maintained that under repeated acts of Congress they had an interest in the development of power upon the Flathead River.

Mr. KING. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH of Montana. I yield.

Mr. KING. Was the paramount purpose in the beginning the production of power or irrigation?

Mr. WALSH of Montana. Power was merely incident to the irrigation project.

Mr. KING. I can not quite understand how they could conceive that it would be a profitable venture or project if they had to pump water. I was wondering if the idea in the beginning was that it was to be a pumping irrigation project or a gravity irrigation project.

Mr. WALSH of Montana. It was to be both. It was contemplated that certain sections of the reservation, as I remember it,

should be irrigated by the water that should be elevated by pumping and certain other sections by the gravity system.

With respect to that feature of the matter, to which some little attention has thus far been paid, I had inserted in the RECORD, when this matter was before the Senate upon the consideration of the bill, a discussion of the whole subject by Mr. Walter L. Pope, the attorney for the settlers on the project, setting forth their view about the matter. I want to read from that article so prepared. He said:

There is one other fact that should be borne in mind and that is that under the provisions of what is now section 7099 of the Revised Code of Montana of 1921, the United States is permitted to appropriate the water of streams or lakes within the State of Montana for the same purposes for which private individuals may make such appropriation, such appropriations to be indicated by proper filings and to be held valid for a period of three years after the filing of notice. Pursuant to this act the project officials on March 29, 1910, filed claims for the use of water from the Flathead River at Newell Tunnel power site for power and irrigation purposes. These filings have been renewed every three years thereafter, the last filing having been made on January 26, 1925. It would appear, however, that while these filings might operate to reserve certain rights to the use of the water, it would not follow that they did give any title or right to the power site itself.

It, therefore, seems clear that the power site here in question has always been regarded by both Congress and the department officials as a portion of the reclamation project itself as fully as any of the reservoir sites. All plans and surveys for the project have included the power development at this point; work has been prosecuted there on behalf of the project and appropriations have been made for the specific purpose of continuing development of the power plant. It would, therefore, seem impossible to deny that the project itself has a real and substantial equity not only in the waters but in the power site itself and the evidence indicates that the congressional reservation of the site was made with a view to making the power site available for the project. It seems proper to say also that each landowner within the project has a substantial interest in this site as part and parcel of his water right and that the settlers might justly complain if they were to be deprived of the benefits which it has always been anticipated the project and the users thereunder would derive from the development of the power site. Attention is called to the fact that the expectation of the settler that his land would be irrigated from this system led to the purchases of these lands and payments into the Indian funds which otherwise would probably have not been made.

He concluded as follows:

It is therefore submitted that the project has a real and substantial interest and equity, not only in the right to use the water flowing in the Flathead River but in the power site itself, and that Congress can not with justice to the settlers under the project make disposition of this site without some compensation to the project and to those having water rights thereunder. It is not to be understood, however, that the rights and interests here asserted could be enforced in the courts in the face of an act of Congress to the contrary. The line of argument here suggested as the proper one must be presented to Congress, which is a court of last resort, for Congress speaks for the United States, which is both owner of the project and trustee for the tribe. But it is believed that even if Congress should by law deprive the project and its settlers of the use of revenues of the power site, Congress would in that case feel obligated to make commensurate compensation to the settlers in the form of a reduction of the construction costs which they are required to repay.

I read this simply for the purpose of showing that the settlers upon the project insist, and insist with some measure of reason, that they have, by virtue of various acts of Congress, an interest in the power site. They insist that they have appropriated the water for irrigation or power purposes pursuant to laws of the State of Montana, and that they ought not to be deprived of those rights.

I do not stop to discuss now, Mr. President, whether those contentions are well founded or ill founded. My judgment is that the settlers have been misled about the matter; that the power sites, as I have repeatedly declared, are the properties of the Indians. I do not speak about the water rights by reason of the appropriations. I call attention to the fact that there is a well-founded dispute between the settlers upon the project and the Indians as to whether the Indians, as a matter of fact, in view of the legislation of Congress, do own absolutely, and without any limitation whatever, these power sites.

In that situation of affairs the Congress in the year 1926 enacted legislation which provided that the Government should go out and develop the Newell power site by making appropriations for its development. Again, they reaffirmed that legislation in 1927. It at no time had my approval at all. I always thought it was an unwise thing and, more than that, I thought it was unjust to the Indians. But nobody was objecting. I wrote home to Montana about the matter, but nobody was interested in the matter. No one was here representing the Indians against the legislation, and so it went through.

That is the way the matter stands now. Under the existing law it is contemplated that the Newell Tunnel site shall be developed for the benefit of the project without any return whatever to the Indians.

Mr. CURTIS. Mr. President, may I ask the Senator a question in this connection?

Mr. WALSH of Montana. Certainly.

Mr. CURTIS. In case the conference report is rejected and the item does not go through, what will be the result?

Mr. WALSH of Montana. That is the point I was trying to reach. I have told about the legislation of 1926 and 1927. That was in the appropriation bills. It provided that a certain appropriation should be made for the construction of the power project. It provided how the returns or the profits from the project should be distributed. The profits were to be used, in the first place, to reimburse the Government for construction costs. In the second place, they were to be used for the purpose of reducing the cost of the construction of the Camas division of the project, which runs away up over $100. In the third place, whatever was left was to be applied to reducing the cost of the entire project.

As I said, the Indians are to get nothing whatever out of it at all. That is the situation which confronts us to-day. If the legislation is not enacted, then the legislation of 1926 and 1927 will stand. That was simply legislation concerning the disposition of the appropriation which was provided thereby. Whether the remainder of it will stand or not, I do not undertake to say. Whether the legislation falls with the appropriation which has lapsed because nothing has been done and no effort has been made to utilize the appropriation either of 1926 or 1927, I do not undertake to say. But in any case, it stands in the way of any development of the project and will stand in the way. The Water Power Commission, authorized to dispose of this matter by virtue of the act of 1920, will do nothing about it until that legislation is out of the way.

Mr. CURTIS. The appropriation would lapse and go back into the Treasury; but I wish to ask the Senator from Montana if he has considered and has at hand the figures as to the amount of money which has already been expended out of the Indian funds in the Treasury from which expenditure nothing has yet come? Does the Senator know how much has been expended? I understand the amount has been several hundred thousand dollars.

Mr. WALSH of Montana. I understand there has been a very large amount expended in the construction of the irrigation project.

Mr. CURTIS. That is what I am asking about.

Mr. WALSH of Montana. My recollection is that it runs considerably over $2,000,000. I had the figures here a moment ago, but they have been mislaid. However, that sum is only for the irrigation project, and that, of course, is available only to Indians who have selected their lands under the canals or to their grantees, and many of them have sold their lands to white settlers.

Now, the proposition is to get rid of the legislation of 1926 and 1927 and put back into the hands of the Power Commission the authority granted to them by the act of 1920 to grant a permit for the development of this power.

Mr. KING. Mr. President, before proceeding, will the Senator from Montana suffer an interruption, because I want to obtain information?

Mr. WALSH of Montana. I yield.

Mr. KING. As I understand, the lands belonged to the Indians and the Government agreed to purchase such lands as were sold to white settlers for $7 an acre.

Mr. WALSH of Montana. No. The act provided for giving to the Indians their allotments, each Indian receiving a certain number of acres of land. The remainder of the lands became open to settlement under the homestead law, the land being appraised and valued. The homesteaders were permitted to come in and appropriate the lands under the homestead law, but, in addition to complying with the homestead law the settlers were required to pay into the Treasury of the United States for the benefit of the Indians the appraised price of the land.

Mr. KING. That is what I understood. First the Indians received their allotments, and then the remainder of the land was thrown open to persons under the homestead law, they to pay into the Treasury for the benefit of Indians $7 an acre.

Mr. SMOOT. Some of the land was appraised as high as $30 or $40 an acre.

Mr. KING. Who was to pay the expense of inaugurating and completing the irrigation project? Was that to come out of the Indians' funds, or out of the Government of the United States?

Mr. WALSH of Montana. It was contemplated—and that plan was pursued—that appropriations should be made by the Government of the United States; just as in the case of all irrigation projects, that the money should be advanced and repaid to the United States.

Mr. KING. Was the Government to furnish to the Indians free of charge water for the lands which had been allotted to them?

Mr. WALSH of Montana. Under the original act so much of the cost of construction as was chargeable to the Indian lands was to be paid out of the fund then accumulated in the Treasury of the United States.

Mr. ROBINSON of Arkansas. From the sale of the lands?

Mr. WALSH of Montana. From the sale of the lands; but it was afterwards realized that that was unjust to the Indians who had taken lands above the project, and who got no benefit whatever from it; so we amended the law and simply provided that the fund should be invaded only so far as represented the part of the Indians having lands under the project; and so the share of this fund of each Indian having land under the project is subject to a charge for the construction of the irrigation project.

Mr. KING. Pursuing the matter a little further—perhaps it is repetition but I want these facts in my mind because they are rather complicated to a person who is not familiar with the subject, as is the Senator from Montana—the Indians claim that the water power belongs to them and the white settlers who acquired lands, paying $7 an acre, and made contracts with the Government for the purpose of buying water from the Government claim that they ought to be entitled, if not to all, at least to a portion of the benefits arising from the development of power?

Mr. WALSH of Montana. That is their claim.

Mr. KING. That controversy has not been settled, but it is not particularly involved in the matter here before us except in an indirect way?

Mr. WALSH of Montana. It is involved only indirectly, and it is involved just simply in this way: The Montana Power Co., realizing the controversy and contest between these two conflicting interests with reference to this power site, makes a proposition that it thinks will make an appeal to both the parties interested. That is the situation as it presents itself here.

Mr. KING. Before the Senator concludes, I should be very glad if he would refer, if he chooses, to the proposition that there is a plan here to project the Federal Government into the development and distribution of power; that it is a sort of innovation which will be imported into other proposals for the development of power upon the Indian reservation, and put the Government into the power business in competition with the power systems which have been developed by private capital within the various States.

Mr. WALSH of Montana. Again, if the Senator will permit me, I trust that we will not get away from the question of the interest of the Indians. I am trying to satisfy whatever misgivings my friend from New York may have about the rights of the Indians in this matter.

Mr. KING. I did not mean that the Senator should answer the question now, but before he concluded. I did not want to interrupt him again.

Mr. WALSH of Montana. I am able now to give the information the Senator from Kansas [Mr. CURTIS] asked for. The amount expended on the irrigation project thus far—that is, appropriated for the project, is $4,922,760. There has been appropriated for the use of the Indians, however, not reimbursable at all but just so much appropriated by the Government of the United States, during the time that I have been here since 1913, $231,158.33. That sum is in the nature of a gift to the Indians on the Flathead Reservation by the people of the United States.

Having that situation in mind, we come to the particular matter before us. For over a generation, during all the time of my residence in the State of Montana, now nearly 40 years, the Indians on that reservation as well as the white people have been looking forward to the development of this power, the Indians expecting to get something out of it and the settlers expecting to utilize it to some extent in the reduction of the construction costs of their project, now growing mountain high. So the whole people of the State have been looking forward to the development of this power, hoping that it will attract industries there where cheap power can be furnished. But capital did not seem to be interested in the matter.

I charged myself, when I came here in 1913, with the duty of securing the enactment of legislation just as speedily as possible so that these great power sites could be developed, but we waited seven years, until 1920, before we obtained any legislation upon the subject, and then that legislation was in force and effect for five years more before anybody came forward with a proposition to develop this particular power site. Finally the Montana Power Co. made the offer which is before us and which is the subject of discussion.

That offer lay upon the shelves of the Water Power Commission for a long time, and no other great power company of the country felt moved to offer a bid. The Byllesby interests, of Chicago, one of the great power combinations of this country, own the electric-light plant at Kalispell, which is at the upper end of Flathead Lake, the power site now under discussion being at the lower end, a distance of perhaps 50 miles away. The Byllesby interests know all about it. Stone & Webster, another great combination, own the power site at Spokane, just over the Montana line. They know all about it, but they are offering nothing in this matter at all. The Montana Power Co. came forward with the proposal we are now considering, and it lay in the files of the Power Commission, as I have said, for some considerable time, when a Mr. Wheeler, of Minneapolis, a consulting engineer, submitted a proposition and then sent out letters, of which the one which I hold in my hand is illustrative. I shall quote from it:

January 9, 1926. Secretary, Commercial Club, Butte, Mont.—

Similar letters were addressed to commercial clubs in nearly all of the cities of western Montana—

DEAR SIR: The undersigned has acquired a lease of the Flathead River power sites in Montana which have a capacity, fully developed, of approximately 175,000 horsepower. With associates we wish to develop these power sites as soon as contracts can be made for the sale of enough of this power at wholesale to warrant development. Do you know of any large users of power, industries present or prospective, public utility companies, municipalities, or others who might be interested in a contract for power at a favorable price? We will be pleased to hear from you at your earliest convenience.

Yours truly,

WALTER H. WHEELER.

Mr. Wheeler has submitted a bid which is a straight offer of $1.50 per kilowatt-hour, which is equivalent to $1.12 or $1.12½ per horsepower, as against the bid of the Montana Power Co. of $1 per horsepower. I hope that Mr. Wheeler will be able to get somebody to give him contracts for power that will enable him to finance his company and that will give the Indians $1.12½ per horsepower for their power rather than a dollar per horsepower. I had hoped that the Byllesby Co. or Stone & Webster or even Mr. Insull and his companies would come in and do better than either of the other bidders.

I have no interest in the Montana Power Co. securing this contract. The Montana Power Co. has never done anything for me; I am under no kind of obligations to the Montana Power Co.; but, so far as I can see, the Montana Power Co. is the only bidder in sight. I said on the reservation, and I say here, that I should like to see some other company come into the State of Montana and give the Montana Power Co. some competition, but there is no prospect of that so far as I can see. I would rather have it developed by the Montana Power Co. than to lie idle; and I wonder what friend of the Indian wants to hold up the development of this power under the conditions that are represented here?

Why, they guaranteed to put in a first unit of 50,000 horsepower and pay a dollar per horsepower. All of it would go to the Indians. Every red cent of it would go to the Indians. So every year that you delay this matter you are robbing the Indians of from fifty to one hundred thousand dollars; and for what? Because, perchance, if you do not try to compose these differences in some such way as is indicated in this measure, next year or the year after or 5 years from now or 10 years from now some one will come along and make a better offer for this power than the Montana Power Co. will.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New York?

Mr. WALSH of Montana. I do.

Mr. COPELAND. Are the Indians themselves raising any particular objection to this project?

Mr. WALSH of Montana. I am very glad the Senator asked that question. You will notice that in the letter of Mr. Wheeler he says:

The undersigned has acquired a lease on the Flathead River power sites in Montana.

I have here a copy of the lease which he has made with the Flathead Confederated Tribes of Indians. The matter seems to have been taken out of the hands of the Congress. Mr. Wheeler has gone on and dealt directly with the Indians. I do not suppose that the Congress will authorize that; but I have a telegram this morning from Mr. Caville Dupuis. Mr. Dupuis is the president of the Indian council on the Flathead Reservation. He says in this telegram:

If Flathead item on pages 33, 34, and 35 of Interior appropriation bill, which was eliminated by the Senate, is now restored, will this proposition make the lessee of power sites obligated or compelled to give 15,000 horsepower or any other amount to irrigation district or anyone else before permit or lease may issue to it?

I answered:

It does not.

He continues:

And does appropriation for distribution system infer or imply that lessee must give irrigation district or anyone else certain amount of power at cost?

I answered:

It does not.

He continues:

And agree to surrender local market to irrigation district for the resale of such power by them or agree that irrigation district may compete in local market for power?

I answered:

It does not.

So that if these are the objections the Indians have to the matter, it has been woefully misrepresented to the Indians. But perhaps that is not so very strange, because reference has been made to Mr. Collier's interest in this matter.

Mr. Collier is a very high-class gentleman. He is devoted to the cause of the Indians.

Mr. COPELAND. There is no doubt of it.

Mr. WALSH of Montana. He is sincerely attempting to serve their best interests; but he has not an iota of business sense, and this is purely a business proposition, as to whether we had better pass this legislation and allow the development to go on, insuring the Indians from $50,000 to $100,000 a year, or whether we shall hold it up indefinitely and let the matter go on.

Mr. KING. Mr. President, will the Senator suffer an interruption?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH of Montana. Yes.

Mr. KING. I have just listened to the reading of the telegram and the categorical replies made by the Senator. I had the impression, from the discussion and from the amendment itself, that the furnishing of the 15,000 horsepower, while it was not free, was at a very, very small price. Would the Senator's answer convey the idea that there was a very small charge, or would it not convey the idea that it was subject to a reasonable charge?

Mr. WALSH of Montana. I shall read it again. The question is:

If Flathead item on pages 33, 34, and 35 of Interior appropriation bill, which was eliminated by the Senate, is now restored, will this proposition make the lessee of power sites obligated or compelled to give 15,000 horsepower or any other amount to irrigation district?

Mr. KING. Does it not, in effect?

Mr. WALSH of Montana. It does not.

Mr. KING. What is the effect of it?

Mr. WALSH of Montana. The effect of it is, if this legislation is passed, the power is put in the hands of the Water Power Commission, just where it was by virtue of the act of 1920, to let it to whomsoever they see fit to let it——

Mr. SMOOT. To the best bidder.

Mr. WALSH of Montana. Without any kind of obligation to lease it to the Montana Power Co. or anybody else, even Mr. Wheeler—not the slightest obligation of any character—and, as I understand, the Senator from Wisconsin does not even contend that there is any obligation of that character.

Mr. KING. Does not the lessee, however, have to furnish to the district 15,000 horsepower at a small cost?

Mr. WALSH of Montana. He does not. The Montana Power Co. says, "If you will give us the permit we will do this"; that is all. The Montana Power Co. has not said, "We will agree with you about this." They are at perfect liberty to accept or not to accept the Montana Power Co.'s bid.

Mr. KING. Who would determine what bid should be accepted?

Mr. WALSH of Montana. The Federal Water Power Commission.

Mr. KING. Not the Indian Bureau?

Mr. WALSH of Montana. The bill provides that it must be with the approbation of the Secretary of the Interior, and the original act of 1920 provides that no power site shall be let except with the approval of that department of the Government having control over the particular lands involved.

Mr. KING. Then, as I understand the Senator, there are no impediments to the execution of a contract which would not impose upon the lessee any obligation to furnish the district or the Indians any power below the market or at substantially low prices?

Mr. WALSH of Montana. Absolutely none. The Water Power Commission is left perfectly free, as it would be if there were no legislation at all since that of 1920.

Mr. KING. And it may fix such rates as it may see fit to fix for the power which is distributed from the power generated?

Mr. WALSH of Montana. I think that is the usual provision of the permit.

Mr. KING. Would there be any obligation upon the part of the power commission of the State, any obligation by Federal statute or by State statute or by any regulations that may be imposed by the Federal Power Commission or the Interior Department, to make a rate here with respect to this power so competitive as to destroy private power companies that are operating in the same field?

Mr. WALSH of Montana. Again the Senator is getting away from the Indian feature.

Mr. KING. I grant that.

Mr. WALSH of Montana. But there is nothing in the bill that affects the situation at all. It leaves it just where the law of 1920 put it. Whatever power they would have under that law they would have if this legislation were enacted.

I spoke about Mr. Collier. I have before me a circular letter which he issued under date of February 6, 1928, which is headed as follows:

The money stake of the Indians in the Flathead power site lease controversy. It is $228,000 a year for 50 years.

The Senator from Wisconsin [Mr. LA FOLLETTE] is here. Will the Senator kindly give his attention to this:

The money stake of the Indians in the Flathead power site lease * * * is $288,000 a year for 50 years.

Can the Senator from Wisconsin make any explanation of that statement?

Mr. LA FOLLETTE. Mr. President, what statement is it?

Mr. WALSH of Montana. This is a statement issued by Mr. Collier under date of February 6, 1928.

Mr. LA FOLLETTE. No, Mr. President; I do not know what Mr. Collier's authority for that statement is.

Mr. WALSH of Montana. I do not suppose anybody else does. Of course I did not expect that the Senator from Wisconsin would indorse this at all. Nothing of this kind has been suggested by anybody on the floor.

Mr. KING. May I venture to suggest a possible basis upon which Mr. Collier reached the conclusion stated by the Senator; namely, he assumes a lease to the power company or some other company under an agreement by the terms of which substantially 15,000 horsepower are to be furnished at a very small cost per annum; that that would mean a loss to the Indians of whatever the rental value of that 15,000 horsepower would be per annum——

Mr. WALSH of Montana. But he could not assume that, because under the Montana Power Co.'s proposition, they must pay a dollar a year for it to the Indians.

Mr. KING. For the 15,000 horsepower?

Mr. WALSH of Montana. Undoubtedly; of course. Now, bear in mind, the only loss claimed by the Senator from Wisconsin and by those who have given any thought at all to the subject is that because the Montana Power Co. has agreed to furnish to the project 15,000 horsepower at a low rate, if it did not have to do that it could offer more than a dollar per horsepower for it.

Mr. KING. Yes; probably $1.17 and a fraction or more per horsepower.

Mr. WALSH of Montana. Mr. Wheeler is offering only $1.12, and, bear in mind, assuming no such obligation.

Mr. KING. And assuming that the horsepower which may be developed is two or three hundred thousand——

Mr. WALSH of Montana. One hundred and seventy-five thousand at the utmost.

Mr. KING. Then, I suppose Mr. Collier bases his figures upon the assumption of the loss of the rental upon the 15,000 horsepower for a period of 15 years.

Mr. WALSH of Montana. But, even so, if you figure that 17 cents per horsepower would be a fair price without furnishing the 15,000 at the low rate, you then have only seventeen one-hundredths of $175,000 per year. Take the biggest figure that you have; you have only seventeen one-hundredths of $175,000, as against $238,000 a year, the public are told by this circular which has thus gone out.

Now, we get back to the very question that is at issue here. Shall we allow this thing to go on, and allow the contest over this matter between the settlers and the Indians to continue indefinitely, meaning a loss to the Indians of from fifty to one-hundred thousand dollars a year, or shall we pass this legislation, adjusting this controversy and disposing of it, even though the Indians do not get as much as in justice they ought to have if the development were to go right on now? But I say here, as I said before, that the loss which ensues to the Indians from any delay in the development of this power site can never be made up by any possibility, in my judgment, by any increased price in the horsepower charge that will be exacted of any permittee taking this permit.

Mr. President, I do not believe that anybody is going to accuse anybody connected with this matter of any desire to do any wrong to these Indians. I believe that we are all trying to subserve their interests; and I am confident that their interests demand that we get rid of the legislation of 1926 and 1927 which stands in the way of the development of this project, and that it is accomplished by this legislation without any real, substantial loss to the Indians. Accordingly, I hope that the conference report will be approved.

I shall be very glad to answer any questions and give the Senate any further information that I can.

Mr. COPELAND. Mr. President, I would like to say to the Senator from Montana that I thank him for this illuminating discussion to-day. I think he will agree that Mr. Collier and other friends of the Indians have difficulty in getting the ins and outs and all the minutiæ of a problem of this sort. There is a contention on the part of many very good persons in this country that sometimes Congress is careless in passing upon these measures which have to do with the rights of the Indians.

So far as I am concerned, I am entirely satisfied, and I thank the Senator for his patience in explaining the matter in detail. I desire to withdraw any objection I had to the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7201) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GREEN of Iowa, Mr. HAWLEY, Mr. TREADWAY, Mr. GARNER of Texas, and Mr. COLLIER were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills:

S. 1154. An act to authorize the use by the county of Yuma, Ariz., of certain public lands for a municipal aviation field, and for other purposes;

S. 1193. An act granting certain rocks or islands to the State of Oregon for park purposes;

S. 1312. An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the "Bryce Canyon National Park," and for other purposes;

S. 1425. An act to remove a cloud on title; and

S. 1959. An act to transfer to the Secretary of the Navy jurisdiction over oil and gas leases issued by the Secretary of the Interior on lands in naval petroleum reserves.

The message further announced that the House had passed the bill (S. 1759) to appropriate treaty funds due the Wisconsin Pottawatomi Indians, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 81. An act to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook, and for the purpose of aiding in establishing a Capt. James Cook memorial collection in the archives of the Territory of Hawaii;

H. R. 132. An act authorizing the erection of a sanitary fireproof hospital at the National Home for Disabled Volunteer Soldiers at Dayton, Ohio;

H. R. 142. An act to add certain lands to the Idaho National Forest, Idaho;

H. R. 144. An act to add certain lands to the Challis and Sawtooth National Forests, Idaho;

H. R. 158. An act to amend chapter 137 of volume 39 of the United States Statutes at Large, Sixty-fourth Congress, first session;

H. R. 173. An act to provide funds for the upkeep of the Puyallup Indian Cemetery at Tacoma, Wash.;

H. R. 235. An act to authorize the payment of travel expenses from appropriations for investigations and surveys of battle fields;

H. R. 238. An act to amend an act entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," approved December 17, 1919, so as to include nurses of the Regular Army;

H. R. 308. An act authorizing an appropriation for the survey and investigation of the placing of water on the Michaud division and other lands in the Fort Hall Indian Reservation;

H. R. 356. An act to amend section 2 of the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect";

H. R. 5476. An act to authorize the Secretary of War to sell to the Pennsylvania Railroad Co. a tract of land situate in the city of Philadelphia and State of Pennsylvania;

H. R. 5494. An act to enable the mothers and unmarried widows of the deceased soldiers, sailors, and marines of the American forces interred in the cemeteries of Europe to make a pilgrimage to these cemeteries;

H. R. 5545. An act granting certain lands to the State of California;

H. R. 5635. An act to amend the act approved June 7, 1924, authorizing the Secretary of War to sell a portion of the Carlisle Barracks Reservation;

H. R. 5687. An act authorizing and directing the Secretary of the Interior to sell certain public lands to the Cabazon Water Co., issue patent therefor, and for other purposes;

H. R. 5695. An act authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty surveys in township 19 south, range 26 east, Tallahassee meridian, Lake County, in the State of Florida;

H. R. 6056. An act to provide for addition of certain land to the Challis National Forest;

H. R. 6652. An act to fix the pay and allowances of chaplain at the United States Military Academy;

H. R. 7008. An act to authorize appropriations for the completion of the transfer of the experimental and testing plant of the Air Corps to a permanent site at Wright Field, Dayton, Ohio, and for other purposes;

H. R. 7213. An act to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service from the appropriation for the transportation of foreign mails at fixed rates per pound or per mile, and for other purposes;

H. R. 7908. An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the United Spanish War Veterans and auxiliary in Habana, Cuba, in 1928;

H. R. 8110. An act withdrawing from entry the northwest quarter section 12, township 30 north, range 19 east, Montana meridian;

H. R. 8291. An act to amend section 1 of the act of June 25, 1910 (36 Stat. L. p. 855), "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes";

H. R. 8293. An act to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913;

H. R. 8307. An act amending section 5 of the act approved June 9, 1916 (39 Stat. L. p. 218), so as to authorize the sale of timber on class 3 of the Oregon & California Railroad and Coos Bay wagon road grant lands;

H. R. 8311. An act to provide for the naming of a mountain or peak within the boundaries of the Lassen Volcanic National Park, Calif., in honor of Hon. John E. Raker, deceased;

H. R. 8824. An act to provide for the protection of the watershed within the Carson National Forest from which water is obtained for the Taos pueblo, New Mexico;

H. R. 8831. An act to provide for the collection of fees from royalties on production of minerals from leased Indian lands;

H. R. 8898. An act to provide for restoration to the public domain of certain lands in the State of California which are now reserved for Indian allotment purposes;

H. R. 9031. An act to provide further for the disposal of abandoned military reservations in the Territory of Alaska, including Signal Corps stations and rights of way;

H. R. 9036. An act to increase the salary of the Librarian of Congress;

H. R. 9037. An act to provide for the permanent withdrawal of certain lands in Inyo County, Calif., for Indian use;

H. R. 9842. An act to provide for the survey, appraisal, and sale of the undisposed lots in the town site of St. Marks, Fla.;

H. R. 9994. An act to reimburse certain Indians of the Fort Belknap Reservation, Mont., for part or full value of an allotment of land to which they were individually entitled;

H. R. 10146. An act to authorize appropriations for construction at Scott Field, Ill., and for other purposes;

H. R. 10151. An act to amend section 9 of the Federal reserve act;

H. R. 10159. An act granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes;

H. R. 10437. An act granting double pension in all cases where an officer or enlisted man of the Navy dies or is disabled in line of duty as the result of a submarine accident;

H. R. 10487. An act to amend the World War adjusted compensation act, as amended;

H. J. Res. 141. Joint resolution to authorize the President to invite the Government of Great Britain to participate in the celebration of the sesquicentennial of the discovery of the Hawaiian Islands, and to provide for the participation of the Government of the United States therein; and

H. J. Res. 176. Joint resolution granting consent of Congress to an agreement or compact entered into between the State of Wisconsin and the State of Michigan for the construction, maintenance, and operation of a highway bridge across the Menominee River.

ALIEN PROPERTY AND OTHER CLAIMS

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7201) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMOOT. I move that the Senate insist upon its amendments and agree to the conference asked by the House, and that the Chair appoint the conferees upon the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. SMOOT, Mr. CURTIS, Mr. REED of Pennsylvania, Mr. SIMMONS, and Mr. GERRY conferees on the part of the Senate.

Mr. SIMMONS. Mr. President, I ask to be excused from service on this conference committee, and that the Senator from Mississippi [Mr. HARRISON], who is a member of the Finance Committee, be designated in my stead.

The PRESIDENT pro tempore. Is there objection to excusing the Senator from North Carolina from service as a conferee on the part of the Senate? The Chair hears none. The Senator from North Carolina is excused, and the Chair appoints the Senator from Mississippi [Mr. HARRISON] in his stead.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 10487. An act to amend the World War adjusted compensation act, as amended; to the Committee on Finance.

H. R. 81. An act to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook, and for the purpose of aiding in establishing a Capt. James Cook memorial collection in the archives of the Territory of Hawaii; and

H. R. 10151. An act to amend section 9 of the Federal reserve act; to the Committee on Banking and Currency.

H. R. 9036. An act to increase the salary of the Librarian of Congress; to the Committee on the Library.

H. R. 7213. An act to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service from the appropriation for the transportation of foreign mails at fixed rates per pound or per mile, and for other purposes; to the Committee on Post Offices and Post Roads.

H. R. 10159. An act granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes; and

H. R. 10437. An act granting double pension in all cases where an officer or enlisted man of the Navy dies or is disabled in line of duty as the result of a submarine accident; to the Committee on Pensions.

H. R. 132. An act authorizing the erection of a sanitary fireproof hospital at the National Home for Disabled Volunteer Soldiers at Dayton, Ohio;

H. R. 235. An act to authorize the payment of travel expenses from appropriations for investigations and surveys of battle fields;

H. R. 238. An act to amend an act entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," approved December 17, 1919, so as to include nurses of the Regular Army;

H. R. 5476. An act to authorize the Secretary of War to sell to the Pennsylvania Railroad Co. a tract of land situate in the city of Philadelphia and State of Pennsylvania;

H. R. 5494. An act to enable the mothers and unmarried widows of the deceased soldiers, sailors, and marines of the American forces interred in the cemeteries of Europe to make a pilgrimage to these cemeteries;

H. R. 5635. An act to amend the act approved June 7, 1924, authorizing the Secretary of War to sell a portion of the Carlisle Barracks Reservation;

H. R. 6652. An act to fix the pay and allowances of chaplain at the United States Military Academy;

H. R. 7008. An act to authorize appropriations for the completion of the transfer of the experimental and testing plant of the Air Corps to a permanent site at Wright Field, Dayton, Ohio, and for other purposes;

H. R. 7908. An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the United Spanish War Veterans and auxiliary in Habana, Cuba, in 1928; and

H. R. 10146. An act to authorize appropriations for construction at Scott Field, Ill., and for other purposes; to the Committee on Military Affairs.

H. R. 173. An act to provide funds for the upkeep of the Puyallup Indian Cemetery at Tacoma, Wash.;

H. R. 308. An act authorizing an appropriation for the survey and investigation of the placing of water on the Michaud division and other lands in the Fort Hall Indian Reservation;

H. R. 356. An act to amend section 2 of the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect";

H. R. 8831. An act to provide for the collection of fees from royalties on production of minerals from leased Indian lands; and

H. R. 8898. An act to provide for restoration to the public domain of certain lands in the State of California which are now reserved for Indian allotment purposes; to the Committee on Indian Affairs.

H. R. 142. An act to add certain lands to the Idaho National Forest, Idaho;

H. R. 144. An act to add certain lands to the Challis and Sawtooth National Forests, Idaho;

H. R. 158. An act to amend chapter 137 of volume 39 of the United States Statutes at Large, Sixty-fourth Congress, first session;

H. R. 5545. An act granting certain lands to the State of California;

H. R. 5687. An act authorizing and directing the Secretary of the Interior to sell certain public lands to the Cabazon Water Co., issue patent therefor, and for other purposes;

H. R. 5695. An act authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty surveys in township 19 south, range 26 east, Tallahassee meridian, Lake County, in the State of Florida;

H. R. 6056. An act to provide for addition of certain lands to the Challis National Forest;

H. R. 8110. An act withdrawing from entry the northwest quarter section 12, township 30 north, range 19 east, Montana meridian;

H. R. 8307. An act amending section 5 of the act approved June 9, 1916 (39 Stat. L. 218), so as to authorize the sale of timber on class 3 of the Oregon & California Railroad and Coos Bay wagon-road grant lands;

H. R. 8311. An act to provide for the naming of a mountain or peak within the boundaries of the Lassen Volcanic National Park, Calif., in honor of Hon. John E. Raker, deceased;

H. R. 8824. An act to provide for the protection of the watershed within the Carson National Forest from which water is obtained for the Taos pueblo, N. Mex.;

H. R. 9031. An act to provide further for the disposal of abandoned military reservations in the Territory of Alaska, including Signal Corps stations and rights of way; and

H. R. 9842. An act to provide for the survey, appraisal, and sale of the undisposed lots in the town site of St. Marks, Fla.; to the Committee on Public Lands and Surveys.

H. J. Res. 141. Joint resolution to authorize the President to invite the Government of Great Britain to participate in the celebration of the Sesquicentennial of the Discovery of the Hawaiian Islands, and to provide for the participation of the Government of the United States therein; to the Committee on Foreign Relations.

H. J. Res. 176. Joint resolution granting consent of Congress to an agreement or compact entered into between the State of Wisconsin and the State of Michigan for the construction, maintenance, and operation of a highway bridge across the Menominee River; to the Committee on Commerce.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATIONS

Mr. WARREN. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of House bill 10635 making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes.

Mr. LA FOLLETTE. Mr. President, before the unanimous-consent request is granted, may I ask the Senator from Wyoming whether he has conferred with the senior Senator from Nebraska [Mr. NORRIS]?

Mr. WARREN. I have; and have an arrangement by which we may proceed with the appropriation bill.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with an amendment.

Mr. WARREN. Mr. President, I ask that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendment to be first considered.

The PRESIDING OFFICER. The consideration of this appropriation bill will not disturb the position of the measure which the Senator from Nebraska [Mr. NORRIS] has in charge. Without objection, the formal reading of the bill will be dispensed with and the bill will be read for action on the amendment of the committee.

Mr. WARREN. Mr. President, owing to the peculiar situation with regard to this bill, I think I ought to state, before proceeding further, that after the bill, which appropriates all together a billion sixty-odd million dollars, came to the Senate from the House, both departments, and all those to whom we usually refer for information, were asked to examine the bill and to come before the committee if anything further was needed. The officials of both departments and of all branches of the departments expressed satisfaction, as the bill had given them as much as they had a right to expect, though not as much, perhaps, as they had originally asked for. Nobody came before the committee who wished to present something new except two parties. As a result of their appearance $36,000 is added in one place, and when that item is reached I will present a little amendment of language which I have been instructed by the committee to offer.

The PRESIDING OFFICER. The clerk will read the bill for action on the committee amendment.

The Chief Clerk proceeded to read the bill.

Mr. ROBINSON of Arkansas. Mr. President, I observe that the Senate committee has made an amendment to the bill which adds the amount of $36,000. The total carried in the bill as it passed the House of Representatives is $1,061,342,060. Of course, that is a very large appropriation. The amount added by the Senate committee, however, appears to be very small. I think it would conserve the convenience of the Senate, and perhaps save time in the consideration of the bill, if the Senator from Wyoming would take the trouble now to explain the Senate committee amendment.

Mr. WARREN. Mr. President, this bill came from the House carrying $1,061,342,060. The amount added by the Senate committee is $36,000, as I have stated. The amount carried by this bill is higher than that in the bill of last year, higher than the appropriations for these departments have ever been before, because of the authorization for the construction of some 70 public buildings, the construction of which has been authorized by law. The items have been properly considered and were estimated for. The bill falls short of the estimates for 1929 by $8,182,200.

Comparing the appropriations for 1928 and 1929, those for the Treasury are $365,037.56 less than we appropriated last year for that department.

In the Post Office bill we are under the estimates for 1929 by $3,064,000. As I stated before, we are eight million and something under the Budget estimates.

Mr. ROBINSON of Arkansas. What is the item added by the Senate?

Mr. WARREN. I shall be glad to explain it. There came before us a proposition, in the first place, to rent from an institution certain machines for the sale of stamps, where you put in a nickel and draw out two stamps. They have rented this machine to certain postmasters in certain post offices in the United States, charging them, I think, some large amount per annum. Of course the Government receives compensation for every stamp. When a nickel is placed in the machine and two stamps come out, the difference of 1 cent, or if it is a larger purchase, whatever small change may be over, is divided. They wished us to rent a hundred machines and pay $360 apiece for them, to be put into different post offices, the locations to be selected, of course, by the Postmaster General. That was objected to, and later on we received word that they would sell them to the United States for $360 apiece, greatly below the cost.

Mr. SMOOT. This is for the purchase, instead of the leasing?

Mr. WARREN. I might say, in passing, that the distinguished Senator who is always in close touch with these matters, the Senator from Utah [Mr. SMOOT], was present at the time of the first consideration of the proposal, and later on, when the proposition came to sell those to the United States, he had already expressed his approval. The subcommittee almost unanimously adopted the idea of investing $36,000 in these vending machines, claiming that they were a help in the matter of time, the clerks in the offices being relieved of the necessity of waiting upon customers, a customer simply pushing a button and getting his stamps. Of course, this contemplates obtaining later a different line of machinery, larger and capable of use in the sale of more varieties of stamps. That is all I can say about it. I have not seen the machines.

Mr. ROBINSON of Arkansas. May I ask the Senator from Utah a question in the time of the Senator from Wyoming?

Mr. WARREN. Certainly.

Mr. ROBINSON of Arkansas. It is observed that the item is as follows:

> Office of the Fourth Assistant Postmaster General: Canceling machines and labor-saving devices, automatic postage service machines, $36,000.

What disposition is to be made of this $36,000 fund?

Mr. WARREN. Mr. President, may I say a word first? I hold in my hand an amendment which I was authorized by the committee to offer: On page 79, line 17, after the word "devices," to insert the words "purchase and repair of automatic postage-service machines."

Mr. SMOOT. Mr. President, I will say to the Senator in answer to his inquiry that if the bill passes, the Government of the United States will own 100 of the automatic machines. They will be placed in such offices as the New York Post Office. I will say also that for the last year they have been in such offices and have been thoroughly tested. In New York alone I

think the average receipts from one of the machines were approximately $500 a day. On some days, such as Saturdays and special days, the receipts have run as high as $700.

The machines are placed in post offices such I have mentioned, and do not require the services of a clerk. A machine of that sort in a post office like New York releases the service of at least one clerk every day for other purposes. All a customer has to do is to drop in his nickel, and he will get two 2-cent stamps and one 1-cent stamp. Public machines of this character are used all over the United States now, but where they are owned by the manufacturer the customer is required to pay 5 cents for two 2-cent stamps. If he wants merely one 1-cent stamp, it costs him 2 cents to get it.

The machines which will be manufactured for the Government of the United States will be so arranged that a customer can purchase a 1-cent stamp for 1 cent, a 2-cent stamp for 2 cents, and so on. Each machine will contain five denominations of stamps. All a man will have to do is to step into the post office, drop his money in the machine, and get its equivalent in postage stamps. They do not lose any money on the purchase at all. They pay 2 cents for a 2-cent stamp. If they drop a nickel in the machine they get two 2-cent stamps and one 1-cent stamp. The saving to the Government in clerk hire will be probably a million dollars a year.

Mr. ROBINSON of Arkansas. The machine would probably pay for itself in one of the larger post offices within a short time?

Mr. SMOOT. Yes; within less than a year.

Mr. WARREN. That is the claim of those who presented the matter. The Senator from Utah has seen the machine and I have not.

Mr. ROBINSON of Arkansas. It was the statement of the chairman of the committee that prompted me to ask the Senator from Utah the question.

Mr. SMOOT. In Chicago, Indianapolis, and similar cities they have these machines and they have been given a very thorough test.

Mr. KING. Mr. President, before we leave this item I want to ask my colleague a question. These machines, it seems to me, are an experiment, and I was wondering if there is any purpose to purchase any great number of them?

Mr. SMOOT. Just 100 of them that we already have. We are to pay $360 apiece for them, which is the amount the manufacturer wanted for leasing them per year. We objected to that, and so we will buy 100 of them, which we have already got located in various post offices. It is no experiment so far as the public is concerned. The only possible chance of any error will be whether the very men who have perfected the machine to sell stamps of 1 and 2 cent denominations and charge a profit on them can make the machines to sell two 2-cents stamps for 4 cents, and so on. It is only necessary to make a change in the mechanism. It will cost no more to obtain stamps from these machines, so far as the public is concerned, than to buy them directly from a post-office clerk at the present time. We have letters from the department and from the Postmaster General urging the purchase of the machines.

When the time arrived for the experiments and we had tested the machines and undertook to take them out, we had letters of protest from every place where they had been on trial, as well as from the Postmaster General, saying what it meant to the Government of the United States and to the people who purchase stamps. I think it is one of the best modern devices and will save a great deal to the Government of the United States.

Mr. KING. Of course, I shall not object to the purchase of the machines, but it seems to me that the cost is enormous for such machines. There are many other machines the mechanism of which is far more complicated and the size of which is far greater which are sold for much less than the figure indicated here.

Mr. WARREN. Mr. President, I think the clerk has not yet reached the amendment which we have been discussing, but was merely giving us the totals in the preceding part of the bill.

The PRESIDING OFFICER. The clerk will continue the reading of the bill.

The reading of the bill was resumed.

The amendment of the Committee on Appropriations was, in the items for the office of the Fourth Assistant Postmaster General, on page 79, line 20, after the words "traveling expenses," to strike out "$700,000" and insert "$736,000," so as to make the paragraph read:

For rental, purchase, exchange, and repair of canceling machines and motors, mechanical mail-handling apparatus, and other labor-saving devices, including cost of power in rented buildings and miscellaneous expenses of installation and operation of same, including salaries of seven traveling mechanicians and for traveling expenses, $736,000.

The amendment was agreed to.

Mr. WARREN. I send to the desk an amendment, which I ask may be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 79, line 17, after the word "devices," to insert "purchase and repair of automatic postage-service machines," so as to read:

For rental, purchase, exchange, and repair of canceling machines and motors, mechanical mail-handling apparatus, and other labor-saving devices, purchase and repair of automatic postage-service machines, including cost of power in rented buildings and miscellaneous expenses of installation and operation of same, including salaries of seven traveling mechanicians and for traveling expenses, $736,000.

The amendment was agreed to.

Mr. COPELAND. Mr. President, may I ask the Senator from Wyoming a question?

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from New York?

Mr. WARREN. Certainly.

Mr. COPELAND. How much is the amount appropriated for public buildings and construction?

Mr. WARREN. We have not computed separately the amount appropriated for public buildings and construction, because there are several items under which those amounts are appropriated for different kinds of buildings. In each case we state what the total amount of the contract shall be, and then the appropriation is made for the fiscal year only.

Mr. COPELAND. Did the committee give consideration to increasing the number of buildings or the appropriations so that we might have some employment of the unemployed?

Mr. WARREN. The number of buildings that we have provided for is so large that one could hardly question that we had gone as far as it was safe to go in the matter of appropriations at this time. It should give employment to a large number of men.

Mr. SMOOT. Mr. President, in this bill we carry the limit of appropriation that was authorized by the bill which authorized the appropriation of $100,000,000 for the construction of public buildings throughout the United States. As I said yesterday, there was $100,000,000 more authorized, but the buildings provided for under the terms of the pending bill are the ones that have been agreed upon to be paid for out of the first $100,000,000 authorized to be appropriated.

Mr. COPELAND. Was the amount appropriated in each instance justified?

Mr. WARREN. I can answer the Senator now as to the total amount appropriated. The total is just a few dollars less than $19,000,000 for the District of Columbia for the fiscal year.

Mr. COPELAND. Is that the limit of appropriations that can be made under the law?

Mr. WARREN. Oh, no; it is only the proportion for the next fiscal year.

Mr. SMOOT. That is the limit that could be appropriated for the one year under the law. Twenty million dollars is the limit that can possibly be appropriated out of the $100,000,000 authorized.

Mr. COPELAND. The thing I have in mind is that there is an increasing amount of unemployment in the country. That is particularly true of skilled laborers and artisans. I think it is clearly the duty of the Government at this time to make the appropriations as generous as possible and to make sure in the legislation that there shall be no delay in beginning construction. It is apparent we are going to have through the United States in the next few months more and more of an accumulation of unemployed people, and every dollar that we can put into this sort of work will mean the lessening of suffering and distress in America.

Mr. SMOOT. After the statement made by the Senator from New York yesterday I went to the department to find out about unemployment in the United States. It has been extremely difficult to say just exactly what it is during the present month. I was delighted to learn that the prospects for building in the United States for the year 1928 are even better and greater than in 1927. The building program will begin just as soon as winter breaks. For instance, there are three great buildings to be erected in Pittsburgh. One of them will be nearly 40 stories high, costing tens of millions of dollars. Another will be 32 stories high, one of the most beautiful buildings which I have ever seen if I may judge from the architect's drawings. I was very much pleased, indeed, to learn of the prospects that are ahead of us just as soon as winter breaks.

I was also told of numerous buildings to be erected in New York and different cities in the United States. I think that when the cold weather breaks we will find that all of the men now out of employment, classed as skilled labor, will be very well employed. I sincerely hope so, as I know the Senator from New York does.

Mr. COPELAND. I thank the Senator for what he has said. I hope he is right. Of course, when I read the report made by the industrial commissioner of my State, it was very disturbing to find statements like this:

> Sixth Avenue agencies for hotel and restaurant workers report a stream of applicants in and out all day long with no available jobs. A great many of them are from outside of New York City. Men will take jobs at any wages.

Then further it is said:

> Six up-State cities, with a total population of 1,258,000, are declared to have between 65,000 and 70,000 persons out of work. Evidently a further decline of employment is indicated. Buffalo, with a population of 538,000, has about 35,000 to 40,000 unemployed.

Those are very serious statements.

Mr. SMOOT. I am aware of those facts. I went back into the reports of a few years ago and if the Senator will look at them too he will find that in the months of January and February of each year there is always a shortage of employment. It has been true in the past and no doubt will be true in the future. But there is every indication at the present time that just as soon as the weather breaks so that building operations can begin, we are going to have a good building year in the United States.

Mr. COPELAND. I am glad to hear the Senator say that, but here is the report of Commissioner Hamilton, of the State industrial commission of New York State, just made this week, in which he said:

> Letters received each month in the building department of 23 cities of New York State, as to building permits issued, indicate a decrease in the estimated cost of such building work of 13 per cent.

So it will be seen that we have a very serious situation with which to deal, and we must find some way to solve the problem. I hope the committee has put into the bill a provision for all the buildings which we are justified in constructing, because certainly unemployment conditions demand that the Federal Government shall do its full part.

Mr. SMOOT. The Senator knows there is now authorized $200,000,000 for buildings outside of the District of Columbia. That is a 10-year program. The present bill carries just a little less than the $20,000,000 which we are authorized to appropriate for the fiscal year. The Senator can be assured that, so far as the Appropriations Committees of the House and Senate are concerned, they have gone to the very limit under the law.

Mr. COPELAND. Mr. President, I notice on page 33 an item for the prevention of epidemics, $400,000. Is that an increase over the current arrangement?

Mr. WARREN. It is exactly the same in amount. We shall no doubt have next year, as we have always had in the past, an additional amount to be covered in the deficiency appropriation bill for whatever has been made necessary in connection with any unusual demand. Such a practice has always prevailed in the past. It relates to epidemics in the human family as well as in the animal kingdom, for such diseases among animals, for instance, as the foot-and-mouth disease. We have appropriated here an amount which is considered to be the average amount required for the purpose. Then the department will proceed with that amount and expend whatever is necessary and we will cover in a deficiency appropriation bill whatever additional amount has been found to have been required.

Mr. COPELAND. I call the attention of the Senator to the fact that I have introduced a bill in this Congress to increase this amount to $1,000,000. The reason why I did it was because it was very disturbing to those of us who have some interest in public health to find, after the Mississippi flood, that the Public Health Service was without funds to deal with the situation.

They had finally to borrow here and there to obtain $35,000 in order to deal with the situation. We have in the charter of the city of New York a clause called the "imminent peril" clause. In case of imminent peril to the public health under certain conditions, where the mayor and the board of health agree, a very large sum of money is placed at the disposal of the board of health to take care of situations of this kind. We ought to have a sum available for the United States Public Health Service. The chances are it would not be called upon; it might not be called upon in 50 years, but, on the other hand, there might come a time when Congress was not in session when it would be very necessary to have a large sum of money available.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Utah?

Mr. WARREN. I yield.

Mr. SMOOT. I will say to the Senator from New York that what he suggests has happened once or twice. The department in those instances expended the money that was absolutely necessary and then came to Congress to provide a deficiency appropriation. I think that happened last year.

Mr. WARREN. Mr. President, such cases are not uncommon.

Mr. SMOOT. They frequently arise.

Mr. WARREN. Formerly to take care of emergencies incident to great forest fires we appropriated as much as $25,000, but now we appropriate nothing of any consequence for that purpose in advance. But the Forest Service officials and employees understand that they are permitted to perform the duty and act immediately in arresting a great conflagration, and the Government always covers the matter with later appropriations for items allowed.

Mr. COPELAND. Mr. President, it is a good thing to have a record of this matter; and I want the RECORD to show that I have been assured by the chairman of the Committee on Appropriations and the chairman of the Committee on Finance if necessity shall arise the Public Health Service will be fully justified in making whatever expenditure may be needed for the protection of the public health, and that the expenditure will be taken care of in a deficiency bill at the ensuing session of Congress. Am I right in that?

Mr. WARREN. So far as the opinion of the chairman of the Committee on Appropriations is concerned, I do not like to commit myself to the proposition as broadly as the Senator states it, but any amount that, in the judgment of the Senator from New York or any other eminent surgeon or physician, might be necessary, I have no doubt would be at once furnished.

Mr. KING. Mr. President, will the Senator from New York yield to me?

The PRESIDENT pro tempore. The Senator from Wyoming [Mr. WARREN] has the floor. Does he yield to the Senator from Utah?

Mr. WARREN. I do.

Mr. KING. I thought the Senator from New York had the floor.

Mr. COPELAND. Just one moment. Now, what does the chairman of the Committee on Finance, the Senator from Utah [Mr. SMOOT], have to say to my proposition?

Mr. SMOOT. All I desire to say is that we shall follow the example which we have followed in the past, and whenever in any national emergency money shall be expended over and above the regular appropriation a deficiency appropriation bill will provide for the expenditure at the very first opportunity.

Mr. COPELAND. I am very glad to hear the Senator's statement, but I wish to make certain that in case of necessity the Surgeon General of the Public Health Service—and I assume that he would consult the President in such an event—will be justified in incurring an almost unlimited expenditure.

Mr. WARREN. Mr. President, let me assure the Senator from New York that I summoned the Surgeon General to come before our committee and to state whether he thought it necessary to increase this amount at this time, or to make any other suggestions as to any other necessary items of appropriation which he thought should be included in the bill. He thanked me for the liberality with which his department had been treated, and seemed perfectly satisfied with the appropriations now provided.

Mr. COPELAND. Sometimes individual officers are modest. The only kind of a man who should be a public health officer is a red-blooded, two-fisted brute, and it is necessary to have him clothed with authority to be used in case of necessity.

Mr. WARREN. Would the Senator have such an officer sufficiently red blooded to kill instead of cure?

Mr. COPELAND. Yes; when it comes to dealing with the Senate.

Mr. WARREN. I accept the amendment of the Senator from New York when it comes to that.

Mr. COPELAND. Very well; but the RECORD shows, I think, that the authorities represented by the chairmen of these two powerful committees agree that in case of necessity the Public Health Service will be justified in making whatever expenditures shall be necessary for the protection of the public health.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Utah?

Mr. WARREN. I do.

Mr. KING. Mr. President, I wish to ask the Senator from New York [Mr. COPELAND] if he is seeking to have the States absolve themselves from their responsibility in caring for the public health of their inhabitants? Does he wish to devolve the whole duty upon the Federal Government of providing for the health of the people? The trouble has been that some officials and many persons within the States, when local epidemics or localized maladies appear—which ought to be cared for by local agencies or by the States—rush frantically to the Federal Government for aid, as is done in so many other matters relating to the social, industrial, and economic welfare of the people. They insist that the General Government shall take over the duties of local communities and States, and bear the expenses which should be met by such communities or States. This policy is wrong. It weakens the people and enslaves the States, and gives strength to the centralizing movements which, if continued, will destroy the States.

I assume that the Senator from New York, being a Democrat, believes that local communities and States should discharge their responsibilities. I assume that he is not attempting to commit the chairmen of these two committees or the Senate—and, of course, he could not commit either—to the proposition that the Federal Government is to take over the burdens and responsibilities of the States. In my opinion, Senators could perform important service to the people by constantly affirming the doctrine of State rights and State duties, and resisting the demands for Federal interposition in their domestic and internal affairs, which, under our dual form of government, appertain to the States or to the people therein. I think that we could do a great service to the public if we would constantly keep in mind the fact that there are responsibilities which the States may not and can not and should not shirk, but which, if they do shirk, the Federal Government, with its itching hand for power, will reach out and take over.

So I want to commit the Senator from New York, if I may, to the proposition that he believes in State rights, and I want to commit him to the proposition that the great State of New York and the city of New York will assume the responsibilities which rest upon them to care for the public health of the inhabitants of the city of New York and of the State of New York, and, so far as he has the authority, to pledge his State and his muncipality to that obvious duty, I should be very happy to have him make that pledge now. I am not in any manner indicating that the State of New York or the city of New York has been derelict in the performance of its duties in respect of the matters referred to. Upon the contrary, so far as I am advised, both have been diligent in asserting their rights and discharging their duties.

Mr. COPELAND. Mr. President, I find myself in almost complete accord with the Senator from Utah, as I usually do. There is no doubt that in these contingencies the State must do its full duty. I have sent for the bill I introduced. I want to show to the Senator from Utah that I anticipated comment like his. In the measure which I presented and had referred to the Appropriations Committee it was provided that the work should be done in cooperation with the States.

I wish to call the attention of the Senate to the importance of what I am talking about. After the war we had a fear in New York of an epidemic of typhus. As a matter of fact, the board of health of New York City discovered cases of typhus in the city. At that time the *Presidente Wilson*, a vessel of the Cosulich Line, was tied up at the dock in Brooklyn and her passengers were being discharged and were about to be dispersed through the city and the country when we discovered that cases of typhus had come in on that boat. We sent the passengers back on board the boat and the boat back to quarantine. A number of cases of typhus, which is one of the most deadly diseases known to man, were found on that boat, and a number of those afflicted died in our harbor.

Of course, that was a very distressing thing. I called on the Public Health Service to improve the conditions at quarantine in order that we might be protected. To my astonishment I found that they were so hampered for lack of funds that they were unable to do the things necessary to protect the country. Then, as commissioner of health of the city of New York, I offered the Surgeon General the clerk and the doctors and the nurses and the other personnel necessary to protect the country. The city of New York and the State of New York were willing to do their share of taking care of the country at large; but our offer was refused.

Then some of us came to Washington. I myself went before the Ways and Means Committee of the House, where I made no progress until I told the chairman, who came from the State of Iowa, that if we did not make the appropriation to take care of the country Iowa might be infected. Then immediately he said, "My Heavens, if Iowa is in danger we must make the appropriation at once." And it was done.

As a matter of fact, there are times when the Federal Government is helpless and when the States must do their part, but it is not right there should be any question of power or of money when there is a threatened epidemic of disease. That is the reason why I have ventured to take any of the time of the Senate to-day—to impress upon the Senate the necessity of having available funds which in time of public necessity may be used for the protection of the country.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. KING. Mr. President, the bill under consideration calls for more than $1,000,000,000, and it provides for but two departments of the Government This measure means that the United States will spend considerably more than $1,000,000,000 in the next fiscal year for the ordinary expenses of the Treasury and Post Office Departments. This huge sum is more than the entire amount expended by the Government in the years 1915 or 1916. It means that the national expenditures are mounting higher and higher, and that for the fiscal year 1929 the Government will spend directly and indirectly at least $5,000,000,000. In my opinion we can not afford such stupendous expenditures. It means that the National Government is creating new bureaus and agencies and multiplying the personnel. It means that there is but slight chance for tax reduction, but, on the contrary, indicates that for the fiscal year 1930, if the present policies of the Government are continued, there will be an imperative need for additional tax burdens.

I submit that it is time to call a halt; to stop and minutely examine the costs of Government, and determine whether prudence and sanity and economy are characterizing governmental policies. There is much talk of economy, and many persons indulge in the sweet delusion that the Federal Government is being economically administered.

A comparison of the appropriations made by Congress for the present fiscal year and those which it is certain will be made for the next fiscal year, with the Federal expenditures for the years preceding the World War, will show how far we have traveled along the highway of national extravagance.

Mr. President, the Federal Government is attempting too much, and is assuming responsibilities which are not within its authority or competency.

The lines dividing the States from the Federal Government are being obliterated; and with increasing momentum the latter is marching upon the unresisting citadels of State sovereignty. The results are not difficult to forecast—if there shall be no awakening of the people to the menace of centralization.

Concentration of power and authority always exact high taxes and increasing revenues. Rome exploited her provinces and crushed them with tax burdens.

History has but few pages; indeed, Lord Byron says that "History, with all her volumes, hath but one page." The American people are too complaisant; they are too indifferent to the lessons of history and the deadly parallels that the pages of history present. The General Government is already becoming topheavy; it is demoralizing the States, enervating the people, and drawing to itself forces and influences and power that constitute a menace to the liberty and jeopardize constitutional Government.

We appropriate hundreds of millions of dollars within a few minutes and with no discussion.

The bill before us, carrying, as I have said, considerably more than a billion dollars, will, I feel sure, be passed within a few minutes after I shall have resumed my seat.

In my opinion the sum carried in the bill is too great, and I shall ask for a reduction. I know what the result will be. There will be no reduction, and before this Congress finally adjourns deficiency measures will be enacted into law appropriating hundreds of millions of dollars.

I invite Senators' attention to a few items under the head of "Internal revenue," page 17, line 19, of the bill. This provision calls for $32,667,750 as expenses for assessing and collecting internal-revenue taxes for the coming fiscal year.

I desire to present some figures which will show the increased cost of collection of internal-revenue taxes during the past few years.

In 1917 the cost of collecting the internal-revenue taxes was $7,699,031, or 95 cents for each $100 collected.

In 1918, during the period of the war, the internal-revenue taxes collected were greater, amounting to $3,698,955,822, but the cost of collection was but 33 cents per $100, the total being $12,003,214.

Senators will perceive that in that year, when the internal-revenue taxes were approximately $1,000,000,000 more than will be collected for the next fiscal year, the cost of collection was but $12,000,000, while this bill demands $32,967,764, or $1.15 for each $100 collected.

Mr. WARREN. Mr. President, I presume the Senator has before him the table which I have in my hand and he is considering the expenditures and not the receipts. If he will take the other column showing receipts, he will find different figures, I think.

Mr. KING. The Senator is entirely in error. I am quoting the figures appearing in the hearings of the Appropriations Committee of the House on the Treasury Department appropriation bill for 1929, found on page 301.

Mr. WARREN. What is the Senator endeavoring to prove? I might read some figures.

Mr. KING. I am proving that the cost of administration is too great. I have called attention to the fact that in this bill the appropriation——

Mr. WARREN. Which is smaller than the appropriation for last year and smaller than for a number of years preceding.

Mr. KING. The bill provides an appropriation of $32,667,750 for collecting less revenue than was collected last year.

Mr. WARREN. Mr. President, let me see if I am correct. The Senator was stating the cost per hundred dollars or per dollar for collecting the revenue?

Mr. KING. I am stating both. I am stating the receipts, the aggregate cost of collecting the internal revenue and the cost per dollar, for a number of years last past. If the Senator will permit me to conclude——

Mr. WARREN. All right. I do not know what figures the Senator has. Here are the official figures, and they do not agree with the Senator's figures.

Mr. KING. The Senator is entirely mistaken. I have not presented all the figures for the current or next fiscal year. I have been quoting the figures of a number of preceding years.

The figures presented are from the hearings before the subcommittee of the House Committee on Appropriations during the present session of Congress.

In 1919 the total internal revenue receipts was $3,850,150,078.56 and the costs of collecting the same were $20,573,771.52, or 53 cents per $100.

So that when our revenues from internal-revenue sources were approximately double what they will be for the next fiscal year it cost only 53 cents per $100 to collect the same, or an aggregate of $20,573,771.52; and yet we are asked to appropriate this year $32,667,750, though, as stated, the amount collected will be perhaps between 50 and 60 per cent of the amount of the collections in 1919.

In 1920 the tax collections were $5,407,580,251.81 and the cost of collecting the same $27,037,134.50, or 50 cents for every $100 collected.

In 1921 the collections were $4,595,357,061.95 and the expenditures were $33,174,309.17, or 72 cents per $100 collected.

In 1922 the collections were $3,197,451,083, at a cost of $34,286,651.42, or $1.07 per $100 collected. The cost of collection jumped from 33 cents in 1918 to $1.07 in 1922 per $100. I make no comment on the fact that there was a change in administration. The figures speak for themselves. It will also be remembered that the new revenue system was devised and put into operation during the war. It called for excess-profits taxes, heavy internal-revenue taxes, a great variety of excise taxes. Yet under this new system and the vast revenue collected, the costs of collection were from 33 cents to 50 cents per $100 collected as against $1.44 per $100 for the year 1925, as I shall point out.

In 1923 the receipts were $2,621,745,227.57 and the cost of collection was the enormous sum of $36,501,062.94, or $1.39 cost for every $100 collected.

The following year, 1924, the receipts were $2,796,179,257.06 and the cost of collection was $34,676,688.11, or $1.24 for every $100 collected.

In 1925 the receipts were $2,584,140,268.24 and the expenses incident to the collection of the same were $37,266,573.16, or $1.44 per $100 collected.

In 1926 the receipts were $2,835,999,892.19 and the collection expenses were $34,948,483.37, or $1.23 per $100 collected.

In 1927 the receipts were $2,865,683,129.91, at a cost of $32,967,764.17, or $1.15 for each $100 collected.

As I have indicated, when the amount of the receipts was $5,407,000,000 plus in 1920, the cost of collection was only 50 cents on every $100. For 1927 the cost was $1.15. I do not know what the cost this year will be, because the amount of revenue collected and to be collected is not shown in the report; but the total expenses of collection is $32,667,750, and it is safe to say that the cost will be approximately the same as for the present fiscal year.

I can not comprehend why the expenses incurred in collecting these taxes since 1920 is so great. In my opinion there should have been a reduction in cost and a diminution in the number of employees since that year. There are several reasons why such should have been the case. The principal one is that the amount collected each year has been much less than in 1919 and 1920. An additional reason is that various taxes have been abolished, and several million persons have been relieved of the duty of making returns, thus relieving the work of the employees in this bureau. Moreover the tax laws, with the repeal of various taxes, have been simplified. Many obscure questions have been settled; the procedure is better known, and the employees are supposed, with the years of experience, to be more competent. But notwithstanding these cojent reasons, calling for greatly reduced costs of collection, there has been no satisfactory record in this direction, and the bill before us gives no promise of any improvement for the next fiscal year.

Mr. President, this item of more than $32,000,000 is too great, and I shall submit a motion to reduce the same.

The bill also allows the Treasury Department $1,082,000, as found on page 15, for the office of the Treasurer of the United States for personal services in his particular office, differentiating that from the Internal Revenue Bureau.

Then $305,000 is carried for further service in the Treasury Department in connection with the redemption of Federal reserve and national currency.

There is a further appropriation of $325,000 for the Comptroller of the Currency.

For personal services in the District of Columbia in connection with Federal reserve and national currency, $48,960 is appropriated.

Then comes the item, to which I have called attention, of $32,667,750.

In addition to these amounts, there is allowed as salaries for the Customs Service $18,940,000, and on the next page various amounts for other expenses in the divisions of the Treasury Department, the aggregate being several million dollars.

I call attention, though it is not germane to what I am saying now, to the fact that on page 19 is $130,000,000 for refund of taxes.

Then we come to the Bureau of Prohibition, which receives many millions of dollars.

Mr. HEFLIN. Mr. President——

Mr. KING. I yield.

Mr. HEFLIN. Before the Senator gets away from the item of refund of $130,000,000; is there any explanation of that? Is any reason given why this amount was refunded? Is any information given to the Senate that will enable us intelligently to vote such a sum as that?

Mr. KING. Mr. President, there are others who are members of the Appropriations Committee who doubtless will make an explanation. However, I have some familiarity with this matter and know that tens of millions of dollars will be refunded to corporations and individuals. There have been refunds of taxes aggregating hundreds of millions of dollars, and in adjusting the taxes of corporations particularly, there will be ordered returned to them many millions of dollars additional. These refunds draw 5 per cent interest, so that it is wise to make an appropriation to pay the ordered refunds after we know all the facts and are fully advised as to the justice of such directions.

As to the persons or corporations who will obtain these refunds aggregating such a large amount, of course, no one can tell, because those matters are being adjudged from day to day in the Internal Revenue Department. The names of all persons and corporations who will receive refunds are not now known to the officials of the Treasury Department, as their cases have not been fully reviewed. When ascertained, Congress should be advised and the amount to be returned to each person and corporation should likewise be supplied.

It is possible they might furnish the names of a few, but it would be impossible until the claims have been passed upon by the officials in the department charged with that responsibility to name to the Senate the corporations or individuals who will be the beneficiaries of this suggested appropriation.

Mr. SMOOT. This is just an estimate.

Mr. KING. This is an estimate. It may not amount to $130,000,000 and it may exceed it. My opinion is that we will have deficiency appropriations which will call for more than

$130,000,000, and before we adjourn, or when we meet next December, we will be called upon to make a further appropriation to supplement the $130,000,000 carried in this item.

Mr. HEFLIN obtained the floor.

Mr. WARREN. Mr. President, will the Senator yield a moment so that I may respond to the statement of the Senator from Utah in one particular?

Mr. HEFLIN. I yield.

Mr. WARREN. I simply want to say with respect to it, that I am going to put into the RECORD the figures showing what it has cost each year per $100 from 1913 to 1927, inclusive. I ask leave to print the figures in the RECORD, without further remarks.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Fiscal year	Receipts	Expenditures	Cost per $100
1913	$344, 424, 453. 85	$5, 484, 654. 61	$1. 59
1914	380, 008, 893. 96	5, 779, 329. 72	1. 52
1915	415, 681, 023. 86	6, 804, 688. 77	1. 64
1916	512, 723, 287. 77	7, 199, 163. 32	1. 40
1917	809, 393, 640. 44	7, 699, 031. 08	. 95
1918	3, 698, 955, 820. 93	12, 003, 214. 07	. 33
1919	3, 850, 150, 078. 56	20, 573, 771. 52	. 53
1920	5, 407, 580, 251. 81	27, 037, 134. 50	. 50
1921	4, 595, 357, 061. 95	33, 174, 309. 17	. 72
1922	3, 197, 451, 083. 00	34, 286, 651. 42	1. 07
1923	2, 621, 745, 227. 57	36, 501, 062. 94	1. 39
1924	2, 796, 179, 257. 06	34, 676, 688. 11	1. 24
1925	2, 584, 140, 268. 24	37, 266, 573. 16	1. 44
1926	2, 835, 999, 892. 19	34, 948, 483. 37	1. 23
1927	2, 865, 683, 129. 91	32, 967, 764. 17	1. 15

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Utah?

Mr. HEFLIN. I yield.

Mr. SMOOT. I wish merely to make a brief statement, so that there will be no mistake as to the appropriation for this purpose. In 1920 the receipts were $5,407,000,000. In 1922 the receipts were but $3,197,000,000.

Mr. KING. Those are the same figures I gave.

Mr. SMOOT. Just the same. The figures the Senator gave are absolutely correct. I want the Senate to know why the cost per hundred, or per thousand, for collecting the taxes, differs so greatly in the years mentioned.

In the year 1920 the receipts were $5,407,000,000. After the passage of the 1920 revenue act the receipts were only $3,197,000,000. There were just as many returns made, and it took the employees of the department just as many hours to examine those returns as it did when the rates were higher. There was just as much work after the passage of the 1921 act as there was after the passage of the 1918 act. It took just the same number of employees, the returns had to be figured in exactly the same way, and therefore the cost was approximately the same. Comparing the cost when the returns amounted to $5,400,000,000 with the costs when the returns amounted to $3,400,000,000 we find that they are higher on the $3,400,000,000 returns, per $100 or $1,000, than on the returns of $5,400,000,000. That is how the figures showing the cost of collecting the taxes of our country differing during the years mentioned are accounted for.

Of course, the appropriation for this purpose for the last few years has been steady. In fact, this appropriation is a little less than it was last year. As long as we have such a number of reports made, and it is required by law that everyone of the income-tax returns shall be examined by some employee of the Internal Revenue Bureau, we must have a sufficient number of people to handle them within a given time. That is why the percentages are higher, I will say to my colleague.

There could be no excuse for an increase in the appropriations, unless some unforeseen condition had arisen, but in this case, of course, the appropriation is a little less than it was last year. I am glad to say the number of disputed claims is growing smaller, and I want to express the opinion that I believe now the $130,000,000 is going to meet the refunds; they are getting less in number every year, and, strange to say, most of them refer back to the time when we had the excess-profits tax and there was hardly a single lawyer or taxpayer who could make out his tax return under that most difficult law. I am not criticizing the passage of the law. It was passed in war times. It was framed hastily. We had to raise billions of dollars, and the law was framed in the very best way possible, with the best advice we could get.

When the law went into effect in 1917, when we went into the war, none of us knew anything about what a tax return was. We had had no such law in the United States. It was new to everybody. There were no attorneys who had ever studied it. I dare say that right now there is hardly a Senator or a Member of the House who could make out his return under the tax law of 1917. No wonder there were mistakes, and no wonder so many unsettled cases have been dragging on so long. I hope to see the time come shortly when we will all know how to make out a tax return, and it will be simple.

Mr. WARREN. Mr. President, will the Senator from Alabama yield for just one remark?

Mr. HEFLIN. I yield.

Mr. WARREN. The junior Senator from Utah alluded to higher allowances to the Internal Revenue Bureau this last year in one item. That is due to the fact that portions of the Internal Revenue Service moved out of a tumble-down building into the new Press Building. I thank the Senator.

Mr. HEFLIN. Mr. President, this manner of transacting the public business ought to be condemned and it ought to be abandoned. The idea of the Senate, representing the people of the United States, voting to appropriate $130,000,000 without a scintilla of testimony from anybody justifying such action! I do not intend to vote for any of these appropriations until the Treasury Department files with the Senate a list containing the name of every man and every corporation to whom money has been refunded.

Senators, that is not asking too much of our Treasury Department. This money belongs to the people, and I think that millions of it was paid in properly and that millions of it is being refunded that ought to remain in the Treasury. But we do not know. We can not get the concrete testimony showing us whether it is just or unjust. John Jones receives a $5,000 refund. There is not a line telling the Senate why it was refunded.

A month or more ago I introduced a resolution in the Senate, which was adopted, requiring the Secretary of the Treasury to file with the Senate a list of the names of all those to whom taxes amounting to $25,000 and more have been refunded, and that list came in this morning, the day this bill is brought up for consideration. There is only one copy of the report here for Senators to see. There is not a scintilla of testimony to show why the people named received the refunds. The names are given, by States, of those receiving above $25,000, as I asked.

I have insisted heretofore—and I am going to continue to insist—that the Treasury Department shall furnish the Senate a list of the names of all those to whom they refunded this money, giving a brief statement as to why they refunded the money. You can not pass a bill through any commissioner's court in the United States, in any county or State, appropriating the money of the people for any purpose without somebody explaining in detail why it is to be done. Yet here we are giving the Secretary of the Treasury permission to go ahead and dole this money out, and then he will come back at the next session of Congress and say, "I want a hundred million more."

Mr. President, they have refunded, since Mr. Mellon has been in the office of Secretary of the Treasury, about a billion dollars. I have not the slightest faith in the proposition that anything like all of that money should have been refunded. I believe that more than half of it, or, perhaps, three-fourths of it, ought to have remained in the Treasury. I do not believe that so many mistakes have been made in collecting taxes.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. SMOOT. I have heard the Senator say the same thing quite a number of times. Let me explain to him how a great deal of this happens.

Under the 1917 law, when extreme taxes were imposed upon the American people on account of our entry into the war, the returns were made, and the time limit within which payments were to be made, or the returns contested by the Government, was but brief. It was but two years, I think. At that time there arose many of these disputes. It was a new proposition entirely, and the taxpayer in making his returns himself was not positive whether the returns were correct, and the Government itself, having at that time millions and millions of returns, and the bureau not being built up, could not possibly reach them. So what did they do? Under the law the bureau could impose a jeopardy assessment, in order to protect the Government itself, of course, not knowing whether the jeopardy assessment was too little or too great.

The Senator is too honorable a man to contend that the Government should not return any surplus over what should have been collected from a taxpayer when the Government, to save

itself from the outlawing of a tax case, imposed a jeopardy assessment, which the bureau knew would cover everything due, and more, too, possibly. I assure the Senator that a great many of the cases are of that class.

Mr. McKELLAR. Mr. President, will the Senator from Alabama yield?

Mr. HEFLIN. I yield.

Mr. McKELLAR. I want to ask the Senator from Utah a question. The Senator will recall that a number of times I brought up this question of tax returns.

Mr. SMOOT. Yes.

Mr. McKELLAR. The Senator will remember that the senior Senator from Nebraska [Mr. NORRIS] and I tried very hard to have included in the last revenue law a provision for publicity. The Senator will recall that instead of the Senate putting in that publicity provision, a commission was established, consisting of five Members of the House and five Members of the Senate, who were going immediately to work and get all the facts and figures about these returns of enormous sums of taxes, and to bring it to the Senate and to the House, so that we could have the facts before us, as I remember the argument of the Senator from Utah at the time. That was two or three years ago. Has that commission ever functioned?

Mr. SMOOT. Certainly.

Mr. McKELLAR. What has it done? Has it ever made a report to Congress?

Mr. SMOOT. Yes. I can go over to my office now and bring here the volumes for the Senator's examination if he desires.

Mr. McKELLAR. What did the committee ever report to Congress itself?

Mr. SMOOT. It made reports or recommendations first, as the resolution required, suggesting certain amendments to the revenue law.

Mr. McKELLAR. Have they been acted on?

Mr. SMOOT. Most of them were incorporated in the bill as it passed the House and is now before the Finance Committee of the Senate. If the Senator desires, I will see that he gets a copy of that report.

Mr. McKELLAR. I shall be very glad to have it.

Mr. SMOOT. I want to say in behalf of——

Mr. HEFLIN. Mr. President, I must proceed.

The PRESIDENT pro tempore. The Senator from Alabama declines to yield further.

Mr. HEFLIN. I wish to finish what I started to say. The Senator from Utah says he will bring here the information to-morrow. It is too late to lock the stable door after the horse has been stolen. We are about to pass a bill carrying an appropriation of $130,000,000. I want every man and woman in the country who has unjustly paid taxes to the Government to have that money refunded. There can be no misunderstanding about my position in the matter. If a mistake has been made, I want to have it corrected. We are entitled to know what the mistake is and to whom the money is to be refunded. If I am to be called upon to vote $130,000,000 to be handed out to various taxpayers of the country, I am entitled to be told why I am asked to do that thing.

Mr. President, there is no testimony here to-day to justify me in voting for this sum, and I do not intend to vote for it. I have not voted for such matters in the past and I am not going to vote for them in the future unless I have satisfactory information. At the same time, I want every man who has money coming to him justly to receive it; but I am not going to vote to turn money over to these people on the judgment of the Secretary of the Treasury or the clerks under him without knowing in each case why such action is taken.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. HEFLIN. Certainly.

Mr. CARAWAY. Why does the Senator keep on referring to some "man"? Does he realize that a man is not a corporation?

Mr. HEFLIN. Certainly.

Mr. CARAWAY. Then why talk about some "man" getting this money?

Mr. HEFLIN. The corporations in the main seem to be the ones who are to get it. I notice a refund is provided to the Washington News of over $300,000, and this is a presidential year! I do not know that there is any connection whatever between the two. There are other newspapers which have had refunds in this presidential year involving thousands and tens of thousands of dollars. I understand Mr. Hearst had a refund of $600,000 or $700,000 in the last two or three years, and that he and Mr. Mellon have become exceedingly warm friends.

Mr. President, we ought not to conduct the business of the Government in this slipshod fashion. Is it asking too much, I repeat, to require Mr. Mellon and those under him to furnish a list containing the name of every man and every corporation who is to receive a refund or who has received it, the amount received, and the reason for the refund? Senators, that is not asking too much.

The Senator from South Carolina [Mr. SMITH] offered a resolution, which was agreed to, providing $5,000 to conduct an investigation of the cotton exchanges. They have robbed the South this last year of over $130,000,000. I have a resolution pending to increase the number of copies of the CONGRESSIONAL RECORD available to each Senator in order that the people of the country may obtain the truth as to what occurs in this Chamber. Some Senators say it will cost money to increase the number of copies as I have proposed. We quibble about these little things, but a proposition to vote a refund of $130,000,000 to the big money kings of the country is swallowed down without batting an eye. It is wrong, Mr. President. I am going to keep on making this fight until some day I shall get a measure through the Congress requiring whoever is at the head of the Treasury Department to send to Congress the names of everybody to whom they have refunded money, the amount refunded, and the reason for refunding it.

The PRESIDENT pro tempore. The bill is still as in Committee of the Whole and open to further amendment.

Mr. BLACK. Mr. President, I desire to offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The clerk will report the amendment.

The LEGISLATIVE CLERK. On page 53, at the end of line 13, add the following:

Fairfield, Ala., post office, $100,000, a suitable building site to be donated by the city of Fairfield.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. WARREN. Mr. President, I make the point of order against the amendment of the junior Senator from Alabama. It has not been estimated for, it has not been reported by the committee, and it is outside the rule in every respect.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. HEFLIN. Mr. President, before the Chair rules on the point of order——

The PRESIDENT pro tempore. The Chair is ruling in accordance with the rule of the Senate. If the Senator from Alabama wishes to appeal, the appeal, of course, may be argued. However, the Senator from Alabama is recognized for an ex post facto argument.

Mr. WARREN. Mr. President, let me state that I am compelled to make the point of order. I would be glad to add the item for $100,000 for the purpose suggested if I had my own personal preference in the matter. My own State of Wyoming has not a single item of this kind included in the bill, although the authorization was given for such items long ago, but they are not inserted in this bill. If we open the door for one amendment of this kind, there will be dozens more to follow. We have refused to grant at least a dozen up to this time that we were asked to include in the bill.

Mr. HEFLIN. Mr. President——

Mr. McKELLAR. Mr. President, will the Senator from Alabama yield to me to make a short statement?

Mr. HEFLIN. Certainly.

Mr. McKELLAR. The present law relating to public buildings provides specifically that items may be offered, and, in my judgment, if the Chair will look at the law itself, he will change his ruling.

Mr. HEFLIN. Mr. President, I think the Senator from Tennessee is correct in his position. I want to say that unless Wyoming is left out of the bill I agree that Alabama is the only other State that is left out of it.

We have a place there in Jefferson County, near Birmingham, named Fairfield, with a population of about 15,000. The postal receipts of the post office there are about $20,000 per annum. This is an extraordinary case. The people of Fairfield are willing to give to the Government a site worth $30,000. I submit that there ought to be an exception made in this case.

I understand that the bill contains a provision to erect a post-office building at Rushville, Ind., the old home town of my good friend the senior Senator from Indiana [Mr. WATSON]. The population of Rushville is 5,498. If Rushville is to have a post-office building with that small population, then in the case of Fairfield, with a population of more than 15,000 and with postal receipts of $20,000 a year and a site worth $30,000 to be contributed by the city, upon which the building is to be constructed, it seems to me that we might well make an exception

and adopt the amendment and see what we can persuade the House to do in the matter.

Mr. WARREN. Mr. President, I would be glad to help the Senator from Alabama if I could. I think there will be an opportunity very soon to consider these matters, because Members of the House, I am told, are figuring now on what can be incorporated in an appropriation bill which is to follow this one. If the Senator had desired to have his amendment considered, it should have been sent to the committee at least a day in advance of the hearings on the bill; but even if that had been done, the committee could not have consented to putting it in this bill, because such items must be specifically estimated for and specifically budgeted, if I may use that term, and provided for by the legislation heretofore indicated.

Mr. McKELLAR. Mr. President, may I call the Senator's attention to page 4 of the public buildings act of May 25, 1926, and to this language:

Provided further, That the act making said appropriations may provide for any other buildings contained in the annual report of the Secretary of the Treasury hereinafter provided for.

The PRESIDENT pro tempore. It is about time that the Chair should defend its ruling. The language quoted by the Senator from Tennessee affords no foothold whatever for the amendment proposed by the junior Senator from Alabama.

Mr. HEFLIN. We appreciate the position of the distinguished chairman of the Committee on Appropriations and his assurance that we will have his sympathy and aid in doing something along this line later on.

Mr. McKELLAR. Is the building referred to in the annual report of the Secretary of the Treasury?

Mr. SMOOT. No; it is not in his annual report.

Mr. McKELLAR. Of course, if it is not in the annual report then it is not within the act to which I have called attention, but if it is in the annual report then it is within that language.

Mr. SMOOT. It is not in the report, and not only that, but I will say to the Senate that the original $100,000,000 appropriated was to cover a 10-year program. At this session of Congress we have added another $100,000,000, so there is a total of $200,000,000 authorized for this purpose. We have appropriated in the pending bill almost $20,000,000, which is all we can appropriate in any one year under the law.

Mr. BLACK. Mr. President, I want to ask the Senator from Wyoming [Mr. WARREN] when the next appropriation bill is coming over to which he has referred?

Mr. WARREN. I do not know that I have the date.

Mr. BLACK. Will it be during this session?

Mr. WARREN. I only know by conversation with Members of the House Committee on Appropriations. I know that they are taking up this troublesome matter of public buildings and are going to give it attention during the present session of Congress if they possibly can.

Mr. HEFLIN. It will be at this session of Congress some time, will it not?

Mr. SMOOT. I do not want the Senator to think there is going to be another general appropriation made for public buildings outside of the District of Columbia. The present bill carries all that the law provides for, which is nearly $20,000,000. I would not want the Senator to misunderstand that situation.

Mr. BLACK. It leaves $100,000, does it not?

Mr. SMOOT. I can not tell the Senator without examining the figures.

Mr. COPELAND obtained the floor.

The PRESIDENT pro tempore. The bill is still as in Committee of the Whole and open to amendment.

Mr. HARRISON. Mr. President, I understood the Senator from New York had the floor. I want to offer another amendment when he gets through.

Mr. COPELAND. I do not want to detain the Senate. I thought we were through with this matter. I want to make some comments on another matter.

Mr. HARRISON. I have two amendments that I want to offer to the bill. I think a mere reading of them will appeal to the Senator from Wyoming and that he will not make the point of order. Of course, I know that the point of order, if made, will be sustained by the Chair under the ruling of the Chair just made. These amendments of mine, however, differ from the amendment offered by the Senator from Alabama in that his amendment carries an appropriation of $100,000, while my amendment carries an appropriation of only $65,000. I offer the first amendment.

The PRESIDENT pro tempore. The clerk will report the amendment.

The LEGISLATIVE CLERK. On page 51, after line 23, insert the following as a new paragraph:

Columbia, Miss., post office and site: For acquisition of site and construction of building at a limit of cost of $65,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. HARRISON].

Mr. WARREN. Mr. President, I make the point of order on the amendment. It pains me very much to do so, as the Senator must know [laughter], but we have to be one family and treated all alike here. As to public building appropriations, we are either going to be ruined right here or we are going to pass the bill exactly as it now reads.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. HARRISON. Mr. President, I desire to offer one more amendment. I have promised so much to these people, and they have made such strong appeals for this building that I hope my appeal will not fall on deaf ears.

Mr. WARREN. I shall not object to the amendment being stated, so that it may go into the RECORD, but I shall make the point of order on it.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Mississippi will be stated.

The CHIEF CLERK. On page 51, after line 23, it is proposed to insert a new clause as follows:

Lumberton, Miss., post office and site: For acquisition of site and construction of building at a limit of cost of $65,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. WARREN. I make the point of order on the amendment.

The PRESIDENT pro tempore. The point of order is sustained. The bill is before the Senate as in Committee of the Whole and is open to amendment.

Mr. KING. I move to recommit the bill to the committee with instructions to report a bill reducing the aggregate amount $150,000,000. That strikes out the item of $130,000,000 referred to by the Senator from Alabama, because Congress will be in session for some time and the Secretary of the Treasury may submit to Congress an estimate for whatever may be needed before it shall adjourn. The remainder is to reduce the appropriation of $32,667,750 requested for the administration of the Internal Revenue Bureau.

Mr. WARREN. Mr. President, I am ready for a vote on the motion.

The PRESIDENT pro tempore. The question is on agreeing to the motion offered by the Senator from Utah [Mr. KING].

The motion was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

RED RIVER BRIDGE NEAR GARLAND CITY, ARK.

Mr. CARAWAY. I ask unanimous consent for the present consideration of the bill (S. 1104) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River near Garland City, Ark.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, on page 1, line 7, after the name "Arkansas," to strike out the words "within 5 miles of the bridge of the St. Louis Southwestern Railway Co. in the counties of Miller and Lafayette, in the State of Arkansas," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge and approaches thereto across the Red River at a point suitable to the interests of navigation, at or near Garland City, Ark., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. If tolls are charged for the use of the bridge constructed under authority of this act, the State Highway Commission of Arkansas may so adjust the rate of toll to be charged as to produce sufficient revenue to maintain, operate, and repair the bridge and repay the original cost of constructing the same, including any interest paid on borrowed money and discounts necessarily required in financing such original construction, and shall after the repayment thereof maintain and operate such bridge as a free bridge.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland City, Ark."

FLUCTUATIONS IN PRICE OF MAY WHEAT, 1927

Mr. MAYFIELD. Mr. President, on February 26 last the Secretary of Agriculture suspended the rule requiring members of grain exchanges to make reports to his department. Following the suspension of that rule there were wide fluctuations in grain prices throughout the country. Senate Resolution 40, offered by me, directs the Secretary of Agriculture to make a report to the Senate, giving the reasons for the suspension of that rule and the effect of its suspension upon wheat growers of the country. This information is requested by the Texas Wheat Growers' Association, and I ask unanimous consent for the consideration of the resolution and trust it may be adopted.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent to take from the table and consider Senate Resolution 40. Is there objection?

Mr. CURTIS. Is it a resolution just now submitted?

Mr. MAYFIELD. The resolution was submitted by me on December 12, 1927. Similar resolutions have been submitted and passed.

Mr. ROBINSON of Arkansas. I do not think there can be any objection to the adoption of the resolution, as it merely calls for information.

Mr. CURTIS. Is that the purpose of the resolution?

Mr. MAYFIELD. Yes, sir.

Mr. CURTIS. There is no objection to the resolution.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the resolution (S. Res. 40) submitted by Mr. MAYFIELD on December 12, 1927, was considered and agreed to, as follows:

Resolved, That the Secretary of Agriculture is hereby directed to investigate, first, the effect upon the producers of grain of the suspension by the Secretary of Agriculture of the requirement for the making of reports by members of grain-futures exchanges, and, second, the situation in respect of the 1927 May wheat future which existed on the grain-futures exchanges during the life of such future for the purpose of determining the cause of the wide fluctuations in the price of wheat during the early months of 1927, and especially after February 26, 1927, the date of the suspension of such requirement; and to make a full and complete report of such investigation, including (1) a statement of the reasons for, and a showing of the effect upon the producers of grain of, the suspension of such requirement; (2) a statement of the quantity of wheat purchased and the quantity of wheat sold on 1927 May future contracts, and the quantity of wheat actually delivered and the quantity of wheat actually received on such contracts; and (3) the names of the parties doing heavy trading in such futures.

LAW ENFORCEMENT—ADDRESS BY MRS. CLEM SHAVER

Mr. SHEPPARD. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered on January 10, 1928, at the Mayflower Hotel in this city by Mrs. Clem Shaver on the subject of law enforcement.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PATRIOTISM VS. NULLIFICATION AS MRS. CLEMENT SHAVER SEES THEM—ADDRESS MADE AT MAYFLOWER HOTEL IN WASHINGTON LAST WEEK

Madam Chairman and fellow citizens: Most of us like to think of ourselves as patriots and law-abiding citizens. Patriotism is a very inspiring word—some of us like to roll it round our tongues on the Fourth of July and Washington's Birthday. As a matter of fact, a large majority of the American people are true patriots, and, yet, patriotism as understood in the United States to-day, is one of the most abused and mistreated words in the English language. When a brewery or night club or a hotel where liquor is permitted to be served in defiance of the law flies the flag of the United States from its roof, thinking this act the last word in patriotism, it becomes easy to realize to what depths of misconception of patriotism many of our citizens have fallen. Strange as it may seem, abuse of the letter and spirit of patriotism has been especially flagrant since the adoption of the eighteenth amendment to the Constitution of the United States, as an integral, vital, continuing part of that most sacred of all public documents, the Magna Charta of America, which grew out of, and must be taken in conjunction with, the Declaration of Independence and the Bill of Rights.

Now, the mere adoption of the eighteenth amendment has nothing whatever to do with the frequent abuse of the word "patriotism"; indeed, it seems a strange paradox that an amendment which has proved itself to be so beneficent a part of our Constitution, and therefore should largely increase our love for, and pride in our country, and quicken our respect for its laws and institutions, should be in the least responsible for abuse of patriotism.

In truth much responsibility for the deplorable lack of patriotism in the United States to-day can be laid on the doorsteps of the Association Opposed to Prohibition, and the so-called Church Temperance Society, whose national secretary is Dr. James Empringham, of New York. In regard to this, a news item cut from The Woman Voter early in 1927 made the following interesting statement:

"The Association Opposed to the Prohibition Amendment in their sworn report, filed with the Clerk of the House of Representatives of the United States Congress as required by the Federal corrupt practice act of 1925, shows that Dr. James Empringham, national secretary of the National Episcopal Church Temperance Society, received on January 24, 1927, a payment for services rendered the association of $100. On January 29, 1927, the Delaware division of the Association Against the Prohibition Amendment paid him $50 as pay and expenses at Middletown mass meeting for speaker. This same division, also reported on October 14, 1926, the payment of $50 for pay and transportation of speaker. On September 10, 1926, they paid him $50 for New York City Dover mass meeting.

"Dr. James Empringham, national secretary of the National Episcopal Church Temperance Society, recently issued a statement indicating that 1,032 clergymen approved modification of the Volstead Act.

"Bishop Manning, of New York, some time ago pointed out that this so-called Church Temperance Society is no real part of the Episcopal Church but has only a parasitic connection with it. He declared that Dr. James Empringham, who as national secretary of the society took a prohibition poll two years ago, was apparently on the pay roll of the Association Against the Prohibition Amendment. He asked the identity of an anonymous donor of $50,000 to the society.

"Doctor Empringham has said he was not and never had been on the pay roll of the association named. 'I have no expectations of being on that pay roll,' he said. 'I wish I were. I would like to be. It is nothing to be ashamed of, and I could use the money.'

"At the office of the Association Against the Prohibition Amendment it was said there was no record of any salary payment to Doctor Empringham—of course not. 'The donation of $50,000 to the temperance society,' said Doctor Empringham, 'was from the estate of Letitia Willet Garrison, widow of Cornelius Garrison. She died in London in 1925.'

"It is indeed gratifying to find upon investigation that Doctor Empringham does not speak for the Episcopal Church of America, but speaks for a defunct temperance society. For him to assume to speak for the million and a quarter of Episcopalians in this country is something which the facts show he had not the slightest authority to do.

"The mind of the House of Bishops was expressed at the general convention in New Orleans last October by the adoption without a dissenting vote of the following resolution:

"'*Resolved*, That, facing the danger of the spirit of lawlessness in American life, we welcome the renewed efforts of the Government of the United States to enforce strictly and impartially the prohibition law.'

"Empringham's statement does not represent the church's attitude. What he may say or small groups employing him, does not express the mind of the Episcopal Church. Thus the facts show he is in the employ of the Association Opposed to the Prohibition Amendment."

The triennial convention of the Protestant Episcopal Church convening at New Orleans in October, 1925, declared its support of the Constitution, the eighteenth amendment, and the Volstead Act. No further comment is necessary. We merely quote from the printed record. It is believed that a large majority of the women of our country are dry, law-abiding, patriotic upholders of the Constitution, including the eighteenth amendment. They would be frankly ashamed to be otherwise. Unfortunately, a small minority have associated themselves with violators of the eighteenth amendment, the Association Opposed to the Prohibition Amendment, and other wet societies known as lawbreakers. These women are known as "wets" and it may be suggested by some that they do not as a whole represent the highest type of American womanhood. With this small percentage, the dry women who stand for strict enforcement of all laws, do not need to reckon seriously. They have already placed themselves in their own little niche outside the pale of law-abiding citizens, and are in all probability destined to remain in their own exclusive little circle. No one envies this small group, nor will law-abiding citizens emulate their example.

The truly patriotic women of America, representing the highest type of motherhood and wifehood, stand unswervingly behind the Constitution and its 19 amendments. Each of these amendments was voted into the Constitution by the calm, considered, orderly judgment of the legislatures of 46 sovereign States. No amendment has yet been repealed or nullified, and the eighteenth amendment is destined to remain in the Constitution. Neither will the Volstead Act be modified until the Congress consents. It is written in the stars and in the

hearts and determination of American women—and is as unalterable as the laws of the Medes and Persians.

Our newspapers—most of them wringing wets—are printing on their front pages to-day, in blazing headlines (and they will continue to do so up to, and including Friday) one of the best arguments ever set forth in behalf of prohibition; it is this: A man and a woman, whose names are better left out of a meeting like this, will be shocked to death in the electric chair at Sing Sing Thursday night—all because of whisky. Nothing in the world but whisky caused them to lose all moral restraint, all thought of their mothers, their lifemates, and their children. Nothing in the world but whisky caused them to begin their life of illicit, clandestine, repulsive relations. Too much whisky led them to buy a sash weight and a coil of picture wire, which started them on their way to the electric chair.

This is only one of many such examples. The front pages of our newspapers are filled with such grim, sordid stories. Few have been played up as much by a sensational press, for reasons known only to an editor. But after reading the newspapers this week, who is there that can argue for letting down the bars of prohibition in the slightest degree, or repealing the eighteenth amendment? We think even the Association Opposed to the Prohibition Amendment will

"Fold their tents like the Arabs,
And as silently steal away."

This association has joined forces with Dr. James Empringham's little club and other wet organizations, apparently for the purpose of establishing a sufficient, unfailing supply of "good" liquor that they and all "wets" may slake their thirst at all times without embarrassing association with the bootlegger at the back door, and confronting the ever-present danger to human life of the poisonous liquor now being dispensed by these traffickers in illegal merchandise. At least no one has ever been able to discover any other excuse for the existence of these wet organizations.

No; the eighteenth amendment can not be repealed or nullified. It will always remain a part of the Constitution, because a majority in one branch only of the legislatures of 13 States is sufficient to preserve the amendment intact. In other words, the State senate, or the house of representatives, having a majority of votes in favor of the eighteenth amendment, can frustrate any attempt by the wets to repeal it, or bring about modification of the Volstead Act. It is not expected that the dry Congress will be willing to go on record as being in favor of modifying the Volstead Act for enforcing the eighteenth amendment, so that the same shall not prohibit the manufacture, sale, transportation, importation, or exportation of beverages not in fact intoxicating. The final word will rest with the majority in both Houses of Congress. If then a small majority in either branch of a State legislature can defeat an attempt to nullify or repeal the eighteenth amendment, does any one seriously think there is even a remote possibility of a sufficient change of sentiment in the United States to enable any wet organizations to carry the legislatures of 36 States for repeal? If so, they must be totally unaware of the overwhelmingly "dry" sentiment in our rural communities, from which the majority of our legislators are recruited. Ask any candidate for the gubernatorial office, the United States Senate, the legislature, what sort of reception he encounters when he visits the rural districts of his State; does he find them wet or dry? There is no chance that the Volstead Act will be repealed by the present or the next Congress; the dry majority in both Senate and House is securely dry for the present. By 1932 dry women voters will have numerically increased, presenting an impregnable wall of opposition to any silly, fruitless tampering with the eighteenth amendment by the un-American wets. "Un-American," "unpatriotic"—harsh words, you say? But all must look askance to-day at the professed patriotism of the man or woman who while loudly proclaiming their Americanism, and vociferously joining in the singing of the Star-Spangled Banner, that masterpiece of Francis Scott Key, and "My Country 'tis of Thee!" carry a flask on the hip, and maintain a still in the bathroom.

Eight years ago the eighteenth amendment was born; eight years ago dry, law-enforcement women hung out a sign in the theater of our political life on which appeared the cryptic letters "S. R. O."—"standing room only" for all those eager candidates who would seek office by the wet route. Only a short time ago! Yet, now those letters are changed, and we read the pronouncement of the dry women: "No wet candidate nor any '50–50' or any contemptible 'pussyfooting,' half-breed, 'law enforcement' kind need apply—all such are dripping wet to women." No amount of bluster nor high-sounding assertions about "law enforcement" such as "Well, it is the law (prohibition); why ask the question?" Nor proclaim loudly for all the world to hear "If I am elected to this high office, I shall feel that it is my solemn duty to support the eighteenth amendment and enforce the Volstead Act" when their public record shows a consistent, perhaps lifelong, effort in the opposite direction. A man or woman candidate must seek public favor upon their record, and that alone; their actions in the eye of God and their countrymen.

"Our acts our angels are, for good or ill.
The fatal shadows that walk by us still."

It is the record that counts.

Only the woman who has had a beastly drunkard in her family circle can have any conception of what the demon rum means in her home. Only such a woman can appreciate the meaning of the blessed light of a new-born day brought to our American womanhood by adoption of the eighteenth amendment.

O! The morning stars sang together on that 16th day of January, 1920, when the new-born infant "Prohibition" sprang into being, child of the labor and travail of a Nation of patriotic American women! Mothers of the noblest race ever sent by Divine guidance to tread the path of the wilderness and establish the greatest country in the civilized world.

Shall these women ever submit to repeal of that blessed amendment which has brought them such joy, such deliverance from woe unspeakable? We shall render the decision and without meddlesome interference from any foreign country. Only a few days ago we read that a newspaper in a foreign country advocated that America repeal the eighteenth amendment. Think of the effrontery of it: I ask the women of this organization, "Shall we allow a foreign press and a foreign country to dictate what laws shall be obeyed and what laws repealed in our country?" The Monroe doctrine is not yet a dead letter!

The American people are fully able to decide what laws shall be written into their Constitution, without blatant suggestions from European countries, and will continue to be the arbiters, under God, of their own destiny.

Our forefathers appreciated the priceless value of our Constitution! It was Daniel Webster, one of our greatest patriots and statesmen, who declared in his famous speech before the Congress in 1850, "I stand on the Constitution! I need no other platform; I shall know no other country."

It is to statesmen of such caliber, those who lived and moved in the long ago, that we owe our Constitution, our Declaration of Independence, our Bill of Rights.

Men and women of the Democratic Party, we have come to the parting of the ways; the issue is joined. Are we as patriots, committed to the support of the Constitution with its 19 amendments, or shall we permit the organized forces from within the party, whose leaders are "machine" politicians, to totally disrupt and disintegrate—ruin for all time possibly—our great party of Jefferson and Jackson? Shall we permit them to bring about the destruction of the party, and emasculate the Constitution, rendering it null and void of those principles for the perpetuation of which our forefathers fought and died? Rule or ruin! That is the policy of every corrupt politician. In the national election of 1920, for the first time in the history of the country, women in all parties were enabled to go to the polls and vote—a marvelous, though tardy privilege. It was the great adventure for them after that of marriage and motherhood.

Dry Democratic women having helped win the battle for suffrage had a right to expect in 1920 that the leaders in their party would provide candidates on the tickets that women could support and vote for. In other words, a dry ticket. Instead, expediency-loving "machine" politicians, journeyed to far-away California, traveling in utmost discomfort for five weary days and nights in intense summer heat, for what purpose? To offer the dry women of America a "dry" ticket? Not at all—the mountain labored and brought forth a "mouse," as far as the bright hopes of dry women were concerned. Instead of a dry ticket a dripping wet ticket was named. Did the dry women vote for these candidates? They did not. The 1920 Democratic ticket received only 34 per cent of the total vote cast, which was its worst beating (up to that time).

In 1924 dry Democratic women hoped for better luck, reluctant to believe the leaders would put another wet ticket in the field. So again they journeyed; this time to New York City, and, though these dry women voted through all those weary ballots for a notably dry candidate, did they get a ticket any dry patriotic woman could support? They did not. Again the mountain labored and brought forth—a wet compromise ticket. Did the dry women support this ticket? The answer lies in the fact that the 1924 ticket received only 29 per cent of total vote cast, the lowest watermark in the history of the party of Jackson, whose natal day we celebrate on Thursday. Our last defeat was our worst and most humiliating; both of these tickets were defeated by more than seven millions, in 1924 by far more than that.

We paid our respects a moment ago to "machine," expediency-loving politicians. There is no room left for the most futile argument by the most plausible politician for the very reprehensible, inexcusable course of action as pursued by the Democratic Party in the past eight years is without warrant, has brought only disgrace upon our great party, and has in no way been conducive to victory. Wet tickets in 1920 and 1924, which dry women scornfully repudiated, is the answer to the question: "Why can not the Democrats win?" Have they not learned a lesson from their bitter experience and humiliating, disgraceful defeats in 1920 and 1924? We fear not. The average politician can not see through the proverbial millstone. Expediency is their motto, stupidity their most prominent characteristic, and party regularity their fetich. When the Democratic Party wakes up and gives the women a dry ticket, regardless of party dissensions and selfish strivings for gain on the part of the wet elements, then the Democrats will win and not

before—the time is past when dry women will tolerate only wet tickets, as in 1920 and 1924.

On the wall, at the feast of Belshazzar, appeared the mystic words "Mene, mene, tekel, upharsin." (Thou art weighed in the balance and found wanting.)

Dry women have weighed the Democratic Party in the balance and found it wanting. "Mene, mene, tekel upharsin!" Oh, if women are not given tickets they can conscientiously support, as surely as the sun rises the dry women will shortly put a ticket of their own in the field! Politicians might as well be preparing for it! When that day dawns the dry women in the Democratic Party will say with Will Shakespeare, "Now is the winter of our discontent made into glorious summer" by the adoption of the prohibition amendment and the marvelous courage of the dry women of America!

Even more pitiful than the sad wives and mothers of drunkards are the little children. These helpless, hopeless little ones whom the Master cherished are holding out to us pathetic, pleading, wan little hands—"infants crying in the night; infants crying for the light; and with no language but a cry"—crying to the mothers of the world for help *and succor!*

Do you hear the children crying, Oh, my brothers,
Ere the sorrow comes with years?
They are leaning their young heads against their mothers,
But that can not dry their tears!
The young lambs are bleating in the meadows,
The young birds are singing in the nests;
The young fawn are skipping in the shadows,
The young clouds are blowing in the west!
But the young, young children, Oh, my brothers,
They are weeping bitterly.
They are weeping in the playtime of the others,
In the country of the free.

O patriotic men and women of America! let us redouble our efforts to make this a wholly dry nation, whose every citizen shall be loyal and obedient in thought, word, and deed to the Constitution and the flag of our Nation!

Let us stand at "salute" and solemnly proclaim:

"I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands."

THE AGRICULTURAL PROBLEM—SPEECH BY SENATOR ROBINSON OF INDIANA

Mr. CAPPER. Mr. President, on November 1, 1927, at St. Louis, a large and representative convention of farmers of Southern and Western States was held. I had the pleasure of attending that convention and hearing the principal address which was delivered by the Senator from Indiana [Mr. ROBINSON]. The address was of a very high order and covered the agricultural problem in a masterly way. It received the most enthusiastic approval of all who were attending that convention. I ask unanimous consent to have it printed in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

The marvelous development of the American Republic is the outstanding phenomenon of history. From the period of exploration until the beginning of the Revolution little progress had been made toward the settlement of what is now continental United States. It is true there were 13 tiny Colonies on our eastern seaboard with a total population of approximately 3,000,000 men, women, and children; but very little had been attempted west of the Allegheny Mountains. It was a time when a philosophy of government prevailed which tended to submerge individuality, effort, and initiative. The King was the government and government was responsible to the ruler. The King was the sovereign and all sovereignty was in the Crown. The King was, to a large degree, the state; indeed, the King was everything.

A comparatively small group of thinkers of that day convinced that the prevailing system was wrong, had the courage to announce an entirely different philosophy of government. In their view sovereignty should be in the people, not in the Crown. Government should be responsible to the people, not to the King. The people themselves should be citizens, not subjects; and government should derive its just powers from the consent of the governed.

It was a time when there were distinct classes of society. A child might be born in the aristocracy, and if so, there he remained until death. Still more were born in the so-called middle class, and if so, they had little opportunity for advancement. The greater majority were of the so-called lower class, whence most of us come, and if one were born in this status, he remained there until stricken with the hand of death. Under this system there had been, could be, no great progress, which can come only with individual opportunity, and freedom in the choice of life work.

The little group of thinkers of that day insisted on a philosophy of government placing sovereignty in the people, under which every child should have a fair deal in life and equal opportunity with others. This would make for progress. With this philosophy as their ideal a little group of 56 Americans met at Philadelphia in 1776 and signed the Declaration of Independence. For the ideals contained therein they rallied the patriots of that day and waged the Revolution. Some time after peace had been signed another little group met in Philadelphia to formulate a system of government, and after four months of deliberation there came from this conference the Constitution of the United States, which made the philosophy fought for in the Revolution the fundamental law of the American Republic.

It is a significant thing that both the Declaration of Independence and the Constitution of the United States were thought out, prepared, and put together largely by the farmers of that day. The great majority of the people were engaged in agriculture, and those who were not very largely followed maritime pursuits.

With a philosophy of government provided in the Constitution which safeguarded thoroughly the rights of the individual, progress was rapid. Agriculture continued to be, however, as it has ever been and must continue to be, the basic industry of the land.

In 1826 the National Road from Washington, D. C., to St. Louis, Mo., was projected in order to encourage the settlement of the country west of the Alleghenies. Then began the movement toward the Pacific coast, which never ended until the goal was reached. Let it never be forgotten that it was the embattled farmers of that period who blazed the trail, pioneered the way, and started the country on its road to glory. Forests were felled, crops were planted, and civilization moved westward. There was no occasion for a national agricultural policy at that time, for the reason that we had more land than could be utilized.

Then came railroad transportation, and the great transcontinental lines were begun, the people of the country giving their attention largely to the development of our enormous inland empire. Labor-saving machinery came into existence, and ultimately great national policies began to take shape. Cities sprang up, and the movement from the country to large industrial centers began. Population increased, and before we were hardly aware of the fact the forests had disappeared, most arable land had been cultivated, and much of it had been exhausted. The movement to the cities increased; the population in the rural districts diminished. The great industrial era had arrived, and we came face to face with the possible problem of overindustrialization.

The country had been visited with financial panics throughout the years at regular intervals, and it became important that we have a national banking policy. As its basis the Federal reserve law was passed by Congress in 1913 over the opposition of many of the most prominent bankers of the country, who insisted the policy was wrong. The trouble in the past had been largely due to the concentration of surplus credits in New York City. Under the new law this surplus was distributed throughout the country among 12 Federal reserve districts, thus making it possible to use these surplus credits to relieve emergency conditions, always certain that an ample supply would be on hand at all times in every part of the country.

As the beginning of a national labor policy the Adamson law was passed in 1916, followed by the restrictive immigration acts of 1921 and 1924. The transportation act was passed in 1920, forming the basis of a great railroad and carrier policy which considers 5½ and 6 per cent a fair return for transportation services rendered, and which significantly provides for a revolving fund, earnings of over 6 per cent, at the discretion of the Interstate Commerce Commission, being placed in this fund for the relief of weaker roads.

We have the Federal Trade Commission, a military policy, a tariff policy, and, even though the subject matter is of very recent origin, we are already rapidly developing a national radio policy.

Throughout all the development of the country, however, we have never thus far inaugurated a great national farm policy, much as we have needed it for many years.

There are in this country at the present time 6,500,000 farmers and a total population in the rural districts of approximately 30,000,000 people. Farm conditions have gone from bad to worse. In this day of organization the agricultural interests of the country have not been able to organize. It has been comparatively easy for manufacturers, for instance, since there are comparatively few units involved; but with the large number engaged in the country's basic industry, without which we could not exist, it has thus far been impossible to effect organization without Government assistance.

No one disputes the existence of a farm problem to-day. The mortgage loans of the farm interests in the country have increased from $4,000,000,000 in 1910 to more than $12,000,000,000 in 1925; and it is common knowledge that during the last several years wheat, corn, cotton, hogs, and all farm products have frequently sold for less than the cost of production. What the American farmer needs to-day, therefore, is an opportunity to develop bargaining power that will assure him prices for his crops and commodities that will give him a fair return on his investment and labor. To gain this end it is necessary to control crop surpluses, make the tariff effective on those commodities where duties are provided for, and to provide a system of orderly mar-

keting for the great cotton crop of the South to the end that the price for same may be thoroughly stabilized.

With this purpose in mind those of us who favor real agricultural relief have been backing the McNary-Haugen bill, which, roughly speaking, would provide for a Federal farm board composed of 12 members—1 from each of the 12 Federal land bank districts—such board to have authority, by use of a revolving fund provided for in the bill, to remove surplus production from the market in any given year; this would take the produce temporarily out of the export trade, where in the past it has always forced the home market of farm commodities down to the level of the world price, thus tending to drag the American farmer down to the level of the European peasantry.

The bill also provides for an equalization fee to be assessed against commodities entering the market, which would make every producer equally liable for any losses that might arise out of surplus production and operation. This feature of the bill is of the utmost importance, since, if enacted into law, it would require every individual in the industry to carry his share of the load. This would bring about thorough organization, and when the farmers of the country are effectively organized they will be able to handle their own problems. This proposed legislation would also form the basis for a great national farm policy which we must ultimately have if agriculture is to be saved in this country.

One thing is certain, all of us live from the farm. Our clothing comes from the farm; our food comes from the farm; and while we might do without many so-called necessities of life, we can not get along without food. We must eat to live. We must eat off the farm, and if we do not get our food from the American farm it must come from foreign quarters.

The movement to the cities continues and grows. Youngsters are leaving the country and becoming industrialized in congested centers, so that for the most part only the elders remain to face the mortgage. This being true, the question naturally arises, "What will happen when they, too, are gone?"

The time must come in this country when the American farmer can have something to say about the price he is receiving for his commodities. He can not continue to produce his crops at a loss. I want the day to arrive speedily when the wheat grower of the North, the cotton planter of the South, and the farmers generally will have as much to say about the price to be paid for their products as those in other industries can say concerning theirs. When this time comes pessimism will leave the farm. It will be replaced by optimism and by happiness and contentment as in the days gone by, and the sweetness and romance of American rural life will return.

The McNary-Haugen bill may not be perfect, but it is a start in the right direction, and all legislation is experimental until tried out. Though it was passed as recently as 1913, in the 14 years intervening, the Federal reserve act has been amended so much that the amendments occupy more space in the law books than the original act itself. That is true of many other important laws on the statute books. They must be altered from time to time to make them more workable. So with the McNary-Haugen bill; we can amend it if time shows the need for amendment; but its passage would immediately hearten the agricultural population of the country; raise the morale of the people engaged in the industry, and what is more important, it would be the beginning of a great national farm policy which is absolutely necessary if the industry is to be saved and stabilized.

Brazil has considerable of a monopoly on coffee and we pay the Brazilian price—not only that, but we pay the price set by the Brazilian coffee planter. The same is true of rubber, which is largely controlled by Great Britain. We pay the price set by the rubber producers and this is because those countries have a farm policy. I want the time to come soon when the American farmer will be enabled by his government to be as fortunately situated. Certainly he is entitled to his own home market, unhampered by disastrous competition from commodities produced in countries where the cost of production and standards of living are below those in America; and American agriculture is entitled to adequate protection from our Government.

The food supply is the first line of defense of any nation. Armies and navies must have food as well as the civilian population. If we continue during the next 10 years along the path we are traveling at present, agriculture will be dead in this country and we shall be forced to import our food supply very largely from an unfriendly world. If we ever reach that point our independence itself will be jeopardized, and the tragedy of this whole matter is the fact that history shows that in any country where agriculture has been permitted to die, it has never been successfully revived. Let us take action while there is yet time.

We have seen nations die during the past 10 years. The great Russian Empire, the great German Empire, the great Austria-Hungarian Empire, the Turkish Empire, Montenegro, all have perished before our eyes in the past decade. Historians could, if they had the inclination and perspective, write of the rise and fall of these great empires of yesterday. Nations live and die just like individuals. We want the American Republic, with its beneficent philosophy of government and its gospel of a fair deal for every child born under the American flag, to live on forever and never die.

Things do not happen in this world; they are brought about. Great national problems must be solved as they arise. The greatest problem that confronts the American people at the present time is that of agriculture, which involves the Nation's food supply. To work sincerely for the solution of this problem is the duty of every American throughout the length and breadth of the land.

Just as little groups of representative patriots, with an ideal, brought forth the Declaration of Independence and the Constitution of the United States, just so will these modern groups of representative patriots, with an ideal, bring forth relief for American agriculture which will save the Republic and make their names immortal when the history of these critical times shall be written.

COLUMBIA RIVER BASIN PROJECT

Mr. JONES. Mr. President, out of order, from the Committee on Irrigation and Reclamation, for my colleague [Mr. DILL] and myself, I report back favorably, without amendment, the bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, and I submit a report (No. 345) thereon.

I had intended to ask for the present consideration of the bill, but the chairman of the committee desires to have it go over. However, before the bill goes to the calendar I wish to offer an amendment on behalf of the Senator from Idaho [Mr. BORAH], which is agreeable to his colleague and also to the chairman of the committee and to my colleague and myself. I ask that it may be adopted, and then ask that the bill as amended may go to the calendar.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The clerk will report the amendment for the information of the Senate.

The CHIEF CLERK. At the proper place in the bill it is proposed to add the following proviso:

Provided, That no appropriation for construction under the gravity plan shall be made until a compact shall have been entered into between the States, either to determine the allocation of waters and definite storage elevation and areas or to determine the basic principles that for all times shall govern these matters; and

Provided further, That the passage of this act shall not in any respect whatever prejudice, affect, or militate against the rights of the State of Idaho, or the residents, or the people thereof, touching any matter, or thing, or property, or property interests, relative to the construction of the Columbia Basin project.

The PRESIDENT pro tempore. The proviso will be added to the bill as reported, and the bill, with the addition, will go to the calendar.

Mr. JONES. I desire to have the amendment to the bill agreed to and then have the bill as amended go to the calendar. I want the amendment adopted by the Senate.

The PRESIDENT pro tempore. Then the bill will have to be taken up for consideration. The procedure which the Chair has followed covers everything which the Senator from Washington desires and is much more orderly.

Mr. JONES. No; I ask unanimous consent that the bill may be considered for the purpose of adopting the amendment, and then let it go to the calendar. I certainly have a right to do that.

The PRESIDENT pro tempore. In other words, that the bill may be partly considered and then go to the calendar, as in the case of a bill which is considered before 2 o'clock and when that hour arrives, its consideration not being completed, it goes back to the calendar.

Mr. JONES. Certainly by unanimous consent the Senate can do that.

The PRESIDENT pro tempore. Of course, the Chair understands that anything may be done by unanimous consent, but he may be permitted to state in his capacity as a Senator that he thinks this is a very bad method of procedure.

Mr. ROBINSON of Arkansas. Mr. President, I do not know what is in the amendment proposed by the Senator from Washington, but I do not think the Senate ought to proceed to the consideration of the bill, adopt the amendment, and then pass the bill to the calendar.

The PRESIDENT pro tempore. The Chair is glad to be sustained by the opinion of the Senator from Arkansas.

Mr. ROBINSON of Arkansas. I object to the request of the Senator from Washington.

The PRESIDENT pro tempore. Objection is made.

Mr. JONES. Very well. I will withdraw the amendment.

The PRESIDENT pro tempore. The amendment is withdrawn. The bill will go to the calendar.

REPORT ON PRICES, ETC., IN THE PETROLEUM INDUSTRY

Mr. McMASTER. Mr. President, there is on the calendar Senate Resolution 136, providing for the printing of the manuscript entitled "The Report of the Federal Trade Commission on Prices, Profits, and Competition in the Petroleum Industry." I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent for the present consideration of Senate Resolution 136. Is there objection?

Mr. CURTIS. I desire to ask if the resolution has been reported from the committee?

Mr. McMASTER. It has been reported from the Committee on Printing.

The PRESIDENT pro tempore. It has been reported by the Committee on Printing, and the Chair calls the attention of the Senator from Connecticut to the request. The resolution will be read for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 136), which had been reported by Mr. BINGHAM from the Committee on Printing on the 6th instant, as follows:

Resolved, That the manuscript entitled "The Report of the Federal Trade Commission on Prices, Profits, and Competition in the Petroleum Industry" be printed, with illustrations, as a Senate document.

Mr. BINGHAM. All I desire to say is that the Public Printer informs us that the cost of printing the manuscript as a Senate document will be $2,234.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

INTERNATIONAL TRADE RELATIONS

Mr. COPELAND. Mr. President, we face a new era in international trade relations. Germany, the defeated nation, freed from monarchical institutions, has taken the lead in the elimination of international commercial rivalries.

Trade agreements tending toward closer cooperation and more intimate associations have been accomplished with her former enemies. America is a party to none of these agreements.

Formation of such associations has been heralded as a threat and menace to American industry. Such, in my judgment, is not the fact.

American business since the peace has constantly and quietly acquired for the benefit of the American people the knowledge, research experience, and inventions of our former enemies. American capital in large amounts has been invested in former enemy-country securities and enterprises.

But we must go further. Partnership in American concerns on the basis of foreign "know how" and American capital should be encouraged. Such concerns manufacturing in America, subject to our laws, increasing competition, improving production, and reducing prices to American consumers, should have the complete approval of our national administration and of our people.

Such manufacturing establishments, available in time of stress for national defense, would be of incalculable value to the country.

Can we doubt that international business partnerships are the best preventive of international conflicts and wars that statesmen can devise? It is time to cease ringing the changes upon war hatreds and animosities, and extend the helping hand of friendship and association to our former enemies.

Business men devised the Dawes plan after diplomats had floundered helplessly for years with the post-bellum economic chaos. Business men, if they are wise and farseeing, must strive to keep the world's peace.

Profitable disposition of manufacturing surpluses in the markets of the world increases national wealth, reduces unemployment, and insures continued prosperity. We are suffering now, and are bound to suffer more. Formation of European commercial agreements to share world markets leaves America under the necessity of participating, or else she must fight for a share of world business.

With no adequate American bottoms to carry surplus American products, the fight is unequal. We are not alive to the importance of an adequate merchant marine. Wise legislation now on our statute books permits our entry, for export purposes, into combinations involving basic industries. This will do much to overcome unemployment and disposition of our surpluses.

In my judgment there never was a time when this country must give greater consideration to the question of unemployment than right now; and I believe that through these combinations there may be effected a state of affairs which will do away with unemployment to a great extent.

Domestic markets should not be dependent alone on domestic consumption. Relieved from the uncertainty of domestic consumption of surplus production, they would be upon sounder financial bases. Immediate improvement should result to the steel, textile, fertilizer, and chemical industries.

Let it be remembered that some of our "infant industries" are predicated upon the confiscated inventions of the people of a nation originally invited into our midst by the terms of our Constitution. No compensation has ever been paid to them. I am glad they are to be paid under the terms of the bill we passed yesterday. With the treatment they have had, I am amazed that such people should still be willing to trust us; and that they should be willing to enter into business partnerships with us is, to me, little short of marvelous.

The domestic problems of farm relief, of national defense, of destruction of industry by ruinous foreign competition, would be brought nearer to solution by such commercial alliances. The occupation of some paid Jeremiahs constantly prophesying war and woe would probably be rendered superfluous; but this misfortune is one that the American people might suffer with resignation, and perhaps some rejoicing.

Let us have done with vituperative attacks on nonexistent enemies. Ten years ago a war to make the world safe for democracy was ended. We were told we fought for no indemnities. It was said we had no grievance against the enemy peoples. Yet, the patent rights of these people were confiscated, and for 10 years they have been at the disposal of that limited group designating itself "the chemical industry." The war made the use of a great nation's inventions safe for this little group.

Ever since we have read from time to time in the chemical trade journals and in the lay press of how wicked, designing, unashamed, and dangerous were those corporations whose patents we confiscated for the benefit of a privileged few. That privileged few in those 10 years has had the benefit of high protective tariffs, of embargoes, of dumping laws, and of investigation of foreign manufacturing costs.

We were told that chemical plants, useful in peace time, essential in war times, could and would be erected in America to take the place of those of other countries. Other countries are enjoying for their agriculturists nitrogenous fertilizers produced from the air, with high plant-food contents. Fertilizer is the foundation of the farmer's financial future.

The American chemical industry, after 10 years of special treatment, has no plant in production turning out nitrogenous fertilizers for our scientific farmers. We have no such plants which in times of emergency could be utilized as munition factories for the national defense.

We are told that only the nation whose patents we confiscated possesses the "know how" to manufacture under these inventions. This people, in spite of our war treatment of their property, have entered into associations with Americans in dyestuffs, colors, pharmaceuticals, synthetic gasoline, and photographic films, all to be manufactured in this country. The thought of this form of competition seems to send cold shivers down the spine of the privileged few who for 10 years have had an American monopoly of these products.

European combinations of these industries provide additional products for the foresighted Americans who have formed alliances with the possessors of the "know how."

The question is, Shall we welcome alien industry and capital to our shores, in accordance with the traditional policy of our Nation, or shall we lend ear to the affrighted clamor, denunciation, and invective of the mouthpieces of an interested and selfish minority? It is high time that we had an official expression of the administration's attitude in the interests of the world peace and domestic prosperity.

American capital is hesitant. American industrialists are reluctant to enter into agreements with other manufacturers to obtain for this country that which we have not, and which would be of benefit to us, so long as the newspapers are filled with vituperative abuse and vague suggestions of Sherman Act prosecutions.

On February 16, here in Washington, was held a conference of executives of the chemical industry. It was held under the auspices of the Department of Commerce, and at that time there were presented for the consideration of the conference reports from some of the commercial attachés.

I hold in my hand a report made by Daniel J. Reagan, assistant commercial attaché at Paris. He speaks on the French chemical industry and the tendencies toward centralization on the part of the participation in France.

These reports are extremely interesting. For instance, this one of Mr. Reagan brings out the fact—and I quote from it—

The World War brought to the attention of the industrial and political leaders of France the acute need for making France self-sufficient as regards chemical resources and equipment. In certain groups, and in particular products, France was already self-contained before the war. This was true for phosphates and superphosphates; for such basic materials as sulphuric acid and hydrochloric acid—

And so forth; but the report says:

As regards dyes, a very strenuous effort and Government cooperation in controlling imports brought from Germany have been required to bring this branch into a position where it is considered to be strong enough for both peace and war time needs. With no natural nitrate resources, France has for years been struggling to develop a synthetic industry for this product, but this development has been so slow that it will undoubtedly be a number of years before those demanding complete self-sufficiency will be satisfied in this field.

Then Mr. Reagan speaks about the major portion of the domestic consumption of nitrogen, and says:

It is still met by Chilean nitrates and synthetic products imported from Germany, but the French output of artificial nitrates is increasing, although not as rapidly as was hoped for.

Then he speaks about the importations of phosphates from Morocco:

Observers of the phosphate situation throughout the world are watching this movement very closely in an effort to determine whether these shipments which it is claimed were sold below prices in the United States will likely involve a threat to invade the American market on a large scale or whether these sales are designed to bring about some possible form of American cooperation in the European market.

It is not alone in France where they are seeking an arrangement with the German producers to bring about these various cartels and combinations, but Mr. Reagan brings out the fact that four of the principal Belgian manufacturers have likewise formed a chemical union in that country to represent their interests in matters similar to those dealt with by the French committee.

This step by the Belgians is looked upon in well-informed quarters as the prelude to participation in certain of the other European chemical ententes now under discussion.

Another quotation from Mr. Reagan:

Although, in general, European international cartels have been formed after periods of intense competition—

You will recall that these cartels are combinations or trusts, groups of persons in one particular industry seeking to have control of the production and sale of the particular product of interest to this group of persons. This movement has gone so far in Germany that they actually have a cartel court to deal with such trade combinations.

In Europe they deal with the matter differently than we do. Instead of preventing these combinations, they permit the combinations, under strict regulations. Here, whenever we speak about permitting combinations of capital, there is always resentment if we talk about regulation at the same time; but there, there has been that submission to regulation which has justified the Government in permitting the combinations to exist.

Quoting again from Mr. Reagan:

Although in general European international cartels have been formed after periods of intense competition, the nitrogen negotiations are rather unique, in that the French are willing to discuss with the Germans and other European producers ways and means of avoiding the competition anticipated, particularly by the Germans upon the fulfillment of the broad production program planned by France. * * *

Some of the details of this agreement have already been made available. Its aims include at least three of the ones general to international ententes, namely, price agreements, protection of the home markets, and a division of foreign markets.

One of the reasons why I am calling this to the attention of the Senate is that we may be alive to the fact that these combinations are taking place. Unless we can work out some plan or have some understanding as to our participation in such arrangements, or have an understanding with the Attorney General's office about how we may permit these partnerships to take place between representatives of great industries and American capital if we do not work out some such plan, we will find pretty soon that our markets are absorbed by the combinations effected in France, in Germany, and in Belgium.

Mr. Reagan points out:

It is understood, for example, that the French interests will act as the sales agents for the Germans in Spain, while the German agents will handle French dyes in the Far East. * * *

* * * * * * *

This is a brief outline of the conditions and tendencies in the French chemical industry at the present time as viewed from the outside. But, traveling back to France and looking across at our industry in the United States, the question might well be raised, "How does the industry there look upon our industry over here?" In public talks and in private conversations there is one outstanding attitude of the leaders of the industry in France in this regard: This is the feeling repeatedly expressed, that in the international cartels now being formed American participation is vitally essential to their success. This has been expressed particularly as regards dyestuffs, nitrogen, and phosphates.

The report on the situation of the German chemical industry was made by Mr. William T. Daugherty, trade commissioner at Berlin. He presented this report at this meeting of executives of the chemical industry on the 16th of February.

This I find to be a very interesting report worthy of our attention. Mr. Daugherty speaks in detail of the cartel court, which I have already mentioned. Then he says this:

It was announced recently that the German Dye Trust had concluded an agreement with Kuhlmann on dyes—

Kuhlmann is the great French dye concern—

calculated to regulate intertrading in dyes produced by the two, particularly to divide export markets. Under this arrangement the Germans probably acquire 80 per cent of exports of dyes by the two parties while the French get the other 20 per cent.

This arrangement is to divide the world into zones, and to determine which nation, the French or the German or the Belgian nation, should take possession of the market in a particular zone. Mr. Daugherty continues:

These two agreements stand out in particular relief, first, because they represent a drift toward an economic entente cordiale between the two bitterest enemies of the late war, and, secondly, because they set the stage for other agreements with other countries. There are many of the latter already, although nothing much has been said or printed about them. They refer to price fixing and even production allocation agreements on specific chemicals.

Then Mr. Daugherty speaks about the Anglo-German combination, saying:

Though deadlocked for the time being, it can be little doubted that eventually an agreement will be reached between the German Dye Trust and Imperial Chemicals, in England. It would appear that such an agreement, as in the case of its predecessors, especially the Franco-German dye and potash agreements, would also be confined to specific products and not to the entirety of production of both trusts. A likely subject for bargaining, for instance, would be dyes.

Then Mr. Daugherty speaks about the nitrogen production and says:

It may be predicted that by 1930 the Germans will be fixing 1,000,000 tons of primary nitrogen annually.

Think of a million tons of nitrogen, when we are doing nothing in that particular!

For some reason or other there has been a disposition to halt the production of ammonium sulphate in Germany, although, as Mr. Daugherty says, "German farmers prefer ammonium sulphate for potato fertilizing and are indifferent by preference between ammonium sulphate and Chile saltpeter for grain fertilizing. It is a fact that ammonium sulphate is preferred on rice, the world's largest crop, grown under conditions of excessive moisture."

Mr. Daugherty points out the distress of the Germans over the suggestion of the press that there has been a disposition in Germany to oppose the best interests of the American chemical industry, and he indicates the desire of the Germans to pass over to us, so far as may be, by enlisting American capital, the production in America of these various chemical products.

I have already spoken of the difficulties in the way of such combinations and partnerships by reason of the fear that the legal authority, the Attorney General's office, might upset the whole arrangement. So, lastly, I want to call attention to the address made by Col. William J. Donovan, assistant to the Attorney General, before this American Chemical Industry Conference on the 16th of February. He clears up this mooted question as to whether or not there would be any disturbance on the part of our Government, or of the administration, of any such arrangement between representatives of the cartels of Europe and American business men who might desire to invest their money in such enterprises. I quote from Mr. Donovan:

Within its own jurisdiction a foreign government may, of course, evolve a trade policy that is directly opposed to our own. If, as a result of that policy, there is established a governmentally controlled monopoly, and that monopoly comes to our shores to engage in trade and conforms with our laws, we can not deny such monopoly the right to do business here. We can not attack the origin of that concern and assert that, because in its inception it was a monopoly, we can, therefore, deny it the right of entry to this country. It came into being as the result of an act of a sovereign power, and, as Mr. Justice Holmes said in the American banana case, "the very meaning of sovereignty is that the decree of the sovereign makes law." Of course, that is a sound principle, because international relations would be disrupted if the courts of one sovereign were permitted to question the legality of the acts of another sovereign state.

So Colonel Donovan makes clear that there is and can be no legal objection to partnerships such as I have suggested between expert scientific knowledge brought to us from some country abroad and the investment in such enterprises as I have mentioned of American capital. I think that that has a very important relationship to the future of America as regards fertilizer development and the development of other great economic activities in America.

We must live in commercial peace with the other nations of the world or we must expect retaliatory legislation in an economic war. Tariffs and discriminatory statutes, with debts and reparations, are international issues. The peace of the world is involved. The voice of commerce freed from royal and imperial restraint and intrigues is far more potent to-day than the voice of politics. Political policies must yield to the needs of the people and must represent the people's desires.

The people of America desire an end to war animosities and a peace of prosperity in which all may join.

Mr. President, I ask unanimous consent that there may be printed at this point in the RECORD the addresses of William T. Daugherty, Daniel J. Reagan, and William J. Donovan.

The PRESIDING OFFICER. Is there objection?

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

THE GERMAN CHEMICAL INDUSTRY

By William T. Daugherty, trade commissioner at Berlin, delivered before second meeting of executives of the chemical industry under the auspices of the Department of Commerce; sessions in national council chamber, Chamber of Commerce of the United States, 1615 H Street NW., February 16, 1928

ECONOMIC SITUATION

Briefly summarized, the economic situation in Germany is characterized by a recovery of industrial production in 1927 that exceeded pre-war in like areas in many cases, although the visible adverse trade balance was 3,350,000,000 marks, or $800,000,000 last year.

Production of pig iron in 1927 was 13,000,000 tons against 11,500,000 in 1913 in comparable areas; coal production of 153,600,000 tons exceeded an output of 140,000,000 tons in present areas; and a 1927 potash production of 1,300,000 tons pure potash breaks the 1922 record of 1,290,000. Chemical production has shifted, of course, since the war, a dyestuffs production of some 80,000 tons now against probably 135,000 tons before the war being compensated for by production of a new synthetic nitrogen industry and other branches. Germany is producing some 700,000 tons of fixed nitrogen annually now—of which 310,000 tons is fixed in ammonium sulphate, 320,000 tons in synthetic nitrates, and the rest, 70,000 tons nitrogen, in calcium cyanamide. Compare with this barely 15,000 tons of synthetic fixed nitrogen production in 1913 and 110,000 tons in coke plant by-product sulphate. The Dye Trust can produce at its methanol layout at the Leunawerke about 20,000 tons annually, but is not producing more than from 10,000 to 15,000 tons, according to demand, by virtue of its agreement with the wood distillers. The Leunawerke calculates to produce 100,000 tons of synthetic gasoline this year in its new lignite hydrogenation operation, also at the Leunawerke. It is a striking circumstance that despite an investment of many millions of dollars in its synthetic nitrogen industry, for fertilizer, German crops are far less in per hectare yield than in immediate pre-war years. The 1927 rye crop was only 6,800,000 tons against 12,200,000 in 1913; the wheat crop 3,300,000 tons against 4,600,000; and potatoes, 37,500,000 tons against 54,000,000. An explanation of this unfavorable comparison will be touched upon later.

The unemployment situation is not entirely satisfactory at the present time, there being some 1,300,000 jobless receiving doles, although this comparatively high figure is due to seasonal influences paralyzing the building trades and agriculture chiefly. The figure, however, compares favorably with peak unemployment of 2,000,000 in March, 1926.

A healthy economic symptom, furthermore, is in the fact that bankruptcies are below pre-war. With fewer bankruptcies and less unemployed better times are reflected, of course, despite the heavy adverse trade balance.

The latter is partly accounted for by the fact that Germany has been diverting part of its loans borrowed abroad to financing imports. Germany has borrowed more than 10,000,000,000 marks since the Dawes plant went into effect. This figure was so impressive that it prompted the agent general for reparations, who recently filed his report for the third reparations year, to caution Germany to restrict its foreign borrowing. This opinion is concurred in by Doctor Schacht, president of the Reichsbank, who further emphasizes that borrowed funds should be put to productive use within Germany, rather than for financing imports of foodstuffs and manufactured lines; Doctor Curtius, economics minister, is somewhat more optimistic and concludes that Germany's foreign obligations are relatively low—that is, over 3,000,000,000 marks annually, of which 2,500,000,000 marks are reparations and 750,000,000 marks interest and amortization on loans. His conclusion seems to minimize the unfavorable trade balance, just mentioned, of over 3,000,000,000 marks in 1927.

CARTELS

The cartel, as an association of producers to regulate production, allocate markets, and to fix prices, but preeminently to pool sales of members, is a peculiarly German institution in origin and history. The German chemical industry is essentially sensitive to cartellization by virtue of its susceptibility to overproduction.

Virtually all German producers of chemicals, whether they have bromine, benzol, superphosphate, creosote oil, paints, or lacquers, or one might continue with an endless list, are associated in a horizontal cartel, selling for the group and allocating profits accordingly. When a cartel combines producers of varying production costs it protects the weak against the strong. Consider the chemical bromine, for instance. The German bromine syndicate, to my own knowledge, has one member potentially able to produce this product from carnalite waste liquors at no more than 50 pfennigs per kilogram. It costs other cartel members more, but the net result is that the market price is 3 marks, or around 75 cents per kilogram. Again, German cyanamide producers doubtless operate at more cost than Haber-Bosch, manufacturers, but cyanamide, pooled in the nitrogen syndicate, is priced at 7 pfennigs per kilogram less than Haber-Bosch production.

POTASH SYNDICATE

A somewhat unique German cartel is the much-advertised potash syndicate. This cartel, like the Ruhr coal syndicate, is created by law. It combines all producers and the law specifies that production be allocated. To meet competition, however, the potash syndicate has gone through a process of comparatively intensive concentration in the past two or three years. It has closed down the more unproductive of 228 potential potash shafts in Germany and is operating about 60. An important circumstance, as far as the American consumer is concerned, is that closed-down shafts are compensated under the law, thus burdening the price of potash to the consumer accordingly. This item may cost the cartel between 50 and 70 million marks annually, while the industry's annual obligations under the reparations plan and interest and amortization on its $75,000,000 loan burdens the industry with a total of some half a million marks indebtedness. It is thus not difficult to understand the allegation that German potash production costs are higher than French (Alsatian), though German costs are potentially lower, if competition were open, and the best 17 or more German potash shafts could be thrown into competition with the 17 Alsatian shafts with their high-percentage sylvinite, the latter resulting probably from one natural crystallization when salts now in Alsatian deposits were carried down in floods of the Tertiary geologic period and crystallized out. One can conservatively estimate that 12 of Germany's best potash mines, under conditions of free competition, could meet world demand for cheaper potash and by-products. The latter include magnesium chloride, magnesium sulphate, sodium sulphate, and bromine. These by-products can not be obtained from French deposits, because the latter are exclusively sylvinitic. A potential advantage of no mean importance also is the fact that sulphate salts in German potash deposits obviate the use of relatively expensive sulphuric acid to produce artificial sulphates.

CARTEL COURT

It has been mentioned that the German potash syndicate is created by law. This exempts this combination from decisions of the so-called cartel court, located in Leipzig. This institution was created by order of November, 1923, as is calculated to repress vicious cartel tendencies, most marked in cases by efforts of stronger cartel members to repress the weaker. The cartel court also calculates to prevent the cartels from unjustifiable price inflation at public expense and can consider and render decisions on complaints from consumers. It can penalize the cartels for cutting down production. Another function it has is to permit a cartel member to withdraw from a cartel if he can show proof that his cartel is guilty of practices detrimental to general economic welfare. Authority to repress cartels opposed to the general economic

welfare invests this court with rather broad powers, but experience has shown so far that its decisions are more repressive than of effect to actually dissolve the cartels.

The Government also has to a certain extent certain supervisory powers, vis-à-vis, the cartel court, and can make special decisions and refer irregularities to it.

The place of government in relation to German industry generally is more paternalistic than otherwise and, as generally known, it exercises supervisory functions in cartels created by law, such as the potash and coal syndicates. It is also invested to a certain extent in some German industries.

DYE TRUST

The horizontal cartel has led all the way through to complete mergers, as exemplified most strikingly in the case of the world-famous German Dye Trust, with an interesting subsidiary cartel, namely, the nitrogen syndicate, a self-styled ideal cartel, intent on price reductions to boost sales of a product that may soon attain a point of market saturation if production is increased as rapidly as seemingly planned.

Respective members of the present dye trust first associated in 1905 when Cassella, Hoechster, and Kalle formed a group, known as the Triple Association, or Dreiverband. At the same time, Badische, Bayer, and Agfa associated in the so-called Triple Union, or Dreibund. In 1916, both groups associated in the so-called "extended" trust, or community of interests, and in 1917, Griesheim-Elektron, producing dyestuffs intermediates chiefly, entered it. This association allocated production in plants best equipped to manufacture specific chemicals for the pool; it naturally controlled price fixing, and shared profits, the Badische, Bayer, and Hoechster plants, by reason of their output, each getting 25 per cent profit share while the other 25 per cent was split up between Cassella, Kalle, Agfa, and Weiler-ter-Meer.

In late 1925, a complete merger of all into one company was approved. Griesheim has developed more importance in the pool, and is doubtless profiting accordingly, under the present arrangement. It is now generally known that Griesheim held up the then negotiations for a complete merger with demands for a greater profit share.

The scope of the dye trust may be gauged from the fact that it is estimated that it produces now one-third of Germany's entire chemical productions, employs one-fourth of all chemical labor (some 88,000 persons), and controls over 60 per cent of the capital of all German chemical corporations.

INTERNATIONAL

Being the largest consolidation within the German chemical industry, the German dye trust is thus fitted to present a solid front in treating with similar consolidations abroad. Its most outstanding prototypes in Europe are Imperial Chemicals Industries (Ltd.), of England, and Etablissements Kuhlmann, of France, both in turn being mergers.

It was announced recently that the German Dye Trust had concluded an agreement with Kuhlmann on dyes, calculated to regulate intertrading in dyes produced by the two, but particularly to divide export markets. Under this arrangement, the Germans probably acquire 80 per cent of exports of dyes by the two parties, while the French get the other 20 per cent. It was agreed that exports would be proportionate to respective production. It may be estimated fairly closely that while the Germans are producing 75,000 to 80,000 tons of dyestuffs annually, the French produce 15,000 to 20,000 tons.

The Franco-German dye pact, concluded last month, recalls a parallel agreement between these two nations, finally ratified in December, 1926, dividing potash export markets in the ratio of 70 per cent to Germany and 30 per cent to France.

These two agreements stand out in particular relief, first, because they represent a drift toward an economic entente cordiale between the two bitterest enemies of the late war, and secondly, because they set the stage for other agreements with other countries. There are many of the latter already, although nothing much has been said or printed about them. They refer to price fixing and even production-allocation agreements on specific chemicals. The Germans quite recently framed such an agreement with the Austrians and the Czechs, principally on alum and its salts, and on certain ammoniates. A dye-sales arrangement is also in effect between the German Dye Trust and the Spanish. A nitrogen-sales arrangement on oriental markets exists between the Germans and British. For quite some time, special price and market division agreements have been in effect between German and British producers on benzol, borax, creosote oil, and Glauber salts, among other products.

In viewing the effect of these agreements it is well to consider that while they refer specially to price uniformity, and in cases to allocation of production—to combat inevitable overproduction—they are aimed especially at savings on freight hauls; the freight rate on heavy chemicals being particularly burdensome. Thus, if the Germans and Austrians agree to allocate markets on certain chemicals, it stands to reason that the Austrians would sell the Near East, while Germany would sell its surrounding territory. In a recent conversation with Doctor Hueb, who wished to illustrate this point, he put the question: "Why do you Americans sell ammonium sulphate to Japan, and then turn around and buy the same product from us over a tariff of $5 a ton?

ANGLO-GERMAN

Though deadlocked for the time being, it can be little doubted that eventually an agreement will be reached between the German Dye Trust and Imperial Chemicals, in England. It would appear that such an agreement, as in the case of its predecessors, especially the Franco-German dye and potash agreements, would also be confined to specific products and not to the entirety of production of both trusts. A likely subject for bargaining, for instance, would be dyes. The British could conceivably welcome German technique in dyestuffs production in exchange for a share of British and Colonial markets. This arrangement was proposed in negotiations between 1922 and 1924, but was finally vetoed by the British Government. Apparently the fear still remains in Britain that the German Dye Trust inclines to demanding the lion's share in such an arrangement and that the British dyestuffs industry might thus come under Teutonic domination.

NITROGEN

Another likely subject for bargaining between the German Dye Trust and not only the British but other countries is nitrogen. An agreement on nitrogen would seem unavoidable in view of threatening overproduction. It may be predicated that by 1930 the Germans will be fixing 1,000,000 tons of primary nitrogen annually, when the Leunawerke of the Dye Trust are further expanded and some other new units, particularly the Mont-Cenis process (at Sodingen), utilizing coke-oven gas hydrogen, goes into full operation of 100,000 tons nitrogen annually. Only last year the German Dye Trust made a pact with the Norwegian Norsk Hydro arc process plant, and acquired a substantial portfolio of its shares. This act made the Germans part owners, with the French, of the Norwegian plant. Production at the latter will be doubled.

On the other hand, the Dye Trust has shown itself indisposed so far to treat with Chile producers, although I am informed the latter have approached the German nitrogen syndicate with offers for an agreement, probably on production, prices, and markets.

It may be of interest to note in passing that the German Dye Trust has pegged its production of ammonium sulphate and will produce no greater quantity of this particular salt, but will increase production of nitrates, especially calcium nitrate, as a substitute, though hydroscopic, for Chile saltpeter. It has been mentioned that the nitrogen syndicate now claims a total production of 700,000 tons fixed nitrogen.

Halting of ammonium sulphate production by the Dye Trust may confirm adverse criticism, uttered often enough, against this fertilizer on account of its acid. Nevertheless, best opinion of fertilizer scientists in Germany does not share the one-sided view of ammonium sulphate expressed by its opponents. German farmers prefer ammonium sulphate for potato fertilizing and are indifferent by preference between ammonium sulphate and Chile saltpeter for grain fertilizing. It is a fact that ammonium sulphate is preferred on rice, the world's largest crop, grown under conditions of excessive moisture. This is all predicated on the assumption that sufficient limestone is evident in the soil as a neutralizing agent against inevitable soil acidification aggravated by ammonium sulphate.

Nevertheless and despite the enormous investment in synthetic nitrogen in Germany, the crop yields are less than pre-war per hectare yield. The Prussian Chamber of Agriculture, however, concludes that less nitrogen in artificial and manure carriers is being returned to German soil now than before the war, despite the doubling of artificial nitrogen fertilizer tonnage for fertilizer, i. e., 400,000 tons nitrogen now against 200,000 tons nitrogen in pre-war. In reaching this conclusion it is pointed out not only has German livestock been decimated since the war but, more important, imports of high-grade fodders have fallen off, causing an absolute nitrogen shortage compared with pre-war. Furthermore, only one-third the limestone is being used as fertilizer that was used before the war, with the result that one-fourth of German soils are acid. Too little phosphoric acid is being used, while the weather has been particularly adverse in postwar years, except 1925, while the immediate pre-war years were favored with exceptionally fine crop weather. And postwar crops may be underestimated, German farmers thus attempting to dodge the income tax.

OIL FROM COAL

Another possible point of contact between European chemical producers is offered by the new process hydrogenating low-grade coals, pioneer research on which was done by Dr. Friedrich Bergius, of Heidelberg, but which was improved by the German Dye Trust, which supplied a catalyst to the operation. It seems to be too optimistic to suppose that this oil from coal will emancipate Germany entirely from petroleum imports in future. Its first years of production can scarcely overhaul increasing consumption by the automotive industry alone in Germany. Furthermore, lignite reserves for raw material for the synthesis are not inexhaustible. Under the ammonia operation alone lignite reserves were estimated to last but another 100 years, and since then the oil from coal synthesis and the fact that hydrogen will be produced over lignite instead of coke will cut into these reserves all the sooner. Incidentally much of the secret of the Leunawerke's capacity to throw its synthetic production of ammonia, methanol, and oil from coal into world com-

petition doubtless depends upon its future plans to produce hydrogen from lignite instead of coke. The former costs about 75 cents per ton on the spot, while coke, hauled from the Ruhr, must cost them in the neighborhood of $10 a ton. The Leunawerke's coke bill has always been a most expensive item.

German rights to the coal-hydrogenation process center in the so-called Kobergin Co., 65 per cent of whose shares belong to the Dye Trust, while Ges. f. Teerverwertung holds the rest. The latter is putting up a Bergin plant in the Ruhr. Foreign rights center in the Internatitonal Bergin Co., of The Hague, which has recently licensed to a British syndicate rights to promote the process further.

CONCLUSION

German Dye Trust officials have been considerably exercised of late by press reports that their chemical industry calculated to consolidate for the particular purpose of opposing the best interests of the American chemical industry. While it is not the purpose of this discussion to reach any definite conclusions on this controversial issue—and granted that the effects of European consolidations have an unavoidable reaction on world competition—I can quote certain leading figures of the German Dye Trust who deny first that they are out to fight the American chemical industry, and, secondly, that the Dye Trust has bought heavily into shares of the American chemical industry. They emphasize on the other hand that it is their wish to frame agreements with elements in the American chemical industry as far as this is possible and cite as proof of this at least three German-American agreements arrived at in the past year. They indicate also that further special agreements with American chemical and related companies are in sight. All of this is substantially contained in an official statement given by Dr. Carl Bosch, of the Dye Trust, to an American financial paper, which carried his interview a few days ago.

Before leaving Berlin last month, I was told substantially the same thing by Doctor Bueb, the Dye Trust's leading figure in that city, and he stated further that if accurate information were wanted concerning the Dye Trust's plans in connection with international tie-ups, either he or Doctor Bosch would welcome questions from any responsible American firm, association, or individual.

The Dye Trust's brief of argument is, of course, that rationalization, begun after the inflation period in Germany, is now being sought internationally in the interest of lowering costs by combating overproduction by allocating markets, and it follows that such arrangements involve price fixing. This effort is only in its beginning now and the future may bring forth the many significant international associations.

THE FRENCH CHEMICAL INDUSTRY—TENDENCIES TOWARD CENTRALIZATION AND CARTEL PARTICIPATION

By Daniel J. Reagan, assistant commercial attaché at Paris. Delivered before the second meeting of executives of the chemical industry, under the auspices of the Department of Commerce, Washington, D. C., February 16, 1928

It has been suggested by members of the chemical advisory committee and representatives of the industry that a discussion of the chemical situation within France might develop briefly three points: A broad view of the industry as a whole, recent developments, and the present condition of the industry, and finally the movement toward centralization within France and combinations with foreign interests.

The French chemical industry, following its effort, since the war, to become self-contained, and which aim it has achieved in several branches, is now characterized by a decided trend toward consolidation of interests, foreign penetration, and cooperation with foreign producers in its export trade.

Despite the remarkable development which has occurred during the war and since the armistice, the capital involved compared with the outlay here in the United States, is relatively very small. The nominal capital invested in approximately 40 companies in 1914, amounted to 310,000,000 francs or $62,000,000. The negotiable value of these shares at that time was double that amount. At the beginning of 1928 the nominal capital of these same companies approximated 1,300,000,000 francs, or, on a gold basis, only $52,000,000, but whose negotiable value was equivalent to almost six and one-half billion francs, or $260,000,000. Unfortunately, the bonded indebtedness of these companies in the prewar period is not available, although at the present time the nominal value of such issues is equivalent to $17,000,000, or one-third of the present nominal capitalization.

In this capital development, the expansion of the individual companies has, of course, not been uniform. This is particularly true of the four companies which lead as regards capital. These companies are: The Kuhlmann Co., which is now the largest from the point of view of capital and variety of products; St. Gobain, which is the principal producer of heavy chemicals, glass, and the superphosphates; Alais, Froges et Camargue, commonly known as Pechiney, the dominant electrochemical company in France; and the Nitrogenous & Composite Fertilizer Co. Taken as a whole, the capital outlay of these four companies, which represented 50 per cent of the total investment in the industry in 1914, has now been increased to 60 per cent. As for the increase by these individual companies the last of the companies just named has increased its capital by only 50 per cent, while the expansion of the Kuhlmann Co., for example, has brought the nominal value of its present stock to thirty-six times that of 1914.

This increased capital expended for new plant equipment and for the development of products not before manufactured, has been applied particularly to the dyestuffs industry, and more recently to the synthetic nitrogen industry, as well as to those using nitrocellulose as a base, such as the rayon, celluloid, and pyroxylin lacquer industries.

PRESENT CONDITION OF THE INDUSTRY

The World War brought to the attention of the industrial and political leaders of France the acute need for making France self-sufficient as regards chemical resources and equipment. In certain groups and in particular products France was already self-contained before the war. This was true for phosphates and superphosphates; for such basic materials as sulphuric acid and hydrochloric acid; for bauxite for its aluminum industry; for glass, and for a wide range of other finished chemical products such as pharmaceuticals and perfumery. With the return of Alsace, sufficient potash resources were obtained. As regards dyes, a very strenuous effort and Government cooperation in controlling imports brought from Germany have been required to bring this branch into a position where it is considered to be strong enough for both peace and war-time needs. With no natural nitrate resources, France has for years been struggling to develop a synthetic industry for this product, but this development has been so slow that it will undoubtedly be a number of years before those demanding complete self-sufficiency will be satisfied in this field. Because of the rapid strides of the rayon, pyroxylin lacquer and film industries in France, the fear of a lack of a sufficient quantity of nitrocellulose is no longer discussed. This is not true, however, for liquid fuels as France now produces less than 7 per cent of her total needs and is conducting extensive research to develop synthetic carburants.

The commercial equilibrium deranged during the period of currency fluctuation, which lasted until the fall of 1926, has been gradually restored. The franc, as is well known, has been practically stable throughout 1927, and this has aided materially in effecting price readjustments and in enabling production schedules to be adapted to more normal domestic and foreign sales.

From a fiscal point of view, at least for several of the larger companies whose preliminary reports are available, a reduction in net income running as high as 10 per cent when compared with 1926 is indicated, but considering the currency appreciation even these returns have been more favorable when converted to a gold basis.

The question of costs and prices which was very troublesome at the beginning of the year is no longer acute. Many manufacturers who had acquired large stocks of raw materials during the period of heaviest inflation in 1926 felt a natural chagrin during the first quarter or half of 1927 while they worked off these stocks and saw the wholesale prices for these materials declining appreciably. At the same time retail prices followed the normal phenomenon of declining more slowly, with the result that living costs were slow to return to a satisfactory basis and wages naturally could not be reduced. Producers of chemical products were forced, however, to grant price concessions in order to approximate the world level, and this, in the face of their high costs, prevented a more satisfactory showing on their balance sheets despite the fact that production, consumption, and foreign trade compared favorably with 1926 and in some departments registered favorable increases.

This equilibrium between production, consumption and foreign trade has been particularly true of the heavy chemical branch of the industry. The heavy mineral acids industry has enjoyed a normal year since most of the consuming industries maintained the volume of manufacture of the preceding year.

The alkali branch of this industry has enjoyed a normal year. The production of soda products was maintained on the level of 1926.

As for nitrogen production the output of 1927 was larger in volume than in 1926 but still meets only 45 per cent of the local needs. The major portion of the domestic consumption is still met by Chilean nitrates and synthetic products imported from Germany, but the French output of artificial nitrates is increasing although not as rapidly as was hoped for. This disappointment is a result largely of the delay in the Government-owned Toulouse plant where almost $12,000,000 have already been spent since the construction program was laid down after the acquisition of the Haber process in 1919. Production there was begun only last summer, and the maximum output in any month has not exceeded 500 tons of ammonium sulphate.

As an instance of the penetration of American technical development in France may be noted the recent sale of the American process for manufacturing phosphoric acid by the electric-furnace process. These rights were purchased by the Tunisian Phosphate Co. which will employ this process in the Pyrenees while using phosphates from its own mines in North Africa.

Despite the marked increase in the output of North African phosphates particularly in the government owned mines of Morocco, the

United States still maintains a large clientele in Europe because of the high quality of its phosphates. The strongest competition in Europe of American phosphates is, of course, the Cherifian Phosphate Office which operates the Morocco mines for the French Government. The private producers of Algeria and Tunisia, on their side, continue to complain of the competition which they still meet from these government-owned mines, and some way is being sought to protect these private enterprises from the government-subsidized mines.

American producers have recently become interested in the arrival in the United States of several cargoes of Moroccan phosphates. Observers of the phosphate situation throughout the world are watching this movement very closely in an effort to determine whether these shipments which it is claimed were sold below prices in the United States will likely involve a threat to invade the American market on a large scale, or whether these sales are designed to bring about some possible form of American cooperation in the European market.

The shock of the war brought to France the realization that the dye and synthetic organic chemical industries had been neglected to the detriment of the national welfare. For example, in the last year before the war, France imported 90 per cent of its total dyestuff needs. The expansion program in this industry, fostered by the Government, and carried out particularly by the two principal French producers, the Kuhlmann and the St. Denis companies, has gained special headway in recent years both as regards the actual tonnage and the variety of dyes produced. The result has been that the position of the French dyestuff industry as compared with the pre-war situation has become more than satisfactory; instead of producing only 10 per cent of her needs, France now produces 95 per cent and enjoys a favorable balance in its foreign trade in this category of chemical products.

The impetus for an increased production of dyes in France was crystallized in 1919 by the formation of the Producers and Consumers Dyestuff Union which controlled imports from Germany and encouraged the French producers to carry out the development program already visualized by them. With this united body protecting and fostering their interests, the French dyestuff manufacturers have greatly expanded their facilities until in 1927 their output totaled more than 16,000 tons. Following this development this industry is now taking steps to centralize its forces at home and to consolidate its foreign markets by international agreements.

The effort to become self-contained in the chemical industry in France is obvious also in other branches. The manufacture of rayon, for example, has doubled from 3,700 tons in 1923 to approximately 7,500 tons in 1927. In the gas industry, despite the destruction of many plants in the Nord and Pas de Calais, coal basins, the pre-war output has already been surpassed and particularly as regards coke, coal, tar, sulphate of ammonia, pitch, benzol, and other coal-tar derivatives.

The production of inflammable film stock in France in 1926 totaled 34,000,000 meters, but only 20,000,000 meters in 1927; in contrast with this was the sharp increase in the production of noninflammable film stock from 11,000,000 meters in 1926 to 20,000,000 meters in 1927.

There has been similar development in a number of other specific products, but in such major branches as nitrogen and synthetic fuels, France has not yet become independent of foreign supplies.

TENDENCIES TOWARD CENTRALIZATION WITHIN FRANCE AND TOWARD INTERNATIONAL AGREEMENTS

The rapid expansion in capital and plant equipment in France since the beginning of the war has made France self-contained, as we have seen, as regards such groups of products as fertilizers, except nitrates, dyestuffs, rayon, and a long list of other individual commodities. The struggle to achieve this independence has, until recently, been carried on along individualistic lines, but there is apparent now a distinct trend toward centralization within France and toward cooperation with producers abroad in their foreign-sales policy. This movement is now being manifested in three distinct ways: By exchange of stock holdings and company mergers, by centralizing the powers of the chemical-trade associations, and by participation in international cartels.

The extent of the first of these three movements, namely, company amalgamation and exchange of capital holdings, is obviously difficult to determine. This is evidenced, however, in the case of the Kuhlmann Co. in its participation in 12 different French concerns representing a broad variety of products including raw materials, heavy chemicals, dyestuffs, synthetic products, paper, and rayon. The capitalization represented by these companies is equivalent to almost half of the capitalization of the Kuhlmann Co. itself. It controls, or has large holdings also, in six foreign companies involving the production of fertilizers, synthetic products, and dyestuffs. Through its association with the St. Clair du Rhone Dyestuffs Co., and with a Swiss manufacturing company at St. Fons, the Kuhlmann Co. now controls the production of approximately 70 per cent of the French dyestuffs production.

The dyestuff industry in France has been further unified by the recent exchange of a block of shares between the Kuhlmann Co. and the second largest dyestuffs producer, its strongest domestic competitor, the St. Denis Co., which accounts for 30 per cent of the French output. This exchange, it is understood, grew out of the need to present a unified front in the negotiations which terminated successfully in the formation of the recent Franco-German dyestuffs accord.

In the pharmaceutical field, Poulenc Freres and the Usines du Rhone, the two largest producers in this branch of the industry, originally planned an exchange of a large block of shares of each company, but, faced with a situation analogous to that which confronted the German I. G. in its reorganization, this has been held up because of the heavy tax involved in such a transfer. At a recent meeting of one of these companies, however, it was announced that a working agreement which might be considered as effective as the proposed exchange of stock had been arranged. Besides direct amalgamations or the purchase of control and exchange of stock, the common interests of a number of companies are cared for by an exchange of directors on the various boards.

Another instance of activity in common, now becoming very usual in France, is the agreement to participate in the use of a given process as in the recent arrangement which Kuhlmann made with the Anzin and with the Marles coal mines to produce jointly synthetic ammonia. The Kuhlmann Co. is now also entering the rayon industry through an agreement with two of the established textile companies. This new company will be controlled by the Kuhlmann organization and will be supplied with raw materials which it itself produces. In this connection it is interesting to note that the portion of the capital for this company put up by the Kuhlmann Co. was obtained by a recent stock issue of 50,000,000 francs, one-half of which was privately underwritten by an American bond house which obtained these shares at approximately two-thirds of their present market value.

The St. Gobian Co. has also recently extended its affiliations with a number of companies, as have several of the other larger concerns.

ASSOCIATION DEVELOPMENTS

This movement toward centralization of capital and equipment in the chemical industry in France has been paralleled recently by the establishment of a greater unity of power through trade associations.

There have long been established trade associations for the individual chemical commodity groups as well as a union of these various forces. It developed, however, during the preliminary discussion between France and Germany looking toward a commercial treaty and tariff changes that this union was somewhat unwieldy in its organization and a movement was started which resulted finally in the establishment of a "central committee" representing practically all of the important chemical companies in France and which was empowered to represent these industries in the discussions with the Government on commercial treaties and tariff matters and which, furthermore, was detailed to deal with the question of ententes with foreign producers. This organization was found to be very effective in the Franco-German commercial treaty negotiations as well as in the discussions which culminated in the dye entente between the I. G. and the French producers. This central committee is further divided into committees representing the specific commodity groups and all these committees work with the French Government in bringing about a tariff schedule acceptable to the various branches. Obviously, the negotiations with the Germans for the dye entente were headed by the committee which represented the big three in the French dyestuffs industry.

Parallel with the establishment of this central committee in France, four of the principal Belgian manufacturers have likewise formed a chemical union in that country to represent their interests in matters similar to those dealt with by the French committee. This step by the Belgians is looked upon in well-informed quarters as the prelude to participation in certain of the other European chemical ententes now under discussion.

There has not been a broad development of common sales offices for the domestic market in France as there has been in Germany, but several of these offices are already in operation, such as the Comptoir de L'Azote, which is the common sales office for the nitrogen manufacturers and which also distributes German nitrogenous products received on reparations accounts and which also is representing the French producers in the current entente negotiations. In the potash industry it is well known that the products from the private as well as the Government mines are sold through a common office. The phenomenal increase in the production of phosphates in Morocco under Government direction—from 8,000 tons in 1921 to 1,200,000 tons in 1927—has forced a movement on the part of the private owners in Algeria and Tunisia to coordinate the sales of all of the North African mines, to divide the markets, and to work out a price agreement which will protect their interest. As part of this plan it has been proposed that the Algerian and Tunisian Governments set aside one franc for each ton mined to be matched by the Moroccan Government and that the same amount be set aside by each of the individual producers and that this total fund be used for propaganda to stimulate the use of North African phosphates. It would seem to be only a matter of time until some working arrangement will be achieved between private producers and the Government-owned mines to permit the former to retain their foothold in the European market and to operate with a more equitable profit.

TREND TOWARD PARTICIPATION IN INTERNATIONAL CARTELS

While these two movements toward centralization within France are important factors affecting ultimately international markets, of more immediate interest to the chemical industry of the United States is the growing policy of the French chemical industry to cooperate with foreign interests, particularly as regards export sales. The latest example of this policy is, of course, the Franco-German dyestuffs agreement finally signed in December, 1927.

Cartels of this character have in recent years taken on a new significance. Before the war they were considered mostly from an economic point of view, particularly by the innocent consumer, who saw in them a lever for raising prices at his expense to the profit of the combination. Since the war these European accords have acquired a political significance in so far as many seek to readjust the economic derangement brought about by the war and the peace. Because of this the governments concerned have followed closely such efforts to unite economically forces which had been disrupted by political or national considerations. In some instances the governments themselves or political forces within the governments have been sympathetic and helpful and in others they have shown opposition on specific grounds.

An instance of such opposition was the expression of disapproval by a strong political and economic group in France to the formation of the international steel entente on the ground that the rights of the local consumers seemed to enjoy inadequate consideration. This opposition was voiced after the signing of the accord, however, and while it did not affect the terms already laid down it did bring about an understanding among the members of the ententes in the several countries concerned and the consuming groups whereby the latter were assured of adequate supplies at prices acceptable to them.

An example of Government cooperation in the entente movement is to be found in the negotiations which led up to the Franco-German dyestuffs agreement. Both Governments conferred constantly with the negotiating groups and as a prelude to this accord worked hand in hand with the interests of both countries in establishing tariff schedules as a corollary to the commercial treaty and which greatly facilitated the ultimate signature of the private protocol. In a sense, however, it might be more accurate to say that the tariff agreement was made possible since the vital sections for chemicals are understood to have been written practically in the final form by the representatives of the industries of the two countries concerned and then accepted by their Governments.

The well-known Franco-German potash accord is even a more distinct example of European cartel involving political as well as economic considerations. Also the nitrogen negotiations already begun and which may be brought to a head this spring are, of course, of vital importance politically to the European countries involved as well as to their neighbors, and also from the French point of view the attitude of the Government will have added weight because the nitrogen plant at Toulouse designed to produce ultimately 150,000 tons of ammonium sulphate annually is now in partial operation.

These negotiations are now being paralleled by discussions between the French and German pharmaceutical manufacturers, and the leaders of the French chemical industry have expressed the hope also that they may come to an agreement with the members of the European rayon entente, as well as with Germany, looking toward the ultimate production of synthetic petroleum and a division of markets for this product. At the moment France has not developed a process commercially suitable to the type of coal which might be employed economically and it is claimed in French circles that the German process is not readily adaptable to the French coal resources.

Although in general European international cartels have been formed after periods of intense competition, the nitrogen negotiations are rather unique in that the French are willing to discuss with the Germans and other European producers ways and means of avoiding the competition anticipated, particularly by the Germans upon the fulfillment of the broad production program planned by France. Furthermore, while the French have been exporting dyes now for a number of years, it has only been in the last few years that France has achieved a favorable balance in her foreign trade in dyestuffs. It would appear that the policy which permitted the recent agreement was in a sense a prevention of rather than a cure for competition.

Some of the details of this agreement have already been made available. Its aims include at least three of the ones general to international ententes, namely, price agreements, protection of the home markets, and a division of foreign markets. Average exports from 1924 through 1926 have been used as the basis of foreign quotas with Germany to obtain approximately 80 per cent and France 20 per cent of their joint sales. These percentages are not based upon weight but upon the gold value of these exports, and this method obviously has been used because of the wide variety of products of great difference in value on the basis of volume. The accord automatically falls apart if by the end of three years the nitrogen agreement between the two countries has not been reached. The Swiss are now negotiating to enter this entente, if they have not already affixed their signatures, and the percentages of the total exports of these countries to be allotted will probably be 70 for Germany, 19 for Switzerland, and 11 for France. Their participation, of course, will be facilitated by the large holdings both by Kuhlmann and the I. G. in several of the Swiss dye companies. Whether the British producers will eventually enter the accord depends, it appears, upon the attitude of the Government toward the terms offered, and particularly upon the disposition made of the British colonies—that is to say, whether all or part of them would be reserved to Great Britain as part of her home market. (If Great Britain had entered originally, the tentative percentages were to be 75 for Germany, 13 for Great Britain, and 12 for France.)

Just before I came here two weeks ago it was my privilege to have a talk with M. Donat Agache, the president of the Kuhlmann Co., in which we discussed the terms and possible effects of this entente; and M. Agache asked me to state for him that he "considered it the policy of the French chemical industry to promote international peace by effecting international ententes, particularly in the basic branches of the chemical industry, in order to avoid ground for future economic disputes and to promote international development of the key chemical industries."

Some critics within France and in other countries, however, have expressed the fear that this accord may tend to restrict the expected development of the dyestuffs industry in France, and the fear is even stronger that an international entente for nitrates may dwarf that growing industry in France.

It is true that an agreement to establish common sales offices or to allocate certain markets individually either in France or Germany should eliminate competition, at least between these two groups. It is understood, for example, that the French interests will act as the sales agents for the Germans in Spain, while the German agents will handle French dyes in the Far East.

The price-agreement factor is, of course, of vital interest to their competitors in the various foreign markets, and it is possible that this effect is already being felt by the foreign agents of the dye producers here.

This common-price policy will, of course, be partially determined by the economies which may be effected by the terms of this entente. These economies may be roughly stated to result from the expected reduction in stocks which must be carried, since the division of the domestic and foreign markets will obviously permit a closer approximation between production and sales. As a corollary to this, capital savings may be effected through the reduction of equipment required in warehouse facilities and in labor and overhead involved in the manufacturing end.

It is possible, of course, that there may be savings effected in the number of colors carried, which, in the case of Kuhlman, now totals almost 1,500 different types as compared with only 184 colors in 1921; but the major saving is, of course, expected to be derived from the common-sales policy adopted. In a recent press statement M. Agache (of the Kuhlmann Co.) is quoted as saying that "the French producers have been expending 33 per cent of the sales price of dyestuffs for distribution costs, whereas it has now been made possible to reduce this proportion to 15 per cent by instituting a common-sales policy which would permit many savings. This accord in the dyestuffs branch, which represents only a small part of our products, will permit us to concentrate our efforts on other branches of the chemical industry, notably in fertilizers, where it is possible to invest a certain amount of capital more advantageously."

This estimated saving of over 50 per cent in sales and distribution charges could, of course, be made of vital significance in competition in foreign markets. It is, perhaps, this factor which will be watched most closely by the sales agents of the dye manufacturers of other countries throughout the world and no doubt it will raise questions in their minds as to the disposition to be made of this saving. Three alternatives will no doubt occur in this connection:

1. Will all or only a part of these savings be transferred by these companies to their profit balance?

2. Will all or part of these economies be employed for sale promotion, or, as the term is used in France, for propaganda?

3. Will all or part of these savings be passed along to the foreign consumers?

If the answer to the last question is "Yes," and prices are reduced, the effect will be of the utmost importance to the producers in other countries in meeting this competition.

This last question may perhaps be partially answered by an authorized statement from M. Agache which appeared in the French financial paper L'Information, in which he is quoted as saying "this accord, contrary to monopolies which often seek to increase sales prices, should, on the contrary, seek a decrease (in prices), and which should have as its effect the development of consumption and in this way increase also the production of the industries involved."

If such price decreases are effected and consumption and production stimulated, this policy may be the answer to those critics who fear that the growth of the French dyestuffs' industry may be arrested through the signing of this accord, and if it is successful from the French point of view it would not seem unlikely to suppose that the

other branches of the French chemical industry will be willing to emphasize more strongly the current trend toward centralization within France and to enter into other ententes for other commodities which are considered basic to the economic development of France.

This is a brief outline of the conditions and tendencies in the French chemical industry at the present time as viewed from the outside. But, traveling back to France and looking across at our industry in the United States, the question might well be raised, "How does the industry there look upon our industry over here?" In public talks and in private conversations there is one outstanding attitude of the leaders of the industry in France in this regard; this is the feeling repeatedly expressed that, in the international cartels now being formed, American participation is vitally essential to their success. This has been expressed particularly as regards dyestuffs, nitrogen, and phosphates, and some authorities go so far as to state that without such participation, sooner or later these cartels must crack, and that the manufacturers in the various European countries would then have to begin again to struggle to advance, or, at least, hold their own in the face of the dominant financial, technical, and organization resources of the American chemical industry, an industry which they regard as stimulated by the idea of industrial individualism and catalysed to release or combine new elements of service and thereby contribute further to the rising standard of living of this country as a whole.

Foreign Cartels and American Industry

ADDRESS BEFORE AMERICAN CHEMICAL INDUSTRY CONFERENCE, CHAMBER OF COMMERCE BUILDING, WASHINGTON, D. C.

By Col. William J. Donovan, Assistant to the Attorney General, on February 16, 1928. Chemical convention held under auspices of Department of Commerce

You are already informed of the economic and particularly the chemical features of the cartel movement abroad. You recognize that the growth of cartels, as well as combinations and governmental monopolies, is part of the current industrial development of the European Continent.

It is not my purpose to enter into that phase of the discussion. My endeavor will be simply to indicate the view of the Department of Justice concerning its duty toward the operation of these combinations, monopolies, and cartels within the field limited by our laws.

In considering the obligation of the department in relation to these activities, it is essential that we have as our line of departure the organic law upon which the authority of the Federal Government is based.

The power of Congress to regulate commerce, out of which comes its right to enact so-called antitrust statutes, is found in Article I, section 8, of the Federal Constitution.

That section provides that Congress shall have power "to regulate commerce with foreign nations and among the several States and with the Indian tribes."

It was under the authority granted by that provision of the Constitution that the Sherman Act was passed. That act is the primary statute of his country regulating its foreign and interstate commerce. It is declaratory of our national policy in dealing with centralization of power in our commercial and industrial development.

In its substantive features the Sherman law is divided into two parts. Section 1 forbids every contract, combination, or conspiracy in restraint of interstate or foreign commerce. Section 2 forbids monopolies, or attempts to monopolize, in such trade or commerce. The act does not undertake specifically to enumerate particular forbidden restraints. Since its enactment, however, the Supreme Court in various decisions has interpreted its purpose and defined its scope.

So that from the act itself, as well as the decisions, a philosophy of the relation that should exist between business and government, has been evolved. That philosophy is based on practical experience rather than on mere abstraction, and in its application certain limitations and exceptions have been recognized.

The Supreme Court has pointed out that, whether the existence of competition is a wholesome thing for trade and commerce or not, it nevertheless is the settled law of this country that such competition shall exist. The court has asserted that the public convenience and welfare demand that the natural lines of competition be left undisturbed and that the control of prices through combination tends to restraint of trade and monopoly and is an evil thing.

The law recognizes, however, that competition may be carried to an extreme; that it may be destructive; that it may generate evils. Those consolidations which seek only to secure the advantages that come through economical management and do not aim to dominate the particular industry, Congress and the courts recognize as proper and even necessary in our industrial development.

Our policy, then, is based upon the principle of competition. That principle includes the ideas of equal opportunity, maintenance of individual initiative, freedom from governmental regulation, and absence of power to control prices or allot territory or customers. In that respect it differs from the continental theory. That theory advocates not only combination of industrial units but permits the existence of monopoly under close governmental supervision, with power to limit production, allot territory, assign customers, and fix prices.

It is clear, then, that those two theories are in direct conflict; and since the war there has been brought home to us more definitely the effect that such conflict may have upon the industry of this country, not only in its foreign and its neutral markets but as well in its home markets.

It is because of the tendency of the European chemical industry to organize combinations with power to regulate prices, production, markets, and exports that certain representatives of your industry, as well as of others, have felt impelled to call for the amendment of our antitrust laws, so that combinations similar to European combinations may be developed in order that the threatened competition from abroad may be more readily resisted.

It would seem that those who urge such amendments to our laws—amendments permitting combinations in industry resulting in monopoly—forget the historical, inevitable result of such a tendency.

It would mean that the people of this country would not permit monopolistic power to go unregulated. If your industry is permitted to attain that extent of combination which results in elimination of competition, the people of the country, for their own protection, would insist that there should be greater governmental supervision and control. So that those among you who, because of fear of foreign competition, grow panicky and urge what is in effect a surrender to the continental principle of trade ought to pause and consider whether or not there is not greater opportunity for more effective and unhampered development of your industry under our existing laws.

Let us consider, then, the protective measures enacted by Congress which meet the challenge of foreign monopolies and cartels. It is important that this situation be clarified.

The problem presented is a fundamental one. It is important that it be handled without arousing international prejudice and ill will. It is one that is of importance not only to ourselves but to the entire industrial world. It involves the policy that our country should pursue toward a militant movement in international commerce. The intrusion of government into trading operations presents new questions. The establishment of governmental controls of trade in raw materials, of which the nationals of that government produce the major portion of the world's supply, and then, through these controls, arbitrarily fixing prices necessarily presents a serious problem to a country whose economic theory is opposed to any such system.

Within its own jurisdiction a foreign government may, of course, evolve a trade policy that is directly opposed to our own. If, as a result of that policy, there is established a governmentally controlled monopoly, and that monopoly comes to our shores to engage in trade and conforms with our laws, we can not deny such monopoly the right to do business here. We can not attack the origin of that concern and assert that, because in its inception it was a monopoly, we can therefore deny it the right of entry to this country. It came into being as the result of an act of a sovereign power, and as Mr. Justice Holmes said in the American Banana case, "The very meaning of sovereignty is that the decree of the sovereign makes law." Of course, that is a sound principle, because international relations would be disrupted if the courts of one sovereign were permitted to question the legality of the acts of another sovereign state.

But a different situation is presented when a foreign monopoly comes into our jurisdiction and attempts to perform those acts which are forbidden under our law. It is the belief of the Department of Justice that, when a foreign monopoly, though legal in its place of origin, comes into this country, and, by collusion with our citizens, enters into agreements here for the restraint of trade and the enhancement of prices, those agreements are just as illegal and just as much subject to our laws as they would be if the corporations and individuals involved themselves were creatures of our Government. And we believe that it does not constitute a defense to assert that, even if the acts here were illegal, they have become insulated and immunized by the fact that the acts performed abroad were legalized under the laws of a foreign government.

And the basis for that contention is found in the antitrust provisions of the Wilson Tariff Act, which was enacted in 1894. Although passed in that year, its provisions were never invoked until two years ago, and were not passed upon and interpreted by the Supreme Court until 1927. That act deals specifically with the importation of goods. It provides that every contract between two or more persons or corporations, either of whom is engaged in importing any article from any foreign country is illegal and void if it is intended to operate in restraint of trade or designed to increase the market prices in the United States of any article imported or intended to be imported.

In the discussion in Congress at the time of its adoption the reasons for its enactment was clearly brought out. Those in charge of the bill stated that the only way to exclude foreign trusts from this country was by direct and positive legislation preventing them from entering into combinations with capital which would enable the importer to control prices and to monopolize the market. The law was based, as disclosed in debate, upon the principle of preventive justice; that by penalties imposed upon their transactions objectionable combinations

would be prevented from imposing heavy burdens upon those who must consume the imported articles.

For the first time that statute was interpreted by the Supreme Court in the case of the United States *v.* Sisal Sales Corporation, which was decided in May, 1927. The facts in that case were these: Companies in Yucatan secured by means of governmental intervention—legislation and decrees—a monopoly in sisal. Acting jointly with banks in the United States, they organized a sales corporation as exclusive selling agency in the United States. As a result of their plan it was charged that competition in this market was eliminated and excessive prices were arbitrarily fixed.

The court said this was a contract entered into by parties within the United States and made effective by acts done therein; that the fundamental object was the monopolization of importation and sale of sisal; that the essence of the conspiracy was not the acts done by a foreign government within its territory but rather the acts participated in by all the defendants within our jurisdiction. Mr. Justice McReynolds said that such arrangement was plainly within the Wilson Tariff Act; that the parties were within the jurisdiction of our courts, and they could be punished for offenses against our laws.

The Wilson Act so interpreted constitutes a measure of protection against the illegal activities of foreign trusts in our jurisdiction.

So far as it presently appears, the so-called chemical entente and the Franco-German dyestuffs agreement appear to involve no attempt to exploit this market. In fact, we have authentic assurances that these arrangements are not directed against this market. In order, however, to illustrate what I am trying to explain, let us suppose that the dyestuffs agreement is directed toward the exploitation of this market at the expense of our consumers. Let us assume that it is agreed by the German I. G., on the one hand, and the French Kuhlmann interests, on the other hand, that they will participate in American sales on a 50–50 basis. A central selling agency is established. The exploitation is carried on through the agency of American citizens and with the assistance of American banks. American dyestuff manufacturers are bought out or they agree not to undersell the foreign factors. In our judgment, this hypothetical statement presents a clear violation of law on this soil, and not only the American citizens but the foreign companies and their officials could be held for a violation of law.

Now, that is our conception of the law. I ought to say to you, however, that there is a similar case before the courts at this moment. In that case our view has been questioned because the parties include a corporation in which the foreign government has a stock interest. The principle is that no sovereign can be sued without its consent; but the exemption of a sovereign rests only upon the practice of comity or upon international etiquette or courtesy.

It is asserted, however, that because the majority of the stock of the foreign corporation is owned by a foreign government the corporation is an instrumentality of the government and is entitled to the same immunity as the sovereign itself. We believe that when a government voluntarily enters into a commercial enterprise it can not claim immunity for the corporation which it controls; it can not detract from the independence and dignity of the nation which was hospitable to its corporation, and can not deprive that nation of jurisdiction over corporations in its own territory by making those corporations public agencies. We insisted our antitrust laws must be enforced in our own territory to the same extent as any of our laws, whether or not these laws are in harmony with the policy of other nations.

The above summation presents briefly what might be considered the defensive measures against illegal attacks by foreign monopolies, combinations, and controls. But there is affirmative legislation which gives our industries the opportunity to do business in those markets where the law differs from our own and where those interested would be at a disadvantage unless they were permitted to have the same sort of trade organization as their competitors.

On April 10, 1918, the Webb Export Trade Act was enacted. This act came as the result of an extensive investigation and report made by the Federal Trade Commission on the conditions of American export trade. The commission concluded that American exporters were at a great disadvantage in competing with European exporters because the Americans were under the disability of complying with the rule of competition laid down by the Sherman Act. It was recommended that American exporters be permitted to unite in associations so that they might present a solid front against foreign competition. This legislation relates exclusively to export trade of the United States, just as the antitrust provision of the Wilson Tariff Act related to the import trade of the United States. The Webb Export Trade Act, otherwise known as the Webb-Pomerene Act, is a recognition of the fact that in regions where antitrust laws are not in force American business men should be able to compete on a favorable basis with foreign cartels, controls, and monopolies. Before this act was passed it was believed that our antitrust laws were not applicable to these export trade associations, but it was felt that even if that were true all elements of doubt should be removed by affirmative legislation.

This act provides that the antitrust laws shall not be construed to prohibit associations entered into for the sole purpose of engaging in export trade and actually engaged in such export trade. It provides further that agreements made or acts done in the course of such trade are not in violation of the Sherman law, if these agreements or acts do not constitute a restraint of trade within the United States and provided that such associations do not, in the United States or elsewhere, enter into any agreements which artificially or intentionally enhance or depress prices within the United States or substantially lessen competition within the United States. The Federal Trade Commission has a visitorial jurisdiction to regulate these export trade associations.

The report of the Federal Trade Commission for last year is interesting in that it shows the activity of our export associations in shipping raw material and manufactured goods. From that report it appears that 55 associations filed reports during the past fiscal year.

Exports totalling more than $200,000,000 were handled by these associations during 1926, and you will note particularly that chemical products, including caustic soda, soda ash, liquid chlorine, soda pulp, paints, and varnishes, totaled $3,100,000 and raw materials, such as phosphate rock, crude sulphur, etc., amounted to $14,300,000.

The Federal Trade Commission stated in its report that export associations had reported many advantages derived from operation under the act. Through their association member companies had been able to reduce their selling costs. Effective standardization had been obtained. Quality of products had been improved. Prices had been stabilized. Cutthroat competition had been eliminated. And a solid front to European competition had been presented.

It may be that American industry has not taken full advantage of this act, but, in any case, a very definite and constructive instrumentality has been furnished by the Government to those industries which are enterprising enough to utilize it.

Now, there is another phase of the current European industrial development that bears on the interests of consumers in this country. It frequently happens that raw materials controlled by foreign governments are produced or sold under conditions making it impossible for purchasers competing with one another to secure adequate supplies at a reasonable price. In fact, we have seen instances where such materials are produced under a definite governmental plan to restrict production and to enhance prices.

A vivid illustration is found in the so-called Stephenson plan governing the sale of crude rubber. Under the operation of that plan the individual American purchaser was under the absolute domination of foreign interests.

In order to meet that situation the purchasers of crude rubber in this country, which consumes 75 per cent of the world's supply, submitted a plan to the department for the formation of a rubber pool, which, by consolidating purchasing power, would enable buyers to go into the rubber market and obtain supplies at a fair price. It is the view of the department that so long as that association of rubber purchasers permits all who desire to participate to do so on equal terms and, in view of the fact that the purpose of the plan is to promote trade in this country rather than to restrain it, there is no violation of the Sherman law and no basis for proceedings by the Department of Justice. It may be interesting to note that during the operation of this plan the price of rubber has been substantially reduced and there has been no complaint of its operation in this country, excepting in one case, which, upon investigation, was found to have no merit.

A bill expressly sanctioning collective purchasing of raw materials in foreign markets has been introduced in the form of an amendment to the Webb-Pomerene Act. It provides that such associations shall enter into no agreement or understanding which would artificially or intentionally enhance prices or result in discrimination in the sale of commodities so imported to anyone desiring to buy such commodities for use in manufacturing goods in the United States.

It is quite clear, therefore, that Congress contemplates the enactment of constructive legislation not only to protect American industry from unwarranted attacks from abroad but to enable American industry to have a fair opportunity of meeting foreign competition in neutral markets.

You all know the intelligent and helpful service that is constantly rendered by the Department of Commerce to firms engaged in foreign trade.

This very conference is illustrative of the high degree of cooperation that exists between legitimate business and that department.

But all statutes and all the aid that governmental departments may give are of no avail unless there is an intelligent conduct of business itself. There are those who believe that the principle of competition means that a premium is placed on drastic and destructive competition; but the law itself has recognized that destructive competition is of no benefit, even to the consumer. Cooperation in industry is not forbidden. It has been pointed out by the Supreme Court that the Sherman law did not intend to place a penalty upon intelligence in business. A manufacturer is entitled to exercise the business virtues which are based upon a knowledge of actual conditions.

I am informed that your industry is developing a high degree of cooperation. That you have taken advantage of trade associations as a means for solving your problems. It is reported that there are some 40 trade associations existing in your industry and that they have been organized in every branch of the business. The attitude of the courts

toward these associations, and the helpfulness of the Department of Commerce in furnishing guidance, ought to serve as an encouragement to proper cooperative effort.

The true course of conduct for trade associations has been laid down by certain decisions of the Supreme Court, and it is clear under those decisions that associations of competitors in any particular line of commerce which have solely for their purpose the collection and dissemination of statistical information as to the exact existing conditions and past transactions does not violate the antitrust laws. It is only where the collection and dissemination of information and its subsequent discussion leads to agreements as to prices, customers, or allocation of territory that the entire combination falls within the provisions of the Sherman law; and such conduct is forbidden for the very reason that persons and concerns agreeing to the imposition of arbitrary conditions must always submit themselves to the will of others. That condition finds no favor in the law and should find no favor in the commercial life of this country. It subordinates just ambition, initiative, and energy to immediate monetary profit, with the ultimate effect of hindering the development of those qualities which give life, energy, and success to individual business operations.

MUSCLE SHOALS

Mr. JONES. Mr. President, in order to avoid any question at all, I ask that the unfinished business be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays the unfinished business before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2, in the vicinity of Muscle Shoals, for the manufacture and distribution of fertilizer, and for other purposes.

EXECUTIVE SESSION

Mr. JONES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened, and the Senate (at 5 o'clock p. m.), in accordance with the order heretofore entered, adjourned until to-morrow, Wednesday, February 22, 1928, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate February 21, 1928

POSTMASTERS

ALABAMA

William A. Giddens to be postmaster at Jones Mills, Ala., in place of W. A. Giddens. Incumbent's commission expired January 15, 1928.

Thomas C. Latham to be postmaster at Marvel, Ala. Office became presidential July 1, 1927.

Oliver P. Williams to be postmaster at Henagar, Ala. Office became presidential July 1, 1927.

ARIZONA

Walter W. Jett to be postmaster at Chandler, Ariz., in place of A. H. Sellers, resigned.

ARKANSAS

Bessie Bevill to be postmaster at Kensett, Ark., in place of Bessie Bevill. Incumbent's commission expired January 7, 1928.

CALIFORNIA

George P. Morse to be postmaster at Chico, Calif., in place of G. P. Morse. Incumbent's commission expired January 9, 1928.

Alfred T. Taylor to be postmaster at Westwood, Calif., in place of A. T. Taylor. Incumbent's commission expired January 9, 1928.

COLORADO

Emma B. Champie to be postmaster at Kersey, Colo., in place of E. B. Champie. Incumbent's commission expired December 18, 1927.

Royden G. Girling to be postmaster at Lazear, Colo., in place of R. G. Girling. Incumbent's commission expired December 18, 1927.

J. Harry Mallot to be postmaster at Mount Harris, Colo., in place of J. H. Mallot. Incumbent's commission expired February 18, 1928.

CONNECTICUT

Walter M. Slocum to be postmaster at New London, Conn., in place of W. M. Slocum. Incumbent's commission expired February 19, 1928.

FLORIDA

Sherwood Hodson to be postmaster at Homestead, Fla., in place of W. J. Carter, resigned.

HAWAII

Bert D. Chilson to be postmaster at Hilo, Hawaii, in place of J. F. Daly. Incumbent's commission expired January 9, 1928.

ILLINOIS

Sibyl J. Stanley to be postmaster at Keithsburg, Ill., in place of S. J. Stanley. Incumbent's commission expired February 19, 1928.

IOWA

Abe Abben to be postmaster at Little Rock, Iowa, in place of Abe Abben. Incumbent's commission expired February 19, 1928.

Edna Hesser to be postmaster at Nichols, Iowa, in place of Edna Hesser. Incumbent's commission expired February 19, 1928.

KANSAS

Susie W. Rhine to be postmaster at Gove, Kans., in place of J. M. Rhine, removed.

KENTUCKY

Anna M. Siske to be postmaster at Allensville, Ky., in place of A. M. Siske. Incumbent's commission expired February 1, 1928.

MAINE

William Osborne, jr., to be postmaster at Danforth, Me., in place of William Osborne, jr. Incumbent's commission expired February 18, 1928.

MICHIGAN

Elmer C. Clute to be postmaster at Harrison, Mich., in place of E. C. Clute. Incumbent's commission expired February 18, 1928.

MINNESOTA

Christ Bottge to be postmaster at Correll, Minn., in place of Christ Bottge. Incumbent's commission expired February 8, 1928.

David C. McKenzie to be postmaster at Lake City, Minn., in place of D. C. McKenzie. Incumbent's commission expired December 19, 1927.

Bennie C. Vold to be postmaster at Maynard, Minn., in place of B. C. Vold. Incumbent's commission expired February 6, 1927.

Laura E. Cronan to be postmaster at Rose Creek, Minn., in place of L. E. Cronan. Incumbent's commission expired December 19, 1927.

Edwin Nelson to be postmaster at Wendell, Minn., in place of Edwin Nelson. Incumbent's commission expired January 8, 1928.

Clarence W. Hertzog to be postmaster at Proctor, Minn., in place of A. W. Anderson, resigned.

MISSOURI

Edward A. Birkmann to be postmaster at Beaufort, Mo., in place of E. A. Birkmann. Incumbent's commission expired January 14, 1928.

James D. Kochel to be postmaster at Canalou, Mo., in place of J. D. Kochel. Incumbent's commission expired February 19, 1928.

Ethel M. Cozean to be postmaster at Elvins, Mo., in place of E. M. Cozean. Incumbent's commission expired February 19, 1928.

George Thayer to be postmaster at Flemington, Mo., in place of George Thayer. Incumbent's commission expired February 19, 1928.

Samuel H. Hudson to be postmaster at Granby, Mo., in place of S. H. Hudson. Incumbent's commission expired February 19, 1928.

Joseph P. O'Hern to be postmaster at Hannibal, Mo., in place of J. P. O'Hern. Incumbent's commission expired February 19, 1928.

John M. Schermann to be postmaster at Hermann, Mo., in place of J. M. Schermann. Incumbent's commission expired February 19, 1928.

Hattie Stierberger to be postmaster at Union, Mo., in place of Hattie Stierberger. Incumbent's commission expired January 14, 1928.

NEBRASKA

Byron I. Demaray to be postmaster at Alexandria, Nebr., in place of B. I. Demaray. Incumbent's commission expired February 18, 1928.

Hans G. Lehn to be postmaster at Elba, Nebr., in place of H. G. Lehn. Incumbent's commission expired February 18, 1928.

NEW HAMPSHIRE

Charles F. Southard to be postmaster at North Haverhill, N. H., in place of C. F. Southard. Incumbent's commission expired December 18, 1927.

Joseph P. Conner to be postmaster at Portsmouth, N. H., in place of J. P. Conner. Incumbent's commission expired February 18, 1928.

NEW JERSEY

Harold Pittis to be postmaster at Lakehurst, N. J., in place of Harold Pittis. Incumbent's commission expired March 1, 1927.

John B. W. Berry to be postmaster at Clementon, N. J., in place of Myles Weaver, deceased.

NEW MEXICO

Jose B. Martinez to be postmaster at Taos, N. Mex., in place of C. J. Quintana, removed.

NEW YORK

Harrison D. Fuller to be postmaster at Antwerp, N. Y., in place of H. D. Fuller. Incumbent's commission expired February 18, 1928.

Frederick J. Manchester to be postmaster at Clark Mills, N. Y., in place of F. J. Manchester. Incumbent's commission expired February 18, 1928.

Benjamin R. Erwin to be postmaster at East Rochester, N. Y., in place of B. R. Erwin. Incumbent's commission expired February 18, 1928.

Henry J. Frey to be postmaster at Ebenezer, N. Y., in place of H. J. Frey. Incumbent's commission expired January 8, 1928.

Thomas J. Courtney to be postmaster at Garden City, N. Y., in place of T. J. Courtney. Incumbent's commission expired January 8, 1928.

Elizabeth T. Witherel to be postmaster at Lily Dale, N. Y., in place of E. T. Witherel. Incumbent's commission expired February 18, 1928.

NORTH CAROLINA

John K. Brock to be postmaster at Trenton, N. C., in place of J. K. Brock. Incumbent's commission expired February 11, 1928.

Frank L. Smith to be postmaster at Drexel, N. C. Office became presidential July 1, 1927.

OHIO

Warren S. Myers to be postmaster at Dupont, Ohio, in place of W. S. Myers. Incumbent's commission expired February 18, 1928.

OKLAHOMA

George H. Passmore to be postmaster at Cromwell, Okla., in place of W. A. Johnson, resigned.

PENNSYLVANIA

Harvey J. Smoyer to be postmaster at Clairton, Pa., in place of H. J. Smoyer. Incumbent's commission expired January 7, 1928.

Harry C. Myers to be postmaster at Holtwood, Pa., in place of H. C. Myers. Incumbent's commission expired February 19, 1928.

John H. Francis to be postmaster at Oaks, Pa., in place of J. H. Francis. Incumbent's commission expired February 19, 1928.

A. Milton Wade to be postmaster at Quarryville, Pa., in place of A. M. Wade. Incumbent's commission expired February 19, 1928.

Newton E. Arnold to be postmaster at Roslyn, Pa., in place of N. E. Arnold. Incumbent's commission expired February 18, 1928.

Cleo W. Callaway to be postmaster at Shawnee on Delaware, Pa., in place of C. W. Callaway. Incumbent's commission expired February 18, 1928.

Hugh D. Shallenberger to be postmaster at Vanderbilt, Pa., in place of H. D. Shallenberger. Incumbent's commission expired February 18, 1928.

Edmund W. Tomb to be postmaster at Youngwood, Pa., in place of E. W. Tomb. Incumbent's commission expired February 18, 1928.

George G. Wallace to be postmaster at Ruffs Dale, Pa., in place of N. L. Hixson, resigned.

RHODE ISLAND

Thomas D. Goldrick to be postmaster at Pascoag, R. I., in place of T. D. Goldrick. Incumbent's commission expired February 1, 1928.

SOUTH CAROLINA

Washington M. Ritter to be postmaster at Cope, S. C., in place of W. M. Ritter. Incumbent's commission expired February 15, 1928.

H. Elizabeth Tolbert to be postmaster at Greenwood, S. C., in place of H. E. Tolbert. Incumbent's commission expired February 9, 1928.

John C. Graham to be postmaster at McColl, S. C., in place of J. C. Graham. Incumbent's commission expired February 9, 1928.

Patrick E. Scott to be postmaster at Newberry, S. C., in place of P. E. Scott. Incumbent's commission expired February 11, 1928.

Neely J. Smith to be postmaster at Ridgeville, S. C., in place of N. J. Smith. Incumbent's commission expired January 15, 1928.

Bennie B. Broadway to be postmaster at Summerton, S. C., in place of B. B. Broadway. Incumbent's commission expired February 13, 1928.

John A. Chase to be postmaster at Florence, S. C., in place of J. A. Chase. Incumbent's commission expired February 1, 1928.

TEXAS

Joe B. Carter to be postmaster at Beckville, Tex., in place of W. M. Bowen. Incumbent's commission expired January 5, 1927.

Edith M. Bursey to be postmaster at Brackettville, Tex., in place of E. M. Bursey. Incumbent's commission expired December 19, 1927.

Willie Kennedy to be postmaster at Putnam, Tex., in place of Willie Culwell. Incumbent's commission expired April 10, 1926.

WEST VIRGINIA

Clarence F. Tomlinson to be postmaster at Edwight, W. Va., in place of H. E. Crews, resigned.

J. D. Fultz to be postmaster at Everettville, W. Va. Office became presidential July 1, 1927.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 21, 1928

MEMBER OF UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

Homer A. A. Smith.

REGISTER OF THE LAND OFFICE

J. Lindley Green to be register of land office, Anchorage, Alaska.

UNITED STATES MARSHAL

Theodore W. Hukriede to be United States marshal, eastern district of Missouri.

POSTMASTERS

NEW YORK

Mabel F. Reynolds, Alfred.
Benjamin Wightman, Cherry Valley.
Estella Otis, Keene Valley.
Ada J. Folsom, Winthrop.

OKLAHOMA

Fred A. Langham, Crowder.
John T. Williams, Perkins.
James M. D. Clawdus, Wilson.

SOUTH CAROLINA

Grover L. Smith, Springfield.

SOUTH DAKOTA

Willard O. Dailey, Bison.
Arthur D. Flagg, Buffalo.
Charles S. Kingsbury, Dallas.
Alma J. McCormack, Faith.
Florence Holden, Lake Andes.
Sylvester Eisenman, Marty.
William Kayser, Parkston.
Jennie D. Hansen, Valley Springs.
Richard T. Johnson, Volin.
Jessie A. Gerrits, Wentworth.

VIRGINIA

Max R. Kiser, McClure.

HOUSE OF REPRESENTATIVES

TUESDAY, *February 21, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou art still our God, our Heavenly Father. Thy loving providence is still our perpetual accompaniment. How we do thank Thee that the world is not impelled by a blind, resistless, heartless force! The spirit of God has made us, and the breath of the Almighty has given us life; in Him we have our refuge and strength. Keep the windows of our souls open and lead us to a higher and higher valuation of the things of the spirit. We most humbly acknowledge the majesty and the glory of the Galilean Teacher. In Him, through Him, and for Him may we give ourselves to Thee and to the services of our Republic. Through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments a bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 7201. An act to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds.

The message also announced that the Senate had passed without amendment a bill of the following title:

H. R. 9280. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval bills of the House of the following titles:

H. R. 7032. An act authorizing the Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Canton, Ky.;

H. R. 7033. An act authorizing the Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Iuka, Ky.;

H. R. 7034. An act authorizing the Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Smithland, Ky.;

H. R. 7035. An act authorizing the Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near the mouth of Clarks River;

H. R. 7036. An act authorizing the Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Eggners Ferry, Ky.; and

H. R. 8216. An act to confer authority on the United States District Court for the Western District of Virginia to permit J. L. Sink, a bankrupt, to file his application for discharge and to authorize and empower the judge of said court to hear and determine the same.

W. H. CLARK AGAINST HAYS B. WHITE

Mr. COLTON, from the Committee on Elections No. 1, by direction of that committee, submitted a privileged report on the contested-election case of W. H. Clark against Hays B. White from the sixth congressional district of the State of Kansas, which was ordered printed.

BRIDGE ACROSS KANAWHA RIVER AT POINT PLEASANT, W. VA.

Mr. DENISON. Mr. Speaker, I want to prefer a unanimous-consent request in respect of a bill that was on the consent calendar yesterday and could not be reached. It is merely an extension of time within which to complete a bridge; an emergency exists, because the present law expires on the 2d of March next. The bill is H. R. 9843, to extend the times for commencing and completing the construction of a bridge across the Kanawha River at or near the town of Henderson, W. Va., to a point opposite thereto in or near the city of Point Pleasant, W. Va.

The SPEAKER. The gentleman assures the Chair this is an emergency?

Mr. DENISON. Yes, Mr. Speaker. I have no interest in it, but the old franchise expires on the 2d of March next.

The SPEAKER. The Chair has hitherto announced he would not recognize unanimous-consent requests to take up bridge bills out of order unless there was an emergency.

Mr. DENISON. I recognize that rule, Mr. Speaker, and I want to state that I will not move to reconsider the vote and lay that motion on the table; so that if anyone wishes to reconsider the bill that can done later by a proper motion, and I shall not resist such a motion.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge authorized by the act of Congress approved March 2, 1927, to be built across the Kanawha River at or near Henderson, W. Va., to a point opposite thereto at or near the town of Point Pleasant, W. Va., are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 5, after the word "River," strike out the word "at" and insert in lieu thereof the word "in"; page 1, line 7, after the word "to," strike out the word "at" and insert in lieu thereof the word "in"; page 1, line 7, strike out the words "the town of."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

ALIEN PROPERTY

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7201) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds, with a Senate amendment, disagree to the Senate amendment, and ask for a conference.

I will say to the House that there is only one amendment. The Senate has stricken out all after the enacting clause and has inserted an amendment. The principal features of the bill of the House, however, are preserved, and the amendment does not alter the essential structure of the bill.

Mr. TILSON. This is the alien property bill?

Mr. GREEN of Iowa. Yes; this is commonly known as the alien property bill.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill H. R. 7201, with a Senate amendment, disagree to the Senate amendment, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Messrs. GREEN of Iowa, HAWLEY, TREADWAY, GARNER of Texas, and COLLIER.

PERMISSION TO ADDRESS THE HOUSE

Mr. ENGLAND. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes.

Mr. TILSON. Why does not the gentleman get time under general debate on the District appropriation bill, which is to be immediately taken up?

Mr. ENGLAND. If I can do that, it will be satisfactory, except that my remarks will not refer to the general debate on the bill.

Mr. TILSON. General debate covers everything. There is nothing, so far as I know, that general debate does not cover.

Mr. CHINDBLOM. The debate is on the general state of the Union.

Mr. ENGLAND. It does not make any special difference to me.

Mr. SIMMONS. I will yield the gentleman time later in the afternoon.

Mr. ENGLAND. That will be satisfactory.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. SIMMONS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the District of Columbia appropriation bill, with Mr. HOOPER in the chair.

The Clerk read the title of the bill.

Mr. SIMMONS. Mr. Chairman, I yield myself one hour.

The CHAIRMAN. The gentleman from Nebraska is recognized for one hour.

Mr. SIMMONS. Mr. Chairman, the regular annual appropriations, under which the District of Columbia government is operating for the fiscal year 1928, total $36,507,202.44, which includes $267,317.44 contained in the first deficiency act of 1928. The amount recommended for the fiscal year 1929 as contained in the President's Budget was $37,668,686. The amount that has been recommended by the committee on the accompanying bill is $37,035,235, an increase of $528,032.56 over the current year, and a decrease of $633,451 under the Budget estimates.

The following table will show the distribution of these figures between the various divisions and services of the municipal government. An explanation of the committee's action in each instance appears under the appropriate heading in this report, and an itemized tabulation of the figures appears on pages 19 to 41 of this report.

	Appropriations for 1928 (including deficiency amounts contained in the first deficiency act of 1928)	Budget estimates for 1929	Recommendations for 1929	Increases (+) or decreases (−) for 1929, as compared with 1928 appropriations	Increases (+) or decreases (−) recommended in the bill as compared with the Budget estimates
Salaries	$2,022,940.00	$2,044,810.00	$2,117,905.00	+$94,965.00	+$73,095.00
Contingent and miscellaneous	241,660.00	223,700.00	223,700.00	−17,960.00	
Street and road improvement repair	3,913,742.44	4,233,000.00	3,923,000.00	+9,317.56	−309,940.00
Sewers	1,700,390.00	1,526,000.00	1,526,000.00	−174,390.00	
Collection and disposal of refuse	1,524,860.00	1,575,000.00	1,576,740.00	+51,880.00	+1,740.00
Public playgrounds	171,965.00	192,380.00	190,610.00	+18,645.00	−1,770.00
Electrical department	978,480.00	1,136,070.00	1,138,230.00	+159,750.00	+2,160.00
Public schools	12,004,015.00	12,156,130.00	12,150,530.00	+146,515.00	−5,600.00
Police department	3,088,760.00	3,209,180.00	3,150,269.00	+61,509.00	−58,911.00
Policemen and firemen's relief fund	710,000.00	650,000.00	−650,000.00	[1] 60,000.00	
Fire department	2,138,862.00	2,130,015.00	2,130,015.00	−8,847.00	
Health department	374,590.00	379,260.00	390,955.00	+16,365.00	+11,695.00
Courts	765,002.00	787,296.00	783,026.00	+18,024.00	−4,270.00
Public welfare	3,467,320.00	4,593,825.00	4,292,200.00	+284,880.00	−301,625.00
Miscellaneous	266,500.00	230,370.00	230,400.00	−36,100.00	+30.00
Public buildings and public parks	1,033,406.00	942,300.00	899,635.00	−133,771.00	−42,665.00
National Capital Park and Planning Commission	600,000.00	600,000.00	600,000.00		
National Zoological Park	253,000.00	180,000.00	180,250.00	−72,750.00	+250.00
Water service	1,961,710.00	1,529,350.00	1,531,710.00	−430,000.00	+2,360.00
Total regular annual appropriations	[1] 36,507,202.44	[1] 37,668,686.00	[1] 37,035,235.00	+528,032.56	−633,451.00

[1] These figures do not include an amount of $42,500 for the care and treatment of indigent patients at Freedmen's Hospital, the necessary amount for which has been transferred to and made a part of the Interior Department appropriation bill for 1929.

The committee reporting out this bill has included with its recommendations the current provision appropriating $9,000,000 lump sum as the Federal contribution to the District of Columbia expenses.

There are two ways in which to reduce taxes from the standpoint of the man who pays them. One is to shift the tax burden which rightly is his to the shoulders of some one else. The other way, and the correct way, is by reducing expenditures and thereby reducing the tax burden.

Ever since the Nation's Capital was located in Washington efforts have been made to shift the tax burden of the District to the United States. For many years the fiscal relations of the United States and the District were not on any orderly basis. About 1870 the régime of Mr. Shepherd began, with great outlays, extravagant expenditures, and much waste for city improvements and development. Just as any city that embarks upon such a program, the city of Washington could not carry such a load and the Nation was asked to help. The final outcome was that Congress abolished the government then in existence, guaranteed the payment of the city's indebtedness, and set up the present commissioner form of governing the Capital. As a part of that plan the act authorizing this change provided that the costs of operating the city should be paid 50 per cent by the District of Columbia and 50 per cent by the Federal Government. To some of the citizens of Washington the 50–50 plan is a sacred thing, not to be touched by mortal hands. It is interesting, therefore, to note how it came to be adopted originally as the basis of fiscal relations between the Federal Government and the District of Columbia. I quote now from W. B. Bryan's History of the Nation's Capital, volume 2, page 624:

* * * How was the District to go on? At the outset of the investigation Governor Shepherd answered that question when he told the committee of "the difficulty if not the impossibility of making the receipts meet the necessary expenditures" unless Congress did its part as a property holder. (Investigation, 1874, vol. 1, governor's answer, p. 469.) As to exactly what that part was he had stated officially only the previous year. (Report of Board of Public Works, p. 3, 1873.) It was one-half because, as he calculated, the Government owned one-half of the value of the real property in the District. To reach such a result, however, he placed a value of 30 cents a square foot on the streets and avenues. In this way he added 50 per cent to the valuation of Government property, consisting of the parks and reservations and public buildings. A year before it did not occur to him to include the streets, so that then his estimate of the value of the Government holdings did not go beyond two-thirds of that of other District property. (The same, 1872, p. 21. The thirty-three millions of street value brought the total up to ninety-six millions, the assessed value of private property.)

Mr. GREEN of Iowa. May I ask the gentleman a question?

Mr. SIMMONS. I will yield to the gentleman.

Mr. GREEN of Iowa. Does the gentleman say that the streets of the city were included in the value placed upon the property of the Government?

Mr. SIMMONS. When the original 50–50 plan was adopted they included the streets and avenues at 30 cents a square foot and charged them to the United States.

Mr. GREEN of Iowa. That is the most astonishing thing to me.

Mr. SIMMONS. It is no more astonishing than things that happened in 1928.

Thus by adding thirty-three millions of street value to the other values Governor Shepherd brought the Government's "property values" up to $96,000,000, equal to the assessed value of the private property in the District.

Mr. CRAIL. Will the gentleman yield?

Mr. SIMMONS. Yes.

Mr. CRAIL. Was there any reason why the streets should be considered as the property of the Government?

Mr. SIMMONS. The only reason was that they wanted the Government to pay more than they would pay if they had not put the streets in.

The 50–50 plan started off then on a decidedly questionable basis in the amount charged to the United States as a "property holder." That was in 1874. In 1876 a joint committee fixed the Federal share of the District at 40 per cent—Bryan's History, page 635—but the recommendation was not accepted. Then Mr. Bryan states, page 635:

* * * It is quite apparent, however, from the debate in 1878 that the half-and-half rate met with favor from a number, because of

the impression or belief that the value of the Federal property in the District was about one-half of the entire property valuation. No statement was given upon which such a conclusion was based. The same was true in the case of a similar claim made by the citizens of the District, as represented by a committee of 100 in a memorial presented to Congress at the opening of the session in December, 1877. Only the total of Government property valuation was given in the memorial, nothing to show how it was arrived at. As the total was the same as the estimate made by Governor Shepherd in 1873, when he included the value of the street area at so much per square foot, it may be concluded that the committee adopted his figures. Moreover, Governor Shepherd was a member of the committee.

The memorial gave a review, based upon the reports of subcommittees, of the history of the District and its present needs and condition as the foundation for the contention that as the District was the National Capital, where the Government had large property interests as well as supreme authority, it should bear an equal share with the citizens in its maintenance and improvement. (The committee of 100 citizens of the District of Columbia to the Senate and House, Washington, 1877. Also reports of subcommittees in separate pamphlet, same date and place.) With a singleness of purpose not always possible in civic efforts, this committee had but one thing to ask, but one recommendation to make, and that was the adoption of the half-and-half rate. The zeal and earnestness with which the committee urged this matter is indicated by a remark made on the floor of the House that the change in the rate of 40 per cent, as proposed in the plan reported at the previous Congress, to 50 per cent "was doubtless under the pressure of the committee of 100 citizens." (RECORD, p. 2528, April 15, 1878. The officers of the committee were: Permanent chairman, George W. Riggs; vice presidents, Joseph Casey, L. J. Davis, D. K. Carter, John T. Given, C. S. Noyes, and John T. Mitchell; secretary, John A. Baker; treasurer, R. C. Fox.)

Arrived at in this uncertain and obviously unfair way, the 50–50 plan was followed by Congress down until 1922, when the 60–40 plan was adopted. Since 1925 the United States has contributed annually $9,000,000 in a lump-sum amount in cash to the District treasury and in addition has surrendered its right to a proportionate share of district revenues (to which it was entitled under the 60–40 plan) amounting to approximately $850,000 a year. The Government also furnishes to the District the services of Army officers, whose salaries amount to $89,000 a year. During the past five years $184,000 worth of Government property has been given to the District through the Chief Coordinator in the way of surplus material. In 1927 alone this amounted to $122,000. In addition to that, the District uses Government-owned property for city purposes of the assessed value of $13,742,911.14. A very nominal ground rental would amount to $142,000 a year. Thus it will be seen that the Federal Government contributes not only $9,000,000 to the District government, but much over $1,000,000 in addition thereto. In addition to all of that are many items, some small, others large, that constantly inure to the benefit of the District that no city in the United States receives. In the first instance is the $92,000,000 Federal program for land, buildings, bridges, and so forth, for which Congress has already appropriated. Also, the services of governmental bureaus such as the Bureau of Efficiency, the Bureau of the Budget, the Bureau of Standards, free band concerts, the right to purchase supplies through the General Purchasing Office, and so forth, all of which has much value but can not be estimated in dollars and cents.

It is not my purpose here to argue theories or state vague ideas of what the fiscal relations should be. We want the Congress to have the facts. It may then reach its own conclusion as to what should be done. The committee's conclusion is that the present Federal contribution to the District's revenues is not only fair but exceedingly generous.

Let us first approach the question from the angle that Governor Shepherd used, property values. At the request of certain District organizations the District assessor recently reported that the assessed value of Government realty in the District was $470,000,000, that of District government property $50,000,000, embassies, churches, etc., $75,000,000, or a total of $595,000,000 of tax-free property. He reported the assessed value of private property at $1,150,000,000. From these figures it will be seen that 34 per cent of the District's real property is nontaxable and 66 per cent subject to taxation. But 27½ per cent of the total is United States property.

In the seventies the total only of Government property was given "nothing to show how it was arrived at" was secured. I did not want to make the same mistake, so I asked the assessor to give me the details upon which his assessment was based. Upon his figures I found that of the $470,000,000 charged as Government property, $157,670,000 was property used for municipal purposes, legal title to which was in the United States, but the user in the District of Columbia. In 1877 all the streets and avenues were assessed and charged to the United States at 30 cents a square foot. In 1928 they assess and charge to the United States all the squares, circles, parks (including Rock Creek and Anacostia, and so forth), the Zoo, the jail, and city hospital, the Smithsonian buildings, the Red Cross and Pan American buildings, the city post office, the water front, the city water reservoir, the filtration plant, the city stables, and the Center Market, the industrial schools for the District children, the School for Deaf and Dumb, a police station, and a schoolhouse, and even the Highway Bridge is included. Also Judiciary Square and the courthouse. For revenue purposes the city collects rent from the Center Market, and the United States is asked to pay for water from the water system; but for tax purposes, they state that the Federal Government owns both. There will be found in the hearings a table of these values. Under no theory should they be included. Now, then, deducting the $157,670,000 that is Government property used for municipal purposes from the total of $470,000,000, there remains a total value of $312,330,000 for property used largely for Federal purposes, or less than 18 per cent of the total. In spite of that, Congress is asked by District people to pay 40 per cent of the taxes on 18 per cent of the property.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. SIMMONS. I will.

Mr. COLE of Iowa. In that estimate did you accept the capital value?

Mr. SIMMONS. I have accepted all through the figures of the assessor.

Mr. COLE of Iowa. I think they may well be questioned.

Mr. SIMMONS. The estimated tax rate next year will be $1.70 a hundred. Based on $470,000,000 worth of property, if the Government paid taxes, its tax would be $7,990,000; but it pays $9,000,000 plus other items which I have enumerated. Based on $312,330,000 of Government property used for Federal purposes, the Government's tax would be $5,309,610, and it contributes approximately $4,000,000 above this amount by its direct appropriation of $9,000,000. So there was no comfort in those figures for advocates of 60–40 and they have dropped them, and now when the assessor's figures are mentioned showing the values, they reply in a popular expression of the day: "I'd rather not hear any more about it."

There are no available figures as to the value of tangible personal property of the Government, but the assessed value of tangible personal property in the District subject to taxation is $105,000,000. Figuring on the same basis as the real property the $105,000,000 would be 66 per cent of the total. One hundred per cent would be $160,000,000 of tangible personal property subject to taxation. Eighteen per cent of that amounts to $28,800,000 as the relative estimated value of Government tangible property in the District used for Federal purposes. A tax rate of $1.70 on that would produce $509,600. Or a total on both real and personal property would be $5,819,210. Assuming that we should contribute to the District government the equivalent of what the property would produce in taxes, the amount would then be less than $6,000,000. Whatever is contributed by the Government beyond $6,000,000 is given over and above all equitable claims, and as a Federal contribution to the upkeep and beauty of the Nation's Capital.

What does the $9,000,000 we now contribute pay? Based on this bill it pays the entire cost of the public playgrounds, the public buildings and parks, National Capital Park and Planning Commission, including $600,000 for the purchase of land, the Zoo, Anacostia development, the police department, the fire department, and almost all of the salary roll of the city amounting to over $2,000,000. It is left for the people of Washington to pay only for their streets, their sewers, the courts, public welfare, electric lights, militia, schools, health department, and the collection of their refuse and other miscellaneous items amounting to about a quarter of a million dollars.

If the 60–40 plan were accepted for the fiscal year 1929 the United States would be called upon to contribute $13,466,734 and the District would be called upon to pay but $20,965,102 from general taxes. The tax rate would be then $1.20, and the rate would create in addition thereto a surplus of nearly one-half million dollars. Detailed figures will be placed in the RECORD.

1928 tax rate

(Assuming 60–40 for that year)

District of Columbia appropriation act for 1928		$36,717,185
Less water and gas tax fund items	$3,377,710	
Wholly District of Columbia items	685,000	
		4,062,710
		32,654,475
Add deficiency and supplemental appropriations for 1928 (estimates)		2,009,806
		34,664,281

1928 tax rate—Continued

40 per cent payable by United States		$13,865,712
60 per cent payable by District of Columbia, plus $685,000 wholly District of Columbia items		21,483,569
		35,349,281
60 per cent payable by District of Columbia [1]		21,483,569
Tax on intangibles	$2,200,000	
Tax on public utilities, etc	2,000,000	
Miscellaneous revenues (less United States credits)	2,000,000	
Tax rate of $1.25 on real estate ($1,150,000,000) and tangible personal property ($102,000,000)	15,650,000	
		21,850,000
Tax rate of $1.25 (based upon factors used in figuring $1.70 rate for 1928 under $9,000,000 lump-sum plan) would raise in 1928 under 60–40 an excess, over District of Columbia 60 per cent part, of		366,431

1929 tax rate based on District of Columbia budget for 1929

(Assuming 60–40 for that year)

Total District of Columbia budget for 1929		$40,431,186
Less water and gas tax fund items and trust funds	$5,999,350	
Wholly District of Columbia items	765,000	
		6,764,350
		33,666,836
40 per cent payable by United States		13,466,734
60 per cent payable by District of Columbia, plus $765,000 wholly District of Columbia items		20,965,102
		34,431,836
60 per cent payable by District of Columbia		20,965,102
Tax on intangibles	$2,250,000	
Tax on public utilities, etc	2,150,000	
Miscellaneous revenues (less United States credits)	2,000,000	
Tax rate of $1.20 on real estate ($1,150,000,000) and tangible personal property ($105,000,000) [1]	15,060,000	
		21,460,000
Tax rate of $1.20, based on budget total for 1929 under 60–40, estimated to raise, in excess of District of Columbia 60 per cent part [1]		494,898

Upon items in the bill, if the 60–40 plan were in force, the District would be called upon to pay only for the schools, the prisons, and charitable institutions, the courts, the collection of refuse, and the general salaries of employees of the city. While the United States would be asked to pay for the contingent expenses, all of the street improvements ($2,263,000) not covered by the gas tax, the sewer department, public playgrounds, electrical department (including street lighting), police department, fire department, health department, District militia, all the parks, $600,000 for new park lands, and the cost of operating the Zoo. To state it thus is to show how utterly absurd and unfair is the request that we return to the 60–40 plan.

Figuring the Government values at $341,130,000, by the Federal payment carried in this bill, we are charging the United States at a tax rate of $2.70, while the private holder pays a $1.70 rate. If the 60–40 plan were returned to, the private rate would be $1.20 and the United States rate would be $3.90 a hundred. What more need be said?

Bear in mind always in this discussion that the District tax rate includes all taxes on real and tangible personal property. Or stated another way, it includes all items generally known as school district, sanitary district, city, county, and State items.

In these calculations I have not included revenues from and expenses of the water department. It is a self-supporting activity. The board of trade, in its statement, has charged many things against the Federal Government. One that the city is "giving free water service" to the United States. What are the facts? I have pointed out that in fixing the value of United States property in the District there was included $19,622,441 for water reservoirs, and so forth, in the city system. Later on they claim to own the system and want us to pay both taxes on our system and water charges on their system. The present water system was started in 1853 and paid for and maintained entirely by the United States down to 1882. The people of Georgetown and Washington paid nothing for water save the expense of tapping the mains. Beginning in 1882 the water system was maintained out of District revenues to which the United States contributed one-half and the revenues of the system went into the general fund of the District. From 1917 to date the water system has been maintained out of its own revenues. The water rates are like Washington taxes—low—due to the fact that the United States bought and paid for the system, maintained it for years, and in effect gave it to the District. Other cities have paid for their own water systems. At the present time the total United States investment in the system is $11,953,700. The total District investment is $11,266,213. In other words, the water system is owned jointly by the United States and the District of Columbia, the Federal Government owning slightly more than one-half. In addition to that $24,753,863 from earnings have been invested in the system.

The United States receives from the water system, of which it is half owner, 3,311,481 m. g. of water, or a return of 2.21 per cent on the investment that it has made in the plant. The District of Columbia receives 8,103,525 m. g., which makes a return of 5.75 per cent on its investment. In addition the District's return in extensions to the property brings the gross return to the District up to 7.13 per cent. Contrast the Federal return of 2.21 per cent with the District's return of 7.13 per cent, and the conclusion is reached that if anyone is receiving free water it is the District and not the United States. (See table, p. 945 of the hearings.)

What is Washington's comparative tax rate with other cities? You will find in the hearings a table taken from the Bureau of the Census publication "Financial statistics of cities, 1925," Washington is in the class of 500,000 or more population. That table shows the per capita levy in Washington for all purposes at $30.31, the lowest of the group. St. Louis is next, with $34.28; Baltimore, $37.58; San Francisco, for city purposes only, $42.94; Milwaukee, for city purposes only, $47.69; Philadelphia, for city purposes only, $42.81; Cleveland, $54.08; Buffalo, $55.15; New York, $55.80; Chicago, $56.08; Pittsburgh, for city purposes only, $58.15; Detroit, $57.34; Boston, $63.63. So those who want an increased Federal contribution find no aid in that table. Then, in the hearings are tables from financial statistics of cities for 1926, prepared by the Bureau of the Census. Those tables show that Washington is third lowest in the payment of general property taxes in cities of its population group, Washington having a per capita levy of $36.87, while Boston goes to $72.78. Baltimore and St. Louis have a smaller per capita levy, $34.15 and $35.05. But it must be noted that this table includes the levy for city purposes only, whereas the other cities in the group must have in addition their State and other taxes, amounting in 1925 to $4.12 for Baltimore and $1.47 for St. Louis. So that with those figures included Washington will have the lowest per capita levy in 1926 of any city in its size group save St. Louis. Likewise the general property revenues for 1926 are the lowest in Washington of any city in its class, lowest in earnings of public service enterprise and lowest in all other revenues. Likewise there are but three cities showing a lower per capita operation and maintenance cost. The committee has before it the comparative tax rates for cities for 1927, issued by the Detroit Bureau of Governmental Research. After adjusting the tax rate to a uniform 100 per cent basis of assessment and adjusting values, the final adjusted tax rate for Washington is given at $15.30 (the District assessor says it should be $16.20) per $1,000, actual value. Taking either of the two rates Washington is shown to have the lowest tax rate per actual value of property of any of the first 34 cities of the United States.

COMPARATIVE TAX RATES OF 249 CITIES, 1927

(By C. E. Rightor, Detroit Bureau of Governmental Research. Mr. Rightor's annual report on tax rates is becoming a standard)

The accompanying table presents in summary form a record of the tax rates upon property as levied in 1927 for all cities over 30,000 population in the United States and Canada replying to the questionnaire.

There is nothing complex about the compilation. Most of the readers of the Review are acquainted with this table for past years, and the same information is furnished this year.

It is recognized that the general property tax has been and continues to be the major source of revenue of cities. The Census Bureau's "Financial statistics of cities over 30,000, 1925," the latest available report, shows that 63.7 per cent of all revenue receipts of 247 cities were from this source. Incidentally this report discloses that 35.3 per cent of the Nation's population is in cities over 30,000.

It is found to be of much concern, therefore, to taxpayers, both large and small, to know how the taxes in one city compare with other cities, and how the levies for the several purposes compare. The figures here presented furnish this information for the current year—the total tax rate per $1,000 assessed valuation, and a subdivision of

[1] Does not include any supplemental, deficiency, or new legislation appropriations, need for which may arise in the fiscal year 1929.

the total as to the amount each for city, school, county, and State (in Canada, Province) purposes. The assessed valuation upon which the rates are levied is reported also, with the percentages each of realty and personalty.

Because the legal basis of assessment in some States varies from 100 per cent, which is the predominant basis, it is desirable to adjust the rates to a uniform 100 per cent basis of assessment in all cases, thus permitting a correct and direct comparison between cities. This is done in the column entitled "Adjusted tax rate."

Further, because it is accepted that the legal basis of assessment (100 per cent of true or cash value) can not be realized generally in actual practice, attempt is made to indicate what the actual tax burden in each city would be were the full value used in assessing. This is done in the last two columns. These two columns, important as the actual facts would be, must represent merely the best estimates that can be made.

The cities are presented in order of population, by the five census groups, the Census Bureau's 1926 estimates being used again this year, as the 1927 estimates were not available. An official revised census taken in a few cities since 1926 is used. These estimates do not take care of extraordinary conditions affecting some cities and therefore per capita comparisons made without considering the facts in each case might lead to unwarranted conclusions.

The figures present their own case, largely. There are many reasons for estimates being required in cases and for a note of explanation owing to local circumstances. Here, again, the tax rates may be compared only when the particular facts respecting each city are known.

Comparative tax rates for cities for 1927

[Compiled by the Detroit Bureau of Governmental Research (Inc.), from data furnished by members of governmental research conference, city officials, and chambers of commerce]

	Census July 1, 1926	Assessed valuation	Per cent		City fiscal year begins—	Date of collection of city tax	Tax rate per $1,000 of assessed valuation					Legal basis of assessment (per cent)	Adjusted tax rate to uniform 100 per cent basis of assessment	Estimated ratio of assessed value to legal basis (per cent)	Final readjusted tax rate
			Realty	Personalty			City	School	County	State	Total				
GROUP I															
Population 500,000 and over															
1. New York, N. Y.	5,924,000	$14,837,821,953	98	2	Jan. 1	May 1 / Nov. 1	$20.22	$4.63	$0.95	$0.80	$26.60	100	$26.60	72	$19.15
2. Chicago, Ill.	3,048,000	1,882,067,121	79	21	Jan. 1, 1926	Jan. 2, 1927	47.00	30.30	9.10	6.50	92.90	50	46.45	50	23.23
3. Philadelphia, Pa.	2,008,000	4,198,256,362	75	25	Jan. 1	Jan 25	17.50	9.00			26.50	100	26.50	90	23.85
4. Detroit, Mich.	1,346,580	3,394,333,510	82	18	July 1	July 15 / Dec 1	15.79	6.61	2.62	2.12	27.14	100	27.14	80	21.71
5. Los Angeles, Calif.	1,280,000	1,723,188,625	95	5	July 1, 1926	Dec. 1, 1926 / Apr. 15, 1927	17.90	15.70	7.00		40.60	100	40.60	50	20.30
6. Cleveland, Ohio	960,500	2,168,243,440	69	31	Jan. 1	Dec. 20, / June 20	10.79	9.40	3.66	.25	24.10	100	24.10	80	19.28
7. St. Louis, Mo.	830,000	1,157,869,052	85	15	Apr. 13, 1926	Nov. 1, 1926	15.90	8.70		1.20	25.80	100	25.80	75	19.35
8. Baltimore, Md.	808,000	1,818,880,682	58	42	Jan. 1	Jan 15	18.37	5.53		2.74	26.64	100	26.64	80	21.31
9. Boston, Mass.	787,000	1,929,621,700	91	9	do	Sept. 15	16.27	9.20	1.76	2.77	30.00	100	30.00	100	30.00
10. Pittsburgh, Pa.	637,000	1,060,013,550	100		do	Jan 1	17.06	11.50	7.38		35.94	100	35.94	85	30.46
11. San Francisco, Calif.	567,000	756,583,094	84	16	July 1, 1926	Oct. 15, 1926 / Jan. 15, 1927	28.26	8.34			36.60	100	36.60	50	18.30
12. Buffalo, N. Y.	544,000	1,038,460,390	99	1	July 1	July 1	21.14	7.46	4.14	1.24	33.98	100	33.98	78	18.70
13. Washington, D.C.	528,000	1,047,085,545	90	10	July 1	Sept. 1 / Mar. 1	11.05	5.95			17.00	100	17.00	90	15.30
14. Milwaukee, Wis.	517,000	864,957,161	80	20	Jan. 1	Dec. 15	15.14	8.32	4.93		28.39	100	28.39	85	24.13
GROUP II															
Population 300,000 to 500,000															
15. Newark, N. J.	459,000	838,875,639	78	22	Jan. 1	Apr. 15	19.39	8.95	5.03	4.53	37.90	100	37.90	100	37.90
16. Minneapolis, Minn.	434,000	306,176,538	84	16	do	May 31 / Oct. 31	37.45	21.40	7.30	5.35	71.50	38	27.17	85	23.07
18. Seattle, Wash.	411,578	271,458,767	79	21	do	Mar. 1	32.76	14.32	12.73	12.27	72.08	50	36.04	96	34.60
19. Cincinnati, Ohio	411,000	1,039,600,600	80	20	do	December / June	9.95	6.83	4.11	.25	21.14	100	21.14	90	19.03
20. Kansas City, Mo.	375,000	488,265,830	69	31	May 1	June 1	13.75	11.50	4.50	1.30	31.05	100	31.05	71	22.09
21. Indianapolis, Ind.	367,000	646,749,380	67	33	Jan. 1	Jan. 1 / July 1	11.00	10.00	2.90	2.30	26.20	100	26.20	85	22.27
22. Rochester, N. Y.	321,000	521,867,827	100		do	May 1	15.63	12.00	4.59	1.34	33.56	100	33.56	69	23.16
24. Louisville, Ky.	311,000	385,500,000	81	19	Sept. 1	Jan. 15	14.70	5.80	3.70	5.00	29.20	100	29.20	80	23.36
GROUP III															
Population 100,000 to 300,000															
25. Toledo, Ohio	295,200	572,573,160	70	30	Jan. 1	Dec. 1 / June 1	12.03	9.11	4.01	.25	25.40	100	25.40	80	20.32
26. Columbus, Ohio	285,500	584,858,990	73	27	do	Dec. 20, 1926 / June 20, 1927	8.62	8.74	2.99	.25	20.60	100	20.60	80	16.48
27. Denver, Colo.	285,000	430,349,870	70	30	do	Jan. 1	10.31	13.80	4.12	3.67	31.90	100	31.90	80	25.52
28. Portland, Oreg.	282,383	338,462,420	83	17	Dec. 1, 1926	May 5. / Nov. 5.	20.00	10.70	7.90	7.40	46.00	100	46.00	60	27.60
29. Providence, R. I.	275,900	596,908,990	60	40	Oct. 1, 1926	Oct. 1, 1926	16.25	5.99		1.26	23.50	100	23.50	100	23.50
30. Oakland, Calif.	261,000	250,246,591	83	17	July 1	July 1	21.00	21.99	8.61		51.60	100	51.60	50	25.80
31. St. Paul, Minn.	248,000	179,692,099	80	20	Jan. 1	Jan. 1	32.59	15.82	15.35	5.35	69.11	38	26.26	80	21.01
32. Atlanta, Ga.	224,300	377,000,000	74	26	do	May-July / September	8.40	6.60	11.00	5.00	31.00	100	31.00	70	21.70
33. Akron, Ohio	220,000	344,640,020	68	32	Jan. 1	Dec. 20, 1926 / June 20, 1927	10.43	10.32	3.60	.25	24.60	100	24.60	80	19.68
34. Omaha, Nebr.	215,400	342,552,862	69	31	Jan. 1	May 1	11.35	13.00	3.30	1.80	29.45	100	29.45	60	17.67
35. Birmingham, Ala.	211,000	209,104,579	80	20	Sept. 1	Oct. 1	11.50	6.50	11.50	6.50	36.00	60	21.60	60	12.96
36. San Antonio, Tex.	205,000	213,600,000	77	23	June 1	Apr. 1	18.80	8.30	8.70	6.70	42.50	100	42.50	75	31.88
37. Dallas, Tex.	203,000	246,747,700	67	33	May 1	May 1	15.10	9.50	8.20	6.70	39.50	100	39.50	33	13.04
38. Worcester, Mass.	193,000	339,552,850	86	14	Dec. 1	Oct. 10	15.89	10.59	1.20	1.52	29.20	100	29.20	85	24.82
39. Richmond, Va.	189,000	257,400,000	93	7	Feb. 1	June 1 / Nov. 1	16.00	7.50			23.50	100	23.50	67	15.75
40. Syracuse, N. Y.	185,000	302,326,444	100		Jan. 1	May 1	16.15	10.50	5.62	1.42	33.69	100	33.69	66	22.24
41. New Haven, Conn.	182,000	308,145,045	85	15	do	Mar. 1 / Sept. 1	13.75	10.25	.33	.67	25.00	100	25.00	100	25.00
42. Dayton, Ohio	177,000	336,603,190	75	25	do	Dec. 1, 1926 / June 1, 1927	10.06	9.56	3.93	.25	23.80	100	23.80	80	19.04

Comparative tax rates for cities for 1927—Continued

	Census July 1, 1926	Assessed valuation	Per cent		City fiscal year begins—	Date of collection of city tax	Tax rate per $1,000 of assessed valuation					Legal basis of assessment (per cent)	Adjusted tax rate to uniform 100 per cent basis of assessment	Estimated ratio of assessed value to legal basis (per cent)	Final readjusted tax rate
			Realty	Personality			City	School	County	State	Total				
43. Memphis, Tenn.	177,000	$245,844,324	90	10	Jan. 1	July 1	$16.00	$6.00	$9.50	$2.50	$34.00	100	$34.00	75	$25.50
44. Norfolk, Va.	174,000	173,488,274	92	8	do	do	19.60	9.80			29.40	100	29.40	67	19.70
47. Hartford, Conn.	164,000	336,496,001	87	13	Apr. 1	do	9.63	11.27	.23	.75	21.88	100	21.88	80	17.50
48. Fort Worth, Tex.	159,000	162,180,155	74	26	Oct. 1, 1926	Oct. 1, 1926	15.60	9.50	9.00	6.50	40.60	100	40.60	55	22.33
49. Grand Rapids, Mich.	156,000	263,425,606	70	30	Apr. 1	July 1 Dec. 1	12.40	13.67	3.29	2.69	32.05	100	32.05	80	25.64
50. Bridgeport, Conn.	153,000	256,794,919	75	25	do	Apr. 1 Sept. 1	18.97	6.87	.28	.78	26.90	100	26.90	80	21.52
51. Des Moines, Iowa.	146,000	189,214,980	87	13	Apr. 1	March September	14.50	15.74	6.15	2.50	38.89	100	38.89	75	29.17
52. Oklahoma City, Okla.	145,000	118,973,221	85	15	July 1	Jan. 1	17.69	18.22	7.70	.50	44.11	100	44.11	45	19.85
53. Springfield, Mass.	145,000	303,350,510	89	11	Dec. 1, 1926	Nov. 1, 1926	15.37	10.47	1.22	1.54	28.60	100	28.60	85	24.31
54. Scranton, Pa.	143,000	123,922,325	100		Jan. 1	Jan. 1	18.45	19.00	10.00		47.45	100	47.45	50	23.73
57. Nashville, Tenn.	137,000	166,404,540	75	25	do	Aug. 1	16.50	3.50	7.50	2.50	30.00	100	30.00	75	22.50
58. Flint, Mich.	136,500	176,477,939	77	23	Mar. 1	July 1 Dec. 1	15.53	15.58	5.97	2.67	39.75	100	39.75	70	27.83
59. Tulsa, Okla.	135,900	118,240,110	80	20	July 1, 1926	Nov. 1, 1926	21.70	19.20	8.20	2.50	51.60	100	51.60	50	25.80
61. Salt Lake City, Utah.	133,000	193,639,649	75	25	Jan. 1	Sept. 20	11.00	14.60	4.50	2.70	32.80	100	32.80	100	32.80
62. Camden, N. J.	131,000	181,710,495	89	11	do	June 1 Dec. 1	11.88	8.32	4.76	4.54	29.50	100	29.50	100	29.50
63. Fall River, Mass.	131,000	188,926,550	70	30	Jan. 1, 1928	Nov. 1, 1927	21.50	10.61	1.32	2.17	35.60	100	35.60	100	35.60
64. Miami, Fla.	129,100	320,238,350	98	2	July 1	Nov. 1	13.80	5.25	10.05	1.64	30.75	100	30.75	50	15.37
65. Erie, Pa.	125,000	136,341,421	96	4	Jan. 1	Mar. 1	12.20	14.00	7.00		33.20	100	33.20	75	24.90
66. Wilmington, Del.	124,000	129,751,800	100		July 1	July 1	15.60	3.40	7.50	1.50	28.00	100	28.00	75	21.00
67. Cambridge, Mass.	122,000	183,385,700	87	13	Apr. 1	Oct. 15	18.47	9.00	1.17	2.96	31.60	100	31.60	100	31.60
68. New Bedford, Mass.	119,539	216,191,900	68	32	Dec. 1	Oct. 1	18.13	6.92	.97	1.58	27.60	100	27.60	80	22.08
69. Albany, N. Y.	119,000	187,331,711	99	1	Jan. 1	Jan. 1	21.64	6.02	5.23		32.89	100	32.89	79	25.98

I will not trouble you further with statistics. Everything shows that the Washington taxpayer is in a very advantageous position compared with other cities and that he has nothing about which he can rightly complain so far as taxes are concerned, but, rather, he should be thankful for the privilege of living in the Nation's Capital, one of the many benefits being low taxes.

Mr. SNELL. Will the gentleman yield?

Mr. SIMMONS. I yield to the gentleman.

Mr. SNELL. I want to thank the gentleman for his able presentation of this matter. It is something I wanted to know for a long time. I hope the local papers will present the proposition fairly and completely. As I read the papers it is an unfair position they have taken. It is only due to us that they publish a full account as presented by the gentleman from Nebraska this morning, and I hope they will do it. [Applause.]

Mr. GIFFORD. Will the gentleman yield?

Mr. SIMMONS. I will.

Mr. GIFFORD. The gentleman speaks of intangible property. Does he have the rate and the method of collection?

Mr. SIMMONS. I have not that now.

Mr. GIFFORD. Is the gentleman going to take that up?

Mr. SIMMONS. No; it is a special tax rate.

Mr. GIFFORD. Does the gentleman know what it is?

Mr. SIMMONS. Five dollars to the thousand.

Mr. GIFFORD. Is any compulsory return demanded?

Mr. SIMMONS. They think they are getting a fair average of intangible property.

Mr. GIFFORD. The gentleman would not say that they are getting a fair average if they are not subjected to compulsory returns?

Mr. SIMMONS. They are supposed to return intangible property.

Mr. GIFFORD. In many places they are supposed to make a return on intangible property, but do not. The gentleman understands the motive of my question, that if intangible property was forced to make returns there would be an extraordinary low rate of taxation?

Mr. SIMMONS. Yes; and the board of trade claims the intangible fax is high and that the return is high.

Mr. GIFFORD. What authority has the gentleman for making the statement that the return is high, that there is a fairly honest return?

Mr. SIMMONS. I base that on figures submitted to us by the board of trade as one of the items for lowering the real and tangible rate in the District.

Mr. MADDEN. I do not understand that the gentleman from Nebraska did make that statement, but that somebody else did.

Mr. GIFFORD. I understand that in the gentleman's own State of Illinois, if they are pressed too hard they make a return.

Mr. MADDEN. But we are not trying that case at this time. We are trying the case of the city of Washington. Perhaps if we did try somebody else we might take up Massachusetts. In the meantime, we are doing a very good job if we are doing it well here.

Mr. GIFFORD. And I might say that only by comparison can we arrive at a proper conclusion. For instance, Massachusetts did gather some $16,000,000 from one individual from Illinois when that State pressed him too hard. I wondered if Washington had not a lot of Illinois citizens here at the present time.

Mr. MADDEN. Sometimes we do have a few.

Mr. SIMMONS. The board of trade charge that the District is limited in area and does not have the taxable property within its jurisdiction that other cities have. Population estimates show Washington thirteenth in population. In area, Washington is eleventh in the United States. The cities of St. Louis, Pittsburgh, Boston, San Francisco, and Buffalo have a greater population and less area, so that statement can not be sustained. They further charge an excessive operation and maintenance is due "to the Federal demands for service." That charge is not sustained and the opposite is true. They likewise state that the District pays for matters "truly national in character." But that likewise was abandoned by its proponents as untenable. The board of trade again charge that the high cost of the city government is due to demands in the way of street cleaning, policing, paving, repairing, giving fire protection, laying mains and sewers over and above the needs of the city proper. Throughout the hearings you will find the evidence negativing each of those propositions, and when the board of trade appeared before the committee they made no mention of those claims.

The committee finds that it is proper to consider in this connection the salary roll of the Federal Government, the great expenditures here annually for maintenance of the Federal establishment, the business that it brings to Washington, tourists, visitors, and so forth, and last but by no means least, the great expenditures for lands and buildings of the United States, appropriations for which have recently been made. Mention is made of the property south of Pennsylvania Avenue to be purchased by the Government.

Three of the Washington newspapers in the last three or four days, since the committee has reported this bill, as a reason for greatly increasing the Federal contribution, have referred to the fact that $17,000,000 worth of assessed property

south of Pennsylvania Avenue is to be taken out of the tax columns because of purchase by the Federal Government. We went into that matter with the assessor. You will find it on page 79 of the hearings, where the assessed value of the property is shown, and what it pays in taxes.

The assessor testified that the removal of that property from the tax rolls would not decrease revenues. His reason being that the building will be rebuilt on other tax-paying sites, and the equivalent be subject to taxation. He further states that the Government is paying excessive prices, which money will largely be invested elsewhere in the city. Also, that the increased assessment values on property north of Pennsylvania Avenue will largely make the difference. So that no consideration should be given to that situation as an argument for increased contribution by the United States.

Let me repeat, then, we have reached the conclusion that not only is there no basis for the claim that the Federal contribution is too low, but that it is exceedingly generous, and, if anything, is too high, giving Washington an advantageous tax position not enjoyed by cities elsewhere in the United States.

I stated in the beginning that the correct way to reduce taxes is to reduce expenditures, not by refusing funds where needed, but by efficient, economical expenditures of public funds to reduce the total cost of city government. We are reporting to you a bill $633,451 below the Budget estimates. This, if accepted, will enable the District Commissioners to reduce the estimated tax rate at least 5 cents per hundred.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. SIMMONS. Yes.

Mr. CRAMTON. The gentleman the other day made an interesting and clear statement of the school situation in response to misrepresentations on the part of a certain newspaper in the District. Did that particular newspaper or any other Washington newspaper use any material portion of the gentleman's statement in the House?

Mr. SIMMONS. Not a bit of it.

Mr. CRAMTON. So that from that experience and other past experiences the House may really believe that the hope expressed by the gentleman from New York [Mr. SNELL] that the Washington newspapers would make any fair presentation of the gentleman's statement to-day, can only be realized if Congress makes an appropriation for that purpose?

Mr. SIMMONS. I think the only way that this statement can be gotten to the people of the city of Washington would be for Congress to appropriate a sum of money and use it for sending out this statement to the people of the District. I doubt very much if the District newspapers will do anything more than make a general statement regarding what I have said. Frankly I have asked two of them to be fair with us and to report fully what I have said. We will see whether or not they do it. The other way for us to do that, and that I am going to do so far as my time will permit, is to accept invitations that I receive and go out and tell these facts to the people of the District.

SALARIES OF EMPLOYEES OF THE DISTRICT OF COLUMBIA

The committee during the hearings upon the estimates for the next fiscal year went particularly into the question of the salaries of employees of the District of Columbia under the classification act, which does not include teachers, firemen, and policemen. A comparison was made with the salaries being received by employees in the executive departments and independent establishments in the Federal Government under the same act. In making this comparison the committee had before it the statement appearing on page A–110 of the Budget for 1929, which shows the average number of employees, the average salary rates, and the total salary obligations for all employees in the District of Columbia listed under the different Federal establishments, including the District of Columbia, for the years 1927, 1928, and 1929. With the exception of employees under public buildings and public parks of the National Capital, which service is hardly comparable, as most of those employees are grouped under the custodial grades, the average salary for the employees of the District of Columbia was the lowest of the 33 departments and bureaus listed. The District of Columbia employees are not only receiving the lowest rates in comparison to the rates received by employees in the Federal Government under the same law, but a very large proportion of them are and have been for some time at the minimum rates of their respective grades.

In order to bring the employees of the District of Columbia up to a fair comparison with the other departments specified in the tabulation, the committee ascertained the total amount that would be necessary to bring the salaries of the District employees up to the average salary rates of those grades. This amount was $340,750, as shown in the statement on pages 966 and 967 of the hearings upon the bill. The committee then divided this amount into a two-year program of salary readjustment, one-half to be included and distributed among the various divisions of the District government in the accompanying bill for 1929, and the second half to be included in the District of Columbia appropriation bill for the fiscal year 1930. One-half of the amount necessary would represent $170,375. The estimates submitted to the committee originally contained $37,555 for salary increases. The estimated savings anticipated during the fiscal year 1929 due to lapses in salaries represents $12,600. This left a balance necessary to be included in the 1929 bill of $121,245, if one-half of the total amount of $340,750 for salary readjustments was to be appropriated for this year. The committee has included this additional amount in excess of the Budget estimate and distributed it under the respective divisions of the District government appearing in the bill. This will allow a total, therefore, for the purpose of salary increases for 1929 of $171,400, which is about $1,025 more than one-half of the amount required. This is due to the fact that several divisions already were slightly over the total amount necessary to meet salary recommendations.

While the committee recognizes that any increases in pay under the classification act are contingent upon the appropriations made available annually by Congress for that purpose, it is of the opinion that appropriations should be sufficient to permit an equitable adjustment of salaries under that act based on proper efficiency ratings. The action taken in this case has been prompted by the fact that District employees have not been given as much recognition in the salary adjustment as their status under the law would warrant by comparison with the departments of the Government. It is the belief of the committee that the salary situation is more acute in those grades where the lower rates of pay apply and the amount recommended has been allowed with the understanding that first consideration in its application will be toward relief in those grades to employees whose efficiency ratings are such as to deserve recognition. The statistical table referred to that appears in the hearings shows the distribution of the increase allowed by the committee for this purpose.

MUNICIPAL ARCHITECT'S OFFICE

The estimate for the fiscal year 1929 provided for an appropriation of $30,540, for the office of the municipal architect, of which amount $14,040 was allocable to the District repair shop. Under a proposed reorganization plan for this office, which originally was proposed by the Bureau of Efficiency and adopted by the Commissioners of the District of Columbia, it is proposed in the bill to increase the amount to $52,240, providing a salary schedule for the municipal architect's office proper of $38,200, an increase of $21,700 over 1928, and $14,040—the same amount as the current year—for allocation to the District repair shop. The reorganization plan contemplates the appointment of an assistant municipal architect, placing the personnel of the office on a comparable basis with other similar offices in the Federal Government, establishing a permanent skeleton organization consisting of certain key positions which would be essential irrespective of the size of the construction program each year, and establishing lump-sum apportionments of 3 per cent of the appropriations for construction work up to $2,000,000, and 2½ per cent on appropriations over $2,000,000, for the use of the municipal architect's office in payment for the services of draftsmen, assistant engineers, clerks, copyists, and inspectors to be employed on the construction work provided for by such appropriations.

The preparation of all plans will take place in the municipal architect's office and be paid from such apportionments, and no appropriations will be made specifically for the preparation of plans for individual projects as has been done heretofore. Under this reorganization it has been possible to deduct from the estimates submitted a total of $16,500 that had been included for the payment of personal services for the preparation of plans for different school buildings, which plans will now be prepared in the architect's office. It is believed that the adoption of this plan of reorganization will facilitate the work of the office and expedite the construction of school buildings and other projects and will insure the maintenance of a more efficient organization.

OFFICE OF THE CORPORATION COUNSEL

There is recommended for the office of the corporation counsel a total appropriation of $58,340, which is an increase over the current year of $12,380. This increase covers the following additional personnel: One assistant corporation counsel at $5,200 to take charge of the more important condemnation work and to assist in handling the increase in this type of work; one assistant at $3,000 to assist in the work before the police court; $2,640 added by the committee for additional stenographic

services that are very much needed in the office; and $1,540 additional for salary increases. With these additions to the present staff the corporation counsel's office will be in a position to handle the increase of work that has arisen during the past several years.

SURVEYOR'S OFFICE

An additional amount of $11,190 has been recommended for the expenses of the surveyor's office, bringing the total annual appropriation for 1929 up to $79,050. Heretofore provision has always been made for temporary services and materials to take care of the extra work in the office during the busy seasons of the year, and $5,000 appropriated therefor. Under the proposed bill there is provided $6,180 for an additional field party that is needed and $3,180 for some additional permanent employees in lieu of the $5,000 for temporary services. There has also been included $1,830 for salary increases under the committee's proposal.

OFFICE OF THE DIRECTOR OF TRAFFIC

The estimates submitted for the office of the director of traffic were divided into two funds, one for salaries amounting to $28,320, an increase over 1928 of $3,020 and one for expenses totaling $50,000, which represented a reduction under 1928 of $20,000. The increase proposed in the salary item covered for the most part two new positions, one at $1,680 and one at $1,020. The amount for these two new positions the committee has disallowed, believing that there is no necessity for additional personnel at this time. The balance of the increase of $320 for salary increases the committee has allowed and has added an additional $320. Under the estimate for expenses, there was $5,000 asked for the purpose of making a traffic survey or count. This the committee has disallowed, bringing the estimate of $50,000 down to a recommended appropriation of $45,000. The committee was informed last year, and again this year, that any survey of traffic that might be needed could be made by the police department and has therefore recommended the elimination of the amount proposed to be used for that purpose.

FREE PUBLIC LIBRARY

The total amount recommended for the items making up the free public-library service is $332,935, which is an increase of $32,515 over the current year and $18,035 over the Budget estimates. The original increase presented to the committee was largely covered by a request for 10 new positions—6 in the central library, 1 in the southeastern branch, 1 in the Takoma Park branch, and 2 for the Chevy Chase-Tenley sub-branches. These increases the committee has allowed and in addition thereto has added $9,190, distributed over the several funds affected for the purpose of establishing and maintaining a branch library on Conduit Road in a vacated school building now available for that purpose. The estimates also provided for $1,280 for salary increases and to this amount the committee has added $8,845, making a total of $10,125 available for 1929 to assist in readjusting salaries of the respective grades. The salary rates of the employees in the public-library service have been noticeably low and it is hoped that with this amount and a similar amount for the year 1930 in conjunction with the salary-increase program that the committee has adopted, that the salaries of the employees here will be brought to a parity with employees in the other divisions of the District government.

OFFICE OF THE RECORDER OF DEEDS

The committee has included a provision under the office of the recorder of deeds for the District of Columbia whereby expenditures from appropriations under the recorder's control shall be made and accounted for in the manner provided by law for the other appropriations of the District of Columbia. This proviso will bring the expenditures for the office under the same system of accounting that all the other branches of the District government undergo and is suggested to make the service consistent throughout.

STREET AND ROAD IMPROVEMENT REPAIR

The committee has recommended $3,923,060 for street and road improvement repairs, which is an increase of $9,317.56 over the current year and a reduction of $309,940 under the Budget estimates. This amount is distributed over the following items:

GASOLINE TAX, ROAD AND STREET FUND

For paving, repaving, grading, and otherwise improving streets, avenues, and roads under the gasoline tax, road and street fund, the committee has reduced the Budget estimate by $90,000, making available for this purpose for 1929, $1,660,000. This is an apparent increase over 1928 of $173,500, but is actually a decrease of $20,600 under 1928, because during that year there was a total of $194,100 for specific street improvements payable from revenue other than gasoline-tax money.

Under the provisions of the act creating this fund, which provides for the collection of a charge of 2 cents per gallon on all motor-vehicle fuels sold within the District of Columbia with certain exceptions, the fund to be available solely for street and road improvement and repair, the amount has increased each year to such an extent that now it is estimated for 1929 the fund will be large enough to continue all work from this one source of revenue and not as heretofore under another appropriation that was chargeable to regular District revenue.

The committee, following its usual custom, made a personal inspection of all the individual street items listed for paving and improvement and was satisfied with the program submitted to the extent that it has not recommended a change in any of these items and has included them all as estimated. The reduction of $90,000, noted above, was made in the amount available for the construction of curbs and gutters or concrete shoulders for roadways. This brought the estimate down to an available amount of $200,000. In making this reduction the committee was guided by the thought that the District is well up generally on its program of different street and roadway improvements and that the $200,000 allowed for this purpose will be amply sufficient to carry this phase of the work for 1929.

REPAIRS TO STREETS, AVENUES, AND ALLEYS

The amount recommended by the committee for this purpose is $1,475,000. Prior to this bill there have been two appropriations for street repairs—one for repairs in the old city and one for repairs to suburban roads. There was no logical or reasonable line of demarcation between the two classifications of streets for repair purposes. A large part of the so-called suburban roads are actually city streets. The amount appropriated for 1928 under these two funds was $1,310,000, so that the appropriation of $1,475,000 in this bill for the combined purposes is an increase of $165,000.

The estimate submitted was divided into three types of work—resurfacing, $800,000; repairing suburban roads, $375,000; and minor repairs to paved streets, $500,000. The committee reduced the resurfacing item $200,000, making available for 1929 for this purpose $600,000. In making this reduction it recognizes that this is part of a set program of resurfacing old and worn-out streets, and instead of estimating for the following year (1910) $400,000 for this purpose, as the plan proposed, it would be well to divide the amount between the two years, giving $600,000 this year instead of $860,000 this year and next year such amount as may be necessary to complete the work. This is believed to be sound, in view of the fact, as heretofore stated, that the District program for street and road improvement is being carried on as rapidly as is necessary.

RECONSTRUCTION AND REPLACEMENT OF BRIDGES

There is included in the bill $178,000 as estimated in the Budget for the replacement of the roadway floor of the Highway Bridge over the Potomac River. The original floor constructed of buckle plate in 1907 is rapidly deteriorating under the heavy traffic strain imposed upon it by conditions existing to-day, and it is proposed with the sum allowed to put in a laminated floor with asphalt surface on steel beams.

PUBLIC CONVENIENCE STATIONS

The usual appropriation of $28,000 for the maintenance of four existing convenience stations is included in the bill. There is also included a provision making available certain unexpended amounts of prior appropriations, totaling $39,500, for the construction of a new convenience station at Thirty-second and M Streets NW.

PUBLIC PLAYGROUNDS

The total amount recommended for the public-playground system is $190,610, which represents an increase over the present fiscal year of $18,645, and a decrease under the Budget estimates of $1,770. The estimates proposed the opening of two new playgrounds, one at Kalmia Road, between Fourteenth and Sixteenth Streets NW., and the other at Fourth and M Streets SW. Because of the sparse population in the vicinity of the site proposed as a playground at Kalmia Road, the committee feels that the recommendation is excessive at this time and accordingly deducted $2,565 from the salary roll for the additional positions necessary for this proposed playground and reduced the general maintenance item $1,800 for the same reason. In carrying out its plan for salary readjustment, however, it has added an additional amount over the Budget estimate in the salary fund of $3,795, which, together with the $785 already added in the Budget for such purpose, makes available $4,580 for the year 1929 for salary increases.

POLICE DEPARTMENT

A total of $3,150,269 has been recommended for the police department for the next fiscal year. This is $61,509 more than is available for the current year and $58,911 less than the amount estimated in the Budget. The salary roll in the bill is divided into two separate amounts, one for the pay and allow-

ances of officers and members of the Metropolitan police force, the estimate for which was $2,820,000, including $45,000 for the salaries of 25 additional policemen, and the other for clerical and other personal services in the District of Columbia, for which there was estimated $76,640. The committee disallowed the 25 additional policemen requested and reduced the appropriation by $45,000. The police department was conducting its own garage and had 10 policemen on duty, receiving the salary commensurate with a policeman's duties but actually doing the work of mechanics. By an arrangement with the commissioners, all of this work was transferred to the regular District garage, where it should properly be, thus releasing 10 men for actual police duty. An additional policeman assigned to the night traffic court will be released for regular duty if the committee's recommendation with reference to closing that court is followed. This will release 11 policemen for actual patrol service.

There was submitted to the committee by the superintendent of police a list showing assignments of 152 policemen where the work could be as well or better done by clerical personnel at lower rates of pay. This number included 57 station policemen performing various clerical duties necessary for the transaction of the departmental business in the different stations and bureaus, and 54 detailed as drivers. The committee selected a number totaling 78 of the specially assigned police, which includes the 57 detailed as station clerks but does not include the 54 detailed as drivers, for absorption into the regular duty force at the average rate of six and one-half positions a month as vacancies occur on the force. These vacancies have been averaging well over a hundred a year for the past three years. It then deducted from the appropriation for the pay of police $80,272.92, which represents the total average pay of 78 policemen eliminated at the rate of six and one-half a month during the fiscal year. At the end of the next fiscal year there will be just as many policemen on regular duty as there are now, but the appropriation will be less in amount by 78 positions.

To accomplish this and to offset the clerical vacancies in the department occasioned by the transfer of the 78 policemen now detailed as clerks to active duty on the force, the committee increased the appropriation for clerical services by $69,286.92, which represents a total of the average salaries that it will be necessary to pay to clerks to fill these vacancies as they occur from month to month. In recommending this procedure the committee had two motives: First, a proper economy of administration in the police department; and, second, a proper employment of policemen for real police duties. The positions that are clerical in character can just as well, if not better, be filled by persons trained for clerical work than they are now being filled by men trained for police duties. The saving on a complete annual basis by this transfer should be about $30,000. The superintendent of police has made the recommendation and the committee concurs in it. In view of the reduction of the 25 positions requested and the substitution of clerks for policemen, a consequent decrease of $5,775 has been made in the uniform allowance appropriation.

TRAFFIC-CONTROL POLICEMEN

In the bill for the fiscal year 1927, an appropriation was carried for the installation of traffic-control lights in the business section of the city. Charts were submitted showing that all the business section of the city could be controlled by electric signals, 54 permanent duty traffic police relieved for other duty and in addition 41 others relieved from duty during rush hours. Last year the traffic director suggested some changes in this plan, but it was left without material change. The statement was made to us last year that 50 policemen could be relieved from traffic duty and assigned to other duties. The money was reappropriated and is now available.

We have had a change of commissioners and a change of traffic directors. They now propose to materially change the plans of light installation in two important particulars. First, certain of the down-town streets are to remain police and not electric light controlled and the 50 police are not to be relieved from traffic duty.

This committee feels that the present commissioners and present traffic director are bound by the actions of their predecessors as to carrying out a program that had been submitted and approved by Congress in regard to establishing these traffic lights. We expect the lights to be installed where for two years we have been told they would be installed. We likewise expect the release of traffic police to other duties.

Washington has the largest number of police per capita of any city in the United States. There is no justification for any increase in that number. It is my opinion that the commissioners and the traffic director are giving entirely too much consideration to the wishes of the street-car companies, the bus lines, and taxi concerns in traffic matters; that far too many privileges are accorded them and too little consideration and protection given to the rights of the ordinary citizen in street and traffic matters. [Applause.]

PUBLIC SCHOOLS

The total amount recommended for the various appropriations affecting the public-school system of the District of Columbia, which includes public works under the school-building program, is $12,150,530. This is an increase of $146,515 over the current year and a decrease under the Budget estimates of $5,600.

TEACHERS

The estimate submitted for the pay of teachers was $5,512,920, an increase of $250,280 over the current year. This increase was made up as follows: $101,780 for salary increases for 2,666 teachers (not including 14 annual substitutes), $3,300 on account of longevity pay, and $145,200 for the pay of 95 additional teachers that were requested for the fiscal year 1929. These 95 additional positions embraced 40 class 1–A teachers for the elementary schools, 37 class 2–A and 16 class 2–C teachers for junior high schools, and 2 class 3–A teachers for senior high schools. After an extensive hearing on the public-school needs and requirements for the next fiscal year, every angle of which was gone thoroughly into, there is recommended a total of $5,841,920 for the pay of teachers, an increase over the present year of $179,280. This increase includes the estimate of $101,780 for the salary increases affecting the present regular teacher force of 2,666 positions, the estimate of $3,300 on account of longevity pay, and $74,200 for the pay of 50 additional teachers instead of the estimate of $145,200 for the pay of 95 additional teachers. The committee has made a reduction in this allocation of $71,000 and reduced the number of additional teachers from 95 to 50.

After going carefully over the additional teacher needs of the school system, school by school and classroom by classroom, the committee feels fully justified in making this reduction of 45 teachers, and is of the opinion that with the 50 new positions granted there will be an ample number of teachers to take care of the number of pupils estimated for 1929. Included in with the 95 additional positions estimated for, there were 40 elementary-teacher positions. The committee has refused to recommend 30 out of these 40 positions, the school officials indicating their accord with the committee's action. In the elementary schools one teacher was asked for at the Conduit Road and the same position was carried as a principal in the administrative group. Four teachers were asked for the Langdon School addition which will not be ready for use. There is an admitted surplus of 15 to 18 kindergarten teachers in the schools. Also there is a surplus of a possible 55 itinerant or supplementary teachers which are to be replaced gradually by a fewer number of supervisors and the teachers placed on duty as regular classroom teachers. The school officials estimate that from 10 to 20 can be so transferred within the coming fiscal year. So while the figures indicate a denial of 30 elementary-teacher positions requested, there will be teachers available for the positions requested in that grade, the committee merely having effected an economy by transferring surplus teachers to that work.

The balance of 10 elementary-school teacher positions, which the committee has allowed, will carry the elementary-school work along without difficulty, and if the transfers are made as estimated there will be a saving in these salaries. The committee is meeting the wishes of the school officials in not forcing these transfers to a greater number than is indicated. The committee is of the opinion that even a part of this increase covering these 10 positions will not be used. The estimates included 35 additional junior high-school teacher positions to take care of an estimated increase of 300 pupils. The committee was of the opinion that the estimate was excessive. It has allowed 20 positions out of the 35 requested, or one teacher for each 15 pupils estimated and to take care of any needed adjustments. Here, again, the committee is of the opinion that the positions granted represent a liberal allowance and anticipates that a part of this number will not be used.

Mr. SEGER. Mr. Chairman, will the gentleman yield?

Mr. SIMMONS. Yes.

Mr. SEGER. The gentleman made a statement in respect to the enrollment in the junior high schools and the high schools. Does he know what the load per teacher is of pupils in the elementary schools of the city of Washington?

Mr. SIMMONS. Yes. I will insert a table taken from the Bureau of Efficiency report.

Table showing loads of elementary school-teachers in Washington and seven other cities, March–April, 1927

[NOTE.—All averages are based upon actual enrollments, and with a single exception no platoon schools are included in the averages]

City	Average number of pupils per regular teacher			Average number of pupils per teacher (including all teachers)[3]	Average size of elementary schools
	Kindergarten[1]	Grades 1–8	Special schools and classes[2]		
Washington	19.3	36.0	18.0	27.0	441
Rochester	40.1	32.6	19.9	30.7	766
Newark	47	(?)	14.7	[4]35.5	939
Buffalo	40	33.1	9.0	28.6	778
St. Louis	(?)	40.5	15.2	38.4	684
Cleveland	45.2	37.2	21.5	34.4	839
Minneapolis	44.8	37.4	13.1	34.8	565
Milwaukee	40.5	42.7	21.5	38.4	692

[1] In some cities kindergartners teach only half a day and in others a full day.
[2] Special schools and classes include atypical or subnormal, open air, opportunity, deaf, blind, ungraded, incorrigible, speech correction, sight conservation, etc.
[3] In addition to regular classroom teachers this includes teachers of special subjects (manual training, music, physical training, etc.), coaching or tutor teachers, and research and visiting teachers.
[4] Average of 35.5 includes both platoon and nonplatoon schools.

The Bureau of Efficiency reports that Washington compares very favorably in the elementary schools with the situation in other cities.

The Bureau of Efficiency report that—

in comparison with other cities Washington has a disproportionately large number of kindergarten teachers.

That there are—

an average of one and three-quarters kindergartners per kindergarten. With one exception, each of the 84 kindergartners with enrollments of 30 or more had 2 kindergartners, and 5 kindergartens with less than 30 enrolled had 2 kindergartners each.

The United States Bureau of Education reports that there is not another city in the United States of population of 100,000 or more that makes as liberal provision for kindergartens as does Washington. Doctor Ballou stated, page 496 of the hearings on the bill, that they "could handle the situation" regarding the transfer of the 15 surplus kindergarten teachers to grade work. On page 448 of the hearings Doctor Cramer testified that with "sufficient time" they could make the shrinkage in the kindergarten teachers. So that there should be no dispute about a reduction in the 15 teachers on that score. The Bureau of Efficiency reports that—

at the present time Washington compares favorably with other cities of the United States with respect to the load of its regular elementary school teachers.

No serious complaint was made to the committee about the teacher situation in the elementary schools.

The Bureau of Efficiency and the committee have given exhaustive study to the "special-subject" teachers. They report that the special teacher is to teach the teacher, and that the director is to direct the teacher of the teacher that teaches the children. They state that during the last 10 years there has been an increase of over 50 per cent in special teachers, while the average enrollment has increased but 9 per cent. That many of the grade teachers are just as well qualified to teach the special subjects as the special teachers themselves; that the present system is unsatisfactory, results in a "duplication of teacher service and a loss of instructional space"; and recommend that—

the itinerant teacher should eventually be replaced by a much smaller number of assistants to directors who will serve as inspectors and instructors of special subjects in the same way that the assistants in primary instruction now serve for regular subjects.

Doctor Ballou stated that he agreed with that recommendation "100 per cent." The Bureau of Efficiency stated that the 79 itinerant teachers in physical education, music, drawing, and nature study, could eventually be reduced to 24, or by a total number of 55. We were then confronted with "when?" After full discussion with the school officials over two or three days, Doctor Ballou agreed that they could absorb into the regular classroom-teaching staff a "dozen or fifteen" of these teachers without "materially jeopardizing" that work, and that they would report back next year the results. The regular-grade teacher teaches these subjects 80 per cent of the time and therefore the effectiveness of the teaching depends on the knowledge and skill of the grade teacher.

It is agreed then, that the request for 40 elementary teachers can be reduced one at Conduit Road and four at Langdon, leaving 35 asked for. It is further agreed that 15 kindergarten and 12 to 15 itinerant teachers can be absorbed into the system, making a total of 27 to 30 to deduct from the 35 requested. Accordingly, the committee allowed 10 teachers instead of the five or eight that these figures show would be sufficient. If a mistake is being made it is being made on the side of liberality to the schools.

You will find in the hearings a very exhaustive report on the platoon schools. The committee believe that that system should be given a complete tryout here. The school officials agree. There is one platoon school in Washington—Park View; however it is not fully equipped for platoon work and is overcrowded. The parents at that school are almost unanimous in its favor. We have directed the municipal architect and the school officials to study the present plant and to submit to us next year a complete study of that school, the buildings necessary to make it a complete platoon unit, and so forth. If the report next year is satisfactory, it is our plan to develop at the Park View School a complete platoon school. We can then study first hand, the financial and educational effect of the system.

Regarding the junior high schools, the Bureau of Efficiency submits a table which you will find in the hearings showing that in 1925–26 the average number of pupils per teacher in Washington was 19.5, that 11 other cities had a greater average with St. Louis at the top with 27.8 and Baltimore 26.3. Likewise they submit a table showing that the pupil load per teacher in the senior high school here in 1925–26 was 20.3. That 20 other cities in the United States had a greater pupil load per teacher than Washington. Seattle, Wash., heads the list with 27.2. They find an excess of teachers in some subjects of the junior high schools and a "small excess of teachers in nearly all subjects in the senior high schools."

Last year we refused the schools 74 additional teachers. This report justifies our action. It also shows that Washington is now very adequately supplied with teachers.

Much has been said about the need for school buildings—great scare headlines appear at regular intervals in the papers about it. I spoke the other day on that and will not repeat what I then said—save to again call the attention of the House to the testimony of Doctor Ballou that the "most urgent" need in the schools was not to provide more classrooms in this year's bill, but to provide money for a site for a junior high school in southwest Washington. Accordingly, we have provided in this bill $250,000 above the Budget figures for the purpose of school sites. We expect to hold a conference with the school officials regarding the organization of the schools and in particular the business administration. Accordingly, we denied the request for four statisticians, pending the outcome of such a conference.

Much propaganda is being fed to the people of Washington about the condition of the portable schools. The 75 portables in use have a total seating capacity of 2,720. There are 75,063 seats now in the District schools. When the building program now under way and carried in this bill is completed there will be a total of 80,337 seats. There are not to exceed 70,000 children in the schools. So the total portable use is comparatively small. The school officials should be able to do away with them entirely when the present program is fully carried out. Many could be closed now if Maryland and Virginia children were taken out of the schools of Washington. The bill carries a proviso in effect that the present nonresident children in the schools may remain, but that hereafter no more may enter the schools here. This is in lieu of a tuition charge. The cost to the District now to give free education to Maryland and Virginia is $223,000 a year. One new school building could be built each year if Maryland and Virginia paid tuition. They do not. In justice to the District taxpayer and the District children the present situation should be brought to an end. The committee's proposal will cause no hardship on anyone. The children now in the schools may remain. But from now on Maryland and Virginia must take care of the increase and new students. Under this bill their school can easily meet this requirement. No harm will be done anyone and justice will be done the District.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield there?

Mr. SIMMONS. Yes, sir.

Mr. LINTHICUM. Are not nearly all those children the children of employees of the National Government?

Mr. SIMMONS. There is no way of knowing that accurately. But they are paying taxes in your State, and your

State is taxing the people of the State to educate them. Instead of doing that, those children are being educated at the expense, in part, of the Government employees in the District. As the gentleman from Michigan [Mr. CRAMTON] pointed out the other day, the Government employee in the District of Columbia is being taxed not only to educate his own children, but those of District employees who live in Maryland and Virginia.

Mr. LINTHICUM. I know; but most of them are children of Government officials employed in the departments or in the Army and Navy, and they are just as much a part of the National Government as those children whose parents are themselves living in the District of Columbia. Besides that, I want to say to the gentleman that Maryland pays far more into the National Treasury than she receives out of it in any form.

Mr. SIMMONS. We are not talking now about the National Treasury. We should recognize the fact that the District treasury is a distinct entity from the Federal Treasury, and any plea that you are paying taxes to the Federal Government ought not to enter into this situation at all. [Applause.]

One District employee, living not in your State, but in Virginia, reported this to the committee. He is one of the men you talked about the other day as a low-salaried Federal employee who has to live in an outlying section. He does live there, and he is compelled to send his children to a school that may not be up to the standard of the Washington schools, and why? Because he can not afford to bring his children into Washington. Those people say they want to compel Maryland and Virginia to take care of their own school children. Now, the rich man, who can hire a chauffeur or pay the car fare to send his children to the Washington schools, does so, and the result is that instead of helping the poor Federal employee who lives in your State you are harming him. [Applause.]

Mr. LINTHICUM. Maryland is not trying to take any small position in this matter. The District is quite small compared with our State, and yet the highways of our State are open to the people of Washington at all times.

Mr. SIMMONS. Yes; and all the streets of Washington and the streets of every city and State in the Union are open to the cars of Maryland.

Mr. LINTHICUM. Yes; but those who work in the various camps and military reservations throughout the country are admitted by the States to their schools as a rule.

Mr. SIMMONS. Not by the State of Maryland. I have a letter in my file from the wife of a man employed at Camp Perry, in which she says their children are required to pay tuition in the schools.

Mr. LINTHICUM. I have seen bus loads of children coming to attend county schools. I know that they do not pay any tuition and have not been asked to pay any. They were from Camp Meade, now Fort Leonard Wood.

Mr. SIMMONS. I have a letter from the mother of a child living at Camp Perry, and she asks the question: "So long as I am required to pay tuition for the education of my boy at that school, why should not Maryland pay when she sends her children to the schools of the District of Columbia?"

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. SIMMONS. Yes, sir.

Mr. GIFFORD. I fully appreciate the report that the gentleman has made, and I therefore hesitate to make any criticism. In his attempt to separate the Federal tax rate from the city tax rate I hope the gentleman will not forget that some of us still think that the Federal contribution entitles one who works for the Government to send his children to school in Washington, whether he lives in or just outside the city. This is a part of the appropriation bill that for four or five years has been intensely interesting to me for many reasons.

If this city, 10 miles square, has gotten to be so beautiful and rich and property has become so valuable that we learn our Government employees now have to go outside the city limits to find a place to live, I think it hard practice for us to refuse their children admission to the Washington schools. It is rather a serious proposition, coming from the Committee on Appropriations after due deliberation, and I can not but feel a little disturbed about it. I want the chairman to consider whether our poorly paid employees who have to go outside to find a home should not have the privilege of educating their children here—the most highly prized privilege which could be granted to them?

Mr. SIMMONS. I do not believe a child who belongs to a Member of Congress has any more right to enter the District schools than the child of anyone else living outside the city of Washington. If a Member of Congress elects to live in Maryland or in Virginia, whether he owns property or pays rent there or not, his taxes go to that community, and that community ought, under all the rules and methods followed in the United States, either to attend the schools of that place or to pay tuition somewhere else. I would like to see legislation passed in the District to charge tuition. But here is the District of Columbia complaining about bearing a tax burden, complaining about the conditions in the schools, and we have to-day 2,500 Maryland and Virginia schoolchildren attending schools in the District whom the District is educating at a cost of almost a quarter of a million dollars, for which they do not pay one cent of the cost.

You overlook the statement I made to the gentleman from Maryland, and that is this: That the rich man who has gone out into Maryland and Virginia brings his child in an automobile to a District school. The clerk in the District government may not do that; he can not afford to do that; he sometimes can not even afford to pay car fare. He must take what Maryland and Virginia give him. The result is that the man who ought to pay a part of the cost of the education of those children is getting out from under the cost.

Mr. GIFFORD. If the gentleman will allow me, I think I fully understood the proposition.

As I understand, the recommendation of the bill is that those children who are now in the District schools from Maryland and Virginia shall continue to come to these schools, if they desire to come; but that hereafter those States may not send children to the District schools even though they may be willing to pay tuition?

Mr. SIMMONS. That is correct.

Mr. GIFFORD. I do not say that the schools of Washington are better than those of Maryland and Virginia, but I do say that our employees of the Government should have the privilege of sending their children to school here if they are willing to pay a certain amount for tuition; and I certainly object when that privilege is not accorded them.

Mr. SIMMONS. I suggest that the gentleman attend prayerfully before the District legislative committee and ask that committee to hold hearings and report out two tuition bills now pending before that committee—one bill introduced by the gentleman from Michigan [Mr. CRAMTON]. If that were done, we could handle this thing as it should be handled; but a Maryland Congressman [Mr. ZIHLMAN] is at the head of that legislative committee and no tuition bill has come or will come, in my judgment, out of that committee. The reason why we are letting the children remain who are now in the District schools is to meet a situation that was brought up two years ago, and that is that if we shut the doors of the schools completely at once these outlying districts might not be able to take care of their children at once. We do not want to deprive a child of the right of going to school. Neither do we want to take out of the District school those children who have been attending them for some time. In some instances a child has been in a certain school and under certain teachers for quite a while; some of the children have come up through the schools here and may be half through or more. We do not want to shut the doors against them all at once and not permit them to finish their course here. Therefore we are not going to shut the doors to those children, but we are saying to Maryland and Virginia, if this bill is adopted, that hereafter they will have to take care of their own children.

Mr. GIFFORD. I will say to the gentleman that I well remember the discussion we have already had upon this measure. I remember we have defeated the measure thus far, but I would like to ask the gentleman whether it is not necessary for a number of employees of the Government to find homes outside of the District because of conditions here—real-estate men taking possession of the beautiful city of Washington and putting almost unheard-of valuations on property? Of course, we know these employees must find homes and move outside if there are no homes within the city limits, such as they could afford. I would ask the gentleman to deny that the necessity exists for employees of the Government to find homes outside of the city limits.

Mr. SIMMONS. I deny that. I have put in the RECORD a statement showing that Washington has more area within the District than other cities of its size have. There is area enough here. Two years ago we had a delegation come to us from Chevy Chase complaining about the deplorable conditions of that school. The spokesmen of that delegation were Maryland citizens, and they asked us to build schools in the District of Columbia for their benefit. The territory in Chevy Chase, I take it, is not a poor man's country. You take Takoma Park: Two years ago they had a new school with two rooms standing idle, when the Takoma Park, D. C., school had better than half of its classes coming from across the line in Maryland. About two weeks ago one of the Washington newspapers referred to the deplorable condition in the District schools and carried pictures of the portables at Takoma Park, D. C. They pictured the fine school building in Maryland. If Maryland will take

its children out of the Takoma Park, D. C., school, we can shut the portables there to-morrow morning, and if they will take their children out of the E. V. Brown School, we can close those portables to-morrow morning.

Mr. RAMSEYER. Will the gentleman yield?

Mr. SIMMONS. Yes, sir.

Mr. RAMSEYER. As I understand, the children now in the Washington schools from outside States will have the privilege of remaining there, but from now on children from Maryland and Virginia will not be permitted to come to Washington schools?

Mr. SIMMONS. That is correct.

Mr. RAMSEYER. What are you doing to bring that about?

Mr. SIMMONS. In the bill?

Mr. RAMSEYER. Yes.

Mr. SIMMONS. A proviso is carried that hereafter no part of the money carried in the bill for teachers can be used to educate children who do not dwell in the District except those enrolled in the schools at the date of the passage of the act.

Mr. RAMSEYER. That is, of course, by way of a limitation on an appropriation bill?

Mr. SIMMONS. Yes, sir; and it is only made necessary by the fact that we are unable to get a fair tuition bill before the House.

Mr. RAMSEYER. If that goes through in the way suggested by the gentleman, will pupils from Virginia and Maryland be permitted to attend schools in the District if they pay tuition?

Mr. SIMMONS. They will not, because there is no law authorizing the payment of tuition.

Mr. RAMSEYER. They will be excluded?

Mr. SIMMONS. Yes, sir.

Mr. CRAMTON. Will the gentleman yield?

Mr. SIMMONS. Yes, sir.

Mr. CRAMTON. It all emphasizes how unfair it is for the District Committee to refuse to bring out a legislative bill on this subject and let the House express its views with reference to it, because there are parliamentary complications in connection with an appropriation bill that do not permit provision for all the angles in connection with this question of payment of tuition. I will say that for two or three years I have tried to get such a bill out of that committee but without success.

Mr. LINTHICUM. I want to say to the gentleman, when he speaks about the schools of Maryland and Virginia, of course, I am not familiar with Virginia schools.

But I do know that the schools of Maryland are first class and stand among the highest in this country. The truth of the matter is Washington is growing so fast and rentals here in the city are so high that the people who have lived here and who work in the Army or the Navy or in the various departments of government are going into Maryland where they get cheaper rents. The counties can not keep up with this growth. They can not erect the buildings fast enough. They have a building program now by which they are trying to provide for them, but the population of the Government is growing so fast and the people are moving into these counties so fast that Maryland can not keep up with it.

Mr. SIMMONS. Why do you have a low tax rate?

Mr. LINTHICUM. We have not a low tax rate. Our tax rate is high all over the State.

Mr. SIMMONS. Oh, no.

Mr. LINTHICUM. Especially our tax rate for schools.

Mr. SIMMONS. Oh, no. You are now getting into trouble with the Board of Trade of Washington.

Mr. LINTHICUM. That is not very hard to do.

Mr. SIMMONS. They charge that the Washington tax rate is comparable with the other cities of the country; one-third of this bill goes to the support of the schools of Washington, or $1 out of every $3 is for that purpose. If your people paid proper taxes you could have the schools; and I will say this to the credit of Maryland and Virginia: During the past two years they have built schools bordering Washington and we have 500 less nonresident pupils in the District schools than we had when we had this matter before the House two years ago.

Mr. LINTHICUM. But if you put your provision through you shut down on us peremptorily.

Mr. SIMMONS. Oh, no; do not make that statement, because we are not doing that. Under the provisions of this bill we are willing to take through the Washington schools, without charging you a cent for it, every child you have in the schools now, but we are asking you from now on to take care of your own children, as the District taxpayer is compelled to take care of his children.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. SIMMONS. Yes, sir.

Mr. MOORE of Virginia. If the gentleman has not already made the statement, will he tell us about how many children come in from Virginia and Maryland, and how the number is divided between the two States?

Mr. SIMMONS. I will be glad to give the gentleman that information. There is a complete statement of that in the hearings. Virginia has been doing a very good job of building schools lately.

Mr. MOORE of Virginia. Virginia is building excellent schoolhouses in the territory in question here.

Mr. SIMMONS. I think the gentleman from Virginia will remember that when I first came here five years ago I asked where in Virginia I could find a place to live near a school that had a kindergarten, and they told me to go to Richmond. [Laughter.] Since then the condition has very much improved and we can go into Virginia opposite Washington and find kindergartens and other good schools.

Mr. MOORE of Virginia. While the information is being looked up——

Mr. HOLADAY. I can give the gentleman the information. From Virginia there are 538 in the day schools, 22 in the night schools, and 60 in the vocation schools.

Mr. MOORE of Virginia. And from Maryland?

Mr. HOLADAY. From Maryland, 1,736 in the day schools, 31 in the night schools, and 184 in the vocation schools.

Mr. MOORE of Virginia. My friend will bear in mind, of course, that involved in his proposal are the Army officers who are located within the area accessible to Washington for school purposes.

Mr. SIMMONS. Yes, sir.

Mr. MOORE of Virginia. We have Fort Myer, we have the Marine Corps camp at Quantico, and we have the Engineers' School at Humphreys. The policy proposed by this bill would operate to exclude, after a little while, the children of the officers who are serving at those posts.

Mr. SIMMONS. I take it the same arrangements can be made to educate the increment there as elsewhere. That is the conclusion the committee reached. Of course, if the gentleman wants to offer as an additional proviso an amendment exempting those children, well and good.

Mr. MOORE of Virginia. I should say that probably quite a large percentage of the 500 or 600 is represented by the children from those particular localities, although I have not made any analysis to determine that.

Mr. SIMMONS. I will be very pleased to have that information by Thursday. I have not it now.

Mr. HOLADAY. Will the gentleman yield?

Mr. SIMMONS. Yes, sir.

Mr. HOLADAY. With reference to the assertion of the gentleman from Maryland as to the quality of the schools in the State of Maryland, I had some correspondence with the superintendent of schools of Montgomery County, Md., which is an adjoining county, with reference to lending them some of these portable buildings to be moved over into Maryland, and he states:

> I feel confident that they will be glad to accept a number of these buildings [referring to the portable buildings] for use in the sections of our county where smaller buildings of the general type similar to the portable buildings of the one and two room schools are in use. We should be glad to have any estimate you have available as to the cost of moving a two-room portable school building over a distance of 20 or 25 miles.

Evidently the superintendent thinks the portable schools that are now in use and which are so seriously objected to by the Washington papers are better than the buildings now in use in the interior of Maryland.

Mr. LINTHICUM. That is not a fair conclusion. [Laughter and applause.] I want to say to the gentleman we have splendid school buildings throughout our State and in every section of our State, but you are pressing us so hard with more children that I presume they are willing to take some of these temporary buildings; and I want to say further that I guess a good many men on this floor did not go to school in a building as fine as some of these temporary buildings in Washington. I know I did not for a great many years. These temporary buildings are very good buildings when properly constructed.

Mr. SIMMONS. Will the gentleman now permit me to use some of my time and ask the gentleman a question?

Mr. LINTHICUM. Certainly.

Mr. SIMMONS. Do I understand the gentleman is making the statement that the portables we are using in Washington are perfectly fine school buildings?

Mr. LINTHICUM. I am not; but I think they are a whole lot better than nothing and a whole lot better than we had in various sections of this country many years ago.

Mr. SIMMONS. The proposal of my colleague, the gentleman from Illinois [Mr. HOLADAY], is that Congress authorize the moving of these portables over into Maryland. In other words, to give them the buildings, just move them across, pay the expense of moving, and then all they will have to do is to hire the teachers and send their own children to the schools in the fine State of Maryland, which the gentleman represents.

Mr. LINTHICUM. I can not speak for Montgomery County, as I am from Baltimore City; but I may state——

Mr. SIMMONS. Assuming that Washington would be willing to give you the portables, will you take them and your children?

Mr. LINTHICUM. I may say to the gentleman that at one time I taught school in Frederick County, Md., and I know that that county has very fine school buildings throughout the county, and so has Montgomery County, but there are some locations where they need small buildings.

Mr. SIMMONS. If that is true, then I think it would be well for the Maryland children to go to school in the fine schools of that State, and that is what the committee wants to make it possible for them to do.

Mr. LINTHICUM. I understand that is what the committee is trying to make possible, but the committee ought to consider the fact that these children are mostly children of Government employees, and the Government is paying $9,000,000 or more toward the support of the District of Columbia.

As to the use of the public highways, we are glad that you do use them, for we want you to see the beauties of our State, but when it comes to educating a few children the District of Columbia makes complaint.

Mr. SIMMONS. The gentleman will pardon me if I call to his attention the fact that two years ago Congress levied a gas tax in Washington because Maryland did not want us to use her fine highways unless we did it.

Mr. WHITEHEAD. Will the gentleman yield?

Mr. SIMMONS. Yes.

Mr. WHITEHEAD. I notice in the bill on page 46 the provision about which the chairman of the committee has been talking, and they use the language, in excluding children from the schools, "pupils who dwell outside the District of Columbia." I would like to ask the gentleman what his interpretation of the word "dwell" is?

Mr. SIMMONS. Dwell means where they live as distinguished from legal residence. In other words, if a child has its fireside and home outside of the District he is excluded.

Mr. WHITEHEAD. If that is the interpretation, children whose parents are residents of other States but who dwell here would not be excluded?

Mr. SIMMONS. No. My legal residence is in Nebraska; my citizenship is there; but while my service keeps me in Washington my children are also here, within the District, where I dwell during this time.

Mr. WHITEHEAD. In view of that interpretation, the gentleman does not think that his children would be excluded from the schools in Washington?

Mr. SIMMONS. No. If I dwelled, as I once did, in Maryland, I would have no right to bring my children into the District of Columbia schools.

Mr. WHITEHEAD. I want to suggest that it seems to me that the word ought to be further explained. I recall that "dwell" means a fixed habitation.

Mr. SIMMONS. This word was taken on the definition given in the Corpus Juris. "Dwell," in the opinion of the committee, is a proper word to describe what we want to do, to wit: To allow all the children who actually live in the District to go to school without the payment of tuition, although their home, their legal residence, may be outside of the District in the States.

Mr. WHITEHEAD. I looked the definition of "dwell" up in Webster's Dictionary, and it defines it as a fixed habitation.

Mr. SIMMONS. I will refer the gentleman to the definition in the Corpus Juris.

Mr. HOLADAY. Will the gentleman yield?

Mr. SIMMONS. I will.

Mr. HOLADAY. The provision in the bill calls for the withdrawal of the children of Maryland from the District schools in the next 12 years. I want to read an extract from the letter that I received from the Montgomery County superintendent. It is as follows:

We believe that within a reasonable period of years the country-school plants could accommodate all county children, but should the District schools be quickly closed to our children, we estimate that they would be inconvenienced to about the extent of the figures of this estimate.

So that I do not see that there is much difference between the Maryland authorities and this bill. They say they can do it in a reasonable time, and we give them 12 years.

Mr. SIMMONS. Now, there is one thing further I want to allude to, and that is an item that the bill does not carry—$350,000 which was requested for building a nurses' home at Columbia Hospital. The committee did not include that in the bill, and if you will read the hearings you will find the reasons. We think our action will meet the approval of the friends of that institution.

Briefly, the situation is this: The United States owns the ground on which the hospital is located. The District of Columbia and the United States jointly built the building. It was built by the United States and later on one-half of it was charged to the District. The hospital authorities claim that it is a private institution. They are in a public building, yet they ask for the maintenance of that building, and we are furnishing heat, light, and water every year. We pay in the hospital the same price for charity patients as we do elsewhere. They have an average of 50 pay patients in the hospital all the time. They are gradually running behind; they can not pay their way. We have had it up in public and private hearings with the officials of the hospital; we hope in the future—between now and next year—that we can work out a solution of the present unsatisfactory condition in Columbia Hospital.

Briefly stated, they feel that they are entitled to the building, that it should be given to them. There is a question of their legal and equitable right in the building and there is a question in respect to the obligation of the Government as to them and the obligation they have to the Government. Under that unsatisfactory and unsettled condition we did not think it was fair to the taxpayer of the District, nor was it good business, to go ahead and build at public expense a nurses' home for that institution. So that that item is one of the larger items that is out of the bill.

I think that with that exception that I have covered generally the more important items in the bill. Later on when the bill is read under the five-minute rule if there is any information desired that we have not given this morning I shall be glad to supply it. I do again want to call to the attention of the people of the District the opinion of the subcommittee that if they want their tax rates in the city of Washington held down or reduced the way to do it is to insist on an economical, businesslike, efficient administration of city affairs, and cut out of these bills that constantly come to us, just as this committee has done this year, those items that are not properly chargeable to city finances and that are not necessary in the city's government. [Applause.]

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. SIMMONS. Yes.

Mr. ARENTZ. I think the chairman of the subcommittee should give serious consideration, as well as the superintendent of schools and the Department of Education generally, to the idea of a junior college within the District of Columbia. I think the average departmental worker with children labors under a fearful worry, not only financially but mentally, because of the thought that there is no place within the District of Columbia no such school as one could be called a university where he can send his children for at least two years after they graduate from the high schools. It seems to me that we could do nothing better for the children of the departmental workers than to have erected in the District of Columbia a junior college, which would take care of the first two years of college work. I notice that several of the States are now taking up that matter, with the idea of preventing the great mass of students going into the universities and colleges during the first two years, when many of them drop out, sending them to junior colleges instead within the State.

Mr. BLANTON. Mr. Chairman, will the gentleman yield on that question?

Mr. SIMMONS. Yes, sir.

Mr. BLANTON. In every university in the United States the gentleman will find earnest, deserving students who are working their way through college. You do not have to call on the Government of the United States to prepare everything so easy and so rosy for the ambitious students of the United States; that is, for the ones who have anything to them. They do not ask our Government to furnish their tuition for them free. You have universities right here in Washington, splendid universities, and you have the Maryland University right near, in all of which students may work their own way, and the tuition

is not high where they have to pay. Any student in Washington can go to them, and by making some effort on his own part can thus make of himself a more useful citizen by helping to defray his own expenses.

Mr. ARENTZ. I do not know whether it is due to the brains of the parents or to the peculiar condition of the times, but it is a fact that children are graduated from the high schools now at 15 and 16 years of age.

Mr. BLANTON. Oh, in my own university days you could not enter the State University of Texas until you were 16 years of age, and there were numerous boys and girls then who had to wait over a year after high-school graduation before they could get in the university. The distinguished gentleman from Massachusetts [Mr. LUCE], I understand, graduated from Harvard when only 19 years of age. It is not so different now from the days gone by in that respect.

Mr. SIMMONS. The committee has given some study to that question. The question of a junior college in my opinion is one that should come from the legislative committee and not be initiated by our committee. I do not believe that the Washington universities offer to the student who must go on his own resources the opportunities that the various State universities do.

Mr. ARENTZ. They certainly do not.

Mr. SIMMONS. For instance, the cost of tuition at the George Washington University for a full year's course is something over $200. If you ask the student to earn that first and then on top of that to earn his expenses as he goes along, you are placing a greater burden on him than is placed on students in many of the universities of the country. The only educational system in the District paid for by the District above the twelfth grade is for two normal schools.

The course of study in those two schools has been so arranged that it has been absolutely impossible for the girl who desires to qualify herself as a teacher and work her way through school, as we say, to go to those schools. Two years ago we called it to the attention of the school officials; last year we again called it to the attention of the school officials, as we did again this year. In the present system of the normal schools, with two years of education above the high schools, at public expense, the only students coming in are those who come from the homes of well-to-do parents. We have asked the school officials to change their course of education so that a girl could go to those schools and qualify as a teacher, possibly for a longer period than three years, and work her way through. We have been promised that next year we will have a course of study in those schools that will at least give that small opening to the people of the District.

I reserve the balance of my time. [Applause.]

Mr. GRIFFIN. Mr. Chairman, I yield two minutes to the gentleman from Michigan [Mr. CRAMTON].

The CHAIRMAN. The gentleman from Michigan is recognized for two minutes.

Mr. CRAMTON. Mr. Chairman, my only purpose in rising at this time is to say that for something over 10 years I have made a study of District matters, fiscal and otherwise, and I am frank to say that this bill and the report that is now before the House are based upon a more thorough and efficient study of District matters than any bill that has come before the House heretofore. It is the result of the unusually able efforts of the entire committee. Particularly the remarkably clear, able, and convincing statement that has just been presented to the House, and especially that part with reference to fiscal matters, contains more information than has ever been presented to this House before by any Representative in charge of that bill. [Applause.]

I think the chairman and the committee are entitled to the thanks of the House. [Applause.]

Mr. GRIFFIN. Mr. Chairman, I yield myself 10 minutes.

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. GRIFFIN. I ask unanimous consent, Mr. Chairman, to revise and extend my remarks, and to print in the RECORD certain tables to which I shall refer in these brief remarks, and which I shall use as the basis for the discussion of certain questions that are likely to come up when we reach the stage of the five-minute consideration of the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. GRIFFIN. Mr. Chairman and gentlemen—I am looking around to see if any of our ladies are present, and not seeing any, I shall simply greet you with the salutation of "Mr. Chairman and gentlemen."

I am glad that the gentleman from Michigan [Mr. CRAMTON] paid that splendid tribute to the chairman of our subcommittee. I want to join with him in expressing my personal appreciation of his courtesy and his uniform fairness and to pay a tribute to the splendid ability he displayed as presiding officer in the hearings on this, which is one of the most important bills that comes before this House. I want also to express my appreciation of the labors of my colleagues upon the subcommittee, Mr. HOLADAY, of Illinois, and Mr. WELSH and Mr. CASEY, both of Pennsylvania. All together, without, I hope, laying myself open to the suspicion of self-laudation, I think that this is about the best subcommittee on District appropriations under the Committee on Appropriations that we have ever had since this method of handling appropriations was inaugurated. [Applause.]

The committee gave earnest, sincere, and consecutive attention to every question that came up. They labored valiantly to be honest, to be fair, to be just; and I think the people of the District can congratulate themselves that they have had a board of aldermen in this subcommittee who, even if they may be called stepfathers, have turned out for their benefit one of the best bills that has ever been presented in Congress.

This bill has several outstanding features. I think perhaps the most important, the most widely interesting feature of this bill, although up to this moment it has not been stressed either in debate or in the public print, is that part of the bill which increases the appropriation for the payment of salaries for District employees by over $121,000. That feature of the bill is referred to on page 5 of the report. It provides for the step-up of the salaries of District employees. Remember, it is not a voluntary raise in salary, coming from the heart of the members of the committee; there is nothing gratuitous about it; it is simply the exercise of fairness and justice in putting into operation the specific mandatory provisions of section 7 of the classification act. That section provides that the salaries of employees shall be raised every year, providing they maintain a certain degree of efficiency, so as to "step up" the employees of the District of Columbia automatically and consecutively, to enable them to draw a salary corresponding to their proper grades.

Witness what has been taking place for years! It is no wonder that the employees of the District have felt discouraged. Major Donovan, of the auditor's bureau, testified before our committee that out of 1,950 employees affected there are 1,043 who still draw the minimum salaries.

Next above that there are 348 employees drawing the minimum salary. In the next step above that there are 233 employees drawing the salaries they are entitled to under the law, while there are only 206 employees out of 1,950 clerks in the District who are drawing the average of their grade. There are only 128 employees in the District who are drawing above the average of their grade. There are none of the 1,950 employees in this class subject to this section of the classification act who are receiving the maximum pay required by a faithful observance of the law.

How did this change come about? How is it that for the first time this subcommittee has given consideration to the plight of these employees? I want here and now to pay my meed of respect and honor to the man who, more than all others, is responsible for that change in the method of handling appropriations—my friend from Pennsylvania here [Mr. CASEY]. [Applause.]

He was not content to sit in the committee and listen to gab which led nowhere. He was not content to learn about these things and then say, "Ah, we will attend to this next year"; but he drove right home to the point. I ask you to read from the hearings if you are interested—that is, anybody who is interested—from pages 43 and 44 of the hearings. Mr. Donovan stated that if this committee should provide $170,000 in 1929 for promotions based on efficiency ratings it would probably give every employee entitled to promotion such promotion, but the amounts of money carried in this bill for promotions is less than $40,000, so that only one out of every four will receive a promotion.

Mr. CASEY. To which, under the law, they were entitled.

Mr. DONOVAN. The law provides—section 7 of the classification act—that employees shall be entitled—shall be entitled—to promotion to the salary next above their present salary, upon the attainment and maintenance of the appropriate efficiency rating, provided that Congress has appropriated sufficient money for paying the promotions. There is where the trouble comes, the employees get the required efficiency ratings, but the funds have not been appropriated to give the promotions.

Mr. CASEY. Why do you only ask for $35,000 or $40,000, when you ought to have $200,000 to comply with the law?

The CHAIRMAN (Mr. HOGG). The time of the gentleman from New York has expired.

Mr. GRIFFIN. Mr. Chairman, I yield myself 10 additional minutes.

Mr. DONOVAN. Mr. Casey, that brings up the question of the action by the Budget Bureau on the commissioners' estimates. If you wish me to go into that—you know we are under Executive injunction not to propose appropriations not in the Budget——

Mr. CASEY. I know, but I am a member of this committee and want information; when I ask a question I want a reply to it. I am not bound by the President's injunction or the Bureau of the Budget's injunction. I appreciate your position, and the record shows you are trying to protect yourself and I am trying to do my duty.

Mr. DONOVAN. Eliminating the schools, police and fire departments, and confining an answer solely to the employees affected by the classification act it would require $163,920 to give each employee a step-up; that is, each employee drawing less than the average salary of the grade.

And so on, until it culminated in the action of the committee in devoting $121,000 to this function of providing step-ups for the employees in the District.

I saw something in the paper the other day from an officer of one of the employees' organization from which I judged he was preparing to assume credit for this voluntary action on the part of the committee, but I want it known publicly that it was not due to any appeal, pressure, or urging on the part of any organization whatever, but was due primarily to the initiation and the insistence of my friend from Pennsylvania [Mr. CASEY].

I hope when the District officials proceed to allocate this increase of the appropriation for this year they will not take half the men who are entitled to the step-up, as has been intimated, but that they will allocate it to all of those who are entitled to a step-up, and distribute the fund granted this year so that everyone entitled to a step-up shall get his pro rata share out of this appropriation. I hope I make myself clear on that point, and I hope that in the allocation of the fund the District officials will see that everybody gets what he is entitled to.

Mr. CASEY. Will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. CASEY. Before the gentleman leaves that point it may be well for him to explain for the RECORD that the understanding of the committee and the District officials is that this money must be allocated to the people who are at the minimum of their grades before they allocate any of it to those above the minimum of the grades. It is to take care of the poor fellows who have not gotten increases.

Mr. GRIFFIN. That was the understanding.

Mr. SIMMONS. Further than that, when that is done, the preference is to go to the fellow who is drawing the least salary of the two.

Mr. GRIFFIN. Yes. There are many features in this bill, and I hope you will not be overawed by these papers before me. I do not intend by any means to discuss every phase of the bill. I could not do it. There is such a demand for time that I do not want to take up the time myself, but I have asked leave to extend my remarks in order that I may be able to put in the RECORD certain constructive suggestions in connection with the District government.

Whenever District matters come up in this House, in the House of the stepfathers of the District, the attendance immediately dwindles. You can not talk statistics, you can not give figures, you can not make any appeal whatever and hold the crowd. If I could only have gotten up a row with our genial chairman, I think we would have had a full attendance, but he was too good and too genial to indulge in any provocation and everything passed off very pleasantly.

The virtue of membership on an appropriation committee is this, that it gives a man who is serious-minded an opportunity to look at the inside of things, to study the machinery of municipal government and find out how the thing works. I would count my time lost on this committee—all the days and weeks that we have devoted to this bill—if I did not derive certain opinions and arrive at certain convictions as to the right or wrong of things and in what particulars something might be done to alleviate existing conditions; because notwithstanding all the taffy we may sling on the subject there is something rotten in Denmark. I have become more confirmed in my conviction that the best government given by the stepfathers in Congress is not as good as the worst government the people of the District would be able to give themselves, and I am going to elaborate on that in the future and suggest something constructive.

Mr. CASEY. In other words, as I understand the gentleman, the people would rather have self-government than good government?

Mr. GRIFFIN. I think so. At least, that is the way they feel about it. Now, there is a phase of the Federal and District condemnation law that I would like to take the time to enlarge upon, but I am not going to do it here. However, I am going to make what I hope will prove to be some constructive suggestions on the subject. I am also going to make some constructive suggestions on the matter of the retirement and pension laws of the District. It is a rather odd thing that in this little principality, in this little Territory of the District of Columbia, we have three distinct, separate, and uncoordinated pension and retirement laws affecting the employees of the District. They differ not only in the amounts of contribution that the employees make to the fund, but they differ also in the benefits derived from the fund. For instance, briefly, as to the contributions. The school-teachers contribute out of their annual salary up to 8 per cent on a maximum salary of $2,000.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. GRIFFIN. Mr. Chairman, I yield myself five additional minutes. The policemen and firemen contribute 2½ per cent of their annual salary while the civil-service clerks, the most poorly paid of all, contribute 3½ per cent of their annual salary.

In the matter of pensions, the school-teachers receive 1 per cent of the average annual salary for 10 years immediately preceding retirement multiplied by the number of years of their service, plus the Government contribution of $15 for each year of service up to 40 years.

Policemen and firemen, not more than 50 per cent of salary at the time of retirement. Upon the death of a member, before or after retirement, his widow receives $60 a month during widowhood, and each child under 16 years of age $10 a month. Seventy-five dollars is paid from the fund toward funeral expenses of a member dying while in the service.

The widows of policemen and firemen receive this pension, but the widows of school-teachers and civil-service clerks receive nothing.

As to the amount of refund; for school-teachers, all the contributions of the teacher compounded annually are returned upon separation from the service. In the case of policemen and firemen, the law does not authorize a refund of their contributions to the fund, although they may be retired from the service without any fault of their own. As to civil-service clerks, all contributions of employees plus 4 per cent interest, compounded annually, as in the case of school-teachers, are returned upon their separation from the service.

In my opinion the pension laws affecting the employees of the District ought to be uniform. They ought to be coordinated, they ought to be fair and give a square deal to all without distinction as to class or condition.

Mr. SIMMONS. Will the gentleman yield?

Mr. GRIFFIN. I yield.

Mr. SIMMONS. The gentleman has been very kind in the fine floral wreathes that have been thrown toward the chairman of the subcommittee, but I think the committee will understand that if there is any credit due for the preparation of this bill, it is not due to any one member, but to the entire committee, and may I suggest, also, for the benefit of the gentleman from New York, the committee is made up of one Englishmen, one Scotsman, and three Irishmen, and that probably accounts for the fine way in which we get along. [Laughter and applause.]

Mr. GRIFFIN. In other words, in a sense, you are getting a little touch of Tammany here in Washington. [Laughter.]

Mr. Chairman, the legislation providing for the retirement and pensioning of District employees is embraced in several distinct acts, bearing no relation to one another, and providing separate and uncoordinated schemes of contributions and benefits.

It appears to me that there is no reason in the world why the retirement and pension laws of the District should not be uniform; at least there seems to be no justification for the confusion, the conflict, and the inequalities that now exist.

In my opinion no class of employees are entitled to special favors, and none should be discriminated against. If there is any public policy involved—as I believe there is—in safeguarding the old age of faithful employees and protecting their widows and orphans from want, the law governing the subject should be uniform and applicable in all its features to all classes of employees alike.

I herewith append a summary of the main provisions of the existing laws and a table, prepared by the auditor of the District, Maj. A. J. Donovan, a very capable and experienced

man, whose services are of inestimable benefit, not only to the District itself but to Members of Congress who have come to rely implicitly upon his vast stores of information on every phase of local government:

1. SCHOOL-TEACHERS

The act relating to the retirement of school-teachers was approved June 11, 1926, and is entitled "An act for the retirement of public-school teachers in the District of Columbia, etc.," approved January 15, 1920 (44 Stat. 727).

2. POLICEMEN AND FIREMEN

The act relating to policemen and firemen is section 12 of the District of Columbia appropriation act approved September 1, 1916 (39 Stat. 718).

3. CIVILIAN EMPLOYEES

The retirement of civilian employees in the Federal service in the District of Columbia and in the service of the District of Columbia is controlled by the act of Congress approved May 22, 1920, as amended by the act of July 3, 1926.

The provisions of these three distinct methods of retirement are visually displayed in the following chart prepared by the auditor, and disclose at a glance the inequalities and lack of coordination in the three retirement laws:

1. As to contribution of the employee; as to contribution of the District.

2. As to benefits received: Widows and children of police and firemen receive pensions; the others do not.

3. As to refunds: Teachers and civil-service employees (clerks) receive a refund of the amounts paid in upon their separation from the service; police and firemen do not.

RETIREMENT AND PENSION LAWS AFFECTING EMPLOYEES IN THE DISTRICT OF COLUMBIA

Chart showing comparatively the amount of contribution made by each class of employees under the provisions of (1) the teachers' retirement act of June 11, 1926; (2) the law authorizing payment of pensions to policemen and firemen, approved September 1, 1916; and (3) the civil service retirement law of May 22, 1920, as amended July 3, 1926:

	School-teachers	Policemen and firemen	Civil service (clerks)
Contribution by each class of employees to retirement or pension fund	(1)	(2)	(3)
Average annual contribution per employee	$99.70	$53.08	[4] $52.88
Contribution of Government, fiscal year 1927	$91,964.50	$468,115.00	
Average annuity or pension paid in 1927	$1,050.00	$1,090.97	[5] $721.39
Number of annuitants or pensioners on roll, June 30, 1927	108	603	(6)
Normal annual increase of annuitants or pensioners	21	37	
Total amount paid out annually—			
For pensions	$109,214.05	$566,467.65	
For refunds	$32,237.56	(7)	
Amount of cash to credit of fund, June 30, 1927	$1,714,490.00	(8)	

[1] Up to 8 per cent of annual salary (maximum salary usable, $2,000).
[2] 2½ per cent of annual salary.
[3] 3½ per cent of annual salary.
[4] This is only for District of Columbia employees.
[5] Information obtained from Bureau of Pensions.
[6] This fund is administered by the Bureau of Pensions, under the Secretary of the Interior, and no statistics are available in the office of the auditor of the District of Columbia, with respect to normal retirements, Government contributions, etc.
[7] Not authorized by law.
[8] No balance on hand. Transfer from general revenues of District of Columbia authorized to cover deficit in contributions, in order to provide a sufficient amount for the payment of all pensions.

BENEFITS ACCRUING TO EMPLOYEES

1. AMOUNT OF PENSION OR ANNUITY

School-teachers: One per cent of average annual salary for 10 years immediately preceding retirement, multiplied by number of years of service, plus the Government contribution of $15 for each year of service up to 40 years.

Policemen and firemen: Not more than 50 per cent of salary at time of retirement. Upon the death of a member, before or after retirement, his widow receives $60 a month during widowhood, and each child under 16 years of age $10 a month. Seventy-five dollars is paid from fund toward funeral expenses of member dying while in service.

Civil service (clerks): Average annual salary, not to exceed $1,500, for 10 years immediately preceding retirement, multiplied by number of years of service, not to exceed 30, divided by 45. Maximum annuity payable, $1,000.

2. AMOUNT OF REFUND OF CONTRIBUTIONS IN CASE OF RESIGNATION OR SEPARATION FROM SERVICE

School-teachers: All contributions of teacher, plus 4 per cent interest, compounded annually.

Policemen and firemen: The law does not authorize refund of contributions.

Civil service (clerks): All contributions of employee, plus 4 per cent interest, compounded annually.

Mr. SIMMONS. Mr. Chairman, I yield one minute to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Chairman, on the 15th of this month there took place at Arlington Cemetery and at Fort Myer the annual anniversary observance of the sinking of the battleship *Maine* in Habana Harbor. On this occasion an address was delivered by Dr. Rafael R. Altunaga, counselor of the Cuban embassy and chargé d'affaires, that was as beautiful in the poetry of its language as it was searching in the truth of its thoughts. It had a particular meaning this year, because there was in convention at Habana at the time a meeting of the representatives of the various States of the Western Hemisphere in the Pan American conference.

It will be fitting, indeed, to have placed in the RECORD the speech delivered by the Cuban chargé at that time, and I ask unanimous consent that as a part of my remarks there may be included the brief letter with which this address was transmitted to me and the address of Doctor Altunaga.

The CHAIRMAN (Mr. HOOPER). The gentleman from Montana asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to follows:

HEADQUARTERS DEPARTMENT OF THE DISTRICT OF COLUMBIA,
UNITED SPANISH WAR VETERANS,
Washington, D. C., February 18, 1928.

Hon. SCOTT LEAVITT,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Dr. Rafael Rodríguez Altunaga, counselor of the Cuban embassy and chargé d'affaires ad interim, delivered an address at the Maine memorial exercises held February 15, 1928, in the riding hall at Fort Myer, Va., under the auspices of the Department of the District of Columbia, United Spanish War Veterans, that was keenly appreciated, as demonstrated by the frequent applause of the veterans of the Spanish War, the large audience of public officials, distinguished guests, and citizens present, comprising more than 2,000 people. The program was also broadcasted by the National Broadcasting Co. over its red network.

The splendid tribute paid by Doctor Altunaga to the heroic men who lost their lives in the sinking of the *Maine* cemented still closer the firm bond of friendship that exists between Cuba and the United States.

The address is worthy of the attention of Senators and Representatives and other public men. * * *

Sincerely yours,

JAMES E. MAYNARD,
Past Department Commander United Spanish War Veterans.

ADDRESS DELIVERED BY DR. RAFAEL RODRÍGUEZ ALTUNAGA, COUNSELOR OF THE CUBAN EMBASSY AND CHARGÉ D'AFFAIRES AD INTERIM, AT FORT MYER, VA., FEBRUARY 15, 1928, THE THIRTIETH ANNIVERSARY OF THE SINKING OF THE BATTLESHIP "MAINE"

Once again the Cuban nation comes, through its diplomatic representative in Washington, to place, as in a votive lamp, the myrrh of its gratitude in this love offering which the veterans of the Spanish-American War are paying to-day in tribute to the never-to-be-forgotten victims of the *Maine*. To-day, as on other occasions, we feel the same warm devotion for those who perished that unfortunate night in February of 1898 in Habana Harbor in a horrible catastrophe, the remembrance of which, even after 30 years, terrifies one's mind.

The contemplation of a monument to the dead fills the soul with an almost religious sentiment. Man looks on such a marker as a milepost on the road to the great mystery; and the heart recoils before the prospect of mute eternity. This sentiment is increased when with the idea of death is associated the memory of the country's tragedy for the cause of its liberty; and on so viewing it there seems to drift the shadows of those who gave their lives as a tribute to that liberty. The heart beats more strongly then, the eyes dim from emotion, and the soul is prostrated before these august shadows which are like guardians and an intangible guaranty of integrity of a free nation. So, when Cubans visit the solemn monument raised to the *Maine* in Arlington National Cemetery, we experience this strange emotion which I have analyzed before, and we recall that loyal and sincere friendship of Cuba and the United States. This respect which exists in this Nation for the liberty and integrity of the Republic of Cuba is so sacred it is far removed from the avarice of man, because it is a treasure the custody of which is held by those who embraced immortality on the wings of fire on the tragic night of February 15, 1898; and also by those who at Santiago de Cuba, with its holocaust shortly afterwards, wrote the epilogue of 50 years to Cuba's struggle for emancipation.

The tragedy of one minute ended a tragedy of half a century. Since 1850 the Cuban Nation practically maintained armed rebellion against the intolerable policies of its bad rulers. And I say the policies of its bad rulers because the battle for our liberty was not a battle of race

against race, nor of hate and reciprocal rancor. The war waged was not against the Spaniards, for the Spaniards are our own parents. To more strongly accentuate this affirmation the father and mother of Martí, the soul of the revolution, were Spaniards; and, in truth, our nationality is and always will be Spanish in so far as the work of centuries does not develop a new social order or blot out ancestral inheritances. The Cuban revolution was the result of the culture of the Cuban nation, of its thinkers, of its poets, and writers who were not resigned, as the men of the Spanish America of 1810 and 1811 were not resigned, to the scorn of the ruling classes. Through the shadows of the colonial government there filtered the civilization of the world, and the legion of martyrs and apostles of the revolution was formed, and soldiers were spiritually recruited to achieve that work. Blessed be the man who prefers to embrace the cross as a martyr than live in the world as a slave.

In this unequal fight for liberty of one against one hundred, in America we always found an asylum of consolation, a protecting hand, a voice of cheer. Here thousands of my compatriots took up their residence; here many of them founded their homes; here they lived, dreaming of their return to a land enlightened by the sun of democracy and liberty. Wealth, peace, and courage; love for science and for art, the generous blood of youth; all these were brought as a pledge of devotion and faith to the immense pyre built before the image of the tortured country. Nothing restrained the Cubans in their romantic battle for life with dignity or death with honor, and as high ideals of justice, which, like the arbors in the moral harmony of the world, are at the end fulfilled, Providence, invisible mother of men, put its finger into the labyrinth of our destiny and showed its face amidst the veils of a tragic night.

The thunder of the explosion of the *Maine* roared; the waters of bitterness, thrown day by day and year by year into the hearts of the American people, overflowed in uncontrollable torrents and crowds inflamed in the streets of American cities were changed into instruments of our vengeance and shouted to the high powers of the Nation: "Remember the *Maine*" and "Viva Cuba libre."

Thus, the liberty of Cuba has remained forever united with the memory of that inexpressible catastrophe. The apathy and diplomacy of the American Government gave place to the exultant march of the armies, full of ideals, which were on the way to consummate a work which, in the quadrant of the history of the American continent, had remained a century behind. Santiago de Cuba, the hill of San Juan, and Caney are holy shrines for the patriotic sentiments of two nations which found themselves together amid the clamor of the battle and facing death under the same ideals.

If it were possible in our time to revive the biblical legend of the sanctity of the tabernacle there could be nothing better than to declare a holy place this zone of Santiago where—rare secret of history—was begun and finished the Spanish dominion over Cuba. A millenary stone, as an ark of the covenant, would mark the culminating point where the sacrifice of Cubans and Americans was the greatest, and on this stone should appear, arm in arm, facing the image of death, the Cuban and American soldiers and, lighting the scene, a rising sun, from which disk, as drops of light, should be suspended this sentence, taken from the joint resolution of the American Congress: "Cuba is, and by right ought to be, free and independent." That place would be closed to the Cubans and Americans who would not go there in patriotic pilgrimage with hearts as pure and unselfish as those who fell in that place; with minds void of any paltry desire; in mystic elation; evoking for their spirits; and in the lips the tremor of a prayer. The high points of history remain inaccessible to those who do not feel themselves with courage to ascend the mystic path which leads to immortality and to glory. Sic itur ad astra.

Spanish-American War Veterans, your responsibility is very great. You must maintain, like a sacred fire, and hand down to posterity the aspirations which stimulated your companions and for which they sacrificed their lives on the battle fields of Cuba. The Hand which created the world made us physically neighbors, as though preparing the mutual intelligence and the fraternal ties which unite us to-day, while high ideals and historical facts place us arm in arm and heart with heart.

The dead, from the valley of eternity, are contemplating us and in silence are watching each step we take in this labor of mutual understanding, reciprocal and sincere confidence and profound respect for our common traditions which are the reasons for this ceremony of pious reverence which gathers us together here to-day.

The best way, the only one, of honoring the dead is to be loyal to the spirit in which they lived. It is not enough to erect monuments, to sing De Profundis, and to utter panegyrics. It is necessary to feel deeply the ideal to which they sacrificed themselves. Any other act is a profanation.

Victims of the *Maine!* Cubans will eternally glorify your names because above them is written the liberty of Cuba.

Mr. GRIFFIN. Mr. Chairman, I yield 20 minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HOWARD of Oklahoma. Mr. Chairman, I suggest the absence of a quorum.

The CHAIRMAN. The gentlemen from Oklahoma suggests the absence of a quorum. The Chair will count.

Mr. HOWARD of Oklahoma. Mr. Chairman, I withdraw the point of no quorum.

Mr. HASTINGS. Mr. Chairman, I want to bring to the attention of the Members of the House H. R. 11199, a bill to provide for the furnishing of bonds by national and State banks and trust companies which are members of the Federal reserve system for the protection of depositors. H. R. 11199 is a revised, amended copy of H. R. 5572.

Section 1 requires that all banks, State and national, and trust companies, members of the Federal reserve system, shall each give bond in the sum of 25 per cent of the amount of their deposits, exclusive of interest-bearing time deposits and other deposits specially secured, for the protection of the general unsecured depositors.

Congress, of course, does not have jurisdiction over State banks and trust companies which are not members of the Federal reserve system, and therefore the provisions of the bill are not attempted to be made to apply to them. The banks and trust companies affected are given six months to comply with the provisions of the act and to give the bonds as required therein.

Section 2 requires that all national banks, upon their organization, shall each give bond in an amount equal to its capital stock at the time of organization, and thereafter a bond in the sum of 25 per cent of the deposits shall be given, as shown by its last annual statement.

Section 3 authorizes the Secretary of the Treasury of the United States to approve such bond upon ascertaining that the surety company making the bond is financially responsible.

Section 4 requires a report of all banks affected on January 1 of each year showing their total aggregate deposits subject to check, interest-bearing time deposits, and deposits otherwise specially secured.

The provisions of this bill only require a bond in an amount equal to 25 per cent of the amount of unsecured deposits and does not require a bond for interest-bearing deposits placed with the bank under special contract and does not cover deposits such as county, State, school, and municipal, which are otherwise specially secured. The bond is for the purpose of guaranteeing security of the general deposits of the banks which are not otherwise secured.

It may be asked why it is provided in the bill that a bond of only 25 per cent of the aggregate amount of deposits is required. Of the failed banks brought to my attention if 25 per cent of the deposits had been guaranteed and this percentage of the deposits had been paid in cash by a surety company, as this bill would require, I know of no bank that would have failed. In the event it is found, however, that 25 per cent would not be a sufficient amount to protect all depositors, this percentage could and should be increased.

The Comptroller of the Currency reports for the year 1927, in his annual report (p. 17), as follows:

> The average percentage of dividends paid on claims proved against the 706 receiverships that have been finally closed was 74.74 per cent. Had offsets, loans paid, and other disbursements been included in this calculation the disbursements to creditors would show an average of 80.95 per cent.

This shows that a bond of 25 per cent would in all but extraordinary cases be sufficient to cover the loss and pay the depositors in full. If experience should show, however, that a larger percentage is required, the bill could be amended and the percentage increased. It should be large enough to guarantee all depositors against loss.

It may be inquired as to the necessity for this legislation. Let the statistics as shown by the reports of the Comptroller of the Currency answer this. The report of the comptroller for 1927, page 13, shows that there were 7,832 national banking associations in existence at the close of the current year, October 31, 1927, with a capital of $1,502,697,615, and, page 101, on June 30, 1927, there were 27,061 reporting banking associations in the continental United States, Alaska, and insular possessions, with combined resources aggregating $68,132,558,000. This amount includes individual deposits of $51,132,554,000. The comptroller reports, in answer to my inquiry under date of January 21, 1928, that for the eight years beginning January 1, 1920, to December 31, 1927, inclusive, there were 564 national bank failures with deposits aggregating a total of $213,546,400, and that there were 3,377 failures of other banking associations, State banks, and trust companies with aggregate deposits of $971,956,704.

I am appending two tables prepared by the Comptroller of the Currency, the first showing, by States, the number of

national banking institutions which failed for each year from 1920 to 1927, inclusive, showing capital and deposits, and the second table showing State bank and trust company failures during the period reported upon by States and by years.

From the figures given in these two tables we have prepared the following table showing by States: (1) The total number of State-bank failures, (2) total amount of failed State-bank deposits, (3) total number of national-bank failures, (4) total amount of failed national-bank deposits, (5) total number of both State and national bank failures, (6) total amount of deposits of failed banks, State and national, (7) the grand total number of failed banks, State and national, and (8) the grand total of deposits of failed banks, both State and national, for the eight-year period covered by the two tables:

State	(1) Total number State-bank failures	(2) Total amount State-bank deposits	(3) Total number national-bank failures	(4) Total amount national-bank deposits	(5) Total State and national failures	(6) Total amount deposits State and national
Alabama	17	$5,657,539	4	$438,243	21	$6,095,782
Arizona	28	10,963,870	3	848,814	31	11,812,684
Arkansas	58	20,535,227	7	1,729,200	65	22,264,427
California	10	3,543,859	14	6,589,871	24	10,133,730
Colorado	56	12,097,032	16	11,425,027	72	23,522,059
Connecticut	2	2,075,000	1	1,478,076	3	3,553,076
Florida	53	53,309,805	4	2,466,086	57	55,775,871
Georgia	245	37,761,755	8	1,868,907	253	39,630,662
Idaho	45	12,174,547	23	7,201,267	68	19,375,814
Illinois	58	19,946,180	8	2,012,336	66	21,958,516
Indiana	45	10,290,344	7	3,162,749	52	13,453,093
Iowa	304	118,985,268	63	23,791,987	367	142,777,255
Kansas	141	34,852,826	7	2,278,810	148	37,131,636
Kentucky	32	5,962,052			32	5,962,052
Louisiana	31	7,199,292	1	32,062	32	7,231,354
Maine	3	1,924,154			3	1,924,154
Maryland	4	419,000	1	262,995	5	681,995
Massachusetts	16	62,056,939	1	292,995	17	62,349,934
Michigan	52	7,451,051	1	581,948	53	8,032,999
Minnesota	247	59,537,729	52	21,644,088	299	81,181,817
Mississippi	29	7,511,685	2	49,657	31	7,561,342
Missouri	194	55,294,755	4	766,503	198	56,031,258
Montana	135	32,049,856	53	13,578,863	188	45,628,719
Nebraska	131	28,596,117	21	8,193,292	152	36,789,409
Nevada	1	143,000			1	143,000
New Hampshire	1	1,009,139			1	1,009,139
New Mexico	40	9,795,476	18	6,305,490	58	16,100,966
New York	7	2,055,273	1	198,498	8	2,253,771
North Carolina	78	16,244,132	9	6,266,550	87	22,510,682
North Dakota	316	57,616,512	48	10,734,836	364	68,351,348
Ohio	19	8,893,412	4	4,676,802	23	13,570,214
Oklahoma	162	31,547,240	47	13,809,030	209	45,356,270
Oregon	29	10,317,234	6	2,109,905	35	12,427,139
Pennsylvania	25	26,484,903	10	10,807,079	35	37,291,982
Rhode Island	1	158,000			1	158,000
South Carolina	144	43,492,495	14	4,822,738	158	48,315,233
South Dakota	247	68,364,144	46	15,432,188	293	83,796,332
Tennessee	37	9,367,513	1	468,950	38	9,836,463
Texas	158	26,934,889	31	14,440,950	189	41,375,839
Utah	12	2,132,677	2	1,420,335	14	3,553,012
Vermont	1	2,031,737			1	2,031,737
Virginia	22	4,898,550	1	115,204	23	5,013,754
Washington	35	15,589,748	7	1,484,361	42	17,074,109
West Virginia	13	6,032,093	2	1,123,128	15	7,155,221
Wisconsin	42	8,804,456	6	1,623,885	48	10,428,341
Wyoming	50	8,974,199	10	7,012,715	60	15,986,914
Hawaii	1	904,000			1	904,000
Total	3,377	971,956,704	564	213,546,400	3,941	1,185,503,104

These figures compel an earnest study of the subject and to my mind conclusively show the necessity for this legislation.

Of the 3,941 bank failures during the period of eight years reported upon, 2,818, or a little more than two-thirds, were from 12 States, and an examination of the deposits shows that they were $726,365,778, about two-thirds of the $1,185,503,104 aggregate total deposits of all failed banks. Beginning with the State having the greatest number of bank failures during the period reported upon, Iowa heads the list with 367 failed banks, with deposits aggregating $142,777,255. Following, in their order, are the 12 States referred to:

State	Failures	Amount
Iowa	367	$142,777,255
North Dakota	364	68,351,348
Minnesota	299	81,181,817
South Dakota	293	83,796,332
Georgia	253	39,630,662
Oklahoma	209	45,356,270
Missouri	198	56,031,258
Texas	189	41,375,839
Montana	188	45,628,719
South Carolina	158	48,315,233
Nebraska	152	36,789,409
Kansas	148	37,131,636
Total	2,818	726,365,778

Surely, when it is shown by official tables that 3,941 banks failed in the past eight years, with aggregate total deposits of $1,185,503,104, this is all that should be necessary to emphasize the necessity for legislation such as I have proposed.

The comptroller reports (p. 15) that 135 national banks, the largest number during the eight years reported in the table, with an aggregate capital of $8,257,000, were placed in charge of receivers during the year ending October 31, 1927, and that during the fiscal year ending June 30, 1927 (p. 19), there were 689 failures of State and private banks, with total liabilities of $206,655,000, as compared with 496 failures of this class of banks the year previous, with liabilities aggregating $147,823,000, or an increase of 193 State-bank failures for the year ending June 30, 1927, over the previous year.

Congressman HOWARD, of Nebraska, stated in a speech a few days ago that his State had a guaranty law, and that since it was enacted no depositor had lost a dollar. This is a splendid record. The law of that State requires a contribution from each bank to a fund to insure the deposits of all banks. The bill I have introduced would require each bank to give bond to insure its own deposits. I have not investigated the history of such legislation to find out how many States have enacted laws requiring bank deposits to be guaranteed. If the Federal Government had led the way and each State had enacted such a law it would not only have saved the percentage of loss to depositors on the $1,185,503,104, but it would also have saved the capital stock of the failed national banks, aggregating $34,979,500, and the surplus of each, and the capital stock and surplus of each of the State banks which failed during the past eight years, aggregating perhaps more than $100,000,000. I do not have exact figures as to amount of capital and surplus of the failed State banks.

Every bank, State and national, which receives school, county, city, and State deposits, is required to give a surety bond in

an amount equal to the total of these deposits. This is true, regardless of the financial standing of the bank. If a bank is required to give a bond to protect school, county, city, and State deposits, why should it not be required, in a reasonable amount, to insure individual deposits against loss? I see no difference in principle. In the State of Oklahoma all Indian funds deposited with any bank, no matter how strong the bank, are required to be secured, either by a surety bond or by the deposit of approved securities in an amount equal to the deposits.

For my part I see no difference in requiring a bond in a sufficient amount to protect the laborer, the washerwoman, farmer, business and professional man, and all classes who are depositors against loss. There can be no legitimate argument against the principle involved in this bill. The only argument I have heard urged against it is that the premium on the bond would be an additional expense to the bank. Of course, that is true; but banks are required to pay premiums on the bonds given to secure school, county, city, and State funds. This bill would not only be a good thing for the depositors but it would be a good thing for the shareholders of the banks. It would result in the executive officers of the banks being more conservative, they would require better security for loans, and their assets would be kept in more liquid form, for they would be subject not only to the supervision and criticism of the bank examiners but also of the representatives of the surety companies making the bonds for the banks. This would, therefore, in my judgment, prevent many banks from failing and would save large amounts to the shareholders in assessments where banks fail, and result in larger dividends being paid to the stockholders of the banks. The average dividend paid by national banks on capital and surplus for 1927 was 6.62 per cent.

Again, the active officers of the banks are required to give bond to protect the bank against loss on their account, notwithstanding they may be and are men and women of high character. Why is this required? If this be true as to individuals, why, on principle, should not the depositors be protected against loss by requiring the banks to give bond?

Congress passed the Federal reserve act in December, 1913. It provided a financial reservoir to which member banks might go for assistance, and it has been successful since the organization of the Federal reserve banks in 1914. The failures of banks have been due to a number of causes, and among them are: Too many banks were organized in some communities, some banks were in charge of inexperienced officers, and some failures have been due to economic conditions. Failures in the South and Middle West have been largely due to agricultural conditions, and in the far West and in the Southwest to the losses on cattle, and, of course, a few failures have been due to corrupt management. I think by far the most failures can be attributed to economic conditions, and I think this is conclusively shown by the figures which I have given as to the number of failed banks in the 12 agricultural States, where two-thirds of the bank failures occurred. The second cause, in my judgment, is due to inexperienced management.

This bill in a way tends to guard against this, because surety companies would be reluctant to make bonds for banks which are not managed by experienced officers.

It is urged by some that it would be difficult for some banks to give such a bond. They make bonds to secure State, county, school, and municipal funds. Why can not they make bonds to secure general depositors? If a bank is in such a precarious condition that reputable surety companies would not make a bond for it, then the sooner that bank is liquidated the better, and the less will be the loss to the depositors, the shareholders, and the people of the community.

It has been suggested that surety bonds are not required to insure the deposits of State banks, and that therefore this would be a discrimination against the banks mentioned in the bill. I think it would have the contrary effect, because I believe that it would result in State legislation requiring every State bank to take out insurance for the benefit of its depositors. As between two banks, one conservatively managed with a surety bond to protect the depositors and the other without such a bond, everyone knows, of course, that the majority of the people would deposit their money in the bank protecting their money by a surety bond. The premium on the bonds required under this bill, in my judgment, would be small as compared with the profit on the increased deposits which the bank would receive, and therefore this bill would be financially beneficial to all the banks throughout the country. It would bring every dollar out of hiding and could be used for the productive development of the community. I think deposits in every bank throughout the country would increase. It certainly would make the officers of the banks more conservative and result in fewer bad loans and therefore would result in a greater financial advantage to the shareholders in increased dividends; it would protect the depositors against loss and would clearly be in their interest.

This bill does not require one bank to insure the deposits of another. Every bank under this bill would pay for the premium on its own bond. No bank would be dependent upon another bank. I think this is the only sound principle. If banks were required to contribute to a guaranty fund for the benefit of all banks, then the strong, conservative, well-managed banks would contribute to the weak banks and those in the hands of inexperienced officers. The amount of the premium would depend upon the condition and management of each bank. If safe, officered by experienced men, and conservatively managed, the premium would be small. The same principle would be applied as in the case of fire insurance. The greater the hazard the larger the premium. As in the case of fire insurance, when the hazard—bad flues and fire traps—is removed, which in banking is comparable to reckless, inexperienced management, and unsecured loans, the premium will be reduced. Every bank whose condition entitles it to be bonded can find a surety company seeking its business and anxious to make its bond. Let me emphasize: I have no doubt but that it would result in increased deposits for each bank, and therefore increased profits, far in excess of the small amount of premium required to be paid on the bond. Again it would establish confidence in banks throughout the country and bring out of hiding large amounts of money not now deposited in banks. I believe this is a good bill from every standpoint. I believe it right in principle and I want to urge it upon the earnest consideration of the Members of the House. I have pressed it upon the attention of individuals and bankers throughout the country, and no objection has ever been urged against it other than the objection of the cost of the premium on the bond. If every State in the Union, by legislation, requires that its public officials must require such bonds to insure public deposits in banks, why should not the individual depositors be so secured? What is the difference in principle?

The loss to depositors does not present the full picture. They have not only lost their entire savings but many of them have no credit elsewhere and are left penniless and destitute. Some have to sacrifice what little property they have to meet obligations they expected to pay out of the money lost or to meet current expenses. Not one anticipated the loss and made no provision for it. Everyone in the community feels the financial shock. Business is paralyzed. Everyone, whether a depositor or not, sustains a loss through business depression. It takes months, sometimes years, for the public to regain confidence. The shareholders are assessed. They must sacrifice their property at a ruinous loss to raise the money. Why? There is but one answer, and that is because we decline to compel the banks to incur the extra expense of a small premium on the surety bonds which this bill would require. If enacted into law, it would protect the depositors, the shareholders, and the public from the business depression that always follows a bank failure. Let me repeat the question: Why are banks required by Federal and State laws and regulations to make bonds to secure public money? The answer is, to guarantee it. We should not permit the small premium which the banks would have to pay to outweigh in this legislation the rights of the depositors and the interest of the public. Banks are chartered under legislative sanction, State and Federal. We can not and should not try to longer escape our responsibility.

During my entire life I have exerted my best efforts to assist in the protection of the men and women of small means who did not possess financial strength or who were not organized to fight his or her own battle, and I am forced to the conclusion that every bank and trust company which is required to furnish a bond to secure school, county, city, and State funds, and also Indian funds, should also be required to make a bond to fully protect the general depositors who have confidence in the banking institutions conducted and protected by the laws of the Federal Government. [Applause.]

The two tables referred to in my remarks, together with the correspondence with the Comptroller of the Currency, are, by the permission of the House, hereto appended:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 9, 1928.

Hon. J. W. McINTOSH,
Comptroller of the Currency, Washington, D. C.

DEAR MR. MCINTOSH: In re H. R. 5572, to provide for the furnishing of bonds by National and State banks and trust companies which are members of the Federal reserve system for the protection of depositors.

For use before the committee in the matter of the above bill, which I have introduced, I would appreciate it if you would furnish me with

the number of bank failures, State and Federal, from January 1, 1920, to January 1, 1928. Also the amount of the capital stock and the deposits of each class of banks and the location of the banks by States.

This bill only requires deposits to be protected by national banks and trust companies and State banks and trust companies which are members of the Federal reserve system, for the reason that Congress has no jurisdiction over a State bank not a member of this system.

So far as I know, every State, including Oklahoma, requires a surety bond or the deposit of approved Federal or State bonds to secure all public deposits, such as county, municipal, school, and Indian deposits, and I see no difference in principle in requiring such protection for individual deposits.

I want to use this data to show the losses that have been sustained through bank failures during the past eight years, therefore would appreciate it if you would give me these figures by years as well as by States. If you do not have the data with reference to State banks, please direct me to the place where I may secure this information.

Very respectfully,

W. W. HASTINGS.

TREASURY DEPARTMENT,
Washington, January 21, 1928.

Hon. W. W. HASTINGS,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Complying with the request in your communication of the 9th instant, I have had compiled and inclose herewith statement showing, by States, the number of national banks which have failed, together with their capital and deposits, each year, from January 1, 1920, to December 31, 1927, inclusive.

Information concerning failures of banks other than national is furnished this office through the courtesy of the various State bank superintendents, but for only the fiscal years, and the data received does not disclose the amount of capital or deposits. I inclose, however, a consolidated statement compiled from the annual reports of the comptroller, showing by States the number and liabilities of failures of State and private banks during the eight fiscal years ended June 30, 1920, to 1927, inclusive, which are the latest figures available.

Yours very truly,

J. W. MCINTOSH, *Comptroller.*

National-bank failures, January 1, 1920–December 31, 1927, inclusive

State	1920			1921			1922			1923			1924		
	Number	Capital	Deposits	Number	Capital	Deposits	Number	Capital	Deposits	Number	Capital	Deposits	Number	Capital	Deposits
Alabama										1	$25,000	$39,634	2	$135,000	$304,030
Arizona				1	$25,000	(1)				2	200,000	848,814			
Arkansas	1	$30,000	$235,589				1	$60,000	$461,016						
California	1	50,000	943,689	3	165,000	$1,487,893	2	175,000	343,109						
Colorado				1	25,000	173,382	1	150,000	475,881				3	185,000	1,115,818
Connecticut													1	150,000	1,478,076
Georgia										1	50,000	27,312			
Idaho	1	25,000	387,045	4	280,000	[1] 2,323,019	2	100,000	293,498	4	305,000	849,197	4	200,000	1,099,254
Illinois													1	200,000	433,685
Indiana				1	25,000	24,796	1	125,000	984,671						
Iowa				2	150,000	569,096				2	100,000	431,876	3	[1] 210,000	1,655,065
Kansas										1	50,000	545,541	4	275,000	1,213,834
Louisiana							1	50,000	32,062						
Maryland							1	50,000	262,995						
Massachusetts										1	50,000	292,995			
Minnesota										3	150,000	1,015,091	8	310,000	3,743,381
Mississippi							1	25,000	(1)						
Montana				4	150,000	803,154	8	500,000	2,147,792	15	500,000	2,586,579	15	1,175,000	6,314,960
Nebraska				4	275,000	[1] 1,011,857	1	100,000	550,133	2	75,000	586,890	7	325,000	2,110,275
New Mexico				1	75,000	134,453	2	55,000	287,337	3	280,000	967,744	10	865,000	3,931,045
New York													1	1,500,000	198,498
North Carolina										3	325,000	3,234,424			
North Dakota	2	50,000	417,544	1	25,000	115,204	2	50,000	[1] 60,490	11	355,000	2,088,006	10	355,000	2,403,591
Ohio										2	200,000	2,649,555			
Oklahoma				3	325,000	1,118,390	3	500,000	[1] 1,881,502	12	505,000	3,340,485	7	325,000	2,408,304
Oregon				2	125,000	401,775				2	75,000	262,793			
Pennsylvania				1	50,000	671,077							1	50,000	329,404
South Carolina													2	100,000	281,644
South Dakota	1	50,000	848,240	1	25,000	264,775				6	280,000	1,555,316	13	665,000	5,758,905
Texas	1	25,000	184,694	10	610,000	[1] 5,114,397	1	25,000	47,916	2	110,000	674,876	4	785,000	5,056,721
Utah							2	275,000	1,420,335						
Virginia				1	25,000	115,204									
Washington													3	140,000	485,494
Wisconsin										1	25,000	77,396	2	75,000	772,427
Wyoming										2	75,000	223,002	8	520,000	6,789,713
Total	7	230,000	3,016,801	40	2,355,000	14,328,472	28	2,240,000	9,248,737	76	3,735,000	22,297,526	109	8,545,000	47,884,125

State	1925			1926			1927			Total		
	Number	Capital	Deposits	Number	Capital	Deposits	Number	Capital	Deposits	Number	Capital	Deposits
Alabama				1	$25,000	$94,579				4	$185,000	$438,243
Arizona										3	225,000	848,814
Arkansas				3	200,000	847,929	2	$60,000	$184,666	7	350,000	1,729,200
California	2	$50,000	$114,667	2	150,000	1,762,175	4	225,000	1,938,338	14	815,000	6,589,871
Colorado	6	725,000	6,614,226	5	325,000	3,045,720				16	1,410,000	11,425,027
Connecticut										1	150,000	1,478,076
Florida	1	100,000	348,671	1	50,000	433,771	2	200,000	1,683,624	4	350,000	2,466,066
Georgia	6	675,000	1,670,130	1	50,000	171,465				8	775,000	1,868,907
Idaho	5	305,000	1,124,555	1	25,000	111,285	2	100,000	1,013,413	23	1,340,000	7,201,267
Illinois	1	25,000	123,243	2	75,000	374,890	4	200,000	1,080,518	8	500,000	2,012,336
Indiana				1	62,500	272,920	4	300,000	1,880,362	7	512,500	3,162,749
Iowa	12	750,000	4,176,146	20	1,135,000	8,284,890	24	1,380,000	8,674,914	63	3,725,000	23,791,987
Kansas				1	50,000	258,931	1	50,000	260,504	7	425,000	2,278,810
Louisiana										1	50,000	32,062
Maryland										1	50,000	262,995
Massachusetts										1	50,000	292,995
Michigan							1	50,000	581,948	1	50,000	581,948
Minnesota	15	830,000	7,829,781	13	470,000	4,926,345	13	475,000	4,129,490	52	2,235,000	21,644,088
Mississippi				1	25,000	49,657				2	50,000	49,657
Missouri	1	25,000	212,086	1	100,000	277,896	2	90,000	276,521	4	215,000	766,503
Montana	8	390,000	1,386,176	2	55,000	91,316	1	25,000	248,886	53	2,795,000	13,578,863
Nebraska	1	75,000	511,612	3	160,000	920,065	3	240,000	2,502,460	21	1,250,000	8,193,292
New Mexico	2	250,000	984,911							18	1,525,000	6,305,490
New York										1	1,500,000	198,498
North Carolina	4	155,000	914,830				2	150,000	2,117,296	9	630,000	6,266,550
North Dakota	7	175,000	1,363,409	11	325,000	2,736,376	4	210,000	1,560,216	48	1,545,000	10,734,836
Ohio							2	325,000	2,027,247	4	525,000	4,676,802
Oklahoma	7	505,000	2,138,121	7	200,000	1,129,099	8	260,000	1,793,129	47	2,620,000	13,809,030
Oregon	1	25,000	181,264				1	100,000	1,264,073	6	325,000	2,109,905

[1] One bank restored to solvency, deposits not included.

National bank failures, January 1, 1920–December 31, 1927, inclusive—Continued

State	1925			1926			1927			Total		
	Number	Capital	Deposits	Number	Capital	Deposits	Number	Capital	Deposits	Number	Capital	Deposits
Pennsylvania	2	$200,000	$3,146,943				6	$750,000	$6,659,655	10	$1,050,000	$10,807,079
South Carolina	5	520,000	2,751,701	4	$675,000	$1,413,297	3	125,000	376,096	14	1,420,000	4,822,738
South Dakota	11	520,000	3,263,368	12	450,000	3,268,538	2	100,000	473,046	46	2,090,000	15,432,188
Tennessee				1	100,000	468,950				1	100,000	468,950
Texas	4	500,000	1,040,405	4	277,000	1,167,493	5	250,000	1,154,448	31	2,582,000	14,440,950
Utah										2	275,000	1,420,335
Virginia										1	25,000	115,204
Washington	2	150,000	827,402	2	75,000	171,465				7	365,000	1,484,361
West Virginia	1	50,000	571,934				1	50,000	551,194	2	100,000	1,123,128
Wisconsin	1	50,000	350,144	1	25,000	251,640	1	25,000	172,278	6	200,000	1,623,885
Wyoming										10	595,000	7,012,715
Total	105	7,050,000	41,645,725	100	5,084,500	32,530,692	99	5,740,000	42,594,322	564	34,979,500	213,546,400

Number and liabilities of banks, other than national, which failed in years ended June 30, 1920 to 1927, inclusive

	1920		1921		1922		1923		1924		1925		1926		1927	
	Number of banks	Liabilities	Number of banks	Liabilities	Number of banks	Liabilities	Number of banks	Liabilities	Number of banks	Liabilities	Number of banks	Liabilities	Number of banks	Liabilities	Number of banks	Liabilities
Maine							1	$510,000	1	$614,154					1	$800,000
New Hampshire											1	$1,009,139				
Vermont			1	$2,031,737												
Massachusetts	1	$3,455,286	13	57,889,916	2	$711,737										
Rhode Island											1	158,000				
Connecticut			1	2,000,000	1	75,000										
Total, New England States	1	3,455,286	15	61,921,653	3	786,737	1	510,000	1	614,154	2	1,167,139			1	800,000
New York	2	38,000	3	1,798,472			1	217,000	1	1,801						
Pennsylvania	1	3,549,466	2	525,000	5	4,547,607	3	4,893,180	2	585,000	5	9,378,422	3	$1,185,788	4	1,820,440
Maryland			1		1	129,000	1	110,000	1	180,000						
Total, Eastern States	3	3,587,466	6	2,323,472	6	4,676,607	5	5,220,180	4	766,801	5	9,378,422	3	1,185,788	4	1,820,440
Virginia	2	1,911,127	3	527,900	6	766,327	1	479,000	3	228,500	3	653,059	1	165,637	3	167,000
West Virginia	2	645,000			2	1,226,500	1	810,000			3	995,895	2	319,525	3	2,035,173
North Carolina			17	1,367,869	7	2,072,851	7	669,709	7	1,274,000	19	3,560,000	11	4,096,712	10	3,203,000
South Carolina			8	1,576,275	7	2,896,226	7	1,768,766	13	4,485,037	32	6,103,959	30	9,497,626	47	17,164,606
Georgia	1		54	284,000	39	7,226,938	4	2,466,000	20	2,967,836	24	4,984,347	13	2,001,000	90	17,831,634
Florida	2	300,000	2	2,325,000	6	597,171	3	465,000	4	3,744,814	2	48,874	9	20,587,946	25	25,241,000
Alabama					1	100,000			6	419,850	6	641,477	1	63,146	3	4,433,066
Mississippi			5	2,310,656	5	625,256	4	675,202	4	441,804	3	1,677,983	1	159,234	7	1,621,550
Louisiana	1		2		8	1,384,604	2	885,000	4	276,700	3	571,988	5	1,867,000	6	2,214,000
Texas	3	765,899	26	1,139,750	40	6,277,580	11	2,108,058	13	1,516,000	25	7,503,170	19	3,767,432	21	3,857,000
Arkansas	3	1,298,876	7	279,000	5	1,673,534	1	92,343	8	2,874,131	10	4,833,700	8	2,992,643	16	6,491,000
Kentucky	1	42,031	1	166,750	4	230,000	1	506,314	6	701,000	7	924,700	6	1,578,767	6	1,812,490
Tennessee			2	1,133,928	2	375,000			3	906,459	8	726,318	8	2,119,628	14	4,106,180
Total, Southern States	15	4,962,933	127	11,111,128	132	25,451,987	42	10,925,383	91	19,836,131	145	33,225,470	114	49,216,296	251	90,177,699
Ohio	1	1,860,000			1	223,237			3	771,628			3	2,342,547	11	3,696,000
Indiana	3	1,286,500	1		7	729,790	1	47,000	12	3,157,584	3		4	719,000	14	4,350,470
Illinois	4	265,000	11	1,256,640	5	5,810,327	5	1,573,415	11	3,794,786	4	970,000	5	2,920,102	13	3,355,910
Michigan	2	342,667	4	125,000	5	536,600	2	115,000	6	714,193	4	343,250	8	696,631	21	4,577,710
Wisconsin					1	121,500	3	262,100	12	2,163,949	6	1,799,017	8	1,523,910	12	2,933,980
Minnesota	1	170,000	3	225,000	14	2,065,123	11	2,378,232	69	21,959,974	36	8,055,900	52	12,779,500	61	11,904,000
Iowa	2	190,699	15	745,000	9	1,416,420	16	4,836,700	57	21,893,410	61	32,867,199	76	28,452,430	68	28,583,410
Missouri	4	563,089	12	277,690	17	6,101,746	12	2,228,143	23	20,723,676	31	3,502,289	45	7,199,736	49	14,668,386
Total, Middle Western States	17	4,677,955	46	2,629,330	59	17,004,743	51	11,440,590	193	75,179,200	145	47,537,655	201	56,633,856	249	74,069,866
North Dakota	2	1,291,146	51	9,580,709	12	1,808,047	20	4,179,470	127	23,971,074	31	6,474,552	36	6,035,812	37	4,275,711
South Dakota	1	140,000	1	158,000	5	630,000		1,712,632	117	44,023,000	31	5,303,900	49	9,450,000	35	6,946,612
Nebraska	2	60,000	16	1,724,000	23	3,957,576	18	3,879,798	19	4,477,238	11	1,781,457	23	8,106,616	19	4,609,432
Kansas	2	600,000	4	297,500	17	4,278,137	17	8,621,545	29	7,821,590	13	2,378,320	22	3,825,354	37	7,030,380
Montana			10	2,651,549	13	4,296,359	29	8,104,111	68	14,715,344	5	556,085	5	948,344	5	777,464
Wyoming			2		6	820,199	4	547,000	18	4,447,000	15	2,381,000	4	604,000	1	175,000
Colorado			4		14	1,709,630	2	339,348	14	5,545,000	5	1,240,171	12	2,602,883	5	660,000
New Mexico			3		6	1,039,267	4	878,000	16	5,257,291	7	1,670,918	3	875,000	1	75,000
Oklahoma	1	180,000	10	405,000	37	8,207,490	13	4,066,843	58	9,503,000	8	1,323,400	13	1,824,507	22	6,037,000
Total, Western States	8	2,271,146	101	14,816,749	133	26,746,705	115	32,328,747	466	119,760,537	126	23,109,803	167	34,273,116	162	30,586,599
Washington			6	408,778	6	7,351,291	5	966,249	8	1,730,430	5	519,000	2	466,000	3	4,148,000
Oregon			3	1,744,000	6	4,907,079	3	438,000	3	256,428	2	747,997	1	66,742	11	2,156,988
California			1		2	423,394	1	100,000	2	629,753	2	356,721	1	306,991	1	1,727,000
Idaho			13	908,000	9	4,344,099	9	2,026,000	2	1,770,000	5	802,410	3	1,591,576	4	732,462
Utah			4	261,000	2	97,414	1	140,000	2	1,054,299	1	221,964			2	358,000
Nevada					1	143,000										
Arizona			8		4	3,096,440	4	454,932	5	1,590,589	2	1,661,465	4	4,082,444	1	78,000
Total, Pacific States			35	3,321,778	30	20,362,717	23	4,125,181	22	7,031,499	17	4,309,557	11	6,513,753	22	9,200,450
Hawaii (nonmember banks)					1	904,000										
Total, United States	44	18,954,786	330	96,124,110	364	95,933,496	237	64,550,081	777	223,188,322	440	118,728,046	496	147,822,809	689	206,653,054

Mr. HOLADAY. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, my reason for addressing the House at this time is to offer a very brief and certainly incomplete explanation of what can be designated as the present day naval program in this country. It is not my intention or expectation to offer any suggestions to those either in Congress or in official life who are entrusted with the duties and decisions concerning the necessary equipment for a navy such as citizens of this country may wish to have maintained. My

sole reason for speaking at this time is the fact that there seems to have been a very much misconceived and misunderstood view of the position of the administration. There has resulted from this misunderstanding a nation-wide propaganda of opposition to the program. Probably there is no Member of this House who has not been deluged with scores of letters and telegrams protesting against what is understood to be a proposed increase of great proportions in the size of our Navy.

The recommendations of the Secretary of the Navy, which were made to the House Committee on Naval Affairs January 11, 1928, have been so thoroughly discussed that there seems to be no reason for again bringing up the details of those recommendations. Even if referred to, a Member who is not conversant with naval technicalities and not informed as to the details of the suggestions could not with intelligence discuss such a problem. It is, therefore, my desire to deal with the subject only as an outsider and to explain in a few words how one Member of Congress at least regards the present status of the case, particularly with reference to the complaints and protests that have been made to Members of Congress by constituents.

For a complete understanding of the attitude of the administration and a realization that the program is one of peace rather than of war or aggrandizement, it is desirable for us to recall certain events of a few years ago.

First, let me refer to the results of the Limitation of Armaments Conference held in Washington in the winter of 1921–22. The agreement then reached applied to battleship reduction and in conformity with its terms this country scrapped nearly 825,000 tons, greatly in excess of the quantity scrapped by any other country. No agreement was reached at that conference with respect to auxiliary vessels, upon which it was expected that action would follow after the program relative to battleships had been carried into effect by the signatory countries. The latter result having been accomplished, the President requested the nations concerned to meet in Geneva last summer for the purpose of considering the program further. Instead of carrying the program forward with regard to cruisers, one of the nations participating even went so far as to suggest an increase of 50 per cent in its cruiser strength. The records show that even without this increase there was a very large disparity between the cruiser tonnage of the United States and the other power rated equally with us on the 5–5–3 basis at the Washington conference. Inability to reach an agreement on this point was one of the principal reasons for the failure of the conference at Geneva.

When the subject of naval construction was before Congress last year the President opposed any increase in cruiser tonnage in order that the Geneva conference could take up the subject before we acted. This attitude and other things showed that the President is sincerely in favor of reduction rather than increase of naval armament. Another indication of the administration's position was the approval by the Secretary of State of the resolution offered by the gentleman from Massachusetts [Mr. FROTHINGHAM] to the effect that submarine construction should be abandoned. Secretary Kellogg, however, made his approval contingent upon other nations also agreeing to the same principle. According to cable dispatches, marked opposition to this program immediately developed in foreign countries. In other words, they have flatly refused to agree not to construct submarines.

Let us see exactly what President Coolidge recommended in his annual message to Congress last December. After referring to the national defense by suggesting a moderate military force, the President next referred to the Navy, and the following are extracts from his references to the naval situation:

> Our Navy is likewise a weapon of defense. We have a foreign commerce and ocean lines of trade unsurpassed by any other country. We have outlying territory in the two great oceans and long stretches of seacoast studded with the richest cities in the world. We are responsible for the protection of a large population and the greatest treasure ever bestowed upon any people. We are charged with an international duty of defending the Panama Canal. To meet these responsibilities we need a very substantial sea armament. * * * We can plan for the future and begin a moderate building program.
>
> This country has put away the Old World policy of competitive armaments. It can never be relieved of the responsibility of adequate national defense. We have one treaty secured by an unprecedented attitude of generosity on our part for a limitation in naval armament. After most careful preparation, extending over months, we recently made every effort to secure a three-power treaty to the same end. * * * We are ready and willing to continue the preparatory investigations on the general subject of limitation of armaments which have been started under the auspices of the League of Nations.
>
> * * * Any future treaty of limitation will call on us for more ships. We should enter on no competition. We should refrain from no needful program. * * * But it should be made known to all that our military power holds no threat of aggrandizement. It is a guaranty of peace and security at home, and when it goes abroad it is an instrument for the protection of the legal rights of our citizens under international law, a refuge in time of disorder, and always the servant of world peace. Wherever our flag goes the rights of humanity increase.

In conclusion he says, among other things:

> It is the policy of the United States to promote peace. We are a peaceful people and committed to the settling of disputes by amicable adjustment rather than by force. We have believed that peace can best be secured by a faithful observance on our part of the principles of international law, accompanied by patience and conciliation, and requiring of others a like treatment for ourselves.

It is fair to say that the details of the administration's naval program came in the nature of a surprise to the people of the country. The first impression they gained was of a sudden desire upon its part for an extensive new Navy program. What struck the people forcibly was the enormous amount of money involved. To say that we were to spend $750,000,000 for naval construction carried the idea that this sum was to be immediately available and would come out of the pockets of the taxpayers at once.

As a matter of fact the program was intended in an orderly manner to maintain our naval defense in accordance with the standards established by the Washington conference. Even if the program is carried into effect the cost will be spread over a period of eight years. Therefore the annual expense will be not in excess of $92,000,000 or $93,000,000. In addition to providing new equipment, all of which is designated, the replacement of obsolete and worn-out material is a very large and, in fact, the major item of the program.

Congress is made up, as it rightly should be, of men of all types and viewpoints. Practically all our legislation is the result of compromise. It is fair to assume that whatever naval program is ultimately adopted by Congress will be the result of an effort to bring into agreement the divergent views of the congressional membership. We can confidently expect, therefore, that the bill as finally passed will call for a smaller appropriation and less construction than that recommended by the President, although carrying out in the main the general principles he has laid down.

The most recent development is a press statement to the effect that the President has changed his mind as to the need of as much equipment as he originally recommended. This, I infer, is incorrect, in that he has simply been a little more specific and seems to have stated, in effect, that the most pressing need for first construction are the 25 cruisers. However, a misconception has arisen to the effect that he has now limited his recommendation to this cruiser construction. The facts do not seem to bear out this idea, although, of course, I know nothing about what the President may have said either to individuals or to the representatives of the press.

Mr. BLACK of New York. Will the gentleman yield?

Mr. TREADWAY. I will yield to the gentleman.

Mr. BLACK of New York. Can the gentleman tell us what happened between the time of the President's message to the Sixty-ninth Congress, when he said we had a Navy equal to any in the world, and the time when the Secretary of the Navy submitted his great naval program?

Mr. TREADWAY. As I said at the beginning of my remarks, I was not speaking from any technical information as to the needs of the Navy or the existing conditions. I admit absolute ignorance; it is not in my line of work. I am trying to demonstrate that we are not aiming at war preparation, but that the intent of the administration is to put us on a partial parity with other nations that will help toward world peace.

Mr. BLACK of New York. The gentleman means that it is competition of parity?

Mr. TREADWAY. No; if the gentleman will ask gentlemen who are informed of the parity between nations, he will find that we are nowhere near a parity, and never were, either in men, battleships, or cruisers. Nor have we been on a parity in the possibility of equipping merchant ships.

Mr. BLACK of New York. Does the gentleman think we ought to be on a parity?

Mr. TREADWAY. I will tell the gentleman at the conclusion of my remarks exactly what my position is, if he will permit. I have not the knowledge that would permit a discussion of these details. I am trying to draw a general picture, and particularly the subject of my remarks is caused by what I conceive to have been very erroneous and misconceived propa-

ganda that has gone around the country. Undoubtedly the gentleman has had as many letters and telegrams, as many as the rest of us, on the subject.

Mr. STEVENSON. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. STEVENSON. The gentleman has given me information that I have been wanting to have. I did not understand the cost of the vessels that we scrapped.

Mr. TREADWAY. We scrapped 825,000 tons as the result of the international agreement for the limitation of armament.

Mr. STEVENSON. And how much was the cost of those vessels?

Mr. TREADWAY. I can not inform the gentleman.

Mr. STEVENSON. And we are expected to turn around and build $700,000,000 worth of new vessels?

Mr. TREADWAY. The naval program calls, over a period of eight years rather than to-day or to-morrow, for an expenditure of about $725,000,000.

Mr. STEVENSON. Will that put us on a parity?

Mr. TREADWAY. The dollar-and-cents proposition has not come into my mind at all. Here is the situation: The countries sent delegates here and we framed a program of limitation of armament. It applied to battleships—we must get that into our minds. Understand, it applied only to battleships. When Secretary Hughes—and probably the gentleman was present—made that thrilling, wonderful address he mapped out a program which this country carried out in all details. That program, while it applied only to battleships, was intended later to include other naval construction, which has not been done.

Mr. STEVENSON. They framed us instead of framing the program. Now we are going to spend $750,000,000 to get even?

Mr. TREADWAY. No; the gentleman would not put the honor and the integrity of the country, as agreed upon by the representatives at the Washington conference, against any number of millions of dollars. We are a country honest and upright, and stand by our word, and our word was given to scrap those battleships.

Mr. STEVENSON. I have not intimated or insinuated anything against the honor of the country. I say we were overreached.

Mr. TREADWAY. I do not know how the gentleman defines "overreached." We carried out the agreement, and there was no more able, no more prominent member of that delegation on the part of this country than the distinguished Senator Underwood of the gentleman's own party.

Mr. BLACK of New York. That is probably the reason why we have any Navy left at all.

Mr. TREADWAY. I do not think Mr. Underwood would take any more credit than the other members. They were under the leadership of Secretary Hughes, and any man who listened to his address at the opening of the conference knows that the interests of the United States were in mighty good hands.

Mr. KETCHAM. The gentleman from New York [Mr. BLACK] was not here then.

Mr. TREADWAY. I want to say that if I am any judge of deep thinking and ability to express one's self Secretary Hughes exhibited that quality in the address to which I refer. [Applause.]

Last year I voted with the President against increased naval armament, feeling, as he did, that we should await the results of the Geneva conference. The fact that that conference failed puts an entirely different aspect on the whole proposition. Whatever the individual view of the President may be, or the opinions of the people of this country, we must all recognize that we have gotten into a position of internationalism and are, to a certain degree, a creature of the nations of the world. If our views are not accepted by other nations, whether we wish it or not we are practically forced to keep up with whatever programs they may set up. All this brings to mind our total unpreparedness at the beginning of the World War, both on land and on sea. If at that time we had had suitable naval equipment, no merchant ships flying the American flag would have been attacked and sunk by Germany. We need only to be reminded of conditions at that time to realize our duty to our country to-day.

President Coolidge, in my opinion, is advocating this naval program in the firm belief that it is the duty of this country to maintain its standards of parity in some degree with other nations, not in anticipation of war, but as a means of maintaining peace. In this viewpoint I heartily concur and am prepared to support a measure based upon proper defense of the country and the maintenance of peace both at home and abroad. Such a bill will be reported by the Committee on Naval Affairs which has devoted extensive study to the situation and it will represent its judgment as to the equipment necessary to maintain our position among the nations of the world. In this way only can we ultimately become the leaders of the peace of the world. [Applause.]

FURTHER MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9136) entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes."

The message also announced that the Senate had passed without amendment a joint resolution of the following title:

H. J. Res. 156. Joint resolution authorizing the President to accept the invitation of the British Government to appoint delegates to the Eighth International Dairy Congress, to be held in Great Britain during June and July, 1928, and providing for an appropriation of $10,000 for the payment of the expenses of the delegates.

The committee resumed its session.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. GRIFFIN. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. Linthicum].

Mr. LINTHICUM. Mr. Chairman and gentlemen of the committee, I arise to discuss that section of the bill which appertains to students of the public schools who dwell outside the District of Columbia, to wit:

On page 46, public schools:

> No part of the appropriation herein made for the public schools of the District of Columbia shall be used for the instruction of pupils who dwell outside the District of Columbia: *Provided*, That this limitation shall not apply to pupils who are enrolled in the schools of the District of Columbia on the date of the approval of this act.

I feel quite sure that appropriation committee for the District of Columbia and the District of Columbia residents are anxious and willing to be fair and equitable as to these students of Maryland and Virginia, who seek an education in the splendid schools of Washington. We must not overlook the fact that the city of Washington has in the past decade grown from a city of perhaps 300,000 to one to-day of 528,000. This very large increase began during the World War when people from all over the country came to Washington and went into the Government service, and thousands of them have remained. Since the World War began this vast increase of population has caused increased values of real estate and extremely high rentals, so high indeed that Congress had to intervene to protect the interests of the citizens. What naturally followed was for these Government employees receiving small salaries from $1,200 to $1,500 or perhaps $1,800 or more, with families to raise, looked beyond the confines of the District and discovered homes both large and small in Montgomery and Prince Georges Counties of Maryland and Arlington County, Va. There they could obtain a small cottage or bungalow at a reasonable purchase price, and where rentals are much lower than in the District. There they found some vacant ground, healthful surroundings, and a place very suitable for the rearing of their families at much less than it would cost in the District of Columbia.

The result has been that these counties have been overburdened from an educational standpoint with this large influx of population. They have likewise been largely overburdened financially. You will observe from the table which I here insert what it costs to educate a child:

Statement of tuition cost of nonresident pupils attending public schools, District of Columbia

Type of school	Tuition rate	Total enrollment	Total cost of tuition	Total paying tuition	Total estimated revenues	Total not paying
Normal	$183.67	19	$3,489.73	2	$367.34	17
Senior high	131.13	796	104,379.48	33	4,327.29	763
Junior high	116.44	290	33,767.60	5	582.20	285
Elementary	67.24	1,163	78,200.12	16	1,075.84	1,147
Special	137.17	2	274.34			2
Vocational	153.17	15	2,297.55	1	153.17	14
Vacation	3.94	244	961.36			244
Night	9.74	53	516.22			53
Total		2,582	223,886.40	57	6,505.84	2,525

NOTE.—It takes $67.24 a year to educate a child in the elementary schools, $116.44 in the junior high and $131.13 in the senior high.

Now, for example, take a family with two children in the elementary school. It would cost the county about $134.48 to educate these two children per year, whereas the county, if it is a small bungalow or cottage, is perhaps only receiving some $60 or $70 as a total tax from this family. If the family happens to have one child in the senior high, it would cost the county $131.13 to educate this child, while perhaps the county is only getting the $60 or $70 taxes all told. Advance this idea to larger families and ask yourself whether the county should not also receive sympathy.

You see, therefore, it is not only a question of the District being treated fairly, but it is likewise a question of your desire to treat these counties fair. These children, under the present law, must be the children of parents who are engaged in Government business, such as the children of Army and Navy officials, and the various departments of the Government, all of them brought to Washington or its environs for governmental service. Why, then, should not the National Government be willing to bear the burden of the children of its employees? Why should it desire to compel these counties only moderately well off financially to assume the whole expense? I verily believe that as this Government of ours increases in years to come a very considerable proportion of the population will be found in these counties surrounding the District. As transportation improves and greater distances can be covered in a short time, it is quite natural that Government employees and those wishing God's sunshine and climate will resort to the open spaces.

These counties have already begun to work out the problem, and some 500 less nonresident students are attending the public schools in Washington. Two years ago there were over 3,000 students from Maryland and Virginia in the city of Washington. To-day there are only 2,285 who do not pay tuition. Furthermore, it must not be forgotten that the National Government contributes $9,000,000 toward the expenses of the District of Columbia. Why should not the expense of educating these children of the employees of the National Government, which amounts to $217,380.56, be paid out of this fund? Certainly, we should not adopt the provision proposed in this bill, which prevents all future students from coming into the District of Columbia until the counties which are bearing the burden have time to provide them education.

The gentleman preceding me, Mr. TREADWAY, of Massachusetts, has just been advocating the President's naval policy, which provides for the expenditure for each of the next eight years of $92,000,000, and yet the Appropriations Committee is depriving these children of the rights of an education when they are the people who are eventually to be the part of this great Nation and along with those from the various States of the country are to guide the old ship of state and are to utilize this vast Navy in the defense of our country in the years yet to come.

I hope Congress will not make the mistake of depriving any child of every educational advantage, and I assure you that the great free State of Maryland, as fast as it is able to do so, will provide the educational facilities for its children, though I am personally thoroughly convinced that it is the duty of the National Government to provide education for the children of its employees and not to depend upon the restricted facilities of the neighboring counties.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. I would prefer to go on with my statement.

Mr. SIMMONS. Just to have the gentleman develop this one thought: Does Maryland have a State school fund?

Mr. LINTHICUM. Of course, Maryland provides a State school fund.

Mr. SIMMONS. So that the State contributes to the counties in support of the schools?

Mr. LINTHICUM. The State contributes to the counties just like the National Government contributes, for instance, to the roads throughout the country, upon the very same principle. The gentleman used as an argument the putting on of a gasoline tax in the District of Columbia to satisfy Maryland. The truth of it is that before you put the gasoline tax on here in the District you did not have a decent road leading out of the District into Maryland, but that since you put on that tax, and that fund goes to the building of District roads and streets, you have decent roads leading into the State of Maryland, where you have the advantage of all of our roads, which we invite you to use and enjoy and we are glad to have you, but be a little easy on the student question. The gentleman from Pennsylvania [Mr. CASEY] approaches this question in a fair way; he suggests on pages 297 and 298 of the hearings the following in the examination of Doctor Ballou by Mr. CASEY:

Mr. CASEY. Has this question ever been studied?

Doctor BALLOU. As to whether they could take care of their own children?

Mr. CASEY. Yes.

Doctor BALLOU. No; not on my part.

Mr. CASEY. Whose duty would it be to study it—the school authorities or the District Commissioners?

Doctor BALLOU. It would be the Maryland or Virginia authorities' business to study it, I should say.

Mr. CASEY. Do you think it would help any if we had a joint study made of it?

Doctor BALLOU. If the committee desire, I can make an inquiry of the superintendent of schools in Arlington County and also in the Maryland counties adjoining and find out from them what the situation is. I will be glad to do that if the committee so desires.

Mr. CASEY. I would rather see that done. I can readily see the injustice of this picture as it has been painted to us; but I can also see the other side of it. I do not want to deprive any child of an education when there are not facilities in his own State and I think the child should not be made to suffer because of lack of effort on somebody else's part. I think this matter should be looked into before we make the child pay the penalty.

Doctor BALLOU. I agree with that entirely.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. SIMMONS. Will the gentleman consent to have inserted in his remarks a letter from the superintendent of schools in the adjoining county of Virginia and a letter from the superintendent of schools in Montgomery County, Md., upon this very proposition?

Mr. LINTHICUM. I do not want any letters inserted in my remarks. Let the gentleman insert them in his own remarks. He has control of the time.

Mr. SIMMONS. They are letters which show that the committee, in the proposal that we have in the bill, has entirely met their wishes, to wit, that we do not force them to immediately take care of all of their children.

Mr. LINTHICUM. They would be rather enlightening in the further discussion of this question, if your statement is correct.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. I do.

Mr. CASEY. In view of what the chairman has just said, I wish to say that I have not seen those letters coming from the superintendent of schools in Maryland or Virginia.

Mr. PALMISANO. I understand they are from local county superintendents, and not from the superintendent of the public schools of the State of Maryland.

Mr. SIMMONS. Does the gentleman claim that we ought to take care of all the children of Maryland and Virginia?

Mr. PALMISANO. No; I am referring particularly to that letter received from the superintendent of schools of Montgomery County.

Mr. LINTHICUM. Mr. Chairman, I have not yielded for this colloquy.

Mr. GAMBRILL. Mr. Chairman, will the gentleman yield there?

Mr. LINTHICUM. I do.

Mr. GAMBRILL. I wish the gentleman from Maryland would emphasize the fact that the public schools of the District of Columbia are not open to all the children of Maryland and Virginia but only to those children whose parents are engaged, officially or otherwise, in business in the District of Columbia, and who thereby contribute by their work and by their expenditures toward the taxes of this city.

I wish to emphasize the fact that this paragraph has been drawn with great skill and with a certain degree of artfulness, in that it is estimated by the gentleman from Illinois [Mr. HOLADAY] and reported in the hearings on this bill that there are 224 children attending the public schools of the District of Columbia who are the children of Members of Congress or the children of the secretaries of Members of Congress, who get their tuition free. Not 10 per cent of the Members of Congress make any contribution whatever toward the taxes of the Government of the District of Columbia.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. SIMMONS. I yield to the gentleman two additional minutes.

Mr. LINTHICUM. Can not the gentleman yield me five minutes?

Mr. SIMMONS. I will give you one more minute for a question.

The CHAIRMAN. The gentleman from Maryland is recognized for three additional minutes.

Mr. SIMMONS. I am sure the gentleman from Maryland [Mr. GAMBRILL] does not wish to be misunderstood. There are, so far as we figure out, 224 children of Members of Congress or their clerks. Now, those who live in the District of Columbia are a considerable portion of those 224. They are either living in their own homes or renting quarters in parts of the District that are subject to taxes, so that they are not getting the education of their children free.

Mr. GAMBRILL. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. I have only three minutes left.

Mr. GAMBRILL. Then we will try to get you more time. Does the gentleman from Nebraska mean to say that more than 10 per cent of the Members of Congress pay taxes here?

Mr. SIMMONS. If a man owns property he pays taxes on it; and if he rents, the landlord pays the tax, and that tax is reflected or passed on in the rent.

Mr. GAMBRILL. I should say that most of the Members of Congress live in Congress Hall.

Mr. LINTHICUM. The thing that I want to bring to your attention is the matter of fairness. Since the war the employees of the Government have increased by the thousands in the District of Columbia and the suburbs in Maryland, and that has been a heavy burden upon these two counties adjoining the District.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. LINTHICUM. Will the gentleman from Nebraska give me a couple of minutes more?

Mr. SIMMONS. I yield to the gentleman three minutes more.

The CHAIRMAN. The gentleman from Maryland is recognized for three minutes more.

Mr. LINTHICUM. That, as I have said, has been a heavy burden on these counties, and it costs in the education of the children where they have even one, and certainly where they have two children—it costs these counties, which are not rich counties, more than the counties get in total taxes out of the resident who lives in the county. The Government of the United States contributes $9,000,000 annually to the support of the government of the District of Columbia, and it costs about $217,380.56 annually to educate these children. You must remember, as my colleague from Maryland [Mr. GAMBRILL] has said, that they are the children of employees of this Government and not of the people who earn their livelihood by occupations carried on in those counties. All these children under the present law must be children of employees of the National Government, and the National Government contributes $9,000,000 annually to this fund.

Mr. SIMMONS. They are children of employees of the Government and otherwise occupied in the District. In other words, according to the testimony given two years ago, as I remember, if a farmer in Maryland delivers a quart of milk a day he is supposed to be in business here in the District of Columbia.

Mr. LINTHICUM. Let us try to have the superintendents of education in the three counties and Doctor Ballou study this question and provide a system by which we can finally get rid of this annual argument over the education of a few children.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. SIMMONS. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. HOLADAY].

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. HOLADAY. Mr. Chairman and gentlemen, I feel that after all there is not so much difference between the District of Columbia and Maryland. The large percentage of the pupils from Maryland and Virginia come from the two adjoining counties. The superintendent of schools in both of those counties recognize that it is the duty of those counties, and of their respective States to furnish school facilities for the pupils residing in those counties. The only question is how soon they will be able to do that. Montgomery County, Md., and the adjoining county in Virginia, Arlington, are making rapid progress in that respect. They are constructing buildings. I think at the present time perhaps, or in not more than a year's time they will be able to take care of all of their high-school pupils, and in a few years all of their elementary pupils. As I say, they admit that in principle they should take care of those children, and the only question is how much time we will give them.

Mr. SIMMONS. The figures show that they are able to take care of 90 per cent of the high-school children, and about 50 per cent of the elementary-school children.

Mr. HOLADAY. I hope that in a few years they will be able to take care of all of their students. Under this provision we give them 12 years, because we provide that all pupils now in the District schools will have the right to continue through the next 11 years and complete their high-school education.

Long before the children who are now in the primary grades from Maryland and Virginia will have completed their school work, Maryland and Virginia will have the facilities to take care of their pupils. So after all the committee and the officials of the adjoining counties in Maryland and Virginia are practically in accord on the proposition.

Mr. Chairman, I yield back the remainder of my time.

Mr. GRIFFIN. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. GAMBRILL].

Mr. GAMBRILL. Mr. Chairman and gentlemen of the committee, I had not anticipated that I would be required to make any remarks on this subject to-day, but the gentleman from Illinois has referred to something which is news to me, namely, that the school authorities of Prince Georges County and Montgomery County are in agreement with the authorities in the District of Columbia with regard to this provision in the appropriation bill.

Mr. HOLADAY. If the gentleman will permit, I did not refer to Prince Georges County, because I do not know that there is any communication from that superintendent. I referred to the superintendent of schools of Montgomery County, Md., and the superintendent of schools of Arlington County, Va. So far as I know we have no communication from the superintendent of schools of Prince Georges County.

Mr. GAMBRILL. Mr. Chairman, I rise at this time to disabuse the minds of the members of this committee of the idea that Maryland is not trying to do its part in meeting this situation. I believe I may say without boastfulness that Maryland has made in recent years two notable contributions toward civic progress, in that she probably leads the Nation in the construction of good, modern, and improved roads, and has advanced from a low plane in educational advantages and facilities until she stands to-day in a notable position among the States of the Union.

You gentlemen must remember that the population of the city of Washington has increased enormously within the past 8 or 10 years and that a great influx of population has spread into Maryland along the District line, and has caused difficulties in the way of providing school facilities for those communities. Especially is that true when you bear in mind that ordinarily all school activities radiate from the county seats of the respective counties, and the county seats of Prince Georges and Montgomery Counties are some distance from the District line.

I have recently received a letter from the superintendent of the public schools of Prince Georges County, which gives some very interesting information. He says:

> There are 10,500 pupils enrolled in the public schools of Prince Georges County, and it is estimated that fully one-fourth of the pupils attending the public schools of Prince Georges County are the children of parents who work in Washington, and consequently pay their business tax directly or indirectly to that city.

And he might have added that most of those parents do their trading and buying in the city of Washington.

We have endeavored to meet this situation as best we can, and you gentlemen of the committee must have been struck with the significance of the statements made to you regarding the number of nonresident students attending the public schools of the District of Columbia this year as contrasted with those who attended the public schools two years ago. It was reported two years ago that there were about 3,072 nonresident pupils attending the public schools of the District of Columbia. To-day that number has been reduced to 2,582, of which about 57 students pay tuition. So that in two years there has been a reduction of about 500 nonresident students.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. GRIFFIN. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. GAMBRILL. We have endeavored to meet this situation, and in Prince Georges County alone, a county which is contiguous to the District of Columbia, I am informed by the superintendent of public schools of that county that they have built within the past five years 40 new school buildings which are being used at the present time.

I was very much in hopes that this matter might come up as a separate proposition and would be presented by the Cramton bill coming before this House, unrelated to an appropriation bill, so that the merits of this case might be discussed and that

this question which has vexed Congress for some years might be decided.

When the paragraph in the appropriation bill which seeks to deprive the children of Maryland and Virginia of the privilege of attending the public schools of Washington comes up for consideration under the five-minute rule, I shall probably offer an amendment to that paragraph in the bill and will then take the opportunity of addressing the House on the subject. [Applause.]

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. GRIFFIN. Mr. Chairman, I yield 15 minutes to the gentleman from Georgia [Mr. LANKFORD.]

Mr. LANKFORD. Mr. Chairman, the farm-relief problem is simple enough and only becomes difficult when we realize that there are not enough Members of Congress who are anxious to help the farmer. The farmer does not get a square deal anywhere. He gets anything but a square deal in taxation, marketing, production control, purchasing, and financing. Thousands of bills have been introduced for him, but not a single great law, such as has been enacted for other peoples, has been enacted for him.

I have studied most carefully every farm-relief plan submitted and find that many are not at all for the farmer but are introduced by those who come as wolves in sheep's clothing.

Let me write just one privilege for the farmer in any bill, and anyone can write all the rest of the bill, and I will support it, provided nothing is put in the bill to limit, restrict, or interfere with that one privilege written by me. I would give the farmer himself the one privilege enjoyed by all others of fixing a reasonable price for all he produces and sells. This can only be done when we enact laws giving the farmers the same rights enjoyed by other businesses and enterprises.

I have introduced several bills showing clearly how this can be done. For instance, my bill (H. R. 77) would enable the individual farmer to borrow the average amount for which his commodity has sold since January 1, 1917, and therefore his price would be stabilized at that average. The loan would enable him to hold his own cotton or other commodity for a fair price. In order to protect himself and all concerned he would agree to make such reasonable curtailments of production as is made by all others producing the particular commodity and as would enable him to get a fair price for his carry-over and for his new production.

The producers of each commodity would only be bound by their own expressed consent and then only such as actually sign the contract. By this plan the Government would be agreeing to help the farmers on a 50-50 plan, something on the order of that now in force with the States relative to road building. The Federal Government would offer to help the farmers become absolutely free to manage their own products and, as never before, to name and fix a price for the sale of their own commodities.

We would be offering to help the farmers, provided they would help themselves and become masters of their own fortunes. The farmers would handle their own commodities, receiving the highest reasonable prices for their products, with all the sale price going into their own pockets, and without deductions for fees, commissions, or other unnecessary so-called marketing charges.

The farmer's friends, not his enemies, would control his destinies and there would be no dangerous bureaucratic control of his rights. There would be only absolutely necessary governmental agencies with well-defined duties and powers. The bill is not in the interest of any organization, corporation, or syndicate, or any man or set of men other than the farmer, is drawn with his sole and only interest in view, and yet is not unfair to anyone.

The bill has a complete referendum and recall, and would not go into effect unless 75 per cent of the producers of the particular commodity so elected and would not remain in effect unless at least 75 per cent of such producers approved its continuance in operation.

In my humble judgment, the bill provides a complete solution of the overproduction problem, meets every reasonable objection to other farm relief bills, and without equalization fees, expensive machinery, or red tape puts the farmer on an absolute parity with those engaged in other industries or enterprises. It helps the farmer directly, not indirectly; makes clear his every right, raises no mooted or difficult issues, makes him master of his own problems, and assures him the prosperity to which he is so justly entitled.

True relief of a shackled, imprisoned slave is the striking off of shackles, the opening of the prison door, and the sending forth of a free man, on an equality with other folks. True relief for the farmer can only come by his relief from the straightjacket of discriminatory legislation, the opening of the gates of the slave pens of economical and financial oppression in which he is incarcerated, and the sending him forth a free man to manage his own affairs on an equality with other folks and to name, within reason, the price at which he will sell the products of his own toil. This and only this is real farm relief. Anything less is a delusion and a snare.

Every success ushers in new responsibilities and every gain gives more to be lost. Every breath of freedom is endangered by a threat of return to a more terrible bondage, and every great invention or discovery for the benefit of humanity makes more insidious and determined the efforts of those who toil not but who live by the toil of others, to control all the comforts and necessaries of men, women, and children and thus to enslave all peoples. There is constant warfare by the middlemen, certain monied interest, and corrupt corporate wealth to control and make enormous profits out of all farm products, the food and clothing of all peoples, all necessaries of life, every convenience of mankind, and the very lifeblood of men, women, and children everywhere. Monopolistic control of all transportation lines and other public utilities is now being sought and obtained. A determined effort is now being made to get complete control of all hydroelectric energy sites, and eventually to dominate and control the use of electricity—one of God's very greatest gifts to mankind. These very facts make very difficult, if not impossible, the proper solution of the farm problem, the Muscle Shoals problem, and other kindred problems.

Our forefathers, threatened by the wild beast and savage Indian, built fortifications for their folks and thus gained this splendid heritage for their children, and saved their children to own and possess this fair land.

So, to-day, with every human right assailed by the most tremendous forces of all times, we must, by legislation in the most positive terms, build strong and everlasting fortifications for our folks, if we are to save the purity, nobleness, and very lives of our children for our national welfare and our Nation's wealth for our children.

So, Mr. Chairman, the greatest fight of all times is for freedom of folks and for the rights of children and their fathers and mothers. Victory can only be won for our people by our being ever on the alert and ever steadfast for the right. [Applause.]

Mr. SIMMONS. Mr. Chairman, I yield 30 minutes to the gentleman from Wyoming [Mr. WINTER].

STATES OR PROVINCES?

Mr. WINTER. Mr. Chairman, regarding the public lands and resources there is a deep-seated problem. It arises from a difference of viewpoint as to the very fundamentals of the question. A magazine of national circulation, speaking of the Western States, recently stated:

> In the immense, if not heavily populated, area the sequestration of a large minority of all land from State and local control is a problem of real magnitude and a fairly constant source of irritation. * * * In the western mountain and desert States the feeling is often expressed that the tax burden would be less if only the various classes of Government-owned land were available to the assessor. * * * Speaking generally, we question the wisdom of tax exemption. The more property reached, the less the burden on any single class or group of ratables.

The governmental areas referred to above, a majority, not "a large minority" of the lands, consist of 250,000,000 acres of reserved lands, comprising forest reserves, national parks, Indian reservations, mineral withdrawals, monuments, and power sites; and nearly 200,000,000 acres of unreserved and unappropriated domain in the Western States, as follows:

Nevada	53,925,693
Utah	26,872,218
California	20,667,431
Wyoming	19,325,762
Arizona	18,090,711
New Mexico	16,399,031
Oregon	16,349,469
Idaho	10,398,407
Colorado	7,213,300
Montana	6,696,934
Washington	896,207
South Dakota	300,956
Minnesota	250,256
North Dakota	133,237
Total	197,509,612

The problem before us began in the very early history of our National Government. The treaty with Great Britain was made with each of the thirteen colonies. It included all the land, excepting Florida, from the Atlantic to the Mississippi. There was confusion among the colonies as to the territory claimed by each. But there was no doubt that the legal title was in the separate Commonwealths. This was recognized by the Continental Congress and the United States after the adoption of the

Constitution. The General Government, by resolution of the Congress, asked the colonies, later States, to cede this extra territory to the United States so that sale might be made of it to provide a common fund for the payment of the Revolutionary debts, for which each of the States was liable for its own part. The United States then took upon itself, as a Nation, the payment of the Revolutionary debts of the separate States.

But the ordinances by which this was done in 1787, reenacted in 1789 after the adoption of the Constitution, provided for the permanent and greater purpose of erecting new States, as each area was populated with the necessary number of people, which was fixed at 60,000. Thus we start with the undisputed proposition of law and fact that, as to the area west of the original colonies and east of the Mississippi, excepting only Florida, the Federal Government received its title, not in itself, but as a trustee, from the original States; and the original States always had and retained ownership of all the lands within their permanent borders.

As to the areas acquired west of the Mississippi, through the Louisiana Purchase, Texas annexation, Mexican cession, the Oregon treaty, and Gadsden Purchase, the United States paid some purchase money and settled other considerations, and the cessions were made to the United States.

The legal status of the various acquisitions is stated in "Cyc" as follows:

> When the thirteen original States established their independence each State became the owner of the vacant and unappropriated lands within its borders. * * *
>
> And when new States were formed out of the territory of such original States, and admitted into the Union, such new States became entitled to vacant and unappropriated lands within their borders. And the ownership of the United States of lands within the limits of the original States is based upon cessions from the States.
>
> But when foreign governments ceded territory to the United States Government, the vacant and unappropriated land therein passed to the United States.
>
> And the new States which have been formed out of such territory have no title to vacant and unappropriated lands within their borders.

While there is this difference in the manner of acquirement by the Federal Government of its title to territory, I propound the inquiry: Is it possible for equal States of the Union, no matter how the territory was acquired out of which they were formed, to be in the Union of American States on a different basis from other States, even the original States, with equal rights under the Constitution? Can the new States occupy a different legal and constitutional status from the old? Yet the Atlantic Coast States owned their lands. West of those States the States did not and do not own their lands, according to the record which has been made thus far.

In the international treaties under which the various areas were acquired it was expressly stipulated, as it was in the ordinances in 1787 that separate, independent States should eventually be organized and that they should be admitted into the Union "on equal terms with the original thirteen States." This was done politically; that is, the subsequent States upon admission have had representation in accordance with the Constitution. But it was not done upon admission, or at any time, as to the land comprising these States.

All were entitled to equal status upon admission. It seems manifest that there can not be equal terms, complete and equal sovereignty, as was provided in the international treaties and the Constitution, unless ultimately, if not upon admission, the power of the Federal Government over the land that comprises a State ceases and that of the State in jurisdiction, authority, and taxation completely attaches.

In 1826 it was openly claimed and argued in the Senate as a legal and constitutional proposition that immediately upon the admission of a State into the Union it came into full ownership of all the soil within its boundaries for all purposes. The subject came up at that time because the Revolutionary War debt had been nearly paid. That specific purpose of the cessions by the States had been practically fulfilled and only one other purpose and object of the General Government with respect to the public lands remained, to wit, the establishment of new States on an absolute equality with the old.

It is impossible to say that a State is admitted on equal terms with the original States which retained and owned every foot of soil of the public lands within their borders and even public lands outside their boundaries, when approximately all the soil of that State is retained in and controlled by the General Government, tax free; and great portions permanently reserved by the Federal Government. To draw four lines on the map and call it Wyoming, without ownership of and sovereignty over the soil, even though it is given political representation, does not admit that State on an equality with the original States, for it lacks the other vitally important if not equally essential attribute.

Let us illustrate: The granting by the Federal Government to Wyoming of 500,000 acres of land, upon its admission, out of a total of more than 62,000,000 acres in its area, does not change the legal and sovereignty propositions stated. Nor does the fact that this was augmented by school sections and other grants for colleges, and later, Carey Act projects, constitute that equal sovereignty specifically provided in the Louisiana Purchase and other treaties, and clearly contemplated in the Constitution. A part is never equal to the whole. Anything less than the whole leaves unequal terms and an incomplete sovereignty.

As long as a given area of land was territory, the Constitution makes clear provision for its control by the Federal Government, in Article IV, section 3:

> Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States, and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

But there is not a line in the Constitution which expressly authorized the General Government to retain ownership and control after that Territory is organized into a State. On the contrary, the equality among the States fixed by the Constitution demands that the State then have absolute ownership, which includes jurisdiction, power of disposition, and taxation. And it applies to every foot of soil and everything in it to the center of the earth. Again, the international treaties provided for admittance on equal terms.

The case on behalf of the States was made by United States Senators representing the then Western States of Indiana, Illinois, Ohio, and Missouri back in the period of 1826–1832. Their arguments were not answered. How, then, did it come about that the Federal Government retained control and the States, other than the original States, did not come into absolute ownership of their lands upon admission?

First, so far as the legal claim is concerned, based upon the international treaties, our Supreme Court finally held that it had no jurisdiction because a treaty is a matter between sovereign nations, and even though the treaties were violated by the United States it, the court, was confined to a consideration of and must uphold the laws of Congress, notwithstanding the Constitution itself makes treaties equally the supreme law of the land. (Bottiler *v.* Domingues, 130 U. S. 238. Ready Money Cases, 112 U. S. 580. Whitney *v.* Robertson, 124 U. S. 190.)

So there was and is no forum in which the legal rights of the States under those treaties could be tested and enforced. Again, the Supreme Court, in so far as it has passed on the matter, has upheld the right of the Federal Government under the Constitution to control and dispose of the public lands in such manner as Congress may provide. It has further held that this authority includes the right of the Government to make reservations of public land for public purposes, under Article IV, section 3, giving the General Government the power to "dispose" of the "territory." Also, that the Executive may withdraw lands from entry for public purposes.

The decisions of the United States Supreme Court on these subjects are stated as follows in "The Constitution of the United States of America"—annotated—1924, page 521:

> The true constitutional equality between the States only extends to the right of each, under the Constitution, to have and enjoy the same measure of local or self-government, and to be admitted to an equal participation in the maintenance, administration, and conduct of the common or National Government. (Case *v.* Toftus, 39 Fed. 732.)
>
> (Page 527)
>
> The words "dispose of" vest in Congress not only the power to sell but also to lease the lands of the United States. The disposal must be left to the discretion of Congress. (U. S. *v.* Gratiot, 14 Pet. 538.)
>
> No appropriation of public land can be made for any purpose but by authority of Congress. (U. S. *v.* Fitzgerald, 15 Pet. 421; California *v.* Deseret Water Co., 243 U. S. 415; Utah Power Co. *v.* U. S., 243 U. S. 389.)
>
> (Page 531)
>
> The power of the President to withdraw public lands from entry has been so long exercised and recognized by Congress as to be equivalent to a grant of power. (U. S. *v.* Midwest Oil Co., 236 U. S. 459.)
>
> (Page 530)
>
> Congress has the power "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States" and pursuant to this power has the exclusive right to control and dispose of the public and unoccupied lands, to which

the United States has acquired title, either by deeds of cessions from other States or by treaty with a foreign country; and no State can interfere with this right or embarrass its exercise. (Van Brocklin v. Tennessee, 117 U. S. 167.)

This being the legal status concerning the public lands, we are compelled to turn our faces from the courts to the Congress.

It is the exercise of this power by Congress that I wish to discuss. The present laws and policies of Congress, in my judgment, are working unjustly and inequitably against the Western States, and proposals are emanating from the departments which will accentuate and fasten upon us greater and more permanent injustice. I believe it to be the duty of Congress to give to the Western States the rights which they have not been able to present and secure in the courts. The exclusion of a legal remedy ought to make our case all the stronger, in equity and moral right, before the Congress in fixing rights by its policies and laws. Therefore let me trace some of the history of this subject in the Congress in order that we may have a proper perspective and make clearer the propositions I wish to lay down for the future.

The Public Lands Committee of the Senate in 1832 made a report, after a complete survey, favoring the ceding of the lands by the Federal Government to the States wherein the lands lay. The following is a part of such report:

> Our pledge would not be redeemed by merely dividing the surface into States and giving them names.
>
> The public debt being now paid, the public lands are entirely released from the pledge they were under to that object, and are free to receive a new and liberal destination for the relief of the States in which they lie * * *.
>
> The speedy extinction of the Federal title within their limits is necessary to the independence of the new States, to their equality with the elder States, to the development of their resources, to the subjection of their soil to taxation, cultivation, and settlement, and to the proper enjoyment of their jurisdiction and sovereignty.

And it was at this point, in 1834, that the policy of our Government was settled and fixed on the principle that the Government was to hold the legal title and as trustee dispose of the public land. It was a trust for the reason that the ordinances and international treaties made it so and the Constitution provides but one method of acquiring property for itself in absolute ownership. Article I, section 8, paragraph 16:

> To exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may by cession of particular States and the acceptance of Congress become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings. And to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

The manufacturing States of the North Atlantic by reason of their great population controlled a majority of the votes of Congress. They did not want their people and workingmen to migrate to and settle the West. They, therefore, not only denied the legal claim, but they also determined to defeat the movement for Congress to cede the lands to the States admitted and to the subsequent States upon admission. The fact that they had had every foot of their soil and sold their public lands, and additional public lands beyond their borders, and with the proceeds built up funds for the enrichment and development of their States, did not deter them.

Henry Clay, though a westerner, from Kentucky, was a member of the Committee on Manufactures. He was an expectant candidate for the Presidency. His course may have been influenced by the voting strength of the eastern manufacturing States in the Senate, House, and country. He threw in his lot with the East, as against the then West, on the public-lands question. The report of the Manufactures Committee of the Senate, presented and argued by Clay, was against ceding the lands to the States and favored the policy which was adopted in 1834 by force of their votes, without regard to legal rights or equities, of the continued Government control of the lands even after Territories were admitted as States.

But even they denominated the Government a trustee, stating that the lands were to be administered, the Revolutionary War debt being paid, for the benefit of the States in which the lands were located, and sold into private ownership as rapidly as possible. This was afterwards and is to-day perverted to mean under the phrase "for the benefit of all the people" to include all the people of all the States. Such is the position held to-day by the States east of the Rockies, notwithstanding they have all had their lands and everything in them. The four sons of Uncle Sam—North, East, South, and West—were entitled to their equal inheritance. North, East, and South duly received theirs. Now, when the West comes of age and asks for its equal share, North, East, and South say, "Now, we will divide the last quarter among the four of us."

I mean by this that nearly all the States of this Union, except the present 11 public-land States, have gradually but finally, by transfer to private ownership, come into full possession, control, jurisdiction, taxation, and development of all their lands and resources, including surface, forests, and minerals. This was under the trusteeship policy imposed by the East against the then West. Twenty-six of the States east of the Rocky Mountains received their mineral wealth by and through purchases, mineral locations, and homesteading of the people who settled those States.

This is generally true of the States east of the Rocky Mountains. Texas retained all of its lands and minerals for itself when it was annexed. Some States were granted all their minerals when admitted or by subsequent provision that exempted them from the operation of the mining laws permitting full title to be gained by homesteading, including the minerals.

But when it came the turn of the States of the Rocky Mountain region and westward to the Pacific to be developed, the letter and the spirit of the trusteeship, as explained and placed of record in the United States Senate by those who imposed it by main force and strength of votes, in lieu of ceding to the States, has been denied, violated, and perverted by interpretation of old laws and by the passage of new laws.

The West, unable to secure their lands and resources upon admission, acquiesced in the policy which was adopted in 1834 and adjusted itself to develop thereunder. Under it all its land, including forests and minerals, would, though gradually, ultimately pass to private ownership, and thus the Western States would have come eventually, though long delayed, into full sovereignty and development.

The West was and is agreeable to the general mining law of 1866 and 1872 and later amendments whereby mineral lands were made not subject to homestead entry and mineral rights reserved from agricultural patents, but were made subject to mineral location and conveyed thereunder, on compliance with the mining law, by patent to citizens. The mineral lands were thus made available to the people and came into private ownership and taxation. This policy was acceptable, as it carried on the general plan of disposing of the public domain to the people, contributed to development, individual opportunity, and State sovereignty.

But since 1890, affecting directly, adversely, and only the Western States, a new policy has been imposed by the East, North, and South entirely different from that which was the settled policy of the Government for three-quarters of a century. They determined to divide the assets of the West among "all the people." This was and is indefensible. After sharing $577,000,000, the proceeds of the sale of their billion acres of public domain and some of ours, they have "reserved," out of a total of about 800,000,000, in the 11 public-land States, which are the 11 Western States, containing 97 per cent of all the public lands, more than 250,000,000 acres, or more than a quarter of their entire area. This means that 250,000,000 acres of these States can never be settled or developed or come into private ownership and taxation by these States.

In my judgment the Supreme Court of the United States never intended that their decision to the effect that the power to "dispose of" in the Constitution included the power "to reserve" should be extended so excessively and so outrageously invading the rights of the States. Reservations have been made to an unconstitutional extent. There is a rule of reason in law and in constitutions.

To permanently reserve and keep from development and under Federal bureau control one-fourth of a State is unconstitutional, because it is an unreasonable exercise of the right to reserve. It violates the conditions imposed in the treaties under which they were acquired. It takes no legal argument to prove this. It is obvious to all as a matter of plain sense and justice. If it can be done constitutionally, then three-fourths or nine-tenths of a State can be reserved constitutionally. That is an absurdity and proves my contention.

For example, the State of Nevada is still approximately 80 per cent under Government control. There is nothing in the Constitution to prevent, if my view is wrong, the reserving by the President and the Congress forever of all of the area of that State, thereby preventing its settlement, development, and making it tax free forever, except the 20 per cent which has

been granted to that State or acquired by its people under the mining and homestead laws.

But the West says there is something in the Constitution to prevent such murder of a State of this Union. If that can be done constitutionally, and that is the position the opposition must take, then the words "Union of sovereign States" are a hollow mockery and a lie. I do not believe they are, but believe that our view is right—that the power to reserve is limited and retail, not unlimited and wholesale. It must not be exercised unreasonably.

While the Supreme Court has said that a reservation of the public land may be made by Congress (U. S. *v.* Shannon, 157 Fed. 863), it was not the earlier intention to deprive the new States permanently of great parts of their area. Indeed, it was the thought that in due time all of their area was to come into private ownership and under the sovereignty of the States.

This thought is clearly presented in the following statement, on page 521 of the authority above quoted:

> The right of every new State to exercise all the powers of government which belong to and may be exercised by the original States of the Union must be admitted and remain unquestioned except so far as they are temporarily deprived of control of the public lands. (Pollard *v.* Hagon, 3 How. 223; Weber *v.* Harbor Commissioners, 18 Wall. 65; Escanaba Co. *v.* Chicago, 107 U. S. 688; Kinglett *v.* U. S. Land Assn., 142 U. S. 183; Illinois Central R. Co. *v.* Illinois, 146 U. S. 434; McCabe *v.* Atchison R. Co., 235 U. S. 151.)

Again, the Supreme Court in Pollard *v.* Hagan (3 Howard, 212 (1845)), clearly stated that equal terms and full sovereignty of the States would not be complete until the national trust was fully executed, and all lands and resources disposed of to the States or the people of the States. The language is as follows:

> Whenever the United States shall have fully executed these trusts the municipal sovereignty of the new States will be complete throughout their respective boundaries, and they and the original States will be upon an equal footing, in all respects whatever.

The denial of control by the States was considered temporary. These great reservations permanently deprive them of control. This is a complete change of policy, virtually denies ultimate sovereignty to the State, and defeats the purposes of the trust.

But even if constitutionally a quarter, a half, or three-fourths of a public-land State could be forever reserved for a so-called public purpose, it would be utterly unjust and unwise to do so, not only for these States, but also for the Nation. And yet it has been done on an average as to a quarter of each of the Western States.

The compacts with the States upon their admission, the forced price of their entrance into the Union, in their enabling acts and constitutions, whereby the newly admitted States agreed to not interfere with the primary disposal of the soil, which presupposes a right to the soil of the State in the State, under the decisions of the Supreme Court simply made the Government a trustee; and, as I view it, a trustee for all the people of that State; and they did not change any constitutional right held by the State, because it is impossible for a State to include anything in its constitution, and that can add to or take away a right granted to it, or retained in it, by the Constitution of the United States.

The construction of the courts of section 3, clause 1, of the Constitution which provides that "new States may be admitted by the Congress into this Union," and so forth, is expressed on page 578 of the Constitution of the United States, annotated, 1924, in the following language:

> This clause refers to and includes new States to be formed out of territory yet to be acquired, as well as that already ceded to the United States. New States when admitted have equal sovereignty with the older ones, and are entitled to all the rights of jurisdiction and eminent domain which the original States possessed, whether such equality be stipulated for in the act of admission or not. * * * When also a State enters into the Union, it solemnly pledges to the other States to support the Constitution as it is, in all its provisions, until altered in the manner which the Constitution itself provides, and she can not, by a compact with the United States, enlarge or diminish her constitutional rights or liabilities. (Illinois Central R. Co. *v.* Illinois, 146 U. S. 434; Ward *v.* Race Horse, 163 U. S. 514.)

When those compacts were made, there were no great "reservations" of public land. They were not in the contemplation of the parties to the compacts. Hence the States have a right to have their trustee by said compacts "dispose of" the domain by transfer to the people as always theretofore and as it was being disposed of at the time; by purchase, homestead, mining laws, or grants for specific purposes, and not by reservation in immense areas in the trustee. The Government is not carrying out its part of the compacts, its duty as trustee. If not, then the compacts should be abrogated and the States at once reinvested with their rights and the land restored to them.

The reason given for these great reservations is "conservation." It is a great word to conjure with, especially with those who do not know and often do not care to know the facts and conditions regarding the things they insist upon "conserving." There is only one thing, upon analysis, that conservation really applies to and that is the forest land. But there is no reason why the States primarily interested, directly concerned, and dependent upon the preservation of the forest, will not conserve their own forests. They will.

The Federal Government has wasted forests in the past as well as the States. We should not be made dependencies because of the folly of the older States which permitted the destruction of their forests. Now, as to all other resources which are said to be conserved by "reservation," we do not need or want conservation. We need and want use and development. So far as my State is concerned, the range is not being destroyed and does not need to be "conserved" by a permit and fee system. There are billions of tons of coal, which, in addition to its ordinary method of use, can be converted into oil and gasoline, or ground and burned in the same manner as oil. It can be converted into gas and into electricity. The coal of the Western States is inexhaustible. A late official report estimates the amount of oil in our coal and lignites at about 104,000,000,000 barrels of motor fuel. Nobody will waste it; it can not be wasted. Oil is practically inexhaustible for, in addition to the oil pools constantly discovered, produced by flow and pump, the oil sands of all fields, still containing 70 per cent of all the oil they ever contained, will be mined and the 70 per cent recovered. Oil is not being wasted.

Again, the United States Geological Survey and the Secretary of the Interior are my authority for the statement that we have 60,000,000,000 barrels of oil in the 10,000 square miles of oil shale in the Green River formation in the corner of Wyoming, Colorado, and Utah; and in all the oil shales of this country, 92,000,000,000 barrels. In manufacturing oil from shale, there will not be millions of dollars wasted in "dry holes." Every ton of shale treated will produce 10 to 40 gallons of oil.

We want our great deposits of potash and phosphate, aluminum and asbestos used and not kept useless by imprisonment under "conservation." So-called conservation does not justify the withholding from the States and their legitimate use all these resources by "reservation," or leasing acts which hinder the industries with restrictions and excessive royalties. The mining law was invaded as to coal, oil, oil shale, gas, phosphate, and sodium, by the leasing act, and location and patent denied. Theoretically, the forest lands are open to homesteading and location of minerals, but in fact they are not. Entries are denied. Prospecting and discoveries have ceased.

What further encroachments now threaten us? It is actually proposed by the Interior Department, and bills have been introduced in Congress to repeal homestead laws and place the remainder of the public domain not already reserved under a Federal leasing system! "System" is the correct word. That system abides and constantly enlarges. The system, year after year and decade after decade, continues in office, building precedent on precedent, always advancing, enlarging their scope, claiming and taking more and more power, by new interpretations and by securing the passage of laws when their objects can not be gained by rule and regulation. Bureaus and boards are made up of officials who are perfectly honest, hard-working, able Government servants; but they are imbued with the very essence of the spirit of the system. Their viewpoint is the Federal viewpoint. They work and build accordingly. When they pass their successors carry on. The heart of the system is human nature, which seeks expansion and power. A bureau perpetuates itself and its spirit. Every new precedent established is another inch gained for Federal power and, of course, incidentally, the power of the bureau and its personnel. The system grows from that upon which it feeds. The more it feeds, the stronger its appetite. The stronger its appetite, the more it feeds. And always its food is the rights of the States and the individual citizens of the States. "On what meat doth this our Cæsar feed that he hath grown so great?" On the substance and freedom of the citizen and of the local self-governments. Thus comes centralization at Washington in all departments. I believe in a strong central government, in the Union, in a nation as builded upon the Constitution; but that Constitution reserves certain rights in the States and the people. The West is for the whole Constitution, which designed a balanced Government, Federal and State. We are striving to maintain that balance.

This proposed grazing lease system on all of the balance of the public domain means perpetual Government control, it dooms those great areas to the status of a Federal pasture. It

means that the remaining lands could never be entered, acquired, and transferred to private ownership or the ownership of the States. It involves still another imposition in the form of grazing fees in addition to the brood of fees, royalties, charges, tributes which have already been exacted from the western resources. It means another profit-making reserve of 200,000,000 more acres in the 11 Western States; making a total, with the areas already reserved, of 450,000,000 acres, which amounts to 55 per cent of their total area, of which the Western States are to be forever deprived as to sovereignty, settlement, and taxation.

The Western States can never be convinced that such usurpation of more than half of these States can be constitutionally done or that it is wisdom, statesmanship, right, or justice, or in the best interests of the United States of America.

Take, for example, the State of Wyoming, if such a grazing bill passes. Wyoming would never be sovereign or be able to tax not only the 18,000,000 acres now reserved, but 20,000,000 acres more, the amount of our present unreserved domain; a total of 38,000,000 acres; 62 per cent of its area! And its people would be subject forever, as to that great part of her surface with all it contains, to bureau landlordism and to pay tribute for its use at the same time. And yet it must at its own expense extend over all its 62,000,000 acres police jurisdiction, preserve law and order by its courts, and provide roads and schoolhouses for what people might be scattered over all this area. The same condition would prevail in every Western State.

It is an amazing proposition which is intolerable to contemplate. The highest interests of the settler, the ordinary stock grower, the average livestock companies and corporations, and of the State as a whole demand its defeat. It is the first duty of the public-land States to see to it that such additional shackle is not clamped upon them.

The pending bills providing for grazing permits or leasing systems with imposition of fees in renewable periods of 10 years will cause all settlement and home building to cease. One of the bills repeals the 640-acre stock-raising homestead. The Secretary of the Interior recommends its repeal. Even if permitted under the terms of the bills, homesteading could not be carried on simultaneously with a permit or leasing plan. No man wants a homesteader in the middle of his leased area and no homesteader wants a home surrounded by leased lands. Conflict would be inevitable. The Secretary of the Interior has twice stated in his annual reports and in letters and addresses that the character of the land now left can not be successfully settled under the 160, the 320, or the 640 acre acts. So that it is not to be expected that he will designate any of the remaining area for homesteading, even if the proposed grazing bills should so provide. He has recommended, if a grazing bill should not be passed, that the stock-raising homestead area be enlarged from 640 acres to 1,280 acres, having come to the conclusion that such an area is required to make a home and a living on the remaining lands.

The people are still land hungry and desirous of making homes in the West. The proof of this is the large number who filed entries under the homestead acts during the last year, 1927, aggregating 3,236,764 acres. Homesteading results in the raising of more livestock than the open range. The consumer benefits thereby.

The public-land States must take their stand upon this underlying fundamental principle—that it is the purpose of the treaties, the Constitution, it has been and should continue to be the policy of this Government to transfer as rapidly as possible to the people, in limited acreage for business, living, home, settlement, development, State taxation, and sovereignty every acre of public domain that is now left.

The trust in the Government was not created to go on forever. It is time it was finally executed and terminated. In no other way than in transferring to the people of each State or to the States the lands left in such States can the Federal trust be executed. Any other course is a breach of that national trust, a violation of a sacred obligation to the States—the States wherein the lands lie, for they and their people are the true and lawful beneficiaries of that trust and not those who have already had their inheritance, either by retaining it originally or by having the later imposed trust fully executed and receiving the complete rights to which they are entitled. The West is now entitled at least to its unreserved lands.

As to the fourth of the area of the Western States which is now reserved in parks, forest, Indian reservations, power sites, monuments, mineral withdrawals, and oil reserves, these reservations are utterly unreasonable areas to be withheld forever from the States. With the exception of the national parks, which, I take it, we are willing to concede as a possible legitimate exercise of the power of reservation as long as the areas are reasonable or as a distinctly national resource which we are willing shall be enjoyed by all the people under Federal management, ultimately all the reservations should be turned over to the States. If they are not so returned, then all of the people for whom they are taken should pay to the part of the people from whom they are taken their reasonable value. The General Government should make recompense by payment of their value or pay annually an amount equivalent to what would be collected in taxation from them on a valuation based upon their developed resources. Each Western State is entitled to its own—no more and no less—just as the States or the people of the States east of the Rockies have received their own.

One of these two courses, either cession to the States or compensation for these great reservations, must be adopted if justice is to be done. The Western States should take their stand on that declaration without doubt, hesitation, equivocation, or "shadow of turning." That position is founded on the rock of right—and it can never be overthrown. It is just, logical, imperative, and inevitable. Right must prevail. [Applause.]

Returning to the matter of the balance of the unreserved and unappropriated domain of 200,000,000 acres in the West, which is now planned to be placed under a leasing system, I lay down the following propositions: It should be left open as free range until proper disposition is made of it; that disposition shall not be by further Federal reservations for any purpose, or held forever under any leasing or permit system preventing acquisition by the people. The disposition which is commanded in the Constitution and the settled policy of this Nation should be made, to wit, transfer by direct sale, mineral location, or enlarged homesteads to the people; or by cession to the States. The Government should plan to cease functioning in a matter which can now be managed by the several States.

The fundamental principle which should govern the whole question of the unreserved public domain remaining is the transfer to private ownership in limited areas. That is the primary proposition. How this is accomplished, while very important, is secondary. It can be done; first, through direct sales in restricted amounts as to the surface by the Government to the people for a nominal price of 50 cents to $1 per acre, according to classification, with several years in which to pay; the proceeds to be returned to the States of origin in case or through reclamation projects. Secondly, through the enlargement of the area of stock-raising homesteads to 1,280 or 2,560 acres, with less cash requirements for improvements and less burdensome rules as to residence and cultivation; permitting those who have homesteaded to take additional areas to make up the total enlarged area.

In either of these two ways, I contend, the ultimate best use of the land will be effected to the greatest good to the greatest number. Once privately owned, these lands will inevitably find their greatest use and best economic level. In case either of these methods is used it would be for surface rights only. The mineral rights now included in the mineral leasing law, and all minerals should be made over to the States to handle as their legislatures may determine.

Third, most simple and comprehensive, the lands with all their resources should be ceded to the States, so that the States could make the disposition to private ownership as to the surface and evolve such plan of handling the mineral resources as they see fit, looking to the best interests of agriculture, of livestock, and the mining interests, and of the State as a whole, for all its people, in accordance with the conditions in each State.

Eastern representatives and people frequently complain of and oppose Federal aid in reclamation, roads, colleges, schools, land grants for certain objects, and other purposes, forgetting the fact that the Federal Government holds these great public reservations and vast areas of public domain, which are nontaxable. Why should not the Government give even greater aid than it has when it holds the greater part of our States without taxation and prevents settlement?

Turn the balance of the public domain with all its resources over to the States and they will cease calling upon the Government for special benefits on account of this unusual condition. They will gladly attend to their own needs and welcome release from the necessity of making these requests. They will then ask for no more than the rest of the States of the Union, with whom they have the right to proportional benefits of any general plan of internal improvements under national policies.

Thus, by one of these three methods, will the States come into that full sovereignty and equality with the other States to which they are entitled as a matter of equity and right, equality and dignity, as sister States of the American Union and receive the material return, not in part as a dole from Washington, but in full, in their own right, from the resources with which they have been endowed. That endowment no man,

no party, no administration, no group of States however powerful and numerically strong in Congress, no just nation and trustee should withhold.

Are we to be States or Provinces? We hold these truths to be self-evident—that all States are created equal; that they are endowed by the organic law with certain inalienable rights; that among these are, life, which implies and requires equal sovereignty over their soil and all the riches therein, as the means of existence; liberty, which means freedom from discrimination and ultra-Federal control not imposed on most of the States, and freedom in local self-government to the same extent granted to any of the States; and the pursuit of happiness, which means development under the same conditions for the new and later States as were enjoyed by the original and other States, with equal rights and advantages for their citizens in their lands and resources, which are essential to the well-being of their people. [Applause.]

Mr. CASEY. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. BLACK].

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, whenever the administration is puzzled, it sends into the parliamentary arena to defend the puzzle, the amiable gentleman from Massachusetts [Mr. TREADWAY], who wonders what this great, big world is all about.

To-day the gentleman started to defend the naval program of the administration. Admittedly, he knew little about the Navy, and, finally, concluded he knew nothing about the administration's naval program, and yet there is nothing terrible about that because neither does the administration. [Laughter.] In commenting on the Washington Disarmament Conference he at last solved the real result. He said Hughes made a great speech. Yes; Hughes made a great speech and Great Britain and Japan got the battleships.

There should be no particular excitement about the gentleman from Massachusetts being confused about the President and the Navy, and he should not be disturbed by the fact that the country is a little bit confused about the President and the Navy. As a matter of fact, on all the major problems of the country the administration is pretty well confused. Not only on the Navy but on farm relief, on coal policies, on taxes, and even on "not choosing to run" the administration is entirely surrounded by confusion.

In 1926 the President sent a message to the Congress and said that we had a Navy equal to any navy in the world, and this year the Secretary of the Navy, with the consent of the President, sends to Congress a naval program that has startled the American people.

Last year the President went so far as to send a letter to the gentleman from Idaho [Mr. FRENCH], the chairman of the Subcommittee on Appropriations for the Navy, which was read from the desk, begging us not to go ahead too far on appropriating money, indicating that we should keep our appropriations down to enough for a "paper" Navy, and my good friend the majority leader [Mr. TILSON], also a great defender of the administration, but who only takes the well when the administration is half puzzled on a proposition and who never goes out on a limb like the gentleman from Massachusetts [Mr. TREADWAY], came along and followed the President's suggestion on a "paper" Navy and offered his amendment authorizing $450,000 to start drawing contracts for new cruisers. The only man on this side of the House who came out foursquare for an American naval program was the Speaker of the House. The rest of the Republican group went along with the President on his "blue-print" Navy.

Now, what has happened between the message of 1926 and the Wilbur program of to-day for the future? Was it the Geneva conference that had anything to do with it? No; the Geneva conference was not a building conference; it simply failed to be a conference of limitation. Now, what has really happened? To-morrow we celebrate the birthday of a great American who said, "In time of peace prepare for war."

FURTHER MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 7201) entitled "An act to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds," disagreed to by the House of Representatives, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMOOT, Mr. CURTIS, Mr. REED of Pennsylvania, Mr. GERRY, and Mr. HARRISON to be the conferees on the part of the Senate.

The committee resumed its session.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. BLACK of New York. As I was saying before the Senate intruded, but not with the tax bill, to-morrow we celebrate the birthday of a great American, who said, "In time of peace prepare for war," and we are living in the administration of another great American, who believes "in time of peace prepare for elections."

Last year he wanted to keep us down to a paper Navy. Why? Because he wanted to keep appropriations down, because he wanted to create a surplus, because he wanted to give the people tax reduction, and we came along in this session of Congress and the Democrats, with the more intellectual members of the Republican Party, gave the country a tax-reduction program, and now the President does not care about the tax-reduction program, but has it on ice over in the Senate and now declares he is for a large Navy, repudiating and throwing into the wastebasket his message of last year in which he said we have a Navy equal to any navy in the world.

Now our friend from Massachusetts, the birthplace of the intellectuals of the country, said we are not engaging in a competitive-building program. My God, if we are not engaged in a competitive-building program, what are we engaged in? Surely we are not building battleships to fight canoes. We are building battleships, we are building cruisers, we are building submarines, we are building aircraft carriers because other nations are doing the same thing, and if that is not competition, I do not know what competition is. Why can they not be honest and straightforward with the American people and say we have been forced to go ahead with a competitive-building program because of the weak-kneed Secretary of State that we have in the State Department?

The gentleman from Massachusetts in reviewing the disarmament conference said that the American program was a program of cutting down capital-ship construction; in other words, Hughes and the other men went into the conference with the idea of destroying the American Navy. Well, I give Hughes greater credit than that. The American program as submitted by Mr. Hughes at the outset of the Naval Disarmament Conference in Washington was a program of limitation all down the line. We were to cut down on capital ships and on all auxiliary craft, and what happened? That very cagey gentleman, Lord Balfour, realizing that the American politician must get a result, even if it is to the destruction of his own country, went along and gave three cheers for our former Secretary of State, escorted him to the platform and said, "I take it on myself to make this great friend of peace the chairman." Mr. Hughes became the chairman and submitted this program. What did they do? Naturally, the first item on the program was the capital ships and Great Britain went along beautifully, and they agreed we should cut down our capital ships; and when they got through cutting down our capital ships they forgot about the rest of the Hughes program, and because we had to get a result, because the Harding administration had to get a result, we agreed to the limitation on capital ships.

But under the 5-5-3 ratio there should have been a provision for auxiliary craft to help the major ships. But this great lawyer Hughes, forget to put any such clause in the disarmament treaty, and that left Mr. Balfour and the Japanese to go on and build up auxiliary craft without a word of protest from Washington, D. C., or from Hughes. That is the situation they brought us to—through an entire lack of statesmanship on the part of the Republican Party. Now the disarmament friends and others of the Republican Party thought they had done something, and they wanted the whole world to know that they had stopped competition in the construction of battleships. They wanted the whole world to know that it was the Republicans and that our party had nothing to do with it. But now that the Washington conference is under fire, that great research expert [Mr. TREADWAY] found out that Mr. UNDERWOOD was a delegate. I said in response to him to-day that that was the reason why we had any Navy left at all.

Now, what was the function of Mr. UNDERWOOD? Mr. UNDERWOOD attended to the management of the Far East question. He worked out a program of peace with China and the Asiatic people; he worked out a foundation that, if we had lived up to it, we would control the Chinese field in trade, but instead of that this weak-kneed administration has consented to run along with the British, and every time the British sent one man over there this administration sent two, and when the

British sent one flag there the United States sent two. If we had followed Mr. UNDERWOOD we would have had peace in China.

Mr. SNELL. Will the gentleman yield?

Mr. BLACK of New York. Yes.

Mr. SNELL. Do the gentleman from Massachusetts and the gentleman from New York agree?

Mr. BLACK of New York. Sure we agree. I want the attention of my friend from New York [Mr. SNELL], chairman of the Rules Committee, one of the leaders of the House, who was sent down here to protect the great State of New York. Last year he lined up for the paper Navy. I want to tell this great chairman that if we do have a war with Great Britain or Japan that that paper Navy will be shot through with more holes than the gentleman can find in the cheese that is made up in his district. [Laughter.]

Now, on the general proposition Great Britain has made a precedent for the control of the high seas—Great Britain has always insisted that that nation was the economic leader of the world and should control the high seas. The United States has become the economic leader of the World—the President of the United States in his message indicated that we were the greatest economic factor in the world, and if that is so, according to the British precedent, we are entitled to control the high seas. We have not insisted on that. We have insisted simply on a parity on the high seas, and when we have made that concession to Great Britain, Great Britain has no complaint about our new naval program. Under the existing policy in Great Britain and her appropriations Great Britain will reach 400,000 tons of cruiser strength, our suggestion at Geneva, five years before us. There should be no complaint among Americans about our building 400,000 tons of cruisers.

Now to the Americans who think the British are so wonderful in protecting themselves let me say this:

If the British Admiralty thinks that 600,000 tons of cruisers are needed to protect an inferior economic power, why can they not say that 400,000 tons of cruisers are necessary to protect a greater economic power?

Mr. Chairman, I do not know what the Naval Affairs Committee is going to do. Evidently, somebody in the administration has gotten cold feet on this naval program. If Wilbur was right when he sent his program to Congress, he is right now. If the General Board was right when Wilbur sent his program to Congress, the General Board is right now. What I want to know is this: Are we going to take our estimates of naval needs from our own naval experts sitting in the General Board or are our Navy needs to be determined by the politics of the administration? If the General Board, a board of experts who study the question, says that we need so much, and the Secretary of the Navy who has not resigned, even though I suggested it, by the way, has adopted the program of the naval board, why should this great strong man in the White House run away from his General Board, run away from his Secretary of the Navy, because a few editorials appear in the newspapers about noncompetitive armament? The British are not running away. They stopped building a few cruisers, and why? Out of consideration for us? No, but because they realized that from a defensive standpoint they made a mistake in building 10,000-ton cruisers. At the next armament conference they are going to call for a smaller type of cruiser. They do not intend to build anything that they will scrap. I hope the Naval Affairs Committee will not follow our friend TREADWAY, because if they do, God knows where they will go. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GRIFFIN. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. PALMISANO].

Mr. PALMISANO. Mr. Chairman, on April 21, 1927, after noticing an article in the Baltimore Press wherein the prohibition administrator, John F. J. Herbert, had sanctioned the use of guns and blackjacks, I wrote to Gen. Lincoln C. Andrews requesting the dismissal of Mr. Herbert. At that time I called his attention to the fact that the agents involved were charged with using a blackjack on the prisoner and then attempted to hug and kiss the prisoner's wife. To the charge of using the blackjack the agents attempted to blame their subordinate, their chauffeur, one Edward L. Boone. Boone, in turn, denied that he had used the blackjack and claimed the agents were trying to make him the goat. You will note that there is no denial of the fact that the man had been blackjacked by some one in the Prohibition Department and they were blaming each other, none of whom contended that the blackjacking was done in self-defense; and to the charge of attempting to hug and kiss the prisoner's wife the agents' defense was that they were just kidding and mixing a little fun with their work. You will note from this statement the character of men that the prohibition administrator of Maryland has working under him. Since then, the prohibition administrator has employed men who have been convicted of robbery and has retained a man who has been charged with murdering a man 73 years of age, and during the pending of the trial the man was kept in office notwithstanding the fact that the testimony showed at the trial of which he was acquitted that he had operated stills prior to his appointment in the department, and since his appointment has had interest in stills, and has been receiving graft from bootleggers. In that connection, I want to call your attention to my resolution No. 99, which I introduced on January 17. To show you further the character of men that he insists on having in his department, I want to call your attention to the case of the State of Maryland against Robert H. Beall, a stenographic report of which I have and am willing to give to the Committee on Rules, which will show that these men, in order to protect each other, have no respect for their oath of office, as was shown in this case. In that case, Beall was charged with striking a widow on the head with a bottle because she was crying out not to kill an alleged prisoner whom Beall was about to hit on the head with a bottle. Her screaming made Beall so angry that he deliberately threw the bottle out the window where the lady was standing thereby injuring her and caused her to be taken to the hospital.

The testimony of the witnesses in that case shows that there were three agents, one assistant, and two alleged prisoners. The lady positively identified Beall as being the one who threw the bottle, and this was corroborated by a disinterested witness. On the other hand, the testimony of the agent disclosed that Beall with another agent had come into the place and had the two boys in charge, and that they asked for an assistant. All of the agents positively testified that Beall did not throw the bottle, but upon cross-examination none of them were able to state Beall's position in the room. I want you to bear in mind that Beall with another agent went there first, and they asked for assistance when the other agent and assistant came in with the two prisoners—one was held by one agent and the other prisoner was about to attack the agent, not Mr. Beall—and while they all testified that Beall did not throw the bottle, none of the agents stated that Beall had any of the prisoners, nor were they able to tell just where he was located in the room, and the trouble occurred only in that one room. The question which arises is this: When Beall first went into the building and asked for aid that he and the other agent were having trouble, why did Beall permit the boys or men to attack an agent without him—Beall—assisting the agent who was being attacked. The true story is that the agents were not telling the truth, and under cross-examination they were unable to corroborate their testimony. A copy of this testimony I sent to Commissioner Doran, in reply to which on September 8, 1927, he said:

> I have read over the record personally, and it is my opinion that the facts as related by the various witnesses do not present a very clear picture of what actually occurred. I find upon inquiry that the entire matter has been transferred to the Federal court, and I am sure that you would not seek a final determination on a matter of this sort which is still pending in court.

I would like to know why, and I think the Members of the House should know why, Doctor Doran upon obtaining a copy of the testimony of all the parties interested, why he should make inquiry. It seems to me, and I am willing to permit the lawyers of this Congress to read over this record, and I venture to say that 90 per cent of them would say that these men committed perjury.

I do not want to make you think I am a fanatic on this question, Mr. Chairman. Some of you may think that my resolution requesting an investigation of Mr. Herbert's methods is prompted solely against the Volstead Act, but it is not. I do not know what the conditions are in other States, but I do know that the machinery conducted by the courts and the district attorney and the prohibition administrator for the district of Maryland is something that this Congress should inquire into. While it is true that on April 21, 1927, they all denied the terms of my open letter in which I stated as follows: "That I had recently noticed in the Baltimore press that the prohibition agents operating under Prohibition Administrator Herbert had been very active with their guns and blackjacks, and according to the inclosed clipping of the Baltimore News of April 21, 1927, Prohibition Administrator John F. J. Herbert sanctioned strong-arm methods." Even their action in order to protect an agent, who is charged with the murder of a 73-year-old farmer,

testimony showing that the agent was a bootlegger prior to his appointment and had received graft and was interested in bootlegging, in order to protect an agent of that type, what happens? Before the trial of this case, the combination who has to do with the enforcement of the law from the judge who heard the case, with the prohibition administrator and the superintendent of the Anti-Saloon League, both of whom were imported into Maryland, the superintendent of the Anti-Saloon League, I have been informed, in cases of this kind assists the district attorney in selecting the jurors in private. I am sorry to see that they have been able to use Judge Coleman in this matter—a man who had commanded the respect of the members of the bar and the public, which respect I fear he has lost when he permitted the Anti-Saloon League to have him put the gag on the newspapers. What did the judge do? About two weeks before the trial started Judge Coleman, of the United States District Court for the District of Maryland, called in the editors and the owners of all the Baltimore papers, and first having them agree that what transpired would be confidential, gave his views as to how he wished the trial to be reported.

He laid down the rule that no photographs were to be taken in or about the courthouse and that no pictures of the principal were to be printed during the progress of the trial, saying that if minor witnesses were photographed somewhere outside he had no particular objection. He further emphasized that the reporters were to avoid words such as "killers," "murderers," "shooting" in their description of testimony. He said that a calm tone must be followed in every account, and that no advance stories that the trial was going to take place should be published. The owners apparently gathered the impression that some punishment might be meted out to them if the wishes were disobeyed because the rules were generally followed.

When told, on Wednesday afternoon, February 15, 1928, by one reporter that photographs were being made outside the courthouse by the Washington News, the judge, in his private chamber, said that—

Anyone taking pictures in or about the courthouse, better watch out.

Why, it is getting so now that the press is unable to give you the facts as they see it or give you a picture of the man who is charged with the murder of the 73-year-old farmer. Things are getting rather strong, but, notwithstanding the ironclad methods of the courts, the district attorney, the prohibition administrator, and the outside influence of the importer from Ohio, the district attorney feeling that he will, perhaps, have to answer to his Maker sometime for defending agents for crimes committed, sanctions, not intentionally, the letter that I wrote on April 21, 1927, in that the agents were free with their guns and blackjacks when he said that he would write a letter to the prohibition administrator that he should call a conference of the agents and caution them regarding the use of their firearms. These are the words that were used by the district attorney: "Their job is an unpopular one and they can not be too careful. There are few cases where shooting is necessary, and, in view of the hostility toward their work, they should be watched." So you will see that Colonel Woodcock does not care to defend any more of them as he has done in the past, because he knows that the agents were not justified in killing. So I say, my friends, that while they deny and protest against my resolution, they unconsciously support my views that the agents who are enforcing this law in the State of Maryland and in the District of Columbia are men who use their guns and weapons too freely and are men who are untrustworthy.

On February 18 I called the attention of the district attorney to the testimony tending to show that Agent Brewer, who had been acquitted of murder, had been a bootlegger prior to his appointment, and since his appointment had been interested in stills and had received graft and requested him to advise me whether or not he would present those facts to the grand jury. While I have not received an answer from him I note from this morning's paper that he will not present the facts to the grand jury, nor will the Prohibition Unit dismiss such men. If such are the facts, how do you expect the American people to respect such a law?

I want to call your attention to the employment of a boy 17 years of age by the name of Stewart S. Shelton. It is true that they deny that they employ anyone under age, but the brother, Maurice Shelton, 19 years old, stated that he was employed as an undercover agent for the prohibition department and resigned January 15; that the prohibition agents employ boys without asking their age and their address. The agents here in Washington raided a home and destroyed some wine, the agents claiming that they had made a buy a few days previously. What right has an agent to destroy something that under the twenty-ninth section of the Volstead Act you are entitled to have and to make for your home use? Do not you believe that the agent should wait until a conviction before taking the law in his own hands and destroy something that law permits us to have? Is the agent to be sole judge and prosecutor? I want to say to the Members of the House that the facts presented by my resolution and the action of the judge and the district attorney in the Brewer case justifies this House to pass my resolution, because the judge's action by putting the gag on the newspapers two weeks prior to the trial, and the district attorney's statement after the acquittal of the agent, shows that there is something rotten in Denmark. So I trust that the Committee on Rules will see fit in recommending the passage of my resolution. [Applause.]

Mr. SIMMONS. Mr. Chairman, I yield 20 minutes to the gentleman from West Virginia [Mr. ENGLAND].

Mr. ENGLAND. Mr. Chairman and gentlemen of the House, on February 9 the Senate passed Senate Concurrent Resolution 10, requesting that the Interstate Commerce Commission transmit to Congress, on or before April 15, 1928, the following information, to wit: (a) Copies of all decisions, if any, handed down by it in the five years preceding the 1st day of April, 1928, in which its decisions as to the reasonableness of any rate or rates were in any sense influenced by the competitive advantage or disadvantage of the producers in one State, district, or section as compared with the advantage or disadvantage of the producers in another State, district, or section; (b) a full and complete citation of the section or sections of the interstate commerce act, as amended, and other acts under which the commission claims and believes it was granted the power to equalize prosperity among the producers of commodities; and (c) a statement of the clause or clauses, articles, or amendments of the Constitution under which it claims and believes the decisions of such character and purport were authorized or were implied.

This resolution contains a very pertinent inquiry and should be concurred in by this House without delay.

I desire to discuss especially the policy of the commission in rate making on lake cargo coal shipments.

THE LAKE CARGO COAL FREIGHT-RATE CONTROVERSY

About 30,000,000 tons of coal are sold annually from docks on the Great Lakes. This coal is transported by rail from competing districts in western Pennsylvania and eastern Ohio, known as the northern districts, and from West Virginia, eastern Kentucky, Virginia, and Tennessee, and known as the southern districts, to ports on Lake Erie, whence it is shipped to docks on the upper Lakes and thence transported over wide areas in Michigan, Wisconsin, Minnesota, and the two Dakotas.

Prior to 1911 the freight differential, or freight-rate advantage, favoring the Pittsburgh district over the southern districts was 9 cents a ton, and the rate advantage of the eastern Ohio district 12 cents a ton.

In 1910 the original Lake Cargo Freight Rate case was instituted by northern operators. It resulted in 1912 in the increase of the freight-rate advantage of the Pittsburgh district of 10 cents on each ton of lake coal, the differential being increased from 9 cents to 19 cents. This advantage remained with the Pittsburgh and other northern districts until 1917, when the Interstate Commerce Commission again increased the freight-rate advantages of the northern districts, widening the differential to 25 cents a ton on shipments to Lake Erie ports.

Mr. TILLMAN. Mr. Chairman, will the gentleman yield?

Mr. ENGLAND. I would prefer to finish my statement.

Mr. TILLMAN. But I find that I shall have to leave the Chamber very soon and the point that the gentleman is making is very important to my section of the country. I would like to ask a question right there.

Mr. ENGLAND. Very well.

Mr. TILLMAN. I live in the fruit belt in my State. Our people ship a great deal of fruit. They claim that there is such discrimination against them as the gentleman is pointing out here. Does the Interstate Commerce Commission ever attempt to answer these complaints? I have never been able to get anything from them. Has the gentleman been able to get any explanation as to why this discrimination is used by them against certain sections and certain shipments?

Mr. ENGLAND. I have not, personally. In fact, I do not believe that the Interstate Commerce Commission has any real policy that it follows. I am inclined further to believe that that is true, after hearing the testimony of Commissioner Esch before the Interstate Commerce Committee of the Senate.

Mr. TILLMAN. The gentleman is evidently striking an important matter there, because I know there are complaints of that character all over the country. It appears that the Interstate Commerce Commission will never give any intelligent reason why this discrimination is adopted.

Mr. ENGLAND. I have never heard any. I do not think any can be given.

Mr. ROBSION of Kentucky. Mr. Chairman, if the gentleman will yield, this is one of the reasons: It seems to me that the Interstate Commerce Commission is developing a policy of zoning this country. The freight-rate structure of the country was built up on the proposition of bringing about or inviting competition in the widest distribution of the products of the country. But their policy, it seems, is to zone this country, and if certain products are not within that zone the rates are such that you can not ship outside of that zone.

Mr. TILLMAN. Does the gentleman know of any reason that they have given?

Mr. ROBSION of Kentucky. No. The policy is wrong. This country was not built up on a policy of rate zoning throughout the country. I have noticed that they have developed a policy of zoning. If you have fruits in a certain section and it comes outside of a certain zone you can not ship your fruits.

Mr. TILLMAN. The gentleman does not indorse that policy?

Mr. ROBSION of Kentucky. I certainly do not. That policy has this further danger about it: It has the power to affect the transfer of prosperity from one section to another section, and to break down the industry of one section and to transfer its benefits to another section.

Mr. TILLMAN. That is exactly what it does, and that is why I think it is unfair.

Mr. ENGLAND. Manifestly so. In other words, it gives the commission the power to control the industry of various sections of the Nation, one section to the disadvantage of another, and thereby control the competitive markets of the various sections.

In 1922 the Pittsburgh and eastern Ohio operators returned for the third time to ask greater freight-rate advantages over southern competitors. In 1925 the commission dismissed the petition of the northern operators. Within six months it granted a reconsideration, and in 1927 gave to the Pittsburgh and eastern Ohio operators an additional freight-rate advantage of 20 cents a ton, making the differential favoring Pittsburgh 45 cents on each ton of the high-volatile fields of the southern districts and 60 cents a ton on the low-volatile Pocahontas and New River fields of southern West Virginia.

The increased advantages extended to the Pittsburgh and eastern Ohio coal operators on Lake cargo coal shipments since 1912 amounts to 400 per cent.

The gifted Senator from Pennsylvania had declaimed frequently on the Senate floor that the mines of Pennsylvania were idle because preferential freight rates had been accorded to the southern shippers. How any shipper of any commodity with an advantage in freight rates ranging from 9 cents to 60 cents could be injured by such an advantage I am unable to conceive. The assumption is not sustained either by logic or facts. If the southern mine owners had possessed during these years the same freight-rate advantages that have been given to the preferred operators of the Pittsburgh district, untold wealth would have flowed into those districts south of the Ohio River. The southern shippers have been forced to compete in these markets under very heavy disadvantageous freight rates.

While incapable of demonstrating to the normal mind, it appears that the Pittsburgh operators, supported by the great protected industrial and commercial interests of western Pennsylvania, have been able to convince the Interstate Commerce Commission that shrinkage in their tonnage in the Northwest has been due to unfavorable freight rates. They have termed the higher freight rates paid by the southern shippers as preferable, and the commission has ignored the fact that the northern districts have been working under local economic disadvantages and that freight rates have been the sole advantage possessed by these northern districts.

To overcome these economic troubles that the northern districts have waged continually for a number of years, the Interstate Commerce Commission has forgotten that it is an agency created for the regulation of railroad rates and has become thoroughly imbued that it is within its province to distribute the commerce of the country in accordance with its own will. To do so it applies the freight-rate advantage as a measure of destruction to those communities which have shown efficiency in production and raises the freight-rate standard to protect the inefficient.

It is an inescapable fact that the northern districts have suffered from economic handicaps, self-imposed, and that these economic ills have been increased rather than alleviated by continual mounting freight-rate advantages.

Under the 9-cent differential, from 1907 to 1911, the northern districts shipped 70.21 per cent of the Lake coal; under the 19-cent differential the Pittsburgh and eastern Ohio districts shipped 58.94 per cent of the Lake coal, and under the 25-cent differential the northern districts shipped 28.41 per cent of the Lake coal. After the freight-rate advantages of the Pittsburgh and eastern Ohio districts were increased by the Interstate Commerce Commission their shipments of Lake tonnage diminished.

There comes a time, however, when the more efficient producer can no longer survive under artificial and arbitrary freight rates that are made operative to protect the inefficient. When that point is reached the inefficient become the master of the markets, attaining their position through special privileges, and as such dominate these markets through the artificial monopoly created.

THE COMMISSION'S DESTRUCTIVE POLICIES

The power to tax is the power to destroy. Equally destructive is the power exercised by the Interstate Commerce Commission to impose unjust and burdensome freight rates on shippers, industries, and consumers. The exercise of the power by the commission to shift commerce from one producing community to another and regulate its disposal in the consuming markets has its origin in the authority vested by Congress, giving its agency discretionary control over freight rates.

By extending to the commission authority to regulate freight rates, this creature of the Congress has assumed the broad authority to give it the power of life and death over commerce and to allocate the markets of the Nation among the favored producers.

We have to look only at the pages of the RECORD of this body to find that public attention has been directed to the impeding dangers that follow prosecution of this policy. The commission has been honestly and sincerely condemned for this usurpation of power by the following of this policy. Large investments have been sacrificed and business enterprises have crumpled because the commission has seen fit to deny to producers a right to dispose of their products in free and open competition with other producers. It is an attempted restoration by the commission of the rebate system that Congress banished years ago. Viciousness of the rebate system to kill and cripple and destroy competition in the markets was recognized and it was outlawed. The policy of the commission to extend subsidies to favored shippers in the form of favorable freight rates is as reprehensible and as vicious as the rebate system that met with the disfavor of the American public. I recall that in a discussion of the decision of the commission in the western railroad cases almost two years ago that the Senator from Arizona [Mr. ASHURST] said:

> Capital is fearful, and is justly fearful, of making huge or considerable investments when the sword of Damocles is hanging over them and they do not know when it will fall.

In the colloquy during the same debate between the Senator from Ohio [Mr. FESS] and the Senator from Utah [Mr. SMOOT], the latter was as emphatic, and justly so, in his condemnation of the policy of the commission to build up one community at the expense of another. I recall that he said:

> I would like to submit a question to the Senator from Ohio. If he and his associates desired to begin business in some section of the country * * * would he like to make an investment and build up an industry, or an industrial center, knowing that at some time the question might arise as to whether his business was to be destroyed by a rate fixed by the Interstate Commerce Commission?
>
> I say to the Senator now that if the applications that have been made and will be made were supplanted by the Interstate Commerce Commission, as they have been in the past, the Senator's industrial center would be destroyed.
>
> What I want to see accomplished is this: I want the power taken from the Interstate Commerce Commission, or any other agency of the Government, to say: "I will build up this section of the country, I will destroy this section, by making rates that will do it."
>
> I want it distinctly understood by every American citizen, or anyone who desires to invest money in any part of this country, that he will not be discriminated against and that there shall be no power left in any agency of our Government to say hereafter that he shall be.

Commissioner John J. Esch wrote a dissenting opinion in this case that the Senator from Nevada [Mr. PITTMAN] declared was brutal and selfish. The Senator from Nevada discussed the policies of the commission at length tending to destroy our enterprises through arbitrary control of freight rates. The Senator said:

Whenever we start in to utilize the railroads of this country for the purpose of building up one place at the expense of another we get back to the old rebate system.

Look into the dissenting opinion of Commissioner Esch—as brutal and selfish a decision as a man ever wrote * * *.

We are to look after the railroads. We are looking after their welfare. It never occurred to him that he had the interest of the people of this country to look after.

It has been the attitude of some of the members of the commission that they were put there for the purpose of being general managers for the railroads, to get business for them, to make them pay.

The proposition is that instead of using our transportation facilities for the purpose of moving our products to markets in the cheapest possible way, we are continually disturbing ourselves to see whether this town or that is getting the best of it or the worst of it.

There never was any authority granted to the Interstate Commerce Commission to regulate railroads for making discriminations. You can not find a line in the act that ever was intended to give them the power of utilizing any regulating authority to restrict transportation in the interests of any community or against any community. That proposition has grown up through their legislative absorption of power. There is no question about that.

What we are trying to do is to fix a policy, a principle, not to interfere with the Interstate Commerce Commission. The Interstate Commerce Commission was constituted for the purpose of rate making and regulating the railroads. It was not appointed for the purpose of deciding whether West Virginia or Virginia or Pennsylvania shall have the Boston market. It was never intended that the commission should have the power to take into consideration market conditions and distances or should have the power to say that one coal mine shall ship its product to this market and another coal mine to another market; that the iron mines shall ship to some other market; that one city shall be great and that another city shall not be great. Or that we will move the Atlantic coast out to Chicago and we will move Chicago down to the Gulf.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. ENGLAND. May I have 10 minutes longer?

Mr. SIMMONS. I yield to the gentleman 10 minutes more.

The CHAIRMAN. The gentleman from West Virginia is recognized for 10 minutes more.

THE WALL STREET JOURNAL

Mr. ENGLAND. The Wall Street Journal has an editorial in the issue of February 10, 1928, under the caption of "Political rate making," which is of unusual interest to all who deal in commodities other than money and speculative securities.

Referring to the Robinson resolution which was adopted by the Senate on Thursday, February 9, 1928, by a vote of 68 to 1, it says:

When Congress creates a tribunal for the particular purpose of adjudicating private controversies and then attempts to interfere with the exercise of its informed and conscientious judgment, the least that can be said of the lawmakers is that they are poor sports. A much worse epithet might justifiably be used.

This is saying that when Congress enacts a law creating a commission and vests in that commission certain powers, the duty of the Congress is at an end, that it has no business to keep an eye on its creature or to pass upon its activities. Congress is made up of "poor sports," even worse, if it presumes to take notice of how its act, the statute, is being construed by the commission created to enforce it. The Senate is chided, unabashed, for even seeking information as to whether or not its interest in service to the people, as expressed in the law, is being carried out.

Referring to the Lake Cargo Coal Rate case, the defender of the Wall Street interests says:

Senator ROBINSON'S resolution was frankly aimed at the lake cargo coal rate situation, now pending before the commission for decision. Last summer the commission increased the spread between rates from the northern and southern fields to the lower lake ports from 40 to 60 cents a ton by reducing the northern rates 20 cents. This action may or may not have been sound. A minority of the commission opposed it as an effort to assist the northern operators to overcome the handicap of higher wages and more expensive mining conditions as an arbitrary interference with the play of natural and economic forces. The majority justified it as a recognition of relative railroad operating costs and as the making of a rate reasonable in itself.

This statement indicates that the writer of the editorial never read the opinion of either the majority or the minority, for it is evident from the opinion of the majority itself that it was intended, as stated by the minority, "to assist the northern operators to overcome the handicap of higher wages and more expensive mining conditions."

The Senate resolution simply calls upon the commission to report whether or not it construes the statutes as conferring upon it that power, the power to equalize industrial advantages, and, if so, to point out that part of the law which it so construes gives to the commission that power and authority.

The Senate evidently had in mind a clarification of the law, based upon whatever report the commission may make.

Again, the editorial says:

When railroads serving only the southern fields filed tariffs reducing their rates 20 cents the commission suspended their effectiveness pending investigation, which has not been concluded. A lot of nonsense has been talked about the action of the commission having cost coal consumers of the Northwest millions of dollars. It has, of course, done nothing of the sort. The question is merely whether the southern mine operators or the railroads serving them shall give up 20 cents a ton. One or the other will do it, since the southern producers will not retire from the lake trade. The only certain thing is that the consumers of the coal will not get the 20 cents.

Here the writer shows abysmal ignorance of the record in the Lake Cargo case or a willful intention to misrepresent the facts. The evidence of all parties, uncontradicted, was to the effect that before the reduction of the 20 cents in the northern rates, under the differential in effect since 1917, the lake coal market was the most keenly competitive coal market in this country, so keenly competitive that only a few cents difference in price was sufficient to switch contracts from one of these competing coal fields to the other. A sudden additional rate advantage of 20 cents a ton given to the northern fields puts them in a position to monopolize the market, for the southern producer, according to the uncontradicted evidence, had so reduced their prices that they were already selling, without profit or at a loss, and it was impossible for them to reduce further their prices. To monopolize the markets the northern operators had only to pass on to the consumer a few cents out of the 20 cents bonus and keep the balance.

The reduction in rates voluntarily made by the railroads serving the southern fields, which they were not only abundantly able to make but which they had to make in order to preserve their tonnage and revenues, placed the competing fields on the old basis of competition. The inevitable results would have been the lowering of coal prices, from all the fields, the full 20 cents a ton, a direct boon to the coal consumers in the Northwest. It is utter bosh to say, as this editorial does, that the coal consumer will not get the 20 cents. It could not be otherwise under the keenly competitive conditions existing.

In the recent Minneapolis hearings, consumers representing almost half of the lake cargo shipments testified that any reduction in freight rates accorded by the carriers and made operative by the commission would be reflected in the selling price of coal to the consumer. The sale price of coal in the northwestern market is determined by the price at the mine plus the freight rate. Any reduction in the freight rate, of course, is reflected in the price paid by the consumer. These consumers representing the copper, salt, cement, coke, paper, and public utility interests are more likely to know what will redound to their interest than the editorial writer of the Wall Street Journal whose main interest is the welfare of the Pittsburgh Coal Co. and the other producers of that preferred and privileged district and not the interest of the consumer, industrial or domestic, in the Northwest.

The Wall Street Journal is a devoted friend of the great financial and commercial interests that dominate the coal industry of the North. It has ever been solicitous about the welfare of the great interests that thrive in western Pennsylvania. There is a golden link that binds the mouthpiece of Wall Street to the Pittsburgh group. It believes that it was an economic blunder to develop the mines of West Virginia and the other southern districts and every decision of the Interstate Commerce Commission that increases the freight-rate advantages of the Pittsburgh district over the southern group of shippers meets with the applause of the Wall Street Journal.

It attempts in this editorial to say that the Congress is repenting the adoption of the Hoch-Smith resolution. That resolution, approved January 30, 1925, did not give to the Interstate Commerce Commission power and authority to divest one producing district of the markets it had gained and restore these lost markets to the inefficient producer that formerly dominated these same markets; it did not confer upon the Interstate Commerce Commission power and authority to say to the consumer of the Northwest that he should not purchase his coal except in those producing markets favored by the com-

mission and it did not give to the Interstate Commerce Commission power and authority to crush free and open competition and establish artificial monopolies under the guise of rate making and rate regulation.

The Hoch-Smith resolution was plainly an instrumentality to require the commission to give consideration to the plight of the farmer; to require the commission to investigate the rate structure under which different kinds of commodities were moving; to ascertain if one class of commodities was being moved or transported at rates that were discriminatory when compared with another class of commodities and to require the commission to make proper adjustments. The Hoch-Smith resolution never gave to the Interstate Commerce Commission such powers as it has assumed to strangle established industry or to build a favored community at the expense of a less favored community to suit the whims of a majority of the commission.

When the Hoch-Smith resolution was adopted by the Congress it was believed by those who were instrumental in securing its adoption that it would inure to the benefit of the farmer. The agricultural element of our population was asking for relief. They needed it. Prices for farm products were at a level that demanded consideration of the conditions confronted by the rural resident. The language of the resolution itself is an admission of the depression that existed in agriculture and the commission was directed in specific language to effect with the least practicable delay such changes in the rate structure as would promote freedom of movement of farm commodities.

Mr. Chairman, it is a far stretch of the imagination when the Wall Street defender of the Interstate Commerce Commission invokes the Hoch-Smith resolution as a responsible instrumentality for the policy of the rate tribunal to allocate the commerce of the Nation to favored communities or sections. This resolution was adopted in 1925, but prior to that time we find that the Interstate Commerce Commission had launched its policy of favoritism. Coal has not been the only commodity over which the commission has assumed jurisdiction and has arrogated to itself the powers of a special providence. Other sections producing other commodities, including fuel and foodstuffs, have suffered from these policies, the exercise of which are not even vested in the Congress, the creator of the Interstate Commerce Commission.

West Virginia, Mr. Chairman, is sick and tired of this mock rate regulation. Since 1912 the Interstate Commerce Commission has increased the freight-rate advantages of the Pittsburgh district 400 per cent over the mines of my district. They are not yet satisfied and threaten to ask additional increases. It is time to call a halt on any agency that uses its vast power to injure one district in order to extend greater advantages to a competing district. The Pittsburgh district claims to have been injured by freight rates that are higher from competing districts than from the Pittsburgh district. I am unable to comprehend how any shipper can be injured by a freight rate that is lower than the rate of his competitor. The omniscience of the majority of the Interstate Commerce Commission must be great, indeed. It has been the only body of trained mathematical experts that has been convinced and admits that lower freight rates possessed by a shipper are resulting in his loss of business.

I do not want to be understood in this address as impugning the integrity of the Interstate Commerce Commission; I am merely attacking the rate-making policy of the commission which is unsound and wholly unjustified under the present law. The history of the rate-making by the commission has been to favor one section to the detriment of another. This fact I do not believe will be questioned. Hon. John J. Esch, former chairman of the commission, is quoted as saying on November 5, 1927, as follows:

> One of the objects of making such reduction was to increase the differential as between these fields (that is, Pennsylvania and Ohio) and the fields of southern West Virginia, Virginia, eastern Kentucky, and Tennessee.

Why increase such differentials and punish the southern producers of coal? They have had an immense outlay of money in the way of properly equipping their mines with modern machinery in order to overcome, if possible, these outrageous differentials.

We are told that these operators and their miners must be penalized for their aggressiveness, and perhaps on account of the superiority of the coal in this southern territory.

Senator WILLIS, of Ohio, states in substance that such artificial aid was necessary in order that the Ohio mines might compete with this southern territory in the Lake cargo market. He is quoted as saying on November 14, 1927, as follows:

> I live in a town through which three trunk lines of railroad pass. For years I saw great trains of coal pass through this town for the Lake trade, with the knowledge that probably not one-tenth of that coal was mined in the State of Ohio. The chief reason was the very unfair advantage given to the coal producers of Kentucky and West Virginia.
>
> The decision of the Interstate Commerce Commission in the Lake Cargo case has, to some extent, mitigated the unfortunate and unfavorable circumstances by which we have been surrounded in Ohio.

He says—

> The unfair advantage given to the coal producers of Kentucky and West Virginia has operated against the coal producers of his State.

This, indeed, is an astounding statement in the face of the history of this case.

Fixing a wide differential in favor of his State to the disadvantage of Lake cargo shipments of the coal producers of Kentucky and West Virginia is the disadvantage to which Senator WILLIS refers.

If the commission under a fair and reasonable interpretation of the statute has the power to regulate rates to build up one section to the destruction of another, then Congress should clarify the laws under which it derives such powers, so that its rate-making policy will be confined to the reasonableness of the rate.

If the commission does not possess such authority—and I do not think it does under the present laws—then it should be required to readjust its rate making in compliance with a proper construction of the existing laws or a commission should be procured that will have a rate-making policy in accordance with the law and rules of reason. [Applause.]

Mr. GRIFFIN. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. FULBRIGHT].

The CHAIRMAN. The gentleman from Missouri is recognized for 10 minutes.

Mr. FULBRIGHT. Mr. Chairman and gentlemen of the committee, I desire to discuss briefly and in a general way a question about which I am much concerned and which, to my mind, is the outstanding problem that the statesmanship of this Congress is called upon to solve—the question of flood control.

In 1927 the Father of Waters, whose giant arms reach to the crest of the Alleghenies on the east and into the very heart of the Rockies on the west, including within their embrace approximately one-half of the Nation's land area, gathered together the waters from this vast territory and from the Canadian snows of the Northwest, hurled them in torrents toward the great trunk line to make the most gigantic flood yet recorded in the Mississippi Valley. In this immensity of aggregated waters the Nation stood appalled as the terrible destruction of life and property assumed proportions hitherto unparalleled.

Territory greater in area than that of all New England, the most fertile farm lands of the Nation, developed through generations of toil and at a staggering expense in money, was inundated, many lives were lost, homes swept away, millions in property destroyed, the telephone and telegraph rendered useless, trains on 3,000 miles of railroad were stopped, interstate commerce suspended, postal roads ruined, mails delayed, industry paralyzed, and misery and poverty visited upon thousands of once happy and prosperous homes.

It was a staggering blow to the whole country, and was so far-reaching in effect as to demonstrate to the business interests of the country and the general public that flood control in the Mississippi Valley is national in scope and that it is a problem of Federal responsibility.

The Secretary of Agriculture in his annual report states that it is his conviction that—

> Prevention of future disastrous floods is an imperative national problem.

In the report of the Secretary of War for 1927 he says:

> By far the most important of the flood-control projects under the War Department is that relating to the Mississippi River and its tributaries. The control of floods on the Mississippi River involved interstate problems of such magnitude that the Federal Government was inevitably drawn into the matter. Waters from 31 States and the Provinces of Canada put into the Mississippi. Were it not for the protecting levees the higher floods would overflow about 30,000 square miles of the rich alluvial bottom, a territorial area greater than that of many of our States.
>
> Under conditions which prevailed in the early stages of the settlement of the Mississippi Valley the overflowed area was not covered to any great depth with water, as the floods were free to spread out on all sides. As the country became more settled and more populous, however, the people of the valley undertook the building of protecting dikes or levees in order to keep their lands free from overflow. As greater

and greater areas were protected by levees the consequent restriction of the flood waters necessarily resulted in higher water levels. This in turn called for higher and stronger levees. The local interests continued the unequal struggle to the limit of their resources. Their aggregate expenditures before receiving any assistance from the Federal Government were over $100,000,000.

In 1879 the United States took formal cognizance of the gravity of the situation and of the national interests involved by the organization of the Mississippi River Commission. Since that year the Federal Government has participated in the cost of the work—to a greater extent during the past 10 years than was formerly the case. * * * It is now evident that the country is faced with the necessity of adopting a new and enlarged project for flood control on the Mississippi River with a broader conception of the national interest in the problem.

General Jadwin in his report says:

The control of the Mississippi River has developed from a local problem to a national problem.

The Secretary of Commerce in his report to the President at Rapid City, S. Dak., in July, 1927, says:

There is no question that the Mississippi River can be controlled if a bold and proper engineering plan is developed. It is not possible for the country to contemplate the constant jeopardy which now exists to 1,500,000 of its citizens or the stupendous losses which the lack of adequate control periodically brings about. Furthermore, flood control means the secure development of some 20,000,000 acres of land capable of supporting five to ten millions of Americans. The costs of such work, if spread over 10 years, would be an inconsiderable burden upon the country. It is not incompatible with national economy to prevent $10 of economic loss by the expenditure of $1 of Federal outlay. In the face of their great losses and their present destitution I do not see how the people along the river can contribute much more than the maintenance of the central works after they have been constructed.

In an article appearing in the Magazine of Business, November, 1927, he is quoted as saying:

Adequate flood control is bound to be a national problem. One of our first obligations is the development of a comprehensive plan for the permanent solution of this problem and to provide funds for its execution.

In an address before the Mississippi Valley Association at St. Louis, Mo., in November, 1927, he said in part:

The most important event in our national life during the past year has been one which bears directly upon the development and control of our great rivers; that is, the Mississippi flood. Sad and heartrending as it has been in its human aspects, severe and discouraging as have been the economic losses, it at least serves to bring home to the American people the increasing dangers to a growing population which lurk in our great streams if they be not adequately controlled.

I have little need to dwell upon the causes of the great flood and its destruction. But there is an aspect of the flood that has, perhaps, not been sufficiently emphasized. The destructivity of this flood was partly due to the rapidly increasing settlement of the flood area. This increase will continue, and such dangers to our country will increase as the years go on unless we establish adequate controls. The great Delta of the Mississippi River, which in reality extends from Cairo to the Gulf, has been for untold centuries the spillway for our interior rivers. They spread their annual floods over these richest of alluvial lands for 1,000 miles long and from 20 to 150 miles wide. With the pressure of population our people have, more especially in the past quarter of a century, invaded the flood region. With courage and resolution they have overcome the swamp and forest; they have converted it into homes and productive farms. And in so doing they have forced the river in flood time to confine itself to its own channel.

I need not recount to you that with the unprecedented volume of water of this year these barriers crumpled up and the river spread itself again over its old flood area. Some 750,000 of our people were compelled to flee their homes in jeopardy of their lives. Damage to their farms and villages amounted to hundreds of millions.

Such a flood 25 years ago would have wrought far less destruction, simply because there were fewer people and less property in its track. If we look into the future but a quarter of a century, we can envisage even far greater dangers than those past. We may not have so great a flood again for many years to come. But the richness of these soils and the pressure of our growing people will some day see 5,000,000 or 10,000,000 of them settled under these levees. No one can contemplate these millions of our fellow citizens living in such jeopardy without adequate and final protection.

I believe the whole of the United States is unanimous in that we must undertake some engineering works as will give security, not only now but for the future. Our people have arrived at this conclusion because of their warm sympathy for the welfare of their fellow citizens. But viewed from the more narrow point of view, the destruction of property is the loss of the entire Nation; it is not solely the loss of individual sufferers. The loss of several millions of acres of crops in this flood deprived the American people of just that much goods which they might have otherwise consumed or exported, and again, every worker and every farmer in our country to some degree was a loser through the decreased buying power of flood sufferers themselves. Every investor in railways and industry in the South lost something.

I am sure President Coolidge wants to be fair and is sincere in his desire to see ample protection accorded the people in the Mississippi Valley, but he places a false construction upon the question when he refers to flood control in this great territory as a reclamation problem. In his message to Congress he said:

It is the land of this region that is to be benefited. To say that it is unable to bear any expense of reclamation is the same thing as saying that it is not worth reclaiming.

The major portion of this territory has long since been reclaimed. Through the untiring efforts and undaunted courage of these patriotic people, and at an enormous expense, this great valley has been developed into the greatest agricultural and food-producing section of the Nation.

Perhaps the Panama Canal represents the crowning glory of American engineering skill. Yet I doubt if that achievement demanded larger heroism and tenacity of purpose, the exercise of greater determination to triumph over nature in the face of almost insuperable obstacles, more patience and endurance, than has the conquest of the region of which we speak and in which our people work and live. Through their efforts it became a veritable paradise whose cities, towns, hamlets, and homes were beehives of hospitality; rich with the honeycombs of smiles and welcomes. A land fanned by the balmy zephyrs of southern seas, clothed with the gorgeous sheen of the most fragrant flowers, and vocal with the silvery melody of nature's choicest songsters. But the floods came destroying the achievements of a century and leaving in its wake death, destruction, and despair. To control these floods is not to reclaim but to protect that which we have already developed. The Mississippi River and its tributaries are national assets, Government owned and Government controlled. Why should not the expenses be a Government responsibility?

As a matter of common defense it is essential that this great valley be protected from the ravages of destructive floods. Its people have never shirked responsibility or failed to respond when duty called. In times of peace it has been one of the greatest wealth-producing and food-producing sections of the country.

In times of war it has furnished man power and fed the armies. When the call was made in the World War the boys from the farm, the workshop, and the factory, from every section of the Nation responded. Upon the battle fields of France they turned apparent defeat into victory for the allied armies and won the plaudits of the world.

Had America's greatest peace time disaster, the 1927 flood, befallen us at some critical period during that great war how different would have been the story, how changed might have been the results, of what magnitude might have been the perils of this Republic. The war demonstrated to the country how essential it is to our general welfare that this great valley be protected. The flood demonstrated to us the great dangers and the false sense of security under which we had labored in the past. If commerce is to be encouraged, the general welfare of the country promoted, if we are to provide for our common defense and human life is to be preserved, the Federal Government should no longer delay in assuming its full responsibility in flood control of the Mississippi River and its tributaries.

It is to be hoped that the ardor manifested by the great leaders of the country in their expressions as the floods subsided, revealing its path of destruction and desolation, may not have weakened with the lapse of time. Let there be no further delay. The people of the valley are in suspense. Faith in Congress is the only thing that is preserving the morale. Let us meet the responsibility and meet it quickly. The whole country will approve our action. Flood control is a problem to be wrestled with by experts, but may I make this suggestion: That whatever plan may be adopted it should be broad enough in scope as to include the tributaries; complete protection can not be afforded otherwise and justice can not be met with less.

Before concluding I want to register my protest against the Jadwin plan as applied to southeast Missouri. Section 125, page 29, of the Jadwin report on flood control, as transmitted by the President of the United States in his message of December 8, 1927, together with a letter from the Secretary of War, provides as a part of said plan to create a flood way in southeast Missouri, in New Madrid and Mississippi Counties, by setting back about 5 miles of the west bank of the Mississippi River levee from Birds Point, opposite Cairo, to St. Johns Bayou, just east of New Madrid, a distance of 70 miles by river below Cairo, to lower the present river bank levee to the extent of 5 feet, and including in said flood way approximately

160,000 acres of the best agricultural land in southeast Missouri, perhaps three-fourths of which is under cultivation, a greater portion thereof held by small landowners, the same being in a high state of cultivation, and having been developed by a remarkable drainage system, constructed by the people of that community at their own expense, and in which the savings of a lifetime in developing farms and building homes have been expended. In carrying out this program it is intended to protect the people of the city of Cairo, Ill. According to many engineers of experience, such a program would be of little, and, perhaps, no protection to Cairo, and would only tend to lull the people of that city into a false sense of security. Of course, we all want to protect Cairo, but we believe that American engineering skill can develop a plan just as economical, that will protect Cairo and save southeast Missouri.

The lands in southeast Missouri affected by this plan carry a heavy bonded indebtedness for drainage and levee purposes, which, with the mortgage indebtedness thereon, have almost, if not quite, reached the point of confiscation. The total bonds and coupons issued in New Madrid County for drainage and levee purposes amount to $7,488,487.33. The total amount in Mississippi County is $3,681,909.67. The total for the nine counties in southeast Missouri affected by the flood is $54,536,142.19. The total amount of bonds paid up to July 1, 1927, was $9,017,814.19. Total amount of coupons paid was $14,069,716.37. Bonds unpaid, $21,113,594.14. Coupons unpaid, $10,335,107.49. The total property damage, as estimated by the Mississippi Flood Control Association as a result of the flood of 1927, was as follows:

Mississippi County	$515,500
New Madrid County	802,078
The total for the nine counties affected was	7,091,265

In addition to the indebtedness above referred to these counties have a large outstanding bonded indebtedness created for the purpose of building roads and the damages to the roads that had been constructed in this territory was enormous. A heavy mortgage indebtedness also exists in this territory as is true of all farming sections throughout the country. The interest installments on the bonds of many of the improvement districts in the flood territory are delinquent. Taxes on much of the land involved are delinquent and to impose additional taxes, or other financial obligations, on the local communities that have been the victims of floods from navigable-controlled streams and thereby rendered unable to pay past due interest installments on bonds and delinquent taxes would be an outrage.

Great drainage projects have been undertaken and completed by the people of southeast Missouri at their own expense; in fact, we find in this territory one of the greatest drainage systems in America. The proposed plan would obstruct the outlets for a number of the canals which have been constructed and destroy to a great extent the system heretofore completed. It has been estimated by competent engineers that it would cost approximately $1,500,000 to make the necessary changes in the drainage system in southeast Missouri should the Jadwin plan be carried out. This additional burden would be imposed upon these unfortunate people. According to the proposed plan the local districts in southeast Missouri would be required to furnish the right of way for the new levee proposed, cut down the old levee to the extent of 5 feet, all at their own expense, pay all damages that might result from the prosecution of the plan, and pay 20 per cent of the cost of construction of all new levees. Local communities are unable financially to consider such a proposition. Not only that, it is glaringly unfair.

In a letter by Mr. M. G. Barnes, chief engineer Illinois waterway construction, directed to Hon. William F. Mulvihill, supervisor Illinois waterway construction, Mr. Barnes says with reference to the Jadwin plan as applied to southeast Missouri:

> It has been estimated that the setting back of these levees will cost upwards of $20,000,000. If local authorities are to pay the cost, what local authorities shall it be—the State of Illinois, which is directly benefited by such action, but is not in any way damaged by the setting back of the levees, or shall the cost be assumed by the State of Missouri, where the taking of land and damaging of other land occurs? The proposed expenditure is for the benefit of Illinois and the damage is in the State of Missouri. Illinois may well set up in court that it should not pay for this damage, inasmuch as her rights were originally encroached upon and this new action is, in a measure, an attempt to remedy the damage already done. Missouri, on the other hand, may say that the remedy does great damage to the interests of her people and does not benefit them, and moreover they may set up that some other remedy may protect Illinois citizens at a lower cost. * * *

I might say that if this plan were carried into execution a vast territory in southeast Missouri, west of the proposed new levee, would be left in as unfortunate, if not in a more perilous condition, than it is to-day. I speak of the territory in the St. Francis and Black River Basin. According to the report of the Mississippi Flood Control Association the property damage to Dunklin County alone in this basin, by reason of the 1927 floods, amounted to $3,078,910. In Butler County the estimated damage was $271,300. In Stoddard County $1,985,350. Their levees are broken and destroyed. Bonds can not be sold for future protection. Many schools are closed. Nine successive floods visited these people in 1927, and it is difficult to picture the deplorable situation that exists. Local communities have continued the unequal struggle to the limit of their resources and to the point of exhaustion. Any plan that is adopted should provide for the protection of this basin.

The counties in southeast Missouri affected by the floods are in as high a state of development as any section of the country, densely populated, filled with schools and churches, interlaced with railroads and has perhaps more mileage of State and Federal highways than any other farming section of its size in the Mississippi Valley. Conditions in this territory are illustrative of what is true of many tributaries and demonstrates that the great trunk-line waterway and its tributaries should be considered as one vast flood-control problem.

As suggested in the beginning it is one of the greatest problems that confronts us. It offers an opportunity for the engineering profession to demonstrate man's ability to do a vaster work in conquering the forces of nature than has heretofore been accomplished. Somewhere a genius is waiting, and when Congress acts, and it should act quickly, another Goethals will be found to guide the engineering skill of America to a successful solution of this great problem. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD, and yield back the balance of my time.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. SIMMONS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11133) making appropriations for the government of the District of Columbia, and other activities chargeable in whole or in part, against the revenues of such District, for the fiscal year ending June 30, 1929, and for other purposes, had come to no resolution thereon.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments a bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 10635. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes.

TREASURY DEPARTMENT AND POST OFFICE APPROPRIATION BILL

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10635), making appropriations for the Treasury and Post Office Departments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill (H. R. 10035), making appropriations for the Treasury and Post Office Departments, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. MADDEN, Mr. THATCHER, and Mr. BYRNS.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 9280. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.; and

H. J. Res. 156. Joint resolution authorizing the President to accept the invitation of the British Government to appoint delegates to the Eighth International Dairy Congress, to be

held in Great Britain during June-July, 1928, and providing for an appropriation of $10,000 for the payment of the expenses of the delegates.

LEAVE OF ABSENCE

Mr. LAMPERT, by unanimous consent (at the request of Mr. SCHNEIDER), was granted leave of absence for one week, on account of illness in his family.

SPEECH OF THE LATE HON. CHAMP CLARK

Mr. HAMMER. Mr. Speaker, I ask to do what others of my colleagues have done—printing as a part of my remarks an address delivered by Champ Clark, then Speaker of this House, at the Washington Press Club, to the newly elected Members of Congress on March 16, 1916. This speech was printed the next day in the CONGRESSIONAL RECORD as extension of remarks by Hon. THOMAS BELL, of Georgia, who has himself been a Member of this House 24 years. It has been reprinted by other Members.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to have reprinted in an extension of remarks a speech made by former Speaker Champ Clark. Is there objection?

There was no objection.

Mr. HAMMER. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following:

THE MAKING OF A REPRESENTATIVE

REMARKS OF CHAMP CLARK AT THE WASHINGTON PRESS CLUB RECEPTION, THURSDAY, MARCH 16, 1916

[Printed in CONGRESSIONAL RECORD, March 17, 1916]

It is a high honor to be a Representative in Congress, if for only one term, and with the number of terms the honor increases in geometrical rather than in arithmetical proportion. A Member's usefulness to his country should increase in the same proportion. A man has to learn to be a Representative just as he must learn to be a blacksmith, a carpenter, a farmer, an engineer, a lawyer, or a doctor.

"Poeta nascitur non fit"—a poet is born, not made—says Horace; but Congressmen—that is, useful and influential Congressmen—are made largely by experience and practice.

The old Charlotte district in Virginia knew this and kept John Randolph, of Roanoke, in the House till he became a great national figure. Then the Old Dominion sent him to the Senate and General Jackson sent him to St. Petersburg. There are sporadic cases of similar action in other districts.

It is an unwise performance for any district to change Representatives at short intervals. A new Congressman must begin at the foot of the class and spell up. Of course, the more brains, tact, energy, courage, and industry he has the quicker he will get up. If he possesses these qualities, and if his constituents will keep him in the House, he is as certain to rise as the sparks are to fly upward. No human power can keep him down. It is only fair and rational to assume that every Representative's constituents desire to see him among the "top-notchers."

Let us take the present House and see how long the men who hold the high places have served. I can not name all, but will cite a few as samples.

Mr. Speaker Cannon is serving his fortieth year. He holds the record, or, in pugilistic parlance, "he holds the belt," for length of service in the House in our entire history. In several Congresses he was chairman of the great Committee on Appropriations and then was Speaker eight years, only one man—Henry Clay—having been Speaker longer.

I am serving my twenty-second year; Minority Leader Mann is serving his twentieth year; Mr. Kitchin, chairman of Ways and Means, his sixteenth; Mr. Fitzgerald, chairman of Appropriations, his eighteenth; Mr. Moon, chairman of the Post Office and Post Roads, his twentieth; Mr. Jones, chairman of Insular Affairs and "father of the House," his twenty-sixth; Mr. Flood, chairman of Foreign Affairs, his sixteenth; Mr. Hay, chairman of Military Affairs, his twentieth; Mr. GLASS, chairman of Banking and Currency, his sixteenth; Mr. Adamson, chairman of Interstate and Foreign Commerce, his twentieth; Mr. Stephens, chairman of Indian Affairs, his twentieth; Mr. Slayden, chairman of the Library, his twentieth; Mr. Henry, chairman of Rules, his twentieth; Mr. Lever, chairman of Agriculture, his sixteenth; Mr. Padgett, chairman of the Navy, his sixteenth; Mr. Lloyd, chairman of Accounts, his twentieth; and Mr. Sparkman, chairman of Rivers and Harbors, his twenty-second. There are other big chairmanships, but these will suffice to show that as a rule the big places go to old and experienced Members, for most of the men who rank close to the chairmen are old timers. The same thing holds good with reference to members of the minority. As an illustration, Messrs. GILLETT and COOPER, who are serving their twenty-fourth year, are the ranking Republicans on Appropriations and Foreign Affairs, almost certain to be chairmen thereof should the Republicans ever again have a majority in the House, as in that event, in all probability, Mr. Mann will be Speaker, unless he is nominated for President next June.

Go through the whole list and you will find, with few exceptions, that the men of long service have the high places.

New England and the cities of Philadelphia and Pittsburgh have understood the value of long service all along, and, having elected a fairly good man to Congress, they keep him in the harness.

The Member of longest consecutive service is called "the father of the House." Five Philadelphians in immediate succession bore that honorable title—Randall, Kelley, O'Neill, Harmer, and Bingham. Then it went to Mr. Dalzell, of Pittsburgh. When General Bingham announced the death of General Harmer, his immediate predecessor as "the father of the House," he stated that the five Philadelphia "fathers of the House" had served a total of 147 years, and he served 8 or 10 years after making that interesting statement.

In the second and third Congresses in which I served, Maine, with only four Members, had the Speakership and the chairmanship of the great Committees on Ways and Means, Navy, and Public Buildings and Grounds—a most remarkable circumstance, giving the Pine Tree State an influence in the House and the country out of all proportion to her population and wealth. These four men—Reed, Dingley, Boutelle, and Millikin—each served in the House 20 years or more. Other States might profit by her example.

No man should be elected to the House simply to gratify his ambition. All Members should be elected for the good of the country.

The best rule, it seems to me, is for a district to select a man with at least fair capacity, industrious, honest, energetic, sober, and courageous, and keep him here so long as he discharges his duties faithfully and well. Such a man will gradually rise to high position and influence in the House. His wide acquaintance with Members helps him amazingly in doing things.

I can speak freely on the subject without violating the proprieties, for my constituents have kept me here 22 years, and for 20 years have given me nominations without opposition, for all of which favors I thank them from the bottom of my heart. Their generous action and unwavering friendship have enabled me to devote all my time to the public service. I have not been compelled to spend any portion of my time in "mending my fences." My constituents have attended to that. God bless them!

One other thing. I do not know what committee assignments you new Members secured. If they are good, you are to be congratulated. If bad, do not be cast down. No congressional tenderfoot ever had poorer assignments than I had—Claims and Old Pensions—but I never complained or kicked. I went to work as though those committees suited me exactly. Here is an illustration of what may happen and how luck plays an important part. I was next to top Democrat on both Foreign Affairs and Patents for eight years—never advanced a peg so far as committees went. Just when, at the beginning of the ninth year on those two committees, I was about to become top Democrat on Foreign Affairs, Hon. John Sharp Williams, then minority leader, assigned me to the foot of Ways and Means, and at the end of four years, through the happenings of politics in five different States, I jumped from the foot to the head of the Democratic minority on Ways and Means. So it may be with you. Events over which you have no control may advance you more rapidly than you dream of or hope for. My advice is this: "Whatever your hands find to do, do it with your might."

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that the general debate on the District of Columbia appropriation bill, H. R. 11133, be limited to two hours and a half, two hours to be controlled by the gentleman from Pennsylvania [Mr. CASEY] and 30 minutes to be controlled by myself.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the general debate on the District of Columbia appropriation bill be limited to two hours and a half, two hours to be controlled by the gentleman from Pennsylvania and 30 minutes to be controlled by himself. Is there objection?

There was no objection.

ADJOURNMENT

Mr. SIMMONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned, pursuant to the previous order, until to-morrow, Wednesday, February 22, 1928, at 11 o'clock a. m.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, February 22, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Navy Department appropriation bill.

COMMITTEE ON INDIAN AFFAIRS

(10 a. m.)

To provide for the purchase of land, livestock, and agricultural equipment for the Alabama and Coushatta Indians in Polk County, Texas (H. R. 5479).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. COLTON: Committee on Elections No. 1. A report on the contested-election case of W. H. Clark *v.* Hays B. White, sixth district of Kansas (Rept. No. 717). Referred to the House Calendar.

Mr. UNDERHILL: Committee on the District of Columbia. H. R. 10869. A bill amending section 764 of Subchapter XII, fraternal beneficial associations, of the Code of Law for the District of Columbia; without amendment (Rept. No. 718). Referred to the House Calendar.

Mr. BLANTON: Committee on the District of Columbia. H. R. 10147. A bill to provide a complete code of insurance law for the District of Columbia (excepting marine insurance as now provided for by the act of March 4, 1922, and fraternal and benevolent insurance associations or orders as provided for by the act of March 3, 1901), and for other purposes; with amendment (Rept. No. 719). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. H. R. 11020. A bill validating certain applications for and entries of public lands; without amendment (Rept. No. 720). Referred to the Committee of the Whole House on the state of the Union.

Mr. PERKINS: Committee on Coinage, Weights, and Measures. H. R. 11078. A bill to provide for the coinage of medals in commemoration of the achievements of Col. Charles A. Lindbergh, and for other purposes; with amendment (Rept. No. 721). Referred to the Committee of the Whole House on the state of the Union.

Mr. PERKINS: Committee on Coinage, Weights, and Measures. H. J. Res. 192. A joint resolution to provide for the coinage of a medal in commemoration of the achievements of Col. Charles A. Lindbergh; without amendment (Rept. No. 722). Referred to the Committee of the Whole House on the state of the Union.

Mr. PEERY: Committee on Interstate and Foreign Commerce. S. 797. An act granting the consent of Congress to the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Wellsburg, W. Va.; with amendment (Rept. No. 723). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. S. 1498. An act to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge; with amendment (Rept. No. 724). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 10566. A bill granting the consent of Congress to the city of Peoria, Peoria County, Ill., to construct, maintain, and operate a free highway bridge across the Illinois River at or near Peoria, Ill.; without amendment (Rept. No. 725). Referred to the House Calendar.

Mr. ROBINSON of Iowa: Committee on Interstate and Foreign Commerce. H. R. 10658. A bill authorizing the Interstate Bridge Co., its successors and assigns (or his or their heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Missouri River at or near Decatur, Nebr.; with amendment (Rept. No. 726). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 10707. A bill authorizing the Point Marion Community Club, of Point Marion, Pa., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Point Marion, Pa.; without amendment (Rept. No. 727). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 10756. A bill authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Miami River, between Lawrenceburg, Dearborn County, Ind., and a point in Hamilton County, Ohio, near Columbia Park, Hamilton County, Ohio; without amendment (Rept. No. 728). Referred to the House Calendar.

Mr. HOCH: Committee on Interstate and Foreign Commerce. H. R. 10806. A bill authorizing the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, to construct, maintain, and operate a toll bridge across the Missouri River at or near Atchison, Kans.; without amendment (Rept. No. 729). Referred to the House Calendar.

Mr. MAPES: Committee on Interstate and Foreign Commerce. H. R. 11026. A bill to provide for the coordination of the public-health activities of the Government, and for other purposes; with amendment (Rept. No. 733). Referred to the Committee of the Whole House on the state of the Union.

Mr. YON: Committee on the Public Lands. S. 2021. An act extending and continuing to January 12, 1930, the provisions of "An act authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Fla.," approved January 12, 1925; with amendment (Rept. No. 734). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 9346. A bill to fix the salaries of officers and members of the Metropolitan police force, and the fire department of the District of Columbia," with amendment (Rept. No. 735). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 3170. A bill for the relief of Franklin B. Morse; with amendment (Rept. No. 730). Referred to the Committee of the Whole House.

Mr. JOHNSON of Illinois: Committee on Military affairs. H. R. 4687. A bill to correct the military record of Albert Campbell; with amendment (Rept. No. 731). Referred to the Committee of the Whole House.

Mr. COLTON: Committee on the Public Lands. H. R. 10038. A bill for the relief of Wilford W. Caldwell; without amendment (Rept. No. 732). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 11172) granting a pension to Charles R. Fischer, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COMBS: A bill (H. R. 11264) granting the consent of Congress to the Randolph Bridge & Terminal Co., a corporation, its successors and assigns, to construct, maintain, and operate a railroad bridge across the Missouri River near Randolph, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. ENGLAND: A bill (H. R. 11265) authorizing Cabin Creek Kanawha Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Cabin Creek, W. Va.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11266) authorizing the Nitro Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. CARSS: A bill (H. R. 11267) authorizing the Board of County Commissioners of Itasca County, Minn., to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the north line of section 35, township 144 north, range 25 west; to the Committee on Interstate and Foreign Commerce.

By Mr. BLAND: A bill (H. R. 11268) for the improvement of Monroe Bay and Creek, Va.; to the Committee on Rivers and Harbors.

By Mr. DICKINSON of Missouri: A bill (H. R. 11269) to amend the World War veterans' act, as amended; to the Committee on World War Veterans' Legislation.

By Mr. DYER: A bill (H. R. 11270) to adjust the salaries of criers and bailiffs of the United States district courts; to the Committee on the Judiciary.

By Mr. GOODWIN: A bill (H. R. 11271) to abolish the national-origins method of determining quotas under the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. JACOBSTEIN: A bill (H. R. 11272) to amend the World War veterans' act, 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. McSWAIN: A bill (H. R. 11273) to amend section 127a, national defense act, as amended, and approved June 4, 1920; to the Committee on Military Affairs.

Also, a bill (H. R. 11274) to aid and encourage educational work in the several States and Territories; to the Committee on the Post Office and Post Roads.

By Mr. MERRITT (by request): A bill (H. R. 11275) to retard the extermination of migratory game and legitimate sport by the reduction of bag limits and open seasons; to the Committee on Agriculture.

By Mr. LEAVITT (by request): A bill (H. R. 11276) to authorize an appropriation from tribal funds to pay part of the cost of the construction of a road on the Crow Indian Reservation, Mont.; to the Committee on Indian Affairs.

By Mr. PORTER: A bill (H. R. 11277) to amend the act entitled "An act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes," approved May 24, 1924; to the Committee on Foreign Affairs.

By Mr. SHALLENBERGER: A bill (H. R. 11278) providing for the construction of certain works in the State of Nebraska; to the Committee on Flood Control.

By Mr. SUTHERLAND: A bill (H. R. 11279) authorizing the Postmaster General to establish a uniform system of registration of mail matter, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. WARREN: A bill (H. R. 11280) to authorize the appriation of an emergency relief fund to be expended by the Secretary of Agriculture in the repair of highways and bridges damaged or destroyed by floods; to the Committee on Roads.

By Mr. YON: A bill (H. R. 11281) to authorize the disposition of certain public lands in the State of Florida; to the Committee on the Public Lands.

Also, a bill (H. R. 11282) to amend an act granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes, approved May 1, 1926; to the Committee on Pensions.

By Mr. EVANS of California: A bill (H. R. 11283) for the apportionment of Representatives in Congress; to the Committee on the Census.

By Mr. KENT: A bill (H. R. 11284) for the relief of certain officers of the Dental Corps of the United States Navy; to the Committee on Naval Affairs.

By Mr. CRAMTON: A bill (H. R. 11285) to establish Federal prison camps; to the Committee on the Judiciary.

By Mr. EDWARDS: A bill (H. R. 11286) to establish a farm relief and finance corporation to aid in the orderly marketing, control, and handling of surplus agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. PORTER: Joint resolution (H. J. Res. 211) to amend public resolution 65, approved March 3, 1925, authorizing the participation of the United States Government in the international exposition to be held in Seville, Spain; to the Committee on Foreign Affairs.

By Mr. FISH: Joint resolution (H. J. Res. 212) providing that in all civil-service examinations for appointment to positions under the Federal Government or the District of Columbia honorably discharged soldiers, sailors, and marines shall have five points added, and all such soldiers, sailors, and marines who because of disability are entitled to pension under the pension laws or to compensation under the World War veterans' act, 1924, shall have 10 points added, and for other purposes; to the Committee on the Civil Service.

By Mr. WHITE of Colorado: Concurrent resolution (H. Con. Res. 21) requiring scientific study of values and relative values by the Bureau of Standards; to the Committee on Coinage, Weights, and Measures.

By Mr. CELLER: Resolution (H. Res. 119) that the President authorize the heads of all departments and bureaus to speed up the execution of plans for Government building and construction; to the Committee on Labor.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. ALDRICH: Memorial of the Legislature of the State of Rhode Island, requesting action on the part of the Government to improve the East Harbor and channel from the sea thereto at Block Island, R. I.; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACON: A bill (H. R. 11287) granting an increase of pension to Louisa Donnelly; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 11288) for the relief of Lieut. Commander W. L. Culbertson; to the Committee on Naval Affairs.

By Mr. DAVEY: A bill (H. R. 11289) for the relief of Katherina Kautz and Fred. G. Kautz, heirs of the estate of Christian F. Kautz, deceased; to the Committee on Claims.

By Mr. DE ROUEN: A bill (H. R. 11290) to provide for a survey of the Lake Charles Deep Water Channel, La., with a view to maintaining same, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. FISHER: A bill (H. R. 11291) granting a pension to Abe Erlich; to the Committee on Pensions.

By Mr. HICKEY: A bill (H. R. 11292) granting an increase of pension to Mary A. Grubb; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 11293) granting an increase of pension to Dorothy J. Edgar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11294) granting an increase of pension to Mary A. Schell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11295) granting a pension to Bertha M. Freeze; to the Committee on Pensions.

Also, a bill (H. R. 11296) granting an increase of pension to Mary A. Strawn; to the Committee on Invalid Pensions.

By Mr. KADING: A bill (H. R. 11297) granting an increase of pension to Esther Ostrander; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 11298) granting an increase of pension to Adelaide Durrum; to the Committee on Invalid Pensions.

By Mr. KENT: A bill (H. R. 11299) to grant accrued pension to Mary L. Christman; to the Committee on Pensions.

Also, a bill (H. R. 11300) granting a pension to Sadie Stepp; to the Committee on Pensions.

By Mr. McLAUGHLIN: A bill (H. R. 11301) granting a pension to Wesley H. Crockett; to the Committee on Pensions.

By Mr. MONAST: A bill (H. R. 11302) granting an increase of pension to Elvira M. Barnefield; to the Committee on Invalid Pensions.

By Mr. MONTAGUE: A bill (H. R. 11303) for the relief of Georgia L. Washington; to the Committee on Claims.

By Mrs. LANGLEY: A bill (H. R. 11304) granting a pension to Lillie Witt; to the Committee on Pensions.

Also, a bill (H. R. 11305) granting a pension to Arthur Lynch; to the Committee on Pensions.

Also, a bill (H. R. 11306) for the relief of Henry M. Hutchinson; to the Committee on the Civil Service.

By Mr. LEATHERWOOD: A bill (H. R. 11307) granting a pension to Mary Ann Webb; to the Committee on Pensions.

By Mr. LOZIER: A bill (H. R. 11308) granting an increase of pension to Amanda E. Bailey; to the Committee on Invalid Pensions.

By Mr. PEERY: A bill (H. R. 11309) to provide for the appointment of Ensign Preston G. Locke, Supply Corps, United States Navy, as an officer of the line of the Navy; to the Committee on Naval Affairs.

By Mr. REECE: A bill (H. R. 11310) granting a pension to Roe Simerly; to the Committee on Pensions.

Also, a bill (H. R. 11311) granting a pension to Charles Brown; to the Committee on Pensions.

Also, a bill (H. R. 11312) granting a pension to Sexton Pierce; to the Committee on Pensions.

Also, a bill (H. R. 11313) granting a pension to Walker Cooper; to the Committee on Pensions.

Also, a bill (H. R. 11314) granting a pension to Susan M. Hammond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11315) granting a pension to Roderick R. Burrow; to the Committee on Pensions.

Also, a bill (H. R. 11316) granting an increase of pension to Evaline Jenkins; to the Committee on Invalid Pensions.

By Mr. ROBINSON of Iowa: A bill (H. R. 11317) granting an increase of pension to Lizzie S. Williams; to the Committee on Invalid Pensions.

By Mr. STOBBS: A bill (H. R. 11318) granting an increase of pension to Eliza H. Raitt; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 11319) granting an increase of pension to Marie C. Frazier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11320) granting an increase of pension to Virginia Black; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 11321) to allow credits in the accounts of certain disbursing officers of the United States Veterans' Bureau; to the Committee on Claims.

By Mr. VINSON of Georgia: A bill (H. R. 11322) granting an increase of pension to Clark Brown; to the Committee on Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 11323) for the relief of N. Maxey Tabor; to the Committee on the Public Lands.

By Mr. WOLVERTON: A bill (H. R. 11324) granting an increase of pension to Rebecca Lindsay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11325) granting an increase of pension to Sarah Comstock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11326) granting an increase of pension to Ida Custis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11327) granting an increase of pension to Mary A. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11328) granting an increase of pension to Emma L. Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11329) granting an increase of pension to Mary E. Hurley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11330) granting an increase of pension to Mary Boylen; to the Committee on Invalid Pensions.

By Mr. HUGHES: Resolution (H. Res. 118) to increase the salaries of the employees of House of Representatives; to the Committee on Accounts.

By Mr. SMITH: Resolution (H. Res. 120) to provide an assistant clerk to the Committee on Irrigation and Reclamation; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4260. By Mr. BACHMANN: Petition of Mrs. Hugh R. Wilson and 84 other citizens of Wheeling, W. Va., protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4261. Also, petition of the International Molders' Union of North America, Local No. 364, Wheeling, W. Va., favoring the Cooper-Hawes bill (H. R. 7729 and S. 1940); to the Committee on Labor.

4262. By Mr. BURTON: Resolutions of members of Friends Chapel Monthly Meeting, Vermillion Quarterly Meeting of the Society of Friends, opposing the ambitious program for an immense increase in naval construction; to the Committee on Naval Affairs.

4263. By Mr. CANFIELD: Petition of Misses Angeline and Maggie Webster and 85 other citizens of Sunman, Ind., protesting against the passage of the Sunday observance bill, known as House bill 78; to the Committee on the District of Columbia.

4264. By Mr. CARSS: Petition of Hubert S. Reinarz and 19 other residents of Gemmell, Minn., urging immediate steps be taken to bring to a vote a Civil War pension bill proposed by the National Tribune; to the Committee on Invalid Pensions.

4265. By Mr. CHALMERS: Resolution indorsing the passage of the Morgan bill (H. R. 15487), which provides for increase in pensions of the aged widows of Civil War veterans and makes some increase to the old veterans; to the Committee on Invalid Pensions.

4266. By Mr. COCHRAN of Pennsylvania: Petition of Frank Gilbert, mayor of Sharon, Pa., and 119 other residents of Sharon, advocating increase of pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

4267. By Mr. COLE of Iowa: Petition of C. L. Pitzer, of Cedar Rapids, Iowa, and 84 other signers, residents of Cedar Rapids, Iowa, protesting the passage of House bill 78, or any compulsory Sunday bills that have been introduced; to the Committee on the District of Columbia.

4268. By Mr. COMBS (by request): Petition advocating a measure carrying the following provisions: $72 per month for every Civil War survivor, $125 per month for every Civil War survivor requiring aid and attendance, and $50 per month for every Civil War widow; to the Committee on Invalid Pensions.

4269. By Mr. CRAIL: Petition of sundry citizens of Los Angeles County, Calif., protesting against immigration; to the Committee on Immigration and Naturalization.

4270. Also, petition of sundry citizens of Los Angeles County, Calif., protesting against the passage of the Brookhart motion picture bill (S. 1667); to the Committee on Interstate and Foreign Commerce.

4271. Also, petition of sundry citizens of Los Angeles County, Calif., for House bill 500 and Senate bill 777, for the relief of the permanently disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

4272. By Mr. DENISON: Petition of various citizens of Jackson County, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

4273. By Mr. EATON: Petition of 45 residents of Somerset County, N. J., against House bill 78; to the Committee on the District of Columbia.

4274. By Mr. ENGLEBRIGHT: Resolution of Vallejo Typographical Union No. 389, Vallejo, Calif., indorsing Senate bill 1605; to the Committee on Naval Affairs.

4275. By Mr. GALLIVAN: Petition of William A. Henry, 19 Juliette Street, Dorchester, Mass., recommending early and favorable consideration of House bill 10644, which provides for increases in salaries for the personnel of the customs service; to the Committee on Ways and Means.

4276. By Mr. GOODWIN: Petition by M. B. Hagen and 21 other residents of Hopkins, Minn., in favor of an increase in the pension for the Union veterans of the Civil War and the widows of such veterans; to the Committee on Invalid Pensions.

4277. Also, petition of Mrs. M. Walter and nine other residents of Hinckley, Minn., in opposition to the provisions of House bill 78, the Lankford Sunday observance bill, being enacted into law; to the Committee on the District of Columbia.

4278. By Mr. GRIEST: Petition of Washington Camp, No. 209, Patriotic Order Sons of America, Columbia, Pa., urging restriction of immigration, strengthening of naturalization laws, and registration of aliens; to the Committee on Immigration and Naturalization.

4279. By Mr. HADLEY: Petition of a number of residents of King County, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4280. Also, petition of residents of Langley, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4281. Also, petition of residents of Snohomish, Wash., and vicinity, protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4282. Also, petition of residents of Mount Vernon, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4283. Also, petition of residents of Hadlock, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4284. By Mr. HAUGEN: Petition of four citizens of Allamakee County, Iowa, protesting against the enactment of House bill 78, or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

4285. By Mr. HUDSON: Petition of citizens of Ingham County and Detroit, Mich., protesting against the enactment of the proposed billion-dollar expansion program of our Navy and urging armament reduction and the cultivation of good will and confidence among all nations; to the Committee on Naval Affairs.

4286. Also, resolution of Capitol Methodist Association, of Lansing, Mich., representing 40 churches in the county of Ingham, State of Michigan, protesting against the enactment of the proposed naval expansion program; to the Committee on Naval Affairs.

4287. Also, petition of citizens of the sixth congressional district of Michigan, protesting against the passage of House bill 78, commonly known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

4288. Also, petition of citizens of Lansing, Mich., urging the enactment of higher rates of pensions for the veterans of the Civil War and for their widows; to the Committee on Invalid Pensions.

4289. By Mr. FRENCH: Petition of 152 citizens of Coeur d'Alene, Idaho, protesting against enactment of House bill 78, or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4290. By Mr. KINDRED: Resolution by the Association for the Protection of the Adirondacks, opposing the so-called McNary-Woodruff bill (S. 1181) in so far as it relates to the State of New York, and protesting that the policy of the bill would be an invasion of the rights of the State; to the Committee on Agriculture.

4291. By Mr. KNUTSON: Petition signed by Mrs. F. E. Haskin, of Philbrook, Minn., and others, protesting against compulsory Sunday observance legislation (H. R. 78); to the Committee on the District of Columbia.

4292. Mr. McKEOWN: Petition of H. L. Gilbert and other citizens of Wewoka, Okla., protesting the passage of compulsory Sunday observance law; to the Committee on the District of Columbia.

4293. By Mr. MANLOVE: Petition signed by 144 citizens of Joplin, Mo., including George H. Davenport, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4294. Also, petition signed by 17 citizens of McDonald County, Mo., including J. F. DeGroat and Miles A. Elliff, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4295. Also, petition signed by 74 citizens of Nevada, Mo., including A. G. Hoover and Earl Dickson, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4296. Also, petition signed by 58 citizens of Newton County, Mo., including Mr. and Mrs. F. S. Hardiman, A. Whipple, and W. M. Melton, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4297. Also, petition signed by 42 citizens of Nevada, Mo., including George Osborn and F. J. Maxwell, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4298. Also, petition signed by 38 citizens of Carthage, Mo., including Mrs. Hugh Root, Mrs. S. I. Barton, and Mrs. P. E. Vance, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4299. Also, petition signed by 74 citizens of Carthage, Mo., including Mrs. Fred Barnard and L. L. Stanley, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4300. By Mr. MARTIN of Massachusetts: Petition of Maud E. Codding and 19 other residents of Mansfield, Mass., protesting against the so-called compulsory Sunday observance bill; to the Committee on the District of Columbia.

4301. By Mr. MORROW: Petition of citizens of Santa Fe, Socorro County, and Roswell, N. Mex., protesting against House bill 78, compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

4302. By Mr. O'CONNELL: Petition of the Waterman Fountain Pen Co., New York, N. Y., favoring the passage of the Cuban parcel post bill (H. R. 9195); to the Committee on Ways and Means

4303. Also, petition of the International Association of Policewomen, favoring the passage of Senate bill 1907 and House bill 6664; to the Committee on the District of Columbia.

4304. By Mr. RATHBONE: Petition by voters of Chicago, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to veterans and their widows; to the Committee on Invalid Pensions.

4305. By Mr. REID of Illinois: Petition from citizens of Kane County, Ill., in behalf of legislation for Civil War veterans and their widows; to the Committee on Invalid Pensions.

4306. By Mr. ROMJUE: Petition of Roy H. Campbell, Charles M. Fore, et al., of Wayland, Mo., to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

4307. By Mr. SELVIG: Resolution of Clinton Emmerson and 13 adult citizens, of Detroit Lakes, Minn., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

4308. Also, resolution of Gudvangen Lodge, No. 316, Sons of Norway, Fosston, Minn., favoring the repeal of the national-origins clause of the present immigration act; to the Committee on Immigration and Naturalization.

4309. Also, resolution of Brage Lodge, No. 75, Sons of Norway, Fertile, Minn., favoring the repeal of the national-origins clause of the present immigration act; to the Committee on Immigration and Naturalization.

4310. By Mr. THURSTON: Petition of 79 citizens of Osceola, Iowa, protesting against House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

4311. By Mr. SWICK: Petition of Mrs. W. L. Daubenspeck and 21 other residents, of Fairview Boro, Pa., in support of a bill providing pensions of $72 per month for every survivor of the Civil War, $125 per month for every Civil War survivor requiring aid and attendance, and $50 per month for every Civil War widow; to the Committee on Pensions.

4312. Also, petition of Ashley H. Hill and 72 other residents, of New Castle and Lawrence County, Pa., in support of a pension bill for Civil War veterans and their widows, providing $72 per month for every Civil War survivor, $125 per month for every Civil War survivor requiring aid and attendance, and $50 per month for every widow; to the Committee on Pensions.

4313. By Mr. WARE: Petition protesting against passage of House bill 78, by citizens of Campbell County, Ky.; to the Committee on the District of Columbia.

4314. By Mr. WATSON: Resolution passed by the Clerical Brotherhood of the Protestant Episcopal Church of the diocese of Pennsylvania, in opposition to a big naval program; to the Committee on Naval Affairs.

4315. By Mr. WELSH of Pennsylvania: Petition against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4316. By Mr. WHITE of Colorado: Petition of sundry citizens of Denver, Colo., advocating the early enactment of pending legislation to increase the rates of pension to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

4317. By Mr. WYANT: Petition of Irwin Council, No. 44, Junior Order United American Mechanics, 500 members, favoring legislation to extend quota restrictions on immigration from Mexico, West Indies, and countries of Central and South America, and also reduction of total quota immigration to a maximum of 80,000 per annum; to the Committee on Immigration and Naturalization.

4318. Also, petition of B. F. Isenberg, of Huntingdon, Pa., favoring passage of a bill to make the battle field of Bentonville, N. C., a national park; to the Committee on Military Affairs.

4319. Also, petition of Philadelphia Chamber of Commerce, favoring passage of Cuban parcel post bill (H. R. 9195); to the Committee on Ways and Means.

4320. Also, petition of Virginia division, Travelers Protective Association of America, favoring passage of House bill 5588; to the Committee on Interstate and Foreign Commerce.

4321. Also, petition of Dixie Post, No. 64, Veterans of Foreign Wars, indorsing Senate bill 2303 and House bill 8560; to the Committee on Pensions.

4322. Also, petition of Associated Pennsylvania Constructors, protesting against policy of United States Engineer Corps as applying to Government construction work; to the Committee on Military Affairs.

4323. Also, petition of Women's International League for Peace and Freedom, disapproving of naval appropriations bill; to the Committee on Appropriations.

4324. Also, petition of Mrs. William M. Glass, member of executive committee of agricultural extension work of Westmoreland County, Greensburg, Pa., favoring passage of the Capper-Ketcham bill; to the Committee on Agriculture.

4325. Also, petition of the Merchants' Association of New York, favoring passage of House bill 8557; to the Committee on Interstate and Foreign Commerce.

4326. By Mr. ZIHLMAN: Petition of Charles T. Reese, of Trego, and numerous other residents of Washington County, Md., protesting against the enactment of House bill 78, or any compulsory Sunday observance bill; to the Committee on the District of Columbia.

4327. Also, petition of Mrs. Carl Brown, of Sandy Spring, and 27 other citizens of Montgomery County, Md., protesting against the enactment of House bill 78, or any other bill enforcing the observance of Sunday; to the Committee on the District of Columbia.

4328. By Mr. WILLIAM E. HULL: Petition of A. L. Johnson and others, protesting against the passage of any compulsory Sunday observance bill for the District of Columbia; to the Committee on the District of Columbia.

4329. Also, petition of Grace Wolfinger and other residents of Smithsburg, Md., protesting against the enactment of any compulsory Sunday observance bill; to the Committee on the District of Columbia.

SENATE

WEDNESDAY, *February 22, 1928*

The Senate met at 11 o'clock a. m.

Rev. Joseph R. Sizoo, D. D., pastor of the New York Avenue Presbyterian Church, in the city of Washington, offered the following prayer:

God of our fathers, God of the ages, our God, we thank Thee that in times of crises when the resources of man shrivel the resources of God unfold. On this day of days we pause to acknowledge again that guidance in the affairs of our lives.

We bless Thee for the heritage of one whom we have always called the Father of our Country. We can not exalt him always above praise or blame, but we can exalt ourselves by living out the forces he set in motion. Unto that end give us courage in waiting and patience by all high resolves, so that through our

efforts Thy kingdom may come, prosperity may abound, and peace may be established in the world. And unto Thee, O illimitable love, Father, Son, and Holy Ghost, shall we give all the praise. World without end. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

WASHINGTON'S FAREWELL ADDRESS

The VICE PRESIDENT. Under the order of the Senate, Washington's Farewell Address will now be read by the senior Senator from Minnesota [Mr. SHIPSTEAD].

READING OF WASHINGTON'S FAREWELL ADDRESS

Mr. SHIPSTEAD read the address, as follows:

To the people of the United States:

Friends and fellow citizens, the period for a new election of a citizen to administer the Executive Government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office of which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed toward the organization and administration of the Government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications. experiences, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes..

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry.—The south, in the same intercourse, benefiting by the same agency of the north, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the north, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The east, in a like intercourse with the west, already finds, and in the progressive improvement of interior communications by land

and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The west derives from the east supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the west can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations,—northern and southern—Atlantic and western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secured to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to

make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigating by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be constantly awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger

only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

UNITED STATES, GEO. WASHINGTON.
17th September, 1796.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had signed the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 1193. An act granting certain rocks or islands to the State of Oregon for park purposes;

S. 1312. An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the Bryce Canyon National Park, and for other purposes;

S. 1425. An act to remove a cloud on title;

H. R. 9280. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.; and

H. J. Res. 156. Joint resolution authorizing the President to accept the invitation of the British Government to appoint delegates to the Eighth International Dairy Congress, to be held in Great Britain during June–July, 1928, and providing for an appropriation of $10,000 for the payment of the expenses of the delegates.

ADJOURNMENT

The VICE PRESIDENT. Under the unanimous-consent agreement, the Senate will stand adjourned until 12 o'clock to-morrow.

Thereupon the Senate (at 11 o'clock and 50 minutes a. m.), under the order heretofore entered, adjourned until to-morrow, Thursday, February 23, 1928, at 12 o'clock m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *February 22, 1928*

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We thank Thee, Almighty God, that our highest human happiness is the wonderful privilege of entering into the joy of the Lord! Through Thee the pillars of the eternal world are made firm and the earth is stirred with a melody unheard before! We pray for that strength that shall cause our inner natures to grow into stalwart dimensions. Thou has crowned us with honor and glory and given us a responsibility in the moral sovereignty of the world. With all the grasp of our mortal strength may we be alive to the calls and claims of our day. O God, a rich sentiment has set this hour apart. We pause to pay worthy tribute to him whose dust sleeps upon the banks of the historic Potomac. A Republic undergirded by the best blood and overarched by Thy Providence adjourns in memory of him who was great in righteous war and magnanimous in peace. He lives at the very foundation of our Government, at the firesides of our land, and in the grateful hearts of his countrymen. May the story of his sacrifice, of his chivalry, of his lofty sense of right and justice live on and on to bless and inspire the coming generations of men. In the name of the world's Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1193. An act granting certain rocks or islands to the State of Oregon for park purposes;

S. 1312. An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the Bryce Canyon National Park, and for other purposes; and

S. 1425. An act to remove a cloud on title.

CALL OF THE HOUSE

Mr. TILSON. Mr. Speaker, on an occasion of this kind I think there should be a full attendance of the membership of the House. I therefore move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 37]

Aldrich	Dickinson, Mo.	Johnson, S. Dak.	Rathbone
Anthony	Dickstein	Johnson, Wash.	Sabath
Arentz	Dominick	Kahn	Sanders, N. Y.
Beck, Pa.	Doughton	Kendall	Sirovich
Beck, Wis.	Douglass, Mass.	Kent	Somers, N. Y.
Begg	Doutrich	Kindred	Spearing
Bell	Dowell	Kunz	Stalker
Berger	Doyle	Kurtz	Steagall
Black, Tex.	Eaton	LaGuardia	Stedman
Bohn	Estep	Lampert	Strother
Boies	Evans, Calif.	Langley	Sullivan
Boylan	Fenn	Lanham	Sweet
Briggs	Fish	Larsen	Tatgenhorst
Britten	Fitzgerald, Roy G.	Lea	Taylor, Tenn.
Browne	Freeman	Leatherwood	Treadway
Bulwinkle	French	Lehlbach	Tucker
Burdick	Furlow	Lindsay	Underhill
Campbell	Gallivan	Luce	Vestal
Carew	Garrett, Tenn.	Lyon	Watres
Carley	Gasque	McFadden	Weller
Cartwright	Gibson	McLeod	Welsh, Pa.
Casey	Gilbert	McSwain	White, Colo.
Celler	Golder	Merritt	White, Me.
Christopherson	Goldsborough	Michaelson	Williams, Mo.
Clague	Graham	Milligan	Williams, Tex.
Clancy	Green, Iowa	Montague	Williamson
Clarke	Greenwood	Moore, Ky.	Wilson, La.
Cole, Iowa	Hall, Ill.	Moore, N. J.	Wilson, Miss.
Collier	Hardy	Moore, Va.	Wingo
Connery	Hersey	Morin	Wolverton
Connolly, Pa.	Hill, Ala.	Nelson, Me.	Wood
Cooper, Wis.	Houston, Del.	Nelson, Wis.	Woodrum
Crowther	Hudson	Newton	Wurzbach
Cullen	Hull, Wm. E.	O'Connor, N. Y.	Wyant
Curry	Igoe	Oliver, N. Y.	Yates
Dallinger	Jenkins	Palmer	Yon
Davey	Johnson, Ill.	Palmisano	Zihlman
Dickinson, Iowa	Johnson, Okla.	Quayle	

The SPEAKER. Two hundred and eighty-two Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Chair will request the gentleman from Ohio [Mr. BURTON] to read the Farewell Address of Washington. [Applause.]

Mr. BURTON read the address.

[For the address see Senate proceedings of to-day, at page 3408.]

ADJOURNMENT

Mr. TILSON. Mr. Speaker, in order that the Members of the House may attend the George Washington memorial celebration at Alexandria, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 23 minutes p. m.) the House adjourned until to-morrow, Thursday, February 23, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, February 23, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce (H. R. 7940).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To provide for the increase of the Naval Establishment (H. R. 7359).

COMMITTEE ON INDIAN AFFAIRS

(10 a. m.)

To provide for the purchase of land, livestock, and agricultural equipment for the Alabama and Coushatta Indians in Polk County, Tex. (H. R. 5479).

EXECUTIVE COMMUNICATIONS, ETC.

372. Under clause 2 of Rule XXIV, a letter from the Secretary of the Navy, transmitting draft of the proposed bill "to provide for the elimination from the active list of the Navy of certain officers of the Staff Corps who have not been selected for promotion," was taken from the Speaker's table and referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HILL of Washington: Committee on Indian Affairs. H. R. 431. A bill to authorize the payment of certain taxes to Okanogan County, in the State of Washington, and for other purposes; with amendment (Rept. No. 736). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUTLER: A bill (H. R. 11331) to provide for the elimination from the active list of the Navy of certain officers of the Staff Corps who have not been selected for promotion; to the Committee on Naval Affairs.

By Mr. COCHRAN of Missouri: A bill (H. R. 11332) authorizing the acquisition of a site for the farmers' produce market in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. HILL of Washington: A bill (H. R. 11333) to provide for free homesteads on the public lands for bona fide settlers in the diminished Colville Indian Reservation, State of Washington, and for other purposes; to the Committee on the Public Lands.

By Mr. KVALE: A bill (H. R. 11334) to provide for the preparation, printing, and distribution of pamphlets containing a brief recital of the achievements of Col. Charles A. Lindbergh; to the Committee on Printing.

Also, a bill (H. R. 11335) to provide for the preparation, printing, and distribution of pamphlets containing a biographical sketch of George Washington; to the Committee on Printing.

By Mr. LEAVITT: A bill (H. R. 11336) to provide for the conservation of fish, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. SWING: A bill (H. R. 11337) to repeal the proviso to the act of March 3, 1905; to the Committee on the Public Lands.

By Mr. COMBS: A bill (H. R. 11338) granting the consent of Congress to the Kansas City Southern Railway Co., its successors and assigns, to construct, maintain, and operate a bridge over the Missouri River at Randolph, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH: Joint resolution (H. J. Res. 213) declaring the Star-Spangled Banner to be the national anthem; to the Committee on the Judiciary.

By Mr. HASTINGS: Resolution (H. Res. 121) authorizing and directing the Committee on the Post Office and Post Roads to investigate why an appointment has not been made for position of rural carrier on route No. 3 out of Westville, Adair County, Okla.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNS: A bill (H. R. 11339) for the relief of the estate of C. C. Spiller, deceased; to the Committee on War Claims.

By Mr. BACHARACH: A bill (H. R. 11340) granting an increase of pension to George H. Walker; to the Committee on Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 11341) for the relief of George B. Snyder; to the Committee on Claims.

By Mr. DYER: A bill (H. R. 11342) for the relief of John A. Clayton; to the Committee on Claims.

By Mr. EVANS of Montana: A bill (H. R. 11343) to correct the military record of Frank C. Russell; to the Committee on Military Affairs.

By Mr. FISHER: A bill (H. R. 11344) authorizing the President to appoint Cecil G. Sellers to the position and rank of captain, Air Corps, in the United States Army; to the Committee on Military Affairs.

By Mr. HASTINGS: A bill (H. R. 11345) granting an increase of pension to Belle Garrett; to the Committee on Invalid Pensions.

By Mr. HILL of Washington: A bill (H. R. 11346) granting a pension to James H. Greiner; to the Committee on Pensions.

By Mr. STALKER: A bill (H. R. 11347) granting a pension to Julia May Ford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11348) granting an increase of pension to Esther C. Sawyer; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 11349) for the relief of Alessandro Zauri; to the Committee on World War Veterans' Legislation.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4330. Petition of Military Order of the Loyal Legion of the United States, Commandery of the District of Columbia, Washington, D. C., urging the adoption of "Arlington House" as an amendment to the Army appropriation bill (H. R. 10286); to the Committee on Military Affairs.

4331. By Mr. BOHN: Petition protesting Sunday observance bill, by citizens of Traverse City, Mich.; to the Committee on the District of Columbia.

4332. By Mr. BOIES: Petition signed by citizens of Sioux City, Woodbury County, Iowa, urging increase in pensions of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

4333. By Mr. BOWMAN: Petition submitted by Mrs. Isabelle Hartman, urging additional pension relief to Civil War veterans and their dependents; to the Committee on Invalid Pensions.

4334. By Mr. DEAL: Petition of the citizens of Norfolk, Va., protesting against the passage of the Lankford bill (H. R. 78), providing for compulsory Sunday observance; to the Committee on the District of Columbia.

4335. By Mr. DEMPSEY: Petition of citizens of Buffalo, N. Y., protesting against Brookhart bill, affecting the motion-picture industry; to the Committee on Interstate and Foreign Commerce.

4336. By Mr. DOWELL: Petition of residents of Des Moines, Iowa, favoring the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

4337. Also, petition of residents of Story County, Iowa, against the Lankford bill; to the Committee of the District of Columbia.

4338. Also, petition of residents of Winterset, Iowa, against the Lankford bill; to the Committee on the District of Columbia.

4339. Also, petition of residents of Des Moines, Iowa, against the Lankford bill; to the Committee on the District of Columbia.

4340. Also, petition of residents of Des Moines, Iowa, against the Lankford bill; to the Committee on the District of Columbia.

4341. Also, petition of residents of Warren County, Iowa, against the Lankford bill; to the Committee on the District of Columbia.

4342. Also, petition of residents of Des Moines, Iowa, against the Lankford bill; to the Committee on the District of Columbia.

4343. Also, petition of residents of Indianola, Iowa, against the Lankford bill; to the Committee on the District of Columbia.

4344. Also, petition of residents of Winterset, Iowa, against the Lankford bill; to the Committee on the District of Columbia.

4345. Also, petition of residents of Madison County, Iowa, against the Lankford bill; to the Committee on the District of Columbia.

4346. Also, petition of residents of Warren County, Iowa, against the Lankford bill; to the Committee on the District of Columbia.

4347. Also, petition of residents of Story County, Iowa, against the Lankford bill; to the Committee on the District of Columbia.

4348. By Mr. EVANS of Montana: Petition of Mrs. E. G. Prather and other members of the Woman's Club of Covina, Calif., protesting against the cutting down of any of the Sequoia Gigantea trees in the vicinity of Yosemite or in any other section of California; to the Committee on the Public Lands.

4349. Also, petition of Niels O. Olsen and other residents of Three Forks, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

4350. Also, petition of Mrs. Mayme E. Tracy and other residents of Missoula, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

4351. By Mr. GARNER of Texas: Petition of citizens of Brooks County, Tex., favoring legislation for increase of Civil War pensions; to the Committee on Invalid Pensions.

4352. By Mr. GREGORY: Petition of R. A. Russell and other citizens of Kevil, Ballard County, Ky., in favor of an increase in the pension for the Union veterans of the Civil War and the widows of such veterans; to the Committee on Invalid Pensions.

4353. Also, petition of Georgiana P. Keeran and other citizens of La Center, Ballard County, Ky., in favor of an increase in the pension for the Union veterans of the Civil War and the widows of such veterans; to the Committee on Invalid Pensions.

4354. By Mr. KVALE: Petition of Harvey Freese and 30 residents of Raymond and Clara City, Minn., protesting against enactment into law of House bill 6465, to amend the immigration act of 1924 by placing Mexico and Canada on a quota basis of immigration; to the Committee on Immigration and Naturalization.

4355. Also, petition of members of the Minnesota Council of Agriculture, demanding passage of the McNary-Haugen bill, including the equalization fee; to the Committee on Agriculture.

4356. Also, petition of several residents of Montevideo, Minn., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

4357. Also, petition of Ideal Creamery Cooperative Co., urging passage of the McNary-Haugen bill; to the Committee on Agriculture.

4358. Also, petition of members of the Woman's Christian Temperance Union of Alexandria, Minn., urging passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

4359. Also, petition of members of the board of managers of the Women's Cooperative Alliance, Minneapolis, Minn., voicing opposition to proposed naval building program; to the Committee on Naval Affairs.

4360. Also, petition of Mrs. William H. Hoyt, State regent, Daughters of the American Revolution, representing 2,800 Minnesota Daughters of the American Revolution, urging passage of the naval appropriation and building program; to the Committee on Naval Affairs.

4361. Also, petition of 31 Chippewa Indians of Minnesota, protesting against passage of House bill 189; to the Committee on Indian Affairs.

4362. Also, petition of several residents of Chippewa, Renville, Meeker, and Kandiyohi Counties, Minn., protesting against

House bill 6465, to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

4363. Also, petition of Lars Anderson and 95 residents of Hector and Bird Island, Minn., protesting against enactment of the Box bill to place Mexico and Canada on a quota basis of immigration; to the Committee on Immigration and Naturalization.

4364. Also, petition of W. B. Carlson and several residents of Dassel, Minn., protesting against enactment into law of House bill 6465, providing for amendment of the immigration act of 1924 by placing Mexico and Canada on a quota basis of immigration; to the Committee on Immigration and Naturalization.

4365. Also, petition of John Genken and several residents of Kandiyohi County, Minn., protesting against enactment of House bill 6465, to make the quota basis of immigration applicable to Canadian and Mexican immigrants into the United States; to the Committee on Immigration and Naturalization.

4366. By Mr. MICHENER: Petition of sundry citizens of Lenawee and Wayne Counties, Mich., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4367. By Mr. O'BRIEN: Petition of the voters of Sand Run, Upshur County, W. Va., to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

4368. By Mr. O'CONNELL: Petition of the Queensberry Club, Washington, D. C., favoring the passage of the Updike bill (H. R. 7736) to legalize amateur boxing in the District of Columbia; to the Committee on the District of Columbia.

4369. Also, petition of the General Federation of Women's Clubs, Mount Vernon, N. Y., favoring the passage of the Capper-Ketcham bill (H. R. 9495) for "further development of agricultural extension"; to the Committee on Agriculture.

4370. By Mr. SWING: Petition of citizens of Riverside, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4371. Also, petition of citizens of Banning, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4372. Also, petition of citizens of San Diego County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4373. Also, petition of citizens of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4374. By Mr. VINCENT of Michigan: Petition of residents of the eighth congressional district of Michigan, urging that more liberal pension legislation be passed in behalf of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

4375. Also, petition of residents of the eighth congressional district of Michigan, protesting against compulsory Sunday legislation; to the Committee on the District of Columbia.

SENATE

THURSDAY, *February 23, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O God, whose nature and property is ever to have mercy and to forgive, receive our humble petition; and though we be tied and bound with the chain of our sins, yet let the pitifulness of Thy great mercy loose us that with pure hearts and minds we may serve Thee without hindrance. And as we here invoke the agency of an impalpable influence, the comradeship of the like-minded, the example of our fathers gone before us, grant to us to feel the passion of a high resolve to cherish above all else the glorious destiny unto which Thou hast called us as a nation. Grant this for the sake of Him whose tender love enfolds us, Thy Son, our Savior Jesus Christ. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MADDEN, Mr. THATCHER, and Mr. BYRNS were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 9843) to extend the times for commencing and completing the construction of a bridge across the Kanawha River in or near Henderson, W. Va., to a point opposite thereto in or near Point Pleasant, W. Va., in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1154. An act to authorize the use by the county of Yuma, Ariz., of certain public lands for a municipal aviation field, and for other purposes; and

S. 1959. An act to transfer to the Secretary of the Navy jurisdiction over oil and gas leases issued by the Secretary of the Interior on lands in naval petroleum reserves.

APPROPRIATIONS FOR THE TREASURY AND POST OFFICE DEPARTMENTS

Mr. WARREN. I ask the Chair to lay before the Senate the action of the House of Representatives on the appropriation bill which has just been received.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, accede to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. WARREN, Mr. SMOOT, Mr. MOSES, Mr. OVERMAN, and Mr. HARRIS conferees on the part of the Senate.

WISCONSIN POTTAWATOMI INDIANS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1759) to appropriate treaty funds due the Wisconsin Pottawatomi Indians, which were, on page 1, line 3, after the word "hereby," to insert "authorized to be"; on page 1, line 6, to strike out the word "Pottawatomi" and insert "Pottawatomie"; on page 1, line 6, after the word "Indians," to insert a comma; on page 1, line 7, after the word "Michigan," insert a comma; on page 2, line 6, after the word "hereby," insert "authorized to be"; on page 2, line 11, to strike out the word "expenditures" and insert the word "expenditure"; and to amend the title so as to read: "An act to authorize appropriation of treaty funds due the Wisconsin Pottawatomie Indians."

Mr. LA FOLLETTE. I move that the Senate concur in the House amendments.

The motion was agreed to.

PETITIONS AND MEMORIALS

Mr. ROBINSON of Arkansas presented a letter from J. J. O'Hearne, district manager of the Southern Hardwood Traffic Association, at Helena, Ark., opposing the confirmation of Mr. Esch as a member of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

He also presented letters in the nature of memorials from sundry citizens in the State of Arkansas, remonstrating against the passage of the bill (S. 1752) to regulate the manufacture and sale of stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

Mr. WALSH of Massachusetts presented telegrams in the nature of petitions from the presidents, governors, and sundry members of Artistides Chapter, No. 50, of Lynn, of Lord Byron Chapter, No. 57, of Brockton; of Lowell Chapter, No. 102, of Lowell; of Fall River Chapter and Marlboro Chapter, all of the Order of Ahepa, and of sundry citizens of Hellenic descent in the State of Massachusetts, praying for the adoption of the pending debt settlement between Greece and the United States as tending to result in better relations between both countries, which were referred to the Committee on Finance.

Mr. COPELAND presented a letter in the nature of a petition from Isabella McAllister, of New York, N. Y., praying for the passage of legislation providing for the registration of lobbyists, which was ordered to lie on the table.

He also presented telegrams in the nature of petitions from Albany Chapter, No. 140; Hudson Valley Chapter, No. 115; and chapters at Binghamton and Watertown, all of the Order of Ahepa, and sundry Hellenic societies, and citizens of Hellenic descent, all in the State of New York, praying for the adoption

of the pending debt settlement between Greece and the United States as tending to result in better relations between both countries, which were referred to the Committee on Finance.

He also presented a letter in the nature of a memorial signed by officers of the League of Mothers' Clubs, of New York, N. Y., remonstrating against the adoption of the proposed enlarged naval building program, which was referred to the Committee on Naval Affairs.

He also presented a memorial numerously signed by sundry citizens of Buffalo and vicinity, in the State of New York, remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the Third Conference on the Cause and Cure of War, which was referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

Resolution passed by the Third Conference on the Cause and Cure of War, January 15–19, 1928

Resolved, That the Conference on the Cause and Cure of War deplores the policy of greatly increased naval armaments for the United States, at the same time that our State Department is offering treaties renouncing war as an instrument of national policy, and urges that in the adoption of any naval building program the President be authorized to suspend construction if circumstances warrant it.

MOTION-PICTURE REGULATION

Mr. SHORTRIDGE. I present memorials from the managers of the following moving-picture theaters: Glen City Theater, Santa Paula; California Theater, Richmond; Million Dollar Theater, Los Angeles; Carthay Circle Theater, Los Angeles; West Coast Theaters (Inc.), Fresno; Loew's State Theater, Los Angeles; St. Francis Theater, San Francisco; Strand Theater, San Francisco; Ritz Theater, Los Angeles, all in the State of California, protesting against the passage of the so-called Brookhart bill, S. 1667.

The VICE PRESIDENT. The memorials will be received and referred to the Committee on Interstate Commerce.

Mr. SHORTRIDGE. In connection with the memorials just presented, I hold in my hand an editorial from the Los Angeles Examiner concerning the proposed measure of the Senator from Iowa [Mr. BROOKHART]. It is respectful and thoughtful; I think it will be interesting to Senators. I request that this editorial, which advances reasons why this bill should not pass, be printed in the RECORD and referred to the Committee on Interstate Commerce.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

[From the Los Angeles Examiner, February 15, 1928]

PICTURE REGULATION MEASURE IS NOT NEEDED BY INDUSTRY

The motion-picture industry is not ripe for Government regulations, as provided in the Brookhart bill before the Senate.

There is no monopoly and no danger of monopoly in the production, distribution, or exhibition of pictures. It is throughout a highly competitive business which threatens the public with no extortions.

Moreover, it is a fast-developing business which needs to be free of the shackles of Government supervision.

The Brookhart bill, to meet alleged abuses in the trade, prohibits "block booking" and "blind booking."

It forbids producers showing pictures first in their own theaters. Each picture in each town must be auctioned off to the highest bidder.

The bill directs the Federal Trade Commission to decide disputes as to prices, etc., and (sec. 8) it forbids anybody in the industry to violate any regulation made by the Federal Trade Commission.

No competitive industry in the United States is subject to any such drastic regulation by the Federal power. The American theory of government is for Government to keep its hands off except in cases where competition fails to protect the public.

In this case complaint is not made on behalf of the public, but on behalf of certain independent exhibitors.

It is claimed that block booking, wholesale purchase of a run of pictures, binds the exhibitor to buy inferior stuff in order to get the big hit. Any abuse in this direction is being eliminated by the industry itself. Block booking enables the theater to plan and advertise ahead with certainty, and it greatly decreases the cost of selling films.

Blind booking, buying pictures unseen and unmade, is nothing but selling ahead for future delivery, a practice universal with every leading business in the country. To abolish forward contracts would hurt independent producers more than the so-called affiliated interests.

Such contracts are the basis of the bank loans with which the independents meet their pay rolls. There are plenty of these independent producers, just as there are thousands of independent exhibitors.

The most unfair part of the bill is its attempt to deny producers the right to choose their exhibitors—for example, to prefer the theaters they own. It is an effort to set back the clock of economic progress by refusing to this one group of manufacturers the right to sell direct to the public.

The Brookhart bill would introduce expense and confusion into film distribution by forbidding the long-term contracts on which business is done. It would make production more uncertain and costly. Fewer films would be produced if none could be sold until completed—that is, if there could be no blind booking.

Finally, Government disapproval of our film industry would give foreign governments a fine new excuse to handicap American films by discriminatory legislation.

The Brookhart bill should not pass. It is an ill-considered proposal, based on ignorance of the motion-picture business. It will harm instead of help the interests it pretends to protect. It is an un-American interference with a great American industry which has done nothing to deserve this stigma and this handicap at the hands of the Government.

REPORTS OF COMMITTEES

Mr. TYSON, from the Committee on Military Affairs, to which were referred the following bills, reported adversely thereon and moved that the bills be indefinitely postponed, which was agreed to:

A bill (H. R. 6438) for the relief of David Parrett; and

A bill (H. R. 8643) for the relief of William Taylor Coburn.

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3119) to authorize the construction of a temporary railroad bridge across Pearl River in Rankin County, Miss., and between Madison and Rankin Counties, Miss. (Rept. No. 357);

A bill (H. R. 121) authorizing the Cairo Association of Commerce, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cairo, Ill. (Rept. No. 358);

A bill (H. R. 449) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a toll bridge across the Atchafalaya River at or near Morgan City, La. (Rept. No. 359);

A bill (H. R. 5501) authorizing the Hermann Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Hermann, Gasconade County, Mo. (Rept. No. 348);

A bill (H. R. 5502) authorizing the Washington Missouri River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Washington, Franklin County, Mo. (Rept. No. 349);

A bill (H. R. 5803) authorizing the Interstate Bridge Co., of Lansing, Iowa, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Lansing, Iowa (Rept. No. 354);

A bill (H. R. 5679) authorizing the Nebraska-Iowa Bridge Corporation, a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River between Washington County, Nebr., and Harrison County, Iowa (Rept. No. 355);

A bill (H. R. 6476) authorizing the Wabasha Bridge Committee, Wabasha, Minn., to construct, maintain, and operate a bridge across the Mississippi River at or near Wabasha, Minn. (Rept. No. 360);

A bill (H. R. 7199) granting the consent of Congress to the Oregon-Washington Bridge Co. to maintain a bridge already constructed across the Columbia River near the city of Hood River, Oreg. (Rept. No. 361);

A bill (H. R. 7371) to legalize a bridge across the Snake River near Heyburn, Idaho (Rept. No. 362);

A bill (H. R. 7375) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Guntersville, on the Guntersville-Huntsville road, in Marshall County, Ala. (Rept. No. 363);

A bill (H. R. 7909) to authorize the maintenance and renewal of a timber frame trestle in place of a fixed span at the Wisconsin end of the steel bridge of the Duluth & Superior Bridge Co. over the St. Louis River between the States of Wisconsin and Minnesota (Rept. No. 364);

A bill (H. R. 7914) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Whitesburg Ferry, on the Huntsville-Laceys Spring road, between Madison and Morgan Counties, Ala. (Rept. No. 365);

A bill (H. R. 7915) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Scottsboro, on the Scottsboro-Fort Payne road, in Jackson County, Ala. (Rept. No. 366);

A bill (H. R. 7925) granting the consent of Congress for the maintenance and operation of a bridge across the Monongahela River between the borough of Glassport and the city of Clairton, in the Commonwealth of Pennsylvania (Rept. No. 367);

A bill (H. R. 6639) authorizing the Centennial Bridge Co. of Independence, Mo. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Liberty Landing, Clay County, Mo. (Rept. No. 371);

A bill (H. R. 8106) authorizing F. C. Barnhill, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Arrow Rock, Saline County, Mo. (Rept. No. 372); and

A bill (H. R. 8107) authorizing Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Miami, Saline County, Mo. (Rept. No. 373).

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

A bill (S. 3118) to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near section 35, township 10 north, range 6 east, Leake County, Miss. (Rept. No. 350);

A bill (H. R. 66) authorizing B. L. Hendrix, G. C. Trammel, and C. S. Miller, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Mound City, Ill. (Rept. No. 353);

A bill (H. R. 7183) authorizing C. J. Abbott, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Golconda, Ill. (Rept. No. 352); and

A bill (H. R. 7921) authorizing A. Robbins, of Hickman, Ky., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Hickman, Fulton County, Ky. (Rept. No. 351).

Mr. DALE also, from the Committee on Commerce, to which was referred the bill (S. 2827) granting the consent of Congress to the States of South Dakota and Nebraska, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River, reported it with amendments and submitted a report (No. 356) thereon.

Mr. KENDRICK, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2569) providing for horticultural experiment and demonstration work in the semiarid or dry-land regions of the United States, reported it with an amendment and submitted a report (No. 368) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2030) to provide for research into the causes of poultry diseases, for feeding experimentation, and for an educational program to show the best means of preventing disease in poultry, reported it without amendment and submitted a report (No. 369) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 3325) for the relief of Horace G. Knowles, reported it without amendment and submitted a report (No. 370) thereon.

Mr. BLAINE, from the Committee on the Judiciary, to which was referred the bill (S. 851) to amend an act of Congress approved July 3, 1926, being Private Act No. 272, and entitled "An act conferring jurisdiction upon the Federal district court for the western division of the western district of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman*," reported it without amendment.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following enrolled bills:

S. 1154. An act to authorize the use by the county of Yuma, Ariz., of certain public lands for a municipal aviation field, and for other purposes;

S. 1193. An act granting certain rocks or islands to the State of Oregon for park purposes;

S. 1312. An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the Bryce Canyon National Park, and for other purposes;

S. 1425. An act to remove a cloud on title; and

S. 1959. An act to transfer to the Secretary of the Navy jurisdiction over oil and gas leases issued by the Secretary of the Interior on lands in naval petroleum reserves.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRUCE:

A bill (S. 3331) for the relief of Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroldsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, and the Bethel Cemetery Co. (with accompanying papers); to the Committee on Claims.

By Mr. McNARY:

A bill (S. 3332) conferring jurisdiction upon the United States District Court for the District of Oregon or the Court of Claims to hear and determine any suit or suits, actions, or proceedings which may be instituted or brought by the State of Oregon, and/or the Klamath irrigation district, a public corporation of the State of Oregon, by intervention or direct suit or suits, to set aside that certain contract between the United States and the California-Oregon Power Co., dated February 24, 1917, together with all contracts or modifications thereof, and to set aside or cancel the sale made by the United States Government, through the Secretary of the Interior, of the so-called Ankeny and Keno Canals and the Leavitt power site, and the lands embraced in the rights of way thereof, to the said California-Oregon Power Co., and to determine the validity of the disposition of surplus waters; to the Committee on Irrigation and Reclamation.

A bill (S. 3333) granting a pension to Francis H. Kearney;

A bill (S. 3334) granting a pension to Charles A. Parkwood;

A bill (S. 3335) granting a pension to Hubert L. Bassett;

A bill (S. 3336) granting a pension to Sarah R. Bates; and

A bill (S. 3337) granting a pension to Charles E. Finch; to the Committee on Pensions.

By Mr. CARAWAY:

A bill (S. 3338) authorizing the sale of certain lands on Petit Jean Mountain near Morrilton, Ark., for use by the Young Men's Christian Association of Arkansas; to the Committee on Public Lands and Surveys.

Mr. FLETCHER. On behalf of my colleague [Mr. TRAMMELL], who is unavoidably absent, I introduce a bill for appropriate reference.

By Mr. FLETCHER (for Mr. TRAMMELL):

A bill (S. 3339) for the relief of Mrs. James Lee Pennington; to the Committee on Finance.

By Mr. SACKETT:

A bill (S. 3340) for the relief of W. L. Inabnit (with accompanying papers); to the Committee on Claims.

A bill (S. 3341) granting a pension to Sarah Kimball (with accompanying papers); and

A bill (S. 3342) granting a pension to Mary E. Sinclair (with accompanying papers); to the Committee on Pensions.

By Mr. KENDRICK:

A bill (S. 3343) for the relief of the Arapahoe and Cheyenne Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. SHORTRIDGE:

A bill (S. 3344) to extend medical treatment to retired officers and enlisted men of the United States Coast Guard; to the Committee on Commerce.

A bill (S. 3345) authorizing Lester Maynard to accept the decoration of the Order of the Nile tendered to him by the King of Egypt; to the Committee on Foreign Relations.

A bill (S. 3346) to correct the military record of Herbert Horrell; to the Committee on Military Affairs.

A bill (S. 3347) granting a pension to Richard T. Crean; and

A bill (S. 3348) granting an increase of pension to Marie B. Granger; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 3349) granting a pension to Margaret Griffin; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 3350) granting an increase of pension to Amelia Applegate (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 3351) granting a pension to Elizabeth Wentworth (with accompanying papers); and

A bill (S. 3352) granting an increase of pension to Abbie E. Emmons (with accompanying papers); to the Committee on Pensions.

By Mr. FRAZIER:

A bill (S. 3353) granting an increase of pension to George E. Wykoff (with accompanying papers); to the Committee on Pensions.

(By request.) A bill (S. 3354) for the preservation and administration of the forests of the Colville Indian Reservation; and

(By request.) A bill (S. 3355) to authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians; to the Committee on Indian Affairs.

By Mr. JONES:

A bill (S. 3356) to provide for the coordination of the public health activities of the Government, and for other purposes; to the Committee on Commerce.

By Mr. JOHNSON:

A bill (S. 3357) granting a pension to Matilda Wright; to the Committee on Pensions.

A bill (S. 3358) to amend the military record of Charles F. Stone; to the Committee on Military Affairs.

By Mr. NEELY:

A bill (S. 3359) granting an increase of pension to Hannah J. Vaught; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3360) granting an increase of pension to Alice Nichols; to the Committee on Pensions.

By Mr. McNARY:

A joint resolution (S. J. Res. 96) to authorize the Secretary of Agriculture to accept a gift of certain lands in Clayton County, Iowa, for the purposes of the upper Mississippi River wild life and fish refuge act; to the Committee on Agriculture and Forestry.

By Mr. BINGHAM:

A joint resolution (S. J. Res. 97) authorizing the President to appoint three delegates to the Twenty-third International Congress of Americanists, and making an appropriation for the expenses of such congress (with accompanying papers); to the Committee on Foreign Relations.

By Mr. COPELAND:

A joint resolution (S. J. Res. 98) authorizing the selection of sites and the erection of monuments to John Bunyan and William Harvey in Washington, D. C.; to the Committee on the Library.

AMENDMENT TO DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. TYDINGS submitted an amendment proposing to appropriate $132,300 for paving Sixteenth Street NW. from Kalmia Street to the District line, intended to be proposed by him to House bill 11133, the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

TULE RIVER INDIAN RESERVATION, CALIF.

Mr. SHORTRIDGE submitted an amendment intended to be proposed by him to the bill (S. 1662) to change the boundaries of the Tule River Indian Reservation, Calif., which was referred to the Committee on Indian Affairs and ordered to be printed.

CHANGES OF REFERENCE

On motion of Mr. HALE the Committee on Naval Affairs was discharged from further consideration of the bill (S. 148) granting a pension to Mary A. Brown, and it was referred to the Committee on Pensions.

Also, on motion of Mr. HALE, the Committee on Naval Affairs was discharged from further consideration of the bill (S. 1770) for the relief of certain officers of the Coast Guard, and it was referred to the Committee on Commerce.

On motion of Mr. REED of Pennsylvania, the Committee on Military Affairs was discharged from the further consideration of the following bills, and they were referred to the Committee on Civil Service:

A bill (S. 2115) to authorize the granting of leave to ex-service men and women to attend the annual convention of the United Spanish War Veterans and auxiliary in Habana, Cuba, in 1928; and

A bill (H. R. 7908) to authorize the granting of leave to ex-service men and women to attend the annual convention of the United Spanish War Veterans and auxiliary in Habana, Cuba, in 1928.

HOUSE BILL REFERRED

The bill (H. R. 9843) to extend the times for commencing and completing the construction of a bridge across the Kanawha River in or near Henderson, W. Va., to a point opposite thereto in or near Point Pleasant, W. Va., was read twice by its title and referred to the Committee on Commerce.

CONTROL OF AIRCRAFT FOR SEACOAST DEFENSE

Mr. BINGHAM. I submit a concurrent resolution and ask to have it read.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the concurrent resolution (S. Con. Res. 11), as follows:

Whereas the problem of the control of shore-based aircraft intended for coast defense has long been a vexed question; and

Whereas in the airplane we have a truly amphibious instrument of national defense which crosses the coast line at will, and which can not be definitely confined either to the land where the Army is dominant or to the sea where the Navy has paramount interest; and

Whereas there exists the necessity for the establishment of a clear and indisputable line of demarcation between the proper air functions of the Army and those of the Navy, not only in the continental United States but also in the Panama Canal Zone and in the Territories and possessions; and

Whereas the national interest demands that the aeronautical strength of the Nation should always be employed where it will be most effective; and

Whereas the difficulty of reaching any satisfactory solution of this problem through negotiations between the representatives of the Army and Navy has been repeatedly described publicly by high-ranking officials of our armed forces: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That a joint committee of Congress, to consist of five Senators, to be appointed by the President of the Senate, and five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, is authorized and directed to make a full investigation of the problem of the control of aircraft for seacoast defense, and to recommend to Congress as soon as practicable such legislation concerning aerial coast defense as it shall deem necessary or proper.

For the purpose of this resolution such committee is authorized to hold hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic, and other assistance, to require by subpœna or otherwise the attendance of such witnesses, and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The expenses of the committee, which shall not exceed $2,000, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

Mr. BINGHAM. Mr. President, in view of the fact that this matter is one which concerns both the Military Affairs Committee and the Naval Affairs Committee, and in view of the fact that it is a matter of very great national importance that a decision be reached on these questions which have been going along without proper decision for more than 10 years, I ask that the concurrent resolution may be referred first to the Committee on Military Affairs.

The VICE PRESIDENT. Without objection, the concurrent resolution will be referred to the Committee on Military Affairs.

MISSOURI RIVER BRIDGES

Mr. HAWES. I ask unanimous consent for the present consideration of three bridge bills, which were reported to-day from the Committee on Commerce. They are House bills 6639, 8106, and 8107.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the bills will be considered.

Mr. NORRIS. I have no objection to the consideration of the bills.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bills in their order.

The bills were severally reported to the Senate without amendment, ordered to a third reading, read the third time, and passed, as follows:

A bill (H. R. 6639) authorizing the Centennial Bridge Co. of Independence, Mo. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Liberty Landing, Clay County, Mo.;

A bill (H. R. 8106) authorizing F. C. Barnhill, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Missouri River at or near Arrow Rock, Saline County, Mo.; and

A bill (H. R. 8107) authorizing Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Miami, Saline County, Mo.

NOMINATIONS FOR EXECUTIVE CALENDAR

Mr. BORAH. Mr. President, I ask unanimous consent, as in executive session, to submit three reports from the Foreign Relations Committee.

The VICE PRESIDENT. Without objection, the reports will be received and placed upon the Executive Calendar.

ROBERT W. STEWART—RECUSANT WITNESS

Mr. WALSH of Montana. Mr. President, I am advised that the Sergeant at Arms has a privileged report which he desires to submit.

The VICE PRESIDENT. The report will be received.

The SERGEANT AT ARMS (David S. Barry). Mr. President, I have to report that in the case of Robert W. Stewart, whom I took into custody on a warrant issued by the President of the Senate, Mr. Justice Bailey, of the Supreme Court of the District of Columbia, has denied the writ of habeas corpus for which he applied. Mr. Stewart immediately appealed the case.

Mr. WALSH of Montana. Mr. President, may I inquire of the Sergeant at Arms if the court directed the prisoner to be remanded to the custody of the Sergeant at Arms?

The SERGEANT AT ARMS. Yes; he was remanded to the custody of the Sergeant at Arms, and then, when he appealed the case, he was immediately released on bond.

Mr. WALSH of Montana subsequently said: I ask unanimous consent to have printed in the RECORD the opinion of Associate Justice Bailey in the matter of Robert W. Stewart, petitioner.

There being no objection, the opinion and order were ordered to be printed in the RECORD, as follows:

In the matter of Robert W. Stewart, petitioner. Habeas corpus No. 1488

It appears that the petitioner, Robert W. Stewart, having been subpœnaed to appear and testify before the Senate Committee on Public Lands and Surveys, appeared before that committee on February 2 and 3, 1928. He answered certain questions put to him by the committee but declined to answer certain others, and the committee reported his refusal to answer to the Senate.

The Senate thereupon directed that a warrant issue directing the Sergeant at Arms of the Senate to take the petitioner into custody and bring him before the bar of the Senate to answer such questions pertinent to the matter under inquiry as might be propounded to him and to keep him in custody to await the further order of the Senate.

The warrant was issued and executed and the petitioner now claims that he is being unlawfully detained by the respondents, the Sergeant at Arms of the Senate and his deputy. He rests his claim upon three propositions.

First:

"The Senate is without power to arrest and attach petitioner for the purpose of compelling him to attend as a witness before the Senate when at the time of the arrest the witness was in attendance before the Senate committee under and in obedience to a subpœna issued by it."

If the committee was seeking information as a basis for legislation by Congress and if the questions asked the petitioner were pertinent to such inquiry and did not invade any of his constitutional rights, it was his duty to answer, and his refusal to do so could be treated as an act of contempt of the Senate. The Senate might thereupon have had him attached to be brought before the bar of the Senate to answer for his contempt, as has been done in several cases, but instead took a more lenient course in having him brought before the bar of the Senate to answer such pertinent questions as might be asked him there. There was no question but that he had refused to answer as reported by the committee, and he has no ground to complain that he was to be given an opportunity to purge himself of his contempt by giving his testimony before the Senate instead of being brought before its bar for punishment. The attachment could properly be based on his recalcitrant conduct as a witness before the committee. The Senate is not necessarily controlled by the practice of the courts in similar cases.

Petitioner's second and third propositions are:

"Resolution 101 does not call for information essential for the exercise of the power of legislation, but is an attempt at exercising judicial function, beyond the powers of the Senate, and authorizes an inquiry into the private affairs of individuals."

"Petitioner answered every question put to him of public interest with respect to the disposition of the bonds held by the Continental Trading Co. The questions he refused to answer dealt with private and personal matters, the answers to which could in no way furnish information essential to the efficient performance of any legislative function of the Senate."

Resolution 101 authorizes an investigation supplementary to one theretofore authorized, and of which the committee had made no final report. The former investigation had resulted in legislation directing the prosecution of suits, one of which had resulted in the recovery of valuable property of the Government, and in other legislation, and it may be assumed that the Senate had in mind the possibility of the need of further legislation when the latest resolution was passed. The failure to specify such purpose is not fatal to the inquiry. Where the particular investigation has already formed the basis of legislation, the court will not assume that some particular phase of a later investigation supplementary to the former can not be made for the purpose of legislation and that the Senate is transcending its functions under the Constitution.

The petitioner states that he appeared voluntarily before the committee to give his testimony. He took an oath to tell "the truth, the whole truth, and nothing but the truth." He raised no general objection to the scope of the inquiry, but after he had proceeded to answer numerous questions he finally refused to answer as to his knowledge of anyone who received the Liberty bonds mentioned in the resolution or whether he had discussed any of the bond transactions with Sinclair, and other questions of similar character. He voluntarily testified in part, but refused to tell the whole truth, and a partial truth may be as misleading as a falsehood. These questions were clearly relevant to the inquiry and involved no question of privilege. They did not involve the private affairs of the witness, and the witness can not make such a claim on behalf of others when he does not appear to be acting in a representative capacity. But even such a ground would not be an excuse for failure to answer questions relevant to any matters which were the subject of proper inquiry.

In my opinion the grounds upon which the petitioner refused to testify were frivolous and without legal bases and his attachment was justified.

The writ of habeas corpus will be discharged and the petitioner remanded to the custody of the respondents.

———— ————, *Justice.*

In the matter of Robert W. Stewart, petitioner. Habeas corpus No. 1488

ORDER

This cause came on to be heard on the petition for the writ of habeas corpus, the writ issued thereon, the return of the respondents filed herein, and the traverse to return, and upon the said pleadings was argued by counsel for the respective parties and submitted to the court.

Upon consideration whereof, it is by the court this 23d day of February, A. D. 1928,

Adjudged and ordered, That said Robert W. Stewart be, and he is hereby, remanded to the custody and control of the respondents and the writ of habeas corpus be, and it is hereby, discharged.

JENNINGS BAILEY,
Associate Justice.

From the foregoing order the petitioner in open court notes an appeal to the court of appeals and the penalty of his bond for costs in said appeal is fixed in the sum of $100, or in lieu of said bond he may deposit the sum of $50 in the clerk's office, and the said Robert W. Stewart is ordered to be admitted to bail in the sum of $5,000 upon his giving bond in the said sum to answer for his appearance in said court of appeals.

REGISTRATION OF LEGISLATIVE COUNSEL OR AGENTS

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Chief Clerk read the resolution (S. Res. 145), submitted by Mr. WALSH of Massachusetts on the 14th instant, as follows:

Resolved, That the standing rules of the Senate be, and they are hereby, amended by adding a new rule, as follows:

RULE XLI. REGULATION AND REGISTRATION OF LEGISLATIVE COUNSEL OR AGENTS

All persons employed for hire as attorney or agents to represent individuals, partnerships, societies, corporations, or foreign governments, to advocate or oppose pending legislation, shall register the fact of such employment, a statement of the particular legislation, and the name of their employer with the Secretary of the Senate before engaging in such employment.

Upon motion of any Member of the Senate, supported by a majority vote, any designated employee may be summoned to appear before the Committe on Rules and required to give the names of all persons for whom he is employed, or if an employer, the names of those who were employed by him to influence legislation during the current session of Congress and an account of all expenditures incurred or promised for the purpose.

The chairmen of the committees shall require all persons appearing before them to advocate or oppose pending legislation to state whether they are employed for the purpose, and if so, by whom employed. A list of employers so disclosed shall be kept by the committee, and upon motion of any member any designated employer shall be summoned before the committee and required to give the names of all persons employed by him to influence legislation during the current session of Congress, and an account of all expenditures incurred or promised for the purpose.

Mr. WALSH of Massachusetts. Mr. President, in view of the fact that the Senator from Kansas [Mr. CURTIS], who is chairman of the Committee on Rules, has assured me that the Committee on Rules will have a hearing on the resolution in the very near future and report to the Senate, I ask that the resolution be referred to the Committee on Rules.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Rules.

STATISTICS RELATIVE TO UNEMPLOYMENT

The VICE PRESIDENT. The Chair lays before the Senate another resolution coming over from a preceding day, which will be read.

The Chief Clerk read the resolution (S. Res. 147) submitted by Mr. WAGNER on the 15th instant, as follows:

Whereas it is essential to the intelligent conduct of private and public business enterprises, to the proper timing for the inauguration of public works by the Federal Government, and the encouragement of similar undertakings by the States, to the formulation of sound economic policy, and it is prerequisite to the provision of relief against the hardship of unemployment and to the ultimate solution of the unemployment that accurate and all-inclusive statistics of employment and unemployment be had at frequent intervals; and

Whereas it is apparent that the United States is now suffering from a decided growth of unemployment, and no nation-wide statistics of unemployment in the United States are anywhere available;

Resolved, That the Secretary of Labor is hereby directed (1) to investigate and compute the extent of unemployment in the United States and make report thereon to the Senate, and together therewith to report the methods and devices whereby the investigation and computation shall have been made; (2) to investigate the method whereby frequent periodic report of the number of unemployed in the United States and permanent statistics thereof may hereafter be had and made available, and make report thereon to the Senate.

Mr. CURTIS. Mr. President, I ask that the resolution may go over without prejudice.

The VICE PRESIDENT. It will go over without prejudice.

REGULATION OF IMMIGRATION

The VICE PRESIDENT. The Chair lays before the Senate another resolution coming over from a previous day, which will be read.

The Chief Clerk read the resolution (S. Res. 156) submitted by Mr. SHIPSTEAD on the 21st instant, as follows:

Resolved, That the President be, and he is hereby, requested to inform the Senate whether the estimates of immigration quotas, prepared by the Secretaries of State, Commerce, and Labor under section 11 of the act approved May 26, 1924, which were transmitted to the Senate by the President, together with two letters of the said Secretaries, on January 3 and 10, 1927, are still unsupported by responsible documentary evidence, as admitted in the second letter in question or in process of revision or improvement, and when in the latter case new figures will reach the Congress, accompanied by adequate and detailed explanation of the method of computation, or otherwise.

Mr. SHIPSTEAD. Mr. President, I ask for the adoption of the resolution.

Mr. CURTIS. Mr. President, I have no personal objection to the resolution if the Senator will amend it and put it in usual form, inserting the words "if not incompatible with the public interest."

Mr. SHIPSTEAD. I accept the amendment and modify my resolution accordingly.

The VICE PRESIDENT. Without objection——

Mr. WILLIS. Mr. President, just a moment. I wonder whether, in the absence of the chairman of the Committee on Immigration, the Senator desires to have the resolution adopted. It seems to be a little unusual to have no consideration of the resolution.

Mr. SHIPSTEAD. The chairman of the Committee on Immigration is not here.

Mr. WILLIS. That is just the point. I wonder if the Senator would not be willing to let the resolution go over until the chairman of the committee is here. So far as I know there is no objection to it; but it seems to be a little unusual to adopt a resolution of this kind without the slightest conference with the chairman of the committee.

Mr. SHIPSTEAD. It never occurred to me, in view of the language of the resolution, that there would be any objection at all. I have not been able to communicate with the chairman of the Committee on Immigration this morning.

Mr. WILLIS. If it would not interrupt the Senator's plan, I suggest as a matter of courtesy that that ought to be done. The proceeding is rather unusual, though not contrary to the rule, of course. It seems to me that the resolution ought to be considered by the chairman of the Committee on Immigration.

Mr. LA FOLLETTE. Mr. President, the resolution has been going over under the rule for a number of days. It merely requests certain information and it has now been amended by the Senator from Minnesota so as to contain the usual language, "if not incompatible with the public interest." It seems to me that the resolution should be adopted. I can not see how any Senator could have any objection to a resolution asking for information when couched in that language.

Mr. WILLIS. I do not desire to be understood as objecting, but I think it is rather an unusual proceeding to crowd a resolution of this kind through without consideration by the committee or at any rate by the chairman of the committee.

Mr. SHIPSTEAD. Does the Senator object?

Mr. WILLIS. I do not like to object. I suggest that the Senator let the resolution go over until the Senator from California [Mr. JOHNSON] is here. If he confers with him and there is no objection, it is certainly all right with me.

Mr. LA FOLLETTE. The resolution is not in a position where it can be thrown over on the objection of any one Senator.

Mr. WILLIS. I understand that.

Mr. LA FOLLETTE. The resolution came over from a previous day and is entitled to be considered.

Mr. WILLIS. I understand that. I am asking, as a matter of courtesy to the Senator from California, that the Senator from Minnesota let the resolution go over until there can be some conference about it. I do not think there will be any question about its passage.

Mr. LA FOLLETTE. It seems to be the resolution calls for very important information which the Senate and the Congress should have. I hope the Senator from Minnesota will insist on his right to have the resolution considered.

Mr. HARRIS. Mr. President, I should like to have the resolution read.

The resolution was again read.

Mr. COPELAND. Mr. President, the Senate will remember that last year concerning this subject two letters came to us and the figures contained therein did not agree at all; there was a serious conflict. I assume the purpose of the Senator from Minnesota [Mr. SHIPSTEAD] is to ascertain accurately what the figures are, and to put the material before the Senate. I can see no reason why we should not adopt the resolution and obtain this information, because we must have it if we are to deal intelligently with the problem which is pending before us and before the committee. I am sure that the Senator from California [Mr. JOHNSON] would not be at all resentful of the adoption of the resolution, but would be glad to have it adopted in order that the material referred to therein might be available for the consideration of the committee.

Mr. REED of Pennsylvania. Mr. President, I do not think that any action ought to be taken on this resolution without a challenge being made to the wording in line 7, which implies that the estimates of immigration quotas are "unsupported by responsible documentary evidence." I do not believe that that is the fact or that at any time it has been the fact; so I would not want the resolution to be agreed to without that statement or implication being challenged.

I will say that the national-origins quotas have been the subject of constant study; that we are now advised by the Census Bureau that they are confident of the accuracy of the quotas as last established by their study; and that it is quite incorrect to state that they are "unsupported by documentary evidence" or that they are unsupported by other kinds of evidence; and the letter which is mentioned in the resolution did not make that admission.

Mr. SHIPSTEAD. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. REED of Pennsylvania. I yield.

Mr. SHIPSTEAD. Would the Senator be satisfied if the language of the report of the Secretaries of Commerce, Labor, and State that accompany the President's transmittal letter of January 10, 1927, were substituted for the words to which he objects?

Mr. REED of Pennsylvania. I have never been satisfied with those letters. The Secretaries of Commerce and Labor and State joined in a letter of transmittal to the President, sending him those national-origins quotas. That letter was sent by the President to the Senate; it expressed no dissatisfaction with the quotas; but a few days later a second message came from the President, asking us to substitute for that letter another letter, in which there was a phrase stating, in substance, that the Secretaries had grave doubt as to the accuracy of the figures. It has never been explained to us how that "grave doubt" happened to arise between the time of the transmittal of the first message of the President and the few days that elapsed before the second message came.

Mr. WILLIS. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. REED of Pennsylvania. I yield to the Senator from Ohio.

Mr. WILLIS. It seems to me this is a matter of considerable importance. Why does not the Senator from Pennsylvania suggest that the resolution be referred to the Committee on Immi-

gration? It does not seem to me that we can very satisfactorily amend the resolution here on the floor.

Mr. REED of Pennsylvania. I was looking over the resolution in order to see if we might amend it by certain changes. I see no objection to the Senate having all the facts called for by the resolution.

Mr. WILLIS. Of course, no one is objecting to that.

Mr. REED of Pennsylvania. But the language of the resolution, it seems to me, ought to be revised. I would hope if it were referred to the Committee on Immigration that we might be able to report it out within two or three days. Certainly I would make no attempt to delay it in committee. I ask the Senator to let that action be taken on his resolution.

Mr. SHIPSTEAD. Mr. President, would the Senator from Pennsylvania have any objection to having the resolution adopted to-day if the words to which he objects were stricken out?

Mr. REED of Pennsylvania. If the Senator from Minnesota would modify his resolution by striking out——

Mr. SHIPSTEAD. I ask to modify the resolution by striking out in line 7, after the word "are," the words "still unsupported by responsible documentary evidence, as admitted in the second letter in question, or."

Mr. REED of Pennsylvania. I would have no objection to the resolution if those words were stricken out.

Mr. WILLIS. Mr. President, let the resolution be read as proposed to be amended, so that we may understand just what we are voting on.

The VICE PRESIDENT. The resolution will be read as modified by the Senator from Minnesota [Mr. SHIPSTEAD].

The Chief Clerk read as follows:

Resolved, That the President be, and he is hereby, requested to inform the Senate, if not incompatible with the public interest, whether the estimates of immigration quotas, prepared by the Secretaries of State, Commerce, and Labor under section 11 of the act approved May 26, 1924, which were transmitted to the Senate by the President, together with two letters of the said Secretaries, on January 3 and 10, 1927, are in process of revision or improvement, and when in the latter case new figures will reach the Congress, accompanied by adequate and detailed explanation of the method of computation, or otherwise.

Mr. REED of Pennsylvania. I see no objection to that.

Mr. WILLIS. That is all right.

The VICE PRESIDENT. Without objection, the resolution as modified is agreed to.

MISSOURI RIVER BRIDGES

Mr. HAWES. Mr. President, this morning there were reported from the Committee on Commerce two bridge bills, being House bill 5501 and House bill 5502. As I have said, they have been favorably reported; there is no objection to them, and I ask unanimous consent for their present consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5501) authorizing the Hermann Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Hermann, Gasconade County, Mo.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HAWES. I now ask unanimous consent for the consideration of the other bill mentioned by me, being House bill 5502.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5502) authorizing the Washington Missouri River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River, at or near Washington, Franklin County, Mo.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE CALENDAR

The VICE PRESIDENT. Morning business is closed. The Senate will proceed with the consideration of unobjected bills on the calendar.

VAN DORN IRON WORKS CO.

The bill (S. 624) for the relief of the Van Dorn Iron Works Co. was announced as first in order.

Mr. KING. Mr. President, when this bill came up the other day an explanation was asked for and the bill went over, as I recall, on the objection of the Senator from Washington [Mr. JONES] pending the receipt of certain information.

Mr. WILLIS. Mr. President, when the bill was before the Senate on a former occasion the Senator from Washington [Mr. JONES] desired very properly certain information which I have not as yet been able to obtain. I do not want to have the bill considered until I have that information. So I ask that it may be passed over.

The VICE PRESIDENT. The bill will be passed over.

ESTATE OF GEORGE B. SPEARIN

The bill (S. 1678) for the relief of the estate of George B. Spearin, deceased, was announced as next in order.

The VICE PRESIDENT. This bill was considered on January 14 and amended.

Mr. KING. I should like to have an explanation of the bill.

Mr. MOSES. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

LAND IN HERNANDO COUNTY, FLA.

The joint resolution (S. J. Res. 20) authorizing the Secretary of Agriculture to dispose of real property, located in Hernando County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant-introduction purposes, was announced as next in order.

Mr. FLETCHER. Mr. President, as the matter referred to in the joint resolution is receiving further consideration, and I have introduced another joint resolution which has been referred to the committee, and I think probably will be acted on favorably by the committee, I think the joint resolution the title of which has just been read had better be placed on the calendar under Rule IX, and I ask that that order be made.

The VICE PRESIDENT. The joint resolution will be placed on the calendar under Rule IX.

STATE AND FEDERAL COOPERATION IN NAMING HIGHWAYS

The bill (S. 1182) to provide for the naming of certain highways through State and Federal cooperation, and for other purposes, was announced as next in order.

Mr. BRUCE. I ask that the bill go over.

Mr. BLAINE. Mr. President, I have no objection to the present consideration of the bill if it may be discussed and defeated.

Mr. FESS. The Senator from Maryland has asked that the bill go over.

Mr. BLAINE. Very well.

The VICE PRESIDENT. The bill will be passed over.

EXTENSIONS OF TIME UNDER OIL AND GAS PERMITS

The bill (S. 1155) to grant extensions of time under oil and gas permits was announced as next in order.

Mr. HAYDEN. Mr. President——

Mr. SMOOT. I understand that there is on the calendar a House bill dealing with the same subject.

Mr. HAYDEN. There is on the calendar a House bill which has been favorably reported to the Senate.

Mr. SMOOT. There is no need of passing the Senate bill, then. The Senator can ask to have the House bill substituted.

Mr. HAYDEN. I ask to substitute H. R. 5783, Order of Business No. 321.

Mr. LA FOLLETTE. Mr. President, before consent is given for the consideration of this bill, I should like to have an explanation of it. Will the Senator from Arizona explain the bill?

Mr. HAYDEN. I shall be very glad to do so. My desire is to substitute for the Senate bill 1155 House bill 5783, which appears upon the calendar, favorably reported to the Senate, as Order of Business No. 321.

The House bill as it passed the House and the Senate bill as reported to the Senate are identical. The Senate Committee on Public Lands and Surveys have amended the House bill to provide that——

Mr. LA FOLLETTE. Mr. President, if the Senator will yield, I am not objecting to the substitution. What I am asking the Senator to do is to explain the purpose of the bill.

Mr. HAYDEN. The purpose of the bill is to authorize the Secretary of the Interior to grant extensions of time to those who have been engaged in good faith in prospecting for oil and gas upon the public domain when the period of time within which they might discover oil has elapsed without its discovery. The Secretary of the Interior, upon a proper showing, would be authorized to grant a further extension of time to those who have theretofore secured prospecting permits.

Mr. LA FOLLETTE. It seems to me this is legislation of a pretty far-reaching character, and I feel constrained to object to its consideration.

Mr. SMOOT. Mr. President, I hope the Senator will not object. I just want to say a word on the subject.

Mr. LA FOLLETTE. I will withhold my objection for that purpose.

The VICE PRESIDENT. Without objection, the House bill is substituted for the Senate bill.

Mr. SMOOT. The decision as to whether or not the extension will be granted is entirely in the hands of the Secretary

of the Interior. I will say to the Senator that there are a few cases where men have spent, under the leasing act, hundreds of thousands of dollars, and the time is about to elapse. I know one or two such cases where they are down over 3,000 feet. It seems to me it would be unjust to say to those men, who have been diligent, and have spent hundreds of thousands of dollars to drill a well deeper than 3,000 feet, and are perfectly willing to continue to try to develop an oil section there, that that amount of money which they have expended must be thrown away. This bill simply says to the Secretary of the Interior, "If, in your opinion, that lease should be extended, you have the authority under this bill to extend it."

Mr. LA FOLLETTE. Mr. President, as the Senator puts the case of a specific instance in which certain facts are supposed to exist, it appeals to any one as being just.

Mr. SMOOT. There are other cases of the same kind.

Mr. LA FOLLETTE. Nevertheless, this bill is drawn in general terms, and permits the Secretary of the Interior to extend these permits not only for the period of two years but for such additional period or periods as he may deem reasonable or necessary. I feel that that is granting very large authority to the Secretary of the Interior; and, upon such information as I now have, I feel constrained to object to its consideration.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. ASHURST. Mr. President, if the Senator from Wisconsin conceived the purpose of the bill I am sure he would withdraw his objection.

Mr. LA FOLLETTE. Up to this moment I have not been able to see the necessity for making a sweeping change in the existing law, and I shall have to insist upon the objection.

Mr. HAYDEN. Mr. President, will the Senator——

The PRESIDENT pro tempore. The Senator from Wisconsin maintains his objection, and the bill will be passed over.

Mr. ASHURST. Mr. President, as I was about to say, that if the Senator from Wisconsin had not misconceived the purpose of the bill he would not have objected. Some of us will try to make that purpose somewhat obvious. This bill is to facilitate the prospector who by his courage and labor will bring new supplies of oil and gas within reach of the consumer. This bill would also give to those who seek to develop new deposits or new supplies of oil and gas assurance that they shall have reasonable and necessary time within which to commence or to continue drilling operations.

Mr. BRATTON. Mr. President, will the Senator from Wisconsin withhold his objection until I supplement what the Senator from Arizona has said with just a word?

Under existing law, the period of exploration is a fixed one. It expires, and under existing law there is no power whereby that period may be extended. The result is that a permittee, in determining what his investment shall be and how far he shall go, is confronted with the uncertainty that he may prospect in good faith, he may expend a large sum of money in connection with it, and yet if he fails to discover oil within the period of two years his rights terminate and he must needs lose his entire investment.

Under existing law a prospector must discover oil within two years or his right terminates. He is compelled, in making his investment and in doing exploration work, to go forward with the knowledge that at the end of that period his entire outlay will be lost unless he has discovered oil and is in position to take a lease. That, of necessity, depresses exploration for oil and gas on the public domain.

This bill will give a permittee the assurance that if he proceeds in good faith during the two-year period, invests his money, and does the work required by law he will not necessarily lose the investment upon the expiration of the period if he can convince the Secretary of the Interior that he has proceeded in good faith and has endeavored to comply with the law.

Under the bill now before the Senate the Secretary of the Interior, upon a proper showing, could give the permittee additional time in which to develop the property. Obviously, that assurance will tend to inspire exploration rather than to depress it, as existing law does. The enactment of this bill into law is of immense value to the public generally and the public-land States. It is a splendid piece of legislation. I hope that upon the explanations which have been made the Senator from Wisconsin will see fit to withdraw his objection and allow the bill to pass.

Mr. LA FOLLETTE. Mr. President, it is a matter of great regret to me to be in the position of objecting to legislation which is sponsored and supported by the Senator from New Mexico and the Senators from Arizona and the Senator from Utah. Nevertheless, I feel constrained to object.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. LA FOLLETTE. If the Chair will permit me a very small portion of the time which has been had by others, I simply desire to say that it seems to me this is legislation of a sweeping character. It is not relief legislation, in that it is in broad, general terms; and, pending such time as it will take me to look into the matter, I feel constrained to insist upon my objection.

Mr. ASHURST. I thank the Senator; but at this juncture I ask the Secretary to read a letter addressed to my colleague the junior Senator from Arizona [Mr. HAYDEN] by the Secretary of the Interior indorsing this bill.

The PRESIDENT pro tempore. The Secretary will read, as requested.

The Chief Clerk read as follows:

THE SECRETARY OF THE INTERIOR,
Washington, February 20, 1928.

Hon. CARL HAYDEN,
United States Senate.

MY DEAR SENATOR HAYDEN: December 27, 1927, this department advised that it had no objection to the enactment of H. R. 5783, a bill to grant extensions of time on oil and gas permits for two years, in the discretion of the Secretary of the Interior. You now ask whether this department would object to the following amendment which is proposed to be offered to the bill: "or for such additional period or periods as he may deem reasonable or necessary for the full exploration of the land described in the permit."

The bill as amended would still leave the granting of extensions discretionary with the Secretary, but would permit of extensions in that discretion beyond the period of two years originally specified in the bill.

Such general authority is contained in the act of Congress approved March 3, 1927 (44 Stat. 1348), relating to Executive order Indian reservations, and if Congress desires to give the Secretary this discretionary authority, I have no objection to interpose to the amendment.

Very truly yours,

HUBERT WORK.

Mr. ASHURST. Mr. President, I do not wish to trespass on the rule, so I take it I am not in order until another bill is under consideration.

The PRESIDENT pro tempore. The Senator is quite right. The Secretary will state the next bill on the calendar.

HORACE A. CHOUMARD

The bill (S. 511) to reimburse Horace A. Choumard, chaplain in Twenty-third Infantry, for loss of certain personal property was announced as next in order.

Mr. KING. Let that go over.

Mr. ASHURST. I shall have to wait, then, until another bill is laid before the Senate.

AGRICULTURAL EXTENSION WORK

The bill (S. 1285) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture was announced as next in order.

Mr. ASHURST. Mr. President, if I may claim the floor again.

The PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. ASHURST. Take, for example, the State of Arizona, which at this time is not producing oil or gas in large commercial quantities; we hope to do so, and our prospectors and developers require reasonable encouragement. The citizens of Arizona are now being severely penalized and mulcted by oil monopolists, who have recently fixed the price of gasoline higher in Arizona than in any other State of the Union; and if the local dealers in gasoline presume, forsooth, to sell gasoline to consumers at a lower price than the price fixed by the monopolists, or the combination, then such local dealers are arbitrarily cut off from the privilege and right to buy gasoline. The situation in Arizona is so acute and the conditions have been so unjust that I have introduced a resolution, which is now before the Senate Committee on Interstate Commerce, demanding an investigation of the oppressions which these oil monopolists by this combine are imposing upon the people of Arizona.

Many persons believe that under portions of the surface in Arizona, New Mexico, and other States are vast quantities of oil and gas, which the Creator, for the delectation of His children, has placed there. It is not always easy to enlist the

requisite capital, as capital is proverbially timid. Capital follows the prospector, and this bill would encourage the prospector.

The only way in which to meet a monopolist is to reduce his price, and when new deposits of oil are brought in we should expect the price to be reduced.

This bill has had the careful consideration of my colleague [Mr. HAYDEN], who for years served on the Public Lands Committee of the House. This bill has been carefully investigated by the House committee and has passed the House of Representatives. This bill is sponsored by Arizona's Representative in Congress [Mr. DOUGLAS], and no more able or sagacious man was ever in Congress.

I ask the Senator to withdraw his opposition.

Mr. McMASTER. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. McMASTER. I want to ask just a question. I am very much interested in this bill, and would like to hear some further explanation with regard to it. But the arguments advanced by the distinguished Senator from Arizona hardly bear upon this measure. If there should be discovered in the Senator's State the greatest gusher of oil that was ever known in the country, it would not affect the price of oil one cent.

Mr. ASHURST. Does the Senator intend to print that statement? I can not argue with a man who talks that way; we are so far apart we do not conflict.

Mr. McMASTER. If the Senator can not argue with the Senator upon that proposition, if he will examine the report made by the Federal Trade Commission in 1923——

Mr. ASHURST. Do not talk to me about the Federal Trade Commission. I am in no humor to hear anything about it.

Mr. McMASTER. There is no use talking to the Senator about anything, then. Let his bill go over.

The PRESIDENT pro tempore. The bill has gone over. The clerk will report the first amendment to Senate bill 1285.

Mr. BAYARD. I ask that that bill may go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. McNARY. Mr. President, I will ask the Senator from Delaware to bear with me for a moment.

This bill was introduced by the Senator from Kansas [Mr. CAPPER], who is absent from the Chamber at the present time. It is simply to carry into effect and accentuate and augment the Smith-Lever Act. It would take care of county agents and home-demonstration agents throughout the country. A general demand has been made for the bill, a hearing was held by the Committee on Agriculture and Forestry, it has the indorsement of all the farm organizations in the country, and nearly all of the States, acting through their county agents and county courts, have asked for the extension of the Smith-Lever Act, which is embodied in the measure to which the Senator has now objected. The committee had extensive hearings on it and reported it favorably, unanimously, and I really would like to see the bill enacted into law, on behalf of the agriculture of the country.

Mr. BAYARD. This is a very important bill, I agree. It calls for the expenditure of a great deal of money, and I would like to have further opportunity to consider it.

The PRESIDENT pro tempore. The bill will go over.

BILLS PASSED OVER

The bill (S. 2277) relating to giving false information regarding the commission of crime in the District of Columbia was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2447) for the relief of the stockholders of the First National Bank of Newton, Mass., was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1476) for the relief of Porter Bros. & Biffle and certain other citizens was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2524) for the relief of Josephine Doxey was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

PRACTICE AND PROCEDURE IN FEDERAL COURTS

The bill (S. 1094) to amend the practice and procedure in Federal courts, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

Mr. CARAWAY. Just a minute. Is it the purpose of the Senator from Pennsylvania to object to any consideration of the measure?

Mr. REED of Pennsylvania. Under the five-minute rule; yes.

Mr. CARAWAY. The Senator is conscious of the fact that that is the only way we can get consideration of it. The bill was reported by the Committee on the Judiciary unanimously, and nobody objects to it who has had any experience in the Federal courts except those representing corporations, and now does the Senator propose to stand here perpetually objecting to consideration?

Mr. REED of Pennsylvania. No; but it is my purpose to object to the consideration of the bill when we are working on unobjected bills, as we are at this time.

Mr. CARAWAY. That is just what I want to know, whether it will be the policy of the Senator to object all the time.

Mr. REED of Pennsylvania. I am not going to try to filibuster against the Senator's bill——

Mr. CARAWAY. I am not talking about filibustering.

Mr. REED of Pennsylvania. Will not the Senator listen to me when he asks me a question? This bill is objected to by the American Bar Association——

Mr. CARAWAY. I want to correct the Senator. That is incorrect. The executive committee objected to it, but the Bar Association never had a vote on it. They tried to get one and could not do it.

Mr. REED of Pennsylvania. It has been objected to by a great throng of lawyers who are familiar with Federal court practice, who object to the judge being reduced to a mere puppet, as they think this will reduce him. They think the bill is very bad policy, and I think it should not be passed until the Senate knows what it is doing.

Mr. CARAWAY. The Senator himself, on the floor of the Senate, amended it, and the Senate passed it at one time in the language in which it is now before the Senate.

Mr. REED of Pennsylvania. I did not remember that that happened. I will look that up.

Mr. CARAWAY. The Senator offered an amendment, and the Senate accepted that amendment, and we passed the bill as amended without objection, without a single vote against it.

Mr. REED of Pennsylvania. I do not think it ought to be passed now.

Mr. CARAWAY. That is just what I want to know. The Senator can be powerfully effective, when one objection can kill legislation, and I just want to know if that is to be his policy.

Mr. REED of Pennsylvania. This morning that is my policy.

Mr. CARAWAY. It is to be every time the bill is up?

Mr. REED of Pennsylvania. I reserve the right to change my attitude on it after I have had a chance to look into it.

Mr. CARAWAY. The Senator one time approved it in this language.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

LOUISE A. WOOD

The bill (S. 61) granting an increase of pension to Louise A. Wood was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

RELIEF OF NAVAL RESERVE OFFICERS

The bill (S. 150) for the relief of former officers of the United States Naval Reserve force and the United States Marine Corps Reserve, who were erroneously released from active duty and disenrolled at places other than their homes or places of enrollment, was announced as next in order.

Mr. KING. Mr. President, I will be very glad to have my friend from California make an explanation of this bill, because I confess that from a casual reading there is not made quite clear the extent to which it would go or what the costs would be to the Government.

Mr. SHORTRIDGE. Mr. President, I shall ask that the bill may go over until we receive some information from the department, when I hope that the bill may be passed.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 459) for the relief of the city of New York was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 777) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2720) for the relief of David McD. Shearer was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

MORGAN MILLER

The bill (S. 2737) for the relief of Morgan Miller was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. BLEASE. I would like to have the bill passed, if there is no special objection. The Senator who introduced the bill is temporarily out of the Chamber.

Mr. KING. I make the request that it be temporarily laid aside until he shall return to the Chamber.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. FERRIS subsequently said: Mr. President, some one made objection to the consideration of Senate bill 2737, and I would like to know what the objection is.

The PRESIDENT pro tempore. Is there objection to recurring to Calendar No. 132, Senate bill 2737? The Chair hears none, and the Senator from Michigan is recognized.

Mr. JONES. Mr. President, I would like to have an explanation of this measure.

Mr. SMOOT. I would like to have the Senator from Michigan make a statement in regard to the bill. I have not had time to read the report.

Mr. FERRIS. Mr. President, the explanation lies in the report, it seems to me. If I remember correctly, a similar bill was passed in the Sixty-ninth Congress. It has been recommended by the committee that it be passed without amendment. I do not see any objection to it. I do not understand what objection can be raised to it.

Mr. SHORTRIDGE. What is the relief sought, in a word—not a speech, but just a word?

Mr. FERRIS. The report states that—

The claimant, Morgan Miller, sustained injuries on February 3, 1920, while standing in the safety zone waiting for a street car at the corner of Fort Street west and Artillery Avenue, in the city of Detroit, Mich., by being struck by a United States mail truck, which was running at a rapid rate of speed and without lights, it being 6 o'clock and 10 minutes a. m. and quite dark. Mr. Miller's head was badly injured, left shoulder and hip greatly bruised, right knee and ankle wrenched quite severely, and the ligaments badly torn. He was in the hospital about five days and was confined to his bed for three months.

The facts are fully set forth in the following affidavits, which are appended hereto and made a part of this report.

Mr. SMOOT. Mr. President, the rule observed by the Senate, as well as the House, for years in relation to such claims for injury on account of accident, as affecting Government employees, was that the claims were never allowed for more than the salary which the injured person would draw from the Government during the year. I do not know Mr. Miller, and I do not know whether he was earning $3,000 a year or not. I do not think that a man outside the Government service struck by an automobile ought to have better treatment than an employee of the Government who may have received exactly the same injury. Does the Senator know Mr. Miller?

Mr. FERRIS. No; I am not personally acquainted with him.

Mr. SMOOT. Does the Senator think he was earning $3,000 a year?

Mr. FERRIS. I accept fully the statements made in the affidavits.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me?

Mr. FERRIS. I yield.

Mr. ROBINSON of Arkansas. I suggest to the Senator from Utah that that was a matter for the consideration of the committee which reported the bill. The fact that the committee has reported the bill makes a prima facie case.

Mr. SMOOT. The committee may not have taken that into consideration.

Mr. CARAWAY. Mr. President, will the Senator yield to me a moment?

Mr. FERRIS. I yield.

Mr. CARAWAY. The rule the Senator from Utah mentions no longer prevails about paying employees a year's salary. They are now compensated under an act which gives them a great deal more than that. The rule since I have been a member of the Committee on Claims is to allow really less than one would be likely to recover in a court, but somewhat approximating the extent of the injuries. The proof shows what was the probable reasonable compensation for the injury received. It is very much less than many other claims for injuries which have gone through the committee and have gone through the Senate since I have been a Member of this body and of the committee.

The PRESIDENT pro tempore. Does the Senator from Utah maintain his objection?

Mr. CARAWAY. I hope the Senator will not do so.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Michigan permit me to ask a question of the Senator from Arkansas about the bill?

Mr. FERRIS. Certainly.

Mr. REED of Pennsylvania. I would like to ask the Senator from Arkansas why the bill includes statements like this:

Said Morgan Miller's head was badly injured, left shoulder and hip greatly bruised, right knee and ankle wrenched quite severely, and the ligaments badly torn.

Then it contains the further statement:

He was in the hospital about five days and was confined to his bed for three months, and as a result of the accident became almost totally incapacitated and has been since that time dependent upon relatives and friends for support.

That is not legislation; it is a recital of facts. Why does that language appear in the bill itself and not in the report?

Mr. CARAWAY. I am sure I do not know why. Of course, it is a pleading of the evidence. I am not recommending the bill for a model of bills of this kind; but since it contains the information that $3,000 is to be paid to Morgan Miller for an unjustifiable injury which he suffered, and that sum was thought to be reasonable, therefore I thought we would not quibble about the language. I would not have drawn it in that form.

Mr. REED of Pennsylvania. Does not the Senator think we ought to quibble about the language? This is going into the statutes to be there for a considerable time.

Mr. CARAWAY. If we were to appoint a committee on style for the statutes it would be the busiest committee the Senate has ever had. There are bills among those which I introduce which would need revision, and I rarely see one introduced by others that I could not improve on. I hardly believe the Government of the United States can afford to say that while this man had this injury, yet we are not going to pay him because the bill was inelegantly drawn.

Mr. REED of Pennsylvania. If that is the only alternative which occurs to the Senator I am going to suggest another one by proposing to amend the bill by striking out all of the unnecessary language.

Mr. CARAWAY. That will suit us. If the Senator from Utah will not object, we can strike out the language which has been called to our attention by the Senator from Pennsylvania.

Mr. SMOOT. Mr. President, from what the chairman of the Committee on Pensions of the House advised me yesterday I do not think there could be any danger in allowing it to pass the Senate in any form. I will withdraw my objection. I do want to say, however, that it does seem to me useless to keep on passing these bills year in and year out, flooding the committee of the House with bills when they never report them out. We ought, it seems to me, to reach some kind of rule like the House has reached as to these claims. Bills come here year after year and year after year, some of them I know have been here 10 years and have been passed eight or nine times, and yet they will never be considered in the House. It is simply an expense brought on the Government unnecessarily.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. REED of Pennsylvania. I move to amend the bill by striking out lines 7 and 8, and in line 9, the words "the city of Detroit, Mich.," as follows:

While standing in the safety zone waiting for a street car at the corner of Fort Street west and Artillery Avenue, in the city of Detroit, Mich.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. REED of Pennsylvania. I now move to strike out all in line 10, page 1, after the word "truck," and all on page 2.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, in line 10, after the word "truck," strike out the following language: "which was running at a rapid rate of speed and without lights, it being 6 o'clock and 10 minutes a. m. and quite dark. Said Morgan Miller's head was badly injured, left shoulder and hip greatly bruised, right knee and ankle wrenched quite severely, and the ligaments badly torn. He was in the hospital about five days and was confined to his bed for three months, and as a result of the accident became almost totally incapacitated and has been since that time dependent upon relatives and friends for support," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Morgan Miller, the sum of $3,000 for injuries sustained on February 3, 1920, by being struck by a United States mail truck.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUBMARINE "S–4"

The resolution (S. Res. 109) creating a committee of the Senate to investigate the sinking of the submarine *S–4* was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDENT pro tempore. The resolution will be passed over.

PENSIONS AND INCREASE OF PENSIONS

The bill (S. 1939) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I promised the able Senator from Indiana [Mr. ROBINSON] that I would examine the report. I have nearly completed the examination and will have done so during the day; and if to-morrow, or the next calendar day, he will ask to have the bill taken up, I shall not object.

The PRESIDENT pro tempore. On objection, the bill will be passed over.

The bill (S. 2900) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. KING. The same applies to that bill, and I will ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

REGISTRATION OF ARCHITECTS IN THE DISTRICT OF COLUMBIA

The bill (S. 2660) to amend an act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924, and for other purposes, was announced as next in order.

Mr. SMOOT. The Senator reporting the bill is not present, and I ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

SEPARATION OF RACES IN DISTRICT STREET RAILWAY CARS

The bill (S. 781) requiring separate accommodations for white and colored passengers on street cars in the District of Columbia, was announced as next in order.

The PRESIDENT pro tempore. That bill has been adversely reported and will be indefinitely postponed.

Mr. BLEASE subsequently said: Mr. President, what was done with Calendar 171, the bill (S. 781) requiring separate accommodations for white and colored passengers on street cars in the District of Columbia?

The PRESIDENT pro tempore. It was indefinitely postponed under an adverse report by the committee.

Mr. BLEASE. I ask that that motion be reconsidered and the bill again placed on the calendar.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent to reconsider the vote by which the bill was indefinitely postponed and that it remain on the calendar. Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the next bill on the calendar.

Mr. BLEASE. Mr. President, I suggest the absence of a quorum.

Mr. SHORTRIDGE. Mr. President, I hope the Senator will withdraw that suggestion.

Mr. BLEASE. No; I will not. I was perfectly willing to have the bill to go over, but I certainly object to having an adverse report adopted in my absence. I had stepped out of the Chamber for just a moment and the unfavorable report was adopted in my absence.

Mr. REED of Pennsylvania. The Senator's bill has been reinstated on the calendar.

Mr. BLEASE. I do not so understand it.

The PRESIDENT pro tempore. The bill has been placed back on the calendar. Calendar No. 171, the bill to which the Senator from South Carolina refers, retains its place on the calendar.

Mr. BLEASE. Very well. I withdraw the point of no quorum.

Mr. BLEASE subsequently said: I propose an amendment to Senate bill 781, which I ask may be read, printed, and lie on the table.

The amendment intended to be proposed by Mr. BLEASE was read, ordered to be printed, and lie on the table, as follows:

Add, at the end of the bill, the words: "*Provided*, That in case where a white person desires to ride with a negro, and the negro does not object, that the white person, upon request, be allowed by the person in charge of the car to ride with the negro."

BILLS PASSED OVER

Mr. SHORTRIDGE. Mr. President, there are three bills on the calendar, Nos. 175, 176, and 184, which I am not ready to take up this morning. I ask that they may go over, but remain on the calendar.

The PRESIDENT pro tempore. The titles of the bills will be stated.

The CHIEF CLERK. The bill (S. 132) to authorize the President to appoint LeRoy K. Pemberton a first lieutenant, Officers' Reserve Corps, United States Army; the bill (S. 2053) to establish a military record for Daniel P. Tafe; and the bill (S. 141) for the relief of Felix Medler.

The PRESIDENT pro tempore. Those numbers will go over at the request of the Senator from California. The clerk will state the next bill on the calendar.

The bill (S. 1736) for the relief of Charles Caudwell was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. BLACK subsequently said: Mr. President, I would like to ask that we recur to Calendar No. 181 and that it be considered at this time.

Mr. SMOOT. I still object to its consideration at this time.

The PRESIDENT pro tempore. The Senator from Utah maintains his objection.

The bill (S. 2335) for the relief of the National Surety Co. was announced as next in order.

Mr. KING. Mr. President, this is a very small amount, but there may be a principle involved. I should be very glad to understand the reason why, if a surety company bonded the postmaster and paid under the bond, it should be reimbursed. The reasons may be very persuasive.

The PRESIDENT pro tempore. The Chair will suggest to the Senator that neither the author of the bill nor the Senator who reported it from the Committee on Claims is present.

Mr. KING. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 7553) for the relief of James Neal was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF IMMIGRATION ACT OF 1917

The bill (S. 2370) to amend section 24 of the immigration act of 1917 was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, certain objections were made to this bill when it was last reached on the call of the calendar. To correct those objections I desire to offer a few amendments and I ask Senators to withhold their objection to it until we do so. Of course, objection can be made at any time before the passage of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. REED of Pennsylvania. I send to the desk the following amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, line 5, to strike out the word "six" and insert in lieu thereof the word "five," so as to read:

Immigrant inspectors shall be divided into five grades.

Mr. KING. I have not yet consented to the consideration of the bill.

The PRESIDENT pro tempore. The Chair will say to the Senator from Utah that objection may be interposed at any time, even after the bill has been perfected by amendment. Without objection, the amendment of the Senator from Pennsylvania is agreed to.

Mr. REED of Pennsylvania. I offer the amendment which I now send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, line 8, strike out the words "grade 6, at such higher salaries as the Secretary of Labor may deem advisable."

Mr. SMOOT. Mr. President, I would like to ask the Senator having the bill in charge if, in assigning the immigration inspectors and the other employees as provided in the bill to certain grades under the present law, we will be increasing their salaries.

Mr. REED of Pennsylvania. It will result in an increase in the total.

Mr. SMOOT. To what extent?

Mr. REED of Pennsylvania. It is shown on the last page of the report, page 6, 834 inspectors, but in no case does the increase exceed $300 a year, and in most cases it is much less than that.

Mr. SMOOT. It increases the amount by $147,000.

Mr. REED of Pennsylvania. That is the maximum. It would not attain that amount, but that is the maximum if every inspector were given the maximum promotion in the discretion of the department.

If the Senator will permit me to have the amendments made, I can then in a word explain the effect of the bill as amended, and I beg him to let me do that now, as he can object at any time later to the consideration of the bill.

Mr. KING. Mr. President, when the Senator is making the explanation just suggested, I would be very glad if he would explain the reason why we should legislate as herein provided. We enacted a classification law a number of years ago which was supposed to incorporate within it all or substantially all of the civil-service employees of the Government. If we pass a classification act to deal with employees of the Government, it does seem to me it is unwise by a stepladder process to amend that law, because we can not tell what the result will be. We shall be called upon to make changes in that classification every time some person feels that he is a little better qualified than somebody else and that he should have an increase in his salary.

Mr. REED of Pennsylvania. The Senator made that point very forcefully the last time the bill was called for consideration and I think I can answer it. But may we not have the amendments first agreed to?

Mr. KING. Let the pending amendment be stated.

The PRESIDENT pro tempore. The pending amendment will be stated.

The CHIEF CLERK. In lines 8 and 9, page 1, strike out the words "grade 6, at such higher salaries as the Secretary of Labor may deem advisable."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. SMOOT. The Senator is not appointing any of them in grade 6?

Mr. REED of Pennsylvania. There will be no grade 6. In line 5, by an amendment just agreed to a few moments ago, we have changed the word "six" to "five."

Mr. SMOOT. We are in hopes of having a survey of all employees of the Government in the field service outside of the District of Columbia. It does seem to me that this legislation is going to hamper a clean-cut report when that work is finally accomplished.

Mr. REED of Pennsylvania. Will the Senator withhold his suggestion just a moment and let us discuss it a moment later? If we get the amendments made the Senator will see that the proposition is much more moderate than as stated in the bill.

Mr. SMOOT. I have no objection to the pending amendment.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. REED of Pennsylvania. I now offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, line 10, strike out the word "grade" and insert in lieu thereof the words "grades 2 and," so it will read: "Inspectors shall be promoted successively to grades 2 and 3," and so forth.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. REED of Pennsylvania. I offer another amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 2, line 6, strike out the numeral "5" and insert in lieu thereof the numeral "3."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. REED of Pennsylvania. I offer another amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 2, line 11, after the word "another," insert the words "in a foreign country," so as to make the bill read:

Be it enacted, etc., That section 24 of the immigration act of 1917 is hereby amended by adding the following at the end of the section: "Immigrant inspectors shall be divided into five grades, as follows: Grade 1, salary $2,100; grade 2, salary $2,300; grade 3, salary $2,500; grade 4, salary $2,700; grade 5, salary $3,000; and hereafter, inspectors shall be promoted successively to grades 2 and 3 at the beginning of the next quarter following one years's satisfactory service (determined by a standard of efficiency which is to be defined by the Commissioner General of Immigration, with the approval of the Secretary of Labor) in the next lower grade; not to exceed 50 per cent of the force to grades 4 and 5 for meritorious service after no less than one year's service in grades 3 and 4, respectively: *Provided further*, That promotion above grade 3 shall be at the discretion of the Secretary of Labor, upon the recommendation of the Commissioner General of Immigration: *Provided further*, That when inspectors or other employees of the Immigration Service are ordered to perform duty in a foreign country, or transferred from one station to another in a foreign country, they shall be allowed their traveling expenses in accordance with such regulations as the Secretary of Labor may deem advisable, and they may also be allowed, within the discretion and under written orders of the Secretary of Labor, the expenses incurred for the transfer of their wives and dependent minor children; their household effects and other personal property, not exceeding in all 5,000 pounds, including the expenses for packing, crating, freight, and drayage thereof: *Provided further*, That the appropriation of such sum as may be necessary for the enforcement of this act is hereby authorized."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. REED of Pennsylvania. Mr. President, if the Senate will permit me, I should like in less than five minutes to make an explanation of this measure.

Mr. KING. Mr. President, before that is done, I wish to offer an amendment to the amendment just stated, since I understand its significance, unless the Senator in his explanation will show that there is a limitation. To allow expenses without limitation and without restriction, it seems to me, would be unwise and quite improvident.

Mr. REED of Pennsylvania. The provision follows the language providing allowance for expenses of transportation in the Army, which limits the number of pounds that may be transported. As the Senator will see, in line 18, page 2, the weight of household effects which may be transported is limited by that provision. It is difficult to put in a money limitation, because the transfer is sometimes expensive. The purpose of the last amendment was to make sure that traveling expenses should be allowed only in cases of transfer in foreign stations and not be allowed for travel within this country. That question had been raised and we wanted to make it plain.

Now, if Senators will look at pages 2 and 3 of the report they will see a picture which shows the whole necessity for this bill. These inspectors are really charged with duties calling for high skill and great discretion. In most cases they are required to speak more than one language. In the New York office some of them speak a half dozen or more languages.

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Maryland?

Mr. REED of Pennsylvania. I yield.

Mr. BRUCE. For information, I should like to ask whether these immigrant inspectors are appointed under the Federal civil service law?

Mr. REED of Pennsylvania. Yes, Mr. President, they are. Their duties correspond in exactingness with those of inspectors who are employed by the Post Office Department and the special

agents of the Department of Justice. Upholding the immigration restriction laws of the United States depends on the fidelity of these men.

The examination of the incoming immigrants must be made with the utmost skill, intelligence, and tact. We call on these men not only for that kind of ability but we call on them to work long hours overtime. When ships come in on Sundays we call on them to work on Sunday, and there is no provision of which I know that gives them any allowance for such overtime.

Now, if Senators will look at pages 2 and 3 of the report they will see what these men get for that work. The average post-office inspector gets $3,700 per year; the average special agent of the Department of Justice gets $3,200 a year; the average internal-revenue inspector gets $2,966 a year; the average prohibition investigator gets $2,300 a year; the average examiner and special agent in the customs service gets $2,200 a year; but in the Immigration Service, which guards America against the greatest menace that confronts it—much worse than the cheating of the customs or the theft of mail or the evils against which the other inspectors protect us—the average inspector of immigrants in the Immigration Service gets only $2,130 a year. The senior patrol inspectors get $1,921 a year, the ordinary patrol inspectors get only $1,739 a year, but we call on those men for a much higher quality of service, in my opinion, than any of the other inspectors in the other departments are called upon to perform.

They are not in the classified service, to answer the junior Senator from Utah [Mr. KING], because they are in the field service. I understand they can be put in the classified service by an order of the President, but that has not been done in this case, as I understand that it has not been done in the case of practically all other employees in the field service. If they were in the classified service, I agree with the Senator from Utah, it would be unwise to amend the law piecemeal, but as they are not in that service and as they are wholly dependent upon just such legislation as this for adequate pay, and as they never have had an adequate increase since the increase in the cost of living brought about by the World War, it seems to me that they deserve this increase more than does almost any other class of Government employees.

Mr. KING. Mr. President, I was about to ask the Senator from Pennsylvania, with his permission, why could we not place these employees by legislation, if legislation is required, under the classified service or relegate them to the provisions of that act?

Mr. REED of Pennsylvania. If we did that, as a practical matter, I understand that the men who would get an advantage out of it would be principally the seniors and the higher classes that are getting greater pay now than the men at the bottom; the ordinary immigration inspector would get no benefit at all out of that; and if we are going to do it for one, as in this case, we ought to do it for all; and it would have the effect of reducing the salaries to a very great extent if we did it for all.

Mr. KING. Mr. President, may I observe, in the Senator's time, that the classification act, in my opinion, is too considerate of the "higher ups," if I may be permitted that expression. It looks as though they dictated the classification act, and they have gotten too much, but some of the subordinates, down at the foot of the ladder, oftentimes have not had sufficient.

Mr. REED of Pennsylvania. That is just the trouble here.

Mr. KING. But the Senator knows that this is bad legislation and its effect is going to be bad; it is going to encourage other governmental agencies and their personnel to appeal for the rectification of what they conceive to be disadvantages and disparities that exist in their cases.

Mr. REED of Pennsylvania. I would agree with that if the bill brought these men above any other class of inspectors, but it only brings them up to the lowest corresponding class in any other department.

Mr. SMOOT. Mr. President, in my opinion this is not the way to reach the difficulty. The Senator will remember, I think, that either two or three years ago we provided in the appropriation bill for an increase in the compensation of these employees. I pleaded then for a greater appropriation to take care of these employees, they not being in the classified service. I would a hundred times prefer to provide for them in an appropriation bill and secure what we originally endeavored to secure than now to enact this character of legislation. It will have the effect of upsetting that whole program.

I will say to the Senator from Pennsylvania that I am perfectly willing to try again to increase the appropriation for these employees in the appropriation bill. It ought to be done; the discrepancy was only half corrected when we made the additional appropriation two years ago, as I recall, although it may have been three years ago. However, I am hopeful that it will not be very long until all of the employees outside of those in the District of Columbia shall be classified exactly as are all employees in the District, and when that is done even the group covered by the pending bill will fall under the classification act. I am quite sure that under that method of procedure they would receive higher salaries than they are drawing to-day.

I agree with every word the Senator from Pennsylvania has said as to the work these men are called upon to perform, as to the intelligence required of them, and the extreme hard work that is placed upon them, especially those in the lower grades. Anybody who will go to New York and visit the receiving room and see how they have to work there will realize that their duties are arduous. I want to say right now that there is no place in the United States where employees are called upon to labor harder than they are there. Not only that, but they are called upon to work overtime, day and night, whenever there is a call for their services. But I repeat this is not the way to legislate. If we pass this bill, it is going to return to plague us when we try to do the proper thing by all of the employees concerned.

Mr. REED of Pennsylvania. The Senator will see that this bill merely brings these employees up to the lowest corresponding pay of other inspectors.

Mr. SMOOT. On page 2 of the bill, beginning in line 5, I call the Senator's attention to the clause—

> That promotion above grade 3 shall be at the discretion of the Secretary of Labor—

And so forth.

If we shall enact legislation of that kind and the field service is classified, we will either have to repeal this measure, if it should become a law, or else there will be no harmony at all under the classification act.

Mr. REED of Pennsylvania. If the Senator please, that is exactly what I would hope to do—to repeal this bill in the event it shall become a law as soon as there may be accomplished a general classification of the field service. I will not offer one word of objection when that time comes to a complete repeal of what we are doing here. The Senator is exactly right. The field service ought to be classified, but, as he knows, it is not classified now, and this is just to take care of this group of inspectors until such time as that wise classification shall be made. That is all I ask.

Mr. SMOOT. Would the Senator be satisfied not to pass this bill or enact legislation on the subject at this time, but in the appropriation bill do what we did two years ago and increase the salaries of this group, in order that they may be taken care of in that way?

Mr. REED of Pennsylvania. The trouble is that the appropriation bill has passed, as the Senator knows, and has gone to the President.

Mr. SMOOT. There are a number of other appropiration bills that are coming along.

Mr. REED of Pennsylvania. We can not change the pay scales in the Labor Department, as a practical matter, by an amendment to any other appropriation bill.

Mr. SMOOT. I wish I had known that this measure was on the Calendar prior to the time when the bill making appropriations for the Department of Labor was passed.

Mr. BLAINE. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. The time of the Senator from Utah has expired, and the Senator from Wisconsin is recognized.

Mr. BLAINE. Mr. President, it is evident that this bill is going to require further consideration, and I think that it should go over. I therefore make that request.

Mr. REED of Pennsylvania. I think the bill is about to pass and I hope the Senator will not ask that it go over.

Mr. LA FOLLETTE. Mr. President, I hope my colleague will withdraw his objection. As one of those who objected to the consideration of this bill when it last came up, I should like to explain for the RECORD that my objection was to the language in line 8, which has now been amended by the Senate, because I felt that it was too broad and did not carry out the intention of the proposed act. I should like to say now that I agree with the Senator from Pennsylvania as to the necessity for the enactment of this proposed legislation, and I trust that my colleague will withdraw his objection.

The PRESIDENT pro tempore. Does the junior Senator from Wisconsin succumb to the blandishments of his colleague?

Mr. BLAINE. I do; if it is understood that all of the calendar day is not going to be consumed in discussion of this bill.

Mr. REED of Pennsylvania. I have nothing more to say.

The PRESIDENT pro tempore. If there be no further amendment, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS MOONEY

The bill (S. 134) for the relief of Francis Mooney was announced as next in order.

Mr. KING. I ask that that bill go over.

Mr. SHORTRIDGE. Mr. President, addressing myself to the Senator from Utah, I invite attention to the closing sentence of the report of the committee, and for the RECORD I read:

> Your committee feels, in view of the fact that this soldier enlisted in the United States forces three times subsequent to his recapture from the Confederates, receiving an honorable discharge each time, and that there is no definite record that he ever took an oath of allegiance to the Confederate government, that the relief requested should be granted.

But, Mr. President, Mr. Francis Mooney, brave soldier, willing to die for his country, is past all human aid; since the introduction of this bill he has sought, and I am sure will receive, his reward in heaven; in other words, he is dead. Wherefore I ask that the bill may be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, that order will be entered.

GOVERNORS OF PROVINCES IN PHILIPPINE ISLANDS

The bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate was announced as next in order.

Mr. WILLIS. Mr. President, there is another bill which the Committee on Territories and Insular Possessions has under consideration relating to this same general theme. It is proper that this bill should go over until that bill can be considered. For that reason I ask to have it passed over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. KING. Mr. President, may I say to the Senator that when he anticipates calling up either of these bills I hope he will do me the courtesy to advise me, because I am opposed to this bill.

Mr. WILLIS. My own thought is that the bills are of enough importance to ask for a special time for their consideration. I think it not practical to consider either of them in a session of this kind.

Mr. KING. I want to say to the Senator that I intend to offer as a substitute for these bills, or one of them, a bill which grants the Filipinos independence.

Mr. WILLIS. Of course, I hope that substitute will be defeated; but it is of enough importance to warrant full discussion, and we will seek to have a day fixed for it.

BILLS AND JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. This joint resolution, being the unfinished business, will be passed over.

The bill (H. R. 3145) for the relief of Willis B. Cross was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 3315) for the relief of Charles A. Black, alias Angus Black, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

NONSECTARIAN CHAPEL AT ARMY MEDICAL CENTER

The bill (H. R. 6991) authorizing the erection of a nonsectarian chapel at the Army medical center in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

Mr. REED of Pennsylvania. Mr. President, that project will not cost the United States a cent. It is for the donation of a chapel to Walter Reed Hospital.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OHIO RIVER BRIDGE AT ASHLAND, KY.

The bill (S. 2731) granting the consent of Congress to the Rogers Bros. Co. to construct, maintain, and operate a bridge across the Ohio River at Ashland, Ky., was announced as next in order.

Mr. SACKETT. Mr. President, I should like to ask the substitution for this bill of House bill 5722, which has already passed the House, on the same subject.

The PRESIDENT pro tempore. Has the House bill been reported from the committee of the Senate?

Mr. SACKETT. No; but it is the same bill as the bill which is on the calendar. The House amended it slightly, in accordance with the form of the House. It is a bridge bill.

Mr. SMOOT. Is the House bill on the calendar?

Mr. SACKETT. No; the House bill is not on the calendar.

Mr. SMOOT. Has the Senator the bill there, and does he offer it as an amendment to this bill or as a substitute?

Mr. SACKETT. I have the bill here. I desire to substitute it for this bill.

The PRESIDENT pro tempore. The Chair will state, for the information of the senior Senator from Utah, that this bill is in the hands of the Committee on Commerce. Are the bills identical?

Mr. SACKETT. They are not quite identical, because the House bill was amended slightly in the House.

The PRESIDENT pro tempore. But the Senate bill was reported with amendments. Do the amendments make them identical?

Mr. SACKETT. Not quite.

Mr. SMOOT. Is the House bill in regular form?

Mr. SACKETT. The House bill is in regular form, and was reported by the House committee.

The PRESIDENT pro tempore. Without objection, the House bill will be substituted for the Senate bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5722) authorizing the Rogers Bros. Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 2731 will be indefinitely postponed.

AMENDMENT OF IMMIGRATION ACT OF 1924

The bill (S. 2450) to amend the immigration act of 1924, entitled "An act to limit the immigration of aliens into the United States, and for other purposes," was considered as in Committee of the Whole.

Mr. REED of Pennsylvania. Mr. President, this is the bill upon which the Members of the Senate have been hearing so much from the professors of all the colleges through the country.

The present immigration law does not permit a professor to come in unless he has been actively engaged in teaching for two years immediately preceding his entrance. The colleges find that that bars them from getting men who have been doing special research work, and professors who have left off their teaching in order to take further teaching courses, equipping themselves better for progress; and it also bars the admission of the scientists who are desired by the technical schools. They made a request for the general admission of all such scientists; but it seemed to the committee wise that we should not give them promiscuous permission to come and stay. That is the reason why we have added amendments which, in substance, will require these teachers to leave the United States when they cease to teach here, so as to prevent their coming in and using their profession merely as an excuse for permanent immigration here, without intending to continue in their profession.

With the amendments that we have offered, the bill will not make any substantial change in the effect of the law, and will be of great service to all of the universities and colleges of the country.

Mr. WILLIS. Mr. President, I desire to submit an interrogatory. I was not able to be present the day the committee considered this bill. Just what is the provision of the amendment?

Mr. REED of Pennsylvania. The amendment strikes out the words "or professor of a college, academy, seminary, or university" from that part of the bill which deals with ministers of religion. It puts the professors in a separate class, as the Senator will by page 2 of the amended bill, and limits that very definitely to those who are professional instructors who come here under a contract to teach for a definite term with a university or college which is approved by the Secretary of Labor—we do not want any imitation colleges importing people—and provides that the institution must make continuous reports to the Secretary of Labor of the employment and the termination of employment of the professor, and that if they fail to make that report their mere failure to report will cause the withdrawal of the approval under which the alien is here.

Mr. WILLIS. The Senator feels, then, that the general principle of the restrictive immigration law is sufficiently preserved and guarded as amended?

Mr. REED of Pennsylvania. I think it is even strengthened, because it requires these continuous reports to be made so that the Secretary of Labor can keep check on these people; and when the approval is withdrawn and the employment terminated they must leave the country.

Mr. WILLIS. Mr. President, I am very glad to have the Senator's statement on that point, because, frankly, I have not been very greatly impressed with the necessity for the legislation unless it is carefully restricted as the Senator indicates. I have wondered, sometimes, whether we did not have too many foreign professors in our colleges and universities anyhow. I wondered whether our college students are not going out with too much of the international viewpoint of things and too little of the American viewpoint. Personally, I wish we had more American professors and fewer foreign professors, but with the Senator's statement as to the care with which this bill has been guarded I shall not offer objections and shall support the measure.

Mr. SHORTRIDGE. Mr. President, as I understand, when the report is not made promptly the approval theretofore granted is automatically withdrawn?

Mr. REED of Pennsylvania. Absolutely.

Mr. SHORTRIDGE. Then what does the bill provide in respect of that particular professor, his wife, and unmarried children?

Mr. REED of Pennsylvania. Of course, he would be in this country illegally. He would be expected to take his departure from it, and if he did not take it it would be taken for him.

Mr. SHORTRIDGE. And that applies to all that are covered by the language of the bill?

Mr. REED of Pennsylvania. That is my understanding; and the further effect would be that the approval for that institution would be withdrawn, and they could not bring in any other professors in the future.

Mr. SHORTRIDGE. For further clearing up of the law, perhaps, the man comes in as a professor; he may bring his wife and his unmarried children under 18 years of age, "if accompanying or following to join him."

Mr. REED of Pennsylvania. That is the present law, also.

Mr. SHORTRIDGE. Precisely; and in the event that he ceases to be entitled to remain he must go, as well as all who have come with him covered by the law?

Mr. REED of Pennsylvania. That is my understanding.

Mr. SHORTRIDGE. Even though the unmarried children shall have married? Must they still go?

Mr. REED of Pennsylvania. That is my understanding.

Mr. SHORTRIDGE. Of course, if children are born here, they are citizens.

Mr. REED of Pennsylvania. They are American citizens.

Mr. SHORTRIDGE. And they are not required to depart.

Mr. REED of Pennsylvania. I am not absolutely certain as to the status of those people, and I should have to look it up. My impression is that they would have to go.

I have an amendment to offer, Mr. President, to the last committee amendment.

The PRESIDENT pro tempore. The first amendment reported by the committee has not yet been agreed to. The Secretary will read the bill.

The Chief Clerk proceeded to read the bill, which had been reported from the Committee on Immigration with amendments.

The first amendment was, on page 2, line 7, after the word "university," to insert "approved by the Secretary of Labor," so as to read:

Be it enacted, etc., That the immigration act of 1924 entitled "An act to limit the immigration of aliens into the United States, and for other purposes," be, and the same is hereby, amended as follows:

"SECTION 1. Subdivision (d) of section 4 is amended by striking out the words 'or professor of a college, academy, seminary, or university.'"

SEC. 2. There is hereby added to section 4 a new subdivision to read as follows:

"(f) An immigrant who is qualified to teach as may be by regulations defined, who seeks to enter the United States solely for the purpose of teaching in, and who shall have a written contract to teach for a definite term with, a college, academy, seminary, or university approved by the Secretary of Labor; and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him."

The amendment was agreed to.

The next amendment was, on page 2, line 10, after the word "him," to insert:

Provided, That such institution of learning shall have agreed to report to the Secretary of Labor the termination of the employment of such teacher, and if any such institution of learning fails to make such reports promptly the approval shall be withdrawn.

Mr. REED of Pennsylvania. Mr. President, that language is an exact copy of the language appearing in a subsequent section of the bill with regard to the entry of foreign students; but I think we can make it even stronger by requiring them to report also the continuance of the employment as well as its termination. Therefore I suggest the amendment which I have sent to the desk.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment proposed, on page 2, line 11, after the word "the" and before the word "termination," it is proposed to insert "continuation and," so that if amended it will read:

Provided, That such institution of learning shall have agreed to report to the Secretary of Labor the continuation and termination of the employment—

And so forth.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. KING. Mr. President, just one word in connection with the observations made by the able Senator from Ohio [Mr. WILLIS]. I know that he is a man of broad sympathies, and I am sure that nothing he said was intended to indicate that he believed that art and science and truth and the great geniuses who have manifested themselves in literary productions are to be confined to national lines. Art rises above boundaries and climes, and we are glad to welcome to the United States the great truths—scientific, political, and otherwise—that come from beyond the seas.

I have been glad to see some of the great scientists and great teachers and instructors from other countries come to our universities, and I am glad to see the reciprocity which exists. Many American teachers have gone to the universities and colleges and schools of the Old World, as well as some from Latin-American states. I think that those interchanges are auguries of better internationalism and a better spirit, producing amity and good will and peace throughout the world.

One of my young friends has received a scholarship and is now in Seville, Spain, learning the Spanish language, learning the art and literature of that country, which once almost dominated the world. Many of our fine young men are being educated in Oxford; they go to Heidelberg; they go to the great universities of the world and receive benefits, as students who come from other countries of the world to our universities are benefited. Moreover, Mr. President, by this interchange of views and by associations the narrow, bitter spirit which has actuated so many people, provocative of international strife, will be broken down, and a broader spirit of world unity and fellowship will unite the world together.

Mr. COPELAND. Mr. President, I find myself in full accord with the views expressed by both the Senators. It is a very interesting fact in my experience that many persons in my State who have advocated absolute restriction of immigration have indicated to me their desire to have this particular measure enacted into law. I hope there may be no hesitation on the part of the Senate and that it will be favorably acted upon.

The PRESIDENT pro tempore. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WILLIS. Mr. President, I wish to make an observation. I did not desire to delay action upon this bill, which I have supported, nor do I desire that my position shall be misunderstood. I quite agree with the observation made by the able Senator from Utah [Mr. KING] that there are certain lines of culture and information that range far beyond national limitations; and yet I feel strongly inclined to maintain my thesis, namely, that it is of the greatest importance that the graduates from our colleges and universities shall have the American viewpoint of things; and, for one, I feel that it would be as well if there were a larger degree of Americanism and a smaller degree of internationalism in the teachings had in our colleges and universities.

MARTHA HENSON

The bill (S. 1637) for the relief of Martha Henson was announced as next in order.

Mr. KING. Let that go over.

Mr. BAYARD. Will not the Senator withhold his objection for a moment?

Mr. SMOOT. Mr. President, I object to the passage of this bill, giving $5,000 to Martha Henson, when I find in the report from Secretary Davis this language:

> The party injured, therefore, has no legal claim against the United States.

We have just passed a bill appropriating $3,000 for an injury to a lady, and now here is one for $5,000 for a person who has no claim against the United States. I object to the passage of the bill.

Mr. TYDINGS. Mr. President, will not the Senator yield for just a moment? The claimant in this case is a woman who was struck by a Government truck. The investigation has clearly proven—and it is not contradicted—that the truck had no brakes on it, was operating in the middle of Baltimore city going down a hill, ran into a street car, and injured this claimant.

Mr. SMOOT. That is claimed. I have read the report, and on the report, I shall object.

The PRESIDENT pro tempore. The Senator from Utah makes objection, and the bill will be passed over.

Mr. TYDINGS subsequently said: Mr. President, I ask that we recur to Calendar No. 244, Senate bill 1637, for the relief of Martha Henson. I would like to offer an amendment to the bill.

The PRESIDENT pro tempore. Is there objection to recurring to Senate bill 1637?

Mr. SMOOT. I have no objection, providing the Senate now will agree, before we take up the bill, that the $5,000 will be cut to $2,500.

The Senate as in Committee of the Whole proceeded to consider the bill.

Mr. TYDINGS. I offer an amendment to strike out "$5,000" and insert in lieu thereof "$2,500."

The PRESIDENT pro tempore. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 1, line 6, strike out "$5,000" and insert in lieu thereof "$2,500," so as to make the bill read:

> That the Treasurer of the United States be, and he is hereby, authorized to pay to Martha Henson, of Baltimore City, Md., out of any money not otherwise appropriated, the sum of $2,500 as compensation for injuries received by her on November 25, 1918, when a street car of the United Railways & Electric Co., of Baltimore, Md., on which the said Martha Henson was a passenger, was struck at or near the corner of Patterson Park Avenue and Fleet Street, Baltimore, Md., by a motor vehicle belonging to and owned by the United States and operated by a soldier of the United States Army.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL EXPERIMENT STATIONS IN HAWAII

The bill (S. 757) to extend the benefits of certain acts of Congress to the Territory of Hawaii was considered as in Committee of the Whole.

Mr. KING. Mr. President, I would like to have an explanation of that bill.

Mr. BINGHAM. Mr. President, the Territory of Hawaii has not shared equally with the States, save in one case, in the benefits conferred by the several acts passed by Congress for the advancement of agriculture in the States and Territories, notwithstanding the apparent intent that all organized Territories should participate with the States on an equal basis.

Hawaii's needs in this respect are set forth in a statement by Dr. D. L. Crawford, president of the University of Hawaii, which was before the committee, and from which the following facts are deduced.

Of the several acts passed by Congress for the advancement of agriculture in the States and Territories, Hawaii shares directly in only one. The second Morrill Act and the Nelson amendment provided $50,000 per year for the support of agricultural colleges, "appropriated to the States and Territories." In 1907 Hawaii's right to participate in this appropriation was officially recognized on the basis of its political status as a Territory, and from that time Hawaii has received the annual grant for its university as do the States for their land-grant colleges.

The Hatch Act and the Adams Act were intended to supplement and augment the work of the land-grant colleges by providing Federal funds for maintaining agricultural experiment stations "under the direction of the college of agriculture in each State or Territory" established under the Morrill Act.

The Adams Act made additional appropriations for the same object, "to each State and Territory for the more complete endowment and maintenance of agricultural experiment stations now established or which may hereafter be established in accordance with the act of Congress approved March 2, 1887" (the Hatch Act).

Throughout these two acts the reference is to State and Territories and would seem to indicate that these benefits are to be applied in the same manner as the Morrill Act in connection with the college of agriculture in each State and Territory. Inasmuch as Congress has for many years included the Territory of Hawaii within the scope of the second Morrill Act and the Nelson amendment, it seems reasonable that the same interpretation should be made of the Hatch and Adams Acts in relation to Hawaii. This, however, has not been done.

It seems to me it is an act of justice for the Territory of Hawaii to put them on the same basis with the States and other Territories as to these other acts.

Mr. WILLIS. Mr. President, I shall not object to the consideration of this bill, but I would not feel that I was doing my duty if I did not call attention to some facts which have developed. This bill was rather fully considered by our committee, with a goodly attendance of the committee, and we were of the opinion that the objects sought were proper and we voted to report the bill.

Soon after the bill was introduced I had sent a copy of it to the department for report, as is the practice of the chairman of the committee, and the department was rather dilatory in replying; so we went ahead and acted on the bill without receiving the report.

Subsequent to the action of the committee and the filing of the report, I received a letter from the Secretary of Agriculture approving the general principle but not approving this bill. I do not think I would be doing my duty as chairman of the committee if I did not have this letter of the secretary, with the accompanying suggestions, printed in the RECORD. I am perfectly willing to let the bill pass and be amended in the House.

Mr. BRUCE. I object.

The PRESIDENT pro tempore. Under the objection of the Senator from Maryland the bill be passed over. Without objection, the letter referred to by the Senator from Ohio will be printed in the RECORD.

The letter referred to is as follows:

> DEPARTMENT OF AGRICULTURE,
> *Washington, February 11, 1928.*
>
> Hon. FRANK B. WILLIS,
> *Chairman Committee on Territories and Insular Possessions,*
> *United States Senate.*
>
> DEAR SENATOR: Your letter of January 11, 1928, transmitting a copy of S. 757 and requesting this department's views concerning the advisability of this legislation, has been received.
>
> This bill proposes to extend to the Territory of Hawaii the benefits of the act of March 2, 1887, commonly known as the Hatch Act, and supplementary acts, Adams Act and Purnell Act, providing for the establishment and maintenance of agricultural experiment stations, and the act of May 8, 1914, the Smith-Lever Act, which provides for cooperative agricultural extension work between the agricultural colleges receiving the benefits of the act of Congress approved July 2, 1862, the Morrill Act, and acts supplementary thereto.
>
> The department has given special consideration to this proposed legislation, as it would change the policy hitherto pursued in providing for agricultural investigations in the outlying Territories and would establish a precedent which might subsequently lead to similar movement on the part of other Territories and possessions having colleges of agriculture. Hence the form of the proposed legislation is believed important, in order that, if enacted, it might serve as a basis for action in other similar cases.
>
> You probably know that Congress has made special provision from time to time for the establishment of experiment stations in the outlying Territories and possessions. In no case has this been based on the experiment station acts applicable to the States, but it has taken the form of special legislation authorizing appropriations for the conduct of experiment stations under the immediate direction of the Secretary of Agriculture. This procedure is considered to have been particularly adapted to the pioneer stages of experiment-station work in the Territories. It has given a continuity to the work and the carrying out of a fixed policy, which otherwise might not always have prevailed, and it has enabled the department to address itself to what seemed the more important outstanding needs of the respective localities.
>
> With the coming of agricultural colleges in these Territories, the experiment station work has assumed increasing importance as a basis for sound teaching and as a point of contact with the farming public. The association of experiment station work with the colleges of agriculture has proved highly advantageous in the States, and as rapidly as the colleges in the outlying Territories develop sufficient strength

and facilities it is believed that provision for such work in close cooperation and association with them is very desirable. I therefore favor such a measure as will afford the funds for organized agricultural investigation and place the colleges in position to develop in that line.

The maintenance of an experiment station in Hawaii for over 20 years has given a background and impetus to agricultural investigation which did not exist in the States at the time of the passage of the Hatch Act, and which it is felt should be taken advantage of. The Federal station in Hawaii has developed a plant and facilities, including land, which are now valued in the neighborhood of $5,000,000. The station has valuable collections of plant materials, a library, laboratories, office buildings, and other facilities which would be a very important asset to a new institution, and it has under way numerous lines of uncompleted investigation which it would not seem wise to relinquish or turn over to another agency. Furthermore, the Federal station is serving a very useful mission as a tropical station for the Pacific, for the introduction of plant materials, and the testing and developing of them for special regions. It is essential, therefore, that provision be made for continuing the existing Federal station and retaining possession of its valuable property and equipment; but through cooperation these facilities and its experienced working force could be made available to the college in conducting research; and the two agencies could be merged so as to furnish an effective working unit in carrying on investigation for Hawaiian agriculture, while leaving the existing agency free to continue, in addition, the special service of broader application to tropical agriculture in the Pacific.

The department's views of the form which this legislation might take in extending the benefits of the experiment station acts to the Territory of Hawaii are embodied in the inclosed tentative draft of a bill.

In explanation of this it may be pointed out that Federal aid for the establishment and maintenance of experiment stations in the States came gradually, in recognition of the fact that an effective station must be a matter of studious development. The wisdom of this provision has been abundantly attested, and it is believed to apply with no less force in the outlying territories, where a considerable period of preparation is inevitable. In view of this it is felt that an initial appropriation of $15,000, such as is provided under the Hatch Act of March 2, 1887, would be an appropriate beginning. Under the plan suggested, this would be followed the second year by the increase of $5,000 granted by the Adams Act of March 16, 1906, to increase by $2,000 a year until it matured at $15,000. This amount would then be followed by the increases, year by year, provided under the Purnell Act of February 24, 1925. Such a gradual increase would give opportunity for normal growth and for working out the cooperative relationships with the Department of Agriculture. While some 12 years would thus be required for the realization of the full amount, this increase is far more rapid than occurred in the States, where over 40 years from the initial appropriation will be necessary to reach the full appropriation authorized under existing legislation.

The expense of extending to the Territory of Hawaii the benefits of the experiment station acts for the fiscal year ending June 30, 1929, as proposed by S. 757, would be $80,000, and the estimated expense of extending the benefits of the act of May 8, 1914, for agricultural extension work would be about $27,000, or a total of $107,000. The estimates for the Hawaii station, maintained by this department, for 1929 are $54,940, of which sum $10,000 is for agricultural extension work. Under the substitute plan, as proposed, the initial cost of applying these experiment station and extension acts would be $32,000 over the present appropriations. This would increase with the annual increment under the experiment station acts and with any subsequent legislation.

Sincerely yours,

W. M. JARDINE, *Secretary.*

Submitted to the Bureau of the Budget, pursuant to Circular 49 of the Bureau of the Budget, and returned to the Department of Agriculture under date of February 3, 1928, with the advice that the legislation proposed in S. 757 would be in conflict with the financial program of the President.

Mr. BINGHAM subsequently said: Mr. President, I understand the Senator from Maryland is willing to withdraw his objection to the consideration of Senate bill 757.

Mr. BRUCE. I withdraw my objection.

The PRESIDENT pro tempore. Is there objection to recurring to the consideration of Senate bill 757?

Mr. KING. Mr. President, I do not object to the consideration of the bill, but I should like to have the Senator from Connecticut reconcile his views as to passing this bill with the opposition of the Secretary, as evidenced by the letter, which we have not had an opportunity to read, presented by the Senator from Ohio.

The PRESIDENT pro tempore. Does the Senator from Utah desire to have the letter read?

Mr. KING. I will be satisfied to have an explanation.

Mr. BINGHAM. Mr. President, the letter, which was received after the committee acted, was accompanied by a complete redrafting of the bill. This redraft, which the Department of Agriculture prepared, has been introduced in the House by the Delegate from Hawaii as a substitute bill. My suggestion was that the Senate pass the bill as recommended by the committee; it will then go to the House; they will consider the redraft prepared by the Department of Agriculture, will probably amend the bill in accordance with the suggestions of the department, and then we can accept the amendments as agreed to by the House.

Mr. SMOOT. Why not offer the amendment now?

Mr. BINGHAM. I should be very glad to offer it now.

Mr. SMOOT. That would be very much better than to have the bill pass the Senate with the understanding that it is to be amended in the House.

The PRESIDENT pro tempore. By unanimous consent, the Senate having recurred to the consideration of Senate bill 757, the Senator from Connecticut offers a certain amendment, which will be reported.

Mr. BINGHAM. I move to strike out all after the enacting clause and to insert the bill prepared by the Department of Agriculture.

The PRESIDENT pro tempore. The Senator from Connecticut offers an amendment in the nature of a substitute, which will be reported for the information of the Senate.

Mr. KING. Does that meet the opinion of the Secretary of Agriculture?

Mr. BINGHAM. This was drawn by the Department of Agriculture.

Mr. WILLIS. Mr. President, let me ask the Senator a question. I have just had inserted in the RECORD a certain letter, with which the Senator is familiar. Is this bill identical with that bill which accompanied that letter?

Mr. BINGHAM. They are identical.

Mr. WILLIS. And the Senator is now proposing——

Mr. BINGHAM. To substitute the suggestion of the Department of Agriculture for the pending bill.

Mr. WILLIS. I think that is wise.

Mr. SMOOT. Let the substitute be reported.

The PRESIDENT pro tempore. The clerk will read.

The LEGISLATIVE CLERK. The Senator from Connecticut proposes to strike out all after the enacting clause and to insert:

That beginning with the fiscal year ending June 30, 1929, the Territory of Hawaii shall be entitled to share in the benefits of the act entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," approved March 2, 1887, as amended and supplemented, and of the act entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, and of acts supplementary thereto: *Provided*, That the experiment station so established shall be conducted jointly and in collaboration with the existing Federal experiment station in Hawaii in enlarging and expanding the work of the said Federal station on cooperative plans approved by the Secretary of Agriculture; and the Secretary of Agriculture shall coordinate the work of the Territorial station with that of the Federal station and of the United States Department of Agriculture in the islands: *Provided further*, That the Territory of Hawaii shall make provision for such additional buildings and permanent equipment as may be necessary for the development of the work.

SEC. 2. To carry into effect the above provisions for extending to Hawaii the benefits of the act of March 2, 1887, and supplementary acts in the order and amounts designated by these acts, the following sums are hereby authorized to be appropriated in addition to the amounts appropriated to the Department of Agriculture for use in Hawaii: $15,000 for the fiscal year ending June 30, 1929; $20,000 for the fiscal year ending June 30, 1930; $22,000 for the fiscal year ending June 30, 1931; $24,000 for the fiscal year ending June 30, 1932; $26,000 for the fiscal year ending June 30, 1933; $28,000 for the fiscal year ending June 30, 1934; $30,000 for the fiscal year ending June 30, 1935; $50,000 for the fiscal year ending June 30, 1936; $60,000 for the fiscal year ending June 30, 1937; $70,000 for the fiscal year ending June 30, 1938; $80,000 for the fiscal year ending June 30, 1939; and $90,000 for the fiscal year ending June 30, 1940, and thereafter a sum equal to that provided for each State and Territory for agricultural experiment stations established under the act of March 2, 1887.

SEC. 3. The permanent annual appropriations provided for in section 3 of said act of May 8, 1914, and of acts supplementary thereto are hereby authorized to be increased by an amount necessary to carry out

the provisions of this act but without diminishing or increasing the amount which any State is entitled to under the provisions of said act of May 8, 1914, and of acts supplementary thereto.

Mr. KING. Mr. President, I object to the consideration of the bill. There are some amendments needed. This appropriation for an indefinite period I do not approve of. Moreover, we have before us the Capper-Ketcham bill, which I think will cover some of the provisions in this measure. I think we ought to consider the two together.

The PRESIDENT pro tempore. Does the Senator from Utah object to the substitute?

Mr. KING. I do not object to the substitute.

The PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from Connecticut.

The amendment was agreed to.

The PRESIDENT pro tempore. The bill as amended will go over, under objection.

STATUE OF ALEXANDER HAMILTON STEPHENS

The concurrent resolution (S. Con. Res. 6) to print and bind the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, of the statue of Alexander Hamilton Stephens, presented by the State of Georgia, was read and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Alexander Hamilton Stephens, presented by the State of Georgia, 5,000 copies, of which 1,000 shall be for the use of the Senate and 2,500 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Georgia.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, and shall procure suitable illustrations to be bound with these proceedings.

WALTER W. JOHNSTON

The bill (S. 2711) for the relief of Walter W. Johnston was announced as next in order.

Mr. KING. I would like to have an explanation of the bill.

The PRESIDENT pro tempore. Neither the author of the bill nor the Senator reporting the bill is present in the Chamber

Mr. KING. Let it be temporarily laid aside.

The PRESIDENT pro tempore. The bill will go over.

ESTATES OF JOHN FRAZER AND OTHERS

The bill (S. 2855) for the relief of the estates of John Frazer, deceased; Zephaniah Kingsley, deceased; John Bunch, deceased; Jehu Underwood, deceased; and Stephen Vansandt, deceased, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

ADMINISTRATION OF OATHS

The bill (S. 2781) to amend the Code of Law for the District of Columbia so as to empower the corporation counsel for the District of Columbia and his assistants to administer oaths was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Code of Law for the District of Columbia be, and the same hereby is, amended, so as to add a new section thereto, to be known as section 932 (a), and to read as follows:

"SEC. 932. (a) The corporation counsel for the District of Columbia and his assistants are empowered to administer oaths or affirmations to witnesses in criminal cases and in any and all matters and things connected with the performance of their official duties; and if any person to whom such oath or affirmation shall be administered shall willfully and falsely swear or affirm touching any matter or thing material to the point in question whereto he shall be examined, he shall be deemed guilty of perjury, and upon conviction thereof shall be sentenced to suffer imprisonment at hard labor for the first offense for not less than 2 years nor more than 10 years, and for the second offense for not less than 5 years nor more than 15 years."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN INSTRUCTORS OF THE DEAF

The resolution (S. Res. 135) to print the report of the twenty-fifth meeting of the convention of American Instructors of the Deaf as a Senate document was read and agreed to, as follows:

Resolved, That the report of the twenty-fifth meeting of the convention of American Instructors of the Deaf be printed, with illustrations, as a Senate document.

NATIONAL SURETY CO.

Mr. COPELAND. Mr. President, I ask unanimous consent to return to Calendar No. 185, Senate bill 2335, for the relief of the National Surety Co. I have satisfied the Senator from Utah, and he has withdrawn his objection.

Mr. SMOOT. What is the bill?

Mr. COPELAND. It is a bill to reimburse the National Surety Co. for a loss incurred by a postmaster. The bond was dated six months after the loss, so, of course, the surety company paid the money by mistake, and Mr. McCarl has recommended that the money be returned.

The PRESIDENT pro tempore. Is there objection to recurring to the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. KING. Mr. President, I do not object to returning to the bill, but I shall vote against it. The surety company made the payment, they were unwise enough to make the payment, and they ought to bear the loss.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, to strike out "$157.98" and to insert in lieu thereof "$157.89," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $157.89 to the National Surety Co., which sum represents a payment by the National Surety Co. of that sum to cover a shortage arising in the accounts of H. C. Lewis, late postmaster at Creech, Ky., which shortage occurred prior to the effective date of the bond written by the said surety company covering the above-named H. C. Lewis, and was not due or owed by the National Surety Co.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. McKELLAR. Mr. President, I want to make just a short statement in regard to this bill. I notice that this is the case of the surety company asking for the payment of a claim arising from a shortage in the funds of a postmaster.

There is now pending before the Committee on Claims a measure of this kind, where an individual registered a letter to New York containing $2,000 of bonds. He was just a private citizen; he was not a surety company. When that letter and those bonds got to New York City they were stolen.

Mr. KING. From the post office.

Mr. McKELLAR. From the post office. Thereupon an effort was made to sue the postmaster on his bond to recover the amount of the loss, for which he was clearly liable. The department declined to sue, and thereupon a bill was introduced here for the relief of the man who registered the letter. The bill has passed the House two or three times, has come to the Senate, and the Senate Committee on Claims has refused, up to this time, to report it.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. The joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. The Senator from Tennessee has the floor.

Mr. McKELLAR. I shall be through in just a moment. I merely want to say that I do not think the Senate ought to lay down one rule for surety companies and restore funds embezzled or stolen where the surety company has to pay the loss, and lay down another rule for the private citizen who loses money.

Mr. COPELAND. Mr. President, may I interrupt the Senator?

Mr. McKELLAR. I yield.

Mr. COPELAND. In this case the loss occurred before the surety company had written its policy and by misapprehension.

Mr. McKELLAR. I think where a Government agent steals money or other things of value from the mails the Government, as a bailee for hire, ought to make it good, and uniformly it is done. I think the only case I know of where it was not done is

the case to which I have referred, which arose in the case of private citizens of Tennessee.

I wanted to make the statement at this time to show that it is perfectly proper, apparently, to pass bills here for the relief of surety companies; but when a private citizen loses through the mails, relief is denied him.

Mr. BAYARD. Mr. President, I can not let the statement of the Senator from Tennessee pass without some challenge. I happen to have been a member of the subcommittee which reported adversely the bill to which he referred. I want to say that in that particular case the adverse report was made upon the ground that the securities in question were put in a registered letter, a registry fee was paid, and, the registry fee having been paid, a contract arose between the sender and the Government that in the event of loss, the loss would be limited to $50. That amount of loss was paid, and on that ground the committee, for several sessions of Congress, made an adverse report on a bill providing for paying anything more on the claim in question.

THE CALENDAR—ADJOURNMENT FROM FRIDAY TO MONDAY

Mr. CURTIS. Mr. President, I ask unanimous consent that at the conclusion of morning business to-morrow the Senate shall proceed to the consideration of unobjected bills on the calendar beginning with the calendar number where we left off to-day.

The PRESIDENT pro tempore. Is there objection?

Mr. NORRIS. That will apply only until 2 o'clock?

Mr. CURTIS. Yes.

The PRESIDENT pro tempore. The Chair hears no objection, and the unanimous-consent agreement is entered into.

Mr. CURTIS. I now ask further unanimous consent that when the Senate concludes its business to-morrow it shall adjourn to meet on Monday next at 12 o'clock noon.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the unanimous-consent agreement is entered into.

CONSTRUCTION OF RURAL POST ROADS

Mr. DILL. Mr. President, I desire to offer and have printed an amendment to Senate bill 2327, authorizing appropriations for the construction of rural post roads during the two years following the present current year. My amendment proposes that 25 per cent of the money thus authorized to be expended shall be expended on rural mail routes not intercounty or interstate roads. The only authority under the Constitution for making appropriations for roads is to build and maintain post roads. The real post roads of the country to-day are the rural mail routes that reach out into the farming districts of every State. I think the road program has gone far enough in America, I think the automobile highways have been developed sufficiently that a part of this money should hereafter be expended for rural route roads which are used by the people out in the back-country districts. I shall discuss the amendment more fully when the good roads bill comes before the Senate for consideration.

I ask that my amendment may lie on the table until the bill to which I have referred comes up for action by the Senate. The amendment proposed and to be offered by me reads as follows:

On page 2, line 2, after "amended," insert a comma and the following: "except that at least 25 per cent of the sum apportioned to any State, to be deducted from the amount heretofore authorized to be expended upon interstate highways, shall be expended in the construction and reconstruction of rural post roads not interstate or intercounty in character, and the Federal-aid highway system of such State shall be extended to include such roads, as selected and designated by the State highway department, in addition to the mileage heretofore authorized."

The amendment intended to be proposed by Mr. DILL to the bill (S. 2327) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, was ordered to lie on the table and to be printed.

CONDITIONS IN HAITI

Mr. KING. Mr. President, now that the Habana conference has terminated, I desire to offer a resolution which I had prepared some time ago, but which I have amended to bring down to date and which I now desire to read.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent to present a resolution which he desires to read. Is there objection? The Chair hears none. The Senator from Utah will proceed.

Mr. KING. The resolution (S. Res. 158) which I submit reads as follows:

Senate Resolution 158, Seventieth Congress, first session

Whereas it is claimed that the following statement contains some of the important facts relating to the occupation of Haiti by the military forces of the United States, and also some of the important occurrences following such occupation, together with facts relating to the present conditions in Haiti:

More than a century ago the Haitian people achieved their independence and established a republican form of Government, under which they controlled their political affairs without interference from foreign powers until the United States seized and occupied their country in July, 1915, accomplishing the same by employing war vessels of the Government, which entered the ports and harbors of Haiti and landed large military forces upon Haitian shores;

That said military forces of the United States seized the public buildings in Haiti and important military positions; that the Haitian people were opposed to the invasion of their country by the armed forces of the United States, and some of them attempted to repel such invasion, as a result of which more than 2,500 Haitians were killed in conflicts with the armed forces of the United States;

There was no sufficient reason for sending war vessels to seize Haitian ports or to land American troops upon Haitian soil, whatever disturbances there were in said country being purely of an internal character and in no wise affecting the liberty of Americans or foreigners;

That after the seizure of Haiti the admiral in charge of the American forces declared martial law, took control of the Government of Haiti, interfered with the election, and exerted military pressure and all influences at his command to secure the election of Dartiguenave as President of Haiti.

The United States then presented to said Dartiguenave and to the National Assembly of Haiti, which consisted of two legislative bodies—the Chamber of Deputies and the Senate—a proposed convention, giving the United States control of the revenues, police, public works, and sanitary administration of Haiti, which the assembly was unwilling to ratify; whereupon the admiral in command of said American forces cut off the salaries of the opposing members of the assembly and announced that if the tendered treaty was not ratified the United States "has the intention to retain control in Haiti until the desired end is accomplished, and that it will forthwith proceed with the complete pacification of Haiti," under pressure of which threat the National Assembly accepted such convention in September, 1915.

That in 1916 a new National Assembly of Haiti was elected, pursuant to the Haitian constitution, and upon the convening of the same there was submitted to it by the United States a new constitution, prepared in the Navy Department of the United States, which, it was declared, was to supersede the constitution under which Haiti had been governed for many years. This new constitution materially changed the constitution of Haiti, among the changes being one which authorized foreigners and foreign corporations to hold Haitian lands, contrary to the Haitian constitution, which sought to protect the Haitian people from foreign domination and to preserve Haitian territory for the Haitian people.

This new constitution was not acceptable to the National Assembly of Haiti, whereupon the military forces of the United States summarily and forcibly dissolved the assembly, took possession of the legislative chambers, and locked the same against members of the assembly; and when the two branches of the assembly met in other places they were summarily and forcibly dispersed by American forces.

That thereupon an election was ordered by those representing the United States, for the alleged purpose of having said new constitution submitted to the people for ratification; that it was known that the people of Haiti opposed the so-called new constitution, but a few votes were cast under the supervision and control of military forces and under conditions that indicated pressure and intimidation of the Haitian people, as a result of which it is claimed that no election or true expresson of the people was had and that said new constitution was not in fact ratified by the people of Haiti.

Upon the dissolution of said national assembly, said Dartiguenave, by dictatorial decree, set up a so-called council of state (appointing all the members thereof), which was an extraconstitutional and illegal body and which pretended to take over and exercise the legislative powers of the national assembly; and it has continued from that time until the present to exercise said usurpatory authority in defiance of the will of the Haitian people. In its acts and proceedings it is claimed said council of state has been merely the instrument to register the will of the President of Haiti who has been and is controlled by the United States.

The term of office of said Dartiguenave expired August 12, 1922, and thereupon, as is claimed, the United States selected Louis Borno to be his successor; that said council of state had no power or authority to act in the premises, but the members of said illegal organization, with the support of the American military occupation, pretended to elect as President of Haiti said Louis Borno, although he was not eligible to the Presidency of the Haitian Republic because he is not the son of a Haitian citizen, as prescribed by the constitution of Haiti;

That under the constitution of Haiti, as well as the void and unratified new constitution, the two legislative bodies of the Haitian Government were empowered to meet as a national assembly and to elect, at the times designated in said constitutions, respectively, the President of the Haitian Republic;

That said council of state, in the matter stated, and in defiance of said provisions, pretended to elect said Borno for the term of four years, the period prescribed in the so-called new constitution, which the National Assembly of Haiti had refused to accept;

That the constitution of Haiti, as well as the new constitution, sought to be imposed on the Haitians, provides for the election of the members of the two legislative bodies of the Haitian Republic, but since the suppression of said bodies no elections, except as hereinafter stated, have been held, or permitted to be held, by those in control of Haiti, as a result of which no national assembly existed to choose the President of Haiti, as provided in said constitutions;

That under the terms of the new constitution a President of Haiti was to have been chosen by the national assembly on the 12th day of April, 1926, but said assembly having been abolished by the military forces of the United States and the dictatorial decree of Dartiguenave, said council of State, with the approval and support of the military forces of the United States, pretended, on said day, to reelect said Borno as President for a further term of four years; that it was understood for many months prior to said date that Borno aspired to another term as President and was supported for such position by General Russell, who commanded the military forces of the United States in Haiti and who also bears the title of the American high commissioner, if not the Department of State of the United States. To bring about that result said Borno shortly prior to April, 1926, appointed 18 of the 21 members of the council of state from among his relatives, personal friends, and retainers in order that he might be assured of his reelection on April 12 of this year;

That the term of said convention of September, 1915, expired on September 15, 1926; that if the United States had any right under convention to occupy Haiti and control its Government and the people of Haiti, such right no longer exists and the further presence of the United States in Haiti means the continued unauthorized control of Haiti and her people by superior military forces;

That said new constitution contained substantially the same provision as the Haitian constitution with respect to freedom of speech and the press and the guaranties of personal liberty, and also with respect to the judiciary and the powers and functions of judicial officers;

That those in control of Haiti have been dissatisfied with the independence of members of the judiciary and their interpretations of the constitution and the laws and the protection which they have accorded to the personal and property rights of the Haitian people. This situation resulted in the demand, upon the part of those controlling the political and governmental affairs of Haiti, for a suppression or repeal of said constitutional provisions, and notwithstanding said officials had declared that the people of Haiti were unfit to vote, an election was called for the 12th of January, 1928, to repeal said provision of the constitution;

That the proposed amendments to the constitution are for the purpose of legalizing the denial of freedom of the press and personal liberties, including the right to trial by jury, and for the purpose of placing the judiciary under the control of those dominating Haiti;

That it is claimed that the de facto Government of Haiti is the United States acting through General Russell, who is supported by the military forces of the United States, and that Borno and said council of state act in accordance with the directions given to them, that the liberties of the people are restricted, the freedom of the press destroyed, the independence of the courts interfered with, the voice of the people in the matter of levying taxes and expending them silenced, the right of franchise denied, and the people of Haiti subjected to a foreign control which attempts to screen its power behind Haitian agencies which have been set up and through which it operates;

That there will be no correction of these conditions and no restoration of civil government and constitutional authority in Haiti until the chamber of deputies and the senate shall be elected by the people of Haiti, and shall, in turn, as an electoral body, elect the President of Haiti under the terms of the Haitian constitution;

That the suppression of civil authority by military power is contrary to the Constitution of the United States and those principles of political and civil liberty which are professed by the Government and the people of the United States: Now therefore be it

Resolved, That the Committee on Foreign Relations is directed to consider the statements and claims herein set forth, and to make such investigations as are necessary to ascertain the reason for the seizure and continued occupation of Haiti by the United States, the reasons why the constitution of Haiti was superseded, the election suppressed, the rights of the Haitian people interfered with, the guaranties of liberty, freedom of speech and of the press under said constitution impaired; and also to inquire into the present conditions in Haiti and report their findings to the Senate, together with such measures as shall permit the Haitian people to set up and establish a government of their own choice and assume control of the same and their own civil and political affairs, and which shall provide for the withdrawal from Haiti of all military forces of the United States and all officers—military, naval, and otherwise—except only regularly accredited diplomatic representatives or consular agents as may be agreed upon by the Government of the United States and the Government of the Haitian Republic.

Mr. President, I ask that the resolution may lie upon the table. I shall seek an opportunity at an early date to discuss it.

The PRESIDENT pro tempore. The resolution will lie on the table and be printed.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2, in the vicinity of Muscle Shoals, for the manufacture and distribution of fertilizer, and for other purposes.

Mr. NORRIS. Mr. President, before I begin to address the Senate, I should like to have a correction made in the joint resolution of what I believe is a misprint. I desire to amend the resolution, on page 5, line 7, by striking out "Dam No. 1" and inserting in lieu thereof "nitrate plant No. 1."

The PRESIDING OFFICER (Mr. McNARY in the chair). Without objection, the amendment is agreed to.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	Keyes	Schall
Barkley	Ferris	King	Sheppard
Bayard	Fess	La Follette	Shipstead
Bingham	Fletcher	McKellar	Shortridge
Black	Frazier	McLean	Simmons
Blaine	Gerry	McMaster	Smoot
Blease	Gillett	McNary	Steiwer
Borah	Glass	Mayfield	Stephens
Bratton	Hale	Moses	Swanson
Brookhart	Harris	Neely	Thomas
Broussard	Harrison	Norris	Tydings
Bruce	Hawes	Oddie	Tyson
Caraway	Hayden	Phipps	Walsh, Mass.
Copeland	Heflin	Pittman	Walsh, Mont.
Couzens	Howell	Ransdell	Warren
Curtis	Johnson	Reed, Pa.	Willis
Cutting	Jones	Robinson, Ark.	
Deneen	Kendrick	Sackett	

Mr. COPELAND. I desire to announce that my colleague the junior Senator from New York [Mr. WAGNER] is engaged with the coal-investigation committee in Pittsburgh and is to be absent for the day.

Mr. FLETCHER. I desire to announce that my colleague [Mr. TRAMMELL] is unavoidably detained from the Senate, and I will let this announcement stand for the day.

Mr. FRAZIER. I have been requested to announce that the Senator from North Dakota [Mr. NYE], the Senator from Vermont [Mr. DALE], and the Senator from South Dakota [Mr. NORBECK] are absent from the Chamber engaged on public business in the Committee on Public Lands.

Mr. GERRY. I wish to announce that the Senator from Montana [Mr. WHEELER] is absent on business of the Senate in attendance upon the committee investigating the coal industry in Pittsburgh.

The PRESIDING OFFICER. Seventy Senators having answered to their names, a quorum is present.

Mr. NORRIS. Mr. President, the joint resolution which is now before the Senate will, if passed, dispose at least for 10 years of Muscle Shoals. This joint resolution comes before the Senate with almost a unanimous report of the Senate Committee on Agriculture and Forestry. It is very similar to a joint resolution which that committee reported at the last session of Congress. The only changes that have been made in it have been made at the request of the Department of Agriculture.

The joint resolution provides, in brief, that the Secretary of War shall complete Dam No. 2 at Muscle Shoals by installing the machinery originally contemplated, being a part of the plans and specifications of that dam. The places for the machines are already there; all provision is made for them in every way, excepting the purchase and installation of the generators that are necessary according to the original plans and specifications of that great dam.

The joint resolution also provides that the Secretary of War shall complete the steam plant located at nitrate plant No. 2 in the vicinity of Muscle Shoals by installing there the machinery, boiler, and engine capacity originally contemplated, being a part of the original plans and specifications of that great steam plant. The foundations, the building, and everything are there, ready to make this installation.

The joint resolution then provides that the Secretary of War shall sell the electricity developed at the dam and at the steam plant to persons, partnerships, States, counties, and corporations, giving preference in such sale to counties, municipalities, and such public organizations not existing for profit.

Mr. COPELAND. Mr. President, may I ask the Senator a question there?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New York?

Mr. NORRIS. I yield to the Senator; yes.

Mr. COPELAND. When the Senator speaks of selling to a municipality, does he mean to a municipality as such?

Mr. NORRIS. Yes, sir.

Mr. COPELAND. For the use of the city itself?

Mr. NORRIS. For the use of the municipality.

Mr. COPELAND. But not for the municipality to sell in turn?

Mr. NORRIS. The municipality, of course, would sell to its people.

Mr. COPELAND. For power purposes?

Mr. NORRIS. If there were power concerns in the municipality or in that vicinity, they could sell to them.

Mr. COPELAND. I thank the Senator.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. NORRIS. I will.

Mr. KING. Would the Government be subjected to the same rules and regulations that may be prescribed in the various States into which the power is taken?

Mr. NORRIS. No; there is not anything in the joint resolution about any rules or regulations to which the Government shall be subject.

Mr. KING. Let me see if I understand that. Then this power may be taken into the States and not be subjected to the control of the public-utility commissions of those respective States? It may be sold or delivered at a price which would destroy the private plants?

Mr. NORRIS. I take it that the public-utility commissions of the various States into which it might be taken would have the same control over it after it is disposed of to corporations, individuals, or municipalities that they now have; but the public-utility commissions of the different States, as I understand the joint resolution, would not have any power to control the Government of the United States or to fix the price at which the Government of the United States should sell this electricity to municipalities or private corporations.

Mr. KING. Then—and I am asking only for information—the Government of the United States in its activity is acting as a sovereign, not in a proprietary capacity?

Mr. NORRIS. I think so.

Mr. KING. It is not amenable, then, to the rules and regulations and laws of the States?

Mr. NORRIS. I do not think it is.

Mr. TYSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I yield to the Senator.

Mr. TYSON. In my State of Tennessee the public-utilities commission has to give a certificate of convenience and necessity before a transmission line is erected. I should like to ask if that would apply in this particular case. Would the United States Government have the right to build transmission lines without the consent of or a permit from the State utilities commission?

Mr. NORRIS. I should think it would; yes, sir. There is nothing about it in the joint resolution; but I go on the theory that the Government of the United States could do that without obtaining the consent of any State or municipality.

Mr. TYSON. And could sell the power to whomsoever it pleased, at any price it chose?

Mr. NORRIS. I think so; yes, sir.

Mr. TYSON. Without regard to the public-utilities commission?

Mr. NORRIS. I think so.

Mr. President, it is provided in the joint resolution that the Government as nearly as possible shall distribute this power among the States within transmission distance equitably as between the different States. It is provided that in order to put the Secretary of War upon a business basis with anybody else, so that he can deal in a business way with any municipality or corporation, he shall have authority to build transmission lines. It is not made mandatory that he shall and it is probably not contemplated that he shall unless it becomes necessary. I think it is absolutely necessary to give the Secretary that power, because, as matters stand at Muscle Shoals, there is only one concern that has physical connections with that dam or with that steam plant, and that is the Alabama Power Co.; so that without this provision the Secretary of War could be held up. He would not be on an equal basis, so that he could deal as a business man could with his own property.

It is provided in the joint resolution that the revenue obtained from the sale of this electricity shall be turned into the Treasury of the United States, segregated there, and held as a special fund for the purpose of experimentation in fertilizer and for the development of fertilizer with a view of cheapening fertilizer to the American farmer. The Secretary of Agriculture has charge of the fertilizer, under the joint resolution. He is authorized to construct fertilizer plants anywhere in the United States, and is specifically directed to construct one such fertilizer plant at Muscle Shoals; and it is provided that steam plant No. 1, located at Muscle Shoals, and nitrate plant No. 1, shall be turned over to the Secretary of War, and enough houses and other buildings there to house the force and the employees that he may desire to put in charge at Muscle Shoals. In order that the Secretary of Agriculture may not be delayed in this fertilizer proposition, there is an authorization in the joint resolution of $2,000,000 that can be appropriated at any time by Congress for the immediate beginning of any building or the buying of any machinery that may be necessary to carry out the experimentation on fertilizer.

The Senate will remember, I am sure, that the original act that Congress passed, providing for the building of this dam and this steam plant—in fact, all of the property that the Government owns there—stated in one of its sections very explicitly that this dam should be used, that it was the idea of Congress and the purpose of the act to use this plant, for the manufacture of explosives in time of war and fertilizer in time of peace. It was further provided in the act that under no circumstances should this plant or anything connected with it ever be sold or leased to any private person or corporation.

We have had that original act in mind in framing this joint resolution. The committee is of the opinion, and I think I shall be able to demonstrate, that to carry out literally the statement of the original act in regard to the manufacture of fertilizer there by the use of nitrate plant No. 2 would be a useless waste of public money, because, as I think I shall demonstrate, the cyanamide process for the extraction of nitrogen from the air used in nitrate plant No. 2 is, for the purposes of fertilizer at least, obsolete; and that we will get much better results, much more fertilizer, and in fact enable the Secretary of War to improve and cheapen the production of fertilizer, if we use the income from this property down here for the purpose of experimentation with fertilizer. The amount of the appropriation authorized in the preceding joint resolution in the last Congress was $10,000,000, as I remember. In this joint resolution we have fixed it at $2,000,000. That reduction was made at the suggestion of Doctor Cottrell, the representative of the Secretary of Agriculture, who also suggested, and there are included in the joint resolution, several provisions in regard to what shall be done by the Secretary of Agriculture in the fertilizer business.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. I yield to the Senator from Tennessee.

Mr. McKELLAR. I desire to ask the Senator, if he will turn to section 2, whether, in his judgment, under that section the Secretary of War could enter into the proposed contract, say, with the Cyanamid Co., except to cut down the period of the lease to 10 years? In other words, under the terms of this joint resolution, could he lease the properties to the Cyanamid Co. for a period of 10 years?

Mr. NORRIS. In a technical sense he might lease part of the property. As a practical proposition he could not do it, because in section 3 it is provided that—

> It is hereby declared to be the policy of the Government to distribute the current generated at Muscle Shoals equitably among the States within transmission distance of Muscle Shoals.

It is also provided in another section that he shall give preference to municipalities, States, and so forth.

Mr. McKELLAR. Then under section 2 could he, for instance, accept the offer made by the Associated Power Cos. for a period of 10 years?

Mr. NORRIS. I think not; no.

Mr. McKELLAR. Why not?

Mr. NORRIS. Because that would violate the section I have already read. Assuming that any municipality anywhere within transmission distance applies for electricity, it would violate that provision of the joint resolution.

Mr. McKELLAR. Suppose before the municipality could make an application for it the Secretary of War should lease it, say,

to the Associated Power Cos. or to the Cyanamid Co.; would not that end the matter for 10 years?

Mr. NORRIS. In the first place, Mr. President, section 3 would obviate that. If there is any danger of such a thing happening, I am perfectly willing to agree to any amendment that will prohibit it. Of course, the Senator knows that I have not any such idea in my mind. The committee has not any such idea. The committee turned down the Cyanamid Co.'s bid in the committee, where it was offered as a substitute for this joint resolution. It received only two votes in the Agricultural Committee, and I believe the wisdom of that action can be demonstrated, and if the Senate will listen to me I will demonstrate it so that in the Senate it will not get a single vote.

Outside of all that, let me say to my friend from Tennessee that while the Secretary of War is given a broad discretion—and that is done purposely, because if you tie him up with conditions he will be in all kinds of difficulties and trouble—the Secretary of War certainly would not go so far astray from the real intent and purpose of this joint resolution as to lease that power to the Alabama Power Co., let us say, in a block or to the Cyanamid Co. in a block.

In the first place, it would be a violation of this joint resolution. In the next place, I can not conceive how he would do that even if it were not a violation, because in the last session of Congress the power people had their bid here; they had had it here in other Congresses; and it has never received the approval of the Senate, at least, in any case. The Cyanamid people have been before the Agricultural Committee ever since this thing commenced, years ago; they were before the joint committee that was appointed in the last session; and they have not received favorable action anywhere. So I can not conceive of the Secretary of War going to the extreme of violation of the real intent of Congress and doing such a thing, even if he had authority.

Mr. McKELLAR. Then the Senator thinks that under this joint resolution municipalities, States, and counties would be given every opportunity to purchase the property, even if the Government had to help to build the transmission lines?

Mr. NORRIS. I think so.

Mr. McKELLAR. One other question, if I may, while I am on my feet, about a different matter. As I take it, while the joint resolution does not say so in words, the effect of it would be to repeal that provision of the law of 1916 under which the dam was built, providing for the manufacture of nitrates at the plant.

Mr. NORRIS. It really carries out the intention of that law, but it has to be modified in order to do it.

Mr. McKELLAR. Modified to the extent of making it purely experimental, rather than providing for the manufacture of fertilizer?

Mr. NORRIS. The experiment is provided for, and the money given to the Secretary of War to carry on the experiment will be equivalent to that necessary to operate the plant on a manufacturing scale.

Mr. McKELLAR. I thank the Senator for the information.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New York?

Mr. NORRIS. I yield.

Mr. COPELAND. May I suggest to the Senator that in putting down his foundation, he tell the Senate how much was invested in the plant?

Mr. NORRIS. I will go into all that before I get through.

Mr. COPELAND. I think that will be very enlightening.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. BLACK. Along the line suggested by the Senator from Tennessee [Mr. McKELLAR], suppose the municipalities of Alabama or Tennessee have already granted franchises to power companies over a long period of years and therefore are incapable, by reason of these contractual obligations, of taking advantage of this part of the resolution. Would or would not the inevitable result of the passage of the resolution then be to sell the plant to the Alabama Power Co. or other power companies?

Mr. NORRIS. If no municipality, no State, or no county makes application for this power, then, of course, it will have to be sold to the Alabama Power Co. or some other power company. The Alabama Power Co. probably will be one of the bidders.

Mr. BLACK. One other question. The law now provides that municipalities shall be given the preference with reference to the distribution of power, as I understand the law.

Mr. NORRIS. Yes.

Mr. BLACK. I appeared with a delegation before the Secretary of War last summer in an effort to obtain power from Muscle Shoals for the city of Muscle Shoals. That request was submitted by a delegation of from 25 to 50, perhaps some eight months ago. As yet there has been no reply; there has been no acceptance; there has been no rejection. Would this provision give to that same department the right to determine in the future whether or not the municipalities should get power?

Mr. NORRIS. Mr. President, I want to discuss that proposition.

Mr. BLACK. I am asking because I want to get the Senator's opinion.

Mr. NORRIS. It is a perfectly fair question. I am not finding fault with it at all, and I want to answer it; but before I answer it I want to say to the Senator from Alabama that while I would like to see the municipalities within transmission distance of Muscle Shoals get all the power developed there, if they do not want it and will not try to get it, of course nobody can make them take it. We are doing nothing in this resolution but giving them the first chance. It would be unfortunate if a municipality that wanted the power had tied themselves up so that they could not take the power.

Since I reported this joint resolution I have received a telegram from the Senator's own State, from the city of Athens, in Alabama. Most of us know about the city of Athens, I think. In what county in Alabama is Athens situated?

Mr. BLACK. In Limestone County. I have the same telegram.

Mr. NORRIS. I have a telegram saying that the city of Athens and that county will, immediately, upon the passage of this joint resolution, build a transmission line to Muscle Shoals. That sounds pretty good to me.

Mr. BLACK. That is one of the few that the Alabama Power Co. has not yet gotten.

Mr. NORRIS. Of course, if the State of Alabama and its municipalities have mortgaged their souls and their lives to the Alabama Power Co. in such a way that they can not get out from under, there is no way I know of by which we can give them power, except through the instrumentality of the Alabama Power Co.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator a question?

Mr. NORRIS. Certainly.

Mr. ROBINSON of Arkansas. The Senator has referred to transmission distance. What is reasonable transmission distance applicable to this plant?

Mr. NORRIS. I think about 300 miles. The power can be transmitted farther, but there will be somewhat of a loss. There is some loss at 300 miles. Of course, there is always a loss, no matter how far power is transmitted, but the Province of Ontario transmits electricity for practically 300 miles to supply the city of Sarnia and the city of Windsor, which sells it for homes at 2 cents a kilowatt-hour. So the transmission loss is comparatitvely small, even at that great distance.

Mr. McKELLAR. Mr. President, it is rapidly becoming smaller, as scientific methods are being used in order to transmit the power without loss.

Mr. NORRIS. Oh, yes; there is no doubt but that new inventions and improvements in transmission are going to increase the distance to which electricity can be transmitted without loss.

For fear some one may read some other things I have said at different times about the relaying of electricity, I want to say to the Senate that there is a method of transmitting electricity much farther in a rather indirect way. For instance, in the State of North Carolina, which has some very fine hydroelectric properties, and where there is a very large concern that distributes power over a large portion of the State, I think it was in 1922 that the weather was dry, they had no rain, the creeks and the rivers commenced to dry up, and it became apparent that they were going to have a water famine; that the power plant was going to close down; that some of the cities that were supplied would be in darkness, and some manufacturing concerns would have to get steam or some other means to run their machinery. They were unable to get electricity from another large distributing company over the line in Georgia.

The Georgia company had all they needed over there, but none to spare. In the western part of Georgia there was another transmission company that had a large distributing system, but they did not have any electricity to spare. Across the line in Alabama was the Alabama Power Co. They had enough for themselves, but none to spare.

On the west or the northwest of the Alabama Power Co.'s territory was this big steam plant at Muscle Shoals, owned by the Government. This is what happened: They fired up that steam plant, with a capacity of 80,000 horsepower, and they gave to the Alabama Power Co., on the west side, some electricity. The Alabama Power Co., on the east side of its system,

by pushing a button, gave the same amount of electricity to the Western Georgia Co., and on the eastern side of that company they in turn pushed another button and gave some electricity to the distributing system in the eastern part of Georgia. They in turn gave the same amount of electricity from their western side to North Carolina, and the industries of North Carolina continued to function. In reality, it was exactly the same as though they had transmitted electricity from Muscle Shoals to North Carolina, although that is beyond the transmission system. I think it is about 800 miles.

The Senator from Alabama asked me another question that I was going to answer, and if I have not answered it I will be glad to do so now.

Mr. BLACK. The question was as to what limitation there is on the exercise of discretion, and how long do the municipalities have before the Secretary of War can sell this power to the power companies?

Mr. NORRIS. There has been considerable criticism of the Secretary of War for the way he has handled the power down at Muscle Shoals. I have never joined in the criticism. I do not know that I would have handled it in the way he did; it seems to me the way of handling it might have been improved a little; but the Secretary was terribly handicapped. Congress had made no disposition of Muscle Shoals, or the power that developed there. The Secretary had on his hands that steam plant, capable of producing 80,000 horsepower. He had the Wilson Dam, capable of producing, in round figures, primary power to the extent of 100,000 horsepower, and at other times of the year 200,000 horsepower. We had passed no law providing for any disposition of the property and of the power produced.

Mr. McKELLAR. Mr. President, the Senator says that there was no law regulating it. As I recall, the law of 1916 provided that it must not be turned over to a private corporation.

Mr. NORRIS. Yes; it did.

Mr. McKELLAR. In my judgment, certainly in turning it over to the Alabama Power Co., as the Secretary has been doing, he violates at least the spirit if not the exact letter of that law.

Mr. NORRIS. It may be that he does. But none of us would have the Secretary of War do nothing with power that is capable of doing so much good, and bringing in an income to the Government of the United States. But since Congress has not legislated, he always had to lease that power on condition that he could terminate the lease at any time. I understand he leased it so that he could terminate the lease on 30 days' notice. If I had been Secretary of War, I would not have given much longer time than that to terminate the contract, if any longer, because he never knew when Congress was going to pass legislation that would direct him what to do.

That was not all. The Secretary was confronted with this proposition: The Alabama Power Co. was the only concern that was physically connected with the transmission machinery at Muscle Shoals. He was in the predicament that he could not lease it to anybody, we will say, for longer than 30 days, and we would not expect anybody to build a transmission line there if he could not be sure of a longer term than 30 days. So, while the Secretary may have done differently from what I or any other Senator would have done, I think under the circumstances he can not be criticized. He could not get as much for it as if he had been able to lease it for a term of years. Everybody knows that. No one could build a transmission line, or erect a building, on the theory of being able to get this power for only 30 days at a time. No business man would think of doing it.

It does seem to me, I want to say to the Senator from Alabama, that every one of the cities right within the sound of the roaring waters down at Muscle Shoals should be supplied with electricity and power from that dam. There is no question in my mind but that the city of Florence, located right there, and the other cities in the vicinity, ought to have the right to use that power, and I think they ought to have it in preference to giving it to the Alabama Power Co. But if I were confronted with the problem now, without any law, and wanted to lease the plant, I would probably be compelled to accept the terms which the Alabama Power Co. laid down to me, because they could easily say, "We will take it all, or none, and we will pay you such and such a price for it." There is no way to get more or to extend the terms of the lease.

If the Senator from Alabama or any other Senator thinks this joint resolution will not properly protect a city like Florence in getting its share of this electricity, if it is not protected as the resolution stands now, and there is any way to make it more certain, I would be glad to see the resolution amended so as to accomplish that purpose.

Mr. BLACK. Mr. President, I felt sure the Senator would. I do not want to be placed in the attitude of having risen a moment ago to criticize the Secretary of War. I do think that there has been considerable delay, when he has waited eight months to give a reply to the town of Muscle Shoals.

Mr. NORRIS. I think so, too. I do not understand why there has been that delay. I can not explain it.

Mr. BLACK. There is surplus power going over the dam for which the Alabama Power Co. has not contracted. They are paying 2 mills per kilowatt and selling at 10 cents per kilowatt-hour right within a hundred yards, practically, of the place where the power is generated.

Mr. NORRIS. I agree with that proposition, too. I am in entire sympathy with it.

Mr. BLACK. I am wondering, if the joint resolution should pass, how long a time the municipalities would have before the Secretary of War would consider that the time had passed within which to obtain power and before he would pass it on to the power companies. I am wondering if the joint resolution provides for that contingency?

Mr. NORRIS. The Senator has called my attention to what I am inclined to think right now might be a weakness in the joint resolution. It does not fix any time. It leaves the matter entirely in the hands of the Secretary of War. It seems to me if I were Secretary of War and were trying to carry out the mandate of the Congress, as given to me if the joint resolution shall be passed, and the city of Birmingham, Ala., said to me as Secretary of War, "We have to vote some bonds to get a distributing system. We have to vote bonds to build a transmission line. It is going to take us three or six months. But we do not want to be placed in the attitude of doing all that work and then find that the electricity has all been disposed of to somebody else." I would say at once to the city of Birmingham, "If you start these steps I will hold out enough electricity, if there is such a demand that it is liable to be all gone, to supply your needs." I would not have any hesitancy in feeling that I was carrying out the real spirit of the joint resolution by doing that. If it goes across the line into Tennessee, and there are a great many cities in Tennessee within transmission distance of Muscle Shoals, and some city there said, "It will take us some time to do this," I would wait for them if they acted reasonably and fairly.

I want to say to the Senator from Alabama now that if the language is not explicit enough on that point, and it may be that it is not, I would welcome an amendment to make it explicit. If the Senate thinks best, let us have such a provision. If a municipality anticipates that it would take some time to get ready to do this work, let us fix the time in which they may do it.

Mr. McKELLAR. That is, fix the time in the joint resolution?

Mr. NORRIS. Yes.

Mr. McKELLAR. The reason why I say that is that cities in my own home State; Memphis, for instance, may desire to make a contract of this kind with the Secretary of War. The legislature does not meet until next January and, of course, it can not get the money to build the transmission lines or to build a distributing system, if that might be necessary, in order to take advantage of the provisions of the joint resolution. It seems to me probable that it would be better to have a limitation fixed in the measure within which these cities might take advantage of its provisions.

Mr. NORRIS. I have no objection to such a limitation. The only thing is that when we commence to curtail the discretion of an officer who has charge of a matter of this kind we may get him into difficulty of some kind that we do not imagine exists when we pass the joint resolution.

Mr. McKELLAR. The mere fixing of a time limit would not have that effect, because as soon as it expired he would then have the powers which he would have now.

Mr. NORRIS. The Secretary of War has authority to build transmission lines. If we were going to build a transmission line to Memphis, Tenn., as I remember my geography, if as a business proposition, which this is, we were going to build a transmission line to connect Muscle Shoals with Memphis, I would try to connect several other cities at the same time. Perhaps I would go over into Mississippi and come up that way. Perhaps I would go up the other way. If I were Secretary of War and if these municipalities were going to take the current, and if they did not have the money to build a transmission line, I would enter into a contract with them, if I had the assurance that it was legal, that they should pay for a transmission line as soon as they could, and I would then build it. If they did not pay, then I, as Secretary of War, would charge more for the electricity, because we would have to get something in the way of a return on the investment in the transmission line.

Mr. TYSON. Mr. President, will the Senator yield?

Mr. NORRIS. Certainly.

Mr. TYSON. I would like to ask the Senator what idea he has in regard to the way the power would be equitably distributed among the States within transmission distance. Three hundred miles from Muscle Shoals would reach St. Louis. There would be at least a dozen States that would be affected by this matter. How would we manage to determine how much power should be given to each State and how much power should be given to each municipality so we would have some left for those who want a little more?

Mr. NORRIS. For who that wants a little more?

Mr. TYSON. Anybody that could get it at the price the Senator speaks of would want more of it.

Mr. NORRIS. I am met on the one hand by a Senator from one State who says, "My municipalities have tied themselves up with the Alabama Power Co. and can not take any of this power. We had better let the Alabama Power Co. have it."

Mr. BLACK. The Senator did not understand me to say we should let the Alabama Power Co. have it, I hope. [Laughter.]

Mr. NORRIS. No; but the Alabama Power Co. is the only way it could be obtained in some instances. If your cities and your villages have tied themselves up and made a contract with the Alabama Power Co. for 10 or 15 or 20 years, and if they want to get some of this electricity, how can they get it except through the instrumentality of the Alabama Power Co.?

Mr. BLACK. I do not think they can very easily, and that is why I favor using that power, even though it cost something, for the manufacture of fertilizer.

Mr. NORRIS. The Senator can not get into any argument with me on the fertilizer proposition; but the Senator would not favor using the power to make fertilizer if fertilizer made with this power was going to cost a great deal more than it would to use the power for other purposes and to manufacture fertilizer in another way?

Mr. BLACK. I will answer that suggestion in this way: The Senator said "if it would cost more than to use the power for other purposes." If the power has got to be used by selling it to power companies at 2 mills, or anything like that, and letting the profit go to them instead of to the people, then I prefer to give the profits to the farmer instead of to the Alabama Power Co.

Mr. NORRIS. I would rather give it to the farmer anyway; but we are concerned with the proposition that there is no profit in it for the farmer. It is going to be a loss to the farmer. I do not want to take up that subject now, because before I get through I am going into detail, and I will convince any man, I think, who will give it fair and square consideration, that if we are going to use the Cyanamid Co.'s bid and use nitrate plant No. 2 to make fertilizer, we will have burdened the farmer with a useless expense, and we will have increased its cost to him. If he will buy the fertilizer after we get it made, we will have increased its cost to him and damaged him in every way and lost all the power besides. Later on I expect to discuss that feature of the question, and when I do I shall be glad to have anyone ask me any questions that may occur to him as pertinent.

Mr. HARRIS. Mr. President, will the Senator yield at that point?

Mr. NORRIS. Certainly.

Mr. HARRIS. I have not yet had time to study the bill carefully. I want to know if, under the joint resolution, all the power would be used that is necessary for the development of fertilizer? After the use of nitrates for munitions in time of war our people are principally interested in it for the manufacture of cheaper fertilizers for the farmers.

Mr. NORRIS. I would not expect it all to be used for the manufacture of fertilizer if the joint resolution passes, I will say frankly. If we use it all for the manufacture of fertilizer, we have done just what I said a moment ago. We have not given the farmer cheap fertilizer. We have not manufactured fertilizer and reduced its price one single cent. We can not use nitrate plant No. 2, I assert, and use 100,000 horsepower to operate it and make fertilizer that will be as cheap as the farmer can buy it to-day on the open market. If we can not do that, what is the use of piling up a lot of nitrate there?

But, again, I say I do not want to be led into a discussion of that feature of the matter now because I have a sort of outline in my mind of the way in which I want to take up these questions.

I did not finish answering the question of the Senator from Tennessee [Mr. TYSON], and it is a very proper question. I am not finding fault with it. He said, if we can get power so cheap or electricity so cheap, all of these cities will want it. If every city within transmission distance of Muscle Shoals applied for power the Secretary of War could not supply them. I want to admit that frankly. There is not enough power generated at Muscle Shoals, even if we run the steam plant and Dam No. 2 to capacity, to supply every city within 300 miles of Muscle Shoals with all the electricity that they use. It is a good deal like a bank. If everybody went into a bank to-day to get their money, the bank could not pay it. The bank is operated on the theory that that will not be done. If it does happen the bank fails. That will not happen here.

We have all heard this said, and I know that is true of two States within transmission distance—at least the Senators from those States have told me so. One of them asked if I would consent to an amendment that we should give municipalities no preference whatever, and his reason for it was that so many of the municipalities in their State had been "gobbled up," as he put it, by the Alabama Power Co. and tied up with contracts so that they are not free to contract now. It is unfortunate if that is true, but I do not know how to remedy that situation.

The only way to give them electricity would be to give it to the Alabama Power Co.; but if we did that and wanted them to get a reduction in price we would have to put it in the joint resolution now before us, or they would not get it. We could adopt an amendment, and I would not object to such an amendment, providing that where the power is sold to a corporation distributing it over a territory as the Alabama Power Co. does, the Government official who made the contract would have a right to stipulate in that contract that, in consideration of his giving them the electricity, they were not to charge above a certain price named in the contract by the Secretary. I think the authority ought to go to some other official than the Secretary of War. In every bill I have had relating to Muscle Shoals I have had such a provision.

Mr. TYSON. How could he do that and how could it be applied to a corporation required to sell power at a price not fixed by any decision of the public utilities commission in the States?

Mr. NORRIS. I take it that the public utilities commission would not object to a reduction of electricity rates to the people of that State. I can not conceive if the Alabama Power Co. said to the public utilities commission of Alabama "We want to reduce our electricity rates to the consumers here from 10 to 5 cents," that anybody could believe that the Alabama Public Utilities Commission would say, "Oh, no; you must not do that. You might lose money. You would be selling it too cheap." I do not believe that would happen.

Mr. TYSON. Is it not a fact that the Interstate Commerce Commission has not allowed a certain railroad in this country to lose money? Have not cases arisen where they did not permit railroad companies to reduce rates?

Mr. NORRIS. Yes; but without admitting that the powers were right when they would not permit Mr. Ford to reduce rates, I want to say it does not seem to me that proposition applies to this case. Here is a public utility corporation of Alabama or Tennessee which wants to reduce rates. It is proposing to reduce rates to all its customers. I can not conceive of a public utilities commission objecting to that.

Mr. McKELLAR. If the Congress were to provide a maximum rate at which the current should be resold, say at 5 cents per kilowatt-hour, it would be very persuasive with both State commissions, I should think.

Mr. NORRIS. Yes. I do not seriously object to it, but the reason why I think it would be unwise to do it is that from my study of electricity and the prices charged the consumers in the United States I am convinced that in a place like Alabama or Tennessee and some other Southern States, but referring to those in particular which I know more about and to whose power possibilities I have given more attention, there ought to be no home which to-day should pay more than a maximum rate of 2 cents per kilowatt-hour for electricity in the home.

I believe it can be supplied and good money made at that rate; but I do not want at the present time to be led into that character of debate. Later on it may be that I myself shall take that up.

It is the theory of the joint resolution to put the Secretary of War in a position where he may act on a business basis, to put him on an equality with the individuals and corporations with whom he will have to deal in the disposition of electricity, and to give him every power and every discretion that a business man would have if he himself owned the property privately. If the Congress does not want to do that, then this joint resolution ought to be amended, I admit, but I believe it must be apparent to business men that we ought to put the Secretary of War on that kind of a basis.

It is not for the purpose of running anybody out of business; it is not for the purpose of any unfair or any unjust competition with any private concern; but if the power at Muscle

Shoals shall be distributed equitably, as this joint resolution provides—and there is quite a ground for dispute as to that, I admit, but we can not settle it; the Secretary of War will probably have some difficulty sometimes in carrying it out—but if the power be equitably distributed in a radius of 300 miles around Muscle Shoals not only those who will obtain this particular electricity will be benefited but also those who are supplied by the Alabama Power Co., or the Tennessee Power Co., or the Georgia Power Co., or the Arkansas Power Co., or the Mississippi Power Co., all of which will come in competition with the power developed at Muscle Shoals in localities which they are supplying. If as a consequence the people in that region shall get cheaper electricity—and I think they will—that fact will be as a shining light, and every other municipality and every other community, seeing what is going on, will then demand and obtain concessions from whomsoever is supplying them with electricity.

Mr. TYDINGS. Mr. President, in order to prevent abuse by the Secretary of War—for, as the Senator says, there will be a great deal of difficulty in working this problem out—I was wondering if the Senator would object to an amendment to the joint resolution which would provide that in respect to States where the power is bought and sold the public utilities commission in those States should have the right to regulate the rates for the power sold at Muscle Shoals just as they regulate the rates of the private companies engaged in business in those States?

Mr. NORRIS. I think the public utilities commissions would have such power. I do not want to take it away from them; I would not want to give them the power to regulate the Government of the United States.

Mr. TYDINGS. The situation I have in mind is this: A private concern has invested its money and is now serving a certain community. It is easy to conceive of a state of affairs where the Government would be in competition with privately invested capital. If such privately invested capital is regulated by the State utilities commission, is it fair for the Government to go down there and say, "We can compete with that private capital and not be regulated"?

Mr. NORRIS. But it would not be competing; the Government of the United States would not be selling as a retailer. It would be selling to the municipality. The commission is regulating the rates there now, we will say, under the law. If this measure were passed, it would continue to regulate them just as it now does.

Mr. TYDINGS. Suppose a private concern is selling current to a municipality and that the municipality should buy the unit of some other private concern and run its own selling company. Then if the Government attempted to sell current to that municipality, it would be competing with a private concern, would it not?

Mr. NORRIS. Yes; if it did that. If the municipality wanted to do that, and have two concerns selling electricity in the same town; of course, that would be for them to consider.

Mr. TYDINGS. But does not the Senator concede that it would be pretty hard on the invested capital that is already there?

Mr. NORRIS. No; I do not think it would be an injury to invested capital. It would be regulated and the municipality with its electricity would be regulated. The public utility commission in control over the municipality would have the same jurisdiction that it now has, and if it thought putting the rate of electricity down to 2 cents a kilowatt would be unfair to the private company, it could compel a charge of 4 or 5 or 6 cents.

Mr. TYDINGS. The private company would have no competition except from the Government; perhaps no other group of men would want to go in there and invest capital to compete; but the Government would come along and say, "Here, we have already got this money invested"; and the private company would have competition with the Government, competition which was not regulated. It seems to me if I had my money invested in a transmission line serving some town and the Government came along in competition with me and sold current to that town, say, at a cheaper rate than that for which I could make it, simply because it was the Government, I would feel that it would be an indirect confiscation of my property.

Mr. NORRIS. But the Government is not going to do that under this joint resolution.

Mr. TYDINGS. How do we know the Government will not do that?

Mr. NORRIS. Does the Senator see anything anywhere in the resolution that indicates to him that the Secretary of War is going, let us say, to the city of Florence and put in a distributing system and set up the necessary machinery so as to sell electricity to citizens of that town or to the power users of that town?

Mr. TYDINGS. No; I do not; but the Senator must consider this situation: Suppose the city of Florence owns its own distributing plant and buys current from an electric company that is already established, and then the Government comes along and attempts to sell electricity to the city of Florence. In that case would not the Government be in competition with the people who were already on the ground?

Mr. NORRIS. In the first place, let me——

Mr. BLACK. I should like to make a statement to show that that is not so in Alabama.

Mr. TYDINGS. I may be in error about it, but I am asking for information.

Mr. NORRIS. Mr. President, I wish to take the Senator's own statement as he gave it, and let us see how it would work out. The Senator asked, Suppose the city of Florence owns its own distributing system and buys its electricity from the Alabama Power Co. and the Government comes along and sells electricity to the city of Florence, enabling the city to sell it to its citizens, we will say, cheaper than it is now selling the power obtained from the power company.

Why should not that be done Are we going to put anything in the way of the city of Florence using its own distributing system, if it can do so legally—if it has not leased it so that it can not recover it—and saying to the Alabama Power Co., "We are going to get electricity cheaper and we, therefore, quit patronizing you." That happens in every man's business life.

Mr. TYDINGS. Let us put the shoe on the other foot. Suppose that the city of Florence owns its distributing system and that the Senator owns a company which he has built up with his money to serve the city of Florence with electricity, and, after he has all his money invested and all his transmission lines up to the city and is only charging a sufficient rate to yield him 7 or 8 per cent on his investment, then the Government comes along in competition with him and sells electric current at a rate which he can not meet; what becomes of the Senator's property then?

Mr. NORRIS. If I should consider that case technically, I would say, probably, that the Government was not treating me right.

Mr. TYDINGS. Yes.

Mr. NORRIS. But that is not the case.

Mr. TYDINGS. Why is it not?

Mr. NORRIS. Because the Government does not come along and compete. The city of Florence comes to the Government and says, "We want so much electricity," and it agrees with the Government as to how much it shall pay for it and then takes it. Suppose, now, that I, owning a power company somewhere, with a line that leads to that city, can not compete under the new arrangement; that is my misfortune; it is to the benefit of the city of Florence. Suppose the Senator and I were engaged in making cradles with which to harvest wheat and along comes an ingenious Yankee and invents a self-binder, and he goes out to the farmers that are using our cradles and sells them self-binders; are we going to be in a position to object? That is human progress; that is civilization; that is going on everywhere in the whole world. If I am engaged in selling electricity and somebody else comes along and sells it cheaper, I have got to suffer the consequence, unfortunate though it may be.

Mr. TYDINGS. But the Senator will concede that there is a great deal of difference between two individuals who struggle against one another in competition and an individual who is up against the competition of the United States Government. The situation is entirely different. If some individual has the ingenuity and the enterprise to defeat me in business, that is one thing; but if the Government of the United States, with all its taxing power and money and absence of regulation, comes along and defeats me in business, that is an entirely different thing. It was that situation to which I was calling the Senator's attention.

Mr. NORRIS. I do not think that situation exists.

Mr. TYDINGS. I do not know why not.

Mr. NORRIS. Suppose the city of Florence did that very thing; suppose it had its distributing system and I was supplying it with electricity under the term of a contract limited to 10 years, and the 10 years expired on the 1st day of January. I do not own the distributing system. If the city of Florence can go somewhere else and get electricity cheaper, no matter where, or if it can itself make it cheaper, it is under no obligation to deal with me. If the Government of the United States went into the business and competed directly, I would feel differently about it; but I do not want it to do that.

Mr. TYDINGS. Will the Senator let me interrupt him right there?

Mr. NORRIS. But the utilities commission of Alabama in the case the Senator puts would regulate, as I understand its authority and jurisdiction, the charges made by the municipality should pay as well as by the private concern. Suppose the municipality said, "We can reduce our charges for electricity from 10 cents"—I will inquire of the Senator from Alabama if he knows what the rate at Florence now is?

Mr. BLACK. It is about 10 cents per kilowatt-hour.

Mr. NORRIS. Ten cents a kilowatt-hour. Any private company that has had a monopoly of the business at that rate for a few years can afford to be put out of business, because if it saved its money it will not need to work any more.

Mr. TYDINGS. Will the Senator let me interrupt him once more?

Mr. NORRIS. Let me go on with this illustration. If the city of Florence wants to reduce the rates for electricity, I assume it has got to get the consent of the commission to do so. If the commission may say, "No; that would not be fair; you have got to let this individual who has been charging 10 cents, which is twice at least what he ought to have had all these years, keep on gouging you and charging you 10 cents; we will not let you charge any less." It is practically necessary to do that in order to protect that individual, whoever he may be; I do not see any escape from it.

Mr. TYDINGS. The Senator will concede that under some circumstances the Government might be competing with private electric companies. It was my purpose, inasmuch as there is a possibility of that kind of competition, to make the Government subject to everything that the individual is subject to, and, therefore, I think that we ought to amend this particular provision, if it shall pass, by providing that the Government shall have its rates regulated just as in the case of the competitor. I do not think it is fair to compel a private concern to take on a handicap on the one hand and then have the Government come out and compete with it. If the Government is going into the electric-light business, it ought at least to go into it on no higher plane than the individual goes into it. I do not know whether that will be possible, but I am arguing the theory of the unfairness of that kind of competition.

Mr. NORRIS. It had not occurred to me, I will say to the Senator, that the Government of the United States ought to subject itself to regulation by the State commission; I do not believe that would be proper; but I wish to say to the Senator that one of the things I have in view is competition. I want to reduce for the consumer the price of electricity.

Mr. TYDINGS. I realize that.

Mr. NORRIS. I realize, and I think every man who has studied the question realizes, that it is not practicable to bring about what is desired through public utilities commissions, as able and as competent as they are and as much good as they have often accomplished. The only way to secure reduction in rates is by competition of the municipality. That has brought about a reduction in every case where I have had occasion to look into the matter. I know from reductions which have taken place that the private concerns—there may be exceptions, of course—which are supplying electricity are charging, as a rule, more than twice what they ought to charge and what would be a sufficient compensation.

I did not intend to discuss this question now, but I have been led into it. In the first place, engineers when they are installing electric plants often say there is not anybody to take this electricity; it has no market; it is supplied now. I know there is a letter on file from the Secretary of War to the Senate—I think it was addressed to the Senate—in answer to a resolution of mine that the city of Washington was already supplied with electricity at a very reasonable rate by the corporation then engaged in furnishing it, and at that time the corporation was charging 10 cents a kilowatt-hour.

I do not question the honesty of the Secretary of War. At that time I did not know so much about the matter. He said it would be wrong to interfere with this corporation's business; but when I commenced to study it I found, and I know now, that that corporation that was charging 10 cents a kilowatt-hour was getting more than twice what it ought to have received; and upon the agitation of this question, upon its discussion in Congress and in magazines and in newspapers and elsewhere, that corporation recently, of its own volition, has reduced the cost of electricity.

I saw the same thing happen in the city of Omaha, where, even upon the threat of competition by a municipally-owned plant under the management of my colleague [Mr. HOWELL], the private plant cut down its electricity to 5 cents a kilowatt-hour.

The country is full of such illustrations.

Mr. TYDINGS. I did not mean to interrupt the Senator, and I just want to make this statement and then I will retire. I did not mean to say that the State was to have the authority to regulate the Government; but what I was trying to present to the Senator was the theory of the unfairness of competition unregulated as against competition regulated. I did not want to be put in that position without clearing up the matter.

Mr. NORRIS. All right. The Senator does not seem to get my viewpoint, that we are not putting anybody in competition unregulated. The State regulation is going on just the same, except that I do not believe that we ought to permit the State regulation to regulate the Government of the United States.

Mr. HARRIS. Mr. President——

Mr. NORRIS. I yield to the Senator from Georgia.

Mr. HARRIS. If the United States had sufficient power to supply all that section, then it would in a way confiscate the property; but the power is limited, and it would supply only a small per cent of the demand. I think that makes quite a difference between the two cases.

Mr. NORRIS. Mr. President, Muscle Shoals is not going to supply one-tenth of the electricity that is needed within transmission distance. It is not going to put anybody out of business. As a matter of fact it will be a benefit, as history has demonstrated many times, to the fellows who are objecting to a reduced rate.

This is what happens when the rate is reduced: The consumer takes twice as much, three times as much, four times as much. It was stated on the floor of the Senate the other day that the average consumption of electricity in the city of Niagara, Ontario, just across from our city, was, as I remember—and I am speaking only from memory and may be wrong—298 kilowatt-hours per month. Right across the river on this side it was a good deal less than 100 kilowatt-hours; I have forgotten the exact amount.

I used to live in an eight-room house in the city of Washington, and my consumption was from 40 to 50 kilowatt-hours a month. If electricity had been reduced from 10 cents, as it was then, down to, let us say, 4 cents, the amount of electricity I consumed would have been four times as great. I would have cooked by electricity, I would have had an electric washing machine and an electric ironing machine and all the inventions known, because I could have afforded it. It would have been a good financial investment for me, if I were a poor man, to do it. But when electricity is 10 cents or 8 cents, or something of that kind, you can not afford to do it. It costs too much money and a poor man can not use it.

What happens? Here you have, we will say, a thousand customers. They use from 30 to 40 kilowatt-hours each a month. You collect a bill ranging from $1 to $2.50 a month from each one of them at a high rate of charge for electricity. You have to keep your books, you have all the overhead expenses, you have to go around and read each meter, you have to collect each individual bill, and it costs you just as much to read your meters and to collect your bills as though the amount were four times as great. When you reduce the cost of electricity the consumption goes up, and instead of collecting from the Senator from Alabama a bill of $1.50, he uses 300 kilowatt-hours instead of 40, and although the price has been cut in two his bill is greater. He keeps house by it. It is a hired girl if he keeps house. It is a hired man if he is running a farm. It does all the work and the labor about the house and the farm. If it is furnished cheaply enough so that he can afford it, he pays more money directly, and it does not cost a cent more to collect it, to keep the books, and everything.

It has often happened that that very thing has occurred. It has occurred in a contest between the regulatory body of a State and an electric corporation, where the corporation carried to the supreme court of the State the case of an order reducing the price, and the supreme court in passing upon it—and, I have no doubt, in the best of faith—held that the regulatory body could not cut down the rate at all, and nullified the order of the commission cutting it down, because they said the company could not afford to furnish the electricity any cheaper; that it was confiscation of property. Then, after that happened, the municipality in a very small way started to supply that city with electricity, and we saw the private corporation cut its own price right in two in the middle; and it has been making money ever since.

That has happened in hundreds of instances, both in the United States and in Canada.

So this reduction does not necessarily mean that we are going to put somebody out of business. My contention is, and I say frankly that that is what I think is in this joint resolution, that we will bring about a competition in the South by the distribution of this electricity over a radius of 300 miles that will cut down everybody's bill, whether he is getting it from the Government or from anybody else, and there will be no difference in the income of the private concerns.

I have in mind now a city that started in, as I remember, at 10 cents a kilowatt-hour in Canada. When a public plant was put in it cut down the rate to 6 or 7 cents the first year. The private company met it. The public plant cut down the rate again the next year, and the private plant met it. They kept on every year reducing the rate until they have got it down now to a point where the maximum is 2 cents a kilowatt-hour, and then it decreases so that everybody's average rate is less than 2 cents a kilowatt-hour, and the private company has met it; and I saw, not long ago, a report of the manager of the private corporation to the stockholders giving a glowing account of the wonderful prosperity they have been having in the last year. If you had proposed such a thing to them 15 years ago, when they were charging 10 cents, I suppose the manager would have honestly said, "If we go down to 2 cents a kilowatt-hour we shall be ruined"; but they have gone down, and they are still happy, they are still prosperous, and they are still making money and satisfied.

Mr. BLACK. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. I do.

Mr. BLACK. The hypothetical case put by the Senator from Maryland perhaps would not happen, for the reason that the power company in Alabama does not sell in bulk to the municipality. Athens, the city from which the Senator had the telegram, has endeavored in vain to get that privilege.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. NORRIS. Yes; I yield.

Mr. TYDINGS. The Senator will not maintain that because they do not do it to-day, next year or two years from now or three years from now they may not be doing that very thing. We are passing this law for all time, and not just for the present.

Mr. BLACK. This law could be changed in two years or four years. I think it could be changed easier than you could get the Alabama Power Co. to sell in bulk to a city.

Mr. TYDINGS. But the hypothetical case I stated is a case that may come into existence at any moment.

Mr. BLACK. In line with that thought I wanted to make one other suggestion. I simply explained that to make it clear that they do not sell in that way. The suggestion is this:

In Alabama we have what is known as a tonnage tax on coal. When it is taken out of the ground, the producers pay a tax. The last legislature, after much effort, succeeded in imposing a tax on power that comes from the plants of the Alabama Power Co. There is a good deal of sentiment down there, expressed by the governor and others, that if this plant is operated for the distribution of power, and is diverted from what we conceive its original plan to have been—the manufacture of fertilizer—if it does go into the business of distributing power, the State should not lose the taxes which it should receive from any enterprise which comes from its own natural assets. I am just wondering, therefore, if under that provision the Senator would think it fair or just, if this joint resolution should pass, that the State should receive from this institution the taxes which it imposes on private enterprises?

Mr. NORRIS. Personally, Mr. President, if it were not for the principle involved, I should not have any objection. I remember that in a fight that was taking place in a western city over the question of municipal ownership, while I do not think you could provide by law for direct taxation of a plant owned by a governmental authority, I suggested to them that if I were engaged in it I would provide for the payment of a percentage of the gross income into the treasury, and let it be divided the same as though it were taxes.

It is of no consequence whether you pay it out of this pocket or whether they pay it out of that one. In the end it is just the same; but I can not conceive of the Government of the United States submitting its property to taxation by a State or a municipality.

Mr. BLACK. I, of course, understand that, and understand that that would be directly contrary to principle. I was here, however, a few days ago when a bill was passed at the instance of the Senator from Oregon [Mr. McNARY], if I am not mistaken, in which it was provided that certain money should be paid to the State of Oregon, as I recall, by reason of the fact that that State had lost taxes from some public enterprise of the Government. If I am not mistaken, it was something about reforestation. Of course, a plan could be devised, if it was thought fair—and I think it would be fair—by which the State would receive its part of taxation, under whatsoever name called, of any enterprise which operates in the State. Of course, it could not be in the nature of taxation, because the State can not tax the Federal Government.

Mr. NORRIS. I have been down to that great Dam No. 2, and I have seen the lock worked, and have seen ships pass through it. I rode across it in an automobile when it was first opened up. Then I came back and listened to the Governor of Alabama when he made an argument in which he practically said, as I understood, that that was their property. He claimed that we had no right even to sell a kilowatt of electricity generated there. We did have a right, he said, to make explosives for the use of the Government, but we could not go into business, and we could not sell electricity.

The question of taxation is presented now by the Senator's question; but I remember that across the Tennessee River there for a distance of, as I remember, practically a mile, the Government of the United States has built one of the finest bridges in civilization—a broad, macadamized, solid concrete bridge—right on the top of that great dam. The Lee Highway, the famous highway of the South, passes over it. The automobiles and the teams and the horses and the men and the women and the children are using it every day, in business and in every other way; and I am wondering if Alabama is willing to pay the Government for that bridge that we built across the river.

Mr. BLACK. Mr. President, I am just simply submitting that matter to the Senator, because if this property should be leased for the manufacture of fertilizer the State would receive taxes, and if the Government manufactures power and distributes it as a business it would not.

I have not understood that the Governor of Alabama has ever claimed that they own the dam. I have studied his claim to some extent, and while I am not capable of expressing a legal opinion on it, there is certainly some basis in Supreme Court opinions for the claim which he made.

Mr. NORRIS. That may be.

Mr. BLACK. They say this, that for purposes of navigation the Government owns the river, but for other purposes the Government does not own it.

Mr. NORRIS. That is right.

Mr. BLACK. But it has the right to use it for purposes of navigation.

Mr. NORRIS. That is the theory. I do not see how the Supreme Court can uphold that theory. But suppose they do. Then they will hold that while the Government of the United States has a right to build a dam in a navigable river for purposes of navigation, putting locks in it, to use it for any other purpose is illegal. You can not put a bridge over it for the people of Alabama to drive on. You have to go down and knock the bridge off the top. You have to go down and stop these machines that are making electricity. You have to stop that, unless you make explosives or use it for some other governmental purpose. I can not help thinking of a play of Shakespeare, in which Shylock was given, by order of court, his pound of flesh, but after he had sharpened his knife upon the sole of his foot to cut out his pound of flesh he was told by the judge that the law did not give him any right to draw blood, and that if he did then all his lands would be confiscate to the State of Venice.

The Government of the United States, says one side of this controversy, has a right to build a dam in a river for the purpose of navigation. Then it has a right, I suppose they will admit, to build that same dam for the purpose of flood control. That is all right. But they have not any right to put a bridge on top of that dam for people to use, they have no right to generate a single kilowatt of electricity, an incident to the governmental power. It is just an incident, it is a by-product, but we have not any right to do it. I do not believe any court in our land is going to cut in two governmental powers, divide those two propositions.

If we have a legal reason for building a dam in a navigable stream, either for flood control or for navigation, we have a right to utilize that dam for any purpose and for every purpose consistent with the civilized age in which we live. Those are matters that will all be settled by the courts, I suppose, in due time, and I doubt whether we can accomplish much by a discussion of them here.

I want to say just a word about the history of Muscle Shoals as it is connected with legislation. When this question first came to the Senate, it was referred to the Committee on Agriculture and Forestry, of which I happened to be the chairman. If Senators will examine the RECORD they will find that I did not ask that that matter be referred to the Committee on Agriculture. I stated on the floor of the Senate that the House had sent a similar bill to the Committee on Military Affairs. It seemed to me very appropriate to send the Senate bill to the Committee on Military Affairs of the Senate. I did not want the job. I knew that ahead of us there would be a terrible contest, or I thought I could see it anyway, and it has turned

out as I thought. I knew that it meant a burden we would have to bear for some time. I did not think it would last so long as it has lasted, but it has been with us for years.

At that time I knew nothing about the subject. I was not an expert on power, or electricity, or fertilizer. I would have been glad to have the burden taken off my shoulders. I knew that if it came to the Committee on Agriculture, being chairman of that committee, I would have a difficult problem to solve, and that it would be a difficult thing to handle.

So far as I know now, I had no prejudice, I had no preconceived ideas about it, I had not any pet thing I wanted to put over. I would have been glad to be left out of it. But the Senate put it on me, and I accepted it, as I thought it was my duty to do, and I went into it with the best of faith. There has never been a time when my people had any direct interest in it, and yet, after I had studied it, I went contrary to what the people down in that great section of the country thought ought to be done with Muscle Shoals. I was pilloried and criticized for quite a number of years because the people there thought, and honestly, I think, that I was standing in the way of human progress. But as time went on, I studied the matter more, and met what was then a wonderful propaganda in the name of the American farmer, what to-day is propaganda mainly in the name of the American farmer, and what I believe to be erroneous, and I took the position that I am now taking, but not on the same theory.

I had a vastly different plan. This bill before us is a compromise. I have compromised on most of my plan as to what I thought was the thing that ought to be done with Muscle Shoals, because I realize that legislation can only be reached by compromise. It will be remembered that the several bills, modified in some respects, which I have been trying to have passed through the Senate, provided for the development of the Tennessee River and all its tributaries from the mouth to the source of every one of the rivers.

It provided for a complete survey of the entire Tennessee Valley and all the tributaries of the Tennessee River, and the building and location of the dams wherever, in the judgment of the officials making the survey, they should be placed in order to produce three things—the maximum amount of navigation, the maximum amount of flood control, and the maximum amount of power.

The development of the maximum amount of navigation on any stream is conceded to be a governmental function. Flood control is likewise, I think, conceded to be a governmental function. Electricity comes as a by-product of those two, as an incident.

If we had carried out my plan—and I hope nobody will think I am taking an attitude of "I told you so"—if we had adopted the plan I first advocated, we would now have under construction a system for flood control that would be as complete and as scientific as can be devised by the ingenuity of man, that would fit into the national scheme for flood control as though it were made to fit. In fact, when you develop flood control and navigation and power, and coordinate the three, they will dovetail into each other as though they were made in the same mold.

We would have had navigation down there on the Tennessee River, and some of its tributaries, that would have been second to no other system of navigation anywhere on this globe. We would have had power, we would have had the maximum amount of power throughout the Tennessee Valley at the minimum cost, and the cost would have been divided among the three. It would have been the most complete, the most scientific, and the cheapest system for the generation of power in the world. There would not have been anything to compare with it anywhere. There is no reason why, if you take the Tennessee River and its tributaries and intelligently and scientifically build the dams where they will hold back the flood waters, where they will make the navigation and produce the power, you can not have the cheapest power in the world. Ontario could not compete with it. But you can not do it if you go at it haphazard. You can not do it if you let somebody pick out a place to build a dam, and he picks the best there is, and you let another build another dam, and he picks the best place left. They will not coordinate. They will not necessarily coordinate even in navigation.

Take, for instance, Cove Creek Dam, 250 miles from Muscle Shoals. I am going to discuss that at some length when I reach the proposition of the Cyanamid Co. I have never been there. It will hold back several million cubic feet of water. Nature has, I understand, provided a wonderful place for the building of a dam about 25 feet high that will hold back an immense quantity of water, and will produce a good deal of power. Suppose I as an individual take that for power, not caring anything about navigation, not caring anything about flood control, but wanting only power. Let us see how I would operate.

I would let out as near as I could a continuous flow, so as to give me as much primary power as possible, because that is the valuable power, good the year around. The result would be that I would be letting it out when, if I were considering flood control, I ought to hold it back. The result would be that I would let it out when, if I were considering navigation, I would hold it back, and when you wanted to increase the flow for navigation below I would not let enough out to help you out in your navigation proposition.

Suppose the Government owned it and it wanted to make navigation secure, wanted to make flood control secure, wanted to make Dam No. 2, and if we build Dam No. 3 make Dam No. 3 and all other dams down the Tennessee River more valuable. What would it do? It would put in the machinery to generate electricity, more of it than a private party would, because when it let the water out it would let it out at a more rapid rate. There would be times when there would not be any power developed. If the river were down in the summer time, if it were extremely dry, they would let out more water. When the water was let out, my water wheels would not be worth a cent the balance of the year. I would have a lot of secondary power and very little, if any, primary power.

If I were trying to dovetail these three things—power, flood control, navigation—then I would operate that dam at Cove Creek, so as to help navigation out when it needed more water, and hold the water back when there was too much, and hold back the flood when there was danger in the Mississippi Valley of flood. I would cooperate with the power proposition on Dam No. 2 and Dam No. 3. Dam No. 2, as I will show in a few minutes, will develop, in round figures, about 100,000 primary horsepower. Yet there are times in some years when there is enough water going over that dam to make a million horsepower. Unless there is some way to regulate the stream, unless there are large steam plants as stand-bys, that vast amount of power, most of it secondary, is almost valueless; but if I had Cove Creek and I controlled it I would let the water out so as to help out Dam No. 2 and the other dams when the water was low, so as to hold back the water when the water was high and doing damage rather than good. It would all coordinate. It would all work together. By having a complete system under one control we would get the maximum amount of flood control, of navigation, and of power.

If you take Cove Creek Dam, which I have mentioned, and operate it in connection with Dam No. 2, to make the same amount of power the year around, you would get more power out of it, more primary power, even though Cove Creek Dam were out of commission three months in the year, and had no water whatever, because you would be using that surplus water over and over again. Of course, if you had only Dam No. 2, you would use it only once. Instead of having primary horsepower at No. 2 of 100,000, we would probably have 200,000 horsepower. We would have more than that primary power, much more, if in addition to Cove Creek we constructed other dams of a similar nature.

So, Mr. President, I want to make the point that to have a scientific development of any stream, particularly like the Tennessee, which is so long and has so much water at times and so little water at others and so many tributaries, if we make a scientific development of it, we will at the same time, all at once, get the maximum amount of power, of flood control, and of navigation, and that is what we want. God has so arranged it that everyone of these things works in with the others. To get the most power we get the most navigation; to get the most navigation we get the most flood control.

That is the dream that I had for the South. The former Senator from Alabama [Mr. Underwood], who used to be here, my close friend, I hope, for whom I have always had the highest regard, did not agree with me at all. He said I was a dreamer and that I was dreaming something. Now, flood control is prominent and we have lost the opportunity, at least to one of the greatest units in the Mississippi Valley, to have complete flood control. We are not able to get what I thought we ought to have, what the committee as a rule has stood for. We have come here with this joint resolution which is a compromise and does nothing but take care of the steam plant and Dam No. 2. It is not what I want. It is not what I think that country ought to have. So far as I am able to see, it is the best we can get. It is even now suggested that even this compromise measure will not pass.

What is Dam No. 2? The weakest point in the power possibilities at Muscle Shoals, and this is true of particularly every southern stream where the throw-off is rapid, is the immense variation in the flow of the stream. The flow of the river at some seasons of the year at Muscle Shoals is sufficient to pro-

duce more than 1,000,000 horsepower, while at its minimum flow the horsepower is less than 100,000. Gauge readings of the river had been carefully taken for a period of 50 years, and those readings show that the dam will produce power as follows:

Ninety-nine and four-tenths per cent of the time, 87,300 horsepower.

Ninety-seven per cent of the time, 100,000 horsepower.

Eighty-three and three-tenths per cent of the time, which is about 10 months, 141,000 horsepower.

Sixty-six and sixty-seven one-hundredths per cent of the time, about eight months, 205,000 horsepower.

Fifty per cent of the time, or about six months, 306,500 horsepower.

Twenty per cent of the time, or about two and one-half months, 600,000 horsepower.

Seven per cent of the time, or a little less than one month, 1,000,000 horsepower.

It will be seen at once that the power possibilities of this dam are dependent to a great extent upon some means by which either the flow of the river can be equalized by the construction of storage dams or by the use, in connection with the dam, of auxiliary steam plants, or both. It is quite evident that the cost of power is greatly decreased by any means that has a tendency to equalize the flow or the use of other power like a steam plant, to be used whenever the river is low to keep up the development of power.

The Government already has a steam plant at nitrate plant No. 2 capable of developing 120,000 horsepower; that is, it will be capable of doing that if the pending joint resolution is passed and the additional unit erected. As I understand it, it is 80,000 horsepower now.

Mr. TYSON. It is 60,000.

Mr. NORRIS. I think the Senator is thinking of kilowatts. I am speaking of horsepower. The steam plant at nitrate plant No. 1 is capable of developing 6,000 horsepower. By the use of those steam plants in connection with the water power developed at Dam No. 2, a great deal of secondary power can be converted into primary power at a very low cost.

Dam No. 2, as it is completed now, is the largest concrete dam in the world. There will flow over the top of it at the maximum discharge nearly three times as much water as tumbles down the precipice of Niagara. It is one of the greatest engineering feats of its kind ever attempted, and if the flow of the Tennessee River can be equalized by the construction of a storage dam it will stand in a class by itself as one of the greatest power-development projects in the history of civilization. The Government owns it. We have spent the taxpayers' money to get it. It is the property of the people of the United States. When we provided for the taking of the people's money to build it we said that we never would lease it to any private party or corporation. That has been the law ever since we began its construction. It has been the law while every dollar of public money was appropriated to build it and all the other facilities in connection with it. It seems to me that unless we can give a reason why it is not logical or fair or honest or economical to carry out that provision, we ought to adhere to it.

I think I ought to state right here, Mr. President, something about Dam No. 3. Senators remember, or if they do not remember they will find if they will look it up, that no one is asking for the right to build Dam No. 3. It is about 12 miles farther up the river than Dam No. 2. If it is built, it will back up the Tennessee River for 65 miles and make 65 miles navigable, much more navigable than it has ever been before, navigable at all seasons of the year, at all times; but, so far as power is concerned, it is an expensive proposition. Therefore I would say if I were a business man and had money to put into a power development and there was nothing in the dam but power that I would not invest my money in it. It is not an economical proposition. The dam there is much longer than Dam No. 2, but not nearly so high.

As we know, Dam No. 3 has never been constructed. I have investigated it. Engineers have sounded and made borings clear across the river and located it exactly, but we have spent no other money on it, so far as I know.

It will produce about 40 per cent as much power as Dam No. 2, but it will dam the river up much more. As a navigation proposition it is a necessity. As a flood-control proposition it is practically a necessity. Perhaps some day on those two lines alone the Government will build Dam No. 3. We can not expect private parties to build it unless we contribute a great deal on the flood-control item and the navigation proposition.

Dam No. 3 is not included in the pending joint resolution. We left out everything except, as the joint resolution undertakes to provide, to take care of the property which the Government now owns at Muscle Shoals.

The joint resolution here reported is a compromise, and has for its principal object the operation of Muscle Shoals upon a compromise plan set forth in the joint resolution, and which I have tried briefly to explain, and to have this operation for a sufficient length of time to demonstrate what is possible in a practical and economic method of cheapening fertilizer for the benefit of agriculture. Recent history has demonstrated that the extraction of nitrogen from the atmosphere has been gradually and systematically cheapened and that, in the scientific progress of cheapening the extraction of nitrogen from the atmosphere, less and less power has been necessary. At the present time modern scientific plans for the extraction of nitrogen from the atmosphere do not use water power. It is cheaper and more economical, under the present scientific methods, to use coal for such purposes.

No modern plant has been constructed in the United States in recent years where hydroelectric power has been used. I am referring now to the cyanamide process, the cyanamide process being the one provided for by nitrate plant No. 2. This is not because power produced by coal is cheaper than hydroelectric power. I want Senators to understand this. So often, when we locate a modern plant where there is cheap coal, we think we are going to use the coal for the power, and while we will have to have some power, yet power is a secondary proposition. This is not because power produced by coal is cheaper than hydroelectric power, but because coal in a way is the raw material necessary to the extraction of nitrogen from the air.

The coal is converted into coke and is not used for power purposes. The nitrogen is obtained from the air by eliminating from the atmosphere oxygen, its other element, and the coke produced from the coal is used for this purpose. We have an unlimited supply of nitrogen in the atmosphere, and in the atmosphere nitrogen is united with oxygen. If we could get the oxygen out of the atmosphere we would have left nitrogen, one of the ingredients of fertilizer, although it would be left in a state that the farmer could not use it. It would be a gas.

The only power used in a modern plant is the power that is necessary to operate the machinery. A nitrogen-fixation plant that would produce 40,000 tons of nitrogen a year—the same as that which could be produced by the operation of plant No. 2—would, under modern conditions and present scientific knowledge, cost about $10,000, whereas the construction of nitrate plant No. 2 cost a little over $55,229,000 for the bare plant. To this must be added the cost of Waco Quarry, which was a little over $1,273,000. Waco Quarry supplies the limestone, and nitrate plant No. 2 can not be operated without limestone, so that the plant costs a little over $56,502,000. This makes the plant complete, but without any power to operate it. The War Department, in giving the cost, includes the steam plant, which would make a total cost of a little more than $69,000,000; but inasmuch as the steam plant, which cost a little more than $12,555,000, can be used for other purposes and is absolutely necessary as an auxiliary in the operation of Dam No. 2, it is not included in the total cost of nitrate plant No. 2.

The power necessary to operate the machinery in a modern plant equal to the capacity of nitrate plant No. 2 would take about 16,000 horsepower, whereas the power necessary to operate plant No. 2 that we have at Muscle Shoals would require approximately 100,000 horsepower.

All this improvement in and cheapening of the process of getting nitrogen from the air has taken place since the war and since the construction of nitrate plant No. 2 at Muscle Shoals, which uses what is known as the cyanamide process. It seems clear, therefore, that it would be the height of folly and useless expenditure of public money to use the valuable power at Muscle Shoals for the operation of nitrate plant No. 2 in the production of fertilizer, when it is so clear that the same results can be obtained so much more economically and at so much less financial investment and expense by using the modern methods now known to the scientific world.

I might say, Mr. President, that no one claims, even in the most modern plant, that the problem has been completely solved. It is still under consideration; it is still being studied by chemists all over the known world; and in the building of every plant and in the operation, so far as I know, of every modern plant experience has developed something new that has cheapened the process and caused it to require less power.

It is quite clear also that nitrate plant No. 2, if operated to its full capacity, could not produce fertilizer as cheaply as it is now being produced in the general trade, and, therefore, its operation would prove of no benefit whatever to American agriculture, but would be a useless waste of power that might be used for the benefit of all classes of people within transmission distance of Muscle Shoals.

It should be added that scientific men in all parts of the world are working on the problem of still further cheapening

the process of the extraction of nitrogen from the atmosphere, and it is fair to assume that the wonderful improvement that has been made since the war will continue and that the process will be further very materially cheapened. It should be added also that in all the improvements that have been made in the various processes the tendency has been, and still is, to use less and less power in the various improved methods for the extraction of nitrogen from the air. It has already reached such a point of development and improvement that power is but an incident in the process and that in the erection of a plant, cheap coking coal is of much more importance than cheap power.

In order to enable us to operate nitrate plant No. 2 at Muscle Shoals in the production of fertilizer, at a price that would even compete with fertilizer as it is sold upon the market to-day, we would have to have power practically to the amount of 100,000 horsepower at from $4 to $6 per horsepower per year; and when we realize that this power, upon the market, is worth from five to six times that amount, it is quite apparent that nitrate plant No. 2 can not be economically utilized for the purpose of cheapening fertilizer to the American farmer.

The original act for the construction of the various governmental projects at Muscle Shoals provided that the power developed there should not be leased, sold to, or operated by private parties, and that such projects should in peace times be used for the cheapening of the manufacture of fertilizer.

In order, therefore, to carry out as nearly as possible the original intention of the act and to be at the same time in conformity with modern scientific knowledge upon this subject, the joint resolution as reported provides that the electricity developed at the governmental projects at Muscle Shoals shall be disposed of for the use, as nearly as possible, of the people living within transmission distance of Muscle Shoals, and that the profits derived therefrom shall be devoted to the construction of fertilizer plants and for the manufacture and distribution of fertilizer, and for experimentation in that field with a view of cheapening the production of fertilizer, thus carrying out the original intention of the act.

The dam and steam plant at Muscle Shoals have never been completed according to the original plans and specifications. In the dam there are some more power units to be installed. The place for the installation is provided and all the appliances of housing and foundation for such additional power units are complete and ready for the installation of the machinery. Since the necessary work for the installation of the machinery has already been paid for and since the power is there to operate the additional machinery and is at present going to waste, the committee considers it but good business to install this machinery. The steam plant is in practically the same condition. The buildings and foundations have all been constructed with the idea of putting in the additional machinery and, for the same reason, the committee believes that this additional machinery should be installed and that it is an economic loss, both as to the steam plant and the dam, not to install what has already been provided for and the main expense connected with it already paid.

The present conditions at Muscle Shoals are very unsatisfactory. The Secretary of War has no authority to enter into contracts for the sale of the electricity generated there for any specific definite term. Contracts for the sale of electricity must contain a provision that the Secretary of War can terminate them on short notice and that such contracts are always made subject to any action that Congress may take in the disposition or the control of the governmental properties at Muscle Shoals. He is, therefore, unable to obtain a fair and reasonable price while Congress is debating the question and trying to reach an agreement upon what shall be the permanent policy of the Government. He has another serious handicap. There is in reality but one customer for the electricity which the Government generates at this plant, and that is the Alabama Power Co. This is because the Alabama Power Co. is the only company, either governmental or private, that has any physical connection with the generating system owned by the Government at Muscle Shoals. In order to place the Secretary of War upon a fair business basis to secure reasonable prices for the electricity generated at Muscle Shoals, the joint resolution provides that he may make such contracts for a period of 10 years and that he has the authority to construct, or permit to be constructed by others, transmission lines that will connect Muscle Shoals with other possible bidders for the current generated.

In order that the Secretary of Agriculture need not be delayed in the construction of fertilizer plants while a sufficient fund is accumulating from the sale of electricity the resolution authorizes an appropriation not exceeding $2,000,000 for the immediate commencement of the construction of fertilizer plants, either at Muscle Shoals, or elsewhere.

The resolution makes it obligatory to construct one of such plants at Muscle Shoals, and provision is made for turning over to the Secretary of Agriculture of a part of the properties of the Government at Muscle Shoals, and also for supplying to the Secretary of War any additional power that he may need. It is believed, however, that but little, if any, of the power generated at Dam No. 2 will be used by the Secretary of Agriculture for such purpose, because, in the progress of scientific investigation and study, power has become a minor item in the construction of a fertilizer plant; and I feel, therefore, that by the sale of the electricity generated at Dam No. 2 and at the Government steam plant at Muscle Shoals the profits accumulating from such sale will result in a much cheaper production of fertilizer than though the power itself were used in the production of fertilizer according to the methods that are now obsolete and out of date.

Later on, Mr. President, I am going to take up in detail the fertilizer proposition. I shall endeavor to establish by scientific evidence that the statements I have briefly made so far are all true and are demonstrated by scientific facts; so that, in my judgment, there is no doubt whatever that in some way we ought to utilize and dispose of the power that is developed at Muscle Shoals and ought also to utilize the proceeds for the purpose of improving the processes for extraction of nitrogen from the air and also for the improvement of the manufacture of a mixed fertilizer.

We must remember that when nitrogen is extracted from the air we have only one ingredient of fertilizer, whereas there are two ingredients that we must have in addition to nitrogen. We must also have potash and we must also have phosphorus. While we can get nitrogen in unlimited quantities, so far as the supply is concerned—for it is obtained from the atmosphere—the process of getting it from the atmosphere is still very complicated, although it has been much improved since the World War. The process of securing nitrogen from the atmosphere has been going on for a great many years. Formerly the only process known was the arc process, developed mostly by the Swedes and Norwegians. It required an immense amount of power. There are still some arc plants. It would not be profitable to erect one here. We can still obtain nitrogen by the arc process, but our power is too valuable to permit us to use it in that way.

Then the cyanamide process was invented. We knew about that at the beginning of the World War, and then, because it was necessary that we should have explosives, our Government constructed nitrate plant No. 2, and it was operated for a while. It has been demonstrated that it can produce 40,000 tons of nitrates a year; I do not think anybody disputes that. Nor does anybody dispute that it will take practically 100,000 primary horsepower to do it. We knew when we built that plant that there was an improved process; our scientific men knew that Germany had a better process; and they constructed nitrate plant No. 1 down there, a much smaller plant, and a steam plant of 6,000 horsepower to operate it. It was a failure. The building is there; the machinery is there; but they were never able to do anything with it.

The truth is that our chemists knew that it was somewhat experimental or they would have constructed it on a larger scale. It was an experiment and they made a failure of it. I am not criticizing the expenditure of money; I am not criticizing our men who constructed it. I think they were justified in doing it. They were rushed at that time. They knew they could get it under the cyanamide process, but they knew that that process required a vast amount of power. They knew there was a better process and they experimented to get it. They succeeded with the cyanamide process. They failed with the other.

When the war was over we went into Germany. What Germany knew became the knowledge of our scientific men.

Mr. HARRISON. Mr. President, before the Senator gets to that proposition I should like to ask him a question. The Senator contemplates, however, pressing the amendment which he has had printed, providing for the Secretary of War to lease nitrate plant No. 2 either to the American Cyanamid Co. or to the American Farm Bureau, I think it is, or to anyone else, without rental cost, and to permit them to procure enough power to operate this plant efficiently, does he not?

Mr. NORRIS. I do not know that I shall offer it.

Mr. HARRISON. The Senator introduced it and I thought he was going to offer it.

Mr. NORRIS. I have no objection to its being offered. Before I get through with my analysis of the Cyanamid Co.'s bid I expect to prove, if Senators will listen to me, that it is perfectly futile; and I would rather pass it as a separate proposition. I hate to put on a thing that I myself believe to be

foolish. I will say to the Senator that I do not want to debate it now.

Mr. HARRISON. Does not the Senator believe, too, that the American Cyanamid Co. in fact care nothing about getting that particular plant but want to get the power developed there?

Mr. NORRIS. Undoubtedly.

Mr. HARRISON. And they are using that as an excuse to get it?

Mr. NORRIS. There is not any doubt about it, and I think I will demonstrate that before I get through.

When the Senator interrupted me I was saying that when the war was over we discovered that Germany was getting nitrogen from the air and that she had been doing it under what is known as the Haber process, an improvement over the cyanamide process. Our chemists visited Germany, became acquainted with what was going on there, and experimented here. Our own Government official, Doctor Cottrell, has done his part—and it has been a great part—toward the improvement and cheapening of the method of getting nitrogen from the air. Doctor Cottrell's inventions are known by chemists the world over. He is held in the highest esteem for the inventions and improvements that he has made. Immediately our chemists and chemists in other parts of the world improved upon the process that Germany had, the Haber process, and they have continued to improve on it until to-day they have all kinds of modifications of it; and every improvement that is made has used less and less power.

The steam plant—I think I have already stated this, but for fear I have not I will state it now: I have a notation of it here in my notes—the steam plant at Muscle Shoals has a capacity of practically 80,000 horsepower. When the additional unit is put in it will have a capacity of about 110,000 horsepower; I think, a little over that. I have seen some statements that it would have 111,000 horsepower. Dam No. 2 at present has four generating units of 30,000 horsepower each. They have four units at 35,000 horsepower, making a total installed machinery in Dam No. 2 of 260,000 horsepower. The plans provided for 10 additional units at 35,000 horsepower each, making a total installation of power, if this joint resolution passes, that will be completed and the machinery put in of 610,000 horsepower in Dam No. 2.

Mr. BLACK. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. I yield to the Senator.

Mr. BLACK. Is it the Senator's understanding, or has he any information to the effect, that they will ever have that much primary power 100 per cent of the time? Is that possible?

Mr. NORRIS. I doubt myself whether it is possible. I will say to the Senator that nobody knows definitely just how much primary horsepower may be developed there; but you will notice that if we have a 110,000 horsepower steam plant we can convert 110,000 horsepower of secondary power into primary power by operating that steam plant a very small portion of the time. It is almost all clear gain. When you can convert secondary power into primary power, it comes nearer to making something out of nothing than anything else I know of.

When the other dams are built, when the Cove Creek Dam is built, as I hope it will be some time, and other dams are built holding back the flood waters, it will always increase the primary power at Dam No. 2. As to how far we will ever be able to reach in primary power at Dam No. 2, nobody can tell.

Another way of increasing it is this, and it seems to me it ought to be done, and if I had my way I would do it at once: Instead of adding 30,000 more horsepower to the steam plant, which this joint resolution will do, and which will complete the steam plant there, I would build another steam plant. I would build a steam plant of 100,000 or 150,000 horsepower, because every time you do it you are able to convert secondary power into primary power. Of course, the most valuable secondary power is that which comes the nearest to being primary power. In other words, if Dam No. 2 will make 100,000 horsepower 97 per cent of the time there would just be that difference of 3 per cent of the time that you would have to supplement it with something else, and that additional 3,000 horsepower would become primary power the year around, and would cost you practically nothing.

Mr. President, I have here rather a detailed statement of the various kinds of boilers and things we want to put in, more or less technical, prepared by Mr. Merrill, the secretary of the Federal Power Commission, which I think answers even the technical questions that might be asked.

He says, for instance:

The existing and ultimate installation at Dam No. 2 is as follows:

Ultimate, 18 units. The power house is constructed with wheel pits for 18 units, or an ultimate installation of 610,000 horsepower—

As I stated awhile ago—

in turbines, and with a combined rated generator output of 550,000 kva., which at 8/10 power factor is 444,000 kilowatts, or 595,000 horsepower.

Mr. President, I have spoken of improvements in methods of extracting nitrogen from the air. There are quite a number of such plants built in the United States, all of them since the war, all of them since the construction of cyanamide plant No. 2. There has not been another cyanamide plant built in this country. I will discuss the cyanamide part of it more in detail after a while; but right now I want to call attention to what the scientific world has been doing in the construction of plants to take nitrogen from the air.

The du Pont powder people, who need a whole lot of nitrogen in the manufacture of explosives—they are engaged in that business on a purely business basis; they have nothing in it but business—wanted a plant to get more nitrogen. They looked over the country to find a location. They could have extracted nitrogen by the cyanamide process. They could have gone to hundreds of places and gotten cheap water power in the United States. People would have been glad to have them come and locate there; but they were going to do business on a business basis. What did they do? Where did they go? They went down to West Virginia, where they could get cheap coal or cheap coke, and they established a plant down there.

I went down to see their plant. I went down to look it over. While I was not a chemist or a scientific man, I had looked over so many plants that I thought I could get a better idea of what they were doing if I went down there and looked it over, and I did. I took with me Major Burns—I think the members of the Agricultural Committee will all remember him—who sat with us in all the hearings. He is really an expert, and everybody on the committee had unlimited confidence in his judgment and in his word.

I found him to be absolutely trustworthy; and, at my request, after we had been dealing with Major Burns, I had him detailed to sit with the committee, and he did, during all our hearings on Muscle Shoals. When I went down there to look at this other plant I took him with me. I made two trips to Muscle Shoals, and had him with me both times, and I took him with me to look over this du Pont powder plant. He gave me, and could give me, a whole lot of information; and, while no such thing was attempted, if anybody had attempted to deceive me or to practice any deception on me, he would have been able to detect it if I did not.

We were treated very nicely, however. When the du Pont people found out that I would like to see the plant, they sent me an invitation to inspect it. They said they would be glad to show me everything they had. They had no secrets. They sent one of their chief chemists from Wilmington, Del., to go down and be there when I was there; and we went down and went all through the plant, and examined it in detail.

They are people who are starting out, just as we are, to get nitrogen from the air. We ought to learn a lesson from the business world; and, Mr. President, though some people may not believe it, I claim to be a believer in good business. I do not want the Government to do anything except on a good business basis, and I do not want the Government to use its money and squander it in something that is not good business, even though we may be able to fool the farmer while we are doing it; and so I went down to look at this plant.

The plant down there manufactures liquid ammonia, using the Claude variation of the synthetic process. There is the Haber process. There is the Claude process. All these processes are called synthetic processes; and this is a modification, a better plant than they have in Germany. I have an idea that it is as near up to date as any plant in the world to-day; and they have changed it to some extent since they have been there. They showed me several places where they had torn it down and built it up again in an improved way; and they are changing it, they are improving it, all the time.

The plant manufactures liquid ammonia, using the Claude variation of the synthetic process, in which the two raw materials, hydrogen and nitrogen, are welded together under a pressure of 1,000 atmospheres. The hydrogen is obtained from water by breaking it down into its elements—hydrogen and oxygen—through the medium of hot coke in the same kind of water-gas plant that supplies so many of our cities with gas. The oxygen is then eliminated. The nitrogen is obtained from the air by eliminating through burning and purification its other element—oxygen. The mixture of the two gases is purified and then passed through a catalyzer under the pressure of 1,000

atmospheres and at high temperature, when the chemical compound, ammonia, is found.

The plant was erected as a pilot or demonstration plant. It is now operating on a basis of 20 tons of ammonia per day, but has a capacity of approximately 25 tons of ammonia per day. This latter rate approximately equals one-fifth of the nitrogen fixation capacity of United States nitrate plant No. 2 at Muscle Shoals, Ala. The plant has proven successful from the standpoints of quantity and quality of output and cost of product. It is so constructed as to permit of ready expansion to some four or five times its present size.

I have been told in a conversation with one of the officials of the company that since I have been down there they have practically decided that they will double the capacity of that plant in the near future. Plans for expansion have been made, but the execution of the plans depends upon business conditions.

The nitrogen fixation plant, such as the one at Charleston, having a production of approximately 40,000 tons of nitrogen a year, would cost about $10,000,000 for the plant construction itself.

Power is used in this plant only for the operation of machinery and for lights. To maintain a production of 25 tons of ammonia per day, power to the extent of approximately 3,500 horsepower is constantly required. If the plant had the output of United States nitrate plant No. 2, power to the extent of some 16,000 horsepower would be required. The operation of United States nitrate plant No. 2 requires approximately 100,000 horsepower, as I have before stated. The plant was located at Charleston primarily because of the availability of cheap coke, which in turn requires cheap coal.

The same company has a plant on Puget Sound, where hydrogen is obtained from water by separating it into its elements with electricity. If hydrogen is obtained by the electrolysis of water, approximately seven times as much power is required as when hydrogen is obtained from water through coke. The experience of the company is to the general effect that hydrogen, which is by far the more expensive of the two raw materials, can be obtained at about the same cost through the two modifications of the process when coke sells at approximately $4 per ton and power sells at approximately $5 per horsepower year.

There you have the comparison. No man in his right senses, Mr. President, if he had power any place within a reasonable radius of our cities, or any of our plants of production and manufacture, would sell power at $5 per horsepower per year if he could get $30.

In many regions in the East coke can be obtained at the figure quoted—$4 per ton—but firm power can scarcely be obtained at less than four or five times the price quoted; indeed, I think it would be more accurate to say at not less than five or six times that price. In spite of the fact that coal is quite expensive in the Puget Sound region and power is relatively inexpensive, the electrolytic hydrogen obtained at the Puget Sound plant costs considerably more than the coke hydrogen obtained at the Charleston plant.

In other words, with this modern plant, there are various modifications, and they have a plant out in the Puget Sound country where power is comparatively cheap, where coal is high, and there they use more power, because they use the other process, which is another modification of the Haber or synthetic process. Yet, with their cheap power there, the manufacture is not nearly as cheap as when the product is made from coal in Charleston, W. Va.

The company in Charleston is shipping a large part of its product—liquid ammonia—in tank cars to one of the du Pont explosive plants near Wilmington, Del., where it is converted into nitric acid and used in the manufacture of explosives. It thus replaces Chilean sodium nitrate, which for many years has been the sole raw material for the manufacture of nitric acid. This is a very important step from the standpoint of national defense. The company seems to feel that within a year or two the du Pont Co. will be making practically all of its nitric acid from ammonia, and that industry in general will likewise have largely substituted ammonia for Chilean sodium nitrate in the manufacture of nitric acid.

Nitrogen in the form of ammonia can be easily and inexpensively shipped because of its liquid state and very high concentration. Ammonia contains approximately 82 per cent of fixed nitrogen and is the most concentrated nitrogen compound known.

The company seems to feel quite enthusiastic about the future of nitrogen fixation in this country by means of the synthetic ammonia process.

Mr. President, there is a plant still larger than the du Pont plant, of the Allied Chemical Co., I think, though I may be mistaken about the name, now under construction at Hopewell, Va. I understand that it is several times larger than the plant at Charleston. They are using the synthetic process.

There is a plant at Syracuse, N. Y., I think the first one constructed in this country, using the same process. There are quite a number of others. But there are now under construction in the United States these large plants, constructed for the purpose of getting nitrogen from the air, and not a single one of them uses the cyanamide process.

Can there be a better demonstration for practical business than that, where men engaged in doing the thing we want to do to help agriculture and doing it as a business proposition, on a business basis, are operating in that way? Do we want to set up the Government of the United States in defiance of business experience and follow a plan that is obsolete and that will cost many times as much to operate in order to get nitrogen from the air?

Mr. GLASS. Mr. President, I may say to the Senator that the plant being established at Hopewell, Va., is to be perhaps the most extensive plant of the kind ever established anywhere, and those who are interested in it tell me very confidently that it will produce an infinitely greater amount of nitrogen than Muscle Shoals is capable of producing.

Mr. NORRIS. I thank the Senator for his interruption and for his statement. I have never been to Hopewell. I do not know how far they have gotten along. If they had had their plant completed, I would have gone down there after I had been to Charleston, because, in answer to the propaganda that has been going on for the last year over the United States to line up the farmers in favor of the cyanamide bill, and, as I am going to demonstrate, in which the American Farm Bureau Federation was misled and deceived by their Washington representative, which I think I will prove as nearly as anything can be proven outside of mathematical demonstration, I wanted to equip myself. I wanted to be prepared to say that I had gone into these business concerns where they were moving along on a business basis, and found that they would not think of such a thing as getting nitrogen from the air by the cyanamide process.

I invited one of these chemists to come to my office, and I said to him, "Suppose I had the authority now, and I gave you Dam No. 2 and nitrate plant No. 2 for nothing, and you wanted to get nitrogen from the air; what would you do?" His answer came back in a flash, "I would sell the power on the market, and go where I could get cheap coal, and build a synthetic process plant to get it."

Mr. SIMMONS. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. SIMMONS. I wanted to ask the Senator a question for information. I take it that most of the nitrogen that is being extracted from the air is being produced for the purpose of making explosives.

Mr. NORRIS. Yes, it is; that is true.

Mr. SIMMONS. Only a small percentage of it is sold as fertilizer to the farmer. I wanted to ask the Senator whether up to this time the price of nitrogen extracted from the air has been reduced below the price of nitrogen furnished from the mines of Chile. Is it not still true that the farmer can get his fertilizer from the mines of Chile at a lower cost than that at which he can get it in the American markets, through the nitrogen extracted from the air, and that Chilean nitrate is very much better and very much safer than that which is secured in the other way?

Mr. NORRIS. As a fertilizer proposition, I should think that was true, but the du Pont people say, as I remember it, that they are getting practically all of their nitrogen now through their own process, and getting nothing from Chile. But, of course, the Senate must remember that when we are speaking of nitrogen, and getting it from the atmosphere, we are still a good ways from fertilizer. We still have a long road to travel before we could get a fertilizer which the farmer can use.

Mr. SIMMONS. The point I desire to make is this, that it is of no benefit to the farmer to have these commercial concerns extracting nitrogen from the air, if after they have extracted it the farmer has to pay more for it than he would have to pay if he bought it from abroad. The theory of those of us who have insisted that the Government should manufacture nitrogen for the farmer was that we might make it possible for the farmer to secure the product essential for fertilizer at a cheaper price than he is now paying for it. It does no good for him to secure an abundant supply if it costs more than the price he would have to pay elsewhere.

Mr. NORRIS. I have no doubt that it is correct. But this resolution in my judgment paves the way, if it is scientifically

possible, and I believe it is, to get cheaper fertilizer, by experimentation and manufacture by the Secretary of Agriculture on a large scale. He will use all the funds that come to him from the sale of electricity and power at Muscle Shoals.

Mr. SIMMONS. The Senator has just attempted to prove that the production of nitrogen from the air has enormously increased in recent years.

Mr. NORRIS. It has.

Mr. SIMMONS. But the price has not gone down.

Mr. NORRIS. The price of nitrogen has not?

Mr. SIMMONS. The price has been maintained. There never has been any trouble on the part of the farmer in getting a sufficient supply of nitrogen. It was not his complaint that he could not get a sufficient supply, but his complaint was that he could not get it at a reasonable price. This enormous increase in production through private enterprise apparently has not resulted in reducing the price below what it was before.

Mr. NORRIS. The price of nitrogen, I think, is down.

Mr. SIMMONS. No. There may be some years in which it is down, but this is not one of them, and year before last was not one of them. I think it was down a little bit last year.

Mr. NORRIS. I know we are getting nitrogen from the atmosphere now at practically one-half of what it cost to get it from the air before the war or immediately after the war.

Mr. SIMMONS. That is not the question. I have no doubt they have reduced the cost of production. I have no doubt that they will continue to reduce the cost of production. The question I want to get at—and that is the only purpose I have in interrupting the Senator—is whether they have yet got the price of synthetic nitrogen down as low as the price the farmer has to pay for a material equally as good and better that he imports from a foreign country.

Mr. GLASS. Mr. President, if the Senator will permit me, I do not know what the prices are which prevail in certain plants, but I am told by various trustworthy parties interested in the plant now being constructed at Hopewell that that plant is not to make nitrogen for explosive purposes, but largely, if not exclusively, for agricultural purposes. It is to be constructed and operated by a corporation with unlimited financial means, and I am told that they are to produce and sell the nitrogen at one-fourth of its now prevailing price.

Mr. NORRIS. I am glad to get that information. My information was—and I am speaking only from memory, because I did not make a notation of it when I was at Charleston—that they were producing nitrogen at practically one-half what it used to be. But, as I said, we have not reached the zenith, we have not reached the limit yet of cheapening the process of producing nitrogen. I have no doubt that the people in Hopewell ought to do a lot better than the people of Charleston, and will keep on improving.

But I do not want Senators to get the idea that that settles the fertilizer proposition. We might get the nitrogen for nothing, but if our phosphorus and potash cost too much, it might be even increased over the present prices. To get fertilizer we must have phosphorus, potash, and nitrogen, and we are dealing here with only one of the ingredients.

If the joint resolution is passed, the Secretary of Agriculture will use these funds not only to cheapen the extraction of nitrogen from the air but to cheapen potash and phosphorus. Perhaps there can not be so much done for phosphorus, but there is a great deal to be done in cheapening potash production. We have spent millions of dollars out of the Treasury of the United States in different parts of the country trying to locate potash beds. As a member of the Committee on Agriculture and Forestry, I have helped to report to the Senate several bills, and under those bills we have spent enormous amounts of money and have located potash beds in large quantities. None of them, however, seems to be practical for development now because the development would cost more, unless the method of getting it out of the ground is improved, than it would cost to get the potash elsewhere. We go now mainly to Germany for our potash.

To locate a fertilizer plant, to get cheap fertilizer, we must have in view several things—the cost of nitrogen, if we get it out of the air, which will depend on cheap coke, the cost of phosphates, and the cost of potash. If we locate the plant far inland, the potash which is shipped from Germany will cost a great deal in the way of railroad freight, which will be much more expensive than ocean freight. Then we must locate the plant as near as possible to the people who are going to use it. When fertilizer is mixed, it is heavy, and the freight is an important thing to the consumer, who must pay the freight after it is manufactured.

There are quite a number of things that must be taken into consideration in the location of a plant for the manufacture of fertilizer. It may be, if we had a location where we had cheap coal far inland, that to ship the potash from Germany would cost too much; and that if we would locate the plant on the seaboard, at a harbor, to manufacture nitrogen and ship it by rail, instead of locating the fertilizer plant where we manufacture the nitrogen, it would be better. The du Pont people do most of their manufacturing at Wilmington, Del. They get their nitrogen from West Virginia. It is shipped up there in liquid form in tank cars. There it is utilized. The place where they use it is hundreds of miles away from the place where they produce it.

Mr. FLETCHER. Mr. President, may I suggest to the Senator, because there are three elements in this product, nitrogen and potash and phosphate, that the potash situation is rather difficult because, as I understand, there is a German trust that controls the price.

Mr. NORRIS. Yes; I have understood so.

Mr. FLETCHER. I hope we can discover something over here which will make us independent of the German trust.

Mr. NORRIS. We did discover some during the war and we have it yet, but the cost in these times is more than it costs us to get the potash from Germany.

Mr. FLETCHER. The phosphate situation, as I understand it, is this: I think Florida produces something like 86 per cent of all the phosphate mined in this country. We have both the hard rock and the pebble phosphate. Those mines in Florida are having rather a hard time because their foreign shipments are limited and cut off and reduced by reason of the discovery of phosphate in Algeria. France is very largely taking away the market in Europe that Florida phosphate producers had. The mines in Florida now are producing it at as low a price as I think it can be produced anywhere. In fact, some of them are not operating on account of the diminution of their foreign market. I do not think we are going to get a much lower cost of phosphate, so far as that is concerned, than we can get now.

Mr. NORRIS. If we are going to locate a plant to get the phosphates from Florida, let us say, and locate it at Baltimore, we would have most of the way ocean freight. I am trying to think of this as a business man would think of it. Baltimore is pretty well located to supply people who use fertilizer. It is in a country where the shipments would be comparatively small. It could not supply the whole country with one plant, because the freight would be prohibitive. It would get its phosphate from Europe. I understand Florida phosphates are mined very cheaply. Most of the haul would be by water at cheap rates. Such a plant would get its potash from Germany. That would be a water haul and cheap. But it could not get its nitrogen in the vicinity of Baltimore very cheaply because coal is too high there. It might locate, as the du Pont people did, down at Charleston, produce its nitrogen down there, and ship it up in tank cars.

All these things, if we are going to locate a fertilizer plant, have to be taken into consideration, and not the least of them is to locate the place where fertilizer is finally made in a territory that is going to use the fertilizer.

I want to say one word, and then I am going to quit for the day. It seems to me I ought to say this in connection with what I have said about getting nitrogen from the air either by the cyanamide process or any other process, but particularly by the cyanamide process. We have, down at Muscle Shoals, nitrate plant No. 2. It can get nitrogen from the atmosphere for the purpose of producing explosives in its present state, and it can get 40,000 tons of it a year, but it is not in a form to make fertilizer. There is a place in securing the nitrogen from the air by the cyanamide process, whether we are going to utilize it for fertilizer or for explosives, where the methods diverge. We have no machinery at nitrate plant No. 2 to utilize the nitrates in a form to be used as a fertilizer, and everybody concedes that it will cost several million dollars to put in the necessary machinery there to use the nitrogen for a fertilizer proposition. Most people forget that fact when they are talking about getting fertilizer out of nitrate plant No. 2. We have still an investment to make there. I have tried to find out just how much it would be. I have corresponded with some of the experts, and none of them agree. They all agree that it would cost something, a few million dollars. I have asked one chemist, in whose word I have the greatest confidence and who has no possible interest in the matter except the interest of his country, who says that in his judgment it will cost as much to put nitrate plant No. 2 in such condition that we can use the 40,000 tons of nitrates to make fertilizer as it would cost to build an entirely new plant to make it by the synthetic process and to make the same amount of it in a year.

No one wants to destroy nitrate plant No. 2 until we have replaced it with some method equally as good or better, that

will get the same amount of nitrogen from the atmosphere that that plant will produce, because if war broke out to-morrow we would start that machinery going the next day to make explosives. But the time has about come, as I am informed by chemists, when we could well afford, as one chemist said, to build a new plant to get as much nitrogen out of the atmosphere as that plant would produce. We can build a plant of equal capacity for what it would cost to add the necessary machinery to nitrate plant No. 2 to make fertilizer. If we have not reached that point now, we soon will reach it.

So we have proposed no disposition of nitrate plant No. 2 in the joint resolution. I think it ought to be held in a stand-by condition to avoid any possibility that we would find ourselves at war without the necessity of getting the nitrogen from the air.

But I would like to say that private parties, the plant at Hopewell when it is completed, the plant at Charleston now, a plant at Syracuse, N. Y., and several other plants that did not exist at the time we went into the war, would produce more nitrogen than we can get at nitrate plant No. 2 in case that was destroyed and we went to war without it.

Mr. HEFLIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. I yield.

Mr. HEFLIN. I merely wish to suggest that it is a quarter after five and to ask the Senator if he would be willing to suspend as it is desired to have an executive session?

Mr. NORRIS. I told the Senator from Kansas that just as soon as I made this brief statement I would be willing to suspend. However, I do not want to lose the floor because I have not finished.

Mr. HEFLIN. I am not trying to take the Senator from the floor at all. I thought perhaps he would prefer to yield now and go on to-morrow.

Mr. NORRIS. I shall try to finish to-morrow what I have to say.

Mr. HARRISON. Mr. President, the Senator has no objection to my offering my amendment to the joint resolution and let it be pending?

Mr. NORRIS. No; I have no objection to that.

Mr. HARRISON. Very well. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The clerk will read the proposed amendment.

The LEGISLATIVE CLERK. It is proposed to amend sections 2, 3, and 4 so that they will read as follows:

SEC. 2. In order to secure equitable distribution of Muscle Shoals power, according to the policies herein set forth, the Secretary of War is hereby empowered and authorized to lease the said power plants or to sell at the switchboard the current generated at said steam plant and said dam to municipalities and corporations authorized by law to distribute and sell electric current for general public use under public regulations; and to carry out said authority the Secretary of War is authorized to enter into contracts for such lease or sale for a term not exceeding 15 years from the 1st day of January, 1929: *Provided*, That no municipality shall receive a greater amount of power than upon the principle of equitable distribution that it is entitled to receive.

SEC. 3. It is hereby declared to be the policy of the Government and the Secretary of War is authorized to dispose of the current generated at Muscle Shoals for public use, except as provided in section 8 herein, subject to regulation provided by the laws of said States, and without unfair discrimination between municipalities or as to rates or service between users of such current.

SEC. 4. In order to place the Secretary of War upon a fair basis for making such contracts and for receiving bids for the sale of such current, if in his opinion it is necessary therefor, he is hereby expressly authorized, either from appropriations made by Congress or from funds secured from the sale of such current, to construct, lease, or authorize the construction of transmission lines for the sale and distribution of current within transmission distance in any direction from said Dam No. 2 and said steam plant.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

Mr. NORRIS. Mr. President, I wish to make an inquiry of the Senator from Mississippi. Is that the same amendment a copy of which the Senator gave to me yesterday?

Mr. HARRISON. It is a copy, with only immaterial changes, one being an extension of the term of the lease from 10 to 15 years.

Mr. HEFLIN. Mr. President, I understood that the amendment was to lie on the table.

The PRESIDENT pro tempore. The amendment offered by the Senator from Mississippi is the pending question.

COLONEL LINDBERGH—POEM BY HORACE C. CARLISLE

Mr. HEFLIN. Mr. President, the brilliant poet of Washington, Mr. Horace C. Carlisle, has just written a magnificent poem on Colonel Lindbergh, in which he calls him "The citizen at large of all the world." I ask unanimous consent to have this splendid poetic tribute to Colonel Lindbergh printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

LINDBERGH

By Horace C. Carlisle

Above the boiling billows of the deep,
Through long unmeasured miles of lonesome air,
With one courageous, daring, danger sweep,
Beyond the reach of rest, relief, or sleep,
Lindbergh, afraid to fear, defied despair—
And from New York to Paris led the way
To favor, fame, and fortune in a day—
And won the heart of Europe, centered there.

With laurels placed by presidents and kings
Of European nations on his brow,
The unassuming Lindbergh deftly swings,
Himself into his plane of silver wings,
And preaches peace and good will from its prow—
And, then, across the ocean's frowning foam,
Sets sail for old America, and home,
As, smiling still, he makes his final bow.

America, with open heart and arms,
Enraptured, hugs her hero to her breast,
While, everywhere, in countless human swarms,
Moved by the merit of his grace and charms,
The worship of his name is manifest.
Supremely proud of this great feat of his—
But prouder still of what her Lindbergh is—
A nation welcomes him back home to rest.

Unmindful of the rest that he deserves,
Filled with the spirit of St. Louis still,
He plans a course from which he never swerves—
To satisfy anew his tenseless nerves;
To seek, at home, a greater, grander thrill—
To fly alone to every sovereign State,
And, proudly, in each of the forty-eight,
Declare to these his message of good will.

Then, cross the border line, to Mexico,
The *Spirit of St. Louis* wings its flight
Above where mountains range and rivers flow
Far, far aloft, where purer breezes blow,
To lend diviner charm to day and night;
And, with the hero of the higher air,
Amid a world of welcome, landing there,
Presents him, smiling, as the twain alight.

The peace and good-will gospel from his mouth
Finds lodgment in the heart of Mexico,
And in the war-worn nation farther south,
And in the torrid lands, immune to drouth,
In far-off South America below,
This pioneer of over-ocean skies
Through aviation's progress prophesies
Good will and peace alike to friend and foe.

Then, turning homeward o'er the torrid seas,
The *Spirit of St Louis* takes the air,
And, swifter than an arrow through the breeze
It flies until it sights the West Indies;
And stops to tour the islands clustered there—
While Lindbergh gets and gives another thrill
Through his immortal message of good will,
And paves the way toward interracial ease.

With all the honor Cubans could bestow
Upon the wonder hero of the skies,
Whose adoration of him seems to grow
As time draws near for him to rise and go—
To bid farewell to their heartfelt good-byes—
He smiles, as usual—hops into—alone—
The *Spirit of St. Louis*—and is gone—
To land not till St. Louis greets his eyes.

A chieftain child, at home in earth and sky,
Born underneath the Stars and Stripes unfurled,
Ideal, supreme, of all that walk or fly—
In whose deportment grace and glory lie—
At whom in vain vile envy's darts are hurled—
Lindbergh, throughout all countries, widely known,
Uniquely stands—remarkably alone—
The citizen at large of all the world.

Unselfish as the sun that shines to-day
Upon mankind through ninety million miles,
Immune to fear, unfettered by dismay,
In God's own care—alone—he wends his way
Above the changing clouds' enchanted aisles,
And, hero of the air, o'er land and sea—
Meek as a lamb, bold as a lion—he
His peace and good will preaches through his smiles.

Endowed with skill learned in experience school,
Above the earth, in God's great solitude,
Like Him, the Author of the golden rule,
Immortal Lindbergh, erstwhile "flying fool,"
Too, goes about, divinely doing good,
As, with the gift of healing in its wings—
He, in the *Spirit of St. Louis*, brings
The Master's golden rule to humanhood.

Back in his infancy, or early youth,
God must have hitched his wagon to a star,
And led him on—as Naomi led Ruth—
In wisdom's higher ways of deeper truth,
On up to where his inner secrets are—
Up, up, and up, and yet the higher still—
To be His great apostle of good will,
To arm the world for peace instead of war.

THE FLATHEAD POWER-SITE LEASE

Mr. LA FOLLETTE. Mr. President, on Tuesday, February 21, during a discussion of the conference report on the Interior Department appropriation bill, the senior Senator from Montana [Mr. WALSH] directed my attention to a statement made by Mr. John Collier that—

> The money stake of the Indians in the Flathead power-site lease * * * is $228,000 a year for 50 years.

At that time I had not the advantage of having before me a statement upon which that conclusion was based. In justice to Mr. Collier, therefore, I ask unanimous consent to have inserted in the RECORD the calculations upon which that statement was made.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Both bids for these power sites are indefensibly low, and the Montana Power Co., by offering to surrender 15,000 horsepower at 1½ mills per kilowatt-hour, is seeking to obtain the lease at an unreasonably low rental. The competing bidder, while bidding more than the Montana Power Co., likewise is bidding unreasonably low.

The Indian tribe, according to the Federal power act and the regulations of the Federal Power Commission, is entitled to compensation for their power sites "for the most profitable purpose for which used, including power development."

This means that the tribe is entitled to a rental equal to the commercial value of the raw (undeveloped) power.

It must be assumed that the Federal Power Commission, if set free from any commitments, express or tacit, growing out of the "tentative agreement" of February 17, 1927, and if left free from any implied legislative direction to accept the Montana Power Co.'s present bid, or otherwise to require the delivery of power at cost—under such conditions it must be assumed that the Federal Power Commission would apply the terms of the law and regulations and would fix a rental equal or nearly equal to the commercial value of the raw power.

That rental would be considerably larger than $1 or $1.12 per horsepower per year.

THE RENTAL SHOULD BE THREE TIMES LARGER

Here, as in all the preceding statements, we are not in the field of theory; any layman can corroborate or criticize the following computations.

The value of raw water power is not an absolute figure, because the total investment necessary for its development, and other factors as well, vary with time, place, and circumstance. In the case of the Flathead power site the total necessary investment is not officially known with exactness, and the production cost will vary according to the amount of developed horsepower.

But the following is categorically known:

The upward limit of the commercial value of raw power at a power site is determined by cost of steam-plant production in the neighborhood plus the additional transmission costs, if any, entailed in the hydrodevelopment. In other words, the upward limit of the commercial value of raw power is from 3½ to 5 mills per kilowatt-hour. That is the maximum commercial rental which can reasonably, practically be fixed for a power site which it is desired to lease immediately.

And now what does $1 per horsepower per year represent in kilowatt-hour rental? It represents 0.304 per cent of 1 mill—three-tenths of 1 mill per kilowatt-hour. In other words, $1 per horsepower per year, assuming a 50 per cent load factor, is between one-tenth and one-fifteenth of the maximum reasonable and practicable commercial rental which could be demanded and obtained.

We do not assume that the Federal Power Commission will demand that maximum reasonable rental which a private owner of a power site would stand out for and would get. Theoretically, it may be the duty of the Federal Power Commission so to proceed, for it is made the guardian over a trust property by the terms of the Federal power act. But the pressure for early leasing is great, and it is a fact that other power sites exist in Montana, some of them on public domain, not so large nor so feasible as the Flathead power site, yet obtainable for that lower rental which the law permits where public domain power sites are being leased.

But it is entirely safe to assert that the Federal Power Commission could and should fix a minimum rental for the Flathead sites, amounting to at least one-third of that minimum rental which is theoretically proper. In other words, the minimum rental for the Flathead sites ought to be not less than 1 mill per kilowatt-hour for the developed power or three and one-third times larger than is proposed by the Montana Power Co.—nearly three and one-third times larger than is proposed by the competing bidder.

THE INCREASED RENTAL WOULD NOT INFLUENCE RATES

Would such an increased rental demand influence the sales prices of electric power? Here again the layman can answer almost as well as the expert. The sales prices of electric power in Montana run from the lowest wholesale rates of about 6 mills to the retail rates of 3, 4, and 5 cents, or 30, 40, and 50 mills. The increased rental here discussed, which is approximately two-thirds of 1 mill, represents about one-ninth of the sales price of power when wholesaled in largest blocks to the mines and railroads of Montana; about one-sixtieth of the cost of power retailed in that State. The difference is so slight that it could scarcely be reflected into the lowest wholesale rate; it certainly could not be reflected into the retail rates. The issue, therefore, has to do with the Indians and the lessee—more revenue to the Indians versus a little less of cheap production to the lessee.

And what does the difference amount to quantitatively?

What are the Indians fighting to get—to get rightfully under the terms of the law? What is the Montana Power Co. fighting to get?

The difference between 0.304 mill rental per kilowatt-hour and 1 mill rental per kilowatt-hour is seven-tenths mill per kilowatt-hour. Translated into a yearly rental per horsepower unit, the difference is as follows: One mill per kilowatt-hour is 3.28 larger, or $3.28 per horsepower unit per year. The rental which the Flatheads are to lose by the terms of the Montana Power Co. proposal is, therefore, $228,000 a year on the basis of a 100,000 horsepower development; and by the terms of the competing bid the amount which the tribe would lose would be $216,000 a year.

IT WILL NOW BE CLEAR WHY THE MONTANA POWER CO. HAS MADE ITS CURIOUS PROPOSAL

Obviously, other things being equal, the Montana Power Co. would not want to deliver 15,000 horsepower at less than cost, to be distributed over a distribution system paid for by the Government, in competition with the wholesale and retail market of the Montana Power Co.

* * * * * * *

The Montana Power Co. is naturally willing to sacrifice the 15,000 horsepower (taking it out of the small rental which it is offering the Indians) and to risk a competing Government distribution scheme, whose collapse through inefficiency it would expect, if by this means it can obtain one of the largest power sites on the continent for a very low rental—a rental so low that it represents a saving to the company of at least $228,000 a year. With the above facts understood, the strenuous effort by the Montana Power Co. to set in motion a Government competition with itself in the power-distributing field, becomes at once understandable. The comparatively low bid of the competing bidder is, of course, predicated on the low bid of the Montana Power Co.

And the loss to the Indians appears as a huge one, $228,000 a year of lost rentals is $11,400,000 over the 50-year period of the lease, on the basis of a 100,000 horsepower development.

It is $22,800,000 on the basis of a 200,000 horsepower development, and it its this larger development which probably will represent the average development over the 50-year period of the lease. That is the stake in the present struggle over the Flathead power sites. * * *

SEA SERVICE BUREAU OF SHIPPING BOARD

Mr. LA FOLLETTE. Mr. President, I ask to have printed in the RECORD an editorial from the Washington Post of February 22, concerning the sea service bureau maintained by the Shipping Board.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A BUREAU THAT MAKES LAW

The Senate has attached an amendment to the appropriation for the Shipping Board to the effect that none of the appropriation shall be used to maintain the sea service bureau. The bureau is now nothing but an employment office, performing services which by law are assigned to the shipping commissioners, for whom offices are provided in every port of entry that is also a port of ocean navigation.

The first duty of the shipping commissioner's office is "to afford facilities for engaging seamen by keeping a register of their names and characters." This is exactly the work that the sea service bureau is doing at an expense of about $150,000 a year. This is an inexcusable waste of public money. If the shipping commissioners have not done this duty they should do it, as required by law.

The shipping commissioners have an added duty of seeing that the laws relating to seamen are obeyed. There are certain laws for the protection of the seamen which would be obeyed if this work was done by the shipping commissioners. Among these laws are certain penalties for misconduct when committed by the seamen or when committed by the officers of the vessel. The sea service bureau disregards these laws and places men on what is called the deferred list (black list), in lieu of submitting those men to the regular authorities for trial and punishment. These laws were passed to protect life and property at sea by maintaining proper skill and discipline. To disregard those laws and substitute therefor the whim of the owner, the master, and the sea service bureau must necessarily result in fostering a disregard for law and in driving skilled and law-abiding seamen from the service.

By its own admission the sea service bureau uses the deferred list in lieu of the penalties not only for serious infractions of discipline, but even for crimes. This is a vicious system of lawmaking by a bureau, in disregard of the laws of Congress. The bureau should be abolished. The House conferees should accept the Senate amendment to the Shipping Board bill.

LIMITATION OF INJUNCTIONS

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Milwaukee Journal of February 20, concerning the so-called Shipstead bill relating to injunctions.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ARE WE TIED IN A KNOT?

A. P. Thom, counsel for the Association of Railway Executives, tells the Senate Judiciary Committee that the Shipstead bill to limit the use of the injunction would be declared unconstitutional. He may be right, but does he think that would settle the question? Mr. Thom further argues that Congress set up a system of Federal courts and can not now change it. That sounds pretty foolish, at least as an argument for not doing things Mr. Thom and his executives don't want done to the injunction. It sounds foolish because it amounts to telling people that they have been tied up in a knot and are now powerless to rescue themselves.

The Constitution has done so well in the things which the fathers foresaw and has submitted itself so well to stretching to cover what they could not foresee, that we tend to suspect an argument that it prescribes courses which would seem to the men who wrote it unjust. However, we all know that the Constitution is invoked now and again to shelter practices revolting to the moral sense of our times. If Mr. Thom is right and the Constitution really prevents Congress doing anything about the abuse of injunction that has grown up in our day, he is really arguing for amendment to the Constitution. And in the end, if necessary, he and his executives will get it.

We like to believe the framers were wise enough to avoid tyranny. We know they did not intend that we should have government by Federal courts through the use of injunctions. We know they were wise enough to foresee that some amendment of their work would be necessary. Sound advice to great employers of labor to-day, and especially to railroad managements and mine managements, is to cooperate with Congress in limiting the excesses of which they have been guilty in recent years.

OHIO RIVER BRIDGE NEAR NEW MARTINSVILLE, W. VA.

Mr. NEELY. I ask unanimous consent for the immediate consideration of the bill (S. 2801) granting the consent of Congress to the New Martinsville & Ohio River Bridge Co. (Inc.) to construct, maintain, and operate a bridge across the Ohio River. The bill is in regular form, and to it there is no objection.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in section 1, page 1, line 8, after the name "West Virginia," to strike out "to a point at or near Duffy, Monroe County, Ohio," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation at or near New Martinsville, Wetzel County, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. That the said New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, the State of Ohio, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or political subdivisions thereof as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. The said New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the actual cost of constructing the same, and for such purpose the said New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the New Martinsville & Ohio River Bridge Co. (Inc.) to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va."

ADJOURNMENT

Mr. CURTIS. Mr. President, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 24, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, *February 23, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal God, we thank Thee for the infinite revelation of Thy wisdom. So intensify our motives that our aim shall be to express the lofty in that which seems to be small and trivial. Draw us so near to Thee that principle, affirmation, and a prevailing sense of duty may be the sustained attractiveness of our characters. Put into our souls the love of the pure and in our lips the law of kindliness. Oh, lead us on to do the right. Do the right, for finally it will be acknowledged everywhere; do the right, for some day it will bring up all arrears; do the right, for it will eventually stand forth in the white light that must forever beat against the Father's throne; do the right, for in the ages to come it shall be crowned with fullness of joy and pleasures for evermore. The Lord God help us. Amen.

The Journal of the proceedings of yesterday was read and approved.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval bill and joint resolution of the House of the following titles:

H. R. 9280. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.

H. J. Res. 156. House joint resolution authorizing the President to accept the invitation of the British Government to appoint delegates to the Eighth International Dairy Congress to be held in Great Britain during June-July, 1928, and providing for an appropriation of $10,000 for the payment of the expenses of the delegates.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 1154. An act to authorize the use by the county of Yuma, Ariz., of certain public lands for a municipal aviation field, and for other purposes; and

S. 1959. An act to transfer to the Secretary of the Navy jurisdiction over oil and gas leases issued by the Secretary of the Interior on lands in naval petroleum reserves.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1759) entitled "An act to appropriate treaty funds due the Wisconsin Pottawatomi Indians."

The message also announced that the Senate had passed without amendment a bill of the following title:

H. R. 5501. An act authorizing the Hermann Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Hermann, Gasconade County, Mo.

The message also announced that the Senate had passed the following bill, in which the concurrence of the House of Representatives was requested:

S. 1104. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland City, Ark.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 10635) entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes," disagreed to by the House of Representatives, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. SMOOT, Mr. MOSES, Mr. OVERMAN, and Mr. HARRIS to be the conferees on the part of the Senate.

GEORGE WASHINGTON

Mr. YATES. Mr. Speaker, I ask unanimous consent to insert in the RECORD some remarks of my own delivered yesterday upon the anniversary of the birth of George Washington.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I insert the following address on George Washington, delivered by me before the Association of Oldest Inhabitants of the District of Columbia on Washington's Birthday:

Mr. Chairman Noyes, ladies, and gentlemen, I acknowledge with grateful thanks the privilege of taking part in a Washington Birthday celebration with the Association of Oldest Inhabitants of the District of Columbia.

I consider it indeed a privilege. Nay, more, I feel it is an adornment, a decoration, to receive such a recognition from so distinguished, so high-minded, and so useful an organization.

I am proud to be your guest and speaker, not only because you are distinguished, but because you do a noble deed. You are helping to create interest in things that concern us all, and popular interest in public affairs is the foundation of our civilization and the safeguard of the liberties of every American that lives. If ever the liberties of our land go tottering to their fall, it will be because of an ignoble thing—indifference to public things. Whatever o'ercomes indifference is thus noble. And therefore you are entitled to thanks. And so, if I were President of the United States and could be here, I would thank you here and now. Would tender to you the thanks of the Republic because you thus promote patriotism.

Oliver Wendell Holmes sings:

Welcome to the day returning,
Dearer still as ages flow,
While the torch of faith is burning
Long as freedom's altars glow.
See the hero whom it gave us,
Slumbering on a mother's breast,
For the arm he stretched to save us
Be its morn forever blest!

Hezekiah Butterworth sings:

Arise, 'tis the day of our Washington's glory;
The garlands uplift for our liberties won.
Oh sing in your gladness his echoing story,
Whose sword swept for freedom the fields of the sun!

Not with gold nor with gems
But with evergreens vernal,
And the banners of the stars that the continent span,
Crown, crown we the chief of the heroes eternal,
Who lifted his sword for the birthright of man.

Lord Byron sings:

Where may the wearied eyes repose
When gazing on the great
Where neither guilty glory glows
Nor despicable state?
Yes; one (the first, the last; the best,
The Cincinnatus of the West,
Whom envy dared not hate,)
Bequeathed the name of Washington
To make men blush there was but one.

THE REVOLUTION, O AMERICANS! THE DAYS OF 1776!

A historic darkness follows a historic day.

British force has undertaken to coerce the high-minded and valorous tillers of Massachusetts soil.

They are steady, sturdy, simple souls, these Massachusetts Minutemen; but they are startled into high resolve, they are inspired by a magnificent indignation, they are roused into a grand temerity. It is patience shocked into impatience; it is peace turned into war.

Noble men of 1776. Momentous impulse; memorable results.

The people hasten to the hustings; the burgesses rally at the council houses.

John Adams, John Hancock, James Otis, Patrick Henry, all gild brilliantly the page of history.

Congress after Congress; Congress observing a fast day; Congress at prayer; Congress listening to Richard Lee urge his immortal resolution:

"These Colonies are, and of right ought to be, free and independent States."

And now the bell is ringing on Independence Hall, the cannon roar in New England, and the Carolinas are all ablaze with bonfires.

"All men are created free and equal."

"Life, liberty, and the pursuit of happiness are the inalienable rights of every man."

Every community stirred to its foundations in the mighty crisis.

Noble men of 1776! They all stand in deadly peril.

Ben Franklin finds "his philosophy too cold for the South and his jokes too warm for the North," but he jokes just the same, saying "We must assuredly all hang together, or we shall assuredly all hang separately!"

Battle after battle, Bunker Hill, Long Island, Brandywine, Valley Forge, Trenton, Princeton, Eutaw Springs, General Lincoln surrendering his sword to Cornwallis at Charleston (even as in later days the sword of Cornwallis was handed to General Lincoln), then Saratoga! And, finally, Yorktown!

Permit me to read here page 115 of Weem's Washington:

"On hearing in Congress the fall of Cornwallis the Doorkeeper swooned with joy—on hearing the same news in Parliament Lord North fell back in his chair in distress. The stern features of war relaxed but Washington beheld the sight with doubt—

"Great Britain—if she 'play quits,' it must be the work of that Providence who ruleth in the armies of heaven and earth and whose hand has been visibly displayed in every step of our progress to independence."

FRANCE

Meanwhile, Franklin in Paris. Lafayette to the rescue, Rochambeau and Count D'Estaing to the rescue. Old Baron Steuben and old DeKalb and De Grasse to the rescue. Kosciusko to the rescue. Freedom's friends all to the rescue!

Oh, let the breezes bear every bud and blossom, aster and nasturtium, camellia and lobelia, pansy and honeysuckle, and all their fragrant sisterhood, away, to-day, to the grave of Lafayette and Kosciusko and DeKalb, and all those who gave us help, in that dark young day, when help was dear.

And let us break open the baskets and pour forth the blossoms, and make to bloom like the rose the resting places of the hundreds and thousands of the martyrs of that time.

They could have had only the mistiest conception of this stupendous Nation of to-day; yet they fought as if for a world.

Over the 300 wild horsemen whom Francis Marion led, and whom Major Tarleton could not whip or catch, we could make a pile of flowers, all afire with the flame which lighted their dauntless hearts.

Deck the spot which is the last resting place of Ethan Allen, who so angered the British by his famous battle cry, "The Great Jehovah and the Continental Congress," and forget not the youngsters who followed him and were known as "the Green Mountain boys."

And give bluebells and other blooms to place above the three militiamen whom Major Andre and Benedict Arnold's gold could not corrupt nor bribe.

And jasmine for Molly Pitcher, who fired the old brass cannon after her husband, the gunner, was cut down on the fateful field of Monmouth.

THE COLONIAL MAID

And, oh, begonia, and petunia, and hyacinth, and fuschia, and lily, and rose for all those colonial maids and matrons, heroines every one, who, in every part of the distressed land, from the ocean to the mountains, from Quebec to Kentucky, charming maids and matrons, cheered on and on the "ragged continentals," in their buckskin clothing and their coonskin caps, and caused them to endure and ever still more to endure. O lovely lovers of liberty, ye shall not be forgot!

The widow Mott, hastening the conflagration of her own home rather than have it fall into foemen's hands; Margaret Corbin, the Joan of Arc, herself wounded in action! Abigail Adams, Deborah Sampson, Martha Washington, Molly Starks, Betsy Ross—what a glorious roll!

"Nor shall your glory be forgot,
While fame her record keeps
And honor guards the hallowed spot
Where valor proudly sleeps."

Their sacrifices were sublime, their privations were pitiful, their aid more precious than rubies!

FLAG

And let us of this generation fail not to remember that but for that winning fight by all these men and women the flag we love to-day would never have been conceived.

"*Resolved,*" said Congress, "*Resolved,* That the flag of the United States shall be 13 stripes, alternate red and white, with 13 stars on a blue field, representing a new constellation."

Could there have been in the mind or soul of man or woman a more beautiful conception? "A new constellation?" As a matter of fact, did this inspiring, poetic, celestial idea come from the brain of any mere man? I do not think it did; I think it come from Betsy Ross.

All hail to thee, thou grand old flag
Still floating o'er the free,
Though soiled and torn by foemen hands
Thou'rt doubly dear to me.

When, in my boyhood early days
I saw thee first unfurled,
I deemed thee then the pride of earth,
The glory of the world.

And when in later years I stood
In busy haunts of men,
And saw thee float o'er field and flood,
Old flag, I loved thee then.

But now, when neath thy glorious folds
No slave need cringe nor bow,
My father's and my country's flag,
I love thee better now.

Float on, old flag, until thy stripes
Shall all the nations heal,
And tyranny throughout the earth
Shall thy just vengeance feel.

"FIRST IN WAR"

The panorama discloses in every section, as a matter, of course, George Washington. There are few tableaux in which he fails to occupy the center of the scene.

In 1775 we see him draw the sword of command under the old elm at Cambridge.

Glorious sword; sacred blade!

Sword never to be sheathed, although dangers multiply; although disasters develop; although defeats and retreats dishearten, until British cannon cease to bellow and British bluster is heard no longer.

"FIRST IN PEACE"

In 1789 we see him standing on the balcony, at New York, taking the oath—the words of that tremendous obligation trembling on his lips as they went upward to be registered in heaven.

How clean and pure he kept both sword and oath!

I call, as witnesses, William McKinley, President; John Marshall, Chief Justice; Daniel Webster, Senator (orator, February 22, 1832, the one hundredth birthday); Major General (Marquis) Lafayette; Lieut. Col. (Congressman) Henry Lee (chosen to deliver the address before Congress on the day set apart, December 26, 1799); Abraham Lincoln.

SEVEN TRIBUTES TO WASHINGTON

President William McKinley, 1899:

"To-day, nearly a century from Washington's death, we turn reverentially to study the leading principles of that comprehensive chart for the guidance of the people.

"It was his unflinching devotion to these perceptions of duty which more than anything else made him what he was, and contributed so directly to make us what we are.

"Following the precepts of Washington we can not err.

"The wise lessons in government which he left us it will be profitable to heed.

"He seems to have grasped all possible conditions and pointed the way safely to meet them.

"He has established danger signals all along the pathway of the Nation's march.

"His wisdom and foresight have been confirmed and vindicated after more than a century of experience."

John Marshall, in the Life of George Washington, says (p. 122, ch. 6), in connection with that depressing experience, the retreat of Washington's army through Jersey:

"Among the many valuable traits in the character of Washington was the unyielding firmness of mind, which resisted these accumulated circumstances of depression, and supported him under them.

"Undismayed by the dangers which surrounded him, he did not for an instant relax his exertions."

Webster on Washington's conduct of America's foreign relations:

"The maxims upon which Washington conducted our foreign relations were few and simple. The first was an entire and indisputable impartiality toward foreign states.

"The famous phrase, 'Honest friendship with all nations, entangling alliances with none,' was not Washington's, but Jefferson's. But his words were fully as forceful; they show his deep fear that foreign influence would insinuate itself into our councils through the channels of domestic dissensions and obtain a sympathy with our own temporary parties.

"With a tone of earnestness nowhere else found, even in his last affectionate farewell advice, he says:

"'Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government.'"

Lieut. Col. (Congressman) Henry Lee, December 26, 1799:

"The founder of our Federate Republic—our bulwark in war, our guide in peace, is no more! First in war, first in peace, and first in the hearts of his countrymen, he was second to none in the humble and enduring scenes of private life.

"Methinks I see his august image and hear falling from his venerable lips these deep-sinking words:

"'Cease, sons of America, lamenting our separation; go on and confirm by your wisdom the fruits of our joint councils, joint efforts, and common dangers.

"'Reverence religion; diffuse knowledge throughout your land; patronize the arts and sciences; let liberty and order be inseparable companions; control party spirit, the bane of free government; observe good faith to and cultivate peace with all nations; shut up every avenue of foreign influence; contract rather than extend national connection; rely on yourselves only; be American in thought and deed!

"'Thus will you give immortality to that Union which was the constant object of my labors.'"

General (Marquis) Lafayette wrote to Chief Justice John Marshall a letter about the Battle of Monmouth, and in this letter said:

"Never was General Washington greater in war than in this action. His presence stopped the retreat. His disposition fixed the victory. His fine appearance on horseback, his calm courage, roused by the animation produced by the vexation of the morning, gave him the air best calculated to excite enthusiasm."

Abraham Lincoln's tribute:

"Washington's is the mightiest name of earth—long since the mightiest in the cause of civil liberty; still mightiest in moral reformation. On that name no eulogy is expected. It can not be. To add brightness to the sun or glory to the name of Washington is alike impossible. Let none attempt it. In solemn awe pronounce the name, and in its naked, deathless splendor leave it shining on."

Washington not a demigod.

This outburst, by Lincoln, seems to me to cap the climax. It seems to be the very sublimity of hyperbole—something quite beyond description or realization. After this flight of impassioned, impressive eloquence, it would seem that no soaring, no words of human utterance, could higher soar. Of course, I shall not attempt it.

The condition or situation would seem to be well set forth in the book entitled "Sally Cary: a Long-Hidden Romance of Washington's Life" (by Wilson Miles Cary, published in 1896), in these words:

"The microscope of history has been diligently leveled for the past century upon the character and personality of Washington. His fame, great as it was in his life, has been steadily expanding with the Republic, till now the Father of His Country has fairly burst the bonds of human nature and assumed the proportions of a demigod. His epistles throw a side light and help to save him from that colorless dehumanization to which too indiscriminate eulogy was fast reducing our grandest American. * * * They show steady control of strong impulses which pygmies never feel."

FIVE ASPECTS OF WASHINGTON

Finding myself unable to cope with these other speakers and writers, some of whom knew Washington personally, and all of whom studied him minutely, I, after endeavoring to study them all as minutely as a busy life has permitted, have fully come to the conclusion that I am not qualified to attempt to discuss the whole life and character of our first President.

And so I shall not endeavor to go over his ability as a general and an executive, which more than a thousand writers have elaborately discussed.

But I will try to mention some of the things most dear to his heart and most notable in his action.

I. FRIEND OF EDUCATION

That he believed in and was in favor of education—in other words, the general diffusion of knowledge—is shown by the following quotation from his farewell address:

"It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shape the foundation of the fabric. In proportion as a government gives force to public opinion it is essential that public opinion should be enlightened.

"Promote, then, as an object of primary importance institutions for the general diffusion of knowledge."

A hundred other things bear testimony—for example, he maintained at college at his own expense nine of his own relatives; and we all know the unremitting enthusiasm with which he pushed his project for the Military Academy at West Point. He also found time to serve as chancellor of the William and Mary College and to urge the maintenance of a national university.

II. LABOR CHAMPION

That he believed in work and effort and thoroughness admits of no denial or debate. His theory is well set forth in a letter to a nephew, Bushrod Washington, reading as follows:

"Remember, that it is not the mere study of the law but to become eminent in the profession of it which is to yield honor and profit. The first (the law) was your choice, let the second (eminence) be your ambition; that the company in which you will improve most will be least expensive to you. And yet I am not such a stoic as to suppose that you will (or think it right that you should) always be in company with Senators and philosophers; but of the young and juvenile kind let me advise you to be choice. It is easy to make acquaintances, but very difficult to shake them off (however irksome and unprofitable they are found) afer we have once committed ourselves to them."

Would it not have been a priceless boon to all of us in this presence if some one had only in our early youth emphasized the fact that distinction in any profession comes only with the highest attainment and that not even profit comes without such attainment? After bitter experience, we all know that there is no real success without intense application; and that he who is content to be a mere student instead of a master will not only be without honor but also without profit.

"The heights by great men scaled and kept
Were not attained by sudden flight;
But they, while their companions slept,
Were toiling upward through the night."

WASHINGTON, MODEL PUBLIC SERVANT

Believing in work—w-o-r-k—as he did, our Washington never turned down a chance, never neglected an opportunity, never turned a deaf ear, never was blind to an appeal to lend his presence and approval to a church or charity, a deserving fraternity or lodge, or a worthy association of either men or women, whether conspicuous or humble. He never despised public office. He was not a shrinking patriot. He did not bury himself in some solemn chamber of reflection, some old law office or courthouse. He did not hide therein to wait for the hour when the public ear should become attuned to his words. On the contrary, all his efforts were such as to fasten the public eye upon him and cause him to be searched out among his fellows. He was one of that brilliant company, the surveyors of his day, a hard worker on vast estates, penetrating savage wildernesses while yet a minor. (Let us not forget the challenging fact that not only Washington but Thomas Marshall, of the third Virginia line, and later Abraham Lincoln and later a host of our celebrities, were once surveyors.) He was a member of the house of burgesses before the French and Indian War, was a major and assistant adjutant general before he was a lieutenant colonel in the days of General Braddock, and the latter's ill-fated "expedition" and ambush. He was a delegate to the Continental Congress until 1775, when elected commanding general, and was "president and deputy from Virginia" in the Constitutional Convention beginning 1787. And he found time to be warden in his church, master in his lodge, and chancellor of a college.

III. RELIGION

That he was a believer in Divine Providence is shown by the following extract:

"Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports.

"In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens.

"The mere politician equally with the pious man ought to respect and to cherish them.

"A volume could not trace all their connections with private and public felicity.

"Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice?

"And let us with caution indulge the supposition that morality can be maintained without religion.

"Whatever may be conceded (to the influence of refined education), reason and experience forbid us to expect that national morality can prevail in exclusion of religious principles."

It is in recognition of Washington's belief in God that the likeness of him in imperishable bronze which hangs on the wall of the old Subtreasury in old New York represents him on his knees in the snow at Valley Forge on that mighty day when he made his most urgent appeal to Heaven.

O Valley Forge! Have you been to Valley Forge? If not, hasten, I beg you, to go at your earliest opportunity.

See the breastworks; the line where Lafayette's division lay; the line of Mad Anthony Wayne; the great arch of marble with its lettering—

"They shall hunger no more;
Neither thirst any more."

And, above all, see the bronze praying stool and on it the words: "Day of fasting and prayer, June 1, 1774. I went to church and fasted all day." A reproduction in the handwriting of George Washington.

IV. THE LOVER

I remark, in the fourth place, that there really was a Washington who was not a demigod, or any kind of a god, but a very, very human, terrestrial being. It rejoices my heart to be able to truthfully say this—rejoices my heart that there was a talking, walking, living, loving Washington. It would not help me to know that he was a demigod, unearthly, far apart. It could do me no good to be exhorted to imitate a demigod, because I could not so do, by any possibility. But there is the very liveliest incentive and the most potent inducement for me to try to be like him in my little humble obscure individuality, when I learn that he was just flesh and blood and mortal man, like you and me, tempted at all points like as we are.

I cite you to two examples of his humanness, his earthly, undivine—or rather nongodly make-up.

See him riding up to the town of Monmouth in the early dawn. His ragged army has just been revived (somewhat) by the spring following the winter at Valley Forge.

In three divisions it is marching upon Monmouth. The hour has come to turn and fight. (To every man and nation comes the hour when he or it must turn and fight or die. That hour has come to him.) He advances full of hope, eye alight, head erect, soul aloft. All of a sudden he meets one of his most able and conspicuous generals, Charles Lee, in full retreat, when he ought to be in full advance. Washington spurs his horse up to that of Lee until the stirrups clash, and says, "You are a —— poltroon!"

Would you have had it otherwise? Would you have had that cowardly or calculating commander (trusted by our Washington in the hour of our peril) escape his deserved rebuke? God forgive me, but I am glad that he used the good, the short, the ugly word. In that one moment we had revealed to us and to history the fact that underneath was a soul of tempestuous, tumultuous passion, always hitherto controlled by the man and mastered by him. Deep emotion was also exhibited the day the treason of Benedict Arnold was discovered and the day the militiamen retreated at Kips Ferry—the day he tried to beat the line forward with the flat of his sword—and the day Major André was executed.

And see him offering his hand to five different girls—five different girls in 10 years, pressing his suit—

At 16 to Mary Carey, of Fairfax.

At 18 to Mary Brand, of Westmoreland.

At 20 to Mary Fauntleroy, of Richmond.

At 22 to Mary Phillipse, of New York.

At 26 to Martha Custis, whom he married in his twenty-seventh year. Are you not glad? I am! It makes him seem less remote; more like us! I rejoice that all the men of valor who have kept the flag in the sky have been ardent lovers of American women—all of them. When they fought, they fought violently, and then fell violently in love.

V. WASHINGTON, THE OPTIMIST

I remark, in the fifth place, that George Washington was a real, an eternal optimist.

He had his disappointments, and, indeed, plenty of them, but he was not a pessimist.

He was hopeful always, in a cool, determined way; not flamboyant.

A pessimist has been defined as a man who, having to choose between two evils, takes no chances, but chooses both.

I know the breed; you know the brand; it is an ugly type.

Such a man continually goes about contending that everything is going from bad to worst, going to "the demnition bow wows." Such a man believes that "there were giants in those days," but not now.

He believes that there are no longer anywhere, on land or sea, any good preachers, any good teachers, any good doctors, any good lawyers, any good capitalists, any good laborers, any good editors. He thinks they are all dead and gone.

And such a man is wrong.

As a matter of fact, there never were in any time or clime so many good preachers, so many good teachers, so many good doctors and lawyers and editors as there are to-day.

There never was so much generosity and benevolence and philanthropy and good samaritanism in general, never so much of the milk of human kindness in the hearts of men, never so much of the Lord God Almighty in humanity as there is to-day.

While it is a time for patience and forbearance and for withholding of judgment it is not a time for pessimism.

And while it is a time for discouraging the fanatic, who goes searching for liberty with a torch in one hand and a bomb in the other, it is not a time to be discouraged about the progress of liberty, not a time to gratify the kings and emperors and sultans and czars and mikados by giving the impression that the American experiment of self-government is (in any sense or to any degree) a failure. Make no mistake, no king or emperor or sultan or czar (or mikado) is lying awake at night praying for the success of this Republic; let us not please him by admitting that we have failed, for we have not failed, and we stand at this hour facing the noblest opportunity ever faced by free government.

Concerning "opportunity" a gifted orator once said:

"I knock but once,
And I return no more;
If sleeping, wake!"

This is a false doctrine.

Here is a better verse:

"They do me wrong,
Who say I come no more,
When once I knock and fail to find you in,
For every morn I knock at every door
And bid you wake and rise to fight and win."

Faith in God and in humanity and in freedom never deserted Washington.

Difficulties never made him afraid. Jefferson once said he was a stranger to fear.

The unalterable determination and dogged perseverance which fought on after Long Island fell; fought on after the abandonment of New York; fought on after the retreat through Jersey; fought on after the retreat from Philadelphia; fought on after the loss of Charleston, and the overrunning of the Carolinas; fought on, with Howe at Philadelphia and Clinton at New York, with Burgoyne coming down from Canada, and Cornwallis and Tarleton coming up from Carolina, despite Benedict Arnold ravaging New England, and the sinister presence of the Hessian—can you imagine optimism greater?

And then see him during that period from 1783 to 1789—long, tedious, weary years—talking, talking, writing, writing, urging, urging, that the Union under one government is the only salvation.

Oh, the faith; oh, the sublime faith in that glad and grand and glorious heart!

Faith in America, his country, and her people! Optimism, indeed!

That sacred flame on the Nation's altar never died down, because he kept it alive.

It burned and burned as our forefathers fell around about the campfires that cradled our liberties.

And it flamed right on, in Washington's soul, all through the ensuing six years, those anxious years 1783 to 1789, following the Revolution.

And then, when those six years went by, and 1790, 1791, 1792, 1793, 1794, 1795, and 1796 came—that is, seven more years came—still he stood there at the altar of the Nation tending the eternal flame, stood there a pillar of fire himself, between this infant Republic and all the powers and politics that imperilled it.

What if he had fallen, what if he had failed, had faltered? Where and what would we, the Americans, have been to-day?

The theories and principles that he harbored in his heart he reveals more fully than elsewhere in his farewell address to the American people, in 1796. I have already read to you what he said about education and about religion. I now must read a few things which show the absolute confidence in the ability of the American Republic to take care of itself.

"Let us erect a standard to which the wise and honest may repair. The rest is in the hands of God."

"Let us impart all the blessings we possess or ask for ourselves to the whole family of mankind."

"'Tis substantially true that virtue or morality is a necessary spring of popular government."

"It is our true policy to steer clear of permanent alliances with any portion of the foreign world."

"The great rule of conduct for us in regard to foreign nations is to have with them as little political connection as possible."

"Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies."

Richard Watson Gilder sings:

Ye who defeated, 'whelmed,
Betray the sacred cause, let go the trust;
Sleep, weary, while the vessel drifts unhelmed;
Here, see, in triumph rise the hero from the dust!

All ye who fight forlorn
'Gainst fate and failure; ye who proudly cope
With evil high enthroned; all ye who scorn
Life from dishonor's hand, here take new heart of hope.

WASHINGTON—CRITICISM OF HIM IN HIS DAY

Thomas Wentworth Higginson says:

"On the last day of office a Philadelphia newspaper dismissed Washington with a final tirade, worth remembering by all who think that political virulence is on the increase:

"'Lord, now lettest Thou Thy servant depart in peace, for mine eyes have seen thy salvation,' was the exclamation of a man who saw a

flood of blessedness breaking in upon mankind. If ever there was a time that allowed this exclamation to be repeated, that time is the present. The man who is the source of all our country's misery is this day reduced to the rank of his fellow citizens and has no longer the power to multiply the woes of these United States. Now more than ever is the time to rejoice. Every heart which feels for the liberty and the happiness of the people must now beat with rapture at the thought that this day the name of Washington ceases to give currency to injustice and to legalize corruption. * * * When we look back upon the eight years of Washington's administration it strikes us with astonishment that one man could thus poison the principles of republicanism among our enlightened people and carry his designs against the public liberty so far as to endanger its very existence. Yet such is the fact, and if this is apparent to all, this day should form a jubilee in the United States."

My fellow citizens of the year 1928, when I came across this item and example of the criticism and abuse which Washington encountered in his day, I, of course, remembered, as most of us do in a sort of general way, that Washington was much criticized in his official lifetime by men and writers who disapproved his policies, and that he must have suffered much in his feelings, conscious as he was of the rectitude of his conduct and the purity of his motives. But I confess I was horrified at the malignity of this particular piece of abuse.

Is it any wonder, ladies and gentlemen, that on the last day in office, the same day as this attack, Washington wrote to General Knox comparing himself to "the weary traveler who sees a resting place and is bending his body to lean thereon," and is it any wonder that he added, "To be suffered to do this in peace is too much to be endured by some"?

CONCLUSION

My fellow citizens, Washington was, of course, much more than a great lover, great believer, great advocate of education and of religion and of federal union, and of individual industry. Soldier and general, legislator and executive, politican and diplomat, he was all these and more. He was a farmer and business man and promoter and explorer and many things more. But I consider his chief distinction is that he was the giver, to the world and humanity, of its chiefest example of free government. I think we ought here and now to highly resolve that he shall not have struggled in vain; highly resolve that we will not fail him (as he looks over the battlements of heaven to observe us); that we will do all that feeble finite hand and mind can do to make real that which was his ideal.

O men and women of America, I believe that this dear country of ours was divinely ordained. I believe that the curtain of waters of the Atlantic Ocean was held right down on the east side of this continent until the prow of Columbus parted these western waters in 1492 for a mighty purpose. And I believe that that mighty purpose was and is to establish—yea to maintain—here on this western continent a mighty and model Republic. I believe that it is part of that mighty purpose that this mighty Republic should be and become in truth and in fact the heir of the ages, the child of the centuries, the beacon light of liberty, the last hope of humanity, utterly regardless of what it costs—in men or in money, in brain or in bayonets, in treasure or in tears. Wise and just, brave and firm, our forefathers and our fathers have gone away for a while and have left in our hands the work of their hands. It is worth saving; it is worth serving. Let us do so right now in humble imitation of their august example—pledge to the mighty work of our lives, our fortunes, and our sacred honors.

"Thou, too, sail on, O ship of state."

PERSONAL INCOME AND CORPORATION TAXES

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to print in the RECORD some remarks of my own concerning personal incorporation taxes.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ACKERMAN. Mr. Speaker and Members of the House, I present herewith statements showing the amounts of personal income and corporation taxes paid in the various States for the calendar year 1927, as contrasted with the year 1926. The percentage first referred to indicates the entire percentage of the State's proportion to the whole amount or 100 per cent received as income taxes by the Internal Revenue Bureau:

Alabama paid total personal and corporation tax for 1927 of $10,058,322, or 0.46 per cent, as compared with a total tax paid for 1926 of $8,934,017, or 0.41 per cent, an increase of $1,124,305 over 1926, or 12.58 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by seven States combined, as follows: Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Vermont.

Arizona paid total personal and corporation tax for 1927 of $1,681,763, or 0.08 per cent, as compared with a total tax paid for 1926 of $1,646,623, or 0.08 per cent, an increase of $35,140 over 1926, or 2.14 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by two States combined, as follows: New Mexico, and North Dakota.

Arkansas paid total personal and corporation tax for 1927 of $4,453,030, or 0.20 per cent, as compared with a total tax paid for 1926 of $5,166,830, or 0.24 per cent, a decrease of $713,800 under 1926, or 13.81 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by five states combined, as follows: Arizona, North Dakota, New Mexico, South Dakota, and Nevada.

California paid total personal and corporation tax for 1927 of $114,811,451, or 5.23 per cent, as compared with a total tax paid for 1926 of $108,090,054, or 4.98 per cent, an increase of $6,721,397 over 1926, or 6.22 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 22 States and Hawaii combined, as follows: Colorado, Rhode Island, Washington (including Alaska), Iowa, Alabama, Maine, Oregon, Nebraska, Hawaii, Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Colorado paid total personal and corporation tax for 1927 of $12,743,556, or 0.58 per cent, as compared with a total tax paid for 1926 of $12,257,773, or 0.56 per cent, an increase of $485,783 over 1926, or 3.96 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by eight States combined, as follows: Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Wyoming.

Connecticut paid total personal and corporation tax for 1927 of $33,065,855, or 1.51 per cent, as compared with a total tax paid for 1926 of $31,747,900, or 1.46 per cent, an increase of $1,317,955 over 1926, or 4.15 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 14 States combined, as follows: Nebraska, Arkansas, Utah, South Carolina, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Delaware paid total personal and corporation tax for 1927 of $15,740,594, or 0.72 per cent, as compared with a total tax paid for 1926 of $11,913,619, or 0.55 per cent, an increase of $3,826,975 over 1926, or 32.12 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by nine States combined, as follows: Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, and South Dakota.

Florida paid total personal and corporation tax for 1927 of $24,301,807, or 1.11 per cent, as compared with a total tax paid for 1926 of $46,678,668, or 2.15 per cent, a decrease of $22,376,861 under 1926, or 47.94 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by 12 States combined, as follows: Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Georgia paid total personal and corporation tax for 1927 of $12,923,299, or 0.59 per cent, as compared with a total tax paid for 1926 of $14,164,922, or 0.65 per cent, a decrease of $1,241,623 under 1926, or 8.77 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by eight States combined, as follows: Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Wyoming.

Idaho paid total personal and corporation tax for 1927 of $1,183,047, or 0.05 per cent, as compared with a total tax paid for 1926 of $1,443,435, or 0.07 per cent, a decrease of $260,388 under 1926, or 18.04 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by any one of the following States: North Dakota, New Mexico, South Dakota, and Nevada.

Illinois paid total personal and corporation tax for 1927 of $193,450,035, or 8.81 per cent, as compared with a total tax paid for 1926 of $192,101,247, or 8.84 per cent, an increase of $1,348,788 over 1926, or 0.70 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 27 States and Hawaii combined, as follows: North Carolina, Delaware, Kentucky, Louisiana, Tennessee, Georgia, Colorado, Washington (including Alaska), Iowa, Alabama, Maine, Oregon, Nebraska, Hawaii, Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Indiana paid total personal and corporation tax for 1927 of $28,580,494, or 1.30 per cent, as compared with a total tax paid for 1926 of $27,473,092, or 1.26 per cent, an increase of $1,107,402 over 1926, or 4.03 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 13 States combined, as follows: Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Iowa paid total personal and corporation tax for 1927 of $11,051,218, or 0.50 per cent, as compared with a total tax paid for 1926 of $11,829,421, or 0.54 per cent, a decrease of $778,203 under 1926, or 6.58 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by eight States combined, as follows: Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Kansas paid total personal and corporation tax for 1927 of $21,038,453, or 0.96 per cent, as compared with a total tax paid for 1926 of $17,639,395, or 0.81 per cent, an increase of $3,399,058 over 1926, or 19.27 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 11 States combined, as follows: South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Montana, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Kentucky paid total personal and corporation tax for 1927 of $15,349,107, or 0.70 per cent, as compared with a total tax paid for 1926 of $16,042,401, or 0.74 per cent, a decrease of $693,294 under 1926, or 4.32 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by nine States combined, as follows: Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, and South Dakota.

Louisiana paid total personal and corporation tax for 1927 of $14,125,076, or 0.64 per cent, as compared with a total tax paid for 1926 of $14,084,369, or 0.65 per cent, an increase of $40,707 over 1926, or 0.29 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by nine States combined, as follows: Mississippi, Wyoming, Vermont, Montana, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Maine paid total personal and corporation tax for 1927 of $8,234,150, or 0.38 per cent, as compared with a total tax paid for 1926 of $9,108,122, or 0.42 per cent, a decrease of $873,972 under 1926, or 9.60 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by seven States combined, as follows: Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Maryland (includes District of Columbia): Paid total personal and corporation tax for 1927 of $45,293,200, or 2.06 per cent, as compared with a total tax paid for 1926 of $44,548,154, or 2.05 per cent, an increase of $745,046 over 1926, or 1.67 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 15 States and Hawaii combined, as follows: Oregon, Nebraska, Hawaii, Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Massachusetts: Paid total personal and corporation tax for 1927 of $99,966,598, or 4.55 per cent, as compared with a total tax paid for 1926 of $104,080,261, or 4.79 per cent, a decrease of $4,113,663 under 1926, or 3.95 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by 20 States and Hawaii combined, as follows: Colorado, Washington (including Alaska), Iowa, Alabama, Maine, Oregon, Nebraska, Hawaii, Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Michigan: Paid total personal and corporation tax for 1927 of $130,426,190, or 5.94 per cent, as compared with a total tax paid for 1926 of $147,686,072, or 6.8 per cent, a decrease of $17,259,882 under 1926, or 11.68 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by 23 States and Hawaii combined, as follows: Tennessee, Georgia, Colorado, Rhode Island, Washington (including Alaska), Alabama, Maine, Oregon, Nebraska, Hawaii, Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Minnesota paid total personal and corporation tax for 1927 of $26,792,720, or 1.22 per cent, as compared with a total tax paid for 1926 of $29,270,106, or 1.35 per cent, a decrease of $2,477,386 under 1926, or 8.46 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by 13 States combined, as follows: Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Mississippi paid total personal and corporation tax for 1927 of $2,757,959, or 0.13 per cent, as compared with a total tax paid for 1926 of $3,569,983, or 0.16 per cent, a decrease of $812,024 under 1926, or 22.75 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by four States combined, as follows: North Dakota, New Mexico, South Dakota, and Nevada.

Missouri paid total personal and corporation tax for 1927 of $53,482,717, or 2.44 per cent, as compared with a total tax paid for 1926 of $56,660,140, or 2.61 per cent, a decrease of $3,177,423 under 1926, or 5.61 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by 16 States and Hawaii combined, as follows: Maine, Oregon, Nebraska, Hawaii, Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Montana paid total personal and corporation tax for 1927 of $2,400,309, or 0.11 per cent, as compared with a total tax paid for 1926 of $2,237,600, or 0.10 per cent, an increase of $162,709 over 1926, or 7.28 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by three States combined, as follows: North Dakota, New Mexico, and South Dakota.

Nebraska paid total personal and corporation tax for 1927 of $5,402,215, or 0.25 per cent, as compared with a total tax paid for 1926 of $6,242,163, or 0.29 per cent, a decrease of $839,948 under 1926, or 13.46 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by five States combined, as follows: Arizona, Idaho, North Dakota, New Mexico, and South Dakota.

Nevada paid total personal and corporation tax for 1927 of $553,911, or 0.02 per cent, as compared with a total tax paid for 1926 of $450,135, or 0.02 per cent, an increase of $103,776 over 1926, or 23.05 per cent increase over tax paid for 1926. Nevada paid less than any other State for 1927.

New Hempshire paid total personal and corporation tax for 1927 of $3,131,823, or 0.14 per cent, as compared with a total tax paid for 1926 of $3,017,115, or 0.14 per cent, an increase of $114,708 over 1926, or 3.80 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by four States combined, as follows: Idaho, New Mexico, South Dakota, and Nevada.

New Jersey paid total personal and corporation tax for 1927 of $81,126,528, or 3.70 per cent, as compared with a total tax paid for 1926 of $78,212,227, or 3.60 per cent, an increase of $2,914,301 over 1926, or 3.73 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 19 States and Hawaii combined, as follows: Kentucky, Alabama, Maine, Oregon, Nebraska, Hawaii, Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

New Mexico paid total personal and corporation tax for 1927 of $710,196, or 0.03 per cent, as compared with a total tax paid for 1926 of $616,073, or 0.03 per cent, an increase of $94,123 over 1926, or 15.28 per cent increase over tax paid for 1926. Paid more for 1927 than either of the following States: South Dakota and Nevada.

New York paid total personal and corporation tax for 1927 of $652,301,086, or 29.71 per cent, as compared with a total tax paid for 1926 of $618,415,054, or 28.47 per cent, an increase of $33,886,032 over 1926, or 5.48 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 40 States and Hawaii combined, as follows: California, Maryland (including District of Columbia), Texas, Wisconsin, Connecticut, Indiana, Minnesota, Florida, Oklahoma, Virginia, Kansas, North Carolina, Delaware, West Virginia, Kentucky, Louisiana, Tennessee, Georgia, Colorado, Rhode Island, Washington (including Alaska), Iowa, Alabama, Maine, Oregon, Nebraska, Hawaii, Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

North Carolina paid total personal and corporation tax for 1927 of $19,531,967, or 0.89 per cent, as compared with a total tax paid for 1926 of $19,100,611, or 0.88 per cent, an increase of $431,356 over 1926, or 2.26 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 11 States combined, as follows: South Carolina, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

North Dakota paid total personal and corporation tax for 1927 of $730,926, or 0.03 per cent, as compared with a total tax paid for 1926 of $826,252, or 0.04 per cent, a decrease of $95,326 under 1926, or 11.54 per cent decrease under tax paid for 1926. Paid more for 1927 than any one of the following States: New Mexico, South Dakota, and Nevada.

Ohio paid total personal and corporation tax for 1927 of $111,586,574, or 5.08 per cent, as compared with a total tax paid for 1926 of $119,800,019, or 5.52 per cent, a decrease of $8,213,445 under 1926, or 6.86 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by 21 States and Hawaii combined, as follows: Colorado, Rhode Island, Washington (including Alaska), Iowa, Alabama, Maine, Oregon, Nebraska, Hawaii, Arkansas, Utah, New Hampshire, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Oklahoma paid total personal and corporation tax for 1927 of $23,294,430, or 1.06 per cent, as compared with a total tax paid for 1926 of $20,407,278, or 0.94 per cent, an increase of $2,887,152 over 1926, or 14.15 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 12 States combined, as follows: Utah, South Carolina, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Oregon paid total personal and corporation tax for 1927 of $6,024,339, or 0.27 per cent, as compared with a total tax paid for 1926 of $6,264,825, or 0.29 per cent, a decrease of $240,486 under 1926, or 3.84 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by six States combined, as follows: Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Pennsylvania paid total personal and corporation tax for 1927 of $224,440,937, or 10.22 per cent, as compared with a total tax paid for 1926 of $213,418,955, or 9.83 per cent, an increase of $11,021,982 over 1926, or 5.16 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 29 States and Hawaii combined, as follows: Kansas, Delaware, West Virginia, Kentucky, Louisiana, Tennessee, Georgia, Colorado, Rhode Island, Washington (including Alaska), Iowa, Alabama, Maine, Oregon, Nebraska, Hawaii, Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming,

Vermont, Montana, Arizona, Idaho, North Dakota, South Dakota, Nevada, and New Mexico.

Rhode Island paid total personal and corporation tax for 1927 of $12,645,207, or 0.58 per cent, as compared with a total tax paid for 1926 of $14,827,361, or 0.68 per cent, a decrease of $2,182,154 under 1926, or 14.72 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by eight States combined, as follows: Wyoming, Vermont, Montana, Arizona, North Dakota, New Mexico, South Dakota, and Nevada.

South Carolina paid total personal and corporation tax for 1927 of $3,478,787, or 0.16 per cent, as compared with a total tax paid for 1926 of $3,917,000, or 0.18 per cent, a decrease of $438,213 under 1926, or 11.19 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by four States combined, as follows: Idaho, North Dakota, New Mexico, and South Dakota.

South Dakota paid total personal and corporation tax for 1927 of $676,318, or 0.03 per cent, as compared with a total tax paid for 1926 of $837,913, or 0.04 per cent, a decrease of $161,595 under 1926, or 19.28 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by one other State, namely, Nevada.

Tennessee paid total personal and corporation tax for 1927 of $13,619,203, or 0.62 per cent, as compared with a total tax paid for 1926 of $12,725,878, or 0.59 per cent, an increase of $893,325 over 1926, or 7.02 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by nine States combined, as follows: New Hampshire, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Texas paid total personal and corporation tax for 1927 of $44,391,136, or 2.02 per cent, as compared with a total tax paid for 1926 of $41,217,710, or 1.90 per cent, an increase of $3,173,426 over 1926, or 7.70 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 15 States and Hawaii combined, as follows: Maine, Hawaii, Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Utah paid total personal and corporation tax for 1927 of $3,830,992, or 0.17 per cent, as compared with a total tax paid for 1926 of $3,780,079, or 0.17 per cent, an increase of $50,913 over 1926, or 1.34 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by four States combined, as follows: Arizona, New Mexico, South Dakota, and Nevada.

Vermont paid total personal and corporation tax for 1927 of $2,498,203, or 0.11 per cent, as compared with a total tax paid for 1926 of $2,714,326, or 0.12 per cent, a decrease of $216,123 under 1926, or 7.96 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by three States combined, as follows: North Dakota, New Mexico, and South Dakota.

Virginia paid total personal and corporation tax for 1927 of $22,741,246, or 1.04 per cent, as compared with a total tax paid for 1926 of $19,614,622, or 0.90 per cent, an increase of $3,126,624 over 1926, or 15.94 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 12 States combined, as follows: South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Washington (includes Alaska) paid total personal and corporation tax for 1927 of $12,567,134, or 0.57 per cent as compared with a total tax paid for 1926 of $12,979,249, or 0.60 per cent, a decrease of $412,115 under 1926, or 3.18 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by eight States combined, as follows: Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, and South Dakota.

West Virginia paid total personal and corporation tax for 1927 of $15,420,533, or 0.70 per cent, as compared with a total tax paid for 1926 of $14,023,022, or 0.64 per cent, an increase of $1,397,511 over 1926, or 9.97 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by nine States combined, as follows: Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, and South Dakota.

Wisconsin paid total personal and corporation tax for 1927 of $42,928,673, or 1.96 per cent, as compared with a total tax paid for 1926 of $32,994,457, or 1.52 per cent, an increase of $9,934,216 over 1926, or 30.11 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 15 States and Hawaii combined, as follows: Oregon, Hawaii, Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Wyoming paid total personal and corporation tax for 1927 of $2,567,967, or 0.12 per cent, as compared with a total tax paid for 1926 of $1,514,846, or 0.07 per cent, an increase of $1,053,121 over 1926, or 69.52 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by three States combined, as follows: Idaho, New Mexico, and Nevada.

CONTESTED-ELECTION CASE OF CLARK AGAINST WHITE

Mr. COLTON. Mr. Speaker, I call up a privileged resolution from the Committee on Elections No. 1, on the contested-election case of W. H. Clark against Hays B. White, from the sixth congressional district of the State of Kansas, and ask for its immediate consideration.

The SPEAKER. The gentleman from Utah calls up a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 122

Resolved, That W. H. Clark was not elected a Representative in this Congress from the sixth congressional district of the State of Kansas and is not entitled to a seat herein.

Resolved, That Hays B. White was duly elected a Representative from the sixth congressional district of the State of Kansas and is entitled to retain his seat therein.

Mr. COLTON. Mr. Speaker, I shall take only a moment or two on this case. The committee does feel, however, that we should take this occasion, and every appropriate occasion, to serve notice on the public generally, and the members of the bar particularly, that these cases are considered upon their merits and upon the law and that political expediency does not enter into our deliberations.

The committee feels also that we should take this occasion to say that the fees in this case are allowed as we believe a fair and impartial judge would allow such fees for the actual services rendered. In this case, particularly on one side, there appears to have been very little work done, and yet a claim was submitted for more than the entire amount authorized by Congress. The committee has not allowed the amount that was claimed. We went over the matter carefully and allowed what we believed was a fair compensation for the work which was done; in fact, I believe it is a generous allowance, and yet it is less than one-half of the amount that was claimed. We expect to follow the practice of allowing a reasonable fee only, and that for service actually rendered.

Mr. CRISP. Will the gentleman yield?

Mr. COLTON. I yield.

Mr. CRISP. Is this a unanimous report from the committee?

Mr. COLTON. It is. The committee is unanimous in making its report and its finding in this case; and I now yield five minutes to the gentleman from Tennessee [Mr. ESLICK], the ranking minority member of the committee.

Mr. ESLICK. Mr. Speaker, I do not know that I can say anything that would add to the statement of the chairman of the committee, the gentleman from Utah [Mr. COLTON]. Simply the petition and the answer were filed in this case. Absolutely no proof was taken. The attorney for the contestant, W. H. Clark, came before the committee and frankly admitted that the contestant had lost his day in court.

The contestant did make some investigation over the district and had consultations with his attorneys, and for some unknown reason failed to prosecute the contest. Whatever the merits may have been, the committee heard nothing of the facts of the case.

We took up the question of fees and costs, as the chairman has said, just as an impartial judge would. This case was not viewed from the political standpoint, but in order that fairness might be done between the Government on the one hand and the contestant and the contestee on the other, both as to fees and expense account.

There was no difference of opinion between the individual members of the committee and after going over and carefully investigating the expense items and the labor performed by the attorneys, this report comes to the House as a unanimous report, both on the seating of Mr. WHITE and on the question of expenditures.

Mr. COLTON. Mr. Speaker, I move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the first part of the resolution.

The first part of the resolution was agreed to.

The SPEAKER. The question is on agreeing to the second part of the resolution.

The second part of the resolution was agreed to.

ASSISTANT CLERK TO THE COMMITTEE ON INVALID PENSIONS

Mr. MACGREGOR. Mr. Speaker, I call up a privileged report from the Committee on Accounts and ask for its immediate consideration.

The SPEAKER. The gentleman from New York calls up a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay out of the contingent fund of the House compensation at the rate of $1,800 per annum, payable monthly, for the services of a temporary assistant clerk to the Committee on Invalid

Pensions for the purpose of making the pending work of the committee current. Such employment shall terminate not later than November 1, 1928.

Mr. MACGREGOR. Mr. Speaker, I move the adoption of the resolution.

The resolution was agreed to.

OFFICE OF THE CLERK OF THE HOUSE

Mr. MACGREGOR. Mr. Speaker, I present another resolution.

The SPEAKER. The gentleman from New York presents a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That until otherwise provided by law the Clerk of the House be authorized and directed to pay from the contingent fund of the House annual compensation payable monthly as follows:

For the services of a clerk to the Committee on Expenditures in the Executive Departments, $2,880;

For the services of a janitor to the Committee on Expenditures in the Executive Departments, $1,200.

With the following committee amendment:

Strike out the figures "1,200" in line 8 and insert in lieu thereof the figures "1,110."

The committee amendment was agreed to.

The resolution was agreed to.

ERMA RUSSELL

Mr. MACGREGOR. Mr. Speaker, I present another resolution and ask for its immediate consideration.

The SPEAKER. The gentleman from New York presents a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That there shall be paid, out of the contingent fund of the House, to Erma Russell, granddaughter of Aaron Russell, late an employee of the House, an amount equal to six months of his compensation and an additional amount not exceeding $250 to defray the funeral expenses of the said Aaron Russell.

Mr. MACGREGOR. Mr. Speaker, with respect to the last resolution (H. Res. 104); I would like the privilege of extending my remarks. This employee was an employee of the House of Representatives for over 50 years, and I would like to make some remarks upon his service.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MACGREGOR. Mr. Speaker, Aaron Russell entered the service of this House as one of its employees on December 1, 1861, and with the exception of eight years, from 1911 to 1919, served continuously, a total service of 58 years. He died at the age of 87 years. It is testified by those who knew him that he was a man of splendid character and faithful in all things. Russell, upon a meager salary raised a large family and educated and fitted them for professional and other service. He was prominent in the work of his church, in which he was a devoted leader, and was active in civic affairs among colored people who esteemed him highly. During his long service here in the House he became well informed and his acquaintanceship embraced statesmen of the stirring days of the Civil War, of the reconstruction period, and of later years. Among his personal friends, who found in Russell a dependable and conscientious public servant, were Thaddeus Stevens, James G. Blaine, Thomas B. Reed, Samuel J. Randall, John G. Carlisle, Joseph G. Cannon, and many others. His particular friend and benefactor was the late Edward McPherson, prominent as a Member of the House and for many years Clerk of the House. In his office Aaron Russell was a clerk, having won successive promotions from his original position as a laborer. In the McPherson family, I am told, Russell was regarded with admiration and affection for his manly qualities.

To his children, Russell was a fine example of right living. They testify to his correct habits. For instance:

We never saw him in the house with his coat or collar off, or his hat on, and never knew him to smoke, whistle, or spit in the house. No matter how hard it might rain he always insisted that the boys black their shoes before going out. "You must start out right," was his rule.

From 1870 until his death Aaron Russell was a member of the Fifteenth Street Presbyterian Church, in this city. The members of that congregation attended his funeral, and the pastor, the Rev. Halley B. Taylor, D. D., delivered the following address, which is worthy of insertion in the RECORD:

When Joseph had caused his father, Jacob, to be brought down into the land of Egypt during the days of the great famine, recorded in the Book of Genesis, he led him into the presence of the then-reigning Pharaoh in order that the father might meet the monarch in whose sight he had found so great favor, and that the monarch might behold the father whose offspring had saved from death both himself and his people.

While they thus confronted each other Pharaoh, manifesting a kindly interest in the old man before him, asked the friendly question, "How old art thou?" And the patriarch, mindful of the everlasting covenant made by the Almighty with Abraham, Isaac, and himself, made answer in these significant words, "The days of the years of my pilgrimage are an hundred and thirty years." Jacob, in thus replying, enunciated a hope that is easily understood by us, but the universal applicability of the truth inferred too often escapes our serious consideration because of the insistent character of the demands made upon us by the conditions of modern life.

In speaking of the days of his pilgrimage he acknowledged himself a pilgrim. For 130 years he had been journeying. Changing times and scenes and conditions had convinced him that here he had no permanent dwelling place. He saw himself a traveling stranger with no hope of perfect rest until he had at last entered the blessed confines of the Land of Promise.

We, like Jacob, should bear in mind that we, one and all, are but pilgrims. That we have here no continuing city and that each dawning day finds us still strangers, ever passing through the world, revealing our real spiritual worth to our fellow travelers by our responses to the things that touch our lives and by our constant endeavor to bring forth as realities the dreams that stir our souls.

Thought of, then, in the light of the foregoing facts, what manner of man was this our departed brother, Aaron Russell, whose still form before us proclaims the end of his pilgrimage?

Mr. Aaron Russell during the days of his pilgrimage saw the coming and going of 87 years. For 67 years he was cheered on the way by the wife of his youth, who less than four months ago preceded him into the better world. To-day their children, responsible and respected members of society, unitedly lift their voices in grateful praise of him because of his unflagging faithfulness to his family. Men covet the plaudits of the multitude, the encomiums of the eloquent and the distinguishing marks of honor received at the hands of the mighty; but we believe that in the light of truth all such testimonials pale into insignificance when compared with the simple tribute, flowing from the hearts and lips of sons and daughters, testifying to the faithfulness of a parent who dealt kindly and lovingly with those in his power within the sacred precincts of his home, away from the sight of men.

These children reverently pay such a tribute to their father, and we would urge you who hear that as pilgrims you seek to cultivate the confidence and love of those nearest you in order that they may sing your praises when your day is done, even as these find pleasure in declaring the fidelity of their father, our brother, to his family.

Through another set of actions we get a glimpse of the real Aaron Russell and realize that to a most remarkable degree he was generous to his friends. There is a studied and ostentatious generosity often shown by men who evidently intend that it shall inure to their immediate benefit or serve to facilitate the progress of their plans in the future; but, in the generosity of our departed brother, no such ends could have been had in mind. While yet of a sound and alert mind, he called his son and ordered the production and destruction of all his personal papers that had to do with the material indebtedness of his friends to him in order that discomfiture might not befall them because of his departure. Certainly, this was a most remarkable demonstration of unalloyed generosity. As a pilgrim he set the example that teaches that in passing on our way we should strew the pathway over which our fellows must follow with the gladsome flowers of kindness instead of the pricking thorns of anguish. His decision harmonized with the petition, "Forgive us our debts as we forgive our debtors."

By the hasty judgment of casual friends Aaron Russell was characterized as pugnacious, but to the eyes of sympathetic friends his so-called pugnacity stood discovered as a fixed principle to stand firmly by his honest convictions. What seemed to have been a fault we must regard as a virtue. Instead of condemning him for his obstinacy we should pray God that all of us might be more determined to stand stubbornly by our hearts' convictions, yielding only to the clear voices of reason, justice, and truth.

If Americans would stand firmly by their convictions as to the undeniable meaning of our Constitution for which these Stars and Stripes stand instead of the existing turmoil, misery, and woe which afflict our land, we should see our country converted into a veritable paradise within the space of a year. May we so live that men may say of each of us that during the days of our pilgrimage we were ever willing to go down with the things in which we believed. We should praise our brother for his positive teaching of so salutary a lesson.

How did this pilgrim respond to the call to cooperate in rendering service with and for his fellowmen?

We are informed in the brief sketch of his life, as just read, that he entered the service of our Government in 1861, and that he served continuously, faithfully, and efficiently until his retirement a very short time ago. The very fact that he rendered cheerful service for three

score years without noteworthy advancement or hope of significant promotion reveals him as a man of rare parts. To look for a generation upon the procession of men moving from stations of inferiority to stations of superiority, and frequently helping them from posts below to posts above him, and to realize that the accident of color was the effective barrier against his own advancement, notwithstanding his merit and efficiency, and continue to render cheerful service, must convince us that this man was a prince in the midst of his nominal superiors if patient endurance be accounted a virtue.

In our scramble to pay homage to men made great by men we often thoughtlessly trample upon men made great by God. I personally believe that there is not a village or hamlet that has not this year laid away among its dead a man who, according to his real merit in the sight of God, was worth more than the most widely known political potentate in our public life. So do we believe that this pilgrim was one of nature's noblemen and that in enduring patiently and loyally such conditions as would have provoked others to rebellion he evinced a spirit that well might rebuke the impatient and ennoble, through genuine humility, the proud.

The most important thing that we can say on this occasion with reference to pilgrim Aaron Russell is that, like Jacob of old, he knew the God of his fathers and for nearly 50 years tried to follow His Son Jesus Christ. For nearly a half century he was a member of the Fifteenth Street Presbyterian Church and for many years served efficiently in official capacity. Because of physical disabilities he had not been able to take an active part in the work of the church since my arrival upon the field, but his abiding interest in the church and its affairs manifested itself upon our meeting together in his home. Here in this room we have often lifted up our voices together in prayer. When his weakened physical condition compelled him to deny himself the company of his friends, upon the advice of his physician, he had it distinctly understood that the restriction must not apply to his minister. As a pilgrim he invited and welcomed such assistance as his minister could render in helping him to follow his Guide, even Jesus Christ, who Himself had traveled every step of the way through this strange country.

How unwise we should be to proceed farther with breathless uncertainty on our journey, to go gropingly into the midst of the imminent dangers that each new hour disposes about our pathway; to risk plunging into the chasm of unutterable disaster along the brink of which we ignorantly walk; to jeopardize, by an ill-timed step, both our temporal well-being and our eternal happiness, when stretched out toward us is the hand of the infinite God who guarantees us safe conduct if we are but willing to acknowledge our own need and accept His proffered aid. May we wisely own that we are pilgrims, and trust in the guidance of Him who sent us forth upon our journey and who will lead us safely through life, through death, and into the land of promise without the loss of a single faithful follower.

His pilgrimage is over. He was faithful to his family; generous in dealing with his friends; firm in his convictions; faithful and patient in his duties; and loyal to his church and to the cause of His Lord, the Christ. Our pilgrimage is yet to end. May we bless our fellow men through following our Lord and Savior Jesus Christ, and enter at last into our eternal home, the fatherland of our souls.

I will also insert the address made by the present Clerk of the House, William Tyler Page, who knew Aaron Russell for nearly a half century, and whose testimony as to his character and worth should be made a matter of public record, as follows:

To the eloquent words just uttered I feel I can add little or nothing in the way of eulogy, but I do feel that I must lay my tribute of affection and esteem at the feet of our brother who lies here.

I wish, Doctor Taylor, that the words you have spoken so eloquently and so truly could be incorporated in the official document, the CONGRESSIONAL RECORD, for it was in the House of Congress that this man served the greater part of his mortal life. Few remain who knew him, none remain who knew him better than I, and none loved or respected him more than I for his real worth as a man.

Forty-six years ago on the 19th of this month I entered the office of the Clerk of the House of Representatives as a mere boy, and the first to take my hand in a helpful spirit and to become my guide and mentor was he whose mortal remains lie here.

Yes; I am proud to say that he and I were fast and warm friends. I am grateful for the life and friendship of my friend Aaron Russell. He was a man in every sense of the word. A man of strong principles, religious and political beliefs, which he would never compromise.

I feel a sense of personal loss, and if it were not that I entertain, as did he, those same fundamental convictions, based upon what we call our religion, I should be as St. Paul said—without hope. But I regard this beautiful life that has ceased its pilgrimage here and has continued its pilgrimage in the life beyond as a wonderful example to all of us. An example of strong character, an example of correct living, an example of unswerving attachment to things that have been proven to be right, and, about all, an example of that perfect life which he tried throughout his existence to emulate; for Aaron Russell was a Christian gentleman if there ever was one, and he never forgot it, and he never hesitated to proclaim it by word and example.

I have served with him in the Capitol as a subordinate, as an equal, and as a superior, and I have always found him the same—true to his ideals, unswerving in his beliefs, and of undoubted rectitude of character. And I want to say to you that you could not find a man whose character furnished a better example.

Now, friends, I can not say more; it would be superfluous; but what I say comes from a heart that is grateful for having known and served with Aaron Russell, and I look upon him now as having just begun a better pilgrimage to that house of many mansions, where he will be greeted with those words, "Well done, good and faithful servant; enter thou into the joy of thy Lord."

We call it death, but He Who went before opened the tomb and made it a gate to eternal life. We look no more upon a closed tomb. He who brought life to us is on the other side of the vale to welcome this pilgrim. So to-day I suppress those natural feelings which come into the breast of a true friend and rejoice that this life has entered into the life eternal, and say in the words of St. Paul, fourteenth chapter, First Corinthians: "Therefore, my beloved brethren, be ye steadfast, as this man was steadfast, unmovable as this man was unmovable, always abounding in the work of the Lord, for as much as ye know that your labor is not in vain in the Lord."

EXTENSION OF REMARKS

Mr. SANDERS of Texas. Mr. Speaker, I ask unanimous consent to print in the RECORD an article appearing in the Dallas News on farm relief legislation.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD by printing an article printed in the Dallas News. Is there objection?

Mr. UNDERHILL. I object.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. SIMMONS. Mr. Speaker, I move the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11133, the District of Columbia appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. HOOPER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes.

The CHAIRMAN. Under the special order the gentleman from Pennsylvania [Mr. CASEY] has two hours and the gentleman from Nebraska 30 minutes.

Mr. CASEY. Mr. Chairman, I yield 30 minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, a few days ago, to be exact on the 17th of February, I took occasion on the floor of the House to make a few comments on the significance of the so-called McMaster resolution which was adopted by the Senate of the United States by an overwhelming vote on the 16th of January.

I took occasion at that time to call the attention of the House—and it seems to have attracted some attention outside of the House, particularly from some Members of the House and their constituents, to the apparent great conflict of opinion existing between the representatives of a group of Northwestern States in another body, and their representatives on this floor as registered by their vote on the parliamentary question that came up, tending to show that the representatives on the floor did not agree in the opinion as reflected by the representatives of those States in the Senate of the United States.

Now, gentlemen, that is an important question in this country, in my opinion, and I want to preface my remarks by saying that what I have to say on this issue is without any intention of causing any political trouble to my Republican associates on the floor; but it is an issue of grave importance to the agricultural and business interests of the people of this entire country, especially those who have been clamoring here at the doors of Congress for many years for some relief to agriculture.

My good friend, one of the Representatives from South Dakota [Mr. JOHNSON]—and I am glad that he is here—on the day following my speech arose and undertook to excuse or to explain the votes of his associates from his State and from the other States who voted upon that question directly opposed to the vote of their representatives in another body—

by saying it was merely a formal vote and had no real economic or political significance.

But I respectfully submit, gentlemen, that that is not the case. That Senate resolution came to this body freighted with profound political and economic significance. It had been discussed for many days in the Senate of the United States, and the representatives of those great Northwestern States were appealing to their colleagues to pass a resolution expressing their opinion upon this grave economic question of farm relief.

They were not indulging in a mere waste of time, a mere legislative gesture. I have no doubt the consciousness of the grave position of agriculture in their section of the country as reflected by bank failures and the foreclosure of mortgages and undertaking to find some solution of the question working adversely to their interests, those Senators conceived that one thing working against agriculture was the excessive tariff in the present schedules, forcing them to buy in a protected market a great number of things they have to consume and selling their commodities in the open markets of the world. And they registered that opinion in the solemn record of the Senate before the people of this country, and recognizing as they did the constitutional limitation of their power that all bills controlling revenue must originate in the House of Representatives, they deliberately placed in the last article of that resolution a request that that Senate resolution be respectfully referred to the House of Representatives.

For what purpose? Just to come over here and lie on the table in front of the Speaker, a mere formal gesture, or was it their intention that it should have some force and effect as their solemn opinion upon their own Representatives in this body toward the agricultural interests which they represented? That resolution asked that those excessive industrial schedules be revised downward and at this session of Congress.

The minority leader, Mr. GARRETT of Tennessee, moved to refer that Senate resolution to the only place on earth where the wish of the Senate of the United States could have any hope of being carried into effect, to the Committee on Ways and Means, the committee that must originate tariff legislation and that has the power to repeal the excessive rates they were declaring against. The point of order was made by the Republican leader, the gentleman from Connecticut [Mr. TILSON] and the Speaker sustained the point of order. It is my humble opinion, as the gentleman from Texas [Mr. GARNER] said on that occasion, that that was a decision without parliamentary philosophy to back it. I believed then and I believe now that this House has a right to control the disposition of any paper that may come before it, whether from the Senate or anywhere else, and that the motion of the gentleman from Tennessee was a proper motion, upon which the expression of this House should be obtained.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. JOHNSON of South Dakota. I have the greatest respect for the gentleman from Alabama——

Mr. BANKHEAD. And that feeling is entirely mutual.

Mr. JOHNSON of South Dakota. I served with the gentleman on the Rules Committee. I do not desire to embarrass him——

Mr. BANKHEAD. Oh, the gentleman is not going to embarrass me, I assure him.

Mr. JOHNSON of South Dakota. Would the gentleman, if he had been in the chair, have ruled differently from what the Speaker ruled on that occasion?

Mr. BANKHEAD. I certainly would have.

Mr. JOHNSON of South Dakota. That is where we differ—purely on the ruling.

Mr. BANKHEAD. Otherwise I should never have made the statement which preceded the gentleman's inquiry. The gentleman from Connecticut [Mr. TILSON] moved to lay on the table the appeal from the decision of the Speaker, and then our friends on the Republican side began to squirm a bit, I have no doubt. They say that it had no economic or legislative significance, but it was loaded to the guards with that very thing, for the reason that if you had voted with your representatives in another body on that question you would have sent this resolution to the Committee on Ways and Means, and then those who think as they thought about the necessity for revising some of these excessive schedules would at least have had an opportunity to have gone before that committee, controlled by the Republican Party, and have said, "Here is a solemn prayer and petition from a great group of men in the Republican Party, representing, as they do, a great agricultural section of the country." And you would have had the opportunity at least to express your views as to whether those schedules should be revised. But you wanted to take the shortest cut and get out from under this responsibility. You wanted to say, "We will follow the party organization; we think the Speaker is sound in his ruling, and we side-step this whole proposition by sustaining the ruling of the Chair."

Mr. HERSEY. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. HERSEY. The men in the West, through their representatives in the Senate, if they really believed in a revision of the tariff schedules, could have gone to the Committee on Ways and Means by a bill or petition, without coming in this irregular way, could we not?

Mr. BANKHEAD. I think that would have been a much more circuitous and unjustified policy than by direct expression of opinion which they indulged in. They took the short cut, and those who voted to keep it away from the Committee on Ways and Means in this House took a roundabout way to chloroform and kill it.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. JOHNSON of South Dakota. Are there any tariff bills now before the Committee on Ways and Means?

Mr. BANKHEAD. Yes.

Mr. JOHNSON of South Dakota. Has the gentleman appeared before that committee in an effort to get any of them out of the committee?

Mr. BANKHEAD. No; of course I have not; but the gentleman from Kansas [Mr. AYRES], a Democrat, has a bill pending before the Committee on Ways and Means, and I call the attention of the western Representatives on the Republican side of the House to the proposal of that bill. It proposes to reduce the present excessive schedules on a great many of the industrial items the farmer has to buy, which the farmer now holds are excessive, and at the same time proposes an increase in the tariff on some or a great many of the articles of agricultural production that you western Representatives say are not now properly protected; so that you have an opportunity, if you desire, to use that as the basis of legislation along the lines of tariff relief which you profess to desire to accomplish at this session of Congress.

Mr. OLDFIELD. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. OLDFIELD. In order to keep the record straight, I think the gentleman from Alabama should know, and also the gentleman from South Dakota [Mr. JOHNSON], that the Republican membership of the Committee on Ways and Means has already decided, and has decided two or three times, not to have even any discussion of tariff legislation at this session of Congress or any hearing.

Mr. BANKHEAD. I have no doubt that is a correct statement, because I do not hear it denied by the distinguished chairman of that committee, the gentleman from Iowa [Mr. GREEN], who is present and who heard it.

Mr. GREEN of Iowa. Oh, the gentleman is mistaken. I did not hear the statement.

Mr. OLDFIELD. I made the statement that the Committee on Ways and Means of the House, controlled by the Republican Party, 15 Republican members and 10 Democratic members, has already decided that they would have no hearings on the tariff question or open it up in any way.

Mr. GREEN of Iowa. I do not know how the gentleman knows that.

Mr. OLDFIELD. Because I was there when the committee voted on it.

Mr. GREEN of Iowa. Oh, I challenge the statement of the gentleman and appeal to the record.

Mr. OLDFIELD. Oh, yes. The committee voted two or three times on that proposition.

Mr. GREEN of Iowa. Oh, no.

Mr. OLDFIELD. Do you intend to have any hearings on the tariff question or open up the tariff question at this session of Congress?

Mr. GREEN of Iowa. I will answer that question at the proper time.

Mr. OLDFIELD. And now is the proper time.

Mr. GREEN of Iowa. The gentleman should not make the statement that he has made.

Mr. OLDFIELD. I say that that statement is correct. Do you deny it?

Mr. GREEN of Iowa. The record will not show that, the record of the Committee on Ways and Means.

Mr. OLDFIELD. Do you deny now that you are not going to do it?

Mr. BANKHEAD. The gentleman does not deny it.

Mr. JOHNSON of South Dakota. I would like to ask the gentleman one question. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. JOHNSON of South Dakota. Would the sending of the McMaster resolution to the Committee on Ways and Means have changed the situation in the slightest degree in relation to the tariff, or any action upon it?

Mr. BANKHEAD. Well, my friend well knows that the only way for you gentlemen to get any tariff relief, if you want any—and I do not know whether the gentleman from South Dakota wants any or not——

Mr. JOHNSON of South Dakota. The gentleman wants agricultural relief without doubt.

Mr. BANKHEAD. Very well. I was just coming to that.

Mr. JOHNSON of South Dakota. Will the gentleman answer that one question?

Mr. BANKHEAD. Yes; and I will go on to answer the gentleman's other remarks, and I am glad of the opportunity. The gentleman has been here a number of years, and he knows that the only way in the world to get agricultural relief by a tariff bill is through legislation coming from the Committee on Ways and Means; and although the gentleman was not here to vote on it the other day, his party voted to keep away any effort to revise the tariff, when the resolution came up, and if he and they had not done that they could secure it.

Mr. JOHNSON of South Dakota. If we can get enough votes on the Democratic side of the House for the McNary-Haugen bill I think we can get relief.

Mr. BANKHEAD. Now, so far we have no McNary-Haugen bill. The gentleman from South Dakota in a speech made a few days ago said, "We are going to wait a little longer and see if we can at this session of Congress secure the enactment of the McNary-Haugen bill, and if we can not do that—and the gentleman in saying that was reflecting the views of many Members on the Republican side and many Members on the Democratic side——

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BANKHEAD. May I have 10 additional minutes?

Mr. CASEY. I yield to the gentleman 10 additional minutes.

The CHAIRMAN. The gentleman is recognized for 10 additional minutes.

Mr. BANKHEAD. Then they say, "If we can not get a vote on the McNary-Haugen bill we will join with the Republican Senators from the northwest section of the country, and with the Democrats who believe in tariff revision, and try to see whether, through that instrumentality, we can not get some agricultural relief.

Now, gentlemen, the time has now come to "talk turkey," to use a colloquial expression, on agricultural and farm relief. The Committee on Agriculture has been holding hearings every year on the McNary-Haugen bill for five or six years past. That bill was passed by the last Congress and vetoed by the President of the United States. Reams and stacks and volumes of testimony were taken concerning all phases of the question of agricultural relief before the Committee on Agriculture. I dare say not one visible phase of it, of any agricultural or economic significance was omitted in the investigation and exploitation of the subject in all its angles before that committee. What the farmers of this country want, if we are to get anything, is to get some definite action on that bill. Now, will some representative of the Committee on Agriculture, and of the party in power give us to-day some assurance of what is to be done on that question and as to what character of bill is to be brought out?

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield there?

Mr. BANKHEAD. No. The gentleman is not on that committee. I want some one to speak on the question with authority.

Mr. JOHNSON of South Dakota. I will ask the gentleman what he will do as to voting on that bill if they did report it?

Mr. BANKHEAD. I will vote for it. I voted for it before. The gentleman and his colleagues ought to bring it forward and give us an opportunity to vote on it. [Applause.] You ought to bring it in and let us have a vote on it. The time is passing. It is now nearly the 1st of March, and only two or three months more of this session remain. You ought to decide the question whether you want that bill voted on or take your chances in some other way. There was a great soliloquy in one of Shakespeare's great tragedies, Hamlet. It starts out with—

To be or not to be, that is the question.

Now, on this legislative proposition it seems that something else has occurred in the way of a soliloquy, and that is "to fee or not to fee, that is the question"; whether you are going to bring in a bill with the equalization fee in it or not. That is not yet been determined.

But, gentlemen, I say in all seriousness and in all candor that the agricultural interests of this country are entitled speedily to a report, and are entitled now to a report, from that committee. But you are not going to secure the passage of the McNary-Haugen bill at this session. No one who is candid with himself on that proposition can hope to secure that result so long as President Coolidge entertains his present views on the McNary-Haugen bill in its present form.

Why do not you recognize that situation and bring a tariff bill in here and put it upon issue and do something with it? I say it is the duty of the Republican organization in this House that they should meet and determine by a majority of this House to take up seriously the question of a real revision of the tariff in this country, which your own farmers now recognize and so many of your own Senators now recognize is working a great hardship on the agricultural interests of this country.

You say this question is causing some trouble. I do not know what the gentleman's trouble is out in that western country, whether it is economic or political, but it seems to be a matter that is now generally discussed in that section of the country and will be discussed more and more as time goes on, and those people out there and the agricultural people elsewhere have long realized that the excessive tariff on the things the farmer must consume works hurt to him and disadvantage.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Certainly.

Mr. KETCHAM. Of course, I am not assuming to speak for the Committee on Agriculture, but I want to assure the gentleman that the hearings this year are very exceptional in their character, and they are expected to be concluded very shortly. The present delay is for the purpose of allowing the proponents of the McNary-Haugen bill to be heard. I think I can assure the gentleman, while I do not speak authoritatively for the committee, that within the shortest possible time an agricultural bill in some form will be before the House for consideration.

Mr. BANKHEAD. Can the gentleman give us the assurance that it will be in substance the McNary-Haugen bill as reported and voted upon at the last session of Congress, including the equalization fee in it?

Mr. KETCHAM. I can not give the gentleman that assurance, but I can say that the hearings are exceptional and if the gentleman will do the committee the honor of reading those hearings he will find, even as astute a student of agricultural problems as he is, some fine information that has not appeared in other hearings.

Mr. BANKHEAD. May I ask the gentleman whether he himself is in favor of the McNary-Haugen bill with the equalization fee?

Mr. KETCHAM. I will say very directly and emphatically that I am not. I would regard it as an absolutely futile gesture to present that bill to the President of the United States with his known objections to it. I further submit that it seems to me it is the idlest sort of a gesture for you to carry on that idea with the notion that you are going to fool the farmers into the idea that you are the real friends of farm relief if you pursue that course.

Mr. BANKHEAD. There are a good many men on your side who seem to stand by the theory of making that gesture and undertaking to fool the farmers.

Mr. KETCHAM. If that shall be the majority opinion of the committee I am entirely agreeable to their having the utmost opportunity and I shall not interpose any objection except by my vote against it.

Mr. BANKHEAD. Mr. Chairman, I yield back the remainder of my time. [Applause.]

Mr. CASEY. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen of the committee, I wish to thank the gentleman from Pennsylvania [Mr. CASEY] for extending me 10 minutes in which to discuss a matter of considerable importance not only to my constituents but, I believe, of importance to the people of this country.

Ordinarily I would not rise to discuss this subject, for the reason that I have discussed it frequently before, and I crave the indulgence of the Members assembled here to-day for imposing upon them for a few minutes, because it might be regarded as an imposition in view of the fact that I have, ever

since I came to Congress, been accorded the honor on the 8th of January yearly of speaking in regard to the importance of the Battle of New Orleans. Of course, the 8th was on Sunday this year. Congress was not in session, and no one from any of the States that are particularly interested in the significance of that victory could speak of the imperishable glory won by Jackson and the wonderful results that flowed from the success of American arms on that battle field.

On that day, my friends, I was in New Orleans and had the honor of speaking, at the request of the United Daughters of 1776 and 1812, in probably one of the most historic squares on the American Continent. It is Jackson Square in the city of New Orleans. On the north and south sides that square is flanked by buildings that are known to lovers of art from one end of this country to the other, from ocean to ocean, and from the Great Lakes to the Mexican sea, as it has been felicitously termed. On the west side of that square is a cathedral, the replica of the chapel at Versailles erected by order of Louis XIV. Over the main altar is Louis IX announcing the seventh crusade. It is said to be one of the finest paintings in America. In that cathedral services were held commemorating and celebrating with appropriate musical and ecclesiastical ceremonies the success of American arms on the fields of Chalmette. On one side of the cathedral is the celebrated Cabildo, in which was consummated the Louisiana Purchase, the greatest land transaction in the history of the world. On the other side is the replica of the Cabildo, known as the bishopric. As I said, ladies and gentlemen in the galleries and my fellow Members, that square is probably one of the most historic squares on the American Continent. One feels, when he is standing in that hallowed spot, that the words, "Take off your sandals; you stand on holy ground," would be entirely applicable. In that square is one of the three great equestrian statues erected to the memory of Andrew Jackson. The work is that of the celebrated sculptor, Clark Mills. One is at Nashville, one is at New Orleans, and one is here in Jackson Square, opposite the White House.

I am speaking, as I said before, my friends, at the request of the United Daughters of 1776 and 1812, because on the day I spoke they asked me if I would not communicate the fact that they, the daughters, held this great meeting in that hallowed spot, in that wonderful square, among those historic surroundings, and ask the Members of Congress to pass a bill which I have pressed here since I first had the honor of coming to Congress.

That battle field, my friends, belongs to the National Government. On it is erected a monument which cost $25,000 years and years ago. As the result of a provision in the old act whereby the custody, care, and control of the grounds and the monument were given to the United Daughters of 1776 and 1812, the Federal Government has been prohibited from doing anything in regard to that monument or the grounds on which it stands.

I speak occasionally upon this subject, my friends, in a feeling way, because I was born and reared right adjoining that battle field.

When I think of its desolate condition, when I look upon the fact that one of the most important spots in the United States of America is neglected and that Americans who journey down there from all parts of the United States bow their heads in shame and express that sorrow at the neglect of the Federal Government with respect to this battle field, I feel I ought to come before the Members of this House and ask them to write either me or the chairman of the Committee on Military Affairs asking for the passage of the bill which I have introduced, and which I hope will become a law, and which will permit the Federal Government to take control of this battle field and with a small expenditure put it in such a condition that it will not be a disgrace to the American people.

I believe, my friends, in maintaining a proper reverence for the landmarks of America, for its great institutions, and for its great battle fields. [Applause.]

This battle, in my judgment—and I do not think this has been seriously controverted by any people who have studied history—determined that the Louisiana Purchase should be a part of the United States of America. It is true that Jefferson purchased the Louisiana Territory from France for the sum of $15,000,000. This is a matter of history, but everyone knows who has looked into the record of the whole transaction that Spain conveyed to France by a secret treaty the Louisiana Territory and that act was ultra vires of the powers of the ambassadors or commissioners of Spain and was denounced by England and Spain as a legal fraud.

France conveyed no better title to the United States of America than it had received from Spain, and when Pakenham landed down below New Orleans it was for the purpose of recovering territory that belonged to the ally of England—Spain—and if this had been done the Spanish flag would be floating west of the Mississippi River to-day or that territory would be another Canada, and the United States of America would be confined to the territory lying between the Mississippi River and the Atlantic Ocean and the Lakes and the Florida parishes, which was transferred to England in 1763, one year after France had transferred the Louisiana west of the Mississippi River to Spain.

But aside from the wonderful importance of the battle from this standpoint, my friends, I want to say to you that the great victory of Jackson on Chalmette Plains was of incalculable value from another standpoint. The War of 1812 was the greatest tragedy the American people ever had to face. Vicissitude after vicissitude, disaster after disaster, befell our arms, and I am not mentioning it with any gratification, I mention it reluctantly and only for the purpose of driving home the everlasting truth that a house divided against itself can not stand [applause], and in order for the people of our country to be successful in peace and in war there must be no sectionalism, they must be arm to arm, heel to heel, and shoulder to shoulder. You know that during the War of 1812 the Hartford Convention sprung into existence and New England was threatening to secede. They were not in favor of the war, and as a consequence the British forces landed and the American troops fled ignominiously before them. The Capitol was burned and the school children of America were crying in the streets of the cities, villages, and hamlets over the disgrace that had befallen their country. There was no united effort to repel the foe. There was that division, that schism, that discontent, that will always make for disaster and the breaking down of the morale of the people, and America would have emerged from that war with nothing to boast, except for the outcome of this great battle.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. CASEY. Mr. Chairman, I yield five additional minutes to the gentleman from Louisiana.

Mr. O'CONNOR of Louisiana. The value or one of the great values to be attached to this battle was that it revived the broken morale of the American people. It restored confidence in the attitude that they were able, when united and standing heel to heel and shoulder to shoulder and heart to heart, to beat any foe that might ever invade the American continent, and Kentuckians and Tennesseeans and Mississippians and Louisianians, with one common purpose in view, and that was to control the Mississippi River and repel the foe, went down to New Orleans under the invincible Jackson and the veterans of the peninsular wars went down as if stricken by a hurricane, and the men who afterwards took part in the Battle of Waterloo were routed horse, foot, and dragoons.

Mr. RANKIN. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. Yes.

Mr. RANKIN. That battle also created more respect for the American flag among foreign nations than any battle that was ever fought on American soil.

Mr. O'CONNOR of Louisiana. I am glad to receive that statement.

Mr. RANKIN. And it was the first battle and the outstanding battle that raised the United States to the position of a world power.

Mr. O'CONNOR of Louisiana. Unquestionably.

As I said before, Mr. Chairman and gentlemen, we were broken, broken in spirit, broken in heart, and everyone believed that the States were going to disintegrate and go back to the protection of the mother country or that we would have a country made up of New England, a country made up of the Southern States, and that beyond the Mississippi would be a new country entirely made up by Americans who had crossed the Mississippi River and were not contented with conditions that obtained or they would have cemented an alliance with Spain or England.

You heard Washington's address read here on yesterday, in which he assured the people of American blood along the Mississippi River that by treaties with Spain and England that there probably would be no reason for discontent in the future.

Mr. BOWMAN. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. I yield.

Mr. BOWMAN. What, if anything, has been done to preserve and maintain this battle field?

Mr. O'CONNOR of Louisiana. Nothing. I want to touch briefly upon that, and I am glad the gentleman has asked the question.

In 1907 Congress authorized the completion of this monument at a cost of $25,000. There are monuments in cemeteries

all over the United States far more pretentious and far more deserving to be called monuments than this little modest affair on the battle field where Jackson's headquarters were. But a provision was inserted in the act whereby the custody and care and control of the battle field was given to the United Daughters of 1776 and 1812.

My friends, the people of the Southern States are not overrich. All we have are our memories and our prestige that have sprung from a service devoted to our States, to our God, and to our people. Of course, this organization took it over very proudly, hoping they would be able to accomplish the purpose, but they can not, and they have now authorized me to ask the Federal Government to take care of its own property. They can not carry on, though they have heroically tried to do so. This will not be a great expense, and in my judgment, gentlemen, it will not only be a patriotic act but it will be an act of decency because, as the battle field is to-day, it is a reflection upon the patriotism of the American people.

Why, it signifies that they are willing to forget the influence of these great battle fields in the history of America, that they are not mindful of the wonders accomplished and the tremendous results that flowed from that great battle.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. I will.

Mr. GREEN of Florida. Inasmuch as the strong arm of the Government goes out to preserve these monuments and their proper dedication on the battle fields throughout the United States, does the gentleman believe that the people of New Orleans should be compelled through civic organizations to perpetuate this battle field?

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. O'CONNOR of Louisiana. I do not want to occupy any more time. I have carried out the commission at the request of these good ladies. I was reluctant to comply with their request because I have spoken so frequently on this subject, but I am glad I have done so. May I ask permission to extend my remarks in the RECORD by including an article written by Mr. Clifford Raymond in the Liberty Magazine, which contains probably the best account that I have read up to this time of the Battle of New Orleans? Its leading title should be "Lest we forget." It is strong medicine in some respects, but nations, like individuals, need strong medicine. It should keep us in mind forever of the great national truth, "In union there is strength"—that a house divided against itself can not stand.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

JACKSON AT NEW ORLEANS—THE STORY OF A CAMPAIGN THAT SAVED THE WEST

By Clifford Raymond

The fourth battle to keep New Orleans out of British hands was fought January 8, 1815. It was decisive, almost obliterating the British, and is celebrated now as Jackson Day.

The first one, fought December 23, 1814, was a night attack by the Americans on the British advance regiments which had landed from small boats off Lake Borgne, taking the defenders of the city by surprise. This was on plantation lands along the Mississippi, 7 miles below the city to the southeast—lands skirted by cypress swamps and marshes.

The night fight was a confused affair, with friends mistaken for enemies and enemies for friends. The British kept the field. The second meeting had been a grand reconnaissance by the British to test the American line. The third had been an artillery duel, with the infantry of the two armies as spectators. The British artillerymen were outshot and driven from their guns.

British officers, experienced in America—such as those who had met Joshua Barney's artillery at Bladensburg, Md., a few months before—were prepared for that, but the soldiers more recently come from the Napoleonic wars were not. It was inexplicable that American artillery could outshoot British guns.

Bladensburg had been the capsheaf of national disgrace. Only Barney's sailor-manned artillery relieved the incompetence and panic. New Orleans later was an astonishing victory. There was some difference in the quality of American troops engaged, but most of the difference was in one man—Andrew Jackson.

The United States was down to the dregs of the cup of humiliation when the New Orleans campaign began. Its credit was gone. Its specie was gone. It was dissolving. The New England States had definitely withdrawn their militia from Federal service.

Massachusetts and Rhode Island were negotiating what was virtually a treaty of defense and alliance, as if one were Mexico and the other Guatemala. The Hartford Convention had begun, and it was, without much cover, an assemblage of secessionists.

Massachusetts was bustling with few factories, and, in spite of its closed ports, it and the other New England States had all the hard money in the country. Elsewhere the large banks were broke.

James Monroe, Secretary of State, had to pledge his personal credit to get a nickel for the Government. He was always flat himself, but his credit was better than that of the United States. In 1814 $40,000,000 was needed. Congress dared authorize an issue of only $25,000,000 in bonds and the Treasury dared offer only $10,000,000, of which $9,000,000 was jobbed out at 88 per cent of its face value.

New England would not buy bonds. It had the largest and best-equipped militia (80,000), but would not allow it to be used by the United States; and it was spending its specie to discount British drafts for enemy army paymasters; and it was getting the hard money back by selling supplies to the British commissary.

New England and upper New York subsisted the enemy army in Canada for its attacks from the north, driving cattle across the boundary and hauling in forage, grains, and mess supplies.

Sir George Prevost, the British commander, wrote his home office that his army was fed by the Yankee supplies.

Sedition, secession, disgrace, and dishonor had been pyramided upon the fragile Republic in sectional rivalries and partisan ignominies until union was a mockery and national stability was a comedy.

The Union was so nearly done for that the most radical secessionists in Massachusetts waited only for the capture of New Orleans to make it a fact. Then John Cabot would be President of New England. For every New England man who died under Brown, Scott, Macomb, Perry, and MacDonough, 10 fractious theorists, profit seekers, and blind partisans did work in the rear which made that sacrifice futile.

Madison was sick with anxiety. The city of Washington was taken, the public buildings were burned, the President of the United States was a fugitive in the Virginia woods, and his wife, fleeing in a coach, was subjected to the insults, profanity, and obscenity of a panic-stricken rabble crowding the roads from the city they hadn't the courage to defend.

The cup was about drained, and New England secessionists watched with unmistakable satisfaction the failure of the war and the possible dissolution of the Union. Fully half of New England was loyal, but the other half seemed to have the upper hand.

There was a Unionist in the White House some 18 years later who was ready to hang John Calhoun for secession threats in South Carolina over the tariff. That President was Andrew Jackson, who at New Orleans had not been able to get muskets for all his soldiers, so badly had sedition and disunion broken the power and credit of his Government in war.

If the meaning of the sentiment in the flagstaff of this magazine needs explanation, it may be found in circumstances of its authorship.

Stephen Decatur was in command of American frigates in this war—of the *United States*, which captured the *Macedonian;* of the *President*, which was captured by a British squadron. His toast to "my country, right or wrong" comes to this generation from battle fields of American dead killed by soldiers fed by American beef and American breadstuffs when American soldiers could not get war material.

If Decatur seems ethically indifferent to debatable points of right or wrong, it may be because of his observation of the physical consequences of disunion, disloyalty, dissension, and discord.

The White House was burned in August, 1814. Decatur gave his toast in April, 1816. He was mortally wounded in a duel at Bladensburg in 1820. The cause was his country's military honor as he saw it in his controversy with James Barron, another naval officer.

It was the sardonic luck of the United States to declare war on Great Britain just as Napoleon was starting his self-wrecking campaign against Russia.

It was the further luck of the luckless Republic still to be at war when the allies were marching into Paris, when Napoleon was sent to Elba, and Great Britain, thoroughly irritated, was free to use as many of Wellington's veterans as might be needed in America.

The British used the West Indies as a base. The first rendezvous for the warships and transports was Bermuda. From there the expedition sailed to harry the coast of the Chesapeake, to burn public buildings in Washington, to raid the shores of the Patuxent and the Patapsco Rivers in Maryland, and attack Baltimore.

The purpose, as stated by the British admiral, Cochrane, in a letter to Secretary of State Monroe, was "to carry into effect measures of retaliation against the inhabitants of the United States for the wanton destruction committed by their Army in Upper Canada" and "to destroy and lay waste such towns and districts upon the coast as may be found assailable."

The distracted Government in Washington could do nothing to save the National Capital, and a contemptuous enemy stacked up the President's furniture and applied the torch. Dolly Madison had time before flight to have a negro servant save the portrait of Washington.

Baltimore defeated the attack and the expedition sailed away, leaving ravaged shores.

The second rendezvous again was in the convenient West Indies. This time the warships and transports anchored in broad Negril Bay, in Jamaica, 50 vessels, with the 80-gun *Tonnant* as flagship. More troops joined the army there—Major General Keane's four regiments of Wellington's peninsular veterans and the Praying Highlanders of the Ninety-ninth Regiment from the Cape of Good Hope.

There were 3,100 men who had been in the taking of Washington, 1,500 marines, two regiments of Jamaica negroes, and probably 10,000 sailors. The British troops were the flower of the army, and a touch of at least reflected genius was to be found in Maj. Gen. Sir E. Pakenham, Wellington's brother-in-law.

This was November. The Gulf coast was the object of attack, and New Orleans, it could be seen, was the almost certain point. At New Orleans there was nothing but a governor quarreling with the legislature, a population which was supposed to regret its recent incorporation into the United States with Napoleon's sale of the Louisiana Territory, and of this populace a few hundred creole gentlemen drilling in uniformed companies. But there was to be Andrew Jackson, and the creole gentlemen proved that their loyalty to their new country was gunpowder proof.

The war was as nearly a religion in the American West as obstruction to it was an article of faith in New England. Ohio, Indiana, the Northwest Territory, Kentucky, and Tennessee had not been interested in the avowed causes of it.

The impressment of seamen, indignities to American sovereignty on the sea, interference with trade, and maritime humiliation and injury did not affect western corn planters and fur traders, but the continuance of the Indians in western land did.

The success of the Revolution had not ended the British-Indian alliance for the restriction of the American westward advance. English profit and Indian profit each required the stemming of the pioneers.

Tecumseh's great plan of Indian union—the second and last of a native statesman, Pontiac's being the first—had been disclosed prematurely because the evangelistic end of it, his brother, the Prophet, broke loose too soon. William Henry Harrison had his bare victory at Tippecanoe, near Fort Wayne, Ind., the year before war was declared on Great Britain for maritime reasons.

Tecumseh had reached far out for his confederation against the whites, and the Creeks of the South were the right wing of his hope. His left rested on the British outposts in Canada, and his center was in the tribes in the Northwest Territory.

Indians meant British intrigue to such men as Andrew Jackson. Every frontier leader knew that the new States and Territories could not have peace until Great Britain was persuaded to take another view of the westward American movement.

Tecumseh's evangel among the Creeks had shot the fiery arrow in August, 1813, when the white settlers had congregated in and about Samuel Mims's place above the Tombigbee and Alabama Rivers for protection. Mims's buildings had been stockaded, and there was a garrison of soldiers.

One drowsy August day it was stormed by 1,000 Creeks under the half-breed Weatherford. Four hundred soldiers and civilian men, women, and children were killed by the Indians.

The reverberating horror of that frontier disaster brought action, and, in the course of it, the great soldier of the frontier, Jackson. He was still suffering from the wound of his fight with the Bentons in the tavern at Nashville, and his intestinal disorders had a fresh grip on him; but he almost destroyed the Creeks as an Indian power. Jackson had the frontiersman's attitude toward the Indian and a great hatred of enemy whites who used them.

Pensacola was Spanish governed, but the British had not respected the neutral character of the Florida territory and the Spanish were agreeable to the British use of it. Pensacola had been a base of supplies for the Creeks and a refuge for escaped warriors—Red Sticks, as they were known.

While the British prepared to ravage the Chesapeake region and the Gulf coast with their Napoleonic veterans, Jackson was carrying on a private war with Spain to teach the Spanish governor what neutrality meant.

When he was ordered to the defense of New Orleans, he was preoccupied with the Spanish and the British along the Florida coast and what is now Alabama. He thought the British would attack Mobile, and almost up to his discovery of the enemy on the Villeré plantation, 7 miles from New Orleans, he maintained that opinion. When he was assembling troops for the Louisiana defense he left at Mobile at least 1,000 regular troops, seriously weakening himself.

President Madison and Secretary Monroe had information of the great invasion being prepared at the Jamaica base. The American peace commissioners sitting with the British at Ghent were standing firm against impossible British terms and were sending military intelligence to Washington.

The administration had much difficulty in bringing Jackson to see the real danger. Monroe wrote him that "Mobile is a comparatively trifling object with the British Government," and that Jackson's presence on the Mississippi River with the main body of his army was of vital importance.

Jackson did not yield to Washington's urgence until November 22, 1814, when he set out from Mobile. Four days later the British sailed from Negril Bay, Jamaica. Jackson was sick and traveled the 125 miles slowly.

He had sent General Coffee with his mounted riflemen to Baton Rouge. He had ordered the Forty-fourth Regular Infantry, 331 rank and file, to New Orleans, where the Seventh Regulars, 465 men, were stationed. His other forces were widely dispersed.

General Carroll's 2,500 Tennessee militiamen were coming down the Mississippi, and somewhere above them on the river were about the same number of Kentuckians under Generals Adair and Thomas.

There were also on the Ohio or Mississippi two boat loads of muskets. Both boats were proceeding leisurely, the captains, by agreement with the authorities, trading along the way. Fortunately, General Carroll found one boat and took the arms. Hinds's Mississippi Dragoons, 100 or so strong, were near Baton Rouge.

Jackson entered New Orleans December 2. He approached the town by the road along the Bayou St. John, which empties into Lake Pontchartrain on the north.

He met the Louisiana authorities, the quality folk, and Commodore Patterson, with the ships *Carolina* and *Louisiana*. Jackson said he could save New Orleans, and the people stopped some of their dissensions.

He was the object of great curiosity, particularly to the creole ladies, who viewed him with whatever prejudgments of his character they might have, as duelist or disciplinarian, bar-room fighter or Indian fighter, gallant husband or border bully. They found he had courtly manners, and when he said that New Orleans and its women were safe from the rumored British toast to "Booty and beauty," they believed him.

If the city anticipated the application of this sentiment in the event of capture, there was justification in the letter from Lord Bathurst to General Ross after the taking of Washington, before Ross's death was reported in England, to "make its [New Orleans's] inhabitants feel a little more of the effects of your visit than what has been experienced at Washington."

Jackson, as it was revealed later, had just three weeks to put the city in defense, and his preconceptions of how the attack would be made were all wrong. He thought the British would sail up the 100 miles from the Gulf to the city and put it under the navy guns. That would require the reduction of Fort St. Philip, 60 miles down. If the river route should not be used, Jackson thought the enemy would gain Lake Pontchartrain to the north and come down from there.

He devoted himself to inspections and to encouraging the local militia. Six gunboats on Lake Borgne were to apprise the general of an approach by the lakes and to resist a small boat attack if they could, the lake not being navigable for the British ships.

The British came to the lake entrance December 10. The watching gunboats under Lieutenant Jones retired into the lake. The British organized a boat party of 1,000, sailors and marines, which, after a rowing pursuit from the night of December 12 until noon December 14, caught the gunboats becalmed and captured them. That was 40 miles to the east of New Orleans and word of it reached the city the evening of December 15.

Jackson sent messengers to Coffee at Baton Rouge, and Carroll and Adair up the river, to hurry down. Coffee started on December 17 and traveled 120 miles in two days with 800 men, 450 being unable to keep the pace. Carroll's Tennesseeans were at the city's outskirts December 21.

It is strange that, with the approach of the British revealed by the capture of the gunboats, Jackson did not know where the enemy was. Its advance was on the Villeré plantation before its movements were unmasked to him.

British supplies and guns for the attack had to be transported 30 miles in small boats from the ships outside Lake Borgne, and it was a week's work. The advance was disembarked on the Isle aux Poix in the lake December 14.

The Villeré plantation was within 7 miles of the city, but two British officers successfully scouted the approach to it December 18, with Spanish fishermen from a village at the mouth of the Bayou Bienvenu as guides.

Along the river bank there was the levee and a road. The plantations extended back to a cypress swamp. Canals and bayous cut the ground. The scouts led the advance off the Isle aux Poix to the Villeré plantation so secretly the morning of December 22 that Major Villeré was captured in his own home.

By the next day 1,600 British troops were on the river bank less than 7 miles below the city, and neither Jackson nor anyone else there knew of it until messengers came running in with the alarm. One was Villeré, who had escaped and got into the city with the news.

New Orleans did not have a yard of earthworks to protect it; but if Jackson had been remiss thus far, he was so no longer. He was himself when he saw his enemy. He set about to do what few commanders would have done—to atack a post of the best troops of the age with about their same number of city volunteers; Louisiana militia, frontier riflemen, regulars, and sea smugglers and freebooters, outfits

which had never operated together under any command, many never having been under fire.

The curiosities of the New Orleans campaign are many, not the least of which is the still prevailing American belief that there was but one short murderous battle, with American riflemen behind cotton bales.

Jackson hastily assembled Major Planché's battalion of creole volunteers, Hinds's dragoons, Beale's New Orleans sharpshooters, Coffee's riflemen, a few Choctaw Indians under Jugeant, negro freedmen under Dacquin, the Regulars, and some of the patriotic smugglers of the Lafitte brothers from their Baratarian roost. It was as strange a force as ever advanced under an American general.

Jackson marched out of the city with about 2,200 men, leaving half of his force as protection against an attack from the north. The British on the plantations by the river bank were under Colonel Thornton, who had led the attack at Bladensburg.

Pakenham had not yet taken command of the army, and Major General Keane, who had it, wanted all the forces assembled before he advanced. Thornton had about 1,900 in camp, and in the fighting he was reinforced by two regiments.

The *Carolina* dropped down the river in the afternoon and was to use its guns on the British right. Jackson sent Coffee's riflemen along the edge of the swamp to flank the British and, if possible, to get behind them. Jackson was to attack right, left, and center, and the guns of the *Carolina* were to give the signal.

At a little after 7 in the evening Commander Patterson sent his first shot into the British position, and the fight began in the dusk and was carried on in the dark. Coffee's men, coming out of the swamp, fought as they knew best—Indian fashion—and when too close for rifle fire, with knives, tomahawks, and rifle butts.

In the dark enemy and friend soon became indistinguishable. Even the British order was broken. Groups and detachments stumbled about in the night, advanced, retreated, fought, surrendered, died in each other's clutches, or hid. The British could not get full advantage of their superiority in discipline, but they had enough of it to keep the field. Coffee's men were involved with the reenforcements coming up, and that spoiled their encircling movement. Between 9 and 10 o'clock the firing ceased.

The losses were not excessive. Keane reported 267 killed and wounded; the Americans 213 killed, wounded, and missing. The steadiness of the British had saved them, but the American onset had been sufficiently daring to make the enemy respect the force defending the city.

Jackson hadn't driven the advance into the river, but he had caused it to lose the only opportunity of getting into the city without going over fortifications. Two miles from the field of this night attack he put soldiers and negroes to work throwing up earthworks in the land between the cypress swamp to his left and the river to his right.

After a few feet of digging, water would ooze up and it was difficult to raise the works. Cotton was tried. It was a failure, as the artillery duel proved later, and it was then dragged out.

For the Napoleonic veterans of the British Army the military situation was as trying as any they ever had been in. Physical conditions were distressing. It was cold and wet. They were miles from their source of supplies. The *Carolina* in the river fired on them, and although the casualties were not numerous a few cannon can make even a disciplined force miserable out of all proportion to the danger.

The small boats were bringing more men all the time, but the *Carolina* kept most of the force under cover. Worse still, the navy began to taunt the army for being held up. The British naval officers said that if the soldiers could not get going they would land the sailors and do the job themselves.

Pakenham, coming on the field Christmas Day, felt the ignominy of his position and sent back to the ships for cannon to dispose of the *Carolina*. The labor was tremendous, but by December 27 a battery was ready. Hot shot and shell drove the ship's crew ashore and the schooner was destroyed. The *Louisiana*, farther up the river, was hauled out of range.

Patterson, however, had succeeded in getting one 24-pound gun and two 12-pounders ashore to the west bank from the *Carolina*, but the British were free to move about on firm land without losing legs and heads, and that was a solace to the spirit.

It was time, Pakenham decided, to try a grand reconnoissance and test out what lay between him and New Orleans. He had 10 of the best British regiments, 2 regiments of West Indian black troops, brought along because of their supposed adaptability to the climate and now half frozen, and the support of numerous marines.

The advance began December 28. In less than 3 miles it came to Jackson's breastworks. There, under the fire from the *Louisiana* and the rifles from the American line, it stopped. Pakenham planned to breach the works with artillery and then storm.

More guns had to be brought from the British fleet. Meanwhile Jackson strengthened his batteries. The British guns were ready January 1, and the artillery duel began. If there was an advantage in metal and position, it was with the British, but after five hours' firing not a British gun was being served.

The British in their gun protections had used barrels of sugar, which were found to offer no protection whatever.

Jackson got his cotton from boats in the river. The New Orleans cotton merchant, Nolte, was a volunteer in Major Planché's battalion. He protested when high-grade cotton was taken off a boat of his and complained that a low grade, obtainable in the city, would serve just as well.

Tradition credits Jackson with the remark that if he owned the cotton he would have additional reason for defending the line. The cotton proved to be as unfit for fortification as the sugar. It caught fire and nearly demoralized the defense.

The American artillery superiority was undeniable when the royal artillerists had fled from their guns, and the British conceded it.

"Never was a failure more remarkable or unlooked for than this," the British lieutenant, Gleig, wrote in his journal of the campaign. Admiral Codrington, of the British Fleet, wrote that "such a failure in this boasted arm was not to be expected, and I think it a blot on the artillery escutcheon."

Some of the American artillerists were the Baratarian smugglers of the French brothers, Jean, Pierre, and Dominique Lafitte.

Since December 10 the greatest armada and the finest army Great Britain had ever sent to American waters had been approaching a city of a State but recently added to the American Union, with a population relied upon to be hostile to the Union, and the powerful expedition had been stopped cold by a strangely conglomerate army of defense under a gaunt, sick Indian fighter.

Pakenham prepared for a grand assault on both sides of the river. Secretly he extended a canal to get boats on the river. Major General Lambert was on his way with two regiments, and the delay for preparations was not wasted time. Pakenham wanted the reinforcements before he attacked.

The Kentuckians of Thomas and Adair reached the American camp, but they, unlike the Tennesseeans under Carroll, had not met a boatload of muskets, and they were not equipped.

When Pakenham's canal was dug he put his boats in the river and sent 1,000 men across under Colonel Thornton. The defense on the west bank of the river consisted of Patterson's battery facing the water, some works by Major A. L. Latour, and some Louisiana volunteers.

It was Jackson's weak side, but an enemy on the west river bank had the river to cross before he could get into New Orleans.

When Jackson discovered that Pakenham was putting men across to the west shore, he ordered some of the unequipped Kentuckians to double back the 5 miles to New Orleans, beg the citizens for the use of firearms saved out to meet a possible slave uprising, and, thus equipped, to ferry across and come back down the other bank.

The Kentuckians, with what they could get, went across the river and down to join the inadequate defense. They were exhausted when they arrived and ineffective when they were needed. And no wonder.

A deserter had crossed over to the British ranks from the American lines and had reported that the weakest spot in Jackson's defense was the left, toward the cypress swamp. There was where Coffee's riflemen were strung out. They reached to the swamp, and at its edge their line was run backward to prevent a possible flanking movement. It was a weak line when the deserter last saw it.

The British, after the slaughter which followed their attack, had enough vitality left in them to hang the deserter, he crying out against the injustice of it. Carroll's Tennesseeans had come into Coffee's lines, and the British attack, seeking a weak spot, had gone into the deadliest rifle fire.

The thing which Pakenham did in trying the attack was admittedly desperate, but so also was his whole position, in spite of his splendid army. He could not maneuver. There was no room. On one side was the river. On the other side was the marsh and swamp.

It was British tradition that troops could take a position in frontal attack, carrying material for filling ditches and ladders for scaling walls. It also was in the history of British regiments in America that they had not done it on many occasions; but Pakenham with his reputation to maintain, was convinced that he had to do it, even with Andrew Jackson animating the troops behind the breastworks.

Pakenham died rallying the men when they withered under the rifle and artillery fire. Before that fire, in 25 minutes, the storm troops of Great Britain disappeared. There were 700 killed, 1,400 wounded, and 500 taken prisoners. Major General Gibbs was mortally wounded, and Keane was seriously injured. The American loss was 8 killed and 13 wounded.

On the other side of the river the British drove the Kentuckians back. Their flight was inconsequential, except that it made Jackson mad and started a feud which lasted almost a lifetime with General Adair and Kentucky, the Kentucky folk thinking that they had been most miserably treated.

Jackson's night attack on the British was December 23. In Ghent, December 24, the American and British peace commissioners signed a treaty of peace. They were drinking each other's health when Jackson and the British were counting the dead. The news of the peace did not

arrive until February, but before that the United States knew that the attempt to restore Louisiana to Spain or to set it up as a free nation had failed.

The Louisiana Purchase, stretching to the Pacific, was safe. The Mississippi was an American river. The threat of an Indian buffer State in the Northwest Territory between the Republic and Canada was gone. Great Britain was definitely out of American western affairs for the first time.

New England secession was stopped. The Government under President Madison had a gift of life from Andrew Jackson on the Mississippi a full month before it knew that the war was over.

In that month, if New Orleans had been taken, the peace signed at Ghent and unknown in the United States might have been only a postscript written to national disunion. With victory, the Union was a Union again, and it was the South which next would assert the right of withdrawal when the acts of the Union were unpleasant to a State. South Carolina was to take the place of Massachusetts in this respect.

Wellington was asked what explanation he had for the failure of his veterans. He said he did not know what might have been the matter with them. They had not seemed to be as good in Louisiana as they had been in Spain. He thought they lacked an iron will driving them.

Probably they lacked Wellington, but more probably their difficulty was that they met Jackson.

Mr. O'CONNOR of Louisiana. Kentucky, Tennessee, Mississippi, and Louisiana are as one for this bill, and Members from all the other States have assured me of their support. At their request I am making the leading provisions of the measure a part of this address. I know this House is for the bill. The Members all want to see the old historic place where the good fight was fought properly taken care of, for, after all, we have the same hopes, aspirations, and desires—divided only as the waves, but one as the sea. I know that the Secretary of War will give his approval to the patriotic purpose that may be accomplished by the expenditure of a small, modest sum. It is flexible and elastic in its provisions, giving the Secretary of War the power to consummate the purpose in his own way, and when he sees fit to do so he will discharge that duty, I know, in accord with the dignity of the great trust that will be his. It is the Government's own property, and the Nation should and will be glad through him to do the noble thing. The bill directs him to submit annually to the Bureau of the Budget, in accordance with the provisions of the Budget and Accounting Act, 1921, an estimate of the amount required to be expended in connection with preserving and maintaining the monument and grounds in a suitable manner and in placing markers on the battle field so as to establish and fix the position of the several divisions of American and British troops; and place such statues and busts of American officers as he may deem necessary to perpetuate their valor and appropriately embellish the battle field. He shall also cause to be built and constructed, at a cost to be fixed by him, a memorial or shrine, which shall be a repository for such records, portraits, pictures, and trophies which may be presented by States, subdivisions thereof, and patriotic societies and organizations and persons of American birth, and accepted by the Secretary as appropriate to such an edifice.

Let the day be all the brighter, the night has been so long and so dark.

Mr. CASEY. Mr. Chairman, I yield 30 minutes to the gentleman from Mississippi [Mr. WILSON].

Mr. SIMMONS. Mr. Chairman, I yield the gentleman from Mississippi 15 minutes additional.

The CHAIRMAN. The gentleman from Mississippi is recognized for 45 minutes.

Mr. WILSON of Mississippi. Mr. Chairman and Members of Congress: A great calamity has befallen our people. The inhabitants of the Mississippi Valley have fought against this tragedy for more than 200 years. No soldiers ever fought more valiantly or more honorably for their country and loved ones than the courageous souls who live along the banks of the Mississippi have fought for their home and country and loved ones in the years that have passed.

The people of the great Mississippi Valley have impoverished themselves and put a tremendous debt upon their children's children in an effort to cope successfully with the ever-increasing danger of this mighty stream. They have not complained. They have merely asked for that justice to which every citizen of our country is entitled.

The Mississippi River receives drainage from 31 States, or from an area that represents 41 per cent of the entire area of the United States. These waters thus drained come rushing like a mad torrent down upon these helpless people, and in an effort to control this almost uncontrollable stream these people, especially those who live in the lower Mississippi Valley, have spent and mortgaged their all. And after fighting this stream through all these years, and after they have exhausted their every resource to control it, they come now to that great mother of us all, the Government of the United States, to ask you to come to their rescue and to assume the responsibility that rightfully belongs upon the shoulders of the Government.

A GIANT OF 60,000,000 HORSEPOWER

The Mississippi River from Cairo to the Gulf is a 60,000,000 horsepower giant during flood. If this great power could be harnessed, Muscle Shoals would be but a useless pigmy in comparison.

But this 60,000,000-horsepower giant is largely spent in driving great volumes of water down the river, eroding banks, transporting silts, and beating a ceaseless and dangerous tattoo upon the levees along its course.

Even though only a fraction of its potential power is used, the Mississippi River, greatest in the world, is a direct servant to the continental United States in drainage, navigation, water supply, power, and other vital aids to manufacturing and agriculture.

It is the Nation's servant. Yet it is a source of great danger to a certain part of the Nation, and that endangered portion is not responsible for the condition that makes a sword of Damocles hang over its head night and day.

The people of the stricken and endangered area have a right, therefore, as expressed by the Staple Cotton Cooperative Association, of Greenwood, Miss.—

to ask that the Nation protect us from floods which originate in the national domain, and to do this not as a favor, but as a national duty, and as a good business proposition as well.

NATIONAL RESPONSIBILITY NOT A NEW IDEA

National responsibility for the control of the Mississippi is not a new idea, born of the tragedy of 1927. It dates back to the very first days of this Republic. Washington and Jefferson, by word and action, made it plain that this greatest river of our continent was for the Nation to use and to control. The early statesmen of this Republic emphasized this responsibility of the Government for the river.

If the system be not national—

Said Henry Clay once in the United States Senate—

I should like to know one that is national.

President Lincoln said:

The most general object I can think of would be the improvement of the Mississippi River.

The statesmanship of America must grapple with the problem of this mighty stream—

Said President Garfield—

It is too vast for any State to handle; too much for any authority other than that of the Nation itself to manage.

President Roosevelt, after a visit to the valley, said:

We must build the levees and build them stronger and more scientifically than ever before.

And President Coolidge recognizes the responsibility of this Government, although he has, to date, indicated that the burden of this responsibility should be shared by the affected States. His party said, however, in a platform plank:

The Mississippi River is the Nation's drainage ditch. Its flood waters, gathered from 31 States and the Dominion of Canada, constitute an overpowering force which breaks the levees and pours its torrents over many million acres of the richest land in the Union, stopping mails, impeding commerce, and causing great loss of life and property. These floods are national in scope and the disasters they produce seriously affect the general welfare.

While the Democratic Party expressed it in this language:

We hold that the control of the Mississippi River is a national problem. The preservation of the depth of its water for the purpose of navigation, the building of levees to maintain the integrity of its channel, and the prevention of overflow of land and its consequent devastation, resulting in the interruption of interstate commerce, the disorganization of the mail service, and the enormous loss of life and property imposes an obligation which alone can be discharged by the Federal Government.

Partisanship does not cast its selfish shadow across this humanitarian issue.

The tragedy of 1927 in the Mississippi Valley, followed by the disastrous floods in New England, has touched and united the hearts of the North and South in a common sorrow, and kindled in their hearts the desire that this Government shall not withhold its full protection from any stricken section over which the threat of a repetition of calamity still rears its ugly head.

IN MEMORY OF BEN HUMPHREYS

And while we are considering this great problem may we not pause for a moment, for my heart is in the grave with one who sleeps an eternal sleep in a beautiful little city built upon the very banks of this great stream, one who did much to stifle the foul spirit of partisanship that too often enters into our deliberations here.

If the great Benjamin G. Humphreys could speak to us now, he would plead for his Government to protect his people in the valley that he loved so well.

The fight that is now being carried on is but the culmination of his splendid efforts.

Ben Humphreys had more information about the Mississippi River and its problems than all the other students of this subject, and it would make him rejoice to-day to know that his friends of days gone by here in this body are fighting his battle for his people.

He threw to you gentlemen the torch when his faltering hands could hold it no longer. He bade you hold it high. And I know you are not going to break faith with Ben Humphreys, your friend, and the great servant of a great cause. [Prolonged applause.]

PROTECTION, NOT RECLAMATION

I desire to call your attention now to this statement from the message of President Coolidge read to the Seventieth Congress at its opening session last December:

The Government is not an insurer of its citizens against the hazard of the elements.

The Government does not undertake to reimburse its citizens for loss and damage incurred under such circumstances.

Mr. Chairman, the people of the Mississippi Valley are not seeking reimbursement for the tremendous damages they have suffered. They are not asking that this Government pay them back, dollar for dollar, or a cent for a dollar, for their losses in the 1927 flood or in any of the numerous floods previous to that time. They are not asking the Government to write insurance policies against the hazard of the elements.

But they are asking that their lives and property and general welfare be given the adequate protection guaranteed them under the Constitution as citizens of the United States.

Protection and not reclamation or reimbursement is the request of the people of the Mississippi Valley.

No more reasonable a plea ever came from the lips of a stricken people.

No request was more just nor filled with greater merit.

And no country in the history of all the world from its beginning to this hour was ever in better position to be able to help its citizens in time of a national crisis than is the Government of the United States to-day.

HOW THE PEOPLE HAVE PAID

For 125 years and more these people of the Mississippi Valley have not balked at one of the greatest works of reclamation ever undertaken by any people anywhere—

Said the Hon. Alf H. Stone, of Mississippi, in a memorandum submitted to the Flood Control Committee of the House.

They have spent uncounted millions in the task—

He continued—

speaking for the Yazoo Mississippi Delta area alone, we have still outstanding nearly $50,000,000 of bonds which represent money spent for drainage canals, highways, public buildings, schoolhouses, street paving, etc., and we are raising annually more than $10,000,000 in taxes.

These people ask no help of anybody toward completing this work of development and reclamation. All they ask is that what they have accomplished be protected against floods from elsewhere, that the fruit of their hundred years of toil be not destroyed by the waters of the Nation's greatest stream.

THE DEFINITION OF RECLAMATION

Mr. Chairman, we ask that the Government assume full responsibility for an adequate flood-control program.

We ask that it protect the lives and property of the people of the Mississippi Valley.

It is the land of this region that is to be benefited—

Said President Coolidge.

To say that it is unable to bear any expense of reclamation is the same thing as saying that it is not worth reclaiming.

But, as a matter of information and definition, let me say that reclamation of the rich land adjacent to the Mississippi River is not consummated by the simple building of an adequate levee system.

You might as well say that the building of levees on the Amazon in the wilds of South America reclaims the lands adjacent to this river and is, therefore, a reclamation project.

It is not. No land is reclaimed until it has people who will live on it and work it; until it has railways, highways, drainage, churches, schools, banks, health centers, markets, towns and cities filled with businesses, places of amusement and attraction; and the people of the Mississippi Valley have provided these things and have, therefore, by their own efforts and expenditure of time, energy, and money already reclaimed this land.

They have done this at the sacrifice of their profits, and after their own resources have been exhausted and their taxes paid and devoted largely to this purpose they have mortgaged their places until the major portion of their holdings is tied up in legal paper to loan companies, insurance companies, and brokerage houses.

But they began this reclamation in the first days of the history of the valley as a place for American citizens to live and toil for self and home and country; and they, having put their hands to the plow, have never turned back.

What they have reclaimed, therefore, they ask you now to protect.

WITH REFERENCE TO JADWIN

The Chief of Engineers of the United States Army at the time of the 1927 flood was Maj. Gen. Edgar Jadwin, a native of Pennsylvania, a Regular Army man, now 63 years old, and who for 43 years has been in the military service of this Government.

It was his task to recommend an engineering program to prevent a repetition of the 1927 tragedy of the Mississippi. His assignment was technical.

It was neither his duty nor his province to make any recommendation as to where the money should come from to do the work or whether the Government should bear it all or just a part.

But his position as Chief of Engineers is of such importance at this time that whatever he says has a direct bearing upon flood-control program and legislation. And, either by his own free will and thought or by direction from a higher source, he recommended a division of the financial responsibility for flood control.

In full justice to General Jadwin I desire to say that I believe he has the finest possible grasp of the engineering task involved, but I do say that he exceeded his province when he tried to say where the money should come from to do the work or as to who should assume the responsibility. That is the province of Congress, and Congress alone.

BEWARE OF A MUSSOLINI OF FLOOD CONTROL

In putting the huge flood-control program into operation let us beware of creating a Mussolini. I am opposed to the Jadwin request that the Chief of Engineers administer the flood-control program as a sovereign dictator. This is exactly what he would have done. He says:

The Army Engineer flood-control plan contemplates that the project be administered by the Chief of Engineers, with the Mississippi River Commission working under him in an advisory capacity.

He then says this in support of his request that would make the Chief of Engineers a virtual Mussolini:

How many commissions ever administered a job with efficiency? The United States Government has a single head, with advisors. So do the various departments of the Government. Every corporation is administered by a single head.

The general is evidently unmindful of a very familiar portion of the Constitution of the United States when he says that this Government is administered "by a single head with advisors." I suggest that he read again the Constitution that very plainly creates a governmental triumvirate composed of the executive, the legislative, and the judicial branches. The Congress of the United States is not the "advisor" of the President; neither is that the function of the judicial branch of the Government.

I do not think that General Jadwin is so personally ambitious that he desires to go down in history with the fame of General Goethals, and I do not think that his request for the powers of a Mussolini for the Chief of Engineers in regard to flood control is a personal desire, because his four-year tour of duty as Chief of Engineers will be ended by operation of the Manchu law or by retirement before any plan can get well under operation.

But I do think that his suggestion is unworthy of serious consideration. The administration of this program rightly belongs in the hands of a commission of engineers and econo-

mists; its personnel should include civil engineers with Mississippi River experience in equal number and with equal rank and power with the Army engineers; and one or two practical business men from the Mississippi Valley, who have first-hand and lengthy contact with the river problem, should have a place thereon.

Mr. McDUFFIE. Will the gentleman yield?

Mr. WILSON of Mississippi. I will.

Mr. McDUFFIE. I want to suggest to the gentleman that in all these projects submitted the Chief of Engineers for his examination reports—I think on every occasion they have put in an estimate as to the cost of this project—how much money it is going to take. In justice to General Jadwin I do not think he meant to go out of his way, but thought evidently it was a part of his duty in passing judgment on it to suggest the cost.

Mr. WILSON of Mississippi. I am not impugning his motive, but I still maintain that it is not his nor any other engineer's duty to recommend to Congress whether the Government shall bear the whole expense or the locality a part of the expense.

Mr. McDUFFIE. It has been done.

Mr. WILSON of Mississippi. Yes. Murder has been committed, but a second murder does not make the first one right.

Mr. McDUFFIE. But the gentleman is arguing that it was wrong; I do not agree that it was wrong.

Mr. WILSON of Mississippi. I am not complaining of his right to give an estimate of the cost, but of his division of responsibility betwen the Government and the locality.

Mr. McDUFFIE. The gentleman does not think that the locality should ever contribute to the project?

Mr. WILSON of Mississippi. Not when it is a matter that affects the general welfare of the people of the United States; no, sir.

ENGINEER JADWIN NOT INFALLIBLE

Lest too much faith be placed by laymen in the words and plans of an engineer, especially one of the prominence, by virtue of his rank and assignment, as Edgar Jadwin, I want to read a statement made by a gentleman of the valley who is not an engineer, but who is an unquestioned authority upon the Mississippi River problem, and who explodes with fact one of Jadwin's pet suggestions.

I quote from the brief submitted to the Flood Control Committee by Hon. Oscar Johnston, discussing the plan of the Army engineers:

Not being a civil engineer, I shall not presume to criticize the engineering plans submitted by the general, other than in a single particular, namely, the matter of "fuze-plug levees."

The plan provides for a fuze-plug levee at Cypress Creek. The idea of the plan is that at a given height in the water this "fuze plug" will blow out, break, or be overflowed, permitting the escape of a given quantity of water; the maximum of this quantity is stated in the plan at 900,000 cubic feet per second. The greatest crevasse, I believe, that has ever occurred in the Mississippi Levee was the break at Mounds Landing, when the water stood approximately 19 feet above the level of the ground. This break was a half-mile in width. The water swept through with an unprecedented velocity, and yet it is only estimated that the flow through this crevasse was approximately 500,000 cubic feet per second. This crevasse washed out a lake or "blue hole" more than 100 feet deep and cut a channel more than a mile back into the interior, destroying 5,000 acres of land by depositing sand of such character as to prevent successful cultivation of the soil in the future. If such a result happens at one of the fuze plugs, it would be almost an impossible task to restore the levee without looping or building back for some distance. A few successive breaks of this sort at the same point would shortly result in a channel being cut from the head to the mouth of the spillway.

Those of us who have lived behind levees the greater part of our lives are decidedly of the opinion that levees have a perverse way of not breaking at points where they are expected to break. Frequently water is impounded and raised temporarily as the result of a windstorm; frequently windstorms bring about waves that wash into and cut through a strong levee standing several feet above the crest of the water; frequently levees are undermined by water seeping through below the base.

We believe from practical experience, as opposed to engineering theory, that such spillways as are constructed should be of the type commonly known as "controlled," or should be left open at the head and leveed along the sides so that the flow of water through the spillways may be controlled and regulated.

$296,400,000 OR $750,000,000?

The Army Engineer report, recommended in toto by President Coolidge, says "the total cost of the recommended project is $296,400,000."

The President, transmitting this report saying that the Government "may even bear 80 per cent of such costs," infers that 20 per cent, or $59,280,000, would be all, therefore, that the local areas would have to pay.

But the engineer plan very plainly omits an estimate for drainage, costs of flowage rights, and rights of way for flood control.

The Mississippi River Commission submitted the figure of $775,000,000 as its best estimate of the cost of a comprehensive flood-control plan. Now, 20 per cent of this would be $155,000,000—and that is a far cry from the figure of $29,280,000 as would be indicated by the Army engineer estimate.

Let us not be misled, nor try to mislead, in handling this situation. We people of the Mississippi Valley are ready and willing to open our books to you, without a page concealed; and in return we ask that the agencies of this Government charged with recommending a plan for congressional action deal with us fairly, frankly, and aboveboard.

THE PLEDGE OF THE CONSTITUTION

The preamble to the Constitution of the United States, augmented by section 8 of Article I thereof, pledges the aid of this Government to such a situation as arose when the flood of 1927 threatened the general welfare of the people of this country.

This pledge was made in the very beginning of the political sovereignty of this country; and when a situation arises that requires a pledge to be fulfilled, the fulfillment thereof becomes a solemn duty.

It is, therefore, the solemn duty of this Government, in keeping faith with its Constitution and its people, to assume the responsibility now and hereafter for protection of the lives and property of the people of the Mississippi Valley. [Applause.]

To say that the Government will assume "part responsibility" is to shirk a duty. To impose upon an innocent people any portion of this financial responsibility is to evade a solemn pledge. In such a national disaster as that of the Mississippi flood of 1927, the absolute responsibility for further prevention lies wholly and unqualifiedly upon the National Government.

To bring this tragedy under the provisions of the so-called general-welfare clause of the Constitution is no task at all. It comes under the constitutional guaranty, because the lives of American citizens are in constant hazard under the present situation.

No people can live with any feeling of security and build real American homes while facing probable disaster—

Said the United States Chamber of Commerce.

Mr. Hoover made the statement that to permit one and one-half millions of people to live under such a continuous hazard from year to year is unthinkable.

IN OPPOSITION TO LOCAL CONTRIBUTIONS

The Mississippi River is the Nation's stream—

Said Hon. Le Roy Percy, former United States Senator from Mississippi, and prominent for many years in flood-control work.

The Nation at its expense should construct and maintain levees and other means of flood protection.

Chairman FRANK REID, of the House Flood Control Committee, made this statement:

The people of the Mississippi Valley have already been bled white in paying the bill of the Nation's drainage. It is unthinkable that any student of our Government will assume that the United States, in the discharge of the purely national governmental function of protecting the lives and property of its citizens from destructive flood waters of navigable rivers and promoting the interstate commerce of this Nation, should demand of local communities a part payment of the cost.

Hon. L. O. Crosby, president of the Mississippi State Board of Development and personal representative of Governor Bilbo at the hearings, made this statement:

When you gentlemen of the committee have ascertained the facts and the real conditions that exist in the flooded area, I have no hesitancy in believing what the people of my State believe—that you will recognize it as a national problem, and we will have action along those lines.

Hon. A. H. Stone, of Washington County, Miss., made this succinct statement in the course of his valuable testimony before the committee:

It is a national proposition, and it always has been national in its scope.

Hear the words of a man who has seen the maximum local effort and money go to nought in the face of this herculean problem:

The situation is becoming more and more tense until this lower country, which is as fine a country as there is in the world, by degrees you may say is going to destruction.

That is from the testimony of A. M. Pepper, representing the Yazoo-Mississippi Delta Board, a man who has spent the greater part of the 27 years of his life face to face with this threat of destruction; and who realizes, as do others, that this is no longer a task for anyone save the Government itself.

AVOID A "KILKENNY-CAT FIGHT"

Hon. Walter Sillers, sr., of Rosedale, Miss., who represented the Board of Mississippi Levee Commissioners and who began his fight against this problem in 1882, knows that if this Government refuses to take full charge of the problem now that the result will be, as expressed in his testimony before the committee—

A Kilkenny-cat fight, in which only a few districts will survive.

The waters of many States pouring into the Mississippi overcharge the stream to the extent that it makes it impossible for the few States in the lower reaches to handle the situation, and the control of the flood waters becomes a national problem—

He said.

Two principles laid down by the Mississippi Department of the American Legion when it held its annual meeting in Greenville before the waters had receded from that stricken city, are worthy of remembrance. Capt. W. T. Wynn, who represented that organization in the hearings at Washington, put them in the record, as follows:

First. That the control of the flood waters of the Mississippi River is a national problem, and the sole responsibility should be vested in the National Government.

Second. That the matter of flood control should not be interfered with by political differences; it is a matter beyond party lines or the now mythical sectional border, and no halfway measure should be tried.

The immensity and national importance of the question is sounded in a section of the testimony of Mr. Alexander Fitzhugh, a prominent business man of Vicksburg, Miss., when he told the committee:

We believe a careful estimate of the situation would justify the statement that the control of the floods of the Mississippi River is equally as important to the business of the country as the construction of the Panama Canal, and surely the moral obligations resting upon Congress to protect the people of the flooded section is more binding.

DILEMMA OF THE TAXPAYERS

Mr. J. S. Allen, chief engineer of the Board of Mississippi Levee Commissioners, a man of long experience and high standing in his profession, gave valuable testimony at Vicksburg when hearings were held by the Mississippi River Commission at the suggestion of the War Department.

What he said I want you to hear—and I quote this important paragraph from his testimony:

My board is heartily in favor of the Government taking over these levees. We realize that our taxpayers have come to the end of the road.

In fact, I make this statement here in all sincerity: That if the Nation can not see a way to turn this over to the Corps of Engineers in toto I think it is time for the local taxpayers to get out of the valley entirely. That statement has been made by able lawyers and business men not only in my territory but from several territories, and they make it from their hearts. I am convinced that they have gone as far as they can.

The report of the commission for 1925 shows that the local taxpayers put up $154,000,000 for levees alone since 1882 and the Federal Government put up $63,000,000; or, in other words, 71 per cent by the local districts and 29 per cent by the United States.

It has become too heavy and it is up to you, as I can see it, to make the valley safe absolutely—build so big that there will be no question of failure.

DEPTH OF FINANCIAL ABILITY SOUNDED

The levee boards have a bonded indebtedness to-day that passes the $40,000,000 mark. They have sounded the depth of their financial ability.

The truth of the matter is, Mr. Speaker and Members of Congress, that the levee boards have reached that condition frequently reached by the individual—financial embarassment.

Their bonds are no longer sought in the financial mart. Listen to this warning from William R. Humphrey, representing the Compton Investment Co. and the Mississippi Valley Group of Investment Bankers Association:

I have been asked to come before you to discuss the question of whether levee districts can float bonds at satisfactory prices on the present market to pay a portion of the cost of flood-control works.

I have given a good deal of thought to this question; and the answer is, no; they can not.

The question immediately arises, why can not these bonds be marketed? The answer to that is that there have already been too many defaults in the payment of special assessment bonds. The good market which they enjoyed two or three years ago is not in existence now.

The investment bankers have found for some time that they can not sell drainage and levee bonds.

Now, many breaks in the levee in the 1927 flood occurred simply because the local people were financially unable to cope against the problem. Definite citations of this condition were made in the testimony of Hon. Oscar Johnston when he said:

Two of the breaks that happened in Arkansas this past year happened because of the inability of local contribution. I have reference to the break at Knowlton and another at Laconia Landing. Both of those levees were known to be below grade and unsound and insecure, and it was known two years or more before the flood to every engineer on the river that they would not withstand a flood. The Mississippi River Commission went in and offered to do the work under the prevailing rule—one-third contribution by the local district, two-thirds by the Mississippi River Commission—and the two little districts, almost poverty stricken and bonded, answered: "We are unable to furnish our one-third." The Mississippi River Commission made the only answer that it could make: "We can not under the law give you any aid," and the two levees were left down. The water that poured out of the west bank of the Mississippi River at Knowlton and Laconia demonstrated and emphasized the fallacy of requiring local contributions, wherein one little local district can sit back and say: "We can not contribute," and a crevasse may happen there that will overflow the whole district and make worthless all the work that has been done.

THE ATTITUDE OF THE PRESS

Editorial opinion that flood control is a national responsibility is not confined to the press of the Mississippi Valley. I am glad to note that leading newspapers all over the United States have analyzed the situation and have come out in vigorous editorial expression for a governmental assumption of the entire responsibility.

In this connection I quote two paragraphs from an editorial that appeared in the Washington Post a few days ago:

That the United States must undertake this gigantic work and pay for it is a foregone conclusion. The difficulties in the way of apportioning part of the cost to the lower Mississippi States are insuperable. No method can be found for justly apportioning their share of the cost. No State has the right to expend money for enterprises outside of its boundaries. But beyond these difficulties arises the outstanding fact that the lower Mississippi States are not responsible for the floods and should not be taxed to control them.

The Mississippi River is a national stream, draining many States and benefiting or damaging the American people, as the case may be, without regard to State lines.

The lower States have already taxed themselves for scores of millions for local protection, only to be overwhelmed last year as if they had not spent a dollar. They can not control the river.

If this Nation is in duty bound to pay for any part of flood-control work, it is bound to pay for all of it. The river is not the property of any State or groups of States. It is the property of the United States, and the owner is responsible for the damage done by his property.

PROTECTION IS THE ISSUE

The issue before this Congress for action is whether the Federal Government, as the guarantor of the welfare of its people, shall place into operation the machinery necessary to carry out this guarantee, and to do so at its own expense; or whether it will simply assume a part of the responsibility for this complete guarantee, and demand a pound of flesh from the already suffering valley.

In the words of Hon. J. W. Cutrer, of Clarksdale, Miss., vice president of the Mississippi River Flood Control Association and a brilliant authority upon flood control legislation:

The issue is one of extended security, happiness, and prosperity, or a recurrence of disasters until annihilation must result.

Even in Wall Street, where money is the god of the bankers, and where the soundness of their financial operations determines the ratio of success, the feeling is current that the financial responsibility for the full flood control program belongs

upon the Government of the United States. This is indicated in the testimony of C. H. Markham, chairman of the board of the directors of the Illinois Central Railroad, who said that he had had conferences with New York business men and—

those who understand it [that is, the flood control problem] are of one voice in declaring that this is a national proposition, and ought to be handled by the National Government.

HOW THE PEOPLE SUFFERED

The true story of how the people of the Mississippi Valley suffered in 1927 can never be told nor pictured in words and figures. A master realist, struggling with the task to picture in words the 1927 tragedy, would have to confine himself to his own observations and the stories that came from others. It was too vast for the observaton of one man.

Those who were there and those who were spared the tragedy, but who sympathized with the people of the valley, know that the tragedy can not be reduced to a statement of dollars and cents involved.

Yet tables of losses will convey some idea of the magnitude of the tragedy, and I want to read to you the figures for the 20 counties in my own State that suffered the ravages of the flood:

County of Adams

20 houses destroyed	$12,000
80 houses damaged	24,000
8 stores damaged	4,000
3 gins damaged	7,000
6 barns destroyed	3,000
20 barns damaged	5,000
24 other buildings destroyed	3,000
50 other buildings damaged	4,000
Damage to merchandise	5,000
Damage to farm implements	3,500
Damage to automobiles	2,500
Damage to feed	5,000
Damage to household goods	25,000
Cost of replanting	10,000
Damage to land by washing and spreading of obnoxious grasses	40,000
Loss of rents on lands not cultivated by reason of overflow	130,000
Damage to 200 miles of fence	10,000
Business losses	250,000
Damage to private roads and bridges	10,000
Total property damage	553,000

County of Bolivar

200 houses destroyed	80,000
2,000 houses damaged	100,000
10 stores destroyed	10,000
20 stores damaged	5,000
10 gins damaged	2,000
20 barns destroyed	10,000
50 barns damaged	10,000
1,000 other buildings destroyed	100,000
2,000 other buildings damaged	10,000
Damage to merchandise	50,000
Damage to farm implements	10,000
Damage to automobiles	20,000
Damage to feed	20,000
Damage to seed	10,000
Damage to household goods	100,000
300 horses and mules destroyed	30,000
500 cattle lost	25,000
1,000 hogs lost	10,000
10,000 poultry lost	10,000
Cost of replanting	10,000
Damage to land by washing and spreading of obnoxious grasses	1,000,000
Loss of rents on lands not cultivated by reason of overflow	1,000,000
Damage to 100 miles of fence	20,000
Business losses	1,000,000
Damage to growing cotton crop	500,000
Damage to other crops	100,000
Damage to private roads and bridges	50,000
Damage to private ditches and drains	50,000
Damage to school buildings and equipment	7,500
Total property damage	4,349,500

County of Claiborne

14 houses destroyed	2,100
40 houses damaged	1,000
1 store damaged	150
Damage to feed	300
6 horses and mules lost	600
4 cattle lost	100
Cost of replanting	500
Loss of rents on lands not cultivated by reason of overflow	500
Total property damage	5,250

County of Coahoma

100 houses destroyed	64,800
25 houses damaged	12,500
1 store destroyed	1,500
100 barns destroyed	10,000
250 other buildings destroyed	12,500
Damage to farm implements	$11,250
Damage to feed	2,250
Damage to seed	3,780
Cost of replanting	1,000
Damage to land by washing and spreading of obnoxious grasses	150,000
Loss of rents on lands not cultivated by reason of overflow	36,600
Business losses	25,000
Damage to growing cotton crop	50,000
Damage to other growing crops	10,000
Damage to private roads and bridges	500
Damage to private ditches and drains	5,000
Total property damage	396,680

County of Grenada

125 houses damaged	9,375
200 other buildings damaged	5,000
Damage to feed	2,000
5 horses and mules lost	500
10 cattle lost	200
2,000 hogs lost	20,000
500 poultry lost	250
Damage to 10 miles of fence	500
Business losses	10,000
Damage to private roads and bridges	7,500
Total property damage	55,325

County of Holmes

50 houses damaged	2,500
15 stores damaged	150
6 barns damaged	150
40 other buildings damaged	400
Damage to farm implements	1,000
Damage to automobiles	250
300 hogs lost	1,500
100 poultry lost	75
Cost of replanting	15,000
Loss of rents on lands not cultivated by reason of overflow	2,000
Business losses	25,000
Damage to growing cotton crop	10,000
Damage to other growing crops	2,000
Damage to private roads and bridges	5,000
Total property damage	65,025

County of Humphreys

Houses, stores, gins, barns, and other buildings destroyed and damaged	760,715
Damage to merchandise	225,000
490 horses and mules lost	49,000
700 cattle lost	14,000
2,400 hogs lost	24,000
28,000 poultry lost	14,000
Loss on average crop expected	3,228,024
Damage to school buildings and equipment	15,000
Total property damage	4,329,739

County of Issaquena

2,725 houses destroyed or damaged	550,000
Barns destroyed or damaged	60,000
Other buildings destroyed or damaged	70,000
Damage to merchandise	10,000
Damage to farm implements	40,000
Damage to automobiles	15,000
Damage to feed	40,000
Damage to seed	10,000
Damage to household goods	135,000
410 horses and mules lost	41,000
350 cattle lost	7,000
1,950 hogs lost	19,500
17,000 poultry lost	8,500
Sheep and goats lost	1,000
Damage to land by washing and spreading of obnoxious grasses	400,000
Damage to fences	20,000
Damage to school buildings and equipment	5,000
Total property damage	1,432,000

County of Jefferson

10 houses destroyed	6,000
40 houses damaged	10,000
8 stores damaged	4,000
1 gin destroyed	4,000
3 barns destroyed	1,500
10 barns damaged	2,500
12 other buildings destroyed	1,200
25 other buildings damaged	2,500
Damage to merchandise	4,000
Damage to farm implements	2,000
Damage to automobiles	2,000
Damage to feed	3,500
Damage to household goods	15,000
12 horses and mules lost	1,200
75 cattle lost	3,000
200 hogs lost	2,000
500 poultry lost	250
Cost of replanting	5,000
Damage to land by washing and spreading of obnoxious grasses	30,000
Loss of rents on lands not cultivated by reason of overflow	68,000
Damage to 100 miles of fence	5,000
Business losses	200,000
Damage to private roads and bridges	10,000
Total property damage	382,650

County of Leflore

600 houses damaged	$15,000
1 gin damaged	250
Damage to farm implements	1,000
Damage to feed	2,500
Damage to seed	2,475
200 hogs lost	1,500
2,000 poultry lost	1,000
Cost of replanting	35,000
Damage to land by washing and spreading of obnoxious grasses	5,000
Loss of rents on lands not cultivated by reason of overflow	50,000
Business losses	50,000
Damage to growing cotton crop	100,000
Damage to other growing crops	10,000
Damage to private roads and bridges	4,000
Total property damage	277,725

County of Panola

10 houses damaged	500
6 other buildings damaged	150
Damage to baled cotton	250
Damage to farm implements	150
Damage to automobiles	250
Damage to feed	1,000
Damage to seed	500
Damage to household goods	500
10 horses and mules lost	1,000
25 cattle lost	750
250 hogs lost	2,500
200 poultry lost	100
Cost of replanting	2,000
Loss of rents on lands not cultivated by reason of overflow	7,000
Business losses	10,000
Damage to private roads and bridges	5,000
Total property damage	31,650

County of Quitman

25 houses damaged	875
65 other buildings damaged	650
Damaged to household goods	300
20 horses and mules lost	2,000
10 cattle lost	200
20 hogs lost	200
200 poultry lost	100
Cost of replanting	1,000
Damage to land by washing and spreading of obnoxious grasses	10,000
Loss of rents on lands not cultivated by reason of overflow	2,500
Business losses	50,000
Total property damage	67,825

County of Sharkey

4,535 houses damaged	619,000
50 stores damaged	15,000
25 gins damaged	15,000
150 barns damaged	37,500
5,500 other buildings damaged	137,500
Damage to merchandise	8,000
Damage to baled cotton	4,200
Damage to farm implements	87,500
Damage to feed	115,000
Damage to seed	67,500
Damage to household goods	312,000
300 horses and mules lost	37,500
500 cattle lost	12,500
5,000 hogs lost	50,000
25,000 poultry lost	12,500
Cost of replanting	156,250
Damage to land by washing and spreading of obnoxious grasses	50,000
Loss of rents on lands not cultivated by reason of overflow	500,000
Damage to fences	40,000
Business losses	500,000
Damage to growing cotton crop	560,000
Damage to other growing crops	400,000
Damage to school buildings and equipment	20,000
Total property damage	3,756,950

County of Sunflower

30 houses destroyed	12,000
2,050 houses damaged	205,000
2 gins damaged	5,000
2,000 other buildings destroyed	100,000
8,000 other buildings damaged	200,000
Damage to farm implements	100
Damage to automobiles	2,000
Damage to feed	20,000
Damage to household goods	60,000
50 horses and mules lost	5,000
200 cattle lost	4,000
3,000 hogs lost	30,000
37,500 poultry lost	17,000
Cost of replanting	150,000
Loss of rents on lands not cultivated by reason of overflow	400,000
Damage to 10 miles of fence	1,000
Business losses	500,000
Damage to growing crops	100,000
Damage to private roads and bridges	5,000
Damage to private ditches and drains	5,000
Damage to school buildings and equipment	5,000
Total property damage	1,826,100

County of Tallahatchie

100 houses damaged	$2,500
20 barns damaged	2,000
200 other buildings damaged	2,000
Damage to farm implements	2,000
Damage to feed	5,000
Damage to seed	5,000
Damage to household goods	2,500
50 horses and mules lost	5,000
100 cattle lost	1,500
1,000 hogs lost	10,000
3,000 poultry lost	1,500
Cost of replanting	5,000
Loss of rents on lands not cultivated by reason of overflow	125,000
Damage to 10 miles of fence	1,000
Business losses	200,000
Damage to growing crops	10,000
Damage to private roads and bridges	10,000
Damage to private ditches and drains	5,000
Damage to matured crops	12,000
Total property damage	407,000

County of Tunica

Damage to feed	1,000
25 cattle lost	625
50 hogs lost	500
Cost of replanting	4,000
Loss of rents on lands not cultivated by reason of overflow	2,000
Business losses	15,000
Damage to growing cotton crop	50,000
Damage to other growing crops	10,000
Total property damage	83,125

County of Warren

182 houses destroyed	32,600
625 houses damaged	21,000
6 stores destroyed	6,000
10 stores damaged	1,500
5 gins destroyed	25,000
5 gins damaged	5,000
300 barns damaged	22,500
50 other buildings damaged	3,750
785 other buildings damaged	19,625
Damage to merchandise	2,000
Damage to farm implements	15,000
Damage to automobiles	10,000
Damage to feed	30,000
Damage to seed	2,000
Damage to household goods	22,400
30 horses and mules lost	3,750
190 cattle lost	7,600
1,200 hogs lost	12,000
3,500 poultry lost	1,750
Cost of replanting	6,200
Damage to land by washing and spreading of obnoxious grasses	7,500
Loss of rents on lands not cultivated by reason of overflow	150,000
Damage to fence	1,000
Business losses	100,000
Damage to growing cotton crop	3,000
Damage to other growing crops	1,000
Damage to private roads and bridges	5,000
Damage to private ditches and drains	1,000
Damage to matured crops	2,500
Total property damage	520,675

County of Washington

2,150 houses destroyed	782,500
12,500 houses damaged	2,687,500
35 stores destroyed	17,500
750 stores damaged	215,000
2 gins destroyed	6,000
48 gins damaged	39,000
105 barns destroyed	107,500
850 barns damaged	90,000
3,500 other buildings destroyed	375,000
8,000 other buildings damaged	270,000
Damage to merchandise	325,000
Damage to baled cotton	2,520,000
Damage to oil mills	500,000
Damage to farm implements	350,000
Damage to automobiles	800,000
Damage to feed	500,000
Damage to household goods	565,000
1,500 horses and mules lost	150,000
3,500 head of cattle lost	140,000
10,000 head of hogs lost	100,000
300 sheep and goats lost	2,250
100,000 poultry	75,000
Loss on replanting	1,250,000
Loss on average crop expected	11,000,000
Damage to school buildings and equipment	40,000
Total property damage	22,907,250

County of Wilkinson

10 houses destroyed	2,000
35 houses damaged	1,750
3 barns damaged	75
75 other buildings destroyed	3,750
50 other buildings damaged	1,250
Damage to farm implements	1,000
Damage to household goods	2,500
150 horses and mules lost	15,000
100 cattle lost	4,000

50 hogs lost		$500
200 poultry lost		100
Loss of rents on lands not cultivated by reason of overflow		150,000
Business losses		225,000
Damage to growing cotton crop		10,000
Damage to other growing crops		2,500
Damage to private roads and bridges		200
Total property damage		419,625

County of Yazoo

10 houses destroyed		10,000
100 houses damaged		50,000
15 stores damaged		7,500
15 gins damaged		15,000
1 barn destroyed		1,000
100 barns damaged		50,000
1,000 other buildings destroyed		150,000
1,000 other buildings damaged		100,000
Damage to merchandise		30,000
Damage to baled cotton		25,000
Damage to oil mills		20,000
Damage to farm implements		50,000
Damage to automobiles		50,000
Damage to feed		75,000
Damage to seed		25,000
Damage to household goods		125,000
50 horses and mules lost		5,000
200 cattle lost		4,000
1,000 hogs lost		10,000
5,000 poultry lost		2,500
Cost of replanting		5,000
Loss of rents on lands not cultivated by reason of overflow		100,000
Damage to 200 miles of fence		6,000
Business losses		100,000
Damage to growing cotton crops		1,500,000
Damage to other growing crops		50,000
Damage to private roads and bridges		2,500
Damage to school buildings and equipment		10,500
Total property damage		2,579,000

RECAPITULATION FOR ENTIRE STATE

A recapitulation of the above figures for the entire State of Mississippi follows:

Crop losses—800,000 acres of crop land flooded:		
Baled cotton damaged	$2,549,450	
Loss on average crop expected (2 counties)	14,228,024	
Loss of rents on lands not cultivated by reason of overflow	2,721,100	
Damage to growing cotton crop (9 counties)	2,783,000	
Damage to other growing crops (11 counties)	695,500	
Damage to matured crops	14,500	
Damage to seed	126,255	
		$23,117,829
Cost of replanting		1,654,950
Losses of livestock:		
3,368 horses and mules	$345,050	
6,489 cattle	224,475	
31,600 hogs	314,000	
500 sheep and goats	3,250	
233,000 poultry	144,775	
		1,031,550
Property damage:		
2,726 houses destroyed	993,200	
22,940 houses damaged	$3,764,500	
2,725 houses, stores, and gins destroyed and damaged (Issaquena County)	550,000	
Houses, stores, gins, barns, and other buildings destroyed and damaged (no number given, Humphreys County)	760,715	
	5,075,215	
52 stores destroyed	35,000	
877 stores damaged	252,300	
8 gins destroyed	35,000	
109 gins damaged	88,250	
235 barns destroyed	133,000	
1,509 barns damaged	219,725	
Barns destroyed and damaged (Issaquena County, no number given)	60,000	
	279,725	
7,911 other buildings destroyed	749,200	
26,056 other buildings damaged	757,425	
Other buildings destroyed and damaged (Issaquena County, no number given)	70,000	
	827,425	
Damage to merchandise	659,000	
Damage to oil mills	520,000	
Damage to farm implements	574,500	
Damage to automobiles	857,000	
Damage to feed	824,550	
Damage to household goods	1,364,400	
Damage to land by washing and spreading of obnoxious grasses	1,682,500	
Damage to fences	105,000	
(8 counties report 640 miles damaged.)		
(13 counties report without giving number of miles.)		
Damage to private roads and bridges	122,200	
Damage to private ditches and drains	61,500	
		15,233,965
Business losses		$3,220,000
Hardwood lumber industry, 42 mills affected		1,165,000
Damage to school buildings and equipment		103,000
Damage to highways and bridges		400,000
Total damage		45,931,294

THIS IS THE TIME FOR ACTION

Mr. Chairman and Members of the Seventieth Congress, this is the time for action. Upon this session of the Seventieth Congress devolves the duty of flood-control legislation that will keep the honor of this Nation as sacred and inviolate as it has been kept since the day of its birth, in every national emergency it has faced, whether at home or abroad.

We know that statutory law can not override a law of nature. But from a study of the laws of nature we know that the proper statutory law can be enacted by this Congress to curb the restless, dangerous spirit of the Mississippi in time of flood.

A law authorizing full governmental responsibility and direction, coupled with an appropriation generous enough to put this responsibility into action, will give to the people of the United States the protection of their lives, property, and general welfare that the Constitution guarantees.

A repetition of the 1927 flood is not impossible, even so soon as next year. There is no time to be lost. The burden of action must not be shifted to another session of this Congress. We must, before we adjourn this session, keep faith with our people and our Constitution.

Let every Member of this body who has a head to think and a heart to feel enlist in this great movement to save and preserve, not only the property, but the lives of our fellow citizens.

The prayer and the hope of the people of the Mississippi Valley is that the high mark of 1927 will never be passed; but unless this mammoth problem is given immediate financial and engineering attention, the threat of an even greater disaster than that of 1927 lies like a shadow across the valley. [Applause.]

Mr. SIMMONS. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, on the 1st of February, 1924, I introduced a bill to amend the Judicial Code which would have taken from the United States district courts jurisdiction, in the first instance, to set aside an order or regulation imposed upon a public-utility corporation by a State commission. I introduced that bill in the Sixty-ninth Congress and also in this Congress on the 5th of December, 1927. It is H. R. 95. Originally a similar bill had been introduced by the distinguished gentleman from New Jersey [Mr. BACHARACH].

My bill reads as follows:

Be it enacted, etc., That no district or circuit court of the United States or judge thereof shall have jurisdiction to entertain any bill of complaint to suspend or restrain the enforcement, operation, or execution of any order made by an administrative board or commission in any State, acting under and pursuant to the statutes of such State, where such order was made after hearing upon notice, nor to entertain jurisdiction of any bill of complaint to suspend or restrain the enforcement, operation, or execution of the statute under which such order was made in any case where under the statutes of that State provision is made for a judicial review of such order upon the law and the facts: *Provided,* That nothing herein contained shall limit or affect in any manner the jurisdiction of district and circuit courts of the United States and the judges thereof in matters affecting interstate commerce, nor to prohibit such court or courts or the judges thereof from entertaining any bill of complaint to suspend or restrain the enforcement, operation, or execution of any order made by an administrative board or commission in any State in so far as such order affects interstate commerce.

The purpose of the bill is clear. It simply takes from the United States district court jurisdiction to hear in the first instance cases of public-utility corporations engaged solely in intrastate operations, created by the State in which it operates, subject to the rules and regulations of State commissions or boards, when such corporations seek to avoid obeying an order or rule of a State board or commission. When a public-utility corporation seeks a franchise or enters into a contract with a city to furnish service and agrees on rates and service requirements in order to obtain a franchise, surely it should be expected that it will comply with the terms of the franchise or contract and that should there be any question or difference it would be left to the State courts to decide. The State court is in a better position to understand all of the facts. It is in a better position to understand and know the intent and purpose of the State laws. It is the business of the State court to pass on these questions. Yet the custom has grown for public-utility companies seeking to avoid solemn obligations contained in franchises or contracts voluntarily entered into by them to get away from their own courts, where the facts are known and often where the character and habits of the individuals operating public-utility companies are known, and to resort to a Federal court and there so confuse the issues that the real original issue is lost and, by avoiding the State courts, often obtain advantages utterly unfair to the public and often obtain the authority to disregard rules and terms ordered by the duly

authorized State board or commission having sole jurisdiction over public-utility corporations. Not only in New York has this practice developed but in many of the large cities throughout the United States. The mere fact that this practice has grown to such an extent justifies Congress giving the subject some consideration.

At this very moment in New York City we have just such a situation. As everyone knows, we have extensive subway lines, elevated lines furnishing rapid-transit facilities to the 6,000,000 people of New York. Some of the old surface lines are operating under franchises giving them the exclusive rights to furnish transportation on certain streets. The subway lines are operating under a contract entered into between the operating companies and the city of New York. They now seek to avoid certain terms which they solemnly agreed to and are running to the Federal courts to be protected in their attempt to avoid an obligation and in their plans to disregard the order of our transit commission, which corresponds to the public-utility commission in some of your States.

This is not the first time that New York City has been defeated of its rights by a public-service corporation. Imagine a city of 6,000,000 population entering into an agreement with an operating company, seeking to protect its citizens, making every safeguard possible, maintaining State courts, to find itself deprived of every safeguard that it took, to find itself instead of being the master of the situation in the protection of its 6,000,000 people—I say, to find itself at the mercy of these powerful corporations, who somehow manage to get the Federal courts to stand back of them. New York City had the experience with the gas company case. In that instance the legislature, in accordance with the franchises given to the gas company, fixed the price of gas. The rate was a fair and reasonable rate and was fixed after a great deal of investigation and study. No sooner was the law put into effect than the gas companies ran to the Federal court and got a temporary injunction restraining every State, county, and city official from enforcing the law of the State. The result of that case has done more to make people lose confidence in the Federal court than anything that has happened in a long time. The method of procedure, the partiality, the indifference to the rights of the people of New York, and the clumsy, apparent action of the court and master will be remembered as a miscarriage of justice for many years to come. The court appointed a master in that case. The master happened to have been a very close associate of the judge at one time. The master handed down a decision in favor of the gas company. Oh, yes; it will be said the case went on appeal and was affirmed. That is true. What appellate court can closely examine tens of thousands of pages of testimony? What appellate court can scrutinize volumes—literally volumes of expert testimony and volumes of accountants' reports? Of course, the issues were so confused, the testimony so voluminous, that the appellate courts naturally had only questions of law to pass upon and could not have reviewed such a bulky case that the master took almost a year to hear. Every Member of this House will remember that only a few days ago the Supreme Court of the United States ordered the master to make restitution of part of the excessive fee paid to him by the gas companies. When the matter of the fees came up the city of New York protested that the fees paid to the master were exorbitant and out of all proportion to any known standard for services of the kind; the gas companies and the master replied that it was none of the city's business that they paid the fee to the master willingly and were very happy to pay such a good master such good fees. What a misnomer the word master was in that case. Of course, the gas companies were willing to pay. Why should not they be? Do you wonder, gentlemen, that some of us are stirred to protest, and that we become indignant when we witness—not only witness but are the victims of such flagrant misuse of the Federal courts?

To get back to the case now in the Federal court, the traction companies entered into a contract with the city of New York to furnish rapid-transit service. The city of New York, in consideration of the service to be rendered, built the subways. The subways of New York are property of the city of New York. The city of New York has invested in subway construction over $400,000,000. Among other things, the traction companies agreed to furnish service for a 5-cent fare. No longer was the ink dry on the contract, after several ups and downs of the stock of the companies, each up and down resulting in huge hauls for the gamblers and stock manipulators who control the companies and who seemingly know more about the stock ticker than they do about operating trains, demands were made for increased fare. It is well to point out that just about the time the so-called dual contracts were entered into by the city of New York there was quite a movement in the United States for municipal-operated transit service. In fact, some of the Ohio cities had been so successful that fares had been reduced down to 3 cents. The New York traction companies, sensing that the reduction of fares below 5 cents might become contagious, not only insisted in putting in the 5-cent fare, but made the 5-cent-fare provision as definite, binding, and unalterable as all the legal talent that the traction company could muster could make it.

Even during my time down at city hall as president of the board of aldermen these traction companies made an attempt to increase the fare then. I sat at the hearings through many weeks. I had the opportunity to study and learn the entire history and background of these companies. I got their figures, methods of operation, and learned of their past and present mistakes. Naturally their application before the board of estimate and apportionment was denied. They then went to the State legislature and sought to have a made-to-order law enacted which would provide the means for an increased fare. I was still at city hall and I opposed that law with all the force and strength that was in me. It was the most brazen attempt on the part of a governor to give absolute power to a traction company, ignoring the rights of the city and 6,000,000 people, that was ever attempted by any executive. This same governor is now one of the chief lawyers for one of the traction companies. The protest of the public was so strong that soon the law was modified and even this effort failed. Omitting many of the intervening incidents and attempts of the traction companies to get an increased fare, we come to the last desperate effort, which brings us to the necessity for the serious consideration of my bill. A few weeks ago the traction companies served notice that on a certain day in March the fare would be 7 cents instead of 5 cents. That their plans were well made in advance, that they knew just where they could get an order for temporary injunction seems very likely, for the traction companies have announced that they have already purchased the coin turnstiles to receive the additional fares.

This notice came in the midst of hearings being held before our transit commission, and, as I said, were apparently made in the course of a well-prepared plan of action. While the transit commission was seeking to prevent any increased fare, while it had ordered the traction companies to continue service in accordance with the terms of the contract and the law, while the city officials were preparing papers to enjoin in the State courts the companies from disregarding their obligations and the law, lo and behold, an order is obtained from a Federal judge, signed at his home, based on several pages of affidavits, all of which were printed and not typewritten, and this order enjoins and restrains not only the transit commission from interfering, but also the courts of the State of New York. True, it was an order to show cause only. But it was an order to show cause which contained the injunctions I have described. At this very moment the State and municipal authorities are stayed from taking any action to protect their rights. The order now comes up for consideration. The judge who has it in his hands now has in his keeping the restoration of confidence in the Federal court. He can, by denying the injunction the traction companies seek, uphold the dignity of the Federal court and win the respect for it of millions and millions of country-loving, law-abiding, decent American men and women. If any constitutional rights of these traction companies are invaded by the State transit commission or even by the State courts, then, but then only, can the traction companies resort to the highest court in the land, the United States Supreme Court. The traction companies created by the laws of the State of New York, doing business only in the State of New York, receiving its charter and franchise from the State of New York, having a contract with the city of New York, all within the State of New York, must abide by the law of the State of New York as construed and interpreted by the courts of that State. If the courts of the State err or mistake, and through their mistake and error deprive the companies of any constitutional right the traction companies are by no means without remedy, for, as I have said, they then have recourse to the Supreme Court of the United States. It was never intended that the United States district court should be the court of first instance in such a case. The sum and substance of the application of the traction companies proceeding in the Federal court is to obtain an increased fare, a matter entirely under the jurisdiction of the State courts, and the parties to the contract both citizens of the State of New York. It involves no other question, yet the reading of the papers and the argument for an injunction leaves the fare question bound in a maze of techni-

calities surrounding the subject of Federal and State jurisdiction. That is just what the traction companies are seeking to do. It wants to get away from the real facts, it wants to get away from the merits of the case, it wants to confuse the issues, it wants to create the question of jurisdiction, and who knows perhaps they too can succeed in avoiding obedience to State law and fulfillment of the terms of their own contract.

This question of fare increase is far more important to the people of the city of New York than most people of the country can imagine. The mere 2 cents difference means a great deal to the working people of the city of New York and it also means literally millions of dollars of profits not only for the traction company, but for those individuals surrounding the traction companies who are on the "inside." Recent hearings by the transit commission has developed that the ownership of large blocks of the stock are in the hands of various groups of men not at all interested in rapid transit for the people of New York, but interested in rapid movement of the stock ticker for themselves. It can readily be seen that the increase in fare for the companies carrying several million passengers a day means several million dollars a year out of the pockets of the working men and women of New York City and into the treasury of the traction companies. It means that the issuance of an injunction by a Federal court restraining the State courts from acting, enjoining the State commission from protecting the people of the city of New York, will give such an impetus, such a push to the stock ticker as to shoot the quotation of this watered stock sky high. Then the big haul. Again the public will come in and buy and the present manipulators of this stock will dump and, without exaggeration, a hundred million dollars will be scooped in. In the meantime the people of New York City are being crowded in cars to such an unwholesome extent that the Department of Agriculture would not permit cattle or hogs to be shipped. Gentlemen, we have cause to protest, we have reasons to become indignant, we have a right to ask for legislation to prevent the misuse and the abuse of Federal courts at the expense of millions of innocent men and women.

Litigation had already been instituted in the State courts, but the representatives of the traction company sneaked to the home of a Federal judge and obtained a temporary injunction. The misuse of Federal courts to avoid obligations under contracts, to disregard orders of State commissions, and to disregard the law itself on the part of public-utility companies has grown to such an extent that it has become a national scandal. The courts are being used instead of administering justice as a delousing plant for dirty and unclean public-utility corporations and that means the traction companies of New York. I make this statement at this time to attract the attenion of municipal authorities throughout the United States that my bill pending would give them the protection that every community in the United States must have and that pressure should be brought to bear to limit by legislation the power of the Federal courts and to take from it the jurisdiction that is now being used for the purpose of legalizing the exploitation of these greedy corporations.

It was never intended that United States district courts should intervene in the first nistance to permit public-utility companies disregarding law or obligations under contracts. The custom now has become so general, the power of traction and other public-utility companies so great, the exploitation of the people so ruthless that Congress must step in and curb this evil.

We do not seek to take from these companies the right to resort to a Federal court or to the Supreme Court on a constitutional question; but when they enter into a contract with a municipality or with a State or a county to obtain a franchise they should first resort to the State courts, and then after exhausting every remedy in the State courts, if a constitutional question is involved, in accordance with the provision of the Constitution, they will then have the right to appeal to the Supreme Court of the United States, but not until then.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. BLACK of New York. In this New York situation they have gone so far as to try to prevent the municipality and the State from using the State courts to try out the question.

Mr. LaGUARDIA. Exactly—an unheard-off proceeding. It brings confusion into the matter. It beclouds the entire issue. It puts the Federal court in an extremely difficult and delicate position. That was never intended in the creation of the Judicial Code. I hope that this case in New York, notwithstanding all that we may have to suffer, will at least serve to bring the matter to the attention of other municipalities, and that Congress will act on these necessary measures. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CASEY. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, I introduced yesterday H. Res. 121, authorizing and directing the Committee on the Post Office and Post Roads to investigate why an appointment had not been made for the position of rural carrier on rural route No. 3, out of Westville, Adair County, Okla.

Both of the political parties in their platforms state that they are in favor of civil-service reform. Reading from the Republican platform of 1924, I find the following on civil service:

> The improvement in the enforcement of the merit system both by legislative enactment and executive action since March 4, 1921, has been marked and effective. By Executive order the appointment of presidential postmasters has been placed on the merit basis, similar to that applying to the classified service. We favor the classification of postmasters in first, second, and third class offices, and the placing of the prohibition-enforcement field clerk within the classified service without necessarily incorporating all the present personnel.

Rural route carriers are presumably in the classified service. When a vacancy occurs and there is no eligible list, an examination is called for. This was what was done when a vacancy occurred on rural route No. 3 out of Westville, Adair County, Okla. An examination was held last summer. A list of eligibles was certified by the Civil Service Commission to the Post Office Department on the 25th day of October last, nearly four months ago.

I have made repeated inquiries of the rural route division of the Fourth Assistant Postmaster General's office time after time, trying to get some expression as to why a carrier had not been appointed. You can get no satisfactory answer. A personal call yields no better result. They simply say that they are making some sort of an investigation.

Now, as a part of my remarks I want to place in the RECORD a very short letter which I have written upon this subject:

HOUSE OF REPRESENTATIVES, U. S.,
Washington, D. C., January 31, 1928.

Hon. H. H. BILLANY,
Fourth Assistant Postmaster General,
Post Office Department, Washington, D. C.

DEAR MR. BILLANY: In reply to your letter of January 28, my information is that a list of eligibles was certified on October 25, 1927. That is now more than three months ago. I hesitate to introduce a resolution upon this subject. However, the patrons there at Westville have brought it to my attention so frequently that I feel constrained to take some action unless an appointment is made in the near future. Of course, if the Post Office Department has any real excuse, that is not indicated in your reply. I think I have a right to insist that a permanent carrier be appointed within a reasonable time from a list of eligibles certified. A full list of three was certified and I think the patrons of the office have a right to have me insist upon some action being taken.

I have hesitated to press the matter until a full opportunity could be had to make the inquiry relative to those whose names appear upon the list. To be absolutely frank with you, it has been indicated to me that an effort has been made to disqualify some one on this list in order that a new list may be certified because of the fact that the name of no Republican appears upon the list. Your reply does not indicate this.

I submit that the Representative of that district is entitled to know why an appointment has not been made.

Sincerely yours,

W. W. HASTINGS.

I have introduced this resolution for an investigation, and it has been referred to the Committee on Rules under the rules of the House. I suppose, of course, that it will there sleep the sleep that knows no waking; but I am determined, Mr. Chairman and Members of the House, that we shall have some sort of an expression from the Post Office Department as to why a rural mail carrier, after a list of eligibles has been certified, is not appointed after four months.

Now, the honest truth about it is that all three of the eligibles happen to be of the opposite political party. They are juggling with the list in the hope that some one on the list can be disqualified and a new list of eligibles called. At present a temporary carrier is appointed by the postmaster, his son; and

he, of course, is of his political faith, and can not hold longer after a permanent appointment is made. That is the real answer to it, and that is the real reason why an appointment has not been made.

I just wanted to take this time of the House to show to the House and to the country that the administration's profession of being in favor of civil service is all bunk.

On April 27, 1926, I took occasion to attempt to expose the hypocrisy of the Post Office Department with reference to the civil service. I stated then that the present administration was the most partisan one I had ever experienced. I quoted extensively from the criticisms of Congressman WURZBACH, of Texas, when he preferred openly the following charge against the Postmaster General and said:

> It is a spoils system pure and simple, without one redeeming quality. The ordinary spoilsman buys influence with his own money. Under the system I am attacking influence is bought with public office.

And again he said:

> The power and influence of these patronage politicians in Washington is simply amazing and almost incredible. This is true especially with regard to the Postmaster General and his first assistant.

And he might well have added "the rural route division of the office of the Fourth Assistant Postmaster General."

Congressman WILSON of Mississippi, on March 22, 1926, stated—

> and yet in my State of Mississippi for months some of the most reputable citizens of that great Commonwealth have charged, without fear of successful contradiction, that post offices in the State were sold in the open market, and that the buying and selling of Federal offices in Mississippi is a common practice.

Again, in the same speech, Congressman WILSON asserted:

> And in my State to-day there exists a condition which has no parallel in the history of the Southland since the dark days that followed the Civil War. Not only are Federal positions sold in the open market to the highest bidders but the control of Federal patronage is almost entirely in the hands of the negroes. God save my country from the sad day when negroes are placed in the seats of the mighty and political control passes into their black hands.

Congressman WURZBACH also asserted in the same speech referred to:

> It has passed beyond that stage, however, and has grown into a national scandal.

I called attention then to the violations of the civil service law and asserted that the civil service was not enforced in the State of Oklahoma.

The Republican Convention will meet again on June 12 at Kansas City and will reassert that it is in favor of the civil service.

O face, where is thy shame?

Mr. CASEY. Mr. Chairman, I have no further requests for time, and outside of the few general remarks that I shall make with reference to this bill, that will conclude the general debate on our side of the aisle. I yield myself 15 minutes of my remaining time.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 15 minutes.

Mr. CASEY. Mr. Chairman, I desire to say with reference to the bill now before us for consideration and action that the subcommittee of the Appropriations Committee on the fiscal relations of the District of Columbia has devoted a great deal of time to a study of the different items in the bill and the many requests placed before the subcommittee that were not included in the bill. After the very able and intelligent presentation on the fiscal relations between the Federal Government and the District of Columbia by the gentleman from Nebraska [Mr. SIMMONS], the chairman of the subcommittee, I feel that it is unnecessary for me to add anything to what he so well stated the other day.

Speaking generally, I may say that I was agreeably surprised this being my first investigation into District affairs, as a member of the subcommittee, at the able manner in which the affairs of the District were presented to the subcommittee during the hearings by those in charge of District affairs. I agree with the statement made by my colleagues on the committee that the affairs of the District of Columbia are being very ably taken care of. I want to say, however, for the benefit of the few who appeared before our subcommittee who seemed to believe that by hedging and refusing to give direct information in response to questions propounded by the members of the subcommittee, that they would strengthen their case a great deal if they would change their tactics. Those persons at the head of the several departments of the District government are supposed to be intelligent men who understand the English language, and when they refuse to give a straightforward reply to a straightforward question propounded by the subcommittee they might just as well understand that they are not fooling the subcommittee, but are prejudicing their own case. This applies to only one or two of those appearing.

I may also say for the benefit of the RECORD and for the benefit of the Members of the House that it is said by those who have had longer experience on the subcommittee than I have had that the subcommittee in investigating into the affairs of the District of Columbia this year gave the District officials and the school authorities the widest latitude to present their cases that they have ever had before any subcommittee of the House on the affairs of the District of Columbia. This statement is borne out by the fact that the hearings held this year by the subcommittee exceed by 500 pages the amount of testimony taken by any other subcommittee on District affairs. That indicates, I believe, that the committee wanted to be fair and just to all concerned, and wanted to give every person appearing before the committee unlimited time to explain their case in their own way, so that we might get all the facts bearing on the questions before us in order that we might reach a just decision with reference to their contentions.

I just want to say a word with reference to a few of the items in the bill regarding the salaries of employees of the District of Columbia. Much has been said about this item. Some have intimated that the committee was requested or influenced by certain interested parties to go into this matter and bring in a recommendation on this matter. I think I am safe in saying that there was not an employee of the District or the representative of an employee or any employees' organization that took this matter up with the committee. The committee made investigation into this question themselves. When we came to the item in the bill submitted to us from the Bureau of the Budget it carried only $37,000 for step-ups, promotions recommended by the Bureau of Efficiency. We inquired into this, and after investigating it very thoroughly we discovered that instead of $37,000 being sufficient to grant the necessary increases in wages for those recommended for promotion by the Bureau of Efficiency, it took $340,750 to bring these poorly paid District employees up to the average of their grade. There has always been a differential between the Federal employee's salary and the salary of employees of the District of Columbia doing like work. The subcommittee thought and had a right to believe that with the passage of the reclassification act, which provides for equal pay for equal service, that unfair condition was eliminated. But to our great surprise we discovered that that differential was still in existence. After the committee went into this matter very thoroughly and after it had been referred to the clerks of the committee and after consultation with the chairman of the Committee on Appropriations, the gentleman from Illinois [Mr. MADDEN], it was decided that something should be done with reference to these salaries.

But instead of writing into this bill the amount of $340,750 which would be necessary under the reclassification act, the subcommittee decided to make a two-year program of it and cut this item in two. So that in the bill now before us half of that amount is carried, and in the next bill, when it appears before the House, it is anticipated that the balance of this amount will be carried in order to bring these poor underpaid employees of the District of Columbia up to a level with the other employees of the Federal Government doing similar work.

May I state further, Mr. Chairman, that the committee impressed upon the chairman of the personnel board, and all of those who will have anything to do with the allocation of the amount of money written into this bill for increases of salary, that none of it is to be allocated to the employees who are now receiving salaries above the average of their grades; that it must all be allocated to those who are at the minimum of their grades in order to bring those people up where they rightfully belong. If there is any question of doubt between two employees that doubt is to be resolved in favor of the person in the lower grade. So it is an honest attempt to try to do the right thing by the people who have been deprived of what they believe and we believe they should have received some time ago.

It is my opinion that this is going to be very beneficial in the administration of the affairs of the District of Columbia. I could cite many illustrations, but will take one for example, the engineering department, of which Captain Whitehurst is the superintendent. He told us, and the record will show, that under the provisions of the reclassification act and upon the recommendations of the Bureau of Efficiency, 72 employees in his department were entitled to promotion because of their efficiency, but under the $37,000 carried in the bill that came to us from the Bureau of the Budget only 7 employees could be given the necessary promotion. It may have been 7 or 10. I do not recall exactly what the number was.

Mr. SIMMONS. Will the gentleman yield?

Mr. CASEY. Yes.

Mr. SIMMONS. Another marked place is in the sewer department where the amount allowed for step-ups was less than $600.

Mr. CASEY. You can readily see what effect that kind of a system would have upon the employees. Here are 72 employees who because of their efficiency were recommended for promotion and increases in salary by the Bureau of Efficiency, but because of a lack of funds the head of the department was compelled to pick out 7 of the 72 and grant the 7 increases in salary, while the rest were denied the increases they were rightly entitled to. Of course, that would bring about chaos in any organization and much dissatisfaction among the employees, because they were not getting what rightfully belonged to them. Then the charge of favoritism would be made against the head of the division or department, and that would not be for the best interests of the department.

The chairman of the subcommittee has suggested the amount allocated or provided for the employees of the sewer department. I would like to have the time to go into that situation; but I am not going to detain the committee from getting into a reading of the bill. However, I will briefly state this to the members of the committee: The testimony shows that the sewer department has not had an additional employee for about 20 years, with the result that there are certain parts of the District of Columbia, one subdivision in particular, where there is not a sewer or a water pipe, and in that section there are about 40,000 human beings living under those conditions. There are several wells in that section but most of them have been condemned by the bureau of health because of contamination from the seepage of the outhouses. It is a deplorable situation and it should be rectified at the earliest date possible.

In connection with the sewerage system I may also say that Rock Creek, which runs through beautiful Rock Creek Park, which we all visit at least occasionally, to which we are pleased to take our friends and where thousands and tens of thousands of men, women, and children go on Saturday afternoons and Sunday afternoons during the summer, as disclosed in the hearings, is an open sewer and that the sewage of that section is running through Rock Creek Park. That condition should be discontinued at once. I would like to see this bill carry an additional $1,000,000 for the installation of a proper sewerage system and the laying of water pipes in those sections where the poorer class of people live, and I would like to see sufficient money included in some bill to correct the condition I just referred to in Rock Creek Park. A condition of this kind should have no place in any community, let alone a community of this kind, the Capital of the Nation. I hope something will be done to correct it.

I may also say that I believe several of the bureaus of the District need reorganization and need it very badly.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CASEY. Mr. Chairman, I yield myself 10 additional minutes. Of course, our committee has not the right, under the rules of the House, to bring in legislation on this bill. The necessary legislation should be placed before the House by the legislative committee of the House. I will take, for illustration, the bureau of plumbing and inspection. They have, I think, the poorest system of plumbing and the poorest system of inspection there is in any city of its size in the country. They have the old and antiquated idea of inspection and tests that were discarded by every up-to-date city or town 50 years ago, but we still continue those old ideas in the District of Columbia. The health of the people of the District should have some consideration.

Then take the electrical bureau. In this bureau they collect a fee for a permit to install electrical wires and apparatus, but they never inspect any of the work done under the authority of those permits unless the owner requests that an inspection be made, with the result that we had on the books of the electrical bureau at the close of the last fiscal year 6,000 permits that were taken out by every Tom, Dick, and Harry, and no inspections made as the result of the electrical work installed in the buildings. We also have the complaint made that policemen and firemen, while on leave, are doing a great deal of this work without any license, without any experience, without any qualifications, and without any inspections. I am surprised that the fire-insurance rates are not almost prohibitive in the city of Washington under these conditions.

The question was brought up here the other day about 2,000,000 bricks being at the workhouse. It is an admitted fact that the bricks were there and that nobody knew anything about it, except the superintendent of the workhouse, who did not have the money with which to bring the bricks to Washington. He asked for $25,000, with which to recondition the barges and wharves in order that he might be able to bring those bricks to Washington, but that item was cut out by the Bureau of the Budget. The suggestion was made that arrangements be entered into for the use of the railroad that was recently put in there, but railroad freight rates are 50 per cent higher than transportation by water; the superintendent testified that these barges would more than pay for themselves in one year. So the committee disregarded the action taken by the Bureau of the Budget, and are recommending in this bill $25,000, or thereabouts, for the reconditioning of the wharves and barges, so that we may get brick from the workhouse to the wharves in Washington, that they may be used in the construction of schools, sewers, and other municipal works.

With reference to the schools, Mr. Chairman, I believe we have a wonderful system of public schools in the District of Columbia. I believe the school authorities are doing the very best they can under the circumstances to give the best kind of education it is possible to give to the children.

I am also satisfied that we are not progressing with our program of construction of elementary school buildings as rapidly as we should. There are probably many reasons for this. I have not been able to determine, but after a check-up of the municipal architect's office and all the way along the line, I have come to the conclusion that there is a little fault here and a little fault there, with the result that all of it put together makes quite an item.

The result has been that the committee has recommended an increase in the force of the municipal architect's office and changed the fee system which we hope will give the municipal architect all the employees and all the machinery and all the leeway he may need to prepare proper plans and specifications for the buildings that are authorized by Congress, so that we will not hereafter be compelled to wait 18 or 20 or 24 months from the time the appropriation is available until we have a school building in which to put the school children. We want more speed. We want more schools. Money lying around and not being used in the erection of schools does not educate children, and what we want is a speeding up of the school-building program. I think this will be the result; at least I hope so.

One of the difficulties in this respect that I want to call to the attention of the committee is this: Under the present system of authorizations for the purchase of sites for school buildings, the language, while not specifying the exact site, states at or near such and such a locality; of course, under the law the District authorities are not permitted to purchase any sites for school or other purposes at a price that exceeds 125 per cent of the assessed valuation. The record shows that in almost every case of condemnation proceedings in the courts for the acquisition of a site for a school building, the jury has rendered a verdict in excess of the 125 per cent, so we get no happiness from that source. Some different system ought to be worked out. We will need to complete our five-year building program of schools in the neighborhood of 50 or 55 additional sites, and it might be well to look into the advisability of arriving at some understanding whereby we could in some way authorize enough money to be appropriated or to be available for the authorities charged with this work, so that they would be in a position to buy, say, 25 of these sites without carrying them in each bill. I do not know whether this can be done or not, but it strikes me as being a very good suggestion. In this way nobody would know who wanted to buy the property, and we might get it a great deal cheaper than when we carry authorizations in the bill saying that a site will be purchased at or near such and such a place. If we buy a site on the outskirts of the city, and we will sooner or later be compelled to do so, we may buy it at a reasonable price and hold it for several years. Property in that section will naturally increase in value, but the property owned by the District for school purposes will also increase in value, and if the site we own is not exactly

the proper location, it will be very easy to trade it for another piece of property of equal value in the same locality. I believe if we can find some solution whereby we can keep the acquisition of sites ahead of the authorized building of schools, this will do more to speed up the building program than anything I know, and the important part of this, aside from the financial arrangement, is the fact that the municipal architect contends he can not draw the plans or specifications for a school building until he knows the location and topography of the site.

He must make his plans and specifications fit the site, and this is what has been holding him back. So, as I have said, there is a little fault here and a little fault there, but I believe the school authorities are doing the very best they can, and I have nothing but praise for those officials. I think they are doing a very good job under a very difficult situation.

Something has been said here about the superintendent of schools. I do not share this criticism of the superintendent of schools. He is a perfect stranger to me. I only know him as I have seen him on the witness stand before our committee. If I have any criticism at all to make of the superintendent of schools it is because he tries to master too many of the details of the school system; matters which I think he should allocate to his subordinates, and devote his time to thinking out the greater and bigger and more important questions with respect to the education of the children of the District of Columbia. I have no criticism to offer against the actions of the superintendent of public schools. I believe in centralized authority, and I also believe in centralized responsibility, but at the same time I believe in decentralized administration.

With reference to the question of the school children on the border line of the District, I simply want to add that we went into this question very thoroughly. We had all the facts and figures before us, but nobody semed to be able to say whether or not the States of Maryland and Virginia would be able to take care of their school children at the beginning of the next school term. It is said—and with considerable justification—that we are treating them very fairly when we permit those who are now in the public school system of the District of Columbia to continue on through the grades and through the high school, a term of 12 years. Nobody can deny this. What I am interested in, however, is will the States of Virginia and Maryland be prepared to take care of the little tots who become of school age on the 1st of next September? That is the thing I am primarily interested in.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CASEY. I yield myself 10 additional minutes, Mr. Chairman.

This is a rather serious matter. We are talking now of the poorer class of people—the children of the workingmen. The fathers and mothers of these little children are making many sacrifices to give their children a proper education, while very often denying themselves many of the necessities and practically all the luxuries of life, so that they may see their children go through the elementary grades and at least through high school, and for every day we deny these children proper facilities for education we are contributing to the burden of the parents of those children.

If we have these children on half-time school schedules, we are continuing such children in school at least a year longer than they should be there, and we are, therefore, continuing this burden upon the parents of these children and depriving the children of the right of going out into the world and getting the best part of their worldly education—the education of learning how to earn a dollar and appreciate and appreciating its value and what a dollar means.

I have nothing further to say, Mr. Chairman and members of the committee, except to add that there are many men idle in Washington. More so than for many years. There are many men idle throughout the country. It is estimated by those who are supposed to know that there are at least 5,000,000 wage earners now unemployed.

I am afraid that we are making the same mistake that is made almost everywhere else in the country, when a depression appears on the horizon we immediately start to curtail, withdraw money from circulation and reduce the purchasing power of the great mass of the American people, the men and women who earn their bread by the sweat of their brow.

My idea is that instead of withdrawing money from circulation on occasions of this kind, instead of reducing the purchasing power of the great consuming masses of the country, that that is the time we should let loose the flood of money we have tied up and head off if we can the coming depression that is staring us in the face.

I would like to see the Federal Government, acting through the Appropriations Committee, start a building program; let us get into the House the bill for Mississippi flood control, also the Boulder Dam bill, the public building bill, and all other bills calling for appropriations; let us get them all passed by Congress and make the money available so that the representatives of the Government can start constructive work and put these four or five million idle men to work, if we can, and then the wheels of industry will begin to turn, the manufacturers will thrive, and we will all have the prosperity that the country is entitled to. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. SIMMONS. Mr. Chairman, I have no further requests for time on this side.

The CHAIRMAN. General debate is closed, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1929, any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal year) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia, and, in addition, $9,000,000 is appropriated, out of any money in the Treasury not otherwise appropriated, to be advanced July 1, 1928, and all the remainder out of the combined revenues of the District of Columbia and such advances from the Federal Treasury as are authorized in the District of Columbia appropriation act for the fiscal year 1923, namely:

Mr. ZIHLMAN. Mr. Chairman, I move to strike out the figures $9,000,000 on page 2, line 6, and substitute $10,000,000 in lieu thereof.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. ZIHLMAN: Page 2, line 6, strike out the figures "$9,000,000" and insert in lieu thereof "$10,000,000."

Mr. CRAMTON. Will the gentleman permit me to offer a substitute so that he may discuss the amendment and the substitute at the same time? I will say for the information of the gentleman that I would like to offer a substitute to strike out the $9,000,000 and insert $7,000,000, and the gentleman can discuss both propositions.

Mr. ZIHLMAN. I will be glad to do that, because I offer this amendment for the purpose of giving me an opportunity to express my views, which are contrary to some of the views set forth by the distinguished gentleman, the chairman of the subcommittee, the gentleman from Nebraska. I want to make clear that this sum which the Appropriations Committee contend is a fair contribution from the Federal Government to the expenses of the District of Columbia is not the result of a developed study or research on the part of Congress, or the committees thereof, but, I understand, was fixed upon by the distinguished gentleman from Michigan [Mr. CRAMTON], who was chairman of the subcommittee some years ago. It has been adopted by the Appropriations Committee as their idea of a fair contribution.

Mr. MADDEN. Will the gentleman yield?

Mr. ZIHLMAN. I will.

Mr. MADDEN. There is only one objection to the gentleman's figures, and that is it has been found by thorough investigation to be too generous.

Mr. ZIHLMAN. In answer to the statement made by the distinguished chairman of the Appropriations Committee, I will say that the last investigation was made by a joint committee of the House and Senate in 1912, and after seriously considering the entire matter recommended that the fiscal relationship which existed since 1878 be continued.

The distinguished gentleman from Nebraska in justifying the contribution of the Federal Government gives as a reason therefor that if the present substantive law was continued, if the contribution of the Federal Government was 40 per cent and the contribution of the District was 60 per cent, then the tax rate that is now $1.70 could be lowered to $1.25.

Mr. MADDEN. One dollar and 20 cents.

Mr. ZIHLMAN. I accept the correction.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. If the gentleman will give me two or three more minutes I shall be glad to yield.

Mr. SIMMONS. That rate will raise half a million dollars more than will be needed by the District under this bill.

Mr. ZIHLMAN. Mr. Chairman, I am surprised at a statement like that being made on this floor by a gentleman who has given conscientious study to the needs of the District for a number of weeks, and, perhaps, months. If the theory advanced by the gentleman from Nebraska [Mr. SIMMONS] is correct, then the District is complete—we have all of the sewer mains that we will need, we have all of the water mains that we will ever need, we have all of the schools; it is a finished job, because, forsooth, if you raise the contribution of the Federal Government you would ipso facto lower the tax rate!

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. As the gentleman knows, I have not asked for any time. I have only five minutes in which to discuss this matter. If the gentleman will give me five more minutes, I shall be glad to yield. I want to call the attention of the House to the uncompleted improvements and other necessary needs of the District which could be taken care of if the Federal contribution were increased. The gentleman from Pennsylvania [Mr. CASEY] a few moments ago called attention to the need of schools in the District of Columbia, that we were behind in our five-year building program.

Mr. MADDEN. And he would not have to do that if Maryland would educate its own children in its own schools.

Mr. ZIHLMAN. I shall discuss that under the heading of schools.

He called attention to the crowded condition of District schools, so that there is room there for the expenditure of additional money.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. CASEY. Mr. Chairman, I ask unanimous consent that the gentleman may have five additional minutes. I want to ask him a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. CASEY. As I understand the gentleman, he is predicating his position on the $9,0000,00 contribution on the ground that it has not had exhaustive study, and that therefore we do not know whether it is correct or not.

Mr. ZIHLMAN. I am not basing it on that. I am basing it on the fact that I do not think it is an equitable contribution on the part of the Federal Government under the system of government that obtains here as to the budget of expenditures in the District of Columbia.

Mr. CASEY. Will the gentleman give the committee the benefit of his wisdom and tell us how $10,000,000 is a just and equitable amount?

Mr. ZIHLMAN. I advanced that sum in the hope that it would be given consideration at this time and in order to give myself an opportunity of presenting a few humble views on this subject.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. MADDEN. Does the gentleman object to the $9,000,000 because he thinks it is too much?

Mr. ZIHLMAN. No; because I think it is too small.

Mr. MADDEN. We can make it a little less, if the gentleman would like it.

Mr. ZIHLMAN. I say to the gentlemen who are members of this committee that the program of public improvement in the District of Columbia is not complete, that it is far from complete. I say to the distinguished chairman of the subcommittee and to the distinguished chairman of the committee that there are 3,431 outhouses in the District of Columbia that have not sewer connections that they can connect with, and I also say that this number, instead of decreasing, has increased more than 600 during the past five years. I also say to the gentleman that there are miles of streets in the District of Columbia that have no water mains, no water supply available, no sewer connections for the outhouses, and that the people who live in those districts and are without these improvements are the most helpless class of people in the District of Columbia and most in need of your consideration of their wants.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. And I say to the gentleman further that there should be spent on sewer connections alone, in order to wipe out this condition, more than a million dollars.

Mr. SIMMONS. I think I can correct the gentleman's figures there. The engineers have figured that it will take $4,000,000 to put water and sewers throughout the District.

Mr. ZIHLMAN. I said more than a million dollars.

Mr. SIMMONS. Will the gentleman insert in his remarks a statement showing how many outhouses and other insanitary conditions along the District line exist in the gentleman's district that need correction, and that the State of Maryland ought to take care of?

Mr. ZIHLMAN. I have not those figures as to the number, but Maryland has been making splendid progress in furnishing sewer connections to people in that section, and Maryland has been making splendid progress in her school-building program in an endeavor to keep up with the increase in population on the edges of the District.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. MADDEN. Why, it is not more than a few days since the suggestion was made by one of the members of this subcommittee to some of the educators of Maryland that we would be very glad to send them some of these portable schools, but these educators did not want them, because they have not any teachers to supply them with.

They were objecting to having their own children educated in those schools in the District of Columbia, but they had not any teachers they could employ to use them in Maryland if we should send the schools there, though it was stated that they would like a few of these portable schools in order to send to some parts of Maryland where they have a teacher occasionally, and they would use them rather than build schools for themselves.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. I have only a moment.

Mr. BLANTON. Oh, the gentleman can always get time. The gentleman's part of Maryland will never take over any of these portable schools from the District, because the people there send their children to the very best million-dollar schools that we have in this District, and the gentleman from Maryland has seen to that always. What do they want with portable schools?

Mr. MADDEN. I should say the gentleman from Maryland is clever, and he would be cleverer still if he would report from his legislative committee some legislation about the sewers, the absence of which he complains.

Mr. BLANTON. The gentleman from Maryland and his Maryland constituents have had sewer connection and water connection and light connection and school connection and every other kind of connection here in Washington that can be thought of. [Laughter.]

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. CASEY. Mr. Chairman, I ask unanimous consent that the gentleman have five additional minutes.

The CHAIRMAN. Without objection, the gentleman from Maryland is recognized for five additional minutes.

Mr. ZIHLMAN. The Committee on Appropriations has insisted on injecting at this time the question of schools. The statement was made by the distinguished gentleman from Nebraska that it was done because the chairman of the committee dealing with District matters has given no consideration to that subject and that I had prevented the consideration of the bill dealing with that question. I referred the bill introduced by the gentleman from Michigan [Mr. CRAMTON] to a subcommittee, of which the gentleman from Illinois [Mr. REID] was chairman, and that committee gave careful consideration to the subject matter of the bill and decided that this was an unnecessary hardship to impose on Federal employees, Army and Navy officers, and others who had moved across the line from the District of Columbia into Maryland and Virginia, and unanimously, to the best of my recollection, the committee reported unfavorably upon that bill.

Not only that, but the subject of schools and the attendance of children who live over the imaginary boundary line between the District of Columbia and Maryland was thoroughly considered by this House last year, and by a most decisive vote the House concluded to continue to allow children from the neighboring States who did not crowd the District schools the privilege of attending the District schools. It has been shown time and time again that under the rules adopted by the School Board of the District of Columbia a child from a neighboring State can not enter a District school if by so doing it deprives the child of a citizen of the District of Columbia of the right of attendance, and there has not been a week during the past several months that I have not been importuned by the fathers and mothers of children living across the line in Maryland, whose children have been forced out of the District schools because they were crowded and the preference was

given to the District children, although the House had decisively settled that question.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. CRAMTON. The House has never had a chance to pass upon this question as a complete entity. It has only had before it such fractions of it as could be brought in as a limitation on an appropriation bill.

The gentleman refers to this "imaginary boundary line" between his district and the District of Columbia. It is a very real line, is it not, when there comes a conflict between the interests of his constituents and those of the taxpayers of the District of Columbia? It is a real line then, in the judment of the gentleman, is it not?

Mr. ZIHLMAN. Well, it is a real line, so far as geographical division is concerned, but it is an invisible line otherwise.

Mr. MADDEN. Did the gentleman say it was a Rhine line? [Laughter.]

Mr. ZIHLMAN. No. Evidently the gentleman refers to a Volstead Act matter. [Laughter.]

Mr. MADDEN. Where allied troops are required to stop the use by outside children of these fine eight-room schools in the District which should have been occupied by the children of the District.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. SIMMONS. The gentleman referred to the fact that parents of children living outside the District complained at being required to take their children out of the District schools?

Mr. ZIHLMAN. Yes.

Mr. SIMMONS. Of course, those parents pay nothing for the education of their children in the District schools. Many people have been requested to take the children out of the border schools where we needed those exclusively for the children whose parents pay for them.

Those people, as I understand, are asked to come into the District schools that are not crowded. I am told by the superintendent of schools that practically in every instance the constituents of the gentleman from Maryland say Congress has given them the right to go to any school they want, and they will have their children go to the Chevy Chase School or Takoma Park, D. C., School, or anywhere else in the District that your Maryland folks want, no matter who is crowded out. That is to say, they are willing to have the District children crowded out and insist on their being allowed to educate their children here in the District wherever they want.

Mr. ZIHLMAN. What I wanted to do principally was to discuss the fiscal relationship between the District of Columbia and the Federal Government. I want to point out certain things that the committee has overlooked, and the fact that it has given attention to certain things over which they have no authority under the law, matters that should come before the legislative committee.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MADDEN. If the Committee on Appropriations had overlooked those things to which the gentleman has referred, the gentleman would then complain that the committee had interfered with matters coming under the jurisdiction of his own committee.

Mr. ZIHLMAN. I say these are matters that could be dealt with without increasing the tax rate.

Now, I want to call the gentleman's attention to another very serious menace in the District of Columbia; namely, the open sewer known as the northeast boundary sewer. It empties into an open lake in the vicinity of the Eastern High School, which is one of the really splendid school buildings in the District of Columbia; and it has been suggested by the War Department that the District Commissioners remedy this condition, which is unsanitary and unhealthful. The District Commissioners have recommended, or at least have advised and suggested, that the present northeast boundary sewer be continued to be drained into the Anacostia River, and estimate for an expenditure of $1,200,000 for the completion of this highly desirable project in the District of Columbia.

Mr. SIMMONS. I do not understand exactly what the gentleman means by the "northeast boundary sewer."

Mr. ZIHLMAN. This is the sewer which is called the largest sewer in the world.

Mr. SIMMONS. You mean the boundary sewer which is intended to take up the Maryland sewage.

Mr. ZIHLMAN. No. I refer to the sewer extending west to Fourteenth Street and north to Park Road and Rock Creek Church Road and south to Florida Avenue. In time of storm it discharges at Twenty-second and A Streets NE.

Mr. CASEY. Every dollar recommended by the Bureau of the Budget has been recommended by the committee for sewers carried in this bill.

Mr. ZIHLMAN. I will answer that by saying let us not be deceived as to the actual conditions that exist. I compliment the committee on its generosity in carrying most of the items that come from the Budget, and in having the courage to increase many items, so far as respecting the grossly underpaid employees of the District. I commend the committee for that. But let us not be deceived. Who wrote 90 per cent of this bill? The Bureau of the Budget. I should say 95 per cent of it. Who wrote it? General Lord? No; not General Lord. One of his subordinates. He fixes the maximum amount, and when the commissioners send it to the Bureau of the Budget they send it back and say, "Cut it $3,000,000, cut it $6,000,000, keep it down," and this bill, which has been so highly commended upon this floor, is 95 per cent written by a subordinate of General Lord in the Bureau of the Budget. So let us not be deceived as to that.

Mr. SIMMONS. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. SIMMONS. We had before us Major Gordon, of the sewer department, and we gave him complete leeway to tell the committee anything he wanted that was not included in the bill.

Mr. ZIHLMAN. Well, I will go off of the subject of the sewers.

Mr. SIMMONS. No; let us stay with it, because the gentleman has made a statement I do not think is justified.

Mr. ZIHLMAN. I made the statement that the sewer I referred to is being discharged in the near vicinity of the Eastern High School and into a sluggish stream. The War Department requested that a study be made of it, and the District Commissioners have recommended to some one that it be continued to the Anacostia River. When the gentleman from Nebraska said it was a Maryland scheme I described the area of it and showed that it was not a Maryland proposition at all. However, I did not bring it forward for that reason.

Mr. SIMMONS. I do not want the House to understand that we are not giving to the District what we were asked for.

Mr. ZIHLMAN. I do not say you have not. You have given for sewers and you have given for new paving, but for some unknown reason you have cut the item for street repairs, one of the most necessary things in the District of Columbia. I do not think there is a Member on this floor who does not know that the streets of the District of Columbia badly need resurfacing, yet the item for repairing the streets has been cut. It seems to me it would have been much better to have cut some other item and increase the appropriation for resurfacing the streets. But that has not been done. The appropriation has been cut for resurfacing, for gutters, and for putting in shoulders on all roads.

In order that the committee and the House may have the benefit of the estimated total of the necessary and also the desirable improvements in the District of Columbia, I am inserting herewith as a part of my remarks, a list of contemplated improvements and new projects covering an estimated program of five years.

This list was furnished me by the secretary of the board of trade and represents the board's views as to the improvements which will be necessary to consider during that period.

From this list it is ascertainable that if Washington is to be made the city beautiful that the President has recommended and about which Congress has often talked, it would be unfair to put this stupendous burden upon the backs of the taxpayers of the District, and that expenditures in the future should be on a proratio basis.

Among those listed as necessary improvements is the question of an airport, which it is estimated will cost $1,500,000. This, it is proposed, should be built in Virginia, and to my mind, the Federal Government should contribute in planning and constructing here an airport comparable with those that are available in Paris, Belgium, and other capital cities.

LIST OF NECESSARY IMPROVEMENTS FOR THE DISTRICT OF COLUMBIA, INCORPORATED IN AN EXPENDITURE PROGRAM FOR COMPLETION WITHIN A PERIOD OF FIVE YEARS

Airport $1,500,000

Under the recent legislation by Congress affecting commerce by air, the Federal Government provides emergency landing fields and lights the airways. The municipalities are required to furnish the landing fields. It is therefore essential that the city of Washington provide an adequate, safe, and convenient airport for the use of the air mail, the air commerce, and of the civilian air activities of the Federal Government. Unusual unanimity among the persons and organizations interested has been obtained on the location of the site and the kind of airport to be obtained. The figure given of $1,500,000 is believed to be an outside figure, and excludes savings which may be expected by the dumping of dredge material from the Potomac River and the dumping of ashes and other refuse from the city of Washington if and when the street-cleaning department is furnished with the necessary trucks, etc., and—if it is felt advisable when the time comes—by the erection of buildings on the field by private parties interested instead of by the municipal government. This project should by all means be started immediately. The sea wall should be built, right-of-way obtained to the field, and roads constructed. After this is done, within the next year or so, the speed of construction of the final airport can be gauged according to the rapidity of the development of aerial commerce.

Farmers' produce market ..... $600,000–$1,000,000

Public Act 776, Sixty-ninth Congress, second session, authorized and directed the Commissioners of the District of Columbia to negotiate for the acquirement of a site for the farmers' produce market, at a cost not to exceed $600,000 and to report to Congress with their recommendations not later than December 15, 1927. It is generally admitted that it is advisable for a municipality to provide facilities for a farmers produce market and that is a good investment for the city provided the total cost is held down to a reasonable sum. The present farmers produce market is to be eliminated in the immediate future by the new building program of the Federal Government. The new facilities should therefore be provided without delay. The amount needed, $600,000 to $1,000,000, would depend upon final location.

Extension of northeast boundary trunk sewer, from 21st and A Streets NE. to Anacostia River just south of south lock of Lake Kingman $1,212,000

The northeast boundary sewer, one of the largest sewers in the world, and carrying the combined drainage from an enormous area, extending west to Fourteenth Street NW., north to Park Road and Rock Creek Church Road, and south to Florida Avenue, discharging in times of storm at Twenty-second and A Streets NE. The discharge from this sewer is carried in a sluggish open channel into the recently created Lake Kingman. In that Lake Kingman, created in connection with the Anacostia River development, is designed to be maintained as a more or less quiescent inland lake, the discharge of even diluted sewage will create a decided nuisance.

To remedy this evil, the commissioners have made studies at the behest of the Secretary of War, resulting in a proposal to extend this northeast boundary sewer to discharge at a point below the outlet of Lake Kingman and directly into the Anacostia River.

Since the original conception of this extension there has been constructed the Eastern High School, at a location in close proximity to the present sewer outlet, and as the result of the location of this large school there have been many complaints as to the insanitary condition existing at the mouth of the sewer.

It has been recognized that the above sewer extension must be undertaken before Lake Kingman or this section of Anacostia Park can function as recreation centers.

Oxon Run intercepting sewer $750,000

The Oxon Run drainage area is an area comprising over 2,000 acres, and located between Nichols Avenue and Alabama Avenue on the west and the Maryland line on the east. This area is largely undeveloped. However, several communities have sprung up in this area where streets are dedicated and houses constructed. Notably among these communities is the larger part of Congress Heights and the recent addition of Hillcrest. There are between 200 and 300 houses in the communities referred to above. Despite repeated applications by individuals and citizens' associations, it has been impracticable to provide sanitary sewers for any of these houses due to the lack of an outlet sewer.

The item submitted herewith is for an outlet sewer for this drainage area, which would be located in the valley of Oxon Run and located approximately parallel and close to the District line. This interceptor would eventually discharge by gravity to the site of the proposed treatment sewage plant, at which point its effluent would receive treatment in common with all other treatment of sewage by the District.

For completing upper Potomac interceptor $425,000

This interceptor in its entirety will extend along the north shore of the Potomac River from Rock Creek to the District line, and is designed to intercept all sanitary drainage from the area sloping toward the river between the limits named. There are now four points in the upper Potomac River where large volumes of raw sewage are now being discharged. The construction of this interceptor will result in removing this pollution to the river and in addition will provide an outlet for future Maryland sewage now discharging into the Potomac River just west of the District line and discharging from Edgemoor, Battery Park, a portion of Chevy Chase, Drummond, Somerset, and Friendship Heights.

A reciprocal agreement has been entered into between the Commissioners of the District of Columbia and the commissioners of the Washington Suburban Sanitary Commission whereby Maryland sewage may discharge through the District sewers upon the payment by Maryland to the District of the estimated cost of handling said sewage.

Fifty per cent of this entire interceptor will have been constructed upon the expenditure of funds already appropriated for this sewer.

For completing upper Anacostia main interceptor along the Anacostia River between Benning Road and the District line $423,000

This interceptor is located to flank the east side of the Anacostia River, and to intercept all sewage which now, or at a later date, would discharge in a crude state into said river, and the construction of this interceptor should be carried on more or less simultaneously with the Anacostia River improvement north of Benning Bridge.

At the present time there are, within the limits of the District, two sanitary sewers discharging raw sewage into the east side of the Anacostia River, north of Benning Road. One of these sewers, in addition to carrying the sewage from approximately 5,000 persons residing in the District, also carries the sewage from an additional population in Maryland residing in Capitol Heights. A further program now being considered by the Maryland authorities proposes to contribute more Maryland sewage from Seat Pleasant, which sewage will also discharge through the existing District sewer.

This interceptor will not only intercept sewage from District sewers, but is designed to be available for all of those communities lying in Maryland close to the District line, viz, Silver Spring, Takoma Park, North Takoma, Mount Rainier, Bladensburg, Hyattsville, Riverdale, College Park, Berwyn, and other smaller communities which now discharge crude sewage into the upper reaches of the Anacostia River, and consequently pollute that portion of the Anacostia which traverses the District.

The Maryland sewage from the communities referred to above may discharge into District sewers by virtue of an agreement entered into between the Commissioners of the District of Columbia and the commissioners of the Washington Suburban Sanitary Commission, under which agreement the Maryland authorities would pay to the District an amount equal to the cost to the District of pumping said Maryland sewage.

There has already been expended on this project of flanking the east side of the Anacostia River a total of $319,500.

Sewer service for houses where privies exist $4,000,000

There are now being maintained in the District of Columbia 3,431 box privies. The number of such privies are increasing rather than decreasing, as is evidenced by a count which indicates that the number has increased by 682 in the past five years.

To eliminate these privies, which are considered as a source of possible disease, necessitates the coordination of appropriations for grading, for water service, and for sanitary sewers. Sewers, being water carriers, are worthless unless water is available. Water can not be made available until such time as the streets are brought to the established grade, in that it is considered necessary that water mains be laid at a constant depth below the surface.

It is felt that effort should be put forth to introduce sanitary improvements in these sections known as Deanwood, Kenilworth, Burrville, Barry Farm, etc., in which communities the majority of privies exist and which communities are practically without modern improvements.

Site for and construction of incinerators, city refuse division $650,000

The maximum working capacity of the trash-disposal plant is about 800 cubic yards per day. In times of heavy rains, etc., this capacity is materially reduced by the inadequacy of the incinerators to burn the wet paper which can not be baled. At such times it is necessary to place the excess on the Congressional Cemetery dump and burn it there.

In addition to this bulk, a considerable amount of the material received at the Congressional Cemetery dump from the various United States Government activities is of a combustible nature and must be burned daily to avoid the possibility of starting a general fire on the dump.

Inside of three years we will have filled all our present dumps, and by such time a start must be made to send all the material collected in

street cleaning and a large proportion of the ashes to some new dumping point. The volume of the street-cleaning material must be reduced by incineration.

There is also a possibility that it may be necessary to forbid the placing of combustible material on the Benning dump owing to the smoke nuisance.

Because of the above conditions, and the constant complaints of various citizens' associations regarding burning materials on dumps, a transfer station, trash-salvaging plant, and incinerators of sufficient capacity should be constructed immediately. It is therefore recommended that $650,000 be appropriated for the acquisition of a site and construction of the above plant.

Site and buildings for garage, shop, etc., city refuse division.. $150,000

The city refuse division owns and occupies a building in the interior of square 367, covering 12,500 square feet of ground. This was originally used as a stable, but is being converted to use as a garage and shops.

In the very near future the hauling equipment of the department must be entirely motorized. This is mainly due to the scarcity of dumps and the consequent increased length of haul.

The city refuse division has now reached the capacity of the present plant in which are repaired, repainted, and reconstructed all auto trucks used by that division, in addition to the building of all new truck bodies, and it is very necessary to add to the existing building. By the purchase of the balance of the plot the present ground area would be doubled, and the construction of an addition to the building would provide for a garage, shops, and storerooms in an ideal location.

New Chain Bridge---------- $366,000

A new bridge is required to provide adequate capacity for traffic and to insure safety for traffic on this bridge, the carrying capacity of which is uncertain due to deterioration resulting from its age, 54 years.

Connecticut Avenue Bridge over Klingle Road---------- $500,000

A bridge of greater capacity is required to take the place of the existing structure, due to the heavy traffic over Connecticut Avenue.

New Calvert Street Bridge---------- $1,200,000

The replacement of Calvert Street Bridge by a bridge to conform with the treatment of Rock Creek Park is projected to afford increased capacity for traffic.

The roadway of the existing structure is inadequate and the bridge has not sufficient strength for the heavy traffic of the present day.

Twentieth Street Bridge over Piney Branch---------- $300,000

A bridge of greater capacity with improved alignment is required to take the place of the existing light iron bridge.

Municipal center, purchase of land---------- $9,000,000
Municipal center, buildings---------- 10,000,000

The act authorizing the acquisition of the triangle south of Pennsylvania Avenue for the erection of various Federal buildings authorizes the taking over by the Federal Government of the District Building and the square to the south of the present building, which was considered available for a much-needed expansion of the District Building. As a new location for the District offices will have to be obtained in order to replace the building and site to be taken over by the Federal Government, and as there are a number of District activities in rented buildings and a number of other District activities which are not now adequately provided for, it is proposed to purchase the area between Pennsylvania Avenue on the south, Louisiana Avenue, D Street, and Indiana Avenue on the north, Seventh Street on the west and Third Street on the east, for the site of the new municipal center.

It is deemed highly desirable that the purchase of this site should be made at one time in order that the part to be improved by the construction of new buildings will not enhance the value of the property not acquired. By purchasing the whole site at one time a material saving can be made over piece-meal purchase. It would not be necessary or desirable to proceed with the construction at a rapid rate, and present plans call for a development of square 490 as the site for a building to house the various courts of the District of Columbia, and it is expected that this would be the first part of the site developed. Provision for the construction of the building should be made at the rate of about $2,000,000 per year, and when the building on this square is completed the development of square 491, directly south of this square, should be undertaken to provide suitable quarters for the police and fire departments, recorder of deeds office, and some other District activities.

The site can be purchased for about $9,000,000. The court building will have approximately 8,068,000 cubic feet, at an estimated cost of $1 per cubic foot, while the building on square 491 will be approximately the same size and same cost.

Opening and extension of streets and avenues---------- $4,000,000

The opening and extension of the following streets and avenues is important in that they will provide better traffic conditions in their respective locations; furthermore, land values are increasing, and the longer these projects are delayed the greater will be the cost of their acquisition. Dedications have already been made to the District of portions of all of these streets.

Nebraska Avenue is the only street on the highway plan in the area west of Rock Creek Park, excepting Western Avenue, which extends directly from the Potomac River to Rock Creek Park. This street is approximately a mile east of Western Avenue, and crosses Massachusetts, Wisconsin, and Connecticut Avenues, and connects up Wesley Heights, Tenleytown, and Chevy Chase.

Foxhall Road: This road connects Wesley Heights and American University with Conduit Road and intersects Conduit Road just west of Georgetown University. A great number of houses were built along this road before the highway plan was established. Many of these houses will have to be moved when the street is widened and, of course, condemnation would be the only procedure. As property values in this section are steadily increasing, it is believed that this street should be condemned as soon as possible.

Potomac Avenue is on the highway plan from Foxall Road to the District line and runs along the high ground overlooking the Potomac River. This street would make a very attractive riverside drive, and for this reason it is believed that steps should be taken to acquire it for its entire length, before any building operations increase the cost of its acquisition.

Colorado Avenue, Thirteenth and Fourteenth Streets are now in process of condemnation.

Maryland Avenue is now in public ownership from Fifteenth Street and Florida Avenue NE. to the the United States Capitol Grounds. The highway plan provides for the extension of this avenue to the Anacostia Park, where it will intersect with Oklahoma Avenue. The opening of this avenue will be of importance in that it will provide a direct connection from the Capitol Grounds to the northern part of the Anacostia Park.

Free Public Library, five-year building and extension program---------- $1,696,000

The organic law establishing the public library, as amended, provides that the said library shall consist of a central library and such number of branch libraries so located and so supported as to furnish books and other printed matter and library service convenient to the homes and offices of all residents of the District of Columbia.

The estimate of $1,696,000 would provide for carrying out the larger items in the five-year building and extension program for the library, in providing for sites and buildings for branch libraries as well as additions to the main library building.

Gallinger Municipal Hospital---------- $3,000,000

In order to equip the Gallinger Municipal Hospital as a complete municipal hospital capable of accommodating all the patients that are proper municipal charges and discontinue the practice of boarding such patients in private institutions, it would be necessary to erect two additional ward buildings similar to the one now under construction. It would also be necessary to erect a suitable nurses' home, staff building, laboratory, and accessory buildings at a total cost of approximately $2,500,000, and an isolation building for the care and treatment of indigent persons suffering from minor contagious diseases, at a cost of approximately $500,000.

District Training School---------- $1,000,000

Additional cottages, school building, dormitory for employees, commissary, and dining-room building, superintendent's residence, and the necessary roads, water and sewer mains, should be provided at the District Training School as soon as possible, because the present demand would undoubtedly fill the school to a number of approximately 600.

Receiving home, division of child welfare---------- $150,000

There should be provided as soon as possible a receiving home for the division of child welfare where children could be received when committed by the courts, given medical and mental examinations and such treatment as necessary and afford opportunity for study and classification before these children are sent to permanent boarding homes or institutions. Such a receiving home, properly equipped, would cost approximately $150,000.

Industrial Home School for white children---------- $250,000

The Industrial Home School for white children, now housed in a group of old dilapidated buildings, should be abandoned. If funds are not to be derived from the sale of the present property it would cost probably $250,000 to provide a proper site and buildings to reestablish the school on a new site.

District of Columbia Jail---------- $500,000

The old-cell wings of the jail have been condemned by competent authority as insanitary and unfit for the confinement of prisoners. To reconstruct the north and south wings, which contain these old cells, would cost probably about $500,000.

Tuberculosis Hospital $150,000

Congestion at the Tuberculosis Hospital requires an early enlargement of that institution. There should be an additional ward building at a cost of approximately $100,000, and a building to house the medical staff, orderlies, and other employees, many of whom are now obliged to live away from the hospital. This building would cost approximately $50,000.

Public schools—Five-year building program $11,000,000

The carrying out of the five-year school-building program, as authorized by the act of Congress approved February 26, 1925, is $3,000,000 in arrears at the present time. In addition, during the two years remaining of the period for carrying out that program, $8,000,000 will be required.

Elimination of grade crossings $680,000

The grade crossings which should be eliminated to provide safety for traffic are placed in the order of importance, as follows: Michigan Avenue, $275,000; Chestnut Street (Fern Street), $164,000; Eastern Avenue (Quarles Street), $153,000; Bates Road (Varnum Street), $88,000.

Total of necessary improvements $53,902,000

LIST OF DESIRABLE IMPROVEMENTS FOR THE DISTRICT OF COLUMBIA

Water-front development, Washington Channel $3,691,000

The act of Congress approved March 3, 1925, authorizing the construction, repair, and preservation of certain public works on rivers and harbors, authorized and directed the Secretary of War to cause preliminary examinations and surveys to be made of the water front on the north side of the Washington Channel, D. C., with the view of surveying same and preparing and submitting plans and estimates of cost for the construction of an adequate terminal or terminals which would provide appropriate facilities for water transportation and for interchange of traffic between vessels and the railroads and highways, respectively, including any recommendations which may be deemed advisable for coordinating the full commercial use of said water front and the approaches, with the beautification thereof.

In accordance with the direction of Congress, the District engineer officer (United States Army Corps of Engineers), after most intensive study, has prepared and submitted a report on the improvement of the water front along the Washington Channel.

The item of $3,691,600 is an estimate by the Commissioners of the District of Columbia of the cost of providing this very desirable improvement.

Pennsylvania Avenue Bridge over Anacostia River $651,000

The construction of a bridge in the line of Pennsylvania Avenue crossing Anacostia River is required to provide capacity for the heavy traffic using that bridge and also to permit dredging of the river as proposed by the Corps of Engineers of the United States Army. The piers supporting the bridge have pile platforms, the piles being cut off at mean low-water level. Provision is also required for traffic on the river by the construction of a draw span at this crossing.

Benning Bridge over Anacostia River $470,000

The construction of a bridge to take the place of Benning Bridge is required for the same reasons outlined in the above statement concerning the Pennsylvania Avenue Bridge.

P Street Bridge over Rock Creek $350,000

The construction of a bridge to take the place of the present P Street Bridge across Rock Creek is required to provide for the Rock Creek Parkway.

Watts Branch Valley storm-water sewer $950,000

Watts Branch Valley extends easterly from the Anacostia River through Deanwood, and this stream drains a large watershed located partly in the District and partly in Maryland. The stream traverses private property through the major part of its length, and is located through a very flat section of the District. Freshet conditions cause this stream to rise out of its banks, inundating large areas of adjacent property.

This valley, with the exception of Rock Creek, is the largest one traversing the District, and to control that portion of the stream which lies within the District would require the construction of over three miles of conduit varying in size from 12 to 15 feet in span.

As to whether this important storm-water conduit should be given open treatment or a closed conduit construction is still a mooted question, and before final decision is reached the National Capital Park and Planning Commission will be requested to study this situation.

Sewage treatment works $2,250,000

At the present time all District sewage is discharged in a more or less crude state directly into the Potomac River, at a point some three miles below Hains Point.

Any impurities such as sewage which are discharged into a body of water become purified by oxidation. In the process of oxidation, oxygen existing in the water is consumed, and if too much of this oygen is consumed from the water fish life is destroyed, in that their life depends upon the water-carried oxygen, without which they would suffocate.

The commissioners being cognizant of this fact have visualized for some years that eventually further treatment must be given to the District sewage before same is discharged into the Potomac River, and with this in view they have, within the past few years, acquired a considerable tract of land in the vicinity of Blue Plains as a site for a future sewage treatment plant. This site is located at the extreme southern point of the District, which is the only strategic location to which all the sewage of the District may be discharged by gravity.

Before venturing upon an expenditure of this magnitude, the commissioners propose to make a request of the Public Health Service that they conduct a survey of the lower Potomac to determine what degree of purification the sewage must undergo at this time. Moreover, the commissioners have in mind that before actually making expenditures for these works they would request authority for appointing a commission of well known sanitary engineers to make a detailed study, with report, as to the best type of treatment works to install.

Key Bridge approach $200,000

Certain desirable improvements should be made in the north approach to the new Francis Scott Key Bridge, to the end that the "bottle-neck" situation which now arises under heavy traffic conditions may be eliminated and a more adequate approach to the bridge proper may be provided.

National Zoological Park $1,145,000

This is an estimate of improvements recommended by the Director of the National Zoological Park, and includes provision for the construction of new exhibition buildings for animals and birds, remodeling of and additions to exhibition buildings, open barless pit for polar bears, monkey pit, three stone-arch entrances to the park, and a fence around the park.

Public buildings and public works $4,501,600

This is an estimate of improvements recommended by the Director of Public Buildings and Public Parks of the National Capital, and includes provision for construction of two additional bathing pools, $900,000; Meridian Hill Park, $400,000; Rock Creek and Potomac Parkway, roads and bridges, $2,000,000, and sea wall, $180,000; repairs to Tidal Basin wall, $7,500; East Potomac Park, walks, $13,000, and widening roads, $65,000; lighting around reflecting pool, Lincoln Memorial, $6,100; and improvement of the Mall, Second to Fifteenth Streets, $930,000.

National Capital Park and Planning Commission $15,000,000

To carry out a desirable plan of development of the National Capital during the next five years it is estimated that the above sum will be required by the National Capital Park and Planning Commission.

Total of desirable improvements	$29,209,200
Total of necessary improvements	53,902,000
Total	83,111,200

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. When I first came to Congress the tax rate in the District of Columbia was 90 cents on the $100. That was the total tax the people of the District of Columbia paid.

Mr. ZIHLMAN. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ZIHLMAN. I will say to the gentleman that the tax rate here has been $1.50 since 1878, and that was fixed by law.

Mr. BLANTON. I thought the gentleman would say that. It was so arranged as to assessments, allowed by law to be made for only part value, that when you paid the tax it was only 90 cents on the $100. The assessments were camouflaged and the rate was camouflaged, so that when you paid the tax it was just 90 cents on the $100, and then we raised it to $1.10; then to $1.20; then to $1.30; then to $1.40; then to $1.60; and then to $1.80. During this past fiscal year it was $1.80. For this present fiscal year it is $1.70 on the $100.

I have been fighting the gentleman from Maryland ever since I have been here on that proposition, he wanting the tax in the District just as low as possible for many of his Maryland people who mostly live here in Washington, and I wanting it commensurate with what was fair to the rest of the people of the United States.

Let me show you how unfair the newspapers are on this subject. Mr. Clayton came before our committee the other day and said the tax rate for this present fiscal year was $1.80. I said it was not, but that it was $1.70. They have lowered it for the present fiscal year to $1.70: The next day a Washington newspaper, the News, said I had contended the tax rate was $1.40, and that I had made a mistake, when my whole argument to Mr. Clayton was that he was mistaken in saying it was $1.80, as it had been reduced to $1.70.

Mr. SIMMONS. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SIMMONS. The gentleman is not complaining about the accuracy of that, is he? That is fairly accurate.

Mr. BLANTON. Yes; for this newspaper, it is; but I want to keep the record straight as we go along.

Mr. SIMMONS. That is fairly accurate for a Washington paper.

Mr. BLANTON. For the News or Times, yes. The Star is reliable. When the gentleman from Maryland and I began work on this committee together the whole people back home, the taxpayers all over the United States in the 48 States, paid one-half of every bit of the civic expense of the people who live in the District. They paid one-half of the paving of streets and alleys; they paid one-half of their lighting system; they paid one-half of the expense of the police force and of the fire force and equipment; they paid one-half of the salaries of the 2,500 teachers; they paid one-half of the cost of furnishing free school books here; they paid one-half of the cost of erecting our million-dollar school buildings; they paid one-half of the playgrounds and swimming pools; they paid one-half of the cost of running the water system. Of course, the Government owned the original main water conduit, but they paid also one-half of running it. The people of the United States paid one-half of the expense of erecting the municipal buildings here in Washington and municipal salaries and the hospitals and of the million-dollar bridges. The people back home paid one-half of all the civic expense in the District of Columbia. It was unfair to the people of the United States. They had their own taxes to pay and then they had half of the taxes of the people of the District of Columbia to pay in addition. No wonder Washington became a mecca for tax dodgers. I could name you some of the most prominent rich people of the world who came here to establish a nominal residence for tax purposes, and I can take you out and show you their palatial residences which for at least nine months of the year are nailed up and with nobody in them. They are just nominal residences for taxation purposes only.

A few of us here began to rebel against such a situation, and we began to let the people of the United States know the facts, and this knowledge was reflected in a change of the law here, but the main changes we have been able to get were through the Committee on Appropriations, through the help of Brother CRAMTON and others. We never could get it out of the committee of the gentleman from Maryland [Mr. ZIHLMAN]. He is the chairman of that committee and he has about 15 subcommittees. When he wants to pigeonhole a bill he knows exactly where to refer it, and there is no more chance of getting a bill that he does not want out of his hand-picked subcommittee with a favorable report than there is for a snowball to exist somewhere down below.

Mr. ZIHLMAN. The committee brought out one last week.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. We are not surprised at our friend coming here and proposing this amendment. He has made a fight on this floor every time we have tried to make Maryland and Virginia children pay their school expenses. He has come in here at the last moment and with his bland, pleasing appearance and the influence he exerts with us, he carries it right at the last moment every time; but we ought not to let him carry it this time. We ought to put a provision in this bill that will mean in no uncertain terms that when the people of the District of Columbia pay their school expenses they pay for their own children and do not pay for FRED ZIHLMAN'S constituents over in Maryland and for WALTON MOORE'S constituents in Virginia.

Up until this year there were nearly 3,000 children from Maryland and Virginia going to school here in the District of Columbia, getting their tuition free and getting their schoolbooks free, paid for by the people of the District of Columbia and by the taxpayers of the United States, and this year there are over 2,000 of such children. Let Virginia educate her own children and let Maryland educate her children.

Our friend ZIHLMAN'S district has been getting hand-outs from this Government every year since back in 1841. [Laughter.] I looked up an old RECORD of way back in 1841, when there was a big fight made against a tremendous expenditure for the building of a big highway through the gentleman's district.

Mr. ZIHLMAN. That was in 1807.

Mr. BLANTON. Yes; but 1841 was when the main fight was started against it. His district has been getting hand-outs ever since.

Now, what are we going to do about it? Are we going to look after the interests of Brother HERSEY'S people in Maine and the people in Connecticut and the people of Ohio and the people of Texas and consider all of their interests, or are we just going to keep on voting on behalf of these two districts in Maryland and in Virginia?

I have no unkind feeling toward the people of Washington. They are among the finest people in the world. I fraternize with them here and I believe I have as many friends among them, in spite of my fights on this tax question, as my friend, the gentleman from Maryland. They are a bully, fine set of people and they will appreciate you when you stand up and do your duty, even though it may hurt them a little bit; but as long as they are paying a tax rate of only $1.70 on the $100, they are not hurt.

If you will go right over here to Baltimore, in Maryland, 40 miles from Washington, and find out what the people there pay on a Packard car and what they pay as personal taxes and as real-estate taxes, and then come over here and see the low tax rate on same in the District of Columbia, you will see at once that the people of Baltimore are paying twice what the people of the District of Columbia pay, and it is because of this fight that the gentleman from Maryland makes here every year. Oh, of course, it makes him popular and they talk about drafting him for the Senate. [Laughter.]

Mr. ZIHLMAN. The gentleman has that distinction, not me.

Mr. BLANTON. Oh, they do not have to draft me. [Laughter and applause.] I will say to my friend that whenever I am drafted I respond. [Laughter.] I do not wait and hang back. I am right in the front every time leading on a proposition that I know to be right.

Mr. ZIHLMAN. Does the gentleman go to the finish?

Mr. BLANTON. Yes; I have never failed to go to the finish yet.

Mr. ZIHLMAN. I just wanted to know if the gentleman was going to finish in this fight.

Mr. BLANTON. Yes; I am going to be over yonder in the other end of the building watching this very proposition next year [laughter and applause], and I will be in a position where I can stop you, FRED, when you send this kind of a proposition over there. We sometimes can not do it here under the five-minute rule. Under our procedure here, with 435 Members, you can not stop these things, but you can stop them over there. That is one reason I am willing to make the sacrifice. [Laughter and applause.]

We ought to take care of this proposition by backing up our friend SIMMONS and his splendid committee. We ought to back up Mr. CRAMTON on this proposition. I am too good a prohibitionist to follow him all the way sometimes on some things. He gets a little off on the prohibition question sometimes, and I will not follow him when he goes to voting for the Hawley bill, but he is right on this fiscal system and I am with him.

Mr. CRAMTON. Mr. Chairman, I offer a substitute motion. On page 2, line 6, in lieu of the motion proposed by the gentleman from Maryland, I move to strike out "9,000,000" and insert in lieu thereof "7,000,000." and on that I ask recognition.

The CHAIRMAN. Is the gentleman from Michigan amending the amendment?

Mr. CRAMTON. I am offering a substitute for the amendment.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Substitute offered by Mr. CRAMTON: Page 2, line 6, strike out "9,000,000" and insert in lieu thereof "7,000,000."

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, the gentleman from Maryland [Mr. ZIHLMAN] has made an appeal that abandons the proportionate plan which he has heretofore advocated and now urges the lump-sum plan, but that it be increased from $9,000,000 to $10,000,000. He has talked about an investigation of the question and a study by a commission, and so forth, but he has laid down in his discussion no basis whatever on which any commission could proceed to determine whether $9,000,000 was right or $10,000,000 was right, except this—that the District needs more improvements.

I had thought of making a more or less extended address on the subject and have so stated to several Members of the House, but after hearing the address the other day of the gentleman from Nebraska [Mr. SIMMONS], following the very careful consideration given the question by his able subcommittee, I realize the uselessness of discussing the question at length or attempting to supplement that presentation.

But at this moment it does seem proper that I say something about how the lump-sum plan came to be adopted. The gentleman from Maryland has presented here something about the needs of the District—that he considers urgent for schools, sewers, and water mains—and I assume that he is correct in his statement. I am willing to assume that there does exist now in the District a need for more schools, sewers, and water mains. But what community in the United States does not have such needs? Certainly no growing community. The Treasury of the United States is not to be expected to meet these needs in other cities of the United States, and it ought not to be expected to meet them in the city of Washington, the District of Columbia, further than some basis would justify it. Simply the fact that they need these things is not enough justification to call on the Treasury to supply them.

I will say this: I have been abused regularly, constantly, and consistently by the newspapers of Washington since the adoption of the lump-sum plan came from an amendment that I offered to an appropriation bill. I have been abused constantly, pictured as an enemy of progress in the District, whereas there is no one in this Congress, no one in the District, who is more desirous of seeing Washington a beautiful city and worthy of being the Capital of the country than am I. But I do not propose to see my constituents unfairly burdened in bearing the expenses—not of the Capital City, but of the people of Washington.

The gentleman refers to the need of schools, sewers, and water mains as being urgent. If it had not been for the adoption of the lump-sum plan the gentleman from Maryland even could not begin to picture the urgency of the needs that would confront the city now. Here was the situation: During the World War the city grew rapidly in population. New areas were built up that would be productive of taxes. The new areas grew up and the population increased with a great increase of District property and District needs, but without equal expansion of Federal property or needs. There was created a terribly urgent need for sewers, streets, lights, water mains, and all that, but following the World War—when the country was overburdened with taxation—it was not to be considered, any great increase of the Federal contribution to District expenses.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAMTON. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CRAMTON. What I sought to do was to arrive at some plan so that the urgent needs of the people of the District could be taken care of without unfairly burdening the Federal Treasury that was staggering already under great burdens of taxation. The people here were paying $1.20 or something like that. The people in my district were paying $3 or $4. I did not feel that the people of the District had reached their capacity to pay for the things they needed, but under the proportionate plan of 40–60 every time $10 was added to the appropriation bill $4 came out of the Federal Treasury. I offer the lump-sum amendment providing that our full contribution should be $8,000,000 plus certain fees that would come back. Later in a compromise with the Senate it was made $9,000,000 plus the fees, and that is what it is now.

Under that plan we would contribute the $9,000,000; and then, however much more the appropriations were for the District, the District would take care of the balance. In other words, it opened the way by which contributions of the District could be increased without increasing the Federal burden. That is what has made possible the development of the last four years. It is that system that has made it possible to get appropriation bills through here, and has made possible the tremendous increase in facilities in the way of schools, sewers, water mains, and so forth, that mean so much in the Washington of to-day.

It could not have been done otherwise. Before that we were always being attacked as being parsimonious with the District. Under the lump-sum plan it was contemplated that the appropriation bills would be larger than they had been before; and they are larger; but because they are larger that does not mean that we must abandon the system. The purpose of the system was to permit appropriation bills commensurate with the needs of the District. Before then we were attacked as being parsimonious. I contended, when I offered that amendment, that it would permit the people of the District to occupy a more dignified position when they came before Congress. Theretofore they had come here asking for money from the Treasury when they urged improvements. Now, when they come to the committee and say that they want more expenditure for this or that purpose, it is their money that they are urging the expenditure of, and they are entitled to our consideration.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. ZIHLMAN. Where do the citizens of the District of Columbia get this opportunity of urging these needed improvements? To what tribunal, to what august body do they present these demands?

Mr. CRAMTON. They get a pretty good hearing in the newspapers. I have always noted that.

Mr. ZIHLMAN. In other words, the gentleman concedes that they have no authorities to whom they can go?

Mr. CRAMTON. Oh, I have not conceded that. I assume this, and I imagine the gentleman from Nebraska [Mr. SIMMONS], as well as the gentleman from Pennsylvania [Mr. CASEY] and other members of that subcommittee, will confirm it. I know that the members of the subcommittee have been making a study of these things in contact with the people, and I assume that anyone who has information as to any need will have had no difficulty in getting to any member of that committee to present those needs.

Mr. SIMMONS. The people of the District have their commissioners, they have their city officials, and always during the three years that I have been a member of this subcommittee we have given hearings to absolutely every citizen in the District who asked for it, without exception.

Mr. CASEY. And I want to say for the information of the gentleman that during our investigation into this matter, we asked the District Commissioners to furnish us with a map of the District of Columbia with an outlay of the sewer system, spoken of by the gentleman from Maryland [Mr. ZIHLMAN], extending to those places which he talked about, and the commissioners admitted that they never had had any such map, and the question had never been studied, and they have never made any requests of Congress for additional sums for that purpose.

Mr. SIMMONS. And may I ask the gentleman from Pennsylvania whether the idea that he wishes to convey to the House is that the first time the question was given consideration was when the gentleman from Pennsylvania himself raised it? I refer to this question of sewerage.

Mr. CASEY. Yes; the hearings show that.

Mr. CRAMTON. Of course, there are some political and some newspaper needs that even exceed the real needs of the people of the District. The fact is that the people have full opportunity of presenting their needs, and they have an opportunity to adopt resolutions. I notice one thing in the current year. It has gotten to a point when occasionally a meeting of those citizens will adopt a resolution that they do not want their tax rate any higher. I assume that if the gentleman from Maryland were to offer an amendment here providing for all the needs that he has mentioned he would get protests from at least two-thirds of the citizens' associations of the District of Columbia, since under the present system it is their money that is being expended.

I just want to conclude with this, that the idea of the lump-sum plan as set forth in my attempt was not an exact and scientific decision as to the amount that should be contributed. It was based upon the thought that we would continue to spend what we had been spending, although I thought it was too high. There has now been made a study and a showing. The newspapers of the District have been insisting that in determining how much we should contribute there should be a comparison of the property of the Federal Government and of the value of the property of others in the District of Columbia. That has been their insistence from the first.

The gentleman from Nebraska [Mr. SIMMONS] has shown that when the sacred half-and-half theory was born it came from that parentage; that theory of an assessment of Federal property, joined with the agile and fertile brains of some people here, which permitted them to include in that assessment of Federal property the streets and highways of the District of Columbia. That is the theory upon which our 50-50 contribution was based—an assessment of our property—and now it is shown to us by an investigation of this subcommittee, more thorough, more logical, and complete than any hybrid commission that could be created would accomplish, that if we are to base it on that plan, then instead of its being $9,000,000, as the bill carries, or $10,000,000, as the gentleman from Maryland proposes, it ought not to be over $6,000,000. In view of that I offered my amendment to the gentleman's amendment to make it $7,000,000. However, so strong is my desire to be liberal to the District, taking into consideration that this is our Federal Capital, I am not disposed to press the $7,000,000 amendment unduly.

Mr. DALLINGER. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. DALLINGER. Does the gentleman know of any other case where the Government—State, county, or municipal—pays any taxes or makes any contribution toward the government of any municipality within its boundaries?

Mr. CRAMTON. No. And this Congress uniformly refuses to do so as to any other place.

The CHAIRMAN. The time of the gentleman from Michigan has expired. The question is on the substitute offered by the gentleman from Michigan to the amendment offered by the gentleman from Maryland.

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. CRAMTON. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 6, noes 57.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LICENSE BUREAU

For personal services in accordance with the classification act of 1923, $17,820; temporary clerk hire, $1,500; in all, $19,320.

Mr. SIMMONS. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Nebraska offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. SIMMONS: Page 4, on line 24, after the figures "$19,320," strike out the period, insert a colon, and add the following: "*Provided*, That hereafter no person shall practice phrenology in the District of Columbia without paying the license tax named in paragraph 32, section 7, of the District of Columbia appropriation act, approved July 1, 1902, subject to the proviso contained in said paragraph."

Mr. SIMMONS. Mr. Chairman, probably this provision is subject to a point of order. I have consulted the chairman of the District legislative committee and the ranking member on the Democratic side, and others on the committee. The amendment is designed to do away with the gypsy fortune tellers who now infest Pennsylvania Avenue and other parts of Washington. If it is adopted, it will have the effect of doing away with these gypsy fortune tellers. I thought that ought to be stated.

Mr. HUDSON. What will they be required to pay as a license?

Mr. SIMMONS. They are not required to pay anything now, nor required to have a license.

Mr. HUDSON. If this is adopted what will they have to pay as a license?

Mr. SIMMONS. Twenty-five dollars a year.

Mr. HUDSON. Do you expect to drive them out in that way?

Mr. SIMMONS. The chief of police can deny them a license in his discretion.

Mr. LAGUARDIA. I think it is a very dangerous precedent to license it.

Mr. HUDSON. If the gentleman is trying to control it by licensing it, I do not think he will control it.

Mr. LAGUARDIA. You should not license it. By licensing it you appear to be legalizing it.

Mr. SIMMONS. No license is necessary at present.

Mr. LAGUARDIA. What I fear is that the gentleman is in a manner legalizing it.

Mr. SIMMONS. The gypsy fortune tellers are now practicing their trade without a license and can not be stopped.

Mr. LAGUARDIA. The only way to stop it is to make it a penal offense. We do it in New York City and in New York State. Anybody who undertakes to predict the future is prohibited from practicing that supposed art. We have cleaned them out in New York City.

Mr. HUDSON. I am not going to oppose this amendment. On the contrary, I hope it will be adopted; but I do hope that the District legislative committee will bring in legislation here that will put these people out of business. You may have a chief of police who will give them a license.

Mr. SIMMONS. At the present time there is no way for even the chief of police to stop them.

Mr. LAGUARDIA. The chief of police can not even use his discretion in refusing to issue a license. Suppose an applicant applied for a license and the chief of police refused. The applicant may mandamus the chief of police if he refuses to license an applicant and licenses anybody else. You can not get away from that.

Mr. SIMMONS. The licenses are to be issued by the chief of police in his discretion.

Mr. LAGUARDIA. But there is always a point and limit to the discretion of the police officials.

Mr. HUDSON. The gentleman from New York knows that the chief of police has it in his power to refuse a license. But this does not overcome the evil.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Louisiana is recognized.

Mr. O'CONNOR of Louisiana. Mr. Chairman, the superior value of experience is a truth almost axiomatic, it is so frequently expressed. "It is on the anvil of discussion that the spark of truth will fly" is almost a bromide, and it is and always will remain true that it is by and through discussion that legislative, economic, judicial, and governmental truths are ascertained. The experience of a city of a size similar to that of Washington and a population approximately the same may be of value to the people of the District of Columbia. For years the city of New Orleans, pursuing the legal and political plan adopted by most of the cities, had executive, legislative, and judicial departments of government elected by the people every four years. We got along fairly well with it; but finally our people, who are somewhat like the other people in the United States, with slight differences due to environment—finally our people determined on a commission form of government, and now we have a mayor and four commissioners, and they are invested with full and complete powers to discharge all the functions which devolve upon a city of that size, which has about 450,000 inhabitants. Those four commissioners and the mayor in New Orleans have executive power, and it is also their function to legislate by adopting ordinances and rules and regulations which have the force and effect of law. They even discharge quasijudicial functions. That is, they appoint recorders, who impose penalties for the vindicating and enforcement of municipal ordinances. We derive our charter in the city by a grant from the State. The city charter here in Washington is called the organic law. But there is no difference in the two propositions from a political and legal standpoint.

I have often wondered why the city of Washington could not be granted full, plenary, complete, and exemplary powers in order to discharge obligations which necessarily rest upon a city having the population and requirements of Washington. I have thought, with many of my countrymen, I suppose, why on earth a committee in charge of the affairs of the District of Columbia has to come to the House of Representatives—and then our enactment goes to the Senate—for the purpose of adopting a rule or regulation or ordinance that would prohibit fortune telling and other fake practices for imposing on the credulous people of the District and those who come here.

Why, it does look absurd almost to the standpoint of causing laughter from people who have given municipalities and their functioning any thought at all, that the Congress of the United States should be called upon, with its multitudinous duties of a national character, to pass upon the wisdom and the necessity of some little regulation with respect to traffic on the streets or with respect to suppressing what is generally regarded as pestiferous fraud upon the credulous and those who are not well informed and who seek fortune-tellers to divine the future.

Mr. LAGUARDIA. The gentleman will be surprised to know that well-informed people go and have their fortunes told. We had that experience in New York City and those people even opposed the law.

Mr. O'CONNOR of Louisiana. I suppose that superstitution is the vice of a great many who pretend to despise it. That is about the size of it, and I think I understand the gentleman thoroughly.

Mr. CASEY. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. Yes.

Mr. CASEY. Of course, in the city to which the gentleman refers, the people have the right to vote and elect their own municipal authorities; they also spend their own money, but here is involved an appropriation of $9,000,000 from the Federal Treasury to be spent by officers who are not subject to recall or removal from office by the taxpayers of the city. That may make a difference.

Mr. O'CONNOR of Louisiana. It may, but really I do not see why it should make any difference. I do not see why the commissioners should not be permitted to discharge the functions of their office in the fullest and most complete manner and to meet all the exigencies and emergencies that spring into existence daily in the administration of a big city.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. I have heard this proposition as to what the Government should contribute to the support of the District of Columbia debated and discussed seriously and facetiously ever since I came here, which is about 10 years ago. I have not made up my mind fully upon the matter because I thoroughly understand it has its complexities and a good many bewilderments. I understood it was stated here on the floor that it is conceded the value of all the Federal property, real and personal, if it has any personal property, is approximately $407,000,000 and that if the tax rate which is applied to all other private and personal property were applied to that it would be something a little more or less than $7,000,000 per annum. I do not know how successfully that idea has been controverted by the friends of the District of Columbia, and I imagine there may be other factors which will enter into a decision of the matter which may make for some permanent policy upon the part of the Federal Government with respect to the District of Columbia. I do know that in all other cities of the United States of America Federal property is not taxed at all but, of course, as the gentleman from Pennsylvania [Mr. CASEY] has said, this being the Capital of the Nation there are some difficulties with respect to the amount the Federal Government should contribute.

I may say, however, that I have never believed in a short-minded or short-visioned policy with respect to the administration of any great city. Cities are like the individuals that compose them. You can not be shabby with a city any more than you can with a man or woman, and a city that is wanting in dignity is about as poorly off as an individual wanting in that regard.

I remember that the lamented McKinley was in New Orleans a number of years ago. He had gone down there to discuss the sugar tariff at the invitation of the sugar people of Louisiana, and I might give you some information or a good story in regard to that trip. It was thought at that time that the leading people in the financial, industrial, agricultural, and commercial activities of Louisiana were about to turn Louisiana over to the Republican Party in that presidential election then pending; that is, they were to go Republican. But there are difficulties in the way of the success of all plans. "The wisest plans of men and mice gang aft aglee." The issue at that time which overshadowed all others and, like Aaron's rod, swallowed all other rods, was the race question thrust on us by some who thoughtlessly, I hope not heartlessly, undertook to trample out of existence Anglo-Saxon-Celtic civilization and supplant it with mongrelism and Africanism. That issue was brought up and forced to the front by men who feared the political effects and consequences which would flow from the negroes misconstruing reaction, and it changed the attitude at the last moment of those who were going to put the State over for McKinley. McKinley said in that address——

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I ask for one additional minute.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. I want to finish this contribution to the information of the Members of the House. McKinley said there, with 20,000 people in the arena in which he spoke, "I do not believe in a cheap coat because a cheap coat inevitably will make for a cheap man." That may not have been the most intellectual argument that could be made on the tariff, but for some inscrutable reason it had the effect of carrying that big crowd off its feet and it went wild with enthusiasm for McKinley and for the utterance he had delivered with respect to what makes for a great, self-respecting people. In that utterance the masses found comfort. They saw in it good wages which make for decent, upstanding American men and women. It makes for that purchasing power, without which the wheels of prosperity are slowed up, if not stopped altogether. You can not beat them down into poverty; you can not clothe them in shabby attire, put them on half-soled and broken shoes, and expect them to live up to the highest traditions of a great Republic like this. [Applause.[

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. LaGUARDIA. Mr. Chairman, I am in sympathy with the purpose sought by the gentleman from Nebraska [Mr. SIMMONS] in offering this amendment, but I can not vote for it because it is not the proper way of going about it. There is only one way to do a thing, and that is to do it the right way. You can not enact a penal law by putting a limitation on appropriations. I will go further than anyone else on the floor of this House in limiting appropriations to achieve a certain purpose

Mr. SIMMONS. Will the gentleman yield?

Mr. LaGUARDIA. Surely.

Mr. SIMMONS. I frankly stated that this proviso was subject to a point of order.

Mr. LaGUARDIA. I know the gentleman did.

Mr. SIMMONS. This is not a limitation at all, but it is the enactment of substantive law in this bill.

Mr. LaGUARDIA. Absolutely. The gentleman was perfectly fair about it. But if you are going to do it that way, you might as well go the whole way and put in a penal provision that it shall be unlawful hereafter for any person to predict the future or relate the past for a consideration or otherwise, and that any person who violates such a law shall be guilty of a misdemeanor and subject to a fine of $50 and imprisonment for 30 days. That is the way to do it, and then the practice will be stopped.

This is going to give rise to all sorts of complications, legal and otherwise. Another thing, gentlemen, it is not safe to vest so much discretion in the chief of police, no matter who he may be. You can not make him the sole arbiter of what phrenology is and what astrology is and what palm reading is and what crystal gazing may be. The one thing we are trying to do all the time is not to vest great discretionary power in our police departments, but say what the law shall be and then let the police enforce the law, and not give to a chief of police the power to say, "All right; I will denote you a phrenologist. Here is your license, and you may go on and tell fortunes." Then some one else may come along whom he does not like and he will not grant him a license.

I am sure the proponents of this amendment do not desire to do any such thing, but instead of curbing this evil you are going to legalize it to a certain extent and you are going to place in the hands of the police department an arbitrary power that I am sure you never intended.

Mr. ABERNETHY. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. ABERNETHY. How is the gentleman able to tell that there is not something to these things? Does the gentleman know you can not read the future by the past? I do not know myself, and I am just wondering if the gentleman has any means of telling.

Mr. LaGUARDIA. I did not say that.

Mr. ABERNETHY. I understood the gentleman to say that we are going to pass a penal provision whereby if a man undertook to judge the future by the past he would be violating the law. I think it was Patrick Henry who said something about that once.

Mr. LaGUARDIA. The gentleman was not in the Chamber at the time I made my statement.

Mr. ABERNETHY. Yes; I was listening to the gentleman.

Mr. LaGUARDIA. Then the gentleman did not hear me correctly. I did not say any such thing as that. I was simply relating in substance what the penal law is in many States in connection with fortune telling.

Of course, we can make a guess of what the future may be based on past performances. That is easy.

Mr. HOLADAY. Mr. Chairman, let me call the attention of the gentleman from New York to the fact that there is now in the law a provision authorizing the licensing of clairvoyants, soothsayers, fortune tellers, and so forth. There is a proviso, also, that no license shall be issued without the approval of the major and superintendent of police.

Under the present situation these gypsies we have been talking about do not come under the general licensing section, and therefore they are operating without any license, and the chief

of police has no authority to stop them. With the adoption of the amendment that is offered they will come under the general section, and I will say to the gentleman from New York that personally I do not agree with section——

Mr. LAGUARDIA. With the section itself?

Mr. HOLADAY. No; but that is a matter that must be handled by the legislative committee. By the adoption of this amendment they will come under the general section, and the chief of police has the power to absolutely refuse to issue them a license. It is our understanding that with this amendment adopted the nuisance and evil that has existed will be remedied, as the chief of police will not grant them licenses.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The amendment was agreed to.

The Clerk read as follows:

For purchase of traffic signals and markers, painting white lines, labor, and such other expenses as may be necessary in the judgment of the commissioners, $45,000: *Provided*, That no part of this or any other appropriation contained in this act or that is now available shall be expended for building, installing, and maintaining street-car loading platforms and lights of any description employed to distinguish same.

Mr. HUDSON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question.

I notice in this paragraph the appropriation refers to markers, and also the section almost immediately preceding this section is for the purpose of providing "permanent marking on the ground of the system of highways." Are we providing markers under two departments of the city government, or what is the reason for a duplication of appropriation for the purpose of providing markings?

Mr. SIMMONS. Does the gentleman refer to the $3,000 item on page 6 for "permanent marking on the ground of the system of highways?"

Mr. HUDSON. Yes.

Mr. SIMMONS. That is the permanent highway system and includes the location of streets, avenues, and so forth, under the working out of the permanent highway system of the District.

Mr. HUDSON. Signs?

Mr. SIMMONS. Yes; that is under the surveyor's office. The other is an item for the marking of safety zones, no parking signs, and so forth, on the streets.

Mr. HUDSON. I understand.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Northwest: H Street, First Street to Massachusetts Avenue, $7,200.

Mr. SIMMONS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Committee amendment: Page 22, line 17, insert "Northwest: First Street, G to H, $3,000."

The amendment was agreed to.

Mr. SIMMONS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 22, line 21, insert the following: "Northwest: Seventeenth Street, Varnum Street to Webster, $4,500."

The amendment was agreed to.

The Clerk read as follows:

Southeast: Sixteenth Street, Good Hope Road to Ridge Place, $12,900.

Mr. SIMMONS. I offer the following amendment.

The Clerk read as follows:

Page 26, after line 23 insert: "Southwest: Virginia Avenue to D Street, $7,800."

The amendment was agreed to.

The Clerk read as follows:

In all, $1,660,000; to be disbursed and accounted for as "Gasoline tax, road and street improvements," and for that purpose shall constitute one fund and be available immediately: *Provided*, That no part of such fund shall be used for the improvement of any street or section thereof not herein specified: *Provided further*, That assessments in accordance with existing law shall be made for paving and repaving roadways where such roadways are paved or repaved with funds derived from the collection of the tax on motor-vehicle fuels and accretions by repayment of assessments: *Provided further*, That in the performance of the street-paving work specially provided for in this act priority shall be given to those streets which are more in the nature of through thoroughfares or arterial highways.

Mr. SIMMONS. Mr. Chairman, I offer the following amendment to correct the total.

The Clerk read as follows:

Page 29, line 21, strike out "$1,660,000" and insert "$1,675,300."

Mr. SIMMONS. That is merely to correct the total, including the items that have been inserted.

The amendment was agreed to.

Mr. ZIHLMAN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I am in accord with this section of the bill as to the items of new paving. I am not interested in the paving of any particular street and have made no request either of the District Commissioners or of the committee for the inclusion of any items. I am, however, disappointed that the committee has seen fit to cut down the sum total for the building of the curb, gutters, and shoulders of roads, which I consider the most economic type of construction for the replacement of worn-out paving in this city. You have cut this item in the sum of $90,000, and a further cut in the appropriation for resurfacing worn out streets from $800,000 to $600,000—making a total cut of $290,000 in this paragraph. I am advised that the streets which the District government have been shouldering and resurfacing are being constructed at a cost of one-third of what an entire new pavement would cost.

I would like to know from the chairman of the committee why it was necessary to cut this very meritorious item, and further I would like to ask what he means by the language on page 31 where he makes the appropriation for repairs in the sum of $1,475,000 and then provides that $90,000 shall be paid from the gasoline tax for road and street funds, and whether or not this $90,000 is to be deducted from the $1,675,000 as you have now made it or as carried in the bill, $1,660,000?

Mr. SIMMONS. The $90,000 the gentleman refers to provides that it shall be paid out of the gasoline-tax fund.

Mr. ZIHLMAN. It does not come out of the $1,600,000 item?

Mr. SIMMONS. No. The gentleman refers to this as an old item. It is a new item. It is to macadam streets that now have cobblestone gutters, and other streets where they have no curbs they are going to put in concrete shoulders.

We want to recognize their plan, we want to give material encouragement to it, and are giving it to the extent of $200,000. We feel that in view of the complaint that is coming from the people of the District and the requests that we curb their taxes that here was an item on which we possibly should proceed slowly.

About the other $200,000 item the facts are these: For some three or four years now we have been carrying out a program of resurfacing the old streets in the District. The testimony was that next year they would complete the resurfacing program and have the streets up current. They said they wanted $800,000 this year to complete them, that they expected to ask next year for $400,000.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent for an additional five minutes.

The CHAIRMAN. Is their objection?

There was no objection.

Mr. SIMMONS. They said they would want $800,000 in this bill and $400,000 next year, and that the two items, totaling $1,200,000, would complete the resurfacing program in the District.

Mr. ZIHLMAN. Does the committee believe that $1,200,000 will do that?

Mr. SIMMONS. Captain Whitehurst's word goes a long way with the committee, and that is his testimony. We felt that we would not be hampering that program at all if, instead of giving them $200,000 this year and $400,000 next year, we allowed them to proceed in a regular order and give them $600,000 this year, and then whatever part of $600,000 they needed next year to complete the program. I call attention further to this, that in this resurfacing work, by the adoption of what is known as the heater method, they have resurfaced far more streets than they expected to when we appropriated the money.

Mr. ZIHLMAN. The gentleman means that the money has gone further or that they have advanced further with the work?

Mr. SIMMONS. They have advanced further and have done more work with the money that they had. They are nearer completion than they thought they would be when we appropriated the money last year. Captain Whitehurst said if any items were to be cut that this resurfacing item was one they felt could be cut.

Mr. ZIHLMAN. And he justified that?

Mr. SIMMONS. Yes. We are going to complete the resurfacing program next year. This is a plan whereby we are giving them ample money to carry on their work.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent to withdraw the pro forma amendment.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read the paragraph beginning with line 12, on page 44.

The CHAIRMAN. Without objection, the Clerk will correct the spelling of the word "completely," in line 12.

There was no objection.

The Clerk continued the reading of the bill, and read down to line 9, on page 46.

Mr. SIMMONS. Mr. Chairman, I ask unanimous consent that the consideration of the paragraph contained in the lines 9 to 14, inclusive, on page 46, be postponed until to-morrow, preserving all rights as to points of order and amendment. In other words, that we pass over this item and take it up at the beginning of the reading to-morrow. The item I refer to is as follows:

No part of the appropriations herein made for the public schools of the District of Columbia shall be used for the instruction of pupils who dwell outside the District of Columbia: *Provided*, That this limitation shall not apply to pupils who are enrolled in the schools of the District of Columbia on the date of the approval of this act.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that the consideration of the paragraph referred to be postponed until to-morrow, with the conditions stated. Is there objection?

There was no objection.

The Clerk read as follows:

For purchase, installation, and maintenance of equipment, for school yards for the purposes of play of pupils, $10,000: *Provided*, That such playgrounds shall be kept open for play purposes in accordance with the schedule maintained for playgrounds under the jurisdiction of the playground department.

Mr. KETCHAM. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to proceed for 10 minutes out of order.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for 10 minutes out of order. Is there objection?

Mr. BANKHEAD. Mr. Chairman, reserving the right to object, the gentleman from Michigan very kindly told me that it was his purpose to make this request. I ask the gentleman whether he is going to discuss a political subject?

Mr. KETCHAM. No; it is more of a statistical matter with some political implications.

Mr. BANKHEAD. Under those circumstances, I think we ought to have a quorum of the committee present.

Mr. KETCHAM. And under those circumstances I shall not press the request.

Mr. BANKHEAD. I suggest that the gentleman can get some time to-morrow.

Mr. KETCHAM. Yes. The only reason that I desire to discuss this matter now is because in a sense it refers to some remarks made by the gentleman from Alabama [Mr. BANKHEAD] earlier to-day. I thought possibly that two of them ought to appear in the RECORD of the same date. Mr. Chairman, I withdraw my request.

The CHAIRMAN. The gentleman from Michigan withdraws his request for unanimous consent, and the Clerk will read.

The Clerk read as follows:

In all, $245,000, and in addition thereto the sum of $100,000 of the unexpended balance of the appropriation of $703,500 contained in the District of Columbia appropriation act for the fiscal year 1927, is reappropriated and made available for the purposes of this paragraph, to remain available until June 30, 1930: *Provided*, That, with the exception of $80,000, no part of this appropriation shall be expended for the purchase of any site the cost of which shall exceed the full value assessment of such property last made before purchase thereof plus 25 per cent of such assessed value.

Mr. SIMMONS. Mr. Chairman, I offer an amendment to page 52, after line 5.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Nebraska.

The Clerk read as follows:

Amendment offered by Mr. SIMMONS: Page 52, after line 5, insert the following paragraph:

"The unexpended balance of the appropriation of $703,500 for the purchase of school building and playground sites, contained in the District of Columbia appropriation act for the fiscal year 1927, is continued available until June 30, 1929, for the purchase of school building and playground sites authorized to be acquired in the five-year school-building program act: *Provided*, That part or parts of a site may be purchased under the 125 per cent limitation if the total cost of the part or parts acquired does not at the time of such purchase exceed 125 per cent of the assessed value."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The school buildings authorized and appropriated for herein shall be constructed with all doors intended to be used as exits or entrances opening outward, and each of said buildings having an excess of eight rooms shall have at least four exits. Appropriations carried in this act shall not be used for the maintenance of school in any building unless all outside doors thereto used as exits or entrances shall open outward and be kept unlocked every school day from one-half hour before until one-half hour after school hours.

Mr. SCHAFER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word. The gentleman is recognized for five minutes.

Mr. BANKHEAD. Mr. Chairman, a few moments ago the gentleman from Michigan [Mr. KETCHAM] asked unanimous consent to procede out of order for 10 minutes. I did not object to that request, but suggested we should have a quorum to hear his discussion. The main reason for that suggestion was the fact that no representative of the minority who knows much about the tariff schedules was present at that time. Since that time a few of our friends have come in who are somewhat familiar with that subject. I now withdraw the objection and ask unanimous consent that the gentleman from Michigan may proceed out of order for 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the gentleman from Michigan may proceed out of order for 10 minutes. Is there objection?

There was no objection.

Mr. KETCHAM. Mr. Chairman and members of the committee, in a sense I regret to perform the duty and assume the responsibility which I now take upon myself. At almost every session of Congress, and especially in the early days of the session, some of our good friends on the Democratic side try to inject some political angles into purely economic discussions, and in this connection this afternoon I thought our good friend, the gentleman from Alabama [Mr. BANKHEAD] rather censured the Republican Party for the enactment of the Fordney-McCumber tariff act, particularly in its relationship to agriculture.

I gathered that in his heart he feels, honestly and sincerely, that the farmers of the country have been done a very grave injustice by the enactment of that measure. I gathered further from his remarks he thought that the price relationships with reference to agricultural products had been very unfavorably affected as a result of the enactment of the Fordney-McCumber tariff act.

My responsibility, of course, is not to argue this question but simply to present for the consideration of the gentleman from Alabama the real, hard, cold facts of the situation, and let them speak with very much more eloquence and force than I could possibly muster. So I would just ask the gentleman from Alabama and the others who possibly hold to his political philosophy to secure at their leisure and convenience a copy of a publication furnished by the Department of Agriculture through its Bureau of Economics, entitled "The Agricultural Situation." I am now about to read from the December 1 copy of this publication. It is issued monthly. Particularly am I going to quote from "The general trend of prices and purchasing power," on page 9. I would like the particular attention of all interested Members of the House, and I am glad there are so many here at this hour to listen to what I have to say on this very important subject. [Applause.]

My recollection is that the Fordney-McCumber Tariff Act went into effect in September of 1922. Naturally, then, I would expect, if I heard the remarks of the gentleman correctly, that beginning with October, at least, of 1922, each of the agricultural products would begin to strike the toboggan slide and would be less in their actual value in each succeeding year that had come

along and that their comparative value or their purchasing power would be likewise less. But, again, the hard, cold, logic of fact told in figures show the untenable position of the gentleman from Alabama and those who hold with him or those who have a similar political philosophy.

I am now reading the figures.

In October of 1922 the grains, which constitute a very high proportion of the agricultural products of the country, were quoted at 101 in the indexes in comparison with 100 as covering the years 1909 to 1914. In other words, I am using the average price for the years 1909 to 1914 as the base and am calling that 100 per cent. In October of 1922, after the enactment of the Fordney-McCumber Tariff Act, the indexes in grains were 101. In October of 1927 the indexes were 128, an increase of 26 per cent, and there is not an October from 1922 to 1927 when the indexes on the grains were not higher than they were in 1922. [Applause.]

Mr. AYRES. Will the gentleman yield?

Mr. KETCHAM. This is so very interesting, I hope the gentleman will permit me to complete this very delightful and entrancing story, then if there is any time left I will be very pleased to yield to the gentleman because I know he has a great interest in the subject.

Fruits and vegetables: In October, 1922, the indexes were 101. In October, 1927, 138, an increase of 36 per cent. Likewise, in all the five years since that time there has never been an October when the price indexes were not higher on fruits and vegetables than they were in 1922.

Meat animals: On the same basis the index in October, 1922, was 113, and October, 1927, 145; and, likewise, not an October in all that length of time when the indexes were not above what they were in 1922.

Mr. HARE. Will the gentleman yield?

Mr. KETCHAM. I regret that the pressure of time and the exceeding interest in these figures will not permit me to yield in the short time I have. If I can get an extension of time, I will be delighted to yield to my good friend from South Carolina who has introduced a good bill for farm relief.

Dairy products: Index in 1922, October, 136; in October of 1927, 139; and not an October in all that time when dairy products prices were not above what they were in 1922.

Poultry products: 159 in 1922, and 167 in 1927, an increase of 7 per cent with likewise not an October below.

And now we come to cotton. I am sorry we do not have a protective tariff on cotton, because the story can not be told with quite so much pleasure and satisfaction, but yet it is pretty good.

In 1922 the index of cotton was 168, and but one month in that whole period of time with no tariff whatsoever, and that the month of October, 1926, when the index upon cotton was not higher than it was in 1922. In October of 1927 it was 169.

Now, to sum it all up, my good friends, I trust that the logic, the cold logic, of these figures that are impersonal and have nothing of a political flavor in them whatsoever, may speak the cold, hard truth, and I hope they will be consulted by the next one of my good Democratic friends who wants to rise up here and declare that the Fordney-McCumber Tariff Act has been responsible for the ills of the farmer. Summing it all up by taking 30 of the leading agricultural commodities into consideration, the indexes for 1922 were 123 and in October of 1927, 139, or an increase of 13 per cent on the whole list, and not an October in the whole time when the farm-price index was not higher than that of October, 1922.

And now in answer to the question which I know my good friends have right on their tongues' end, and I want to anticipate them if I can, "Oh, but what the farmer has had to buy is immeasurably higher." Again, let the cold figures answer.

Taking 400 products of the United States sold at retail in the United States, in 1922 the index was 176 and in October of last year that index had decreased to 151; in other words, the purchasing power of the farmer's dollar had been improved and 14 is the percentage of decrease in the price of the products which he has to buy.

Putting it now in a final word and in the terms that the farmer himself usually uses, his commodity dollar—in other words, the amount of his commodities that he would have to exchange for commodities of other kinds that he buys, according to the old plan of trade and barter—his commodity dollar was a 70-cent dollar in October, 1922, and in October last it was a 92-cent dollar, or an increase in the relative purchasing power of the farmer's commodity of 32 per cent since 1922. [Applause.]

My friends, this is the whole story molded in cold, impersonal figures, with no political tinge to them whatever. I think they ought to be used as the basis of any fair, square discussion of the effect of the Fordney-McCumber Tariff Act upon the agricultural situation of the country.

Again, I want to thank the large number of my colleagues who have gathered here at the closing hour of the day to hear this very prosaic discussion of the subject that was provoked by my good friend, the gentleman from Alabama in his remarks early in the afternoon. [Applause.]

Mr. GARNER of Texas and Mr. BANKHEAD rose.

Mr. KETCHAM. If I have any time I will be very pleased to yield.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SIMMONS. I object to any further extension of time.

Mr. BANKHEAD. It is late in the afternoon, and we are not going to make much more progress on the bill, and this is an important matter.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

METROPOLITAN POLICE

SALARIES

For the pay and allowances of officers and members of the Metropolitan police force, in accordance with the act entitled "An act to fix the salaries of the Metropolitan police force, the United States park police force, and the fire department of the District of Columbia," including compensation at the rate of $1,860 per annum for the present assistant property clerk of the police department, $2,694,727.08.

Mr. BANKHEAD. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to proceed out of order for five minutes.

Mr. SIMMONS. Reserving the right to object, the gentleman had time this afternoon and I desire to finish the reading of the provisions with relation to the police department this afternoon. I have assured Members that the House will adjourn at 5 o'clock.

Mr. GARNER of Texas. Will the gentleman yield before he makes objection?

Mr. SIMMONS. I have already objected.

Mr. BANKHEAD. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Alabama makes the point that there is no quorum present. The Chair will count.

Mr. SIMMONS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11133, the District of Columbia appropriation bill, and had come to no resolution thereon.

THE COMMITTEE ON MERCHANT MARINE

Mr. WHITE of Maine. Mr. Speaker, on Monday next the Merchant Marine Committee of the House will begin hearings on the various propositions for merchant marine legislation. By authority of the committee I ask unanimous consent that it may sit during sessions of the House while that legislation is before us.

Mr. GARNER of Texas. Mr. Speaker, the gentleman from Tennessee [Mr. GARRETT], in reply to suggestions of that kind, invariably asks the Member to make his request for 30 days, and at the end of that time, if occasion requires, permission could be asked for an extension of the time. I hope the gentleman from Maine will comply with that proposition, for the gentleman from Tennessee does not happen to be present.

Mr. WHITE of Maine. Mr. Speaker, I will modify my request to that extent. I hope before the 30 days have passed that we will have concluded the hearings and reported the legislation to the House.

The SPEAKER. The gentleman from Maine, by authority of the Committee on Merchant Marine, asks unanimous consent that that committee may sit during the sessions of the House during the next 30 days. Is there objection?

There was no objection.

ADJOURNMENT

Mr. SIMMONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Friday, February 24, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, February 24, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce (H. R. 7940).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To amend and reenact section 105, chapter 5, of the Judicial Code (H. R. 154).

Proposing an amendment to the eighteenth amendment of the Constitution (H. J. Res. 203).

Extending the provisions of existing laws for deportation of aliens and defining the manufacture or sale of intoxicants as a crime involving moral turpitude (H. R. 5688).

EXECUTIVE COMMUNICATIONS, ETC.

373. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Nantucket Sound, Mass., with a view to the removal of shoals in the vicinity of Cross Rip Shoals Light (H. Doc. No. 182), was taken from the Speaker's table and referred to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MACGREGOR: Committee on Accounts. H. Res. 98. A resolution providing for a temporary assistant clerk to the Committee on Invalid Pensions (Rept. No. 737). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 100. A resolution providing for a clerk and janitor to the Committee on Expenditures in the Executive Departments (Rept. No. 738). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 104. A resolution to pay six months' salary and funeral expenses to Erma Russell, on account of the death of Aaron Russell, late an employee of the House (Rept. No. 739). Ordered printed.

Mr. MCSWAIN: Committee on Military Affairs. H. J. Res. 177. A joint resolution authorizing the erection of a flagstaff at Fort Sumter, Charleston, S. C., and for other purposes; without amendment (Rept. No. 740). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOUSTON of Hawaii: Committee on Military Affairs. H. R. 5805. A bill to authorize the Secretary of War to pay officers and Filipinos formerly enlisted as members of the National Guard of Hawaii for field and armory training during years 1924 and 1925, and to validate payments for such training heretofore made; with amendment (Rept. No. 741). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. R. 9043. A bill to authorize the payment of an indemnity to the Government of France on account of losses sustained by the owners of the French steamship *Madeleine* as a result of a collision between it and the U. S. S. *Kerwood;* without amendment (Rept. No. 742). Referred to the Committee of the Whole House on the state of the Union.

Mr. JACOBSTEIN: Committee on Labor. H. R. 6848. A bill to create in the Bureau of Labor Statistics of the Department of Labor a division of safety; without amendment (Rept. No. 745). Referred to the Commtitee of the Whole House on the state of the Union.

Mr. KNUTSON: Committee on Indian Affairs. H. R. 10360. A bill to confer additional jurisdiction upon the Court of Claims under an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926; without amendment (Rept. No. 746). Referred to the Committee of the Whole House on the state of the Union.

Mr. QUIN: Committee on Military Affairs. H. R. 11197. A bill to authorize the Secretary of War to grant rights of way to the Vicksburg Bridge & Terminal Co., upon, over, and across the Vicksburg National Military Park at Vicksburg, Warren County, Miss.; without amendment (Rept. No. 747). Referred to the Committee of the Whole House on the state of the Union.

Mr. JEFFERS: Committee on Election of President, Vice President, and Representatives in Congress. H. R. 7373. A bill providing for the meeting of electors of President and Vice President and for the issuance and transmission of the certificates of their selection and of the result of their determination, and for other purposes; with amendment (Rept. No. 750). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LINTHICUM: Committee on Foreign Affairs. H. R. 9411. A bill for the relief of Maurice P. Dunlap; without amendment (Rept. No. 743). Referred to the Committee of the Whole House.

Mr. MARTIN of Massachusetts: Committee on Foreign Affairs. H. J. Res. 147. A joint resolution for the relief of the estate of the late Max D. Kirjassoff; without amendment (Rept. No. 744). Referred to the Committee of the Whole House.

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 11094. A bill to correct the military record of William Estes; without amendment (Rept. No. 748). Referred to the Committee of the Whole House.

Mr. BULWINKLE: Committee on Claims. S. 1287. An act for the relief of the Near East Relief (Inc.); with amendment (Rept. No. 749). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3684) granting an increase of pension to Sarah A. Pickett; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3685) granting an increase of pension to Mary E. Daniels; Committee on Pensions discharged, and referred to Committee on Invalid Pensions.

A bill (H. R. 11253) granting an increase of pension to Alvira J. Conner; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of South Dakota: A bill (H. R. 11350) to amend the World War veterans' act, approved June 7, 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. MACGREGOR: A bill (H. R. 11351) to exempt American Indians born in Canada of tribes formerly settled in the United States from the operation of the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. UNDERHILL: A bill (H. R. 11352) amending Subchapter XII, fraternal beneficial associations, of the Code of Law for the District of Columbia to provide protection on the lives of children by fraternal beneficial associations; to the Committee on the District of Columbia.

By Mr. WELCH of California: A bill (H. R. 11353) directing the Interstate Commerce Commission to investigate certain practices of the American Telephone & Telegraph Co. and its subsidiary companies and the Western Electric Co. and its subsidiary companies; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: A bill (H. R. 11354) to provide for the improvement and modernization of the Western Public Market in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. QUIN: A bill (H. R. 11355) for the relief of Navy personnel and civilian employees of the Navy who suffered loss of household and personal effects due to the earthquake and fire in Japan in September, 1923; to the Committee on Naval Affairs.

By Mr. ROWBOTTOM: A bill (H. R. 11356) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Rockport, Ind.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11357) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Evansville, Ind.; to the Committee on Interstate and Foreign Commerce.

By Mr. CONNALLY of Texas: A bill (H. R. 11358) to provide for the orderly marketing of the surplus of staple agricultural commodities through Federal agricultural export corporations and for the stabilization of the prices of such commodities through the issuance of export debentures; to the Committee on Agriculture.

By Mr. LEAVITT: A bill (H. R. 11359) for the relief of the Arapahoe and Cheyenne Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. SMITH: A bill (H. R. 11360) to authorize the Secretary of the Interior to convey or transfer certain water rights in connection with the Boise reclamation project; to the Committee on Irrigation and Reclamation.

By Mr. DICKINSON of Missouri: A bill (H. R. 11361) to amend the World War veterans' act as amended; to the Committee on World War Veterans' Legislation.

By Mr. AUF DER HEIDE: A bill (H. R. 11362) to authorize and direct the United States Shipping Board to sell certain property of the United States situated in the city of Hoboken, N. J.; to the Committee on the Merchant Marine and Fisheries.

By. Mr. ENGLAND: A bill (H. R. 11363) authorizing J. B. Thomas, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across New River at or near Prince, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. WINTER: A bill (H. R. 11364) to authorize allotments to unallotted Indians on the Shoshone or Wind River Reservation, Wyo.; to the Committee on Indian Affairs.

Also, a bill (H. R. 11365) to authorize a per capita payment to the Shoshone and Arapahoe Indians of Wyoming from funds held in trust for them by the United States; to the Committee on Indian Affairs.

By Mr. TIMBERLAKE: Joint resolution (H. J. Res. 214) authorizing the restoration of a limitation on the importation free of duty of Philippine sugar; to the Committee on Ways and Means.

By Mr. HAUGEN: Joint resolution (H. J. Res. 215) to authorize the Secretary of Agriculture to accept a gift of certain lands in Clayton County, Iowa, for the purposes of the upper Mississippi River wild life and fish refuge act; to the Committee on Agriculture.

By Mr. McSWAIN: Joint resolution (H. J. Res. 216) to authorize the study of the battle fields of Blackstock and Musgroves Mill; to the Committee on Military Affairs.

By Mr. BLOOM: Concurrent resolution (H. Con. Res. 22) providing that Congress observe as international good will day May 21, 1928, the first anniversary of the epoch-making flight of Col. Charles A. Lindbergh from New York City to Paris, France, and for other purposes; to the Committee on Rules.

By Mr. KINDRED: Resolution (H. Res. 123) that the Speaker appoint a select committee to consist of five Members of the House to conduct an investigation of the official acts of the Federal Trade Commission, especially with reference to the so-called Aluminum Trust, the so-called Bread or Baking Trust, and all other trusts or combinations dealing in household commodities or articles of food, etc.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRAND of Ohio: A bill (H. R. 11366) granting an increase of penison to Ada M. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11367) granting an increase of pension to Mary A. Ackley; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 11368) for the relief of Lieut. Commander W. L. Culbertson; to the Committee on Naval Affairs.

By Mr. CHINDBLOM: a bill (H. R. 11369) for the relief of Nicholas Pascaly; to the Committee on Claims.

By Mr. CORNING: A bill (H. R. 11370) for the relief of Samuel Gettinger and Harry Pomerantz; to the Committee on Claims.

By Mr. CRAIL: A bill (H. R. 11371) granting a pension to George W. Dunaway; to the Committee on Pensions.

Also, a bill (H. R. 11372) granting a pension to Robert A. Johnstone; to the Committee on Pensions.

Also, a bill (H. R. 11373) granting a pension to Sarah M. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11374) for the relief of Arden C. Miller; to the Committee on Military Affairs.

Also, a bill (H. R. 11375) granting an increase of pension to Sarah P. Huff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11376) granting an increase of pension to Carrie T. C. Brown; to the Committee on Invalid Pensions.

By Mr. CROSSER: A bill (H. R. 11377) for the relief of Samuel Weinstein; to the Committee on Claims.

By Mr. DRANE: A bill (H. R. 11378) granting an increase of pension to Sarah Ellen Adams; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 11379) granting an increase of pension to Alice A. Jackman; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 11380) granting a pension to John Hofmann; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 11381) for the relief of William E. Bliss; to the Committee on Claims.

By Mr. FURLOW: A bill (H. R. 11382) granting an increase of pension to Mary Fallon; to the Committee on Invalid Pensions.

By Mr. HANCOCK: A bill (H. R. 11383) for the relief of Angenora Hines; to the Committee on Military Affairs.

By Mr. HARE: A bill (H. R. 11384) to authorize and direct the Intermediate Credit Bank, of Columbia, S. C., to credit certain notes and mortgages discounted for South Carolina Agricultural Credit Co.; to the Committee on Banking and Currency.

By Mr. HARDY: A bill (H. R. 11385) for the relief of Dr. Andrew J. Baker; to the Committee on War Claims.

By Mr. JOHNSON of Indiana: A bill (H. R. 11386) granting a pension to Sarah J. Adams; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 11387) granting an increase of pension to Hannah E. Odell; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: A bill (H. R. 11388) granting a pension to Joseph Dossinger; to the Committee on Pensions.

By Mr. MOONEY: A bill (H. R. 11389) granting a pension to Harry A. Thompson; to the Committee on Pensions.

By Mrs. NORTON of New Jersey: A bill (H. R. 11390) granting an increase of pension to Amelia Drake; to the Committee on Invalid Pensions.

By Mr. NORTON of Nebraska: A bill (H. R. 11391) granting a pension to Martha E. Tipton; to the Committee on Invalid Pensions.

By Mr. O'BRIEN: A bill (H. R. 11392) granting an increase of pension to Matilda L. Hardman; to the Committee on Pensions.

Also, a bill (H. R. 11393) granting an increase of pension to Mary P. Crawford; to the Committee on Pensions.

By Mr. PEAVEY: A bill (H. R. 11394) granting an increase of pension to Nicholas G. Penfound; to the Committee on Pensions.

By Mr. RAINEY: A bill (H. R. 11395) granting an increase of pension to Georgia G. Biggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11396) granting an increase of pension to Kate Mathews; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 11397) for the relief of Robert T. Jackson; to the Committee on Claims.

By Mr. SANDERS of New York: A bill (H. R. 11398) granting a pension to Anna Myers; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 11399) granting a pension to John W. Strausser; to the Committee on Pensions.

By Mr. STOBBS: A bill (H. R. 11400) granting a pension to Michael Mulcahy; to the Committee on Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 11401) granting a pension to Phoebe W. Hooper; to the Committee on Invalid Pensions.

By Mr. WOLVERTON: Resolution (H. Res. 124), paying $1,200 to John T. Kelly for services rendered the Sixty-eighth and Sixty-ninth Congresses; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4376. By Mr. BACHMANN: Petition of Edna Reiner and 54 other citizens of Wheeling, W. Va., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4377. By Mr. BERGER: Memorial of the Federated Trades Council of Milwaukee and its 125 affiliated unions, appealing for the enactment of Senate bill 3116 and House bill 10359, which will establish the 44-hour work week in certain departments of the Government; to the Committee on the Civil Service.

4378. By Mr. CHINDBLOM: Petition of P. Nelson, of Chicago, Ill., and 533 other citizens, protesting against the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

4379. By Mr. CRAMTON: Petition of Rev. H. Z. Davis and 19 other residents of St. Clair, Mich., protesting against the passage of any compulsory Sunday observance bill; to the Committee on the District of Columbia.

4380. By Mr. CURRY: Petition of State, county, and municipal officials and others of the third California district, against House bill 78; to the Committee on the District of Columbia.

4381. By Mr. DAVEY: Petitions signed by citizens of Portage County, Ohio, protesting against the passage of House bill 78, the Lankford bill; to the Committee on the District of Columbia.

4382. Also, petitions signed by citizens of Elyria and Lorain Counties, Ohio, in behalf of bill providing for pensions for Civil War veterans and Civil War widows; to the Committee on Invalid Pensions.

4383. Also, petitions signed by citizens of Akron and Summit Counties, Ohio, in behalf of bill providing for pensions for Civil War veterans and Civil War widows; to the Committee on Invalid Pensions.

4384. By Mr. DOUGLAS of Arizona: Petitions from various towns in the State of Arizona, protesting against House bill 78, introduced by Congressman Lankford; to the Committee on the District of Columbia.

4385. By Mr. ENGLEBRIGHT: Petition of citizens of Crescent Mills, Blairsden, Spring Garden, Alturas, and Quincy, Calif., protesting against House bill 78; to the Committee on the District of Columbia.

4386. Also, petition of citizens of Angels Camp, Calif., protesting against House bill 78; to the Committee on the District of Columbia.

4387. Also, petition of citizens of Red Bluff, Calif., urging increase of pensions for the widows and veterans of the Civil War; to the Committee on Invalid Pensions.

4388. By Mr. EVANS of California: Petition of Henry G. Dillon and approximately 30 others, against compulsory Sunday observance; to the Committee on the District of Columbia.

4389. Also, petition of citizens of Los Angeles, Calif., protesting against compulsory Sunday observance law; to the Committee on the District of Columbia.

4390. By Mr. FRENCH: Petition of citizens of Viola, Samuels, Lewiston, and Spaulding Counties, Idaho, protesting against compulsory Sunday observance law; to the Committee on the District of Columbia.

4391. By Mr. GALLIVAN: Petition of F. S. Snyder, Batchelder & Snyder Co., 47–63 Blackstone Street, Boston, Mass., protesting against enactment of Senate bill 2506 and House bill 9288; to the Committee on Agriculture.

4392. By Mr. GARBER: Letter of J. W. Coover, of Sharon, Okla., in support of bill for retirement of employees coming under civil service rule, after 30 years of service, providing he is 55 years of age; to the Committee on the Civil Service.

4393. Also, letter of the Queensberry Club, by H. T. Nichols, recording secretary, of Washington, D. C., in support of House bill 7736 to legalize amateur boxing in the District of Columbia; to the Committee on the Judiciary.

4394. Also, letter of J. F. Via, manager of Palace Theater, of Blackwell, Okla., in support of Senate bill 1667 in re motion-picture industry; to the Committee on Interstate and Foreign Commerce.

4395. By Mr. HANCOCK: Petition signed by Sarah Armstrong and other residents of Syracuse, N. Y., advocating increase of pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

4396. By Mr. HOWARD of Nebraska: Resolution adopted by Neligh Post, Grand Army of the Republic, and approved by the Woman's Relief Corps and the Daughters of Union Veterans, of Neligh, Nebr., favoring the Morgan pension bill; to the Committee on Invalid Pensions.

4397. By Mr. JOHNSON of Indiana: Petition of voters of Rockville, Ind., for the increase of Civil War pensions; to the Committee on Invalid Pensions.

4398. By Mrs. KAHN: Petition of the employees of the St. Francis Theater, San Francisco, Calif., protesting against the passage of the Brookhart bill (S. 1667) relating to distribution of motion pictures; to the Committee on Interstate and Foreign Commerce.

4399. By Mr. KEARNS: Petition of sundry citizens of Bethel, Ohio, praying for the adoption of measures to bring about more satisfactory conditions of radio broadcasting; to the Committee on the Merchant Marine and Fisheries.

4400. Also, petition from citizens of Georgetown, Ohio, in opposition to the building of a competitive Navy; to the Committee on Appropriations.

4401. Also, petition from citizens of Pike County, Ohio, protesting against the building of additional warships; to the Committee on Appropriations.

4402. By Mr. KINDRED: Resolution of the Good Citizenship League of Flushing, demanding more adequate appropriation and more determined enforcement for the antinarcotic work of city and National Government; to the Committee on Ways and Means.

4403. By Mr. KOPP: Petition of citizens of Fort Madison, Iowa, protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4404. Also, petition of citizens of Croton, Iowa, protesting against passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4405. By Mr. KORELL: Petition of citizens of Portland, Oreg., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to veterans and their widows; to the Committee on Invalid Pensions.

4406. By Mr. KVALE: Petition of members of the Lac qui Parle Cooperative Oil Co., Dawson, Minn., favoring passage of the McNary-Haugen bill with the equalization fee included; to the Committee on Agriculture.

4407. By Mr. LINTHICUM: Petition of Railway Mail Association of Baltimore, Md., indorsing House bills 25 and 88; to the Committee on the Post Office and Post Roads.

4408. Also, petition of Baltimore Chamber of Commerce and J. Schoeneman, of Baltimore, Md., urging relief for the Mississippi Valley flood situation; to the Committee on Flood Control.

4409. Also, petition of DeCourcy W. Thom, of Baltimore, Md., objecting to House bill 5729, for the purpose of turning Mena National Forest, in western Arkansas, into a national park to be entitled the "Ouachita National Park"; to the Committee on the Public Lands.

4410. Also, petition of Delane Brown (Inc.), Baltimore, Md., indorsing House bill 9296, providing for changes in postal rates; to the Committee on the Post Office and Post Roads.

4411. Also, petition of the Kimball-Tyler Co., of Baltimore, indorsing McSweeney-McNary bills (H. R. 6091 and S. 1183) on forest conservation; to the Committee on Agriculture.

4412. By Mr. McFADDEN: Petition of residents of Susquehanna County, Pa., granting relief to veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

4413. By Mr. MILLER: Petition of citizens of Seattle, Wash., protesting passage of House bill 78; to the Committee on the District of Columbia.

4414. Also, petition of citizens of Seattle, Wash., and community indorsing House bills 492 and 6518; to the Committee on the Civil Service.

4415. By Mr. MORIN: Petition of the Pittsburgh Electrotypers Union, No. 68, Alvin E. Abraham, president, and William J. Walters, secretary, of Pittsburgh, Pa., urging passage of Dale-Lehlbach bill, so as to permit optional retirement after 30 years' service with an annuity of $1,200 per year; to the Committee on the Civil Service.

4416. By Mr. MORROW: Petition of Federal employees at Fort Stanton, N. Mex., favoring the Welch and Lehlbach bills; to the Committee on the Civil Service.

4417. By Mr. NEWTON: Petition of C. E. Powers, of Minneapolis, and others, against compulsory Sunday observance; to the Committee on the District of Columbia.

4418. By Mr. O'CONNELL: Petition of the Central Box Co., of Brooklyn, N. Y., favoring the passage of the McSweeney-McNary bill (H. R. 6091); to the Committee on Agriculture.

4419. Also, petition of the Illinois Bankers Association, favoring the passage of the McNary-Haugen bill, as approved by the American Farm Bureau Federation; to the Committee on Agriculture.

4420. By Mr. OLDFIELD: Petition of Martha A. Moore and others, of Bald Knob, Ark., favoring increases in Civil War pensions; to the Committee on Invalid Pensions.

4421. By Mr. SANDERS of New York: Petition of Norman P. Reynolds, of Darien Center, N. Y., and signed by Will M. Eastman and 182 other citizens of Attica, N. Y., protesting against the passage of House bill 78, the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4422. Also, petition of George Rogers and 90 other citizens of Darien Center, N. Y., protesting against the passage of the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4423. Also, petition of C. E. Curtis and 36 other citizens of Corfu, N. Y., protesting against the passage of House bill 78, the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4424. By Mr. SELVIG: Petition of Kay-dugi-gwon-ay-aush and 95 Chippewa Indians of the White Earth Indian Reservation in Minnesota, urging the enactment of a $50 per capita payment; to the Committee on Indian Affairs.

4425. By Mr. SMITH: Petition signed by W. H. Winter and 23 other residents of Boise, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4426. Also, petition signed by Mrs. James C. Lee and 39 other residents of Pocatello, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4427. By Mr. THOMPSON: Petition of citizens of Bryan, Ohio, urging higher pension rates for Civil War veterans and widows; to the Committee on Invalid Pensions.

4428. Also, petition of Brotherhood of Salem Church, of Venedocia, Ohio, protesting against the passage of House bill 7359, providing for extensive additions to the Navy; to the Committee on Naval Affairs.

4429. By Mr. WATSON: Resolution passed by the Solebury Monthly Meeting of the Religious Society of Friends, in opposition to proposed increase of the Naval Establishment; to the Committee on Naval Affairs.

4430. Also, resolution from Radnor Monthly Meeting of the Religious Society of Friends, in opposition to the proposed increase of the Naval Establishment; to the Committee on Naval Affairs.

4431. By Mr. WYANT: Petition of Emily E. Woodley Tent No. 24, Daughters of Union Veterans, Greensburg, Pa., favoring legislation to preserve the flags of the Civil and other wars; to the Committee on the Library.

4432. Also, petition of G. M. Barrow, of Westinghouse Electric & Manufacturing Co., Derry, Pa., favoring establishment of adequate and efficient merchant marine; to the Committee on the Merchant Marine and Fisheries.

4433. Also, petition of Golden Bar Sisterhood No. 194, Dames of Malta, favoring passage of House bill 10078; to the Committee on Immigration and Naturalization.

4434. Also, petition of Onward Men's Bible Class of the First Presbyterian Church, of Murraysville, Pa., favoring passage of Lankford Sunday rest bill (H. R. 78); to the Committee on the District of Columbia.

4435. Also, petition of Friendship Ladies' Bible Class of First Presbyterian Church, of Murraysville, Pa., favoring passage of Lankford Sunday rest bill (H. R. 78); to the Committee on the District of Columbia.

4436. Also, petition of voters of Westmoreland County, Pa., favoring passage of National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

4437. Also, petition of Washington Camp, No. 627, Patriotic Order Sons of America, of Salina, Pa., by A. A. Campbell, box 43, Edmon, Pa., favoring passage of House bill 10078; to the Committee on Immigration and Naturalization.

4438. By Mr. ZIHLMAN: Petition of Emma S. Newcomer and numerous citizens of Washington and Frederick Counties, Md., protesting against the enactment of House bill 78, or any compulsory Sunday observance laws; to the Committee on the District of Columbia.